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ANNUAL REPORT OF THE SPECIAL RAPPORTEUR FOR FREEDOM OF
EXPRESSION

Pedro Vaca Villarreal Rapporteur

Special Rapporteur for Freedom of Expression



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ANNUAL REPORT OF THE SPECIAL RAPPORTEUR FOR FREEDOM OF EXPRESSION

2024

INDEX

CHAPTER I: GENERAL INFORMATION.....	7
CHAPTER II: THE STATE OF FREEDOM OF EXPRESSION IN THE HEMISPHERE.....	22
ANTIGUA AND BARBUDA	24
ARGENTINA.....	32
BAHAMAS.....	43
BARBADOS	55
BELIZE.....	60
BOLIVIA.....	64
BRAZIL.....	69
CANADA.....	84
CHILE	102
COLOMBIA	111
COSTA RICA.....	124
CUBA	132
DOMINICA.....	145
ECUADOR.....	149
EL SALVADOR.....	159
UNITED STATES.....	174
GRENADA	190
GUATEMALA.....	193
GUYANA.....	208
HAITI.....	214
HONDURAS.....	222
JAMAICA.....	231
MEXICO.....	237
NICARAGUA.....	253
PANAMA.....	267
PARAGUAY.....	273
PERU	286
DOMINICAN REPUBLIC.....	296
SAINT KITTS AND NEVIS.....	305
SAINT VINCENT AND THE GRENADINES.....	310
SAINT LUCIA	315

SURINAM	323
TRINIDAD AND TOBAGO	327
URUGUAY	331
VENEZUELA.....	339
CHAPTER III: CONCLUSIONS AND RECOMMENDATIONS	360

TABLE OF ACRONYMS AND REFERENCES

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

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 the strengthening of transparency bodies and access to public information, and the protection of whistleblowers and journalists from threats and reprisals for investigating or reporting on acts of corruption.²

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 General Assembly of the OAS has also held several meetings on the right of access to public information.

In 2003, it adopted resolution 1932 (XXXIII-O/03); in 2004, resolution 2057 (XXXIV-O/04); in 2006, resolution 2252 (XXVI-O/06); in 2007, resolution 2257 (XXXIV-O/06). In 2003, it adopted 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 in this area. 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 mandates the Office of the Special Rapporteur for Freedom of Expression to develop and disseminate the content of the inter-American legal framework on the rights 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 mandated the Office of the Special Rapporteur to assist Member States and to 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.

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 others.³

5. The OAS General Assembly, through resolution 2928 (XLVIII-O/18) on "Promotion and Protection of Human Rights", mandated 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 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. The IACHR, in the framework of the 173rd Period of Sessions in Washington D.C., 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. More recently, the OAS General Assembly, through resolution 2991 (LII-O/22) on "Promotion and Protection of Human Rights", instructed the Office of the Special Rapporteur to prepare, within existing resources and taking into account the contributions of multiple stakeholders 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. This document should include a component on literacy in digital civic competencies 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 standards.⁵

9. The IACHR announced on September 15, 2020 the selection of Pedro José Vaca Villarreal as the new 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 representation from 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.

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

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: <https://www.oas.org/es/cidh/prensa/comunicados/2020/218.asp>

B. Main activities of the Office of the Special Rapporteur

11. During its 26 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.

12. This section provides a general summary of the tasks carried out in 2024.

1. Petition and case system

13. 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

14. 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 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.

15. 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 expression.⁷

16. On March 22, 2024, the Inter-American Court of Human Rights notified the judgment in the case of *Viteri Ungaretti et al. v. Ecuador*, with a decision dated November 27, 2023. The Inter-American Court declares the international responsibility of the State of Ecuador for the violation of the rights to freedom of

⁷ Among the cases before the IACHR Court, the following can be mentioned: 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 2, 2005; Case of *Clausel Iribarne v. Paraguay*, Judgment of November 31, 2005. 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, 2006. 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. 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 *Fontevicchia and D'Amico v. Argentina*, Judgment of November 29, 2010. 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 *Uzcátegui et al. v. Venezuela*, Judgment of September 3, 2012. Venezuela, Judgment of September 3, 2012; Case of *Norin Catriman et al. (leaders, members and activist of the Mapuche indigenous people) v. Chile*, Judgment of May 29, 2014; Case of *Granier et al. (Radio Caracas Televisión) Vs. 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; Case of *Carvajal Carvajal et al. v. Colombia*, Interpretation of the Judgment on the Merits, Reparations and Costs, Judgment of November 21, 2018, Series C No. 365; Case of *San Miguel Sosa et al. v. Venezuela*. Merits, Reparations and Costs, Judgment of February 8, 2018, Series C No. 348; Case of *Herzog et al. v. Brazil*, Preliminary Objections, Merits, Reparations and Costs, Judgment of March 15, 2018, Series C No. 353; Case of *Poblete Vilches et al. v. Chile*. Merits, Reparations and Costs, Judgment of March 8, 2018, Series C No. 349; Case of *Álvarez Ramos v. Venezuela*, Preliminary Objection, Merits, Reparations and Costs, Judgment of August 30, 2019, Series C No. 380; Case of *Urrutia Laubreaux v. Chile*, Preliminary Objections, Merits, Reparations and Costs, Judgment of August 27, 2020, Series C No. 409; Case of *Bedoya Lima et al. v. Colombia*, Merits, Reparations and Costs, Judgment of August 26, 2021, Series C No. 431; Case of *Palacio Urrutia et al. v. Ecuador*, Merits, Reparations and Costs, Judgment of November 24, 2021, Series C No. 446; Case of *Moya Chacón et al. v. Costa Rica*, Preliminary Objections, Merits, Reparations and Costs, Judgment of November 24, 2021, Series C No. 446; Case of *Moya Chacón et al. Costa Rica*, Preliminary Objections, Merits, Reparations and Costs, Judgment of May 23, 2022, Series C No. 451; Case of *Flores Bedregal et al. v. Bolivia*, Interpretation of the Judgment on Preliminary Objections, Merits, Reparations and Costs and Correction of Errors in the Judgment, Judgment of March 14, 2024, Series C No. 520; Case of *Leguizamón and others v. Bolivia*, Interpretation of the Judgment on Preliminary Objections, Merits, Reparations and Costs and Correction of Errors in the Judgment, Judgment of March 14, 2024, Series C No. 520. 520; Case of *Leguizamón Zaván et al. v. Paraguay*, Interpretation of the Judgment on the Merits, Reparations and Costs, Judgment of August 30, 2023, Series C No. 500; Case of *Baraona Bray v. Chile*, Preliminary Objections, Merits, Reparations and Costs, Judgment of November 24, 2022, Series C No. 481.

thought and expression; to personal liberty; to be free from arbitrary detention; and to appeal before a judge on the legality of the detention to the detriment of Julio Rogelio Viteri Ungaretti, a former military officer who suffered reprisals for denouncing alleged acts of corruption in the Armed Forces. The Court also declared the violation of Mr. Viteri Ungaretti's and his family's rights to work, movement, residence, personal integrity and family protection.

17. Mr. Viteri Ungaretti suffered rigorous arrest sanctions in retaliation for having denounced, in 2001, alleged acts of corruption in the contracting of aircraft insurance for the Ecuadorian Armed Forces. This happened while he was the Naval and Defense Attaché to the United Kingdom. The complaints were addressed to the Admiral Commander General of the Navy, which the State considered to contain disrespect and criticism of a supervisor; and to the Ambassador of Ecuador, the State having considered that Mr. Viteri Ungaretti should have presented the complaint to his immediate military superior. Likewise, sanctions were imposed on Mr. Viteri Ungaretti for having made statements to the press without due authorization from his hierarchical superiors, related to the alleged acts of corruption. Mr. Viteri Ungaretti was dismissed from his duties in London, his participation in a training course was postponed and he was prevented from participating in ceremonies and meetings. He also suffered stigmatizing statements from the President of the Republic. The situation escalated to the point that Mr. Viteri Ungaretti and his family received death threats as a consequence of his denunciations of corruption against members of the Ecuadorian Navy. The various reprisals led Mr. Viteri Ungaretti to leave the armed forces and, together with his family, request asylum in the United Kingdom, which was granted.

18. Regarding the right to freedom of expression, the case allowed the Inter-American Court, for the first time, to address the protections that the State must afford to *whistleblowers*. In addition to considering that "it is a legitimate interest of society to know about the possible occurrence of acts of corruption and that their denunciation constitutes specially protected speech in light of Article 13 of the Convention"⁸. The Court held that it is a duty of the State to adopt provisions of domestic law that contemplate mechanisms for reporting acts of corruption and protection of whistleblowers. According to the judgment, protection against retaliation for reporting acts of corruption is important to "promote a culture of accountability and public integrity and to avoid an intimidating effect on potential future whistleblowers"⁹. The Court confirmed what the IACHR stated, deciding that in cases where internal (*internal corporis* to institutions) or external (e.g., state control bodies) whistleblower mechanisms "are non-existent, do not generate a reasonable perception of being effective or reliable, or do not provide sufficient protection measures for whistleblowers, they may legitimately resort to other means, such as public disclosure, to make complaints"¹⁰. Finally, with respect to the right to freedom of expression, the Court emphasized that, although it may be legitimate to impose a duty of reserve in certain cases, such as members of the Armed Forces, the regulations governing this duty could not be so broad as to "directly limit the right to freedom of expression of members of the Armed Forces with respect to all information related to their functions, even that in respect of which there was a legitimate interest in public scrutiny and debate"¹¹.

2. Provisional measures and request for interim measures

19. During the year 2024, the Rapporteurship contributed to the study of 33 requests for precautionary measures. Among them, 7 grants are included.

⁸ I/A Court H.R., Case of Viteri Ungaretti et al. v. Ecuador, Preliminary Objections, Merits, Reparations and Costs, Judgment of November 27, 2023, Series C No. 510, para. 89.

⁹ I/A Court H.R., Case of Viteri Ungaretti et al. v. Ecuador, Preliminary Objections, Merits, Reparations and Costs, Judgment of November 27, 2023, Series C No. 510, para. 96.

¹⁰ I/A Court H.R., Case of Viteri Ungaretti et al. v. Ecuador, Preliminary Objections, Merits, Reparations and Costs, Judgment of November 27, 2023, Series C No. 510, para. 97.

¹¹ I/A Court H.R., Case of Viteri Ungaretti et al. v. Ecuador, Preliminary Objections, Merits, Reparations and Costs, Judgment of November 27, 2023, Series C No. 510, para. 110.

20. In turn, the Rapporteurship contributed with the request for two provisional measures before the Inter-American Court of Human Rights, which were granted.

21. The Rapporteurship highlights the granting of precautionary measures in follow-up to allegations of human rights violations in the post-electoral context in Venezuela. In this regard, RELE contributed to the evaluation of three draft resolutions of precautionary measures that were thematically related to the work of the Office. MC 883-24 (Venezuela) was issued in favor of journalist Roland Oswaldo Carreño Gutiérrez; MC 907-24 benefited journalist Ana Carolina Guaita Barreto, of the newspaper "La Patilla"; and MC 937-24 was granted in favor of a human rights activist and *community manager* of the newspaper Oriental. The three beneficiaries were reportedly detained by State agents and their whereabouts were unknown.

22. Another four precautionary measures were granted for the protection of journalists in Colombia. MC 765-24, granted on September 19, 2024 in favor of journalist William Stiven Rojas Rincón and his family, responded to the finding of a serious and urgent situation of risk of irreparable damage to his rights derived from threats, as well as failures in the national security scheme. The work of the beneficiary, the permanence of risk situations over time, the lack of progress in the investigation and the fact that a new risk assessment is still pending, despite a judicial determination, were assessed. In turn, MC 140-24 were granted in favor of Aldemar Solano Cuellar (director of the digital news program "Conexión") and his son, who have received death threats from the illegal armed group "Clan del Golfo" and, at the date of granting, there was no information that the State had implemented concrete measures to safeguard the integrity of the beneficiaries. Finally, MC 106-24 was granted in favor of Bolívar Madroñero Hernández and his children, due to threats, attacks and harassment related to his journalistic work, through pamphlets from groups such as ELN, FARC and the "Clan del Golfo". This allegedly included the explosion of a device placed in the journalist's vehicle.

23. The Rapporteurship also contributed to the evaluation of the seriousness and urgency of the risk of irreparable harm to the rights of Palencia Orellana, Magistrate of the Supreme Electoral Tribunal of Guatemala (TSE) in Guatemala, who was granted MC 1088-23 on January 13, 2024.

24. Regarding requests for provisional measures, the Rapporteurship's work focused on cases related to Nicaragua. In June 2024, the IACHR asked the Inter-American Court to extend provisional measures for 25 persons deprived of liberty in Nicaragua, including two journalists. In December 2024, the IACHR requested provisional measures in favor of journalist Leo Cárcamo and his family. The first request was granted by the Court through the resolution of July 2, 2024; and the second, on January 6, 2025.

25. It should be noted that the granting of precautionary measures by the IACHR or provisional measures by the 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.

26. 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

27. 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.

28. In 2024, the Office of the Special Rapporteur participated in the following hearings:

2024

N°	Session No.	State/Regional	Title of the Hearing	Date
1	189	Mexico	Protection of human rights defenders and journalists	28-02-2024
2		Regional	Impact of carbon market expansion on indigenous peoples and local communities in Colombia, Guyana and Peru.	28-02-2024
3		Cuba	Right to freedom of association	29-02-2024
4		Regional	Situation of human rights defenders	29-02-2024
5		Nicaragua	Arbitrary deprivation of liberty for political reasons	01-03-2024
6		Venezuela	Right to physical, psychological and moral integrity of political prisoners	01-03-2024
7		Peru	Situation of the Public Prosecutor's Office and impact on human rights	01-03-2024
8	190	Cuba	Human rights of persons arbitrarily deprived of liberty on political grounds	08-07-2024
9		Regional	Violations of the right to freedom of expression due to state censorship measures	08-07-2024
10		Colombia	Follow-up to recommendations on investigation of human rights violations during the national strike	08-07-2024
11		Guatemala	Status of freedom of expression and academic freedom	09-07-2024
12		Nicaragua	Situation of indigenous peoples of the Northern Caribbean Coast and violations of freedom of religion	11-07-2024
13		Argentina	Situation of social protest and the right to freedom of expression	11-07-2024
14		Regional	Exile of journalists and impact on freedom of expression	11-07-2024
15		Venezuela	Right to participation and freedom of expression in the electoral context	12-07-2024
16		El Salvador	General situation of human rights	12-07-2024
17	191	Bolivia	Situation of democratic institutions and judicial independence	11-11-2024
18		Barbados	Impact of the Cybercrime Bill on freedom of expression, religion, and conscience	11-11-2024
19		Colombia	Case 13,811 Carlos Pizarro Leongómez	11-11-2024
20		Regional	Attacks on academic freedom and university autonomy	12-11-2024
21		El Salvador	Democratic institutionalality	12-11-2024
22		Ecuador	Situation of journalists and freedom of expression defenders	12-11-2024
23		Chile	Guarantee of the right to asylum	13-11-2024
24		Brazil	Follow-up to the Joint Working Group of precautionary measures in favor of Bruno Araújo Pereira, Dom Phillips and 11 members of UNIVAJA - MC 449-22	13-11-2024

25		Venezuela	Situation of human rights in the post-electoral context	14-11-2024
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4. Seminars and workshops with strategic stakeholders in the region

29. 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 26 years, the Office of the Special Rapporteur organized several seminars throughout the region with the cooperation of universities, governmental institutions and non-governmental organizations.

30. 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.

31. 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.

32. The following are the main forums, seminars and workshops held by the Office of the Special Rapporteur during 2024:

2024				
N°	Organizer(s)	Title	Target	Date
1	Universidad del Rosario, Embassy of Sweden in Colombia and FLIP	Forum on Freedom of Expression.	To make the current panorama of journalism visible, identifying its challenges and encouraging the exchange of experiences in this sector.	08-02-2024
2	Guatemalan Federation of Radio Schools	Tribute to radio in Guatemala, on World Radio Day.	To highlight the crucial role played by radio stations in strengthening and promoting freedom of expression in the country.	13-02-2024
3	University of California	Artificial Intelligence and Human Rights - Panel: The Impact of AI on Human Rights.	Explore the various ways in which AI is negatively and positively impacting the enjoyment of the full spectrum of human rights.	23-02-2024
4	Office of the Special Rapporteur for Freedom of Expression (RELE)	Round table: The impact of the NGO Bill on humanitarian aid and human rights.	Analyze the implications of Venezuela's NGO Law on the autonomy and effectiveness of civil society.	15-03-2024
5	Foundation for Freedom of the Press (FLIP) and ABRAJI	Dialogue with journalists and civil society in Amazonia.	Sharing experiences in journalism, environmental and human rights issues	01-04-2024
6	UNESCO, the Inter-American Press Association (IAPA) and the Society of Correspondents of Latin America and the Caribbean (SOCOLAC).	Conversation with displaced journalists.	Exchange with the community of journalists and media representatives who have been forced to travel abroad due to threats, legal harassment or violence against journalists.	02-04-2024
7	Organization for Economic Cooperation and Development (OECD)	Launch of the OECD report "Facts versus Fallacies: Strengthening Democracy through Integrity of Information".	Present a comprehensive assessment of government responses to support fact-based information environments that are pluralistic and foster an informed citizenry.	02-05-2024

8	United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression	Freedom of Expression and Elections in the Digital Age: Challenges and Opportunities in Latin America.	Discuss threats to freedom of expression during elections in the region.	02-05-2024
9	DCAF (Center for Public Security Governance, Switzerland)	Discussion on the Strengthening Public Oversight, Accountability and Responsiveness of the Security Sector in Latin America project.	To highlight the main challenges in understanding the role of journalists and members of the police in a democratic society, as well as the obligations, rights and guarantees that cover them.	02-05-2024
10	Office of the Special Rapporteur for Freedom of Expression (RELE), Foundation for Press Freedom (FLIP), Brazilian Association of Journalism and Investigative Journalism (Abraji)	What does journalism need to save the Amazon?	Establish a dialogue between journalists and members of human rights organizations on the role of journalism in the triple environmental crisis and the risks of covering related issues, especially in the Amazon.	04-05-2024
11	Article 19 Brazil, Article 19 Mexico and FOPEA (Foro de Periodismo Argentino)	International Cooperation in the Search for Innovative Solutions for the Protection of Journalists and Environmental Communicators	To discuss international cooperation to find innovative solutions to protect journalists and environmental communicators.	05-05-2024
12	UNDP, UNESCO, OHCHR; Peruvian Press Council (CPP), Instituto Prensa y Sociedad (IPYS) and National Association of Journalists (ANP).	I Meeting for Press Freedom.	To address the importance of the right to information, the obligation of the press to report the truth and the role of the State to protect them.	06-05-2024
13	Newspaper EL PAÍS México and Luminare	Forum Women to power: political representation and technology in elections.	To open debate on the importance of women's political representation for the strengthening of democracy in Mexico and Latin America, and how it is affected by polarization, misinformation and gender violence online.	14-05-2024
14	RELE, in partnership with the Presidential Commission for Peace and Human Rights (COPADEH) of the Government of Guatemala and the Office of the High Commissioner for Human Rights (OHCHR) in Guatemala.	Launching of the Freedom of Expression and Fight against Discrimination and Exclusion Program	Discuss how journalism and the work of the media can promote human rights and counter discrimination and exclusion.	27-05-2024 28-05-2024
15	American University Washington College of Law (AUWCL)	Chair in the Advanced Studies in Human Rights and International Humanitarian Law program.	To explore the particular importance of freedom of expression within democratic systems of government and its various mechanisms of protection in both domestic and international jurisdictions.	14-06-2024
16	Race & Equality, PADF and Freedom House	Human Rights as a pillar of hemispheric security in the Americas	Highlight Human Rights as a key to security and promote dialogue and solutions.	26-06-2024
17	International Center for Not-for-Profit Law (ICNL), Justice Studies Center of the Americas and Due Process of Law Foundation	The Inter-American Principles and their use to guide the drafting of norms that guarantee the fundamental freedoms of civil society organizations.	Evaluate the state of the right of association in Latin America and identify tools and strategies to protect and improve the legal environment for CSOs.	26-06-2024
18	Permanent Mission of the United States and the Secretariat for the Strengthening of Democracy	Side Event in the framework of the 54th General Assembly of the Organization of American States. - The Inter-American Democratic Charter and the mechanisms in place to strengthen it.	To analyze and reflect on the progress made by the Member States in the implementation of the Inter-American Democratic Charter.	27-06-2024
19	International Society of Public Law	ICON-S The Impact of the Inter-American Human Rights System: Transformations on the Ground.	Broadening the focus from compliance to impact as a key criterion of effectiveness, thus revealing the profound and multifaceted effects of the Inter-American Human Rights System.	08-07-2024 10-07-2024

20	Vice-Presidency of the Republic of Colombia, Luminare and the Archewell Foundation	Forum on a Responsible Digital Future.	To provide an overview of the current technological landscape, highlighting its potential risks.	15-08-2024
21	Digital Rights, TEC Monterrey, Tierra Común, LAVITS, MediaLab/UFRJ	Artificial Intelligence, Human Rights and social justice: building futures from Latin America.	To close information and knowledge gaps regarding the development of international standards and policies on artificial intelligence in Latin America and to promote critical reflection on AI regulation and governance among civil society and academic organizations in the region.	21-08-2024
22	Center for Studies on Freedom of Expression and Access to Information (CELE)	CELE Workshop: Between governance and regulation. Challenges for human rights on the Internet in Latin America.	To explore perspectives on freedom of expression and the Internet in Latin America and highlight the importance of dialogue with civil society.	22-08-2024 23-08-2024
23	Office of the Ombudsman of Colombia and Mexican Federation of Public Human Rights Organizations (Federación Mexicana de Organismos Públicos de Derechos Humanos)	Crossing of institutional experiences and knowledge for the guarantee of human rights defenders, social leaders, their organizations and collectives, and journalists.	To share experience in the accompaniment of human rights defenders, social leaders and journalists, as well as in violence prevention practices, ombudsman management for the protection of their work and the scaffolding of national public policies for prevention and protection.	28-08-2024 30-08-2024
24	DCAF (Center for Public Security Governance, Switzerland) and ARTICLE 19 - Office for Mexico and Central America.	Round table of the project "Reconfiguring Police-Press Relations".	Identify areas where protocols may be unclear and find areas of opportunity to strengthen the agreement document, guaranteeing the rights of the press while allowing the police to perform their duties effectively.	30-08-2024
25	RELE, Inter-American Commission of Women (CIM), with the support of the U.S. Mission and the Panamanian Mission to the OAS.	Women journalists and newsrooms: Towards the implementation of inter-American standards on freedom of expression.	Follow up on the recommendations presented in the RELE report and examine the specific role and challenges faced by women journalists in a context of backlash against the advances made in gender equality and women's rights.	16-09-2024
26	Aula Abierta, RIDHE, People in Need, Friedrich Naumann Foundation and International Service for Human Rights	Closure of civic space, serious human rights violations and attacks on academic freedom	Generate a space for comparative discussion on the realities of Venezuela and Nicaragua from the perspective of the mandates together with the human rights defenders of these countries.	18-09-2024
27	Ford Foundation	Spyware Liability Initiative.	Examine challenges and explore the most promising interventions to combat spyware and targeted surveillance.	24-09-2024 26-09-2024
28	Coalition for Academic Freedom in the Americas	Launching of the report "Information and communication technologies, freedom of expression and their impact on academic freedom".	To analyze the relationship between the right to academic freedom and the rights, interests, challenges and problems that arise from its exercise when there is interaction in ICTs.	07-10-2024
29	Electronic Frontier Foundation	Launch of the report "Inter-American Standards and State Use of AI for Decisions Affecting Rights in Latin America: Human Rights Implications and Operational Framework".	Analyze the application of Inter-American human rights standards to the use of AI by governments.	15-10-2024
30	Inter American Press Association	80th IAPA General Assembly: Journalism of the present, journalism of the future.	Dialogue on digital inclusion and Internet content governance.	20-10-2024
31	DW Akademie and Foundation for Freedom of the Press (FLIP)	Roundtable at COP16: Amazonia - plurality of voices protects biodiversity.	To listen to and collect the reflections of journalists and communicators from the Amazon region of Colombia, Ecuador and Peru.	30-10-2024
32	DW Akademie and Foundation for Freedom of the Press (FLIP)	The power of voices in the conservation of territories.	Promote a dialogue between the Special Rapporteurs RELE and REDESCA of the IACHR; as well as the Special Rapporteurship on Climate Change of the United Nations, and different actors of civil society.	30-10-2024
33	Latin American and Caribbean Internet Governance Forum (LACIGF)	Digital inclusion and Internet content governance from the perspective of the Office of the Rapporteur for Freedom of Expression.	Publicly present RELE's latest report "Digital inclusion and Internet content governance" and discuss its diagnosis and contributions.	08-11-2024
34	Office of the Special Rapporteur for Freedom of Expression (RELE)	Commemoration event: International Day to End Impunity for Crimes against Journalists.	To recognize the legacy and preserve the memory of journalists who have been murdered in the region for carrying out their	11-11-2024

			work and to provide a space to reiterate the call to the States of the region on the imperative need to investigate, prosecute and punish these crimes.	
35	Committee to Protect Journalists (CPJ), Fundación para la Libertad de Prensa (FLIP), Free Press Unlimited (FPU), Freedom House, Fundamedios, IFEX-ALC, Reporters Without Borders (RSF) and Voces del Sur.	Launching of the report "Restrictions to press freedom and media asphyxia in the electoral context in Venezuela".	To analyze, make visible and evaluate the violence and obstacles that the Venezuelan media ecosystem currently faces.	18-11-2024
36	Committee to Protect Journalists (CPJ)	CPJ International Press Freedom Awards	As part of CPJ's 34th International Press Freedom Awards Event, to participate in the presentation of awards to journalists from Gaza, the United States-Russia, Guatemala and Niger.	21-11-2024

5. Official and working visits

33. The following are the visits carried out by the Office of the Special Rapporteur during 2024:

2024					
N°	Country	Organizer(s)	Title	Target	Date
1	Guatemala	Inter-American Commission on Human Rights (IACHR)	Follow-up visit to the precautionary measure of José Rubén Zamora Marroquín	Meet, listen and dialogue with Mr. Zamora Marroquín about the current conditions of deprivation of liberty, within the framework of the precautionary measure.	12-02-2024 a 13-02-2024
2	Chile	Inter-American Commission on Human Rights (IACHR) and its Special Rapporteurship for Freedom of Expression (RELE)	Second visit of the Joint Follow-up Mechanism in Chile	To carry out monitoring activities focused on the protection and promotion of free, pluralistic, safe, sustainable and reliable journalism in the country; community journalism; the fight against deliberate disinformation; guarantees of access to information; the exercise of the right to freedom of expression online; and freedom of expression as a right that contributes to combating discrimination and exclusion.	18-03-2024 a 21-03-2024
3	Colombia	Inter-American Commission on Human Rights (IACHR)	<i>On-site</i> visit to Colombia	Observe the impacts and various forms of violence, as well as the human rights situation in the country, in the context of the implementation of the 2016 Peace Agreement and citizen security.	15-04-2024 a 19-04-2024
4	Guatemala	Inter-American Commission on Human Rights (IACHR)	<i>On-site</i> visit to Guatemala	To observe the impacts of the process of weakening democratic institutionalidad and judicial independence in the country, as of the last visit conducted in 2017.	20-07-2024 a 26-07-2024
5	Brazil	Inter-American Commission on Human Rights (IACHR)	Working visit to Brazil on the Precautionary Measures of UNIVAJA, Bruno Pereira and Dom Phillips and the Maria da Penha case	Participate in the official event to commemorate the work of indigenous Bruno Araújo and journalist Dom Phillips, within the framework of precautionary measure MC-449-22;	05-06-2024 a 07-06-2024

				as well as follow up on the recommendations of the Maria da Penha Case.	
6	Brazil	Ministry of Indigenous Peoples and Ministry of Human Rights and Citizenship of Brazil	Homage to Bruno Pereira and Dom Phillips: The memory of indigenism in Vale do Javari from the struggle of human rights defenders, communicators and environmentalists.	Preserve the memory of the important work of indigenist Bruno Pereira and journalist Dom Phillips in Brazil.	05-06-2024
7	Colombia	State of Colombia	Signed Presidential Directive of the State of Colombia on Freedom of Expression.	Establish through this instrument clear and pertinent guidelines to optimize the implementation of Colombia's international obligations regarding freedom of expression.	09-09-2024

6. Annual report and production of expert knowledge

34. 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 been made in this area.

35. 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).

36. In January 2024, the Office of the Special Rapporteur presented the report "[Towards an Active Transparency Index in a context of health emergency](#)", which proposes guidelines on how to exercise active transparency in contexts of public health crisis in the region. The report aims to guide States to ensure the dissemination of relevant information in health emergency contexts, responding to obligations regarding access to public information and contributing to the quality of public debate and a better decision-making process.

37. Likewise, in July 2024, the Office of the Special Rapporteur published the thematic report "[Digital Inclusion and Internet Content Governance](#)," which analyzes the challenges of deteriorating public debate, content moderation, and the situation of accessibility and digital inclusion in the hemisphere, with a special focus on digital civic skills literacy. The objective of this document is twofold: to highlight the critical importance of guaranteeing access to the Internet as a fundamental means of exercising freedom of expression and to propose a content governance framework that respects and promotes international human rights standards. This report responds to the mandate given by the General Assembly of the Organization of American States in 2022 through the Resolution on "Promotion and Protection of Human Rights Online". It is also part of the commitments made during the IX Summit of the Americas in 2022, where the OAS Member States adopted the Regional Agenda for Digital Transformation.

7. Special pronouncements and statements

38. Through daily monitoring of the state of freedom of expression in the region, which is carried out through a wide 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.

39. 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 inquiries about freedom of expression in the region. In addition, a small group of e-mails deals with formal requests to the IACHR's individual case system, and another

group deals with issues that do not fall within its competence. Office of the Special Rapporteur reviews, purges and classifies the information received in order to determine the course of action to be taken.

40. 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.

41. 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 freedom of expression depending on the context and time.¹²

42. On May 3, 2024, 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 for 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, issued the [Joint Declaration on Climate Crisis and Freedom of Expression](#), highlighting the heightened risk faced by journalists, environmental and other human rights defenders in exposing environmental harm and mobilizing people to act on climate action. The statement also called on States and companies to take concrete measures to ensure the rights to freedom of expression, freedom of the media, and freedom of association and peaceful assembly.

43. On September 13, 2024, the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and association, the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights (IACHR), the Commissioner and Rapporteur on Human Rights Defenders of the IACHR, the Special Rapporteur on Human Rights Defenders and Focal Point on Retaliation in Africa of the African Commission on Human and Peoples' Rights (ACHPR), the Special Rapporteur on Human Rights Defenders and Focal Point on Retaliation in Africa of the African Commission on Human and Peoples' Rights (ACHPR), the Indonesian Representative to ASEAN Intergovernmental Commission on Human Rights and the OSCE Office for Democratic Institutions and Human Rights (ODIHR) issued the [Joint Statement on the Protection of the Right to Freedom of Association in Relation to "Foreign Agents" and "Foreign Influence" Laws](#). In this statement they warned of the harmful global phenomenon of the increasing use of foreign influence agent laws, among other laws, policies and practices, accompanied by anti-rights rhetoric, which restrict the right to freedom of association and democratic freedoms. They urged States and the international community to urgently halt and reverse this dangerous global trend, as these broad and stigmatizing laws reduce the ability of civil society to play its vital role in ensuring transparency, accountability and inclusive democracy and democratic institutions.

44. During 2024, the Office of the Special Rapporteur issued several press releases to draw attention 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 2024 can be consulted on the website of the IACHR Office of the Special Rapporteur for Freedom of Expression.¹³

45. The following are the press releases issued by the Office of the Special Rapporteur during the year 2024, excluding those joint releases between the IACHR and its RELE:

¹² Available at: <http://www.cidh.oas.org/relatoria/docListCat.asp?catID=16&IID=2>

¹³ Available at: <http://www.oas.org/es/cidh/expresion/artListCat.asp?catID=1&IID=2>

2024					
N°	Country	Subject	IACHR Series No.	Holder	Date
1	Honduras	Murder of journalist Francisco Ramirez Amador	R6/24	RELE condemns the murder of journalist Francisco Ramirez Amador in Honduras and calls on the State to strengthen the protection of the press at risk.	04-01-2024
2	Regional	Publication of report	R9/24	Special Rapporteurship for Freedom of Expression publishes the report: "Towards an Active Transparency Index in a context of health emergency".	05-01-2024
3	Guatemala	Murder of journalists	R10/24	The Rapporteurship condemns the murder of two journalists in Guatemala and calls on the State to investigate the facts with due diligence.	05-01-2024
4	Colombia	Murder of journalist Mardonio Mejía Mendoza	R26/24	The Office of the Special Rapporteur condemns the murder of journalist Mardonio Mejía Mendoza in Colombia and calls on the State to investigate the facts.	01-02-2024
5	Honduras	Violence against journalists	R33/24	The Office of the Special Rapporteur condemns the violence against journalists in Honduras, and calls on the State to protect and guarantee freedom of expression and freedom of the press.	15-02-2024
6	Mexico	Disclosure of personal data	R46/24	RELE expresses its concern about the institutional tolerance to the disclosure of journalists' personal data in Mexico.	06-03-2024
7	Ecuador	Protection of journalists	R61/24	Special Rapporteur warns about the impact of organized crime on journalism and urges the State to protect journalists in Ecuador	25-03-2024
8	Colombia	Murder of journalists	R82/24	RELE condemns the murder of journalists Jaime Vásquez, Julio Zapata and Hilton Eduardo Barrios, and calls on the State to investigate the facts and ensure the protection of journalists.	30-04-2024
9	Guatemala	José Rubén Zamora Prison	R86/24	RELE warns about the continued preventive detention of journalist José Rubén Zamora and asks the State of Guatemala to report regularly on the judicial proceedings against him.	02-05-2024
10	Regional	Annual Report	R87/24	On World Press Freedom Day, RELE publishes its Annual Report 2023	03-05-2024
11	Haiti	Press freedom situation	R89/24	RELE warns about the press freedom situation in Haiti and urges the Presidential Transitional Council and the States of the region to adopt assistance measures in favor of journalists.	03-05-2024
12	Mexico	Murder of journalists	R96/24	RELE condemns the murder of journalist Roberto Carlos Figueroa and broadcaster Martín Antonio Olivier Rodríguez in Mexico and calls on the judicial authorities to conduct a diligent and exhaustive investigation.	10-05-2024

13	Venezuela	Violence against journalists	R106/24	RELE expresses concern over repression against journalists and deterioration of civic space in	16-05-2024
14	Chile	Considerations after visit	R108/24	RELE presents considerations after visit to Chile and invites society to provide additional information	20-05-2024
15	Peru	Reservation of journalistic sources	R111/24	RELE expresses its concern about risks to the right to confidentiality of journalistic sources in Peru	22-05-2024
16	Regional	Discriminatory speeches	R136/24	RELE initiates dialogues on prevention of discriminatory discourse in the media	12-06-2024
17	Mexico	Murder of journalist Victor Morales	R163/24	RELE condemns the murder of journalist Víctor Morales in Mexico and urges a diligent and exhaustive investigation	12-07-2024
18	Regional	Publication of report	R164/24	The Office of the Special Rapporteur publishes the thematic report "Digital inclusion and Internet content governance.	15-07-2024
19	Colombia	Murder of journalist Jorge Méndez	R165/24	RELE condemns the murder of journalist Jorge Méndez and urges the Colombian State to diligently investigate the case.	15-07-2024
20	Nicaragua	Violence against journalists	R168/24	RELE urges the Nicaraguan State to cease repressive actions against journalists	23-07-2024
21	Mexico	Murder of journalist Alejandro Martínez Noguez	R179/24	RELE condemns murder of journalist Alejandro Martínez Noguez and urges diligent and thorough investigation	12-08-2024
22	Venezuela	Arbitrary detention of journalists	R190/24	RELE alerts international community on arbitrary detention of journalists and criminalization of dissidence in Venezuela	23-08-2024
23	Colombia	Presidential Directive	R211/24	RELE welcomes with gratification Colombia's presidential directive on duties of authorities on freedom of expression	09-09-2024
24	Guatemala	José Rubén Zamora Prison	R250/24	RELE urges Guatemalan judicial authorities to act swiftly in the criminal proceedings against journalist José Rubén Zamora and requests regular reports from the State.	17-10-2024
25	Paraguay	Freedom of association	R255/24	RELE warns of bill limiting freedom of association in Paraguay	18-10-2024
26	United States	Educational censorship	R273/24	RELE warns of educational censorship in the U.S. and warns of its long-term impact on future generations	31-10-2024
27	Regional	Violence and impunity in crimes against journalists	R276/24	RELE reaffirms urgent call to combat violence and impunity in crimes against journalists	02-11-2024
28	Mexico	Violence against journalists	R277/24	RELE repudiates acts of violence against journalists and media in Mexico	04-11-2024
29	Nicaragua	Persecution of the press	R324/24	RELE urges Nicaragua to cease persecution against the press and to release all persons arbitrarily detained	19-12-2024
30	Venezuela	Repression in Venezuela	R328/24	RELE condemns repression in Venezuela and calls on international community to reject violations of freedom of expression	26-12-2024

C. Financing

46. The Office of the Special Rapporteur wishes to give special thanks for the contributions of the OAS member states, observer countries and international cooperation agencies. In 2024, 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. 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 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 website.¹⁴

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 to 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 2024, the following interns and fellows contributed constructively with their work and enthusiasm: Leonardo Reyes (Brazil-Chile), Malu Stanchi (Brazil), Abigail Carbajal (United States of America), José Rodríguez (Peru), Bernarda Bertin (Argentina), Huaderson Solís (Dominican Republic) and Daniel Corredor (Orlando Sierra Fellowship).

¹⁴ All financial information is available for consultation on the OAS website in the [External Audit Reports](#) section: 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 STATE 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 2024 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; progress in investigations of crimes and attacks against journalists and communicators; the use of criminal mechanisms and imprisonment of journalists who report on matters of public interest; cases of journalists deprived of their freedom or who are forcibly exiled for exercising freedom of expression for purposes 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; media concentration; sustainability, diversity and excellence of the media with a focus on human rights; and advances in freedom of expression that have been collected and that are understood as good practices that improve the climate in which journalists can more freely exercise their right to inform; (ii) freedom of expression, rule of law and democratic institutionalality, which aims to address issues related to social protest; guarantees of freedom of expression in electoral contexts; access to public information and stigmatizing statements by public leaders; surveillance of communications, profiling and violence against citizens for exercising their freedom of expression, especially those who actively contribute to public deliberation; legal reforms and institutional changes in general that impact the right to freedom of expression; (iii) freedom of expression and the fight against discrimination and exclusion, which will examine speech that is not protected by freedom of expression; and the obstacles faced by different groups in vulnerable situations 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; cases of de-indexing of content; 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 August 2024, 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 seven Member States: Bolivia, Brazil, Colombia, Guatemala, Mexico, Panama, and Paraguay. The Office of the Special Rapporteur is grateful for and appreciates the information sent, which, where relevant, has been included in this chapter.

6. In preparing this chapter of the 2024 Annual Report, the Office of the Special Rapporteur took into account, in general, the data available as of December 31, 2024 and, to the extent relevant, considered information received prior to 2024. Information related to those cases that occurred after the closing date of the 2024 Annual Report can be verified in the press releases section of the websites of the Office of the Special Rapporteur (<http://www.oas.org/es/cidh/expresion/index.asp>) and the IACHR (<http://www.oas.org/es/cidh/>) 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 that, following the existing practice, provided information on the situation of the exercise of freedom of expression in the hemisphere. As it does every year, the Office of the Special Rapporteur invites you to continue this practice, which is essential for the enrichment of future reports.

ANTIGUA AND BARBUDA

8. Based on its annual monitoring for 2024, the Office of the Special Rapporteur welcomes progress in the guarantees for the exercise of freedom of the press in Antigua and Barbuda, although it notes that challenges persist in terms of funding and interaction with authorities. As part of its analysis of the rule of law and freedom of expression, the Rapporteurship followed up on access to information in the country, registering complaints about the lack of response to requests to public entities and elected officials, calls for strengthening the current legislation, as well as the appointment of a new information commissioner after more than two years of vacancy and delays in the nomination and approval of candidates. In the area of internet and human rights, the Office documented efforts to improve the country's connectivity and the regulation of artificial intelligence, although it also learned of repeated instances of hacking of official accounts, threats to citizens' cybersecurity, and the beginning of the circulation of "deepfakes". She was also informed of police initiatives to monitor social networks as a strategy to combat juvenile delinquency. Finally, and with respect to the fight against discrimination and exclusion, the Rapporteurship took note of initiatives to address gender-based violence and promote the inclusion of persons with disabilities.

A. Journalism and democracy

9. In 2024, the Office of the Special Rapporteur learned of the launch of the first student newspaper in the country in partnership with the national library system¹⁵. According to available information, the media was launched in February of this year as a pilot for young people between the ages of 12 and 18, enrolled in any public or private school in the country, to enter the world of journalism and inform their communities on issues of public interest.¹⁶

10. The Special Rapporteurship also noted again the work of the *Caribbean Investigative Journalism Network* to promote the publication of investigative journalism in the country. In late May, the Rapporteurship received a chronicle on "disaster capitalism" on the island of Barbuda since the passage of Hurricane Irma in 2017¹⁷. Two months later, at the end of July, it learned of a report on the decline of fish species in Antigua and Barbuda and challenges in terms of public policy for biodiversity protection and data collection and monitoring¹⁸. In addition, in October, the Rapporteurship learned of two journalistic investigations on the obstacles faced by victims of sexual violence in the country to access justice, especially in cases involving girls and underage women¹⁹. This Office welcomes the efforts to promote student journalism, as well as investigative journalism.

11. In the framework of World Press Freedom Day, commemorated on May 3, 2024, the Special Rapporteurship recorded editorials from media outlets that indicated that the press in the country would have guarantees, although it would also sometimes face "political interference", "editorial censorship" and "inadequate compensation", hindering the ability to carry out investigative journalism and accountability²⁰. In this regard, they reiterated the importance of ensuring that journalists are "well trained, adequately equipped and fairly remunerated" as part of a collective effort to strengthen democracy²¹. Finally, they called on to improve access to information in the country by deepening the scope and operationalization of the *Freedom of Information Act* of 2004.²²

¹⁵ The Observer, [Aspiring young journalists invited to join new youth-led newspaper](#), February 16, 2024.

¹⁶ The Observer, [Aspiring young journalists invited to join new youth-led newspaper](#), February 16, 2024.

¹⁷ Caribbean Investigative Journalism Network, [Barbuda's Unending Disaster](#), May 29, 2024.

¹⁸ Caribbean Investigative Journalism Network, [Antigua and Barbuda - More Research Needed](#), July 26, 2024.

¹⁹ Caribbean Investigative Journalism Network, [She and Her Daughter Share the Same Father](#), October 3, 2024; Caribbean Investigative Journalism Network, [In the Caribbean, Women and Girls Face Daily Threats of Sexual Violence: Getting Justice is Another Ordeal](#), October 3, 2024.

²⁰ The Observer, [World Press Freedom Day: How free is the media in the Caribbean?](#), May 3, 2024.

²¹ The Observer, [World Press Freedom Day: How free is the media in the Caribbean?](#), May 3, 2024.

²² The Observer, [World Press Freedom Day: How free is the media in the Caribbean?](#), May 3, 2024.

12. In early September 2024, RELE was informed of criticism of the national press by the then secretary general and Senate minority leader of the United Progressive Party (UPP). In a public statement, the elected official expressed her regret for the alleged way in which journalism had been "reduced" in the country, urging the press to verify their sources of information²³. The above after the media circulated a story about her possible resignation from the party, which was later denied.²⁴

13. The Rapporteurship recalls that public officials should take care to ensure that their comments are accurate and avoid stigmatizing and discrediting the media²⁵. The Rapporteurship also recalls that the media have voluntary mechanisms through which they can raise the level of professionalism and ethical responsibility before the public.²⁶

14. As in previous years, the Rapporteurship has monitored the evolution of the public discourse of high-level authorities in relation to the media. In the first week of September, this Office documented public accusations by the Prime Minister against an opposition parliamentarian, whom he accused of "spreading propaganda" through a media outlet²⁷. According to the Prime Minister, the parliamentarian allegedly tried to dissuade gang members from meeting with him, allegedly warning them that it was a "trap" to capture them.²⁸. The Prime Minister also reportedly described his opponent as a "clueless idiot" and a "buffoon", accusing him of urging the police to eliminate members of criminal groups instead of encouraging dialogue, according to local media reports²⁹. For their part, opposition sectors pointed out that these accusations would be false, would open the way for a defamation lawsuit, and would put their lives at risk by inciting violence against them³⁰. The Ombudsman, in her report for 2024, expressed concern about the culture of "disrespect, disdain and contempt" that would be observed among parliamentarians.³¹

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

15. In March 2024, RELE learned that community activist Mary John had reportedly been found guilty of "disseminating false information electronically" for the alleged purpose of "provoking insults and hatred," as contemplated under the *Electronic Crimes Act* [*Electronic Crimes Act*], for which she would face up to 7 years in prison and a fine of EC\$500,000³². The charges reportedly stemmed from an incident on October 5, 2021, when John posted on social media an image of a woman, claiming she was the alleged killer of Jane Finch, a Piccadilly resident murdered a day earlier; the woman in the photo shared by John allegedly resembled

²³ Antigua Today, [Political Bombshell: UPP's Shawn Nicholas to Tender Resignation](#), September 8, 2024; Antigua Newsroom, ['I weep for... journalism' Shawn Nicholas responds to reports that she is to resign from the UPP](#), September 9, 2024.

²⁴ Shawn Nicholas, [I weep for what Journalism has descended to in this country](#), September 8, 2024; Antigua Newsroom, ['I weep for... journalism' Shawn Nicholas responds to reports that she is to resign from the UPP](#), September 9, 2024.

²⁵ IACHR, [Guide to Guarantee Freedom of Expression in the Face of Deliberate Disinformation in Electoral Contexts](#), OEA/Ser.D/XV.22, 2019, pp. 38-39.

²⁶ IACHR, [RELE 2005 Annual Report](#), Chapter 6, Freedom of Expression and Electoral Processes: the case of opinion polls and exit polls, 2005, para. 45.

²⁷ Antigua Newsroom, [UPP MP Denies PM's Allegations, Plans Defamation Suit Over "Kill Gang Members" Claim](#), September 4, 2024; Antigua Newsroom, [PM Browne Fires Back: Calls Watts' Legal Threats 'Fabrication' and Dares Him to 'Bring It On'](#), September 5, 2024.

²⁸ Antigua News Room, [Further gang war and retaliation averted as Prime Minister Gaston Browne meets with second organized gang](#), September 3, 2024; Dominica, [Antigua's prime minister engages with gang members to foster peace and rehabilitation](#), September 5, 2024.

²⁹ Antigua Newsroom, [Prime Minister Gaston Browne Criticizes MP Algernon "Serpent" Watts for Discouraging Youth Attendance at Meeting](#), September 2, 2024; Antigua Newsroom, [UPP MP Denies PM's Allegations, Plans Defamation Suit Over "Kill Gang Members" Claim](#), September 4, 2024.

³⁰ The Observer, [MP Watts denies he urged police to kill gang members](#), September 4, 2024; Antigua Newsroom, [UPP MP Denies PM's Allegations, Plans Defamation Suit Over "Kill Gang Members" Claim](#), September 4, 2024.

³¹ Antigua News Room, [Antigua Government Launches Pre-emptive Rebuke of Unreleased Ombudsman Report](#), July 24, 2024; The Observer, ['A culture of disrespect, disdain and contempt'-Ombudsman report has strong criticism for parliamentarians](#), August 1, 2024.

³² Antigua Newsroom, [Mary John Found Guilty of Spreading False Information Online](#), March 21, 2024; The Observer, [Mary John found guilty of disseminating false information](#), March 22, 2024; Antigua News, [Activist Mary John Ordered to Pay \\$8000 for Spreading False Information](#), June 20, 2024.

that of the alleged killer³³. In a sentence issued in June 2024, John was ordered to pay \$6,000 to Finch and an additional \$2,000 to the state, with no period of imprisonment imposed, according to local media.³⁴

16. The Rapporteurship recalls that the protection of honor and reputation, when an affectation is alleged through the use of the Internet, should respond in general to weighting criteria similar to those used in other areas of communication³⁵. Unfounded presumptions should not be assumed, nor should unjustified distinctions be made based solely on the medium of dissemination³⁶. If a remedy for a specific harm is established, it is essential to consider the tools that the Internet offers to guarantee the immediate and effective exercise of the right of rectification or response.³⁷

17. In April 2024, the Rapporteurship registered an access to information request submitted by an MP to multiple State bodies, including the Ministry of Finance, the Ministry of Housing, the Ministry of Public Works and the *West Indies Oil Company*³⁸. The purpose of the request, according to local media reports, was to learn more about the nature and extent of the government's lease of a property owned by the Prime Minister's son³⁹. The questions asked would have focused on the value of the rent, payments made, expenses incurred for repairs and improvements to the property, lease terms, and correspondence between the relevant parties. Although the law requires a response within 20 working days, this would never have been shared through official channels in its entirety, according to the information available.⁴⁰

18. Over the course of the year, this Office registered new calls demanding that the government appoint a new Information Commissioner, a position created by the *Freedom of Information Act* of 2004 and which has remained vacant since 2021, according to public reports⁴¹. In the second half of the year, this Office learned that the Prime Minister nominated a new commissioner who, after approval by both Houses of the Parliament, would complete a first term of office from October 1, 2024 to September 30, 2027, complying with the law in question and operationalizing the transparency mechanism.⁴²

19. Following the appointment of the new Information Commissioner, the Rapporteurship became aware of the call by some experts to strengthen the legislation on access to information. These experts noted that current regulations lack provisions to encourage compliance after delays, incomplete information or lost documents; that the requirement to demonstrate "willful" obstruction could make prosecution for violations of the law more difficult; and that the costs associated with access to information represent a significant barrier to citizens' ability to appeal when they are denied access to requested information.⁴³

³³ Antigua Newsroom, [Mary John Found Guilty of Spreading False Information Online](#), March 21, 2024; The Observer, [Mary John found guilty of disseminating false information](#), March 22, 2024; Antigua News, [Activist Mary John Ordered to Pay \\$8000 for Spreading False Information](#), June 20, 2024.

³⁴ Antigua Newsroom, [Mary John Found Guilty of Spreading False Information Online](#), March 21, 2024; The Observer, [Mary John found guilty of disseminating false information](#), March 22, 2024; Antigua News, [Activist Mary John Ordered to Pay \\$8000 for Spreading False Information](#), June 20, 2024.

³⁵ IACHR, [Freedom of Expression and the Internet](#), OEA/Ser.L/V/II. IACHR/RELE/INF. 11/13, 2013, para. 70.

³⁶ IACHR, [Freedom of Expression and the Internet](#), OEA/Ser.L/V/II. IACHR/RELE/INF. 11/13, 2013, para. 71.

³⁷ IACHR, [Freedom of Expression and the Internet](#), OEA/Ser.L/V/II. IACHR/RELE/INF. 11/13, 2013, para. 71.

³⁸ Antigua News, [MP Lewis files FOI requests on three ministries and WIOC regarding Gaston Browne III rental](#), April 3, 2024; The Observer, [MP files freedom of information requests demanding answers on Works Ministry rental](#), April 4, 2024.

³⁹ Antigua Newsroom, [MP Lewis Files Freedom of Information Requests on Three Ministries and WIOC Seeking Answers on the Gaston Browne III Rental](#), April 3, 2024; The Observer, [MP files freedom of information requests demanding answers on Works Ministry rental](#), April 4, 2024.

⁴⁰ Antigua Newsroom, [Government Refused to Answer Questions on the Gaston Browne III Rental Deal in Violation of the Law](#), May 2, 2024; The Observer, [Stop covering up the Gaston Browne III rental deal and appoint the Information Commissioner now](#), July 22, 2024.

⁴¹ The Observer, [Stop covering up the Gaston Browne III rental deal and appoint the Information Commissioner now](#), July 22, 2024; WiredJA, [Opposition Demands Transparency: PM Browne Urged to Appoint Information Commissioner](#), July 23, 2024.

⁴² The Observer, [New Information Commissioner for Antigua and Barbuda](#), September 16, 2024; Antigua Newsroom, [Antony Kurt Athill Appointed as Information Commissioner Following Parliamentary Approval](#), September 14, 2024.

⁴³ The Observer, [Ombudsman accuses gov't of failing to act on recommendations](#), August 26, 2024; The Observer, [Attorney urges strengthening of Freedom of Information Act](#), September 17, 2024.

20. The Rapporteurship recalls that, in order to continue advancing in its obligation to implement a culture of transparency and guarantee the right of access to information, it is essential to persist in the construction of robust oversight bodies with sufficient power to give life and meaning to the transparency mandates of the respective access to information laws and to adapt international jurisprudence to state practices⁴⁴. It also emphasizes that the State has the obligation to respond substantially and in a timely manner to requests for information that are made to it, as this is an indispensable requirement for the very functioning of democracy through transparency and accountability⁴⁵. Finally, it reiterates that the cost of obtaining access to information should never be so high as to deter potential applicants⁴⁶; that any adequate access to information regime should also protect the right of individuals to appeal any decision denying information⁴⁷; and that there should be a system of sanctions in place in the event that an agency fails or refuses to comply with access to information legislation.⁴⁸

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

21. With respect to the fight against discrimination and exclusion of women in the country, the Rapporteurship took note of two developments. On the one hand, in June 2024, RELE recorded the presentation of Antigua and Barbuda's annual report on progress made in relation to gender equality as prescribed by the Beijing Declaration and Platform for Action⁴⁹. Publicly available information indicates that the report was prepared by the Department of Gender Affairs, which consulted with government, the private sector and key civil society actors to assess the country's progress towards gender equality over the past five years⁵⁰. This process allowed public entities directly involved in the priority areas to report on the policies, programs and activities implemented during the period analyzed, aimed at addressing the challenges faced by women and girls.⁵¹

22. On the other hand, in December 2024, this Office was informed about the completion of a pilot initiative led by the non-profit organization *Integrated Health Outreach (IHO)* to address gender-based violence in the country⁵². Available information indicates that the initiative targeted students, with the aim of raising awareness of the issue through weekly extracurricular activities. These were designed to empower young people, providing them with the information and sensitivity necessary to transform the culture of violence.⁵³

23. In the current context, the Rapporteurship considers it important to emphasize that violence, or the fear of suffering it, also restricts women's freedom of expression and access to information. Faced with the intimidation generated by violent acts, many women choose not to report the facts to the justice system, isolate themselves and limit their participation in social life⁵⁴. Hence the importance of States implementing educational, training, media and digital literacy, prevention, justice and reparation measures to achieve gender equality.⁵⁵

⁴⁴ IACHR, [Los órganos de supervisión del derecho de acceso a la información pública](#), Cap. 1: Entidades especializadas para la supervisión y cumplimiento 2016. OEA/Ser.L/V/II, IACHR/RELE/INF. 14/16, para. 88.

⁴⁵ IACHR, [The Right of Access to Information in the Inter-American Legal Framework](#), OEA/Ser.L/V/II. IACHR/RELE/INF. 1/09, 2010, paras. 5 and 24.

⁴⁶ IACHR, [Annual Report RELE 2003](#), Chapter 2, Evaluation of Access to Information in the Hemisphere, 2003, para. 37.

⁴⁷ IACHR, [Annual Report RELE 2003](#), Chapter 2, Evaluation of Access to Information in the Hemisphere, 2003, para. 38.

⁴⁸ IACHR, [Annual Report RELE 2003](#), Chapter 2, Evaluation of Access to Information in the Hemisphere, 2003, para. 38.

⁴⁹ United Nations Development Program, [What is Beijing Platform for Action?](#), March 24, 2020.

⁵⁰ Caribbean Loop News, [Antigua & Barbuda submits report on gender equality](#), June 6, 2024; Antigua News Room, [DoGA Completes Major International Report on Gender Equality](#), June 7, 2024.

⁵¹ UN Women, [Antigua and Barbuda. Review of the Beijing Declaration and Platform for Action, 2020-2024 Report](#), June 1, 2024.

⁵² The Observer, [Local non-profit tackles gender-based violence through youth education initiative](#), December 23, 2024; Integrated Health Outreach, [IHO Funded Projects 2015 to Present](#), December 26, 2024.

⁵³ The Observer, [Local non-profit tackles gender-based violence through youth education initiative](#), December 23, 2024; Integrated Health Outreach, [IHO Funded Projects 2015 to Present](#), December 26, 2024.

⁵⁴ IACHR, [Annual Report RELE 1999](#), Women and Freedom of Expression, 2000, pp. 36-39.

⁵⁵ IACHR, [Women Journalists and Freedom of Expression](#), OEA/Ser.L/V/II, IACHR/RELE/INF.20/18, October 2018, paras. 91, 92, 126.

24. With regard to freedom of expression and the fight against discrimination and exclusion against persons with disabilities, the Office of the Special Rapporteur took note of at least two initiatives. In August 2024, the Rapporteurship learned of the launch of the first course in sign language first aid, organized by the *Antigua and Barbuda Red Cross Society (ABRCS)*⁵⁶. The course, available free of charge to volunteers, would have run for six weeks, seeking to ensure that citizens with some form of hearing impairment can have access to adequate assistance in the event of an emergency.⁵⁷

D. Freedom of expression and the Internet

25. In the first quarter of 2024, this Office learned of ongoing negotiations between the U.S. company *Starlink* and the government of Antigua and Barbuda to grant the high-speed internet provider a license to operate in the national territory⁵⁸. According to local media reports, the Ministry of Technology and Telecommunications has externalized regulatory and tax revenue challenges due to the arrival of the company, pointing out the possible impact on the spectrum and the collection of telephony taxes⁵⁹. According to the same reports, the government reportedly proposed white labeling in collaboration with one of the existing broadband providers, but its offer was rejected⁶⁰. *Starlink* works by deploying small satellites in low-Earth orbit that communicate with terrestrial terminals to provide internet connectivity, particularly in areas with limited traditional internet infrastructure, such as these islands.⁶¹

26. In line with its thematic report on "Freedom of Expression and the Internet," the Rapporteurship underscores the importance of ensuring that connectivity is extended to the entire national territory to effectively promote access for rural and marginalized communities. It also emphasizes the need to ensure that pricing structures are inclusive to avoid economic barriers to access, to provide communities with community-based information and communication technology (ICT) centers and other public access options, and to strengthen training and education efforts, especially aimed at impoverished sectors, rural areas and the elderly.⁶²

27. On the other hand, over the course of the year, the Rapporteurship closely followed new public policy discussions to address youth crime in the country, including the monitoring of social networks and the music industry. In the framework of discussions on the "*Anti-Gang Bill*", approved in September, this Office recorded provisions for the use of "social network evidence" as a strategy to identify members of criminal gangs and collaboration with security forces to record criminal activities orchestrated through fake profiles on these platforms⁶³. One of the proposals on the table would include the creation of a specialized police unit to monitor illicit online activities, which in turn would be linked to other areas, such as the criminal investigations department and the personnel of the tactical unit⁶⁴. Additionally, the Rapporteurship took note of the announcement of the elaboration of new regulatory frameworks for accessing personal communications with

⁵⁶ The Observer, [Red Cross offers first aid training and sign language classes for volunteers](#), August 22, 2024.

⁵⁷ The Observer, [Red Cross offers first aid training and sign language classes for volunteers](#), August 22, 2024.

⁵⁸ Antigua Newsroom, [Technology Minister Concerned About Possible Revenue Erosion with Starlink in Antigua](#), February 15, 2024; The Observer, [Gov't in talks with high-speed internet Starlink](#), February 16, 2024.

⁵⁹ Antigua Newsroom, [Technology Minister Concerned About Possible Revenue Erosion with Starlink in Antigua](#), February 15, 2024; The Observer, [Gov't in talks with high-speed internet Starlink](#), February 16, 2024.

⁶⁰ Antigua Newsroom, [Technology Minister Concerned About Possible Revenue Erosion with Starlink in Antigua](#), February 15, 2024; The Observer, [Gov't in talks with high-speed internet Starlink](#), February 16, 2024.

⁶¹ Starlink, [Satellite Technology](#), December 10, 2024.

⁶² IACHR, [Freedom of Expression and the Internet](#), OEA/Ser.L/V/II. IACHR/RELE/INF. 11/13, 2013, para. 16.

⁶³ Caribbean Loop News, [Antigua to pass new legislation to keep youth off streets at night](#), August 22, 2024; The Observer, [Gov't pledges crackdown on two 'warring' gangs blamed for youth violence](#), August 23, 2024; The Observer, [Legal changes ahead to combat gangs and youth crime](#), August 30, 2024; Antigua Newsroom, [Nicholas Warns: Social Media Platforms Are No Safe Haven for Gangs \(VIDEO\)](#), September 10, 2024.

⁶⁴ The Observer, [Police mull dedicated social media monitoring unit to reduce crime](#), August 23, 2024.

authorization from the judiciary as a strategy to combat crime in the country, considering that the last legislation in this regard dates from 2013.⁶⁵

28. Relatedly, the Rapporteurship learned of reports that the government has accused music on radio and digital *streaming* platforms of "promoting harmful behaviors," such as gun violence and machismo⁶⁶. According to local reports, a government spokesperson emphasized the need for "self-management, self-regulation and even some self-censorship" to avoid the "romanticization" of crime which, in the opinion of the Executive, would motivate youth to join gangs.⁶⁷

29. The Rapporteurship recalls that, in line with the standards and recommendations in its report on "Children, freedom of expression and the media", any restriction aimed at protecting the rights of children and adolescents must follow this requirement and apply the safeguards of the necessity and proportionality test that the Inter-American system has designed to protect the public interest of information, so as not to disproportionately affect the right to freedom of expression.⁶⁸

30. With regard to social networks in the country specifically, the Office of the Special Rapporteur also documented ongoing debates on their regulation, including restrictions on access based on the age of users, and incidents involving threats against public figures, as well as the hacking of profiles of government officials and institutions. Regarding the first point, the Rapporteurship recorded calls from psychiatrists to the Legislative Branch to restrict access by minors to social networks, citing concerns of overexposure and the negative impact on their mental health.⁶⁹

31. Regarding threats disseminated through digital platforms, the Rapporteurship learned of the initiation of an investigation following the receipt of death threats against the Prime Minister on his *Facebook* profile⁷⁰. According to local media reports, the Police Commissioner stated that inciting violence through social networks constitutes a "criminal offense" and urged citizens to refrain from this practice⁷¹. The Rapporteurship recorded that the authorities identified a minor as the author of these threats, so that, according to the information available, the president would have decided not to take legal action against her.⁷²

32. Regarding the hacking of profiles and pages on social networks, the Rapporteurship learned of at least three in the course of the year. In mid-July 2024, RELE was alerted of the removal of the only public media in the country, *Antigua Broadcasting Service (ABS)*, on the *Facebook* platform⁷³. It is unknown whether this was a possible hack or a deliberate effort by users to denounce and block the page of the state media, according to publicly available information⁷⁴. In early December 2024, the Prime Minister's communications office reported that it lost access to its *Facebook*, *Instagram*, *Messenger*, *X* (formerly *Twitter*) and *Threads* accounts, so it would not be able to publish messages about the work of the president on any of the platforms

⁶⁵ Digital Watch Observatory, [Antigua and Barbuda's Electronic Evidence Act, 2013](#), November 2013; Caribbean Development Portal, [Caribbean Cybercrime and Data Protection Laws](#), December 27, 2024; Antigua Newsroom, [Antigua and Barbuda Wants Laws for Electronic Surveillance](#), August 31, 2024.

⁶⁶ Antigua News, [Violent Music Blamed for Surge in Crime Among Youth](#), August 26, 2024; Antigua News Room, [Violent Music Blamed for Surge in Crime Among Youth](#), August 26, 2024.

⁶⁷ Antigua News, [Violent Music Blamed for Surge in Crime Among Youth](#), August 26, 2024; Antigua News Room, [Violent Music Blamed for Surge in Crime Among Youth](#), August 26, 2024.

⁶⁸ IACHR, [Children, freedom of expression and the media](#), OEA/Ser.L/V/II, IACHR/RELE/INF.23/19, February 2019, para. 46.

⁶⁹ ABS Television/Radio, [Leading Psychiatrist Calls for Talks on Social Media Restrictions for Children](#), September 18, 2024; Antigua Newsroom, [Psychiatrist Urges Social Media Restrictions for Children](#), September 19, 2024; Antigua News, [Antigua and Barbuda Urged to Consider Restricting Social Media Access for Children Amid Global Concerns](#), September 19, 2024.

⁷⁰ Dominica News Online, [Police investigate death threats against Antigua's prime minister](#), July 17, 2024; WIC News, [PM Browne under gun violence threat post assassination attempt on Trump](#), July 18, 2024.

⁷¹ Antigua News Room, [Police Launch Investigation into Facebook Threats Against PM Gaston Browne](#), July 17, 2024; WIC News, [PM Browne under gun violence threat post assassination attempt on Trump](#), July 18, 2024.

⁷² Antigua News Room, [PM says a warning is enough for the woman who wished assassination on him](#), July 22, 2024.

⁷³ Antigua Breaking News, [Antigua State Media ABS says its Facebook Page has been removed](#), July 15, 2024; Antigua News Room, [Antigua State Media ABS says its Facebook Page has been removed](#), July 15, 2024.

⁷⁴ Antigua Breaking News, [Antigua State Media ABS says its Facebook Page has been removed](#), July 15, 2024; Antigua News Room, [Antigua State Media ABS says its Facebook Page has been removed](#), July 15, 2024.

that accumulate more than 20,000 followers, nor could any of the previous publications be accessed⁷⁵. The explanation provided, as reported by local media, was that the mobile device from which these accounts were managed had been infected by "malware"⁷⁶. Since then, the official communication of the President would have been made through the government's YouTube page and the pages of other portfolios of the Executive in social networks.⁷⁷

33. Additionally, RELE was alerted through the Ministry of Telecommunications of hacking and fraud attempts against the population, especially young people and senior citizens, through *WhatsApp* groups, as well as text messages and emails. According to the information released by the authorities, citizens would be receiving calls and messages that would eventually lead to the sending of links with malware designed to access their accounts, expose personal information, including their contact lists, and eventually demand payments to restore access.⁷⁸

34. On the other hand, according to the International Telecommunication Union (ITU), a specialized agency of the United Nations, and its Global Cybersecurity Index 2024, Antigua and Barbuda is the only country in the Americas with an overall score below 20 out of a possible 100; this reflects, according to the institution, a "basic commitment to cybersecurity"⁷⁹. For its part, this Office recorded the government's announcement in mid-December to build a new data center, establish an internet exchange point, and advance in the digitization of public services, as part of its efforts to improve efficiency and strengthen national security.⁸⁰

35. The Rapporteurship recalls that the authorities must report and account for the measures taken in the area of cybersecurity, both those directly implemented and those executed by private intermediaries contracted by the State⁸¹. It also reiterates that, in the face of attacks or imminent risks, States should order investigations to determine the extent of what has occurred.⁸²

36. Relatedly, the Rapporteurship emphasizes 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 collectively as "digital literacy".⁸³

37. Finally, regarding artificial intelligence (AI), the Rapporteurship took note of incidents and developments in this area. On the one hand, it has learned of reports on the propagation of "*deepfakes*" -videos, audios and images of public figures manipulated with AI- in which the President-elect of the United States allegedly criticizes the current government of Antigua and Barbuda and refers disparagingly to the country.⁸⁴ Current administration officials noted that this type of content represents one of the most frequent examples of the "misuse" and "abuse" of this new tool for the purpose of misinforming the population.⁸⁵

⁷⁵ Antigua News, [Office of the Prime Minister Social Media Pages Hacked](#), December 4, 2024; The Observer, [Office of the Prime Minister social media pages hacked](#), December 4, 2024.

⁷⁶ The Observer, [PM's Office still unable to access social media platforms](#), December 5, 2024; WinnFm, [Antigua: Gov't continues efforts to regain access to its social media accounts. Hurst says](#), December 14, 2024.

⁷⁷ Antigua News, [Office of the Prime Minister Social Media Pages Hacked](#), December 4, 2024; The Observer, [PM's Office still unable to access social media platforms](#), December 5, 2024.

⁷⁸ Antigua News, [Government Issues Urgent Warning About WhatsApp Hacking Attempts](#), November 1, 2024; The Observer, [Warning: Cyber security attacks are on the increase. Elderly and youth are most likely to fall prey to hackers, official says](#), November 8, 2024.

⁷⁹ International Telecommunications Union, [Global Cybersecurity Index 2024, 5th edition](#), September 12, 2024.

⁸⁰ The Observer, [Gov't to upgrade data centre amidst 2025 digital overhaul. MP Nicholas says](#), December 13, 2024; Antigua News Room, Antigua [and Barbuda Government to Develop Tier 4 Data Center to Boost Digital Infrastructure](#), December 14, 2024.

⁸¹ IACHR, [Freedom of Expression and the Internet](#), OEA/Ser.L/V/II. IACHR/RELE/INF. 11/13, 2013, para. 126.

⁸² IACHR, [Freedom of Expression and the Internet](#), OEA/Ser.L/V/II. IACHR/RELE/INF. 11/13, 2013, para. 127.

⁸³ IACHR, [Freedom of Expression and the Internet](#), OEA/Ser.L/V/II. IACHR/RELE/INF. 11/13, 2013, para. 48.

⁸⁴ Antigua News, [FAKE: AI-Generated Trump Video Degrades Antigua and Barbuda](#), February 21, 2024; The Observer, [Deep fake video of Donald Trump targets Antigua and Barbuda](#), February 22, 2024.

⁸⁵ UNESCO, [AI Readiness Assessment Methodology Validation Workshop in Antigua and Barbuda Sets precedent for expanding Equitable and Ethical AI Development in the Caribbean](#), October 23, 2024.

38. Furthermore, this Office recorded progress in the responsible governance of IA in the Caribbean with the first workshop to validate the Readiness Assessment Methodology (RAM)⁸⁶. This event, organized on September 27, 2024 by the Ministry of Telecommunications, Utilities and Energy of Antigua and Barbuda, in collaboration with UNESCO and the University of the West Indies, brought together public officials, academics, representatives of civil society and the business sector with the aim of promoting the implementation of UNESCO's recommendations contained in its "General Recommendation on the *Ethics of Artificial Intelligence*"⁸⁷. From this workshop, the Rapporteurship also recorded announcements from the Legislative and Executive Branches to regulate the use of AI in the country.⁸⁸

⁸⁶ UNESCO, [AI Readiness Assessment Methodology Validation Workshop in Antigua and Barbuda Sets precedent for expanding Equitable and Ethical AI Development in the Caribbean](#), October 23, 2024.

⁸⁷ UNESCO, [Readiness assessment methodology: a tool of the Recommendation on the Ethics of Artificial Intelligence](#), 2023; UNESCO, [Recommendation on the Ethics of Artificial Intelligence](#), 26 September 2024.

⁸⁸ The Observer, [Gov't places AI, law enforcement as top legislative priority for 2025](#), November 29, 2024; Antigua News Room, [Antigua and Barbuda to Pass Laws In Response To Artificial Intelligence](#), November 30, 2024.

ARGENTINA

39. During 2024, the Office of the Special Rapporteur recorded an accelerated deterioration of the environment for the exercise of freedom of expression in Argentina, characterized by the low tolerance of the Executive Branch towards criticism and deliberative processes. In a context of initiatives for drastic changes to the functioning of the State, stigmatizing speeches were reported with high frequency, mainly from high State authorities against journalists and the media, and particularly against women. In the context of the exercise of the right to social protest by political and social sectors opposed to the government, and by citizens in general, the Rapporteurship observed official statements that sought to discourage freedom of expression and exalt police repression. In many of the demonstrations, aggressions against press workers were recorded, originating both in the actions of security agents and private individuals. In addition to a deterioration in the public debate, the Rapporteurship recorded significant changes in the institutional framework related to access to information, public media and official advertising. In particular, the adoption of regulatory frameworks restrictive of the right to social protest and regressive modifications lacking broad deliberation in relation to the Law on Access to Public Information were recorded.

A. Journalism and democracy

40. In the course of 2024, the Rapporteurship observed an adverse context for the exercise of freedom of the press, characterized mainly by hostile speeches from the public authorities⁸⁹. According to the information monitored by this office, the President of the Republic has sustained a recurrent and constant discourse of stigmatization towards journalists and media⁹⁰, accusing them of being "corrupt"⁹¹, "criminals with microphones"⁹², "liars"⁹³, "thieves"⁹⁴, "defamers"⁹⁵ and "extortionists"⁹⁶, among other labels harmful to the informative work⁹⁷, in contexts where the press made publications on issues or debates of public interest. In addition, he has publicly stated that "85% of the media lies all the time"⁹⁸. These expressions are frequently directed at journalists and media that have published critical information or questioned government policies⁹⁹. RELE warns that these are not isolated facts, but are part of what the government has called a "cultural battle", which would include the targeting of certain communicators and media outlets as opponents or enemies.¹⁰⁰

41. In line with the above, several civil society organizations report an increase in aggressions against journalists during 2024. According to the Argentine Journalism Forum (FOPEA), between April and July, 37 cases of aggressions against journalists and media outlets were recorded, which represents an increase of 24.34% with respect to the same period of the previous year¹⁰¹. In 71.4% of the cases, some type of state violence was allegedly involved, 27% of the attacks being directly attributed to the President of the Nation¹⁰². For its part, the Association of Argentine Journalistic Entities (ADEPA) has expressed its concern about what it characterized as a "hostile" climate for the work of the press, warning that "there is a clear asymmetry between

⁸⁹ Inter American Press Association (IAPA), [Argentina Report](#), 80th IAPA General Assembly, October 17 - 20, 2024.

⁹⁰ Clarín, [Javier Milei atacó a 45 periodistas y medios en las últimas dos semanas](#), August 23, 2024; La Nación, [Los insultos presidenciales](#), October 18, 2024.

⁹¹ Perfil, [La violencia verbal de Javier Milei contra periodistas: "Soretos, ensobrados"](#), September 30, 2024; La Nación, [Javier Milei volvió a cargar contra el periodismo con tono amenazante: "Les llegó la hora"](#), November 20, 2024.

⁹² Clarín, [Javier Milei called journalists "microphone delinquents" and warned: "Their privilege is over"](#), November 20, 2024; El País, [Milei redoubles his attacks against journalists: "Their time has come"](#), November 21, 2024.

⁹³ La Nación, [Javier Milei attacked journalists again: he said that they lie and threatened to expose their assets](#), August 11, 2024.

⁹⁴ Ámbito Financiero, [Javier Milei charged again against journalists: "They are professional torturers"](#), November 20, 2024.

⁹⁵ Agencia EFE, [Argentina's press rebels against Milei for constant insults and attacks on journalists](#), November 21, 2024.

⁹⁶ La Nación, [Javier Milei gave an interview in the United States with strong criticism of Argentine journalists](#), November 19, 2024.

⁹⁷ AR Newspaper, [Milei took aim at "censorship woke" and celebrated freedom of expression in X "for everyone, not just journalists"](#), August 16, 2024.

⁹⁸ La Nación, [Javier Milei questioned journalism again and accused Marcelo Bonelli of "lying" when reporting on a former official](#), October 21, 2024; Clarín, [Another attack by Javier Milei on journalism: he said that "85% of the media lies all the time"](#), October 20, 2024.

⁹⁹ AFP, [Milei's belligerent speech impacts the daily lives of Argentines](#), December 6, 2024.

¹⁰⁰ El País, [Milei redoubles his attacks against journalists: "Les llegó la hora"](#), November 21, 2024; Agencia EFE, [Milei advances with his cultural battle to transform the values of Argentine society](#), December 8, 2024.

¹⁰¹ FOPEA, [President, officials and trolls, protagonists of attacks on journalists](#), August 1, 2024.

¹⁰² FOPEA, [President, officials and trolls, protagonists of attacks on journalists](#), August 1, 2024

a president and a journalist. The presidential accusations and denigrations drive an army of trolls, with the protection of anonymity and opaque financing, who multiply verbal aggressions and thus open cracks to physical violence"¹⁰³.

42. In this context, the Special Rapporteur has monitored that some of these reports have been brought to the attention of the Judiciary. Thus, for example, journalist Jorge Lanata filed a criminal and a civil lawsuit against the President after being accused of being a "liar" and receiving "envelopes", in reference to alleged bribes¹⁰⁴. For his part, the director of *Perfil*, Jorge Fontevecchia, filed lawsuits for statements accusing him of being a "serial bankrupter" and "enveloped journalist", coinciding these accusations with the publication of investigations on the government¹⁰⁵. In the latter case, the Federal Court of Appeals of Buenos Aires reversed an initial dismissal of the President¹⁰⁶, establishing that public officials have the duty to ensure that their pronouncements do not harm the rights of those who contribute to public deliberation¹⁰⁷. The judicial resolution underscored the importance of considering the jurisprudence of the Inter-American human rights system, which establishes certain limits to the freedom of expression of public officials, particularly in contexts of political polarization¹⁰⁸. Additionally, a legislator filed a criminal complaint for alleged incitement to violence against the press, alleging that the presidential speeches constituted an act "detrimental to freedom of expression", adding that "aggression and persecution cannot be naturalized"¹⁰⁹.

43. The Rapporteurship has consistently pointed out that stigmatizing statements by high-ranking public officials against journalists can contribute to exacerbate the climate of hostility and intolerance on the part of different sectors of the population, and consequently can place journalists and communicators in a position of greater vulnerability and risk of suffering attacks¹¹⁰. In as guarantor of the fundamental rights of individuals, statements by public officials 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.¹¹¹

44. On the other hand, the Rapporteurship learned of judicial actions against press workers for their informative work. In June 2024, the Minister of Justice filed a criminal complaint against journalists Nancy Pazos and Darío Villarruel for alleged "instigation to commit crimes", as a result of their comments on questions regarding the management of food resources of the Ministry of Human Capital.¹¹²

45. Likewise, journalist Andrés Sanguinetti of *iProfesional* is facing a lawsuit for damages for two million dollars filed by a tobacco businessman, after refusing to remove an article about alleged tax avoidance

¹⁰³ ADEPA, [ADEPA Report: "La prensa, desde el regreso de la democracia"](#), September 20, 2024.

¹⁰⁴ La Nación, [Jorge Lanata denunció a Javier Milei y la causa cayó por sorteo en el juzgado de Ariel Lijo](#), April 18, 2024; Associated Press, [Popular journalist sues Milei for libel after accusing him of being a liar and extortionist](#), April 18, 2024.

¹⁰⁵ Perfil, [Periodistas en llamas, according to Milei](#), August 17, 2024.

¹⁰⁶ Página/12, [Revocaron el sobreseimiento a Milei en la causa iniciada por un periodista al que tildó de "ensobrado"](#), November 1, 2024.

¹⁰⁷ In early 2024, the Office of the Special Rapporteur for Freedom of Expression expressed concern about reports of stigmatization, and offered accompaniment and technical support to the State aimed at raising awareness among State institutions and public officials about their role in enabling environments conducive to democratic deliberation and freedom of expression, in accordance with Inter-American human rights standards; Request for Information IACHR/RELE/Art.41/3-2024/419, File of the Office of the Special Rapporteur for Freedom of Expression; IACHR, [Hearing No. 26, Argentina: Situation of Social Protest and the Right to Freedom of Expression](#), 190th Period of Sessions, July 11, 2024.

¹⁰⁸ Letrap, [La Justicia revocó el sobreseimiento de Javier Milei en la causa por injurias al periodista Jorge Fontevecchia](#), October 31, 2024; Perfil, [Anulan el fallo que sobreseyó a Milei por injuriar a Jorge Fontevecchia](#), November 3, 2024.

¹⁰⁹ La Nación, [Denuncian en la Justicia a Javier Milei por incitar a la violencia con sus ataques a la prensa](#), September 30, 2024; *Ámbito Financiero*, [Un legislador porteño denunció penalmente a Javier Milei por "incitar a la violencia" tras atacar al periodismo](#), September 30, 2024.

¹¹⁰ IACHR, Office of the Special Rapporteur for Freedom of Expression, Press Release No. R31/13, [Special Rapporteurship urges States to adopt effective prevention, protection and investigation measures in the face of violence against journalists and media workers on the 20th anniversary of World Press Freedom Day](#), May 31, 2013.

¹¹¹ I/A Court H.R., *Ríos et al. v. Venezuela*, Preliminary Objections, Merits, Reparations and Costs, Judgment of January 28, 2009, Series C No. 194, para. 139.

¹¹² AR newspaper, [Cúneo Libarona denounced journalists Nancy Pazos and Darío Villarruel for "instigation to commit crimes"](#), June 4, 2024.

and lobbying activities of his company¹¹³. The journalist, who reported having received intimidating phone calls for his report, refused to retract it during a mediation, arguing that the information published was documented and in the public interest¹¹⁴. The company claims that the publication caused it "moral, economic and reputational" damages¹¹⁵. The journalist called the lawsuit an attempt at intimidation that seeks to "squeeze the press" and dissuade other reporters from investigating and reporting on the businessman's activities.¹¹⁶

46. The Rapporteurship emphasizes that, in a democratic society, the press must freely exercise its right to report on state activities, while the citizenry has the right to be informed on matters of public interest¹¹⁷. The use of criminal law or disproportionate civil actions to limit freedom of expression on matters of public interest contravenes Article 13 of the American Convention on Human Rights¹¹⁸. These practices, commonly known as strategic litigation against public participation (SLAPP), constitute "an abusive use of judicial mechanisms that should be regulated and controlled by States, with the objective of allowing the effective exercise of freedom of expression"¹¹⁹.

47. On the other hand, the Office of the Special Rapporteur notes that the government has announced or implemented administrative measures that hinder press access to official sources. For example, this Office has received information about the implementation of new accreditation and access policies to the Casa Rosada that would have resulted in the revocation of credentials of approximately 50 journalists since December 2023, reducing the number of authorized communicators to 88, with indications that these restrictions would continue to increase.¹²⁰

48. Likewise, according to the information received, the National Executive Branch would have proposed the creation of what they have called an "elite press room", which would limit access only to journalists "of substance, with experience and highly recognized media (...) who deserve to be close to the President"¹²¹. The Rapporteurship warns that this type of exclusionary approach is discriminatory and contrary to Inter-American standards on access to public information.

49. In this context, the Rapporteurship became aware of the case of journalist Silvia Mercado, who, after more than a decade of coverage of the Casa Rosada, had her accreditation revoked without express justification¹²². The journalist had to resort to the courts by filing an injunction. The accreditation was finally reinstated a month and a half later, after pressure from various journalistic associations and judicial intervention¹²³. Beyond the judicial actions and decisions of a democratic institutionality with separation of powers and control mechanisms, cases such as Silvia Mercado's have a value of social appreciation, tending to the instruction by the Executive to those who are critical of it. The above, given that the journalist indicated

¹¹³ El Cronista, [El "Señor del Tabaco" le exige u\\$s 2 millones a un periodista por una nota sobre sus negocios](#), August 21, 2024; FOPEA, [FOPEA se solidariza con el periodista Andrés Sanguinetti, a quien un empresario amenazó con iniciarle una demanda civil y penal](#), March 25, 2024.

¹¹⁴ La Nación, [The "Lord of Tobacco" filed a lawsuit for some two million dollars against a journalist for "moral and economic" damages](#), August 21, 2024.

¹¹⁵ La Nación, [The "Lord of Tobacco" filed a lawsuit for some two million dollars against a journalist for "moral and economic" damages](#), August 21, 2024.

¹¹⁶ Radio Con Vos, ["Acá solo información periodística". Andrés Sanguinetti journalist sued by El Señor del Tabaco](#), August 22, 2024.

¹¹⁷ 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.

¹¹⁸ 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. 109; Case of Álvarez Ramos v. Venezuela. Preliminary Objections, Merits, Reparations and Costs, Judgment of August 30, 2019, Series C No. 380, paras. 120-122.

¹¹⁹ 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. 91.

¹²⁰ Clarín, [El Gobierno bajó las acreditaciones de 50 periodistas de Casa Rosada y avanza con más restricciones](#), July 18, 2024.

¹²¹ El País, [Milei will only allow access to the Casa Rosada to journalists who "deserve to be close to the president"](#), July 16, 2024.

¹²² FOPEA, [FOPEA expresses concern that the national government has not yet renewed Silvia Mercado's accreditation in Casa Rosada](#), June 17, 2024.

¹²³ La Nación, [Tras la polémica, el Gobierno finalmente acreditó a Silvia Mercado en la Casa Rosada](#), July 5, 2024; Coalition for Women in Journalism, [Argentina: Government Revokes Silvia Mercado's Accreditation to President's Office](#), July 22, 2024.

that the withdrawal of her accreditation would be a discretionary measure and could be interpreted as a "punishment", after having commented on the President's dogs.¹²⁴

50. According to public reports, the Ministry of Human Capital would have tried to reintroduce the mandatory national registration to practice professional journalism, a practice that since 1985 has been considered by the Inter-American Court as an illegitimate restriction to freedom of expression¹²⁵. Although the initiative was announced on social networks and eliminated hours later¹²⁶, it sought to require journalists and media outlets to apply for an enabling credential before the Ministry of Labor, presenting certificates of criminal record and documentation proving at least two years of professional practice with current pension contributions.¹²⁷

51. In view of the above, the Office of the Special Rapporteur recalls that any restriction on journalists' access to press conferences and official sources must respond to objective, reasonable and transparent criteria, previously established¹²⁸. With respect to accreditations or authorizations to the press media for participation in official events, the Inter-American Court has emphasized that "it must be demonstrated that its application is legal, pursues a legitimate objective, and is necessary and proportional in relation to the objective it seeks to achieve in a democratic society. The accreditation requirements must be concrete, objective and reasonable, and their application transparent. It is up to the State to demonstrate that it has complied with the above requirements when establishing restrictions on access to information under its control"¹²⁹.

52. The Office of the Special Rapporteur recalls that States have not only a duty to refrain from undue limitations on freedom of expression, but also a positive obligation to guarantee the conditions necessary for its full exercise¹³⁰. This obligation includes the duty to promote a plural and diverse environment for public debate, to protect equal access to sources of information, and to ensure that there are no arbitrary obstacles to the pursuit and dissemination of ideas and opinions.¹³¹

53. Finally, the Office of the Special Rapporteur monitored the situation of public media in Argentina. In particular, it has received reports indicating a sudden intervention of the public media system in Argentina during 2024¹³². On February 2, the national government published in the Official Gazette a decree¹³³ that provided for the intervention for one year -extendable- of the country's public media, which includes *Radio y Televisión Argentina S.E.*, the news agency *Télam S.E.*, and other content platforms such as *Contenidos Públicos*

¹²⁴ Perfil, [Silvia Mercado spoke after the withdrawal of her accreditation at Casa Rosada: "It is a discretionary decision by Karina Milei"](#), June 20, 2024; Noticias, [El caso Silvia Mercado: el imperdonable pecado de preguntar sobre los perros de Milei](#), June 19, 2024; ElDirarioAR, [La periodista Silvia Mercado cree que no le renovaron su acreditación en Casa Rosada por Karina Milei](#), June 19, 2024.

¹²⁵ FOPEA, [Condenamos la colegiación de periodistas impulsada por el Gobierno](#), June 27, 2024; Perfil, [El Gobierno lanzó una campaña para que sea obligatoria la matrícula nacional de periodistas y dio atrás](#), June 27, 2024; La Nación, [El Gobierno publicó que es obligatorio tramitar una matrícula para ejercer el periodismo](#), June 27, 2024; Página/12, [La polémica detrás del intento del gobierno de revivir el carné para periodistas](#), June 18, 2024.

¹²⁶ Perfil, [The government launched a campaign to make national registration of journalists mandatory and reversed itself](#), June 27, 2024.

¹²⁷ Perfil, [The Government clarified that the national registration of journalists is not mandatory and deleted the announcement](#), June 27, 2024.

¹²⁸ IACHR, [Declaration of Principles on Freedom of Expression](#), 2000.

¹²⁹ I/A Court H.R., Case of Claude Reyes et al. v. Chile, Judgment of September 19, 2006, Series C No. 151, para. 93; I/A Court H.R., Case of Ríos et al. v. Venezuela, Judgment of January 28, 2009, Series C No. 194, para. 375; I/A Court H.R., Case of Perozo et al. v. Venezuela, Judgment of January 28, 2009, Series C No. 195, para. 346.

¹³⁰ 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.

¹³¹ IACHR, [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. 226.

¹³² Deutsche Welle (DW), [Milei vs. public media: chainsaw against pluralism](#), February 8, 2024; France 24, ["Milei's radical plan for Argentina": the president defends his policies in "TIME"](#), May 24, 2024; Reporters Without Borders (RSF), [Argentina: the closure of the main public news agency deals a blow to the right to information](#), March 6, 2024.

¹³³ Government of the Argentine Republic, [Decree 117/2024. Interventions](#), February 2, 2024.

S.E.¹³⁴ . The measure placed these media under the direct orbit of the Executive Branch and eliminated the powers of participation and management control by the National Congress, including the representation of parliamentary and social minorities in the governing bodies .¹³⁵

54. Within the framework of these measures, the case of the *Télam* agency stands out, which in March was suspended operationally after an announcement made by the President during the opening of the National Congress sessions¹³⁶ . According to reports received, the Police surrounded with fences and closed the two buildings where the agency's newsroom was located¹³⁷ . The suspension of the media was accompanied by the sending of an e-mail to the more than 700 workers by the public media controller, informing them of their suspension with pay for seven days¹³⁸ . Additionally, the agency's web page was taken down, preventing access to its historical archive and hindering the work of journalists¹³⁹ . Subsequently, on July 1, by means of a decree, the government formalized the reconversion of *Télam* into a new corporation that would be in charge only of its advertising function, while the journalistic area would become dependent on *Radio y Televisión Argentina* (RTA)¹⁴⁰ . According to information from a public source, until December 2024, about 230 employees continue to produce content that circulates only within the state structure, while 352 employees took the voluntary retirement plan .¹⁴¹

55. In addition, on May 21, the government implemented what it called a "reorganization process" which resulted in the temporary suspension of the contents of the social networks and websites of the public media, including *Televisión Pública*, *Radio Nacional*, the radio stations of the interior, *FM Clásica*, *FM Rock*, *FM Folklórica*, *Paka Paka* and *Canal Encuentro*¹⁴² . According to the information available, the management of these platforms was centralized in the Management of Digital Media and Institutional Relations, without establishing clear deadlines or criteria for the reestablishment of the services .¹⁴³

56. The Office of the Special Rapporteur stresses that these measures affect citizens' access to information, particularly in the provinces of the interior of the country where public media play a fundamental role in the coverage of local news. According to civil society organizations, the centralization of content management in Buenos Aires hinders the ability of regional broadcasters to report in a timely manner on events of public interest in their communities .¹⁴⁴

57. According to the information gathered, the cessation of operations of *Télam*, the only news agency of such magnitude in the country, would have caused a disruption in the flow of information, affecting more than 2,800 subscribers who have access to its services¹⁴⁵ . These include national and international media and national, provincial and municipal government offices¹⁴⁶ . Its network of correspondents in all provinces constitutes an important information resource, which feeds numerous newspaper companies and

¹³⁴ Filo News, [El Gobierno oficializó intervención de los medios públicos](#), February 5, 2024; La Nación, [El Gobierno oficializó la intervención de los medios públicos](#), February 5, 2024; LatAm Journalism Review, [Trabajadores de Télam se movilizan mientras el Gobierno argentino prepara un plan para cerrar la agencia estatal de noticias](#), March 13, 2024.

¹³⁵ Government of the Argentine Republic, [Decree 117/2024. Interventions](#), February 2, 2024.

¹³⁶ Swissinfo.ch, [The Argentine government suspends the Télam news agency and fences its headquarters](#), March 5, 2024.

¹³⁷ El País, [Milei puts Télam, Latin America's largest state-owned news agency, on hold](#), March 4, 2024.

¹³⁸ BBC, ["It is an unprecedented attack on freedom of expression in Argentina": the blow to Télam journalists after Milei's government closes Latin America's largest state-owned news agency](#), March 6, 2024.

¹³⁹ Swissinfo.ch, [Argentine government suspends Télam news agency and fences its headquarters](#), March 5, 2024; BBC, ["It's an unprecedented attack on freedom of expression in Argentina": the blow to Télam journalists after Milei's government shuts down Latin America's largest state-owned news agency](#), March 6, 2024.

¹⁴⁰ *Ámbito Financiero*, [By decree, the Government made official the definitive closing of the news agency Télam](#), July 1, 2024.

¹⁴¹ La Nación, [El curioso "cierre" de Télam: ahora informa para el Gobierno](#), December 1, 2024.

¹⁴² Agencia EFE, [El Gobierno de Milei suspends temporarily websites and social networks of public media](#), May 21, 2024; Infobae, [El Gobierno decidió suspender los contenidos de las redes sociales y páginas web de los Medios Públicos](#), May 21, 2024.

¹⁴³ El País, [El Gobierno de Javier Milei silencia las páginas webs y las redes sociales de los medios públicos](#), May 22, 2024; Agencia EFE, [El Gobierno de Milei suspende temporalmente webs y redes sociales de los medios públicos](#), May 21, 2024.

¹⁴⁴ Information sent by the Centro de Estudios Legales y Sociales (CELS), May 31, 2024, Archivo de la Relatoría Especial para la Libertad de Expresión.

¹⁴⁵ La Nación, [Qué pasó con la Agencia Télam](#), March 5, 2024.

¹⁴⁶ La Nación, [Qué pasó con la Agencia Télam](#), March 5, 2024; TN, [Qué es Télam, la agencia de noticias que deshabilitó y busca cerrar el Gobierno](#), March 4, 2024.

organizations throughout the country¹⁴⁷. Additionally, the closure would have made it impossible to access the agency's historical archive, which constitutes a documentary archive of almost 80 years of Argentine history.¹⁴⁸

58. The Office of the Special Rapporteur recalls that States have the duty to guarantee a plural and diverse media space, including public media¹⁴⁹. State media can play an essential role in ensuring the plurality and diversity of voices necessary in a democratic society¹⁵⁰. As the Joint Declaration on "Media Freedom and Democracy" of the international freedom of expression mandates states, "[m]edia pluralism, including the availability of a variety of public, private and community media providing a diversity of information and viewpoints, is essential to democratic discourse"¹⁵¹.

59. The Declaration also notes that "[i]ndependent and well-resourced public service media, i.e. media for the public, and financed and supervised by the public, have a special position to foster pluralism and diversity and to satisfy the public's right to know, especially by responding to information needs and interests that the commercial sector does not fulfill. They can contribute greatly to promoting civic identity, encouraging informed public participation and active and responsible citizenship, and fostering a democratic and rights-respecting culture."¹⁵².

60. The Office of the Rapporteur stresses that when States decide to maintain public media, these should have guarantees for their editorial independence and be protected from arbitrary interference. Decisions on the management, financing and operation of public media should be adopted with transparency and through procedures that ensure the participation of different sectors of society, safeguarding their editorial autonomy and avoiding their use as instruments of government communication¹⁵³. Public media should have clearly defined public service mandates, independent oversight and adequate funding to protect their autonomy and independence.

61. Finally, this Office emphasizes that public media should not be used as communication or propaganda tools, but as autonomous informative and cultural spaces that serve the interests of society as a whole.¹⁵⁴

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

62. In August 2024, the Rapporteurship learned about the reforms to Law 27.275 on Access to Public Information established by Decree 780/2024¹⁵⁵. This law, passed in 2016, established a robust regulatory framework aligned with Inter-American human rights standards¹⁵⁶. In 2016, the Office of the Special Rapporteur congratulated the Argentine State for the progress made and positively valued the fact that the law included standards developed by the Inter-American system, and that it took into account the guiding

¹⁴⁷ La Nación, [Qué pasó con la Agencia Télam](#), March 5, 2024.

¹⁴⁸ iProfesional, [The best historical photos of Télam, the news agency closed by Javier Milei](#), March 4, 2024.

¹⁴⁹ UN, OSCE, OAS, [Joint Declaration on Freedom of Expression and Elections in the Digital Age](#), April 30, 2020.

¹⁵⁰ UN, OSCE, OAS and ACHPR ([African Commission on Human and Peoples' Rights](#)), [Joint Declaration on Media and Elections](#), May 15, 2009.

¹⁵¹ UN, OSCE, OAS and ACHPR, [Joint Declaration on Media Freedom and Democracy](#), May 2, 2023.

¹⁵² UN, OSCE, OAS and ACHPR, [Joint Declaration on Media Freedom and Democracy](#), May 2, 2023.

¹⁵³ UN, OSCE, OAS and ACHPR, [Tenth Anniversary Joint Declaration: Ten Key Challenges for Freedom of Expression in the Next Decade](#), February 3, 2010.

¹⁵⁴ IACHR, RELE, [Freedom of Expression Standards for Free and Inclusive Broadcasting](#), OAS Ser.L/V/II. IACHR/RELE/INF. 3/09, 2010, para. 89.

¹⁵⁵ Government of the Argentine Republic, [Decree 780/2024. Right of access to public information](#), August 30, 2024; La Nación, El Gobierno estableció por decreto nuevos límites a la ley de acceso a la información pública, September 2, 2024.

¹⁵⁶ IACHR, Annual Report, [Annual Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II. Doc. 22/17, March 15, 2017, paras. 10 and 11.

principles of maximum disclosure, good faith and non-discrimination that should govern state management to guarantee the full and effective exercise of the right of access to information.¹⁵⁷

63. Numerous civil society organizations have stated that the decree introduces regressive elements to the legislation in force, which "overshadow and restrict the transparency of the State", and that it "generates a discretionary regulatory framework whereby the political definitions of the government and the subjective decisions of the officials would prevail over the right to access information held by the State"¹⁵⁸.

64. Among the most substantial changes, this Office highlights that the decree excludes from public access "information of a private nature" of officials, without clearly defining its scope; introduces the concept of "abuse of rights" as grounds for restricting requests for information, which could result in economic sanctions against applicants; significantly broadens the exceptions; and excludes from public access "preparatory deliberations and working papers". Access to public information is a right with solid Inter-American support, and there is concern that its exercise could result in discretionary restrictions or sobering sanctions.

65. The Rapporteurship is concerned that these substantial restrictions to the right of access to information were introduced through a decree of the Executive Branch, rejecting the parliamentary debate as the ideal way to democratically deliberate on possible restrictions to the right of access to information, as it happened prior to the approval of Law 27.275¹⁵⁹. This Office recalls that, in accordance with democratic principles and the Inter-American legal framework, limitations to fundamental rights must be established by formal law, emanating from the legislative body, following the procedures established in the Constitution for the formation and enforcement of laws¹⁶⁰. The Inter-American Court has pointed out that the protection of human rights requires that state acts that fundamentally affect them are not left to the discretion of the public power, but are surrounded by specific guarantees and institutional procedures for safeguarding them¹⁶¹. In this sense, in the opinion of this Office, the use of an executive decree to restrict the right of access to information weakens the democratic safeguards designed to protect fundamental freedoms.

66. The Office of the Special Rapporteur recalls that, according to Principle 4 of the IACHR Declaration of Principles on Freedom of Expression, "[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 threatening national security in democratic societies"¹⁶².

67. On the other hand, during 2024, the Office of the Special Rapporteur observed a significant deployment of disincentives and limitations to the exercise of the right to social protest in Argentina, characterized by three main elements: (i) the implementation of restrictive regulatory frameworks; (ii) the excessive use of public force; and (iii) the stigmatization of protesters and journalists by public authorities in the context of demonstrations¹⁶³.

¹⁵⁷ IACHR, Office of the Special Rapporteur for Freedom of Expression, Press Release No. R135/16, [The Office of the Special Rapporteur for Freedom of Expression welcomes the recent approval of the Law on Access to Public Information of the Argentine Republic](#), September 22, 2016.

¹⁵⁸ Information received by the IACHR and its Office of the Special Rapporteur for Freedom of Expression from a group of civil society organizations, Ref: Remite información sobre la limitación del derecho de acceso a la información en Argentina, October 10, 2024.

¹⁵⁹ Centro de Estudios Legales y Sociales (CELS), [Un decreto no puede limitar el acceso a la información pública](#), September 3, 2024; Media Defence, [Argentina: Decreto restringe el acceso a la información pública y vulnera la libertad de expresión](#), October 16, 2024.

¹⁶⁰ I/A Court H.R., The Expression "Laws" in Article 30 of the American Convention on Human Rights, Advisory Opinion OC-6/86 of May 9, 1986, Series A No. 6, para. 22.

¹⁶¹ I/A Court H.R., The Expression "Laws" in Article 30 of the American Convention on Human Rights, Advisory Opinion OC-6/86 of May 9, 1986, Series A No. 6, para. 22.

¹⁶² IACHR, [Declaration of Principles on Freedom of Expression](#), 2000.

¹⁶³ IACHR, RELE, Press Release No. 030/24, [IACHR and RELE: In the context of the social protests in Argentina, recall Inter-American standards on respect for human rights, especially respect for the right to peaceful protest and journalistic work](#), February 8, 2024; IACHR, RELE, Press Release No. 158/24, [IACHR and RELE: Argentina must respect the rights of association and peaceful assembly, as well as guarantee the security of the population](#), July 4, 2024; IACHR, RELE, Press Release No. 220/24, [IACHR and its RELE remind](#)

68. During the 190th Regular Session of the IACHR, civil society organizations denounced before the Commission serious regressions in Argentina regarding the right to protest, highlighting the risks faced by those who use public space to express their demands against austerity policies and other social measures¹⁶⁴. They also expressed concern about the entry into force of Resolution 943 of 2023 and the police deployments aimed at hindering protests, the excessive use of force and the criminalization of protesters, who have been described as "terrorists"¹⁶⁵. The organizations urged the Argentine State to respect the right to protest and to align its practices with Inter-American standards. At the hearing, the Special Rapporteur for Freedom of Expression, Pedro Vaca Villarreal, emphasized that, according to Inter-American standards, in order to guarantee the right to protest, democratic societies, including their authorities, must allow certain margins of tolerance to disturbances of daily life. Likewise, the Special Rapporteur stressed that it would be important for the State to consider extending an invitation to the Office of the Special Rapporteur for Freedom of Expression to visit the country.¹⁶⁶

69. At the normative level, the Rapporteurship warns that the adoption of the "Protocol for the Maintenance of Public Order in the Face of the Cutting of Roads of Circulation" by Resolution 943/2023¹⁶⁷ establishes regulations that are incompatible with Inter-American standards on freedom of expression and the right to protest¹⁶⁸. It is of particular concern that the protocol considers that any demonstration that interrupts traffic constitutes a flagrant offense punishable by the Penal Code¹⁶⁹. In addition, it establishes measures such as the identification and registration of demonstrators and organizations, the creation of a database of participants, and economic responsibility for the costs of security operations¹⁷⁰. The Rapporteurship considers that these provisions deprive the right to peaceful assembly of its essence, which, as the IACHR has noted, can "generate a certain level of disruption of daily life, for example, in relation to traffic and commercial activities"¹⁷¹. Civil society organizations have pointed out that these measures could have a chilling effect on the legitimate exercise of the right to protest.¹⁷²

70. Regarding the application of this protocol, the Rapporteurship received multiple reports on episodes of disproportionate use of public force during demonstrations throughout the year, including the use of less lethal weapons, such as manual chemical irritants, tonfas, rubber bullets and tear gas hydrant trucks, which resulted in numerous injuries, including demonstrators and press workers¹⁷³. Of particular concern is the impact on vulnerable groups, such as the elderly and children, as well as the case of a human rights lawyer

[Argentina of its duty to guarantee social protest](#), September 23, 2024; IACHR, RELE, Press Release No. 280/24 [Argentina: IACHR and its RELE express concern over reports of alleged violations of social protest](#), November 8, 2024.

¹⁶⁴ IACHR, [Hearing No. 26, Argentina: Situation of social protest and the right to freedom of expression](#), 190th Period of Sessions, July 11, 2024.

¹⁶⁵ IACHR, [Hearing No. 26, Argentina: Situation of social protest and the right to freedom of expression](#), 190th Period of Sessions, July 11, 2024.

¹⁶⁶ IACHR, [Hearing No. 26, Argentina: Situation of social protest and the right to freedom of expression](#), 190th Period of Sessions, July 11, 2024.

¹⁶⁷ Government of the Argentine Republic, [Resolution 943/2023](#), December 14, 2023.

¹⁶⁸ UN, Mandates of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and of the Special Rapporteur on the situation of human rights defenders, OL ARG 3/2024, January 23, 2024; IACHR, [Hearing No. 26, Argentina: Situación de la protesta social y el derecho a la libertad de expresión](#), 190^o Período Ordinario de Sesiones, 11 July 2024; Amnesty International, [El "Protocolo para el mantenimiento del orden público ante el corte de vías de circulación" vulnera el derecho a la protesta y a la libertad de expresión](#), 21 December 2023.

¹⁶⁹ Government of the Argentine Republic, [Resolution 943/2023](#), December 14, 2023.

¹⁷⁰ Government of the Argentine Republic, [Resolution 943/2023](#), December 14, 2023; Government of the Argentine Republic, [Resolution 949/2023](#), December 14, 2023.

¹⁷¹ 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. 154.

¹⁷² IACHR, [Hearing No. 26, Argentina: Situation of social protest and the right to freedom of expression](#), 190th Period of Sessions, July 11, 2024.

¹⁷³ IACHR, [Hearing No. 26, Argentina: Situation of social protest and the right to freedom of expression](#), 190th Period of Sessions, July 11, 2024.

who lost his sight in one eye due to the impact of a rubber bullet¹⁷⁴. Likewise, the Government reported that on some of these occasions agents of the security forces were injured during confrontations.¹⁷⁵

71. The Rapporteurship notes with particular concern the stigmatizing statements made by high-ranking authorities who have labeled demonstrators as "terrorists" and have justified the use of force by characterizing the protests as attempts at a "modern coup d'état"¹⁷⁶. The Office of the Special Rapporteur emphasizes that this type of discourse can exacerbate social conflict and legitimize violent responses against those who exercise their right to peaceful protest.

72. For its part, the Argentine State has informed the IACHR and this Rapporteurship that the security operations deployed included preventive measures such as access controls, removal of elements that could be used as projectiles, and the use of non-lethal deterrent equipment approved according to international standards¹⁷⁷. They have also indicated that the Riot Operations Group has training and action protocols designed to avoid disproportionate responses, and that its actions were aimed at guaranteeing public order and democratic coexistence, in full compliance with international human rights commitments¹⁷⁸. In relation to the judicial proceedings initiated against persons who participated in the demonstrations, the State has also indicated that during these proceedings the right to defense and due process was guaranteed, in respect for republican principles and the division of powers.¹⁷⁹

73. The Office of the Special Rapporteur recalls that, in accordance with Article 13 of the American Convention and the principles developed by the inter-American system, social protest constitutes a legitimate form of exercising freedom of expression and an essential mechanism for the defense of rights in democratic societies. This Office emphasizes that the primary obligation of State agents in the context of demonstrations is to facilitate the exercise of the right to peaceful protest.¹⁸⁰

74. The use of public force is a last and exceptional resort that should be limited to circumstances in which the legality, absolute necessity and proportionality of the use of force are proven. Firearms should be excluded in operations to control social protests in order to prevent lethal violence. The Rapporteurship reiterates its call to the Argentine State to facilitate the exercise of peaceful protest, to guarantee the safety of demonstrators, journalists and press workers, ensuring that those who wish to demonstrate peacefully can do so and that journalists can carry out their work without fear of reprisals or violence from authorities or individuals.¹⁸¹

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

75. During 2024, the Office of the Special Rapporteur received reports indicating a significant increase in digital violence against women journalists in Argentina, characterized by coordinated attacks on

¹⁷⁴ Perfil, [El crudo relato de un abogado que perdió la visión de un ojo por un balazo de goma durante las protestas por la ley omnibus](#), February 9, 2024; Buenos Aires Herald, [Argentine human rights groups file complaint against government in IACHR](#), February 3, 2024; LatAm Journalism Review, [Periodistas se encuentran en la línea de fuego mientras reportan sobre manifestaciones callejeras en Argentina](#), February 20, 2024.

¹⁷⁵ Infobae, [Eight arrested and 7 agents injured during protests, according to the Argentine government](#), February 2, 2024.

¹⁷⁶ Deutsche Welle (DW), [Argentina: "El Gobierno no va a ceder fácilmente la calle"](#), June 21, 2024; El País, [Detenidos por protestar: el gobierno argentino aumenta la represión de las manifestaciones sociales](#), June 24, 2024.

¹⁷⁷ IACHR, RELE, Press Release No. 220/24, [IACHR and its RELE remind Argentina of its duty to guarantee social protest](#), September 23, 2024.

¹⁷⁸ IACHR, RELE, Press Release No. 158/24, [IACHR and RELE: Argentina must respect the rights of association and peaceful assembly, as well as guarantee the security of the population](#), July 4, 2024.

¹⁷⁹ IACHR, RELE, Press Release No. 158/24, [IACHR and RELE: Argentina must respect the rights of association and peaceful assembly, as well as guarantee the security of the population](#), July 4, 2024.

¹⁸⁰ 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.

¹⁸¹ 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.

social networks with components of gender-based violence, stigmatizing remarks by high-level State authorities, and the use of official channels to amplify discriminatory narratives.¹⁸²

76. The Rapporteurship learned of cases of women journalists who were the target of public accusations by the President of the Nation and other high-ranking officials, especially those covering political and economic issues¹⁸³. According to information provided by civil society organizations, these attacks have resulted in massive harassment campaigns that combine elements of gender-based violence, sexualized threats and attempts to discredit them professionally.¹⁸⁴

77. A study by the collective Periodistas Argentinas documented that female reporters receive on average three times more inappropriate or insulting comments than their male colleagues¹⁸⁵. In addition, journalists specializing in gender, human rights and politics are the most affected by these forms of digital violence. Likewise, according to a recent report by Amnesty International Argentina, nearly 60% of female journalists covering issues related to abortion rights and 47.3% of those reporting on femicides and gender violence experienced aggressions in digital environments.¹⁸⁶

78. The Rapporteurship calls attention to the serious inhibiting effect that these practices have on the practice of journalism and on society in general. A significant number of women journalists report that they have resorted to self-censorship, avoiding covering certain topics, while others have experienced direct impacts on their employment situation, including dismissals or non-renewal of contracts.¹⁸⁷

79. In this context, during a public hearing of the IACHR, civil society expressed its concern about the position of the Argentine Government in the discussion of a UN General Assembly resolution for the "Intensification of efforts to prevent and eliminate all forms of violence against women and girls in the digital environment", in which the country was the only one to vote against.¹⁸⁸

80. On the other hand, during 2024, the Rapporteurship followed up on a collective case of gender violence against women journalists that had wide public repercussions. The group Periodistas Argentinas documented and presented in the Senate of the Nation a report compiling 19 testimonies of women -including journalists, students and administrative workers- who denounced situations of sexual harassment in the workplace¹⁸⁹. The victims reported that they had to quit their jobs, abandon their studies and decline professional opportunities as a result of the harassment¹⁹⁰. The Rapporteurship notes that several of them tried to denounce the facts at the time, but did not find institutional support, which shows the persistence of

¹⁸² IACHR, [Hearing No. 26. Argentina: Situación de las políticas de prevención, sanción y erradicación de las violencias d género](#), 191^o Período Ordinario de Sesiones, November 15, 2024; Clarín, [Alertan sobre el ciberacoso a mujeres periodistas que restringe la libertad de expresión](#), September 18, 2024; LatAm Journalism Review, [Violencia digital silencia a las periodistas en Argentina: coberturas sobre aborto y feminicidios son las que generan más ataques](#), November 6, 2024.

¹⁸³ Among the documented cases is that of international correspondent Luisa Corradini, who was described by the President as a "liar" and accused of "working for a media outlet that operates against the Government" after publishing information about her participation in the Davos Economic Forum. Similarly, journalist María O'Donnell was the target of eleven messages published in the same day by the president on the social network X, accusing her of being a "liar" and generating an escalation of aggressions against her. Journalist Silvia Mercado has also been the target of similar public disqualifications by the president. Perfil, [Organizaciones de prensa en alerta por las descalificaciones de Javier Milei a periodistas](#), January 20, 2024; La Nación, [Javier Milei criticó a una periodista de La Nación por una nota sobre Davos y la calificó de "mentirosa"](#), January 18, 2024; Clarín, [Javier Milei accused María O'Donnell of being a "liar" and the journalist answered him](#), January 19, 2024; La Nación, [Javier Milei attacked journalist Silvia Mercado through networks and accused her of being a "serial liar" for a report on her dogs](#), January 9, 2024.

¹⁸⁴ Periodistas Argentinas, [Ciberacoso a periodistas mujeres: la tecnocensura](#), September 2024; Amnesty International Argentina, [Muteadas: el impacto de la violencia digital contra las periodistas](#), October 2024.

¹⁸⁵ Periodistas Argentinas, [Ciberacoso a periodistas mujeres: la tecnocensura](#), September 2024.

¹⁸⁶ Amnesty International Argentina, [Muteadas: el impacto de la violencia digital contra las periodistas](#), October 2024.

¹⁸⁷ Periodistas Argentinas, [Ciberacoso a periodistas mujeres: la tecnocensura](#), September 2024.

¹⁸⁸ CNN en Español, [Argentina votes against resolution promoting prevention of digital violence against women and girls](#), Nov. 14, 2024; Infobae, [Argentina was the only UN country to vote against a resolution to eliminate and prevent violence against women](#), Nov. 14, 2024.

¹⁸⁹ Infobae, [Presentaron un informe con 19 testimonios de mujeres que denuncian al periodista Pedro Brieger por acoso sexual](#), July 2, 2024; La Nación, [Los 19 testimonios de mujeres que denunciaron a Pedro Brieger por acoso sexual](#), July 2, 2024.

¹⁹⁰ Perfil, [Caso por caso, los 19 testimonios de las mujeres que denunciaron a Pedro Brieger por acoso sexual](#), July 3, 2024.

structural barriers that hinder access to justice for women journalists who are victims of gender-based violence in the exercise of their profession.¹⁹¹

81. The Rapporteurship recalls that States have the obligation to prevent, investigate, punish and redress gender-based violence against women, adopting effective measures to protect their right to freedom of expression and to practice journalism free of violence and discrimination¹⁹². It also reiterates that, although the obligations to prevent, protect and investigate are the international responsibility of States, the media have a decisive role in the protection of women journalists and must adopt specific measures to guarantee their safety from gender-based risks. In particular, the media should establish internal policies with specific provisions on gender-based violence and discrimination, with emphasis on labor and sexual harassment, as well as implement internal procedures and independent complaint and accountability mechanisms¹⁹³. The Inter-American Court has recognized that acts of gender-based violence are "symptomatic of a pattern of structural discrimination against women rooted in stereotypes of female inferiority", so that when adopting protection measures, States must apply a strong differential approach that considers the specific risk faced by women journalists due to gender-based violence¹⁹⁴.

¹⁹¹ Página/12, [El informe de Periodistas Argentinas con las denuncias de acoso contra Pedro Brieger](#), July 2, 2024.

¹⁹² 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; IACHR Court, Case of Bedoya Lima et al. v. Colombia, Judgment of August 26, 2021, Series C No. 431.

¹⁹³ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Women journalists and newsrooms](#), OEA/Ser.L/V/II CIDH/RELE/INF.25/22, October 2022.

¹⁹⁴ I/A Court H.R., Case of Bedoya Lima et al. v. Colombia, Judgment of August 26, 2021, Series C No. 431, para. 50.

BAHAMAS

82. In 2024, RELE followed up on the main developments, challenges and progress related to freedom of expression in The Bahamas. In this regard, it noted further delays in the implementation of the *Freedom of Information Act* [*Freedom of Information Act (FOIA)*], passed in 2012 and amended in 2017, despite repeated commitments by the government to its implementation. This Office also noted that the lack of implementation of this legislation, coupled with the increase in allegations and accusations of corruption against members of the security agencies, generated new calls to strengthen transparency regulations in the country and ensure compliance. In this regard, the Rapporteurship took note of the presentation of a bill for the creation of an *Independent Commission of Investigations Bill* to investigate allegations against members of the police, armed forces, and customs control, among other agencies. With respect to information and communication technologies (ICT), the Rapporteurship documented the introduction of new public policies, codes and strategies. Namely, the Bahamas government's new public policy for the ICT sector for the period 2024-2027; the introduction and subsequent approval of the *Electricity Act, 2024*, which regulates the use of artificial intelligence; the revised code for content regulation of all licensed broadcasters in the country; and the new National Cybersecurity Strategy, to be implemented by the Bahamas National Computer Incident Response Team (CIRT-BS). Finally, in relation to the fight against discrimination and exclusion, the Office of the Special Rapporteur was informed of the celebration of the first LGBTI pride march in the country.

A. Journalism and democracy

83. In February 2024, RELE received reports that the Prime Minister had asked the national media to keep information about crime in the country "off the front pages" after 18 murders were reported a month earlier and the U.S. State Department issued a travel warning¹⁹⁵. The President reportedly referred to concerns about repercussions on the tourism sector, which accounts for nearly 50% of GDP and is showing a notable slowdown, according to local media¹⁹⁶. He also highlighted the role that, in his opinion, the press would play in safeguarding the "reputation of the country"; arguing that, in other countries with tourist destinations, the local media would "play down" the importance of crime¹⁹⁷. Eight months later, in November 2024, the Special Rapporteur's Office recorded the statements of the Deputy Minister of Tourism during a parliamentary session, who claimed that "approximately US\$10 million would have to be spent" to "counteract the bad press" both domestically and internationally and to continue to promote The Bahamas as a safe tourist destination.¹⁹⁸

84. The Office of the Special Rapporteur recalls that public officials should ensure that their comments are accurate, avoid stigmatizing and discrediting the media by resorting to discrediting labels and epithets, and not undermine the independence of the media.¹⁹⁹

85. In late August, RELE received reports that *ZNS (Zephyr Nassau Sunshine)*, the national television channel operated through the state-owned *Broadcasting Corporation of The Bahamas (BCB)*, owed

¹⁹⁵ Jamaica Gleaner, [Bahamas PM urges media to keep crime off front pages](#), Feb. 13, 2024; Miami Herald, [Bahamas leader blames media stories about the country's spike in crime for hurting tourism](#), Feb. 15, 2024; NBC News, [U.S. warns travelers to the Bahamas to be cautious after 18 murders in capital this year](#), Jan. 26, 2024; USA Today, [US issues travel warning for the Bahamas after 18 murders at the start of the new year](#), Jan. 29, 2024; ABC News, [US issues new travel advisory for Jamaica, Bahamas due to increased crime](#), Feb. 1, 2024; NPR, [Jamaica and the Bahamas are pushing back against U.S. travel warnings](#), Feb. 9, 2024.

¹⁹⁶ Skift, [Bahamas Tourism Faces Booking Slowdown After U.S. Travel Alert](#), February 12, 2024; The Nassau Guardian, [PM says he's not trying to censor media](#), February 15, 2024.

¹⁹⁷ RJR News, [Bahamas PM Urges Media To Keep Crime Off Front Pages to Protect Tourism](#), February 12, 2024; Our News, [Prime Minister Davis: I'm Asking the Media to Be More Considerate](#), February 12, 2024.

¹⁹⁸ The Nassau Guardian, [Cooper: We spent \\$10 million to counter bad press about The Bahamas](#), November 7, 2024; Radio Jamaica News, [The Bahamas spends US\\$10 million to combat 'bad press'](#), November 8, 2024.

¹⁹⁹ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Guide to Guarantee Freedom of Expression in the Face of Deliberate Disinformation in Electoral Contexts](#), OEA/Ser.D/XV.22, October 2019, pp. 38, 39.

multiple payments to its workforce²⁰⁰. Likewise, this Office learned that some staff members have reportedly complained of mistreatment by senior executives appointed by the government.²⁰¹

86. The Rapporteurship recalls that the State must guarantee that the public media have sufficient and stable public funding in accordance with their legal mandate, and enjoy financial autonomy that protects them from arbitrary interference, both from the public and private sectors.²⁰²

87. Likewise, the Rapporteurship recalls that States must establish objective and transparent requirements and procedures for the appointment and removal of the directors of public media, especially when complaints are filed and validated against them. These positions, furthermore, should not be subject to discretionary appointments and removals by the Executive Branch.²⁰³

88. In the last week of October, the Rapporteurship learned of the announcement of a retransmission agreement between the *BBC* - the UK's public service broadcaster - and *Guardian Media Group*, a Bahamian media conglomerate²⁰⁴. According to the British broadcaster, this collaboration will make its journalism, recognized for being "high quality" and reflecting "a variety of voices and perspectives from around the world", available in the country, reinforcing the commitment to "inform, educate and entertain global audiences"²⁰⁵. For its part, *Guardian Radio* noted that the partnership will enable it to offer 24/7 news content from "one of the world's most trusted sources"²⁰⁶.

89. This Office emphasizes that the exercise of freedom of expression requires conditions that favor access to a plurality and diversity of media, contributing to the formation of informed societies.²⁰⁷

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

90. In 2024, and as in previous years, RELE followed up on the implementation of the *Freedom of Information Act* [*Freedom of Information Act (FOIA)*], which has dragged on since amendments to the legislation were submitted in 2017 after it was initially approved in 2012²⁰⁸. On the occasion of this alleged delay, the Rapporteurship requested information from the State of The Bahamas to know the current status of implementation, including the financial, technical and human resources allocated; the ministries, agencies and State entities that have initiated the implementation of the law to date, based on the pilot announced in 2022; existing mechanisms for responding to requests for access to information submitted, including the cost thereof; and, if applicable, information regarding the opening of dialogues with civil society organizations and other stakeholders that have advocated for the implementation and adjustments to the current regulations²⁰⁹.

91. In January, this Office recorded a statement in which the Minister of Foreign Affairs reportedly stated that the government "opposes" the *Freedom of Information Act (FOIA)*, adding that it "has nothing to do

²⁰⁰ Bahamas Local, [Union Protest: ZNS Staff Demand Unpaid Benefits](#), August 29, 2024; Eyewitness News, [Alleged mistreatment and outstanding pay prompts union demonstration at ZNS](#), August 30, 2024.

²⁰¹ The Tribune, [BCPOU holds protest at ZNS, criticises GM Clint Watson](#), Aug. 30, 2024; Eyewitness News, [Alleged mistreatment and outstanding pay prompts union demonstration at ZNS](#), Aug. 30, 2024.

²⁰² IACHR, [Freedom of Expression Standards for Free and Inclusive Broadcasting](#), OAS Ser.L/V/II. IACHR/RELE/INF. 3/09, December 30, 2009, para. 93.

²⁰³ IACHR, [Freedom of Expression Standards for Free and Inclusive Broadcasting](#), OAS Ser.L/V/II. IACHR/RELE/INF. 3/09, December 30, 2009, para. 90.

²⁰⁴ BBC Media Centre, [BBC World Service English announces new rebroadcasting partnership in The Bahamas](#), October 24, 2024.

²⁰⁵ BBC Media Centre, [BBC World Service English announces new rebroadcasting partnership in The Bahamas](#), October 24, 2024.

²⁰⁶ BBC Media Centre, [BBC World Service English announces new rebroadcasting partnership in The Bahamas](#), October 24, 2024.

²⁰⁷ 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, 2013, para. 174.

²⁰⁸ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Annual Report 2022](#), OEA/Ser.L/V/II Doc. 50, March 6, 2023, para. 93; IACHR, Office of the Special Rapporteur for Freedom of Expression, [Annual Report 2023](#), OEA/Ser.L/V/II Doc. 386, December 6, 2023, para. 130.

²⁰⁹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Request for Information on the Implementation of the *Freedom of Information Act (FOIA)* in the Bahamas, IACHR/RELE/Art.18/09-2024/488, September 25, 2024.

with [citizens'] ordinary lives"²¹⁰. It also learned that the Prime Minister reportedly explained that, while there are plans to implement the legislation, the government's efforts would focus on using available resources to lower the cost of living for Bahamians in the midst of a still inflationary period²¹¹. Subsequently, both officials clarified that their initial statements had been misinterpreted, and that the government would remain committed to the implementation of this legislation, according to local media reports.²¹²

92. The Special Rapporteurship also recorded the first pronouncement of the Information Commissioner in 2024, who explained at the beginning of the year that, due to lack of final regulatory adjustments and the absence of the necessary technology to process information requests in the required volume, it would not have been possible to implement the pilot plan in ten State agencies, announced two years ago²¹³. According to the Commissioner, his office has taken all the necessary steps to launch the pilot. However, he explained that the final responsibilities lie with the Attorney General's Office and the Prime Minister's Office, which has prevented further progress in the process²¹⁴. In the second half of 2024, the Commissioner indicated to the media that the budget allocated for the next fiscal year, equivalent to Bahamian dollars 140,000, would be the same as that allocated for the current year, and therefore would be insufficient to operationalize the Access to Information Unit as provided by law.²¹⁵

93. The Rapporteurship took note of the positions taken by civil society organizations, which urged the government to implement the *Freedom of Information Act (FOIA)* without further delay by increasing the budget allocated to the Access to Information Unit, appointing trained staff, acquiring the necessary technology, and launching training workshops for public officials and public education campaigns for citizens²¹⁶. The organizations noted that the delays in implementation constitute "unreasonable and unconstitutional interference" with Bahamians' right to access information of public interest. Furthermore, they noted that full implementation of the legislation takes on even greater relevance in what they consider to be a context marked by increasing allegations of corruption and distrust of public institutions and officials.²¹⁷

94. In addition to the monitoring carried out by the Rapporteurship, the Office received the report on the review of the legislative framework on access to information in the Bahamas, published by the *Media Institute of the Caribbean (MIC)* during the first half of 2024. In this report, the *MIC* makes 12 recommendations, including: the adequacy of the regulations to apply to any government authority and also to non-state bodies receiving public funds, given that section 3(6)(c) grants powers to exempt bodies from sharing information²¹⁸; the removal of the provisions in section 9 that empower officials to refuse to process requests²¹⁹; and the review of the appointment and renewal procedures for the Information Commissioner and other high-level positions in sections 30-31 to strengthen their independence.²²⁰

²¹⁰ The Tribune, [FNM criticizes govt over lack of priority on FOIA](#), Jan. 4, 2024; ZNS, [Mitchell Fires Back On Freedom Of Information Act](#), Jan. 5, 2024.

²¹¹ The Nassau Guardian, [Pintard: PM using inflation as excuse to stall on FOIA](#), January 4, 2024; Eyewitness News, [OPM tempers Mitchell's statement on Freedom of Information](#), January 8, 2024.

²¹² The Nassau Guardian, [Govt committed to FOIA, OPM says](#), Jan. 8, 2024; Eyewitness News, [OPM tempers Mitchell's statement on Freedom of Information](#), Jan. 8, 2024.

²¹³ The Nassau Guardian, [FOIA office awaits technology to launch pilot project](#), January 2, 2024; The Tribune, [No priority for Freedom of Information](#), January 3, 2024.

²¹⁴ The Nassau Guardian, [FOIA office awaits technology to launch pilot project](#), January 2, 2024; The Tribune, [No priority for Freedom of Information](#), January 3, 2024.

²¹⁵ The Tribune, [FOIA Chief: Budget can do 'absolutely nothing'](#), June 17, 2024; The Nassau Guardian, [Status of FOIA remains unknown](#), August 20, 2024.

²¹⁶ Eyewitness News, [ORG launches updated position paper on the Freedom of Information Act, 2017](#), Dec. 16, 2024; The Tribune, [Bar president criticizes govt over delays in full FOIA implementation](#), Jan. 9, 2025.

²¹⁷ Eyewitness News, [ORG launches updated position paper on the Freedom of Information Act, 2017](#), Dec. 16, 2024; The Tribune, [Bar president criticizes govt over delays in full FOIA implementation](#), Jan. 9, 2025.

²¹⁸ Media Institute of the Caribbean, [Review of Legislative Framework of Freedom of Information and Access to Information Legislation in the English-speaking Caribbean](#), March 2024, p. 40.

²¹⁹ Media Institute of the Caribbean, [Review of Legislative Framework of Freedom of Information and Access to Information Legislation in the English-speaking Caribbean](#), March 2024, p. 41.

²²⁰ Media Institute of the Caribbean, [Review of Legislative Framework of Freedom of Information and Access to Information Legislation in the English-speaking Caribbean](#), March 2024, p. 42.

95. The Office of the Special Rapporteur reiterates that, as stipulated in the Inter-American legal framework, the right of access to information is an essential tool for monitoring the functioning of the State, public management, and combating corruption²²¹. Therefore, this right constitutes a fundamental requirement to ensure transparency and good administration of both government and other state authorities, and its full exercise is an indispensable guarantee to prevent abuses by public officials, promote accountability, and strengthen transparency in state management.²²²

96. The Rapporteurship recalls that in order to continue advancing in its obligation to implement a culture of transparency and guarantee the right of access to information, it is essential to persist in the construction of robust oversight bodies with sufficient power to give life and meaning to the transparency mandates of the respective access to information laws and to adapt international jurisprudence to state practices.²²³

97. Likewise, the Rapporteurship emphasizes the importance that the entities responsible for protecting the right to information have an adequate budget and sufficient human resources to enable them to fulfill their mandate²²⁴. Without financial resources and trained personnel, it is extremely difficult to carry out essential functions, such as the dissemination of regulations, the supervision of compliance by other state institutions, and the expeditious resolution of appeals, which are fundamental elements to effectively guarantee the right of access to information.

98. On the other hand, during the course of the year, RELE has documented reports on alleged cases of corruption in the State's security forces and agencies. In July, the Rapporteurship learned of an alleged corruption scheme involving a series of bribes to officials of the Royal Bahamas Police Force (RBPF). The case allegedly came to light following the leak of voicemail messages between a senior officer, RBPF chief superintendent and director of its Criminal Investigations Department (CID), an attorney, and two criminal gang members seeking a *quid pro quo* agreement²²⁵. According to RBPF releases, the senior officer was granted a temporary leave of absence from duty while internal investigations were conducted. According to a communiqué from the Police Commissioner, the file with the outcome of the investigations was forwarded to the Public Prosecutor's Office on December 20, 2024, as well as additional information ten days later²²⁶. The senior officer implicated in the voice memos resigned, while cases related to other officers identified during the investigation were referred to the incoming Deputy Police Commissioner, responsible for overseeing disciplinary matters.²²⁷

99. Regarding the previous case, the Rapporteurship was informed that the person who denounced and circulated the voice memos on his social networks, Sylvens Metayer, was reportedly the victim of an armed attack at his residence in Hollywood, Florida, United States²²⁸. According to media in both

²²¹ 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.

²²² 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.

²²³ IACHR, [Los órganos de supervisión del derecho de acceso a la información pública](#), Cap. 1: Entidades especializadas para la supervisión y cumplimiento, OEA/Ser.L/V/II, CIDH/RELE/INF. 14/16, 2016, para. 88.

²²⁴ IACHR, [The oversight bodies of the right of access to public information](#), Ch. 1: Specialized entities for oversight and compliance, OEA/Ser.L/V/II, IACHR/RELE/INF. 14/16, 2016, para. 89.

²²⁵ Caribbean Loop News, [Voice note scandal leads to suspension of top Bahamas police official](#), July 5, 2024; The Tribune, ['Voice note scandal the worst since drug era'](#), July 16, 2024.

²²⁶ Eyewitness News, [Michael Johnson quits Police Force amidst voice note scandal](#), Jan. 1, 2025; Jamaica Observer, [Bahamas senior cop resigns amid probe into leaked recordings](#), Jan. 3, 2025.

²²⁷ Caribbean Loop News, [Bahamas police provide update on senior cop voice note investigation](#), December 31, 2024; Eyewitness News, [Michael Johnson quits Police Force amidst voice note scandal](#), January 1, 2025.

²²⁸ Miami Herald, [Bahamian whistleblower was shot during Facebook live stream from Hollywood apartment](#), July 11, 2024; NBC 6 South Florida, ['Sending out a hit on me': Bahamian whistleblower shot during Facebook Live](#), July 12, 2024.

countries, the attack occurred hours after the Bahamian Police announced the opening of an investigation into the leaked audios and while Metayer was making a live broadcast on his *Facebook* page.²²⁹

100. The Rapporteurship reiterates 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 jurisprudence²³⁰. It also recalls that individuals who expose irregularities, serious acts of maladministration, human rights violations, violations of humanitarian law or other threats to the public interest in general must be protected.²³¹

101. The Rapporteurship recorded reports of a second case of possible corruption related to the RBPF in late November 2024, when the U.S. Attorney General announced charges against the chief superintendent and a dozen other senior law enforcement officials for their alleged involvement in the smuggling of cocaine and its "massive importation" into the United States²³². In a statement, the U.S. Attorney's Office claimed that the increased flow of narcotics through the Bahamas was "the direct result of years of corruption" by senior government officials linked to drug trafficking, who allegedly shared confidential information about U.S. Coast Guard and Drug Enforcement Administration (DEA) operations²³³. Following this second episode, the Police Commissioner submitted his letter of resignation²³⁴. For his part, the Prime Minister explained that, although the commissioner was not facing charges, the RBPF required structural reforms. Among them, according to public information, are the implementation of an encrypted and anonymous internal whistleblower system, mandatory integrity studies for senior officers, mandatory annual ethics training, and investment in technology and personnel to investigate acts of corruption.²³⁵

102. During a session in Parliament to address the corruption crisis in the Police Department on December 4, 2024, the Rapporteurship received reports alleging that a member of the opposition was denied the right to speak, which resulted in a physical altercation with two people injured and the expulsion of some parliamentarians from the premises and subsequent suspension²³⁶. That same day, protests were also reportedly held in the vicinity of the Parliament²³⁷. In view of these events, the Prime Minister accused the opposition of launching a "planned and coordinated assault" and seeking to divide society at a time when the country needs unity as its "reputation is under fire"²³⁸.

103. Following the above developments, the Special Rapporteurship took note of the submission of a bill by the Ministry of National Security to "establish an independent body to investigate complaints, from any source, against members of the Security Forces or specific officials"²³⁹. The bill, known as the *Independent Commission of Investigations Bill*, provides for the creation of an "Independent Commission of Investigations"

²²⁹ The Nassau Guardian, [Man alleging police corruption shot on Facebook Live](#), July 9, 2024; Eyewitness News, [Whistleblower shot during live stream](#), July 9, 2024.

²³⁰ IACHR, [Corruption and Human Rights: Inter-American Standards](#), OEA/Ser.L/V/II, Doc. 236, Dec. 6, 2019, para. 193.

²³¹ OAS, UN, OSCE, ACHPR, [Joint Declaration on Freedom of Expression and Responses to Conflict Situations](#), May 4, 2015.

²³² Miami Herald, [Indictment: 'Corrupt' Bahamas police, government helped smugglers pour cocaine into U.S.](#), Dec. 5, 2024; InSight Crime, [Bahamas Police in Turmoil Over US Drug Trafficking Case](#), Dec. 12, 2024.

²³³ United States Attorney's Office, [U.S. Attorney Announces Cocaine Importation Charges Against Chief Superintendent Of Royal Bahamas Police Force And Other Bahamian Officials](#), November 27, 2024.

²³⁴ AP, [Bahamian police chief resigns after US indicts officers in a massive drug trafficking case](#), December 5, 2024; Jamaica Gleaner, [Bahamian police chief resigns after US indicts officers in 'massive' drug trafficking case](#), December 6, 2024.

²³⁵ Eyewitness News, [Police Commissioner outlines RBPF reform plan following indictment of senior officer](#), December 2, 2024; Our News, [Police Commissioner Acknowledges Culture of Corruption](#), December 2, 2024.

²³⁶ Reuters, [Bahamas suspends parliament after lawmaker throws symbolic mace out window](#), December 4, 2024; The Guardian, [Chaos in Bahamas parliament as MP throws ceremonial mace out of window](#), December 5, 2024; The Tribune, [Six FNM MPs to miss two House sessions following mace toss last week](#), December 12, 2024; Eyewitness News, [Opposition MPs, except Minnis, suspended from House for two sittings](#), December 12, 2024.

²³⁷ The Tribune, [Law and disorder](#), December 4, 2024; Caribbean Loop News, [The Bahamas: Opposition MP throws mace out of window during Parliament](#), December 4, 2024; CNN, [Chaos in Bahamas parliament as MP throws mace out of window](#), December 6, 2024.

²³⁸ Reuters, [Bahamas suspends parliament after lawmaker throws symbolic mace out window](#), December 4, 2024; The Guardian, [Chaos in Bahamas parliament as MP throws ceremonial mace out of window](#), December 5, 2024.

²³⁹ Office of the Prime Minister, [Prime Minister Philip Davis's Parliamentary Address to Provide an Update on the Recent Indictment filed in the Southern District of New York](#), December 4, 2024; Government of The Bahamas, [Independent Commission of Investigations Bill](#), 2024.

composed of three persons commissioned to conduct investigations based on complaints from the public, members of security agencies and/or the Attorney General's Office²⁴⁰. Among the powers of the new Commission would be the possibility of holding public and confidential hearings, summoning witnesses, gathering and examining evidence, formulating recommendations and transmitting its conclusions to the Public Prosecutor's Office for the prosecution of any official involved or any other action deemed necessary by this authority.²⁴¹

104. In this context, the Rapporteurship recorded statements from civil society organizations that, while recognizing the bill as a significant advance in the fight against corruption in security agencies, highlighted the need to establish an "Integrity Commission" with national and multisectoral scope²⁴². This commission, according to its proponents, should investigate, prevent and criminally prosecute acts of corruption throughout the State and promote the ethical conduct of all persons exercising public function²⁴³. A bill that met these characteristics was introduced in Parliament in October 2017, but would not have been debated or approved to date.²⁴⁴

105. For their part, sectors of the opposition reiterated their call for the creation of a commission of inquiry, as established by law, to examine all ongoing allegations of corruption²⁴⁵. However, the government rejected this proposal due to its high cost and argued that the bill to establish the "Independent Commission of Inquiry" in the security agencies represented the most appropriate route.²⁴⁶

106. The Rapporteurship reiterates that, in the fight against corruption and the promotion of integrity, access to information practices should be aimed at promoting informed debate and accountability to prevent corruption²⁴⁷. Likewise, it reiterates that, as established in the relevant Inter-American standards, 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 impedes adequate accountability and qualified debate.²⁴⁸

107. The Special Rapporteurship has also followed up on allegations of lack of transparency regarding the finances of members of Parliament, compensation agreements reached with public servants, bilateral loans from the State, and alleged extrajudicial executions. In early April 2024, the Rapporteurship received reports that some public servants, including members of Parliament and the Senate, have failed to make public their financial disclosures, as required by the *Public Disclosure Act*, continuing a pattern observed in previous years.²⁴⁹

108. In August, this Office learned of new calls for the disclosure of the amounts of agreements reached between the current government and public servants after filing lawsuits for irregularities in their

²⁴⁰ Government of The Bahamas, [Independent Commission of Investigations Bill](#), 2024.

²⁴¹ Government of The Bahamas, [Independent Commission of Investigations Bill](#), 2024.

²⁴² The Tribune, ['Bring integrity commission now'](#), 6 November 2024; Eyewitness News, [ORG commends government for tabling Independent Commission of Investigations Bill](#), 9 December 2024.

²⁴³ The Tribune, ['Bring integrity commission now'](#), 6 November 2024; Eyewitness News, [ORG commends government for tabling Independent Commission of Investigations Bill](#), 9 December 2024.

²⁴⁴ Office of the Attorney General and Ministry of Legal Affairs, [Bills Before Parliament](#), January 22, 2025.

²⁴⁵ The Nassau Guardian, [Commission of inquiry needed: Shocking corruption claims made about police](#), November 29, 2024; Eyewitness News, [PM's Comms Chief says Independent Commission will investigate corruption allegations in armed forces](#), December 5, 2024.

²⁴⁶ The Nassau Guardian, [PM says commission of inquiry would be too expensive](#), December 12, 2024; The Tribune, [Munroe dismisses Opposition's call for Commission of Inquiry](#), December 23, 2024.

²⁴⁷ IACHR, [Corruption and Human Rights: Inter-American Standards](#), OEA/Ser.L/V/II, Doc. 236, Dec. 6, 2019, para. 229.

²⁴⁸ IACHR, [Corruption and Human Rights: Inter-American Standards](#), OEA/Ser.L/V/II, Doc. 236, Dec. 6, 2019, para. 229.

²⁴⁹ The Tribune, [Disclosures filed by some MPs as others decline response](#), April 2, 2024; Eyewitness News, [ORG expresses deep concern over the "troubling pattern" of non-compliance regarding financial disclosures](#), April 2, 2024.

dismissals in the previous administration²⁵⁰ ; according to local media, opponents have rejected the argument of "national security" as a justification for maintaining the confidentiality of information .²⁵¹

109. In September, this Office documented that opposition sectors expressed concern about the apparent lack of transparency in the channeling and conditions of a \$55 million loan granted by the Saudi Fund for Development (SFD), which is in addition to a first loan of \$70 million granted in 2023 .²⁵²

110. In September 2024, the Rapporteurship also documented the lack of access to information on the recommendations of the Public Prosecutor's Office regarding the possible prosecution of the agents allegedly involved in three extrajudicial executions²⁵³ . According to local media, the families of the victims requested that these recommendations be made public for fear of a cover-up by the police commissioner .²⁵⁴

111. The Rapporteurship recalls 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 when there is no request for access to public information, ensuring that the information is accessible, understandable and updated²⁵⁵ . The types of information relevant to the control of the State, such as data on public procurement, contracting, budgets and others, should not be subject to classification; on the contrary, they should always be actively disclosed under the principle of "maximum disclosure"²⁵⁶ .

112. Likewise, the Rapporteurship recalls that the application of the principle of strict proportionality implies that no information can be automatically excluded from public scrutiny simply because it is held by a national security agency, because it is related to national security, or because it belongs to a specific category of information²⁵⁷ . Furthermore, it is essential to ensure that all decisions on the classification of information can be reviewed by the bodies responsible for guaranteeing the right of access to public information .²⁵⁸

113. The limitations imposed on access to information must be of an exceptional nature and comply with the requirements of legality, necessity and strict proportionality. The laws regulating secrecy should precisely define the concept of national security and clearly specify the criteria to be used to determine whether or not certain information may be declared secret, in order to prevent abuse of the classification of information that is of public interest on national security grounds. States should review and, to the extent necessary, repeal or amend legislation restricting access to information to bring it into line with international standards in this area .²⁵⁹

²⁵⁰ The Nassau Guardian, [Davis declines to reveal settlement costs](#), October 11, 2023; Eyewitness News, [Bain renews calls for settlements to be disclosed](#), August 24, 2024.

²⁵¹ The Nassau Guardian, [Davis declines to reveal settlement costs](#), October 11, 2023; Eyewitness News, [Bain renews calls for settlements to be disclosed](#), August 24, 2024.

²⁵² The Nassau Guardian, [Pintard calls for greater transparency on Saudi loans](#), September 10, 2024; Eyewitness News, [Deals in the Dark: Pintard says loan agreements with Saudis lack transparency](#), September 10, 2024.

²⁵³ The Tribune, [Police chief's reply confusing over police shooting inquests](#), July 23, 2024; Eyewitness News, [National Security Minister addresses public confusion concerning police involved killings](#), September 9, 2024; The Tribune, [Munroe's claim on Roles of DPP and COP rejected](#), September 11, 2024.

²⁵⁴ The Tribune, ['Why no answers on Azario death?'](#), 9 September 2024; Eyewitness News, [National Security Minister addresses public confusion concerning police involved killings](#), 9 September 2024; The Tribune, [Munroe's claim on Roles of DPP and COP rejected](#), 11 September 2024.

²⁵⁵ 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.

²⁵⁶ IACHR, [Corruption and Human Rights: Inter-American Standards](#), OEA/Ser.L/V/II, Doc. 236, Dec. 6, 2019, para. 237; IACHR, RELE, [Annual Report RELE 2003](#), Ch. 2. Evaluation on access to information in the hemisphere, 2003, para. 33.

²⁵⁷ 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. 87.

²⁵⁸ 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. 87.

²⁵⁹ 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. 3.

114. With respect to investigations into extrajudicial executions, the Rapporteurship emphasizes that, according to its report on access to information on human rights violations, it cannot be left to the institution accused of committing such acts to decide whether or not the information exists, and whether or not to make it public²⁶⁰. It also reiterates that the States of the region must move forward in the establishment of a public policy regarding archives related to serious human rights violations, as a precondition to guarantee the right to know, the right to truth, the construction of collective memory and to avoid the repetition of these crimes.²⁶¹

115. The Rapporteurship recalls that, given the importance of transparency and the right to information to facilitate robust debate on matters of public interest and to ensure the accountability of political leaders, States should require all elected officials, persons running for elected office and persons holding high public office to make asset declarations and ensure that independent oversight bodies have the power to take effective action where these reveal conflicts of interest; where this is justified in the public interest, such asset declarations should be made accessible to the public.²⁶²

116. For its part, in a context of demands for greater transparency in public office, the Office of the Special Rapporteur took note of calls from civil society and opposition sectors to reform the electoral campaign financing system²⁶³. However, it recorded the position of the Prime Minister who stated, according to local media, that such reform would not be a priority and that he would not reveal the names of his party's donors, unless they gave their consent to do so²⁶⁴. According to available information, the country lacks a regulatory framework limiting the amount of money raised or spent during elections, as well as provisions on who can contribute to political campaigns²⁶⁵. Reform proposals include mandatory disclosure of donations, limits on contributions, public financing of campaigns, and the creation of an independent election commission to oversee compliance.²⁶⁶

117. Based on the 2020 joint statement on "Freedom of Expression and Elections in the Digital Age", this Office stresses that parties and candidates should be obliged to provide timely information on their election expenditures.²⁶⁷

118. Also, as part of its monitoring of judicial proceedings related to freedom of expression issues, the Rapporteurship learned that the Bahamian appeals court upheld the conviction of a man for "*intentional libel*" after he posted on social media in April 2015 that a well-known journalist allegedly had HIV and was spreading it.²⁶⁸ The man was sentenced to three months in prison on November 2, 2022 and filed an appeal six days later, citing, *inter alia*, the "unreasonable" nature of the conviction, the "unnecessary and disproportionate interference with his freedom of expression," and the "deliberate" involvement of the plaintiff journalist in a debate with the convicted²⁶⁹. In a judgment issued at the end of April 2024, the court partially accepted the

²⁶⁰ IACHR, Access to Information on Human Rights Violations, 2010, para. 18.

²⁶¹ 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. 5.

²⁶² OAS, UN, OSCE, ACHPR, [Joint Declaration on "Political Leaders, Public Officials and Freedom of Expression"](#), 2021.

²⁶³ Eyewitness News, [FNM Leader not surprised by PM's shift on campaign finance reform](#), 10 September 2024; The Tribune, ['Campaign finance law not a priority'](#), 11 September 2024.

²⁶⁴ Eyewitness News, [PM: 'Campaign finance reform not a priority right now'](#), 19 September 2024; The Tribune, [PM: 'Public cost' for campaign financing](#), 20 September 2024.

²⁶⁵ The Nassau Guardian, [ORG: Campaign finance reform is crucial for Bahamians](#), September 12, 2024; The Bahamas Journal, [PM Not Prepared To Reveal Names of Party Donors](#), September 13, 2024; The Tribune, [PM: 'Public cost' for campaign financing](#), September 20, 2024.

²⁶⁶ The Nassau Guardian, [The urgent need for campaign finance reform in The Bahamas](#), September 6, 2024; The Tribune, [Campaign finance reform - a right to transparency](#), September 23, 2024.

²⁶⁷ OAS, UN, OSCE, ACHPR, [Joint Declaration on Freedom of Expression and Elections in the Digital Age](#), 2020.

²⁶⁸ Eyewitness News, [Court of Appeal affirms intentional libel conviction of Omar Archer Sr](#), April 23, 2024; The Tribune, [Court upholds Archer libel conviction](#), April 24, 2024.

²⁶⁹ Commonwealth of The Bahamas in the Court of Appeal, [Omar Archer St and Commissioner of Police](#), 22 April 2024, paras. 4, 16-17.

appeal, reducing the sentence to 14 days of imprisonment, which would have been served, a fine of 5,000 Bahamian dollars, and compensatory damages of the same amount.²⁷⁰

119. In December 2024, the Rapporteurship recorded a Supreme Court ruling that sentenced a couple to imprisonment for one and two years, respectively, as well as a fine of 15,000 Bahamian dollars, after they were accused of allegedly harassing two female judges of the highest court on social media²⁷¹. The couple made videos for the *YouTube* channel "StandBahamas" for the purpose of "exposing judicial corruption in the Bahamas"²⁷². The judgment also prohibits the couple from harassing, threatening or annoying the judges and their family members, and prevents them from publishing any content related to the plaintiffs, including photographs, documents and "unverified or defamatory" statements, in any media, including email, newspapers, radio and television²⁷³. They were also ordered to remove any personal information previously published about the judges or their affiliates, with special attention to *YouTube* posts uploaded on August 10 and October 19, 2024.²⁷⁴

120. The Special Rapporteur recalls that all Member States should review their defamation legislation so that it does not restrict the right to freedom of expression and is compatible with their international obligations²⁷⁵. Therefore, States should consider repealing criminal defamation laws and adopt civil laws instead, in accordance with relevant international standards²⁷⁶. On the other hand, this Office also reiterates that online violence against women journalists must also be addressed from a gender perspective to ensure that this group of women can exercise their right to freedom of expression both offline and online.²⁷⁷

121. Additionally, and based on the Joint Declaration on "Freedom of Expression and Administration of Justice, Commercialization and Freedom of Expression, and Criminal Defamation", the Rapporteurship recalls that special restrictions on comments about courts and judges cannot be justified insofar as justice fulfills a key public function and, as such, should be subject to public scrutiny.²⁷⁸

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

122. With respect to the LGBTI community in the country, the Rapporteurship followed up on the public debate surrounding the commemoration of Pride Week in October 2024. On the one hand, this Office received reports indicating that religious groups had expressed their "disapproval" and "indignation" for the activities planned by civil society organizations and LGBTI sectors²⁷⁹. On the other hand, it registered greater receptivity in business sectors that, according to civil society, decided to financially support the organizers²⁸⁰. Among the public events promoted was the first Pride march in the history of the Bahamas, which, according to reports, was accompanied by the Police²⁸¹. Several of the participants reported feeling safe during the march,

²⁷⁰ Commonwealth of The Bahamas in the Court of Appeal, [Omar Archer St and Commissioner of Police](#), 22 April 2024, paras. 4, 100-101.

²⁷¹ The Nassau Guardian, [Couple accused of harassing judges jailed](#), December 13, 2024; The Tribune, [Couple to be jailed for harassing two Justices](#), December 13, 2024.

²⁷² StandBahamas, [description](#), January 23, 2025.

²⁷³ Eyewitness News, [Two activists jailed](#), December 13, 2024; The Nassau Guardian, [Couple accused of harassing judges jailed](#), December 13, 2024.

²⁷⁴ The Tribune, [Couple to be jailed for harassing two Justices](#), December 13, 2024; Eyewitness News, [Two activists jailed](#), December 13, 2024.

²⁷⁵ OAS, UN, OSCE, [Joint Declaration on Censorship through Murder and Defamation](#), 2000.

²⁷⁶ OAS, UN, OSCE, [Joint Declaration on Censorship through Murder and Defamation](#), 2000.

²⁷⁷ 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. 78.

²⁷⁸ OAS, UN, OSCE, [Joint Declaration on Freedom of Expression and Administration of Justice, Commercialization and Freedom of Expression, and Criminal Defamation](#), 2002.

²⁷⁹ Eyewitness News, [Pride Bahamas continues with pride week despite annual pushback](#), August 30, 2024; The Tribune, [First gay pride march safely held but participants faced onlookers' jeers](#), October 15, 2024.

²⁸⁰ Eyewitness News, [Pride Bahamas continues with pride week despite annual pushback](#), August 30, 2024; The Tribune, [First gay pride march safely held but participants faced onlookers' jeers](#), October 15, 2024.

²⁸¹ Eyewitness News, [Pride Bahamas continues with pride week despite annual pushback](#), August 30, 2024; The Tribune, [First gay pride march safely held but participants faced onlookers' jeers](#), October 15, 2024.

although some reported having been booed²⁸². Within the framework of the march, mechanisms available to support LGBTI persons facing violence, stigma and discrimination were also disseminated.²⁸³

123. The Rapporteurship 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.²⁸⁴

D. Freedom of expression and the Internet

124. In the first half of 2024, the Rapporteurship recorded the introduction and subsequent passage of a bill that seeks to regulate the use of artificial intelligence (AI). Now known as the *Electricity Act*, this law grants the Utilities Regulation and Competition Authority (URCA) the power to regulate the use of AI²⁸⁵. The regulations establish principles to ensure that safety, transparency and fairness in the use of AI are ensured, and require those employing this technology to comply with other applicable laws, including those relating to data protection, cybersecurity, privacy and intellectual property²⁸⁶. It also provides that AI applications should not perpetuate discrimination arising from biases in input data, and should consider the needs of the elderly, people with disabilities and other vulnerable groups²⁸⁷. In addition, the law stipulates that AI-generated data must be readily accessible, interoperable, reusable, and findable²⁸⁸. Finally, it requires that regulatory burdens imposed on the use of AI be proportionate to the benefits obtained and the level of risk to the public.²⁸⁹

125. In the second half of the year, the Rapporteurship took note of the publication of the Bahamas government's new public policy for the information and communication technology (ICT) sector for the period 2024-2027. Priority objectives include the expansion of emerging technologies, such as 5G networks, fiber optic installations, and low earth orbit satellites; high quality, reliable, and affordable electronic communications services, including broadband internet services, data and voice telephony plans, and public multichannel television; content regulation based on the relevant code, and strengthening of the Bahamas Broadcasting Corporation; ICT management during disasters and emergencies; and ICT access for persons with disabilities²⁹⁰. As an independent regulator, URCA is anticipated to contribute to the implementation of these objectives set by the government.²⁹¹

126. The Rapporteurship welcomes this new public policy and stresses that it should ensure that pricing structures are inclusive, so as not to hinder access; that connectivity is extended to the entire territory, to effectively promote access for rural users and marginalized communities; that communities have access to community ICT centers and other public access options; and that training and education efforts are strengthened, especially in the most vulnerable sectors, such as rural communities, people living in poverty and the elderly²⁹². It also emphasizes that States should consider promoting assistive technologies for persons

²⁸² Eyewitness News, [Pride Bahamas continues with pride week despite annual pushback](#), August 30, 2024; The Tribune, [First gay pride march safely held but participants faced onlookers' jeers](#), October 15, 2024.

²⁸³ Eyewitness News, [Pride Bahamas continues with pride week despite annual pushback](#), August 30, 2024; The Tribune, [First gay pride march safely held but participants faced onlookers' jeers](#), October 15, 2024.

²⁸⁴ IACHR, [Hate speech and incitement to violence against LGBTI persons](#), November 12, 2015, para. 9.

²⁸⁵ Government of The Bahamas, [Electricity Bill, 2024](#), para. 18(1).

²⁸⁶ Government of The Bahamas, [Electricity Bill, 2024](#), para. 18(2)(b)(iii).

²⁸⁷ Government of The Bahamas, [Electricity Bill, 2024](#), para. 18(2)(c).

²⁸⁸ Government of The Bahamas, [Electricity Bill, 2024](#), para. 18(2)(d).

²⁸⁹ Government of The Bahamas, [Electricity Bill, 2024](#), para. 18(2)(e).

²⁹⁰ URCA, [New Electronic Communications Sector \(ECS\) Policy Published](#), December 12, 2024.

²⁹¹ URCA, [New Electronic Communications Sector \(ECS\) Policy Published](#), December 12, 2024.

²⁹² 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, 2013, para. 16.

with disabilities in order to ensure a more even distribution of the benefits of ICTs, and to reduce the digital divide and provide digital opportunities for all persons.²⁹³

127. The Rapporteurship also took note of the publication of the new code of practice for content regulation for all licensed broadcasters in the country, with coverage now extended to their social networks. According to URCA, the revisions included enhanced guidelines to protect young audiences, address synthetic content generated by artificial intelligence, and promote inclusion through updated accessibility standards²⁹⁴. The regulator also notes that the revised code incorporated provisions on pre-election silence restrictions, as well as regulations related to gambling, alcohol and cannabis advertising²⁹⁵. These updates were reportedly informed by public consultations and stakeholder dialogues aimed at aligning with "the needs and values of the Bahamian public"²⁹⁶.

128. This Office reiterates that, as established in the standards of freedom of expression for free and inclusive broadcasting, the regulation that States can and should carry out in the area of broadcasting should be aimed at creating a framework in which the broadest, freest and most independent exercise of freedom of expression by the most diverse number of groups or individuals is possible, in such a way as to ensure at the same time that this power will not be used as a form of censorship and that diversity and plurality are guaranteed.²⁹⁷

129. Finally, the Rapporteurship recorded the launch of the National Cybersecurity Strategy (NCS). According to public reports, this strategy is based on five key pillars: strengthening governance frameworks, defining clear roles and responsibilities for cybersecurity management; increasing the Bahamas' response capacity to detect, prevent and manage cyber incidents; protecting critical infrastructure, including sectors such as banking, healthcare and utilities, from potential cyber attacks; educating businesses and citizens on best practices to protect their data; and improving law enforcement to combat cybercrime²⁹⁸. According to the State, the Bahamas National Computer Incident Response Team (CIRT-BS) has been designated as the primary authority responsible for implementing this strategy; its role includes coordinating responses to cyber attacks and providing real-time monitoring of these risks.²⁹⁹

130. This Office reiterates that, in order to avoid a broad concept that could lead to the criminalization of the use of the Internet, 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 nature³⁰⁰. Having said the above, and based on the standards of the report on "Freedom of Expression and the Internet", the Rapporteurship recalls that the response of the States in terms of security in cyberspace must be limited and proportionate, and seek to comply with precise legal purposes, which do not compromise the democratic virtues that characterize the network³⁰¹. It also recalls that the authorities must report and be accountable for the cybersecurity measures taken, both those directly implemented and those carried out by private intermediaries contracted by the State, if

63. ²⁹³ IACHR, [Standards for a Free, Open and Inclusive Internet](#), OEA/Ser.L/V/II. IACHR/RELE/INF.17/17, March 15, 2017, para.

²⁹⁴ URCA, [Code of Practice for Content Regulation \(Revised 2024\)](#), December 20, 2024.

²⁹⁵ URCA, [Code of Practice for Content Regulation \(Revised 2024\)](#), December 20, 2024.

²⁹⁶ URCA, [Code of Practice for Content Regulation \(Revised 2024\)](#), December 20, 2024.

²⁹⁷ 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. 12.

²⁹⁸ The Tribune, [Bahamas launches National Cyber Security strategic plan](#), December 18, 2024; Eyewitness News, [National cybersecurity strategy launched to strengthen digital infrastructure](#), December 18, 2024.

²⁹⁹ Eyewitness News, [National cybersecurity strategy launched to strengthen digital infrastructure](#), December 18, 2024; The Tribune, [Bahamas launches National Cyber Security strategic plan](#), December 18, 2024.

³⁰⁰ 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, 2013, para. 119.

³⁰¹ 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, 2013, para. 120.

applicable³⁰². Finally, the Office stresses that official programs and public policies on cybersecurity must have oversight and control mechanisms whose highest instance is a judge.³⁰³

³⁰² 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, 2013, para. 126.

³⁰³ 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, 2013, para. 128.

BARBADOS

131. In 2024, the Rapporteurship received reports highlighting the media's frequent access to press conferences and the regular publication of state communiqués on matters of public interest. It also recorded a significant increase in the production of investigative journalism, with special emphasis on its key role in the coverage of climate change, ensuring the dissemination of information in emergency situations. It also took note of new calls for the establishment of a law on access to information to facilitate journalistic work and accountability in the country. With regard to freedom of expression and the rule of law, the Rapporteurship followed the Cybercrime Bill's advancement through the legislative process and the public debate on its content and implications. During the 191st Ordinary Period of Sessions, the Commission highlighted its dialogue with State representatives and civil society, where it offered technical cooperation to help ensure that the bill respects human rights, including all dimensions of freedom of expression.

A. Journalism and democracy

132. In the first half of 2024, the Office of the Special Rapporteur learned of a new report that reviews the legislative framework on access to information in the English-speaking Caribbean, prepared and published by the Media Institute of the Caribbean (MIC). The report notes that at least three States in the region do not have such legislation, including Barbados³⁰⁴. Since 2019, the Rapporteurship has recorded the repeated requests of the Barbados Association of Journalists and Media Workers (BARJAM) for the drafting and implementation of an access to information law that conforms to current international standards³⁰⁵. In 2024, BARJAM argued that this legislation would serve as a complement to the Integrity in Public Life Bill (2023) and the proposed Integrity Commission³⁰⁶.

133. This Office recalls that, in accordance with the Inter-American legal framework, States are called upon to adapt their domestic legal system to international standards on access to information, ensuring they: (a) implement an adequate legal framework for such purposes; (b) remove the legal or administrative obstacles that hinder access to information; (c) promote the implementation of the right of access within all the entities and authorities that comprise it through the adoption and execution of standards, procedures, and training for authorities responsible for the custody, management, filing, and dissemination of information; and (d) in general terms, adopt a public policy favorable to the full exercise of this right.³⁰⁷

134. It also recalls that any legislation on the right of access to public information should be broad in scope, and that, in parallel, the State should be governed by the principles of maximum disclosure and good faith to ensure access to information at all levels of government and administration.³⁰⁸

135. In the second half of the year, the Rapporteurship received an analysis prepared by the MIC, in collaboration with the United Nations Development Programme (UNDP) and the United States Agency for International Development (USAID) on media coverage of youth involvement in crime, violence and human trafficking in the Eastern Caribbean³⁰⁹. According to the document, the media can play a key role in raising public awareness of the prevalence, causes and possible solutions to these social problems, so it is crucial that coverage is accurate, avoids sensationalism and does not perpetuate harmful misrepresentations and

³⁰⁴ Media Institute of the Caribbean, [Review of Legislative Framework of Freedom of Information and Access to Information Legislation in the English-speaking Caribbean](#), March 2024, page 10.

³⁰⁵ Barbados Today, [BARIAM calls for Freedom of Information legislation](#), May 3, 2019; Barbados Today, [BARIAM Statement to observe World Press Freedom Day 2024](#), May 3, 2024.

³⁰⁶ Barbados Today, [BARIAM Statement to observe World Press Freedom Day 2024](#), May 3, 2024.

³⁰⁷ IACHR. The right of access to information in the Inter-American legal framework. 2010. OEA/Ser.L/V/II. CIDH/RELE/INF. 1/09. Para. 43.

³⁰⁸ IACHR. Right to information and national security: Access to public interest information versus the national security exception. July 2020. OEA/Ser.L/V/II. IACHR/RELE/INF.24/20. Recommendation N° 1.

³⁰⁹ Media Institute of the Caribbean [@micinvestigates], (2024, October 16), MIC in collab with @UNDP Carisecure2.0 & @usaidescarib is pleased to deliver this groundbreaking report, A Media Analysis of the Coverage of Youth Involvement in Crime and Violence & Trafficking in Persons (June 2021 to June 2023) in the Eastern Caribbean, <https://x.com/micinvestigates/status/1846644621054824916>.

stereotypes³¹⁰. In the analysis corresponding to Barbados, it is noted that the national media provide mostly impartial coverage of the crimes in question, incorporate figures provided by the authorities, and address intervention, assistance and prevention actions³¹¹. It is also noted that the media are regularly invited to press conferences, that the State issues daily press releases, and that reports on juvenile crimes are presented in a way that protects the identity of the minors involved³¹². However, the study argues that the absence of an access to information law restricts the ability of journalists to obtain information that authorities fail to proactively disclose.³¹³

136. During World Press Freedom Day 2024, marked by UNESCO under the slogan “A press for the planet: journalism in the face of the environmental crisis”, the Rapporteurship recorded the official statement of BARJAM, which highlighted the vulnerability of journalists in Barbados in the face of climate change. According to the association, these professionals are on the front line to ensure the timely dissemination of information before and after any weather event, including natural disasters aggravated by climate change³¹⁴. BARJAM also argued that, although the quality of local climate crisis journalism has improved over time, there is growing concern that a reduction in the number of practicing journalists remaining in the island’s newsrooms could affect the ability to adequately investigate and cover these and other crucial issues³¹⁵. Per the association, this is due to mental health concerns, inconsistent contractual agreements and, in some cases, concerns about excessive workloads that are not commensurate with remuneration levels³¹⁶. In this regard, the Rapporteurship took note of BARJAM’s call to media owners and managers to “exercise greater sensitivity” towards the physical and mental health of journalists, especially at a time when the digital era imposes immediacy in the production and dissemination of news³¹⁷.

137. BARJAM also expressed concern over the temporary closure of the *Barbados Advocate*, the country’s oldest newspaper, due to legal disputes which, by May 2024, would have been eight months old³¹⁸. The association warned that this closure has created a “significant vacuum” in the country’s media ecosystem and urged that severance processes be expedited for the affected workers, who were forced to abandon their journalistic work and seek employment in other sectors³¹⁹.

138. Regarding investigative journalism in Barbados, the Office of the Special Rapporteur recorded one of the highest volumes of publications in a single year by the Caribbean Investigative Journalism Network (CIJN). At the end of May, this Office received an investigation that analyzes the health of the elderly in the country, pointing out that this population group is disproportionately affected by diseases related to climate change, such as dengue fever, respiratory infections, asthma and heat exhaustion³²⁰. The publication highlights the lack of specific data that would allow for strategic intervention and a comprehensive health policy, as well as the need for reforms to adapt the health system to the growing demands of an aging population, whose diseases are increasingly linked to climate change and worsened by this same phenomenon³²¹. In July, the Rapporteurship received an investigation into the decline in fish catches in Barbados and the challenges faced by local fishermen, including the damage caused by Hurricane Beryl, which resulted in the total destruction of fishing vessels, as well as the reduction in catches due to climate change and overfishing³²². Finally, in October,

³¹⁰ Media Institute of the Caribbean, UNDP & USAID, [A Media Analysis of the Coverage of Youth Involvement in Crime and Violence and Trafficking in Persons \(June 2021 to June 2023\) in the Eastern Caribbean](#), p. 1.

³¹¹ Media Institute of the Caribbean, UNDP & USAID, [A Media Analysis of the Coverage of Youth Involvement in Crime and Violence and Trafficking in Persons \(June 2021 to June 2023\) in the Eastern Caribbean](#), pp. 33-35.

³¹² Media Institute of the Caribbean, UNDP & USAID, [A Media Analysis of the Coverage of Youth Involvement in Crime and Violence and Trafficking in Persons \(June 2021 to June 2023\) in the Eastern Caribbean](#), p. 31.

³¹³ Media Institute of the Caribbean, UNDP & USAID, [A Media Analysis of the Coverage of Youth Involvement in Crime and Violence and Trafficking in Persons \(June 2021 to June 2023\) in the Eastern Caribbean](#), p. 31.

³¹⁴ Barbados Today, [BARJAM Statement to observe World Press Freedom Day 2024](#), May 3, 2024.

³¹⁵ Barbados Today, [BARJAM Statement to observe World Press Freedom Day 2024](#), May 3, 2024.

³¹⁶ Barbados Today, [BARJAM Statement to observe World Press Freedom Day 2024](#), May 3, 2024.

³¹⁷ Barbados Today, [BARJAM Statement to observe World Press Freedom Day 2024](#), May 3, 2024.

³¹⁸ Barbados Today, [BARJAM Statement to observe World Press Freedom Day 2024](#), May 3, 2024.

³¹⁹ Barbados Today, [BARJAM Statement to observe World Press Freedom Day 2024](#), May 3, 2024.

³²⁰ Caribbean Investigative Journalism Network, [Barbados' Forgotten Few](#), May 29, 2024.

³²¹ Caribbean Investigative Journalism Network, [Barbados' Forgotten Few](#), May 29, 2024.

³²² Caribbean Investigative Journalism Network, [Barbados - Heeding the Warnings](#), July 26, 2024.

the Rapporteurship received a comparative study of male suicide in Barbados, Guyana and Trinidad and Tobago, which analyzes the prevalence of this phenomenon and highlights the importance of accessible mental health services and the implementation of preventive measures³²³. The SRFOE welcomes efforts to promote investigative journalism in Barbados.

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

139. Over the course of the year, RELE closely followed the passage of the Cybercrime Bill and the public debate on its content and implications. In this regard, the IACHR and the SRFOE participated in a public hearing during the 191st Regular Session entitled “Impact of the Cybercrime Bill on Freedom of Expression, Religion and Conscience” on November 11, 2024.³²⁴

140. Through official State spokespersons, the Rapporteurship has documented in the last two years an increase in the number of cyberattacks directed at public entities. Among the most recent cases are the data leaks of the Barbados Revenue Authority (BRA), the Queen Elizabeth Hospital (QEH) and the Barbados Public Workers Cooperative Credit Union Limited (BPWCCUL)³²⁵. Similarly, the Rapporteurship has been informed in parallel about the adoption by the UN General Assembly of a new convention to prevent and combat cybercrime, the text of which was concluded by a majority of States in August 2024 and finally adopted four months later, in December 2024³²⁶.

141. In the wake of the aforementioned cyberattacks and ongoing international efforts to combat cybercrime, the Rapporteurship was informed of a growing interest on the part of the government of Barbados in strengthening the country’s cybersecurity, promoting initiatives such as training, investment and the development of new legislation. With respect to the latter, the Rapporteurship recorded the presentation of a draft law by the end of 2023 with the aim of combating cybercrime; protecting legitimate interests in the use and development of information technologies; and facilitating international cooperation in the area of cybercrime³²⁷.

142. As the Cybercrimes Bill progressed through the legislative process, the Rapporteurship noted that a group of civil society organizations, activists and media professionals advocated for amendments, arguing that certain provisions could affect fundamental rights, including freedom of expression³²⁸. It also learned that the Barbados Bar Association expressed concern about some of the bill’s provisions.³²⁹

143. In response to growing concerns about the legislation, this Office was informed that the government established a Joint Select Committee (JSC), charged with conducting a comprehensive analysis of the draft law and proposing amendments³³⁰. The JSC received 12 oral submissions and 48 written submissions, highlighting concerns about vague and overly broad definitions of offenses, excessive powers for law

³²³ Caribbean Investigative Journalism Network, [Ripple Effect: A Comparative Study of Male Suicide in Trinidad and Tobago, Barbados, and Guyana - Part I](#), October 17, 2024; Caribbean Investigative Journalism Network, [Ripple Effect: A Comparative Study of Male Suicide in Trinidad and Tobago, Barbados, and Guyana - Part II](#), October 17, 2024.

³²⁴ IACHR, Thematic Hearing, “[Impact of the Cybercrime Bill on Freedom of Expression, Religion and Conscience](#),” 191st Regular Session, Washington, District of Columbia, United States, November 11, 2024.

³²⁵ Caribbean Broadcasting Corporation, [QEH continues to experience a disruption of services](#), December 15, 2022; Barbados Today, [QEH departments being reconnected to internet after cyber attack](#), January 15, 2023; Barbados Today, [BPWCCUL averts massive breach by international hackers](#), November 22, 2023; Caribbean Broadcasting Corporation, [Credit union informs customers of data privacy breach](#), October 4, 2024; Barbados Revenue Authority, [BRA Actively Investigating Incident](#), October 1, 2024; Information Systems Security Association - Barbados Chapter, [BRA Information Security Incident Analysis](#), October 7, 2024.

³²⁶ United Nations Office on Drugs and Crime, [United Nations: Member States finalize a new cybercrime convention](#), 9 August 2024; United Nations Office on Drugs and Crime, [UN General Assembly adopts landmark convention on cybercrime](#), 24 December 2024.

³²⁷ The Barbados Parliament, [History of the Cybercrime Bill, 2024](#), December 1, 2023.

³²⁸ Barbados Today, [Expert says Cybercrime Bill not in touch with progressive jurisprudence](#), May 7, 2024; Joint Selection Committee, [Report on the Cybercrime Bill, 2024](#), July 12, 2024; Change.org, [Amend the Barbados Cybercrime Bill 2024 & Remove the risk of human rights violation](#), August 2024.

³²⁹ Barbados Today, [Bar urges changes to cybercrime bill, warning of court challenges](#), May 18, 2024; Joint Selection Committee, [Report on the Cybercrime Bill, 2024](#), July 12, 2024.

³³⁰ IACHR, Thematic Hearing, “[Impact of the Cybercrime Bill on Freedom of Expression, Religion and Conscience](#),” 191st Regular Session, Washington, District of Columbia, United States, November 11, 2024, information provided by the State.

enforcement authorities, and the severity of fines and penalties³³¹. However, following the publication of the JSC's final report and the submission of a new draft of the bill, civil society argued that fundamental issues remained unresolved³³².

144. The organizations requesting the thematic hearing with the IACHR and the SRFOE expressed concern about the alleged criminalization of defamation in the bill, emphasizing that Part II, Section 19(3) on "malicious communication" could be misused to silence criticism of elected officials and public figures, and potentially serve as a tool for political persecution³³³. As stated in the bill, a person who uses "a computer system to disseminate any image or words that are false and that cause or are likely to cause or subject a person to humiliation or injury, is guilty of an offence" could be subject to fines ranging from BDS\$70,000 to BDS\$100,000 and/or imprisonment for 7 to 10 years³³⁴.

145. The requesting organizations also expressed concern about the bill's treatment of cyberstalking in Part II, Section 20(1). This section states that "any person who intentionally uses a computer system to publish, broadcast or transmit offensive, pornographic, indecent, vulgar, profane, obscene or threatening data or causes such data to be sent for the purpose of causing danger, harm, humiliation, intimidation, hatred, anxiety or causing substantial emotional distress" could be subject to fines ranging from BDS\$70,000 to BDS\$100,000 and/or imprisonment for a period of 7 to 10 years³³⁵. The petitioning organizations asserted that the language of this section is too broad and subjective, which could expand the scope of cyberstalking to include any range of expressions in addition to objectively identifiable ones (e.g., threats against life, extortion)³³⁶. This expansion, they argue, could introduce subjectivity into the determination of what constitutes cyberbullying, leading to inconsistencies and challenges in application and interpretation³³⁷.

146. The submitting parties noted that sections 19 and 20 (Part II) of the Cybercrimes Bill, by incorporating possibly broad and vague terms (humiliation, intimidation, anxiety, emotional distress), could threaten the online expression of religious leaders, artists and Calypsonians³³⁸. They also noted that the bill may disproportionately criminalize underage persons, as at least one-third of global internet users are under the age of 18³³⁹. The fines and length of imprisonment are also considered excessively harsh compared to other similar laws in the country (e.g., the Defamation Act and its fine of 2,000 Barbadian dollars and up to 12 months' imprisonment for defamation convictions)³⁴⁰.

147. Finally, the representatives of civil society argued that the bill grants broad authority to law enforcement by allowing them to seize and access individuals' devices (including computers, tablets and phones), as well as compel access under threat of non-compliance charges, as enshrined in Part II 5 (1-3) and

³³¹ IACHR, "[Impact of the Cybercrime Bill on Freedom of Expression, Religion and Conscience](#)," November 11, 2024, information provided by the State.

³³² IACHR, "[Impact of the Cybercrime Bill on Freedom of Expression, Religion and Conscience](#)," November 11, 2024, information provided by the requesting parties.

³³³ IACHR, "[Impact of the Cybercrime Bill on Freedom of Expression, Religion and Conscience](#)," 191st Regular Session, November 11, 2024, information provided by the requesting parties.

³³⁴ IACHR, "[Impact of the Cybercrime Bill on Freedom of Expression, Religion and Conscience](#)," 191st Regular Session, November 11, 2024, information provided by the requesting parties.

³³⁵ IACHR, "[Impact of the Cybercrime Bill on Freedom of Expression, Religion and Conscience](#)," 191st Regular Session, November 11, 2024, information provided by the requesting parties.

³³⁶ IACHR, "[Impact of the Cybercrime Bill on Freedom of Expression, Religion and Conscience](#)," 191st Regular Session, November 11, 2024, information provided by the requesting parties.

³³⁷ IACHR, "[Impact of the Cybercrime Bill on Freedom of Expression, Religion and Conscience](#)," 191st Regular Session, November 11, 2024, information provided by the requesting parties.

³³⁸ IACHR, "[Impact of the Cybercrime Bill on Freedom of Expression, Religion and Conscience](#)," 191st Regular Session, November 11, 2024, information provided by the requesting parties.

³³⁹ IACHR, "[Impact of the Cybercrime Bill on Freedom of Expression, Religion and Conscience](#)," 191st Regular Session, November 11, 2024, information provided by the requesting parties.

³⁴⁰ IACHR, "[Impact of the Cybercrime Bill on Freedom of Expression, Religion and Conscience](#)," 191st Regular Session, November 11, 2024, information provided by the requesting parties.

Part III 23 (1-6). Therefore, they argued that these powers require independent and effective oversight to prevent abuses and protect human rights when collecting and storing data for criminal proceedings³⁴¹.

148. For its part, the State affirmed that it has held a broad national dialogue through public consultations to address concerns about the bill. It also noted that the legislation has not yet been enacted and remains under review in the Senate³⁴². The State also highlighted the role of the Joint Select Committee (JSC), which assessed the bill between February and August 2024 to make recommendations aimed at strengthening it. It further argued that, after incorporating some of these recommendations, the bill would continue to be compatible with international standards, such as the Budapest Convention, and with the framework of the Inter-American system, given that Article 13 of the American Convention on Human Rights allows for certain limitations to protect the rights or reputation of others, national security, public order, public health, public morals, and the freedoms of others³⁴³.

149. The Office of the Special Rapporteur appreciates the participation of all parties in the public hearing held in November 2024 and reiterates its willingness to extend technical cooperation.

150. In its most recent annual reports, the Special Rapporteur has called for ensuring that the concept of cybersecurity is limited to the protection of specific legal interests, such as infrastructure and information stored or managed over the internet, rather than criminalizing the technological means used to commit any type of crime³⁴⁴. It has also encouraged States to consider that any response to cyber threats should be limited and proportionate, targeting precise legal purposes without undermining the democratic values inherent to the internet and weighing security objectives against fundamental rights³⁴⁵.

151. The Rapporteurship emphasizes that, in accordance with Inter-American standards on the matter, governments should refrain from using criminal law as the main tool to address all potential online threats³⁴⁶. It also points out the importance of incorporating safeguards to avoid criminalizing legitimate Internet use, stressing that definitions must require real harm and specify a criminal intent³⁴⁷. Whatever the State's public policy, transparency and accountability must be provided³⁴⁸.

³⁴¹ IACHR, "[Impact of the Cybercrime Bill on Freedom of Expression, Religion and Conscience](#)," 191st Regular Session, November 11, 2024, information provided by the requesting parties.

³⁴² IACHR, "[Impacto del proyecto de ley de delitos cibernéticos en la libertad de expresión, religión y conciencia](#)", 191º Período Ordinario de Sesiones, November 11, 2024, information provided by the State.

³⁴³ IACHR, "[Impacto del proyecto de ley de delitos cibernéticos en la libertad de expresión, religión y conciencia](#)", 191º Período Ordinario de Sesiones, November 11, 2024, information provided by the State.

³⁴⁴ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Annual Report 2022](#), OEA/Ser.L/V/II Doc. 50, March 6, 2023, paras. 130-132.

³⁴⁵ IACHR, [Freedom of Expression and the Internet](#), OEA/Ser.L/V/II. IACHR/RELE/INF. 11/13, 2013, para. 119.

³⁴⁶ IACHR, [Freedom of Expression and the Internet](#), OEA/Ser.L/V/II. IACHR/RELE/INF. 11/13, 2013, para. 120.

³⁴⁷ IACHR, [Freedom of Expression and the Internet](#), OEA/Ser.L/V/II. IACHR/RELE/INF. 11/13, 2013, para. 123.

³⁴⁸ IACHR, [Freedom of Expression and the Internet](#), OEA/Ser.L/V/II. IACHR/RELE/INF. 11/13, 2013, para. 126.

BELIZE

152. In 2024, the Office of the Special Rapporteur has monitored various events related to freedom of expression and human rights in Belize, especially in the context of the state of emergency declared by the government. There have been threats of lawsuits against journalists and criticism from political sectors regarding the possible manipulation of crime statistics. In addition, the Rapporteurship has followed the progress of the Digital Inclusion Program, part of the National Digital Agenda 2022-2025, which seeks to facilitate access to the Internet. It has also warned about the use of "deepfakes" and the potential criminalization of the distribution of "lewd" content on social networks. Regarding the fight against discrimination, the creation of the National Commission for Women and recent judicial decisions aimed at protecting the territorial rights of Mayan communities are highlighted.

A. Journalism and democracy

153. In March, the Office of the Special Rapporteur was alerted to a threatened lawsuit against the media by the opposition leader of the United Democratic Party (UDP)³⁴⁹. The threat reportedly arose after a reporter asked the deputy about a criminal charge filed by a former member of the party, who claimed to have been fired and allegedly assaulted by the leader³⁵⁰. In response, the opposition leader described the information as "completely false" and warned that "anyone who publishes such falsehoods will be sued"³⁵¹. When the journalist insisted that his question granted him a right of reply, the deputy reaffirmed his position, exclaiming that "anyone who repeats [in voice] such defamatory material will also be sued"³⁵².

154. In the last week of August, in the context of a controversy over the purchase and sale of land by the State, the Rapporteurship learned of a possible stigmatizing statement by the commissioner in charge of this work. According to the information available, the official had urged the press to verify the data "before going out and talking nonsense", alleging that his good name was being denigrated on radio and television stations.³⁵³

155. This Office recognizes that while it is legitimate for politicians and public officials to make criticisms, corrections or objections to specific media reports, they must be careful 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.³⁵⁴

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

156. Since June 24, the Office of the Special Rapporteur has been monitoring the state of emergency declared by the government of Belize in response to the increase in crime in the country. According to the authorities, this measure restricts public meetings and assemblies, imposes curfews and grants the police powers to search homes without a warrant, as well as to detain suspects for a maximum of three months³⁵⁵.

³⁴⁹ 7 News Belize, [Shyne Threatens To Sue Media](#), March 22, 2024; Channel 5 Belize, [Yellowman Says He Was Fired For Speaking Against Party Leader](#), March 25, 2024.

³⁵⁰ Breaking Belize News, [Police investigating claims made by Yellowman against Opposition Leader](#), March 27, 2024; Channel 5 Belize, ['Yellowman' Withdraws Criminal Complaint against Shyne](#), April 5, 2024.

³⁵¹ 7 News Belize, [Shyne Threatens To Sue Media](#), March 22, 2024; Channel 5 Belize, [Yellowman Says He Was Fired For Speaking Against Party Leader](#), March 25, 2024.

³⁵² Channel 5 Belize, [Yellowman Says He Was Fired for Speaking Against Party Leader](#), March 25, 2024; Breaking Belize News, [Police investigating claims made by Yellowman against Opposition Leader](#), March 27, 2024.

³⁵³ Channel 5 Belize, [Land Commissioner Defends Himself Against Public Criticism](#), August 26, 2024; Love FM, [Lands Commissioner Clarifies Valuation in Controversial Land Purchase](#), August 27, 2024.

³⁵⁴ OAS, UN, OSCE, ACHPR, [Joint Declaration on Media Independence and Diversity in the Digital Age](#), 2018.

³⁵⁵ Breaking Belize News, [Current State of Emergency to run for 90 days: to be approved in National Assembly on Friday](#), June 27, 2024; The Guardian, [Belize crackdown on gang-related killings leads to dozens of arrests](#), June 30, 2024.

Available information indicates that the state of emergency, initially decreed for 30 days, was reportedly extended for an additional 60 days at the end of July, effective until September 24.³⁵⁶

157. With respect to the state of emergency, the Rapporteurship has received reports indicating that sectors of the opposition have accused the Police Commissioner of a "deliberate manipulation of crime statistics", allegedly with the purpose of deceiving the public about the necessity and effectiveness of the measure³⁵⁷. For his part, the commissioner reportedly assured that the information disseminated by the opposition was "false" and warned that "we cannot allow [the opposition] to deceive the Belizean people"³⁵⁸.

158. As in previous months, this Office has been informed of peaceful demonstrations, especially by unions to demand better working conditions and salaries. For example, in September, it recorded a mobilization of teachers demanding an increase in their salaries following the rise in inflation in the country.³⁵⁹

159. In early September, this Office became aware of legal proceedings against an opposition MP for "aggravated assault," an offense under the new *Summary Jurisdiction (Offences) Act*³⁶⁰. This law, in force since April 2024, stipulates that anyone who uses "threatening, abusive, obscene or insulting words or conduct in public or private," especially if "directed at a public official," could receive a penalty of up to three years' imprisonment³⁶¹.

160. According to local media, an opposition parliamentarian reportedly approached an official of the elections department to question her about her alleged links to a government minister and possible irregularities in an electoral district³⁶². In response, the official allegedly threatened the parliamentarian with a lawsuit, which caused him to "insult" her³⁶³. The legal process reportedly began after a formal complaint was filed with the police. For its part, the UDP party issued a statement describing the process as "unfounded" and "vindictive", and affirmed that the accusation of "aggravated aggression" would constitute a violation of the freedom of expression of political opponents.³⁶⁴

161. In mid-September 2024, this Office learned that the Association of Defense Lawyers, the first law firm in the country dedicated to the strategic litigation of human rights violations, was legally registered.³⁶⁵

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

162. In February 2024, RELE took note of the establishment of the National Women's Commission. The Rapporteurship learned that the Commission would aim to promote awareness of national gender policy and advocate for the fulfillment of Belize's goal of eliminating all forms of discrimination against women³⁶⁶.

³⁵⁶ Breaking Belize News, [Senate endorses extension of state of emergency in Belize City and east-central Cayo amid wider crime discussion](#), July 23, 2024; Love FM, [No Decision Yet on Extension of State of Emergency, Says Police Commissioner](#), September 19, 2024.

³⁵⁷ Channel 5 Belize, [UDP: 'Police Figures Appear to Have Been Compromised'](#), September 20, 2024; Breaking Belize News, [UDP accuses Commissioner of Police of "manipulating crime data"](#), September 23, 2024.

³⁵⁸ Channel 5 Belize, [UDP: 'Police Figures Appear to Have Been Compromised'](#), September 20, 2024; Breaking Belize News, [UDP accuses Commissioner of Police of "manipulating crime data"](#), September 23, 2024.

³⁵⁹ Breaking Belize News, [Teachers in Stann Creek hold silent protest over wages during Belize Independence Day Celebrations](#), September 22, 2024; Channel 5 Belize, [Teachers Protest for Fair Wages on Independence Day](#), September 22, 2024.

³⁶⁰ Love FM, [UDP Deputy Chairman Alberto August to Face Court on Aggravated Assault Charge](#), September 6, 2024; Channel 5 Belize, [UDP: Assault Charges Against Deputy Chairman are "Baseless, Vindictive, and Malicious."](#) September 6, 2024.

³⁶¹ Breaking Belize News, [UDP expresses support to Deputy chairman in light of "aggravated assault" charges](#), September 6, 2024; 7 News Belize, [UDP Deputy Chair For Agg. Assault](#), September 6, 2024.

³⁶² Channel 5 Belize, [UDP: Assault Charges Against Deputy Chairman are "Baseless, Vindictive, and Malicious."](#) September 6, 2024; Breaking Belize News, [UDP expresses support to Deputy chairman in light of "aggravated assault" charges](#), September 6, 2024.

³⁶³ 7 News Belize, [UDP Deputy Chair For Agg. Assault](#), September 6, 2024; Love FM, [UDP Deputy Chairman Alberto August to Face Court on Aggravated Assault Charge](#), September 6, 2024.

³⁶⁴ Love FM, [UDP Deputy Chairman Alberto August to Face Court on Aggravated Assault Charge](#), September 6, 2024; Channel 5 Belize, [UDP: Assault Charges Against Deputy Chairman are "Baseless, Vindictive, and Malicious."](#) September 6, 2024.

³⁶⁵ Love FM, [Association of Defence Attorneys Becomes Official, Elects First Executive Committee](#), September 18, 2024.

³⁶⁶ Channel 5 Belize, [Senate Debates Legislation That Legitimized National Women's Commission](#), February 9, 2024; Love FM, [National Women's Commission Aims to Combat Child Marriage with Revised Policy](#), April 4, 2024.

The Rapporteurship welcomes this effort as it has 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 targeted for exercising freedom of expression and because of their gender.³⁶⁷

163. In April, this Office learned of reports on the status of a consent order issued by the Caribbean Court of Justice. The order, with a deadline of April 2025, would require the government of Belize to establish a mechanism to recognize and protect the land rights of Mayan communities, who for decades have struggled for recognition of their "ownership"³⁶⁸. The most recent reports indicate that the government would seek to justify failure to meet the implementation deadline by attributing "instigation, inflammatory language and misinformation" to the indigenous communities.³⁶⁹

D. Freedom of expression and the Internet

164. In February, the Special Rapporteur was informed about the inauguration of a new digital connectivity center in Fort George, which would be part of the Digital Inclusion Program within the National Digital Agenda for Belize 2022-2025³⁷⁰. The project would be supported by the Ministry of Public Utilities, Energy, Logistics and e-Government (MPUELE) and other entities such as the Belize City Council and the Embassy of the Republic of China (Taiwan). This center would be the twelfth in the country and would aim to provide free access to computers, internet and digital skills training to more than 2,000 residents of the area.³⁷¹

165. At the end of August, the Rapporteurship was informed of the successful completion of the first phase of the Digital Inclusion Program led by the MPUELE with the support of the United Nations Development Programme (UNDP) and the International Cooperation and Development Fund of the Republic of Taiwan (ICDF)³⁷². The program, documented by RELE in its latest annual report, would aim to empower marginalized communities through access to technology and digital literacy³⁷³. In its first phase, 14 "digital connection centers" would have been installed, equipped with computers and high-speed internet, allowing citizens to access government services online and receive training in digital skills³⁷⁴. According to available information, the second phase of the program would focus on digital literacy for the elderly.³⁷⁵

166. This Office emphasizes that actions should be taken to promote, in a progressive manner, 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 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 discrimination³⁷⁶. It also stresses that it is the duty of the authorities to promote educational

³⁶⁷ IACHR, Women Journalists and Freedom of Expression. October 2018. OEA/Ser.L/V/II, IACHR/RELE/INF.20/18. Para. 3.

³⁶⁸ Caribbean Loop News, [A look back at three landmark CCI rulings](#), April 16, 2020; Cultural Survival, [Belize Must Obtain Maya Peoples' Free, Prior and Informed Consent in Drafting the Maya Customary Land Policy](#), February 2, 2024.

³⁶⁹ Cultural Survival, [Belize Must Obtain Maya Peoples' Free, Prior and Informed Consent in Drafting the Maya Customary Land Policy](#), February 2, 2024; Amandala, [Ministry commits to village consultations on Maya land policy](#), February 11, 2024.

³⁷⁰ FM, [Digital Connect Center Inaugurated in Fort George: Taiwanese Aid Bolsters Technology Access](#), February 12, 2024; Amandala, [Fort George Digital Connect Center inaugurated](#), February 18, 2024.

³⁷¹ FM, [Digital Connect Center Inaugurated in Fort George: Taiwanese Aid Bolsters Technology Access](#), February 12, 2024; Amandala, [Fort George Digital Connect Center inaugurated](#), February 18, 2024.

³⁷² Channel 5 Belize, [Belize Launches Network of Digital Connect Centers](#), August 20, 2024; Amandala, [Phase 1 of Digital Inclusion Program completed](#), August 25, 2024.

³⁷³ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Annual Report 2023](#), OEA/Ser.L/V/II Doc. 386, December 6, 2023, para. 237.

³⁷⁴ Breaking Belize News, [Ministry of E-Governance celebrates completion of Digital Inclusion Programme Phase One](#), August 10, 2024; Channel 5 Belize, [Belize Launches Network of Digital Connect Centers](#), August 20, 2024.

³⁷⁵ Channel 5 Belize, [Belize Launches Network of Digital Connect Centers](#), August 20, 2024; Amandala, [Phase 1 of Digital Inclusion Program completed](#), August 25, 2024.

³⁷⁶ 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, 2013, para. 15.

measures aimed at fostering the ability of all persons to make autonomous, independent and responsible use of the Internet and digital technologies.³⁷⁷

167. On the other hand, the Special Rapporteurship learned of statements by the Minister of Police, who reportedly assured that sharing and publishing photographs and videos "of a lewd and indecent nature" would constitute a criminal offense punishable by up to five years in prison under the Cybercrime Act of 2020³⁷⁸. These statements were reportedly made after allegedly "explicit" videos went viral on social networks.³⁷⁹

168. During the monitoring period, this Office was alerted about what would be the first appearance of "deepfakes" generated with artificial intelligence in Belize. In a video verified as fake, the Minister of Health reportedly issued statements that, according to local media, could have endangered public health in the country.³⁸⁰

169. The Rapporteurship considers that it is essential that the authorities address the problem of misinformation through awareness-raising, education and training campaigns. These should be focused on providing citizens with tools to distinguish true information from false information, to become aware of their own participation in the process of replicating information, and to warn about the impoverishment of public debate that disinformation generates.³⁸¹

170. While the proliferation of disinformation is of concern, the Rapporteurship recalls that state responses to this phenomenon should be concerned with not affecting the integrity of the computer systems on which the Internet operates and the communications that are channeled through the network.³⁸²

³⁷⁷ 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, 2013, para. 48.

³⁷⁸ 7 News Belize, [Explicit Videos Go Viral. Perpetrators Could Be Charged](#), July 1, 2024; Channel 5 Belize, [Social Media Users Warned Against Sharing Lewd Content](#), July 1, 2024.

³⁷⁹ Channel 5 Belize, [Social Media Users Warned Against Sharing Lewd Content](#), July 1, 2024; 7 News Belize, [Explicit Videos Go Viral. Perpetrators Could Be Charged](#), July 1, 2024.

³⁸⁰ Love FM, [Belize Battles Rising Cybercrime with Advanced AI Amidst Misinformation Concerns](#), July 17, 2024.

³⁸¹ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Guide to Guarantee Freedom of Expression in the Face of Deliberate Disinformation in Electoral Contexts](#), OEA/Ser.D/XV.22, 2019, p. 39.

³⁸² IACHR, Office of the Special Rapporteur for Freedom of Expression, [Guide to Guarantee Freedom of Expression in the Face of Deliberate Disinformation in Electoral Contexts](#), OEA/Ser.D/XV.22, 2019, pp. 27- 28.

BOLIVIA

171. In 2024, the Office of the Special Rapporteur received reports that reflect a worrisome panorama for the exercise of freedom of the press and the right to protest in Bolivia. In the context of various demonstrations, aggressions against demonstrators and journalists covering these events of public interest were documented, which constitutes a limitation on access to information and the exercise of the right to freedom of expression. In addition, the Rapporteurship was alerted to economic difficulties that affect the sustainability of the media, restricting their ability to operate. In addition to this, there is the prevalence of stigmatizing discourse by public authorities, which seeks to discredit and harass journalists and critical media, along with the activation of judicial mechanisms aimed at intimidating and silencing these voices.

A. Journalism and democracy

172. The National Press Association (ANP) demanded respect for the presumption of innocence and due process for journalist Juan Orellana³⁸³, of *Radio Fides Potosí*, who denounced being the victim of a trap to frame him for extortion in retaliation for investigating alleged cases of corruption in the Departmental Government. According to Orellana, he was arrested on December 9 by the Department of Criminal Analysis and Intelligence (DACI) and remained 28 hours in police custody before being charged by the Prosecutor's Office.

173. The Office of the Special Rapporteur was also informed of reports on the activation of judicial mechanisms against journalist Carmen Torrez Zambrana³⁸⁴, by an official of the Government of Oruro. In particular, the reports observed by the Office indicate that the lawsuit was filed by an official of the Governor's Office of Oruro, alleging constitutional protection of her privacy. In this regard, Bolivian civil society organizations stated that the action violates Torrez's freedom of expression and communication, in addition to being a threat to journalism in the country.

174. In another case, the National Association of Journalists of Bolivia (ANPB) and its departmental associations expressed their concern about the indictment against Édgar Villegas³⁸⁵, accused of public incitement to commit a crime for presenting information in 2019 about possible irregularities in the electoral process of that year. Villegas described the process as political persecution.

175. In addition, according to public information, Damián Condori, Governor of the department of Chuquisaca, initiated criminal actions for alleged defamation against two digital portals, *Chuquisaca Digital Multimedia* and *Red del Sur*, following publications in which he was accused of consuming alcohol in an official vehicle. The governor denied the accusations and described the publications as "denigrating"³⁸⁶.

176. The Office of the Special Rapporteur notes that reports on the use of judicial mechanisms against journalists for allegedly intimidating or silencing purposes are not a new phenomenon in the country. This is reflected in the report "Social Cohesion: The Challenge for the Consolidation of Democracy in Bolivia," published by the Inter-American Commission in 2024, which documents several cases of judicialization against journalists who address issues of public interest.³⁸⁷

³⁸³ El Potosí, [Journalist Juan Orellana, from Radio Fides, was apprehended this morning](#), 9 December 2024; Radio Fides, [Detienen a Juan Orellana, periodista que investigaba presunta corrupción en el Sedede Potosí](#), 9 December 2024.

³⁸⁴ Asociación Nacional de Periodistas de Bolivia (ANPB), [Organizaciones rechazan proceso ordinario contra una periodista](#), December 8, 2024; Erbol, [Asociaciones de periodistas rechazan proceso judicial contra su colega en Oruro](#), December 5, 2024.

³⁸⁵ Los Tiempos, [Asociaciones de periodistas consideran que imputación a Villegas amenaza el derecho a la información](#), 2 April 2024; Correo del Sur, [Asociaciones de periodistas consideran que la imputación a Villegas amenaza el derecho a la información](#), 2 April 2024; El Diario, [Periodistas ratifican defensa de la libertad de expresión](#), 3 April 2024.

³⁸⁶ ANPB, [Gobernador de Chuquisaca anuncia demanda penal por calumnia contra dos páginas informativas](#), 4 April 2024; Opinión, [Gobernador de Chuquisaca anuncia demanda penal por calumnia contra dos páginas informativas](#), 4 April 2024.

³⁸⁷ IACHR, [Report Social Cohesion: The Challenge for the Consolidation of Democracy in Bolivia](#), OEA/Ser.L/V/II., Doc.1/24, January 20, 2024, paras. 323-330.

177. On the other hand, the Rapporteurship learned of reports of restrictions on freedom of expression in Bolivia, including economic penalties and attacks against media outlets. For example, *FMBolivia* reportedly suspended its broadcasts after receiving sanctions from the Telecommunications and Transport Regulation and Inspection Authority (ATT), which accused several private radio stations in the Yungas of operating an "illegal communication system".³⁸⁸

178. The State, for its part, in information sent to the Office of the Special Rapporteur for the preparation of the 2024 Annual Report, indicated that the country, "since the return to democracy, the government of President Luis Alberto Arce Catacora, has 58 radios in operation nationwide"³⁸⁹.

179. The organization *Voces del Sur* warned that the discretionary use of advertising as a mechanism of economic asphyxiation constitutes an act of censorship. In its Informe Sombra 2023³⁹⁰, the organization reported 119 aggressions against journalists and denounced the lack of support for a diverse media ecosystem. In addition, the National Association of Journalists of Bolivia warned about the "bad times" that the print media are going through, affected by economic restrictions and lack of guarantees to operate.

180. For its part, the information sent by the State to the Office of the Special Rapporteur indicates that the Ministry of the Presidency, through the Vice-Ministry of Communication³⁹¹, contracts broadcasting services to all media that submit a proposal and the respective quotation, promoting the democratization of information, ensuring that government management and current affairs reach the greatest number of inhabitants of the Plurinational State of Bolivia, in accordance with the availability of resources and in strict compliance with the provisions of Supreme Decree No. 081 NB-SABS, June 2009 and its amendment, and in strict compliance with the provisions of Supreme Decree No. 081 NB-SABS, June 2009 and its amendment. 081 NB-SABS, of June 28, 2009, as amended.

181. During 2024, the Office of the Special Rapporteur documented an increase in attacks against journalists in Bolivia, particularly in the context of the demonstrations that began on September 17. According to reports from civil society organizations, at least 20 cases of aggressions were registered at during the first weeks of the protests, including physical attacks, destruction of equipment, threats and restrictions on news coverage.³⁹²

182. Likewise, the Office of the Special Rapporteur learned that journalists from *Red Uno*, such as Rómer Castedo and his cameraman Ricardo Pedraza, were attacked while covering confrontations on the old highway to Cochabamba. In these events, it was learned that the press workers received threats against their lives.³⁹³

³⁸⁸ Correo del Sur, [FMBolivia, which suspended its broadcasts, protests against ATT sanction](#), February 13, 2024; DPL News, [ATT: FM Bolivia is one of 233 radio stations sanctioned for operating outside technical parameters](#), February 12, 2024.

³⁸⁹ Information sent by the State of Bolivia in response to RELE's request for information in the framework of the preparation of the Annual Report, Note No. OI.US.-Cs-293/24, HR58332.24 from the Permanent Mission of Bolivia to the OAS, October 23, 2024, File of the Office of the Special Rapporteur for Freedom of Expression.

³⁹⁰ El Diario, [Voces del Sur denuncia 119 agresiones al trabajo de periodistas bolivianos](#), May 6, 2024; Swissinfo.ch, [La mala hora de los medios impresos en Bolivia](#), Sept. 11, 2024

³⁹¹ Information sent by the State of Bolivia in response to RELE's request for information in the framework of the preparation of the Annual Report, Note No. OI.US.-Cs-293/24, HR58332.24 from the Permanent Mission of Bolivia to the OAS, October 23, 2024, File of the Office of the Special Rapporteur for Freedom of Expression

³⁹² Reporters Without Borders (RSF), [Bolivia: RSF denounces violent attacks on at least 25 journalists covering mass protests](#), Nov. 8, 2024; Infobae, [After attacks on journalists during Evo Morales march, union demands respect for press](#), Sept. 20, 2024; Swissinfo.ch, [IACHR expresses concern over attacks on press during blockades in Bolivia](#), Nov. 3, 2024; Visión 360, [2 journalists and a cameraman were taken hostage in Mairana, under threat of being "burned alive."](#) Oct. 29, 2024.

³⁹³ LatAm Journalism Review, [Periodistas son retenidos y amenazados durante cuatro horas en Mairana, Bolivia](#), November 1, 2024; Agencia de Noticias Fides, [Periodistas vivieron momentos de terror en bloqueo evista: "prensa vendida, no informan bien, hay que quemarlos"](#), October 29, 2024.

183. Likewise, in the Cochabamba region, the Office of the Special Rapporteur learned that armed blockaders forced journalists to throw themselves to the ground, according to reports from the ANPB, which also indicate that journalist Jurgen Guzmán was threatened with being hanged by the demonstrators .³⁹⁴

184. In response to these events, the Office of the Special Rapporteur took note of and recorded the statements of the Ombudsman's Office, which condemned these attacks and urged the State to guarantee the full exercise of freedom of expression and journalistic work in a context of growing polarization .³⁹⁵

185. The Rapporteurship recalls, as detailed in the IACHR report "Social Cohesion: The Challenge for the Consolidation of Democracy in Bolivia", that violence against the press in Bolivia, although rarely lethal, is characterized by physical and verbal aggression, harassment, threats, theft of equipment, abuse of force, and attacks against media headquarters, often encouraged by stigmatizing speeches of public leaders .³⁹⁶

186. On the other hand, the Office of the Special Rapporteur learned of allegations of improper use of the judicial system to intimidate journalists and the media. For example, according to public information, journalists' associations and various sectors prevented Ximena Galarza, a television journalist, from being summoned as a witness in a defamation case related to a former Minister of Justice .³⁹⁷

187. In this regard, as stated in the joint declaration on "Freedom of the Media and Democracy" of 2023, judicial harassment can constitute a violation of freedom of expression, as it seeks to censor communicators who report on matters of public interest. Therefore, in this declaration, it was recommended that States "take measures to protect journalists and the media from strategic lawsuits against public participation and the misuse of criminal law and the judicial system to attack and silence the media, including through the adoption of laws and policies that prevent and/or mitigate such cases and provide support to victims"³⁹⁸ .

188. On the other hand, the *Unitel* television channel³⁹⁹ denounced a computer attack that interrupted its news service on August 16, which would reflect another type of aggression against the practice of journalism in Bolivia.

189. In addition, the Rapporteurship documented threats and individual attacks against journalists, as in the case of Guider Arancibia, investigative reporter for the newspaper *El Deber*, who was allegedly threatened by Carlos Guido Rondón Escobar, an aspirant to the Supreme Court of Justice, amid allegations of gender-based violence. According to public reports observed by the Office of the Special Rapporteur, Rondón reportedly stated that, "[n]o me lo traigan, lo voy a reventar"⁴⁰⁰ .

³⁹⁴ Committee to Protect Journalists (CPJ), [Protesters threaten to hang journalist Jurgen Guzman in Bolivia](#), Nov. 8, 2024; ANPB, [Attempted to hang Unitel journalist at blockade point](#), Nov. 4, 2024; Opinion, [Attempted to hang Unitel journalist at blockade point](#), Nov. 4, 2024.

³⁹⁵ Defensoría del Pueblo de Bolivia, [Defensoría del Pueblo condena agresiones a trabajadores de la prensa y rechaza afectación al derecho a la libertad de expresión](#), September 19, 2024; Correo del Sur, [Defensoría condena ataques a trabajadores de la prensa durante marcha 'evista'](#), September 20, 2024.

³⁹⁶ IACHR, [Report Social Cohesion: The Challenge for the Consolidation of Democracy in Bolivia](#), OEA/Ser.L/V/II., Doc.1/24, January 20, 2024, paras. 308- 322.

³⁹⁷ ANPB, [Protests prevent journalist from testifying as a witness before the Attorney General's Office](#), May 2, 2024; Fides News Agency, [Fiscalía "deja sin efecto" la citación a la periodista Ximena Galarza](#), May 2, 2024

³⁹⁸ UN, OSCE, OAS, ACHPR, [Joint Declaration on Media Freedom and Democracy](#), May 2, 2023.

³⁹⁹ Unitel, [A nuestra audiencia: Unitel.bo sufrió un ataque informático](#), 16 August 2024; El Diario, [En tres días, el Senado y un canal de TV sufren hackeo de sitios web](#), 19 August 2024.

⁴⁰⁰ Asociación Nacional de Periodistas de Bolivia (ANPB), [Periodista del diario El Deber denuncia amenaza a su vida](#), December 4, 2024; Agencia de Noticias Fides, [Candidato a Magistrado del TSJ amenaza a periodista: "No me lo traigan, a él lo voy a reventar"](#), June 19, 2024; Cabildeo Digital, [2024: Periodistas bajo amenaza, agresión e impunidad](#), January 3, 2025.

190. Likewise, the 10-hour detention of comedian Raúl Cuenca, following a parody of the Bolivian police, was denounced by the ANP as a violation of human rights. Although Cuenca was released and no legal proceedings were opened, his detention was seen as an act of intimidation against freedom of expression.⁴⁰¹

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

191. After the attempted coup denounced by the Bolivian government, there were demonstrations and events relevant to freedom of expression. The Office of the Special Rapporteur received reports of at least nine people injured by bullets and people affected by tear gas in the events linked to this attempted seizure of power.⁴⁰²

192. In January 2024, mobilizations were reported that included the closing of highways in the departments of Cochabamba, Potosí and Santa Cruz. In this context, there were clashes between civilians and police officers, which left at least 32 officers injured and, according to reports, two people died due to the impossibility of mobilizing because of the blockades⁴⁰³. On February 2, the IACHR and its Office of the Special Rapporteur issued a press release urging the Bolivian State to take effective measures to promote dialogue and reduce political polarization in the country.⁴⁰⁴

193. The Rapporteurship recalls recommendation No. 27 of the IACHR report "Social Cohesion: The Challenge for the Consolidation of Democracy in Bolivia", which recommends that the State "[d]esign and implement a protocol on the management of social protest from the perspective of dialogue, involving the highest authorities of the State, and highlighting the duty of public officials and people with leadership, to refrain from stigmatizing a protest or the people who participate in it"⁴⁰⁵.

194. On the other hand, the National Association of Journalists of Bolivia highlighted the approval of the Access to Public Information Bill⁴⁰⁶ in the Senate. The document establishes that the norm will apply to all public institutions, as well as to entities of State bodies, subnational and indigenous governments, public universities, social security and any person that receives, administers or generates public resources or services.

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

195. On the occasion of the commemoration of the International Day against Discrimination based on Sexual Orientation, Identity and Gender Expression, the Office of the Special Rapporteur documented that activities and statements were made in favor of this population in the country.⁴⁰⁷

⁴⁰¹ Correo del Sur, [Arresto a humorista vulneró convenciones internacionales, la Constitución y una ley](#), 20 May 2024; Los Tiempos, [Humorista Raúl Cuenca es liberado y Del Castillo promete acciones internas en la Policía](#), 17 May 2024; Visión 360, [Análisis de ANP concluye que detención de comediante vulneró convenciones, la CPE y dos leyes](#), 21 May 2024; Red Uno, ["He sufrido un atropello, mellaron mi dignidad", dijo el comediante Raúl Cuenca](#), 20 May 2024.

⁴⁰² Yahoo News, [Bolivia's failed coup leaves at least nine people injured](#), June 27, 2024; Ahora El Pueblo, [Health records at least 14 injured in country's failed coup](#), June 30, 2024.

⁴⁰³ La Nación, [Dos muertos y 11 policías heridos tras cuatro de días de protesta pro-Morales en Bolivia](#), 25 January 2024; Infobae, [Dos personas murieron en Bolivia por los bloqueos de los seguidores de Evo Morales en distintas carreteras del país](#), 25 January 2024.

⁴⁰⁴ IACHR, Press Release No. 282/24, [Bolivia: Ante creciente conflictividad, CIDH alerta sobre impactos en derechos humanos y llama a priorizar el diálogo](#), November 8, 2024; Infobae, [La CIDH expresó su preocupación por la situación en Bolivia y pidió a las partes entablar un diálogo abierto y plural](#), November 3, 2024; Red Uno, [CIDH insta al diálogo y respeto a derechos humanos en medio de protestas](#), November 2, 2024.

⁴⁰⁵ IACHR, [Report Social Cohesion: The Challenge for the Consolidation of Democracy in Bolivia](#), OEA/Ser.L/V/II., Doc.1/24, January 20, 2024, p. 211.

⁴⁰⁶ Opinión, [Senado aprueba proyecto de Ley de Acceso a la Información Pública](#), October 23, 2024; Agencia de Noticias Fides, [El Senado aprueba proyecto de ley de acceso a la información pública y pasa a la Cámara de Diputados](#), October 23, 2024; ANPB, [La ANP destaca aprobación de la Ley de Acceso a la Información en el Senado](#), October 23, 2024.

⁴⁰⁷ Opinion, [En el Día contra la Discriminación Sexual, la comunidad LGBT exige inclusión y respeto](#), 17 de mayo de 2024; Defensoría del Pueblo, [Defensoría del Pueblo convoca a las autoridades nacionales, departamentales y municipales a garantizar el ejercicio pleno de los derechos de las personas LGBTI](#), 17 de mayo de 2024.

196. Likewise, the Rapporteurship learned of the call from the Ombudsman's Office regarding compliance with Law 045 against racism and all forms of discrimination, in which it states that it recognizes the progress made by the State; however, "given the persistence of these negative behaviors, the State is urged to adjust public policies for compliance" with the law⁴⁰⁸. Through a press release, the Ombudsman's Office reported on the activation of the Ombudsman's Observatory on Racism and Discrimination and urged the media to continue disseminating and promoting messages against racism and all forms of discrimination⁴⁰⁹.

197. For its part, the State informed the Office of the Special Rapporteur that the Ministry of the Presidency, through the Vice-Ministry of Communication, disseminated communication policies, campaigns and media coverage that disseminate information to girls and adolescents, adult women and elderly women "of their rights in relation to attention to violence, as well as informative material that informs and promotes the exercise of rights to vulnerable sectors"⁴¹⁰.

D. Freedom of expression and the Internet

198. The Office of the Special Rapporteur observed reports indicating that internet coverage in the country is 91%. Likewise, the Office monitored reports that indicate that 91% of connections are through mobile devices and 56% through fixed connections.⁴¹¹

199. The Special Rapporteurship was also informed of the draft Law No. 342, which aims to prevent, address and punish online digital violence. Also, according to the Office's monitoring, in July 2024, a socialization presentation was made at the facilities of the Vice Presidency of the Plurinational State.⁴¹²

200. Finally, the Office learned of the initiative carried out by the organizations *La Paz Bus* and *Child Fund Bolivia*, called "Rutas Seguras, Conexiones Seguras" (Safe Routes, Safe Connections). This agreement aims to promote the protection of children and adolescents from digital violence.⁴¹³

201. In this regard, in the information sent by the State for the preparation of the 2024 Annual Report, it was indicated that "the Vice Ministry of Communication disseminated informative material on the "Gender Gap Reduction Program", which benefited a total of 2,160 (two thousand one hundred and sixty) girls and adolescents who were trained in different learning and participation spaces in the field of technology"⁴¹⁴.

⁴⁰⁸ Ombudsman's Office, Defensoría del Pueblo, [Defensoría del Pueblo insta al Estado a ajustar políticas públicas para el cumplimiento pleno de la Ley 045 contra el racismo y toda forma de discriminación](#), 24 May 2024; Swissinfo.ch, [La Defensoría del Pueblo alerta que el racismo persiste en Bolivia pese a avances legales](#), 24 May 2024.

⁴⁰⁹ Ombudsman's Office, Defensoría del Pueblo, [Defensoría del Pueblo insta al Estado a ajustar políticas públicas para el cumplimiento pleno de la Ley 045 contra el racismo y toda forma de discriminación](#), 24 May 2024; Swissinfo.ch, [La Defensoría del Pueblo alerta que el racismo persiste en Bolivia pese a avances legales](#), 24 May 2024.

⁴¹⁰ Information sent by the State of Bolivia in response to RELE's request for information in the framework of the preparation of the Annual Report, Note No. OI.US.-Cs-293/24, HR58332.24 from the Permanent Mission of Bolivia to the OAS, October 23, 2024, File of the Office of the Special Rapporteur for Freedom of Expression.

⁴¹¹ Red Uno, [Las conexiones de internet se incrementaron en 2.64 % en Bolivia entre 2022 y 2023](#), 17 May 2024; Autoridad de Regulación y Fiscalización de Telecomunicaciones y Transporte (ATT), [Estado de situación de las telecomunicaciones en Bolivia](#), 14 August 2024.

⁴¹² Diputados, [La Paz: Comisión de Derechos Humanos socializa proyecto de Ley N°342](#), July 4, 2024; Fundación InternetBolivia.org and Derechos Digitales, [Examen periódico Universal cuarto ciclo](#), 2024.

⁴¹³ Estamosvivos.com, ['Safe routes, safe connections', the campaign that seeks protected Internet surfing](#), December 11, 2024; Municipal News Agency, ["Safe routes, safe connections", the campaign that seeks protected Internet surfing](#), December 10, 2024.

⁴¹⁴ Information sent by the State of Bolivia in response to RELE's request for information in the framework of the preparation of the Annual Report, Note No. OI.US.-Cs-293/24, HR58332.24 from the Permanent Mission of Bolivia to the OAS, October 23, 2024, File of the Office of the Special Rapporteur for Freedom of Expression.

BRAZIL

202. In 2024, the Rapporteurship has observed that significant challenges persist for the exercise of freedom of expression in Brazil, including cases of threats and violence against journalists, as well as the prosecution through criminal law of journalists who disseminated information of public interest. During 2024, significant decisions were made about digital platforms and people who turn to the internet to broadcast content. All this occurs in the midst of deep controversies about the fight against disinformation and the challenges to advance the understanding of the regulation of the digital environment. The leading role of the Judiciary not only includes an important deployment in digital environments but also relevant decisions that consider strategic litigation against public participation. For its part, the Parliament considered initiatives to regulate digital platforms.

A. Journalism and democracy

203. The State reported that between the months of January and August 2024, 114 press freedom complaints were received⁴¹⁵. The Rapporteurship was also made aware of the report of the National Federation of Journalists (FENAJ), which indicates a 51.86% reduction in the number of cases of attacks on journalists between 2022 and 2023⁴¹⁶. Despite this trend, the report highlights that violence and threats against journalists persist. Journalists continue to be victims of physical attacks, threats and harassment, which impacts the conditions to practice journalism freely and safely⁴¹⁷. The Rapporteurship expresses its deep concern about the persistent context of violence against journalists in the exercise of their work in Brazil, as well as the complaints received about attacks on freedom of expression that materialize through the use of lawsuits as alleged tools of indirect censorship.

204. In this way, the Rapporteurship has monitored with particular attention the obstacles to the exercise of freedom of expression and the guarantee of freedom of the press in the Vale do Javari and the progress in the investigations into the murder of Bruno Pereira and Dom Phillips. The Special Rapporteur visited the Amazon in March 2024 and was also part of the IACHR delegation that was in Brazil on a follow-up visit to precautionary measures 449-22. The SRFOE has emphasized that the hypotheses of investigation into the murders of Bruno Pereira and Dom Phillips should specifically contemplate aspects related to journalistic work and the defense of human rights, as well as the role of journalism from and about the Amazon, especially considering the challenges posed by the climate crisis⁴¹⁸.

205. This Office emphasizes that the murder of journalists represents the most extreme form of censorship, and that impunity favors self-censorship of the press. In accordance with Principle 9 of the Declaration of Principles on Freedom of Expression of the IACHR, which establishes that “it is the duty of States to prevent and investigate these acts, punish the perpetrators and guarantee adequate reparation to the victims”, it reaffirms the State’s responsibility to protect journalists and guarantee justice.

206. In this context, the Office of the Special Rapporteur takes note of the conclusion of the investigations into the murder of Mr. Pereira and Mr. Phillips⁴¹⁹, as well as the judicial decision to put two of the accused on trial by jury. However, more than two years after the crimes, the Special Rapporteur calls on the

⁴¹⁵ 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. 345/24 from the Permanent Mission of Brazil to the OAS, November 6, 2024, p.1, File of the Office of the Special Rapporteur for Freedom of Expression.

⁴¹⁶ FENAJ, [Violência contra jornalistas e liberdade de imprensa no Brasil](#), January 8, 2024.

⁴¹⁷ FENAJ, [Violência contra jornalistas e liberdade de imprensa no Brasil](#), January 8, 2024.

⁴¹⁸ IACHR, Press Release No. 154/24, [IACHR Culminates Working Visit to Brazil on the Precautionary Measures of UNIVAJA, Bruno Pereira and Dom Phillips and the Maria da Penha Case Dom Phillips regarding Brazil](#), July 2, 2024; IACHR, [Resolution 24/2022449-22RELE](#), Precautionary Measures No. , Matter of Bruno Araújo Pereira and , June 11, 2022; IACHR, , Annual Report of the Office of the Special Rapporteurship for Freedom of Expression, OAS, June 11, 2022. 449-22, Matter of Bruno Araújo Pereira and Dom Phillips regarding Brazil, June 11, 2022; IACHR, RELE, [Annual Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II, Doc. 386, Volume II, December 6, 2023, para. 294.

⁴¹⁹ Brazil, Ministry of Justice, [PF conclui inquérito referente ao duplo homicídio de Bruno Pereira e Dom Phillips.](#), November 4, 2024

Brazilian State to continue to act diligently to assign responsibilities and adopt reparation measures for the victims' families.

207. Regarding the administration of justice in cases of crimes against journalists, the Rapporteurship was informed that, in March 2024, the Superior Court of Justice (STJ) upheld the conviction of those responsible for the murder of radio broadcaster Valério Luiz, which occurred in July 2012. The convictions of the perpetrators of the crime were ratified after years of legal recourse, including appeals⁴²⁰. This decision represents a step forward in the search for justice for murdered journalists in Brazil.

208. This Office has also received reports of threats against journalists. For instance, the president and co-founder of *The Intercept Brazil*, Andrew Fishman, reportedly received an e-mail with death threats and insults after speaking out about the conflict in the Middle East⁴²¹. During the election period, the Rapporteurship also recorded that, while a journalist from *Radar Amazonas* was trying to question the mayor of Manaus, capital of Amazonas, about an alleged electoral crime that occurred there, he was assaulted by one of the official's bodyguards⁴²². In addition, a team from *TV Norte Amazonas - SBT Manaus* was allegedly intimidated and threatened by the bodyguards of another candidate running for re-election in the municipality of Presidente Figueiredo, Amazonas⁴²³.

209. It should also be noted that the protection of communicators and journalists is being addressed through the work of the "Sales Pimenta" Technical Working Group, established by Decree No. 11,562 of June 13, 2023, as part of the reparation measures ordered by the Inter-American Court in the case under its supervision. This group must elaborate the National Protection Plan for Human Rights Defenders, Communicators and Environmentalists, as well as the draft bill on the National Protection Policy for said groups⁴²⁴. In addition, the State has promoted the creation of the Observatory of Violence against Journalists, an initiative aimed at guaranteeing the safety of journalists⁴²⁵.

210. In 2024, concerns were raised about the continued use of judicial proceedings by high-ranking officials to intimidate journalists reporting on matters of public interest, highlighting ongoing tensions between government transparency and press freedom. In July 2024, a congresswoman filed a civil and criminal action against journalist Amanda Souza de Miranda for exposing a bill from the transparency portal of the Chamber of Deputies⁴²⁶. The congresswoman criticized the bill and demanded the removal of the publication that disclosed the information, a right of reply, and compensation of 10,000 reais⁴²⁷. The Brazilian Association of Investigative Journalism identified the congresswoman as one of the most prominent figures initiating legal actions against journalists—an approach that may reflect an intent to intimidate the free exercise of producing and disseminating information in the public interest⁴²⁸.

⁴²⁰ Instituto Vladimir Herzog, [STI confirma condenação de assassinos do jornalista Valério Luiz](#), May 29, 2024; STJ, [Quinta Turma nega pedido para anular interrogatório e mantém condenações pela morte do jornalista Valério Luiz](#), 28 May 2024.

⁴²¹ ABRAJI, [Abraji repudia e pede investigação sobre ameaça sofrida por jornalista do Intercept](#), 26 February 2024; Rede Proteção de Jornalistas e Comunicadores, [Rede manifesta preocupação com ameaças sofridas pelo jornalista Andrew Fishman](#), 5 March 2024; FENAJ, [Sindicato do Município do RJ e FENAJ solidarizam-se com Andrew Fishman por ameaças de morte](#), February 26, 2024.

⁴²² O Convergente, [Repórter é agredido por equipe de campanha de David Almeida](#), August 31, 2024; IAPA, [80th IAPA General Assembly, October 17 - 20, 2024, Córdoba, Argentina](#), October 14, 2024.

⁴²³ FENAJ, [Nota Pública sobre ameaça à equipe da TV Norte Amazonas](#), September 13, 2024; TV Cultura, [Repórter registra ocorrência contra prefeita após agressão no AM](#), 12 September 2024.

⁴²⁴ 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. 345/24 from the Permanent Mission of Brazil to the OAS, November 6, 2024, p.13, File of the Office of the Special Rapporteur for Freedom of Expression.

⁴²⁵ 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. 345/24 from the Permanent Mission of Brazil to the OAS, November 6, 2024, p.23, File of the Office of the Special Rapporteur for Freedom of Expression.

⁴²⁶ Portal Catarinas, [Who is Amanda Miranda, SC journalist prosecuted for disclosing public data](#), August 20, 2024. ABRAJI, [Abraji acolhe o caso da jornalista Amanda Miranda, processada pela deputada federal Júlia Zanatta](#), July 5, 2024.

⁴²⁷ FENAJ, [Deputada bolsonarista de SC processa jornalista que expôs nota do portal da transparência](#), July 4, 2024; ABRAJI, [Abraji acolhe o caso da jornalista Amanda Miranda, processada pela deputada federal Júlia Zanatta](#), July 5, 2024.

⁴²⁸ ABRAJI, [Abraji repudia novo processo de Julia Zanatta contra jornalista](#), August 6, 2024.

211. The Office of the Special Rapporteur also received information that the Federal Supreme Court (STF) decided to uphold a decision ordering the removal of a newspaper report from the *Agência Pública* website, at the request of the president of the Chamber of Deputies, Arthur Lira. The article in question contained the testimony of Jullyene Lins, the congressman's ex-wife, who accused him of sexual violence. According to the information available, the agency was prohibited from disseminating or promoting publications with similar content⁴²⁹. The Rapporteurship learned that some reports on the subject, published on other news sites, were also reportedly subject to restrictions by the Federal Supreme Court⁴³⁰. However, unlike what happened in relation to the *Agência Pública* articles, the Judicial Branch reversed the restrictions⁴³¹. The *Agência Pública* report and others, cited in some of these publications, have reportedly gone viral on social media recently given the progress of a bill that provides for the equating of homicide to abortion performed after 22 weeks⁴³².

212. The Rapporteurship also took note of the August 22, 2024, order by the Federal Supreme Court prohibiting a former international affairs advisor to the Presidency—currently under investigation for alleged involvement in the attempted coup⁴³³—from giving an interview to *Folha de São Paulo*⁴³⁴. A lower court in Brusque, Santa Catarina, ordered the news portal *Metrópoles* to take down a 2022 report that had revealed messages calling for a coup in a WhatsApp group of Brazilian businessmen⁴³⁵.

213. The search and seizure operation carried out against journalists Enock Cavalcante and Alexandre Aprá in the state of Mato Grosso on February 6, 2024, has also raised concerns. The investigation was initiated following a complaint filed by the Governor of the State of Mato Grosso, due to the publication of two reports on the news website run by Aprá. The journalists are accused of aggravated libel, aggravated persecution and illicit association. The governor claims that the publications violated his honor as they allegedly insinuated the existence of an illicit relationship between him and a “desembargador” of the Mato Grosso Court of Justice⁴³⁶. Eight organizations that defend press freedom in Brazil described the case as judicial harassment⁴³⁷. At least 18 local press professionals have reportedly been investigated or prosecuted in recent years. The government reportedly denied the persecution, justifying that it only exercises the right to prosecute the dissemination of false information⁴³⁸. In March 2024, a precautionary decision of the Federal Supreme Court ordered the suspension of the operation⁴³⁹.

⁴²⁹ Agência Pública, [Reportagem da Pública sobre Arthur Lira segue censurada](#), June 20, 2024; Folha de São Paulo, [Morales censura reportagens sobre acusação de agressão feita por ex-mulher de Arthur Lira](#), June 19, 2024.

⁴³⁰ According to public information, it was learned that the Court would have fined the social network X (formerly Twitter) more than R\$ 700 thousand for not complying with decisions that determined the exclusion of posts by users who accused the president of the House of Representatives of having perpetrated sexual violence. See also: CNN Brasil, [Morales multa X em R\\$ 700 mil por não remoção de posts que chamavam Lira de “estuprador”](#), 18 June 2024; O Globo, [Após pagar multa de R\\$ 100 mil e continuar devendo, Elon Musk volta a atacar STF: “A lei está vionaldo a lei”: entenda](#), 01 July 2024.

⁴³¹ CNN Brasil, [Morales turns back and orders the reopening of part of the reports with accusations against Lira](#), June 19, 2024; Gazeta do Povo, [Morales revê censura a reportagens sobre denúncia de agressão feita por ex-mulher de Lira](#), June 20, 2024.

⁴³² O Globo, [Alexandre de Moraes exige do X pagamento de multa de R\\$ 700 mil](#), 26 June 2024; UOL, [Morales manda remover perfil do X que chamou Lira de estuprador](#), 18 June 2024.

⁴³³ G1, [Indiciado pela PF, ex-assessor de Bolsonaro participou de reunião de minuta do golpe e já foi investigado por gesto racista](#), November 21, 2024; Revista Oeste, [Defesa de Martins aponta nova contradição da PF](#), December 3, 2024.

⁴³⁴ Folha de São Paulo, [Magistrado Moraes censura entrevista de Folha al ex-assessor de Bolsonaro](#), August 28, 2024; Revista Oeste, [Morales censura entrevista com ex-assessor de Bolsonaro](#), August 28, 2024.

⁴³⁵ Metrôpoles, [Juiz de SC censura Metrôpoles e manda apagar reportagem sobre empresários bolsonaristas tratando de golpe](#), June 13, 2024; IG Último Segundo, [Matéria do Metrôpoles sobre apoiadores do golpe é censurada por juiz](#), June 17, 2024

⁴³⁶ The Brazilian Constitution of 1988 defines “desembargadores” as the judges of the Courts of Justice, which are appellate courts of the state court system. See also: O Globo, [“Perseguição e aparelhamento”: entenda a denúncia de jornalistas contra o governo do MT, que motivou decisão do STF](#), March 8, 2024. ABRAJI, [Abraji apoia jornalistas do MT contra ofensiva judicial do governo do estado](#), 29 February 2024.

⁴³⁷ LatAm Journalism Review, [Organizações de defesa da liberdade da imprensa manifestam preocupação após operação policial contra jornalistas no Mato Grosso](#), February 9, 2024; FENAJ, [Organizações em defesa da liberdade da imprensa manifestam preocupação com operação policial contra jornalistas no MT](#), February 8, 2024.

⁴³⁸ O Globo, [STF suspends operation against journalists in Mato Grosso for alleged fake news scheme after claim of constitutional violation](#), March 7, 2024; Agência Pública, [No STF, entidades apontam assédio judicial contra jornalistas em Mato Grosso](#), March 6, 2024.

⁴³⁹ Instituto Vladimir Herzog, [Liminar do STF suspende operação contra jornalistas após reclamação de entidades de defesa do jornalismo](#), March 7, 2024; O Globo, [STF suspende operação contra jornalistas do Mato Grosso por suposto esquema de fake news após reclamação de violação constitucional](#), March 7, 2024

214. As the Inter-American Court has pointed out, individuals who have influence over matters of public interest have voluntarily exposed themselves to more rigorous scrutiny and are therefore more vulnerable to criticism, as their actions cease to belong to the private sphere and enter the public debate⁴⁴⁰. The democratic control exercised by society through public opinion promotes transparency in the activities of the State and fosters the accountability of public officials in relation to their public management. In this context, it is reasonable and appropriate that expressions concerning public officials or other persons performing functions of a public nature enjoy, as stipulated in Article 13.2 of the Convention, a wide margin for a debate on matters of public interest⁴⁴¹. This does not imply that the honor of public officials or persons should not be legally protected, but rather that such honor should be protected in accordance with the principles of democratic pluralism⁴⁴².

215. On the other hand, the Office of the Special Rapporteur has continued to follow the case of Brazilian journalist Schirlei Alves, who was sentenced to prison and ordered to pay civil damages for defamation after publishing a critical investigation into a case of sexual violence⁴⁴³. The conviction is related to a report in which Alves criticized judicial actions and described humiliating speeches during court hearings. According to publicly available information, the ruling, issued in November by the 5th Criminal Court of Florianópolis, may still be appealed. In April 2024, four UN authorities urged the Brazilian government to intervene⁴⁴⁴.

216. Similarly, the Office recorded the criminal judgment sentencing journalists Alana Rocha and Ailton São Paulo to eight months of detention under an open regime, a fine converted into community service, and compensation of 12,000 reais for moral damages. The conviction was in response to a defamation suit filed by public officials following a report that criticized the local government's bidding mechanism in Riachão do Jacuípe. The Judiciary rejected the appeal filed by the defense⁴⁴⁵.

217. At the same time, the Rapporteurship records that a court of first instance sentenced criminally for defamation the journalist Luan Araújo, who was chased with a gun by a federal deputy during the election period of 2022. In a column published on the site *Diário do Centro do Mundo*, the journalist narrated the event, as well as negative comments against the congresswoman and her constituents. Both the congresswoman and the Public Prosecutor's Office of São Paulo considered the column "offensive"⁴⁴⁶. While the process awaits trial in higher courts, the Rapporteurship reinforces the differentiated threshold of criticism to which public officials are subjected, recalling that even offensive, shocking or disturbing speeches are protected⁴⁴⁷.

218. The Inter-American Court has pointed out that expressions on matters of public interest are specially protected, and that the use of criminal law in these cases is incompatible with the American Convention⁴⁴⁸. Inter-American jurisprudence has pointed out that, in the context of a democratic society, the

⁴⁴⁰ 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. 129.

⁴⁴¹ I/A Court H.R., Case of Viteri Ungaretti et al. v. Ecuador, Preliminary Objections, Merits, Reparations and Costs, Judgment of November 27, 2023, Series C No. 510, para. 87.

⁴⁴² 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. 127-128.

⁴⁴³ The Intercept, [Repórter é condenada a 1 ano de prisão e R\\$ 400 mil de multa por revelar o caso Mari Ferrer](#), November 15, 2023; Agência Brasil, [Jornalista é condenada por reportagem sobre caso Mari Ferrer](#), November 16, 2023; IACHR, Office of the Special Rapporteur for Freedom of Expression, Press Release No. 318/23, [La RELE manifiesta su preocupación frente a la condena penal contra una periodista en Brasil](#), December 27, 2023.

⁴⁴⁴ ABRAJI, [Relatoras da ONU manifestam preocupação com a condenação da jornalista Schirlei Alves e pedem explicações](#), April 9, 2024; The Intercept Brazil, [ONU sai em defesa do Intercept e pede que Brasil retire acusações contra jornalista](#), April 5, 2024.

⁴⁴⁵ ABRAJI, [Abraji repudia condenação criminal contra jornalistas na Bahia](#), February 15, 2024; Carabonga Noticias, [Riachão do Jacuípe: Juíza suspende sentença against journalist and bachelor in law](#), February 17, 2024.

⁴⁴⁶ Metrôpoles, [Jornalista perseguido com arma por Zambelli é condenado por difamação](#), 6 June 2024; CNN Brasil, [Quem é o jornalista perseguido por Zambelli que foi condenado por difamação](#), 6 June 2024.

⁴⁴⁷ Court H.R., Case of Kimel v. Argentina, Merits, Reparations and Costs, Judgment of May 2, 2008, Series C No. 177, para. 88.

⁴⁴⁸ I/A Court H.R., Case of Tristán Donoso v. Panama, Preliminary Objections, Merits, Reparations and Costs, Judgment of January 27, 2009, para. 129.

use of criminal law to safeguard the reputation, honor or private life of public officials or candidates for public office, when dealing with matters of public interest, represents a disproportionate measure⁴⁴⁹. In this regard, even excessive civil sanctions can be as or more restrictive to the exercise of freedom of expression than a criminal sanction, encouraging self-censorship, both on the part of the affected person and other potential critics of public action⁴⁵⁰. This approach should be adopted as a general guideline for the protection of freedom of expression in democratic societies.

219. This Office has also underscored that social constructions of gender and historical discrimination against women influence the persistent patterns of violence against the press in the region, which have particular characteristics and a differentiated impact on women journalists and media workers⁴⁵¹, and can be intensified when combined with other intersectional factors, such as sexual orientation⁴⁵². In this sense, beyond preventive and protective measures, States must carry out diligent, impartial and effective investigations aimed at determining the truth and the capture, prosecution and eventual punishment of all perpetrators of acts of violence and gender-based discrimination against women journalists in the exercise of their work⁴⁵³.

220. However, the Office welcomes decisions that contribute to guaranteeing the right to freedom of expression. The Office of the Special Rapporteur has received information on a new judgment that determined that journalist Patrícia Campos Mello should be compensated after being the target of attacks due to her status as a woman in the context of the Joint Parliamentary Commission of Inquiry on Fake News in Congress in 2020⁴⁵⁴. On that occasion, a witness falsely stated that the journalist had offered sexual favors in exchange for information for her reports. In 2021, a judgment with the same content, which ordered compensation, would have been annulled due to procedural issues⁴⁵⁵. It was also reported that the Justice of the state of São Paulo ordered the seizure of assets of Eduardo Bolsonaro, legislator, for refusing to pay compensation to the journalist. The court would have determined a compensation of 30,000 reais (approximately US\$5,664) for “moral damages” in favor of the journalist, whom the legislator would have accused of using “seduction methods” to obtain information that would tarnish the reputation of his father⁴⁵⁶.

221. On May 22, the Office of the Special Rapporteur learned that the Federal Supreme Court (STF) of Brazil unanimously recognized judicial harassment of journalists and media outlets as a practice that compromises freedom of expression and press freedom⁴⁵⁷. According to the information received, the STF defined judicial harassment as a phenomenon that occurs when numerous lawsuits are filed on the same subject in different parts of the country, with the objective of embarrassing the defendant or making his or her defense extremely difficult⁴⁵⁸. Thanks to this decision, once a legal action is recognized as a case of judicial harassment, the defendant will be able to request that all lawsuits be aggregated into one and tried in his or her place of residence, which will minimize costs for both the defendant and the justice system. The STF also

⁴⁴⁹ 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, paras. 121 and 122.

⁴⁵⁰ 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.

⁴⁵¹ IACHR, RELE, [Women journalists and freedom of expression](#), OEA/SER.L/V/II IACHR/RELE/INF.20/18, October 31, 2028, para. 29.

⁴⁵² IACHR, RELE, [Women journalists and newsrooms](#), OEA/Ser.L/V/II.IACHR/RELE/INF. 24/22, October 2022, para. 65.

⁴⁵³ IACHR, RELE, [Women journalists and freedom of expression](#), OEA/SER.L/V/II IACHR/RELE/INF.20/18, October 31, 2028, para. 170.

⁴⁵⁴ Folha de São Paulo, [Justiça condena Hans River a indenizar jornalista da Folha em R\\$ 50 mil por danos morais](#), February 1, 2024; TV Cultura, [Justiça condena Hans River por danos morais à jornalista Patrícia Campos Mello](#), April 16, 2021.

⁴⁵⁵ Jota, [TJSP anula condenação de Hans River a indenizar jornalista Patrícia Campos Mello](#), 15 February 2022; Folha de São Paulo, [Justiça nega pedido de indenização de repórter da Folha contra fundador do site bolsonarista Terça Livre](#), 6 August 2021.

⁴⁵⁶ UOL, [Justiça penhora R\\$ 88 thousand de Eduardo Bolsonaro por ofensas a jornalista](#), October 18, 2024; Estadão, [Justiça penhora R\\$ 88 mil de Eduardo Bolsonaro por ofensas a jornalista](#), October 18, 2024.

⁴⁵⁷ CNN Brasil, [STF reconhece assédio judicial a jornalistas e aprova tese para evitar a prática](#), May 22, 2024; Agência Pública, [STF reconhece assédio judicial a jornalistas e veículos de imprensa](#), May 22, 2024.

⁴⁵⁸ STF, [STF reconhece que uso abusivo de ações judiciais compromete liberdade da imprensa](#), May 22, 2024.

determined that journalists and media can only be held liable in civil cases when there is “unequivocal” evidence of malicious intent or gross professional negligence in the investigation of the facts⁴⁵⁹.

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

222. The Office of the Special Rapporteur expresses its concern over recent allegations of attempts to destabilize the democratic process in Brazil. Freedom of expression, essential to democracy, cannot be used as an instrument to promote violence⁴⁶⁰.

223. In this context, the Special Rapporteurship notes with attention the information that, in November, Brazilian authorities reportedly arrested several members of an elite Army unit, accusing them of planning to assassinate Luiz Inácio Lula da Silva in 2022, shortly before his inauguration as President, in an alleged plot to keep Jair Bolsonaro in power. Four of those arrested were reportedly military personnel, including a former high-ranking aide to Bolsonaro. According to the authorities, the group would have used a high level of military expertise to organize the assassination of Lula da Silva and his vice-presidential candidate, Geraldo Alckmin, on December 15, 2022. They also allegedly planned to kill a Supreme Court judge, Minister Alexandre de Moraes. The arrests would be part of a broader investigation into a possible coup d'état and Bolsonaro's role in trying to perpetuate himself in power after the presidential elections, in which he would have been defeated by Lula da Silva.⁴⁶¹

224. The year of 2024 was also marked by intense and public debates between the Federal Supreme Court (STF) and X (formerly *Twitter*). In April, the so-called “X Files” published a series of emails from the social media platform and content restriction orders issued by the Federal Supreme Court addressed to the company⁴⁶². Some sectors denounced these documents as evidence of censorship in Brazil, being also the subject of the report “The Attack on Freedom of Expression Abroad and the Biden Administration's Silence: The Case of Brazil”⁴⁶³, presented to the U.S. Senate. In this context, the owner of X filed lawsuits against the Brazilian Supreme Federal Court, which would have intensified the tension between the Brazilian State and the company. For instance, the businessman claimed that X would not accept decisions of the Federal Supreme Court, that the country would face a dictatorship, and that members of the court had interfered in the presidential elections⁴⁶⁴. In this context, Elon Musk was included as a defendant in the case 4,874 before the Federal Supreme Court, and an investigation was initiated for the crimes of obstruction of justice, criminal organization, and incitement to crime, based on the argument that the businessman would have initiated a “disinformation campaign” against the Court and threatened not to comply with the orders of the STF⁴⁶⁵.

225. The escalation of tension throughout the year led to the closure of the National Office of X in Brazil by decision of the company itself, under alleged “threats” of fine and criminal prosecution against an official of the platform in the country⁴⁶⁶. On August 30, 2024, a decision by a Minister of the Federal Supreme Court, subsequently confirmed by the First Chamber of the Court, ordered the blocking of the social media platform after the company refused to suspend profiles associated with persons investigated by the STF; failed to pay fines for non-compliance with court orders; and failed to comply with the requirement to appoint a legal representative in Brazil after having been notified to do so by means of a decision published on the social

⁴⁵⁹ STF, [STF reconhece que uso abusivo de ações judiciais compromete liberdade da imprensa](#), May 22, 2024.

⁴⁶⁰ 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. 148; IACHR, RELE, [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. 58 and 66.

⁴⁶¹ New York Times, [Brazil's President Lula da Silva reportedly targeted in assassination plot](#), November 19, 2024; CNN World, [Brazil police arrest five over alleged plot to assassinate President Lula](#), November 19, 2024.

⁴⁶² CNN Brazil, [X creates profile dedicated to disclose Moraes' secret decisions](#), August 31, 2024; Estadão, [Musk repeats criticisms of Moraes and creates profile on X to disclose the minister's secret decisions](#), August 31, 2024.

⁴⁶³ The House Judiciary Committee Republicans, [The Attack on Freedom of Expression Abroad and the Biden Administration's Silence: The Case of Brazil](#), April 17, 2024.

⁴⁶⁴ CNN Brazil, [Musk chama Moraes de 'falso juiz' e acusa ministro de 'interferência eleitoral' em 2022](#), 1 September 2024; [Musk acusa Moraes de ter interferido na eleição de 2022, não apresenta prova e pede 'evidências'](#), 1 September 2024.

⁴⁶⁵ STF, [STF inclui dono da rede social X no inquérito das milícias digitais](#), April 8, 2024.

⁴⁶⁶ O Globo, [Escritório do X no Brasil tem segunda-feira esvaziada após decisão de Musk](#), August 19, 2024; Estadão, [Elon Musk's X anuncia fechamento de escritórios no Brasil após descumprir ordens de Moraes](#), August 17, 2024.

platform itself. The return of X's operation in Brazil was conditioned to the platform complying with all of the STF's orders, paying the total amount due in fines, and indicating who its legal representatives were⁴⁶⁷.

226. In ordering the suspension of platform, the Court also imposed a daily fine of R\$50,000 on those who access X through VPNs or other means⁴⁶⁸. Two constitutional lawsuits filed by third parties attempted to challenge the suspension order against the ban on the use of VPN⁴⁶⁹. According to civil society organizations, this would have impacted the exercise of legitimate online activities, such as journalistic work⁴⁷⁰. Initially, the suspension order also indicated the adoption of measures to prevent the use of VPN technologies as a whole in Brazil, but this point was immediately criticized by civil society organizations and was subsequently removed from the decision⁴⁷¹.

227. During the suspension period, the platform momentarily resumed operating in Brazil due to a *bypass* of the blocking designed by the Brazilian internet providers⁴⁷². Although the platform has claimed that this occurred due to a structural change in the platform's server design⁴⁷³, the Court considered that this was due to X's deliberate decision to change the type of operation of its servers during the suspension period and therefore imposed new fines against the company⁴⁷⁴. In addition, law enforcement authorities were claimed to be investigating the profiles of users who connected to X during the suspension period⁴⁷⁵.

228. According to public information, the enforcement measures adopted by the Court generated significant effects on the platform's compliance with the Brazilian rule of law. During the subsequent weeks, X appointed legal representation in the country⁴⁷⁶, suspended user profiles per the Federal Supreme Court's orders, and paid fines, including those issued after August 30⁴⁷⁷. However, the Special Rapporteurship notes that, even when there was substantial compliance with several requirements, the reversal of the suspension of the platform only took place when formal requirements were met⁴⁷⁸, such as: the need for the payment of the amount owed by X to be made into a specific government account, even though the platform (mistakenly) had already cancelled the payment into another bank account also held by the government; and the need to present additional evidence in order for the lawyers indicated by X to be considered as meeting the formal

⁴⁶⁷ STF, [STF confirms decision that suspended the X, former Twitter, throughout the country](#), September 2, 2024.

⁴⁶⁸ Exame, [Em bloqueio do X, Moraes determina suspensão conjunta em apps de VPN; NordVPN viu procura crescer 4x](#), August 30, 2024; Estadão, [O que é conexão VPN? Moraes determina multa de R\\$ 50 mil para quem usa ferramenta para acessar o X](#), August 30, 2024.

⁴⁶⁹ G1, [OAB asks Moraes to reconsider decision to fine X users for using VPN](#), August 31, 2024; Veja, [OAB vai ao STF contra multa para quem usar VPN para acessar o X](#), August 30, 2024.

⁴⁷⁰ ANJ, [Nota à imprensa](#), September 11, 2024; LatAm Journalism Review, [Jornalistas no Brasil refletem sobre como o bloqueio do X/Twitter afeta o seu trabalho](#), September 4, 2024.

⁴⁷¹ BBC News Brasil, [Moraes recua da retirada de VPNs do Brasil, mas mantém multa de R\\$ 50 mil para quem acessar a rede de Elon Musk](#), August 30, 2024; Forbes Brasil, [Moraes libera VPN, mas mantém multa para quem acessa X](#), August 31, 2024.

⁴⁷² G1, [Why did the X come back to work for some users even with blocking in Brazil?](#), September 18, 2024. BBC, [Blocking the X: the work that made Elon Musk's network work again in Brazil](#), September 19, 2024.

⁴⁷³ G1, [Rede social X afirma que retorno de acesso to service in Brazil was 'involuntary'](#), September 18, 2024. UOL, [X afirma que restauração do serviço no Brasil foi involuntária](#), September 18, 2024.

⁴⁷⁴ STF, [STF applies daily fine of R\\$ 5 million to the X for failure to comply with judicial decision](#), September 19, 2024.

⁴⁷⁵ Agência Brasil, [Liberação do X: confira a cronologia da suspensão da rede social](#), October 9, 2024. See, [PF will investigate who used X during the blockade - but not everyone](#), September 19, 2024. Power 360, [PF identificará brasileiros que usam o X após bloqueio de Moraes](#), September 19, 2024.

⁴⁷⁶ Agência Brasil, [X reports having met deadline and indicated legal representative in Brazil](#), September 20, 2024; CNN Brasil, [X indicates legal representative in Brazil](#), September 20, 2024.

⁴⁷⁷ CONJUR, [X informs STF that it will pay fines and Alexandre orders BC to unblock its bank accounts](#), October 1, 2024; State, [X receives international deposit, pays fines and again requests unblocking from STF](#), October 4, 2024; G1, [Social Network X pays fine on government account; see what is missing to end the suspension](#), October 8, 2024.

⁴⁷⁸ Agência Brasil, [Liberação do X: confira a cronologia da suspensão da rede social](#), October 9, 2024.

requirements to exercise the legal representation of the platform in national territory⁴⁷⁹. The return of X's operations in Brazil was authorized on October 8, 2024⁴⁸⁰.

229. The Rapporteurship has highlighted the Internet as a key tool for progressively expanding the vast potential of the right to freedom of expression, reaching broad sectors of society, especially by offering a wide space for the exchange of information and opinions⁴⁸¹. Against this backdrop, the exercise of freedom of expression today faces a particular challenge related to the definition of the rules on what can be received or disseminated on social media⁴⁸². Digital platforms play a fundamental role in the organization of public debate, making it accessible and understandable to citizens. The relevance of this role is accompanied by a significant impact on social debate, with both collective and individual implications on freedom of expression⁴⁸³.

230. Certain threats to democratic institutions, as well as the proliferation of violent speech and misinformation on social media, have triggered intense reactions to the various existing platforms in the region⁴⁸⁴. In the digital environment, States have an obligation not only to ensure that all individuals can fully exercise their right to freedom of expression on the internet, but also to ensure that private companies that manage online speech and information respect human rights in their products and services⁴⁸⁵. This Office underlines the importance of focusing the debate on the fundamental role that digital platforms play in modulating public discourse, and on the urgent need to improve transparency and accountability in the implementation of their internal rules⁴⁸⁶. In addition, the Rapporteurship stresses the need to ensure respect for human rights in the processes of content moderation and curation, adopting as a guide the Inter-American standards on freedom of expression.

231. On the other hand, the Rapporteurship received reports expressing deep concern about the denunciation of an extensive illegal espionage scheme allegedly carried out by a parallel structure within the Brazilian Intelligence Agency (Abin) during the government of Jair Bolsonaro⁴⁸⁷. This police operation, known as "Close Surveillance", allegedly revealed that more than 30,000 people were subject to surveillance, and that the illegally obtained data was stored on servers located in Israel⁴⁸⁸. Among the victims of the surveillance were reportedly high-level public figures, such as the president of the Chamber of Deputies and judges of the Federal Supreme Court. On February 23, 2024, the *Union of Professional Journalists of the State of São Paulo*, together with the *National Federation of Journalists (Fenaj)* and the *Brazilian Press Association (ABI)*, submitted a request to the Federal Supreme Court to disclose the names of journalists who would have been illegally monitored by the "parallel Abin"⁴⁸⁹. In this context, the SRFOE emphasizes that Article 13.3 of the ACHR states that the right

⁴⁷⁹ Correio Braziliense. October 4, 2024. [X paga multa de R\\$ 28 milhões em conta errada e adia retorno da plataforma](#); O Globo, [X paga multas em conta bancária errada e Moraes determina que dinheiro seja transferido para local certo](#), 4 de octubre de 2024; UOL, [Moraes dá 24 h para X provar que possui representante legal no país](#), 19 de septiembre de 2024; Agencia Brasil, [Moraes pede novos documentos para comprovar reativação do X no país](#), 21 de septiembre de 2024.

⁴⁸⁰ STF, [STF autoriza retorno imediato do X e determina que Anatel adote providências para retomada do serviço](#), October 8, 2024.

⁴⁸¹ IACHR, RELE, [Freedom of Expression and the Internet](#), OEA/Ser.L/V/II. IACHR/RELE/INF. 11/13, December 31, 2013, paras. 10-11.

⁴⁸² IACHR, RELE, [Digital Inclusion and Internet Content Governance](#), OEA/Ser.L/V/II IACHR/RELE/INF.28/24, June 2024, para. 184.

⁴⁸³ IACHR, RELE, [Inclusión digital y gobernanza de contenidos en internet](#), OEA/Ser.L/V/II CIDH/RELE/INF.28/24, June 2024, para. 186.

⁴⁸⁴ IACHR, RELE, [Inclusión digital y gobernanza de contenidos en internet](#), OEA/Ser.L/V/II CIDH/RELE/INF.28/24, June 2024, para. 195.

⁴⁸⁵ IACHR, RELE, [Digital Inclusion and Internet Content Governance](#), OEA/Ser.L/V/II IACHR/RELE/INF.28/24, June 2024, para. 201.

⁴⁸⁶ IACHR, RELE, [Inclusión digital y gobernanza de contenidos en internet](#), OEA/Ser.L/V/II CIDH/RELE/INF.28/24, June 2024, para. 182.

⁴⁸⁷ CNN Brasil, [Abin paralela realizou ações clandestinas para consumir golpe, diz PF](#). November 26, 2024; G1, [Abin paralela: o que dizem os investigados pela PF e as vítimas da espionagem ilegal](#). July 11, 2024.

⁴⁸⁸ G1, [Espionagem ilegal da Abin atingiu 30 mil pessoas e dados foram guardados em Israel, diz chefe da PF](#). January 25, 2024.

⁴⁸⁹ FENAJ, [SISP, FENAJ and ABI ask the STF to disclose the list of journalists who were spied on by 'Abin paralela](#). February 26, 2024.

of expression “may not be restricted by indirect ways or means” which include all “means aimed at impeding the communication and circulation of ideas and opinions”.

232. This Rapporteurship has also received complaints about the excessive use of force in the context of social demonstrations. In February 2024, during a police operation in Complexo da Maré, a socioeconomically vulnerable area in Rio de Janeiro, a man identified as Jefferson de Araújo Costa was killed by a military police officer who allegedly shot him at point-blank range with a rifle during a peaceful demonstration demanding an end to lethal police operations in the region. The action was recorded on video and quickly became public knowledge, generating a wave of indignation. Mr. Jefferson, 22, was pronounced dead on arrival at the hospital⁴⁹⁰. Also in relation to the Complexo da Maré, the Rapporteurship received a report from Redes da Maré, a civil society organization fighting for human rights in that region, which deals with alleged attempts by the Rio de Janeiro Police to stigmatize and intimidate their actions⁴⁹¹.

233. In June 2024, a peaceful demonstration by teachers opposing reforms proposed by the state government resulted in violent clashes with the police. The teachers reportedly occupied the Paraná State Legislative Assembly in Curitiba to demand the suspension of the amendments affecting the pension system. The police, under the order of the then governor, reportedly responded with the use of tear gas bombs and rubber bullets, resulting in injuries⁴⁹².

234. The Rapporteurship also expresses concern about the use of force by the Military Police on November 27, 2024, against demonstrators from the Jaguapiru and Bororó communities in Dourados, Mato Grosso do Sul. According to available information, during a protest lasting more than four days, which included the blockade of highway MS-156, the communities denounced the serious lack of water affecting at least 5,000 people of the Terena and Guarani Kaiowá ethnic groups. The police intervention left several people injured as a result of the deployment of less lethal weapons, among them women and children, who presumably needed medical attention, in addition to arrests and raids in the communities⁴⁹³.

235. The IACHR has expressed deep concern about violent police interventions in Brazilian states and their discriminatory, racial profiling practices⁴⁹⁴. When assessing rights related to demonstrations and protests, it is important to highlight that inadequate State responses may also violate other fundamental rights, such as the right to life, physical integrity, personal security and liberty. This is especially serious when the State’s actions result in the death or injury of demonstrators due to repression by public agents⁴⁹⁵.

236. This Office also notes with concern the arrest, by the São Paulo Police, of young people who were protesting against the increase in the price of public transportation. They were allegedly charged with the crime of criminal association and attempted abolition of the democratic rule of law⁴⁹⁶, which could represent a distortion of the criminal offense in order to restrict the right to protest.

237. During 2024, this Office followed the changes in the regulation of electoral processes, directly related to the exercise of freedom of expression. The Superior Electoral Court (TSE) published new electoral

⁴⁹⁰ Information sent by Redes da Maré, Relatório - Graves Obstáculos à Liberdade de Expressão Política de Moradres e à Atuação de Defensores de Direitos Humanos em territórios de favela, October 2024, Archive of the Office of the Special Rapporteur for Freedom of Expression; G1, [PM mata homem à queima-roupa durante operação no Complexo da Maré](#), February 8, 2024; Agência Brasil, [PM que matou morador na Maré é preso em flagrante](#), February 9, 2024.

⁴⁹¹ Information sent by Redes da Maré, Relatório - Graves Obstáculos à Liberdade de Expressão Política de Moradres e à Atuação de Defensores de Direitos Humanos em territórios de favela, October 2024, Archivo de la Relatoría Especial para la Libertad de Expresión.

⁴⁹² G1, [Professores forçam entrada e invadem Alep em mobilização contra projeto que propõe terceirização da gestão de colégios públicos](#), June 3, 2024; Tribuna do Paraná, [Professores invadem Assembleia Legislativa; Polícia revida com bombas](#), June 3, 2024.

⁴⁹³ Artigo 19, [Artigo 19 repudia ação violenta da PM em protesto na reserva indígena de Dourados, no Mato Grosso do Sul](#), December 4, 2024; Agência Brasil, [MS: indígenas são feridos após ação da PM em protesto em rodovia](#), November 27, 2024.

⁴⁹⁴ IACHR, Press Release No. 187/20, [A CIDH condena ações policiais violentas no Brasil e insta a que sejam adotadas medidas para combater discriminação social e racial](#), August 2, 2024.

⁴⁹⁵ IACHR, RELE, [Protest and Human Rights](#), OEA/Ser.L/V/II IACHR/RELE/INF.22/19, September 2019, para. 26.

⁴⁹⁶ Ponte, [PM detects 25 young people who would participate in an act against the increase of traffic in SP](#), January 11, 2024; Artigo 19, [Artigo 19 demonstrates concern for the arrest of demonstrators in São Paulo and for the criminalization of attempts to abolish the democratic rule of law](#), February 2, 2024.

regulations applicable to the 2024 municipal elections in Brazil, including Resolution 23.732/2024, which introduces changes to the rules on electoral propaganda⁴⁹⁷. The Special Rapporteurship has received reports related to Article 9-E, which reportedly would hold digital platforms responsible for not moderating content in a timely manner during elections. Various civil society organizations have expressed fears that this provision could create exceptions to existing liability laws for digital platforms, which could result in the unfair removal of legitimate content⁴⁹⁸.

238. This Office emphasizes that freedom of expression extends to the Internet in the same way as to any other technology. Therefore, any action that influences the exercise of freedom of expression online must meet the tripartite test, which requires that the measures be legal, necessary, and proportional. In this context, the Office of the Special Rapporteur reiterates the importance that initiatives aimed at regulating the Internet avoid vague or general definitions that may disproportionately affect the free flow of information and websites⁴⁹⁹. The Rapporteurship recalls that, especially during the electoral period, “[t]here should be no prior censorship of the media”⁵⁰⁰.

239. It is also noted that the Superior Electoral Tribunal (TSE) has implemented a series of measures to guarantee security and transparency during the 2024 municipal elections. One of the main resolutions was the prohibition of the carrying of weapons 48 hours before and 24 hours after election day, following a policy adopted during the 2022 presidential elections⁵⁰¹. In addition, the TSE would offer free public transportation during the first and second voting rounds as part of its efforts to increase voter turnout⁵⁰². Regarding polls, the TSE has strengthened control mechanisms over the disclosure of data, requiring greater transparency and sanctioning the publication of fraudulent or unregistered polls before the court⁵⁰³. The TSE also inaugurated the Integrated Center for Confronting Disinformation and Defense of Democracy (Ciedde), with the objective of coordinating efforts between the Electoral Court, public agencies and communication platforms to combat the propagation of false news and hate speech that may affect the elections. Ciedde also seeks to implement preventive actions and promote cooperation to ensure compliance with electoral rules, including the prohibition of “*deepfakes*” and other false content harmful to campaigns⁵⁰⁴.

240. The increase in disinformation in Brazil has attracted the attention of this Rapporteurship in recent years, raising questions about the integrity of journalism and the need for effective measures to control the dissemination of fake news⁵⁰⁵. For example, following a tragedy in Rio Grande do Sul, the Office learned that the spread of fake news reached alarming levels⁵⁰⁶. The repeated stigmatizing remarks that occurred in this period against journalists and media covering the situation in Rio Grande do Sul⁵⁰⁷ are worrying for contributing to the loss of confidence in the media as a “voice of reference” and channel for public debate that can counteract disinformation. In this context, the SRFOE welcomes the agreement signed between the STF and major social media platforms, including *YouTube, Meta (Facebook, Instagram and WhatsApp), Google, Microsoft, Kwai* and *TikTok*⁵⁰⁸. The Office considers this initiative to be fundamental and relevant, as it could generate a

⁴⁹⁷ TSE, [Resolution No. 23.732/2024](#), February 27, 2024.

⁴⁹⁸ Legal consultant, [Interpretação de nova regra do TSE gera riscos à liberdade de expressão online](#), March 25, 2024; Artigo 19. [Nova regra do TSE gera riscos à liberdade de expressão online](#), March 25, 2024.

⁴⁹⁹ UN, OSCE, OAS, ACHPR, [Joint Declaration on Freedom of Expression and the Internet](#), June 1, 2011.

⁵⁰⁰ UN, OSCE, OAS, [Joint Declaration on Freedom of Expression and Elections in the Digital Age](#), June 1, 2020.

⁵⁰¹ TSE, [TSE mantém proibição do porte de armas durante as Eleições de 2024](#), October 3, 2024.

⁵⁰² TSE, [Eleições 2024: authorities must inform vehicles available for free transportation of voters](#), August 16, 2024.

⁵⁰³ TSE, [TSE defines rules for the election polls in the 2024 Elections](#), March 5, 2024.

⁵⁰⁴ TSE, [President of the TSE inaugurates Integrated Center for the Confrontation of Disinformation and Defense of Democracy in this third](#), March 12, 2024.

⁵⁰⁵ IACHR, RELE, [Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2023](#), OEA/Ser.L/V/II, Doc. 38/6, December 6, 2023.

⁵⁰⁶ O Globo, [Fake news sobre a tragédia e negacionismo climático no RS geram lucro no YouTube](#), 02 June 2024; CNN Brasil, [Fake news atropalham crise no RS para 65.2% dos gaúchos](#), diz Atlas/CNN, 23 May 2024.

⁵⁰⁷ IAPA, [80th IAPA General Assembly, October 17 - 20, 2024, Cordoba, Argentina](#), October 14, 2024; Terra, [Hostilizado, repórter da Globo é atacado ao vivo durante cobertura no RS: 'Incomodado'](#), 11 May 2024.

⁵⁰⁸ STF, [STF signs agreement with social networks to combat disinformation](#), June 6, 2024.

significant impact on the protection of the right to freedom of expression and the fight against disinformation, through educational and awareness-raising actions.

241. However, the Office of the Special Rapporteur notes with concern the thesis of general repercussion established by the Supreme Court in Extraordinary Appeal No. 1.075.412 which, according to civil society organizations, could generate dissuasive effects on the exercise of freedom of the press, especially in live interviews, as well as risk further judicial harassment against journalists⁵⁰⁹. The thesis holds that journalistic companies may be civilly liable for the statements of an interviewee if, at the time of publication, there were concrete indications of the falsity of the allegations and if the media did not comply with the duty of diligence in verifying the veracity of the facts. An appeal for clarification is currently pending evaluation. After its judgment, the Court will publish the final version of the thesis⁵¹⁰. The Rapporteurship emphasizes that the Federal Supreme Court has, therefore, the opportunity to refine its reasoning, with the objective of preventing the thesis from being used in disagreement with the tripartite test established in Article 13(2) of the American Convention on Human Rights.

242. On the other hand, the Rapporteurship welcomes the suspension, by the Supreme Federal Court (STF), of the decision of the Court of São Paulo that ordered the removal of fragments of a video in which the biologist Ana Bonassa and the pharmacist Laura Marise de Freitas denied misleading information about the causes of diabetes. The removal order was allegedly issued in the context of an action brought by a nutritionist who claimed, on the Internet, that diabetes was caused by parasites and recommended “deworming protocols” as treatment. In the complaint before the STF, the biologist, the pharmacist, the Vladimir Herzog Institute, and the Fiquem Sabendo Association argued that the judicial decision, by imposing restrictions on freedom of expression, especially in the area of scientific development, contradicted the understanding of the Federal Supreme Court on the subject⁵¹¹.

243. The Rapporteurship also learned about the draft law that would seek to prevent the use of the maximum period of confidentiality (100 years) for the hypotheses of confidentiality of information to protect the privacy of citizens⁵¹². Likewise, an ordinance of the Office of the Comptroller General of the Union would have been issued with the purpose of avoiding the application of the 100-year term to these hypotheses⁵¹³. This assumption has been widely used in recent years by the Office of the President of the Republic, and would make it difficult to scrutinize public actions carried out by high-ranking officials⁵¹⁴. Between 2023 and 2024, at least 3,244 requests for access to information via the Access to Information Law would have been denied by the federal government based on the justification that they involved personal data⁵¹⁵. Likewise, in 2024, the government of Rondônia issued a reservation, until the end of the current term, of the records of visitors to the State Governor's Office and official residences; information related to the trips of the State Governor, the State Vice-Governor and their relatives; and expenditures on food, health and housing⁵¹⁶.

⁵⁰⁹ ABRAJI, [Abraji apresenta recurso contra a decisão do STF que responsabiliza imprensa por fala de entrevistados](#), March 18, 2024; CNN Brasil, [STF aprova tese que responsabiliza imprensa por fala de entrevistado](#), November 29, 2023.

⁵¹⁰ Conjur, [STF suspends ruling on liability of newspaper for interviewee's false accusations](#), August 7, 2024; STF, [Entenda: STF vai discutir ajustes na tese da responsabilidade de empresas jornalísticas por divulgação de acusações falsas](#), 7 de agosto de 2024.

⁵¹¹ STF, [STF suspends conviction of scientists who explained that diabetes is not caused by verme](#), September 30, 2024.

⁵¹² Poder 360, [Lula supera Bolsonaro e rejeita mais pedidos de acesso à informação](#), 4 January 2025; O Globo, [Após prometer mais transparência, Lula nega acessos à informação no mesmo patamar que Bolsonaro: veja dados sob sigilo](#), 4 November 2023.

⁵¹³ Agência Brasil, [CGU restricts use of 100-year secrecy for access to information](#), September 30, 2024; CGU, [CGU defines new guidelines for application of the Access to Information Law](#), September 30, 2024.

⁵¹⁴ Poder 360, ["Sigilo de 100 anos": a volta do que não foi](#), July 24, 2024; TV Cultura, [Governo Lula impõe sigilo de 100 anos para mais de 1300 pedidos de informações](#), March 22, 2024.

⁵¹⁵ CNN Brasil, [Governo deve apresentar proposta para acabar com sigilo de 100 anos em 2025](#), December 13, 2024; Câmara dos Deputados, [Ministro da CGU defende mudança em lei que permite sigilo de 100 anos para dados sensíveis](#), June 5, 2024.

⁵¹⁶ Transparência Brasil, [Rondônia impõe sigilo sobre atividades do governador e vice-governador do estado](#), February 16, 2024; ABRAJI, [Rondônia impõe sigilo sobre atividades do governador e do vice](#), February 15, 2024.

244. Finally, the Rapporteurship takes nota that federal deputies have been criminally investigated after referring to the President of the Republic as a “thief” and “corrupt”⁵¹⁷.

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

245. The Rapporteurship has monitored the challenges to the exercise of freedom of expression with regard to the right to receive and communicate information, as well as access to cultural goods. As the UN has stated, “artistic and cultural expressions inevitably convey multiple meanings and invite multiple interpretations of themselves”⁵¹⁸. In this sense, artistic and cultural expressions have the power to disseminate and broaden the voices of the democratic process, enhancing the values of pluralism and diversity of information.

246. The Rapporteurship is concerned about the allegation that the government of Goiás has decided to remove the book “O Avesso da Pele” (a literary work that would address relevant issues of identity, racism and social history) from the list of teaching materials used by students in the state-wide public education system. According to public information, days later the same decision was reportedly adopted by the government of Paraná, with the objective of guaranteeing that the literary work that reaches the schools can effectively contribute to the development of student learning according to the state curriculum. In early April, the Special Rapporteurship learned that the book “O Avesso da Pele” returned to schools in Paraná and Goiás after having been withdrawn in March of this year by the Ministries of Education of both states.

247. The Rapporteurship learned that the mayor’s office of Rio do Sul, Santa Catarina unilaterally cancelled a traveling exhibition of the “V Festival Transforma”, an LGBTI-themed art event that was to take place using public cultural facilities of the municipality. The mayor of Rio do Sul reportedly argued that the suspension would respect “Christian principles” and the “family principle”⁵¹⁹.

248. Recalling that any restriction on the right to freedom of expression must be lawful, legitimate, necessary and proportional, the Rapporteurship emphasizes that the measures adopted to combat hatred and discrimination must also meet these requirements. The Office’s attention is drawn to the enactment of laws that increase the penalty for crimes against honor when the alleged crime is committed “against women for reasons of the female sex,” in contrast to the lack of updates on bills that seek to decriminalize crimes against honor in cases of public officials or public interest. Also, according to publicly available information, a unipersonal decision of a minister of the Federal Supreme Court, within the framework of an action initiated by the Public Prosecutor’s Office, determined the withdrawal from circulation and subsequent destruction of copies of five works of legal doctrine for considering that they presented homophobic and misogynist passages, conditioning the return to circulation of the books to their reissues without the parts that “contravened the federal constitution”⁵²⁰.

249. The Rapporteurship also notes with alarm the information provided by the State that, in addition to a low incidence of news reports on acts of religious intolerance in Brazil, when these are addressed they are presented reinforcing stereotypes about the affected communities and attributing issues of personal moral character to theological beliefs or religious worldviews⁵²¹. According to the information provided, between 2021 and 2024, cases of religious intolerance increased by more than 155%. In addition, the State remarked that many of the journalistic coverage of these acts tend to disseminate racist and prejudiced

⁵¹⁷ CNN Brasil, [PGR denuncia por injúria deputado que chamou Lula de 'ladrão'](#), 4 October 2024; UOL, [Investigado por chamar Lula de 'ladrão', deputado ignora proposta de acordó](#), 13 July 2024.

⁵¹⁸ UN, [Report of the Special Rapporteur on cultural rights. The contribution of cultural initiatives to the creation and development of societies respectful of human rights](#), A/HRC/37/55, 4 January 2018, para. 27.

⁵¹⁹ Artigo 19, [Censura e autoritarismo contra as artes](#), March 28, 2024; G1, [Dos EUA, prefeito proíbe mostra de cinema LGBTQIA+ em SC e entidade cancela evento: 'Censura e medo'](#), March 28, 2024.

⁵²⁰ STF, [STF determina retirada de trechos de obras literárias jurídicas com teor homofóbico e discriminatório](#), November 1, 2024.

⁵²¹ 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. 345/24 from the Permanent Mission of Brazil to the OAS, November 6, 2024, p.14, File of the Office of the Special Rapporteur for Freedom of Expression.

accounts about the affected religious communities, contributing to misinformation about the religious concepts involved⁵²².

250. It also draws attention to the allegation that a deputy has allegedly adopted transphobic behavior and speeches in the plenary. The MP was accused by 14 parliamentarians and associations representing the LGBTQ+ community of inciting hatred by putting on a yellow wig and declaring that he “felt like a woman” and that “women are losing their space to men who feel like women”. The complaints were reportedly dismissed on grounds of parliamentary immunity⁵²³.

251. The Office of the Special Rapporteur stresses the State’s obligation to combat intolerance, discrimination and the dissemination of false information, as well as the responsibility of political leaders and public officials to promote intercultural understanding and respect for diversity⁵²⁴. For its part, the Court considers that “under no circumstances can parliamentary immunity be transformed into a mechanism of impunity, a matter which, if it were to happen, would erode the rule of law, would be contrary to equality before the law, and would make access to justice illusory for the persons affected”⁵²⁵. Thus, it is argued that it must be evaluated whether the elements that could constitute arbitrariness in the criminal action are present, putting at risk the autonomy of the legislator, in light of the seriousness, nature and circumstances of the acts charged.⁵²⁶

252. The Office also notes that the government enacted Law No. 14.811/2024 which typifies school bullying, including cyberbullying, as crimes in the Penal Code, establishing that from now on they will be punished with fines and even imprisonment. The text of the law states that those who practice school bullying will have to pay fines, while those who do it through cyber means will face prison sentences of between two and four years, in addition to a financial penalty⁵²⁷.

253. The Special Rapporteurship learned of a report published by the organization *Reporters Without Borders* (RSF), released in March 2024, which warns that in Brazil there are insufficient policies to promote plurality in national journalism. According to the organization, the country lacks a more robust and structured policy to promote journalistic plurality and diversity. The director of RSF in Latin America recalled that “the information system in Brazil is characterized by an excessive concentration of media ownership in the hands of a few economic groups”. Recently, there have been significant changes in legislation. A new law in Brazil has raised the limits for radio and television licenses at the national level, which would increase media concentration⁵²⁸. These changes reflect a trend towards media concentration in the region, which could impact the diversity of information available to the public. The Office of the Special Rapporteur emphasizes that independent media, as well as the promotion of a diverse and pluralistic media environment, are fundamental to guaranteeing transparency and legitimate public scrutiny. In this context, States should adopt proactive measures to prevent concentration of ownership in the media sector⁵²⁹.

254. In conclusion, the Rapporteurship welcomes the information provided by the State that the Secretariat for Digital Policies has collaborated with the Secretariat for Institutional Communication (SECOI)

⁵²² 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. 345/24 from the Permanent Mission of Brazil to the OAS, November 6, 2024, p.14, File of the Office of the Special Rapporteur for Freedom of Expression.

⁵²³ Agência Brasil, [Mendonça rejects actions accusing Nikolas Ferreira of transphobia](#), 15 April 2024; STF, [Supremo atende a manifestação da PGR e arquiva pedidos de investigação contra deputado Nikolas Ferreira](#), 15 April 2024.

⁵²⁴ UN, OSCE, OAS, ACHPR, [Joint Declaration of 2021 on political leaders, public officials and freedom of expression](#), October 20, 2021.

⁵²⁵ I/A Court H.R., Case of Barbosa de Souza et al. v. Brazil, Preliminary Objections, Merits, Reparations and Costs, Judgment of September 7, 2021, Series C No. 435, para. 100.

⁵²⁶ I/A Court H.R., Case of Barbosa de Souza et al. v. Brazil, Preliminary Objections, Merits, Reparations and Costs, Judgment of September 7, 2021, Series C No. 435, para. 108.

⁵²⁷ Federal Senate, [É sancionada lei que inclui bullying e cyberbullying no Código Penal](#), January 15, 2024.

⁵²⁸ Le Diplomatie, [Nova lei articulada por elites empresariais e evangélicas aprofunda concentração](#), April 18, 2024. Agência Brasil, [Especialistas criticam lei que pode ampliar concentração no rádio e TV](#), January 16, 2024.

⁵²⁹ 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, November 13, 1985.

in the Popular and Peripheral Communication Project, carried out in cooperation with UNESCO, in the area of support for journalistic activity, with a specific focus on expanding diversity and plurality in the media⁵³⁰. It also welcomes the release of the National Anti-Racist Communication Policy, which is the result of an Interministerial Working Group comprising the Secretariat of Social Communication of the Presidency of the Republic and the Ministry of Racial Equality. This process has involved the cross-collaboration of specialists, academics, and representatives of social movements and the public service. The policy will include guidelines aimed at ensuring that public, institutional and governmental communication respects and promotes ethnic and racial equality⁵³¹.

D. Freedom of expression and the Internet

255. After more than three years of debate without approval, it was reported that the president of the Brazilian Chamber of Deputies declared that Bill No. 2630 (Brazilian Internet Freedom, Accountability and Transparency Law) would not have sufficient parliamentary support for approval and would be withdrawn from parliamentary debate. According to public reports, several civil society organizations have criticized the decision. The Speaker of the House stated that, in the face of so much controversy, a new bill should be drafted. It should be noted that Bill 2630/20 was harshly criticized by the platforms and by the opposition to Lula's government. Civil society organizations have requested that the new process maintain the consensus and advances achieved in the previous bill⁵³². The Rapporteurship emphasizes that the effectiveness of States to develop appropriate public policies in the digital sphere, ensuring freedom of expression online, requires that the solutions implemented are based on a technical dialogue involving multiple actors⁵³³. However, the Rapporteurship has learned of significant progress in Bill 2338/2023, approved in the Federal Senate on December 10, 2022, and currently under examination in the Chamber of Deputies⁵³⁴. The new stage of processing of the bill, before the Chamber of Deputies, is an opportunity for the proposed text to be widely debated, including concerns raised by specialized civil society groups⁵³⁵.

256. Also, during 2024, the plenary of the Federal Supreme Court began to judge the constitutionality of Article 19 of the Civil Internet Framework⁵³⁶, which provides that “[i]n order to ensure freedom of expression and prevent censorship, the provider of internet applications can only be subject to civil liability for damages resulting from content generated by third parties if, after a specific court order, it does not take any steps to, within the framework of their service and within the time stated in the order, make unavailable the content that was identified as being unlawful, unless otherwise provided by law”. The Court has heard several civil society organizations as *amicus curiae*⁵³⁷. The actions under trial question both the constitutionality of conditioning the liability of intermediaries for non-compliance with court orders, and whether intermediaries have a duty to monitor content and remove it when it is offensive and without orders from the Judiciary⁵³⁸. The trial was suspended in December 2024 and will continue in March 2025⁵³⁹; thus, the Rapporteurship calls for the constitutional interpretation that is given to Article 19 of the Civil Internet

⁵³⁰ Information sent by the State of Brazil in response to the request for information from RELE in the framework of the preparation of the Annual Report, Note No. 345/24 from the Permanent Mission of Brazil to the OAS, November 6, 2024, p. 24.

⁵³¹ 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. 345/24 from the Permanent Mission of Brazil to the OAS, November 6, 2024, p. 27.

⁵³² CGI.br, [CGI.br public note on the regulation of digital platforms by the National Congress and the processing of PL 2630/20](#), April 12, 2024; Coalizão Direitos na Rede, [Nota pública: Grupo de trabalho sobre regulação de plataformas deve levar em conta acúmulo de quatro anos de discussão multissetorial sobre o tema](#), June 12, 2024.

⁵³³ IACHR, RELE, [Inclusión digital y gobernanza de contenidos en internet](#), OEA/Ser.L/V/II CIDH/RELE/INF.28/24, June 2024, para. 293.

⁵³⁴ Senado Notícias, [Senado aprova regulamentação da inteligência artificial; texto vai à Câmara](#), December 10, 2024.

⁵³⁵ Coalizão Direitos na Rede, [Regular para promover uma AI responsável e protetiva de direitos: alertas sobre retrocessos, ameaças e garantias de direitos no PL nº 2.338/23pl](#), November 29, 2024; Conectas Direitos Humanos, [Como o PL da Inteligência Artificial pode proteger direitos da população](#), December 3, 2024.

⁵³⁶ EFF, [Brazil's Internet Intermediary Liability Rules Under Trial: What are the Risks?](#), December 11, 2024; Jota, [STF julga artigo 19 do Marco Civil da Internet](#), November 28, 2024.

⁵³⁷ STF, [Dias Toffoli define entidades que participarão do julgamento sobre o Marco Civil da Internet](#), November 8, 2019.

⁵³⁸ STF, [STF começa a julgar ações sobre regras do Marco Civil da Internet para remoção de conteúdos](#), November 27, 2024.

⁵³⁹ Gazeta do Povo, [Marco Civil da Internet no STF: a expectativa da retomada do julgamento em 2025](#), December 27, 2024; Nic.br, [STF adia julgamento do Marco Civil e pede órgão como CGI.br para regular plataformas digitais](#), December 18, 2024.

Framework to be compatible with Inter-American human rights standards, especially considering what was developed in the most recent report “Digital Inclusion and Internet Content Governance”.

257. This Office records with concern the decision of a court of first instance in the city of Palmas, Tocantins, which determined the complete suspension of the *Diário do Centro do Mundo* (DCM) website following an action brought by a state deputy for publications linking her to allegations of corruption⁵⁴⁰.

258. However, the Rapporteurship welcomes and registers the information provided by the State on the Brazilian Media Education Strategy (EBEM), which would bring together various initiatives of the Federal Government aimed at promoting media education in the Brazilian population. These actions would seek to develop skills in the creation, analysis, engagement and critical production of content in young people, adults and seniors, with special emphasis on digital media channels and creative, healthy, and citizen-centered information⁵⁴¹.

259. The Office also learned of the enactment of Law 14,811/2024, which typifies bullying, including its virtual practice, as a crime in the Penal Code. The text of the law establishes that those who commit bullying at school will have to pay fines, while those who do it through cybernetic means will face prison sentences of between two and four years, in addition to economic sanctions.

260. On the other hand, the SRFOE notes with concern that, on March 15, 2024, *Facebook* blocked the account of the *National Federation of Journalists* (FENAJ) of Brazil without prior notice, alleging that “community standards had been “violated”, without providing additional details. The journalists’ association appealed the decision, and the account was restored on March 19. However, it still could not publish content due to a restriction that, according to the organization, harms thousands of journalists by preventing them from knowing the actions of their representative entity. FENAJ denounced that this incident reflects the private censorship of social media platforms, and reaffirmed its position in favor of legislation to regulate the activities of platforms in Brazil.

261. The Office stresses that platforms must ensure that their users are adequately, timely and promptly informed of any content moderation action that is implemented, whether blocking, removal of posts, application of less restrictive measures or even those that could be considered indirect censorship. They should also provide users with an effective and easily accessible appeal or review mechanism⁵⁴².

⁵⁴⁰ ABRAJI, [Suspensão integral do site Diário do Centro do Mundo viola a liberdade de imprensa](#), 7 August 2024; G1, [Justica manda retirar site Diário do Centro do Mundo do ar a pedido de deputada e depois revoga decisão: entenda](#), 7 August 2024.

⁵⁴¹ 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. 345/24 from the Permanent Mission of Brazil to the OAS, November 6, 2024, p.17, File of the Office of the Special Rapporteur for Freedom of Expression.

⁵⁴² IACHR, SRFOE, [Inclusión digital y gobernanza de contenidos en internet](#), OEA/Ser.L/V/II CIDH/RELE/INF.28/24, June 2024, para. 287.

CANADA

262. In 2024, the Office of the Special Rapporteur recorded episodes of violence against members of the press, as well as instances of stigmatization, harassment and arrest of journalists, especially targeting women journalists. It also received reports on the financial crisis faced by both public and private media in the country, with cutbacks that are severely affecting regional and local media. It also reported adverse impacts of digital platform regulations on the media ecosystem and the flow of information in the country. The Rapporteurship analyzed the period of social contestation underway as Canadians react to the conflict in the Middle East. The protests registered were mostly observed in academic institutions, where the police reportedly intervened, and where legal and administrative policies were possibly implemented to restrict them. With respect to the Internet, the Rapporteurship learned of draft laws aimed at regulating hate speech and imposing age restrictions on access to sexually explicit content, some of which were controversial for some civil society organizations that argued that they were disproportionate and introduced harmful incentives. Finally, this Office examined reports of an alleged increase in anti-Semitism and Islamophobia in the country as a result of the social protest phenomenon described above.

A. Journalism and democracy

263. During the course of the year, the Office of the Special Rapporteur recorded at least two physical attacks against Canadian journalists. On February 20, 2024, the Rapporteurship documented a video showing an unidentified subject harassing, insulting and spitting on *TVA* journalist Catherine Bouchard and her cameraman after filming a live report in the city of Montreal⁵⁴³. In a public statement, Bouchard said that this incident “reflects the hostility against the press that we feel every day”⁵⁴⁴.

264. More recently, the Rapporteurship was informed of an assault on September 29, 2024, in the city of Calgary against *Red FM* broadcaster Rishi Nagar. According to Nagar himself, two individuals allegedly followed him after leaving the Rio Banquet Hall, repeatedly punching him in the face and causing serious injuries to his eye⁵⁴⁵. Nagar also stated that the assailants expressed their dissatisfaction with what they described as “inaccuracies” in a report he had broadcast the previous week about the arrest of two men accused of threatening people and brandishing a weapon in front of a Sikh community center⁵⁴⁶. For this reason, the broadcaster stated that the attack was “a blatant attempt to intimidate, silence and prevent the free press from doing its job”, making it clear that he would not allow himself to “be silenced”⁵⁴⁷. The Police announced that they would investigate the case and, on October 8, 2024, confirmed that a 27-year-old man had been formally charged⁵⁴⁸.

265. The Rapporteurship recalls that it is crucial that States comply with their obligation to investigate acts of violence against the press in order to find those responsible, to ensure justice in the specific case, to stop its repetition, and to avoid the inhibiting effect it may have on communicators⁵⁴⁹. It also stresses the importance of public officials condemning all crimes against the press whenever they occur⁵⁵⁰.

⁵⁴³ Bouchard, Catherine, [@CatherineBoucat], (February 20, 2024), On devrait pouvoir faire son travail sans avoir peur de se faire agresser. On venait de terminer un direct et cet homme est venu tenter de se battre avec mon caméraman et lui a craché dessus deux fois, <https://x.com/CatherineBoucat/status/1760098942547611665>.

⁵⁴⁴ Canada Press Freedom Project, [TVA Journalist](#) and [Camera Operator Spat On](#), February 20, 2024.

⁵⁴⁵ Canada Press Freedom Project, [Calgary Radio Host Attacked](#), September 29, 2024; Calgary Herald, [Radio journalist says he was assaulted in attack over news coverage](#), October 1, 2024.

⁵⁴⁶ CityNews Calgary, [Man threatened outside NE temple, two arrested: Calgary police](#), Sept. 30, 2024; Red FM Canada, [RED FM Calgary's News Director Rishi Nagar Says Assault Will Not Silence Him](#), Oct. 1, 2024; Calgary Herald, [Hundreds sign petition as safety concerns rise among members of Calgary Sikh community](#), Oct. 2, 2024.

⁵⁴⁷ Global News, ['I will not be silenced': Calgary radio host attack caught on CCTV](#), October 1, 2024; Red FM Canada, RED FM Canada, [RED FM Calgary's News Director Rishi Nagar Says Assault Will Not Silence Him](#), October 1, 2024.

⁵⁴⁸ CBC, [Calgary police probe assault of RED FM news director](#), October 1, 2024; City of Calgary Newsroom, [One man charged in northeast assault](#), October 8, 2024.

⁵⁴⁹ IACHR, [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.

⁵⁵⁰ OAS, UN, OSCE, ACHPR, [Joint Declaration on Crimes against Freedom of Expression](#), 2012.

266. In addition, the Office of the Special Rapporteur documented stigmatizing statements and threats of legal proceedings against the press. On January 8, 2024, this Office learned of a letter in which the municipality of Sainte-Pétronille, in the province of Québec, threatened to sue the editors of the local newspaper *Autour de l'île* if they published an article critical of the new “director general” at the municipality⁵⁵¹. According to the response to a request for information submitted by a group of local residents, the official had reportedly been investigated for irregularities while serving in another public position in the municipality of Val-des-Lacs⁵⁵². In its letter, the municipality’s legal representation also described as “unacceptable” that a local newspaper financed with public funds published articles with the aim of “denigrating municipal employees”⁵⁵³, and warned that it would “inform” the regional government of what had happened in order to avoid a repetition⁵⁵⁴. In view of this situation, *Autour de l'île* reportedly decided not to publish the article in order to protect its financial stability⁵⁵⁴. The president of the *Fédération professionnelle des journalistes du Québec* considered the case an example of a strategic lawsuit against public participation (SLAPP), while an investigation by the Quebec Municipal Commission concluded that the financial threat could affect freedom of the press, stressing that public funds allocated to the media should not be conditioned on their loyalty to their funders, much less in matters of public interest.⁵⁵⁵

267. This Office also learned that a legal team representing 43 police officers from the police headquarters in Val-d’Or, Québec, accused *Radio-Canada* of publishing a “biased and misleading” report whose assertions allegedly affected the reputation of the officers and created a “personally hostile” environment for them⁵⁵⁶. The report, published in 2015 by journalist Josée Dupuis, addressed complaints from indigenous women about instances of sexual violence, discrimination and abuse of power by local law enforcement⁵⁵⁷. The group of officers sued the media outlet for defamation in October 2016, seeking C\$2.9 million in reparations; the trial, however, began until February 2024⁵⁵⁸. According to local media, the plaintiff argued that the reporting was inaccurate for failing to verify each testimony and, therefore, defamatory⁵⁵⁹. In response, the lawyer representing *Radio-Canada* argued that journalistic standards had been met and emphasized that the victims’ testimonies constituted information of public interest⁵⁶⁰.

268. Since the right to freedom of expression empowers the individual and the community to engage in active, vigorous and challenging debates on all aspects of the functioning of society, this right covers debates that may be critical of persons exercising public functions. This does not imply that their honor cannot be judicially protected 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-censorship⁵⁶¹. Therefore, this Office reiterates that media workers who investigate cases of

⁵⁵¹ Canadian Press Freedom Project, [Municipal government threatens to sue local newspaper](#), January 8, 2024.

⁵⁵² TVA, [Questionnée pour l'embauche d'une DG, Sainte-Pétronille met en demeure des citoyens](#), January 17, 2024; Radio-Canada, [Une centaine de résidents de Sainte-Pétronille mis en demeure](#), January 17, 2024; CBC, [Quebec village hits residents, local paper with legal notices after questions raised about new manager](#), January 19, 2024; Le Journal de Québec, [Conflit à Sainte-Pétronille: la directrice générale Nathalie Paquet est de retour, mais les conseillers sont absents](#), October 7, 2024.

⁵⁵³ CBC, [Quebec village hits residents, local paper with legal notices after questions raised about new manager](#), January 19, 2024; The Globe and Mail, [Quebec village spent \\$20,000 in legal fees threatening to sue residents, local paper](#), March 11, 2024.

⁵⁵⁴ Radio-Canada, [Sainte-Pétronille menace le journal local de poursuites pour empêcher une publication](#), January 18, 2024; Le Soleil, [Sainte-Pétronille: le journal local menacé de poursuites](#), January 18, 2024.

⁵⁵⁵ FPJQ, [Sainte-Pétronille: des conclusions mitigées de la CMO](#), May 10, 2024; The Globe and Mail, [Quebec village's gagging of local paper 'likely to harm press freedom,' investigation finds](#), May 10, 2024; Radio-Canada, [Sainte-Pétronille n'a contrevenu à aucune loi, conclut un rapport](#), May 10, 2024.

⁵⁵⁶ Canadian Press Freedom Project, [Sûreté du Québec officers sue Radio-Canada for defamation](#), February 5, 2024; [Le Journal de Montréal, Policiers de Val-d'Or v. Radio-Canada: charge frontale contre la société d'État](#), May 2, 2024.

⁵⁵⁷ Radio-Canada Télé, [Abus de la SQ: les femmes brisent le silence](#), October 22, 2015.

⁵⁵⁸ Le Devoir, [Début du procès en diffamation des policiers de Val-d'Or contre Radio-Canada](#), February 5, 2024; La Presse, [Les témoignages de policiers de Val-d'Or débutent](#), February 7, 2024.

⁵⁵⁹ Radio-Canada, [Policiers de Val-d'Or contre Radio-Canada: le procès en diffamation s'ouvre lundi](#), 4 February 2024; La Presse, [Les témoignages de policiers de Val-d'Or débutent](#), 7 February 2024.

⁵⁶⁰ Le Journal de Montréal, [Policiers de Val-d'Or v. Radio-Canada: "Toutes les vérifications nécessaires ont été faites", insiste la société d'État](#), May 6, 2024.

⁵⁶¹ IACHR, [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.

corruption or improper actions should not be the target of judicial harassment or other types of harassment in retaliation for their work⁵⁶².

269. Following up on alleged instances of stigmatization and intimidation of journalists, the Rapporteurship took note of an exchange on X (formerly *Twitter*) between a member of parliament from the province of Ontario and journalist Samira Mohyeddin about the conflict in the Middle East. In the course of the discussion, the government official posted the name of Mohyeddin's Iranian restaurant, stating that she would be visiting it for "dinner with her Jewish friends"⁵⁶³. Subsequently, on October 8, 2024, the restaurant in question, *Banu*, was vandalized and looted by an unidentified subject⁵⁶⁴. Toronto Police said they were investigating the crime and explained that the specialized hate crimes unit would have been notified, although it would not yet be assumed that this case would classify as such⁵⁶⁵. Following the attack, Mohyeddin claimed that the elected official's post was "perverse", "problematic" and "threatening" for mentioning her restaurant out of context, and over a political disagreement, in front of thousands of her supporters online⁵⁶⁶.

270. Days later, on October 14, 2024, this Office learned that journalist Samira Mohyeddin was included in a list of "anti-Semitic agitators and influencers in Canada", published by the State of Israel and its Ministry of Diaspora Affairs in a special report on anti-Semitism in the country⁵⁶⁷. The document includes a photograph of the journalist and screenshots of a selection of her X and *Instagram* posts. In the document, the ministry claims that Mohyeddin "confidently displays anti-Zionist and anti-Semitic content on her platforms, particularly in reference to Israel's alleged genocidal intentions"⁵⁶⁸. In conversation with the *Canadian Press Freedom Project*, the journalist assured that her inclusion on this list, following the attack on her restaurant, makes her feel "quite insecure"⁵⁶⁹.

271. The Rapporteurship also learned that, during a testimony before the House of Commons Standing Committee on Public Safety and National Security, a former MP and federal cabinet member allegedly accused journalist David Pugliese of being an "undercover agent" of Russian intelligence services⁵⁷⁰. The former official made this accusation against the *Ottawa Citizen* reporter as part of a study on Russian political interference and disinformation in Canada⁵⁷¹. In a statement shared on social media, Pugliese called the allegations "totally false" and said they "highlight another tactic in the ongoing attack on Canadian journalism"⁵⁷². He also added that the claims would have put his family at risk and would be defamatory were it not for the parliamentary immunity enjoyed by any discourse pronounced in these contexts⁵⁷³. The charges levelled against Pugliese could, according to public information, stem from his reporting on meetings between

⁵⁶² OAS, UN, OSCE, [Joint Declaration on Media Regulation, Restrictions on Journalists and Investigation of Corruption](#), 2003.

⁵⁶³ Ghamari, Goldie, (September 13, 2024), I'm looking forward to wearing my Israel sweater while I go to your restaurant @Banutoronto with my Jewish friends and order some Ghormeh Sabzi. I'm looking forward to seeing if it's as good as my cooking, <https://x.com/gghamari/status/1834708123287740691>.

⁵⁶⁴ Toronto Star, [Toronto restaurant owner fears vandalism was linked to war in Gaza](#), Oct. 11, 2024; CBC, [Toronto restaurant owner and journalist speaks out after window smashed](#), Oct. 11, 2024.

⁵⁶⁵ Yahoo News, [Toronto restaurant Banu vandalized, police investigating: 'My family didn't sign up for this'](#), 11 October 2024; Toronto Star, [Toronto restaurant owner fears vandalism was linked to war in Gaza](#), 11 October 2024.

⁵⁶⁶ CBC, [Toronto restaurant owner and journalist speaks out after window smashed](#), Oct. 11, 2024; Yahoo News, [Toronto restaurant Banu vandalized, police investigating: 'My family didn't sign up for this'](#), Oct. 11, 2024.

⁵⁶⁷ Ministry for Diaspora Affairs and Combatting Antisemitism, [Antisemitism in Canada Report](#), October 14, 2024, page 8; Canada Press Freedom Project, [Israeli government includes Canadian journalist on list of "antisemitic generators and influencers"](#), October 14, 2024.

⁵⁶⁸ Ministry for Diaspora Affairs and Combatting Antisemitism, [Antisemitism in Canada Report](#), October 14, 2024, page 8.

⁵⁶⁹ Canada Press Freedom Project, [Israeli government includes Canadian journalist on list of "antisemitic generators and influencers"](#), October 14, 2024.

⁵⁷⁰ CBC, [Journalist says claims that he is a Russian agent are 'fabricated'](#), October 25, 2024; CTV News, November 7, 2024; CTV News, [Ottawa journalist says claims that he is a Russian agent are 'fabricated'](#), October 26, 2024.

⁵⁷¹ National Post, [Postmedia reporter says KGB allegations are 'ridiculous' and 'entirely false'](#), October 25, 2024; Toronto Star, [Reporter accused of being Russian spy tells MPs they fell for disinformation](#), November 7, 2024.

⁵⁷² Pugliese, David [@davidpugliese], (October 25, 2024), My statement on Chris Alexander's false claims, <https://x.com/davidpugliese/status/1849695192548508104>.

⁵⁷³ Global News, [Reporter pushes back against 'ridiculous' Russian spy allegations](#), Oct. 25, 2024; CBC, [Journalist says he's received threats following 'false' accusations that he's a Russian agent](#), Nov. 7, 2024.

Canadian military officials in Ukraine and alleged neo-Nazis, the detour of donations intended for Ukrainian soldiers, and the links of relatives of Canadian public officials to Nazi Germany⁵⁷⁴.

272. This Office recalls that public officials should ensure that their comments are accurate, avoid stigmatizing and discrediting the media by resorting to labels or other discrediting epithets, and not threaten journalists or undermine respect for media independence⁵⁷⁵. Likewise, the Office recalls that the right to freedom of expression includes debates that may be critical and even offensive towards public officials, candidates for public office, and persons involved in the formulation of public policies⁵⁷⁶. In this sense, such persons should show a greater degree of tolerance to criticism, considering that, by performing public functions, they knowingly expose themselves to public scrutiny⁵⁷⁷.

273. In 2024, the Office of the Special Rapporteur documented a series of denials of access to journalists by local authorities. On January 7, 2024, the Edmonton Police limited access to all journalists seeking to cover the eviction of homeless people in Dawson Park, near downtown⁵⁷⁸. The Edmonton Police claimed that they limited access because of “active work”, “space limitations” and “security risks”, although at least one journalist claimed that in six past evictions in the city she had not faced any restrictions⁵⁷⁹. Similarly, on October 3, 2024, at least two journalists from specialized magazines were reportedly denied access to an Ontario government technical meeting on a controversial redevelopment project at Ontario Place, a waterfront public property in Toronto⁵⁸⁰. The provincial government advertised the meeting as open to “accredited media”, but neither *Canadian Architect* nor *Spacing* received any credentials or further information to be able to dispatch their reporters, according to the information available⁵⁸¹.

274. This Office recalls that States should ensure that independent and non-discriminatory mechanisms are in place, such as accreditation systems, 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 citizenry⁵⁸².

275. Over the course of the year, the SRFOE documented the arrest of at least two women journalists and a threat of arrest against one more while they were reporting. On January 10, 2024, Edmonton Police arrested Indigenous journalist Brandi Morin of *Ricochet Media* while she was reporting on the eviction of Indigenous homeless people living on a vacant lot east of Alberta’s capital⁵⁸³. According to Morin, she was interviewing a source when police arrived at the site. A female officer reportedly ordered the journalist to leave and remain outside the area demarcated by authorities; Morin, for her part, identified herself as a reporter and

⁵⁷⁴ Canadian Press Freedom Project, [Former MP Accuses Journalist of Being Russian Agent](#), October 24, 2024.

⁵⁷⁵ IACHR, [Guide to Guarantee Freedom of Expression in the Face of Deliberate Disinformation in Electoral Contexts](#), OEA/Ser.D/XV.22, October 2019, pp. 38,39.

⁵⁷⁶ IACHR, [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.

⁵⁷⁷ IACHR, Report on the compatibility between desacato laws and the ACHR, Section IV.C, 1995.

⁵⁷⁸ Boothby, Lauren [@laurby], (2024, January 7), *Police prevented reporters from accessing the encampment removals today. I've been to 2 other removals without issue*, <https://x.com/laurby/status/1744146931474165943>; Kinney, Duncan [@duncankinney], (Jan. 7, 2024), cops outnumber reporters at these encampment sweeps at 4 or 5 to 1. and it's not like they're lifting anything, they're site security. but they set a wide perimeter and justify keeping reporters out by calling it an "active worksite". as if we can't stay out of the way of workers, X, <https://x.com/duncankinney/status/1744189129662050352>.

⁵⁷⁹ Boothby, Lauren [@laurby], (January 7, 2024), Got this explanation from EPS, <https://x.com/laurby/status/1744148608717664394>; Boothby, Lauren [@laurby], (2024, January 7), Media were allowed to go to all of the previous 6 camp removals, all of which were deemed to be "high risk" encampments for various reasons by the city, X, <https://x.com/laurby/status/1744150355062218939>.

⁵⁸⁰ Canada Press Freedom Project, [Canadian Architect journalist denied access to Ontario government press briefing](#), October 3, 2024; Canada Press Freedom Project, [Spacing journalist denied access to Ontario government press briefing](#), October 3, 2024.

⁵⁸¹ Ontario Newsroom, [Infrastructure Ontario to Hold Technical Media Briefing](#), October 3, 2024.

⁵⁸² OAS, UN, OSCE, ACHPR, [Joint Declaration on Political Leaders, Public Officials and Freedom of Expression](#), October 20, 2021.

⁵⁸³ Ricochet, [Ricochet journalist Brandi Morin arrested by Edmonton Police during encampment raid](#), January 10, 2024; Morin, Brandi [@Songstress28], (January 10, 2023), Edmonton Police putting up yellow tape readying to raid an Indigenous camp, <https://x.com/Songstress28/status/1745162781736022175>; The Guardian, [Indigenous reporter fears more journalists will be targeted after arrest as police cleared Canada camp](#), February 2, 2024.

asserted her right to be on public property and report on matters of public interest⁵⁸⁴. Despite this exchange, Morin was reportedly handcuffed and arrested for alleged obstruction⁵⁸⁵. The journalist was subsequently taken to a police station and released five hours later, with an obligation to appear in court on February 1, 2024, to face charges of up to two years in prison⁵⁸⁶. On March 1, 2024, this Office learned that prosecutor dropped the charges, considering that proceeding with the prosecution was not in the public interest⁵⁸⁷. *Ricochet's* editor-in-chief called the case “an attempt at media intimidation by the Edmonton Police,” and expressed that the charges should have been dropped much earlier, alluding to the high financial and emotional costs to the media and the journalist⁵⁸⁸.

276. The second arrest of a female journalist reportedly occurred on April 15, 2024. On that date, Savanna Craig of *CUTV* affiliate *Local 514* was reportedly arrested while covering a pro-Palestinian protest inside a Scotiabank branch in downtown Montreal⁵⁸⁹. According to Craig, she was questioned for “not looking” like a journalist and not wearing a press vest, and was reportedly detained despite showing her credentials and work equipment to authorities on two occasions⁵⁹⁰. According to the journalist, she did not receive any formal charges until October 2, 2024, when she was informed that no charges would be filed against her, which in her opinion would demonstrate that there would not have been a solid case to begin with⁵⁹¹. With respect to Craig’s arrest, the president of the Canadian Journalists Association stated that “every time a journalist is prevented from doing his or her job, the public’s right to information is irreparably damaged”⁵⁹².

277. Finally, the Rapporteurship recorded a threat of arrest by the Montreal police against journalist Oona Barrett, of *Pivot* media, while she was covering an environmental rally in the vicinity of the city’s airport. In a video shared by the media outlet in question, it can be seen how an officer orders her to move, puts his hand on her back, and says, in response to her annoyance: “Yes, I have the right to touch you if you refuse to listen to me”⁵⁹³. The officer allegedly referred to Barrett as “girl”, even after identifying herself as a reporter, and roughly dragged her to the rail of the road and prevented her from recording any additional footage⁵⁹⁴. After positioning herself there, another officer reportedly asked her if she wanted to be arrested for obstruction, also questioning the legitimacy of her *FPJQ* credentials⁵⁹⁵. In a statement, the Canadian Association of Journalists stated that “the interaction demonstrates not only an arbitrary and unnecessary exercise of

⁵⁸⁴ Committee to Protect Journalists, [Canadian journalist arrested, charged with obstruction while reporting](#), February 28, 2024; RSF, [Canada: RSF warns of dangerous precedent in charges against journalist Brandi Mori](#), February 16, 2024.

⁵⁸⁵ Coalition for Women in Journalism, [Canada: Crown Attorney Drops Bogus Charges Against Brandi Morin Following Campaign by Women Press Freedom](#), January 10, 2024; RSF, [Canada: RSF warns of dangerous precedent in charges against journalist Brandi Mori](#), February 16, 2024.

⁵⁸⁶ Edmonton Journal, [Indigenous journalist arrested by Edmonton police at homeless encampment](#), January 11, 2024; Ricochet, [Brandi Morin: Police raids rock Edmonton, as Indigenous encampment dismantled](#), January 18, 2024.

⁵⁸⁷ CBC, [Obstruction charge dropped for reporter covering Edmonton homeless camp clearing](#), March 1, 2024; Ricochet, [Obstruction charges against journalist Brandi Morin dropped](#), March 1, 2024.

⁵⁸⁸ Canada Press Freedom Project, [Edmonton police arrest Ricochet journalist during encampment eviction](#), March 1, 2024.

⁵⁸⁹ Canada Press Freedom Project, [CUTV journalist arrested in Montreal](#), April 15, 2024; Committee to Protect Journalists, [Canadian journalist detained during Israel-Gaza war protest](#), April 18, 2024.

⁵⁹⁰ CUTV, [CUTV journalist arrested, detained by Montreal Police](#), April 17, 2024; Committee to Protect Journalists, [Canadian journalist detained during Israel-Gaza war protest](#), April 18, 2024.

⁵⁹¹ Craig, Savanna [@savannacraig], (October 3, 2024), Yesterday I was notified that the criminal charges against me have been dropped after the prosecution decided not to move forward with the charges of mischief, X, <https://x.com/savannacraig/status/1841972915463479727>.

⁵⁹² Canadian Association of Journalists, [Arbitrary arrest of journalists does irreparable harm to the public's right to know](#), April 18, 2024.

⁵⁹³ Canada Press Freedom Project, [Montreal police threaten to arrest Pivot journalist](#), July 23, 2024; Coalition for Women in Journalism, [Canada: WPF Denounces Police Obstruction of Oona Barrett, Demands Unfettered Press Freedom at Protests](#), July 24, 2024.

⁵⁹⁴ Pivot, [Notre journaliste @oona.b a fait face à l'obstruction de la @spympolice ce matin alors qu'elle couvrait une manifestation pour Pivot](#), July 24, 2024; Pivot, [Pivot dénonce fermement cette entrave à la liberté de presse](#), July 24, 2024.

⁵⁹⁵ Pivot, [Notre journaliste @oona.b a fait face à l'obstruction de la @spympolice ce matin alors qu'elle couvrait une manifestation pour Pivot](#), July 24, 2024; Pivot, [Pivot dénonce fermement cette entrave à la liberté de presse](#), July 24, 2024.

power, but also a sense of paternalism that belittles a woman who was guilty of nothing more than bearing witness and doing her job”⁵⁹⁶.

278. This Office recalls that journalists should not be detained for carrying out their work, nor harassed or attacked by the forces of law and order; on the contrary, the authorities have a duty to protect them when journalists are victims of acts of violence, and should never retain, confiscate or destroy their equipment or materials⁵⁹⁷. Likewise, it reiterates that women who actively exercise freedom of expression and maintain a high public profile, such as women journalists, run the risk of being doubly attacked for exercising freedom of expression and because of their gender⁵⁹⁸.

279. Moreover, the SRFOE learned of an order from the Republic of India to *YouTube* and *X* to remove a documentary from Canada’s public media system about the assassination of Hardeep Singh Nijjar, titled “Contract to Kill”⁵⁹⁹. The documentary, released on March 8, 2024, and blocked in India as of March 13, 2024, narrates details and include videos of the assassination of the Sikh leader, activist, and separatist leaving the parking lot of his place of worship in Surrey, British Columbia, on the night of June 18, 2023⁶⁰⁰. Both platforms reportedly notified *CBC* of the blocking, while confirming that the documentary would remain available in all other jurisdictions worldwide⁶⁰¹. In September 2023, the Prime Minister of Canada accused the Indian government of involvement in the murder, although it has denied any connection to the crime⁶⁰². Chuck Thompson, *CBC* spokesperson, maintained that the public media system stands by its journalistic stance on the story, assuring that, to “ensure fairness and balance,” the documentary would have been “thoroughly vetted by senior editorial leaders” and therefore “meets our journalistic standards”⁶⁰³.

280. With respect to media sustainability in the country, the SRFOE recorded in December 2023 the announcement by the public media system to terminate the contracts of nearly 600 workers and leave 200 positions vacant as a result of an estimated deficit of C\$125 million; at the time, the deficit was due to a decrease in television revenues from advertising, increased competition, and rising production costs⁶⁰⁴. Eight months later, in August 2024, the Rapporteurship documented that the estimated vacancies had been eliminated but that fewer employees had been laid off than announced (141 employees)⁶⁰⁵. However, this Office learned of questions about the distribution of C\$18.4 million in bonuses to senior executives in view of the financial situation of the media ecosystem⁶⁰⁶.

281. Relatedly, in February 2024, the Special Rapporteur was alerted to the announcement by *BCE Inc*, parent company of the *Bell Media* conglomerate, to terminate 4,800 jobs and sell 45 of the 103 regional radio stations it owns in British Columbia, Ontario and Québec, as well as in the Atlantic region of the country⁶⁰⁷. As part of these cuts, it would also end midday newscasts between Monday and Friday on all *CTV News* stations

⁵⁹⁶ Canadian Association of Journalists (@caj), (July 31, 2024), The interaction demonstrates not only an arbitrary, and unnecessary, exertion of power, but also a sense of paternalism that belittled a woman who was guilty of nothing else than bearing witness and doing her job, X, <https://x.com/caj/status/1818735723014767105>.

⁵⁹⁷ IACHR, [Protest and Human Rights](#), OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 356.

⁵⁹⁸ IACHR, [Women Journalists and Freedom of Expression](#), OEA/Ser.L/V/II, IACHR/RELE/INF.20/18, October 31, 2018, para. 3.

⁵⁹⁹ CBC, [YouTube blocks access to Fifth Estate story on killing of B.C. Sikh activist at India's lawsuit](#), March 13, 2024; The Guardian, [India blocks access to documentary about death of Sikh activist in Canada](#), March 14, 2024.

⁶⁰⁰ CBC The Fifth State, [Contract to Kill](#), March 8, 2024.

⁶⁰¹ CBC, [YouTube blocks access to Fifth Estate story on killing of B.C. Sikh activist at India's demand](#), March 13, 2024.

⁶⁰² The New York Times, [Justin Trudeau Accuses India of a Killing on Canadian Soil](#), September 18, 2023; BBC, [Hardeep Singh Nijjar: Canada accuses India of role in Sikh leader's murder](#), September 19, 2023.

⁶⁰³ CBC, [YouTube blocks access to Fifth Estate story on killing of B.C. Sikh activist at India's demand](#), March 13, 2024.

⁶⁰⁴ CBC, [CBC/Radio-Canada announces programming and job cuts](#), December 4, 2023; Forbes, [2023 Media Layoffs: CBC Cuts 10% Of Workforce](#), December 5, 2023.

⁶⁰⁵ CBC, [CBC paid out \\$18.4 million in bonuses in 2024 after it eliminated hundreds of jobs](#), August 12, 2024; Global News, [CBC paid out over \\$18M in bonuses in 2024 after hundreds of job cuts](#), August 12, 2024.

⁶⁰⁶ National Post, [CBC paid out \\$18.4M in bonuses after hundreds of jobs were cut](#), August 12, 2024; Global News, [Federal government won't say if it approved CBC head's bonus](#), August 15, 2024; The Globe and Mail, [CBC chief Catherine Tait resists calls to reject exit cash, including bonuses](#), October 21, 2024.

⁶⁰⁷ AP, [Canada media group ends several TV newscasts after announcing 4,800 layoffs](#), Feb. 8, 2024; Global News, [Bell to cut 4.8K jobs, sell 45 radio stations in major shake-up](#), Feb. 8, 2024.

except in Toronto, newscasts broadcast between 6 and 11 p.m. on weekends on *CTV* and *CTV2* in all small and medium-sized cities across the country, and the flagship investigative journalism program “W5”⁶⁰⁸.

282. In the same month of February 2024, the Rapporteurship took note of the decision of *Vice Media*, a U.S.-Canadian media outlet, to eliminate “hundreds” of jobs and stop publishing content on *Vice.com* due to financial viability issues⁶⁰⁹. The media outlet had close to 2,500 employees in 2019 and, prior to this announcement, had approximately 900, according to public information⁶¹⁰.

283. Similarly, in mid-year, the Rapporteurship learned of the elimination of nearly 30 *Global News* jobs in the provinces of Alberta, British Columbia and Ontario; the parent company, *Corus*, reportedly blamed “the current economic and regulatory reality” of media organizations for this type of measure⁶¹¹. For its part, an extraordinary decision by the Canadian broadcast regulator, CRTC, reportedly accepted *Corus*’ request for relief from its financial obligations with respect to English-language national interest programming spending requirements⁶¹².

284. This Office also took note of the announcement of layoffs at the largest media conglomerate in Atlantic Canada, *SaltWire*, as several of its 20 regional and local media subsidiaries had significant financial shortfalls, as per the information available⁶¹³. The announcement would have come three days after *SaltWire* was acquired on August 26, 2024, by *Postmedia*, another media conglomerate, due to liquidity problems and unsustainability⁶¹⁴. 60 people would have been laid off, and 300 more still employed would be dependent on *Postmedia*’s executive decisions⁶¹⁵.

285. In response to the trend in media closures, this Office was informed of the federal government’s launch of the “*Local Journalism Initiative (LJI)*,” committing C\$10 million over three years, beginning in fiscal year 2024-2025, to the Department of Canadian Heritage to support “the creation of original civic journalism that meets the diverse needs of underserved communities across Canada”⁶¹⁶. According to the government, to protect the independence of the press, seven non-profit organizations, representing different segments of the news industry, would administer the initiative⁶¹⁷. As part of the initiative, the government announced the creation of a specialized fund that would prioritize funding “for the hiring of diverse journalists (i.e., Indigenous, Black, racialized, ethno-religious minority, people with disabilities and 2SLGBTQI+ communities)” beginning in winter of 2025⁶¹⁸.

286. Adding to the financial difficulties faced by the media in Canada are the impacts of the *Online News Act*, a piece of legislation that this Office has been monitoring since its 2022 annual report⁶¹⁹. The law in

⁶⁰⁸ Global News, [Bell to cut 4.8K jobs, sell 45 radio stations in major shake-up](#), Feb. 8, 2024; Toronto Star, [Vice, Bell, CBC: A look at recent media layoffs in Canada](#), Feb. 26, 2024.

⁶⁰⁹ CBC, [Vice Media to halt publishing to namesake site, cut 'several hundred' jobs in restructuring](#), Feb. 22, 2024; CityNews Toronto, [Vice Media says 'several hundred' staff members will be laid off. Vice.com news site shuttered](#), Feb. 22, 2024.

⁶¹⁰ CBS News, [Vice Media to lay off hundreds of workers as digital media outlets implode](#), Feb. 23, 2024; Toronto Star, [Vice, Bell, CBC: A look at recent media layoffs in Canada](#), Feb. 26, 2024.

⁶¹¹ CBC, [Global News lays off employees in Alberta, British Columbia and Ontario](#), June 12, 2024; Canadian Association of Journalists, [Journalism job losses at Global News undercut Canadians' right to know](#), June 13, 2024.

⁶¹² CRTC, [Broadcasting Decision CRTC 2024-103](#), May 13, 2024; Global News, [CRTC grants Canadian content spending relief for Corus, but says other asks must wait](#), May 14, 2024.

⁶¹³ CBC, [Despite layoffs, Postmedia says don't expect big changes to Atlantic Canadian newspapers](#), Aug. 29, 2024; Global News, [Postmedia CEO says layoffs at SaltWire, Herald are necessary to stabilize papers](#), Aug. 30, 2024.

⁶¹⁴ Postmedia, [Postmedia Completes Acquisition of Saltwire Network](#), August 26, 2024; CBC, [Postmedia completes \\$1M purchase of Atlantic Canada's largest newspaper chain](#), August 26, 2024.

⁶¹⁵ CWA Canada, [Postmedia announces Saltwire layoffs: union will enforce seniority and severance obligations](#), August 29, 2024; CBC, [Despite layoffs, Postmedia says don't expect big changes to Atlantic Canadian newspapers](#), August 29, 2024; Global News, [Postmedia CEO says layoffs at SaltWire, Herald are necessary to stabilize papers](#), August 30, 2024.

⁶¹⁶ Government of Canada, [Local Journalism Initiative](#), November 18, 2024.

⁶¹⁷ Government of Canada, [Local Journalism Initiative](#), November 18, 2024.

⁶¹⁸ Government of Canada, [Local Journalism Initiative](#), November 18, 2024.

⁶¹⁹ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Annual Report 2022](#), OEA/Ser.L/V/II Doc. 50, March 6, 2023, paras. 329-333; IACHR, Office of the Special Rapporteur for Freedom of Expression, [Annual Report 2023](#), OEA/Ser.L/V/II Doc. 386, December 6, 2023, paras. 385-390.

question seeks to ensure that dominant digital platforms compensate media outlets monetarily, “fairly” and after reaching “voluntary agreements”, for news content available on their online services⁶²⁰. The Canadian government estimated that these agreements could generate revenues of up to C\$234 million for the media in the country⁶²¹. In response to what it considers to be an inappropriate law, and after refusing to conclude any agreement, *Meta* blocked Canadian and international media content for all users on *Facebook* and *Instagram* as of August 1, 2023, which meant that, from then on, they cannot view or share news through pages, accounts or links⁶²². The designation of “media outlet” has been extended, according to the same company, to any actor “whose primary purpose is to produce content, in any format, that informs, investigates or explains current issues or events of public interest”, so even community and student media are affected by the blockade⁶²³.

287. After one year of the *Online News Act*, a study by the *Media Ecosystem Observatory*, published in August 2024, found that media outlets lost 85% of their interaction on *Facebook* and *Instagram*, leading to an overall decrease in interaction of 43%⁶²⁴. In addition, it estimated that *Meta*’s blocking would have had a significant impact on the country’s media ecosystem, leading to the disappearance of approximately 212 local and community media outlets, equivalent to one-third of those previously active on social media⁶²⁵. The study also concluded that people in Canada would be seeing less news, with an estimated reduction of 11 million views per day on *Instagram* and *Facebook*, thus consuming “more biased” and “less accurate” content on digital platforms⁶²⁶.

288. In mid-2024, the Office learned that the federal government and *Google* reached an agreement under the *Online News Act* for the company to pay C\$100 million annually to the *Canadian Journalism Collective-Collectif Canadien de Journalisme (CJC-CCJ)*, the non-profit organization that would distribute the funds to businesses and media outlets⁶²⁷. After the agreement was signed, the regulator, *CRTC*, granted *Google* a five-year exemption from enforcement on October 28, 2024⁶²⁸. In the last week of December, the company made the payment and, according to *CJC-CCJ*, it is estimated that 7% will go to the *CBC/Radio-Canada* public media system, 30% to broadcasters, and the remaining 63% to other media outlets, with each allocation dependent on the number of journalists working as full-time staff⁶²⁹.

289. With respect to the duty to guarantee freedom of expression on the Internet, and in particular freedom of the press, the Rapporteurship recalls that it is the duty of States to “[a]dopt measures to promote a diversified and decentralized environment for online content curation and news recommendation systems where no single entity has massive power over information flows in society, nor over the diversity of exposure of individual users”⁶³⁰.

290. Likewise, and in accordance with the report on “Digital Inclusion and Internet Content Governance”, the Rapporteurship reiterates that, in the face of an alleged undue restriction of content by the platforms, the State must analyze the relationship between the platform and the users, and the degree to which human rights have been respected. In its role as guarantor of human rights, it must determine the responsibility

⁶²⁰ Government of Canada, [The Online News Act](#), April 15, 2024.

⁶²¹ CBC, [Online News Act could see Google, Meta pay combined \\$234 million to Canadian media](#), September 1, 2023; Public Policy Forum, [The Online News Act gets an edit. What it means for the Canadian news media](#), September 19, 2023.

⁶²² *Meta*, [Meta's position on Canada's Online News Act](#), May 8, 2023; *Meta*, [News Regulations](#), September 3, 2024.

⁶²³ *Meta*, [News Regulations](#), September 3, 2024; CBC, [One year after news ban. Canadian journalism is suffering - but Meta isn't budging](#), August 1, 2024; Digital Content Next, [How Meta's news ban reshaped Canadian media](#), September 12, 2024.

⁶²⁴ Media Ecosystem Observatory, [Old News, New Reality: A Year of Meta's News Ban in Canada](#), August 2024.

⁶²⁵ Media Ecosystem Observatory, [Old News, New Reality: A Year of Meta's News Ban in Canada](#), August 2024.

⁶²⁶ Media Ecosystem Observatory, [Old News, New Reality: A Year of Meta's News Ban in Canada](#), August 2024.

⁶²⁷ *Google*, [Canada's Online News Act: How we're moving forward with the Canadian news ecosystem](#), June 7, 2024; Canadian Journalism Collective, [Canadian Journalism Collective to represent Canadian news businesses under Online News Act](#), June 7, 2024.

⁶²⁸ *CRTC*, [CRTC approves Google's application and paves way for annual \\$100 million contribution to Canadian news organizations](#), October 28, 2024.

⁶²⁹ National Post, [Google makes \\$100M payment to news groups for Online News Act exemption](#), Jan. 3, 2025; CBC, [Google sends \\$100M in funds to journalism collective in exchange for Online News Act exemption](#), Jan. 3, 2025.

⁶³⁰ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Digital Inclusion and Internet Content Governance](#), OEA/Ser.L/V/II/CIDH/RELE/INF.28/24, June 2024, para. 221.

of any platform if an abusive practice is identified that does not comply with the tripartite test of legality, legitimacy, and necessity and proportionality⁶³¹.

291. In relation to the funds created for the media, the Office of the Special Rapporteur emphasizes that these (i) must be regulated through special, clear and precise regulations; (ii) obey legitimate public and transparent objectives; (iii) have objective and non-discriminatory distribution criteria; (iv) adhere to careful planning; (v) have clear, open, transparent and non-discriminatory allocation procedures; (vi) have external and independent auditing and control mechanisms⁶³².

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

292. The Office of the Special Rapporteur has recorded a significant increase in the number of social protests in the national territory, especially as a result of the tensions generated by the conflicts in the Middle East⁶³³. The majority of mobilizations documented by this Office took place in at least 19 public educational institutions in seven provinces⁶³⁴. In these, students, teachers, administrative staff and members of civil society reportedly set up camps to demand that the institutions in question divest from companies linked to Israel, end partnerships with Israeli institutions, and demand that the Israeli state comply with its obligations under international law⁶³⁵. Available information suggests that such protests would have spread in Canada with the establishment of the first pro-Palestinian camp at Columbia University on April 17, 2024⁶³⁶.

293. After declaring that attempts to dialogue with the protesters had failed and arguing that they were transgressing institutional protocols and provincial and federal legal regulations, the SRFOE documented the decision of several universities to request the intervention of local authorities to clear the encampments erected on their premises. On May 9, 2024, this Office was informed of the first operation in which riot police, equipped with shields, batons and flash-bang devices forcibly removed an encampment set up hours earlier at the University of Calgary⁶³⁷. According to the information available, the majority of protesters dispersed following on-site warnings from the City Police Service (CPS), although five people were reportedly arrested and three more were fined for refusing to leave the campus⁶³⁸.

294. Also, on May 11, 2024, the Rapporteurship was notified of the University of Alberta's request to the City of Edmonton Police Service (EPS) for the eviction of an encampment on its campus, two days after it had been erected. Although EPS reports suggest that no one was injured, photos and videos on social media

⁶³¹ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Digital Inclusion and Internet Content Governance](#), OEA/Ser.L/V/II/CIDH/RELE/INF.28/24, June 2024, paras. 229, 253-285.

⁶³² IACHR, Principles on the Regulation of Official Advertising in the Inter-American System for the Protection of Human Rights, March 7, 2011, para. 82.

⁶³³ Paladin Risk Solutions, [A steady increase in protests for 2024](#), April 5, 2024; Canadian Association of Chiefs of Police, [The volume of protests and demonstrations in Canada is creating an unsustainable demand on police services across the country](#), August 13, 2024.

⁶³⁴ Entre ellas, Dalhousie University (Halifax, Nueva Escocia), McMaster University (Hamilton, Ontario), McGill University (Montreal, Quebec), Memorial University (St. John's, Newfoundland and Labrador), Ontario Tech University (Oshawa, Ontario), Queen's University (Kingston, Ontario), Université du Québec à Montréal (Montreal, Quebec), Université Laval (Quebec, Quebec), University of Alberta (Edmonton, Alberta), University of British Columbia (Vancouver, British Columbia), University of Calgary (Calgary, Alberta), University of Guelph (Guelph, Ontario), University of Ottawa (Ottawa, Ontario), University of Toronto (Toronto, Ontario), University of Victoria (Victoria, British Columbia), University of Waterloo (Waterloo, Ontario), University of Winnipeg (Winnipeg, Manitoba), Victoria Island University (Nanaimo, British Columbia) and Western University (Windsor, Ontario). See: Reuters, [Students erect pro-Palestinian encampments across major Canadian universities](#), May 2, 2024; University Affairs Canada, [Timeline: Protest encampments](#), May 31, 2024; CTV News Montreal, [With most campus pro-Palestinian encampments gone, protesters look to the future](#), July 11, 2024.

⁶³⁵ Reuters, [Students erect pro-Palestinian encampments across major Canadian universities](#), May 2, 2024; Al Jazeera, [Pro-Palestine protests: How some universities reached deals with students](#), May 7, 2024; Vox, [The boycott movement against Israel explained](#), October 28, 2023; BDS, [What is BDS?](#), May 13, 2024; BDS, [Supporting the student-led solidarity mobilizations in their demands for boycott and divestment and against repression](#), May 14, 2024.

⁶³⁶ Columbia Spectator, [Encampments inspired by 'Gaza Solidarity Encampment' spring up across the world](#), April 28, 2024; Global News, [Pro-Palestinian encampments: Protests break out at universities in Montreal, Toronto](#), May 2, 2024.

⁶³⁷ CBC, [Police in riot gear use flash-bang explosives to clear campus protesters in Calgary](#), May 9, 2024; Global News, [Campus security called for police at University of Calgary encampment](#), May 29, 2024.

⁶³⁸ CityNews Calgary, [Calgary police arrest 5 during encampment protest at U of C](#), May 10, 2024; CBC, [5 people arrested following pro-Palestinian protest at University of Calgary](#), May 11, 2024.

show officers beating protesters with batons⁶³⁹. In addition, three people were said to have been arrested, although none were identified as students⁶⁴⁰.

295. Similarly, on June 6, 2024, the Rapporteurship received reports that demonstrators had occupied an administrative building at McGill University, which prompted a formal request from the institution for the intervention of riot control units from the Montreal Police Department (SPVM)⁶⁴¹. The SPVM officers deployed presumably used tear gas and pepper spray to disperse the crowd outside, allowing them to force their way into the building. During the operation, they escorted the demonstrators to the exit and removed flags and banners at the end of the intervention⁶⁴². Publicly available information indicates that 15 people were arrested for trespassing, interfering with the police intervention, throwing objects at the agents, and destroying the facade of the building⁶⁴³. A month later, on July 5, the SRFOE received new reports that the SPVM had used tear gas against another group of protesters who had approached the open-air encampment at McGill to express their support; in this last operation, at least one person was arrested for allegedly causing damage to university property⁶⁴⁴.

296. The Office of the Special Rapporteur reiterates that freedom of expression and the right to peaceful assembly are fundamental in democratic societies, especially in educational institutions, as they constitute crucial spaces for the promotion of discussion, pluralism of ideas and informed deliberation on matters of public interest⁶⁴⁵.

297. In this regard, it emphasizes that, in accordance with Principle VI on Academic Freedom and University Autonomy of the IACHR, the intervention of State security forces in universities could violate their autonomy and have a chilling effect on the academic community. Although such interventions may occur in exceptional cases and by virtue of the duties of States to preserve security, stability, and democratic governance, this Office emphasizes that they must take place within the limits and in accordance with procedures that preserve both public security and human rights, observing the principles of proportionality, reasonableness, legality and necessity⁶⁴⁶.

298. Finally, it emphasizes that detaining or arresting people solely for participating in a protest or public demonstration does not meet the requirements of reasonableness and proportionality, as established by international standards⁶⁴⁷.

299. In addition to the intervention of specialized police units in multiple jurisdictions, the Rapporteurship recorded the use of legal measures by some institutions to evict the encampments and prohibit their reappearance. On May 13, 2024, the Rapporteurship was informed of an application for a cease-and-desist order, filed by McGill University with the Superior Court of Québec, to urge protesters camping on campus to leave or else be removed by the SPVM⁶⁴⁸. Two days later, the Rapporteurship recorded the decision of a judge of the court in question to reject the application on the grounds that the institution had failed to demonstrate

⁶³⁹ Global News, [Pro-Palestinian encampment at University of Alberta dismantled by Edmonton police](#), May 11, 2024; CTV News Edmonton, [U of A defends decision to involve police in teardown of campus protest encampment](#), May 12, 2024.

⁶⁴⁰ CBC, [Alberta Crown stays charges against 3 men arrested after Edmonton police clear pro-Palestinian encampment](#), May 11, 2024; Edmonton Journal, [Crown stays charges against three arrested during U of A Gaza encampment dismantling](#), June 18, 2024.

⁶⁴¹ McGill, [Occupation of the James Administration Building](#), June 7, 2024.

⁶⁴² The Montreal Gazette, [15 arrested following occupation of McGill building by pro-Palestinian protesters](#), June 7, 2024; The Globe and Mail, [Pro-Palestinian protest occupation that led to police using tear gas was not peaceful, McGill says](#), June 7, 2024.

⁶⁴³ CBC, [Police arrest 15, use tear gas on crowd as pro-Palestinian activists occupy McGill University building](#), June 7, 2024; CTV News, [Police say McGill occupation won't change approach to pro-Palestinian encampment](#), June 8, 2024.

⁶⁴⁴ CTV News Montreal, [Montreal police make 1 arrest, deploy tear gas after protesters smash windows at McGill](#), July 6, 2024; Montreal Gazette, [Man arrested, McGill windows smashed during pro-Palestinian protest](#), July 6, 2024.

⁶⁴⁵ IACHR, Press Release No. 095/24 [IACHR: United States must respect peaceful protest and academic freedom in universities](#), May 9, 2024.

⁶⁴⁶ IACHR, [Inter-American Principles on Academic Freedom and University Autonomy](#), December 2021, Principle VI.

⁶⁴⁷ IACHR, [Protest and Human Rights](#), OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 228.

⁶⁴⁸ Global News, [McGill heads to court for injunction to remove pro-Palestinian encampment](#), May 13, 2024; CBC, [McGill asks judge to order 'occupiers' off its campus, end encampment protest](#), May 13, 2024.

an “urgent need” to dismantle the camp⁶⁴⁹. McGill reportedly claimed that the camp was “unsafe”, risked “aggravating tensions” in the community, and impeded the holding of graduation ceremonies⁶⁵⁰.

300. Relatedly, this Office learned that the Université du Québec à Montréal (UQAM) also filed a cease-and-desist request before the same body on May 23, 2024⁶⁵¹. According to media reports, the institution claimed that the protesters camping on its premises since May 12, 2024, created risks by obstructing emergency exits, possessing gasoline cans and iron bars, and potentially overloading the university’s electrical system⁶⁵². On May 27, this Office was informed that a judge of this court would have partially granted the application, restricting the erection of structures within two meters of university buildings⁶⁵³. The judge reasoned that the implementation of security measures would reduce the size of the encampment without necessarily infringing on the right to freedom of expression⁶⁵⁴.

301. As well as in the province of Québec, the Rapporteurship recorded requests for injunctions in other provinces of the country. On June 13, 2024, this Office documented the application filed by the University of Toronto before the Ontario Superior Court of Justice⁶⁵⁵. The institution claimed to have suffered “irreparable harm”, citing the manner in which protesters allegedly took over university property by setting up an encampment, preventing other members of the community from accessing common areas. The university also referred to possible damage to its reputation after students, faculty and members of the Jewish community said they felt unsafe as a result of the pro-Palestinian protests⁶⁵⁶. In its July 2, 2024, ruling, the court granted the eviction order and authorized the city police to arrest protesters who failed to comply with the 24-hour deadline. According to statements by the people camping, they decided to leave before the deadline to avoid giving the authorities “the opportunity to brutalize us”⁶⁵⁷.

302. Following the granting of the injunction order to the University of Toronto, the Office of the Rapporteur registered a similar application to the Supreme Court of British Columbia by Vancouver Island University (VIU) on August 10, 2024. The institution informed the public that it sought a court order to dismantle the pro-Palestinian encampment on its Nanaimo campus, which had been standing for more than 100 days, and to claim damages from the protesting individuals and organizations⁶⁵⁸. In a ruling on August 15, 2024, a judge partially granted the injunction, limiting the protest to specific areas of the campus, rather than banning it from the entire premise, as originally intended by the university administration⁶⁵⁹. Also, the ban on further encampments was limited to 150 days, unlike the indefinite ban granted by the Ontario supreme to the

⁶⁴⁹ CTV News Montreal, [Quebec court rejects McGill injunction request to remove encampment](#), May 15, 2024; CBC, [Quebec Superior Court judge rejects McGill injunction request to remove encampment](#), May 15, 2024.

⁶⁵⁰ Global News, [McGill encampment: Quebec judge denies injunction request to dismantle site](#), May 15, 2024; CBC, [Quebec Superior Court judge rejects McGill injunction request to remove encampment](#), May 15, 2024.

⁶⁵¹ Montreal Gazette, [Updated: Partial injunction granted against pro-Palestinian encampment at UQAM](#), May 27, 2024; CTV News Montreal, [Judge approves UQAM's injunction against pro-Palestinian encampment](#), May 27, 2024.

⁶⁵² The Globe and Mail, [Judge grants partial injunction against pro-Palestinian encampment on UQAM campus](#), May 27, 2024; CBC, [Quebec Superior Court judge grants partial injunction against pro-Palestinian encampment at UQAM](#), May 27, 2024.

⁶⁵³ Montreal Gazette, [Updated: Partial injunction granted against pro-Palestinian encampment at UQAM](#), May 27, 2024; CTV News Montreal, [Judge approves UQAM's injunction against pro-Palestinian encampment](#), May 27, 2024.

⁶⁵⁴ The Globe and Mail, [Judge grants partial injunction against pro-Palestinian encampment on UQAM campus](#), May 27, 2024; CBC, [Quebec Superior Court judge grants partial injunction against pro-Palestinian encampment at UQAM](#), May 27, 2024.

⁶⁵⁵ CBC, [U of T files for injunction to evict pro-Palestinian encampment](#), May 27, 2024; The Varsity, [The Breakdown: U of T filed an injunction, what does that mean?](#), June 13, 2024

⁶⁵⁶ Ontario Superior Court of Justice, [University of Toronto \(Governing Council\) v. Doe et al. 2024](#), July 2, 2024; Reuters, [Canadian court allows police to clear pro-Palestinian campus encampment](#), July 2, 2024.

⁶⁵⁷ CBC, [U of T protesters clear encampment ahead of deadline](#), July 3, 2024; CTV News Toronto, [Pro-Palestinian protesters clear encampment at University of Toronto](#), July 3, 2024.

⁶⁵⁸ The Times Colonist, [VIU encampment injunction would stifle protest rights, says B.C. Civil Liberties Association](#), Aug. 10, 2024; CBC, [Judge orders pro-Palestinian camp off Vancouver Island University](#), Aug. 15, 2024.

⁶⁵⁹ CTV News Vancouver, [B.C. court orders pro-Palestinian camp at Vancouver Island University to shut down](#), Aug. 15, 2024; VIU, [Update to the Community - Dismantlement of Encampment](#), Aug. 18, 2024.

University of Toronto⁶⁶⁰. According to media reports, protesters at VIU reportedly vacated the site before the deadline, ending the last remaining active encampment demonstration in Canada⁶⁶¹.

303. In addition to the injunction requests, the SRFOE took note of other legal measures undertaken by the institutions to dismantle the encampments, such as the issuance of trespass and eviction notices. As documented by this Office, these notices and subsequent actions were based on the premise that the facilities and grounds of public universities constituted private property and that the protesters camping there were illegally occupying it. At McGill University, the institution unilaterally issued an eviction notice on July 10, 2024, claiming that its actions were due to “health and safety risks,” prevention of “violence and intimidation”, and undue interference by individuals and organizations outside the academic community⁶⁶². To carry out the eviction, the institution allegedly hired a private security team that, after intelligence work, proceeded to expel dozens of protesters and allowed the entry of workers with a loader and a backhoe to destroy and remove the tarpaulins and posters on campus⁶⁶³. According to publicly available information, other institutions, including the University of Victoria⁶⁶⁴, University of Guelph⁶⁶⁵, and Dalhousie University⁶⁶⁶, adopted a similar strategy, relying on local authorities to execute trespass and eviction notices.

304. As this Office has already held, occupations of public or private facilities constitute a legitimate form of protest, so any restriction on these demonstrations must be exceptional, necessary and proportional, weighing in each specific case the interaction between the right to peaceful assembly and the protection of other rights, such as private property⁶⁶⁷.

305. The Rapporteurship recalls that, according to the standards outlined in its report on “Protest and Human Rights”, evictions can only be justified in exceptional situations, warning that they should not result in people being left homeless or exposed to violations of other human rights⁶⁶⁸. It also reaffirms that, even when a decision to evict a certain site is taken legally and legitimately, the order must be communicated and explained clearly, so as to allow understanding and compliance by the demonstrators, giving them sufficient time to disperse without recourse to police force⁶⁶⁹.

306. The Office of the Special Rapporteur was also alerted to counter protests in response to the camps erected. On May 3, 2024, this Office became aware of a counter protest at McGill University, in which Jewish groups chanted and waved Israeli flags. The counterdemonstrators reportedly demanded the release of Hamas hostages in Gaza and urged McGill to “oppose hatred of Jews on campus” and to condemn “calls for violence”⁶⁷⁰. Montreal police reported that officers formed a barrier between demonstrators and counterdemonstrators to ensure that both groups could exercise their rights to freedom of expression and peaceful assembly. According to the same authorities, no injuries, arrests or fines were reported⁶⁷¹. However,

⁶⁶⁰ Supreme Court of British Columbia, [VIU v. Palestinian Solidarity Encampment](#), August 15, 2024; Ontario Superior Court of Justice, [University of Toronto \(Governing Council\) v. Doe et al. 2024](#), July 2, 2024.

⁶⁶¹ CBC, [Pro-Palestinian camp dismantled at Vancouver Island University](#), August 18, 2024; The Times Colonist, [Pro-Palestinian encampment at Vancouver Island University cleared](#), August 19, 2024.

⁶⁶² McGill University, [Dismantlement of lower field encampment](#), July 10, 2024; Montreal Gazette, [McGill says security concerns forced the dismantling of encampment](#), July 11, 2024.

⁶⁶³ AP, [A pro-Palestinian encampment at McGill University in downtown Montreal is being dismantled](#), July 10, 2024; CBC, [McGill dismantles pro-Palestinian encampment, ending months-long protest on campus](#), July 10, 2024.

⁶⁶⁴ CBC, [UVic issues trespass notice to pro-Palestinian protesters](#), July 21, 2024; Global News, [Protesters clearing pro-Palestinian encampment, University of Victoria says](#), July 22, 2024.

⁶⁶⁵ CBC, [University of Guelph issues trespass notice to encampment protesters](#), July 8, 2024; CTV News Kitchener, [Trespass notice issued to pro-Palestinian encampment at the University of Guelph](#), July 8, 2024.

⁶⁶⁶ CTV News Atlantic, [Trespass notices issued at Dalhousie University encampment in Halifax](#), July 28, 2024; CBC, [Pro-Palestinian protesters leave Dalhousie University quad, building](#), July 29, 2024.

⁶⁶⁷ IACHR, Press Release No. 095/24 [IACHR: United States must respect peaceful protest and academic freedom in universities](#), May 9, 2024.

⁶⁶⁸ IACHR, [Protest and Human Rights](#), OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, paras. 149, 150.

⁶⁶⁹ IACHR, [Protest and Human Rights](#), OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 148.

⁶⁷⁰ CBC, [On Day 6 of McGill encampment, pro-Palestinian and pro-Israel protesters face off](#), May 2, 2024; CTV News, [Counter-protesters face off with pro-Palestinian encampment at McGill University](#), May 3, 2024.

⁶⁷¹ CBC, [On Day 6 of McGill encampment, pro-Palestinian and pro-Israel protesters face off](#), May 2, 2024; CTV News, [Counter-protesters face off with pro-Palestinian encampment at McGill University](#), May 3, 2024.

on May 17, the Rapporteurship learned that the police asked two pro-Israeli counterdemonstrators to leave the university premises after they allegedly raised tensions on campus⁶⁷². Additionally, on the occasion of the first anniversary of October 7, the Office recorded commemorative events where local Police, with a high presence of officers, separated pro-Palestinian and pro-Israeli demonstrators⁶⁷³.

307. As part of the emergence of counterdemonstrators at Canadian universities, the SRFOE was informed of the creation of “security patrols”, made up of volunteers who would seek to protect the Jewish community at these institutions, especially during social protests⁶⁷⁴. According to reports received by this Office, at least two groups, self-identified as “JForce” and “Magen Herut Canada”, were reportedly seen at the University of Toronto on September 6, 2024. According to media and social media reports, both groups circulated around the university campus that day while a pro-Palestinian protest was taking place, and may have eventually positioned themselves next to a team of city police officers, offering to accompany Jewish students and faculty. However, some pro-Palestinian protesters claimed that these patrols were “vigilante groups” whose purpose was to intimidate people sympathetic to the Palestinian cause.⁶⁷⁵

308. Through listening sessions and public hearings at the 191st Regular Session of the IACHR, the Rapporteurship also received complaints from members of the academic community about efforts to profile them for their participation and academic work on Palestine⁶⁷⁶. According to these complaints, websites such as *Canary Mission* have apparently collected photos, personal data, and alleged anti-Semitic acts for the purpose of promoting global harassment campaigns⁶⁷⁷.

309. In this regard, the Rapporteurship recalls that States must give priority to dialogue and negotiation when managing any form of protest⁶⁷⁸, and that they must adopt reasonable and timely positive measures to protect demonstrators and counterdemonstrators, as well as journalists and their equipment⁶⁷⁹. In addition, it emphasizes that all demonstrators belonging to minorities, groups that are discriminated against or in vulnerable situations, should be particularly protected from groups that seek to threaten or intimidate them for exercising their rights⁶⁸⁰.

310. The Office of the Special Rapporteur closely followed allegations of possible disciplinary measures arising from participation in encampment-type demonstrations and other protest activities at academic institutions. According to allegations received by this Office, some universities reportedly threatened students, faculty and staff with disciplinary sanctions ranging from temporary suspension to permanent expulsion, as well as contract terminations⁶⁸¹. However, the Rapporteurship observed that some institutions had extended offers of amnesty to members of the community who had demonstrated as long as they vacated the camps or ceased protests that violated university codes⁶⁸². With respect to student organizations, the

⁶⁷² CBC, [McGill moving forward with injunction request against pro-Palestinian encampment](#), May 17, 2024; Hazan, Ysabella [@ysabellahazan], (May 17, 2024), Two Jews creating dialogue ended up with two Jews being escorted out by police as the pro-Hamas encampment cheered on the police, X, <https://x.com/ysabellahazan/status/1791597943268556811>.

⁶⁷³ CTV Montreal, [Montrealers mourn and protest to mark Oct. 7](#), Oct. 7, 2024; CBC, [Montrealers hold protests, memorials after a year of war in the Middle East](#), Oct. 8, 2024.

⁶⁷⁴ Jerusalem Post, [JForce and Magen Herut: The Jewish safety patrols protecting Toronto](#), September 8, 2024; Haaretz, [Jewish Far-right Extremists Linked to Outlawed Terror Group Show Up at pro-Palestinian Events in Toronto](#), September 12, 2024.

⁶⁷⁵ Haaretz, [Jewish Far-right Extremists Linked to Outlawed Terror Group Show Up at pro-Palestinian Events in Toronto](#), September 12, 2024; Mohyeddin, Samira [@SMohyeddin], (2024, September 3), More Jewish vigilante groups roaming the @UofT campus today. This one calling themselves J Force, <https://x.com/SMohyeddin/status/1832101772137234659>.

⁶⁷⁶ IACHR, Thematic Hearing, "[Attacks on Academic Freedom and University Autonomy](#)," 191st Regular Session, Washington D.C., United States, November 12, 2024.

⁶⁷⁷ Canary Mission, n.d., [about our mission](#).

⁶⁷⁸ IACHR, [Protests and Human Rights](#), OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 341.

⁶⁷⁹ IACHR, [Protests and Human Rights](#), OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, paras. 77, 356.

⁶⁸⁰ IACHR, [Protest and Human Rights](#), OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 79.

⁶⁸¹ The Globe and Mail, [U of T faculty who don't leave pro-Palestinian encampment before deadline could face termination](#), May 25, 2024; CBC, [McGill says it will no longer negotiate with pro-Palestinian encampment protesters](#), June 18, 2024.

⁶⁸² The Varsity, [U of T grants amnesty in exchange for a peaceful end to encampment](#), July 24, 2024; CBC, [U of T gave amnesty to protesters before encampment taken down](#), July 10, 2024.

Rapporteurship learned that some had lost their credentials and associated rights for allegedly disseminating hate speech and/or promoting violence⁶⁸³.

311. In light of the anticipated increase in the number of protests for the start of the 2024-2025 school year and the first anniversary of October 7, the Rapporteurship took note of policy changes by academic institutions. In a new protocol entitled *User Guide on U of T Policies on Protests*⁶⁸⁴, the University of Toronto established that protests or rallies would not be permitted between 11 p.m. and 7 a.m., and prohibited the overnight occupation of spaces as a form of protest. It also prohibited the erection of “tents, encampments, fences, barriers or other physical structures” during demonstrations. In addition, the protocol imposed restrictions on “excessive noise”, blocking access to buildings or streets, and the unauthorized placement of posters or murals, qualifying these actions as acts of “vandalism”⁶⁸⁵. Finally, the institution warned that those participating in prohibited activities could face sanctions such as “detention, suspension or expulsion”⁶⁸⁶.

312. Relatedly, the Rapporteurship recorded the launch of a new policy on demonstrations at Western University, located in London, Ontario. Under the policy, student groups interested in holding protests on *campus* would be required to obtain authorization from the university’s director of security and emergency services (CSES) at least five working days prior to the planned protest date⁶⁸⁷. If approved, the director should provide “reasonable instructions,” including the time, place and manner of the demonstration⁶⁸⁸. According to allegations documented by this Office, the protests would also have been restricted to the hours of 12:00 noon to 6:00 p.m., Monday through Friday, and the convening individuals and organizations would not be allowed to announce any type of congregation until receiving official approval⁶⁸⁹. In the face of criticism from students, professors and other sectors, the university stated that it would pause the implementation of these changes in order to “integrate them into a broader political review”⁶⁹⁰. The Rapporteurship was also informed that other institutions, such as McGill University, have reportedly opted to restrict entry to campus and seek new injunctions to limit protests⁶⁹¹.

313. The Special Rapporteur recalls that the right to protest encompasses the freedom to choose the time, place and manner in which a mobilization is carried out⁶⁹². In this sense, it considers that imposing restrictions on when, where and how protests are carried out, even within academic institutions, undermines freedom of expression⁶⁹³. Likewise, it reiterates that the exercise of the right of assembly through social protest should not be subject to authorization or excessive requirements that hinder its realization⁶⁹⁴.

314. As in previous reports, the SRFOE followed the legal proceedings against protesters, including indigenous communities, in the context of the construction of the Coastal GasLink (CGL) pipeline in the ancestral territory of the Wet’suwet’en Nation in British Columbia⁶⁹⁵. According to the information available,

⁶⁸³ SSMU, [Board of Directors Statement regarding the club, Solidarity for Palestinian Human Rights \(SPHR\)](#), September 16, 2024; The Montreal Gazette, [Under pressure from McGill, student union revokes Palestinian group's club status](#), September 18, 2024.

⁶⁸⁴ University of Toronto. N.d. [User Guide on U of T Policies on Protests](#).

⁶⁸⁵ University of Toronto. N.d. [User Guide on U of T Policies on Protests](#).

⁶⁸⁶ University of Toronto. N.d. [User Guide on U of T Policies on Protests](#).

⁶⁸⁷ CBC News, ['Blindsided' students fume over Western University's new campus protest policy](#), Sept. 4, 2024; Western Gazette, [Student groups slam new protest rules](#), Sept. 6, 2024.

⁶⁸⁸ CBC News, ['Blindsided' students fume over Western University's new campus protest policy](#), Sept. 4, 2024; Western Gazette, [Student groups slam new protest rules](#), Sept. 6, 2024.

⁶⁸⁹ CBC News, ['Blindsided' students fume over Western University's new campus protest policy](#), Sept. 4, 2024; Western Gazette, [Student groups slam new protest rules](#), Sept. 6, 2024.

⁶⁹⁰ Western University, [Listening to our community](#), September 9, 2024; CBC News, [Limits on university protests at Western University shelved amid outcry](#), September 9, 2024.

⁶⁹¹ CTV Montreal, [McGill University restricting access to campus in preparation for Oct. 7 protests](#), Oct. 3, 2024; CBC, [McGill to beef up security, restrict campus access leading up to Oct. 7](#), Oct. 3, 2024; McGill University, [Injunction to protect McGill's academic mission](#), Oct. 8, 2024.

⁶⁹² IACHR, [Protests and Human Rights](#), OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 75.

⁶⁹³ IACHR, [Protests and Human Rights](#), OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, paras. 73-75.

⁶⁹⁴ IACHR, [Protests and Human Rights](#), OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 56.

⁶⁹⁵ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Annual Report 2021](#), OEA/Ser.L/V/II Doc. 64 rev. 1, May 6, 2022, para. 168; IACHR, Office of the Special Rapporteur for Freedom of Expression, [Annual Report 2023](#), OEA/Ser.L/V/II Doc. 386, Dec. 6, 2023, paras. 356-360.

three indigenous individuals and environmental advocates, Sleydo' (Molly Wickham), Shaylynn Sampson, and Corey (Jayochee) Jocho, were charged with criminal contempt for allegedly violating the terms of the court order requiring the obstruction of the construction of the pipeline⁶⁹⁶. On January 12, 2024, this Office learned that the British Columbia Supreme Court (BCSC) found them guilty⁶⁹⁷. However, the trial has been prolonged throughout the year following an abuse of process application filed by the three defenders, who allege that their human rights were violated during raids, arrests and detentions by the RCMP⁶⁹⁸. Five other Indigenous defenders, arrested in March 2023 and also charged with criminal contempt, are still awaiting a trial date⁶⁹⁹.

315. Likewise, the Rapporteurship recorded the designation of hereditary chief Dsta'hyl, of the Wet'suwet'en Nation, as the first prisoner of conscience in Canada after being sentenced in July 2024 to 60 days in prison for his role in protests against the construction of the gas pipeline in his ancestral territory⁷⁰⁰.

316. This Office recalls that it is essential that at all levels and 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 subjected to threats, harassment, violence, persecution or reprisals for participating in protests⁷⁰¹. It also recalls that States should cease to apply criminal offenses that make criminal acts of conduct commonly observed in protests, such as roadblocks or acts of disorder that, in themselves, do not affect goods such as the life, safety or liberty of person; in the context of protests, they constitute forms of the exercise of the rights to freedom of expression, assembly, and free association⁷⁰².

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

317. In the context of a period of social unrest due to armed conflicts in the Middle East, the Office of the Special Rapporteur has been alerted to an increase in the number of anti-Semitic and Islamophobic incidents and speeches, according to the latest reports of the House of Commons Standing Committee on Justice and Human Rights⁷⁰³. In the report on anti-Semitism, the Committee highlighted that this phenomenon would have manifested itself through physical violence, threats, harassment, and vandalism, arguing that, based on the testimonies collected, higher education institutions would have been the epicenter of these behaviors⁷⁰⁴. Likewise, the report states that these behaviors would have occurred in a context of anti-Semitic rhetoric, disseminated through chants, symbols, signs, and statements during protests and on social media, as well as possible manifestations of "support" for terrorist groups⁷⁰⁵. Based on the information gathered, the Committee made 19 recommendations to the federal government, including calls for university administrations to prioritize a safe environment for Jewish students, faculty, and staff; funding for data collection regarding anti-

⁶⁹⁶ Amnesty International, [Amnesty International condemns court decision regarding Wet'suwet'en, other Indigenous land defenders](#), January 16, 2024; [Front Line Defenders, Canada: Front Line Defenders joins international trial monitors in solidarity with Wet'suwet'en defenders](#), June 14, 2024.

⁶⁹⁷ The Tyee, [BC Court Convicts Three Indigenous Land Defenders](#), Jan. 12, 2024; IndigiNews, [B.C. Supreme Court convicts three Indigenous land defenders who opposed pipeline in Wet'suwet'en](#), Jan. 13, 2024.

⁶⁹⁸ Inside Climate News, [Trial of Land Defenders Fighting the Coastal GasLink Pipeline is Put on Hold as Canadian Police Come Under Scrutiny for Excessive Force](#), Jan. 24, 2024; CBC, [Closing arguments begin in Wet'suwet'en abuse of process hearing over B.C. pipeline blockade](#), Dec. 9, 2024.

⁶⁹⁹ Amnesty International, [Wet'suwet'en Chief Dsta'hyl declared first Amnesty International prisoner of conscience held in Canada](#), July 31, 2024; [Front Line Defenders, Canada: Front Line Defenders joins international trial monitors in solidarity with Wet'suwet'en defenders](#), June 14, 2024.

⁷⁰⁰ Amnesty International, [Wet'suwet'en Chief Dsta'hyl declared first Amnesty International prisoner of conscience held in Canada](#), July 31, 2024; IndigiNews, [Meet the hereditary chief who Amnesty International calls 'Canada's' first prisoner of conscience](#), August 27, 2024.

⁷⁰¹ IACHR, [Protests and Human Rights](#). OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 333.

⁷⁰² IACHR, [Protests and Human Rights](#). OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 208.

⁷⁰³ Standing Committee on Justice and Human Rights, [Heightened Antisemitism in Canada and How to Confront it](#), December 10, 2024; Standing Committee on Justice and Human Rights, [Islamophobia on the Rise: Taking Action, Confronting Hate, and Protecting Civil Liberties Together](#), December 10, 2024.

⁷⁰⁴ Standing Committee on Justice and Human Rights, [Heightened Antisemitism in Canada and How to Confront it](#), December 10, 2024, see "Recent Manifestations of Antisemitism".

⁷⁰⁵ Standing Committee on Justice and Human Rights, [Heightened Antisemitism in Canada and How to Confront it](#), December 10, 2024, see Expressions of Hate.

Semitic incidents; inclusion of Jewish members of the university in equity, diversity, and inclusion initiatives; and increased Holocaust education⁷⁰⁶.

318. For its part, in its report on Islamophobia, the Committee emphasized that violence against the Muslim population in Canada has been evident since 2017, so that the events of October 7 in 2023 would have increased the stigmatization and number of violent attacks against this demographic⁷⁰⁷. Additionally, it noted the emergence of what would be considered “anti-Palestinian racism” as it involves threats and harassment against this particular subgroup⁷⁰⁸. The report highlights that racism against Arabs, and especially Palestinians, would have serious implications for the enjoyment of their civil liberties, such as the right to freedom of expression and peaceful assembly, especially in efforts to advocate for the human rights of people in Gaza⁷⁰⁹. As evidenced in the report, multiple witnesses raised allegations of attempts to censor or retaliate for speeches in support of the Palestinian people, most of which reportedly took place in academic institutions and workplaces⁷¹⁰. Based on the facts recorded and analyzed, the Committee formulated 13 recommendations to the federal government, among which are the implementation of the recommendations in the Committee’s last report on Islamophobia, published in 2023; the State’s public and repeated condemnation of all forms of discrimination against Arabs and Palestinians; and the establishment of joint initiatives civic initiatives aimed at promoting cultural understanding, challenging stereotypes, and fostering empathy towards Muslim communities⁷¹¹.

319. The Office of the Special Rapporteur has highlighted that the most effective preventive mechanisms to combat hate speech include education and awareness-raising measures, as well as the promotion of digital and media literacy; social inclusion in the media; and the collection and analysis of data on hate speech to better understand its scope and impact⁷¹².

D. Freedom of expression and the Internet

320. The Special Rapporteur has been following Bill C-63, originally introduced on February 26, 2024, before the House of Commons, which would seek to “address a range of harmful online content, as well as hate speech and hate crime both online and offline”⁷¹³. In its first section, the bill proposes a new “*Online Harms Act*” to create a regulatory regime to hold social media companies accountable for reducing exposure to harmful content on their platforms. This harmful content is defined in the bill as content that “sexually victimizes a child or revictimizes a survivor, intimate content communicated without consent, content used to harass a child, content that induces a child to harm himself or herself, content that promotes hate, content that incites violence, and content that incites violent extremism or terrorism”⁷¹⁴. This legislation would also establish a “Digital Security Commission of Canada” to administer the regulatory framework, a “Digital Security Ombudsman of Canada” as a resource for users and alleged victims, and a “Digital Security Office” to support the Commission and the Ombudsman in carrying out their mandate⁷¹⁵. In its second section, the Bill proposes to amend the Canadian Criminal Code to “prevent and deter the commission of hate crimes and hate propaganda offences, increase the maximum penalties for hate propaganda offences, and create a new general

⁷⁰⁶ Standing Committee on Justice and Human Rights, [Heightened Antisemitism in Canada and How to Confront it](#), December 10, 2024, see “Conclusions and Recommendations”.

⁷⁰⁷ Standing Committee on Justice and Human Rights, [Islamophobia on the Rise: Taking Action, Confronting Hate, and Protecting Civil Liberties Together](#), December 10, 2024, see “Recent Manifestations of Islamophobia.”

⁷⁰⁸ Standing Committee on Justice and Human Rights, [Islamophobia on the Rise: Taking Action, Confronting Hate, and Protecting Civil Liberties Together](#), December 10, 2024, see “The Current Context”.

⁷⁰⁹ Standing Committee on Justice and Human Rights, [Islamophobia on the Rise: Taking Action, Confronting Hate, and Protecting Civil Liberties Together](#), December 10, 2024, see “Defining Islamophobia.”

⁷¹⁰ Standing Committee on Justice and Human Rights, [Islamophobia on the Rise: Taking Action, Confronting Hate, and Protecting Civil Liberties Together](#), December 10, 2024, see “Repercussions for Pro-Palestinian Advocacy.”

⁷¹¹ Standing Committee on Justice and Human Rights, [Islamophobia on the Rise: Taking Action, Confronting Hate, and Protecting Civil Liberties Together](#), December 10, 2024, see “Conclusions and Recommendations.”

⁷¹² IACHR, Hate speech and incitement to violence against LGBTI persons, 2015, paras. 38-40.

⁷¹³ Government of Canada, [Bill C-63](#), May 30, 2024.

⁷¹⁴ Government of Canada, [Bill C-63](#), May 30, 2024.

⁷¹⁵ Government of Canada, [Bill C-63](#), May 30, 2024.

hate crime offence”⁷¹⁶. In its third section, the bill proposes to amend the Canadian Human Rights Act to “supplement the regulation of social media services by allowing recourse to the Canadian Human Rights Commission against individual users who post hate speech on those services and other online venues”⁷¹⁷. In its fourth and final section, the bill seeks to enhance “the obligation to report online child pornography by persons providing an Internet service”⁷¹⁸.

321. According to a public letter dated May 7, 2024, civil society organizations asked the Minister of Justice and Attorney General of Canada to separate sections two and three of the bill, which are those containing proposed changes to the Criminal Code and the Human Rights Act, so that they receive “the scrutiny and broad public consultation they need and deserve”⁷¹⁹. The Canadian government announced in December 2024 that it would welcome this request⁷²⁰. However, these organizations continue to warn that, based on their legal analysis, the proposed changes to the Criminal Code, including possible life sentences and preventative orders for acts of speech, are “disproportionate,” have “little likelihood” of reducing online hate speech, and risk creating a “serious chilling effect” on freedom of expression⁷²¹. They also voiced concerns about the volume of complaints that could reach the Canadian Human Rights Commission, slowing down its operation, as well as what would be “problematic incentives” whereby anonymous individuals could, at no cost to themselves, file complaints in which they could “hopefully” benefit by awarded fines and remedies worth thousands of dollars⁷²².

322. The Office of the Special Rapporteur recalls that content blocking or filtering measures aimed at combating hate speech are measures of last resort and should only be adopted when necessary and proportionate to the imperative purpose they pursue. In this sense, States that adopt these measures must also design them in such a way that they do not reach legitimate speech that deserves protection⁷²³. Likewise, it reiterates that, in order to effectively combat hate speech, a “comprehensive and sustained approach” is needed that goes beyond legal punitive measures and public policies that address “the cultural root of systematic discrimination”⁷²⁴.

323. On the other hand, the Rapporteurship followed up on Bill S-210, also known as the “law to restrict youth access to sexually explicit material online”, originally introduced in 2023 and whose legislative process has continued during 2024⁷²⁵. The bill would seek to make internet service providers responsible for validating the age of an end user when accessing sexually explicit material through such providers’ services⁷²⁶. This would include, according to the draft bill, network operators, content distribution networks, search engines, email services, and others anywhere along the path from the original server where the sexually explicit material originates to the end user—a range considered “too broad” by some experts⁷²⁷. According to civil society organizations, Internet service providers, whose main function is to facilitate online traffic, would be forced to “scan traffic and collect and store personal data”, which would put online privacy at risk by promoting surveillance, hacks, and other associated crimes and threats⁷²⁸. In this regard, they stressed that intermediaries

⁷¹⁶ Government of Canada, [Bill C-63](#), May 30, 2024.

⁷¹⁷ Government of Canada, [Bill C-63](#), May 30, 2024.

⁷¹⁸ Government of Canada, [Bill C-63](#), May 30, 2024.

⁷¹⁹ Open Media, [Joint letter urges Justice Minister to split Bill C-63](#), May 7, 2024.

⁷²⁰ CBC, [Liberals split online harms bill to postpone debate over policing hate speech](#), December 4, 2024; Amnesty International, [Canadian government's decision to split Bill C-63 a 'step in the right direction'](#), December 4, 2024.

⁷²¹ Open Media, [Joint letter urges Justice Minister to split Bill C-63](#), May 7, 2024.

⁷²² Open Media, [Joint letter urges Justice Minister to split Bill C-63](#), May 7, 2024.

⁷²³ IACHR, [Standards for a Free, Open and Inclusive Internet](#), OEA/Ser.L/V/II. IACHR/RELE/INF.17/17, March 15, 2017, para.

123.

⁷²⁴ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Annual Report 2023](#), OEA/Ser.L/V/II Doc. 386, December 6, 2023, para. 322.

⁷²⁵ Parliament of Canada, [An Act to restrict young persons' online access to sexually explicit material](#), January 6, 2025.

⁷²⁶ Office of the Privacy Commissioner of Canada, [Issue Sheets on Bill S-210](#), September 24, 2024.

⁷²⁷ Office of the Privacy Commissioner of Canada, [Issue Sheets on Bill S-210](#), September 24, 2024.

⁷²⁸ Internet Society, [How Bill S-210 Puts Canadians' Security and Privacy at Risk by Harming the Internet](#), May 22, 2024; Electronic Frontier Foundation, [Canada's Leaders Must Reject Overbroad Age Verification Bill](#), September 19, 2024.

would have to make difficult choices about whether to allow secure traffic and face illegitimate liability, or refuse secure traffic and deprive Canadian users of all the benefits of a global Internet⁷²⁹.

324. On the other hand, at the end of the year, the SRFOE learned of the decision of five media outlets, including some Canadian, to sue the company *OpenAI*, creator of *ChatGPT*, for violating copyright laws by using their articles to train its generative artificial intelligence "chatbot"⁷³⁰. The five media outlets, according to public information, are seeking multi-million-dollar damages, as well as an injunction to stop the company from using their publications without consent or any commercial agreement⁷³¹. For its part, *OpenAI* has maintained that it uses publicly available data and respects international copyright principles⁷³².

325. Finally, the Rapporteurship recorded the Canadian federal government's decision to order the dissolution of *TikTok Technology Canada Inc. by ByteDance Ltd.*, the Chinese company that owns the social media and video platform⁷³³. The government, justifying the order on grounds of national security, clarified that it would not block users in Canada from accessing *TikTok* or impose limits on its ability to create content⁷³⁴. For its part, the platform explained that it would challenge the order in court. Experts noted that this would be problematic in that "the risks associated with the application" would remain, while "the ability to hold the company accountable will be weakened"⁷³⁵.

⁷²⁹ Internet Society, [How Bill S-210 Puts Canadians' Security and Privacy at Risk by Harming the Internet](#), May 22, 2024; Electronic Frontier Foundation, [Canada's Leaders Must Reject Overbroad Age Verification Bill](#), September 19, 2024.

⁷³⁰ The New York Times, [Major Canadian News Outlets Sue OpenAI In New Copyright Case](#), November 29, 2024; NPR, [Canadian media companies sue ChatGPT](#), December 1, 2024.

⁷³¹ AP, [Canadian news publishers sue OpenAI over alleged copyright infringement](#), November 29, 2024; Reuters, [Canadian news companies challenge OpenAI over alleged copyright breaches](#), November 29, 2024.

⁷³² The New York Times, [Major Canadian News Outlets Sue OpenAI In New Copyright Case](#), November 29, 2024; NPR, [Canadian media companies sue ChatGPT](#), December 1, 2024.

⁷³³ Reuters, [Canada orders shutdown of TikTok's Canadian business, app access to continue](#), November 6, 2024; CBC, [What the federal ban on TikTok's Canadian operations means for you](#), November 8, 2024.

⁷³⁴ Government of Canada, [Government of Canada orders the wind up of TikTok Technology Canada, Inc. following a national security review under the Investment Canada Act](#), November 6, 2024.

⁷³⁵ Michael Geist, [Canadian Government to Ban TikTok \(the Company not the App\)](#), November 6, 2024.

CHILE

326. In 2024, the Office of the Special Rapporteur for Freedom of Expression of the IACHR participated in the official visit to Chile between March 18 and 21, in the framework of the Joint Follow-up Mechanism to the Recommendations of the report on the "Situation of Human Rights in Chile" (MESECH). During this period, RELE continued monitoring the situation of freedom of expression in the country, documenting episodes of threats, physical and verbal attacks against journalists, as well as the progress of judicial proceedings against them. In addition, progress was reported in investigations into crimes committed against journalists and the development of new regulations on freedom of expression, protection of personal data and cybersecurity was observed. In particular, RELE highlights the initiative of the Chilean State to host the World Press Freedom Day on May 3, 2024, under the slogan "Press for the Planet: Journalism in the face of the Environmental Crisis", reiterating Chile's commitment to promote and disseminate international standards for the protection of freedom of expression. It also highlights the openness of the State of Chile to international observation on freedom of expression, recognizes the leadership of its authorities in facilitating relevant discussions on this right and appreciates that, although challenges persist, the Government of Chile has explicitly expressed its commitment to freedom of expression and has made significant efforts to ensure that an open, uninhibited and pluralistic public debate prevails.

A. Journalism and democracy

327. In compliance with recommendation 48 of the country report "Situation of Human Rights in Chile", published in January 2022, the Office of the Special Rapporteur for Freedom of Expression of the IACHR participated in a visit to Chile between March 18 and 21 in the framework of the Joint Follow-up Mechanism on the Recommendations of the Report on the Situation of Human Rights in Chile (MESECH). The mission was led by Commissioner José Luis Caballero Ochoa as Country Rapporteur for Chile and technical teams from the Secretariat, and the Office of the Special Rapporteur participated in sessions with authorities, journalists and civil society organizations to monitor the situation of freedom of expression in the country. Currently, the Office of the Special Rapporteur is systematizing the information received to share a detailed report with recommendations derived from the visit.

328. During this visit, the Office of the Special Rapporteur received allegations on cases of wiretapping and spying on journalists, as well as on the activation and continuation of criminal proceedings against journalists who have investigated issues of public interest⁷³⁶. In addition, there were reports of community media and civil society organizations, especially those that promote the rights of historically discriminated groups, who also face legal proceedings that they consider have the purpose of restricting their participation in the public debate. The lawsuits filed against these groups of people would also produce a particular effect of self-censorship.⁷³⁷

329. On the other hand, according to the monitoring carried out in 2024, the Office of the Special Rapporteur learned that Chile ranked first in the Chapultepec Index for that year, with a score of 79.65 out of 100, maintaining its classification in the category of "low restriction on freedom of expression and press"⁷³⁸. However, the Office of the Special Rapporteur also continued to receive reports of attacks and aggressions against journalists, both by public officials and private individuals. Thus, for example, the *Inter American Press Association* (IAPA) highlighted the persistence of attacks on journalists on social networks, especially through *bots*, with a clear political motivation. These campaigns seek to discredit journalists, accusing them of being at the service of "spurious interests" and belittling their informative work.⁷³⁹

⁷³⁶ IACHR, Office of the Special Rapporteur for Freedom of Expression, Communiqué No. 108/24, [RELE presents considerations after visit to Chile and invites society to provide additional information](#), May 20, 2024.

⁷³⁷ IACHR, Office of the Special Rapporteur for Freedom of Expression, Communiqué No. 108/24, [RELE presents considerations after visit to Chile and invites society to provide additional information](#), May 20, 2024.

⁷³⁸ Chapultepec Index, [Chile: Leader in freedom of expression and press freedom](#), August 2, 2023 to August 1, 2024.

⁷³⁹ Inter American Press Association (IAPA), [Chile: Report to the Mid-Year Meeting 2024, April 17-19](#), April 17-19, 2024.

330. In this context, RELE learned that on March 15, 2024, the media outlet *Universidad Autónoma de Chile Televisión* (UATV) denounced aggressions against journalist Constanza Vásquez and cameraman Javier López during coverage of a farmers' demonstration on Route 5 South, in the commune of Victoria. According to public reports, police officers allegedly threw pepper spray, injuring the journalist, who was taken to a health center. In addition, the cameraman was detained by security forces.⁷⁴⁰

331. In April 2024, the Office of the Special Rapporteur learned that the Third Chamber of the Temuco Court upheld the appeal for amparo filed by the National Human Rights Institute (INDH) against the Araucanía Zone Public Order Control of the Carabineros, following the detention of cameraman Javier López on March 15, 2024⁷⁴¹. According to public information, the court concluded that the detention of López, who was transferred against his will to a police vehicle while he was doing his journalistic work, constituted a violation of his right to personal liberty. This ruling would establish, according to public reports, an important precedent for the protection of the rights of journalists in situations of coverage in the context of demonstrations⁷⁴². Regarding journalist Constanza Vásquez, the court did not find conclusive evidence of a violation of her rights, given that no intent to cause physical or psychological harm was demonstrated, and the medical attention provided by the police officers themselves was considered. In this regard, the court instructed the Carabineros to follow the internal procedures established to avoid violating the fundamental rights of press workers during demonstrations or other events involving the safeguarding of public order⁷⁴³. This measure, according to the Court, would not only protect "the exercise of freedom of the press, but also strengthen the pillars of a democratic rule of law by guaranteeing access to truthful and timely information for the public"⁷⁴⁴.

332. On the other hand, the Special Rapporteurship learned that the *Meganoticias* journalistic team had been assaulted while conducting a report in the commune of Rinconada de Los Andes, in the Valparaíso Region. The team was trying to obtain an interview with the Mayor of the commune, who is being investigated for the alleged diversion of funds from the royalties of a casino, and for accusations of tax fraud, incompatible negotiation and falsification of public documents⁷⁴⁵. According to public reports, the Mayor refused to testify and, subsequently, the team of journalists was allegedly expelled and physically assaulted with shoves and kicks by municipal workers⁷⁴⁶. After the aggression against the *Meganoticias* team in Rinconada de Los Andes, there was a power cut in the commune on the night of the same day, just before the broadcast of a program in which details were to be revealed about the alleged involvement of the Mayor in investigations for misappropriation of funds. According to public reports, the outage was allegedly caused by the throwing of objects at the medium voltage network. Witnesses reported seeing people in a white van at the scene of the incident, which has raised questions about possible links to the previous attack.⁷⁴⁷

⁷⁴⁰ UATVC|Noticias, [@UATVNoticias], (March 15, 2024), With pepper spray thrown at journalists and the arrest of a UATV Noticias cameraman, Carabineros assaulted press crews in the midst of a farmers' demonstration in the commune of Victoria, X, <https://x.com/UATVNoticias/status/17688661514691412299?t=p9iVruk7lydcZ3JKLHAIFA&s=19>; IAPA, [@sip_oficial], (Mar. 15, 2024), Strong condemnation from @sip_oficial for aggression in Chile against journalist Constanza Vásquez and cameraman Javier López, from UATV channel, X, https://x.com/sip_oficial/status/1768713304120148334?t=MNzhpcmlL0eHDdDpr53yhQ&s=08; Araucanía Diario, [AraucaníaDiario denuncia grave agresión a equipo del canal UATV ante la Sociedad Interamericana de Prensa](#), March 15, 2024; Biobiochile.cl, [Al menos cinco detenidos deja protesta de agricultores en Victoria: movilizados acusan represión](#), March 15, 2024.

⁷⁴¹ Araucanía Diario, [Corte falla en contra de Carabineros tras detención a camarógrafo de UATV](#), April 21, 2024; Tirant Prime, [Corte de Temuco ordena a carabineros respetar labores periodísticas](#), April 23, 2024.

⁷⁴² Araucanía Diario, [Corte falla en contra de Carabineros tras detención a camarógrafo de UATV](#), April 21, 2024; Tirant Prime, [Corte de Temuco ordena a carabineros respetar labores periodísticas](#), April 23, 2024.

⁷⁴³ Araucanía Diario, [Corte falla en contra de Carabineros tras detención a camarógrafo de UATV](#), April 21, 2024; Tirant Prime, [Corte de Temuco ordena a carabineros respetar labores periodísticas](#), April 23, 2024.

⁷⁴⁴ Araucanía Diario, [Corte falla en contra de Carabineros tras detención a camarógrafo de UATV](#), April 21, 2024; Tirant Prime, [Corte de Temuco ordena a carabineros respetar labores periodísticas](#), April 23, 2024.

⁷⁴⁵ El Mostrador, [Funcionarios y alcalde de Rinconada de Los Andes agreden y expulsan a equipo de Meganoticias](#), August 20, 2024; Soy Chile, [Meganoticias team was assaulted by Rinconada municipal officials while reporting](#), August 20, 2024.

⁷⁴⁶ El Mostrador, [Funcionarios y alcalde de Rinconada de Los Andes agreden y expulsan a equipo de Meganoticias](#), August 20, 2024; Soy Chile, [Meganoticias team was assaulted by Rinconada municipal officials while reporting](#), August 20, 2024.

⁷⁴⁷ El Heraldo de México, [Alcalde corta la luz del pueblo para impedir que vean un reportaje que revela su red de corrupción](#), Aug. 22, 2024; WRadio, [Alcalde cortó la luz de su pueblo para que no supieran de su corrupción](#), Nov. 29, 2024; G5 Noticias, [Diputado Nelson Venegas por cortes masivos de luz en Rinconada durante reportaje televisivo: "Es una situación muy sospechosa que nos hace](#)

333. Aggressions were also reported against the *Canal 13* news team while they were covering an inspection street vendors in San Bernardo⁷⁴⁸. One of the journalists of the team reported that her van and a camera were damaged; and both she and a cameraman were allegedly subjected to attempted aggression. According to public reports, the journalist was forced to take refuge in a store to avoid being physically attacked⁷⁴⁹. On the other hand, during a session of the Municipal Council of Lo Espejo, in which alleged links of a councilwoman with drug trafficking were being discussed, journalists from *T13* denounced threats and aggressions to their team⁷⁵⁰. According to the report, an individual expressed his dissatisfaction with the media's coverage, especially with a video published about his brother, and attacked the camera with which the journalists were covering the meeting.⁷⁵¹

334. The Office of the Special Rapporteur also received information about threats on social networks directed at journalist Leslie Ayala, of *La Tercera*, following her coverage of an allegation of sexual violence involving several players of a local soccer team⁷⁵². In response, the *Chilean Association of Journalists* expressed its solidarity with the journalist in the face of the threats received. On the other hand, *Reporters Without Borders* (RSF) expressed its concern for the situation of journalist Josefa Barraza, director of the newspaper *El Ciudadano*, who has been the victim of online aggressions and threats against her after a leak of conversations.⁷⁵³

335. Regarding the fight against impunity for crimes committed against journalists, the Rapporteurship followed up on the judicial process initiated for the homicide of journalist Francisca Sandoval in 2022. During his visit to Chile in March 2024, the Special Rapporteur learned about the progress of the criminal proceedings and the proximity of the oral trial against the accused. However, he also received allegations of dissatisfaction with the scope of the investigations. In particular, the lack of an exhaustive analysis of possible institutional omissions that could have facilitated the crime was mentioned⁷⁵⁴. Through a press release, the Office of the Special Rapporteur urged the clarification of reports of abuses committed by public security forces⁷⁵⁵.

336. In this context, on October 16, 2024, the Office of the Special Rapporteur received reports on the conviction of Marcelo Naranjo for the murder of journalist Francisca Sandoval. According to public information, the Fourth Oral Criminal Court of Santiago sentenced him to 24 years in prison for simple homicide, illegal possession of a weapon and unjustified shooting, being the only one charged in the case⁷⁵⁶.

[pensar que existen intencionalidades de fondo.](#)" August 21, 2024; Infobae, [A Chilean mayor cut the power in his town when a report accusing him of corruption was to be broadcast on TV.](#) August 21, 2024.

⁷⁴⁸ Biobiochile.cl, "[Me tuve que meter a un local": report violent attack against Canal 13 team in San Bernardo.](#)" July 4, 2024.

⁷⁴⁹ ADNRadio, VIDEO. [Journalist of "Tu día" had to take shelter in a shop after street vendors attacked the rest of the morning show team.](#) July 4, 2024; The Coalition for Women in Journalism, [Chile: Street Vendors Violently Assault Reporter Delfina Gómez and Canal 13 Team.](#) July 4, 2024.

⁷⁵⁰ T13, [Hitting the camera and with the mayoress present: Thus was the aggression to T13 team during municipal council in Lo Espejo.](#) July 10, 2024.

⁷⁵¹ Biobiochile.cl, [Incidents during council in Lo Espejo after councilwoman's links with narco: they assaulted the press.](#) July 10, 2024.

⁷⁵² DuplosCI, [Threats to journalist after uncovering scandal in Colo Colo: 'Fill this sewer with thermos'.](#) November 4, 2024.

⁷⁵³ RSF en español [@RSF_eng], (May 29, 2024), RSF expresses great concern about the situation of journalist Josefa Barraza, director of the newspaper *El Ciudadano*, victim of online aggressions and threats following the publication in a nationally circulated media outlet, X, https://x.com/RSF_esp/status/1795930969351852123.

⁷⁵⁴ IACHR, Office of the Special Rapporteur for Freedom of Expression, Communiqué No. 108/24, [RELE presents considerations after visit to Chile and invites society to provide additional information.](#) May 20, 2024.

⁷⁵⁵ IACHR, Office of the Special Rapporteur for Freedom of Expression, Communiqué No. 108/24, [RELE presents considerations after visit to Chile and invites society to provide additional information.](#) May 20, 2024.

⁷⁵⁶ ADN, [Condenan a 24 años de cárcel a Marcelo Naranjo. "El Pestaña". por el homicidio de la periodista Francisca Sandoval.](#) 28 de octubre de 2024; [El Ciudadano. Justicia para Francisca Sandoval: Declaran culpable a Marcelo Naranjo por el homicidio de la periodista.](#) 16 de octubre de 2024; La Cuarta, [Condenan a homicida de Francisca Sandoval: Who was the reporter shot to death while covering a march.](#) Oct. 16, 2024; [La Tercera. Marcelo Naranjo found guilty in murder of journalist Francisca Sandoval.](#) Oct. 16, 2024.

The Ministry of the Interior highlighted the seriousness of the case, noting that it was the first homicide of a female press worker since the return to democracy.⁷⁵⁷

337. 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 debate⁷⁵⁸. For this reason, States have the obligation to create the conditions for journalists to be able to exercise their function freely, independently and safely.⁷⁵⁹

338. 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 destruction of media material, 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 that the victims receive adequate reparation"⁷⁶⁰.

339. On the other hand, the Office of the Special Rapporteur learned about judicial proceedings against journalists. In April 2024, the Special Rapporteurship was informed about the conviction of independent journalist Daniel Labbé, who was sentenced to 61 days suspended imprisonment for the crime of public disorder⁷⁶¹. According to public reports, Labbé was arrested and physically assaulted by police officers on January 29, 2021, while covering a protest in Santiago⁷⁶². Upon his release the following day, the police alleged that Labbé had assaulted the officers, and the authorities formally charged him with disorderly conduct. After three months, the Court of Appeals accepted the nullity appeal filed by the defense, annulling the 61-day sentence and ordering a new simplified oral trial.⁷⁶³

340. According to public reports, on April 22, 2024, journalist Josefa Barraza, director of the independent digital media *El Ciudadano*, appeared before the first hearing of a lawsuit filed by former congresswoman Andrea Molina, who accused Barraza of libel after the news coverage of her new position in the municipality of La Reina⁷⁶⁴. As this Office was able to learn, the court ruled that *El Ciudadano* did not commit the crime of libel, since the publication was limited to reporting a fact of public interest. Consequently, the request for definitive dismissal in favor of the journalist⁷⁶⁵ was accepted.

341. In 2024, the Office of the Special Rapporteur also received information on the case of journalist Felipe Soto, editor of the independent news website *Resumen*, who was sentenced to 61 days in prison following a complaint filed by Rodrigo Daroch, an official of the Regional Government of Bío Bío, after the publication of an article on July 5, 2022⁷⁶⁶. The article, based on information from the Office of the Comptroller General of the

⁷⁵⁷ La Tercera, [Inicia juicio oral contra Marcelo Naranjo por el homicidio de periodista Francisca Sandoval: Fiscalía pide 25 años de cárcel](#), October 7, 2024.

⁷⁵⁸ 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, Office of the Special Rapporteur for Freedom of Expression, [Background and Interpretation of the Declaration of Principles](#), 2000.

⁷⁵⁹ 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.

⁷⁶⁰ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Declaration of Principles on Freedom of Expression](#), 2000.

⁷⁶¹ Committee to Protect Journalists (CPJ), [Chilean journalists Daniel Labbé and Josefa Barraza face criminal charges](#), April 26, 2024.

⁷⁶² CPJ, [Chilean journalists Daniel Labbé and Josefa Barraza face criminal charges](#), April 26, 2024.

⁷⁶³ Resumen, ["Solo se creyó en el relato de Carabineros": anulan cuestionado juicio contra periodista Daniel Labbé](#)", July 25, 2024; Pensa Prensa, [Corte de Santiago ordena nuevo juicio contra periodista acusado por provocar desórdenes públicos](#), July 23, 2024

⁷⁶⁴ CPJ, [Chilean journalists Daniel Labbé and Josefa Barraza face criminal charges](#), April 26, 2024.

⁷⁶⁵ El Ciudadano, [Organizaciones manifiestan preocupación por acoso judicial a El Ciudadano y director Josefa Barraza: "Daña la libertad de prensa"](#), April 19, 2024; El Ciudadano, [Mauricio Daza, defense lawyer: "Con querrelas como la presentada por Andrea Molina contra la periodista Josefa Barraza se limita la libertad de expresión"](#), June 4, 2024.

⁷⁶⁶ IACHR, Annual Report 2023, [Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II, Doc. 386, December 6, 2023, para. 402; Interferencia, [Felipe Valenzuela, director of Resumen: "Estas acciones judiciales contra periodistas pueden llevar a la inhibición a la hora de informar."](#) February 3, 2023; CPJ, [Chilean journalist Felipe Soto Cortés convicted of criminal defamation](#), January 27, 2023; Observatorio Derecho Comunicación, [Condenan a 61 días de cárcel a editor de periódico digital por reportaje](#)

Republic, indicated that the official could be receiving an extra salary through parallel contracts. The Rapporteurship learned that the Constitutional Court of Chile had denied a request of inapplicability of the accused offenses.⁷⁶⁷

342. Likewise, on August 26, 2024, the Office learned that the Court of Appeals of Concepción, after rejecting the appeal for annulment filed by the defense, confirmed the sentence of January 2023 in which the Court of Guarantee of Concepción convicted the editor of the digital newspaper *Resumen*⁷⁶⁸ for the crime of slander.

343. As the Office of the Special Rapporteur has pointed out, 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 system⁷⁶⁹. 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 pluralism⁷⁷⁰. 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 debate.⁷⁷¹

344. 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 abusive use of the punitive power of the State"⁷⁷². 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 criminal law is not conventionally appropriate to protect the honor of the official"⁷⁷³. 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.⁷⁷⁴

345. Finally, civil society organizations urged the UN Human Rights Committee to recommend that the State adopt measures to strengthen freedom of expression⁷⁷⁵. Among their requests, they highlighted the need to increase transparency in the media, eliminate discriminatory regulatory restrictions towards

[sobre presuntas irregularidades en remuneraciones de la Municipalidad de Quilleco](#), January 20, 2023; Information received by the Office of the Special Rapporteur for Freedom of Expression in 2024. Archive of the Office of the Special Rapporteur for Freedom of Expression.

⁷⁶⁷ El Ciudadano, [La Libertad de Prensa ante el Tribunal Constitucional](#), April 23, 2024; Information sent by the Observatorio del Derecho a la Comunicación (ODC) to the Office of the Special Rapporteur for Freedom of Expression in 2024. Archive of the Office of the Special Rapporteur for Freedom of Expression.

⁷⁶⁸ Information sent by the ODC to the Office of the Special Rapporteur for Freedom of Expression in 2024. Archive of the Office of the Special Rapporteur for Freedom of Expression.

⁷⁶⁹ 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.

⁷⁷⁰ 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.

⁷⁷¹ 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.

⁷⁷² 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.

⁷⁷³ 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.

⁷⁷⁴ 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.

⁷⁷⁵ Observacom, [UN Human Rights Committee receives recommendations from Chilean civil society on transparency, diversity and media pluralism](#), March 11, 2024.

community media, and promote public policies that favor these media, with special emphasis on indigenous peoples, among other aspects related to freedom of expression.⁷⁷⁶

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

346. During 2024, the Special Rapporteurship continued to follow the criminal investigations related to "Operation Topographer", in which it is alleged that agents of the Army Intelligence Directorate (DINE) intercepted the communications of journalist Mauricio Weibel Barahona⁷⁷⁷. In 2023, the Special Rapporteurship learned that the Seventh Court of Guarantee of Santiago had issued an arrest warrant against the former judge of the Court of Appeals of Santiago, Juan Antonio Poblete, who was accused of authorizing illegal telephone interceptions against four Army officials who denounced acts of corruption within the institution, as well as journalist Mauricio Weibel, who was investigating the same facts⁷⁷⁸. The Office of the Special Rapporteur received reports of threats and violent attacks against journalist Weibel and his lawyer, as well as the prosecutor in the case⁷⁷⁹. In this same context, on July 12, 2024, journalist Weibel and his lawyer met with a UN representative for human rights in South America, who acknowledged the journalistic work carried out and condemned the attacks and harassment reported.⁷⁸⁰

347. Likewise, this Office learned that the Public Prosecutor's Office requested the formalization of the Director General of Carabineros, Ricardo Yáñez, for his possible responsibility in the crime of omission "of unlawful arrest resulting in serious injuries and homicide", in his position as head of Order and Security of the uniformed Police, during the protests of the social outbreak⁷⁸¹. *Amnesty International Chile* highlighted the indictment and affirmed that "justice should not only prosecute those who pulled the trigger but also those who gave the order or did not do what was necessary to prevent the serious human rights violations that were occurring in the country"⁷⁸². Additionally, according to public reports, it was learned that Gonzalo de la Costa Lara, a Carabineros major and charged with the crime of unlawful coercion resulting in serious and very serious injuries, would be remanded in custody for 90 days as part of the investigation being carried out for the eye trauma caused to a worker in the context of these demonstrations⁷⁸³. In this context, it was learned that the Fourth Oral Criminal Court found the Carabineros captain guilty of unlawful coercion for the use of an anti-riot shotgun that injured an actress in Santiago Centro.⁷⁸⁴

348. On August 16, 2024, the Constitutional Chamber of the Supreme Court of Santiago invalidated the provision of Decree No. 165 of 1975, signed by Pinochet, which dissolved Empresa Periodística Clarín Ltda.

⁷⁷⁶ Observacom, [United Nations Human Rights Committee receives recommendations from Chilean civil society on transparency, diversity and media pluralism](#), March 11, 2024; COFLE, [Alternative report for the review of the State of Chile before the Human Rights Committee at its 140th session](#), March 28, 2024; Information received by the Office of the Special Rapporteur for Freedom of Expression in 2024. Archive of the Office of the Special Rapporteur Freedom of Expression.

⁷⁷⁷ IACHR, Annual Report 2023, [Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II, Doc. 386, December 6, 2023, para. 399.

⁷⁷⁸ CNN Chile, [Caso Topógrafo: Dictan prisión preventiva para exjuez Juan Antonio Poblete por interceptación telefónica ilegal](#), December 26, 2023; Biobiochile.cl, [Caso Topógrafo: revocan prisión preventiva del exjuez Juan Antonio Poblete](#), August 29, 2024; Ciper Chile [@ciper_chile], (2024, June 5), [Teresa Letelier voted later in ruling that spared Judge Poblete preventive detention](#); IACHR, Annual Report 2023, [Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II..., Doc. 386, December 6, 2023, para. 399.

⁷⁷⁹ Information received by the Office of the Special Rapporteur for Freedom of Expression in 2024. Archive of the Office of the Special Rapporteur for Freedom of Expression.

⁷⁸⁰ United Nations, Office of the High Commissioner for Human Rights, [Chile: Representative met with journalist who denounced espionage and harassment](#), July 12, 2024.

⁷⁸¹ Diario UChile, [Fiscalía formalizará al general director de Carabineros por responsabilidad de mando en el estallido social](#), January 3, 2024.

⁷⁸² Amnesty International, [Chile: The indictment of Ricardo Yáñez, Mario Rozas and another senior Carabineros commander is a milestone on the road to truth and justice](#), January 3, 2024.

⁷⁸³ Summary, [Carabineros Major remanded in custody charged with causing eye trauma to worker](#), April 10, 2024.

⁷⁸⁴ INDH Chile [@inddhh], (2024, April 11), Cuarto Tribunal Oral en lo Penal declaró culpable de apremios ilegítimos al capitán de Carabineros T.P.R.S. por el uso de escopeta antidisturbios que hirió a actriz en Santiago Centro, X, <https://x.com/inddhh/status/1778499781460910374>; INDH, INDH [RM participó en juicio donde Cuarto Tribunal Oral declaró culpable a carabinero por uso de escopeta antidisturbios que hirió a actriz en 2019](#), April 12, 2024.

and Consorcio Publicitario y Periodístico S.A., owners and publishers of the newspaper *Clarín*⁷⁸⁵. According to close associates of the owners of the media, this decision puts an end to a long legal battle, which included an international litigation at the International Centre for Settlement of Investment Disputes (ICSID). As a result of this ruling, the newspaper is expected to resume its pre-dictatorship operations.⁷⁸⁶

349. In 2024, the Office of the Special Rapporteur followed the development of legislation related to freedom of expression, highlighting the bill pending in the Senate, which was approved by the Chamber of Deputies on March 18. This legislation would aim to provide protection to journalists and communication workers, covering all persons involved in the practice of journalism, regardless of their professional title.⁷⁸⁷ The proposal stresses the need to establish a comprehensive protection mechanism for communicators and their families in the face of various types of aggressions, through the creation of a special statute.⁷⁸⁸

350. On the other hand, in September 2024, the Personal Data Protection Law was approved, whose objective, according to the State, is to improve the rules related to the processing of personal data of natural persons⁷⁸⁹. The law would establish that this processing must be carried out with the consent of the data owner or in cases authorized by law, guaranteeing high standards of quality, information, transparency and security⁷⁹⁰. In addition, the law would create the Personal Data Protection Agency, a public body in charge of ensuring the protection of data privacy, with the purpose of aligning Chilean legislation with European standards in this area.⁷⁹¹

351. Finally, in the framework of the promotion of media pluralism, the President of Chile announced that he will send to Congress a proposal to create a fund to strengthen the public channel *Televisión Nacional de Chile* (TVN). The purpose of this fund would be to strengthen its regional centers, its cultural and children's channel, and its international signal⁷⁹². The President said that the proposal will be presented as a substitute indication to the bill on the state channel, and will include the creation of a public radio station, the first in the country.⁷⁹³

352. The Office also learned of the announcement of the General Secretariat of Government (Segegob) on the entry of a set of indications to modernize the law that regulates TVN, in order to reactivate the processing of the bill submitted to Congress on March 2, 2022. According to official information, the creation of an *endowment* fund is also proposed, with the aim of strengthening the economic autonomy of the public channel "without depending each year on the political contingency and the discussion of the annual Budget Law". This fund, the first created by the State of Chile, would be managed independently from TVN and would be designed to generate permanent income over time.⁷⁹⁴

⁷⁸⁵ El Ciudadano, [Clarín case: Supreme Court declares null and void the dissolution of the newspaper's companies 49 years later](#), August 19, 2024.

⁷⁸⁶ Radio UChile, [Roxana Pey and ruling on the newspaper El Clarín: "It is a great triumph for freedom of expression in Chile"](#), August 20, 2024.

⁷⁸⁷ Ministerio Secretaría General de Gobierno, [Congreso: Cámara aprueba en general el proyecto de ley que protege a las y los trabajadores de las y los trabajadores de las comunicaciones y pasa al Senado](#), March 18, 2024; Ministerio Secretaría General de Gobierno, [Proyecto de ley que protege a periodistas y trabajadores de las comunicaciones avanza en el Senado](#), August 27, 2024.

⁷⁸⁸ Diario UChile, [Cámara de Diputados y Diputadas aprobó estatuto de protección de periodistas y comunicadores](#), March 20, 2024.

⁷⁸⁹ Gob.cl, [Ley de Protección de Datos Personales: Revisa de qué se trata](#), August 27, 2024.

⁷⁹⁰ Senate of the Republic of Chile, [Protección de Datos Personales: Sala aprueba informe de Comisión Mixta](#), August 14, 2024.

⁷⁹¹ Iapp, [Aspects of the recently approved bill that creates the Personal Data Protection Agency in Chile](#), September 10, 2024.

⁷⁹² Observacom, [Chilean government wants to strengthen the state-owned TVN channel and create the first public radio](#), June 21, 2024.

⁷⁹³ Diario UChile, [Strengthening TVN and the project of a public radio: Boric's announcements on World Press Freedom Day](#), May 3, 2024.

⁷⁹⁴ Gobierno de Chile, [Revisa de qué se trata de qué se trata el proyecto de modernización de TVN](#), 12 July 2024; Ministerio Secretaría General de Gobierno, Gobierno de Chile, [Gobierno reactiva proyecto de ley que moderniza TVN y anuncia ingreso de indicaciones sustitutivas](#), 12 July 2024; DF Diario Financiero, [Por un voto de diferencia, el proyecto de financiamiento de US\\$ 30 millones para TVN logra pasar la primera valla en la Cámara de Diputados](#), 25 September 2024; Diario UChile, [Por estrecho margen: Comisión de Cultura de la Cámara aprueba en general proyecto de modernización de TVN](#), September 25, 2024.

353. The Office of the Special Rapporteur recalls that public media can (and should) play an essential role in ensuring the plurality and diversity of voices necessary in a democratic society. Their role is fundamental in providing content that is not necessarily commercial, of high quality, articulated with the informational, educational and cultural needs of the population. However, in order for them to truly fulfill their role, public media must be independent from the Executive Branch; truly pluralistic; universally accessible; have adequate funding in accordance with the mandate established by law; and have governance systems and editorial policies that favor the integrity of information of public interest and prevent propaganda, as well as mechanisms for accountability and participation.⁷⁹⁵

354. In accordance with Inter-American standards, these media need to be independent of their editorial or informative line⁷⁹⁶ and should not be used as tools of government communication or propaganda, but rather as autonomous informative and cultural spaces that act at the service of the interests of society as a whole⁷⁹⁷. The plurality mandate requires that the public media reflect the political, social, geographic, religious, cultural, linguistic and ethnic pluralism of society in their programming.⁷⁹⁸

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

355. On March 19, 2024, the State of Chile signed a memorandum of understanding in the framework of the case "Miguel Ángel Millar Silva and others" (Radio Estrella del Mar de Melinka), related to attacks on a community radio station, by which the State commits to comply with the recommendations issued by the IACHR⁷⁹⁹. The measures agreed upon include the creation of a permanent working group between the State and the petitioners, the delivery of 12 experimental radio broadcasting permits, a training, education and certification plan, as well as the joint design of a seminar. CEJIL highlighted that this petition has set an important precedent in the region, underlining how the isolated and precarious conditions in which community media and citizen broadcasting projects operate are both a cause and a consequence of the lack of democratization in communication.⁸⁰⁰

356. In addition, the Office of the Special Rapporteur learned of a complaint filed by the Haitian community in Chile against a well-known singer for allegedly stigmatizing and racist comments made on a radio program⁸⁰¹. Subsequently, the artist had filed a lawsuit for slander and libel against a media outlet that had broadcast a *sketch* in which his comments were parodied. However, the Chilean courts rejected the legal action filed by the singer.⁸⁰²

D. Freedom of expression and the Internet

357. On March 26, 2024, the Cybersecurity Framework Law was enacted, the objective of which would be to establish a regulatory framework to ensure a secure digital environment in the face of the increase and sophistication of cybercrime and cyberattacks⁸⁰³. According to public information, the law would regulate

⁷⁹⁵ 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, 2010, para. 83.

⁷⁹⁶ 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, 2010, para. 90.

⁷⁹⁷ 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, 2010, para. 89.

⁷⁹⁸ 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, 2010, para. 89.

⁷⁹⁹ Observacom, [Chile signs agreement to comply with IACHR recommendations on the Melinka community radio case](#), March 19, 2024.

⁸⁰⁰ CEJIL, [Progress for community communication: the Chilean State signs a memorandum of understanding for the case of Radio Estrella del Mar de Melinka](#), March 19, 2024.

⁸⁰¹ El Desconcierto.cl, [Pablo Herrera a la justicia: Comunidad haitiana presenta querrela por sus dichos racistas](#), March 25, 2024; El Ágora, [\(VIDEO\) Acusan de xenofobia a Pablo Herrera por frases emitidas en un programa de radio](#), March 20, 2024.

⁸⁰² Biobiochile.cl, [Declaran inadmisibile querrela de Pablo Herrera contra El Antídoto, pero aceptaron otra en su contra](#), April 24, 2024; [RedCarpet, Pablo Herrera aclara su otra querrela en contra de "El Antídoto": "Esa la voy a ganar"](#), April 24, 2024.

⁸⁰³ Government of Chile, [Promulgamos Ley Marco sobre Ciberseguridad que regula servicios públicos y privados](#), March 26, 2024.

various sectors, both public and private, including telecommunications, digital services, health, social security, financial services and messaging, among others. These entities will have to implement specific measures to prevent, report and resolve cybersecurity incidents, complying with a strict regulation on the matter⁸⁰⁴. To supervise compliance, the regulation would create the National Cybersecurity Agency, in charge of regulating, supervising and sanctioning the services in question.⁸⁰⁵

358. The Office of the Special Rapporteur recalls that the possible 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 network⁸⁰⁶. Furthermore, the Office reiterates that official programs and public policies on cybersecurity must have oversight and control mechanisms whose highest instance is a judge.⁸⁰⁷

359. On the other hand, this Office highlights the reports that indicate that Chile has positioned itself as one of the leading countries in the development of Artificial Intelligence (AI) in the Americas, standing out in governance, infrastructure, human capital, research, development and adoption of AI, according to the Latin American Artificial Intelligence Index (ILIA) 2024, prepared by ECLAC and the National Center for Artificial Intelligence (Cenia)⁸⁰⁸. In addition, the Special Rapporteurship learned about the presentation, on May 7, 2024, in the Chamber of Deputies of Chile, of a bill aimed at regulating AI. According to its first article, the law would aim to promote the creation, development, innovation and implementation of AI systems at the service of human beings, guaranteeing respect for democratic principles, the rule of law and fundamental rights⁸⁰⁹. At the close of this annual report, the bill was under discussion in the first constitutional debate in the Chamber of Deputies.⁸¹⁰

⁸⁰⁴ Press Office Presidency, [President of the Republic, Gabriel Boric Font, promulgates the Cybersecurity Framework Law and receives the National Cybersecurity Policy](#), March 26, 2024.

⁸⁰⁵ CiberLatam, [Chile's Framework Law on Cybersecurity and Critical Information Infrastructure Enacted](#), March 27, 2024.

⁸⁰⁶ 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.

⁸⁰⁷ 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.

⁸⁰⁸ Government of Chile, [Chile tops international index as leader in Artificial Intelligence development](#), September 25, 2024; University of Chile, [Chile leads in Artificial Intelligence in Latin America](#), October 21, 2024; ECLAC, [Latin American Artificial Intelligence Index \(ILIA\) maintains Chile, Brazil and Uruguay as leaders in the region](#), September 24, 2024.

⁸⁰⁹ UNESCO, [Chile launches national AI policy and presents draft law on AI following UNESCO recommendations](#), May 4, 2024; Instituto Autor, [Chile: Draft law presented to regulate artificial intelligence](#), Aug. 23, 2024.

⁸¹⁰ Chamber of Deputies of Chile, [Regula los sistemas de inteligencia artificial](#), 2024.

COLOMBIA

360. In 2024, the Office of the Special Rapporteur for Freedom of Expression recorded the murder of at least seven journalists and media workers in Colombia, making it the second most lethal country for the press in the Americas. During its *on-site* visit in April 2024, the IACHR and its Office of the Special Rapporteur gathered information on the situation of freedom of expression, observing a climate of stigmatization and harassment, especially towards women journalists, by public officials and official spokespersons. In addition, multiple attacks, aggressions, threats and kidnappings were recorded against journalists and communicators at the local level, mainly by illegal armed groups in margins of territorial governance crossed by so-called "total peace" processes that are carried out without safeguards or guarantees for local journalism. The Office of the Special Rapporteur also learned of relevant judicial decisions that impact the exercise of freedom of expression, as well as institutional efforts to protect journalists and progress in investigations into crimes against the press. In this context, the signing of Presidential Directive No. 7, a product of the technical advice provided to the State by the Office, was noteworthy. This instrument establishes clear and pertinent guidelines to optimize the implementation of the State of Colombia's international obligations regarding freedom of expression, particularly with respect to the interaction between the Executive Branch and journalism, in line with the standards of the Inter-American human rights system on the matter.

A. Journalism and democracy

361. In 2024, the Office of the Special Rapporteur received reports of various attacks against journalists, including murders, threats, harassment, physical attacks and obstacles to their work, with an increase in risks for those covering topics such as public administration, illegal economies, security, the environment and armed conflict. Local journalists face high risks and are frequently targets of violence by illegal armed groups and criminal organizations. This situation has generated a climate of fear and self-censorship that limits the flow of information and public debate. Despite advances in the protection of freedom of expression, the Office of the Special Rapporteur observes that the practice of journalism continues to be a high-risk activity in the country

362. Colombia is the country with the second highest number of murders of journalists in the region. For example, the murder of Mardonio Mejía Mendoza occurred on January 24, 2024, when an armed man entered the journalist's home and shot him with a firearm in the municipality of San Pedro, in the department of Sucre. According to public information, the journalist was taken to a medical center, but died due to the seriousness of his injuries⁸¹¹. Mejía Mendoza was director of the radio station *Sonora Estéreo*, where he had a program called "Amanecer Campesino", and broadcast general news and information aimed at farm workers⁸¹². For its part, the State reported on the capture of a person allegedly responsible for the murder of journalist Mardonio Mejía Mendoza and indicated that no protection measures had been requested for the journalist⁸¹³. The Office of the Special Rapporteur called on the Colombian State to guarantee security conditions for journalists to be able to carry out their work.⁸¹⁴

363. In the case of journalist Jaime Vásquez, according to public information, on April 14, 2024 he was walking through the streets of the La Riviera neighborhood in the city of Cúcuta, Norte de Santander, when a man on a motorcycle shot him three times with a firearm while he was taking refuge inside a commercial

⁸¹¹ Foundation for Press Freedom (FLIP), [El asesinato de Mardonio Mejía, director de la emisora Sonora Estéreo, enluta al periodismo del país](#), FLIP, January 25, [El asesinato de Mardonio Mejía, director de la emisora Sonora Estéreo, enluta al periodismo del país](#), January 25, 2024; El País, [Asesinado Mardonio Mejía, el 'periodista del pueblo', en Sucre](#), January 25, 2024.

⁸¹² FLIP, [El asesinato de Mardonio Mejía, director de la emisora Sonora Estéreo, enluta al periodismo del país](#), FLIP, January 25, 2024, [El asesinato de Mardonio Mejía, director de la emisora Sonora Estéreo, enluta al periodismo del país](#), 25 January 2024; El País, [Asesinado Mardonio Mejía, el 'periodista del pueblo', en Sucre](#), 25 January 2024.

⁸¹³ IACHR, Office of the Special Rapporteur for Freedom of Expression, Communiqué No. 26/24, [The Office of the Special Rapporteur condemns the murder of journalist Mardonio Mejía Mendoza in Colombia and calls on the State to investigate the facts](#), February 1, 2024.

⁸¹⁴ IACHR, Office of the Special Rapporteur for Freedom of Expression, Communiqué No. 26/24, [The Office of the Special Rapporteur condemns the murder of journalist Mardonio Mejía Mendoza in Colombia and calls on the State to investigate the facts](#), February 1, 2024.

establishment⁸¹⁵. Vásquez was taken alive to the nearest health center, however, he died due to the seriousness of his injuries. According to public reports, Vásquez was known for denouncing and reporting through his Facebook page on matters of public interest in the city of Cúcuta, related to possible acts of corruption. As this Office was able to learn, Jaime Vásquez had protection measures from the National Protection Unit (UNP).⁸¹⁶

364. The murder of journalist Julio Zapata took place on April 22, 2024 in the municipality of San Rafael, Antioquia department. According to public reports, he was attacked with a sharp weapon while he was at his home in the company of another person⁸¹⁷. Zapata was the founder of the digital media *San Rafael Online* in which he published information of public interest, and was also a broadcaster of the program *El Despertador*.⁸¹⁸

365. On April 26, 2024, journalist Hilton Eduardo Barrios was killed in a commercial establishment in the Menegua neighborhood of Puerto López, Meta. According to reports, armed men shot him on several occasions. Barrios was director of the local media *Ciudadanías*, where he denounced alleged cases of corruption, and was also a recognized community leader, member of the Peasant Assembly⁸¹⁹. The Special Rapporteur learned that Colombian authorities had assigned a special Criminal Investigation and Police Intelligence team to gather evidence and locate those responsible for the murder.⁸²⁰

366. This Office also learned of the murder of journalist Jorge Méndez on June 27, 2024⁸²¹. His body, according to public information, was found in the municipality of Tibú in this department, in a border area with Venezuela, with bullet wounds and alleged signs of torture. The journalist had a *Facebook* page known as "La Gabarra con una imagen diferente", in which he published information considered positive and favorable to the region. Jorge Méndez was a well-known community journalist and content creator in the region of Catatumbo, Norte de Santander department.⁸²²

367. Finally, the Rapporteurship learned of the murder of journalist Steven Andrés Fajardo, broadcaster and director of the radio station *Triunfadora Stereo*, on November 21, 2024 in the village of Doradal, municipality of Puerto Triunfo, Antioquia, where he was publishing information of public interest⁸²³. According to public reports, Fajardo was attacked by an armed man while he was in a motorcycle workshop⁸²⁴. For its part, on December 3, 2024, this Office learned of reports of the murder of the communicator and lawyer

⁸¹⁵ FLIP, [Asesinato de Jaime Vásquez afecta el cubrimiento de temas de interés público](#), April 23, 2024; Verdad Abierta, [Asesinato de Jaime Vásquez reaviva el miedo entre líderes sociales y periodistas de Cúcuta](#), May 3, 2024.

⁸¹⁶ IACHR, Office of the Special Rapporteur for Freedom of Expression, Press Release No.82/24, [RELE condemns the murder of journalists Jaime Vásquez, Julio Zapata and Hilton Eduardo Barrios, and calls on the State to investigate the facts and ensure the protection of journalists](#), April 30, 2024.

⁸¹⁷ El Tiempo, [Investigan la muerte de reconocido periodista que fue hallado sin vida en su residencia](#), April 22, 2024; El Espectador, [Asesinaron a periodista dentro de su vivienda en San Rafael, Antioquia](#), April 23, 2024.

⁸¹⁸ IACHR, Office of the Special Rapporteur for Freedom of Expression, Press Release No.82/24, [RELE condemns the murder of journalists Jaime Vásquez, Julio Zapata and Hilton Eduardo Barrios, and calls on the State to investigate the facts and ensure the protection of journalists](#), April 30, 2024.

⁸¹⁹ El Tiempo, [Investigan la muerte de reconocido periodista que fue hallado sin vida en su residencia](#), April 22, 2024; El Espectador, [Asesinaron a periodista dentro de su vivienda en San Rafael, Antioquia](#), April 23, 2024.

⁸²⁰ IACHR, Office of the Special Rapporteur for Freedom of Expression, Press Release No.82/24, [RELE condemns the murder of journalists Jaime Vásquez, Julio Zapata and Hilton Eduardo Barrios, and calls on the State to investigate the facts and ensure the protection of journalists](#), April 30, 2024.

⁸²¹ IFJ, [Colombia: journalist Jorge Méndez is murdered in the northwest of the country](#), 28 June 2024; La Silla Vacía, [In Tibú, Norte de Santander, journalist Jorge Méndez is murdered](#), 28 June 2024.

⁸²² IACHR, Office of the Special Rapporteur for Freedom of Expression, Press Release No. 165/24, [La RELE condena el asesinato del periodista Jorge Méndez y urge al Estado colombiano a investigar diligentemente](#), July 15, 2024.

⁸²³ Office of the Special Rapporteur for Freedom of Expression, [@RELE_CIDH], (Nov. 22, 2024), RELE condemns the murder of Steven Andrés Fajardo, broadcaster and director of radio station Triunfadora Stereo, X, https://x.com/rele_cidh/status/1859999847333658643?s=46&t=MqOVYcsFpR9jsgswGpJsmw.

⁸²⁴ Reporters Without Borders (RSF), [COLOMBIA : RSF urges authorities to clarify the authorship of the brutal murder of journalist Steven Andrés Fajardo](#), 29 November 2024; FLIP, [We deeply regret the murder of Steven Andrés Fajardo, broadcaster and director of the radio station Triunfadora Stereo](#), 22 November 2024.

Édgar José Garay, perpetrated in the municipality of Corozal, department of Sucre, while he was traveling in his car.⁸²⁵

368. Faced with the situation of lethal violence against the press, the Colombian State reaffirmed that "journalism plays an essential role in promoting transparency, accountability and access to information, essential elements for strengthening the rule of law. It also stated that the Human Rights Directorate of the Ministry of the Interior is in the process of developing a public policy to guarantee the work of journalists in Colombia."⁸²⁶

369. 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 expression⁸²⁷. 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 communicators⁸²⁸. 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.⁸²⁹

370. In 2024, the Office of the Special Rapporteur received multiple reports of aggressions, threats, attacks on media outlets and kidnappings of journalists at the local level⁸³⁰. For example, on December 25, 2023, in Valledupar, there was an attack against the investigative media *El Periódico*, dedicated to denouncing alleged acts of corruption in the city. During the night, an unidentified person violently entered the facilities of the media, causing damage by destroying the roof and cutting the electricity cables that feed the lamps and security cameras.⁸³¹

371. Likewise, this Office learned about the threats suffered by journalist Julieth Cano and content creator Tatán Mojica, both in Cúcuta, who were intimidated by illegal actors⁸³². Of particular concern was the circulation of a pamphlet by the criminal group AK47, in which journalists in the city were identified as "military targets"⁸³³. It was also reported that journalist Alberto Henao Peralta denounced having received threats from members of the Clan del Golfo. In a video, the journalist stated that he has been forced to leave his place of residence due to the fear generated by these threats.⁸³⁴

⁸²⁵ Fecolper, [Edgar Garay, politician and communicator, owner of several fan pages, among them, Edgar lo Dice, was murdered last night in Corozal \(Sucre\)](#), December 4, 2024; International Federation of Journalists (IFJ), [The journalist and lawyer Edgar José Garay was murdered on December 3, 2024 in the department of Sucre while he was driving his car](#), December 4, 2024.

⁸²⁶ Information sent by the State of Colombia in response to RELE's request for information in the framework of the preparation of the Annual Report, Note S-GAHD-24-025768, October 30, 2024, pp. 4-6, File of the Office of the Special Rapporteur for Freedom of Expression.

⁸²⁷ 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. 147.

⁸²⁸ 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.

⁸²⁹ 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. 147.

⁸³⁰ FLIP, [@FLIP_org], (November 7, 2024), Since November 5, journalists from La Lupa Araucana have received threats from FARC and ELN dissidents. Intimidations and cross accusations from both groups compromise the life and integrity of journalists, X, https://x.com/FLIP_org/status/1854632744061419900?t=MhhCbEWwsC1Bvbr1_NUVyw&s=08; Infobae, [Como en tiempos de Pablo Escobar: medio de comunicación fue amenazado tras publicar investigaciones sobre narcotráfico](#), October 10, 2024.

⁸³¹ El Espectador, [Ataque a medio de Valledupar pone en riesgo la libertad de prensa](#), January 2, 2024; El Espectador, [Denuncian ataque a la sede de El Periódico de Valledupar](#), December 29, 2024; Cambio, [Luego de 9 días de sufrir un ataque, sede de 'El Periódico' de Valledupar sigue sin funcionar](#), January 3, 2024

⁸³² Caracol Radio, ["La prensa está en riesgo": corresponsal de Caracol TV](#), June 5, 2024; Infobae, [Periodista de Noticias Caracol denunció amenazas contra su vida y la de su hija](#), June 12, 2024.

⁸³³ FLIP, [Panfleto amenaza con plan pistola a periodistas de Cúcuta](#), May 24, 2024; El Tiempo, [Investigan autenticidad de panfleto en el que anuncian supuesto plan pistola contra periodistas en Cúcuta](#), May 25, 2024.

⁸³⁴ El Tiempo, [Periodista solicitó refuerzo en esquema de protección tras amenazas del Clan del Golfo](#), February 6, 2024; Infobae, [Periodista pidió ayuda tras amenazas del Clan del Golfo: "El gobierno será el directo responsable de lo que pueda suceder"](#), February 5, 2024.

372. Likewise, the Office of the Special Rapporteur received information on intimidation and threats against Alejandro Villanueva, director of the independent media *Desigual*, after the publication of his investigations "¿Quién están lavando plata en Bucaramanga?" and "El contralor de Santander y sus nexos familiares con las Autodefensas" (Who are laundering money in Bucaramanga? and "The Comptroller of Santander and his family ties with the Self-Defense Groups")⁸³⁵. Villanueva has reportedly received death threats and calls to attack him and his family through social networks.

373. On February 25, journalist Jhanuarya Gómez was forced to leave Segovia, Antioquia, due to threats against her life and that of her family⁸³⁶. In a message signed by the Autodefensas Gaitanistas de Colombia (AGC), they warned her that if she continued with her journalistic work, they would make an attempt on her life. On the other hand, the Mesa de Derechos Humanos de Periodistas de Medellín y Antioquia condemned the threats that led to the forced displacement of Edward Fabián Álvarez, editor-in-chief of *La Chiva de Urabá*. According to the statement, on May 12, Álvarez reportedly received threats via *WhatsApp* from an individual identified as "commander Lucas" of the Gulf Clan, who ordered him to leave the area.⁸³⁷

374. In addition, this Office received information on the disappearance of journalist Juan Alejandro Loaiza, director of the radio station *La Despensa* de Algeciras, Huila, who is the beneficiary of precautionary measures from the IACHR. According to public reports, on April 24, 2024, Loaiza was kidnapped by an armed group in Huila in retaliation for refusing to publish information requested by said insurgent group.⁸³⁸

375. The Office of the Special Rapporteur considers that these facts are evidence of an adverse and unsafe environment for the practice of journalism in Colombia, which has led to situations of self-censorship, forced displacement and exile of journalists. In particular, the cases of Laura Ardila, author of the investigative book "La Costa Nostra", who reportedly left the country after receiving intimidation and facing censorship attempts, were recorded with concern⁸³⁹. A similar situation reportedly occurred to journalist José Manuel Vega, founder of *El Periódico - Prensa Libre* in Valledupar, who was forced to leave the country with his family after receiving threats related to his journalistic work.⁸⁴⁰

376. 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"⁸⁴¹. 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 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

⁸³⁵ FLIP, [Alejandro Villanueva, director of the media Desigual, is the victim of repeated threats due to his denunciations](#), March 6, 2024.

⁸³⁶ FLIP, [@FLIP_org], (Feb. 27, 2024), Due to threats against her life and that of her family, journalist Jhanuarya Gómez had to leave the municipality of Segovia, Antioquia, on the morning of Feb. 25, X, https://x.com/FLIP_org/status/1762524389243748682.

⁸³⁷ El Colombiano, [Periodista tuvo que salir de Urabá por amenazas de presunto grupo armado](#), May 20, 2024; La Chiva de Urabá, [Threats against journalist Edward Fabián Álvarez of La Chiva de Urabá were reported to the authorities](#), May 14, 2024.

⁸³⁸ FLIP, [Armed group kidnapped journalist Juan Alejandro Loaiza for 24 hours](#), April 30, 2024.

⁸³⁹ El Diario ES, [La periodista Laura Ardila: "me siento incapaz de ejercer el periodismo en Colombia"](#), 31 August 2024; Pares, [Amenazada se tuvo que exiliar en España la autora de la Costa Nostra](#), 4 September 2024.

⁸⁴⁰ Information received by the Office of the Special Rapporteur for Freedom of Expression, Archivo de la Relatoría Especial para la Libertad de Expresión; FLIP, [@FLIP_org], (Nov. 29, 2024), In 2021, @JoseVegaOS founded @elperiodicoEP in Valledupar. However, after uncovering corruption cases and receiving threats, X, https://x.com/FLIP_org/status/1862529941973197066.

⁸⁴¹ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Declaration of Principles on Freedom of Expression](#), 2000.

serious⁸⁴². 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.⁸⁴³

377. The Rapporteurship received reports of attacks on journalists and media outlets in the context of social protests in Colombia, which occurred while they were carrying out their work. According to public reports, on February 2, 2024, journalist Fabián Forero and cameraman Francisco Ruiz, of *Red+ Noticias*, received death threats, were physically assaulted and suffered the destruction of their journalistic material by people participating in a demonstration in front of the Secretariat of Environment in Bogotá⁸⁴⁴. Due to the aggressions, the journalists were forced to interrupt their coverage and the injuries suffered caused them incapacity for three and four days, respectively

378. On February 8, 2024, within the framework of the demonstrations called in the city of Bogotá, *FLIP* rejected the attacks against journalists *BluRadio Colombia*, *La FM* and *Canal RCN*, who were allegedly harassed by demonstrators, which caused the temporary interruption of their coverage⁸⁴⁵. On March 6, 2024, there were also physical and verbal aggressions against journalist Jesús Garzón and his cameraman from *RTVC Noticias*. According to public information, one of the aggressions occurred in the Plaza de Bolívar, when journalist Garzón was trying to obtain testimonies from the demonstrators. When he asked his questions, they refused to answer and instead began to shouting "liars, you are at the service of the guerrillas"⁸⁴⁶. Subsequently, the group surrounded and pushed the press team, threw objects and blocked the recording.

379. Likewise, aggressions against journalists were reported in Bogotá, Bucaramanga, Barranquilla and Medellín during the protests of April 21, 2024. According to public reports, reporters from *RTVC*, *Juan Maza BQ*, *El Tiempo*, *Cofradía para el Cambio*, *Tras Este Visor* and *El Tamal News* were allegedly physically and verbally assaulted, obstructed in their work and threatened, which forced them to interrupt their coverage. During the incidents, the journalists were accused of being "sellouts", "provocateurs" and "leftists", and of manipulating information about the demonstration⁸⁴⁷. Other similar incidents were reported to this Office in the course of 2024.⁸⁴⁸

380. In relation to the aforementioned events, the Office of the Special Rapporteur learned of the joint initiative between the National Police and the *Foundation for Press Freedom* (FLIP), whose objective is to strengthen the relationship between the security forces and journalists in "high-tension scenarios"⁸⁴⁹. This

⁸⁴² 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, 2023, para. 287.

⁸⁴³ IACHR, [Report No. 7/16](#), Case 12.213, Merits (Publication), Aristeu Guida da Silva and family (Brazil), April 13, 2016, para. 138.

⁸⁴⁴ FLIP, [Rechazamos las amenazas de muerte y agresiones físicas contra equipo de Red+ Noticias en Bogotá](#), February 6, 2024; [El Espectador. Periodista y camarógrafo de Red+ Noticias fueron agredidos en medio de manifestación](#), February 5, 2024; [El Tiempo, 'Me estaban linchando': brutal attack on journalist and TV cameraman in Bogotá \[Video\]](#), February 3, 2024; Giovanni Celis Sarmiento, [@GiovanniCelisS], (February 4, 2024), Red+ Noticias rejects and condemns the attacks, aggressions, and physical and psychological intimidation suffered by journalist Fabián Forero and cameraman Francisco Ruiz who were covering the protest in Bogotá for International Wetlands Day, X, https://x.com/GiovanniCelisS/status/1754203557044089155?t=N4S3wMBWeG3aJrz0_yq1Kg&s=19.

⁸⁴⁵ FLIP, [@FLIP_org], (Feb. 8, 2024), We reject attacks against journalists from @BluRadioCo, @lafm and @CanalRCN by demonstrators at protests called in Bogota, X, https://x.com/FLIP_org/status/1755774225661530400?t=xYObLspwvFDIASjfOVc_oA&s=19.

⁸⁴⁶ FLIP, [@FLIP_org], (March 6, 2024), During protests today in downtown Bogotá, journalist Jesús Garzón and his cameraman, X, https://x.com/FLIP_org/status/1765497333167390777?t=o9eGAj1FN-1wOvdsU46PMA&s=08.

⁸⁴⁷ FLIP, [Thirteen journalists attacked during demonstrations in opposition to the National Government](#), April 22, 2024.

⁸⁴⁸ FLIP, [@FLIP_org], (May 1, 2024), During coverage of the #1DeMayo demonstrations, we learned that three reporters and one media outlet were victims of aggressions in the departments of Atlántico, Valle del Cauca and Tolima, X, https://x.com/FLIP_org/status/1785815617758527668.

⁸⁴⁹ El Tiempo, [Puntos claves de iniciativa que lanzan Policía y Flip para proteger libertad de prensa](#), February 28, 2024; [Voz de América, Colombia: Trazan "hoja de ruta" para fortalecer relación entre policía y periodistas en "escenarios de alta tensión"](#), March 18, 2024.

initiative seeks to guarantee the protection of journalistic practice and respect for human rights, key elements to preserve the right to information in contexts of protest and social conflict.⁸⁵⁰

381. RELE recalls that, given the importance of the work performed by journalists covering public demonstrations, the State must provide them with 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 situations.⁸⁵¹

382. On the other hand, the Office of the Special Rapporteur received information on the activation of judicial proceedings and investigations against the media, as well as inspection orders to obtain confidential information related to journalistic investigations on public administration and possible cases of corruption. Thus, for example, on February 13, 2024, the National Police asked *La W Radio* to reveal the sources used for a report published by the media⁸⁵². In a letter addressed to the radio station, the Police requested a copy of the intelligence reports in its possession and the certification of the identity of the person who would have provided the information.

383. Likewise, the *Inter American Press Association* (IAPA) expressed its concern about the use of lawsuits against journalists Catalina Ruiz-Navarro and Matilde de los Milagros Londoño Jaramillo, founders of the digital media *Volcánicas*, with the apparent aim of stopping investigations of public interest. In June 2020, they published an investigation into anonymous complaints by nine women against Colombian film director *Ciro Guerra*, who was accused of sexual harassment and abuse between 2013 and 2019. In response, Guerra filed tutela actions, a lawsuit civil and a criminal complaint, demanding compensation of one million dollars for damages to his public image.⁸⁵³

384. On March 6, the Attorney General's Office notified *Cambio* about a judicial inspection to obtain the source data of the note "SAE's goods were delivered in exchange for bribes that were collected in the name of Daniel Rojas and Juan Fernando Petro". According to public reports, this is not an isolated case, but part of a repeated practice of the Prosecutor's Office towards the media⁸⁵⁴. In addition to these facts, there are reports of cyber-attacks against *Cambio*, after the publication of a journalistic investigation.⁸⁵⁵

385. RELE emphasizes that the aforementioned facts are part of a context of growing stigmatization of the press, which continues to be a crucial challenge for the practice of journalism in Colombia. In 2024, the Office of the Special Rapporteur documented numerous cases of accusations against journalists and media by public officials, especially those covering issues related to public administration and organized crime. The reports point to smear campaigns and the use of official channels to delegitimize journalistic work, disqualifying journalists as "opponents", "liars", "false" or "biased" and calling their work "disinformation"⁸⁵⁶. Some are even accused of being responsible for crimes, fomenting coups d'état and "stultifying" the

⁸⁵⁰ Information sent by the State of Colombia in response to RELE's request for information in the framework of the preparation of the Annual Report, Note S-GAIID-24-025768, October 30, 2024, p.23, File of the Office of the Special Rapporteur for Freedom of Expression.

⁸⁵¹ UN and OAS, [Joint Declaration on Violence against Journalists and Communicators in the Framework of Social Demonstrations](#), September 13, 2013.

⁸⁵² FLIP, [Unconstitutionally, Police ask La W Radio to reveal its sources](#), March 5, 2024.

⁸⁵³ Inter American Press Association (IAPA), [La SIP lamenta acoso judicial en Colombia contra periodistas de Volcánicas](#), February 20, 2024; El Espectador, [Habrá nueva audiencia por demanda civil de *Ciro Guerra* contra *Volcánicas*](#), February 6, 2024.

⁸⁵⁴ FLIP, [Attorney General's Office continues to harass *Cambio*](#), March 13, 2024.

⁸⁵⁵ FLIP, [\[@FLIP_org\]](#), (May 9, 2024). In recent weeks, @thischange has been the victim of cyberattacks, X, https://x.com/FLIP_org/status/1788572936661598480.

⁸⁵⁶ Document sent by the Asociación Colombiana de Medios de Información (AMI) to the Office of the Special Rapporteur for Freedom of Expression, Archive of the Office of the Special Rapporteur for Freedom of Expression, April 18, 2024 and October 3, 2024; El Espectador, [Public letter from journalists to President Petro](#), July 7, 2024; IAPA, [Resolution - IAPA Mid-Year Meeting, April 17 - 19, 2024](#), April 19, 2024; IAPA, [IAPA expresses concern over President Petro's verbal escalation against the press](#), July 2, 2024.

population⁸⁵⁷. RELE was alerted that such accusations could intensify the climate of violence and intolerance towards the press, as well as polarization and rejection of criticism.⁸⁵⁸

386. Thus, for example, in relation to the mobilizations of February 7, 2024, the President of the Republic affirmed that, "[t]here was no violence in any mobilization in the country, contrary to what certain false journalistic accounts tried to position in the country"⁸⁵⁹. Likewise, in response to publications made by *Blu Radio*, the president stated, "[t]his is the type of disinformation that is radiated to society and that deserves to be refuted"⁸⁶⁰. In addition, the president reacted to various media publications, for example, he indicated that: "[t]he periodical *El Colombiano* lies (...), Stop manipulating the people of Antioquia"⁸⁶¹. Likewise, he pointed out to the media *RCN* and *Caracol*, and radio stations in Colombia of "stultifying" and "numbing" Colombian society.⁸⁶²

387. Likewise, RELE recorded that the President of the Republic responded in his social networks to a publication of *Cambio* about a *FLIP* report that rejects his accusations against journalists and media. In his comment, the President said: "And when will *FLIP* of Pacho Santos defend citizens against slander dressed as information?"⁸⁶³. In response, *FLIP* clarified that Francisco Santos has not participated in its assemblies for more than 20 years and that the organization represents the diversity and plurality of journalism.⁸⁶⁴

388. The President also allegedly described the work of journalist María Jimena Duzán as "Mossad journalism", in reference to the Israeli foreign intelligence agency⁸⁶⁵. The Special Rapporteurship notes that, following these statements, the journalist received threats and accusations, being accused of being a terrorist and a member of the Mossad⁸⁶⁶. In addition, on August 30, 2024, during the inauguration of the first woman elected as Ombudsman, the President stated: "[t]he journalists of power, the dolls of the mafia, built the thesis of terrorism in protest and the criminalization of the genuine right to protest and to say enough"⁸⁶⁷. Similar cases have been reported to the Office of the Special Rapporteur⁸⁶⁸, along with allegations of disqualifications directed at media owners.⁸⁶⁹

⁸⁵⁷ Meeting with journalists and civil society organizations in the framework of the *in loco* visit of the IACHR held from April 15 to 19, 2024, April 16 and 18, 2024; Document delivered to RELE by the Colombian Association of Media (AMI), at meeting with civil society organizations on freedom of expression during the *in loco* visit, on April 18, 2023.

⁸⁵⁸ Meeting of journalists and civil society organizations in the framework of the *on-site* visit of the IACHR held from April 15 to 19, 2024, April 16 and 18, 2024.

⁸⁵⁹ Gustavo Pedro, [@petrogustavo], (February 9, 2024), Yo no soy indolente y arrogante ante las consecuencias de entregarle la fiscalía a la señora Marta Mancera, X, <https://x.com/petrogustavo/status/1756003430307361210>.

⁸⁶⁰ Gustavo Pedro, [@petrogustavo], (March 5, 2024), This is the kind of disinformation that is radiated to society and deserves to be refuted, X, <https://x.com/petrogustavo/status/1765237766609109067>.

⁸⁶¹ Gustavo Pedro, [@petrogustavo], (March 7, 2024), El periódico @elcolombiano miente, X, <https://x.com/petrogustavo/status/1765914354958860568>.

⁸⁶² Valora Analitik, [@ValoraAnalitik], (Mar. 11, 2024), El presidente @petrogustavo se fue contra los medios RCN y Caracol, y las emisoras de radio en Colombia. Los calificó de "embrutecer" a los colombianos, X, <https://x.com/ValoraAnalitik/status/1767259410861056048>; El Tiempo, [Medios y periodistas rechazan nuevos señalamientos del Presidente Petro](#), March 12, 2024; El Colombiano, [Petro la vuelve a emprender contra medios: acusó a RCN y Caracol de "embrutecer a la sociedad"](#), March 11, 2024.

⁸⁶³ Gustavo Pedro, [@petrogustavo], (June 28, 2024), And when will Pacho Santos' Flip defend the citizenry against slander dressed as information, X, <https://x.com/petrogustavo/status/1806854806167822605>; Gustavo Pedro, [@petrogustavo], (June 29, 2024), Well, they had among their founders someone who is accused of forming paramilitary groups, X, <https://x.com/petrogustavo/status/1807190876608659958>.

⁸⁶⁴ FLIP, [Open letter from the FLIP Board of Directors to President Gustavo Petro](#), June 29, 2024.

⁸⁶⁵ Gustavo Pedro, [@petrogustavo], (June 26, 2024), I have respected María Jimena in her journalistic life, considered her a journalist of truth and a victim of paramilitary violence, X, <https://x.com/petrogustavo/status/1805943138017559002>.

⁸⁶⁶ María Jimena Duzán, [@MJDuzán], (June 26, 2024), President @petrogustavo I have a deep disappointment and fear: instead of giving explanations about the corruption that has taken hold in your government, you have decided to attack me, X, <https://x.com/MJDuzan/status/1806007940442132480>; <https://x.com/MJDuzan/status/1806450057195266551>.

⁸⁶⁷ El País, [La violencia digital contra las periodistas colombianas crece tras llamarlas Petro "muñecas de la mafia"](#), November 20, 2024; DW, [Rechazan que Petro llame "muñecas de la mafia" a periodistas](#), September 3, 2024.

⁸⁶⁸ Document sent by the Asociación Colombiana de Medios de Información (AMI) to the Office of the Special Rapporteur for Freedom of Expression, Archivo de la Relatoría Especial para la Libertad de Expresión, April 18, 2024 and October 3, 2024.

⁸⁶⁹ Document sent by the Asociación Colombiana de Medios de Información (AMI) to the Office of the Special Rapporteur for Freedom of Expression, Archivo de la Relatoría Especial para la Libertad de Expresión, April 18, 2024 and October 3, 2024.

389. For its part, the Colombian State, through the Attorney General's Office, stressed the importance of national and local authorities, as well as all official voices, committing themselves to avoid the stigmatization of journalists and to promote diversity of opinion and freedom of expression, which are fundamental for human rights and democracy. In this regard, the Ombudsman's Office urged respect for the role of women in journalism and the fundamental work of the free press, noting that "this stigmatization can generate a form of indirect censorship, affecting the plurality of voices, the diversity of opinions and, in particular, gender equality"⁸⁷⁰.

390. Likewise, the Office of the Special Rapporteur takes note that, on September 9, 2024, the National Government signed Presidential Directive No. 7, which establishes clear and pertinent guidelines to optimize the implementation of the international obligations of the State of Colombia regarding freedom of expression, particularly with regard to the interaction between the Executive Branch and journalism, in line with the standards of the Inter-American human rights system on the matter.⁸⁷¹

391. The presidential directive is the result of a process of technical assistance provided by RELE to the Colombian State in response to a request received in April 2023, and represents a significant advance in the protection and promotion of freedom of expression in the country⁸⁷². This process focused on strengthening guarantees for freedom of the press, in accordance with the recommendations made by the IACHR in its report on the working visit to Colombia in 2021. The findings of RELE's monitoring indicated that the stigmatization of the press persisted as a key challenge to the guarantees for the exercise of journalism. Consequently, technical assistance was not only maintained, but its scope was expanded during the *on-site* visit of the IACHR in April 2024, which was reflected in the preliminary observations to the visit⁸⁷³. During this process, the Rapporteurship held meetings with state authorities and civil society organizations, and participated in various public and closed events. The purpose of all of this was to learn about the state of freedom of expression and press freedom in the country and to promote the adoption of Inter-American standards in this area.

392. The Office of the Special Rapporteur highlights that Colombia is the first country in the region to adopt an instrument of this nature, which represents a significant advance⁸⁷⁴. However, despite the signing of the directive, reports of stigmatization and attacks on journalists persist, including those coming from public officials, which underscores the urgent need to implement effective measures to ensure a safe environment for the practice of journalism

393. The IACHR and its Office of the Special Rapporteur recall that, in 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 profession⁸⁷⁵. While it is legitimate, and on certain occasions a duty, for state authorities to make pronouncements on matters of public interest and defend themselves against criticism or questioning by the press, in doing so they must not discredit or stigmatize those who question them⁸⁷⁶. This duty of enhanced diligence on the freedom of expression of

⁸⁷⁰ Information sent by the State of Colombia in response to RELE's request for information in the framework of the preparation of the Annual Report, Note S-GAIIID-24-025768, October 30, 2024, pp.11-13, File of the Office of the Special Rapporteur for Freedom of Expression.

⁸⁷¹ Presidency of the Republic of Colombia, [Gobierno firma directiva presidencial para fortalecer libertad de expresión y libertad de prensa](#), September 9, 2024; Presidency of the Republic of Colombia, [Directiva Presidencial 07](#), September 9, 2024; Presidency of the Republic of Colombia, Ampliación de información complementaria a la visita *in loco* de la CIDH, October 29, 2024, p. 703.

⁸⁷² RELE, Press Release No. 211/24, [RELE receives with gratification Colombia's presidential directive on duties of authorities on freedom of expression](#), September 9, 2024.

⁸⁷³ IACHR, [Preliminary Observations](#), *On-site* Visit to Colombia, April 15-19, 2024.

⁸⁷⁴ RELE, Press Release No. 211/24, [RELE receives with gratification Colombia's presidential directive on duties of authorities on freedom of expression](#), September 9, 2024.

⁸⁷⁵ 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; UN, OSCE, OAS, ACHPR, [Joint Declaration on Political Leaders, Persons Exercising Public Functions, and Freedom of Expression](#), October 20, 2021.

⁸⁷⁶ I/A Court H.R., Case of Apitz Barbera et al. v. Venezuela. Preliminary Objection, Merits, Reparations and Costs, Judgment of August 5, 2008, Series C No. 182, para. 131; Case of Ríos et al. v. Venezuela, Preliminary Objections, Merits, Reparations and Costs, Judgment of January 28, 2009, Series C No. 194, para. 139.

public authorities is due to their high investiture, the broad scope of their statements and the eventual effects that their expressions may have on certain sectors of the population .⁸⁷⁷

394. On the other hand, in relation to the investigation and punishment of crimes and aggressions against the press, in August 2024, the Rapporteurship learned of a condemnation of the Colombian State for the case of Manuel Santiago López, a journalist who was allegedly captured and tortured by the National Police in Duitama, Boyacá, while covering the strike of 2021. The decision of the 60th Administrative Court of Bogota highlights the state's responsibility in the protection of human rights and the importance of combating abuses committed by security forces against those who inform society .⁸⁷⁸

395. The Rapporteurship also learned of the conviction of the former director of the Administrative Department of Security (DAS), José Miguel Narváez, for the aggravated torture of journalist Claudia Julieta Duque. This ruling is a milestone in Colombian justice, marking an advance in the recognition of crimes against humanity against journalists and in the demand for accountability .⁸⁷⁹

396. Finally, the Office notes that the Colombian government acknowledged its responsibility in the murder of journalist Guillermo Cano, then editor of the newspaper *El Espectador*, which occurred on December 17, 1986. In an event organized by the Ministry of Foreign Affairs, the State admitted not having effectively guaranteed the fundamental right to life of the journalist .⁸⁸⁰

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

397. The Special Rapporteurship learned of reports of possible police intervention, excessive use of force by State security agents, as well as other acts of violence in the context of demonstrations. For example, on March 8, as part of the commemoration of International Women's Day, the Mobile Anti-Riot Squad (Esmad) intervened in a demonstration that took place in the Plaza de Bolívar in Bogota where hundreds of women were carrying out artistic activities. According to the Mayor's Office of the capital, the Esmad's action was aimed at protecting the integrity of the uniformed officers and a delegate of the Ombudsman's Office⁸⁸¹ . Also, on September 16, 2024, at the Papiros toll in the municipality of Puerto Colombia, department of Atlántico, physical aggressions and alleged abuse of force were reported against demonstrators, including journalist Karol Solís Menco, who documented and denounced the facts .⁸⁸²

398. In this context, the Office was also informed of the directive issued by the Attorney General's Office, which "recognizes, guarantees and protects the right to peaceful social protest"⁸⁸³ . According to the Attorney General's Office, this directive "offers guarantees, not only to those who demonstrate but also to third parties and to members of the public forces and public servants who must ensure that this right is exercised through its legitimate channels"⁸⁸⁴ .

⁸⁷⁷ 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.

⁸⁷⁸ Revista Raya, [Otra condena a la Policía por la tortura, durante el Paro Nacional, a un periodista de Duitama](#), August 31, 2024; La Silla Vacía, [El Estado, condenado por caso de periodista víctima de abuso policial](#), August 13, 2024.

⁸⁷⁹ W Radio, [José Miguel Narváez was convicted for torturing journalist Claudia Duque](#), August 23, 2024; El Colombiano, [José Miguel Narváez, former deputy director of DAS, convicted for psychological torture of journalist Julieta Duque](#), August 23, 2024.

⁸⁸⁰ Ministry of Justice and Law, [Colombian State acknowledged its responsibility in the murder of El Espectador director Guillermo Cano Isaza](#), February 9, 2024.

⁸⁸¹ El Espectador, [Esmad burst into #8M march in Bogota's Plaza de Bolívar](#), March 8, 2024; Infobae, [Abuse of public force amid 8M demonstrations in Bogota](#), March 9, 2024.

⁸⁸² El Tiempo, [Siguen las manifestaciones en el peaje Papiros de la Vía al Mar: Personería municipal pide respeto](#), September 22, 2024; Volcánicas, [Las denuncias por acoso sexual y arresto ilegal de Karol Solís en el peaje Papiros](#), September 17, 2024.

⁸⁸³ Infobae, [Fiscalía explicó la polémica directriz para manejar la protesta social ante las críticas por "atar" a la fuerza pública](#), September 16, 2024; Noticiero 90 Minutos, [Protesta social en Colombia: Experto analiza nuevas directrices jurídicas presentadas por la fiscal](#), September 13, 2024.

⁸⁸⁴ Office of the Attorney General, [Concept of the Criminal Policy Advisory Commission on the Directive of the Office of the Attorney General on peaceful social protest](#), October 24, 2024; Office of the Attorney General, [Directive 001 of 2024](#), September 10, 2024.

399. 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 obliged to respect, protect and guarantee these rights.⁸⁸⁵

400. On the other hand, the Office of the Special Rapporteur has also received with concern reports of threats and attacks against human rights defenders. In particular, Francisco Vera Manzanares, human rights defender and environmental leader, has been the target of threats and accusations on social networks, especially on X (formerly *Twitter*)⁸⁸⁶. According to information received by this Office, the defender has been the victim of photographic montages in which he is presented as a guerrilla, in addition to being described as a terrorist, communist and insurgent, which seems to be part of a strategy to criminalize his work and a public narrative to discredit his work.⁸⁸⁷

401. On the other hand, in relation to informational diversity, the Special Rapporteurship learned of Presidential Directive No. 11, through which the Presidency ordered all its ministries to allocate 33.3% of their budget allocations for communication to disseminate information through alternative media in the country. This decision, according to the document, would seek to strengthen access to information in marginalized communities and promote media plurality.⁸⁸⁸

402. Likewise, the Office of the Special Rapporteur received complaints about possible threats to the plurality of information, especially related to the use of public media to promote and disseminate exclusively the official version of the government, which would limit the space for criticism and dissent⁸⁸⁹. In particular, information was received that RTVC is not operating independently, omitting issues perceived as unfavorable to the President's administration, resulting in a lack of access to complete and unbiased information, especially for those who have limited access to other sources of information⁸⁹⁰. In addition, during its *on-site* visit, the IACHR received reports from the organizations, who also expressed their concern about the assignment of contracts in RTVC to activists and *influencers* without journalistic training or experience, which raises doubts about their suitability to occupy certain positions within the entity⁸⁹¹. They also noted that access to advertising would be conditioned to alignment with the vision of the national government, highlighting a significant reduction in government advertising for private media, concentrating on public media, especially RTVC⁸⁹². Finally, this Rapporteurship also heard reports on alleged acts of labor harassment in said entity. In response to these allegations, the Attorney General's Office initiated an investigation in January of that year.⁸⁹³

403. The Office of the Special Rapporteur notes that the challenge of the independence of public media in Colombia is a persistent issue, documented by this Office in recent years. In this regard, it should be noted that, when reflecting on public media, the various stakeholders should remember that they do not

⁸⁸⁵ 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.

⁸⁸⁶ Information sent to the Office of the Special Rapporteur for Freedom of Expression, October 30, 2024, November 6 and 27, 2024, Archivo de la Relatoría Especial para la Libertad de Expresión.

⁸⁸⁷ Information sent to the Office of the Special Rapporteur for Freedom of Expression, October 30, 2024, November 6 and 27, 2024, Archivo de la Relatoría Especial para la Libertad de Expresión.

⁸⁸⁸ Departamento Administrativo de la Presidencia de la República (DAPRE), [Presidential Directive number 11](#), November 22, 2024; La República, [Las entidades del Gobierno van a destinar un tercio de su pauta a medios alternativos](#), November 25, 2024.

⁸⁸⁹ Meeting of journalists and civil society organizations in the framework of the *on-site* visit of the IACHR held from April 15 to 19, 2024, April 16 and 18, 2024.

⁸⁹⁰ Meeting with journalists and civil society organizations during the *in loco* visit of the IACHR, April 15-19, 2024, April 16 and 18, 2024; Document submitted to RELE by the Colombian Media Association (AMI), during meeting with civil society organizations on freedom of expression during the *in loco* visit, April 15-19, 2023.

⁸⁹¹ Document submitted to RELE by the Asociación Colombiana de Medios de Información (AMI), at meeting with civil society organizations on freedom of expression during the *on-site* visit, held on April 15-19, 2023; FLIP, [Public letter to Mauricio Lizcano, ICT Minister and President of the Board of Directors of RTVC due to the environment of self-censorship and censorship in RTVC](#), April 18, 2024.

⁸⁹² Document submitted to RELE by the Colombian Media Association (AMI), at meeting with civil society organizations on freedom of expression during the *on-site* visit, held on April 15-19, 2023.

⁸⁹³ Attorney General's Office, [Procuraduría Procuraduría recopiló información en RtvC en caso de Hollman Morris por presunto acoso laboral](#), January 20, 2024; Volcanicas, [Una nueva oleada de denuncias contra Hollman Morris](#), September 10, 2024.

necessarily operate under commercial or political logics⁸⁹⁴, so they need to be understood in their particularities as media that must operate independently of those who exercise economic or political power. The Office of the Special Rapporteur recognizes that public media are essential to guarantee plurality and diversity of voices in a democratic society⁸⁹⁵. Therefore, States must ensure "the existence of strong, independent and adequately resourced public media that operate with a clear mandate to further the public interest and maintain high journalistic standards"⁸⁹⁶. In response to concerns about the possible discrediting of public media, the Rapporteurship emphasizes that their independence can, on the contrary, contribute to their credibility and legitimacy.⁸⁹⁷

404. In order to fulfill the role expected of them in democratic societies, the Office of the Special Rapporteur warns of the importance of public media being truly independent from the executive branch, pluralistic, accessible, with adequate funding, systems of governance, editorial policies that favor the integrity of information of public interest and prevent propaganda, as well as mechanisms for accountability and participation. In accordance with Inter-American standards, these media need to be independent of their editorial or informative line⁸⁹⁸ and should not be used as tools of government communication or propaganda, but as autonomous informative and cultural spaces that act at the service of the interests of society as a whole⁸⁹⁹. The plurality mandate requires that the public media reflect the political, social, geographic, religious, cultural, linguistic and ethnic pluralism of society in their programming.⁹⁰⁰

405. For its part, government advertising should not become disguised propaganda or be used to stigmatize critical sectors⁹⁰¹. As a preponderant criterion for the distribution of official advertising, States should consider the audience or target public of the advertising campaign in question, with the aim of ensuring that the advertising is received by the public to be impacted by the campaign⁹⁰². State advertising should not be considered as a mechanism to support the media or as a policy to promote media diversity and pluralism⁹⁰³, since the official advertising and such mechanisms have different objectives⁹⁰⁴. States should establish policies and allocate resources to promote media diversity and pluralism through indirect aid mechanisms or explicit and neutral subsidies, differentiated from official advertising expenditures⁹⁰⁵. By virtue of the above, the IACHR and its RELE urge the Colombian State to take into account the aforementioned Inter-American standards and to guarantee that the public media, in compliance with their public service role, offer content of the highest possible quality and diversity.

⁸⁹⁴ 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, OEA/Ser.L/V/II IACHR/RELE/INF.13/15, para. 83.

⁸⁹⁵ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Freedom of Expression Standards for the Transition to Open, Diverse, Plural and Inclusive Digital Television](#), 2014, para. 141.

⁸⁹⁶ United Nations (UN) Special Rapporteur on Freedom of Opinion and Expression, Representative on Freedom of the Media of the Organization for Security and Cooperation in Europe (OSCE), OAS Special Rapporteur for Freedom of Expression and Special Rapporteur on Freedom of Expression and Access to Information of the African Commission on Human and Peoples' Rights (ACHPR), [Joint Statement On Freedom Of Expression And "Fake News" \("Fake News"\), Disinformation And Propaganda](#), March 3, 2017.

⁸⁹⁷ 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, 2010, para. 88.

⁸⁹⁸ 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, 2010, para. 90.

⁸⁹⁹ 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, 2010, para. 89.

⁹⁰⁰ 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, 2010, para. 89.

⁹⁰¹ IACHR, [Principles on the Regulation of Official Advertising in the Inter-American System for the Protection of Human Rights](#), 2011, para. 45.

⁹⁰² IACHR, [Principles on the Regulation of Official Advertising in the Inter-American System for the Protection of Human Rights](#), 2011, para. 53.

⁹⁰³ IACHR, [Principles on the Regulation of Official Advertising in the Inter-American System for the Protection of Human Rights](#), 2011, paras. 77 and 78.

⁹⁰⁴ IACHR, [Principles on the Regulation of Official Advertising in the Inter-American System for the Protection of Human Rights](#), 2011, paras. 77 and 78.

⁹⁰⁵ IACHR, [Principles on the Regulation of Official Advertising in the Inter-American System for the Protection of Human Rights](#), 2011, paras. 77 and 78.

406. Finally, in the area of access to public information, RELE highlights decision T-534 of December 19, 2024 of the Colombian Constitutional Court, which reviewed the tutela action filed by citizen and journalist César Augusto Molineras Dueñas against Supertiendas y Droguerías Olímpica S.A.⁹⁰⁶. The lawsuit arose after the plaintiff sent questions to the company about its practices to prevent the marketing of beef from contributing to deforestation in protected areas and National Natural Parks of Colombia. Upon analyzing the answers received, the plaintiff argued that they were incomplete, which in his opinion violated his right to petition. After considering that the information requested was of public interest and that industrial or commercial secrecy did not constitute sufficient justification to deny the response, the court ruled in favor of the plaintiff's rights to petition and access to information.

407. Likewise, the Special Rapporteurship received reports that reflect a growing concern about a possible regression in the exercise and guarantee of the right of access to public information in Colombia. In particular, civil society organizations have highlighted that guarantees such as the harm test, established in Statutory Law 1712 of 2014 on the "Law on Transparency and the Right of Access to National Public Information", would not be being adequately applied. In addition, an allegedly unjustified expansion of the regime of exceptions for access to public information has been observed.⁹⁰⁷

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

408. In 2024, the Office of the Special Rapporteur received information on aggressions and attacks against women journalists in Colombia, both online and offline. Thus, for example, among the documented cases is that of journalist Eliana Peñaloza, who was allegedly the target of attacks on social networks after publishing information related to an influencer⁹⁰⁸. On the other hand, the Office of the Special Rapporteur also learned that three journalists from the media outlet *City TV* reported being persistently harassed by a man who sends messages with explicit videos.⁹⁰⁹

409. Likewise, the journalist of *Caracol Televisión*, Alejandra Murgas, has reported harassment by an unknown subject for at least five months, even within the facilities of the channel where she works⁹¹⁰. Subsequently, it was learned that the Prosecutor's Office had charged a retired military officer for the harassment suffered by the journalist and presenter.

410. Likewise, the Office of the Special Rapporteur recorded other advances and efforts at the institutional level. In March 2024, the House of Representatives approved in fourth debate the bill that creates the "No es Hora de Callar" fund, aimed at the prevention, protection and assistance of women journalists who are victims of gender violence⁹¹¹. This fund is part of the reparation measures ordered by the IACHR Court in the case of *Bedoya Lima and another vs. Colombia*, and would be key to address the deficit in differential and timely attention to these cases, according to public reports.⁹¹²

411. On the other hand, the ruling of the Constitutional Court against the *influencer* known as Westcol, who must make publications on social networks informing his audience about the negative effects of

⁹⁰⁶ Constitutional Court of Colombia, [Decision T-534/24](#), December 19, 2024.

⁹⁰⁷ Information sent by civil society organizations to RELE, July 24 and August 14, 2024, Archivo de la Relatoría Especial para la Libertad de Expresión.

⁹⁰⁸ FLIP, [Tres periodistas reciben amenazas de muerte tras publicar información de influencer](#), February 10, 2024; El Colombiano, [Fundación para la Libertad de Prensa rechaza intimidaciones del influenciador Westcol a periodistas](#), February 10, 2024.

⁹⁰⁹ Infobae, [Periodista de Citytv denunció grave caso de acoso sexual: "Me mandó un video mostrando su parte íntima"](#), 18 January 2024; El País, [Tres denuncias penales, más de cinco víctimas y un presunto acosador sexual en libertad](#), 19 January 2024.

⁹¹⁰ El Tiempo, [Fiscalía imputó a acosador de presentadora Alejandra Murgas por lesiones personales](#), May 2, 2024; Pulzo, ["No ha parado": periodista de Noticias Caracol contó que sigue terrible acoso de exmilitar](#), January 27, 2024.

⁹¹¹ Information sent by the State of Colombia in response to RELE's request for information in the framework of the preparation of the Annual Report, Note S-GAIID-24-025768, October 30, 2024, p. 13, File of the Office of the Special Rapporteur for Freedom of Expression.

⁹¹² Presidency of the Republic, [Gobierno del Cambio lanza fondo 'No es hora de callar' para proteger a mujeres periodistas víctimas de violencia de género](#), September 9, 2024; FLIP, [Gobierno Nacional presenta ley que crea el Fondo No Es Hora de Callar para la protección a mujeres periodistas y comunicadoras víctimas de violencia](#), September 9, 2024.

hate speech against the LGBTI population⁹¹³. Finally, the Special Rapporteurship learned that on March 19, 2024, the Colombian State apologized publicly to the LGBTI population for the violence suffered by Raiza Isabela Salazar, a transgender woman who was the victim of threats and acts of violence.⁹¹⁴

D. Freedom of expression and the Internet

412. The Colombian Constitutional Court continues to develop its jurisprudence in relation to fundamental rights in the context of the Internet and social networks. In Ruling T-453 of 2024, the Court ordered TikTok to reinstate the followers of a user whose account had been blocked for allegedly being a minor, although the plaintiff would be over 30 years old and would use the account to share content related to his professional work as a lawyer⁹¹⁵. In this case, the Court granted the amparo and ordered the reinstatement of the followers of the plaintiff's account, but with the precision that the rights that are the object of the amparo are due process and *habeas data*. For its part, in Ruling T-475 of 2024, the Court reaffirmed the protection of access to public information, freedom of expression and press in social networks. In this ruling, the Governor's Office of Cesar was ordered to unblock a user on the social network X (formerly *Twitter*).⁹¹⁶

413. Also in 2024, the Office of the Special Rapporteur received reports on the acquisition and use of the *Pegasus* espionage software. In a presidential speech on September 4, the President revealed that the previous government had paid 11 million dollars in cash for this software. However, in November 2024, the Colombian Ambassador to the United States clarified that the financing of *Pegasus* would have come from the U.S. government.⁹¹⁷

414. The Office of the Special Rapporteur recalls that, by virtue of the close relationship between freedom of expression and privacy, States must avoid the implementation of 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 consults⁹¹⁸. As stated in the 2013 Joint Declaration on "Surveillance Programs and their Impact on Freedom of Expression", 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 in a clandestine manner should be drastically sanctioned.⁹¹⁹

415. The Office of the Special Rapporteur will expand the information on the situation of freedom of expression in the country report on Colombia, prepared in the framework of the *on-site* visit conducted by the Inter-American Commission in April 2024.

⁹¹³ Ámbito Jurídico, [Ordenan a influencer informar sobre impactos negativos de discursos de odio contra población LGBTIQ+](#), March 11; El Tiempo, [Corte Constitucional falla contra 'Westcol' por mensaje de odio a población transgénero](#), March 8, 2024.

⁹¹⁴ El País, [Colombia le pide perdón a Raiza Isabela Salazar, mujer trans discriminada e ignorada por el Estado](#), March 19, 2024; W Radio, [Colombia pide perdón a mujer trans por fallos en protección](#), March 19, 2024; La Silla Vacía, [Estado pedirá perdón a mujer trans por estigmatización de sus vecinos](#), March 19, 2024.

⁹¹⁵ Constitutional Court of Colombia, [Sentence T-453/24](#), November 25, 2024; W Radio, [TikTok must give guarantees to users seeking to recover their account: Court](#), November 7, 2024.

⁹¹⁶ Constitutional Court of Colombia, [Decision T-475 of 2024](#), November 12, 2024.

⁹¹⁷ La Silla Vacía, [Pegasus en Colombia: lo que se sabe del software espía](#), October 23, 2024; El Tiempo, [Presidente Petro sobre compra de Pegasus: 'Sea gringo o colombiano el dinero, es delito'](#), December 3, 2024.

⁹¹⁸ 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.

⁹¹⁹ UN and OAS, [Joint Declaration on Surveillance Programs and their Impact on Freedom of Expression](#), June 21, 2013.

COSTA RICA

416. In 2024, the Office of the Special Rapporteur observed that challenges persist in Costa Rica related to the exercise and guarantee of freedom of expression. Reported facts include stigmatizing remarks against the press, including by public officials, attacks and aggressions against journalists and media, both online and offline, as well as possible obstructions to news coverage that limit access to information of public interest. There have also been institutional deployments on licensing and judicial proceedings regarding the rights to freedom of expression and access to information. Despite these challenges, the Rapporteurship highlights the decisions adopted by the Constitutional Chamber of the Supreme Court of Justice, as well as the recent approval in second debate of the Framework Law on Access to Public Information and the implementation of a national strategy against hate speech, racism and discrimination.

A. Journalism and democracy

417. In 2024, the Rapporteurship emphasizes that Costa Rica maintains a solid democratic institutional framework, but notes that challenges are accentuated in terms of the full exercise of freedom of expression and press freedom. In the course of 2024, the Office received reports on possible restrictions on press coverage, obstacles to access to public information, cases of alleged judicial harassment against journalists, lack of progress in the investigation of crimes against journalists and the persistence of stigmatizing remarks against the press, including by public officials.

418. The Office of the Special Rapporteur noted that, according to the Reporters Without Borders (RSF) world ranking, Costa Rica dropped three positions in the press freedom index, ranking 26th at with a score of 76.13⁹²⁰. During this period, the Rapporteurship also received reports prepared by civil society, such as the "IV Report on the State of Freedom of Expression in Costa Rica" by the Program for Freedom of Expression and the Right to Information (PROLEDI) and the Center for Communication Research (CICOM) of the University of Costa Rica (UCR), as well as the report "Freedom of Expression in Costa Rica 2023" by the University for Peace⁹²¹. These reports highlight the serious challenges persisting in the country in terms of freedom of expression and press freedom.

419. Difficulties have also been identified for exiled journalists who continue to work in the country. In this regard, in 2024, the Rapporteurship received information from exiled journalists in Costa Rica, mainly from Nicaragua and Guatemala, who expressed their growing concern about the insecurity and economic instability they face in exile. According to the reports received, exiled journalists have had difficulties in achieving economic stability due to the high cost of living, which has led them to engage in activities outside the journalistic field to cover their needs⁹²². They also stated that their perception of security has been affected by the attack that occurred in January 2024, in which Nicaraguan opposition leader Joao Maldonado was seriously injured in the city of San Pedro de Montes de Oca⁹²³. Some expressed fears about the possible extension of the influence of the repressive agencies of the Nicaraguan regime beyond Nicaragua's borders. They also indicated that they have preferred to take security measures and expose themselves less in the streets for fear of being watched or followed.⁹²⁴

420. Likewise, in April 2024, the Office of the Special Rapporteur learned about a meeting held in San José, Costa Rica, within the framework of the project "Supporting Media Spaces for Displaced Journalists",

⁹²⁰ Reporters Without Borders (RSF), [Americas: Political pressures increasingly threaten journalists' independence and safety](#), 2024.

⁹²¹ University of Costa Rica (UCR), [IV Report on the State of Freedom of Expression in Costa Rica](#), 2024; University for Peace, [Freedom of Expression in Costa Rica 2023](#), 2024.

⁹²² LatAm Journalism Review, [Exiled journalists in Costa Rica find new challenges to their security and economic stability](#), March 18, 2024.

⁹²³ LatAm Journalism Review, [Exiled journalists in Costa Rica find new challenges to their security and economic stability](#), March 18, 2024.

⁹²⁴ LatAm Journalism Review, [Exiled journalists in Costa Rica find new challenges to their security and economic stability](#), March 18, 2024.

launched by UNESCO's International Programme for the Development of Communication (IPDC)⁹²⁵. In this context, it was highlighted that Costa Rica has established itself as a key destination for displaced journalists from Latin America and the Caribbean, who face multiple challenges that impact both their professional careers and their personal well-being⁹²⁶. Despite the support provided by various organizations and programs, as well as universities that promote freedom of expression and collaborate with journalists in exile, it was noted that the spaces available for these journalists, where they can live temporarily, interact with colleagues and participate in assistance activities, would be limited.⁹²⁷

421. On the other hand, the Rapporteurship also learned of reports of verbal attacks and intimidation by State officials against journalists, media and opposition leaders, both online and offline⁹²⁸. In this regard, a report on the human rights situation in Costa Rica noted that on May 23, 2023, the Constitutional Chamber of the Supreme Court ruled that the verbal attacks by the President and the former Minister of Health against the media, expressed in a press conference on January 9, 2023, constituted an "excess" and could encourage harassment against the media and journalists mentioned⁹²⁹. In this context, the Rapporteurship learned that the Constitutional Chamber of the Supreme Court of Justice indicated that the statements of these officials affected freedom of expression and could have encouraged harassment against journalists and media⁹³⁰. Similarly, this report mentions, in particular, an alleged series of attacks directed at the media, which also included economic pressures. These incidents allegedly led some journalists from opposition media to refrain from covering the weekly press conferences of some public officials, citing harassment and security concerns.⁹³¹

422. In this context, this Office learned that, on April 1, 2024, the *College of Journalists* (Colper) presented the results of an investigation in which it was determined that a group of demonstrators, responsible for attacking a journalist and a cameraman of the *TV Once* news program, maintained frequent links with three deputies. According to public reports, this revelation would have generated a series of verbal attacks against the Journalists Association and its president, Yanancy Noguera, by different actors.⁹³²

423. The Office of the Special Rapporteur has also received reports of obstructions to journalistic coverage in Costa Rica. In this context, it was learned that the Special Intervention Unit (UEI) issued a communiqué addressed to the Legislative Assembly, in which it confirmed that the use of guards for the executive president of the Costa Rican Social Security Fund (CCSS) was intended to impede the work of the press⁹³³. This action reportedly generated discontent among deputies from different benches, who questioned its legality, since it is not contemplated in Law No. 7410, which regulates the UEI Regulations⁹³⁴. In addition,

⁹²⁵ UNESCO, [Supporting media spaces for journalists in displacement in Latin America and the Caribbean](#), April 5, 2024; Inter American Press Association (IAPA), [In the framework of a UNESCO event in Costa Rica, IAPA analyzed journalism in exile](#), April 8, 2024.

⁹²⁶ Society of Correspondents in Latin America and the Caribbean (Socolac), [Journalists in a Situation of Displacement in Latin America and the Caribbean: Needs Assessment and Recommendations for Action](#), April 2, 2024.

⁹²⁷ Socolac, [Journalists in a Situation of Displacement in Latin America and the Caribbean: Needs assessment and recommendations for action](#), April 2, 2024.

⁹²⁸ CRHoy.com, [U.S. State Department points to harassment and self-censorship in Chaves' attacks on press](#), April 22, 2024; U.S. State Department, Bureau of Democracy, Human Rights and Labor, [2023 Country Reports on Human Rights Practices : Costa Rica](#), 2024; La Nación, [UCR calls Rodrigo Chaves' 'intimidation' of two journalists shameful](#), Sept. 12, 2024; Radios UCR, [Freedom of expression still under attack in the country according to report](#), Aug. 4, 2024; La Nación, [Kattia Rivera on U.S. report. UU. report: 'We must resist censorship and control over the press'](#), 25 April 2024; La Nación, [Minister's 'Poisonous darts' add to hate speech by trolls, says Colegio de Periodistas'](#), 4 April 2024; Colper-C.R., [[@ColperCR](#)], (April 3, 2024), We will stand firm against disinformation and post-truth. In the face of poisonous darts and disqualifying facts. Our Board of Directors issues the following pronouncement on the statements generated today April 3 by the Minister of Communication, X, https://x.com/ColperCR/status/1775674926478856335?t=V70QdLVD60eN0mxGYbg_Xg&s=19.

⁹²⁹ U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, [2023 Country Reports on Human Rights Practices : Costa Rica](#), 2024.

⁹³⁰ IAPA, [Costa Rica: Report to the Mid-Year Meeting 2024, April 17-19](#), April 17-19, 2024; La Nación, [Frases de Rodrigo Chaves constituyen un exceso y una violación a la libertad de prensa](#), Sentencia Sala IV, April 4, 2024

⁹³¹ Diario Extra, [EE.UU. advierte aumento en ataques a prensa por parte de Chaves](#), April 23, 2024; U.S. Department of State, Bureau of Democracy, Human Rights and Labor, [2023 Country Reports on Human Rights Practices : Costa Rica](#), 2024.

⁹³² IAPA, [Costa Rica: Report to Mid-Year Meeting 2024, April 17-19](#), April 17-19, 2024; La Nación, [IAPA points to Rodrigo Chaves in statement on lawsuits seeking to silence the press](#), April 24, 2024.

⁹³³ Ministry of the Presidency, Government of Costa Rica, [UEI-DIR-OF-15-2024](#), February 6, 2024.

⁹³⁴ Diario Extra, [UEI confirma que escoltas buscaban limitar a la prensa](#), February 10, 2024.

according to public information, UEI agents allegedly assaulted journalists and cameramen from several media outlets who consulted the official about alleged irregularities in the presentation of reports, including accusations of manipulation of actuarial data and irregular salary payments⁹³⁵. The *Institute of Press and Freedom of Expression* (Iplex) condemned the events and considered it a restriction on access to information⁹³⁶.

424. Likewise, the Office of the Special Rapporteur was informed of the injunction filed by the *Journalists' Association* in defense of three journalists who were allegedly subjected to attacks and disqualifications while conducting interviews at the Presidential Palace. According to reports, the journalists were surrounded by bodyguards who prevented them from continuing with their questions, interrupting the session until the meeting ended⁹³⁷. The appeal, filed on September 13 against several government officials, argues that these acts constitute forms of self-censorship, generate fear among journalists and violate constitutional norms that protect freedom of expression and access to public information⁹³⁸. According to public reports, the judges of the Constitutional Chamber are still analyzing the claim presented.⁹³⁹

425. 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"⁹⁴⁰.

426. For their part, 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 government.⁹⁴¹

427. Likewise, the IACHR and its RELE have emphasized 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 rights⁹⁴². Moreover, as the Inter-American Court has pointed out, in a democratic society it is not only legitimate, but sometimes a duty of the state authorities, to make statements on matters of public interest.⁹⁴³

428. On the other hand, regarding legal proceedings against journalists and media outlets, the Office of the Special Rapporteur learned that in December 2023, the President of the Republic filed a criminal complaint against the newspaper *La Nación* and the former Minister of Communication, for the dissemination of audios about an alleged irregular contracting with funds from the Central American Bank for Economic

⁹³⁵ Diario Extra, [UEI confirma que escoltas buscaban limitar a la prensa](#), February 10, 2024.

⁹³⁶ CRHoy.com, [IPLEX censura obstrucción a la prensa y pide investigación por escoltas de presidencia de la Caja](#), January 26, 2024; *La Nación*, [Iplex condena obstrucción a periodistas por oficiales de UEI](#), January 26, 2024.

⁹³⁷ LaTeja, [Periodistas de medios de la UCR: "Casa Presidencial nos rodeó de guardaespaldas para intimidarnos"](#), September 12, 2024; *El Observador*, [Colegio de periodistas presentó Amparo contra el Presidente Chaves y otros jefes en defensa de 3 comunicadores](#), September 18, 2024.

⁹³⁸ *El Observador*, [Colegio de periodistas presentó Amparo contra el Presidente Chaves y otros jefes en defensa de 3 comunicadores](#), September 18, 2024.

⁹³⁹ *Semanario Universidad*, [Sala Constitucional estudia reclamo del gremio de periodistas por ataques en el programa semanal de Rodrigo Chaves](#), September 19, 2024.

⁹⁴⁰ 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.

⁹⁴¹ UN, OSCE, OAS, ACHPR, [Joint Declaration on Political Leaders, Public Officials and Freedom of Expression](#), October 20, 2021.

⁹⁴² 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.

⁹⁴³ 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.

Integration (CABEI). The editor of the newspaper assured that the journalists fulfilled their "duty" to report on a matter of public interest.⁹⁴⁴

429. In February 2024, the Special Rapporteurship learned that the Criminal Court of Appeal Specialized in Organized Crime of the First Judicial Circuit of San José revoked the sentence against journalist and former director of *Canal UCR*, Marlon Mora Jiménez⁹⁴⁵. As this Rapporteurship was able to learn, Mora had been convicted in March 2023 by the Criminal Court of Goicoechea of the II Judicial Circuit of San José for defamation to the detriment of former presidential candidate Juan Diego Castro, in the framework of a lawsuit filed in 2018. According to public reports, the appellate court annulled this sentence and ordered the realization of a third trial, leaving without effect the conviction for the alleged defamation crimes⁹⁴⁶. However, the judicial attachments on the journalist's assets were reportedly maintained.⁹⁴⁷

430. Finally, in 2024, the Office of the Special Rapporteur received information from journalists and civil society organizations about the lack of significant progress in the investigation and prosecution of the attack that occurred in La Penca, on the border between Costa Rica and Nicaragua, 40 years ago. Although in 2005 the Attorney General's Office classified this crime as a crime against humanity, some victims consider that no effective commitment has been made to adequately follow up on the case⁹⁴⁸. In commemoration of the attack, on May 30, 2024, the Office of the Special Rapporteur reiterated its call to the State to guarantee a thorough investigation, punish violence against the press and ensure that journalists can freely and safely carry out their work.⁹⁴⁹

431. In this regard, the Rapporteurship recalls that it is crucial that States 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 prevent its repetition and to avoid the inhibiting effect that violence has on communicators.⁹⁵⁰

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

432. At the beginning of 2024, the Office of the Special Rapporteur received information on the situation of radio and television frequency concessions in Costa Rica. According to reports, most of these concessions were set to expire on June 28. However, the Superintendence of Telecommunications (SUTEL), an independent technical body, indicated that as of that date the Executive had not clarified whether would opt for an extension of the existing concessions or would call a new contest for their granting⁹⁵¹. The lack of an extension or resolution on the matter could have caused a media blackout in the country, according to public reports⁹⁵². Finally, it was learned that the Minister of Science, Innovation, Technology and Telecommunications

⁹⁴⁴ IAPA, [Costa Rica: Report to Mid-Year Meeting 2024, April 17-19](#), April 17-19, 2024; Voice of America, [President of Costa Rica denounces La Nación newspaper criminally for disseminating "confidential" audios](#), December 5, 2023.

⁹⁴⁵ Delfino, [Court of Appeals annuls conviction against former director of Canal UCR](#), Marlon Mora, February 22, 2024.

⁹⁴⁶ Semanario Universidad, [Journalist Marlon Mora is exonerated from sentence he received in 2023 after lawsuit](#), February 22, 2024.

⁹⁴⁷ Semanario Universidad, [Journalist Marlon Mora is exonerated from sentence he received in 2023 after lawsuit](#), February 22, 2024.

⁹⁴⁸ Dialogue with journalists who were victims of the La Penca attack in Costa Rica, Archive of the Office of the Special Rapporteur for Freedom of Expression.

⁹⁴⁹ Office of the Special Rapporteur for Freedom of Expression, [@RELE_CIDH], (May 30, 2024), RELE salutes journalists on their day and recalls that this date commemorates the victims of #LaPenca, X, [https://x.com/rele_cidh/status/1796180009570181242?s=46&t=MqOYVcsFpR9jsgswGp\]smw](https://x.com/rele_cidh/status/1796180009570181242?s=46&t=MqOYVcsFpR9jsgswGp]smw).

⁹⁵⁰ 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.

⁹⁵¹ El Caribe, [Alerta en Costa Rica ante posible apagón mediático](#), June 21, 2024; CNN Latinoamerica, [¿Qué pasar con las concesiones de radio y TV que están a punto de vencer en Costa Rica?](#), June 20, 2024; Observacom, [Costa Rica: Concesiones de radio y TV abierta vencen en junio y el gobierno aún no definió si las renovará](#), April 9, 2024; Superintendencia de Telecomunicaciones (SUTEL), [No es responsabilidad de SUTEL un eventual apagón de las frecuencias de radio y televisión](#), March 13, 2024.

⁹⁵² El Caribe, [Alerta en Costa Rica ante posible apagón mediático](#), June 21, 2024.

(MICITT) announced the issuance of an executive decree extending for 15 months the validity of the frequency concessions that expired on June 28.⁹⁵³

433. In this context, the Rapporteurship also learned that the Program for Freedom of Expression and the Right to Information (PROLEDI) argued in a report that it was necessary to update the regulations that guide the administration of frequencies to establish clear, transparent procedures that take into account not only "technical" criteria, but also criteria of "pluralism and diversity"⁹⁵⁴. Similarly, SUTEL pointed out that the problem lies in the need to reform Radio Law No. 1758 of June 19, 1954. According to the entity, the broadcasting taxes that media pay for the use of frequencies are outdated in time. However, it is up to the Executive to propose a reform to said law to adjust these taxes to the current values.⁹⁵⁵

434. In addition, there are reports of alleged concentration of public advertising by the National Radio and Telecommunications System, a state agency. According to these reports, the allocation of public sector advertising funds to media outlets considered critical of the administration has been reduced⁹⁵⁶. At the hemispheric level, it is noted that the allocation of official advertising is one of the most transcendental aspects in the relationship between the media and public entities and has been considered as a potential scenario of indirect censorship, either by its use as a reward for silence or punishment for criticism, or by the reconfiguration of an ecosystem of docile media with strong state funding that allows them to have greater constancy and public presence in comparison with independent journalism that is experiencing serious sustainability difficulties.

435. On the other hand, this Office learned that the Constitutional Chamber of the Supreme Court of Justice condemned the Office of Institutional Communication (OCI) of the University of Costa Rica (UCR) for having referred a journalist to another instance to obtain the requested information, instead of providing it directly to him⁹⁵⁷. According to public reports, the denial was based on the fact that the request was sent by e-mail in a document that allegedly did not contain a digital signature⁹⁵⁸. The amparo filed by the journalist argued that this requirement constituted an arbitrary obstacle that violated his right of access to information⁹⁵⁹. In its decision, the Constitutional Chamber ordered the immediate delivery of the requested information and ordered the elimination of the digital signature requirement in requests for public information.⁹⁶⁰

436. Finally, this Office highlights a significant advance in the area of access to public information in Costa Rica, with the approval in second debate by the Legislative Assembly of the Framework Law on Access to Public Information. This initiative seeks to guarantee compliance with the right of access to information, recognized as a fundamental right in the Political Constitution of Costa Rica (Article 30)⁹⁶¹. The approved bill establishes the obligation of the State to be proactive in the delivery of public information, ensuring that it is provided in a prompt, free, accessible, transparent and non-discriminatory manner⁹⁶². It also stresses that the limits to the right of access should be interpreted in a restrictive manner, favoring free access to information held by the State⁹⁶³. The Rapporteurship welcomes this advance, which represents an important step towards

⁹⁵³ El Financiero, [Gobierno prolonga por 15 meses la vigencia de las concesiones actuales de radio y televisión](#), June 26, 2024; La Nación, [Micitt extiende 15 meses concesiones de radio y televisión](#), June 26, 2024; Dplnews, [Costa Rica prorroga licencias de radio y televisión mientras prepara nueva licitación](#), June 27, 2024.

⁹⁵⁴ Proledi, [What will happen this year with the expiration of radio and TV concessions](#), May 2, 2024.

⁹⁵⁵ Superintendencia de Telecomunicaciones (SUTEL), [No es responsabilidad de SUTEL un eventual apagón de las frecuencias de radio y televisión](#), March 13, 2024; ElPaís.cr, [Defensoría urge legislación moderna sobre concesiones de radio y TV](#), June 20, 2024.

⁹⁵⁶ IAPA, [Costa Rica: Report to the 2024 Mid-Year Meeting, April 17-19](#), April 17-19, 2024; U.S. Department of State, Bureau of Democracy, Human Rights and Labor, [2023 Country Reports on Human Rights Practices: Costa Rica](#), 2024.

⁹⁵⁷ La Nación, [Sala IV condena UCR por denying information to journalist](#), June 27, 2024.

⁹⁵⁸ Delfino, [Citizen won an injunction against the University of Costa Rica for requiring a digital signature to request information online](#), July 4, 2024.

⁹⁵⁹ Delfino, [Citizen won an injunction against the University of Costa Rica for requiring a digital signature to request information online](#), July 4, 2024.

⁹⁶⁰ Delfino, [Citizen won an injunction against the University of Costa Rica for requiring a digital signature to request information online](#), July 4, 2024.

⁹⁶¹ Regional Alliance, [Costa Rica: Framework Law on Access to Public Information approved](#), October 10, 2024.

⁹⁶² Legislative Assembly of the Republic of Costa Rica, [Framework Law on Access to Public Information](#), File No. 23.113.

⁹⁶³ Regional Alliance, [Costa Rica: Framework Law on Access to Public Information approved](#), October 10, 2024.

the consolidation of the right to information in Costa Rica, in accordance with Inter-American standards on the matter.

437. Also, according to public information, the text would have been consulted with civil society organizations dedicated to the defense and promotion of the right to freedom of expression and with the media in the country⁹⁶⁴. In addition, according to public reports, the project constitutes a significant advance, since it would consolidate the jurisprudence issued by the Constitutional Chamber of Costa Rica⁹⁶⁵. In turn, it would establish a clear normative framework to regulate access to public information, prohibits discrimination in its access and reinforces the duty of public officials to guarantee the right to information to society.⁹⁶⁶

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

438. According to a recent report by the United Nations Office in Costa Rica, the need to implement initiatives to combat hate speech was highlighted. The report points out that, although hate speech and discrimination continue to increase, its annual growth has shown a significant decrease⁹⁶⁷. In addition, it highlights that Costa Rica has been considered a model country worldwide in terms of research and actions taken against hate speech and discrimination, which is valued as an important advance⁹⁶⁸. Likewise, a call was made to avoid the duplication of these speeches, being *X* (formerly *Twitter*) the main social network that collects 66% of the hate messages compiled in the report⁹⁶⁹. At the same time, it was noted that 26% of the total number of messages with racist content are related to soccer and its coverage⁹⁷⁰. The report also states that, although in 2024 hate speech would have grown at a lower rate, with less incidence on LGBTIQ+ people, journalists and media, most of these speeches would continue to focus on political issues and national reality⁹⁷¹. In addition, a 64% decrease in the number of people issuing such expressions is reported.⁹⁷²

439. This Office, during the month of March 2024, followed up on a national strategy against hate speech, racism and discrimination proposed in the country⁹⁷³. According to public information, the Ombudsman's Office highlighted the increase in hate speech, especially in social networks, affecting historically discriminated populations. In this context, it requested a copy of the National Strategy to prevent and address these speeches, which was forwarded and would include five strategic axes: human rights, education, culture of peace, research and use of data, and access to justice without impunity. However, according to the Special Rapporteur's Office, until the Commissioner for Social Inclusion is appointed, the National Strategy to Prevent and Address Hate Speech and Discrimination will not continue to make progress⁹⁷⁴. Added to this are reports of the recent joint dismissal of the Minister of Culture and Youth, and the Commissioner for Social Inclusion.⁹⁷⁵

440. The Rapporteurship takes note of the reports that underscore the urgency of retaking and strengthening the National Strategy against Hate Speech and Discrimination⁹⁷⁶. In this regard, it calls on the

⁹⁶⁴ Regional Alliance, [Costa Rica: Framework Law on Access to Public Information approved](#), October 10, 2024.

⁹⁶⁵ LatAm Journalism Review, [Costa Rica approves historic law on access to public information to enshrine government transparency](#), November 6, 2024.

⁹⁶⁶ Legislative Assembly of the Republic of Costa Rica, [Framework Law on Access to Public Information](#), File No. 23.113

⁹⁶⁷ United Nations Costa Rica, [Hate speech and discrimination grow in Costa Rica but at a slower rate than in previous years](#), July 29, 2024.

⁹⁶⁸ United Nations Costa Rica, [Hate speech and discrimination grow in Costa Rica but at a slower rate than in previous years](#), July 29, 2024.

⁹⁶⁹ E&N, [Racist hate speech on social networks doubles in Costa Rica](#), July 30, 2024.

⁹⁷⁰ United Nations Costa Rica, [Hate speech and discrimination grow in Costa Rica but at a slower rate than in previous years](#), July 29, 2024.

⁹⁷¹ United Nations Costa Rica, [Report on Hate Speech and Discrimination 2024](#), July 26, 2024.

⁹⁷² United Nations Costa Rica, [Report on Hate Speech and Discrimination 2024](#), July 26, 2024.

⁹⁷³ La República, [Costa Rica is the first country in the Americas to present a strategy against hate speech and discrimination](#), March 11, 2024.

⁹⁷⁴ ElPais.cr, [Defensoría urges National Strategy against Hate Speech and Discrimination](#), September 6, 2024.

⁹⁷⁵ ElPais.cr, [Chaves destituye a ministra de Cultura antes de marcha LGTBI+](#), June 29, 2024; Elmundo.cr, [ANEP condena a Chaves por destitución de ministra de Cultura y comisionado de Inclusión Social](#), June 29, 2024.

⁹⁷⁶ La República, [Urge to resume national strategy against hate speech and discrimination: Defensoría de los Habitantes](#), September 8, 2024.

State to effectively implement the actions and measures necessary to advance and concretize said strategy, in order to guarantee the protection of human rights and promote a favorable environment for freedom of expression.

441. In this regard, as noted in a report of 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, the limitation of '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"⁹⁷⁷.

442. In accordance with the American Convention, Article 13.5 prohibits "propaganda for war and any advocacy of national, racial or religious hatred that constitutes incitement to violence or any other similar unlawful action against any person or group of persons on any grounds including those of race, color, religion, language, or national origin...". In this regard, RELE also stresses that the application of any such speech restrictions under international human rights law must include an assessment of the six factors outlined in the UN Rabat Plan of Action⁹⁷⁸. 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 from speech alleged to incite violence.⁹⁷⁹

443. Finally, this Office has received reports from organizations that have expressed concern about the situation of women journalists in the country. According to the information reported, women journalists have been the object of unfounded accusations, which has given rise to threats through social networks⁹⁸⁰. This situation has been catalogued as alarming and requires urgent attention. In this regard, according to studies by *Colper* and the *UCR*, 39% of women journalists in our country censor themselves as a measure of protection against the aggressions they suffer, particularly in the digital environment.⁹⁸¹

D. Freedom of expression and the Internet

444. The Special Rapporteurship became aware of reports indicating the alleged use of automated tools and *bots*. Thus, for example, Congressman Ariel Robles reported through his *X* account (formerly *Twitter*) that sources close to him informed him of a call in which a man said: "we are ready to give everything to Ariel Robles" and "that the payment was in 5 days"⁹⁸². The congressman affirmed that his family has had to face, as

⁹⁷⁷ 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.

⁹⁷⁸ 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.

⁹⁷⁹ 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.

⁹⁸⁰ La Nación, [Costa Rica registers rapid deterioration in press freedom, says report](#), June 11, 2024.

⁹⁸¹ Punto y Aparte, [@PuntoyAparte_1], (Nov. 25, 2024), Today we raise our voices for women journalists who face violence and harassment, just for exercising their right to report. On the International Day for the Elimination of Violence against Women, we say NO to hate, X, https://x.com/PuntoyAparte_1/status/1861057339228381632.

⁹⁸² La Republica, [Ariel Robles warns that trolls paid by Pilar Cisneros could attack him over Gandoca allegations](#), September 18, 2024; Ariel Robles Barrantes, [@RoblesBarrantes], (September 17, 2024), Varias asesorías me comentaban hoy con preocupación que en Hacendarios por error a Pilar Cisneros le entró una llamada que se escuchó al estar en alta voz, X, https://x.com/RoblesBarrantes/status/1836228018852811126?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwtterm%5E1836228018852811126%7Ctwgr%5Ece5a857d31a1b04a4e9e13db9ecfe36a636ca57e%7Ctwcon%5Es1_c10&ref_url=https%3A%2F%2Fwww.larepublica.net%2Fnoticia%2Fariel-robles-alerta-de-que-troles-pagados-por-pilar-cisneros-podrian-atacarlo-por-denuncias-de-gandoca.

well as him, constant harassment for his denunciations against the President in the plenary and legislative commissions, in addition to his manifestations in social networks .⁹⁸³

445. The Special Rapporteurship also learned of a report by the Cybercrime Unit of the Public Prosecutor's Office of Costa Rica, which points to a significant increase in cases of identity theft on social networks in the last four years. According to the report, the crime of impersonation grew by almost 100%, from 449 cases in 2019 to 950 in 2023⁹⁸⁴ . In addition, it highlights that this type of impersonation affects both individuals and legal entities, including trademarks, through the internet, websites and electronic media. This crime has become the second with the highest increase in the country, only behind computer fraud .⁹⁸⁵

⁹⁸³ CulturaCR.net, [Congressman denounces alleged call to Pilar Cisneros where a man states: "we are ready to give it all to Ariel Robles"](#), October 30, 2024.

⁹⁸⁴ Prensa Latina, [Violaciones de identidad en redes aumentan el doble en Costa Rica](#), August 17, 2024.

⁹⁸⁵ ElPaís.cr, [Violaciones de identidad en redes aumentan el doble en Costa Rica](#), August 17, 2024.

CUBA

446. In 2024, the Office of the Special Rapporteur continued to document acts of repression, intimidation and criminalization directed against various sectors of society exercising their right to freedom of expression, assembly and association in the public interest. These actions include police operations, searches, confiscations, arbitrary detentions, summonses and interrogations. For , Cuban journalists continue to be victims of harassment, harassment and arbitrary detentions, working under constant government surveillance. Many press professionals who criticize the state are forced into exile, while those who attempt to enter or leave the country face deliberate obstacles, such as a growing list of travel restrictions imposed by the authorities. Political opponents, human rights defenders, academics and other members of civil society continue to face persecution and censorship. In addition, during the course of the year, the Office documented a number of social demonstrations, motivated mainly by the collapse of the island's electricity system, as well as the entry into force of Cuba's Law on Social Communication and other regulatory developments related to access to information.

A. Journalism and democracy

447. In the course of the year 2024, the Rapporteurship received reports of arbitrary detentions and the imposition of criminal sanctions against journalists and communicators in Cuba for the exercise of their work. For example, reporter Luis Ángel Cuza Alfonso, a contributor to the media outlet *CubaNet*, was sentenced on November 7, 2023 to one year and six months in prison for allegedly committing the crime of "public disorder"⁹⁸⁶. According to the organization *Cubalex*, between January 2022 and November 2023, Cuza Alfonso faced ten arbitrary arrests, eight surveillance operations with house arrest, four illegal summonses and four threats, as well as interruptions in Internet service⁹⁸⁷. Currently, the journalist is reportedly being held in the Combinado del Este maximum security prison in Havana.

448. The Rapporteurship also learned that journalist Yeris Curbelo Aguilera, a contributor to *CubaNet*, was sentenced to two years in prison by the Municipal Court of Niceto Pérez, Guantánamo, on the charge of "minor injuries"⁹⁸⁸. According to reports from civil society organizations, this sentence follows the aggressions he suffered at the hands of the political police in June 2024. The conviction is considered a reprisal for his participation in the Camareira demonstrations in May 2023. Following the sentence, Curbelo Aguilera was reportedly transferred to the Combined Prison of Guantánamo.⁹⁸⁹

449. According to public information, on March 18, *CubaNet* journalist Osniel Carmona Breijo was detained by State Security and National Revolutionary Police (PNR) forces and later released⁹⁹⁰. This detention occurred in the context of anti-government protests in the east of the island, motivated by the increase in power outages and the food crisis⁹⁹¹. Likewise, in April 2024, it was reported that another *CubaNet* contributor, Armando Sardiñas, was also detained for more than five hours in a police station in Havana, after making a live broadcast of a march in the capital.⁹⁹²

⁹⁸⁶ Article 19 MX-CA, [We demand the immediate release of reporter and activist Ángel Cuza, sentenced to prison for the crime of public disorder in Cuba](#), January 10, 2024.

⁹⁸⁷ Article 19 MX-CA, [We demand the immediate release of reporter and activist Ángel Cuza, sentenced to prison for the crime of public disorder in Cuba](#), January 10, 2024.

⁹⁸⁸ Article 19 MX-CA, [El Estado cubano continúa y amplifica la violencia contra periodistas y activistas](#), September 30, 2024; 14ymedio, [La familia del reportero Yeris Curbelo denuncia que su juicio fue "amañado" por la Seguridad del Estado](#), September 25, 2024

⁹⁸⁹ Article 19 MX-CA, [El Estado cubano continúa y amplifica la violencia contra periodistas y activistas](#), September 30, 2024; Cubalex, [Informe mensual sobre la situación de los derechos humanos en Cuba](#), September, 2024.

⁹⁹⁰ Cubanet, [CubaNet reporter Osniel Carmona Breijo, whereabouts unknown](#), March 18, 2024.

⁹⁹¹ Cubanet, [CubaNet reporter Osniel Carmona Breijo, whereabouts unknown](#), March 18, 2024.

⁹⁹² Race and Equality, [[@raceandequality](#)], (Apr. 15, 2024), We reject that Cuban authorities have in recent hours threatened and detained two independent journalists on the Island, X, <https://x.com/raceandequality/status/1779905404950004143?t=Bzcx-OMt4nucH-DV6Rgyhw&s=19>.

450. On April 26, 2024, according to public reports, Cuban authorities detained journalist José Luis Tan Estrada while he was on board a bus, accusing him of "mercenarism and false information"⁹⁹³. He was subsequently transferred to Villa Marista, the State Security detention center in Havana⁹⁹⁴. On April 29, his family reportedly filed a writ of habeas corpus before a court, requesting information on his whereabouts and the reasons for his detention⁹⁹⁵. For their part, civil society organizations reported that Tan Estrada had been interrogated on at least two occasions in a period of less than 72 hours and fined 3,000 pesos under Decree-Law 370⁹⁹⁶. According to public information, during his detention, the communicator was subjected to multiple daily interrogations in which he received threats to abandon his profession and cease his publications on social networks⁹⁹⁷. The Special Rapporteurship learned that journalist Tan Estrada was released in early May 2024⁹⁹⁸. Likewise, the journalist publicly denounced that State Security agents informed him that his publications "incited undue actions" and warned him that he could incur in crimes of "incitement, disobedience or contempt" if he did not stop his activity⁹⁹⁹. In the course of 2024, this Office learned of reports of alleged acts of harassment against the journalist.¹⁰⁰⁰

451. Similarly, in April 2024, Camila Acosta, a journalist for *CubaNet* and *ABC* correspondent, was reportedly detained while on her way to Cárdenas, in the province of Matanzas, to interview relatives of political prisoners. According to public reports, the journalist was taken to the Cárdenas police station, where she was held for an hour and told she would be taken to Havana.¹⁰⁰¹

452. On the other hand, the Office of the Special Rapporteur has also followed the case of journalist Lázaro Yuri Valle Roca, sentenced on July 28, 2022 by the People's Provincial Court of Havana to five years in prison for alleged crimes of resistance and enemy propaganda of a continuing nature¹⁰⁰². On May 15, 2024, Valle Roca was transferred from the Combinado del Este prison to complete immigration procedures, returning to prison until his release. According to public reports, on June 5, 2024, the journalist was exiled by the regime and arrived in the city of Miami, in the United States, after obtaining a humanitarian parole¹⁰⁰³. During his imprisonment, relatives of the journalist reported that they were detained by agents of the political police when they tried to visit him. In addition, it is reported that he was physically assaulted and his physical and mental condition deteriorated due to confinement and various illnesses, including loss of vision, pulmonary disorders and multiple skin conditions.¹⁰⁰⁴

453. On May 4, 2024, the Rapporteurship learned of the detention of independent journalist and activist Carlos Michel Morales Rodríguez, accused of "disobedience". This detention followed his release after serving a sentence of two years and ten months for his participation in the protests of July 11, 2021 in Caibarién,

⁹⁹³ La Nación, [Cuban independent journalist is released after five days of arrest](#), May 2, 2024.

⁹⁹⁴ La Nación, [Cuban independent journalist is released after five days of arrest](#), May 2, 2024.

⁹⁹⁵ Committee to Protect Journalists (CPJ), [Cuban authorities question journalist about his social media posts and jail him](#), May 7, 2024.

⁹⁹⁶ 14ymedio.com, [Organizaciones y periodistas independientes reclaman la liberación de José Luis Tan Estrada](#), April 29, 2024.

⁹⁹⁷ La Nación, [Cuban independent journalist is released after five days of arrest](#), May 2, 2024.

⁹⁹⁸ Cubalex, [@CubalexDDDHH], (May 1, 2024), Journalist @JLperiodista96 was released. Activist Yamilka Lafita (Lara Crofts) reported on her Facebook profile that she communicated with him via telephone and told him that he was transferred today to #Camagüey, X, <https://x.com/CubalexDDHH/status/1785829423478129021?t=CbKUX8Ib8WyxMK9AbTiUhQ&s=08>.

⁹⁹⁹ Tan Estrada, J.L., [@JLperiodista96], (April 13, 2023), Cuando la Seguridad del Estado le teme al verdadero #periodismo, X, https://x.com/JLperiodista96/status/1779249050530783614?t=f7CmG6uWeTLid_mYUWMNFw&s=19; Cubalex, [ALERT: Plazo legal para resolver el recurso de Habeas Corpus a favor de José Luis Tan Estrada](#), May 1, 2024.

¹⁰⁰⁰ Observatorio de Derechos Culturales, [@CubaODC], (Nov. 28, 2024), El Observatorio de Derechos Culturales [#denuncia](#) la intensificación del [#acoso](#) que, con carácter permanente, es aplicado por la Seguridad del Estado, X, <https://x.com/CubaODC/status/1862125693078823005?t=g5ZwqWQJwquEpk23FFHQ&s=08>.

¹⁰⁰¹ ABC International, [Cuban regime detains ABC correspondent to stop her from reporting on "sensitive" issues such as political prisoners](#), April 22, 2024.

¹⁰⁰² 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. 445, 451; IACHR, Annual Report 2023, [Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II Doc. 386, December 6, 2023, para. 522.

¹⁰⁰³ La Prensa, [Cuban journalist Lázaro Yuri Valle leaves prison and travels to the United States on special leave](#), June 5, 2024; Univisión noticias, [Cuban journalist and political prisoner exiled by the regime arrives in Miami](#), June 5, 2024.

¹⁰⁰⁴ Diario de Cuba, [Cuban regime denies medical attention to imprisoned journalist Lázaro Yuri Valle Roca, denounces his wife](#), January 25, 2024.

Villa Clara¹⁰⁰⁵. According to public information, the detention was the result of the authorities' threat to imprison him again if he did not abandon independent journalism and his activism in *Cuba Decide*¹⁰⁰⁶. On July 22, journalist Morales Rodríguez was sentenced to eight months of house arrest¹⁰⁰⁷. Subsequently, on October 16, he was summoned to the Municipal Court of Caibarién, where he was given an ultimatum to work with state entities. Public reports indicate that the authorities had rejected a request from the local Baptist church for his maintenance work in that institution to be considered valid for the remaining five months of his sanction. Morales Rodríguez described this refusal as a "violation of religious freedom" and a disregard of a legally established institution.¹⁰⁰⁸

454. Likewise, the Office of the Special Rapporteur learned that writer and journalist José Gabriel Barrenechea Chávez was arrested on November 8 and detained at the Provincial Center for Criminal Instruction of Santa Clara, following his arrest in the context of the protests in Encrucijada, Villa Clara, in which citizens demanded the restoration of electricity service.¹⁰⁰⁹

455. On the other hand, in May 2024, in the municipality of Pinar del Río, acts of repression against journalists and press workers were denounced through house searches, summonses and arbitrary arrests, as well as confiscation of equipment. Journalists Yosmaury Casares Soto and Raciél Álvarez Díaz, of Panorama Pinareño, were arrested and their equipment confiscated, according to reports by the *Cuban Institute for Freedom of Expression and the Press* (ICLEP)¹⁰¹⁰. In turn, they were transferred to the training center known as "El Técnico", where they reportedly received threats of imprisonment for practicing independent journalism and for alleged connections with the opposition. In particular, journalist Casares Soto, was reportedly warned that he could face the same fate as his brother, José Rolando Casares, imprisoned for political reasons in 2017.¹⁰¹¹

456. Emilio Almaguer de la Cruz, an independent journalist in Baracoa, was reportedly summoned on April 16 by an agent of the National Revolutionary Police. According to public reports, during the meeting, an officer of the Department of State Security warned him that his publications in international press agencies constituted crimes and indicated to him that, in order to lift the regulation preventing him from leaving Cuba, he should cease such publications¹⁰¹². In addition, during the interrogation, he was allegedly physically assaulted and threatened with legal proceedings that could lead to a minimum sentence of eight years in prison.¹⁰¹³

457. On June 20, 2024, journalist Julio Aleaga Pesant was reportedly summoned by State Security agents to the Ministry of Communications in Havana, accused of violating Decree Law 370¹⁰¹⁴. According to public reports, he was fined 3,000 Cuban pesos (approximately 116 dollars) for violating Article 68 of the

¹⁰⁰⁵ 14ymedio, [Freed independent journalist Carlos Michel Morales, 11J political prisoner in Cuba](#), March 6, 2024.

¹⁰⁰⁶ Justice 11J, [Repression against 11J protester Carlos Michael Morales: faces trial after hunger strike](#), 2024.

¹⁰⁰⁷ CiberCuba, [Régimen cubano excarcela a preso político del 11J visiblemente deteriorado](#), 23 July 2024; 14ymedio.com, [El periodista independiente Carlos Michel Morales, condenado a ocho meses de reclusión domiciliaria](#), 23 July 2024

¹⁰⁰⁸ ADN Cuba, [Cuban journalist Carlos Michael Morales Rodríguez denounces harassment by the regime](#), October 25, 2024.

¹⁰⁰⁹ Martí, [Arrestan a escritor José Gabriel Barrenechea en el contexto de las protestas de Encrucijada](#), November 13, 2024; Diario de Cuba, [José Gabriel Barrenechea desde la cárcel: 'No se pidió nada inconstitucional'](#), December 7, 2024.

¹⁰¹⁰ Inter American Press Association (IAPA), [Hemispheric press organizations call for action against violence, injustice and impunity](#), May 17, 2024.

¹⁰¹¹ IAPA, [Hemispheric press organizations call for action against violence, injustice and impunity](#), May 17, 2024.

¹⁰¹² Article MX-CA, [Cuba: Independent journalist Emilio Almaguer is threatened with imprisonment](#), 16 April 2024.

¹⁰¹³ Diario de Cuba, [State Security Threatens Independent Journalist Emilio Almaguer](#), April 16, 2024.

¹⁰¹⁴ Article 19 MX-CA, [[@article19mex](#)], (June 24, 2024), [#Cuba](#): On June 20, journalist Julio Aleaga Pesant was summoned by State Security agents before the Ministry of Communications in the Plaza Municipality in Havana, accused of violating Decree Law 370, X, <https://x.com/article19mex/status/1805346880504971487>; Observatorio Cubano de Derechos Humanos, [[@bservacuba](#)], (June 21, 2024), Journalist Julio Aleaga Pesant recounts how events transpired yesterday, Thursday, when he attended a police summons, in which he was interrogated and fined due to his publications on social networks, <https://x.com/observacuba/status/1804227788871995873>.

Decree. He was also reportedly threatened with the seizure of his equipment and the accusation of enemy propaganda if he continued to publish.¹⁰¹⁵

458. Likewise, the organization *Cubalex* registered a repressive peak on April 30, on the eve of the official celebration of International Workers' Day. Since April 29, independent journalists from *ICLEP* reported being under siege and threatened with criminal prosecution for taking to the streets. Between that day and the next, *Cubalex* documented at least seven arbitrary house arrests, four detentions and 17 cases of internet cuts.¹⁰¹⁶

459. On the other hand, in July 2024, José Jasán Nieves Cárdenas, Cuban journalist in Miami and director of *El Toque*, reported having received threats from an unknown number, which said: "we know exactly where to find you", together with a photo and a video of a car in front of his house¹⁰¹⁷. According to public reports, there are indications that the message came from Cuban State Security agents. For their part, civil society organizations have stressed the importance of the U.S. authorities guaranteeing the safety of the journalist and carrying out an investigation into these threats.¹⁰¹⁸

460. In September 2024, the Rapporteurship received reports indicating a new escalation of repression against the independent press in Cuba. At least six women journalists have reportedly publicly renounced their collaboration with the media and their work as activists, in some cases under threat of imprisonment by State Security. Among them are María Lucía Expósito (*Alas Tensas*), Adriana Normand (*El Toque*), Yennys Hernández Molina, Annery Rivera Velasco, Yadira Álvarez Betancourt and Lucy G. Morell (*Periodismo de Barrio*)¹⁰¹⁹. In addition, several *CubaNet* journalists, who chose to remain anonymous, also resigned their collaboration.

461. Elaine Díaz, director of *Periodismo de Barrio*, also denounced through the social network X that State Security agents are forcing innocent people to film videos of themselves incriminating themselves in crimes they did not commit and to make public resignations about the media with which they worked.¹⁰²⁰

462. *CubaNet* also reported intimidations against its collaborators, indicating that several have been detained and threatened with long prison sentences or the integrity of their families. In addition, it was denounced that they have been recorded against their will and that electronic devices and savings have been confiscated from them¹⁰²¹. In October 2024, there were also cases of summons and intimidation of several media directors, including Orlidia Barceló Pérez (*El Espirituano*) and Mabel Páez Díaz (*El Majadero de Artemisa*).¹⁰²²

463. The Office of the Special Rapporteur has also received reports that Cuban authorities, including agents of State Security and the National Revolutionary Police, are reportedly using the new Law on

¹⁰¹⁵ Article 19 MX-CA, [@article19mex], (June 24, 2024), #Cuba: On June 20, journalist Julio Aleaga Pesant was summoned by State Security agents before the Ministry of Communications in the Plaza Municipality in Havana, accused of violating Decree Law 370, X, <https://x.com/article19mex/status/1805346880504971487>; Cuban Observatory for Human Rights, [@bservacuba], (June 21, 2024), Journalist Julio Aleaga Pesant recounts how events transpired yesterday, Thursday, when he attended a police summons, in which he was interrogated and fined due to his publications on social networks, X, <https://x.com/observacuba/status/1804227788871995873>.

¹⁰¹⁶ Cubalex, [Monthly Report on the Situation of Human Rights in Cuba](#), April, 2024.

¹⁰¹⁷ CPJ, [CPJ calls on US to investigate threats against exiled Cuban journalist](#), July 12, 2024

¹⁰¹⁸ CPJ, [CPJ calls on US to investigate threats against exiled Cuban journalist](#), July 12, 2024

¹⁰¹⁹ Yucabyte, [Violaciones de derechos digitales en Cuba \(Septiembre 2024\)](#), 28 October 2024; ADN Cuba, [Nueva ola represiva en Cuba contra periodistas independientes](#), 4 October 2024; La Nación, [Medio independiente cubano denuncia detención de dos colaboradoras](#), 4 October 2024; Reporters Without Borders (RSF), [CUBA | Harassment of journalists intensifies with new Social Communication Law](#), 22 October 2024.

¹⁰²⁰ ADN Cuba, [New wave of repression in Cuba against independent journalists](#), October 4, 2024;

¹⁰²¹ ADN Cuba, [New wave of repression in Cuba against independent journalists](#), October 4, 2024;

¹⁰²² Padrón Cueto, C., [@adroncueto], (Oct. 3, 2024), Denunciamos la escalada represiva de la Seguridad del Estado Cubana contra periodistas de @CubaneNoticias, X, https://x.com/padroncueto/status/1841964880989237640?t=mG_JPiOtT_yDNtsqWp-SuQ&s=08; Voces del Sur, [VDSorg], (Oct. 7, 2024), Condenamos la represión contra periodistas del @ICLEP : Basta de hostigamiento y citaciones arbitrarias, X, <https://x.com/VDSorg/status/1843323336438206924?t=UkTBDH-cOXBDicAGtqDi2Q&s=08>; Diario Las Américas, [Cuban Writers' PEN condemns repression against independent media journalists](#), Oct. 11, 2024.

Social Communication to persecute journalists who refuse to align themselves with the regime's narrative. Since October 2024, at least 11 journalists have been summoned, interrogated and forced to resign from their profession, as reported by *Reporters Without Borders* (RSF)¹⁰²³. In addition, journalists have reportedly been accused of "propaganda against the government" and "mercenarism" under this law.¹⁰²⁴

464. The Office of the Special Rapporteur 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 debate. For this reason, States have the obligation to create the conditions for journalists to exercise their function freely, independently and safely.¹⁰²⁵

465. 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 interest.¹⁰²⁶

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

466. In 2024, the Commission and its Special Rapporteurship continued to document the Cuban government's persecution of different sectors of society, including political opponents, activists, and human rights defenders. An outstanding case is that of Aniette González García, sentenced in February 2024 to three years in prison for "insulting symbols of the homeland" after posting photos with the Cuban flag on *Facebook*¹⁰²⁷. On April 26, 2024, the Inter-American Commission granted precautionary measures in her favor, noting the seriousness of her situation and the irreparable risk to her life, integrity and health¹⁰²⁸. During her detention, Aniette was labeled as a "counterrevolutionary" and subjected to constant interrogations and threats from security agents, who warned her that her conviction would guarantee that she would "never again use the internet as a platform for expression under the national flag"¹⁰²⁹. Currently, she would be in a detention center of maximum severity, isolated from other inmates, and her rights would be controlled by a state security officer, which would evidence discriminatory treatment for political reasons.¹⁰³⁰

467. The Office of the Special Rapporteur also documented the case of Lizandra Góngora, sentenced to 14 years in prison for her participation in the July 11, 2021 protests in Güira de Melena, Artemisa¹⁰³¹. According to public reports, Góngora was charged with "sabotage", "robbery with force" and "public

¹⁰²³ RSF, [CUBA : Harassment of journalists intensifies with the new Law of Social Communication](#), 22 October 2024.

¹⁰²⁴ RSF, [CUBA : Harassment of journalists intensifies with the new Law of Social Communication](#), 22 October 2024.

¹⁰²⁵ 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.

¹⁰²⁶ IACHR, [Background and Interpretation of the Declaration of Principles](#).

¹⁰²⁷ Race and Equality, [[@raceandequality](#)], (Feb. 2, 2024), We reject Cuban authorities' sentencing activist Aniette Gonzalez, who was arrested on March 23, 2023 for taking photos of herself wrapped in the #Cuba flag, X, <https://x.com/raceandequality/status/1753550018726793411>; Swissinfo.ch, [Cuban activist sentenced to three years in prison for flag-wrapped photos](#), Feb. 3, 2024.

¹⁰²⁸ IACHR, [Resolution 24/2024](#), Precautionary Measures No. 352-23, Case of Aniette González García regarding Cuba, April 26, 2024, para. 3.

¹⁰²⁹ IACHR, [Resolution 24/2024](#), Precautionary Measures No. 352-23, Case of Aniette González García regarding Cuba, April 26, 2024, paras. 7-8.

¹⁰³⁰ IACHR, [Resolution 24/2024](#), Precautionary Measures No. 352-23, Case of Aniette González García regarding Cuba, April 26, 2024, para. 8.

¹⁰³¹ Diario de Las Américas, [Cuba: Where is Lizandra Góngora](#), October 23, 2024; El Toque, [Faces of Political Prisoners: Lizandra Góngora](#), January 16, 2024.

disorder"¹⁰³². In March 2023, she was reportedly transferred from El Guatao prison in Havana to the Isle of Youth. In addition, public allegations indicate that she has suffered various abuses in prison, including punishment cells, physical violence and harassment by prison officials¹⁰³³. It is alleged that she was transferred to isolate her from her family. Her relatives also reported that in March 2024 she was diagnosed with a uterine fibroid, in addition to other health problems, such as sickle cell anemia and swollen vocal cord nodes.¹⁰³⁴

468. Likewise, the Office of the Special Rapporteur has closely followed reports of repression against the organization Damas de Blanco. Thus, for example, on September 22, 2024, it was reported that Berta Soler, leader of the group, was arbitrarily detained and suffered an enforced disappearance in Havana while on her way to protest¹⁰³⁵. On October 14, 2024, the *Ladies in White* denounced the temporary detention of at least 12 members during the 100th "repressive Sunday" since 2022¹⁰³⁶. Berta Soler reported through social networks about ten detentions in Matanzas and one in Villa Clara, in addition to her own arrest, which lasted more than 16 hours in Havana¹⁰³⁷. She recounted that she was intercepted by "paramilitaries dressed in civilian clothes" ordered by State Security when she attempted to exercise her "freedom of peaceful demonstration"¹⁰³⁸.

469. The Office of the Special Rapporteur has received reports of repression by the Cuban State in the digital space. In particular, it has been reported that activist José Manuel Barreiro Rouco faces the risk of being sentenced to two and a half years in prison for "contempt" and "illegal possession and sale in dollars", after making publications about the President of Cuba in a family chat on *Facebook*, considered by the government as "denigrating actions" that affect the honor of relevant figures of the Cuban Revolution¹⁰³⁹. In addition, it has been reported that activist Yamilka Laffita, known as "Lara Crofts", received a death threat on September 24 on *Facebook*¹⁰⁴⁰. The message indicates that she meets with "counterrevolutionary people" and mentions academic Alina Bárba López Hernández, who is also reportedly a victim of harassment by the State.¹⁰⁴¹

470. During the first half of 2024, 137 protests were registered, mainly motivated by blackouts, water problems, food shortages, violence and growing social discontent among the Cuban population.¹⁰⁴² In March 2024, the first mass protests in Cuba reportedly took place in Santiago de Cuba, Granma, Matanzas and Sancti Spiritus¹⁰⁴³. During this month, blackouts reportedly exceeded 15 hours, and public services, such as water supply, garbage collection and the health system, continued to face serious problems. In addition, there was a protest outside the El Cobre police station in Santiago de Cuba, where citizens expressed their

¹⁰³² Cubanet, ["It is very hard to see my daughter imprisoned": Mother of political prisoner Lizandra Góngora](#), October 24, 2024.

¹⁰³³ Cubanet, [Political prisoner Lizandra Góngora is held incommunicado in prison, activist denounces](#), September 4, 2024.

¹⁰³⁴ Cubanet, ["Es muy duro ver a mi hija presa": Madre de la presa política Lizandra Góngora](#), 24 October 2024; Martí noticias, [La presa política cubana Lizandra Góngora lleva más de un mes esperando por una cirugía](#), 1 May 2024.

¹⁰³⁵ Article 19 MX-CA, [El Estado cubano continúa y amplifica la violencia contra periodistas y activistas](#), September 30, 2024.

¹⁰³⁶ ABC, [Cuban dissidents Damas de Blanco denounce 100 Sundays of arrests](#), October 14, 2024.

¹⁰³⁷ ABC, [Cuban dissidents Damas de Blanco denounce 100 Sundays of arrests](#), October 14, 2024.

¹⁰³⁸ ABC, [Cuban dissidents Damas de Blanco denounce 100 Sundays of arrests](#), October 14, 2024.

¹⁰³⁹ Article 19 MX-CA, [El Estado cubano continúa y amplifica la violencia contra periodistas y activistas](#), September 30, 2024; Cubalex, [Informe mensual sobre la situación de los derechos humanos en Cuba](#), September 2024.

¹⁰⁴⁰ Article 19 MX-CA, [El Estado cubano continúa y amplifica la violencia contra periodistas y activistas](#), September 30, 2024.

¹⁰⁴¹ Article 19 MX-CA, [El Estado cubano continúa y amplifica la violencia contra periodistas y activistas](#), September 30, 2024;

¹⁰⁴² Cubalex, [Trends and Patterns of Repression in Cuba: First Semester 2024](#), July 2024.

¹⁰⁴³ Martí VeriCuba, [@MartiveriCuba], (Mar. 18, 2024), "Current and food", "#PatriaYVida" and "#Libertad", demanded on March 17 hundreds of #Cubans in several locations in the country, to demonstrate against shortages, power cuts and government management, X, https://x.com/MartiVeriCuba/status/1769677268178043028?t=6_QFqHLAlxy61bNct-yh7A&s=08; Cubalex, [Monthly Report on the Situation of Human Rights in Cuba](#), March 2024.

disapproval of the arbitrary arrests that took place during the protest¹⁰⁴⁴. In response to these events, the IACHR urged the State to respect the right to free demonstration and to refrain from using force.¹⁰⁴⁵

471. According to public reports, the harassment continued after the March 17, 2024 demonstrations, with targeted arrests and police summonses¹⁰⁴⁶. The political police reportedly carried out "prophylactic" actions in localities where no protests were registered, with the alleged objective of inhibiting future demonstrations and violating the rights of possible leaders or sympathizers, as reported by the organization *Cubalex*¹⁰⁴⁷. As of March 31, *Cubalex* documented at least 37 arrests linked to these protests, of which 19 people remain imprisoned¹⁰⁴⁸. In addition, it was reported that Holy Week processions were banned in parishes in Villa Clara, Havana, Granma and Camagüey.¹⁰⁴⁹

472. In May 2024, the Office of the Special Rapporteur received reports of repressive acts in the context of the commemorations of International Workers' Day (May 1) and the founding of the Republic of Cuba (May 20). *Cubalex* documented at least 63 incidents aimed at restricting the movement and communications of activists, journalists and citizens, including internet shutdowns, house arrests, surveillance operations, arbitrary detentions, fines and police summonses¹⁰⁵⁰. Reports indicate that repression intensified with shootings and physical violence in response to peaceful protests, motivated by blackouts and the critical economic situation. In particular, at a protest in Ciudad Nuclear, Cienfuegos, at least 11 arrests were recorded, with charges of public disorder, contempt and assault. According to public reports, those detained face prison sentences and bail of up to 200,000 pesos (equivalent to 95 times the minimum wage in Cuba)¹⁰⁵¹. There were also documented actions of persecution against those who recorded the events, which included summonses, interrogations and warnings.¹⁰⁵²

473. There were also reports of pot-banging at the Cienfuegos Nuclear Power Plant on the night of May 28, in response to the prolonged power cuts imposed by the Cuban regime¹⁰⁵³. At least ten people were detained during the protest, as reported by the group *Justicia 11J*. The protesters were reportedly taken to the Provincial Unit of Criminal Investigation and Operations (Upico), the State Security Investigation Unit and the First Station of the National Revolutionary Police (PNR).¹⁰⁵⁴

474. In July 2024, surveillance operations, house arrests, and Internet shutdowns were reportedly intensified around the anniversary of the July 11 protests and the assault on the Moncada barracks on July 26¹⁰⁵⁵. The Office of the Special Rapporteur learned that the regime reportedly interrupted access to the Internet and, in some cases, to cellular telephones, affecting at least 42 activists, independent journalists and opponents¹⁰⁵⁶. In addition, at least 52 citizens were reportedly besieged or guarded in their homes by State Security patrols to prevent them from leaving¹⁰⁵⁷. According to public reports, these measures lasted for

¹⁰⁴⁴ Cubalex, [@CubalexDDHH], (March 18, 2024), This Sunday, March 17, several mass protests against blackouts, economic situation and lack of freedoms were reported, X, <https://x.com/CubalexDDHH/status/1769800142826148147?t=RTjuHL3XGR68oChkZwhCJA&s=08>.

¹⁰⁴⁵ IACHR, [@IACHR], (Mar. 19, 2024), Faced with the social protests that began on #17Mar due to food shortages and lack of electricity, the #IACHR urges the State to respect the right to free demonstration and to refrain from the use of force, X, <https://x.com/cidh/status/1770096841742242296?s=46&t=MqOVYcsFpR9jsgswGpJsmw>.

¹⁰⁴⁶ Cubalex, [Monthly Report on the Situation of Human Rights in Cuba](#), March 2024.

¹⁰⁴⁷ Cubalex, [Monthly Report on the Situation of Human Rights in Cuba](#), March 2024.

¹⁰⁴⁸ Cubalex, [Monthly Report on the Situation of Human Rights in Cuba](#), March 2024.

¹⁰⁴⁹ Cubalex, [Monthly Report on the Situation of Human Rights in Cuba](#), March 2024.

¹⁰⁵⁰ Cubalex, [Monthly Report on the Situation of Human Rights in Cuba](#), May 2024.

¹⁰⁵¹ Cubalex, [Monthly Report on the Situation of Human Rights in Cuba](#), May 2024.

¹⁰⁵² Cubalex, [Monthly Report on the Situation of Human Rights in Cuba](#), May 2024.

¹⁰⁵³ Cubita Now, [A nighttime cacerolazo is reported in Cienfuegos in protest of the regime's blackouts in Cuba](#), May 29, 2024.

¹⁰⁵⁴ Diario de Cuba, [Al menos diez detenidos por la protesta en Juraguá, acusados de 'desorden público, desacato o atentado'](#), 5 June 2024; Cuba Noticias 360, [Reportan protesta en Cienfuegos por los apagones: "Suenan la ollas"](#), 29 May 2024; Cubita Now, [A cacerolazo nocturno en Cienfuegos en protesta por los apagones del régimen en Cuba is reported](#), 29 May 2024; Cubita Now, [A cacerolazo nocturno en Cienfuegos en protesta por los apagones del régimen en Cuba is reported](#), 29 May 2024.

¹⁰⁵⁵ Cubalex, [Monthly Report on the Situation of Human Rights in Cuba](#), July 2024.

¹⁰⁵⁶ Cubalex, [Monthly Report on the Situation of Human Rights in Cuba](#), July 2024.

¹⁰⁵⁷ Cubalex, [Monthly Report on the Situation of Human Rights in Cuba](#), July 2024.

several days and were accompanied by threats of criminal prosecution, arrests and reprisals against family members if the restrictions imposed were violated.¹⁰⁵⁸

475. Three years after the mass protests in Cuba, the IACHR and its Office of the Special Rapporteur condemned the growing state repression against activists and human rights defenders. At the same time, they called on the government to address the legitimate demands of the people and called for the release of all persons detained for participating in the social protests.¹⁰⁵⁹

476. At least 28 protests were documented in Cuba, motivated by the collapse of the national electricity system on October 18, 2024. Up to the night of October 20, demonstrations were registered in Havana, Villa Clara, Holguín, Mayabeque, Santiago de Cuba, Sancti Spíritus and Artemisa¹⁰⁶⁰. Likewise, according to public reports, November was a month marked by a wave of protests and denunciations that reflected the generalized discontent of the population in the face of the crisis the country is going through, with approximately 800 demonstrations registered.¹⁰⁶¹

477. The Special Rapporteurship also observed 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 participating in protests and social demonstrations. Thus, for example, on July 17, the Municipal People's Court of Niceto Pérez, in Guantánamo province, sentenced six activists for their participation in the May 6, 2023 Caimanera protests. According to public reports, those sentenced are Daniel Alvarez Gonzalez, Luis Miguel Alarcon Martinez, Freddy Sarquiz Gonzalez, for public disorder and instigation to commit a crime, and Felipe Octavio Correa Martinez, sentenced to two years for assault.¹⁰⁶²

478. In addition to this, there are reports of threats made by Cuban authorities to charge with the crime of sedition those who promote or participate in mass protests against the regime. In the program "Hacemos Cuba", officials of the Ministry of the Interior, including Colonel Hugo Morales Karell, allegedly accused alleged terrorists in the United States of instigating acts against the authorities, arguing that their objective is to provoke excessive reactions from the Police to discredit the Government. According to available information, Morales dismissed the allegations of abuse of power, attributing them to "unconventional war plans" of the enemy.

479. For his part, Otto Molina Rodríguez, president of the Criminal Chamber of the Supreme People's Court, warned about calls on social networks to alter public order and threatened to apply the crime of sedition, which has been used against protesters on July 11, 2021, with penalties that can reach up to 30 years in prison, life imprisonment or the death penalty in exceptional circumstances¹⁰⁶³. On May 3, 2024, the IACHR and its Special Rapporteurship recalled that the death penalty is contrary to the American Declaration of the Rights and Duties of Man and if in force, only applies for the most serious crimes, never for political or related crimes.¹⁰⁶⁴

¹⁰⁵⁸ Cubalex, [Monthly Report on the Situation of Human Rights in Cuba](#), July 2024.

¹⁰⁵⁹ IACHR, Press Release No. 162/24, [Cuba: A 3 años de las protestas del 11 de julio, CIDH y RELE condenan persistencia de acciones represivas](#), July 11, 2024.

¹⁰⁶⁰ Justicia11] Detenciones por Motivos Políticos, [@justicia11j], (Oct. 21, 2024), All eyes on #Cuba! We have registered at least 28 protests in the country in the last few days since the national electricity system collapsed last October 18, deepening the general crisis suffered by Cuban families, X, <https://x.com/justicia11j/status/1848380715731189922?t=XY7GLTFpGtbUgM3Ppo2Nxw&s=08>.

¹⁰⁶¹ Infobae, [The Cuban Observatory of Conflicts counted almost 800 protests and public denunciations against the regime in November](#), December 3, 2024.

¹⁰⁶² Article 19 MX-CA, [Cuban state seeks to inhibit freedom of expression by sentencing activists to prison for protests at Guantánamo](#), July 18, 2024

¹⁰⁶³ Diario de cuba, [El régimen amenaza con aplicar cadena perpetua o muerte en caso de protestas masivas](#), 26 April 2024; Cubanet, [Pena de muerte, amenaza del régimen como herramienta de represión contra las protestas](#), 26 April 2024; ABC Internacional, [Régimen cubano amenaza con la pena de muerte a quienes participen en protestas masivas](#), 27 April 2024.

¹⁰⁶⁴ IACHR, [@IACHR], (May 3, 2024), #IACHR and @RELE_CIDH express concern over statements by authorities and public officials warning of possible criminal penalties for those who promote or participate in mass protests, including lengthy prison sentences and even the death penalty, X, <https://x.com/cidh/status/1786401995315626325?s=46&t=MqOVYcsFpR9jsgswGpjsmw>.

480. Finally, the Special Rapporteurship learned with grave concern of the death of Yosandri Mulet Almarales, who had been convicted for demonstrating in July 2021¹⁰⁶⁵. In late November, the IACHR and its Special Rapporteurship learned of the death of Manuel de Jesús Guillén Esplugas, who participated in the July 11, 2021 demonstrations. According to public reports, Guillén Esplugas died in a Havana prison after being beaten, allegedly by prison officials. His death becomes the third death related to detainees during those historic protests in Cuba¹⁰⁶⁶. The IACHR and its Special Rapporteurship condemned the death of Guillén Esplugas and called on the State to clarify the facts.¹⁰⁶⁷

481. 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 rights¹⁰⁶⁸. Regarding the obligation to respect, the IACHR and its Office of the Special Rapporteur have indicated that "the exercise of the right to assembly through social protest should not be subject to authorization by the authorities or to excessive requirements that hinder its realization"¹⁰⁶⁹. Likewise, with respect to the obligation to protect and facilitate, the Commission has emphasized that "[t]he imperative social interest of the right to participate in public demonstrations gives rise to a general presumption in favor of its exercise"¹⁰⁷⁰. As the IACHR report on protest and human rights mentions, States must act on the basis of the lawfulness of public protests and demonstrations and under the assumption that they do not constitute a threat to public order, even in cases where they are made without prior notice¹⁰⁷¹. Finally, in relation to the obligation to guarantee, the IACHR has established that it "implies in the first place the duties to investigate and punish any violation occurring in the context of a public demonstration".¹⁰⁷²

482. In terms of regulatory development, in June 2024, the Office of the Special Rapporteur learned of the entry into force of the new Social Communication Law. Recently, five opponents in Havana were reportedly sentenced under this legislation to prison terms of up to seven years for "propaganda against the constitutional order", after peacefully demonstrating with posters and disseminating their messages on social networks.¹⁰⁷³ On June 16, 2023, the Office of the Special Rapporteur warned that this 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 work¹⁰⁷⁴. In this regard, the Office reiterated its call to the State to adapt the legal framework to international standards on freedom of expression, and to respect and guarantee this right without prior conditions.

483. On the other hand, the Office of the Special Rapporteur calls attention to the adoption of new regulations that could severely impact the exercise of freedom of expression and access to information in Cuba.

¹⁰⁶⁵ Cuban Prisons Documentation Center, [[@docubprisiones](#)], (Aug. 26, 2024), We deeply regret the death of Yosandri Mulet Almarales, convicted for demonstrating in July 2021 in [#Cuba](#), and whose suicide attempt on Aug. 22 we reported last week, <https://x.com/docubprisiones/status/1828227906679828531>; Diario Las Américas, [Cuba: 11J political prisoner Yosandri Mulet Almarales dies](#), 27 Aug. 2024; Martí noticias, [Muere manifestante del 11J encarcelado en Cuba de aparente suicidio, según familiares](#), 26 Aug. 2024.

¹⁰⁶⁶ DW, [Death in prison of 11J protester denounced in Cuba](#), December 3, 2024.

¹⁰⁶⁷ IACHR, Press Release No. 306/24, [Cuba: IACHR, RELE and REDESCA condemn repression of organizations and media in the context of a serious social and economic crisis](#), Dec. 4, 2024; Office of the Special Rapporteur for Freedom of Expression, [[@RELE_CIDH](#)], (Dec. 2, 2024), RELE condemns the death of political prisoner Manuel de Jesús Guillén Esplugas in the Combinado del Este, X, https://x.com/rele_cidh/status/1863755001308295458?s=46&t=MqOYcsFpR9jsgswGpJsmw.

¹⁰⁶⁸ 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.

¹⁰⁶⁹ 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.

¹⁰⁷⁰ 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.

¹⁰⁷¹ 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, para. 93.

¹⁰⁷² 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, para. 246.

¹⁰⁷³ Cubalex, [Monthly Report on the Situation of Human Rights in Cuba](#), June 2024.

¹⁰⁷⁴ Office of the Special Rapporteur for Freedom of Expression, Press Release No. 125/23, [La RELE manifiesta su preocupación por nueva ley de Comunicación Social en Cuba](#), June 16, 2023.

On July 18, 2024, during the third period of its tenth legislature, the National Assembly approved the Law on Transparency and Access to Public Information¹⁰⁷⁵. The Minister of Science, Technology and Environment presented the legislation, highlighting that it regulates and promotes the culture of transparency in public management. The Minister stated that the regulation reflects "the highest expression of the political will of the State and the Government to make its management transparent"¹⁰⁷⁶. He also stated that the law seeks to reduce administrative corruption and bribery, in addition to creating efficient and transparent institutions that respond to the needs of access to public information¹⁰⁷⁷. It also pointed out that mechanisms are established to guarantee that citizens have access to the information of the Public Administration, understood as "that which is generated or kept by the subjects in the exercise of their public functions, as well as natural and legal persons that receive financing and other public benefits"¹⁰⁷⁸.

484. According to available information, the new Law on Transparency and Access to Public Information could be used to reinforce control over information, instead of facilitating genuine access to data of public interest¹⁰⁷⁹. In this context, the Office of the Special Rapporteur has received reports from civil society organizations that point out that the provisions of the law could contravene international standards on access to public information. In particular, they point out that the law presents a restrictive interpretation of "public information", limiting it to information in possession of the obligated subjects, instead of covering "Public Interest Activity", which includes those "matters or areas of management that should be resolved through governmental political decisions, at any level of administrative, legislative or judicial political organization, that seek to satisfy the maximum interest of the community"¹⁰⁸⁰. In addition, the law does not incorporate the principle of "maximum disclosure" and does not establish that those requesting information are exempt from justifying their reasons for doing so. Likewise, the organizations point out that the wording of the regulation regarding the obligated subjects is not clear.¹⁰⁸¹

485. Civil society organizations also informed the Special Rapporteur that the law stipulates that requesters are responsible for the use of public information and may face administrative, civil or criminal sanctions for improper use¹⁰⁸². It also establishes exceptions to public access, including classified information and any fact that, if disclosed, could cause damage, danger, affectation or violation to sovereignty, defense and national security¹⁰⁸³. Exceptions are also included for personal data, pending legal proceedings, intellectual property rights, commercial confidentiality and the environment¹⁰⁸⁴. The organizations warn that these exceptions are broad and vague, which may facilitate censorship and control over sensitive information.

486. In addition, the new transparency law would exclude independent media from its scope of application, establishing that "the request for information made by journalists and managers of media organizations, for the management of communication processes in the exercise of their social function, is governed by the specific legislation of Social Communication"¹⁰⁸⁵. This provision has raised concern among civil society organizations, as it could constitute a form of discrimination against the practice of journalism and a serious risk to freedom of expression.¹⁰⁸⁶

¹⁰⁷⁵ Cuba Debate, [Cuba approves Law on Transparency and Access to Public Information](#), July 18, 2024.

¹⁰⁷⁶ La Jornada, [Cuba approves unprecedented law on transparency and access to information](#), July 18, 2024.

¹⁰⁷⁷ La Jornada, [Cuba approves unprecedented law on transparency and access to information](#), July 18, 2024.

¹⁰⁷⁸ La Jornada, [Cuba approves unprecedented law on transparency and access to information](#), July 18, 2024.

¹⁰⁷⁹ CiberCuba, [Government approves law to control access to information in Cuba](#), July 19, 2024.

¹⁰⁸⁰ Information sent by the Alianza Regional por la Libre Expresión e Información in conjunction with its local members Fundación Colectivo + Voces, and Observatorio Cubano de Derechos Humanos, Archivo de la Relatoría Especial, July 19, 2024.

¹⁰⁸¹ Information sent by the Alianza Regional por la Libre Expresión e Información in conjunction with its local members Fundación Colectivo + Voces, and Observatorio Cubano de Derechos Humanos, Archivo de la Relatoría Especial, July 19, 2024.

¹⁰⁸² La Jornada, [Cuba approves unprecedented law on transparency and access to information](#), July 18, 2024.

¹⁰⁸³ La Jornada, [Cuba approves unprecedented law on transparency and access to information](#), July 18, 2024.

¹⁰⁸⁴ La Jornada, [Cuba approves unprecedented law on transparency and access to information](#), July 18, 2024.

¹⁰⁸⁵ Observatorio Legislativo de Cuba, [Law on Transparency and Access to Public Information in Cuba: Analysis and Challenges](#), August 30, 2024.

¹⁰⁸⁶ Information sent by the Alianza Regional por la Libre Expresión e Información in conjunction with its local members Fundación Colectivo + Voces, and Observatorio Cubano de Derechos Humanos, Archivo de la Relatoría Especial, July 19, 2024.

487. The Office of the Special Rapporteur recalls that Article 13 of the American Convention guarantees the right of citizens to "seek" and "receive" information and ideas of all kinds, imposing on the State the obligation to provide the information in its possession. For its part, Principle 4 of the Declaration of Principles on Freedom of Expression of the IACHR establishes that access to state information is a fundamental right, subject only to exceptional and legally established limitations, only in cases of real and imminent danger to national security in democratic societies¹⁰⁸⁷. According to the principle of maximum disclosure, all information must be accessible, except for strictly delimited and legally defined exceptions, intended to protect imperative public interests.¹⁰⁸⁸

C. Freedom of expression and the Internet

488. Finally, in 2024, the Office of the Special Rapporteur continued to document an increase in internet outages in the context of social protests and activist calls. Also, according to public reports, surveillance operations are often accompanied by interruptions in internet access, which prevents the dissemination of information of public interest.

489. According to available information, internet access is provided only by the Cuban Telecommunications Company (ETECSA), whose infrastructure is fully controlled by the government¹⁰⁸⁹. Since 2021, there have been reports of restrictions by ETECSA that would be deliberate and would limit access to communications and internet by citizens in the face of national protests¹⁰⁹⁰. This practice, ordered by State Security and executed by ETECSA, is selectively implemented on commemorative dates and in entire territories during protests.¹⁰⁹¹

490. According to the information available, there are reports of Internet outages that took place during the protests and mass demonstrations corresponding to the months of March¹⁰⁹², July¹⁰⁹³ and November¹⁰⁹⁴ of 2024. In this context, Internet connectivity and media access problems were reported in cities such as Havana, Artemisa, Villa Clara, Sancti Spíritus, Holguín and Pinar del Río.¹⁰⁹⁵

491. The persistent blocking of websites of independent media and human rights organizations has also been observed, along with massive blackouts and failures in the electric service¹⁰⁹⁶. In this way, the Office of the Special Rapporteur learned of the existence of reports of blocking of websites or domains dedicated to

¹⁰⁸⁷ IACHR, [Declaration of Principles on Freedom of Expression](#), adopted by the IACHR at its 108th regular session held October 2-20, 2000, principle N.4.

¹⁰⁸⁸ 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, paras. 9-10.

¹⁰⁸⁹ Hypermediamagazine, [Report on Internet Freedom in Cuba](#), October 19, 2024; CiberCuba, [Cuban government boasts doubling of Internet traffic in 2024 despite censorship, high costs and poor quality](#), November 20, 2024.

¹⁰⁹⁰ Hypermediamagazine, [Informe sobre la libertad de Internet en Cuba](#), 2024, 19 October 2024; Martí Noticias, [Aumentan violaciones en contra de la libertad de expresión y prensa en el espacio digital, denuncia ICLEP](#), 6 August 2024.

¹⁰⁹¹ CiberCuba, [Usuarios confirm cortes de internet en medio de protestas en Santiago de Cuba](#), 17 March 2024; Cubanet, [Deltachat: ¿sirve para burlar los cortes de internet en Cuba?](#), 15 July 2024; Martí Noticias, [Aumentan violaciones en contra de la libertad de expresión y prensa en el espacio digital, denuncia ICLEP](#), 6 August 2024.

¹⁰⁹² GlobalVoices, [Los cortes y bloqueos de Internet en America Latina 2024](#), December 19, 2024; Yucabyte, [Cuba 2024: apagones de internet y abuso de poder para controlar la conectividad](#), December 31, 2024; Infobae, [Protestas en Cuba: el régimen cortó las comunicaciones y bloqueó la señal de internet](#), March 18, 2024; CiberCuba, [Usuarios confirm cortes de internet en medio de protestas en Santiago de Cuba](#), March 17, 2024.

¹⁰⁹³ Martí Noticias, [Aumentan violaciones en contra de la libertad de expresión y prensa en el espacio digital, denuncia ICLEP](#), 6 August 2024; Yucabyte, [Cuba 2024: apagones de internet y abuso de poder para controlar la conectividad](#), 31 December 2024.

¹⁰⁹⁴ Yucabyte, [Cuba 2024: Internet blackouts and abuse of power to control connectivity](#), December 31, 2024; Infobae, [Cuba suffers a new national blackout: it is the third collapse of the electricity grid in two months](#), December 4, 2024.

¹⁰⁹⁵ Infobae, [Protests in Cuba: the regime cut communications and blocked the internet signal](#), March 18, 2024; CiberCuba, [Usuarios confirm cortes de internet en medio de protestas en Santiago de Cuba](#), March 17, 2024.

¹⁰⁹⁶ Cubalex, [Trends and Patterns of Repression in Cuba: First Half 2024](#), July 2024; La Prensa Nicaragua, [@laprensa], (Oct. 18, 2024), Cuba suffers massive blackout that leaves the entire island without electricity, X, https://x.com/laprensa/status/1847385988483719602?t=qnh_YWTN-d3wQcPSWbM40A&s=08; Ve Sin Filtro, [@vesinfiltro], (Oct. 18, 2024), As #CubaApagada goes without power, it also becomes less connected to the internet, X, <https://x.com/vesinfiltro/status/1847381359058448532?t=cbFy1PdkaKW6Q43Ahnzuna&s=08>.

the dissemination of information critical of or opposed to the government¹⁰⁹⁷. In particular, there were reports of attacks, *hacks*, *phishing* and digital sabotage to media and web channels of journalists, activists or independent sites¹⁰⁹⁸. Thus, for example, in February and April 2024, it was reported that the websites of the *Cuban Institute for Freedom of Expression*¹⁰⁹⁹ and the YouTube channel of *Derecho a Réplica* were deactivated and hacked.¹¹⁰⁰

492. Additionally, according to public reports, internet and cell phone networks presented instability and low speeds throughout the country during 2024¹¹⁰¹. Throughout the year, there were also anomalies in the operation of social networks such as *Signal*, *Telegram*, *Facebook*, *X*, *WhatsApp* and *Deltachat*¹¹⁰². Thus, according to public reports, during the 2024 period, at least 775 incidents of crashes, blockages or other internet restrictions were detected, reporting an increase in relation to the years 2022 and 2023.¹¹⁰³

493. On the other hand, the Rapporteurship learned of reports of cyber threats and systematic harassment through social networks and digital media to journalists and media directors¹¹⁰⁴. According to public information, there has been an increase in threats, harassment and subsequent sanctions against independent journalists for their work in digital media.¹¹⁰⁵

494. In addition, it was documented that criminal sanctions were imposed on individuals due to their online activities through social networks. In April 2024, according to publicly available information, Mayelín Rodríguez Prado was sentenced to fifteen years in prison for the alleged crimes of enemy propaganda and sedition, after publishing on the *Facebook* platform images of a protest that took place in August 2022 in the town of Nuevitas¹¹⁰⁶. Likewise, public reports indicated a total of 13 protesters convicted for their participation in the 2022 demonstration in Nuevitas. Among those convicted was also Yennis Artola Del Sol, a Cuban cultural promoter who photographed and shared images and videos that were considered enemy propaganda, and was sentenced to eight years in prison.¹¹⁰⁷

495. The Rapporteurship also learned of the request for 10 years in prison by the prosecutor's office for Sulmira Martínez Pérez, *influencer*, arrested for having incited protests via *Facebook* against the

¹⁰⁹⁷ Guardianes Digitales, [Report #6 on the health of the Internet in Cuba](#), 2024; Panam Post, [How the Cuban regime's technology works to block Internet access](#), October 17, 2024.

¹⁰⁹⁸ CiberCuba, [Gobierno cubano presume duplicar tráfico de internet en 2024 pese a censura, costos altos y calidad deficiente](#), 20 November 2024; Diario de Cuba, [Casi 40 violaciones a la libertad de expresión en Cuba en febrero, denuncian activistas](#), 8 March 2024; Yucabyte, [Freedom House condena nuevamente represión digital en Cuba](#), 26 October 2024.

¹⁰⁹⁹ Hypermediamagazine, [Report on Internet Freedom in Cuba](#), October 19, 2024; ICLEP, [Update on Cyber Attack on ICLEP](#), February 16, 2024.

¹¹⁰⁰ Hypermediamagazine, [Report on Internet Freedom in Cuba](#), October 19, 2024; Yucabyte, [Digital Rights Violations in Cuba](#), December 23, 2024.

¹¹⁰¹ ICLEP, [Internet outages reported during March 17, 2024 protests in Cuba](#), March 18, 2024; Yucabyte, [Digital rights violations in Cuba](#), December 23, 2024; Guardianes Digitales, [Report #6 on the health of the Internet in Cuba](#), 2024.

¹¹⁰² Guardianes Digitales, [Report #6 on the health of the Internet in Cuba](#), 2024; Cubanet, [Deltachat: ¿sirve para burlar los cortes de internet en Cuba?](#), July 2024; Expediente público, [Cuba impone castigos radicales para silenciar internet, según Freedom House](#), 17 October 2024; CiberCuba, [Gobierno cubano presume duplicar tráfico de internet en 2024 pese a censura, costos altos y calidad deficiente](#), 20 November 2024.

¹¹⁰³ Alianza regional por la Libre Expresión e Información; Colectivo Voces and Observatorio Cubano de Derechos Humanos, [Universal Periodic Review \(UPR\) of Cuba. Informe Sombra](#), 2024; ICLEP, [Balance Parcial 2024 Hechos violatorios a la libertad de expresión y prensa](#), 2024.

¹¹⁰⁴ ICLEP, [Barómetro, ataques, amenazas y/o agresión psicológica](#), 2024; Alianza regional por la Libre Expresión e Información; Colectivo Voces and Observatorio Cubano de Derechos Humanos, [Examen periódico universal \(EPU\) de Cuba. Shadow Report](#), 2024.

¹¹⁰⁵ Yucabyte, [Freedom House again condemns digital repression in Cuba](#), October 26, 2024; Hypermediamagazine, [Report on Internet Freedom in Cuba](#), October 19, 2024.

¹¹⁰⁶ Yucabyte, [Freedom House again condemns digital repression in Cuba](#), Oct. 26, 2024; Yucabyte, [Mayelín Rodríguez Prado: 15-year sentence for Facebook live](#), July 6, 2024; El País, [Condenada a 15 años de cárcel una joven por publicar videos de las protestas en Cuba](#), May 1, 2024; Emol, [Cuba: Condenan a 15 años de cárcel a joven por transmitir protestas contra el Gobierno](#), May 2, 2024; CiberCuba, [Ratifican sentencia de 15 años de prisión a joven cubana por documentar protestas en Nuevitas](#), January 2, 2025.

¹¹⁰⁷ Cubanet, [Sentences of up to 15 years for protesters in Nuevitas](#), April 28, 2024; Diario Las Américas, [Régimen condena a promotora cultural por filmar protesta contra Díaz-Canel](#), June 29, 2024.

President¹¹⁰⁸. Also, according to public information, Aroni Yanko García, a Cuban nurse, was sentenced to a year and a half in prison for publishing a *meme* on *Facebook*.¹¹⁰⁹

496. Likewise, public reports indicate that the Provincial Prosecutor's Office of Santiago de Cuba has requested the imprisonment of demonstrators for allegedly inciting marches and publicity against the regime. Thus, public documentation indicates that the aforementioned prosecutor's office has requested imprisonment for crimes of propaganda against the constitutional order and other acts against state security for Ana Ibis Tristá Padilla, Félix Daniel Pérez Ruiz, Christian de Jesús Peña Aguilera and Jarol Varona Agüero, for having called for a demonstration through social networks.¹¹¹⁰

497. On the other hand, the regulatory development, related to the entry into force of the new Law of Social Communication in Cuba, establishes in its Article 51 obligations for those entities, organizations or individuals that generate, select, modify, interact and publish digital content on different platforms in cyberspace¹¹¹¹. In this context, it is noted that the new regulation incorporates in the aforementioned article new obligations for digital platforms. For example, according to public reports, *online* content platforms must be responsible for their content, implement self-regulation procedures to avoid publications that violate the regulatory framework, provide effective blockers to unwanted content, protect content and its use by third parties, among others. In particular, the public reports highlight the concern of the media about the risk to their independence and the possible restrictions to freedom of the press online.¹¹¹² The Office of the Special Rapporteur, as it has pointed out, observes that the law limits the generation and dissemination of content that is protected by international human rights law, because it imposes arbitrary preconditions.¹¹¹³

498. Likewise, this Office recalls that, just as States must ensure access to public spaces, such as streets, roads and public squares for 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 to participate in the political life of the country.¹¹¹⁴

¹¹⁰⁸ Cibercuba, [Fiscalía solicita 10 años de cárcel a joven cubana por publicaciones en Facebook](#), 8 June 2024; Martí Noticias, [Piden 10 años de cárcel a joven activista que promivió "A la calle, hasta el triunfo. Patria y Vida"](#), 8 June 2024.

¹¹⁰⁹ ANSA Latina, [Cuba: A year and a half in jail for a meme](#), 21 August 2024; Diario de Cuba, [Un cubano pagará año y medio de cárcel por un meme de Díaz-Canel y otras figuras de la Revolución](#), 20 August 2024.

¹¹¹⁰ Cibercuba, [Fiscalía pide hasta 12 años de cárcel para cubanos que convocaron protesta en Las Tunas](#), 9 de octubre de 2024; Martí Noticias, [Piden hasta 12 años de prisión para cubanos que llamaron a protestas en céntrico parque de Las Tunas](#), 9 de octubre de 2024.

¹¹¹¹ Asamblea Nacional Poder Popular, [Ley de Comunicación Social](#), 2023; Gaceta Oficial de la República de Cuba, Ministerio de Justicia, [Ley 162/2023 De Comunicación Social GOC-2024-338-048](#).

¹¹¹² Rule of Law Agenda, [The Law of Silence? Regulación de la Comunicación Social y sus Efectos en los Derechos Humanos en Cuba](#), August 2, 2024; Article 19 MX-CA, [Estado cubano recrudece ola represiva contra periodistas independientes en el marco de la entrada en vigencia de la Ley de Comunicación Social](#), October 7, 2024; France24, [Cuba aprueba ley de medios de comunicación en la que prohíbe la prensa independiente](#), May 26, 2023.

¹¹¹³ Office of the Special Rapporteur for Freedom of Expression, Press Release No. 125/23, [La RELE manifiesta su preocupación por nueva ley de Comunicación Social en Cuba](#), June 16, 2023.

¹¹¹⁴ 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

499. In 2024, the Office of the Special Rapporteur has followed the situation of freedom of expression in Dominica, highlighting the implementation of a training program for journalists and reports on the alleged unjustified dismissal of a reporter. It has also monitored progress on electoral reform, including amendments proposed by the Coalition for Electoral Reform, which address the issue of media coverage and advertisement during elections. In addition, it has learned about legal processes related to alleged “incitement” offenses that would seek to criminalize discourse considered “unprotected”. In the digital sphere, the SRFOE has taken note of the launching of electronic platforms for government services. Finally, with regards to the fight against discrimination and exclusion, the Office has learned of the decriminalization of consensual homosexual relations and the promotion of the inclusion of Afro-descendant history in the school curriculum.

A. Journalism and democracy

500. The Rapporteurship learned that the Ministry of Health, Welfare and Social Services, in collaboration with the International Organization for Migration (IOM), conducted a specialized training program for journalists in the country, with the objective of strengthening their skills to report sensitively and accurately on child abuse and domestic violence¹¹¹⁵.

501. On the other hand, the Special Rapporteurship learned that the Dominican journalist Carlisle Jno Baptiste won a defamation lawsuit against the weekly newspaper *The Chronicle* after nine years of litigation¹¹¹⁶. According to the information available, the matter would date back to June 2014, when the outlet in question published an opinion article that “attacked” Baptiste’s honor¹¹¹⁷. The journalist also argued that, as a reporter, several of the published insinuations about ethical lapses constituted a “vicious and deliberate attack on his reputation”. In its defense, *The Chronicle* denied the allegations, claiming that the article was a “satirical and humorous literary piece” intended to address topical issues in an entertaining manner¹¹¹⁸. Finally, the court ordered the newspaper to pay EC\$15,000, with statutory interest at 5% from the date of judgment until full settlement, plus US\$7,500 in costs to Baptiste¹¹¹⁹.

502. On April 9, the Office of the Special Rapporteur was informed that the general director of *Q95 FM*, the country’s largest radio station, had unjustifiably dismissed one of its announcers for alleged health problems¹¹²⁰. Broadcaster Ossie Lewis claimed that the general manager never consulted him about his health condition and made an arbitrary decision after ten years of working at the network¹¹²¹.

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

503. During the reporting period, the Special Rapporteurship continued to follow the progress of electoral reform. At the end of March, this Office received reports indicating that the Prime Minister of Dominica had reportedly announced that his government would pass the necessary legislation for the implementation of

¹¹¹⁵ Dominica News Online, [IOM media training on sensitive reporting of child abuse and domestic violence wraps up](#), August 29, 2024.

¹¹¹⁶ Nature Isle News, [DOMINICA-COURT-Journalist wins defamation case against newspaper](#), February 19, 2024; Dominican News Online, [Journalist feels vindicated after 9-year court battle over defamation](#), February 22, 2024.

¹¹¹⁷ Nature Isle News, [DOMINICA-COURT-Journalist wins defamation case against newspaper](#), February 19, 2024; Dominican News Online, [Journalist feels vindicated after 9-year court battle over defamation](#), February 22, 2024.

¹¹¹⁸ Nature Isle News, [DOMINICA-COURT-Journalist wins defamation case against newspaper](#), February 19, 2024; Dominican News Online, [Journalist feels vindicated after 9-year court battle over defamation](#), February 22, 2024.

¹¹¹⁹ Nature Isle News, [DOMINICA-COURT-Journalist wins defamation case against newspaper](#), February 19, 2024; Dominican News Online, [Journalist feels vindicated after 9-year court battle over defamation](#), February 22, 2024.

¹¹²⁰ Nature Isle News, [Ossie Lewis raps Sheridan Gregoire](#), April 8, 2024; Dominica News Online, [Q95 to address Ossie Lewis matter on Thursday](#), April 9, 2024.

¹¹²¹ Nature Isle News, [Ossie Lewis raps Sheridan Gregoire](#), April 8, 2024; Dominica News Online, [Q95 to address Ossie Lewis matter on Thursday](#), April 9, 2024.

electoral reform, a campaign promise dating back to the 2019 contest¹¹²². In mid-2023, as highlighted in the latest SRFOE report, Caribbean jurist Sir Dennis Byron, former president of the Caribbean Court of Justice, presented his final report on electoral reform, in which he outlined several recommendations for the new legislation¹¹²³. Since then, civil society organizations, the media, churches, political parties, and trade unions have been involved in consultations with the government for the elaboration of a possible final draft¹¹²⁴.

504. The Prime Minister stated that his administration would proceed to post the proposed reform and amendments on the government's website to receive a final round of comments. Following this process, the proposal would be sent to the Electoral Commission (EC), an official body, and presented to Parliament. Assuming the legislation is approved, the EC would oversee the implementation of all reform measures. The Prime Minister pledged additional budget allocations to the EC for this purpose.

505. In mid-July 2024, the Rapporteurship took note of the decision of the EC to extend the deadline to receive comments on the draft bill after receiving a request to do so. At a press conference, the Prime Minister claimed that this development would constitute a deliberate effort to "delay" the passage of the bill, a claim that opposition sectors reportedly rejected¹¹²⁵.

506. The Rapporteurship was also briefed on the work of the Electoral Reform Coalition (ERC), a civil society organization that has spent over two decades advocating for reforms to ensure free and fair elections in the country. In particular, the Rapporteurship learned that the ERC submitted in early August a final list of electoral amendments to the Prime Minister, the President of Dominica, and the EC, which would include provisions designed to ensure that "all public, print, radio, television, digital and electronic media are prohibited from denying any political party or candidate paid time and/or space for the dissemination or publication of their messages"¹¹²⁶. As per these sources, the proposals were based on the report prepared at public expense by Sir Dennis Byron, who emphasized the need for "equitable use of government media during elections" (phase II, section 3) in any new election legislation¹¹²⁷.

507. In mid-August, the ERC, as reported by local media, stated that it would encourage demonstrations over the next month and a half to "pressure" the Prime Minister and the EC to include the proposed amendments, as well as the recommendations set forth in Byron's report¹¹²⁸. The ERC also claimed to be "particularly concerned" about the exclusion of new campaign finance regulations that would prevent incumbent governments from, among other things, gaining "control of the media"¹¹²⁹.

508. On the other hand, the SRFPE continued to monitor legal proceedings related to alleged "incitement" offenses, which would seek to criminalize speech considered "unprotected". In mid-2024, the Rapporteurship was informed of the dismissal of a case against Samuel Joseph Christian, a doctor accused by State authorities of "illegally inciting to burn the Parliament" in a protest held in the Dominican capital in

¹¹²² Dominica News Online, [PM Skerrit going with electoral reform 'full blast': parliament to pass legislation soon](#), March 27, 2024; Government of the Commonwealth of Dominica, [Delivery of Proposed Electoral Reform Legislation to Electoral Commission](#), May 15, 2024.

¹¹²³ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Annual Report 2022](#), OEA/Ser.L/V/II Doc. 50, March 6, 2023, para. 496; IACHR, Office of the Special Rapporteur for Freedom of Expression, [Annual Report 2023](#), OEA/Ser.L/V/II Doc. 386, December 6, 2023, para. 562.

¹¹²⁴ Government of the Commonwealth of Dominica, [Public Consultations on Electoral Reform Commence on Monday](#), August 14, 2023, August 11, 2023; Government of the Commonwealth of Dominica, [Delivery of Proposed Electoral Reform Legislation to Electoral Commission](#), May 15, 2024.

¹¹²⁵ Dominica News Online, [Electoral Commission granted extension period for electoral reform review](#), July 16, 2024; Government of Dominica, [PM Skerrit Press Conference](#), July 15, 2024.

¹¹²⁶ Dominica News Online, [Pastor Rodney articulates ERC's proposals for inclusion in draft electoral reform legislation](#), July 8, 2024; Dominica News Online, [ERC delegation delivers proposed electoral amendments to offices of PM, President and Electoral Commission](#), August 12, 2024.

¹¹²⁷ Dominica's Government, [Report Electoral Reform Commonwealth of Dominica](#), June 2023.

¹¹²⁸ Dominica News Online, [Electoral Reform Coalition to increase public mobilization as it presses government to amend draft electoral legislation](#), August 19, 2024.

¹¹²⁹ Dominica News Online, [Electoral Reform Coalition to increase public mobilization as it presses government to amend draft electoral legislation](#), August 19, 2024.

2015¹¹³⁰. The Judiciary determined that the lawsuit, taking into consideration Christian's statement "as a whole" and "juxtaposed in the context of freedom of expression, fairness and the seniority of the matter", should be suspended¹¹³¹. This was reportedly a conclusion reached after consultation with the Director of Public Prosecutions (DPP). Christian was arrested and charged in 2017 following the 2015 incident, as per the information currently available¹¹³².

509. Moreover, in late July, the Special Rapporteur was informed that the former and current opposition leaders have reportedly been sent to trial before the High Court on charges of "incitement". The charges against stem from a protest held on February 7, 2017, self-proclaimed as the "People's D-Day"¹¹³³. According to media reports, prosecutors allege that both defendants incited opposition sectors to gather and disrupt order, which would have led to stones and glass bottles being thrown at the security forces and damage being caused to neighboring businesses.

510. Relatedly, the SRFOE learned that the acting police chief expressed concern over alleged "inflammatory comments" on social media by groups allegedly linked to a United Workers Party (UWP) protest against the ruling Dominica Labor Party (DLP)¹¹³⁴. At a press conference, the police chief reportedly warned that the Commonwealth Dominica Police Force (CDPF) had gathered intelligence and was prepared to "intervene and take action against any unlawful behavior"¹¹³⁵. The demonstration had prior authorization from the Ministry of National Security, according to local media¹¹³⁶.

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

511. In early February 2024, the Special Rapporteurship learned that the Dominica Reparations Committee would be advocating for the incorporation of the history of people of African descent into the public-school curriculum¹¹³⁷. Civil society organizations have publicly argued that this measure would allow the descendants of enslaved Africans to learn more about their struggle for freedom and their "collective victories"¹¹³⁸.

512. On April 22, this Office took note of the Dominica High Court ruling that declared sections 14 and 16 of the Sexual Offenses Act unconstitutional, resulting in the decriminalization of consensual same-sex relations on the island¹¹³⁹. This law imposed penalties of up to 10 years' imprisonment for the crime of "sodomy", and empowered the court to order the convicted person to be sent to a psychiatric hospital for "treatment"¹¹⁴⁰. Similarly, "gross indecency" for engaging in same-sex relations was punishable by up to five

¹¹³⁰ Natura Isle News, [BREAKING NEWS-State discontinues incitement charge against Dr. Sam Christian](#), July 16, 2024.

¹¹³¹ Caribbean Loop News, [Dominica: Incitement case against medical doctor discontinued](#), July 16, 2024; Jamaica Gleaner, [Incitement case against medical doctor in Dominica discontinued](#), July 17, 2024.

¹¹³² Dominica News Online, [Dr. Sam Christian charged, granted bail](#), February 2, 2017; Jamaica Gleaner, [Incitement case against medical doctor in Dominica discontinued](#), July 17, 2024.

¹¹³³ Jamaica Gleaner, [Former Dominican prime minister committed to prison](#), February 16, 2024; Caribbean Loop News, [Former Dominica PM committed to stand trial for incitement](#), July 26, 2024.

¹¹³⁴ Caribbean Loop News, [Dominica: Police aware of inciteful comments aimed at lawlessness](#), February 23, 2024; Dominica News Online, [Police Chief addresses 'inciteful comments' leading up to UWP meeting](#), February 23, 2024.

¹¹³⁵ Jamaica Gleaner, [Dominica police say they have uncovered plot to burn down capital](#), February 23, 2024; Caribbean Loop News, [Dominica: Police aware of inciteful comments aimed at lawlessness](#), February 23, 2024.

¹¹³⁶ Caribbean Loop News, [Dominica: Police aware of inciteful comments aimed at lawlessness](#), February 23, 2024; Jamaica Gleaner, [Dominica police say they have uncovered plot to burn down capital](#), February 23, 2024.

¹¹³⁷ Dominica News Online, [Dominica Reparations Committee Chairman reiterates call for black history to be included in schools curriculum](#), February 15, 2024.

¹¹³⁸ Repair Campaign, [Dominica Reparations Committee Chairman reiterates call for black history to be included in schools curriculum](#), February 15, 2024.

¹¹³⁹ IACHR, Press Release No. 091/24, "[IACHR Welcomes Dominica High Court Decision in Favor of Equality](#)," May 6, 2024.

¹¹⁴⁰ Human Dignity Trust, Human [Dignity Trust applauds court decision in Dominica striking down laws that criminalised same-sex intimacy](#), April 22, 2024.

years imprisonment¹¹⁴¹. The court's ruling found that these provisions violated the right to liberty, freedom of expression and protection of personal privacy, all of which are enshrined in the country's Constitution¹¹⁴².

513. However, in early May, the Rapporteurship received reports that the Minister of National Security and Legal Affairs stated that "sodomy remains a very serious crime in our country", adding that "the idea that it is no longer a crime is false and totally misplaced"¹¹⁴³. According to publicly available information, the Minister reportedly asked the Police to arrest persons engaging in this conduct, even though it was no longer considered illegal¹¹⁴⁴.

D. Freedom of expression and the Internet

514. The Special Rapporteur has been following recent developments in the management of the island's sole electricity provider, *Dominica Electricity Services Ltd* (DOMLEC). Media reports suggest that the company is close to completing the installation of a quarter of the new generators purchased by the government¹¹⁴⁵. As detailed in the latest annual report of this Office, the country's sole electricity provider presumably experienced a significant loss of generation capacity through 2023 as a result of a series of natural and climate-change induced disasters¹¹⁴⁶. The Rapporteurship also recently took note of a series of public consultations led by the Independent Regulatory Commission (IRC) to determine new electricity tariffs for users on the island amid concerns about affordability and service quality¹¹⁴⁷.

515. In the second half of 2024, the Office learned of the launch of the new government e-services portal (eservices.gov.dm). According to official statements, the portal will provide online access to more than 90 government services, improving efficiency and accessibility¹¹⁴⁸. The platform in question is part of the country's digital transformation initiative, funded by the World Bank's Caribbean Digital Transformation Project¹¹⁴⁹. In line with this project, the Rapporteurship also recorded the launch of the Eastern Caribbean Supreme Court (ECSC) e-litigation portal, designed to provide an efficient, cost-effective, transparent and reliable platform for the electronic filing and processing of court documents¹¹⁵⁰.

516. This Office stresses that it is important that measures are in place to ensure that pricing structures are inclusive, so as not to hinder access; that connectivity is extended throughout the territory, to effectively promote access for rural users and marginalized communities; that communities have access to community information and communication technology centers and other public access options; and that training and education efforts are strengthened, especially in poor and rural sectors and among the elderly¹¹⁵¹.

¹¹⁴¹ Human Rights Watch, [Dominica High Court Decriminalizes Same-Sex Conduct](#), April 24, 2024; UNAIDS, [UNAIDS welcomes Court's ruling to protect the rights of LGBTQ people in Dominica](#), April 22, 2024.

¹¹⁴² Jamaica Gleaner, [Dominican human rights group welcomes High Court ruling declaring buggery laws unconstitutional](#), April 22, 2024; BBC, [Dominica High Court overturns ban on same-sex relations](#), April 23, 2024.

¹¹⁴³ DOM 767, [Minister Blackmoore Clarifies Buggery Laws Post-Court Ruling in Dominica](#), May 3, 2024; Dominica News Online, [Buggery is still a very serious offense'- Rayburn Blackmoore](#), May 4, 2024.

¹¹⁴⁴ DOM 767, [Minister Blackmoore Clarifies Buggery Laws Post-Court Ruling in Dominica](#), May 3, 2024; Dominica News Online, [Buggery is still a very serious offense'- Rayburn Blackmoore](#), May 4, 2024.

¹¹⁴⁵ Dominica News Online, [Government-procured generators to be online by October, says DOMLEC generation manager](#), July 18, 2024.

¹¹⁴⁶ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Annual Report 2023](#), OEA/Ser.L/V/II Doc. 386, December 6, 2023, para. 589.

¹¹⁴⁷ Dominica News Online, [IRC launches second round of public consultations for DOMLEC stakeholders](#), July 19, 2024; Independent Regulatory Commission, [Consultative documents](#), 2025.

¹¹⁴⁸ Caribbean Loop News, [Dominica Gov't launches new online platform for its services](#), September 16, 2024; Dominica News Online, [Government of Dominica launches e-Services Portal to increase online access and enhance efficiency](#), September 16, 2024.

¹¹⁴⁹ World Bank Group, [Promoting Inclusive Digital Development in the Caribbean](#), November 13, 2023.

¹¹⁵⁰ Dominican News Online, [Eastern Caribbean Supreme Court advances in digital transformation](#), September 13, 2024.

¹¹⁵¹ IACHR, [Freedom of Expression and the Internet](#), OEA/Ser.L/V/II. IACHR/RELE/INF. 11/13, 2013, para. 16.

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517. In 2024, the Office of the Special Rapporteur continued to record acts of violence and aggression against the press in Ecuador. These included, among others, the murder of at least one journalist, as well as reports of armed attacks, online attacks, and obstructions to news coverage in the context of social demonstrations. There were also reports on the activation of judicial processes and indirect mechanisms aimed at restricting freedom of expression. The most serious event was the armed attack on *TC Televisión* in January 2024. The Rapporteurship notes that this context has generated an increasingly hostile environment for the practice of journalism, which has led to forced displacements and exiles of journalists, a phenomenon previously documented in the annual reports of this Office. These situations were reported to the Commission and its Special Rapporteurship during the 191st Regular Session of the IACHR. Likewise, in 2024, RELE maintained its dialogue with Ecuadorian authorities to strengthen protection measures for journalists at risk, within the framework of a technical assistance process offered to the State of Ecuador. Finally, RELE learned about social protests in the country, and about regulatory and public policy developments that could have an impact on the exercise and guarantee of the rights to freedom of expression and association.

A. Journalism and democracy

518. On November 23, 2024, the Office of the Special Rapporteur was informed about the murder of journalist Leonardo Rivas Espinoza, director of the digital media *Radio Cariñosa*, in Daule¹¹⁵². According to public reports, the journalist was intercepted in his vehicle by another car with several subjects on board, who opened fire on multiple occasions. The medical team that arrived at the scene confirmed that Rivas Espinoza died minutes later due to the seriousness of the wounds. Civil society organizations condemned the crime and requested the authorities to investigate the facts and clarify the motives of the attack.¹¹⁵³

519. This Office reiterates that the murder of journalists, communicators and media workers represents the most extreme manifestation of censorship. According to Principle 9 of the Declaration of Principles on Freedom of Expression of the IACHR, "the 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"¹¹⁵⁴.

520. In 2024, the IACHR and its Office of the Special Rapporteur documented acts of violence against the press in Ecuador, in a context of serious deterioration of citizen security and democratic governance, driven mainly by the actions of criminal groups. These attacks especially affect journalists working in areas with a strong presence of organized crime or covering issues related to corruption, security and drug trafficking.¹¹⁵⁵

521. Thus, for example, on January 9, 2024, an armed group burst into the facilities of *TC Televisión* and threatened to kill the workers during a live broadcast¹¹⁵⁶. As this Office learned, the National Police carried out an operation to safeguard the life and physical integrity of the threatened persons and apprehended those

¹¹⁵² Fundamedios, [Sicarios asesinaron al director de noticias del medio digital Radio Cariñosa, de Daule, Leonardo Rivas Espinoza](#), 24 November 2024; Infobae, [Escalada de violencia en Ecuador: sicarios asesinaron al periodista Leonardo Rivas, director de radio Cariñosa](#), 25 November 2024.

¹¹⁵³ IFJ - Latin America and The Caribbean, [@IFJ_AL], (Nov. 26, 2024), The International Federation of Journalists repudiates the murder of Leonardo Rivas Espinoza, X, https://x.com/FIP_AL/status/1861412142215213222.

¹¹⁵⁴ IACHR, [Declaration of Principles on Freedom of Expression](#), 2000.

¹¹⁵⁵ IACHR, Press Release No. 17/24, [Ecuador: IACHR and RELE condemn serious acts of violence committed by organized crime](#), January 17, 2024.

¹¹⁵⁶ CNN, ["They wanted us to say what they wanted." says TC Televisión presenter about the attack by armed men](#), January 10, 2024; BBC, ["They told us they were going to kill us. One cameraman was shot and another had his arm broken": the account of one of the journalists who was a victim of the assault on a TV station in Ecuador](#), 10 January 2024, Reporters Without Borders, [The assault and live hostage-taking at a TV station in Ecuador illustrates the wave of violence against the press that is sweeping the country](#), 10 January 2024

responsible. During the attack, a cameraman was wounded by shots fired by the armed group¹¹⁵⁷. Likewise, the Ministry of Defense and the Ministry of Government reportedly implemented a security block to protect the people inside the channel.

522. The IACHR and its Office of the Special Rapporteur condemned the armed attack and informed that they will continue to closely monitor the human rights situation in the country¹¹⁵⁸. At the same time, they pointed out that, in situations of institutional exceptionality, it is essential to guarantee the maximum possible flow of information. Consequently, they called on the State to provide guarantees for journalists to carry out their work in safety and without fear of reprisals.¹¹⁵⁹

523. On the other hand, in the 191st Period of Sessions of the IACHR, civil society organizations reported that in 2023, 265 aggressions against freedom of expression were registered, which included a 340% increase in attacks attributed to organized crime compared to 2022¹¹⁶⁰. As of October 2024, 163 new aggressions were reported, of which 76 were attributed to state agents¹¹⁶¹. In addition, at least six journalists were reportedly displaced by death threats, bringing to 14 the number of journalists exiled in the last two years.

524. In this context, RELE registered the exile of José Luis Calderón, a journalist who was present during the armed attack on *TC Televisión*. According to public reports, Calderón had decided to leave the country for mental health reasons¹¹⁶². The exile of Katherine Heredia was also documented, who, in order to protect her life and integrity, denounced having been persecuted and threatened since August 2023, with harassment that would have intensified in early 2024¹¹⁶³. Heredia was conducting research on the Municipality of Quito and the Prefecture of Pichincha.

525. In addition, it was reported that Jorge Navarrete, Andersson Boscán and Mónica Velázquez of *La Posta* were forced into exile under allegations of threats to their lives, in particular, Navarrete received intimidations allegedly from illegal groups on the Colombian border.¹¹⁶⁴

526. On the other hand, other incidents of violence against journalists and media outlets were reported. In this regard, the closure of the media outlet *El Ferrodinario* in the region of Guayas was reported, due to situations that, according to the media outlet itself, compromise its security¹¹⁶⁵. RELE points out that media closures, as in this case, seriously affect the access of local communities to diverse and plural information.

¹¹⁵⁷ BBC, ["They told us they were going to kill us. They shot one cameraman and fractured the arm of another": the story of one of the journalists who was the victim of the assault on a TV channel in Ecuador](#), January 10, 2024; NTN24, [Crude testimony of journalist of the Ecuadorian channel TC who was taken by hooded men: "they shot a cameraman in the leg"](#), January 10, 2024.

¹¹⁵⁸ IACHR, RELE, Press Release No. 17/24, [Ecuador: CIDH y RELE condenan graves hechos de violencia cometidos por el crimen organizado](#), January 17, 2024.

¹¹⁵⁹ IACHR, RELE, Press Release No. 17/24, [Ecuador: CIDH y RELE condenan graves hechos de violencia cometidos por el crimen organizado](#), January 17, 2024.

¹¹⁶⁰ IACHR, Country Hearing, ["Ecuador: Situation of journalists and defenders of freedom of expression. 191st Period of Sessions."](#) Washington D.C., United States, November 12, 2024.

¹¹⁶¹ IACHR, Country Hearing, ["Ecuador: Situation of journalists and defenders of freedom of expression. 191st Period of Sessions."](#) Washington D.C., United States, November 12, 2024.

¹¹⁶² IACHR, Audiencia país, ["Ecuador: Situación de personas periodistas y defensoras de la libertad de expresión. 191º Periodo Ordinario de Sesiones"](#), Washington D.C., United States, Nov. 12, 2024; International Journalists' Network, [From armed kidnapping to exile, the exile chapter of José Luis Calderón](#), Nov. 3, 2024; Fundamedios, [New journalist self-exiles after lack of guarantees to practice the profession in Ecuador](#), May 21, 2024; El Universo, [José Luis Calderón: Voy a pedir asilo político, salí por el temor, afirma periodista ecuatoriano que fue víctima de atentado terrorista en TC Televisión](#), May 6, 2024; El Financiero, [Huye de Ecuador periodista que vivió secuestro al canal TC Televisión; teme por su seguridad](#), May 6, 2024; Red Internacional de Periodistas, [Del secuestro armado al destierro, el capítulo del exilio de José Luis Calderón](#), November 3, 2024.

¹¹⁶³ Fundamedios, [Ecuadorian journalist went into self-exile after serious threats and persecution](#), January 24, 2024; Voces del Sur, [Ecuadorian journalist went into self-exile after serious threats and persecution](#), January 24, 2024.

¹¹⁶⁴ IAPA, [Amenazas, agresiones y detenciones afectan a periodistas en América Latina y EE.UU.](#), November 8, 2024; El Universo, [El periodista Jorge Navarrete abandona el país tras recibir amenazas de muerte](#), November 3, 2024.

¹¹⁶⁵ El Ferrodinario, [Con profunda tristeza y gran preocupación, anunciamos el cierre definitivo de nuestro medio digital por situaciones que comprometen nuestra seguridad](#), October 10, 2024; Ecuavisa, [Medio digital El Ferrodinario cerró por situaciones que comprometen su seguridad, in Durán](#), October 11, 2024; Plan V, [El cierre del Ferrodinario, un golpe al periodismo local ecuatoriano](#), November 6, 2024.

527. Also, journalist Segundo Cabrera reportedly received a threatening call on August 9, 2024 after publishing a report on corruption, illegal mining and insecurity in Camilo Ponce Enríquez. The call, which included sounds of gunshots, reportedly occurred after the publication of a video on Periodismo sin Mordaza on August 8, which addressed various social issues. The following day, Cabrera was warned not to get involved in "political issues"¹¹⁶⁶.

528. Faced with these facts, RELE 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 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 serious¹¹⁶⁷. 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 law¹¹⁶⁸. 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 responsible.¹¹⁶⁹

529. In addition, during a public hearing at the 191st Regular Session of the IACHR, civil society organizations reported that, between 2018 and 2024, about 146 judicial processes against journalists and activists were documented¹¹⁷⁰. Along these lines, in 2024, the Rapporteurship also recorded the activation of judicial proceedings against journalists in Ecuador, particularly the use of criminal law for possible purposes of intimidation towards those who investigate and denounce abuses of power.

530. In May 2024, a judge of the Criminal Judicial Unit based in Guaranda canton, Bolívar province, sentenced journalist Jonathan Quezada Castillo to 15 days in prison and to pay a fine equivalent to 25% of a unified basic salary, under the provisions of Articles 396.1 and 70.1 of the Comprehensive Organic Criminal Code (COIP)¹¹⁷¹. The conviction is based on expressions that allegedly discredited Judge Hernán Alexander Cherres Andagoya, which occurred during an exchange of words in public. Additionally, the sentence ordered the journalist to offer public apologies to the complainant, in accordance with the provisions of Article 78 of the Constitution of the Republic and Articles 622.6 and 628.6 of the COIP.¹¹⁷²

531. On July 31, the Court of the Provincial Court of Justice of Bolivar rejected the appeals of both parties and confirmed the first instance sentence. The court determined that, although freedom of expression admits "unpleasant" expressions, it does not protect "formally injurious" or "vexatious" expressions which, depending on the circumstances, are unnecessary for the transmission of ideas, thoughts, value judgments or opinions. It also specified that, in the case of public officials, freedom of information does not protect the "right to insult"¹¹⁷³.

532. This judicial decision is part of a journalistic investigation carried out by journalist Quezada Castillo into alleged irregularities in the administration of justice. This Office learned that, after the conclusion

¹¹⁶⁶ Fundamedios, [Periodista recibe llamada amenazante: "No dijeron nada, sólo se escucharon disparos"](#), 14 August 2024; IFEX, [Desde hace nueve meses, el periodista de Radio Noticias Cuenca, Segundo Cabrera, es objeto de amenazas por su cobertura de temas relacionados con la corrupción](#), 3 September 2024.

¹¹⁶⁷ 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, 2013, para. 287.

¹¹⁶⁸ 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.

¹¹⁶⁹ IACHR, [Report No. 7/16](#), Case 12.213, Merits, Aristeu Guida da Silva and family (Brazil), April 13, 2016, para. 138.

¹¹⁷⁰ IACHR, Country Hearing, ["Ecuador: Situation of journalists and defenders of freedom of expression, 191st Period of Sessions"](#), Washington D.C., United States, November 12, 2024.

¹¹⁷¹ Fundamedios, [Juez demanda a periodista de Guaranda por supuesto daño a su honor y pretende mandarlo por segunda vez a prisión](#), February 16, 2024; Mesa de Articulación para la Protección de Periodistas, [La MAPP rechaza la condena contra periodista de Guaranda y alerta que su vida corre peligro](#), August 2, 2024.

¹¹⁷² Fundamedios, [Una sentencia marca un precedente de censura y acoso judicial en contra del periodismo ecuatoriano](#), July 31, 2024; Fundamedios, [La MAPP rechaza la condena contra periodista de Guaranda y alerta que su vida corre peligro](#), July 29, 2024.

¹¹⁷³ Fundamedios, [JULIO: Judicial proceedings against journalists are a censorship mechanism](#), August 2, 2024.

of the judicial process, the journalist received a death threat through a pamphlet, allegedly sent by a criminal gang that already knew about the sentence before it was publicly announced.

533. In addition, RELE learned about the case of Carlos Barcia, journalist and news anchor at *Radio Manta Televisión*, who has been sued by the general manager of the company Terminal Portuario de Manta TPM S.A. for an alleged fourth-class violation, accusing him of discredit and dishonor¹¹⁷⁴. According to public reports, the lawsuit arose as a result of a public denunciation made by the journalist regarding the management contract of the Port of Manta with the company Angusa. As far as this Office was able to learn, in December 2024, Barcia was declared innocent.¹¹⁷⁵

534. Likewise, it was learned that a criminal court unanimously rejected the protection action filed by Wilman Terán, former president of the Judiciary Council, against the media Teleamazonas and Ecuavisa, due to statements made by the attorney general in such media¹¹⁷⁶. According to public reports, on September 13, 2024, the Court of Guarantees rejected the protection action against Ecuavisa, determining that the media did not violate any of the rights of Terán, who is currently in preventive detention and faces judicial proceedings in the *Metástasis* and *Obstruction of Justice* cases.¹¹⁷⁷

535. This Office has pointed out that violence against journalists can be generated through the use of criminal law to punish, repress, inhibit those expressions critical of the actions of state authorities or on issues of public interest¹¹⁷⁸. In the most recent jurisprudence, the Inter-American Court specified that, in the case of speeches protected by their 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"¹¹⁷⁹. Public officials and those who aspire to be public officials are subject to greater scrutiny and criticism due to the public interest of their activities, therefore, they must demonstrate greater tolerance and openness to statements and assessments made by individuals in the exercise of democratic control, and refrain with greater rigor from establishing limitations to these forms of expression.

536. On the other hand, the Rapporteurship registered additional reports related to the massive leak of alleged conversations between more than 150 Ecuadorian journalists and former presidential candidate Fernando Villavicencio, who was murdered on August 9, 2023. According to reports received by this Office, a lynching would be sought against journalists who, as sources, were talking to the former presidential candidate. In this context, the Rapporteurship takes note of the alerts issued by civil society organizations in the country regarding this issue.¹¹⁸⁰

537. In turn, this Office received reports of attacks in the digital sphere against journalists. Thus, for example, there were reports of alleged attacks against journalist Yalililé Loaiza, who became the target of

¹¹⁷⁴ Fundamedios, [Journalist is sued by official in Manta](#), Sept. 13, 2024; Marea Cerca de ti, [TPM sues Carlos Barcia, journalist from Manabí](#), Sept. 19, 2024; Voces del Sur, [Journalist is sued by official in Manta](#), Sept. 13, 2024.

¹¹⁷⁵ Fundamedios, [Journalist denounced by official in Manta ratified as innocent](#), December 16, 2024.

¹¹⁷⁶ Ecuavisa, [Un tribunal penal rechazó, por unanimidad, la acción de protección presentada por Wilman Terán en contra de Ecuavisa](#), 13 September 2024; Consejo de Comunicación, [El Consejo de Comunicación celebra la decisión del Tribunal de Garantías](#), 13 September 2024; Fundamedios, [Wilman Terán presenta una acción de protección en contra de Ecuavisa y Teleamazonas](#), 30 August 2024.

¹¹⁷⁷ Ecuavisa, [Un tribunal penal rechazó, por unanimidad, la acción de protección presentada por Wilman Terán en contra de Ecuavisa](#), September 13, 2024; Consejo de Comunicación, [El Consejo de Comunicación celebra la decisión del Tribunal de Garantías](#), September 13, 2024.

¹¹⁷⁸ 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. 28.

¹¹⁷⁹ 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.

¹¹⁸⁰ Fundamedios, [La MAPP alerta sobre filtración ilegal de chats que pone en riesgo a decenas de periodistas](#), 10 November 2024; El Universo, [Filtración de supuestos chats de Villavicencio: 'si se rompe la cadena de custodia contenido de celular pierde valor probatorio'](#), 12 November 2024; IACHR, Audiencia país, ["Ecuador: Situación de personas periodistas y defensoras de la libertad de expresión. 191º Período Ordinario de Sesiones"](#), Washington D.C., United States, 12 November 2024.

coordinated campaigns from digital portals¹¹⁸¹. The attacks arose after Loaiza replied to two critical investigations on the current administration. Likewise, this Office received reports of online attacks against journalist John Lafebre¹¹⁸², director of the news website *Lo Del Momento Loja*. According to public information, the journalist was the victim of cyber-attacks aimed at getting him to remove investigations related to alleged corruption from the network. In the same line, the Rapporteurship learned about aggressions against Álvaro Espinosa¹¹⁸³, journalist of the digital news portal *La Defensa*, through social networks. According to the records, the messages intended to link the journalist with a political leader of the country, with the aim of disqualifying his work.

538. There are also other types of aggressions against the press, such as the case of journalist Mayra Cora, of the online media *Nortvisión*, who was accused by a priest of having caused the stoppage of a construction site¹¹⁸⁴. The accusation arose after Cora, in a newspaper article, denounced that the workers in charge of the construction of a cemetery were not being paid.

539. This Office also received reports on possible restrictive measures aimed at controlling the circulation of critical information, such as the closure of programs, the revocation of visas and alleged obstructions to journalistic work. In this regard, the Rapporteurship learned about the cancellation of the program "Los irreverentes", which was broadcast by RTU¹¹⁸⁵. According to public reports, the cancellation was in response to alleged governmental pressures derived from the criticisms expressed in said program. In addition, civil society organizations stated that the alleged pressures could be linked to the withdrawal of advertising, the suspension of payments and information requirements by ARCOTEL, the regulatory entity of radio and television frequencies¹¹⁸⁶. However, according to public information, internal sources of the network have denied the existence of such pressures, assuring that the governmental advertising is minimal and that the information requirements by ARCOTEL are made routinely every year. They also stated that the cancellation of the program was exclusively due to commercial considerations.

540. On the other hand, on June 24, 2024, the Rapporteurship was notified of the revocation of the visa of Cuban-born journalist Alondra Santiago, who has resided in Ecuador for 20 years¹¹⁸⁷. Resolution No. 000057 of the Ministry of Foreign Affairs and Human Mobility states that the revocation is based on a report classified as "secret", from the Vice Ministry of the Interior, which states that the journalist Alondra Santiago would have incurred in acts that "threaten public safety and the structure of the State"¹¹⁸⁸. Subsequently, the Special Rapporteurship learned that the Ministry of the Interior, through an official communiqué, indicated having received days before an "alert" issued by the Center for Strategic Intelligence (CIES), contained in a document also classified as "secret". According to publicly available information, the journalist filed a protective action with a request for precautionary measures against the Ministry of Foreign Affairs, in response to the revocation of her visa. The corresponding hearing was reinstated in a reserved manner on Monday, July

¹¹⁸¹ Voces del Sur, [Periodista y Presidenta de Fundamedios es atacada de manera sistemática en redes sociales](#), September 24, 2024; Consejo de Comunicación, [Los actos de acoso digital contra periodistas vulneran los derechos fundamentales de la libertad de expresión](#), September 24, 2024

¹¹⁸² IFEX, [Aumenta la violencia contra los periodistas en Ecuador: el gobierno debe garantizar urgentemente su protección](#), September 3, 2024; Fundamedios, [Portal noticioso recibe ataques sistemáticos en sus cuentas de redes sociales](#), August 7, 2024.

¹¹⁸³ Voces del Sur, [Digital trolls attack journalist and try to link him to Jan Topic](#), November 13, 2024; Fundamedios, [Digital trolls attack journalist and try to link him to Jan Topic](#), November 13, 2024.

¹¹⁸⁴ Reporters Without Borders (RSF), [Aumenta la violencia contra los periodistas en Ecuador: el gobierno debe garantizar urgentemente su protección](#), August 26, 2024; Ifex, [Aumenta la violencia contra los periodistas en Ecuador: el gobierno debe garantizar urgentemente su protección](#), September 3, 2024.

¹¹⁸⁵ Fundamedios, [Programa periodístico sale del aire y denuncian presiones gubernamentales sobre el medio](#), June 12, 2024; GK, [La cancelación de Los Irreverentes, explicada](#), June 20, 2024.

¹¹⁸⁶ GK, [La cancelación de Los Irreverentes, explicada](#), 20 June 2024; Fundamedios, [Programa periodístico sale del aire y denuncian presiones gubernamentales sobre el medio](#), 12 June 2024.

¹¹⁸⁷ El País, [Ecuador le revoca la visa a una 'podcaster' cubana que publicó un vídeo en el que criticaba al Gobierno](#), June 26, 2024; CNN, [La periodista cubana Alondra Santiago abandona Ecuador tras revocatoria de su visa permanente](#), June 28, 2024.

¹¹⁸⁸ DW, [Government of Ecuador revokes Alondra Santiago's visa](#), June 26, 2024; CNN, [Cancillería de Ecuador revoca la visa de Alondra Santiago, periodista cubana que residía de forma permanente en el país](#), June 25, 2024.

15; however, the judge in charge of the case rejected the request filed by the journalist¹¹⁸⁹. Also, it was known that the government would have granted a term of five days for the journalist to leave the country. However, Santiago left Ecuador on June 28, alleging that her life was in serious danger.

541. Journalist Alondra Santiago is part of the team of the program "Ingobernables". According to public reports, the revocation of her visa was carried out after the broadcasting of a video in which Santiago used the national anthem of Ecuador to criticize the President of the Republic¹¹⁹⁰. Civil society organizations have described this revocation as a violation of freedom of expression.

542. The Office also received reports on the exclusion of journalists from press conferences, which violates freedom of the press in the country. According to public information, Paúl Romero, *Ecuavisa* reporter, and Édison Paucar, from *Radio Pichincha*¹¹⁹¹, were not allowed to ask questions during a conference held at the General Command of the National Police.

543. This Office recalls that Article 13(3) of the American Convention provides that "[t]he right of expression may not be restricted by indirect ways or means, such as the abuse of official or private controls of newsprint, radio frequencies, or equipment and apparatus used in the dissemination of information, or by any other means designed to impede the communication and circulation of ideas and opinions. In the same sense, Principle 13 of the Declaration of Principles on Freedom of Expression of the IACHR states that "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. Likewise, in accordance with inter-American jurisprudence, "in the debate on matters of public interest, the American Convention protects both the broadcasting of expressions inoffensive and well received by the public opinion, as well as "those that shock, irritate or disturb public officials or any sector of the population"¹¹⁹².

544. The Office received reports on the alleged acquisition of *Pegasus software* in the country. According to the reports and complaints, a possible political use would have been given to this technology¹¹⁹³. In December 2024, the plenary of the National Assembly of Ecuador approved a commission to investigate whether the Government acquired the Israeli *software Pegasus* in order to spy on political opponents, journalists and activists in the country. In addition, the Assembly would have approved to request from the Israeli ambassador in Ecuador, "any information that may contribute to the clarification of the alleged use of the *Pegasus software* in Ecuadorian territory"¹¹⁹⁴.

545. Considering the repercussions of the use of surveillance technologies such as *Pegasus* in other countries in the region, RELE reiterates that, in accordance with the 2013 Joint Declaration of the Special Rapporteurs, communications surveillance and interference with privacy that exceed the stipulations of the law, that are directed at purposes other than those authorized by law or that are carried out clandestinely must

¹¹⁸⁹ Diario Correo, [Juez negó acción de protección presentada por Alondra Santiago por la revocación de su visa](#), 15 July 2024; Ifex, [Siguen dilatando la acción de protección presentada por Alondra Santiago, piden que sea reservada](#), 16 July 2024; Primicias, [Alondra Santiago presentará medidas cautelares: Gobierno difunde inusual cadena con el Himno](#), 25 June 2024.

¹¹⁹⁰ Fundamedios, [Denuncian a Alondra Santiago por 'calumnia' tras hacer una parodia del Himno Nacional](#), 6 June 2024; Extra.ec, [Alondra Santiago cambió la letra del Himno Nacional y desató polémica en redes](#), 5 June 2024.

¹¹⁹¹ Fundamedios, [Periodistas denuncian que fueron excluidos en rueda de prensa sobre seguridad](#), September 4, 2024; La Hora, [SIP: En Ecuador hay una creciente ola de agresiones violentas y sistemáticas contra periodistas](#), October 20, 2024.

¹¹⁹² I/A Court H.R., *Case of Eduardo Kimel v. Argentina*. Merits, Reparations and Costs, Judgment of May 2, 2008, Series C No. 177, paras. 87 and 88.

¹¹⁹³ HDP Noticias, [Candidato ecuatoriano denuncia presunta compra de software espía Pegasus](#), November 30, 2024; Red de Periodistas Libres, [Preocupación ante el presunto uso ilícito del software Pegasus en Ecuador](#), December 5, 2024; Prensa Latina, [Revelan presunta compra de software espía por el Gobierno de Ecuador](#), November 28, 2024; La Hora, [El Gobierno nos espía? Learn what is Pegasus, the software that is only sold to States](#), December 8, 2024.

¹¹⁹⁴ Swissinfo.ch, [Ecuador's Parliament will investigate if the Government bought Pegasus to spy on opponents](#), December 17, 2024; El Comercio, [Supuesto programa de espionaje está en la mira de la Asamblea](#), December 17, 2024; Infobae, [Parlamento de Ecuador investigará si el Gobierno compró Pegasus para espíar a opositores](#), December 17, 2024; Expreso, [¿Qué pasa con Pegasus en Ecuador](#), December 17, 2024

be drastically sanctioned. This illegitimate interference includes politically motivated interference against journalists and independent media.¹¹⁹⁵

546. Likewise, this Office recalls that, by virtue of the close relationship between freedom of expression and privacy, States must avoid the implementation of 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 seek and receive information, without being forced to identify himself or to reveal his beliefs and convictions or the sources he consults¹¹⁹⁶. 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 society.¹¹⁹⁷

547. The Rapporteurship also recorded the declassification of files related to the investigations into the murder of journalists Javier Ortega, Paúl Rivas and Efraín Segarra of *El Comercio* in 2018. However, it also received allegations from family members and civil society organizations, who pointed out that the files were incompletely handed over by the authorities.¹¹⁹⁸

548. It also recorded reports on the visit of the *Inter American Press Association* (IAPA) to the country and the signing of the Chapultepec and Salta declarations by the President of the Republic, who, according to the monitoring carried out, assumed commitments for the protection of the press and the safety of journalists in Ecuador.¹¹⁹⁹

549. Finally, regarding the protection and safety of journalists, the Office of the Special Rapporteur continued its dialogue with Ecuadorian authorities to strengthen protection measures for journalists at risk, in the framework of a technical assistance process offered by the Office of the Special Rapporteur to the State of Ecuador. RELE welcomes the openness of the State to address the challenges related to safety in the exercise of journalism in the country. However, it also warns of the uncertainties that persist regarding the funding and operation of the mechanism¹²⁰⁰, and urges the authorities to take the necessary budgetary, political and technical measures to ensure its proper functioning.

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

550. The year 2024 was marked by a significant increase in the homicide rate, the worsening of prison violence and the resurgence of political violence linked to drug trafficking in Ecuador, which was described by the IACHR as an attack on democracy and the rule of law¹²⁰¹. In this context, the Office of the Special Rapporteur recorded the declaration of states of emergency and the extensions decreed by the government, which generated concern among civil society organizations due to the possible impact on the exercise and guarantee of fundamental rights, such as freedom of association and peaceful assembly.¹²⁰²

¹¹⁹⁵ UN, RELE, [Joint statement on surveillance programs and their impact on freedom of expression](#), June 21, 2024.

¹¹⁹⁶ 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.

¹¹⁹⁷ 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.

¹¹⁹⁸ El Comercio, [Relatives of Nos Faltan 3 receive declassified documents](#), May 9, 2024; Nos Faltan 3, [Rechazamos la entrega de actas mutiladas del Cosepe a los familiares de Javier, Paúl y Efraín](#), May 17, 2024.

¹¹⁹⁹ IAPA, [Ecuadorian President Daniel Noboa signed the Chapultepec and Salta Declarations](#), March 20, 2024; Infobae, [Daniel Noboa signed the Chapultepec Declaration and the Salta Declaration to protect freedom of expression](#), March 20, 2024.

¹²⁰⁰ IACHR, Country Hearing, ["Ecuador: Situation of journalists and defenders of freedom of expression, 191st Period of Sessions."](#) Washington D.C., United States, November 12, 2024.

¹²⁰¹ IACHR, RELE, Press Release No. 17/24, [Ecuador: CIDH y RELE condenan graves hechos de violencia cometidos por el crimen organizado](#), January 17, 2024.

¹²⁰² Infobae, [Daniel Noboa declared a state of emergency following the escape of the leader of Ecuador's largest criminal group](#), January 8, 2024; Primicias, [Gobierno amplía estado de excepción en seis provincias de Ecuador y en los cantones de Quito y Camilo Ponce](#), December 3, 2024.

551. In 2024, the Office monitored social demonstrations related to power outages during the energy crisis that the country experienced in 2024. According to public reports, these mobilizations reflected citizen discontent with the prolonged power outages and their impact on various sectors, becoming a key observation point to assess social tensions and institutional responses .¹²⁰³

552. The Office of the Special Rapporteur has emphasized that, even in emergency contexts, States are obliged to fully respect and guarantee these rights and that exceptions must be strictly necessary, proportional and limited in time, as indicated in the report *Protest and Human Rights*, stating that "states of emergency should be reserved exclusively for truly exceptional cases, situations of extreme gravity, which endanger the life of the Nation. For other situations, ordinary administrative measures should be adopted"¹²⁰⁴

553. The Rapporteurship also recorded that, during a protest held in June in front of the Israeli Embassy in Quito, in rejection of the conflict in the Middle East, the journalistic team of *Radio Pichincha* was allegedly assaulted by the National Police. According to the media, one of its cameramen was hit by pepper spray in the eyes .¹²⁰⁵

554. On the other hand, RELE received with concern reports about the murder of César Suárez, a prosecutor specialized in the investigation of corruption and organized crime cases, which occurred on January 18, 2024 in the city of Guayaquil. According to public reports, Suarez was attacked with a firearm while in his vehicle¹²⁰⁶ . Among the cases he was investigating was the attack against *TC Televisión* .¹²⁰⁷

555. Regarding regulatory developments, the Rapporteurship received reports on the draft "Organic Law on Civil Society Organizations", presented by the General Secretariat of Public Integrity. Civil society organizations have expressed their concern and rejection of the bill, which, as of October 2024, is in its second debate in the National Assembly. According to these organizations, the proposal constitutes a significant threat to the freedom of association, participation and legal security of civil society organizations .¹²⁰⁸

556. In addition, RELE received information on the publication, on July 8, 2024, in the Official Gazette of Ministerial Agreement No. PR-SGIP-2024-0002-A, which establishes the Integrity Strategy for Civil Society Organizations (CSOs)/NGOs, within the framework of Executive Decree No. 193 of October 23, 2017. In this regard, civil society has expressed concern about the lack of spaces for participation in the development of this public policy, which could jeopardize the independence and autonomy of organizations¹²⁰⁹ . In turn, the organizations point out that non-compliance with the provisions of the strategy could result in the loss of legal status and dissolution of the organizations, as well as possible civil and criminal actions.

¹²⁰³ Voice of America, [New day of anti-government protests in less than a week](#), November 22, 2024; Infobae, [Protests in Quito as new power cuts of up to eight hours announced](#), October 31, 2024.

¹²⁰⁴ 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. 322.

¹²⁰⁵ BN, [El equipo periodístico de Radio Pichincha fue agredido por miembros de la Policía Nacional](#), June 14, 2024; Radio Pichincha, [Manifestamos nuestra protesta pública y demandamos al Gobierno las condiciones que garantiza la Constitución para ejercer con seguridad nuestra labor](#), June 14, 2024; Prensa Latina, [Medio de Ecuador rechaza agresión durante manifestación pro Palestina](#), June 14, 2024.

¹²⁰⁶ CNN, [Ecuador's slain prosecutor, Cesar Suarez, did not have "permanent" police security, says commander](#), Jan. 18, 2024; DW, [Two people arrested in Ecuador for prosecutor's murder](#), Jan. 18, 2024.

¹²⁰⁷ BBC, [Prosecutor investigating major corruption cases and armed assault on TV station killed in Ecuador](#), Jan. 17, 2024; El País, [Top prosecutor investigating organized crime and TV station takeover assassinated in Ecuador](#), Jan. 17, 2024.

¹²⁰⁸ GK, [La ley para regular ONGs en Ecuador, explicada](#), October 8, 2024; Fundación Regional de Asesoría en Derechos Humanos (INREDH), [Las organizaciones firmantes pedimos el archivo definitivo del proyecto de Ley Orgánica de OSC que está en la Asamblea Nacional](#), October 8, 2024.

¹²⁰⁹ Information sent by Fundamedios, July 5, 2024, Archivo de la Relatoría Especial para la Libertad de Expresión.

557. During a public hearing at the 191st Regular Session of the IACHR, civil society organizations stressed that any state policy or regulation on the matter, aimed at preventing money laundering risks, should be targeted.¹²¹⁰

558. The Office of the Special Rapporteur recalls that freedom of association implies the right of organizations to establish their internal structure, activities and program of action without intervention by the authorities that restricts or hinders the exercise of this right. Any restriction on the exercise of the right of association must be clearly established by law, in advance and in an express, precise and exhaustive manner. Furthermore, it must pursue a legitimate aim and be necessary and proportional in a democratic society. In this regard, the IACHR has indicated that States must "refrain from promoting laws and policies that use vague, imprecise and broad definitions of legitimate grounds to restrict the possibilities for the formation and operation of human rights organizations"¹²¹¹.

559. Finally, this Rapporteurship has closely followed the case of Ola Bini, a *software developer* arrested in April 2019 on charges of non-consensual access to a computer system. Although in January 2023 the Criminal Guarantees Court of Pichincha unanimously found him not guilty, the Prosecutor's Office appealed the ruling. Civil society organizations have denounced these measures and the obstacles to comply with them as a violation of their fundamental rights. However, on April 5, 2024, an appeals court overturned the not guilty verdict and found the Swedish programmer guilty of the crime of attempted non-consensual access, sentencing him to one year in prison and a fine equivalent to four unified basic salaries¹²¹². Bini's defense called the decision "unprecedented" and "unacceptable," arguing that it was a gross injustice and a violation of due process.

C. Freedom of expression and the Internet

560. At the end of July 2024, the company *Worldcoin* carried out the scanning of the iris¹²¹³ of citizens in Guayaquil and Quito, offering an exchange of 30 dollars in cryptocurrencies. This project, which seeks to create a unique digital identity based on biometric data, has been pointed out by digital rights experts as a potential threat to privacy and personal data protection.

561. The Office has received reports and has monitored public information that the Telecommunications Regulation and Control Agency (Arcotel)¹²¹⁴ made the decision to extinguish the enabling title of Cable Andino SA Corpandino, which is responsible for operating the main submarine cable that guarantees internet connection in the country. According to civil society organizations, this measure impacts the stability of telecommunication services and could jeopardize internet access in several regions of the country.

562. This poses challenges for the exercise of human rights on the Internet in Ecuador. The lack of transparency in regulatory decisions and the use of invasive technologies without clear guarantees threaten not only privacy, but also the right of citizens to free and equal access to information and connectivity.

¹²¹⁰ IACHR, Country Hearing, "[Ecuador: Situation of journalists and defenders of freedom of expression, 191st Period of Sessions.](#)" Washington D.C., United States, November 12, 2024.

¹²¹¹ IACHR, [Second Report on the Situation of Human Rights Defenders in the Americas](#), OEA/Ser.L/V/II., Doc.66, December 31, 2011, para. 165.

¹²¹² CNN, [Julian Assange's friend Ola Bini's innocence conviction overturned and he is found guilty of illegal access to computer system](#), April 5, 2024; Scoops, [Ola Bini is found guilty and will serve a year in prison](#), April 5, 2024; Digital Rights, [Ola Bini and the criminalization of knowledge](#), April 26, 2024.

¹²¹³ El Universo, [More than 55,000 people in Ecuador had their irises scanned in Worldcoin, which now changes its name](#), October 21; iProUP, [Worldcoin is closed in Ecuador and lands in a new regional country: how does the project continue.](#) November 28, 2024

¹²¹⁴ Digital Users, [Arcotel unilaterally terminates Cable Andino S.A.'s license](#), November 19, 2024; Agencia de Regulación y Control de las Telecomunicaciones (ARCOTEL), [ARCOTEL informs about the termination of Cable Andino S.A.'s license due to irregularities detected in its award](#), November 19, 2024.

563. Likewise, the Special Rapporteurship learned of reports from the digital media *Los Outsiders EC*¹²¹⁵, which warn that the *YouTube* platform removed from its profile a program in which they read a press release from the company *Karpowership*. According to publicly available information, the platform, in the notification, pointed out that they were sharing personal data; however, the portal makes it clear that it was a press release issued by the aforementioned organization.

564. Finally, according to the monitoring carried out by RELE, the Integrated Security Service ECU 911¹²¹⁶ established, through a resolution issued on August 12, 2024, that public institutions and private organizations working together with this entity may only deliver recordings of crimes to the Judicial Function. The measure regulates the interoperability of public, local and private systems and technological platforms connected to ECU 911 for the management of emergencies, in order to ensure proper and controlled management of sensitive information captured.

¹²¹⁵ Digital Users, [Digital media @LosOutsidersEC reports that a video was taken down from the @YouTube platform for notification of submitting personal information](#), Dec. 12, 2024; Joham, [@_Joham_], (Dec. 11, 2024), Les cuento que han retirado este programa porque según según hemos roto una regla de comunidad, X, https://x.com/_Joham_/status/1866932988409442629.

¹²¹⁶ Primicias, [ECU 911 podrá usar cámaras de vigilancia y drones de privados, siempre que las empresas lo autoricen](#), 20 de agosto; El Comercio, [Videovigilancia en Ecuador: ¿protección o invasión de privacidad?](#), 21 de agosto de 2024.

EL SALVADOR

565. As in previous years, in 2024, the Office of the Special Rapporteur continued to observe a hostile environment for the practice of journalism in El Salvador. In the context of the emergency regime, attacks and harassment of journalists have been documented, both physically and digitally, especially against women journalists. Likewise, there have been threats, intimidation, obstruction of the informative work by state officials and institutions, as well as private individuals, along with stigmatizing statements, raids and the activation of judicial proceedings against those who cover issues of public interest. In addition, the Rapporteurship is concerned that limitations to the right of access to public information have been accentuated in the current context of exception and records legislative initiatives on cybersecurity, information security and protection of personal data.

A. Journalism and democracy

566. In 2024, journalists and civil society organizations continued to denounce an increasingly hostile environment for the practice of journalism in El Salvador¹²¹⁷. The *Association of Journalists of El Salvador* (APES) documented approximately 14,840 aggressions against journalists during the first half of the year, equivalent to a monthly average of 81 aggressions.¹²¹⁸

567. In its report *Escucha Digital*, APES highlighted the increase of attacks against journalists, mainly through social networks, which seek to damage individual reputation and delegitimize journalistic work in general¹²¹⁹. In its March-April 2024 quarterly report, APES recorded around 50 aggressions against journalists, highlighting stigmatizing statements, restrictions on journalistic coverage and online harassment as the most common forms of aggression¹²²⁰. On the other hand, data from the APES Center for Monitoring Aggressions against Journalists, corresponding to the period June-August 2024, documented at least 86 aggressions against journalists in El Salvador¹²²¹. Online harassment was the most prevalent form of aggression, representing 29.1% of the total cases¹²²². In addition, incidents of gender-based violence were reported, including sexual harassment and stigmatizing statements directed at women journalists.¹²²³

568. In 2024, the Office of the Special Rapporteur also received reports on attacks on journalists and media outlets in the context of the electoral process in El Salvador. Between July 2023 and February 3, 2024, the Electoral Monitoring Center (CME) of APES documented around 64 violations of press freedom¹²²⁴. According to the CME, the main perpetrators of these aggressions would have been public officials, members of the Armed Forces, political parties and officials of other State institutions¹²²⁵. In addition, APES denounced that several journalists, both national and international, have faced difficulties and delays in the accreditation process before the Supreme Electoral Tribunal¹²²⁶. The organization also reported that between July 9, 2023 and March 6, 2024, approximately 322 aggressions against the press were documented¹²²⁷. Of these, 224 occurred during the February 4 presidential elections, while 98 were recorded during the municipal

¹²¹⁷ Article 19 MX-CA, [Quarterly analysis on the state of freedom of expression in Central America and the Caribbean: July - September 2024](#), November 12, 2024.

¹²¹⁸ Asociación de Periodistas de El Salvador (APES), [Informe de Escucha Digital desvela tendencias y datos cruciales para el gremio periodístico](#), September 2, 2024

¹²¹⁹ Article 19 MX-CA, [Quarterly analysis on the state of freedom of expression in Central America and the Caribbean: July - September 2024](#), November 12, 2024.

¹²²⁰ Article 19 MX-CA, [Análisis trimestral sobre el estado de la libertad de expresión en Centroamérica y el Caribe: julio - septiembre 2024](#), 12 November 2024; APES, [Primer informe trimestral: agresiones dirigidas a periodistas en El Salvador](#), 17 September 2024.

¹²²¹ APES, [Second quarterly report: attacks against journalists in El Salvador](#), November 14, 2024.

¹²²² APES, [Second quarterly report: attacks against journalists in El Salvador](#), November 14, 2024.

¹²²³ APES, [Second quarterly report: attacks against journalists in El Salvador](#), November 14, 2024.

¹²²⁴ APES, [APES presented a pre-electoral report on press violations](#), 2024.

¹²²⁵ APES, [APES presented a pre-electoral report on press violations](#), 2024.

¹²²⁶ APES, [APES presentó informe pre-electoral de vulneraciones a la prensa](#), 2024; APES, [Comunicado de Prensa: APES exige al TSE que deja a la prensa documentar anomalías en el escrutinio electoral](#), February 16, 2024.

¹²²⁷ APES, [Centro de monitoreo electoral](#), 2024; APES, [APES presentó informe pre-electoral de vulneraciones a la prensa](#), 2024.

elections¹²²⁸. According to available data, the department of La Libertad was the one with the highest number of incidents against the press, with 48 cases, followed by San Salvador with 14, and the departments of Chalatenango and Usulután, with 7 cases each.¹²²⁹

569. For its part, the Preliminary Report of the Electoral Observation Mission of the Organization of American States (OAS) in El Salvador highlighted that, on this occasion, social networks were consolidated as the main space for the development of the political campaign in the country¹²³⁰. In this context, the Mission expressed its concern for the data compiled by civil society organizations, which show an increase in political violence against women in social networks, especially directed at female candidates and journalists¹²³¹. OAS observers received 42 complaints related to various incidents, such as problems and delays in the results transmission system, denial of access to polling centers, proselytizing and electoral propaganda near the polling stations, restrictions on the exercise of journalism in the polling centers, and aggressions against journalists by partisan sympathizers, among others.¹²³²

570. In this regard, in the electoral context, the Office of the Special Rapporteur received reports of direct aggressions and acts of violence against journalists and media workers, as well as obstructions to the exercise of journalistic coverage¹²³³. In this regard, the CME received complaints from journalists who were unable to access the voting centers of the Instituto Nacional Damián Villacorta, the Complejo Educativo Concha Viuda de Escalón and the Polideportivo Don Bosco¹²³⁴. In addition, APES noted the absence of adequate protocols and minimum conditions that would allow the press to observe without obstacles the counting of votes at the polling stations¹²³⁵. APES also reported the physical tracking of journalists and workers of media outlets such as *Foco*, *El Diario de Hoy*, *Factum* and *La Brújula*, allegedly by persons linked to the official party Nuevas Ideas, which resulted in the expulsion of several journalists from the counting areas.¹²³⁶

571. On February 4, 2024, during the presidential elections, a journalist from *Elim TV* reportedly suffered burns while covering the polls at the Olympic Avenue polling station¹²³⁷. While documenting the arrival of Xavier Xablah, a journalist of the Nuevas Ideas party, she was allegedly pushed by party supporters, who also lit flares¹²³⁸. Civil society organizations expressed concern about the obstruction of media coverage, especially in this polling station, one of the largest in the country¹²³⁹. According to available information, up to

¹²²⁸ APES, [Centro de monitoreo electoral](#), 2024; APES, [APES presentó informe pre-electoral de vulneraciones a la prensa](#), 2024.

¹²²⁹ La Prensa Gráfica, [APES registered 319 affectations to the press in the electoral process](#), March 5, 2024.

¹²³⁰ The Electoral Observation Mission of the Organization of American States (OAS/EOM), [Preliminary Report of the OAS Electoral Observation Mission in El Salvador](#), February 6, 2024.

¹²³¹ The Electoral Observation Mission of the Organization of American States (OAS/EOM), [Preliminary Report of the OAS Electoral Observation Mission in El Salvador](#), February 6, 2024.

¹²³² The Electoral Observation Mission of the Organization of American States (OAS/EOM), [Preliminary Report of the OAS Electoral Observation Mission in El Salvador](#), February 6, 2024.

¹²³³ Revista Factum, [@RevistaFactum], (Feb. 4, 2024), In the vicinity of the voting center Complejo Deportivo Montes de San Bartolo, Nuevas Ideas placed advertising for Congresswoman Alexia Rivas, X, <https://x.com/RevistaFactum/status/1754206774041641293>; Diario El Mundo, [@ElMundoSV], (Feb. 4, 2024), Vigilantes of Nuevas Ideas prevented a journalist from Diario El Mundo, from documenting the voting process at the La Bonanza Voting Center in Ayutuxtepeque, San Salvador, X, <https://x.com/ElMundoSV/status/1754276323890020524>.

¹²³⁴ APES, [Restrictions on journalistic exercise at polling stations](#), Feb. 4, 2024; Focos, [@focostv], (Feb. 11, 2024), TSE members asked journalist @JQuintanillaR of @focostv to leave polling stations, after being followed by a member of Nuevas Ideas, X, <https://x.com/focostv/status/1756883093275770915?s=48&t=M27fTepVZYzXVEol2wV2DA>; Revista Elementos, [@RevElementos], (Apr. 4, 2024), The Association of Journalists of El Salvador filed with the @FGR_SV a complaint of surveillance and intimidation against a journalist, X, <https://x.com/RevElementos/status/1775905227150950560>.

¹²³⁵ APES, [Press release: APES demands TSE to let the press document anomalies in the electoral vote count](#), February 16, 2024

¹²³⁶ APES, [Press release: APES demands TSE to let the press document anomalies in the electoral vote count](#), February 16, 2024

¹²³⁷ APES, [@apeselsalvador], (Feb. 4, 2024), Electoral Monitoring Center denounces aggression against a @elimtv journalist by supporters of Nuevas Ideas, X, <https://x.com/apeselsalvador/status/1754237316741091532>.

¹²³⁸ APES, [@apeselsalvador], (Feb. 4, 2024), Electoral Monitoring Center denounces aggression against a @elimtv journalist by supporters of Nuevas Ideas, X, <https://x.com/apeselsalvador/status/1754237316741091532>.

¹²³⁹ Fundación para la Libertad de Prensa (FLIP), [@FLIP_org], (February 4, 2024), he international organizations defending freedom of expression, observers of the situation of the press in El Salvador, we call on the authorities to act as indicated by the Supreme Electoral Tribunal, X, https://x.com/FLIP_org/status/1754269556296585722; Article 19 MX-CA, [@article19mex], (Feb. 4, 2024), Las orgs internacionales defensoras de la libertad de expresión, observadoras de la situación de la prensa en El Salvador, X, <https://x.com/article19mex/status/1754273724553990296>.

midday, approximately 37 aggressions had been registered, 18 of them related to restrictions to the exercise of the press, mostly by agents of the Presidential General Staff and sympathizers of the New Ideas party.¹²⁴⁰

572. Likewise, according to public information, on February 5, 2024, the Feminist Assembly organized the rally "Cacerolazo por la democracia" in the Salvador del Mundo square, San Salvador, to denounce its opinion on the elections¹²⁴¹. The journalist and press freedom advocate, Sildania Murcia, who participated in the activity, was reportedly identified and exposed on social networks by the press secretary of the Presidency of the Republic¹²⁴². On February 6, the high-ranking official reportedly issued stigmatizing statements through his account on X (formerly *Twitter*), in which he stated that "[o]nce again, it has been demonstrated to the Salvadoran people that these people associated with APES are opposition activists, hiding behind the facade of uncomfortable, ethical and independent journalists", and accompanied the message with three photographs of journalist Murcia¹²⁴³. According to the information registered, as a result of this publication, users of social networks began to issue threatening and intimidating comments with content of gender violence and misogyny against the journalist.¹²⁴⁴

573. On February 17, 2024, Marvin Díaz, a *freelance* journalist, denounced having been assaulted by a delegate of the Electoral Surveillance Board (JVE) for the Nuevas Ideas party, and a watchman of the same party¹²⁴⁵. According to Díaz's account, he was covering the final scrutiny at the José Adolfo Pineda gymnasium, in room "C", when he observed a crowd around a counting table¹²⁴⁶. As he approached the public access area to record and document the events, the delegate of the board¹²⁴⁷ approached him and ordered him to move away and stop recording. Subsequently, the delegate reportedly violently snatched Díaz's cell phone, demanding that he delete the recorded material¹²⁴⁸. The delegate reportedly requested the intervention of agents of the National Civil Police (PNC), who also urged the journalist to delete the recorded content.¹²⁴⁹

574. In early March 2024, journalist Guillermo Martínez, of *Focos TV*, was reportedly assaulted while filming at the Walter Thilo Deininger polling station in Antiguo Cuscatlán, La Libertad¹²⁵⁰. According to his public complaint, the director of legislative operations of the Legislative Assembly approached him and began to record and photograph his face, accusing him of having photographed him¹²⁵¹. Other officials, including the president of Empresa Transmisora de El Salvador (ETESAL) and the director of the Electoral Oversight Board (JVE), reportedly joined in the aggression¹²⁵². The journalist reportedly tried to show them his material to prove that he had not taken pictures of them. In addition, photojournalist Víctor Peña, of *El Faro*, and journalist Carlos Hernández, of *Señal Capital*, who were documenting the incident, were also reportedly attacked by officials and members of the party.¹²⁵³

¹²⁴⁰ FLIP, [FLIP_org], (Feb. 4, 2024), he international organizations defending freedom of expression, observers of the press situation in El Salvador, we call on the authorities to act as indicated by the Supreme Electoral Tribunal, X, https://x.com/FLIP_org/status/1754269556296585722; Article 19 MX-CA, [article19mex], (Feb. 4, 2024), Las orgs internacionales defensoras de la libertad de expresión, observadoras de la situación de la prensa en El Salvador, X, <https://x.com/article19mex/status/1754273724553990296>.

¹²⁴¹ APES, [Digital harassment of press freedom advocate and APES journalist](#), February 7, 2024.

¹²⁴² APES, [Digital harassment of press freedom advocate and APES journalist](#), February 7, 2024.

¹²⁴³ APES, [Acoso digital a defensora de libertad de prensa y periodista de APES](#), February 7, 2024; Ernesto Sanabria, [NetoSanabria], (February 6, 2024), Una vez más al pueblo salvadoreño le queda demostrado que estas personas agremiadas en @apeselsalvador son activistas de la oposición, escondidos en la fachada de periodistas "incómodos, éticos e independientes", X, <https://x.com/NetoSanabria/status/1755039547635667287>.

¹²⁴⁴ APES, [Digital harassment of press freedom advocate and APES journalist](#), February 7, 2024.

¹²⁴⁵ APES, [Freelance journalist assaulted and threatened](#), February 17, 2024.

¹²⁴⁶ APES, [Freelance journalist assaulted and threatened](#), February 17, 2024.

¹²⁴⁷ APES, [Freelance journalist assaulted and threatened](#), February 17, 2024.

¹²⁴⁸ APES, [Freelance journalist assaulted and threatened](#), February 17, 2024.

¹²⁴⁹ APES, [Freelance journalist assaulted and threatened](#), February 17, 2024.

¹²⁵⁰ Inter American Press Association (IAPA), [El Salvador: Report to the Mid-Year Meeting 2024](#), April 17-19, 2024.

¹²⁵¹ APES, [Members of Nuevas Ideas and officials attack journalists](#), 2024

¹²⁵² APES, [Members of Nuevas Ideas and officials attack journalists](#), 2024

¹²⁵³ APES, [Miembros de Nuevas Ideas y funcionarios agreden a periodistas](#), 2024; IAPA, [El Salvador: Informe ante la Reunión de Medio Año 2024](#), April 17-19, 2024.

575. The above events were preceded by a pre-electoral context in which several aggressions against the press were reported. Thus, for example, in January 2024, the personnel in charge of distributing the packages of the Presidential Food Support Program (PPAA) allegedly assaulted the photojournalist Jessica Orellana, of the newspaper *El Diario de Hoy* (EDH)¹²⁵⁴. According to public information, Orellana was taking photographs of the food delivery when those responsible for the distribution told her that her work was "illegal", without specifying the alleged infraction¹²⁵⁵. They demanded that she delete the photos, and when she refused, they prevented her from leaving the place. The journalist told the APES Monitoring Center that she tried to leave to avoid further confrontation, but one of the employees reportedly warned her that if she published a photo with her face, she would be sued.¹²⁵⁶

576. Also, on January 5, 2024, a journalist from *La Prensa Gráfica* was reportedly subjected to surveillance and intimidation in Ahuachapán by people affiliated with the Nuevas Ideas party¹²⁵⁷. After taking a photograph of the façade of the mayor's office for her article, the journalist was reportedly photographed without her consent¹²⁵⁸. During the subsequent interview, photos were again taken without permission, which were disseminated on social networks accompanied by defamatory messages, according to public reports¹²⁵⁹. In view of these facts, APES announced the filing of a complaint before the Attorney General's Office (FGR) for violations to freedom of expression, arbitrary acts and gender violence, according to the Criminal Code and the Special Comprehensive Law for a Life Free of Violence for Women.¹²⁶⁰

577. Finally, on June 1, during the presidential inauguration, restrictions on press coverage were reported. Civil society organizations reported the deliberate denial of registration to several journalists, including the revocation of previously approved accreditations¹²⁶¹. The authorities justified these revocations by "capacity constraints and logistical changes". APES documented seven cases of journalists whose applications were denied, and on at least two occasions, succeeded in getting accreditations finally approved after an initial denial.¹²⁶²

578. In light of the above facts, the Office of the Special Rapporteur recalls that the exercise of freedom of expression in its two dimensions, individual and collective, is especially important during political campaigns and electoral processes¹²⁶³. It is a fundamental element during the election processes of the authorities that will govern a State, because, as the Inter-American Court has explained: (i) being an essential tool for the formation of public opinion of the voters, which strengthens the political contest between the different participants, it provides instruments of analysis of the proposals of each of them and thus allows greater transparency and oversight of future authorities and their management; and (ii) nourishes the formation of the collective will manifested in the vote¹²⁶⁴. The Inter-American Court has also stressed the importance of the role of the media during electoral processes. They play an essential role as vehicles for the exercise of the social dimension of freedom of expression, since they gather and transmit to the voters the

¹²⁵⁴ Revista La Brújula, [@labrujula_rev], (Jan. 29, 2024), Personnel in charge of delivering food packages from El Programa Presidencial de Apoyo Alimenticio (PPAA) assaulted photojournalist Jessica Orellana, according to information from EDH, X, https://x.com/labrujula_rev/status/1752130328200700175?s=48&t=M27fTepVZYzXVEol2wV2DA; ElSalvador.com, [Repartidores de paquetes del gobierno retienen y agreden a mujer fotoperiodista](#), Jan. 29, 2024

¹²⁵⁵ APES, [Public employees detain and threaten EDH photojournalist](#), January 30, 2024

¹²⁵⁶ APES, [Public employees detain and threaten EDH photojournalist](#), January 30, 2024

¹²⁵⁷ La Tribuna, [Asociación de Periodistas denuncia ante Fiscalía Salvadoreña la agresión a una periodista](#), April 4, 2024.

¹²⁵⁸ APES, [@apeselsalvador], (April 4, 2024), La APES denuncia ante la @FGR_SV por vigilancia e intimidación a una periodista en contexto electoral, X, <https://x.com/apeselsalvador/status/1775923375895941357?t=0dJaVfCSTDpVb01ca229mw&s=08>.

¹²⁵⁹ APES, [@apeselsalvador], (April 4, 2024), La APES denuncia ante la @FGR_SV por vigilancia e intimidación a una periodista en contexto electoral, X, <https://x.com/apeselsalvador/status/1775923375895941357?t=0dJaVfCSTDpVb01ca229mw&s=08>.

¹²⁶⁰ APES, [@apeselsalvador], (April 4, 2024), La APES denuncia ante la @FGR_SV por vigilancia e intimidación a una periodista en contexto electoral, X, <https://x.com/apeselsalvador/status/1775923375895941357?t=0dJaVfCSTDpVb01ca229mw&s=08>.

¹²⁶¹ APES, [@apeselsalvador], (May 30, 2024), La APES exhorta al Gobierno que garantice a periodistas la cobertura del 1ero de junio, X, <https://x.com/apeselsalvador/status/1796292630713614356>.

¹²⁶² APES, [@apeselsalvador], (May 30, 2024), La APES exhorta al Gobierno que garantice a periodistas la cobertura del 1ero de junio, X, <https://x.com/apeselsalvador/status/1796292630713614356>.

¹²⁶³ 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. 219.

¹²⁶⁴¹²⁶⁴ 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. 219.

positions of the candidates in the race, which contributes to the electorate having sufficient information and different criteria to make a decision .¹²⁶⁵

579. In the course of 2024, the Office of the Special Rapporteur received reports of attacks against the press in El Salvador, including detentions, harassment, obstruction of journalistic coverage, stigmatization, prosecution or threats of prosecution for allegedly silencing and stigmatizing purposes .¹²⁶⁶ These facts would have contributed to the aggravation of a climate of intimidation that affects the exercise of journalism in the country. The *Inter American Press Association* (IAPA) and the *Committee to Protect Journalists* (CPJ) warned, after a mission to El Salvador, about the "worsening of freedom of expression and press freedom" since March 2022¹²⁶⁷ . In particular, the organizations highlighted restrictions on access to information, harassment and stigmatization of journalists, and limitations to constitutional guarantees such as confidentiality of private correspondence. They also highlighted the forced exile of journalists, the use of *Pegasus* spyware against critical media and reporters, intimidation tactics such as financial audits and alleged manipulation of official advertising, and the alleged existence of a "digital army" to spread disinformation and harass government opponents¹²⁶⁸ . The situation of the Salvadoran press was also an issue addressed by civil society organizations dedicated to the defense and promotion of human rights and freedom of expression during the hearings of the 190th Regular Session of the IACHR .¹²⁶⁹

580. Among the facts reported to the Office of the Special Rapporteur, on May 31, 2024, a complaint was received about a search by PNC agents at the home of social communicator Luis Alberto Menjívar, located in the Los Pinares neighborhood, Chalatenango¹²⁷⁰ . According to the information available, the agents alleged that they were looking for weapons and illicit artifacts, although apparently they did not have a warrant¹²⁷¹ . In addition, the agents reportedly stationed themselves at the entrance of the colony to wait for Menjívar, who was captured after returning from a press conference. Menjívar's family was reportedly not formally notified of his arrest, although some close family members were able to visit him at the detention site .¹²⁷²

581. On October 30, 2024, an allegedly irregular police procedure took place at the home of the mother of Ricardo Vaquerano, editor of *Gato Encerrado* magazine, in Santa Ana. According to public reports, two days earlier, PNC agents had parked a patrol car in front of the house, alleging a false report of domestic violence¹²⁷³ . After questioning the editor's relatives, the police officers took photos of an identity document and interrogated the mother about her children. After leaving, they returned to the station hours later¹²⁷⁴ . *Gato*

¹²⁶⁵1265 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. 220.

¹²⁶⁶ Latam Journalist Review, [Periodistas temen recrudescimiento de hostilidad hacia la prensa con reelección de Bukele en El Salvador](#), February 9, 2024; La Prensa Gráfica, [Unión Europea reconoce un "clima de intimidación" en El Salvador hacia defensores y periodistas](#), June 6, 2024; La Prensa Gráfica, ["Si hay censura en El Salvador": Roberto Rock, presidente de la Sociedad Interamericana de Prensa](#), September 16, 2024; ElSalvador.com, [Libertades de expresión y agrupación las más vulneradas en el país, según registro de FESPAD](#), May 30, 2024; El Caribe, [Alertan libertad de expresión está en "grave situación" en El Salvador](#), July 23, 2024; Article 19 MX-CA, [Análisis trimestral sobre el estado de la libertad de expresión en Centroamérica y el Caribe: julio - septiembre 2024](#), November 12, 2024.

¹²⁶⁷ IAPA, [IAPA and CPJ warn of worsening press freedom in El Salvador](#), September 13, 2024.

¹²⁶⁸ IAPA, [IAPA and CPJ warn of worsening press freedom in El Salvador](#), September 13, 2024.

¹²⁶⁹ IACHR, Public Hearing, ["Regional: Affections to the right to freedom of expression by state censorship measures"](#), 190th Regular Session, July 8, 2024; IACHR, Public Hearing, ["Regional: Exile of journalists and impacts on freedom of expression"](#), 190th Regular Session, July 11, 2024; IACHR, Thematic Hearing, ["El Salvador: Democratic institutionalidad"](#), 191st Regular Session, Washington D.C., United States, November 12, 2024.

¹²⁷⁰ La Prensa Gráfica, [Denuncian captura arbitraria de comunicador en Chalatenango en marco del régimen de excepción](#), June 5, 2024; Diario El Mundo, [Denuncian captura arbitraria de comunicador social de Chalatenango](#), June 5, 2024; Movimiento de Víctimas del Régimen, [Captura arbitraria de líder y comunicador social. Luis Alberto Menjivar en Chalatenango](#), June 5, 2024.

¹²⁷¹ La Prensa Gráfica, ["They came to look for weapons and found nothing," says father of journalist captured in Chalatenango](#), June 6, 2024.

¹²⁷² La Prensa Gráfica, ["They came to look for weapons and found nothing," says father of journalist captured in Chalatenango](#), June 6, 2024.

¹²⁷³ Revista Gato Encerrado, [[@GatoEncerradoSV](#)], (Oct. 30, 2024), We publicly denounce an irregular police procedure at the home of the mother of one of our editors, X, <https://x.com/GatoEncerradoSV/status/1851825185701220514>; DW, [Denuncian "acoso policial" a la madre de Ricardo Vaquerano](#), Nov. 1, 2024; Infobae, [Gremio de prensa denuncia acoso por parte de policías a madre de periodista de El Salvador](#), Nov. 14, 2024.

¹²⁷⁴ Gato Encerrado Magazine, [[@GatoEncerradoSV](#)], (Oct. 30, 2024), We publicly denounce an irregular police procedure at the home of the mother of one of our editors, X, <https://x.com/GatoEncerradoSV/status/1851825185701220514>.

Encerrado expressed concern, as this incident occurred shortly after publishing an investigation into the actions of a hit squad within the PNC¹²⁷⁵. Similarly, on December 4, the Special Rapporteur received reports of a police raid on the home of Salvadoran journalist Mónica Rodríguez, during which technological devices containing personal and institutional information of *Bálsamo Radio TV*¹²⁷⁶ were seized.

582. At the end of 2024, this Office received reports of pressure exerted by the Attorney General's Office on a journalist to reveal confidential information about his sources. The situation arose after the publication of a journalistic investigation on an alleged human trafficking network. According to reports, the journalist refused to provide such information, to which the prosecutor responded that "they would continue to summon him, since they had to continue investigating the source that revealed the published information"¹²⁷⁷.

583. In addition, the Office of the Special Rapporteur learned that civil society organizations have expressed their concern and demanded accountability from the Government following the revelations of a journalistic investigation, which indicates that senior State officials have agreed to create a center for spying against journalists and political opponents, known as "project C815"¹²⁷⁸. APES also recalled that, together with these new allegations, there are cases of espionage against more than 30 journalists using the Pegasus *malware*¹²⁷⁹.

584. On the other hand, the Office of the Special Rapporteur received information on the activation of legal proceedings against journalists and media outlets in El Salvador, allegedly with the purpose of silencing publications of public interest. Thus, for example, it was learned that businessman Yakov Fauster initiated legal proceedings in June 2023 against the media *El Diario de Hoy* (EDH) and journalist Jorge Beltrán Luna, for alleged "moral damage"¹²⁸⁰. According to public information, the businessman had demanded a fine of 10 million dollars due to an article published on January 14, 2022, in which Beltrán reproduced fragments of an investigation by the Mexican magazine *Proceso* on cyber espionage companies, in which Fauster was mentioned as the alleged owner of one of them¹²⁸¹. As far as the Special Rapporteurship was able to learn, the First Civil and Mercantile Court of San Salvador issued a sentence in which it ordered *El Diario de Hoy* and its journalist to issue a public apology for the moral damage caused to the businessman¹²⁸². However, it rejected the request to impose a fine of US\$10 million, arguing that such a sanction could affect freedom of expression. Some actors,

¹²⁷⁵ Gato Encerrado Magazine, [@GatoEncerradoSV], (Oct. 30, 2024), We publicly denounce an irregular police procedure at the home of the mother of one of our editors, X, <https://x.com/GatoEncerradoSV/status/1851825185701220514>.

¹²⁷⁶ APES, [@apeselsalvador], (Dec. 4, 2024), APES has been informed of the presence of @PNCSV agents at the home of journalist Monica Rodriguez, X, <https://x.com/apeselsalvador/status/1864501308381630722?t=xxYvWRAM1yEWbZp6T11Q&s=08>; Regional Newsroom, [RRPresents], (Dec. 5, 2024), Regional Newsroom denounces police raid on home of Salvadoran journalist, X, <https://x.com/RRPresenta/status/1864541799429099984?t=1eVEo243wHmW-jaeU1wQUO&s=19>; Arpas Information Network, [@arpasv], (Dec. 4, 2024), We report that agents of the @PNCSV have entered the home of journalist Mónica Rodríguez, X, <https://x.com/arpasv/status/1864513868862730450?t=aaYidd3Pnx47bcV66jxnow&s=19>; Arpas Information Network, [arpasv], (Dec. 5, 2024), Journalist @MonikR84 talks about the search carried out Wednesday night, Dec. 5, by agents of the @PNCSV, X, <https://x.com/arpasv/status/1864559935566041346?t=q53l7ek5kPEPQS72lp-l3g&s=08>; Article 19 MX-CA, [Irregular search against journalist Mónica Rodríguez reveals use of security agents to intimidate press in El Salvador](https://www.article19.org/press-releases/irregular-search-against-journalist-monica-rodriguez-reveals-use-of-security-agents-to-intimidate-press-in-el-salvador/), Dec. 5, 2024.

¹²⁷⁷ APES, [@apeselsalvador], (Dec. 6, 2024), We call on the relevant authorities to respect the integrity and safety of journalists who have been affected, mainly due to the lack of guarantees and attacks against the press that the country is experiencing, X, <https://x.com/apeselsalvador/status/1865048381329944891>.

¹²⁷⁸ El Faro, [Presidencia ordenó una operación de espionaje contra periodistas y políticos](https://www.elfaro.net/es/2024/11/07/presidencia-orden-una-operacion-de-espionaje-contra-periodistas-y-politicos/), November 7, 2024; Asociación de Periodistas de El Salvador (APES), [La APES exige al Gobierno que rindere cuentas sobre revelación de plan para espia a periodistas](https://www.apes.org.ni/la-apes-exige-al-gobierno-que-rindere-cuentas-sobre-revelacion-de-plan-para-espia-a-periodistas/), September 20, 2024.

¹²⁷⁹ ElSalvador.com, [APES demands government to clarify alleged spying on journalists](https://www.elsalvador.com/es/apes-demanda-gobierno-clarificar-allegado-espionaje-sobre-periodistas/), September 20, 2024.

¹²⁸⁰ APES, [@apeselsalvador], (Feb. 20, 2024), La APES advierte sobre avance de demanda de \$10 millones de dólares, X, <https://x.com/apeselsalvador/status/1760085668640776355>; ElSalvador.com, [APES advierte sobre avance de millonaria demanda contra El Diario de Hoy](https://www.elsalvador.com/es/apes-advierte-sobre-avance-de-millonaria-demanda-contra-el-diario-de-hoy/), Feb. 20, 2024; Swissinfo.com, [La red Voces del Sur condena la millonaria demanda a diario y periodista de El Salvador](https://www.swissinfo.ch/es/2024-02-20/la-red-voces-del-sur-condena-la-millonaria-demanda-a-diario-y-periodista-de-el-salvador), December 8, 2024; Infobae, [Gremio de prensa alerta sobre el avance de una demanda contra un periódico de El Salvador](https://www.infobae.com/2024/02/20/gremio-de-prensa-alerta-sobre-el-avance-de-una-demanda-contra-un-periodico-de-el-salvador/), February 20, 2024;

¹²⁸¹ Swissinfo.com, [Voces del Sur network condemns million-dollar lawsuit against newspaper and journalist in El Salvador](https://www.swissinfo.ch/es/2024-12-08/voces-del-sur-network-condemns-million-dollar-lawsuit-against-newspaper-and-journalist-in-el-salvador), December 8, 2024

¹²⁸² La Prensa Grafica, [luzgado decreta disculpa pública por demanda contra El Diario de Hoy](https://www.laprensa.com.ni/2024/03/04/luzgado-decreta-disculpa-publica-por-demanda-contra-el-diario-de-hoy/), March 4, 2024; El Mundo, [Condenan a El Diario de Hoy a disculpa pública y negan a empresario el pago de \\$10 millones.](https://www.elmundo.com/2024/03/04/condenan-a-el-diario-de-hoy-a-disculpa-publica-y-negan-a-empresario-el-pago-de-10-millones/), March 4, 2024

including civil society organizations and the media were reportedly denied access to the courtroom due to limited space, according to official communications.¹²⁸³

585. Likewise, on May 3, 2024, the Salvadoran company Desarrollos Agua Caliente S.A. de C.V. requested the right of correction to Carolina Amaya, journalist and director of the environmental digital media *Mala Yerba*, in relation to her investigation "This is the impunity with which the Coatepeque Lake is being built"¹²⁸⁴. The journalist reportedly tried to obtain the company's version without success. After the publication, Amaya's father was reportedly detained under the emergency regime, which led her to leave the country¹²⁸⁵. According to public reports, the journalist was sued by the company Desarrollos Agua Caliente for not rectifying the publication. On July 3, 2024, Amaya was reportedly unable to attend a hearing scheduled in the Ninth Peace Court of San Salvador, as she was out of the country¹²⁸⁶. In this regard, APES publicly requested that his right to defense be respected¹²⁸⁷. On the other hand, according to the information available, the court ordered the case to be definitively archived due to the "failure of the petitioner to appear"¹²⁸⁸.

586. On May 24, 2024, the Office of the Special Rapporteur was informed of an official statement from the Ministry of Culture of El Salvador, accusing *Radio YSUCA 91.7 FM* of publishing a note "irresponsibly and without foundation"¹²⁸⁹. The Ministry demanded that the radio station publish an erratum and offer a public apology to the Vice-Minister of Culture, considering the news to be false. The communiqué warns that, if these demands are not met, both the Ministry and the official reserve the right to take legal action against the radio station and other media that broadcast the news¹²⁹⁰. According to the information received, *Radio YSUCA 91.7 FM* published on its web page a note denouncing the reasons why the Vice Minister of Culture had been transferred from the National Library of El Salvador (BINAES) to an office in the Ministry of Culture¹²⁹¹. The radio station quoted anonymous statements from public officials and bulletins from unionist groups, in addition to stating that they tried to arrange an interview with the Vice-Minister to verify the information, although they did not receive an answer¹²⁹². Radio YSUCA stated that it carried out a due diligence process, which included the review of documentary sources, interviews and verification of the information.¹²⁹³

587. Added to this are reports of stigmatizing statements by public officials directed at the press, media, activists, human rights defenders and other actors, with the alleged aim of disqualifying their work. In the electoral context, on January 30, the President, through his X account (formerly *Twitter*), accused some journalists of being part of a political campaign, stating that "[t]he pack of Soros' 'journalists' has been unleashed, just in the week before the elections. But they say they do journalism and not political campaigning for the opposition"¹²⁹⁴. On February 4, 2024, he reiterated on the same social network: "[a]ll those media,

¹²⁸³ ElSalvador.com, [@elsalvadorcom], (March 4, 2024), A ruling is scheduled for this morning in the case of the lawsuit filed by businessman Yakov Fauster against El Diario de Hoy and journalist Jorge Beltrán, X, <https://x.com/elsalvadorcom/status/1764708635303707078?t=3IUP-uQFiBSP9GYz6sdf-w&s=19>.

¹²⁸⁴ APES, [@apeselsalvador], (June 5, 2024), Private company threatens @malayerbacom press freedom, X, <https://x.com/apeselsalvador/status/1798377314130292788>.

¹²⁸⁵ Ijnet red internacional de periodistas, [El exilio de Carolina Amaya: la periodista ambiental que incomoda al gobierno de Bukele](https://www.ijnet.org/periodistas), November 3, 2024.

¹²⁸⁶ Voces, [Court files case against environmental journalist due to plaintiff's failure to appear](https://www.voces.org/), July 3, 2024.

¹²⁸⁷ APES, [@apeselsalvador], (July 3, 2024), APES denounces violation of journalist Carolina Amaya's right to defense, X, <https://x.com/apeselsalvador/status/1808504223539089914>.

¹²⁸⁸ La Prensa Gráfica, [Juzgado archiva caso judicial contra periodista ambiental](https://www.laprensa.com.ni/), July 3, 2024.

¹²⁸⁹ Ministry of Culture, [@culturasv], (May 24, 2024), We request @ysuca91siete and other media that have taken up the publication made by that media this day, to immediately correct the FALSE information, X, <https://x.com/culturasv/status/1794224961785405876?s=48&t=M27fTepVZYzXVEol2wV2DA>.

¹²⁹⁰ Ministry of Culture, [@culturasv], (May 24, 2024), We request @ysuca91siete and other media that have taken up the publication made by that media this day, to immediately correct the FALSE information, X, <https://x.com/culturasv/status/1794224961785405876?s=48&t=M27fTepVZYzXVEol2wV2DA>.

¹²⁹¹ Radio YSUCA91.7 FM/YouTube, [Retiran oficinas de viceministro de Cultura, en la BINAES, por escándalo sexual: trabajadores](https://www.youtube.com/watch?v=Retiran_oficinas_de_viceministro_de_Cultura_en_la_BINAES_por_escandalo_sexual_trabajadores), 24 May 2024.

¹²⁹² Radio YSUCA 91.7 FM, [@ysuca91siete], (May 27, 2024), X, <https://x.com/ysuca91siete/status/1795195024432411087?s=48&t=M27fTepVZYzXVEol2wV2DA>.

¹²⁹³ Radio YSUCA 91.7 FM, [@ysuca91siete], (May 27, 2024), X, <https://x.com/ysuca91siete/status/1795195024432411087?s=48&t=M27fTepVZYzXVEol2wV2DA>.

¹²⁹⁴ Nayib Bukele, [@nayibbukele], (Jan. 30, 2024), Soros' pack of "journalists" has been let loose, just in the week before the election, X, <https://x.com/nayibbukele/status/1752412556331823549?s=20>.

financed by *Open Society* (Soros), that are releasing those 'reports', coordinated to come out just in the week before the elections; they only prove that those supposed 'journalists', are nothing more than political activists"¹²⁹⁵. On February 4, during his speech after being declared the winner of the elections, the President also referred to a journalist from *El País*, who had asked him about the deterioration of democracy in El Salvador¹²⁹⁶. According to public reports, during the electoral period, the President would have issued statements to publicly call out the media, civil society organizations and international organizations that expressed their concern about the regime of exception or questioned his administration.¹²⁹⁷

588. It has also been reported to this Office that Ernesto Castro, President of the Legislative Assembly of El Salvador, has made accusations against the media outlet *Factum*, posting on his personal X account (formerly *Twitter*): "Journalism? No, opposition electoral advertising. They have no principles, only interests. And they don't have a grain of shame. That's Factum"¹²⁹⁸.

589. 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 debate. For this reason, States have the obligation to create the conditions for journalists to exercise their function freely, independently and safely.¹²⁹⁹

590. 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"¹³⁰⁰.

591. 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.¹³⁰¹ 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 law¹³⁰². Therefore, 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.¹³⁰³

592. 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

¹²⁹⁵1295 Nayib Bukele, [@nayibbukele], (February 1, 2024), All those media, financed by Open Society (Soros), that are putting out those "reports", coordinated to come out just in the week before the elections; only prove that those supposed "journalists", are nothing more than political activists, X, <https://x.com/nayibbukele/status/1753159979182297091?s=46>.

¹²⁹⁶ El País America, [@lpais_america], (Feb. 5, 2024), "¿Por qué va a venir un periodista español a decirnos lo que los salvadoreños tenemos que hacer?" Nayib Bukele, presidente de El Salvador, X, https://x.com/elpais_america/status/1754487030371787039; El País, [Video | Bukele attacks EL PAÍS in his victory speech](#), Feb. 5, 2024.

¹²⁹⁷ ElSalvador.com, [Nayib Bukele lashes out at journalists, NGOs and international organizations in triumphalist speech](#), 4 February 2024; [Los Angeles Times, Bukele lashes out at his critics ahead of his second presidential term](#), 6 February 2024; Infobae, [Reelected president Bukele 'combed' a renowned Colombian journalist during a press conference](#), 5 February 2024; El Colombiano, ["Your audience supports us": Bukele to Colombian journalist after questioning legality of electoral process in El Salvador](#), February 5, 2024.

¹²⁹⁸ Ernesto Castro, [@ECastroES], (Jan. 23, 2024), Journalism? No, Opposition ELECTORAL ADVERTISING, X, <https://x.com/ecastroes/status/1749828250967187653?s=46>.

¹²⁹⁹ 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.

¹³⁰⁰ IACHR, [Declaration of Principles on Freedom of Expression](#), 2000.

¹³⁰¹ 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, 2013, para. 287.

¹³⁰² 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.

¹³⁰³ IACHR, [Report No. 7/16](#), Case 12.213, Aristeu Guida da Silva and family regarding Brazil, April 13, 2016, para. 138.

through their discourse¹³⁰⁴. 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 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"¹³⁰⁵.

593. The Inter-American Court has also held that in a democratic society, it is not only legitimate, but sometimes a duty, for state authorities to express themselves on matters of public interest¹³⁰⁶. 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 population¹³⁰⁷. In this sense, the Inter-American Court has 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 profession.¹³⁰⁸

594. For its part, in its observations on the draft report "State of Emergency and Human Rights in El Salvador" of the IACHR, published on September 4, 2024, the State of El Salvador indicated to the IACHR and its Special Rapporteurship that during the state of emergency there is no documented case in which journalists or media workers have suffered arbitrary detentions, prosecution, accusations, threats or violence as a result of their informative work¹³⁰⁹. It also indicated that no criminal law figures have been applied to punish the publication or dissemination of ideas and information related to the state of emergency.¹³¹⁰

595. Finally, the Office of the Special Rapporteur learned about progress in the investigation into the murder of Dutch journalists Koos Koster, Jan Kuiper, Joop Willemse and Hans ter Laag, who were killed on March 17, 1982 in an ambush during the internal armed conflict in El Salvador (1980-1992)¹³¹¹. The main perpetrators identified in the case are José Guillermo García, former director of the now defunct Treasury Police; Francisco Antonio Morán, former director of the same institution; and Mario Adalberto Reyes Mena, former commander of the Fourth Infantry Brigade in El Paraíso, Chalatenango¹³¹². This advance was catalogued by various organizations as a "historic milestone" in the search for truth and justice in this case.¹³¹³

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

596. The Office of the Special Rapporteur received reports of attacks on civil society organizations, especially those that defend human rights, as well as individuals legitimately exercising their right to freedom

¹³⁰⁴ 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.

¹³⁰⁵ 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.

¹³⁰⁶ 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; Case of Perozo et al. v. Venezuela, Preliminary Objections, Merits, Reparations and Costs. Judgment of January 28, 2009, Series C No. 195, para. 151.

¹³⁰⁷ 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.

¹³⁰⁸ 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.

¹³⁰⁹ State of El Salvador, Observaciones del Estado de El Salvador al Informe de la CIDH "Estado 859 de Excepción y derechos humanos en El Salvador", Diplomatic Note MPOEA-OEA-054/2024, April 8, 2024, pp. 13-14.

¹³¹⁰ State of El Salvador, Observaciones del Estado de El Salvador al Informe de la CIDH "Estado 859 de Excepción y derechos humanos en El Salvador", Diplomatic Note MPOEA-OEA-054/2024, April 8, 2024, pp. 13-14.

¹³¹¹ EFE, [A juicio un exministro y 2 militares salvadoreños por asesinato de periodistas holandeses](#), 22 August 2024; DW, [El Salvador: militares a juicio por asesinato de periodistas](#), 23 August 2024.

¹³¹² El País, [Salvadoran military fled to the United States, accused of murdering four Dutch journalists during the civil war](#), October 10, 2024; ElPaís.cr, [Embargan bienes de exmilitares acusados de asesinato en El Salvador](#), December 1, 2024.

¹³¹³ EFE, [Former minister and 2 Salvadoran military on trial for murder of Dutch journalists](#), August 22, 2024.

of expression and association in El Salvador. According to a report by *Cristosal*, the emergency regime has generated a climate of fear and repression, which has led 88.3% of the organizations consulted to self-censor for fear of being detained as a result of their work.¹³¹⁴

597. Among the facts recorded by this Office, on June 26, 2024, *El Diario El Salvador*, a media outlet financed with public funds, published a note in which it quoted the head of the State of Law and Security of the organization *Cristosal*¹³¹⁵. According to this publication, *Cristosal* reportedly stated that the detainees under the exception regime should be released, since they had not had a hearing to determine their guilt¹³¹⁶. The organization *Cristosal* denied this version, clarifying that its mission is the defense of human rights and that it has no links or partisan agendas. The organization specified that its call for liberation is for innocent people, not for gang members¹³¹⁷. In addition to this, the organization *Cristosal* denounced "arbitrary and illegal procedures" by the PNC against its personnel, allegedly in retaliation for its work with victims of human rights violations in El Salvador.¹³¹⁸

598. In the electoral context, the Office of the Special Rapporteur received reports of the detention of writer Carlos Bucio Borja at the Concha Viuda de Escalón School after reading in public articles of the Constitution of the Republic that prohibit presidential reelection.¹³¹⁹

599. In 2024, this Office learned of reports from civil society organizations that warn of a progressive deterioration in the exercise and guarantee of the right of access to public information in El Salvador, especially since the beginning of the COVID-19 pandemic¹³²⁰. According to a report by Acción Ciudadana on active transparency, only 41% of the informal information, which by law should be accessible, is available¹³²¹. For its part, *Cristosal*'s "Report on the State of Transparency in El Salvador", published in 2023, reveals that 73.1% of the 1,463 requests for information made were not answered¹³²². Furthermore, in the Report "Ver, oír y callar: la nueva realidad del espacio cívico en El Salvador" published in October 2024, in which 80 organizations expressed concern about the restrictions on access to information in the last five years, noting that the lack of access and the inability of the Institute of Access to Public Information (IAIP) to adequately resolve requests "undermines the right of citizens to exercise social control over the government and state institutions"¹³²³. Likewise, an IUDOP survey indicated that six out of ten people are taking more precautions when sharing political opinions, and more than half fear intimidation for speaking out on national issues or government decisions.¹³²⁴

¹³¹⁴ ElSalvador.com, [Defense organizations say they "bite their tongues" to avoid persecution](#), November 6, 2024.

¹³¹⁵ Diario El Salvador, [Cristosal says that those captured in regime should be free](#), June 26, 2024.

¹³¹⁶ Diario El Salvador, [Cristosal says that those captured in regime should be free](#), June 26, 2024.

¹³¹⁷ *Cristosal* Centroamérica, [@Cristosal], (June 26, 2024), Diario @elsalvador (DES), a publicly funded media outlet, dedicated the front page to us, X, <https://x.com/cristosal/status/1806070828502753703?s=48&t=058FybLgNCirdwkhUkJOkw>.

¹³¹⁸ EFE, [A Salvadoran NGO denounces "illegal procedures" by the Police against its staff](#), Nov. 27, 2024; *Cristosal* Centroamérica, [@Cristosal], (Nov. 27, 2024), Denunciamos acoso y persecución sistemática por parte del Estado salvadoreño, incluyendo espionaje, ataques digitales y acoso administrativo, X, <https://x.com/Cristosal/status/1861827874237333845>.

¹³¹⁹ Radio YSUCA 91.7 FM, [@ysuca91siete], (Feb. 4, 2024), Salvadoran writer Carlos Bucio was detained by the PNC at the Concha Viuda de Escalón School Center, X, <https://x.com/ysuca91siete/status/1754251018399862918>; UCA Human Rights Institute (Idhuca), [@idhuca], (Feb. 5, 2024), We demand the release of the Salvadoran-Canadian writer, Carlos Bucio, who was detained on Feb. 4, during election day, after reading articles of the Constitution, X, https://x.com/idhuca/status/1754610269831979114?t=hShFgc-lJvqtr4kFk_hdRQ&s=08.

¹³²⁰ *Cristosal*, [Report on the State of Transparency: The Establishment of Opacity](#), January 2024; La Prensa Gráfica, ["El derecho de acceso a la información en El Salvador está severamente restringido."](#) October 18, 2024; El Faro, [@_elfaro_], (March 6, 2024), La unidad de Acceso a la Información Pública, a través de su oficina de información y respuestas del Tribunal Supremo Electoral de El Salvador, ha declarado como reservada, X, https://x.com/_elfaro_/status/1765504005898145932?s=46&t=MqOVYcsFpR9jsqswGpJsmw.

¹³²¹ La Voz Pública, [Lo que el presidente Bukele no contó en su discurso ante la ONU](#), September 25, 2024; Acción Ciudadana, [Transparencia Activa 2024](#), 2024; Acción Ciudadana, [Desempeño del IAIP2023](#), March 2024.

¹³²² El Faro, [@_elfaro_], (January 23, 2024), From 1463 requests for information made by three civil society organizations, a research center and ten media outlets between June 2019 and December 2023, X, https://x.com/_elfaro_/status/1749866368852209681?s=48&t=M27fTepVZYxXEol2wV2DA; *Cristosal*, ["Ver, oír y callar" la nueva realidad del espacio cívico en El Salvador](#), October 2024.

¹³²³ *Cristosal*, ["Ver, oír y callar" la nueva realidad del espacio cívico en El Salvador](#), October 2024.

¹³²⁴ Voz Pública, [Lo que el presidente Bukele no contó en su discurso ante la ONU](#), September 25, 2024.

600. For its part, the organization Accion Ciudadana warned about the growing closure of citizen access to the media and to government oversight and its expenditures¹³²⁵. According to public reports, citizens are increasingly turning less and less to the entity due to the systematic rejection of information requests and the production of unfavorable resolutions blocking access to public documents¹³²⁶. In addition, the government has reportedly made unilateral decisions to "reserve" or hide information on expenditures, for up to seven years, on issues related to so-called "strategic projects" and public purchases of any amount.¹³²⁷

601. In its observations on the draft report "State of Emergency and Human Rights in El Salvador," the State indicated that, within the framework of the state of emergency, there has been adequate and timely dissemination of the process of creating the law of the different emergency regime decrees and their respective extensions, which have been explained in a simple manner and in accessible audiovisual formats. In addition, it was specified that the population in general has been kept informed in a timely and continuous manner of the progress in the fight against criminality through the open signal for radio and television, as well as the digital platforms.¹³²⁸

602. In the same IACHR report, the State maintained that the Office of the Attorney General of the Republic has continuously and expeditiously provided information regarding statistical data and persons subject to criminal proceedings¹³²⁹. It also reported that the Information Office of Detained Persons of the Supreme Court of Justice receives the report of each of the arrests made, which is available to public and private institutions, and the general public¹³³⁰. Finally, he indicated that the Judicial Branch has tried to generate facilities for users requesting information related to the exception regime, ensuring respect for the rights of the persons detained by any authority¹³³¹. On the other hand, it explained that it has made efforts to attend to the relatives of detained persons who request information on the place of detention. In addition to the measures discussed in the previous chapter of this Report, the State indicated that the Office of the Attorney General of the Republic also has a system of virtual attention to users, where orientations are made and information is provided on institutional services and persons detained in the context of the emergency regime. Through this system it would be possible to make appointments with the public defenders assigned to provide information and assistance to the families of detained persons. Likewise, the Ombudsman's Office would continue to provide orientation and information services in person.¹³³²

603. 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 possession¹³³³. 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"¹³³⁴.

¹³²⁵ IAPA, [El Salvador: Report to the Mid-Year Meeting 2024](#), April 17-19, 2024.

¹³²⁶ IAPA, [El Salvador: Report to the Mid-Year Meeting 2024](#), April 17-19, 2024.

¹³²⁷ IAPA, [El Salvador: Report to the Mid-Year Meeting 2024](#), April 17-19, 2024.

¹³²⁸ State of El Salvador, Un Nuevo El Salvador, Diplomatic Note MPOEA-OAS-117/2023, July 14, 2023, pp. 70-72; IACHR, [Report State of Emergency and Human Rights in El Salvador](#), OEA/Ser.L/V/II, Doc. 97/24, June 28, 2024, para. 353.

¹³²⁹ IACHR, [Report on the State of Emergency and Human Rights in El Salvador](#), OEA/Ser.L/V/II, Doc. 97/24, June 28, 2024, para. 354.

¹³³⁰ IACHR, [Report on the State of Emergency and Human Rights in El Salvador](#), OEA/Ser.L/V/II, Doc. 97/24, June 28, 2024, para. 354.

¹³³¹ State of El Salvador, A New El Salvador, Diplomatic Note MPOEA-OAS-117/2023, July 14, 2023, pp. 70-72.

¹³³² State of El Salvador, A New El Salvador, Diplomatic Note MPOEA-OAS-117/2023, July 14, 2023, pp. 70-72.

¹³³³ 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. 58, 76 and 78; Case of López Álvarez v. Honduras, Merits, Reparations and Costs, Judgment of February 1, 2006, Series C No. 141, para. 77; and Case of Herrera Ulloa v. Costa Rica, Preliminary Objections, Merits, Reparations and Costs, Judgment of July 2, 2004, Series C No. 107, para. 108.

¹³³⁴ IACHR, [Declaration of Principles on Freedom of Expression](#), 2000.

604. 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 accountability.¹³³⁵

605. 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 updated¹³³⁶. In states of emergency, this implies that States provide truthful, reliable and disaggregated information on all aspects of public interest related to the emergency regime.¹³³⁷

606. This Office reiterates the importance of the State taking 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. As stated in the 2023 annual report, it is essential that the authorities and obligated subjects give priority to requests for access to information related to emergency situations, including the allocation of public funds, public procurement, and the impact of emergency measures on the exercise of fundamental rights and freedoms.¹³³⁸

607. On the other hand, the Special Rapporteurship also learned about the approval, on November 12, of the Law for the Protection of Personal Data by the National Assembly of El Salvador¹³³⁹. The purpose of this law is to "establish the regulation for the protection of personal data" and define "the essential requirements for the legitimate and informed processing" of such data, as well as the regulatory framework applicable to its collection, use, processing and storage, in order to guarantee the right to privacy and informational self-determination. The scope of application of the law covers all natural or legal persons that "carry out activities related or connected to the processing of personal data". Excluded from the scope of application are the processing of data such as those linked exclusively to family and domestic activities and the processing of personal data related to public security and defense of the State¹³⁴⁰. According to the authorities, this law will contribute to strengthen the control over the protection of information, will align El Salvador with international standards and will provide citizens with access to their personal data, allowing them to request its correction or deletion.¹³⁴¹

608. Article 10 of the law establishes the right to the deletion or cancellation of personal data, indicating that the data owner may request the deletion of his personal data from the data controller without undue delay. Although the law provides that the request for cancellation or deletion of data will not proceed when it is necessary for the exercise of the right to freedom of expression, information and press, it also requires that the data used in these cases comply with the principle of accuracy¹³⁴². In this sense, personal data that is inaccurate, incomplete or outdated may not be used or disseminated.

¹³³⁵ 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.

¹³³⁶ 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.

¹³³⁷ IACHR, [Pandemic and Human Rights](#), OEA/Ser.L/V/II. Doc. 396, September 9, 2022, paras. 80 and 86.

¹³³⁸ IACHR, [Press Release No. 223/20](#), IACHR Calls to Combat Corruption and Guarantee Human Rights through Transparency and Accountability in Public Management in Context of COVID-19 Pandemic, September 16, 2020; IACHR, Annual Report 2023, [Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II Doc. 386, December 6, 2023, para. 682.

¹³³⁹ DW, [El Salvador Congress approves cybersecurity laws](#), November 13, 2024; La Prensa Gráfica, [Assembly approves Cybersecurity and Personal Data Protection laws: public records will be freely accessible](#), November 12, 2024; Ipandetec, [Advances in Data Protection and Cybersecurity in El Salvador](#), November 14, 2024.

¹³⁴⁰ Comisión de Seguridad Nacional y Justicia Palacio Legislativo, [Dictamen No. 11](#), November 11, 2024; Asamblea legislativa de El Salvador, [Nuevas normativas protegerán datos personales de salvadoreños y evitarán ciberdelitos](#), November 13, 2024.

¹³⁴¹ Asamblea legislativa de El Salvador, [Nuevas normativas protegerán datos personales de salvadoreños y evitarán ciberdelitos](#), November 13, 2024.

¹³⁴² According to article 5 of the aforementioned law, the principle of data accuracy establishes that "personal data shall be kept accurate, complete and updated as far as possible for the purposes of its processing, in such a way that its veracity is not altered. All reasonable steps shall be taken to ensure that personal data that are inaccurate with respect to the purposes for which they are processed are deleted or rectified without delay. Data obtained directly from the data subject shall be presumed to be accurate and up to date".

609. This article also states that the holder will have the right to be "forgotten" in the event that his or her personal data have been published in electronic environments. In this sense, the data controller must inform other data controllers so that they can be removed from "links, copies or replicas containing such data". This right includes the possibility of requesting the removal of the results obtained in Internet search engines, when the links containing information about the owner are "inadequate, inaccurate, irrelevant, outdated or excessive"¹³⁴³.

610. The application and supervision of the law will correspond to the State Cybersecurity Agency (ACE), which will have several attributions, among them, control and supervise the obligated institutions, exercise sanctioning power in matters of personal data protection, dictate policies of action in relation to the handling and maintenance of personal data, and request from the entities the information on background, documents and programs related to the treatment of personal data¹³⁴⁴. In this regard, the Office recognizes the legislative progress in the protection of personal data in El Salvador. However, it has also received reports warning about possible risks for the guarantee and exercise of the rights to freedom of expression and privacy in the implementation of this law.¹³⁴⁵

611. Finally, this Office has learned from civil society organizations that there is concern about the progress of a constitutional reform that, among other aspects, would seek to regulate "the right to the conscience clause and professional secrecy in the exercise of freedom of expression"¹³⁴⁶.

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

612. A recent APES report, entitled "Gender-based digital violence against women journalists", documents patterns of online violence directed at journalists in El Salvador. The report notes that attacks against women journalists contain a significant component of sexual violence, misogyny and lesbophobia¹³⁴⁷. Of a total of 45,530 mentions of journalists, 655 were reportedly insults directed at women on the social network X, of which 17.5% represented sexual violence¹³⁴⁸. In addition, the report reveals that 7% of the insults directed at male journalists included transphobic, homophobic and misogynistic expressions.¹³⁴⁹

613. The Office of the Special Rapporteur also received reports of gender-based violence and online attacks against women journalists and feminist organizations¹³⁵⁰. Thus, for example, it learned that journalists Natalia Alberto and Melisa Soriano, of *Revista Factum*, were allegedly victims of online harassment, defamation and gender-based violence after the publication of a video on social networks on September 29.¹³⁵¹

614. 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

¹³⁴³ National Security and Justice Commission Legislative Palace, [Opinion No. 11](#), November 11, 2024.

¹³⁴⁴ Legislative Assembly of El Salvador, [Nuevas normativas protegerán datos personales de salvadoreños y evitarán ciberdelitos](#), November 13, 2024; Comisión de Seguridad Nacional y Justicia Palacio Legislativo, [Dictamen No. 11](#), November 11, 2024.

¹³⁴⁵ El Faro, [Ley que protege datos personales podrá eliminar datos del internet por "inadecuados"](#), November 15, 2024; APES, [\[@apeselsalvador\]](#), (November 25, 2024), Agencia del Estado podrá decidir qué información es incompleta y desactualizada o inexacta, X, <https://x.com/apeselsalvador/status/1861138058826907773>; Coyuntura, [Nueva ley en El Salvador: ¿protección de datos personales o riesgo para la libertad de prensa?](#), November 25, 2024; Human Rights Watch, [El Salvador: New Laws Threaten Freedom of Expression and Privacy](#), December 12, 2024.

¹³⁴⁶ Infobae, [Avanza en El Salvador una reforma constitucional señalada de atentar contra la libertad de prensa](#), May 8, 2024; IAPA, [Hackeo, lawfare y estigmatización contra la prensa latinoamericana](#), May 10, 2024; Perfil, [La APES alertó que el proyecto de Bukele para reformar la Constitución "afectará la libertad de prensa"](#), May 9, 2024.

¹³⁴⁷ APES, [Report on gender-based digital violence directed towards women journalists](#), 2024.

¹³⁴⁸ APES, [Report on gender-based digital violence directed towards women journalists](#), 2024.

¹³⁴⁹ APES, [Report on gender-based digital violence directed towards women journalists](#), 2024.

¹³⁵⁰ Asamblea Feminista SV, [\[@AsambleaFemSV\]](#), (Feb. 7, 2024), Our peaceful action sparked different digital attacks of intimidation, harassment and gender-based violence, X, <https://x.com/AsambleaFemSV/status/1755267647522918484>.

¹³⁵¹ APES, [PUBLIC ALERT: Journalists of Revista Factum suffer digital harassment with misogynist and sexist charge](#), October 2, 2024.

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.

615. 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"¹³⁵².

D. Freedom of expression and the Internet

616. The Special Rapporteur learned that on November 12, the Legislative Assembly of El Salvador approved the Law on Cybersecurity and Information Security¹³⁵³. This law establishes the legal framework, principles, institutional framework and policies necessary to regulate, audit and oversee cybersecurity and information protection measures in public institutions. According to statements by the Secretary of the Presidency, the main objective of the law is to prevent activities that threaten cybersecurity and to guarantee legal protection for the population in this area¹³⁵⁴. In addition, the law creates the State Cybersecurity Agency (ACE), which would have various attributions, including the elaboration of the Nation's Cybersecurity and Information Security Policy, which will establish the necessary action plans and programs¹³⁵⁵. The ACE will also be responsible for designing and implementing programs to deal with cybersecurity incidents and threats affecting the subjects bound by the law.¹³⁵⁶

617. The Office of the Special Rapporteur recalls that the possible 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 network¹³⁵⁷. Furthermore, the Office reiterates that official programs and public policies on cybersecurity must have oversight and control mechanisms whose highest instance is a judge.¹³⁵⁸

618. Finally, civil society organizations reported blockages of the *Telegram* application in El Salvador during June and September 2024¹³⁵⁹. The English observatory NetBlocks confirmed the blocking, noting that *Telegram* could only be accessed through virtual private networks (VPN)¹³⁶⁰. On September 15, OONI and users of the X platform (formerly *Twitter*) reported the interruption of services, which would have occurred by blocking IP addresses and interfering with TLS security¹³⁶¹. Civil society organizations denounced that this blocking coincided with the publication of reports on the death of a former national security advisor

¹³⁵² UN, OSCE, OAS, ACHPR, [Joint Declaration on Freedom of Expression and Gender Justice](#), 2022.

¹³⁵³ Legislative Assembly of El Salvador, [El Salvador would be the first country in Central America to have cybersecurity and data protection law](#), Nov. 11, 2024; Legislative Assembly of El Salvador, [Nuevas normativas protegerán datos personales de salvadoreños y evitarán cibercrimitos](#), Nov. 13, 2024; Prensa Libre, [El Congreso de El Salvador aprueba leyes de ciberseguridad y de datos personales](#), Nov. 12, 2024; ElSalvador.com, [Data protection and cybersecurity laws were approved](#), November 12, 2024.

¹³⁵⁴ Legislative Assembly of El Salvador, [El Salvador would be the first country in Central America to have a cybersecurity and data protection law](#), November 11, 2024.

¹³⁵⁵ Legislative Assembly of El Salvador, [El Salvador would be the first country in Central America to have a cybersecurity and data protection law](#), November 11, 2024.

¹³⁵⁶ Legislative Assembly of El Salvador, [El Salvador would be the first country in Central America to have a cybersecurity and data protection law](#), November 11, 2024.

¹³⁵⁷ 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.

¹³⁵⁸ 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.

¹³⁵⁹ La Prensa Gráfica, [Observatorios de censura y usuarios report blocking of Telegram app in El Salvador](#), June 1, 2024; La Prensa Gráfica, [Gobierno salvadoreño enlista a algunos críticos y los bloquea en redes oficiales](#), September 16, 2024.

¹³⁶⁰ La Prensa Gráfica, [Censorship observatories and users report blocking of Telegram app in El Salvador](#), June 1, 2024

¹³⁶¹ APES, [@apeselsalvador], (September 25, 2024), Civil society and journalists demand transparency over Telegram messaging platform outage, X, <https://x.com/apeselsalvador/status/1838971259146637540?t=EE9g7tcU6-X000id1j0jGw&s=08>.

in state custody, and the revelation of conversations of officials mentioning an office to spy on politicians and journalists critical of the government .¹³⁶²

¹³⁶² APES, [@apeselsalvador], (September 25, 2024), Civil society and journalists demand transparency over Telegram messaging platform outage, X, <https://x.com/apeselsalvador/status/1838971259146637540?t=EE9g7tcU6-X000id1jojGw&s=08>.

UNITED STATES

619. The Office of the Special Rapporteur followed up on guarantees for the exercise of freedom of expression in the context of the electoral campaign in the United States and a period of social protest due to the armed conflicts in the Middle East. In this regard, it recorded reports alleging instances of stigmatization, harassment and discrimination, calls for the revocation of broadcasting licenses, and lawsuits against the media. It also documented the wave of protests over the conflict in the Middle East, particularly in educational institutions, as well as reports of excessive use of force in some demonstrations, obstacles to media coverage, judicial and disciplinary proceedings against demonstrators, and restrictions on the manner, time and place of future protests. The Office received studies from civil society organizations denouncing increases in the levels of anti-Semitism and Islamophobia in the country. As in previous years, the Office continued to monitor initiatives from the Executive and Legislative branches aimed at restricting curricula and books for children and adolescents that address issues of racism, sexual orientation, gender identity, reproductive rights and gender violence. Finally, the SRFOE took note of the legislative and judicial processes to ban the social media company *TikTok*, as well as the first sentence for the use of *Pegasus* against WhatsApp users worldwide, a U.S. platform.

A. Journalism and democracy

620. In the context of the electoral process in the United States, the Office of the Special Rapporteur recorded reports on alleged acts of stigmatization, harassment and discrimination against some sectors of the press. A study by *Reporters Without Borders* (RSF) documented verbal attacks against journalists and media outlets on at least 100 occasions between September 1 and October 24, 2024, not counting publications on social media¹³⁶³. Civil society organizations and pollsters point out that this series of attacks would have contributed to a decrease in the level of citizen confidence in the press, which would not exceed 40%, according to the latest polls¹³⁶⁴. In addition, for the first time since these polls began, trust in information from social media is on par with that of traditional media, despite the rise in online disinformation¹³⁶⁵.

621. Following the only presidential debate during the campaign, held on September 10, 2024, the Office of the Special Rapporteur took note of an accusation against the *ABC* television network, the organizer, calling it “dishonest”. It was argued that the moderation of two of its journalists, Linsey Davis and David Muir, had been “unfair” and “rigged”¹³⁶⁶. Likewise, this Office documented a candidate’s call for the revocation of the media outlet’s broadcast licenses for alleged bias against them¹³⁶⁷.

622. According to public information, the call to revoke broadcasting licenses has been made against at least three other television networks, including *CNN*, *NBC* and *CBS*; the first two for not broadcasting live a speech of the candidate, who would become the Republican candidate after winning the Iowa primary¹³⁶⁸, and the last one for allegedly editing an interview of the Democratic candidate to favor her¹³⁶⁹. In response to these calls, the president of the Federal Communications Commission (FCC) argued that these proclamations

¹³⁶³ Reporters Without Borders, [USA: Trump verbally attacked the media more than 100 times in run-up to election](#), Oct. 25, 2024; The New York Times, [Trump Ratchets Up Threats on the Media](#), Oct. 21, 2024; AP, [What we know about Truth Social, Donald Trump's social media platform](#), March 27, 2024.

¹³⁶⁴ Pew Research Center, [Republicans, young adults now nearly as likely to trust info from social media as from national news outlets](#), Oct. 16, 2024; Reporters Without Borders, [USA: Trump verbally attacked the media more than 100 times in run-up to election](#), Oct. 25, 2024; DW, [Fact check: Disinformation's impact on the US election](#), July 11, 2024.

¹³⁶⁵ Pew Research Center, [Republicans, young adults now nearly as likely to trust info from social media as from national news outlets](#), Oct. 16, 2024; Brookings, [How disinformation defined the 2024 election narrative](#), Nov. 7, 2024.

¹³⁶⁶ CNBC, [Trump says Harris debate was 'rigged.' ABC should lose license, but 'we did great.'](#) Sept. 11, 2024; France24, [Trump claims US presidential debate was 'rigged' against him](#), Sept. 11, 2024.

¹³⁶⁷ The Independent, [Furious Trump threatens ABC's broadcast license after Kamala Harris debate](#), 11 September 2024; USA Today, [Trump: 'Take away' ABC broadcast license for 'unfair debate' treatment](#), 12 September 2024; Reuters, [FCC chair rejects Trump call to pull ABC licenses over presidential debate](#), 20 September 2024.

¹³⁶⁸ CNN, [Trump's growing threats to strip broadcast licenses send chills across industry](#), Oct. 22, 2024; Brookings, [Donald Trump has threatened to shut down broadcasters, but can he?](#), Oct. 29, 2024.

¹³⁶⁹ The Guardian, [Trump demands CBS be stripped of licence over edited Harris interview](#), 10 October 2024; Daily Mail, [Trump demands CBS is taken off air after editing Kamala Harris' 60 Minutes 'word salad'](#), 10 October 2024.

would amount to “threats against freedom of expression”, adding that the FCC “does not and will not revoke licenses to broadcasting stations simply because a political candidate disagrees with the content or coverage or does not like it”¹³⁷⁰. According to experts, the regulator grants licenses to broadcasting stations, not to networks; therefore, it could not revoke permits for *ABC*, *CNN*, *NBC* or *CBS*, which also transmit their programming via cable and streaming services¹³⁷¹.

623. On November 3, 2024, during a rally in Pennsylvania, the Rapporteurship received reports that the Republican candidate reportedly stated that he would not mind if someone “tried to shoot” through the media podium to assassinate him, referring to the “fake news” that outlets allegedly fabricate¹³⁷². The statement was made as the then-candidate expressed concerns that the armored glass surrounding him was insufficient for his protection, following an assassination attempt four months earlier, on July 13, 2024¹³⁷³.

624. Additionally, on the day of the presidential election, the Office of the Special Rapporteur received reports alleging obstruction of access to journalists from *Politico*, *Axios* and *Puck* at a campaign closing event in West Palm Beach, Florida. According to these reports, the campaign would have taken this decision in retaliation for their coverage in the last months of the electoral race¹³⁷⁴. After the election results became known in the early morning hours of November 6, 2024, this Office also received reports that the President-elect referred to the press as the ‘enemy camp,’ in response to his running mate’s participation in interviews with CNN and MSNBC¹³⁷⁵.

625. The SRFOE recalls that individuals who exercise or seek to exercise public office should ensure that their comments are accurate, avoid stigmatizing and discrediting the media, and not threaten journalists or undermine respect for the independence of the press¹³⁷⁶. It also recalls that it is essential that the media act with professional responsibility in handling information that, especially in electoral contexts, has a direct impact on the political life of countries; to achieve this objective, ensuring the integrity of their content and self-regulation are fundamental¹³⁷⁷.

626. In the context of the electoral campaign, the SRFOE has learned of efforts undertaken by civil society organizations to provide training to U.S. journalists. Based on the information gathered and systematized during these trainings, in which at least 610 journalists in more than 11 states reportedly participated, the Rapporteurship took note of a series of surveys that would reveal a pattern of threats, physical violence, digital stigmatization, and legal actions against members of the press, as well as instances of sexual harassment against women journalists¹³⁷⁸. According to these surveys, 36% of those consulted reported having been threatened or suffered physical violence, 33% reported threats or violence in the digital sphere, 28% reported threats or legal actions against them, 24% claimed to have suffered sexual harassment, and an

¹³⁷⁰ Federal Communications Commission, [Chairwoman Rosenworcel on Repeated Calls to Revoke Broadcast Licenses](#), October 10, 2024.

¹³⁷¹ USA Today, [‘Threats against free speech’: FCC chair condemns Trump’s call for CBS to lose license](#), Oct. 11, 2024; CNN, [Trump’s growing threats to strip broadcast licenses send chills across industry](#), Oct. 22, 2024.

¹³⁷² USA Today, [‘Threats against free speech’: FCC chair condemns Trump’s call for CBS to lose license](#), Oct. 11, 2024; CNN, [Trump’s growing threats to strip broadcast licenses send chills across industry](#), Oct. 22, 2024.

¹³⁷³ CBS, [Trump says “I don’t mind” if someone had to shoot through media](#), Nov. 3, 2024; Washington Post, [Trump says he doesn’t mind someone shooting at journalists at rally](#), Nov. 3, 2024.

¹³⁷⁴ CNN, [Trump campaign denies and revokes journalists’ election night credentials after critical coverage](#), Nov. 7, 2024; The New York Times, [Trump Team Revokes Election Party Access for Some Journalists](#), Nov. 8, 2024.

¹³⁷⁵ The Guardian, [Trump calls media ‘the enemy camp’ in speech declaring victory](#), Nov. 6, 2024; Newsweek, [Donald Trump’s Victory Speech in Full: Transcript](#), Nov. 6, 2024.

¹³⁷⁶ IACHR, [Guide to Guarantee Freedom of Expression in the Face of Deliberate Disinformation in Electoral Contexts](#), OEA/Ser.D/XV.22, October 2019, pp. 38, 39.

¹³⁷⁷ IACHR, Office of the Special Rapporteur for Freedom of Expression, [RELE 2005 Annual Report](#), Chapter 6, Freedom of Expression and Electoral Processes: the case of opinion polls and exit polls, OEA/Ser.L/V/II.124 Doc. 7, February 27, 2006, para. 97.

¹³⁷⁸ International Women’s Media Foundation, [Journalists Under Fire: U.S. Media Report Daily Threats, Harassment and Attacks at Home](#), August 2024.

additional 6% were threatened with sexual violence, all while performing their work as journalists during the electoral contest¹³⁷⁹.

627. This Office reiterates that the safety of journalists is a prerequisite for the exercise of the right to freedom of expression and press freedom¹³⁸⁰, for which reason States must ensure the existence of an adequate legal framework for the effective punishment of violence, adopting a gender perspective in view of the double vulnerability of women journalists¹³⁸¹. This legal framework must also enable the authorities to act effectively in response to complaints, which requires provisions and institutions for the administration of justice, capable of addressing all attacks against the press, while removing legal and other barriers that impede access to justice¹³⁸².

628. On October 31, 2024, the Rapporteurship learned of a lawsuit against the *CBS News* television network for 10 billion dollars in damages following an interview the network did with the U.S. Democratic candidate on the program “60 Minutes”¹³⁸³. The information available indicates that the lawsuit, filed in the Northern District of Texas, would have accused the media of engaging in “partisan and illegal acts of electoral and voter interference”, aimed at “misleading the public and attempting to tip the balance” of the presidential elections in favor of the Democratic party, alleging that the interview would have been edited to suit¹³⁸⁴. In a statement, *CBS* assured that such claims were unfounded, and that it would proceed to defend itself “vigorously”¹³⁸⁵. Some observers noted that the lawsuit could constitute an example of “judge shopping”—a practice of filing lawsuits in courts with allegedly politically-aligned judges¹³⁸⁶.

629. Following the settlement with *CBS News*, the Special Rapporteur took note of the President-elect’s decision to sue the *Des Moines Register* and its pollster, J. Ann Selzer, in Polk County, Iowa, on December 17, 2024, accusing them of consumer fraud for a poll released on November 2 that showed the Democratic candidate leading the state by three percentage points¹³⁸⁷. The President-elect won the state on November 5 by more than 13 percentage points, so his lawyers contend that the poll, circulated through the *Des Moines Register*, was “a fiction to interfere with the election”¹³⁸⁸. The lawsuit would seek damages of an unknown amount, as well as an injunction prohibiting the media outlet from engaging in “ongoing deceptive and misleading acts and practices”¹³⁸⁹.

630. In its 2009 joint statement on media and elections, the Special Rapporteurship considered that the media should be free to report on electoral issues, and that political figures have an obligation to show a greater degree of tolerance for the scrutiny and criticism inherent in these contexts¹³⁹⁰.

¹³⁷⁹ International Women’s Media Foundation, [Journalists Under Fire: U.S. Media Report Daily Threats, Harassment and Attacks at Home](#), August 2024.

¹³⁸⁰ IACHR, [Women Journalists and Freedom of Expression](#), OEA/Ser.L/V/II, IACHR/RELE/INF.20/18, October 2018, para. 72.

¹³⁸¹ IACHR, [Women Journalists and Freedom of Expression](#), OEA/Ser.L/V/II, IACHR/RELE/INF.20/18, October 2018, para. 84.

¹³⁸² IACHR, [Women Journalists and Freedom of Expression](#), OEA/Ser.L/V/II, IACHR/RELE/INF.20/18, October 2018, para. 84.

¹³⁸³ CBS News, [Trump sues CBS News over 60 Minutes interview with Harris: network says suit is “completely without merit.”](#) Oct. 31, 2024; The Guardian, [Trump sues CBS News for \\$10bn, claiming Kamala Harris interview was edited](#), Nov. 1, 2024.

¹³⁸⁴ The Guardian, [Trump sues CBS News for \\$10bn, claiming Kamala Harris interview was edited](#), 1 November 2024; CNN, [Trump sues CBS over ‘60 Minutes’ interview with Harris. Legal experts call it ‘frivolous and dangerous’](#), 1 November 2024.

¹³⁸⁵ CBS News, [A statement from 60 Minutes](#), October 31, 2024.

¹³⁸⁶ The Texas Tribune, [With an eye on Amarillo courthouse, U.S. senators push to stop federal judge shopping](#), April 11, 2024; Brookings, [Effort to curb judge-shopping at the federal courts explained](#), April 18, 2024; The Washington Post, [Why judge shopping is an issue in the U.S.](#), Sept. 23, 2024; The Washington Post, [Trump picks one-judge Texas court for lawsuit over CBS Harris Interview](#), Oct. 31, 2024; CNN, [Trump sues CBS over ‘60 Minutes’ interview with Harris. Legal experts call it ‘frivolous and dangerous’](#), 1 November 2024.

¹³⁸⁷ Reuters, [Trump sues Des Moines Register, vows to pursue more defamation claims](#), Dec. 18, 2024; NBC, [Trump sues Iowa pollster Ann Selzer and Des Moines Register newspaper](#), Dec. 17, 2024.

¹³⁸⁸ NBC News, [Iowa President Results: Trump Wins](#), Dec. 17, 2024; Politico, [Donald Trump wins Iowa](#), Dec. 23, 2024; Reuters, [Trump sues Des Moines Register, vows to pursue more defamation claims](#), Dec. 18, 2024; NBC, [Trump sues Iowa pollster Ann Selzer and Des Moines Register newspaper](#), Dec. 17, 2024.

¹³⁸⁹ The Guardian, [Trump sues Iowa newspaper over election poll claiming Harris’s lead](#), Dec. 17, 2024; Reuters, [Trump sues Des Moines Register, vows to pursue more defamation claims](#), Dec. 18, 2024.

¹³⁹⁰ OAS, UN, OSCE, ACHPR, [Joint Declaration on Media and Elections](#), 2009.

631. The Rapporteurship emphasizes that political figures should never use their position or power to adopt measures aimed at unduly influencing the information provided by the media, either through direct measures, such as granting or revoking licenses, or manipulating regulators, or through indirect measures, such as limiting the media's ability to cover and distribute news events throughout the country¹³⁹¹. With respect to this last point, this Office reiterates that actors in election periods must ensure that the media enjoy unimpeded access to sources of official information and to candidates for public office, and that they do not encounter undue obstacles affecting their ability to disseminate such information and ideas¹³⁹².

632. In 2024, the Rapporteurship continued its monitoring of Puerto Rico. In particular, this Office learned that in the island, a candidate for the Senate was the victim of an armed attack on his home at the end of January 2024, allegedly as a result of his positions in favor of the environment and allegations of corruption¹³⁹³. Likewise, his candidacy and eventual possession after obtaining the necessary votes would have been objected by the State Elections Commission (SEC) for failing to comply with medical examinations that, according to him, would discriminate him for being a medical cannabis patient¹³⁹⁴. On the other hand, this Office learned that a House candidate, Mariana Nogales Molinelli, was reportedly criminalized by the Panel on the Special Independent Prosecutor (PFEI) and subsequently excluded from the ballot by the SEC¹³⁹⁵. The Rapporteurship also received reports alleging a deterioration in the public debate in light of possible instances of stigmatization and harassment by public officials of the ruling party towards members of the opposition, human rights defenders, journalists and artists, among others¹³⁹⁶.

633. The Office of the Special Rapporteur was also alerted to a possible case of doxing in which the president of the Senate of Puerto Rico allegedly disclosed through his *Facebook* account the electoral number, place of work, and photo of journalist David Cordero Mercado, as well as of his colleague Emmanuel Estrada López¹³⁹⁷. This incident reportedly occurred one day after Cordero Mercado and Benjamín Torres Gotay, reporters for *El Nuevo Día*, published a story about the financial reports of a New Progressive Party (NPP) legislator¹³⁹⁸. The Senate president also reportedly posted letters on his social media demanding local and federal investigations into reporters, a move that civil society organizations interpreted as a form of intimidation and harassment¹³⁹⁹.

634. In September 2024, the Rapporteurship was alerted to a threatened lawsuit by the CEE against the Center for Investigative Journalism (CPI) for allegedly obtaining confidential and privileged information¹⁴⁰⁰. In a September 24 report, the CPI denounced that approximately 900,000 deceased persons appear in the

¹³⁹¹ OAS, UN, OSCE, ACHPR, [Joint Declaration on Freedom of Expression and Elections in the Digital Age](#), 2020.

¹³⁹² OAS, UN, OSCE, ACHPR, [Joint Declaration on Freedom of Expression and Elections in the Digital Age](#), 2020.

¹³⁹³ *El Nuevo Día*, [Eliezer Molina denuncia que tirotearon su residencia en San Sebastián](#), January 26, 2024; Radio Isla, [Eliezer Molina dice quien tiroteó su residencia fue un enviado de inversionistas con proyectos paralizados por crímenes ambientales](#), January 31, 2024; Telemundo Puerto Rico, [Sin avanzar investigación de atentado contra Eliezer Molina y su familia](#), February 20, 2024....

¹³⁹⁴ *El Vocero*, [Eliezer Molina may not run for Senate as an independent](#), February 29, 2024; *El Nuevo Día*, [Eliezer Molina alleges discrimination by the SEC for being a medical cannabis patient](#), February 27, 2024; *Primera Hora*, [SEC reveals why Eliezer Molina has not been certified as senator](#), January 2, 2025; *El Nuevo Día*, [Impiden la entrada de Eliezer Molina al Capitolio](#), January 2, 2025.

¹³⁹⁵ *Metro*, [MVC coordinator reiterates that Mariana Nogales faces "political persecution"](#), March 6, 2024; Telemundo Puerto Rico, [Supreme Court orders disqualification of Mariana Nogales and other MVC aspirants](#), June 10, 2024; *Metro*, [Supreme Court upholds no cause determination on 49 counts against Mariana Nogales](#), Dec. 27, 2024; *El Nuevo Día*, [Supreme Court rules against Opfei in Mariana Nogales Molinelli case](#), Dec. 28, 2024.

¹³⁹⁶ Kilómetro Cero [@Kilometro0PR], (Nov. 7, 2024), complaint about pronouncements by Tomás Rivera Schatz, X, <https://x.com/Kilometro0PR/status/1854552221850984532>; TeleOnce TV, [Thomas Rivera Schatz lashes out at Bad Bunny](#), Sept. 25, 2024; Thomas Rivera Schatz, [Facebook post](#), Oct. 15, 2024; Telemundo Puerto Rico, [Thomas Rivera Schatz lashes out again at Bad Bunny](#), Nov. 1, 2024; *Primera Hora*, [Penepés celebran: "Mañana comemos fricasé de conejo."](#) Nov. 6, 2024; *Metro*, [Pedro Julio holds Rivera Schatz responsible for any attacks he receives after threat](#), Nov. 7, 2024; *Ey Boricua*, [Pedro Julio Serrano holds Rivera Schatz responsible for threats against him](#), Nov. 7, 2024; Thomas Rivera Schatz, [Facebook post](#), Nov. 7, 2024.

¹³⁹⁷ *Primera Hora*, [OPC and Aspro demand SEC statement on publication of private information of members of the press](#), April 19, 2024; *Swissinfo.ch*, [Los obstáculos a la libertad de prensa en Puerto Rico, vinculados a las elecciones generales](#), October 18, 2024.

¹³⁹⁸ *El Nuevo Día*, [House Ethics Committee will determine if it will elevate to a formal complaint against José "Memo" González](#), May 16, 2024.

¹³⁹⁹ Thomas Rivera Schatz, [Facebook post](#), April 17, 2024; *Primera Hora*, [OPC and Aspro demand SEC to speak out on publication of private information of members of the press](#), April 19, 2024.

¹⁴⁰⁰ Telemundo Puerto Rico, [CEE warns of suing CPI over report of deceased voters](#), Sept. 25, 2024; *Swiss Info*, [Puerto Rican media threatened with lawsuit for obtaining confidential voter data](#), Sept. 26, 2024.

General Registry of Voters (RGE)¹⁴⁰¹. The CPI also claimed that about 5,800 deceased persons would have been active in the RGE between 2016 and 2020, so they would have been eligible to vote in the last two elections¹⁴⁰².

635. The Rapporteurship reiterates that the functioning of democracy requires the highest possible level of public discussion on the functioning of society and the State in all its spheres¹⁴⁰³. 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 administration and matters of common interest should be subject to control by society as a whole, and stigmatization and harassment of journalists are contrary to this purpose¹⁴⁰⁴. In addition, this Office recalls that persons exercising public functions also have the duty to ensure that their statements do not harm the rights of those who contribute to public deliberation through the expression and dissemination of their thoughts, such as journalists and the media¹⁴⁰⁵.

636. On August 1, 2024, the Rapporteurship learned of the release of two journalists in a prisoner exchange between the Russian Federation and several countries, including the United States¹⁴⁰⁶. According to official sources, they are Evan Gershkovich, a U.S. correspondent for the *Wall Street Journal*, and Alsu Kurmasheva, a Russian-American journalist for *Radio Free Europe/Radio Liberty RFE/RL*¹⁴⁰⁷. Gershkovich was reportedly arrested on March 29, 2023, and sentenced to 16 years in prison on espionage charges following an expedited trial that began on July 19, 2024¹⁴⁰⁸. Kurmasheva was reportedly arrested in October 2023 and sentenced on July 19, 2024, to six and a half years in prison during a secret trial¹⁴⁰⁹. The arrests of both journalists took place during a period of heightened repression against the independent press in Russia, accelerated since the invasion of Ukraine on February 24, 2022, as per public reports¹⁴¹⁰. This Office welcomes the release of Gershkovich and Kurmasheva.

637. Following the release of these two reporters, the Special Rapporteur was informed on September 4, 2024, about extraordinary measures by the State Department and the Treasury Department to “prevent malicious actors” from using Russian media to carry out “covert influence activities” and interfere in the 2024 electoral process and weaken democratic institutions in the country¹⁴¹¹. Among these measures are visa restrictions, the designation of “foreign missions”, as well as reward programs. According to official information, these measures would be especially directed against *Rossiya Segodnya* and the subsidiaries *RIA Novosti*, *RT*, *TV-Novosti*, *Ruptly*, and *Sputnik*, which in turn will have to notify the authorities of all their

¹⁴⁰¹ CPI, [Widespread Vote Theft Scheme Corrupts Puerto Rico's Electoral System](#), September 24, 2024; CPI, [On the Brink of Elections. Thousands of Deceased Still Active on the Lists](#), November 4, 2024.

¹⁴⁰² CPI, [Widespread Vote Theft Scheme Corrupts Puerto Rico's Electoral System](#), September 24, 2024; CPI, [On the Brink of Elections. Thousands of Deceased Still Active on the Lists](#), November 4, 2024.

¹⁴⁰³ IACHR, [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.

¹⁴⁰⁴ IACHR, [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.

¹⁴⁰⁵ IACHR, [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. 204.

¹⁴⁰⁶ AP, [Russia releases US journalist and other Americans and dissidents in massive 24-person prisoner swap](#), Aug. 1, 2024; U.S. agency for Global Media, [American RFE/RL reporter Alsu Kurmasheva released from Russian custody](#), Aug. 1, 2024.

¹⁴⁰⁷ U.S. Embassy & Consulates in Russia, [Secretary Blinken on the Release of Wrongfully Detained Americans and Russian Political Prisoners](#), Secretary Blinken on the Release of Wrongfully Detained Americans and Russian Political Prisoners, August 1, 2024; RSF, [Free at last: American journalists Evan Gershkovich and Alsu Kurmasheva swapped in Russian prisoner exchange](#), August 1, 2024.

¹⁴⁰⁸ The New York Times, [Evan Gershkovich Sentenced to 16 Years in Russian Prison on Fabricated Charges](#), July 19, 2024; Sky News, [Evan Gershkovich's speedy Russian trial fuels prisoner exchange speculation](#), July 19, 2024.

¹⁴⁰⁹ CNN, [US-Russian journalist Alsu Kurmasheva given 6.5 years in Russian jail in swift and secret trial](#), July 22, 2024; Reuters, [Moscow jails Russian-American journalist Kurmasheva for over six years](#), July 22, 2024.

¹⁴¹⁰ Amnesty International, [Russia: Kremlin's ruthless crackdown stifles independent journalism and anti-war movement](#), March 10, 2022; Voice of America, [Russia intensifies crackdown on journalists, dissenting voices on Ukraine](#), May 8, 2024.

¹⁴¹¹ U.S. Department of State, [U.S. Department of State Takes Actions to Counter Russian Influence and Interference in U.S. Elections](#), September 4, 2024; U.S. Department of the Treasury, [Treasury Takes Action as Part of a U.S. Government Response to Russia's Foreign Malign Influence Operations](#), September 4, 2024.

personnel and properties in the United States¹⁴¹². The largest social media conglomerate in the United States, *Meta*, announced that it would block these same media outlets from all of its platforms, including *Facebook*, *Instagram*, *WhatsApp*, and *Messenger*¹⁴¹³. For its part, *YouTube* also announced the blocking of channels and users with links to these portals and television channels¹⁴¹⁴.

638. As pointed out by this Office in its “Guide to guarantee freedom of expression in the face of deliberate disinformation in electoral contexts”, it is essential that the authorities address the problem of disinformation through awareness-raising, education, and training campaigns¹⁴¹⁵. These initiatives should be focused on providing citizens with tools to distinguish true from false or misleading information, to become aware of their own participation in the processes of information replication, and to warn about the impoverishment of public debate¹⁴¹⁶.

639. Finally, as in previous years, the Rapporteurship followed up on the case of Julian Assange, founder and editor of *Wikileaks*¹⁴¹⁷. On June 26, 2024, after 14 years of legal proceedings, the Rapporteurship learned that Assange had reached an agreement with the U.S. Department of Justice, pleading guilty to a charge of “conspiracy to obtain and disclose information of national defense”, according to the Espionage Act¹⁴¹⁸. This plea agreement would have allowed him to avoid extradition and a possible sentence of up to 175 years in prison¹⁴¹⁹. A judge in the U.S. District Court for the Northern Mariana Islands recognized the 62 months Assange had served in the British prison in Belmarsh, allowing his immediate release and return to Australia, the State of which he is a citizen¹⁴²⁰.

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

640. Studies received by this Office suggest that the Gaza war protests would be the largest and most protracted in recent U.S. history¹⁴²¹. According to some estimates, more than 14,400 demonstrations would have occurred between October 7, 2023, and June 7, 2024¹⁴²². The peak would have occurred between late April and early May 2024, after students at Columbia University set up an on-campus encampment and encouraged similar demonstrations at educational institutions around the country¹⁴²³. The mobilizations documented by this Office would have sought to get higher education institution administrations to divest from Israeli-owned arms manufacturers and businesses, cut ties with Israeli institutions, and voice support for a ceasefire in Gaza¹⁴²⁴.

¹⁴¹² U.S. Department of State, [U.S. Department of State Takes Actions to Counter Russian Influence and Interference in U.S. Elections](#), September 4, 2024; U.S. Department of the Treasury, [Treasury Takes Action as Part of a U.S. Government Response to Russia's Foreign Malign Influence Operations](#), September 4, 2024.

¹⁴¹³ NBC News, [Meta bans RT days after U.S. accused Russian outlet of disinformation](#), 17 September 2024; Reuters, [Meta bans Russian state media for 'foreign interference'](#), 17 September 2024.

¹⁴¹⁴ The New York Times, [Meta and YouTube Crack Down on Russian Media Outlets](#), September 17, 2024; NBC News, [Meta bans RT days after U.S. accused Russian outlet of disinformation](#), September 17, 2024.

¹⁴¹⁵ IACHR, [Guide to Guarantee Freedom of Expression in the Face of Deliberate Disinformation in Electoral Contexts](#), OEA/Ser.D/XV.22, October 2019, p. 39.

¹⁴¹⁶ IACHR, [Guide to Guarantee Freedom of Expression in the Face of Deliberate Disinformation in Electoral Contexts](#), OEA/Ser.D/XV.22, October 2019, p. 39.

¹⁴¹⁷ IACHR, Office of the Special Rapporteur for Freedom of Expression (RELE), [Annual Report 2023](#), OEA/Ser.L/V/II Doc. 386, December 6, 2023, paras. 724.

¹⁴¹⁸ U.S. Department of Justice, [WikiLeaks Founder Pleads Guilty and Is Sentenced for Conspiring to Obtain and Disclose Classified National Defense Information](#), June 25, 2024.

¹⁴¹⁹ The Guardian, [Julian Assange walks free after pleading guilty to US espionage charge in Saipan court](#), June 26, 2024; Le Monde, [WikiLeaks founder Julian Assange freed in US plea deal](#), June 26, 2024.

¹⁴²⁰ U.S. Department of Justice, [WikiLeaks Founder Pleads Guilty and Is Sentenced for Conspiring to Obtain and Disclose Classified National Defense Information](#), June 25, 2024.

¹⁴²¹ Chenoweth, E., Hammam, S., Pressman, J., & Ulfelder, J. (2024). Protests in the United States on Palestine and Israel, 2023-2024. Social Movement Studies, 1-14. <https://doi.org/10.1080/14742837.2024.2415674>.

¹⁴²² Harvard Kennedy School ASH Center, [2023 & 2024 monthly data sets Crown Counting Consortium](#), September 20, 2024.

¹⁴²³ Reuters, [Major events in Pro-Palestinian protests at US universities](#), May 2, 2024; Princeton University, [Issue Brief: Analysis of U.S. Campus Encampments Related to the Israel-Palestine Conflict](#), May 2024.

¹⁴²⁴ CNN, [What the pro-Palestinian protesters on college campuses actually want](#), April 26, 2024; BBC, [What do pro-Palestinian student protesters at US universities want?](#), May 3, 2024.

641. Between April and May 2024, the SRFOE recorded protests at more than 70 colleges and universities in approximately 25 states¹⁴²⁵. According to the information available, more than 3,100 people, including students, faculty and administrative staff, were reportedly detained or arrested on campuses by police officers¹⁴²⁶. The available information, including statements from various institutions, also indicates that the police interventions to clear the camps were carried out at the request or with the authorization of the academic institutions themselves¹⁴²⁷.

642. Those arrested were reportedly charged primarily with trespassing, unlawful assembly, and damage to property after occupying buildings and outdoor common areas¹⁴²⁸. Others were reportedly charged with failure to disperse, disorderly conduct, and resisting arrest¹⁴²⁹. However, over the summer of 2024, the SRFOE learned that prosecutors reportedly dropped an undetermined number of charges due to insufficient evidence linking the protesters to specific harm and the fact that few of those arrested had prior criminal records¹⁴³⁰.

643. The Special Rapporteurship, through listening sessions and monitoring through the news outlets and social media platforms, has documented instances in which protesters, including students and professors, have faced disciplinary sanctions¹⁴³¹. Such sanctions have ranged from temporary suspensions to permanent suspensions that could prevent students from graduating or faculty from teaching classes¹⁴³². In addition, both students and professors have reported retaliation after publishing articles on current conflicts in the Middle East¹⁴³³.

644. Protesters at multiple institutions publicly and privately reported being subjected to excessive use of force by police, in some cases mounted police and riot control units, who, according to multiple reports, deployed pepper balls, tear gas and flash bang grenades, used tasers, and physically assaulted protesting students and faculty¹⁴³⁴. There were also reports of violent clashes between protesters and counter protesters at several institutions, including UCLA on April 30, leaving at least 15 people injured¹⁴³⁵. In some cases, such as at UCLA, protesters and counterdemonstrators claimed that police officers left the scene without preventing an escalation of violence¹⁴³⁶.

¹⁴²⁵ USA Today, [Campus protests over Gaza are spreading: See our map](#), April 25, 2024; Al Jazeera, [Mapping pro-Palestinian college campus protests around the world](#), April 29, 2024; The New York Times, [Where College Protesters Have Been Arrested or Detained](#), July 22, 2024.

¹⁴²⁶ The New York Times, [Where College Protesters Have Been Arrested or Detained](#), July 22, 2024; The Guardian, [US students arrested in Gaza campus protests face academic and legal woes](#), August 30, 2024.

¹⁴²⁷ CNN, [Encampments cleared from at least 3 university campuses early Friday as pro-Palestinian demonstrations continue](#), May 10, 2024; NBC News, [Police dismantle encampments on college campuses across U.S. as graduations approach](#), May 10, 2024.

¹⁴²⁸ NBC News, [Thousands were arrested at college protests. For students, the fallout was only beginning](#), August 2, 2024; The Guardian, [US students arrested in Gaza campus protests face academic and legal woes](#), August 30, 2024.

¹⁴²⁹ NPR, [As student protesters get arrested, they risk being banned from campus too](#), April 29, 2024; Washington Post, [Hundreds of college protesters arrested across the U.S.: What to know](#), May 5, 2024.

¹⁴³⁰ AP, [Prosecutors drop most charges against student protesters who occupied Columbia University building](#), June 21, 2024; USA Today, [Charges dropped in nearly 80 arrests at University of Texas protest of Israel war](#), June 27, 2024; Yale Daily News, [Charges dismissed against 27 arrested student protesters. 13 to continue legal battle](#), Oct. 31, 2024.

¹⁴³¹ FIRE, [2024 Student Encampment Protests](#), July 1, 2024; The Washington Post, [GW University suspends students involved in protest encampments](#), April 26, 2024; The Harvard Crimson, [5 Harvard Students Suspended, More Than 20 Face Probation for Encampment Participation](#), May 18, 2024; The Jerusalem Post, [Anti-Israel activist students face suspension at GMU, UMN for damaging campus](#), Dec. 5, 2024.

¹⁴³² Times Higher Education, [What happened to scholars disciplined over Israel-Gaza comments?](#), October 10, 2024; The New York Times, [Professors in Trouble Over Protests Wonder if Academic Freedom Is Dying](#), October 23, 2024; The Guardian, [US professors face discipline and investigations over Palestine support](#), October 24, 2024.

¹⁴³³¹⁴³³ The New York Times, [Columbia Law Review Website Is Taken Offline Over Article Criticizing Israel](#), June 4, 2024; CNN, [Columbia Law Review website is taken down after publishing an article criticizing Israel](#), June 5, 2024.

¹⁴³⁴ PEN America, [Growing Reports of Use of Force Against Student Protests Are Deeply Alarming](#), April 29, 2024; CNN, [Police tactics at campus protests reveal disparities in approaches to public order and lessons learned post-George Floyd](#), May 5, 2024.

¹⁴³⁵ Reuters, [UCLA campus protests over Gaza war erupt into violent clashes](#), May 1, 2024; NPR, [Violence erupts at UCLA as protests over Israel's war in Gaza escalate across the U.S.](#), May 1, 2024.

¹⁴³⁶ BBC, [US campus protests: Rival Gaza protest groups clash at UCLA](#), 29 April 2024; The Guardian, [UCLA students describe violent attack on Gaza protest encampment: 'It was terrifying'](#), 2 May 2024.

645. Between April 17 and June 1, The Rapporteurship learned that mass arrests and detentions, each involving more than 100 people, took place at least nine institutions, including the City College of New York, Columbia University, Emerson College, the State University of New York at New Paltz, the University of California at Los Angeles, the University of California at Santa Cruz, the University of Massachusetts at Amherst, the University of Texas at Austin, and Washington University in St. Louis¹⁴³⁷.

646. A study by the *Armed Conflict Location & Event Data Project (ACLED)*, which collects, disaggregates, and analyzes data on protests around the world, concluded that 97% of demonstrations held at academic institutions during the spring of 2024 were peaceful, and that fewer than 20—out of 553 analyzed between April 18 and May 3—would have resulted in serious interpersonal violence or property damage¹⁴³⁸. Despite this, the study noted that the police intervened in more than 10% of the demonstrations, which reportedly led to violent clashes that caused an undetermined number of injuries, between police officers, demonstrators and counterdemonstrators, as mentioned in previous paragraphs¹⁴³⁹.

647. At the beginning of the 2024-2025 academic year, the SRFOE noted that several institutions have reportedly introduced new policies in anticipation of upcoming demonstrations on college and university campuses. Media outlets have reported that educational institutions, both public and private, have reportedly increased security measures through restricted access to buildings and lawns previously accessible through fencing, ID checks, and mandatory registration of guests¹⁴⁴⁰. The institutions also reportedly imposed restrictions on the time, place and manner of protests, prohibiting demonstrations from 6 p.m. to 7 a.m., and limiting the erection of structures, including camp tents¹⁴⁴¹. Stricter limitations on unauthorized signage, deeds on university property, and noise levels were also reportedly ordered¹⁴⁴².

648. As stated by the Commission and its Special Rapporteur in a press release on May 9, 2024, freedom of expression and the right to peaceful assembly are fundamental in democratic societies, and especially in educational institutions, which are crucial spaces for the promotion of discussion, pluralism of ideas and informed deliberation on matters of public interest¹⁴⁴³.

649. The Special Rapporteur recalls that the right to protest encompasses the freedom to choose the time, place and manner in which a mobilization is carried out¹⁴⁴⁴. In this sense, it considers that imposing restrictions on when, where and how protests are carried out, even within academic institutions, undermines freedom of expression¹⁴⁴⁵.

650. Furthermore, in accordance with Principle VI on Academic Freedom and University Autonomy of the IACHR, this Office emphasizes that the intervention of State security forces in academic institutions could infringe on their autonomy and have a chilling effect on the academic community. Although such interventions may occur in exceptional cases and pursuant to the duties of States to preserve security, stability and democratic governance, they must take place within limits and in accordance with procedures that preserve both public security and human rights, and observe the standards of proportionality, reasonableness, legality and necessity¹⁴⁴⁶.

¹⁴³⁷ BBC, [US college protests: Hundreds more arrested across US in Gaza campus protests](#), April 25, 2024; The New York Times, [Where College Protesters Have Been Arrested or Detained](#), July 22, 2024.

¹⁴³⁸ ACLED, [US Campus Demonstrations Rise in the Face of a Sharper Police Crackdown](#), May 10, 2024.

¹⁴³⁹ ACLED, [US Campus Demonstrations Rise in the Face of a Sharper Police Crackdown](#), May 10, 2024.

¹⁴⁴⁰ Voice of America, [US Colleges Change Rules for Campus Protests](#), August 27, 2024; The New York Times, [How Universities Cracked Down on Pro-Palestinian Activism](#), November 25, 2024.

¹⁴⁴¹ The Washington Post, [Limits on masks, tents and noise: some campuses tighten protest rules](#), September 12, 2024; The New York Times, [How Universities Cracked Down on Pro-Palestinian Activism](#), November 25, 2024.

¹⁴⁴² NBC News, [U.S. colleges revise rules on free speech in hopes of containing anti-war demonstrations](#), August 16, 2024; The Guardian, [‘A police state’: US universities impose rules to avoid repeat of Gaza protests](#), August 17, 2024.

¹⁴⁴³ IACHR, Press Release No. 095/24 [IACHR: United States must respect peaceful protest and academic freedom in universities](#), May 9, 2024.

¹⁴⁴⁴ IACHR, [Protests and human rights](#), OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 75.

¹⁴⁴⁵ IACHR, [Protests and Human Rights](#), OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, paras. 73-75.

¹⁴⁴⁶ IACHR, [Inter-American Principles on Academic Freedom and Autonomy](#) University, December 2021, Principle VI.

651. The SRFOE has further established that the violent actions of a few individuals do not automatically justify labeling an entire protest as non-peaceful or justifying its dispersal. For example, States must refrain from engaging in practices of mass, collective, or indiscriminate arrests and detentions¹⁴⁴⁷, and those who engage in acts outside the scope of peaceful assembly may only face temporary and individual restrictions on their ability to demonstrate¹⁴⁴⁸. Similarly, detaining or arresting people solely for participating in a public protest or demonstration does not meet the requirements of reasonableness and proportionality, as established by international standards¹⁴⁴⁹.

652. Finally, the Rapporteurship emphasizes that States must give priority to dialogue and negotiation when managing any form of protest¹⁴⁵⁰. It also stresses that they must adopt reasonable and timely positive measures to protect demonstrators and counterdemonstrators, as well as journalists and their equipment¹⁴⁵¹.

653. In turn, during 2024, this Office learned through *the U.S. Press Freedom Tracker* that more than 30 journalists, including student journalists, reported being stopped, arrested, harassed, assaulted, and prevented from covering protests at institutions of higher education by local police in at least 12 states¹⁴⁵². Police reportedly arrested or detained journalists at least 48 times in 2024, more than during 2023 and 2022 combined¹⁴⁵³. In addition, a smaller number, approximately 13, reported harassment and assaults by private individuals¹⁴⁵⁴. At least five journalists also reported damage to their equipment, including phones and cameras, as a result of confrontations with protesters, counterdemonstrators, and police forces¹⁴⁵⁵. The Office of the Special Rapporteur documented that nearly half of the alleged violations of press freedom occurred in the state of New York¹⁴⁵⁶.

654. In this context, the Rapporteurship received reports alleging that two freelance photojournalists, Josh Pacheco and Olga Fedorova, were reportedly briefly detained and charged by authorities with minor offenses on at least eight occasions between February and October 2024¹⁴⁵⁷. Prior to his arrest, Pacheco was reportedly assaulted by New York Police Department (NYPD) officers while recording pro-Palestinian demonstrations in Queens, Manhattan, and Brooklyn with their work equipment, despite carrying their official press credentials¹⁴⁵⁸. Similarly, Pacheco, who identifies as a non-binary person, alleged that they were groped by an officer who also allegedly discriminated against them on the basis of their gender identity¹⁴⁵⁹. For her part, Fedorova was allegedly pushed and knocked down by NYPD officers before being repeatedly handcuffed, resulting in damage to her working camera in at least one incident; these events allegedly occurred even after Fedorova verbally identified herself as a journalist to riot units¹⁴⁶⁰. Additionally, Pacheco and Fedorova were reportedly arrested on August 20, 2024, while reporting on protests around the

¹⁴⁴⁷ IACHR, [Protests and Human Rights](#), OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, paras. 138, 229.

¹⁴⁴⁸ IACHR, [Protests and Human Rights](#), OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 84.

¹⁴⁴⁹ IACHR, [Protests and Human Rights](#), OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 228.

¹⁴⁵⁰ IACHR, [Protests and Human Rights](#), OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 341.

¹⁴⁵¹ IACHR, [Protests and Human Rights](#), OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, paras. 77, 356.

¹⁴⁵² In the states of California, Illinois, Minnesota, New Mexico, New Mexico, New York, New Hampshire, Oregon, Pennsylvania, Tennessee, Texas, Virginia and Washington, according to the U.S. Press Freedom Tracker, [Arrests/criminal charges in 2024](#), updated as of Dec. 19, 2024.

¹⁴⁵³ U.S. Press Freedom Tracker, [Journalist arrests surge in 2024 amid Israel-Gaza war protests](#), Dec. 12, 2024.

¹⁴⁵⁴ U.S. Press Freedom Tracker, [Journalist arrests surge in 2024 amid Israel-Gaza war protests](#), Dec. 12, 2024.

¹⁴⁵⁵ U.S. Press Freedom Tracker, [Journalist arrests surge in 2024 amid Israel-Gaza war protests](#), Dec. 12, 2024.

¹⁴⁵⁶ U.S. Press Freedom Tracker, [Journalist arrests surge in 2024 amid Israel-Gaza war protests](#), Dec. 12, 2024.

¹⁴⁵⁷ U.S. Press Freedom Tracker, [incidents recorded involving Josh Pacheco](#), December 23, 2024; U.S. Press Freedom Tracker, [recorded involving Olga Fedorova](#), December 23, 2024.

¹⁴⁵⁸ U.S. Press Freedom Tracker, [Photojournalist briefly detained at pro-Palestinian march in NYC](#), Feb. 19, 2024; U.S. Press Freedom Tracker, [Photojournalist dragged to the ground, arrested at NYC protest](#), May 7, 2024; U.S. Press Freedom Tracker, [Independent photojournalist detained at pro-Palestinian rally in NYC](#), May 18, 2024;

¹⁴⁵⁹ U.S. Press Freedom Tracker, [Photojournalist dragged to the ground, arrested at NYC protest](#), May 7, 2024.

¹⁴⁶⁰ U.S. Press Freedom Tracker, [Photojournalist detained while documenting NYC protest](#), April 15, 2024; U.S. Press Freedom Tracker, [Freelance photojournalist shoved to the ground, arrested at NYC protest](#), May 7, 2024; U.S. Press Freedom Tracker, [Photojournalist detained, camera and bag damaged at NYC protest](#), Sept. 10, 2024.

Israeli consulate in Chicago, Illinois¹⁴⁶¹. According to the information available, both were allegedly beaten with bicycles and batons by local police officers, who also confiscated their press credentials and dropped two of their cameras to the ground, damaging one of them¹⁴⁶².

655. Publicly available information suggests that the day with the most incidents of violence against the press was April 30, 2024, in the vicinity of Columbia University, where pro-Palestinian protests had been ongoing for two weeks¹⁴⁶³. On that day, the institution reportedly asked the NYPD to remove all protesters on campus after the deadline to disperse from the main lawn passed and others decided to occupy Hamilton Hall¹⁴⁶⁴. As part of the operation, the University, in conjunction with the NYPD, reportedly suspended access to the public, including accredited media outlets; consequently, only student journalists from the University were allowed to do their reporting¹⁴⁶⁵. According to public reports, they denounced having been rounded up by the police, forced to confine themselves to buildings, expelled from campus premises, and threatened with arrest¹⁴⁶⁶.

656. In the context of social protests, the Rapporteurship recalls 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, the State has a duty to protect them when they are victims of acts of violence by third parties. Likewise, their equipment and materials may not be retained, confiscated, or destroyed¹⁴⁶⁷.

657. As in previous years, the Office of the Special Rapporteur has received annual estimates of gag orders and book bans in educational institutions throughout the United States¹⁴⁶⁸. Reports from civil society organizations indicate that between January 2021 and October 2024, 47 gag orders would have been implemented in 23 states in elementary through high schools, as well as 10 additional restrictions in institutions of higher education¹⁴⁶⁹. These reports also suggest that at least 10,000 book bans would have been documented in the 2023-2024 school year, marking a nearly 70% increase from 3,300 bans in 2022-2023, which in turn increased from 2,500 in 2021-2022¹⁴⁷⁰. Much of the banned or severely limited curricula and literary works presumably focus on racism, sexual orientation, gender identity, reproductive rights, and gender-based violence¹⁴⁷¹. Florida, Iowa, Texas, Pennsylvania, Pennsylvania, Wisconsin and Tennessee have been identified by civil society as the states with the highest levels of educational censorship¹⁴⁷².

658. The Office has also received reports of cases of self-censorship, in which instructors and librarians, fearing sanctions from employers and authorities, have reportedly refrained from teaching content

¹⁴⁶¹ Voice of America, [3 journalists arrested covering DNC protests, prompting press freedom concerns](#), August 23, 2024; The Chicago Reporter, [Chicago police accused of press freedom violations in premeditated mass arrest at DNC protest](#), October 15, 2024.

¹⁴⁶² U.S. Press Freedom Tracker, [Photojournalist arrested, shoved by Chicago police; gear seized and damaged](#), August 20, 2024; U.S. Press Freedom Tracker, [Photojournalist arrested, camera damaged by Chicago police during DNC](#), August 20, 2024.

¹⁴⁶³ AP News, [Timeline of the nationwide protest movement that began at Columbia University](#), May 1, 2024; CNN US, [Watch: These student journalists were the last media on campus as police massed outside](#), May 2, 2024; Columbia Daily Spectator, [Timeline: The 'Gaza Solidarity Encampment'](#), May 2, 2024.

¹⁴⁶⁴ Columbia University, [Public Safety Letter to NYPD - Apr. 30](#), April 30, 2024.

¹⁴⁶⁵ AP News, [Columbia University student journalists had an up-close view for days of drama](#), May 3, 2024; Columbia Spectator, [How the press covered Columbia's protests under lockdown](#), Oct. 10, 2024.

¹⁴⁶⁶ U.S. Press Freedom Tracker, [incidents reported in New York on 30 April 2024](#), 30 April 2024; Columbia Spectator, [Letter from the Editors: Columbia enabled the NYPD to suppress free press as it brutalized our peers](#), 5 May 2024.

¹⁴⁶⁷ IACHR, [Protest and Human Rights](#), OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 356.

¹⁴⁶⁸ American Library Association, [American Library Association reveals preliminary data on 2024 book challenges](#), September 23, 2024; PEN America, [America's Censored Classrooms 2024](#), October 8, 2024; PEN America, [Banned in the USA: Beyond the Shelves](#), November 1, 2024.

¹⁴⁶⁹ American Library Association, [American Library Association reveals preliminary data on 2024 book challenges](#), September 23, 2024; PEN America, [Banned in the USA: Beyond the Shelves](#), November 1, 2024.

¹⁴⁷⁰ The Guardian, [US public schools banned 10,000 books in most recent academic year](#), September 23, 2024; PEN America, [Banned in the USA: Beyond the Shelves](#), November 1, 2024.

¹⁴⁷¹ Publishers Weekly, [ALA 2024: Authors and Librarians Address 'Soft' Censorship](#), July 2, 2024; NBC News, [The next chapter in record U.S. book bans? 'Soft censorship'](#), September 27, 2024; PEN America, [Banned in the USA: Beyond the Shelves](#), November 1, 2024.

¹⁴⁷² American Library Association, [American Library Association reveals preliminary data on 2024 book challenges](#), September 23, 2024; PEN America, [Banned in the USA: Beyond the Shelves](#), November 1, 2024.

or displaying works considered “challenged” or previously censored in other jurisdictions¹⁴⁷³. In addition, the Office has received additional reports of further restrictions on curricula and book purchases, the preemptive removal of subjects from school curricula and books from library collections, the relegation of certain titles to restricted sections of libraries, and the cancellation of academic and literary events, such as conferences, workshops, author visits and book fairs¹⁴⁷⁴.

659. Studies received by this Office assert that state legislation would be one of the main drivers of educational censorship. Multiple state laws now include “age-appropriateness” provisions that have reportedly been used by local authorities and residents to legally challenge curricula and books deemed “explicit” or “sensitive” to minors¹⁴⁷⁵. Other state laws and policies, including executive orders, have cited “viewpoint diversity,” “institutional neutrality,” and “divisiveness” as justifications for restricting or mandating certain content to be included in classrooms and libraries¹⁴⁷⁶. These new regulations also reportedly established procedures for monitoring and objecting to curricula, acquiring and withdrawing teaching materials, and imposing curatorial guidelines on instructors and librarians¹⁴⁷⁷.

660. The SRFOE has argued that a free and democratic society is defined by its capacity for broad, pluralistic, and vigorous self-reflection. Educational gag orders and book bans, as explained by the Rapporteurship in December 2023, stifle public discourse, particularly on critical issues such as discrimination, stigmatization, and the dissemination of misinformation and disinformation related to race, gender identity, sexual orientation, reproductive rights, and gender-based violence¹⁴⁷⁸. This Office reiterates its call on the State, as it also did in a public statement in October 2022, to foster the conditions for genuine public discourse on issues that affect all citizens, ensuring the inclusion of diverse voices to address the tensions and frictions that inherently arise in society in an open and peaceful manner, respectful of human rights¹⁴⁷⁹.

661. The Special Rapporteurship expresses its continued alarm at the disproportionate impact of the frequently censored content in primary schools, secondary schools, universities, and public libraries on students, scholars, and authors from historically marginalized groups. These individuals are now deprived of seeing their struggles and contributions to society reflected in curricula and educational materials, while missing critical opportunities in learning spaces to foster empathy, critical thinking, awareness, and social change. In line with Inter-American anti-discrimination standards, the Rapporteurship recalls that States have a duty to safeguard the diverse forms of expression of groups long excluded from public discourse, promote the preservation of collective memory, and foster greater tolerance and respect in society¹⁴⁸⁰.

662. The Rapporteurship emphasizes that, as detailed in the respective Inter-American standards, freedom of expression is a recognized right for all individuals, regardless of their age¹⁴⁸¹. Moreover, as a right enshrined in Article 4 of the American Declaration of the Rights and Duties of Man, it plays a crucial role in fostering the capacity of children and adolescents to think independently about the issues that affect them and to understand the world through their own vision. At the individual level, it enables them to express and exchange ideas, while at the collective level, it facilitates their ability to seek, receive and disseminate

¹⁴⁷³ PEN America, [America's Censored Classrooms 2024](#), October 8, 2024; National Education Association, ['Censorship by Another Name.'](#) October 31, 2024.

¹⁴⁷⁴ PEN America, [America's Censored Classrooms 2024](#), October 8, 2024; National Education Association, ['Censorship by Another Name.'](#) October 31, 2024.

¹⁴⁷⁵ PEN America, [Index of Educational Gag Orders](#), January 6, 2025.

¹⁴⁷⁶ PEN America, [America's Censored Classrooms 2024](#), October 8, 2024; National Education Association, ['Censorship by Another Name.'](#) October 31, 2024.

¹⁴⁷⁷ PEN America, [America's Censored Classrooms 2024](#), October 8, 2024; National Education Association, ['Censorship by Another Name.'](#) October 31, 2024.

¹⁴⁷⁸ IACHR, RELE, Press Release No. R319/23, [IACHR and RELE address freedom of expression as a way to end discrimination in the United States](#), December 27, 2023.

¹⁴⁷⁹ IACHR, RELE, Press Release No. R235/22, [RELE calls on U.S. authorities to create the conditions for broad, plural and robust deliberation in schools and academia](#), October 20, 2022.

¹⁴⁸⁰ IACHR, [Economic, Social, Cultural and Environmental Rights of People of African Descent](#), OEA/Ser.L/V/II, Doc. 109, March 15, 2021, para. 210.

¹⁴⁸¹ IACHR, Office of the Special Rapporteur for Freedom of Expression (RELE), [Children, Freedom of Expression and the Media in the Americas](#), OEA/Ser.L/V/II/CIDH/RELE/INF.23, February 2019, para. 21.

information, explore diverse points of view, and participate in society as informed citizens. In the sphere of higher education, the Inter-American Principles on Academic Freedom indicate that imposing State restrictions on research, discussion or publication of certain subjects, as well as limiting access to physical and online publications, libraries or databases, constitutes prior censorship¹⁴⁸².

663. The Rapporteurship warns that educational censorship poses significant long-term risks for future generations, as restricting access, discussion and dissemination of information for children and adolescents, as well as young adults, undermines their ability to coexist and thrive in diverse and complex societies that still require strong institutional frameworks to combat intolerance, promote social inclusion, and foster intercultural understanding.

664. Finally, this Office has followed up on the lawsuit filed in August 2017 by *Energy Transfer*, a company that owns and operates energy assets in the United States, against *Greenpeace*, an international environmental organization, before the District Court of North Dakota¹⁴⁸³. *Energy Transfer* initially alleged that *Greenpeace* violated the Racketeer Influenced and Corrupt Organizations Act (RICO) by leading alleged disinformation campaigns and orchestrating alleged criminal activities in the context of social protests over the construction of the Dakota Access pipeline on the Standing Rock Indian Reservation, as well as inflicting financial damages on the company¹⁴⁸⁴. While RICO violations would have been dismissed by the courts in 2019, *Energy Transfer* would still seek US\$300 million in damages in a trial scheduled for February 2025¹⁴⁸⁵. This sum, according to *Greenpeace*, would result in the bankruptcy and dissolution of its organization, and would set a precedent whereby civil society organizations could be criminalized for the actions of unknown individuals participating in their personal capacity in public demonstrations¹⁴⁸⁶.

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

665. Regarding the fight against discrimination and exclusion, the Rapporteurship was alerted to the dissemination of content about Haitian immigrants to encourage their deportation. In the context of the 2024 elections in the United States, this population was repeatedly accused of “eating pets” in Springfield, a city in southwestern Ohio¹⁴⁸⁷. This claim was also reportedly echoed by members of the U.S. Congress and other high-profile public figures¹⁴⁸⁸. Civil society organizations, as well as the Haitian State, noted that Haitian immigrants have historically been the target of dehumanizing accusations and stereotypes, which in turn has perpetuated discrimination and violence against them, and may contribute to xenophobia¹⁴⁸⁹.

666. On the other hand, the Rapporteurship has continued to monitor alleged acts of discrimination and exclusion against minorities in the United States. As a result of conflicts in the Middle East and a period of high social unrest, there has been an increase in the number of speeches and incidents recorded against Jewish and Muslim people, as well as a drop in favorable perceptions towards these two groups¹⁴⁹⁰.

667. According to studies conducted by the *Anti-Defamation League (ADL)*, there would have been more than 10,000 anti-Semitic incidents in the country from October 7, 2023, the day of the Hamas terrorist

¹⁴⁸² IACHR, [Inter-American Principles on Academic Freedom and Autonomy](#) University, December 2021, Principle VIII.

¹⁴⁸³ Climate Change Litigation Database, [Energy Transfer Equity, L.P. v. Greenpeace International](#), February 7, 2025.

¹⁴⁸⁴ United States District Court of North Dakota, [Energy Transfer v. Greenpeace International](#), 2017; NPR, [Dakota Access Pipeline Owner Sues Greenpeace For 'Criminal Activity'](#), 22 August 2017; Business & Human Rights Resource Centre, [Energy Transfer lawsuit \(re Dakota Access Pipeline, USA\)](#), 21 November 2017.

¹⁴⁸⁵ Reuters, [U.S. court dismisses Energy Transfer Partners lawsuit against Greenpeace](#), February 14, 2019; Greenpeace, [US Federal Court dismisses \\$900 million pipeline company lawsuit against Greenpeace](#), February 15, 2019.

¹⁴⁸⁶ Greenpeace USA, [Big Oil Greed v the Truth: Greenpeace on Trial Over Standing Rock](#), February 28, 2024.

¹⁴⁸⁷ Swiss Info, [Trump accuses migrants of "stealing" jobs and eating "pets."](#) Sept. 11, 2024; France 24, [Like cats and dogs: when Donald Trump appeals to pets to attack Kamala Harris](#), Sept. 12, 2024.

¹⁴⁸⁸ The Guardian, [Republicans spread baseless slurs about 'cat-eating migrants' in Ohio city](#), Sept. 10, 2024; NPR, [Vance defends spreading claims that Haitian migrants are eating pets](#), Sept. 15, 2024.

¹⁴⁸⁹ RFI, [Haiti condemns bogus claim about US pet-eating migrants pushed by Trump](#), Sept. 11, 2024; Human Rights Watch, [Rights Groups Oppose Recent Remarks Targeting the Haitian Immigrant Community](#), Oct. 1, 2024.

¹⁴⁹⁰ Pew Research Center, [Rising Numbers of Americans Say Jews and Muslims Face a Lot of Discrimination](#), April 2, 2024; Brookings, [Prejudice toward Muslims is highest among all religious and ethnic groups](#), August 27, 2024.

attack in Israel, to September 24, 2024¹⁴⁹¹. This would be the highest number of incidents recorded since 1979¹⁴⁹². It would also represent an increase of more than 200% compared to the incidents documented during the same period in the previous year (2022-2023), when approximately 3,325 incidents were recorded¹⁴⁹³. Of the 10,000 incidents since October 2023, nearly 8,000 would correspond to incidents of verbal or written harassment, 1,800 to incidents of vandalism, and more than 150 to incidents of physical assault¹⁴⁹⁴. Twelve percent of incidents, according to ADL studies, would have been reported at institutions of higher education and another 20 percent would have occurred at synagogues and Jewish centers¹⁴⁹⁵. Allegations received by ADL also suggest that a third of the incidents occurred during demonstrations against the State of Israel and included alleged expressions of support for terrorist groups such as Hamas, Hezbollah, the Houthis, and the Popular Front for the Liberation of Palestine¹⁴⁹⁶.

668. Similarly, the Special Rapporteurship recorded figures compiled by the *Council on American-Islamic Relations (CAIR)* between January and June 2024, according to which there would have been nearly 5,000 incidents that would constitute instances of Islamophobia, representing an increase of 69% over the same period in 2023¹⁴⁹⁷. The before figure does not count the approximately 3,500 incidents during the last three months of 2023, following the terrorist attacks of October 7, 2023, and Israel's assault on Gaza since then¹⁴⁹⁸. Recorded incidents in 2024 would encompass discrimination in immigration and asylum proceedings (19%), employment discrimination (14%), educational discrimination (10%), and alleged "hate crimes" (8%)¹⁴⁹⁹. The Rapporteurship also documented allegations that demonstrations of support for Palestine and rejection of Israel have resulted in disciplinary sanctions by educational institutions and private employers¹⁵⁰⁰.

669. In response to reports documenting an increase in the number of incidents of Islamophobia, the Special Rapporteur was informed of the launch of the first federal strategy to "counter Islamophobia and anti-Arab hatred" on December 12, 2024¹⁵⁰¹. According to the government, the strategy was developed through a cross-sectoral collaboration among civil society to "describe and address the prejudice, discrimination, and threats that Muslim and Arab Americans face"¹⁵⁰². The strategy reportedly contains more than 100 Executive Branch actions and more than 100 calls to action for society as a whole to "prevent and address violent attacks and ensure that Muslim and Arab Americans enjoy equal rights"¹⁵⁰³. In addition, the strategy, according to official information, would have four purposes: (i) to increase awareness of hatred against Muslims and Arabs, and broaden recognition of the heritage and importance of these communities; (ii) to improve the safety of Muslims and Arabs; (iii) to address discrimination against Muslims and Arabs and adequately accommodate

¹⁴⁹¹ ADL, [Over 10,000 Antisemitic Incidents Recorded in the U.S. since Oct. 7, 2023, According to ADL Preliminary Data](#), Oct. 6, 2024.

¹⁴⁹² ADL, [Over 10,000 Antisemitic Incidents Recorded in the U.S. since Oct. 7, 2023, According to ADL Preliminary Data](#), Oct. 6, 2024; BBC, [Antisemitic incidents in US surge to record high - report](#), Oct. 7, 2024.

¹⁴⁹³ ADL, [Over 10,000 Antisemitic Incidents Recorded in the U.S. since Oct. 7, 2023, According to ADL Preliminary Data](#), Oct. 6, 2024; CNN, ['Shocking,' historic spike in anti-Jewish threats across the US, ADL says](#), Oct. 7, 2024.

¹⁴⁹⁴ ADL, [Over 10,000 Antisemitic Incidents Recorded in the U.S. since Oct. 7, 2023, According to ADL Preliminary Data](#), Oct. 6, 2024.

¹⁴⁹⁵ ADL, [Over 10,000 Antisemitic Incidents Recorded in the U.S. since Oct. 7, 2023, According to ADL Preliminary Data](#), Oct. 6, 2024.

¹⁴⁹⁶ ADL, [Over 10,000 Antisemitic Incidents Recorded in the U.S. since Oct. 7, 2023, According to ADL Preliminary Data](#), Oct. 6, 2024.

¹⁴⁹⁷ CAIR, [New CAIR Data Shows Anti-Muslim, Anti-Palestinian Hate Remain Elevated in First Half of 2024](#), July 30, 2024.

¹⁴⁹⁸ Reuters, [US anti-Muslim incidents rose about 70% in first half of 2024 amid Gaza war](#), July 30, 2024; The Guardian, [Anti-Muslim hate in US rises since 7 October but advocates praise community resilience](#), October 3, 2024.

¹⁴⁹⁹ CAIR, [New CAIR Data Shows Anti-Muslim, Anti-Palestinian Hate Remain Elevated in First Half of 2024](#), July 30, 2024.

¹⁵⁰⁰ The New York Times, [Professors in Trouble Over Protests Wonder if Academic Freedom Is Dying](#), October 23, 2024; The Guardian, [US professors face discipline and investigations over Palestine support](#), October 24, 2024; The Guardian, [Workers accuse Google of 'tantrum' after 50 fired over Israel contract protest](#), April 27, 2024; CNN, [Former Google workers fired for protesting Israel deal file complaint claiming protected speech](#), May 1, 2024.

¹⁵⁰¹ The White House, [Biden- Harris Administration Releases First-Ever U.S. National Strategy to Counter Islamophobia and Anti-Arab Hate](#), December 12, 2024.

¹⁵⁰² The White House, [Biden- Harris Administration Releases First-Ever U.S. National Strategy to Counter Islamophobia and Anti-Arab Hate](#), December 12, 2024.

¹⁵⁰³ The White House, [Biden- Harris Administration Releases First-Ever U.S. National Strategy to Counter Islamophobia and Anti-Arab Hate](#), December 12, 2024.

their religious practices; and (iv) to continue to foster cross-community solidarity and collective action to counter hate¹⁵⁰⁴.

670. Adding to the strategy to counter Islamophobia is the first-ever national strategy to combat anti-Semitism, launched on May 25, 2023¹⁵⁰⁵. This strategy, according to the White House, also includes more than 100 significant actions to be undertaken by more than two dozen government agencies to counter anti-Semitism, as well as more than 100 calls to action for Congress, state and local governments, businesses, technology platforms, members of educational institutions, and religious leaders¹⁵⁰⁶. The four pillars of the strategy are: to (i) increase awareness and understanding of anti-Semitism, including the threat it poses to the United States, and broaden appreciation of American Jewish heritage; (ii) enhance the safety and security of Jewish communities; (iii) reverse the normalization of anti-Semitism and counter anti-Semitic discrimination; and (iv) foster cross-community solidarity and collective action to counter hate¹⁵⁰⁷.

671. The SRFOE recalls that States are only required to prohibit “hate speech” in limited circumstances, i.e., when the speech constitutes incitement to violence or any other similar unlawful action against any person or group of persons, on the grounds of race, color, religion, language or national origin, among others¹⁵⁰⁸. Any sanction for hate speech must meet a high threshold and be based on clear, concrete and conclusive evidence that the individual was not simply expressing an opinion, however harsh, unfair or disturbing it might have been¹⁵⁰⁹.

D. Freedom of expression and the Internet

672. As in its previous annual reports, this Office has followed legislative processes that would seek to ban nationwide the social media company *TikTok*¹⁵¹⁰. On April 24, 2024, this Office was informed about the presidential approval of a law that would force the Chinese company *ByteDance*, owner of *Tik Tok*, to sell the platform to a U.S. firm or face a ban as of January 19, 2025¹⁵¹¹. The law would have been introduced and approved by lawmakers who allege that the platform could be used by the PRC government for espionage and surveillance operations, as well as disinformation¹⁵¹². After its approval, the company assured that the legislation would have been approved on the basis of “inaccurate, faulty and hypothetical information” and would seek to “censor” more than 170 million users in the U.S., bringing losses of more than 1.3 billion dollars for businesses and content creators¹⁵¹³.

673. On December 6, 2024, the Rapporteurship recorded the unanimous decision of the Court of Appeals for the District of Columbia Circuit to reject the first legal challenge brought by *TikTok*, in which it argued that the law in question would violate freedom of speech, protected by the First Amendment of the Constitution¹⁵¹⁴. In its ruling, the three-judge federal panel held that “[t]he government acted only to protect that freedom from a foreign adversary nation and to limit that adversary’s ability to collect data on individuals in the United States”¹⁵¹⁵. Faced with this ruling, the company decided to appeal the decision to the highest court,

¹⁵⁰⁴ The White House, [Biden- Harris Administration Releases First-Ever U.S. National Strategy to Counter Islamophobia and Anti-Arab Hate](#), December 12, 2024.

¹⁵⁰⁵ The White House, [The U.S. National Strategy to Counter Antisemitism: Key Actions by Pillar](#), June 2, 2023.

¹⁵⁰⁶ The White House, [The U.S. National Strategy to Counter Antisemitism: Key Actions by Pillar](#), June 2, 2023.

¹⁵⁰⁷ The White House, [The U.S. National Strategy to Counter Antisemitism: Key Actions by Pillar](#), June 2, 2023.

¹⁵⁰⁸ IACHR, [Hate speech and incitement to violence against LGBTI persons](#), 2015, para. 13.

¹⁵⁰⁹ IACHR, [Hate speech and incitement to violence against LGBTI persons](#), 2015, para. 23.

¹⁵¹⁰ IACHR, Office of the Special Rapporteur for Freedom of Expression (RELE), [Annual Report 2023](#), OEA/Ser.L/V/II Doc. 386, December 6, 2023, paras. 752-754.

¹⁵¹¹ CNN, [Biden just signed a potential TikTok ban into law. Here's what happens next](#), April 24, 2024; NPR, [U.S. bans TikTok unless it is sold](#), April 24, 2024.

¹⁵¹² NPR, [Why are so many government officials concerned about TikTok?](#), May 2, 2024; The New York Times, [Why TikTok Faces a U.S. Ban, and What's Next?](#), Dec. 6, 2024

¹⁵¹³ TikTok, [TikTok Statement on DC Circuit Court of Appeals Decision](#), December 6, 2024; TikTok, [TikTok Files for Emergency Injunction Pending Supreme Court Appeal](#), December 16, 2024.

¹⁵¹⁴ TikTok, [TikTok Files Opening Brief on Unconstitutional Ban](#), June 20, 2024.

¹⁵¹⁵ United States Court of Appeal for the Fourth District of Columbia Circuit, [TikTok Inc. v. Attorney General of the United States](#), December 6, 2024.

the Supreme Court¹⁵¹⁶. On December 18, 2024, this Office learned that the Court accepted *TikTok's* request and scheduled a hearing for January 10, 2025, to hear the company's final appeal arguments¹⁵¹⁷. Likewise, on December 27, 2024, a legal representative of the President-elect reportedly filed a letter with the U.S. Supreme Court assuring that the future Head of State "opposes banning *TikTok*" and would seek to "resolve the issues at hand through political means once he takes office"¹⁵¹⁸. Available information indicates that the legislation would penalize internet service providers and app store companies, such as *Apple* and *Google*, with civil penalties for distributing or updating *TikTok*¹⁵¹⁹. The obligation to sell or face prohibition raised concerns among digital rights advocates, who argue that the United States could be undermining its role in promoting an open and free internet that is not controlled by individual countries¹⁵²⁰.

674. The Rapporteurship has argued that the 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 network¹⁵²¹. It has also pointed out that blocking platforms to combat disinformation could constitute a form of censorship that limits access to information, affects journalistic work, and may cover up human rights violations¹⁵²².

675. The Rapporteurship recalls that, as established in the standards for a "free, open and inclusive Internet", the blocking or mandatory suspension of platforms constitutes a restriction that can only be justified when it is stipulated by law and is necessary to protect a human right or other legitimate public interest, which includes that it is proportionate; that there are no less invasive alternative measures that could preserve that interest; and that it respects minimum guarantees of due process¹⁵²³. It also stresses that it is particularly important that within States there be rich, robust, and pluralistic debates on the regulation of human rights on the Internet, guaranteeing the participation of particularly affected or vulnerable sectors¹⁵²⁴.

676. On the other hand, at the end of 2024, the Rapporteurship recorded a court ruling that determined that the Israeli company *NSO Group Technologies*, manufacturer of the *Pegasus software*, would be liable for spying on 1,400 *WhatsApp* users in May 2019¹⁵²⁵. A judge in the Northern District of California found that *NSO* violated federal and state anti-hacking laws, including the Computer Fraud and Abuse Act and the California Comprehensive Computer Data Access and Fraud Act, as well as *WhatsApp's* own terms of service¹⁵²⁶. The available information suggests that *NSO* would face a jury trial in March 2025 to define the damages to be paid to *Meta*, the parent company of the messaging application¹⁵²⁷. The plaintiff alleged that the Israeli company was responsible for privacy violations against senior government officials, journalists, human rights activists

¹⁵¹⁶ TikTok, [TikTok Files for Emergency Injunction Pending Supreme Court Appeal](#), December 16, 2024.

¹⁵¹⁷ TikTok, [Statement on Supreme Court Order to Hear TikTok Ban Case](#), December 18, 2024; BBC, [US Supreme Court to hear TikTok challenge to potential ban](#), December 18, 2024.

¹⁵¹⁸ The Washington Post, [Trump seeks to delay TikTok ban in Supreme Court filing](#), Dec. 28, 2024; BBC, [Trump urges US Supreme Court to delay TikTok ban](#), Dec. 28, 2024.

¹⁵¹⁹ The New York Times, [Why TikTok Faces a U.S. Ban, and What's Next?](#), December 6, 2024; BBC, [US TikTok ban: When could the app be banned and will Trump save it?](#), December 31, 2024.

¹⁵²⁰ The New York Times, [What a TikTok Ban Would Mean for the U.S. Defense of an Open Internet](#), April 17, 2024; Amnesty International, [US: TikTok ban won't solve harms of Big Tech's invasive surveillance](#), April 25, 2024; American Civil Liberties Association, [ACLU Slams Appeals Court Decision Upholding TikTok Ban](#), December 6, 2024.

¹⁵²¹ IACHR, [Freedom of Expression and the Internet](#), OEA/Ser.L/V/II. IACHR/RELE/INF. 11/13, para. 120.

¹⁵²² IACHR, Office of the Special Rapporteur for Freedom of Expression, [Digital Inclusion and Internet Content Governance](#), OEA/Ser.L/V/II/CIDH/RELE/INF.28/24, June 2024, para. 215.

¹⁵²³ OAS, UN, OSCE, ACHPR, [Joint Declaration on Freedom of Expression and "Fake News" \("Fake News"\)](#), Disinformation and Propaganda, 2017.

¹⁵²⁴ IACHR, [Standards for a Free, Open and Inclusive Internet](#), OEA/Ser.L/V/II. IACHR/RELE/INF.17/17, March 15, 2017, para. 55.

¹⁵²⁵ The Guardian, [US judge finds Pegasus spyware maker liable over WhatsApp hack](#), December 21, 2024; Reuters, [US judge finds Israel's NSO Group liable for hacking in WhatsApp lawsuit](#), December 23, 2024.

¹⁵²⁶ CNN, [Judge rules Israeli firm NSO Group liable for damages in WhatsApp hacking case](#), Dec. 20, 2024; The Washington Post, [Meta's WhatsApp wins ruling holding spyware maker NSO liable for hacking](#), Dec. 21, 2024.

¹⁵²⁷ Bloomberg Law News, [WhatsApp Wins NSO Spyware Case Over Hacking of 1,400 Phones](#), December 21, 2024; The Guardian, [US judge finds Pegasus spyware maker liable over WhatsApp hack](#), December 21, 2024.

and defenders, political dissidents, and diplomats from at least 20 countries¹⁵²⁸. *NSO*, for its part, argued that it was not liable since it is its customers who control the use of the spyware. However, documents filed in the case would have shown that the company is the party that “installs and extracts” information with the spyware, and that it was used to infiltrate not only *WhatsApp*, but also iPhones to obtain images, emails, and other types of private information¹⁵²⁹. The U.S. Department of Commerce added *NSO* in November 2021 to a “special list” that prohibits doing business with the company, arguing that it had acted “contrary to the national security or foreign policy interests of the United States”¹⁵³⁰.

677. Respect for freedom of expression online presupposes privacy of communications. Indeed, without a private space, free from arbitrary interference by the State or private parties, the right to freedom of thought and expression cannot be fully exercised¹⁵³¹. In this sense, the Office of the Special Rapporteur reiterates 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 this effect, protecting all persons under their jurisdiction, including protection against possible arbitrary or abusive interference by third parties¹⁵³².

¹⁵²⁸ AP, [Facebook sues Israeli company over WhatsApp spyware](#), Oct. 29, 2019; The Washington Post, [Why WhatsApp is pushing back on NSO Group hacking](#), Oct. 29, 2024; Reuters, [WhatsApp sues Israel's NSO for allegedly helping spies hack phones around the world](#), Oct. 30, 2019.

¹⁵²⁹ The Guardian, [NSO - not government clients - operates its spyware, legal documents reveal](#), November 15, 2024; Reuters, [US judge finds Israel's NSO Group liable for hacking in WhatsApp lawsuit](#), December 23, 2024.

¹⁵³⁰ U.S. Department of Commerce, [Commerce Adds NSO Group and Other Foreign Companies to Entity List for Malicious Cyber Activities](#), November 3, 2021.

¹⁵³¹ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Digital Inclusion and Internet Content Governance](#), OEA/Ser.L/V/II/CIDH/RELE/INF.28/24, June 2024, para. 183.

¹⁵³² IACHR, Office of the Special Rapporteur for Freedom of Expression, [Digital Inclusion and Internet Content Governance](#), OEA/Ser.L/V/II/CIDH/RELE/INF.28/24, June 2024, para. 131.

GRENADA

678. In 2024, the Office of the Special Rapporteur continued to monitor freedom of expression in Grenada, highlighting reports on obstacles to journalistic coverage of issues of public interest. There were also training programs for journalists to strengthen their coverage of issues related to less, human trafficking and climate change. Regarding democratic institutions, labor strikes were reported, as well as efforts related to freedom of expression and the Internet, especially after Hurricane Beryl. In addition, an alert was issued on the use of artificial intelligence in fraud cases.

A. Journalism and democracy

679. In January 2024, the Office of the Special Rapporteur received reports alleging that authorities had prevented the media from entering the inauguration of new ministers in the Prime Minister's cabinet. In response to an outcry from the national press, the government announced that it would hold a press conference 48 hours later. The conference, however, was reportedly boycotted as a form of protest¹⁵³³. The *Grenada Media Workers Association*, the *Caribbean Media Workers Association* and *Reporters Without Borders* (RSF) publicly expressed their rejection and called on the State to allow media workers free access to events of public interest¹⁵³⁴.

680. A month later, in February 2024, the Rapporteurship received new reports alleging that the Prime Minister of the Nation had announced that he would only grant interviews to media that would transmit him the questions to be asked beforehand¹⁵³⁵. The *Media Workers Association* pointed out that this would be an unprecedented policy in the relationship between the head of government and the press¹⁵³⁶.

681. In the second half of 2024, the Office of the Special Rapporteur received an analysis prepared by the *Media Institute of the Caribbean*, in collaboration with the United Nations Development Programme (UNDP) and the United States Agency for International Development (USAID) on media coverage of children's involvement in crime, violence and human trafficking in the Eastern Caribbean¹⁵³⁷. According to the document, the media can play a key role in raising public awareness of the prevalence, causes and possible solutions to these social problems, so it is crucial that coverage is accurate, avoids sensationalism and does not perpetuate misrepresentations or stereotypes¹⁵³⁸.

682. The analysis identified that it is common in the country to start a career in journalism without having completed higher education, which could influence the quality of local journalism. In this regard, the report recommended the formation of an association of media workers to help raise the standards of journalism in the country and counteract disinformation¹⁵³⁹. With respect to media access to official

¹⁵³³ Loop, [ACM calls on Government of Grenada to apologise to media workers](#), 10 January 2024; CIVICUS, [Journalists face access restrictions: barred from cabinet ceremony and subject to new interview policy](#), 28 March 2024.

¹⁵³⁴ ACM [@acmmmediaworkers], (Jan. 4, 2024) Statement by the Media Association of Grenada following the barring of media workers from state event, X, <https://x.com/acmediaworkers/status/1743004671260688567>; ACM [@acmmmediaworkers], (Jan. 10, 2024) Statement from the Association of Caribbean Media Workers on the barring of #MediaWorkers by the Government of #Grenada, X, <https://x.com/acmediaworkers/status/1745087212201353424>; RSF en Español [@RSF_en], (Jan. 9, 2024), RSF was disappointed to see Grenada's government bar reporters from covering its cabinet swearing-in ceremony last week, X, https://x.com/RSF_en/status/1744792863337062632.

¹⁵³⁵ Now Grenada, [Journalist wants Government to rethink "submit questions in advance" policy](#), February 19, 2024; GBN, [Farrier in the spotlight](#), February 20, 2024.

¹⁵³⁶ Now Grenada, [Journalist wants Government to rethink "submit questions in advance" policy](#), February 19, 2024; GBN, [Farrier in the spotlight](#), February 20, 2024.

¹⁵³⁷ Media Institute of the Caribbean [@micinvestigates], (October 16, 2024), MIC in collab with @UNDP Carisecure2.0 & @usaidescarib is pleased to deliver this groundbreaking report, A Media Analysis of the Coverage of Youth Involvement in Crime and Violence & Trafficking in Persons (June 2021 to June 2023) in the Eastern Caribbean, X, <https://x.com/micinvestigates/status/1846644621054824916>.

¹⁵³⁸ Media Institute of the Caribbean, UNDP & USAID, [A Media Analysis of the Coverage of Youth Involvement in Crime and Violence and Trafficking in Persons \(June 2021 to June 2023\) in the Eastern Caribbean](#), p. 1.

¹⁵³⁹ Media Institute of the Caribbean, UNDP & USAID, [A Media Analysis of the Coverage of Youth Involvement in Crime and Violence and Trafficking in Persons \(June 2021 to June 2023\) in the Eastern Caribbean](#), p. 17, 32.

information, including that related to national security, the report noted that the national authorities would not actively compile and disseminate information in their possession .¹⁵⁴⁰

683. In the middle of that year, the Office recorded the implementation of training for media workers in Grenada to cover crimes involving minors and human trafficking. As explained, this training is part of the "CariSECURE 2.0" program, led by the *Media Institute of the Caribbean* in partnership with UNDP¹⁵⁴¹ . Additionally, the Rapporteurship learned of a second training, offered by the *Grenada Media Workers Association*, to strengthen journalistic coverage of the causes and effects of climate change in the country .¹⁵⁴²

684. The Rapporteurship recalls that the media should develop and make explicit self-regulation processes, with the establishment of journalistic ethics standards and mechanisms of accountability to audiences for the protection of the rights of children and adolescents in the media .¹⁵⁴³

B. Freedom of expression and the Internet

685. In mid-2024, the IACHR and the Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights (REDESCA) recorded the impact of Hurricane Beryl on the Caribbean island states, which disproportionately affected Grenada and St. Vincent and the Grenadines¹⁵⁴⁴ . Authorities and experts on the island of Carriacou, the largest of the Grenadines, reported almost complete destruction of infrastructure, leaving the population without access to electricity and telecommunications¹⁵⁴⁵ . Intergovernmental and civil society organizations, including the United Nations Disaster Assessment and Coordination Agency (UNDAC), the Caribbean Disaster Emergency Management Agency (CDEMA) and *Télécoms Sans Frontières*, were present in the territory to identify immediate needs and provide internet connectivity for several days through satellite means, with which the affected communities were reportedly able to communicate with their families outside the island .¹⁵⁴⁶

686. In addition, the Rapporteurship documented the extraordinary award of 9.3 million Eastern Caribbean dollars to GRENLEC, the national electricity company, to contribute to the reconstruction of the affected power grid¹⁵⁴⁷ . As publicly reported, thanks to a partnership between GRENLEC and other actors present in Carriacou, including the electricity companies of St. Lucia and Barbados, connectivity was restored for 97% of users in the territory .¹⁵⁴⁸

687. In addition, the Office of the Special Rapporteur recorded the signing of a memorandum of understanding between the government of Grenada and an African technology company in May 2024. The document, which is publicly available, establishes a legal framework for the initiation of cooperation between the two parties to promote the development of information and knowledge technologies in the country .¹⁵⁴⁹

¹⁵⁴⁰ Media Institute of the Caribbean, UNDP & USAID, [A Media Analysis of the Coverage of Youth Involvement in Crime and Violence and Trafficking in Persons \(June 2021 to June 2023\) in the Eastern Caribbean](#), p. 32.

¹⁵⁴¹ The New Today, [Journalists enhance skills in reporting youth crime and trafficking](#), June 29, 2024; Searchlight, [Vincentians Journalists develop reporting skills on Youth Involvement in Crime](#), June 28, 2024.

¹⁵⁴² GBN, [Empowering communities](#), May 16, 2024; Media Workers Association of Grenada, May 15, 2024.

¹⁵⁴³ 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. 229.

¹⁵⁴⁴ IACHR, REDESCA, Press Release No. 160/24, "[La CIDH y REDESCA hacen un llamado a la solidaridad internacional ante la emergencia en los países afectados por el huracán Beryl](#)", 9 July 2024; World Meteorological Organization, [Record-breaking Hurricane Beryl threatens Caribbean](#), 8 July 2024.

¹⁵⁴⁵ PassBlue, [How Record-Breaking Beryl Left Her Mark on Grenada](#), September 2, 2024; OCHA, [After the storm: Two months after Hurricane Beryl](#), September 7, 2024.

¹⁵⁴⁶ TSFI, [Disaster Response Grenada Hurricane Beryl](#), October 25, 2024.

¹⁵⁴⁷ GRENLEC, [Grenlec receives USD 9.3 Million insurance payout following hurricane Beryl](#), July 22, 2024.

¹⁵⁴⁸ Caribbean Loop News, [Large percentage of mainland Grenada regains electricity post-Beryl](#), July 12, 2024; CARILEC, [Electrical Crews from Barbados and Dominica Assisting Grenlec Crews with Post-Beryl Restoration](#), July 18, 2024.

¹⁵⁴⁹ The Barnacle News, [Government of Grenada Signs MOU with Suku Technologies to Open New Innovative Avenues in ICT](#), May 24, 2024; Commonwealth Chamber of Commerce, [Grenada signs MOU with Suku Technologies to enhance ICT skills](#), May 28, 2024.

688. Regarding artificial intelligence (AI), the Office of the Special Rapporteur registered an alert issued by the National Cyber Security Incident Response Team for the use of this technology for fraud. According to the alert, criminals would impersonate companies with fake job selection processes to steal private information and carry out blackmail, so it urged job seekers to take a series of measures to prevent scams¹⁵⁵⁰. The Rapporteurship also took note of the announcement made by the Parliament of Grenada that it would begin to use AI in its work, although no further details were shared with the public.¹⁵⁵¹

¹⁵⁵⁰ Loop, [Grenada cybersecurity team warns of rising employment scams](#), September 7, 2024; GBN, [Unclaimed Winnings](#), November 8, 2024.

¹⁵⁵¹ Now Grenada, [Grenada Parliament to introduce AI tools in 2025](#), November 26, 2024; The New Today, [Parliament to embrace AI tools in 2025](#), November 30, 2024.

GUATEMALA

689. In 2024, the Office of the Special Rapporteur received reports of attacks and violations against freedom of the press in Guatemala, which included threats, obstacles to access to information, restrictions on journalistic coverage, criminalization of journalists, economic pressures on the media and attacks on social networks, especially through structures known as “netcenters”. These actions particularly affected journalists and media outlets that investigate cases of corruption, abuses of power and human rights violations. During this period, the Office of the Special Rapporteur continued to monitor the case of journalist José Rubén Zamora, who was granted alternative measures in two of the criminal proceedings to which he has been subjected. Unlike previous years, the Rapporteurship highlights the openness of the State of Guatemala to international scrutiny and the explicit commitment of the new government to the defense and promotion of human rights, especially freedom of expression. In this regard, the IACHR carried out several visits to the country, including the follow-up of the precautionary measure in favor of journalist José Rubén Zamora and the *on-site* visit carried out in July 2024. In addition, this Office highlights some institutional efforts to promote and guarantee the exercise of freedom of expression, such as the signing of the Declaration of Chapultepec by the government and the visit of the Inter-American Press Association (IAPA) to the country. With regard to the fight against discrimination, the Office of the Special Rapporteur continues to report challenges related to the absence of an adequate regulatory framework to ensure the full exercise of freedom of expression for indigenous peoples, as well as attacks on women journalists. Relevant legislative initiatives have also been observed in the area of cybersecurity.

A. Journalism and democracy

690. As in 2023, the Office of the Special Rapporteur notes that challenges persist in relation to violence against the press and the lack of adequate investigations into these crimes in order to guarantee the full exercise of freedom of expression in Guatemala. Thus, for example, RELE learned about the armed attack on the home of Carlos Monroy, correspondent of *Nuestro Diario* in Zacapa, on September 2, 2024. Monroy linked the attack to his coverage of a local news story that would have generated the attacker's disagreement. The *Association of Journalists of Guatemala* (APG) condemned the act and made a call to the National Police to provide protection to the journalist and to the Public Prosecutor's Office to carry out the corresponding investigations and deduce the criminal responsibilities.¹⁵⁵²

691. Likewise, the Office of the Special Rapporteur recorded threats and intimidation against journalists Roderico Valdéz and Abel Rey, correspondents of *Revista Coyuntura*, during coverage in Mazatenango, Suchitepéquez¹⁵⁵³. According to publicly available information, the congressman confronted the journalists about a publication, verbally attacking them and making death threats. In addition, he allegedly snatched Abel Rey's cell phone, erasing the recording of the discussion¹⁵⁵⁴. The journalists reported the incident to the Public Prosecutor's Office and requested the intervention of the Prosecutor's Office for Crimes against Journalists and the Association of Journalists of Guatemala.¹⁵⁵⁵

¹⁵⁵² International Federation of Journalists (IFJ), [Guatemala: balean la vivienda del periodista Carlos Monroy](#), 4 September 2024; Prensa Libre, [APG se pronuncia por ataque contra casa de periodista zacapaneco](#), 4 September 2024; La Hora, [@lahoragt], (3 September 2024), La Asociación de Periodistas de Guatemala (APG) condena el ataque armado que fue objeto la residencia del corresponsal zacapaneco del matutino Nuestro Diario, Carlos Monroy, X, <https://x.com/lahoragt/status/1831180389399789836>; Nuestro Diario, [@NuestroDiario], (Sept. 3, 2024), Nos solidarizamos con Carlos Monroy, corresponsal de Nuestro Diario en Zacapa, cuya fachada de su casa recibió múltiples impactos de bala, X, <https://x.com/NuestroDiario/status/1831176385903395263>.

¹⁵⁵³ Manfredo Marroquín, [@ManfredoGuate], (April 27, 2024), Agreden a periodistas en Suchitepéquez Roderico Valdéz y Abel Rey, corresponsales de la Revista Coyuntura, fueron agredidos en Mazatenango por el diputado distrital de Suchitepéquez Oswaldo Rosales, del Partido VAMOS, X, <https://x.com/ManfredoGuate/status/1784256101313101921>; Canal Antigua, [Cámara Guatemalteca de Periodismo repudia agresiones contra periodistas en Suchitepéquez](#), April 29, 2024; Prensa Libre, [Diputado de Vamos increpa periodistas en Suchitepéquez](#), April 27, 2024; Soy 502, [Denuncian a diputado por agresión en Suchitepéquez \(video\)](#), April 28, 2024.

¹⁵⁵⁴ Inter American Press Association (IAPA), [@sip_official], (Apr. 29, 2024), The @sip_officialcondemns the aggression of Congressman Oswaldo Rosales Polanco, of #Guatemala, X, https://x.com/sip_oficial/status/1785030218312262025?t=OnYk1R3_kFF99p5K4TS_EA&s=19.

¹⁵⁵⁵ Prensa Libre, [Vamos deputy rebukes journalists in Suchitepéquez](#), April 27, 2024.

692. Likewise, on June 21, 2024, the organization *Red Rompe el Miedo* publicly denounced that journalist Oliver Paniagua, of the radio corporation *Emisoras Unidas*, had received threats and intimidation through social networks, as a consequence of a publication he made days before about the murder of a young Guatemalan¹⁵⁵⁶. Regarding these facts, the Association of Journalists of Guatemala urged the Prosecutor's Office for Crimes against Journalists of the Public Prosecutor's Office to investigate the incident.¹⁵⁵⁷

693. 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"¹⁵⁵⁸.

694. During 2024, the Office of the Special Rapporteur received multiple reports of obstructions to information sources, restrictions on access to information and obstacles to journalistic coverage of issues of high public interest in Guatemala. For example, in February 2024, officials of the Cocode of Antigua Santa Catarina Ixtahuacán, Sololá, reportedly demanded that a community journalist withdraw a video published on *TikTok*, in which he denounced the poor state of a road.¹⁵⁵⁹

695. On September 3, 2024, it was reported that the mayor of Ixcán and several members of the municipal corporation prevented journalist Joel Pérez from covering a council session, in which would discuss the first four-monthly report and the status of a boulevard that was not completed. According to public reports, the mayor justified the restriction on the grounds that the *Prensa Comunitaria* journalist's publications were limited to criticizing the municipality and did not highlight the "good things"¹⁵⁶⁰.

696. On October 10, 2024, acts of intimidation against two journalists from *La Hora* were reported. According to public reports, the incident occurred when the journalists were trying to cover a meeting with elected magistrates of the Supreme Court of Justice (CSJ) and legislators from the National Unity of Hope (UNE) and Caba benches. According to the journalists' version, three security agents, identified as "bodyguards", ordered them to leave the premises of a public building, indicating that they "could not be in the place"¹⁵⁶¹.

697. On the other hand, on June 5, 2024, the First Criminal Appeals Court held the hearing to offer evidence in the judicial process against attorney Claudia González Orellana, former head of the International Commission Against Impunity in Guatemala (CICIG), for the alleged crime of abuse of authority. Despite the fact that the hearing was supposed to be public, the judge in charge reportedly prevented access to the press and international observers¹⁵⁶², alleging that "there are media outlets that are biased, that do not report what happens in a courtroom, but only what they consider correct"¹⁵⁶³. These statements were made after former

¹⁵⁵⁶ Red Rompe el Miedo, [@RompeElMiedoGt], (June 21, 2024), Exigimos a la Fiscalía Especializada de Delitos contra Periodistas investigar este caso, X, <https://x.com/RompeElMiedoGt/status/1804240809039917086?t=3oKwDzLrMjwy716DjHDm3g&s=08>.

¹⁵⁵⁷ Soy 502, [APG denuncia intimidaciones de youtuber a periodista guatemalteco](https://x.com/APG/status/1758590751204675964?t=elUWB9gOoYo3GOuBBxYog&s=19), June 15, 2024; Information sent by Red Rome el Miedo Guatemala, Archivo de la Relatoría Especial para la Libertad de Expresión, August 19, 2024.

¹⁵⁵⁸ IACHR, [Declaration of Principles on Freedom of Expression](https://www.oas.org/en/iachr/declarations/2000/), 2000.

¹⁵⁵⁹ Prensa Comunitaria, [@PrensaComunitar], (February 16, 2024), Community journalist denounced that the COCODE of Antigua Santa Catarina Ixtahuacán, Sololá, demanded that he remove a video posted on TikTok in which he denounced the poor condition of a Road, X, <https://x.com/PrensaComunitar/status/1758590751204675964?t=elUWB9gOoYo3GOuBBxYog&s=19>.

¹⁵⁶⁰ Prensa Comunitaria, [@PrensaComunitar], (September 3, 2024), Mayor of Ixcán impedes press coverage, X, <https://x.com/PrensaComunitar/status/1831146423884079527?t=4oaxweXCA1W0kW251JUDng&s=08>.

¹⁵⁶¹ Prensa Libre, APG denounces intimidation of journalists in Congress building, October 10, 2024.

¹⁵⁶² No Nos Callarán, [@NoNosCallaranGT], (June 10, 2024), Los motivos por los cuales el juez Jimi Bremer expresó que impidió el acceso a la prensa a la audiencia de ofrecimiento de prueba de la abogada Claudia González, el pasado 5 de junio, ¡no pueden pasar desapercibados!, X, <https://x.com/NoNosCallaranGT/status/1800212861840490540?t=uObSsf-BHhzE4qP5yYkDNw&s=08>.

¹⁵⁶³ Diario La Hora, [@lahoragt], (February 12, 2024), La exmandataria de la CICIG, Claudia González, al salir de audiencia indicó que no se permitió el acceso a la prensa, X, https://x.com/lahoragt/status/1757112108548804962?t=d1Ws-A4cNh8ysw_rYy26lg&s=19; Prensa Comunitaria, [Juez Bremer incumple orden de Sala y niega el acceso a la prensa en audiencia de caso contra Claudia González](https://x.com/PrensaComunitar/status/1757112108548804962?t=d1Ws-A4cNh8ysw_rYy26lg&s=19), June 5, 2024.

Supreme Court Justice Blanca Aída Stalling Dávila, plaintiff in the case, stated that the presence of the press "generated psychological damage" and accused the international observers of "trying to intimidate" the judge.

698. In this context, the Special Rapporteurship learned of reports that the former Supreme Court Justice allegedly photographed a journalist from the *Ruda* media before a hearing in the case against attorney Claudia González¹⁵⁶⁴. In addition, according to RELE, on August 30, 2024, the hearing to offer evidence against González was held in the Tenth Criminal Court of First Instance¹⁵⁶⁵. According to public reports, the judge in charge had ordered the Public Prosecutor's Office to prepare a report to verify if the media was distorting the hearings, arguing that he and the parties to the proceedings felt threatened.¹⁵⁶⁶

699. 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 institutions.¹⁵⁶⁷

700. In 2024, the Office continued to monitor the criminal proceedings against community journalist Carlos Ernesto Choc. At the end of 2023, the Office was informed about the postponement of the hearing scheduled for December 7 of that year, decided by the head of the Izabal Criminal Court¹⁵⁶⁸. On January 31, 2024, the Office received information that, during the intermediate stage, the Pluripersonal Court of First Criminal Instance, Drug Trafficking and Environmental Crimes of Izabal dismissed and closed the case in favor of Carlos Ernesto Choc and three artisanal fishermen¹⁵⁶⁹. The above originated after a complaint filed in March 2022 by 13 agents of the National Civil Police and prosecutors of the Public Prosecutor's Office of Morales, Izabal against the journalist for alleged "instigation to commit a crime", in relation to the events that occurred on October 22 and 23, 2021 in El Estor, in the context of violence against those who demanded the right to consultation and were protesting against the *Solway Investment Group* mine.¹⁵⁷⁰

¹⁵⁶⁴ Red Rompe el Miedo, [@RompeELMiedoGt], (Aug. 30, 2024), We demand that former Judge Blanca Stalling and Judge Jimi Bremer put an end to intimidation, X, <https://x.com/RompeElMiedoGt/status/1829709185241526558?t=DcF4104NTYBziWvpqaU-zA&s=08>; Information sent to the Office of the Special Rapporteur, File of the Office of the Special Rapporteur for Freedom of Expression, Sept. 9, 2024.

¹⁵⁶⁵ Prensa Comunitaria, [Judge Bremer suspends Claudia González hearing and asks MP for report on media](#), Aug. 30, 2024; Canal Antigua, [Judge asks MP for report on media in case against Claudia González](#), Aug. 30, 2024; Prensa Comunitaria, [@PrensaComunitar], (Aug. 30, 2024), Judge Bremer asks Public Prosecutor's Office for a report on media publications, X, <https://x.com/PrensaComunitar/status/1829597965968949481?t=vgnkVK-OfwZy20Wtp3Q1LA&s=08>; Information sent to the Office of the Special Rapporteur, File of the Office of the Special Rapporteur for Freedom of Expression, September 9, 2024.

¹⁵⁶⁶ Prensa Comunitaria, [Judge Bremer suspends Claudia González hearing and asks MP for report on media](#), Aug. 30, 2024; Canal Antigua, [Judge asks MP for report on media in case against Claudia González](#), Aug. 30, 2024; Prensa Comunitaria, [@PrensaComunitar], (Aug. 30, 2024), Judge Bremer asks Public Prosecutor's Office for a report on media publications, X, <https://x.com/PrensaComunitar/status/1829597965968949481?t=vgnkVK-OfwZy20Wtp3Q1LA&s=08>; Information sent to the Office of the Special Rapporteur, File of the Office of the Special Rapporteur for Freedom of Expression, September 9, 2024.

¹⁵⁶⁷ IACHR, [Background and Interpretation of the Declaration of Principles on Freedom of Expression](#).

¹⁵⁶⁸ Article 19 MX-CA, [Preocupante suspensión de audiencia: Persisten dilaciones en el caso de criminalización del periodista comunitario Carlos Choc en Guatemala](#), 12 December 2024; Article 19 MX-CA, [@article19mex], (12 December 2023), Desde 2017, esta es la sexta vez que se reprograma la audiencia en el caso de criminalización del periodista comunitario Carlos Choc, como parte de una estrategia de desgaste, X, <https://x.com/article19mex/status/1734635155736625651>.

¹⁵⁶⁹ Carlos Ernesto Choc, [@CarlosErnesto_C], (Jan. 31, 2024), This day under the energies of Nawal 6 Tijax, a new stage in my life begins, X, https://x.com/carlosernesto_c/status/1752770143917064629?s=46; Prensa Comunitaria, [@PrensaComunitar], (Jan. 31, 2024), Judge closes proceedings against community journalist and three fishermen, X, <https://x.com/PrensaComunitar/status/1752787106626261027>; Front Line Defenders, Closing of proceedings in favor of journalist Carlos Ernesto Choc Chub, as well as three criminalized artisanal fishermen, Jan. 31, 2024; Red Rompe el Miedo Guatemala, [@RompeelMiedoGt], (Jan. 31, 2024), Estamos felices porque hoy se hizo JUSTICE con Norma Sancir y Carlos Choc, ya que habían sido detenidos arbitrariamente, X, <https://x.com/RompeElMiedoGt/status/1752813484000022640>; Unidad de Protección a Defensoras y Defensores de Derechos Humanos, Guatemala (UDEFEQUA), [@UDEFEQUA], (Jan. 31, 2024), Tras siete años de criminalización, hoy el Juez de Izabal dicta sobreseimiento a favor del periodista Carlos Ernesto Choc y tres defensores de la gremial de pescadores de El Estor, Izabal, X, <https://x.com/UDEFEQUA/status/1752778884704047227>.

¹⁵⁷⁰ Front Line Defenders, [Closure of the proceedings in favor of journalist Carlos Ernesto Choc Chub, as well as three criminalized artisanal fishermen](#), January 31, 2024; IACHR, Annual Report 2023, [Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II Doc. 386, December 6, 2023, para. 746.

701. The Special Rapporteurship also learned about the judicial decision of the Criminal Sentencing, Drug Trafficking and Environmental Crimes Court of Chiquimula, which sentenced three police officers to three years and nine months of commutable imprisonment for the crime of abuse of authority, in relation to the illegal detention of journalist Norma Sancir in 2014, when she was covering a demonstration in Camotán¹⁵⁷¹. After receiving the decision, the journalist expressed her satisfaction with the sentence, highlighting that, despite being a long process, she was confident that the court decision would be favorable. "It has been a long process and we know that the judge had the last word. With all the evidence presented by the defense, the MP, what I expected is that there would be a conviction. I am satisfied, it has been 9 years of seeking justice", stated¹⁵⁷²

702. On February 24, 2024, the Second Criminal Sentencing Court of Alta Verapaz sentenced Rolando Chun Tzir for the crimes of coercion and illegal detention against the Mayan K'iche' journalist Rolanda García, who had documented the depredation of the forests on the banks of the Cahabón River, in Alta Verapaz¹⁵⁷³. Chun Tzir was sentenced to four years in prison, commutable, for both crimes. The journalist, originally from the village of Santa María Tzejá, in the municipality of Ixcán, Quiché, recounted that, in addition to being detained, she was physically assaulted on August 21, 2018 by a group of workers from the Oxec hydroelectric plant while she was carrying out her journalistic work¹⁵⁷⁴. On that occasion, García had gone to document complaints from the indigenous authorities of Cahabón, when several men approached her, questioned her about her presence at the site and threatened her to leave.

703. The Rapporteurship welcomes the recent judicial decisions that put an end to prolonged proceedings against journalists, which constitutes a step forward in the fight against impunity and a precedent in the punishment of attacks against the press. These decisions respond to the recommendations of the IACHR and its RELE, which have urged Guatemala to refrain from using criminal proceedings against journalists, especially when they have a negative impact on the deliberation of information of public interest.

704. On the other hand, in 2024, the IACHR and its Office of the Special Rapporteur continued to receive reports on legal actions and improper use of criminal law, especially against those who investigate corruption, abuses of power and human rights violations¹⁵⁷⁵. In 2024, the Special Rapporteurship followed up on the detention situation and ongoing judicial proceedings against journalist José Rubén Zamora. At the time of writing this report, the journalist, founder and director of *El Periódico*, is facing three criminal proceedings. The first of these, which led to his arrest on July 29, 2022, is related to charges of racketeering, influence peddling, and proposition and conspiracy to launder money¹⁵⁷⁶. As reported in the previous annual report, on June 14, 2023, Zamora was sentenced to 6 years in prison for the crime of money laundering. However, in October 2023, a Guatemalan appeals court overturned the sentence and ordered a retrial. The cassation hearing, which will define the terms of the retrial, has been postponed until September 23, 2025.¹⁵⁷⁷

¹⁵⁷¹ Prensa Comunitaria, [@PrensaComunitaria], (Jan. 31, 2024), Three police officers sentenced to three years in prison for illegal detention of journalist Norma Sancir, X, <https://x.com/prensacomunitaria/status/1752769396177502288?s=46>; Prensa Comunitaria, [@PrensaComunitaria], (Jan. 31, 2024), Judge sentences three police officers to 3 years and 9 months in prison commutable for illegal detention of journalist Norma Sancir in 2014, X, <https://x.com/prensacomunitaria/status/1752753792389374463?s=46>, 100% Noticias, [Guatemala judge sentences three police officers for illegal detention of journalist in 2014](#), January 31, 2024; Prensa Comunitaria, [9 years after her arrest, community journalist Norma Sancir awaits justice](#), January 31, 2024; Front Line Defenders, [Norma Sancir](#), undated.

¹⁵⁷² Prensa Comunitaria, [Journalist Norma Sancir achieves justice against police who illegally detained her](#), January 31, 2024; and EP Investiga, [Norma Sancir and her ten-year wait for a sentence that dignifies journalism](#), May 3, 2024.

¹⁵⁷³ Prensa Comunitaria, [@Prensacomunitaria], (Feb. 27, 2024), Justice for journalist Rolanda García! El Tribunal Segundo de Sentencia de Penal de Cobán, Alta Verapaz, condenó a un trabajador de la hidroeléctrica Oxec, X, <https://x.com/PrensaComunitaria/status/1762606561539637533>; Prensa Comunitaria, [La sentencia contra un trabajador de la hidroeléctrica Oxec es una "burla"](#), March 2, 2024.

¹⁵⁷⁴ Business and Human Rights Centre, [Agreden a Periodista corresponsal de Telesur en Guatemala](#), August 25, 2018; Ruda, [La sentencia contra un trabajador de la hidroeléctrica Oxec es una "burla"](#), 2024.

¹⁵⁷⁵ IACHR, [Preliminary Observations](#), On-Site Visit to Guatemala, July 22-26, 2024, para. 36.

¹⁵⁷⁶ 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. 736-742.

¹⁵⁷⁷ IAPA, [IAPA hails Guatemalan court decision to grant house arrest to José Rubén Zamora](#), May 15, 2024; Amnesty International, [800 days after his arrest, organizations call for release of Guatemalan journalist José Rubén Zamora](#), Oct. 7, 2024; No Nos

705. As RELE learned, on May 15, 2024, the Ninth Criminal Sentencing Court of Guatemala granted journalist José Rubén Zamora house arrest in the context of criminal proceedings for alleged money laundering¹⁵⁷⁸. In its resolution, the court emphasized that preventive detention should be considered an exceptional measure, in accordance with international standards¹⁵⁷⁹. The conditions of house arrest include the prohibition to leave the country, the obligation to sign periodically before the Public Prosecutor's Office, restrictions on communication with others involved and the payment of a bail of 30,000 Quetzals (approximately US\$3,800)¹⁵⁸⁰. However, following this decision, the journalist continued to be detained due to a second trial for obstruction of justice.

706. For its part, on August 26, 2024, the Court reaffirmed the decision to grant house arrest to José Rubén Zamora, after the Second Criminal Appeals Chamber revoked its initial ruling on June 12, 2024¹⁵⁸¹. In addition, the Special Rapporteurship also learned that on September 5, 2024, the Ninth Criminal Sentencing Court ordered the lifting of the embargo on the accounts of Aldea Global, S.A., publisher of *El Periódico*, linked to the journalist. However, the embargo on his personal accounts was maintained.¹⁵⁸²

707. The second trial the journalist faces is related to an alleged conspiracy to obstruct justice. During 2024, the Office of the Special Rapporteur received reports of the repeated suspension of the hearing to determine whether the journalist should be tried. According to public reports, the initial hearing, scheduled for December 13, 2023, was rescheduled at least five times until May 2024, due to absences by the prosecution and the judge, as well as the recusal of the judge on March 20, 2024¹⁵⁸³. Finally, the journalist faces a third trial related to the alleged continued use of false documents.

708. It should be noted that journalist José Rubén Zamora is the beneficiary of precautionary measures from the IACHR, after identifying that his rights to life and personal integrity are at risk, since 2003, for reasons related to his journalistic work and the exercise of freedom of expression in Guatemala. In February 2024, at the invitation of the President of the Republic, a delegation of the IACHR, composed of the Executive

Callarán, [@NoNosCallaranGT], (Sept. 24, 2024), Guatemalan Supreme Court of Justice postpones until September 2025 the cassation hearing of Jose Rubén Zamora, X, <https://x.com/NoNosCallaranGT/status/1838770286037999962>; IACHR, Office of the Special Rapporteur for Freedom of Expression, Press Release No. 250/24, [RELE urges Guatemalan judicial authorities to act swiftly in criminal proceedings against journalist José Rubén Zamora and requests periodic reports from the State](#), October 17, 2024.

¹⁵⁷⁸ CNN, [Guatemala court grants house arrest to journalist José Rubén Zamora; he will remain in prison on another charge](#), May 15, 2024; Article 19 MX-CA, [José Zamora obtains conditional release at hearing to review alternative measures](#), May 16, 2024; DW, [Guatemala: journalist Zamora granted conditional release](#), May 15, 2024.

¹⁵⁷⁹ Red Rompe el Miedo Guatemala, [Hearing of José Rubén Zamora Marroquín](#), May 15, 2024.

¹⁵⁸⁰ IAPA, [La SIP sala decisión judicial en Guatemala de otorgar arresto domiciliario a José Rubén Zamora](#), 15 de mayo de 2024; No Nos Callarán, [@NoNosCallaranGT], (15 May 2024), Desde No Nos Callarán celebramos la resolución de las juezas del Tribunal Noveno que abre el camino de la justicia que por casi dos años le ha sido negada a José Rubén Zamora, X, <https://x.com/NoNosCallaranGT/status/1790869089776202124>; Prensa Libre, [Jose Ruben Zamora obtiene medida sustitutiva en caso que se le imputa por lavado de dinero](#), May 15, 2024.

¹⁵⁸¹ Public Prosecutor's Office of Guatemala, [@MPguatemala], (June 25, 2024), Licenciado Rafael Curruchiche, Fiscal de Sección de la Fiscalía Especial contra la Impunidad se refiere a notificación de la Sala Segunda de Apelaciones del ramo Penal, X, <https://x.com/MPguatemala/status/1805731108266647974>; Swissinfo.ch, [Court grants house arrest to journalist Zamora in Guatemala, but he will remain in jail](#), Aug. 27, 2024; IAPA, [A dos años del encarcelamiento de José Rubén Zamora, la SIP reitera el llamado a liberarlo de inmediato](#), July 26, 2024; Divergentes, [@DivergentesCA], (June 25, 2024), Los magistrados de una Sala de Apelaciones de Guatemala revocan a la libertad condicional, X, <https://x.com/DivergentesCA/status/1805729213158207565>; Prensa Comunitaria, [@PrensaComunitar], (June 25, 2024), Revocan libertad del periodista José Rubén Zamora, X, <https://x.com/PrensaComunitar/status/1805730079118336077>; eP Investiga, [@eP_investiga], (June 25, 2024), La Sala Segunda de Apelaciones revocó las medidas sustitutivas otorgadas a José Rubén Zamora, X, https://x.com/eP_investiga/status/1805732545885356449; Prensa Comunitaria, [@PrensaComunitar], (Aug. 26, 2024), Ninth Criminal Sentencing Court reiterates its first ruling and grants freedom to journalist José Rubén Zamora, X, <https://x.com/PrensaComunitar/status/1828158927088812155?t=2usU0BijacyGliLw39e1Zg&s=19>.

¹⁵⁸² Prensa Libre, [Levantán embargo a cuentas bancarias vinculadas a José Rubén Zamora](#), September 5, 2024; Abc, [Tribunal guatemalteco remueve el embargo de cuentas sobre el medio de periodista encarcelado](#), September 5, 2024; DW, [Guatemala: levantan embargo a las cuentas de 'el Periódico'](#), September 6, 2024.

¹⁵⁸³ Prensa Libre, [Reprograman comienzo de juicio contra Jose Rubén Zamora](#), 5 February 2024; Prensa Comunitaria, [Juez suspende por quinta ocasión la audiencia de Jose Rubén Zamora](#), 20 March 2024; Coyuntura, [La suspensión - por tercera vez - de la audiencia de Jose Rubén Zamora agudiza la controversia en un caso que resuena internacionalmente](#), 22 February 2024; Reporters Without Borders (RSF), [Guatemala: Jose Ruben Zamora's hearing postponed for sixth time amid international allegations of arbitrariness, abuse and torture during his detention](#), 24 July 2024.

Secretary and the Special Rapporteur for Freedom of Expression, made a follow-up visit to the precautionary measures in favor of journalist José Rubén Zamora¹⁵⁸⁴. During this visit it was possible to verify that the conditions of detention, since the inauguration of the new government in January 2024, had improved substantially.

709. In this regard, during his time in prison, RELE learned of reports of an alleged plan to attempt against the life of journalist José Rubén Zamora. According to public reports, the authorities were urged to reinforce his security measures and guarantee his immediate protection¹⁵⁸⁵. Likewise, during its *on-site* visit to Guatemala in July 2024¹⁵⁸⁶, the IACHR and its RELE continued to receive allegations about periods of time in which José Rubén Zamora had been detained in inhumane conditions. They also received reports of serious violations of due process, including prolonged use of pretrial detention, harassment of his lawyers, restrictions on the right to defense, and unjustified postponements in his trials.¹⁵⁸⁷

710. During the same period, several local and international human rights and freedom of expression organizations have advocated for the release of journalist José Rubén Zamora. In May 2024, the United Nations Working Group on Arbitrary Detention requested his immediate release, stating that his detention responds to "motives of political opinion"¹⁵⁸⁸. In July 2024, the same group declared his detention arbitrary and demanded his release¹⁵⁸⁹. In addition, his lawyers alerted the UN Special Rapporteur against Torture to the journalist's previous conditions of detention, which could have constituted acts of torture, cruel and inhuman treatment¹⁵⁹⁰. UN experts urged the Guatemalan authorities to urgently address these allegations, which could put Zamora's life at risk¹⁵⁹¹. For its part, on August 1, 2024, Amnesty International declared him a prisoner of conscience and demanded his immediate and unconditional release¹⁵⁹². Likewise, the Office has taken note of several statements by the President of the Republic in which he expresses his energetic rejection of the journalist's detention.¹⁵⁹³

711. Finally, at the end of the year, the Special Rapporteurship learned of the decision of the Second Criminal Court to grant alternative measures to imprisonment for journalist José Rubén Zamora Marroquín, on

¹⁵⁸⁴ IACHR, Press Release No. 37/24, [Guatemala: IACHR Culminates Follow-up Visit to Precautionary Measure of José Rubén Zamora Marroquín](#), Feb. 20, 2024; IACHR, [@IACHR], (Feb. 12, 2024), #IACHR is in #Guatemala at the invitation of the new government to follow up on the #medidacautelar vigente del periodista José Rubén Zamora, X, <https://x.com/IACHR/status/1757080558822133911>; IACHR, [@IACHR], (Feb. 12, 2024), The delegation of #IACHRinGuatemala, led by @TaniaReneaum, Executive Secretary together with Special Rapporteur @PVacav met with President @BArevalodeLeon, X, <https://x.com/CIDH/status/1757222560373067811>; IACHR, Office of the Special Rapporteur for Freedom of Expression, Press Release No. 86/24, [La RELE alerta sobre la permanencia de la prisión preventiva del periodista José Rubén Zamora y pide al Estado de Guatemala informar periódicamente sobre los procesos judiciales en su contra](#), May 2, 2024;

¹⁵⁸⁵ Prensa Libre, [Medio de comunicación denuncia un posible atentado en contra de Jose Rubén Zamora](#), June 2, 2024; Diario Extra, [Refuerzan protección a periodista preso](#), June 4, 2024.

¹⁵⁸⁶ IACHR, Press Release No. 161/24, [IACHR announces on-site visit to Guatemala](#), July 10, 2024.

¹⁵⁸⁷ IACHR, Press Release No. 199/24, [IACHR presents preliminary observations of the on-site visit to Guatemala](#), August 20, 2024.

¹⁵⁸⁸ Amnesty International, [800 days after his detention, organizations call for the release of Guatemalan journalist José Rubén Zamora](#), October 7, 2024.

¹⁵⁸⁹ Committee to Protect Journalists (CPJ), [Urgent appeal to UN says journalist Jose Ruben Zamora was tortured and should be released](#), July 19, 2024; AP News, [UN working group says detention of Guatemalan journalist arbitrary](#), July 2, 2024; RSF, [UN calls detention of Jose Ruben Zamora "arbitrary" and makes his release more urgent after setback in Guatemalan courts](#), July 2, 2024.

¹⁵⁹⁰ Amnesty International, [Guatemala: Amnesty International names José Rubén Zamora as prisoner of conscience and demands his release](#), 1 August 2024.

¹⁵⁹¹ The Office of the United Nations High Commissioner for Human Rights (OHCHR), [UN experts sound the alarm about the appalling conditions of detention of press editor José Rubén Zamora in Guatemala](#), August 28, 2024.

¹⁵⁹² Amnesty International, [Guatemala: Amnesty International names José Rubén Zamora as prisoner of conscience and demands his release](#), 1 August 2024.

¹⁵⁹³ Bernardo Arévalo, [@BArevalodeLeon], (May 15, 2024), The political persecution of José Rubén Zamora is one more sign of the dark cycle of impunity that must end, X, <https://x.com/BArevalodeLeon/status/1790797528700461558>; Bernardo Arévalo, [@BArevalodeLeon], (July 31, 2024), Yesterday I met with José Carlos Zamora, son of José Rubén Zamora, X, <https://x.com/BArevalodeLeon/status/1818641623368028606>; Bernardo Arévalo, [@BArevalodeLeon], (Oct. 21, 2024), Visió a José Rubén Zamora, porque recupera libertad quien fue quizá el más significativo ejemplo del castigo al que fue sometida la prensa, X, <https://x.com/BArevalodeLeon/status/1848560332408803577>; Bernardo Arévalo, [@BArevalodeLeon], (Nov. 15, 2024), Nuevamente buscan que José Rubén Zamora vuelva a prisión de forma completamente abusiva y arbitraria, X, <https://x.com/BArevalodeLeon/status/1857489851693912068>.

October 18, 2024, in connection with the second criminal proceeding for obstruction of justice. According to public reports, the measures include the prohibition to leave the country without judicial authorization and the obligation to carry out a biweekly biometric control¹⁵⁹⁴. Following the granting of alternative measures in two of the criminal proceedings against him, journalist José Rubén Zamora was released on Saturday afternoon, October 19, 2024, after having been held in the Mariscal Zabala prison since July 29, 2022.¹⁵⁹⁵

712. After his release from prison, on November 15, 2024, this Office learned that the Second Criminal Appeals Chamber revoked the alternative measures granted to the journalist in the framework of the first criminal proceeding¹⁵⁹⁶. Subsequently, on December 9, 2024, the same chamber rejected the defective procedural activity presented by the defense of journalist Zamora, which sought to modify the resolution that revoked said measures¹⁵⁹⁷. According to public reports, the journalist's lawyers filed an injunction before the Supreme Court of Justice (CSJ) against this decision.¹⁵⁹⁸

713. On the other hand, this Office continued to monitor the criminal investigation against the journalists and columnists of *El Periódico*, accused of alleged obstruction of justice for their coverage of the judicial case against journalist Zamora. On January 8, 2024, the Special Rapporteurship learned about the decision of the Pluripersonal Court of First Criminal Instance, Drug Trafficking and Crimes against the Environment of Guatemala, to close the criminal investigation against at least eight journalists and columnists of *El Periódico*, arguing that the case should be referred to a court of imprint¹⁵⁹⁹. On January 12, 2024, the Public Prosecutor's Office filed an appeal against this decision¹⁶⁰⁰. In March 2024, the Third Appeals Chamber rejected the request of the Special Prosecutor's Office Against Impunity (FECI) to annul the decision of the Fifth Criminal Court, which sought to reactivate the criminal investigation¹⁶⁰¹. In this way, it ratified that the case should be transferred to a Printing Court and not continue under criminal proceedings. However, on April 15, 2024, the Public Prosecutor's Office filed a new appeal before the Supreme Court of Justice (CSJ) to modify the sentence of the Third Court of Appeals, which had confirmed the closure of the criminal case against the journalists and columnists of the media.¹⁶⁰²

714. The Rapporteurship recalls that the journalists involved in this investigation were forced into exile and temporarily suspended their work. In addition, *El Periódico* ceased operations on May 12, 2023 due to multiple obstacles including the arrest of its director, the judicial persecution of its team and the political

¹⁵⁹⁴ LatAm Journalism Review, [Guatemalan journalist José Rubén Zamora vows to keep fighting after being released from prison and placed under house arrest](#), 22 October 2024.

¹⁵⁹⁵ Soy 502, [Journalist José Rubén Zamora is released from jail](#), October 19, 2024; France 24, [Guatemala: house arrest begins for journalist José Rubén Zamora](#), October 20, 2024; Prensa Libre, [José Rubén Zamora is released from Mariscal Zavala after more than 800 days in jail](#), October 19, 2024; Los Angeles Times, [Guatemalan judge orders release of journalist known for investigating corruption](#), October 19, 2024.

¹⁵⁹⁶ LaHora.gt, [Sala Segunda de Apelaciones revoca medidas a periodista Jose Rubén Zamora y ordena que vuelva a prisión](#), November 15, 2024; Emisoras Unidas, [Sala revoca medidas sustitutivas otorgadas a Zamora](#), November 15, 2024; Red de Información contra la Impunidad en Guatemala, [@Ricigt1], (November 15, 2024), La Sala Segunda de Apelaciones ordena que el periodista José Rubén Zamora regresa a prisión preventiva, X, <https://x.com/Ricigt1/status/1857478540737863793?t=vc5C1Q2AnTOMK ic8Anqig&s=19>; Prensa Libre, [Revocan arresto domiciliario que había sido otorgado a Jose Rubén Zamora](#), Nov. 15, 2024.

¹⁵⁹⁷ Emisoras Unidas, [Sala rechaza acción de la defensa de Zamora](#), 9 de diciembre de 2024; Jose Zamora, [@jczamora], (Dec. 9, 2024), La Sala Segunda de Apelaciones declaró hoy improcedente la solicitud de Actividad Procesal Defectuosa, X, <https://x.com/jczamora/status/1866272073536127290?t=LjRqcPflLaqZ-45Pinw1XA&s=19>.

¹⁵⁹⁸ LaHora.gt, [Defensa de Zamora presenta amparo contra revocatoria de medida sustitutiva](#), November 15, 2024.

¹⁵⁹⁹ DW, [Guatemala: criminal case against 'elPeriódico' journalists closed](#), January 9, 2024; AP, [Guatemala: judge rules out criminal proceedings against journalists who see hope from exile](#), January 9, 2024; La Hora, [Golpe a FECI: jueza envía caso de periodistas y columnistas a Tribunal de Imprenta](#), January 8, 2024.

¹⁶⁰⁰ Prensa Libre, [Defensa de periodistas de elPeriódico recusa a magistrados de Apelaciones](#), March 6, 2024; La Hora, [Buscan que magistrados de Sala de Apelaciones no conozcan caso contra periodistas de elPeriódico](#), March 6, 2024; Prensa Comunitaria Km169, [@PrensaComunitar], (Jan. 12, 2024), FECI pide reactivar persecución penal contra periodistas y columnistas de elPeriódico, X, <https://x.com/prensacomunitar/status/1745932433780797448?s=48&t=058FyblgNCirdwkhUkiOkw>

¹⁶⁰¹ Prensa Comunitaria, [@PrensaComunitar], (Mar. 18, 2024), Sala rechatar el caso contra periodistas y columnistas que trabajaron en elPeriódico, X, <https://x.com/PrensaComunitar/status/1769837087035973759>; Diario La Hora, [@lahoragt], (Mar. 18, 2024), La Sala Tercera de Apelaciones mantiene la decisión de la jueza Aurora Gutiérrez de que el caso en contra de periodistas, X, <https://x.com/lahoragt/status/1769835578550268021>.

¹⁶⁰² Nonfiction, [@noficciong], (May 3, 2024), Today, on World Press Freedom Day, we remember the importance of protecting the work of journalists, X, <https://x.com/noficciong/status/1786547123393093720>; Ocote, [MP appealed ruling closing case of journalists in exile](#), May 2, 2024.

and economic pressures they faced. RELE notes that in 2024, *eP investiga* emerged, an initiative of former *El Periódico* contributors who, from exile, continued the work of investigative journalism.¹⁶⁰³

715. On December 17, 2024, the Rapporteurship learned of the ruling of the Constitutional Court (CC) that would have denied protection to journalists and columnists of the newspaper *El Periódico*. According to the information received, the amparo action was brought by several unions and associations, including the *Chamber of Professional Broadcasters*, the *Association of Sportswriters*, the *Association of Journalists of Guatemala*, and members of the collective *Red Rompe el Miedo* against the Chief of Section of the Special Prosecutor's Office against Impunity and the Regional Prosecutor I of the Metropolitan Area, in relation to the investigation and request for information on the publications made by the journalists and columnists between July 22, 2022 and July 31, 2023¹⁶⁰⁴. The Court concluded that "the petitioners' claim is not feasible to be heard by means of amparo, since this is not the appropriate way to claim it, since, as already indicated, it corresponds to the competent judge or court to hear and decide on them as a court of ordinary jurisdiction"¹⁶⁰⁵.

716. In addition to these facts there are other cases known to RELE involving complaints of harassment of journalists through the activation of legal proceedings against them with the alleged purpose of silencing them. Thus, for example, on October 18, 2024, prosecutor Sofía Castillo Rivas filed a complaint against journalist Diego España, of *La Hora*, for his publication about a meeting between the prosecutor and a judge in a corruption case¹⁶⁰⁶. The complaint included accusations of threats, intimidation and coercion. In response, a judge issued measures prohibiting the journalist from "disturbing or intimidating the aggrieved party or any member of her family"¹⁶⁰⁷. On December 10, 2024, a judge partially revoked these measures, allowing Spain to approach his judicial sources, but maintained the prohibition to approach prosecutor Castillo Rivas¹⁶⁰⁸. In turn, on October 31, 2024, two agents of the Special Criminal Investigation Division (DEIC), dressed in civilian clothes, reportedly showed up at the editorial office of *La Hora* requesting personal information from journalist Diego España, such as his cell phone number, address and DPI number, alleging that it was for a future notification.¹⁶⁰⁹

717. This Office also received reports of persecution and harassment against journalist Juan Luis Font. On May 24, 2024, Congressman Allan Rodríguez reportedly denounced journalist Juan Luis Font for allegedly committing the crime of slander¹⁶¹⁰. In addition, on December 6, 2024, the FECI reportedly requested an arrest warrant against Font, who has been in exile for two years, for alleged crimes of collusion and active bribery¹⁶¹¹. According to public reports, the accusation is based on an alleged intervention of Font in a criminal

¹⁶⁰³ Article 19 MX-CA, [Quarterly analysis of freedom of expression in Central America and the Caribbean](#), January-March 2024, May 13, 2024.

¹⁶⁰⁴ Ruda, [La CC no otorgó la protección solicitada para periodistas y columnistas que trabajaron en el Periódico. Rafael Curruchiche's FECI criminalized the journalists and accused them of obstruction of justice](#), January 9, 2025; Prensa Comunitaria, [La CC no otorgó la protección solicitada para periodistas y columnistas que trabajaron en el Periódico. Rafael Curruchiche's FECI criminalized the journalists and accused them of obstruction of justice](#), January 8, 2024.

¹⁶⁰⁵ Information sent by a civil society organization, Archivo de la Relatoría Especial para la Libertad de Expresión, January 12, 2025.

¹⁶⁰⁶ Expediente Público, [Un año de juicios y exilio para periodistas en Guatemala](#), 27 December 2024; Ocote, [2024, el año con más periodistas judicializados por la FECI](#), 11 December 2024; LaHora.gt, [eP Investiga: Curruchiche presiona a la Fiscalía de la Mujer en investigación contra periodista Diego España](#), 23 November 2024.

¹⁶⁰⁷ [eP Investiga: Curruchiche pressures the Women's Prosecutor's Office in investigation against journalist Diego España](#), November 23, 2024.

¹⁶⁰⁸ Ocote, [2024, the year with the most journalists prosecuted by FECI](#), December 11, 2024

¹⁶⁰⁹ Prensa Comunitaria, [Rechazan intimidación policial contra periodista Diego España](#), November 5, 2024; Soy 502, [APG exige el cese de las intimidaciones a periodista Diego España](#), November 4, 2024; Prensa Libre, [APG denuncia persecución contra el periodista Diego España y exige respeto a la libertad de prensa](#), November 5, 2024.

¹⁶¹⁰ eP Investiga, [MP investiga al periodista Juan Luis Font tras denuncia interpuesta por Allan Rodríguez](#), 2 August 2024; Prensa Libre, [MP da seguimiento a denuncia interpuesta contra periodista Juan Luis Font](#), 4 August 2024; No Nos Callarán, [@NoNosCallaran], (3 August 2024), Rechazamos la denuncia del diputado Allan Rodríguez y la investigación por calumnia que el MP realiza en contra del periodista Juan Luis Font, X, <https://x.com/NoNosCallaranGT/status/1819800450981392795>.

¹⁶¹¹ Prensa Libre, [MP confirms arrest warrant against journalist Juan Luis Font; journalist reports "persecution"](#), December 6, 2024.

proceeding together with an exiled judge, alleging that their friendly relationship would have led Font to try to obtain a procedural benefit¹⁶¹². Font has rejected the accusations.¹⁶¹³

718. 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 censorship¹⁶¹⁴. 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 expression¹⁶¹⁵. 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"¹⁶¹⁶.

719. The Rapporteurship notes that these events are part of a context of stigmatization and intimidation of the press, including attacks by public officials. In this regard, it has been reported that the head of FECCI accused the media *Prensa Comunitaria, La Hora and Plaza Pública* of "playing the government's game"¹⁶¹⁷. In addition, officials reportedly accused the media of disseminating "false narratives" and warned the journalists of *La Hora* that they could incur a crime if they did not formally present their complaints.¹⁶¹⁸

720. Regarding the protection of journalists, the State informed the Rapporteurship that, between January 1 and September 13, 2024, the Division for the Protection of Persons and Security of the General Operations Sub-Directorate of the National Civil Police provided 28 perimeter security measures and 8 personalized security schemes to journalists and communicators¹⁶¹⁹. In addition, 40 risk analysis requests were attended to on behalf of journalists and communicators, who reported threats, attacks and other incidents that compromised their safety¹⁶²⁰. The State also indicated that through ministerial agreement 214-2024, the Instance for the Analysis of Attacks on Human Rights Defenders was established, and that to date a technical roundtable is in operation to analyze attacks against journalists.¹⁶²¹

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

721. The first quarter of 2024 was marked by the inauguration of President Bernardo Arévalo on January 14, 2024. Since his inauguration, the Commission has welcomed the Executive's willingness to allow international scrutiny and to prioritize human rights¹⁶²². In this context, between July 22 and 26, 2024, the

¹⁶¹² Soy 502, [La reacción de Juan Luis Font tras confirmarse orden de captura en su contra](#), 6 December 2024; CPJ, [Guatemala issues arrest warrant for exiled journalist Juan Luis Font](#), 11 December 2024; TVGT Noticias, [@TVGTNoticias], (6 December 2024), El jefe de la FECCI, Rafael Curruchiche, brindó detalles sobre la orden de captura contra Juan Luis Font Monzón, X, <https://x.com/tvgtnoticias/status/1865148685148958835?s=46>.

¹⁶¹³ CPJ, [Guatemala issues arrest warrant for exiled journalist Juan Luis Font](#), December 11, 2024; Fundamedios, [Guatemalan justice pursues and orders the capture of journalist Juan Luis Font](#), December 10, 2024.

¹⁶¹⁴ IACHR, [Background and Interpretation of the Declaration of Principles on Freedom of Expression](#).

¹⁶¹⁵ IACHR, [Background and Interpretation of the Declaration of Principles on Freedom of Expression](#).

¹⁶¹⁶ 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.

¹⁶¹⁷ Community Press, [@PrensaComunitar], (Dec. 5, 2024), Rafael Curruchiche attacks media, X, <https://x.com/PrensaComunitar/status/1864816939954045224>.

¹⁶¹⁸ No Nos Callarán Callarán, [@NoNosCallaranGT], (May 7, 2024), From #NoNosCallarán we strongly reject the threats and intimidation directed at journalists by Consuelo Porras and Ángel Pineda, X,

¹⁶¹⁹ Information sent by the State of Guatemala in response to RELE's request for information in the framework of the preparation of the 2024 Annual Report, Note No. OEA-M4-NV-324-2024 from the Permanent Mission of Guatemala to the OAS, October 29, 2024. Archive of the Office of the Special Rapporteur for Freedom of Expression.

¹⁶²⁰ Information sent by the State of Guatemala in response to RELE's request for information in the framework of the preparation of the 2024 Annual Report, Note No. OEA-M4-NV-324-2024 from the Permanent Mission of Guatemala to the OAS, October 29, 2024. Archive of the Office of the Special Rapporteur for Freedom of Expression.

¹⁶²¹ Information sent by the State of Guatemala in response to RELE's request for information in the framework of the preparation of the 2024 Annual Report, Note No. OEA-M4-NV-324-2024 from the Permanent Mission of Guatemala to the OAS, October 29, 2024. Archive of the Office of the Special Rapporteur for Freedom of Expression.

¹⁶²² IACHR, *On-site* visit to Guatemala, [Message Press Conference](#), July 26, 2024.

Commission conducted an *on-site* visit to assess the impacts of the weakening of democratic institutionalism and judicial independence in the country since its last visit in 2017.¹⁶²³

722. During its visit, the IACHR highlighted that in Guatemala, criminalization and harassment have extended to lawyers who act in corruption cases, as well as to defenders of criminalized justice operators. This practice has been used in a generalized manner against different groups, such as: legislators, journalists, students, teachers, members of political parties, public officials, members of indigenous, peasant and union organizations and participants in protests¹⁶²⁴. Given this pattern of widespread criminalization, the IACHR has urged the courts, especially the Supreme Court and the Constitutional Court, to effectively comply with their obligation to exercise control of constitutionality and conventionality, in order to limit the abusive exercise of the punitive power of the State and avoid arbitrariness and reprisals.¹⁶²⁵

723. Following the inauguration, civil society sectors that defend freedom of expression, as well as international organizations have highlighted the challenges that the new administration will have to address, which include, according to reports, the lack of justice in cases of attacks on the press, the deficiencies of the specialized prosecutors' offices for crimes against journalists, the need for the government to implement an effective protection mechanism for journalists and the perception of abandonment by the State towards the press¹⁶²⁶. In addition, UN experts have stressed the need to guarantee a safe environment for civil organizations, human rights defenders and journalists.¹⁶²⁷

724. In this context, in January 2024, a joint mission of the *Inter American Press Association* (IAPA) and the *Committee to Protect Journalists* (CPJ) visited Guatemala City to evaluate the press freedom situation in the country after the inauguration of the new government¹⁶²⁸. During the visit, the organizations expressed their concern to the authorities about the exile of journalists, the ongoing trial against José Rubén Zamora and the judicial harassment directed by the previous government towards journalists and critical voices¹⁶²⁹. In response, the President of the country stated that his administration's policy is to guarantee total openness to the press and access to public information¹⁶³⁰.

725. Finally, the Office of the Special Rapporteur notes that on November 11, 2024, the President of the Republic of Guatemala signed the Declaration of Chapultepec following a meeting with IAPA authorities. With this act, President Arévalo reaffirmed his commitment to the 10 fundamental principles of freedom of expression and press freedom established in said document. In his speech, the President emphasized that this signing is not merely symbolic, but reflects a firm and personal commitment on his part, as well as that of the government, to respect, guarantee and defend freedom of expression in the country.¹⁶³¹

726. Regarding access to information, the Rapporteurship has received reports of judicial and/or administrative decisions that could unduly limit this right. Thus, for example, the Office learned of resolution 01-2024 issued by the Constitutional Court of Guatemala, published on June 19, 2024, which classifies as

1623 IACHR, Press Release No. 199/24, [IACHR presents preliminary observations of the on-site visit to Guatemala](#), August 30, 2024.

1624 IACHR, [Preliminary Observations](#), *On-site Visit to Guatemala*, July 22-26, 2024, para. 18.

1625 IACHR, [Preliminary Observations](#), *On-site Visit to Guatemala*, July 22-26, 2024, para. 22.

1626 Information sent by Red Rome el Miedo Guatemala, Archivo de la Relatoría Especial para la Libertad de Expresión, February 13, 2024; Article 19 MX-CA, [Diálogo Arévalo y Harris: Organizaciones defensoras de la prensa libre instan por acciones concretas](#), March 25, 2024.

1627 OHCHR, [Guatemala: UN experts call on President to adopt concrete measures to protect civic space](#), March 13, 2024.

1628 IAPA, "[La libertad de expresión es prioridad para el gobierno](#)", [aseguró el presidente Arévalo a la SIP y al CPI](#), 26 de enero de 2024; IAPA, [La SIP y el CPI envían misión internacional a Guatemala](#), 25 de enero de 2024.

1629 IAPA, "[Freedom of expression is a priority for the government](#)", [President Arevalo assured IAPA and CPI](#), January 26, 2024.

1630 IAPA, [Report to Mid-Year Meeting 2024, April 17-19](#), April 11, 2024; Prensa Comunitaria, [IAPA presents report on visit to Guatemala and press situation in the region](#), April 17, 2024.

1631 IAPA, President of Guatemala, [Bernardo Arévalo, signed the Declaration of Chapultepec](#), November 11, 2024; Prensa Libre, [Bernardo Arévalo signs the Declaration of Chapultepec on freedom of expression in the presence of IAPA and Jose Rubén Zamora](#), November 11, 2024.

reserved information for seven years the data on the use of public resources by magistrates¹⁶³². This was reportedly in the context of an investigation published on June 5 by journalists Marvin del Cid and Sonny Figueroa, who reported on the purchase of five luxury vans and their armoring by magistrates of the Constitutional Court¹⁶³³. Despite having requested public information about the acquisition of these vehicles, the journalists received a refusal from the communications unit of the body¹⁶³⁴. Civil society organizations have pointed out that the reservation resolution lacks a harm test to justify its issuance.¹⁶³⁵

727. According to public reports, on June 25, 2024, the Office of the Comptroller General of Accounts of the Nation reportedly attempted to restrict access to important public information through resolution A-068-2024. This resolution included reservations in the financial-administrative area that civil society organizations considered unjustified, as it protected publicly available information without a legal basis¹⁶³⁶. Although the resolution was rescinded the following day¹⁶³⁷, the use of the figure of "security" to limit access to information has been pointed out as a worrying trend in the region by some organizations, which could compromise transparency and hinder democratic processes.¹⁶³⁸

728. 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 possession¹⁶³⁹. 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 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"¹⁶⁴⁰. The right of access to information is a necessary condition to guarantee the exercise of other rights, a fundamental requirement to guarantee transparency in government management, and a fundamental tool for citizen control of the functioning of the State and accountability.¹⁶⁴¹

729. On the other hand, on June 14, 2024, a technical round table was set up to reform the Law of Broadcasting of Thought, with the participation of the Presidential Commission for Peace and Human Rights, civil society organizations and members of Congress. According to public reports, the main objectives of the reform would include: "the protection of human rights in the digital environment, guarantee freedom of expression in digital media and protect users against unjustified censorship; regulate content to prevent

¹⁶³² Article 19 MX-CA, [Análisis trimestral sobre el estado de la libertad de expresión en Centroamérica y el Caribe: abril-junio 2024](#), 5 August 2024; Emisoras Unidas, [CC declara reserva de información sobre seguridad de magistrados](#), 24 June 2024; LaHora.gt, [Aduciendo amenazas, la CC declara en reserva la seguridad de magistrados](#), 24 June 2024.

¹⁶³³ Prensa Libre, [CC reserves information on magistrates' security, after spending Q6.4 million on armored vehicles](#), June 24, 2024.

¹⁶³⁴ Article 19 MX-CA, [Guatemala: Corte de Constitucionalidad emite resolución violatoria al derecho a la información](#), 27 June 2024.

¹⁶³⁵ Article 19 MX-CA, [Guatemala: Corte de Constitucionalidad emite resolución violatoria al derecho a la información](#), June 27, 2024; LaHora.gt, [Analistas opinan sobre resolución de la CC de declarar en reserva la seguridad de magistrados](#), June 26, 2024.

¹⁶³⁶ Article 19 MX-CA, [Quarterly analysis on the state of freedom of expression in Central America and the Caribbean: April-June 2024](#), Aug. 5, 2024; eP investigates, [Comptroller General's Office restricts for seven years the results of its audits](#), June 26, 2024; eP investigates, [eP investiga], (June 26, 2024), a Contraloría General de Cuentas clasificó como reservada por un periodo de siete años la información, X, https://x.com/eP_investiga/status/1805968247348474232; LaHora.gt, [Following CC, Comptroller General declares information in reserve for seven years](#), June 26, 2024.

¹⁶³⁷ Agencia Guatemala de Noticias, [CGC reverses restriction on access to information](#), June 27, 2024.

¹⁶³⁸ Article 19 MX-CA, [Guatemala: Corte de Constitucionalidad emite resolución violatoria al derecho a la información](#), 27 June 2024.

¹⁶³⁹ 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. 58, 76 and 78; Case of López Álvarez v. Honduras. Merits, Reparations and Costs, Judgment of February 1, 2006, Series C No. 141, para. 77; Case of Herrera Ulloa v. Costa Rica, Preliminary Objections, Merits, Reparations and Costs, Judgment of July 2, 2004, Series C No. 107, para. 108.

¹⁶⁴⁰ IACHR, [Declaration of Principles on Freedom of Expression](#), 2000.

¹⁶⁴¹ 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.

abuses, punish the abuse of freedom of thought broadcasting, especially in cases of hate speech or racism, and establish measures to prevent the criminalization of journalistic work in digital media"¹⁶⁴².

730. Finally, during its *on-site* visit to Guatemala, the IACHR met with students, faculty and administrative staff of the Universidad de San Carlos de Guatemala (USAC) who have been criminalized for their participation in the protests that took place in 2022 in defense of university autonomy following allegations of irregularities by the university's current rector. These people denounced threats, including threats of gender violence, intimidation on *campus*, and disciplinary and administrative actions against them, such as suspensions and expulsions of students, dismissal of staff and fines, among other facts, which would have forced them to interrupt their daily lives and even to go underground. It was reported that more than 80 people have disciplinary proceedings against them and another 27 have arrest warrants for crimes such as "aggravated usurpation", "illicit association" or "depredation of cultural property". Likewise, in different meetings, the IACHR was informed of the impact that the instrumentalization of criminal law in this case would have on the democratic institutionality due to the intention to criminalize the President and the Vice President of the Republic for supporting the student mobilizations.¹⁶⁴³

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

731. The Rapporteurship reiterates that significant challenges persist in guaranteeing the full exercise of the right to freedom of expression and access to information by indigenous peoples and other groups. During the visit to the country, the Commission and its RELE, in El Estor, received complaints about judicial persecution through the abusive application of the criminal offense of "theft of fluids". In addition, they heard testimonies about the criminalization of community journalists covering issues such as environmental degradation in ancestral territories as a result of monocultures and mining, the eviction of communities, the lack of humanitarian assistance for displaced persons and the excessive use of public force in social demonstrations, and illegal economies. Community media also reported disadvantages and unequal conditions in auctions for broadcasting frequencies in which they face economic groups and traditional media¹⁶⁴⁴. The Commission also observed that challenges persist in the implementation of the measures ordered by the Inter-American Court in the case of the Maya Kaqchikel Indigenous Peoples of Sumpango. In particular, local organizations reported that the State has not advanced in the reforms necessary for the legal recognition of community radio stations, nor in the allocation of licenses and frequencies.¹⁶⁴⁵

732. The Rapporteurship recalls that access to community radio, as vehicles of freedom of expression, is essential 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, which is crucial given the negative effects that mainstream media often have on the representation of indigenous peoples"¹⁶⁴⁶.

733. This Office received reports of aggressions against women journalists between January and July 2024. According to public reports, the incidents include intimidation, verbal and sexual harassment, and threats of physical violence, especially in the coverage of political issues and social movements. Although women constitute 20% of the registered cases, the attacks they face are predominantly related to gender-based violence, which reflects an additional factor of vulnerability¹⁶⁴⁷. In addition, aggressions by local authorities

¹⁶⁴² Presidential Commission for Peace and Human Rights (COPADEH), [Instauran mesa técnica para reforma de Ley de Emisión del Pensamiento](#), June 14, 2024; LaHora.gt, [Gobierno instala mesa técnica para reformas a Ley de Emisión del Pensamiento](#), June 14, 2024; Información enviada por la COPADEH a la Relatoría, Archivo de la Relatoría Especial para la Libertad de Expresión, July 11, 2024.

¹⁶⁴³ IACHR, [Preliminary Observations](#), *On-site* Visit to Guatemala, July 22-26, 2024, para. 18.

¹⁶⁴⁴ IACHR, [Preliminary Observations](#), *On-Site* Visit to Guatemala, July 22-26, 2024, para. 37.

¹⁶⁴⁵ IACHR, [Preliminary Observations](#), *On-site* Visit to Guatemala, July 22-26, 2024, para. 38.

¹⁶⁴⁶ 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.

¹⁶⁴⁷ Article 19 MX-CA, [Informe de Agresiones contra la Prensa en Guatemala: resultados del Primer Semestre de 2024](#), October 2, 2024.

and companies in rural areas against indigenous women journalists covering issues of territorial rights, environmental defense and community conflicts were reported. According to reports from civil society organizations, many of these women live in contexts where institutional protection is limited, which increases their vulnerability. They also point out that Mayan journalists face a triple vulnerability: being women, indigenous and journalists, which places them in a particularly risky situation. The aggressions against them combine gender violence, structural violence and racism.¹⁶⁴⁸

734. For its part, the State informed this Office of institutional efforts to eradicate violence against women and girls through the use of technology, through legislative measures and public policies. In June 2024, it presented its national report on progress in the implementation of the Beijing Declaration and Platform for Action, which includes actions to reduce the gender digital divide and prevent technological violence against women and girls¹⁶⁴⁹. Likewise, the State highlighted the work of the National Literacy Committee (CONALFA), in compliance with governmental agreements 260-2013 and 63-2024, which has instituted a Gender Unit to guarantee respect for women's human rights in the 22 departments of the country. The Municipal Literacy Coordinators promote the participation of women in issues such as the fight against violence against women, youth and adolescents, integrating prevention talks in the literacy process, within the framework of the National Policy for the Integral Promotion of Women (PNPDIM) and the National Plan for the Prevention and Eradication of Violence against Women (PLANОВI).¹⁶⁵⁰

735. 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. The rapporteurs on freedom of expression have pointed out that "States should develop and implement integrated prevention, protection, monitoring and response mechanisms to ensure the safety of women journalists", in addition to "publicly condemn any attacks on women journalists" and "refrain from making statements that may endanger women"¹⁶⁵¹.

736. On May 27, 2024, the Office of the Special Rapporteur participated in the launch of the program "Freedom of Expression and the Fight against Discrimination and Exclusion" in Quetzaltenango, Guatemala¹⁶⁵². The objective of the program is to strengthen informative policies and practices of the media, promoting awareness of the role of journalism in guaranteeing the human rights of historically marginalized groups. The activity was led by the Special Rapporteur for Freedom of Expression, in collaboration with the Presidential Commission for Peace and Human Rights (COPADEH) of the Government of Guatemala, the Office of the High Commissioner for Human Rights (OHCHR), and the Embassy of Sweden¹⁶⁵³. The event brought together activists, non-governmental organizations, journalists and the media, who reflected on the dynamics of exclusion and discrimination in the media and its relation to violence against historically discriminated groups.¹⁶⁵⁴

¹⁶⁴⁸ Article 19 MX-CA, [Informe de Agresiones contra la Prensa en Guatemala: resultados del Primer Semestre de 2024](#), October 2, 2024.

¹⁶⁴⁹ Information sent by the State of Guatemala in response to RELE's request for information in the framework of the preparation of the 2024 Annual Report, Note No. OEA-M4-NV-324-2024 from the Permanent Mission of Guatemala to the OAS, October 29, 2024. Archive of the Office of the Special Rapporteur for Freedom of Expression.

¹⁶⁵⁰ Information sent by the State of Guatemala in response to RELE's request for information in the framework of the preparation of the 2024 Annual Report, Note No. OEA-M4-NV-324-2024 from the Permanent Mission of Guatemala to the OAS, October 29, 2024. Archive of the Office of the Special Rapporteur for Freedom of Expression.

¹⁶⁵¹ UN, OSCE, OAS, ACHPR, [Joint Declaration on Freedom of Expression and Gender Justice](#), 2022.

¹⁶⁵² COPADEH, [Guatemala launches program: Freedom of Expression and Fight against Discrimination and Exclusion](#), May 28, 2024.

¹⁶⁵³ IACHR, Office of the Special Rapporteur for Freedom of Expression, Press Release No. 136/24, [La RELE inicia diálogos sobre prevención de discursos discriminatorios en los medios de comunicación](#), June 12, 2024.

¹⁶⁵⁴ IACHR, Office of the Special Rapporteur for Freedom of Expression, Press Release No. 136/24, [La RELE inicia diálogos sobre prevención de discursos discriminatorios en los medios de comunicación](#), June 12, 2024.

737. On the other hand, there are judicial decisions and regulatory reforms that could impact the exercise of freedom of expression, particularly in relation to vulnerable groups. In July 2024, the Constitutional Court reportedly granted an injunction to a lawyer for the sexual diversity parade to be supervised by the National Civil Police (PNC), in order to ensure that it is carried out in accordance with "good customs". In this regard, the Constitutional Court indicated that the event must protect "spiritual and moral values", especially with regard to children and adolescents.¹⁶⁵⁵

738. This Office also took cognizance of Agreement 189-2024, which introduces reforms to the agreement that created the Presidential Commission against Discrimination and Racism against Indigenous Peoples in Guatemala (CODISRA). According to public reports, the reforms include the power of the authorities to monitor the media to denounce cases of discrimination and racism against indigenous peoples¹⁶⁵⁶. The APG filed on November 25, 2024 a partial action of unconstitutionality against Article 1 of the agreement, arguing that it violates freedom of the press and allows state control over publications¹⁶⁵⁷. Other civil society organizations have also expressed their rejection of the measure.¹⁶⁵⁸

739. The State reported that CODISRA is monitoring a case of discrimination based on ethnicity in the field of journalism, in which a woman from the Garífuna indigenous people was excluded from the election process for the board of directors of a journalistic organization. In addition, through the Training Component for the Elimination of Racism, a diploma course "Training of Trainers to Address Racism and Racial Discrimination" was implemented for public servants, in order to promote the rights of indigenous peoples and prevent racism and discrimination.¹⁶⁵⁹

D. Freedom of expression and the Internet

740. Regarding the Internet and freedom of expression, RELE has received reports of online attacks against journalists in Guatemala, particularly those who investigate corruption and human rights violations. According to these reports, online campaigns have been identified that delegitimize the press, accusing it of being an "adversary" of the government or of "political interests", which would have resulted in threats, harassment and acts of violence, often through anonymous accounts. These attacks have contributed to a climate of self-censorship, especially among community and investigative journalists.¹⁶⁶⁰

741. On the other hand, the Office took cognizance of the bill with registration number 6347, which proposes the approval of the Cybersecurity Law that would seek to establish measures to prevent, eradicate and punish cybercrimes. According to the State, the initiative was dealt with by the full Congress on March 5, 2024 and would be pending opinion by the National Security Commission¹⁶⁶¹. According to RELE, the proposal would include procedural rules to incorporate digital evidence in criminal proceedings and facilitate inter-institutional and international cooperation. The crimes contemplated include illicit access, data alteration,

¹⁶⁵⁵ DW, [CC de Guatemala ordena vigilar "buenas costumbres" de LGBTI](#), 29 June 2024; Presentes, [Guatemala 2024: Más retrocesos que avances para la población LGBTI+](#), 19 December 2024; Prensa Latina, [Marcha Lgbtqia+ demandará inclusión y respeto en Guatemala](#), 29 June 2024.

¹⁶⁵⁶ Prensa Libre, [Modificación a funciones de Codisra podría atentar contra la libertad de expresión, dicen abogados](#), November 23, 2024; Prensa Libre, [APG presenta inconstitucionalidad por reformas a funciones de Codisra](#), November 25, 2024; Prensa Libre, [Autoridades indígenas abogan por modificaciones al acuerdo de Codisra](#), November 23, 2024.

¹⁶⁵⁷ Prensa Libre, [APG presenta inconstitucionalidad por reformas a funciones de Codisra](#), November 25, 2024; Prensa Libre, [APG señala que modificaciones al acuerdo de Codisra violan la Constitución](#), November 24, 2024.

¹⁶⁵⁸ República, [Cámara Guatemalteca de Periodismo rechaza reformas a la ley de CODISRA](#), November 24, 2024.

¹⁶⁵⁹ Information sent by the State of Guatemala in response to RELE's request for information in the framework of the preparation of the 2024 Annual Report, Note No. OEA-M4-NV-324-2024 from the Permanent Mission of Guatemala to the OAS, October 29, 2024. Archive of the Office of the Special Rapporteur for Freedom of Expression.

¹⁶⁶⁰ Article 19 MX-CA, [Informe de Agresiones contra la Prensa en Guatemala: resultados del Primer Semestre de 2024](#), October 2, 2024.

¹⁶⁶¹ Information sent by the State of Guatemala in response to RELE's request for information in the framework of the preparation of the 2024 Annual Report, Note No. OEA-M4-NV-324-2024 from the Permanent Mission of Guatemala to the OAS, October 29, 2024. Archive of the Office of the Special Rapporteur for Freedom of Expression.

computer fraud and child pornography, among others¹⁶⁶². For their part, civil society organizations stress the need for the law to respect freedom of expression and access to information, underscoring the importance of broad consultation in its discussion.¹⁶⁶³

742. This Office recalls that in order to avoid a broad concept that could lead to the criminalization of the use of the Internet, 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 offence of any nature¹⁶⁶⁴. Likewise, this Office stresses that an eventual response by States in the area of security in cyberspace must be limited and proportionate, and seek to fulfill precise legal purposes that do not compromise the democratic virtues that characterize the network¹⁶⁶⁵. 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.¹⁶⁶⁶

743. Finally, the State informed the Special Rapporteur about the General Government Policy 2024-2028, which includes the work axis "Advancing to Close the Digital Divide with Technology and Innovation". The policy consists, according to the State, of a strategic vision for the promotion of innovation and productive transformation for the local and international market, establishing effective mechanisms for coordination and generation of alliances that guarantee conditions of access to markets, increasing efficiency, transformation, innovation, research and productive development to any economic agent at the national level¹⁶⁶⁷. Likewise, the State informed the Office about the bill with registration number 5889, which provides for the approval of the Law on Free Internet Access for Education and Public Information. The proposal would have a favorable opinion from the Education, Science and Technology Commission.¹⁶⁶⁸

¹⁶⁶² Prensa Libre, [Buscan aprobar ley de ciberseguridad antes de que termine el año](#), October 2, 2024; Prensa Libre, [Piden que ley de ciberseguridad respete el libre pensamiento al regular delitos y sanciones](#), October 15, 2024; Prensa Libre, [Estos son 8 ciberdelitos que se busca sancionar en Guatemala, sus multas y penas de cárcel](#), November 12, 2024.

¹⁶⁶³ Prensa Libre, [Buscan aprobar ley de ciberseguridad antes de que termine el año](#), October 2, 2024; Prensa Libre, [Piden que ley de ciberseguridad respete el libre pensamiento al regular delitos y sanciones](#), October 15, 2024; Prensa Libre, [Estos son 8 ciberdelitos que se busca sancionar en Guatemala, sus multas y penas de cárcel](#), November 12, 2024.

¹⁶⁶⁴ 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.

¹⁶⁶⁵ 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.

¹⁶⁶⁶ 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.

¹⁶⁶⁷ Information sent by the State of Guatemala in response to RELE's request for information in the framework of the preparation of the 2024 Annual Report, Note No. OEA-M4-NV-324-2024 from the Permanent Mission of Guatemala to the OAS, October 29, 2024. Archive of the Office of the Special Rapporteur for Freedom of Expression.

¹⁶⁶⁸ Information sent by the State of Guatemala in response to RELE's request for information in the framework of the preparation of the 2024 Annual Report, Note No. OEA-M4-NV-324-2024 from the Permanent Mission of Guatemala to the OAS, October 29, 2024. Archive of the Office of the Special Rapporteur for Freedom of Expression.

GUYANA

744. The Office of the Special Rapporteur recorded instances in which state authorities questioned editorial decisions of media outlets and the accuracy of the information they published in print and online. At the same time, this Office also noted an increase in the volume of investigative journalism publications. With respect to the rule of law and democratic institutions, the conclusions of the evaluation of the *International Covenant on Civil and Political Rights* in the country were recorded, especially allegations of racial discrimination, hate speech and excessive use of force. On the other hand, the Rapporteurship followed up on debates surrounding the 2018 reform of the Cybercrime Law to regulate allegedly defamatory content on social networks. It also received recommendations from civil society to reform the Law on Access to Information, aimed at eliminating broad exceptions for public bodies, guaranteeing the proactive disclosure of documents, and reducing response times. Finally, the Office registered lawsuits by public officials against online users for publications linking them to corruption schemes, as well as an alleged cyber-attack coordinated from a neighboring country over a territorial dispute.

A. Journalism and democracy

745. Once again, the Office of the Special Rapporteur took note of the investigative journalism conducted by the *Caribbean Investigative Journalism Network* in the country. In July, this Office received an article analyzing the implications of the multi-million dollar gas-fired power generation project, developed through a consortium with multinationals *Exxon Mobil*, *Hess* and *CNOOC*¹⁶⁶⁹. The paper stresses that while the project could provide the country with a more stable and affordable source of electricity, it would also carry a high risk of environmental damage, represent a lost opportunity to invest in renewable energy, and face serious challenges to its success, as it would require the comprehensive modernization of the energy infrastructure and the state-owned power utility, *Guyana Power and Light (GPL)*¹⁶⁷⁰. In early October, the Rapporteurship received a second article on sexual violence in Guyana, which highlights its alarming incidence, particularly among minors and migrant women, and notes the delays in the judicial system, the low rate of reporting, and the apparent inaction of the police in cases that are reported¹⁶⁷¹. In late October, the Rapporteurship received a third and final article on the rising rate of male suicides in Guyana as a result of unaddressed mental health problems, limited access to support services, and social stigma around seeking professional help¹⁶⁷². The Special Rapporteur welcomes these journalistic investigations and notes that, as part of its commitment to high quality journalism in the Caribbean, the ICJN allows free reproduction of its contents as long as credits are given and no modifications are made to the original text.

746. In February 2024, the Rapporteurship received reports alleging that the Ministry of Education had publicly accused *Stabroek News* of a "deliberate attack" to spread "gross misinformation and inconsistencies" after publishing editorials and letters to the editor against the current minister's tenure¹⁶⁷³. Through letters to editors of other media outlets, such as the *Guyana Chronicle* and the *Guyana Times*, the ministry identified and corrected what they consider to be previously published inaccuracies regarding teachers' salaries and wages and the number of resignations, the percentage of enrollment in higher education, the performance of students in various subjects, and hinterland dropout rates¹⁶⁷⁴. In these letters, the ministry

¹⁶⁶⁹ Caribbean Investigative Journalism Network, [Guyana's US\\$1.7B Gas-to-Energy Project: A Pathway to Prosperity or Pandora's Box?](#), July 25, 2024.

¹⁶⁷⁰ Caribbean Investigative Journalism Network, [Guyana's US\\$1.7B Gas-to-Energy Project: A Pathway to Prosperity or Pandora's Box?](#), July 25, 2024.

¹⁶⁷¹ Caribbean Investigative Journalism Network, In This South American Nation, [Rapes of Women, Young Girls, and Migrants are Rampant](#), October 3, 2024.

¹⁶⁷² Caribbean Investigative Journalism Network, [Ripple Effect: A Comparative Study of Male Suicide in Trinidad and Tobago, Barbados, and Guyana - Part I](#), October 17, 2024; Caribbean Investigative Journalism Network, [Ripple Effect: A Comparative Study of Male Suicide in Trinidad and Tobago, Barbados, and Guyana - Part II](#), October 17, 2024.

¹⁶⁷³ Guyana Chronicle, [Education Ministry alarmed by blatant misinformation and inconsistencies](#), February 16, 2024; Guyana Times, [Blatant misinformation and inconsistencies](#), February 16, 2024.

¹⁶⁷⁴ Guyana Chronicle, [Education Ministry alarmed by blatant misinformation and inconsistencies](#), February 16, 2024; Guyana Times, [Blatant misinformation and inconsistencies](#), February 16, 2024.

reportedly urged *Stabroek News* to "publish rectifications" and "stick to the facts"¹⁶⁷⁵. As of the closing date of this annual report, no rectifications have been recorded.

747. In mid-March, the Office was informed of a letter from the Nation's Prime Minister sent to the management of the *Kaieteur News* regarding the newspaper's alleged "unfounded attempt to link Guyana to the oil spill off Tobago"¹⁶⁷⁶. This "attempt" would refer to the media outlet's decision to accept and publish a letter to the editor in its print and online editions insinuating that *Guyana Power and Light*, the public power utility, had committed a crime by procuring oil from an internationally sanctioned state¹⁶⁷⁷. At the time, local media reported that an overturned and abandoned barge at fault for the disaster was being towed to Guyana, and that its owner could not be identified¹⁶⁷⁸. In a statement, the Department of Public Information, the official state mouthpiece, said *Kaieteur's* editorial decisions "further damage the credibility of the newspaper"¹⁶⁷⁹.

748. In April 2024, the Special Rapporteur received new reports that the Attorney General and Minister of Legal Affairs had accused *Kaieteur News* of "fabricating narratives" about the border dispute between Guyana and Venezuela¹⁶⁸⁰. According to the official, these alleged narratives suggested that the government was colluding with U.S. oil companies to extract its new reserves and "sell" the country¹⁶⁸¹. The official also allegedly asserted that these arguments were being used by the Venezuelan government to undermine Guyana's sovereignty in the oil- and mineral-rich Essequibo region.¹⁶⁸²

749. In early May, RELE learned that a Chinese businessman reportedly threatened to sue *Kaieteur News* if he did not retract and apologize for an article and photograph that mistakenly identified him as Su Zhu Rong¹⁶⁸³. According to local media, this individual was reportedly sued for defamation by the Vice President after he claimed in a *VICE News* report to have acted as a "middleman" in an alleged corruption scheme with foreign investors¹⁶⁸⁴. Based on this journalistic investigation, the UN Human Rights Committee (HRC) questioned the government's failure to investigate the corruption allegations against the Vice President.¹⁶⁸⁵

750. As reported by the media, the Vice President argued that such HRC questions reflected the "propaganda" of the opposition party¹⁶⁸⁶. For his part, the Minister of Parliamentary Affairs and Governance explained that the allegations could not be investigated further, as "there was no report from *VICE News* or anyone else"¹⁶⁸⁷. Likewise, the Minister of Legal Affairs, in an official statement, criticized "certain sections of the media" for its coverage of the periodic review of the UN HRC, calling it "hostile" and accusing it of

¹⁶⁷⁵ Guyana Chronicle, [Education Ministry alarmed by blatant misinformation and inconsistencies](#), February 16, 2024; Guyana Times, [Blatant misinformation and inconsistencies](#), February 16, 2024.

¹⁶⁷⁶ Kaieteur News, [Retraction and apology](#), March 16, 2024; Guyana Chronicle, [Kaieteur News forced to apologise to Gov't. GPL for false publication](#), March 17, 2024.

¹⁶⁷⁷ Kaieteur News, [Retraction and apology](#), March 16, 2024; Guyana Chronicle, [Kaieteur News forced to apologise to Gov't. GPL for false publication](#), March 17, 2024.

¹⁶⁷⁸ AP News, [Oil spill near Trinidad and Tobago blamed on barge being tugged to Guyana, officials say](#), Feb. 15, 2024; CBS News, [Massive oil spill near Trinidad and Tobago blamed on barge being tugged](#), Feb. 15, 2024.

¹⁶⁷⁹ High Commission of the Cooperative Republic of Guyana, [Kaieteur News' unfounded attempt to link Guyana to oil spill off Tobago further damages the newspaper's credibility](#), March 15, 2024.

¹⁶⁸⁰ Guyana Chronicle, ["Unpatriotic and anti-national."](#) April 11, 2024.

¹⁶⁸¹ Guyana Daily News, [Venezuela using KN articles, APNU+AFC narratives to bolster claims over Essequibo](#), 15 April 2024; BBC, [Essequibo: Venezuela moves to claim Guyana-controlled region](#), 6 December 2023.

¹⁶⁸² Guyana Daily News, [Venezuela using KN articles, APNU+AFC narratives to bolster claims over Essequibo](#), 15 April 2024; BBC, [Essequibo: Venezuela moves to claim Guyana-controlled region](#), 6 December 2023.

¹⁶⁸³ Guyana Chronicle, [Kaieteur News in hot water again over false publication](#), May 4, 2024; News Room, [Chinese businessman to sue Kaieteur News if false article with his picture is not retracted](#), May 3, 2024.

¹⁶⁸⁴ Guyana Times, [Vice President sues Su Zhi Rong for defamation](#), July 27, 2022; VICE News, [Undercover In Guyana: Exposing Chinese Business in South America](#), July 7, 2022.

¹⁶⁸⁵ Stabroek News, [Guyana questioned at UN rights committee over corruption allegations against Jagdeo](#), March 19, 2024; Kaieteur News, [U.N. questions Gov't failure to investigate reports of corruption against VP Jagdeo](#), March 19, 2024.

¹⁶⁸⁶ Guyana News Room, [Individual query cannot derail the positive report that Guyana is receiving at the UN Human Rights Committee - President Ali](#), March 19, 2024; Guyana Chronicle, [No existing ethnic divide, tensions in Guyana](#), March 29, 2024; News Source Guyana, [President Ali denies claims of discrimination within Government](#), April 8, 2024.

¹⁶⁸⁷ UN Office at Geneva, Meeting Summaries, [In Dialogue with Guyana. Experts of the Human Rights Committee Comment Measures Promoting Gender Equity, Ask About the Territorial Dispute with Venezuela and Alleged Corruption Regarding Oil Exploitation Permits](#), March 20, 2024.

"magnifying issues that are not" and of "never failing to comply" with alleged efforts to portray the government and its leaders "in a negative light"¹⁶⁸⁸.

751. 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 interest¹⁶⁸⁹. In a democratic and pluralistic system, the possible actions and omissions of the State and its officials must be subject to rigorous scrutiny, not only by the internal control bodies, but also by the press and public opinion.¹⁶⁹⁰

752. The right to freedom of expression empowers the individual and the community to engage in active, robust and challenging debates on all aspects relating to the functioning of society, this right covers debates that may be critical and even offensive to public officials, candidates for public office or persons involved in the formation of public policy.¹⁶⁹¹

753. Finally, this Office recalls that in a democratic society it is not only legitimate, but sometimes a duty, for state authorities to comment on matters of public interest¹⁶⁹². However, in doing so, they 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 discrediting labels, and not threaten journalists or undermine respect for the independence of the media.¹⁶⁹³

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

754. In late March, RELE received the Human Rights Committee's third periodic report on Guyana, which examines how the country is implementing the provisions of the International Covenant on Civil and Political Rights (ICCPR)¹⁶⁹⁴. Based on extensive research, the Committee's experts raised issues of racial discrimination, ethnic tensions, hate speech, inadequate access to information, excessive use of force by the police and security services, and various allegations of corruption, inadequate environmental standards and lack of consultation, especially around oil and gas development and licenses granted to *ExxonMobil*¹⁶⁹⁵. During the hearing, as well as in writing, the Government of Guyana rejected the notion of ethnic division and provided detailed information on equitable access to government programs, goods and services.¹⁶⁹⁶

755. He also denied any racial profiling by security forces and allegations of violence and discrimination against members of the LGBTI community. It further stated that there are robust systems of accountability and transparency in place in oil and gas projects, and that these are working well. The government said it was "disappointed" that serious allegations had been raised "not based on facts or credible

¹⁶⁸⁸ Ministry of Legal Affairs & the Chambers of the Attorney General, Cooperative Republic of Guyana, "[Utter ignorance](#)" - AG on US-nominated UN candidate question on Guyana's Vice President, March 20, 2024.

¹⁶⁸⁹ 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.

¹⁶⁹⁰ 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.

¹⁶⁹¹ 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.

¹⁶⁹² 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; Case of Perozo et al. v. Venezuela, Preliminary Objections, Merits, Reparations and Costs, Judgment of January 28, 2009, Series C No. 195, para. 151.

¹⁶⁹³ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Guide to Guarantee Freedom of Expression in the Face of Deliberate Disinformation in Electoral Contexts](#), OEA/Ser.D/XV.22, 2019, pp. 38-39.

¹⁶⁹⁴ UN Office at Geneva, Meeting Summaries, [In Dialogue with Guyana. Experts of the Human Rights Committee Commend Measures Promoting Gender Equity. Ask About the Territorial Dispute with Venezuela and Alleged Corruption Regarding Oil Exploitation Permits](#), March 20, 2024.

¹⁶⁹⁵ UN Office at Geneva, Meeting Summaries, [In Dialogue with Guyana. Experts of the Human Rights Committee Commend Measures Promoting Gender Equity. Ask About the Territorial Dispute with Venezuela and Alleged Corruption Regarding Oil Exploitation Permits](#), March 20, 2024.

¹⁶⁹⁶ Stabroek News, [Guyana submits more information to UN Human Rights Committee](#), March 26, 2024; Guyana News Source, [Government Submits Additional Info to UN Human Rights Committee](#), March 27, 2024.

[news] sources," adding that "assuming that a [news] source is credible does not guarantee that the information provided is verifiable and factual."¹⁶⁹⁷ .

756. As part of the monitoring carried out by the Rapporteurship, the Office received the report on the review of the legislative framework on access to information in the English-speaking Caribbean, published by the *Media Institute of the Caribbean (MIC)* during the first half of 2024. Although the report highlights that Guyana has had an access to information law in place since 2011, the MIC states that it would need "fundamental reform" and therefore recommended its repeal and re-enactment based on the most recent international standards¹⁶⁹⁸ . With respect to the scope of application, it is highlighted that the current legislation would grant broad powers to the President to exempt public bodies without any objective principle being applied, so it is recommended that general immunity be eliminated and authorities, including the highest ones, be obliged to justify the need for non-disclosure of information, in line with the principle of maximum disclosure¹⁶⁹⁹ . Similarly, the current legislation would establish that no authority would be obliged to disclose documents existing before 2011 and that requests for information should always have an explicit reason to be processed. Given these requirements, the report recommends explicitly establishing the right to request information without giving reasons and repealing the time limit for accessing information held by the State prior to the date of enactment of the law .¹⁷⁰⁰

757. The current legislation would also not specify which authority would be obliged to create information management systems, so it would be recommended that a proactive document disclosure regime be adopted. This regime should begin with the publication and organization of documents that, by their nature or because they have been previously disclosed in response to a request for information, are already available to the public. Likewise, it would be suggested to designate persons responsible for information management in each government agency¹⁷⁰¹ . In terms of request processes and costs, the report recommends broadening the methods of submission so that they are not restricted to written requests only, and ensuring that any fees are limited to the cost of reproduction only¹⁷⁰² . Additionally, the report indicates that the response time, 60 days for response and up to 60 more for extension, exceeds that of others in the region and should be reduced. Finally, the ICIM recommended reviewing the appointment and operation to reinforce the independence of the Information Commissioner and establish limits to his or her mandate .¹⁷⁰³

758. In the second half of 2024, the Rapporteurship learned from the Ministry of Legal Affairs that a review of the Cybercrime Act of 2018 is underway to address the use of various social media platforms for the purpose of targeting private citizens¹⁷⁰⁴ . The minister asserted in an official statement that the information circulating on networks is "completely unregulated" and often attacks reputation and honor, encourages racial discrimination , and generates conflicts in society, so it would require "an exceptional response" in regulatory matters that would cover "crimes" in cyberspace even when they come from people residing abroad¹⁷⁰⁵ . Furthermore, he assured that the amendments to be presented by the governing party would be in line with

¹⁶⁹⁷ Guyana Chronicle, [No existing ethnic divide, tensions in Guyana](#), March 29, 2024; News Source Guyana, [President Ali denies claims of discrimination within Government](#), April 8, 2024.

¹⁶⁹⁸ Media Institute of the Caribbean, [Review of Legislative Framework of Freedom of Information and Access to Information Legislation in the English-speaking Caribbean](#), March 2024, p. 43.

¹⁶⁹⁹ Media Institute of the Caribbean, [Review of Legislative Framework of Freedom of Information and Access to Information Legislation in the English-speaking Caribbean](#), March 2024, p. 43.

¹⁷⁰⁰ Media Institute of the Caribbean, [Review of Legislative Framework of Freedom of Information and Access to Information Legislation in the English-speaking Caribbean](#), March 2024, p. 44.

¹⁷⁰¹ Media Institute of the Caribbean, [Review of Legislative Framework of Freedom of Information and Access to Information Legislation in the English-speaking Caribbean](#), March 2024, p. 44.

¹⁷⁰² Media Institute of the Caribbean, [Review of Legislative Framework of Freedom of Information and Access to Information Legislation in the English-speaking Caribbean](#), March 2024, p. 45.

¹⁷⁰³ Media Institute of the Caribbean, [Review of Legislative Framework of Freedom of Information and Access to Information Legislation in the English-speaking Caribbean](#), March 2024, p. 46.

¹⁷⁰⁴ Cooperative Republic of Guyana, Ministry of Legal Affairs, [Nandlall announces revision of cybercrime law](#), September 25, 2024.

¹⁷⁰⁵ Cooperative Republic of Guyana, Ministry of Legal Affairs, [Nandlall announces revision of cybercrime law](#), September 25, 2024; Demera Waves, [Upcoming amendments to Cyber Crime Act in line with UN Convention: clear rules coming for serving court documents overseas](#), September 5, 2024; St Kitts & Nevis Observer, [Guyana Cybercrime Law Will Only Apply To Criminals](#), Says Minister, September 15, 2024.

the United Nations Convention on Countering the Use of Information and Communication Technologies for Criminal Purposes, adopted by the UN General Assembly in December 2024¹⁷⁰⁶. However, some experts and opposition sectors expressed concern about the possible criminalization of speech critical of government and public officials, noting that even "defamation" should be treated as a civil matter¹⁷⁰⁷. In response, the Vice President of Guyana, in separate statements, assured that there is no intention to stifle online speech, and that the government is respectful of freedom of expression, even when the government and its officials are the target of criticism.¹⁷⁰⁸

759. Under Section 19 of the Cybercrimes Act, as in effect as of the closing date of this annual report, a person who commits an offense using a computer system by posting or transmitting information that intimidates another person, violence against that person, a member of that person's family or damage to that person's property, contains obscene content, or disseminates information that harms another person's reputation or exposes another person to public ridicule, contempt, hatred or embarrassment, could be subject to fines of up to \$5 million and imprisonment for up to three years on conviction, and up to \$10 million and imprisonment for up to ten years on conviction on indictment.¹⁷⁰⁹

760. On the other hand, with respect to the wave of crime in the region, the Rapporteurship recorded during the year a concern about the influence that music could have in promoting violence, especially among youth. Thus, on November 29, 2024, CARICOM leaders, meeting in Guyana, expressed their concern about the possible influence of musical styles and groups in criminal activities, emphasizing that cultural and artistic expressions would not be questioned, but that there would be a need to establish the values that they "would like to transmit"¹⁷¹⁰.

C. Freedom of expression and the Internet

761. During the course of the year, the Office of the Special Rapporteur received reports suggesting an increase in so-called "defamation" online. In January, this Office learned that the Minister of Agriculture had filed a lawsuit against the opposition leader, after he posted on *Facebook* that the official was allegedly involved in chicken smuggling¹⁷¹¹. According to local media, the Minister is reportedly requesting a compensation of 5 million Guyanese dollars for damages, an order restraining the opposition leader from continuing to publish "defamatory statements", and the removal of all publications on social networks related to the case¹⁷¹². In addition, the minister reportedly issued a press release denying such allegations.¹⁷¹³

762. In August, the Rapporteurship recorded that the Minister of Public Works reportedly filed a lawsuit in this regard against an opposition parliamentarian and social media personality Melissa Ann Atwell, known as "Melly Mel," after both suggested in a *Facebook* live broadcast that the minister allegedly engaged in corruption and lacked ethics¹⁷¹⁴. According to publicly available information, the minister would seek 50 million Guyanese dollars in damages, as well as a court order prohibiting both persons from referring to him

¹⁷⁰⁶ United Nations, [United Nations Convention against Cybercrime: Strengthening International Cooperation for Combating Certain Crimes Committed by Means of Information and Communications Technology Systems and for the Sharing of Evidence in Electronic Form of Serious Crimes](#), 24 December 2024.

¹⁷⁰⁷ News Room Guyana, [New cybercrime law will target criminals, not free speech - Jagdeo](#), September 5, 2024; St Kitts & Nevis Observer, [Guyana's New Cybercrime Act Will Not Affect Freedom Of Expression, Says Minister](#), September 6, 2024.

¹⁷⁰⁸ News Room Guyana, [New cybercrime law will target criminals, not free speech - Jagdeo](#), September 5, 2024; St Kitts & Nevis Observer, [Guyana's New Cybercrime Act Will Not Affect Freedom Of Expression, Says Minister](#), September 6, 2024.

¹⁷⁰⁹ The Official Gazette of Guyana, [The Cybercrime Act 2018](#), August 13, 2018.

¹⁷¹⁰ St. Lucia Times, [CARICOM Heads Concerned Over Music's Impact On Crime](#), November 29, 2024; Stabroeknews, [CARICOM Heads condemn lyrics that denigrate women, promote violence](#), March 2, 2024.

¹⁷¹¹ Nationwide Radio Jamaica, [Guyana's Agriculture Minister Sues Opposition Leader for Libel](#), January 23, 2024; Guyana Chronicle, [Mustapha sues Norton for \\$5M over false corruption claims](#), January 23, 2024.

¹⁷¹² Demerara Waves, [Agriculture Minister files GY\\$5 million libel suit against Opposition Leader](#), January 22, 2024; Stabroek News, [Agri Minister sues Norton](#), January 23, 2024.

¹⁷¹³ Guyana News Room, [In defamation suit, Agri. Minister sues Opposition Leader for \\$5M](#), Jan. 22, 2024; Nationwide Radio Jamaica, [Guyana's Agriculture Minister Sues Opposition Leader for Libel](#), Jan. 23, 2024.

¹⁷¹⁴ Guyana Chronicle, [Minister Indar files \\$50M defamation lawsuit against 'Melly Mel', AFC's Duncan](#), Aug. 25, 2024; Guyana Times, [Minister slaps Melly Mel, Sherod Duncan with \\$50M lawsuit over corruption allegations](#), Aug. 25, 2024.

again, arguing that their comments would seek to undermine his credibility as an official and affect his public image¹⁷¹⁵. He would also have requested that a public retraction and apology be included¹⁷¹⁶. Since Atwell resides in New York, United States, the minister would have requested a Guyanese court to serve him with the lawsuit, arguing that, according to the Attorney General, defamatory statements on social networks made by Guyanese abroad can be prosecuted in Guyana.¹⁷¹⁷

763. Likewise, in November, the Rapporteurship learned that "Melly Mel" had been sued again, this time by the Minister of Legal Affairs and Attorney General¹⁷¹⁸. The official claimed that Atwell published a series of statements that **would be** "defamatory" and that would call into question his integrity, professionalism and suitability for the position¹⁷¹⁹. For his part, Atwell accused him of having "**conspired**" with U.S. authorities to facilitate his possible extradition to Guyana¹⁷²⁰. In his suit, the minister **would seek**: damages in excess of 100 million Guyanese dollars for defamation; an injunction restraining Atwell or his representatives from continuing to publish defamatory statements; and an order compelling her to remove all defamatory posts against him from her *Facebook page*.¹⁷²¹

764. At the end of the year, the Rapporteurship received reports from the National Defense Institute of Guyana (NDI) alleging that Venezuela had launched a coordinated cyber attack against the country in the context of the territorial dispute over the Essequibo¹⁷²². According to an official spokesperson, the attack identified to date would have consisted of disinformation campaigns, *ransomware* attacks and *phishing* schemes¹⁷²³. For their part, the authorities have reportedly managed to identify some of the organizations and individuals behind these incidents, although these have not been made public¹⁷²⁴. Based on this information, the need for a cohesive national strategy to address cyber threats was highlighted and the fundamental role of public-private partnerships in building a resilient digital infrastructure was emphasized.¹⁷²⁵

¹⁷¹⁵ Guyana Chronicle, [Minister Indar files \\$50M defamation lawsuit against 'Melly Mel', AFC's Duncan](#), Aug. 25, 2024; Guyana Times, [Minister slaps Melly Mel, Sherod Duncan with \\$50M lawsuit over corruption allegations](#), Aug. 25, 2024.

¹⁷¹⁶ Guyana Chronicle, [Minister Indar files \\$50M defamation lawsuit against 'Melly Mel', AFC's Duncan](#), Aug. 25, 2024; Guyana Times, [Minister slaps Melly Mel, Sherod Duncan with \\$50M lawsuit over corruption allegations](#), Aug. 25, 2024.

¹⁷¹⁷ Issues in the News, [Attorney General explaining that persons overseas are liable in Guyana for defamatory posts on social media although the posts are made overseas](#), August 28, 2024; Guyana News Room, [Defamation laws extend to overseas individuals making social media posts - Attorney General clarifies](#), August 28, 2024.

¹⁷¹⁸ The Guyana Chronicle, [AG Nandlall files \\$100M defamation suit against 'Melly Mel'](#), November 23, 2024; Kaieteur News, [Nandlall slaps 'Melly Mel' with \\$100M libel lawsuit](#), November 23, 2024.

¹⁷¹⁹ News Room Guyana, [Nandlall sues 'Melly Mel' for defamatory posts](#), Nov. 22, 2024; Demera News, [AG Nandlall files GY\\$100 million defamation lawsuit against Melissa "Melly Mel" Atwell: denies communicating with her](#), Nov. 23, 2024.

¹⁷²⁰ Demera News, [AG Nandlall files GY\\$100 million defamation lawsuit against Melissa "Melly Mel" Atwell: denies communicating with her](#), Nov. 23, 2024; Kaieteur News, [Nandlall slaps 'Melly Mel' with \\$100M libel lawsuit](#), Nov. 23, 2024.

¹⁷²¹ Kaieteur News, [Nandlall slaps 'Melly Mel' with \\$100M libel lawsuit](#), November 23, 2024; The Guyana Chronicle, [AG Nandlall files \\$100M defamation suit against 'Melly Mel'](#), November 23, 2024.

¹⁷²² Stabroek News, [Venezuela-orchestrated cyber operations targeting Guyana - Dr Levisius](#), November 16, 2024; Demerara Waves, [Venezuela targets Guyana in "orchestrated" cyber operations - defense official](#), November 16, 2024.

¹⁷²³ Kaieteur News, [Venezuelan- orchestrated cyber operations targeting Guyana - National Defence Institute](#), November 17, 2024; Guyana Times, [Venezuela's orchestrated cyber operations targeting Guyana: "Guyana knows exactly what is happening, we are not defenceless" - NDI Deputy Director](#), November 17, 2024.

¹⁷²⁴ Demerara Waves, [Venezuela targets Guyana in "orchestrated" cyber operations - defence official](#), 16 November 2024; Kaieteur News, [Venezuelan- orchestrated cyber operations targeting Guyana - National Defence Institute](#), 17 November 2024.

¹⁷²⁵ Guyana Times, [Venezuela's orchestrated cyber operations targeting Guyana: "Guyana knows exactly what is happening, we are not defenceless" - NDI Deputy Director](#), November 17, 2024; Kaieteur News, [Venezuelan- orchestrated cyber operations targeting Guyana - National Defence Institute](#), November 17, 2024.

HAITI

765. The multidimensional crisis that Haiti is going through constitutes one of the most severe threats to the exercise of freedom of expression in the hemisphere. In 2024, the Rapporteurship continued to record armed attacks against media outlets and journalists, as well as new kidnappings and threats against communicators, mostly perpetrated by criminal structures that subjugate the State. It also continued to document cases of journalists injured while covering social protests following the intervention of anti-riot units. The generalized violence against the press, which is now in its sixth year at historic levels, has led to the emergence of “silenced zones” in the country characterized by high levels of impunity, administrative corruption, and co-optation of the judiciary and the security apparatus, the absence of an effective response by the authorities responsible for the prevention, protection and prosecution of crimes against the press, and the lack of support or accompaniment for journalists, exposing them to greater risk. These factors together inhibit journalists from carrying out their work, producing a chilling effect on the free flow of information, generating self-censorship, and reinforcing the tendency to carry out journalism that avoids reporting on the most pressing issues in the country. Unlike previous years, the Rapporteurship noted with concern the sabotage of telecommunications in the national territory, as well as the increase of stigmatizing speeches against Haitian people in human mobility and people of Haitian descent who have sought refuge in other States of the hemisphere¹⁷²⁶.

A. Journalism and democracy

766. The Office of the Special Rapporteur has been informed of at least five armed attacks against the press in the course of the year, two against media outlets and three others against reporters. In April 2024, this Office was alerted to a coordinated attack against the premises of the newspaper *Le Nouvelliste*, the oldest newspaper in the country¹⁷²⁷. Information shared with the Office indicates that an unknown number of assailants reportedly vandalized and ransacked the premises of the newspaper, located in downtown Port-au-Prince, thus interrupting its printing and circulation¹⁷²⁸. In the previous months, the Rapporteurship learned that the newspaper, along with other media outlets based in the main streets of the center of the Haitian capital, had begun to move their operations to areas not yet penetrated by criminal structures¹⁷²⁹. However, the difficulty of moving the printing presses would have forced the newspaper to continue printing editions at their original headquarters¹⁷³⁰.

767. Likewise, the SRFOE was alerted of an attack against the headquarters of *Le Moniteur*, the official government newspaper, through which information is shared from the Executive Branch¹⁷³¹. Although

¹⁷²⁶ UNHCR, [UNHCR issues new guidance on international refugee protection for Haitians](#), 20 March 2024; Listín Diario, [Antigua Orden Dominicana marcha en contra de la imposición internacional sobre el tema haitiano](#), 5 May 2024; Listín Diario, [Protesta ayer contra 'imposición internacional' sobre el tema haitiano](#), 6 May 2024; Listín Diario, [Antigua Orden Dominicana marches against international imposition on Haitian issue](#), 5 May 2024; Diario Libre, [Ultra-nationalism gains strength and arouses fears in the Dominican Republic](#), 16 May 2024; Acento, [Ultrarightists gathered at Plaza de la Bandera demand deportation of Haitians](#), 6 October 2024; Swiss Info, [A protest demands Dominican president comply with mass deportations of Haitians](#), 7 October 2024; Swiss Info, [A protest demands Dominican president comply with mass deportations of Haitians](#), 7 October 2024; Le Monde, [In the Dominican Republic, mass migrant expulsions turn into a 'hunt for Haitians'](#), 22 October 2024; Amnesty International, [Dominican Republic: Racist expulsions of Haitians must be stopped](#), October 8, 2024; AP News, [Haitian activists demand halt to deportations as gang violence and poverty soar](#), November 7, 2024; El Pais, ["Prohaitiano asqueroso, te vamos a fusilar": las constantes amenazas a los activistas afrodominicanos.](#) September 28, 2024; IACHR, Press Release No. 248/24, ["IACHR Condemns Attacks on Defenders in Dominican Republic"](#), October 16, 2024; RFI, [Haiti condemns bogus claim about US pet-eating migrants pushed by Trump](#), September 11, 2024; Human Rights Watch, [Rights Groups Oppose Recent Remarks Targeting the Haitian Immigrant Community](#), October 1, 2024.

¹⁷²⁷ Le Nouvelliste, [The Nouvelliste, Oldest Haitian Newspaper, Vandalized, ANMH Expresses Solidarity and Concern](#), April 26, 2024; Miami Herald, [Haiti's oldest newspaper forced to stop printing after armed gangs attack premises](#), April 29, 2024.

¹⁷²⁸ Le Nouvelliste, [Les locaux du Nouvelliste vandalisés](#), April 25, 2024; Miami Herald, [Haiti's oldest newspaper forced to stop printing after armed gangs attack premises](#), April 29, 2024.

¹⁷²⁹ Committee to Protect Journalists, [Haitian press face 'existential crisis' with no end to gang violence](#), July 24, 2024; LatAm Journalism Review, [Print media in Haiti is on the brink of extinction](#), September 23, 2024.

¹⁷³⁰ Committee to Protect Journalists, [Haitian press face 'existential crisis' with no end to gang violence](#), July 24, 2024; LatAm Journalism Review, [Print media in Haiti is on the brink of extinction](#), September 23, 2024.

¹⁷³¹ Le Quotidien d'Haïti, [Scènes de vandalisme dans les locaux du journal Le Nouvelliste, l'ANMH consternée](#), April 28, 2024; Miami Herald, [Haiti's oldest newspaper attacked amid gang violence](#), April 29, 2024.

it was not a direct attack, *Radio Télévision Caraïbe* reported that its headquarters in downtown Port-au-Prince had been hit by stray bullets following clashes between criminal gangs and the Haitian National Police (PNH), for which reason it had also moved its operations to a new location to protect its journalists¹⁷³².

768. In November 2024, the Rapporteurship learned of two armed attacks against journalists. On November 5, alleged gang members burned down the house of Lookens Jean-Baptiste, a reporter for *Tropic FM* radio¹⁷³³. According to the journalist, his assailants allegedly discovered his line of work¹⁷³⁴. A week later, on November 11, the Rapporteurship received reports that members of a criminal gang had shot journalist Wandy Charles, editor-in-chief of *Vant Bèf Info*, and his family. The attack was reportedly perpetrated in front of his house shortly before the criminal gang took over the area¹⁷³⁵.

769. On December 24, 2024, the Rapporteurship recorded what would have been the last armed attack against journalists of the year and one of the most severe known to this Office based on the number of victims. According to the information available, a group of reporters were ambushed while covering live the reopening of the Port-au-Prince general hospital, which had been closed for months after a coordinated attack by a coalition of armed groups¹⁷³⁶. Two were killed, Jimmy Jean of the digital media outlet *Moun Afe Bon* and Marckendy Natous, a correspondent for *Voice of America*, and at least seven more were wounded¹⁷³⁷. The leader of a criminal gang allegedly claimed responsibility for the attack in a video circulated on social media, claiming that the coalition of which he is a member had not “authorized” the reopening of the hospital¹⁷³⁸. At least one journalists’ association urged the State to assume responsibility for the attack¹⁷³⁹. Likewise, this same association demanded financial compensation so that the families of the journalists could bury them¹⁷⁴⁰.

770. Criminal gangs have sought to silence media criticism and prevent them from amplifying the voices of victims, security forces, and the transitional government itself¹⁷⁴¹.

771. 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”¹⁷⁴². 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 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

¹⁷³² Gazette Haïti, [L'insécurité force la RTVC à quitter la ruelle Chavannes](#), March 12, 2024; Vant Bèf Info, [La Radio Télé Caraïbes abandonne la ruelle Chavannes](#), March 12, 2024.

¹⁷³³ Realité Info, [Haïti: La résidence du journaliste Lookens Jean Baptiste incendiée par des individus armés](#), November 16, 2024; Committee to Protect Journalists, [Haitian journalist attacked as gang violence again surges in country](#), November 20, 2024.

¹⁷³⁴ Realité Info, [Haïti: La résidence du journaliste Lookens Jean Baptiste incendiée par des individus armés](#), November 16, 2024; Committee to Protect Journalists, [Haitian journalist attacked as gang violence again surges in country](#), November 20, 2024.

¹⁷³⁵ Vant Bèf Info, [Attaque Armée: Wandy Charles, Rédacteur en Chef de Vant Bèf Info, échappe de justesse à la mort avec sa famille](#), November 12, 2024; Télélurriel, [Insécurité: Attaque armée contre le journaliste Wandy Charles et sa famille](#), November 13, 2024.

¹⁷³⁶ CBS News, [At least 2 journalists killed in shooting during hospital reopening in Haiti](#), Dec. 24, 2024; NPR, [A gang attack on a Haitian hospital reopening kills 2 reporters and a police officer](#), Dec. 25, 2024.

¹⁷³⁷ Committee to Protect Journalists, [2 journalists killed, 7 injured, in attack at Haitian hospital](#), 24 December 2024; Reporters Without Borders, RSF [condemns gang attack in Haiti that killed two reporters, wounded seven others](#) 26 December 2024.

¹⁷³⁸ BBC, [Three shot dead as gunmen attack Haiti hospital](#), 25 December 2024; The Haitian Times, [Friends and family mourn journalist killed in Haiti Christmas Eve gang attack at hospital](#), 17 January 2025.

¹⁷³⁹ AP, [Mourners bury journalist killed in one of Haiti's worst attacks on reporters](#), January 16, 2025; The Washington Post, [Journalists in Haiti demand justice as they bury a second colleague killed by gangs](#), January 18, 2025.

¹⁷⁴⁰ AP, [Mourners bury journalist killed in one of Haiti's worst attacks on reporters](#), January 16, 2025; The Washington Post, [Journalists in Haiti demand justice as they bury a second colleague killed by gangs](#), January 18, 2025.

¹⁷⁴¹ Committee to Protect Journalists, [Haitian journalist attacked as gang violence again surges in country](#), November 20, 2024.

¹⁷⁴² IACHR, Office of the Special Rapporteur for Freedom of Expression, [Declaration of Principles on Freedom of Expression](#),

serious¹⁷⁴³. 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 responsible¹⁷⁴⁴.

772. The Rapporteurship recalls that violence against journalists has a triple effect: it violates the right of victims to express and disseminate their ideas, opinions and information; it generates a chilling and silencing effect on their peers; and it violates the rights of individuals and societies 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 serious¹⁷⁴⁵. Therefore, the Rapporteurship insists that the reestablishment of democracy and the rule of law in Haiti will depend to a large extent on the State's ability to prevent violence against the press.

773. In addition, the Rapporteurship learned of progress in the pursuit of justice in the case of Garry Tesse, a journalist murdered in October 2022¹⁷⁴⁶. In May 2024, this Office recorded the decision of the Haitian Superior Council of the Judiciary (CSPJ) to reassign the case to Judge Jean Michelet Séide after accepting the request for dismissal of the previous judge¹⁷⁴⁷. The latter reportedly asked to be removed from the case after denouncing the fabrication of a release order of an alleged perpetrator identified by witnesses in October 2023 and receiving death threats¹⁷⁴⁸. Upon taking over the case, the new judge also reportedly asked the CSPJ to reinforce his security measures¹⁷⁴⁹. Additionally, at the end of June 2024, the Rapporteurship was informed of the decision of the Minister of Justice and Public Security to suspend until further notice a federal prosecutor in the city of Les Cayes, the same jurisdiction in which Tesse's case is located¹⁷⁵⁰. The prosecutor was allegedly accused by witnesses of being the perpetrator of the journalist's murder because of his reporting on cases of corruption and abuse of power that involved him¹⁷⁵¹. Civil society organizations have alleged that the prosecutor allegedly interfered in Tesse's case by arresting key witnesses, including journalist Guerlan Hyppolite, and a former member of his security detail, as well as by arbitrarily releasing the aforementioned alleged perpetrator without an order from the previous judge¹⁷⁵².

774. This Office reiterates the importance of ensuring that the judges and prosecutors in cases of violence against journalists can operate without being subject to the sphere of influence of the public official or criminal organization allegedly involved in the crimes under investigation, and to maintain channels of complaint so that evidence suggesting the contrary is processed and administrative and/or criminal proceedings are opened, as the case may be¹⁷⁵³. It also recalls the obligation to guarantee the protection of all those involved in the criminal process to clarify attacks against journalists. This means that the necessary guarantees must be offered so that judges, prosecutors, witnesses, witnesses, family members, as well as the

¹⁷⁴³ 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, 2023, para. 287.

¹⁷⁴⁴ IACHR, [Report No. 7/16](#), Case 12.213, Merits (Publication), Aristeu Guida da Silva and family (Brazil), April 13, 2016, para. 138.

¹⁷⁴⁵ 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.

¹⁷⁴⁶ IACHR, Office of the Special Rapporteur for Freedom of Expression (RELE), [Annual Report 2022](#), OEA/Ser.L/V/II, Doc. 50, March 6, 2023, para. 818.

¹⁷⁴⁷ RHI News, [SOS Journalistes salue la nomination d'un nouveau juge pour l'affaire Garry Tesse](#), May 28, 2024; Vant Bèf Info, [Cayes: SOS Journaliste salue la désignation d'un nouveau juge pour instruire l'affaire Garry Tess](#), May 28, 2024.

¹⁷⁴⁸ Radio Jamaica News, [Haiti: SOS Journalists concerned by death threats issued against Justice Robert Jourdain](#), August 30, 2023; Caribbean Loop News, [SOS Journalists demand the recall of Ronald Richemond](#), July 24, 2024.

¹⁷⁴⁹ Mapeau News Haïti, [Dossier Justice : Un juge instructeur demande au conseil supérieur du pouvoir judiciaire \(CSPJ\) de mettre des moyens à sa disposition](#), May 24, 2024; Vant Bèf Info, [Le Juge Jean Michelet Séide Demande un Renforcement de sa sécurité au CSPJ](#), May 25, 2024.

¹⁷⁵⁰ The Haitian Times, [Haiti's Ministry of Justice dismisses top prosecutor in Les Cayes](#), June 28, 2024; Committee to Protect Journalists, [CPI welcomes investigation of prosecutor linked to murder case of journalist Garry Tesse](#), July 1, 2024.

¹⁷⁵¹ AyiboPost, [Qui a ordonné le meurtre du journaliste haïtien Garry Tesse](#), March 26, 2024; Caribbean Loop News, [SOS Journalistes demande la révocation de Ronald Richemond](#), July 24, 2024.

¹⁷⁵² AyiboPost, [Qui a ordonné le meurtre du journaliste haïtien Garry Tesse](#), March 26, 2024; Caribbean Loop News, [SOS Journalistes demande la révocation de Ronald Richemond](#), July 24, 2024.

¹⁷⁵³ IACHR, [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. 176.

victims themselves, may conduct, participate and give impetus to the process without fear of suffering reprisals against their life or personal integrity¹⁷⁵⁴.

775. In the course of the year, the Office of the Special Rapporteur has also recorded at least two new kidnappings. Lucien Jura, an independent commentator, former spokesman for two presidents, and journalist by training, was reportedly kidnapped between March 18 and 21, 2024 by criminal gangs, according to reports received by this Office¹⁷⁵⁵. Jura was kidnapped at his home and his kidnappers contacted his family to agree on the amount of a possible ransom¹⁷⁵⁶. The kidnapping occurred in the midst of an offensive by multiple criminal structures in this sector of the capital and repeated clashes with the HNP¹⁷⁵⁷.

776. For its part, the Office of the Special Rapporteur learned that a journalist was reportedly kidnapped between March 14 and 20, 2024¹⁷⁵⁸. According to information known to this Office, he has specialized in assisting Haitian and foreign journalists, as well as content creators on social media in covering the violence of armed actors in the country¹⁷⁵⁹. Reports registered by the Rapporteurship suggest that the journalist was intercepted by members of a criminal structure while he was traveling with a *youtuber* from the north of the country to Port-au-Prince¹⁷⁶⁰. The journalist accused members of the police of selling information about his moves to illegal actors¹⁷⁶¹. According to public information, he was released after being extorted¹⁷⁶². When released, he claimed to be traumatized and to have taken the decision to abandon his work in high-risk areas¹⁷⁶³.

777. Given the use of express kidnapping as a form of intimidation, silencing and extortion against the press in Haiti, the Special Rapporteurship recalls that this practice violates the fundamental rights of journalists and severely restricts their freedom of expression, as well as the right of society to be informed. In this regard, it urges the Haitian State to prevent and investigate these acts, punish the perpetrators and masterminds, and ensure adequate reparations to the victims and their families.¹⁷⁶⁴

778. In addition to the documented armed attacks and kidnappings, there is a public report of at least one threat against a member of the press. The journalist in question is Widlore Mérancourt, of *AyiboPost*, for publishing an article in which he questioned the ethical integrity of two correspondents of an international news agency for allegedly giving gifts to a leader of a criminal organization¹⁷⁶⁵. In a video published on September 25 on social media, the leader warned the journalist that he would pursue him and attack him by surprise; for this reason, the reporter deleted his social media accounts and was in hiding¹⁷⁶⁶. For its part, the

¹⁷⁵⁴ IACHR, [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, paras. 267, 268, 278, 282.

¹⁷⁵⁵ Committee to Protect Journalists, [Haitian journalist Lucien Jura kidnapped as violence escalates in capital](#), March 20, 2024; Caribbean Television Network, [Haiti Insecurity: Release of Journalist Lucien Jura and Continued Violence by Armed Gangs](#), March 22, 2024.

¹⁷⁵⁶ Juno7, [Lucien Jura kidnapped chez lui à Vivvy Mitchell](#), March 19, 2024; Foley Foundation, [Haitian Journalist Lucien Jura Kidnapped as Violence Escalates in Capital](#), March 20, 2024.

¹⁷⁵⁷ AlterPresse, [Kidnapping of Lucien Jura, ancien porte-parole des présidences Phtk](#), March 19, 2024; CTN, [Haiti Insecurity: Release of Journalist Lucien Jura and Continued Violence by Armed Gangs](#), March 22, 2024.

¹⁷⁵⁸ The New York Times, [American YouTuber Freed After Kidnapping in Haiti](#), April 1, 2024; Committee to Protect Journalists, [Haitian journalist, YouTuber kidnapped by gang members, released](#), April 3, 2024.

¹⁷⁵⁹ The New York Times, [American YouTuber Freed After Kidnapping in Haiti](#), April 1, 2024; Committee to Protect Journalists, [Haitian journalist, YouTuber kidnapped by gang members, released](#), April 3, 2024.

¹⁷⁶⁰ Forbes, [American YouTuber Reportedly Kidnapped In Haiti-What We Know About His Disappearance](#), March 29, 2024; The Independent, [YouTuber allegedly kidnapped in Haiti freed after paying \\$50,000 ransom](#), April 4, 2024.

¹⁷⁶¹ Voice of America, [YouTube influencer blames 'corrupt policemen' for his kidnapping in Haiti](#), March 31, 2024; Committee to Protect Journalists, [Haitian journalist, YouTuber kidnapped by gang members, released](#), April 3, 2024.

¹⁷⁶² Forbes, [American YouTuber Reportedly Kidnapped In Haiti-What We Know About His Disappearance](#), March 29, 2024; The Independent, [YouTuber allegedly kidnapped in Haiti freed after paying \\$50,000 ransom](#), April 4, 2024.

¹⁷⁶³ Voice of America, [YouTube influencer blames 'corrupt policemen' for his kidnapping in Haiti](#), March 31, 2024; Committee to Protect Journalists, [Haitian journalist, YouTuber kidnapped by gang members, released](#), April 3, 2024.

¹⁷⁶⁴ IACHR, [Declaration of Principles on Freedom of Expression](#), 2000.

¹⁷⁶⁵ AyiboPost, [Reuters Journalists' Gifts to a Notorious Haiti Gang Leader Spark Controversy](#), September 18, 2023.

¹⁷⁶⁶ Committee to Protect Journalists, [Haitian journalist threatened over article about Reuters reporters' gifts to gang leader](#), 30 September 2024; The Baron, [Haitian editor in hiding since story questioning Reuters' gifts to gang leader](#), 21 November 2024.

international news agency stated that it had a “strict code of conduct” for its employees, specifying that the gifts offered constituted “an error of judgment” and that an investigation would be carried out¹⁷⁶⁷.

779. With regard to the pursuit of justice, the Office of the Special Rapporteur took note of the 2024 impunity index of the *Committee to Protect Journalists*, in which Haiti is listed as the country where crimes against the press are most likely to go unpunished, ahead of Israel, Somalia, Syria, and South Sudan¹⁷⁶⁸.

780. The Rapporteurship emphasizes that the lack of due diligence in the investigation, prosecution, and punishment of all those responsible, as has occurred in Haiti, can generate an additional violation of the rights to access to justice and judicial guarantees of the affected persons and their families¹⁷⁶⁹. Therefore, it is crucial that the State fulfills its obligation to conduct a throughout investigation to find those materially and intellectually responsible for these crimes, provide justice in the specific case, avoid its repetition, repair the victims, and avoid the inhibiting effect that violence has on communicators.

781. Finally, regarding the media ecosystem, the Rapporteurship documented reports indicating that print media in the country are on the verge of extinction. As recorded in this annual report, the last print newspaper with national circulation, *Le Nouvelliste*, was forced to suspend its print edition following the seizure of its offices in downtown Port-au-Prince¹⁷⁷⁰. The remaining print press would have limited circulation in terms of frequency (once a week) as well as geographic coverage (mostly urban)¹⁷⁷¹. The digital transition of the national media has also been a challenge, according to editors and media owners; the archive of historical publications could not be maintained due to technological difficulties, and financial sustainability would be threatened by the lack of paying walls, online subscribers, and lack of private advertising¹⁷⁷². Some media owners have also expressed concern that illicit money from criminal gangs may be used to finance biased outlets whose coverage favors their interests¹⁷⁷³.

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

782. At the end of July 2023, the Office of the Special Rapporteur registered the appointment of Jacques Desrosiers, former president of the Association of Journalists in Haiti (AJH), as one of the nine members of the Provisional Electoral Council (CEP), representing the press in the country¹⁷⁷⁴. This body, as established in the political agreement reached in March 2024, is responsible for preparing the holding of general elections before February 7, 2026, the date on which the mandate of the transitional government formed by the Presidential Transitional Council and the interim Prime Minister and their cabinet will expire¹⁷⁷⁵.

783. The CEP is a fundamental pillar for the strengthening of democratic institutions in Haiti, especially in a context characterized by the absence of general elections in the last eight years¹⁷⁷⁶. This has severely affected the functioning of the three branches of the State, as documented by the IACHR. Since

¹⁷⁶⁷ AyiboPost, [Reuters Journalists' Gifts to a Notorious Haiti Gang Leader Spark Controversy](#), September 18, 2023; Committee to Protect Journalists, [Haitian journalist threatened over article about Reuters reporters' gifts to gang leader](#).

¹⁷⁶⁸ Committee to Protect Journalists, [CPI 2024 Impunity Index: Haiti and Israel top list of countries where journalist murders go unpunished](#), October 30, 2024.

¹⁷⁶⁹ IACHR, [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.

¹⁷⁷⁰ Committee to Protect Journalists, [Haitian press face 'existential crisis' with no end to gang violence](#), July 24, 2024; IJNET, [Print media in Haiti is on the brink of extinction](#), September 17, 2024.

¹⁷⁷¹ Committee to Protect Journalists, [Haitian press face 'existential crisis' with no end to gang violence](#), July 24, 2024; IJNET, [Print media in Haiti is on the brink of extinction](#), September 17, 2024.

¹⁷⁷² Committee to Protect Journalists, [Haitian press face 'existential crisis' with no end to gang violence](#), July 24, 2024; IJNET, [Print media in Haiti is on the brink of extinction](#), September 17, 2024.

¹⁷⁷³ Committee to Protect Journalists, [Haitian press face 'existential crisis' with no end to gang violence](#), July 24, 2024; IJNET, [Print media in Haiti is on the brink of extinction](#), September 17, 2024.

¹⁷⁷⁴ Vant Bèf Info, [Jacques Desrosiers représentera la presse au Conseil électoral provisoire](#), July 25, 2024; AlterPresse, [Nomination de 7 membres du Conseil électoral provisoire et de ceux de la Commission vérité, justice et réparation](#), September 18, 2024.

¹⁷⁷⁵ CARICOM, [Outcome declaration of CARICOM, international partners, and Haitian leaders](#), March 11, 2024; Reuters, [Haiti creates council tasked with holding first election in a decade](#), September 18, 2024; BBC, [Haiti takes step towards first elections since 2016](#), September 19, 2024.

¹⁷⁷⁶ IACHR, Annual Report 2019, [Chapter IV.A. Human Rights Developments in the Region: Haiti](#), p. 369.

February 2021, and following the assassination of then President Jovenel Moïse, the country lacks a democratically elected president, as well as a ministerial cabinet with a mandate and popular support¹⁷⁷⁷. Likewise, since January 2023, the expiration of the mandates of all legislators has become effective, a process that began with the termination of the mandates of the 119 members of the Chamber of Deputies and two thirds of the Senate in January 2020¹⁷⁷⁸. For its part, the Judicial Branch has been dysfunctional in view of the deficit of justice operators due to the impossibility of carrying out cross nominations and approvals between the Executive and the Legislative¹⁷⁷⁹.

784. The Inter-American Court has held that freedom of expression is a key element in electoral processes due to its role in: (i) forming the public opinion of the citizenry; (ii) providing instruments of analysis of the proposals of each of the candidates; (iii) facilitating the transparency of future authorities and overseeing their management; and (iv) nurturing the formation of the collective will manifested in the vote¹⁷⁸⁰. In this sense, the Rapporteurship welcomes the representation of the media in the CEP so that the press in the country contributes to the creation and maintenance of optimal conditions for the holding of general elections, fundamental for the return to participatory democracy and the full functioning of the Haitian State.

785. Despite a decrease in the levels of violence against the press in the context of social protests in the last two years, new cycles of violence, political and institutional instability, as well as citizen dissatisfaction, led to new incidents in 2024. As of the date of publication of this report, there have been at least five episodes, according to publicly available information.

786. On January 29, 2024, according to local media reports, Exavier Charlemagne, a reporter for *Radio Télé Lambi*, was reportedly shot in the left leg by an unknown assailant while covering a protest against the interim government of Ariel Henry in the district of Jérémie, in the department of Grand'Anse¹⁷⁸¹. Some witnesses attributed the incident to the police¹⁷⁸².

787. A week later, on February 7, 2024, reports were received alleging at least three journalists were injured after police used tear gas to disperse more than a thousand people gathered in Jérémie¹⁷⁸³. In particular, journalist Ymozan, who works for the online video channel *Tande Koze*, was reportedly hit in the leg by a projectile; Brutus, manager of local online video media outlet *Grandans Bèl Depatman*, reportedly received stitches in his head after being beaten and robbed of his work equipment; and Belford, a reporter for *Island TV*, based in the U.S. state of Florida, reportedly suffered a hand injury, according to two local radio station owners¹⁷⁸⁴.

788. Also, on February 8, 2024, a journalist was reportedly injured in the latest round of mass demonstrations in the country. This was independent journalist Jean Marc Jean, who was hit in the face by a tear gas canister fired by an officer of the HNP riot squad in Port-au-Prince, as per media reports.¹⁷⁸⁵

789. The Rapporteurship has learned that, according to the State's institutional framework, cases of human rights violations involving members of the police force must be referred to the General Inspectorate of the Haitian National Police (IGPNH) for investigation and, if necessary, the imposition of administrative

¹⁷⁷⁷ IACHR, [Situation of Human Rights in Haiti](#), OEA/Ser.L/V/II Doc. 385, August 30, 2022, para. 56.

¹⁷⁷⁸ IACHR, [Situation of Human Rights in Haiti](#), OEA/Ser.L/V/II Doc. 385, August 30, 2022, para. 56.

¹⁷⁷⁹ IACHR, [Situation of Human Rights in Haiti](#), OEA/Ser.L/V/II Doc. 385, August 30, 2022, para. 76.

¹⁷⁸⁰ 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. 119.

¹⁷⁸¹ Inter American Press Association, [Journalist injured during protests in Haiti](#), January 30, 2024; Committee to Protect Journalists, [At least 5 journalists injured during anti-government protests in Haiti](#), February 9, 2024.

¹⁷⁸² Nam-Haïti, [Un journaliste blessé par balle à Jérémie dans le cadre d'une manifestation](#), January 30, 2024; Inter American Press Association, [Journalist injured during protests in Haiti](#), January 30, 2024.

¹⁷⁸³ Le Nouvelliste, [Attaques, affrontements, pillage, blessés par balles, spirale de violences à Jérémie ce 7 février](#), 7 February 2024; Committee to Protect Journalists, [At least 5 journalists injured during anti-government protests in Haiti](#), 9 February 2024.

¹⁷⁸⁴ Le Nouvelliste, [Attaques, affrontements, pillage, blessés par balles, spirale de violences à Jérémie ce 7 février](#), 7 February 2024; Committee to Protect Journalists, [At least 5 journalists injured during anti-government protests in Haiti](#), 9 February 2024.

¹⁷⁸⁵ Radio Écoute FM, [Facebook post](#), February 8, 2024; Committee to Protect Journalists, [At least 5 journalists injured during anti-government protests in Haiti](#), February 9, 2024.

sanctions on the responsible officers¹⁷⁸⁶. Cases investigated by the IGPNH may also be referred to the judicial authorities for criminal prosecution¹⁷⁸⁷. The Rapporteurship has also taken note of the first anniversary of the “Office of Verification and Control”, a unit of the IGPNH, to investigate the background of members of the institution for their possible participation in human rights violations¹⁷⁸⁸.

790. However, the Office of the Special Rapporteurship has not recorded any progress in the investigations of the alleged cases of police violence against the press in 2024. Given this scenario, the Rapporteurship recalls that the use of force must conform to strict principles of exceptionality, necessity, progressiveness, and proportionality¹⁷⁸⁹, and that the use of less lethal weapons must be strictly regulated¹⁷⁹⁰. Therefore, any incident that has involved the use of any type of weapons by the security forces must be recorded¹⁷⁹¹. According to the corresponding Inter-American standards, when the use of force results in death and/or injury, there is a duty to open *ex officio* investigations by independent and impartial authorities with the necessary tools to determine the facts in a reasonable time and identify the actors and their degrees of responsibility, thus ensuring accountability, due prosecution and punishment, and adequate reparations to the victims’ families¹⁷⁹².

791. Finally, the Rapporteurship was alerted to the allegedly arbitrary suspension of the nightly program “Boukante Lapawòl” on *Radio Mega*¹⁷⁹³. According to public information, the regulatory body, CONATEL, would have imposed this suspension at the end of November 2024 after a leader of a criminal gang called the program¹⁷⁹⁴. According to the owner of the radio station, this would have been the second time in several weeks that the criminal leader contacted the radio program without prior notice or agreement¹⁷⁹⁵. Following these episodes, CONATEL reportedly accused the radio station of lending its airwaves to broadcast “propaganda” in favor of organized crimes and “messages of hate and terror” against the population, citing the 1977 decree for the suspension of the program¹⁷⁹⁶.

C. Freedom of expression and the Internet

792. According to studies compiled by the Office of the Special Rapporteur, the Internet revolution has resulted in the increase of digital media and the number of people accessing information through their mobile devices in Haiti. Indicators suggest that there are close to 100 digital media outlets in the country, and that more than 90% of the urban population would rely on the internet for information¹⁷⁹⁷. However, the Internet penetration rate in the country is close to 40%, below the Caribbean average¹⁷⁹⁸. These studies also suggest that the quality of online information has decreased to the extent that individuals and organizations using the Internet, who claim to be journalists and news media, do not comply with minimum standards of

¹⁷⁸⁶ BINUH, [Quarterly Report on the Human Rights Situation in Haiti \(April-June 2024\)](#), 2024, p. 11.

¹⁷⁸⁷ BINUH, [Quarterly Report on the Human Rights Situation in Haiti \(January-March 2023\)](#), p. 5.

¹⁷⁸⁸ BINUH, [La police nationale d'Haïti se dote d'un mécanisme permanent de vérification et de contrôle de son personnel](#), June 2, 2023.

¹⁷⁸⁹ IACHR, [Protest and Human Rights](#), OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 350.

¹⁷⁹⁰ IACHR, [Protest and Human Rights](#), OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 351.

¹⁷⁹¹ IACHR, [Protest and Human Rights](#), OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 351.

¹⁷⁹² IACHR, [Protest and Human Rights](#), OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 359.

¹⁷⁹³ Committee to Protect Journalists, [Haitian telecom authority suspends radio show, citing alleged 'dissemination of propaganda'](#), 26 November 2024; RHI, [L'Autorité Haïtienne des télécommunications suspend une émission de radio, invoquant une prétendue "diffusion de propagande"](#), 26 November 2024

¹⁷⁹⁴ The Haitian Times, [Haitian authorities shut down popular radio show for allegedly promoting gangs](#), November 24, 2024; Gazette Haïti, [Le CONATEL exige la suspension de l'émission " Boukante Lapawòl " pour propagande en faveur des groupes armés](#), December 16, 2024.

¹⁷⁹⁵ Rezo Nòdwes, [CONATEL ordonne la suspension de l'émission " Boukante Lapawòl " de Radio Mega FM](#), November 22, 2024; Haïti 24, [Le CONATEL ordonne la suspension de l'émission " Boukante Lapawòl " de Radio Méga](#), November 22, 2024.

¹⁷⁹⁶ Committee to Protect Journalists, [Haitian telecom authority suspends radio show, citing alleged 'dissemination of propaganda'](#), 26 November 2024; RHI, [L'Autorité Haïtienne des télécommunications suspend une émission de radio, invoquant une prétendue "diffusion de propagande"](#), 26 November 2024

¹⁷⁹⁷ Internews, [Évaluation de l'écosystème d'information de Port-au-Prince](#), August 2020; IJNET, [Online media in Haiti is struggling to navigate the digital revolution](#), October 7, 2024.

¹⁷⁹⁸ Data Reportal, [Digital 2024: Haiti](#), February 23, 2024; Statista, [Percentage of people online in Caribbean countries and territories](#), January 2024.

verification and objectivity, and focus on monetizing their content¹⁷⁹⁹. Against this backdrop, the *Haitian Association of Online Media* (AHML) recently advocated for the creation of a legal framework to regulate digital media, and encouraged journalists' associations to provide training courses within the profession and digital literacy within the population¹⁸⁰⁰.

793. Over the course of the year, the Office of the Special Rapporteur has recorded repeated and prolonged Internet outages, and has received allegations of their negative impact in the context of the citizen security crisis. The two largest telecommunications companies in the country, *Digicel* and *Natcom*, have denounced that their fiber optic cables have been cut by criminal groups as part of a sabotage strategy to undermine communications in the country¹⁸⁰¹. Thus, citizens have reported difficulties in sending emergency messages requesting the intervention of authorities during coordinated attacks by organized crime, requesting humanitarian aid from national and international actors, and maintaining contact with their loved ones¹⁸⁰². Given the high territorial control of criminal structures across the country, technical teams from telecommunications companies have not been able to mobilize in a timely manner to repair cables and restore connectivity¹⁸⁰³.

794. In addition to the security challenges, there is also a deficient telecommunications infrastructure. According to experts, the country's installed capacity, including power sources and antennas, would be insufficient to meet current demand, and consumers across the country have documented regular failures to make and receive calls, exchange text messages, and surf the Internet¹⁸⁰⁴. Users in Haiti have also expressed frustration with the unaffordable prices of telecommunications services, which has contributed, according to studies, to the persistence of a digital divide in which at least 40% of the population has no phone signal despite having mobile devices¹⁸⁰⁵.

795. The Rapporteurship emphasizes 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 closing 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 it¹⁸⁰⁶.

¹⁷⁹⁹ Internews, [Évaluation de l'écosystème d'information de Port-au-Prince](#), August 2020; IJNET, [Online media in Haiti is struggling to navigate the digital revolution](#), October 7, 2024.

¹⁸⁰⁰ IJNET, [Online media in Haiti is struggling to navigate the digital revolution](#), October 7, 2024.

¹⁸⁰¹ AP, [Telecom companies in Haiti report severed fiber optic cables; gangs are suspected](#), August 24, 2023; The Haitian Times, [Internet blackout cuts lifeline for millions as gang attacks in Haiti worsen](#), October 24, 2024.

¹⁸⁰² Vant Bèf Info, [Les Haïtiens paient le prix des dysfonctionnements téléphoniques en Haïti](#), September 16, 2024; The Haitian Times, [Internet blackout cuts lifeline for millions as gang attacks in Haiti worsen](#), October 24, 2024.

¹⁸⁰³ The Haitian Times, [Electricity and internet outages disrupt daily life in Haiti's northern region](#), November 14, 2024; Anba Mapou, [Digicel Haïti: un réseau en panne, des clients dépouillés](#), December 6, 2024.

¹⁸⁰⁴ The Haitian Times, [Haiti's Capital faces deepening crisis of poor internet connectivity](#), April 10, 2024; Haïti 24, [Digicel incapable de réparer son réseau en raison d'une dette impayée, la population paie le prix fort](#), September 16, 2024.

¹⁸⁰⁵ Data Reportal, [Digital 2024: Haiti](#), February 23, 2024; Statista, [Digital & Connectivity Indicators - Haiti](#), December 2024.

¹⁸⁰⁶ IACHR, [Freedom of Expression and the Internet](#), 2013, OEA/Ser.L/V/II. IACHR/RELE/INF. 11/13, para. 37.

HONDURAS

796. In 2024, the Office of the Special Rapporteur received reports of various attacks against the press and media in Honduras, including murders of journalists, physical attacks and obstruction of journalistic work. Of particular concern is the persistence of stigmatizing discourse, smear campaigns and attacks in the digital sphere, especially against those who cover issues of high public interest, with the alleged aim of disqualifying their informative work. These attacks, in some cases, come from public officials as has been denounced by civil society organizations. In addition, serious deficiencies were noted in the functioning of the National Protection Mechanism, as well as the lack of progress in the investigation of crimes against the press. During this period, there were legislative initiatives that could affect the exercise and guarantee of the right to freedom of expression. On the other hand, there were demonstrations by feminist groups and LGBTI people, as well as reports on the increase in hate speech against women and expressions that promote discrimination and intolerance towards LGBTI people

A. Journalism and democracy

797. The Office of the Special Rapporteur received information on the murder of at least two journalists in Honduras, events that could be related to their journalistic work. According to reports from civil society organizations, Honduras continues to be one of the most dangerous countries for the practice of journalism, which would be intensified by the atmosphere of self-censorship and fear among journalists.¹⁸⁰⁷

798. According to available information, on December 21, 2023, journalist 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 department¹⁸⁰⁸. The journalist was in the company 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. Ramírez worked as a reporter for *Canal 24* in Danlí, covering police and judicial issues, among other matters of public interest. As far as the Special Rapporteur's Office was able to learn, the Secretary of State for Human Rights (SEDH) issued a statement deploring the incident and demanding an investigation¹⁸⁰⁹. Likewise, the National Human Rights Commissioner (CONADEH) condemned the incident 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 people linked to the media"¹⁸¹⁰.

799. In May 2023, the IACHR and its Office of the Special Rapporteur had documented an armed attack against journalist Francisco Javier Ramírez. According to public reports, the journalist had survived an assassination attempt on May 3, 2023, when armed men shot him three times¹⁸¹¹. Following the incident, the journalist reportedly received protection measures, including the assignment of a police officer and temporary relocation.¹⁸¹²

800. On January 4, 2024, the Office of the Special Rapporteur condemned the aforementioned events, noting that both the IACHR and this Office have received reports of a wave of attacks against the press in Danlí, including threats and violence by criminal groups seeking to impose the news agenda, to the closure of a channel by municipal ordinance for allegedly not paying taxes¹⁸¹³. In its communiqué, the Rapporteurship urged the Honduran authorities to investigate these events with due diligence, punish those responsible and

¹⁸⁰⁷ Reporters Without Borders (RSF), [Honduras](#), 2024; Article 19 MX-CA, [Quarterly analysis on the state of freedom of expression in Central America and the Caribbean: July - September 2024](#), November 12, 2024.

¹⁸⁰⁸ Inter American Press Association (IAPA), [IAPA condemns murder of journalist in Honduras](#), December 27, 2023.

¹⁸⁰⁹ Proceso Digital, [SEDH condemns murder of journalist in Danlí and calls for investigation](#), December 22, 2023.

¹⁸¹⁰ Institution of the National Commissioner for Human Rights, [@CONADEH], (Dec. 22, 2023), NO MORE IMPUNITY. The National Commissioner for Human Rights condemns the violent act in which the social communicator Francisco Ramírez Amador lost his life, X, <https://x.com/CONADEH/status/1738382187261571154?s=20>.

¹⁸¹¹ RSF, [Honduras: RSF calls on authorities to strengthen the protection mechanism for journalists following the murder of Francisco Ramírez](#), January 3, 2024.

¹⁸¹² Criterio.HN, [Asesinato de comunicador social devela debilidad del sistema de protección](#), December 24, 2023

¹⁸¹³ IACHR, Office of the Special Rapporteur for Freedom of Expression, Press Release No. 006/24, [RELE condemns the murder of journalist Francisco Ramírez Amador in Honduras and calls on the State to strengthen protection for the press at risk](#), January 4, 2024.

take urgent measures to strengthen the protection of journalists at risk, guaranteeing a free and safe environment for the practice of journalism .¹⁸¹⁴

801. According to public information, after several raids in the city of Danlí, on January 25, 2024 the presumed perpetrator of the murder of journalist Francisco Javier Ramírez¹⁸¹⁵ was captured. The operation, coordinated according to public reports, by the Special Prosecutor's Office for Crimes against Life, the Police Investigations Directorate and the Military Police, resulted in the seizure of evidence that could contribute to the clarification of the murder of the journalist .¹⁸¹⁶

802. In addition to this incident, the Office of the Special Rapporteur also learned of the murder of journalist Luis Alonso Teruel Vega, which occurred on January 28, 2024 in the municipality of Atima, department of Santa Bárbara, while he was driving his vehicle to the village of La Ceibita. According to public information, the journalist was intercepted by two unknown individuals, who forced him to get out of the vehicle and shot him with a firearm on at least three occasions¹⁸¹⁷. Teruel Vega was taken to a medical center, but died shortly after due to the seriousness of his wounds¹⁸¹⁸. Teruel Vega worked as a collaborator for the local channel *Pencaligüe Televisión*. He was also the administrator of the Facebook page "Luisito TV Informa" where he reported on various issues of local interest and covered environmental issues¹⁸¹⁹. He had recently been appointed Municipal Justice Judge; a position that, according to reports, he was not holding at the time of the crime¹⁸²⁰. The Office of the Special Rapporteur condemned the murder of journalist Luis Alonso Teruel Vega through a press release on February 15, 2024 .¹⁸²¹

803. The Office of the United Nations High Commissioner for Human Rights (OHCHR) in Honduras also condemned the murder of journalist Luis Alonso Teruel Vega and stressed the urgency for the State to adopt all necessary measures to strengthen the protection of those who exercise freedom of expression¹⁸²². In this context, other civil society organizations repudiated the murder and recognized the importance and role of environmental journalists in providing information to communities affected by climate disruption. In addition, they demanded that an investigation be carried out to clarify the circumstances of the crime to ensure justice and avoid impunity for violence against press workers .¹⁸²³

804. On the other hand, the Office of the Special Rapporteur received information on progress in the investigations into the murder of journalist Edwin Josué Andino Canaca and his father Edwin Emilio Andino Amador¹⁸²⁴. On May 18, 2024, it was learned that the Court of Organized Crime and Corruption issued a formal indictment with preventive detention against those implicated in the double murder¹⁸²⁵. According to public information, the accused face charges of aggravated murder and robbery with violence or intimidation, to the detriment of the journalist and his father¹⁸²⁶. Recently, it also became known that a panel of judges admitted in its entirety the evidence presented in the case against those allegedly implicated in the murder of journalist

¹⁸¹⁴ IACHR, Office of the Special Rapporteur for Freedom of Expression, Press Release No. 006/24, [RELE condemns the murder of journalist Francisco Ramírez Amador in Honduras and calls on the State to strengthen protection for the press at risk](#), January 4, 2024.

¹⁸¹⁵ El Heraldo, [Capturan a supuesto autor material de muerte de periodista en Danlí](#), January 25, 2024.

¹⁸¹⁶ La Prensa, [Detienen a sospechoso por muerte del periodista Francisco Javier Ramírez](#), January 26, 2024.

¹⁸¹⁷ El Heraldo, [El asesinato de otro comunicador](#), 2024; Comité por la Libre Expresión (C-Libre), [Confusa causa en el asesinato de comunicador social](#), January 29, 2024; Hondumedios, [CPH condena muerte del periodista Luis Teruel en Santa Barbara](#), 2024; Debate, [SIP insta a autoridades investigar el asesinato del periodista Luis Teruel en Honduras](#), January 29, 2024.

¹⁸¹⁸ Proceso Digital, [Still no answers on the murder of journalist Luis Alonso Teruel](#), January 29, 2024

¹⁸¹⁹ Proceso Digital, [Still no answers on the murder of journalist Luis Alonso Teruel](#), January 29, 2024.

¹⁸²⁰ Radio Cadena Voces (RCV), [Journalist Luis Alonso Teruel is murdered in Atima, Santa Barbara](#), January 29, 2024

¹⁸²¹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Press Release No. R033/24, [La Relatoría Especial condena la violencia contra periodistas en Honduras, y llama al Estado a proteger y garantizar la libertad de expresión y de prensa](#), February 15, 2024.

¹⁸²² Office of the United Nations High Commissioner for Human Rights (OHCHR) in Honduras, [@OACNUDH], (Jan. 29, 2024), OHCHR condemns the murder of Luis Alonso Teruel Vega, X, <https://x.com/oacnudhhn/status/1752114546284585028?s=46>.

¹⁸²³ Infobae, [FAPE repudiates the murder of journalist Luis Alonso Teruel in Honduras](#), January 31, 2024

¹⁸²⁴ 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. 847.

¹⁸²⁵ El Heraldo, [Pretrial detention against those involved in the murder of journalist Edwin Andino and his father](#), May 18, 2024.

¹⁸²⁶ El Heraldo, [Pretrial detention against those involved in the murder of journalist Edwin Andino and his father](#), May 18, 2024.

Edwin Josué Andino and his father¹⁸²⁷. Chamber I of the Sentencing Court with National Jurisdiction in Organized Crime, Environment and Corruption determined that the oral and public trial should be opened, which was scheduled for the period from May 12 to 23, 2025.¹⁸²⁸

805. As reported in the 2022 Annual Report of the Office of the Special Rapporteur, journalist Edwin Josué Andino and his father were murdered on October 10, 2022 in the Villa Franca neighborhood. According to public reports, unidentified individuals dressed as police officers kidnapped the journalist and shot him to death. Edwin Josué Andino's lifeless body was found in a street near his home, while his father's body was found lifeless in another neighborhood of Tegucigalpa.¹⁸²⁹

806. 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"¹⁸³⁰.

807. 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 serious¹⁸³¹. 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.¹⁸³²

808. In 2024, RELE learned of reports from civil society organizations that indicate a possible increase in aggressions and attacks against journalists, press workers and media outlets in Honduras, both online and offline¹⁸³³. According to public reports, a large part of the acts of violence committed against the press are allegedly perpetrated by various sectors of the public authorities¹⁸³⁴. Thus, for example, an aggression by police agents against journalist Erick Pineda was reported while he was trying to cover the eviction of a peasant group in the southern zone of El Progreso, Yoro. According to public reports, a police officer grabbed him by the neck and pushed him¹⁸³⁵. A similar incident reportedly occurred against journalist César Ogando Flores, who was also documenting the eviction.¹⁸³⁶

809. On the other hand, reports were received that a correspondent of *Canal Hable como Habla* (HCH) and a cameraman reported having been physically assaulted by members of the police while covering

¹⁸²⁷ Tiempo, [Admitting evidence for trial of those involved in the murder of Edwin Andino](#), November 5, 2024.

¹⁸²⁸ Tiempo, [Admitting evidence for trial of those involved in the murder of Edwin Andino](#), November 5, 2024.

¹⁸²⁹ Committee to Protect Journalists (CPJ), [Honduran journalist Edwin Josué Andino is shot to death in Tegucigalpa](#), October 22, 2022.

¹⁸³⁰ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Declaration of Principles on Freedom of Expression](#), 2000.

¹⁸³¹ 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.

¹⁸³² IACHR, [Report No. 7/16](#), Case 12.213 Merits, Aristeu Guida da Silva and family (Brazil), April 13, 2016, para. 138.

¹⁸³³ C-Libre, [Freedom of Expression Report](#), 2024; Article 19 MX-CA, [Quarterly analysis on the state of freedom of expression in Central America and the Caribbean: July - September 2024](#), November 12, 2024; Proceso Digital, [Hostility towards freedom of expression rises, press under attack in Honduras](#), December 2, 2024.

¹⁸³⁴ Article 19 MX-CA, [Quarterly analysis on the state of freedom of expression in Central America and the Caribbean: July - September 2024](#), November 12, 2024.

¹⁸³⁵ Radio Progreso HN, [@RadioProgresoHN], (June 5, 2024), National Police assaulted Radio Progreso communicator Erick Pineda while he was attempting to cover the eviction of a peasant group in the southern zone of El Progreso, Yoro, X, <https://x.com/RadioProgresoHN/status/1798341531000259047>.

¹⁸³⁶ Radio Progreso HN, [@RadioProgresoHN], (June 5, 2024), The National Police have physically assaulted our colleague Erick Pineda and tried to prevent, with shoving and verbal expressions, X, <https://x.com/RadioProgresoHN/status/1798391196437594470>.

the presentation of defendants in the Criminal Courts in San Pedro Sula, department of Cortés¹⁸³⁷. In this regard, the *College of Journalists of Honduras* (CPH) condemned the aggressions by police and security forces towards social communicators and cameramen, and demanded that the authorities of the State security agencies respect and protect the work of journalists, and that from now on the pertinent measures be adopted and instructions be given to those concerned.¹⁸³⁸

810. The Rapporteurship also received complaints about threats and surveillance against journalists and press workers. According to public reports, at the end of 2023, approximately 122 alerts of threats to journalists were registered, of which 40 (32%) were attributed to high-ranking officials¹⁸³⁹. Likewise, *C-Libre* indicated that, during the first half of 2024, approximately 84 reports of threats to journalists were registered in Honduras.¹⁸⁴⁰

811. In this context, the Office of the Special Rapporteur has received reports of threats against independent and community media. An example of this is the case of the media outlet *Reportar Sin Miedo* and its journalistic team, who were allegedly threatened after publishing a report on alleged links to corruption and lack of transparency of a businessman who is also a public official¹⁸⁴¹. According to the information received, the media has also been the object of disqualifications in the digital sphere, being labeled as "mercenary" and "yellow journalism", including by public officials¹⁸⁴². Additionally, the Special Rapporteurship learned that threats were also directed at other media outlets that disseminated this investigation, such as *La Noticia Honduras*, which on February 1, 2024 was harassed and pressured to eliminate its report.¹⁸⁴³

812. Likewise, journalist Jorge Posadas, correspondent of *UneTV*, reported having received death threats through his *WhatsApp* account. In view of this situation, the *Association for Democracy and Human Rights* (Asopodehu) requested protection for the journalist. The executive director of *Asopodehu*, Dina Meza, made an urgent appeal to the president to provide security for the journalist, who works in Santa Rosa de Copán, western Honduras¹⁸⁴⁴. For its part, this Office learned that Dina Meza has reportedly been the victim of surveillance at her home and workplace. Her family members were also reportedly subject to surveillance during their travels.¹⁸⁴⁵

813. In addition, Honduran journalist Thelma Mejía, news coordinator for *TN5 Estelar* in Tegucigalpa, reported in June 2024 having received threats and attacks¹⁸⁴⁶. According to the journalist, her opinions had annoyed certain sectors, which she described as "digital troops", allegedly led by some public officials¹⁸⁴⁷. Mejía stated that the attacks sought to "tame" public opinion and hinder the search for the truth.¹⁸⁴⁸

814. Through a press release, the *Central American Network of Journalists* expressed its solidarity with journalist Thelma Mejía and urged the State to implement concrete and efficient measures to investigate

¹⁸³⁷ C-Libre, [Ultraje, agresión física y obstrucción informativa hacia periodistas en Cortés](#), January 26, 2024; La Presa, [CPH condena agresión de policías a periodistas en SPS](#), January 25, 2024.

¹⁸³⁸ Hondudiario, [CPH condemns police aggression against journalist in San Pedro Sula](#), January 25, 2024; La Presa, [CPH condemns police aggression against journalists in SPS](#), January 25, 2024.

¹⁸³⁹ El Heraldo, [El 32% de amenazas a periodistas viene de funcionarios públicos: C-Libre](#), February 12, 2024.

¹⁸⁴⁰ Hondudiario.com, [Nearly 84 denunciations of threats to journalists are reported so far this year](#), July 28, 2024.

¹⁸⁴¹ Article 19 MX-CA, [Honduras: Threats against investigative journalism continue](#), February 7, 2024.

¹⁸⁴² Information provided by journalists to the Office of the Special Rapporteur for Freedom of Expression, Archivo de la Relatoría Especial para la Libertad de Expresión, January 19, 2024.

¹⁸⁴³ Article 19 MX-CA, [Honduras: Threats against investigative journalism continue](#), February 7, 2024.

¹⁸⁴⁴ Proceso Digital, [Asopodehu claims protection for journalist Jorge Posadas](#), November 2, 2024.

¹⁸⁴⁵ RSF en español, [[@RSF_eng](#)], (Aug. 16, 2024), Repudiamos las intimidaciones sufridas por la corresponsal de RSF, X, https://x.com/RSF_esp/status/1824525498405310691?t=51ZUVI-5ILH_OFoPTC_7zw&s=08; IAPA, [Honduras: Report before the 2024 Midyear Meeting, April 17-19](#), April 17-19, 2024.

¹⁸⁴⁶ La Tribuna, [Periodista denuncia amenazas](#), June 7, 2024; Infobae, [Honduran journalist Thelma Mejía denuncia amenazas y el Gobierno las condena](#), June 6, 2024; Article 19 MX-CA, [Honduras: Periodista recibe amenazas en plataforma X de perfiles vinculados al gobierno](#), June 14, 2024.

¹⁸⁴⁷ Tiempo, [Hondureña Periodista denuncia ataques de militantes libres](#), June 6, 2024.

¹⁸⁴⁸ Tiempo, [Hondureña Periodista denuncia ataques de militantes libres](#), June 6, 2024.

and prosecute those who threaten the physical integrity of journalists¹⁸⁴⁹. In this communiqué, the network indicated that various civil society organizations have denounced disinformation and smear campaigns against the media, allegedly by pro-government groups, which seek to strengthen the official narrative and silence dissident voices and opponents of the government¹⁸⁵⁰. Likewise, RELE has learned of other reports denouncing attacks in the digital sphere against journalists and media outlets such as *ContraCorriente* and *Criterio.Hn* with the alleged purpose of delegitimizing their work.¹⁸⁵¹

815. In addition to these events, there have been reports of stigmatization, disinformation and smear campaigns against the press on social networks, as well as threats of legal action, allegedly for the purpose of silencing the press and in retaliation for journalistic work, some of them by public officials.¹⁸⁵²

816. The IACHR has warned of its concern that the accusations against the press may increase the risk of attacks on journalists in a country that is historically violent for the exercise of the profession¹⁸⁵³. In this regard, the Office of the Special Rapporteur recalls that, as guarantor 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 profession¹⁸⁵⁴. While it is legitimate for the authorities to pronounce on issues of public interest and respond to media criticism, they must do so without discrediting or stigmatizing those who question them. 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.¹⁸⁵⁵

817. On the other hand, there were also reports of possible censorship and obstructions to news coverage, as well as media blocking on social networks by accounts linked to public officials. In particular, the Office of the Special Rapporteur learned that the Honduran journalist Juan Ramón Martínez had received notification of the cancellation of his opinion column, after alleging that his article had caused controversy as it was considered disrespectful to the President. It was reported that this decision was taken under state pressure¹⁸⁵⁶. For its part, *C-Libre* condemned the blocking of Congressman Luis Redondo to the media outlet *Diario El Heraldo* on the social network X (formerly *Twitter*), pointing out that an official should not block a media outlet for discrepancies with the coverage or approach to news.¹⁸⁵⁷

¹⁸⁴⁹ Red Centroamericana Periodistas, ARCP, [@PeriodistasCA], (June 7, 2024), We stand in solidarity with journalist @thelma_mejia, founder of this collective, in the face of the attacks and harassment she is facing, X, <https://x.com/PeriodistasCA/status/1799229363805929944>.

¹⁸⁵⁰ Red Centroamericana Periodistas, ARCP, [@PeriodistasCA], (June 7, 2024), We stand in solidarity with journalist @thelma_mejia, founder of this collective, in the face of the attacks and harassment she is facing, X, <https://x.com/PeriodistasCA/status/1799229363805929944>.

¹⁸⁵¹ Article 19 MX-CA, [Urgen medidas de Honduras contra amenazas, actos de intimidación y campañas de desprestigio contra la prensa](#), 20 October 2024.

¹⁸⁵² Article 19 MX-CA, [Urgen medidas de Honduras contra amenazas, actos de intimidación y campañas de desprestigio contra la prensa](#), Oct. 20, 2024; Radio Cadena Voces, [@RCVHonduras], (Mar. 26, 2024), Denunciamos ante la @RELE_CIDH, @OACNUDHNN, @StateDept, @PVacaV, @Irenekhan al ministro de Planificación por mantener una campaña sistemática de estigmatización y ataques a la prensa a través de mensajes directos, tropas y granjas de bots, X, <https://x.com/RCVHonduras/status/1772733709277438463>; Ricardo Salgado, [@RicsalgadoB], (Mar. 26, 2024), What is disinformation agency, Fake News and propaganda is Radio Cadena Voces, and other outlets at the service of U.S. agencies that now pretend that publishing government achievements is a crime, X, <https://x.com/ricsalgadob/status/1772690079154053124?s=46>; 24/7 News, [Minister Salgado insults and accuses journalist Carlos Zúñiga in frustration over Engel List](#), 2024; Ricardo Salgado, [@RicsalgadoB], (Mar. 26, 2024), Otra cosa, yo estoy en la Lista Engel por llamar al pueblo a defenderse, la lista Hermès fue diseñada con periodistas que se enriquecieron mediante el chantaje, la extorsión y el apoyo al crimen organizado en la narco dictadura, X, <https://x.com/RicSalgadoB/status/1772691048453611524>; Redacción Regional, [@RRPresenta], (Aug. 8, 2024), El gobierno lanza mensajes de desprestigio contra medios y periodistas, X, <https://x.com/RRPresenta/status/1821690972985594156>; El Heraldo, [Luis Redondo amenaza a medios de comunicación tras denuncias en su contra](#), March 12, 2024; El Heraldo, [Expresidente del CPH advierte que Luis Redondo prepara demandas contra periodistas](#), March 14, 2024.

¹⁸⁵³ IACHR, [Report on the Situation of Human Rights in Honduras](#) OEA/Ser.L/V/II Doc.9/24, March 24, 2024, para. 586.

¹⁸⁵⁴ 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; UN, OSCE, OAS, ACHPR, [Joint Declaration on Political Leaders, Persons Exercising Public Functions, and Freedom of Expression](#), October 20, 2021.

¹⁸⁵⁵ 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.

¹⁸⁵⁶ C-Libre, [Columnist's space cancelled after publishing article critical of the President](#) May 28, 2024.

¹⁸⁵⁷ El Heraldo, [C-Libre condemns Redondo's blockade of EL HERALDO](#), February 1, 2024.

818. The Rapporteurship notes that the aforementioned facts are inserted in a context of structural violence and impunity for crimes against the press, which has been previously warned by the IACHR and its Special Rapporteurship in the country reports of 2015 and 2019, as well as in the preliminary observations of its *on-site* visit in April 2023 and in its country report of 2024¹⁸⁵⁸. During that visit, Honduran journalists denounced working in an environment marked by fear, self-censorship and high risk, due to the lack of protection by the authorities, especially due to the crisis of the National Protection Mechanism¹⁸⁵⁹. The situation is particularly serious for community communicators and those who cover issues such as corruption, organized crime, security, migration and agrarian conflicts. In 2024, the Office of the Special Rapporteur learned of reports that technical, administrative and financial problems persist that limit the effectiveness of the National Protection Mechanism¹⁸⁶⁰. Civil society organizations have denounced that, due to the lack of attention and timely protection, several journalists have been forced to leave the country.¹⁸⁶¹

819. In addition, the OHCHR called on the State of Honduras to guarantee the financial and technical autonomy of the National Protection Mechanism¹⁸⁶². The OHCHR also stressed the urgent need to implement adequate protection measures for human rights and environmental defenders, who face high risk situations in the country.¹⁸⁶³

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

820. The Office of the Special Rapporteur received reports from civil society on the state of civic space in Honduras. One of the reports, entitled "State of the Country: Civic Space", states that Honduras has challenges with respect to the rule of law. The report highlights the closure of civic space, characterized by systematic attacks and smear campaigns against various sectors of the population, including the church, the media, civil society organizations and the private sector¹⁸⁶⁴. In addition, deficiencies in the National Protection Mechanism and in the Prosecutor's Office are highlighted, along with the growing impunity in the murders of defenders, activists and journalists. The *Network for the Defense of Democracy* (RDD) expressed its concern for the aggressions by sectors of public power, which, it argues, affect confidence in institutions and generate an environment that limits democratic freedoms.¹⁸⁶⁵

821. With regard to regulatory and institutional developments, the Office of the Special Rapporteur learned of the creation by the National Congress of a special commission to analyze freedom of expression and the right to information¹⁸⁶⁶. According to the head of Congress, the objective of the commission is to investigate, analyze and propose solutions to improve the current state of these rights in Honduras¹⁸⁶⁷. In response to this

¹⁸⁵⁸ IACHR, Press Release No. 080/23; [IACHR presents preliminary observations of the on-site visit to Honduras](#), April 26, 2023; IACHR, [Report on the Situation of Human Rights in Honduras](#), OEA/Ser.L/V/II Doc.9/24, March 24, 2024.

¹⁸⁵⁹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Communiqué No. R6/24, [La RELE condena el asesinato del periodista Francisco Ramírez Amador en Honduras y llama al Estado a fortalecer la protección a la prensa en riesgo](#), January 4, 2024; IACHR, Office of the Special Rapporteur for Freedom of Expression, Communiqué No. R33/24, [La Relatoría Especial condena la violencia contra periodistas en Honduras, y llama al Estado a proteger y garantizar la libertad de expresión y de prensa](#), February 15, 2024.

¹⁸⁶⁰ IACHR, Office of the Special Rapporteur for Freedom of Expression, Communiqué No. R6/24, [La RELE condena el asesinato del periodista Francisco Ramírez Amador en Honduras y llama al Estado a fortalecer la protección a la prensa en riesgo](#), January 4, 2024; IACHR, Office of the Special Rapporteur for Freedom of Expression, Communiqué No. R33/24, [La Relatoría Especial condena la violencia contra periodistas en Honduras, y llama al Estado a proteger y garantizar la libertad de expresión y de prensa](#), February 15, 2024.

¹⁸⁶¹ Red Centroamericana Periodistas, ARCP, [@PeriodistasCA], (June 7, 2024), We stand in solidarity with journalist @thelma_mejia, founder of this collective, in the face of the attacks and harassment she is facing, X, <https://x.com/PeriodistasCA/status/1799229363805929944>.

¹⁸⁶² La Tribuna, [OACNUDH calls to guarantee Protection Mechanisms](#), September 27, 2024

¹⁸⁶³ La Tribuna, [OACNUDH calls to guarantee Protection Mechanisms](#), September 27, 2024.

¹⁸⁶⁴ ASJ Honduras, Instituto de la Justicia, [Estado de país. Resiliencia y resistencia: El futuro del espacio cívico en Honduras](#), June 11, 2024; La Tribuna, [RDD: Piden cese inmediato de ataques contra la sociedad hondureña](#), August 20, 2024; La Prensa, [Honduras con los peores índices de libertades ciudadanas, según la ASJ](#), June 11, 2024.

¹⁸⁶⁵ La Tribuna, [RDD: Piden cese inmediato cese de ataques contra la sociedad hondureña](#), August 20, 2024.

¹⁸⁶⁶ National Congress of Honduras, [@Congreso_HND], (February 7, 2024), Creation of Special Legislative Commission, X, https://x.com/Congreso_HND/status/1755325307492466936; Proceso Digital, [Prensa criminalizada, así es hacer periodismo en Honduras](#), February 7, 2024.

¹⁸⁶⁷ Proceso Digital, [CN creates commission to analyze freedom of expression and right to information](#), February 7, 2024.

initiative, civil society organizations, including human rights defenders, journalists' union leaders, and political sectors working in the promotion and defense of freedom of expression, expressed their willingness to support the process. However, they warned that any attempt to limit freedom of expression would be rejected.¹⁸⁶⁸

822. Likewise, this Office has followed up on the different initiatives that have been presented in the National Congress to decriminalize crimes against honor. On February 13, 2024, a deputy of the Salvador Party of Honduras (PSH) presented before Congress a bill to reform the Penal Code, specifically Articles 229 to 231, which would aim to exempt communicators and journalists from the applicability of the crimes of libel and slander¹⁸⁶⁹. In addition, the bill proposes reforms to articles 8, 38, 41 and 42 of the Law of Broadcasting of Thought, as well as the repeal of article 43¹⁸⁷⁰. The organization *C-Libre* expressed that, although it values the reforms, they do not fully address the recommendations of the IACHR and the United Nations Special Rapporteur on the protection of the right to freedom of expression¹⁸⁷¹. According to the Special Rapporteur's Office, since 2022, the National Congress has received two initiatives to decriminalize the crimes of libel and slander, both presented by deputies of the Libertad y Refundación Party, the first on May 4, 2022, and the second on July 6, 2022.

823. In this regard, in its report "Situation of Human Rights in Honduras" published in May 2024, the IACHR noted that Honduras maintains the crimes of libel and slander, with penalties of fines and imprisonment, "despite the recommendations of international organizations to eliminate these criminal offenses due to the inhibiting effect they have on freedom of expression on matters of public interest"¹⁸⁷². The Commission also noted that, although legislative initiatives have been presented to decriminalize these crimes, the projects have not been prioritized in the agenda of Congress and, as of the date of publication of the report, did not have a favorable opinion for discussion.

824. This Office recalls that both the Commission and the Inter-American Court have considered that expressions concerning public officials or other persons who exercise public functions 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 system¹⁸⁷³. This does not mean that the honor of those who exercise public functions or of public persons should not be legally protected, but rather that it should be protected in accordance with the principles of democratic pluralism¹⁸⁷⁴. As the Court has pointed out, those 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 criticism, since their activities leave the domain of the private sphere to enter the sphere of public debate.¹⁸⁷⁵

825. Likewise, in terms of subsequent liabilities, criminal prosecution "is the most restrictive measure to freedom of expression, therefore, its use in a democratic society should be exceptional and reserved

¹⁸⁶⁸ Proceso Digital, [Prensa criminalizada, así es hacer periodismo en Honduras](#), February 7, 2024; La Prensa, [CN crea comisión para analizar libertad de expresión y es rechazada por el CPH](#), February 7, 2024.

¹⁸⁶⁹ Criterio.HN, [En manos del Congreso Nacional, tercera propuesta para despenalizar delitos contra el honor](#), February 14, 2024; El Heraldo, [Diputados piden despenalizar los delitos contra el honor](#), February 14, 2024.

¹⁸⁷⁰ Criterio.HN, [En manos del Congreso Nacional, tercera propuesta para despenalizar delitos contra el honor](#), February 14, 2024; El Heraldo, [Diputados piden despenalizar los delitos contra el honor](#), February 14, 2024.

¹⁸⁷¹ Criterio.HN, [En manos del Congreso Nacional, tercera propuesta para despenalizar delitos contra el honor](#), February 14, 2024; El Heraldo, [Diputados piden despenalizar los delitos contra el honor](#), February 14, 2024.

¹⁸⁷² IACHR, [Report on the Situation of Human Rights in Honduras](#) OEA/Ser.L/V/II Doc.9/24, March 24, 2024, paras. 634- 637.

¹⁸⁷³ 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.

¹⁸⁷⁴ 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; 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.

¹⁸⁷⁵ 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.

for those eventualities in which it is strictly necessary to protect fundamental legal assets from attacks that damage or endanger them, since otherwise it would be an abusive use of the punitive power of the State"¹⁸⁷⁶.

826. Likewise, in accordance with Principles 10 and 11 of the IACHR Declaration of Principles on Freedom of Expression, "[p]rivacy laws should not inhibit or restrict the investigation and dissemination of information of public interest. The protection of reputation should be guaranteed only through civil sanctions, in cases where the offended person is a public official or public person or private individual who has voluntarily become involved in matters of public interest. Furthermore, in these cases, it must be proven that in the dissemination of the news the communicator had the intent to inflict harm or full knowledge that false news was being disseminated or conducted himself with manifest negligence in the search for the truth or falsity of the news"¹⁸⁷⁷. Public officials are subject to increased scrutiny by society. Laws that criminalize offensive speech directed at public officials, generally known as 'desacato laws', infringe on freedom of expression and the right to information¹⁸⁷⁸. Therefore, the Office of the Special Rapporteur reiterates the need and urgency to decriminalize the exercise of freedom of expression in Honduras, and to establish proportionality criteria for the establishment of subsequent responsibilities, in accordance with these principles.¹⁸⁷⁹

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

827. In 2024, the Office of the Special Rapporteur received reports on acts of stigmatization and discrimination against women human rights defenders and other vulnerable groups. An outstanding case occurred on January 25, during the commemoration of Honduran Women's Day, when dozens of women mobilized to demand justice and an end to violence against women¹⁸⁸⁰. The main demand of the demonstrators was the demand for justice for the victims of femicide, since 380 women were murdered in 2023, and in the first 15 days of 2024, 16 victims were registered¹⁸⁸¹. However, the Rapporteurship received complaints about the alleged excessive use of force by police and security agents against members of feminist groups who were demonstrating. According to public reports, several women were allegedly physically assaulted by police and military officers when they tried to access the main street of the National Congress, which was cordoned off by dozens of police officers due to the installation ceremony of the third session of the 2022-2026 legislature.¹⁸⁸²

828. In its report on the "Situation of Human Rights in Honduras," the IACHR expressed its concern about the increase in hate speech against women, which would be generating greater tolerance towards violence¹⁸⁸³. The Commission also noted its concern about the disinformation campaign related to the Law on Comprehensive Education for the Prevention of Adolescent Pregnancy, as well as disinformation regarding the rights of women and LGBTI persons to access reproductive health.¹⁸⁸⁴

829. In addition, civil society organizations informed the IACHR about several cases of speeches about LGBTI people that would promote discrimination and intolerance in addition to stigmatizing this population and their social exclusion¹⁸⁸⁵. Several of the complaints highlight that these actions come from public officials. Likewise, officials of the Ministry of Social Development (SEDESOL) informed the IACHR that they have been harassed through speeches, media and social networks for their efforts to make visible and

¹⁸⁷⁶ 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; Case of Baraona Bray v. Chile, Preliminary Objections, Merits, Reparations and Costs, Judgment of November 24, 2022, Series C No. 481, para. 120.

¹⁸⁷⁷ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Declaration of Principles on Freedom of Expression](#), 2000.

¹⁸⁷⁸ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Declaration of Principles on Freedom of Expression](#), 2000.

¹⁸⁷⁹ IACHR, [Report on the Situation of Human Rights in Honduras](#) OEA/Ser.L/V/II Doc.9/24, March 24, 2024, para. 637.

¹⁸⁸⁰ Infobae, [Mujeres hondureñas conmemoran su día demandando justicia y el fin de la violencia machista](#), January 25, 2024; C-Libre, [Policiales agreden libertad de expresión de grupos feministas](#), January 26, 2024.

¹⁸⁸¹ Infobae, [Honduran women commemorate their day demanding justice and an end to male violence](#), January 25, 2024.

¹⁸⁸² Report Without Fear, [@ReportarsinMied], (Jan. 25, 2024), Women broke through the fence of police and military who were preventing their access to the main street of the National Congress, X, <https://x.com/ReportarsinMied/status/1750571612099789188>.

¹⁸⁸³ IACHR, [Report on the Situation of Human Rights in Honduras](#) OEA/Ser.L/V/II Doc.9/24, March 24, 2024, para. 350.

¹⁸⁸⁴ IACHR, [Report on the Situation of Human Rights in Honduras](#) OEA/Ser.L/V/II Doc.9/24, March 24, 2024, para. 378.

¹⁸⁸⁵ IACHR, [Report on the Situation of Human Rights in Honduras](#) OEA/Ser.L/V/II Doc.9/24, March 24, 2024, paras. 379 and 417.

promote the human rights of LGBTI persons¹⁸⁸⁶. In the report, the IACHR also highlighted the high levels of violence observed in the country, as well as the social, cultural and legal discrimination faced by LGBTI persons¹⁸⁸⁷. In addition, according to public reports, these people are allegedly victims of crimes, discrimination, lack of access to basic services and obstacles in the legal recognition of their identity.¹⁸⁸⁸

830. For its part, RELE learned that in May LGBTI people demonstrated to demand the elimination of all forms of discrimination and violence in "a country where 521 hate crimes have occurred since 2009"¹⁸⁸⁹.

D. Freedom of expression and the Internet

831. As mentioned in this chapter, the Office of the Special Rapporteur received reports of online attacks, threats and intimidation directed against journalists, media outlets and organizations conducting investigations on matters of public interest, as well as reports of the existence of networks of coordinated inauthentic behavior¹⁸⁹⁰. Thus, for example, there were reports of alleged hacking of journalists' accounts. According to public reports, journalists are being contacted with a message asking if they have opened *WhatsApp* on another device¹⁸⁹¹. By accepting, the victim unknowingly hands over access to their account, allowing criminals to use it to send messages on their behalf¹⁸⁹². For his part, journalist Dagoberto Rodríguez made public allegations against the Minister of Strategic Planning for maintaining a systematic campaign of stigmatization and attacks on the press through direct messages and "troops and bot farms"¹⁸⁹³.

¹⁸⁸⁶ IACHR, [Report on the Situation of Human Rights in Honduras](#) OEA/Ser.L/V/II Doc.9/24, March 24, 2024, para. 417.

¹⁸⁸⁷ IACHR, [Preliminary Observations. On-site Visit to Honduras](#), April 24-28, 2023

¹⁸⁸⁸ Criterio.HN, [Honduras: A hostile environment for LGBTIQ+ people and lack of state protection](#), August 21, 2024

¹⁸⁸⁹ Hondudiario, [LGBTI community marches in Honduras against discrimination and 521 hate crimes since 2009](#), May 18, 2024

¹⁸⁹⁰ 24/7 News, [Minister Salgado insults journalists Carlos Zúniga before frustration over Engel List](#), Nov. 29, 2024; Radio Cadena Voces, [@RCVHonduras], (March 26, 2024) We denounce before the @RELE_CIDH, @OACNUDHHN, @StateDept, @PVacaV, @Irenekhanal minister of Planning for maintaining a systematic campaign of stigmatization and attacks on the press through direct messages, troops and bot farms, X, <https://x.com/RCVHonduras/status/1772733709277438463>; Proceso Digital, [Journalist Thelma Mejia says she will exercise her right to freedom of expression despite attacks by digital troops](#), June 6, 2024; Thelma Mejia Lopez, [@helma_mejia], (June 4, 2024), Que si ha llegado el momento de "sacarme los ovarios", que si me van a hackear mi cuenta, que si tengo que callarme, son algunas de las intensidades recibidas en las últimas horas por las virulentas tropas digitales y activistas ligados al oficialismo, X, https://x.com/thelma_mejia/status/1798155983971344527; Ricardo Salgado, [@RicSalgadoB], (March 26, 2024), What is disinformation agency, Fake News and propaganda is Radio Cadena Voces, X, <https://x.com/ricsalgadob/status/1772690079154053124?s=46>.

¹⁸⁹¹ La Tribuna, [Delincuentes cibernéticos hackean cuentas de WhatsApp a periodistas para estafar a hondureños](#), June 4, 2024.

¹⁸⁹² La Tribuna, [Delincuentes cibernéticos hackean cuentas de WhatsApp a periodistas para estafar a hondureños](#), June 4, 2024.

¹⁸⁹³ Dagoberto Rodríguez, [@darochn], (Mar. 26, 2024), We denounce before the @RELE_CIDH, @OACNUDHHN, @StateDept, @PVacaV, @Irenekhan, X, <https://x.com/darochn/status/1772704953057886289>.

JAMAICA

832. The Rapporteurship recorded threats against at least one television journalist and the murder of a journalist. In addition, it followed up on debates on online disinformation, the quality of public debate in the country, and the possibility of moderating content on digital platforms, taking note of the concern of some sectors about possible infringements on freedom of expression and the right to privacy. The Office also took note of the digital literacy campaign to help citizens identify misleading information, including news generated with artificial intelligence. With respect to the rule of law and democratic institutions, obstacles to access to information were reported, with the Judiciary rejecting requests for transparency submitted by press organizations. Likewise, controversies were reported between the Integrity Commission and the government cabinet with allegations of leaks of investigations on parliamentarians to the press. Finally, there was an increase in internet access and initiatives aimed at closing digital divides, especially in rural areas and educational centers, as well as a cybersecurity strategy to protect critical infrastructure.

A. Journalism and democracy

833. Since mid-June, RELE has been monitoring threats against Giovanni Dennis, a journalist of *Television Jamaica* (TVJ). According to information provided by the Press Association of Jamaica (PAJ), the journalist reportedly received threats on social networks after publishing a special report on illegal car racing in the country¹⁸⁹⁴. The threats, according to PAJ, were reported to the National Police and, according to available information, escalated to the Cybercrime Unit¹⁸⁹⁵. Following an official PAJ communiqué, the Rapporteurship recorded a timely pronouncement by the Prime Minister, condemning the threats, stating that no intimidation against the press should "be tolerated" and affirming the role of journalists in democratic societies, especially their contribution "to the transparent functioning of [the] institutions"¹⁸⁹⁶.

834. This Office emphasizes that communicators have the right to receive protection from the State against circumstances that may threaten their safety, their personal integrity or their life due to the exercise of their profession¹⁸⁹⁷. In this sense, the obligation to protect requires States to take concrete measures when journalists face real and imminent danger because of the exercise of their profession; these must be tailored to the individual circumstances of the person at risk, including their gender, the need or desire to continue carrying out the same professional activities, and their social and economic circumstances.¹⁸⁹⁸

835. In addition, the Rapporteurship has followed up on the public debate surrounding the propagation of false news online. In this regard, the Office recorded a statement by the Prime Minister in which he accused opposition sectors of "fabricating" false news through the recruitment of unemployed youth and the creation of false profiles on social networks to disseminate information without any factual support¹⁸⁹⁹. In view of this scenario, the President stated that the State would consider the possibility of requesting digital platforms to moderate content in the country and block anonymous profiles that disseminate misleading information with political motives¹⁹⁰⁰. Meanwhile, opposition sectors have expressed concern about the

¹⁸⁹⁴ Jamaica Loop News, [Newsmaker: PM's move to tackle 'fake news' draws support, concerns](#), June 30, 2024; Jamaica Loop News, [Gov't condemns threats against journalists](#), June 12, 2024; Jamaica Loop News, [PAJ alarmed at threats against TVJ journalist Giovanni Dennis](#), June 12, 2024.

¹⁸⁹⁵ Jamaica Loop News, [Newsmaker: PM's move to tackle 'fake news' draws support, concerns](#), June 30, 2024; Jamaica Loop News, [Gov't condemns threats against journalists](#), June 12, 2024; Jamaica Loop News, [PAJ alarmed at threats against TVJ journalist Giovanni Dennis](#), June 12, 2024.

¹⁸⁹⁶ Jamaica Loop News, [PAJ alarmed at threats against TVJ journalist Giovanni Dennis](#), June 12, 2024; The Gleaner, [PAJ alarmed at threats against journalist Giovanni Dennis](#), June 12, 2024.

¹⁸⁹⁷ 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.

¹⁸⁹⁸ 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.

¹⁸⁹⁹ The Gleaner, [Holness vows to crack down on 'fake news' online](#), June 24, 2024; Jamaica Loop News, [PM Holness determined to combat the scourge of fake news](#), June 24, 2024.

¹⁹⁰⁰ The Gleaner, [Holness vows to crack down on 'fake news' online](#), June 24, 2024; Jamaica Loop News, [PM Holness determined to combat the scourge of fake news](#), June 24, 2024.

impact that these measures could have on the right to freedom of expression and privacy in the digital age. Likewise, they remarked that the Prime Minister would be ignoring the way in which his co-partisans and sympathizers would also be publishing false news.¹⁹⁰¹

836. Following these exchanges, the Minister responsible for Information, Skills and Digital Transformation reportedly clarified that, although the government does not actively monitor social media users, it intends to prosecute those who repeatedly disseminate false news using the existing legal framework and considering the lack of specific regulations¹⁹⁰². Additionally, the Minister announced the launching of an educational campaign focused on digital literacy, to be disseminated through the Broadcasting Commission. This, according to the Minister, would provide citizens with tools to discern between reliable information and misleading information generated by humans, but also by Artificial Intelligence.¹⁹⁰³

837. This Office emphasizes that it is essential that the authorities address the problem of misinformation through awareness, education and training campaigns. These should be focused on providing citizens with 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.¹⁹⁰⁴

838. In the second half of the year, the Office of the Special Rapporteur received a study prepared by the *Caribbean Media Institute* (MIC), in collaboration with the United Nations Development Programme (UNDP) and the United States Agency for International Development (USAID) on media coverage of youth involvement in crime, violence and human trafficking in the Eastern Caribbean¹⁹⁰⁵. According to the analysis presented, it highlights the role of the Media Association of Jamaica (MAJ) in training media workers to cover these issues.¹⁹⁰⁶

839. With regard to training, the Rapporteurship learned that the *MIC*, in partnership with the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Office for Disaster Risk Reduction (UNDRR) and the Caribbean Broadcasting Union (CBU), had organized a workshop for journalists on the coverage of natural disasters, including tools for disaster preparedness and response, to enable them to carry out their work safely and effectively.¹⁹⁰⁷

840. Relatedly, the Rapporteurship was informed of the holding of the inaugural Caribbean Media Summit in the first half of the year. According to the convening organizations, including *MIC*, the Summit would

¹⁹⁰¹ Jamaica Loop News, [Newsmaker: PM's move to tackle 'fake news' draws support, concerns](#), June 30, 2024; Jamaica Loop News, [Gov't condemns threats against journalists](#), June 12, 2024; Jamaica Gleaner, [PNP says PM's vow to crack down on 'fake news' online an assault on democracy](#), June 24, 2024.

¹⁹⁰² Jamaica Loop News, [Morris Dixon: PM was right with stance to clamp down on fake news](#), June 27, 2024; Jamaica Loop News, [PM Holness determined to combat the scourge of fake news](#), June 24, 2024; Jamaica Gleaner, [PNP says PM's vow to crack down on 'fake news' online an assault on democracy](#), June 24, 2024.

¹⁹⁰³ Jamaica Loop News, [Morris Dixon: PM was right with stance to clamp down on fake news](#), June 27, 2024; Jamaica Loop News, [PM Holness determined to combat the scourge of fake news](#), June 24, 2024; Jamaica Observer, ["Fake News" clampdown](#), June 24, 2024.

¹⁹⁰⁴ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Guide to Guarantee Freedom of Expression in the Face of Deliberate Disinformation in Electoral Contexts](#), OEA/Ser.D/XV.22, October 2019, p. 39.

¹⁹⁰⁵ Media Institute of the Caribbean [@micinvestigates], (2024, October 16), MIC in collab with @UNDP Carisecure2.0 & @usaidescarib is pleased to deliver this groundbreaking report, A Media Analysis of the Coverage of Youth Involvement in Crime and Violence & Trafficking in Persons (June 2021 to June 2023) in the Eastern Caribbean, X, <https://x.com/micinvestigates/status/1846644621054824916>.

¹⁹⁰⁶ Media Institute of the Caribbean, UNDP & USAID, [A Media Analysis of the Coverage of Youth Involvement in Crime and Violence and Trafficking in Persons \(June 2021 to June 2023\) in the Eastern Caribbean](#), pp. 52 and 85.

¹⁹⁰⁷ UNESCO, [Enhancing disaster preparedness and response for Caribbean media: UNESCO teams up with the Caribbean Broadcasting Union](#), July 9, 2024; CBU, [Enhancing disaster preparedness and response for Caribbean media: UNESCO teams up with the Caribbean Broadcasting Union](#), October 7, 2024.

have featured multiple sessions to address the viability of the media in the region and strengthen independent and investigative journalism¹⁹⁰⁸. In this regard, Jamaica was considered a relatively successful case study.¹⁹⁰⁹

841. At the end of the year, the Office of the Special Rapporteur recorded the murder of journalist Barbara Gayle, whose professional career focused on covering judicial proceedings for *The Gleaner* media outlet. Public and elected officials of all affiliations have reportedly expressed their condemnation and urged the authorities to conduct a thorough investigation leading to the prosecution of the intellectual and material authors of the crime¹⁹¹⁰. In a statement, PAJ expressed its concern about the circumstances of the murder, as the journalist was reportedly found strangled.¹⁹¹¹

842. This Office recalls that the obligation to conduct the investigation with due diligence and exhaust all logical lines of inquiry is particularly relevant in cases of violence against journalists, given that an investigation that does not consider aspects linked to the context, such as the activity, will be less likely to achieve results.¹⁹¹²

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

843. As part of its annual monitoring, the Rapporteurship received reports alleging that the Judicial Branch had rejected requests for information submitted by the PAJ and the MAJ¹⁹¹³. After the refusal, both organizations appealed the decision after publicly stating that this type of decision would affect public confidence in this branch of the State.¹⁹¹⁴

844. In addition to the monitoring carried out by the Rapporteurship, the Office received the report on the review of the legislative framework on access to information in Jamaica, published by the MIC during the first half of 2024. The report identifies the Public Information Act of 2002 and its regulation on bodies not subject to such regulations, active transparency, deadlines and extensions for responding to requests, refusals of access to information and public interest regimes. It also includes recommendations for Jamaica in these areas, such as the elimination of general immunity under the principle of maximum disclosure, the expansion of the categories subject to active transparency and the incorporation, in responses to requests, of a clear indication of the information not included.¹⁹¹⁵

845. In mid-2024, the Special Rapporteur was informed that the Jamaican Court of Appeal ruled that an elementary school in St. Catherine violated a student's constitutional rights by denying her access in 2018 because of her *dreadlocks*¹⁹¹⁶. According to the ruling accessed by the Bureau, the court found that the school infringed on the student's rights to freedom of expression and equal treatment by public authorities.

¹⁹⁰⁸ Media Institute of the Caribbean, [Caribbean Media Summit Inaugural Launch](#), 2024; ACM [@acmediaworkers], (2024, May 8) The Caribbean Media Summit opens in Jamaica, X, <https://x.com/acmediaworkers/status/1788303374498058490>; Media Institute of the Caribbean [@micinvestigates], (2024, May 8) Caribbean Media Summit, X, <https://x.com/acmediaworkers?lang=bn>.

¹⁹⁰⁹ Media Institute of the Caribbean, [Caribbean Media Summit Inaugural Launch](#), 2024; ACM [@acmediaworkers], (2024, May 8) The Caribbean Media Summit opens in Jamaica, X, <https://x.com/acmediaworkers/status/1788303374498058490>; Media Institute of the Caribbean [@micinvestigates], (2024, May 8) Caribbean Media Summit, X, <https://x.com/acmediaworkers?lang=bn>.

¹⁹¹⁰ Jamaica Loop News, [Shock and sadness over the death of veteran journalist Barbara Gayle](#), December 17, 2024; Jamaica's Office of the Prime Minister, [Statement from Prime Minister, Dr. The Most Honourable Andrew Holness on the Tragic and Senseless Murder of Veteran Journalist Barbara Gayle](#), December 17, 2024.

¹⁹¹¹ The Gleaner, [PAJ hails "trailblazing" journalist Barbara Gayle, urges swift investigation of her death](#), December 17, 2024; Jamaica Observer, [PM, other local leaders hail Barbara Gayle, describe her murder as senseless](#), December 18, 2024.

¹⁹¹² 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.

¹⁹¹³ Jamaica Loop News, [PAJ, MAJ want judge to allow journalists in court for Silvera's case](#), Jan. 27, 2024; Jamaica Loop News, [No media rep allowed in court for Jolyan Silvera's first appearance](#), Jan. 25, 2024.

¹⁹¹⁴ Jamaica Loop News, [PAJ, MAJ want judge to allow journalists in court for Silvera's case](#), Jan. 27, 2024; Jamaica Loop News, [No media rep allowed in court for Jolyan Silvera's first appearance](#), Jan. 25, 2024.

¹⁹¹⁵ MIC, collab. UK International Development, [Review of Legislative Framework of Freedom of Information and Access to Information Legislation in the English-speaking Caribbean](#), pp. 21,22 and 23.

¹⁹¹⁶ CNN Caribbean National Weekly, [Jamaican Court of Appeal rules in favor of student barred from school due to dreadlocks](#), July 16, 2024; The Gleaner, [Court affirms rights in dreadlocks case](#), July 23, 2024.

This ruling partially reverses a 2020 Supreme Court decision, which had concluded that schools do not violate constitutional rights by denying access to students based on their personal appearance .¹⁹¹⁷

846. The plaintiffs, relatives of the minor and members of the Rastafarian community, sought a declaration that the school's grooming policies violated the prohibition against discrimination on the basis of race, class, color, religion or political opinion. However, the Court of Appeals pointed out that the case focused primarily on freedom of speech, rather than freedom of worship¹⁹¹⁸. Public reports indicate that the ruling was celebrated by the Rastafari and Afro-descendant community, considering that *dreadlocks* are a fundamental part of their modern identity.¹⁹¹⁹

847. In mid-September, the Rapporteurship learned of a possible controversy between the Integrity Commission (IC) and the country's main political party. In this context, allegations were made that reports, rulings and special reports had been leaked to the media before being formally sent to Parliament¹⁹²⁰. In this regard, the CI would have denied the existence of such leaks, which allegedly included investigation files on eight parliamentarians, including the Prime Minister, for alleged illicit enrichment¹⁹²¹. Publicly available information highlights that the CI's director of investigations would not have been able to continue with the aforementioned investigations and could not have concluded that the Prime Minister benefited from illicit enrichment, despite allegations suggesting that he possessed assets disproportionate to his legal income.¹⁹²²

848. At the end of September, the Rapporteurship learned that the Prime Minister had filed a lawsuit against the CI with the purpose of requesting monetary compensation for damages to his honor and reputation. According to local media reports, the findings of the process, although ultimately inconclusive, were "revoked", alleging that they would have violated his right to a good name and privacy .¹⁹²³

849. In early October, members of the ruling party reportedly issued statements in support of the Prime Minister, highlighting his transparency and alleging the existence of alleged agreements between the media and the opposition National People's Party (PNP) to disseminate false information against him¹⁹²⁴. However, the Chief of Staff reportedly called for an end to the accusations against the media, describing them as "unacceptable" and stressing the current administration's commitment to freedom of the press¹⁹²⁵. Subsequently, on October 14, the Prime Minister reportedly reaffirmed his support for freedom of the press, but also warned that the opposition should refrain from spreading false or inaccurate information about the government's administration .¹⁹²⁶

850. In this context, the PAJ expressed its concern about a possible new trend in the country aimed at undermining the integrity and independence of the press for political purposes. In a statement, the

¹⁹¹⁷ The Gleaner, [Appeal Court rules Kensington Primary ban on dreadlocks breaches constitutional rights of child](#), July 15, 2024; The Gleaner, [Court affirms rights in dreadlocks case](#), July 23, 2024.

¹⁹¹⁸ Radio Jamaica News, [Parents relieved after Court of Appeal rules school breached rights of child with dreadlocks](#), July 16, 2024; The Gleaner, [Court affirms rights in dreadlocks case](#), July 23, 2024.

¹⁹¹⁹ Jamaica Loop News, [Rights breached: Child blocked from school due to dread locks](#), July 16, 2024; The Gleaner, [Court affirms rights in dreadlocks case](#), July 23, 2024.

¹⁹²⁰ Jamaica Loop News, [Integrity Commission denies leaking reports to media](#), October 11, 2024; Nation Wide Radio, [IC Denies Leaking Information About Un-tabled Reports](#), September 10, 2024

¹⁹²¹ Jamaica Observer, [Troubling leaks](#), September 11, 2024; Jamaica's Government Press Release, [Statement of the Chairman and Commissioners of the Integrity Commission](#), September 10, 2024.

¹⁹²² Stabroek News, [The Jamaica PM and the Integrity Commission](#), September 23, 2024; Medium, [The Evolving Impact of Digital Marketing on Website Development in Jamaica \(2024\)](#), November 3, 2024; LinkedIn, [The Rise of Social Media in Jamaica: 2024](#), December 19, 2024.

¹⁹²³ Jamaica Loop News, [Prime Minister Holness files lawsuit against IC directors](#), October 2, 2024; The Gleaner, [Holness seeks court ruling to invalidate IC investigation report](#), October 1, 2024.

¹⁹²⁴ Jamaica Loop News, [Warmington accuses local media and PNP of aiming to 'destroy' Holness](#), October 7, 2024; Jamaica News, [Morris Dixon calls on J'cans to refrain from attacking media](#), October 9, 2024.

¹⁹²⁵ Jamaica Loop News, [Morris Dixon calls on J'cans to refrain from attacking media](#), Oct. 9, 2024; The Gleaner, [Gov't condemns attacks on journalist](#), Oct. 9, 2024.

¹⁹²⁶ Jamaica Loop News, [PM wants JLP to give the accurate info on Gov't's work to public](#), October 14, 2024; Radio Jamaica News, [Holness urges JLP to accurately inform public about government's work](#), October 14, 2024.

organization stressed that journalists have the right to do their work without fear, intimidation or reprisal, and stressed the importance of a free, fair and independent press for Jamaican democracy .¹⁹²⁷

851. 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 "fake news" labels or other discrediting labels, and not threaten journalists or undermine respect for the independence of the media .¹⁹²⁸

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

852. In its most recent annual report received by this Office, *Freedom House* notes that while political parties in the country operate freely, there is a history of under-representation of women in politics and harassment of LGBTI people for electoral purposes .¹⁹²⁹

853. Regarding the latter group, the Rapporteurship has also received findings from studies and surveys that suggest persistent low acceptance of LGBTI persons in Jamaican society, feelings of insecurity within this segment of the population, as well as instances of discrimination, harassment, and physical and psychological violence, which would not always be reported to the authorities¹⁹³⁰ . Members of the LGBTI community also reportedly expressed their desire for greater freedom of expression in all personal and professional spheres, as well as opportunities to participate in public debate¹⁹³¹ . Finally, the Rapporteurship has taken note of experts who indicate that the country does not have specific legislation to protect the LGBTI community .¹⁹³²

854. 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 discrimination¹⁹³³ . All of these efforts must be strictly in line with international human rights law in general, and freedom of expression standards in particular.

855. In terms of freedom of worship, which is closely linked to freedom of expression, the Rapporteurship notes that the ban on *Obeah*, an Afro-Caribbean shamanic religion, would remain in force, although it would not be enforced by the authorities .¹⁹³⁴

D. Freedom of expression and the Internet

856. According to third party reports, the Rapporteurship learned that the number of users with access to fixed internet, as well as mobile internet connection, would have increased in 2024. It also learned that approximately 75% of the population in Jamaica would use social networks¹⁹³⁵ . Regarding efforts to close the digital divide, this Office took note of the National Broadband Initiative, which aims to strengthen

¹⁹²⁷ Jamaica Loop News, [PAI condemns statements by Bunting as attack on media](#), October 24, 2024; The Gleaner, [PAI condemns Peter Bunting's "friendly media house" remarks](#), October 23, 2024.

¹⁹²⁸ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Guide to Guarantee Freedom of Expression in the Face of Deliberate Disinformation in Electoral Contexts](#), OEA/Ser.D/XV.22, October 2019, pp. 38-39.

¹⁹²⁹ Freedom House, [Freedom in the World 2024](#), Jamaica, 2024.

¹⁹³⁰ Equality Jamaica, [2024 LGBTQ+ Community Experience and Needs Assessment Survey](#), 2024.

¹⁹³¹ Equality Jamaica, [2024 LGBTQ+ Community Experience and Needs Assessment Survey](#), 2024.

¹⁹³² Equality Jamaica, [2024 LGBTQ+ Community Experience and Needs Assessment Survey](#), 2024.

¹⁹³³ IACHR, [Hate speech and incitement to violence against LGBTI persons](#), 2015, para. 9.

¹⁹³⁴ Freedom House, [Freedom in the World 2024](#), Jamaica, 2024.

¹⁹³⁵ Data Reportal, [Digital 2024: Jamaica](#), February 23, 2024; LinkedIn, [The Rise of Social Media in Jamaica: 2024](#), December 19, 2024.

connectivity in the country, with a particular focus on rural areas and educational centers to ensure connectivity for children and adolescents as part of their education .¹⁹³⁶

857. With respect to cybersecurity, the Rapporteurship was informed of a cybersecurity strategy developed by the government that would include the protection of critical infrastructure, the strengthening of incident response capacity, the establishment of an appropriate regulatory framework, the creation of a governance scheme in this area, and the implementation of specialized training programs¹⁹³⁷ . Relatedly, this Office documented that the Jamaica Information Service (JIS) had promoted cybersecurity practices through sessions to maintain secure digital networks .¹⁹³⁸

858. In addition, the Rapporteurship documented that the State, through the Ministry of Education, Skills, Youth and Information, has made investments in digital literacy so far this year. This initiative would aim to train teachers and educational institutions in the integration of technologies and digital tools in learning processes, thus fostering creativity and critical thinking among young people in the country .¹⁹³⁹

859. In relation to the protection of children and adolescents in the digital age, the Office of the Special Rapporteur was alerted that seven people had allegedly harassed and maliciously assaulted a 14-year-old girl on December 30, 2023. In early January 2024, the Office was informed that the accounts of the alleged aggressors on the digital platforms *TikTok* and *WhatsApp* were reportedly blocked .¹⁹⁴⁰

860. Finally, the Rapporteurship recorded statements issued by the CBU and the PAJ in relation to the circulation of videos on digital platforms that allegedly contain false accusations against public officials. Both organizations reportedly expressed concern about this situation, emphasizing the importance of commitment to truthful information and respect for journalistic ethics .¹⁹⁴¹

¹⁹³⁶ Caribbean American Passport, [The future for Jamaica seems quite technological, but will it serve just a few](#), May 9, 2024; IDB, [Support the design of Jamaica National Broadband Connectivity Plan](#), 2024; Jamaica Information Service, [Over 620 Educational Institutions Now Have Internet Access via the National Broadband Initiative](#), January 26, 2024.

¹⁹³⁷ Caribbean American Passport, [The future for Jamaica seems quite technological, but will it serve just a few](#), May 9, 2024; Jamaica's Government, [National Cyber Security Strategy](#), 2025.

¹⁹³⁸ Jamaica Information Service, Jamaica's Government, [JIS Promotes Cybersecurity Practices to Safeguard Users from Online Threats](#), October 28, 2024...

¹⁹³⁹ Jamaica Information Service, Jamaica's Government, [Minister Says Government Has Spent Billions on Digital Transformation in Education](#), November 4, 2024.

¹⁹⁴⁰ Jamaica Loop News, [Seven accused of beating 14-y-o girl banned from social media by judge](#), Jan. 12, 2024.

¹⁹⁴¹ Jamaica Loop News, [Caribbean Broadcasting Union condemns attacks on Jamaican journalists](#), October 19, 2024.

MEXICO

861. In 2024, the Office of the Special Rapporteur continued to register with concern the lethal violence against journalists in Mexico, with at least eight murders, in addition to reports of armed attacks, forced disappearances, kidnappings, arbitrary detentions and obstruction of journalistic work. These events take place in a context of stigmatization of the press and a high rate of impunity, which contributes to an atmosphere of fear, self-censorship and lack of protection. Although the State has reported progress in strengthening the protection mechanism, there are still complaints about the deficiencies and lack of effectiveness in the prevention and protection measures of this entity, as reported by civil society organizations in a public hearing, within the framework of the 189th Regular Session of the IACHR. Regarding access to information, the proposal to eliminate the National Institute for Transparency, Access to Information and Protection of Personal Data (INAI) and the Federal Telecommunications Institute (IFT) was followed up, which has generated concerns about a setback in the protection of access to information, personal data and privacy. In addition, we continued to monitor discussions on freedom of expression in digital and virtual spaces, as well as cybersecurity initiatives. Violence and discrimination against women journalists also continues to be an issue of growing concern.

A. Journalism and democracy

862. As in its annual report 2023, RELE expresses concern about the persistent lethal violence against journalists and communicators in Mexico, which recorded the highest number of murders in the region during the year 2024. Thus, for example, according to public information, journalist Roberto Carlos Figueroa Bustos was kidnapped on the morning of Friday, April 26¹⁹⁴². Although his relatives paid the ransom demanded by his kidnappers, the journalist was found dead inside a vehicle in the town of Coajomulco, belonging to the municipality of Huitzilac, in the state of Morelos¹⁹⁴³. According to information gathered by this Office, Figueroa was the host of the program *Acá el Show*, in which he broadcast information of public interest and content on local politics. As RELE was able to learn, the Government of the State of Morelos condemned the facts and called on the authorities of the State Attorney General's Office (FGE) to carry out the corresponding investigations in order to find those responsible¹⁹⁴⁴. He also announced that the Commission for Attention to Victims would provide support to Figueroa's relatives. For his part, the prosecutor of Morelos stated that the investigations suggest that the kidnapping and murder of the journalist could be directly related to his journalistic activity¹⁹⁴⁵.

863. The Rapporteurship also learned of the murder of radio broadcaster Martín Antonio Olivier Rodríguez, in Ajalpan, state of Puebla¹⁹⁴⁶. According to publicly available information, Olivier Rodríguez was reported missing by his relatives on the night of Monday, May 6, 2024, and his body was found on Tuesday,

¹⁹⁴² IACHR, Office of the Special Rapporteur for Freedom of Expression, Press Release No. 96/24, [RELE condemns the murder of journalist Roberto Carlos Figueroa and broadcaster Martín Antonio Olivier Rodríguez in Mexico and calls on judicial authorities to conduct a diligent and exhaustive investigation](#), May 10, 2024; UNESCO, [UNESCO Director-General condemns the murder of journalist Roberto Figueroa in Mexico](#), May 6, 2024.

¹⁹⁴³ Article 19 MX-CA, [[@article19mex](#)], (Apr. 27, 2024), ARTICLE 19 documents the murder of Roberto Carlos Figueroa, dir of @AcaEnElShow, occurred yesterday, X, <https://x.com/article19mex/status/1784243867790827604>; Latinus, [Secuestran y asesinan en Morelos al periodista Roberto Carlos Figueroa](#), 26 April 2024; CPJ, [Mexican journalist Roberto Carlos Figueroa abducted, killed in Morelos](#), 2 May 2024; IAPA, [La SIP, La SIP condena asesinato de periodista en México y pide que no quede en la impunidad](#), 29 April 2024; Proceso, [La Unión Europea, Noruega y Suiza condenan el asesinato del periodista Roberto Carlos Figueroa](#), 3 May 2024.

¹⁹⁴⁴ Gobierno del Estado de Morelos, [[@GobiernoMorelos](#)], (April 26, 2024), The Government of the State of Morelos condemns the events that unfortunately deprived the life of reporter and content producer, Roberto Figueroa this afternoon, X, <https://x.com/GobiernoMorelos/status/1784063293667041502>.

¹⁹⁴⁵ El Sol de Cuernavaca, [Crimen de Roberto Figueroa es relacionado con su labor periodística: Fiscal](#), April 29, 2024; IACHR, Office of the Special Rapporteur for Freedom of Expression, Press Release No. 96/24, [La RELE condena el asesinato del periodista Roberto Carlos Figueroa y del locutor Martín Antonio Olivier Rodríguez en México y llama a las autoridades judiciales a realizar una investigación diligente y exhaustiva](#), May 10, 2024.

¹⁹⁴⁶ IACHR, Office of the Special Rapporteur for Freedom of Expression, Press Release No. 96/24, [RELE condemns the murder of journalist Roberto Carlos Figueroa and broadcaster Martín Antonio Olivier Rodríguez in Mexico and calls on the judicial authorities to conduct a diligent and exhaustive investigation](#), May 10, 2024.

May 7, abandoned in a cab and with signs of violence¹⁹⁴⁷. According to public reports, Rodriguez was an announcer at the radio station La que más suena.¹⁹⁴⁸

864. On June 28, the lifeless body of journalist Víctor Alfonso Culebro Morales was found in the Ejido Tierra y Libertad, in the municipality of Jiquipilas, Chiapas. According to public reports, the body showed signs of torture, his hands were tied, his face was covered and he had bullet wounds to the head¹⁹⁴⁹. Víctor Morales was editor of the digital news portal *Realidades*, where he covered issues related to armed confrontations, citizen security and forced displacement. As far as this Office was able to learn, the State Attorney General's Office (FGE), through the Central District Prosecutor's Office, has initiated an investigation into the murder of Víctor Morales under the crime of "aggravated homicide"¹⁹⁵⁰. The Office reiterated its call to consider the journalist's profession and his publications as possible motives for his murder.¹⁹⁵¹

865. This Office also verified, through public reports, that on August 4, 2024, journalist Alejandro Martínez Noguez was driving a patrol car back to Celaya, after covering a news event in a neighboring municipality, when armed subjects shot at the vehicle¹⁹⁵². Despite being taken alive to a hospital in Celaya, the journalist died while receiving medical attention. In addition, two police officers accompanying him were wounded in the attack, according to local media.¹⁹⁵³

866. This Office also learned of the murder of journalist Enrique Hernández Avilez, whose body was found on September 3 in a clandestine grave in the community of Espejo Potrero, located in Taxco de Alarcón, Guerrero¹⁹⁵⁴. The journalist had been reported missing on June 20, after having been seen for the last time on June 18, according to information provided by the General Secretariat of Government¹⁹⁵⁵. The Guerrero State Attorney General's Office has indicated that agents of the Taxco municipal police were involved in the crime¹⁹⁵⁶. According to official reports, these agents were detained on August 29 and subsequently presented before a judge, who on August 31 ordered "justified preventive detention" for their alleged participation in the crime of forced disappearance.¹⁹⁵⁷

¹⁹⁴⁷ La Jornada, [Asesinan a Martín Olivier Rodríguez, locutor en Puebla](#), May 7, 2024; Latinus, [Asesinan a locutor comunitario en Puebla: ayer fue reportado como desaparecido y hoy lo encontraron a unos pasos de su cab](#), May 7, 2024.

¹⁹⁴⁸ IACHR, Office of the Special Rapporteur for Freedom of Expression, Press Release No. 96/24, [RELE condemns the murder of journalist Roberto Carlos Figueroa and broadcaster Martín Antonio Olivier Rodríguez in Mexico and calls on the judicial authorities to conduct a diligent and exhaustive investigation](#), May 10, 2024.

¹⁹⁴⁹ Article 19 MX-CA, [Ante los asesinatos de Víctor Alfonso Culebro y Víctor Manuel Jiménez, el Estado mexicano debe actuar](#), 1 July 2024; IFJ, [Mexico: hallan asesinado al periodista Víctor Alfonso Culebro Morales](#), 2 July 2024; Animal Político, [Localizan sin vida al periodista Víctor Morales, director del diario Realidades en Cintalapa, Chiapas](#), 28 June 2024; El País, [Asesinado en Chiapas el periodista Víctor Morales](#), 28 June 2024.

¹⁹⁵⁰ Attorney General's Office of the State of Chiapas, [FGE initiates investigations for the crime of aggravated homicide in Iiquipilas](#), June 28, 2024.

¹⁹⁵¹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Press Release No.163/24, [RELE condemns the murder of journalist Víctor Morales in Mexico and urges a diligent and exhaustive investigation](#), July 12, 2024.

¹⁹⁵² IACHR, Office of the Special Rapporteur for Freedom of Expression, Press Release No. 179/24, [RELE condemns murder of journalist Alejandro Martínez Noguez and urges a diligent and exhaustive investigation](#), August 12, 2024.

¹⁹⁵³ CPJ, [Mexican journalist Alejandro Martinez Noguez murdered while under police protection](#), 22 August 2024; IFJ, [Mexico: journalist Alejandro Martinez Noguez murdered in Guanajuato](#), 6 August 2024; IAPA, [IAPA condemns murder of journalist in Mexico](#), 5 August 2024; OHCHR, [UN-HCHR condemns murder of journalist Alejandro Martinez in Guanajuato](#), 5 August 2024.

¹⁹⁵⁴ IACHR, Office of the Special Rapporteur for Freedom of Expression, Press Release No. 277/24, [La RELE repudia los hechos de violencia contra periodistas y medios de comunicación en México](#), November 4, 2024, 277/24, [La RELE repudia los hechos de violencia contra periodistas y medios de comunicación en México](#), November 4, 2024; Animal Político, [Guerrero: Localizan en fosa clandestina el cuerpo de Enrique Hernández, periodista desaparecido desde junio en Taxco](#), September 4, 2024; IFJ, [Mexico: Journalist Enrique Hernández Avilés found dead](#), September 6, 2024; IAPA, [Latin American journalists and media continue to face adversity](#), September 6, 2024; UNESCO, [UNESCO Director-General condemns murder of journalist Enrique Hernández Avilés in Mexico](#), September 26, 2024.

¹⁹⁵⁵ Office of the Special Rapporteur for Freedom of Expression, [@RELE_CIDH], (June 24, 2024), La @RELE_CIDH registra con preocupación los reportes sobre la desaparición del periodista Enrique Hernández Avilez, X, https://x.com/RELE_CIDH/status/1805314931232760306; Latinus, [Reportan la desaparición del periodista Enrique Hernández Avilez en Taxco: autoridades implementan operativo de búsqueda](#), June 21, 2024.

¹⁹⁵⁶ Secretaría General del Gobierno, [@SGG_Gro], (June 21, 2024), Help Us Locate Enrique Hernández Avilez, X, https://x.com/SGG_Gro/status/1804227793145696473.

¹⁹⁵⁷ Guerrero State Attorney General's Office, [Cumplimenta orden de aprehensión a seis policías de Taxco por desaparición forzada](#), September 2, 2024.

867. The Rapporteurship also recorded the murder of journalist Mauricio Cruz Solís, which occurred on October 29 in Uruapan, Michoacán¹⁹⁵⁸. According to public reports, the reporter for *Minuto X Minuto Michoacán* was shot at after conducting an interview with the municipal president. The Michoacán State Attorney General's Office has announced the opening of an investigation, informing that proceedings are being carried out at the scene in accordance with the protocol on crimes against journalists and human rights defenders.¹⁹⁵⁹

868. On the other hand, there was the murder of journalist Patricia Ramírez González, which occurred on October 30 in Colima, Michoacán¹⁹⁶⁰. According to available reports, the journalist was attacked with a firearm while she was in a commercial establishment¹⁹⁶¹. The Attorney General's Office of the State of Colima has indicated that the assailant went to the place, shot and then fled. The Rapporteurship has recorded the announcement of investigation made by the Prosecutor's Office, which reported on the collection of evidence and the initiation of a thorough investigation to clarify the motives of the attack and locate those responsible.¹⁹⁶²

869. Finally, RELE registered reports on the murder of journalist Adriano Bachega, which occurred on December 3, 2024 in Monterrey, Nuevo León, when he was attacked with a firearm while traveling in his car¹⁹⁶³. The Office called on the authorities to investigate the crime thoroughly, considering his journalistic work as one of the possible motives.¹⁹⁶⁴

870. The Office of the Special Rapporteur emphasizes that the murder of journalists is the most extreme form of censorship, and violates the right to freedom of expression in both its individual and collective dimensions, as it generates a chilling and silencing effect on their peers, and also affects the right of individuals and societies to seek and receive information and ideas of any kind. 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"¹⁹⁶⁵.

871. On the other hand, in 2024, the Rapporteurship continued to record new cases of attempts and lethal attacks against members of the press in Mexico. Thus, for example, on January 9, 2024, an unknown subject allegedly attempted to collide with the vehicle of Alberto Amaro Jordán, director of *La Prensa de Tlaxcala*. According to public reports, the journalist is a beneficiary of the Federal Protection Mechanism and

¹⁹⁵⁸ Article 19 MX-CA, [@article19mex], (Oct. 30, 2024), ARTICLE 19 alerts on two pressing cases that require urgent action by authorities, X, <https://x.com/article19mex/status/1851619319395823856>; CPJ, [@pressfreedom], (Nov. 1, 2024), Mexican authorities must immediately and transparently investigate Wednesday's killing of journalist Patricia Ramírez González, X, <https://x.com/pressfreedom/status/1852371601309786543>; Animal Político, [Mauricio y Patricia, los dos periodistas asesinados en el primer mes del gobierno de Sheinbaum](#), Oct. 31, 2024.

¹⁹⁵⁹ Fiscalía General del Estado de Michoacán, [@FiscaliaMich], (30 de octubre de 2024), La #FiscalíaMich inició Carpeta de Investigación con relación a los hechos en los hechos en los que perdió la vida el periodista Mauricio Cruz Solís, X, <https://x.com/FiscaliaMich/status/1851493785034694676>.

¹⁹⁶⁰ IACHR, Office of the Special Rapporteur for Freedom of Expression, Press Release No. 277/24, [La RELE repudia los hechos de violencia contra periodistas y medios de comunicación en México](#), November 4, 2024.

¹⁹⁶¹ CPJ Americas, [@CPJAméricas], (Oct. 30, 2024), CPJ is documenting the killing of entertainment reporter Patricia Ramírez González in Colima, X, <https://x.com/CPJAmericas/status/1851773164834938896?t=1YWR8MooFHmxli6DBSrS0Q&s=08>; El Universal, [Asesinan a periodista de espectáculos en Colima: sujeto le dispara en su negocio de comida y luego huye](#), Oct. 30, 2024; CNN, [Matan a Paty Bunbury en Colima. She is the second journalist murdered in two days in Mexico](#), 31 October 2024; CPJ, [Mexican journalist Paty Bunbury is shot to death in Colima: she is the second journalist murdered in less than 24 hours](#), 1 November 2024; UNESCO, [UNESCO Director-General condemns murder of journalist Patricia Ramirez Gonzalez in Mexico](#), 6 December 2024.

¹⁹⁶² Colima State Attorney General's Office, [Press Release](#), October 30, 2024.

¹⁹⁶³ IFJ, [Mexico: Journalist Adriano Bachega is murdered in Monterrey](#), December 4, 2024; DW, [Brazilian journalist shot dead in Monterrey](#), December 4, 2024.

¹⁹⁶⁴ Office of the Special Rapporteur for Freedom of Expression, [@RELE_CIDH], (Dec. 4, 2024), RELE receives with concern reports on the murder of journalist Adriano Bachega, X, https://x.com/RELE_CIDH/status/1864458394519720246.

¹⁹⁶⁵ IACHR, [Declaration of Principles on Freedom of Expression](#), 2000.

has two federal protection escorts¹⁹⁶⁶. Despite the chase, the escort managed to separate the vehicles and ensure the safety of the journalist. On May 20, 2024, it was learned that subjects in a van threatened to kill the bodyguards of journalist Alberto Amaro Jordán in front of his house¹⁹⁶⁷. In addition, on June 4, 2024, agents of the Investigative Police attached to the Tlaxcala Attorney General's Office reportedly threatened him with a firearm.¹⁹⁶⁸

872. On February 1, 2024, an attack was documented against journalist Yolanda Caballero, who suffered the burning of her vehicle in Tijuana, Baja California¹⁹⁶⁹. According to public reports, the attack would have occurred after her publication on January 22, 2024, in which she addressed the sewage problem in the municipality. In response, the mayor of Tijuana, through her personal profile, questioned the journalist's work, suggesting that her interest was economic and not informative¹⁹⁷⁰. In addition, on January 30, at a public event, the mayor accused Caballero of promoting a protest against her¹⁹⁷¹. RELE urged the authorities to evaluate the risk, guarantee Caballero's journalistic work, investigate the facts and punish those responsible.¹⁹⁷²

873. On February 12, 2024, journalist Andrés Salas, director of *Noticias de Cuautla*, was reportedly the target of an armed attack by unknown men who shot at his parked vehicle. According to public reports, although journalist Salas was not in the vehicle at the time, his brother and his collaborator were wounded¹⁹⁷³. Subsequently, the Ministry of the Interior (Segob) confirmed that it had incorporated the journalist into the Protection Mechanism for Human Rights Defenders and Journalists¹⁹⁷⁴. The Office of the Special Rapporteur expressed its concern after learning that, as a result of the attack, some reporters had announced the suspension of their coverage due to the lack of conditions to carry out their work as communicators.¹⁹⁷⁵

874. On June 13, 2024, unknown subjects on board a motorcycle shot at the facade of the *Adiscusión Diario* facilities in Culiacán, Sinaloa. According to the information available, no staff member was injured¹⁹⁷⁶. On July 16, 2024, the Rapporteurship recorded an armed attack against the home of journalist César Guzmán, director of the website *Código Rojo* in Cancún, Quintana Roo, when unknown individuals shot at his house. The Special Rapporteurship learned that Guzmán is registered with Mexico's Mechanism for the Protection of Journalists, and the State Attorney General's Office (FGE) opened an investigation following the incident.¹⁹⁷⁷

¹⁹⁶⁶ Article 19 MX-CA, [ARTICLE 19 and CPJ condemn new attack against journalist in Tlaxcala](#), 10 January 2024; Amnesty International, [Mexico: Journalist in danger](#), 18 October 2024.

¹⁹⁶⁷ CPJ, [Mexican journalist Alberto Amaro Jordán receives death threats in Tlaxcala](#), May 28, 2024.

¹⁹⁶⁸ Amnesty International, [Acción Urgente México / Alberto Amaro Jordán](#), June 17, 2024; Animal Político, [Policía amenaza con arma de fuego a periodista de Tlaxcala cuando iba a cobertura](#), June 9, 2024.

¹⁹⁶⁹ CPJ Americas, [@CPJAmericas], (Feb. 6, 2024), The @pressfreedom urges Mexican authorities to immediately and transparently investigate the torching of Mexican reporter Yolanda Caballero's vehicle, X, <https://x.com/CPJAmericas/status/1754992715270394325>; Zeta Tijuana, [En Tijuana: atentan contra vehículo de la reportera Yolanda Caballero](#), Feb. 1, 2024; Article 19 MX-CA, [@article19mex], (Feb. 1, 2024), ARTICLE 19 documents the attack against independent journalist Yolanda Caballero Jacobo, X, <https://x.com/article19mex/status/1753235367988216097>; CIMAC, [@prensacimac], (Feb. 2, 2024), El ataque a Yolanda no solo atenta contra su integridad física, X, <https://x.com/prensacimac/status/1753477785912258649>.

¹⁹⁷⁰ Article 19 MX-CA, [ARTICLE 19 and CIMAC demand that authorities take action in the case of journalist Yolanda Caballero](#), 12 February 2024.

¹⁹⁷¹ Article 19 MX-CA, [ARTICLE 19 and CIMAC demand that authorities take action in the case of journalist Yolanda Caballero](#), February 12, 2024; La Silla Rota, [Atacan con fuego auto de periodista, tras denunciar a alcaldesa de Tijuana](#), February 1, 2024.

¹⁹⁷² Office of the Special Rapporteur for Freedom of Expression, [@RELE_CIDH], (Feb. 1, 2024), Concerning reports of attack against journalist Yolanda Caballero in Mexico, X, https://x.com/RELE_CIDH/status/1753235372430012910.

¹⁹⁷³ CNN, [Mexican journalist denounces that his brother and driver were shot in attack against his car](#), February 13, 2024; Animal Político, ["Hoy intentaron asesinarme": periodista Andrés Salas sobrevive a ataque a balazos en Cuautla, Morelos](#), February 12, 2024; Fuerza Informativa Azteca, [Atacan a balazos camioneta del periodista Andrés Salas en Cuautla, Morelos](#), February 12, 2024.

¹⁹⁷⁴ Fuerza Informativa Azteca, [Journalist Andrés Salas' van attacked by bullets in Cuautla, Morelos](#), February 12, 2024.

¹⁹⁷⁵ El Universal, [Reporteros de nota roja declaran "zona de silencio" al municipio de Cuautla, Morelos](#), February 13, 2024; IAPA, [Una semana dura para la prensa: "Zona de Silencio" en México y 5 reporteros heridos en Haití](#), February 16, 2024.

¹⁹⁷⁶ Diario Adiscusión, [Atentan a balazos contra Diario Adiscusión](#), June 13, 2024; Debate, [Ya se inició la investigación del ataque del ataque del portal de a Discusión](#), June 18, 2024; Animal Político, [Atacan instalaciones del Diario Adiscusión en Culiacán, Sinaloa](#), June 13, 2024.

¹⁹⁷⁷ LatAm Journalism Review, [Two journalists are shot at in two days in Mexico](#), June 18, 2024; Infobae, [Armed men attack home of journalist César Guzmán, director of Código Rojo in Quintana Roo](#), 17 July, 2024; La Jornada, [House of César Guzmán, police reporter in](#)

875. On July 17, 2024, there was an attack on Federico Hans Hagelsieb, director of *Art. 7mo El Observador*, in Caborca, Sonora. According to public reports, Hans was shot at in front of his home as he was getting into his car, receiving three bullet wounds¹⁹⁷⁸. The State Prosecutor's Office opened an investigation. Authorities also reportedly arrested Jesús Eduardo "N", alias "El Chino Cuajo", for his alleged participation in the attack.¹⁹⁷⁹

876. On August 21, 2024, the Rapporteurship learned of reports of an armed attack against journalist Ariel Grajales Rodas, director of the digital page *Villaflores.com.mx*, in Villaflores, Chiapas. According to reports, Grajales was shot by members of an armed group who entered his home and was subsequently taken to a hospital, where his health condition was reported as serious¹⁹⁸⁰. The State Attorney General's Office (FGE) indicated that the corresponding investigations were initiated¹⁹⁸¹. On the other hand, on September 10, 2024, there was an armed attack against Edgar Arroyo, journalist and coordinator of the radio station *La 99* in Cuernavaca, Morelos. According to reports, the journalist was injured by gunshot wounds¹⁹⁸²

877. RELE learned of an armed attack on journalist Humberto Padgett by four unknown individuals in Cuitzeo, Michoacán¹⁹⁸³. Meanwhile, it was also reported that Padgett had been detained by police from the Secretariat of Citizen Security (SSC) and held at the Public Servants Prosecutor's Office of the Attorney General's Office of Mexico City after trying to obtain information on a complaint related to a previous assault¹⁹⁸⁴. Through his social networks, the journalist announced that, due to the threats and harassment suffered by him and his family, and due to the lack of security, he would indefinitely abandon the practice of journalism.¹⁹⁸⁵

878. Likewise, on October 17, 2024, RELE documented an armed attack against the newspaper *El Debate* in Culiacán, Sinaloa¹⁹⁸⁶, where armed individuals shot at the facilities, causing damage to several vehicles, including two of the newspaper's vehicles¹⁹⁸⁷. The following day, *El Debate* reported the kidnapping of its deliveryman, Sergio Cárdenas Hernández¹⁹⁸⁸. The Rapporteurship took note of the statements of the

[Cancún, shot at](#), July 16, 2024; La Jornada, [Inicia investigación por ataque a casa de reportero de Cancún. Inicia investigación por ataque a casa de reportero de Cancún](#), July 17, 2024; La Jornada, July 17, 2024.

¹⁹⁷⁸ IFJ, [Mexico: balean al periodista Federico Hans cuando abordaba su auto](#), July 18, 2024; El Universal, [Balean al reportero Federico Hans en Caborca, Sonora: fue atacado fuera de su casa](#), July 17, 2024; Article 19 MX-CA, [[@article19mex](#)], (July 18, 2024), ARTICLE 19 documententa y condena el atentado en contra del director del medio, X, <https://x.com/article19mex/status/1813967379875164308?s=48&t=058FyblgNCirdwkhUkjOkw>.

¹⁹⁷⁹ Animal Político, [Atacan a balazos al periodista Federico "Wero" Hans fuera de su casa en Caborca, Sonora](#), 17 July 2024; Animal Político, [Detienen a presunto responsable del ataque contra el periodista Federico "Wero" Hans en Caborca, Sonora](#), 20 July 2024; Uno Tv, [Detienen a presunto agresor de periodista Federico Hans en Sonora](#), 21 July 2024.

¹⁹⁸⁰ El Heraldo de Chiapas, [Atacan a balazos al periodista Ariel Grajales en Villaflores](#), Aug. 21, 2024; El Universal, [Director de portal de noticias en Chiapas, Ariel Grajales, es atacado a balazos por grupo armado](#), Aug. 21, 2024; Article 19 MX-CA, [[@article19mex](#)], (Aug. 21, 2024), ARTICLE 19 condena y documenta el ataque contra Ariel Rodas Grajales, X, <https://x.com/article19mex/status/1826339355172261980>; IAPA, [[@sip_oficial](#)], (Aug. 22, 2024), Condenamos ataque contra el periodista Ariel Grajales Rodas, X, https://x.com/sip_oficial/status/1826677530260300078?t=hnIbIc7jfNITMgfcyMzxQ&s=08.

¹⁹⁸¹ Chiapas State Attorney General's Office, [FGE initiates investigations into attack on journalist in Villaflores](#), August 21, 2024.

¹⁹⁸² La Silla Rota, [Edgar Arroyo, periodista y conductor de Grupo Diario de Morelos, blanco de un ataque armado](#), September 11, 2024; La Jornada, [Sufre agresión armada el reportero Edgar Arroyo en Cuernavaca](#), September 11, 2024; Animal Político, [Periodista Edgar Arroyo resulta herido tras ataque armado fuera de su casa en Cuernavaca, Morelos](#), September 11, 2024.

¹⁹⁸³ Article 19 MX-CA, [[@article19mex](#)], (Sept. 13, 2024), ARTICLE 19 received information that journalist, X, <https://x.com/article19mex/status/1834773658008465788>.

¹⁹⁸⁴ Proceso, [El periodista Humberto Padgett denuncia que fue detenido por reclamar "carpetazo" a su expediente](#), June 21, 2024; El Sol de México, [Detienen al periodista Humberto Padgett en la Fiscalía CDMX tras pedir expediente de su caso](#), June 21, 2024; Infobae, ["Me van a matar": Humberto Padgett ventila que FGICDMX dio "carpetazo" a denuncia sobre filtración de sus datos a narcos](#), June 20, 2024.

¹⁹⁸⁵ Alianza de Medios MX, [Journalist Humberto Padgett announces his retirement from journalism after being assaulted](#), September 15, 2024.

¹⁹⁸⁶ CPJ, [Assailants shoot at El Debate newspaper office in Mexico](#), October 18, 2024; IAPA, [IAPA condemns attack on premises of Mexican newspaper El Debate](#), October 18, 2024.

¹⁹⁸⁷ IACHR, Office of the Special Rapporteur for Freedom of Expression, Press Release No. 277, [La RELE repudia los hechos de violencia contra periodistas y medios de comunicación en México](#), November 4, 2024

¹⁹⁸⁸ Milenio, [Congreso de Sinaloa exige acelerar investigaciones por desaparición de voceador de 'El Debate'](#), 22 October 2024; Debate, [[@ELDEBATE](#)], (19 October 2024), El Debate sigue bajo ataque: Agreden y levantan a repartidor, X, <https://x.com/ELDEBATE/status/1847724371239936335>.

Governor of Sinaloa and the Mayor of Culiacán, who condemned the attack and pledged to improve the security of the media and journalists.¹⁹⁸⁹

879. Throughout 2024, RELE recorded several incidents of lethal violence against the press, as well as threats and harassment of journalists, including the shooting attack against Victoria Monserrat García Álvarez, who was allegedly attacked by armed men in Montemorelos, Nuevo León¹⁹⁹⁰. There were also reports of threats against journalists Stephanie Palacios¹⁹⁹¹ and Luis Daniel Nava Jiménez, correspondent of *Proceso* magazine and contributor to *El Sur*.¹⁹⁹²

880. In 2024, the Rapporteurship continued to document the persistence of serious acts against freedom of the press, including disappearances and kidnappings. An outstanding case occurred on March 11, 2024, when journalist Jaime Barrera was kidnapped by unknown subjects¹⁹⁹³. According to the journalist's own testimony, five armed men approached him as he entered his vehicle and put him in a van¹⁹⁹⁴. According to civil society organizations, Barrera was interrogated by his captors about his publications. The journalist was released in the early hours of March 13 in the municipality of Magdalena, located northwest of Guadalajara¹⁹⁹⁵. After his release, a smear campaign was reportedly launched against him through X (formerly *Twitter*), where he was accused of lying about his kidnapping¹⁹⁹⁶. Likewise, in December 2024, journalist Ricardo Ravelo denounced on social networks the kidnapping of his colleague Noé Zavaleta in Jalisco, who had been "mistaken" for another person by members of the Jalisco Cartel - New Generation (CJNG).¹⁹⁹⁷

881. RELE 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 serious¹⁹⁹⁸. 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.¹⁹⁹⁹

¹⁹⁸⁹ Infobae, [Rocha Moya señala que ataque al periódico El Debate pudo ser un "distractor"](#), 18 October 2024; El Sol de Sinaloa, [Gobernador Rocha Moya condena atentado a El Debate](#), 18 October 2024; Debate, [El gobernador Rubén Rocha Mocha da instrucciones para que se investigue la agresión contra EL DEBATE](#), 18 October 2024; Debate, [Rocha Moya solicita investigar ataque armado a El Debate](#), 18 October 2024

¹⁹⁹⁰ El Economista, [Balean auto de periodista en Nuevo León](#), December 3, 2024; Vanguardia MX, [Atacan a balazos a reportera en Nuevo León. Fiscalía investiga](#), December 2, 2024.

¹⁹⁹¹ Synthesis, [Journalist receives threats after denouncing censorship at AMLO conference](#), May 21, 2024; Women Journalism, [@CFWIJ], (May 23, 2024), #StephaniePalacios (@novalick) faces threats & intimidation after challenging President Obrador, X, <https://x.com/CFWIJ/status/1793625558200279236>.

¹⁹⁹² El Sol de Chilpancingo, [Asaltan y despojan de equipo de trabajo a periodista en Chilpancingo](#), November 10, 2024; Article 19 MX-CA, [Intimidán y roban su equipo con violencia Luis Daniel Nava Jiménez](#), November 18, 2024.

¹⁹⁹³ Office of the Special Rapporteur for Freedom of Expression, [@RELE_CIDH], (March 12, 2024), The @RELE_CIDH receives with concern reports on the kidnapping of journalist Jaime Barrera, X, https://x.com/RELE_CIDH/status/1767713426145427774.

¹⁹⁹⁴ Proceso, [Fiscalía de Jalisco confirma que el periodista Jaime Barrera fue secuestrado por sujetos armados](#), March 12, 2024; Aristegui Noticias, [Fiscalía confirma secuestro del periodista Jaime Barrera](#), March 12, 2024.

¹⁹⁹⁵ Office of the Special Rapporteur for Freedom of Expression, [@RELE_CIDH], (Mar. 13, 2024), La @RELE_CIDH saluda la liberación del periodista Jaime Barrera, X, https://x.com/RELE_CIDH/status/1767960367718695268; La Silla Rota, [Jaime Barrera es liberado por sus captores. el periodista de jalisco regresa a casa](#), 13 de marzo de 2024; CNN, Jaime Barrera, [periodista reportado como desaparecido en Jalisco, ya está en casa, dice su hija](#), 13 de marzo de 2024.

¹⁹⁹⁶ Article 19 MX-CA, [Jaime Barrera is the victim of a smear campaign and revictimized after being deprived of his liberty](#), March 23, 2024.

¹⁹⁹⁷ Aristegui Noticias, [Journalist Noé Zavaleta is kidnapped in Jalisco... Y lo liberan tras confirmar que lo confundieron con otra persona](#), 4 December 2024; El País, [El periodista Noé Zavaleta, secuestrado en Jalisco cuando iba a presentar un libro a la FIL Guadalajara](#), 4 December 2024; Diario de México, [Reportan secuestro y posterior liberación del periodista Noé Zavaleta](#), 4 December 2024.

¹⁹⁹⁸ 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, 2013, para. 287.

¹⁹⁹⁹ IACHR, [Report No. 7/16](#), Case 12.213. Merits (Publication), Aristeu Guida da Silva and family (Brazil), April 13, 2016, para. 138.

882. This Office also documented allegedly arbitrary arrests and detentions of journalists, as well as possible acts of violence committed by public officials and security agents. For example, an aggression was reported against journalist Perla Aguilar Figueroa, a reporter for *DAX Multimedios*, who was physically assaulted by an official at the Tlaltizapán municipal office while she was covering a protest by dismissed police officers. According to public reports, the official snatched her equipment and threatened her.²⁰⁰⁰

883. On July 7, 2024, the Office received reports of the alleged arbitrary detention of Carlos Pérez, reporter for *Todo en Contra*; Víctor Castillo, reporter for *Contraportada*; and activist Dante Álvarez. The three were allegedly detained by police officers of the Secretariat of Security of the State of Mexico, in Toluca, while covering a protest called on social networks against the memorial of Carlos Hank González, located in Paseo Tollocan, Toluca, State of Mexico, according to public reports²⁰⁰¹. The Secretary of Security of the State of Mexico reportedly justified the arrest, alleging that the detainees were part of the protest and were carrying out "graffiti", also assuring that they were not carrying out their journalistic work at that time.²⁰⁰²

884. This Office also learned that Humberto Gutiérrez, a reporter for *Irapuato Despierta*, reported being arrested and beaten by Irapuato police officers while documenting a traffic accident in which a motorcyclist was killed. According to public reports, his wife was also arrested and assaulted, and both were released after paying a fine of 5,000 pesos.²⁰⁰³

885. On the other hand, there were alleged attacks on journalists in the exercise of their informative work, as well as several incidents of obstruction to the coverage of matters of public interest, as in the case of journalist Jesús Manuel Angulo Corral, reporter of *Meganoticias*²⁰⁰⁴; Reyna Haydee Ramírez²⁰⁰⁵; and Walter Ramírez Aguilar²⁰⁰⁶. Likewise, information was received that journalists and columnists had criticized the National Electoral Institute (INE) due to alleged failures, both in the internet network and in the transmission of the first and second presidential debates within the framework of the electoral contest.²⁰⁰⁷

886. The Office of the Special Rapporteur also learned of the opening of investigations, as well as the activation of legal proceedings and judicial decisions against journalists who cover issues of public interest in Mexico, allegedly with the aim of intimidating or restricting the practice of journalism and freedom of expression. Thus, for example, on May 6, 2024, journalist Claudia Amelia Solera, former collaborator of *Grupo Imagen* and *Excélsior*, was reportedly notified of a lawsuit for moral damages filed by a lawyer. According to public information, the lawsuit is based on a 2010 publication in *Excélsior*, entitled "Lanzan alerta por bufete

²⁰⁰⁰ Red Mujeres Periodistas de Morelos, [@ProReporMor], (June 11, 2024), La Red de Mujeres Periodistas de Morelos condena la agresión que la compañera periodista Perla Aguilar, X, <https://x.com/ProReporMor/status/1800612260177748001>; La unión.com.mx, [Agrede funcionaria del ayuntamiento de Tlaltizapán a comunicadora Perla Aguilar](#), June 11, 2024.

²⁰⁰¹ Article 19 MX-CA, [Secretaría de Seguridad del Estado de México detiene y criminaliza a periodistas tras cobertura de protesta](#), July 12, 2024; RSF en español, [@RSF_esp], (July 8, 2024), RSF reprueba la detención el día de ayer (7) de los periodistas Carlos Pérez y Víctor Castillo, X, https://x.com/RSF_esp/status/1810406309260353802?t=OlkjzquecD15Y6X00bFjA&s=19; L Opción, [Detienen a dos reporteros y un activista durante protesta en Toluca](#), July 7, 2024.

²⁰⁰² Article 19 MX-CA, [Secretaría de Seguridad del Estado de México detiene y criminaliza a periodistas tras cobertura de protesta](#), July 12, 2024, El Sol de Toluca, [Detienen a tres sujetos acusados de vandalizar el monumento a Carlos Hank González](#), July 7, 2024.

²⁰⁰³ Periódico Enfoque, [Liberan al periodista Humberto Gutiérrez tras detención y agresión policial](#), November 5, 2024; Vanguardia MX, [Policías golpean a periodista y su esposa en Guanajuato](#), November 5, 2024; Infobae, [Policías de Guanajuato golpearon y arrestaron a periodista: pagó 5 mil pesos para salir de la cárcel](#), November 5, 2024; La Jornada, [Prodheg investiga agresión a periodista Humberto Gutiérrez](#), November 6, 2024.

²⁰⁰⁴ Tribuna, [San Luis RC journalist denounces attack on press freedom](#), August 8, 2024; Article 19 MX-CA, [Sonora municipal authorities attack journalist at conference](#), August 8, 2024; Zeta Tijuana, [Manuel Angulo, reporter for Meganoticias SLRC, is threatened after confronting Mayor Santos Gonzalez](#), August 7, 2024; Proceso, [Morenista mayor orders microphone removed from reporter who asked him uncomfortable question \(Video\)](#), August 9, 2024

²⁰⁰⁵ Infobae, [Reyna Haydee Ramírez reveals that she pretended to be a tourist to attend La Mañanera after being censored: "They wouldn't let me in"](#), March 26, 2024.

²⁰⁰⁶ Animal Político, [La violencia contra periodistas se incrementa en Veracruz](#), March 28, 2024; Místicos y Terrenales, [El gobierno de Cuitláhuac García, que dice respetar la libertad de prensa, por tercera vez le niegan el acceso a Walter Ramírez](#), March 25, 2024.

²⁰⁰⁷ Infobae, [Explotan contra el INE por fallas en el Segundo Debate Presidencial: "Quedó a deber"](#), April 24, 2024; Forbes, [Estos fueron los 15 minutos que nadie vio del debate presidencial por la caída del sistema en la sala de prensa](#), April 28, 2024.

que depreda a jubilados", which addressed a meeting between retirees and a law firm, after interviewing several pensioners who accused the law firm of using strategies so that retirees would seek its services.²⁰⁰⁸

887. Likewise, this Office received reports indicating that the communicator Carlos Loret de Mola denounced being a victim of "persecution and harassment" after an article by Peniley Ramírez, columnist of the newspaper *Reforma*, about an alleged investigation opened by the Financial Intelligence Unit (UIF) of the Ministry of Finance against Loret de Mola, his wife, the presenter Víctor Trujillo and the media outlet *Latinus*²⁰⁰⁹. However, subsequently, the head of the UIF reportedly stated that the complaint received on May 20, 2021 to investigate *Latinus* is only against the business consortium that finances the media outlet, not against its employees or collaborators.²⁰¹⁰

888. On April 17, journalist Hernán Gómez Bruera reportedly received a lawsuit for moral damages from three companies that are members of *El Herald Media Group*. According to public reports, the journalist is being demanded a payment of 15 million pesos for mentions of the media outlet in his book "Traición en Palacio" (Betrayal in the Palace)²⁰¹¹. The journalist reportedly denounced the fact before the FEADLE, and civil organizations have highlighted that this is a case of alleged judicial harassment.²⁰¹²

889. On the other hand, RELE was concerned about the alleged leak of personal data, such as voter's credentials, passports, Federal Taxpayers Registry codes and e-mails of journalists who had attended the presidential conference²⁰¹³. According to public reports, the National Institute for Transparency, Access to Information and Protection of Personal Data (INAI) stated that it will conduct a technical analysis of the information published²⁰¹⁴. In this regard, the Special Rapporteur for Freedom of Expression of the IACHR pointed out that the authorities must make contact with those affected and consider the risk that this may represent, as well as report on what happened, indicate measures to avoid repetition, and investigate and punish those responsible.²⁰¹⁵

890. On the other hand, on January 12, 2024, a judge issued an acquittal sentence in favor of Juan Carlos García Rivera, accused by the Attorney General's Office (FGR) of illegally tapping the communications of journalist Carmen Aristegui using the *Pegasus malware*. According to public reports, the judge acknowledged the harm to Aristegui for the intervention without a court order, which sought to inhibit her work and put her integrity and that of her friends and sources at risk. However, he considered that the Prosecutor's Office did

²⁰⁰⁸ Article 19 MX-CA, [Demanda multimillonaria contra Claudia Amelia Solera menoscaba el libre ejercicio informativo](#), May 22, 2024; Alianza de Medios MX, [Demanda de 300mdp contra Claudia Amelia Solera menoscaba libertad de expresión: Artículo 19](#), May 22, 2024.

²⁰⁰⁹ DW, [AMLO denies persecuting journalist Carlos Loret de Mola](#), June 25, 2024; Infobae, [Loret de Mola lashes out against AMLO's government for new FIU investigation against him: "Quiere acabar con nosotros"](#), June 22, 2024; Aristegui Noticias, [FIU responds to Loret de Mola: Sí investiga a 'Latinus' pero no a él ni a Brozo](#), July 3, 2024.

²⁰¹⁰ Aristegui Noticias, [UIF responds to Loret de Mola: Sí investiga a 'Latinus' pero no a él ni a Brozo](#), July 3, 2024; El Sol de México, [UIF no investiga a Carlos Loret de Mola pero sí a un socio de Latinus, afirma Pablo Gómez](#), July 3, 2024.

²⁰¹¹ Article 19 MX-CA, [Persiste acoso judicial contra el periodista Hernán Gómez tras demanda por daño moral](#), August 21, 2024; El Economista, [Afirma Herald Media Group que demanda contra Hernán Gómez no busca restringir su libertad de expresión](#), April 19, 2024; Aristegui Noticias, [Artículo 19 expresa preocupación por demanda de El Herald contra periodista Gómez Bruera](#), April 19, 2024; [La Jornada, Hernán Gómez, por qué están demandando al periodista](#), April 18, 2024.

²⁰¹² Quadratin, [Advierte Hernán Gómez acoso tras demanda millonaria en su contra](#), December 5, 2024; Julio Astillero, "Me cansé de ser la víctima": [Hernán Gómez denuncia censura tras demanda del Herald de México y Grupo Andrade](#), December 5, 2024, Propuesta Cívica AC, [@PropuestaCívica], (December 6, 2024), Exigimos a autoridades que el proceso legal del periodista @HernanGomezB, X, <https://x.com/PropuestaCívica/status/1865101318165270792>.

²⁰¹³ Wired, [La filtración de los datos de 309 periodistas mexicanos vino desde la cuenta de un ex empleado del gobierno](#), 30 January 2024; Red en Defensa de los Derechos Digitales (R3D), [Filtran base de datos de periodistas registrados en el Sistema de Acreditación de Prensa de Presidencia](#), 26 January 2024.

²⁰¹⁴ Proceso, [Filtran datos de periodistas que acuden a la mañanera de AMLO: el INAI investiga y Presidencia calla](#), January 26, 2024; Político MX, [@politicomx], (January 29, 2024), "Vamos a llegar hasta las últimas consecuencias", X, <https://x.com/politicomx/status/1752124460956524958>.

²⁰¹⁵ Pedro Vaca Villarreal, [@PVacaV], (Jan. 27, 2024), Very troubling data leak of 300 journalists, X, <https://x.com/PVacaV/status/1751284255135576067?t=B8rRdhL2-uHw4DJ1c7eYoA&s=19>.

not sufficiently prove the direct participation of García Rivera, so he ordered his immediate release and asked to continue with the investigations.²⁰¹⁶

891. The facts described above are inserted in a context of stigmatization and discrediting by political actors and public officials at different levels of the State against the press. Thus, for example, at the end of December 2023, the Rapporteurship learned of alleged stigmatizing statements made by Mario Figueroa, mayor of Taxco de Alarcón, against journalists and communicators. According to reports, Figueroa called the press "pseudo-journalists" and blamed those who document acts of violence for the kidnapping of 12 cleaning workers in the municipality²⁰¹⁷. At his time, on March 19, 2024, the husband of Veracruz gubernatorial candidate Rocío Nahle called reporter Fidel Perez de *Latinus* a "liar" after a question about a property owned by Nahle in Veracruz. In addition, on March 25, Rocío Nahle accused the press on her X account (formerly *Twitter*) of allegedly "synchronized swimming" against her and participating in a "dirty war" by publishing a story about her properties.²⁰¹⁸

892. The Rapporteurship continued to record reports on the stigmatization of the press promoted by the Executive Branch through the daily section previously known as "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". Thus, for example, during a morning conference, the former President of the Republic would have asked *Radio Fórmula* and *Grupo Imagen* to "control" journalist *Ciro Gómez Leyva*²⁰¹⁹. Likewise, the president made reference to journalist Carlos Loret de Mola, calling him "corrupt" and affirming that "there are things that cannot be hidden, and one of them is money", after the publication of a report on the former president's son, in which he was accused of influence peddling.²⁰²⁰

893. In 2024, RELE received multiple reports in which the press and its journalistic work were labeled "false", "liar", "facha", "not objective", "unprofessional" and "slanderous", among other adjectives. In addition, the former president allegedly referred to an alleged "media manipulation", as well as to alleged media connections with "the oligarchy"²⁰²¹. In addition to this, there is information on the disclosure of personal data of journalists in Mexico, through the section known as "Who's who in the lies of the week". Thus, for example, on February 26, 2024, the former President of the Republic reportedly revealed the salaries received by journalists Jorge Ramos and León Krauze²⁰²², as well as those of 10 journalists who collaborate with the media outlet *Latinus*²⁰²³. Likewise, this Office learned about the disclosure of personal data through

²⁰¹⁶ Article 19 MX-CA, [Juicio confirma espionaje con Pegasus contra Carmen Aristegui por labor periodística: FGR debe continuar con las investigaciones](#), January 12, 2024; CNN, [Absuelven al único detenido por el caso de espionaje telefónico con el software Pegasus en México](#), January 13, 2024; Proceso, [Caso Pegasus: Absolver al único acusado por el espionaje a Carmen Aristegui](#), 12 January 2024; Animal Político, [Caso Pegasus: juez deja libre al único enjuiciado por espionaje a Carmen Aristegui](#), 12 January 2024.

²⁰¹⁷ Article 19 MX-CA, [ARTICLE 19 condemns Taxco mayor's statements criminalizing journalists](#), 31 December 2023; El Financiero, [Mario Figueroa, alcalde de Taxco, acusa a periodistas de causar 'inestabilidad' con comentarios](#), 2 January 2024.

²⁰¹⁸ Animal Político, [La violencia contra periodistas se incrementa en Veracruz](#), March 28, 2024; Rocío Nahle, [@rocionahle], (Mar. 25, 2024), Será un gusto charlar hoy con @molotovmx donde seguramente hablaremos del "nado sincronizado", X, <https://x.com/rocionahle/status/1772252448381444224?s=20>.

²⁰¹⁹ Animal Político, [AMLO asks owners of Fórmula and Imagen to control *Ciro Gómez Leyva*](#), January 2, 2024; La Silla Rota, [AMLO launches himself against *Ciro Gómez Leyva*: the journalist receives solidarity](#), January 2, 2024.

²⁰²⁰ In Nacional, [López Obrador attacks journalist for revealing his son's influence peddling](#), January 11, 2024; Infobae, [Loret de Mola attacks AMLO after accusing him of corruption for report against his son: "He did not deny a single line"](#), January 10, 2024.

²⁰²¹ Infobae, [AMLO lashes out at Carmen Aristegui after investigation: "She is angry because these are no longer times of simulation"](#), February 1, 2024; CNN, [Amid his controversies with journalism, AMLO lashes out at CNN anchor who interviewed Milei](#), April 1, 2024; El País, [Face to face of López Obrador with a Telemundo journalist over water shortage in Mexico: "Los medios no son objetivos ni profesionales"](#), 11 April 2024; Tabasco Hoy, [AMLO asevera que prensa en México está viviendo su peor momento](#), 8 May 2024; Vanguardia MX, ["No calumnien". AMLO se enoja con Televisa: defiende a Rocío Nahle y pide pruebas a Azcárraga](#), 17 May 2024.

²⁰²² Infobae, [AMLO exhibits salaries of journalists Jorge Ramos and León Krauze: "They are millions of pesos per month"](#), February 26, 2024

²⁰²³ Infobae, [Gobierno de AMLO niega persecución a periodistas de *Latinus*, pero muestra sus salarios](#), July 10, 2024; Sdp noticias, [¿Quién es Denise Dresser, politóloga de la que ya se reveló el salario que recibe en *LatinUS*?](#), July 3, 2024; Polemón, [AMLO y Pablo Gómez revelan salarios de conductores de *Latinus*](#), July 3, 2024.

said section, of people such as María Amparo Casar, president of the organization Mexicans Against Corruption and Impunity (MCCI).²⁰²⁴

894. In this context, the Office of the Special Rapporteur learned that on February 22, 2024, in his usual press conference, the former President of the Republic made public the telephone number of journalist Natalie Kitroeff, correspondent of the *New York Times* in Mexico²⁰²⁵. Subsequently, the Information Service of the Public Broadcasting System of the Mexican State published a video with a photograph of the journalist, in which she was accused of publishing articles "without evidence and with an absence of journalistic rigor"²⁰²⁶. When questioned about the facts, the President did not notice any excesses on his part²⁰²⁷ and remarked that his right to defend himself from "slander" is "above any regulation"²⁰²⁸. For its part, the National Institute for Transparency and Access to Information (INAI) announced an ex officio investigation²⁰²⁹ and the YouTube platform reportedly removed the video of the conference alleging "harmful behavior" such as "doxing"²⁰³⁰.

895. RELE was also informed of judicial decisions related to lawsuits filed by journalists due to accusations and statements made by high-ranking government officials against the press, which could represent a step forward in the protection of freedom of expression. Thus, for example, journalist Raymundo Riva Palacio has obtained a definitive injunction against the statements made by the former president during his morning conferences. According to public information, Riva Palacio filed the appeal after being called a "brazen cretin" for a column in which he criticized "mercenary youtubers". As far as the Office was able to learn, the Sixth District Court on Administrative Matters in Mexico City initially ruled in favor of the journalist on January 23, 2024 (amparo resolution P-1369/2023-V)²⁰³¹. However, the government reportedly filed an amparo that put the case back on review (folio 135/2024). Finally, the Court reportedly granted the amparo to the journalist, considering that "the verbal order to create the section 'Who is who in lies' and the denigrations in the Federal Executive to the detriment of the complainant, transgress the principle of legality and the human rights of the journalist"²⁰³².

896. In its final resolution of the amparo in review 135/2024, the Court pondered that, "the freedoms of press, expression and information prevent the Executive, under the appearance of a legitimate purpose of transparency and citizen communication, from using government resources to generate disinformation campaigns, official propaganda, dissemination of false news, media trials of denigration and discredit, exposure of personal data, as well as attacks to the honor and private life of citizens, journalists or

²⁰²⁴ El Economista, [INAI investigates leak of María Amparo Casar's personal data from AMLO's government](#), May 4, 2024; Infobae, [Journalists and intellectuals show solidarity with María Amparo Casar: "A government possessed by cruelty"](#), May 4, 2024; El Sol de México, [Gobierno federal exhibe datos personales de María Amparo Casar](#), May 3, 2024.

²⁰²⁵ IACHR, Office of the Special Rapporteur for Freedom of Expression, Press Release No. 46/24, [RELE expresses concern over institutional tolerance for disclosure of journalists' personal data in Mexico](#), March 6, 2024; DW, [CPI affirms that AMLO "put at risk" NYT journalist](#), February 23, 2024; Proceso, [Gobierno de AMLO vuelve a exhibir número de periodista de The New York Times](#), February 26, 2024.

²⁰²⁶ Servicio Informativo del Sistema Público de Radiodifusión del Estado Mexicano, SPR Informa, [[@SPRInforma](#)], (Feb. 22, 2024), Natalie Kitroeff published a story in the @nytimes in which she falsely accused the president, X, <https://x.com/sprinforma/status/1760820814734344279?s=48&t=058FybLgNCirdwkhUkjOkw>.

²⁰²⁷ El País, [López Obrador defends his decision to reveal a journalist's phone number: "It was not a mistake. I would do it again."](#) February 23, 2024; France 24, [Mexican president justifies leak of NY Times journalist's phone number](#), February 26, 2024.

²⁰²⁸ Article 19 MX-CA, [Ejecutivo Federal no debe difundir información personal de periodistas ni debe justificarlo](#), 23 February 2024.

²⁰²⁹ La Jornada, [Indagará el INAI si se afecta la seguridad de la reportera de EU](#), February 23, 2024; Animal Política, ["Respaldamos trabajo de reportera": NYT responde a AMLO; INAI investigará exhibición de datos personales de la autora](#), February 22, 2024; R3D, [INAI abre investigación en contra de AMLO por difundir teléfono de una periodista de The New York Times](#), February 26, 2024.

²⁰³⁰ Andrés Manuel, [[@lopezobrador_](#)], (Feb. 25, 2024), Por censura, YouTube nos bajó el video de la conferencia de prensa del jueves 22 de febrero, X, https://x.com/lopezobrador_/status/1761907502659338272; CNN, [YouTube contesta a acusación de censura de AMLO tras eliminar conferencia en la que exhibió datos personales de periodista del New York Times](#), February 26, 2024; Proceso, [YouTube mantiene su postura sobre mañanera de AMLO](#), February 27, 2024; El País, [López Obrador escalates tension with YouTube over video in which he broadcast a journalist's phone number](#), 26 February 2024; Reuters, [Mexico president lambastes YouTube after company edits video revealing NYT journalist's number](#), 26 September 2024.

²⁰³¹ Eje Central, [[@EjeCentral](#)], (Jan. 30, 2024), Historic ruling in favor of freedom of expression in Mexico! Amparo ruling P-1369/2023-V, X, <https://x.com/EjeCentral/status/1752493012054061469>.

²⁰³² LatAm Journalism Review, [Mexican columnist wins first lawsuit by journalist against former president López Obrador](#), December 16, 2024; Informador.mx, [Riva Palacio wins lawsuit against AMLO after calling him "cretino desfachatoado"](#), December 14, 2024.

critical officials, considered as opponents of the government, all without evidence or right of reply". It also noted that, "the freedoms of thought, press, expression and information prevent the Executive from installing post-factual government communication systems based on the distortion of reality, prioritizing emotions, perceptions or convenient narratives over verifiable facts, to disseminate biased, selective or false information, in order to shape public opinion and control the discourse, thus weakening transparency, accountability and democracy"²⁰³³. In addition, RELE records the decision of the Nineteenth Collegiate Court in Administrative Matters, which granted an injunction, with limited effects, to political scientist and academic Denise Dresser in connection with the lawsuit filed in 2022 against the former president for alleged defamation.²⁰³⁴

897. Finally, RELE recorded the first morning conference of the new government, which was called "La mañanera del pueblo". According to public reports, there will be a different section each day, being Wednesday dedicated to the "lie detector", to identify alleged false news in social networks and media.²⁰³⁵

898. 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 to pronounce on issues of public interest²⁰³⁶. However, in doing so, they are subject to certain limitations, mainly aimed at verifying 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 population²⁰³⁷. 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 profession²⁰³⁸. In addition, the IACHR has reiterated on different occasions that people who participate in the public debate in a leading role, including public officials, operate "as a vector that amplifies and accelerates the dissemination of stigmatizing messages"²⁰³⁹.

899. In relation to the Protection Mechanism for Human Rights Defenders and Journalists, the State informed this Office that, as of September 2024, the mechanism has 2,340 persons incorporated, of which 657 are journalists (181 women and 476 men), 1,257 are human rights defenders and 426 are family members of the beneficiaries²⁰⁴⁰. It also noted that, in September 2024, the UN-HR in Mexico delivered the Report on two years of work of the Working Group for the Strengthening of the Protection Mechanism²⁰⁴¹. As far as this Office was able to learn, the report highlights several significant advances, among them, "an increase in the allocation of human, material and economic resources for the operation of the Mechanism; improvements in internal coordination, including the creation of the General Directorate of the Mechanism and the development of the

²⁰³³ Information sent by civil society organizations, December 16, 2024, Archivo de la Relatoría Especial para la Libertad de Expresión.

²⁰³⁴ ContraRéplica Newspaper, [Court grants amparo to Denise Dresser against AMLO for defamation in 'Mañanera'](#), August 18, 2024; Debate, [Denise Dresser wins amparo against mentions in AMLO's mornings](#), August 18, 2024; Infobae, [Denise Dresser obtains amparo against AMLO's mornings: seeks to set precedent for the right of reply](#), August 18, 2024.

²⁰³⁵ CNN Español, [Sheinbaum premieres 'Mañanera del pueblo'. Are there differences from AMLO's conference](#), Oct. 2, 2024; Forbes, [Sheinbaum premieres 'El detector de mentiras' section to showcase deceptions and criticize opponents](#), Oct. 9, 2024; ABC, [Sheinbaum premieres 'El detector de mentiras' to showcase deceptions and criticize opponents](#), Oct. 9, 2024.

²⁰³⁶ 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; Case of Perozo et al. v. Venezuela, Preliminary Objections, Merits, Reparations and Costs, Judgment of January 28, 2009, Series C No. 195, para. 151.

²⁰³⁷ 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; Case of Perozo et al. v. Venezuela, Preliminary Objections, Merits, Reparations and Costs, Judgment of January 28, 2009, Series C No. 195, para. 151.

²⁰³⁸ 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.

²⁰³⁹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Press Release No. 46/24, [RELE expresses concern over institutional tolerance for the disclosure of journalists' personal data in Mexico](#), March 6, 2024.

²⁰⁴⁰ Information sent by the State of Mexico in response to RELE's request for information in the framework of the preparation of the 2024 Annual Report, Note No. OAS 3520/24 from the Permanent Mission of Mexico to the OAS, October 25, 2024, File of the Office of the Special Rapporteur for Freedom of Expression.

²⁰⁴¹ Information sent by the State of Mexico in response to RELE's request for information in the framework of the preparation of the 2024 Annual Report, Note No. OAS 3520/24 from the Permanent Mission of Mexico to the OAS, October 25, 2024, File of the Office of the Special Rapporteur for Freedom of Expression.

guidelines of the Governing Board; the creation of spaces to strengthen inter-institutional coordination with the federal entities; the establishment of a focus group on differential approach and gender perspective; and a greater availability of disaggregated information on the functioning of the Mechanism"²⁰⁴²

900. The Office of the Special Rapporteur took note of the efforts of the Government of Mexico to strengthen the Protection Mechanism for Human Rights Defenders and Journalists, as well as initiatives at the federal and state levels to address violence against journalists. However, it also received reports of deficiencies in the effectiveness of the mechanism²⁰⁴³, which has produced a sense of fear, insecurity and lack of protection among press professionals, leading them to self-censor, go into exile or abandon their profession. This Office expressed its willingness to dialogue with government representatives in order to learn about the actions being implemented and to contribute to strengthening the measures adopted to address the phenomenon of violence against journalists in Mexico. In this context, it also urged the Mexican State to maintain and deepen the efforts of the Working Group for the Strengthening of the Mechanism for the Protection of Human Rights Defenders and Journalists.²⁰⁴⁴

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

901. The Rapporteurship became aware of two decisions related to the purchase and use of the *Pegasus software*. On the one hand, the Supreme Court of Justice of the Nation (SCJN) ordered the Ministry of Finance and Public Credit (SHCP) to make public the contracts related to the *Pegasus software*, considering that they do not represent a risk to national security²⁰⁴⁵. On the other hand, the Office learned that the Sixteenth District Judge in Administrative Matters would have granted an injunction to the organization *Red en Defensa de los Derechos Digitales* (R3D), after the failure of the Secretariat of National Defense (SEDENA) to comply with a resolution of the National Institute for Transparency, Access to Information and Protection of Personal Data (INAI) that ordered it to deliver public versions of contracts of 2018 and 2019 with Comercializadora Antsua S.A. de C.V., linked to the *Pegasus software*.²⁰⁴⁶

902. In this regard, RELE recalls that the report "Right to Information and National Security" stresses that obstacles to accessing information on surveillance activities carried out by States "operate in many cases as barriers to accountability for their legitimate use, which should follow the requirements of prior judicial authorization and be strictly necessary and proportionate to the legitimate purposes sought to be protected by the State"²⁰⁴⁷.

903. On the other hand, RELE also took note of judicial decisions that represent advances in freedom of expression, such as the decision of the First District Court in Criminal Matters of Nuevo Leon, which declared unconstitutional the crimes of defamation and slander²⁰⁴⁸. However, it also found other rulings that could unduly restrict this right. An example is the decision of the SCJN to dismiss the Action of Unconstitutionality 190/2023 promoted by the National Human Rights Commission (CNDH) against the crime

²⁰⁴² OANUDH Mexico, [UN-DH welcomes the delivery of the "Report on two years of work of the Working Group for the Strengthening of the Protection Mechanism" for Human Rights Defenders and Journalists](#), September 25, 2024.

²⁰⁴³ IACHR, Country Hearing, "[Mexico: Protection of Human Rights Defenders and Journalists](#)," 189th Period of Sessions, Washington D.C., United States, February 28, 2024.

²⁰⁴⁴ IACHR, Office of the Special Rapporteur for Freedom of Expression, Press Release No. 277/24, [La RELE repudia los hechos de violencia contra periodistas y medios de comunicación en México](#), November 4, 2024.

²⁰⁴⁵ Milenio, [Corte ordena a Hacienda a hacer públicos contratos del software Pegasus](#), February 6, 2024.

²⁰⁴⁶ R3D, [Juez ordena a la SEDENA cumplir resolución del INAI que le obliga a entregar contratos de Pegasus, software de espionaje usado en sexenio de AMLO](#), 23 de julio de 2024; Animal Político, [Juez ordena a Sedena acatar resolución del INAI y entregar contratos sobre Pegasus, software de espionaje usado en sexenio de AMLO](#), 23 de julio de 2024.

²⁰⁴⁷ 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. 58.

²⁰⁴⁸ UN-DH Mexico, [[@ONUDHmexico](#)], (Apr. 24, 2024), [Saludamos la sentencia del Poder Judicial de la Federación, X, https://x.com/ONUDHmexico/status/1783255379054408013?t=v2-6H3k_9ryrFyBm0uK0dA&s=08](#); Article 19 MX-CA, [ARTICLE 19 celebrates ruling declaring defamation and libel crimes unconstitutional in the criminal sphere in Nuevo León](#), Apr. 25, 2024.

of "halconeo" in Aguascalientes²⁰⁴⁹. This crime, effective as of August 8, 2023, would establish penalties of 3 to 7 years in prison for those who obtain unjustified information on official activities of the State's public security institutions.

904. In 2024, the Rapporteurship followed up on the constitutional reform proposal presented by the former president on February 5, which sought the elimination of the National Institute for Transparency, Access to Information and Protection of Personal Data (INAI) and other autonomous agencies, such as the Federal Telecommunications Institute (IFT)²⁰⁵⁰. According to public reports, on December 20, 2024, the reforms that abolish INAI as guarantor of the rights of access to information and protection of personal data were published in the Official Gazette of the Federation, reassigning its functions to various State entities, mainly the Anti-Corruption and Good Governance Secretariat²⁰⁵¹. The reform establishes a maximum term of 90 days for the issuance of the secondary laws.²⁰⁵²

905. Local and international organizations dedicated to the promotion and defense of human rights have warned that the elimination of autonomous bodies such as INAI would represent a step backwards in access to information and the protection of personal data²⁰⁵³. INAI has pointed out that its autonomy and independence has been essential to guarantee that decisions on these issues are made without political or ideological interference. In this sense, it has warned that the reassignment of its functions to other government entities could compromise impartiality and increase the risk that human rights are left unprotected when managed by those who also hold power²⁰⁵⁴. Likewise, UN special rapporteurs have expressed their concern that the disappearance of INAI and the fragmentation of its competencies will weaken privacy protection by generating a lack of coherence and effectiveness in the application of data protection laws.²⁰⁵⁵

906. On the other hand, the powers of the Federal Telecommunications Institute (IFT) would be left to the Ministry of Infrastructure, Communications and Transportation (SICT), the Ministry of Economy and the Agency for Digital Transformation and Telecommunications, according to public reports²⁰⁵⁶. The IFT has stated that the proposal to eliminate it represents a step backward that would negatively affect users and audiences. The IFT emphasizes that the constitutional autonomy it has had in the last decade has been key to make decisions based exclusively on technical criteria and for the benefit of the population.²⁰⁵⁷

907. 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 the information in its possession²⁰⁵⁸. The right of access to information is a necessary condition to

²⁰⁴⁹ Article 19 MX-CA, [SCJN again violates freedom of expression: maintains validity of the crime of "halconeo" in Aguascalientes](#), June 7, 2024; El Sol de México, [Delito de halconeo se mantiene en Aguascalientes: SCJN dismisses CNDH challenge](#), June 6, 2024; La Jornada, [Desecha SCJN desecha recurso de CNDH contra 'halconeo' en Aguascalientes](#), June 6, 2024.

²⁰⁵⁰ Observacom, [Avanza iniciativa oficialista para suprimir organismos autónomos en México, incluido el regulador de telecomunicaciones](#), August 2, 2024; OBSERVACOM, [@Observacom], (November 12, 2024), La eliminación del @IFT_MX-el regulador mexicano de telecomunicaciones y radiodifusión- es un regreso a la centralización, X, <https://x.com/Observacom/status/1856406820815880281>.

²⁰⁵¹ Instituto Nacional de Transparencia, Acceso a la Información y Protección de Datos Personales (INAI), [El INAI orienta a representantes de instituciones públicas para cumplir sus obligaciones de transparencia](#), January 13, 2025; El Sol de México, [Publican en el DOF reforma que extingue al Inai y seis órganos autónomos](#), December 20, 2024.

²⁰⁵² INAI, [El INAI orienta a representantes de instituciones públicas para cumplir sus obligaciones de transparencia](#), January 13, 2025.

²⁰⁵³ Article 19 MX-CA, [Mexico will cease to be a reference in the world in terms of transparency to become one of opacity](#), November 26, 2024; Human Rights Watch, [Mexico: Transparency and privacy under threat](#), May 24, 2024; UN, [Letter of Mandates of the Special Rapporteur on the right to privacy and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression](#), August 28, 2024.

²⁰⁵⁴ INAI, [Desaparacer al INAI es un retroceso para México y sus derechos humanos](#), August 23, 2024.

²⁰⁵⁵ UN, [Mandate Letter of the Special Rapporteur on the right to privacy and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression](#), August 28, 2024.

²⁰⁵⁶ Observacom, [Mexican government to retake control of licensing and regulation of community and indigenous media](#), December 20, 2024; El Economista, [IFT functions to be divided into three institutions: Sheinbaum](#), December 16, 2024.

²⁰⁵⁷ Instituto Federal de Telecomunicaciones (IFT), [Posicionamiento del Instituto Federal de Telecomunicaciones sobre la reforma presentada ayer por el Ejecutivo Federal que plantea la desaparición de este regulador](#), February 6, 2024.

²⁰⁵⁸ I/A Court H.R., Case of Claude Reyes et al, Merits, Reparations and Costs, Judgment of September 19, 2006, Series C No. 51, paras. 58, 76 and 78; Case of López Álvarez v. Honduras, Merits, Reparations and Costs, Judgment of February 1, 2006, Series C No. 141,

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 accountability²⁰⁵⁹. RELE highlights the importance of adjusting the regulatory frameworks to provide a better response to the challenges to guarantee the right of access to public information, in line with the standards of the Inter-American human rights system, particularly with the guidelines of the OAS Model Law and the standards issued by the Inter-American Commission and the Inter-American Court of Human Rights.

908. Finally, the State informed this Office that, in April 2024, the Regulations to the Federal Telecommunications and Broadcasting Law on Satellite Capacity as a State Reserve (CSRE) were issued, the purpose of which is to regulate the efficient use of the CSRE for national security networks, social services and other needs of the Mexican State.²⁰⁶⁰

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

909. During the demonstrations for International Women's Day in various cities in Mexico, incidents of violence against women journalists were reportedly recorded. According to public reports, in Zacatecas, at least five women journalists and human rights defenders were reportedly detained and verbally and physically assaulted by security agents²⁰⁶¹. In Michoacán, a group of female reporters were documenting the march in Morelia when they were attacked by hooded demonstrators, as this Office learned. In addition, a local reporter was reportedly attacked with glue, and another journalist was pushed and forced to put down her cell phone after claiming her right to report. In Tlaxcala, a correspondent of *Milenio* reported having been attacked with water and bleach, in addition to receiving a blow to the back of the neck during her coverage of the march²⁰⁶². RELE also received reports of a demonstration on the International Day of Transgender Visibility, where members of the transgender community reported being dispersed and attacked with gas by the police near the Government Palace.²⁰⁶³

910. On the other hand, the Office learned that the General Council of the National Electoral Institute (INE) approved the guidelines for the creation of a voluntary registry of social network profiles of women who hold federal elected public office. This measure would seek to prevent gender-based political violence, compile statistical data on the social media profiles of women in the political sphere, and serve as a tool for authorities to investigate and punish such acts.²⁰⁶⁴

911. 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.²⁰⁶⁵

para. 77; Case of Herrera Ulloa v. Costa Rica, Preliminary Objections, Merits, Reparations and Costs, Judgment of July 2, 2004, Series C No. 107, para. 108.

²⁰⁵⁹ 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.

²⁰⁶⁰ Information sent by the State of Mexico in response to RELE's request for information in the framework of the preparation of the 2024 Annual Report, Note No. OAS 3520/24 from the Permanent Mission of Mexico to the OAS, October 25, 2024, File of the Office of the Special Rapporteur for Freedom of Expression.

²⁰⁶¹ Information sent by CIMAC, March 15, 2024, Archivo de la Relatoría Especial para la Libertad de Expresión.

²⁰⁶² Milenio, [Reportan agresiones contra periodistas durante marchas 8M en México](#), March 8, 2024.

²⁰⁶³ Vanguardia MX, [María Clemente García denounces the use of gas in the March for Trans Visibility](#), March 31, 2024.

²⁰⁶⁴ Central Electoral, [Aprueba INE crear padrón de registro en redes sociales de mujeres para prevenir la Violencia Política en Razón de Género](#), July 31, 2024; Infobae, [INE va contra violencia política en razón de género con padrón de registro en redes sociales](#), July 31, 2024; Animal Político, [INE creará un padrón con las redes sociales de funcionarias públicas para prevenir la violencia digital](#), July 31, 2024; La Silla Rota, [Un paso más en la lucha contra la violencia digital](#), October 8, 2024.

²⁰⁶⁵ IACHR, Annual Report 2023, [Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II Doc. 386, December 6, 2023, para. 92.

912. Finally, the Office learned that the IFT has granted for the first time a social concession for an Afro-Mexican radio station, which will be operated by an organization of women communicators from Oaxaca. This concession would be framed in the recent modification of Article 87 of the Federal Law of Telecommunications and Broadcasting (LFTR), which would have included the granting of Afro-Mexican concessions within the category of radio stations for social use.²⁰⁶⁶

D. Freedom of expression and the Internet

913. On October 8, 2024, a congresswoman reportedly presented an initiative to reform the Federal Criminal Code (CPF) and the Federal Law for the Protection of Personal Data in Possession of Private Parties (LFPDPPP) that would seek to punish "cyberbullying". According to public information, among the behaviors that the initiative would consider to constitute cyberbullying are "spreading lies", "publishing embarrassing photos or videos or threatening to publish them", "sending abusive messages" and "impersonating another person to provoke and antagonize them"²⁰⁶⁷.

914. Likewise, in 2024, RELE continued to follow up on legislative initiatives in the area of cybersecurity. On August 14, 2024, a reform bill known as the Cybersecurity and Digital Trust Law would have been presented. The initiative seeks to establish a national strategy to prevent, detect and contain cybercrimes, with the participation of government entities, the private sector and society. The reform would propose the creation of a National Cybersecurity System and the National Institute for Innovation and Training in Digital Technologies and Cybersecurity, in charge of coordinating policies on the matter. It would also regulate the prohibition of spreading false information, harassment and discrimination online, and create figures such as cybersecurity experts and specialized prosecutors. In addition, it would include amendments to the Federal Criminal Code to punish the illegal use of devices that interfere with private communications, geolocation data and Internet networks, with penalties of up to six years in prison.²⁰⁶⁸

915. This Office recalls that in order to avoid a broad concept that could lead to the criminalization of the use of the Internet, 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 offence of any nature²⁰⁶⁹. Likewise, this Office stresses that the response of States in terms of security in cyberspace must be limited and proportionate, and seek to fulfill precise legal purposes that do not compromise the democratic virtues that characterize the network.²⁰⁷⁰

916. On the other hand, the Special Rapporteurship became aware of the discussion advanced by the First Chamber of the Supreme Court of Justice of the Nation (SCJN) in judicial files opened against the reforms to the Federal Copyright Law (LFDA), which would be in force since July 2020. According to public reports, as of said reforms, the "notice and takedown" mechanism²⁰⁷¹ would have been implemented. This mechanism would oblige ISPs to suspend, disable or remove content and publications accused of copyright infringement, without the need to verify the ownership of the copyright, the nature of the publication, and the authenticity of the complainant; or to provide evidence of the infringement; or to have the intervention of a

²⁰⁶⁶ Observacom, [México entregó la primera concesión de radio afromexicana a red de mujeres](#), July 9, 2024; IFT, [El Pleno del IFT aprobó la primera solicitud de concesión de uso social afromexicana para la prestación del servicio de radiodifusión](#), June 27, 2024; Proceso, [Mujeres de Oaxaca consiguen primera concesión de radio afromexicana](#), June 28, 2024.

²⁰⁶⁷ Ifex, [Iniciativa para sancionar el "ciberacoso" amenaza la libertad de expresión](#), 5 December 2024; Aristegui Noticias, [Iniciativa para sancionar el ciberacoso amenaza la libertad de expresión: R3D](#), 20 November 2024

²⁰⁶⁸ Wired, [Presentan nuevo proyecto de ley de ciberseguridad en México](#), August 15, 2024; Comisión Permanente del H. Congreso de la Unión, [LXV Legislatura](#), 2024.

²⁰⁶⁹ 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.

²⁰⁷⁰ 4 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.

²⁰⁷¹ Alianza de Medios MX, [Impacto de la reforma a la Ley de Derechos de Autor en la libertad de expresión](#), March 4, 2024; Article 19 MX-CA, [Se perfila una decisión de la SCJN que valida la censura en Internet](#), May 28, 2024; El Economista, [Medidas para contrarrestar el mecanismo de notificación y retirada y los candados digitales](#), May 31, 2024; Instituto Autor, Mexico: [Constitutional Court ratifies notice and takedown mechanism for protected content](#), June 24, 2024; Aristegui Noticias, [R3D alerts on lack of transparency in SCJN project analyzing constitutionality of author's law](#), May 23, 2024.

judicial authority. The law could also encourage online service providers to implement automated measures to prevent the publication of content identified as infringing.

917. In turn, the Rapporteurship received information on an additional discussion being held by the First Chamber of the SCJN, related to a lawsuit filed by Ulrich Richter against a U.S. technology company for allegedly violating his rights of personality, morals, honor and prestige, after hosting and disseminating a blog with false information about Richter²⁰⁷². According to information received, there are allegations of potential disproportionate sanctions against the company, after being declared liable in March 2020 and June 2022 by the respective judicial instances.²⁰⁷³

918. Finally, the State informed the Special Rapporteurship about progress in internet coverage, highlighting the National Development Plan 2019-2024, which aims to reduce the digital divide by expanding coverage throughout the country. In addition, in 2024, key public policy programs were developed, such as the Social Coverage Program 2023-2024, the Connectivity in Public Places Program and the Connectivity for Wellbeing Program.²⁰⁷⁴

²⁰⁷² Article 19 MX-CA, [ARTICLE 19 and the Rule of Law Impact Lab at Stanford Law School file amicus curiae brief before the SCJN in the Google case](#), January 29, 2024.

²⁰⁷³ Wikimedia, [Wikimedia Foundation files amicus brief in Mexico urging continued use of intermediary liability protections for user-generated content in Richter v. Google](#), October 6, 2024.

²⁰⁷⁴ Information sent by the State of Mexico in response to RELE's request for information in the framework of the preparation of the 2024 Annual Report, Note No. OAS 3520/24 from the Permanent Mission of Mexico to the OAS, October 25, 2024, File of the Office of the Special Rapporteur for Freedom of Expression.

NICARAGUA

919. The Office of the Special Rapporteur for Freedom of Expression notes with extreme concern the steady deterioration of the situation of freedom of expression, peaceful assembly and association in Nicaragua. The information documented during 2024 reveals a pattern of repression aimed at persecuting journalists, human rights defenders, artists, opponents and religious leaders for the mere fact of expressing their ideas and opinions, which reflects intolerance towards any discourse that questions or contradicts the official version. These actions are part of a deliberate State strategy to silence critical voices, censor the independent press, stifle dissent and consolidate a State information monopoly. The repressive apparatus operates through various mechanisms that include manipulation of the criminal justice system, administrative and fiscal harassment, and strict control over the digital environment. This, together with a regulatory framework restrictive of fundamental freedoms, consolidates a censorship apparatus incompatible with the basic pillars of a democratic society. These actions have contributed to the progressive closure of the civic and democratic space, which has already been widely documented by the IACHR, where self-censorship prevails. Citizens in general refrain from expressing opinions or participating in debates on matters of public interest for fear of reprisals. With more than 270 journalists exiled from the country in the last six years, organizations in defense of journalism and freedom of expression denounce that the Government continues "purging" the political system of the country and that the "siege of freedom of press and expression continues to close"²⁰⁷⁵.

A. Journalism and democracy

920. The Office of the Special Rapporteur for Freedom of Expression continued to monitor the serious situation facing the practice of journalism in Nicaragua, characterized by a pattern of repression that affects multiple aspects of the right to freedom of expression. During 2024, it has documented the persistence and deepening of practices that include: (i) arbitrary detentions and criminalization; (ii) expulsions and arbitrary deprivation of nationality; (iii) closure and confiscation of media outlets; (iv) police surveillance and siege; and (v) threats on social networks; (vi) and the use of stigmatizing and violent discourse from the highest spheres of public power.

921. Journalists who attempt to report on matters of public interest face the imminent risk of arrest. In this context, the Commission and its Office of the Special Rapporteur are concerned about the case of journalist Fabiola Tercero Castro, who was reported missing on July 12, 2024 and, at the close of this report, more than 100 days have passed without the authorities providing information on her whereabouts²⁰⁷⁶. According to the information available, seven police officers broke into her home in Managua, confiscating electronic equipment and work materials without a warrant. It was reported that the journalist had previously been subjected to repressive measures such as house arrest and the obligation to report daily to a police station²⁰⁷⁷.

922. Civil society organizations have described this case as a forced disappearance, and have demanded clear information on her situation and respect for her integrity²⁰⁷⁸. The Special Rapporteur urges the State of Nicaragua to adopt urgent measures to locate her, guarantee her integrity and cease these repressive practices, in accordance with applicable international law standards and recommendations.

²⁰⁷⁵ Confidencial, ["El 'cerco' de la libertad de prensa se cierra en Nicaragua, advierte la SIP](#), October 18, 2024; Voice of America, [IAPA: "El cerco sobre el periodismo libre se va cerrando día a día en Nicaragua"](#), July 13, 2021.

²⁰⁷⁶ Volcanic, [Nicaragua: journalist Fabiola Tercero Castro still missing](#), August 13, 2024; Reporters Without Borders (RSF), [Nicaragua continues to attack journalism: where is Fabiola Tercero](#), September 18, 2024

²⁰⁷⁷ Reporters Without Borders (RSF), [NICARAGUA : Journalist disappears in Nicaragua, in the midst of Ortega's siege of what remains of independent journalism in the country](#), July 29, 2024; Article 66, ["¿Dónde está la periodista Fabiola Tercero? The State has disappeared her." denounces Calidh](#), July 20, 2024.

²⁰⁷⁸ Article 19, [It has been 17 days since the forced disappearance of Nicaraguan journalist and activist Fabiola Tercero](#), July 30, 2024; RSF, [Desaparece una periodista en Nicaragua, en pleno asedio de Ortega a lo que queda del periodismo independiente en el país](#), July 26, 2024; 100% Noticias, [PCIN demanda respeto a la integridad de periodista Fabiola Tercero en caso que esté detenida](#), July 21, 2024.

923. Also reported was the arrest of journalist Orlando Chávez Esquivel, director of the news program "El Metropolitano" at the radio station *La Consentida*, in the city of León²⁰⁷⁹. According to available information, Chávez was arrested by the Police on May 19, 2024 after a raid at his home, where his siblings, Obed and Merary Chávez, were also arrested under accusations of obstruction. Reports indicate that the operation took place as a reprisal after his participation in the presentation of the book "Los Brujos y sus prodigios". Orlando Chavez was reportedly interrogated and released days later.²⁰⁸⁰

924. In turn, the Rapporteurship learned about the detention of journalist Elsbeth D'Anda on October 27, 2024, director of the program *La Cobertura*, broadcast by *Canal 23*²⁰⁸¹. According to public reports, the events occurred after the journalist criticized the high cost of the basic food basket and the deterioration of purchasing power in the country²⁰⁸². At least 20 police officers allegedly broke into his residence without a warrant, confiscated his electronic equipment and transferred him to the Judicial Assistance Directorate, known as "El Chipote"²⁰⁸³.

925. Likewise, according to information received by this Office, on November 22, 2024, journalist Leo Catalino Cárcamo was arrested in the Department of León, as part of a new repressive escalation²⁰⁸⁴. Cárcamo had already been detained in 2019²⁰⁸⁵. As of the closing date of this report, his whereabouts are still unknown.

926. RELE also followed up on the situation of imprisoned journalists Víctor Ticay Ruiz and Sergio Catarino Castiblanco Hernández. Ticay, a correspondent for *Canal 10*, was arrested on April 6, 2023 after covering a religious procession, which is prohibited in Nicaragua²⁰⁸⁶. According to information documented by the IACHR, in prison he was tortured by state agents through electric shocks to the feet and repeated interrogations in the early hours of the morning, in addition to beatings and death threats²⁰⁸⁷. Ticay was sentenced to eight years in prison for the crime of spreading false news.²⁰⁸⁸

927. Sergio Catarino Castiblanco Hernández, a teacher, journalist, radio broadcaster and member of political groups, was arrested along with his wife, Jacqueline Rodríguez Herrera, on April 22 and 23, 2023, respectively, and sentenced to eight years in prison for the crimes of conspiracy to undermine national integrity and propagation of false news²⁰⁸⁹. According to information provided to the IACHR, Sergio Catarino was allegedly assaulted by State agents, which caused him permanent pain, and he was also diagnosed with

²⁰⁷⁹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Press Release No. R324/24, [RELE urges Nicaragua to cease persecution against the press and to release all persons arbitrarily detained](#), December 19, 2024.

²⁰⁸⁰ Nicaragua Actual, [After intense interrogation, a journalist and a writer are released in Leon](#), May 23, 2024.

²⁰⁸¹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Press Release No. R324/24, [RELE urges Nicaragua to cease persecution against the press and to release all persons arbitrarily detained](#), December 19, 2024; Committee to Protect Journalists (CPJ), [November 14, 2024](#); La Prensa, [Denuncian detención de del periodista Elsbeth D'anda, director de un canal transmitido en Canal 23](#), November 14, 2024.

²⁰⁸² Nicaragua Actual, [Sandinista police arrest Elsbeth D'Anda, director of Canal 23's program La cobertura](#), November 14, 2024.

²⁰⁸³ Nicaragua Actual, [Sandinista police arrest Elsbeth D'Anda, director of Canal 23's program La cobertura](#), November 14, 2024.

²⁰⁸⁴ 100% Noticias, [Régimen en Nicaragua ejecuta ola de arrestos de 11 ciudadanos incluyendo un periodista y un médico](#), November 23, 2024; Red Centroamericana de Periodistas, [[@PeriodistasCA](#)], (December 13, 2024), Exigimos al régimen Ortega-Murillo la pronta liberación del periodista Leo Catalino Cárcamo Herrera debido a su grave condición de salud, X, <https://x.com/PeriodistasCA/status/1867742841491141038>.

²⁰⁸⁵ La Prensa, [Leo Cárcamo, the retired journalist who is still missing](#), December 20, 2024.

²⁰⁸⁶ Committee to Protect Journalists (CPJ), [Journalist Víctor Ticay detained for covering Holy Week in Nicaragua](#), April 7, 2023.

²⁰⁸⁷ IACHR, [Resolution 89/2023](#), Precautionary Measures No. 1022-23 and 1025-23, Kevin Emilio Castillo Prado et al. v. Nicaragua, December 30, 2023, paras. 20-22.

²⁰⁸⁸ Confidencial, [Journalist Víctor Ticay sentenced to 8 years in prison](#), August 17, 2023; Article 19 Mexico and Central America Bureau, [Nicaragua: La condena de 8 años contra el periodista Víctor Ticay se añade a la lista de violaciones a los derechos humanos](#), August 18, 2023.

²⁰⁸⁹ La Prensa, [Political prisoner on fifth anniversary of April protests completes 215 days deprived of liberty](#), November 23, 2023.

diabetes, neuralgia and fluid retention in his lower limbs²⁰⁹⁰. Despite these health problems, he did not receive adequate medical attention.²⁰⁹¹

928. In 2024, the IACHR granted precautionary measures and the IACHR Court issued provisional measures in favor of both, recognizing that they were in a serious and urgent situation that threatened their rights to life, personal integrity and health due to the extreme conditions of detention they faced²⁰⁹². As part of the release of 135 political prisoners on September 5, 2024, Victor Ticay Ruiz and Sergio Catarino Castiblanco Hernandez were released and sent to Guatemala²⁰⁹³. This release was part of a humanitarian agreement brokered by the U.S. government.²⁰⁹⁴

929. The Office of the Special Rapporteur recalls that the detention of journalists for the legitimate exercise of their work constitutes a restriction incompatible with the right to freedom of expression. This type of intimidating action not only violates the right of these persons to express and impart ideas, opinions and information, but also violates the rights of citizens and society in general to seek and receive information and ideas of any kind²⁰⁹⁵. As the Inter-American Court has held, "the exercise of journalism can only be carried out freely when the persons who engage in it are not victims of threats or physical, psychological or moral aggression or other acts of harassment"²⁰⁹⁶.

930. RELE also learned of the arrest and subsequent expulsion from the country of journalist Nohelia González Valdivia on July 9, 2024²⁰⁹⁷. Police agents reportedly arrived at her home in Veracruz at 6:00 a.m. and forcibly transferred her to the Augusto C. Sandino international airport to be deported. Initially it was reported that her destination was Panama; however, it was later confirmed that she was deported to the United States²⁰⁹⁸. With almost 28 years of experience as Head of Information at the newspaper *La Prensa*, Nohelia González had opted to retire from active journalism to avoid persecution by the regime, after having also worked at the now closed Catholic Channel of Nicaragua, where she had collaborated closely with Monsignor Rolando Álvarez in the interview program "Pueblo de Dios" (People of God)²⁰⁹⁹. This program addressed the country's political crisis, the role of the Church and other socio-political issues, criticizing government actions. According to civil society reports, his link to Monsignor Alvarez and his coverage of these issues may have been one of the reasons for the persecution.²¹⁰⁰

931. RELE repudiates the expulsion, banishment and arbitrary deprivation of nationality of journalists, which is being used as a measure to eliminate critical voices, even against those who no longer actively practice journalism²¹⁰¹. In this sense, in its Resolution 2/23 on the right to nationality, prohibition of arbitrary deprivation of nationality and statelessness, the IACHR affirmed that nationality is a non-derogable

²⁰⁹⁰ IACHR, [Resolution 89/2023](#), Precautionary Measures No. 1022-23 and 1025-23, Kevin Emilio Castillo Prado et al. v. Nicaragua, December 30, 2023, paras. 24-27.

²⁰⁹¹ 100% Noticias, [Political prisoner Sergio Castiblanco ill and without medicine in La Modelo prison](#), February 10, 2024.

²⁰⁹² IACHR Court, Resolution extending provisional measures, [Case of Juan Sebastián Chamorro et al. v. Nicaragua](#), July 2, 2024; IACHR, [Resolution 89/2023](#), Precautionary Measures No. 1022-23 and 1025-23, Kevin Emilio Castillo Prado et al. v. Nicaragua, December 30, 2023.

²⁰⁹³ Nicaragua Investiga, [This is the partial list of political prisoners released and sent to Guatemala](#), September 5, 2024.

²⁰⁹⁴ El País, [United States announces release of 135 Nicaraguan political prisoners](#), September 5, 2024; The New York Times, [Nicaragua frees 135 political prisoners on humanitarian grounds](#), September 5, 2024.

²⁰⁹⁵ I/A Court H.R., Case of Vélez Restrepo and Family Members v. Colombia. Preliminary Objection, Merits, Reparations and Costs, Judgment of September 3, 2012, Series C No. 248, paras. 142-149; IACHR, Office of the Special Rapporteur for Freedom of Expression, Special Study on the Situation of the Investigations into the Murder of Journalists for reasons that could be related to Journalistic Activity (period 1995-2005), March 8, 2008, para. 67.

²⁰⁹⁶ I/A Court H.R., Case of Vélez Restrepo and Family Members v. Colombia. Preliminary Objection, Merits, Reparations and Costs, Judgment of September 3, 2012, Series C No. 248, para. 209.

²⁰⁹⁷ 100% Noticias, [Detienen a periodista Nohelia González en Nicaragua](#), July 9, 2024; Fuentes Confiables, [Incertidumbre por paradero de periodista Nohelia González](#), July 10, 2024.

²⁰⁹⁸ Nicaragua Investiga, [Régimen destierra a periodista Nohelia González](#), July 9, 2024.

²⁰⁹⁹ Despacho 505, [Journalist Nohelia González was detained and deported to the United States, her brother confirms](#), July 10, 2024.

²¹⁰⁰ The Coalition for Women in Journalism (CFWIJ), [Nicaragua: Regime Expels Nohelia González from the Country](#), July 10, 2024.

²¹⁰¹ Infobae, [One of the last journalists left Nicaragua: "I worked for three years moving and using pseudonyms until I had to leave"](#), July 21, 2024.

fundamental right and emphasized that its arbitrary deprivation, especially as a sanction imposed for political reasons, contravenes the norms of international law.²¹⁰²

932. RELE also expresses its concern about government actions aimed at dismantling the ecosystem of independent media and civil society organizations linked to freedom of expression in Nicaragua²¹⁰³. Since 2018, the Office of the Special Rapporteur has observed a systematic attempt of interference and pressure by the Government in the informative work of the media, with the aim of directing information policies²¹⁰⁴. In its previous annual reports, this Office warned about the consolidation of a media duopoly in Nicaragua, which controls the majority of television and radio media. In practice, "the majority of the audiovisual media is under the political control of the presidential family or of a businessman with ties to the government"²¹⁰⁵.

933. Those who still practice the profession independently in Nicaragua have been forced to radically modify their informative approach or self-censor themselves in the face of the risk of reprisals and criminalization²¹⁰⁶. In a scenario characterized by the massive closure of media outlets and non-governmental entities, confiscations and fiscal and administrative harassment by institutions such as the Directorate General of Revenue (DGI), the Nicaraguan Social Security Institute (INSS) and the Ministry of the Interior, many media outlets have opted to completely transform their programming towards non-informative content -mainly music programs, entertainment programs or religious content- as a measure to protect their collaborators.²¹⁰⁷

934. In this context, in 2024, *Radio María*, a radio station with more than 40 years of history, was announced to be closed after the Ministry of the Interior cancelled its legal status on July 9²¹⁰⁸. The measure, announced through a ministerial agreement published in the official newspaper *La Gaceta*, was based on an alleged "failure to comply with obligations", including the failure to submit financial statements and the expired term of the Board of Directors²¹⁰⁹. The Nicaraguan Ministry of the Interior cancelled *Radio María's* legal status along with that of 11 other non-governmental organizations²¹¹⁰. A few months earlier, the station had denounced the blocking and freezing "without justification" of its bank accounts and the imposition of limitations on its broadcasting schedules²¹¹¹. The station's assets were subsequently transferred to the State.²¹¹²

935. Likewise, according to public information, *Radio Mujer* and *Radio Cepad* are at risk of closure following the cancellation of the legal status of their parent organizations by the Ministry of the Interior in August 2024²¹¹³. Both stations could face the confiscation of their assets by the Attorney General's Office,

²¹⁰² IACHR, Press Release No. 217/24, [Nicaragua: IACHR repudiates the arbitrary deprivation of nationality of the 135 persons released from prison](#), September 13, 2024; IACHR, Resolution 2/23, [Resolution on the right to nationality, prohibition of arbitrary deprivation of nationality and statelessness](#), December 4, 2023.

²¹⁰³ Article 66, [Nicaragua has suffered a total "dismantling of the independent press", denounces IAPA](#), April 20, 2024.

²¹⁰⁴ IACHR, Annual Report 2018, [Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/SER.L/V/II Doc. 30, March 17, 2019, para. 770.

²¹⁰⁵ IACHR, Annual Report 2018, [Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/SER.L/V/II Doc. 30, March 17, 2019, para. 768.

²¹⁰⁶ Fundación por la Libertad de Prensa y Democracia (FLED), [Repression and financial problems forge the path towards the abandonment of journalistic practice in Nicaragua](#), January-March 2024.

²¹⁰⁷ Onda Local, [Periodismo independiente en Nicaragua continúa viviendo su peor momento](#), April 10, 2024; Fundación por la Libertad de Prensa y Democracia (FLED), [Represión y problemas financieros forjan el camino hacia el abandono de la práctica periodística en Nicaragua](#), January-March 2024; Deutsche Welle (DW), [Nicaragua sin ONG: réquiem para la sociedad civil](#), February 17, 2023; Despacho 505, ["Los nicaragüenses estamos con las manos atadas", alerta el Cosep](#) "Los nicaragüenses estamos con las manos atadas", alerta el Cosep, October 8, 2024; Despacho 505, , October 8, 2020.

²¹⁰⁸ Reuters, [Nicaragua shuts Catholic radio formerly run by prominent critic](#), July 9, 2024.

²¹⁰⁹ Voice of America, [Nicaraguan government cancels Radio Maria, belonging to the Catholic Church](#), July 9, 2024.

²¹¹⁰ 100% Noticias, [Radio María and 12 other NGOs in Nicaragua have their legal status cancelled](#), July 9, 2024.

²¹¹¹ Confidential, [Banco de la Producción blocks two accounts of Radio María Nicaragua](#), April 11, 2024.

²¹¹² Confidential, [Interior Ministry cancels Radio Maria and 12 other NGOs](#), July 9, 2024.

²¹¹³ La Prensa, [Dos emisoras en riesgo de cierre por cancelación de personería jurídica](#), August 22, 2024.

following the trend already documented in previous cases of non-profit organizations cancelled by the State²¹¹⁴

936. The Office of the Special Rapporteur also recorded the cancellation of the legal status of the *Nicaraguan Association of Parliamentary Journalists* (ANPP) on August 19 and, later, on August 22, of the *Nicaraguan Chamber of Radio* (CANIRA)²¹¹⁵. According to information received by the Office of the Special Rapporteur, the *Association of Parliamentary Journalists* played a fundamental role in the training and specialization of journalists covering the National Assembly, facilitating the monitoring of the cycle of approval of laws and the work of the parliamentary commissions²¹¹⁶. *CANIRA* sought to promote the growth and consolidation of radio broadcasting and radio production services and the defense of free competition and fundamental freedoms in the sector.²¹¹⁷

937. These conditions have led to the fact that the dial is currently dominated by musical, religious and pro-government radio stations, while the few remaining independent radio stations have been forced to censor themselves²¹¹⁸. RELE notes that, in departments such as Granada, stations such as *Radio Volcán* (102.9 FM), *Bahía Azul* (96.5 FM) and *La Gran Sultana* (107.7 FM) have limited their coverage to news of events and social services, avoiding any content critical of the authorities²¹¹⁹. This Office is concerned that several station owners have been pressured to sell their media outlets to religious associations, as has occurred with *Radio Bethel* and *Radio Restauración*, a trend also observed in the department of Masaya.²¹²⁰

938. According to what the IACHR and its RELE have been able to document, the media closures have left at least nine departments of the country without journalism and independent media: Carazo, Chontales, Jinotega, Madriz, Nueva Segovia, Granada, the Northern and Southern Caribbean Coast regions, and most recently León²¹²¹. The Rapporteurship finds that the concentration of media in the hands of the state or those close to the government, together with the elimination of independent voices, has consolidated an official information monopoly in these regions, creating what this Office calls "silenced zones"²¹²². This has a particularly serious impact in regions far from the capital, since in these territories, where Internet access is limited or practically non-existent, radio has always been the main source of information for the communities²¹²³

939. The cancellation of the media and the dissolution of civil society organizations are part of a repressive strategy of the Government aimed at consolidating a regime of concentration of power²¹²⁴. In the opinion of RELE, it represents the most exemplary and drastic pattern of attacks on pluralism, as well as the intention of the State to completely close the civic and democratic space in Nicaragua.²¹²⁵

940. In view of the above, the Rapporteurship emphasizes that monopolies or oligopolies in the ownership and control of the media constitute a violation of freedom of expression, insofar as they threaten

²¹¹⁴ La Prensa, [Dos emisoras en riesgo de cierre por cancelación de personería jurídica](#), August 22, 2024.

²¹¹⁵ Confidencial, [Eliminan Amcham, UNAG, y otras 149 cámaras y asociaciones empresariales en Nicaragua](#), August 22, 2024.

²¹¹⁶ Fundación por la Libertad de Expresión y Democracia (FLED), [Freedom of the press increasingly under siege due to the Nicaraguan government's escalating repression](#), September 3, 2024.

²¹¹⁷ Fundación por la Libertad de Expresión y Democracia (FLED), [Freedom of the press increasingly under siege due to the Nicaraguan government's escalating repression](#), September 3, 2024.

²¹¹⁸ Onda Local, [Map of radio stations in Nicaragua: Musical, religious and official](#), August 15, 2024.

²¹¹⁹ Fundación por la Libertad de Expresión y Democracia (FLED), [Nicaragua: threats of jail and censorship are not limited to independent journalists: pro-government journalists are also targeted](#), April-June 2024.

²¹²⁰ Fundación por la Libertad de Expresión y Democracia (FLED), [Nicaragua: threats of jail and censorship are not limited to independent journalists: pro-government journalists are also targeted](#), April-June 2024.

²¹²¹ Nicaragua Investiga, [Most of Nicaragua's geographical areas have no independent journalists](#), October 7, 2024; La Prensa, [Nueve departamentos en Nicaragua se quedan sin periodistas independientes, según informe](#), October 7, 2024.

²¹²² IACHR, Annual Report 2023, [Chapter IV.B: Nicaragua](#), OEA/Ser.L/V/II. Doc. 386 rev. 1, December 31, 2023, para. 99; Office of the Special Rapporteur for Freedom of Expression, [Communiqué R168/24, La RELE urge the State of Nicaragua to cease repressive actions against journalists](#), July 23, 2024.

²¹²³ Voice of America, [What happens in Western Nicaragua after the massive closure of radio stations](#), August 18, 2022.

²¹²⁴ IACHR, Annual Report 2023, [Chapter IV.B: Nicaragua](#), OEA/Ser.L/V/II. Doc. 386 rev. 1, December 31, 2023, para. 18.

²¹²⁵ IACHR, [Report on Closure of Civic Space in Nicaragua](#), OEA/Ser.L/V/II. Doc. 212/23, September 23, 2023, para. 70.

democracy by restricting the plurality and diversity that ensure the full exercise of the right to information. Without a plurality of voices and opinions, the media cannot develop their role within a democracy, given that "pluralism is a fundamental rule within media policies"²¹²⁶.

941. Likewise, it is noted that these acts of administrative and financial harassment constitute forms of indirect censorship, prohibited by international human rights law. In accordance with Principle 13 of the Declaration of Principles on Freedom of Expression of the IACHR, "[t]he use of State power and the resources of the public treasury; the granting of tariff privileges; the arbitrary and discriminatory allocation of official advertising and official credits; the granting of radio and television frequencies, among others, 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 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".

942. Therefore, RELE reiterates to the State of Nicaragua its duty to guarantee respect for the independence of the media and to refrain from imposing prior censorship by any state body, as well as any type of prior conditioning that may imply censorship of the information content.

943. In addition to the above, the Rapporteurship notes the persistence of an official discourse that describes journalists and the media as adversaries of the State and internal enemies seeking to carry out a "coup d'état", which has been used to justify the judicial persecution and expulsion from the country of any person critical of the administration²¹²⁷. In 2024, the Vice President and government spokesperson Rosario Murillo on several occasions labeled journalists and opponents as "stateless fools", "enemies of peace", "enemies of humanity", "traitors", "terrorists", "brainless", "false slanderers", "unseparated criminals of history" and "pure scum", among others²¹²⁸. This Office expresses its concern at the explicit threats made by the Vice President against journalists, human rights defenders and opposition members in exile, warning that she will not "shake her hand" to take action against those who "dare to touch our soil" and return to Nicaragua, in reference to those who were exiled.²¹²⁹

944. This type of discourse, coming from the highest levels of public power, not only incites animosity, violence and hostility towards the press, but also legitimizes the government's repressive tactics, creating an environment where the exercise of freedom of expression is threatened. For RELE, the stigmatizing and violent speeches of the authorities against those who exercise criticism translate into a climate of fear that has almost completely inhibited the exercise of freedom of expression and has undermined the exercise of journalism in the country.

945. RELE draws attention to the impact that these repressive strategies have had on the training of new journalists. In this regard, reports indicate that the country's universities have stopped training communication professionals, given that journalism is currently perceived as a "criminalized career" and a high-risk activity²¹³⁰. According to civil society organizations, the few institutions that still offer training have been transformed into centers of agitation, indoctrination and propaganda in favor of the governing party, with a curricular proposal far from the principles, values and journalistic ethics²¹³¹. Faced with this scenario, there

²¹²⁶ IACHR, Annual Report 2004, [Report of the Office of the Special Rapporteur for Freedom of Expression](#), Chapter V: Indirect violations of freedom of expression: the impact of media concentration on media ownership, OEA/Ser.L/V/II.122Doc. 5 rev. 1, February 23, 2005, para. 33.

²¹²⁷ Swissinfo.ch, [Ortega says that five years ago they defeated the "coup d'état" attempt](#), April 16, 2023.

²¹²⁸ 100% Noticias, [Rosario Murillo charges again against opponents, calls them "stateless fools"](#), July 3, 2024; Fuentes Confiables, [Vocera del régimen continúa destilando odio contra opositores](#), April 19, 2024; 100% Noticias, [Rosario Murillo amenaza a quienes "se atreven a tocar nuestro suelo sagrado"](#), July 18, 2024.

²¹²⁹ La Prensa, [Rosario Murillo issues warning to exiled opponents: "Que se atreven a tocar nuestro suelo"](#), July 18, 2024; Nicaragua Actual, [Rosario Murillo threatens opponents: "menos que se atreven a tocar nuestro suelo sagrado"](#), July 18, 2024.

²¹³⁰ Nicaragua Investiga, [Un país que se queda sin periodistas y unos periodistas que se quedan sin país](#), May 12, 2024.

²¹³¹ Fundación por la Libertad de Prensa y Democracia (FLED), [Repression and financial problems forge the path towards the abandonment of journalistic practice in Nicaragua](#), January-March 2024.

are those who propose the creation of alliances between Nicaraguan media in exile and universities in neighboring countries to train new journalists .²¹³²

946. The lack of educational institutions that train new communicators not only affects the right to academic freedom, but also contributes to perpetuate the information siege imposed by the State in Nicaragua²¹³³ . In this regard, the Special Rapporteur urges the States of the region and the international community to support initiatives that guarantee the continuity of journalistic training for Nicaraguans.

947. Attacks on freedom of expression have also extended to international media correspondents. Several journalists and photojournalists from media outlets such as *El País*, and the *AFP*, *Reuters* and *EFE* agencies have been forced to leave the country due to government harassment. In 2024, RELE learned of the case of photojournalist Oswaldo Rivas, who worked for *Agence France Presse (AFP)* and had to leave the country in June 2024 after police agents raided his home²¹³⁴ . According to the information received, Rivas was alerted during a coverage that he was "circulated" by the authorities, that there were vehicles outside his house, and that he would probably be arrested, so he decided not to return. The following day, he was informed that police patrols had entered his home and were taking his belongings, from computers and televisions to bicycles and a pickup truck²¹³⁵ . Faced with this situation, Rivas remained in hiding for several days before leaving the country through blind border points, finally arriving in the United States, where he has applied for political asylum²¹³⁶ . In previous years, blockades to the international press had been registered, especially during the 2021 electoral process .²¹³⁷

948. Finally, RELE highlights that the repression of fundamental freedoms and the hostile environment towards the independent press has generated a historic exodus of journalists. According to available information, between April 2018 and June 2024 at least 278 journalists and communicators would have left Nicaragua in search of protection²¹³⁸ . In this regard, civil society denounces that "there are almost no independent communication professionals left" in the country and that the press in exile is now a "permanent condition"²¹³⁹ .

949. The Special Rapporteur is particularly concerned that transnational repression and the fear of reprisals against family members who remain in Nicaragua have led to the persistence of self-censorship even in exile²¹⁴⁰ . Likewise, independent media operating from outside the country have had to significantly reduce their operations due to difficulties in accessing cooperation resources, maintaining secure contact with sources inside Nicaragua, and accessing information about what is happening on the ground²¹⁴¹ . This situation has led some exiled journalists to temporarily pause their reporting or to abandon the profession for good .²¹⁴²

950. RELE emphasizes that the set of tactics used by the Government to silence independent and critical voices contravene the State's international obligations to respect and guarantee the right to freedom of expression and freedom of the press. The Rapporteurship urges the State to immediately cease the persecution of journalists and media outlets, and to adopt urgent measures to guarantee the full exercise of freedom of expression in the country. It also calls on the States of the region and the international community to support

²¹³² Nicaragua Investiga, [Un país que se queda sin periodistas y unos periodistas que se quedan sin país](#), May 12, 2024.

²¹³³ IACHR, [Inter-American Principles on Academic Freedom and University Autonomy](#), December 2021.

²¹³⁴ Swissinfo.ch, [El "cerco" de la libertad de prensa se sigue cerrando en Nicaragua](#), advierte la SIP, 18 October 2024; Confidential, [Fotoperiodista Oswaldo Rivas: La Policía se "robó" mi casa y vehículos que no eran míos](#), 26 July 2024.

²¹³⁵ Voice of America, [Repression of journalists in Nicaragua reaches foreign press correspondents](#), August 5, 2024.

²¹³⁶ La Prensa, [AFP photojournalist forced into exile to avoid arrest by dictatorship](#), July 26, 2024

²¹³⁷ Confidential, [Ortega denies foreign press from entering the country to cover the elections](#), November 3, 2021.

²¹³⁸ Deutsche Welle (DW), [Some 278 journalists fled Nicaragua in six years](#), October 8, 2024.

²¹³⁹ Infobae, [One of the last journalists left Nicaragua: "I worked for three years moving and using pseudonyms until I had to leave"](#), July 21, 2024.

²¹⁴⁰ Information sent by civil society organizations in the framework of a public hearing on the exile of journalists at the 190th session of the IACHR, April and June 2024.

²¹⁴¹ Infobae, [Nicaragua se va quedando sin periodismo: medios y cronistas no logran sobrevivir en el exilio](#), August 17, 2024; International Symposium on Online Journalism (ISOJ), [Exilio, prisión y muerte: las dificultades de periodistas en Nicaragua son tema de panel en el Coloquio Iberoamericano](#), April 14, 2024.

²¹⁴² Infobae, [Nicaragua is running out of journalism: media and reporters cannot survive in exile](#), August 17, 2024.

initiatives that guarantee the continuity of independent Nicaraguan journalism and the training of new professionals.

951. Nicaraguan journalists in exile face multiple challenges that have an impact on their personal and professional lives. Among the main obstacles reported are problems of economic and labor sustainability, especially when settling in countries with a higher cost of living. A journalist seeking international protection in Spain who left Nicaragua in November 2021 has noted, "[w]hen you decide to start a life in another country because you have been forced to leave yours, you face a reality that hits you, you are not going to survive and pay your expenses with a salary from Nicaragua." This journalist has had to alternate between journalism and working as a waiter to make ends meet. According to the information received, many journalists have been forced to engage in other work activities to make ends meet and face obstacles to regularizing their immigration status, which limits their job opportunities and access to basic services.

952. The Rapporteurship notes with particular concern that women journalists in exile face additional and differentiated challenges, as they must deal with family responsibilities, such as childcare or parenting, even from a distance. In addition, transnational repression and limited job opportunities disproportionately affect women in the field of independent journalism.

953. RELE recognizes the fundamental role played by Nicaraguan journalism, both in Nicaragua and in exile, in order to continue documenting and exposing the serious human rights violations in the country. In this regard, this Office welcomes the recognition of the Award for Excellence in Journalism 2024 that the *Inter American Press Association* (IAPA) presented to Wilfredo Miranda, Nicaraguan reporter in exile, for his article "A year ago they stripped me of my Nicaraguan nationality", in which he recounts how he suffered firsthand the repression of the Nicaraguan government.

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

954. In the last five years, the IACHR and its Office of the Special Rapporteur have been documenting a pattern of criminalization of public interest speech through laws that directly restrict freedom of expression, peaceful assembly and association, and that seek to produce an exemplary effect in Nicaraguan society²¹⁴³. In particular, the approval of Law No. 1042 "Special Law on Cybercrimes" in October 2020 has allowed the Government of Nicaragua to exercise control over information and expressions on the internet in an arbitrary manner²¹⁴⁴. Since then, the authorities have applied this law to censor journalists, media, human rights defenders, artists, students and religious leaders, generating a climate of fear of reprisals that has led many people to opt for anonymity on social networks.²¹⁴⁵

955. In this context, RELE notes with concern a series of reforms to said law, approved as a matter of urgency by the National Assembly on September 11, 2024²¹⁴⁶. Among the amendments is the extension of Article 1 to explicitly include "the use of social networks and mobile applications", thus expanding state control over the dissemination of ideas and opinions in the digital space²¹⁴⁷. In addition, Article 2 extends its extraterritorial application to "material authors, intellectual authors, necessary cooperators, accomplices, or

²¹⁴³ IACHR, Annual Report 2023, [Chapter IV.B: Nicaragua](#), OEA/Ser.L/V/II. Doc. 386 rev. 1, 31 December 2023, para. 5; Annual Report 2022, [Chapter IV.B: Nicaragua](#), OEA/Ser.L/V/II. Doc. 50 rev. 1, 1 April 2023, paras. 46-48 and 52; Annual Report 2021, [Chapter IV.B: Nicaragua](#), OEA/Ser.L/V/II. Doc. 64 rev. 1, 26 May 2022, paras. 4, 13 and 55; Annual Report 2020, [Chapter IV.B: Nicaragua](#), para. 27.

²¹⁴⁴ IACHR, RELE, Press Release R246/20, [The IACHR and its Office of the Special Rapporteur for Freedom of Expression express concern over new legal threats to freedom of expression and indirect measures against media and journalists in Nicaragua](#), October 7, 2020.

²¹⁴⁵ IACHR, Annual Report 2023, [Chapter IV.B: Nicaragua](#), OEA/Ser.L/V/II. Doc. 386 rev. 1, December 31, 2023, para. 112; Office of the Special Rapporteur for Freedom of Expression, [joint statement OHCHR-Central America and RELE IACHR on the day of the journalist in Nicaragua](#), Press Release R47/21, March 2, 2021.

²¹⁴⁶ Government of Nicaragua, [La Gaceta No. 170](#), September 12, 2024; Asamblea Nacional de Nicaragua, [Aprobada reformas y adiciones a la Ley Especial de Ciberdelitos y Acuerdos de Créditos con Belarús](#), September 11, 2024.

²¹⁴⁷ Government of Nicaragua, [La Gaceta No. 170](#), Law 1.219, Article 1, September 12, 2024.

any person who facilitates or favors the commission of planned crimes", whether committed within or outside the national territory.²¹⁴⁸

956. Additionally, prison sentences were increased for crimes related to the dissemination of information on social networks. Article 30 increases the penalties for "publishing or disseminating false or misrepresented information" from two to four years to three to five years imprisonment²¹⁴⁹. It also increases penalties to up to ten years' imprisonment when the publications allegedly "incite discrimination, hatred and violence" or "endanger economic and social stability, public order, sovereign security or public health"²¹⁵⁰. These penalties can be increased by up to two-thirds for those who "organize, finance, carry out, collaborate and/or facilitate the creation or mass dissemination" of such information.²¹⁵¹

957. In the opinion of the Office of the Special Rapporteur, the Cybercrime Law expands the punitive apparatus of the State in order to punish legitimate expressions, contravening international standards on the matter²¹⁵². As has been previously pointed out, "when the repressive apparatus of the State is directed, by means of a criminal sanction, against expressions on matters of public interest, the legitimacy of the criminal sanction is diluted either because there is no imperative social interest that justifies it, or because it becomes a disproportionate response or even an indirect restriction"²¹⁵³.

958. The application of criminal law in these cases, as a tool to silence public debate and punish criticism, contravenes the fundamental principles of international human rights law. Any limitation on freedom of expression must meet certain requirements to avoid arbitrary controls on speech: it must be precise, pursue a legitimate aim, and be necessary and proportional to achieve that aim²¹⁵⁴. Moreover, it must be interpreted strictly, in particular when it affects specially protected speech such as that related to matters of public interest or criticism of public officials.²¹⁵⁵

959. To this is added a series of reforms to the Code of Criminal Procedure, approved almost simultaneously, on September 10, 2024, through Law No. 1218²¹⁵⁶. In particular, the Rapporteurship notes its concern about Article 230, which gives the National Police broad powers of surveillance and investigation without prior judicial control, including the possibility of: (a) require and access information from computer service providers; (b) extract information from electronic and computer systems; (c) conduct searches, raids and searches; and d) obtain from telephone companies sensitive data on users' communications, such as data on telephone line holders, call records, text and voice messages, geolocation, location of transmitting and receiving antennas, subscriber identity module (SIM) number, internet protocol (IP) addresses, international mobile equipment identifiers (IMEI) and data on all users linked to the devices²¹⁵⁷.

960. The Office of the Special Rapporteur recalls that any interference with the right to privacy must strictly adhere to the principle of legality, that is, it must be set forth in a law that is precise and clearly establishes the circumstances and conditions under which the authorities may implement such measures²¹⁵⁸.

²¹⁴⁸ Government of Nicaragua, [La Gaceta No. 170](#), Law 1.219, Article 2, September 12, 2024.

²¹⁴⁹ Government of Nicaragua, [La Gaceta No. 170](#), Law 1.219, Article 30, September 12, 2024.

²¹⁵⁰ Government of Nicaragua, [La Gaceta No. 170](#), Law 1.219, Article 30, September 12, 2024.

²¹⁵¹ Government of Nicaragua, [La Gaceta No. 170](#), Law 1.219, Article 30, September 12, 2024.

²¹⁵² IACHR, Annual Report 1994, [Chap. V: Report on the Compatibility between the Desacato Laws and the American Convention on Human Rights](#), OEA/Ser.L/V/II.88, Doc. 9 rev.

²¹⁵³ IACHR, Annual Report 2004, Report of the Office of the Special Rapporteur for Freedom of Expression, [Chapter IV: Report on Access to Information in the Hemisphere: Access to Information and Economic Development](#), OEA/Ser.L/V/II.122, Doc. 5 rev. 1, February 23, 2005, para. 18.

²¹⁵⁴ 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. 221.

²¹⁵⁵ 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. 104.

²¹⁵⁶ Government of Nicaragua, [La Gaceta No. 170](#), Law No. 1218, September 12, 2024.

²¹⁵⁷ Government of Nicaragua, [La Gaceta No. 170](#), Law No. 1218, September 12, 2024.

²¹⁵⁸ 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. 116; Case of Tristán Donoso v. Panama, Preliminary Objections, Merits, Reparations and Costs, Judgment of January 27, 2009, Series C No. 193, para. 56.

In this case, the broad powers granted to the National Police allow excessive discretion to access personal data and private communications. Moreover, it does not specify the assumptions that would justify such interference, nor does it establish temporal or material limits for its exercise.

961. On the other hand, although the norm establishes that these measures must be judicially validated within three working days, the absence of prior judicial control eliminates an essential safeguard against abuse of authority. As the UN Special Rapporteur for the Protection of Freedom of Expression and Opinion has pointed out, measures involving interference with the privacy of individuals must be subject to authorization by an independent and impartial judicial body, granted in accordance with due process of law, and with all appropriate limitations as to their duration, form, place and scope²¹⁵⁹. In this regard, the Commission and its RELE emphasize that the period of three working days provided by law is insufficient as a control mechanism, considering that during that period the authorities could have already accessed, collected and processed data in an irreversible manner.

962. Another aspect of concern is the risk that such extraordinary powers of the police could imply for the secrecy of journalistic sources, a fundamental component of freedom of the press, enshrined in Principle 8 of the Declaration of Principles on Freedom of Expression of the IACHR²¹⁶⁰. RELE warns that the possibility for authorities to access, without prior judicial control, records of communications, notes, files and other information of journalists can have an intimidating effect on sources.

963. RELE calls attention to Article 211, which empowers the Director General of the National Police and the Attorney General to "seize, occupy or immobilize assets, securities, certificates of deposit, documents and bank accounts" and suspend financial operations without prior court order²¹⁶¹. This provision, combined with the possibility of executing the measures without notification to the person under investigation, could be used to economically suffocate independent media and civil society organizations.

964. Finally, the approval of a new General Law on Convergent Telecommunications, presented by the Executive Branch in October 2024, is a matter of concern²¹⁶². In its explanatory memorandum, the Executive Branch argued that it is necessary to update this law because it is totally anachronistic and obsolete and its "extreme longevity" contrasts with the dizzying technological advances²¹⁶³. According to the Legislative Assembly, this law "establishes a modern regulatory framework adapted to the technological advances in the matter, in order to guarantee families efficient access to Internet, telephony, radio and other services associated with information technologies"²¹⁶⁴.

965. RELE notes that this bill would grant additional control and surveillance powers to the Nicaraguan Institute of Telecommunications and Postal Services (TELCOR)²¹⁶⁵. Article 110 of this initiative obliges telecommunications operators to "provide all the information required, including statistical and georeferenced information" to the regulator, without establishing adequate safeguards for the protection of personal data.²¹⁶⁶

966. On the other hand, Article 20 establishes a prior authorization regime for the assignment or transfer of licenses for public telecommunications services and audiovisual communications services, granting broad powers to TELCOR to authorize the transfer of licenses and the rights conferred therein²¹⁶⁷. Likewise,

²¹⁵⁹ UN, Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Surveillance and human rights, A/HRC/41/35, 28 May 2019, para. 50.

²¹⁶⁰ IACHR, [Declaration of Principles on Freedom of Expression](#), 2000.

²¹⁶¹ Government of Nicaragua, [La Gaceta No. 170](#), Law No. 1218, September 12, 2024.

²¹⁶² Government of Nicaragua, [Law No. 1223 on Convergent Telecommunications](#), approved on October 31, 2024.

²¹⁶³ Government of Nicaragua, [Convergent Telecommunications Law Initiative](#), March 5, 2024.

²¹⁶⁴ National Assembly of Nicaragua, [Aprobamos Ley General de Telecomunicaciones Convergentes](#), October 31, 2024.

²¹⁶⁵ El País, [Ortega approves new Telecommunications Law to toughen repression and digital spying in Nicaragua](#), November 3, 2024; 100 % Noticias, [Ley de telecomunicaciones convergentes: More control, surveillance of users' personal data and censorship](#), March 12, 2024.

²¹⁶⁶ Government of Nicaragua, [Law No. 1223 on Convergent Telecommunications](#), approved on October 31, 2024.

²¹⁶⁷ Government of Nicaragua, [Convergent Telecommunications Law Initiative](#), March 5, 2024.

the initiative would seek to impose a licensing system for local channel operators and creators of audiovisual content over the Internet.²¹⁶⁸

967. The Rapporteurship finds it problematic that the initiative lacks clear parameters for the granting or revocation of licenses and, due to its broad language and the discretion granted to TELCOR, could be used to hinder the transfer of licenses to independent or critical media. It is of particular concern that the law could be used to prevent the transmission of content from independent media operating from exile and currently reaching the country through the Internet.

968. In addition, it is important to highlight that this body has been used by the Executive Branch as an instrument to exercise control over independent media. In recent years, TELCOR has intensified the arbitrary use of its regulatory powers to cancel licenses and close media critical of the government²¹⁶⁹. In this context, RELE warns that the new initiative of the General Law of Convergent Telecommunications would significantly expand these control capacities.

969. The Office of the Special Rapporteur maintains that these norms, as a whole, form a legal framework that institutionalizes censorship and the transnational persecution of critical voices, and allows for an environment where violations of freedom of expression are legitimized under the premise of public security. Furthermore, they deepen a state of fear and self-censorship, which not only affects media and journalists, but also has a paralyzing effect on various sectors of Nicaraguan civil society.²¹⁷⁰

970. For all of the above reasons, RELE urges the State of Nicaragua to immediately repeal the Special Law on Cybercrime and the reforms to the Code of Criminal Procedure for being manifestly incompatible with international standards on the right to freedom of expression. It also urges the State to refrain from approving new telecommunications legislation that could be used to unduly restrict the flow of information and hinder the operation of independent media.

971. It also reiterates that the State must immediately cease the use of criminal law as a mechanism of intimidation and reprisal against journalists, human rights defenders and dissident voices, and urges the adoption of all necessary measures to ensure that people can exercise their right to freedom of expression without fear of being criminalized and harassed, an indispensable condition for the restoration of the rule of law in Nicaragua.

C. Freedom of expression and the Internet

972. The Office of the Special Rapporteur observes that during 2024, surveillance and control over the digital environment in Nicaragua has intensified²¹⁷¹. The information gathered shows that the State continues to use legal and technological tools to restrict public debate on the Internet, criminalize critical expressions and promote propaganda operations, disinformation and manipulation of information, coordinated from the highest levels of government.²¹⁷²

973. In this regard, RELE takes note of investigations by independent media and civil society organizations that reveal the existence of "digital mobs" or "troll farms" established in various public institutions, including the Nicaraguan Post Office, the Mayor's Office of Managua, the Youth Institute (Injuve)

²¹⁶⁸ Government of Nicaragua, [Law No. 1223 on Convergent Telecommunications](#), approved October 31, 2024; Confidential, [Controlarán contenidos en internet con nueva ley en Nicaragua](#), May 3, 2024.

²¹⁶⁹ Voice of America, [Telcor: Ortega's weapon to shut down media](#), August 17, 2022.

²¹⁷⁰ Article 19 Mexico and Central America Bureau, [Nicaragua reinforces legal framework against critical voices and independent journalists](#), September 13, 2024; El País, [Ortega and Murillo enlarge the fangs of their 'gag law' to control social networks in Nicaragua](#), September 12, 2024.

²¹⁷¹ Freedom House, Freedom on the Net 2024, [Nicaragua Country Report](#), 2024.

²¹⁷² Connectas, [Propaganda, fake news and manipulation behind Ortega and Murillo's "truth"](#), December 6, 2023; Fake News Hunters, [Nicaraguan regime's Lazarus Accounts revive after Meta suspension](#), August 4, 2023; University of Oxford, Reuters Institute, ["Journalists should not stray into activism but preserve our autonomy to scrutinize power"](#), February 28, 2023; Freedom House, Freedom on the Net 2024, [Nicaragua Country Report](#), 2024.

and the offices of the Supreme Court of Justice²¹⁷³. These cells would be dedicated to producing and disseminating pro-government content and attacking opponents on digital platforms such as *TikTok*, *Instagram*, *Facebook* and *X* (formerly *Twitter*)²¹⁷⁴. In addition, they highlight that the Nicaraguan government would have a network of at least 13 *Telegram* channels dedicated to the dissemination of government propaganda and attacks against people considered opponents²¹⁷⁵. The analysis of 162,580 messages published between 2018 and 2023 evidences a coordinated pattern of disinformation and stigmatization against human rights defenders, journalists, religious leaders and political opponents.²¹⁷⁶

974. RELE highlights that, in recent years, the State has strengthened its control capacity over the digital environment through different legislative reforms. As previously stated, the initiative of the General Law of Convergent Telecommunications, presented by the Executive Branch in March 2024 and the reforms to the Special Law on Cybercrimes could serve as a legal basis to exercise greater control over the discourse in the digital environment and to criminalize legitimate expressions. The Rapporteurship notes with concern that this regulatory framework has an intimidating effect that has led to a state of generalized self-censorship among citizens.²¹⁷⁷

975. In relation to the above, several cases have been documented that illustrate the seriousness of persecution in the digital environment. On November 29, 2023, writer, sociologist and former professor Freddy Quezada was arrested for publishing a criticism on social networks about the way in which the authorities presented Bishop Rolando Álvarez in prison and for giving "likes" to a publication related to Miss Universe Sheynnis Palacios²¹⁷⁸. Since 2018, Freddy Quezada had publicly questioned the government management on numerous occasions, especially through social networks, where he has expressed his opinions and critical reflections about the situation of the country²¹⁷⁹. In this framework, Quezada was subjected to a judicial process without the minimum guarantees of due process, conducted via video call, without effective access to legal defense, and convicted for the alleged commission of the crime of "incitement to hatred"²¹⁸⁰. In December 2023, the Inter-American Commission granted precautionary measures in favor of Freddy Quezada, after considering that he is in a serious and urgent situation of risk of irreparable harm to his rights in Nicaragua²¹⁸¹. In September he was expelled from the country along with 134 other political prisoners, including journalists Víctor Ticay and Sergio Catarino Castiblanco.²¹⁸²

976. In the same vein, information was received about the case of content creator Cristóbal Geovanny López Acevedo, known as "Tropi Gamer", arrested on November 22, 2023 after making a live broadcast where he celebrated the victory of Miss Nicaragua Sheynnis Palacios and defended her against criticism from pro-government media²¹⁸³. López Acevedo would have been tried for different crimes, including child pornography, drug trafficking and organized crime, where the evidence against him were videos downloaded from the Internet and testimonies of police officers. According to public reports, he was transferred to the maximum security area of La Modelo prison, where he was held for nine months in solitary

²¹⁷³ Connectas, [Propaganda, fake news and manipulation behind the "truth", by Ortega y Murillo](#), December 6, 2023.

²¹⁷⁴ Connectas, [Propaganda, fake news and manipulation behind the "truth", by Ortega y Murillo](#), December 6, 2023.

²¹⁷⁵ Connectas, [Propaganda, fake news and manipulation behind the "truth", by Ortega y Murillo](#), December 6, 2023.

²¹⁷⁶ Connectas, [Propaganda, fake news and manipulation behind the "truth", by Ortega y Murillo](#), December 6, 2023.

²¹⁷⁷ Voces del Sur, [Press Freedom in Nicaragua without respite: Ortega does not stop attacking](#), 10 April 2023; RFI, ['En Nicaragua hay un gran temor de denunciar las agresiones contra periodistas'](#), 12 July 2024.

²¹⁷⁸ Confidencial, [Detienen al exprofesor de la UNAN-Managua, Freddy Quezada](#), 30 November 2023; Despacho 505, [Freddy Quezada el intelectual desaparecido por el régimen por ridiculizar "la pasarela de los presos políticos"](#), 25 July 2024.

²¹⁷⁹ IACHR, [Resolution 82/2023](#), Precautionary Measures No. 1091-23, Freddy Antonio Quezada regarding Nicaragua, December 27, 2023, para. 14.

²¹⁸⁰ Divergentes, [El filósofo juzgado via Zoom: profesor Freddy Quezada declarado culpable por "incitación al odio"](#), 22 February 2024; Confidencial, [Juicios "virtuales" aislan más a los presos políticos en Nicaragua](#), 4 July 2024.

²¹⁸¹ IACHR, [Resolution 82/2023](#), Precautionary Measures No. 1091-23, Freddy Antonio Quezada regarding Nicaragua, December 27, 2023.

²¹⁸² Pen International, [Nicaragua: Writer and academic Freddy Quezada released and forced into exile along with 134 political prisoners, including journalists and artists](#), September 13, 2024.

²¹⁸³ Confidencial, [¿Quién es el 'tiktok' preso en Nicaragua por defender a Miss Universe 2023](#), November 24, 2023; Infobae, [Las absurdas razones que Daniel Ortega usa para encarcelar a los ciudadanos en Nicaragua](#), September 28, 2024.

confinement, in a cell measuring three meters by two meters, without ventilation²¹⁸⁴. López Acevedo was released and expelled from the country in the same context as Freddy Quezada.²¹⁸⁵

977. These cases are in addition to a series of repressive acts that target any expression of support for Miss Universe, including artistic and cultural manifestations, as evidenced by the case of two artists who were prevented by the authorities from making a mural in her honor in the city of Estelí, and were even arrested for doing so²¹⁸⁶. The Commission and the Rapporteurship find that the criminalization of such basic acts of expression on social networks, such as expressing "I like" in front of a publication or making critical comments, evidences the level of control and censorship that currently exists in the digital environment in Nicaragua.²¹⁸⁷

978. In this regard, the Rapporteurship notes that the Internet is no longer a means for the free exercise of freedom of expression in Nicaragua. Far from being an alternative platform for sharing opinions and information as it was in previous years, social networks have become a space monitored and controlled by the State, where any expression or even critical interaction can lead to criminal consequences for its authors.

979. In this context, people are forced to resort to anonymity or directly to refrain from expressing opinions on social networks for fear of criminal reprisals. RELE is concerned that this climate of fear has generated an inhibiting effect that affects not only journalists and human rights defenders, but citizens in general, severely limiting public debate on issues of collective interest. In this regard, a 2023 Derechos Digitales report documented that, since 2021, many journalists have stopped including their names in their articles, due to concerns for their own safety and that of their families, opting to continue their journalistic work anonymously.

980. Some media outlets have sought alternatives to circumvent these restrictions. The Office of the Special Rapporteur takes note of initiatives such as the campaign launched by the media outlets *100% Noticias* and *Despacho 505* to promote the use of virtual private networks (VPNs) among their audiences²¹⁸⁸. However, even these digital protection measures are insufficient in the face of the risk of criminalization faced by people who attempt to demonstrate publicly, particularly in a context where the mere interaction with content considered contrary to the official narrative can result in serious legal consequences.

981. The Special Rapporteur emphasizes that the use of cybercrime legislation to criminalize criticism and political dissent contravenes human rights standards, according to which any measure that may affect the exercise of freedom of expression on the Internet must be established by law, pursue a legitimate aim, and be necessary to achieve that aim²¹⁸⁹. In addition, it emphasizes that public policies and regulations of the Internet should seek to preserve its architecture and promote its "open, distributed and interconnected nature"²¹⁹⁰.

982. In its report "Freedom of Expression and the Internet", RELE stated that "maximizing the number and diversity of voices that can participate in public deliberation is both a condition and an essential goal of the democratic process. In this sense, robust guarantees for the exercise of freedom of expression through the Internet are, at present, a condition of possibility for this opening of the public sphere. It is up to

²¹⁸⁴ Divergent, [Tiktoker "Tropi Gamer", the new repentant Sandinista: "I was arrested for supporting Sheyannis Palacios"](#), September 8, 2024.

²¹⁸⁵ Confidential, ["Tropi Gamer", the tiktoker banished "for defending Sheyannis Palacios" in Nicaragua](#), September 7, 2024.

²¹⁸⁶ La Prensa, [Impiden a artistas pintar mural en homenaje a Miss Universo, Sheyannis Palacios, en Estelí](#), 21 November 2023; BBC, ["Pasé 9 meses en una cárcel de Nicaragua por celebrar el triunfo de Miss Universo y ahora me han desterrado y quitado la nacionalidad"](#), 13 September 2024;

²¹⁸⁷ Freedom House, Freedom on the Net 2024, [Nicaragua Country Report](#), 2024.

²¹⁸⁸ LatAm Journalism Review, [Nicaragua's independent media prepare for possible IP blocking and content control before telecommunications law initiative](#), May 29, 2024.

²¹⁸⁹ 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. 122.

²¹⁹⁰ 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. 13; Organization for Economic Cooperation and Development (OECD), OECD Council Recommendation on Principles for Internet Policy Making, December 13, 2011, Recommendation 2.

the State to preserve the unbeatable conditions that the Internet possesses to promote and maintain information pluralism. This implies ensuring that no changes are introduced on the Internet that result in the reduction of voices and content. Public policies on the matter must protect the multidirectional nature of the Internet and promote platforms that allow the search and dissemination of information and ideas of all kinds, regardless of borders"²¹⁹¹.

983. In addition, the Rapporteurship recalls that, according to Principle 5 of the Declaration of Principles on Freedom of Expression of the IACHR, "[p]rior censorship, direct interference or pressure or indirect 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"²¹⁹².

984. In view of the above, RELE urges the State of Nicaragua to cease criminal prosecution against persons exercising their right to freedom of expression on the Internet and to repeal or modify the regulations that allow the criminalization of legitimate online expression. Finally, they call attention to the urgent need to guarantee a plural and diverse digital environment, especially relevant in those areas of the country where access to alternative sources of information is already seriously limited by the closure of traditional media.

²¹⁹¹ 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, paras. 18 and 19.

²¹⁹² IACHR, [Declaration of Principles on Freedom of Expression](#), 2000.

PANAMA

985. In 2024, the Office of the Special Rapporteur received reports of attacks against journalists and media outlets in Panama, particularly in relation to cases of alleged judicial harassment and the activation of legal mechanisms for silencing purposes. Specifically, the Special Rapporteurship highlights the recent subscription of the President of the Republic and representatives of the *Inter-American Press Association* (IAPA) to the Chapultepec and Salta II Declarations, which was identified as one of the most significant advances in the period. Likewise, the Office of the Special Rapporteur learned of the presentation of legislative bills that could have an impact on the exercise and guarantee of freedom of expression and press freedom. In addition, facts and judicial decisions were reported that could particularly affect groups in vulnerable situations.

A. Journalism and democracy

986. In 2024, the Office of the Special Rapporteur received reports of attacks and intimidation against journalists and the media, allegedly perpetrated by public officials, some of which occurred in the context of social protests. Thus, this Office received information about independent photojournalist Aubrey Baxter, who was seriously injured while doing his reporting work during a protest against a mining concession at the end of 2023. According to public reports, Baxter lost his right eye after being hit by a pellet fired from less than five meters away, allegedly by a police officer guarding the National Assembly²¹⁹³. In addition, other journalists were affected by tear gas and pellets during these incidents.²¹⁹⁴

987. In February 2024, the Office of the Special Rapporteur learned of reports of an attack on a journalist and a cameraman from *TVN Media* at the University of Panama, allegedly by supporters of a presidential candidate and members of the Sindicato Único de Trabajadores de la Construcción (Suntracs)²¹⁹⁵. According to public reports, the communicators were at the site to cover the first presidential debate. The aggressions reportedly began when an electoral delegate asked Gordón's supporters to lower the volume of the music²¹⁹⁶. In response, members of the Suntracs allegedly attacked the journalists, hitting them with banners²¹⁹⁷. The National College of Journalists (CONAPE) rejected the events and demanded a thorough investigation of what happened.²¹⁹⁸

988. As has been reported in previous annual reports, this Office continues to observe the activation of judicial processes and legal actions against journalists and media outlets in Panama that report on matters of public interest. Thus, for example, in February 2024, the Rapporteurship learned that the National Authority for Transparency and Access to Information (ANTAI) of Panama confirmed Resolution #ANTAI-PDP-016-2022 of May 5, 2022, which imposes a fine of USD 1,000 on the portal *La Verdad Panama* for publishing a marriage certificate as part of a news item. The fine is based on the alleged violation of the Personal Data Protection Law, since considered that private documents require consent of the holders for their treatment²¹⁹⁹. According to public information, the resolution highlighted the need to distinguish between "information" and "personal data", which identify natural persons and are not of a public nature²²⁰⁰. However, in August 2024,

²¹⁹³ Inter American Press Association (IAPA), [Report before the 2024 Midyear Meeting](#), April 2024; El País, [Aubrey Baxter, the photographer who lost an eye in Panama protests: "What is happening compares to dictatorship."](#) November 9, 2023; Voice of America, [Photojournalist Aubrey Baxter](#), November 3, 2023; Orato World Media, [Panamanian journalist loses eye during environmental protest when police fired into crowd](#), January 7, 2024.

²¹⁹⁴ Inter American Press Association (IAPA), [Report before the 2024 Midyear Meeting](#), April 2024; El País, [Aubrey Baxter, the photographer who lost an eye in Panama protests: "What is happening compares to dictatorship."](#) November 9, 2023; Voice of America, [Photojournalist Aubrey Baxter](#), November 3, 2023; Orato World Media, [Panamanian journalist loses eye during environmental protest when police fired into crowd](#), January 7, 2024.

²¹⁹⁵ La Prensa, [Simpatizantes de Maribel Gordón y sindicalistas agreden a periodistas que cubrían el debate](#), 27 de febrero de 2024; Telemetro.com, [Gremios condenan agresión a periodistas durante el debate presidencial](#), 27 de febrero de 2024.

²¹⁹⁶ La Prensa, [Maribel Gordón supporters and unionists attack journalists covering the debate](#), February 27, 2024.

²¹⁹⁷ La Prensa, [Maribel Gordón supporters and unionists attack journalists covering the debate](#), February 27, 2024.

²¹⁹⁸ En Segundos, [CONAPE rejects aggression against journalist and photojournalist](#), February 27, 2024.

²¹⁹⁹ In Segundos, [ANTAI: Panama's press freedom watchdog](#), February 15, 2024

²²⁰⁰ In Segundos, [ANTAI: Panama's press freedom watchdog](#), February 15, 2024

the Special Rapporteurship learned that the fine imposed on the newspaper *La Verdad Panamá* for alleged violation of the Personal Data Protection Law was revoked, and the file closed .²²⁰¹

989. In April 2024, the Special Rapporteur learned that the Supreme Court of Justice upheld a civil conviction handed down by the Superior Court of the First Judicial District against *Geo Media*, publisher of the newspapers *La Estrella de Panamá* and *El Siglo*. According to public reports, *Geo Media* must pay US\$24,735 in a US\$400,000 lawsuit filed by Nelsón Carreyó, who at the time was a candidate for the position of magistrate of the Court of Maritime Appeals²²⁰² . The lawsuit alleged damages arising from publications considered offensive by the plaintiff, disseminated in 2013²²⁰³

990. The *National Council of Journalism* (CNP) and other journalists' associations expressed their concern about the precedent that could be set by the conviction²²⁰⁴ . In a communiqué signed by the journalism associations, they warned that "the growing tendency to seek judicial compensation, both in the criminal and civil jurisdiction, is becoming a dangerous custom in Panama that not only threatens the media's ability to inform, but also affects their assets and their economic capacity to operate"²²⁰⁵ .

991. The Special Rapporteurship also learned that the digital media *Foco* is currently facing two criminal cases and two civil lawsuits for 746,000 USD²²⁰⁶ . According to public reports, in the process initiated by former President Martinelli for alleged damages derived from slander and libel, the embargo of 4,500 USD²²⁰⁷ is maintained.

992. The Office of the Special Rapporteur also received information on ongoing legal and judicial actions against Corporación La Prensa. In particular, this Office learned that ANTAI ratified the sanction imposed on the media outlet La Prensa for alleged non-compliance with Law 81 of 2019 on the protection of personal data, related to the publication of a photograph of the face of Congressman Benicio Robinson in the report entitled "Ruta de los cupos llega hasta Benicio Robinson", published in February 2022²²⁰⁸ . ANTAI considered that the photo was a "personal biometric data" protected by said law²²⁰⁹ . However, as far as this Office was able to learn, on August 13, 2024, ANTAI revoked the sanction after learning that the congressman had filed a civil lawsuit against Corporación La Prensa for \$1.5 million for the same facts. At the date of writing of this report, the case is in the Second Civil Circuit Court²²¹⁰

993. Likewise, this year 2024, the Rapporteurship learned that, in November 2023, a second instance court overturned the ruling in favor of the media outlet La Prensa in a civil suit for alleged damages of US\$5.5 million filed in 2012 by former President Pérez Balladares²²¹¹ . The first instance ruling, considered a significant precedent for press freedom, had exonerated the media outlet using the principle of actual malice. According to available information, the case is currently under appeal before the Supreme Court of Justice²²¹² .

²²⁰¹ En Segundos, [Revocan multa impuesta contra el diario La Verdad Panamá](#), August 20, 2024; Respuesta del Estado de Panamá a la solicitud por Artículo 41 de la Relatoría Especial para la Libertad de Expresión de la Comisión Interamericana de Derechos Humanos (CIDH/RELE/Art.41/09-2024/486), September 17, 2024, Archivo de la Relatoría Especial para la Libertad de Expresión.

²²⁰² La Estrella de Panamá, [Condena a Geomedia es un peligroso precedente contra la libertad de prensa' aseguran gremios periodísticos](#), April 10, 2024; IAPA, [Panamá: Informe ante la Reunión de Medio Año 2024. Abril 17-19](#), April 11, 2024.

²²⁰³ La Estrella de Panamá, [Condena a Geomedia es un peligroso precedente contra la libertad de prensa' aseguran gremios periodísticos](#), 10 de abril de 2024.

²²⁰⁴ La Estrella de Panamá, [Condena a Geomedia es un peligroso precedente contra la libertad de prensa' aseguran gremios periodísticos](#), 10 de abril de 2024.

²²⁰⁵ La Estrella de Panamá, [Condena a Geomedia es un peligroso precedente contra la libertad de prensa' aseguran gremios periodísticos](#), 10 de abril de 2024.

²²⁰⁶ IAPA, [Panama: 80th General Assembly of the IAPA, October 17 - 20, 2024, Cordoba, Argentina](#), October 20, 2024.

²²⁰⁷ IAPA, [Panama: 80th General Assembly of the IAPA, October 17 - 20, 2024, Cordoba, Argentina](#), October 20, 2024.

²²⁰⁸ Foco Panamá, [Antai fines La Prensa for publishing photo of Benicio Robinson](#), April 25, 2023; IACHR, Annual Report 2023, [Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II Doc. 386, December 6, 2023, paras. 1193-1195.

²²⁰⁹ Foco Panamá, [Antai fines La Prensa for publishing photo of Benicio Robinson](#), April 25, 2023.

²²¹⁰ La Prensa, [Antai revokes fine imposed on Corprensa for using photo of Benicio Robinson](#), August 24, 2024.

²²¹¹ La Prensa, [Antai revokes fine imposed on Corprensa for using photo of Benicio Robinson](#), August 24, 2024.

²²¹² SIP, [Report to the Mid-Year Meeting 2024](#), April 2024.

The lawsuit against former President Pérez Balladares was filed for defamation after he was mentioned in publications in 2011 that questioned him²²¹³

994. The Office of the Special Rapporteur notes with concern that, as of the date of writing of this report, *La Prensa* is facing approximately 15 civil lawsuits and 5 criminal complaints filed by former government officials, former contractors, congressmen and public figures. These legal actions could amount to more than US\$50 million in fines and damages.

995. Also, it was learned that a court of second instance ratified the conviction against commentator Eduardo Narváez, imposing a sentence of five years in prison for the crime of gender violence against the former Attorney General of the Nation for alleged psychological injuries²²¹⁴. The complaint was filed by Kenia Porcell after publications made in January 2019 on the social network *Instagram*, which showed images of a Russian model who bore physical resemblance to the former official. According to public reports, the parties involved may appeal the decision before the Supreme Court of Justice.²²¹⁵

996. In view of the above facts, the Rapporteurship 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 debate²²¹⁶. Likewise, the Commission has repeatedly held that 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 law²²¹⁷. For this reason, States have the obligation to create the conditions for journalists to be able to exercise their function freely, independently and safely.²²¹⁸

997. According to Article 13(3) of the American Convention, "the right of expression may not be restricted by indirect ways or means, such as the abuse of official or private controls of newsprint, radio frequencies, or equipment and apparatus used in the dissemination of information, or by any other means designed to impede the communication and circulation of ideas and opinions".

998. This Office emphasizes that direct or indirect pressures from the State aimed at silencing the informative work of social communicators are incompatible with freedom of expression. Principle 13 of the Declaration of Principles on Freedom of Expression of the IACHR establishes that "the use of the power of the State and the resources of the public treasury (...) 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 and should be expressly prohibited by law. The social communication media have the right to carry out their work independently"²²¹⁹.

999. Likewise, this Office recalls that the use of criminal law to punish expressions about matters of public interest or about public officials, candidates for public office, or politicians violates Article 13 of the American Convention²²²⁰. 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 and not to compensate the plaintiff or punish the defendant; in particular, pecuniary sanctions should be strictly

²²¹³ LatAm Journalism Review, [Ex-President's \\$5.5 million lawsuit puts major Panamanian newspaper at risk](#), September 4, 2024; *La Prensa*, [Perez B. linked to Bahamian money](#), March 22, 2011.

²²¹⁴ IAPA, [Report to the Mid-Year Meeting 2024](#), April 2024; IACHR, Annual Report 2023, [Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II Doc. 386, December 6, 2023, para. 1197.

²²¹⁵ SIP, [Report to the Mid-Year Meeting 2024](#), April 2024.

²²¹⁶ I/A Court H.R., [Advisory Opinion OC-5/85 of November 13, 1985](#). "Compulsory Membership in an Association of Journalists (Arts. 13 and 29 American Convention on Human Rights)", para. 71; IACHR, [Background and Interpretation of the Declaration of Principles](#).

²²¹⁷ IACHR, [Background and Interpretation of the Declaration of Principles](#).

²²¹⁸ 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.

²²¹⁹ IACHR, [Declaration of Principles on Freedom of Expression](#), October 20, 2000.

²²²⁰ 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. 1089.

proportional to the actual harm caused and the law should prioritize the use of a range of non-pecuniary remedies.²²²¹

1000. Furthermore, the Special Rapporteurship reiterates 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.²²²²

1001. Finally, the Office of the Special Rapporteur learned of the signing, on November 21, 2024, of the Declaration of Chapultepec and the Declaration of Salta II, by the President of the Republic and representatives of the IAPA²²²³. The Declaration of Chapultepec, adopted in 1994, establishes in 10 principles the concept of consolidation of public freedoms and human rights, emphasizing that freedom of expression is "the driving force and starting point of the basic rights of the human being"²²²⁴. For its part, the Salta II Declaration is an updated version of the original 2018 declaration, adapted to the challenges facing press freedom in the digital context.²²²⁵

1002. The Office of the Special Rapporteur welcomes the decision of the Executive to sign both declarations, especially emphasizing that Panama is the first country in the region to sign the Salta II Declaration. The Rapporteurship urges the Panamanian State that this important step be accompanied by concrete actions and measures to ensure an environment conducive to the full exercise of freedom of expression and press freedom in the country, in line with the principles established in these declarations and inter-American standards on the matter.

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

1003. In 2024, the Office of the Special Rapporteur was informed of progress in the investigations of aggressions and crimes committed against demonstrators in the context of protests in Panama²²²⁶. In particular, this Office learned that the Homicide and Femicide Section of Panama, in an intermediate hearing, obtained a 48-year prison sentence for the murder of two protesters, which occurred on November 7, 2023 in Chame, during the protests at the end of that year²²²⁷. The defendant was sentenced for the crimes of aggravated intentional homicide to the detriment of two people and illegal possession of a firearm.²²²⁸

1004. On the other hand, the Office of the Special Rapporteur learned of the presentation of bills that could have an impact on the exercise and guarantee of freedom of expression and press freedom. In its biannual report, the IAPA highlighted that in the Government, Justice and Constitutional Affairs Committee of the Congress, there are three bills related to these freedoms, none of which have been debated²²²⁹. These include a bill to regulate state spending on advertising, with the objective of making it "more transparent, efficient and equitable", as well as a bill pending discussion that seeks to establish protections against judicial and

²²²¹ United Nations (UN) Special Rapporteur on 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, [Joint Declaration on Freedom of Expression and the Internet](#), 30 November 2000.

²²²² IACHR, Report on the compatibility between desacato laws and the ACHR, 1995. Section IV.C.

²²²³ IAPA, [IAPA Delegation to Meet in Panama with President José Raúl Mulino](#), November 19, 2024; La Prensa, [Press Freedom: Panama Joins Chapultepec Declaration](#), November 21, 2024.

²²²⁴ IAPA, [IAPA Delegation to Meet in Panama with President José Raúl Mulino](#), November 19, 2024; La Prensa, [Press Freedom: Panama Joins Chapultepec Declaration](#), November 21, 2024.

²²²⁵ IAPA, [IAPA Delegation to Meet in Panama with President José Raúl Mulino](#), November 19, 2024; La Prensa, [Press Freedom: Panama Joins Chapultepec Declaration](#), November 21, 2024.

²²²⁶ EFE, [Man who shot dead two protesters in Panama sentenced to 48 years in prison](#), June 11, 2024.

²²²⁷ Procuraduría General de la Nación, [Condenado a 48 años de prisión por doble homicidio en Chame](#), June 11, 2024; EFE, [Condenan a 48 años de prisión al hombre que mató a tiros a dos manifestantes en Panamá](#), June 11, 2024.

²²²⁸ Procuraduría General de la Nación, [Condenado a 48 años de prisión por doble homicidio en Chame](#), June 11, 2024; EFE, [Condenan a 48 años de prisión al hombre que mató a tiros a dos manifestantes en Panamá](#), June 11, 2024.

²²²⁹ SIP, [Report to the Mid-Year Meeting 2024](#), April 2024.

procedural harassment²²³⁰. According to public information, the latter would seek to prevent the property and assets of the media and opinion makers from being judicially seized in civil proceedings for slander and libel.²²³¹

1005. Likewise, the Rapporteurship notes with concern the presentation of a bill by a deputy of the Realizando Metas party, who also holds the position of second vice-president of the National Assembly. The bill proposes to amend certain articles of the Criminal Code and the Criminal Procedural Code of Panama in relation to crimes against the honor of the natural person and the presumption of innocence, with the aim of increasing the penalties and prison sentences for crimes of slander and libel committed through social media.²²³²

1006. On the other hand, in relation to access to public information, the State of Panama reported that the Transparency Commission of the TE conducted training for 1,428 officials on issues of Access to Information, Electoral Transparency, the General Elections Plan 2024 (PLAGEL), ethics of electoral officials and the importance of transparency in public service²²³³. Likewise, it pointed out that in relation to the Anti-Corruption Memorandum of Understanding (MOU), signed between the Attorney General's Office, the National Authority for Transparency and Access to Information (ANTAI) and the Ministry of Security (MINSEG), during the months of March and April 2024, two (2) training sessions were held, on accountability in the management and custody of public funds and investigations on irregularities in the management of such funds²²³⁴. Both workshops, as reported by the State, were addressed to 69 officials (40 women and 29 men) of the Attorney General's Office, the Ministry of Public Security, the National Authority for Transparency and Access to Information, the General Prosecutor's Office, the Judiciary, the Comptroller General's Office and the General Directorate of Public Contracting.²²³⁵

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

1007. In 2024, this Office learned that the Supreme Court of Justice admitted the constitutionality of the prohibition of same-sex marriage²²³⁶. Despite the advances in public opinion on this issue, it has been pointed out that this progress is not reflected in the legal framework, due to the lack of political will to modify the current legislation.²²³⁷

1008. This Office was also informed of a complaint filed by the *Observatorio Panamá Afro* (OPA) regarding a possible act of racism²²³⁸. According to available reports, the incident occurred during a flight, when the presiding justice of the Supreme Court of Justice made discriminatory comments towards a flight attendant, who had called her attention to the high tone of voice with which she was boarding the plane.²²³⁹

1009. 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

²²³⁰ SIP, [Report to the Mid-Year Meeting 2024](#), April 2024.

²²³¹ Swissinfo.ch, [IAPA: The biggest problem for journalism in Panama continues to be judicial harassment to silence](#), October 18, 2024.

²²³² La Estrella Panamá, [Diputado Acosta propone duplicar penas por calumnia](#), 15 October 2024; La Prensa, [Repudian propuesta de Jamis Acosta para incrementar penas de cárcel por calumnia e injuria](#), 16 October 2024; TVN, [Presentan en la Asamblea un anteproyecto que busca sancionar la calumnia e injuria](#), 14 October 2024.

²²³³ 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 NV-PANA-OAS-2-472 from the Permanent Mission of Panama to the OAS, November 15, 2024, pp. 4 and 17.

²²³⁴ 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 NV-PANA-OAS-2-472 from the Permanent Mission of Panama to the OAS, November 15, 2024, pp. 4 and 17.

²²³⁵ 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 NV-PANA-OAS-2-472 from the Permanent Mission of Panama to the OAS, November 15, 2024, pp. 4 and 17.

²²³⁶ Civicus, [Panama: "By giving government green light to discriminate, court has broadened scope of LGBTQI+ case."](#) Jan. 4, 2024.

²²³⁷ Civicus, [Panama: "By giving government green light to discriminate, court has broadened scope of LGBTQI+ case."](#) Jan. 4, 2024.

²²³⁸ La Estrella de Panamá, [OPA denounces racial discrimination](#), June 10, 2024

²²³⁹ La Estrella de Panamá, [OPA denounces racial discrimination](#), June 10, 2024.

misinformation and, instead, should take advantage of their leadership positions to counteract these social harms".²²⁴⁰

D. Freedom of expression and the Internet

1010. The Rapporteurship has learned of reports of cybercrime cases that threaten the security of personal information of citizens in Panama. According to public reports, complaints about the "*hacking*" of *WhatsApp* accounts have increased in the Cybercrime Office of the National Directorate of Judicial Investigation²²⁴¹. According to public information, in these incidents, cybercriminals access the text messages of the victims through the *WhatsApp* platform, contact their relatives, friends and acquaintances, and request money. The most vulnerable sector in these cases are the elderly and children and adolescents, due to their lower knowledge of cyber risks.²²⁴²

1011. Likewise, there have been cases that could compromise the integrity of the private information of State entities. An example of this is the complaint filed in November by the Fire Department, following the *hacking* of several of its institutional accounts²²⁴³. It has been reported that the affected accounts correspond to the General Directorate, Payroll, Human Resources, Administration and Legal Counsel. In view of this incident, the institution announced the initiation of an internal investigation through the Internal Affairs Office.²²⁴⁴

²²⁴⁰ The 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, 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 on Political Leaders, Persons in Public Office, and Freedom of Expression](#), October 20, 2021.

²²⁴¹ Panama America, [Reports of 'hacking' of Whatsapp accounts increase](#), October 30, 2024.

²²⁴² Panama America, [Reports of 'hacking' of Whatsapp accounts increase](#), October 30, 2024.

²²⁴³ Destination Panama, [Firefighters file complaint for hacking of several accounts](#), November 2024.

²²⁴⁴ Destination Panama, [Firefighters file complaint for hacking of several accounts](#), November 2024.

PARAGUAY

1012. In 2024, the Office of the Special Rapporteur received reports of attacks on the press, including death threats, physical attacks and violence during journalistic coverage, as well as stigmatizing statements. Of particular concern is the prosecution of journalists under Law No. 5777 of 2016 "On Comprehensive Protection of Women against all forms of violence", which is reportedly being used for intimidatory purposes against those investigating issues of high public interest. The year was marked by complaints about an increasingly hostile environment for the exercise of rights such as freedom of association and assembly, especially reflected in the approval of the law on control, transparency and accountability of non-profit organizations, enacted on November 15, 2025. It was also noted that civil society organizations and a deterioration of the public debate in Paraguay, aimed at discouraging criticism. Nevertheless, RELE values advances in the investigation of crimes against the press and judicial decisions that represent progress for the right to freedom of expression.

A. Journalism and democracy

1013. The Special Rapporteurship learned about the 2024 annual report of the Observatory on Violence against Journalists²²⁴⁵ of the Roundtable for the Safety of Journalists of Paraguay, which documented some 33 cases of violence against journalists and attacks on freedom of the press and expression²²⁴⁶. In March 2024, the Rapporteurship learned of reports of death threats against journalist Juan Alcaraz, administrator of the website *SdG Noticias* in Salto del Guairá, Canindeyú, an area affected by organized crime. Alcaraz reportedly received a WhatsApp message from a Brazilian number threatening to burn down his house with him inside²²⁴⁷. According to public reports, the journalist had already been the victim of a previous attack, in which his house and car were set on fire. The threats were also related to his reports on alleged administrative mismanagement and nepotism in the administration of a mayor. The organization *Reporters Without Borders* (RSF) expressed its concern for Alcaraz's safety and asked the authorities to investigate the threats and to take the necessary protective measures to guarantee his safety and that of other journalists in the region.²²⁴⁸

1014. On August 30, 2024, telephone death threats were reported against journalist Elías Cabral, allegedly by members of the criminal group First Capital Command (PCC) in Curuguaty, Canindeyú. The journalist said that the threats arose after the publication of audios related to the murder of an inhabitant of Villa Ygatimí in November 2023, as well as for his questioning of a political sector of the country on his radio program *Tiempo de Noticias*²²⁴⁹. The authorities opened a public prosecutor's investigation into the PCC threats against the journalist.²²⁵⁰

1015. In the context of the violence affecting the department of Canindeyú, the Office of the Special Rapporteur received with concern reports of the confirmation by the Minister of the National Anti-Drug Secretariat (Senad) of the existence of a list of persons allegedly marked for assassination in that region²²⁵¹. Among the names mentioned were reportedly those of Julio Colmán, a local journalist and politician, and two

²²⁴⁵ The Observatory on Violence against Journalists in Paraguay is a project of the Roundtable for the Safety of Journalists, developed and strengthened with the support of UNESCO through its International Program for the Development of Communication (IPDC).

²²⁴⁶ Mesa para la Seguridad de Periodistas, [Observatorio registered 33 cases of violence against journalists in 2024](#), December 26, 2024.

²²⁴⁷ ABC, [Amenazan con quemar casa de comunicador con él adentro en Saltos del Guairá](#), March 9, 2024; Última Hora, [Amenazan de muerte a comunicador en Salto del Guairá](#), March 10, 2024; La Nación, [Canindeyú: periodista denuncia amenazas porque su trabajo molesta a patrones de frontera](#), April 17, 2024.

²²⁴⁸ Reporters Without Borders (RSF), RSF en español, [@RSF_eng], (March 11, 2024), RSF expresses extreme concern for the life of journalist Juan Alcaraz, X, https://x.com/RSF_esp/status/1767322776476532938.

²²⁴⁹ ABC, [Periodista recibe amenaza presuntamente del PCC](#), 1 September 2024, C9N Paraguay, [Presunta amenaza de muerte al periodista Elías Cabral](#), 2 September 2024; Diario Popular, Reportan amenaza del PCC contra periodista, 31 August 2024; Mesa para la Seguridad de Periodistas, [Elías Cabral](#), 30 August 2024.

²²⁵⁰ Ministerio Público República del Paraguay, [Abren carpeta fiscal sobre amenazas del PCC contra periodista en Curuguaty](#), September 3, 2024.

²²⁵¹ Mesa para la Seguridad de Periodistas, [Informe anual de la Mesa para la Seguridad de Periodistas del Paraguay. año 2024](#), 2024; Última Hora, [Critican al ministro de la Senad por divulgar lista sin avisar a afectados](#), April 17, 2024; Diario Popular, [Lista de la "mafia" en Canindeyú incluye a periodistas entre sus objetivos](#), April 16, 2024.

correspondents. According to available information, although he was offered police protection, journalist Colmán reportedly refused the measure²²⁵². Furthermore, the public disclosure of this information by the Minister was considered irresponsible by local journalists, who pointed out that the announcement was made without prior contact with the affected persons to coordinate adequate security measures.²²⁵³

1016. This Office also received reports of an incident that occurred in front of the home of Laislaa Rodríguez, mother of journalist Alexander Álvarez, who was murdered in February 2023. According to the reports, an unknown man on a motorcycle stopped in front of Rodríguez's house, drew a firearm and shot at a window, with no injuries reported²²⁵⁴. The Special Rapporteurship had already documented the murder of Alvarez in its previous annual report, noting that on February 14, 2023, the journalist, who worked for Radio Urunday FM, was shot and killed while waiting in his vehicle for the traffic light to change, by an unknown assailant on a motorcycle.²²⁵⁵

1017. On the other hand, the Rapporteurship learned of an aggression against Elvio Florentín, who suffered a cut wound to the head while covering an eviction in the San Antonio neighborhood of Ciudad del Este²²⁵⁶. According to publicly available information, the injury was not serious and Florentín was immediately assisted. In addition, the correspondent of *Canal 13*, Carlos Sanchez, was reportedly assaulted and stripped of his work equipment²²⁵⁷. The incident occurred during a violent confrontation between the National Police and occupants of a plot of land in the San Antonio neighborhood, in the context of an eviction by court order promoted by a real estate company.²²⁵⁸

1018. 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"²²⁵⁹.

1019. 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 serious²²⁶⁰. 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.²²⁶¹

²²⁵² Mesa para la Seguridad de Periodistas, [Informe anual de la Mesa para la Seguridad de Periodistas del Paraguay, año 2024](#), 2024; Última Hora, [Crítican al ministro de la Senad por divulgar lista sin avisar a afectados](#), April 17, 2024.

²²⁵³ Última Hora, [Critique Senad minister for disclosing list without notifying those affected](#), April 17, 2024.

²²⁵⁴ Infobae, [House of mother of journalist killed in Paraguay shot at in 2023](#), June 11, 2024; Última Hora, [Video: Man shoots at the door of a home in Pedro Juan Caballero](#), June 9, 2024.

²²⁵⁵ IACHR, Annual Report 2023, [Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II Doc. 386, December 6, 2023, paras. 1222-1225.

²²⁵⁶ ABC [[@abctvpy](#)], (July 1, 2024), Press workers attacked during eviction in Ciudad del Este, Instagram, <https://www.instagram.com/abctvpy/reel/C84pv4uhrA6/>; Mesa para la Seguridad de Periodistas, [[@MSPeriodistaspy](#)], (July 1, 2024), Journalists injured amid coverage of eviction in #CiudadDelEste Alto Paraná neighborhood, X, <https://x.com/MSPeriodistaspy/status/1807801672447492280>; NPY, [Hirieron a periodista durante cobertura de violento desalojo](#), July 1, 2024.

²²⁵⁷ ABC, [[@ABCTVParaguay](#)], (July 1, 2024), Desalojo en CDE se tornó violento: hay trabajadores de prensa heridos, YouTube, <https://www.youtube.com/watch?v=wNKvDsYxIfg>; ABC, [Atacan a trabajadores de prensa durante intento de desalojo en Ciudad del Este](#), July 1, 2024.

²²⁵⁸ Última Hora, [Tense atmosphere continues in eviction attempt in Ciudad del Este settlement](#), July 1, 2024.

²²⁵⁹ IACHR, [Declaration of Principles on Freedom of Expression](#), 2000.

²²⁶⁰ 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, 2023, para. 287.

²²⁶¹ IACHR, [Report No. 7/16](#), Case 12.213, Merits (Publication), Aristeu Guida da Silva and family (Brazil), April 13, 2016, para. 138.

1020. Finally, RELE learned of progress in the investigation into the murder of journalist Pablo Medina, correspondent of the *newspaper ABC Color*, which occurred on October 16, 2014 in the vicinity of Villa Ygatimí, department of Canindeyú²²⁶². According to public information, in July 2024 one of the alleged perpetrators of the crime was arrested, who remained hospitalized in the Regional Hospital of Pedro Juan Caballero, Amambay, as a result of a vehicular accident.²²⁶³

1021. On the other hand, in 2024, this Office also received other reports on threats and obstruction of journalistic work, especially against those who investigate or cover issues of high public interest, including physical aggressions and stigmatizing statements against the press by public officials. An example of this occurred on January 17, 2024, when, in the context of publications on alleged cases of nepotism in the National Congress, officials of that institution allegedly intimidated and obstructed the work of journalists Fiona Aquino and Pablo Pérez during their coverage.²²⁶⁴

1022. Also, on March 9, 2024, according to published information, a group of journalists assigned to cover the Chamber of Senators filed a complaint with the presidency of that institution, requesting disciplinary action against the official José María Chilavert for verbally and physically assaulting several press workers²²⁶⁵. According to reports, the official allegedly threatened journalists and even elbowed Miriam Soilán, a journalist of *Radio Uno*, in the ribs during an attempted interview with Senator Norma Aquino²²⁶⁶. In addition, journalist Arnaldo Cabral, of *Radio Ñandutí*, publicly denounced on social networks that Chilavert threw water on him while he was covering the National Republican Association (ANR) Convention²²⁶⁷. In response, the Senate Board of Directors reportedly agreed to investigate the facts reported.²²⁶⁸

1023. On April 23, 2024, Congressman Yamil Esgaib allegedly assaulted journalists Rocío Pereira Da Costa of *Telefuturo* and Fiona Aquino of *ABC* during an interview about his daughter's contract at the United Kingdom Embassy. According to reports, the congressman tried to snatch the microphones from the reporters and made offensive comments to them, such as "you have a very nice job as a hitman" and "greetings to the owners of the media who send people like you"²²⁶⁹. In addition, he allegedly told one of the journalists: "You are very pretty and you are very bad. I call you pretty and I harass you"²²⁷⁰. According to public reports, journalist Aquino, together with the management of *ABC*, and journalist Pereira Da Costa filed a criminal complaint against Esgaib for coercion, serious coercion and physical injury.²²⁷¹

1024. On June 10, 2024, journalists Álvaro Mora, Pato Ovando and Ricky Alderete of Radio Ñandutí reported having received threats from a high-ranking official of the Banco Nacional de Fomento after reporting

²²⁶² IACHR, Office of the Special Rapporteur for Freedom of Expression, [Annual Report 2014](#), OEA/Ser.L/V/II. Doc.13, March 9, 2015, para. 849.

²²⁶³ ABC, [Detienen a uno de los presuntos asesinados de Pablo Medina](#), July 9, 2024; Última Hora, ["10 años sin justicia". una acción en memoria de Pablo Medina](#), October 16, 2024; Hoy, [Cae presunto autor del crimen de Pablo Medina y su acompañante](#), July 9, 2024.

²²⁶⁴ Sindicato de Periodistas del Paraguay (SPP), [El Sindicato de Periodistas del Paraguay repudia la actitud violenta de los funcionarios del Congreso Nacional](#), January 17, 2024.

²²⁶⁵ ABC, [Journalists denounce José Chilavert Silvera, Norma Aquino's well-to-do](#), March 11, 2024.

²²⁶⁶ Mesa para la Seguridad de Periodistas, [Miriam Soilán](#), March 9, 2024.

²²⁶⁷ Última Hora, [Periodista denuncia agresión de asistente de Yamy Nal tras convención de la ANR](#), March 9, 2024; ABC, [Violencia de funcionario de Norma Aquino contra periodista: "Se debe buscar mecanismo de compensación"](#), March 11, 2024.

²²⁶⁸ Mesa para la Seguridad de Periodistas, [Miriam Soilán](#), March 9, 2024; Última Hora, [Mesa directiva del Senado decide investigar al asistente de Yamy Nal por agresión a periodista](#), March 11, 2024; ABC, [Periodistas denuncian a José Chilavert Silvera, acomodado de Norma Aquino](#), March 11, 2024.

²²⁶⁹ Radio Ñandutí, [@nanduti], (Apr. 23, 2024), Nuevo incidente protagonizado por @YAMILESGAIB con periodistas, X, <https://x.com/nanduti/status/1782769173837316516>; ABC, [Yamil Esgaib agrade a periodistas ante preguntas sobre su "nepobaby"](#), April 23, 2024.

²²⁷⁰ La Política Online, [Esgaib was taken out with two journalists and cartismo is inclined to suspend him](#), 23 April 2024; ABC, [El historial violento y machista del diputado Yamil Esgaib](#), 25 April 2024; Última Hora, [Diputados salvan a Yamil Esgaib de sanción por violencia a mujeres periodistas](#), 24 April 2024.

²²⁷¹ ABC, [Agresión de Yamil Esgaib: periodista de ABC se ratificó en la denuncia contra el diputado](#), 29 April 2024; Última Hora, [La periodista Rocío Pereira Da Costa denuncia al diputado Yamil Esgaib ante la Fiscalía](#), 24 April 2024.

on alleged irregularities in hiring and appointments at the institution²²⁷². According to the complaint, the official declared that he would do everything possible to make the journalists disappear from the media.

1025. On June 26, 2024, journalist Fernando Riquelme, of *Radio Caritas*, was reportedly assaulted while covering a session of the Municipal Council of Asunción. According to the report of the *Paraguayan Union of Journalists* (SPP), while Riquelme was making a live broadcast on an alleged diversion of funds by the Municipal Executive, an official of the Municipality physically assaulted him, holding him by the arm and trying to snatch his cell phone to prevent him from continuing with the coverage.²²⁷³

1026. On October 30, 2024, Senator Norma Aquino reportedly reacted with an obscene gesture after being asked about her alleged hearings as an official in the Judiciary by a journalist from *ABC Color*. According to public reports, the senator expressed her intention to slap the journalist and made threats on social networks, stating that "the next one will be worse"²²⁷⁴. She also announced that she would file a complaint before the Justice of the Peace Court, claiming to be harassed by the media.²²⁷⁵

1027. 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 whole²²⁷⁶. Likewise, this Office emphasizes that the State must guarantee that the press can carry out its work without undue interference, particularly when dealing 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 institutions.²²⁷⁷

1028. In 2024, the Office of the Special Rapporteur received several reports on the activation of legal proceedings or threats of prosecution against journalists and media outlets that have published on alleged acts of corruption or other issues of public interest, allegedly with the purpose of silencing them. At the beginning of 2024, RELE was informed about statements made by Pedro Ovelar, legal representative of former president Horacio Cartes, who stated that media and journalists should "be accountable" to justice for publishing information about the former president, within the framework of a complaint for illegal leaks²²⁷⁸. According to the documents, Ovelar claimed that the media were part of an alleged conspiracy organized by former President Mario Abdo to damage the image of Cartes and his internal faction in the ANR.²²⁷⁹

1029. Likewise, in 2024, the Office of the Special Rapporteur received with concern reports about the issuance of rulings by the Peace Courts of Paraguay since 2023, which could imply an undue restriction of the exercise of freedom of expression and access to information, in the context of a possible incorrect

²²⁷² Radio Ñanduti, [@nanduti1020], (July 10, 2024), Periodistas denuncian amenaza por parte del titular de una institución pública, Instagram, <https://www.instagram.com/reel/C9QwWwdsBxg/?igsh=OW8wcDB2eWpXaWJn>; Mesa para la Seguridad de Periodistas, 1) [Álvaro Mora](#); 2) [Pato Ovando](#); and 3) [Ricky Alderete](#), July 10, 2024; Extra, [Álvaro Mora recibió amenazas por caso de "nepochulis"](#), July 11, 2024.

²²⁷³ SPP, [SPP repudiates aggression against journalist by Municipal Official](#), June 26, 2024.

²²⁷⁴ Fiona Aquino, [@FionaVAquino], (Oct. 30, 2024), "Next one will fare worse," what is this if not an open threat, X, <https://x.com/FionaVAquino/status/1851626307651502125>; ABC, [Senate overlooks Yamy Nal's threat to journalist and Chase says they can't sanction her](#), Nov. 4, 2024.

²²⁷⁵ ABC, [Yamy Nal said he was "going to slap" journalist after consultation on planillerismo](#), October 30, 2024.

²²⁷⁶ 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.

²²⁷⁷ IACHR, [Background and Interpretation of the Declaration of Principles on Freedom of Expression](#).

²²⁷⁸ ABC, [Fiscalía citará a periodistas, anuncia abogado de Horacio Cartes](#), 12 de marzo de 2024; SPP, [PeriodistasPy], (12 March 2024), Pedro Ovelar, legal representative of former president of the Republic and current president of the Colorado Party Horacio Cartes, pointed out today that media and journalists will have to be held accountable, X, <https://x.com/PeriodistasPy/status/1767703901556396386>.

²²⁷⁹ ABC, [Bullying the press is "common strategy" to divert attention, warns lawyer](#), March 13, 2024.

application of Law No. 5777/16 "On the comprehensive protection of women against all forms of violence"²²⁸⁰. These legal proceedings were allegedly initiated against journalists, congresswomen²²⁸¹ and users²²⁸² for publications related to alleged corruption cases, through journalistic investigations or satire contents that mention women, who voluntarily hold public office or are public figures.

1030. Thus, for example, on January 12, 2024, RELE was informed of the conviction handed down by a Justice of the Peace of Santísima Trinidad against businessman Cristian Chena, owner of the media outlet *Resumen de Noticias* (RDN). This judicial decision arose from a complaint filed by Gisele Zuni Mousques, who claimed to have been the victim of media harassment through RDN, following the publication of an article stating that Mrs. Mousques' husband, in his capacity as director of the Social Security Institute, had been involved in irregular bids, and suggesting that Mousques received a percentage for influencing its management²²⁸³. As a consequence of this ruling, a restriction was imposed on Cristian Chena, prohibiting him from making publications mentioning Mousques in his social networks or other digital media owned by him for a period of one year²²⁸⁴. However, according to the information available to this Office, the first instance ruling was revoked on April 29, 2024²²⁸⁵, and the case would be in the process of appeal before the Supreme Court of Justice of Paraguay, at the time of writing this report.²²⁸⁶

1031. On February 12, 2024, journalist Alfredo Guachiré reported having received a threat of legal action from the lawyer of magistrate Gloria Machuca, after publishing information that involved the official in an alleged case of domestic violence²²⁸⁷. Likewise, Guachiré and the media outlet *El Independiente*, had previously been denounced for alleged violence against women after publishing about an alleged appropriation and swindle of the then director of the State Company of Sanitary Services of Paraguay S.A. (ESSAP) and his wife²²⁸⁸. As far as the Rapporteurship was able to learn, the ruling ordered the removal of the article from the media outlet.²²⁸⁹

1032. On February 20, 2024, the Rapporteurship received information about a complaint filed by Senator Norma Aquino against journalist Letizia Medina. According to news reports, the senator accused the journalist of violence against women for publishing a satirical video of her on social networks²²⁹⁰. The senator

²²⁸⁰ Tedic, [Concerns about the misrepresentation of law 5777/16 in Paraguay: a double-edged tool for freedom of expression](#), February 27, 2024; Tedic, [We filed an amicus curiae brief in the case of Christian Chena vs. Gisele Mousques](#), Aug. 1, 2024; Inter American Press Association (IAPA), [Report to the 2024 Mid-Year Meeting, April 17-19](#), April 11, 2024; LatAm Journalism Review, [Paraguayan Journalists Suffer Judicial Criminalization and Threats for Their Work](#), May 8, 2024; Infobae, [Paraguayan journalists denounce censorship due to "misuse" of a law that protects women](#), February 13, 2024; Information sent by Tedic, March 27, 2024, File of the Office of the Special Rapporteur for Freedom of Expression.

²²⁸¹ ABC, [Kattva González denunció al diputado Rodrigo Gamarra por violencia contra la mujer](#), 2 February 2024; Tedic, [\[Launch\] Investigation into Law 5777/16: We explore 6 legal cases that put freedom of expression at stake](#), 7 May 2024.

²²⁸² Última Hora, [Censuran a mujer por criticar a la gobernadora de Paraguari](#), October 13, 2024; Resumen de Noticias (RDN), [Luz censura a funcionaria por criticar a gobernadora de Paraguari](#), Norma Zárate, October 14, 2024.

²²⁸³ Centro de Estudios en Libertad de Expresión y Acceso a la Información (CELE), Tedic, Wikimedia Foundation, [Amicus curiae in the case "Gisele Zuni Mousques c/Christian Chena y otros s/ violencia contra la mujer" \(Paraguay\)](#), August 2024.

²²⁸⁴ Christian Chena, [@christianchena], (Jan. 12, 2024), I was just notified once again. One detail; the cédula de notificación is not accompanied by the sentence, so I can't appeal, X, <https://x.com/christianchena/status/1745906662488064011>; Última Hora, [Caso Gisela Mousques: Condenan a Chena por agravios contra denunciante](#), January 12, 2024; La Nación, [Justicia halló culpable a Cristian Chena por violencia contra la mujer](#), January 15, 2024; Última Hora, [Condenaron a Chena por denuncia de Mousques](#), January 13, 2024.

²²⁸⁵ Última Hora, [Judge revokes controversial ruling that censured Chena in Gisela Mousques case](#), 29 April 2024; RDN, [Judge declares that Christian Chena did not commit violence against women](#), 29 April 2024.

²²⁸⁶ Wikimedia, [Wikimedia Foundation to Paraguay Supreme Court: Don't let the law be abused to suppress legitimate information](#), 8 October 2024.

²²⁸⁷ Alfredo Guachiré, [@GuachireM], (February 12, 2024), Today I want to tell you about a personal situation of threats and censorship that I suffer preventing me from freely exercising as an investigative journalist, X, <https://x.com/GuachireM/status/1756998360047775899>; Radio Caritas UC, [@680CARITAS], (Feb. 12, 2024), Alfredo Guachiré, ciberperiodista, Denuncian censura y amenazas en el ejercicio de su profesión X, <https://x.com/680CARITAS/status/1757089052141015321>; Mesa para la Seguridad de Periodistas, [Alfredo Guachiré](#), Jan. 22, 2024.

²²⁸⁸ ABC, [Denuncia de Norma Aquino contra Leti Medina: red de mujeres denuncia la mala utilización de ley para censurar](#), February 21, 2024; CELE, [Violencia de género en línea y libertad de expresión. Study of six cases in Paraguay](#), April 2024.

²²⁸⁹ RDN, [Christian Chena's victory against censorship: One step forward for freedom of expression in Paraguay, many more to go](#), May 2, 2024; CELE, [Online gender violence and freedom of expression. Study of six cases in Paraguay](#), April 2024.

²²⁹⁰ ABC, [Video: "Yamy Nal" intenta censurar a periodista por supuesta violencia contra la mujer](#), 20 February 2024; ABC, [Denuncia de Norma Aquino contra Leti Medina: red de mujeres denuncia la mala utilización de ley para censurar](#), 21 February 2024.

would have proposed to apply precautionary measures to remove such publication based on Law No. 5777/16. As far as this Office was able to learn, the judge in charge had rejected the complaint after considering that "the humorous imitation of public figures, including legislators, is generally accepted as part of political debate and freedom of expression"²²⁹¹.

1033. On March 4, 2024, the Special Rapporteurship became aware of a sentence against journalist Fredy Chamorro that prohibits him from disseminating information that "affects the dignity or privacy" of the director of the Tomas Romero Pereira District Hospital in Encarnación, as well as from making reference to her in "social networks, written media, radio or other media"²²⁹². The sentence derives from a complaint by the director, based on Law No. 5777/16, against Chamorro, as well as against chronicler Hernán Núñez and cameraman Álvaro Báez, after they published investigations on alleged irregularities in the management of the hospital.²²⁹³

1034. Finally, on July 3, 2024, the Special Rapporteurship learned about the decision of the criminal judge of the 4th Turn of Guairá, who rejected the request for provisional dismissal requested in favor of journalist Mabel Portillo, in the context of a complaint filed by the mayor of Yataity, Gloria Duarte²²⁹⁴. As recorded in the 2023 annual report, the Special Rapporteurship learned that the mayor of Yataity, Guairá department, had denounced journalist Mabel Portillo for alleged violence against women. The complaint was filed after the journalist published about an alleged embezzlement of funds in the municipality²²⁹⁵. The court decision reportedly ordered to prohibit the journalist's access and approach to the mayor²²⁹⁶. In August 2023, the mayor reportedly filed a new complaint against the journalist for alleged acts of coercion and resistance while she was covering the demonstrations at the municipality²²⁹⁷. According to public information, in December 2023, the journalist was charged for allegedly using "non-verbal language" to incite demonstrators who were protesting against the alleged irregular management of the municipality.²²⁹⁸

1035. Civil society organizations and other sectors have expressed their concern about cases of censorship, threats and harassment against journalists and persons exercising their freedom of expression, due to the alleged incorrect application of Law No. 5777/16. In this context, they have urged the Judiciary, through the Supreme Court of Justice, to issue clear guidelines to ensure the correct application of the law and avoid arbitrariness, recalling the State's obligation to respect and protect the constitutional right to freedom of expression and the exercise of journalism.²²⁹⁹

²²⁹¹ ABC, "[Protected speech](#)": judge rejects Yamy Nal's complaint against Leti Medina, March 11, 2024.

²²⁹² ABC, [Tomás Romero Pereira: radialista va a juicio oral, acusado de injuriar a directora de hospital](#), July 1, 2024; Tedic, [Posibles tergiversaciones de la Ley 5777/16](#), 2024.

²²⁹³ Fredy Chamorro, [@efeceache], (June 21, 2024), Encar Sentencing Court, elevated to oral trial a complaint against me by the director of the Tomás Romero Pereira Hospital for alleged defamation and libel, X, <https://x.com/efeceache/status/1804235112273305698?t=Wm2M0-zVe9r04Rp3ieqXTw&s=19>; Mesa de Seguridad de Periodistas, [Fredy Chamorro](#), March 5, 2024; ABC, [Tomás Romero Pereira: radialista va a juicio oral, acusado de injuriar a directora de hospital](#), July 1, 2024; RDN, [La victoria de Christian Chena contra la censura: Un paso adelante por la libertad de expresión en Paraguay, muchos más por dar](#), May 2, 2024.

²²⁹⁴ Última Hora, [SPP alerts intention to prosecute journalist from Guairá after complaint by mayor](#), July 3, 2024; RDN, [Judicialización de la labor periodística: El caso de Mabel Portillo Vázquez](#), July 4, 2024; ABC, [Juzgado insiste en proceso contra periodista de Guairá por coacción](#), July 4, 2024.

²²⁹⁵ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Annual Report 2023](#), OEA/Ser.L/V/II. Doc. 386, December 6, 2023, para. 1232.

²²⁹⁶ RDN, [JEM files investigation against judge who issued questioned injunction to journalist](#), July 25, 2024.

²²⁹⁷ Última Hora, [For the second time, journalist is censored by court order](#), December 9, 2023.

²²⁹⁸ Mesa para la Seguridad de Periodistas, [Mabel Portillo](#), December 7, 2023; RDN, [JEM archiva investigación contra jueza que emitió orden judicial cuestionada hacia periodista](#), July 25, 2024.

²²⁹⁹ El Nacional, [Gremios exigen fin de censura y garantías para el libre ejercicio del periodismo](#), February 12, 2024; Resumen Latinoamericano, [Paraguay. Gremios exigen fin de censura y garantías para el libre ejercicio del periodismo](#), February 12, 2024; Alejandra Peralta Merlo, [@alepaltamerlo], (April 15, 2024), Les comparo un breve material de 3 casos en los cuales la Libertad de Expresión y Prensa se ha sido afectada por la mala aplicación de la Ley 5777/16, X, <https://x.com/alepaltamerlo/status/177997811093222242?s=48&t=3K0yhz3HzVg2dAS24uWbha>; Tedic, [Concerns about the misrepresentation of Law 5777/16 in Paraguay: a double-edged tool for freedom of expression](#), February 27, 2024; Tedic, [Possible Misrepresentations of Law 5777/16](#), 2024.

1036. Likewise, on December 16, 2024, Senator Lilian Samaniego reportedly obtained a precautionary measure prohibiting journalists, hosts and panelists of the program *El Repasador* (Channel 13) from making comments about her. According to public reports, this measure was issued in the framework of a complaint filed under Law No. 5777/16 for the Integral Protection of Women against all types of Violence.²³⁰⁰

1037. For its part, the State reported that during the awareness-raising and training sessions led by the Ministry of Women, officials of the Judiciary, the Public Prosecutor's Office and the National Police are also trained to ensure that Law No. 5777/16 is correctly understood, "to the effect that the protection it provides is in accordance with the fundamental rights established in national regulations with regard to the rights of the parties involved. 5777/16 is correctly understood, "to the effect that the protection it provides to the victims is in accordance with the fundamental rights established in the national regulations regarding the rights of the parties involved; there must be a balance that contemplates legality, the legitimacy of the purpose pursued, the necessity and proportionality of the restrictive measure granted by law, this in relation to the constitutional figure of freedom of expression"²³⁰¹.

1038. In turn, RELE has learned of the activation of other criminal proceedings against journalists. Thus, for example, on December 10, 2024, a complaint was filed against journalist Juan José Oteiza Servín, of the digital media *RDN*, for alleged crimes of libel, defamation and slander against the honor of Dr. Líbero Antonio Oropallo²³⁰². The legal action would have arisen as a result of publications of the media about Oropallo, a doctor whose clinic would operate without the corresponding authorization.²³⁰³

1039. Finally, this Office learned that the Supreme Court of Justice has ratified the acquittal of the director of the *ABC Color* group, Natalia Zuccolillo, and of journalist Juan Carlos Lezcano, in the case brought by the former Minister of Taxation, Marta González, for alleged crimes of defamation and libel related to publications in the media. According to public information, the former government official had requested the annulment of the first and second instance resolutions.²³⁰⁴

1040. In view of the above facts, RELE recalls that persons exercising public functions and those aspiring to do so in a democratic society have a different threshold of protection. This threshold exposes them to a greater degree to public scrutiny and criticism, which is justified by the public interest nature of the activities they carry out, because they have voluntarily exposed themselves to a more demanding scrutiny, and because they have an enormous capacity to controvert information through their power of public convocation²³⁰⁵. Likewise, the institutional safeguards that seek to guarantee women's rights to a life free of violence are called upon to be compatible with inter-American standards of freedom of expression regarding open public debate.

1041. The Office of the Special Rapporteur notes that these events are part of a context of stigmatization of the press in Paraguay, and of serious allegations of smear campaigns and leaks of personal

²³⁰⁰ Última Hora, [Lilian denuncia a periodistas del Repasador por expresiones](#), 21 December 2024; Lilian Samaniego, [@liliansamaniego], (20 December 2024), Ratifiqué mi denuncia contra el conductor y panelistas del programa "El repasador" por referirse hacia mi persona en forma violenta, X,

²³⁰¹ Information sent by the State of Paraguay in response to RELE's request for information in the framework of the preparation of the 2024 Annual Report, Note No. MPP/OAS/Nº1156/2024 from the Permanent Mission of Paraguay to the OAS, October 30, 2024, File of the Office of the Special Rapporteur for Freedom of Expression.

²³⁰² Oscar Tuma, [@oscartuma], (Dec. 10, 2024), Representing Dr. Líbero Oropallo (attorneys Oscar Luis Tuma and Víctor Raúl González Monges), X, <https://x.com/oscartuma/status/1866511447913595233>.

²³⁰³ Mesa para la Seguridad de Periodistas, [Informe anual de la Mesa para la Seguridad de Periodistas del Paraguay, year 2024](#), 2024; El Nacional, [Conocido médico genetista denuncia a periodista por calumnia, difamación e injuria](#), December 12, 2024.

²³⁰⁴ ABC, [Press Freedom Triumphs: acquittal of journalist and ABC director stands](#), July 1, 2024; Committee to Protect Journalists, CPJ Americas, [@CPJAmericas], (July 2, 2024), CPJ welcomes the Paraguayan Supreme Court's decision to acquit @ABCDigital director Natalia Zuccolillo and journalist Juan Carlos Lezcano, X, <https://x.com/CPJAmericas/status/1808269089041010732?t=fgl87kTDPyPotbXhzllSQ&s=08>.

²³⁰⁵ 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. 40.

data²³⁰⁶. On September 17, 2024, the Union of Journalists of Paraguay condemned an alleged leak of personal data from the Commission of Investigation on Money Laundering (CBI), which included telephone numbers, emails, addresses and invoices of journalists and members of civil society organizations, with alleged purposes of intimidation²³⁰⁷. The union called on the authorities to take immediate measures for the protection of press workers.²³⁰⁸

1042. However, RELE also learned that the Criminal Chamber of the Supreme Court of Justice, by majority, declared inadmissible the cassation appeal filed by the defense and upheld the conviction against Juan Vera, president of the Association of Users and Consumers of Paraguay (Asucop), for violating the privacy of journalist Mercedes Barriocanal. As this Office learned, Vera will have to pay a fine of close to 53 million guaranías for having divulged on social networks the journalist's cell phone number and urged to harass her.²³⁰⁹

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

1043. In 2024, the Rapporteurship received information and followed up on a bill, initially presented on December 20, 2023 by several senators, whose implementation, according to reports from civil society and human rights organizations, could restrict the operation of non-profit organizations in Paraguay.²³¹⁰

1044. On October 9, 2024, the Office of the Special Rapporteur learned that the Senate of the Paraguayan Congress approved, with modifications made by the Executive, the bill "establishing the control, transparency and accountability of non-profit organizations"²³¹¹. The norm would cover entities that receive or manage "public or private funds", both national and international, and that seek to influence "public policies, plans and programs", as well as "the activity of the State Powers" and other governmental entities. After its approval in the Senate, the bill was enacted by the Executive on November 15, 2024²³¹². Subsequently, the

²³⁰⁶ ABC, [Chats filtrados: SPP repudia campaña contra periodista](#), March 17, 2024; ABC, [Sindicato de Periodistas exige medidas legales por filtración de datos privados de periodistas](#), September 18, 2024.

²³⁰⁷ SPP, [PeriodistasPy], (Sept. 17, 2024), The SPP repudiates the use of private data by sectors adherent to the ruling party to attack Journalists, X, <https://x.com/PeriodistasPy/status/1836145602557534244>; IFJ - Latin America and the Caribbean, [@FIP_AL], (Sept. 18, 2024), The International Federation of Journalists joins @PeriodistasPy's repudiation of the use of private information obtained from the State, X, https://x.com/FIP_AL/status/1836411546546602280; Última Hora, [SPP repudia utilización de datos privados para atacar a periodistas](#), Sept. 17, 2024.

²³⁰⁸ Última Hora, [SPP repudiate use of private data to attack journalists](#), September 17, 2024.

²³⁰⁹ ABC, [Queda en firme condena a Juan Vera por lesionar la intimidad de Menchi Barriocanal](#), August 16, 2024; Última Hora, [Corte confirma condena a Juan Vera por lesionar la intimidad de Menchi Barriocanal](#), August 16, 2024; RDN, [Corte ratifica condena a Juan Vera por violar intimidad de Menchi Barriocanal](#), August 16, 2024.

²³¹⁰ Tedic, [Año 2024 marcado por la Ley AntiONG en Paraguay: Grandes retrocesos y preocupaciones para la democracia](#), December 19, 2024; Última Hora, [Proyecto sobre oenegés: ¿Cuáles son los puntos más cuestionados por las organizaciones?](#) July 8, 2024; Codehupy, [Non-profit organizations unite to defend their rights before bill that threatens democracy and social work](#), July 6, 2024; Office of the United Nations High Commissioner for Human Rights (OHCHR), [Commentary by UN Human Rights Office spokesperson Marta Hurtado on Paraguay](#), July 12, 2024; Amnesty International, [Paraguay: Senate approves bill that puts defense of human rights at risk](#), July 9, 2024; Amnesty International, [Paraguay: Global urgent action over threat to free association](#), July 30, 2024; Última Hora, [Gremios y organizaciones civiles instan a Diputados a revisar proyecto garrote contra oenegés](#), July 17, 2024; CEJIL, [Organizaciones de derechos humanos manifiestan preocupación ante el avance de un proyecto de ley que podría restringir y obstaculizar el trabajo de las organizaciones de la sociedad civil en Paraguay](#), July 31, 2024; CPJ, [Press freedom in Paraguay threatened by proposed law to control nonprofits](#), October 17, 2024; Special Rapporteur on the rights to freedom of peaceful assembly and of association, of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and of the Special Rapporteur on the situation of human rights defenders of the United Nations, [Letter Ref.: OL PRY 1/2024](#), July 19, 2024; Gina Romero, [@Ginitastar], (Oct. 16, 2024), I sent a letter to President @SantiPenap about the text approved in Senate Chamber for the control and transparency of NPOs and passed to presidential sanction, X, <https://x.com/Ginitastar/status/1846672186763104271>; Information provided by civil society organization to RELE, July 16, 2024 and Nov. 27, 2024, Archive of the Office of the Special Rapporteur for Freedom of Expression.

²³¹¹ Congreso Nacional, Honorable Cámara de Senadores, [El Senado sanciona proyecto de Ley de control y transparencia para las ONG](#), October 9, 2024.

²³¹² La Política Online, [Peña enacted Leite law and NGOs prepare to fight back in court](#), Nov. 15, 2024; Última Hora, [Peña enacts garrote law against NGOs](#), Nov. 15, 2024; Amnesty International, [@aiparaguay], (Nov. 15, 2024), Amnesty International strongly condemns the enactment of the #LeyGarrote bill restricting civic space in #Paraguay, X, <https://x.com/aiparaguay/status/1857563252110328038?t=rSdByceWlq9FUINsk5kc2A&s=08>; Gina Romero, [@Ginitastar], (Nov. 27, 2024), Causes much concern to see @SantiPenap's government not paying attention to #Paraguay's human rights obligations, X, <https://x.com/Ginitastar/status/1861779512876532132>.

President of the Republic announced the beginning of the procedures for the regulation of the law, which will be carried out in a participatory manner with all sectors involved .²³¹³

1045. As reported by the State, during its discussion in Congress, the Legislation, Codification, Justice and Labor Committee issued, on July 1, 2024, two opinions: one recommending the rejection of the bill and the other suggesting its modification. On July 8, 2024, the Finance and Budget Committee issued two opinions: one in favor of the approval of the bill and the other promoting its rejection²³¹⁴ . In addition, a public hearing was held on July 30, 2024, in the Chamber of Deputies, with the participation of representatives of the civil society²³¹⁵

1046. Prior to its enactment by the Executive, the Special Rapporteur's Office, in a press release, highlighted that Article 12 of the bill established that State entities may not "sign or execute agreements, loan agreements, donations or other legal instruments" with organizations that are not registered in the National Registry of Non-Profit Organizations²³¹⁶ . The project also stated that transfers of resources, goods and services should be "consigned in the General Budget of the Nation" and in the budgets of municipalities and other State agencies . According to civil society reports, this could threaten the autonomy and funding of human rights organizations .²³¹⁷

1047. Likewise, this Office warned that the bill introduced additional procedures and formalities to those already existing, which could generate excessive administrative burdens on the organizations. Thus, for example, it established the creation of the National Registry of Non-Profit Organizations, in which all organizations included in the law, as well as foreign organizations operating in the country, must register (Article 7). In addition, it requires organizations to keep a record of the funds and assets they receive or administer, as well as the actions financed and executed with those resources, accompanied by their corresponding "legal vouchers" and other documents supporting the "use and destination" of the funds received (Article 8). They must also submit an "annual report" detailing the expenses of their activities, an accounting and balance sheet, and a list of all professionals and entities, national or foreign, that have provided services to the organization during the corresponding period (Article 9). The imposition of such requirements could make it easier to obtain information on financial and operational aspects of the organizations, putting at risk the privacy and security of donors, beneficiaries and members of these organizations .²³¹⁸

1048. In turn, this Office expressed its concern over the use of vague and ambiguous terms in the bill that could be interpreted to restrict the right to freedom of expression and association, in contravention of the standards of the inter-American system, according to which any limitation to fundamental freedoms must be expressly, precisely and specifically provided for in the law. Thus, for example, the bill related the identification of a non-profit organization with undefined concepts such as "public utility", "social interest" and "cultural interest"²³¹⁹ . Finally, RELE highlighted that the sanctions for non-compliance with the obligations established

²³¹³ Santiago Peña, [@SantiPenap], (Nov. 15, 2024), I Enacted the Nonprofit Transparency Law, X, <https://x.com/SantiPenap/status/1857548805568086307>.

²³¹⁴ Response of the State of Paraguay to the request for Article 41 of the Office of the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights (IACHR/RELE/Art. 41/08-2024/454), August 5, 2024, File of the Office of the Special Rapporteur for Freedom of Expression.

²³¹⁵ Response of the State of Paraguay to the request for Article 41 of the Office of the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights (IACHR/RELE/Art. 41/08-2024/454), August 5, 2024, File of the Office of the Special Rapporteur for Freedom of Expression.

²³¹⁶ IACHR, Office of the Special Rapporteur for Freedom of Expression, Press Release No. 255/24, [RELE advierte sobre proyecto de ley que limita la libertad de asociación en Paraguay](#), October 18, 2024; Information sent by civil society organizations to RELE, July 11-18, 2024, Archivo de la Relatoría Especial para la Libertad de Expresión.

²³¹⁷ IACHR, Office of the Special Rapporteur for Freedom of Expression, Press Release No. 255/24, [RELE advierte sobre proyecto de ley que limita la libertad de asociación en Paraguay](#), October 18, 2024; Information sent by civil society organizations to RELE, July 11-18, 2024, Archivo de la Relatoría Especial para la Libertad de Expresión.

²³¹⁸ IACHR, Office of the Special Rapporteur for Freedom of Expression, Press Release No. 255/24, [RELE advierte sobre proyecto de ley que limita la libertad de asociación en Paraguay](#), October 18, 2024; Information sent by civil society organizations to RELE, July 11-18, 2024, Archivo de la Relatoría Especial para la Libertad de Expresión.

²³¹⁹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Press Release No. 255/24, [RELE advierte sobre proyecto de ley que limita la libertad de asociación en Paraguay](#), October 18, 2024; Information sent by civil society organizations to RELE, July 11-18, 2024, Archivo de la Relatoría Especial para la Libertad de Expresión.

in the bill and its complementary regulations could significantly restrict the operation of the organizations, with disproportionate sanctions, such as disqualification from holding office for up to five years and the suspension of the organization's activities for a period of three to six months. In addition, it warned about the absence of due process guarantees and adequate and effective remedies.²³²⁰

1049. The Office of the Special Rapporteur recognized the willingness of the Government to establish a dialogue on this bill and urged the State of Paraguay, in particular the Executive Branch, to take into account the aforementioned inter-American human rights norms and standards when evaluating the enactment or veto of this bill²³²¹. Additionally, it called on the State to guarantee that any regulation on the functioning of civil society organizations complies with Inter-American standards on freedom of expression and association, as well as to adopt the necessary measures to ensure broad deliberation and participation of all sectors involved potentially affected by this regulation.²³²²

1050. In addition, the Special Rapporteurship received with concern reports that, during the process of discussion of the bill in the Senate, parliamentary authorities presented at a public hearing a video that identified civil society organizations, accusing them of partiality and of using resources for alleged proselytizing purposes²³²³. There were also several statements aimed at discrediting the advocacy work of these organizations, as well as leaked audios of officials in which it was openly admitted that the purpose of the regulation would be to limit and weaken the action of NGOs in the country.²³²⁴

1051. Parallel to the discussion of this law, the Office received with concern reports about the creation of a Commission for the Investigation of Acts Punishable for Money Laundering, Crimes against State Assets, Contraband and other Related Crimes²³²⁵. According to some reports from civil society organizations, this commission is being used for intimidating purposes²³²⁶. In this context, stigmatizing remarks have been issued to specific organizations by public officials, and information is being requested from the organizations on budget execution, private contracts, invoices and other tax information, which is protected by the Constitution.²³²⁷

1052. Article 1(1) of the American Convention establishes that "The States Parties to this Convention undertake to respect the rights and freedoms recognized herein and to ensure to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms, without any discrimination whatsoever [...]". This obligation to guarantee implies the duty of the State to organize the entire governmental apparatus and,

²³²⁰ IACHR, Office of the Special Rapporteur for Freedom of Expression, Press Release No. 255/24, [RELE advierte sobre proyecto de ley que limita la libertad de asociación en Paraguay](#), October 18, 2024; Information sent by civil society organizations to RELE, July 11-18, 2024, Archivo de la Relatoría Especial para la Libertad de Expresión.

²³²¹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Press Release No. 255/24, [RELE warns of bill limiting freedom of association in Paraguay](#), October 18, 2024.

²³²² IACHR, Office of the Special Rapporteur for Freedom of Expression, Press Release No. 255/24, [RELE warns of bill limiting freedom of association in Paraguay](#), October 18, 2024.

²³²³ Última Hora, [SPP expresses concern over attacks on journalists and activists by senators](#), July 9, 2024; Última Hora, [Relatora de la ONU insiste a Paraguay frenar la estigmatización de las oenegés](#), September 25, 2024; Tedic, [Una senadora nos acusó irresponsablemente y falsamente en la sesión extraordinaria del Congreso paraguayo](#), July 10, 2024; El Nacional, [Fuerte debate en Diputados sobre control a las ONG](#), October 8, 2024.

²³²⁴ Official web channel of the Chamber of Senators and the National Congress of the Republic of Paraguay, [@SenadoTVpy], (July 8, 2024), Extraordinary Session of the Chamber of Senators - 08-07-2024, YouTube, <https://www.youtube.com/watch?v=eZ7672OpW8&t=4632s>; Última Hora, [Leaked Audio: Leite urges airing of information from oenegés and speaks of "boludeces de Santi"](#), October 1, 2024; ABC, [Leaked Audio of Leite: un grupo dentro de HC "le está jugando a matar" a Peña, según senador](#), 2 October 2024; La Política Online, [Leaked audio of Leite on anti-NGO law: "Vamos a ventilar todo"](#), 1 October 2024; RDN, [Leite en audio filtrado: Desgaste intencionado a ONG opositoras](#), 2 October 2024.

²³²⁵ Última Hora, [El Senado aprobará mañana creación de comisión "garrote"](#), August 6, 2024; Congreso Nacional, Honorable Cámara de Senadores, [Instalan Comisión Transitoria para Investigación de Lavado de Activos y Delitos Contra el Patrimonio](#), August 26, 2024; Swissinfo.ch, [Congreso de Paraguay instala comisión bicameral para investigar casos de lavado de activos](#), August 27, 2024.

²³²⁶ Information provided by civil society organization to RELE, November 27, 2024, Archivo de la Relatoría Especial para la Libertad de Expresión.

²³²⁷ RDN, [Organizaciones civiles rechazan acusaciones de "amenaza para la democracia"](#), September 24, 2024; ABC, [Bachi apunta el "garrote" a Alma Cívica y Semillas](#), September 29, 2024; RDN, [Comisión Bicameral viola privacidad, denuncian ONG](#), September 30, 2024; Information provided by civil society organization to RELE, November 27, 2024, Archivo de la Relatoría Especial para la Libertad de Expresión.

in general, all the structures through which the exercise of public power is manifested, in such a way that they are capable of legally ensuring the free and full exercise of human rights. Likewise, the State must take all necessary measures to foster an environment conducive to the exercise of freedom of assembly and association, public participation and diversity of voices, and refrain from making statements that could undermine or jeopardize the rights of defenders and civil society organizations.

1053. Freedom of association contemplates the right of organizations to establish their internal structure, activities and program of action without intervention by the authorities that restricts or hinders the exercise of this right. As the IACHR has emphasized, States must "promote and facilitate access by human rights organizations to both domestic and foreign financial cooperation funds, as well as refrain from restricting their means of financing," as part of their obligations to respect and guarantee freedom of association²³²⁸. This access to funds is crucial to guarantee the independence and sustainability of the organizations. In addition, information requirements to organizations must not exceed the limits of confidentiality necessary for their freedom of action and independence.

1054. Any restriction on the exercise of the right of association must be clearly established by law, in advance and in an express, precise and exhaustive manner. Furthermore, it must pursue a legitimate aim and be necessary and proportional in a democratic society. In this regard, the IACHR has indicated that States must "refrain from promoting laws and policies that use vague, imprecise and broad definitions of legitimate grounds to restrict the possibilities for the formation and operation of human rights organizations"²³²⁹. The Rapporteurship emphasizes that any regulation on the functioning of civil society organizations must comply with the aforementioned Inter-American human rights norms and standards.

1055. On the other hand, RELE took cognizance of the discussions surrounding the bill for the protection of journalists and human rights defenders²³³⁰. The *International Federation of Journalists* has highlighted the importance of the project, promoted by the *Union of Journalists of Paraguay* and other organizations, as a necessary legal instrument to guarantee the right to work free of violence and freedom of expression. As far as this Office has learned, within the framework of this project, the National Police has participated in various working groups organized by the media and journalists' associations with a view to its eventual implementation²³³¹. Likewise, in June 2024, the Human Rights Commission organized a technical round table with representatives of various institutions and civil society²³³². For its part, the Union of Journalists of Paraguay has requested speed from the Chamber of Senators in order to advance in the study and approval of the project.²³³³

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

1056. RELE gathered reports about a speech made by the Minister of Agriculture and Livestock, Carlos Giménez, during the inauguration of the school year at the Agricultural School of Santa Rosa del Aguay, which was described as "homophobic" by several civil society organizations²³³⁴. According to reports, the official made discriminatory comments, stating: "I don't want to know of anyone with homosexual tendencies

²³²⁸ IACHR, [Second Report on the Situation of Human Rights Defenders in the Americas](#), OEA/Ser.L/V/II. Doc.66, December 31, 2011, para. 179.

²³²⁹ IACHR, [Second Report on the Situation of Human Rights Defenders in the Americas](#), OEA/Ser.L/V/II. Doc.66, December 31, 2011, para. 165.

²³³⁰ OHCHR, [Paraguay: Representante participó en discusión de proyecto de ley sobre protección a periodistas y personas defensoras de derechos humanos](#), June 3, 2024; ABC, [Aplazarán ley de protección a periodistas y defensores de derechos humanos](#), June 11, 2024.

²³³¹ Information sent by the State of Paraguay in response to RELE's request for information in the framework of the preparation of the 2024 Annual Report, Note No. MPP/OAS/Nº1156/2024 from the Permanent Mission of Paraguay to the OAS, October 30, 2024, File of the Office of the Special Rapporteur for Freedom of Expression.

²³³² Congreso Nacional, Honorable Cámara de Senadores, [Analizan proyecto de protección a periodistas y defensores de derechos humanos](#), June 18, 2024.

²³³³ IFJ, [Paraguay: 33 attacks, threats and lawsuits against journalists in 2024](#), January 9, 2025.

²³³⁴ Present, [Paraguay: homophobic remarks by a minister add to the government's anti-gender outpost](#), March 1, 2024.

in this school", which was followed by applause from those present²³³⁵. Subsequently, the minister reportedly offered apologies for the interpretation of his statements.²³³⁶

1057. Likewise, this Office received with concern complaints from the *Union of Journalists of Paraguay* (SPP) and teachers of the Catholic University of Asuncion, about an alleged case of sexual harassment suffered by four students of Journalism and Communication, who were doing their internships at *Radio Caritas*²³³⁷. Teachers responsible for the internships condemned the facts and asked the university authorities to investigate and sanction the incident²³³⁸. For its part, the SPP urged the urgent implementation of protocols against violence and harassment of women in the workplace.²³³⁹

1058. In turn, the State informed RELE about the updating and relaunching of the material "Lentes Lilas", which aims to provide tools and content for the preparation and publication of news and opinions in the various formats and languages used by journalists and communicators when addressing acts of violence against women.²³⁴⁰

1059. 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," in addition to "publicly condemn any attacks on women journalists" and "refrain from making statements that may endanger women"²³⁴¹. 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 risks²³⁴². 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 staff.²³⁴³

1060. With regard to community radio stations, the Rapporteurship learned that the National Telecommunications Commission of Paraguay (CONATEL) authorized the Pesempo Indigenous Community to install and operate a medium coverage radio broadcasting station in Loma Plata, department of Boquerón²³⁴⁴. After the inauguration of the radio station, an informative meeting was held between authorities, CONATEL technicians and representatives of other indigenous communities interested in establishing their own radio stations. RELE emphasizes that this would be the first community radio in Paraguay authorized to transmit its signal in medium coverage²³⁴⁵. It also takes note of the concern expressed by the national coordinator of the

²³³⁵ Presentes, [Paraguay: Minister's homophobic remarks add to government's anti-gender outpost](#), March 1, 2024; ABC, [Video: "I don't want to hear from anyone with homosexual tendencies in this school," said Agriculture Minister](#), February 27, 2024.

²³³⁶ ABC, [After controversial homophobia statement, MAG minister speaks of alleged "misinterpretation"](#), February 27, 2024.

²³³⁷ Swissinfo.ch, [Sindicato de periodistas de Paraguay denuncia presunto acoso a pasantes en una radio](#), August 10, 2024; Megacadena, [Estudiantes de periodismo denunciaron casos de acoso en Radio Caritas](#), August 12, 2024.

²³³⁸ Última Hora, [Universidad Católica opens investigation after allegations of sexual harassment of students](#), August 10, 2024.

²³³⁹ ABC, [Denuncian que estudiantes fueron víctimas de acoso sexual en pasantías radiales](#), August 10, 2024; La Nación, [Estudiantes denuncian que fueron acosadas durante pasantía en Radio](#), August 10, 2024; Última Hora, [Sindicato de Periodistas insiste en protocolos tras nuevo caso de acoso sexual en un medio](#), August 10, 2024.

²³⁴⁰ Information sent by the State of Paraguay in response to RELE's request for information in the framework of the preparation of the 2024 Annual Report, Note No. MPP/OAS/Nº1156/2024 from the Permanent Mission of Paraguay to the OAS, October 30, 2024, File of the Office of the Special Rapporteur for Freedom of Expression.

²³⁴¹ UN, OSCE, OAS, ACHPR, [Joint Declaration on Freedom of Expression and Gender Justice](#), May 3, 2022.

²³⁴² 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.

²³⁴³ UN, OSCE, OAS, ACHPR, [Joint Declaration on Freedom of Expression and Gender Justice](#), May 3, 2022.

²³⁴⁴ Gobernación del Departamento de Boquerón, [Inauguración de la emisora comunitaria 87.5 en Pesempo'o distrito de Loma](#), November 11, 2024; Government of Paraguay, Comisión Nacional de Telecomunicaciones, [En un hecho histórico, la CONATEL autoriza la transmisión legal de la primera radio comunitaria indígena del país](#), 2024.

²³⁴⁵ Government of Paraguay, Comisión Nacional de Telecomunicaciones, [In a historic event, CONATEL authorizes the legal transmission of the country's first indigenous community radio station](#), 2024.

organization VOCES Paraguay regarding the number of community media applications that are still awaiting authorization or renewal of licenses.²³⁴⁶

D. Freedom of expression and the Internet

1061. In relation to freedom of expression in the digital sphere, in 2024, the Rapporteurship learned of reports of alleged blocking of users by public officials, through their X (formerly Twitter) accounts, especially against those who express critical positions. Thus, for example, on April 22, 2024, attorney Alejandra Peralta filed a constitutional injunction against Senators Norma Aquino and Bachi Núñez who, according to the complaint, blocked her access to their social network profiles on 22 and 23 of February 2023, respectively²³⁴⁷. The lawyer argued that these blockages constitute prior censorship, affecting her right to freedom of expression and access to information of public interest transmitted by officials through their social networks²³⁴⁸. In April 2024, the injunction filed by Peralta against Senator Aquino was admitted, and the immediate unblocking of her account was ordered to allow her immediate access²³⁴⁹. However, in December 2024, the Labor Court of Appeals, First Chamber, rejected the constitutional injunction and revoked the decision previously made on April 28 by the Labor Court of First Instance of the Fifth Shift.²³⁵⁰

1062. Also known was the case of the president of the Coordinadora de Abogados del Paraguay, Esther Roa, who publicly denounced having been blocked by the minister of the Constitutional Chamber of the Supreme Court of Justice, after "issuing an opinion on his rulings in an emblematic case of public corruption"²³⁵¹. The minister, for his part, defended his action, indicating that he would block those who use his profile on social networks to insult him, although he accepted criticism of his legal decisions and was willing to debate.²³⁵²

1063. The Office of the Special Rapporteur, in its report on "Digital Inclusion and Internet Content Governance", pointed out that the blocking of critical users by public officials or authorities in the digital sphere could constitute a disproportionate action, depriving people of their right to be informed and to exercise scrutiny over the actions of such officials, in addition to preventing access to information of high public interest.²³⁵³

²³⁴⁶ Observatorio Latinoamericano de Regulación de Medios y Convergencia (Observacom), [Otorgan nueva licencia a radio comunitaria indígena en Paraguay](#), November 27, 2024; Ifex, [Otorgan nueva licencia a radio comunitaria indígena en Paraguay](#), December 5, 2024.

²³⁴⁷ El Observador, [Abogada pide por amparo constitucional el desbloqueo de redes de parlamentarios](#), 22 April 2024; Judiciales.net, [La justicia podría sentar un precedente sobre las cuentas de los funcionarios públicos en redes sociales](#), 22 April 2024; Última Hora, [Abogada presenta amparo contra Bachi Núñez y Yamy Nal tras ser bloqueada en la red social](#), 22 April 2024.

²³⁴⁸ ABC, ABC TV Paraguay, [@ABCTVpy], (Dec. 23, 2024), Controversy over senator's block on "X", X, <https://x.com/ABCTVpy/status/1871344179152146742>.

²³⁴⁹ El Observador, ["Vulnera igualdad y libertad de expresión y de prensa."](#) May 5, 2024; Alejandra Peralta Merlo, [@aleperaltamerlo], (April 29, 2024), Viva la Democracia, la libertad de expresión y el acceso a la información de interés público! Viva Paraguay!!!, X, <https://x.com/aleperaltamerlo/status/1784906584922955797>.

²³⁵⁰ ABC, ABC TV Paraguay, [@ABCTVpy], (Dec. 23, 2024), Polémica por bloqueo de senadora en "X", X, <https://x.com/ABCTVpy/status/1871344179152146742>; Diario Hoy, [Revocan amparo de abogada contra la senadora Yami Nal](#), Dec. 23, 2024; Oscar Tuma, [@oscartuma], (Dec. 22, 2024), Decision of the Court of Appeals, X, <https://x.com/oscartuma/status/1871020330132570424>; Judiciales.net, [Camarista performs an interesting analysis on blocking in networks by public authorities](#), Dec. 23, 2024.

²³⁵¹ Abg. Esther Roa, [@EstherRoa_], (Sept. 16, 2024), I was blocked by the minister of the "Constitutional" Chamber of the @PoderJudicialPY, Victor Ríos, X, https://x.com/EstherRoa_/status/1835652808634224755?t=7Pm_6A7Hrq0pzW3mZrxSZA&s=08.

²³⁵² Judiciales.net, [Ministro Ríos afirma que no permitirá ofensas en sus redes sociales](#), 16 September 2024; El Paraguay independiente, [Ríos se blindará en redes: ofensas, ¡bloqueo!](#), 16 September 2024.

²³⁵³ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Digital Inclusion and Internet Content Governance](#), OEA/Ser.L/V/II. IACHR/RELE/INF. 28/24, June 2024, para. 62.

PERU

1064. In 2024, the Office of the Special Rapporteur received with concern several reports of attacks against the press in Peru, which included, among others, cases of harassment, physical and verbal attacks, smear campaigns, attacks on media facilities, activation of judicial mechanisms allegedly used for purposes of harassment and silencing, stigmatization, and various obstacles to access to information and journalistic coverage. In particular, the Rapporteurship has closely followed the judicial processes and acts of harassment against journalists such as Gustavo Gorriti, Paola Ugaz, Juan Carlos Tafur and Rosa María Palacios, who have denounced various forms of harassment. In addition, the Rapporteurship has monitored social demonstrations in the country, where reports have been recorded on the criminalization of demonstrators for exercising their freedom of expression. It has also observed the presentation and approval of bills that could severely impact the exercise and guarantee of fundamental rights such as freedom of expression, academic freedom and the right of association. Finally, in 2024, challenges to the operation of community radio stations continued to be reported, as well as alleged cases of sexual violence against women journalists in the country.

A. Journalism and democracy

1065. In the course of 2024, the Rapporteurship became aware of several reports of harassment and threats against journalists and media outlets in Peru²³⁵⁴. Among the cases highlighted, the Office learned of information on aggressions allegedly committed by groups such as the "Movimiento Democrático Anticomunista", "La Resistencia" and "Los Combatientes" against *IDL Reporteros* and its director, journalist Gustavo Gorriti, as well as smear and disinformation campaigns aimed at discrediting his journalistic work.²³⁵⁵

1066. Likewise, this Office learned of the case of José Miguel Hidalgo, a reporter for *Cuarto Poder*, who reportedly received threats prior to the publication of a report on alleged acts of corruption in the regional government of Callao on October 20, 2024²³⁵⁶. In light of these events, various civil society organizations condemned the threats and urged the Criminal Investigation Directorate of the National Police to conduct a thorough investigation.²³⁵⁷

1067. Likewise, RELE learned of reports of alleged cases of video surveillance, police surveillance and interception of telephone calls to journalists Juan Carlos Tafur, director of the *Sudaca* portal, and César Romero, editor of the judicial section of *La República*, as well as to their families, both at their homes and in their public travels and offices.²³⁵⁸

²³⁵⁴ La República, [Consejo de la Prensa Peruana exige detener acoso contra periodistas](#), February 17, 2024.

²³⁵⁵ IDL Reporters, [Afiliados a Fuerza Popular participan en ataques a IDL-R](#), Jan. 21, 2024; Cruz Silva [@CruzSilvaDC], (Feb. 12, 2024), En este momento grupo violentista acosa y difama al periodista Gustavo Gorriti en el local institucional de IDL-R, X, <https://x.com/CruzSilvaDC/status/1757180902243713444>; IDL Reporters, [Internacional Journalists Back IDL-R Director](#), Feb. 12, 2024; Ideeleradio, [@ideeleradio], (Feb. 15, 2024), Ex relatores de Libertad de Expresión de la #CIDH condenaron contundentemente las campañas que buscan desprestigiar el trabajo del periodismo independiente, X, <https://x.com/ideeleradio/status/1758208007521919483>; IDL Reporters, [Afiliados a Fuerza Popular participan en ataques a IDL-R](#); Jan. 21, 2024; IDL Reporters, [Condenado 'Maelo' dirige ataque a IDL-R en defensa de Patricia Benavides](#), Jan. 24, 2024; CEJIL, [@cejil], (May 21, 2024), Condenamos la reciente publicación de información de carácter reservado, X, <https://x.com/cejil/status/1793039468405899589>.

²³⁵⁶ Cuarto Poder, [@Cuarto_Poder], (Oct. 20, 2024), José Miguel Hidalgo, journalist for #CuartoPoder, has received threats before filing his report on Ciro Castillo and his son Antonio in Callao, X, https://x.com/Cuarto_Poder/status/1848192055907918119.

²³⁵⁷ Asociación Nacional de Periodistas del Perú (ANP), [Lima: Reportero de Cuarto Poder recibe amenazas de muerte tras reportaje sobre gobernador del Callao](#), 21 de octubre de 2024; Reporters Without Borders (RSF) en español, [@RSF_español], (29 October 2024), RSF condena la amenaza de muerte contra el periodista José Miguel Hidalgo, X, https://x.com/RSF_esp/status/1851355904987549697.

²³⁵⁸ Ojo Público, [Magaly Quiroz: "La videovigilancia continuó cuando la carpeta estaba a cargo del fiscal Cristhian Alfaro"](#), 28 January 2024; RPP, [César Romero sobre denuncia de reglaje contra periodistas: "Ni en la dictadura de Fujimori habíamos enfrentado una situación así"](#), 31 December 2023; Instituto de Prensa y Sociedad (IPYS), [Perú: Gestión de suspendida fiscal de la Nación ordenó interceptación telefónica y reglaje a periodistas](#), 28 December 2023; Infobae, [Gestión de Patricia Benavides ordenó reglaje y chuponeo contra periodistas: "Si no estás conmigo, te persigo"](#), 28 December 2023; La República, [La disposición fiscal 1. la prueba del espionaje fiscal contra Juan Carlos Tafur y César Romero](#), 2 January 2024; Infobae; [Patricia Benavides responde por presunto reglaje a periodistas: "Las carpetas de fiscales son su responsabilidad"](#), 3 January 2024.

1068. In addition to these facts, there is also a complaint filed by journalist Rosa María Palacios for alleged crimes of violation of privacy and improper use of computerized files, as established in Articles 154 and 157 of the Penal Code. The legal action is directed against several journalists, the National Superintendence of Customs and Tax Administration (SUNAT), its superintendent and Agencia Perú Producciones S.A.C. (Willax Televisión). According to public information, the process originated after complaints from the journalist, who claimed that SUNAT leaked her professional fee receipts²³⁵⁹. The journalist has also publicly denounced that she has been a victim of harassment by reporters of the aforementioned media.

1069. In view of the above facts, the Office of the Special Rapporteur reiterates that acts of violence against journalists have a triple effect: (1) they violate the right of the victims to express and disseminate their ideas, opinions and information; (2) they have a chilling and silencing effect on their peers; and (3) they violate the rights of individuals and societies in general to seek and receive information and ideas of any kind. Therefore, the consequences for democracy, which depends on a free, open and dynamic exchange of ideas and information, are particularly serious.²³⁶⁰

1070. On the other hand, the Office of the Special Rapporteur has learned of several cases of legal action against journalists and media outlets in Peru, as well as threats of legal action against them, including by public officials. Thus, for example, on January 30, 2024, the National Police of Peru issued a statement rejecting a cartoon by Carlos Tovar "Carlín", published in the newspaper *La República*, which criticized the institution by showing three policemen, two of them described as "criminals". The Police considered that the drawing "ridiculed the police image" and announced that legal action would be taken against the media and those responsible.²³⁶¹

1071. According to public information, on March 27, 2024, the Second Transitory Supreme Prosecutor's Office Specialized in crimes committed by public officials initiated preliminary proceedings against Gustavo Gorriti, journalist and director of *IDL-Reporteros*, for the alleged crimes of specific active bribery, specific passive bribery, influence peddling and illegal sponsorship. This proceeding was initiated after statements made -as a witness and not as an effective collaborator- by a former advisor of the Public Prosecutor, who accused the journalist of interfering in the investigations of the "Cocktails" case and influencing the management of the investigating entity. In the framework of these investigations, the Rapporteurship learned that the provisional supreme prosecutor required the journalist to hand over the telephone numbers used between January 2016 and April 2021, and requested the lifting of the secrecy of communications²³⁶². The Rapporteurship warned that this diligence takes place in a context marked by

²³⁵⁹ La República, [Rosa María Palacios denuncia a Willax TV, Sunat, Augusto Thorndike y Erasmo Wong por violación de intimidad](#), 27 November 2024; Infobae, [Rosa María Palacios querrela a Augusto Thorndike con video donde presentador incita a golpearla y se burla de ella](#), 6 December 2024; IPYS, [Alerta: IPYS expects SUNAT to investigate complaint against her filed by journalist](#), Dec. 3, 2024; Noticias 16, [Rosa María Palacios presenta querrela contra Willax TV por violación a su intimidad](#), Nov. 20, 2024; Rosa María Palacios, [@rmapalacios], (Nov. 10, 2024), Hace una semana el programa de Contra Corriente anunció que tenía 10 años de recibos de honorarios profesionales mío y que los iban a publicar, X, <https://x.com/rmapalacios/status/1855643058357813732>; Rosa María Palacios, [@rmapalacios], (Nov. 19, 2024), I am not the first person to suffer a violation of her privacy by the @willaxtv media outlet, X, <https://x.com/rmapalacios/status/1859011541896491301>; Rosa María Palacios, [@rmapalacios], (Dec. 2, 2024), Vamos 6 periodistas a los que la @SUNAToficial filtra 10 años de recibos de honorarios profesionales a @willaxtv, X, <https://x.com/rmapalacios/status/1863563533901819948>; Rosa María Palacios, [@rmapalacios], (Dec. 2, 2024), Los 6 somos: Gustavo Gorriti Clara Elvira Ospina Anuska Buenaluque Eloy Marchan Rosa María Palacios Carlos Rivera (lawyer for several journalists), X, <https://x.com/rmapalacios/status/1863566455540756565>.

²³⁶⁰ 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., 2-23, para. 287.

²³⁶¹ IPYS, [Peru: National Police announces legal action against La República for publishing a cartoon critical of the institution](#), January 30, 2024.

²³⁶² Consejo de la Prensa Peruana, [Gorriti: levantamiento de secreto de comunicaciones atenta contra la protección de fuentes](#), April 4, 2024; RSF, [Fiscalía abre una investigación contra el periodista Gustavo Gorriti en Perú: RSF denuncia una amenaza para la libertad de prensa y la protección de las fuentes](#), April 8, 2024; Asociación Nacional de Periodistas del Perú (ANP), [Ministerio Público violenta secreto profesional y afecta libertades informativas](#), March 29, 2024.

numerous complaints of harassment, intimidation and stigmatization against the media outlet *IDL-Reporteros* and its director .²³⁶³

1072. In this regard, the Peruvian State provided the Office of the Special Rapporteur with a communiqué from the Public Prosecutor's Office, which states that there was "corroboration with official documents" through a prior inquiry. In the same communiqué, the Public Prosecutor's Office remarked that revealing sources is a "voluntary act" while the lifting of the secrecy of communications "is not the will of the requested party, but a judicial resolution"²³⁶⁴ .

1073. In the same context, the Special Rapporteurship learned that in a resolution dated October 25, a Supreme Court judge had ordered the Attorney General's Office to require *IDL-Reporteros* to send several audios that were used in a 2018 journalistic investigation on alleged acts of corruption in the Judiciary .²³⁶⁵

1074. On the other hand, the Rapporteurship received reports of a raid on the home of journalist Juan Carlos Tafur Rivera, director of the portal *Sudaca.pe*, on April 23, 2024²³⁶⁶ . According to information received by this Office, computers, cell phones and other communication equipment of the journalist and his family members were seized during the raid. According to public reports, the journalist had been linked to an investigation for publishing a report that allegedly sought to discredit a senior prosecutor and participate in coordination with a person under investigation in the "Los Cuellos Blancos del Puerto" case²³⁶⁷ .

1075. Likewise, the Rapporteurship has continued to monitor the situation of journalist Paola Ugaz since its 2023 annual report²³⁶⁸ . In particular, this Office has received reports on judicial proceedings against journalist Paola Ugaz for her investigations published in the book "Mitad monjes, mitad soldados" (Half monks, half soldiers) about the religious organization "Sodalicio de Vida Cristiana" (Sodalitium of Christian Life), linked to economic irregularities and abuses of power in Peru²³⁶⁹ . Since 2018, complaints have been filed against the journalist for alleged crimes of aggravated defamation, false testimony, money laundering and illicit enrichment. According to public allegations, the complainants include people linked to the Sodalitium and with political power, who would have used the judicial system in order to silence the journalist²³⁷⁰ . In addition, reports have been gathered on the alleged media harassment against journalist Paola Ugaz, in which media outlets have disseminated false information accusing her of leading a money laundering network, and pressured the Public Prosecutor's Office to open investigations against her. As this Office was warned, these publications, considered false by the journalist and some civil society organizations, were used as evidence before the Public Prosecutor's Office to initiate four investigations for alleged crimes of: money laundering, influence peddling and illicit enrichment.

1076. In the context of an investigation for alleged illicit enrichment against journalist Paola Ugaz, initiated in April 2023, the Special Rapporteurship received reports that, on July 24, 2023, the Public

²³⁶³ IACHR, Office of the Special Rapporteur for Freedom of Expression, Press Release No. 111/24, [La RELE manifiesta su preocupación por riesgos sobre el derecho a la reserva de fuentes periodísticas en Perú](#), May 22, 2024.

²³⁶⁴ IACHR, Office of the Special Rapporteur for Freedom of Expression, Press Release No. 111/24, [La RELE manifiesta su preocupación por riesgos sobre el derecho a la reserva de fuentes periodísticas en Perú](#), May 22, 2024.

²³⁶⁵ Committee to Protect Journalists (CPJ), [Peruvian judge orders IDL-Reporteros to submit audios of investigative journalism on corruption case](#), November 14, 2024.

²³⁶⁶ IACHR, Office of the Special Rapporteur for Freedom of Expression, Press Release No. 111/24, [La RELE manifiesta su preocupación por riesgos sobre el derecho a la reserva de fuentes periodísticas en Perú](#), May 22, 2024. Infobae, [Allanar vivienda de periodista Juan Carlos Tafur en operativo Valkiria XI por caso de Patricia Benavides](#), April 23, 2024; El Comercio, [Juan Carlos Tafur tras allanamiento a su casa: se ha cometido una grave injusticia](#), April 25, 2024.

²³⁶⁷ Infobae, [EFICCOP's reasons for investigating journalist Juan Carlos Tafur](#), April 24, 2024.

²³⁶⁸ IACHR, Annual Report 2023, [Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II Doc. 386, December 6, 2023, para. 1285.

²³⁶⁹ Infobae, [Pedro Salinas and Paola Ugaz, journalists denounced for exposing cases of sexual abuse in the Sodalitium: "It is still a powerful organization"](#), August 22, 2024; Amnesty International, [Harassed for denouncing abuses in the Sodalitium](#), November 14, 2024.

²³⁷⁰ El País, [Los periodistas que destaparon los abusos del Sodalicio en Perú denuncian una persecución judicial por sus investigaciones a la Iglesia](#), November 8, 2024; UNESCO, [Cuando informar se transforma en una amenaza: violencias contra las mujeres periodistas en el ejercicio de la profesión](#), May 13, 2024; [Informe Anual 2023. Relatoría Especial para la Libertad de Expresión \(RELE\), paragraph 1285.](#)

Prosecutor's Office reportedly requested the court to lift the secrecy of Ugaz's communications, asking telecommunications companies for records between January 1, 2013 and December 30, 2020. On August 24, 2023, the First Preparatory Investigation Court of Lima accepted the request and ordered Peru's telephone operators to hand over data on calls, messages, locations and devices associated with Ugaz. As far as the Special Rapporteur's Office was able to learn, the file was kept confidential, and neither the journalist nor her lawyer were informed about the request or the court order.²³⁷¹

1077. In July 2024, this Office received information on complaints accusing the Minister of the Interior of having threatened journalists Ricardo Velazco and César Hildebrandt, editor and director of the weekly *Hildebrandt en sus Trece*²³⁷² with legal action. Likewise, the Office of the Special Rapporteur has registered other complaints against journalist José Miguel Hidalgo, of *América Televisión*, after the publication of a report, as well as against a journalist, both allegedly filed by the president of the Congress of the Republic.²³⁷³

1078. In addition to these facts, on December 12, 2024, journalists of *Semanario Expresión* denounced that the Superior Court of Justice of Lambayeque had sent them an official letter requesting information about their confidential sources. According to public information, the letter, dated December 3, requires the media outlet to "submit a report on the news that appears in its newspaper, and must provide the names of the source of such information". The document also indicates that, if they fail to comply with the request, certified copies will be sent to the Public Prosecutor's Office so that the media can be investigated for "disobedience to authority"²³⁷⁴.

1079. In this regard, the Office of the Special Rapporteur recalls that Inter-American human rights standards prohibit States from restricting the legitimate exercise of freedom of expression by indirect means, such as judicial mechanisms used to intimidate and silence the work of the media. The Inter-American Court has emphasized that judicial processes undertaken by State or non-State actors to silence criticism of their actions in the public sphere constitute a threat to freedom of expression²³⁷⁵. In addition, the Court has established that expressions on matters of public interest should enjoy greater protection under the American Convention, which implies that the State must refrain with greater rigor from limiting this type of expression.²³⁷⁶

1080. Likewise, the Office of the Special Rapporteur recalls that according to Principle 8 of the Declaration of Principles on Freedom of Expression of the IACHR, "[e]very social communicator has the right to reserve his or her sources of information, notes, and personal and professional archives"²³⁷⁷. This right is based on the fact that journalists, in their work, render an important public service by gathering and disseminating information that, otherwise, without the secrecy of the sources, could not be known. This Office has pointed out that "it is a matter of providing legal guarantees to ensure their anonymity and avoid possible

²³⁷¹ IPYS, [Perú: Levantan sin justificación el secreto de las comunicaciones de periodista](#), 21 September 2024; CPJ, [El CPI condena el levantamiento del secreto de las comunicaciones de periodista peruana](#), 7 October 2024.

²³⁷² Asociación Nacional de Periodistas del Perú, [Ministro del Interior amenaza con querrelar a semanario Hildebrandt en sus Trece](#), July 14, 2024; IPYS, [Perú: ministro del interior amenaza una vez más con criminalizar el trabajo de la prensa](#), September 18, 2024; El Comercio, [Rechazan amenaza de Juan José Santiváñez a los periodistas: los choques del ministro del Interior con la prensa](#), September 4, 2024.

²³⁷³ IPYS, [Perú: presidente del Congreso denuncia a periodista por delitos de reglaje](#), 28 June 2024; Infobae, [Alejandro Soto denuncia a periodista por reglaje: todo lo que se sabe sobre la demanda](#), 28 June 2024; La República, [Alejandro Soto intenta silenciar a la prensa: querreló tres veces a periodista cusqueña](#), July 12, 2024; Latina Noticias, [Periodista cusqueña sobre Alejandro Soto: "no es un colega. es un locutor amarillista"](#), 2024; RPP, [Alejandro Soto denuncia a periodista de Cusco por crítica a su gestión política](#), July 12, 2024.

²³⁷⁴ IPYS, [Perú: jueza pide a semanario Información sobre la identidad de sus fuentes](#), 12 December 2024; Asociación Nacional de Periodistas del Perú, [Chiclayo: Jueza solicita al Semanario Expresión información sobre sus fuentes](#), 12 December 2024.

²³⁷⁵ 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.

²³⁷⁶ I/A Court H.R., Case of Palamara Iribarne v. Chile, Judgment of November 22, 2005, Series C No. 135, para. 83; Case of Herrera Ulloa v. Costa Rica, Judgment of July 2, 2004, Series C No. 107, para. 125; IACHR. Arguments 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. Case of Herrera Ulloa v. Costa Rica, Judgment of July 2, 2004, Series C No. 107, para. 101.2.c).

²³⁷⁷ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Background and interpretation of the Declaration of Principles](#), 2000.

reprisals that may arise after having disclosed information"²³⁷⁸. Confidentiality constitutes an essential element in the development of journalistic work and in the role conferred on journalism by society to inform on matters of public interest.

1081. On the other hand, in the course of 2024, the Office of the Special Rapporteur also received numerous reports on the lack of statements to the press, obstacles to press coverage, restrictions on access to information, and verbal attacks, including stigmatizing statements, including by high-ranking State officials²³⁷⁹. In this context, it was learned of the appointment of an official to serve as spokesperson for the Presidency²³⁸⁰, as well as the appointment of a chief spokesperson for the Public Prosecutor's Office, in charge of ensuring a policy of transparency and institutional communication.²³⁸¹

1082. The Rapporteurship also noted the decision of the Constitutional Court of Peru, which ordered the Presidency to respond to the recommendations of the Ombudsman's Office, in order to guarantee the work of the press in the country²³⁸². According to reports, the order establishes that the work of journalists should not be hindered and that access to interviews with the media should be allowed.

1083. The Special Rapporteurship was also informed that, in various official public events, security schemes were implemented that included the installation of perimeters and barriers, preventing journalists and media representatives from asking questions during their coverage.²³⁸³

1084. 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 information²³⁸⁴. 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.

²³⁷⁸ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Background and interpretation of the Declaration of Principles](#), 2000.

²³⁷⁹ Infobae, [Health Minister confirms Dina Boluarte's decision to "stay away from the press" to avoid alleged "political harassment"](#), June 2, 2024; Infobae, [Altercation in Cusco: Foreign Trade Minister gets upset, snatches microphone from reporter and throws him to the ground](#), April 23, 2024; IPYS, [@IPYS], (June 4, 2024), Peru: journalists from several media outlets are again cordoned off to avoid questions, X, https://x.com/IPYS/status/1798075359726022916?t=SaUcxZk3m_pfacSioc4ht0&s=19; ANP Peru, [@ANP_periodistas], (June 4, 2024), Journalists from various media outlets were again retained, this time on a podium intended for press, X, https://x.com/ANP_periodistas/status/1798045674451394710; IPYS, [@IPYS], (July 24, 2024), Peru: president of Congress @AlejandroSotoRe prevents press access to standing committee session; <https://x.com/IPYS/status/1816162008661708932?t=a1-w5mPwsZr0deMwjumkwQ&s=08>; ANP Peru, [@ANP_periodistas], (July 24, 2024), La @ANP_periodistas rechaza la decisión del presidente del @congresoperu @AlejandroSotoRe de prohibir el acceso a la prensa a la última sesión de la comisión permanente, X, https://x.com/ANP_periodistas/status/1816145884926574939; RSF en español, [@rsf_eng], (Dec. 18, 2024), RSF stands in solidarity with journalist Carol Gonzales Muniz of the program Visión Informativa de Cusco, who was verbally assaulted by Economy Minister José Arista during news coverage, X, https://x.com/RSF_eng/status/1869429461822882301; Swissinfo, [Gremio de periodistas de Perú rechaza discurso "estigmatizador" a la prensa de Boluarte](#), 31 March 2024; La República, [Dina Boluarte cumplió 100 días sin hablar con la prensa en medio de inseguridad ciudadana y desaprobación de la población](#), 17 October 2024; El Comercio, [Dina Boluarte cumple 100 días sin declarar a la prensa en medio de investigaciones y alta desaprobación](#), 17 October 2024.

²³⁸⁰ Presidency of the Republic, [Presan a Fredy Hinojosa Angulo como vocero de la Presidencia de la República](#), May 3, 2024; El Búho, [¿Quién es el nuevo vocero del despacho presidencial de Dina Boluarte](#), May 8, 2024.

²³⁸¹ Presidencia de la República, [Víctor Manuel Cubas Villanueva vocero principal del Ministerio Público](#), November 21, 2024; Infobae, [Ministerio Público presentó a exfiscal supremo como su vocero principal: quién es Víctor Cubas Villanueva y cuál será su función](#), November 21, 2024.

²³⁸² IPYS, [TC ordena a la Presidencia de la República responder recomendaciones de la Defensoría del Pueblo que garantizan el trabajo de la prensa](#), December 16, 2024; Defensoría del Pueblo, [Defensor del pueblo reitera importancia del respeto irrestricto a la libertad de prensa](#), May 3, 2024.

²³⁸³ IPYS, [Peru: Dina Boluarte staff and security lock journalists in waiting room to prevent them from asking questions](#), May 31, 2024; Infobae, [Dina Boluarte security locks journalists in the middle of multi-hazard drill and restricts their work](#), May 31, 2024.

²³⁸⁴ 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.

1085. 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.²³⁸⁵

1086. It also 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 whole²³⁸⁶. The prevailing importance of the discussion of matters of public interest leads, moreover, to the reinforced protection of the right of access to information on public affairs.²³⁸⁷

1087. In the fight against impunity for crimes and aggressions against the press, the Office of the Special Rapporteur positively recorded the conviction of military officer Alberto Rivero Valdeavellano, who was found responsible for the disappearance of journalist Jaime Ayala Sulca, in 1984²³⁸⁸. This judicial decision of the Fourth Transitory National Criminal Court of the National Specialized Criminal Court represents a step forward in the fight against impunity in crimes against journalists and media workers. The decision was issued by the Fourth National Transitory Liquidation Court of the National Specialized Criminal Court.

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

1088. The Office of the Special Rapporteur has received information on the alleged criminalization and persecution of Leonor Estrada Francke, Peruvian artist and actress, accused of the alleged crime of insulting patriotic symbols, contemplated in Article 344 of the Penal Code²³⁸⁹. This stemmed from her participation in a march on January 22, 2023, during which she made a performance in which she stepped on and sat on the national flag. According to available reports, the Public Prosecutor's Office requested a sentence of one year and four months imprisonment, in addition to the payment of a fine. Likewise, the Ministry of Defense would have requested to be constituted as civil actor, demanding a civil reparation amounting to 20 thousand soles in its favor. At the date of writing of this report, the criminal proceeding is in the oral trial phase.²³⁹⁰

1089. In 2024, the Rapporteurship also documented various social mobilizations in the country, which intensified especially in the month of October. According to public reports, these demonstrations demanded measures against crime, and were accompanied by reports of alleged arbitrary detentions, excessive use of force and restrictions on mobilization.²³⁹¹

1090. The Office also received reports on the statements made by the Minister of Education regarding the 49 people killed during the protests that took place in the country between the end of 2022 and

²³⁸⁵ OAS, UN, OSCE, ACHPR, [Joint Declaration on Political Leaders, Public Officials and Freedom of Expression](#), 2021.

²³⁸⁶ 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.

²³⁸⁷ 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.

²³⁸⁸ Latam Journalism Review, ["Una sentencia histórica": después de 40 años exmilitar peruano es condenado en caso de desaparición forzada de periodista](#), October 2, 2024; TV Perú, [Caso Huanta 1984: Poder judicial condena a exmarino por asesinatos y desapariciones forzadas](#), October 2, 2024.

²³⁸⁹ Mano Alzada, [Persecution of freedom of expression: Peruvian artist criminally denounced for use of flag in protest performance](#), August 27, 2024; La Indomita, [Lola Estrada, el caso emblemático con el que se intenta censurar el arte](#), August 28, 2024.

²³⁹⁰ International Federation for Human Rights, [Peru: Criminalization and arrest warrant against defender Lola Estrada](#), December 11, 2024; Passion for the Right, [Defense of Lola Estrada, artist accused of insulting the flag: "It is an abuse that the trial has advanced so far."](#) October 22, 2024.

²³⁹¹ DW, [Jornada de protestas en Perú contra ola de extorsiones](#), 24 October 2024; El País, [El Gobierno de Boluarte saca los tanques de guerra a la calle por el tercer paro contra las extorsiones del crimen organizado](#), 24 October 2024; Defensoría del Pueblo, [Defensoría del Pueblo registra siete nuevos conflictos sociales en el mes de octubre](#), 14 November 2024.

the beginning of 2023. In these statements, the Minister affirmed that "human rights are for people, not for rats"²³⁹².

1091. In the context of social demonstrations, the Office of the Special Rapporteur also recorded the conviction of peasant leaders in Cotabambas, who must go to prison after protests against the Las Bambas mining project in 2015²³⁹³. Similarly, the Rapporteurship learned about the conviction against four young farmers in Cusco, after being arrested in the framework of demonstrations against the government in January 2023. The conviction was ratified by the First Appeals Chamber of the Superior Court of Justice of Cusco, in July 2024.²³⁹⁴

1092. Peaceful protest is fundamental in democratic societies and that the State must respect, protect and guarantee the right to freedom of expression and assembly, without criminalizing the leaders or participants of demonstrations. Likewise, freedom of expression in the context of social protests must be guaranteed not only with respect to the dissemination of ideas and information received favorably or considered inoffensive or indifferent, but also with respect to those that offend, shock, disturb, are ungrateful or disturb the State or any sector of the population due to the type of claim they involve.²³⁹⁵

1093. RELE also learned of several legislative initiatives whose implementation could unduly restrict the rights to freedom of expression and association. Thus, for example, it became aware of a bill proposing the creation of the "Professional Association of Communicators of Peru", which, according to civil society organizations, would establish mandatory registration for the practice of journalism²³⁹⁶. Likewise, on April 2, 2024, a bill was presented that would seek to prohibit journalists, as well as their relatives up to the second degree of consanguinity, from signing contracts with the Peruvian State.²³⁹⁷

1094. Likewise, this Office has received information on a set of proposed amendments to Law No. 27692 creating the Peruvian Agency for International Cooperation (APCI), through five bills (6162/2023-CR, 6252/2023-CR, 7140/2023-CR, 7367/2023-CR and 7818/2023-CR), which could impose greater controls on civil society organizations and disproportionately restrict the rights to freedom of expression and association²³⁹⁸.

1095. According to public reports, on June 5, 2024, the Congressional Foreign Relations Committee debated and voted on a draft bill recommending approval of the first four bills. According to what this Office was able to learn, among the main provisions of the bill is the power of the APCI to keep an updated registry of all organizations that carry out "political activism" with financing, direct or indirect, from international technical cooperation. For the proposal, "political activism" would be considered that which "seeks to modify national public policies or electoral results in favor of the interests of private foreign entities with resources from International Technical Cooperation"²³⁹⁹. In addition, a mandatory registration is proposed for all organizations receiving international technical cooperation, as a prerequisite for accessing these resources. It

²³⁹² El País, [Peru's Education Minister, on those killed in protests: "Human rights are for people, not for rats"](#), December 11, 2024; Página 12, ["Human rights are not for rats"](#), December 12, 2024; La República, [Morgan Quero insults those killed in protests against Dina Boluarte: "Human rights are for people, not for rats"](#), December 12, 2024.

²³⁹³ World Socialist Web Site, [Peruvian peasant leaders sentenced to 9 years in prison for participating in mining protests](#), August 26, 2024; CooperAcción, [11 leaders from Cotabambas and Grau request nullity of trial that criminalized their right to protest](#), September 17, 2024.

²³⁹⁴ Infobae, [PI sentences four young farmers in Cusco for protesting against Dina Boluarte: families denounce injustices](#), July 31, 2024; Avispa.org, [Peru-Cusco: criminalization of community members detained in protests](#), August 13, 2024

²³⁹⁵ 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. 63.

²³⁹⁶ IPYS, [Perú: congresista presenta proyecto para crear colegio de comunicadores que exige colegiatura para ejercer la profesión](#), April 5, 2024; Expreso, [Acción Popular busca someter a la prensa: creación de Colegio de Comunicadores restringiría ejercicio de la profesión](#), April 5, 2024.

²³⁹⁷ IPYS, [Peru: Congressman presents bill to prevent journalists' relatives from contracting with the State](#), April 3, 2024.

²³⁹⁸ Dejusticia, [La democracia peruana, en vilo: las ONG, en riesgo](#), September 25, 2024; Infobae, [Congreso busca bloquear apoyo internacional a comunidades indígenas y organizaciones de la sociedad civil](#), December 6, 2024.

²³⁹⁹ Dejusticia, [La democracia peruana, en vilo: las ONG, en riesgo](#), September 25, 2024. CooperAcción, [Nueva ley persecutoria a las ONG](#), July 11, 2024.

also establishes the obligation to report the use of foreign financing and to make public the financial information of the organizations. The proposed sanctions include the possible cancellation of the registration of organizations in the APCI. According to public reports, this initiative has generated concern among various civil society organizations and international bodies, who have warned about its ambiguous and vague language, which could lead to broad and restrictive interpretations of the rights to freedom of expression and association.²⁴⁰⁰

1096. Freedom of association implies the right of organizations to establish their internal structure, activities and program of action without intervention by the authorities that restricts or hinders the exercise of this right. As the IACHR has noted, States must "promote and facilitate access by human rights organizations to both domestic and foreign financial cooperation funds, as well as refrain from restricting their means of financing," as part of their obligations to respect and guarantee freedom of association²⁴⁰¹. This access to funds is crucial to guarantee the independence and sustainability of the organizations. In addition, information requests to organizations must not exceed the limits of confidentiality necessary for their freedom of action and independence.

1097. Any restriction on the exercise of the right of association must be clearly established by law, in advance and in an express, precise and exhaustive manner. Furthermore, it must pursue a legitimate aim and be necessary and proportional in a democratic society. In this regard, the IACHR has remarked that States must "refrain from promoting laws and policies that use vague, imprecise and broad definitions of legitimate grounds to restrict the possibilities for the formation and operation of human rights organizations"²⁴⁰².

1098. On the other hand, the Office learned that the Ministry of Education had vetoed 57 school textbooks containing terms considered "sensitive", such as dictatorship, social conflict, armed conflict, abortion and sex education. According to publicly available reports, this decision was the result of an analysis carried out by a team convened by the Ministry, which reviewed a total of 710 school textbooks.²⁴⁰³

1099. Likewise, the Council of Ministers has reportedly approved a draft amendment to the Teacher Reform Law, which aims at guaranteeing that only "suitable" teachers have access to the Public Teaching Career. In addition, it would establish that teachers may be dismissed if their ideologies or actions contravene the constitutional order or fundamental rights.²⁴⁰⁴

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

1100. The Special Rapporteurship learned that the Consejo Consultivo de Radio y Televisión (CONCORTV), a body attached to the Peruvian Ministry of Transport and Communications (MTC), presented a

²⁴⁰⁰ Instituto de Defensa Legal, [Críticas al dictamen aprobado por la Comisión de Relaciones Exteriores del Congreso contra el trabajo de las ONG](#), June 8, 2024; El País, [El control a las ONG en Perú, un zarpazo a la democracia](#), June 10, 2024; IPYS, [El IPYS rechaza el predictamen anti-ONG aprobado en el Congreso](#), June 12, 2024; Amnesty International Americas, [AmnistiaOnline], (December 4, 2024), El dictamen que modifica la ley de la Agencia Peruana de Cooperación Internacional (APCI) busca generar un control estatal, X, <https://x.com/AmnistiaOnline/status/1864334217829863508>; United Nations, [Letter to the State of Peru](#), Mandates of the Special Rapporteur on the rights to freedom of peaceful assembly and of association: of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression: from the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, June 19, 2024; OHCHR Peru Mission, [OACNUDHPeru], (Dec. 5, 2024), UN Special Rapporteur on Freedom of Association and Assembly @Ginitastar reiterates the concerns that, together with other Rapporteurships, she sent to the Peruvian State, X, <https://x.com/OACNUDHPeru/status/1864679042940604860>.

²⁴⁰¹ IACHR, [Second Report on the Situation of Human Rights Defenders in the Americas](#), OEA/Ser.L/V/II. Doc.66, December 31, 2011, para. 179.

²⁴⁰² IACHR, [Second Report on the Situation of Human Rights Defenders in the Americas](#), OEA/Ser.L/V/II. Doc.66, December 31, 2011, para. 165.

²⁴⁰³ Epicentro TV, [Censura en Minedu: hacen lista negra de palabras que no pueden ir en libros escolares](#), May 23, 2024; Infobae, [Minedu y el veto a libros escolares con palabras "sensibles" para el gobierno: "educación sexual", "conflicto armado" y "dictadura"](#), May 25, 2024.

²⁴⁰⁴ Enfoque Derecho, [Análisis del Proyecto de Ley que plantea destituir a los docentes con ideologías contrarias a la Constitución](#), February 29, 2024; Educación en red, [Ley de Reforma Magisterial: Conoce el proyecto para el cese de maestros con ideologías contrarias a la Constitución](#), February 14, 2024.

report entitled "Situación de los servicios de radiodifusión comunitaria" (Situation of community radio broadcasting services)²⁴⁰⁵. The report highlights that community media in the country have limited access to sources of financing, which puts at risk their viability, the working conditions of their workers, as well as their community purpose "to promote and develop content to meet the communication needs and demands of the communities they serve"²⁴⁰⁶. In addition, it highlights that many community media are not on the air or operate partially for some hours. Likewise, the report states that there is "an absence of Peasant and Indigenous Communities" as owners of community media, since out of a total of 66 owners, only one corresponds to a peasant community.²⁴⁰⁷

1101. Finally, the Office has learned with concern of public reports of cases of sexual harassment, harassment and threats allegedly committed by Hialmar Laynes Sánchez against at least five women journalists from various media outlets since 2023²⁴⁰⁸. As the Special Rapporteurship learned, in August 2024, Laynes Sánchez was sentenced to five years of suspended imprisonment and the payment of a civil reparation of three thousand soles for allegedly having violated one of the protective measures issued in favor of one of the journalists²⁴⁰⁹. In addition, the Ministry of Women and Vulnerable Populations urged the revocation of the suspended prison sentence²⁴¹⁰. For their part, civil society organizations, such as *Women Press Freedom*, condemned the release of Laynes Sánchez and demanded justice, as well as guarantees of non-repetition for the victims.²⁴¹¹

D. Freedom of expression and the Internet

1102. The Special Rapporteurship learned of the approval of the bill that guarantees free access to the Internet, whether through public or private investment. The initiative is linked to a constitutional reform that promotes the use of information technologies and seeks to guarantee this right throughout the territory.²⁴¹²

1103. Likewise, the Special Rapporteurship learned of the decision of the Judiciary, which ordered public entities and officials to refrain from blocking users of social networks such as X (formerly *Twitter*). This decision followed an injunction filed by attorney Diana Coz, who alleged that her right to information had been violated.²⁴¹³

²⁴⁰⁵ Consejo Consultivo de Radio y Televisión (CONCORTV), [Diagnóstico: situación de los servicios de radiodifusión comunitarios](#), December 2023.

²⁴⁰⁶ CONCORTV, [Diagnóstico: situación de los servicios de radiodifusión comunitarios](#), December 2023; Observacom, [Informe del CONCORTV advierte dificultades de financiamiento y funcionamiento en medios comunitarios de Perú](#), February 21, 2024; CONCORTV, [CONCORTV presenta recomendaciones para fortalecer medios comunitarios](#), February 16, 2024; Observacom, [Pocas, pequeñas y muy pobres: el resultado de la regulación de los medios comunitarios en Perú, revela investigación del CONCORTV](#), March 5, 2024.

²⁴⁰⁷ CONCORTV, [Diagnóstico: situación de los servicios de radiodifusión comunitarios](#), December 2023; Observacom, [Informe del CONCORTV advierte dificultades de financiamiento y funcionamiento en medios comunitarios de Perú](#), February 21, 2024; CONCORTV, [CONCORTV presenta recomendaciones para fortalecer medios comunitarios](#), February 16, 2024; Observacom, [Pocas, pequeñas y muy pobres: el resultado de la regulación de los medios comunitarios en Perú, revela investigación del CONCORTV](#), March 5, 2024.

²⁴⁰⁸ El Comercio, [Cinco periodistas sufren acoso por parte de hombre condenado a prisión suspendida. Five journalists suffer harassment by man sentenced to suspended prison](#), 29 August 2024; Infobae, [Periodistas víctimas de acoso rechazan retraso de captura de Hialmar Laynes: "Recibimos indiferencia del sistema que debe protegernos"](#), 23 August 2024.

²⁴⁰⁹ ATV.pe, [Hialmar Laynes Sánchez: Dictan 5 años de libertad restringida a acosador de periodistas](#), 2 August 2024; Panamericana, [Periodista Manuela Camacho: "Somos siete mujeres las acosadas por el mismo hombre"](#), 14 August 2024; Infobae, ["El país al revés": Jueza que puso en libertad a acosador envía carta notarial a periodista Manuela Camacho, una de las víctimas](#), 13 August 2024.

²⁴¹⁰ Ministry of Women and Vulnerable Populations, [@MimpPeru], (Aug. 9, 2024), El MIMP exhorta al @Poder_Judicial_ a revocar la sentencia de prisión suspendida contra Hialmar Laynes Sánchez, X, <https://x.com/MimpPeru/status/1822064235708346758>.

²⁴¹¹ Women Press Freedom, [Peru: Judge who gave suspended sentence to Camacho's harasser files defamation suit against journalist](#), August 2, 2024; El Comercio, [Manuela Camacho: "El ciberacoso es tan real como aquel acoso que atraviesa una mujer que es violada en la calle"](#), August 29, 2024.

²⁴¹² Congreso de la República, [Congreso promueve el derecho al acceso a Internet libre, con énfasis en zonas rurales, campesinas y nativas](#), July 10, 2024; Pasión por el Derecho, [Ley 31878: reconocen como derecho constitucional el acceso a internet](#), September 23, 2023.

²⁴¹³ Infobae, [Poder Judicial prohíbe entidades and public officials to block users on Twitter](#), May 10, 2024; Pasión por el Derecho, [Resolution Number Eighteen](#), April 18, 2024.

1104. On the other hand, in October 2024, the Superior Court of Justice of Lima, through the Fifth Constitutional Court, ratified the rights of journalist Marco Sifuentes Quintana against *Google LLC*, after the temporary removal of his *YouTube* video entitled "Rosselli Amuruz: viajes, lujos y millones" in which alleged conflicts of interest of a congresswoman and her family were exposed²⁴¹⁴. According to public information, the Constitutional Court of the Superior Court of Justice of Lima determined that the temporary removal of the video constituted an illegitimate restriction to the right to information, obstructing the dissemination of a content of public interest, specifically a journalistic investigation on public officials, disseminated through the program of the digital media *La Encerrona*²⁴¹⁵. In December 2024, the Peruvian Constitutional Court issued a resolution stating that the sentence²⁴¹⁶ was "consented".

²⁴¹⁴ Observatorio Latinoamericano de Regulación de Medios y Convergencia (Observacom), [Peruvian court rules against removal of Google content: restricted freedom of expression of journalist Marco Sifuentes](#), October 30, 2024; IPYS, [Peru: Peruvian court rules against removal of Google content, restricted freedom of expression of journalist Marco Sifuentes](#), November 6, 2024.

²⁴¹⁵ Observatorio Latinoamericano de Regulación de Medios y Convergencia (Observacom), [Peruvian court rules against removal of Google content: restricted freedom of expression of journalist Marco Sifuentes](#), October 30, 2024; IPYS, [Peru: Peruvian court rules against removal of Google content, restricted freedom of expression of journalist Marco Sifuentes](#), November 6, 2024.

²⁴¹⁶ Observacom, [Google does not appeal ruling in Peru's Sifuentes case and sentence becomes final](#), December 4, 2024.

DOMINICAN REPUBLIC

1105. In 2024, the Office of the Special Rapporteur learned of some reports of aggressions against journalists, which included physical aggressions, verbal attacks and threats, in some cases coming from State security forces, allegedly with the aim of obstructing coverage of matters of public interest. During the year, several legislative initiatives and regulations were also observed that could affect the exercise of the rights to freedom of expression and press freedom in the country, particularly in relation to official advertising, the establishment of the "conscience clause" and reforms to the law on freedom of expression. One of the most relevant issues was the debate surrounding the enactment of Law 1-24, which established the creation of the National Intelligence Directorate (DNI). This law generated serious concerns on the part of various civil society organizations, which warned of possible incompatibilities with the practice of journalism, as well as the risk of undue intrusions into privacy and the obtaining of information without judicial authorization. At the close of this report, the Rapporteurship learned that the aforementioned law was annulled by the Constitutional Court. Finally, there were demonstrations and attacks attributed to ultra-nationalist groups who, according to reports, have been promoting hate speech in the context of the Haitian migratory situation in the country.

A. Journalism and democracy

1106. During 2024, the Office of the Special Rapporteur received reports of episodes of physical attacks against journalists and their families, allegedly committed by State security forces. This concern was raised by the *Círculo de Reporteros Gráficos de Televisión* (CRGTV) in March of that year²⁴¹⁷. In this context, public reports were received denouncing an alleged aggression against cameraman Richard de la Cruz, while he was carrying out his journalistic work²⁴¹⁸.

1107. The Rapporteurship also learned of the condemnation issued by *the Inter-American Press Association* (IAPA) in connection with the alleged attack by a police officer of the National Police Force against photojournalist Roberto Reyes, of the "José Gutiérrez Producciones" program, while he was covering a news story at the Mercado Modelo in Santiago²⁴¹⁹. In the same context, an act of intimidation was reported against journalists Amparo Infante and Maricela de la Cruz, who were covering the fire in the commercial plaza²⁴²⁰. The president of *CRGTV* expressed his disapproval, stressing that every attack on a journalist or reporter not only affects the person, but represents an attack on the very essence of democracy and transparency.²⁴²¹

1108. Reports were also received of an incident in which journalist Danny Gómez, who was covering a police operation in the Mejoramiento Social neighborhood, was verbally assaulted by a lieutenant colonel of the National Police. During the altercation, the lieutenant colonel reportedly snatched the journalist's phone and hurled insults²⁴²². Likewise, this Office learned of the alleged detention of a journalist who was recording images of the building of the recently created National Intelligence Directorate (DNI). The event occurred in a context marked by various questions and warnings about the law that grants powers to the national intelligence agency²⁴²³. According to public reports, two DNI agents approached the journalist and told him

²⁴¹⁷ El Caribe, [Denuncian maltrato a reporteros gráficos de televisión en RD](#), March 11, 2024.

²⁴¹⁸ El Caribe, [Denuncian maltrato a reporteros gráficos de televisión en RD](#), 11 March 2024; Noticias SIN, [Agreden camarógrafo de Noticias SIN mientras trabajaba...](#) 6 March 2024

²⁴¹⁹ SIP.IAPA, [@sip_oficial], (2024, August 1), Condenamos el ataque de un policía contra el reportero gráfico Roberto Reyes y la agresión verbal contra las periodistas Amparo Infante y Maricela de la Cruz, X, https://x.com/sip_oficial/status/1819141091251442000?s=08&t=oglnEAEtSqksJw_c2UA-9w; El Nuevo Diario, [Reporteros gráficos condenan agresión a miembros de la prensa en Santiago](#), August 1, 2024.

²⁴²⁰ SIP.IAPA, [@sip_oficial], (2024, August 1), We condemn the attack by a police officer against photojournalist Roberto Reyes and the verbal aggression against journalists Amparo Infante and Maricela de la Cruz, X, https://x.com/sip_oficial/status/1819141091251442000?s=08&t=oglnEAEtSqksJw_c2UA-9w

²⁴²¹ El Nuevo Diario, [Reporteros gráficos condenan agresión a miembros de la prensa en Santiago](#), August 1, 2024.

²⁴²² Remolacha.net, [Teniente coronel arrebató celular a periodista](#), 29 September 2024; Noticias Breves, [Teniente Coronel arrebató el celular a periodista durante cobertura de incidentes en Santiago Rodríguez](#), 29 September 2024.

²⁴²³ En Segundos, [Detienen camarógrafo por grabar fachada del DNI](#), 24 January 2024; El Nuevo Diario, [Denuncian DNI apresó a un camarógrafo que grababa frente a sus instalaciones](#), 23 January 2024; 7 días, [Ejecutando nueva Ley 1-24 detienen por más de dos horas camarógrafo de multimedios](#), 23 January 2024.

that he could not film in that area. In addition, they took him inside the agency, where they asked him for his identity document and his work equipment.²⁴²⁴

1109. In this regard, the Office of the Special Rapporteur noted that in October 2024, *the Dominican College of Journalists* (CDP), together with other organizations, held a demonstration in front of the provincial governor's office to denounce the recurrent attacks against journalists and the media allegedly committed by members of the National Police.²⁴²⁵

1110. Likewise, this Office received reports on acts of violence against journalists. Thus, for example, the Office of the Special Rapporteur learned that journalist Leonardo Suero reported having been the victim of an attack on December 29, 2023 on Los Romeros Street, in the Los Jardines del Norte sector of the National District. According to his account, he was in his vehicle parked in front of his house when he received a shot in the rear window from a moving vehicle. Suero indicated that he suspects that the attack could have been an attempt to send him a message.²⁴²⁶

1111. The Rapporteurship also learned about an attack suffered by the son of the journalist Alejandro Almonte, who was shot while driving his car and died the day after the attack²⁴²⁷. The journalist expressed that the event could have been an act of hired assassination, given that the attack did not appear to be related to an assault²⁴²⁸, and especially because of information indicating that the aggressor was a sergeant, who shot at the young man with his service weapon²⁴²⁹. The member of the armed forces was subsequently arrested and remanded in custody for six months²⁴³⁰. As of the date of writing of this report, it is not known whether the murder of the journalist's son is related to his journalistic work.

1112. In November 2024, the CDP and the *National Union of Press Workers* (SNTP) reported threats and intimidation against journalist Julio Benzant and the director of the digital newspaper *Ciudadoriental.com*, Cinthia Polanco. Both have been pressured to remove publications related to the judicial process of people charged with a double homicide that occurred in Santo Domingo in 2014.²⁴³¹

1113. The Office also received reports of possible obstructions to journalistic coverage of matters of public interest in the border zone between the Dominican Republic and Haiti. In particular, journalists in Dajabón denounced the impossibility of crossing the border to cover events in the region²⁴³². In response, Dominican authorities indicated that, since the closing of the border in September 2023, a specific protocol must be followed in order to cross²⁴³³. The Foreign Ministry explained that crossing by land is more viable, as it does not require authorization from the Haitian government for aerial use. In addition, it indicated that the

²⁴²⁴ En Segundos, [Detienen camarógrafo por grabar fachada del DNI](#), 24 January 2024; El Nuevo Diario, [Denuncian DNI apresó a un camarógrafo que grababa frente a sus instalaciones](#), 23 January 2024; 7 días, [Ejecutando nueva Ley 1-24 detienen por más de dos horas camarógrafo de multimedios](#), 23 January 2024.

²⁴²⁵ SIN News, [Journalist in Santiago say National Police violate Press Freedom in the Dominican Republic](#), 22 October 2024; El Caribe, [Northern Journalists protest PN aggressions](#), 21 October 2024.

²⁴²⁶ Diario Libre, [Comunicador denuncia atentado en su contra](#), December 30, 2023.

²⁴²⁷ Diario Libre, [Police investigate shooting attack against son of communicator on Charles de Gaulle](#), 12 October 2024; El último minuto, [Son of communicator Alejandro Almonte dies: presumed to be a hitman](#), 13 October 2024; Listín Diario, [Comunicador Alejandro Almonte asks authorities to investigate death of his son](#), 14 October 2024; El Nacional, [Muere hijo del comunicador Alejandro Almonte tras ser baleado el sábado](#), 13 de octubre de 2024; Color Visión Canal 9/ YouTube, [Persiguen autor de la muerte del hijo del comunicador | Noticias & Mucho MAS](#), 15 de octubre de 2024.

²⁴²⁸ El último minuto, [Son of communicator Alejandro Almonte dies: presumed to be a hired assassin](#), 13 October 2024.

²⁴²⁹ Diario Libre, [Apresan sargento acusado de ultimar al hijo del comunicador Alejandro Almonte](#), 26 October 2024.

²⁴³⁰ Noticias SIN, [Six months of preventive detention for sergeant for the death of the son of journalist Alejandro Almonte](#), 31 October 2024.

²⁴³¹ Ciudad Oriental, [CDP and SNTP denounce threats to journalists and media to delete news of those involved in murders two women in 2014](#), 11 November 2024; Diario Digital RD, [CDP and SNTP denounce threats to journalists over double murder case](#), 11 November 2024.

²⁴³² Diario Libre, [Cancillería explica protocolo para autorizar salida de medios internacionales hacia Haití](#), March 14, 2024.

²⁴³³ Threshold, [Foreign Ministry explains protocol to authorize departure of international media to Haiti](#), March 15, 2024.

media must send a letter of disclaimer exonerating them from responsibility for any incident that may occur to their personnel during the border crossing, which must be signed and sent by mail to .²⁴³⁴

1114. 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 debate²⁴³⁵. For this reason, States have the obligation to create the conditions for journalists to be able to exercise their function freely, independently and safely .²⁴³⁶

1115. 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"²⁴³⁷.

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

1116. Regarding legislative initiatives related to freedom of expression, this Office learned of the enactment of Law 1-24 on January 15, 2024, which created the National Intelligence Directorate (DNI), a centralized agency charged with "protecting national security and coordinating the National Intelligence System"²⁴³⁸. The government claimed that this Law 1-24 would constitute a necessary tool to combat terrorism, drug trafficking, cyber threats and corruption .²⁴³⁹

1117. According to what the Rapporteurship was able to analyze, the enactment of this law has generated concern among various sectors of civil society. Thus, for example, the *Dominican Society of Newspapers* (SDD) expressed its concern about the alleged ambiguity of certain articles of the legislation, which could pose a risk to freedom of expression and the right to privacy²⁴⁴⁰. For his part, the president of the *IAPA* warned about the breadth of this regulation, which would oblige private institutions, including the media, to hand over all the information requested, which could compromise the confidentiality of journalistic sources and violate the right to privacy²⁴⁴¹. Similarly, the *PDC* and the *SDD* expressed their concern about the ambiguities that the regulation would raise²⁴⁴², urging the Executive to clarify the articles that grant discretion in the release of information .²⁴⁴³

1118. Subsequent to the enactment of Law 1-24, unconstitutionality actions have been filed in relation to the articles that create and empower the DNI²⁴⁴⁴. According to public information, the unconstitutionality actions are based on the fact that granting the DNI the power to investigate "any activity that attempts against national interests or objectives" would violate the constitutional mandate that gives the exclusive power to the Public Prosecutor's Office to investigate with the authorization of a judge and the

²⁴³⁴ DRÉ, [Mirex details protocol to authorize departure of foreign media to Haiti](#), March 15, 2024.

²⁴³⁵ 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](#).

²⁴³⁶ 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.

²⁴³⁷ IACHR, [Declaration of Principles on Freedom of Expression](#), 2000.

²⁴³⁸ Senate Dominican Republic, [Senate converts into Law the bill creating the National Intelligence Directorate \(DNI\)](#), January 10, 2024.

²⁴³⁹ Presidency of the Dominican Republic, [Homero Figueroa, states that the government is open to dialogue on Law 1-24 and that it would abide by any decision issued by the Constitutional Court](#), January 19, 2024.

²⁴⁴⁰ El Caribe, [Sociedad de Diarios and DNI meet today to discuss law](#), January 22, 2024.

²⁴⁴¹ Inter American Press Association, [IAPA concerned about intelligence law in Dominican Republic, due to implications for press freedom](#), January 22, 2024.

²⁴⁴² Acento, [The CDP asks the Executive to protect freedom of expression undermined by Law 1-24](#), January 17, 2024.

²⁴⁴³ Today, [Ambiguities of a law that could exceed limits](#), January 17, 2024.

²⁴⁴⁴ El Nuevo Diario, [Lawyers file unconstitutionality action against Law 1-24 of the DNI](#), January 23, 2024.

collaboration of other State agencies²⁴⁴⁵. Within the framework of the treatment of the appeals by the constitutional court, the Public Prosecutor's Office would have proposed that the court modify the text so that the DNI, in order to gather information, must identify a specific object and have a motivated decision by a competent judicial authority.²⁴⁴⁶

1119. In this context, on September 19, 2024, the President of the Republic submitted to the Senate a bill to modify some of its provisions, which was subsequently referred to the Commission of Interior and Police and Citizen Security by the Senate²⁴⁴⁷. The amendment bill arose after a process of dialogue between the government and sectors of civil society, who reportedly participated in a working group to make adjustments to the law, in order to achieve "the greatest possible clarity and specificity as to the constitutional subjection of each of these provisions of the law"²⁴⁴⁸. The proposed amendments would include clarifying terms such as "intelligence", "strategic, military and criminal intelligence", "open sources" and "closed sources", and introducing other modifications that tend to protect the privacy of the users and to require the intervention of the judicial authority in processes that limit constitutional rights²⁴⁴⁹. At the closing date of this report, the Special Rapporteurship was aware of a ruling of the Constitutional Court annulling Law 1-24 creating the DNI²⁴⁵⁰.

1120. The Office of the Special Rapporteur takes note of the decision of the constitutional court and recalls that States have the obligation to respect and protect the right to the confidentiality of journalistic sources and the right to privacy, adopting or adjusting their legislation and practices accordingly, to guarantee the protection of all persons under their jurisdiction²⁴⁵¹. In this context, this Office emphasizes that any limitation to fundamental freedoms must comply with international standards of legality, legitimate purpose, necessity and proportionality. In particular, it stresses that, with respect to the principle of legality, any restriction must be clearly provided for by law, expressly, precisely and exhaustively.²⁴⁵²

1121. On the other hand, the Office of the Special Rapporteur also recorded that on April 19, 2024, the President presented before Congress a draft bill that would be aimed at modifying the current legislation on freedom of expression in the country, which dates back to 1962²⁴⁵³. The proposed text would be the product of the work of the consultative commission created by the Executive in 2022, which was made up of journalists, specialized jurists and media directors²⁴⁵⁴. The preliminary draft would include principles established in the American Convention on Human Rights, such as the full recognition of freedom of expression in its double dimension and the prohibition of prior censorship²⁴⁵⁵. In addition, it would introduce a new agency with functional and financial autonomy, called the National Institute of Communication (INACOM), whose function would be to protect the exercise of freedom of expression and oversee the application of the law by the media,

²⁴⁴⁵ Diario Libre, [Otro recurso de inconstitucionalidad contra Ley que crea la Dirección Nacional de Inteligencia](#), January 23, 2024.

²⁴⁴⁶ Diario Libre, [Procuraduría pide cambiar Ley 1-24 para que la DNI tenga que ser autorizada por juez](#), 26 April 2024.

²⁴⁴⁷ Listín Diario, [Senadores envían a Comisión de Interior y Policía y Seguridad Ciudadana ley DNI](#), 25 September 2024; Prensa Latina, [Senado dominicano analizará cambios en ley Dirección de Inteligencia](#), 19 September 2024.

²⁴⁴⁸ Presidency of the Dominican Republic, [Executive Branch deposits in the Senate bill that modifies Law No. 1-24, which creates the DNI](#), September 19, 2024.

²⁴⁴⁹ Teleuniverso, [Poder Ejecutivo deposita en el Senado proyecto que modifica la Ley que crea la DNI](#), September 19, 2024; Presidency of the Dominican Republic, [Poder Ejecutivo deposita en el Senado proyecto de ley que modifica la Ley núm. 1-24, que crea la DNI](#), September 19, 2024.

²⁴⁵⁰ Listín Diario, [Malletazo contra la arbitrariedad](#), 7 December 2024; Diario Libre, [El Tribunal Constitucional anula la ley que crea la DNI](#), 6 December 2024; Panorama, [Tribunal Constitucional anula la Ley 1-24 que creaba la Dirección Nacional de Inteligencia \(DNI\)](#), 6 December 2024.

²⁴⁵¹ 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. 13; IACHR, [Background and Interpretation of the Declaration of Principles](#).

²⁴⁵² 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. 69.

²⁴⁵³ Presidency of the Dominican Republic, [President Abinader presents draft bill on Freedom of Expression, Audiovisual Media and Digital Platforms](#), April 8, 2024.

²⁴⁵⁴ Information received by the Office of the Special Rapporteur for Freedom of Expression in 2024, Archivo de la Relatoría Especial para la Libertad de Expresión.

²⁴⁵⁵ LatAm Journalism Review, [President of Dominican Republic presented bill to modify legislation on freedom of expression](#), April 19, 2024.

in addition to the incorporation of the right to the protection of sources and access to the Internet, among others .²⁴⁵⁶

1122. This Rapporteurship also learned about another legislative modification proposed in the Dominican Republic, linked to the reform of the Telecommunications Law promoted by the Dominican Telecommunications Institute (INDOTEL)²⁴⁵⁷. The President of the Board of Directors of INDOTEL reportedly stated that the main objectives of the reform would be the management of interference with stations on the border with Haiti, the reordering of the spectrum and the restriction and limitation of "illegal" stations .²⁴⁵⁸

1123. On the other hand, the *SDD* warned last November 14 about the new data protection policy of the Judiciary²⁴⁵⁹, through which it would seek the dissociation and anonymization of data that would allow the identification of the parties in the process²⁴⁶⁰. Civil society highlighted that the measure could affect the right of access to public information, generating a possible clash with the freedom of expression and press²⁴⁶¹. Subsequently, the judicial body assured that the measure would not affect the exercise of freedom of expression and that it would only omit the dissemination of sensitive data that are not essential for the understanding of the case and whose publication could violate the dignity of the persons involved .²⁴⁶²

1124. In relation to regulatory developments on official advertising, the Special Rapporteurship learned about the enactment of Decree 1-24 by the Executive, which regulates official advertising and establishes the criteria and instructions for contracting the dissemination of official advertising with the media, journalists and digital media *influencers*²⁴⁶³. This provision established the objectives of official advertising, the list of occasions where it may be promoted, prohibitions on its use, selection criteria and other issues .²⁴⁶⁴

1125. As the Special Rapporteur learned, the decree in question would prohibit the use of official advertising for propaganda purposes or to support political parties or candidates, whether official or not. It would also exclude the use of advertising for electoral purposes, except for the disclosure of achievements during the period of accountability before the National Congress²⁴⁶⁵. Civil society organizations and experts expressed reactions to the enactment of the decree, stressing that its objective would be "to ensure that state advertising is not used for electoral purposes, which could increase transparency and integrity in the political process". However, opposition to the decree has also been registered by some deputies of the Fuerza del Pueblo (FP) and Partido de la Liberación Dominicana (PLD) parties .²⁴⁶⁶

1126. In 2024, Law 38-24 was also enacted, establishing the "conscience clause" as a measure for the protection of labor rights in favor of journalists²⁴⁶⁷. The law defines the "conscience clause" as a legal clause "implicit in the journalistic labor contract, according to which the economic effects of the termination of the journalistic labor relationship produced by the unilateral will of the worker, are equivalent to those of the

²⁴⁵⁶ OBSERVACOM, [President of Dominican Republic presented bill to modify legislation on freedom of expression](#), April 11, 2024.

²⁴⁵⁷ OBSERVACOM, [INDOTEL announces project to reform the Telecommunications Law of the Dominican Republic](#), October 24, 2024.

²⁴⁵⁸ DPL NEWS, [Indotel to present bill to reform Dominican Telecommunications Law](#), October 15, 2024.

²⁴⁵⁹ Dominican Republic Judicial Branch, [Data of the Judicial Branch Protection Policy](#) Dominican , November 14, 2024.

²⁴⁶⁰ Diario Libre, [Tras nueva política judicial, stresses the need to distinguish between data protection and access to information](#), November 16, 2024.

²⁴⁶¹ Diario Libre, [Tras nueva política judicial, subraya la necesidad de distinguir entre protección de datos y el acceso a la información](#), November 16, 2024.

²⁴⁶² Dominican Republic Judicial Branch, [Poder Judicial dominicano asegura Política de Protección de Datos garantiza libertad de prensa](#), 18 November 2024; Diario Libre, [No se darán los nombres de los imputados? Judicial Branch responds on its data policy](#), 21 November 2024.

²⁴⁶³ Presidency of the Dominican Republic, [Decree 1-24](#), January 2, 2024; Presidency of the Dominican Republic, [President Abinader promulgates Decree 1-24 regulating official advertising](#), January 2, 2024.

²⁴⁶⁴ Presidency of the Dominican Republic, [Decree 1-24](#), January 2, 2024.

²⁴⁶⁵ Presidency of the Dominican Republic, [President Abinader promulgates Decree 1-24 regulating official advertising](#), January 2, 2024.

²⁴⁶⁶ El Nacional, [Oposición ve ve burla en decreto de publicidad](#), January 3, 2024.

²⁴⁶⁷ Diario Libre, [Los periodistas ya pueden invocar la cláusula de conciencia para terminar contrato de trabajo](#), September 4, 2024.

dismissal by will of the employer, which seeks to guarantee its independence as a protected legal good according to the conditions and requirements indicated in this law"²⁴⁶⁸. Likewise, the legislation would contemplate the possibility for journalists to receive compensation in those cases in which the company for which they work violates their "ideological freedom"²⁴⁶⁹. The clause could be invoked before the courts when there is a "notable and substantial change" in the nature of the publication, program, informative line or ideological line, and whenever the modification is likely to affect the honor, reputation or moral interests²⁴⁷⁰. In turn, it would enable its invocation when the journalist is transferred to another media of the same group that, due to its genre or line, entails a clear break with the professional orientation of the reporter or when there are changes of ownership in the media that may generate this type of inconvenience.²⁴⁷¹

1127. Once the aforementioned law was passed, the congressman who promoted it symbolically handed a copy of Law 38-24 on the conscience clause to the president of the *CDI* and the secretary general of the *SNTP* during a press conference at the Chamber of Deputies.²⁴⁷²

1128. Finally, the Rapporteurship noted that the Dominican National Congress rejected the position of the Public Prosecutor's Office, which in a communiqué warned about the possibility of applying precautionary measures against those who criticize the agreements reached with persons involved in alleged corruption cases²⁴⁷³. The Public Prosecutor's Office argued that these "campaigns" would not be financed with licit resources, which would justify such measures to avoid obstruction of the processes²⁴⁷⁴. A deputy of the Dominican Liberation Party announced that a resolution will be presented in the Senate for the attorney general to explain her declarations, stating that "it is evident that the Public Ministry feels cornered and reacts in an intimidating manner against the Dominican journalistic class"²⁴⁷⁵.

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

1129. In 2024, the Office of the Special Rapporteur became aware the call for various social mobilizations against irregular Haitian migration, which are often accompanied by slogans such as "we are Dominicans, not Haitians"²⁴⁷⁶, "either Abinader takes them out or we take them out"²⁴⁷⁷. There were also protests in which members and sympathizers of the "Antigua Orden Dominicana" (AOD), a group that calls itself "nationalist", mobilized against the "international imposition" of the reception of Haitian migrants²⁴⁷⁸. The demonstrators, according to publicly available videos, launched slogans such as "it is not migration, it is occupation", "either Dominicans or death!", "we do not want refugees" and "Haitians out of our territory!",

²⁴⁶⁸ Listín Diario, [Promulgan Ley de Cláusula de Conciencia para garantizar derechos de los periodistas](#), 4 September 2024; World Association of Journalists, [Promulgan Ley de Cláusula de Conciencia para garantizar derechos de los periodistas](#), 5 September 2024.

²⁴⁶⁹ Listín Diario, [Diputados aprueban proyecto de cláusula de conciencia para proteger a los periodistas](#), July 17, 2024.

²⁴⁷⁰ El Nuevo Diario, El Nuevo Diario, [Diputados aprueban en 2da lectura proyecto de ley cláusula de conciencia para proteger periodistas](#), July 16, 2024.

²⁴⁷¹ Diario Libre, [Los periodistas ya pueden invocar la cláusula de conciencia para terminar contrato de trabajo](#), September 4, 2024.

²⁴⁷² El Nuevo Diario, [Tobias Crespo delivers Law 38-24 to the CDP and affirms that it was a debt owed to journalists](#), September 10, 2024.

²⁴⁷³ El Nuevo Diario, [Congresistas rechazan postura del MP que busca coartar la libertad de expresión](#), June 24, 2024.

²⁴⁷⁴ El Día, [Public Prosecutor's Office warns of measures to counter campaign attacks](#), June 24, 2024.

²⁴⁷⁵ El Nuevo Diario, [Congresistas rechazan postura del MP que busca coartar la libertad de expresión](#), June 24, 2024.

²⁴⁷⁶ El Nuevo Diario, [With the phrase "we are Dominicans, not Haitians" protest against illegal Haitian migration](#), September 27, 2024.

²⁴⁷⁷ CDN, [Dominicans march against massive illegal Haitian immigration](#), 27 September 2024.

²⁴⁷⁸ UNHCR, [UNHCR issues new guidance on international refugee protection for Haitians](#), 20 March 2024; Listín Diario, [Antigua Orden Dominicana marcha en contra de la imposición internacional sobre el tema haitiano](#), 5 May 2024; Listín Diario, [Protesta ayer contra 'imposición internacional' sobre el tema haitiano](#), 6 May 2024

among others²⁴⁷⁹. These slogans were also reportedly replicated on social networks, sometimes in response to alleged false news about the opening of asylum and refugee centers and camps.²⁴⁸⁰

1130. Public reports indicate that there would be a proliferation of extreme speeches, which "under the slogan of protecting the homeland", would sponsor "radicalism towards Haitians"²⁴⁸¹. Also, some of the exponents of these ultra-nationalist movements would be spreading their ideas and calling through *WhatsApp* groups, *Telegram* and other social networks²⁴⁸². On November 7, 2024, *Amnesty International* and *CEJIL* expressed their concern about the increase in aggressions, stigmatizing speeches and attacks against civil society organizations and defenders of the human rights of Haitian migrants and their descendants. The Special Rapporteur notes that this situation occurs in a context marked by the emergence of state policies of mass deportation and confiscation of identity documents of Haitian migrants.²⁴⁸³

1131. The Office also learned of an investigation carried out by *Diario Libre* and *CLIP*, in which journalists, political activists and United Nations officials in the Dominican Republic report having received aggressions and threats from the "Dominican Old Order". This investigation also reports on alleged links between members of Dominican ultra-nationalism and neo-Nazi and ultra-right groups, with the alleged objective of attracting followers in the context of electoral campaigns or crises, such as the one in Haiti²⁴⁸⁴

1132. Likewise, this Office corroborated, through public information, that in May 2024 a group called "Defensores de la Patria" called for a protest against the newspaper *Diario Libre*, in rejection of what they consider to be its "pro-Haitian" and "anti-Dominican" ideological line²⁴⁸⁵. The presidents of the *Dominican Society of Newspapers* and of the *Dominican College of Journalists* rejected the call, stressing that each media has the freedom to establish its own informative line. Both warned that these extremist groups represent a new threat to freedom of expression and press freedom²⁴⁸⁶. In this context, the *IAPA* expressed its concern for the threats of protest against *Diario Libre* and reiterated its respect for the right of citizens to demonstrate in a public and responsible manner, while defending the constitutional right to freedom of the press.²⁴⁸⁷

1133. A similar event occurred on October 8, 2024, when the non-profit association *Movimiento Socio Cultural de Trabajo Humanitario y Ambiental (MOSCTHA)* denounced that its office was attacked by a "neo-nationalist" group, which caused damage to private property and manifested anti-Haitian slogans²⁴⁸⁸. In this regard, the association affirmed that the official state discourse would stimulate violent actions by ultra-nationalists²⁴⁸⁹. Likewise, the organization *MOSCTHA* highlighted alleged declarations of Haitian ultranationalist sectors, which allegedly threatened Dominican citizens residing in Haiti, in response to the actions attributed to the Dominican government against Haitian migrants²⁴⁹⁰. As far as the IACHR was able to

²⁴⁷⁹ Listín Diario, [Antigua Orden Dominicana marcha en contra de la imposición internacional sobre el tema haitiano](#), 5 May 2024; *Diario Libre*, [El ultranacionalismo gana fuerza y despierta temores en la República Dominicana](#), 16 May 2024; Acento, [Ultraderechistas reunidos en la Plaza de la Bandera exigen la deportación de los haitianos](#), 6 October 2024; Swissinfo.ch, [Una protesta exige al presidente dominicano cumplir con las deportaciones masivas de haitianos](#), 7 October 2024

²⁴⁸⁰ Swissinfo.ch, [UN does not plan to open refugee camps in Dominican Republic](#), April 12, 2024; *Diario Libre*, [Ultra-nationalism gains strength and raises fears in Dominican Republic](#), May 16, 2024

²⁴⁸¹ *Diario Libre*, [El ultranacionalismo gana fuerza y despierta temores en la República Dominicana](#), May 16, 2024.

²⁴⁸² *Diario Libre*, [El ultranacionalismo gana fuerza y despierta temores en la República Dominicana](#), May 16, 2024.

²⁴⁸³ *Amnesty International*, [Civil society organizations express concern over worsening situation of human rights defenders in Dominican Republic](#), 7 November 2024; Swissinfo.ch, [Una protesta exige al presidente dominicano cumplir con las deportaciones masivas de haitianos](#), 7 October 2024; *Le Monde*, [In the Dominican Republic, mass migrant expulsions turn into a 'hunt for Haitians'](#), 22 October 2024; *Amnesty International*, [Dominican Republic: Hay que poner fin a las expulsiones racistas de haitianos](#), 8 October 2024; *AP News*, [Haitian activists demand halt to deportations as gang violence and poverty soar](#), 7 November 2024

²⁴⁸⁴ Centro Latinoamericano de Investigación Periodística, [¿Cuál es el entramado digital detrás del incipiente ultranacionalismo dominicano](#), May 16, 2024.

²⁴⁸⁵ Listín Diario, [Sociedad de Diarios and Colegio de Periodistas reject pressure against the press](#), May 23, 2024.

²⁴⁸⁶ Las Palomas TV, [Sociedad de Diarios y Colegio de Periodistas Rechazan Presiones Contra la Prensa](#), May 23, 2024.

²⁴⁸⁷ Listín Diario, [IAPA expresses concern over protest threats against Diario Libre](#), May 23, 2024.

²⁴⁸⁸ *El Caribe*, [MOSCTHA denounces aggression by neo-nationalist group](#), October 8, 2024.

²⁴⁸⁹ Acento, [Mosctha directive states that the officialist discourse stimulates violent actions by ultranationalists](#), October 9, 2024.

²⁴⁹⁰ *El Día*, [Mosctha rechaza amenazas de ultranacionalistas haitianos contra dominicanos en Haití](#), 22 October 2024; Acento, [El Mosctha rechaza que ultranacionalistas haitianos amenacen a dominicanos residentes en Haití](#), 22 October 2024.

learn, the National Police went to *MOSCSTA*'s facilities on the day of the events to provide protection against possible risks.²⁴⁹¹

1134. In relation to the above, the IACHR warned that these events are part of a broader context of racism, xenophobia and hostility against Haitian persons and human rights defenders, as previously documented by²⁴⁹². In addition, the IACHR stressed that violations of privacy or arbitrary interference in its facilities are a way of undermining its work. Therefore, it urged the State of the Dominican Republic to guarantee the security of human rights defenders and that they can carry out their work without threats or intimidation²⁴⁹³. This duty implies not only personal protection measures, but also addressing the structural causes that affect their security. Finally, the IACHR urges the States of the region to expand regular channels for international migration, adopting concrete mechanisms to reduce irregular migration and address its causes, promoting dignified living conditions and respect for human rights in the countries of origin.²⁴⁹⁴

1135. On the other hand, RELE learned of reports of a temporary restriction imposed by the Ministry of Interior on the use of public roads for the demonstration called by the ODA and other nationalist groups on October 5, 2024, in protest of what they consider "attacks on sovereignty" related to Haitian immigration in the country²⁴⁹⁵. According to public information, the Ministry authorized a maximum time of two hours, as part of its commitment to citizen security and public order²⁴⁹⁶. The ODA expressed its rejection, arguing that "public order is not disturbed by patriotic protest, but by the abandonment of our institutions in the face of real problems"²⁴⁹⁷. The Ministry of the Interior specified that this authorization is part of a general policy applied to all similar requests.²⁴⁹⁸

1136. Additionally, other demonstrations took place in the Dominican Republic, which would have been linked to the loss of Dominican nationality suffered by persons born in the Dominican Republic and descendants of Haitian nationals, as a consequence of the Constitutional Court judgment 168-13, issued 11 years ago, by which it was established that those persons born between 1929 and 2007 under these conditions would not have access to Dominican nationality²⁴⁹⁹. According to publicly available information, the President responded to the claims made in the public protest by pointing out that the legal system must be complied with, being that the Constitution of the country would not grant nationality to descendants of foreigners who have entered the country irregularly.²⁵⁰⁰

1137. The Office of the Special Rapporteur notes with concern a deterioration in the public debate in the Dominican Republic, characterized by discriminatory and intolerant discourse against Haitians in human mobility and persons of Haitian descent, promoted by various sectors of the citizenry. The Rapporteurship emphasizes that attention to this situation should be governed by an approach anchored in the right to freedom of expression and in accordance with international human rights norms and standards. It also recalls that political leaders and persons exercising public functions should not make statements that could promote

²⁴⁹¹ IACHR, Press Release No. 248/24, [IACHR Condemns Attacks on Human Rights Defenders in the Dominican Republic](#), October 16, 2024.

²⁴⁹² IACHR, Press Release No. 248/24, [IACHR Condemns Attacks on Human Rights Defenders in the Dominican Republic](#), October 16, 2024.

²⁴⁹³ IACHR, Press Release No. 248/24, [IACHR Condemns Attacks on Human Rights Defenders in the Dominican Republic](#), October 16, 2024.

²⁴⁹⁴ IACHR, Press Release No. 248/24, [IACHR Condemns Attacks on Human Rights Defenders in the Dominican Republic](#), October 16, 2024.

²⁴⁹⁵ Al Momento, [Interior y Policía limitó a sólo 2 horas mitin en Plaza de Bandera](#), 6 de octubre de 2024; Listin Diario, [Cientos de personas protestan en la Plaza de la Bandera por un control migratorio más "riguroso"](#), 5 de octubre de 2024.

²⁴⁹⁶ Diario Digital RD, [Interior y Policía no objeta protesta en la Plaza de la Bandera](#), October 5, 2024.

²⁴⁹⁷ Al Momento, [Interior y Policía limitó a sólo 2 horas mitin en Plaza de Bandera](#), 6 de octubre de 2024; Listin Diario, [Cientos de personas protestan en la Plaza de la Bandera por un control migratorio más "riguroso"](#), 5 de octubre de 2024.

²⁴⁹⁸ Acento, [Interior y Policía authorizes the ultra-right-wing Anticuada Orden to protest against Haitians this afternoon](#), 5 October 2024.

²⁴⁹⁹ Cachicha, [Demonstrators Demand Restitution Of Dominican Nationality To Haitian Descendants In Protest In Front Of The National Palace](#), September 23, 2024.

²⁵⁰⁰ Diario Libre, [Luis Abinader responds to Haitian descendants claiming Dominican nationality](#), 23 September 2024.

intolerance and discrimination and, instead, should take advantage of their leadership positions to counteract these social harms and promote intercultural understanding and respect for diversity .²⁵⁰¹

1138. The United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression has noted that, "[u]nder international human rights law, the limitation of '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"²⁵⁰² .

1139. 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 unlawful action against any person or group of persons on any grounds including those of 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 Action²⁵⁰³ . 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 .²⁵⁰⁴

D. Freedom of expression and the Internet

1140. In 2024, the Office of the Special Rapporteur learned that the *Kids Online* national survey, conducted by UNICEF in 2020 on the use of the Internet by children and adolescents in the Dominican Republic, revealed a close relationship between household socioeconomic levels and digital skills. The study highlights that the development of these skills would be influenced by the same factors of inequality that affect formal education and other social aspects. In this sense, young people from households with "medium-high" socioeconomic status (39%) use the Internet more frequently than those from "very low" (20%) or "low" (19%) households. In order to address this issue, UNICEF and the *National Association of Directors of Educational Centers of the Dominican Republic (ASONADEDI-RD)* signed an agreement to promote the exercise of the right to education and strengthen digital competencies in the country's educational centers .²⁵⁰⁵

²⁵⁰¹ UN, OSCE, OAS, ACHPR, [Joint Declaration 2021 on political leaders, public officials and freedom of expression](#), October 20, 2021.

²⁵⁰² 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.

²⁵⁰³ 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.

²⁵⁰⁴ 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.

²⁵⁰⁵ Unicef, [UNICEF and ASONADEDI DR sign collaboration agreement for the promotion of inclusive education and the strengthening of digital competencies in educational centers](#), June 3, 2024.

SAINT KITTS AND NEVIS

1141. The Office of the Special Rapporteur took note of training for journalists and public statements on the impact of disinformation on digital platforms, as well as the lack of adherence to journalistic standards by those who practice mass social communication. In the area of rule of law and democratic institutions, the Rapporteurship followed up on the criminalization of speech considered "defamatory" and recorded the approval of legislative amendments aimed at strengthening the accountability of the State and its officials. It also documented commitments to improve transparency in the citizenship by investment program. With regard to the Internet and freedom of expression, the Office highlighted the launch of *Voicelt*, an artificial intelligence tool designed to facilitate access to legal information. In addition, it noted the boost to digital and technical education in the country, with a focus on digital literacy and vocational training.

A. Journalism and democracy

1142. In the framework of World Press Freedom Day and UNESCO's emphasis on "press for the planet" during 2024, the Rapporteurship recorded the decision of the *Media Association of St. Kitts and Nevis* (MASKN) to offer training courses for its members on environmental journalism²⁵⁰⁶. Additionally, in a public statement, it expressed its concern about the increase in disinformation and *misinformation*, particularly on digital platforms, and the lack of adherence to journalistic standards by those who practice mass social communication.²⁵⁰⁷

1143. The Rapporteurship points out that the State can address the problem of disinformation through awareness-raising, education and training campaigns, focusing on providing citizens with tools to distinguish true from false information, to become aware of their own participation in the processes of replication of information, and to warn about the impoverishment of public debate that disinformation generates.²⁵⁰⁸

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

1144. In its most recent annual report, *Freedom House* noted that although freedom of expression is enshrined in the Constitution of St. Kitts and Nevis, defamation remains a crime under the Criminal Code²⁵⁰⁹. In this regard, the Rapporteurship recorded instances in which the criminalization of speech considered "defamatory" was threatened. Among these, one stands out in January 2024, when the Minister of Public Infrastructure allegedly threatened a political commentator with legal action after he asserted that the official had intervened in public procurement processes for his personal benefit.²⁵¹⁰

1145. This Office 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 to 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.²⁵¹¹

²⁵⁰⁶ UNESCO, [A Press for the Planet: Journalism in the face of the environmental crisis](#), May 3, 2024; Nevis Pages Radio, [Message On World Press Freedom Day 2024](#), May 4, 2024; Winn FM, [MASKN's World Press Freedom Day Message](#), May 3, 2024; SKN Pulse, [MASKN's World Press Freedom Day Message](#), May 3, 2024.

²⁵⁰⁷ Nevis Pages Radio, [Message On World Press Freedom Day 2024](#), May 4, 2024; Winn FM, [MASKN's World Press Freedom Day Message](#), May 3, 2024; SKN Pulse, [MASKN's World Press Freedom Day Message](#), May 3, 2024.

²⁵⁰⁸ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Guide to Guarantee Freedom of Expression in the Face of Deliberate Disinformation in Electoral Contexts](#), OEA/Ser.D/XV.22, October 2019, p. 39.

²⁵⁰⁹ Freedom House, [Freedom in the world, St. Kitts and Nevis](#), 2024.

²⁵¹⁰ ZIZ, [Konris Maynard to pursue legal action against attack on character and reputation](#), January 17, 2024; Winn FM, [Minister Konris Maynard demands public apology from Duncan Wattley or face legal action](#), January 17, 2024; WIC News, [Minister Konris Maynard calls allegations by Wattley 'scandalous', demands public apology](#), January 19, 2024.

²⁵¹¹ IACHR, Report on the compatibility between desacato laws and the ACHR, 1995, Section IV.

1146. For its part, the State's obligation to protect the rights of others must be fulfilled by establishing statutory protection against intentional attacks on honor and reputation solely through civil actions, by enacting laws guaranteeing the right of rectification or reply.²⁵¹²

1147. With respect to transparency legislation in the country, this Office had access to public documentation indicating that Parliament approved an amendment to the Freedom of Information Act in July 2024. Such amendment would be aligned with the government's commitment to transparency, good governance practices and fiscal responsibility²⁵¹³. The amendment in question would empower the Public Defender and the nation's Special Prosecutor to serve as Information Commissioners²⁵¹⁴. According to independent studies by the *Caribbean Media Institute* (MIC), the current legislation would impose restrictions that could be considered excessive on access to certain types of information, especially those related to commercial interests and national security²⁵¹⁵. In this sense, it suggested its modification through an additional amendment.²⁵¹⁶

1148. In addition, the Rapporteurship also documented that the Ministry of Justice and Legal Affairs had developed 25 additional regulations with the objective of strengthening governance, accountability and transparency in the country. These measures, according to the authorities, would facilitate citizen access to information of public interest, promoting greater empowerment by allowing a better understanding of rights and responsibilities within society.²⁵¹⁷

1149. The Rapporteurship also received reports indicating that the Director of Public Prosecutions had urged State officials to declare their assets and debts for the previous year, as required by current legislation, documentation to be subsequently reviewed by the Commission on Integrity and Public Life.²⁵¹⁸

1150. With respect to citizenship by investment (CBI) programs in five Caribbean countries - St. Lucia, Antigua and Barbuda, Grenada, St. Kitts and Nevis, and Dominica - the Rapporteurship followed up on questions regarding transparency, security and governance. These concerns have been raised by international organizations, including the Organization for Economic Cooperation and Development (OECD) and the European Union (EU)²⁵¹⁹. In particular, limited transparency has been reported regarding the number of applicants, their countries of origin, the percentage of rejected applications, the identity of persons acquiring nationality, and how the funds generated by the programs are used²⁵²⁰. In the first quarter of 2024, the Rapporteurship was informed of the signing of a memorandum of understanding between the five countries

²⁵¹² IACHR, Report on the compatibility between desacato laws and the ACHR, 1995, Section V.

²⁵¹³ St. Kitts & Nevi's Government, [ST. KITTS AND NEVIS ENHANCES TRANSPARENCY WITH PASSAGE OF FREEDOM OF INFORMATION \(AMENDMENT\) BILL, 2024](#), July 5, 2024; St. Kitts & Nevi's Government, [Freedom of Information \(Amendment\) Bill, 2024](#), February 29, 2024.

²⁵¹⁴ St. Kitts & Nevi's Government, [ST. KITTS AND NEVIS ENHANCES TRANSPARENCY WITH PASSAGE OF FREEDOM OF INFORMATION \(AMENDMENT\) BILL, 2024](#), July 5, 2024; St. Kitts & Nevi's Government, [Freedom of Information \(Amendment\) Bill, 2024](#), February 29, 2024.

²⁵¹⁵ St. Kitts & Nevi's Government, [ST. KITTS AND NEVIS ENHANCES TRANSPARENCY WITH PASSAGE OF FREEDOM OF INFORMATION \(AMENDMENT\) BILL, 2024](#), July 5, 2024; St. Kitts & Nevi's Government, [Freedom of Information \(Amendment\) Bill, 2024](#), February 29, 2024.

²⁵¹⁶ St. Kitts & Nevi's Government, [ST. KITTS AND NEVIS ENHANCES TRANSPARENCY WITH PASSAGE OF FREEDOM OF INFORMATION \(AMENDMENT\) BILL, 2024](#), July 5, 2024; St. Kitts & Nevi's Government, [Freedom of Information \(Amendment\) Bill, 2024](#), February 29, 2024.

²⁵¹⁷ St. Kitts & Nevi's Government, [ST. KITTS AND NEVIS ENHANCES TRANSPARENCY WITH PASSAGE OF FREEDOM OF INFORMATION \(AMENDMENT\) BILL, 2024](#); Nevi's Government, [ATTORNEY GENERAL WILKIN CHAMPIONS MODERNISATION AND ACCOUNTABILITY DURING 2025](#), July 5, 2024; St. Kitts & Nevi's Government, [ATTORNEY GENERAL WILKIN CHAMPIONS MODERNISATION AND ACCOUNTABILITY DURING 2025 BUDGET DEBATE](#), December 18, 2024; The Labour Spokesman, [Attorney General Wilkin Champions Modernisation and Accountability During 2025 Budget Debate](#), December 22, 2024.

²⁵¹⁸ ZIZ, [PM says he has 'no doubt' public officials will file required declarations](#), 12 January 2024; Winn FM, [SKN Public officials must file declarations by January 26. 'No further warning' says DPP](#), 12 January 2024.

²⁵¹⁹ OECD, [Misuse of Citizenship and Residency by Investment Programmes](#), November 2023; Organized Crime and Corruption Reporting Project, [EU Concerned About Citizenship Programs: Says Dominica Sold 34,500 passports](#), October 20, 2023; European Union, [Aspects of golden passport and visa schemes in the EU](#), September 11, 2024.

²⁵²⁰ OECD, [Misuse of Citizenship and Residency by Investment Programmes](#), November 2023; European Commission, [Report From the Commission to the European Parliament and the Council - Seventh Report Under the Visa Suspension Mechanism](#), 6 December 2024.

with CBI that includes provisions to create a regional regulatory authority, share more and better information on applicants, disclose tax revenues and expenditures associated with these programs, and allow for audits .²⁵²¹

1151. This Office stresses that transparency must be understood as a necessary condition to promote public debate and, at the same time, as an indispensable element to promote accountability and public responsibility in the fight against corruption, both in terms of prevention and for the investigation and punishment of this type of illicit acts against the administration and fundamental rights .²⁵²²

1152. It also 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 .²⁵²³

1153. Finally, regarding information in possession of the State and data privacy, this Office learned that the election service would publish the annual list of voter registration in the country so that citizens could validate their personal information, including name, address and occupation .²⁵²⁴

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

1154. According to civil society organizations, the LGBTI community would face discrimination and political marginalization, which would limit their participation in public life²⁵²⁵ . In addition, current legislation would not provide specific protection for their rights²⁵²⁶ . Until two years ago, consensual same-sex sexual relations were decriminalized .²⁵²⁷

1155. On the other hand, although women have political representation and participation, there are factors that discourage their active involvement in public life. These include persistent discrimination, sexist rhetoric in public discourse, and acts of intimidation against those who decide to participate in the political sphere²⁵²⁸ . A World Bank study found that only 31.3% of the Parliament would be composed of women, and formulated recommendations to close the gap in representation²⁵²⁹ , including mechanisms for reporting harassment in the workplace .²⁵³⁰

1156. 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 expression²⁵³¹ . When women are denied the full exercise of this right, it also limits the exercise of other fundamental rights, such as the rights to development, education, health, political participation and to a life free of violence .²⁵³²

²⁵²¹ Organisation of Eastern Caribbean States, [Caribbean Countries Pressing Forward With the Implementation of the Memorandum Of Agreement On Citizenship By Investment Programmes](#), 22 June 2024.

²⁵²² IACHR, [Corruption and Human Rights: Inter-American Standards](#), OEA/Ser.L/V/II, Doc. 236, Dec. 6, 2019, para. 231.

²⁵²³ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Derecho a la información y seguridad nacional: El acceso a la información de interés público frente a la excepción de seguridad nacional](#), OEA/Ser.L/V/II, CIDH/RELE/INF.24/20, July 2020, para. 150.

²⁵²⁴ ZIZ, [Annual Register of Voters To Be Posted This Week](#), January 30, 2024.

²⁵²⁵ Freedom House, [Freedom in the world. St. Kitts and Nevis](#), 2024.

²⁵²⁶ Freedom House, [Freedom in the world. St. Kitts and Nevis](#), 2024.

²⁵²⁷ Freedom House, [Freedom in the world. St. Kitts and Nevis](#), 2024.

²⁵²⁸ UNAIDS, [St Kitts and Nevis becomes the latest country to declare that laws that have criminalized LGBT people are unconstitutional](#), 30 August 2022; Al Jazeera, ['Null and void': Judge strikes down Saint Kitts anti-gay law](#), 30 August 2022.

²⁵²⁹ World Bank, [Women Business and the Law](#), 2024; UN Women, [Saint Kitts and Nevis](#), 2024.

²⁵³⁰ World Bank, [Women Business and the Law](#), 2024; UN Women, [Saint Kitts and Nevis](#), 2024.

²⁵³¹ 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 2019, para. 67.

²⁵³² 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 2019, para. 67.

1157. In view of the above, 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.²⁵³³

1158. The Rapporteurship took note of the State's participation in the 68th Session of the Commission on the Status of Women, organized by the United Nations, in order to advance in matters of gender equality and empowerment of women and girls.²⁵³⁴ The submission from St. Kitts and Nevis highlighted that the current government would be committed to promoting discussions and initiatives to achieve gender parity and empower girls, adolescents and adult women.²⁵³⁵

1159. The Office also noted the presentation of a bill aimed at formulating a national inclusion policy for persons with disabilities, aimed at guaranteeing the accessibility of public services and increasing their participation in public consultations and community forums.²⁵³⁶

D. Freedom of expression and the Internet

1160. The Office of the Special Rapporteur recorded the launch of "Voicelt" in St. Kitts and Nevis, an artificial intelligence tool that allows citizens to search for legal information. According to publicly available information, this would be an unprecedented tool in the hemisphere.²⁵³⁷

1161. The Rapporteurship also noted the organization of a Caribbean Telecommunications Union (CTU) conference to address the adoption of information and communication technologies. In the framework of this conference, more than 20 States of the region reportedly participated in forums and activities aimed at strengthening cooperation in the areas of digital development, cybersecurity, connectivity and inclusion.²⁵³⁸

1162. In addition, the St. Kitts and Nevis Technical and Vocational Education Council (SKNTVETC) reportedly organized a two-day meeting for the Caribbean Association of National Training Authorities (CANTA). According to public documentation, the Minister of Education reportedly stressed the importance of technical and vocational training for skills development, emphasizing the need to strengthen digital literacy in the face of rapidly changing technology and globalization. In this regard, he reportedly stressed that the connection between education, training and employment is essential to prepare the population for the challenges and opportunities of the digital labor market.²⁵³⁹

²⁵³³ 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 2019, para. 69.

²⁵³⁴ St. Kitts & Nevi's Government, [Saint Kitts and Nevis participates in 68th Session of the Commission on the Status of Women \(CSW68\)](#), March 12, 2024; St. Kitts Nevis Times, [Saint Kitts and Nevis participates in 68th Session of the Commission on the Status of Women \(CSW68\)](#), March 13, 2024.

²⁵³⁵ St. Kitts & Nevi's Government, Foreign Affairs, [Williams, Permanent Representative of Saint Kitts and Nevis to the United Nations delivers national statement at the 68th Session on the Commission on the Status of Women \(CSW\)](#), March 19, 2024.

²⁵³⁶ St. Kitts & Nevi's Government, [GOVERNMENT COMMITTED TO ENHANCING PROTECTION AND EMPOWERMENT OF PERSONS WITH DISABILITIES](#), December 17, 2024; The Labour Spokesman, [Government Committed to Enhancing Protection and Empowerment of Persons With Disabilities](#), December 22, 2024.

²⁵³⁷ St. Kitts & Nevi's Government, [ST. KITTS AND NEVIS ENHANCES TRANSPARENCY WITH PASSAGE OF FREEDOM OF INFORMATION \(AMENDMENT\) BILL, 2024](#) Nevi's Government, [ATTORNEY GENERAL WILKIN CHAMPIONS MODERNISATION AND ACCOUNTABILITY DURING 2025](#), July 5, 2024; St. Kitts & Nevi's Government, [ATTORNEY GENERAL WILKIN CHAMPIONS MODERNISATION AND ACCOUNTABILITY DURING 2025 BUDGET DEBATE](#), Dec. 18, 2024; Buckie got it, [Konris Maynard Statement](#), Jan. 17, 2024; WIC News, [Minister Konris Maynard calls allegations by Wattley 'scandalous', demands public apology](#), 19 January 2024; SKN News, [Konris Maynard calls out Duncan Wattley for baseless accusations](#), 19 January 2024; Carib Daily News, [St Kitts and Nevis: Minister Maynard Rejects Power Cut Accusations, Demands Public Apology](#), Jan. 19, 2024.

²⁵³⁸ CTU, [ICT Week 2024 - St Kitts and Nevis](#), 2024; Caribbean Justica, [CTU ICT Week 2024](#), 2024; Technology St. Kitts & Nevi's Government, [CTU ICT Week 2024](#), 2024.

²⁵³⁹ ZIZ, [ST. KITTS AND NEVIS HOSTS 35TH GENERAL MEETING OF CANTA](#), Nov. 28, 2024; Ground News, [ST. KITTS AND NEVIS HOSTS 35TH GENERAL MEETING OF CANTA](#), Nov. 27, 2024; Ministry of Education St. Kitts & Nevi's Government, [ST. KITTS AND NEVIS HOSTS 35TH GENERAL MEETING OF CANTA](#), November 27, 2024.

1163. In this regard, the Rapporteurship recorded that the Technical and Vocational Education and Training (TVET) program is being developed, which is scheduled for implementation in 2025, to advance the integration of cutting-edge technology to train the population in its use, with the aim of promoting the development of strategic programs and plans in key areas such as sustainability, renewable energy, the creative economy and strengthening skills for the future of work.²⁵⁴⁰

²⁵⁴⁰ St. Kitts & Nevi's Government, [GOVERNMENT OF ST. KITTS AND NEVIS TO DRIVE DIGITAL TRANSFORMATION AND SKILLS DEVELOPMENT THROUGH TVET UPGRADES IN 2025](#), December 16, 2024; ZIZ, [St. Kitts and Nevis Government Invests in Education and Workforce Training for 2025](#), December 17, 2024.

SAINT VINCENT AND THE GRENADINES

1164. In 2024, the Office of the Special Rapporteur recorded journalistic investigations on the fishing sector and environmental issues, as well as the training of civil society in the coverage of natural disasters. Challenges in the implementation of the law on access to information and damages to telecommunications infrastructure following Hurricane Beryl were also recorded, along with an increase in cybercrime.

A. Journalism and democracy

1165. In the first half of 2024, as in previous annual reports, RELE learned about investigative reporting by the *Caribbean Investigative Journalism Network* (CIJN). The main investigations for this year analyze the challenges facing the traditional fishing sector in the region and, in particular, in St. Vincent and the Grenadines, including the lack of consolidated data supported by local populations, especially indigenous peoples; the impact of climate change on marine biodiversity; and the insufficient infrastructure and state support for traditional fishermen²⁵⁴¹. It should be noted that these were elaborated based on interviews with local fishermen and scientists, and include multimedia material on the CIJN website, which is free and publicly accessible, for greater and better reach and interaction²⁵⁴². The Rapporteurship also highlights that, as part of its commitment to high quality journalism in the Caribbean, the *CIJN* allows free reproduction of its contents as long as there is attribution and no modifications are made.²⁵⁴³

1166. In addition to the continuity of investigative journalism on environmental issues in the country, the Office of the Special Rapporteur took note of other initiatives aimed at strengthening coverage of natural disasters to which the country is most exposed. In this regard, it documented the training organized by the civil society group *Rainbow Radio League/Youlou Radio Movement* to enable citizens to effectively report on hurricanes, as well as other adverse impacts of climate change, through radio²⁵⁴⁴. According to public reports, the training would have included the proper use of equipment and *software* that allows wireless communication, without relying on wired internet, in order to ensure fast, effective and stable transmission.²⁵⁴⁵

1167. In the 2024 Joint Statement on "Climate Crisis and Freedom of Expression", the freedom of expression mandate holders expressed concern about the limited media coverage in regions where people and communities are directly affected by the climate crisis, as they are left without the possibility of receiving or transmitting information²⁵⁴⁶. Therefore, the independent experts concluded that creating opportunities for journalism in these areas is essential for a "global, substantive and inclusive environmental dialogue".²⁵⁴⁷

1168. In this line, the Rapporteurship recalls that States should publicly and unequivocally affirm the essential role of journalists in the dissemination of quality information related to the climate crisis and the pursuit of sustainable development and climate justice²⁵⁴⁸. This rhetorical endorsement should be accompanied by encouragement and support for initiatives that enhance independent coverage of environmental issues, especially in remote areas affected by climate change, through tax incentives, journalism awards, scholarships or grants for investigative reporting, and training programs for journalists covering these issues, to name a few examples²⁵⁴⁹. It should be emphasized that this support should be provided in a manner

²⁵⁴¹ Caribbean Investigative Journalism Network, [Mounting Challenges to Caribbean Fisheries](#), July 26, 2024; Caribbean Investigative Journalism Network, [St Vincent and the Grenadines - Riding Challenging Tides](#), July 26, 2024.

²⁵⁴² Caribbean Investigative Journalism Network, [Mounting Challenges to Caribbean Fisheries](#), July 26, 2024; Caribbean Investigative Journalism Network, [St Vincent and the Grenadines - Riding Challenging Tides](#), July 26, 2024.

²⁵⁴³ Caribbean Investigative Journalism Network, [About CIJN](#), December 2024.

²⁵⁴⁴ St. Vincent Times, [SVG Ham Radio Group Conducts Pre-Hurricane Season Radio Drill](#), May 21, 2024; [The Vincentian RRL/YRM Pre-Hurricane Season Drills](#), May 24, 2024.

²⁵⁴⁵ St. Vincent Times, [SVG Ham Radio Group Conducts Pre-Hurricane Season Radio Drill](#), May 21, 2024; [The Vincentian RRL/YRM Pre-Hurricane Season Drills](#), May 24, 2024.

²⁵⁴⁶ OAS, UN, OSCE, ACHPR, [Joint Declaration on Climate Crisis and Freedom of Expression](#), 2024.

²⁵⁴⁷ OAS, UN, OSCE, ACHPR, [Joint Declaration on Climate Crisis and Freedom of Expression](#), 2024.

²⁵⁴⁸ OAS, UN, OSCE, ACHPR, [Joint Declaration on Climate Crisis and Freedom of Expression](#), 2024.

²⁵⁴⁹ OAS, UN, OSCE, ACHPR, [Joint Declaration on Climate Crisis and Freedom of Expression](#), 2024.

that respects journalistic independence and promotes high quality, evidence-based reporting and, whenever possible, in collaboration with civil society.²⁵⁵⁰

1169. In the second half of the year, the Rapporteurship received an analysis prepared by the *Caribbean Media Institute* (MIC), in collaboration with the United Nations Development Programme (UNDP) and the United States Agency for International Development (USAID) on media coverage of youth involvement in crime, violence and human trafficking in the Eastern Caribbean²⁵⁵¹. According to the document, the media can play a key role in raising public awareness of the prevalence, causes and possible solutions to these social problems, so it is crucial that coverage is accurate, avoids sensationalism and does not perpetuate misrepresentations or stereotypes.²⁵⁵²

1170. In the analysis corresponding to St. Vincent and the Grenadines, it is explained that, although there is a lack of depth in the coverage of youth violence and criminality, the press does not make value judgments, being the reports on the subject merely factual²⁵⁵³. According to this analysis, the lack of depth could be due to the difficulties faced by the media in accessing official data from the State security forces, especially updated and detailed statistics on criminal activity in the country²⁵⁵⁴. Finally, the study concludes that media coverage of violence and juvenile delinquency is predominantly negative, with only 5% of news stories highlighting positive efforts and results in this area by the State.²⁵⁵⁵

1171. This Office recalls that, as stated in the report on the right to information and national security, States should produce information that allows to know how security sector agencies comply with the obligations of active transparency, what information they classify for national security reasons, and in general, statistical and other information that allows to know the application of exceptions based on national security reasons²⁵⁵⁶. It also recalls that the information disclosed in a proactive manner should not be limited to the transparency of minimum aspects related to the functioning of the agency. In fact, the disclosure of information that is necessary and makes it possible to know the activities of the State related to national security and to evaluate public policy in this area should be guaranteed.²⁵⁵⁷

1172. This Office also learned that, in May 2024, the civil society group *Rainbow Radio League/Youlou Radio Movement* conducted training for amateur volunteers to report the onset of weather catastrophes in St. Vincent and the Grenadines at via radio. The training involved the use of radio and *software* capable of enabling wireless communication independently of wired internet, in order to make communication of hurricane onset as dynamic as possible.²⁵⁵⁸

1173. In addition, this Office learned that, earlier this year, the Prime Minister allegedly accused the opposition of promoting misleading information regarding the presence of a luxury hotel chain in the country

²⁵⁵⁰ OAS, UN, OSCE, ACHPR, [Joint Declaration on Climate Crisis and Freedom of Expression](#), 2024.

²⁵⁵¹ Media Institute of the Caribbean [@micinvestigates], (2024, October 16), MIC in collab with @UNDP Carisecure2.0 & @usaidescarib is pleased to deliver this groundbreaking report, A Media Analysis of the Coverage of Youth Involvement in Crime and Violence & Trafficking in Persons (June 2021 to June 2023) in the Eastern Caribbean, X, <https://x.com/micinvestigates/status/1846644621054824916>.

²⁵⁵² Media Institute of the Caribbean, UNDP & USAID, [A Media Analysis of the Coverage of Youth Involvement in Crime and Violence and Trafficking in Persons \(June 2021 to June 2023\) in the Eastern Caribbean](#), p. 1.

²⁵⁵³ Media Institute of the Caribbean, UNDP & USAID, [A Media Analysis of the Coverage of Youth Involvement in Crime and Violence and Trafficking in Persons \(June 2021 to June 2023\) in the Eastern Caribbean](#), ps. 44 - 46.

²⁵⁵⁴ Media Institute of the Caribbean, UNDP & USAID, [A Media Analysis of the Coverage of Youth Involvement in Crime and Violence and Trafficking in Persons \(June 2021 to June 2023\) in the Eastern Caribbean](#), p. 48.

²⁵⁵⁵ Media Institute of the Caribbean, UNDP & USAID, [A Media Analysis of the Coverage of Youth Involvement in Crime and Violence and Trafficking in Persons \(June 2021 to June 2023\) in the Eastern Caribbean](#), p. 50.

²⁵⁵⁶ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Derecho a la información y seguridad nacional: El acceso a la información de interés público frente a la excepción de seguridad nacional](#), OEA/Ser.L/V/II, CIDH/RELE/INF.24/20, July 2020, para. 155.

²⁵⁵⁷ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Derecho a la información y seguridad nacional: El acceso a la información de interés público frente a la excepción de seguridad nacional](#), OEA/Ser.L/V/II, CIDH/RELE/INF.24/20, July 2020. para. 151.

²⁵⁵⁸ St. Vincent Times, [SVG Ham Radio Group Conducts Pre-Hurricane Season Radio Drill](#), May 21, 2024; [The Vincentian, RRI/YRM Pre-Hurricane Season Drills](#), May 24, 2024.

and the use of taxpayers' money to hold official events at one of its properties²⁵⁵⁹. Three months later, in March, the New Democratic Party (NDP) indicated that the ruling Unity Labor Party (ULP) had spread propaganda through at least one newspaper article highlighting its management.²⁵⁶⁰

1174. In late 2024, the Special Rapporteur also recorded a statement to the media by the Royal St. Vincent and the Grenadines Police Force (RSVGPF) in which the agency reportedly criticized the alleged lack of collaboration of civil society organizations in the course of police investigations, noting that public criticism should be directed at criminals rather than law enforcement agencies²⁵⁶¹. Additionally, the Minister of Fisheries reportedly accused the president of the National Fishermen's Association of St. Vincent of lying to the media after he claimed that the current administration does not support the fishing sector financially.²⁵⁶²

1175. In its latest edition of the World Press Freedom Index, published in May 2024, *Reporters Without Borders* (RSF) warned that the press in St. Vincent and the Grenadines, as in other countries in the Caribbean region, would at times face "editorial censorship" and the "growing influence" of political parties.²⁵⁶³

1176. On at least one occasion, this Office was informed that the RSVGPF reportedly issued a press alert explaining that the country's penal code would prohibit the publication of evidence from private judicial proceedings, with the possibility of prison sentences of up to two years²⁵⁶⁴. The security agency reportedly made the announcement after national media reports on how the justice system had granted freedom to a person accused of sexual abuse²⁵⁶⁵. The police also reportedly asked them to withdraw any articles on the subject.²⁵⁶⁶

1177. Finally, the Rapporteurship received reports alleging that the *Facebook* page of the *Searchlight* newspaper had been attacked by hackers who, according to public information, published sexual content. According to publicly available information, *Meta*, owner of the social network, did not act promptly to reestablish access.²⁵⁶⁷

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

1178. As part of the monitoring carried out by the Rapporteurship, the Office learned of the review report on the legislative framework on access to information in the English-speaking Caribbean, published by the *Media Institute of the Caribbean (MIC)* during the first half of 2024. While the document notes that St. Vincent and the Grenadines has had an access to information law since 2003, the third oldest in the Caribbean, it also warns that the legislation has not entered into force²⁵⁶⁸. As a significant development, the report notes that the State is one of the eight members of the Caribbean Community (CARICOM) that has ratified the Escazu Agreement²⁵⁶⁹. This agreement is the first in Latin America and the Caribbean to establish parameters for

²⁵⁵⁹ St. Vincent Times, [PM Gonsalves defends Sandals Resort amid Misinformation](#), February 29, 2024; The Vincentian, [Gonsalves' Extravaganza](#), March 01, 2024.

²⁵⁶⁰ St. Vincent Times, [NDP slams ULP's latest propaganda attempt, cites broken promises](#), March 28, 2024; The Vincentian, [ULP View: Believe What You See \(Pt 1\)](#), March 1, 2024; The Vincentian, [ULP View: Believe What You See - PT II](#), March 8, 2024

²⁵⁶¹ St. Vincent Times, [Public Outrage Should Targe Criminals, Not Police](#), December 16, 2024; The Vincentian, [NDP View: The Police Must Regain The Trust of Citizens](#), December 6, 2024; The Vincentian, [Arrest In Precious' Case: Police Make Confidence Appeal](#), December 20, 2024.

²⁵⁶² St Vincent Times, [Caesar calls Harry's statement "dishonest"](#), December 24, 2024.

²⁵⁶³ St Vincent Times, [St Vincent struggled to maintain strong press freedom: RSF Report](#), 3 May 2024; RSF, [World Press Freedom Index](#), 2024.

²⁵⁶⁴ St. Vincent Times, [SVG Media Outlets Ordered to Remove Publication on Rape Case](#), April 9, 2024; ANN, [Reporting in private court matter could land you in jail, police says](#), April 14, 2024.

²⁵⁶⁵ St. Vincent Times, [SVG Media Outlets Ordered to Remove Publication on Rape Case](#), April 9, 2024; ANN, [Reporting in private court matter could land you in jail, police says](#), April 14, 2024.

²⁵⁶⁶ SVGTV [@svgtvofficial], (April 11, 2024), News release RSVG Police Force, [Instagram](#)

²⁵⁶⁷ St. Vincent Times, [Searchlight newspaper condemns Meta's lack of response to hacking incident](#), March 14, 2024.

²⁵⁶⁸ Media Institute of the Caribbean, [Review of Legislative Framework of Freedom of Information and Access to Information Legislation in the English-speaking Caribbean](#), March 2024, p. 8.

²⁵⁶⁹ Media Institute of the Caribbean, [Review of Legislative Framework of Freedom of Information and Access to Information Legislation in the English-speaking Caribbean](#), of March 2024, p. 13; Observatory Principle 10 in Latin America and the Caribbean, [Regional](#)

access to environmental information, the right to public participation in environmental decision-making processes, and the right to justice in environmental matters²⁵⁷⁰. Articles 5 and 6 of the agreement establish criteria for access to environmental information, delineate the exceptions for its denial, the conditions for its release, review and oversight mechanisms, and incorporates obligations with respect to the generation and disclosure of environmental data.²⁵⁷¹

1179. In addition to noting the delay in the enactment of the 2003 Access to Information Bill and its lack of implementation, the Rapporteurship took note of the recommendations of the *MIC* to strengthen access to information legislation in accordance with international standards. Proposed amendments include: including under its jurisdiction any private body receiving public funds, without requiring government intervention; ensuring that no public body is exempt from the law by default, except for duly justified exceptions; expanding the categories of information that must be disclosed *ex officio*; eliminating costs for requesting information, except for those related to reproduction and mailing, if applicable; establish an office of an Information Officer; allow for an extension of the deadline for responding to requests, suggesting a maximum of 20 additional days; incorporate an administrative appeal mechanism, in addition to the judicial remedy; and review the power of the Prime Minister and the public transparency authority to declare documents exempt by law²⁵⁷².

1180. On the other hand, in 2024, the Office of the Special Rapporteur was informed of an increase in offenses under the Computer Crimes Act, particularly those related to child pornography and the non-consensual exchange of images²⁵⁷³. According to the authorities, these offenses could carry penalties of up to 20 years imprisonment and fines of EC\$750,000.²⁵⁷⁴

1181. The Rapporteurship also learned that, given the increase in gang violence, the authorities are evaluating the development of a digital mobile application for the "prevention of crime", which would allow the population to share information with security forces in real time and confidentially on the presence and activities of criminal gangs.²⁵⁷⁵

C. Freedom of expression and the Internet

1182. Midway through the year, the IACHR and the Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights (REDESCA) recorded the devastating impact of Hurricane Beryl on the Caribbean island states, which disproportionately affected Grenada and St. Vincent and the Grenadines²⁵⁷⁶. According to experts and public reports, the hurricane destroyed about 90% of the infrastructure of *Union Island*, the second largest island of the Grenadines²⁵⁷⁷. This damage reportedly resulted in widespread disruption of telecommunications; for nearly a month, the population was left without stable electricity,

[Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean](#), January 30, 2025.

²⁵⁷⁰ Observatory of Principle 10 in Latin America and the Caribbean, [Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean](#), January 30, 2025.

²⁵⁷¹ ECLAC, [Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean](#), 2018.

²⁵⁷² Media Institute of the Caribbean, [Review of Legislative Framework of Freedom of Information and Access to Information Legislation in the English-speaking Caribbean](#), March 2024, p. 13.

²⁵⁷³ St Vincent Times, [SVG Police Highlight Serious Penalties for Cybercrime Violations](#), November 5, 2024

²⁵⁷⁴ St Vincent Times, [SVG Police Highlight Serious Penalties for Cybercrime Violations](#), November 5, 2024

²⁵⁷⁵ St Vincent Times, [Commissioner of Police Unveils Strategies to Combat Gun Violence](#), December 3, 2024; The Vincentian, [One Year Later, And The Killing Continues](#), December 13, 2024.

²⁵⁷⁶ IACHR, Press Release No. 160/24, "[La CIDH y REDESCA hacen un llamado a la solidaridad internacional ante la emergencia en los países afectados por el huracán Beryl](#)", 9 July 2024; World Meteorological Organization, [Record-breaking Hurricane Beryl threatens Caribbean](#), 8 July 2024.

²⁵⁷⁷ St Vincent Times, [Time frame to restore power in Southern Grenadines unknown](#), July 2, 2024; The Vincentian, [Hurricane Beryl Takes a Toll on SVG](#), July 5, 2024.

internet and cell phone service²⁵⁷⁸. The reconstruction efforts, led by the national government, reportedly relied on the support of the private telecommunications sector to resume connectivity.²⁵⁷⁹

1183. Following the damage to telecommunications infrastructure caused by Hurricane Beryl, the Special Rapporteur documented regulatory and investment initiatives aimed at strengthening the sector's resilience to natural disasters, the frequency and severity of which are expected to increase due to the acceleration of climate change. In this regard, it recorded the authorization to allow the entry of satellite internet service providers into the country as of 2025²⁵⁸⁰. Likewise, it registered the launching of plans for the assembly of a subway electric structure²⁵⁸¹. To these advances would be added public-private alliances to install fiber optics, digitalize public services, and support the digitalization of the private sector.²⁵⁸²

1184. Regarding the digitalization of the State, the Rapporteurship took note of the calls to the authorities and branches of government to make all laws available online, given that the country would be one of the few in the region where access to physical versions of current legislation is still required.²⁵⁸³

1185. Finally, this Office documented reports of multiple cyber crimes in the country. In the first half of the year, the Police warned about the use of fake accounts on social networks to carry out extortion scams, a warning that was reiterated in the last quarter of the year with the alleged appearance of new fraudulent profiles²⁵⁸⁴. Authorities reportedly arrested at least two people accused of committing cybercrimes, including online blackmail and sexual harassment, in November²⁵⁸⁵. Subsequently, in December, the government issued a warning urging the public to take extreme precautions when receiving messages from unknown numbers on messaging apps, due to a widespread increase in scam attempts through this medium.²⁵⁸⁶

²⁵⁷⁸ St Vincent Times, [VINLEC Considers Nationwide Shutdown of Power Grid](#), June 30, 2024; St Vincent Times, [Time frame to restore power in Southern Grenadines unknown](#), July 2, 2024; The Vincentian, [Hurricane Beryl Takes a Toll on SVG](#), July 5, 2024.

²⁵⁷⁹ St Vincent Times, [T&TEC Team to Assist With Hurricane Restoration Efforts in SVG](#), July 27, 2024; The Vincentian, [ULP View: Progress on Relief, Recovery, And Reconstruction](#), August 2, 2024.

²⁵⁸⁰ St Vincent Times, [Starlink to Enhance Internet Coverage in Southern Grenadines](#), July 19, 2024.

²⁵⁸¹ St Vincent Times, [Underground Network More Durable But Very Expensive to Create: Lewis](#), July 10, 2024.

²⁵⁸² St Vincent Times, [Public-Private Partnership Driving SVG's Digital Transformation](#), November 30, 2024.

²⁵⁸³ St Vincent Times, [SVG Falls Behind in Digital Accessibility of Laws](#), June 5, 2024; Searchlight, [SVG lags behind in digital accessibility of laws](#), June 18, 2024.

²⁵⁸⁴ St. Vincent Times, [Beware of Fake Facebook Account Extortion Scam: RSVGPF Warns](#), May 11, 2024; St. Vincent Times, [SVG Police Warn Against Blackmail Scam Linked to Fake FB Profile](#), Oct. 17, 2024.

²⁵⁸⁵ St. Vincent Times, [SVG Police Makes Major Arrests in Cybercrime Crackdown](#), November 17, 2024.

²⁵⁸⁶ St. Vincent Times, [RSS Issues Warning as Whatsapp Scams Surge Across the Region](#), December 13, 2024

SAINT LUCIA

1186. Regarding free, safe, sustainable and reliable journalism in the country, the Office of the Special Rapporteur followed up on initiatives to strengthen responsible journalistic coverage of human trafficking, a phenomenon that affects the entire Caribbean region. Regarding the rule of law and freedom of expression, the Rapporteurship took note of the persistence of the criminalization of "defamation" crimes and the lack of enactment of a law on access to information, despite having been presented 15 years ago, which currently affects, according to international organizations and opposition sectors, the transparency of the "citizenship by investment" program. In terms of progress, the Rapporteurship recorded that the State, after ratifying the Escazú Agreement, has incorporated into its domestic legislation obligations to disclose information on the environment, climate change, its impacts and the actions taken by the authorities. In the area of internet and human rights, the Rapporteurship has documented initiatives of the National Telecommunications Regulatory Commission, the World Bank, through the Caribbean Digital Transformation Project (CARDTP), and State entities, with support from third countries, to advance towards universal access to internet and communications technologies, as well as digital literacy of the entire population, including children and adolescents.

A. Journalism and democracy

1187. In June 2024, the Office of the Special Rapporteur learned of a series of training sessions for national journalists, conducted by the *Media Institute of the Caribbean (MIC)*, in collaboration with the United Nations Development Program (UNDP) and the United States Agency for International Development (USAID). These workshops would have focused on providing tools for responsible coverage of human trafficking.²⁵⁸⁷

1188. Similarly, in October 2024, the Rapporteurship took note of the study prepared by the *MIC* on media coverage of the involvement of minors in crimes related to gang violence and human trafficking in the Eastern Caribbean²⁵⁸⁸. According to the document, the media in the region can play a key role in raising public awareness of the prevalence, causes and possible solutions to these social problems, making it crucial that coverage is accurate, avoids sensationalism and does not perpetuate harmful misrepresentations and stereotypes.²⁵⁸⁹

1189. In the analysis for Saint Lucia, the report highlights the "*Counter-Trafficking in Persons Act*" of 2021, which establishes provisions for the protection of victims of these crimes, including privacy guarantees, such as the possibility of testifying through videoconferencing, and witness protection, which would encourage the participation of affected persons and those with additional valuable information in investigations and judicial proceedings.²⁵⁹⁰

1190. According to the *MIC*, information related to human trafficking is usually issued by State entities²⁵⁹¹. Although there is collaboration between journalists, civil society organizations and police authorities to provide coverage of this crime, reliance on official State spokespersons to access information

²⁵⁸⁷ Media Institute of the Caribbean [@micinvestigates], (2024, Oct. 16), MIC in collab with @UNDP Carisecure2.0 & Regional Journalism Trainign for Responsible Reporting on Trafficking in Persons, X, <https://x.com/micinvestigates/status/1791528378027151521>; United Nations Office on Drugs and Crime, [How widespread are human trafficking and migrant smuggling in Latin America and the Caribbean? And other questions answered](#), 2024; Caribbean Investigative Journalism Network, [Tricked into Sex Slavery: Global Crackdown hasn't Stopped Caribbean Traffickers](#), September 24, 2024.

²⁵⁸⁸ Media Institute of the Caribbean [@micinvestigates], (2024, October 16), MIC in collab with @UNDP Carisecure2.0 & @usaidescarib is pleased to deliver this groundbreaking report, A Media Analysis of the Coverage of Youth Involvement in Crime and Violence & Trafficking in Persons (June 2021 to June 2023) in the Eastern Caribbean, X, <https://x.com/micinvestigates/status/1846644621054824916>.

²⁵⁸⁹ Media Institute of the Caribbean, UNDP & USAID, [A Media Analysis of the Coverage of Youth Involvement in Crime and Violence and Trafficking in Persons \(June 2021 to June 2023\) in the Eastern Caribbean](#), p. 58.

²⁵⁹⁰ CariSecure 2.0, [A Media Analysis of the Coverage of Youth Involvement in Crime and Violence and Trafficking in Persons \(June 2021 to June 2023\) in the Easter Caribbean](#), 2023; Media Institute of the Caribbean, UNDP & USAID, [A Media Analysis of the Coverage of Youth Involvement in Crime and Violence and Trafficking in Persons \(June 2021 to June 2023\) in the Eastern Caribbean](#), p. 58.

²⁵⁹¹ Media Institute of the Caribbean, UNDP & USAID, [A Media Analysis of the Coverage of Youth Involvement in Crime and Violence and Trafficking in Persons \(June 2021 to June 2023\) in the Eastern Caribbean](#), p. 69.

would be a major limitation, especially considering that no law on access to information has been implemented in the country .²⁵⁹²

1191. This Office stresses that, as established in the inter-American legal framework, 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 interest²⁵⁹³ . 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 must be subject to control by society as a whole.

1192. In this sense, this Office recalls that free access to information is a means so that, in a representative and participatory democratic system, citizens can adequately exercise their political rights²⁵⁹⁴ . Certainly, political rights presuppose the existence of a broad and vigorous debate for which it is essential to have public information that allows a serious evaluation of the progress and difficulties of the achievements of the different authorities. Only through access to information under the control of the State is it possible for citizens to know whether public functions are being adequately fulfilled.

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

1193. The latest annual report of *Freedom House*, known to this Office, highlights that Saint Lucia would have enshrined freedom of expression as a constitutional right. However, an obstacle to its full guarantee would be the existence of legislation that civilly and criminally punishes "defamatory statements", as well as the use of "vulgar or abusive" language²⁵⁹⁵ . The report also notes that the country would have insufficient mechanisms for reporting, accountability and transparency to address possible cases of police corruption and abuse, which would have led to a perception of high levels of impunity .²⁵⁹⁶

1194. 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 reply²⁵⁹⁷ . In this regard, all Member States should review their defamation legislation so that it does not restrict the right to freedom of expression and is compatible with their international obligations²⁵⁹⁸ . In the case of criminal defamation laws, States should seriously consider repealing them and adopting civil laws instead .²⁵⁹⁹

1195. Regarding the legislative landscape, the Office received the report on the review of the legislative framework on access to information in Saint Lucia, published by the *Media Institute of the Caribbean (MIC)* during the first half of 2024. It details that an access to information bill was introduced in 2009, but has not been enacted since then .²⁶⁰⁰

1196. This Office reiterates that, as established in the Inter-American legal framework, the State has the obligation to adapt its domestic legal system to the international standards on access to information, in the

²⁵⁹² Media Institute of the Caribbean, UNDP & USAID, [A Media Analysis of the Coverage of Youth Involvement in Crime and Violence and Trafficking in Persons \(June 2021 to June 2023\) in the Eastern Caribbean](#), pp. 70, 79.

²⁵⁹³ 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.

²⁵⁹⁴ 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.

²⁵⁹⁵ Freedom House, [Freedom in the world 2024](#), St. Lucia, 2024; St. Lucia's government, [Criminal Code](#), 2025; Attorneys General's Chambers, [Revised Laws of Saint Lucia](#), 2022.

²⁵⁹⁶ Freedom House, [Freedom in the World 2024](#), 2024.

²⁵⁹⁷ IACHR, Report on the compatibility between desacato laws and the ACHR, Section V, 1995.

²⁵⁹⁸ OAS, UN, OSCE, [Joint Declaration on Censorship through Murder and Defamation](#), 2000.

²⁵⁹⁹ OAS, UN, OSCE, [Joint Declaration on Censorship through Murder and Defamation](#), 2000.

²⁶⁰⁰ Regional Observatory on Planning for Development in Latin America and the Caribbean, [Freedom of Information Act of Saint Lucia](#), 2025; Government of Saint Lucia's, [Freedom of Information Bill](#), March 2010; Media Institute of the Caribbean, MIC in collab with UK International Development, [Review of Legislative Framework of Freedom of Information and Access to Information Legislation in the English-speaking Caribbean](#), p. 10, March 2024.

sense of: (a) implementing an adequate legal framework for such purposes; (b) removing the legal or administrative obstacles that hinder access to information; (c) promoting the implementation of the right of access within all entities and authorities that have it: (a) implement an adequate legal framework for such purposes; (b) remove the legal or administrative obstacles that hinder access to information; (c) promote the implementation of the right of access within all the entities and authorities that comprise it-through the adoption and execution of standards, procedures and training to the authorities in the custody, administration, filing and provision of information; and (d) in general terms, adopt a public policy favorable to the full exercise of this right.²⁶⁰¹

1197. With regard to implementation, the Rapporteurship recalls that the State must adopt a systematic policy of training and education of public officials aimed at satisfying, in each of its facets, the right of access to public information, as well as the training of public bodies, authorities and agents responsible for responding to requests for access to information under the control of the State on the regulations governing this right²⁶⁰². This obligation also implies the training of public officials in relation to the laws and policies on the creation and custody of files related to the information that the State is obliged to safeguard, manage and produce or capture.²⁶⁰³

1198. Likewise, this Office records that Saint Lucia is one of the five member countries of the Caribbean Community (CARICOM) that has ratified the Escazú Agreement, which establishes standards on access to information on the environment and climate change²⁶⁰⁴

1199. Additionally, the Rapporteurship documented that in March 2024, Saint Lucia passed a new Climate Change Act to implement the United Nations Framework Convention on Climate Change, the Paris Agreement and the Kyoto Protocol²⁶⁰⁵. The Act establishes active transparency obligations, assigning the responsible department the role of collecting and disseminating climate change information, as well as producing reports, including a biennial transparency report for the UNFCCC Secretariat.²⁶⁰⁶

1200. This Office recalls that, as noted in the 2024 Joint Statement on "Climate Crisis and Freedom of Expression," enhancing access to information and promoting transparency is crucial to addressing the climate crisis²⁶⁰⁷. Robust transparency also fosters interaction between global and local dialogues on the climate crisis, creating a virtuous circle of information and knowledge sharing. The right to information empowers individuals and societies to raise public awareness, advocate, strengthen policy debates and make informed decisions on climate issues and nature-based solutions. In this regard, States should ensure the principle of maximum disclosure with respect to environmental and climate issues by making available to the public all information they hold in an accessible, effective and timely manner, with strictly necessary and limited exceptions, in accordance with international standards²⁶⁰⁸. Failure to provide adequate access to information, whether due to institutional deficiencies, ineffective public policies or undue restrictions on the media, constitutes a violation of the right to information.²⁶⁰⁹

²⁶⁰¹ 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. 43.

²⁶⁰² 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. 42.

²⁶⁰³ 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. 42.

²⁶⁰⁴ UN Treaty Collection, [Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean](#), 2 March 2018; Media Institute of the Caribbean, MIC in collab with UK International Development, Review of Legislative Framework of Freedom of Information and Access to Information Legislation in the English-speaking Caribbean, p. 10, March 2024; Escazu Now, [ABC of the Escazu Agreement](#), 2025.

²⁶⁰⁵ Saint Lucia's Government, [Climate Change Act No. 3 of 2024](#), March 18, 2024; Observatory of Principle 10 in Latin America and the Caribbean, [Climate change \(Act No. 2 of 2024\)](#), March 18, 2024.

²⁶⁰⁶ Saint Lucia's Government, [Climate Change Act No. 3 of 2024](#), March 18, 2024; Observatory of Principle 10 in Latin America and the Caribbean, [Climate change \(Act No. 2 of 2024\)](#), March 18, 2024.

²⁶⁰⁷ OAS, UN, OSCE, ACHPR, [Joint Declaration on Climate Crisis and Freedom of Expression](#), 2024.

²⁶⁰⁸ OAS, UN, OSCE, ACHPR, [Joint Declaration on Climate Crisis and Freedom of Expression](#), 2024.

²⁶⁰⁹ OAS, UN, OSCE, ACHPR, [Joint Declaration on Climate Crisis and Freedom of Expression](#), 2024.

1201. On the other hand, the Office of the Special Rapporteur recorded the first session of the Constitutional Review Committee of Saint Lucia, whose objective is to strengthen and modernize the constitutional framework of the country²⁶¹⁰. According to public reports, efforts to reform the Constitution began in 2006 with the creation of the Constitutional Reform Commission, which issued a report in 2011 without supposedly holding public consultations²⁶¹¹. The report reportedly recommended regulating the right of access to public information through ordinary legislation and allowing restrictions for "national security or other relevant reasons"²⁶¹².

1202. This Office recalls that the limitations imposed on access to information must be of a strictly exceptional nature and comply with the requirements of legality, necessity and strict proportionality²⁶¹³. The laws regulating secrecy should precisely define the concept of national security and clearly specify the criteria to be used to determine whether or not certain information may be declared secret, in order to prevent abuse of the classification of information that is in the public interest.²⁶¹⁴ States should review and, to the extent necessary, repeal or amend legislation restricting access to information to bring it into line with international standards in this area.²⁶¹⁵

1203. With respect to citizenship by investment (CBI) programs in five Caribbean countries - St. Lucia, Antigua and Barbuda, Grenada, St. Kitts and Nevis, and Dominica - the Rapporteurship followed up on concerns about transparency, security and governance. These concerns have been raised by international organizations, including the Organization for Economic Cooperation and Development (OECD) and the European Union (EU)²⁶¹⁶. In particular, limited transparency has been reported regarding the number of applicants, their countries of origin, the percentage of rejected applications, the identity of persons acquiring nationality, and how the funds generated by the programs are used²⁶¹⁷.

1204. In the first quarter of 2024, the Rapporteurship was informed of the signing of a memorandum of understanding between the five countries with CBI that includes provisions to create a regional regulatory authority, share more and better information on applicants, disclose tax revenues and expenditures associated with these programs, and allow for audits.²⁶¹⁸

1205. At the national level, RELE recorded statements from opposition sectors expressing concern about the government's management of the citizenship by investment program, pointing to possible future political implications, especially in the context of elections and an increase in the number of naturalized and

²⁶¹⁰ Saint Lucia's Government, [Constitutional Review Committee holds inaugural meeting](#), March 14, 2024; World Resources Institute, [The Escazú Agreement: Seeking Rights to Information, Participation, and Justice for the Most Vulnerable in Latin America and the Caribbean](#), 2025; Earth Charter, [Latin America agrees on a treaty on access to information and environmental justice](#), 2018.

²⁶¹¹ Constitutionnet, [Reviving Constitutional Reform in Saint Lucia: The Role of the Parliamentary Constitutional Review Committee](#), April 26, 2024; St Lucia News Online, [Constitutional Review Committee to Convene its First Meeting](#), March 5, 2024.

²⁶¹² Commission Constitutional Reform, [Report of the Saint Lucia Constitutional Reform Commission](#), 2011.

²⁶¹³ 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. 3.

²⁶¹⁴ 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. 3.

²⁶¹⁵ 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. 3.

²⁶¹⁶ OECD, [Misuse of Citizenship and Residency by Investment Programmes](#), November 2023; Organized Crime and Corruption Reporting Project, [EU Concerned About Citizenship Programs: Says Dominica Sold 34,500 passports](#), October 20, 2023; European Union, [Aspects of golden passport and visa schemes in the EU](#), September 11, 2024.

²⁶¹⁷ OECD, [Misuse of Citizenship and Residency by Investment Programmes](#), November 2023; European Commission, [Report From the Commission to the European Parliament and the Council - Seventh Report Under the Visa Suspension Mechanism](#), 6 December 2024.

²⁶¹⁸ Organisation of Eastern Caribbean States, [Caribbean Countries Pressing Forward With the Implementation of the Memorandum Of Agreement On Citizenship By Investment Programmes](#), 22 June 2024.

eligible voters²⁶¹⁹. Government officials, according to public reports, rejected these accusations and called them "malicious and scandalous"²⁶²⁰.

1206. This Office emphasizes that the right of access to public information imposes an obligation on the State 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.²⁶²¹

1207. With regard to the state of public debate in the country, the Rapporteurship took note of exchanges between the ruling party and opposition sectors characterized by accusations of defamation and malice, threats of lawsuits, as well as allegations of incitement to violence. In January 2024, a former minister of tourism allegedly claimed that multiple criminals were sympathizers of the Saint Lucia Labor Party (SLP), which he said would explain the government's lack of pronouncement on the homicides that occurred in the last year²⁶²². In response, on January 31, the current Minister of Tourism, who also serves as Deputy Prime Minister, reportedly rejected these statements, calling them "offensive and malicious"²⁶²³. In December, the Deputy Prime Minister also reportedly threatened to take legal action for defamation against those who linked him to alleged financial irregularities in an opposition party, demanding that they present concrete evidence.²⁶²⁴

1208. In June, an opposition United Workers Party (UWP) reportedly accused the ruling SLP of seeking the "destruction" of democracy in the country, calling for "war" against those who violate the constitution²⁶²⁵. In response, spokespersons of the SLP reportedly said that these comments represented an "incitement" to violence and demanded an apology for such statements.²⁶²⁶

1209. In August, a pro-government parliamentarian with local governance responsibilities reportedly accused the president of the St. Lucia Medical and Dental Association (SLMDA) of "colluding" with the opposition after she circulated a letter denouncing an alleged deterioration in medical care due to drug shortages and infrastructure deficiencies²⁶²⁷. For its part, the opposition warned that these statements would seek to intimidate and silence health professionals demanding improvements in the sector, as well as reflecting the government's inadequate handling of dissenting opinions.²⁶²⁸

²⁶¹⁹ St. Lucia Times, ["Election Influence Through CIP?" - UWP Sounds Warning](#), November 27, 2024; St. Lucia Times, [Pierre Unconcerned Over Impending CIP 'Bombshell' Claims](#), August 20, 2024.

²⁶²⁰ St. Lucia Times, ['False, Baseless, Malicious And Scandalous' - Hilaire Speaks On CIP Fraud Claims](#), June 13, 2024; St. Lucia Times, [Commitment To Highest CBI Standards](#), September 9, 2024.

²⁶²¹ 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.

²⁶²² St. Lucia Times, [Fedee Says Many Perpetrators Of Crime Are SLP Supporters](#), January 30, 2024; St. Lucia Loop News, [Former Tourism Minister warns St Lucia faces similar fat as Bahamas](#), January 29, 2024.

²⁶²³ St. Lucia Times, [Hilaire Urges Fedee Apology Over "Malicious" Remarks](#), Jan. 31, 2024; St. Lucia Loop News, [Hilaire calls on Fedee to apologize for "malicious, offensive" remarks](#), Jan. 31, 2024.

²⁶²⁴ St. Lucia Times, [Hilaire Declares War On Defamation: "It Starts With Nancy Charles."](#), December 10, 2024; The Voice, [Nancy Charles: "I Am Ready to Defend Myself."](#), December 18, 2024

²⁶²⁵ St. Lucia Times, [SLP Accuses Chastanet Of Inciting Violence With "War" Remark](#), June 11, 2024; St. Lucia Loop News, [UWP again declares "war," unswayed by Govt calls for retraction](#), June 11, 2024.

²⁶²⁶ St. Lucia Times, [SLP Accuses Chastanet Of Inciting Violence With "War" Remark](#), June 11, 2024; St. Lucia Loop News, [UWP again declares "war," unswayed by Govt calls for retraction](#), June 11, 2024.

²⁶²⁷ Unitedpac, [Richard Frederick Controversy: UWP Slams Minister for Vicious Attack on SLMDA President](#), August 8, 2024; Unitedpac, [Urgent Warning on Saint Lucia Healthcare Crisis: Merle Clarke's Scathing Letter to OKEU Board](#), August 2, 2024; Times Caribbean Online, [Healthcare in Crisis: St. Lucia Medical and Dental Association Blasts Board in Scathing Letter Over Deteriorating Conditions at OKEU Hospital](#), August 25, 2024.

²⁶²⁸ St. Lucia Times, [UWP Demands Apology From Frederick To SLMDA President](#), August 7, 2024; St. Lucia Loop News, [PM Pierre defends Cabinet integrity amid UWP demands for apology](#), August 9, 2024; St. Lucia News Loop News, [, August 9, 2024; St. Lucia. Lucia News Loop News, SLMDA denounces attacks on president amid OKEUH controversy](#), Aug. 20, 2024; United Workers Party, [Richard Frederick's attack on the President of the Saint Lucia Medical and Dental Association is UNACCEPTABLE](#), Aug. 5, 2024; Jamaica Observer, [St Lucia's Deputy PM plans lawsuit against Opposition activist](#), Dec. 11, 2024; Bxsonair, [Deputy Prime Minister St Lucia plans a lawsuit against an opposition activist](#), 2024; TheVoice, [Dr. Hilaire to His Political](#)

1210. This Office recalls 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 involved in the formation of public policy²⁶²⁹. 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 with the principles of democratic pluralism, and through mechanisms that do not have the potential to generate inhibition or self-censorship.²⁶³⁰

1211. With regard to institutional developments to guarantee human rights, including those associated with freedom of expression, the Rapporteurship recorded proposals for the creation of a specialized and independent commission to ensure compliance with international obligations in this area by monitoring the situation of persons in vulnerable situations, the accountability of authorities, and the incorporation of reparation mechanisms²⁶³¹. It also called for the establishment of a special agency to investigate police actions in cases of excessive use of force.²⁶³²

1212. Finally, in relation to the right of association, linked to freedom of expression, RELE documented public information on initiatives of the Ministry of Equity, Social Justice and Empowerment aimed at fostering the creation and participation in community organizations to promote local development. According to available reports, specialized offices have been established to assist these groups in their constitution, formalization and structuring, with the objective of strengthening community life and improving their conditions.²⁶³³

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

1213. In the area of religious freedom, RELE learned of public information indicating that, although St. Lucia's legislation protects this right, the Rastafarian and Muslim communities reportedly face difficulties and disadvantages in practicing their beliefs, in addition to possible cases of harassment. In response, the Minister of Equity, Social Justice and Empowerment reportedly held meetings with minority groups to work on a roadmap to promote tolerance, inclusion and unity.²⁶³⁴

1214. For its part, the LGBTI community would continue to face social prejudice and marginalization, also limiting its full participation in political processes. Although discrimination based on race, sex and religion is prohibited in the country, the State's legal order would not offer comprehensive protection for this community.²⁶³⁵

1215. This Office reiterates that religious speech and speech expressing one's sexual orientation and gender identity must enjoy a special level of protection because they express an integral element of personal

[Detractor: "I Can Fight"](#), December 14, 2024; St. Lucia Times, [Hilaire Declares War On Defamation: "It Starts With Nancy Charles"](#), December 10, 2024.

²⁶²⁹ 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.

²⁶³⁰ 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.

²⁶³¹ St. Lucia Times, [Mary Francis Renews Call For A National Human Rights Commission](#), December 6, 2024; DBS, [Mary Francis Calls for Human Rights Commission](#), December 10, 2024.

²⁶³² St. Lucia Times, [DPP Urges Independent Unit To Probe Police Killings](#), June 20, 2024; St. Lucia's Government, [Statement by Director of Public Prosecutions](#), June 21, 2021; Caribbean Loop News, [Police Academy under scrutiny: Probe launched into misconduct](#), August 29, 2024.

²⁶³³ St. Lucia's Government, [Ministry of Equity encourages formation of Community-Based Organizations](#), November 4, 2024; Freedom House, [Freedom in the world 2024 St. Lucia](#), 2024.

²⁶³⁴ Freedom House, [Freedom in the World 2024, St. Lucia](#), 2024; The Voice, ["Rastafarian Movement Has Been at the Forefront of Advocating for Freedom and Justice." Says Henry](#), August 31, 2024.

²⁶³⁵ Freedom House, [Freedom in the World 2024, St. Lucia](#), 2024; Human Dignity Trust, [Saint Lucia](#), December 17, 2024.

identity and dignity, due to their close relationship with the dignity, freedom and equality of all human beings²⁶³⁶

D. Freedom of expression and the Internet

1216. During 2024, the Rapporteurship documented initiatives by the National Telecommunications Regulatory Commission (NTRC) aimed at expanding free and efficient internet access for low-income, elderly, and disabled persons through 28 new access points in *Soufrière*, a district on the west coast of the island²⁶³⁷. These initiatives would also include complementary efforts to ensure timely and reliable access to information of public interest, promote job opportunities, and enhance the economic development of relatively isolated communities.²⁶³⁸

1217. Relatedly, the World Bank, through the Caribbean Digital Transformation Project (CARDTP), launched in 2020, has focused on creating a "digital enabling environment" that modernizes government services, promotes digital skills, and adopts new technologies, as publicly explained by²⁶³⁹. In the second half of 2024, the international financial institution claimed to have installed 20 smart classrooms in eight educational districts that would benefit more than 4,500 primary school students²⁶⁴⁰. In addition, investments in universal access and the adaptation of regulatory frameworks would have allowed internet connectivity in the country to reach 78% of the population, in addition to reducing the cost of prepaid mobile connectivity packages from \$3.50 to EC\$2.23.²⁶⁴¹

1218. In parallel to the CARDTP, the national government, according to official sources, has also advanced in the digital literacy of students by launching a specialized summer camp at through the Innovation Division of the Ministry of Education²⁶⁴². Likewise, it would have made an active effort to disseminate free online courses for citizens through government portals.²⁶⁴³

1219. As stated by this Office in its thematic report on "Freedom of Expression and the Internet", in order to ensure the effective and universal enjoyment of the right to freedom of expression, public policies must be adopted that progressively guarantee access to the Internet for all²⁶⁴⁴. These include measures to ensure that pricing structures are inclusive, so as not to hinder access; that connectivity is extended throughout the territory, to effectively promote access for rural users and marginalized communities; that communities have access to community information and communication technology centers and other public access options; and that training and education efforts are strengthened, especially in poor and rural sectors and among the elderly.²⁶⁴⁵

1220. In addition, and based on its report on "Children, freedom of expression and the media", this Office reiterates that States at different educational levels should train and teach children to use the Internet and other media as a positive resource that benefits their educational process, without prejudice to the measures that parents can adopt to protect their dignity and privacy, but without presenting it as a negative or

²⁶³⁶ 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. 56.

²⁶³⁷ St. Lucia's Government, [Soufriere residents to receive free WiFi](#), April 19, 2024; The Voice, [Expanding Internet Access to the Poor, Elderly, Physically Challenged in Soufriere](#), October 5, 2024.

²⁶³⁸ St. Lucia's Government, [Soufriere residents to receive free WiFi](#), April 19, 2024; The Voice, [Expanding Internet Access to the Poor, Elderly, Physically Challenged in Soufriere](#), October 5, 2024.

²⁶³⁹ The World Bank Group, [Empowering Futures: Digital Transformation in the Eastern Caribbean](#), August 7, 2024.

²⁶⁴⁰ The World Bank Group, [Empowering Futures: Digital Transformation in the Eastern Caribbean](#), August 7, 2024.

²⁶⁴¹ The World Bank Group, [Empowering Futures: Digital Transformation in the Eastern Caribbean](#), August 7, 2024.

²⁶⁴² St. Lucia's Government, [Digital Literacy Summer Camp empowers students](#), August 30, 2024; St. Lucia's Government, [Students graduate from Digital Literacy Summer Camp](#), September 6, 2024.

²⁶⁴³ St. Lucia's Government, [AS-ProFuturo: free online courses on Innovation and Digital Tools](#), October 8, 2024.

²⁶⁴⁴ 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.

²⁶⁴⁵ 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. 16.

dangerous means of communication²⁶⁴⁶. Likewise, this Office stresses that the educational system should urgently establish programs for the introduction of media education and media literacy, including new information and communication technologies in educational curricula, given that in the region these are still scarce instruments and do not respond to a clear policy on the matter²⁶⁴⁷.

1221. In the area of new technologies, the Office noted concerns about the impact of generative artificial intelligence on manipulation, bias, discrimination, privacy and data protection. It also noted the designation of the Department of Consumer Affairs and the National Consumer Association of St. Lucia as focal points, nationally and internationally, to address these concerns²⁶⁴⁸. According to public reports, these would also have been addressed at the first national artificial intelligence summit, held in October 2024.²⁶⁴⁹

1222. Finally, RELE followed up on the relationship between security agencies and the digital environment. In this context, it became aware of threats on social networks directed against police officers²⁶⁵⁰. Likewise, it was informed about the realization of training workshops focused on cybercrime and cryptocurrencies, with the aim of strengthening the fight against crime through innovative strategies and improving police investigation processes.²⁶⁵¹

1223. This Office recalls that, in taking initiatives to protect security in cyberspace, States must include explicit safeguards in the law to ensure that regular or inherent conduct inherent to Internet use is not criminalized, that the acts defined involve actual harm, and that the harmful conduct is committed with criminal intent²⁶⁵². In addition, it reiterates that the authorities must, on the one hand, refrain from arbitrary intrusions into the orbit of the individual, his personal information and communications and, on the other hand, must ensure that other actors refrain from such abusive conduct²⁶⁵³. In this sense, it is the duty of States to prohibit the use of personal data for purposes contrary to human rights treaties and to establish rights of information, correction and - if necessary and proportionate - deletion of data, as well as to create effective oversight mechanisms.²⁶⁵⁴

²⁶⁴⁶ 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. 226.

²⁶⁴⁷ 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. 233.

²⁶⁴⁸ St. Lucia's Government, [Global consumer organizations share concerns about generative AI](#), March 11, 2024.

²⁶⁴⁹ St. Lucia's Government, [AI Summit explores potential benefits of technology](#), October 18, 2024; St. Lucia's Government, [Caribbean Digital Transformation Project offers free digital courses](#), October 2, 2024.

²⁶⁵⁰ St. Lucia Times, [RSLPF Responds To Death Threats Against Officers](#), July 23, 2024; St. Lucia Times, [Police Probe Leaked Internal Alert About Threats Against Officers](#), July 22, 2024; TheVoice, [RSLPF Warns Against Obstructing Officers in Performing Their Duties](#), July 24, 2024.

²⁶⁵¹ St. Lucia Times, [Police Get Cybercrime, Cryptocurrency Training](#), April 22, 2024; St. Lucia's Government, [Taiwan sponsors Cryptocurrency and Cybercrime Training](#), April 4, 2024.

²⁶⁵² 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.

²⁶⁵³ 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.

²⁶⁵⁴ 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.

SURINAM

1224. In 2024, the Special Rapporteur documented Suriname's progress in the World Press Freedom Index, although concerns were also noted by civil society organizations about attacks on journalists, lawsuits or threats of legal action against those covering issues of high public interest or denouncing abuses, as well as cases of alleged book censorship. There were also judicial developments related to crimes that occurred during the 2023 protests, along with an alleged increase in cyberattacks targeting media outlets on *Facebook*.

A. Journalism and democracy

1225. In the framework of World Press Freedom Day, the Rapporteurship recorded Suriname's advancement by 20 places in the World Press Freedom Index, published by the organization *Reporters Without Borders (RSF)*²⁶⁵⁵. However, this Office learned that some journalists publicly expressed their concern about the change in the country's consolidated score, warning that the national authorities could use it for "political purposes"²⁶⁵⁶. According to *RSF*, the country presented improvements in social and security indicators, and setbacks in political, economic, and legislative indicators²⁶⁵⁷. Regarding the latter, *RSF* indicated that, in spite of being guaranteed in the constitution, freedom of the press would be threatened by libel and slander laws that would penalize with up to seven years in prison "public expressions of hatred" against the government and public officials²⁶⁵⁸.

1226. This Office recalls that the application of a criminal offense over defamation against those who express expressions critical of persons who serve the public is, in itself, contrary to the American Convention. Such application implies a subsequent liability for the exercise of freedom of expression that is unnecessary in a democratic society and disproportionate because of the serious effects it can have both on the person who issues the expression and on the free flow of information in society²⁶⁵⁹. Libel and slander laws are, therefore, a mechanism to silence unpopular ideas and opinions, generating a deterrent effect that inhibits criticism by fostering fear of legal action, criminal sanctions, and economic fines²⁶⁶⁰. These provisions are disproportionate to the objective of protecting the honor of public officials, especially when it comes to critical expressions about the functioning of State institutions and their representatives. Consequently, their application suppresses the public debate essential to the functioning of a democratic system and unnecessarily restricts freedom of expression²⁶⁶¹.

1227. On the other hand, in August 2024, this Office learned that the *Suriname Association of Journalists (SVJ)* condemned the statements made by the Minister of Public Works against Nita Ramcharan, journalist and editor-in-chief of the national media *Starnieuws*²⁶⁶². The information available indicates that Ramcharan published a column in which she alleged that the minister in question had leaked confidential information about a tender for an infrastructure project of the Inter-American Development Bank (IDB)²⁶⁶³. The leak allegedly led to the cancellation of the current bidding process and the initiation of a new bidding process with revised criteria²⁶⁶⁴. The minister reportedly accused the journalist of lying and defaming him,

²⁶⁵⁵ RSF, [2024 World Press Freedom Index](#), 2024.

²⁶⁵⁶ De Ware Tijd, [Forse stijging persvrijheid Suriname geen verdienste van de politiek](#), May 6, 2024

²⁶⁵⁷ RSF, [2024 World Press Freedom Index](#), 2024.

²⁶⁵⁸ RSF, [2024 World Press Freedom Index](#), 2024.

²⁶⁵⁹ IACHR, [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.

²⁶⁶⁰ IACHR, [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.

²⁶⁶¹ IACHR, [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.

²⁶⁶² Suriname Times, [SVJ veroordeelt uitlatingen OW-minister](#).

²⁶⁶³ StarNieuws, [Column: Riad verantwoordelijk uitlekken vertrouwelijke informatie](#), July 30, 2024.

²⁶⁶⁴ Suriname Herald. [IDB vraagt her-aanbesteding rehabilitatie Van 't Hogerhuysstraat](#), July 29, 2024; CIVICUS, [Surinamese Media Faces Legal Challenge Over Government Criticism: Protesters Clash With Police](#), October 8, 2024.

adding, in reference to the media, that “there is a devil in this country”²⁶⁶⁵. In addition, the minister reportedly asked the media outlet in question to retract within three days or abide by the “necessary legal measures.”²⁶⁶⁶

1228. In light of this exchange, the Rapporteurship received a press release from the *SVJ* stating that freedom of expression “has suffered serious attacks” highlighting that “[t]he ministers continue to personally defame journalists verbally or by threatening to take legal action.” Consequently, the *SVJ* urged the authorities to refrain from such conduct²⁶⁶⁷. Subsequently, the Rapporteurship learned that the Minister, together with the State, had initially decided to sue the journalist and media outlet, citing the potential negative impact of the published column on future infrastructure projects and tenders²⁶⁶⁸. However, according to public reports, the State later withdrew from the joint lawsuit, which had included a proposed daily fine for each day the column remained in circulation following a retraction request²⁶⁶⁹.

1229. This Office reiterates that the right to freedom of expression empowers both individuals and society as a whole to engage in active, vigorous, and challenging debates on all aspects related to the functioning of the State. This right protects expressions that may be critical, incisive, and even offensive towards public officials, candidates for elected office, or those involved in the formulation of public policy²⁶⁷⁰. These individuals, because of their role in a democratic society, are subject to a higher threshold of tolerance to public scrutiny and criticism. This heightened exposure is justified by the public interest in their actions and the need to preserve an open and pluralistic debate on the work of the State²⁶⁷¹.

1230. This does not imply that public officials cannot be judicially protected with respect to 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 chilling effects or self-censorship²⁶⁷². Persons exercising public functions may formulate criticisms, corrections or objections with respect to specific media reports as long as their comments are accurate, avoid stigmatizing and discrediting the media, and do not threaten journalists or undermine respect for the independence of the media²⁶⁷³.

1231. In September 2024, the Rapporteurship took note of a new open letter from the *SVJ* addressed to the President of the Nation. In this missive, the association highlighted a “worrying trend of wrongful treatment of journalists by government officials.”²⁶⁷⁴ In addition, the association referred to two additional incidents. The first involved the Minister of Justice and Security, who, after being asked a question by a journalist, reportedly replied: “[y]ou are a journalist, why should I believe you?”²⁶⁷⁵. The second would refer to the Minister of Education, Science and Culture, who reportedly expressed his concern about the journalistic coverage of media, requesting the creation of a “media council” as well as a “code of conduct” for the press²⁶⁷⁶.

1232. The *SVJ* considered that these comments affected freedom of expression by delegitimizing the profession and ignoring the ethical and self-regulatory codes by which the profession is already governed in

²⁶⁶⁵ DWT, [Minister Nurmohamed: 'Er is een duivel in dit land die bezig is geweest iets op te zetten'](#), 31 July 2024.

²⁶⁶⁶ StarNieuws, [Minister Nurmohamed wil 'sorry' horen van Starnieuws](#), August 1, 2024.

²⁶⁶⁷ StarNieuws, [SVJ veroordeelt aanval Nurmohamed op Starnieuws](#), August 2, 2024.

²⁶⁶⁸ De Ware Tijd, [Ramcharan: 'Ik laat mij nooit meer censureren'](#), 22 August 2024.

²⁶⁶⁹ De Ware Tijd, [Staat trekt zich terug uit rechtszaak tegen Starnieuws/Ramcharan](#), September 3, 2024.

²⁶⁷⁰ IACHR, [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. 40.

²⁶⁷¹ IACHR, [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. 40.

²⁶⁷² IACHR, [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.

²⁶⁷³ OAS, UN, OSCE, ACHPR, [Joint Declaration on Media Independence and Diversity in the Digital Age](#), 2018.

²⁶⁷⁴ De Ware Tijd, [SVI constateert zorgwekkende trend richting beroepsgroep](#), September 13, 2024.

²⁶⁷⁵ De Ware Tijd, [SVI constateert zorgwekkende trend richting beroepsgroep](#), September 13, 2024.

²⁶⁷⁶ De Ware Tijd, [SVI constateert zorgwekkende trend richting beroepsgroep](#), September 13, 2024.

Suriname. In this regard, the association urged the President to take steps to “reverse” the noted trend and ensure that the press can do its work “without fear of intimidation or sanctions.”²⁶⁷⁷

1233. Following up on the open letter, the Rapporteurship learned that the President extended an invitation to the *SVJ* to address its concerns at a meeting in late September²⁶⁷⁸. At this meeting, the President reportedly underlined his commitment to maintaining open communication with the press, recognizing that the concerns raised by the association would be legitimate. As part of the awareness-raising effort, the official reportedly encouraged the *SVJ* to participate in a government council to provide information on the role of the media and the guidelines they follow in carrying out their work. For its part, the association has proposed to resume two joint projects: to organize a symposium on freedom of expression and to advance an accreditation process²⁶⁷⁹.

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

1234. In the first quarter of 2024, the Rapporteurship observed that the President of Suriname reportedly took legal measures to prevent the publication, distribution, and dissemination of a book entitled “Corruption at the Highest Level”, which presented allegations of corruption against the President, the Minister of Agriculture, Livestock and Fisheries, and businessman Vijay Kirpalani²⁶⁸⁰. According to available information, the *Ware Tijd* newspaper reportedly refused to give in to the President’s demands to remove an image of the book’s cover from its website²⁶⁸¹. This Office received reports that some bookstores in the country reportedly removed the book from their shelves after receiving legal notices and the fact that some buyers had their books seized by the country’s Judiciary²⁶⁸². A judge in the Netherlands, the state of which the author of the book is a national, ruled that its publication did not violate any law and ordered that it allowed to circulate freely²⁶⁸³. In this regard, the *SVJ* condemned in a statement the President for using his position to ban the book and seeking to censor media coverage of the publication and the controversy generated²⁶⁸⁴.

1235. This Office stresses that, as established in 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 law²⁶⁸⁵. 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 and are expressly prohibited by Article 13(2) of the American Convention²⁶⁸⁶.

1236. It also 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 jurisprudence²⁶⁸⁷.

1237. In November 2024, the Rapporteurship became aware of judicial developments regarding the crimes that occurred during a demonstration in May 2023 in Paramaribo, which reportedly resulted in clashes between the security forces and demonstrators, as well as looting and an assault on Parliament, as recorded by

²⁶⁷⁷ De Ware Tijd, [SVJ constateert zorgwekkende trend richting beroepsgroep](#), September 13, 2024.

²⁶⁷⁸ De Ware Tijd, [Gesprek president en SVJ over persvrijheid constructief](#), September 19, 2024.

²⁶⁷⁹ De Ware Tijd, [Gesprek president en SVJ over persvrijheid constructief](#), September 19, 2024.

²⁶⁸⁰ AD, [Suriname in de ban van corruptieboek Nederlandse kippenboer: president verliest rechtszaak om verbod](#), March 7, 2024.

²⁶⁸¹ De Ware Tijd, [Tenen van de president](#), January 27, 2024; CIVICUS, [Legal Battle Over Book on Corruption Raises Questions on Press Freedom in Suriname](#), April 24, 2024; Caribbean Today, [Suriname’s Public Prosecution Service Denies Ordering a Search For Persons Who Bought Controversial Book](#), February 15, 2024.

²⁶⁸² CIVICUS, [Legal Battle Over Book on Corruption Raises Questions on Press Freedom in Suriname](#), April 24, 2024; Suriname Herald, [Slechts 1 persoon heeft boek over corruptie teruggebracht](#), February 12, 2024

²⁶⁸³ CIVICUS, [Legal Battle Over Book on Corruption Raises Questions on Press Freedom in Suriname](#), April 24, 2024; AD, [Suriname in de ban van corruptieboek Nederlandse kippenboer: president verliest rechtszaak om verbod](#), March 7, 2024.

²⁶⁸⁴ WiredJA, [Suriname | Surinamese Journalists Association Raises Alarm over Freedom of Expression Concerns](#), February 1, 2024; The Gleaner, [Press association in Suriname warns free speech and freedom of the press under threat](#), January 31, 2024.

²⁶⁸⁵ IACHR, [Declaration of Principles on Freedom of Expression](#), 2000.

²⁶⁸⁶ IACHR, [Declaration of Principles on Freedom of Expression](#), 2000.

²⁶⁸⁷ IACHR, [Corruption and Human Rights: Inter-American Standards](#), OEA/Ser.L/V/II, Doc. 236, Dec. 6, 2019, para. 193.

this Office in its last annual report²⁶⁸⁸. According to public reports, the lawyer representing the families of two deceased persons announced that members of the National Police have been formally charged for excessive use of force²⁶⁸⁹. Additionally, an indigenous collective that participated in the mobilization formally requested the release of six indigenous demonstrators who have been imprisoned since the disturbances occurred²⁶⁹⁰.

1238. With respect to the murder of three journalists in December 1982-Bram Behr, Jozef Slagveer and Frank Wijngaarde-along with at least 12 other people, including university professors, union leaders and lawyers, the Rapporteurship followed the judicial process against former President Desi Bouterse, who was sentenced to 20 years in prison in December 2023 for these crimes²⁶⁹¹. According to national and international media, the former Head of State never appeared before the judicial authorities, which led the State to declare him a fugitive and request INTERPOL to issue a red notice²⁶⁹². In December 2024, the Office of the Rapporteur registered his death, announced through official channels.²⁶⁹³

C. Freedom of expression and the Internet

1239. In the second half of 2024, the SRFOE was alerted about an alleged increase in “organized” and “targeted” cyberattacks against media pages on the *Facebook* platform²⁶⁹⁴. These include the hacking of the accounts of the country’s main newspapers and radio stations, as well as false reports of alleged violations of the platform’s community standards, which have resulted in partial blocking of multiple news content²⁶⁹⁵. For its part, the government has reportedly expressed its intention to contact *Meta*, owner of the platform, to address this problem²⁶⁹⁶.

²⁶⁸⁸ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Annual Report 2023](#), OEA/Ser.L/V/II Doc. 386, December 6, 2023, para. 1493.

²⁶⁸⁹ Loop, [Suriname: Police officers likely to be charged in 2023 riots](#), November 15, 2024.

²⁶⁹⁰ Caribbean Loop News, [Suriname: Groups seek release of six men charged with May 2023 riots](#), November 15, 2024.

²⁶⁹¹ Reuters, [Suriname authorities hunt for fugitive ex-president amid prison no-show](#), January 12, 2024.

²⁶⁹² InSight Crime, [Suriname Court Upholds Ex-President's Historic Murder Conviction](#), December 22, 2023; Loop, [Suriname: Bouterse placed on INTERPOL's wanted list](#), March 13, 2024.

²⁶⁹³ Caribbean Loop News, [Former Surinamese dictator Desi Bouterse has died at 79](#), December 25, 2024; Trinidad&Tobago Guardian, [International arrest warrant for fugitive Suriname ex-president](#), January 19, 2024; Loop, [Suriname: Bouterse placed on INTERPOL's wanted list](#), March 13, 2024.

²⁶⁹⁴ Caribbean Loop News, [Suriname: Media owners complain of 'organised' cyber attacks](#), 17 September 2024; AZPNews, [Cyber Attacks on Suriname Media](#), September 17, 2024.

²⁶⁹⁵ Caribbean Loop News, [Suriname: Media owners complain of 'organised' cyber attacks](#), 17 September 2024; AZPNews, [Cyber Attacks on Suriname Media](#), September 17, 2024.

²⁶⁹⁶ De Ware Tijd, [Regering wil in contact treden met Facebook in kwestie cyberaanvallen media](#), September 18, 2024.

TRINIDAD AND TOBAGO

1240. In 2024, the Office of the Special Rapporteur received reports on various situations in Trinidad and Tobago, including accusations by the Prime Minister against the *Trinidad Guardian* newspaper for disinformation, obstacles to access to official sources, and stigmatizing statements against the press. In addition, there were controversies about music content in the media and constitutional reforms were proposed that include the prohibition of discrimination and the incorporation of new rights, such as the right to privacy and freedom of the press. Finally, a law protecting whistleblowers, the *Whistleblower Bill*, was passed.

A. Journalism and democracy

1241. In January 2024, the Office of the Special Rapporteur learned of reports that the Prime Minister had accused the *Trinidad Guardian* newspaper of committing "flagrant misrepresentation and disinformation" in an editorial, promising to defend his reputation against the "lies" disseminated by the media²⁶⁹⁷. The editorial in question reportedly criticized the president for allegedly omitting from his asset declaration a property acquired in 2019²⁶⁹⁸. The Prime Minister rejected such claim, arguing that he declared the property in question before the Integrity Commission, albeit on the wrong form.²⁶⁹⁹

1242. In the previous days, the said Commission had expressed the possibility of taking legal action in the High Court to determine the State's obligation to provide it with adequate financial support, since it had decreased the last fiscal years²⁷⁰⁰. In response to this statement, the Prime Minister reportedly stated that the agency "has undertaken too many reckless and politically motivated investigations," and therefore encouraged it to "conduct investigations in accordance with the Integrity in Public Life Act (ILTA)."²⁷⁰¹

1243. This Office recalls that public officials and those who aspire to be public officials have, in a democratic society, a different threshold of protection that exposes them to a greater extent to scrutiny and public criticism. This requirement is justified by the public interest nature of their work and the need to ensure an open debate on the exercise of power.²⁷⁰²

1244. In mid-July 2024, this Office became aware of reports that the national government had attempted to nominate two persons to the board of *One Caribbean Media (OCM)*, a regional media conglomerate that includes, among others, *The Trinidad Express* and *CCN TV*²⁷⁰³. The *Caribbean Broadcasting Union (CBU)* expressed its concern about the consequences that these appointments could have on the impartiality of newspapers, radio and television channels²⁷⁰⁴. According to public information, the government reportedly sought representation on *OCM's* board through the *National Investment Fund (NIF)*, the state entity that owns shares in the company²⁷⁰⁵. These shares had been acquired through the rescue of another shareholder company six years earlier, so the decision to seek direct participation was surprising to the journalistic

²⁶⁹⁷ Caribbean Loop News, [PM rubbishes editorial, promises to defend reputation against 'lies'](#), 8 January 2024; Newsday, [Prime Minister: I will defend myself against disinformation](#), 8 January 2024.

²⁶⁹⁸ 103.1 FM, [PM responds to newspaper editorial](#), January 8, 2024; Newsday, [Prime Minister: I will defend myself against disinformation](#), January 8, 2024.

²⁶⁹⁹ Newsday, [Prime Minister: I will defend myself against disinformation](#), January 8, 2024; Caribbean Loop News, [PM rubbishes editorial, promises to defend reputation against 'lies'](#), January 8, 2024.

²⁷⁰⁰ Trinidad Express, [Integrity Commission claims it's underfunded](#), January 3, 2024; Caribbean Loop News, [PM Rowley responds to Integrity Commission on budgetary allocation](#), January 3, 2024.

²⁷⁰¹ Newsday, [Manning defends government appointees to OCM board](#), July 4, 2024; Trinidad & Tobago Guardian, [NIF questions OCM vote](#), July 13, 2024.

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. 40.

²⁷⁰³ Trinidad Express, [Govt eyes spots on OCM board](#), July 4, 2024; Channel 5 Belize, [CBU Sounds Alarm Over T&T Government's OCM Board Involvement](#), July 18, 2024.

²⁷⁰⁴ World Broadcasting Unions, [CBU Statement on Membership of the Board of One Caribbean Media](#), July 18, 2024.

²⁷⁰⁵ TV6, [Gov't seeks to add 2 members to OCM board](#), June 18, 2024; Trinidad Express, [Govt eyes spots on OCM board](#), July 4, 2024.

profession²⁷⁰⁶. The government argued that the motive behind the nominations would be "fiscal responsibility", highlighting that, as the *NIF* is the main shareholder of the conglomerate, the substantial drop in the value of its shares would be affecting the assets of all taxpayers in the country²⁷⁰⁷. However, on July 11, *OCM* shareholders voted against the candidates nominated by the government.²⁷⁰⁸

1245. At the end of August, RELE became aware of an alleged stigmatizing statement against the press in the country. During a press conference, the Prime Minister reportedly urged the media to stop being "echo chambers for idiots" after they broadcast the arguments of parliamentarians who opposed changes to the country's coat of arms as a fiscally costly measure.²⁷⁰⁹

1246. In mid-September, the Office of the Special Rapporteur was alerted to a statement made by the leader of the opposition regarding the COVID-19 vaccines. According to available information, the parliamentarian had urged citizens who have suffered from side effects to take legal action, alleging that the vaccines purchased by the government were "fake"²⁷¹⁰. She also accused the state, the media and corporations of "suppressing" freedom of speech after every criticism of the vaccination mandates²⁷¹¹. His pronouncement would have been criticized and condemned by health authorities and medical experts, who labeled it as "an abuse of free speech" that "undermines public confidence" in public health issues.²⁷¹²

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

1247. In March 2024, the Special Rapporteur was informed of a request from the Telecommunications Authority of Trinidad and Tobago (TATT) for national broadcasters to refrain from playing music that may "adversely affect" children and adolescents²⁷¹³. The authority reportedly referred in particular to content that "glorifies or promotes violence, encourages violent behavior and/or glorifies or promotes the use of guns or other weapons and glorifies or promotes inappropriate sexual behavior and/or drug use"²⁷¹⁴. According to the authority, these contents would have proliferated in recent times and would explain the increase in illegal behavior.²⁷¹⁵

1248. The TATT argued that, under the Telecommunications Act, it would be empowered to regulate the telecommunications and broadcasting sectors, and would therefore also be responsible for ensuring that the content broadcast on radio and television stations is "appropriate for the country"²⁷¹⁶. However, the president of the *Trinidad and Tobago Publishers and Broadcasters Association* (TTPBA) said that his organization and its members advocate self-regulation and reject possible attempts at censorship²⁷¹⁷. The

²⁷⁰⁶ Newsday, [Maharaj: Shareholders' right to choose board members](#), July 14, 2024; Trinidad & Tobago Guardian, [CBU monitoring Gov't. OCM developments](#), July 19, 2024.

²⁷⁰⁷ Channel 5 Belize, [CBU Sounds Alarm Over T&T Government's OCM Board Involvement](#), July 18, 2024; Trinidad Express, [Govt eyes spots on OCM board](#), July 4, 2024.

²⁷⁰⁸ Newsday, [OCM shareholders reject government-nominated board members](#), July 11, 2024; TV 6, [OCM Shareholders Reject Govt Nominees](#), July 12, 2024.

²⁷⁰⁹ Daily Express, [PM to media: 'Stop being echo chambers for idiots!'](#), 28 August 2024; TV 6, [PM tells media to stop being chambers for idiots](#), 28 August 2024.

²⁷¹⁰ Caribbean Loop News, ['Sue them': Kamla maintains COVID-19 vaccines were fake](#), September 17, 2024; Trinidad & Tobago Guardian, [Kamla doubles down on fake vaccine claims 'Sue employers who forced you to take jabs'](#), September 18, 2024.

²⁷¹¹ Daily Express, [Kamla stands by 'fake vaccine' comments: Claims people experiencing poor health, side effects](#), 17 September 2024; Caribbean Loop News, ['Sue them': Kamla maintains COVID-19 vaccines were fake](#), 17 September 2024.

²⁷¹² Caribbean Loop News, ['Sue them': Kamla maintains COVID-19 vaccines were fake](#), September 17, 2024; Trinidad & Tobago Guardian, [Kamla doubles down on fake vaccine claims 'Sue employers who forced you to take jabs'](#), September 18, 2024.

²⁷¹³ Stabroek News, [Trinidad telecoms authority tells broadcasters to stop playing violent music](#), March 7, 2024; Trinidad & Tobago Guardian, [TATT tells broadcasters to stop playing violent music](#), March 7, 2024.

²⁷¹⁴ Trinidad & Tobago Guardian, [TATT concerned about songs glorifying crime and violence](#), March 6, 2024; Stabroek News, [Trinidad telecoms authority tells broadcasters to stop playing violent music](#), March 7, 2024.

²⁷¹⁵ Caribbean Loop News, [Pres Ali wants CARICOM leaders to take action against violent music](#), February 26, 2024; CNC, [TATT concerned about songs glorifying crime and violence](#), March 6, 2024; St Lucia times, [CARICOM Heads Concerned Over Music's Impact On Crime](#), November 29, 2024.

²⁷¹⁶ Trinidad & Tobago Guardian, [TATT tells broadcasters to stop playing violent music](#), March 7, 2024; Stabroek News, [Trinidad telecoms authority tells broadcasters to stop playing violent music](#), March 7, 2024.

²⁷¹⁷ Stabroek News, [Trinidad telecoms authority tells broadcasters to stop playing violent music](#), March 7, 2024; Trinidad & Tobago Guardian, [TATT tells broadcasters to stop playing violent music](#), March 7, 2024.

commercial radio manager of *Guardian Media Limited* also intervened, asserting that music is a form of expression in the country.²⁷¹⁸

1249. On the other hand, the Prime Minister, according to the local press, argued that banning "violent" music would make it "more desirable," so his call focused on "cleaning up the lyrics" and exploring the possibility of "restricting it in public spaces and on public airwaves"²⁷¹⁹. The Special Rapporteur notes that during the 46th CARICOM Heads of Government Conference, the president of a neighboring country of Trinidad and Tobago was reportedly the first Caribbean regional leader to suggest measures against allegedly violent music, following allegations that Trinidadian artist *KMAN 6ixx* belonged to a gang and was denied entry to Guyana.²⁷²⁰

1250. In July 2024, the Office of the Special Rapporteur received the report of the National Consultative Committee on the constitutional reform, which proposes several amendments, including the prohibition of discrimination against groups in vulnerable situations, such as LGBTI persons and persons with disabilities, as well as the incorporation of at least three new rights, such as the "right to privacy", the "right to political participation" and "freedom of the press"²⁷²¹. The Rapporteurship welcomes the incorporation of these rights, developed in multiple inter-American standards.

1251. In addition, this Office was informed of the passage of the *Whistleblower Bill*, a bill aimed at protecting whistleblowers from possible acts of corruption in the country²⁷²². Civil society organizations celebrated the vote in favor of this legislation after nine years of waiting, noting that, once enacted and implemented, it would become a key tool for protecting public resources and strengthening transparency.²⁷²³

1252. In September, and following the start of the second half of 2024, RELE recorded an increase in the number of complaints to the Police Complaints Authority (PCA)²⁷²⁴. Available information would suggest that the increase in the number of complaints could be due to the lack of use of body cameras by police officers²⁷²⁵. Given this trend, national media have expressed concern about the absence of PCA press conferences since 2020, when these spaces were suspended due to the pandemic.²⁷²⁶

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

1253. The Rapporteurship has closely followed public debates on the presence of statues, monuments and signage linked to historical issues, such as the colonization of the Americas, and their relationship with freedom of expression, the fight against discrimination and exclusion. In the second half of the year, this Office recorded the request of a group of citizens to remove a statue of Christopher Columbus

²⁷¹⁸ CNC, [TATT concerned about songs glorifying crime and violence](#), March 6, 2024; Trinidad & Tobago Guardian, [TATT concerned about songs glorifying crime and violence](#), March 6, 2024.

²⁷¹⁹ Newsday, [Rowley calls on artistes to clean up Trinidad lyrics](#), 28 February 2024; Caribbean Loop News, [PM Rowley on 'gun tunes': Clean up the lyrics](#), 29 February 2024.

²⁷²⁰ Daily Express, [Kman 6ixx charged](#), February 6, 2024; Caribbean Loop News, [Kman 6ixx arrested for alleged gang membership in Trinidad](#), February 6, 2024.

²⁷²¹ National Advisory Committee on Constitutional Reform, [We The People: Report of the National Advisory Committee on Constitutional Reform](#), July 2024.

²⁷²² Parliament of Trinidad and Tobago, [The Whistleblower Protection Act](#), July 23, 2024.

²⁷²³ Caribbean Loop News, [History created: UNC MP votes with Gov't on Whistleblower Act](#), June 21, 2024; Newsday, [Transparency body welcomes whistleblower legislation](#), June 23, 2024.

²⁷²⁴ Trinidad & Tobago Guardian, [Dickson says police officers committed to using body cameras](#), September 4, 2024; InSight Crime, [Prediction: Rising Homicides in Trinidad & Tobago Amid Gang Violence](#), September 12, 2024; Daily Express, [PCA: Rising complaints against TTPS](#), September 15, 2024.

²⁷²⁵ Daily Express, [Cops have body cam 'concerns'](#), 2 February 2024; CNC3, [Senior cop admits officers can do better with use of body-cameras](#), 20 August 2024; Newsday, [Police Complaints Authority director: Body-cams can help public trust police](#), 27 September 2024.

²⁷²⁶ Daily Express, [PCA: Rising complaints against TTPS](#), September 15, 2024; Newsday, [Police Complaints Authority director: Body-cams can help public trust police](#), September 27, 2024.

from a public square²⁷²⁷ . It also documented the removal of the three Columbus ships from the national coat of arms during the same month .²⁷²⁸

²⁷²⁷ AP, [Trinidad and Tobago reckons with colonialism in a debate on statues, signs and monuments of its past](#), 29 August 2024; Daily Express, ['Put Columbus statue in a museum'](#), 30 August 2024.

²⁷²⁸ AP, [Trinidad is redrawing its coat of arms to remove Columbus' three famous ships](#), August 20, 2024; The Guardian, [Historian hails Trinidad plan to remove Columbus ships from coat of arms](#), August 25, 2024.

URUGUAY

1254. The Office of the Special Rapporteur continued to monitor the situation in Uruguay during the year 2024, observing that, although the country maintains high levels of respect for the right to freedom of expression and democratic institutions, there has also been an alleged increase in attacks on the press in recent years. These have manifested themselves mainly through stigmatization directed at journalists, media and people exercising their right to free expression. In this context, RELE observed with concern the reports of investigations and the activation of judicial processes against journalists, as well as the accusations of surveillance and investigation of journalistic sources. In addition, the progress of several legislative projects that seek to regulate the media and the practice of journalism in the country was monitored. In particular, the approval of the Audiovisual Content Broadcasting Services Law ("Media Law") stood out as one of the most relevant events of the period, generating a broad questioning by civil society organizations in Uruguay, as well as the concern of international human rights organizations, including this Office of the Special Rapporteur. On the other hand, there were reports of allegedly discriminatory actions against community radio stations, as well as possible discriminatory speeches in the context of protests.

A. Journalism and democracy

1255. Between April 1, 2023 and March 31, 2024, the Center for Archive and Access to Public Information (Cainfo) recorded a total of 59 cases of threats and restrictions to journalists' freedom of expression. Although this number represents a decrease compared to the previous period, which recorded 66 cases, there has been a significant increase in the rate of aggressions and attacks, which doubled compared to the previous year²⁷²⁹. The Center has also pointed out that a considerable part of these cases were perpetrated by unidentified persons, using electronic media, while others were related to actors linked to organized crime²⁷³⁰. In addition, in the last year there were also attacks and stigmatizations directed at journalists who cover matters of public interest related to the performance of the State and possible irregular practices in public administration.²⁷³¹

1256. In the same vein, the Office of the Special Rapporteur took note of the Chapultepec Index of Freedom of Expression and Press, corresponding to the period between August 2, 2023 and August 1, 2024 in Uruguay. According to this index, in general terms, the country has guarantees in its legislation on freedom of expression²⁷³². However, there has been a possible increase in threats against journalists and media, especially through stigmatizing speeches by high-ranking officials²⁷³³. Although progress has been observed in the levels of compliance with transparency, the effective exercise of the right of access to information continues to be low, reaching a reduced percentage of the population²⁷³⁴. Likewise, the application of the new Media Law could represent a risk for media plurality, by favoring the concentration of power in traditional media, such as radio, open and subscription television, which could strengthen new and old monopolies²⁷³⁵. Furthermore, according to this index, the modification of the Political Parties Law could affect the survival of local and small media in the capital, in case the economic sanctions foreseen in the law are applied.²⁷³⁶

²⁷²⁹ Centro de Archivos y Acceso a la Información Pública (Cainfo), [10° Informe Periodismo y Libertad de Expresión en Uruguay](#), May 3, 2024; Centro de Archivo y Acceso a la Información Pública, [Cainfo registra 59 casos de amenazas y restricciones a libertad de expresión de periodistas en el último año](#), May 3, 2024.

²⁷³⁰ Cainfo, [10th Report on Journalism and Freedom of Expression in Uruguay](#), May 3, 2024; Centro de Archivo y Acceso a la Información Pública, [Cainfo records 59 cases of threats and restrictions to journalists' freedom of expression in the last year](#), May 3, 2024.

²⁷³¹ La Diaria, [In the last year there were 59 cases of threats and restrictions to press freedom in Uruguay, according to Cainfo report](#), May 3, 2024.

²⁷³² Inter American Press Association (IAPA), [URUGUAY: Analysis of strengths, weaknesses, opportunities and threats](#), August 2, 2023 - August 1, 2024.

²⁷³³ SIP, [URUGUAY: Analysis of strengths, weaknesses, opportunities and threats](#), August 2, 2023 - August 1, 2024.

²⁷³⁴ SIP, [URUGUAY: Analysis of strengths, weaknesses, opportunities and threats](#), August 2, 2023 - August 1, 2024.

²⁷³⁵ SIP, [URUGUAY: Analysis of strengths, weaknesses, opportunities and threats](#), August 2, 2023 - August 1, 2024.

²⁷³⁶ SIP, [URUGUAY: Analysis of strengths, weaknesses, opportunities and threats](#), August 2, 2023 - August 1, 2024.

1257. For its part, in 2024, the Office of the Special Rapporteur noted with concern the activation of investigations and judicial mechanisms to investigate journalists and their sources, allegedly for disclosing information of public interest. Thus, for example, in 2024, the case of journalist Eduardo Preve was reported, who denounced an alleged investigation of his sources. According to the journalist, the purpose of the investigation was to identify the police source who had informed him about the illegal access of intelligence officers to audios recorded by El Guardián (a *software* authorized by the courts to intercept telecommunications)²⁷³⁷. The investigation allegedly included the analysis of his social networks, in particular of his followers, in order to identify possible sources. In addition, the confidential report allegedly included personal information of the journalist, such as his address, identity card and data of his family members.²⁷³⁸

1258. In connection with the case, the Ministry of the Interior indicated that the investigation was not focused on the journalist, but on the policeman who allegedly leaked confidential information²⁷³⁹. For its part, the Uruguayan Press Association (APU) expressed "its most emphatic condemnation of the surveillance and espionage actions carried out by officials of the Ministry of the Interior to the detriment of the journalist [...]"²⁷⁴⁰. Likewise, the Special Rapporteurship learned about the action taken by some deputies of the Frente Amplio, who decided to summon the Minister of the Interior of Uruguay to the Parliament to obtain details about the complaint filed by the journalist²⁷⁴¹. On March 20, 2024, the Minister, accompanied by his legal team, appeared before Congress and answered various questions from the legislators, with special emphasis on the obtaining of private information from the journalist and its subsequent leak.²⁷⁴²

1259. On the other hand, the Rapporteurship learned of the dismissal by the Uruguayan courts of a lawsuit for damages filed in 2020 by a psychologist, director of a foundation, against *La Diaria*. The lawsuit arose from the publication of a news item related to a court case in which she was accused of handing over sons and daughters of people with disabilities to other people, without state intervention. The plaintiff argued that the publication forced her to tender her resignation, which implied the loss of her financial compensation. The judge in charge of the case dismissed the lawsuit, understanding that the situation should be evaluated "both as a guarantee for journalists in the exercise of their profession and for the right of people to receive information"²⁷⁴³. It also pointed out that other media had also published the news, without the plaintiff having filed legal action against them. The final basis for the decision was that the investigation that gave rise to the publication was based on public documents²⁷⁴⁴ from a criminal case file processed before the Organized Crime Court, on which there was no request for confidentiality.²⁷⁴⁵

1260. The Special Rapporteurship also learned about the decision of a Tacuarembó magistrate who declared the absolute nullity of the proceedings initiated by a prosecutor against two journalists from a community radio station, in relation to a report published in a newspaper about an alleged situation of police intimidation. The criminal action for defamation and libel had been brought by the prosecutor, allegedly acting ex officio on behalf of a ministry and two officers. The magistrate considered that the proceeding did not proceed, arguing that there is no power to initiate an action for defamation ex officio, and that, instead, it must

²⁷³⁷ Presidency of Uruguay, [Software 'Guardian' offers guarantees and will be used with the authorization of the Judiciary](#), January 1, 2015.

²⁷³⁸ Telemundo, [Interior initiated administrative investigation to identify source of journalist Preve](#), March 5, 2024.

²⁷³⁹ Telemundo, [Interior initiated administrative investigation to identify source of journalist Preve](#), March 5, 2024.

²⁷⁴⁰ La Diaria, [Frente Amplio to summon Interior Minister to Parliament over investigation to identify sources of journalist Preve](#), March 5, 2024.

²⁷⁴¹ La Diaria, [Frente Amplio to summon Interior Minister to Parliament over investigation to identify sources of journalist Preve](#), March 5, 2024.

²⁷⁴² Parliament of Uruguay, Commission for Control and Oversight of the National State Intelligence System, [Shorthand version of the day's session](#), March 20, 2024.

²⁷⁴³ La Diaria, [Justice dismissed the lawsuit filed by psychologist Gabriela Bazzano against the newspaper](#), April 16, 2024.

²⁷⁴⁴ El Espectador, [Freedom of the press: The court dismissed the lawsuit filed by psych. Gabriela Bazzano against the newspaper in 2020](#), April 17, 2024.

²⁷⁴⁵ La Diaria, [Justice dismissed the lawsuit filed by psychologist Gabriela Bazzano against the newspaper](#), April 16, 2024.

be the affected party who brings the action in each case²⁷⁴⁶. The APU expressed its concern about the disregard of fundamental legal principles that protect freedom of expression by some members of the Judiciary and the Public Prosecutor's Office.²⁷⁴⁷

1261. At the end of 2024, the Office of the Special Rapporteur became aware of reports of alleged investigations carried out by groups of retired military personnel against journalist Ricardo Pose. According to available information, it was reported that, during election day, these groups had followed the journalist and his partner.²⁷⁴⁸

1262. On the other hand, this Office noted with concern the persistence of stigmatizing discourse directed at journalists and the media, including by public officials, a concern that has been identified in previous annual reports. Thus, for example, the Office of the Special Rapporteur found, through public sources, comments issued by the National Party Senator Graciela Bianchi, who reportedly made stigmatizing remarks against journalists on her social networks, calling them "leftist bureaucrats" and questioning the origin and legality of the information they disseminate²⁷⁴⁹. In a video posted on her YouTube channel, the senator made accusations about various aspects of the professional and academic careers of journalists such as Eduardo Preve and Andres Danza, as well as other public figures, such as the former special rapporteur for freedom of expression of the IACHR, Edison Lanza, and the director of the Latin American Observatory for Media Regulation and Convergence (Observacom) Gustavo Gomez, in relation to their position on the so-called Media Law. In addition, the senator questioned the concerns expressed by several international organizations about such regulation, stating that legislators "do not need any international organization to tell them what they have to do"²⁷⁵⁰.

1263. In this regard, the Office of the Special Rapporteur reiterates that, in 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 information²⁷⁵¹. 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.²⁷⁵²

1264. 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 profession²⁷⁵³. "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

²⁷⁴⁶ El Telégrafo, [Declaran nula denuncia de fiscal contra periodistas en Tacuarembó](#), February 8, 2024.

²⁷⁴⁷ Uruguayan Press Association (APU) [@APU_UY], (Feb. 8, 2024), Joint Communiqué of the CDC of @apu_uy and the Uruguayan Community Radio Network, X, https://x.com/apu_uy/status/1755587640580063601.

²⁷⁴⁸ Gustavo Gómez, [@gusgomezgermano], (Nov. 1, 2024), Alerta #Uruguay | Journalist @ricardopose1, X, <https://x.com/gusgomezgermano/status/1852479909085450730?t=4Wi4KnZKUiNX5p6xUA9cQQ&s=19>.
denunciation of ex-military personnel

²⁷⁴⁹ Bianchi G., [@gbianchi404], (2024, June 6), Impunity is over. Freedom of the press is not absolute, the limits must be set by ethics, X, <https://x.com/gbianchi404/status/1798751811026788713>.

²⁷⁵⁰ Graciela Bianchi, [@gracielabianchi5120], (June 6, 2024), Journalists, YouTube, <https://www.youtube.com/watch?v=jkFh0CY4Pks>.

²⁷⁵¹ I/A Court H.R., Case of Apitz Barbera et al. v. Venezuela. Preliminary Objection, Merits, Reparations and Costs, Judgment of August 5, 2008, Series C No. 182, para. 131; Case of Ríos et al. v. Venezuela, Preliminary Objections, Merits, Reparations and Costs, Judgment of January 28, 2009, Series C No. 194, para. 139.

²⁷⁵² 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.

²⁷⁵³ 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.

violate the life, personal safety or other rights of persons engaged in journalistic work or those exercising their freedom of expression"²⁷⁵⁴.

1265. Finally, the Office of the Special Rapporteur was informed about the initiative of the Uruguayan Press Association (APU) for the creation of a Constitutive Security Roundtable, aimed at protecting the practice of journalism in the face of the increase in attacks and restrictions on freedom of expression. The objective of the roundtable is to contribute to the strengthening of peace, democracy and sustainable development. In this context, the president of the Federation of Journalists of Latin America and the Caribbean (FEPALC) and leader of the APU underlined the relevance of this roundtable as an inter-institutional mechanism to promote and safeguard the free exercise of the journalistic profession in all its spheres²⁷⁵⁵. The proposal would be supported by UNESCO for its establishment in Uruguay.²⁷⁵⁶

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

1266. During 2024, the Office of the Special Rapporteur continued to monitor the legislative process that culminated in the enactment of the Law on Audiovisual Content Broadcasting Services ("Media Law"), noting that, in the final text, Article 72 was excluded, which was vetoed by President Lacalle Pou on August 8 of this year.²⁷⁵⁷

1267. The treatment of the new media law was a central topic of attention by sectors of the State, civil society and international organizations during this period²⁷⁵⁸. According to public information, the legislative project, from the beginning, would have generated criticism due to several of its provisions. Among them, the following stand out: the increase in the number of licenses for radio and television services that a person, company or economic group may hold; the authorization of a greater foreign ownership of the media; and the elimination of the Honorary Advisory Commission for Audiovisual Communication Services (Chasca), responsible for issuing opinions in all procedures and proceedings for the granting of authorizations and licenses for the provision of audiovisual communication services, among other functions²⁷⁵⁹. In addition, the bill initially included Article 72, which was later vetoed, which imposed on the media the obligation to offer "information, analysis, opinions, comments and assessments" in a "complete, impartial, serious, rigorous, plural and balanced" manner, under the threat of sanctions²⁷⁶⁰. Also, the law left without effect the financing of the fund for the promotion of the audiovisual communication sector, which was financed with contributions from television licensees, as well as the obligation of cable operators to include in their basic package the signals of Uruguay's national television.²⁷⁶¹

1268. In addition to the content, the procedure for the sanctioning of the law was also questioned. In the Senate, the bill was initially approved with the exclusive votes of the government coalition, after its treatment was proposed as "serious and urgent", and without allowing its prior discussion in the Industry Committee of the Chamber of Deputies²⁷⁶². Then, the bill returned to the House of Representatives, where it could be approved or rejected in its entirety, since no modifications could be introduced without convening a

²⁷⁵⁴ 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.

²⁷⁵⁵ Infobae, [Uruguay will have a Safety Board for Journalists to "strengthen democracy"](#), November 3, 2024.

²⁷⁵⁶ UNESCO, [Uruguay initiates process to create a Roundtable for the Safety of Journalists](#), November 2, 2024.

²⁷⁵⁷ IACHR, Annual Report 2023, [Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II Doc. 386, December 6, 2023, paras. 1605-1606.

²⁷⁵⁸ Observatorio Latinoamericano de Regulación de Medios y Convergencia (Observacom), [Relatoría para la Libertad de Expresión advierte sobre mecanismos de censura previa y concentración mediática en la Ley de Medios próxima a aprobarse en Uruguay](#), June 3, 2024; SIP, [La SIP rechaza regulaciones a contenidos audiovisuales en proyecto de ley de medios en Uruguay](#), May 29, 2024.

²⁷⁵⁹ Oriental Republic of Uruguay, [Comisión Honoraria Asesora de Servicios de Comunicación Audiovisual \(CHASCA\)](#), April 17, 2024.

²⁷⁶⁰ Observacom, [Aprueban nueva Ley de Medios en Uruguay: más concentración, menos transparencia y amordaza expresiones políticas](#), May 15, 2024.

²⁷⁶¹ La Nación, [Lacalle Pou vetoed a controversial article of the media law approved by the Uruguayan Parliament](#), August 8, 2024.

²⁷⁶² Observacom, [Aprueban nueva Ley de Medios en Uruguay: más concentración, menos transparencia y amordaza expresiones políticas](#), May 15, 2024.

general assembly of both chambers²⁷⁶³. In this context, the Office of the Special Rapporteur called on the House of Representatives to ensure that, in the legislative stages under its responsibility, respect for international standards on freedom of expression is guaranteed²⁷⁶⁴. Likewise, several international human rights organizations, such as UNESCO and the Office of the United Nations High Commissioner for Human Rights (OHCHR), expressed their concern about some aspects of the bill.²⁷⁶⁵

1269. According to public information, the vote on the Media Law in the Chamber of Deputies was postponed until August, after the internal elections, at the request of one of the political parties, which expressed its intention to continue the debate, especially in relation to the possible exclusion of Article 72²⁷⁶⁶. Representatives of the political sector that promoted the law objected to the negative response to the article in question, arguing that the precept contemplates that political information, and not political opinion, must be truthful, and pointed out that said article does not provide for sanctions or create courts²⁷⁶⁷. On August 8, after the law was approved and sent to the Executive for its promulgation, the President of the Republic vetoed Article 72, justifying that it "establishes an obligation incompatible with freedom of expression" and arguing that the content of the article "does not conform either to the Constitution of the Republic or to the norms of international law on the subject"²⁷⁶⁸.

1270. On the other hand, this year, within the framework of the Universal Periodic Review (UPR) of the United Nations (UN) on the human rights situation in Uruguay, the Office of the Special Rapporteur learned that the organization Amnesty International alerted the UN Human Rights Council on the situation of freedom of expression in the country²⁷⁶⁹. In particular, Amnesty International expressed its concern about the limitations to the right of access to public information, which affect the transparency of the State²⁷⁷⁰. In addition, it recalled the concern expressed by the UN Human Rights Committee in July 2022 about the increase in criminal prosecution and threats to journalists. The organization pointed out that a "climate of threats" persists and a tendency to question the exercise of journalism, especially by authorities. In this sense, it urged UN member countries to make recommendations to Uruguay to address this problem²⁷⁷¹. In this regard, it requested the government of Uruguay to guarantee journalists the full exercise of their right to freedom of the press "without restrictions", as well as to ensure respect for the free exercise of journalistic work²⁷⁷². In addition, it urged to establish procedures to ensure effective and timely access to public information, and to proactively provide information of public interest²⁷⁷³. On the other hand, in its annual report for 2023, published in 2024, Amnesty International warned that Uruguay had dropped from 44th to 52nd place in the Reporters Without Borders (RSF) ranking for freedom of expression, continuing a negative trend.²⁷⁷⁴

1271. Finally, in 2024, the Office of the Special Rapporteur continued to follow the case of Senators Mario Vergara and Charles Carrera, who denounced an alleged case of espionage against them, related to their denunciation of an alleged illegal contract between the State and a private company. In this context, the

²⁷⁶³ IAPA, [IAPA rejects regulation of audiovisual content in Uruguay's draft media law](#), May 29, 2024.

²⁷⁶⁴ Rapporteurship for Freedom of Expression [@RELE_CIDH], 2024, May 29, This Office calls on the House of Representatives so that in the legislative stages under its charge it safeguards, X, https://x.com/RELE_CIDH/status/179591897732072018.

²⁷⁶⁵ OHCHR and UNESCO, [Technical Opinion on the draft media law approved by the Senate of the Oriental Republic of Uruguay on May 14](#), May 23, 2024.

²⁷⁶⁶ El Observador, [Ley de Medios: Partido Colorado condiciona votación a que Lacalle Pou anuncie veto al aditivo de Cabildo Abierto](#), June 3, 2024.

²⁷⁶⁷ Montevideo portal, ["Hipocresía" y "cinismo": Manini vuelve a cruz a colorados por artículo de Ley de Medios](#), July 8, 2024.

²⁷⁶⁸ El País, [Why did Lacalle Pou veto an article of the media law proposed by Manini? La explicación del presidente](#), 9 August 2024; Montevideo Portal, [Colorados votarán ley de medios, pero confían en veto de Lacalle a aditivo de Cabildo](#), 3 July 2024; Ámbito, [Se aprobó la ley de medios y su futuro está en manos de Luis Lacalle Pou](#), 8 August 2024.

²⁷⁶⁹ M24, [Amnesty International revealed concern over restrictions on press freedom in Uruguay](#), March 2, 2024.

²⁷⁷⁰ Amnesty International, [2023 Annual Report, expanded chapter, Uruguay](#), April 23, 2024.

²⁷⁷¹ Amnesty International, [2023 Annual Report, expanded chapter, Uruguay](#), April 23, 2024.

²⁷⁷² Amnesty International, [2023 Annual Report, expanded chapter, Uruguay](#), April 23, 2024.

²⁷⁷³ Amnesty International, [2023 Annual Report, expanded chapter, Uruguay](#), 23 April 2024.

²⁷⁷⁴ Amnesty International, [2023 Annual Report, expanded chapter, Uruguay](#), 23 April 2024.

Rapporteurship learned that a criminal complaint was filed against Senator Carrera, who described the action as illegitimate and part of a political persecution against him. The criminal complaint would be linked to the alleged authorization for the admission to a police hospital of a civilian wounded by a bullet from a regulation weapon, as well as the subsequent granting of benefits. This accusation was allegedly attributed to Senator Carrera due to his position in the Ministry of the Interior.²⁷⁷⁵

1272. As in its 2023 annual report, 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 standards²⁷⁷⁶. 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 society.²⁷⁷⁷

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

1273. During this period, the Office of the Special Rapporteur learned of complaints related to alleged discriminatory treatment of community radio stations in Uruguay. According to public information, the Regulatory Unit of Communications Services of Uruguay (URSEC) announced an accounting audit of community radio stations, establishing a period of two months for the submission of sworn statements on expenses and income. This measure is reported to have generated concern in the sector, especially because of the possible penalties resulting from non-compliance. Alarms were also raised about possible discriminatory treatment, since it was reported that the same controls would not be applied to commercial media. Representatives of the sector questioned the implementation of this measure, which had not been carried out before since the legal recognition of community radio stations, and warned that it could lead to the silencing of these voices in the media environment.²⁷⁷⁸

1274. In the same vein, the World Association of Community Radio Broadcasters of Latin America and the Caribbean (AMARC), Uruguay section, denounced the differential treatment of community radio stations, pointing out a possible punitive intent and highlighting the seriousness of the measure, especially in an election year²⁷⁷⁹. In a press release, AMARC highlighted the important contribution of these media to enrich public debate and the quality of ideas in society. In this regard, it remarked "[w]hen there is such discriminatory treatment towards the weakest sector and, on the other hand, a greater concentration of media is allowed, the rights of freedom of expression and communication of society and communities, the right to disseminate and access information are seriously harmed"²⁷⁸⁰.

1275. This Office reaffirms that community journalism contributes to diversity and pluralism of information²⁷⁸¹. The Inter-American Court has underscored the importance of pluralism for the exercise of the right to freedom of expression, clarifying that it implies "tolerance and the spirit of openness, without which

²⁷⁷⁵ Information received by the Office of the Special Rapporteur for Freedom of Expression in 2024, Archivo de la Relatoría Especial para la Libertad de Expresión.

²⁷⁷⁶ 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, paras. 210 et seq.

²⁷⁷⁷ 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.

²⁷⁷⁸ Observacom, [Concern in Uruguay's community radio stations: requirement of documentation for auditing exposes them to sanctions](#), March 1, 2024.

²⁷⁷⁹ Caras y caretas, [Trato discriminatorio con las radios comunitarias](#), March 1, 2024.

²⁷⁸⁰ La Diaria, [Community Radio: "The government has a discriminatory treatment" that "seriously harms" freedom of expression](#), February 29, 2024.

²⁷⁸¹ 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. 802.

there is no democratic society"²⁷⁸² . Therefore, according to the Court, States have the duty to adopt the necessary measures to ensure that all segments of the population have access to the media²⁷⁸³ . To achieve this purpose, "it is necessary that the State democratize access in such a way that it recognizes, promotes or encourages the diverse forms and uses that each sector can adopt to access and operate these media and, consequently, creates spaces for differentiated forms of media and the corresponding legal instruments to provide them with legal security"²⁷⁸⁴ .

1276. In June 2024, a sports journalist of a Uruguayan television station filed a lawsuit for alleged abusive dismissal, alleging that her dismissal was related to the report of sexual and labor harassment she had suffered from her superiors²⁷⁸⁵ . Initially, a conciliation process was attempted, but when no agreement was reached, the journalist took legal action against the channel. In addition, the journalist alleged that, after her dismissal, the channel blocked her job opportunities, while the alleged aggressor received a million-dollar indemnity and was reinserted in the workplace in a new management position. The journalist expressed that, in contrast, the victims of harassment "are excluded"²⁷⁸⁶ .

1277. 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 gender²⁷⁸⁷ . In this regard, the State's obligations include the duty to investigate the 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 rights²⁷⁸⁸ . Likewise, the report of the Office of the Special Rapporteur on Women Journalists and Freedom of Expression recommends that the media adopt measures to guarantee the safety of women journalists from gender-based risks²⁷⁸⁹ . 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 staff .²⁷⁹⁰

1278. On the other hand, following the March 8, 2024 march, the Senate of Uruguay approved a declaration in which it condemned the symbolic expressions based on discrimination, hatred and, in particular, anti-Semitism, which were manifested during the commemoration of International Women's Day. According to public reports, at the demonstration, a doll with the head of a woman was displayed, on top of which was a Star of David pierced by an arrow²⁷⁹¹ . In relation to this incident, the National Human Rights Institution and Ombudsman's Office issued a statement in which it pointed out that what happened should not be interpreted as a legitimate expression of freedom of expression or opinion. Likewise, the institution called on Uruguayan

²⁷⁸² 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.

²⁷⁸³ 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.

²⁷⁸⁴ 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. 89.

²⁷⁸⁵ La Búsqueda, [Ana Inés Martínez filed a labor lawsuit against Canal 10](#), June 17, 2024.

²⁷⁸⁶ Montevideo Portal, [Inicia el debido proceso "Las víctimas somos excluidas": qué dice la demanda de Ana Inés Martínez contra Canal 10](#), June 18, 2024.

²⁷⁸⁷ IACHR, Annual Report 2023, [Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II Doc. 386, December 6, 2023, para. 92.

²⁷⁸⁸ IACHR, Annual Report 2023, [Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II Doc. 386, December 6, 2023, para. 92.

²⁷⁸⁹ 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.

²⁷⁹⁰ UN, OSCE, OAS, ACHPR, [Joint Declaration on Freedom of Expression and Gender Justice](#), 3 May 2022

²⁷⁹¹ La Diaria, [Senate repudiated expressions of "discrimination, hatred and anti-Semitism" in the 8M march](#), March 12, 2024.

society to participate in a reflective debate to advance towards forms of understanding and coexistence in diversity.²⁷⁹²

D. Freedom of expression and the Internet

1279. In April 2024, the House of Representatives of the Uruguayan Parliament presented a bill aimed at regulating the generation and dissemination of misleading content during electoral campaigns²⁷⁹³. The bill sought to criminalize the use of *deepfakes* created by artificial intelligence aimed at damaging the reputation of a candidate in the context of an election. The proposal contemplated the penalization of the creation of these contents, if they were generated within a time window of three months before and one month after the elections. Exceptions were established for contents that were clearly identified as satires or parodies, those in which it was explicitly stated that they had been artificially created, or those in which adequate measures were verified to avoid confusion with reality.²⁷⁹⁴

1280. Several civil society organizations expressed their disagreement with the aforementioned bill, expressing their rejection of the adoption of criminal measures as a solution to the problem of disinformation in the electoral context. They argued that the bill does not clearly define the harmful conduct that would constitute the criminal offense²⁷⁹⁵. In addition, they described the proposal as disproportionate in the face of a problem that, according to them, "has not been considered with such dimensions" in Uruguay²⁷⁹⁶. They warned that this legislation could have a dissuasive effect, encouraging people to avoid participating in public debate, which would affect the exercise of the right to freedom of expression.

1281. The Special Rapporteur notes that the APU Central Board of Directors expressed its concern regarding the potentially inappropriate use of Artificial Intelligence (AI) for journalistic purposes in the context of the electoral campaign²⁷⁹⁷. In this regard, the APU recalled the validity of the Ethical Pact against Disinformation, ratified in April by the entire political system, and warned about the risks associated with the combination of AI and fake news. In addition, he stressed that the use of AI involves ethical, privacy, accountability, transparency and non-discrimination issues. In this context, he agreed with the recommendations of the Agency of Electronic Government and Information and Knowledge Society (Agesic) for the regulation of AI, supporting the guidelines expressed by this entity.

²⁷⁹² Gub.uy, [concern about hate speech and anti-Semitism](#), March 11, 2024.

²⁷⁹³ Parliament of Uruguay, [generation and dissemination of misleading content during the electoral campaign](#), April 2024.

²⁷⁹⁴ Parliament of Uruguay, [generation and dissemination of misleading content during the electoral campaign](#), April 2024.

²⁷⁹⁵ Observacom, [Proyecto de ley para penalizar uso de "deep fakes" en elecciones genera preocupación en Uruguay](#), May 17, 2024.

²⁷⁹⁶ LatAm Journalism Review, [Uruguayan pro-government deputies seek to criminalize the creation and dissemination of false news during electoral campaigns](#), June 17, 2024.

²⁷⁹⁷ APU, [@apu_uy], (Oct. 15, 2024), expresses concern about the inappropriate use of Artificial Intelligence and warns of its potential harms in election campaigning, X, https://x.com/apu_uy/status/1846205529384681673?t=ZXqnozmeszPVUhj3zqUOhg&s=08.

VENEZUELA

1282. The Office of the Special Rapporteur for Freedom of Expression of the IACHR continues to document severe restrictions on freedom of expression in Venezuela, especially in matters critical of the government. The practice of journalism faces significant obstacles due to fear of violence, harassment and the possible criminalization of reporting. Human rights organizations are also affected by legislative reforms that threaten their funding and independence. The application of criminal legislation, including laws against terrorism, continue to be applied for alleged purposes of silencing dissident or critical voices. In 2024, the Commission and its Special Rapporteurship observed a worsening of the political, social and human rights crisis in Venezuela, with a marked escalation of repression, resulting in arbitrary detentions, forced disappearances and political persecution, especially in the context of the July 28 presidential elections. This repression was directed against dissident voices and opponents perceived by the government, including political leaders, electoral witnesses, activists, human rights defenders, journalists and the media. There were also worrying reports of a lack of transparency and state opacity regarding the results announced by the electoral authority, as well as the expansion of "zones of silence" where journalistic coverage of issues of public interest is practically non-existent. These factors have contributed to the consolidation of an adverse environment for the exercise of fundamental rights in Venezuela, especially affecting freedom of expression, association, peaceful assembly and political participation. Consequently, the Commission has concluded that these practices constitute state terrorism by the current regime, designed to generate a climate of fear and intimidation among the Venezuelan population.

A. Journalism and democracy

1283. In 2024, during the pre-electoral context in Venezuela, the situation of freedom of expression in the country was marked by an increase in repressive acts against the press and the media, as well as by the political persecution of sectors considered opponents by the regime. During the first half of the year, there was evidence of a progressive closure of civic space, consolidating a pattern of persecution designed to discourage political participation of both the opposition and citizens in general. In particular, this Office documented numerous reports of judicial harassment, arbitrary detentions, restrictions on access to public information, arbitrary closure of media outlets, as well as stigmatizing remarks by high-ranking government officials against those who investigate and actively participate in matters of public and political interest. According to information obtained by RELE, between January and April 2024, approximately 128 aggressions against journalists, activists, human rights defenders, media and civil society organizations were registered²⁷⁹⁸. Likewise, at least 18 arrests related to the exercise of freedom of expression were recorded.²⁷⁹⁹

1284. Likewise, during the pre-electoral period, the Office of the Special Rapporteur received reports on the issuance of arrest warrants and searches, as well as the opening of criminal investigations against at least seven journalists and communicators, as well as other political activists, social leaders and members of civil society. For example, this Office learned of arrest warrants issued against journalist Sebastiana Barrález, lawyer and human rights defender Tamara Suju, the president of Venezuelans Persecuted in Political Exile (Veppex), José Antonio Colina, as well as *youtubers* Wender Villalobos and Norbey Marín, who have been accused of serious crimes²⁸⁰⁰. In particular, it was reported that Barrález, Suju, Colina, Villalobos and Marín were accused of "attempted intentional homicide", "terrorism" and "association". These accusations would be linked to the "White Armband" case, which allegedly aimed at carrying out terrorist acts, including the kidnapping of the Governor of Táchira and the assassination of the President of the Republic²⁸⁰¹. Through her social networks, journalist Sebastiana Barrález denied the link made by the Prosecutor's Office, stating that "[i]t

²⁷⁹⁸ IACHR, Office of the Special Rapporteur for Freedom of Expression, Press Release No. 106/24, [La RELE expresa preocupación por represión contra periodistas y deterioro del espacio cívico en Venezuela](#), May 16, 2024.

²⁷⁹⁹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Press Release No. 106/24, [La RELE expresa preocupación por represión contra periodistas y deterioro del espacio cívico en Venezuela](#), May 16, 2024.

²⁸⁰⁰ Espacio Público, [Prosecutor's Office orders detention of journalist Sebastiana Barrález, defender Tamara Suju and others](#), January 22, 2024.

²⁸⁰¹ Espacio Público, [Prosecutor's Office orders detention of journalist Sebastiana Barrález, defender Tamara Suju and others](#), January 22, 2024.

is not because I believe that those who do it do not have reasons for that, but I do not bet on violent acts because I believe in life"²⁸⁰².

1285. In this regard, the National College of Journalists (CNP) and various civil society organizations have described the criminalization of journalist María Sebastiana Barráez Pérez as a serious attack against freedom of expression and due process²⁸⁰³. They have also alerted the international community about the Venezuelan State's attempts to silence communicators, especially in the electoral year.²⁸⁰⁴

1286. On the other hand, the Office of the Special Rapporteur was informed about the arrest warrant issued against journalist Orlando Avendaño, of *Voz Media*, accused of "incitement" to hatred²⁸⁰⁵. In this regard, the Prosecutor's Office alleged that the journalist had subverted the order with a publication on X (formerly *Twitter*)²⁸⁰⁶. According to public reports, agents of the Bolivarian National Intelligence Service (SEBIN) raided the journalist's residence in Valencia and confiscated electronic equipment²⁸⁰⁷. Journalist Avendaño denied having called for insurrection and denied receiving funds from a political organization, stressing that, "[t]he only thing I have done, as a journalist, is to exercise my freedom of expression"²⁸⁰⁸. Subsequent to these events, the Office of the Special Rapporteur also recorded that the President of the Republic allegedly harassed and threatened journalist Avendaño in a live broadcast in connection with a publication on his X account about an incident in which women besieged opposition leader María Corina Machado.²⁸⁰⁹

1287. Likewise, on May 7, 2024, the Attorney General of the Republic accused Venezuelan media and journalists of being part of an alleged extortive media structure led by former Minister Tareck El Aissami. According to the prosecutor, this structure was dedicated to "propagate dirty war and discredit campaigns against the State authorities"²⁸¹⁰. In addition, he mentioned that El Aissami maintained links with the *Armando.Info* portal, directed by Roberto Deniz and Ewald Scharfenberg²⁸¹¹. The prosecutor's accusations included a video in which Samark López, an imprisoned businessman charged with corruption, pointed out the journalists of said portal.²⁸¹²

1288. During the pre-electoral period, reports were also received on arbitrary detentions of journalists and press workers in Venezuela. Thus, for example, the Special Rapporteurship learned about the detention of journalist and *youtuber* Óscar Alejandro Pérez, which occurred on March 31, 2024 at the National

²⁸⁰² Barráez, S., [@SebastianaB], (January 22, 2024), My response to the Public Prosecutor's Office. Full video on my Instagram, X, <https://x.com/SebastianaB/status/1749544759561949671>.

²⁸⁰³ Radio noticias Venezuela, [Colegio Nacional de Periodistas endorsed Sebastiana Barráez](https://www.radiovzla.com/2024/02/01/periodistas-endorso-a-sebastiana-barraez/), February 1, 2024.

²⁸⁰⁴ Reporte Ya, [@ReporteYa], (Feb. 1, 2024), The CNP warned the international community that the Venezuelan State is trying to silence the country's communicators, especially, in this election year, X, <https://x.com/reporteya/status/1753035060712738905?s=48&t=058FyblgNCirdwkhUkjOkw>.

²⁸⁰⁵ Voice, [Maduro regime falsely accuses Orlando Avendaño, Voz Media journalist, of "instigating hatred" and calling for rebellion](https://www.voice.com/2024/04/01/maduro-regime-falsely-accuses-orlando-avendano-voz-media-journalist-of-instigating-hatred-and-calling-for-rebellion/), April 1, 2024; Infobae, [Persecution in Venezuela: Maduro regime investigates journalist Orlando Avendaño, who rejected the accusations](https://www.infobae.com/2024/04/02/persecucion-en-venezuela-maduro-investiga-a-orlando-avendano-que-rechazo-los-accusaciones/), April 2, 2024.

²⁸⁰⁶ Voice, [Maduro regime falsely accuses Orlando Avendaño, Voz Media journalist, of "instigating hatred" and calling for rebellion](https://www.voice.com/2024/04/01/maduro-regime-falsely-accuses-orlando-avendano-voz-media-journalist-of-instigating-hatred-and-calling-for-rebellion/), April 1, 2024; Infobae, [Persecution in Venezuela: Maduro regime investigates journalist Orlando Avendaño, who rejected the accusations](https://www.infobae.com/2024/04/02/persecucion-en-venezuela-maduro-investiga-a-orlando-avendano-que-rechazo-los-accusaciones/), April 2, 2024.

²⁸⁰⁷ Voice, [Leaders of the international community condemn the Maduro dictatorship's persecution of Orlando Avendaño, renowned Venezuelan journalist critical of Chavismo](https://www.voice.com/2024/04/01/leaders-of-the-international-community-condemn-the-maduro-dictatorship-s-persecution-of-orlando-avendano-renowned-venezuelan-journalist-critical-of-chavismo/), April 1, 2024; Efecto Cocuyo, [NGO: Investigation against Orlando Avendaño is an act of harassment](https://www.efectococuyo.com/2024/04/03/ngo-investigacion-against-orlando-avendano-is-an-act-of-harassment/), April 3, 2024.

²⁸⁰⁸ Avendaño, O., [@OrlvndoA], (April 1, 2024), The only thing I have done, as a journalist, is exercise my freedom of expression. It is not a crime, X, <https://x.com/OrlvndoA/status/1774917112588386689>.

²⁸⁰⁹ Espacio Público, [@espaciopublico], (July 16, 2024), Nicolás Maduro again harassed and threatened journalist Orlando Avendaño on television broadcast, X, <https://x.com/espaciopublico/status/1813333723888209971>.

²⁸¹⁰ El Nacional, [Saab links Venezuelan journalists to El Aissami: "Dirigían campañas de descrédito contra el Estado"](https://www.elnacional.com/2024/05/07/saab-links-venezuelan-journalists-to-el-aissami-dirigian-campanas-de-descredito-contra-el-estado/), May 7, 2024.

²⁸¹¹ Public Ministry of the Bolivarian Republic of Venezuela, [@MinpublicoVEN], (May 7, 2024), Tarek William Saab: Refiere también que El Aissami tenía una relación con el portal Armando.Info, dirigido por Roberto Deniz y Ewald Scharfenberg, X, <https://x.com/MinpublicoVEN/status/1787899980641931629?t=pMQWCgoAkmc-hXwhZmKQ2g&s=08>; Armando.Info, [A la opinión pública](https://www.armando.info/2024/05/07/a-la-opinion-publica/), May 7, 2024.

²⁸¹² Foundation for Press Freedom (FLIP), [Venezuelan Public Ministry criminalizes investigative work of Armando.Info journalists](https://www.flip.org/2024/05/09/venezuelan-public-ministry-criminalizes-investigative-work-of-armando-info-journalists/), May 9, 2024; Ntn24, ["Un mal chiste": 'ArmandoInfo' journalists deny links to Tareck El Aissami](https://www.ntn24.com/2024/05/08/un-mal-chiste-armando-info-journalists-deny-links-to-tareck-el-aissami/), May 8, 2024.

Airport of Maiquetía²⁸¹³. After his arrest, relatives reported that he was accused of participating in activities related to "terrorism". Meanwhile, according to public reports, Pérez was allegedly transferred to the Anti-Terrorism Division of the Scientific, Criminal and Criminalistic Investigations Corps (CICPC) in Caracas and released the following day.²⁸¹⁴

1289. Likewise, this Office learned about the detention of journalist Carlos Julio Rojas, which occurred on April 15, 2024. According to these reports, Rojas was kidnapped by unknown individuals in a van without license plates while he was with his wife²⁸¹⁵. The Special Rapporteurship learned that the journalist had an arrest warrant for his alleged participation as instigator and logistical operator in an assassination attempt against the President²⁸¹⁶. In this context, he was allegedly charged with criminal association, terrorism, conspiracy and attempted assassination²⁸¹⁷. In this regard, the Attorney General published a photograph of Rojas handcuffed between two armed men, accusing him of terrorism²⁸¹⁸. As of the date of writing of this annual report, journalist Carlos Julio Rojas remains in custody. According to public information, he is reportedly not allowed to make telephone calls or receive regular visits, which hinders his communication with his family²⁸¹⁹. In addition, he is reportedly suffering from health problems, and has not been authorized specialized medical attention. International human rights organizations have demanded his immediate release and the guarantee of his fundamental rights.²⁸²⁰

1290. In turn, on April 12, 2024, journalist Yuyser González, of the *Noticias Digital* media, was reportedly intercepted by alleged officers of the Bolivarian National Police (PNB) who tried to arrest him at the entrance to a shopping center in Barinas²⁸²¹. According to public reports, during a struggle, a passerby recorded the incident and shared it on social networks, which prevented his arrest.²⁸²²

1291. The Special Rapporteurship also learned of the arrest of journalist Luis López, which occurred on June 14, 2024 while he was on his way to cover a protest. According to what was reported, he was not allowed to choose lawyers he trusted and was brought before a court, where he was charged with incitement to hatred and association to commit a crime²⁸²³. Relatives have warned about the journalist's health problems²⁸²⁴. For its part, the SNTP demanded his release and respect for due process. It also stated that López

²⁸¹³ Espacio Público, [Content creator Oscar Alejandro Pérez detained at Maiquetía Airport](#), April 1, 2024.

²⁸¹⁴ Infobae, [Journalists imprisoned or under arrest warrant and media under threat: repression against the press grows in Venezuela](#), April 7, 2024.

²⁸¹⁵ Espacio Público, [@espaciopublico], (Apr. 15, 2024), Two men dressed in black, hooded and aboard a van without license plates, took away - by force - activist and journalist Carlos Julio Rojas, X, <https://x.com/espaciopublico/status/1780051098922868919>; Sindicato Nacional de Trabajadores de la Prensa de Venezuela. (SNTP), [@sntpvenezuela], (Apr. 15, 2024) Hooded men dressed in black took away this #15Apr night journalist and community activist Carlos Julio Rojas, X, <https://x.com/sntpvenezuela/status/1780045720738795958>; Provea, [@_Provea], (Apr. 15, 2024), 2 men in black kidnap community activist and journalist, Carlos Julio Rojas, este lunes 15 en Caracas, denuncian sus familiares, X, https://x.com/_Provea/status/1780044290472743423.

²⁸¹⁶ Saab, T.W., [@TarekWilliamSaab], (Apr. 15, 2024), Ministerio Público @MinpublicoVEN #informa de la detención el día de hoy de Carlos Julio Rojas, X, <https://x.com/TarekWilliamSaab/status/1780075541804065271?t=JvCxo10a4Ehk7wr2gTDdpw&s=19>; Runrun.es, [Cinco delitos le imputaron a periodista Carlos Julio Rojas](#), April 2024

²⁸¹⁷ VPI TV, [Journalist Carlos Julio Rojas served 250 days in detention without access to private defense](#), December 22, 2024.

²⁸¹⁸ Infobae, [New onslaught against the press in Venezuela: a journalist was detained and another struggled with those who tried to take him away](#), April 16, 2024.

²⁸¹⁹ VPI TV, [Journalist Carlos Julio Rojas served 250 days in detention without access to private defense](#), December 22, 2024; El Pitazo, [Venezuela journalists call for the release of Carlos Julio Rojas, who has served 250 days in detention](#), December 22, 2024; El Nacional, [Carlos Julio Rojas serves 250 days in prison incommunicado and without the right to defense](#), December 21, 2024.

²⁸²⁰ Amnesty International, [Venezuela: Free human rights defenders in Venezuela](#), January 8, 2025.

²⁸²¹ Instituto Prensa y Sociedad (IPYS), [Presuntos funcionarios de la PNB intentaron detener al periodista Yuyser González](#), April 15, 2024

²⁸²² Infobae, [New onslaught against the press in Venezuela: a journalist was detained and another struggled with those who tried to take him away](#), April 16, 2024.

²⁸²³ Amnesty International, [Luis López: en Venezuela hay periodistas en detención arbitraria](#), September 13, 2024; Tal Cual, [Familiares del periodista Luis López exigen su libertad: Es un hombre de principios](#), June 16, 2024.

²⁸²⁴ El Pitazo, [Mother of journalist Luis Lopez cries for his freedom: "Here I am waiting for him"](#), January 4, 2025.

had been attacked and threatened on multiple occasions, both by officials and private individuals, due to his professional work.²⁸²⁵

1292. Gabriel González, journalist and member of the communications team of the ConVzla Campaign Command, was reportedly arrested on June 17, 2024 as he was leaving the party's headquarters in Altamira, Caracas. According to public reports, he is accused of association to commit a crime and incitement to hatred, and has been held incommunicado without access to his lawyers²⁸²⁶. Witnesses state that he was detained by agents of the Bolivarian National Intelligence Service (SEBIN) without a warrant and taken to one of its headquarters, where he was interrogated for several hours.²⁸²⁷

1293. Following the election day of July 28, 2024, the Commission and its RELE condemned the serious human rights violations reported during the repression of the post-election protests²⁸²⁸. At the conclusion of the day, the Office of the Special Rapporteur received information on blockades of media outlets and attacks against press professionals, which included the arbitrary detention of at least five of them, impediments to coverage, harassment, and the deportation of at least four²⁸²⁹. Likewise, at least 60 cases of aggressions against freedom of expression were recorded, highlighting the incident of journalist Jesús Romero, who was shot and wounded on July 29 while covering demonstrations in San Jacinto, Maracay, Aragua state.²⁸³⁰

1294. In turn, at the end of July and during August, the Office of the Special Rapporteur documented numerous arbitrary detentions and forced disappearances of persons who legitimately exercised their right to freedom of expression and peaceful assembly in protest against the electoral results presented by the National Electoral Council (CNE). From the elections of July 28 to August 19, 2024, this Office recorded the detention of at least nine journalists, four of whom were charged with terrorism²⁸³¹. Among them are photojournalist Yousner Alvarado, of *Noticiero Digital*²⁸³²; Paúl León, cameraman of *VPI TV*²⁸³³; Deisy Peña, photographer of the mayor's office of Carrizal²⁸³⁴; and José Gregorio Camero²⁸³⁵, journalist and broadcaster, arrested on charges of conspiracy and subversive activities.

1295. For its part, between July 28 and October 31, 2024, the organization Espacio Público recorded approximately 49 detentions in reprisal for the exercise of the right to freedom of expression and information²⁸³⁶. Among the persons detained, there are approximately 21 journalists and media workers, whose detentions were a consequence of their journalistic work and the dissemination of content of public interest²⁸³⁷. In addition to the aforementioned journalists and media workers, this group of 21 journalists and media workers would include: Erika Rincón and Miguel Pachano, from *Diario Órbita*; Jesús Piñero; Juan Ramón Martínez Minuesa; Joaquín De Ponte; Iván Núñez; cameraman José Luis Tapia; Eleángel Navas, *community manager* of the newspaper *Oriental*; photojournalist Fernando Chuecos; Ana Carolina Guaita, journalist of the

²⁸²⁵ Tal Cual, [Relatives of journalist Luis López demand his freedom: He is a man of principles](#), June 16, 2024.

²⁸²⁶ Amnesty International, [Gabriel González: In Venezuela there are journalists in arbitrary detention](#), September 13, 2024; Alberto News, [Se cumple seis meses de la detención de Gabriel González, integrante del equipo de comunicaciones del Comando con VZLA](#), December 17, 2024; IPYS, [Alerta IPYSve | Periodista Ismael Gabriel González fue detenido arbitrariamente](#), July 30, 2024; Efecto Cocuyo, [Quién es Gabriel González, el activista de Vente Venezuela arrestado el 17 de junio](#), June 20, 2024.

²⁸²⁷ Amnesty International, [Gabriel González: In Venezuela there are journalists in arbitrary detention](#), September 13, 2024.

²⁸²⁸ IACHR, Press Release No. 174/24, [Venezuela: IACHR and RELE condemn serious human rights violations denounced during the repression of post-election protests](#), July 31, 2024.

²⁸²⁹ IACHR, Press Release No. 174/24, [Venezuela: IACHR and RELE condemn serious human rights violations denounced during the repression of post-election protests](#), July 31, 2024.

²⁸³⁰ El Pitazo, [Aragua | Journalist gets shot during protest in Maracay](#), July 29, 2024; VPItv, (@VPITV), (July 29, 2024), The National Union of Press Workers of Venezuela (SNTP) denounced that the journalist, Jesús Romero, X, <https://x.com/VPITV/status/1818097181791826405?lang=es>.

²⁸³¹ RSF, [Venezuela: RSF registers 70 attacks on press freedom in 15 days](#), August 13, 2024.

²⁸³² RSF, [Venezuela: RSF registers 70 attacks on press freedom in 15 days](#), August 13, 2024.

²⁸³³ El Pitazo, [Cameraman Paúl León to go on trial after being arrested during post-election coverage](#), October 23, 2024.

²⁸³⁴ RSF, [Venezuela: RSF registers 70 attacks on press freedom in 15 days](#), August 13, 2024; Efecto Cocuyo, [Fiscalía Fiscalía ratifica cargos de terrorismo contra reportera Deisy Peña](#), October 23, 2024.

²⁸³⁵ DW, [SNTP: 4 journalists accused of "terrorism" in Venezuela](#), August 8, 2024.

²⁸³⁶ Espacio Público, [Repression and post-electoral censorship in Venezuela](#), November 6, 2024.

²⁸³⁷ Espacio Público, [Repression and post-electoral censorship in Venezuela](#), November 6, 2024.

digital media *La Patilla*; Jesús Mata; Gilberto Reina²⁸³⁸, editor of the web portal *La Sapa del Orinoco*; Leocenis García; Víctor Ugas²⁸³⁹; Carmela Longo²⁸⁴⁰; broadcaster and activist Edwin Santos; journalist Nelin Escalante²⁸⁴¹.

1296. Regarding the detention of journalist Ana Carolina Guaita Barreto, correspondent of the digital newspaper *La Patilla*, the Commission and its RELE received information about her allegedly arbitrary detention on August 20, 2024, in the vicinity of her residence, specifically in the parking area of her building²⁸⁴². At that place she was allegedly cornered by officials who did not identify themselves and who took her away in alleged disregard of constitutional and conventional procedures²⁸⁴³. According to family members, journalist Guaita Barreto was initially held in the Security Department of the Governor's Office of La Guaira, where she remained in solitary confinement until August 21²⁸⁴⁴. The following day, she was reportedly transferred by members of the Bolivarian National Intelligence Service (SEBIN) to an unknown location²⁸⁴⁵. In view of these facts, the IACHR granted precautionary measures in favor of the journalist, requesting the State of Venezuela to adopt the necessary measures to protect and guarantee her right to life and personal integrity, and to provide information on her state of custody and the circumstances of her detention²⁸⁴⁶. As of the date of writing of this annual report, it has been reported that journalist Ana Carolina Guaita Barreto would have been released in December 2024, as reported by the National Union of Press Workers (SNTP).²⁸⁴⁷

1297. Likewise, the arrest of journalist Nelin Escalante took place on October 25, 2024, when he was approached by officials of the General Directorate of Military Counterintelligence (DGCIM) at the Líder Shopping Center, located in Caracas²⁸⁴⁸. According to complaints filed by the National College of Journalists, Escalante was later transferred to the DGCIM headquarters in Boleíta. The Special Rapporteurship learned that the journalist was released on October 31, after having been in detention for six days.²⁸⁴⁹

1298. On the other hand, the Commission and its RELE received complaints filed by the political party Voluntad Popular regarding the detention and possible forced disappearance of journalist Roland Oswaldo Carreño Gutiérrez²⁸⁵⁰. According to the reports, on August 2, 2024, in the afternoon hours, Carreño was detained in Caracas by agents of the Bolivarian National Intelligence Service (SEBIN)²⁸⁵¹. Subsequently, on August 3 and 4, 2024, an attempt was reportedly made to file a writ of habeas corpus in the form of forced disappearance and a complaint with the Attorney General's Office to initiate an investigation, but both the

²⁸³⁸ El Carabobeño, [Arrested editor of the digital weekly La Sapa del Orinoco](#), August 17, 2024.

²⁸³⁹ Espacio Público, [August: censorship and post-electoral repression](#), September 5, 2024.

²⁸⁴⁰ Espacio Público, [August: censorship and post-electoral repression](#), September 5, 2024.

²⁸⁴¹ Espacio Público, [Repression and post-electoral censorship in Venezuela](#), November 6, 2024.

²⁸⁴² IACHR, [Resolution 58/2024](#), Precautionary Measures No. 907-24, Case of Ana Carolina Guaita Barreto regarding Venezuela, August 27, 2024, para. 4.

²⁸⁴³ IACHR, [Resolution 58/2024](#), Precautionary Measures No. 907-24, Case of Ana Carolina Guaita Barreto regarding Venezuela, August 27, 2024, para. 4.

²⁸⁴⁴ Villegas, V., [@Vladi_VillegasP], (August 22, 2024), Relatives of journalist Ana Carolina Guaita Barreto report that she is being held at the headquarters of the La Guaira Government Security Directorate, X, https://x.com/Vladi_VillegasP/status/1826600742712737841?t=g5rRPxf3KRnYfWC_TwI5yA&s=09.

²⁸⁴⁵ IACHR, [Resolution 58/2024](#), Precautionary Measures No. 907-24, Case of Ana Carolina Guaita Barreto regarding Venezuela, August 27, 2024, para. 5.

²⁸⁴⁶ IACHR, Press Release No. 196/24, [IACHR grants precautionary measures to journalist Ana Carolina Guaita in Venezuela](#), August 27, 2024.

²⁸⁴⁷ El Nacional, [Excrcelaron a la periodista Ana Carolina Guaita tras más de cuatro meses detenida](#), 21 December 2024; VPI TV, [Excrcelaron a la periodista Ana Carolina Guaita tras permanecer cuatro meses detenida](#), 21 December 2024; El Carabobeño, [SNTP informó la excrcelación de la periodista Ana Carolina Guaita](#), 21 December 2024.

²⁸⁴⁸ Efecto Cocuyo, [@EfectoCocuyo], (Oct. 26, 2024), @cnpen denounced that the whereabouts of journalist Nelin Escalante, who was approached by officials of the DGCIM, X, are unknown, <https://x.com/EfectoCocuyo/status/1850260938085036472?t=fXbA8I93OoG9aPZEpnXwJQ&s=19>.

²⁸⁴⁹ Infobae, [Nicolás Maduro's regime released journalist Nelin Escalante after being missing for six days](#), November 1, 2024; Noticias de aquí, [El periodista Nelin Escalante fue puesto en libertad y se encuentra con su familia](#), November 1, 2024; Ntn24, ["Estamos bien": aparece el periodista venezolano Nelin Escalante tras ser interrogado por varios días en el DGCIM](#), November 1, 2024.

²⁸⁵⁰ Espacio Público, [August: censorship and post-electoral repression](#), September 5, 2024.

²⁸⁵¹ IACHR, [Resolution 50/2024](#), Precautionary Measures No. 883-24, Case of Roland Oswaldo Carreño Gutiérrez regarding Venezuela, August 17, 2024, para. 4.

judicial and investigative bodies reportedly refused to receive the requests²⁸⁵². In addition, relatives and lawyers of the journalist reportedly went to the different headquarters of the General Directorate of Military Counterintelligence (DGCIM) and SEBIN, who have stated that they do not have the journalist in their custody²⁸⁵³. In this context, the IACHR granted precautionary measures in favor of journalist Carreño Gutiérrez, urging the State to adopt the necessary measures to protect his rights to life and personal integrity²⁸⁵⁴. At the date of writing of this report, in December 2024, journalist Roland Oswaldo Carreño Gutiérrez was still deprived of his liberty.²⁸⁵⁵

1299. Finally, on August 17, 2024, this Office received information about an incident in which members of the Bolivarian National Guard (GNB) allegedly assaulted and attempted to arrest journalist David Marcano, of the newspaper *El Periodiquito*, while he was covering a protest in the Bicentennial Square in Maracay, Aragua state²⁸⁵⁶. Also of concern was the death on October 25 of Edwin Santos, a broadcaster and activist of the Voluntad Popular party.²⁸⁵⁷

1300. At the end of 2024, the Rapporteurship recorded the release from prison of some people, including journalists and press workers. However, it was noted that judicial proceedings against them remain open and ongoing²⁸⁵⁸. At the end of the year, this Office identified at least eight journalists and press workers who continue to be detained after being detained in the electoral context: Gabriel González, Luis López, Yousner Alvarado, Roland Carreño, José Gregorio Camero, Víctor Ugas, Virmalia García and journalist and political leader Biagio Pilieri Gianninoto, who is the beneficiary of precautionary measures granted by the Inter-American Commission.²⁸⁵⁹

1301. The Special Rapporteur notes that several of the above-mentioned arrests and criminal proceedings were allegedly carried out under the "Anti-Hate Law". The charges include terrorism, incitement to hatred, public incitement, unlawful association, disturbance of public order and obstruction of the public highway²⁸⁶⁰. In addition, the testimonies compiled by this Office evidence a pattern of serious violations of due process and judicial guarantees, which include the incommunicado detention of detainees with their families and lawyers, the prohibition of visits, the denial of technical defense, the lack of adequate notification of the charges and their connection to the crimes charged, as well as restrictions on access to files and crucial information in judicial proceedings²⁸⁶¹. Relatives of detained journalists have also reported difficulties in locating them, excessive requirements for visits, extortion by officials and obstacles to travel to the metropolitan area of Caracas, where the specialized courts are located.²⁸⁶²

1302. This Office warns that arbitrary detentions of journalists and press workers represent one of the main tactics used by the Government to intimidate them or as a form of reprisal for the exercise of their

²⁸⁵² IACHR, [Resolution 50/2024](#), Precautionary Measures No. 883-24, Case of Roland Oswaldo Carreño Gutiérrez regarding Venezuela, August 17, 2024, para. 5.

²⁸⁵³ IACHR, [Resolution 50/2024](#), Precautionary Measures No. 883-24, Case of Roland Oswaldo Carreño Gutiérrez regarding Venezuela, August 17, 2024, para. 5.

²⁸⁵⁴ IACHR, Press Release No. 186/24, [IACHR grants precautionary measures to journalist Roland Oswaldo Carreño Gutiérrez in Venezuela](#), August 17, 2024.

²⁸⁵⁵ Efecto Cocuyo, [Roland Carreño completes four months in prison isolated from family and lawyers](#), December 2, 2024.

²⁸⁵⁶ Espacio Público, [August: censorship and post-electoral repression](#), September 5, 2024.

²⁸⁵⁷ Espacio Público, [@espaciopublico], (Oct. 25, 2024), Hallan sin vida al locutor y activista del partido Voluntad Popular, Edwin Santos, este viernes 25 de octubre, X, <https://x.com/espaciopublico/status/1849889475570102746>.

²⁸⁵⁸ IACHR, Office of the Special Rapporteur for Freedom of Expression, Press Release No. 328/24, [RELE condemns repression in Venezuela and calls on the international community to reject violations of freedom of expression](#), December 26, 2024.

²⁸⁵⁹ IACHR, [Resolution 63/2024](#), Precautionary Measures No. 931-24, Case of Biagio Pilieri Gianninoto and Jesús Alfredo Pilieri Vasile regarding Venezuela, September 6, 2024, para. 4.

²⁸⁶⁰ Office of the Special Rapporteur for Freedom of Expression, Press Release No. 190/24, [RELE alerts the international community on arbitrary detention of journalists and criminalization of dissent in Venezuela](#), August 23, 2024.

²⁸⁶¹ Office of the Special Rapporteur for Freedom of Expression, Press Release No. 328/24, [RELE condemns repression in Venezuela and calls on the international community to reject violations of freedom of expression](#), December 26, 2024.

²⁸⁶² Office of the Special Rapporteur for Freedom of Expression, Press Release No. 190/24, [RELE alerts the international community on arbitrary detention of journalists and criminalization of dissent in Venezuela](#), August 23, 2024.

work; and they are usually carried out without a court order or legal basis²⁸⁶³. The Office of the Special Rapporteur 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 debate²⁸⁶⁴. For this reason, States have the obligation to create the conditions for journalists to be able to exercise their function freely, independently and safely.²⁸⁶⁵

1303. In addition to the aforementioned arrests, there continue to be multiple obstacles to journalistic coverage in Venezuela, as well as various aggressions against the press²⁸⁶⁶. These include raids, closure of media outlets, confiscation of equipment, cancellation of passports, deportation of international journalists, unjustified dismissals and threats. This panorama has generated a climate of fear among media professionals, who have been forced to modify their routines, suspend coverage of matters of public interest related to elections, move, go into exile or, in some cases, abandon their profession for good²⁸⁶⁷. At the local level, the Office of the Special Rapporteur has received reports of threats of criminalization by mayors, governors and groups calling themselves "collectives", as well as stigmatizing remarks directed at the press²⁸⁶⁸. Additionally, the circulation of pamphlets and lists containing personal information of journalists and members of polling stations has been denounced, during the electoral context, with the purpose of facilitating their detention.²⁸⁶⁹

1304. Among the various complaints of obstruction to journalistic coverage, the Office learned of an incident that occurred on February 15, 2024, in which journalist René Herrera, of *Revista del Tuy*, denounced that workers of the Instituto de Ferrocarriles del Estado prevented his coverage at the station Libertador Simón Bolívar (La Rinconada). This occurred while he was trying to verify reports of irregularities in the service. According to public reports, the journalist was searched by officers of the Bolivarian National Police during this event.²⁸⁷⁰

1305. On January 24, 2024, Luis López, journalist of the regional media *La Verdad de Vargas*, reported the presence of police officers near his residence in Carlos Soublette parish, Vargas state. In a video broadcast on social networks, López expressed his concern for this situation, stating that he was carrying out his journalistic work and that he had "nothing to hide"²⁸⁷¹. In addition, he denounced that officers of the Bolivarian National Intelligence Service (SEBIN) had taken photographs of his home from a motorcycle and a van.²⁸⁷²

1306. Also, on January 17, 2024, state security officials allegedly forced Gerson Cuevas, a journalist with the YouTube channel *Televisora Cultural Barinosa*, and Neptalí Querales, a photojournalist with the newspaper *La Noticia de Barinas*, to hand over their telephones. According to public reports, these officials allegedly erased the audiovisual content related to a police operation at the headquarters of the National

²⁸⁶³ 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. 1367 and 1377; IACHR, Annual Report 2023, [Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II Doc. 386, December 6, 2023, paras. 1615, 1618, 1624 and 1625.

²⁸⁶⁴ I/A Court H.R., Advisory Opinion OC-5/85 of November 13, 1985. "Compulsory Membership in an Association of Journalists (Arts. 13 and 29 American Convention on Human Rights). Para. 71; IACHR, [Background and Interpretation of the Declaration of Principles](#).

²⁸⁶⁵ 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.

²⁸⁶⁶ RSF, [Venezuela: RSF registers 70 attacks on press freedom in 15 days](#), August 13, 2024.

²⁸⁶⁷ Office of the Special Rapporteur for Freedom of Expression (RELE), Press Release No. 190/24, [La RELE alerta a la comunidad internacional sobre detención arbitraria de periodistas y criminalización de la disidencia en Venezuela](#), August 23, 2024; Office of the Special Rapporteur for Freedom of Expression, Press Release No. 328/24, [RELE condena la represión en Venezuela y llama a la comunidad internacional a rechazar las violaciones a la libertad de expresión](#), December 26, 2024.

²⁸⁶⁸ Office of the Special Rapporteur for Freedom of Expression (RELE), Press Release No. 190/24, [La RELE alerta a la comunidad internacional sobre detención arbitraria de periodistas y criminalización de la disidencia en Venezuela](#), August 23, 2024.

²⁸⁶⁹ Office of the Special Rapporteur for Freedom of Expression (RELE), Press Release No. 190/24, [La RELE alerta a la comunidad internacional sobre detención arbitraria de periodistas y criminalización de la disidencia en Venezuela](#), August 23, 2024.

²⁸⁷⁰ Espacio Público, [General Situation of the Right to Freedom of Expression and Information, January - April 2024](#), May 3, 2024.

²⁸⁷¹ Espacio Público, [General Situation of the Right to Freedom of Expression and Information, January - April 2024](#), May 3, 2024.

²⁸⁷² Espacio Público, [General Situation of the Right to Freedom of Expression and Information, January - April 2024](#), May 3, 2024.

Federation of Education Workers' Unions and Colleges of Venezuela (Fenatev), where teacher Víctor Venegas was arrested.²⁸⁷³

1307. On the other hand, during the election day of July 28, 2024, civil society organizations documented at least 15 cases and 16 complaints of violations of the right to freedom of expression. In particular, journalists were banned from accessing voting centers, despite having accreditation from the National Electoral Council (CNE)²⁸⁷⁴. Among those affected were approximately nine journalists, four media outlets, two individuals, two photojournalists and one cameraman.²⁸⁷⁵

1308. On the other hand, the Commission and its Office of the Special Rapporteur also noted with concern the detention and expulsion of international correspondents in Venezuela, as well as the prohibitions on entering the country in the electoral context. Thus, for example, it was learned that on July 28, 2024, Colombian journalists Carolina Trinidad and Vanessa de la Torre, of *Radio Caracol*, were reportedly deported from the airport of Maiquetía²⁸⁷⁶

1309. In turn, on August 1, 2024, Chilean journalists Iván Núñez and José Luis Tapia were reportedly detained and held incommunicado at the military post of Chururú, in Barinas, after entering the country from Cúcuta, Colombia²⁸⁷⁷. The following day, according to public reports, Spanish journalist Alvaro Nieto, director of *The Objective*, was expelled after an interrogation that lasted two hours²⁸⁷⁸. On August 3, Ecuadorian journalist Dayana Krays was detained while covering an opposition protest²⁸⁷⁹. In addition, the detention and expulsion of Italian journalist Marco Bariletti and cameraman Ivo Bonito, of *Rai News*, who had arrived at Maiquetía Airport from Portugal to report on the political crisis in the country, were reported.²⁸⁸⁰

1310. The deportation of Argentine journalist Jorge Pizarro was also confirmed. The *Association of Argentine Journalistic Entities* (ADEPA) strongly rejected his detention and possible deportation²⁸⁸¹. Likewise, the Italian journalist Barbara Schiavulli denounced that a group of international reporters had been denied visas two days before their trip, which prevented them from covering the presidential elections.²⁸⁸²

1311. The Rapporteurship also received reports on the detention and expulsion of *Ok Diario* reporter, Cake Minuesa, during the July 28, 2024 elections. Minuesa, who allegedly described as "fraud" the result announced by the National Electoral Council (CNE), was detained by officials of the Directorate of Military Counterintelligence (DGCIM). According to *Ok Diario*, he was transferred to the city of Bogotá on July 29 to be deported to Spain. According to public reports, the journalist was released after the efforts of the Spanish Foreign Ministry and the Spanish Embassy in Caracas.²⁸⁸³

1312. In addition, there are also reports of alleged unjustified dismissals of press workers. In the post-electoral period, at least 100 employees of the public channel *Venezolana de Televisión* were dismissed after a review of their statuses and contents in the instant messaging application WhatsApp, where messages

²⁸⁷³ IPYS, [State security forces erased information content from two journalists in Barinas](#), January 24, 2024.

²⁸⁷⁴ Espacio Público, [Reporte parcial 28jul: prohibíben cobertura en centros electorales](#), July 28, 2024.

²⁸⁷⁵ Espacio Público, [Reporte parcial 28jul: prohibíben cobertura en centros electorales](#), July 28, 2024.

²⁸⁷⁶ RSF, [Venezuela: RSF registers 70 attacks on press freedom in 15 days](#), August 13, 2024.

²⁸⁷⁷ RSF, [Venezuela: RSF registers 70 attacks on press freedom in 15 days](#), August 13, 2024.

²⁸⁷⁸ RSF, [Venezuela: RSF registers 70 attacks on press freedom in 15 days](#), August 13, 2024.

²⁸⁷⁹ RSF, [Venezuela: RSF registers 70 attacks on press freedom in 15 days](#), August 13, 2024.

²⁸⁸⁰ Espacio Público, [August: censorship and post-electoral repression](#), September 5, 2024.

²⁸⁸¹ Asociación de Entidades Periodísticas Argentinas (ADEPA), [@Adeparargentina], (July 25, 2024), Repudiamos enérgicamente la detención y posible deportación del periodista Jorge Pizarro, X, https://x.com/Adeparargentina/status/1816479261236101274?t=ZDd8iiq8xvMsTaK9-c0_Bw&s=08; Espacio Público, [@espaciopublico], (July 25, 2024), El gobierno venezolano le impidió la entrada al país al periodista argentino, Jorge Pizarro, X, <https://x.com/espaciopublico/status/1816463273677423012>.

²⁸⁸² Espacio Público, [@espaciopublico], (July 23, 2024), Italian journalist Barbara Schiavulli (@schiavulli) denounced that a group of international reporters will not be allowed to come to Venezuela to cover the presidential elections, X, <https://x.com/espaciopublico/status/1815760022183260360>.

²⁸⁸³ Espacio Público, [Protests #29J: detentions and attacks on the press](#), July 29, 2024.

critical of the government were found. According to public information, the Human Resources office of the channel would be constantly monitoring the publications of the workers.²⁸⁸⁴

1313. This Office recalls that intimidation and threats against social communicators severely restrict freedom of expression, and that it is the duty of the State to prevent and investigate these acts²⁸⁸⁵. The Commission and its Office of the Special Rapporteur have maintained that attacks against journalists and the media are aimed at silencing them, so that in addition to violating the individual right of reporters to express and disseminate their ideas, opinions, and information, they also affect the right of a society to freely access information²⁸⁸⁶. 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 law.²⁸⁸⁷

1314. Likewise, the Office of the Special Rapporteur has documented with concern various reports of stigmatizing statements directed at the press by public officials, both at the national and local levels. These actors have frequently labeled the media and journalists as "coup perpetrators", "accomplices" and "financed terrorists", among others²⁸⁸⁸. Thus, for example, on March 25, 2024, the President of the Republic and presidential candidate criticized the news agencies *EFE* (Spain), *AFP* (France) and *AP* (United States) for not covering any of the more than 10 nominated candidates, stating that "the agencies of the West, the United States, Europe and the right wing have no morals. They cover up the reality of Venezuela"²⁸⁸⁹. At the same time, he allegedly disqualified other agencies, such as *CNN en Español*, accusing it of trying to "tarnish the electoral process"²⁸⁹⁰. According to public reports, these statements reflect a recurrent behavior during his campaign.²⁸⁹¹

1315. This Office recalls that public authorities are called upon to maintain a discourse favorable to public deliberation and freedom of expression. In this sense, they have the duty to refrain from making stigmatizing or intentionally false statements that may increase the risk of attacks on their life and integrity, inherent to the profession²⁸⁹². Likewise, international human rights standards require that authorities treat journalists in interviews at press conferences with respect and fairness. The Inter-American human rights system understands that stigmatizing statements from public officials could constitute an indirect restriction on the right to freedom of expression.²⁸⁹³

1316. Throughout 2024, media closures, raids and other attacks on their facilities continued, with the aim of silencing these media and limiting the dissemination of opinions and information, especially in the electoral context in Venezuela. At the close of 2023, civil society organizations documented the closure of at least 408 media outlets in the country during the last 20 years, as a result of a prolonged process of restriction

²⁸⁸⁴ Espacio Público, [August: censorship and post-electoral repression](#), September 5, 2024.

²⁸⁸⁵ IACHR, [Declaration of Principles on Freedom of Expression](#), 2000.

²⁸⁸⁶ 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](#), OEA/Ser.L/V/II. IACHR/RELE/INF. 12/13., December 31, 2013.

²⁸⁸⁷ IACHR, [Background and interpretation of the Declaration of Principles](#); IACHR, Annual Report 2023, [Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II Doc. 386, December 6, 2023, para. 1613.

²⁸⁸⁸ Office of the Special Rapporteur for Freedom of Expression (RELE), Press Release No. 190/24, [La RELE alerta a la comunidad internacional sobre detención arbitraria de periodistas y criminalización de la disidencia en Venezuela](#), August 23, 2024.

²⁸⁸⁹ Espacio Público, [General Situation of the Right to Freedom of Expression and Information, January - April 2024](#), May 3, 2024.

²⁸⁹⁰ Espacio Público, [@espaciopublico], (July 20, 2024), Nicolás Maduro again verbally harassed international news agencies CNN en español, EFE, AFP and AP, which he called "trash" and accused them of "wanting to taint the electoral process" in Venezuela, X, <https://x.com/espaciopublico/status/1814637101738029524>.

²⁸⁹¹ SNTF, [@sntfvenezuela], (July 22, 2024), Nicolás Maduro once again lashes out against the international agencies @AFPespanol, @EFEnoticias and @AP_Noticias, as well as the @CNNEE channel, by calling them "hired killers of lies". This is a repeated behavior during the president's campaign, X, <https://x.com/sntfvenezuela/status/1815492367459213707>.

²⁸⁹² 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, the Organization of American States (OAS) Special Rapporteur on Freedom of Expression; 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.

²⁸⁹³ 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.

of the informative space and the exercise of journalism in the country²⁸⁹⁴. According to public reports, radio stations have been the most affected, with 285 stations closed in the last two decades, which represents 71% of the total number of closed media²⁸⁹⁵. In particular, the organization Espacio Público has highlighted the scarcity of information in regions such as Falcón, where 36 radio stations reportedly operate, of which 29 are dedicated exclusively to broadcasting music and content aligned with the government²⁸⁹⁶. Furthermore, according to reports by the organization, 13 states lack independent media due to these closures, including Amazonas, Apure, Aragua, Barinas, Cojedes, Delta Amacuro, Falcón, Guárico, Mérida, Monagas, Portuguesa, Sucre and Trujillo.²⁸⁹⁷

1317. Between January and April 2024, the Office of the Special Rapporteur received reports of the closure of at least 13 radio stations in the states of Apure, Bolívar, Carabobo, Capital District, Lara, Portuguesa, Trujillo and Zulia²⁸⁹⁸. On January 23, 2024, it was reported that *Radio Hispana 89.5 FM* in San Felipe, Yaracuy, was vandalized by unknown groups, who painted the phrase "Furia Bolivariana 2024" on its facilities, as well as on businesses and headquarters of opposition parties²⁸⁹⁹. Additionally, it was learned that on February 2, the National Telecommunications Commission (Conatel) proceeded to close the radio station *Onda 100.9 FM* in Valencia, Carabobo. According to the National Union of Press Workers (SNTP), this station had already been subject to an inspection in 2023. Also, on February 23, Conatel reportedly ordered to shut down the transmitters of the radio stations *Senda 96.1 FM*, *Mágica 93.3 FM* and *Clásicos 93.9 FM* in Ciudad Ojeda, Zulia.²⁹⁰⁰

1318. On March 8, 2024, officials of the National Telecommunications Commission, together with military personnel, reportedly carried out the closure of the radio station *Bendición Stereo 93.9 FM* in Upata, Bolívar state, under the justification that the station was "shining too brightly". According to the administrative order issued, it was found that the station lacked the necessary authorization and concession for the use of the radio electric spectrum.²⁹⁰¹

1319. On the other hand, the Special Rapporteurship learned about the cessation of operations of *Ecos del Paramo 100.3 FM*, located in Tuñame, Trujillo state, on February 27, as a result of an order from Governor Omar Márquez. According to public reports, state officials and police seized the station's equipment, arguing that it was operating clandestinely and without authorization from Conatel.²⁹⁰²

1320. Likewise, RELE learned that on March 4, 2024, *Deutsche Welle* (DW) in Spanish was removed from *SimpleTV's* cable grid in Venezuela, following the broadcast of a video that addressed corruption in Latin America, including Venezuela²⁹⁰³. According to public reports, the channel, which was tuned to 770, displayed

²⁸⁹⁴ Voice of America, [Venezuela: More than 400 media outlets closed in two decades](#), January 8, 2024.

²⁸⁹⁵ Voice of America, [Venezuela: More than 400 media outlets closed in two decades](#), January 8, 2024.

²⁸⁹⁶ Voice of America, [Venezuela: More than 400 media outlets closed in two decades](#), January 8, 2024.

²⁸⁹⁷ Voice of America, [Venezuela: More than 400 media outlets closed in two decades](#), January 8, 2024.

²⁸⁹⁸ Espacio Público, [General Situation of the Right to Freedom of Expression and Information, January - April 2024](#), May 3, 2024.

²⁸⁹⁹ SNTP, [@sntpvenezuela], (Jan. 23, 2024), The facilities of Radio Hispana 89.5 FM in #SanFelipe, #Yaracuy state, amanecieron vandalizadas por la acción de grupos desconocidos que rayaron sus paredes con la frase "Furia Bolivariana 2024", X, <https://x.com/sntpvenezuela/status/1749928253387579502>; Abc, [Sindicato de prensa de Venezuela denuncia la vandalización de sedes de medios y gremiales](#), January 23, 2023; El Diario, [Sindicato de prensa de Venezuela denuncia la vandalización de sedes de medios y gremiales](#), January 24, 2024.

²⁹⁰⁰ Espacio Público, [Situación general del derecho a la libertad de expresión e información, January - April 2024](#), May 3, 2024; CNP Caracas, [@CNPCaracas], February 24, 2024, Este #23Feb en #CiudadOjeda fueron cerradas por orden de #Conatel emisoras de radio Mágica 93.3 FM, Senda 96.1 FM y Clásicos 93.9 FM. Less media, less news and more censorship, X, <https://x.com/CNPCaracas/status/1761394900573049187?t=VYHe58KG22EpdzYs-Ig1A&s=19>.

²⁹⁰¹ Espacio Público, [General Situation of the Right to Freedom of Expression and Information, January - April 2024](#), May 3, 2024.

²⁹⁰² Espacio Público, [Gobernador del estado Trujillo ordenó cierre de Ecos del Páramo 100.3 FM](#), February 28, 2024; Espacio Público, [Febrero: aumenta la intimidación y la censura](#), March 4, 2024.

²⁹⁰³ SNTP, [@sntpvenezuela], (Mar. 4, 2024), Este #4Feb salió de la parrilla de @Simpletvve la señal de la televisora @DW_espanol, X, <https://x.com/sntpvenezuela/status/1764839651385184585>; CNP Caracas, [@CNPCaracas], (Mar. 4, 2024), #Hoy sacaron de @Simpletvve al canal @DW_espanol. luego que Ministro de Comunicación los señalará como propagadores de odio, X, <https://x.com/CNPCaracas/status/1764845539168792956>.

a "not found" message and was also removed from *Supercable* and *NetUno* services²⁹⁰⁴. In addition, statements were made by the Minister of Communication, Freddy Nájuez, who criticized *DW* for allegedly "covering up the genocide in Gaza", "lying", "defaming" and "spreading hatred" towards Venezuela²⁹⁰⁵. For his part, the President of the Republic, during his program "Con Maduro +", described *DW* as "half Nazi"²⁹⁰⁶. The *National Union of Press Workers* (SNTP) warned that this is the second occasion in which the government withdraws *DW*'s signal, the first time being in April 2019.²⁹⁰⁷

1321. On April 12, 2024, *Radio Cristal 610 AM* in Barquisimeto, Lara state, as well as *Reconciliación 93.5 FM* in Quíbor²⁹⁰⁸. Previously, on April 5, the National Telecommunications Commission (Conatel) reportedly closed *Excelente 107.9 FM* in Upata, Bolívar state, where equipment was also confiscated²⁹⁰⁹. In addition, the digital media *Última Hora*, located in Portuguesa, reportedly ceased operations due to threats from the pro-government Governor Primitivo Cedeño, and in an effort to "safeguard the physical integrity of its journalists and workers"²⁹¹⁰.

1322. At the same time, there were reports of statements made by the mayor of Boconó, Alejandro García, who reportedly urged the local media to refrain from publishing critical content. In this context, the mayor allegedly accused the radio station *Boconesa 107.3 FM* of being a "coup plotter and accomplice" in relation to an attack that occurred at the Dalla Acosta High School on July 28²⁹¹¹. On the other hand, the Governor of Trujillo, Gerardo Márquez, reportedly threatened the media with being "visited" by "Operation Tun Tun", alluding to the intervention of State security agencies²⁹¹². Additionally, the coordinator of Conatel in the state of Monagas, Rosalva Teresen, reportedly communicated to the local media the prohibition of broadcasting news that "violate elements classified as violence", warning about the possibility of facing fines or the revocation of concessions.²⁹¹³

1323. In addition, since March 4, 2024, the Office of the Special Rapporteur became aware of the blocking of access to the news portal *El Político* by several internet companies in Venezuela. The internet observatory *VE sin Filtro* confirmed this blockage, in which both *CANTV* and the private companies Movistar, Digitel, Inter and NetUno²⁹¹⁴ were involved. Additionally, it was reported that the main internet operators in Venezuela also restricted access to *The Wall Street Journal's* website after the publication, on August 1, of an opinion article by opposition leader María Corina Machado, in which she questioned the results of the presidential elections.²⁹¹⁵

1324. In view of the above facts, the Office of the Special Rapporteur recalls that direct or indirect pressures aimed at silencing the informative work of social communicators are incompatible with the right to freedom of expression. According to Principle 13 of the Declaration of Principles on Freedom of Expression of

²⁹⁰⁴ Albertonews, [SNTP after the departure of the DW signal in Venezuela: "This would be the second time it is removed from the cable companies by instructions of the Government"](#), March 4, 2024.

²⁹⁰⁵ Talcual, [DW removed from SimpleTV and other services after criticism by Freddy Nájuez](#), March 4, 2024; Albertonews, [Venezuela removes German channel DW from cableras after report on Cartel de Los Soles \(Details\)](#), March 4, 2024; Infobae, [Censorship in Venezuela: Maduro's dictatorship pulled German channel DW from subscription TV programming](#), March 4, 2024; Prensa Latina, [Minister denounces hate campaign by German media against Venezuela \(+Post\)](#), March 4, 2024.

²⁹⁰⁶ Albertonews, [SNTP after the departure of the DW signal in Venezuela: "This would be the second time it is removed from the cable companies by instructions of the Government"](#), March 4, 2024.

²⁹⁰⁷ Albertonews, [SNTP after the departure of the DW signal in Venezuela: "This would be the second time it is removed from the cable companies by instructions of the Government"](#), March 4, 2024.

²⁹⁰⁸ Infobae, [New onslaught against the press in Venezuela: a journalist was detained and another struggled with those who tried to take him away](#), April 16, 2024.

²⁹⁰⁹ Infobae, [New onslaught against the press in Venezuela: a journalist was detained and another struggled with those who tried to take him away](#), April 16, 2024.

²⁹¹⁰ Espacio Público, [August: censorship and post-electoral repression](#), September 5, 2024.

²⁹¹¹ Espacio Público, [August: censorship and post-electoral repression](#), September 5, 2024.

²⁹¹² Espacio Público, [August: censorship and post-electoral repression](#), September 5, 2024.

²⁹¹³ Espacio Público, [August: censorship and post-electoral repression](#), September 5, 2024.

²⁹¹⁴ Espacio Público, [Internet operators block information portal El Político](#), March 6, 2024.

²⁹¹⁵ Espacio Público, [August: censorship and post-electoral repression](#), September 5, 2024.

the IACHR, "the use of State power and the resources of the public treasury; the granting of tariff perks; the arbitrary and discriminatory allocation of official advertising and official credits; the granting of radio and television frequencies, among others, 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 and should be expressly prohibited by law". Likewise, RELE emphasizes that the assignment of radio and television frequencies must consider democratic criteria that guarantee equal opportunities, diversity and pluralism.²⁹¹⁶

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

1325. RELE has observed a persistent pattern of persecution, harassment and accusations against opposition voices in Venezuela, including opposition leaders, activists, human rights defenders, civil society organizations and electoral witnesses, in a context of high state opacity. Prior to the presidential elections, the IACHR and its Office of the Special Rapporteur documented the lack of transparency in electoral information and the denial of access to public information by electoral authorities²⁹¹⁷. In this regard, on May 21, 2024, various civil society organizations submitted requests for information to the National Electoral Council (CNE) regarding the constitution of constituencies. These requests included: the identification of the specific articles that empower the CNE to establish a "lapse of validation of the status of organizations with political purposes during an electoral process"; copies of the decisions related to the "status of organizations with political purposes" that have been validated or invalidated to participate in the elections of July 28, 2024; and the link to the "Publication of the Registry of Organizations with Political Purposes Constituted" on the website www.cne.gob.ve, according to the electoral chronogram²⁹¹⁸. However, according to public reports, CNE officials refused to accept these requests, arguing that the requested information was widely available on the CNE website.²⁹¹⁹

1326. Likewise, the instrumentalization of the Judiciary and the Electoral Power was evidenced in order to prevent the results announced by the National Electoral Council (CNE) from being the object of controversy through legal resources. These factors, together with the censorship of the media and critical voices after the elections, have contributed to consolidate an information siege that favors the official narrative on the electoral results. In this context, last July 29, 2024, the President of the CNE proclaimed Nicolás Maduro as President-elect. According to publicly available information, this announcement was made without the publication of the results or the delivery of copies of the minutes to party representatives, observers and witnesses. In addition, restrictions were reported in the verification of results in numerous voting centers and the omission of telecommunications audits, denying access to the witnesses of candidate Edmundo Gonzalez at the CNE headquarters.²⁹²⁰

1327. In addition, the President of the CNE reported an alleged attack that would have affected the transmission of data during the vote totalization, although he did not provide details or a technical report on the matter²⁹²¹. Subsequently, access to the CNE web page was restricted, which became inaccessible from certain networks and from outside Venezuela²⁹²². For its part, the Public Prosecutor's Office has also initiated a criminal investigation in relation to the publication on the website resultsconvzla.com, where the opposition campaign command disseminated images of the minutes of the July 28 election, due to the lack of information provided by the CNE²⁹²³. In this regard, the Commission and its RELE have warned that the information contained therein is of high public interest and acquires a reinforced protection, given its relevance for

²⁹¹⁶ 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. 58.

²⁹¹⁷ IACHR, [Venezuela: Grave Human Rights Violations in the Electoral Context](#), OEA/Ser.L/V/II Doc. 253/24, December 27, 2024, para. 39.

²⁹¹⁸ Espacio Público, [Opacity of the CNE in the information provided by the electoral calendar](#), July 18, 2024.

²⁹¹⁹ Espacio Público, [Opacity of the CNE in the information provided by the electoral calendar](#), July 18, 2024.

²⁹²⁰ Espacio Público, [Every legitimate election must be transparent](#), July 30, 2024.

²⁹²¹ Espacio Público, [Every legitimate election must be transparent](#), July 30, 2024.

²⁹²² Espacio Público, [Every legitimate election must be transparent](#), July 30, 2024.

²⁹²³ Espacio Público, [August: censorship and post-electoral repression](#), September 5, 2024.

transparency and accountability²⁹²⁴. In the absence of reliable information from the electoral authority, access and availability of this information is transcendental to protect political rights and allow the international community to form its own criteria on the current situation in Venezuela.²⁹²⁵

1328. Faced with these facts, RELE recalls that, in electoral contexts, freedom of expression is directly linked to political rights and their exercise, and both types of rights reinforce each other²⁹²⁶. Healthy democratic debate requires the highest level of circulation of ideas, opinions and information about the candidates, their parties and their proposals during the period leading up to an election, mainly through the media, the candidates, and those who wish to express themselves. It is necessary that everyone can question and inquire about the capacity and suitability of the candidates, dissent and confront their proposals, ideas and opinions, so that voters can form their criteria to vote²⁹²⁷. As the IACHR has emphasized, free discourse and political debate are essential for the consolidation of the democratic life of societies, and are therefore of imperative social interest²⁹²⁸. The IACHR has noted that the permissible justifications for the State to restrict expression in the area of political debate are much narrower and limited.²⁹²⁹

1329. In the electoral context, there was an escalation of repression that included arrests, attacks and multiple acts of harassment directed at various sectors of the population. These actions were especially directed against those who had shared information critical of the government or who questioned the results announced by the CNE after Election Day. In this regard, on February 2, 2024, officials of the Criminal Investigation Service of Zulia state arrested *influencer* Marcos Caraballo for wearing "indecent clothing" during a photo session in front of the Basilica of La Chinita. Nerio Antonio Bello, supplier of the costume, was also arrested after complaints in social networks and pressure from religious sectors²⁹³⁰. On the other hand, on February 9, 2024, the arrest of lawyer and activist Rocío del Carmen San Miguel Sosa was recorded at the Simón Bolívar International Airport while she was trying to travel with her daughter²⁹³¹. The Public Prosecutor's Office confirmed her arrest by means of an arrest warrant, allegedly for her connection with the "White Armband" conspiracy, which would aim at making an attempt against the life of the President and other officials²⁹³².

1330. The Special Rapporteurship also learned about the detention of LGBTIQ+ activist Yendri Velásquez, which occurred on August 3 at the International Airport of Maiquetía, La Guaira, while he was trying to travel to Switzerland to participate in the UN Committee against Racial Discrimination. According to publicly available information, immigration authorities notified him that his passport had been annulled, after which he was reportedly subjected to forced disappearance before being released that same night in Caracas²⁹³³. In addition, civil society organizations have reported the circulation of discriminatory messages by state officials in national media, such as *Globovisión* and *Venezolana de Televisión*, which are leading to harassment and persecution of LGBTIQ+ persons and human rights defenders.²⁹³⁴

1331. On August 1, Jesús Alexander Suárez was arrested in Puerto Cabello by SEBIN after posting a video on TikTok in which he mentioned the President of the Republic and the Minister of Interior Relations, Justice and Peace. According to reports, after his arrest, Suarez was recorded "confessing" under duress, and

²⁹²⁴ IACHR, Press Release No. 184/24, [IACHR and RELE condemn practices of state terrorism in Venezuela](#), August 15, 2024.

²⁹²⁵ IACHR, Press Release No. 184/24, [IACHR and RELE condemn practices of state terrorism in Venezuela](#), August 15, 2024.

²⁹²⁶ I/A Court H.R., Case of Canese v. Paraguay, Judgment of August 31, 2004, Series C No. 111, para. 90.

²⁹²⁷ I/A Court H.R., Case of Canese v. Paraguay, Judgment of August 31, 2004, Series C No. 111, para. 90.

²⁹²⁸ IACHR, Pleadings before the Inter-American Court in the case of Canese v. Paraguay. Transcribed in: I/A Court H.R., Case of Canese v. Paraguay, Judgment of August 31, 2004, Series C No. 111, para. 72 (B).

²⁹²⁹ 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. 221.

²⁹³⁰ Espacio Público, [General Situation of the Right to Freedom of Expression and Information, January - April 2024](#), May 3, 2024.

²⁹³¹ Aula Abierta, [Detention of professor and human rights defender Rocío San Miguel also violates academic freedom and democracy](#), February 13, 2024.

²⁹³² CNN en español, Detienen a la presidenta de la ONG venezolana Control Ciudadano, Rocío San Miguel, February 11, 2024; Aula Abierta, [Detención de la profesora y defensora de derechos humanos Rocío San Miguel vulnera también la libertad académica y la democracia](#), February 13, 2024.

²⁹³³ Espacio Público, [August: censorship and post-electoral repression](#), September 5, 2024.

²⁹³⁴ Public Space, [February: intimidation and censorship increases](#), March 4, 2024.

the video was posted on the *Instagram* account of Colonel Alexander Granko Arteaga²⁹³⁵. On the same day, a 43-year-old woman was reportedly arrested in Ocumare del Tuy for writing the word "freedom" on the street using flour from the CLAP program²⁹³⁶. According to reports, she was accused of "incitement to hatred". Likewise, in Anzoátegui, Jesús Manuel Martínez was reportedly arrested by the regional Police for disseminating content considered as "promotion and incitement to hatred"²⁹³⁷. In addition, it was learned about the arrest of Iris Rincón in Maracaibo, who was arrested for criticizing the President of the Republic and the CLAP program on TikTok. Rincón was accused of "instigation to hate" and, according to reports, the GNB commander shared a video in which she apologizes and claims to have been paid to make the recording²⁹³⁸. On the other hand, the lawyer and coordinator of Vente Venezuela in Portuguesa, María Oropeza, was allegedly arbitrarily detained after publishing a video critical of the persecution of opponents.²⁹³⁹

1332. Likewise, the Office of the Special Rapporteur learned that on November 17, 2024, Óscar Murillo, journalist and university professor, as well as General Coordinator of the *Venezuela Human Rights Education-Action Program* (PROVEA), reportedly received a summons from the Scientific, Criminal, and Criminalistic Investigations Corps (CICPC) to appear before its Anti-Terrorism Division on November 20, 2024²⁹⁴⁰. This summons would be part of an alleged investigation related to the Law against Hate, Peaceful Coexistence and Tolerance. In light of these facts, civil society organizations have warned of an increase in threats and harassment by the authorities, especially directed at those who demand accountability in critical cases, such as the death of Edwin Santos in the state of Apure.²⁹⁴¹

1333. In 2024, restrictive legislative initiatives that arbitrarily limit the exercise of the rights to freedom of expression, association and peaceful assembly also continued to be registered. Thus, for example, on April 2, 2024, Executive Vice President Delcy Rodríguez presented a proposal for a Law against Fascism, Neo-Fascism and Similar Expressions, which had already been approved in first discussion by the National Assembly²⁹⁴². Rodríguez informed through her *X* account (formerly *Twitter*) that the President of the Republic had decided to establish a High Commission of State against Fascism and Neofascism, in charge of drafting a bill to be submitted to the National Assembly²⁹⁴³. Civil society organizations have pointed out that, in a context of increasing political repression and violations to freedom of expression, this law would add to a series of regulations designed to restrict civic space and silence critical sectors, in line with the previous Law against Hate.²⁹⁴⁴

1334. As the Special Rapporteur was able to learn, Article 4 of the legislative proposal defines characteristics of "fascism" that include racism, chauvinism, classism, moral conservatism, neoliberalism, misogyny and any phobia "against human beings and their right to non-discrimination and to diversity". It also provides that "neo-fascism and similar expressions" include any ideological stance that reproduces, in whole or in part, the principles and methods of fascism. Article 11, referring to the "prohibition of fascist messages", would establish a list of prohibited acts related to the apology and promotion of fascism. In particular, numeral 3 would prohibit messages that "denigrate democracy, its institutions and republican values", which generates a wide margin of discretion that could arbitrarily restrict freedom of expression and silence criticism of the government. Likewise, numeral 5 prohibits expressions that "exalt or make apology of principles and methods

²⁹³⁵ Espacio Público, [August: censorship and post-electoral repression](#), September 5, 2024.

²⁹³⁶ Espacio Público, [August: censorship and post-electoral repression](#), September 5, 2024.

²⁹³⁷ Espacio Público, [August: censorship and post-electoral repression](#), September 5, 2024.

²⁹³⁸ Espacio Público, [August: censorship and post-electoral repression](#), September 5, 2024.

²⁹³⁹ Espacio Público, [August: censorship and post-electoral repression](#), September 5, 2024.

²⁹⁴⁰ Programa Venezuela Educación-Acción en Derechos Humanos (PROVEA), [Coordinador General de Provea es citado a declarar ante el CICPC en medio de una escalada contra las ONG](#), November 19, 2024; International Federation for Human Rights, [Venezuela: Hostigamiento judicial a Óscar Murillo y PROVEA](#), November 19, 2024.

²⁹⁴¹ WOLA, [WOLA denounces persecution of PROVEA and civil society organizations in Venezuela](#), November 19, 2024.

²⁹⁴² Provea, [Venezuela in front of the mirror of fascism: human rights perspectives on the bill "Law against fascism, neo-fascism and similar expressions" | Peace Laboratory](#), April 4, 2024.

²⁹⁴³ Provea, [Venezuela in front of the mirror of fascism: human rights perspectives on the bill "Law against fascism, neo-fascism and similar expressions" | Peace Laboratory](#), April 4, 2024.

²⁹⁴⁴ Public Space, [Law against hate and fascism, two sides of the same coin](#), April 15, 2024.

of fascism"²⁹⁴⁵. Civil society organizations have expressed concern about the ambiguous wording of the bill, which could allow arbitrary interpretations and discretionary use by the authorities.²⁹⁴⁶

1335. This law would oblige the media to "guarantee spaces free of fascist messages", which would empower Conatel to impose administrative sanctions, which could include fines and the revocation of concessions. In addition, the law would establish penalties of up to 12 years of imprisonment for those who promote fascism and would allow the dissolution of organizations that make apology of that²⁹⁴⁷. In addition, it would disqualify those who allegedly promote fascist behavior, which could affect their right to participate in politics and parliamentary immunity. It would also contemplate fines for those who finance organizations that incur in actions contrary to the regulations, which could imply "undue interference by the State in matters of international cooperation in violation of the principle of autonomy as a guarantee of free association"²⁹⁴⁸. On August 12, the president of the National Assembly, Jorge Rodríguez, announced the suspension of the parliamentary recess to approve these laws.²⁹⁴⁹

1336. On the other hand, there was discussion and adoption of other laws that restrict civic space and criminalize the work of human rights defenders. In this context, the IACHR and its Special Rapporteurship learned about the approval, on August 15, of the Law of "Control, Regularization, Performance and Financing of Non-Governmental Organizations (NGOs) and Non-Profit Social Organizations" in its second discussion by the National Assembly, which was published in the official gazette in early December 2024²⁹⁵⁰. Articles 1 and 2 state that the purpose of this regulation is to regulate the incorporation, registration, operation and financing of NGOs operating in Venezuela. However, it excludes those organizations "whose constitution and operation are governed by special laws"²⁹⁵¹. Civil society organizations have warned that this law could jeopardize the existence of community, humanitarian and human rights organizations, as it contains ambiguous provisions that could lead to disproportionate sanctions and even the illegalization of such entities.²⁹⁵²

1337. According to public reports, the law was initially approved in first discussion on January 24, 2023, without prior public consultation²⁹⁵³. Although it was announced that a formal consultation would take place on January 12, 2024, there is no evidence that this consultation was carried out in a broad, inclusive and transparent manner, according to the same reports²⁹⁵⁴. In January 2024, the IACHR and its Special Rapporteurship expressed concern that during the two discussions of this project, pro-government deputies called civil society organizations "enemies", "destabilizers", "traitors to the homeland" and "party facades", among other stigmatizing labels²⁹⁵⁵. These statements evidence a climate of hostility towards individuals and organizations that defend human rights or practice journalism in Venezuela. In this regard, they urged the

²⁹⁴⁵ Cepaz, [UN Special Rapporteurs request Venezuela to review and reconsider the draft law against fascism](#), October 8, 2024.

²⁹⁴⁶ Provea, [Venezuela in front of the mirror of fascism: human rights perspectives on the bill "Law against fascism, neo-fascism and similar expressions"](#) | Peace Laboratory, April 4, 2024.

²⁹⁴⁷ Espacio Público, [Ley contra el odio y el fascismo, dos caras de una misma moneda](#), April 15, 2024; Cepaz, [Relatoras Especiales ONU solicitan a Venezuela revisar y reconsiderar el proyecto de Ley contra el fascismo](#), October 8, 2024.

²⁹⁴⁸ Public Space, [Law against hate and fascism, two sides of the same coin](#), April 15, 2024;

²⁹⁴⁹ Espacio Público, [August: censorship and post-electoral repression](#), September 5, 2024.

²⁹⁵⁰ Directorio Legislativo, [Se aprobó la "ley anti ONG" en Venezuela: su historia y alcance, 2024](#); Espacio Público, [Agosto: censura y represión postelectoral](#), September 5, 2024; El Nacional, [Ley para controlar y sancionar ONG fue publicada en Gaceta Oficial](#), December 4, 2024.

²⁹⁵¹ Espacio Público, [Análisis de la Ley de Fiscalización, Regularización, Actuación y Financiamiento de las Organizaciones No Gubernamentales y Organizaciones Sociales Sin Fines de Lucro](#), September 6, 2024.

²⁹⁵² Amnesty International, [Venezuela: Approval of 'Anti-NGO Law' punishes assistance to victims and defense of human rights](#), August 16, 2024; [Alianza Regional, Venezuelan civil society outlawed amid post-election crackdown](#), August 15, 2024.

²⁹⁵³ Espacio Público, [Análisis de la Ley de Fiscalización, Regularización, Actuación y Financiamiento de las Organizaciones No Gubernamentales y Organizaciones Sociales Sin Fines de Lucro](#), September 6, 2024.

²⁹⁵⁴ Espacio Público, [Análisis de la Ley de Fiscalización, Regularización, Actuación y Financiamiento de las Organizaciones No Gubernamentales y Organizaciones Sociales Sin Fines de Lucro](#), September 6, 2024.

²⁹⁵⁵ IACHR, Press Release 22/24, [Venezuela: IACHR urges the State not to approve bill limiting the right to association and participation](#), January 26, 2024.

Venezuelan State to refrain from passing any legislation or regulation that arbitrarily limits the right of association, freedom of expression and participation in matters of public interest.²⁹⁵⁶

1338. This Office recalls that the State must take all necessary measures to foster an environment conducive to the exercise of freedom of assembly and association, public participation and diversity of voices, and refrain from making statements that could undermine or jeopardize the rights of defenders and civil society organizations. Freedom of association implies the right of organizations to establish their internal structure, activities and program of action without any intervention by the authorities that restricts or hinders the exercise of this right. It also warns that any restriction to the exercise of the right of association must be clearly established by law, in advance and in an express, precise and exhaustive manner. Furthermore, it must pursue a legitimate aim and be necessary and proportional in a democratic society. In this regard, the IACHR has indicated that States must "refrain from promoting laws and policies that use vague, imprecise and broad definitions of legitimate grounds to restrict the possibilities for the formation and operation of human rights organizations"²⁹⁵⁷.

1339. On the other hand, the Special Rapporteurship learned that on December 2, 2024, the Organic Law "Libertador Simón Bolívar against the Imperialist Blockade and in Defense of the Bolivarian Republic of Venezuela" was published, sanctioned by the National Assembly on November 28, 2024²⁹⁵⁸. According to official information, the bill was presented by the president of the Special Commission, Deputy Carlos Mogollón, who indicated that the proposal responds to the aggressions suffered by the Venezuelan people due to unilateral coercive measures²⁹⁵⁹. Congressman José Gregorio Correa pointed out that, although the law is brief, it is necessary, since the blockade promoted by certain sectors harms the Republic, businessmen, employment and the entire Venezuelan population.²⁹⁶⁰

1340. As this Office has learned, the purpose of the law is to protect the Venezuelan people against the actions of persons who "promote, invoke, support or participate in the imposition of unilateral coercive measures and other actions that threaten the security of the Nation, as well as the sovereignty, independence, self-determination, territorial integrity, cultural values, patriotic symbols, interests of the Bolivarian Republic of Venezuela and the human rights of the population"²⁹⁶¹. In this regard, the following are considered actions that threaten the sovereignty, independence, self-determination and territorial integrity of the Bolivarian Republic of Venezuela: the disregard of the legitimately established Public Powers and their acts, the recognition of illegitimate groups or organizations that pretend to exercise such powers, and the collaboration with foreign agencies or officials to impose or aggravate unilateral coercive measures and other punitive restrictions.²⁹⁶²

1341. Article 5 of the law states that it is contrary to the duty to protect the independence, sovereignty, territorial integrity, self-determination and interests of the Nation, any conduct that executes, promotes, invokes or facilitates actions against the security of the Nation or the imposition of unilateral coercive and restrictive measures against the Venezuelan people²⁹⁶³. For its part, Article 6 establishes that the

²⁹⁵⁶ IACHR, Press Release 22/24, [Venezuela: IACHR urges the State not to approve bill limiting the right to association and participation](#), January 26, 2024.

²⁹⁵⁷ IACHR, [Second Report on the Situation of Human Rights Defenders in the Americas](#), OEA/Ser.L/V/II. Doc.66, December 31, 2011, para. 165.

²⁹⁵⁸ Access to Justice, [Ley Orgánica Libertador Simón Bolívar against the Imperialist Blockade and in Defense of the Bolivarian Republic of Venezuela](#), December 20, 2024.

²⁹⁵⁹ National Assembly of the Bolivarian Republic of Venezuela, [Parliament approves in first discussion Organic Law Liberator Simón Bolívar](#), November 21, 2024.

²⁹⁶⁰ National Assembly of the Bolivarian Republic of Venezuela, [Parliament approves in first discussion Organic Law Liberator Simón Bolívar](#), November 21, 2024.

²⁹⁶¹ Access to Justice, [Ley Orgánica Libertador Simón Bolívar contra el Bloqueo Imperialista y en Defensa de la República Bolivariana de Venezuela](#), December 20, 2024; El País, [Venezuela aprueba una ley que persigue por traición a la patria a quienes apoyen las sanciones internacionales](#), November 28, 2024.

²⁹⁶² Access to Justice, [Ley Orgánica Libertador Simón Bolívar contra el Bloqueo Imperialista y en Defensa de la República Bolivariana de Venezuela](#), December 20, 2024; DW, [Venezuela approves law to punish support for sanctions](#), November 28, 2024.

²⁹⁶³ Access to Justice, [Ley Orgánica Libertador Simón Bolívar against the Imperialist Blockade and in Defense of the Bolivarian Republic of Venezuela](#), December 20, 2024.

unilateral coercive measures and other restrictions imposed on the Bolivarian Republic of Venezuela constitute a crime against humanity within the framework of a systematic and generalized attack against the civilian population. In this sense, the judicial bodies have the obligation to investigate, try and punish those who participate in these crimes within their jurisdiction.²⁹⁶⁴

1342. The law provides for sanctions for those who incur in these practices, which include: ineligibility to run for elected office, with challenges to candidacies; prison sentences and fines; political disqualification; expulsion of foreigners; disqualification to exercise public functions; forfeiture of ownership; civil liability; and revocation of concessions to operate as providers of radio and television services²⁹⁶⁵. In the case of digital platforms, the permit to operate in the country could be revoked or denied.²⁹⁶⁶

1343. On the other hand, criminalization, persecution, threats, harassment and arbitrary detentions of members of the educational community and human rights defenders, motivated by political reasons, continue to be recurrent practices denounced by Venezuelan civil society organizations²⁹⁶⁷. In particular, between January and November 2024, the organization *Aula Abierta* registered a total of 180 protests led by members of the university community. Of these, 125 took place in universities in the center of the country, 28 in Los Andes, 6 in the East and 21 in the West. Of the documented protests, 89 were in person and 91 took place in digital spaces²⁹⁶⁸. The main demands were a living wage and the defense of university autonomy, with 15 protests in defense of the financial autonomy of universities and 24 protests related to the defense of democracy and human rights²⁹⁶⁹

1344. Regarding arbitrary detentions of members of the university community in the exercise of freedom of expression and academic freedom, the organization *Aula Abierta* documented, between June 2021 and March 2024, at least two cases of detention of professors and ten of students. Between 2014 and 2024, more than 410 arbitrary detentions have been registered, as well as nine extrajudicial executions and four forced disappearances of members of the university community²⁹⁷⁰

1345. On the other hand, the IACHR and its Office of the Special Rapporteur observe that during the post-electoral context, repressive practices against members of the educational community have intensified. They have received reports of multiple cases of arbitrary detentions, forced disappearances, threats and stigmatization, as well as acts of vandalism in academic facilities. In particular, between July 28 and September 30, 2024, *Aula Abierta* documented 51 incidents of reprisals against members of the university community, including 12 professors detained for their participation in post-election protests, 22 students deprived of their liberty, 31 cases of harassment and 71 students expelled from the Universidad Nacional Experimental de la Seguridad (UNES)²⁹⁷¹. There were also acts such as the cancellation of a professor's passport and 18 student protests demanding improvements in university services

1346. Likewise, on July 28, 2024, irregularities were reported at the National Experimental Security University (UNES) in Caracas, where students were pressured to vote for Nicolás Maduro under threat of reprisals. At least 25 students who refused to vote for the president remain missing, and their relatives have

²⁹⁶⁴ Access to Justice, [Ley Orgánica Libertador Simón Bolívar against the Imperialist Blockade and in Defense of the Bolivarian Republic of Venezuela](#), December 20, 2024.

²⁹⁶⁵ Access to Justice, [Ley Orgánica Libertador Simón Bolívar contra el Bloqueo Imperialista y en Defensa de la República Bolivariana de Venezuela](#), December 20, 2024; El País, [Venezuela approves law to prosecute for treason those who support international sanctions](#), November 28, 2024; BBC News, [Venezuela approves harsh law to punish with up to 30 years in prison those who support international sanctions against the country](#), November 29, 2024.

²⁹⁶⁶ Access to Justice, [Ley Orgánica Libertador Simón Bolívar against the Imperialist Blockade and in Defense of the Bolivarian Republic of Venezuela](#), December 20, 2024.

²⁹⁶⁷ El Espectador, [John Álvarez, el estudiante que duró cuatro meses preso, fue liberado en Venezuela. December 23, 2024: Aula Abierta. Detención de la profesora y defensora de derechos humanos Rocío San Miguel vulnera también la libertad académica y la democracia](#), February 13, 2024

²⁹⁶⁸ Information sent by Aula Abierta, Archivo de la Relatoría Especial, December 18, 2024

²⁹⁶⁹ Information sent by Aula Abierta, Archivo de la Relatoría Especial, December 18, 2024.

²⁹⁷⁰ Information sent by Aula Abierta, Archivo de la Relatoría Especial, May 31, 2024

²⁹⁷¹ Aula Abierta, Executive Summary: violations of academic freedom and university autonomy in Latin America, October 2024. Information received by REDESCA-IACHR

denounced the lack of official information on their whereabouts²⁹⁷². On August 1, 2024, an attack on the Gustavo Leal Library of the Central University of Venezuela (UCV) was reported after a critical pronouncement of the university regarding the elections²⁹⁷³. At the same time, armed groups related to the government reportedly intercepted students and professors, threatening and accusing members of the educational community of being "terrorists"

1347. The IACHR and its Office of the Special Rapporteur highlight the transcendental role of universities as centers that generate critical thinking and the exchange of ideas. They also highlight the close relationship between academic freedom and the construction and consolidation of a democratic society²⁹⁷⁴. The Venezuelan State must respect and guarantee university autonomy. In particular, it emphasizes that any state interference must meet the requirements of legality and legitimate purpose, as well as suitability, necessity and proportionality under the precepts of a democratic society²⁹⁷⁵. Likewise, it is the duty of the State to prevent and investigate any type of act that constitutes intimidation, harassment, bullying or threat against individuals due to their participation in the academic community.²⁹⁷⁶

C. Freedom of expression and the Internet

1348. In Venezuela, the political and social crisis has been accompanied by strict state control of the digital space. Laws limiting access to information and mass surveillance have created an environment where exercising digital rights is risky. Censorship of both traditional and digital media has increased, with at least 53 news websites blocked prior to the presidential election²⁹⁷⁷. These blocking and filtering policies have restricted access to critical information, hindering the organization of social movements in defense of human rights and democracy and the circulation of information.

1349. In March 2024, massive Internet service interruptions were recorded in several regions of the country, allegedly due to power failures, especially affecting the states of Nueva Esparta, Lara, Sucre, Trujillo, Táchira, Barinas, Carabobo, Falcón and Zulia²⁹⁷⁸. On March 14, a new failure in Táchira caused a reduction of connectivity to 91% nationwide, while in that state the connection was reduced to half.²⁹⁷⁹

1350. In addition, the Venezuelan government reportedly used the blocking of digital portals as a strategy to silence the independent press and non-governmental organizations²⁹⁸⁰. In particular, on July 22, 2024, the main operators reportedly blocked the domain *vesinfiltro.com*. That same day, six news sites, including *TalCual*, *El Estímulo*, *Análítica* and *Runrun.es*, as well as the organizations *Medianálisis* and the platform *VE Sin Filtro*, were blocked by internet providers Cantv, Movistar, Digitel, Inter and NetUno.²⁹⁸¹

1351. On July 17, 2024, the Office of the Special Rapporteur learned that the state-owned company Cantv had implemented a DNS block on the website of the organization *Espacio Público*, according to measurements by *VE Sin Filtro*²⁹⁸². In addition, civil society organizations have documented the blocking of

²⁹⁷² Aula Abierta, [Retalias contra universitarios en elecciones presidenciales en Venezuela entre el 28 y 30 de julio 2024](#), July 30, 2024

²⁹⁷³ Aula Abierta, UN: [Venezuelan university students detained after July 28 election suffer serious human rights violations](#), October 30, 2024

²⁹⁷⁴ IACHR, [Inter-American Principles on Academic Freedom and University Autonomy](#), 2021.

²⁹⁷⁵ IACHR, [Inter-American Principles on Academic Freedom and University Autonomy](#), 2021.

²⁹⁷⁶ IACHR, [Inter-American Principles on Academic Freedom and University Autonomy](#), 2021.

²⁹⁷⁷ Report submitted by the Digital Human Rights Monitor unit of the NGO Movimiento Vinotinto, Derechos Digitales: Venezuela 2024, December 2024.

²⁹⁷⁸ Infobae, [Journalists imprisoned or under arrest warrant and media under threat: repression against the press grows in Venezuela](#), April 7, 2024.

²⁹⁷⁹ Infobae, [Journalists imprisoned or under arrest warrant and media under threat: repression against the press grows in Venezuela](#), April 7, 2024.

²⁹⁸⁰ Ntn24, ["Estamos a puertas de un 'blackout informativo' en Venezuela para el 28 de julio": secretario del Sindicato Nacional de Trabajadores de la Prensa](#), July 23, 2024.

²⁹⁸¹ IPYS, [Persisten bloqueos a sitios web durante campaña electoral](#), July 24, 2024.

²⁹⁸² IPYS, [Persisten bloqueos a sitios web durante campaña electoral](#), July 24, 2024.

approximately 62 sites by Conatel, including verification platforms such as the *Venezuelan Fake News Observatory*, *EsPaja* and *Cazadores de Fake News*, prior to the July 28 elections.²⁹⁸³

1352. Following the presidential elections, the IACHR and its Office of the Special Rapporteur warned of an increase in digital repression by the Venezuelan regime, which uses technology to profile, monitor and intimidate opponents and critical voices²⁹⁸⁴. In this regard, blocking of websites, social networks and instant messaging platforms has been documented, in addition to the implementation of applications that encourage snitching among citizens. In particular, the *VenApp* application, initially intended for the management of public services, has been reconfigured to allow the reporting of activities classified as "suspicious", "fascist guarimba", "disinformation" and "public disorder"²⁹⁸⁵. According to available information, *VenApp* has been disabled in the Apple Store and Google Play stores, which prevents its download on iOS and Android devices in Venezuela²⁹⁸⁶. In this context, the IACHR and its Office of the Special Rapporteur have also received reports of arbitrary detentions on public roads to inspect content on mobile devices, as well as the use of video surveillance systems and drones for patrolling.²⁹⁸⁷

1353. According to public reports, state security forces are reportedly conducting active monitoring of social networks, urging their sympathizers to report dissident activities. This practice has resulted in arrests and raids without warrants²⁹⁸⁸. Likewise, those detained are being denied the right to a fair trial, being sent to what are called "re-education centers". These actions would be part of "Operation Tun Tun", which uses platforms such as *Instagram*, *Telegram* and *X* to reveal names, photographs and addresses of dissidents and opponents, including activists, journalists and electoral witnesses²⁹⁸⁹. In addition, officials are reportedly using their social networks and state media to expose and intimidate these individuals, as well as to disseminate videos portraying regime critics as criminals, forcing them to issue messages of repentance.²⁹⁹⁰

1354. On August 5, the President of the Republic announced his intention to regulate or block platforms such as *TikTok*, *Instagram* and *X*, accusing them of promoting "hate and fascism". Two days later, it was reported that a criminal investigation had been initiated against those responsible for the page *resultadosconvzla.com* and the social network *X* was ordered to be suspended for 10 days, in addition to blocking the messaging application *Signal*. Likewise, the President of the Republic urged citizens to uninstall *the WhatsApp* application²⁹⁹¹. On August 9, the government also reportedly blocked access to Reddit and warned television networks about possible sanctions for covering demonstrations. Furthermore, according to public reports, state-owned Cantv blocked *Microsoft* domains, affecting access to *Microsoft Teams* and other services, as well as portals and applications of *Binance* and *Mercado Libre*, among others.²⁹⁹²

1355. On August 14, Internet connection capacity in the country was reduced to 81%, with a notable impact in the states of Trujillo, Barinas and Portuguesa²⁹⁹³. In addition, on August 31 there was a massive blackout affecting at least 20 states, resulting in an immediate drop in connectivity.²⁹⁹⁴

²⁹⁸³ Observatorio Digital ProBox, [TerrorEnRedes: Maduro's digital strategy to suppress critical voices](#), August 25, 2024; Access Now, [Open letter on technology-enabled political violence in Venezuela](#), August 5, 2024.

²⁹⁸⁴ IACHR, Press Release No. 184/24, [IACHR and RELE condemn practices of state terrorism in Venezuela](#), August 15, 2024.

²⁹⁸⁵ IACHR, Press Release No. 184/24, [IACHR and RELE condemn practices of state terrorism in Venezuela](#), August 15, 2024.

²⁹⁸⁶ El Diario, [Inhabilitaron la aplicación VenApp de iOS y Android: los detalles, July 31, 2024](#); Tal Cual, [EsPaja | Was VenApp removed from Google Play Store and Apple App Store in Venezuela](#), August 1, 2024

²⁹⁸⁷ Access Now, [Open Letter on Technology-Enabled Political Violence in Venezuela](#), August 5, 2024; IACHR, Press Release No. 184/24, [IACHR and RELE Condemn State Terrorism Practices in Venezuela](#), August 15, 2024

²⁹⁸⁸ Access Now, [Open letter on technology-enabled political violence in Venezuela](#), August 5, 2024.

²⁹⁸⁹ Access Now, [Open letter on technology-enabled political violence in Venezuela](#), August 5, 2024.

²⁹⁹⁰ Access Now, [Open letter on technology-enabled political violence in Venezuela](#), August 5, 2024; IACHR, Office of the Special Rapporteur for Freedom of Expression, Communiqué No.328/24, [RELE condemns repression in Venezuela and calls on the international community to reject violations of freedom of expression](#), December 26, 2024.

²⁹⁹¹ Espacio Público, [August: censorship and post-electoral repression](#), September 5, 2024.

²⁹⁹² Espacio Público, [August: censorship and post-electoral repression](#), September 5, 2024.

²⁹⁹³ Espacio Público, [August: censorship and post-electoral repression](#), September 5, 2024.

²⁹⁹⁴ Espacio Público, [August: censorship and post-electoral repression](#), September 5, 2024.

1356. The IACHR and its RELE recall that, as part of their 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. Furthermore, the obligation to respect implies that authorities should refrain from interfering with access to the internet and digital communication platforms, unless the restriction is in full compliance with the requirements set out in the applicable human rights instruments.²⁹⁹⁵

1357. Likewise, as this Office has pointed out, measures such as blocking websites, platforms, domains and IP addresses may constitute a form of censorship that restricts access to information, affects journalistic work and may cover up human rights violations. These measures are only justified when they are necessary to protect human rights or legitimate public interests and proportionate, that is, when there are no less invasive alternative measures that could preserve that interest.²⁹⁹⁶

1358. In addition, legislative initiatives seeking to regulate the operation of the Internet have been reported. On August 19, 2024, Decree No. 4,975, dated August 12, 2024, was published, creating the National Cybersecurity Council as a permanent advisory body to the President of the Republic²⁹⁹⁷. According to public information, its function will be to prevent the criminal use of communication and information technologies. The decree states that Venezuela has been victim of "telematic aggressions" that would seek to affect sovereign decisions during the electoral elections, attributing them to the interests of technological companies that allegedly act with economic and political and "interfering" purposes²⁹⁹⁸. Among the functions of the National Cybersecurity Council would be to advise on the formulation of the national cybersecurity policy, continuously evaluate risks and threats in computer security, and establish a telematic incident monitoring network to prevent and control cross-border computer crimes.²⁹⁹⁹

1359. In this context, the Office of the Special Rapporteur took note of the statements made by the President of the Republic, who affirmed that "the entire Internet is produced in the United States", pointing to various technology companies that, according to him, "are attacking Venezuela"³⁰⁰⁰. He announced the creation of the Presidential Council on Cybersecurity to "face cyber attacks, protect the nation's technological systems and guarantee the release of all the country's command programs"³⁰⁰¹.

1360. Finally, this Office learned about the creation of a Special Commission to legislate on social networks and their impact on the population, especially on children and adolescents.³⁰⁰²

1361. The Office of the Special Rapporteur reiterates that in order to avoid a broad concept that could lead to the criminalization of the use of the Internet, the concept of cybersecurity should be restricted 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 nature³⁰⁰³. The response of States in terms of security in cyberspace must be limited and proportionate, and seek to fulfill 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

²⁹⁹⁵ UN, Report of the Office of the United Nations High Commissioner for Human Rights, A/HRC/50/55, 13 May 2022, para. 8.

²⁹⁹⁶ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Digital Inclusion and Internet Governance](#), OEA/Ser.L/V/II CIDH/RELE/INF. 28/24, June 2024, para. 215.

²⁹⁹⁷ Access to Justice, [Created the National Cybersecurity Council](#), August 22, 2024; Report submitted by the Digital Human Rights Monitor unit of the NGO Movimiento Vinotinto, Derechos Digitales: Venezuela 2024, December 2024.

²⁹⁹⁸ Access to Justice, [Created the National Cybersecurity Council](#), August 22, 2024.

²⁹⁹⁹ Access to Justice, [Created the National Cybersecurity Council](#), August 22, 2024.

³⁰⁰⁰ Wired, [Venezuela will discuss a reform on social networks: "they are the greatest danger against freedom", says Jorge Rodríguez](#), August 12, 2024.

³⁰⁰¹ Wired, [Venezuela will discuss a reform on social networks: "they are the greatest danger against freedom", says Jorge Rodríguez](#), August 12, 2024.

³⁰⁰² Asamblea Nacional de la República Bolivariana de Venezuela, [AN crea Comisión Especial para legislar sobre Redes Sociales](#), November 20, 2024; Asamblea Nacional de la República Bolivariana de Venezuela, [AN instala Comisión Especial para Legislar sobre Redes Sociales](#), November 21, 2024.

³⁰⁰³ 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.

fundamental instrument for dealing with all possible threats to online security³⁰⁰⁴. In taking initiatives to protect security in cyberspace, states should include explicit safeguards in the norm to ensure that regular or inherent conduct in the use of the Internet is not criminalized. It should also require that the defined acts involve actual harm and that the harmful conduct is committed with criminal intent.³⁰⁰⁵

1362. In addition, this Office emphasizes that public policies on cybersecurity must be proportional to the risk they face and, in any case, must weigh the objective of security and the protection of fundamental rights³⁰⁰⁶. The Rapporteurship emphasizes that States must inform, among others, on the general guidelines of the policies and on the agencies in charge and the responsibilities they have.

³⁰⁰⁴ 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.

³⁰⁰⁵ 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.

³⁰⁰⁶ 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. 124.

CHAPTER III: CONCLUSIONS AND RECOMMENDATIONS

1. The inter-American human rights system has consolidated a robust jurisprudence on freedom of expression, underscoring the right of individuals to think independently, to express their ideas without fear of reprisals, to participate equitably in public debate, to know diverse opinions, and to access the information necessary to exercise political control. The full exercise of this right, together with the ability to deliberate freely on public affairs, is a fundamental pillar for the consolidation and functioning of democratic regimes. The formation of an informed public opinion, citizen control over public administration and the demand for accountability of public officials are not viable without the guarantee of this right.

2. In this context, it has also been emphasized that freedom of expression plays an essential democratic role, not only in preventing the rise of authoritarian regimes, but also in facilitating personal and collective self-determination. Consequently, the State has the obligation to ensure the necessary conditions for an open and pluralistic public debate on matters of concern to the citizenry. As highlighted in the "Hemispheric Agenda for the Defense of Freedom of Expression" more than 15 years ago, an active citizenry demands institutions that promote, not inhibit, deliberation on issues of public relevance. The use of coercive means, or even more subtle mechanisms, by the State to impose a single vision or deter free deliberation is incompatible with democratic principles.

3. Part of this obligation also implies the correct assignment of limits to freedom of expression, which must be based on a solid rule of law that guarantees essential democratic principles, such as the separation of powers. In this context, it is recognized that, although freedom of expression does not constitute an absolute right, its effective protection requires the adequate implementation of limits established by independent and impartial authorities, respectful of both the right to freedom of expression and the applicable inter-American standards.

4. In this regard, the Special Rapporteurship culminates its 2024 Annual Report with a chapter of conclusions and recommendations. The purpose of this section is to establish a fluid dialogue with the member states that will make the Americas an example in terms of respecting, guaranteeing and promoting the right to freedom of expression.

A. Journalism and democracy

5. The Office of the Special Rapporteur expresses its deep concern over the persistence of high rates of lethal violence against journalists in the region. In 2024, this Office recorded the murder of at least 22 journalists in six of the 35 Member States of the Organization of American States (OAS) that are under its monitoring, which could be linked to their professional work. In this context, murders of journalists were reported in Mexico (8), Colombia (7), Haiti (3), Honduras (2), Ecuador (1) and Jamaica (1).

6. On November 2, 2024, on the occasion of the International Day to End Impunity for Crimes against Journalists, the Rapporteurship reiterated its urgent call to States to redouble their efforts to prevent, investigate and punish crimes committed against journalists in the region. In this regard, it indicated that without decisive action to combat impunity, guarantee the safety of journalists and ensure the full exercise of freedom of expression, democracies will continue to face the silencing of voices essential to public debate and the right of societies to be informed.

7. In this context, the Office organized a commemorative event in the OAS Poets' Garden, around a memorial dedicated to journalists murdered in the Americas, inaugurated in 2023 to preserve their memory and pay tribute to their work. This event provided a space to reaffirm the regional commitment to the protection of journalists and freedom of the press, as well as to renew the urgent call to investigate, prosecute and punish these crimes. It also sought to sensitize the international community on the main challenges faced by journalists in the exercise of their profession.

8. The Office of the Special Rapporteur emphasizes that the murder of journalists represents the most extreme form of censorship in the Americas. In addition, in 2024, the Office continued to observe various reports of violations of press freedom such as physical attacks, threats of lethal violence, disappearances, kidnappings, armed attacks against journalists and media outlets, as well as possible violations of privacy, including the interception of communications, inspection orders to obtain confidential information related to journalistic sources or investigations, leaks of personal data and profiling or espionage practices. These attacks are particularly aimed at journalists who cover issues related to public administration, illicit economies, citizen security, environment and armed conflict, as well as those who work in areas with a strong presence of organized crime.

9. This set of facts has been documented in several countries in the region, which has resulted in self-censorship of both journalists directly affected by these reprisals and other colleagues. In addition, it has generated situations of forced displacement, exile or even abandonment of the profession.

10. According to information gathered by the Office, journalists are frequently the target of online attacks and harassment, for example, through coordinated disinformation campaigns designed to discredit and delegitimize their work. In addition, profiling practices, online surveillance and digital harassment through the use of automated accounts or fake profiles are recorded, as well as incidents of blocking digital media portals. The Rapporteurship notes that these attacks affect women journalists in a differentiated manner.

11. In 2024, the Office of the Special Rapporteur also documented threats of arrest and attacks against journalists covering demonstrations and social protests in various states in the region. According to public information, these aggressions came from both security agents and private individuals. The reports received indicate that some journalists were physically assaulted, received death threats, had their journalistic material or equipment destroyed, and were subjected to harassment aimed at preventing them from carrying out their work. In addition, there were numerous reports of obstacles to the coverage of issues of public interest and difficulties in accessing official sources. In several cases, the Office of the Special Rapporteur received information on administrative measures that limit access to information, such as denial of requests, exclusion from press conferences and denial of registration to journalists in electoral contexts.

12. This year, the Office recorded situations that could constitute forms of indirect censorship, such as the revocation of visas for journalists, the arbitrary and discriminatory management of official advertising, and the use of strategic lawsuits against public participation (SLAPP). In this context, new controversies have arisen over the interpretation and application of laws in the judicial sphere, designed to protect women's right to a life free of violence, but which are allegedly being used by authorities or public figures for the purpose of silencing them. Thus, for example, in Paraguay, at least six judicial proceedings have been documented against journalists under Law No. 5777/16 on the protection of women, some of which have included precautionary measures prohibiting publication on social networks. This has raised concerns about the correct interpretation of the law and its impact on freedom of expression, which could constitute a form of prior censorship.

13. Likewise, the Office of the Special Rapporteur expresses its concern over the deterioration of the environment for the exercise of freedom of expression in the region, characterized by the low tolerance of those who exercise public functions and political leadership towards criticism and deliberative processes. This trend has been accompanied by a growing centralization of public discourse in the hands of the official voice, which frequently labels the press as "liars", "corrupt" or "enemies". During the year, the Office received multiple reports on stigmatizing discourse, promoted mainly by high-ranking State officials, directed against journalists and the media, with a disproportionate impact on women. This situation, together with the deployment of official propaganda in some States, is limiting the possibility of an open, plural and solid dialogue as a fundamental element for the strengthening of democratic societies.

14. The Rapporteurship has consistently pointed out that those who engage in debates of general interest participate in a public space that they are also called upon to protect. In this sense, it is legitimate and, in certain cases, a duty of state authorities to speak out on issues of public interest and defend themselves

against criticism and questioning by the press. However, in doing so, they must bear in mind that "as public officials they have a position of 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".

15. On the other hand, in countries such as Cuba, Nicaragua and Venezuela, where there has been a complete erosion of the democratic system, the Rapporteurship continues to document the absence of guarantees for the exercise of freedom of expression and other fundamental rights. This context includes repressive practices by the State against the press, such as arbitrary detentions, forced disappearances, raids, police harassment, Internet blockades and the closure of independent media. These actions have created a climate of self-censorship and generalized fear among journalists and the population as a whole.

16. The exile of journalists is increasingly notorious in countries such as Cuba, Nicaragua and Venezuela, and many continue to face repression and self-censorship even outside their territories. Within these States, the zones of information silence continue to expand, severely limiting access to pluralistic information for citizens. At the same time, the media in exile have considerably reduced their operations due to difficulties in accessing cooperation resources and obtaining verifiable information from within the country. This situation casts doubt on the long-term viability of independent media, essential as a counterweight to the official narrative and state propaganda.

17. In 2024, the Rapporteurship expressed concern about the increasing repression in Venezuela in the context of the July 28 presidential elections, documenting serious human rights violations, including arbitrary detentions, forced disappearances, extrajudicial executions, excessive use of force in protests, judicial persecution, and violations of due process. In a communiqué dated August 15, 2024, the Commission concluded that these actions constitute State terrorism and urged the Venezuelan government to cease political persecution, release political prisoners, and restore constitutional order. For its part, the Office of the Special Rapporteur also denounced the criminalization and arbitrary detention of at least 21 journalists, urging the international community to condemn institutional violence and to demand the immediate release of those arbitrarily detained, as well as the implementation of accountability mechanisms to guarantee impartial investigations and sanction those responsible.

18. Finally, in the area of journalism and democracy, the Rapporteurship takes this opportunity to highlight cooperation and the exchange of best practices with OAS member states. In 2024, the Office made progress in technical assistance with countries such as Colombia and Ecuador. In particular, it highlights that on September 9, 2024, the government of Colombia signed a Presidential Directive on the duties of public officials in relation to freedom of expression and respect for freedom of the press.

19. It also highlights the formation of the Core Group of Friends of Freedom of Expression and Journalism of the OAS, which since its presentation on May 3, 2022, on the occasion of World Press Freedom Day, has aimed to ensure the fundamental right to freedom of expression in the framework of the OAS, through the promotion of political dialogue, cooperation and exchange of best practices among Member States. The Office of the Special Rapporteur highlights the continuity of this initiative, considering it a key platform to renew the hemispheric commitment and redouble efforts aimed at the full observance and guarantee of freedom of expression.

20. 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 may 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 that 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 that link the aggression to the professional practice of the victim;
- D. To try by impartial and independent courts all those responsible for murders, assaults, 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 the 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 to their homes 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;
- G. Repeal criminal defamation laws and, in particular, refrain from using criminal prosecutions to protect honor and reputation when disseminating information on matters of public interest, on public officials or on candidates for public office. The protection of the privacy or the honor and reputation of public officials or persons who have voluntarily taken an interest in matters of public interest should be guaranteed only through civil law;
- H. Refrain from using public power to punish or reward media and communicators, in relation to their editorial line or the coverage of certain information, either through the discriminatory and arbitrary allocation of official advertising or other indirect means aimed at impeding communication and the circulation of ideas and opinions;
- I. Encourage democratic debate through declarations, practices and public policies that promote tolerance and respect for all people, on an equal footing, regardless of their thoughts or ideas;
- J. Urge state authorities to refrain from making public statements or using state media for public campaigns that may encourage violence against individuals because of their opinions. In particular, avoid statements that may stigmatize journalists, media and human rights defenders;
- K. Adopt legislation to regulate state powers of control and oversight, and the allocation of public goods or resources directly or indirectly related to the exercise of freedom of expression. At this point, the task is to adjust the institutional frameworks to two fundamental purposes: to prevent the possibility of state powers being used to reward or punish the media according to their editorial line and, on the other hand, to promote pluralism and diversity in the public debate.

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

21. In 2024, the Office of the Special Rapporteur documented various protests in several countries in the region, during which acts of violence against the press and protesters were recorded, both by security agents and private individuals. These incidents included the alleged excessive use of force by State security agents and, in some cases, the criminalization and stigmatization of those exercising their right to peaceful protest.

22. In Argentina, for example, civil society organizations reported serious regressions in the right to protest, highlighting the risks faced by those who use public space to express their demands against austerity policies and other social measures. This issue was raised at a public hearing during the 190th Regular Session of the Commission.

23. In this regard, the Rapporteurship observed a significant deployment of disincentives and limitations to the exercise of the right to social protest in Argentina, characterized by three key elements: (i) the implementation of restrictive regulatory frameworks, such as the adoption of the "Protocol for the Maintenance of Public Order in the Face of the Cutting of Roads of Circulation" through Resolution 943/2023, which establishes regulations incompatible with Inter-American standards on freedom of expression and the right to protest; (ii) the excessive use of public force; and (iii) the stigmatization of protesters and journalists by public authorities, who have labeled protesters as "terrorists" and have justified the use of force by characterizing the protests as attempts at a "modern coup d'état".

24. On the other hand, there were numerous social protests in Canada and the United States, driven by tensions arising from conflicts in the Middle East. In Canada, mobilizations were documented in at least 19 educational institutions in seven provinces, where students, faculty, administrative staff and members of civil society set up encampments to demand that universities divest from companies linked to Israel, end their partnerships with Israeli institutions and demand that the Israeli state comply with its obligations under international law. In this context, several universities requested the intervention of local authorities to evict the camps, adopting legal measures such as trespass and eviction notices, as well as disciplinary measures against students, faculty and staff, which could range from temporary suspensions to permanent expulsions and termination of contracts. In addition, this Office received alerts about counter-protests in response to the encampments. Throughout 2024, the Office of the Special Rapporteur gathered information on these events through listening sessions and public hearings during the 191st Regular Session of the IACHR.

25. In the United States, studies received by this Office suggest that protests over the Middle East conflict would be the largest and most sustained in the country's recent history, with more than 14,400 mobilizations between October 7, 2023 and June 7, 2024. Between April and May 2024, the Rapporteurship recorded protests at more than 70 universities in some 25 states. According to available information, more than 3,100 people, including students, faculty and administrative staff, were detained or arrested on campuses by police officers. The police interventions to clear the camps were reportedly requested or authorized by the academic institutions themselves. There were also allegations of excessive use of force by the police. The Commission and its Special Rapporteur in a communiqué of May 9, 2024, reiterated that freedom of expression and the right to peaceful assembly are essential in democratic societies, especially in educational institutions, which are called to be spaces for the promotion of pluralism of ideas and informed deliberation on matters of public interest.

26. Likewise, the Office of the Special Rapporteur registered with concern reports of excessive use of force in demonstrations in Brazil, particularly in the city of Rio de Janeiro, where a man identified as Jefferson de Araújo Costa was allegedly killed by a military policeman during a peaceful protest against lethal police operations in the region. On previous occasions, the IACHR has expressed its concern about violent police actions in Brazilian states and their racially discriminatory profile. In Haiti, attacks on journalists were also documented after police used tear gas to disperse more than a thousand people in Jérémie. In addition, on

February 8, 2024, journalist Jean Marc Jean was reportedly injured in the face by a tear gas canister fired by riot police in Port-au-Prince.

27. In countries such as Cuba, during the first half of 2024, 137 protests were registered, mainly motivated by blackouts, problems of access to water, food shortages, violence and growing social discontent among the population. In addition, there continue to be reports of criminalization of those who promote or participate in mass demonstrations against the regime. In this context, of particular concern is the warning of the president of the Criminal Chamber of the Supreme People's Court, who warned about the calls on social networks to disturb public order, threatening to apply the crime of sedition. This offense has been used in the past against the July 11, 2021 protesters, with penalties that can reach up to 30 years in prison, life imprisonment or even death penalty in exceptional circumstances. On May 3, 2024, the Commission and its Special Rapporteurship recalled that the death penalty is incompatible with the American Declaration of the Rights and Duties of Man and, if in force, only applies for the most serious crimes, never for political or related crimes.

28. Finally, serious allegations of irregularities and electoral fraud in Venezuela following the July 28, 2024 elections gave rise to at least 300 spontaneous protests throughout the country, mobilizing various social sectors. These demonstrations have been brutally repressed by State forces and by pro-government armed non-state groups known as "colectivos". The repression has followed patterns already documented by the IACHR in the 2014 and 2017 protests, which include: (i) arbitrary use of force, resulting in the deaths of at least 23 people and numerous injuries, between July 28 and 30; (ii) arbitrary detentions and forced disappearances; (iii) judicial persecution and harassment of persons perceived as opponents, as well as electoral volunteers; (iv) censorship and restrictions on freedoms of expression, association and peaceful assembly; and (v) obstacles to human rights advocacy work.

29. In the area of access to public information, the Rapporteurship has continued to document complaints about obstacles to accessing information held by the State, as well as significant changes in the regulatory and institutional frameworks related to transparency, access to information and the protection of personal data. Such modifications could be regressive and, in some cases, have been implemented without broad deliberation.

30. In Argentina, in August 2024, the Special Rapporteurship learned about the reforms to Law 27.275 on Access to Public Information established by Decree 780/2024. Among the most notable changes, the decree excludes from public access "information of a private nature" of officials without clearly defining its scope, introduces the concept of "abuse of the right" to restrict requests for information (which could imply economic sanctions) and broadens the exceptions, also excluding "preparatory deliberations and working papers" from public access.

31. In Mexico, the Office of the Special Rapporteur closely followed the discussion on the elimination of the National Institute for Transparency, Access to Information and Protection of Personal Data (INAI), following the proposed constitutional reforms. INAI has stressed that its autonomy and independence have been fundamental to ensure that decisions on transparency and personal data protection are made without political or ideological interference. In this context, it has warned that the reassignment of its functions to other government entities could compromise the impartiality of the process and increase the risk of human rights being left unprotected, as they are managed by actors who also hold power. Several national and international human rights organizations have expressed their concern, noting that the elimination of autonomous bodies such as INAI would represent a significant setback in access to information and the protection of personal data.

32. Throughout the year, the Office recorded both legislative developments and challenges in the implementation of access to information laws. In the Bahamas, the implementation of the *Freedom of Information Act (FOIA)*, the process of which has dragged on since the 2017 amendments, following its initial passage in 2012, was tracked. Civil society organizations have urged the government to implement the law

without further delay, proposing to increase the budget of the Access to Information Unit, appoint trained staff, acquire the necessary technology, and launch training programs for officials and public education campaigns.

33. In Costa Rica, the Office highlights the approval in second debate of the Framework Law on Access to Public Information by the Legislative Assembly. This law, which seeks to guarantee the fundamental right of access to information (art. 30 of the Constitution), establishes the State's obligation to provide information in a proactive, prompt, free, accessible and transparent manner. As far as this office was able to learn, the bill was consulted with civil society organizations and the media, and is considered a significant advance, as it would consolidate the jurisprudence of the Constitutional Chamber and establish a clear regulatory framework to regulate this right, prohibiting discrimination and reinforcing the duty of public officials to guarantee it.

34. Finally, on July 18, 2024, during the third period of the tenth legislature, the National Assembly of Cuba approved the Law on Transparency and Access to Public Information. Presented by the Minister of Science, Technology and Environment, the law would seek to promote transparency in public management, reduce administrative corruption and bribery. The Minister emphasized that the regulation reflects the political will of the State to make its management transparent and guarantee access to information. According to available information, civil society organizations warn that the new Law of Transparency and Access to Public Information could be used to reinforce control over information, instead of facilitating genuine access to data of public interest.

35. On the other hand, in 2024, the Rapporteurship observed a progressive closure of civic space, characterized by a growing legislative interest in regulating the operation of civil society organizations. Although in previous years the Commission and its Rapporteurship have documented the enactment of similar laws, there is a tendency to replicate this practice in various States in the region.

36. These legislative initiatives - which often impose disproportionate restrictions on fundamental freedoms and use vague and ambiguous wording - along with reports of stigmatization and targeting of human rights defenders, have contributed to an increasingly adverse environment for the operation and financial sustainability of such organizations. The Rapporteurship emphasizes that, while States have the sovereign power to legislate and regulate in this area to ensure public order and transparency, they must ensure that any restrictions to fundamental rights comply with the requirements established by the tripartite test, in accordance with applicable international standards.

37. In Paraguay, on October 9, 2024, the Senate approved, with amendments from the Executive, the law on "control, transparency and accountability of non-profit organizations". The law covers entities that receive or manage public or private, national or international funds and seek to influence public policies or activities of the branches of government. After its enactment on November 15, the Executive announced its regulation through a participatory process of all sectors involved. Through a press release, the Rapporteurship warned that this law introduces additional formalities that could generate excessive administrative burdens and uses vague terms that could restrict the freedoms of expression and association, in contravention of Inter-American standards.

38. In Peru, the Office received information on proposed amendments to Law No. 27692 creating the Peruvian Agency for International Cooperation (APCI) that could impose additional controls on civil society organizations and disproportionately restrict the rights of expression and association. Notable provisions include the power of the APCI to register organizations that engage in "political activism", understood as activities that would seek to influence public policy or electoral outcomes in favor of foreign interests. It also proposes a mandatory registration to access these resources, the obligation to report foreign financing and publish financial information, with sanctions such as the cancellation of registrations. Several international organizations and agencies have expressed concern about the ambiguous wording of these proposals, which could allow restrictive interpretations of fundamental rights.

39. In Ecuador, the Rapporteurship learned about the draft "Organic Law on Civil Society Organizations", presented by the General Secretariat of Public Integrity. Civil society organizations have expressed their rejection, warning of risks to the independence and autonomy of these entities. Likewise, on July 8, 2024, Ministerial Agreement No. PR-SGIP-2024-0002-A, which establishes the Integrity Strategy for Civil Society Organizations (CSOs)/NGOs in the framework of Executive Decree No. 193 of 2017, was published in the Official Gazette. The lack of participation in its drafting and the proposed sanctions, such as loss of legal status and dissolution of organizations, have generated concerns among the organizations themselves. At the 191st Regular Session of the IACHR, it was noted that regulations aimed at preventing money laundering should be targeted.

40. In Venezuela, the IACHR and its Special Rapporteurship recorded the approval, on August 15, 2024, of the Law on "Oversight, Regularization, Performance and Financing of NGOs and Non-Profit Social Organizations" by the National Assembly, published in the official gazette in December of that year. Civil society organizations have expressed concern about ambiguous provisions that could result in disproportionate sanctions and even the illegalization of such entities. In addition, in 2024, other laws such as the Law against Fascism, Neo-Fascism and Similar Expressions, as well as the Organic Law "Libertador Simón Bolívar against the Imperialist Blockade" were followed, which would be designed for the purpose of persecution and silencing.

41. 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 may 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 demonstrations and protests in public spaces, and to expressly establish a 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 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 must establish specific rules and protocols for the 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. Ensure that firearms are excluded from the devices used to control social protests. Prohibiting the carrying of 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 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;

- F. Continue enacting laws that allow effective access to information and complementary regulations that ensure its adequate implementation, in accordance with international standards in this area;
- G. To promote the effective and efficient implementation of the rules of access to information, adequately training public officials and educating citizens in order to eradicate the culture of secrecy and provide citizens with the tools to effectively monitor the functioning of the state, public management and control of corruption, which are essential in the democratic process;
- H. Strengthen the institutional structure for overseeing the implementation of laws on access to public information, in accordance with the highest standards in this area, such as those adopted by the OAS General Assembly in its Resolution AG/RES. 2607 (XL-O/10), through which it adopts the "Model Inter-American Law on Access to Information";
- I. To observe, in its policies and decisions, the Inter-American Principles on Academic Freedom and University Autonomy; and to evaluate the adoption of measures that incorporate these standards into its domestic law.

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

42. In 2024, the Office of the Special Rapporteur observed the efforts of several States to promote inclusion and protect the rights of historically marginalized groups, such as persons with disabilities, indigenous peoples and the LGBTI+ community. Among the advances, the Office highlights the establishment of the National Women's Commission in Belize, charged with promoting national gender policy. According to public reports, in Paraguay, the "Lentes Lilas" material was relaunched, designed to offer tools to journalists and communicators in the preparation and publication of news on violence against women in various formats and languages. In Bolivia, the "Gender Gap Reduction Program" benefited a total of 2,160 girls and adolescents, who were trained in different areas of learning and participation in the field of technology.

43. In Guatemala, the Office of the Special Rapporteur participated in the program "Freedom of Expression and the Fight against Discrimination and Exclusion" in Quetzaltenango, which seeks to strengthen media policies and practices and raise awareness of the role of journalism in protecting the human rights of historically marginalized groups. The activity was led by the Special Rapporteur for Freedom of Expression, in collaboration with COPADEH, OHCHR and the Embassy of Sweden.

44. On the other hand, on December 12, 2024, the United States launched its first national strategy to "counter Islamophobia and anti-Arab hatred." Developed in collaboration with civil society sectors, the strategy seeks to address the prejudice, discrimination and threats faced by Muslim and Arab Americans. In addition, on May 25, 2023, the first-ever national anti-Semitism strategy was unveiled, which includes more than 100 actions to be taken by more than two dozen government agencies, as well as 100 calls to action for Congress, state and local governments, businesses, technology platforms, educational institutions and religious leaders.

45. Nevertheless, over the course of 2024, the Office of the Special Rapporteur continued to receive reports of violence, hate speech and other acts inciting intolerance against historically discriminated and marginalized groups. Thus, for example, persistent violence in the digital sphere against women, including journalists, has been documented with concern in various countries of the Americas, such as Argentina, Colombia, El Salvador, Guatemala, Honduras, Paraguay, Peru and Uruguay. In some cases there are coordinated attacks on social networks with components of gender-based violence, stigmatization by high-level State authorities and the use of official channels to amplify discriminatory narratives. In addition, cases of alleged sexual harassment, harassment and threats against women journalists have been reported, both by private individuals and by people within the media in which they work.

46. In the context of protests and mobilizations in Canada and the United States following the conflict in the Middle East, the Office was alerted to an increase in speech and incidents against Jewish and

Muslim individuals. In Canada, the House of Commons Standing Committee on Justice and Human Rights has reported cases of anti-Semitism, including physical violence, threats, harassment and vandalism, in a context of anti-Semitic rhetoric disseminated during protests and on social media. Regarding Islamophobia, the Committee noted that violence against Muslims has increased since 2017, with a spike following the events of October 7, 2023, which intensified stigmatization and violent attacks. In addition, it highlighted the emergence of "anti-Palestinian racism", reflected in threats and harassment against Muslim individuals, which has affected the exercise of their civil rights, such as freedom of expression and peaceful assembly, especially in their struggle for the human rights of people in Gaza.

47. In the United States, there was also an increase in anti-Jewish and anti-Muslim speech and incidents. In addition, according to information gathered, allegedly unfounded content about Haitian immigrants emerged, especially during the 2024 elections, where they were accused of eating pets in Springfield, Ohio. This claim was repeated by members of Congress and public figures. Civil organizations and the Haitian State pointed out that Haitian immigrants have historically been subjected to dehumanizing accusations that have perpetuated discrimination and violence against them.

48. In the Dominican Republic, the Office of the Special Rapporteur recorded calls for mobilizations against irregular Haitian migration, accompanied by slogans such as "we are Dominicans, not Haitians", "it is not migration, it is occupation" and "Haitians out of our territory", among others. Reports indicate a proliferation of extremist discourses which, under the slogan of "protection of the homeland", promote radicalism against Haitians. This situation occurs in a context of state policies of mass deportation and confiscation of identity documents of Haitian migrants. In addition, the IACHR has pointed out that these events are part of a panorama of racism, xenophobia and hostility towards Haitians and human rights defenders.

49. The Office of the Special Rapporteur is concerned about the deterioration of public debate in some States in the region, characterized by hate speech, discrimination and intolerance directed at persons from vulnerable or historically marginalized groups. According to the information received, these discourses are promoted by various sectors of society, including, in some cases, public officials. The Rapporteurship recalls that political leaders and persons exercising public functions should refrain from issuing statements that may foster intolerance and discrimination and, instead, should use their positions of leadership to counteract these social harms by promoting intercultural understanding and respect for diversity. Likewise, this Office stresses that the response to these phenomena must be based on the right to freedom of expression and aligned with international human rights norms and standards.

50. In the area of community radio, the Rapporteurship highlights some progress. In Mexico, the Federal Telecommunications Institute granted for the first time a social concession for an Afro-Mexican radio station, operated by an organization of women communicators from Oaxaca, within the framework of the recent reform to Article 87 of the Federal Telecommunications and Broadcasting Law. In Paraguay, the first community radio station in the country was authorized to broadcast in medium coverage.

51. Despite some progress, challenges persist for the operation and sustainability of community media in several countries. In Peru, community media face difficulties in accessing financing, which jeopardizes their viability and working conditions, and hinders their ability to meet the communication needs and demands of the communities. A possible lack of representation of peasant and indigenous communities as media owners has also been observed. In Guatemala, during an *on-site* visit, the Commission and its Special Rapporteur received reports of disadvantages and possible inequalities in the auctions of broadcasting frequencies, where community media compete with large economic groups. In addition, challenges persist in the implementation of the measures ordered by the Inter-American Court in the case of the Maya Kaqchikel Indigenous Peoples of Sumpango. In particular, local organizations reported that the State has not made progress in the reforms necessary for the legal recognition of community radio stations, nor in the allocation of licenses and frequencies. Finally, in Uruguay, the Communications Services Regulatory Unit (URSEC) announced an accounting audit of community radio stations, requiring the submission of sworn statements on expenses and income. This measure generated concern in the sector, especially because of the possible sanctions for non-

compliance. There were also complaints of discriminatory treatment, since the same controls were not applied to commercial media.

52. In relation to this point, the Office of the Special Rapporteur recommends to the Member States:

- A. To counteract by all possible means speech that incites discrimination, hostility or violence, in accordance with international human rights standards;
- B. Recognize social protest and artistic discourse as privileged spaces for historically discriminated groups to enjoy the right to freedom of expression, even considering that it is up to the groups themselves to choose the modalities of protest and artistic expression;
- C. To encourage public officials to contribute, in the exercise of freedom of expression, to counteract discrimination and intolerance, intercultural understanding, social inclusion and respect for diversity;
- D. Adopt good practices aimed at eradicating stigmatization of the press, especially during election periods;
- E. . To legislate on community radio broadcasting, so that an equitable portion of the spectrum and the digital dividend is allocated to community radio stations and channels. When allocating these frequencies, democratic criteria should be taken into account to guarantee equal opportunities for all individuals to access and operate these media under equitable conditions, 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 taken into account in the design and decision making of public policies. Likewise, to adopt legislative and other measures necessary to guarantee pluralism, including laws that prevent the existence of public or private monopolies and undue or excessive concentration of the media;
- G. Adopt clear, fair, objective and equitable procedures for the granting or renewal of broadcasting licenses, taking into consideration the importance of the media for all sectors of society - including those historically discriminated against - to participate in the democratic process in an informed manner.

D. Freedom of expression and the Internet

53. The Office of the Special Rapporteur followed up on the deliberations and legislative initiatives aimed at regulating social media platforms, formulated in response to the challenges arising from the proliferation of violent, hateful and disinformation speech in the digital sphere. It also learned about decisions and actions of various public authorities that have a direct impact on the operation of such platforms within the jurisdictions of certain States in the region.

54. In this regard, the Office of the Special Rapporteur recognizes that, with the advance of technology and service and business models, digital platforms have ceased to be simple transmitters of information, assuming a key role in the organization and prioritization of information for users, thus facilitating access and understanding of the public debate. As pointed out in the report on "Digital Inclusion and Internet Content Governance", this function has a significant impact on public debate and on the collective and individual dimensions of freedom of expression.

55. In this context, the Office notes that, on the one hand, the exercise of freedom of expression faces the challenge of establishing clear rules on what can be received or disseminated on social networks. On the other hand, it emphasizes the importance of focusing the debate on the crucial role of digital platforms in modulating public discourse, as well as the urgent need to improve transparency and accountability in the implementation of their internal rules.

56. As observed by the Office in 2024, the debates on internet governance and platform regulation have acquired new complexities, as they are taking place in a context marked by managerial changes within the platforms themselves. In this regard, intermediary companies must take responsibility for their role in internet governance and democracy, as well as respect for human rights in their policies, business models and corporate spokespersons. This Office encourages a regional reflection on the governance of private platforms, essential in the public debate, and on the compatibility of their spokespersons with democratic principles.

57. In addition, the Rapporteurship notes that state responses to threats to democratic institutions, public safety and the proliferation of violent and hate speech, as well as disinformation on social networks could lead to unnecessary or disproportionate restrictions, which limit freedom of expression and other human rights on the internet. The Office stresses that States should consider the decentralized nature of the internet, the sustainability of smaller businesses, the promotion of competition in concentrated markets, and innovation when imposing conditions on platforms. When making decisions that may affect freedom of expression, the proportionality and necessity of the measures should be assessed, considering their systemic impact on the functioning of the internet.

58. In Canada, the Special Rapporteur followed Bill C-63, introduced on February 26, 2024, which would seek to address "harmful online" content, as well as hate speech and hate crimes, both online and offline. The bill envisions an "*Online Harms Act*" to create a regulatory regime to hold social networks accountable for reducing exposure to harmful content on their platforms.

59. In Canada, the federal government's decision to order the dissolution of *TikTok Technology Canada Inc.* by *ByteDance Ltd.*, the Chinese company that owns the video platform and social network, was also registered. The order, justified on national security grounds, clarified that it would not block Canadian users' access to *TikTok* or limit their ability to create content.

60. In the United States, on April 24, 2024, it was announced the presidential approval of a law that would force *ByteDance*, owner of *TikTok*, to sell the platform to a US firm or face a ban as of January 19, 2025. Lawmakers justified the move by pointing out that the social network could be used by the PRC government for espionage and surveillance operations, and disinformation. On December 6, 2024, the Court of Appeals for the District of Columbia Circuit rejected *TikTok's* first legal challenge. The company reportedly appealed the decision to the Supreme Court, which granted the request and scheduled a hearing for January 10, 2025.

61. In 2024, Brazil was the scene of intense debates between the Federal Supreme Court (STF) and the social network *X* (formerly *Twitter*). The so-called "X Files" exposed emails and content restriction orders issued by the STF towards the company, which was interpreted by some sectors as evidence of censorship. Tensions increased with public clashes between *X's* owner and the STF, which culminated in the closure of *X's* National Office in Brazil. The company argued "threats" of fines and criminal prosecution against a local official as the reason for its decision. On August 30, 2024, a decision by a Minister of the Federal Supreme Court, later confirmed by the First Chamber of the Court, ordered the blocking of the social network following the company's failure to: suspend profiles linked to people investigated by the STF, pay fines arising from court orders and appoint a legal representative in Brazil. The return of *X's* operation was conditioned to full compliance with the STF's orders, the payment of outstanding fines and the appointment of its legal representatives.

62. The Rapporteurship also notes that, after years of public deliberation and extensive discussion of its text, it was announced that a bill on new rules of liability and transparency on the Internet (PL 2630)

would not be approved in Brazil. The lack of legislative consensus coincides with the beginning of a constitutionality trial, by the STF, of the rules on the liability of intermediaries present in the country's legislation.

63. The Rapporteurship also notes that the pending challenges in the regulation of digital platforms adds to the exponential advance of generative artificial intelligence. During 2024, the Office recorded that in Grenada and Saint Lucia, local governments expressed concern about the use of this technology in fraud, as well as its impact on information manipulation, bias, discrimination, and privacy and data protection. In Uruguay, civil society organizations expressed their concern about the possible inappropriate use of artificial intelligence in the journalistic field during the electoral campaign.

64. Throughout the year, the Office also recorded various regulatory proposals on this matter in several countries. In Brazil, significant progress was made on Bill 2338/2023, which was approved by the Federal Senate on December 10, 2022 and is currently being processed in the Chamber of Deputies. In the Bahamas, the Rapporteurship highlighted the presentation and approval of a bill known as the *Electricity Act*, which regulates the use of artificial intelligence and grants the Utilities Regulation and Competition Authority (URCA) the power to regulate this technology. For its part, in Chile, on May 7, 2024, a bill was presented in the Chamber of Deputies with the objective of regulating artificial intelligence. The Special Rapporteur highlights that Chile has positioned itself as one of the leading countries in the development of artificial intelligence in Latin America, standing out in areas such as governance, infrastructure, human capital, research, development and adoption of AI, according to the Latin American Artificial Intelligence Index (ILIA) 2024.

65. On the other hand, the Office of the Special Rapporteur also recorded other reports in the region on restrictions to freedom of expression online, aimed at limiting dissident voices or voices contrary to government interests. These measures include the blocking of news portals, internet shutdowns, surveillance and monitoring of social networks, disinformation campaigns and official propaganda aimed at discrediting journalistic work and discrediting voices critical of the government, as well as direct online threats. Social networks and the digital space have become tools of censorship, repression and criminalization, in some States of the region, where there are no guarantees for the exercise of fundamental rights, including freedom of expression.

66. In Cuba, Internet outages persist during social protests, limiting the circulation of information of public interest, especially in cities such as Havana, Artemisa, Villa Clara, Sancti Spíritus, Holguín and Pinar del Río. In addition, independent media and human rights organizations' websites continue to be blocked, along with massive blackouts and power failures. There have also been attacks, hacks, phishing and digital sabotage to media and web channels of journalists and activists. In addition, social networks such as *Signal*, *Telegram*, *Facebook*, *X*, *WhatsApp* and *Deltachat* would present anomalies in their operation. In addition to this, there is the entry into force of the new Social Communication Law, which imposes obligations on those who generate, modify or publish digital content.

67. In Nicaragua, surveillance and control over the digital environment intensified in 2024. The State continues to use legal and technological tools to restrict public debate on the Internet, criminalize critical expressions and promote propaganda, disinformation and manipulation of information from high levels of government. Public reports reveal the existence of "digital mobs" or "troll farms" in public institutions, which produce pro-government content and attack opponents on platforms such as *TikTok*, *Instagram*, *Facebook* and *X* (formerly *Twitter*). Also, the proposed General Law of Convergent Telecommunications and the reforms to the Special Law on Cybercrimes could consolidate a legal framework to criminalize legitimate expressions and increase control over digital discourse.

68. In Venezuela, the Office of the Special Rapporteur warned about the intensification of repression and censorship in the digital space, especially in the context of the 2024 presidential elections. The political, social and human rights crisis has been accompanied by strict state control over the Internet, which, together with restrictive laws, encourages self-censorship, including in social networks, since exercising digital rights carries risks and possible criminal consequences. In addition, internet censorship was reported through

the blocking of portals and independent media, both before and after the elections, as part of a strategy to silence the free press and non-governmental organizations, which has impacted the circulation of information about the elections and favored the official narrative about the election results.

69. Following the elections, the Office documented the use of technology to profile, monitor and intimidate those perceived as opponents, as well as the implementation of applications to encourage whistleblowing among citizens. Venezuelan state security forces are reportedly monitoring social networks and urging their supporters to denounce dissident activities, which has led to arrests and raids without warrants. The detainees would be denied the right to a fair trial and sent to "re-education centers". These actions would be part of the so-called "Operation Tun Tun", which uses platforms such as *Instagram*, *Telegram* and *X* to reveal personal data of opponents, including activists, journalists and electoral witnesses. In addition, government officials are allegedly using social networks and state media to expose, intimidate and disseminate videos in which they portray critics of the regime as criminals, forcing them to issue messages of repentance. In addition, blockades and threats to block digital platforms have been registered, along with legislative proposals to regulate the Internet. Thus, for example, on August 19, 2024, Decree No. 4,975 was published, establishing the National Cybersecurity Council as a permanent advisory body to the President. A Special Commission was also created to legislate on social networks and their impact, especially on children and adolescents.

70. In relation to this point, 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 the creation of general and/or ambiguous laws 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 the 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 guarantee the universal and effective enjoyment of the right to freedom of expression through this medium;
- F. Carry out positive actions for literacy, awareness and development of digital civic competencies and skills;
- G. Ensure that the processing of data and internet traffic should not be subject to any kind of discrimination based on factors such as devices, content, author, origin and/or destination of the material, service or application, in accordance with the principle of net neutrality;
- H. Promote good practices so that public officials contribute with their speeches to counteract disinformation on the Internet.
- I. Follow the recommendations derived from the report on "Digital Inclusion and Internet Content Governance", in relation to the deterioration of public debate, universal access and digital literacy and content governance.