

EXECUTIVE SUMMARY

# PROTECTION PARADIGM

MAKING PROTECTION MECHANISMS  
WORK FOR LATIN AMERICAN JOURNALISTS

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# EXECUTIVE SUMMARY

**134** is a figure that speaks volumes. It's the number of journalists who were murdered for doing their job in Mexico, Brazil, Honduras and Colombia in the last ten years. Around 90% of the murders of journalists in Latin America from 2012 to 2021 took place in these four countries, according to the data gathered by Reporters Without Borders (RSF). In early 2022 alone, there were another seven deaths.

These murders are just the most salient part of the violence against the media and the most visible and extreme form of the de facto censorship of news and information in these four countries. Journalists are also the victims of physical and verbal violence, abduction and arbitrary arrest. They may be subjected to arbitrary judicial proceedings, they may be spied on, and their

equipment may be destroyed. This list of the kinds of abuses is far from exhaustive.

Under pressure from civil society and international organizations to take measures and develop policies to protect news and information providers, the governments of Mexico, Brazil, Honduras and Colombia have



A tribute to Lourdes Maldonado, a Mexican journalist murdered on 23 January 2022. In all, five Mexican journalists have been killed since the start of 2022. © Guillermo Arias/AFP

created programmes to protect journalists, human rights defenders, environmentalists and community leaders.

These mechanisms enable authorities to register the complaints of victims reporting threats, evaluate the dangers to which they may be exposed, deliberate on their needs and the types of measures to be adopted, and implement measures to assist and protect them. The complainants thereby become official "beneficiaries" of the state's protection, benefitting from such measures as regular police patrols or bodyguards, the provision of "panic buttons" for quickly alerting the police, armoured vehicles and bulletproof vests, the installation of surveillance cameras or relocation to another city.

To better determine how these measures work, their effectiveness and their impact on journalists in Latin America, RSF has carried out a comparative analysis of the protection mechanisms in these four countries (see the note on methodology below). This detailed investigation has provided, for the first time, an authoritative regional overview of existing protection policies, without losing sight of the specificities of each country. The in-depth diagnosis of the programmes in each country, accompanied by a critical analysis and, in all, 80 detailed recommendations, is adapted to the individual challenges in the four countries analyzed.

The report shows that protection mechanisms are a necessary response to an environment of structural violence against journalists and that these policies have improved the ability of the authorities to meet their obligation to protect this extremely vulnerable sector of the population. The mere existence of these programmes ensures that, at the heart of the governments of these four countries, there is a dedicated space for complaints and for the implementation of specific measures to guarantee the safety of threatened individuals. And these protection programmes have prompted authorities to adopt concrete and indispensable measures to preserve the lives of hundreds of journalists.

The analysis carried out by RSF also identified serious problems and flaws indicating that urgent changes are required in order to ensure that these protection policies become truly effective.

Although they enjoy an appropriate legislative framework (except in Brazil), the protection mechanisms suffer from major structural flaws preventing their proper application. These flaws include the fact that they depend on ineffective institutions (police, armed forces and federal justice systems), that the risk analysis methods still take no account of journalism's specificities, that the protective measures are inappropriate and implemen-



A demonstration in Guadalajara (Mexico) protesting the murders of Margarito Martínez and Lourdes Maldonado in January 2022.

© Ulises Ruiz/AFP

ted too late, and that the human and financial resources available to the mechanisms are insufficient.

Furthermore, none of the four programmes takes account of the particularities of women journalists, who are extremely vulnerable in the region. No measures are available that are adapted and specific to their needs. The protection plans ignore the forms of gender violence that affect women and the LGBTQIA+ population, and ignore the impact that threats and acts of aggression have on them and their families.

The inclusion of civil society organizations in monitoring, discussing and implementing protection measures is erratic and insufficient, the report notes. In Brazil and Honduras in particular, there is still too little transparency with regard to the use of resources and procedures for processing case files. The mechanisms lack indicators for assessing

their operation and the protection measures implemented. Such indicators are, however, fundamental for analyzing the effectiveness and impact of these programmes.

These shortcomings fuel a climate of mistrust among the beneficiaries of protection programmes and the civil society organizations that cooperate with them. The lack of trust is reinforced by a tendency on the part of the authorities to refer to the media and human rights defenders in hostile and derogatory terms in all four countries analyzed, and by an increase in arbitrary lawsuits, a form of judicial censorship that is gaining ground in the region.

This hostile climate, combined with the fact that state agents (police officers, politicians, members of the judiciary, civil servants and officials in general) are often identified as the main perpetrators of violence against journalists, contributes to the creation of distance between the mechanism and its potential beneficiaries and to shortfalls in achieving its goals.

Coordination between authorities and state agencies on the adoption of preventive measures is too often limited to monitoring attacks against journalists with the aim of identifying the areas most at risk. As a result, the attacks continue, even in Mexico or Colombia, where early warning systems have been put in place.

When it comes to holding aggressors to account, only Honduras and Mexico have special prosecutors' offices dedicated to crimes against freedom of expression. However, and this applies to all four countries, coordination between the mechanisms and prosecutors falls far short of what is needed. In Colombia, for example, specialists in this issue are unanimous in agreeing that the attorney-general's office is a major absentee from the protection programme.

All these factors highlight a lack of political will and vision to effectively strengthen these protection programmes, which do not really address the structural causes of violence against journalists. The problem is reflected in the lack of coordination between the different state institutions, at both national and local levels. By too often operating in isolation, with the "sole functional aim" of protecting beneficiaries from physical harm, the mechanisms lose their ability to ensure that threatened journalists can continue to work.

These flaws have direct and sometimes very serious consequences for the beneficiaries of these programmes. Addressing these shortcomings is a huge challenge. A challenge that RSF has chosen to take up with this report, which is intended to become an essential tool not only for regional advocacy but also for technical cooperation so that RSF's recommendations can be quickly implemented by the authorities in the four countries concerned.

# DIAGNOSIS AND RECOMMENDATIONS



Funeral of Ruben Espinosa, a photo-journalist murdered in Mexico in 2015. © Alfredo Estrella/AFP



#NiUnoMas: flowers and candles left for three Ecuadorean journalists murdered in Colombia in 2018. © Luis Robayo/AFP



© Alfredo Estrella/AFP

## Diagnosis

Attached to the interior ministry, Mexico's Federal Mechanism for Protecting Human Rights Defenders and Journalists was created by the 2012 protection law, which does not require local and municipal authorities to take charge of protecting journalists.

Despite the existence of a National Coordination Protocol since 2017, only 12 of Mexico's 32 states are equipped with a local protection unit working in coordination with the federal mechanism, and most of the states lack sufficient financial and human resources. Some have preferred to create autonomous mechanisms.

In 2021, the López Obrador administration announced the creation of a National Protection System based on a new general law imposing new obligations on Mexico's states and local authorities. But civil society fears it will strip the federal mechanism of its responsibility for coordinating protection at the national level.

The federal mechanism is overly isolated and lacks the operational capacity needed to address the increase in protection requests. For overall protection policy to be effective, it is vital that other spheres of the Mexican state assume their share of responsibility and work more closely with the federal mechanism.

The lack of personnel (45 employees for nearly 1,500 beneficiaries) is a major obstacle to the effectiveness of protection measures, which can sometimes take nearly a year to be put in place. It also generates work overloads and delays in risk assessment.

At least nine journalists were murdered while under state protection during the ten years from 2011 to 2020.

Furthermore, analysts and bodyguards receive little training about gender equality issues and the regional specificities of the areas where they operate.

Some temporary shelters used for relocating threatened journalists have become permanent residences.

Finally, President López Obrador's frequent derogatory references to the media encourage attacks against journalists. No fewer than five journalists and media workers were murdered in Mexico during the first 40 days of 2022.

## Recommendations

### Organisation

Responsibility for protecting journalists must be better distributed between the federal and local levels. This requires better institutional coordination and a real will on the part of the Mexican state, which needs to have an integral vision of the protection of beneficiaries.

The strategic participation of the various federal authorities and state entities within the Council of Government (Junta de Gobierno), the mechanism's decision-making body, must be reinforced.

It is vital that the debate about the creation of a National Protection System should include civil society representatives.

The mechanism's operating budget needs to be increased significantly, above all in order to hire more staff and ensure that they receive on-the-job training.

### Protective measures

Emergency measures must be reinforced, so that they are better adapted to imminent risks and to unforeseen risk changes.

By the end of 2022, the mechanism must meet the deadlines set by law for incorporating and fully implementing protection plans.

The mechanism must improve what it offers in terms of comprehensive protection, by working specifically on psychological and legal support measures, self-protection and digital security. It must also ensure economic support for beneficiaries placed in temporary shelters.

Finally, RSF recommends the adoption of a truly intersectional approach in order to be able to adapt to the differences in gender, ethnicity, race and sexual diversity of beneficiaries, as well as to the specificities of their regions of origin. This requires continuous training for its technical teams.

On the anniversary of journalist Manuel Buendía's death, tribute was paid to all the victims in Mexico



Photo: Mídia Ninja

## Diagnosis

Created in 2004 and operational since 2005, the Brazilian protection programme, known as the PPDDH\*, is based on agreements between the federal government and individual states by means of partnerships with civil society organizations, which are tasked with creating protection plans.

This partnership model is too dependent on the political will of the local governors, generates bureaucratic red tape (slowing the disbursement of funding, inter alia) and creates complications for the implementation of protection measures, sometimes putting its beneficiaries in danger.

In 2021, only seven of Brazil's 26 states had a partnership agreement. Federal staff in Brasilia process protection requests from other states but protective measures rarely materialize. Instead, applicants usually benefit only in terms of investigations and monitoring for new threat episodes. At the local level, the resources available for installing security equipment or relocating beneficiaries in other cities are sorely lacking.

The PPDDH also suffers from a lack of national protocols for risk analysis and the definition of protective measures. Nor does it have a public and transparent database on its operations – cases processed or rejected, number of threats and measures implemented, and so on – making it impossible to assess and monitor its effectiveness.

Finally, the PPDDH does not inform the public about its activities and the level of awareness of its existence is still very low. Only seven of the more than 600 beneficiaries of its programme were journalists in 2021.

\*PPDDH – Programa de Proteção aos Defensores de Direitos Humanos, Comunicadores e Ambientalistas (Programme for Protecting Human Rights Defenders, Journalists and Environmentalists).

## Recommendations

### Organisation

- The PPDDH must put pressure on the National Congress for the adoption of a law setting up a real protection programme at the national level, involving federal government bodies and entities at the state level in its implementation.
- Three to four new partnerships must be signed with states every year, prioritizing those states where the media are most in danger, maintaining national coordination, and making the federal government jointly responsible for the protection of beneficiaries. In states without the financial capacity, the PPDDH must seek public resources to enable implementation of the programme.
- Furthermore, the modalities of partnership with civil society organizations must be overhauled in order to ensure that protection is constantly available and to ensure greater flexibility in the event of urgent situations.
- Finally, the programme's annual budget must be increased in order to recruit more personnel at both the federal and local level, and in order to set up on-the-job training and provide media and public with more information about the programme's activities.

### Protective measures

- There is an urgent need to develop national procedures and protocols that take account of the diversity among those protected (gender, race, ethnic origin, sexual diversity and so on), that adapt to the different needs of each beneficiary or group of beneficiaries. These protocols are needed for:
  - a) risk analyses on site and within a reasonable time (30 days);
  - b) self-protection and digital safety measures;
  - c) better handling of urgent and exceptional cases;
  - d) developing and defining protection plans with the participation and consent of the beneficiary or beneficiaries.
- The PPDDH should adopt new security measures such as the installation of surveillance cameras and alert systems linked to law enforcement agencies, the provision of bullet-proof vests, and the provision of security devices in the homes and workplaces of the beneficiaries (armoured doors and windows and so on).
- The composition of the federal programme's Deliberative Council must be changed as a matter of urgency in order to equitably include civil society organizations representing the groups protected by the PPDDH, and to give them the right to speak and vote during the council's deliberations.

A police officer targets a journalist during a demonstration in Rio de Janeiro in 2014



© Christian Escobar Mora/AFP

## Diagnosis

Founded in 2000, Colombia's programme for protecting journalists is the oldest in Latin America. Some years later, it was incorporated into the UNP\*, the autonomous mechanism created in 2011 that is responsible for protecting 16 specific population categories (including human rights defenders, social leaders, ex-combatants etc). The UNP is now the biggest in Latin America, with 6,600 employees, nearly 8,000 registered beneficiaries in 2021 and a budget of 263 million dollars.

According to the law, the national government and local governments share responsibility for protection, but in practice the UNP has a monopoly and implements protection measures through the use of private security companies. Nearly 70% of the UNP budget is earmarked for bodyguards, armour-plated cars and communication equipment (including phones, panic buttons and surveillance cameras).

For the most part, what the UNP can offer consists solely of physical safety measures to the detriment of overall protection. The security company employees are often former police officers and soldiers who are marked by the decades of armed conflict within Colombia, who continue to exhibit a confrontational approach towards the "internal enemy," and who have not been trained in – or even made aware of – issues concerning human rights, gender or ethnic diversity.

Beneficiaries rarely manage to be placed in shelters with their families, and provision of psychological support is slow.

The processing of applicants' personal data has been the subject of much criticism following several cases of information leaks and spying on beneficiaries by security company bodyguards.

The space for participation and interaction with civil society within the mechanism has been reduced and CERREM\*, the committee responsible for establishing protective measures, does not include any representatives from the judiciary or from entities responsible for preventive measures.

The UNP is not transparent about the protection it provides or the criteria it uses to accept, refuse or withdraw beneficiaries from the programme. And finally, the UNP reform process is being carried out without any civil society participation.

\*UNP – Unidad Nacional de Protección (National Protection Unit).

\*CERREM – Comité de Evaluación de Riesgo y Recomendación de Medidas (Committee for Risk Evaluation and Recommending Measures).

## Recommendations

### Organisation

Instead of limiting itself to the provision of physical protection measures, the UNP must adopt a more global approach, one guaranteed jointly by the Colombian state and other entities, and by means of dialogue with community leaders and civil society. Such an approach must include continuous training for the UNP's external contractors in preventing human rights violations, diversity, gender equality and the importance of freedom of expression and the press for democracies.

The UNP must improve the reliability of its management of the personal data of its beneficiaries and must ensure that risk analysis personnel and external contractors know the region from which endangered journalists come.

By the end of 2022, those applying for protection must be able to participate in decisions concerning their risk assessment and protection plan, while the civil society organizations must be able to participate in the review and development of risk analysis methodologies, in the UNP reform process, and in CERREM meetings, in particular.

### Protective measures

It is essential that the UNP modifies its internal procedures in order to take better account of gender, race, ethnicity, origin (urban or rural) and even the political views of its beneficiaries, as well as the specificities of journalistic work, including the need for mobility, flexible working hours and privacy when communicating with sources.

The UNP must increase its provision of psychological services and must ensure that beneficiaries placed in a refuge can be accompanied by their families.

Finally, there is an urgent need to reduce the time taken to complete protective procedures:

- A maximum of 30 workdays for completing risk analyses and submitting them to the CERREM;
- A maximum of 15 workdays for fully implementing protection plans;
- A maximum of 12 months for risk reevaluations.

Colombian journalists demonstrate in Cali in protest against the abduction and murder of three reporters in 2018



## Diagnosis

The Honduran mechanism, called the SNP\*, was created by law in 2015. It is tasked with coordinating all the state agents who are responsible for the protection of human rights defenders, journalists and judicial actors.

For lack of political will and, consequently, human and financial resources, this coordination does not work. The SNP's budget totalled 430,000 dollars in 2021, a sum that fell far short of what was needed to effectively assist its 146 beneficiaries and produce risk analyses quickly.

The installation of security equipment and the rehousing of beneficiaries depend on funding from the "Population Security Tax," which also finances other programmes in Honduras.

Implementation of protection measures, which is the responsibility of the National Police and Army, is usually late and inadequate. Since the Police and the Army are the main perpetrators of attacks against journalists, the mechanism's credibility and beneficiaries' trust in it are very limited. Beneficiaries also fear being spied on and seeing their personal information in the hands of potential "predators."

For journalists who have to be relocated, the psychological and economic impact is enormous, especially as returning to their homes afterwards is almost impossible because the required investigations into the threats against them will not have been carried out.

Civil society representatives on the CNP\*, the body responsible for proposing guidelines for protection policy in Honduras, often denounce the absence of any response to protection requests made a long time ago and the lack of transparency about the criteria used to refuse requests, the progress of investigations, and how resources are used.

The CNP receives no administrative or political support from the attorney-general's office or the National Police.

\*SNP – Sistema Nacional de Protección para Defensoras y Defensores de Derechos Humanos, Periodistas, Comunicadores Sociales y Operadores de Justicia (National Protection System for Human Rights Defenders, Journalists, Social Communicators and Justice Operators).

\*CNP – Consejo Nacional de Protección (National Protection Council)

## Recommendations

### Organisation

To ensure efficient protection measures, and to have sufficient personnel trained in human rights issues, the SNP needs its own operating budget, which should be guaranteed by a fixed percentage of the "Population Security Tax" or should be allocated from the Honduran general budget.

Civil society participation in the CNP and the Technical Committee (the case deliberation body) urgently needs to be overhauled. CNP members should have access to quarterly reports on the SNP's operations and, in particular, to information on the number of beneficiaries, the origin of threats and attacks, risk analysis criteria, case rejections and so on. These reports should include details of the budget allocation available to the mechanism.

A debate should be held with civil society on reforming the Protection Law that established the mechanism. The reform should strengthen the mechanism institutionally, giving it more autonomy, more administrative independence and real decision-making power.

### Protective measures

There should be proper monitoring of the time taken by the Police to implement protective measures and the manner in which they are implemented, especially for the most serious cases (relocation, police escorts, police patrols and so on). The SNP should exercise its oversight role by developing procedures for holding law enforcement officials accountable for attacks against journalists and human rights defenders.

In accordance with the law, the SNP must guarantee full protection to beneficiaries who have to be relocated: including psychological support, access to education and health care for families, and even professional reintegration and continuity of journalistic activity when they cannot return home.

A Honduran reporter demands justice after fellow journalists were murdered in Tegucigalpa in 2011

# NOTE ON METHODOLOGY

With UNESCO's support, RSF's Latin America bureau began this research project on the region's four leading mechanisms for protecting journalists in April 2021.

To produce this report, RSF conducted 75 interviews with managers and technicians responsible for implementing the programmes, with beneficiaries of protection measures, and with civil society representatives working on this issue.

RSF also requested and analyzed the latest available data from the programmes in each of these four countries.

From this information, RSF created an analysis grid with 10 categories: legislative and regulatory framework, institutional model, budget provision, methodology, measures implemented, involvement of other government agencies, treatment of journalists, technical staff, reliability and transparency of state policy, and civil society participation.

Finally, RSF proposed some 20 strategic recommendations for each country's protection programme.



REPORTERS WITHOUT BORDERS (RSF) promotes and defends freedom, pluralism and independence of journalism throughout the world. Based in Paris, the organization holds a consultative status at the United Nations and UNESCO and has fourteen international bureaux and correspondents in 130 countries.

**Protection paradigm: Making protection mechanisms work for Latin American journalists** (Brazil, Colombia, Honduras and Mexico)

Survey carried out from February to December 2021

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