



Alternate
report to

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PERIODIC REPORT

of Colombia to the United Nations Human Rights Committee on fulfilment of obligations under the International Covenant on Civil and Political Rights (ICCPR), focusing on freedom of **expression and press freedom**

Executive Summary



Primary topics:

(i) **violence and impunity:
moving toward
comprehensive
protection**

(ii) **government
advertising as a
form of indirect
censorship**

The following is a synopsis of the main points of the Alternate Report.

**REGARDING VIOLENCE
AGAINST JOURNALISTS,
IMPUNITY AND DEFICIENCIES IN
THE PROTECTION SYSTEM**

Violence against journalists is unceasing in Colombia.

⇒ Colombia occupies the 11th spot in a ranking of the most dangerous countries in which to practice journalism. (Committee to Protect Journalists (CPJ))

⇒ Between **2012 and 2016, five journalists were killed** in Colombia with motives linked to their work. This figure is an improvement over previous decades.

⇒ There has been an increase in other types of aggressive actions, signifying a change in the methods used to silence the press. Actions that violate freedom of expression rights have included threats (the most frequently employed type of action, with 77 cases documented in 2015), attacks on infrastructure, illegal detentions, stigmatisation, obstruction of the work of journalists, and sexual assaults, among others.

⇒ High levels of impunity exist in Colombia, relating to all types of aggression, and there are serious deficiencies in investigations of actions against journalists. Currently, **impunity reigns in 97% of journalist assassination cases**. While the government may employ great remedial efforts in addressing the situation of journalists at risk, violence actions are not investigated or subject to judicial sanctions.

⇒ There are serious difficulties within the Colombian justice system when it comes to investigating, charging and sentencing those who have ordered attacks (i.e. the masterminds behind attacks). To date **only four individuals have been convicted among the organisers of the 153 homicides documented between 1977 and 2015**, and there has only been one conviction of an individual who issued threats.

Questions and recommendations

Two emblematic cases:

- Journalist **Guillermo Cano Isaza**, assassinated in December 1986. Thirty years after his death no one has been convicted of the crime.
- Journalist **Jineth Bedoya Lima**, who was kidnapped, tortured and sexually assaulted by paramilitary group members in May 2000. At present, 16 years after the crimes, only two people have been convicted in her case as a result of plea bargains and associated confessions to charges by the perpetrators. None of the organisers behind the crimes against the journalist have been brought to justice. As a result of the 16 years of impunity in her case, Jineth Bedoya is forced to work under a scheme that employs a strong protective strategy.

Finally, the report touches on deficiencies in the government's protective mechanisms, such as excessive lags in response times, a lack of effective preventative strategies and the withdrawal of protective measures in situations where those behind the aggression have not been brought to justice.

DISTRIBUTION OF GOVERNMENT ADVERTISING AND ITS IMPACT ON FREEDOM OF EXPRESSION AND INFORMATION

National, departmental and municipal government bodies invest large sums of money in advertising. FLIP has determined that there are no financial limits placed on advertising carried out by these government bodies. In addition, there are no regulations regarding transparency and objectivity criteria in allocation of advertising contracts to media outlets. This results in governments having the ability to influence journalistic content, rewarding those who publish favourable information and commentary, while punishing those who disseminate unfavourable information.

QUESTIONS TO ASK OF THE GOVERNMENT:

- ⇒ How does the judiciary contribute to protection of journalists? Why have the judicial branch and the National Attorney General's Office (Fiscalía General de la Nación) not been linked to the system for protecting journalists in a way that clearly defines responsibilities and priorities?
- ⇒ What strategies are employed to ensure that regional prosecutors in charge of investigations maintain independence from local authorities and how are they able to improve their expertise in investigating violence against journalists?
- ⇒ What strategies exist to avoid excessive time lags that obstruct the right to know what actually took place in each case?
- ⇒ What measures are in place to avoid the use of government advertising as a reward or punishment for journalistic content?

OUR RECOMMENDATIONS:

1. Develop and approve a comprehensive protection law that assigns responsibilities and provides completion indicators for each of the Colombian government branches, with a protective focus that avoids further restricting the work of informing and providing commentary.
 2. Consolidate a specialised unit of criminal investigators to exclusively address cases of violence against journalists as a measure to compliment physical protection, guaranteeing high standards of investigation and independence.
 3. Develop alternatives that provide guarantees for the right to the truth in cases where the prescription time limits for judicial action have passed.
- a. Develop a generalised regulation or law establishing objectivity, effectiveness and transparency criteria for the allocation of government advertising to media outlets.

The committee sent by FLIP to present this report before the Human Rights Committee consists of:



JINETH BEDOYA LIMA, Colombian journalist and activist who, for reasons associated with her work, was subjected to kidnapping, torture and sexual assault perpetrated by paramilitary group members.



PEDRO VACA VILLARREAL, FLIP Executive Director. Lawyer, specialist in constitutional law and law magister at the National University of Colombia.



RACHAEL KAY, IFEX Executive Director. Has worked for IFEX for 15 years in a number of different capacities. Responsible for programming and operational leadership of the IFEX Secretariat.



HEATHER ORRANGE, Head of Campaigns and Advocacy. Responsible for supervising the IFEX Secretariat's Campaigns and Advocacy programme.



RAMÓN MUÑOZ CASTRO, Director of the International Network of Human Rights (Red Internacional de Derechos Humanos, RIDH) in Geneva. Lawyer specializing in human rights, international speaker with broad experience in development of international advocacy strategies and public policies on human rights.