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Special Rapporteur for
Freedom of Expression

IACHR Inter-American
Commission on
Human Rights

Women Journalists and Freedom of Expression



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OEA/SER.L/V/II
CIDH/RELE/INF.20/18
31 October 2018
Original: Spanish

Women Journalists and Freedom of Expression

Discrimination and gender-based violence faced by
women journalists in the exercise of their profession

Office of the Special Rapporteur for Freedom of
Expression of the Inter-American Commission
on Human Rights

Edison Lanza
Special Rapporteur for Freedom of Expression

2018



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OAS CATALOGING-IN-PUBLICATION DATA

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS. OFFICE OF THE SPECIAL
RAPPORTEUR FOR FREEDOM OF EXPRESSION.**

MUJERES PERIODISTAS Y LIBERTAD DE EXPRESION

v. ; CM. (OAS. DOCUMENTOS OFICIALES ; OEA/SER.L)

ISBN 978-0-8270-6636-6

1. FREEDOM OF EXPRESSION--AMERICA. 2. FREEDOM OF INFORMATION--AMERICA. 3.

I. LANZA, EDISON. II. TITLE. III. SERIES.

OEA/SER.L/V/II CIDH/RELE/INF.17/17



Document prepared and printed thanks to the financial support of the Swedish
International Development Cooperation Agency

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INTRODUCTION

INTRODUCTION

1. The Americas have made progress in formally recognizing women's right to freedom of expression under equal and non-discriminatory conditions and in removing legal barriers that have traditionally prevented their full exercise. More and more women are involved in building and strengthening a representative, transparent, and accountable government in many countries and an increasing number of journalists and human rights defenders are engaged in the exercise, promotion, and protection of the right to freedom of opinion and expression.¹ In particular, information and communication technologies have facilitated and expanded the possibilities for millions of women to participate actively in political, economic, cultural, and social life, including the media.
2. Despite these remarkable advances, women in the region still face structural obstacles and discriminatory practices that exclude many women from public debate² and prevent them, forcibly and persistently, from exercising their right to express their ideas and opinions publicly and to receive information on an equal footing with men.³ Many of these obstacles and practices are manifestations of gender-based discrimination, in addition to other factors, such as race, ethnicity, religion or belief, age, class, sexual orientation, and gender identity, that women in the region face, and they continue to create disparities in women's exercise of the right to freedom of expression in comparison to their male peers.
3. The impact of these discriminatory practices is particularly pronounced on women who actively exercise freedom of expression and have a high public profile, such as women journalists, women human rights defenders, and women politicians.⁴ These groups of women are doubly attacked for exercising freedom of expression and because of their gender. In addition to the risks of threats and violence faced by all human rights defenders and journalists in the region, women belonging to these groups are exposed to additional or specific risks. By challenging chauvinistic stereotypes that disapprove of their participation in public life, they face a situation

¹ Human Rights Council. [Resolution 23/2. The role of freedom of opinion and expression in women's empowerment](#). A/HRC/RES/23/2. 23 June 2013.

² IACHR. [Annual Report 2008. Volume II: Annual Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter IV (A hemispheric agenda for the defense of freedom of expression). OEA/Ser.L/V/II. 134. Doc. 5. 25 February 2009. Para. 100.

³ IACHR. [Annual Report 2008. Volume II: Annual Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter IV (A hemispheric agenda for the defense of freedom of expression). OEA/Ser.L/V/II. 134. Doc. 5. 25 February 2009. Para. 100.

⁴ See: Front Line Defenders. [Annual report on human rights defenders at risk in 2017](#). P. 13; Programas Somos Defensores. [Piedra en el Zapato. Annual Report 2017](#). P. 83. See also: IACHR. March 27 2018. Press Release. [IACHR Urges Colombia to Adopt Urgent Measures to Protect Human Rights Defenders and Social Leaders](#).; UN General Assembly. [Resolution 68/181](#). A/RES/68/181. 18 December 2013, p. 2; United Nations. [End of mission statement by the United Nations Special Rapporteur on the situation of human rights defenders, Michel Forst](#). Visit to Mexico. 16 - 24 January 2017.

of violence and gender-based discrimination against women, as well as differentiated forms of violence from State and non-State actors.⁵ At the same time, they face a lack of protection and obstacles to access to justice that are also differentiated from their male counterparts.

4. The right of women to freedom of expression has been part of the work agenda of the IACHR's Office of the Special Rapporteur since its inception. In 1999, the Office released the report "Women and Freedom of Expression,"⁶ examining for the first time the relationship between the status of women and its repercussions on the right to freedom of expression and information, and underscored those factors that lead to inequality and discrimination against women and that directly influence the exercise of freedom of expression and information, such as "women's inequality in educational opportunities, violence against women and the need for women to become more politically involved." Since then, it has promoted, through various mechanisms and in collaboration with the IACHR's Rapporteurship on the Rights of Women, the development of standards to guarantee women's right to freedom of expression and access to information as a tool to combat gender-based violence against women.⁷
5. For several years now, the Office of the Special Rapporteur, together with the international community, has made efforts to draw attention to the forms of gender-based violence faced by women journalists in the exercise of their profession, as well as to the disproportionate impact of certain forms of discrimination in their work.⁸ The Office of the Special Rapporteur has paid close attention to the situation of violence against women journalists and the special or additional risks they face in their work because of their gender, and it has been part of the Office's work agenda on an ongoing basis. In particular, the Office of the Special Rapporteur has drawn attention to the increase in violence against women journalists, including murder, sexual violence, and online violence. In addition to being subjected to the wide range

⁵ IACHR. November 29 2017. [Press Release 192/17 - IACHR Calls on States to Recognize and Protect the Work of Women Human Rights Defenders](#). See also: IACHR. [Second Report on the Situation of Human Rights Defenders in the Americas](#). OEA/Ser.L/V/II. Doc. 66. December 31 2011. Para. 283; IACHR. [Toward a Comprehensive Policy to Protect Human Rights Defenders](#). OEA/Ser.L/V/II. Doc. 207/17. December 29 2017. Para. 43; IACHR. [Criminalization of Human Rights Defenders](#). OEA/Ser.L/V/II. Doc. 49/15. December 31 2015. P. 37. The IACHR has defined human rights defenders as every person who in any way promotes or seeks the realization of human rights and fundamental freedoms, nationally or internationally. The identifying criterion of who should be considered a human rights defender is the activity undertaken by the person and not other qualities, such as whether or not they are paid for their work or whether or not they belong to a civil society organization. [See: IACHR. [Second Report on the Situation of Human Rights Defenders in the Americas](#). OEA/Ser.L/V/II. Doc. 66. December 31 2011].

⁶ IACHR. [Annual Report 1999. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter C (Women and Freedom of Expression). OEA/Ser.L/V/II.106. Doc. 3. April 13, 2000.

⁷ See e.g.: IACHR. [Access to Information on Reproductive Health from a Human Rights Perspective](#). OEA/Ser.L/V/II. Doc. 61. November 22, 2011; IACHR. [Annual Report 2015. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter III (Access to Information, Violence against Women, and Administration of Justice in the Americas). OEA/Ser.L/V/II.154. Doc. 19. March 27, 2015; IACHR. [Annual Report 2013. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter III (Violence against Journalists and Media Workers: Inter-American standards and national practices on prevention, protection, and prosecution of perpetrators). OEA/Ser.L/V/II.149. Doc. 50. December 31, 2013. Paras. 250-269; IACHR. Report No. 72-14. Merits. Case 12.655. I.V. Bolivia. 15 August 2014.

⁸ IACHR. [Annual Report 2013. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter III (Violence against Journalists and Media Workers: Inter-American standards and national practices on prevention, protection, and prosecution of perpetrators). OEA/Ser.L/V/II.149. Doc. 50. December 31, 2013. Para. 251.

of human rights violations affecting journalists in general, “Women journalists, however, disproportionately and routinely face gender-based violence in the workplace and in the field.”⁹

6. Women journalists and women working in other areas of communication must deal with specific threatening environments that restrict their work and/or have a disproportionate impact on the exercise of their right to freedom of expression. From inequality at work, sexist and misogynist comments, sexual violence and gender-based killings of women (or femicide), these threats or risks tend to be invisible and are not recognized as undue restrictions on freedom of expression by most colleagues, the media, and state authorities. In turn, the lack of a protection against this type of violence and in the investigation of crimes committed against them, makes it difficult to adequately address the particular situation of women journalists and effectively guarantee the exercise of their right to freedom of expression.
7. Both the universal human rights system and the Inter-American system have developed norms and standards that underscore the State’s obligation to address special risks and particular factors that hinder or prevent women journalists from exercising their right to freedom of expression as part of its obligation to respect, protect, and guarantee the exercise of this right. This includes adopting the necessary positive measures to create and maintain a safe and supportive environment for women journalists to be able to work under equal conditions and free from discrimination. States also have an obligation to protect persons under their jurisdiction from undue third-party interference with their right to freedom of expression, including by companies. All companies, including the media and online platforms, in turn have a responsibility to respect human rights, in accordance with the standards developed in this area.
8. The objective of this report is to highlight the situation of women journalists in the region and to examine the obligations of States, as well as the role of the private sector, in eliminating the main obstacles and special or additional risks faced by women journalists in the exercise of their freedom of expression that are related to inequality and gender-based discrimination against women. The report seeks to support States in meeting their obligations and to contribute to the efforts of civil society, business, and other private actors.
9. The report is divided into three sections. In the first part, based on information received and testimonies gathered, the report documents the situation of discrimination and gender-based violence against women experienced by journalists in the Americas. In the second section, the report then addresses the obligations of States to ensure the substantive equality of women journalists and examines some of the obligations of the private sector in this area. Finally, the report concludes with a number of recommendations.
10. The Office of the Special Rapporteur recalls that a functional definition of journalists is used in this report. As expressed in other opportunities,¹⁰ journalists are those who

⁹ UN General Assembly. [The safety of journalists and the issue of impunity. Report of the Secretary General. A/72/290. 4 August 2017. Para. 8.](#)

¹⁰ IACHR. [Annual Report 2013. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter III (Violence against Journalists and Media Workers: Inter-American standards and national practices on prevention,

observe, describe, document, and analyze events, statements, policies, and any proposal that may affect society, with the purpose of systematizing that information and gathering facts, analyses, and opinions to inform sectors of society or society as a whole. Such a definition includes media workers and support staff, as well as community media workers, “citizen journalists,” and others who may be using the new media as a tool to reach out to the public, as well as opinion leaders who become targets by exercising their right to freedom of expression.

protection, and prosecution of perpetrators). OEA/Ser.L/V/II.149. Doc. 50. December 31, 2013.

CHAPTER I

THE SITUATION OF WOMEN JOURNALISTS IN AMERICA

I. THE SITUATION OF WOMEN JOURNALISTS IN AMERICA

11. Since its establishment, the Office of the Special Rapporteur has paid particular attention to the situation of freedom of the press and the safety of those who practice journalism. In its annual and country reports, the Office of the Special Rapporteur has documented multiple attacks on press freedom and hundreds of episodes of violence against journalists from different parts of the region, including disappearances, killings, threats, harassment, and other attacks. These acts not only seek to suppress the right of journalists to express themselves freely but also affect society's right to be informed.
12. In the case of women journalists, the obstacles and violence that journalism often faces in the region are either exacerbated or take specific forms as a result of gender inequalities for the fact of being women. Although women journalists face the same risks as their male peers when they investigate and report on corruption, organized crime, and human rights violations, they also face specific gender-based risks due to the fact of being women and at the intersection of other identities such as race and ethnicity. The intersection of these multiple identities may increase the risk of certain women facing obstacles or difficulties in the full exercise of the right to freedom of expression or may have a differentiated effect on certain groups of women. These factors often also lead to particular forms of discrimination against those who make up these groups. As the IACHR has stated, "the discrimination of women based on sex and gender is inextricably linked with other factors [...] such as race, ethnicity, religion, or belief, health, status, age, class, caste, sexual orientation and gender identity."¹¹
13. These risks are part of the widespread phenomenon of women's exclusion from public life. It is a multidimensional phenomenon that includes various forms and practices of discrimination that affect women throughout their lives, such as gender-based violence, the prevalence of discriminatory sociocultural patterns, lack of access to equal education, poverty and lack of economic resources, barriers to access to the media, and the digital divide. These factors prevent, hinder, or heighten the risk that women face in exercising their freedom of expression, and diminish their ability to seek, receive, and disseminate ideas and information that is meaningful and relevant to their empowerment.
14. In particular, acts of violence against women, and especially against women journalists, are not isolated acts, but are symptomatic of a pattern of structural discrimination against women, which is rooted in concepts of inferiority and subordination of women. Machismo and gender stereotypes rooted in the societies of the countries of the region increase the risk facing women journalists and prevent

¹¹ IACHR. [The Situation of People of African Descent in the Americas](#). OEA/Ser.L/V/II. Doc.62. December 5, 2011. Para. 60. See also: IACHR. [Indigenous Women and their Human Rights in the Americas](#). OEA/ Ser.L/V/II. Doc.44/17. April 17, 2017. Para. 38; United Nations, Committee on the Elimination of Discrimination against Women (CEDAW). [General Recommendation No. 28 on the Core Obligations of States Parties under Article 2 of the CEDAW](#). October 19, 2010. Para. 18.

them from fully exercising their rights to freedom of expression and to live free from violence.

A. Discrimination against women journalists in the media

15. The IACHR has indicated that gender discrimination includes “any difference in treatment made on the basis of sex, which intentionally or in practice, places women in a disadvantageous situation and impairs the full recognition of their rights in the public or private spheres.”¹² The Convention of Belém do Pará expressly recognizes “the right of women to be free from all forms of discrimination” and “The right of women to be valued and educated free of stereotyped patterns of behavior and social and cultural practices based on concepts of inferiority or subordination.” At the international level, the CEDAW establishes that the State and its agents have the obligation to eradicate discrimination against women in all of its forms. Article 1 of the CEDAW defines discrimination against women as: “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.” In this regard, the IACHR has emphasized that “an action or omission may have a discriminatory result or effect in practice, even though it may appear unbiased.”¹³
16. Although in recent years more and more women have been practicing journalism,¹⁴ social norms and gender stereotypes still “present an enormous challenge to the ability of women to begin, and pursue, a career in journalism on equal terms with men.”¹⁵ In many contexts, “perceptions persist [...] that journalism is not an ‘appropriate’ profession for women, resulting in sometimes severe social pressure not to enter the profession, or to leave it.”¹⁶
17. Analysis of the types of positions women have access to once they enter the media shows that, although progress has been made, discriminatory social norms and gender stereotypes also limit women's opportunities for career development during their professional lives. However, the information available indicates that in recent years the percentage of women among news presenters or reporters in the region has increased, and this percentage is even slightly higher than the global average.¹⁷

¹² IACHR. [The Road to Substantive Democracy: Women's Political Participation in the Americas](#). OEA/Ser.L/V/II. Doc. 79. April 18, 2011. Para. 18.

¹³ IACHR. [The Road to Substantive Democracy: Women's Political Participation in the Americas](#). OEA/Ser.L/V/II. Doc. 79. April 18, 2011. Para. 18.

¹⁴ International Federation of Journalists (IFJ). [Gender Snapshot: International Women's Day 2016](#), March 8, 2016. According to the source, “There are 70% of women in journalism schools and newsrooms [have begun] to have more women journalists than men.”

¹⁵ UN General Assembly. [The safety of journalists and the issue of impunity. Report of the Secretary General. A/72/290](#). 4 August 2017. Para. 6.

¹⁶ UN General Assembly. [The safety of journalists and the issue of impunity. Report of the Secretary General. A/72/290](#). 4 August 2017. Para. 6.

¹⁷ Worldwide, in 2015, women accounted for 37% of the people who reported news stories in newspapers and on television and radio news programs. In the same year, 49% of the people presenting news on radio and television were women. GMMP. [Gender Inequality in the News 1995-2015. Highlights of Findings](#). No date.

According to the findings of the Global Media Monitoring Project, in Latin America, 43% of news presenters and reporters in 2015 were women—15% more than in 2000. In the Caribbean, that same year, the figure was 45%.

18. However, this progress has not been uniform throughout the region.¹⁸ In particular, in the United States, the number of women reporters and media presenters decreased from 46% in 2000 to 38% in 2015.¹⁹
19. Women in the region are also over-represented among those who report news covering issues traditionally related to “female interest”²⁰ and under-represented in the coverage of topics considered to be of particular interest, such as those related to politics and government or economics. In Latin America, 41% of government and political news covered in 2015 was reported by women, a figure that stands at 28% in North America.²¹ This pattern might contribute to making the work of women journalists and media workers less visible and less valued, which can result in a pay gap vis-à-vis their male colleagues²² and access to fewer contractual protections.²³

¹⁸ World Association for Christian Communication - WACC. [Global Media Monitoring Project. Who Makes the News?](#) 2015. P. 52 & Table 36. P. 53. Disaggregated data for reporters and presenters by region can be found in Tables 38 and 40 of the study.

In Argentina, in 2016, the Office of the Ombudsman monitored all news programs broadcast on the five publicly and privately managed channels operating in the City of Buenos Aires. The study found that 71.8% of the news items that had a presenter were presented by a male columnist, while 23.4% were presented by a female journalist, with the remaining 4.8% were presented by different combinations of men and women. Office of the Ombudsman for Audiovisual Communication Services. [Monitoreos de Programas Noticiosos de Canales de Aire de la Ciudad de Buenos Aires](#) [Monitoring of Broadcast News Programs in the City of Buenos Aires]. P. 46.

¹⁹ World Association for Christian Communication - WACC. [Global Media Monitoring Project. Who Makes the News?](#) 2015. Pp. 11 & 53. In the case of the United States, the report of the Women’s Media Center on the Status of Women in the Media 2017, indicated that the gender gap between news reporters continues to exist in the main traditional newspapers, television news programs, and digital media, especially in television: men broadcast 74.8% of the news, as opposed to 25.2% for women, a figure that shows a decrease in the presence of women compared to previous measurements. These and other data are broken down in: Women’s Media Center. March 2017. [Women’s Media Center Report: Women journalists report less news than men; TV gender gap most stark](#). Similarly, according to information received during the joint official visit to Mexico by the Special Rapporteurs on Freedom of Expression of the Inter-American Commission on Human Rights and the United Nations, women journalists continue to be a minority in editorial positions in that country.

²⁰ UN General Assembly. [The safety of journalists and the issue of impunity. Report of the Secretary General.](#) A/72/290. 4 August 2017. Para. 7.

²¹ World Association for Christian Communication - WACC. [Global Media Monitoring Project. Who Makes the News?](#) 2015. Table 44. P. 57.

²² According to a study by the International Women’s Media Foundation (IWMF), the greatest wage gap is reportedly in corporate governance positions - where men earn twice as much as women - and in the top echelons of senior management positions. The patterns identified in relation to salaries for other positions were inconsistent. International Women’s Media Foundation (IWMF). [Global Report on the Status of Women in the News Media](#). P. 146; See also: International Federation of Journalists (IFJ). [Gender Snapshot: International Women’s Day 2016](#). March 8, 2016; Office of the Human Rights Ombudsman & Internews. [Diagnóstico sobre el entorno de trabajo de las mujeres periodistas y comunicadoras sociales en El Salvador. Informe 2018](#) [Assessment of the work environment of women journalists and media workers in El Salvador. 2018 Report]. No date. P. 26.

²³ UN General Assembly. [The safety of journalists and the issue of impunity. Report of the Secretary General.](#) A/72/290. 4 August 2017. Para. 7.

20. There are also few women in government and senior management positions in newspaper companies.²⁴ According to data gathered by the International Federation of Journalists (IFJ), the representation of women in leadership positions in Latin American media companies is less than 25%.²⁵ This Office's own experience in numerous meetings with media associations, owners, and managers confirms that women who succeed in attaining managerial positions in the public and private media remain a minority in the region.²⁶
21. Women journalists and media workers are also affected by "inflexible working hours, limited or no access to affordable quality childcare, poor parental leave policies and social attitudes [by virtue of which women are assigned unremunerated care tasks], among many other factors."²⁷ The impact of these patterns of discrimination, which also affect other groups of women, is exacerbated by the long working hours typical of the organizational culture of many media outlets.²⁸ In this regard, "For working mothers, attaining a home/work balance within newsrooms [...] has been identified as a difficulty."²⁹
22. In several countries in the region, women journalists of African descent are often disproportionately under-represented in the traditional media and in decision-making positions in those media.³⁰ In Brazil, 86% of the 500 journalists interviewed

²⁴ International Women's Media Foundation (IWMF). [Global Report on the Status of Women in the News Media](#). P. 9. See also: UN General Assembly. [The safety of journalists and the issue of impunity. Report of the Secretary General. A/72/290](#). 4 August 2017. Para. 7. With regard to public media, the preliminary results of a worldwide survey conducted by the Global Alliance on Media and Gender and UNESCO indicate that, out of a sample of 32 countries, only 15% have allocated budgets to the promotion of gender equity among state-owned media staff. Thirty percent of these countries have policies to ensure gender balance in media management positions. Eighteen percent have policies in place to ensure this balance among the staff of journalists. GAMAG. [Global Survey on Gender and Media. Preliminary Findings](#). 2016.

²⁵ International Federation of Journalists (IFJ). [Gender Snapshot: International Women's Day 2016](#). March 8, 2016.

²⁶ In 2011, men held 74.1% of government positions and 72.7% of senior management positions in more than 500 radio, print, and television news organizations surveyed throughout the world. In the Americas, according to the same study, while the presence of women in news management and chief editor positions was around 46.4%, they were highly underrepresented in the most senior positions in media companies. Women held one-fifth (21.5%) of media governance positions (boards or committees) and less than one-third (30.5%) of upper management positions (executive directors, CEOs, CFOs). The situation varied significantly from country to country. International Women's Media Foundation (IWMF). [Global Report on the Status of Women in the News Media](#). P. 23; See also: United Nations. [Statement submitted by World Association for Christian Communication, a non-governmental organization in consultative status with the Economic and Social Council](#). E/CN.6/2018/NGO/155. 18 December 2017. P. 3. In 2008, the World Association of Community Radio Broadcasters noted that while community radio stations tended to have a better representation of women than the public and commercial media, they were still underrepresented, particularly in areas of decision-making and technical skills. WACRB-WIN. [Gender Policy for Community Radio](#). March 8, 2008. P. 5 (Adopted by the World General Assembly of the WACRB in 2010 in La Plata, Argentina).

²⁷ UN Women. Occupational Segregation. No date. Available at: <http://interactive.unwomen.org/multimedia/infographic/changingworldofwork/en/index.html>

²⁸ UNESCO. [Gender-Sensitive Indicators for Media](#). 2012; World Association for Christian Communication - WACC. [Global Media Monitoring Project. Who Makes the News?](#) 2015. P. 49; International Federation of Journalists (IFJ). [Gender Snapshot: International Women's Day 2016](#). March 8, 2016.

²⁹ World Association for Christian Communication - WACC. [Global Media Monitoring Project. Who Makes the News?](#) 2015. P. 49.

³⁰ Information received during the consultation meeting with experts held by the Office of the Special Rapporteur in Bogotá on February 20, 2018; See also: Women's Media Center. [Women's Media Center Report: Women journalists](#)

by the Journalists' Union in a survey conducted in 2016 considered that their Afro-descendant colleagues had fewer opportunities to access the traditional media.³¹ Research carried out by civil society confirmed that Afro-Brazilian journalists and media workers held the lowest-level positions. According to the study, in Brazil, the most powerful positions in media companies are still held by “white men, followed by black men, and only then by white women, followed by black women.”³²

23. Also, during the consultation meeting for this report held in Bogotá in February 2017, Colombian journalists noted the limited access of Afro-Colombian journalists to the media. According to the participants, this situation is the result of multiple and intersectional discrimination experienced by Afro-Colombian women and the persistence of negative stereotypes and prejudices against them and different symbols of their identity, such as wearing “Afro hair.”³³
24. According to information provided to the Office of the Special Rapporteur, indigenous women journalists face the “stigmatization” of their communication spaces by those who operate the community media outlets where they seek to perform their work. In particular, the prevalence of gender stereotypes and prejudices means that their work is undervalued and that they encounter significant barriers to accessing key programming schedules and covering issues of general interest or the political agenda, while their own colleagues push them to focus on the coverage of issues traditionally considered “feminine,” according to gender stereotyping³⁴
25. Several studies have highlighted that discrimination against women journalists and media workers in the workplace is reflected both in the low participation of women in the media agenda and in the way in which they are represented when they do appear in the news. Women's testimonies, experiences, and concerns tend to be invisible on the media agenda. This is evidenced by the fact that women constitute only 29% of the people who are read, seen, or heard about in the news in both traditional media (print, television, and radio) and online media in Latin America,³⁵ a

[report less news than men; TV gender gap most stark](#). March 2017; Journalists' Union of the Federal District [Brazil]. [Desigualdade de Gênero no Jornalismo](#). [*Gender Inequality in Journalism*]. September 2017.

³¹ Journalists' Union of the Federal District [Brazil]. [Desigualdade de Gênero no Jornalismo](#). [*Gender Inequality in Journalism*]. September 2017. It is worth noting that female journalists make up 64% of the total number of journalists in Brazil. National Federation of Journalists. [Federação Nacional dos Jornalistas (Fenaj)]. [Perfil do jornalista brasileiro-Síntese](#) [Profile of the Brazilian Journalist - Summary]. 2012.

³² Article 19. [Gênero & Mídia. Aplicação dos indicadores de equidade de gênero para mídia da Unesco](#) [Gender & Media. Application of UNESCO gender equity indicators]. Received via email on February 28, 2018. Pp. 12 & 14

³³ Information received during the consultation meeting with experts held by the Office of the Special Rapporteur in Bogotá on February 20, 2018; See also: *Red Colombiana de Periodistas con Visión de Género / Sandra Valoyes*. No date. [Mujeres afro en los medios: resistiendo a los estereotipos](#) [Women of African descent in the media: resisting stereotypes]; *Coletivo de Jornalistas Feministas Nísia Floresta*. July 25, 2016. [Mulheres negras na mídia: onde estão?](#) [Black women in the media: Where are they?].

³⁴ Information received during the consultation meeting with experts held by the Office of the Special Rapporteur in Bogotá on February 20, 2018.

³⁵ World Association for Christian Communication - WACC. [Global Media Monitoring Project. Who Makes the News?](#) 2015. P. 9. See also: World Association for Christian Communication - WACC. [América Latina. Proyect de Monitoreo Global de Medios 2015. Informe Regional](#) [Latin America. Global Media Monitoring Project 2015. Regional Report], Summary and Conclusions. No date.

Women make up 38% of the people who are read about, seen, or heard about in the traditional media in the United States and 27% in Canada. World Association for Christian Communication - WACC. [Global Media Monitoring](#)

situation that has remained constant in recent years.³⁶ According to the results of the Global Media Monitoring Project,³⁷ this percentage is slightly higher than that reported worldwide (24%)³⁸ and slightly lower than in North America (36%).³⁹

26. In Latin America, women account for 25% of people in the news covering political and economic issues, according to data from 2015. Paradoxically, that same year, the region topped the ranking of countries with the most women in high-level political positions.⁴⁰
27. The IACHR has also noted with concern the lack of participation of people of African descent in the media and the tendency for the participation of these professionals to be linked to the “folklorization” and “exoticization”⁴¹ sought by some media, which contribute to perpetuating stereotypes and prejudices against them and their realities. Similarly, indigenous women have also reported that their experiences and problems continue to be underreported in the public and private media.⁴² In particular, they have stressed that the media tend to represent them in a way that does not respect their dignity⁴³ and reinforces the social perception that they are

[Project. Who Makes the News?](#) 2015. Annex 6. Table: Newspapers, radio and television news: Overall presence of women as subjects and sources. 1995 -2015.

³⁶ World Association for Christian Communication - WACC. [Global Media Monitoring Project. Who Makes the News?](#) 2015. P. 9. On this point, see also: UNESCO. [World Trends in Freedom of Expression and Media Development](#). P. 34; pp. 43-44; International Federation of Journalists (IFJ). [Gender Snapshot: International Women’s Day 2016](#). March 8, 2016; Chaher. S (Comp.). [Políticas públicas de comunicación y género en América Latina: un camino por recorrer](#) [Public policies on communication and gender in Latin America: a way forward]. 1st ed. - Buenos Aires. Comunicación para la Igualdad Ediciones/ Fundación Friedrich Ebert. 2014.

³⁷ The Global Media Monitoring Project has been carried out every five years since 1995 and gathers information from 114 countries. The study is coordinated by the World Association for Christian Communication (WACC), and is supported by international agencies such as UN Women and UNESCO.

³⁸ World Association for Christian Communication - WACC. [Global Media Monitoring Project. Who Makes the News?](#) 2015. P. 9. On this point, see also: UNESCO. [World Trends in Freedom of Expression and Media Development](#). P. 34; pp. 43-44; International Federation of Journalists (IFJ). [Gender Snapshot: International Women’s Day 2016](#). March 8, 2016; Chaher. S (Comp.). [Políticas públicas de comunicación y género en América Latina: un camino por recorrer](#) [Public policies on communication and gender in Latin America: a way forward]. 1st ed. - Buenos Aires. Comunicación para la Igualdad Ediciones/ Fundación Friedrich Ebert. 2014.

³⁹ World Association for Christian Communication - WACC. [Global Media Monitoring Project. Who Makes the News?](#) 2015. P. 33.

⁴⁰ World Association for Christian Communication - WACC. [Global Media Monitoring Project. Who Makes the News?](#) 2015. P. 35. Disaggregated data on women’s presence in the news by main topic can be found in Annex 6. P. 128 et seq. of the report.

⁴¹ IACHR. [The situation of people of African descent in the Americas](#). OEA/Ser.L/V/II. Doc. 62. December 5, 2011. Para. 58.

⁴² In Guatemala, “Indigenous peoples continue to be excluded from the media.” When they do appear in the media, indigenous women are mostly represented as victims. CERIGUA. [Monitoreo de la Información de Pueblos Indígenas](#) [Monitoring Indigenous Peoples’ Information]. November 12, 2015. P. 158.

The communications messages that appear in the print, radio, and television media in Bolivia, Ecuador, and Peru also tend to reinforce the disadvantaged status and position of indigenous women. Initiative on “Participation of indigenous women: capacity-building for decision-making through information and communication technologies in Latin America.” CHIRAPAQ. [Monitoreo de la Imagen de las Mujeres Indígenas en los Medios de Comunicación](#) [Monitoring the Image of Indigenous Women in the Media] (Bolivia, Ecuador, Peru). 2008.

⁴³ United Nations. [Statement submitted by CHIRAPAQ - Centro de Culturas Indígenas del Perú, a non-governmental](#)

victims or targets of human rights violations, thus ignoring the fact that they “have played and continue to play a consequential role in the history of the struggle for the self-determination of their peoples, their collective and individual rights, and their rights as women.”⁴⁴ The impact of these portrayals is aggravated by stigmatization, persecution, criminalization, and other obstacles that negatively impact indigenous communicators’ initiatives to advance community media.⁴⁵

B. Gender-based violence against women journalists

28. Gender-based violence against women is a form of discrimination against women and a violation of their human rights. It is a type of violence that is directed against a woman because of the fact that she is a woman, and/or that affects women disproportionately. Gender-based violence affects women throughout their life cycle and takes multiple forms, including acts or omissions intended or likely to cause or result in death or physical, sexual, psychological or economic harm or suffering to women, threats of such acts, harassment, coercion and arbitrary deprivation of liberty⁴⁶.
29. On numerous occasions, the IACHR has highlighted the close link between gender discrimination and the prevalence of various forms of violence against women. Similarly, this Office has emphasized that social constructions of gender and historical discrimination against women determine that the patterns of violence persisting in the region against the press have particular characteristics and/or a differentiated impact on female journalists and media workers.⁴⁷ The Office of the Special Rapporteur has noted that violence against women journalists and women media workers “is manifested in different ways, from murder and sexual violence—including sexual harassment—to intimidation, abuse of power, and threats based on gender.”⁴⁸ This Office has also observed that, “violence against women is perpetrated

[organization in consultative status with the Economic and Social Council](#). E/CN.6/2018/NGO/55. 1 December 2017; SOCIALTIC. [Comunicadoras Indígenas y Afrodescendientes ocupan los medios y las redes sociales](#) [Indigenous and Afro-descendant communicators occupy the media and social networks]. 15 October 2015; Permanent Committee for Consultation with Indigenous Peoples and Organizations (Colombia). [Plan de Televisión Indígena Unificado](#) [Unified Indigenous Television Plan]. December 2017. P. 20; IACHR. [2016 Annual Report. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter II (Evaluation of the state of freedom of expression in the hemisphere). OEA/Ser.L/V/II. Doc. 22/17. March 15, 2017. Para. 1267.

⁴⁴ IACHR. [Indigenous Women and their Human Rights in the Americas](#). OEA/ Ser.L/V/II. Doc.44/17. April 17, 2017. Para. 37.

⁴⁵ IACHR. [Annual Report. Report of the Office of the Special Rapporteur for Freedom of Expression 2017](#). Chapter II (Evaluation of the State of Freedom of Expression in the Hemisphere). OEA/Ser.L/V/II. Doc. 210/17. December 31, 2017. Paras. 636, 679, 681; IACHR/OHCHR. [Preliminary Observations by the UN Special Rapporteur on freedom of expression and the Special Rapporteur on freedom of expression of the IACHR following their joint visit to Mexico, 27 November- 4 December 2017](#). December 4, 2017. Para. 21; Federal Telecommunications Institute of Mexico. International Forum on Indigenous and Community Media. [Panel: Sesión 3. Obstáculos a la libertad de expresión de los medios comunitarios e indígenas](#) [Panel: Session 3: Obstacles to freedom of expression for community and indigenous media]. Presentation of Article 19 Mexico. August 2017. Video [9:38:45].

⁴⁶ United Nations. Committee on the Elimination of Discrimination against Women (CEDAW). [General Recommendation No. 25 on gender-based violence against women](#). July 26, 2017. Para. 14.

⁴⁷ IACHR. [Annual Report 2013. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter III (Violence against Journalists and Media Workers: Inter-American standards and national practices on prevention, protection, and prosecution of perpetrators). OEA/Ser.L/V/II.149. Doc. 50. December 31, 2013. Para. 251.

⁴⁸ IACHR. [Annual Report 2013. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter III (Violence against Journalists and Media Workers: Inter-American standards and national practices on prevention,

by different actors, including State agents, sources of information, and colleagues, and it takes place in diverse contexts and settings, including the street, the workplace, and State offices or institutions.”⁴⁹

30. In recent years, there has been an increase in the murders of women journalists worldwide. According to data collected by UNESCO, between 2012 and 2016, at least 38 women journalists were killed because of their work, representing 7% of all murders of journalists in that period.⁵⁰ Data from the Committee to Protect Journalists (CPJ) indicate that eight women journalists were murdered in 2017 worldwide, accounting for 19% of the total number of cases reported by the organization that same year.⁵¹
31. This Office reported the murder of seven women journalists, communicators and media workers for reasons reportedly linked to the practice of their profession that took place between 2012 and 2018 in Mexico and Colombia. On April 28, 2012, journalist Regina Martinez was brutally killed at her home in Veracruz, Mexico.⁵² On May 3, 2012, Irasema Becerra, an administrative employee of a Mexican state newspaper, and three photographers working for the same newspaper were found murdered.⁵³ In October 2014, Twitter user @Miut3—María del Rosario Fuentes Rubio—was murdered in Mexico.⁵⁴ On September 10, 2015, journalist Flor Alba Núñez was murdered in Pitalito, Huila department, southwestern Colombia.⁵⁵ Journalist Miroslava Breach was killed leaving her home in Chihuahua, Mexico, on

protection, and prosecution of perpetrators). OEA/Ser.L/V/II.149. Doc. 50. December 31, 2013. Para. 251.

⁴⁹ IACHR. Annual Report 2013. Report of the Office of the Special Rapporteur for Freedom of Expression. Chapter III (Violence against Journalists and Media Workers: Inter-American standards and national practices on prevention, protection, and prosecution of perpetrators). OEA/Ser.L/V/II.149. Doc. 50. December 31, 2013. Para. 251. The Office of the Special Rapporteur cites different sources, including: CIMAC. *Informe diagnóstico. Violencia contra mujeres periodistas. México 2010-2011* [Diagnostic report. Violence against women journalists. Mexico 2010-2011]. September 7, 2012. P. 11; Committee to Protect Journalists (CPJ). June 7, 2011. *The silencing crime: Sexual violence and journalists*.

⁵⁰ While the number of women journalists killed worldwide in 2012 was five, in 2016 it was ten. UNESCO. World Trends in Freedom of Expression and Media Development: 2017/2018 Global Report. 2018. Pp. 153-154.

⁵¹ Cases of murdered women journalists documented by CPJ are available at: https://cpj.org/data/killed/2017/?status=Killed&motiveConfirmed%5B%5D=Confirmed&type%5B%5D=Journalist&gender%5B%5D=Female&end_year=2017&group_by=location. In the Americas, two cases were reported during 2017: Colombian indigenous journalist Efigenia Vázquez and Mexican journalist Miroslava Breach.

⁵² IACHR. Office of the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights April 30, 2012. Press Release R41/12. Office of the Special Rapporteur Condemns Murder of Journalist in Veracruz.

⁵³ IACHR. Office of the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights May 4, 2012. Press Release R44/12. Office of the Special Rapporteur Condemns Murders of Four Media Workers in Veracruz, Mexico.

⁵⁴ IACHR. Office of the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights November 3, 2014. Press Release R 129/14. Office of the Special Rapporteur Condemns Murders of Two Communicators in Mexico.

⁵⁵ IACHR. Office of the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights September 14, 2015. Press Release R 102/15. Office of the Special Rapporteur Condemns Murder of Journalist Flor Alba Núñez in Colombia.

March 3, 2017.⁵⁶ On October 8, 2017, Efigenia Vásquez Astudillo, a journalist with the indigenous radio station Renacer Kokonuko, was murdered in the Cauca region of Colombia.⁵⁷ On February 5, 2018, journalist and blogger Leslie Ann Pamela Montenegro del Real was murdered in Acapulco, Mexico.⁵⁸

32. Nevertheless, as UNESCO has noted, “Killings [...] are only the tip of the iceberg and women face certain gender-based threats.”⁵⁹ In 2017, 48% of the nearly 400 journalists from 50 countries who responded to an IFJ online survey indicated that they had experienced various forms of work-related gender-based violence.⁶⁰
33. The most common acts of gender-based violence reported by journalists participating in the IFJ survey include verbal abuse (63%), psychological abuse (41%), economic exploitation (21%), and physical violence (11%). These forms of violence are perpetrated both by people outside the workplace (sources, politicians, readers, or other audiences) and by bosses or superiors. Also, 44% of women surveyed reported being harassed online.⁶¹

⁵⁶ Mexico Office of the United Nations Entity for Gender Equality and the Empowerment of Women , Office of the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights (IACHR), and Mexico Office of the United Nations Office of the High Commissioner for Human Rights (OHCHR). March 23, 2017. Press Release [R38/17 - Organismos internacionales expresan su firme condena por el asesinato de la periodista Miroslava Breach en Chihuahua, Chihuahua](#). [International Bodies Strongly Condemn Murder of Journalist Miroslava Breach in Chihuahua, Chihuahua].

⁵⁷ IACHR. Office of the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights October 30, 2017. Press Release R171/17. [Office of the Special Rapporteur calls to investigate and determine the circumstances of the murder of community journalist Efigenia Vásquez](#).

⁵⁸ IACHR. Office of the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights February 15, 2018. [Press Release R28/18. Office of the Special Rapporteur Condemns Murder of Citizen Journalist in Mexico](#). Cases of murdered women journalists documented by CPJ are available at: https://cpj.org/data/killed/2017/?status=Killed&motiveConfirmed%5B%5D=Confirmed&type%5B%5D=Journalist&gender%5B%5D=Female&end_year=2017&group_by=location. In relation to violence against women journalists in Mexico, where most of the murders reported by this Office have occurred, the organization CIMAC has documented and condemned a significant increase in violence against women journalists in that country and the impunity surrounding it. The organization’s report *Violencia contra Mujeres Periodistas 2014-2015* [Violence against Women Journalists 2014-2015] described the violence against women journalists in Mexico. The organization said the expansion of violence against women journalists has been intended as an intimidation mechanism to silence and deter their investigations. CIMAC. [El Poder del cacicazgo: Violencia contra Mujeres Periodistas 2014-2015](#) [The Power of the *Cacicazgo*: Violence against Women Journalists 2014-2015]. 2016. P. 8.

⁵⁹ UNESCO. [Time to Break the Cycle of Violence Against Journalists: Highlights from the UNESCO Director-General's 2016 Report on the Safety of Journalists and the Dangers of Impunity](#). 2016. P. 3.

⁶⁰ International Federation of Journalists (IFJ). [IFJ survey: One in two women journalists suffer gender-based violence at work](#). November 24, 2017. Three years earlier, the International News Safety Institute (INSI) and the International Women’s Media Foundation (IWMF) conducted a survey that gathered responses between August 2013 and January 2014 from 1078 people, 977 of whom identified themselves as women. It included journalists from newspapers and magazines, television, radio, and online media. The survey was answered by employed journalists and freelancers. Almost two thirds of the women surveyed reported experiencing some form of intimidation, threat, or abuse in connection with their work. UN General Assembly. [The safety of journalists and the issue of impunity. Report of the Secretary General](#). A/72/290. 4 August 2017. Para. 8; International Women’s Media Foundation (IWMF) / International News Safety Institute (INSI). *Violence and harassment against women in the news media. A global picture*. 2014. [Executive Summary](#)

⁶¹ International Federation of Journalists (IFJ). [IFJ survey: One in two women journalists suffer gender-based violence at work](#). November 24, 2017.

34. Women journalists and media workers point out that gender is not only a factor that is reflected in specific forms of violence against them, but it also means that the acts of violence usually committed against journalists in general have a differentiated impact on their lives and those of their families. In this regard, they have reported that acts of violence designed to intimidate or silence them are perpetrated against their family environment, including their children.⁶²
35. As the Office of the Special Rapporteur has emphasized, violence and sexual harassment are also among the most frequent manifestations of gender-based violence against women journalists and media workers.⁶³ The Secretary General of the United Nations has also made a similar statement.⁶⁴ In addition, in recent years, this Office has reiterated that women journalists have also experienced an increasing number of acts of online violence.⁶⁵

1. Violence and sexual harassment

36. Sexual violence in the workplace can include a range of behavior, such as unwanted comments or advances, ‘jokes’, brief physical contact and sexual assault.⁶⁶ Sexual harassment is a form of sexual violence that commonly occurs in the world of work, and it is frequently categorized in two ways: “*quid pro quo*” or “hostile working environment.”⁶⁷ Violence and sexual harassment constitute a “continuum of unacceptable behaviors and practices”⁶⁸ that “can be horizontal and vertical, from internal and external sources (including clients and other third parties and public authorities)—in the public or private sector.”⁶⁹ The Inter-American Court has recognized that “sexual violence includes actions of a sexual nature committed against an individual without her consent, which in addition to the physical invasion

⁶² Expert consultation meeting held on 20 February in Bogotá. See also: Marcela Turati. “*Mujeres Periodistas, nuestros retos*” [Women Journalists: our challenges], in CIMAC. [El poder de cacicazgo. Violencia contra mujeres periodistas 2014-2015](#) [The Power of the Cacicazgo: Violence against Women Journalists 2014-2015]. 2016; FECOLPER. *Sociedad, guerra y periodistas: La información en tiempos de fusiles* [Society, War and Journalists: Information in Times of Rifles]. October 2017. P.157.

⁶³ IACHR. [Annual Report 2013. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter III (Violence against Journalists and Media Workers: Inter-American standards and national practices on prevention, protection, and prosecution of perpetrators). OEA/Ser.L/V/II.149. Doc. 50. December 31, 2013. Para. 251.

⁶⁴ UN General Assembly. [The safety of journalists and the issue of impunity. Report of the Secretary General](#). A/72/290. 4 August 2017. Para. 9.

⁶⁵ UNESCO. 2018. [World Trends in Freedom of Expression and Media Development: 2017/2018 Global Report](#). P. 155.

⁶⁶ ILO. [Ending violence and harassment against women and men in the world of work](#). First edition 2017, p. 11.

⁶⁷ As the ILO explains it, “‘Quid pro quo’ sexual harassment is when a worker is asked for a sexual favour, and submitting or rejecting that request is used to make a decision about that worker’s job. ‘Hostile working environment’ harassment covers conduct that creates an intimidating, hostile or humiliating working environment.” ILO. [Ending violence and harassment against women and men in the world of work](#). First edition 2017. P. 11.

⁶⁸ ILO. [Report of the Director General. Fifth Supplementary Report: Outcome of the Meeting of Experts on Violence against Women and Men in the World of Work](#). Appendix I. Conclusions adopted by the Meeting. GB.328/INS/17/5, 2016. Para. 3.

⁶⁹ ILO. [Report of the Director General. Fifth Supplementary Report: Outcome of the Meeting of Experts on Violence against Women and Men in the World of Work](#). Appendix I. Conclusions adopted by the Meeting. GB.328/INS/17/5, 2016. Para. 4

of the human body, may include acts that do not involve penetration or even physical contact”⁷⁰.

37. Journalism and the media are no strangers to these forms of violence.⁷¹ In recent years, a number of initiatives have documented the different forms of violence, sexual harassment, and related forms of gender-based violence experienced by women journalists and media workers in various countries of the region. Many of them have been led by journalists' organizations themselves, which have done an outstanding job of identifying these different forms of violence that affect journalists and other media workers.
38. The documented attacks took three distinct forms: rape against journalists in retaliation for their work, sexual abuse of journalists in captivity or detention, and sexual violence by mobs against journalists covering public events⁷². A global survey made between 2017 and 2018 by the International Women’s Media Foundation⁷³, shows that 63% of the 597 female journalists who completed the survey have been threatened or harassed online, 58% indicated they have been threatened or harassed in person, and 26% indicated that they have been physically attacked. The percentage of women journalists that have experienced physical violence increases to 31% in cases of women working outside the United States. According to the survey, women journalists all over the world reported doing their work against a backdrop of gender-based discrimination and violence. “Gender plays a significant role. 78 percent of US based women journalists indicated that gender was a contributing factor to their attacks and threats. Among women who work abroad, 68 percent indicated that gender was the main factor in their attacks- both online and off.” Also, among journalists responding to an online survey conducted in 2017, 37% of journalists responding to the gender-based violence survey reported having experienced sexual harassment.⁷⁴
39. In Latin America, the few data collected reveal that the situation is equally serious. In Colombia, on March 8, 2018, the Colombian Federation of Journalists (FECOLPER) noted that “the special circumstances of being a female journalist are often embodied in abuses involving sexual harassment and coercion, intimidation, abuse of power, and threats based on gender status.”⁷⁵ In the same vein, several Colombian journalists have publicly denounced having suffered violence and sexual harassment in the

⁷⁰ I/A Court H.R. [Case of J. v. Peru](#). *Preliminary Objection, Merits, Reparations and Costs*. Judgment of November 27, 2013. Series C No. 275.

⁷¹ ILO. [Ending violence and harassment against women and men in the world of work](#). First edition 2017. P. 12; ILO. [Report of the Director General. Fifth Supplementary Report: Outcome of the Meeting of Experts on Violence against Women and Men in the World of Work](#). Appendix I. Conclusions adopted by the Meeting. GB.328/INS/17/5. 2016. Para. 3.

⁷² Committee to Protect Journalists. June 7, 2011. [The silencing crime: Sexual violence and journalists](#).

⁷³ International Women’s Media Foundation. [Attacks and Harassment: The Impact on Female Journalists and Their Reporting](#). 2018.

⁷⁴ IFJ. [IFJ survey: One in two women journalists suffer gender-based violence at work](#). November 24, 2017.

⁷⁵ FECOLPER. [#ManifiestoFECOLPER. Periodistas hacen llamado por un periodismo en equidad y libre de violencias](#) [#FECOLPERManifest. Journalists call for fair and violence-free journalism]. March 8, 2018.

- practice of their profession.⁷⁶ In this context, the Colombian Network of Journalists with a Gender Perspective [*Red Colombiana de Periodistas con Visión de Género*] launched the campaign *#PeriodistasSinAcoso* to acknowledge and denounce sexual harassment in the media.⁷⁷
40. In 2017, the Association of Journalists of El Salvador (APES) reported that sexual harassment is one of the problems affecting the practice of journalism in that country.⁷⁸ In El Salvador, all of the women journalists who participated in a study conducted by the Office of the Human Rights Ombudsman and Internews reported that they experienced sexual harassment during their fieldwork, and 96.15% were reportedly subjected to sexual harassment within their own media organizations. The main offenders included security employees (National Civil Police, Armed Forces, and private security groups), members of the Legislative Assembly, Executive Branch officials, and even their own colleagues and bosses, according to the assessment.⁷⁹
41. During 2017, the U.S. media published a series of reports and investigations into acts of harassment and sexual violence allegedly committed by prominent journalists and media executives, both inside and outside the workplace.⁸⁰ At the same time, the *#MeToo* movement, which emerged in the United States, helped to create a space for women around the world, including journalists and media workers, to bring to light the harassment and sexual assault they suffer in different areas of their professional, work, or academic lives.⁸¹

⁷⁶ Mabel Lara, Paola Ochoa, Claudia Morales, and Claudia Julieta Duque publicly denounced having been subjected to these types of acts. FECOLPER. *Annual Report 2017*. P. 24. In Spanish; *Fundación para la Libertad de Prensa. Informe sobre el estado de la libertad de prensa en Colombia 2017. Estado depredador* [Report on the state of freedom of the press in Colombia 2017. Predatory state]. February 2018. P. 47 et seq.; *El Tiempo*. November 27, 2018. *Yo también* [Me Too]; *El Espectador*. January 19, 2018. *Una defensa del silencio* [A Defense of Silence]; *El Tiempo*. February 9, 2018. *Organizaciones de mujeres respaldan a la periodista Claudia Morales* [Women's organizations support journalist Claudia Morales]; *El Espectador*. January 28, 2018. *Claudia Julieta Duque dice que exfiscal Gómez Méndez la acosó en 2003, él dice que esto nunca pasó* [Claudia Julieta Duque says that ex-prosecutor Gomez Mendez harassed her in 2003, he says this never happened].

⁷⁷ *Red Colombiana de Periodistas con Visión de Género. Periodistas sin acoso* [Journalists without harassment]. February 9, 2018.

⁷⁸ IACHR. *Annual Report 2017. Report of the Office of the Special Rapporteur for Freedom of Expression* Chapter II (Evaluation of the State of Freedom of Expression in the Hemisphere). OEA/Ser.L/V/II. Doc. 210/17. December 31, 2017. Para. 550.

⁷⁹ Office of the Human Rights Ombudsman (El Salvador) / Internews. *Diagnóstico sobre el entorno de trabajo de las mujeres periodistas y comunicadoras sociales en El Salvador. Informe 2018*. [Assessment of the work environment of women journalists and media workers in El Salvador. 2018 Report]. The sample for this study consisted of 52 journalists from print, radio, television, digital, and social media in the western, central, sub-central, and eastern regions of the country.

⁸⁰ The New York Times. April 19, 2017. *Bill O'Reilly Is Forced Out at Fox News*; *El País*. April 20, 2017. *La Fox despide a su presentador estrella, Bill O'Reilly, tras varias denuncias por acoso sexual* [Fox fires its star host, Bill O'Reilly, after several complaints of sexual harassment]; CBS. *CBS News suspends Charlie Rose over sexual misconduct allegations*; CNN. November 21, 2017. *CBS despide a periodista Charlie Rose tras 8 denuncias de acoso sexual* [CBS fires journalist Charlie Rose after 8 sexual harassment complaints]; *Plano Informativo*. March 8, 2018. *Periodistas enfrentan violencia de género y desigualdad laboral* [Journalists face gender-based violence and inequality in the workplace].

⁸¹ UN WOMEN. *Timeline: Gender Equality, 2017 Year in Review*; New York Times. April 16, 2018. *New York Times and New Yorker Share Pulitzer for Public Service*.

42. In 2017, the Brazilian Association of Investigative Journalism (*Associação Brasileira de Jornalismo Investigativo*) and the *Gênero e Número* initiative released their research on “Women in Brazilian Journalism” (*Gênero no Jornalismo*).⁸² Seventy-five per cent of female journalists in Brazil who responded to an online questionnaire as part of this research indicated that they had received comments about their clothing, body, or appearance while working in their profession that made them feel uncomfortable.⁸³
43. In Paraguay,⁸⁴ Brazil,⁸⁵ and Mexico,⁸⁶ women journalists have also publicly reported being victims of violence and sexual harassment while covering sports events.

2. Online violence against women journalists

44. Online violence against women has been understood as “any act of gender-based violence against women that is committed, assisted or aggravated in part or fully by the use of ICT, such as mobile phones and smartphones, the Internet, social media platforms or email, against a woman because she is a woman, or affects women disproportionately.”⁸⁷

⁸² *Associação Brasileira de Jornalismo Investigativo (ABRAJI) /Gênero e Número. Pesquisa Gênero no Jornalismo. 2017* [Gender and Number. Research on Gender in Journalism. 2017]. Available at: <http://gnjb-spa.surge.sh/#section1>

⁸³ Similarly, in 2018, within the framework of International Women’s Day, the Brazil office of the organization Article 19 launched the documentary “*Mulheres de Expressão*,” which includes the work done together with AMARC Brazil to learn about the violence and discrimination experienced by women in radio in that country, and to develop strategies for confronting these situations and strengthening women’s freedom of expression. In the documentary, several women testified about the discrimination they have faced in journalism. Article 19. [Documentário “Mulheres de Expressão” traz a voz das comunicadoras](#). March 12, 2018.

⁸⁴ On August 26, 2017, journalist Clara Martínez of the Paraguayan Communications Network (RPC) was harassed by fans of the Cerro Porteño soccer club who kissed her while she was conducting interviews outside the stadium to cover the aftermath of a soccer match. As a result of this case, the Paraguayan Journalists’ Union issued a statement rejecting all forms of violence and discrimination against women journalists. For its part, the board of the Soccer Club also condemned the violence and expressed its solidarity with the reporter. IACHR. [Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2017](#). Chapter II (Evaluation of the State of Freedom of Expression in the Hemisphere). OEA/Ser.L/V/II. Doc. 210/17. December 31, 2017. Para. 978.

⁸⁵ Emol.com. March 15, 2018. [Periodista fue acosada en previa a partido entre el Vasco de Gama y la “U”](#): “*Soy mujer y merezco ser respetada*” [Journalist harassed before the match between Vasco de Gama and “La U”: “I am a woman and I deserve to be respected”]. In March 2018, a group of Brazilian sports journalists launched the Let Her Do Her Job [#deixaeltrabalhar] campaign, after a series of cases in which journalists were kissed and harassed during their work in and around soccer stadiums. Committee to Protect Journalists. [Brazil’s “Let her do her job” campaign demands respect for female sports reporters](#). April 18, 2018.

⁸⁶ Infobae. April 26, 2018. [Una periodista golpeó a un fanático de Chivas que la acosó en vivo](#) [Journalist beats up Chivas fan who harassed her during live broadcast]; Infobae. April 27, 2018. [Con #NoMeToques y #UnaSomosTodas, periodistas deportivas en México rechazan el acoso en los estadios](#) [With #NoMeToques and #UnaSomosTodos, sports journalists in Mexico reject stadium harassment].

⁸⁷ United Nations. Human Rights Council. [Report of the Special Rapporteur on violence against women, its causes and consequences on online violence against women and girls from a human rights perspective](#). A/HRC/38/47. 18 June, 2019. Para. 23. Nevertheless, the Rapporteur notes that “The rapid development of digital technology and spaces, including through artificial intelligence (AI), will inevitably give rise to different and new manifestations of online violence against women. [...] As digital spaces morph and develop, so too must the application and implementation of human rights norms to these areas.”

45. Female journalists are one of the groups of women particularly affected by this form of gender-based violence.⁸⁸ Women journalists and media workers are not only more exposed to online attacks than their male counterparts⁸⁹ but, in addition, in recent years, they “have experienced increasing online abuse, stalking and harassment.”⁹⁰ Online attacks targeting women journalists take on specific characteristics because of their gender; they are generally misogynistic, with sexualized content. This type of violence leads to self-censorship and “is a direct attack on women’s visibility and full participation in public life.”⁹¹
46. UNESCO has underscored that the most frequent forms of online violence against women journalists and media workers include monitoring and stalking, posting personal data, trolling, smearing, defamation or disparagement, and viral hatred.⁹² Various civil society organizations have also emphasized the prevalence of acts of “electronic spying on women journalists and human rights defenders in the region... [aimed] at controlling, silencing, intimidating, or extorting women who defy the status quo.”⁹³
47. The kind of subject matter addressed by women journalists is also a relevant factor in analyzing the prevalence of online violence against them. According to the Secretary General of the United Nations, “Women who cover topics such as politics, law, economics, sport, women’s rights, gender, and feminism are particularly likely to become targets of online violence. While men journalists are also subject to abuse

⁸⁸ UNESCO. [World Trends in Freedom of Expression and Media Development: Special Digital Focus 2015](#). P. 193. See also: APC. [Mapping Technology-Based Violence against Women. Take Back the Tech!](#) March, 2015. According to this study, gender-based violence related to technology mainly affects three groups of women: a) those in a relationship with a violent partner; b) professionals with a public profile who participate in communication spaces (for example, journalists, researchers, activists, and artists); and c) women survivors of physical or sexual violence. Women between the ages of 18 and 30 are reportedly the most vulnerable in digital spaces.

⁸⁹ Based on a study by the Demos organization, UNESCO has indicated that women journalists and TV news anchors have been exposed to approximately three times more abuse on Twitter than their male counterparts (a result that was reversed in the other categories analyzed: politicians, celebrities, and musicians). UNESCO. [World Trends in Freedom of Expression and Media Development: 2017/2018 Global Report](#). P. 157.

⁹⁰ UNESCO. [World Trends in Freedom of Expression and Media Development: 2017/2018 Global Report. Executive Summary](#). P. 20. See also: UNESCO. [World Trends in Freedom of Expression and Media Development: 2017/2018 Global Report 2017](#). Pp. 154-155.

⁹¹ United Nations. Human Rights Council. [Report of the Special Rapporteur on violence against women, its causes and consequences on online violence against women and girls from a human rights perspective](#). A/HRC/38/47. 18 June, 2019. Para. 29. See also: United Nations. March 8, 2017. Press release. [Expertos de la ONU instan a los Estados y las empresas para abordar el abuso en línea basada en el género, pero alertan contra la censura \[UN experts urge States and companies to address online gender-based abuse but warn against censorship\]](#).

⁹² UNESCO. [World Trends in Freedom of Expression and Media Development: 2017/2018 Global Report. 2017](#). P. 156. See also: Luchadoras, et al. [La violencia en línea contra las mujeres en México. Informe para la Relatora sobre Violencia contra las Mujeres, Ms. Dubravka Šimonović](#) [Online violence against women in Mexico. Report for the Rapporteur on Violence against Women, Ms. Dubravka Šimonović]. November 1, 2017. P. 20, *et seq.*

⁹³ Paz Peña Ochoa/Asociación por los Derechos Civiles (ADC), et al. [Reporte de la situación de América Latina sobre la violencia de género ejercida por medios electrónicos](#) [Report on the situation of online gender-based violence in Latin America]. November 2017. P. 14. See also: Luchadoras, et al. [La violencia en línea contra las mujeres en México. Informe para la Relatora sobre Violencia contra las Mujeres, Ms. Dubravka Šimonović](#) [Online violence against women in Mexico. Report for the Rapporteur on Violence against Women, Ms. Dubravka Šimonović]. November 1, 2017. P. 20, *et seq.*

online, abuse directed against women journalists tends to be more severe.”⁹⁴ This trend has also been noted by UNESCO.⁹⁵ By the same token, online violence often manifests itself with particular force when women journalists cover topics traditionally covered by male journalists (political, judicial, or sports-related) or when they address issues related to women’s rights and/or the LGBTI community, and when they speak out to denounce gender-based discrimination.⁹⁶

48. As several recent reports from civil society organizations in the region have emphasized, “violence by electronic means is not something new or unique to platforms”⁹⁷ but a further manifestation of the patterns of gender-based violence and discrimination in the region. Thus, online violence “is an extension of a structural situation of systematic violence perpetrated by partners, former partners, acquaintances, strangers, and even government institutions and other relevant actors.”⁹⁸ At the same time, online violence leads to and feeds back into various forms of gender-based violence in non-virtual spaces.⁹⁹
49. Various civil society organizations have also identified problems in the response of private intermediaries¹⁰⁰ to online gender-based violence in the region. These problems include the lack of reliable, easy-to-use, and transparent complaint mechanisms for the procedures to be followed after a complaint is received.¹⁰¹ Many of the complaints filed by social network users go unanswered,¹⁰² are not addressed promptly,¹⁰³ or are dismissed on the grounds that the reported acts of online gender-based violence do not violate community standards, several organizations report. There is also no clear information on who makes these decisions, which makes it difficult to determine whether algorithms or moderators are used to resolve these

⁹⁴ UN General Assembly. [The safety of journalists and the issue of impunity. Report of the Secretary General. A/72/290.](#) 4 August 2017. Para. 10.

⁹⁵ UNESCO. [World Trends in Freedom of Expression and Media Development: 2017/2018 Global Report. 2017.](#) P. 157.

⁹⁶ Fundación Karisma. [Misoginia en internet: bombardeo a campo abierto contra las periodistas](#) [Misogyny on the Internet: open-air bombing of women journalists]. February 24, 2016; Reporters Without Borders, [Women's Rights: Forbidden Subject](#). March 2018. P. 10.

⁹⁷ Paz Peña Ochoa/Asociación por los Derechos Civiles (ADC), et al. [Reporte de la situación de América Latina sobre la violencia de género ejercida por medios electrónicos](#) [Report on the situation of online gender-based violence in Latin America]. November 2017.

⁹⁸ Luchadoras, et al. [La violencia en línea contra las mujeres en México. Informe para la Relatora sobre Violencia contra las Mujeres, Ms. Dubravka Šimonović](#) [Online violence against women in Mexico. Report for the Rapporteur on Violence against Women, Ms. Dubravka Šimonović]. November 1, 2017. P. 37.

⁹⁹ Fundación Karisma. February 24, 2016. [Misoginia en internet: bombardeo a campo abierto contra las periodistas](#) [Misogyny on the Internet: open-air bombing of women journalists].

¹⁰⁰ “Intermediaries thus range from Internet service providers (ISPs) to search engines, and from blogging services to online community platforms.” United Nations. General Assembly. [Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue.](#) A/HRC/17/27. May 16, 2011. Para. 38.

¹⁰¹ APC, et al. [Statement on Facebook's internal guidelines for content moderation.](#) August 2017.

¹⁰² Courtney C. Radsch. Laws, Norms and Block Bots: A Multifaceted Approach to Combatting Online Abuse en OSCE. [New Challenges to Freedom of Expression: Countering Online Abuse of Female Journalists.](#) 2016. P. 36.

¹⁰³ Luchadoras (Coord.). [La violencia en línea contra las mujeres en México. Informe para la Relatora sobre Violencia contra las Mujeres, Ms. Dubravka Šimonović](#) [Online violence against women in Mexico. Report for the Rapporteur on Violence against Women, Ms. Dubravka Šimonović]. November 1, 2017.

complaints and, if so, whether the moderators are adequately trained in women's rights and have a good understanding of the contexts in which violence occurs.¹⁰⁴ Civil society organizations have also emphasized the lack of public information on how to address complaints;¹⁰⁵ the limited proactive use of available technology to address online gender-based violence more effectively;¹⁰⁶ and the lack of awareness-raising actions against gender-based violence on the Internet focused on the region.¹⁰⁷

50. As the Special Rapporteur has indicated, online violence has a chilling effect on the exercise of freedom of expression.¹⁰⁸ In particular, "While there are countless women journalists who choose to continue reporting in the face of violence, threats or harassment, others resort to self-censorship, shutting down their digital accounts, and/or leaving the profession." In the opinion of the Secretary General of the United Nations, "Attacks can also have a chilling effect on other women journalists. The effect is an absence of women's voices and perspectives in the media on a wide range of issues, with serious implications for a free, pluralistic media." This exclusion exacerbates discrimination and inequality.¹⁰⁹

3. Violence against community and indigenous journalists

51. Violence against female community and indigenous journalists has different characteristics due to, among other factors, the lack of adequate recognition and promotion of community media in general, and of indigenous community media in

¹⁰⁴ "It is also not known who makes these decisions about the reported cases, to such an extent that it is not even known whether they know how to speak Spanish or Portuguese, and whether they understand the contextual subtleties of the cultural realities of our countries." Asociación por los Derechos Civiles (ADC) et al. [Reporte de la situación de América Latina sobre la violencia de género ejercida por medios electrónicos](#) [Report on the situation of online gender-based violence in Latin America]. November 2017. P. 38.

¹⁰⁵ "There are even fewer public statistics on these complaints: types and number of cases reported by users in each country, results of the complaints, and any data that, while preserving the anonymity of the victims, contributes to creating better public policies and platform solutions, based on evidence." Asociación por los Derechos Civiles (ADC) et al. [Reporte de la situación de América Latina sobre la violencia de género ejercida por medios electrónicos](#) [Report on the situation of online gender-based violence in Latin America]. November 2017. P. 39.

¹⁰⁶ "By using the same algorithmic technology, platforms can also work on solutions that help victims find redress. For example, and only recently, Facebook, Messenger, and Instagram have implemented the "hashing" (or virtual fingerprinting) of photos to combat non-consensual 'pornography,' in order to identify contested material on all the profiles, pages, and platforms where it is published, thus relieving victims of the colossal task of having to report each piece of content individually." Asociación por los Derechos Civiles (ADC) et al. [Reporte de la situación de América Latina sobre la violencia de género ejercida por medios electrónicos](#) [Report on the situation of online gender-based violence in Latin America]. November 2017. P. 39

¹⁰⁷ Asociación por los Derechos Civiles (ADC) et al., [Reporte de la situación de América Latina sobre la violencia de género ejercida por medios electrónicos](#) [Report on the situation of online gender-based violence in Latin America]. November 2017. Pp. 38-39. These patterns have also been examined by Amnesty International. [#ToxicTwitter](#). Chapter 4 – The reporting process.

¹⁰⁸ IACHR. [Annual Report 2016. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter IV ("Silenced Zones: Highly dangerous areas for the exercise of freedom of expression"). OEA/Ser.L/V/II.Doc. 22/17. March 15, 2017. Para. 68.

¹⁰⁹ UN General Assembly. [The safety of journalists and the issue of impunity. Report of the Secretary General](#). A/72/290. 4 August 2017. Para. 12. See also: Fundación Karisma. [Misoginia en internet: bombardeo a campo abierto contra las periodistas](#) [Misogyny on the Internet: open-air bombing of women journalists]. February 24, 2016.

particular, which has led to persecution, harassment and sometimes criminalization of their members throughout much of the region. In this regard, in recent years, the Office of the Special Rapporteur has uncovered several cases of raids, harassment, and obstruction of community media reporting in Guatemala,¹¹⁰ Honduras,¹¹¹ Argentina, Chile,¹¹² and other countries of the region. This Office has also observed with concern the situation of indigenous journalists in Mexico,¹¹³ Guatemala,¹¹⁴ and other countries of the region, and the obstacles they face in the performance of their work.

52. In the particular case of indigenous women journalists, the risk of experiencing violence as a result of their work may increase due to the combination of structural patterns affecting community media; intersectional discrimination against indigenous women; and the high public profile they may acquire in defense of the rights of indigenous peoples and/or the rights of women in their territories. The combination of these factors often exposes indigenous women journalists to a greater risk of stigmatization and persecution in certain contexts, whether by State or non-state actors.¹¹⁵

C. Barriers to access to protection and justice

53. The Office of the Special Rapporteur acknowledges the efforts made by some countries in the region to establish protection programs and mechanisms, but the high rates of violence against journalists in the region indicate that major challenges

¹¹⁰ IACHR. [Annual Report 2016. Report of the Office of The Special Rapporteur for Freedom of Expression](#). Chapter II (Evaluation of the state of freedom of expression in the hemisphere). OEA/Ser.L/V/II. Doc. 22/17. March 15, 2017. Para. 672.

¹¹¹ IACHR. [Annual Report 2016. Report of the Office of The Special Rapporteur for Freedom of Expression](#). Chapter II (Evaluation of the state of freedom of expression in the hemisphere). OEA/Ser.L/V/II. Doc. 22/17. March 15, 2017. Para. 708.

¹¹² IACHR. [Annual Report 2016. Report of the Office of The Special Rapporteur for Freedom of Expression](#). Chapter II (Evaluation of the state of freedom of expression in the hemisphere). OEA/Ser.L/V/II. Doc. 22/17. March 15, 2017. Paras. 1267 & 1269.

¹¹³ For instance, it recently drew attention to the “particularly difficult conditions” faced by indigenous journalists because they work in remote areas, with few resources and rudimentary equipment, and because “they often work in regions involving the extractive industry, with additional restrictions imposed by non-state actors, sometimes in cooperation with local authorities.” IACHR/OHCHR. [Preliminary Observations by the UN Special Rapporteur on freedom of expression and the Special Rapporteur on freedom of expression of the IACHR following their joint visit to Mexico, 27 November- 4 December 2017](#). December 4, 2017. Para. 21.

¹¹⁴ The IACHR and the Office of the Special Rapporteur have also referred on several occasions to the “serious obstacles that keep the community media outlets of indigenous peoples from accessing the radio spectrum and the public resources needed to achieve sustainability.” in Guatemala. IACHR. [Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2017](#). Chapter II (Evaluation of the state of freedom of expression in the hemisphere) OEA/Ser.L/V/II. Doc. 210/17. December 31, 2017. Para. 636.

¹¹⁵ IACHR. [Annual Report 2017. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter II (Evaluation of the State of Freedom of Expression in the Hemisphere). OEA/Ser.L/V/II. Doc. 210/17. December 31, 2017. Para. 679; IACHR/OHCHR. [Preliminary Observations by the UN Special Rapporteur on freedom of expression and the Special Rapporteur on freedom of expression of the IACHR following their joint visit to Mexico, 27 November- 4 December 2017](#). December 4, 2017. Para. 21; See also: United Nations. [Statement submitted by CHIRAPAQ - Centro de Culturas Indígenas del Perú, a non-governmental organization in consultative status with the Economic and Social Council](#). E/CN.6/2018/NGO/55. 1 December 2017; SocialTIC. [Comunicados Indígenas y Afrodescendientes ocupan los medios y las redes sociales](#) [Indigenous and Afro-descendant communiqués occupy the media and social networks]. October 15, 2015.

persist. In particular, this Office has identified the absence of specific protection mechanisms and programs in some countries, as well as shortcomings associated with the design and effective implementation of existing mechanisms.¹¹⁶ In this regard, the Office of the Special Rapporteur has received information indicating that many current protection programs and mechanisms are reactive and not comprehensive. Although existing mechanisms conduct risk analyses, the training and number of experts may be insufficient in some cases. The Office has insisted on the need to maintain an adequate and sufficient budget for the implementation of the measures adopted, and to address shortcomings in the inter-institutional coordination between the different agencies with competence in this area.¹¹⁷

54. The Office of the Special Rapporteur has also received testimony from journalists and media workers about the absence or inadequacy of a gender-based and differential approach to both risk assessment and the development of protective measures. In particular, protection plans often neglect the specific characteristics of the beneficiaries' family situation, such as having school-age children, the fact that many acts of violence – like threats – are exercised against people who collaborate with the care of their descendants. Neither do they properly consider the domestic work, school supervision, and unpaid care tasks that fall disproportionately on women, all of which exacerbate the impact of violence.
55. In relation to acts of gender-based violence, the IACHR also “has found that State authorities—the police in particular—fail to fulfill their duty to protect women victims of violence against imminent threats,”¹¹⁸ in many cases being suspicious of the allegations made by women victims of violence and perceiving such matters as private and low priority.¹¹⁹ Among other manifestations, this omission leads to “[serious flaws in the] enforcement and supervision of restraining orders and other

¹¹⁶ In 2017, the Mexico Office of the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), the Office of the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights (IACHR), and the Mexico Office of the United Nations Office of the High Commissioner for Human Rights (OHCHR), jointly condemned the murder of Mexican journalist Miroslava Breach, and noted that although the Mechanism for the Protection of Human Rights Defenders and Journalists issued an alert in August 2016 for the protection of journalists and human rights defenders in Chihuahua—where she was shot and killed—her murder “is a sad reminder that the actions taken have failed to halt the violence against them.” Mexico Office of the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), Office of the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights (IACHR), and the Mexico Office of the United Nations Office of the High Commissioner for Human Rights (OHCHR). March 23, 2017. [Press Release R38/17 - Organismos internacionales expresan su firme condena por el asesinato de la periodista Miroslava Breach en Chihuahua, Chihuahua](#) [International Bodies Strongly Condemn Murder of Journalist Miroslava Breach in Chihuahua, Chihuahua].

¹¹⁷ IACHR/OHCHR. [Preliminary Observations by the UN Special Rapporteur on freedom of expression and the Special Rapporteur on freedom of expression of the IACHR following their joint visit to Mexico, 27 November- 4 December 2017](#). December 4, 2017. Paras. 23-28; Meeting on the Mechanisms for the Protection of Human Rights Defenders and Communicators in Latin America, held on 19 and 20 October 2017 in Montevideo; IACHR. 163rd Session. Public Hearing [Situation of Freedom of Expression in Colombia](#). July 5, 2017. See also: FLIP. [Estado Depredador. Informe sobre el estado de la libertad de prensa en Colombia 2017](#) [Predatory State. Report on the State of Press Freedom in Colombia 2017]. 2018. Pp. 20–22; Article 19. [Violações à liberdade de expressão relatório anual 2016](#). Pp. 34, *et seq.*

¹¹⁸ IACHR. [Access to justice for women victims of violence in the Americas](#). OEA/Ser.L/V/II. Doc. 68. January 20, 2007. Para. 9.

¹¹⁹ IACHR. [Access to justice for women victims of violence in the Americas](#). OEA/Ser.L/V/II. Doc. 68. January 20, 2007. Para. 9.

court-ordered protective measures.”¹²⁰ Women journalists and media workers do not escape this situation.

56. In addition to the shortcomings in the adoption of effective protection measures, the Office of the Special Rapporteur has stressed that the lack of reporting is one of the persistent challenges vis-à-vis attacks on women journalists and media workers.¹²¹ In this regard, the Secretary General of the United Nations has noted that “most women journalists do not report or make public the violence they experience.”¹²²
57. This situation is part of a general context of low utilization of the justice system by women victims of gender-based violence.¹²³ According to the IACHR, the factors contributing to these low reporting levels include the secondary victimization that women victims experience when they attempt to report the violence perpetrated against them; the lack of judicial protections and guarantees to safeguard the dignity and safety of victims and witnesses during prosecution of cases; the economic cost of judicial proceedings, and the geographic location of the judicial bodies where such complaints have to be filed.¹²⁴ In the case of women journalists and media workers, the decision not to report these acts is also influenced by the fear of the potential consequences of such reporting on the practice of their profession (i.e. stigmatization, loss of employment, isolation, etc.), as well as the fear of retaliation by the perpetrator.¹²⁵
58. In those cases where acts of violence against women journalists are reported, impunity remains the rule rather than the exception.¹²⁶ This is due to a number of

¹²⁰ IACHR. [Access to justice for women victims of violence in the Americas](#). OEA/Ser.L/V/II. Doc. 68. January 20, 2007. Para. 9.

¹²¹ IACHR. [Annual Report 2016. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter IV (“Silenced Zones: Highly dangerous areas for the exercise of freedom of expression”). OEA/Ser.L/V/II.Doc. 22/17. March 15, 2017. Para. 299.

¹²² UN General Assembly. [The safety of journalists and the issue of impunity. Report of the Secretary General](#). A/72/290. 4 August 2017. Para. 11.

In keeping with this analysis, the IFJ’s 2017 online survey cited above found that two thirds of journalists who reported violence did not file a formal complaint. IFJ. [IFJ survey: One in two women journalists suffer gender-based violence at work](#). November 24, 2017. In addition, the *International Women’s Media Foundation* found that most incidents of harassment and violence cited by women journalists in its global study were never reported, although most of the women who experienced them said they were psychologically affected. International Women’s Media Foundation (IWMF) / International News Safety Institute (INSI). Violence and harassment against women in the news media. A global picture. 2014. [Executive Summary](#)

¹²³ IACHR. [Access to justice for women victims of violence in the Americas](#). OEA/Ser.L/V/II. Doc. 68. January 20, 2007. Para. 6.

¹²⁴ IACHR. [Access to justice for women victims of violence in the Americas](#). OEA/Ser.L/V/II. Doc. 68. January 20, 2007. Para. 12.

¹²⁵ Information provided during the consultation meeting with journalists and experts convened by the Special Rapporteur on February 20, 2018 in Bogotá. See also: UN General Assembly. [The safety of journalists and the issue of impunity. Report of the Secretary General](#). A/72/290. 4 August 2017. Para. 11; United Nations. General Assembly. [Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue](#). A/HRC/20/17. 4 June 2012. Para. 52; FLIP. [Estado Depredador. Informe sobre el estado de la libertad de prensa en Colombia 2017](#) [Predatory State. Report on the State of Press Freedom in Colombia 2017]. 2018. P. 49.

¹²⁶ IACHR. [Annual Report 2016. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter IV (“Silenced Zones: Highly dangerous areas for the exercise of freedom of expression”). OEA/Ser.L/V/II.Doc. 22/17.

factors, such as deficiencies in the law, institutional failings (i.e. lack of technical capacity, adequate resources, and specialized personnel on the part of investigative bodies), lack of evidence, as well as, in some contexts, the lack of independence and impartiality of the authorities responsible for conducting investigations and related judicial proceedings. It may also be due to a lack of political will, and/or the existence of powerful criminal groups that may weaken the State's capacity to defend, guarantee, and promote human rights.¹²⁷ Taken together, these shortcomings result in inaction, unjustified delays, and irregularities in judicial proceedings, a very small percentage of which result in trials and convictions commensurate with the seriousness of the offenses.¹²⁸

59. Discriminatory socio-cultural patterns also have an impact on the investigation, prosecution, and punishment of cases of violence against women. In particular, the IACHR has explained that, due to prevailing gender stereotypes, judicial officials tend to consider that cases of violence are not a priority, and they do not obtain the evidence that is key to the investigation and punishment of the perpetrators. In addition, they give little credibility to the victims' claims; they discredit them; they hold them accountable for the acts reported, "because of [their] manner of dress, [their] occupation, [their] sexual conduct, relationship or kinship to the assailant,"¹²⁹ and treat them inappropriately when they attempt to assist in the investigation of the facts.¹³⁰
60. There are also specific failings in the investigation, prosecution, and punishment of online gender-based violence. Online violence against women journalists is often not adequately considered or addressed as a form of gender-based violence, as women's testimonies regarding its occurrence, severity, and impact on their lives and fundamental rights are dismissed.¹³¹ In this regard, during the Office of the Special

March 15, 2017. Para. 4.

¹²⁷ IACHR. [Annual Report 2016. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter IV ("Silenced Zones: Highly dangerous areas for the exercise of freedom of expression"). OEA/Ser.L/V/II.Doc. 22/17. March 15, 2017. Paras. 258-265; IACHR/OHCHR. [Preliminary Observations by the UN Special Rapporteur on freedom of expression and the Special Rapporteur on freedom of expression of the IACHR following their joint visit to Mexico, 27 November- 4 December 2017](#). December 4, 2017. Paras. 32-33. In 2012, the organization *Comunicación e Información de la Mujer* [Communication and Information for Women] (CIMAC) In 2012, the organization Communication and Information for Women (CIMAC) identified a set of factors that contributed to the high levels of impunity and lack of access to justice surrounding violence against women journalists in Mexico. These factors included the failure to pursue lines of investigation linked to women journalists' professional activities that include a gender perspective and a human rights approach; flaws in the custody and securing of evidence, which hinder the investigation and affect the thoroughness, speed, and effectiveness of judicial investigations; and the failure to adopt immediate protection measures, which prevents and inhibits the free and safe practice of women's journalistic work. CIMAC. [Violencia e impunidad contra mujeres periodistas en México](#) [Violence and impunity against women journalists in Mexico]. Executive Summary. 2012.

¹²⁸ IACHR. [Access to justice for women victims of violence in the Americas](#). OEA/Ser.L/V/II. Doc. 68. January 20, 2007. Para. 8.

¹²⁹ IACHR. [Access to justice for women victims of violence in the Americas](#). OEA/Ser.L/V/II. Doc. 68. January 20, 2007. Para. 155.

¹³⁰ IACHR. [Access to justice for women victims of violence in the Americas](#). OEA/Ser.L/V/II. Doc. 68. January 20, 2007. Para. 8.

¹³¹ See, e.g., Fundación Karisma, [Misoginia en internet: bombardeo a campo abierto contra las periodistas](#) [Misogyny on the Internet: open-air bombing of women journalists]. February 24, 2016; Luchadoras, et al. [La violencia en línea](#)

Rapporteur's joint visit to Mexico in 2017, the Special Rapporteur received information about inefficient investigations into online threats and harassment of journalists and others, stalled by burdensome legal requirements such as the psychological testing of victims, and lack of real coordination among protection mechanisms.¹³²

61. One of the factors contributing to the prevalence of these shortcomings in the prevention, comprehensive protection, and investigation, prosecution, and punishment of acts of gender-based violence is “deficiencies in the availability, quality, and completeness of the public information”¹³³ on the subject. Many States in the region also fail to produce comprehensive statistics that are properly disaggregated by factors such as sex, race, ethnicity, age, social status, sexual orientation, gender identity, and disability, and other criteria to assess the actual incidence of violence and discrimination against specific groups of women, including women journalists and media workers. The IACHR has found that, even in those States that have institutionalized mechanisms for the compilation, processing, and production of information on violence against women, often the dissemination of such information tends to be insufficient.¹³⁴ Given this omission, States do not have the qualitative and quantitative information they need to adopt normative frameworks, public policies and other actions aimed at addressing the obstacles that prevent women journalists from having effective access to justice in the face of acts of violence and discrimination against them.

[contra las mujeres en México. Informe para la Relatora sobre Violencia contra las Mujeres, Ms. Dubravka Šimonović](#) [Online violence against women in Mexico. Report for the Rapporteur on Violence against Women, Ms. Dubravka Šimonović]. November 1, 2017. Pp. 7 & 37;

¹³² IACHR/OHCHR. [Preliminary Observations by the UN Special Rapporteur on freedom of expression and the Special Rapporteur on freedom of expression of the IACHR following their joint visit to Mexico, 27 November- 4 December 2017](#). December 4, 2017. Para. 35.

¹³³ IACHR. [Access to Information, Violence against Women, and the Administration of Justice in the Americas](#). OAS/Ser.L/V/II.154. Doc. 19. March 27, 2015. Para. 13.

¹³⁴ IACHR. [Access to Information, Violence against Women, and the Administration of Justice in the Americas](#). OAS/Ser.L/V/II.154. Doc. 19. March 27, 2015. Para. 87.

CHAPTER II
INTERNATIONAL LEGAL
FRAMEWORK

II. INTERNATIONAL LEGAL FRAMEWORK

62. International human rights law affords robust protection to the right of women to enjoy the right to freedom of expression on equal terms and without gender-based discrimination. In the inter-American system for the protection of human rights, the American Convention on Human Rights and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (“Convention of Belém do Pará”) guarantee the right of women to exercise freedom of expression free from discrimination and violence. Article 13 of the American Convention, in relation to Article 1.1 thereof, recognizes that all persons are entitled to the right to freedom of expression, “without any discrimination for reasons of race, color, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or any other social condition.” The Convention of Belém Do Pará provides that “Every woman has the right to the recognition, enjoyment, exercise and protection of all human rights and freedoms embodied in regional and international human rights instruments.” In particular, it states that “Every woman is entitled to the free and full exercise of her civil, political, economic, social and cultural rights, and may rely on the full protection of those rights as embodied in regional and international instruments on human rights. The States Parties recognize that violence against women prevents and nullifies the exercise of these rights.” The Inter-American Convention against racism, racial discrimination and related forms of intolerance provides that “every human being is equal under the law and has a right to equal protection against racism, racial discrimination, and related forms of intolerance in any sphere of life, public or private”. The treaty also recognizes that “multiple or aggravated discrimination is any preference, distinction, exclusion, or restriction based simultaneously on two or more of the criteria set forth in Article 1.1 (of the American Convention), or others recognized in international instruments, the objective or result of which is to nullify or curtail, the equal recognition, enjoyment, or exercise of one or more human rights and fundamental freedoms enshrined in the international instruments applicable to the States Parties, in any area of public or private life”.
63. In the universal human rights protection system, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the International Covenant on Civil and Political Rights also protect women’s right to equal enjoyment and exercise of the right to freedom of expression. Article 19 of the Covenant recognizes the right to freedom of expression of all persons without discrimination on the basis of sex, and Article 3 ensures “the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.” The CEDAW sets out broad obligations aimed at eliminating discrimination against women in all its forms, and Article 7 provides that “States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country.”
64. The international human rights framework is complemented by other international instruments that recognize the central importance of freedom of expression, the media, and information and internet technologies for the empowerment of women and girls. For instance, the Beijing Platform for Action adopted in 1995 recognized the media's potential to contribute to the advancement of women. In turn, in the Millennium Development Goals, States pledged to make efforts to achieve universal

and affordable access to the Internet in developing countries by 2020 (Goal 9c). Under Agenda for Sustainable Development 2030, the States pledged to ensure that women and men have equal access to basic services, including new technology (Goal 1.4) and to “enhance the use of enabling technology, in particular information and communications technology, to promote the empowerment of women” by 2030 (Goal 5b). States also committed themselves to ensuring public access to information and protecting fundamental freedoms (Goal 16.10) and to measuring the progress of this goal through, *inter alia*, collecting data on the number of verified cases of homicide, kidnapping, forced disappearance, arbitrary detention and torture of journalists and associate members of the media, preferably disaggregated by variables such as sex. Similarly, in the Plan of Action of the World Summit on the Information Society, States parties agreed to “Strengthen programs focused on gender-sensitive curricula in formal and non-formal education for all and enhancing communication and media literacy for women with a view to building the capacity of girls and women to understand and to develop ICT content” (target 23 h). In addition, they undertook to “work on removing the gender barriers to ICT education and training” (target 11g) and agreed that “gender-specific indicators on ICT use and needs should be developed” (target 28d).

65. The importance attached to the exercise of women’s right to freedom of expression derives, *inter alia*, from the role of this right in achieving effective gender equality and strengthening democracy. Gender equality is equally integral to freedom of expression as a fundamental right, and the exercise of freedom of expression is a key instrument for promoting gender equality.
66. Understood as “equal visibility, empowerment, responsibility and participation of both women and men in all spheres of public life, including the media,”¹³⁵ gender equality is essential to achieving universal enjoyment of the right to freedom of expression.¹³⁶ Similarly, the full and unrestricted exercise of the right to freedom of expression enables women to play a leading role in promoting the legal, political, and social changes necessary to eradicate discrimination against them¹³⁷ and “to play a greater and more active role in denouncing abuses and in finding solutions that mean greater respect for all their basic rights.”¹³⁸
67. Restrictions and obstacles to the exercise of women’s right to freedom of expression only reinforce their exclusion from public space, and structural discrimination prevents them from freely exercising their right to freedom of expression. In this

¹³⁵ Council of Europe. [Recommendation CM/Rec \(2013\)1 of the Committee of Ministers to member States on gender equality and media](#). July 10, 2013.

¹³⁶ United Nations. General Assembly. [Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Frank La Rue](#). A/HRC/14/23. 20 April 2010. Para. 47; United Nations. Human Rights Council. [Report of the Working Group on the issue of discrimination against women in law and in practice](#). A/HRC/23/50. April 19, 2013. Para. 34

¹³⁷ IACHR. [Annual Report 1999. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter C. (Women and freedom of expression). OEA/Ser.L/V/II.106. Doc. 3. April 13, 2000.

¹³⁸ IACHR. [Annual Report 1999. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter C. (Women and freedom of expression). OEA/Ser.L/V/II.106. Doc. 3. April 13, 2000. Similarly, see United Nations. Human Rights Council. [Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Frank La Rue](#). A/HRC/14/23. 20 April 2010. Para. 47.

regard, the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression has noted that denying women the full enjoyment of this right also limits their exercise of other fundamental rights, such as the rights to development, education, health, political participation, and a life free from violence.

68. The right to freedom of expression and gender equality are also essential elements of democracy. Women represent half of the population, and without their participation, democratic governance is seriously undermined. In this regard, the Inter-American Democratic Charter recognizes that freedom of expression is one of its “essential components” and the Inter-American Human Rights System has emphasized that “discrimination against women is an obstacle to achieving genuine, inclusive, and participatory democracy.”¹³⁹ The CEDAW Committee has likewise underscored that, “The concept of democracy will have real and dynamic meaning and lasting effect only when political decision-making is shared by women and men and takes equal account of the interests of both.”¹⁴⁰
69. According to these international norms and commitments, States are under an obligation to take positive measures aimed at ensuring the substantive equality of 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. In the case of women journalists, this entails, first of all, the obligation of States to include a gender perspective¹⁴¹ in all initiatives aimed at creating and maintaining a safe and favorable environment for free and independent journalism. It is not enough to guarantee women journalists the same treatment as their male colleagues. Substantive equality may require differentiated approaches according to the specific needs and risks of women journalists in each context. In particular, government policies and programs aimed at preventing, protecting, and seeking justice in cases of crimes against journalists must adequately address the risks to women journalists, who in addition to facing the same risks of threats and violence faced by all journalists in the region, are also exposed to additional or gender-specific risks. The Office of the Special Rapporteur emphasizes that gender-neutral policies in this area have a discriminatory impact on women journalists and can increase their vulnerability. In addition, guaranteeing equality implies adopting effective strategies to transform the role of women in and through the media, ensuring the eradication of institutions, systems, stereotypes, and prejudices that cause or perpetuate violence and discrimination against women journalists.
70. These obligations not only relate to the actions of State authorities and institutions, but include the duty to protect women journalists against undue interference by third parties—including private companies—in their right to freedom of expression.

¹³⁹ IACHR. *The Road to Substantive Democracy: Women’s Political Participation in the Americas*. OEA/Ser.L/V/II. Doc.79. April 18, 2011. Para. 2.

¹⁴⁰ Committee on the Elimination of Discrimination Against Women. General Recommendation 23. U.N. Doc. A/52/38. 16th session. 1997. Para. 14. Available at: https://conf-dts1.unog.ch/1%20SPA/Tradutek/Derechos_hum_Base/CEDAW/00_4_obs_grales_CEDAW.html#GEN23

¹⁴¹ According to the IACHR, “[the] gender perspective is a key tool to combat discrimination and violence against women and people with diverse sexual orientations and gender identities; and a concept that seeks to make visible the position of inequality and structural subordination of women to men based on their gender. IACHR. December 15, 2017. [Press Release 208/17 - IACHR regrets the prohibition of gender teaching in Paraguay](#). Washington, D.C.

Furthermore, all companies, including media outlets and online platforms, have a responsibility to respect human rights in accordance with the standards developed in this area.

71. This section analyzes the content of these obligations, based on applicable international norms and standards, and identifies necessary legal and public policy reforms and measures.

A. The safety of journalists: a gender perspective

1. State obligations

72. The safety of journalists is a prerequisite for the exercise of the right to freedom of expression and freedom of the press. The IACHR has recognized that “The murder, kidnapping, intimidation of and/or threats to social communicators, as well as the material destruction of communications media violate the fundamental rights of individuals and strongly restrict freedom of expression. It is the duty of the state to prevent and investigate such occurrences, to punish their perpetrators and to ensure that victims receive due compensation.”¹⁴²
73. As the Office of the Special Rapporteur has pointed out on several occasions, violence against journalists and media workers may jeopardize their rights to humane treatment, life, and freedom of thought and expression, as recognized in Articles 4, 5, and 13 of the American Convention on Human Rights.¹⁴³ In the same vein, the Inter-American Court has recognized that respect for and the guarantee of the rights to life, humane treatment, and freedom of expression of journalists and media professionals are closely interrelated.¹⁴⁴
74. In light of these provisions, the Office of the Special Rapporteur has affirmed that States have a negative obligation to ensure that their agents do not interfere with the rights of journalists and media workers and that they refrain from acts that may directly violate or jeopardize these rights. This obligation applies to all acts and omissions by State agents in the performance of their duties, even when they exceed the scope of their competence. At the same time, the States have three sets of positive obligations: the obligation to prevent, the obligation to protect, and the obligation to investigate, try and criminally punish those responsible for acts of violence against journalists and media workers. As the Office of the Special Rapporteur has indicated, these obligations are complementary to each other.¹⁴⁵

¹⁴² IACHR. [Declaration of Principles on Freedom of Expression](#), 2000.

¹⁴³ IACHR. [Annual Report 2013. Report of the Office of the Special Rapporteur for Freedom of Expression](#), Chapter III (Violence against Journalists and Media Workers: Inter-American standards and national practices on prevention, protection, and prosecution of perpetrators). OEA/Ser.L/V/II.149. Doc. 50. December 31, 2013.

¹⁴⁴ I/A Court H.R. [Case of Vélez Restrepo and family v. Colombia](#). *Preliminary Objection, Merits, Reparations, and Costs*. Judgment of September 3, 2012. Series C No. 248. Para. 176; I/A Court H. R. [Case of Carvajal Carvajal et al. v. Colombia](#). *Merits, Reparations and Costs*. Judgment of March 13, 2018. Series C No. 352. Para. 176. In Spanish.

¹⁴⁵ IACHR. [Annual Report 2013. Report of the Office of the Special Rapporteur for Freedom of Expression](#), Chapter III (Violence against Journalists and Media Workers: Inter-American standards and national practices on prevention, protection, and prosecution of perpetrators). OEA/Ser.L/V/II.149. Doc. 50. December 31, 2013. Para. 31.

75. In the specific case of acts of gender-based violence against women journalists, the Office of the Special Rapporteur has stated that these general obligations to prevent, protect and seek justice “are complemented and reinforced” by the obligations deriving from the Convention of Belém do Pará.¹⁴⁶ Article 1 of the Convention of Belém do Pará provides that “violence against women shall be understood as any act or conduct, based on gender, which causes death or physical, sexual or psychological harm or suffering to women, whether in the public or the private sphere.” In addition, “Violence against women shall be understood to include physical, sexual and psychological violence [...] that occurs in the community and is perpetrated by any person, including, among others, rape, sexual abuse, torture, trafficking in persons, forced prostitution, kidnapping and sexual harassment in the workplace, as well as in educational institutions, health facilities or any other place; and [...] that is perpetrated or condoned by the state or its agents regardless of where it occurs.” According to Article 7(a) of that Convention, the States should “refrain from engaging in any act or practice of violence against women and to ensure that their authorities, officials, personnel, agents, and institutions act in conformity with this obligation.” Clause (b) of the same Article requires the State to act with due diligence to prevent, investigate, and impose penalties for violence against women.
76. The Office of the Special Rapporteur has emphasized that the fulfillment of all these obligations entails integrating a gender perspective to ensure that women journalists are adequately protected and can exercise their right to freedom of expression without undue restrictions. Similarly, the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity reaffirms the importance of giving these policies and strategies “a gender-sensitive approach.”¹⁴⁷ Similarly, in its 2017 resolution on the *Right to freedom of thought and expression and the safety of journalists and media workers*,¹⁴⁸ the General Assembly of the OAS recognized “that the work done by journalists, especially those who investigate and report on human rights violations, organized crime, corruption, and other serious wrongdoings, exposes them to being victims of aggressions and other acts of violence detrimental to their integrity and whose existence dissuade them to pursue their work and in consequence deprive society of information of public interest” and expressed concern “at the particular risks faced by women who practice journalism, who, in addition, are victims of discrimination, harassment and sexual violence, including online.”
77. Similarly, the resolution on *The safety of journalists and the issue of impunity* adopted by the UN General Assembly in 2017¹⁴⁹ acknowledged “the specific risks faced by women journalists in the exercise of their work, and underlining in this context the importance of taking a gender-sensitive approach when considering measures to address the safety of journalists, including in the online sphere, in particular to

¹⁴⁶ I/A Court H.R. *Case of Fernández Ortega et al. v. Mexico*. Preliminary Objection, Merits, Reparations, and Costs. Judgment of August 30, 2010. Series C No. 215. Para. 193.

¹⁴⁷ UNESCO. *UN Plan of Action on the Safety of Journalists and the Issue of Impunity*. Principles. CI-12/CONF.202/6. No date.

¹⁴⁸ OAS. General Assembly. “*Right to freedom of thought and expression and the safety of journalists and media workers*” in: AG/RES. 2908 (XLVII-O/17). *Promotion and protection of human rights*. Adopted at the 3rd plenary session, on 21 June 2017.

¹⁴⁹ United Nations. General Assembly. *The safety of journalists and the issue of impunity*. A/C.3/72/L.35/Rev.1. 13 November, 2017. P. 5.

effectively tackle gender-based discrimination, including violence, inequality and gender-based stereotypes, and to enable women to enter and remain in journalism on equal terms with men while ensuring their greatest possible safety, to ensure that the experiences and concerns of women journalists are effectively addressed and gender stereotypes in the media are adequately tackled.”

78. 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. On this regard, the resolution on *The promotion, protection and enjoyment of human rights on the Internet* the UN Human Rights Council “condemn[ed] unequivocally online attacks against women, including sexual and gender-based violence and abuse of women, in particular where women journalists, media workers, public officials or others engaging in public debate are targeted for their expression”, and called “for gender-sensitive responses that take into account the particular forms of online discrimination.”¹⁵⁰

1.1 Prevention

79. States have an obligation to take measures to prevent violence against journalists. The Office of the Special Rapporteur has indicated that, as part of this duty of prevention, States have a number of obligations, including, in particular, “the obligation to ensure its public statements contribute to preventing violence against journalists; the obligation to instruct its security forces to respect the media; the obligation to respect the right of journalists to the confidentiality of their sources, notes and personal and professional files; the obligation to punish violence against journalists; and the obligation to maintain precise statistics on violence against journalists.”¹⁵¹
80. Some of these preventive measures apply to cases of violence against female and male journalists alike, such as the obligation to respect the right of journalists to the confidentiality of their sources of information, notes, and personal and professional files. Others may have special connotations based on the dimension of gender-based violence against women journalists. What is important is that States ensure a comprehensive prevention strategy or public policy aimed at preventing violence against this group of women.
81. In this regard, as the Follow-up Mechanism to the Belém do Pará Convention (MESECVI) has underscored, the prevention of violence against women is a central tenet of the obligations set out in the Convention of Belém do Pará, “and compliance with those obligations is essential in order to successfully achieve the goal of guaranteeing women the full exercise of the right to live a life free from violence, eradicate all forms of violence against them and protect their human rights.”¹⁵² The

¹⁵⁰ United Nations. Human Rights Council. [The promotion, protection and enjoyment of human rights on the internet](#). A/HRC/38/L.10/Rev.1. July 4, 2019.

¹⁵¹ IACHR. [Annual Report 2016. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter IV (“Silenced Zones: Highly dangerous areas for the exercise of freedom of expression”). OEA/Ser.L/V/II.Doc. 22/17. March 15, 2017. Para. 156.

¹⁵² MESECVI. [Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Paths to Follow](#). OEA/Ser.L/II.7.10 MESECVI/CEVI/doc.242/17. 2017. Para. 52.

prevention of gender-based violence against women requires States to take “a series of internal measures which include adjustment of the entire government apparatus and structures that represent public power, with the ultimate goal of ensuring governmental behavior that is respectful of the human rights of women and is directed at eradicating the sociocultural patterns and gender stereotypes that reinforce violence and discrimination.”¹⁵³

82. On this basis, the Office of the Special Rapporteur is of the view that the obligation to prevent gender-based violence against women journalists entails, at the very least, the implementation of the following measures and actions:
83. *Public acknowledgement.* States should publicly recognize that the gender-based discrimination and violence faced by women journalists constitute attacks on freedom of expression. Sexist abuse, workplace inequality, sexual harassment, and online violence against women journalists in the course of their work also pose risks to freedom of expression that must be appropriately condemned and addressed. In particular, online violence against women journalists should not be trivialized by state authorities and should be expressly recognized as a problem that threatens press freedom and democratic deliberation.¹⁵⁴ One of the most effective prevention measures is a public discourse that, in addition to recognizing the importance of the work of women journalists for democratic societies, unequivocally condemns the special risks they face in the exercise of freedom of expression and gender.
84. *Appropriate and effective penalties.* States must ensure that there is an adequate legal framework in place for the effective punishment of gender-based violence against women journalists in the course of their work and that it enables the authorities to act effectively in response to complaints. To this end, States must ensure that there are legal provisions and institutions in place to address such attacks and to remove legal barriers to access to justice for women victims.
85. For instance, the IACHR has maintained that States should “adopt legislative measures to make sexual harassment a punishable offense in the criminal, civil and administrative jurisdictions, and support these measures with the regulations and training that law enforcement personnel require.”¹⁵⁵ Legislation in this area should define sexual harassment in a manner consistent with applicable international human rights standards and establish mechanisms to provide redress for women victims of violence. As the UN Special Rapporteur on violence against women, its causes, and consequences has stated, “This could be done by defining sexual harassment as a crime under the penal code or, especially with regard to educational institutions and the workplace, by recognizing sexual harassment as a violation of women’s equality in violation of the constitutional and legislative provisions governing gender equality.”¹⁵⁶

¹⁵³ MESECVI. [Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Paths to Follow](#). OEA/Ser.L/II.7.10 MESECVI/CEVI/doc.242/17. 2017. Para. 63.

¹⁵⁴ OSCE. [Recommendations following the Expert Meeting New Challenges to Freedom of Expression: Countering Online Abuse of Female Journalists](#). September 17, 2015.

¹⁵⁵ IACHR. [The Work, Education, and Resources of Women: The Road to Equality in Guaranteeing Economic, Social and Cultural Rights](#). OEA Ser.L/V/II.143 Doc.59. November 3, 2011. Para. 58, *citing* IACHR. [Third Report on the Situation of Human Rights in Paraguay](#). OEA/Ser./L./V.II.110 doc. 52. March 9, 2001. Para. 169.

¹⁵⁶ United Nations. Economic and Social Council. [Report of the Special Rapporteur on violence against women, its](#)

86. With regard to online violence, consideration should be given to the need for legislative reform, including the enactment of specific legislation to prohibit the various forms of gender-based violence facilitated by information technology, in accordance with the States' duty of due diligence. In her most recent report, the UN Special Rapporteur on violence against women, its causes, and consequences observed with concern that many States lack an adequate legal framework to combat online violence against women, which leads to impunity for the perpetrators.¹⁵⁷ Bearing this in mind, the Special Rapporteur has recommended that States "clearly prohibit and criminalize online violence against women, in particular the non-consensual distribution of intimate images, online harassment and stalking. The criminalization of online violence against women should encompass all elements of this type of abuse, including subsequent 're-sharing' of harmful content. The threat to disseminate non-consensual images must be made illegal so that advocates and prosecutors may intervene and prevent the abuse before it is perpetrated."¹⁵⁸
87. This office underscores the importance of these legal reforms being designed and drafted so as to ensure their compatibility with international human rights law, including the principles and standards governing the imposition of restrictions on freedom of expression and the dissemination of online content. According to Article 13.2 of the American Convention, this type of restriction must be provided for by law, pursue legitimate objectives, and respect the principles of necessity and proportionality.
88. In addition, restrictions imposed to penalize discriminatory speech that incites violence must be adopted in accordance with Article 13.5 of the Convention, which stipulates that "any propaganda for war and any advocacy of national, racial, or religious hatred that constitute incitements to lawless violence or to any other similar action against any person or group of persons on any grounds including those of race, color, religion, language, or national origin shall be considered as offenses punishable by law." States should refrain from introducing new criminal provisions that may lead to arbitrary restrictions on the right to freedom of expression and should refrain from imposing an obligation on Internet intermediaries to restrict content on the basis of vague legal provisions or without prior review by a court or independent authority.
89. When gender-based violence against women, including sexual violence, is perpetrated by public servants and/or committed in state institutions, the Follow-up Mechanism to the Belém do Pará Convention (MESECVI) has recommended that States' regulatory frameworks include provisions aimed at punishing these forms of gender-based violence against women, in accordance with the definition of violence

[causes and consequences](#), Ms. Radhika Coomaraswamy. E/CN.4/1997/47. 12 February 1997. Para. 48.

¹⁵⁷ United Nations. Human Rights Council. [Report of the Special Rapporteur on violence against women, its causes and consequences on online violence against women and girls from a human rights perspective](#). A/HRC/38/47. June 18, 2018. Para. 23.

¹⁵⁸ United Nations. Human Rights Council. [Report of the Special Rapporteur on violence against women, its causes and consequences on online violence against women and girls from a human rights perspective](#). A/HRC/38/47. June 18, 2018. Paras. 101-102.

against women contemplated in the Convention of Belém do Pará, either as specific criminal offenses or as aggravating circumstances, civil, administrative, and others, that are considered necessary.¹⁵⁹

90. *Awareness campaigns and media and digital literacy.* Prevention should include measures to raise awareness among society about gender-based violence against women journalists as an attack on freedom of expression, as well as to disseminate clear information on the legal services and mechanisms available to protect victims of such acts. In this regard, the IACHR has emphasized that it is essential for States to undertake outreach actions to raise awareness among the general public about the duty to respect women’s rights, the services and remedies available to women whose rights have been violated, and the legal consequences for perpetrators.¹⁶⁰ These efforts should include programs aimed at journalists, in partnership with women’s networks, civil society organizations, the media, and international bodies.
91. States should also implement educational measures to promote media and digital literacy as key elements of human rights education and gender equality efforts. The Committee of Ministers of the Council of Europe recommended States to “promote gender sensitive media literacy for the young generation, prepare young people to approach different forms of media content responsibly and enable them to acquire a critical view of media representations of gender and to decode sexist stereotypes.”¹⁶¹ Similarly, the IACHR has recommended to States promoting digital literacy for all users of the Internet and other digital technologies, without discrimination based on sex or gender, and to promote gender equality at all levels of education, including online education.¹⁶² The MESECVI has stated that the general prevention of violence against women requires positive measures that include “processes for sensitivity training and cultural transformation; the self-regulation of the media—including [ICTs]—and corresponding oversight by independent organizations that include citizen participation.”¹⁶³
92. *Training of State personnel and judicial officers.* States should properly educate public officials, including law enforcement officers, about women journalists’ right to work free from gender-based violence and the impact that violations of this right by State officials can have on the exercise of their right to freedom of expression. This may require the adoption of protocols and guidelines for action for public officials who interact with journalists and media workers, the implementation of systematic training programs for officials on the subject, and the introduction of accountability

¹⁵⁹ MESECVI. [Second Hemispheric Report on the Implementation of the Belém do Pará Convention](#). OEA/Ser.L/II.6.10. April 2012. P. 38.

¹⁶⁰ IACHR. [Access to Justice for Women Victims of Violence in the Americas](#). OEA/Ser.L/V/II. Doc. 68. January 20, 2007. Para. 298.

¹⁶¹ Council of Europe. [Recommendation CM/Rec\(2013\)1](#) of the Committee of Ministers to member States on gender equality and media. July 10, 2013.

¹⁶² IACHR. [Annual Report 2015. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter IV (Hate Speech and Incitement to Violence against Lesbian, Gay, Bisexual, Trans, and Intersex Persons in the Americas). OEA/Ser.L/V/II. Doc. 48/15. December 31, 2015. Para. 36; United Nations. Human Rights Council. [Report of the Special Rapporteur on violence against women, its causes and consequences on online violence against women and girls from a human rights perspective](#). A/HRC/38/47. June 18, 2018. Para. 97.

¹⁶³ MESECVI. [Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Paths to Follow](#). OEA/Ser.L/II.7.10 MESECVI/CEVI/doc.242/17. 2017. Para. 88(3).

mechanisms to ensure that effective penalties are imposed upon officials who commit acts of violence against women journalists.¹⁶⁴ Public servants should be adequately trained on conduct that constitutes discrimination, harassment, and sexual violence, as well as online violence, and on the existing legal framework for addressing these types of violence, which are often overlooked and normalized throughout the region.

93. States should train public servants, security forces, and judicial officials to ensure that they have the necessary knowledge to identify acts and manifestations of online violence against women journalists, protect them in dangerous situations, and investigate and prosecute perpetrators. This should include the provision of tools and training on technical and legal aspects of such crimes.¹⁶⁵ To this end, States should also “develop specialized, clear, efficient and transparent internal and external protocols and codes of conduct for its law enforcement officials addressing online violence against women to enable them to better understand that online violence is a form of gender-based violence that warrants a serious, trauma-informed response.”¹⁶⁶
94. *Information gathering.* Prevention includes the obligation to gather qualitative and quantitative information on the causes, consequences, and frequency of gender-based violence against women experienced by women journalists (Article 8.h of the Belém do Pará Convention).¹⁶⁷ This information should be used as a basis for designing, monitoring and evaluating the effectiveness of the regulatory frameworks, public policies, and other measures adopted in this area, and to encourage civil society to monitor the policies implemented.¹⁶⁸ This information should be disaggregated according to factors such as race, ethnicity, age, disability, social status, and other criteria to assess the real incidence of violence among specific groups of women journalists and media workers.¹⁶⁹ In addition, “States must have appropriate legal and administrative mechanisms to ensure ample access to that information, establish vehicles for circulating it, and encourage public debate and scrutiny of the policies being implemented in that realm.”¹⁷⁰

¹⁶⁴ IACHR. [Violence against Journalists and Media Workers: Inter-American standards and national practices on prevention, protection, and prosecution of perpetrators](#). OEA/Ser.L/V/II CIDH/RELE/INF.12/13. December 31, 2013. Para. 47.

¹⁶⁵ OSCE. [Recommendations following the Expert Meeting New Challenges to Freedom of Expression: Countering Online Abuse of Female Journalists](#). 17 September, 2015.

¹⁶⁶ United Nations. Human Rights Council. [Report of the Special Rapporteur on violence against women, its causes and consequences on online violence against women and girls from a human rights perspective](#). A/HRC/38/47. June 18, 2018. Para. 106.

¹⁶⁷ IACHR. [Annual Report 2015. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter III (Access to Information, Violence against Women, and the Administration of Justice in the Americas). OAS/Ser.L/V/II.154. Doc. 19. 2015. Para. 50.

¹⁶⁸ IACHR. [Access to Justice for Women Victims of Violence in the Americas](#). OEA/Ser.L/V/II. Doc. 68. January 20, 2007. Para. 42; IACHR. [Annual Report 2015. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter III (Access to Information, Violence against Women, and the Administration of Justice in the Americas). OAS/Ser.L/V/II.154. Doc. 19. 2015. Para. 50.

¹⁶⁹ IACHR. [Annual Report 2015. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter III (Access to Information, Violence against Women, and the Administration of Justice in the Americas). OAS/Ser.L/V/II.154. Doc. 19. 2015. Para 77.

¹⁷⁰ IACHR. [Access to Justice for Women Victims of Violence in the Americas](#). OEA/Ser.L/V/II. Doc. 68. January 20, 2007.

95. In this regard, addressing gender-based violence online also requires States to document, produce, and disseminate qualitative and quantitative data on the causes, consequences, incidents, and frequency of such acts against women journalists, including in cooperation with online intermediaries and platforms.¹⁷¹ It is particularly important that States have and regularly disseminate information to assess the effectiveness of existing regulatory frameworks and public policies implemented to address online violence.¹⁷²
96. *Structural reforms.* States should promote a favorable working environment for women journalists to be able to practice journalism without fear of workplace discrimination. In particular, states should ensure that a policy for the prevention of and response to workplace and sexual harassment is established and clearly displayed in every workplace. This policy should be developed in consultation with staff, management, trade unions, and other stakeholders such as civil society organizations.¹⁷³ It should be applicable to both the public and private spheres and should guarantee effective complaint mechanisms and the protection of women from retaliation.
97. *Elimination of discriminatory stereotypes and patriarchal sociocultural patterns.* The elimination of gender-based violence against women journalists will only be possible if discriminatory stereotypes and patriarchal structures and systems are explicitly addressed in prevention strategies. Therefore, States should complement these measures with actions aimed at dismantling and transforming patriarchal structures, systems, and practices that are sustained and reproduced in various spheres of society. In this regard, the Third Hemispheric Report on the Implementation of the Belém do Pará Convention on the Prevention of Violence against Women in the Americas recognized that:

Urgently addressing the patriarchal culture is an imperative because, in fact, it undergirds and shapes the way in which general and special prevention measures are operationalized. Actions of duty bearers, whose obligation it is to prevent VAW, are strongly influenced by the patriarchal culture. Policy makers, legislators, law enforcement agents, prosecutors and judges act in accordance with the ideological framework that they embrace. The biased action and often, the non-action of these critical players, therefore, fall short in fulfilling State obligation to stem the tide of VAW and protect women's human rights. At the same time victims/survivors are

Para. 43.

¹⁷¹ IACHR. [Annual Report 2013. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter IV (Freedom of expression and the internet). OEA/Ser.L/V/II.149. Doc. 50. December 31, 2013. Para. 41; IACHR. [Annual Report 2016. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter III (Standards for a free, open, and inclusive Internet). OEA/Ser.L/V/II. Doc. 22/17. March 15, 2017. Para. 66.

¹⁷² United Nations. Human Rights Council. [Report of the Special Rapporteur on violence against women, its causes and consequences on online violence against women and girls from a human rights perspective](#). A/HRC/38/47. June 18, 2018. Para. 101-102.

¹⁷³ Committee on Economic, Social and Cultural Rights. [General comment No. 23 on the right to just and favorable conditions of work \(article 7 of the International Covenant on Economic, Social and Cultural Rights\)](#). E/C.12/GC/23. April 27, 2016. Para. 48.

equally socialized to accept the patriarchal culture, which conditions them to passively accept, rather than reject, violence as part of the fabric of their daily lives.¹⁷⁴

98. *Participation of women journalists.* Finally, it is imperative that States promote and ensure the full participation of women journalists in the design and implementation of the prevention strategies outlined herein.¹⁷⁵ It is especially important to ensure opportunities for participation by women journalists from traditionally marginalized groups, such as indigenous and Afro-descendent women.

1.2.1 Protection

99. The Office of the Special Rapporteur has stressed that States have an obligation to protect journalists and media workers from acts of violence. This obligation presumes the existence of a real and imminent risk and a reasonable possibility of preventing or avoiding such harm.¹⁷⁶ The protection measures should “[be adapted] to the individual circumstances of the person at risk, including the person’s gender, the need or desire to continue carrying out the same professional activities, and the person’s social and economic circumstances.”¹⁷⁷
100. The IACHR has similarly underscored that States should take the necessary steps to ensure “that women at risk for or subjected to violence have access to effective judicial protection and guarantees.”¹⁷⁸ In particular, under Article 7(d) of the Belém do Pará Convention, the States Party must “adopt legal measures to require the perpetrator to refrain from harassing, intimidating or threatening the woman or using any method that harms or endangers her life or integrity, or damages her property.” These measures may be civil or criminal in nature.¹⁷⁹

¹⁷⁴ MESECVI. [Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Paths to Follow](#). OEA/Ser.L/II.7.10 MESECVI/CEVI/doc.242/17. 2017. Para. 38.

¹⁷⁵ IACHR. [Annual Report 2013. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter IV (Freedom of Expression and Internet). OEA/Ser.L/V/II.149 Doc. 50, para. 41; IACHR. [Annual Report 2016. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter III (Standards for a free, open, and inclusive Internet). OEA/Ser.L/V/II. Doc. 22/17. March 15, 2017. Para. 61.

¹⁷⁶ IACHR. [Annual Report 2016. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter IV (“Silenced Zones: Highly dangerous areas for the exercise of freedom of expression”). OEA/Ser.L/V/II.Doc. 22/17. March 15, 2017. Para. 170 *citing* I/A Court H.R. [Case of the Pueblo Bello Massacre v. Colombia](#). Merits, Reparations and Costs. Judgment of January 31, 2006. Series C No. 140. Para. 123; I/A Court H.R. [Case of the Sawhoyamaya Indigenous Community v. Paraguay](#). Merits, Reparations and Costs. Judgment of March 29, 2006. Series C No. 146. Para. 155; I/A Court H.R. [Case of Valle Jaramillo et al. v. Colombia](#). Merits, Reparations and Costs. Judgment of November 27, 2008. Series C No. 19. Para. 78; I/A Court H.R. [Case of González et al. \(“Cotton Field”\) v. Mexico](#). Preliminary Objection, Merits, Reparations and Costs. Judgment of November 16, 2009. Series C No. 205. Para. 280.

¹⁷⁷ IACHR. [Annual Report 2016. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter IV (“Silenced Zones: Highly dangerous areas for the exercise of freedom of expression”). OEA/Ser.L/V/II.Doc. 22/17. March 15, 2017. Para. 171, *citing* The United Nations (UN) Special Rapporteur on Freedom of Opinion and Expression, the Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media, the Organization of American States (OAS) Special Rapporteur on Freedom of Expression and the African Commission on Human and Peoples’ Rights (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information. [Joint Declaration on Crimes against Freedom of Expression](#). June 25, 2012.

¹⁷⁸ IACHR. [The Situation of the Rights of Women in Ciudad Juárez, Mexico: The Right to Be Free from Violence and Discrimination](#). OEA/Ser.L/V/II.117. Doc. 44. March, 7 2003. Paras. 103-105.

¹⁷⁹ OAS. MESECVI. [Guide to the Application of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women](#). 2014. P. 47.

101. The IACHR has stressed the importance of protective measures that are “vital” to guaranteeing the obligation of due diligence in cases of gender-based violence.¹⁸⁰ These measures should be available without the need to bring civil or criminal proceedings and should be implemented expeditiously. States should take account of the fact that “as a result of delays in issuing these measures, some women end up not filing a report out of fear of retaliation by their assailants.”¹⁸¹ According to the Inter-American Court, States must also adopt these measures whenever they become aware of a situation of special risk to an individual, even in the absence of a prior request from the beneficiary.¹⁸²
102. Including a gender perspective in the protection of journalists means ensuring that the entire process and its stages—from the receipt and orientation of the request for protection, to the assessment of risk, to the adoption of special protection measures—are geared to addressing the particular needs and specific risks that women journalists face, and ensuring that they observe the principles of preferential attention, intersectionality, transparency, and participation. To this end, States should issue and widely disseminate special protocols.¹⁸³ The most relevant aspects include:
103. *Preferential attention.* Cases involving women journalists who are at real and imminent risk of gender-based violence in the performance of their work should receive preferential attention from the authorities responsible for providing protection. In this regard, we should reiterate that the IACHR and this Office of the Special Rapporteur have maintained that the risk faced by women journalists should be classified as greater, due to their dual vulnerability as journalists in situations of heightened conflict or violence and in contexts that reinforce gender subordination.¹⁸⁴
104. *Dissemination of protection programs.* It is particularly important that States ensure the widest possible dissemination of and access to the information necessary for women journalists to be aware of the protection measures provided for under the law in the event of a real and imminent risk, as well as the ways in which such measures can be requested.

¹⁸⁰ IACHR. [Report No. 80/11](#). Case 12.626. Merits. Jessica Lenahan (Gonzales), et al. United States. July 21, 2011. Para. 163.

¹⁸¹ OAS. MESECVI. [Guide to the Application of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women](#). 2014. P. 49.

¹⁸² I/A Court H.R. [Case of Human Rights Defender et al. v. Guatemala](#). *Preliminary Objections, Merits, Reparations and Costs*. Judgment of August 28, 2014. Para. 155.

¹⁸³ A best practice in this area is the “Specific Protocol with a Gender and Women’s Rights Perspective” of the National Protection Unit of Colombia, which provides for the creation of a Committee for Risk Assessment and Recommendation of Measures (CERREM) for Women, with the participation of women’s organizations, State bodies working on gender issues, such as the Presidential High Council on Women’s Equity, and representatives of international bodies such as UN Women. CERREM Women holds special and exclusive sessions to address cases of women seeking protection. Ministry of the Interior of Colombia. [Resolution 0805: Specific Protocol with a Gender and Women’s Rights Perspective](#). May 14, 2012. In Spanish.

¹⁸⁴ IACHR. [Violence against Journalists and Media Workers: Inter-American standards and national practices on prevention, protection, and prosecution of perpetrators](#). OEA/Ser.L/V/II CIDH/RELE/INF.12/13. December 31, 2013. Para. 263.

105. *Differentiated risk analysis.* Processes and protocols should explicitly recognize that sexual and other forms of gender-based violence are specific risk factors to which women journalists are exposed and that they warrant specialized approaches. Protocols should ensure the effective analysis of forms of gender-based violence, including sexual harassment and online violence, against women journalists. In turn, when the requesting journalist is responsible for the care of children, parents, or others, the family members' situation should be considered in assessing the needs and risk of the women journalists. Similarly, protocols and processes should integrate an intersectional approach that recognizes the diversities of women and groups of women journalists for reasons including "their race, ethnicity, age, [or] sexual orientation, among others."¹⁸⁵
106. *Design and adoption of special protection measures.* When designing and adopting protection measures, States should take into account the gender-specific risks faced by women journalists and ensure the participation of women beneficiaries in this process. Operational security measures such as police protection or relocation to a safe place should ensure, to the extent reasonably possible, that women journalists can continue to work safely. States should also ensure that protective material is adapted to women's needs, such as customized bulletproof vests for women's body shape and size, and consider alternatives to the presence of armed men in homes, which may include female police officers or the use of unarmed escorts.¹⁸⁶
107. It is also important that protection measures include, where necessary, restraining orders against assailants. Complementary measures should also be considered to ensure the health, social welfare, and well-being of women journalists and their families (e.g. fathers, children); measures to support the beneficiary and her/his family members in accessing the education system; and measures to assist breastfeeding mothers, pregnant women, and children in the care of the beneficiary.¹⁸⁷ Protection measures should also include comprehensive rehabilitation mechanisms for victims,¹⁸⁸ including access to comprehensive psychosocial services and care for women victims of sexual violence by staff properly trained in gender sensitivity and trauma care.¹⁸⁹
108. Protection should also include measures to ensure the safety of women journalists from gender-based online threats or attacks. In addition to implementing digital security strategies, States should provide quick and easy mechanisms for women

¹⁸⁵ IACHR. [Annual Report 2013. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter III (Violence against Journalists and Media Workers: Inter-American standards and national practices on prevention, protection, and prosecution of perpetrators). OEA/Ser.L/V/II.149. Doc. 50. December 31, 2013. Para. 262.

¹⁸⁶ IACHR. [Toward a Comprehensive Policy to Protect Human Rights Defenders](#). OEA/Ser.L/V/II. Doc. 207/17. December 29, 2017. Para. 305.

¹⁸⁷ Ministry of the Interior of Colombia. [Resolution 0805: Specific Protocol with a Gender and Women's Rights Perspective](#). May 14, 2012. In Spanish.

¹⁸⁸ OAS. MESECVI. [Guide to the Application of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women](#). 2014. Pp. 49-50.

¹⁸⁹ IACHR. [Toward a Comprehensive Policy to Protect Human Rights Defenders](#). OEA/Ser.L/V/II. Doc. 207/17. December 29, 2017. Para. 305.

journalists to obtain orders from independent authorities—and in cooperation with online intermediaries and platforms—to prevent the non-consensual redistribution or sharing of private images and other forms of online harassment or violence.¹⁹⁰ This is essential to ensure that women journalists do not have to withdraw or reduce their online or public presence to feel safe.

109. *Participation of groups and organizations of women journalists.* States need to be able to create spaces for participation so that women journalists' groups and civil society organizations working to defend the rights of women journalists have the opportunity to be heard on their specific protection needs. In particular, it is important to ensure participation spaces for women journalists who are part of traditionally marginalized groups, such as indigenous and Afro-descendant women.
110. *Personnel trained in gender issues.* For all this to be possible, it is crucial that State personnel responsible for enforcing the protection of journalists are properly trained in the area of gender and women's rights. The Office of the Special Rapporteur has recommended that those countries with specialized mechanisms for the protection of journalists and human rights defenders ensure that they have focal points or public servants with advanced knowledge of gender issues, and that they participate in the examination of such cases. This is crucial to prevent the process from leading to the revictimization of journalists requesting protection.

1.3 Pursuit of justice

111. Once they become aware of acts of gender-based violence against women journalists, States must investigate these acts, identify, prosecute, and punish the perpetrators, and provide comprehensive reparations to the victims. This obligation arises from Articles 13.1, 8.1, and 25 of the ACHR, within the framework of the general obligation to guarantee rights set forth in Article 1.1 of the ACHR. It is also enshrined in Article 7 of the Convention of Belém do Pará, which requires the State to use due diligence and adopt the necessary regulatory framework to investigate and punish violence against women (paragraphs b and c).¹⁹¹
112. Based on these provisions, State authorities have the obligation to “initiate, *ex officio* and without delay, a serious, impartial and effective investigation using all available legal means, aimed at determining the truth and the pursuit, capture, prosecution and eventual punishment of all the perpetrators of the facts.”¹⁹² The investigation “must be undertaken in a serious manner and not as a mere formality preordained to be ineffective. An investigation must have an objective and be assumed by the State as its own legal duty, not as a step taken by private interests that depends upon the initiative of the victim or his family or upon their offer of proof, without an effective

¹⁹⁰ United Nations. Human Rights Council. [Report of the Special Rapporteur on violence against women, its causes and consequences on online violence against women and girls from a human rights perspective](#). A/HRC/38/47. June 18, 2018. Paras. 101-102.

¹⁹¹ I/A Court H.R. [Case of González et al. \(“Cotton Field”\) v. Mexico](#). Preliminary Objection, Merits, Reparations and Costs. Judgment of November 16, 2009. Series C No. 205. Para. 287; I/A Court H.R. [Case of Gutiérrez Hernández et al v. Guatemala](#). Preliminary Objections, Merits, Reparations and Costs. Judgment of August 24, 2017. Series C No. 339. Para. 147 (only in Spanish).

¹⁹² I/A Court H.R. [Case of González et al. \(“Cotton Field”\) v. Mexico](#). Preliminary Objection, Merits, Reparations and Costs. Judgment of November 16, 2009. Series C No. 205. Para. 290.

search for the truth by the government.”¹⁹³ In this regard, “the investigating body must use all available means to carry out all necessary actions and inquiries in an effort to obtain the intended result.”¹⁹⁴

113. States also have an obligation to exhaust all logical lines of investigation that allow for the identification, prosecution, and punishment of the perpetrators.¹⁹⁵ The Office of the Special Rapporteur has stressed that this obligation “is particularly important in cases of violence against journalists, where an investigation that fails to take into account contextual factors such as a journalist’s professional activities will be both less likely to succeed and prone to questions about the authorities’ political will to solve the crime in question.”¹⁹⁶ In the case of acts of gender-based violence against women journalists, it is also necessary to “investigate *ex officio* the possible gender-based discriminatory connotations”¹⁹⁷ of these acts, particularly when they occur within a context of violence against women in a given country or region.¹⁹⁸
114. Both the determination of the lines of investigation and all other aspects of the investigation of acts of violence against women journalists must have a gender perspective, which implies actively investigating the unequal power relations that operate in the context of the case, and be free from the influence of discriminatory gender stereotypes. In this regard, the Inter-American Court has made clear that “the opening of lines of investigation into the prior social or sexual behavior of victims in cases of gender-based violence is nothing more than the manifestation of policies or attitudes based on gender stereotypes”¹⁹⁹ about the socially acceptable roles and behaviors of women in their interpersonal relationships.
115. At the same time, these stereotypes “affect the objectivity of the government officials responsible for investigating complaints, influencing their perception of whether or not an act of violence has occurred, their assessment of the credibility of witnesses and the victim herself,” and their assessment of the evidence.²⁰⁰ They also create “a

¹⁹³ I/A Court H.R. [Case of Velásquez Rodríguez v. Honduras](#). *Merits*. Judgment of July 29, 1988. Series C No. 4. Para. 177.

¹⁹⁴ I/A Court H.R. [Case of Yarce et al. v. Colombia](#). *Preliminary Objection, Merits, Reparations and Costs*. Judgment of November 22, 2016. Series C No. 325. Para. 295 (only in Spanish).

¹⁹⁵ IACHR. [Access to Justice for Women Victims of Violence in the Americas](#). OEA/Ser.L/V/II. Doc. 68. January 20, 2007. Para. 167; I/A Court H.R. [Case of Yarce et al. v. Colombia](#). *Preliminary Objection, Merits, Reparations and Costs*. Judgment of November 22, 2016. Series C No. 325, para. 295 (only in Spanish).

¹⁹⁶ IACHR. [Annual Report 2013. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter III (Violence against Journalists and Media Workers: Inter-American standards and national practices on prevention, protection, and prosecution of perpetrators). OEA/Ser.L/V/II.149. Doc. 50. December 31, 2013. Para. 203.

¹⁹⁷ I/A Court H.R. [Case of Véliz Franco et al. v. Guatemala](#). *Preliminary Objections, Merits, Reparations and Costs*. Judgment of May 19, 2014. Series C No. 277. Para. 187.

¹⁹⁸ I/A Court H.R. [Case of Véliz Franco et al. v. Guatemala](#). *Preliminary Objections, Merits, Reparations and Costs*. Judgment of May 19, 2014. Series C No. 277. Para. 187.

¹⁹⁹ I/A Court H.R. [Case of Gutiérrez Hernández et al v. Guatemala](#). *Preliminary Objections, Merits, Reparations and Costs*. Judgment of August 24, 2017. Series C No. 339. Para. 147 (only in Spanish); I/A Court H.R. [Case of Véliz Franco et al. v. Guatemala](#). *Preliminary Objections, Merits, Reparations and Costs*. Judgment of May 19, 2014. Series C No. 277. Para. 209.

²⁰⁰ I/A Court H.R. [Case of Gutiérrez Hernández et al v. Guatemala](#). *Preliminary Objections, Merits, Reparations and Costs*. Judgment of August 24, 2017. Series C No. 339. Para. 147 (only in Spanish); I/A Court H.R. [Case of Véliz Franco](#)

tacit assumption of the victim's responsibility for the acts, whether because of her manner of dress, occupation, sexual conduct, or relationship or kinship with the assailant. This is reflected in the inaction of prosecutors, police officers, and judges in response to reports of violent acts.”²⁰¹ According to the Court, these practices not only constitute a form of discrimination against women on the basis of gender (Article 24 of the ACHR),²⁰² but they also violate women’s right to a life free from violence (Article 3 of the Convention of Belém do Pará) and prevent them from exercising their right to access justice in cases of gender-based violence.²⁰³

116. Far from tolerating these practices, States must eradicate their underlying gender stereotypes and ensure that criminal investigations of gender-based violence include a gender perspective and are conducted by officials trained in investigating such cases and in dealing with victims of gender-based discrimination and violence.²⁰⁴
117. States should also adopt specific protocols outlining the legal principles and obligations of persons responsible for investigating crimes against freedom of expression in which women journalists are victims. They should set a common standard on how to conduct a timely, diligent, independent, and transparent investigation into such cases, in keeping with international human rights standards and best practices and in consultation with civil society. These special protocols should include rules on victim participation and protection, the transparency of investigations, and accountability mechanisms to monitor progress in the investigation of such cases.
118. When it comes to allegations of sexual violence, the State’s obligations include certain special duties. The Inter-American case law has developed specific standards in relation to the obligation of due diligence in the investigation, prosecution, and punishment of acts of sexual violence against women, pursuant to the provisions of Articles 8.1 and 25 of the ACHR and Article 7 of the Convention of Belém do Pará. In cases where sexual violence involves an act of rape that constitutes torture, States also have a heightened obligation to investigate such acts impartially, *ex officio*, and immediately, in accordance with Articles 1, 6, and 8 of the Inter-American Convention to Prevent and Punish Torture.²⁰⁵

[et al. v. Guatemala](#). *Preliminary Objections, Merits, Reparations and Costs*. Judgment of May 19, 2014. Series C No. 277. Para. 173.

²⁰¹ I/A Court H.R. [Case of Gutiérrez Hernández et al v. Guatemala](#). *Preliminary Objections, Merits, Reparations and Costs*. Judgment of August 24, 2017. Series C No. 339. Para. 170 (only in Spanish).

²⁰² I/A Court H.R. [Case of Gutiérrez Hernández et al v. Guatemala](#). *Preliminary Objections, Merits, Reparations and Costs*. Judgment of August 24, 2017. Series C No. 339. Para. 176 (only in Spanish); I/A Court H.R. [Case of Velásquez Paiz et al. v. Guatemala](#). *Preliminary Objections, Merits, Reparations and Costs*. Judgment of November 19, 2015. Series C No. 307. Para. 183 (only in Spanish).

²⁰³ I/A Court H.R. [Case of Gutiérrez Hernández et al v. Guatemala](#). *Preliminary Objections, Merits, Reparations and Costs*. Judgment of August 24, 2017. Series C No. 339. Para. 176 (only in Spanish).

²⁰⁴ I/A Court H. R., [Case of Favela Nova Brasília v. Brazil](#). *Preliminary Objections, Merits, Reparations and Costs*. Judgment of February 16, 2017. Series C No. 333. Para. 254 (only in Spanish).

²⁰⁵ I/A Court H. R., [Case of Favela Nova Brasília v. Brazil](#). *Preliminary Objections, Merits, Reparations and Costs*. Judgment of February 16, 2017. Series C No. 333. Para. 252 (only in Spanish).

119. As the Inter-American Court has pointed out, sexual violence covers the whole range of acts of a sexual nature committed against a person without his or her consent, and may include acts that do not involve penetration or even physical contact.²⁰⁶ The Court has also made clear that sexual violence constitutes “a particular type of violence that, in general, is characterized by occurring in the absence of persons other than the victim and the perpetrator or perpetrators.”²⁰⁷
120. These characteristics of acts of sexual violence have an impact on the type of evidence available and on the way in which evidence should be considered in the investigation and prosecution of such acts. In particular, “the existence of graphic or documentary evidence [of the occurrence of such acts] cannot be expected.”²⁰⁸ On the contrary, the victim’s statement “constitutes fundamental proof of [sexual violence].”²⁰⁹
121. The Inter-American Court has also stressed that, given the traumatic nature of acts of sexual violence, a lack of precision in the statements made by victims and/or discrepancies in the content of some of their statements does not mean that their testimony is false or that the facts reported are untrue.²¹⁰ The absence of medical evidence also does not diminish the veracity of the victim’s statement. This is because, although severe suffering is inherent in acts of sexual violence,²¹¹ not all of these acts cause physical injury or ailments that can be verified through medical examinations.²¹²
122. With regard to the conditions under which statements should be obtained from women who have suffered sexual violence, and the manner in which they should be treated in the investigation of the facts, it is essential to “avoid revictimization or the re-experiencing of the profoundly traumatic experience each time the victim remembers or testifies about what happened.”²¹³ To that end, the victim should be able to give a statement in a comfortable and safe environment that provides privacy and trust. The statement should be recorded in such a way as to avoid or limit the need for its repetition.²¹⁴

²⁰⁶ I/A Court H.R. [Case of Fernández Ortega et al. v. Mexico](#). *Preliminary Objection, Merits, Reparations, and Costs*. Judgment of August 30, 2010. Series C No. 215. Para. 119.

²⁰⁷ I/A Court H.R. [Case of J. v. Peru](#). *Preliminary Objection, Merits, Reparations and Costs*. Judgment of November 27, 2013. Series C No. 275. Para. 323.

²⁰⁸ I/A Court H.R. [Case of J. v. Peru](#). *Preliminary Objection, Merits, Reparations and Costs*. Judgment of November 27, 2013. Series C No. 275. Para. 323. Internal citations omitted.

²⁰⁹ I/A Court H.R. [Case of J. v. Peru](#). *Preliminary Objection, Merits, Reparations and Costs*. Judgment of November 27, 2013. Series C No. 275. Para. 323. Internal citations omitted.

²¹⁰ I/A Court H.R. [Case of Espinoza González v. Peru](#). *Preliminary Objections, Merits, Reparations and Costs*. Judgment of November 20, 2014. Series C No. 289. Para. 150.

²¹¹ I/A Court H.R. [Case of Espinoza González v. Peru](#). *Preliminary Objections, Merits, Reparations and Costs*. Judgment of November 20, 2014. Series C No. 289. Para. 193.

²¹² I/A Court H.R. [Case of Espinoza González v. Peru](#). *Preliminary Objections, Merits, Reparations and Costs*. Judgment of November 20, 2014. Series C No. 289. Para. 153.

²¹³ I/A Court H.R. [Case of Fernández Ortega et al. v. Mexico](#). *Preliminary Objection, Merits, Reparations, and Costs*. Judgment of August 30, 2010. Series C No. 215. Para. 196.

²¹⁴ I/A Court H.R. [Case of Fernández Ortega et al. v. Mexico](#). *Preliminary Objection, Merits, Reparations, and Costs*.

123. Women who have experienced sexual violence also have the right to access comprehensive medical care, both on an emergency basis and on an ongoing basis if required. In particular, immediately after the event has occurred, “a complete and detailed medical and psychological examination should be made immediately by appropriate trained personnel, of the sex preferred by the victim insofar as this is possible.” During this examination, a woman has the right to ask to be accompanied by someone she trusts.²¹⁵
124. In addition, “the investigative measures should be coordinated and documented and the evidence handled with care, including taking sufficient samples and performing all possible tests to determine the possible perpetrator of the act, and obtaining other evidence such as the victim’s clothes, immediate examination of the scene of the incident, and the proper chain of custody of the evidence.” A woman has the right to free legal aid at all stages of the process.²¹⁶
125. Compliance with these measures by the agencies of the justice system should be monitored. Civil servants who fail to comply with regulations and protocols on violence against women journalists should be subject to appropriate disciplinary actions.

1.3 Reparation

126. Women journalists who are victims of gender-based violence against women also have the right to obtain comprehensive reparation for the harm done, and the State is obligated to guarantee this right. Reparation measures should take account of the specific needs and priorities of women journalists and the perspective of the beneficiaries, and should include guarantees of restitution, compensation, rehabilitation, satisfaction, and non-repetition, in accordance with the principles recognized by international human rights law. States should, in addition, ensure the existence of judicial, administrative, or other remedies for obtaining reparation.
127. The victim’s opinion should be considered in reparation processes.²¹⁷ In order to determine the scope of reparation, the State must assess the impact of violence against women journalists and investigate their idea of justice. It is essential that reparation seeks to restore the full exercise of the victim’s freedom of expression and reverse the silencing effects of violence. When it comes to indigenous or Afro-descendant women, the process of determining the content of reparations should additionally include a cultural and intersectional perspective. In cases of sexual

Judgment of August 30, 2010. Series C No. 215. Para. 194; I/A Court H.R. [Case of J. v. Peru](#). *Preliminary Objection, Merits, Reparations and Costs*. Judgment of November 27, 2013. Series C No. 275. Para. 344.

²¹⁵ I/A Court H.R. [Case of Fernández Ortega et al. v. Mexico](#). *Preliminary Objection, Merits, Reparations, and Costs*. Judgment of August 30, 2010. Series C No. 215. Para. 194; I/A Court H.R. [Case of J. v. Peru](#). *Preliminary Objection, Merits, Reparations and Costs*. Judgment of November 27, 2013. Series C No. 275. Para. 344.

²¹⁶ I/A Court H.R. [Case of Fernández Ortega et al. v. Mexico](#). *Preliminary Objection, Merits, Reparations, and Costs*. Judgment of August 30, 2010. Series C No. 215. Para. 194; I/A Court H.R. [Case of J. v. Peru](#). *Preliminary Objection, Merits, Reparations and Costs*. Judgment of November 27, 2013. Series C No. 275. Para. 344.

²¹⁷ IACHR. [Access to Justice for Women Victims of Sexual Violence in Mesoamerica](#). OEA/Ser.L/V/II. Doc. 63. December 9, 2011. Para. 110.

violence, the process must guarantee reparation free of all forms of re-victimization and should be supported by the appropriate coordination between State institutions to provide the services required by the victims.²¹⁸

128. The bodies of the system have emphasized that reparations must be provided with a transformational purpose, with a view to reforming the context of discrimination that perpetuates gender-based violence against women. As the Inter-American Court held in its judgment in the “Cotton Field” case,²¹⁹ the designing of reparations to change the situation involves not only restorative, but also corrective dimensions that address the structural situation of violence and discrimination that served as the context for the violence.

2 Role of the private sector

129. As the Office of the Special Rapporteur has stated, “although the obligations to prevent, protect, and investigate are the international responsibility of States, there is no doubt that other actors are key for the protection of at-risk journalists, especially in areas in which the risk is higher due to the characteristics of the context, such as in the case of silenced zones.”²²⁰
130. Indeed, although international and regional human rights law “does not as a general matter directly govern the activities or responsibilities of private business,” there are a number of documents and initiatives designed to provide guidance to corporations in the area of human rights. These initiatives include the Guiding Principles on Business and Human Rights (“the Guiding Principles”), endorsed by the UN Human Rights Council in 2011, “provide a framework for the consideration of private business responsibilities in the information and communications technology sector worldwide, independent of State obligations or implementation of those obligations.”²²¹
131. The Guiding Principles underscore that the responsibility to respect human rights requires business enterprises to “Avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur.” At the same time, businesses should “seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts.”²²² In this regard, the Guiding Principles establish that “should carry out

²¹⁸ IACHR. [Access to Justice for Women Victims of Sexual Violence in Mesoamerica](#). OEA/Ser.L/V/II. Doc. 63. December 9, 2011. Para. 112.

²¹⁹ I/A Court H.R. [Case of González et al. \(“Cotton Field”\) v. Mexico](#). Preliminary Objection, Merits, Reparations and Costs. Judgment of November 16, 2009. Series C No. 205. Para. 450.

²²⁰ IACHR. [Annual Report 2016. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter IV (“Silenced Zones: Highly dangerous areas for the exercise of freedom of expression”). OEA/Ser.L/V/II.Doc. 22/17. March 15, 2017. Para. 318.

²²¹ United Nations. Human Rights Council. [Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, David Kaye](#). UN Doc. A/HRC/32/38. May 11, 2016. Para.10.

²²² Human Rights Council. [Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework](#). A/HRC/17/31. 21 March 2011. Principle 13.

human rights due diligence. The process should include assessing actual and potential human rights impacts, integrating and acting upon the findings, tracking responses, and communicating how impacts are addressed.”²²³ Due diligence “should cover adverse human rights impacts that the business enterprise may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services by its business relationships.”²²⁴ In view of the Guiding Principles, private actors should take robust measures to ensure transparency in relation to their operating practices or procedures that directly affect the public.²²⁵

132. In this regard, the Joint Declaration on Media Independence and Diversity in the Digital Age underscores that “Media outlets and online platforms, as (often) powerful corporate actors, should take seriously their responsibility to respect human rights.”²²⁶

2.1 The media

133. The Office of the Special Rapporteur has recognized on several occasions that the media have a decisive role to play in ensuring the protection of journalists and other workers—not only those who have an employment relationship with the media, but also freelancers.²²⁷ At the conclusion of their joint visit to Mexico in December 2017, the United Nations and IACHR Special Rapporteurs on Freedom of Expression indicated that “The media should play a key role in the safety of their journalists and should provide safety and self-protection training for their employees—both permanent and freelance—by providing adequate safety equipment, working conditions, and life insurance.”²²⁸
134. The United Nations General Assembly has emphasized “the important role that media organizations can play in providing adequate safety, risk awareness, digital security and self-protection training and guidance to journalists and media workers, together

²²³ Human Rights Council. [Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework](#). A/HRC/17/31. 21 March 2011. Principle 17.

²²⁴ Human Rights Council. [Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework](#). A/HRC/17/31. 21 March 2011. Principle 17.

²²⁵ IACHR. [Annual Report 2013. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter IV (Freedom of expression and the internet). OEA/Ser.L/V/II.149. Doc. 50. December 31, 2013. Para. 41; IACHR. [Annual Report 2016. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter III (Standards for a free, open, and inclusive Internet). OEA/Ser.L/V/II. Doc. 22/17. March 15, 2017. Para. 99.

²²⁶ The United Nations (UN) Special Rapporteur on Freedom of Opinion and Expression, the Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media, the Organization of American States (OAS) Special Rapporteur on Freedom of Expression and the African Commission on Human and Peoples’ Rights (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information. [Joint Declaration on Media Independence and Diversity in the Digital Age](#). May 2, 2018.

²²⁷ IACHR. [Annual Report 2016. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter IV (“Silenced Zones: Highly dangerous areas for the exercise of freedom of expression”). OEA/Ser.L/V/II.Doc. 22/17. March 15, 2017. Pág. 319.

²²⁸ IACHR/OHCHR. [Preliminary Observations by the UN Special Rapporteur on freedom of expression and the Special Rapporteur on freedom of expression of the IACHR following their joint visit to Mexico, 27 November- 4 December 2017](#). December 4, 2017. Para. 64; See also: United Nations. Organization for Education, Science and Culture (UNESCO). International Program for the Development of Communication. [UN Plan of Action on the Safety of Journalists and the Issue of Impunity](#). 2012. Points 5.16, 5.17, 5.22.

with protective equipment and insurances, where necessary.”²²⁹ The OSCE Representative has similarly affirmed that “Journalists, editors and media owners are responsible for taking all possible measures to safeguard the physical safety of members of the media operating in areas of conflict and on dangerous assignments, including providing personal insurance, training and support systems.”²³⁰ The United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity urges “all stakeholders, and in particular the media industry and its professional associations, to establish general safety provisions for journalists, including but not limited to safety training courses, health care and life insurance, access to social protection and adequate remuneration for free-lance and full-time employees.”²³¹

135. The media should take measures to ensure the safety of women journalists when faced with gender-based risks. They should also develop self-protection guides and provide safety training and coaching for women journalists to help minimize the risk of gender-based violence, especially sexual and online violence, during the performance of journalistic work, field assignments, and on-site reporting. They should also provide protective equipment.
136. In the specific case of sexual harassment of women journalists in the workplace or while they are out reporting, it is troubling to note that most media companies do not have internal protocols or rules that adequately address the needs of female victim journalists. In the Americas, internal “mediation” mechanisms continue to be the norm rather than effective remedies that afford protection to the victim and hold the perpetrator accountable. Sexual harassment from a source is generally trivialized. This lack of victim protection creates impunity, sends a negative message to women journalists that can incite further violence against them, and leads to silence.
137. Companies should establish internal policies with specific provisions on sexual harassment and violence. These policies should be developed with the active participation of the women who work at each company, and be accompanied by systematic training for all media personnel on the content and scope of their provisions in order to encourage full respect for them. In addition, there should be internal procedures and independent reporting and accountability mechanisms that guarantee the rights of women journalists and all parties involved.²³² This is particularly relevant, given that the perpetrators of these abuses are often men in power within the media industry. In this regard, it bears recalling that the employer may be liable for cases of sex discrimination if it has failed to take appropriate preventive measures.
138. Digital media outlets should adopt and implement community standards and policies on moderation and participation on their websites, including for comments on blogs

²²⁹ United Nations. General Assembly. [The safety of journalists](#). Resolution A/HRC/27/L.7. September 19, 2014.

²³⁰ OSCE. William Horsley. [Safety of Journalists Guidebook](#). 2d Edition. 2014.

²³¹ United Nations. [UN Plan of Action on the Safety of Journalists and the Issue of Impunity](#). 2012.

²³² See: UN Women and UN Global Compact Office. [Women's Empowerment Principles](#). See also: Committee on Economic, Social and Cultural Rights. [General comment No. 23 on the right to just and favorable conditions of work \(article 7 of the International Covenant on Economic, Social and Cultural Rights\)](#). E/C.12/GC/23. April 27, 2016. Para. 48.

or articles, to ensure that women journalists are not victims of gender-based violence when interacting with their audiences through these platforms. While it is important to recognize the vital importance of discussion in these forums, threats, harassment, and other forms of online violence against women journalists should not be tolerated.

2.2 Online platforms

139. Online intermediaries and platforms also play an important role in the prevention of and protection from online gender-based violence against women journalists. As stated by the UN Rapporteur on Violence against Women, its causes and consequences, “research indicates that inadequate and substandard responses from intermediaries concerning online gender-based violence can have a negative effect on freedom of expression, resulting in censorship by platforms, self-censorship or censorship by other users, and do not provide victims of harassment with any form of redress.”²³³
140. An effective approach to this issue necessarily requires the commitment of intermediaries to respect women's rights and to voluntarily adopt concrete measures to eradicate gender-based online violence and guarantee the right of women journalists to freedom of expression in the digital space. Indeed, the Office of the Special Rapporteur has indicated that online platforms should make a formal, high-level commitment to respect human rights, including freedom of expression and privacy, and support this commitment with concrete internal measures and systems designed to prevent activities that may have a negative impact on human rights.²³⁴ In the same vein, the United Nations Special Rapporteur on freedom of opinion and expression indicated that “companies committed to the implementation of human rights standards in all their activities—and not just when it suits their interests—will find themselves on firmer ground when it comes to bringing States into compliance with the same standards.”
141. To this end, online intermediaries or platforms should adopt transparent, accessible, and effective complaint mechanisms for cases of online violence against women that take account of the needs of women journalists. The lack of transparency and clarity in the accountability mechanisms of intermediary companies is one of the main problems reported by women journalists who are victims of this type of violence. “Overall, companies seem unwilling to report how much content is being flagged and removed and under what self-designed criteria. Although some attempts have been made, the transparency of decision-making and in the application of standards to guarantee the prompt reporting of gender-based violence on platforms is limited.”²³⁵

²³³ United Nations. Human Rights Council. [Report of the Special Rapporteur on violence against women, its causes and consequences on online violence against women and girls from a human rights perspective](#). A/HRC/38/47. June 18, 2018. Para. 73.

²³⁴ IACHR. [Annual Report 2013. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter IV (Freedom of expression and the internet). OEA/Ser.L/V/II.149. Doc. 50. December 31, 2013. Para. 41; IACHR. [Annual Report 2016. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter III (Standards for a free, open, and inclusive Internet). OEA/Ser.L/V/II. Doc. 22/17. March 15, 2017. Para. 98. See also: IACHR. [Annual Report 2013. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter IV (Freedom of Expression and the Internet). OEA/Ser.L/V/II.149. Doc. 50. December 31, 2013, paras. 110-114.

²³⁵ United Nations. Human Rights Council. [Report of the Special Rapporteur on violence against women, its causes and consequences on online violence against women and girls from a human rights perspective](#). A/HRC/38/47. June 18, 2018. Para. 76.

Therefore, it is essential that intermediaries provide clear information on the type of content that could be removed from the platform under their terms of service or community guidelines, as well as how such removal might take place, whether reporting or complaint mechanisms exist, and whether there is any way to appeal the decision made. Companies should also provide information on how to adopt technical digital security solutions. The terms of service, community rules, and information on their application should be clear, understandable, easily available, and in user-friendly formats, in the local languages.

142. It has also been reported that policies and terms of service on harassment, threats, and other abuses are often applied in a discriminatory and decontextualized manner, to the detriment of the right to freedom of expression of women victims and other users belonging to historically vulnerable groups. Beyond the conventional approaches to ensuring equality, when companies develop their policies, they should “actively seek and take into account the concerns of communities historically at risk of censorship and discrimination.”²³⁶ In addition, companies should explain their decisions to complainants and demonstrate that the decision is consistent with their international obligations in this area, including the principles against arbitrary censorship.
143. In this regard, this Office of the Special Rapporteur has stated that the voluntary measures taken by intermediaries to improve the functioning of their platforms or services and to protect the rights of their users must be consistent “with international human rights norms and principles”²³⁷ and must not arbitrarily prevent or obstruct a person’s ability to express himself or herself on the Internet.²³⁸ In this regard, the United Nations Special Rapporteur on freedom of opinion and expression explained that “amidst growing debate about whether companies exercise a combination of intermediary and editorial functions, human rights law expresses a promise to users that they can rely on fundamental norms to protect their expression over and above what national law might curtail.”²³⁹ He affirmed that, “Companies should incorporate directly into their terms of service and ‘community standards’ relevant principles of human rights law that ensure content-related actions will be guided by the same standards of legality, necessity and legitimacy that bind State regulation of expression.”²⁴⁰
144. At the same time, platforms should contribute to digital security and the prevention of online violence against women journalists, through information outreach

²³⁶ United Nations. Human Rights Council. [Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression](#). A/HRC/38/35. April 6, 2018.

²³⁷ United Nations. Human Rights Council. [Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue](#). A/HRC/17/27. 16 May 2011. Para. 48. See also: Amnesty International. [#ToxicTwitter](#). Chapter 4 – The reporting process. No date.

²³⁸ IACHR. [Annual Report 2013. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter IV (Freedom of Expression on the Internet). OEA/Ser.L/V/II.149. Doc. 50. 31 December 2013. Para. 110.

²³⁹ United Nations. Human Rights Council. [Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression](#). A/HRC/38/35. 6 April 2018.

²⁴⁰ United Nations. Human Rights Council. [Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression](#). A/HRC/38/35. 6 April 2018.

campaigns and the collection and dissemination of data and statistics on the online abuse of women journalists.

B. Equality *in and through* the media

145. As noted in this report, discrimination and violence against women journalists in the media results in the underrepresentation of women on the media agenda and affects the way women are represented through these media when they do appear in the news and other content.
146. The States also have specific obligations in this regard.²⁴¹ In particular, States should ensure that employment laws and practices are adequate to protect journalists from abuse or retaliation, and from poor working conditions that may expose them to greater risks of discrimination and violence. Accordingly, States should review laws, regulations, practices, and public policies that appear neutral on their face, but which, in their practical application, may have a discriminatory impact on the exercise of the right to work by women journalists.
147. For example, it is essential that regulatory frameworks and public policies guarantee women's employment rights during pregnancy. This means guaranteeing at least 14 weeks of paid maternity leave; protections against dismissal and other forms of employment abuse during pregnancy; the enactment of laws addressing breastfeeding; and the adoption of paternity and parental leave.²⁴² Proper account should also be taken of “the position of women workers, particularly where their work and pay has traditionally been undervalued,”²⁴³ as is the case with many women journalists and media workers.
148. These actions must also ensure that women receive the same pay as their male colleagues doing the same work or holding the same position. The Commission has further underscored that the States have the obligation to “take the necessary measures—legislative, policy, and programmatic—to reduce the gender pay gap for work of equal value.”²⁴⁴ Along the same lines, the ESCR Committee has underscored that the States should “adopt legislation as well as other measures to promote *equal remuneration* for work of *equal value*” in both the public and private sectors.²⁴⁵ As the

²⁴¹ IACHR. [The Work, Education, and Resources of Women: The Road to Equality in Guaranteeing Economic, Social and Cultural Rights](#). OEA Ser.L/V/II.143. Doc. 59. November 3, 2011. Para. 58, *citing* IACHR. [Third Report on the Situation of Human Rights in Paraguay](#). OEA/Ser./L./V.II.110 doc. 52. March 9, 2001. Para. 169.

²⁴² IACHR. [The Work, Education, and Resources of Women: The Road to Equality in Guaranteeing Economic, Social and Cultural Rights](#). OEA Ser.L/V/II.143 Doc.59. November 3, 2011, para. 58, *citing* IACHR. [Third Report on the Situation of Human Rights in Paraguay](#). OEA/Ser./L./V.II.110 doc. 52. March 9, 2001. Para. 169. In the same regard, Article 11 of the CEDAW requires the States to take appropriate measures to prohibit dismissal on the grounds of pregnancy or of maternity leave; introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances, and to provide special protection to women during pregnancy in types of work proved to be harmful to them.

²⁴³ Committee on Economic, Social and Cultural Rights. [General comment No. 23 on the right to just and favorable conditions of work \(article 7 of the International Covenant on Economic, Social and Cultural Rights\)](#). E/C.12/GC/23. April 27, 2016. Para. 10.

²⁴⁴ IACHR. [The Work, Education, and Resources of Women: The Road to Equality in Guaranteeing Economic, Social and Cultural Rights](#). OEA Ser.L/V/II.143 Doc.59. November 3, 2011, para. 58, *citing* IACHR. [Third Report on the Situation of Human Rights in Paraguay](#). OEA/Ser./L./V.II.110 doc. 52. March 9, 2001. Para. 169.

²⁴⁵ Committee on Economic, Social and Cultural Rights. [General comment No. 23 on the right to just and favorable](#)

ESCR Committee makes clear, meeting this specific obligation “should not detract from the requirement to take immediate steps towards the *broader* obligation of achieving equal remuneration for men and women for work of equal value.”²⁴⁶

149. States should also guarantee the right of women journalists and media workers to equal opportunities for promotion in their employment “with no considerations other than the factors of service time and ability.”²⁴⁷ Special attention should also be paid to addressing gender-based occupational segregation²⁴⁸ which, as noted previously, has had a significant impact on women journalists and media workers.
150. At the same time, it is essential to analyze the direct and indirect obstacles—based on gender—that prevent the recruitment and promotion of women journalists within the media. In order to address these obstacles, initiatives to reconcile work and family responsibilities, such as affordable day-care services for children and dependent adults, as well as flexible working arrangements, should be encouraged.²⁴⁹ The States must also “must undertake measures to address traditional gender roles and other structural obstacles that perpetuate gender inequality.”²⁵⁰
151. All these measures should take into account intersectional forms of discrimination against certain groups of women journalists. In particular, employment protections should be offered for the benefit of indigenous and Afro-descendant women, among other groups facing situations of exclusion or vulnerability.²⁵¹

[conditions of work \(article 7 of the International Covenant on Economic, Social and Cultural Rights\)](#). E/C.12/GC/23. April 27, 2016. Para. 15 (emphasis added).

²⁴⁶ Committee on Economic, Social and Cultural Rights. [General comment No. 23 on the right to just and favorable conditions of work \(article 7 of the International Covenant on Economic, Social and Cultural Rights\)](#). E/C.12/GC/23. April 27, 2016. Para. 16.

²⁴⁷ Article 11 of the CEDAW establishes that the States should ensure: “b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment; c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training.”

²⁴⁸ Committee on Economic, Social and Cultural Rights. [General comment No. 23 on the right to just and favorable conditions of work \(article 7 of the International Covenant on Economic, Social and Cultural Rights\)](#). E/C.12/GC/23. April 27, 2016. Para. 47 a).

²⁴⁹ Committee on Economic, Social and Cultural Rights. [General comment No. 23 on the right to just and favorable conditions of work \(article 7 of the International Covenant on Economic, Social and Cultural Rights\)](#). E/C.12/GC/23. April 27, 2016. Paras. 32 & 47 a). In this regard, Article 11(2)(c) of the CEDAW provides that the States must “encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities.”

²⁵⁰ Committee on Economic, Social and Cultural Rights. [General comment No. 23 on the right to just and favorable conditions of work \(article 7 of the International Covenant on Economic, Social and Cultural Rights\)](#). E/C.12/GC/23. April 27, 2016. Para. 47 a).

²⁵¹ IACHR. *The Work, Education, and Resources of Women: The Road to Equality in Guaranteeing Economic, Social and Cultural Rights*. OEA Ser.L/V/II.143 Doc.59. November 3, 2011, para. 58, citing IACHR. [Third Report on the Situation of Human Rights in Paraguay](#). OEA/Ser./L.V.II.110 doc. 52. March 9, 2001. Para. 169.

152. The Office of the Special Rapporteur considers that collective bargaining can be a particularly effective mechanism for promoting gender equality within media companies. Accordingly, the International Labor Organization has emphasized that collective bargaining can help reduce the gender pay gap and promote the availability of childcare and the adoption of working arrangements compatible with maternity and the fulfillment of parental responsibilities (maternity and/or paternity leave, reduction of working hours, etc.). Collective bargaining provisions can also establish mechanisms and strategies to prevent gender-based violence in the workplace, including various forms of sexual violence, and procedures to facilitate the reporting of such acts and ensure that they receive an appropriate and timely response. To this end, it is essential that journalists' and media workers' unions promote the adequate representation of women in union leadership positions and in collective bargaining teams. In order to achieve this goal, "trade unions should collect sex-disaggregated data on the composition of their teams over time, in addition to setting targets."²⁵²
153. However, a greater presence of women in newsrooms and management positions will not be enough to transform the way women are represented in the media. Comprehensive strategies with a transformative vision are needed to encourage the media to adopt a gender perspective in their work²⁵³ and to bring about changes in the customs, attitudes, and stereotypes of the general population. In this regard, it is important to remember that States must adopt actions and policies in order to prevent violations of women's human rights and duly address their causes and social consequences in order to achieve structural changes in gender relations.
154. While implementing these measures, States should recognize that media can play a positive role in raising awareness about the prevalence of gender-based stereotypes, prejudices, and biased attitudes towards women and their impact on their right to live a life free of violence and discrimination. The media can also contribute significantly to the eradication of these sociocultural patterns that discriminate against women.²⁵⁴
155. Chapter J of the 1995 Beijing Platform for Action identified the media as one of the "critical areas of concern" for achieving gender equality and women's empowerment. In outlining strategies to address this situation, the Platform emphasized the importance of ensuring the effective participation of women within the media. In particular, the Platform underscored that "Until women participate equally in both the technical and decision-making areas of communications and the mass media, including the arts, they will continue to be misrepresented and awareness of the reality of women's lives will continue to be lacking."²⁵⁵

²⁵² ILO. [Women at Work. Trends 2016](#). 1st Ed. 2016. P. 49.

²⁵³ UNESCO. [World Trends in Freedom of Expression and Media Development: 2017/2018 Global Report](#). 2018. P. 98.

²⁵⁴ The United Nations (UN) Special Rapporteur on Freedom of Opinion and Expression, the Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media, the Organization of American States (OAS) Special Rapporteur on Freedom of Expression and the African Commission on Human and Peoples' Rights (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information. May 6, 2014. [Joint Declaration on Universality and the Right to Freedom of Expression](#).

²⁵⁵ United Nations. [Beijing Platform for Action](#). 1995. Para. 33.

156. In recent years, various media outlets, media associations, journalists' and media workers' unions, journalists and civil society organizations, academia, and international bodies have sought to take initiatives to address women's inequality in and through the media. Within this framework, the 20th anniversary of the adoption of the Beijing Platform for Action led to the creation of the Global Alliance on Media and Gender (GAMAG).²⁵⁶
157. Among other objectives, GAMAG seeks to promote gender equality in media systems, structures, and content and to monitor and promote the implementation of the strategic objectives defined in Chapter J of the Beijing Declaration and Platform for Action: "Increase the participation and access of women to expression and decision-making in and through the media and new technologies of communication;" and "promote a balanced and non-stereotyped portrayal of women in the media."²⁵⁷
158. UN Women took a significant step in this direction by promoting the Media Compact "Step It Up for Gender Equality." Through this initiative, UN Women set out to "invite leading international, regional and national media outlets to become part of the Step it Up Media Compact by pledging to become gender champions through their reporting, editorial decisions and corporate practices."²⁵⁸
159. While they will be free to define the strategies through which they will meet these goals, the media partners signing the Compact must, as a minimum, make a commitment to "champion women's rights and gender equality issues through editorial articles, features and news coverage; ensure production of high-quality stories with a focus on gender equality and women's rights, with a minimum of two per month; ensure inclusion of women as sources in stories produced, aiming for gender parity, including across diverse subjects such as business, technology, science and engineering; adopt a gender-sensitive Code of Conduct on Reporting; in orientation and training of staff members, ensure guidelines for gender-sensitive reporting; through gender-responsive decision-making, enable equality in the newsrooms by ensuring women journalists are given similar opportunities as their male colleagues and can cover diverse subjects from politics to business, science, sports and technology, while encouraging male journalists to also cover diverse issues, including women's rights and gender equality stories, and ensure women journalists are provided mentors and guidance for career advancement."²⁵⁹ In return, UN Women pledges to recognize their status as partners in the Compact, encourage the dissemination and amplification of the content they produce, facilitate meetings and interviews with experts working in the institution in order to collaborate in the development of research on issues related to women's rights and gender equality, and promote collaboration between journalists and media from different regions of the world committed to the issue, among other benefits.

²⁵⁶ Global Alliance On Media and Gender. No date. Available at: <http://gamag.net/news/>

²⁵⁷ United Nations. [Beijing Platform for Action](#). 1995. Paras. 234 *et seq.*

²⁵⁸ UN Women. No date. [Step it Up for Gender Equality Media Compact](#). The complete list of media organizations that have signed the compact is available at: <http://www.unwomen.org/en/get-involved/step-it-up/media-compact/partners>

²⁵⁹ UN Women. No date. [Step it Up for Gender Equality Media Compact](#).

160. Some of the core components of this Compact have already been addressed by the inter-American human rights system. In this regard, Article 8 of the Convention of Belém do Pará requires States to “encourage the communications media to develop appropriate media guidelines in order to contribute to the eradication of violence against women in all its forms, and to enhance respect for the dignity of women.”²⁶⁰ In light of this provision, States should play an active role in encouraging signatories to the Compact to uphold their commitment to introduce guidelines for writing articles with a gender perspective.²⁶¹ In this regard, the *Declaration of Pachuca* “Strengthening efforts to prevent violence against women,” adopted by the Follow-up Mechanism to the Belém do Pará Convention,²⁶² the States undertake to: i) foster the elimination of gender stereotypes and sexist and discriminatory images and messages in communications media, including both content and advertising, in private and public media; ii) foster the self-regulation of media—including ICTs; iii) promote gender training from a multi-cultural perspective in the curricula at all levels of journalism, advertising, and communication; iv) facilitate sufficient resources for the implementation of programs, campaigns and other actions designed to prevent violence against women and girls in the media, as well as evaluation of the impact of these measures; and v) strive for public media to provide the example in terms of content that promotes equality.
161. The commitment of the media signatories to the Compact to the adoption of “a gender-sensitive Code of Conduct on Reporting”²⁶³ is also consistent with Principle 6 of the Declaration of Principles on Freedom of Expression, in light of which “journalistic activities must be guided by ethical conduct, which should in no case be imposed by the State.”²⁶⁴ Based on this provision, this Office considers that the voluntary adoption of professional codes of conduct aimed at guaranteeing full respect for the rights of women journalists and media workers in the workplace and at incorporating a gender perspective in journalistic activity can make a significant contribution to eradicating gender-based violence and discrimination against women.²⁶⁵
162. In the region, some traditional²⁶⁶ and non-traditional²⁶⁷ media outlets have taken initiatives to incorporate the gender perspective into both their organizational

²⁶⁰ Convention of Belém do Pará, Article 8(g).

²⁶¹ UN Women. No date. [Step it Up for Gender Equality Media Compact](#).

²⁶² MESECVI. [Declaration of Pachuca](#) “Strengthening efforts to prevent violence against women.” May 16, 2014.

²⁶³ UN Women. No date. [Step it Up for Gender Equality Media Compact](#).

²⁶⁴ IACHR. [Declaration of Principles on Freedom of Expression](#). 2000.

²⁶⁵ IACHR. [Annual Report 2015. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter IV (Hate speech and incitement to violence against lesbian, gay, bisexual, trans, and intersex persons in the Americas). OEA/Ser.L/V/II. Doc. 48/15. December 31, 2015. Para. 46.

²⁶⁶ For example, in 2010, the U.S. news agency Bloomberg News began a comprehensive transformation process aimed at increasing the number of women cited as news sources or protagonists and incorporating women’s perspectives into its news coverage. According to the organization’s directors, this transformation, along with other changes in working conditions, resulted in an increased presence of women at all levels of the organization’s structure, including management positions. WAN-IFRA. [WINing Strategies: Creating Stronger Media Organizations by Increasing Gender Diversity](#) (2016). P. 40.

²⁶⁷ See, e.g., the digital publication [La Silla Vacía](#), in Colombia. WAN-IFRA. [WINing Strategies: Creating Stronger Media Organizations by Increasing Gender Diversity](#) (2016). P. 40. (El link está mal, lo sacaron porque hay un informe

structure and their journalistic agenda. Projects have also been developed to critically analyze how women are represented in the news and raise awareness of its impact on the perpetuation of gender stereotypes.²⁶⁸

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²⁶⁸ These efforts include the initiative *Mujeres reescriben mujeres* ["Women rewrite women"], through which the Colombian newspaper *El Tiempo* invited women journalists to rewrite 18 headlines described as "chauvinistic" that had appeared in different publications in Colombia and other countries. El tiempo. March 20, 2018. [Mujeres reescriben Mujeres, el reto de retitular noticias machistas.](#)

CHAPTER III

CONCLUSIONS AND
RECOMMENDATIONS

III. CONCLUSIONS AND RECOMMENDATIONS

163. The information gathered by the Office of the Special Rapporteur through its various mechanisms for the protection and promotion of human rights corroborates that in the Americas, in addition to being subject to the wide range of human rights violations affecting journalists in general, women journalists face specific and additional risks in the exercise of their profession on account of their gender and other intersectional factors of discrimination.
164. In recent years, the Office of the Special Rapporteur, together with the international community, has made efforts to draw attention to the forms of gender-based violence faced by women journalists in the practice of their profession, as well as to the disproportionate impact that certain forms of discrimination have on their work. In particular, the Office of the Special Rapporteur has drawn attention to the increase in acts of violence against women journalists, including murder, sexual violence, and online violence. Many of these obstacles and practices are also manifestations of the discrimination that women in the region experience based on other factors, such as race, ethnicity, religion or belief, age, class, sexual orientation, and gender identity. These risks are part of the widespread phenomenon of the exclusion of women from public life. It is a multidimensional phenomenon that includes various forms and practices of discrimination that affect women throughout their lives.
165. As explained in this report, women journalists have the right to practice journalism free from discrimination and gender-based violence. Legal and policy measures to achieve this goal should form part of the broader framework of strategies aimed at guaranteeing the right to freedom of expression and involve not only the action of States, but also the cooperation of the media, online platforms, civil society, and all other stakeholders.

A. Recommendations to the States

166. Adopt positive measures with the aim of combating all discriminatory practices and creating the necessary conditions to guarantee equality between men and women in the exercise of freedom of expression. In particular, strengthen and implement legal, public policy, and other measures that promote and protect women's leadership in society and their participation in the public discourse under equal conditions, including in the practice of journalism and media management.
167. Integrate a gender perspective into all initiatives aimed at creating and maintaining a safe and favorable environment for free and independent journalism. In particular, ensure that State policies and programs aimed at preventing, protecting, and seeking justice in cases of crimes against journalists adequately address the additional or specific risks faced by women journalists on the basis of gender.
168. With regard to prevention:
- a. Publicly acknowledge the important role of women journalists in democracy as an essential element of prevention strategies, and condemn the gender-based violence

- and discrimination they face and its impact on the exercise of the right to freedom of expression.
- b. Ensure that there is an adequate legal framework in place for the effective punishment of gender-based violence against women journalists in the course of their work and that it enables the authorities to act effectively in response to complaints.
 - c. Take measures to raise society's awareness of gender-based violence against women journalists as attacks on freedom of expression, and disseminate clear information about the legal services and mechanisms available to protect victims of such acts, and ensure transparent and easy access to them. These efforts should include programs aimed at journalists, in partnership with women's networks, civil society organizations, the media, and international agencies.
 - d. Implement educational measures to promote media and digital literacy from a gender perspective.
 - e. Adequately educate public officials, including security forces, about the right of women journalists to carry out their work free of gender-based violence and the impact that the violation of this right by State officials can have on the exercise of their right to freedom of expression.
 - f. Improve documentation and gather qualitative and quantitative information on the causes, consequences, and frequency of gender-based violence experienced by women journalists, including through the provision of adequate support and resources to those working to protect women journalists, such as government agencies, national human rights institutions, and civil society, including national and international non-governmental organizations; so that, in line with Indicator 16.10.1. of Goal 16.10 of the Sustainable Development Goals, States disaggregate sex-disaggregated data on the number of verified cases of homicide, abduction, enforced disappearance, arbitrary detention and torture of journalists.
 - g. Promote a favorable working environment so that women journalists can practice journalism without fear of being victims of violence because of their work. In particular, States must ensure, through the law, that a specific policy is established in every workplace for the prevention and handling of cases of workplace and sexual harassment.

169. With regard to protection:

- a. Include a gender perspective with an intersectional approach in programs and actions designed to protect journalists, ensuring that the entire process and its stages—from the receipt and orientation of the request for protection, to risk assessment, to the adoption of special protection measures—are geared to the particular needs and specific risks of women journalists. To this end, States should issue and widely disseminate special protocols.
- b. Guarantee the widest dissemination and access to the necessary information so that women journalists are aware of the protection measures provided for by law in the event of real and imminent risk, as well as the ways to request them.
- c. Ensure adequate and effective analysis of the risk faced by women journalists as a result of various forms of gender-based violence, including sexual harassment and online violence, and design and adopt protective measures that take proper account of the gender-specific risks faced by women journalists, ensuring their effective physical and psychological protection, while extending protective measures to their family members, including children. Ensure the participation of beneficiaries in this process.

- d. Guarantee that government personnel responsible for the protection of journalists are properly trained in gender and women's rights. In those countries that have specialized mechanisms for the protection of journalists and human rights defenders, in addition to the training of all personnel, guarantee the existence of focal points or public servants with advanced knowledge on gender issues and ensure that they participate in the analysis of these types of cases.

170. With regard to justice:

- a. Conduct diligent, impartial, and effective investigations aimed at determining the truth and pursuing, arresting, prosecuting, and eventually punishing all perpetrators of gender-based violence against women journalists in the course of their work.
- b. Exhaust all logical lines of investigation that allow for the identification, prosecution, and punishment of the perpetrators, pursuing all theories linked to the journalist's professional activity and potential discriminatory connotations based on gender. In determining the lines of investigation and all other aspects of an investigation into acts of violence against women journalists, the authorities should not be influenced by gender stereotypes.
- c. Ensure that the criminal investigation of offenses committed against women journalists is carried out by officials properly trained in the investigation of such cases and in the provision of assistance to victims of gender-based discrimination and violence.
- d. Adopt specific protocols outlining the legal principles and obligations of persons responsible for investigating crimes against freedom of expression in which women journalists are victims, in keeping with international human rights standards and best practices and in consultation with civil society.
- e. Ensure that women journalists who are victims of violence have adequate access to comprehensive support services, including shelters, psychosocial services, counseling, medical care, and legal and social services.
- f. Ensure that women journalists who are victims of sexual or other forms of violence are cared for by trained, properly equipped personnel who have expert knowledge of gender issues, and ensure that those victims are consulted at all stages of the process.
- g. Ensure that justice system personnel are adequately trained in the area of freedom of expression, gender and women's rights.
- h. Monitor the measures and decisions adopted by the agencies of the justice system. Civil servants who fail to comply with regulations and protocols on violence against women journalists should be subject to appropriate disciplinary actions.
- i. Conduct studies on compliance with the international obligations described herein in judgments, rulings, or decisions, as well as to identify opinions that contain gender stereotypes or prejudices that subordinate women in cases of violence against women.

171. In terms of reparation:

- a. Guarantee that women journalists who are victims of gender-based violence have the right to obtain comprehensive reparation for the harm caused, taking account of their specific needs and priorities and with a transformational approach, in keeping with the principles recognized by international human rights law.
- b. Guarantee reparation free of all forms of re-victimization, supported by the appropriate coordination between State institutions to provide the services required by the victims.

172. Promote the full participation of women journalists in the design and implementation of prevention, protection, and justice strategies through the creation and promotion of formal mechanisms for consultation and dialogue. In particular, it is important to make sure that women journalists who belong to traditionally marginalized groups, such as indigenous and Afro-descendant women, have opportunities for participation.
173. Review laws, regulations, practices, and public policies that appear neutral on their face, but which, in their practical application, may have a discriminatory impact on the exercise of the right to work by women journalists, including regulatory frameworks and public policies that guarantee women's employment rights during pregnancy, and the guarantee of equal pay.
174. Implement comprehensive strategies with a transformative vision are needed to encourage the media to adopt a gender perspective in their work and bring about changes in the customs, attitudes, and stereotypes of the general population.
175. Provide information on the situation of women journalists and data disaggregated by sex to the reports on freedom of expression and the security of journalists submitted to the Office of the Special Rapporteur for Freedom of Expression of the IACHR and other institutions such as the UNESCO and the Human Rights Council, as well as to the human rights monitoring processes of the inter-American system and the universal system, such as the Universal Periodic Review and the Human Rights Committee.

B. Recommendations to other actors

176. To the media:
 - a. Express public support for the vital role of women journalists and the importance of their work, and condemn acts of violence and discrimination against them.
 - b. Take measures to ensure the safety of women journalists from gender-based risks, including the development of self-protection guides and specialized safety training and coaching for women journalists.
 - c. Establish internal policies with specific provisions on violence and sexual harassment, including internal procedures and independent reporting and accountability mechanisms. These policies should be developed with the active participation of the women who work in each of the companies, and be accompanied by systematic training for all media personnel on the content and scope of their provisions.
 - d. Adopt and implement community standards and policies on moderation and participation on their websites, including for comments on blogs or articles, to ensure that women journalists are not victims of gender-based violence when interacting with their audiences through these platforms.
 - e. Play a positive role in raising public awareness about the prevalence of gender stereotypes, prejudices, and biased attitudes towards women in society and their impact on their right to live a life free of violence and discrimination.
 - f. Consider the voluntary adoption of professional codes of conduct aimed at guaranteeing full respect for the rights of women and at incorporating a gender perspective in journalistic activity, ensuring:

- The defense of women’s rights and gender equality through editorials, reports, and news coverage;
 - The production of high quality reports that pay special attention to gender equality and women’s rights;
 - The inclusion of women as sources of the articles they produce, trying to achieve gender parity and addressing diverse topics such as business, technology, science, and engineering;
 - The introduction of guidelines for gender-sensitive reporting in staff orientation and training activities;
- g. Promote equality in newsrooms by ensuring that women journalists receive equal pay for equal work and have the same opportunities as their male colleagues to cover a variety of topics.

177. To the universities and schools of journalism:

- a. Design and implement academic programs in journalism with a gender perspective.
- b. Include in the curricula issues relating to the safety of journalists, including the safety of women workers in the media.
- c. Promote academic research on freedom of expression and journalism with a gender focus and/or focus on women journalists.

178. To Unions, colleges and associations of journalists:

- a. Ensure that mechanisms for the protection of the rights of journalists include measures to address the specificities of women media workers.

179. To online platforms:

- a. Adopt transparent, accessible, and effective complaint mechanisms for cases of online violence against women that take account of the needs of women journalists.
- b. Provide clear information on the type of content that could be removed from the platform under their terms of service or community guidelines, as well as how such removal might take place, whether reporting or complaint mechanisms exist, and whether there is any way to appeal the decision made. Companies should also provide information on how to adopt technical digital security solutions. The terms of service, community rules, and information on their application should be clear, understandable, easily available, and in user-friendly formats, in the local languages.
- c. When companies develop their policies, they should “actively seek and take into account the concerns of communities historically at risk of censorship and discrimination.” In addition, companies should explain their decisions to complainants and demonstrate that the decision is consistent with their international obligations in this area, including the principles against arbitrary censorship.
- d. Incorporate directly into their terms of service and ‘community standards’ relevant principles of human rights law that ensure content-related actions will be guided by the same standards of legality, necessity and legitimacy that bind State regulation of expression.
- e. Contribute to digital security and the prevention of online violence against women journalists, through information outreach campaigns and the collection and dissemination of data and statistics on the online abuse of women journalists.

180. To civil society:

- a. Ensure that initiatives aimed at promoting and protecting human rights take into account the relevance of women's right to freedom of expression for the realization of human rights in general.
- b. Ensure that initiatives aimed at protecting and promoting the right to freedom of expression incorporate a gender perspective.