

In search of protection, justice and the truth: journalists' responses to
impunity in Mexico and Honduras

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Politics - Applied Human Rights

March, 2021

Abstract

This dissertation offers a qualitative, comparative, bottom-up exploration of journalists' responses to impunity for violence against journalists in two Latin American countries where this problem is particularly egregious, Mexico and Honduras. It provides a critique of IR/politics debates on the value of international human rights (IHR) law/norms to local civil society groups and actors. Drawing on scholarship on civil society and coping strategies in violent/repressive contexts, it asks what people do when state and international protection and the domestic civil society "enforcement mechanism" for IHR standards fail.

Via thematic analysis of 67 interviews with journalists and protection actors, I show that journalists used several interlinked strategies to seek justice and protection: domestic and international (engaging with the state via intermediaries – "protection approaches"), and activist and professional ("self-protection approaches"). Journalists rarely mobilised around IHR standards or legal rights, instead depending on (I)NGOs. While protection approaches were necessary and valued, they were usually insufficient to achieve security and justice: context-dependent and limited – particularly in terms of addressing impunity – and frequently risky for journalists.

Hence, journalists often supplemented/replaced protection with self-protection approaches. But certain self-protection practices could actually undermine journalists' security, as well as journalism itself and public perceptions of the profession, including some grassroots forms of activism, self-censorship and co-optation. Consequently, some journalists were developing broader self-protection strategies to transform the profession and practice of journalism. These strategies went beyond immediate physical security, combining protection and professionalisation to improve journalists' work as well as continue it more safely, and building their credibility and public support. This indicates the significance of the norms of professional journalism over IHR norms in this case. Although no substitute for effective state protection, such professional strategies were a crucial complement, with potential to make important contributions to societal pressure for justice and state protection.

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For all journalists at risk in Honduras and Mexico, and for a time when they are no longer at risk.

For Julio Ernesto Alvarado (d. July 2020).

“If you get caught up in despair, you won’t do anything. [...] the last thing you should lose is hope. You have to see [lack of state protection] as a challenge, not as a problem – if you see it as a problem, you’ll get tired. If you see it as a challenge, when they close one door another will open. And if they close that one then I’ll open the next one, and so on. [...] you have to be creative. Otherwise the despair and fatigue of demanding justice for so many years will kill you [...] you mustn’t fall into that but instead be creative.”

Dina Meza, Honduras

Acknowledgements

First, I want to thank all the journalists in both Honduras and Mexico who agreed to be interviewed for this study and who were so generous with their time. Your commitment to journalism in the face of so many risks and obstacles is truly inspiring. Special thanks to Dina Meza, who introduced me to Honduras and who has been a particular inspiration and source of assistance and advice; also to Anabel Hernández, Lydia Cacho and Magali Tercero in Mexico. Many thanks also to all the protection actors in both countries who shared their knowledge and insights.

I'd also like to thank my supervisors, Alice Nah and Jean Grugel, as well as Alejandro Milcíades Peña, for their support and invaluable feedback. The brilliant Liz O'Brien at the Politics Department who always knows what's going on. The staff at the Centre for Applied Human Rights for great events, friendly chats and moral support, especially Patricia Bartley, Sanna Ericksson and Hannah Dwyer Smith. The IT support staff at the library. The Economic and Social Research Council for their generous support of my PhD programme and fieldwork.

I'm grateful to my friends from York, London and beyond who encouraged me to start and keep going with this project and generally kept me sane – particularly true over the last year, with its Covid 19-related lockdowns, home-schooling and the inescapable cauldron of noise generated by months of renovations upstairs and roadworks outside. Thanks to Ruth Kelly, Maggie Gamberton, Nancy Tapías Torrado, Cathy McCann, Tash Siddiqui, Melissa Llewelyn-Davies, Fabienne Chognard, Melanie Newman, Christine Oram, Maria Krajl, Orly Orbach and Peter Marigold. Thank you and RIP Peter Mangold (1947 - 2017).

Most importantly, I'd like to thank Lucian and Miriam for their love and support.

Author's declaration

I declare that this thesis is a presentation of original work and I am the sole author. This work has not previously been presented for an award at this, or any other, University. All sources are acknowledged as References.

Tamsin Mitchell

March 2021

List of acronyms

Acronym	Name in English (translation or original)	Name in Spanish (original)	Country (where relevant)
ACI-Participa	Association for Participatory Citizenship	Asociación para una Ciudadanía Participativa	Honduras
AdP	Journalists' Agenda	Agenda de Periodistas	Mexico
APH	Honduran Press Association	Asociación de Prensa Hondureña	Honduras
ASJ	Association for a more Just Society	Asociación para una Sociedad Más Justa	Honduras
ASOPODEHU	Association for Democracy and Human Rights	Asociación por la Democracia y los Derechos Humanos	Honduras
CAT	Convention Against Torture		
CCI	Coalition Against Impunity	Coalición Contra la Impunidad	Honduras
CDHDF	Mexico City Human Rights Commission	Comisión de Derechos Humanos de la Ciudad de México	Mexico
CEAPP	Veracruz State Commission for the Protection of Journalists	Comisión Estatal para la Atención y Protección de Periodistas	Mexico
CEAV	Executive Committee for Attention to Victims	Comisión Ejecutiva de Atención a Víctimas	Mexico
CED	Veracruz State Human Rights Commission	Comisión Estatal de Derechos Humanos Veracruz	Mexico
CIMAC	Center for Communication and Information about Women	Centro de Comunicación e información de la Mujer	Mexico
CIPRODEH	Centre for the Investigation and Promotion of Human Rights	Centro de Investigación y Promoción de los Derechos Humanos	Honduras
C-Libre	Committee for Free Expression	El Comité por la Libre Expresión	Honduras
CLIP	Latin American Centre for Journalistic Investigation	Centro Latinoamericano de Investigación Periodística	
CNDH	National Human Rights Commission	Comisión Nacional de los Derechos Humanos	Mexico

CNP	National Protection Council (Protection Mechanism for Human Rights Defenders, Journalists, Social communicators and Law Enforcement Officials)	Consejo Nacional de Protección (Mecanismo de Protección de las y los defensores de derechos humanos, periodistas, comunicadores sociales y operadores de justicia)	Honduras
COFADEH	Committee of Relatives of the Disappeared in Honduras	Comité de Familiares de Detenidos Desaparecidos en Honduras	Honduras
CONADEH	National Human Rights Commission	Comisionado Nacional de los Derechos Humanos	Honduras
CONATEL	National Telecommunications Commission	Comisión Nacional de Telecomunicaciones	Honduras
CPH	Honduran Journalists' Association	Colegio de Periodistas de Honduras	Honduras
CPJ	Committee to Protect Journalists		Mexico/ International
CPTRT	Centre for the Prevention, Treatment and Rehabilitation of Torture Victims and their Families	El Centro de Prevención, Tratamiento y rehabilitación de víctimas de la Tortura y sus Familiares	Honduras
CSJ	Supreme Court of Justice	Corte Suprema de Justicia	Honduras
CSO	Civil society organisation		
ERIC-SJ	Reflection, Research and Communication Team	Equipo de reflexión, investigación y comunicación	Honduras
Espacio OSC	Space of Civil Society Organisations for the Protection of Human Rights Defenders and Journalists	Espacio de Organizaciones de la Sociedad Civil para la Protección de Personas Defensoras de Derechos Humanos y Periodistas	Mexico
FEADLE	Special Prosecutor for Crimes Against Freedom of Expression	Fiscal Especial para la Atención a Delitos cometidos contra la Libertad de Expresión	Mexico
FEDCV	Prosecutor for Crimes Against Life	Fiscalía de Delitos Contra la Vida	Honduras
FEDH	Special Prosecutor for Human Rights	Fiscalía Especial de Derechos Humanos	Honduras
FEPRODDHH	Special Prosecutor for the Protection of human rights defenders, journalists, media workers and law enforcement officers	Fiscalía Especial para la Protección de Defensores de Derechos Humanos, Periodistas, Comunicadores Sociales y Operadores de Justicia	Honduras

FGR	Federal Prosecutor's Office (successor to PGR, from 2019)	Fiscalía General de la República	Mexico
IACHR	Inter-American Commission on Human Rights		
IACtHR	Inter-American Court of Human Rights		
IAHRS	Inter-American Human Rights System		
IAIP	Institute for Access to Public Information	Instituto de Acceso a la Información Pública	Honduras
IHR	International human rights		
INGO	International non-governmental organisation		
IPP	Institute for Social Security for Journalists	Instituto de Previsión Social del Periodista	Honduras
IR	International Relations		
MACCIH	Mission to Support the Fight against Corruption and Impunity in Honduras	Misión de Apoyo Contra la Corrupción y la Impunidad en Honduras	Honduras
MCCI	Mexicans Against Corruption and Impunity	Mexicanos Contra la Corrupción y la Impunidad	Mexico
MORENA	National Regeneration Movement	Movimiento Regeneración Nacional	Mexico
MP	Public Prosecutors' Office	Ministerio Público	Honduras
NGO	Non-governmental organisation		
OAS	Organisation of American States		
OCG	Organised crime group		
OHCHR	Office of the United Nations High Commissioner for Human Rights		
PAN	National Action Party	Partido Acción Nacional	Mexico
PDM	Journalists Displaced in Mexico Collective	Colectivo de Periodistas Desplazados en México	Mexico
PdP	Journalists on the Ground	Periodistas de a Pie	Mexico

PGR	Federal Attorney General (replaced in 2019 by the FGR)	Procuraduría General de la República	Mexico
PL	Liberal Party of Honduras	Partido Liberal de Honduras	Honduras
PMOP	Military Public Order Police	Policía Militar del Orden Público	Honduras
PN	National Party of Honduras	Partido Nacional de Honduras	Honduras
PRI	Institutional Revolutionary Party	Partido Revolucionario Institucional	Mexico
RRM	Breaking Down Fear Network	Red Rompe el Miedo	Mexico
RPV	Veracruz Journalists' Network	Red Veracruzana de Periodistas	Mexico
RSF	Reporters Without Borders	Reporters Sin Fronteras	Mexico/ International
SEGOB	Interior Ministry	Secretaría de Gobernación	Mexico
TAN	Transnational advocacy network		
UN	United Nations		

1 Introduction

This is a qualitative, comparative study exploring how journalists respond to impunity for violence against journalists in two Latin American countries where this problem – like impunity for human rights violations in general – is particularly widespread, Mexico and Honduras. I show how journalists use a range of interlinked strategies to seek justice and protection: domestic and international strategies (engaging with the state via intermediaries, particularly non-governmental organisations or NGOs – “protection approaches”), and activist and professional strategies (mobilising for self-protection – “self-protection approaches”). I argue that while protection approaches facilitated by domestic or international NGOs (INGOs) on the basis of international human rights (IHR) law and norms are important and valued, they are not enough. Self-protection is central to journalists’ responses.

Mexico and Honduras are both formally democracies that have voluntarily subscribed to international laws and norms on the protection and promotion of human rights and the importance of preventing and countering impunity, including in relation to journalists. Yet these commitments have generally failed to translate into reductions in rates of either human rights violations or impunity (see Chapter 4). Hence, the issue of impunity for violence against journalists provides an illustration of how impunity is often the norm in many formally democratic states, despite their official commitment to IHR law – and, in this case, despite considerable global recognition and efforts to address the problem. The issue also has wider significance since it impacts not only the journalists directly affected but also the profession’s ability to report, analyse and investigate and society’s right to be informed (IACHR, 2013; UN, 2012b). Moreover, according to Gohdes and Carey (2017), journalist killings are often a precursor of wider repression.

Using this case study of journalists exposed to violence and impunity in Mexico and Honduras, I offer a critique of international relations (IR) and politics debates on the “translation” of IHR law and norms to local contexts and the value of such standards to domestic civil society groups and actors. Although this has become a highly contested area of research, Simmons (2009) along with numerous other scholars since the late 1990s have converged on identifying a strong and active civil society as a key – if not the key – element of domestic politics with the potential to “translate” IHR standards (make them meaningful) in domestic contexts (e.g. Risse and Sikkink, 2013; Hafner-Burton, 2012; Smith-Cannoy 2012; Simmons, 2009; Hathaway, 2007; Neumayer, 2005; Ropp and Sikkink, 1999; Keck and Sikkink, 1998). There now seems to be broad agreement that domestic civil society has the potential, among other roles, to act as a de facto “enforcement mechanism” for IHR law and norms

(Hafner-Burton and Tsutsui 2005: 1385-6), pressuring governments to comply with their commitments.

However, it may be that such scholarship has tended to overstate the influence of domestic civil society in partial democracies (Simmons, 2009) with high levels of violence and/ or repression while neglecting the role of state – and international community – willingness to bring about compliance. Drawing on disparate scholarly texts on civil society in difficult circumstances, I highlight how in such regimes governments restrict local civil society precisely to limit its influence over public opinion and government policy, including via monitoring and criticism of their human rights records (Bakke et al., 2019; Ekiert and Kubik, 2014; Lewis, 2013; Spires, 2011; Heurlin, 2010; Brysk, 2000). Via 67 interviews with journalists and protection actors in Mexico and Honduras, I show that while making rights demands of the state at domestic and international level has some benefits for journalists and is necessary for accountability purposes, it is usually not enough to secure protection and justice. Its usefulness in terms of bringing about compliance is context-dependent and limited, particularly in terms of addressing impunity, and it is frequently a risky undertaking (Chapters 5 and 6).

Hence, the study is about what people in partial democracies with high levels of violence or repression do when protection from the state and international community and the domestic civil society “enforcement mechanism” fail – which arguably is much of the time. While (I)NGOs’ use of IHR standards and international protection regimes is important and valued by journalists, it is only part of the story of how the latter seek protection and justice. The other part, often neglected, is self-protection, as indicated in disparate scholarly texts on the coping strategies of civilians, journalists and human rights defenders (HRDs) in conflict situations and otherwise violent or repressive circumstances (Chapter 3). The study shows that the multiple limitations and risks of a state-oriented approach to seeking justice and protection facilitated by (I)NGOs, whether pursued at domestic or international level, is a key factor in journalists in Mexico and Honduras turning to activist and professional forms of self-protection (Chapters 7 and 8). Self-protection is widespread and central to journalists’ security and needs to be taken more into account by scholars, protection actors and policymakers. But at the same time it can bring new risks. Certain forms of self-protection are harmful for journalists, journalistic practice and the public perceptions of journalism, including some grassroots forms of activism and self-protection measures such as self-censorship and co-optation. Hence journalists are also developing broader self-protection strategies with the overall aim of transforming the profession and practice of journalism. These strategies go beyond immediate physical security, combining protection and professionalisation to improve journalists’ work as well as continue it more safely and building their support and legitimacy (Chapter 8).

In contrast to the importance of norms of professional journalism, such as autonomy, truthfulness and ethical standards, journalists do not usually mobilise around IHR standards: they typically depend on (I)NGOs to employ these in support of their rights demands of the state. There are several reasons for this, including a lack of solidarity, support and organisation within the profession and a lack of legal literacy among journalists. But key is their lack of trust in the state and the sincerity of its commitment to IHR law, its perceived “simulation” of compliance to assuage international criticism and pressure which had resulted in the institutionalisation of human rights to little positive effect. Alongside this there is a perception that IHR law and discourse are inappropriate and potentially risky. Some journalists feel they need to maintain some distance from organised civil society as well as from the government: their contribution to civil society and pressing for protection and justice is vital but generally indirect. This suggests that not all victims or sections of civil society perceive IHR standards to be of equal use or appropriateness.

The relevance of this study is not limited to partial democracies with high levels of violence or repression. Recent research has found that journalists are more likely to be killed and attacked in democracies than non-democracies, although journalist killings decrease with democratic consolidation (Solis, 2020; Asal et al., 2016). However, even in some of the established democracies, such as the USA and in Europe, journalists are increasingly being murdered¹ and otherwise attacked. Distrust in the media is on the rise, often encouraged by the rhetoric of elected leaders.

In the remainder of this chapter, I introduce the problem of violence against journalists and impunity and international responses to the issue, before outlining the research puzzle and questions. I then define the media and journalists as part of civil society and discuss their potential role and responsibilities in terms of promoting human rights. Finally, I outline the justification for the study in relation to existing scholarly literature and explain its structure.

1.1 Violence against journalists and impunity: a global problem with international solutions?

According to UNESCO (2020a: 12-13, 18), at least 1,167 journalists were killed in 63 states worldwide between 2006 and 2019; in 2018-2019, 97 percent of victims were local reporters rather than foreign correspondents while 57 percent of killings occurred in countries where there was no armed conflict. Scholars have noted that journalist killings have often been higher in non-conflict than conflict situations (Carlsson and Pöyhtäri, 2017, Chocarro, 2017, Asal et al., 2016). The majority of

¹ For example, Daphne Caruana Galizia, Malta (2017); Ján Kuciak, Slovakia (2018); Jamal Khashoggi, US resident killed in Turkey (2018).

non-fatal attacks on journalists, which tend to receive less attention but are far more frequent than killings, also occur outside war zones. Perpetrators include both state and non-state actors (UN, 2012a).

Although armed conflicts are relatively rare in Latin America and the Caribbean (hereafter Latin America) (IACHR, 2017), the region is plagued by high and rising levels of violence from both state and non-state actors, corruption and impunity. Drug trafficking cartels and other organised crime groups (OCGs) have spread over the last few decades, frequently co-opting or undermining already weak state institutions. Violence against journalists has intensified in the region since the mid-1990s, often in connection with the presence of OCGs (IACHR, 2017, Waisbord, 2002). In 2018-19 Latin America accounted for 31 percent of journalist killings worldwide; killings showed a steady upwards trend in the region between 2006 and 2017 (UNESCO, 2020a: 9). Such killings often occur following repeated threats, attacks and harassment. Violence against journalists is committed by both state and non-state actors, particularly OCGs; it tends to be concentrated outside major urban centres, above all in rural areas and transit/ border areas (IACHR, 2017, Waisbord, 2002).

The vast majority of these attacks are poorly investigated, if at all, and remain unpunished (AI, 2014, Heyns and Srinivasan, 2013, IACHR, 2013, UN, 2013a, UN, 2012b, IACHR, 2008, Waisbord, 2002). As of late 2020, 87 percent of journalist killings worldwide between 2006 and 2019 were not resolved²; although in Latin America this figure fell to 78 percent, it must be borne in mind that these are not wartorn countries where delays in judicial investigations might be expected (UNESCO, 2020a: 19); most countries in the region are formally democracies which are officially at peace. The situation is more acute in Mexico and Honduras, where impunity for all attacks on journalists typically surpasses 90 percent (see Chapter 4). In these and other countries, the journalists most at risk include those who cover sensitive issues such as human rights violations, corruption and OCGs, who may also be considered HRDs for their promotion of human rights, even if they do not view themselves as such (Mitchell, 2019; Bennett et al., 2015). It is widely held that impunity serves to perpetuate the cycle of violence against journalists and HRDs (Relly and González de Bustamante, 2017b, IACHR, 2013, IM-Defensoras, 2013, Heyns and Srinivasan, 2013, Joloy, 2013, UN, 2012b, IACHR, 2008, Waisbord, 2002), exacerbating their security situation, and that addressing impunity is essential if protection is to be effective in the long-term (AI, 2014, IACHR, 2013).

² UNESCO considers a killing to be “resolved” when, according to information from the relevant state, the suspected perpetrators have been brought to justice and convicted by a court of law, unless deceased or the judicial process has established that the death was not related to the victim’s journalism (UNESCO, 2020a: Annex A, p. 1).

The Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights (IACHR) has identified some common key factors in impunity for violence against journalists in Latin America based on trends since the mid-1990s. These include: lack of capacity and independence of investigative and judicial bodies; involvement of security or state forces in violations; lack of political will; intolerance of criticism on the part of authorities and tacit acceptance of violence against journalists who have exposed their corruption or malfeasance; and lack of cooperation and coordination between local and national authorities responsible for pursuing prosecutions (IACHR, 2013: paras. 169-171). All of these factors are relevant in both Mexico and Honduras (see Chapters 4 and 5).

Violence against journalists and impunity has received significant international attention since the late 1990s and particularly since the 2012 United Nations (UN) Plan of Action on the Safety of Journalists and the Issue of Impunity (UN Plan) (UN, 2012b), a multi-stakeholder strategy designed to coordinate action on the issues at international, regional and national level. An extensive normative framework has developed that underpins an international protection regime for journalists, a loose, organically evolved system bringing together multiple formal protection mechanisms and actors at international, regional and domestic level to provide protection and support for at-risk journalists (see Chapter 6.1). To date, however, this high level of global concern and activity would appear to have had limited success in terms of implementation or translating into a general improvement in security and, above all, justice for journalists on the ground (UN, 2018a: paras. 59, 65, Rely and González de Bustamante, 2017b: 239, 241, 245).³ By the UN's own assessment, progress including under the UN Plan has been largely limited to normative advances and awareness-raising at the international and regional level (UN, 2018a, UNESCO, 2016: 11, UNESCO, 2015: 6), while national-level advances remain more elusive (UN, 2017c). Levels of violence against journalists and impunity have escalated in Honduras and Mexico this century (see Chapter 4). Despite this, international initiatives to protect journalists and HRDs continue to grow apace.

(A more detailed discussion and definitions of violence against journalists, impunity and protection are provided in Chapter 2.2.1).

³ Since in most cases only the state can undertake prosecutions, the interventions of actors in the international protection regimes tend to focus on supporting victims to engage with relevant state institutions, providing security measures and legal representation and engaging in lobbying and awareness-raising (see Chapter 5).

1.2 Research puzzle

It is unclear to what extent the expansion of the international protection regimes for journalists and HRDs and the normative framework that underpins them is rooted in local demand or what difference they make to those they are designed to protect. Certainly, many journalists, HRDs and local civil society organisation (CSOs) continue to place considerable importance on the presence of and/ or support by international actors, despite their apparently limited impact. The regimes have assisted and continue to assist many journalists and HRDs at risk, saving lives in some cases. It is also important to acknowledge that, given the state's ultimate responsibility to address human rights violations and impunity, the international community can only ever provide a partial or temporary solution to such problems.

At the same time, however, there is growing evidence that some HRDs, at least, may value local solutions more than international ones, at least in the day-to-day (Nah, 2020b: 163-164, GFHR and JASS, 2017, Nah et al., 2017). The vital role played by domestic civil society is emphasised in both the IR and politics literature on the translation of IHR law and norms to local contexts and by scholarship on combatting impunity for human rights violations in Latin America (see Chapter 3). Yet it is not clear how concerned the public is by violence against journalists and impunity – in Mexico (Relly and González de Bustamante, 2017a: 132) and generally (UNESCO, 2016: para. 146) – and therefore how feasible generating societal pressure around the issue is.

Hence this study examines what journalists themselves see as the role and impact of IHR law, norms mechanisms and actors and the international protection regimes in terms of countering impunity for violence against the profession, and the extent to which these feature in their responses and strategies. Given the known limitations of international tools and support, it asks what other actions journalists take at local and/ or national level to counter impunity and what their effect is.

1.3 Research questions

This study and the research questions that guide it are the result of a dialogue between empirical observation of real-world challenges and conceptual work on human rights. Given the lack of studies on this specific topic (see 1.5), the research questions are exploratory, aiming to open up this under-researched area, rather than seeking to confirm a hypothesis. They are as follows:

Overarching questions: How do journalists exposed to impunity for violence against journalists perceive and respond to this problem? What strategies do they adopt? What effects do they perceive these strategies to have?

Sub-question 1: To what extent do journalists engage with state institutions to demand their right to justice and protection?

Sub-question 2: How do they make use of international human rights protection standards, mechanisms and actors?

Sub-question 3: What alternative strategies do they adopt if domestic and international avenues fail?

In this study, I define “IHR norms” as shared standards or expectations regarding appropriate behaviour for a given actor, usually the state, in relation to human rights (see 3.1.1). I use the term “IHR law” to refer to IHR norms that have been codified in international law, and “IHR standards” to refer to IHR law and norms collectively. “IHR actor” I define as international or regional organisations and supportive states, or their representatives, that promote IHRs, such as INGOs, international human rights institutions (IHRIs) and foreign embassies. I use the term “IHR mechanism” to refer to specific, formal, international or regional-level human rights protection mechanisms, such as rulings by UN or IACHR bodies with judicial or quasi-judicial status or special rapporteurs. (See 6.1 for a fuller discussion of these terms and of the international protection regime for journalists).

1.4 Civil society, journalism and human rights

Scholars have written extensively on the strength of civil society in Latin America (e.g. Oxhorn, 2011, Avritzer, 2006, Feinberg et al., 2006, Brysk, 2000, Kamrava and Mora, 1998, Pearce, 1997, Stepan, 1985). The meaning of the term has been extensively debated and has evolved over time, including in the literature on civil society and democratisation in Latin America (e.g. Avritzer, 2006, Brysk, 2000, Pearce, 1997, Diamond, 1994). For the purposes of this study, civil society can be defined as:

the realm of organized social life that is voluntary, self-generating, (largely) self-supporting, autonomous from the state, and bound by a legal order or set of shared rules. It is distinct from "society" in general in that it involves citizens acting collectively in a public sphere to express their interests, passions, and ideas, exchange information, achieve mutual goals, make demands on the state, and hold state officials accountable. Civil society is an intermediary entity, standing between the private sphere and the state. (Diamond, 1994: 5)

Civil society is usually considered to be composed of organised non-state actors, excluding “political society” (political parties or organisations and parliaments) – although civil society has a political role this is indirect, mediated by political society – and commercial companies (Brysk 2000; Cohen and Arato, 1994). Simmons (2009: 138) contrasts the concept of civil society to that of “elites”. Hence, civil society is a very broad category that can potentially include NGOs, grassroots CSOs, professional

associations, trade unions, victims' groups, churches and religious groups, coalitions of such groups, social movements, and so on.

In this study, I follow scholars – and journalists (e.g. Amanpour, 2020) – who specifically consider the media to be part of civil society (Brysk, 2000; Cohen and Arato, 1994; Diamond, 1994). I also include within civil society journalists (Stepan, 1988: 3–4) and journalism (Cottle et al., 2016b) (although it is important to differentiate between media outlets and the individual journalists who work for them). In their book on rising attacks on journalists worldwide, Cottle et al. (2016b: loc. 174) maintain that “journalism and civil society are indivisible and mutually constitutive, mutually dependent”. A Western conception of journalism and the media tends to see them as an essential part of civil society in a democracy, ideally connecting the governed to the government, informing people about political decisions and actions, conveying the concerns of citizens to wider audiences, including the government, and acting as a “watchdog” of political and economic elites (Sambrook, 2016a, Sambrook, 2016c, Hanitzsch, 2011, Whitten-Woodring, 2009, Rockwell, 2002a, Waisbord, 2000). This view of the media and journalists' centrality to civil society does not appear to be reflected in the IR and politics literature on the translation of IHR law and norms to local contexts, however, which places little emphasis on their role (see Chapter 3).

Scholars suggest that journalists and the media can potentially play a crucial role in relation to human rights, with the power to promote but also to undermine them, with few if any clearly defined responsibilities in this regard under IHR law (Andreopoulos, 2018). While the relationship between the media and human rights can be traced to eighteenth century Europe, media coverage of human rights issues as we know it today has increased since the 1970s and particularly since the 1990s (Balabanova, 2017; Hampton and Lemberg, 2017). According to Tumber and Waisbord (2017: 3), “the way societies come to understand and experience the situation of ‘human rights’ is largely shaped by mediated communication”. They go on to argue that:

The news media [...] document conditions, spotlight abuses, generate understanding and empathy, mobilise public opinion, influence governments and international organizations and provide visibility to the actions of human rights activists: conditions that otherwise may remain unknown to large segments of the public. (Tumber and Waisbord, 2017: 11)

The media is, say Tumber and Waisbord, a vital source of information not only about human rights violations but also actions taken to address and prevent abuses; indeed, such coverage may prompt officials to take such action. They suggest that the media has played a critical role in the “globalization of human rights and the rise of transnational advocacy networks of activists”, public

awareness and legal reform campaigns, naming and shaming and triggering public support for humanitarian interventions (2017: 3). Similarly, other scholars have noted that journalists and the media, especially the alternative media and social media, can potentially play a key role in generating awareness of human rights violations, including against journalists and HRDs, and of the importance of their work, and in mobilising public outrage and support (Nah et al., 2018; Waisbord, 2007). The media may also play a role in determining foreign policy agendas (Balabanova, 2017).

In most Western democracies it is broadly acknowledged that the media has certain obligations, such as to provide high quality information, support democracy and respect for international obligations including around human rights (McQuail, 2010, Hanitzsch, 2004: 489-91). Indeed, journalists can be considered HRDs for their promotion of human rights via their reporting on these and other sensitive matters, and for their defence of the right to freedom of expression, to be informed – which is often considered essential to the defence of human rights generally – to a free and democratic society, social and economic development and even peace (Mitchell, 2019, Sambrook, 2016c). However, Hanitzsch (2011: 484-488) found that journalists in 10 out of 18 countries studied did not necessarily see their role as “detached watchdog” of business and political elites, the model prevalent in western countries. Rather, in those 10 countries – mainly developing countries, including Mexico and Chile – they were more likely to see themselves as “critical change agents”, who “emphasize the importance of advocating social change, influencing public opinion and setting the political agenda” and who are “eager to motivate their audiences to participate in civic activity and political discussion.” According to Andreopoulos (2018), many journalists, particularly in the global south, feel ethically obliged to adopt a pro-human rights perspective in their reporting. Shaw (2012: 43, 69) advocates for “human rights journalism”, a “journalism of attachment” that is not necessarily neutral or objective, whereby journalists have a “moral responsibility” to analyse, explain and help prevent violence and human rights violations instead of merely reporting on them.

On the other hand, it has also been argued that the idea that the media should serve a social purpose or the “public interest” is based on a normative, and largely Western, model of media and society and, unlike basic values such as truthfulness and objectivity or neutrality, is not necessarily reflected in journalistic codes globally. In many contexts, the media is likely often more influenced by market forces and the need for economic survival – hence circulation/ audience ratings and advertising revenue – than voluntary social responsibility (McQuail, 2010; Benson and Neveu, 2005; Hanitzsch, 2004; see also Andreopoulos, 2018). Moreover, the impact and effectiveness of the media in terms of promoting human rights and public support for human rights causes is variable

and unpredictable (Hampton and Lemberg, 2017; Tumber and Waisbord, 2017; Hesmondhalgh, 2006).

In fact, scholars have often criticised the media's coverage of human rights on various counts. The media generally only covers what is considered "newsworthy" and is easily accessible to reporters (Brooten, 2017; Tumber and Waisbord, 2017). Journalists sometimes lack knowledge and understanding about what human rights are, how they are enforced and the responsibilities of governments (Andreopoulos, 2018; Reilly, 2018; Balabanova, 2017). News coverage can be subject to influence by governments and other powerful actors and geopolitical interests. Hence when the media covers human rights issues it may minimise or invisibilise certain violations even while it highlights others, for example violations of economic, social and cultural rights compared to those of civil and political rights, abuses in nearby and/ or democratic countries as opposed to those in distant and/ or repressive regimes or states at peace compared to conflict zones. Media coverage often lacks a focus on the root or structural causes of human rights violations, which can lead to "compassion fatigue" and undermine political pressure for change (Balabanova, 2017; Brooten, 2017; Tumber and Waisbord, 2017; Hafner-Burton and Ron, 2013; Shaw, 2012). Moreover, the media can also play a profoundly negative role in relation to human rights promotion. It obviously exposes the public to anti- as well as pro-human rights discourse (Tumber and Waisbord, 2017). Worse, some scholars have highlighted the role of the mass media in stigmatising and smearing HRDs, including due to state influence over and weaponisation of the media (Gready, 2019; Eriksson, 2018; Nah et al., 2018; Nah et al., 2017).

Covering human rights can be problematic for individual journalists. Using reporting or investigations for "campaigning" or "activism" purposes is often frowned upon in the profession: media outlets and professional codes often expect journalists to remain neutral and impartial and restrict any political activism to their role as citizens (Waterson, 2020, Cottle et al., 2016a, Hanitzsch, 2004). Hence so-called "advocacy journalism", or reporting that adopts a non-objective viewpoint to promote a specific political or social cause (Charles, 2019; Vine, 2017; Fisher, 2016), can be presented in a negative light (Andreopoulos, 2018); coverage of environmental issues, for example, is often considered to fall into this category (Andreopoulos, 2018; Lester, 2017; Vine, 2017; Hanitzsch, 2004). However, some scholars contend that there has always been a fine line between journalism and advocacy (Shaw, 2012) and that this line or that between journalists and activists or HRDs is becoming increasingly blurred in the digital age (Mitchell, 2019; Cottle et al., 2016a). As Charles (2019) puts it, "the issue is not whether advocacy is present in journalism, but the extent and shape of its presence" (see also Vine, 2017; Fisher, 2016; Shaw, 2012).

1.5 Why this study is needed

Various aspects of this study distinguish it from other work on violence against journalists and impunity. These include: its location of the issue in IR and politics literature but inclusion of other areas of research; its specific focus on the perceptions and responses of journalists rather than (only) the actions of (I)NGOs, on where journalists and the media stand in relation to the “civil society ‘enforcement mechanism’”, and on impunity not just violence; plus its unusual comparison of countries.

There is significant scholarly literature on the strength of both IHR law and norms in Latin America (e.g. Engstrom, 2019, Engstrom, 2018a, Sikkink, 2014, Grugel and Peruzzotti, 2012, Huneeus, 2011, Sikkink, 2011, Lutz and Sikkink, 2001, Lutz and Sikkink, 2000, Keck and Sikkink, 1998, Sikkink, 1993), and of civil society in the region (see 1.4). However, these pay little attention to the role of journalists, either as members or beneficiaries of civil society, despite many making passing references to the mass media. Scholarly coverage of the translation of IHR law in the countries selected for the case studies, meanwhile, is patchy and in the case of norms relating to violence against journalists and impunity, very limited to date. Academic studies of Honduras in particular are relatively scarce and focus on diverse issues under IHR law, for example: enforced disappearances (Lutz and Sikkink, 2000, Grossman, 1991), truth commissions (Popkin and Roht-Arriaza, 1995), torture (Mayerfeld, 2007) and violence against women (Menjívar and Walsh, 2017). Mexico is far better served, with some works focusing on the translation of IHR standards in general (Anaya-Muñoz, 2019, 2014, 2009; Keck and Sikkink, 1998; Sikkink, 2013); however, many tend to focus on specific issues such as violence against women, migration, and the environment and labour rights in the context of the former North American Free Trade Agreement (NAFTA).⁴

There has been growing scholarly interest in the issue of journalist safety and protection in times of war or peace, largely within journalism, media and communications studies (for example, Harrison et al., 2020; Berger, 2018, 2017; Harrison and Pukallus, 2018, 2017; Chocarro, 2017; Relly and González de Bustamante, 2017b; Waisbord, 2017, 2002; Cottle et al., 2016c; Pukallus and Harrison, 2015; Lisosky and Henrichsen, 2011, 2009) and law (Heyns and Srinivasan, 2013, Levin, 2013, Howard, 2002, Mukherjee, 1995, Kirby and Jackson, 1986). More recently some studies have emerged from within IR and politics (Solis, 2020; Bartman, 2018; Gohdes and Caray, 2017; Asal et al., 2016).

⁴ Since 2020, the United States–Mexico–Canada Agreement (USMCA).

A number of studies have been produced recently on diverse aspects of violence against journalists and impunity in Mexico; this is not the case for Honduras, where the issue has received little scholarly attention, though some grey literature exists. A recent strain of literature focuses on the limitations that violence places on Mexican journalists and HRDs, for example psychological impact (Müller and Correa, 2017, Nah et al., 2017, Morales et al., 2016, Flores Morales et al., 2014, Feinstein, 2013, Feinstein, 2012, Flores Morales et al., 2012), perception of influences on journalism (Hughes et al., 2017b, Relly and González de Bustamante, 2013) and self-censorship (Gonzalez, 2020; Harrison and Pukallus, 2018; Hughes and Márquez-Ramírez, 2017). Hughes and Márquez-Ramírez (2017) usefully examine the prevalence of risk-reduction practices among Mexican journalists.

However, there is limited scholarly literature to date specifically on impunity for violence against journalists, how journalists perceive it and its impact on them, and, crucially, how they *respond* at an individual or collective level. Relly and González de Bustamante (2017a) offer a timely and valuable study of the impact of collective action by transnational and domestic networks on the issue of violence against journalists in Mexico. However, it concentrates on (I)NGO rather than journalist responses to the issue and lacks a substantive focus on the issue of impunity, despite recognising the latter as a fundamental part of the problem. Moreover, despite allusions to Keck and Sikkink (1998) and Risse and Sikkink (1999), the study lacks reference to more recent IR and politics theory around the translation of IHR norms.

In an important development, Harrison and Pukallus (2018) focus specifically on impunity for violence against journalists, going beyond legal definitions to examine journalists' experiences of impunity and the effects on their daily lives in legal, political and civil terms in five countries in four continents worldwide, including Mexico. Their analysis of their perceptions reveals common experiences, perceptions and limitations, including: regular direct and indirect threats from the government and state-sponsored actors; a lack of protection from the authorities and media outlets; a lack of solidarity among journalists, including a lack of journalists' organisations; a lack of legal redress; a negative impact on independent and investigative journalism; and self-censorship as a "survival strategy". While this is highly pertinent to the present study, the authors' sample is relatively small (a total of 40 journalists) and does not allow for comparison within Latin America, and the study does not focus on journalists' *responses* to impunity.

1.6 A note on thesis structure

For the purposes of the analysis, I have separated out the strategies that journalists at risk in Mexico and Honduras use, or that are used on their behalf, to seek justice and protection into two broad

categories, which in turn are split into two sub-categories, each corresponding to one chapter. Hence, I use “protection approaches”, or domestic and international strategies, to denote those strategies which are mainly employed by intermediaries – usually (I)NGOs – on journalists’ behalf, to assist them to engage with the state and its institutions at local or international level. By “self-protection approaches”, or activist and professional strategies, I mean strategies used directly by journalists to mobilise to protect themselves and seek justice, or at least the truth, sometimes directly from the state, sometimes outside it. However, I acknowledge that these categories are somewhat artificial, for at least two reasons.

Firstly, splitting strategies focusing on domestic institutions from those focusing on international law, norms, mechanisms and actors is in some ways quite artificial, since these are often inherently interlinked. Lawyers and NGOs use IHR law and norms in domestic courts and lobbying; recommendations and rulings from IHR mechanism and actors can lead to domestic laws and institutions which expand the possibilities for journalists seeking justice and protection at home. The point of IHR law is that it should be implemented domestically. However, these distinctions are analytically important to understand what options for seeking justice and protection exist for journalists and their (I)NGO allies in each country, at domestic and international level, and why, and their respective advantage and drawbacks. My presentation of domestic strategies before international strategies may appear unconventional. While acknowledging that the former often exist in part due to the latter, I take this approach because the data suggests that journalists and protection actors in Mexico and Honduras tended to turn first to the dedicated institutions that have been created in the last decade or so and resort to international avenues if such domestic avenues are blocked or unreceptive (similarly, see Engstrom and Low, 2018; Sikkink, 2005).

Secondly, my categorisation might seem to suggest that journalists progress from one type of approach or strategy to another in a linear fashion, but this is not necessarily the case. In fact, most journalists’ first response might well be to see what personal security measures they can take themselves and to appeal to family and friends for support, trying other avenues only if these instinctive tactics are not enough. In some cases, journalists may focus mainly or exclusively on activist or professional strategies (which of course could also be seen as “domestic” strategies, albeit ones that are led by journalists rather than (I)NGOs); or they may use all four strategies at different times or simultaneously.

2 Methodology

In this chapter, I discuss the methodological approach adopted in the study. I first cover the motivation for the research, before discussing and defining some key concepts relating to violence against journalists and impunity used in the study. I then explain the research design and implementation, including the selection of the illustrative cases (Mexico and Honduras), data collection, selection of interviewees and research locales within both countries, the processes followed for interviews and data analysis and challenges faced. Finally, I outline various limitations of the data.

2.1 Personal motivation

Between 2007 and 2016, I worked as a researcher and campaigner for the Americas and Africa for PEN International, a worldwide writers' association that promotes literature and defends freedom of expression. A key part of my role at the INGO was assisting writers at risk; in Latin America, these were – and remain – mainly journalists. The work was varied, from providing direct material assistance such as facilitating emergency grants, placements abroad and asylum applications, to campaigning, report-writing and advocacy at the UN and IACHR. But the one constant was responding to the seemingly never-ending wave of killings and other attacks on journalists, particularly in Mexico and, from 2009-2010, also Honduras. Recording the details of these attacks and tracking the progress – or more commonly, lack of it – in official investigations was practically a fulltime job in itself, let alone trying to assist the victims and their families, and one that that was increasingly heart-breaking, enraging, frustrating and demoralising.

If that was how I felt, at many removes and a safe distance, how did the journalists in these countries cope with the unceasing onslaught of violence and lack of justice, and still find the strength to carry on with their work? How useful for them were the efforts of PEN and the other international protection actors we worked with, such as INGOs and IHRIs? There was certainly a demand for the support PEN offered: there were routinely more journalists in need than we could assist, and those were just the ones we knew about. But what was the impact for them, really, in terms of helping to reduce impunity or alleviate its effects, in the long-term, or even in the short-term? Did some actions have more effective impact than others? Were there better ways of supporting journalists to address impunity?

2.2 Key concepts relating to impunity for violence against journalists

In this section, I define some terms that are central to the subject of the study, including journalists, forms of violence perpetrated against them, protection and self-protection. I also discuss impunity for violence against journalists and argue that it is necessary to go beyond its legal definition and understand its wider social significance. (For clarity I italicise terms as I define them.)

2.2.1 Violence against journalists, protection and self-protection

This study employs a broad, functional definition of the term “*journalist*”: anyone “who is regularly or professionally engaged in the collection and dissemination of information to the public via any means of mass communication” (Heyns and Srinivasan, 2013: 307, citing Council of Europe and UN sources). This can include media and community media workers, freelancers, photographers, “citizen journalists” (IACHR, 2013; UN, 2012a) and even “social media producers who generate a significant amount of public-interest journalism” (UNESCO, 2016: 5). Scholars have noted that the boundaries between journalists, “vocal citizens”, activists and HRDs have become increasingly blurred due in large part to the impact of new technologies, in particular the internet and social media (Sambrook, 2016b, Heyns and Srinivasan, 2013). In practice, however, most of the journalists I interviewed for this study were relatively “traditional” reporters in the sense that they had studied journalism or communications at university and worked as employees or freelancers of print, online or broadcast media outlets. This focus was not intentional and was presumably due in part to the use of “snowball” sampling (see section 2.3.3 below). Nonetheless, I retain the broad definition of “journalist” since this is the one typically used in scholarly and grey literature; some scholars have also indicated its importance in terms of inclusivity and protecting journalists and freedom of expression.⁵

Most of the journalists I interviewed could, however, be considered *human rights defenders* (HRDs) – even if they do not see themselves as such – due to their focus on human rights and other sensitive or public interest issues (see 2.3.3). A HRD is an individual who “promote[s] and [...] strive[s] for the protection and realization of human rights and fundamental freedoms at the national and international levels” (UN, 1998: Art. 1) in a professional or non-professional context and on a regular or occasional basis (UN, 2004: 2, 5-8). I deliberately targeted such “journalist-HRDs” for interview for three reasons. Firstly, my focus on journalists and the media as part of domestic civil society and their role in “translating” IHR law and norms to local contexts makes journalists who

⁵ Past attempts by the UN and governments to promote narrow definitions of “journalists” have proven controversial and been resisted (see for example Chocarro, 2017, and Buergethal, 2004: 24).

promote human rights directly relevant. Secondly, journalists have been identified as a sub-group of HRDs that is among those most at-risk globally (UN, 2008b, UN, 2011a, UN, 2015a). Thirdly, such journalists can seek support as journalists or as HRDs via the parallel international protection regime, expanding their opportunities for protection (Mitchell, 2019) (see 6.1).

“Violence against journalists” is defined here as physical attacks such as killings, detention and assaults but also threats, harassment and intimidation, including via the judicial system, for reasons related, or possibly related to, their journalistic activity (Harrison and Pukallus, 2018; IACHR, 2013: 1-2; UN, 2012b, para. 1.1). Perpetrators of violence against journalists in Latin America include both state actors, despite their duty to protect, and non-state actors such as OCGs including drug cartels. Such violence often also directly impacts on journalists’ families and close associates. Moreover, it affects not only individual journalists’ right to freedom of expression and information, but also the collective right of citizens and societies to seek and receive information, ideas and opinions. Many HRDs face similar violence for carrying out their work (Nah, 2020; IACHR, 2013; UN, 2012b).

Under IHR law and international humanitarian law, states are duty-bound to respect and protect the rights of all people, including journalists and HRDs. States must not only refrain from committing human rights violations but also provide protection from abuses by third parties such as OCGs and corporations, genocide, war crimes and crimes against humanity, and protect civilians in armed conflict, including journalists (Nah, 2020a; Heyns and Srinivasan, 2013; IACHR, 2013). In this sense, the term “protection” can be understood as “state protection”. However, since states frequently fail to meet their obligation to respect or protect and commit, or are complicit with, human rights violations and abuses, a variety of other actors, including CSOs, activists, lawyers, other states and IOs, intervene to try to support and assist journalists and HRDs at risk. Such *“protection actors”* – defined as state and non-state actors that act to protect journalists and HRDs at risk (Nah, 2020a: 2) – have developed a wide range of tools and strategies to this end. While these actions have different objectives, including mitigating or addressing threats and building support for journalists and HRDs at risk and their work (Nah, 2020a), I argue that many are broadly aimed at helping them to secure protection from state institutions (discussed further in Chapters 5 and 6).

Hence, “protection” can be understood not only as “state protection” per se; it is not only the state that protects but, logically, also “protection actors”. In this study I use the term *“protection”* of journalists to include both (often elusive) state protection *and* actions by protection actors aimed at supporting journalists to secure state protection *and/or*, in its absence, to improve their security situation.

Perhaps not surprisingly, given the challenges faced, “protection” has been criticised as a practice and concept. For example, according to Nah (2020a: 9-10) there has been inadequate debate about “the meaning of protection in relation to human rights defenders and how protection is enacted”. She finds that HRDs feel that some protection actor practices overemphasise their safety above their ability to continue working or address the underlying causes of the threats they face. Relatedly, some scholars of humanitarian assistance argue that colleagues have placed too much emphasis on protection by external and international actors and not enough on self-protection measures, on protection as something that people do for themselves (Dobichina and Savage, 2016; Jose and Medie, 2015; Baines and Paddon, 2012; Mégret, 2009; Bonwick, 2006).

In this study, I contrast “protection” with “*self-protection*”, that is tactics, strategies or practices that journalists at risk rely on to defend themselves at an individual and collective level, instead of, or as well as, relying on protection actors. Chapter 8 on professional strategies shows how, in response to violence and impunity, some journalists in Mexico have moved towards greater collaboration, not only to allow them to continue their work (protection) but also improve it (transformation of journalism, notably via professionalisation). Despite extensive scholarly literature on professionalism and professionalisation in journalism, there is a lack of agreement about the meaning of these terms, which depends on context and who is using them (Carlson and Lewis, 2015; Revers, 2014; Waisbord, 2013; Örnebring, 2009; Schudson and Anderson, 2009; Anderson, 2008; Aldridge and Evetts, 2003). For the purposes of this study, I employ a functional definition of “*professionalism*” as journalists’ ideas about what constitutes “good journalism”, including observing principles such as autonomy, truthfulness, accuracy, fairness, confidentiality of sources, ethics, public interest and, in some cases objectivity (Harrison, 2019; Revers, 2014; Örnebring, 2009; Anderson, 2008). By “*professionalisation*” I mean the process by which journalists achieve “professionalism”. My focus here is not on professionalism or professionalisation per se but on their protection effects or how these can be used as a protection strategy.

2.2.2 Understanding impunity: legal definitions and sociopolitical significance

UN and Inter-American Human Rights System (IAHRS) definitions of “*impunity*” primarily centre around the absence of legal consequences for perpetrators due to a lack of investigation, prosecution and punishment by the state. For example, the UN Plan defines impunity as “the failure to bring perpetrators of human rights violations to justice” (UN, 2012b: para. 1.3; see also UN, 2005: Principle 1). This minimal legal definition of impunity is generally the one adopted in the narrow strand of scholarship focusing specifically on impunity for violence against journalists (e.g. Harrison and Pukallus, 2018; Relly and González de Bustamante, 2017a, 2017b). In the case of journalists,

IHRIs agree that that all human rights violations, not only the most serious such as killings but also threats, should be investigated, prosecuted and punished (e.g. UN, 2013a: para. 55, UN, 2013b: para. 74, IACHR, 2011b: para. 42, IACHR, 2013: para. 160), both the direct perpetrators and masterminds of the crimes (IACHR, 2011b: para. 237). Investigations and prosecutions should be prompt, impartial and independent and exhaust lines of enquiry relating to the victim's practice of journalism (Heyns and Srinivasan, 2013; IACHR, 2013).

This legal concept of impunity is essential and central to the present study. However, it is important to acknowledge it is also narrow, with its focus on individual criminal accountability before the law (Engle et al., 2016; Sikkink, 2011). Some scholars have argued that such a definition depoliticises impunity and fails to acknowledge its systemic or structural nature (Engle, 2016; Moyn, 2016; Nesiha, 2016). Moreover, impunity in partial democracies with high levels of violence and/ or repression like Mexico and Honduras is not a question of isolated cases or limited to past abuses unaccounted for; nor is it a trade-off for peace or democracy as sometimes portrayed in past transitional justice debates (Engle, 2016, Collins, 2012). Rather impunity is the norm, systematic and almost total, a live issue that affects journalists' – and others' – everyday lives and work, that means that human rights violations continue unchecked. It is therefore vital to understand the broader sociopolitical significance of impunity in Latin America, and its differing impact on the government and state on one hand, and victims and civil society, including journalists, on the other.

In a general sense, what impunity means for most people is that there is no proven, official version of the truth about crimes, human rights violations and corruption, why they occur and who is behind them. Impunity implies state failure to guarantee victims' "right to know the truth" about violations and their right to non-recurrence (Engle, 2016: 29; Heyns and Srinivasan, 2013: 315-6; UN, 2012b: paras. 1.1-1.3; Sikkink, 2011: 106; UN, 2005: 6-7, Principle I). For the powerful, including abusive or corrupt state officials, this obscuring of the truth can be beneficial: impunity allows them to do whatever they want unimpeded, with limited scrutiny and fear of punishment, and allows the authorities to offer whatever explanation they like, or none at all. Such immunity was the norm until World War II (Sikkink, 2011: 13-14). Impunity protects and benefits perpetrators, in particular the masterminds of crimes – albeit it risks exposing the state to criticism and, possibly, negative consequences from the international community.

For civil society, including journalists, the impact of impunity is clearly negative: impunity leads to uncertainty, distrust, and above all fear of further violence and attacks – not only against themselves, but for their families, colleagues, friends and society as a whole. Impunity leaves journalists unprotected by the state, as it does for other victims. It leads to self-censorship,

restrictions on their ability to monitor and hold the state to account (Harrison and Pukallus, 2018; Relly and González de Bustamente, 2017b). Impunity for violence against journalists – and HRDs – is a means of limiting and silencing those who seek the truth, who scrutinize the powerful and investigate abuses, impunity and corruption. Thus, like violence against journalists itself, impunity also affects society as a whole by depriving it of diverse sources of information about their government and lives which help form the basis for their views, decisions and actions (such as voting, protesting, mobilising) (Heyns and Srinivasan, 2013). As discussed (1.4), journalists and journalism are considered to play an important role in democratic societies; this role is undermined by impunity for attacks against them.

Some authors have suggested that impunity for violence against journalists is intentional (Harrison and Pukallus, 2018, Heyns and Srinivasan, 2013: 312). Bakke et al. (2019) argue that states that sign up to IHR treaties but continue to commit human rights violations apply “counterpressure” (restrictions and repression) to civil society and HRDs to avoid scrutiny and accountability; it could follow that impunity for such attacks on civil society is also deliberate. This study does not aim to determine whether impunity for violence against journalists in Mexico and Honduras is intentional: the “state” is not monolithic and unchanging and interviewees’ perceptions regarding this matter varied. However, some interviewees, both journalists and protection actors certainly believed impunity to be deliberate or at least convenient for the government, attributable more to lack of state willingness than state capacity (see 5.3 and 6.4.4).

Impunity is often seen as an intractable problem: it exists to a greater or lesser extent in all societies, not just partial democracies with high levels of violence and/ or repression, for example low and falling conviction rates for rape and sexual assault in the United Kingdom (Topping and Barr, 2020). However, this obviously does not mean that impunity cannot or should not be challenged. Recent history shows that it is possible to counter impunity successfully, for example the “justice cascade” from post-World War Two trials to domestic prosecutions in Latin America, such as in Argentina following its Dirty War (Sikkink, 2011), and, more recently, the UN-backed International Commission against Impunity in Guatemala (CICIG) and the Organisation of American States (OAS)-backed Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH). Of course, the examples of impunity persisting are more numerous; after all, once it became clear that CICIG and MACCIH were effective (Zamudio-González, 2020), both were closed down by the national governments (Camilleri and Christie, 2020). Countering impunity is an ongoing battle. In many ways, it is also a battle of attrition: in both countries, but particularly Honduras, a few interviewees spoke

of their perception that the goal of the authorities was to wear people down so that they simply give up on seeking justice and protection altogether, become resigned to violence and impunity.

Hence, it is necessary to be realistic in terms of expectations: this study deals with journalists' strategies for countering – not eliminating – impunity. At individual and even collective level, the scale and impact of these strategies is bound to be limited (see 2.4.3 on “effect” versus “effectiveness”). Nonetheless, despite all the difficulties, and the temptation to give in to fear, silence, paralysis and despair, facing violence and impunity led many journalists interviewed for this study to redouble their commitment to journalism and its social purpose, to find ways of continuing and, in some cases, improving their journalism as a means of contributing to the fight against corruption, human rights violations and impunity in their countries.

2.3 Research design and implementation: process, issues and challenges

This is a qualitative, small-N study using journalists as the main interviewees and protection actors as a secondary group of interviewees, with Mexico and Honduras serving as illustrative examples. The intention was less generalisability and replicability, which is inevitably limited, but rather to generate findings that advance theorising on protection and human rights and may be used as a point of departure in future studies. A secondary aim was to inform policy and practice in relation to the countries in question.

This is an exploratory study which focuses on a very specific group about whom little data is currently available, and one that is relatively small, that is journalists who promote human rights and related issues and/ or are involved in actions to counter impunity for violence against journalists. I was interested in how such journalists were responding to this problem in their local contexts, requiring me to engage with them directly and in depth to build up a detailed picture of them as individuals and as members of the journalistic community and of domestic civil society. Hence my choice to use interviews as the primary data collection tool to gather information, views and evidence from journalists and open up and understand their perceptions and motivations (Bryman, 2016: 468).

In carrying out this research project, I drew on almost a decade's experience of working on this issue area. From my work at PEN International, I had existing contacts with journalists and other protection actors on the ground, including local and international NGOs, IGOs/ IHRIs, HRDs, lawyers, state representatives, and an understanding of the need for sensitivity and confidentiality. I speak and write Spanish fluently. This background gave me credibility and helped me build trust with

interviewees. It also allowed me to carry out much of the groundwork for the research before I arrived in the field, as well as to plan an itinerary and schedule to the fullest possible extent before departure. This was necessary given the relatively condensed timeframe of the fieldwork, chosen for security and personal reasons. I spent four weeks each in Honduras and Mexico (March and September 2018 respectively), roughly two thirds of the time in the capital cities and the other third in the second, smaller research locales. Thanks to my professional experience and existing contacts this proved ample to carry out sufficient interviews.

Approval for the research project was obtained from the University of York's Economics, Law, Management, Politics and Sociology Ethics Committee in October 2017.

2.3.1 Case study selection

Mexico and Honduras are very different in many aspects, notably economic, political and geopolitical, as well as their size. However, they both display comparably high and rising levels of violence against journalists and impunity since the 2000s and similar responses from the state; this was the main rationale for their selection as illustrative cases. The two countries also share multiple challenges in terms of implementing IHR standards, including in terms of rule of law, corruption, presence of OCGs and their infiltration of politics and state institutions, violence and increasing militarisation (see Chapter 4). A secondary factor in selecting these countries was my own familiarity with them and contacts from my previous work, which facilitated access to and trust with interviewees, which was vital given the sensitivity of the topic. Thus, this approach resulted in higher-quality data within the timeframe than if I had chosen countries that were less familiar to me.

A single country approach would not have allowed me to compare how the responses of local journalists and civil society differ between countries and why: above all, how the ability of domestic civil society, including the media and journalists, to act as a de facto "enforcement mechanism" for IHR law is affected by regime type and the state's relationship with and attempts to control civil society and the media. Conditions in this regard are generally worse in Honduras than Mexico across the board: especially noticeable is the more pronounced co-optation of state institutions, CSOs and mainstream media outlets, as well as more heightened repression, of NGOs, journalists and HRDs. At the same time, however, certain conditions with regards to addressing violence and impunity, including against journalists, are in fact more challenging in Mexico (see Chapter 4). I believe that the inclusion of two illustrative cases allows this study to provide a richer and more nuanced understanding of the phenomenon of violence against journalists and impunity in Latin America, as

well as state, civil society and journalists' responses to it. It does, however, inevitably reduce the level of empirical detail and texture that is possible to include per country.

I have opted for a thematic approach to presentation of the data, drawing on examples from both countries, rather than dedicating separate chapters to each. I felt this allowed me to acknowledge the similarities in responses to violence against journalists and impunity between countries while reducing repetition, and to tease out and sharpen the analysis of the difference between them via a direct, side-by-side comparison. However, this approach also has drawbacks, which are discussed below (section 2.3.6).

2.3.2 Data collection

I adopted a multi-method approach to data collection that incorporated both primary and secondary data as sources of information. The main method was in-depth, semi-structured interviews with two groups of interviewees, journalists and protection actors (see section 2.3.3 below). Interviews are a good means of establishing in depth the thoughts and perceptions of a set of individuals on key issues by allowing them to respond freely to open-ended questions (Tansey, 2007: 766). Semi-structured interviews allow for a more flexible, tailored approach than a rigid "shopping list" approach of a survey or fully structured interview and for trust to be built with interviewees (Davies, 2001: 76-77).

These interviews were informed and underpinned by a prior and ongoing review of relevant secondary data sources (reports, policy documents, resolutions, case law, urgent action appeals and other documentation, media coverage and profiles, website data, social media, academic literature, etc.). These sources were used not only to support interviews but also as a source of data in themselves. I continued to monitor new online sources during and after the field work itself (into early 2021). This gave me a broader spectrum of data sources to rely on which cover a more extensive period of time, which is desirable for analysing counter-impunity strategies.

Complementary means of data collection during the two field trips included daily monitoring of the local media and collection of news articles, books and other documents relevant to the subject and as background. I also attended some events to which interviewees invited me for background and contacts. These included a talk on attacks on journalists in Mexico City where veteran journalist (and interviewee) José Reveles introduced me to several journalists displaced from other states. I realised that it was important to include the experience of such displaced journalists: despite not originating from the main research locales of Mexico City and Veracruz state (see section 2.3.4 below), they

represented a group that was highly increasingly present in the capital, still at risk and highly vulnerable and that faced significant barriers to continuing their journalism. All agreed to take part in the study and brought a unique perspective on the problem and rich data, in particular in terms of understanding the extent of the presence and impact of OCGs and state capture in many Mexican states, the collective initiatives they were developing to try to improve their situation and that of other displaced journalists and the significance of their presence in the capital in terms of access to protection actors and media outlets. This showed me the importance of retaining a degree of flexibility and spontaneity in the field even when working within a relatively tight timeframe and with the constraints of a strict security protocol (see below).

This approach also brought challenges, however. When reviewing secondary data resources, it became clear that there was far more academic and grey literature available on Mexico than Honduras, in relation to violence against journalists and impunity, and more generally on relevant subjects such as human rights, the media and politics. This informational disparity, added to the many actual differences between the two countries, made it challenging to contextualise and compare the situations of their journalists. This unevenness was especially apparent with scholarly literature, as noted in 1.5, but to a lesser extent also to reports from (I)NGOs. Official information and statistics were also much more readily available in Mexico. Reports from the UN and IACHR and their Rapporteurs covered the two countries more evenly, hence I relied extensively on these plus media reports to plug gaps and even up information, particularly in Honduras, when preparing for the fieldwork and drafting Chapter 4, which provides background on the two countries.

Studying a current phenomenon in a fast-changing context is bound to be challenging. In this case, these challenges were compounded by the fact that important aspects of how Honduras is governed, such as the scale of corruption and the extent to which the political and economic elites overlap with drug traffickers, have only begun to emerge – or been officially confirmed – and reported on in the media in the last few years (see Chapter 4).

2.3.3 Interviewees: numbers, selection and profile

I carried out a total of 67 interviews, 31 in Honduras in March 2018 and 36 in Mexico in September 2018. In both cases, by the end of the month I had found a recurrence in interviewee contributions, suggesting that a certain degree of “data saturation” had been reached (Guest et al., 2006: 65).

The primary interviewees were journalists who fit the following criteria: (1) current or recent work as a journalist; (2) covered human rights or other sensitive issues, such as crime, corruption,

impunity, environmental issues, abuses by powerful non-state actors such as OCGs, or monitoring demonstrations, elections and other important events, on a regular or occasional basis; and/ or (3) current or recent action, activism or advocacy around violence against journalists and impunity (UN, 2011a: paras. 37-39). Hence, I used a combination of positional and reputational criteria, as recommended by Tansey (2007: 770-1). Having personally suffered violence for their work was not a selection criterion but this was the case for most of the journalists.⁶ The secondary group of interviewees were protection actors, that is state or non-state actors – organisations or individuals – that act to protect journalists and HRDs at risk (see 2.2.1). For example, these included government officials and bodies, CSOs, NGOs, lawyers, INGOs, IGOs/ IHRIs and foreign embassies.

I selected interviewees on the basis on my existing knowledge and contacts (see 2.3), applying the selection criteria above, and via snowball/ chain-referral sampling, that is recommendations from other interviewees. This approach is “particularly suitable when the population of interest is not fully visible” (Tansey, 2007: 770, citing Babbie 1995), as is often the case with this group of specialised journalists. In each country I used one or two journalists known to me as a starting point for recommendations. I also gleaned potential contacts from my ongoing review of primary and secondary written data sources (see 2.3.2).

In Honduras, I interviewed 21 journalists (12 in the capital Tegucigalpa, six in the north of the country (i.e. the second city, San Pedro Sula and the nearby town of El Progreso) and three in locations not specified for reasons of anonymity and/ or security), with a gender split of eight women, 10 men and three not specified. I also interviewed representatives of 10 protection actors (six in Tegucigalpa, three in the north, one not specified). In Mexico, I interviewed 24 journalists (12 in Mexico City, including three journalists displaced from other states; nine in Veracruz State; and three not specified), with a gender split of seven women to 17 men. I also interviewed representatives of 13 protection actors (12 in Mexico City, one in Veracruz state).

It is important to note that in both countries there was significant overlap between primary and secondary interviewees. A significant minority of the journalists (had) worked for (I)NGOs on a paid or voluntary basis in Mexico (25 percent)⁷ and particularly in Honduras (almost 50 percent)⁸, where they were often employed as journalists for NGO-run publications (see 6.2). Some journalists (had)

⁶ In fact, the commitment to the social purpose of journalism of many of the journalists’ interviewed was frequently linked to their personal experiences of experiencing or witnessing serious attacks or threats against themselves, colleagues or family members, which remained unpunished. Several journalists, particularly in Honduras, had experienced the murder or disappearance of close family members.

⁷ Mexico: 6/24 (MEX-J2, MEX-J3, MEX-J6, MEX-J11, MEX-J12, MEX-J24)

⁸ Honduras: 10/21 (HON-J1, HON-J2, HON-J3, HON-J8, HON-J10, HON-13, HON-14, HON-15, HON-16, HON-17)

also worked for government Protection Mechanisms, especially in Mexico (see 5.1.1). Hence, some interviewees who were selected and interviewed primarily for their views as journalists or as protection actor representatives were able to offer a dual perspective since they worked or had worked in both capacities.

Although I was not aiming to make generalisations from the sample to the population as a whole, I tried to mitigate the risk of selection bias inherent in “snowballing” by endeavouring to “ensure that the initial set of interviewees [was] sufficiently diverse so that the sample [was] not skewed excessively in any one particular direction” (Tansey, 2007: 768-770). I did this by attempting to ensure diversity in the initial set of primary interviewees, particularly in terms of research locale and gender since the literature indicates that these are important factors (see Chapter 4).

Nonetheless, the profile of the journalists in the two countries ended up varying in some respects. In very general terms, in Honduras most of the journalist interviewees were part of the “alternative” media, although many had worked for the mainstream media in the past, while in Mexico they were more likely to work for independent or mainstream media outlets, often on a freelance basis; the latter tended to view their role as investigating and informing, whereas in Honduras some also tended towards forms of “advocacy journalism” (see 1.4 and 8.3.2.2). These differences are likely a reflection of the media sectors in the two countries and how open they are to independent and critical reporting on human rights and other sensitive issues (see Chapters 4 and 8), as well as selection bias inherent in snowball/ chain-referral sampling. As Bryman (2016: 65) notes, one of the difficulties of cross-cultural research is “ensuring that samples of respondents or organizations are equivalent”.

Moreover, as seen, the gender split of the journalists interviewed was less balanced in Mexico than in Honduras: women made up 29 percent of journalists in Mexico (seven female versus 17 male) against 44 percent in Honduras (eight female versus 10 male; three not specified). However, roughly two-thirds of the protection actor representatives interviewed in Mexico were women, three of whom were also practising journalists, which went some way to evening up the gender split.

(For further details, see Appendix A: List of interviewees).

2.3.4 Research locales

In both countries, I carried out research in two separate locations. Scholars agree that it is important to study violence against journalists at the subnational level for several reasons, including: regional variations in attacks; subnational authoritarianism and unevenness in rule of law; and the greater

likelihood of politicians and security actors at local level having criminal elements (Harrison et al., 2020, Hughes and Vorobyeva, 2019, Hughes, 2017, Hughes and Márquez-Ramírez, 2017). Moreover, I wanted to compare the experiences of journalists seeking justice and protection both in and outside the capital cities; in Mexico, the latter are often exposed to higher levels of violence with less access to state and non-state protection actors and accountability mechanisms (Hughes, 2017). The research locations were urban rather than rural areas, selected for their high levels of violence against journalists and impunity, plus relative ease of access and safety for myself as researcher.

Hence, as mentioned, the research locales selected in Mexico were the capital, Mexico City, and the state of Veracruz (mainly the state capital, Xalapa, and Veracruz city). From 2006-2018, Mexico City and Veracruz state were consistently among the most dangerous areas for journalists in the country. Nineteen percent of attacks on journalists (383 out of a nationwide total of 1,986) took place in Mexico City from 2012 to April 2018; many involved city government officials targeting journalists covering social protests, and federal government agents attacking reporters investigating corruption and serious human rights violations (Article 19, 2018: 74-75).

Veracruz is one of the states most affected by violence against journalists and impunity (Brambila, 2017). Nineteen journalists were killed and four disappeared between 2000 and September 2016. The state accounted for 13 percent (255 out of 1,986) of nationwide attacks from 2012 to April 2018 (Article 19, 2018). Veracruz City, on the Gulf of Mexico, is a major port and trade and transport hub, including for drugs; cartels often fight to control routes and are embedded in state politics. There was a dramatic rise in attacks on journalists under governor Javier Duarte (2010-2016), some attributed to cartels but mainly to state agents. Between a third to a half of attacks on journalists are attributed to police officers, although often it is hard to distinguish between the state and cartels due to their extensive links. Duarte was later jailed for nine years for criminal association and money laundering (Agren, 2018), but the targeting of journalists has continued, with killings, police repression and smear campaigns by local government. Widespread corruption among state police and judiciary means that impunity is almost absolute (Article 19, 2018; RSF, 2017b).

As noted, in Honduras the research locales selected were the capital, Tegucigalpa, and the second city, San Pedro Sula and the nearby town of El Progreso (“the North”). Tegucigalpa is located in the central department of Francisco de Morazán, which has seen the largest number of attacks on journalists and media workers in recent years. In 2015, 70 percent of attacks (150 out of 214) occurred in the department (C-Libre, 2016: 6, 24). Twenty-six percent of killings of journalists and media workers (18 out of 69) in Honduras between 2001 and May 2017 occurred in the department;

as of May 2017 there had been a conviction in just one out of the 18 cases (an impunity rate of 94.4 percent) (CONADEH, 2017a).

San Pedro Sula, Honduras' industrial centre, lies in the northern department of Cortés. El Progreso is a town adjacent to San Pedro Sula but located in the neighbouring department of Yoro. Cortés was the department with the second greatest number of attacks on journalists and media workers in 2015 (10 out of 214 attacks) (C-Libre, 2016: 18). Twenty percent of killings of journalists and media workers (14 out of 69) between 2001 and May 2017 occurred in Colón; there had been sentences in just two cases (an impunity rate of 85.7 percent). Yoro department was the location of 11.6 percent of killings (eight out of 69); there have been convictions in two of these cases (an impunity rate of 75 percent) (CONADEH, 2017a).

2.3.5 Fieldwork

Ninety-six percent (64/67) of the interviews were conducted in person, during a four-week trip to each of the case study countries: Honduras in March 2018 and Mexico in September 2018; three interviews were carried out via encrypted voice call during or after the fieldwork for logistical reasons. Since both countries are considered "high risk" destinations, I prepared risk assessments before travel, approved by the University of York Politics Department. While in the field, I adhered to a strict security protocol covering aspects such as secure accommodation, communications and travel and regular contact with my loved ones and supervisors.

Given the relatively short timeframe of the fieldwork, I contacted most of the interviewees in advance using as secure communications methods as possible, mainly encrypted messenger services, to introduce the project and obtain their participation in principle and schedule interviews. Other interviews were arranged once in the field using an encrypted messaging/calling app and/or mobile phones fitted with newly purchased local SIM cards in order to minimise the likelihood of government surveillance. Participation in the study was voluntary and unpaid. I arranged to meet interviewees in a location of their choosing, such as their workplace, my hotel or a public place. Before the interviews, interviewees read a project information sheet and asked any questions they had about the research and interview process, before signing a consent form (both documents were available in Spanish and English). Interviewees were given a copy of the information sheet to keep.

In both countries, the vast majority of journalists wanted to be named and for any quotes to be attributed to them. Only three journalists, all Honduran, wished to remain completely anonymous and to be quoted using an anonymised professional label. It is likely that the desire to waive

anonymity was influenced by the fact that most of the interviewees are professional journalists and activists who are outspoken and are accustomed to having their ideas attributed to them. Regardless of interviewees' desire to be named or not in this dissertation, all data has been stored in an anonymised format on the university's secure server, using codes rather than names.

All interviews were conducted in Spanish, except two which were carried out in English at the interviewees' request. All interviews, bar four, were recorded with the interviewees' consent, using two separate digital recording devices (in case of one failing). A flexible interview guide was used, adapted to the specific interviewee, their role, experiences, apparent interests and the time available. During the audio-recorded interviews, I focused on listening to the interviewee and picking up on important points, taking only occasional notes. Where recording was not permitted or failed, I made detailed written notes during or immediately after the interview. Interview length ranged from 20 minutes to three hours, but most lasted between 60 and 90 minutes.

I kept the completed consent forms in a hotel safe or a locked container until I could scan and upload them to the university secure server and to a password protected and encrypted USB drive using my laptop, also password protected and encrypted, before shredding the originals. Similarly, I uploaded the digital recordings of interviews to the secure server and an encrypted USB drive and deleted them from the digital recorders as soon as possible. Notebooks were kept on my person or in a hotel safe or locked container.

I found that most interviewees were friendly, open and generous with their time, likely due in part to my background, experience and language skills (see 2.1). Many journalists seemed to embrace the opportunity to discuss their experiences and some seemed to find it cathartic, particularly in Honduras, possibly because the country generally receives less scholarly and media interest. I typically started interviews with an "ice-breaker", asking them to speak about why they had decided to become journalists, which helped put them at ease. Their profession meant they were accustomed to the interview format, use of recording equipment and conventions of "on/ off the record" and most seemed to enjoy analysing and sharing their knowledge, experiences and opinions. Moreover, for some the process of discussing and completing the informed consent form at the beginning of the interview seemed to help dispel any initial misgivings or nervousness, particularly in Honduras where journalists were less used to interviews with academic researchers. In general, (I)NGO representatives were similarly open, while other protection actors (state entities, IGOs) tended to be more reticent when it came to offering opinions or off-the-record insights.

Inevitably I faced some challenges while in the field, including some methodological issues. For example, during the (first) Honduras trip, I quickly realised that my interview guide was too detailed and had to streamline it. Some of the questions I imagined would be key were in fact not relevant in many cases, for example which IHR standards were most useful to them: most journalists were not familiar with these in any detail, which sometimes led to blank looks or, in one case, embarrassment at appearing to be poorly informed. Similarly, I learned to be sparing in my use of “NGO” acronyms and terminology with journalists (e.g. IACHR, “international mechanisms”, etc.) which were not necessarily widely used or understood by journalists.

Although the focus of the project and my questions was responses to *impunity* for violence against journalists, in practice it sometimes proved difficult to focus on this in interviews rather than the violence itself and how it had affected the journalists. In many cases journalists needed first to explain the attacks they had suffered to contextualise their responses and the state’s, which could be time-consuming. A few were affected by their experiences to the point where they broke down and cried, although they all ultimately chose to continue the interview after a few minutes’ pause. This difficulty in “getting to” impunity meant that I collected a large amount of data on violence which, while very rich, slowed down the interview and analysis processes and did not fit easily into the final dissertation. A more ruthless attitude to guiding and interrupting interviewees might have led to more focus in their answers, but equally it could have been read as a lack of empathy and have led to interviewees becoming more reticent and possibly withdrawing.

However, most challenges in the field were logistical and technical in nature. For example, contacting potential interviewees in advance was a long and labour-intensive process, but meant I was able to secure and schedule many interviews before arrival. The risk assessments and security protocols were onerous, time-consuming and restrictive but helped ensure that I did not encounter any physical security-related problems in the field. Although I strove to upload data to the university’s secure server on a daily basis for security reasons, this was not always possible due to unreliable internet connections; I was not always able to access the internet via the university’s VPN, meaning online research and communications were sometimes less than optimally secure.

2.3.6 Data analysis

During the field trips, I kept field notes in notebooks and electronically to record my impressions of the interviews and data as they developed, emerging themes and questions and preliminary analyses. On my return to the UK, I wrote up field trip reports summarising my activities and preliminary findings and reviewed other relevant data collected such as reports and news articles. All

recorded interviews were transcribed in full in the original language (mainly Spanish) in order to base my analysis on a complete, accurate and verifiable record (Heritage, 1984). I checked all externally completed transcriptions against the recording for accuracy, which allowed me to re-immense myself in and refamiliarize myself with the data – not only what was said but how.

I then conducted a thematic analysis of the data. Although thematic analysis has been criticised for lacking a clearly specified series of procedures compared to some other qualitative data analysis strategies, such as grounded theory, one key advantage is its flexibility (Bryman, 2016). The procedure I developed is as follows. I read through the transcripts, field notes and other data documents, in rough chronological order, to acquaint myself with them thoroughly, then re-read them at least once in order to identify and apply codes. I then consolidated these codes into themes relating to the research questions. In so doing, I paid attention to aspects such as topics recurring within or across interviews, local expressions, metaphors and analogies, transitions from one topic to another, theory-related data and similarities and differences in how interviewees expressed themselves about topics (Ryan and Bernard, 2003), including forcefulness (Owen, 1984) and tone of voice. Where relevant I wrote memos to explain my thinking and clarify key points and concepts.

I then summarised the interview transcripts (in English) with a focus on the themes and re-organised the data thematically to make it more manageable and easier to interpret. I then wrote up my insights, making the case for their importance, tying the themes to the research questions and relevant literature. Where relevant I strove to triangulate data from interviews with other primary sources such as documentation and other interviews or, failing that, secondary sources (Davies, 2001); however, given that the study focuses on journalists' perceptions and responses, this was not always possible.

After careful consideration, I decided that using qualitative data analysis tools such as the framework approach to thematic analysis or a software package such as NVivo would not add much value to the analysis process. This was due to the relatively small sample size and the potential disadvantages of such tools (for example, time-consuming to learn, loss of context, content in more than one language).

I encountered a few challenges. The main challenge on an intellectual level was narrowing down which specific aspects of the rich dataset to draw on and to interpret within the chosen conceptual framework while striving to do justice to interviewees' lived experiences and portray these as accurately as possible. Beyond this, I found that the data analysis process was thorough but much more time-consuming than I had anticipated, which caused some delays in finalising the analysis. For

example, checking the transcripts against the recordings and making detailed notes after reading the transcripts was labour-intensive. The process would have been much faster had I taken notes during interviews and then listened to recordings afterwards to check and expand on these. However, I feel the quality of the interview would have suffered significantly if I had been concentrating on making notes instead of listening closely. Moreover, my resulting closeness to the data gives me confidence that I have successfully captured the main themes and produced conceptual analysis that is deeply rooted in interviewees' accounts of their experiences of facing violence and impunity. Having full and accurate transcripts also makes the data far more accessible for the purposes of verification and future analysis and publications.

Deciding whether to present the data thematically or using a country-by-country approach was a dilemma. The trade-off with the thematic approach I chose was the risk that it would lead me to place more emphasis on journalists' experiences in Mexico than Honduras, since both journalists and protection actors in the former tended to display more and more diverse responses to violence and impunity than in the latter, particularly in terms of self-protection. For example, Chapter 8 focuses largely on Mexico because professional strategies were considerably more widespread and developed there, but this might seem to downplay Hondurans' experiences. It is also possible that with a more systematic country-by-country approach I might have been able to do more justice to interesting findings that did not easily fit into the thematic framework and have therefore been largely left out.

2.4 Limitations of data

Inevitably the data has some limitations. In this section I summarise the main ones.

2.4.1 Concentrated fieldwork

The relatively short timeframe for the fieldwork gave me less flexibility to chase and re-arrange meetings than if I had spent several months in the field (for example government prosecutors' – see 2.4.2). Another limitation was that a series of interviews conducted in the space of a month inevitably produces a snapshot of interviewees' views at a particular moment in time – in both cases the aftermath of major but very different political events. In Honduras, my trip in March 2018 followed the political crisis, protests and repression after the allegedly fraudulent re-election of President Juan Hernández in late 2017, which coloured many interviews with strong feelings of anger and frustration, in particular in relation to the international community, and sometimes despondency. In contrast, in September 2018 Mexicans had recently elected their first President

from a non-mainstream political party (Andres Manuel López Obrador) and the mood among interviewees was comparatively buoyant, despite ongoing violence, corruption and impunity. Hence, these moments are not entirely “normal” or representative of the general political situation and tracking these situations over longer periods of field research may have produced different results.

However, the questions I asked interviewees were not in themselves particularly time sensitive. Moreover, it is important to bear in mind that field research rarely has a natural start and end point and cannot be open-ended. Finally, security conditions in Honduras – if not Mexico – would make staying for a longer period of time difficult, even if my personal circumstances permitted it. The security protocol for Honduras was necessarily onerous and made living in the country expensive and extremely restrictive. Findings would almost certainly benefit from researchers being able to build up greater understanding first-hand over a longer timeframe, but probably not as much as would be the case in a country where it is possible for them to have more freedom.

2.4.2 Diversity of interviewees

The sample used in the study is relatively small and not intended to be representative of all journalists or protection actors in Mexico or Honduras. Moreover, the general profile of the journalists varied in some ways between the two countries: more independent or mainstream in Mexico, more “alternative” in Honduras (section 2.3.3). Additionally, the study does not include the perspectives of journalists working for community and indigenous media outlets, which are among the most at-risk groups of journalists in Mexico (IACHR-UN, 2018) and Honduras (Owens, 2014). This gap was mainly due to the selection of research locales – such outlets tend to be based in more remote areas outside major urban centres – which was also linked to security concerns and time constraints.

A concern in both countries was being unable to meet with the government authorities responsible for investigating and prosecuting crimes against journalists. I made repeated contact with both countries’ specialised prosecutors and the public prosecutor’s offices that oversee them (see Chapter 4) both before and during the fieldwork, and in Mexico was promised interviews at both federal and state level; however, these did not materialise. This was not unexpected given similar past experiences of trying to meet prosecutors when working for PEN International. It is perhaps not very surprising that state bodies that are so obviously failing in their mandates over a sustained period are reluctant to discuss this issue. Indeed, the prosecutors’ lack of response is entirely consistent with their general approach to transparency about their work.

I do not believe this lack constitutes a major gap in the data since the focus of the study is on journalists' and civil society's perceptions of and responses to impunity. Moreover, other government bodies in both countries did choose to provide their viewpoints: in Mexico, the federal and Veracruz state protection mechanisms agreed to interviews, as did the national protection mechanism in Honduras. However, it is unfortunate as it means that the data lacks a first-hand official explanation for these states' failure to reduce impunity – and, more importantly, the insights of individuals working for those institutions (who in my experience sometimes make unexpectedly candid remarks in the setting of a one-to-one interview, especially if caught off-guard). While I have referred to official and (I)NGO documentation on these institutions and the persistence of impunity for violence against journalists, this is more readily available in Mexico than in Honduras; this links to the difficulty of fully triangulating the data (2.3.6).

2.4.3 Challenges of researching impunity: effect vs. effectiveness; impunity vs. violence

Some issues faced during the study point to limitations of the data but also to challenges that are to some extent inherent to researching impunity. For example, talking of journalists' strategies for seeking justice and protection in terms of "effectiveness" per se is problematic given the apparent intractability of impunity for violence against the profession. However, in a study on journalists' responses to impunity it is important to address in some way whether they feel that their actions make any difference. Hence, in my research questions I ask what "effects" journalists perceive their strategies to have. As noted (2.2.2), these are (to date) strategies for countering rather than eliminating impunity and it is therefore necessary to manage expectations. In discussing effects, securing a thorough investigation leading to the prosecution and possible conviction of a perpetrator, thereby deterring further attacks, was at one, usually distant, end of the counter-impunity spectrum, albeit this was the ultimate aim. This spectrum is largely made up of small steps, such as reporting attacks, accessing support and solidarity, feeling safer, collaborating, organising, or simply resisting and keeping going in the struggle for justice and protection, not burning out. Indeed, the effects of journalists' strategies are far from always being positive, as the accounts of self-protection measures and reprisals for attempts to counter impunity make clear.

I have noted that it sometimes proved difficult to focus interviews on impunity as opposed to violence (2.3.5). Moreover, during the project I realised that in practice it was sometimes also difficult to separate out the effects of impunity on journalists as opposed to the violence itself, and to distinguish between responses to the two. As interviewee Jan-Albert Hootsen, Mexico representative of the INGO Committee to Protect Journalists (CPJ) commented: "in Mexico, violence is almost the same as impunity because [when] a violent act is committed [...] the chances of it

remaining unpunished is above 99 percent [...]: impunity is practically total”, adding that over 93 percent of all crimes in Mexico were not even reported to the authorities (INEGI, 2019). Hence in such contexts violence effectively means impunity. Given this elision of impunity and violence, combined with the fact that it is widely accepted that impunity engenders more violence (1.1), there is an argument for conceptualising violence against journalists and impunity as a continuum rather than clearly differentiated phenomena. This is a limitation of the data and a challenge for future research.

2.5 Conclusion

In this chapter I have discussed the methodological approach adopted in this qualitative, exploratory study, starting with my motivation for undertaking the research stemming from my work for an INGO supporting journalists at risk. I then presented some key terms used in the study, with particular emphasis on the need to go beyond the legal definition of impunity for violence against journalists and understand its sociopolitical significance. Next, I explained the design and implementation of the research project, outlining the processes used and the challenges encountered. This included selection of Mexico and Honduras as the case studies, multimethod data collection focusing on interviews with journalists and protection actors in two research locales per country, interviewee selection and profile, fieldwork and data analysis. Finally, I discussed several limitations of the data, including concentrated fieldwork, some considerations around the diversity of interviewees, and challenges relating to researching impunity. In the next chapter, I set out the conceptual framework for the study.

3 Civil society responses to impunity, from international human rights norms to self-protection

Impunity for human rights violations is widespread, including in Latin America (Engle et al., 2016a, Skaar et al., 2016, Sikkink, 2011). Human rights approaches and advocacy tend to invoke international human rights (IHR) laws and norms (Engstrom, 2018a, Risse et al., 2013, Simmons, 2009, Engstrom, 2010). But how widespread and effective are such strategies at domestic level? Are local journalists exposed to violence and human rights violations in the region able to make use of IHR law and norms, as well as related mechanisms and actors, to seek justice and protection, and/ or do they use other tactics and strategies?

Whether and how IHR law and norms “translate” to domestic contexts has been the subject of considerable debate among scholars of IR and politics. This has become a highly contested area of research where there is little agreement other than that the effects of IHR standards are typically very much conditional on context, and that they translate imperfectly and unevenly in domestic settings, due to weak built-in and external enforcement, as well as perceived lack of appropriateness in some regions. However, over the last two decades, scholars have increasingly come to a general consensus regarding the importance of the role of civil society in “translating” IHR norms (making them meaningful) in local contexts. There now seems to be broad agreement that domestic civil society has the potential to act as a de facto “enforcement mechanism” for IHR law and norms (Hafner-Burton and Tsutsui 2005⁹), by using these to press governments for compliance.

In this chapter, I problematize this concept of domestic civil society as “enforcement mechanism” for IHR law and norms and show its limitations, which would suggest that international standards may be less useful where the need for change is greatest. I argue that appeals to IHR standards, mechanisms and actors at domestic and international level are likely to form only a small, albeit potentially powerful, part of the story of what civil society and journalists do to seek protection and justice.

The chapter proceeds in three parts. In the first section I look at the value of IHR law and norms to domestic civil society activists and groups in Latin America. In the second section, I consider the nature of civil society in violent and repressive contexts including in Latin America and how this

⁹ Hafner-Burton and Tsutsui (2005, 1385-6) use the term “enforcement mechanism” to denote how “global civil society”, particularly INGOs, pressures vulnerable governments into complying with IHR law. However, here I employ it in a more bottom-up way as a shorthand for pressure for compliance exerted by domestic civil society, including via interactions with INGOs and other IHR actors.

affects its ability to seek justice and protection. In the third section, I review how individuals, including journalists, respond in such contexts in order to survive, protect themselves and resist.

3.1 The value of international human rights law and norms to domestic civil society activists and groups in Latin America

In this section, I address two key debates in recent IR and politics scholarship relating to the value of IHR norms and law to domestic civil society, with an emphasis on Latin America. Firstly, how local civil society activists and groups use such IHR standards to push for state compliance, and secondly, the conditions that provide them with the best chance of success.

3.1.1 Domestic civil society, international human rights law and norms and state compliance

In IR literature, norms are understood as shared standards or expectations regarding appropriate behaviour for a given actor (Risse and Sikkink, 1999; Finnemore and Sikkink, 1998). Certain norms have been codified in international law since the seventeenth century; in the period 1947-2007 more than 100 global human rights treaties were developed (Smith-Cannoy, 2012: 1).¹⁰ According to Hafner-Burton (2012: 268), 99 percent of nondemocratic states have ratified at least one of the main UN human rights treaties. The actors whose behaviour IHR law aims to regulate are largely, though not exclusively, states and their officials, despite acknowledgment of the growing presence and power of rights-abusive non-state actors.

States have different motivations for ratifying IHR treaties and submitting themselves to the international protection regime and these likely “shape how human rights regimes operate and whether they are effective” (Hafner-Burton, 2012: 271). For example, “sincere ratifiers” do so because they value the principles of the treaty and intend to comply, while “false negatives” are committed but fail to ratify due to political and institutional challenges (Simmons, 2009: 58). “Insincere” or “strategic” ratifiers anticipate “expressive benefits” which can be intangible, such as gaining approval, avoiding criticism and reducing pressure for change at domestic or international level, or tangible like IGO membership and trade and aid advantages (Smith-Cannoy, 2012; Simmons, 2009; Hathaway, 2002). In reality, states’ motives are likely mixed and the genuineness of their commitment to human rights may change over time (Grugel and Peruzzotti, 2012).

¹⁰ Human rights are not confined to legal rights (see below). However, since most of the literature discussed here deals with human rights as codified in IHR law, that is also my main focus in this chapter.

These varying motivations likely partially explain the frequent “compliance gap” or “implementation gap” between states’ human rights commitments and practices (Cole, 2015; Dai, 2013; Hathaway, 2002). State compliance with IHR treaties is not assured because, unlike most other international conventions, they offer the signatory state few direct benefits, are not self-enforcing and have weak built-in enforcement mechanisms (e.g. Engstrom, 2018b, Simmons, 2010, Hathaway, 2007, Hathaway, 2002). IHR treaties constrain state parties’ behaviour in relation to their citizens (rights protection) rather than towards other states, and therefore do not depend on the principles of reciprocity, reputation and community sanctioning, as do, for example, trade or commercial agreements (Voeten, 2017, Dai, 2013, Simmons, 2010, Simmons, 2009, Hathaway, 2007, Hathaway, 2002, Moravcsik, 2000).

Enforcement therefore must come from sources or mechanisms external to the treaties themselves. Yet coercive means of international enforcement such as trade or aid sanctions, military intervention or international criminal accountability are often problematic due to the political, economic or diplomatic costs for the enforcing states and are not reliably effective (Simmons, 2010; Simmons, 2009; Hathaway, 2007; Goodman and Jinks, 2004). According to Simmons (2009: 374-5), it is almost impossible to use military intervention proportionately and it is not a viable or sustainable solution to most abuses; trade sanctions are weak because of the economic costs to the sanctioning countries and the difficulty of targeting them to ensure that civil society is not negatively affected, and they are often ineffective; while aid incentives have little positive impact unless they are very tailored to improving specific human rights practices. Thus, as Hathaway (2007: 592) points out, although IHR treaties are theoretically “hard law”, they have “soft-law characteristics” or are “essentially unenforceable through traditional means”.

Hence, it is the citizens of the ratifying state, who stand to benefit from the protections enshrined in the IHR treaty concerned, rather than other state parties, that have the clearest interest in whether and how states comply with their IHR commitments. Simmons (2009) along with numerous other scholars since the late 1990s have converged on identifying a strong and active civil society as a key – if not the key – element of domestic politics with the potential to “translate” IHR law and norms in domestic contexts (e.g. Risse and Sikkink, 2013; Hafner-Burton, 2012; Smith-Cannoy, 2012; Simmons, 2009; Hathaway, 2007; Neumayer, 2005; Ropp and Sikkink, 1999; Keck and Sikkink, 1998). Likewise, the key role of domestic civil society in bringing about human rights change has also been emphasised by scholars of efforts to counter impunity for human rights violations in Latin America (Roht-Arriaza, 2015, Lessa et al., 2014, Burt et al., 2013, Barahona et al., 2012, Collins, 2012, Sikkink, 2011, Collins, 2006).

The greatest power of IHR treaties, given weak built-in and external enforcement, can potentially lie in their use as a tool for individuals and civil society groups to define, legitimise and give credibility to their rights claims, and leverage support and mobilisation from inside and outside the country (Engstrom and Low, 2018; Smith-Cannoy, 2012; Simmons, 2009). In this way, domestic civil society may act as the de facto “enforcement mechanism” mechanism for IHR treaties (Hafner-Burton and Tsutsui 2005: 1385¹¹), pressuring governments to comply with their commitments.

3.1.1.1 Norm entrepreneurs, translators, intermediaries

Some scholars have theorized local civil society groups, activists and citizens as “entrepreneurs” or “translators” of IHR and norms. In their seminal work on the “life cycle” of norms, Finnemore and Sikkink (1998: 893) wrote of “domestic ‘norm entrepreneurs’” advocating a minority position [who] use international norms to strengthen their position in domestic debates.” Although the term “norm entrepreneur” has since been widely used, it is important to note that Finnemore and Sikkink’s model appears to focus mainly on international-level “norm entrepreneurs” such as INGOs, IOs and transnational advocacy networks (see below) and how norms are internalised by the “international system” rather than by state institutions; in fact, it largely ignores “domestic ‘norm entrepreneurs’” and indeed domestic politics (p. 905). Yet, in the case of violence against journalists and impunity, while multiple relevant IHR norms have been developed at global and regional level, the real challenge is now they are now being imported into specific country contexts which may not be particularly receptive to them.

Simmons (2009) posits three main mechanisms by which IHR treaties can be “translated” to local contexts, or can affect domestic politics and therefore rights outcomes: re-setting national legislative agendas, which are controlled by the executive; stimulating and facilitating litigation, using the judiciary and the legal framework within which courts make decisions; and mobilising civil society to formulate and claim their rights. She notes that litigation can be particularly useful where collective action is difficult, since it does not require many participants (p. 134). Domestic civil society actors and individuals can potentially play a key role in each of these mechanisms, for example by lobbying the government for changes in law and policy, bringing lawsuits and defending citizens’ rights in domestic courts, and helping people to organise and demand their rights. For example, Simmons affirms that in Chile ratification of the Convention Against Torture (CAT) was instrumental in

¹¹ Supra note 9.

enabling civil society groups to counter state-sponsored torture under the country's military dictatorship via mobilisation and litigation (Simmons, 2009: Chapter 7).

In the first two activities (lobbying and litigation), domestic civil society actors and their representatives often act as go-betweens for citizens and the state, be it government institutions or the justice system (Brysk, 2000), and other entities. Merry (2006) theorizes activists and other individual civil society actors as "intermediaries", as "translators" of transnational norms to local contexts (and also potentially – though rarely – from the local context up). Such "translators" "vernacularise" or "frame" IHR concepts and agendas to make them resonate with local audiences and "reframe [...] local grievances in terms of global human rights principles and activities" (p. 39).

This "intermediary" role played by CSOs and activists also includes "accompaniment" of victims of human rights violations, a term widely used in Latin America to denote facilitation of access to protection, support and solidarity at both national and international level (in Spanish: "*acompañamiento*").¹² Such accompaniment can include facilitating access to formal protection mechanisms, emergency grants, temporary relocation, training, campaigning and advocacy for journalists and HRDs at risk via the corresponding international human rights protection regimes (Mitchell, 2019; Bennett et al., 2015). Intermediaries use IHR law and norms to frame appeals on victims' behalf to IHR actors with a domestic presence, for example INGOs, local outposts of the Office of the High Commissioner for Human Rights (OHCHR), EU delegations and embassies. They also use IHR actors and mechanisms outside the country, such as, respectively, INGOs, the UN and IACHR, and their Special Rapporteurs and treaty bodies and the Inter-American Court of Human Rights (IACtHR) (Engstrom and Low, 2018, Heyns and Srinivasan, 2013).

According to Merry (2006: 40-43, 48), the job of the "intermediary" is challenging and sensitive: intermediaries need to "translate" without making the IHR concepts seem so familiar that they lose their power to bring about social change (see also Merry et al., 2010), or their power to attract attention and support from the international community (e.g. the media and donors). It can also be hazardous. Such "translators", says Merry are powerful as "knowledge brokers" who could potentially manipulate those with less knowledge. But they are also vulnerable to exploitation by those who empower them and provide financial and political resources (i.e. the international community) and to accusations of disloyalty, violence and resistance from local communities. This idea of "translators" of IHR norms who are simultaneously powerful and vulnerable seems valuable

¹² Anglophone scholars of human rights often use "accompaniment" to mean "protective accompaniment" provided by international human rights observers (e.g. Coy, 2012; Mahony and Eguren, 1997) but this is not the case for Hispanophone academics.

when considering those who defend the rights of journalists to protection and justice in Honduras and Mexico. The extent to which it applies to journalists as well as groups that support them is one of the issues addressed by this study.

3.1.1.2 How domestic civil society actors interact with IHR actors

Scholars tend to agree that some form of support or backing from IHR actors – such as INGOs, IHRIs, IOs, donors, etc. – is important or even essential for domestic civil society to be successful in pressing for state compliance with IHR standards. The last two decades have seen much scholarly debate around the respective roles and importance of domestic and international actors in bringing about compliance and the processes by which this happens.

Scholars have tended to focus more on transnational civil society and have paid less attention to exploring the fundamental role of local actors. For example, Keck and Sikkink's influential 1998 work focused on transnational advocacy networks (TANs) or global "networks of activists", who pressure targets – states or IOs – to change their policy or behaviour by attempting to re-frame debates and influence policy outcomes, creating new norms and pressuring for implementation of existing ones (Keck and Sikkink, 1998: 2-3). TANs are most likely to emerge where avenues of dialogue between domestic and state actors are blocked or ineffective, as in highly repressive or authoritarian regimes, allowing the former to bypass the latter via a "boomerang pattern" which generates external pressure on the state (p. 12). Although the authors find that a key factor in TANs bringing about human rights change in Latin America was the emergence of a strong domestic human rights movement, along with political opportunities at both domestic and international level, the implication is that such change would not have occurred without the support of the international human rights network. For example, they assert that the international human rights network's decision to focus on a country's human rights record was a decisive factor in improvements in both Argentina (mid to late 1970s) and Mexico (1988 to 1994).

Sikkink, in conjunction with other scholars, went on to develop the "boomerang pattern" into more detailed models of human right change that have shifted emphasis towards the role of domestic civil society, albeit gradually. Ropp and Sikkink (1999) proposed the "spiral model" to explain the variation in the extent to which states had socialised or internalised IHR norms in domestic practices (Sikkink, 2005: 154; Risse and Sikkink, 1999: 3). They noted five distinct phases in states' behaviour: (1) repression; (2) denial; (3) tactical concessions (to appease the international community); (4) prescriptive status (e.g. ratifying IHR treaties, changing related domestic laws, setting up new domestic human rights institutions, referring to IHR norms in state and bureaucratic discourse); and

(5) rule-consistent behaviour (i.e. behavioural change and sustained compliance with IHR norms)] (Risse and Ropp, 2013: 5-7; Risse and Sikkink, 1999: 5, 18). Under the “spiral model”, TANs are seen as essential for the diffusion of IHR norms in Phases 1 to 2, TANs and “domestic opposition” in Phase 3, while from Phases 4 to 5 domestic civil society and national governments become responsible (Risse and Sikkink 1999: 32) for “internaliz[ing] norms so that so that external pressure is no longer needed to ensure compliance” (Risse and Ropp, 2013: 7).

However, as part of a 2013 review of the impact of the “spiral model” (Risse et al., 2013), Risse and Ropp (2013) acknowledged that the model viewed success as the result of pro-change groups being able to leverage international support so as to eventually triumph over domestic opponents. As part of the same review, Jetschke and Liese (2013) state that the model overestimated the domestic effects of transnational advocacy: the assumption was that once domestic groups were supported internationally they would gain support at home, but this is not always the case.

By way of contrast, Risse et al. (2013) focus on the fact that in practice many countries get stuck in the “bottle neck” between Phases 4 and 5 “prescriptive status” (commitment) and “rule-consistent behaviour” (compliance) (Jetschke and Liese, 2013: 27; Risse and Ropp, 2013: 9-10).¹³ They clearly privilege domestic over international civil society actors in terms of demanding state compliance – and place the onus squarely on them to do so. As Risse and Sikkink (2013: 95) note in the conclusion to the book:

In the final analysis, persistent and sustained human rights change depends on mobilized groups in domestic civil society pressuring for greater democracy [...] the international community cannot create democracy where there is no internal demand or interest for it, nor can it sustain and protect human rights in the absence of internal vigilance. The spiral model starts at home, and eventually ends there as well. Human rights protections, and thus the persistent power of human rights, ultimately depends on both the willingness and capability of domestic actors to demand and sustain these rights.

However, this re-assertion of the essential role played by domestic civil society is coupled with a still considerable degree of uncertainty as to how to trigger and sustain domestic mobilisation, the level of mobilisation required for change to occur, and the nature of the relationship between international and domestic mobilisation (Jetschke and Liese: 2013: 32, 42). This suggests, among

¹³ Indeed Sikkink (2013) highlights that states can move backwards as well as forwards in the “spiral”, as occurred with the USA and the prohibition on torture post 9/11.

other things, a need to better understand what determines “willingness and capability” in domestic civil society in specific contexts, addressed in the next section.

At the same time, it is worth noting that the possible corollary of this increasing scholarly recognition of the role of domestic civil society actors is a decreasing emphasis on the roles and responsibilities of international actors in terms of enforcing compliance and their potential reluctance to do so. As discussed, the literature on the translation of IHR norms to local contexts tends to accept that external enforcement is problematic and not reliably effective, particularly coercion in the form of military intervention or sanctions. However, it should be borne in mind that there is evidence that certain external measures such as tailored aid or trade incentives can play a role in improving human rights conditions at domestic level (Risse and Ropp, 2013: 13-14; Simmons, 2009: 374-5; Goodman, 2004: 700).

Another, simpler, model of Sikkink’s may be more useful for understanding the shifting interactions between domestic civil society and international actors and how the former make varying use of the latter depending on the circumstances they face. In 2005, she proposed a four-part model of “dynamic multilevel governance”, according to how open or closed the domestic and international “opportunity structures” are to participation and pressure by NGOs and other civil society actors (Sikkink 2005: 156). Where both are closed, local activism is unlikely (category A). If domestic opportunities are closed but international opportunities are open, we see the “boomerang pattern” and “spiral model”; as discussed, these are mainly, though not exclusively, relevant in authoritarian societies where direct interaction with the state by activists is blocked (category B). Where both opportunity structures are relatively open, so-called “insider-outsider coalitions” can form, whereby local activists are likely to prioritise pressuring the state directly and bring in international allies only where necessary, as a complement or back-up to their domestic strategies (category C) (pp. 164-5). It is important to note that how open domestic opportunity structures are varies not only across countries but also across time and issues within a particular country. Moreover, international opportunity structures may be found not only within international organisations such as the UN but also in “domestic spaces where the opportunities or constraints are made possible by international institutions like treaties” (p. 162).

According to Sikkink, the “insider-outsider” model is not static, with activists/ countries able to move or “scale shift” from one category to another depending on circumstances and needs, including in Latin America. However, the “boomerang/ spiral” category, as “a particular set of tactics derived in less than desirable political circumstances”, is unlikely to be entirely replaced by the “insider-outsider coalition”, predicted Sikkink. “Even formally democratic regimes may have the kinds of

domestic political blockages that lead domestic actors to seek international help to pressure for domestic change”, she wrote; “in much of the world, and even in Latin America on many issues, the boomerang is still alive and well” (pp. 163, 171).

Sikkink (2005) represents a bottom-up model of interaction between domestic civil society and international actors that takes the former as its starting point, privileges its agency and allows for shifts in dynamics according to domestic and international opportunities. It is therefore a relevant model for studying how local civil society actors, journalists and their supporters engage with and harness international actors.

3.1.1.3 Gaps: journalists and the media in relation to domestic civil society in Latin America

The preceding review of IR and politics literature on the “translation” of IHR law and norms to local contexts suggests several gaps and questions when considering its relevance to journalists seeking justice and protection in Latin America. The literature often draws on case studies from Latin America. However, although civil society is a very broad category (see 1.4), when IR and politics scholars of human rights write about it, they very often focus on NGOs and, in particular, INGOs (e.g. Bakke et al., 2019: 1; Risse and Sikkink, 2013: 276-7; Smith-Cannoy, 2012; Hafner-Burton and Tsutsui, 2005: 1385-6; Landman 2005: 8; Neumayer, 2005; Risse and Sikkink, 1999; Finnemore and Sikkink, 1998: 899-900). It is important to note that this is a reductive view, and that (I)NGOs are not representative of civil society as a whole. As noted, I follow scholars who consider the media and journalists to be civil society actors.

A few IR/politics scholars do take a broader, more inclusive view of civil society beyond (I)NGOs. Simmons (2009) frequently refers to “citizens”, “rights workers” and local “groups”. However, her case studies show that the precise identities of those mobilising around IHR law are context-dependent: for example, when examining how ratification of CAT has been instrumental in enabling local civil society to counter torture, for Chile she refers to religious and legal CSOs backed by the political opposition, whereas for Israel she mainly refers to NGOs and lawyers (pp. 256-306). Merry (2006: 38, 42) refers to activists, or community leaders, NGO representatives or social movement members, human rights lawyers or academics.

However, most scholarship on the translation of IHR standards makes scant reference to the media, and especially journalists, in such processes. Those authors that do so refer to the media as something to be harnessed by CSOs and NGOs, for example the importance of securing media attention, including for naming and shaming purposes (Engstrom, 2018a; Katzenstein, 2013; Risse et al., 2013; Tsutsui, 2012; Merry, 2006), as a partner in TANs (Neumayer, 2005; Keck and Sikkink,

1998), or mention the media and journalists as victims of repression and attacks (Risse et al., 2013; Smith-Cannoy, 2012). Only a few allude to a more active or protagonist role for the independent media and journalists whereby they pressure states to comply with IHR commitments, including via monitoring, investigating, exposing failings and participating in domestic coalitions (Bakke et al., 2019: 4; Engstrom, 2019: 371; Simmons, 2009: 237; Hathaway, 2002: 2019).

So, while the definition of civil society given in 1.4 includes journalists and the media within civil society, including in Latin America, to what extent can they really be considered part of the part of domestic civil society that pushes for compliance with IHR law and norms? Can journalists who focus on human rights issues in their work, and can therefore be seen as HRDs, also be considered “translators”? Do journalists who seek justice and protection take an active part in “translating” IHR law and norms, or is their role confined to victims or beneficiaries to be assisted by (I)NGOs and the international protection regimes?

Another potential limitation is that much of the IR/ politics literature reviewed focuses on IHR law, often IHR treaties, and corresponding rights enshrined in domestic law (e.g. Cole, 2015; Clark, 2013; Dai, 2013; Sikkink, 2013; Hafner-Burton, 2012; Smith-Cannoy 2012; Simmons, 2009; Hathaway, 2007, 2002; Hafner-Burton and Tsutsui 2005; Landman, 2005; Neumayer, 2005). While this legal dimension is undeniably important to accessing rights, it is also important to remember that human rights cannot be reduced to legal rights. In their study of women’s rights and social movements in New York City, Merry et al. (2010) argue that the “mobilisation of law ‘from below’” involves efforts to harness the different aspects of human rights, not only as “a system of law”, but also as “a set of values, and a vision of good governance” (pp. 106-7).¹⁴ They conclude that, although human rights as law and as values are in many ways complementary, human rights values – or “human rights as an ideology of justice” – are more accessible to poor or less powerful people than legal human rights and are key to mobilisation of grassroots groups (pp. 125-6). They emphasise that using the IHR system effectively requires not only relevant knowledge and “legal and political skills”, but also experience, transnational networks and financial resources – or access to these via intermediaries.¹⁵ Typically, they state, victims of human rights violations lack these and therefore rely on NGOs and lawyers (Merry et al 2010: 101-2, 108; see also Engstrom and Low, 2018).

¹⁴ There are some parallels between Merry et al. (2010)’s “system of law” and “set of values” and Hopgood (2013)’s “Human Rights” (institutionalised, legalised and often inflexible) vs. “human rights” (common values, a source of resistance and means to an end).

¹⁵ I would add that using IHR law and norms also requires some degree of faith in the state and its capacity and, particularly, willingness to comply with these (discussed in later chapters).

There is therefore presumably a risk that victims become dependent on such intermediaries or “knowledge brokers” (Merry, 2006) to access their rights – unless the latter prioritise building victims’ “legal literacy”, defined here as “[t]he process of acquiring critical awareness about rights and the law, the ability to assert rights, and the capacity to mobilize for change” (Schuler and Kadirgamar-Rajasingham, 1992: 5). According to Hafner-Burton (2012: 282-3), civil society mobilization and increased leverage on the basis of IHR norms require diffusion and raising people’s awareness of their legal rights and how they can be used. Smith-Cannoy (2012: 34) argues that one mechanism by which NGOs can facilitate compliance by states is, following treaty ratification, to empower the public via rights awareness-raising and training. Simmons (2009: 132) mentions in passing the importance of legal literacy to accessing courts and using litigation as a strategy but does not elaborate further on CSOs’ role in ensuring this knowledge is shared. However, from the literature reviewed, the extent to which the “translation” of IHR law and norms includes dissemination of these standards and empowerment of victims/ beneficiaries is unclear.

3.1.2 What conditions provide civil society with the best chance of successfully pressuring for implementation of IHR law and norms in Latin America?

As noted, although some countries have experienced human rights improvements over the years, in many there is a persistent “bottleneck” between states’ commitment to and compliance with IHR law and norms (Jetschke and Liese, 2013; Risse and Ropp, 2013), including in Latin America, and sometimes even reversal of progress (Sikkink, 2013). Clearly, then, the “domestic civil society ‘enforcement mechanism’” and its “translation” activities do not work in any predictable or reliable fashion, despite (sections of) domestic civil society being active and making use of IHR law and norms.

As seen, there is little agreement in the literature reviewed regarding IHR treaty compliance and impact other than that they are typically highly conditional on context (Jetschke and Liese, 2013; Hafner-Burton, 2012; Simmons, 2009; Neumayer, 2005) and that such norms translate imperfectly and unevenly to domestic settings. However, it does suggest general conditions that may be particularly conducive to implementation of IHR standards, relating to both the state and to domestic civil society itself. Some of these conditions are explicit, although they are frequently underspecified (presumably to allow for an element of contingency in human rights implementation). But others are little emphasised or left implicit, including conditions relating to the nature of both the state and local civil society that could seriously affect the latter’s “willingness and capability” to pressurise the former to comply. In this section, I show that paying attention to these

conditions that are more marginal or left unspoken can provide some insights as to why the domestic civil society “enforcement mechanism” frequently does not work.

In relation to the state, many scholars have found that the likelihood of IHR law being implemented are greater in states where there is: *democracy* (Snyder, 2017; Risse and Ropp, 2013; Hafner-Burton, 2012), particularly in terms of civil and political rights (Landman, 2005; Neumayer, 2005), but in some cases also social and economic rights (Simmons, 2009; Hafner-Burton and Tsutsui, 2005); the *rule of law* (Risse and Ropp, 2013; Risse and Sikkink, 2013; Simmons, 2009; Risse and Sikkink, 1999); and an *absence of war*, both international and civil (Hafner-Burton, 2012; Hafner-Burton and Tsutsui, 2005; Landman, 2005; Neumayer, 2005). Some have also noted the importance of some (often unspecified) degree of *state capacity* (Cole, 2015; Börzel and Risse, 2013; Risse and Ropp, 2013; Englehart, 2009; Simmons, 2009), and of *judicial independence* (Simmons, 2009) and *judicial capacity* (Hafner-Burton, 2012; Simmons, 2009), *strong domestic institutions*, including courts (Jetschke and Liese, 2013; Hafner-Burton, 2012; Hathaway, 2007), and centralised rule implementation (Risse and Ropp, 2013).

Other conditions are more implicit. For example, if the more democratic the country, the greater the positive effect of treaty ratification (Neumayer, 2005: 941; Hathaway, 2002: 1940), the implication is that the ideal democracy in terms of potential for IHR compliance is the consolidated or “full” version found in relatively few, mainly Western, countries. What then of the “flawed democracies” or “hybrid regimes”, which are far more numerous, including in Latin America (EIU, 2020)? Surely they must provide worse conditions for civil society to pressure for state compliance?

Counterintuitively, Simmons (2009) argues “partial” or “transitional” democracies (neither stable democracies nor stable autocracies) are where IHR treaties are most likely to be of value, because citizens have both the motive and the means to mobilise to demand their rights and are therefore most likely to do so. That is, human rights violations are common, meaning the stakes are high; at the same time, society is liberalised enough to allow civil society activism and the state has made a very public international commitment to the rights concerned by ratifying a treaty. Thus, there is a “rights gap” and some reasonable chance of right demands being successful, “rais[ing] the expected value of mobilization” (p. 138) to an optimum level. This is a compelling argument and one that potentially offers hope for vast numbers of people living in such democracies (more than half of the world’s population, as discussed below). However, Simmons assumes certain conditions such as a “minimum level” of judicial independence and state capacity to address problems but says very little about the level required.

Simmons (2009) – and other authors – are also silent on some other conditions. There appears to be relatively little discussion of factors known to be important in many Latin American contexts. For example (I list exceptions), the separation of powers more broadly construed, beyond judicial independence (Huneus, 2011); state corruption (Cole, 2015; Englehart, 2009) and infiltration by and complicity with OCGs; and lack of “political will” on the part of the state (Anaya-Muñoz, 2019). Just as states ratify IHR treaties for different reasons, as discussed, there are also a range of possible explanations for their non-compliance. Some recent accounts favour explanations linked to political regime, decentralisation and “limited statehood” or limited state capacity (Cole, 2015; Risse and Ropp., 2013; Englehart, 2009), factors which are undeniably important. However, the role of political will on the part of the executive, legislature and judiciary, although it can be difficult to define and measure and to distinguish from state capacity, also needs to be taken into account (Anaya-Muñoz, 2019). Yet the separation of powers, the absence of state corruption and collusion with OCGs and the presence of political will on the part of the state often appear to be taken for granted.

As seen, when it comes to domestic civil society, Risse and Sikkink (2013: 295) state it needs to have the “willingness and capability [...] to demand and sustain rights”. But what does this mean in practice? Again, some conditions are more explicit than others. For example, civil society needs to be “strong” (measured in different ways, but broadly meaning it is able to pressurise the government into taking actions towards compliance with its IHR commitments) (e.g. Risse and Sikkink, 2013: 295; Hafner-Burton, 2012: 271, 282; Merry et al., 2010; Hafner-Burton and Tsutsui, 2005: 1398; Neumayer, 2005: 926), unified (Merry et al., 2010: 108), and (usually) have some form of international support in order to succeed in its demands (see above, e.g. Risse et al, 2013; Sikkink, 2005; Keck and Sikkink, 1998).

It is widely recognised that civil society groups, activists and journalists suffer widespread repression and targeting by state and non-state actors in many parts of the world (Bennett et al., 2015, Nah et al., 2013, Landman, 2006, Wiseberg, 1991), including Latin America, and some scholars acknowledge that this negatively impacts on domestic civil society’s ability to bring about human rights change (Gready, 2019; Nah, 2016; Jetschke and Liese, 2013). Similarly, some mention the scarcity of financial and other resources often suffered by civil society groups (Nah, 2016; Merry et al., 2010; Simmons, 2009). However, it generally seems to be assumed that the adverse impact of these challenges is not so severe as to be entirely debilitating, that domestic civil society retains “agency” (Simmons 2009: 356).

Reading between the lines reveals other assumptions. For example, that civil society is homogenous in its views and aims, i.e. pro-democracy and pro-universal human rights, and that it is independent

and not controlled by the state. Similarly, it seems that the media, where mentioned, is assumed to be supportive of IHR and democratic norms, independent, willing and able to hold the government to account for its actions and not corrupt. These assumptions are often wide of the mark, as suggested in Chapter 1 and as the next section and the empirical chapters will show.

3.2 Civil society, the state and seeking justice and protection in repressive and violent contexts in Latin America

The reality is that in many countries worldwide, conditions are far from those outlined above, in relation to both the state and civil society. What happens when conditions for domestic civil society are less than ideal? To what extent can it still act as “enforcement mechanism” for state compliance with IHR law and norms? In this section I look at civil society in difficult circumstances and its relations with the state; given the lack of a consolidated literature in this area, I do this via a brief review of disparate scholarly texts on democratisation, civil society in authoritarian states and “illiberal democracies”, “uncivil society”, high-risk activism and theories of mobilisation. I aim to show how these other literatures can shed light on aspects of civil society much less in evidence in IR and politics studies on the translation of IHR law and norms into local contexts and how these can affect civil society’s actions and capacity to influence the state.

3.2.1 How regime type shapes domestic civil society and state-civil society relations

Although almost half of the world’s population lived in a democracy in 2019, just 5.7 percent were in a “full democracy” while 42.7 percent were in a “flawed democracy”, such as Mexico; 16 percent lived in a “hybrid regime”, like Honduras, and 35.6 percent lived authoritarian regimes. Moreover, some countries are “backsliding”, including in Latin America (EIU, 2020). In the period 1978-2004, “illiberal democracy—which combines free and fair elections with systematic constraints on citizens’ rights—became the norm throughout the region”, representing 40 percent of countries, with 30 percent becoming less democratic (Smith and Ziegler, 2008: 51). 2019 saw Latin America’s fourth consecutive year of decline on the EIU (2020)’s democracy index; both Honduras and Mexico’s scores had declined significantly since 2006. The quality of democracy is low in a large number of Latin American countries (Mainwaring and Pérez-Liñán, 2015).

According to Puddington (2018: 16-7), leaders of countries regressing from democratic to more authoritarian rule often move to control “the key institutions of democratic government, information and civil society.” This includes undermining the separation of powers, judicial independence, the protection of rights, the independence and freedom of the media and civil

society, as well as controlling criticism and dissent. In other words, they restrict the very conditions that allow civil society to influence the government. Smith and Ziegler (2008: 31-2) state that that the rule of law is one of the main challenges facing Latin American democracies more generally, with legal systems and judicial institutions tending to be “subservient, biased, or incompetent”.

Although officially recognised armed conflicts are relatively rare in Latin America, Colombia and (more controversially) Mexico were considered to be involved in non-international armed conflicts in 2017 and 2018. Moreover, in some other countries in the region levels of “armed gang violence” are so high that they are close to armed conflict status, including El Salvador in 2017 and Brazil in 2018 (Bellal, 2019, 2018). State corruption and infiltration by OCGs are endemic in the region (Briscoe et al., 2014). As noted, although some states lack the capacity to implement IHR commitments fully, the presence of political will cannot be taken for granted (Anaya-Muñoz, 2019).

According to Bloomfield (2016), there is a Western bias to the study of norms diffusion and socialisation, with the focus predominantly on liberal values, in particular human rights, and an assumption that progress towards the realisation of these values is inevitable. Similarly, Osa and Corduneanu-Huci (2008) note a Western – and pro-democratisation – bias to the analysis of the role of civil society in theories of social mobilisation and contentious politics, which have tended to focus on “easy cases” – democracies and transitioning regimes where treaties correlate with improvements in human rights – rather than more authoritarian countries where authorities block democratic forces. There is a common assumption, especially in Tocqueville-inspired research, that civil society is pro-democracy, independent of the state, and has the ability to influence the government and check its powers, to enhance democracy and accountability (Lewis, 2013; Spires, 2011).

However, the reality is that civil society is, everywhere, heterogenous and not necessarily pro-democracy, liberal values or human rights, including in Latin America (Bloomfield, 2016; Ekiert and Kubik, 2014; Lewis, 2013; Spires, 2011; Brysk, 2000; see also Harrison, 2019, citing sociologist Jeffrey Alexander). Bloomfield (2016) argues that we need to pay attention not only to “norm entrepreneurs” but their antitheses, “norm antipreneurs”, who are in favour of the status quo or more entrenched or reactive norms, and enjoy significant strategic and tactical advantages when defending these. The small but growing literature on “uncivil society” makes some similar points. Although the term is contested and unclearly defined, scholars have this century increasingly used “uncivil society” to denote tendencies within or manifestations of civil society that threaten liberal democratic values and pro-democracy civil society; some see exclusionary ideologies, violence and rule-breaking as hallmarks (Roggeband and Glasius, 2020). Another, less common term is also used,

“illiberal civil society”, for example in the context of post-Communist countries; indeed, the two terms are sometimes used interchangeably (Korolczuk and Graff, 2018, Bustikova and Guasti, 2017, Kostovicova, 2006).

Hence, a “strong” or “vibrant” civil society does not necessarily lead to strong democracy and support for human rights (Roggeband and Glasius, 2020), and on the contrary may sometimes undermine these or even support authoritarian regimes. As Roggeband and Glasius (2020: 1586) put it: “civil society can only be as civil as the circumstances allow”. According to Avritzer (2004), in Latin America “uncivil society” is most likely to emerge where the state is too weak to guarantee security, the market is clientelist and political society is heavily fragmented or non-existent. As Brysk (2000: 154, 159-160) notes, “the same local communities that are charged by shrinking states with taking on more responsibility for development and local governance are lynching suspected criminals in Latin America” and “some civic groups may be representative of constituencies whose goals are in some way antidemocratic: discriminatory, exclusionary, hegemonic, or even violent.”

Moreover, the strength or otherwise of civil society is only one factor in terms of compliance with IHR law and norms; the other half of the equation is the strength of the state. While society and social organisations can thwart the implementation of government policies, the state has at its disposal various means of social control such as the security forces, judicial system and taxation (Migdal, 1988). Domestic civil society is partly shaped by the state it exists in as well as by the relationship between the two; this relationship is vital to understanding the role and capacity of civil society. Hence, civil society in partial democracies is distinct from that of full democracies: it faces multiple constraints, particularly with regard to the public space – the legal and institutional environment – and whether the state uses this to open up or restrict space for civil society.

In less democratic countries, civil society is not necessarily independent or autonomous (Lewis, 2013). There the state sees CSOs and NGOs as a threat to be controlled but also sometimes politically convenient (Heurlin, 2010). Hence, it frequently seeks to divide and control civil society via the broad strategies of “corporativism” and “exclusion” (Lewis, 2013; Spires, 2011; Heurlin, 2010; Brysk, 2000). States may use a blend of both strategies, and which is favoured may change over time (Heurlin, 2010). “Corporativism” involves the co-optation of social organisations, including CSOs and NGOs, as well as the creation of government-organised non-governmental organisations (GONGOs) (to boost legitimacy and funnel international funding). It is often employed for groups whose activities can help further the goals of the state, particularly in the areas of development and social welfare (Spires, 2011; Heurlin, 2010). For example, unions and CSOs have frequently been co-opted by the ruling party in Mexico (Brysk, 2000).

“Exclusion” on the other hand, involves harassment of and attacks on CSOs and NGOs, restrictions on their receiving foreign funding, their barring from government consultations and the “weaponization” of the justice system against them (attacks are not investigated, prosecutions are mounted) (Lewis, 2013; Heurlin, 2010). Exclusionary tactics aim to inhibit the work and growth of CSOs that play a more “discursive” role, that strive to be active in political and public life, to undertake advocacy and influence public opinion and government policy (Ekiert and Kubik, 2014; Lewis, 2013; Heurlin, 2010), to restrict the influence of the parts of civil society that offer “counter-discourses” (Lewis, 2013) and “contention” as opposed to “accommodation” (Ekiert and Kubik, 2014; Brysk, 2000). Ekiert and Kubik (2014) emphasise that it is important to understand the “strength” of civil society in terms of its relationship with state and political actors, how involved it is in activities such as protest, lobbying, advocacy and government consultations, and how effective these are. All this obviously directly affects CSOs and activists pressing for state compliance with IHR standards.

As will be seen in the following chapter, in Latin America some states also apply the strategies of “corporativism” and “exclusion” to the media and journalists (see also Harrison and Pukallus, 2018 on “spaces of exception”; Puddington, 2018: 15-17). Hence, in less democratic regimes, the ability of both civil society and the media to monitor, criticise and influence government policies or actions, including compliance with IHR law and norms, is very much restricted. Clearly in such contexts the state’s willingness to comply with IHR standards, even though they have signed up to them, is questionable.

Finally, beyond co-optation by the government, CSOs in the region suffers from varying degrees of corruption, such as misuse of funds and maladministration. Even if such corruption is not motivated by personal gain, it still undermines civil society’s legitimacy (Brysk, 2000: 157-8).

3.2.2 How repression and violence affect civil society mobilisation in Latin America

Repression and violence, including when they are sudden, severe or increasing, can trigger and create opportunities for civil society mobilisation and collective action in authoritarian countries as well as discourage them (Nesossi, 2015; van der Vet and Lyttikainen, 2015; Osa and Corduneanu-Huci, 2008; Loveman, 1998). Scholars have identified various factors that make mobilisation more likely, including the ability to overcome internal civil society divisions (Osa and Corduneanu-Huci, 2008); harness allies and networks at national and international level (Nesossi, 2015; Schock and Osa, 2007; Loveman, 1998); mobilise resources including funding; and frame struggles in such a way that they “resonate” with wider society (Loveman, 1998). Another key factor in mobilisation is access to independent and free (uncensored) media (Nesossi, 2015; Osa and Corduneanu-Huci,

2008), which can play an important role in raising awareness of human rights issues (Nesossi, 2015; see also 1.4), increasing the protection of HRDs (Nesossi, 2015), and deepening democracy (Brysk, 2000).

However, as seen, the state often seeks to restrict the influence of more “discursive” CSOs and NGOs via “exclusion” and this is likely to include civil society groups pressing for compliance with IHR law and norms. This means even if such groups are mobilised by repression or violence, they will still often be unable to engage with or influence government policies or actions, should that be their goal, and therefore limited to other activities less visible in political and public life. At the same time, “exclusion” also means that much of their time and energy will be spent coping with the consequences of restrictions and attacks, on survival and protecting themselves and those they serve. “Exclusion” in combination with the state’s other strategy of “corporativism”, not only of CSOs but also the media, further divides civil society by stigmatising those elements of civil society and the media which the state sees as enemies and stirring up animosity and distrust. This in turn makes it harder to achieve the conditions which facilitate mobilisation and collective action. The fact that much of the media is not independent negatively affects “excluded” civil society’s ability to overcome internal divisions, secure more mainstream allies, resources and public support.

Hence, although domestic CSOs and NGOs suffering repression and violence can still be active, including in collective action, it is difficult and out of necessity their activities may tend to be more reactive than proactive, tactical rather than strategic, and to target themselves and their beneficiaries rather than the government. They have to devote time and resources to survival, self-protection and resistance (van der Vet and Lyttikainen, 2015; Spires, 2011), limiting their capacity to bring about change in the short term. It is important to understand why this is the case and not to dismiss the efforts of local civil society in repressive or violent regimes as “weak” or “ineffective”, which can further diminish and delegitimise them (Nah, 2016: 236; Ekiert and Kubik, 2014: 55).

In such circumstances, expecting domestic civil society to act as “enforcement mechanism” for IHR law and norms, no matter how undemocratic, repressive and violent the regime it exists within, is rather unrealistic. In the next section, I turn to a different but complementary perspective on how civil society responds in violent or repressive circumstances, one that focuses on individuals and communities, including journalists.

3.3 How journalists respond to violence and impunity

To date there is no clearly defined body of literature exploring how journalists and HRDs respond to violence and impunity and no integrated theoretical framework from which to explore their actions. Hence, in an attempt to fill these gaps, in this section I review and collate insights from disparate areas of research, on how civilians respond to armed conflict and how citizens react to high levels of societal violence and insecurity; a narrow strand of literature focusing on the coping tactics of journalists; and recent scholarship on the protection and security of HRDs at risk.

While acknowledging significant differences between situations of armed conflict and generally violent and repressive states, I argue that literature on civilians' responses to the former is relevant here for several reasons. First, although this literature makes relatively little mention of Latin America since wars are rare in the region, it has been argued recently (albeit controversially) that Mexico is involved in a non-international armed conflict, and that other countries in the region face levels of armed gang violence close to armed conflict (Bellal, 2019, 2018). Second, it is not hard to imagine that from the point of view of civilians/citizens on the ground, at least, there are parallels between the two situations in terms of high levels of violence, sometimes coming from multiple, state and nonstate, sources, and of insecurity; lack of state protection; and, frequently, absence of international protection. Third as I will show, journalists, HRDs and citizens in violent or repressive regimes employ self-protection measures that are comparable to and fall into similar categories as those used by civilians in armed conflict. Finally, the literature offers some insights likely to be relevant to journalists and HRDs at risk, including the fact that self-protection is central to their experiences yet the subject receives relatively little scholarly attention.

I also add to the framework of self-protection measures located in the literature on civilians' responses to armed conflict in two ways. First, I show that in the case of journalists, such measures are bound up with the continued practice of journalism, as well as with survival. Second, I suggest that journalists and HRDs have also evolved broader strategies to defend themselves that complement these self-protection measures: they also build internal and external support and their capacity. Such protection strategies go beyond immediate physical protection security to address other aspects of their safety in the longer term. Together, these self-protection measures and strategies allow journalists not only to survive but to continue and, sometimes, enhance/ improve their work.

3.3.1 Self-protection measures

Recent scholarly literature on civilian responses to armed conflict suggest that people largely depend on themselves and each other for survival and protection, via “civilian self-protection” (Jose and Medie, 2015) or self-protection measures. Such measures are necessary given that the state fails to protect them or even targets them and the response from the international community is frequently delayed or non-existent (Suarez, 2017; Jose and Medie, 2015; Baines and Paddon, 2012; Bellamy and Williams, 2009; Mégret, 2009; Bonwick, 2006). Civilians commonly employ a range of self-protection measures, the details of which vary according to country and context, but which nonetheless tend to represent similar tactics (Jose and Medie, 2015: 528).

Scholars have proposed various typologies of self-protection measures (e.g. Jose and Medie, 2015; Baines and Paddon, 2012; South et al, 2010; Bellamy and Williams, 2009). However, common to most are the following three non-violent ways of dealing with violent actors (both state and non-state)¹⁶: *avoidance (or non-engagement)*, *remaining neutral (or active non-engagement)* and *accommodation (or non-violent engagement)*. Self-protection measures can be employed at individual or collective level. People often use a combination of measures within a category or across categories rather than rely on any one measure (Jose and Medie, 2015; Burnyeat, 2013), learning which are most likely to be successful through trial and error (Suarez, 2017). The literature on journalists’ and HRDs’ responses suggest that these groups, despite facing violence and state repression rather than armed conflict, have nonetheless evolved comparable means of trying to address and overcome these, as I will show.

Avoidance (or non-engagement) is used to refer to civilians eschewing interaction with any armed actors, using means such as keeping quiet, hiding, using systems of warning calls, changing routines (for example, avoiding certain routes or traveling at night), and fleeing to safer areas temporarily or permanently (Jose and Medie, 2015; Baines and Paddon, 2012; South et al, 2010; Bonwick, 2006). Similarly, in Colombia and Mexico, citizens respond to insecurity by restricting their exposure to public spaces, for example, avoiding letting children play outside, taking public transport or going to parks, bars and nightclubs (Berents and ten Have, 2018).

There are clear parallels here for HRDs. Nah et al. (2017: 8-9) found that HRDs in Mexico made use of practices such as assessing risk, “changing movements and routines, avoiding certain places and people”, informing others about their plans when doing sensitive work or following a personalised

¹⁶ My main reference point for these terms is Baines and Paddon (2012).

security plan. Although NGOs often provide formal security training for HRDs in countries like Colombia, Mexico, Egypt, Kenya and Indonesia, this has been criticised as ineffective (Nah, 2017a) and failing to reach many HRDs (Amir, 2013); as a result, many depend on their own measures and improvised tactics (Amir, 2013; Hankey and Ó Clunaigh, 2013). One tactic used by HRDs in Egypt and Mexico is choosing not to engage with the state to report attacks or request protection, because the authorities are perpetrators or because HRDs feel that doing so would alert the authorities to the fact that they are engaged in activism, making them more likely to be targeted (Nah et al., 2017: 8; Amir, 2013: 472). As a “last resort”, some HRDs relocate overseas via programmes run by foreign NGOs or universities or claim asylum (Gready, 2019; Sertdemir Özdemir, 2019; Eriksson, 2018; Jones, 2015; Kogan, 2013: 507). However, temporary or permanent relocation within the HRD’s country is almost certainly more commonplace than exile overseas. Although non-engagement with the state and relocation are not specifically discussed in the literature on the coping strategies of journalists, they are highly relevant, not only in terms of seeking protection but also of (not) countering impunity, as mentioned in Chapters 5 and 6.

The “avoidance” measures of journalists described in the literature on their coping strategies look a little different from those employed by civilians/citizens and HRDs. They tend to be bound up with the practice of journalism, as well as survival, and there is perhaps more focus on individual self-protection measures, possibly because journalists often work alone rather than in teams. The main “avoidance” measure is self-censorship, which can be defined here as journalists avoiding investigating or publishing on certain issues due to fear of physical or other reprisals (paraphrasing Fadnes et al., 2020). Self-censorship is widespread in varying degrees of severity in Mexico (Harrison and Pukallus, 2018; Hughes and Márquez-Ramírez, 2017) and China (Repnikova, 2014; Tong, 2007). In Colombia, some journalists also file their reports anonymously (Barrios and Arroyave, 2007). In China, journalists sometimes wait months or even years for the right moment to investigate, report or publish on a sensitive issue to minimise pressures (Repnikova, 2014).¹⁷

Remaining neutral (or active non-engagement) involve civilians overtly adopting a neutral stance in relation to different armed actors in a conflict and avoiding engaging with them. A commonly cited example is “community peace initiatives” in Colombia that allow civilians to work together to peacefully resist the conflict and claim their rights, including to return to the lands they were displaced from and to remain neutral, including in some cases also avoiding contact with the state (Burnyeat, 2013; see also Suarez, 2017; Jose and Medie, 2015; Baines and Paddon, 2012). For

¹⁷ According to Nah (2020: 160), impunity can also cause HRDs to self-censor by “refraining from public denunciations”.

journalists, preserving their neutrality is an important part of their protection, but this has increasingly come under threat in recent decades. Sambrook (2016b) identifies the “loss of neutral status” as one of “three key drivers of the increase in violence towards journalists” worldwide, along with “the growth of global organised crime and the use of technology and compromised digital security” (loc. 415-416).

Accommodation (or non-violent engagement) involves civilians interacting with armed or violent actors, often under duress. For example, by paying “taxes”, paying for protection, complying with demands for food, labour and other resources, “survival sex”, acting as an informant, negotiating and using connections with government or armed groups to obtain travel permits, etc. (e.g. Jose and Medie, 2015; Baines and Paddon, 2012; South et al., 2010; Bonwick, 2006). Some HRDs in Mexico engaged with the state strategically, requesting state protection not in the belief that it would be forthcoming but rather to ensure that the attacks and threats would be documented and on the official record (Nah et al., 2017).

For journalists, again, “accommodation” tends to be bound up with journalistic practice. For example, in China, investigative journalists are careful to quote officials and other sources acceptable to the authorities to lend legitimacy to the views expressed, for security reasons as well as balance (Repnikova, 2014; Tong, 2007). Similarly, in Mexico, journalists in the Northern states often report only the official version of sensitive topics like crime or corruption (Relly and González de Bustamante, 2013; see also Gonzalez, 2020). Journalists in Mexico are also commonly co-opted by both the government and OCGs (IACHR-UN, 2018: para. 6; Relly and González de Bustamante, 2013: 119-20).

3.3.2 Self-protection strategies

In addition to the self-protection measures described above, journalists and HRDs have evolved complementary strategies to defend themselves which extend beyond the framework of self-protection measures suggested by the literature on civilian responses to armed conflict. Journalists and HRDs also aim to build internal and external support and their capacity. These self-protection strategies go beyond survival and physical safety to address other aspects of their longer-term security and ability to continue and develop their work. They tend to have more of a collective dimension than the self-protection measures outlined above.

Building internal support: creating mutual support networks and mutual protective measures

In both Colombia and northern Mexico journalists have employed mutual protection practices such as travelling together and collaborative reporting to increase security. Colombian journalists have also jointly refused to cover stories that they see as too dangerous (Hughes et al., 2017a; Relly and González de Bustamante, 2013; Barrios, 2007). In both countries, journalists have also employed publication of a sensitive story in different media outlets simultaneously to reduce the chances of reprisals (González de Bustamante and Relly, 2016; Barrios, 2007). This has parallels with Chinese journalists' use of "cross-regional media supervision", the officially banned but still current practice of local media passing sensitive reports to colleagues in outlets at national level or in other regions to circumvent pre-publication checks by local authorities (Repnikova 2014: 121; Tong, 2011: 55-57). Such collective practices have parallels in war reporting. According to Sambrook (2016a: loc. 3496), during the conflict in Bosnia in the early 1990s, foreign correspondents and outlets formed the (short-lived) "Sarajevo pool", taking turns to gather and share news to ensure coverage continued while minimising risks. (Mutual protection practices can also be seen as a form of collective self-protection measure).

In China, Colombia and Mexico, journalists have formed informal networks among themselves and, in the case of the last two, also more formal associations, putting competition and the desire for scoops to one side to work together for protection and journalistic purposes (IACHR-UN, 2018; González de Bustamante and Relly, 2016; Repnikova, 2014). For example, journalists in Mexico have formed "collective self-protection initiatives" and other solidarity and support networks (IACHR-UN 2018: para. 38-9); some of these are explored in Chapter 8. In Colombia, the League Against Silence cooperative was set up in 2017 to carry out collaborative investigative journalism into stories not being covered due to corruption or fear as well as into those who are trying to silence such stories (Janetsky, 2019). (See also "Building capacity" below). In East and Horn of Africa, Mesoamerica and Egypt, HRDs commonly also rely on and/or build peer networks at national or local level, which are useful in terms of protection, solidarity, mutual and emotional support and to reduce feelings of isolation (Amir, 2013; EHAHRDP, 2013; IM-Defensoras, 2013).

Building external support: local civil society and international allies, public support

Some journalists and HRDs also try to extend their networks of support and solidarity beyond their colleagues to local CSOs, international allies and the public. The literature on HRDs in particular emphasises the importance of connections to and networks of multiple stakeholders at all levels, from local CSOs, states and multilateral bodies to harness support and deter perpetrators (Eriksson,

2018; Bennett et al., 2015; Nah et al., 2013; Mahony and Eguren, 1997; Wiseberg, 1991). Some commentators believe that the protection of HRDs, as for civilians, does not depend on one strategy more than others but rather many strategies and actors (Jose and Medie, 2015; Burnyeat, 2013; EHAHRDP, 2013). Although this theme is not as clearly developed in the literature on journalists, the latter does suggest that reporters in China and Mexico have similarly found that they need support from local civil society, international allies and the public, and to use social media, to strengthen their protection and their work (Relly and González de Bustamante, 2017, 2013; Repnikova, 2014). For example, according to Repnikova (2014), Chinese journalists have found it important to build networks with lawyers, NGOs and CSOs.

International level support is key for journalists, particularly that of foreign journalists and the global media. For example, Chinese journalists have forged networks with journalists at international as well as domestic level, including via international consortia of media outlets (Repnikova, 2014). National-level collaborative journalism projects in Latin America such as the League Against Silence in Colombia increasingly work with international journalists and rely on international donors (Janetsky, 2019).

The need for public support is also an important emerging theme. Cottle et al. (2016a) argue that the essential role that independent journalism plays in a strong civil society that means that civil society has a duty to protect journalists, but that this is undermined by inadequate social awareness and understanding of journalism's role. In terms of reaching the public and gaining their trust, journalists in Mexico and China use social media to circumvent censorship by the authorities and/ or their media outlets; in the former's case, also to provide and seek information about OCGs (González de Bustamante and Relly, 2014; Repnikova, 2014). Gready (2019) touches on the need for HRDs to find ways of securing more popular support, and of countering the frequently negative views many people have of human rights and HRDs, due in part to stigmatisation and smears by the state and the mass media (see also Ericksson, 2018; Nah et al., 2018; Nah et al., 2017). Alternative media, social media and the internet more generally play a vital role when HRDs seek to "raise their profile" by publicising their activities and threats against them as a means of self-protection (Nah et al., 2018; Nah et al., 2017; Hankey and O Clunaigh, 2013).

Building capacity: professionalisation and holistic protection

A third strategy that emerges from the literature on journalists and HRDs is building their capacity to enhance their security and their work. This comes in the form of professionalisation and holistic protection skills.

In response to the repression and violence they face, journalists in Mexico and China have moved towards greater collaboration not only to be able to continue their work, via mutual self-protection practices, but also to improve it, via professionalism and professionalisation (González de Bustamante and Relly, 2016; Repnikova, 2014). As noted, in this study, I define “professionalism” as journalists’ ideas about what constitutes “good journalism” including observing standards such as autonomy, accuracy, fairness, confidentiality of sources, ethics, public interest and, in some cases, objectivity (Harrison, 2019; Revers, 2014; Örnebring, 2009; Anderson, 2008). By “professionalisation” I mean the process by which journalists achieve “professionalism” (see 2.1.1). In Latin America, professionalisation often includes a focus on developing investigative journalism, which is often curtailed in repressive and violent contexts (Janetsky, 2019; Harrison and Pukallus, 2018: 11; Hughes and Márquez-Ramírez, 2017: 514; González de Bustamante and Relly, 2016) and bolstering professional autonomy (Hughes et al., 2017a).

When it comes to HRDs, scholars have noted a growing trend of professionalisation of their work, notably with human rights field officers (HRFOs) working for IGOs and NGOs, including the development of ethical codes. O’Flaherty and Ulrich (2016: 8) identify the following key elements of a professional group: “a set of shared values [...], a body of scientific knowledge, and [...] systems to apply that knowledge”, in this case, IHR law, norms and mechanisms as well as human rights values more broadly. They argue that professionalisation is important to ensure that HRFOs’ work is rigorous and accountable and based on best practices. However, the professionalisation of HRDs is contentious, as will be discussed below (3.3.3).

NGOs often provide formal security training for HRDs, which is increasingly “holistic” in that it covers aspects such as psychological, digital and legal security as well as physical security (Nah, 2020). Mental health and the need for self-care and resilience have emerged as important issues in the literature on HRDs due to the strains of activism and repression. In Latin America, there have been some efforts to prioritise self-care as more of a collective or organisational practice, including via workshops and medical and psychological care, and to position wellbeing as a “survival strategy” not a “luxury” (IM-Defensoras, 2013: 456-7). However, lack of adequate organisational support, sometimes linked to resistance as well as lack of resources and access, meant that many HRDs tended to rely on “private coping practices”, such as spirituality, relying on family and friends and taking time out from activism to avoid burnout (Nah, 2017b; Nah et al., 2017; Amir, 2013). A related strategy employed by some HRDs is undergoing legal literacy training. This was employed by youth protest leaders in Moscow to manage fear and risk (van der Vet and Lyytikäinen, 2015) and was also

a valued part of security training for HRDs in Colombia, Mexico, Indonesia, Kenya and Egypt (Nah, 2017a).

3.3.3 Discussion: advantages, risks and gaps

The literatures reviewed above mainly focus on “avoidance” measures; they provide fewer insights into whether and how journalists and HRDs use “remaining neutral” and “accommodation” as part of their self-protection repertoire and how. The literature on journalists and HRDs lacks a sustained discussion of the advantages of self-protection measures generally.

The disadvantages of self-protection measures have been studied in more detail, including by the literature on journalists and HRDs; the literature on civilians offers additional insights. Some self-protection measures employed by journalists and HRDs can bring risks as well as benefits (for similar observations on civilians, see: Jose and Medie, 2015: 529; South et al, 2010: 29; Bellamy and Williams, 2009: 22-23). In the case of journalists, while “avoidance” measures like self-censorship and anonymous filing allow journalists to continue working somewhat more safely, they can have a negative effect on journalism and the public perception of journalism; the more extreme the restrictions, the worse this is (Hughes and Márquez-Ramírez, 2017: 514; González de Bustamante and Relly, 2016: 693-3). Both temporary relocation and asylum can affect HRDs’ ability to continue their work, to be effective and to feel valued for their work rather than pitied as “victims” (Sertdemir Özdemir, 2019; Jones, 2015). The positive effects of temporary relocation of HRDs can be short-lived (Kogan, 2013) while raising their profile and identifying more fully as a HRD while abroad can lead to increased repression on returning home (Eriksson, 2018). Similarly, for civilians, relocation on a more permanent basis can disrupt their access to local knowledge and networks, which are a vital part of the effectiveness of self-protection measures (Baines and Paddon, 2012).

As Nah et al. (2017: 16) conclude in relation to HRDs in Mexico, “the implementation of security measures often poses a ‘cost’ to defenders, for example, in terms of time, money, privacy, and freedom. Some security measures can be disempowering or isolating” (see also Berents and ten Have, 2018; Bellamy and Williams, 2009). Scholars of civilian self-protection have noted that despite their advantages, such measures tend to be the “least bad” option available at the time (South et al, 2010; Bonwick, 2006), mainly effective in the short term (Jose and Medie, 2015; Bellamy and Williams, 2009).

In terms of the self-protection strategies used by journalists and HRDs, there has also been relatively little scholarly discussion of their potential advantages and drawbacks. However, it is worth noting

that there are noticeable parallels between these self-protection strategies and factors key to successful civil society mobilisation in repressive regimes identified above (3.2.2). For example, the former involve building mutual support networks and the latter overcoming internal civil society divisions; both emphasis harnessing allies, in the case of journalists including to mobilise resources, and by framing struggles to resonate with the public/ society.

Also potentially relevant is a debate among academics and practitioners around the “professionalisation” of HRDs, which, as for journalists, can be connected to their need for protection. However, this debate seems contentious compared to discussions of professionalisation among journalists – who already form part of a widely recognised profession – and questions the desirability and unintended consequences of applying a “professional” label to HRDs. For example, although O’Flaherty and Ulrich (2009: 8) promote the professionalisation of human rights practice, they acknowledge that it can potentially “have the effect of disqualifying, and thus excluding, some groups of practitioners”, particularly at local level, who do valuable work in less regulated ways, often on a voluntary basis. Indeed, a principal concern of critics of professionalisation of HRDs is that it can lead to discrimination against less “professional” or more grassroots HRDs and reinforce inequalities in ways that run counter to the spirit of the UN Declaration on Human Rights Defenders (UN, 1998) and the human rights movement. Although the UN has made it clear that people do not have to have a professional qualifications or work for a human rights organisation in order to be a HRD¹⁸, protection actors do tend to take this narrow view. This can result in “professional” HRDs enjoying greater legitimacy and access to support, protection mechanisms and resources than their “non-professional” colleagues, even though the latter may be in greater need (Malkova, 2018; Ichim, 2017; Jones 2015; Nah et al., 2013).

While these are important concerns, I note that in this debate about professionalisation is largely a risk for the HRDs who do not benefit from the practice rather than for those who do. However, when it comes to another form of capacity-building, legal literacy, Gready (2019: 10) argues that while the requirement to speak the “largely legal language” of IHR opens certain doors for HRDs in terms of legitimacy and advocacy, it can be a hindrance to securing public understanding and support.

The literature on HRDs also contains some scattered references to the risks of international support resulting in increased repression. This can include reprisals for trying to engage with IHR mechanisms

¹⁸ However, the UN Declaration on HRDs (Art.11) states that HRDs who work as part of a profession must abide by its professional ethical code (UN, 1998; Eguren Fernández and Patel, 2015).

(Bennett et al., 2015: 887), restrictions on foreign funding (Bakke et al, 2019) and stigmatisation of HRDs perceived to be in receipt of international funds (Nah et al., 2018: 2). It is not clear from the literature reviewed whether professionalisation and international support, including collaboration with foreign journalists and the global media as well as with foreign donors, can be problematic for journalists as they can for HRDs. Do journalists also have to overcome negative public perceptions about their profession and their work? Do journalists build their capacity in non-professional ways, such as self-care and legal literacy? I examine some of these aspects in the following chapters.

3.4 Conclusion

In this chapter I have critiqued the concept of domestic civil society as de facto “enforcement mechanism” for IHR law and norms via a review of relevant IR and politics literature on their value to local activists and groups in Latin America. I note the literature’s tendency to focus on (I)NGOs over other civil society actors and on IHR law and legal rights over human rights norms as values that inspire, and to take legal literacy for granted. I question the extent to which journalists and the media can be seen as part of the domestic civil society “enforcement mechanism” or as “translators.” I then argue that this literature includes a set of explicit and implicit assumptions regarding the conditions that provide domestic civil society with the best chances of successfully acting as “enforcement mechanism” for IHR standards, which appear to be premised on Western liberal notions of the state, civil society and the media.

Drawing on disparate scholarly literature on democratisation, civil society in authoritarian regimes and “illiberal democracies”, high-risk activism and theories of mobilisation, I contend that these assumptions have limited applicability in many countries where human rights violations and impunity are particularly egregious. Such states tend to be less democratic, have fewer checks and balances, be more repressive, more violent and corrupt – and less open, pluralist, persuadable and shame-able. Their civil societies are frequently divided and restricted by the state via the strategies of “corporativism” and “exclusion” and public distrust in the state is widespread (see Chapter 4). Hence violent and repressive regimes shape civil society and its relations with the state and affect the former’s ability to mobilise and influence public opinion and government policy. This means it can be difficult or impossible for civil society to act as “enforcement mechanism” for IHR standards.

I go on to argue that in such contexts appeals to state institutions and IHR standards, mechanisms and actors are just one part of the story of how civil society, including journalists, respond to violence and impunity. Via a non-exhaustive review of disparate literatures on how people respond to situations of armed conflict, violence and repression, I show that journalists and HRDs, like

civilians, often rely on themselves and each other for their physical safety via self-protection measures. I note that self-protection measures can bring risks as well as benefits; for journalists, since such measures tend to be bound up with the continued practice of their profession, they have the potential to impact on their journalism and the public perception of journalism as well as on their physical safety. In addition to these self-protection measures, I argue, journalists and HRDs have evolved complementary strategies to defend themselves which extend beyond the framework of self-protection measures: they also build internal support (via mutual support and protection), external support (local civil society, international allies and the public) and their capacity (via professionalisation and holistic protection). Such protection strategies go beyond immediate physical protection security to address other aspects of their safety in the longer term. Together, these self-protection measures and strategies allow journalists not only to survive but to continue and, sometimes, enhance/ improve their work. The prominence of collaborative working, networks and coalitions in both self-protection measures and strategies suggests the importance of self-protection as a collective enterprise.

In the next chapter, I introduce the case studies, namely journalists facing violence against journalists and impunity in Mexico and Honduras.

4 Violence against journalists and impunity in Mexico and Honduras: the role of the state, civil society and the media

Despite the Mexican and Honduran states' formal commitment to IHR law, violence against journalists in these countries, both fatal and non-fatal, is endemic and has reached new heights this century. Such violence does not affect all journalists equally. It mainly targets independent and investigative reporters who cover sensitive or controversial topics such as human rights violations, corruption, OCGs and politics. Impunity in crimes against journalists is over 90 percent in Honduras (IACHR, 2019b, 2018, 2017) and over 99 percent in Mexico (Article 19, 2019a; IACHR-UN, 2018), making it difficult to prove who is responsible – and easy for governments to blame OCGs or gangs. However, official and NGO reports suggest that state agents are a key, if not the main, perpetrators, responsible for up to 50 percent or more of all attacks (C-Libre, 2020, 2016; Article 19, 2018), raising questions about state willingness as well as capacity to implement its IHR commitments. In this chapter, I explore the nature of this violence and impunity and how domestic civil society is stymied in its efforts to act as de facto “enforcement mechanism” for IHR law and norms, the mainstream media has been complicit in the problem and official state responses are deeply flawed.

I start with a brief outline of state-media dynamics in Latin America before profiling first Mexico and then Honduras. For each country, I detail violence against journalists and impunity, including the nature, development and scale of the problem and the profile of the victims and perpetrators. I then show how conditions in both countries hamper the implementation of IHR law and norms, including those relating to protection and justice for journalists, and limit domestic civil society's ability to promote compliance. These conditions include limited democracy, weak rule of law, conflict, corruption and infiltration by OCGs, lack of state capacity and public distrust in state authorities. In these circumstances, one strategy state actors adopt is to attempt to restrict the influence of civil society via the dual strategies of “corporativism” (co-optation) and “exclusion” (repression) (Lewis, 2013; Spires, 2011; Heurlin, 2010; Brysk, 2000). I argue that the state also applies these strategies to the media and that violence against journalists and impunity should be understood as an attempt by the state to “exclude” independent critique.

I then analyse the similarities and differences between Mexico and Honduras and the implications for journalists. I show that only by understanding the contradictory nature of the state, the ambivalence inherent in its role in and responses to violence against journalists and impunity (protector/ perpetrator), can we understand journalists' perceptions and responses to violence and impunity presented in this study.

4.1 State-media dynamics in Latin America

As noted, a Western conception of journalism and the media sees them as an essential part of civil society in a democracy (1.4). However, in Latin America the media has often been closer to the state and elites than civil society, political in nature and function (Gutiérrez and Ocampo, 2019; Boas, 2013; Waisbord, 2000)¹⁹ Governments in the region have often attempted to use the media as a tool to maintain power and the established order. Many have used official advertising contracts as well as other tools such as under-the-counter payments, fiscal exoneration and controls on newsprint and importation of equipment to exert control over media outlets, their editorial line and content. Government advertising, in particular, tends to be unregulated and used as “*premio o castigo*” (“prize or punishment”), to reward or penalise media outlets for their coverage; since many outlets are reliant on such contracts for their survival, this acts as an effective form of indirect or “soft censorship” (Gutiérrez and Ocampo, 2019; IACHR, 2011a; Waisbord, 2000). I argue that this is a sector-specific form of the corporativism or co-optation used to control civil society more broadly, one that ensures that the media is close to, rather than independent from, the state, that it plays more of a “lapdog” than a “watchdog” role (Boas, 2013; Peruzzotti and Smulovitz, 2002; Rockwell, 2002a; Waisbord, 2000).

As with civil society more generally, those media outlets and journalists that resist co-optation risk being “excluded”. This can take the form of exclusion from government advertising and access to official events, interviews and information, but also harassment, intimidation, threats and attacks via legal and extra-legal means. The latter is known as “*plata o plomo*” (“silver or lead”), that is, journalist have the “choice” of bribery or bullets (Rockwell, 2002a). This often leaves them struggling for survival, economically and literally.

It is within this framework of “exclusion” that we should understand violence against journalists and impunity. Despite the almost total impunity which obscures the truth about crimes, monitoring and analyses by local and international NGOs suggests that state agents are a major perpetrator of attacks on journalists in Mexico and Honduras. Given this, and the fact that most victims are independent journalists who scrutinise the government and its allies and expose wrongdoing, violence against journalists and impunity is clearly an attempt by the state to eliminate independent critique. Moreover, the widespread infiltration of state institutions and corruption of officials by OCGs in these countries means that even when an attack is attributed to OCGs or unidentified

¹⁹ Even though some scholars consider Latin America to be “western” (e.g. Tillman, 2016; Carmagnani, 2011).

individuals, government involvement cannot be ruled out. In this light, impunity for such attacks, for which the state is clearly responsible, starts to look convenient at the very least.

However, government influence via co-optation and exclusion cannot fully explain state-media dynamics in Latin America. It is also a symbiotic relationship, a question of complicity as well as coercion. There is a historically high degree of media concentration in the region, with the main media outlets in a country often owned by a handful of wealthy individuals or families with wider business interests and close economic and political links to the state. In other words, they are part of the same elites with similar, often conservative-leaning interests, part of the market as well as the political sphere (Gutiérrez and Ocampo, 2019; Boas, 2013; Waisbord, 2000). It is in such media owners' interests to ensure stability and maximise profits, which impacts on the mainstream media's treatment of its workers and labour conditions, which in turn can make journalists more vulnerable to corrupt practices and attacks (Article 19, 2018; see 7.1 below).

Hence, the mainstream media in Latin America is often an important political tool and may be more likely to be aligned with the government and economic and political elites than civil society or ordinary people. However, it is important to distinguish between media outlets and the journalists who work for them, who may strive for independence despite the obstacles they face.

4.2 Mexico

Mexico is a federal presidential representative democratic republic with 31 autonomous states plus the district capital of Mexico City and a population of 127.6 million in 2019 (World Bank, 2021b). It formally transitioned to democracy in 2000, following 71 years of one-party rule by the Institutional Revolutionary Party (PRI). After 12 years of government by the National Action Party (PAN), the PRI was returned to power under Enrique Peña Nieto (2012-2018). The election of current president Manuel López Obrador of the leftist National Regeneration Movement (MORENA) in 2018 was widely seen as an anti-establishment reaction by a population tired of violence and corruption.

Mexico is Latin America's second largest economy and a major oil exporter (BBC, 2018a). It is a member of the G20 and the Organisation for Economic Co-operation and Development (OECD). On the Human Development Index, Mexico is ranked as High with a Gross National Income (GNI) per capita of US\$17,628 (2018) (UNDP, 2019: 301). It is a state party to the major UN human rights treaties and their regional equivalents and most of these rights are embedded in domestic law, including via the country's Constitution. The latter recognises international human rights law as well

as the principle of individual criminal accountability for human rights violations (EUM, 1917: Article 1). (See Appendix B for details).

At the same time, however, Mexico has a long history of human rights violations, including by state actors, and of impunity (IACHR, 2015; Anaya-Muñoz, 2014; Keck and Sikkink, 1998). The human rights situation has reached crisis level since 2006, the start of the government's "war" on drug cartels under President Felipe Calderón (2006-2012). Extrajudicial killings, enforced disappearances with the involvement of the state, disappearances committed by non-state actors and torture are all commonplace (AI, 2019). Almost 300,000 people have been killed and more than 73,000 have gone missing since 2006 (Agren, 2020). The human rights crisis is symbolised by high-profile cases such as Ayotzinapa, the disappearance of 43 student teachers in Guerrero state in 2014, in which the involvement of federal state agents has been alleged (Melesio, 2019), and three massacres committed by security forces and police in 2014-15²⁰ - all still unsolved.

Anaya-Muñoz (2019) argues that the failure of the Mexican state at the level of the federal executive and legislative branches to implement IHR law, including relating to crimes against journalists, is due to a lack of willingness as well as capacity. He defines state capacity as "the concrete set of material and human resources that governments have to implement norms, rules, or policies", and argues that state willingness must be gauged via government actions rather than rhetoric, which may be insincere (pp. 447-450).

4.2.1 Violence against journalists and impunity: the "excluded" media

Violence against journalists in Mexico is not new – scholars cite killings and disappearances of journalists in the country since the 1970s (Relly and González de Bustamente, 2017a; Waisbord, 2002). As with other Latin American countries, violence against journalists in Mexico has varied across time and regions (Waisbord 2002), but it has escalated this century. While this is part of global trend (UNESCO, 2020; Cottle et al., 2016c), in the case of Mexico scholars have highlighted two key factors: the violence started rising around the time of Mexico's transition to formal democracy in 2000 and has surged since the start of the government's US-supported war on drug cartels in 2006 (Brambila, 2017; Hughes, 2017; Relly and González de Bustamente, 2017a; Lakhani and Tirado 2016). However, despite the wave of generalised violence, Bartman (2018: 1101) finds that journalists were five times more likely to be murdered than members of the general population,

²⁰ In 2014, soldiers killed 22 people in Tlatlaya, México state. In 2015, federal police and other security forces killed at least 16 people in Apatzingán and the security forces killed 43 people in Tanhuato, both in Michoacán state (AI, 2018).

with significant variations across states which he found were not connected to levels of general or organised criminal violence.

According to official national statistics, 127 journalists were killed between 2000 and 2018; of these, the authorities consider 104 to have been related to the victims' work (FEADLE, 2019: 6, 9; FEADLE, 2017: 2, 5, 24).²¹ The majority of journalists killed are local (95 percent), as opposed to foreign, and male (90 percent) (CPJ, 2017a). Another 26 journalists were forcibly disappeared between 2000 and 2018 (Article 19, 2019a: 17; FEADLE, 2017: 5). Other forms of attack are much more frequent, in particular physical assaults up to and including torture, threats and intimidation. Attacks more than doubled during the Peña Nieto administration (2012-2018) compared to that of Calderón (2006-2012) (Article 19, 2019a: 133; Article 19, 2018: 37). There was a 46 percent rise in digital attacks on journalists between 2015 and 2017. Internal displacement is also a growing problem (Article 19, 2018). The authorities, including President López Obrador, often publicly stigmatize and delegitimize journalists, including those who have been attacked (AI, 2019; Article 19, 2019a, 2018). Female journalists have been increasingly threatened since 2010 (FEADLE, 2019; Article 19 et al., 2018; Díaz Nosty and De Frutos and García 2017), with Article 19 registering a more-than-fivefold increase in attacks to 2018 (Article 19, 2019a: 134).

As in past decades, impunity is the usual outcome when journalists are killed or otherwise attacked due to the authorities' failure to investigate adequately and prosecute (CPJ, 2017a, IACHR, 2017, CNDH, 2016, UNESCO, 2016). Over 99 percent of crimes against journalists remain unpunished (Article 19, 2019a: 166; IACHR-UN, 2018: para 43). When convictions occur, they are usually limited to the individual(s) who committed the crime rather than the masterminds, while investigations commonly fail to establish the motive (Article 19, 2019a; CPJ, 2017b).

Numerous laws are also used to harass and criminalise journalists. According to Article 19 (2018: 40-44), there are 101 laws restricting freedom of expression, including provisions around defamation or 'crimes against honour', 'offences against state authority', or falsification or manipulation of information. Serious concern has also been expressed about the potential impact of the 2017 Internal Security Law on violence against journalists and on suppressing coverage (Article 19 et al., 2018; IACHR-UN, 2018). Strategic lawsuits against public participation (SLAPP) such as frivolous civil cases against journalists are also a challenge (IACHR-UN, 2018). Lawsuits for "moral damages"

²¹ Due to recent changes in the way FEADLE compiles and presents crime statistics, the figure of 127 journalists killed in Mexico between 2000 and 2018 was obtained as follows: 104 killings from 2000 to 2016 (FEADLE, 2017: 2) and 23 killings between 2017 and 2018 (FEADLE, 2019: 6).

("daño moral") – similar to civil defamation – where the plaintiff generally seeks exorbitant sums in compensation and a reporting ban in particular are a growing problem (Article 19, 2019a).

Scholars and free expression organisations agree that violence against journalists in Mexico is targeted against specific journalists rather than against the profession as a whole. Those most at risk tend to be independent news reporters and investigative journalists focusing on controversial or sensitive issues, followed by photojournalists and community journalists. Corruption and organised crime are particularly risky issues to cover, while others include security and justice, human rights violations such as enforced disappearances and forced displacement, the environment, politics and criticising local government officials (Article 19, 2019a; Bartman, 2018; Hughes and Márquez-Ramírez, 2017; IACHR, 2017; Waisbord, 2002).

According to Article 19 (2018), the most dangerous media outlets to work for are digital, print and radio. The journalists most attacked tend to work for independent outlets such as Aristegui Noticias, Animal Político and *Proceso* – which receive little or no government advertising – and the NGO Mexicans Against Corruption and Impunity (MCCI), as well as some more mainstream outlets including *La Jornada*, *El Universal*, *Reforma*, TV Azteca and MVS. Other risk factors for journalists include working outside large cities, in the provinces or for local or regional rather than national media outlets, working in areas where social violence is more prevalent and covering violent actors (Hughes and Márquez-Ramírez, 2017; Rely and González de Bustamente, 2017b; Waisbord, 2002).

Due to failure of investigate and prosecute, proving who is behind this violence is difficult. The government tends to blame it on generalised violence and OCGs (Article 19, 2018; Bartman, 2018; Joloy, 2013) – as it does for other victims (Moon and Treviño-Rangel, 2020)– and fails to acknowledge that state actors are frequently implicated in attacks on journalists or are linked to OCGs (Article 19 et al., 2018). However, Bartman (2018) argues that journalists killed in Mexico are likely targeted for attack, including by political actors at subnational level. State agents are a major, and possibly the main, perpetrator of such violence. Article 19 attributed 48 percent of all attacks and 19.5 percent of killings to state agents in 2012-2018, most carried out by state- and municipal-level officials (Article 19, 2018: 32, 78). Bartman (2018) notes that Article 19 cannot prove the involvement of state officials; however, some government figures reinforce its stance. According to Interior Ministry figures on the journalist beneficiaries of its federal Protection Mechanism, a public servant was the "probable aggressor" in 45 percent of cases between 2012-18 (SEGOB, 2019: 10). Moreover, in 2017 it was revealed that the government had carried out targeted, illegal surveillance of the mobile phones of journalists and HRDs investigating federal government corruption and

serious human rights violations (the *Gobierno Espía* scandal) (Article 19 et al., 2018; IACHR-UN, 2018).

Some scholars note that much academic research on violence against journalists in Mexico has tended to focus on the role of OCGs but less often acknowledges the “ambiguous role” of state agents as protectors and perpetrators (Brambila, 2017; Hughes, 2017; Hughes and Márquez-Ramírez, 2017). Although it is clear that OCGs are also significant perpetrators of violence against journalists, there is less agreement about the extent of their responsibility (CPJ, 2021; Article 19, 2019a, 2018). Article 19 (2018: 78) notes that it has become much harder to distinguish between OCGs and the state due to extensive collusion. Hence, the fact that state agents are responsible for an estimated half of all documented attacks on journalists is often obscured by impunity, the presence of OCGs and their collusion with the state.

4.2.2 Conditions for human rights implementation

Conditions in Mexico are not particularly conducive to the “translation” of IHR law and norms. In this section, I outline key challenges in terms of both the state and civil society.

Mexico is not a full democracy; it is variously considered to be “flawed” (EIU, 2018), “new” (Brambila, 2017; Asal et al., 2016), “transitional” or “partial” (Brambila, 2017; Simmons 2009; Whitten-Woodring, 2009; Waisbord, 2002). That is, although it holds elections it has significant weaknesses in other aspects, including governance challenges. The fall of the PRI and the transition to formal democracy in 2000 led to the fragmentation and decentralisation of political control: presidential power was restricted, and state governors and local political leaders and security forces gained discretionary powers. Subnational political and criminal violence began to merge (Brambila, 2017; Hughes, 2017; Rely and González de Bustamente, 2017a). OCGs have now “deeply infiltrated the public life of the country, especially at the level of states and municipalities” (IACHR-UN, 2018: paras. 5-6) to ensure that they can operate with impunity. This infiltration and related violence, including against local politicians, have limited elected officials’ ability to govern in some areas of the country (Freedom House, 2018).

As noted, the Mexican state’s conflict with specific drug cartels was (controversially) classified as a non-international armed conflict in 2017 and 2018 (Bellal, 2019, 2018). This drugs war, initiated in 2006, led to a breakdown in the “arrangement” between state and cartels, the fracturing of cartel leaderships and regional turf wars, and an exponential rise in societal violence and human rights violations (Palifka, 2019; Brambila, 2017; Hughes, 2017, Hughes and Márquez-Ramírez, 2017). As of

2018, Mexico had a homicide rate of 29.1 per 100,000 inhabitants, more than triple the 2005 rate of 9.4 (UNDP, 2020).

Mexico ranks very lowly on the Rule of Law Index, particularly in terms of ‘criminal justice’ and ‘absence of corruption’, near the bottom in the region and globally (WJP, 2020b). According to Freedom House (2018), “Mexico’s justice system is plagued by delays, unpredictability, and corruption, leading to impunity.” A lengthy transition to an adversarial criminal justice system (2008-2016) has not reduced impunity (Article 19 et al., 2018: para. 6; Freedom House, 2018). Lower courts and law enforcement more generally are weakened by widespread bribery and limited capacity. According to a 2017 government survey, over 90 percent of crimes in 2016 went unreported due to lack of public confidence in the police. Around 98 percent of all crimes remain unpunished (Palifka, 2019: 278). Mexico suffers from very high and worsening levels of corruption, both grand and petty, and scores well below the Americas regional average on Transparency International’s Corruption Perception Index 2019 (TI, 2020a; Palifka, 2019). According to Palifka (2019: 275, 284) such corruption has eroded public trust in government and the rule of law and some commentators have warned that Mexico is on the verge of becoming a failed state.

Mexico has "a strong tradition of social protest" (IACHR-UN, 2018: para. 24) and a “highly active and transnationalized” civil society (Anaya-Muñoz, 2019: 443). The number of human rights NGOs in the country rose exponentially from the mid-1980s due to the opening of political space and increased international attention (Keck and Sikkink, 1998). These NGOs then worked with international networks to pressure the Mexican government to respond to accusations of endemic and occasional serious abuses, “contributing to a decline in human rights violations and a strengthening of democratic institutions”, including the creation of a human rights ombudsman and political reforms (pp. 115-6). In the decade 2008-2018, domestic civil society became increasingly active in pushing for democratic development and respect for human rights (Article 19, 2018). However, although civil society has strengths, such as a relatively positive legal environment and experience in service delivery, it faces sustainability challenges, including financial viability, limited advocacy capacity and above all a generally negative public perception (USAID, 2019). According to the Worldwide Governance Indicators, Mexican citizens’ ability to participate in political and public affairs has declined significantly this century (Kaufmann and Kraay, 2020).

“Corporativism” (co-optation) and “exclusion” (repression) (Spires, 2011; Heurlin, 2010; Brysk, 2000) have long been used as means of controlling civil society in Mexico. NGOs, CSOs and social movements have frequently been co-opted by the authorities (Knox, 2018; Rely and González de Bustamante, 2017a; Brysk, 2000). Like journalists, HRDs regularly face threats, harassment,

surveillance and targeted attacks and killings, usually unpunished (AI, 2019). Since the beginning of the drugs war in 2006, the space for civil society has been eroded by repressive and authoritarian practices under the government's security-related policies (Article 19, 2018). NGOs have expressed concern that President López Obrador has used his daily press conferences to undermine CSOs and question their legitimacy, as well as to single out journalists and media outlets that have criticised his policies (AI, 2019).

4.2.3 Media landscape and proximity of mainstream media to state: the “co-opted” media

Freedom House (2018) rates Mexico lowly (2/4) for “free and independent media”; in regional terms Reporters Without Borders (RSF) ranks the country higher only than Honduras, Venezuela and Cuba (RSF, 2020). The Mexican media market is crowded, with a high and growing number of outlets, especially print and online, but not necessarily diverse. It is dominated by a broadcast duopoly (Televisa and TV Azteca). Print media – such as the best-known quality dailies *Excelsior*, *Jornada*, *Reforma* and *El Universal* and the political weeklies *Proceso* and *Siempre!* – have very limited circulation and mainly in urban areas. Although Mexico is one of Latin America's largest internet markets, and digital news sites such as Animal Político, Aristegui Noticias and Sin Embargo are increasingly popular, internet penetration in rural areas remains low. For much of the country the main source of news remains television (BBC, 2018b).

Although not historically controlled by state ownership or censorship, the 1929-2000 PRI regime used the media, particularly Televisa, as a key means of ensuring its continuity (Gutiérrez and Ocampo, 2019). Today, close ties remain between the state and mainstream media, both political and economic. Mexico has one of the highest levels of media concentration in the world, and much of the mainstream media is owned by wealthy individuals with close links to politicians (BBC 2018b; RSF, 2018a; IACHR-UN, 2018). Both Televisa and TV Azteca are controlled by billionaires with significant other business interests (RSF, 2018a). A 2018 study of Mexico's 42 most influential national media outlets found that 84 percent had “family or business relationships with well-known politicians”, placing them firmly within the country's élite (CENCOS-RSF).

Moreover, much of the media is heavily reliant on huge government advertising budgets²² which the federal government and some state governments use to exercise influence over outlets' editorial policies (Gutiérrez and Ocampo, 2019; Rely and González Bustamente 2017a). Despite 2018

²² The Mexican federal government's advertising budget in the period 2007-2018 amounted to MXN 116,602,479,167.61 (Article 19, 2019a: 177), approximately USD 5,286m, or USD 440.5m per year (exchange rate of 19.08.20).

legislation and a broad-based civil society campaign to regulate government advertising (IACHR-UN, 2018), its allocation lacks transparency and appears to be based on the favourability of an outlet's coverage rather than market factors such as audience or circulation. The main beneficiaries of government advertising are Televisa and TV Azteca and other major broadcast media outlets, while print and online media outlets are supported selectively depending on how independent or critical of the government they are perceived to be (RSF, 2018a).

Despite large profits being made by the main media owners (RSF, 2018a; CENCOS-RSF), Mexican journalists, although frequently university-educated, endure extremely low salaries which oblige many to hold several jobs both within and outside the media to make ends meet. They also face generally poor working conditions (Hughes and Márquez-Ramírez, 2017; Márquez-Ramírez, 2016; Márquez-Ramírez and Hughes, 2016; Relly and González de Bustamante, 2014), including a lack of protection from attacks and other work-related risks (Article 19, 2018; IACHR-UN, 2018; Harrison and Pukallus, 2018; RSF, 2018a; CENCOS-RSF). Such precarity makes journalists vulnerable to corruption. Bribery of journalists is considered widespread, particularly during electoral periods (Casar and Ugalde, 2018; Márquez Ramírez, 2014). "*Prensa vendida*" (sold-out press) is a common slur denoting the media and journalists' perceived bias towards political elites, that has its roots in coverage of the 1968 student movement and massacre that was slanted towards the government line (Reyna et al., 2020, Munguía, 2007). But in fact both authorities and OCGs attempt to co-opt journalists (IACHR-UN, 2018: para 6; RSF, 2017b: 14; Lauría and O'Connor, 2010: 5), using bribes and/or threats. According to Rockwell (2002a; 2002b), the profession made efforts to tackle such corruption in the 1990s but was less successful than other countries in the region, such as Panama and Guatemala, due to Mexico's higher levels of violence against journalists from corrupt officials and cartels. The media suffers from low and declining levels of public trust (Gutiérrez Rentería et al., 2020). (These issues are discussed further in Chapters 7 and 8).

Scholars have noted a lack of solidarity, unity and organisation among journalists in Mexico (Harrison and Pukallus, 2018; Relly and González de Bustamante, 2017a; Márquez-Ramírez and Hughes, 2016), possibly linked in some cases to competition for government advertising, especially in the provinces (Article 19, 2018). This hinders collective action by journalists, including on the issue of violence and impunity (see Chapters 7 and 8).

4.3 The official state response

Under pressure from the international community and domestic civil society, since 2006 the federal and state authorities in Mexico have created dedicated prosecutors to investigate crimes against journalists and protection mechanisms. However, perhaps not surprisingly for a flawed democracy with weak rule of law and high levels of violence and corruption, these have not brought about a decrease in violence or an increase in convictions; as seen, attacks have multiplied while impunity is almost complete. Below I outline these and other relevant human rights institutions before summarising their key weaknesses.

The Special Prosecutor for Crimes Against Journalists was set up in 2006 as a result of domestic civil society and international community pressure; in 2010 its mandate was expanded to become the Special Prosecutor for Crimes Against Freedom of Expression (FEADLE) (Anaya-Muñoz, 2019). A long-campaigned-for 2012 Constitutional amendment²³ enabled FEADLE to take over investigations and prosecutions of crimes against journalists from state and local authorities, which are more susceptible to corruption (PEN International and PEN Guadalajara 2013, paras. 14-17). Until 2019 FEADLE sat under the now defunct Attorney General's Office (PGR), which was part of the executive branch (RSF, 2017a) and therefore lacked independence (Indacochea and Meyer, 2019), and now sits under the new National Prosecutor's Office (FGR) (which is part of the Mechanism's Governing Board – see below). Veracruz state also has a Special Prosecutor for Electoral Crimes and Crimes against Freedom of Expression, appointed by the state attorney general (FGV, 2018).

Following significant pressure from and involvement of Mexican HRDs, CSOs and journalists as well as international actors over several years (Anaya-Muñoz, 2019; Joloy, 2013), a law was passed in 2012 (EUM, 2012) creating the federal Protection Mechanism for Journalists and Human Rights Defenders (“the Mechanism”). Sitting within the Human Rights Unit of the Interior Ministry (SEGOB), the Mechanism legally obliges the federal and state governments to offer preventative safeguards to journalists who are at risk because of their work. Civil society representatives (journalists and HRDs) are included alongside government representatives in the Mechanism's governing board and make up the entirety of its advisory council (Relly and González de Bustamente, 2017a; Joloy, 2013).

Mexico City and Veracruz are among nine states that have established their own protection mechanisms (IACHR-UN, 2018). The Veracruz State Commission for the Protection of Journalists (CEAPP) was set up by the state government in 2012. Mexico City passed a protection law for

²³ Article 73, Clause 21

journalists and HRDs in August 2015, but its protection mechanism only became fully operational in 2018.

The Executive Committee for Attention to Victims (CEAV) is an autonomous federal body set up at the initiative of CSOs and the international community in 2013 to provide support, including legal, medical, psychosocial, financial, housing and food assistance, to individuals whose basic rights have been violated (Anaya-Muñoz, 2019; Article 19, 2019a). CEAV is a federal body with offices at state level, including in Veracruz.

The National Human Rights Commission (CNDH) was set up in 1990 to promote and defend the human rights enshrined in the Constitution, national laws and international treaties, in response to international pressure in the context of the NAFTA negotiations (Keck and Sikkink, 1998). CNDH can investigate complaints by victims of human rights violations and issue non-binding recommendations to government agencies implicated. It is also part of the federal Mechanism's governing board (Article 19, 2019a). Both Mexico City and Veracruz also have their own state-level commissions: the Mexico City Human Rights Commission (CDHDF) and the Veracruz State Human Rights Commission (CED) (IACHR-UN, 2018).

A review of literature covering these institutions suggests some common weaknesses (Anaya Muñoz, 2019, 2009; Article 19, 2018; IACHR-UN, 2018; Relly and González Bustamente, 2017a; RSF, 2017a; Joloy, 2013; Keck and Sikkink, 1998). A lack of capacity – lack of trained staff and especially inadequate budgets – has been identified as an issue across the board. There is a proliferation of bodies with mandates to protect journalists at federal and state level that fail to coordinate (FEADLE, Mechanisms, CEAV); several have also lacked autonomy from the executive (FEADLE, CEAPP, CNDH). There is a failure to address attacks on journalists by state officials (FEADLE, Mechanism, CNDH) and a lack of meaningful sanctions on officials who work for specialised institutions but who fail to do their jobs (FEADLE, Mechanism). Above all, none of them meaningfully address impunity, including FEADLE. These institutions and their challenges will be explored more fully in Chapter 5.

4.4 Honduras

Honduras is constitutionally a unitary presidential representative democratic republic, capital city Tegucigalpa. Its population was 9.75 million as of 2019 (World Bank, 2021a) (13 times smaller than Mexico's). In contrast to Mexico, Honduras is a low middle-income country with “deep-seated” poverty and inequality (OHCHR, 2019), with a GNI per capita of just US\$4,258 in 2018 (UNDP, 2019:

302) – less than a quarter of Mexico’s – and which receives extensive foreign aid (Global Witness, 2017).

Dominated politically and economically by US-owned banana companies in the late nineteenth and early twentieth century, Honduras was ruled by a series of military governments in informal alliance with landowning elites before officially becoming a democracy in 1981 (Frank, 2018; Chayes, 2017). However, the military remained highly influential in government, in part due to Honduras becoming the base for US-backed counter-insurgency operations in Nicaragua and El Salvador (Kruckewitt, 2009; Kaye, 1997; Popkin and Roht-Arriaza, 1995). Despite a demilitarisation process in the 1990s propelled by a decline in US military aid and by civil society pressure (Van der Borgh and Terwindt, 2014), the army is still politically powerful today, with some military officials appointed to government posts. Political and economic elites also have considerable influence (Chayes, 2017). The country’s slow democratic transition was still incomplete when on 28 June 2009 the military carried out a coup d’état with the backing of the Supreme Court of Justice (CSJ), and the endorsement of many churches and much of the country’s media, ousting left-leaning President José Manuel Zelaya of the Liberal Party (PL) (Frank, 2018; Van der Borgh and Terwindt, 2014). Elections were re-established later that year, won by Porfirio Lobo of the National Party (PN), Honduras’ other main political party, and the country was re-admitted to the OAS (Owens, 2014).

Honduras is less well embedded in the international community in terms of membership of international organisations than Mexico. However, like Mexico, Honduras is a state party to the major international and regional human rights treaties; these form part of the domestic legal system from ratification and take precedence if they conflict with domestic law (ANC, 1982, Arts. 16 and 183; UN, 2019: para 6). Many of these rights are also enshrined in the Honduran Constitution (ANC, 1982). (See Appendix B for details).

Despite this, like Mexico, Honduras has a record of human rights violations and impunity. In the 1980s, the army carried out widespread abuses, including enforced disappearances, against civilians in the name of “national security”, particularly those involved in civil society demands for social reform, crimes which have mainly remained in impunity (Kruckewitt, 2009; Kaye, 1997; Popkin and Roht-Arriaza, 1995). The 2009 military coup triggered an explosion in violence and human rights violations, which remain largely unpunished despite a 2010 truth and reconciliation commission (Frank, 2018; UN, 2017d). Similarly, following the assassination of indigenous environmental activist Berta Cáceres in 2016, it took more than three years for her killers to be convicted, despite significant domestic and international pressure; the alleged mastermind of the crime, a US-trained former military intelligence officer and president of the company constructing the dam that Cáceres

and her community opposed, had yet to be tried as of March 2021 (Lakhani, 2021b). The controversial and contested re-election of President Juan Orlando Hernández in 2017 led to widespread protests and severe repression by security forces, including mass arrests and prosecutions, as yet unpunished killings and abuses against protesters and intimidation of victims seeking justice (C-Libre, 2020; OHCHR-Honduras, 2020). Hence, while Honduras may be presumed to have less capacity to address human rights violations and impunity than Mexico, including in relation to journalists, it is clear from the direct involvement of state actors in these abuses that political will is also questionable.

4.4.1 Violence against journalists and impunity: the “excluded” media

Journalists, along with HRDs, are one of the groups most affected by Honduras’ high rates of violence (IACHR, 2019b). As in Mexico, although the murder of journalists is not new – eight were killed between 1988 and 1996 (Waisbord, 2002: 56) – killings have intensified this century. At least 82 journalists and media workers have been killed in Honduras since 2001: 75 between October 2001 and December 2017, the vast majority since the 2009 coup (CONADEH, 2018: 50-52), and seven in 2019 alone (C-Libre, 2020: 112-5, 117-8). Although the total number of journalists killed in Honduras is lower than in Mexico, it is proportionately significantly higher if the country’s population is considered.

Nonfatal forms of attack are far more frequent, in particular intimidation, threats and harassment, as well as physical assaults and arbitrary detention; such attacks have also multiplied in recent years (UN, 2019; C-Libre, 2016). Journalists and media outlets covering the elections and post-election protests and repression in 2017-8 suffered threats and attacks by security forces and political activists, as well as pressure to provide coverage favourable to the ruling party and not to cover police repression (IACHR, 2019b; C-Libre, 2018). Four journalists left the country in 2019 due to death threats and extortion (C-Libre, 2020: 255-7). Journalists are frequently stigmatised in public discourse and media and social media campaigns with the aim of delegitimising them. Stigmatisation affects journalists on both ends of the political spectrum, but particularly affects those who work for the non-mainstream media (Ávila, 2020; C-Libre, 2020; IACHR, 2019b).

As of mid-2018, there had been convictions of perpetrator(s) in just eight cases of journalist killings (IACHR, 2019b: para. 110), an impunity rate of over 90 percent. None of the convictions were of the masterminds of the crimes, while investigations commonly fail to establish the motive (IACHR, 2019b; Owens, 2014). The impunity rate for other forms of attack on journalists is reportedly similar or higher (IACHR, 2018; IACHR, 2017).

Unlike in Mexico, only in a minority of cases of journalist killings in Honduras has it been possible to establish a clear link between the crime and their work, due to a lack of reliable information and adequate official investigations (RSF, 2017a; CPJ, 2014). This lack of accountability “promotes the notion that journalists are simply victims of generalized violence” rather than targeted for their work (UN, 2017d: para. 42). It also contributes to a sense that journalists are attacked because they are involved in corrupt or criminal activities (see Chapter 8).

Criminal law is increasingly used to intimidate and harass journalists, in particular criminal defamation. Serious concern has been expressed about the new Penal Code, which entered into force in June 2020 and criminalises libel and slander, punishable by fines and prison sentences. It also makes journalists criminally responsible for multiple new offenses, including espionage, terrorism, terrorist association and public disorder, all punishable by lengthy prison sentences. A proposed Law on Cybersecurity criminalising hate speech and discrimination on the internet and social media contains overly broad provisions that could affect work of journalists and HRDs who publish on the web, including by censoring criticism of officials and powerful groups (C-Libre, 2020; IACHR, 2019b; UN, 2019).

Similar to Mexico, the journalists most at risk of attack are independent reporters who cover corruption, organised crime including drug trafficking, social protests, land claims and those who expose human rights violations and their perpetrators (IACHR, 2019b; UN, 2019; CONADEH, 2017b; C-Libre, 2016). Journalists who engage in political analysis and have criticised governments since the coup are also particularly vulnerable (UN, 2019; IACHR, 2017).

According to Owens (2014: 16, 19), the majority of the journalists and media workers killed between 2003 and 2013 worked in TV and/ or radio, often for local, non-mainstream channels. The Committee for Free Expression (C-Libre) found that six out of seven journalists killed in 2018-2019 had worked for TV stations and one for radio, and all but one for non-national channels. Just over half (30/58) of journalists killed between 2003 and 2015 focused on news (C-Libre, 2020: 117; C-Libre, 2016: 27).

As in Mexico, it is often impossible to know for certain who is responsible for attacks on journalists in Honduras due to the lack of official investigations and prosecutions. Organisations provide differing and sometimes conflicting analyses of the likely perpetrators, that can vary significantly in their apportioning of responsibility to state and non-state actors, in particular OCGs. For example, the IACHR (2017: 458) has identified OCGs, sometimes working in collusion with public officials and

members of the security forces, as the main threat. However, OCGs are not mentioned at all in C-Libre's analyses, which find that state agents are the main perpetrators (C-Libre, 2020, 2016).

According to C-Libre (2020: 38-42, 114), around 64 percent of the attacks registered by the organisation in 2018 and 2019 (just under half of which were against journalists) were carried out by state agents, mainly the national police, the military police (PMOP) and public officials. This represents a significant rise from the NGO's 2015 figure of 39 percent (C-Libre, 2016: 26), likely attributable in part to the repression of post-election protests. Hence, the percentage of attacks on journalists attributed to state agents is even higher in Honduras than in Mexico, although it should be acknowledged that there is less access in Honduras to relevant official figures which can be used to cross-reference NGO records.

4.4.2 Conditions for human rights implementation

Conditions for the "translation" of IHR law and norms are even less auspicious in Honduras than in Mexico. Here, I outline key challenges facing the state and civil society.

Following widespread human rights violations by the military and security forces in the 1980s, conditions improved somewhat from the 1990s with democratisation, demilitarisation, the growth of civil society and the creation of the National Human Rights Commission (discussed below) (Frank, 2018; Chayes, 2017). According to Frank (2018: loc. 103), although the period before the 2009 coup was no "golden age", "the forces of complete corruption remained at bay, the state functioned at a basic level, and the rule of law was largely intact, however bent."

The coup disrupted democratic and human rights progress and continues to have serious repercussions on politics and society. In 2010, Honduras was downgraded from "flawed democracy" to "hybrid regime" status (EIU, 2020: 19). The coup has been linked to myriad problems, such as increases in: societal violence; militarisation of the police and other civilian institutions; presence of domestic and international drug trafficking cartels; human rights violations; impunity; political and social polarization; weakening of civil society; and lack of public confidence in the democratic process (OHCHR, 2020, 2019, 2018; IACHR, 2019b; Berg and Carranza, 2018; C-Libre, 2018, 2016; Chayes, 2017; Cohen, 2017; Menjívar and Walsh, 2017; Van der Borgh and Terwindt, 2014; Bosworth 2011). The situation has worsened since the deeply flawed and contested November 2017 elections that gave President Juan Orlando Hernández a previously constitutionally out-lawed second term in office (2014-2018, 2018-2022) (OHCHR, 2020; Frank, 2018).

Serious challenges undermining stability and the enjoyment of human rights in the country include a lack of separation of powers and rule of law, institutional weakness, an increasing lack of transparency of governmental affairs, corruption, violence and impunity. Consequently, there is a severe lack of public confidence in the authorities (EIU, 2020; IACHR, 2019b).

Although Honduras scores slightly higher on the Rule of Law Index than Mexico, it still ranks lowly globally and near the bottom in the region (WJP, 2020a). Since the PN took power after the 2009 coup, consecutive Presidents have taken steps to concentrate power in the executive, undermining the separation of powers and judicial independence, including the weakening of the CSJ and Congress. President Hernández has since 2014 undermined or eliminated more independent-minded ministries and audit bodies, steadily militarised the police and brought them more under his personal control, and allegedly interfered in the re-election of the Attorney General in 2018 (Ávila, 2020; OHCHR, 2020; IACHR, 2019b; UN, 2019; Frank, 2018; Chayes, 2017).

Access to public information is severely restricted, including by the Law on Classification of Documents Related to Security and National Defence, passed in 2014, the year President Hernández came to power. This law effectively abrogates the 2006 Transparency and Access to Public Information law by stripping the Institute for Public Access to Information (IAIP) of its responsibility for classifying information and reassigning it to individual ministries and state agencies, whose officials can deem information to be secret for up to 25 years on national security grounds (IACHR, 2019b).

Violence has risen sharply since the early 2000s due to Honduras' growing importance in regional drug trafficking routes; in the last decade it has been one of the most violent countries in the world (IACHR, 2019b; UN, 2017d). Although official homicide records have halved since their height in 2011 (from 86.5 per 100,000 inhabitants in 2011 to 40.86 in 2018), there are concerns that this is partly due to government manipulation of statistics (IACHR, 2019b: para. 55); its homicide rate is still far higher than Mexico's (at 24.8). Violence remains prevalent and has led to internal displacement and mass migration (Freedom House, 2019; IACHR, 2019b).

Impunity for crimes stands at over 90 percent and around 97 percent for homicides and crimes against HRDs. Only one in four accusations reach prosecution and of these 75 percent are dropped during preliminary hearings. Victims and family members have complained of difficulties in accessing files and of not being kept informed of progress in investigations, and of "selective justice". This has led to a crisis of confidence in the justice system (IACHR, 2019b; UN, 2019). Impunity can be linked to the state's failure to implement a series of recommendations from several transitional justice

initiatives since the 1980s and after the 2009 coup (OHCHR-Honduras, 2020; Kaye, 1997; Popkin and Roht-Arriaza, 1995).

As noted, a key cause of contemporary violence in the country is OCGs, including drug cartels and gangs (IACHR, 2019b; Chayes, 2017; Rosenberg, 1988). However, according to OHCHR Honduras (2019: para. 22), public discourse tends to focus on gangs as the main source of violence, without adequate evidence, and not enough on “criminal networks with close political and economic ties” (see also Mejívar and Walsh, 2017). OCGs have infiltrated state institutions and politics through corruption and collusion (C-Libre, 2020; IACHR, 2019b; Berg and Carranza, 2018), to the highest levels. In 2019, President Hernández’ brother was convicted on cocaine trafficking related charges by a New York court and faces a possible life sentence. Prosecutors named President Hernández and his predecessor, President Lobo, as “co-conspirators”, who allegedly took repeated bribes from drug traffickers for the PN’s political campaigns in exchange for protection, accusations they have denied (Palmer and Malkin, 2019). As of February 2021, President Hernández himself was under investigation by US prosecutors (Reuters, 2021). Lobo’s son was given a 24-year prison sentence in the USA for drug trafficking in 2017 (Puerta, 2019).

Public sector corruption is rampant (Freedom House, 2019), estimated to divert up to 10 percent of gross domestic product (OHCHR-Honduras 2019: para. 11); Honduras scores even lower than Mexico on Transparency International’s Corruption Perception Index (TI, 2020b). Former President Lobo, his wife and his brother have also been investigated in Honduras for largescale misappropriation of government funds (Puerta, 2019) and in 2019, his wife was sentenced to 58 years in prison for misusing almost US\$800,000 in public and international funds (Reuters, 2019). Corruption is also rife in the police force, which the state says has been co-opted by criminal groups, and which has subjected to various and ongoing official purges (IACHR, 2019b; Owens, 2014). The OAS-backed Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH), created in 2016 following mass protests against corruption (UN, 2017d), briefly raised hopes via antigraft legislation and legal cases implicating lawmakers, other public officials and their relatives (Ávila, 2020, IACHR, 2019b). However, the body was dismantled after the Honduran government refused to renew its mandate in 2020 (Silva Ávalos, 2020).

Following the formal transition to democracy, some domestic human rights groups emerged in the early 1980s to protest disappearances and other human rights violations (Kaye, 1997) and there was a growth in CSOs and social activism in the 1990s, particularly after Hurricane Mitch in 1998 (Chayes, 2017; Meza, 2002; Rockwell, 2002a). According to Van der Borgh and Terwindt (2014), from the 1990s the government grew relatively tolerant of civil society as long as it did not affect elite

interests, and NGOs and other sectors of civil society became more willing and able to lobby and otherwise interact with the government.

However, civil society, already deemed “weak” prior to 2009 (Van der Borgh and Terwindt, 2014: 71), has been further debilitated since the coup. Although the coup triggered fierce resistance from some sectors of civil society, it deepened internal divisions as well as those between civil society and the state (Frank, 2018; Menjívar and Walsh, 2017; PEN International, 2014a; Van der Borgh and Terwindt, 2014). Since the coup, civil society has been characterised as extremely polarised (Van der Borgh and Terwindt, 2014), with actors often labelled as “too close to the government” or “too left-wing” (KOFF, 2016). According to Van der Borgh and Terwindt (2014: 69, 150-151), most CSOs “reconsidered their relationship with the state” following the coup; since then human rights NGOs had found working together difficult, partly due to differing attitudes towards the legitimacy of the government and working with it. According to the Worldwide Governance Indicators, Honduran citizens have become less able to participate in political and public affairs since 2000, in particular since 2009; Honduras scores significantly lower than Mexico in this regard (Kaufmann and Kraay, 2020).

The UN Special Rapporteur for HRDs has urged the Honduran government to become more responsive to the demands of civil society and HRDs, and for the latter to become more open to engaging with the authorities on human rights, particularly in terms of strengthening its strategy for lobbying (UN, 2019). However, it is not clear how realistic the latter suggestion is given the Honduran state’s record of restricting civil society via “corporativism” and “exclusion”. The military government of the 1970s used co-optation to deal with civil society demands (Kaye, 1997). Some Hondurans believe that the leadership of some key civil society institutions were also co-opted following the 2009 coup. These include: the National Human Rights Commission (CONADEH), an independent ombudsman which had enjoyed wide civil society support since its founding in 1992 (Owens, 2014: 34; see below); and the Association for a more Just Society (ASJ), a US-backed Christian evangelical NGO affiliated to the INGO Transparency International that plays a key part in the Honduran government’s latest and controversial police reform commission and is seen as generally supportive of the Hernández administration (Chayes, 2017: 76, 151 – note 377). In 2019, MACCIH-backed investigations revealed that a network of over 50 shell NGOs had been used by at least 176 Honduran politicians to embezzle more than US\$76m in public and development funds for personal ends or political campaigns in the last decade (Ernst, 2019). This damages the credibility of and public trust in other, legitimate CSOs (ICNL, 2020).

At the same time, other NGOs and HRDs, like some journalists, face “exclusion” in the form of harassment and attacks, including surveillance, smear campaigns and prosecutions aimed at undermining their work, violence and killings (Freedom House, 2019; IACHR, 2019b). According to Chayes (2017: 113), the assassination of activist Berta Cáceres in 2016 exemplifies how the state, private sector and associated criminal elements use “violent repression [...] carefully targeted for the maximum psychological effect” to maintain control over a civil society angered by the corruption of the political and economic system.

Another major issue for Honduran CSOs is financial sustainability. Many are largely dependent on foreign funding which is reportedly on the decline (ICNL, 2020).

4.4.3 Media landscape and mainstream media proximity to state: the “co-opted” media

Freedom House (2019) scores Honduras even lower than Mexico in terms of “free and independent media” (1/4), as does Reporters Without Borders (RSF) (RSF, 2020). According to the EU, the country’s media is “wide-ranging and competitive” and “dominated by television and radio”. The largest national broadcasters are the TV stations Canal 5, HCH, Canal 11 and Canal 10 and the radio stations HRN, Radio América, Radio Cadena Voces and Radio Globo. There are two state-run outlets (Televisión Nacional de Honduras, TNH, and Radio Nacional de Honduras, RNH) and four national daily newspapers (*El Heraldo*, *La Prensa*, *La Tribuna* and *El País*). Most of these belong to the mainstream media, while Radio Globo is a mainstream broadcaster that began selling airtime to alternative journalists and the political opposition following the coup. There are also three community television stations and 11 community radio stations and a small but growing number of alternative media outlets, many of them digital. Overall, the EU characterises the Honduran media as politically polarised and heavily weighted in favour of the ruling party: it noted a very marked imbalance in media coverage in favour of the ruling PN party and of President Hernández in the run-up to the 2017 elections. It attributed this bias partly to the closure of Globo TV, known for its criticism of the government, by the media regulatory body CONATEL in 2016, allegedly for failing to renew its licence on time (EU EOM, 2017).

As in Mexico, much of the mainstream media in Honduras is concentrated in the hands of a few families belonging to the political and economic elite who exercise significant influence over content (Chayes, 2017; EU EOM, 2017; Mejía and Funes, 2008). For example, *La Tribuna* is owned by former President Carlos Flores Facussé (Mejía and Funes, 2008: 36). Some of the largest media outlets tend to be part of conglomerates which “often have interests in economic sectors regulated by the government, or for which the government is the main contractor” (EU EOM, 2017: 28). For example,

La Prensa, El Herald and other media outlets are owned by Jorge Canahuati, the president of Grupo OPSA, which also has interests in fast food, soft drinks and pharmaceutical companies (van der Horst, 2015; Mejía and Funes, 2008).

Also as in Mexico, but to a more extreme extent, these close links between the media, business and politics in Honduras are reinforced by significant state financial incentives in exchange for influence over editorial line and coverage. The two main official control mechanisms are government advertising (Mejía and Funes, 2008; Meza, 2002), and associated tax exemptions for media owners (Gutiérrez and Ocampo, 2019: 99). Government advertising is a significant source of income for the main media outlets in Honduras (EU EOM, 2017) and some rely on it for their survival. Such advertising contracts come from all three branches of government at national and subnational level with a lack of transparency in how they are awarded (C-Libre, 2016). Contracts are held by individual journalists as well as media owners and directors (Mejía and Funes, 2008). Government advertising has increased and become concentrated under President Hernández (Ernst, 2021).

The 2013 Voluntary Programme of Rescue and Promotion of the Communications Sector Law (CN, 2013) grants media owners exemption from taxes and other fiscal debts – past, present and future – in exchange for providing free advertising for the government, negotiated directly with the President’s Office (Gutiérrez and Ocampo, 2019). This exemption applies not only to their media outlets but also to any other companies they own (Arts. 1 and 2), a potentially enormous financial incentive for business magnates. The law was passed in early June 2013 while Hernández was head of Congress (January 2010–June 2013) before his election as President in November 2013. The EU considers the law to be contrary to international law and has called for its repeal (EU EOM, 2017). In addition to government advertising, there is also a longstanding and well-known practice of under-the-counter payments by the government and state institutions to media outlets and to individual journalists (EU EOM, 2017; Freedom House 2017; Arce 2015; Mejía and Funes, 2008). Similar to Mexico, the term “*prensa tarifada*” (literally “press for a fee” – or “sold-out press”) is used to denote “corrupt” outlets and journalists that are paid to act as a political tool (Meza, 2002).

Some scholars have indicated that financial control of the media by the government has grown in scale and intent since the administration of President Facussé (1998-2002), who, as noted, is owner of *La Tribuna* (Meza 2002; Rockwell, 2002a; Rockwell, 2002b). Public criticism of his government’s response to the devastation of the 1998 Hurricane Mitch allegedly led it to pay media outlets to defend the government and attack its critics, with the intention of co-optation (Meza, 2002; Rockwell, 2002a). But the real watershed in terms of media outlets’ political positions was the 2009 coup, which some media owners were reportedly instrumental in supporting. According to Chayes

(2017: 13, 99), following the coup “media outlets and lobbyists launched both a national and an international campaign to legitimize the new government”, with media magnate Canahuati’s Grupo OPSA helping to pay the lobbyists contracted to persuade the US government to perform a volte-face in terms of its initial opposition to the coup. At the same time, media outlets seen as critical of the coup were targeted for attack by police and security forces (Owens, 2014; Van der Borgh and Terwindt, 2014). The mainstream media has increased its use of smear campaigns against perceived government opponents, including journalists and alternative media outlets who present different perspectives and opinions (Ernst, 2019; C-Libre, 2018; OHCHR, 2018).

It is widely acknowledged that some Honduran journalists also accept or extort money from sources. This practice undermines all journalists’ independence and credibility and ultimately their safety (EU EOM, 2018; RI, 2017; Arce, 2015; Mejía and Funes, 2008; Meza, 2002; Rockwell, 2002a). As in Mexico, the profession made efforts to tackle corrupt practices in the 1990s but less successfully than some other countries in the region due to violent resistance from the military (Rockwell, 2002a, 2002b). Corruption among journalists in Honduras, as in Mexico and elsewhere in Central America, has been linked to the low salaries and poor working conditions endured by many journalists (Mejía and Funes, 2008; Rockwell, 2002a; Rockwell, 2002b). Similar to Mexico, commentators have observed that journalists in Honduras have lacked solidarity and unity in their responses to violence and impunity, which has left some more journalists more vulnerable to attack (Van der Horst, 2015; Owens, 2014; CPJ, 2014). (See Chapters 7 and 8).

4.4.4 The official state response

As in Mexico, the Honduran government has created dedicated prosecutors to investigate crimes against journalists and a protection mechanism, following considerable international pressure.²⁴ Again, not surprisingly for a hybrid regime with similar rule of law challenges and even graver problems in terms of violence and corruption than Mexico, these institutions have also been unsuccessful in stemming attacks or reducing impunity. Below I outline these institutions as well as the human rights ombudsman and summarise their key weaknesses; these will be explored more fully in Chapter 5.

Several different bodies within the Public Prosecutor’s Office (MP) share responsibility for investigating and prosecuting crimes against journalists in Honduras. The Prosecutor for Crimes Against Life (FEDCV) has been responsible for investigating journalist killings since its creation in

²⁴ See recommendations from the UN Universal Periodic Review of Honduras in 2015 and 2010 (UN 2011b; UN 2015b).

2013 (Owens, 2014). In 2018, a Special Prosecutor for the Protection of Human Rights Defenders, Journalists, Media Workers and Law Enforcement Officers (FEPRODDHH) was established to probe crimes against these groups (MP, 2018) (except killings which fall under FEDCV), working alongside the Protection Mechanism (see below) (C-Libre, 2020; OHCHR, 2019). Prior to FEPRODDHH's creation, the Special Prosecutor for Human Rights (FEDH) was responsible for investigating non-fatal violations against journalists and HRDs committed by public officials. International commentators have criticised the special prosecutors' lack of: adequate financial and human resources; appropriate training; specialised protocols for investigating crimes against journalists; and effective coordination and cooperation (IACHR, 2019b; UN, 2019; Owens, 2014). According to the IACHR (2018), Honduran journalists have a deep distrust of the authorities in terms of securing justice for violence against them.

The Protection Mechanism for Human Rights Defenders, Journalists, Social communicators and Law Enforcement Officials ("the Mechanism") was established in 2015 on the basis of a law (SDHJGD, 2015) following considerable international pressure and shortly before the UN's second Universal Periodic Review (UPR) of the country's human rights record (PEN International, 2015). Civil society is represented on and participates in the Mechanism's National Protection Council (CNP), its policy-making and advisory board, but not in its Technical Committee, which decides on admission and specific protection measures. (The MP is part of both the CNP and Technical Committee). International human rights organisations have highlighted the Mechanism's over-emphasis on police protection, as well as a lack of: adequate resources; consistent engagement by state bodies in the CNP, particularly the MP; effective civil society participation in decision-making relating to protection; and measures to address impunity (IACHR, 2019b; UN, 2019; AI, 2017).

The National Human Rights Commission (CONADEH) was set up in 1992 as an independent ombudsman with wide-ranging powers to investigate human rights violations and protect and promote human rights, including by taking legal action and following up on complaints. It enjoyed wide civil society support (UN, 2019; Popkin and Roht-Arriaza, 1995) but lost much of its credibility after former Commissioner Ramón Custodio supported the de facto government following the 2009 coup (Owens, 2014: 34). In 2011, CONADEH was downgraded to "B status" for failing to comply with the Paris Principles²⁵ (CCI, 2017). CONADEH provides some assistance to some journalists and HRDs, among other citizens, throughout the country via its national and local branches and via its participation in the Mechanism's CNP and Technical Committee.

²⁵ Benchmarks for international accreditation of national human rights institutions (GANHRI).

4.5 Comparison and conclusion

Despite the many (scalar, political, economic and geopolitical) differences between Mexico and Honduras, they are comparable in that they both suffer from widespread human rights violations and almost complete impunity despite their formal commitment to IHR law. Both countries experienced a critical juncture in the 2000s after which violence and human rights violations, including against journalists, escalated: for Mexico, the “war” on drug cartels from 2006; for Honduras, the coup d’état in 2009. Both states face serious challenges which we would expect to impede the “translation” or implementation of IHR standards, including violence and increasing militarisation (supported by the USA), very limited rule of law, extremely high levels of public corruption, and the presence of OCGs and their infiltration of politics and state institutions. But a key challenge is the frequent involvement of state actors at varying levels in human rights violations, which confers on the state an ambivalent role in relation to human rights protection, that of both protector and perpetrator. The Mexican and Honduran governments use not only repression but also co-optation to restrict civil society, including the media, limiting its independence, influence and ability to act as de facto “enforcement mechanism” for IHR law.

These similarities notwithstanding, conditions are generally worse in Honduras than Mexico across the board. Honduras is poorer, less developed, and even more violent. Since the coup, it is considered a “hybrid regime” and the separation of powers and transparency about governmental affairs have decreased. Corruption by high-level officials and their collusion with OCGs has been proven in domestic and international courts. Government control of civil society is more blatant, via overt repression of critical voices and the alleged co-optation of the human rights ombudsman, NGOs and the mainstream media, largely stripping it of its ability to act as “enforcement mechanism”.

Yet, interestingly, when it comes to violence against journalists and impunity, although there are many similarities between the two countries, Mexico is in a more acute position in some respects. Although levels of violence against journalists are high and rising in both, in Mexico the violence is of longer duration and includes multiple disappearances as well as killings (although the former have diminished in recent years). In both countries, the violence mainly affects independent, critical and investigative journalists covering sensitive and controversial issues such as corruption, OCGs and human rights violations, but in Mexico they are more clearly targeted for their work, according to INGO research. Impunity for violence against journalists is the norm; however, it is even higher in Mexico. In both countries government narratives tend to blame OCGs for violence against journalists, but it is clear from official figures and (I)NGO research that state agents are a major

culprit. Given the ambivalent role of the state (protector/ perpetrator), it is perhaps not surprising that its official responses to the problem are also contradictory. In both countries, government have passed laws and created institutions such as specialised prosecutors and protection mechanisms which have proven to be flawed and inadequate (explored fully in Chapter 5). Hence, Mexico and Honduras have reached “prescriptive status” (commitment) but not yet “rule-consistent behaviour” (compliance) (Risse and Ropp, 2013; Risse and Sikkink, 1999) in terms of their implementation of IHR standards relating to countering violence against journalists and impunity (on Mexico, see Relly and González de Bustamente, 2017). This is particularly concerning in Mexico given that such institutions have been in existence for longer.

On one hand, the fact that Mexico is in a worse position in relation to violence against journalists and impunity is surprising, given its political, economic and geopolitical advantages and generally better conditions which should mean it has greater capacity to address such problems. On the other hand, it is important to note that Mexico also faces specific challenges compared to Honduras: its much larger size, its federal system meaning decentralised control and heterogeneity of “the state”, and its overt conflict with drug cartels, factors affecting the implementation of IHR law (see Chapter 3).

Stepping back, however, considering the many differences between the two countries, it could also be said that the picture of violence against journalists and state responses in both are strikingly similar overall. The literature reviewed does not provide any definitive explanation for this, whether it is due to lack of state capacity or state willingness. In part this is because of impunity itself: it is often impossible to prove who is responsible for human rights violations let alone the motives behind them. It is also difficult to measure intention, including state’ willingness to comply with IHR commitments (Añaya-Munoz, 2019). The evidence here points in both directions. State capacity is clearly an issue in both countries, and the legal reforms and institutions outlined are undoubtedly signs that the governments accept recommendations made by the international community and domestic civil society and are taking concrete steps towards change, even though implementation is problematic. But the state’s ambiguous role in human rights protection as protector/ perpetrator, the fact that it is involved or complicit in many attacks on journalists, HRDs and others (which effective investigations and prosecutions would expose), its exclusion and co-optation of the media and other parts of civil society, strongly suggest governments that want to limit scrutiny of their actions and a lack of willingness to comply with IHR commitments.

The key point here is that these questions exist for Mexicans and Hondurans, including journalists exposed to violence and impunity, and influence their perceptions and responses. For example,

some interviewees in this study believed that impunity, including for violence against journalists, was “convenient” for the state²⁶ or even deliberate, particularly in Honduras (where a third of interviewees believed impunity was intentional).²⁷ A few even saw impunity as a form of sociopolitical control, again especially in Honduras.²⁸ Hence, journalists frequently distrust the authorities and are wary of engaging with state institutions. They tend to rely on (I)NGOs as key allies when seeking protection and justice from the state at domestic or international level as I will show in Chapters 5 and 6.

²⁶ Mexico: 5/36 (MEX-J3, MEX-J11, MEX-ORG1, MEX-ORG7, MEX-ORG9); Honduras: 3/31 (HON-J15, HON-J19, HON-ORG9)

²⁷ Honduras: 10/31 (HON-J1, HON-J6, HON-J8, HON-J9, HON-J10, HON-J17, HON-J18, HON-J21, HON-ORG8, HON-ORG10; Mexico: 1/36 (MEX-ORG7)

²⁸ Honduras: 3/31 (HON-J3, HON-J20, HON-ORG9); Mexico: 1/36 (MEX-J2)

5 Domestic strategies: demanding justice and protection from state institutions via (I)NGOs

In this chapter, I examine the extent to which journalists exposed to violence and impunity in Mexico and Honduras engaged with the state to demand their right to justice and protection. I show that journalists in both countries engaged with state institutions relatively frequently but generally relied on representatives or intermediaries when doing so, usually (I)NGOs; this was linked to journalists' distrust of the state (Chapter 4), a lack of legal literacy (Chapter 6) and an absence of support from their profession (Chapter 7). (I)NGOs represented a crucial source of solidarity, expertise and resources, encouraging and facilitating journalists' individual interactions with the state via actions such as "accompaniment", legal assistance and lobbying. They strove to act as a "enforcement mechanism" for IHR law and norms on journalists' behalf, improving journalists' chances of state protection and justice and securing some hard-won advances. However, I show that the usefulness of this strategy was context-dependent, i.e. more effective in Mexico than Honduras, especially the capital. I demonstrate that the impact of engaging with the state in most cases was limited, especially in terms of countering impunity; gains were mainly in terms of physical security and legal or formal changes rather than securing justice. Finally, I show that the strategy was also risky, with "revictimisation" and reprisals more likely outcomes than justice, again particularly in Mexico.

Many journalists and (I)NGOs attributed the unsatisfactory and hazardous nature of engaging with state institutions more to a lack of willingness rather than lack of capacity on the part of the state. I suggest that engaging with the state under such circumstances can potentially lead to additional risks for (I)NGOs and journalists and the potential for tensions between them: to what Katzenstein (2013) refers to as "reverse-rhetorical entrapment" of (I)NGOs and strategic engagement – or disengagement – by journalists.

The chapter proceeds as follows. I show how (I)NGOs acted as journalists' key allies by facilitating their engagement with the state to seek justice and protection and analyse the benefits and shortcomings of this strategy. I then consider interviewees' perceptions of the role of lack of state willingness and the potential ramifications for both journalists and (I)NGOs.

5.1 (I)NGOs: crucial allies for journalists engaging with the state but impact context-dependent and limited

Interviews with journalists in Mexico and Honduras indicated that at least half of them had engaged with state institutions to demand their right to justice and protection, but they often chose to do so via trusted third party organisations, most often (I)NGOs, which acted as their representatives (Simmons 2009) or intermediaries (Brysk, 2000; Merry, 2006). In Honduras, journalists mainly relied on local NGOs, especially the specialised NGOs C-Libre and the Association for Democracy and Human Rights (ASOPODEHU, set up by journalist and HRD Dina Meza), and more general human rights NGOs such as the Committee of Relatives of the Disappeared in Honduras (COFADEH)²⁹, and, less often, the human rights ombudsman CONADEH at national or local level. In Mexico, local chapters of the specialised INGOs Article 19, CPJ and RSF played a key role alongside domestic NGOs, in particular Propuesta Cívica (Civic Proposal) and the Center for Communication and Information about Women (CIMAC). The Mexican human rights ombudsmen were largely distrusted, especially at state level.³⁰

(I)NGOs supported journalists to engage with state institutions in three main ways. First and foremost, they “accompanied” or supported journalists to seek appropriate protection measures from the Protection Mechanisms and ensure these were implemented on one hand, and on the other to report attacks to police or investigatory bodies and pressure for investigations. Secondly, (I)NGOs provided legal representation when journalists were prosecuted, brought lawsuits against perpetrators or participated in strategic litigation. Thirdly, in some circumstances, they lobbied the government for improvements to relevant state institutions, policies and laws.

Location was an important factor in both Mexico and Honduras. In both countries, the main (federal or national) state institutions and most (I)NGOs were located in the capital cities, whereas many journalists at risk were based in outlying regions. This sometimes made it more difficult for such journalists to access justice and state protection, particularly in Mexico due to the size of the country and its federal system. For example, journalists displaced to Mexico City due to threats and attacks enjoyed easier access to protection actors, both federal government and non-state actors, compared to journalists at risk based in Veracruz state. This imbalance sometimes made it harder for (I)NGOs

²⁹ Also mentioned were the NGOs PEN Honduras (local chapter of the INGO PEN International), the Centre for the Prevention, Treatment and Rehabilitation of Torture Victims and their Families (CPTRT), the Centre for the Investigation and Promotion of Human Rights (CIPRODEH) and the Association for Participatory Citizenship (ACI-Participa).

³⁰ However, some journalists in Mexico did rely on other state institutions to assist them, including for legal representation (CEAV and CEAPP) and social provision (CEAV).

to support journalists further from the capital to report and follow up on attacks. Limited resources constrained (I)NGOs in terms of how often lawyers and other staff could travel to other regions as well as how many journalists they could support and for how long, making impunity even more likely in the provinces.

I will now discuss each of the three main ways (I)NGOs sought to support journalists to demand justice and protection from the state, using examples of successes, challenges and limitations from both countries.

5.1.1 “Accompaniment” to seek state protection

Half of the journalists interviewed in Mexico and just over a third in Honduras were beneficiaries of government Protection Mechanisms. i.e. they had sought and received protection measures from these programmes.³¹ In Mexico, all of these journalists had opted to join the federal Protection Mechanism based in Mexico City, even though most were based in Veracruz state or displaced from other states, and despite the presence of local Mechanisms in Veracruz state and the capital.³² This points to a higher level of risk outside the capital and a distrust of state-level authorities (see 4.2.1). In Honduras, where there was only one central Mechanism, beneficiaries came from the capital and the north in roughly even numbers, suggesting similar risk levels across the country. In both countries, beneficiaries mainly spoke of receiving police protection and physical security measures, such as bodyguards, telephone numbers to call the authorities in emergencies, regular patrols to their home and/ or office, security cameras and alarm systems in their homes and cars. In Mexico, the measure most commonly cited was a “panic button” which journalists could press to connect them to the authorities and regular phone calls or text messages from the authorities checking on their wellbeing. In Honduras, journalists were given an identity card to prove they were a beneficiary of the Mechanism.

In both countries journalists were typically referred to and/or represented within the Protection Mechanisms by (I)NGOs. Although they were not required to be “accompanied” in this way, a few interviewees indicated that journalists were more likely to get effective support from the Mechanisms if they were. They attributed this variously to (I)NGOs’ greater expertise and knowledge of the system, the fact that they can sometimes expedite procedures, for example in Honduras by

³¹ Mexico: 12/24 (MEX-J1, MEX-J4, MEX-J5, MEX-J7, MEX-J9, MEX-J14, MEX-J16, MEX-J17, MEX-J20, MEX-J21, MEX-J22, MEX-J23; two others had been beneficiaries in the past: MEX-J13, MEX-J24); Honduras: 8/21 (HON-J1, HON-J2, HON-J7, HON-J9, HON-J12, HON-J14, HON-J15, HON-J17).

³² Although two journalists from Veracruz were beneficiaries of both the federal and state Mechanisms (MEX-J20, MEX-J21).

getting legal files directly from the MP in order to speed up risk assessments, and that they can attend Mechanism meetings where they can intervene to reject or propose specific protection measures or pressurise for implementation of those measures. According to Relly and González de Bustamente (2017a), journalists not accompanied by CSOs allegedly received disadvantaged treatment by the Mexican Mechanism.

However, in both countries almost all Mechanism beneficiaries expressed dissatisfaction with these institutions and their protection measures. A major reason was their focus on police protection and physical security measures, which many journalists – and (I)NGOs – saw as inappropriate, given that police are often perpetrators, and inadequate (on Mexico, see also Article 19 et al., 2018; IACHR-UN, 2018; Relly and González-Bustamente, 2017a). Journalists frequently highlighted the tardiness of the police and authorities in responding to emergency calls for help – in Mexico, “panic buttons” were almost universally criticised – or sending regular police or private security escorts (both countries) or police patrols (Honduras). Not infrequently help arrived late or not at all. While a few journalists valued bodyguards, sometimes highly, most noted that their usefulness was limited by lack of funding, especially to cover shifts at night or while the journalists were on assignment (both). For example, two Honduran journalists said that one reason for the unreliability of police bodyguards and patrols was that the force claimed it was sometimes unable to provide their food or even pay their salaries, and asked the journalists they were supposed to be protecting to cover these costs themselves³³; journalist César Silva of UNE TV said he had to turn down police protection because he could not afford it. Moreover, two Mexican journalists who had lived with bodyguards noted that they could be off-putting for sources and limit and put a strain on their personal lives.³⁴

Above all, in neither country did being a beneficiary of the Mechanisms improve journalists’ chances of the attacks and threats that caused them to join the programme place being adequately investigated or prosecuted. The Mechanisms lacked investigation or prosecution powers and depended on specialised prosecutors or the public prosecutor’s offices to probe the attacks and threats that caused beneficiaries to join the scheme. Yet, despite being part of the Mechanisms’ boards, these prosecutors routinely failed to make progress in investigations or to collaborate and coordinate adequately with Mechanism staff or other institutions present on the boards, according to Mechanism representatives and other interviewees, particularly in Honduras³⁵ (on Mexico, see also Article 19, 2018). Protection actors in both countries attested to the sloppiness of investigations

³³ HON-J7, HON-J9

³⁴ MEX-J1, MEX-J9

³⁵ MEX-ORG1, MEX-ORG2, MEX-ORG6; HON-J9, HON-J10, HON-J12, HON-J17, HON-ORG10, HON-ORG2, HON-ORG5, HON-ORG9

and evidence presented by prosecutors³⁶, who lacked autonomy from the executive (Relly and González de Bustamente, 2017a; IACHR, 2019b).

Hence, as Ana Cristina Ruelas, then director of Article 19 Mexico, put it, the Mechanism might guarantee the short-term physical safety of journalists, but by failing to address impunity they failed to protect them long-term. In both countries, being a Mechanism beneficiary frequently failed to prevent new threats or attacks in either country; indeed, in Mexico, at least four journalists had been killed while under the federal Mechanism's protection between 2012 and 2020 (HRW, 2020). The failure to address impunity not only meant a lack of justice and prevention of further attacks but also affected the Mechanisms' sustainability. As a lawyer for the Honduran Mechanism observed, a lack of progress in and resolution of legal cases made it impossible to produce accurate updated risk assessments, meaning beneficiaries had to remain in the Mechanism.³⁷

In both countries, the Mechanisms' limitations existed despite the best efforts of (I)NGOs and journalists. (I)NGOs encouraged and supported journalists to engage with the Mechanisms, while journalists increasingly agreed to engage as beneficiaries, despite their misgivings. Moreover, a significant minority of journalists and protection actors interviewed also took advantage of formal opportunities to contribute to the Mechanisms' running and effectiveness. In Mexico, five interviewees (four journalists and one NGO representative, also a journalist) worked for the federal, Mexico City and Veracruz Mechanisms in an advisory or paid capacity³⁸, while Dina Meza of ASOPODEHU was a civil society representative on the Honduran Mechanism's CNP. There was therefore a substantial degree of engagement on the part of journalists, despite many distrusting the state and its institutions, as well as by (I)NGOs (see Nah, 2020 on the importance of such state-civil society collaboration in protection mechanisms). Despite these efforts, the Mechanisms typically offered only very limited physical protection and no counter-impunity measures. I argue that this is because they are weak by design: they do not address impunity and are often under-resourced, possibly deliberately so.

³⁶ MEX-ORG13; HON-ORG9

³⁷ HON-ORG5

³⁸ 5/36: Federal Mechanism (advisory): MEX-ORG8; Mexico City Mechanism (advisory): MEX-J10 and MEX-ORG9; Veracruz Mechanism (CEAPP) (employed): MEX-J18, MEX-ORG13

5.1.2 “Accompaniment” to report attacks and press for investigations

According to Balbina Flores Martínez, Mexico representative of the INGO RSF, a key challenge in countering impunity for violence against journalists was convincing the journalists in question to report attacks, despite their distrust of the state:

I have always told [journalists] that any [attack] that is not reported to the authorities does not exist. [...] [We have to] make journalists aware that making an official complaint is important [...]. Attacks that are not reported are not investigated. [...] Even if sometimes the complaint [you make] is not investigated, you [still] have to make the authorities accountable for why they are not investigating attacks on journalists.

Interestingly, in general, journalists in Honduras were more likely to report attacks or threats to the authorities than their counterparts in Mexico and much more likely to follow up on these complaints to push for investigations. Two-thirds of Honduran journalists interviewed said they had reported threats or attacks to the Public Prosecutor’s Office (MP)³⁹, some on multiple occasions, and most had followed up on their complaints with the MP⁴⁰, either directly or with the support of NGOs (or, less commonly, CONADEH). By way of contrast, in Mexico, just over half of the journalists interviewed had reported incidents to the authorities⁴¹ – mainly journalists from Veracruz or displaced from other states making complaints to FEADLE⁴², rather than to state prosecutors.⁴³ Of these, more than a third had attempted to follow up with the authorities⁴⁴, all of whom had benefited from assistance from (I)NGO or other intermediaries.

The reason for this difference in journalists’ approach between the two countries was not clear, but several factors are likely to be relevant. Journalists based in Mexico City were less likely than their counterparts in the states or in Honduras to have suffered threats or attacks that they considered serious enough to report to the authorities, even though the vast majority had been threatened or attacked in some way. More Mexican than Honduran journalists said they had faced reprisals for reporting attacks to the authorities or seeking state protection (see below), which deterred some others from doing so. The Honduran journalists were more likely to have worked for NGOs (see

³⁹ 14/21 (67 percent)

⁴⁰ 12/14 (86 percent)

⁴¹ 13/24 (54 percent)

⁴² FEADLE (11/24): Mexico City (2): MEX-J23, MEX-J24; Veracruz (5): MEX-J13, MEX-J14, MEX-J17, MEX-J20, MEX-J21; displaced (4): MEX-J4, MEX-J5, MEX-J9, MEX-J22.

⁴³ State prosecutors (6/24): Mexico City (2): MEX-J1, MEX-J23; Veracruz (3): MEX-J13, MEX-J14, MEX-J17; other (1): MEX-J7).

⁴⁴ 5/13 (38 percent): MEX-J4, MEX-J5, MEX-J17, MEX-J22, MEX-J23

2.3.3), potentially increasing their awareness of the importance of such accountability actions and their access to assistance to do so.

However, although journalists in Honduras were more likely to report and follow up on attacks than their counterparts in Mexico, this did not appear to make it any more likely they would secure justice. In both countries, very few of the journalists said their complaints had led to any serious investigation, let alone a conviction. This was particularly disconcerting in Mexico, where FEADLE secured only four convictions from 803 preliminary investigations between its creation in 2010 and March 2018, an impunity rate of 99.6 percent (Propuesta Cívica, 2018b: 45).⁴⁵ Although since 2012 FEADLE is supposed to exercise jurisdiction over all crimes against journalists, no matter where they take place, it very often declined to do so (see also Article 19, 2018; IACHR-UN, 2018). According to Sara Mendiola, director of Propuesta Cívica, FEADLE took advantage of ambiguities in the law to say that it was empowered but not obliged to take cases over from state prosecutors. As a result, most crimes against journalists were still investigated at local level (Article 19, 2018). This made it harder for (I)NGOs, which were mainly based in the capital, to monitor and follow up on cases, unless they succeeded in having cases transferred to FEADLE in Mexico City⁴⁶, which could be a protracted process. Mendiola said that it took Propuesta Cívica almost a year to have the case of murdered journalist Miroslava Breach transferred, due to resistance first by FEADLE and then by the Chihuahua state prosecutor and governor.

Being represented by an (I)NGO improved the chances that attacks reported by journalists would be investigated, prosecuted and punished, according to some (I)NGO representatives interviewed, albeit slightly. According to Ruelas of Article 19, the INGO had represented the journalist or their family in three out of four of the cases where FEADLE had secured convictions as of early September 2018. FEADLE was more responsive when a case was represented by Article 19, said Ruelas, because it knew that the INGO would employ lobbying and communications as well as legal strategies; she added that this demonstrated a differentiated access to justice. Propuesta Cívica's perseverance in Miroslava Breach's case resulted in a 50-year prison sentence against her killer in August 2020 (CPJ, 2020). In Honduras, the NGO Reflection, Research and Communication Team (ERIC-SJ) successfully pressured for prosecution and conviction in the case of the 2014 murder of Carlos Hilario Mejía Orellana, the longstanding marketing and advertising manager for its sister organisation Radio Progreso (MP, 2017).

⁴⁵ Although FEADLE's conviction rate improved in 2018 and 2019 – see 5.3.

⁴⁶ MEX-ORG2, MEX-ORG3

But such cases are unfortunately the exception, not the rule. In practice, even journalists supported by (I)NGOs or other organisations are only slightly more likely to get justice than those who do not, meaning new attacks and threats are not deterred.

5.1.3 Legal action

(I)NGOs and other protection actors also used the judiciary to seek protection and justice for journalists at risk. They provided legal representation for journalists who were being prosecuted or were suing perpetrators; both types of case often involved state officials. They sometimes also led on strategic litigation cases involving journalists, that is they used an individual case in order to expose and raise awareness of wider injustices, set important legal precedents and help bring about a change in law, policy or practice (Trial International, 2021).

For example, in Honduras, ASOPODEHU was supporting Dunia Montoya, a journalist for the magazine *Vida Laboral* in the northern town of El Progreso, Yoro department, to sue one of several policemen responsible for seriously assaulting her while she was filming police repression of a protest in 2015. Following an apparently targeted attack, Montoya was hospitalised for a dislocated shoulder and extensive swelling and suffered long-term health problems and emotional distress. Despite the case being difficult and slow, Montoya believed that a precedent needed to be set in order to stop police repression and to prove what was happening to journalists who work for the alternative media. “If you don’t complain, the police feel empowered to carry on attacking people.” She said the legal support from ASOPODEHU and Dina Meza had been vital because you have to apply pressure to the authorities in order to get progress: to follow up, to try to speed up the process and to prevent the case from being dropped. The NGO’s contacts with other human rights organisations which had helped support her had also been essential, said Montoya.

ASOPODEHU had successfully defended journalist Jairo López, who was sued for defamation in 2015 by a local media owner said to be close to President of Congress Mauricio Oliva, by making creative use of legal avenues. In 2017, the NGO brought a complaint against the judges presiding the case for allegedly losing the evidence in López’ defence and for repeated delays in the trial, which affected his right to due process. As a result of the complaint to the Courts Inspectorate, the MP’s Prosecutor of Officials and the Choluteca Court of Appeals, the judges recused themselves from the trial in August 2017 (Meza, 2017). Following further delays and the plaintiff’s failure to attend proceedings, ASOPODEHU requested the case to be withdrawn, leading to its final dismissal in September 2018⁴⁷

⁴⁷ HON-J1.

(Meza, 2018). According to Meza, one had to make use of the Honduran justice system even though it was barely functional:

You have to be persistent. If [the authorities] tell you no [...] you have to look for an alternative [...] you have to be persistent in seeking out these nooks within the justice system which, despite its collusion, we can make use of.

In a strategic litigation case in Mexico, Article 19 successfully supported Veracruz-based journalist Miguel Angel León to sue the then State Prosecutor, Jorge Winckler, for blocking him on Twitter in 2017. The Prosecutor was a key reference point for León's reporting on enforced disappearances in Veracruz and given that Winckler rarely gave interviews or made any information public his Twitter account was an important source of information. The Supreme Court found in León's favour in March 2019, confirming a May 2018 ruling by a Veracruz Court ordering Winckler to unblock the journalist, and setting an important precedent for the respect of the right to freedom of expression and information online, according to Article 19 (2019b). Also in Mexico, RSF and Propuesta Cívica were working to secure legal recognition from the authorities of the enforced disappearances of journalists Mauricio Estrada Zamora (2008) (Propuesta Cívica, 2018a) and Ramón Ángeles Zalpa (2010) (RSF, 2010), both still unsolved, so that their family members could legally access their homes and other property. In future, the organisations planned to work on the issue of reparations for the families of disappeared journalists. Flores of RSF emphasised that this was part of a much wider issue affecting the families of thousands of other victims of enforced disappearance in Mexico.

Legal action was a powerful tool for protecting journalists from legal attacks, pushing for accountability of perpetrators and for setting precedents strengthening freedom of expression and information and related rights: for forcing a weak and corrupt justice system to work. Journalists in both countries clearly placed a high value on such legal representation. However, (I)NGOs' capacity to provide legal representation for journalists was relatively limited in both countries, leaving (I)NGOs with tough decisions to make as to whether to prioritise reactive or strategic cases. In Honduras, C-Libre and ASOPODEHU were the main sources of legal support: C-Libre had two lawyers and was representing 12 journalists, and ASOPODEHU had just one lawyer. In Mexico, only two (I)NGOs were mentioned as providing legal advice for journalists, despite the size of the country, Article 19 and Propuesta Cívica. According to Ruelas, Article 19 had three lawyers but represented a relatively small number of cases (10 at the time of interview), selected on the basis of the victim's vulnerability and the potential to set precedents, among other criteria; in practice, most cases were relatively high-profile. She said that Article 19 did not take on cases where the perpetrator was involved in organised crime on the grounds of staff safety – understandable but also a significant

limitation, given the scale of the problem of OCGs and their infiltration of state institutions. According to Mendiola, Propuesta Cívica, with some five lawyers, represented around 35 journalists at any one time⁴⁸; its policy of seeing cases through to the end of the legal process, which can take years, meant it could not take on all the new cases it wanted to, for example, journalist killings where the official investigation had stalled and the family was receiving no legal support.⁴⁹

In Mexico, several protection actors suggested that there was a need for (I)NGOs to collaborate more on legal action. According to Lucia Lagunes, director of CIMAC, Article 19 and Propuesta Cívica lacked a coordinated strategy on strategic litigation, which she speculated may be linked to competition between the two organisations, especially for funding. According to Mendiola, while Propuesta Cívica aimed to undertake strategic litigation, its limited capacity meant it was struggling to provide even reactive legal support to journalists in emergency cases, for example those who were displaced or facing arrest. Flores (RSF) also felt there was a need for more collective work between organisations in order to make progress in complex cases such as the enforced disappearance of journalists, which was one reason why RSF and Propuesta Cívica had had teamed up.

Moreover, legal cases were often long, drawn-out processes that could go on for years, and were time consuming and resource intensive (see also UN, 2017c: 26), not only limiting the number of cases (I)NGOs could take on, but also taking their toll on journalists, including emotionally. For example, in Honduras, hearings in Dunia Montoya's case against the police were repeatedly postponed without her or ASOPODEHU being notified in advance, wasting time, money and energy, particularly of ASOPODEHU's staff, who made unnecessary trips from the capital to the north of the country.⁵⁰

5.1.4 Lobbying

In both countries, but particularly in Mexico, (I)NGOs were increasingly working together in small groups or coalitions to pressure the authorities for journalist protection or on broader issues such as impunity or justice system or media reform. For example, Espacio OSC is a coalition of Mexican (I)NGOs, including Article 19, Propuesta Cívica and CIMAC, formed to monitor the implementation of the federal Protection Mechanism. The broad-based coalitions #VamosPorMás and #FiscalíaQueSirva pressured the Mexican government to create a new National Prosecutor's Office

⁴⁸ Propuesta Cívica also represents HRDs.

⁴⁹ In Mexico, some journalists also benefited from free legal advice beyond (I)NGOs, for example from CEAV, CEAPP, university legal clinics and pro bono private lawyers.

⁵⁰ HON-J1

(FGR) to replace the federal Attorney General (PGR), a political appointee lacking in autonomy⁵¹ (Rosales Alvarado, 2018). In Honduras, the Coalition Against Impunity (CCI), which brings together some 55 human rights groups to document and bring human rights violations to the attention of national authorities and international bodies, provides a space for coordination around the Protection Mechanism, since its members include the two civil society representatives on the Mechanism's CNP.

Such initiatives have sometimes managed to bring about important changes, again particularly in Mexico. Pressure by Mexican civil society, in conjunction with international actors, played a key role in the creation of the federal Protection Mechanism (Joloy 2013) and CEAPP, both in 2012, the Constitutional amendment that enabled FEADLE to take over investigations and prosecutions of crimes against journalists, freedom of expression or the media from state and local authorities (2013), and the establishment of CEAV (2014) (Article 19, 2018). In 2018 alone, FGR was finally created, Espacio OSC was involved in approving Ministry of the Interior guidelines (SEGOB, 2018) for officials to recognise the work of journalists and HRDs⁵² and in reviewing the Mechanism's risk assessment methodology and protocols, while Propuesta Cívica, RSF and others worked with FEADLE on a new investigation protocol focusing on freedom of expression⁵³ (PGR, 2018; RSF, 2018b). In Honduras, CCI's agreed positions had helped ensure higher level representation by the authorities at the Mechanism's NPC meetings.⁵⁴

These are impressive achievements, particularly in Mexico. As seen, civil society there is generally more able to act as a de facto "enforcement mechanism" pressuring government to comply with IHR law and norms than in Honduras, due to more blatant government restrictions on civil society and the media and generally poorer political and socioeconomic conditions in the latter (Chapter 4). The data from this study showed that this distinction clearly also applied to NGOs assisting journalists at risk: compared to Honduras, in Mexico there were more and better resourced NGOs, three of which were INGOs, and well connected with IHR actors including donors. Above all, such Mexican (I)NGOs appeared to be more able to work together and to interact directly with government than their Honduran counterparts, meaning they could make use of lobbying as well as legal action and "accompaniment". Mexican (I)NGOs worked extensively with state institutions, including the Protection Mechanisms and FEADLE. (See Engstrom, 2019, on the importance of civil society access to officials in pressing for state compliance with IHR commitments). The backing of IHR actors

⁵¹ MEX-ORG4, MEX-ORG9

⁵² MEX-ORG6

⁵³ MEX-ORG2, MEX-ORG3

⁵⁴ HON-ORG6

present in-country seemed to play a role in facilitating relations and communication between civil society and the government in Mexico compared to Honduras (see Chapter 6).

These findings differ somewhat from Relly and González Bustamente (2017a: 134)'s conclusion that the ability of Mexican CSOs and NGOs focusing on violence against journalists to mobilise and pressure the government has overall been "quite weak". They attribute this to various factors, including domestic civil society's unwillingness to engage with the state, poor coordination among local CSOs and, in particular, a lack of unity among NGOs and professional associations, due in part to lack of and competition for resources. This difference in findings is likely due to the authors' comparison of Mexican and transnational civil society, whereas this study compares Mexican and Honduran civil society, including their international support. It is also likely due in part to changes in Mexican civil society since the authors' data collection in 2013-2014. Several protection actors interviewed for this study (in 2018) noted that in recent years (I)NGOs in Mexico City had started to overcome differences and become more willing to collaborate⁵⁵, not only with each other but also with organisations beyond those the traditional human rights sector, such as anti-corruption groups and the private sector.⁵⁶ Ruelas of Article 19 dated this change to 2014, which saw both the Ayotzinapa case (see Chapter 4) and the Casa Blanca scandal⁵⁷, but also attributed it in part to a decision by international donors to fund collective projects rather than individual organisations. However, Balbina Flores of RSF felt that Mexican civil society had been increasingly proactive and willing to engage in advocacy with the government since around 2000 and particularly since 2006, which saw the onset of the militarised "war on drugs" in 2006 that sparked the ongoing wave of violence and human rights violations, including against journalists.

In Honduras, by way of contrast and as seen in Chapter 4, the 2009 coup and ensuing human rights crisis had generally polarised civil society rather than brought it together, causing deep divisions and distrust within civil society and between civil society and the state. NGOs were less able to act as a de facto "enforcement mechanism" in relation to journalists at risk than in Mexico because they had less access to resources, were less well connected internationally (see Chapter 6) but, above all, because civil society was more obviously restricted by the government and less cohesive. Interviewees in both countries viewed journalists' associations as co-opted and of little assistance to most journalists (see 7.1). NGOs supporting journalists at risk, meanwhile, were less able to

⁵⁵ MEX-ORG1, MEX-ORG3, MEX-ORG4, MEX-ORG6

⁵⁶ MEX-ORG1, MEX-ORG4, MEX-ORG9

⁵⁷ The "*Casa Blanca*" (White House) scandal was a November 2014 exposé of an alleged conflict of interest on the part of former president Enrique Peña Nieto with a state contractor who built a million-dollar home for him and his family; the breaking of the story by renowned journalist Carmen Aristegui and her colleagues caused them to be illegally dismissed by MVS Radio (Higuera, 2018).

collaborate with one another than in Mexico. Several interviewees, both journalists and NGO representatives, observed that the various NGOs that assisted journalists suffered at times from tensions and a lack of solidarity, which they attributed variously to a culture of individualism, leadership struggles, competition for resources and different visions and work methods, in particular in relation to victims. This plus their very limited ability to interact with and make demands of the government and decision-makers limited their impact.

Such Honduran NGOs felt “excluded” from interacting with government, leaving them much less able to pressure and influence it. Chiming with the vision of a civil society whose influence is restricted by government via co-optation and exclusion (see Chapters 3 and 4), several Honduran interviewees believed that there were in effect two parallel civil societies in their country: the “real” (i.e. “excluded”) civil society, organisations that are genuinely independent from the state and pursuing social goals; and a “fake” (i.e. less independent or co-opted) one that is manipulated by the state in order to whitewash and lend credibility to its views and actions on the domestic and international stage. The latter could be divided into various categories: NGOs and CSOs that were merely reluctant to criticise the government or do anything to jeopardise funding from the government or the USA; those whose leadership was perceived to have been co-opted by the government, such as ASJ⁵⁸; and those used as vehicles for embezzling or laundering funds, often by politicians⁵⁹, damaging the credibility and public trust enjoyed by other, legitimate organisations (see Chapter 4).

According to CCI spokesperson Guillermo López Lone, the Honduran government tended only to meet with and consult this less independent or co-opted section of civil society, both at national level, for example, regarding police reform and the re-election of the Attorney General in 2018, and in relation to international human rights mechanisms. The “excluded” civil society had to fight to be heard and its members were commonly stigmatised and attacked because of their independent and critical stance towards the government.⁶⁰ For example, CCI was regarded by interviewees as an important and collegiate space to work together and coordinate nationally and it had been successful in having the majority of its recommendations taken up at international level. However, it remained very difficult for the coalition to dialogue directly with the national authorities due to a lack of spaces to do so. As a result, beyond its input to the Protection Mechanism’s CNP via two of its member organisations, CCI had to rely on legal action and public campaigns rather than lobbying to

⁵⁸ HON-J1, HON-J12, HON-ORG6, HON-ORG10 (also C-Libre, 2018: 37).

⁵⁹ HON-J5, HON-J11, HON-J12

⁶⁰ HON-J20

push for changes at domestic level.⁶¹ In fact, the only protection actor interviewed that alluded to being able to meet regularly with government was the president of the Honduran Journalists' Association (CPH)⁶², which was widely regarded as co-opted (see 7.1).

Hence, both the data and literature provide evidence to back up a view of a section of Honduran civil society that is "excluded" by the government. However, it is worth noting that IHR mechanisms such as UN and IACHR special rapporteurs and IHR actors like INGOs have regularly met with local NGOs, journalists and HRDs in Honduras that felt themselves to be "excluded". Moreover, some of the latter may be reluctant to engage with the government, including for fear of legitimising it (Van der Borgh and Terwindt, 2014). For example, in May 2018 Dina Meza and the other civil society representatives of the NPC reportedly refused to attend a meeting with President Hernández or commence any other dialogue with the authorities until police and other attacks on HRDs ceased (RI, 2018b).

However, ironically, this varying ability of domestic civil society between countries to interact with and pressure its government may not ultimately make that much difference. Even the apparently significant advances achieved via civil society pressure in Mexico often turn out to be superficial in practice: changes at formal, legal or institutional level that result in few concrete improvements in terms of reducing impunity or improving protection. As seen above, FEADLE was largely ineffective and the federal Protection Mechanism was deeply flawed, while it remained to be seen if the various protocols and guidelines developed in conjunction with these (I)NGOs would actually be implemented. The new federal prosecutor has been in post since early 2019 but has proven to be less than completely autonomous from the executive (WOLA, 2021). Some journalists and protection actors believed that such cosmetic changes are a part of the Mexican government's "simulation" of human rights protection and counter-impunity initiatives for the benefit of the international community (see Chapter 6).

5.2 "Revictimisation", repression and reprisals

Beyond being context-dependent and having limited positive impact, seeking justice and protection from state institutions, even with the support of (I)NGOs, could actually worsen journalists' security situation. There was potential for "revictimization", harassment and other reprisals against journalists – a more likely outcome than justice, especially in Mexico. Seeking justice also absorbed time, resources and energy and could be a distraction from journalism. In the experience of some

⁶¹ HON-ORG6

⁶² HON-ORG2

journalists interviewed, such institutions were not fit for purpose: at best, incompetent and unethical, at worst corrupt and criminal. Hence journalists' lived experiences of engaging with state institutions could serve to deepen their distrust of the state.

In Mexico in particular, the journalists interviewed cited numerous examples of how state institutions designed to safeguard their right to justice and protection not only failed to do so but also further violated their rights. Most incidents of this sort related to federal institutions, perhaps because most of the journalists avoided engaging with state authorities due to lack of trust, with the worst offender by far being FEADLE, which more than a third of journalists interviewed alleged had mistreated them.⁶³ Those most affected by ill-treatment by FEADLE and the federal Protection Mechanism were journalists from Veracruz and displaced from other states. Journalists spoke of "revictimization", including facing excessive bureaucracy and insensitive treatment, as well as being subjected to threats, harassment and reprisals when seeking to report attacks against them to FEADLE and as beneficiaries of the federal Protection Mechanism, especially those critical of it.

In both countries, there was a culture of victim-blaming by the authorities and, especially in Mexico, repression and reprisals on the part of state institutions. For example, in Mexico two journalists said FEADLE had attempted to blame them for the attacks against them or to criminalise them or family members⁶⁴ (see also: Article 19, 2018). In Mexico more generally, journalists' experiences also indicated a pattern of repression of journalists' rights by FEADLE and state prosecutors.

Several interviewees accused FEADLE of "revictimizing" journalists.⁶⁵ For example, investigative journalist Anabel Hernández explained why she had eventually stopped personally reporting and following up on the threats and attacks on her and asked Article 19 to take over:

Every time I went [to the Prosecutor's Office] they made me [recount the] attacks [I have suffered] over and over again [...]: decapitated animals left at my front door, [...] attacks on my family [...] the revictimization has been constant because every time I go to the Prosecutor's Office they make me retell th[ese] stor[ies] without them having done anything to prevent any of these attacks. Humanly, I can't do it anymore, I can't. It's exhausting, it's traumatic, it's irritating, [...] I feel that the government is mocking me every time I go. I can't. It revictimizes me, it's offensive, it's degrading, I can't do it anymore because if I do, I'm living for that and not living to do my job or to [be] with my family.

⁶³ 9/24: 6 from Veracruz (MEX-J13, MEX-J14, MEX-J16, MEX-J17, MEX-J20, MEX-J21), 2 displaced (MEX-J9, MEX-J22) and 1 from Mexico City (MEX-J23).

⁶⁴ MEX-J9, MEX-J20

⁶⁵ MEX-ORG1, MEX-J4, MEX-J23

Including Hernández, five journalists – most female and from outside Mexico City – said FEADLE had refused to let them report crimes or discouraged them from doing so⁶⁶ for various reasons, including because it said the perpetrator was too dangerous or powerful⁶⁷ or the crime was not serious enough.⁶⁸ Two female journalists from Veracruz, Norma Trujillo, who heads up the journalists’ group Colectivo Voz Alternativa, and Sandra Segura, journalist for *Notiver*, said that when they had tried to report threats against them FEADLE had subjected them to psychological tests and concluded that they were, respectively, not sufficiently affected for the alleged crime to have occurred or for the prosecutor to pursue it. Similarly, Miguel Ángel Díaz González, director of Plumas Libres website and also from Veracruz, said he had tried to report the surveillance and harassment that he was facing but FEADLE would not let him do so because he had not been physically attacked.

In other cases, FEADLE was accused of trying to use victims’ complaints to further its own agenda.⁶⁹ For example, Noé Zavaleta Veracruz correspondent for *Proceso*, said that FEADLE seemed to want to use his case to incriminate then Veracruz governor Javier Duarte, who was later given a nine-year prison sentence for criminal association and money laundering (Agren, 2018), even though Zavaleta said he had never claimed that the threats against him came from Duarte. Cynthia Valdez, a journalist displaced from Sinaloa state, said that when she tried to report the threats against her to FEADLE it insisted she make a statement in connection with the recent murder of her colleague Javier Valdez (no relation), also from Sinaloa, and seemed to want to push her to indicate that his death was a crime of passion and not related to his work. She refused to comply and as a result was unable to obtain the official record of the threats against her that she needed to access support from CEAV. Two journalists said that they had felt threatened by FEADLE in the past.⁷⁰ Luis Cardona from Chihuahua state said that the PGR police commander responsible for investigating his kidnapping advised him to stop pursuing the case due to possible reprisals from his abductors, which he interpreted as a warning.

Investigative journalist Humberto Padgett accused the Mexico City Prosecutor (PGJ) of a serious breach of confidentiality that compromised his security. According to Padgett, during the trial of some drug dealers who assaulted him and threatened to kill him on a university campus in 2017, he received a letter from the accused’s lawyers at his home address. Since he had only provided this information to the Prosecutor he assumed that the latter had leaked it to the accused, despite the

⁶⁶ Mexico City (MEX-J23); Veracruz (MEX-J14, MEX-J16, MEX-J21); displaced (MEX-J9)

⁶⁷ MEX-J23

⁶⁸ MEX-J14, MEX-J16, MEX-J21

⁶⁹ MEX-J9, MEX-J13

⁷⁰ MEX-J17, MEX-J22

then Mexico City mayor, Miguel Mancera, having assured him his details would be kept confidential. Given the accused's alleged links to OCGs, this resulted in the federal Protection Mechanism increasing Padgett's security measures to include 24-hour armed bodyguards. This was not an isolated case but an example of a known practice: two journalists who said that they had decided not to report attacks against them had been put off by similar stories of prosecutors, especially FEADLE, leaking victims' personal details or using the information to persecute them.⁷¹ Padgett himself said that he had not pursued a separate 2016 complaint he lodged with the Mexico City Prosecutor after he was assaulted by city police because he "didn't want any more problems with the police" and preferred to get on with his work.

The federal Protection Mechanism, like FEADLE, was also accused of "revictimizing" journalists and in some cases being responsible for threats and harassment.⁷² For example, Norma Trujillo from Veracruz said that the federal Mechanism had recently called her on her "panic button" telling her to stop reporting on the alleged kidnapping of teachers in the state. Cynthia Valdez reported reprisals after she began to work with a small group of other displaced journalists based in Mexico City to pressurise the Mechanism to meet their unresolved needs, including lack of school places for their children (see 7.2.1). She said that her gas and electricity supply was disconnected, food supplies were delivered to her already going bad and she was told that she and her family would be relocated to Mexico State, despite her security plan specifying she should be located in Mexico City and Mexico State having a very poor security record.

Two journalists who actively sought justice for attacks by participating in the prosecution of their perpetrators (Humberto Padgett, Mexico) or by suing them (Dunia Montoya, Honduras), officials in both cases, also reported being subject to serious reprisals by local authorities. For example, the police officer charged with assaulting Montoya in 2015, who was released on bail pending trial and not discharged from his duties, undertook a violent raid on her family home in January 2018 (C-Libre, 2018b); Montoya and ASOPODEHU requested an official investigation and for the accused's bail conditions to be reviewed, but to no avail. Montoya said that during hearings up to 15-20 policemen would stand outside the courtroom, which she saw as a form of intimidation.

Legal cases are often long, drawn-out processes that can go on for years, and are time consuming and resource intensive, not only limiting the number of cases (I)NGOs can take on, but also taking their toll on journalists, including emotionally. Hence they often require support for the journalist

⁷¹ MEX-J5 and MEX-J24 respectively.

⁷² MEX-J9, MEX-J14, MEX-ORG1, MEX-ORG7

concerned beyond the legal, such as contacts with other local NGOs, as seen in Montoya's case in Honduras, or psychological support, which the NGO Propuesta Cívica in Mexico had recently started providing via a partner NGO⁷³ in recognition of the negative impact that lengthy legal processes can have on journalists' and HRDs' mental health.⁷⁴

According to Montoya, securing justice depends on the victim's perseverance, the time and resources they have available to them and carries risks: "Not everyone is willing and [the authorities] take advantage of this so that cases often end up being abandoned." Several journalists, particularly in Honduras, indicated that they felt they were in a war of attrition, where the authorities aimed to wear them out so they would give up.⁷⁵

5.3 Lack of state capacity vs. lack of state willingness

A substantial proportion of interviewees in both countries believed that the unsatisfactory and risky nature of engaging with state institutions was due more to lack of state willingness than lack of state capacity. However, some, particularly in Mexico, also acknowledged that prosecutors and protection mechanisms alike faced significant resource challenges such as a lack of funding and adequate numbers of appropriately skilled staff that contributed to their ineffectiveness. For example, in Mexico, several interviewees highlighted the inadequacy of FEADLE's budget, which was cut by more than half between 2014 and 2018 (FEADLE, 2018), and especially that of the federal Protection Mechanism, which was reportedly slashed by almost 90 per cent between 2013 and 2017 (Article 19 et al., 2018: para. 23). The Mechanism also faced a substantial shortfall in funds to cover the implementation of protection measures in both 2017 and 2018⁷⁶ and further cuts in late 2020 (HRW, 2020). Indeed, the lack of capacity of Mexican state institutions responsible for protecting journalists, not only FEADLE and the federal Mechanism but also CEAPP, CEAV and CNDH, is well documented (e.g. Anaya-Muñoz, 2019, 2009; Joloy, 2013; Relly and González Bustamente, 2017a; Keck and Sikkink, 1998). Similarly, in Honduras a few interviewees acknowledged that the lack of adequate investigations could be attributed in part to a lack of funding, staff and training within the MP and particularly the police. International commentators have also identified these challenges within the MP and its specialised prosecutors, such as FEDCV, the Special Prosecutor for Human

⁷³ Aluna Acompañamiento Psicosocial (<https://www.alunapsicosocial.org/>)

⁷⁴ MEX-ORG2

⁷⁵ MEX-ORG7; HON-J1, HON-J12, HON-J17

⁷⁶ MEX-J13, MEX-ORG6, MEX-ORG8

Rights and FEPRODDHH (IACHR, 2019; Owens, 2014), as well as the Mechanism (IACHR, 2019b; OHCHR, 2019, UN, 2019).

But interviewees emphasised that lack of state capacity alone could not explain the persistence of impunity for violence against journalists and in general. Around a quarter of interviewees in Mexico and 30 percent in Honduras believed that the underfunding of such institutions was the result of government decisions about resource allocation rather than lack of resources and was often used as a pretext for lack of implementation.⁷⁷ According to Jan-Albert Hootsen of CPJ Mexico:

[Mexico] is the world's 15th largest economy [...]. The Mexican state has a lot of money, more than enough to spend US\$2,500 million on official advertising million in [the] six years [of Peña Nieto's administration]⁷⁸, [but] not even US\$1m a year on FEADLE.⁷⁹ It's not a question of lack of money or resources, it's a question of lack of allocated, earmarked resources – that's the problem.

Hootsen added that all human rights policies and institutions in Mexico suffered from a similar lack of allocated resources (see also AI, 2019; Anaya-Muñoz, 2019). Lucia Lagunes of CIMAC, who was a member of the federal Mechanism's advisory council, said of the Mechanism's annual budgetary shortfall that it was "absolutely clear" that this was a problem deliberately created by the federal government. In the case of FEADLE, as seen, it frequently declined to exercise jurisdiction over crimes against journalists. Moreover, the frequent changes in FEADLE's leadership, three different incumbents in five years (see Article 19, 2018: 98), had impeded continuity and progress.⁸⁰ Although there had been a sharp rise in convictions of perpetrators of crimes against journalists since a new director⁸¹ took over at FEADLE in 2017 – 10 convictions between 2018 and September 2019 compared to four between 2012 and 2017 – most related to less serious offences such as "abuse of authority", not emblematic cases or killings⁸² (see FEADLE, 2019: 5). Yet the fact that the latest director had brought far more cases to court and secured many more convictions in far less time than his predecessor⁸³, despite having only half the funding, strongly suggests that the improvements were attributable to his staff being given different orders rather than any institutional improvements, and that the previous lack of progress was due to lack of political will.

⁷⁷ Mexico: 9/36 interviewees (MEX-J2, MEX-J3, MEX-J6, MEX-J10, MEX-J11, MEX-J13, MEX-ORG3, MEX-ORG7, MEX-ORG8); Honduras: 9/31 (HON-J7, HON-J9, HON-J10, HON-J16, HON-J17, HON-J20, HON-ORG1, HON-ORG6, HON-ORG9)

⁷⁸ See Barragán (2018)

⁷⁹ See Article 19 et al. (2018: para. 23)

⁸⁰ MEX-ORG9

⁸¹ Ricardo Sánchez Pérez del Pozo

⁸² MEX-ORG3, MEX-ORG6, MEX-ORG7

⁸³ Ricardo Nájera

In Honduras, some interviewees also felt that any under-resourcing of the MP and justice system was deliberate, some pointing to considerable rises in spending on security and defence⁸⁴ (see also (UN, 2017a: para. 11). According to López Lone of CCI, the police, MP, judiciary and army had all received large amounts of funding to improve their work (see also IACHR, 2019b: para. 78-9 on MP budget rises 2017-19). Several interviewees mentioned Eurojusticia⁸⁵, the EU's 31.1 million Euro multiyear programme to help reform the Honduran justice system (2013-2019), including the MP, FEDCV and the judiciary (EU, 2021). The MP's budget and number of prosecutors doubled between 2012 and 2019, yet impunity remains widespread (UN, 2019: para. 9). Several protection actors⁸⁶ pointed out that the MP's lack of commitment to countering impunity for violence against journalists and preventing further attacks was demonstrated by its failure to ensure that it and the specialised prosecutors responsible for investigating crimes against journalists attended Mechanism (NPC and Technical Committee) meetings; instead, they illegally delegated attendance (SDHJGD, 2015: Art. 21) to various junior members of staff who lacked both sufficient knowledge of cases being discussed and decision-making power (see also AI, 2018).

In both countries several interviewees believed that prosecutorial resources were used selectively and to political ends: to protect those with power and money rather than the rights of citizens, to prosecute journalists and government critics rather than those who attack them.⁸⁷ They felt that the justice system was in effect an "injustice system", as Mexican journalist, filmmaker and former war correspondent Temoris Grecko put it, weaponised against, rather than at the service of, the people. Certain cases which were a priority for the authorities were investigated and resolved speedily such as prosecuting protesters (see also: CCI, 2018; OHCHR, 2018). Convictions in crimes against journalists were rare and of material rather than intellectual authors, while cases where the masterminds were known but were powerful, like that of Mexican journalist Lydia Cacho, stalled.⁸⁸

Hence, it is less a case of a system that does not work but one that works for purposes other than those formally stated. In Honduras, according to López Lone of CCI: "Institutions play a merely formal role, they lack autonomy and independence, because they are not operating according to the Constitution or their own laws but on the basis of the interests of a certain political group." There was, he said, a "lack of political will to ensure these institutions do their job, because they are [...] captured by the political interests of the current rulers and by criminal networks," adding that "in

⁸⁴ HON-J7, HON-J9, HON-J10, HON-J17, HON-J20, HON-ORG1, HON-ORG6

⁸⁵ HON-J10, HON-J11, HON-J16, HON-ORG9

⁸⁶ Including HON-ORG5, HON-ORG9

⁸⁷ e.g. MEX-J2, MEX-J8, MEX-J10, MEX-ORG7; HON-J3, HON-J8, HON-J17, HON-ORG8

⁸⁸ Although the former state governor accused of ordering Cacho's torture is finally now detained pending trial (Guardian, 2021)

such circumstances it is difficult to see how impunity can disappear.” Award-winning human rights Mexican journalist Daniela Rea of *Pie de Página* – a publication of NGO Journalists on the Ground (PdP) – agreed: “Impunity helps [the government]. [...] I think we need to think less naively [...] that the system doesn’t work because there are no resources.”

This was not to say there was a complete absence of state willingness to comply with IHR law commitments within the government and state, according to a few interviewees, especially IHR actors based in Mexico City, but that such willingness existed in pockets, at the level of individual officials or institutions rather than being systematic.⁸⁹ Mexico’s federal system is a factor in impunity since it, combined with the state’s dysfunctionality, means that the federal government has very little control over the actions of state or municipal authorities, which are responsible for most attacks on journalists by officials.⁹⁰ While the federal government often used this as a pretext for not addressing impunity, it was often a reality as well, according to Imma Roca i Cortes, deputy head of the EU delegation in Mexico. However, Mexican protection actors – including senior employees of the federal Mechanism – emphasised the absence of high-level support for ending violence against journalists and impunity, which meant that the issue was not seen a priority or a state policy, limiting implementation⁹¹ (see also Rely and González de Bustamante, 2017a).

In sum, limited state capacity to address violence against journalists and impunity is a real issue in Mexico and Honduras, while journalists’ (I)NGO allies face numerous challenges around resources, location and their ability to collaborate with other civil society actors and around relations with and influence over the government. However, there is a risk that focusing too much on lack of state capacity and the “strength” or “weakness” of civil society (see for example Rely and González de Bustamante, 2017a: 136-8) can obscure an equally real lack of state willingness. As noted in Chapter 3, and as Anaya-Muñoz (2019) argues with regards to Mexico, state willingness tends to be overlooked in the IR and politics literature on translation of and compliance with IHR law and norms; this study suggests that it is a vital factor to which more attention needs to be paid.

5.4 Additional risks: tensions, “reverse-rhetorical entrapment” and strategic engagement

As seen, lack of political will was an important factor in the failings of state institutions to protect journalists and counter impunity in Mexico and Honduras. A significant minority of journalists

⁸⁹ e.g. MEX-ORG9, MEX-ORG10; HON-J16

⁹⁰ MEX-ORG9, MEX-ORG10

⁹¹ MEX-J17, MEX-ORG6, MEX-ORG7, MEX-ORG8, MEX-ORG9, MEX-ORG10, MEX-ORG13

doubted that their governments intended such institutions to be effective. I suggest that engaging with state institutions in such circumstances could lead to additional risks for (I)NGOs and journalists and the potential for tensions between them. For (I)NGOs – and by extension their journalist beneficiaries – there is a danger of being trapped into engaging with state institutions whose creation they have called for but which in practice is unpredictable, ineffective and risky. For journalists at risk there is a real question about whether engaging with institutions is worth it and, if they do, the terms on which they are prepared to engage; they do not necessarily have the same aims as (I)NGOs when engaging with the state.

A key aim of (I)NGOs was to convince journalists to engage with the state so that it was held accountable in as systematic a way as possible. As Flores of RSF put it, it was vital that journalists report attacks so that the authorities were made responsible and an official investigation was triggered; to the contrary, there was no possibility of accountability let alone prosecution or conviction. In other words, (I)NGOs tended to see the “compliance gap” or “implementation gap” between states’ human rights commitments and practices (Cole, 2015; Dai, 2013; Hathaway, 2002) as an opportunity to pressure the government to comply. Some (I)NGOs – and journalists that work with (I)NGOs – maintained that since the institutions existed, sometimes as the result of local civil society demands, especially in Mexico, they had to try to “make them work”, despite their flaws and limitations.⁹² Hence, (I)NGOs tried to bring about change both in the state and in journalists’ approach to the state, part of which was to build their trust in state institutions – arguably sometimes before these institutions were really deserving of it. In other words, the (I)NGO approach was to try to pressure the state to live up to the role of duty-bearer and protector ascribed to it under IHR law.

Given the reality of the state’s track record, this approach could be seen as overly optimistic and idealistic, almost a leap of faith. I suggest that there is a danger of “reverse-rhetorical entrapment” (Katzenstein, 2013) for (I)NGOs and their beneficiaries. By this I mean there is a risk of civil society becoming ensnared in expending a great deal of time, energy and resources on engaging with state institutions whose creation it has pressured for but which in practice produce little in way of results, take time away from other activities – such as journalism, and other, potentially more effective strategies for seeking justice such as legal action – and can even worsen journalists’ security situation. There could be a risk that journalists end up losing faith in (I)NGOs and disengaging with the state altogether.

⁹² E.g. MEX-ORG1, MEX-J20, MEX-J22; HON-J1, HON-J2, HON-J14, HON-ORG8

Unlike (I)NGOs, journalists were more likely to see the “compliance gap” as evidence that the state was insincere in its commitment to IHR standards (Smith-Cannoy, 2012; Simmons, 2009; Hathaway, 2002); they worked on the assumption that the state was generally not a protector of rights but was often a perpetrator and did not have their best interests at heart. Hence, as victims, journalists often tried to “work the system”, rather than “make it work”, to engage with state institutions selectively and for their own purposes, in order to extract what small benefit they could. Hence some journalists reported attacks and threats less in the hope of timely justice than to have an official record of them in order to access assistance from other state and non-state actors now or in the future, at domestic or international level. For example, in Mexico Cynthia Valdez said she only tried (unsuccessfully) to report threats to FEADLE because displaced journalists had to lodge a complaint with it or CNDH in order to access vital support not provided by the federal Mechanism, such as secure housing and access to food, from CEAV.⁹³ In Honduras, one journalist said they mainly valued reporting attacks and documenting the lack of state response with an eye to a future asylum claim, if necessary, or hopes of justice in some unspecified future opportunity. Similarly, in both countries, a few journalists said they agreed to join the Protection Mechanism simply so the government would not be able to say that they had rejected state protection, which they feared might leave them more vulnerable to further attacks, or that they had joined only because they could not say it did not work if they refused to be part of it.

The fact that there was no reliable response from the authorities meant that engaging with them was in some ways an extension of self-protection (indeed the examples just cited are forms of “accommodation”, as will be discussed in Chapter 8). Journalists tended not to engage with institutions consistently – only a small minority said they had always reported attacks – but rather selectively or tactically, weighing up their options on a case by case basis as part of a continuous and complex personal “calculus of risk” (Cottle, 2016) to keep themselves and their families stay safe – or as safe as possible. In Mexico, the presence of multiple institutions at both federal and state level (prosecutors and Protection Mechanisms) and of more IHR actors including INGOs increased journalists’ protection options, but in some ways also made such assessments even more complicated and fraught for the individual journalists concerned.

It is understandable that, just as some states commit only strategically to IHR law, journalists should engage only strategically with a justice and protection system that does not work – or at least not for them; this could be seen as a way for them to claim some agency in the face of an unresponsive state. However, this approach carries a risk that journalists do not follow up with the authorities, for

⁹³ MEX-J9; see also Propuesta Cívica (2018b: 41); EUM (2013: Chapter V, Arts. 106-107).

example to ensure that reports of attacks translate into investigations or that protection measures granted are actually implemented, because they do not see any point; this seemed to be the case in Mexico particularly. Yet, as some journalists have learned the hard way, notably those who on the back of their own experiences of being attacked and seeking protection and justice have set up organisations to assist others in the same position, in Honduras and Mexico nothing ever happens without pressure⁹⁴ (see Chapter 7): you need to be persistent and apply constant pressure in have any hope of securing justice – although even then the chances are relatively small.

5.5 Conclusion

Considering that state agents are a major perpetrator of violence against journalists in both countries, the journalists interviewed engaged relatively frequently with state institutions to request investigations and protection. In many cases they did so thanks to intermediaries, mainly (I)NGOs, who “accompanied” them in these rights claims as well as representing them legally and lobbying on their behalf. Hence (I)NGOs were a crucial source of expertise, resources and solidarity for journalists at risk, encouraging and enabling them to engage with the state in a way they were often otherwise reluctant to do. Engaging with the state via (I)NGOs was an important strategy because it could improve the security situation of individual journalists, in some cases saving lives, set legal precedents and helped establish laws and formal protections. Above all, it encouraged journalists to make demands of the state so that it was held accountable in as systematic way as possible, de facto increasing their chances of justice and protection, rather than allowing violence and impunity to go unchallenged. In so doing, (I)NGOs *prima facie* increased journalists’ chances of securing justice and state protection. In the following chapters, I will show that journalists relied on (I)NGOs in this way because, in addition to distrusting the state, they generally lacked the necessary legal literacy (6.2) and the support of employers and professional associations (7.1) to allow them to act alone or mobilise around rights claims.

However, despite the support and best efforts of journalists and their (I)NGO allies, engaging with state institutions for protection and justice in this way had significant limitations: its usefulness was context-dependent and limited, and it was risky for journalists. The strategy was more useful in Mexico, especially the capital, where journalists had easier access to intermediaries and (I)NGOs’ were more able to collaborate with one another and engage directly with, pressure and influence the government, than in Honduras. In both countries, engaging with state institutions was often frustratingly ineffective. Although it could improve outcomes for journalists at risk, this was mainly

⁹⁴ HON-J1, MEX-J4

in terms of physical security (both countries) and legal or formal changes (mainly in Mexico) rather than securing justice. Journalists' chances of securing successful investigations and convictions were extremely small, even if they followed up on their complaints fairly consistently. Finally, engaging with the state was risky for journalists, not only time- and resource-consuming and a distraction from journalism, but also often leading to revictimization and reprisals; hence it could actually worsen journalists' security situation and deepen their distrust of the state.

Journalists and (I)NGOs alike attributed the uneven, unsatisfactory and hazardous nature of engaging with state institutions more to a lack of willingness than capacity on its part. I argue that the danger of continuing to engage with the state in this way – although to be clear there is no obvious alternative to doing so – is that it becomes a means for it to set the human rights agenda, to manage or control civil society (“reverse-rhetorical entrapment”). This can lead to disillusionment and strategic engagement or disengagement on the part of journalists, endangering accountability efforts.

Given the significant challenges and limited positive impact of engaging with state institutions, alternative strategies are necessary and appealing. In the next chapter, I explore how journalists and particularly (I)NGOs complement this domestic-level struggle for justice and protection with international strategies, employing IHR law, norms, mechanisms and actors to pressurise the state for compliance.

6 International strategies: using international human rights standards, mechanisms and actors to seek justice and protection, via (I)NGOs

In this chapter, I analyse how journalists exposed to violence and impunity in Mexico and Honduras make use of international human rights protection standards, mechanisms and actors in their search for justice and protection. Following a review of these international tools, I show that here journalists were generally even more dependent on (I)NGO intermediaries than they were when engaging with domestic institutions. This was due in large part to their lack of legal literacy, attributed to limited dissemination but, I argue, sometimes also linked to scepticism and resistance, especially in Mexico. Hence, with a few important exceptions (see Chapter 7 on activist strategies), most journalists did not invoke IHR standards in their journalism or for their protection nor did they mobilise around them, in the ways that Simmons (2009) suggests citizens sometimes do. Instead, they left such actions to (I)NGOs and lawyer elite who acted as “translators” of IHR law and norms (Merry, 2006). The latter used IHR standards, mechanisms and actors to enhance and support their domestic-level litigation, “accompaniment” and lobbying on behalf of journalists at risk, as well as carry out similar activities at global level via the international protection regimes and related transnational advocacy.

Journalists and their (I)NGO allies in Mexico and Honduras clearly valued such international strategies as providing access to vital and sometimes life-saving support, additional avenues for generating pressure on the state and an important source of solidarity and hope. Yet their usefulness was dependent on context, their impact was limited, especially in terms of countering impunity – despite IHR actors’ frequent and public recognition of the need to address it – and they were not without risks for the journalists concerned. These limitations, which are similar to those of domestic strategies, are perhaps not surprising, since the success of both domestic and international strategies ultimately depends on the state and whether it can be forced to make meaningful changes.

I interweave these concerns into an analysis of four key challenges around the international support provided to journalists in Mexico and Honduras. The first two challenges relate to practical support provided to individual journalists via the international protection regimes for journalists and HRDs. The third and fourth relate to IHR mechanisms’ and actors’ lack of powers to enforce compliance by states and the role and unintended consequences of transnational advocacy around these regimes.

6.1 International human rights standards, mechanisms, actors and international protection regimes relating to journalists

In this section I briefly outline IHR standards, mechanisms and actors and the international protection regimes relating to journalists and HRDs, and how these can be employed as part of international strategies to assist journalists at risk. Following Risse and Sikkink (1999: 7) and Finnemore and Sikkink (1998: 891-2), I define “IHR norms” as shared standards or expectations regarding appropriate behaviour for a given actor, usually the state, in relation to human rights. I use the term “IHR law” to refer to IHR norms that have been codified in international law, and “IHR standards” to refer to IHR law and norms collectively.

There is no dedicated international treaty for the protection of journalists from physical attack (Heyns and Srinivasan, 2013: 315), however IGOs and IHRIs, including the UN and the IACHR, have issued multiple resolutions on violence against journalists and impunity since the late 1990s. Such declarations have proliferated since the creation of the 2012 UN Plan of Action on the Safety of Journalists and the Issue of Impunity (UN Plan) (UN, 2012b).⁹⁵ They build on other dedicated “soft law” instruments on journalist safety and impunity which, along with obligations arising from both IHR law and international humanitarian law, make up the framework for the protection of journalists under international law (Mitchell, 2019, Chocarro, 2017, Rely and González de Bustamante, 2017b, Heyns and Srinivasan, 2013, UN, 2013a). Relevant rights include the right to life, security, physical integrity and freedom of expression and information, the prohibition of torture, arbitrary detention and disappearance and the right to privacy.

This legal framework forms the normative basis for the international protection regime for journalists, a loose, organically evolved system bringing together multiple formal protection mechanisms and actors at international, regional and domestic level to provide protection and support for at-risk journalists. For example, emergency financial support, legal aid and litigation in international courts, temporary relocation, asylum and resettlement, security and other training, as well as transnational and national advocacy, campaigning and solidarity work. Such assistance increasingly has a focus on “holistic security”, or going beyond physical protection to include aspects such as economic, legal, political, digital and psychological assistance (Nah, 2020; UNESCO, 2015; UN, 2012b). Journalists who can be considered HRDs, like those interviewed for this study, can also benefit from a parallel international protection regime for HRDs (Mitchell, 2019; Bennett et al.,

⁹⁵ Journalist safety has also been recognised as part of the UN Sustainable Development Goals (Goal 16, indicator 16.10.1) (UN, 2017b: 6).

2015). Key actors in both regimes include domestic and international NGOs, IGOs, IHRIs and rights-supporting states.

This chapter focuses on the international and regional protection mechanisms and actors involved in these regimes. The terms “human rights actor” and “international human rights actor” often go undefined in human rights scholarship (e.g. Rodríguez-Garavito, 2014, Wolman, 2014, De Burca, 2011). “Human rights actor” is a broad term used to denote individuals or organisations that promote human rights. For example, Goodale (2007: 24) writes of them as “social actors [that] talk about, advocate for, criticize, study, legally enact, vernacularize, and so on, the idea of human rights in its different forms [... including] individuals, organizations, states, [and] international agencies.”⁹⁶ Here, however, I use the term “IHR actor” to mean international or regional organisations and states, or their representatives, that play a formal role in promoting human rights in Mexico and Honduras. These include INGOs, human rights bodies of the UN such as OHCHR and UNESCO, the IACHR, the EU and foreign embassies. However, my main focus in this chapter is IHR actors that are present in-country. Domestic civil society activists and groups often strive to harness such IHR actors as allies to back their rights demands via domestic-level advocacy or lobbying, transnational advocacy and diplomacy (Sikkink, 2005; Keck and Sikkink, 1998).

Similarly, the term “protection mechanism” is variously and under- defined. Several scholars of HRD protection use the term broadly to refer to all official human rights protection measures, including laws, institutions and special procedures at national, regional or global level (Bennett et al., 2015; IM-Defensoras, 2013; Nah et al., 2013). Here, I use the term “IHR mechanism” to refer to specific, formal, international or regional-level human rights protection mechanisms. These include mechanisms that are legally binding on states under international law, such as protective or “precautionary” measures issued by the IACHR (IACHR, 2006) and rulings by bodies with judicial or quasi-judicial status such as, respectively, the IACtHR (OAS, 1979) and the UN Human Rights Committee⁹⁷ (the UN Committee) (UN, 2008a); as well as non-binding mechanisms, like UN or IACHR Special Rapporteurs or the UN Universal Periodic Review (UPR) (Heyns and Srinivisan, 2013). Civil society activists and groups tend to use such IHR mechanisms to secure a decision or ruling on a particular case or issue that can be used to increase international and pressure on the state to

⁹⁶ This points to some conceptual overlap between individual-level “human rights actors” and “HRDs” on one hand, and organisational-level “human rights actors” and “protection actors” on the other (see Chapter 1).

⁹⁷ The UN Human Rights Committee is the treaty body that monitors the implementation of the International Covenant on Civil and Political Rights.

honour its commitments under IHR law, often where domestic remedies have failed (Engstrom, 2018a; Heyns and Srinivisan, 2013).

6.2 Journalists' lack of legal literacy: limited dissemination, resistance or lack of need?

In theory, both IHR and domestic law constitute potentially useful tools for journalists seeking protection or redress or covering human rights violations in Mexico and Honduras. The Constitutions of both countries recognise key rights for the protection of individuals including journalists, such as the right to freedom of expression, a fair trial, freedom from torture and life, and also recognise IHR law as part of domestic law (see Appendix B).

In both countries some journalists reported making reference to IHR standards and actors for their protection and in their journalism, but much more so in Honduras. In Honduras, 43 percent found doing so valuable in the fight against violence against the profession in various ways⁹⁸, including: to reinforce arguments in public debate; to show the gap between international standards and the government's response (i.e. the "compliance" or "implementation gap"); when making rights claims, including access to information requests; if the authorities tried to violate one's rights; and to give people hope (on the last point, see Engstrom, 2018b). While one journalist stated it was more relevant to refer to domestic rather than international laws and institutions⁹⁹, two others felt that the latter had more credibility or legal and moral power since national laws and institutions routinely failed to protect rights.¹⁰⁰ In Mexico, 17 percent of journalists said they cited IHR standards and actors with various aims, including: contextualising human rights violations in the country; showing that there was international awareness and pressure on the government; and raising awareness of and "socialising" instruments to protect journalists.¹⁰¹

However, the reality for most journalists interviewed in both countries was that their rights under international or domestic law were of relatively little *direct* use to them in terms of either protection or journalistic practice. The reasons given for this were three-fold. Firstly, the main one was a lack of legal literacy, which can be defined as "critical awareness about rights and the law, the ability to assert rights, and the capacity to mobilize for change" (Schuler and Kadirgamar-Rajasingham, 1992: 5). Secondly, in some cases, particularly in Mexico, a certain resistance among some journalists to

⁹⁸ 9/21 (HON-J1, HON-J2, HON-J3, HON-J6, HON-J8, HON-J10, HON-J11, HON-J14, HON-J21)

⁹⁹ HON-J8

¹⁰⁰ HON-J2, HON-J6; also HON-ORG2

¹⁰¹ 4/24 (MEX-J6, MEX-J8, MEX-J10, MEX-J23)

employing such knowledge, even if they already possessed it, in their journalism, and/ or, thirdly, a lack of interest or perceived lack of need.

Firstly, despite the fact that most of the journalists covered human rights and other sensitive issues and could therefore be considered HRDs, in both countries they appeared to be poorly informed about their rights under domestic and, in particular, international law. As Honduran journalist Dina Meza said of IHR law and norms: “They’re relevant” – though, she added, “some are more useful than others” – “but you have to know them. [...] The big problem is that only a small group know about these international norms.” Most journalists in both countries admitted and displayed during interviews only a broad-brush rather than detailed understanding of their legal rights, while both journalists and protection actors said they believed this to be the case for the majority of journalists in their countries, but especially so in Mexico¹⁰² (relatedly, see: Andreopoulos, 2018; Harrison and Pukallus, 2018; Reilly, 2018; Balabanova, 2017).

In both countries, some journalists attributed this lack of legal literacy to limited dissemination and training by (I)NGOs, university journalism courses (see also Reilly, 2018) and media outlet employers.¹⁰³ In Mexico, both Lagunes of CIMAC and Hootsen of CPJ said that their organisations were unable to do as much training in legal and human rights as they thought necessary due to lack of funding, including from international donors. Other factors mentioned as possibly contributing to Mexican journalists’ lack of knowledge of their rights were the fact that many were autodidacts with little or no formal training in journalism – particularly in areas where trained reporters have fled out of fear – and, possibly, the lack of national journalists’ associations that might facilitate information sharing and training around legal rights.¹⁰⁴ Although not specifically mentioned in Honduras, these factors likely also apply there. According to Meza, whose NGO ASOPODEHU emphasised legal literacy for the journalists and HRDs it supported (see Chapter 7): “[D]iffusion of [this] knowledge opens doors up for you to fight.[...] because [...] generally these journalists go to organisations and they don’t know how to defend freedom of expression by themselves.” Hence, journalists’ lack of legal literacy is likely to be a factor inhibiting their use of and mobilisation around their rights.

However, the fact that in both countries the journalists who possessed greater knowledge of their legal rights had often also worked with protection actors, in particular (I)NGOs, suggests that such organisations are key to the (non) socialisation of legal rights and rights literacy. For example, in

¹⁰² HON-J1; MEX-J5, MEX-J6, MEX-J8, MEX-J11; MEX-J23, MEX-J24, MEX-ORG3, MEX-ORG8, MEX-ORG9, MEX-ORG13

¹⁰³ HON-J2, HON-J16, HON-J20; also HON-ORG2; MEX-J10, MEX-J11, MEX-J23, MEX-J24

¹⁰⁴ MEX-J6, MEX-J7, MEX-J8, MEX-J10, MEX-J15, MEX-ORG9

Honduras such journalists tended to work or have worked for media outlets attached to local NGOs such as C-Libre (Conexihon)¹⁰⁵, ASOPODEHU (Pasos de Animal Grande)¹⁰⁶, the Reflection, Research and Communication Team - ERIC-SJ (Radio Progreso)¹⁰⁷ or ASJ (Revistazo)¹⁰⁸ which had an explicitly pro-rights agenda. In Mexico two journalists (had) worked in a voluntary or advisory capacity for protection actors like the Casa de los Derechos de Periodistas¹⁰⁹ and the Mexico City Protection Mechanism¹¹⁰ (several Mexican (I)NGO representatives interviewed were also headed by journalists, such as RSF, CPJ and PdP¹¹¹). Another, distinct group of Mexican journalists who made direct use of IHR standards and mechanisms were those who had been displaced to the capital from other states due to work-related attacks or threats and were organising to protect themselves and others in similar situations (see Chapter 7).

The second main factor in a few journalists' limited use of their legal rights, even if they did possess such knowledge, was linked to a certain reluctance or resistance to referring to the law for reasons related to journalistic practice and independence, particularly in Mexico. This resistance to legal rights seemed to be linked to journalists' relationship to the public on one hand and to the state on the other. With regards to the former, in both countries several journalists expressed the view that the law is not an appropriate journalistic reference point when covering human rights violations, including against journalists.¹¹² In Mexico two felt that IHR standards were very specialised and mainly resonated with a select group of human rights organisations and the victims they assisted, rather than the general public¹¹³ (for similar observations, see Knox, 2018: 3018-9). This is important because journalists typically aim to reach as wide an audience as possible, particularly if they want to mainstream debates around human rights, not preach to the converted. In both countries, such journalists cited a need to connect with the audience on a human not a legal level when it comes to pain and suffering.¹¹⁴ Effectively they understood rights as "human values" or an "ideology of justice" rather than a "system of law" (Merry et al., 2010: 102); indeed, they saw "legal language" as something of an impediment to securing public understanding and support of human rights issues (Gready, 2019: 10).

¹⁰⁵ HON-J2, HON-J3

¹⁰⁶ HON-J1, HON-J2

¹⁰⁷ HON-J14, HON-J15, HON-J16

¹⁰⁸ HON-J1, HON-J8, HON-J10

¹⁰⁹ MEX-J6

¹¹⁰ MEX-J10, MEX-ORG9

¹¹¹ MEX-J2, MEX-ORG7, MEX-ORG8

¹¹² e.g. HON-J8, HON-J9, HON-J12; for Mexico, see below.

¹¹³ MEX-J8, MEX-J11

¹¹⁴ e.g. HON-J12, HON-J13; MEX-J2

Moreover, several journalists in both countries, but particularly in Mexico, were also circumspect about referring to legal rights due to their critical views of the government and state. In Honduras, a few journalists regarded laws as an instrument of state repression rather than individual protection and not therefore as a tool to defend themselves. In Mexico, a common observation was that in general IHR standards were usually not implemented despite the government signing up to or endorsing them¹¹⁵ (again, the “compliance gap”). As Mexican journalist Anabel Hernández, who was living in exile due to years of threats for her work, said:

In some cases international law works for me, it helps me understand my rights as a journalist. On the other hand, it also helps me see that in Mexico it's dead letter [...], it doesn't work at all, it exists on paper but in reality nothing happens.

Human rights journalist Daniela Rea, also from Mexico, said she no longer referred to IHR standards in her writing because she had become “disenchanted” with the way that the concept and discourse of human rights defence and protection had been “co-opted” and “perverted” by the Mexican state for its own political ends. The implication was that part of her and other Mexican journalists’ resistance to using IHR standards as a reference point in their coverage was the need to report on things as they *are*, rather than what they *should be* according to the law: for them, referring to the state’s IHR commitments – usually unfulfilled – felt uncomfortably close to repeating the government line or official version of reality. As Honduran journalist César Silva put it, they had to live according to what reality, not the law, told them.

Conversely, Mexican journalist Marcela Turati said she had become wary of referring to IHR standards or covering events involving IHR actors in case it marked her out as an “activist” in the eyes of the government, which could impede her access to official sources and therefore her ability to practise journalism. As she put it: “If the government sees you as an activist¹¹⁶, you stop getting interviews.” Turati said she had made a conscious decision to draw a clearer line between her activism for journalists’ rights and freedom of expression (as co-founder of the journalists’ collective PdP) and her more recent focus on investigative journalism (as co-founder of Quinto Elemento). Similarly, at least four Honduran journalists commented that the authorities tried to portray journalists as activists from the political opposition, to justify attacks on them¹¹⁷ (see also 7.3.2).

This reticence about legal rights points to a particular dilemma for journalists compared to other HRDs, which is explored further in Chapter 7. It also indicates a lack of faith in the law, justice system

¹¹⁵ MEX-J5, MEX-J6, MEX-J8, MEX-J23

¹¹⁶ Spanish: “*militante*”

¹¹⁷ HON-J11 HON-J13, HON-J14, HON-J16

and IHR discourse generally as a system of protection, which likely extends beyond journalists to the public in general: logically, legal rights have less meaning where rule of law is limited.

Finally, in Mexico several interviewees also referred to a lack of interest on the part of journalists in acquiring knowledge of their legal rights or a perceived lack of need to do so. Four interviewees in both Mexico City and Veracruz state observed that even when journalists had opportunities to learn about their rights, for example through events, conferences, manuals and leaflets, they did not always take them.¹¹⁸ It is likely that time pressures were a factor here – Mexican journalists commonly had to work several jobs to make ends meet (Chapter 4) – but it may also be that journalists, like many people, simply did not see the need to learn about their legal rights until they came up against specific problems¹¹⁹: at such times they were more likely to be motivated to build their legal literacy. Moreover, according to several interviewees in both countries, journalists appeared to see the law, both domestic and international, as the domain of lawyers and (I)NGOs, therefore may feel they can simply rely on these experts if they need such help.¹²⁰

Hence, most journalists interviewed in Mexico and Honduras were not “entrepreneurs” (Finnemore and Sikkink, 1998) or “translators” (Merry 2006) of IHR law. Journalists did not see IHR and legal standards as a tool to define and demand their rights to protection and justice and for mobilisation, in the way that Simmons (2009) suggests citizens can; rather they tended to see them as the domain of an (I)NGO and lawyer elite (for exceptions, see 7.2.1). Although journalists in both countries lacked knowledge of legal rights due to limited dissemination, those in Mexico appeared to be more likely to be resistant to using IHRs standards on the grounds of journalistic inappropriateness and political manipulation and possibly, therefore, to learning about their rights. I suggest that this may be linked to the two group’s differing levels of access to support by protection actors, including IHR actors, as well as the diverse economic and geo-political contexts of the two countries, as discussed below.

6.3 (I)NGOs and protection actors: “translators” of international human rights standards for journalists, gatekeepers to the international protection regimes and transnational advocacy

Although journalists made little direct use of IHR standards themselves, they were still potentially able to benefit from them indirectly, via protection actors and principally via (I)NGOs. In both

¹¹⁸ Including MEX-J6, MEX-J14, MEX-ORG13

¹¹⁹ MEX-ORG3

¹²⁰ e.g. HON-J8; MEX-J6, MEX-J8, MEX-J11, MEX-ORG13

countries, (I)NGOs employed IHR standards, mechanisms and actors to enhance and support their domestic-level “accompaniment”, legal and lobbying activities (see Chapter 5), as well as carry out comparable activities at international level. For example, they referred to IHR standards – especially those that stemmed from the IACHR and IACtHR and those that were legally binding (see Engstrom, 2019 and Engstrom and Low, 2018 on the appeal of the IAHRs over the UN) – to make or reinforce arguments in domestic courts, with the potential to establish legal precedents in national law (legal action).¹²¹ They provided access to the international protection regimes for journalists and HRDs; this included practical support and access to IHR mechanisms – such as seeking precautionary measures from the IACHR or rulings from the IACtHR or the UN Committee – and especially access to (other) IHR actors such as INGOs and IHRIs (“accompaniment” and legal action). (I)NGOs also engaged in advocacy at both domestic and international levels to pressure the government to comply with its international commitments to protect journalists, for example to create dedicated laws and institutions to protect journalists and counter impunity (lobbying); they tended to carry out such activities in conjunction with or via IHRIs, IGOs and embassies. Which methods (I)NGOs used was influenced by country context (see below).

In general, journalists valued (I)NGOs for the access they provide to specialist support, for example legal representation and advocacy before national and international courts and human rights bodies; practical support such as protection measures, grants, access to medical assistance and psychological support, relocation, training and general advice; and solidarity. Journalists, and above all (I)NGOs, appreciated IHRIs and IGOs, among other things, for their ability to help exert pressure on the Mexican and Honduran governments to listen and respond to civil society demands and to comply with international rulings and recommendations (made to a varying extent on the basis of such local demands).¹²² Both generally valued IHRIs, particularly the Special Rapporteurs of the UN and IACHR on freedom of expression (and less often for HRDs) and the local OHCHR office, more highly than IGOs such as the EU or OAS – especially in Honduras – which they saw as political and representing other states’ geopolitical and commercial interests above human rights concerns. In Mexico, sympathetic foreign embassies, especially of European countries, were also highlighted as a useful source of support, both in terms of material assistance and pressure.

¹²¹ HON-J1, HON-J2, HON-J3, HON-ORG6, HON-ORG8; MEX-ORG1, MEX-ORG2, MEX-ORG7, MEX-ORG8, MEX-ORG9

¹²² HON-J1, HON-J4, HON-J16, HON-ORG2, HON-ORG6, HON-ORG7, HON-ORG8; MEX-J6, MEX-J8, MEX-J20, MEX-ORG1, MEX-ORG2

In this way (I)NGOs and other protection actors “translated” IHR standards for journalists (Merry, 2006). This suggests that it was not so much *what* journalists knew as *who* they knew: they did not need to know about their rights under domestic and international law; rather they needed to know the “translators”. This would make journalists comparable to other victims of human rights violations who depend on NGOs and lawyers because they lack knowledge, skills, experience and networks (Engstrom and Low, 2018; Merry et al., 2010).

6.4 Limitations of the international protection regimes and transnational advocacy for journalists

There is no doubt that most journalists interviewed in Mexico and Honduras valued the international strategies employed on their behalf by (I)NGOs and other protection actors. Access to the international protection regimes could provide vital and sometimes life-saving support for journalists at risk, such as emergency grants, relocation or IACHR precautionary measures. Journalists and particularly the (I)NGOs that supported them saw IHR actors and mechanisms as useful – and sometimes key allies, especially in Mexico.¹²³ They viewed international pressure as essential to pushing their governments to ensure accountability for attacks on journalists¹²⁴ and to prevent journalists’ security situation from further deteriorating.¹²⁵ International strategies provided additional avenues for exerting pressure on the state and were an important source of solidarity and hope for journalists at risk and those who supported them.

At the same time, however, interviewees frequently criticised the international protection regimes and surrounding transnational advocacy on various counts. Perhaps not surprisingly, given that both sets of strategies centre around engaging with the state and pressuring it to comply with its IHR commitments, directly or indirectly, interviewees’ criticisms of international strategies had parallels with those they made of domestic strategies. Hence, the usefulness of international strategies was also dependent on context (location, country). They too had limited impact, particularly in terms of generating longer-term, sustainable protection for journalists and reducing impunity, despite IHR actors’ frequent and public recognition of the need to address such impunity. Although journalists were generally less directly involved in international strategies compared to domestic strategies, the former could still bring them risks.

¹²³ HON-J2, HON-J11, HON-J16, HON-J18, HON-ORG6, HON-ORG8; MEX-J6, MEX-J8, MEX-J18, MEX-J23, MEX-ORG2, MEX-ORG4, MEX-ORG7, MEX-ORG8, MEX-ORG9

¹²⁴ HON-J1, HON-J4, HON-J8, HON-J16, HON-ORG2; MEX-J8, MEX-J20, MEX-J23, MEX-ORG2, MEX-ORG7, MEX-ORG9

¹²⁵ HON-J16, HON-ORG8

6.4.1 Access uneven, dependent on journalists' location and profile

Journalists' access to protection actors and therefore to the IHR regimes and associated transnational advocacy depended to a large extent on their location (which country and which region within that country) and their professional or personal profile. This effectively created a hierarchy of access to the international protection regimes, which meant that it was not only a case of who journalists knew rather than what they knew, but also who and where they were. In other words, protection actors did not "translate" IHR standards to all journalists equally.

In both Mexico and Honduras, IHRIs, IGOs and embassies – like most (I)NGOs and national or federal level state protection actors (Chapter 5) – tended to be based in the capital cities with limited presence in or outreach to other areas. Again, this reduced the possibilities of access and connections for journalists based in other cities or rural areas, and was a particular issue in Mexico due to the country's greater size and its federal system. It also meant that international actors – more so IHRIs and IGOs than INGOs – lacked knowledge and understanding of local contexts outside the capitals, according to several journalists from Veracruz and other Mexican states¹²⁶ where security risks were often most acute but political contexts were very diverse. (Some Honduran interviewees also highlighted what they felt was a lack of real understanding of their country on the part of IHRIs and IGOs - see below). Protection actors are of course aware of this issue and have taken some steps to address it.¹²⁷ However, resource limitations remain a major challenge.

Moreover, journalists in the Mexican capital enjoyed easier and more direct access to IHR actors than their counterparts in the Honduran capital. There were more such actors present in Mexico City than Tegucigalpa, they had generally been there for longer, and they tended to have a greater focus on freedom of expression and journalist safety and a different, apparently more supportive and equal relationship with local civil society. For example, as mentioned, there were several specialist INGOs based in Mexico City: Article 19, RSF and CPJ, which were all widely known and generally well regarded by journalists both inside and outside the capital. Journalists and freedom of expression were priority issues for OHCHR-Mexico (OHCHR-Mexico, 2021). OHCHR, the EU delegation and embassies seemed to engage more actively with journalists and protection actors in Mexico and to play more of a convening role. Mexican journalists and (I)NGOs attested to OHCHR and European embassies' support for local civil society¹²⁸, for example organising regular feedback sessions,

¹²⁶ MEX-J4, MEX-J5, MEX-J13, MEX-J16

¹²⁷ For example, in February 2019, the MacArthur Foundation announced it was setting up a new US\$10m fund in Mexico to finance state-level human rights work by civil society (MacArthur Foundation, 2019).

¹²⁸ MEX-J3, MEX-J4, MEX-J14, MEX-J19, MEX-J23, MEX-ORG1, MEX-ORG7, MEX-ORG7, MEX-ORG8, MEX-ORG9, MEX-ORG10

working with (I)NGOs to carry out joint monitoring and follow up on international recommendations and specific cases and develop joint strategies on key issues and facilitating civil society engagement with the state, as well as providing some limited direct assistance to individual journalists at risk.

By way of contrast, the journalists interviewed in Tegucigalpa had less direct contact with or support from IHR actors.¹²⁹ They did not speak of receiving any direct assistance from freedom of expression or journalists' INGOs based in Tegucigalpa, while the main dedicated domestic NGOs, ASOPODEHU and C-Libre, reportedly had limited international networks. OHCHR-Honduras had a focus on HRDs but did very little work with journalists. Only four journalists said they had met a representative of OHCHR-Honduras and two of these complained of a lack of communication and follow-up regarding action and results in relation to cases presented.¹³⁰ Interviewees in northern Honduras were particularly critical. Journalist Dunia Montoya said that the EU ambassador did not seem to take her concerns seriously nor did he not offer any support. According to Guillermo López Lone of CCI, the ambassador was more interested in business than human rights and had discontinued the Embassy's regular meetings with embassies of EU states and HRDs. ERIC-SJ lawyer and researcher Joaquín Mejía Rivera described the ambassador's attitude towards reports of human rights violations as "condescending".

Fewer Honduran journalists reported receiving assistance, both material and advocacy, from INGOs than their Mexican counterparts and such support tended to be channelled via a handful of local NGOs. According to Meza of ASOPODEHU, this was problematic in that certain NGOs monopolised access to international funds and support networks and sometimes excluded certain journalists in what she felt was a discriminatory manner, especially those who needed repeat support or were based in remote areas. She said that ASOPODEHU aimed to put the journalists in need in direct contact with the international organisations in question, helping them to make the request so they received the funds directly, but that this was not the norm among local NGOs. Both Meza and a human rights lawyer who had supported journalists and HRDs commented that they found the system of material support provided by INGOs and other IHR actors hard to access and navigate.¹³¹ Meza described this system and the networks in which IHR actors participate as "hidden", not overt or public, meaning she had had to discover them gradually and in part by chance, and called for more transparency. For example, she only found out about ProtectDefenders, the EU's programme providing emergency funding and temporary relocation for HRDs run by a consortium of INGOs,

¹²⁹ HON-J4, HON-J12, HON-J21

¹³⁰ HON-J1, HON-J7, HON-J9, HON-J17

¹³¹ HON-J1, HON-ORG9

because she was invited to take part in an event in Brussels as a result of connections made while participating in the Protective Fellowship Scheme of the University of York in the UK. In other words, without the benefit of networks established while in exile abroad, she would have been less well equipped to assist other journalists at risk, but even with these networks she still found it challenging to access international support.

As this last example suggests, journalists in both countries who were well connected and/ or well known, especially at international level, appeared to enjoy privileged access to the IHR regime. This was particularly noticeable in Mexico, where a few journalists enjoyed multiple offers of international support when they needed it due to their reputations, while lesser-known colleagues in similar situations were left relatively unsupported (see also Nah, 2020: 174). For example, Félix Márquez, an internationally known photojournalist from Veracruz, said that several (I)NGOs had offered to help relocate him following the killing of his friend and fellow photographer Rubén Espinosa.

Hence, these factors – proximity to the capital, reputation and personal connections or networks– effectively created a hierarchy of access to the international protection regimes. Protection actors did not “translate” IHR standards to all journalists equally. However, it should be noted that even the most metropolitan, renowned and well-connected were not guaranteed safety. This is demonstrated by the fact that Mexican journalists like Anabel Hernández and Lydia Cacho have had to go into exile for their own safety while Félix Márquez freely admitted self-censoring for his own protection since his return to the country (see Chapter 8), and by the murder of Honduran activist and social communicator Berta Cáceres and Mexican journalist Javier Valdez in 2016 and 2017 respectively.

6.4.2 Focus on short-term protection over empowerment

As seen, (I)NGOs in Mexico and Honduras tended to act on journalists’ behalf and, despite their foundation in IHR law and norms, provided only limited access to legal representation (see Chapter 5). Although some tried to build journalists’ knowledge of their rights under domestic and international law and how to use these rights and the international system to defend themselves independently of (I)NGOs, these activities were also limited; as seen above, most journalists in these countries lacked legal literacy which they attributed largely to inadequate dissemination. Much more in evidence was security training and emergency or short-term support.

For example, in Mexico, although most (I)NGOs interviewed for this study carried out some awareness-raising of journalists’ rights and protection mechanisms under domestic and international

law, either via formal training¹³² or informally at events,¹³³ these aspects were not generally the main focus of their capacity-building activities. For example, according to Ruelas, Article 19 ran regular “holistic security” workshops for journalists which included a legal protection dimension, mainly focusing on the domestic legal framework, along with psychological, physical and digital security elements. In Honduras, ASOPODEHU was trying to build legal literacy as a tool to empower journalists to defend themselves (see 7.2.1).

In Mexico, securing funding for rights training was challenging. As Hootsen of CPJ put it: “It’s an almost titanic task because resources are very scarce and Mexico is huge.” Lucia Lagunes said that CIMAC was only able to run its courses in human rights for female journalists on an irregular basis, despite there being strong demand, due to a lack of funding and donors’ focus on physical and digital protection. Several journalists and protection actors in Mexico expressed scepticism about INGOs’ and international donors’ emphasis on physical security training – or learning how to “dodge bullets”, as Veracruz journalist Miguel Ángel León referred to it – and frequently spoke of the need for more training or support in areas other than physical and digital security. However, at the same time, it is important to note that Mexican journalists were far more likely to highlight as gaps areas such as journalistic professional development, self- or psychosocial care or developing contacts and networks with journalists and organisations at national and international level than rights awareness and legal literacy. As seen above, resistance seemed to play an important role in Mexican journalists’ lack of legal literacy as well as limited dissemination.

Direct assistance from IHR protection actors – mainly INGOs (often channelled via local NGOs in the case of Honduras) and some embassies (in Mexico) – tended to focus on emergency support for relatively few individuals, for example, grants, relocation within the country or abroad and statements of support or alerts. While these all have a role in supporting journalists at risk, it is important not to overstate their significance. For example, emergency grants, as the terms suggests, tended to be limited to meeting immediate or short-term needs, such as implementing security measures like moving house or accessing urgent medical care. It tended to be provided on a one-off or sporadic basis for a few months only (see also Nah, 2020: 171), due presumably¹³⁴ to a combination of INGOs’ limited resources and their desire to avoid creating dependency. But at the same time, according to a few journalists, particularly in Honduras and in Mexico outside the capital, INGOs and international donors seemed reluctant to fund longer-term assistance for journalists at

¹³² Including MEX-ORG1, MEX-ORG7, MEX-ORG8; also MEX-ORG13

¹³³ MEX-ORG3, MEX-ORG9

¹³⁴ Based on my professional experience at PEN International.

risk that might allow them to sustain themselves via their journalism, such as funding to undertake consultancy work for INGOs or donors instead of accepting grants or to set up/ support their own media outlets.¹³⁵

Several journalists in both countries recognised that relocation in-country or abroad was a vital safeguarding tool for journalists in severe danger.¹³⁶ However, of these a few, who had personally experienced relocation, criticised the fact that international support for foreign placements tended to last only a few months and not to provide any means of earning a living or remaining in the country permanently, which meant that this constituted a short- rather than long-term solution.

Hence, practical support from INGOs and other IHR actors tended to be short-term, with limited sustainability. On a day-to-day basis, many journalists likely depended on domestic strategies (see Chapter 5) or self-protection (Chapters 7 and 8). While INGOs' and IHR actors' approach may improve the security situation of individual journalists in the short term, it does little to address their long-term protection, the safety of journalists in general or impunity for attacks on journalists.

6.4.3 Implementation dependent on political pressure not legal enforcement

The international protection regimes for journalists and HRDs, including formal IHR mechanisms, lack power to enforce state compliance with their decisions. Their power is “moral” (see also Merry et al., 2010: 108) rather than coercive, even where legally binding obligations under IHR law exist, and compliance ultimately depends on the political will of the government concerned. In practice this willingness may often be largely absent, as in the case of Mexico and Honduras (see Chapter 5), and has to be generated via sustained pressure by local civil society and IHR actors (transnational advocacy), who use international recommendations and decisions as leverage; whether or not sufficient pressure can be generated depends on context. This is disturbing because it seems to suggest that in precisely the environments where legally binding IHR commitments and mechanisms are needed most, i.e. where civil society is repressed and lacking in influence over the government, their rulings are less likely to be implemented due to lack of not only internal but also external pressure for compliance.

A substantial minority of journalists – about a quarter in Mexico and a third in Honduras – were critical of the “soft law” status of IHRI and IGO decisions on the need to protect journalists and

¹³⁵ HON-J1, HON-J7, HON-J11; MEX-J15, MEX-22

¹³⁶ HON-J1, HON-J13, HON-J18, HON-J19, HON-J20, HON-ORG9; MEX-13, MEX-J19, MEX-J22

counter impunity for attacks against them and human rights violations in general.¹³⁷ They felt the reports and opinions of entities such as the UN and IACHR Special Rapporteurs, the IACHR and the UN's Universal Periodic Review were positive in principle and a source of moral support and authority. However, such journalists lamented the fact that these did not compel the state to comply and, as a result, were often not implemented due to lack of political will and remained at the level of discourse, documentation and recommendations. As a result they felt that they had little impact in terms of compliance. In Honduras, two journalists felt that that IHR actors "stimulate pain instead of overcoming it", as Milton Benítez of UNE TV put it, by repeatedly asking victims about and publicising the abuses they have suffered without it leading to any solutions¹³⁸ (an interesting parallel with the "revictimization" Mexican journalists suffered at the hands of state institutions – see 5.2).

Hence, some journalists as well as protection actors showed particular interest in formal IHR protection mechanisms which are binding under international law. Such decisions not only offer potential for justice in individual cases but also broader positive effects via the precedents they set and changes in law that they mandate. For example, in August 2018 the UN Committee ruled that the rights of Mexican journalist Lydia Cacho to gender equality, prohibition of torture, personal freedom and security, freedom of expression and others were violated when she was arbitrarily detained in 2005 after publishing a book exposing a corruption and child sexual exploitation network allegedly involving Mexican authorities and well-known recognized businessmen, one of whom sued Cacho for defamation (UN, 2018b). According to Ruelas of Article 19, which represented Cacho, this ruling was paradigmatic because it recognised that the Mexican state had failed to investigate and prosecute the perpetrators in a reasonable timeframe and ordered the case to be re-opened and Cacho to be given "adequate compensation". Moreover, it should act as a catalyst for progress by the state including to finally secure the complete decriminalisation of defamation across all states in the federation¹³⁹, the subject of repeated international recommendations over the years.

Interestingly, interviewees in Honduras appeared more likely than their counterparts in Mexico to mention having actively sought legally binding international judgements from the IAHRs on issues relating to the protection of journalists and freedom of expression, both in terms of seeking IACHR precautionary measures and taking cases to the IACtHR. In Honduras almost a third of interviewees (eight journalists and one lawyer) said they were, or had been in the past, beneficiaries of IACHR

¹³⁷ Mexico: 6/24 (MEX-J8, MEX-J9, MEX-J13, MEX-J20, MEX-21, MEX-J22); Honduras: 7/21 (HON-J6, HON-J11, HON-J12, HON-J13, HON-J15, HON-J18, HON-J19)

¹³⁸ Also HON-J11

¹³⁹ MEX-ORG1, MEX-ORG8

precautionary measures.¹⁴⁰ For example, those granted to Honduran journalist Julio Ernesto Alvarado of Radio Globo (now deceased) in 2014 had allowed him to continue broadcasting by ordering the Honduran state to lift a work ban imposed on him as the result of a criminal defamation conviction the previous year (PEN International, 2014b). At the time of interviews, several cases of journalists were also pending admissibility to the IACtHR, including a related claim by Alvarado alleging the violation of his right to freedom of expression and judicial protection and guarantees by the Honduran state, and the case of Radio Progreso correspondent Nery Jeremías Orellana, killed in 2011 (MP, 2017), which if admitted would be the first case of a murdered Honduran journalist to be taken up by the IACHR, according to ERIC-SJ's Mejía. Some Honduran journalists felt that allegations of human rights violations rarely prospered in their country without recourse to such external IHR mechanisms.¹⁴¹

In contrast, in Mexico none of the interviewees mentioned having requested IACHR precautionary measures or brought any relevant cases involving journalists before the IACtHR (although they have recently brought some cases before the UN, as discussed above and below). This is particularly striking given that Mexico was the country in the region where most requests for IACHR precautionary measures were made in 2012 (Joloy, 2013: 491, citing the IACHR)¹⁴² and was the most prolific petitioner of the IACHR between 1999 and 2014 (Engstrom and Low, 2018). This difference in approach between the countries is likely a reflection of Mexican protection actors' perception of greater openness of opportunities at domestic level, and Hondurans' more limited domestic options which make international avenues more attractive (see Engstrom and Lowe, 2018: 52-53; Dai, 2013: 96, 98; Sikkink, 2005).

However, two Mexican journalists believed that taking more cases of attacked or murdered journalists to the IACtHR could help bring about change, including generating greater awareness at national level.¹⁴³ There were also some other signs in Mexico of increasing interest in securing legally binding judgements from IHR mechanisms. For example, Jorge Sánchez, owner of *La Unión* in Veracruz state, said he and Article 19 were considering taking the case of his journalist father, Moises Sánchez, who was killed in 2015, to the IACtHR or UN because he believed there was no prospect of justice in Mexico. In March 2019, RSF and Propuesta Cívica referred the Mexican state to the International Criminal Court for failing to investigate and prosecute multiple killings and

¹⁴⁰ 9/31 (HON-J1, HON-J4, HON-J8, HON-J9, HON-J12, HON-J13, HON-J14, HON-J15, HON-ORG8)

¹⁴¹ HON-J3, HON-J9

¹⁴² A few Mexican journalists have also been awarded IACHR precautionary measures in recent years (UN, 2018a: para. 50, footnote 117).

¹⁴³ MEX-J19, MEX-J22

enforced disappearances of journalists from 2006-2018 as crimes against humanity (RSF, 2019). This tendency could possibly be interpreted as a realisation that although domestic opportunities are apparently relatively open in Mexico, they often do not deliver, triggering a “scale shift” from an “insider-outsider coalition” to the “boomerang pattern” (Sikkink, 2005).

However, in practice even such supposedly legally binding decisions were not very effective. Despite the common use of IACHR precautionary measures by journalists and HRDs in Honduras, in most cases – with a few important exceptions¹⁴⁴ – these had little or no protective effect because the state did not actually implement them; the police often failed to respect such measures out of ignorance or contempt.¹⁴⁵ All of those journalists and other interviewees with IACHR precautionary measures had continued to be attacked, threatened and harassed¹⁴⁶, while other journalists and HRDs had even been killed despite being beneficiaries.¹⁴⁷ One journalist believed that the implementation of IACHR precautionary measures in Honduras had improved somewhat¹⁴⁸ since the state protection mechanism became responsible for monitoring them and beneficiaries began to be automatically incorporated into the programme.¹⁴⁹ However, such improvements were mainly limited to better police and physical protection measures rather than investigation or prosecution of perpetrators of attacks against journalists, which are often also part of the measures mandated by the IACHR.¹⁵⁰

A few interviewees in both countries, including several protection actors in Mexico, felt that the authorities tended to have more respect for rulings of judicial and quasi-judicial bodies such as the IACtHR and the UN Committee¹⁵¹, but even here the actual impact was limited. The process of securing such judgements was painfully slow, with cases often taking years just to be admitted by the bodies¹⁵² and even if it was admitted a positive outcome was not assured. Implementation of favourable decisions can also take years or even decades¹⁵³ and, despite their supposedly legally

¹⁴⁴ For example, HON-J4.

¹⁴⁵ HON-J1, HON-J9, HON-J15

¹⁴⁶ HON-J1, HON-J4, HON-J8, HON-J9, HON-J12, HON-J13, HON-J14, HON-J15, HON-ORG8

¹⁴⁷ HON-J1, HON-J7, HON-ORG1, HON-ORG2, HON-ORG8. For example: Canal 5 news director Nahúm Palacios Arteaga in 2010; freelance cameraman Manuel Murillo Varela in 2013; Radio Progreso manager Carlos Hilario Mejía Orellana in 2014 (and activist Berta Cáceres whom some considered to be a “social communicator”).

¹⁴⁸ HON-J15

¹⁴⁹ HON-ORG5

¹⁵⁰ HON-ORG9

¹⁵¹ HON-J10, HON-J11; MEX-ORG1, MEX-ORG2, MEX-ORG8, MEX-ORG9

¹⁵² HON-J4, HON-ORG6

¹⁵³ e.g. MEX-ORG7, HON-ORG6

binding nature of such rulings, all too often depends on sustained pressure on the government by local civil society and IHR actors (as well as significant legal expertise¹⁵⁴).

Moreover, again, bringing such cases and even securing a favourable ruling did not stop threats and attacks against the journalist or HRD in question and could actually cause them and their families additional problems.¹⁵⁵ For example, more than four years after he was granted precautionary measures by the IACHR, Julio Ernesto Alvarado and his family continued to receive threats as he waited to see if his petition alleging violation of his rights would be admitted to the IACtHR and he feared that the longer the delay, the more likely it was that the Honduran state would arbitrarily re-impose his sentence, including the work ban. Hence, although he had been able to continue working as a journalist thanks to the IACHR precautionary measures, it was with a much higher degree of self-censorship.¹⁵⁶ Even when the state finally implemented such measures, reprisals could make this problematic in reality. As Daniela Pastrana, co-founder of Mexican NGO PdP, noted, although an international ruling might eventually help you in the future, it is not going to provide any immediate solutions: “It sets precedents, it gives you weapons to fight [but] it’s not ideal”. Such judgements are potentially powerful weapons but in what is effectively a war of attrition.

In some ways this de facto need to generate and exert pressure in order to secure implementation of with international decisions means there is little practical difference between “soft” and “hard” law, i.e. the (non) legally binding and the (un)enforceable – noted as a common feature of IHR law (Hathaway 2007: 592). Despite this, interviewees still seemed to place considerable value on hard law compared to soft law, particularly in Honduras. This may be due in part to the fact that the measures to be implemented under such a ruling tend to benefit from oversight by the relevant body, such as the IACHR, IACtHR or UN Committee and make a case or issue harder for the government to ignore.

Another major obstacle to compliance was the fact that human rights advocates’ ability to generate the sustained pressure necessary to compel governments to comply depended very much on context, with those in Mexico in a stronger position than their counterparts in Honduras. As seen in Chapter 5, the latter seemed relatively assured of civil society’s ability to create enough pressure for the government to have to act compared to the former (even if the action ultimately proved less effective than hoped; see below). For example, both Ruelas of Article 19 and Mendiola of Propuesta Cívica emphasised that many of the advances in terms of freedom of expression and human rights in

¹⁵⁴ e.g. HON-ORG6, HON-ORG8

¹⁵⁵ e.g. HON-J4, HON-ORG6

¹⁵⁶ HON-J4, HON-J1

Mexico could be traced to international recommendations made on the basis of requests from local civil society which were then taken up by IHRIs and IOs in political dialogue with the Mexican state. For example, according to Ruelas, both FEADLE and the federal Protection Mechanism were implemented following numerous such international recommendations, as were the General Laws on Torture, Forced Displacement and Transparency (see also Anaya-Muñoz, 2019; Propuesta Cívica, 2018b; Joloy, 2014) . In Honduras, however, although a national Protection Mechanism was a demand of domestic civil society¹⁵⁷ and its implementation followed numerous international recommendations, domestic civil society did not have the level of involvement in its creation as in Mexico; several interviewees saw the Mechanism largely as an attempt by the state to pacify the international community.¹⁵⁸ Honduran interviewees frequently emphasised the enormous efforts they had to make in order to get the government even to pay attention to their concerns let alone act on them, even after they had secured international judgements¹⁵⁹, with eventual implementation still dependent on transnational advocacy¹⁶⁰ and sometimes even the use of personal connections.¹⁶¹

These differences between the two countries seemed to be linked to various factors, both domestic and international. These are: the unity and strength of their respective pro-human rights civil societies; their relationship with their governments on one hand and with IHR actors on the other; and their governments' relationship with or standing within the international community.

As seen in Chapters 4 and 5, the Mexican interviewees attested to a pro-human rights civil society that was increasingly able to overcome its differences and work collaboratively on joint projects and campaigns and as coalitions. There were specialist (I)NGOs that supported journalists at risk which appeared to enjoy considerable backing and support from IHR actors both inside and outside the country, and there was a sense of local civil society and IHR actors being allies, working together in a relatively equal relationship. Probably due in part to this, civil society actors appeared able to interact with government officials and state entities, particularly in recent years.¹⁶² According to Mendiola of Propuesta Cívica and other (I)NGO representatives in Mexico, it was much more effective to make their demands via IHRIs and IOs or with their overt support as opposed to only presenting them directly to the state.¹⁶³ Half of the protection actors, especially (I)NGOs, believed

¹⁵⁷ HON-J2

¹⁵⁸ HON-J3, HON-J12, HON-ORG9, HON-ORG10

¹⁵⁹ HON-J1, HON-J4, HON-ORG6, HON-ORG8

¹⁶⁰ e.g. HON-J4, HON-J1

¹⁶¹ e.g. HON-ORG8

¹⁶² MEX-ORG1, MEX-ORG3, MEX-ORG9, MEX-ORG4, MEX-ORG6

¹⁶³ MEX-ORG2, MEX-ORG3, ORG7, MEX-ORG8

that Mexico's global economic and geopolitical importance explained both the international community's inclination to apply such pressure around freedom of expression concerns and the government's need to be – or appear to be – receptive and responsive.¹⁶⁴ Specifically, as a member of the G20 and OECD and a “graduated” partner of the EU¹⁶⁵, Mexico had to show itself to be a democracy that respected human rights and had the same institutional values as its international partners. Because Mexico had higher levels of violence, impunity and corruption than its allies, it had to do what they said on human rights in order to stay in the “club”.¹⁶⁶ This dynamic is in both parties' interests.

The dynamic in Honduras was very different, as seen in Chapters 4 and 5. Journalists were deeply divided as a profession and many of the journalists interviewed felt marginalised and stigmatised within society. Organised civil society was polarised. Although there were local NGOs supporting journalists at risk, those who worked for them and pro-human rights civil society more generally also suffered from marginalisation and stigmatisation. Moreover, such organisations appeared to be lacking in opportunities to engage with or influence the government. Local NGOs seemed to have less active or continuous support from IHRIs and IGOs in-country and both they and journalists had a more critical and suspicious attitude towards these IOs.¹⁶⁷ Around a quarter of journalists felt that these actors typically supported the government rather than pro-rights civil society or citizens¹⁶⁸, despite widespread and growing doubts about the legitimacy of the Juan Orlando Hernández regime. A similar proportion of journalists, and a few protection actors, believed that IHRIs and IGOs lacked understanding of their country. Some attributed this to credulity, IHRIs and IGOs being too quick to believe the Honduran government's narrative of human rights progress.¹⁶⁹ Others felt it was down to hypocrisy, that is on one hand IOs publicly expressed concern about the situation of victims of human rights violations and demanded change, but on the other continued or increased their support of the government despite its failure to implement repeated recommendations, its ongoing violation of human rights, and the fact that it allegedly came to power illegally and was known to be corrupt and infiltrated by OCGs.¹⁷⁰

In some cases, a limited understanding of IO mandates and powers may well play a role in some Honduran interviewees' views, particularly among journalists, who, as seen, tended to lack legal

¹⁶⁴ 6/12 (including MEX-ORG1, MEX-ORG4, MEX-ORG7, MEX-ORG8, MEX-ORG9; also MEX-J6)

¹⁶⁵ MEX-ORG10

¹⁶⁶ MEX-J6, MEX-ORG1, MEX-ORG7

¹⁶⁷ E.g. HON-ORG1, HON-ORG6, HON-ORG7, HON-ORG8, HON-ORG9, HON-ORG10

¹⁶⁸ 5/21 (HON-J4, HON-J6, HON-J7, HON-J18, HON-J19)

¹⁶⁹ HON-J4, HON-ORG9, HON-ORG10

¹⁷⁰ HON-J4, HON-J10, HON-J12, HON-J16, HON-J18, HON-ORG10

literacy; protection actors in the country tended to be more familiar with the workings of the IHR protection regime. Nonetheless, I believe that most understood that the international system is based largely on sovereignty and diplomacy; they simply felt that in the context of Honduras post-coup and particularly post-election fraud there was an ever-finer line between diplomacy and hypocrisy which left them frustrated with, and sometimes contemptuous, of the international community. Honduras provides important opportunities for foreign trade and investment but is much more marginal to the global political economy than Mexico. Honduras is heavily dependent on foreign aid¹⁷¹ (Global Witness, 2017), particularly from the EU and USA, meaning considerable leverage should theoretically be possible, but in practice human rights conditions are rarely invoked (Lakhani, 2021a).

In short, pro-rights civil society in Honduras was far less able to act as a “compliance mechanism” for IHR standards than in Mexico, due not only to its limited influence over a repressive state but also its apparently less supportive and less equal relationship with international actors both inside and outside the country. This likely explains many Honduran interviewees’ sense of frustration, impotence and even rage. As Inmer Gerardo Chévez, journalist for Radio Progreso in Honduras, said of his IACHR precautionary measures: “Look, they don’t work. They do not work. [...] you have them but not because they protect you but because [...] there is [nothing else], you have nothing, nothing.”

Nonetheless, *faute de mieux*, some interviewees in both countries – particularly (I)NGOs – still regarded IHR mechanisms and their rulings positively, as a useful if weak tool in the fight against impunity for human rights violations against journalists. As Ruelas of Article 19 Mexico said, in practice the UN Committee’s ruling in the case of Lydia Cacho, while “paradigmatic”, principally meant that the authorities would re-open the investigation 13 years after the crime was committed, while the extent to which they would be able to access justice was still unclear due to statutes of limitations.¹⁷² The power of IHR standards, mechanisms and actors is “moral” rather than coercive¹⁷³ and ultimately lies in civil society’s ability to use them as “tools of resistance”¹⁷⁴, to galvanise support, as leverage, as a means of generating political pressure for compliance. As seen, this ability depends very much on the country concerned.

¹⁷¹ HON-J4, HON-J19

¹⁷² Although, as noted, there has actually been considerable progress in Cacho’s case since September 2018 (see Guardian, 2021).

¹⁷³ HON-J1, HON-J6, HON-J8, HON-ORG7; MEX-J21

¹⁷⁴ MEX-J10; MEX-ORG9

6.4.4 The limits of international pressure: “simulation”, lack of “teeth”, managing expectations

According to interviewees in both Mexico and Honduras, international pressure was essential but also discretionary and unpredictable and there was a danger of it leading to a façade of protection and justice by states. International pressure cannot really generate political will where this does not already exist, but some suggest it can sometimes generate enforced and unwilling manifestations of compliance.

As seen, sustained pressure by IHR actors, including when backing local civil society demands for compliance with IHR standards, has helped bring about important formal changes in both countries, most notably their national Protection Mechanisms and specialised prosecutors. However, the impact of these legal and institutional changes on journalists’ situation is very limited and they can sometimes even make matters worse, as seen in Chapter 5. A substantial minority of interviewees believed that these laws and institutions were deliberately ineffective, designed merely to “simulate” (Mexico¹⁷⁵) or give the appearance of (Honduras¹⁷⁶) compliance with IHR obligations for the benefit of the international community to preserve the government’ legitimacy (Mexico) or improve its image (Honduras). In other words, their governments, under pressure from their international partners, say that they accept IHR standards, recommendations and rulings but then do the bare minimum to implement them, passing laws and creating institutions that look good on paper to signal their respect and “compliance” yet ensuring these cannot work by starving them of resources, power and political support.¹⁷⁷ This suggests that international pressure is unlikely to generate genuine political will on the part of governments where it does not already exist, at least in the case of protecting journalists and bringing an end to impunity for attacks against them (see Anaya-Muñoz, 2019; similarly, Palifka, 2018: 275).

It is important to note that a lack of political will was also felt to be a problem at international level. In both countries about a fifth of interviewees, mainly journalists, highlighted what they saw as the international community’s reluctance to use its “teeth” to back up its human rights discourse.¹⁷⁸ For

¹⁷⁵ Mexico: at least 31 percent (11/36) of interviewees, mainly journalists (8/24 journalists, 3/12 protection actors: MEX-J4, MEX-J6, MEX-J8, MEX-J13, MEX-J16, MEX-J20, MEX-J21, MEX-J23, MEX-ORG1, MEX-ORG7, MEX-ORG13)

¹⁷⁶ Honduras: at least 10 percent (3/31) of interviewees, mainly protection actors (HON-J3, HON-ORG6, HON-ORG7)

¹⁷⁷ Including MEX-J13, MEX-ORG1, MEX-ORG7, MEX-ORG8, MEX-ORG9, MEX-ORG10; HON-J3, HON-J12, HON-ORG7, HON-ORG9, HON-ORG10

¹⁷⁸ HON-J6, HON-J10, HON-J16, HON-J18, HON-ORG1; MEX-J8, MEX-J14, MEX-J16, MEX-J22, MEX-ORG9, MEX-ORG10

example, in Mexico, several interviewees mentioned that the EU's trade agreement with their country included a human rights clause (EU, 2000).¹⁷⁹ Moreover, the EU's Guidelines on freedom of expression state that the EU may suspend cooperation, including financial assistance, to states where this right is unduly restricted and where there is violence against journalists (EU, 2014: para. 50). Mexican journalist Temoris Grecko commented:

States do not support international organizations. For example, [Chancellor of Germany] Angela Merkel came [to Mexico] a couple of years ago and scolded [then President] Peña Nieto and told him that he should pay attention to the issue of journalists and violence.¹⁸⁰ When the Free Trade Agreement between Mexico and the European Union was struck, 20 years ago, the European Union imposed [...] a human rights clause that provided for the suspension of parts of the treaty if certain human rights standards were not met. At that time, the European Union imposed [the clause] with great enthusiasm; in Mexico there was a lot of discomfort.¹⁸¹ But ultimately it[']s a clause that the European Union [is] not willing to apply, because [...] all these European leaders depend for their electoral campaigns on [donations from] big [European] companies [...] that have investments in Mexico. These companies don't want the status quo to change in Mexico. Angela Merkel cannot come [here] and say that she is going to apply the human rights clause and affect free trade, because the companies that are their donors are going to say: "What's wrong with you?" [So] we said: "Thanks, Angela, it's nice of you to come, but how about using your teeth instead of your mouth?" [...] If the declarations of the UN and the IACHR are not backed up by effective actions by states, the Mexican government can afford to say: "whatever."

According to Roca i Cortes of the EU delegation in Mexico, the EU had not considered suspending its support to Mexico on the grounds of the high levels of violence against journalists and related impunity in the country because it believed there was no evidence that these violations stemmed from a "systemic state policy". Similarly, in Honduras, several interviewees, mainly journalists, questioned the EU's continued funding of Eurojusticia¹⁸² (see 5.3), its multimillion Euro programme to help reform the Honduran justice system, despite its limited results (ECA, 2016).

Like Grecko, a substantial minority of interviewees in both countries, mainly journalists and especially in Honduras, believed that major multilateral and bilateral partners such as the EU and USA were reluctant to enforce human rights conditions and sanctions on aid, trade and diplomatic

¹⁷⁹ MEX-J8, MEX-ORG1, MEX-ORG10

¹⁸⁰ See also Venegas (2017).

¹⁸¹ See also Szymanski (2005).

¹⁸² HON-J10, HON-J11, HON-J16, HON-ORG9

relations for fear of the impact this could have on their own economic and geopolitical interests¹⁸³ (see also Simmons, 2009: 374-5). In the case of Mexico, a third of protection actors noted that as well as being an important commercial partner the country is also seen as a very useful and “constructive” ally in international fora such as the UN, including in terms of advancing free expression policies at international level.¹⁸⁴

The international community’s reluctance to enforce compliance was particularly emphasised in Honduras, where, as noted, almost a third of interviewees, mostly journalists, expressed anger, frustration and disillusionment with IOs, IGOs in particular, for their limited impact in this respect.¹⁸⁵ This was attributed variously to the IOs’ limited mandates, credulousness (being too easily taken in by the Honduran government’s narrative of human rights progress) or “hypocrisy.”¹⁸⁶ More than a half of Honduran journalists and a fifth of Honduran protection actors believed that that the international community should take on a less “diplomatic” role and compel states to comply with IHR commitments, via legally binding resolutions from international courts but above all via human rights conditions on foreign aid, monitoring and sanctions for non-compliance.¹⁸⁷ Two Mexican journalists from outside the capital shared similar views.¹⁸⁸ While, again, it may be that some interviewees had unrealistic expectations of the international community, they are not alone in such views. As noted in Chapter 3, there is some evidence that certain external measures such as tailored aid or trade incentives can play a role in improving human rights conditions at domestic level (Risse and Ropp, 2013; Simmons, 2009; Goodman, 2004). Moreover, global legal experts including Amal Clooney have criticised the lack of political will displayed by the international community’s lack of action in cases of crimes against journalists. Clooney, who is Deputy Chair of the independent High Level Panel of Legal Experts on Media Freedom, has specifically called for greater use of human rights clauses in trade preference schemes and targeted sanctions to press states for accountability, including for the murder of Jamal Khashoggi (UNESCO, 2020b).

In general, interviewees in Mexico were more likely to be resigned to other states’ reluctance to use such measures to enforce compliance than in Honduras¹⁸⁹; this was likely due to Mexico’s greater

¹⁸³ Honduras: 6/31 interviewees; Mexico: 3/36 interviewees (HON-J6, HON-J10, HON-J16, HON-J18, HON-J19, HON-ORG1; MEX-J8, MEX-J16, MEX-ORG9)

¹⁸⁴ 4/12 (including MEX-ORG1, MEX-ORG7, MEX-ORG10)

¹⁸⁵ 10/31 interviewees (HON-J6, HON-J10, HON-J11, HON-J12, HON-J13, HON-J15, HON-J18, HON-ORG1, HON-ORG6, HON-ORG9)

¹⁸⁶ HON-J4, HON-J12, HON-J13, HON-ORG1, HON-ORG9, HON-ORG10

¹⁸⁷ 11/21 journalists (HON-J4, HON-J6, HON-J7, HON-J8, HON-J9, HON-J10, HON-J11, HON-J15, HON-J16, HON-J19; 2/10 protection actors: HON-ORG9, HON-ORG10)

¹⁸⁸ MEX-J19, MEX-J22

¹⁸⁹ e.g. MEX-J8, MEX-J16, MEX-J20, MEX-ORG7

integration to the international community and interviewees' greater and longer-standing exposure to and IHR actors present in-country. As Daniela Pastrana of PdP put it, although their impact is very limited, it is better to have the presence, reports and visits of IHRIs and IOs than not, precisely because Mexican government cares about its international image.¹⁹⁰ She highlighted the importance of managing expectations: "you have to understand [the international system], you mustn't expect more than the system can give. The UN system is very slow, [...] very bureaucratic [...] and in many ways it's a white elephant. [...] They give what they can." In this sense, she said, the international system is a "necessary evil". During interviews, Mexican interviewees tended to express or display anger towards the Mexican government rather than the international community¹⁹¹ as well as sometimes reflecting on the failings of journalists themselves in terms of lack of professionalisation and organisation¹⁹² (see Chapter 8). However, a few Mexican journalists, mainly from Veracruz state, felt that the international community had a diminishing impact on the government and its actions.¹⁹³

"It's better than nothing" is hardly a ringing endorsement of an international system that consumes large amounts of time, money and energy on the part of protection actors, journalists and activists at local and international level. Of course, it can be argued that an international system can never solve a country's problems, which, as seen, in the case of Mexico and Honduras include widespread state abuses by government officials and lack of accountability, rampant corruption, the infiltration of state institutions by organised crime and a lack of rule of law. Such an international system is only intended to provide a "safety net" and therefore inevitably the protection it affords victims, in this case journalists, is partial and limited. But perhaps this "safety net" serves to save not only journalists who are victims of repressive regimes but also the reputation of the international community. If the international community does not do everything in its power to enforce compliance with its own human rights standards it runs the risk of the IHR protection system serving to justify business as usual with repressive governments by helping to bring about human rights changes that look good on paper but are not too threatening for these regimes (i.e. effective).

6.5 Conclusion

In general journalists and their (I)NGO allies in both Mexico and Honduras clearly valued international strategies for seeking justice and protection centred around IHR standards, mechanisms and actors and the international protection regimes for journalists and HRDs. However,

¹⁹⁰ Also MEX-ORG8.

¹⁹¹ e.g. MEX-J5, MEX-J8, MEX-J9, MEX-J13, MEX-J16, MEX-J23, MEX-ORG2, MEX-ORG7

¹⁹² MEX-J21, MEX-J14

¹⁹³ MEX-J13, MEX-J20, MEX-J2

as with domestic strategies, their usefulness was dependent on context, their impact was limited, especially in terms of countering impunity, and they were also not without risks for the journalists concerned. I have outlined four key challenges in the “translation” of IHR standards in both countries. Firstly, journalists’ access to (I)NGOs and other protection actors, and therefore to the international protection regimes and associated transnational advocacy, was uneven, dependent on their location and profile, creating a hierarchy of access and unequal “translation” of IHR standards. Secondly, there was a focus on short-term protection over empowerment of journalists that limited their ability to defend themselves independently of (I)NGOs. Thirdly, whether or not domestic civil society, with international support, could generate sufficient pressure to compel the government to implement even supposedly legally binding decisions was dependent on country context; this is disturbing because it seems to suggest that in precisely those places where IHR mechanisms and legally binding commitments are needed most, i.e. where civil society is repressed and lacking in influence, their rulings are less likely to be implemented. Fourthly, international pressure had clear limits, and risked resulting in the “simulation” of justice and protection for journalists rather than actual compliance, due to lack of political will not only on the part of governments but also the international community.

Hence, interviewees saw international strategies employed and facilitated by (I)NGOs as an important and even essential but ultimately limited tool in the fight for justice and protection. IHR standards, mechanisms and actors could only ever be one set of tools among others and did not appear to be one that journalists mobilised around.

Some of the findings from this chapter have wider relevance. First, that international strategies are not as important as some IHR actors or the international community might imagine them to be decentres our understanding of the role of the international in the search for justice and protection, not only for journalists but for victims of human rights violations more generally. Second, international strategies for the protection of journalists at risk are shaped by country context and the influence of domestic civil society, including its relationship with both government and local IHR actors and the relationship between the two. Third, it is likely that one factor in journalists’ lack of mobilisation was their lack of knowledge of their legal rights under domestic and international law and their reliance on (I)NGOs.¹⁹⁴ This might suggest a need for (I)NGOs and the international

¹⁹⁴ Although, as seen, there were others including distrust in the state and lack of support and solidarity from within the profession.

protection regime to place more focus on dissemination of IHR law and norms and legal literacy training to empower victims to defend themselves independently of intermediaries.

The multiple limitations and risks of a state-oriented approach to seeking justice and protection facilitated by (I)NGOs, whether pursued at domestic or international level, was a key factor in journalists turning to complementary or alternative strategies. Some had concluded that it was not enough to make rights demands of the state as victims and beneficiaries, to rely on the limited “protection” by the domestic civil society “enforcement mechanism” and international protection regimes. They needed to try other strategies, to respond as journalists. Hence, they turned (back) to themselves, each other and their profession to develop strategies centred around self-protection, both activist and professional; I explore these in Chapters 7 and 8 respectively.

7 Activist strategies: mobilising as activists

This and the following chapter are linked; both explore the research sub-question: “*What alternative strategies do journalists adopt if institutional and international avenues fail?*” I distinguish between two self-protection approaches employed by journalists. In this chapter, I explore how journalists adopted activist strategies where they became a more active part of the domestic civil society “enforcement mechanism”, pressuring the government directly for change. In Chapter 8, I discuss how journalists employ professional strategies which do not target the state directly but rather their natural spheres of influence, the profession and the public, incorporating self-protection measures and strategies into their work as alternative means of seeking protection and justice – or at least the truth.

It is important to note that self-protection is not necessarily a last resort for journalists. Indeed, it can sometimes be a first port of call which journalists try before turning to the state or allies like (I)NGOs, particularly “professional” self-protection measures. Both activist and professional strategies involved journalists prioritising self-reliance and playing a more protagonist role in their own protection rather than (only) relying on intermediaries – although (I)NGOs were often still involved.

Crucially these strategies involved collaboration by journalists and therefore offered the potential to address their lack of mutual trust, solidarity and organisation, important underlying causes of their vulnerability to violence and impunity. I start by explaining the considerable obstacles that journalists faced to organising and mobilising within their profession.

7.1 Obstacles to mobilisation: media outlets and professional associations

As seen, the state in Mexico and Honduras exerts control over the mainstream media via corporative tools such as government advertising contracts and other financial incentives, both official and unofficial. Combined with media owners’ proximity to economic and political elites, this means that such media outlets tend to be aligned with the interests of the state rather than citizens – including their own journalists (Chapter 4). Here I argue that mainstream media owners often collude in the state’s “exclusion” (repression) of journalists and therefore in the problem of violence and impunity. In both countries, interviewees indicated that media outlets were often negligent, exploitative and repressive employers, known to penalise journalists who were threatened or attacked or who attempted to organise for their own protection. This was exacerbated by a lack of credible professional associations. This dearth of support from within the profession is another reason why

many journalists turn to (I)NGOs for solidarity and support when seeking justice and protection from the state.

Interviewees in both countries confirmed commentators' observations that journalists endured poor pay and other labour conditions, which left them vulnerable to attack and bribes (see Chapter 4). Over a quarter of journalists said that media outlets, in particular in the mainstream, typically paid very low salaries for long and unpredictable hours¹⁹⁵ – in Honduras well below the legal minimum¹⁹⁶ and sometimes no salary at all – forcing journalists to ask sources for money.¹⁹⁷ According to journalist Gerardo Albarrán de Alba, president of the Mexico City Protection Mechanism's advisory council, low salaries are part of many media outlets' business model, a deliberate cost-cutting measure which assumes that journalists make up the shortfall in their income by accepting bribes from officials. Most outlets in both countries provided little or nothing in the way of protection, such as physical security measures, including company transport, mobile phones and gas masks when covering protests, or social security, health insurance, pensions, life assurance and sometimes even contracts.¹⁹⁸ If journalists were attacked or threatened for their work they could not depend on the backing of their employers.¹⁹⁹ Mainstream outlets tended not to cover attacks on reporters unless they really had to, for example if the incidents involved their own employees or were high profile, and rarely called for official investigations²⁰⁰; this not only left journalists unsupported but exacerbated the lack of public awareness and concern for journalists' plight (see also Article, 2018: 15 and also Harrison and Pukallus, 2018: 6-7 on Mexico).

Interviewees in both countries believed that financial incentives from the government – and the fear and threat of them being withdrawn – influenced editorial line²⁰¹ and acted as a deterrent to coverage critical of or inconvenient for the government such as human rights violations, including violence against journalists²⁰² (see also Gutiérrez and Ocampo, 2019; Article 19, 2018; IACHR-UN, 2018, RSF, 2018a; Mejía and Funes, 2008; Meza, 2002). Indeed, journalists who suffered attacks or

¹⁹⁵ Mexico: 7/24 journalists (MEX-J1, MEX-J2, MEX-J5, MEX-J10, MEX-J16, MEX-J18, MEX-J24; also MEX-ORG13); Honduras: 5/21 (HON-J2, HON-J5, HON-J7, HON-J13, HON-J19)

¹⁹⁶ HON-J2, HON-J19, HON-ORG2. See also ConexiHonduras (2013).

¹⁹⁷ MEX-J10; HON-J1, HON-J6, HON-J19

¹⁹⁸ MEX-J1, MEX-J4, MEX-J8, MEX-J19, MEX-ORG7; HON-J2, HON-J13, HON-ORG2. Harrison and Pukallus (2018) suggest that this lack of protection from media outlets also applies in other regions, while UN (2017c: 28, 30) suggests that globally such measures are often only provided by larger media organisations with more dedicated resources.

¹⁹⁹ MEX-J2, MEX-J4, MEX-J5, MEX-J9, MEX-J12, MEX-J18; HON-J8, HON-J13

²⁰⁰ MEX-J2, MEX-J8, MEX-J10, MEX-J21, MEX-ORG7; HON-J3, HON-J4, HON-J7, HON-J12

²⁰¹ MEX-J3, MEX-J7, MEX-J11, MEX-J16, MEX-J20, MEX-J21, MEX-J23, MEX-ORG4, MEX-ORG9

²⁰² HON-J3, HON-J12, HON-J13, HON-J20

threats were often seen as a problem by their employers²⁰³, especially in Mexico where they were also sometimes penalised, for example by being frozen out editorially, demoted or even dismissed²⁰⁴ or disowned²⁰⁵, rather than offered help.²⁰⁶ In Honduras, interviewees confirmed that mainstream media outlets frequently took part in smear campaigns against journalists, HRDs and others perceived to be opposed to the government because of their dissenting views²⁰⁷ (see also Ávila, 2020; C-Libre, 2020; IACHR, 2019b). According to Wendy Funes, founder of Reporteros de Investigación, attacked journalists were “more likely to be stigmatised” than supported by the media or the public. Consequently, in both countries journalists often preferred not to tell their employers about security problems, let alone request assistance. In Mexico, journalists Marcela Turati and Noé Zavaleta who had suffered serious threats for their work in the past saw being labelled a “journalist victim” or “threatened reporter”, respectively, as a stigma which damaged their job prospects and detracted from their reporting.

Such precarity and lack of protection and support from employers deterred journalists from organising or taking collective action, including against violence against journalists and impunity. Interviewees in both countries, but particularly Mexico, strongly echoed the assertion of scholars and other commentators that journalists in both countries tend to lack solidarity, unity and organisation²⁰⁸ (see Chapters 4 and 8). They offered various explanations for this²⁰⁹, however key reasons were the precarity described above and active opposition from employers. For example, in Mexico, several journalists commented that employers often actively discouraged them from organising – in contravention of their constitutional right to freedom of association (EUM, 1917, Art. 9) – and penalised those that did. They reported themselves or colleagues having been frozen out editorially, fired or forced to leave their job simply for taking part in protests, even on the issue of violence and impunity, signing petitions, demanding their labour rights or covering attacks on colleagues²¹⁰ (see also Nah, 2020b on Mexico and other countries). In Honduras, according to Cesario Padilla, journalist with C-Libre, mainstream media outlets generally did not allow journalists

²⁰³ HON-J13

²⁰⁴ MEX-J21, MEX-24

²⁰⁵ MEX-J5, MEX-ORG9

²⁰⁶ It is important to note that several Mexican journalists interviewed did report having personally received assistance from their media employers when threatened or attacked, although these were mainly non-mainstream outlets (e.g. MEX-J9, MEX-J13, MEX-J18, MEX-J21).

²⁰⁷ HON-J1, HON-J2, HON-J6, HON-J12, HON-J21, HON-ORG5, HON-ORG6; HON-ORG10

²⁰⁸ MEX-J1, MEX-J6, MEX-J7, MEX-J8, MEX-J16, MEX-J17, MEX-J18, MEX-J23, MEX-J24, MEX-ORG8, MEX-ORG13; HON-J1, HON-J2, HON-J4, HON-J9

²⁰⁹ Including their lack of mutual trust due to different understandings of journalism, the perception that some journalists are corrupt (see Chapter 8), competition for government advertising contracts and other income streams (Honduras) and the traditionally individualistic nature and working practices of journalism (Mexico).

²¹⁰ MEX-J8, MEX-J12, MEX-J21, MEX-J24

to form unions or associations, a right guaranteed by Honduran law (ANC, 1982: Art. 128.14; CNH, 1959: Art. 469). As Daniela Pastrana of Mexican NGO PdP put it: “the last thing [media outlets] are interested in promoting is organised journalists”.

This lack of mobilisation among journalists is exacerbated by a lack of credible professional organisations (see also Pukallus and Harrison, 2018, on Mexico and other countries). In other countries around the world such organisations have played an important role in protecting journalists’ pay and employment conditions and status, developing strategies to preserve their autonomy in authoritarian contexts and promoting professionalisation, including standards around news quality and ethics (Le Cam, 2020). In Honduras there are two national-level journalists’ organisations, the Honduran Journalists’ Association (CPH) and Honduran Press Association (APH), while in Mexico there are associations and unions at state level; in both countries such professional organisations are widely discredited as corrupt and representing the interests of media owners and the government rather than journalists. In Honduras they retain far more influence, however, particularly CPH, and were viewed by most interviewees as effectively co-opted by the state²¹¹ (see also Owens, 2014: 38-39).

According to Dagoberto Rodríguez, then President of CPH, the main aim of the association is to improve journalists’ working conditions, including by ensuring that media employers pay them the legal minimum wage and pension contributions. But he admitted that the organisation had had little impact in this regard since its establishment in the 1970s. Moreover, CPH has been accused of mismanaging the funds of the Institute for Social Security for Journalists (IPP).²¹² Although in both Honduras and Mexico some of these journalists’ associations did do some work on protection and freedom of expression issues – in Honduras, for example, CPH and APH are part of the Protection Mechanism’s National Protection Council (CNP)²¹³ (see Chapter 4) and CPH has done some campaigning and lobbying against repressive laws – it was at a fairly superficial level and had little focus on addressing impunity. In Honduras, some interviewees²¹⁴ pointed out that, despite its role in the Mechanism and its ability to meet with government ministers, CPH mainly leaves the job of supporting journalists at risk and lobbying the state on their behalf to NGOs, who lack such access, sometimes even when the individual concerned is one of its members.²¹⁵ For example, journalist Julio Ernesto Alvarado said that despite being a member of CPH he had received no support or

²¹¹ MEX-J7, MEX-J10, MEX-ORG3, MEX-ORG7, MEX-ORG9; HON-J1, HON-J2, HON-J4, HON-J6, HON-J9, HON-J10, HON-J12, HON-J13, HON-J14, HON-J15, HON-J16, HON-J18, HON-J19, HON-J20, HON-J21

²¹² HON-J11, HON-J18. See also *Criterio.hn* (2020).

²¹³ Although CPH reportedly withdrew from the CNP in September 2020 (*Confidencial.hn*, 2020).

²¹⁴ HON-J1, HON-J2

²¹⁵ HON-J4, HON-J18

contact from the organisation over more than a decade of being sued, harassed and threatened with death.

7.2 Forms, advantages and disadvantages of activism

Although the journalists interviewed in Mexico and Honduras often relied on (I)NGOs as intermediaries when seeking justice and protection from the state as victims, many had also striven to engage directly with the state by mobilising as activists to demand justice and protection. Around 75 percent of journalists interviewed in Mexico and around 50 percent in Honduras had taken part in some form of activism; in both countries, activism was slightly more common in the capital city²¹⁶, likely linked to its concentration of government and protection actors. Journalists took part in activism by setting up organisations to assist colleagues at risk, organising and attending protests and attempting to organise as a profession.²¹⁷ In these ways, they went beyond being victims and beneficiaries to play a more active part in the civil society “enforcement mechanism” for IHR law and norms, although these direct demands were not generally expressed in legal terms.

Activist strategies offered journalists the potential to strengthen their representation and voice within civil society and bring their perspective, commitment and creativity to the struggle. Via the organisations they set up, journalists provided important material, legal and other support to colleagues at risk. Activism also provided opportunities for journalists to collaborate and develop solidarity and mutual support within the profession, the lack of which had made them particularly vulnerable to violence and exploitation, as well as to attract wider attention and support for their cause. It was also a vital outlet for emotions such as fear and anger, with the potential to harness these for the collective good.

But precisely because they involved journalists becoming more integrated in civil society initiatives, activist strategies entailed similar challenges as domestic and international strategies and were similarly context-dependent, limited and risky. In both countries activist strategies tended to be relatively small-scale and to have limited focus on countering impunity. Although activist strategies were common among the journalists interviewed, the indications were that they were not widely adopted among the general population of journalists. Such strategies could be dangerous, perhaps even more so than domestic strategies. Moreover, because activist strategies made journalists the

²¹⁶ Mexico: 18/24 (MEX-J2, MEX-J3, MEX-J4, MEX-J5, MEX-J6, MEX-J8, MEX-J9, MEX-J11, MEX-J12, MEX-J13, MEX-J14, MEX-J16, MEX-J17, MEX-J18, MEX-J19, MEX-J22, MEX-J23, MEX-J24); Honduras: 10/21 (HON-J1, HON-J3, HON-J5, HON-J6, HON-J8, HON-J11, HON-J13, HON-J14, HON-J15, HON-J18).

²¹⁷ Some journalists also collaborated with (I)NGOs and government Protection Mechanisms, as seen.

protagonists, rather than (I)NGOs, they also raised some profession-specific challenges: they could threaten professional credibility and sometimes threw into sharp relief internal divisions within the profession which blocked or limited successful mobilisation. Activist strategies were generally more prevalent, multifaceted, and separate from journalistic activity in Mexico than in Honduras, due to differing opportunities and levels of repression.

In this chapter, I first outline the different forms of activist strategies in both countries and their respective strengths. I then discuss their drawbacks before indicating how these had led some journalists to turn away from the state and (back) towards themselves, their profession and the public.

7.2.1 Setting up CSOs/ NGOs to assist colleagues at risk

In both countries, a few journalists with first-hand experience of having suffered attacks and threats and the challenges of securing justice and protection from the state had set up their own organisations to help other journalists access such support. Such organisations varied in their structure, with “journalists’ collectives” popular in Mexico, although in practice collectives that engaged with the state often, though not always, functioned and were registered as NGOs.

In Mexico, four journalists who had been displaced from other states had been involved in founding collectives and networks with the aim of assisting others in similar situations²¹⁸, some of which had developed into NGOs; most were based in Mexico City.²¹⁹ For example, the Journalists Displaced in Mexico (PDM) collective was formed after a group of internally displaced reporters, including Gildo Garza (Tamaulipas state), Omar Bello (Guerrero) and Cynthia Valdez (Sinaloa) met in a shelter in Mexico City following the September 2017 earthquake. Realising that they were facing similar challenges, they created an informal group to pressurise the federal Protection Mechanism to meet unmet needs such as school places for their children, according to Valdez. Although this lobbying initially led to reprisals from the Mechanism (see 5.2), it eventually resulted in improved treatment, she said.

The group then developed into a CSO whose aims were to help displaced journalists access assistance from state institutions and (I)NGOs and to lobby the government for changes in law to improve their situation. Examples of PDM’s lobbying included pushing for a federal law to be passed recognising the phenomenon of internal displacement in Mexico and for changes to federal labour

²¹⁸ MEX-J4, MEX-J5, MEX-J9, MEX-J22

²¹⁹ Mexican journalists had also set up collectives and networks for mutual protection and professionalisation purposes – see Chapter 8.

law that would oblige media outlet employers to take responsibility for their journalists when they are threatened and harder to dismiss journalists on the grounds of threats or cuts in governmental advertising budgets, according to Garza and Bello (see also Nalvarte, 2018a). As of September 2018, Garza estimated that PDM had around 200 members across Mexico, both displaced and other journalists. PDM was registered as an NGO in 2018 and has secured international funding for some of its activities.

Luis Cardona, a journalist formerly displaced from Chihuahua state, had also been involved in initiatives to support other displaced colleagues. He is co-founder of an online newspaper initially run by displaced journalists, *Diario 19*. According to Cardona, he was also one of a group of journalists who established a network to assist colleagues at risk in 2014 after attending a training course organised by PdP. He explained that members of the network – which he said operated under the radar and without an official name – identified journalists at risk and invited them to stay at one of two dedicated safe houses in Mexico City and Guadalajara. There they were offered holistic support that went beyond physical protection, including help to access the federal Mechanism, psychological assistance and resilience training and, where possible, work with a local media outlet – securing work being one of the main challenges for displaced journalists, according to Cardona, as he had discovered through his own experience of being displaced in Mexico City. Cardona said that the network, which had links with a Jesuit organisation with a history of supporting HRDs, worked with local CSOs and activists to cover the journalists' costs. He estimated that it had helped around 30 journalists get back on their feet in this way as of September 2018.

In Honduras, journalist Dina Meza conceived the idea for her NGO ASOPODEHU during a period of temporary exile at the Protective Fellowship Scheme of the University of York, UK, in 2013 following serious threats against her. ASOPODEHU offers legal, advocacy and other practical support to journalists, HRDs and other vulnerable groups that are exposed to human rights violations. It also runs the website Pasos de Animal Grande which publishes news and reports on freedom of expression issues and related attacks on journalists and others. As seen, ASOPODEHU was one of two main specialised NGOs supporting journalists to report attacks to the authorities and access the national Protection Mechanism and providing them with legal representation, including at international level. The NGO was a member of the CCI coalition and in April 2018 Meza was selected, as ASOPODEHU's director, to be one of the civil society representatives to the Protection Mechanism's NPC. According to Meza, since 2017 ASOPODEHU had also been running a project to support journalists in seven departments of Honduras to form groups and provide them with tools to defend their right to freedom of expression. As part of this, the NGO had run workshops on

freedom of expression standards, legal protections, libel law and security issues, how to report attacks to the authorities, write reports and bring legal action. An essential component of ASOPODEHU's strategy, said Meza, was to physically accompany the journalists in the field as they started to put these into practice in their own context. The aim was that the groups become self-sustaining.²²⁰

These organisations set up and run by journalists at risk are impressive examples of how they can organise to demand their rights, successfully in many cases, hence becoming an active part of pro-change civil society. Such journalists understood their beneficiaries' needs from their own personal experiences and the fact that they were often driven by the desire to help colleagues suffering in similar ways made them passionate, committed and creative. These organisations represent a convergence between what Keck and Sikkink (1998: 78) considered a "pure" advocacy model and a "solidarity model that assumes a community of fate", a "rich[...] site[...] of negotiation between interest and identity". These journalists used their personal experience and knowledge of the national and international human rights protection systems to help others, being realistic about what they could and could not achieve. Yet of all the journalists interviewed, these were by far the most positive about state institutions' ability to provide protection and services, albeit with the proviso that you need to exert sustained pressure in order to make anything happen.²²¹

Garza, then president of PDM (Mexico), explained that part of the organisation's mission was to show journalists that while federal institutions like the Mechanism and FEADLE were "not perfect", they were useful, and it was up to them to "make them work". It was possible to get support from the government, he said: the important thing was not to despair as many colleagues did and to realise that you have to exert pressure to make things happen:

That's the thing in Mexico: you need to pursue the authorities, push for your investigation, [it all] depends on you [...otherwise] you can wait 10 or 20 years and your case won't make any progress because there are other priorities.

As both Garza and Meza of ASOPODEHU (Honduras) said, if you apply that pressure then you can get the (national/ federal) Protection Mechanism to work well perhaps 20-30 per cent of the time. This approach was more typical of the attitude of human rights (I)NGOs than journalists (see Chapter 5).

Such journalists were effectively HRDs in a fuller sense, in that they not only promoted freedom of expression and human rights through their journalism but also assisted other journalists in need and

²²⁰ HON-J1 (personal communication on 23 March 2017 and 26 January 2018).

²²¹ MEX-J4; HON-J1

defended their rights. Their organisations, like other (I)NGOs working with journalists at risk, encouraged, supported and accompanied such journalists to engage with state institutions, particularly for protection, and engaged in lobbying on their behalf. Indeed, these journalists were more likely than others interviewed in the study to self-identify as HRDs.²²²

They were also more likely to make use of domestic and international law and mechanisms than other journalists. For example, in Honduras ASOPODEHU was involved in litigation on behalf of journalists at risk at both domestic and international level and also focused on building their legal literacy (see Chapter 6 and above respectively). In Mexico, most of the internally displaced journalists displayed greater than average familiarity with domestic and international human standards, mechanisms and actors,²²³ due to their personal experience of accessing support but also of helping colleagues in similar situations to do so. The journalists involved in setting up PDM reported making use of IHR treaties and recommendations on freedom of expression, torture, forced displacement and enforced disappearances, as well as national legislation, and having connections with the UN Special Rapporteur for internally displaced persons.²²⁴ The fact that these journalists were based in Mexico City and therefore had easier access to protection actors, as well as being removed from the worst of the risks they faced, was also an important factor in their ability to use such tools compared to, say, journalists based in Veracruz state.

In other words, the journalists of PDM in Mexico and Dina Meza of ASOPODEHU in Honduras, unlike most of their colleagues, saw human rights as a “system of law” as well as a “set of values” (Merry et al., 2010: 102). They were in a small minority of journalists who saw IHR and domestic legal standards as useful tools to define and demand their rights to protection and justice and for mobilisation, in the way that Simmons (2009) suggests citizens can.

7.2.2 Protests

The most typically activist of the strategies was organising and/ or taking part in public protests and vigils against violence against journalists and impunity and related freedom of expression issues. Although such protests had various objectives, including awareness raising, showing solidarity and providing an outlet for journalists’ emotions²²⁵, a key aim was to exert pressure on the government to end violence and impunity by generating public and media attention.

²²² e.g. MEX-J4, MEX-J5; HON-J1

²²³ MEX-J4, MEX-J5, MEX-J9, MEX-J22

²²⁴ MEX-J4, MEX-J5, MEX-J9

²²⁵ MEX-J2, HON-J3, HON-J5, HON-J6

Protests had been used extensively by journalists in both countries but more so in Mexico. In Honduras, around 30 percent of the journalists interviewed mentioned having taken part in public protests against violence and impunity, with journalists in Tegucigalpa twice as likely to have done so than those in the north²²⁶; this is likely a reflection of the concentration of media outlets and government institutions in the capital. For example, the collective Journalists for Life and Freedom of Expression was formed in 2011 in response to the wave of journalist killings following the 2009 coup and had organised various demonstrations and vigils in Tegucigalpa.

In Mexico, around 40 percent of the journalists interviewed said they had taken part in protests, with those in Veracruz state slightly more likely to have done so than those in Mexico City²²⁷, perhaps a reflection of the greater level of risk in the former. For example, in Mexico PdP, although originally set up to provide training for journalists, began organising journalists' collectives (see Chapter 8) and direct action around the killing and forced disappearances of journalists, including protests, from 2010, in response to the escalation in attacks on journalists outside Mexico City who contacted them to ask for help.²²⁸ As co-founder Turati said: "We are a product of this violence [...] we had to take to the street because our colleagues were being killed". In August 2010, PdP organised a demonstration named 'We want them back alive' ('*Los Queremos Vivos*') in the capital which was attended by 2,000 journalists and members of the public, an unheard number for such a protest, which had a major media impact (e.g. Najar, 2010). After the 2012 murder of Regina Martínez, Veracruz correspondent for *Proceso*, PdP supported local journalists to set up the Xalapa-based Voz Alternativa collective, which organises protests and raises awareness of violence against journalists.

On occasion the impact of such protests proved very concrete. For example, according to Félix Márquez, when he was threatened by the then Veracruz state governor, Javier Duarte, and head of public security, Arturo Bermúdez, in 2013 (Zavaleta, 2013), protests by journalists in Veracruz and other parts of the country – triggered by a report by *Proceso* that went viral – resulted in Duarte's director of communications offering Márquez an apology and a personal meeting within hours.

7.2.3 Organising

The journalists interviewed had also made significant efforts to organise as a profession: two-thirds of the journalists in Mexico and one third in Honduras had been involved in such initiatives both in

²²⁶ 6/21 (HON-J3, HON-J5, HON-J6, HON-J11, HON-J13, HON-J14)

²²⁷ 10/24 (MEX-J2, MEX-J8, MEX-J12, MEX-J14, MEX-J16, MEX-J17, MEX-J18, MEX-J19, MEX-J23, MEX-J24)

²²⁸ MEX-J2, MEX-ORG7

the capital and outside it (in roughly equal proportions in either country).²²⁹ However, in both countries organising was typically challenging due to in part to precarious and repressive labour conditions and lack of credible professional associations. This was particularly so in Honduras, where journalists recounted numerous unsuccessful attempts to organise around violence and impunity or other issues in the past. For example, Wendy Funes said she and dozens of colleagues were fired after setting up a union at the mainstream TV channel where they worked in 2011 (Funes, 2011). They received scant support from other journalists or professional associations and seven years later Funes still felt stigmatised and backlisted by mainstream media outlets.²³⁰ Several journalists spoke of their past involvement in professional associations CPH and APH and in efforts to try to reform them from the inside to be more democratic and less corrupt; their lack of success had eventually led them to abandon the associations.²³¹

Journalists were not aware of any genuinely independent journalists' groups in Honduras.²³² According to Dina Meza, a bill to form an independent journalists' association was blocked and shelved by Congress on the grounds that CPH already existed, in violation of the legally guaranteed right to freedom of association (see 7.1). Arnulfo Aguilar, director of Radio Uno in San Pedro Sula, said that he and colleagues had tried to set up alternative journalists' associations, but members kept being drawn away; he was not sure whether this was due to concerns about getting into trouble or if they were "bribed to leave". As of March 2018, some journalists spoke of attempts to set up new journalists' groups. For example, Claudia Mendoza of Univisión said she was involved in establishing an association of journalists working for international media outlets in Honduras, with the aim of making themselves and the situation of freedom of expression more visible. Meza said she and a few colleagues had started meeting to try to identify issues with the potential to unite journalists across the political spectrum to address the problems they faced, make them feel they are part of the same profession and build trust. However, these initiatives appeared to be in the very early stages.

In Mexico recent attempts at organising seemed more promising, although they still faced challenges; the Journalists' Agenda (AdP) of 2017 provides a good example. On 15 May 2017, the murder of journalist Javier Valdez sent shockwaves through Mexican journalism. Founder of the Culiacán weekly *Ríodoce*, correspondent for national newspaper *La Jornada* and author, Valdez was

²²⁹ Mexico: 16/24 (MEX-J2, MEX-J3, MEX-J4, MEX-J5, MEX-J6, MEX-J8, MEX-J9, MEX-J11, MEX-J12, MEX-J13, MEX-J14, MEX-J18, MEX-J19, MEX-J22, MEX-J23, MEX-J24); Honduras: 7/21 (HON-J1, HON-J3, HON-J6, HON-J8, HON-J13, HON-J15, HON-J18).

²³⁰ HON-J3, HON-J10

²³¹ HON-J6, HON-J13, HON-J18

²³² HON-J1, HON-J13, HON-J20

well known, well connected and had won international prizes for his coverage of drug trafficking and organised crime in Sinaloa state. In other words, he was part of Mexican journalism's "elite" who, until that point, had remained relatively unaffected by the relentless and growing violence suffered by journalists in parts of the country.²³³ Pastrana of PdP spoke of Mexican journalists falling into a collective shock, paralysis and depression at the idea that "if they can kill such an 'elite' journalist, what hope is there for [others]?"

But a response quickly followed in the form of AdP, triggered by some of Valdez' colleagues who were associates of the cultural publication *Horizontal* attached to the eponymous NGO which organised AdP. According to director Guillermo Osorno, also a journalist, AdP was an attempt to formulate a collective, national-level response to violence against journalists and impunity by establishing an organisation to conduct lobbying by journalists on behalf of journalists.

The initiative clearly struck a chord: an initial meeting a week after Valdez' murder attracted about 50 journalists from Mexico City while the second, national-level meeting was attended by 381 journalists from around the country, including from Chihuahua, Guerrero and Veracruz states.²³⁴ The latter was a three-day meeting held in the capital in June 2017 where six key issues were discussed in depth: risks, assistance to critical cases and urgent responses; alternative ways of fighting impunity; social organisations defending journalists; professional solidarity and labour rights; public security responses; and the social significance of attacks on journalists (AdP, 2017: 3-5).

AdP was initially deemed a success: according to Osorno, the discussions were fruitful, some high-profile journalists attended, including Elena Poniatska and Carmen Aristegui, and the event attracted significant media attention (e.g. Turati, 2017). But then things went quiet. More than a year later, in September 2018, very little concrete progress had been made towards AdP's goal. Indeed, according to Osorno, the initiative was suspended indefinitely, for reasons discussed below.

According to Hootsen of CPJ, an observer in the process, although AdP had yet to show much in the way of results, two key lessons were how difficult it is for journalists in Mexico to organise themselves but that they really want to: there is a real desire to come together and seek joint solutions. "Journalists in Mexico are realising that they can't remain isolated," he noted: it's a process that will take time, but he believed journalists will eventually manage to organise at national level, not least because state-level networks are generating optimism (see 8.3.1). Anabel Hernández, who participated in AdP, felt that a common agenda could still work, if it focused on the main points

²³³ MEX-J11, MEX-ORG7

²³⁴ MEX-J11

of interest, which for her – and, she said, those that most journalists present agreed on – were to stop journalists being killed, to investigate the deaths and disappearances of journalists and for FEADLE to either start working or be abolished. Not to do so, she said, would be to “lose an important historic opportunity.”

Whether or not Mexican journalists do eventually manage to organise at national level, their efforts via AdP were not wasted. A summary report on AdP, despite being broad and rather unfocused, identifies some key concerns that interviewees in this study frequently also highlighted during interviews for this study more than a year later. For example, the fact that journalists felt unsupported and unprotected by their media outlet employers, that the role of journalism and journalists was misunderstood by the public and undermined by political, economic and state powers, that there was a need to tackle not only impunity for violence against journalists but also labour conditions and precarity, and to focus on improving journalistic ethics and the relationship between journalists and society (AdP, 2017). Hence, although it ostensibly failed, AdP contributed to identifying and crystallising thinking around these issues and raising the level of debate, in a way that was far less evident in Honduras, where comparable largescale collective discussions had not taken place.

Under the goal of "Ending impunity", the summary report includes a list of ideas that emphasise the need for mobilisation by journalists in collaboration with other domestic actors, such as academics, activists, lawyers and social media companies, as well as with international actors. These suggested actions encompass not only traditional “NGO” strategies such as monitoring, legal action and public campaigns, but also journalistic strategies such as creating a national-international commission of journalists to investigate and report on attacks on journalists and impunity and using investigative journalism to document journalist killings and disappearances and to establish and disseminate a “black list” of officials who have been negligent or involved in cover-ups (AdP, 2017: 14-16). This is further confirmation that journalists not only recognise the need to work together and broaden their allies but also to combine activist and journalistic strategies to counter impunity for violence against journalists. Journalists are already starting to implement the latter on a small scale, via initiatives such as “Project Miroslava” (see Chapter 8).

7.3 Challenges and limitations

Since activist strategies involved journalists becoming a more active part civil society demands for justice and protection from the state, logically some of the challenges they faced were similar to those of other state-oriented strategies: that is, such activism was context-dependent, limited in

impact and risky. But because activist strategies involved journalists' direct involvement in making demands of the state, other, more profession-specific challenges also arose. Activism threatened journalists' professional legitimacy as well as their physical security, while successful mobilisation was impeded by internal divisions and lack of public support.

7.3.1 Limitations relating to journalists' direct involvement in civil society demands

Activist strategies suffered from some limitations common to domestic and international strategies. They had limited impact in terms of countering impunity. For example, in Mexico two participants in AdP lamented its lack of focus on impunity as a priority issue²³⁵, protests waned in large part because impunity was unaffected and violence continued and spiralled (see below), and the organisations set up by journalists were more focused on engaging with state institutions for protection and services (protection mechanisms, CEAV, Mexico City government) than to secure justice (FEADLE, state prosecutors).

Above all, activist strategies posed a risk to journalists' physical security, perhaps even more so than the strategies described in Chapter 5. Such security risks were particularly noticeable with protests, in both countries. In Veracruz state, almost half the journalists believed that the local authorities used demonstrations to identify and target journalists taking part.²³⁶ In Veracruz, several journalists involved in activism had been killed, particularly under the Duarte administration, including photojournalist and Voz Alternativa member Rubén Espinosa in Mexico City, where he had temporarily relocated, in 2015. Not surprisingly this had made some local journalists frightened to be seen to take part in such demonstrations. Freelance journalist Melina Zurita said she had stopped taking part in protests because of threats. Félix Márquez said he still took part in and publicised protests but avoided organising or leading them out of fear of what happened to Espinosa and to Moisés Sánchez, another Veracruz-based journalist involved in activism who was killed in 2015. As Voz Alternativa founder Norma Trujillo put it: "Seeking justice gets [you] into trouble".

In Honduras, repression of protests, by journalists and in general, was common and also acted as a deterrent to participation. A peaceful protest against journalist killings held in December 2011 – a week after the murder of Luz Marina Paz Villalobos, the first female journalist to be killed in the country – was severely repressed. Members of the Presidential Guard and the National Police beat a group of around 50 journalists, most of them women, with truncheons and threw at least five tear gas canisters at them, injuring some and causing others to faint and vomit. Fifteen of the female

²³⁵ MEX-J23, MEX-ORG7

²³⁶ 4/9 journalists (MEX-J16, MEX-J17, MEX-J18, MEX-J19; also MEX-J22)

journalists involved – including interviewees Funes, Mendoza and Gilda Silvestrucci²³⁷ (C-Libre, 2011) – reported the attack to the Special Prosecutor for Human Rights, naming three soldiers and two police officers involved and providing supporting video footage and media reports. However, more than seven years later the authorities said that the case was still under investigation, with no signs of criminal charges being brought (RI, 2018a). Mainstream media outlets, far from expressing solidarity, minimised the attack and labelled the protesters as violent and stigmatised them, according to Funes (2016: 30-37). The Journalists for Life and Freedom of Expression collective which organised the demonstration was no longer active, according to Silvestrucci, one of its members. Journalists who took part in protests were still routinely stigmatised and repressed by the police, said Funes, Mendoza, Silvestrucci, and others²³⁸, while citizens in general were afraid of protesting due to heightened repression and militarisation following President Hernández’ controversial re-election in late 2017.²³⁹

7.3.2 Profession-specific challenges

Beyond security risks, journalists were also often reluctant activists because of the potentially adverse effect on their ability to exercise their profession. At the most basic level, activism, however important and necessary, can be a distraction, often requiring a significant investment of time and energy that might otherwise be spent on their journalism. But above all journalistic professional/ethical codes generally expect journalists to remain neutral and impartial and restrict any political activism to their role as citizens (Cottle et al., 2016a; Hanitzsch, 2004). There is a danger that such journalists are – or are perceived to be – partial or biased by their cause. In Mexico and Honduras this came into play even when the activism was for their own cause. Journalists in Mexico were particularly wary of the impact that being seen as activists could have on their ability to work. They feared the government seeing them as (political or human rights) activists, which could restrict their access to official sources, as Marcela Turati said (see 6.2), and being seen as – or actually being – “co-opted” by the state.²⁴⁰

The Honduran journalists interviewed were also aware of these professional taboos and more than a quarter of them indicated that being seen as activists was risky for journalists.²⁴¹ For example, Dina Meza of ASOPODEHU and Jennifer Ávila, co-founder of Contra Corriente (previously journalist for Radio Progreso), noted that journalists who worked for NGO-run media outlets ran the risk of being

²³⁷ HON-J3, HON-J6, HON-J8.

²³⁸ HON-J3, HON-J6, HON-J8, HON-J11

²³⁹ HON-ORG9

²⁴⁰ MEX-J14, MEX-J22, MEX-ORG7

²⁴¹ 6/21 (HON-J1, HON-J11; HON-J13, HON-J15, HON-J16, HON-J17)

perceived to have lost their journalistic independence and credibility, of being activists rather than “real” journalists.²⁴² However, most of these journalists were more concerned about physical security risks than the possibility of their perceived or actual activism resulting in reduced access to state officials – perhaps because such access was already virtually impossible for them.²⁴³

Internal divisions and problems and lack of public support were also key factors in blocking successful mobilisation. Internal divisions appeared to be a significant challenge for some organisations set up by journalists, as were rivalries with other groups doing similar work. For example, conflicts among some of the founding members of PDM led some, including Cynthia Valdez, to leave to start a rival NGO²⁴⁴ in June 2018. As of September 2018, there was evidence of ongoing hostilities between the two groups and other displaced journalists, and a lack of collaboration between them despite having some common objectives.²⁴⁵ Similarly, in Honduras, there was little direct coordination or collaboration between ASOPODEHU and the other specialised NGO C-Libre.

AdP provides a particularly clear illustration of the difficulties Mexican journalists had working together. Although various reasons for the collapse of AdP were identified by Osorno and other participants, such as the initiative being too broad or ambitious, the main one was divisions among journalists and their inability to agree priorities or a *modus operandi*.²⁴⁶ Internal divisions were why AdP “died”, according to Ruelas of Article 19; journalist Salvador Frausto agreed that there was too much hostility between groups with different interests. Making decisions about what the “agenda” should be and how to take it forward was complicated by a wide diversity of views within the profession of what the priorities should be. For example, according to Anabel Hernández it was clear to her and other participants that impunity itself should be the main focus, but some felt other issues were equally as important, such as reforming government advertising – which Hernández felt was part of the problem of impunity. From these meetings, said Hernández, she could see that:

there’s a world of differences between some journalists and others: we’re not even starting from the same idea of journalism; we’re not even starting from the same idea of ethical codes. We’re coming from such different places that arriving at points in common is very difficult.

²⁴² Interestingly, this did not appear to be the case in Mexico, where there were several cases of respected journalistic output emerging from local NGOs, such as MCCI, Quinto Elemento and PdP.

²⁴³ HON-J11, HON-J13, HON-J15, HON-J17

²⁴⁴ Periodistas por la Paz México.

²⁴⁵ Indeed, by February 2020, PDM had apparently expelled Garza for allegedly violating its statutes (Eje Central, 2020).

²⁴⁶ MEX-J8, MEX-J11, MEX-J12, MEX-J23, MEX-ORG1, MEX-ORG3, MEX-ORG7, MEX-ORG9

Again, when it came to the vehicle for advancing the journalists' demands, opinion was divided: should it be an NGO, a union, a group to pressurise state institutions, an issue-based network or simply a discussion forum? Despite the original aim of setting up a national organisation, some participants strongly opposed doing so. According to Pastrana of PdP, Mexico is too big, diverse and complex, with different problems in each state, to have a single representative journalists' organisation. But Osorno felt that some local groups were against the idea of having a national organisation due to concerns around losing influence and resources to the capital or because they were "ideologically opposed" to forming NGOs and raising funds to achieve objectives for fear that they would be used to benefit the leadership instead of journalists.

Other reasons for AdP's failure served to fuel these internal divisions. For example, the organisers had limited knowledge of the issue of violence against journalists and impunity initially and failed to take sufficiently into account the experience and expertise of existing journalists' collectives and networks and (I)NGOs who had been facing and trying to address the problem for years, as Osorno himself admitted. The initiative was also poorly designed: it failed to ensure that crucial decisions about priorities and next steps were taken during the meetings with input from all participants, instead leaving them to virtual consultations led by an NGO based in Chile and a steering committee based in Mexico City; this resulted in a loss of momentum and disengagement and distrust by journalists, especially those based outside the capital.²⁴⁷

The process of AdP was "exhausting", said journalist Temoris Grecko, but also bad for the profession and future projects:

[AdP] has consequences for the profession because it created problems, internal suspicions [...] the next time we want to do something similar, we will first have to overcome the scepticism of our colleagues, from the states and from [Mexico City], and then the scepticism of [the donors] we want to ask for money and support.

Protests provide a good example of both journalists' internal divisions and lack of public support. In Honduras, protests suffered from a generalised lack of support: from journalists, the media and the public, due in large part to repression. In Mexico City, PdP stopped organising protests and direct action in 2015, mainly because they felt that these were no longer having enough impact, according to Pastrana. She attributed this mainly to impunity: journalists continued to be killed and no one was held to account. The government knew that people would eventually tire of protests, she said, and

²⁴⁷ MEX-J11, MEX-J8. According to AdP (2017), 121 out of the original 381 participants took part in the feedback and confirmation process.

that was what was happening. There were fewer and fewer demonstrations with fewer and fewer journalists attending; as a result it was increasingly difficult to get media coverage and therefore any leverage.²⁴⁸ Other interviewees confirmed that although protests against violence against impunity still took place they tended to be poorly attended by both journalists and members of the public (see also Relly and González Bustamente, 2017a: 134) and were seen as having limited impact.²⁴⁹ According to Ruelas of Article 19, it was generally the same 50-100 people protesting journalist killings in Mexico City, unless the victim was well known, like Javier Valdez, and even then the numbers did not go above 200. Pastrana noted that a protest in Mexico City's main square against a journalist killing in June 2018 was not picked up by any media outlets at all. While Rea and Turati (both associated with PdP) said that protests they had attended had been supported by other victims of human rights violations such as the families of the disappeared who had benefited from their coverage²⁵⁰, others indicated that not even other such victims would join their struggle.²⁵¹ Hence, protests continued sometimes more as an outlet for journalists' grief, anger and fear rather than with any real hope of stopping violence and impunity, said Rea.

Finally, in Mexico journalists' activism was generally more separate from their journalistic activity than it was in Honduras. As seen, the activist strategies described in this chapter were more prevalent in Mexico, likely due to the higher levels of state repression of protests and other attempted mobilisation by journalists and their greater difficulty in collaborating in Honduras. In a sense, in Honduras, journalists' involvement in activism was largely confined to working for human rights NGOs, where they were often employed as journalists for NGO-run publications (see 2.3.3). Hence their activism for their own cause was more likely to be channelled via their professional activities, leading to forms of "advocacy journalism" (see Chapter 8). These differences between the two countries are significant because they show that journalists in Mexico were more able to collaborate with each other and external actors in non-journalistic capacities, and develop internal unity and external support. But they had also been able to maintain a clearer line between their activism and their journalism, which is important for security and journalistic credibility.

7.4 Conclusion

Despite the many challenges, a substantial proportion of the journalists interviewed were mobilising as activists to demand justice and protection of the state in both countries but particularly in

²⁴⁸ MEX-ORG7, MEX-ORG8

²⁴⁹ MEX-ORG1, MEX-J8, MEX-J12, MEX-J22

²⁵⁰ MEX-J2, MEX-J24

²⁵¹ MEX-J8, MEX-J18

Mexico. Although such mobilisation was limited in scale and impact, it could nonetheless make some important contributions to this struggle. This is not to say that victims of human rights violations should necessarily be involved in activism – ideally the state should respond without the need for this – but, as previous chapters have shown, in practice engaging with state institutions as victims, even via (I)NGOs, is not enough. In Mexico, journalists’ involvement in activism can be seen as part of a broader trend of victims and their families increasingly coming together and mobilising for justice and protection as a response to state inaction and impunity, as in the case of the families of the disappeared (Zatarain, 2020; Knox, 2018).

Explicit use of legal rights in such activism seemed mainly restricted to journalists who had set up NGOs to assist colleagues at risk – or who worked for existing (I)NGOs – who could be considered HRDs in a fuller sense and often self-identified as such. This link between the use of legal rights as a tool and NGOs/ HRDs is likely applicable beyond these countries. As Merry et al. (2010) observe, most victims rely on NGOs to use the human rights legal system; the literature on the protection and coping strategies of HRDs reviewed in Chapter 3 mentions legal literacy training which the equivalent scholarship on journalists does not.

I have shown that that major obstacles to more and more successful activism by journalists around violence against journalists and impunity are internal divisions and lack of support for their cause, from the mainstream media, the public and journalists themselves. This chimes with insights from scholarship on civil society mobilisation in violent and repressive regimes which identifies factors that make such mobilisation more likely (see Chapter 3). These include the importance of internal unity (Osa and Corduneanu-Huci, 2008) and external support (Nesossi, 2015; Schock and Osa, 2007; Loveman, 1998), of framing struggles so that they resonate with wider society (Loveman, 1998), and of access to independent and free media (Nesossi, 2015; Osa and Corduneanu-Huci, 2008). Some journalists believed that they need to put their own house in order before they could mobilise effectively and attract external support.

However, being seen as an “activist”, even for their own protection, is controversial for the journalistic profession and potentially risky in terms of both professional credibility and ability to continue to work as journalists (see 1.4), as well as increased physical security threats. This danger seems specific to journalists but is likely applicable to reporters across and outside the region, and possibly also to other professionals such as academics and lawyers.

In Mexico, particularly in the capital, there was a sense that some journalists were turning away from activism, or at least certain forms of it, and back towards journalism itself, including as a vehicle for change. For example, Luis Cardona said:

I feel that what we need to do [...] is follow our vocation. What's our job? Being journalists. So let's dedicate ourselves to being journalists and leave protests behind, because the best protest that exists is to [keep on] practising journalism.

Balbina Flores of RSF agreed that “we journalists have to do journalism.” Similarly, Marcela Turati, who left PdP in 2015 to focus on investigative journalism, believed that although protests are important, journalists can achieve more by investigating and writing: they need to remember to remember to carry on being journalists:

I do believe that journalism can change things and that you can have more of an impact on people when you write than by taking to the streets – although it's also important to take to the streets. I feel that in recent years there's been something very militant about me, that I was taken up with the threats and helping people, and I stopped doing journalism. I feel I need to make up for lost time, that I want to work with others but from our identity as journalists.

8 Professional strategies: responding as journalists

In this chapter, I show how many journalists in Mexico and Honduras believed that it was not enough to respond to violence and impunity as victims backed by (I)NGOs and IHR actors or as activists. They needed to respond as journalists. Hence, they had re-focused on their professional identity and turned to themselves and, sometimes, like-minded colleagues to find alternative means of protecting themselves and seeking justice – or at least the truth. These strategies do not target the state directly but rather journalists’ natural spheres of influence, the public and the profession, using profession-specific and journalistic measures that are incorporated into their work. It is in this sense that I use the term “professional strategies” to describe these strategies that relate to the profession of journalism.²⁵²

I first outline three types of self-protection measures commonly employed by journalists: self-censorship; “accommodation”, that is engagement with (potentially) violent actors by the government and OCGs, often under duress; and seeking public support by reporting on violence against journalists and impunity. I then assess their impact. I show that while these measures were a means of survival, security and, sometimes, solidarity in the short-term, their positive impact was generally limited and they brought considerable new risks. As with activism, self-protection measures highlighted the urgent need for journalists to acknowledge and address persistent challenges: the lack of trust and solidarity within the profession and from the public, both linked to perceptions of corruption within journalism.

I then show how many journalists, particularly those with experience of activism or working with NGOs²⁵³, were also attempting to address these challenges by developing broader self-protection strategies with the overall aim of transforming the profession and practice of journalism. These strategies went beyond immediate physical security, combining protection and professionalisation to improve their work as well as continue it more safely. They aimed to build journalists’ internal and external support and their legitimacy, and represented an attempt to address “accommodation”, (re-)claim “neutrality” or independence from the government and OCGs. Self-protection strategies were more widespread and impactful in Mexico than in Honduras. I suggest that key reasons for this included Mexico’s stronger history of independent and investigative journalism, Mexican journalists’ capacity to work collaboratively, and their greater access to international media and donors, as well

²⁵² However, I acknowledge that “professional” strategies might seem a misnomer in the case of self-censorship and co-optation, which are contrary to the norms of professional journalism.

²⁵³ e.g. HON-J1, HON-J3, HON-J16; MEX-J3, MEX-J18, MEX-J22, MEX-J23, MEX-J24, MEX-ORG7, MEX-ORG8

as supportive (I)NGOs and IHR actors, especially in Mexico City. While such strategies had their own limitations and risks, I argue that they represented a crucial form of resistance and source of hope for journalists and likely their best option for contributing directly to change.

8.1 Self-protection measures

Almost complete impunity leading to ongoing and rising attacks against journalists meant that journalists interviewed in Mexico and Honduras, particularly outside the capital cities, often felt frightened and unsupported. A few had even come to believe that they alone were responsible for their own security, especially in Mexico²⁵⁴ (see also Harrison and Pukallus, 2018: 16). According to journalist Miguel Ángel Díaz (Veracruz, Mexico), state institutions and NGOs might help you temporarily, but in the long term you have to find your own way to survive. Formerly displaced journalist Luis Cardona (Mexico) agreed: “Who can you trust so you don’t get killed? [...] No one is going to protect us from death except ourselves.” Hence, many journalists had developed various professional self-protection measures which complemented or substituted state protection. These measures focused on preserving journalists’ physical safety and were bound up with the practice of journalism, as discussed in Chapter 3. In both countries, journalists widely reported using self-censorship and attempting (largely unsuccessfully) to secure public support, and alleged frequent co-optation of colleagues by potentially violent actors (“accommodation”). I now describe each of these approaches and assess their impact.

8.1.1 Self-censorship

Self-censorship was a common measure in both Mexico and Honduras (for Mexico, see also Harrison and Pukallus, 2018, and Hughes and Márquez-Ramírez, 2017; for Honduras, IACHR, 2018; CPJ, 2014; Arana and Guazo, 2013; Rockwell, 2002a). In both countries, a third of journalists interviewed said they had employed self-censorship either as a temporary or semi-permanent measure.²⁵⁵ In Mexico, it was a practice mainly mentioned by journalists from outside the capital, likely an indicator of higher levels of risk in many other parts of the country.²⁵⁶ In Veracruz state, self-censorship had become ingrained since severe repression of journalists by the corrupt administration of former governor Javier Duarte (2010-16). In Honduras, journalists both in the capital and the north

²⁵⁴ HON-J4, HON-J8; MEX-J7, MEX-J13, MEX-J16, MEX-J22

²⁵⁵ Honduras: 7/21 (HON-J4, HON-J6, HON-J8, HON-J10, HON-J12, HON-J13, HON-J14); Mexico: 8/24 (MEX-J3, MEX-J5, MEX-J9, MEX-J13, MEX-J17, MEX-J19, MEX-J20, MEX-J21)

²⁵⁶ Although Hughes and Márquez-Ramírez (2017)’s survey of 378 journalists, mainly in Mexico City, found that the majority had engaged in self-censorship (pp. 502, 505).

indicated that they self-censored, suggesting a similar level of perceived risk across the two locations.

More than half the journalists interviewed in Veracruz state and two journalists in Honduras emphasised that they avoided investigating or covering OCGs in any detail and in particular their links with the state authorities²⁵⁷, including the police and army, even if they had hard evidence, because it would not lead to arrests and was unacceptably risky. As journalist Gilda Silvestrucci (Honduras) put it: “how much does it cost someone linked to organised crime to pay four sicarios [hitmen] to have me killed and then it’s all over?”

Self-censorship is usually seen as negative: its very existence implies an acceptance of fear and interviewees generally employed it because they saw no alternative. Although it allows journalists to continue working somewhat more safely, it obviously has a negative effect on the quality of their journalism and how useful it is to society (Hughes and Márquez-Ramírez, 2017; González de Bustamante and Relly, 2016). However, a few saw the practice in a somewhat positive light, as a form of risk management that allowed them to continue reporting. In Honduras, three journalists said that self-censorship was the only effective form of protection, along with leaving the country (see also Owens, 2014).²⁵⁸ Mexican photojournalist Félix Márquez said that he had avoided covering topics such as homicides since his return to Veracruz from exile abroad, where he fled after his friend and colleague Rubén Espinosa was murdered in 2015:

Lots of people criticize me [...], especially foreign journalists [or those from Mexico City]: ‘You’re self-censoring’ [...]. [I say] ‘Yes, because I can’t [...] just] arrive for two days, report and go elsewhere. I live here, this is the way I stay alive at the end of the day and yes, it’s self-censorship, definitely, but it’s also a method of protection.

Márquez added that in some ways his ability to self-censor was a luxury afforded him by working for international media outlets, which means he could choose which photographs to file. Colleagues who worked for Mexican outlets often did not have that choice, he said, because their bosses insisted on gory images or the drug cartels told them they had to cover certain events.

8.1.2 “Accommodation” of (potentially) violent actors

Some journalists also responded to violence and impunity by engaging, often under duress, with (potentially) violent actors, that is the government and OCGs. Such “accommodation” took various

²⁵⁷ MEX-J13, MEX-J16, MEX-J17, MEX-J19, MEX-J21; HON-J6, HON-J10

²⁵⁸ HON-J7, HON-J12, HON-J18; also HON-ORG6

forms, for example engaging with the authorities without expectation of investigation or protection but merely to document or deter further attacks (see Chapter 5.4; also Nah et al., 2017: 8). Another example was journalists using their professional contacts to circumnavigate the usual or official channels for state protection. For example, two Mexican journalists said they had persuaded a high-level official and police chief, respectively, to carry out unofficial investigations into suspected threats against them to assess whether they were credible. One of them had also secured bodyguards and other protection measures from the federal police via a high-level contact from their then employer rather than directly from the federal Protection Mechanism, which they did not trust at the time. While this was a creative response in difficult circumstances that gave vulnerable journalists some sense of control, it did nothing to press for these official protection mechanisms to work as they should. Moreover, this tactic seems more likely to benefit well known, well connected and more experienced journalists more than younger colleagues.

However, the form of “accommodation” by far most frequently mentioned by interviewees in both countries was the perceived co-optation of journalists via threats and/ or bribery. In both countries roughly 60 percent of the journalists²⁵⁹ and some protection actors said they thought that corruption was widespread in the profession; some believed that a sizeable proportion of colleagues (Mexico, although perhaps less so in Mexico City) or even the majority (Honduras) were implicated in corrupt practices in one way or another. Not surprisingly, none of the journalist interviewees admitted to personal implication in corrupt practices, although several spoke of having been approached with bribes or “gifts” in the past, mainly in Mexico. While corruption in journalism, as in other areas, is challenging to document and prove, some academic and grey literature and journalistic accounts on the subject echo these journalists’ perceptions (as indicated in Chapter 4 and as follows).

Interviewees’ use of the term “corruption” in journalism appeared to encompass a range of unethical or criminal practices. The most common in both countries was taking official or unofficial payments from political or economic actors – known as “*chayote*” in Mexico (IACHR-UN, 2018; Del Palacio Montiel, 2015; Márquez Ramírez, 2014) and “*machaca*” in Honduras (EU EOM, 2017; Arce, 2015; Méndez, 2002) – usually from government departments or officials; in Honduras also the President’s office and Congress (Mejía and Funes, 2008; Meza, 2002; Rockwell, 2002a). Such bribes took various forms, including government advertising contracts; monthly “salaries” (being on the government payroll), other regular or one-off payments -- in Mexico sometimes made to companies

²⁵⁹ Mexico: 14/24 – 58 percent (MEX-J1, MEX-J2, MEX-J4, MEX-J7, MEX-J8, MEX-J9, MEX-J10, MEX-J12, MEX-J13, MEX-J15, MEX-J18, MEX-J19, MEX-J23, MEX-J24); Honduras: 13/21 – 62 percent (HON-J1, HON-J2, HON-J3, HON-J4, HON-J5, HON-J6, HON-J7, HON-J8, HON-J9, HON-J13, HON-J16, HON-J18, HON-J19).

set up by journalists for communications, PR or undefined “services” rendered -- sinecures and other perks such as trips abroad or jobs for relatives.²⁶⁰ Such government-related corruption was particularly emphasised in Honduras; several experienced journalists said that colleagues who refused to take government money were marginalised and targeted for attack and that it was extremely difficult for young journalists to avoid being “contaminated” by such practices.²⁶¹

In both countries it was common knowledge among interviewees that some journalists were also bribed and/or coerced into working for drug cartels keen to influence and control the media. Journalist-interviewees from Veracruz²⁶² and other Mexican states such as Guerrero, Sinaloa and Tamaulipas²⁶³ in particular spoke of this practice (though again not in relation to themselves). According to their accounts, one of the cartels’ favoured methods was to get journalists to work for them as “*enlaces*” (liaisons) within media outlets²⁶⁴, dictating to colleagues which stories they wanted publicised or suppressed²⁶⁵ (see also IACHR-UN, 2018; Rely and González de Bustamante, 2013). According to Félix Márquez and freelance journalist Israel Hernández (Veracruz), although “*enlaces*” were corrupt journalists and effectively criminals, they had become perversely indispensable to other journalists’ security in affected areas of Veracruz state, so that they could self-censor where necessary to avoid the cartels’ ire and violent reprisals for publishing content deemed undesirable. However, it is important to note that in Veracruz, at least, journalists believed that colleagues were co-opted by the state government far more often than by drug cartels²⁶⁶ (see also RSF, 2017a).

It is also important to acknowledge that co-optation was not always a question of journalists protecting themselves from violence, but sometimes also of their need for economic survival or desire for self-gain: journalists’ precarity, in some cases combined with a lack of formal journalistic training, could make them vulnerable to bribes and other corrupt practices (Chapters 4 and 7). However, whatever the cause, such perceived co-optation of journalists by political or criminal actors is clearly highly problematic. Co-optation greatly undermines journalism’s ability to remain independent and to serve the public interest. It also impairs the profession’s capacity to protect

²⁶⁰ HON-J1, HON-J2, HON-J4, HON-J6, HON-J7, HON-J8, HON-J10, HON-J13, HON-J18, HON-J20, HON-ORG2; MEX-J1, MEX-J2, MEX-J3, MEX-J7, MEX-J8, MEX-J10, MEX-J11, MEX-J12, MEX-J15, MEX-J24, MEX-ORG13

²⁶¹ HON-J1, HON-J7, HON-J13

²⁶² MEX-J13, MEX-J18, MEX-J19, MEX-ORG13

²⁶³ MEX-J4, J5, J9

²⁶⁴ MEX-J4, MEX-J9, MEX-J18, MEX-J19

²⁶⁵ MEX-J18, J19, J4, J9

²⁶⁶ e.g. MEX-J13, MEX-ORG13

itself by fomenting distrust among journalists, corroding public trust in journalism and deterring public support for journalists at risk, as I discuss below.

8.1.3 Seeking public support by reporting on violence against journalists and impunity

Not surprisingly, in both Mexico and Honduras a favoured response to violence and impunity was to publicise threats and attacks on themselves and colleagues (on the importance of this response, see Cottle et al., 2016a). In both countries, several journalists interviewed said they had made threats and attacks against themselves public via the media or social media²⁶⁷ while a large proportion had covered attacks on other journalists and the ensuing official investigations, or lack thereof, as part of their work. Their main motivation was to raise the public's awareness of the issue; others included the hope that their reports would serve as a form of protection for the journalists affected by deterring further incidents and triggering governmental action, and expressing solidarity, condemnation, outrage and remembrance.

This tactic is not exclusive to journalists: HRDs also use social media and, where possible, the media to “raise their profile” (Nah et al, 2017; Hankey and O’Clunaigh, 2013) and to carry out advocacy. However, journalists are likely here at an advantage in terms of media access and contacts (Mitchell, 2019: 226) allowing them to reach a wider audience, potentially including the mainstream and global media. For example, a criminal defamation lawsuit against Honduran journalist Julio Ernesto Alvarado and the related precautionary measures awarded him by the IACHR (Chapter 6) were widely covered by the mainstream media in Honduras and Latin America, even though he was seen as an “alternative” journalist. According to Alvarado, this was because of his past professional connections to media magnate Jorge Canahuati (Chapter 4), who is closely involved with the Inter-American Press Association (IAPA, 2020).

Covering violence against journalists and impunity was a common response, particularly in Honduras, where two-thirds of journalists said they reported on the issue²⁶⁸, compared to just under half in Mexico.²⁶⁹ In Mexico, much of this coverage had focused on Veracruz, due to the high numbers of journalists killed in the state. In Honduras, such coverage was mainly via media reports but also via talks and conferences. Mexican journalists used a wider variety of other media to highlight the issue, for example, in addition to reporting and events, books, documentary films,

²⁶⁷ HON-J3, HON-J8, HON-J12, HON-J13; MEX-J2, MEX-J7, MEX-J9, MEX-J23; also MEX-ORG3

²⁶⁸ 14/21 (HON-J1, HON-J2, HON-J4, HON-J5, HON-J6, HON-J7, HON-J8, HON-J9, HON-J11, HON-J12, HON-J13, HON-J14, HON-J18, HON-J21)

²⁶⁹ 11/24 (MEX-J2, MEX-J6, MEX-J8, MEX-J11, MEX-J15, MEX-J17, MEX-J19, MEX-J21, MEX-J22, MEX-J23, MEX-J24)

animations, photography exhibitions and festivals²⁷⁰; this likely reflects the greater prevalence of and access to such media in their country.

In Honduras, particularly, some journalists also saw such coverage as a way of documenting and denouncing violence against journalists and impunity and making demands of the state²⁷¹: a form of “advocacy journalism”. In general, Honduran journalists were almost three times as likely as their Mexican counterparts to use the terms “denounce” and “expose” when talking about their own work or what journalism should do.²⁷² Dina Meza of ASOPOEDHU said:

You have to expose this corrupt justice system, prove that it exists, by writing about it, saying that this violates this international commitment. That’s what *Pasos [de Animal Grande]* does. [...] even though the justice system is corrupt, you have to denounce [it].

In Veracruz, a third of journalists interviewed felt keenly that they had a duty to remember murdered colleagues and defend their work and reputations against a government narrative that tended to deny that that journalists’ deaths were related to their profession.²⁷³ However, Félix Márquez, co-organiser of the photography and documentary festival *Mirar Distinto* – set up by Rubén Espinosa in 2014, the year before his murder – said that while they aimed to commemorate murdered colleagues and provide training for journalists in risky situations, equally they wanted to show that journalists are not just victims: they can also organise a great festival (for similar comments relating to academics at risk, see Sertdemir Özdemir, 2019).

However, although covering violence against journalists and impunity was a common – and important – response, a small minority of journalists interviewed in both countries (11 percent) said they thought that its impact was likely limited: they felt that it generated media interest but the effect in terms of influencing the public or government was generally small or non-existent.²⁷⁴ This is consistent with scholarship that suggests that the impact of the media on promoting human rights and public support for human rights causes is variable and unpredictable (Hampton and Lemberg, 2017; Tumber and Waisbord, 2017). For example, Mexican journalist Luis Cardona said that although his newssite *Diario 19* covered the issue, people’s “capacity to be astonished has already been exceeded; more than anything I do it so there’s a record, but I can’t really see any impact.” Neither had publicising his own case helped him secure justice. In 2015, Cardona and other displaced

²⁷⁰ MEX-J2, MEX-J8, MEX-J19, MEX-J22, MEX-J24. Also Ravelo, 2016.

²⁷¹ HON-J1, HON-J12

²⁷² Honduras: 13/21 (HON-J1, HON-J2, HON-J3, HON-J4, HON-J6, HON-J8, HON-J9, HON-J10, HON-J11, HON-J12, HON-J15, HON-J16, HON-J17); Mexico: 5/24 (MEX-J4, MEX-J5, MEX-J11, MEX-J12, MEX-J23)

²⁷³ MEX-J15, MEX-J19, MEX-J21

²⁷⁴ 5/45 (HON-J6, HON-J8; MEX-J8, MEX-J15 MEX-J22)

journalists helped make a short animation about his kidnapping and torture in Chihuahua state (Nájar, 2015). This was a success in terms of audience (it was seen by representatives of FEADLE, the federal protection mechanism, CEAV and NGOs) and journalistically speaking (it was a runner-up for that year's prestigious Gabriel García Márquez journalism prize (Aguilar Sosa, 2016); Cardona also felt it also gave him more clout as a victim: "It gives you more of a voice, it gives what you say more power, people listen to you." But did not lead to any progress in his legal case which was what he had really hoped for. Moreover, as Balbina Flores of RSF emphasised, reporting attacks and threats to the media does not automatically trigger an investigation as reporting to the state does.

This lack of impact was linked to the fact that coverage of violence against journalists and impunity frequently lacked depth and investigation, according to a few journalists interviewed. In Mexico, three journalists who specialised in investigations and human rights²⁷⁵ noted that although specific media outlets covered the issue on a relatively frequent basis, they tended to do so in a superficial, formulaic way, repeating official statements or relying on lists of killed or disappeared journalists. According to them, few Mexican journalists were really investigating the issue – and indeed serious human rights violations in general – to find out why journalists were attacked and killed and why institutions like FEADLE charged with investigating and prosecuting did not work. As Balbina Flores of RSF said:

Journalists [...] should be investigating [...]. They should be tracking why the prosecutors' offices are not investigating. [...] Find out why. [...] They have to get the files, go to the authorities, [...] demand [answers], [...] ask for information on these investigations. [...]. Journalists have to do journalism: [...] seek information, process it, publish it.

This dearth of investigation was attributed in turn to various factors, including its time-consuming and resource-intensive nature²⁷⁶, with resources particularly scarce in Honduras (see below). Three other key obstacles were: a reluctance among media outlets and some journalists to dedicate too much time, space and limited resources to the issue; decreasing access to information on the issue; and the riskiness of such investigations. I cover each of these in turn.

As seen, media outlets in both countries were often not interested in covering the issue, unless the journalist affected was famous or, in some cases, worked for them (Chapter 7.1). Even if they were, there was a limit to how much attention could be dedicated to the issue: human rights violations and impunity were the norm and there was a reluctance among some Mexican journalists in

²⁷⁵ MEX-J2, MEX-23, MEX- J24

²⁷⁶ MEX-J2, MEX-J21, MEX-ORG3

particular to focus on their problems over others’ or to “become the story”²⁷⁷ (see also Sambrook, 2016c: loc. 3932-3942). According to Marcela Turati (Mexico):

[Impunity for crimes against journalists] is not covered much – generally the crimes are covered but there is no follow-up²⁷⁸ [...]. We already know that [impunity] will happen; it’s not newsworthy to say – although we have to say it – ‘the government did nothing, it invented the case, [...] it didn’t help [the family].’ All this is [...] daily [occurrence so] it’s [...] difficult, but it’s something we have to do and we also have to investigate crimes.

In both countries a serious obstacle to investigating attacks on journalists was decreasing access to information.²⁷⁹ Although legal restrictions on accessing information were particularly marked in Honduras (4.4.1), a few interviewees in both countries noted difficulties they had experienced in securing interviews with relevant officials or access to official investigation files. They highlighted the authorities’ practice of restricting access to such files to victims or their family members – although even the latter were sometimes arbitrarily denied access, as in the case of murdered journalist Miroslava Breach (Mexico).²⁸⁰ In Honduras, Wendy Funes said she had been denied access to the file on the official investigation into an assault on herself and 50 journalists by security forces in 2011 (see 7.3.1) on the grounds that it was “confidential”. In Veracruz and Honduras, it was increasingly difficult to persuade victims’ families or even their lawyers to agree to talk, due to fear of reprisals.²⁸¹

Crucially, in both countries publicising, reporting on and especially investigating violence against journalists and impunity were dangerous and could lead to further attacks on journalists, both the original victims and those investigating. For example, in Mexico, Cynthia Valdez said she and her co-owner of newssite *La Pared* separately gave interviews to different Spanish newspapers about having fled Sinaloa state after receiving threats from the Sinaloa cartel around the time their colleague Javier Valdez was murdered (see 7.2.3); on both occasions the articles revealed more personal details than they had agreed, putting them at increased risk. Turati said that *Proceso* carried extensive articles on the 2012 killing of its Veracruz correspondent Regina Martínez but reduced coverage after another of its journalists, Jorge Carrasco, was threatened by Veracruz government officials in April 2013 for investigating the crime (Proceso, 2013) and had to go into

²⁷⁷ MEX-J2, MEX-J24

²⁷⁸ UN (2017c: 31) also notes a lack of “sustained coverage of impunity” for attacks on journalists in other countries.

²⁷⁹ e.g. HON-J3; MEX-J2, MEX-J21

²⁸⁰ MEX-J21, MEX-ORG2, HON-J3

²⁸¹ MEX-J21; HON-J3

hiding (Weisberg, 2013). Turati herself had to leave the country temporarily after being threatened by a Veracruz official for investigating the 2014 abduction and murder of local journalist Gregorio Jiménez de la Cruz (blog.expediente.mx, 2014). In Honduras, Lesly Banegas said that she and other Radio Progreso reporters had to abandon plans to air an interview with one of the alleged killers of a well-known journalist from the region when the other assassins found out and began to threaten the team. Often fear of such attacks is enough to deter journalists from pursuing similar cases. For example, Anabel Hernández (Mexico) explained that she had begun investigating the killing of Javier Valdez but stopped because she feared she might be putting his family at risk.

Another factor impeding journalistic investigation of violence against journalists and impunity was corruption in the profession, which I turn to in the following section.

8.2 The need to acknowledge and address corruption in journalism

Perceptions of co-optation and corruption in journalism more generally constituted further obstacles to addressing violence against journalists and impunity because they generated distrust within the profession and between the public and journalists. Hence it is essential that journalists acknowledge and address the issue.

Firstly, perceived corruption whether due to threats and/ or bribes, could act as a further deterrent to journalists investigating attacks on colleagues, in case it revealed that the motive was the victim's unethical or criminal practices rather than their journalism. For example, Jennifer Ávila (Honduras), said that she and her colleagues at *Contra Corriente* had often talked about covering violence against journalists and impunity but that they had been put off by the fact that in Honduras pervasive impunity meant that the reasons for journalist killings was unknown, while corruption in journalism was a fact. After examining the work of the many journalists killed in the country, she did not believe that the majority were targeted for their journalism (a position shared by CPJ, 2014). Several Honduran journalists mentioned the most high-profile journalist murder victims in the country, Alfredo Villatoro (2012) and Anibal Barrow (2013), in connection with rumours that they had links to drug traffickers.

Similarly, in Veracruz (Mexico), several journalists were keen to highlight that, although many colleagues killed in the state during the Duarte administration were clearly targeted for their journalism, a significant minority of those murdered in recent years were alleged to have worked for or had connections with drug cartels²⁸²; Noé Zavaleta put the figure at around 20 percent of cases as

²⁸² MEX-J13, MEX-J18, MEX-ORG13

of September 2018. In a 2016 book, local journalist Ricardo Ravelo reviewed the official investigation files of 13 reporters killed and missing in Veracruz state between 2010 and 2014 and cross-referenced them with other sources. He concluded that although the majority were targeted for their journalism, in a few cases there were possible unexplained links with organised crime groups, above all Los Zetas cells, though no indication of illicit enrichment (Ravelo 2016: loc. 286).

These examples confirm that in some cases, at least, journalists' doubts about the integrity of attacked colleagues are well-founded. The problem is that these doubts may deter them from investigating in the first place and from pushing for official investigations. Hernández, co-founder of the Veracruz Journalists' Network (RVP) – who at the time of interview worked for the Veracruz state protection mechanism (CEAPP) – emphasised that allegations of links with criminals did not absolve the authorities of their responsibility to investigate and prosecute crimes against journalists; Ravelo makes the same point and also states that the authorities need to establish whether any such links were voluntary or the result of coercion (Ravelo 2016: loc. 311-22). Several Honduran journalists were adamant that until the authorities fulfilled their duty, they would continue to support all journalists who were attacked, regardless of whether they were pro-government or from the alternative media, honest or supposedly corrupt.²⁸³

Secondly, perceived corruption in journalism made the public distrustful of the profession, leaving them indifferent to journalists' plight. In Mexico, almost half the journalists and a third of the protection actors, most of them based in the capital, noted a lack of public support for journalists at risk and the issue of violence and impunity; two Honduran journalists made similar observations²⁸⁴ (see also Relly and González Bustamente, 2017a and Harrison and Pukallus, 2018²⁸⁵). Journalists' protests around the issue were poorly attended in both countries (see Chapter 7.3.2). As a quarter of journalists, all from Mexico City, put it, there was a "distance between journalists and society"²⁸⁶ which impeded public support for journalists at risk (see also AdeP, 2017: 4). One reason for this distance was the perception of the media and journalism as corrupt²⁸⁷ and lacking in credibility.²⁸⁸ In both countries, a significant minority of journalists said that members of their profession were commonly seen as "sell-outs" or in the pay of the highest and most powerful bidder, rather than

²⁸³ HON-J6, HON-J9, HON-J12

²⁸⁴ Mexico: 11/24 journalists (MEX-J2, MEX-J3, MEX-J6, MEX-J8, MEX-J10, MEX-J11, MEX-J12, MEX-J14, MEX-J18, MEX-J23, MEX-J24), 4/12 protection actors (including MEX-ORG1, MEX-ORG2, MEX-ORG9); Honduras: HON-J1, HON-J2.

²⁸⁵ Although interestingly Harrison and Pukallus (2018: 8, note 26) indicate that the Mexican journalists in their study did not share this perception; my research indicates that it was very much relevant in Mexico.

²⁸⁶ 6/24 (MEX-J2, MEX-J3, MEX-J10, MEX-J11, MEX-J23, MEX-24)

²⁸⁷ MEX-J2, MEX-J8, MEX-J10, MEX-J12, MEX-J14, MEX-J23, MEX-J24, MEX-ORG1

²⁸⁸ MEX-J3, MEX-J18, MEX-J23, MEX-J24, MEX-ORG9

independent and unbiased.²⁸⁹ In particular, the media was seen as too close to the government (see Chapter 5). A few journalists in both countries noted that members of the public sometimes attacked colleagues covering demonstrations or other public events as “liars”.²⁹⁰ Although in Mexico the public perception of the “sold-out press” is not new (4.2.3), journalists had only realised the strength of feeling against them due to the rise in violence against the profession, which had largely been met with public indifference, commented journalist Jacinto Rodríguez Munguía. In Honduras, several journalists said that the public had lost its respect for the media and turned against them as journalists since the 2009 coup²⁹¹ (4.4.3).

Another reason a minority of interviewees gave for the perceived lack of public support for journalists, mainly in Mexico City, was a general lack of understanding of the role that journalists and journalism (should) play in a democratic society²⁹², values on which the international protection regime for journalists is premised. That is, journalism and journalists provide the public with truthful information, frame political debates, scrutinise and question those in power. As Guillermo Osorno of *Horizontal* put it, because society does not understand this role, when a journalist is attacked people tend to blame the victim, assuming it was because they were involved in corrupt or criminal activity, rather than because of the story they were covering, a view fuelled by government statements to this effect. Of course, one reason for the public’s lack of understanding is that journalism in Mexico and Honduras often does not live up to these ideals. According to Hootsen of CPJ: “In Mexico in general people don’t really consider journalists to be the ‘fourth estate’, a fundamental part of democracy, because Mexico has never had a truly free press and you don’t miss what you’ve never had.”

Allegations or revelations of corrupt practices are controversial for the profession and their advocates because they have the potential to undermine their stance that journalists are attacked because of their professional activities and to reinforce, even if unintentionally, the government narrative that it is because they are “up to no good”. However, journalist Gerardo Albarrán (Mexico), also an expert and trainer in journalistic ethics, believed it was journalists’ moral and ethical duty to call out corruption in the profession because one individual’s corrupt practices put all journalists at risk by giving them a bad name and making people angry with journalists and the media in general. But, he said, it was difficult to get a critical mass of journalists behind this idea because it is

²⁸⁹ MEX-J3, MEX-J8, MEX-J10, MEX-J24, MEX-ORG1; HON-J1, HON-J2, HON-J6, HON-J8, HON-J13

²⁹⁰ HON-J4, HON-J9, HON-J20; MEX-J8, MEX-J10

²⁹¹ HON-J8, HON-J13, HON-J20

²⁹² MEX-J6, MEX-J8, MEX-J11, MEX-J24, MEX-ORG9; HON-J1, HON-J2. For similar perceptions in India, see Pukallus and Harrison (2018), and in general, see UN (2017c) and Cottle et al. (2016a).

uncomfortable, taboo within the profession – against the mantra of “*perro no come perro*” (“dog doesn’t eat dog”, i.e. you don’t attack your colleagues) – and because the focus was on protecting those at risk:

Very few [journalists...] are prepared to point the finger at a colleague [for suspected corruption]. Because in fact we don’t know, we don’t have enough information, it would mean investigative efforts on our part to document this; indeed, just as we demand that the authorities make journalism their first line of investigation, a [...] possible result of this investigation could be that the [journalist] was an extortionist. We have to accept this, corroborate it and also call it out. But journalists’ organisations are not very willing to do this, because they think that it’s more important at the moment to create instruments that allow us to protect [our] many colleagues who do practise journalism, who are at risk, than to dedicate efforts to this other [issue].

Indeed, most protection actors were noticeably far less vocal on the subject of corruption in the profession than journalists themselves. For example, Flores of RSF agreed that corruption in journalism existed, especially at state level, but limited herself to saying that it was a “very sensitive topic”.

Zavaleta and Hernández from Veracruz also felt that there was a need to be open about the existence of corruption in journalism, including with the international community. There is a need to “take off [our] blindfold”, said Zavaleta, and admit that some journalists are killed because they are “*narco-reporteros*” (narco reporters). Albarrán agreed: although some might think that focusing on corruption in journalism would reinforce the image of the “sold-out press”, this view is misguided.

Recognising mistakes, deviation and malpractice in journalism is the only way to help solve them, to prevent them from being perpetuated and to truly professionalise journalism. [...] I believe that [...if it is we] journalists who denounce bad journalists it helps improve the press’ reputation.

The solution to corruption in journalism is to confront it and to professionalise, said Albarrán. Similarly, in Honduras, Cesario Padilla of C-Libre felt that journalists needed to “make [themselves] and citizens aware that corruption must be cleaned up from home [...], from journalism”; both he and Dina Meza said that journalists needed to “redeem” themselves and “dignify” the profession by rejecting corrupt practices and doing good journalism.

8.3 Self-protection strategies: transforming journalism

As seen, self-protection measures are problematic: they might protect individual journalists in the short-term, but they are risky. Some, like self-censorship and co-optation, undermine journalism as a

profession and its usefulness to society. Hence, many journalists had developed broader self-protection strategies which went beyond immediate physical security to focus on improving their work as well as continuing it more safely. These strategies combined protection and professionalisation, with the aim of building journalists' internal and external support and their legitimacy. Different strategies were employed by varying proportions of journalists, ranging from a majority (for example, socially engaged journalism) to a small minority (such as collaborative journalism), however most were more prevalent and successful in Mexico than in Honduras.

8.3.1 Building internal support: mutual support and collaboration

As seen, an important obstacle to tackling violence against journalists and impunity in both countries was a lack of unity within the profession. Some journalists, especially in Mexico, were increasingly trying to work together for both protection and journalistic purposes, allowing them to improve their security and labour conditions in the absence of state and employer protections, and, potentially, generating solidarity and mutual trust.

For example, five Mexican journalists, from both Mexico City and Veracruz, mentioned that when exposing a particularly sensitive story journalists often used *simultaneous joint publication*, or publishing a story in more than one outlet at the same time, in order to spread the risk and reduce the chance of individual journalists being targeted in reprisal. This strategy could be employed at both domestic and international level.²⁹³ For example, Israel Hernández (Veracruz) said he had teamed up with the local correspondent of a national media outlet in order to publish a sensitive story at both local and country-wide level as a form of “protection mechanism”. According to José Reveles, when *El Universal* refused to publish an investigation into the January 2015 massacre by federal police in Apatzingán, Michoacán state, by its then reporter Laura Castellanos, she contacted *Proceso* and *Aristegui Noticias* and the US broadcaster Univisión which published it simultaneously; this not only got around her newspaper's censorship but also protected her from being the sole target of reprisals for a highly sensitive exposé²⁹⁴ (see also Campa, 2016; Castellanos, 2016). This strategy has also been used by journalists in northern Mexico and Colombia (González de Bustamante and Relly, 2016; Barrios, 2007); and is comparable to “cross regional supervision” in China (Repnikova, 2014; Tong, 2011).

²⁹³ MEX-J3, MEX-J6, MEX-J13, MEX-J18, MEX-J24; also MEX-ORG7.

²⁹⁴ MEX-J6

Journalists in Mexico were also increasingly working as part of *collectives and networks*²⁹⁵ in response to the rise of violence against the profession as well as other challenges, such as mass job losses, and facilitated by the rise of social media. These groups were often informal and involved younger journalists. Their main aims were generally to promote self-protection (IACHR-UN, 2018) and professionalisation. They existed in both the capital and at subnational level: for example, in Mexico City, PdP (also a registered NGO, with a network of local collectives in nine states), Ojos de Perro Azul vs. la Impunidad, Fotorreporteros MX and Cuadernos Doble Raya; and in Veracruz state, RVP and Voz Alternativa (an affiliate of PdP) (Article 19, 2018: 45, 88-90). A few also operated across states, such as Red Rompe el Miedo (RRM).²⁹⁶ Such groups have antecedents in the Juarez Journalists' Network and Free Journalism Network, set up in northern Mexico in 2011 and 2012 respectively (González de Bustamante and Relly, 2016). Around 40 percent of Mexican journalists interviewed said they were part of such groups, more in Veracruz than in Mexico City.²⁹⁷

Some of these groups employed *mutual protection practices*, often in the form of collective monitoring of members covering a particularly sensitive story, including when they travelled to other areas or regions seen as potentially risky (Ojos, PdP, RRM). More generally, members stayed in touch with one another, shared and corroborated information and alerted each other of security risks on the ground (Ojos, PdP, RRM, RVP).²⁹⁸ According to Ruelas of Article 19, some groups like RRM helped to analyse risks and provided support such as documenting attacks and threats on members and contacting (I)NGOs, embassies and local authorities. In the case of RVP, members also organised joint reporting trips when covering sensitive subjects, for example *narcofosas* (mass graves used by drug cartels) in Veracruz state²⁹⁹, a practice also used in Northern Mexico and Colombia (Relly and González de Bustamante, 201 and Barrios, 2007, respectively). RVP had also campaigned on the issue of protection and made statements when journalists were attacked, according to founder Israel Hernández. Some groups, like RVP, also organised security training workshops, often in conjunction with (I)NGOs and other protection actors, including physical and digital security and emotional self-care.³⁰⁰

²⁹⁵ Some journalists used “collective” to denote a group working together to do journalism (e.g. PdP, Ojos de Perro vs la Impunidad), and “network” for journalists who worked independently but came together to work on specific related issues, for example security and professionalisation (e.g. RVP). However, there seemed to be significant overlap, with the terms sometimes used more or less interchangeably.

²⁹⁶ MEX-J2, MEX-J3, MEX-J8, MEX-J10, MEX-J12, MEX-J13, MEX-J14, MEX-J15, MEX-J18, MEX-J21, MEX-J22, MEX-J24, MEX-ORG1, MEX-ORG7, MEX-ORG9

²⁹⁷ 10/24 (MEX-J2, MEX-J8, MEX-J12, MEX-J13, MEX-J14, MEX-J15, MEX-J18, MEX-J19, MEX-J21, MEX-J24)

²⁹⁸ MEX-J8, MEX-J22, MEX-J13; MEX-ORG1, MEX-ORG7

²⁹⁹ MEX-J13, MEX-J19

³⁰⁰ MEX-J18, MEX-J19, MEX-J21, MEX-ORG1; MEX-ORG7

However, such mutual support and collaboration initiatives were not without their limitations and challenges. For example, simultaneous joint publication is likely to benefit better known and well-connected journalists and to be employed for “bigger” stories of national or international interest. Moreover, the success of both simultaneous joint publication and collectives/networks depended on journalists overcoming their egos and desire for “scoops”, which tends to conflict with their training and practices and the commercial nature of many outlets. According to Ruelas of Article 19, networks work well when journalists trust each other, but the problem with large networks like RRM (which the INGO helped set up) is that many so-called journalists are actually “*halcones*’ [spies] for drug traffickers or the government”. A third of Veracruz journalists also alluded to a lack of trust in and between certain members of RVP.³⁰¹ As Nah (2020: 165) points out, it is important not to “romanticise” networks. Although collectives can be a good option for supporting journalists at risk, they were uneven, with some stronger than others and most operating at local or state rather than nationwide level.³⁰² As a result, journalists could not rely on them in the way they could on (I)NGOs, hence the latter were still the main source of assistance. Indeed, some of these groups had been set up by or with the help of (I)NGOs such as PdP (Voz Alternativa) and Article 19 (RRM, RVP), and frequently worked with these organisations to arrange training for members. Moreover, although collectives/networks provided support and solidarity, they had yet to place much focus on strategies to counter impunity.³⁰³

8.3.2 Building public support via professionalisation

Some journalists believed that their best option for addressing violence and impunity was simply to focus on doing better journalism, particularly in Mexico (similarly, see González de Bustamante and Relly, 2016: 694/6). They addressed the many challenges they faced by employing various interrelated and overlapping sub-strategies to professionalise. These sub-strategies constituted a clear attempt to reject “accommodation” and corruption and (re-)claim “neutrality” (Baines and Paddon, 2012) vis-à-vis the government and OCGs and to improve their credibility.³⁰⁴ They included: seeking journalistic autonomy; practising socially engaged journalism; building professional capacity, including raising standards and addressing corrupt practices; investigative journalism, in particular focusing on corruption and impunity, with the potential to boost public understanding of how

³⁰¹ 3/9

³⁰² MEX-ORG7, MEX-ORG9

³⁰³ MEX-J18, MEX-ORG8

³⁰⁴ Although “remaining neutral” is classed as a self-protection measure in Chapter 3, here I argue that attempting to (re-)claim neutrality represents an overarching aim of journalists’ self-protection strategies.

impunity – including for violence against journalists – works, what it hides and who it benefits; and working collaboratively for greater impact as well as protection.

The aim of these sub-strategies was to better connect with the public by producing journalism that was higher quality, more relevant and useful. People would then be in a better position to make informed decisions, including whether to pressure the government for accountability and change, to become part of civil society pressure to end human rights violations and impunity – including in relation to journalists. The hope, also, was that if people could experience journalism, and therefore journalists, as important to their lives and society, they could potentially begin to understand the dangers reporters faced in providing access to information and the need to support and protect them.

These strategies were being applied with varying degrees of success, and generally considerably more effectively in Mexico than in Honduras. I suggest that there are several key reasons for this. Mexico has a stronger history of independent and investigative journalism and a less divided and politically polarised media and civil society. Journalists there had managed to work more collaboratively on various levels. The country also benefitted from a relative safe haven in the form of Mexico City, which offered generally lower levels of serious risk for journalists and more access to international donors and media and support from specialised (I)NGOs and IHR actors (see below and Chapter 6), which had allowed the city to act as an incubator for independent and professional journalism.

8.3.2.1 Seeking journalistic autonomy

In both countries, most of the journalists interviewed had rejected the prevalent media business model and sought, ways to practise journalism more independently, with varying degrees of success (see also Hughes et al., 2017a, on Mexico and Colombia). This matters in terms of countering impunity in that it allowed journalists to escape the censorship of the mainstream media (that prevents coverage of sensitive subjects such as human rights violations and impunity), and its poor work conditions (that leave journalists unprotected, vulnerable to bribes and unable to organise against violence and impunity and other issues).

This strategy had been more varied and successful in Mexico. In both countries around a quarter of journalists interviewed had set up their own media outlets, mainly online.³⁰⁵ However, in Mexico

³⁰⁵ Mexico: 5/24 (MEX-J4, MEX-J9, MEX-J16, MEX-J20, MEX-J22); Honduras: 6/21 (HON-J1, HON-J3, HON-J7, HON-J11, HON-J16, HON-J18)

another 42 percent of journalists worked freelance, including for the mainstream media.³⁰⁶ Some journalists' collectives had also established up their own outlets, such as PdP and its network of local collectives. Two organisations had been established in Mexico City which produced collaborative journalistic investigations and placed them in external outlets, MCCI and Quinto Elemento. Such variants did not seem to exist in Honduras, where, other than starting their own media outlets, journalists most commonly worked for outlets linked to domestic NGOs (a quarter³⁰⁷); a few also paid commercial or community broadcasters for a slot to host their own radio or TV show.³⁰⁸ Although these can be seen as attempts to be free from the constraints of the mainstream media, both potentially risk limiting journalistic independence, the former due to the NGOs' "cause" (see 1.4) and the latter due to the journalists' need to secure advertising contracts to cover their costs. Only two Honduran journalists said they worked freelance.³⁰⁹

8.3.2.2 *Socially engaged journalism*

Working more independently gives journalists more freedom to set the news agenda, what should be covered and how. Two-thirds of the Honduran journalists and 29 percent of their Mexican counterparts indicated that they saw their profession as having a social purpose, as being a way to help people and contribute to, develop or change society, as a vocation rather just a way to make a living.³¹⁰ An important part of this social purpose was covering issues relating to human rights and democracy, corruption, impunity and other injustices (see also Andreopoulos, 2018). Such issues, including violence against journalists and impunity, were not only on the news agenda but a central part of it. These journalists could be described as identified as "critical change agents" at least as much, or more than, as "detached watchdogs" (Hanitzsch, 2011) (see 1.4).

Indeed, in both countries, several journalists aspired to do journalism that was "closer to society" or "side[d] with the people"³¹¹ or with "victims"³¹², to focus on ordinary people rather than elites, to cover issues and produce information that was meaningful for them and prioritise their viewpoints. This recalibration of journalism led some, especially in Honduras, to question or reject what they saw as Western notions of journalistic "objectivity", "impartiality" and "the truth", which in their

³⁰⁶ 10/24 (MEX-J1, MEX-J3, MEX-J5, MEX-J6, MEX-J8, MEX-J12, MEX-J17, MEX-18, MEX-19, MEX-J23)

³⁰⁷ 5/21 (including HON-J2, HON-J10, HON-J14, HON-J15)

³⁰⁸ e.g. HON-J4, HON-J6,

³⁰⁹ HON-19, HON-21

³¹⁰ Honduras: 14/21 (HON-J1, HON-J2, HON-J4, HON-J5, HON-J6, HON-J7, HON-J8, HON-J9, HON-J10, HON-J11, HON-J12, HON-J17, HON-J18, HON-J21); Mexico: 7/24 (MEX-J2, MEX-J3, MEX-J5, MEX-J8, MEX-J10, MEX-J23, MEX-J24; plus MEX-ORG7, MEX-ORG13)

³¹¹ MEX-J2, MEX J24; MEX-ORG7

³¹² HON-J3, HON-J8, HON-J19

countries were often manipulated by mainstream media owners in collusion with the government.³¹³ For example, Wendy Funes (Honduras) saw theories around objectivity and impartiality as “very Western, very *gringa* [foreign, North American]”; she felt that “there is not one truth but several truths”. Similarly, Daniela Rea (Mexico) said: “In our country we were taught that the truth is manufactured, and that torture is used to create a truth.” This approach is in line with “human rights journalism”, which aims to be close to the victims of human rights violations rather than elites, to take sides and to value “honesty” or truthfulness over objectivity (Shaw, 2012: 39).

A potential challenge of this approach is that some may find a contradiction between the commitment to the social or “public interest” purpose of journalism and the questioning of the objectivity principle, which is often considered fundamental to professional or “good” journalism (e.g. Harrison, 2019). This may lead such an approach being dismissed as “advocacy journalism” (see 1.4). However, despite this tension, the international recognition of journalists such as Funes, Rea and Marcela Turati (Mexico) suggest that it is possible to forge a journalism that straddles the “professional” and “advocacy”.

8.3.2.3 *Building professional capacity*

Journalists in both countries were keen to professionalise via training and support in journalistic skills and techniques. Building their professional capacity was seen as important not only to raise standards and improve work opportunities and conditions, but also to counter co-optation/corruption within and increase trust in the profession, key obstacles to public support for journalists and countering impunity for violence against them. However, again, such professional development opportunities seemed to be more available in Mexico than in Honduras.

In Mexico, interviewees spoke of offering or being offered training in areas such as journalistic ethics, investigative and digital journalism, how to cover environmental issues, conflicts and elections, transparency, and the right to reply and to access information and relevant institutions.³¹⁴ Providers included various NGOs and journalistic organisations, including PdP, Quinto Elemento and CIMAC, the Veracruz state protection mechanism (CEAPP) and journalists’ networks and collectives, such as RVP. However, three interviewees commented that much more needed to be done in terms of raising awareness of professional standards and journalistic ethics, particularly outside Mexico City and among older journalists who were less likely to have completed formal journalism

³¹³ HON-J2, HON-J3, HON-J8, HON-J19, HON-J20; MEX-J2, MEX-ORG7

³¹⁴ MEX-J18, MEX-J19, MEX-J23, MEX-ORG7, MEX-ORG13

studies.³¹⁵ Journalists in Honduras had also identified the provision of professional training as a common concern, and one with the potential to unite colleagues and build mutual trust³¹⁶, but a third spoke of a generalised lack of such opportunities.^{317 318}

8.3.2.4 Investigative journalism

Within building professional capacity, journalists in both Mexico and Honduras were particularly keen to develop skills in investigative journalism; this can be seen in part as a response to the superficial nature and lack of impact of reporting on human rights violations, including attacks on journalists. Journalistic investigation can be used as a tool to probe social problems such as human rights violations and impunity, including against journalists, why they exist, and who they benefit, even more so in countries where the truth about what is happening is obscured by the failings or corruption of the justice system and the rule of law (Bromley, 2017). Again, though, efforts in this direction were far more developed in Mexico than in Honduras, where investigative journalism largely remained an aspiration rather than a reality.

In Mexico there was some tradition of investigative journalism (Malkin, 2015) which had been growing in recent years and its role in helping to bring about change was increasingly recognised. A third of Mexican interviewees – like some scholars (e.g. Hughes and Márquez-Ramírez, 2017; Waisbord, 2017) – believed that journalists in the country have played a key role in exposing human rights violations, organised crime, corruption and collusion in recent years³¹⁹ (see also Corcoran, 2018). Without journalistic investigations, the truth about certain key events and the Mexican state would quite simply not be known.³²⁰ For example interviewees frequently cited journalistic investigations into the Ayotzinapa case (Chapter 4) and the “*Casa Blanca*” scandal (Chapter 5) for their impact on Mexican society and the way they had become reference points for impunity and corruption. Other examples included probes into the massacres committed by the army in Tlatlaya, México state, in June 2014, and by the federal police in Apatzingán, Michoacán state, in January 2015, the Odebrecht and “*Estafa Maestra*” (master scam) corruption scandals, and into forced disappearances and mass graves (see Chapter 4; Article 19, 2018). Such stories were increasingly

³¹⁵ MEX-J10, MEX-J15, MEX-ORG13

³¹⁶ HON-J1, HON-J6, HON-J8

³¹⁷ 7/21 (HON-J1, HON-J2, HON-J3, HON-J8, HON-J16, HON-J19, HON-J20; also HON-ORG2)

³¹⁸ Although opportunities for training in some areas, such as investigative journalism, appear to have increased significantly since data collection, including one programme funded by the EU (Ramirez Calderon, 2018) and another run by C-Libre (ConexiHon, 2019).

³¹⁹ 8/24 journalists: (MEX-J3, MEX-J6, MEX-J8, MEX-J10, MEX-J12, MEX-J22, MEX-J23, MEX-J24); 4/12 protection actors (MEX-ORG1, MEX-ORG 4, MEX-ORG 7, MEX-ORG9)

³²⁰ MEX-ORG1 in *Libertad de Expresión*; MEX-J10, MEX-J12, MEX-23, MEX-J24

produced by specialist organisations such as MCCI and Quinto Elemento, both recognised for producing high quality investigations that have had more impact than many traditional media outlets as well as independent digital outlets such as *Animal Político* and *Aristegui Noticias*.³²¹

While journalistic investigations cannot replace official investigations, they can help counter impunity in various ways. As seen, they can expose truths in important cases, make it harder to hide crimes, and can sometimes contribute to pressure that can lead to prosecutions.³²² For example, persistent reporting on the shell companies used by former Veracruz governor Javier Duarte as a conduit for illicit funds triggered a clamour for justice against him, which eventually resulted in his imprisonment and conviction.³²³

For Turati of Quinto Elemento, investigative journalism offered the possibility of contributing to justice, if not now then in the future. Above all, for her – and several other Mexican interviewees³²⁴ – it represented a real source of hope. Turati said:

I'm utterly convinced that journalism is part of [our salvation]. [...] We're doing the work that the government isn't. We investigate massacres, mass graves, extrajudicial killings, corruption – the government doesn't investigate any of this. We help out with a lot of investigations and no one knows. They pay experts but obviously we journalists are the ones who are there, who see, who [...] keep a record of the [disappeared]. We give a lot of information hoping that one day justice will come. The work we do is also against impunity. [...] In these [...] investigations we try to show that if the government wanted to and did a good job, they would reach a little further [to] get to the perpetrators, the intellectual authors, [which] would help reduce crimes, [and secure] justice. What we have left is [...] to try to make contributions [in case] there is a Truth Commission or justice processes later [by] investigat[ing] many things. Yes, I believe that we journalists are important, and part of the solution and we are allies in all of this, in this construction of pathways to justice.

In Honduras, about a quarter of journalists also expressed a great deal of interest in investigative journalism³²⁵ and its potential for helping to bring about change and justice in society. Two of the newer independent digital outlets, Reporteros de Investigación and Contra Corriente, aspired to carry out in-depth and investigative journalism on human rights and social issues, as did the TV programme Perro Amarillo.³²⁶ But these journalists and a few others agreed that Honduras had little

³²¹ MEX-J3, MEX-ORG9

³²² HON-J3, HON-J16; MEX-J24, MEX-ORG1, MEX-ORG4

³²³ MEX-ORG1 in *Libertad de Expresión*

³²⁴ MEX-J3, MEX-J10, MEX-J12, MEX-J24, MEX-ORG1

³²⁵ HON-J1, HON-J3, HON-J11, HON-J12, HON-J16

³²⁶ HON-J3, HON-J16, HON-J12

tradition of investigative journalism; several pointed out that very little was being done in the country in comparison with its neighbours El Salvador, Guatemala and Nicaragua, which all had independent digital outlets recognised for their independence, high standards, collaborative work and impactful investigations.³²⁷ The journalists interested in investigative journalism indicated that its costly and time-consuming nature meant that the little being done in Honduras tended to be carried out by large mainstream media outlets such as *El Heraldo* and *La Prensa* and therefore were, in their view, restricted by the media owners' interests.³²⁸

However, although investigative journalism was a powerful tool and could sometimes contribute directly to justice, it could also raise expectations that were subsequently dashed. An example cited by two Mexican interviewees was when the "*Casa Blanca*" scandal resulted not in impeachment or prosecution of President Peña Nieto but merely in an apology followed by a full term in office.³²⁹

8.3.2.5 Collaborative journalism

As seen, journalists in both countries had identified the need to work together to face the challenges they faced as a profession, including violence and impunity. Again, considerable steps had been taken in this direction in Mexico (Article 19, 2018), whereas in Honduras attempts had tended to be frustrated or to have failed. In Mexico, journalists were increasingly collaborating on various levels: as seen above, a quarter noted the use of simultaneous joint publication as a strategy for collective protection while around 40 percent were working together in local collectives/networks for security and professionalisation purposes. A few were also increasingly focusing on collaborative journalism, which can be defined as "a cooperative arrangement (formal or informal) between two or more news and information organizations, which aims to supplement each organization's resources and maximize the impact of the content produced" (Stonbely, 2017: 14). Two NGOs focusing on collaborative investigations had been formed, Quinto Elemento and MCCI. For example, they and Mexican media outlets had collaborated in investigations into the offshore holdings of the Mexican élite as part of the Panama Papers leaks (MCCI, *Proceso*, Quinto Elemento and Univision) (Chavkin, 2018) and Verificado18, a fact-checking project in the run-up to the 2018 presidential elections (Animal Político and AJ + Español) (Nalvarte, 2018b). As well as allowing journalists to pool resources and maximise impact, such collaborative journalism projects also offered a degree of protection by sharing risk: confusing potential perpetrators or raising the political cost of attacks (Article 19, 2018).

³²⁷ HON-J1, HON-J3, HON-J5, HON-J8, HON-J16, HON-ORG2

³²⁸ HON-J1, HON-J8, HON-J11, HON-J18, HON-ORG2

³²⁹ MEX-J2, MEX-ORG4

Despite the great potential of collaborative journalism in Mexico, veteran journalist José Reveles cautioned that although journalists and outlets were starting to do some joint complex investigations these were still in their infancy. They still needed to learn to let go of their individualistic mentality, the pursuit of exclusives and ownership of information, he said.

There was little evidence of collaborative journalism in Honduras. Several journalists were aware of its potential in terms of pooling resources and improving protection and spoke of attempts to develop this area.³³⁰ However, according to Ávila of *Contra Corriente*, there had never been any major collaborative journalistic project in Honduras such as the Panama Papers. Dina Meza said *Pasos de Animal Grande* had found it hard to get such collaborative projects off the ground because prospective media partners refused to make a start until a minimum level of funding was secured – which she felt could not be secured without being able to demonstrate to donors an existing ability to work together. Common obstacles to collaborative working generally were a limited pool of like-minded journalists or outlets, a lack of mutual trust, perceived or suspected co-optation by the government as well as outlets’ financial precarity.³³¹

8.3.3 Building international support: the importance of international donors and global media

In both Mexico and Honduras, international donors were an essential part of these strategies to transform journalism, while significant potential had also been identified in the international media. These international actors were often more important to the development of such strategies than other IHR actors such as IHRIs, IOs and INGOs.

Given the problems associated with government advertising, traditionally the main source of income for the media, in both countries most journalistic projects sought to secure either private advertising, which was reportedly scarce, or international grants. Independent journalistic projects in Mexico (and Central America), which had been more successful than in Honduras, relied heavily on foreign donors. Likewise, representatives of journalists’ organisations, collectives/ networks, (I)NGOs and publications in Mexico City, Veracruz and other states cited their importance, and many appeared to be largely funded by donors from the USA and Europe. Without the support of international donors, many journalistic projects and groups would likely not exist, or certainly not at their current scale.

³³⁰ HON-J1, HON-J7, HON-J20

³³¹ HON-J1, HON-J7, HON-J9, HON-J15, HON-J16, HON-J18

In both countries, several interviewees mentioned their belief that the international media had the potential to amplify concerns around particular stories or issues, including violence against journalists and impunity, and exert pressure on their governments. In this sense, the global media can be regarded as itself producing a sort of “boomerang” effect (Keck and Sikkink, 1998) similar to that of the IHR actors to which such an effect is more usually attributed. Given that these interviewees were mainly based in the capital cities, this view was presumably linked to the capitals’ concentration of foreign outlets and correspondents. For example, in Honduras, according to two Tegucigalpa-based local correspondents for foreign broadcasters, Gilda Silvestrucci (Venezuela-based Telesur) and Claudia Mendoza (US-based Univisión), international coverage of public protests and of attacks on local journalists reporting on them could lead to increased scrutiny of the Honduran government globally and some protective effect. Mendoza believed that the government was wary of journalists who work for the international media because it could not control them and their coverage of the country via pressure on the owners or via advertising revenue in the way it could with reporters employed by local outlets. One journalist emphasised that certain serious human rights violations following the 2009 coup had only been known about in Honduras after they were covered by international outlets.³³²

However, the idea of the international media potentially having a “boomerang” effect was particularly marked in Mexico City, where several journalists and protection actors spoke of its impact as almost equivalent to that of IHR actors.³³³ Reveles believed that the Mexican government was sensitive to criticism of its human rights record in the international media in the same way as it is of censure from IHR actors and fora because it undermined the country’s democratic appearance. Similarly, Ruelas of Article 19 indicated that under former president Enrique Peña Nieto, international media attention was essential to the government feeling forced to speak out on key freedom of expression cases.³³⁴

According to Georgina Aldana, deputy communications director for MCCI, and Daniela Pastrana of PdP, the Mexican government routinely ignored human rights, corruption or other sensitive issues even when domestic media reported on them extensively. But, as Aldana put it, when an issue is picked up by the *New York Times* it ceased to be just a domestic problem and had to be taken seriously by the Mexican government because it knew the eyes of the international community were on it. Moreover, said Turati, international media attention leads to more local outlets requesting

³³² HON-J20

³³³ MEX-J6, MEX-J24, MEX-ORG1, MEX-ORG4, MEX-ORG7

³³⁴ For example, the murders of Miroslava Breach and Javier Valdez and the Gobierno Espía spyware scandal (see Chapter 4).

interviews with government officials, which, even if refused, leads in turn to more coverage and more pressure on the government. Pastrana gave the example of the Ayotzinapa case, which was known in Mexico almost immediately because of the work of local journalists but only began to have any impact on the government once the international journalists arrived a few days later. “That’s why working with both local journalists and international organisations is so important,” she said, “because the locals have the information and the internationals [...] pressurise from outside”.³³⁵

It is not clear from the data the extent to which journalists in Honduras and Mexico saw this “boomerang” effect of international media attention as a deliberate strategy that they could employ to boost the impact of their stories, or were merely noting its usefulness when it happened to occur. Though certainly, as seen, a significant minority of Mexican journalists noted the use of simultaneous joint publication of a story in the international as well as national media as a deliberate form of self-protection.

Moreover, a recent cross-national journalistic investigation into the unsolved murder of Miroslava Breach suggests that some Mexican journalists increasingly view collaborative investigations with international media partners as a way to probe and expose impunity for violence that is more impactful – and safer – than doing so individually. Feeling that the official investigation into Breach’s killing was not making enough progress, a group of Mexican journalists from various states and media outlets – who chose to remain anonymous for security and other reasons – set up 23 March Collective, named after the date of Breach’s death, and carried out a year-long in-depth journalistic investigation. In August 2019, the collective, along with Forbidden Stories (France), Bellingcat (UK) and the Latin American Centre for Journalistic Investigation (CLIP), published a series of stories on the serious omissions, flaws and irregularities in the official investigation, which were translated into English and French and re-published by dozens of media outlets in Mexico and abroad. The reports indicated that the Mexican authorities were failing to follow up possible links between Breach’s investigations into alleged links between politicians and organised crime groups which had caused her to receive threats, despite them holding the official investigation up as a “model investigation” (de Assis, 2019, Tenz, 2019, Colectivo 23 de Marzo, 2019). This was followed in 2020 by the publication of a similar transnational collaborative investigation into the 2012 murder of Veracruz journalist Regina Martínez (Lakhani et al., 2020). It is interesting to note that these initiatives mirror ideas for action to counter impunity generated during AdP in 2017 (AdP, 2017: 14-

³³⁵ Similarly, Knox (2018: 331) finds that since 2011 Mexican social movements have also targeted international media – and independent Mexican – outlets as a strategy to pressure Mexican mainstream media to cover their issues.

16). There are also parallels with a 2018 cross-national journalistic in-depth probe into the kidnapping and murder of three Ecuadorian journalists in Colombia (Janetsky, 2019).

Such transnational collaborative journalistic investigations into violence against journalists and impunity seem a promising departure within growing global use of transnational collaborative journalism (Alfter, 2019). Global media “boomerangs” would appear to be a potentially important area for further research. However, such international strategies, although undeniably important, had their limitations: notably, they were not equally available to all. As seen, international media outlets were more present and accessible to journalists in the capital cities, and particularly Mexico City.

8.4 Conclusion

In this chapter, I have shown how, out of necessity, many journalists in Mexico and Honduras employed profession-specific and journalistic strategies to try to address violence and impunity, with mixed results. While self-protection measures could be useful, mainly in terms of survival and physical security, they brought considerable new risks and could undermine mutual and public trust. They highlight the importance of acknowledging and addressing co-optation and corruption in journalism to journalists’ safety and credibility.

Broader self-protection strategies, on the other hand, went beyond journalists’ physical security to focus on improving their work as well as continuing it more safely. They combined protection and professionalisation, by building internal, public and international support, and ultimately legitimacy. Such strategies to transform journalism seemed overwhelmingly positive for journalists and society alike. However, they too had limitations and challenges, albeit fewer than self-protection measures. All self-protection strategies were more prevalent and impactful in Mexico than in Honduras. Even in Mexico, mutual support and collaboration initiatives were still nascent, and doing better, more independent and socially engaged journalism was still risky. The success of such strategies was dependent on access to funding and other resources, very often from abroad, which were not equally accessible to all, with Mexico City at an advantage compared to the Mexican states or Honduras.

The growth and very existence of professional strategies generally clearly stem from the failure of the state and the IHR protection system. Self-protection strategies can make important contributions to justice but cannot bring it about. They cannot be a substitute for effective state protection and compliance with IHR standards, rather an additional, complementary way of securing

these, targeting journalists' spheres of influence (the profession and the public) rather than the state directly. Professional strategies did not represent a rejection of journalists' (I)NGOs and their state-oriented approach, rather a recognition by both that other approaches are also required, where journalists are the protagonists and prioritise their role as journalists.

Despite their limitations, I believe that self-protection strategies were vital in the fight against impunity for violence against journalists for several reasons. Firstly, in an otherwise fairly bleak panorama, where impunity for violence against journalists appeared intractable and engaging with the state as victims or activists was context-dependent, limited and often risky in nature, such strategies were evidence that journalists were not giving in to despair or resigned to the role of "journalist victims" or "threatened reporters". They were using their work and professional skills and contacts in ways that allowed them to regain agency and hope and did not involve them having to engage with the state directly; this allowed journalists to sidestep "activism" per se, which many found uncomfortable and risky.

Secondly, the collaboration required to develop self-protection strategies and use them successfully helped journalists to develop the mutual trust, solidarity and organisation they need in order to overcome impunity for violence against the profession and other related problems they faced, such as labour conditions and precarity (although organising also remained challenging in Mexico, as seen in Chapter 7). Some journalists, particularly those with experience of activism or working with NGOs, had identified and, in Mexico, had started to address crucial underlying challenges in the fight against impunity, above all perceived and actual corruption within journalism, which undermined trust in and support for journalists among the profession and public.

Thirdly, by doing better journalism and forming public opinion around the root causes of human rights violations, impunity and corruption, journalists could potentially inspire citizens to join civil society pressure for political and social change. In the process, they may attract societal support for their own plight and demands.

Lastly, the focus on transforming journalism was building the foundations for a truly free press, considered a key part of a fully functioning democracy. This may be journalists' best hope for justice and sustainable protection until broader change occurs in their governments and state institutions, as well as their best option for contributing to that change.

9 Conclusions

In this concluding chapter, I reflect on the comparison between the two countries studied, then summarise my key findings in relation to my research questions and discuss their significance for current scholarly knowledge and debates. Next, I reflect on the overall originality and contributions of the study. Finally, I outline some implications for practice and future research.

This study has been guided by the following overarching research questions: *How do journalists exposed to impunity for violence against journalists perceive and respond to this problem? What strategies do they adopt? What effects do they perceive these strategies to have?*

I have shown that the journalists interviewed in Mexico and Honduras responded to impunity for violence by adopting a range of interlinked strategies which I have characterised as domestic and international (protection approaches) and activist and professional (self-protection approaches). Comparison reveals both similarities and differences in journalists' responses in the two countries, as discussed, but it also suggests three overarching divergences, as follows.

Firstly, although protection approaches are broadly comparable in both countries, they are generally more diverse and have better outcomes in Mexico, at least formally. Domestic civil society in Mexico is more able to act as "enforcement mechanism" than in Honduras. However, this is true more of Mexico City than Mexico as a whole. Moreover, although this "enforcement mechanism" works better in Mexico, it is still not very effective in terms of generating improved access to protection and, particularly, justice for journalists at risk. Protection approaches are also risky for journalists.

However, secondly, the most marked differences between the countries can be seen with self-protection approaches: both activist and professional strategies were generally more widespread, developed and successful in Mexico than in Honduras. Reasons for this include less pronounced government control of Mexican civil society including the media, and Mexican journalists' greater ability to collaborate and access to protection and IHR actors. Also important, I believe, is Mexican journalists' longer experience both of violence against journalists and impunity and of state responses being ineffective and retaliatory, leading to lower expectations of the government and state protection, and therefore more impetus to find alternative solutions. In this sense, self-protection approaches are creative responses to despair. Professional strategies, particularly self-protection strategies around transforming journalism, were also far more feasible and successful in Mexico due to the country's stronger tradition of independent and investigative journalism.

Hence, thirdly, journalists in Mexico, but especially in Mexico City, have more and more varied options for both protection and self-protection than in Honduras. However, this did not necessarily lead to more or better access to protection and justice in the immediate. All these strategies had potential benefits but also drawbacks, and none alone, or even in combination, resulted in adequate protection for journalists, let alone justice. Whichever strategy or strategies journalists employed, seeking justice and protection was difficult and dangerous and its usefulness depended to a degree on where they lived and who they were. This suggests that there is no one sure-fire strategy or single solution to journalists' predicament: it is necessary to try a variety of approaches according to the circumstances despite the risks and success not being guaranteed. The only real way forward was for journalists to be aware of the relative pros and cons of each strategy and keep going, trying different ones at different times or all of them simultaneously in a perpetual "calculus of risk" (Cottle, 2016). After all, there is little alternative but resignation, silence and despair.

However, it was clear that self-protection approaches were central for journalists in both countries and needs to be taken more seriously by scholars and protection actors. Professional strategies had particular appeal, especially self-protection strategies around transforming journalism in Mexico, which also had significant potential. These did not provide a straightforward solution to violence and impunity and were not a substitute for state protection, or, therefore, domestic and international strategies. However, they were an important complement, with the potential to radically alter journalists' relationship with the state, each other, and above all the public.

9.1 Key findings

In this section, I discuss the main findings of the study in relation to the research questions and draw six main conclusions. Addressing the first two research sub-questions together – that is: *To what extent do journalists engage with state institutions to demand their right to justice and protection?* and *How do they make use of international human rights protection standards, mechanisms and actors?* – I draw two conclusions, as follows.

9.1.1 Reliance on intermediaries, limited mobilisation around IHR law or legal rights

In both countries journalists engaged with the state as victims to demand their right to justice and protection relatively frequently, both via domestic institutions and the IHR protection system, but they tended to rely on (I)NGOs as representatives or intermediaries (Chapters 5 and 6). Simmons (2009)'s model of how civil society actors "translate" IHR law to local contexts proved to be relevant for journalists' (I)NGO allies but insufficient to explain its dynamics. Two out of three of the

mechanisms she proposes were frequently used by (I)NGOs to demand protection and justice for journalists, that is litigation (both countries) and lobbying (mainly Mexico), albeit these were employed with mixed and limited results (discussed below). However, her model appears to neglect the intermediary role played by (I)NGOs (Merry 2006; Brysk, 2000) whereby they accompany and represent victims during the process of demanding justice and protection from dedicated state institutions, such as, in the case of journalists, specialised prosecutors and government protection mechanisms.

This is a noteworthy oversight for at least two reasons. Firstly, the importance of this intermediary role for victims. Journalists relied on (I)NGOs to accompany them as part of their strategy for protecting themselves from the state – which they distrusted, often with good reason – even while engaging with its institutions to demand justice and protection. Without such accompaniment, they would almost certainly have made fewer rights demands. This is important because, I believe, one of the overall key strengths of protection approaches in terms of countering impunity was that (I)NGOs persuaded and supported journalists to engage with the state in a way that they might not otherwise have done, so that they challenged, rather than acquiesced to, impunity. Secondly, the centrality of the intermediary role to NGOs’ activities. Accompanying journalists in their interactions with specialised state institutions represented a substantial proportion of some (I)NGOs’ activities and was time-, resource- and energy-consuming for both organisations and victims, limiting the resources available for other activities.

Moreover, Simmons’ third mechanism, mobilisation around IHR standards, appeared to be of limited relevance when it came to journalists. Although IHR law, norms, mechanisms and actors were useful and valued in the struggle for justice and protection, the journalists interviewed rarely mobilised around IHR standards and legal rights themselves (Chapter 6), as Simmons seems to suggest citizens can, despite focusing on human rights and related matters in their work. (Important exceptions included journalists who had set up their own NGOs or collectives to assist other journalists at risk, or who worked for existing (I)NGOs who were effectively HRDs in a fuller sense – Chapters 5 and 7.) In part, this lack of mobilisation was due to limited legal literacy, attributed mainly to lack of dissemination (Chapter 6).

This lack of legal literacy among journalists raises a question about the extent to which intermediaries only “translate” for those they serve (Merry 2006), or also teach them to understand and speak the language, empower them to use the legal and IHR systems for themselves. Although most of the NGOs included in this study offered some form of legal literacy training for journalists, in most cases this did not appear to be a major focus of activity compared to “accompaniment” vis-à-

vis state institutions, legal action and lobbying (Chapter 6). This was likely due mainly to resource limitations and the sheer demand for these other activities. Hence, a potential problem with NGOs' intermediary or accompaniment role is that it risks making journalists overly dependent on these organisations – which are not equally accessible to all – for justice and protection demands, rather than relying on themselves and the profession.

Of course, journalists' are hardly alone in their lack of legal literacy and reliance on (I)NGOs: this is likely common to most victims of human rights violations (Engstrom and Low, 2018; Merry et al., 2010). However, it was still somewhat surprising in this case because in other respects these journalists were not "typical" victims: most of them were educated professionals and they were selected for this study because of their focus on human rights issues and/ or activism around violence against journalists and impunity; in other words, they can be seen as HRDs even if they did not identify as such and might therefore be expected to value IHR standards and legal rights. Moreover, various domestic laws and dedicated institutions protecting their rights had been created in recent years. This suggests that legal literacy cannot be taken for granted, even among some HRDs and relatively well-informed citizens, and that IR/ politics scholars of the value of IHR law to civil society may need to pay more attention to the role of legal literacy in citizens' ability to frame and mobilise around rights demands.

However, it is important to bear in mind that there were other reasons why journalists took this indirect/ mediated approach to engaging with the state, beyond their lack of trust in the state and legal literacy. Key among these were the lack of support, solidarity and organisation within the profession; I have argued that this was linked, among other factors, to poor labour conditions and suppression of workers' rights under the mainstream media business model and journalists' perceptions of corrupt practices among their colleagues, which leads to mutual distrust (7.1). Even if journalists had the right skills many would likely not have the time and resources needed to carry out such work, given their precarity and need to work several jobs. Some journalists' scepticism of and resistance to IHR standards also played a role (Chapter 6), as did the taboo/ risky nature of activism for journalists (Chapter 7); these are discussed further below.

Hence, journalists are dependent on (I)NGOs, like most other victims of human rights violations, due to lack of legal literacy but also a range of other reasons. Some of these reasons likely apply to other victims, such as lack of trust in the state, lack of time and lack of support from employers. Others seem more specific to journalists, notably the lack of solidarity and organisation in the profession linked to perceptions of co-optation and corruption, which in turn lead to mutual and public distrust and loss of credibility, as well as resistance to legal tools. This suggests that when considering the

value of IHR law and legal rights to local civil society and activists, scholars need to consider not only the extent of their legal literacy but also the unity of the group in question and its perceptions of the appropriateness of legal standards and rights.

9.1.2 Limitations of protection approaches: context dependent, limited and risky

Comparison of how journalists and their NGO allies engaged with the state in Mexico and Honduras confirms that the ability of local civil society to function as “enforcement mechanism” on journalists’ behalf varied greatly depending on the country, with Mexican civil society far more able to do so, particularly in Mexico City (Chapters 5 and 6). This is broadly consistent with insights and expectations from the literatures on the translation of IHR law to local contexts and on civil society in less democratic regimes (see Chapter 3) and the countries’ backgrounds and recent history (see Chapter 4). Moreover, I found that how well this “enforcement mechanism” functioned was linked to civil society’s relationship with the government on one hand (the extent to which the government sought to restrict the influence of civil society via co-optation and exclusion, how open it was to interaction with civil society), and on the other its relationship with IHR actors, in particular those present in-country (how actively supportive of civil society such local IHR actors were), and that these two were also interlinked. This chimes with scholars who emphasise the importance of acknowledging that CSOs’ limited ability to interact directly with the state in repressive or violent regimes cannot be reduced to a question of their being “weak” or “ineffective” (Nah, 2016, Ekiert and Kubik, 2014). It is a reminder that the “insider-outsider coalition” may be more potent than the “boomerang pattern” but it depends on “opportunity structures” being relatively open at both domestic and international levels (Sikkink, 2005).

Even when the domestic civil society “enforcement mechanism” did “work”, i.e. succeeded in pressuring the government to bring about change, the change was generally not particularly meaningful in practice. Comparison of the two countries also showed that, despite Mexico’s advantages, the positive impact of such pressure on journalists’ access to protection and especially justice was ultimately extremely limited in both countries. The changes brought about, for example via lobbying, generally proved to be superficial, such as specialised prosecutors who brought scant prosecutions in crimes against journalists and secured even fewer convictions, and government protection mechanisms that prioritised physical security over prevention or prosecution. In other words, the changes tended to remain at “prescriptive status”/ commitment rather than representing “rule-consistent behaviour”/ compliance (Risse and Ropp, 2013; Risse and Sikkink, 1998): they looked good (to the international community) but did not deliver.

Moreover, engaging with the state, even via (I)NGOs, could be risky for journalists in security terms. As seen in Chapters 5 and 6, in both countries taking legal action, both at domestic or international level, sometimes led to reprisals from state (and other) actors; these seemed a more likely result than justice. An unexpected finding of Chapter 5 was that journalists in Mexico appeared to be more prone to “revictimization”, or further repression, by the state institutions with which they engaged for justice or protection, despite (or perhaps because of) having access to more dedicated institutions that had been established for longer than their counterparts in Honduras. This indicates that the number and longevity of specialised state institutions does not necessarily equate to actual improvements in rights protection, and in some cases they can actually make matters worse for victims. It suggests that the institutionalisation of IHR law can co-exist with or even act as a cover for further repression by state, as well as or rather than a step towards rule-consistent behaviour/compliance. Not surprisingly, this is a serious disincentive for journalists to engage with the state, even via (I)NGOs.

Why did civil society pressure on the state so rarely result in compliance and why did it sometimes even backfire? Some journalists and (I)NGO representatives interviewed believed that these states were insincere in their commitment to IHR standards (Smith-Cannoy, 2012; Simmons, 2009; Hathaway, 2002), and that the key factor in the limited usefulness of state institutions was lack of willingness rather than lack of capacity. The state was not only a key perpetrator but also retaliatory and, they believed, unwilling to change. As some interviewees saw it, the state was only “simulating” or giving the appearance of compliance rather than actually complying with its IHR commitments, often to assuage international pressure. Via its “insincere” or “strategic” display of implementation of IHR law, the state could enjoy the benefits both of international approval and support and of continuing to abuse or allow human rights, reducing pressure for change at both international and domestic change) (Anaya-Muñoz, 2019; Bakke et al., 2019).

This suggests that expecting domestic civil society in partially democratic, violent contexts to successfully pressure the state into complying with IHR law and norms is somewhat unrealistic. Moreover, international pressure is unlikely to generate previously non-existent political will on the part of governments, but rather unwilling performances of compliance; Anaya-Muñoz (2019) comes to similar conclusions when analysing human rights progress or lack thereof in Mexico, using FEADLE and CEAV as two of his examples. This study echoes Anaya-Muñoz’s call to start taking state willingness into account again – despite the challenges in measuring it – as well as state capacity, which has been more emphasised in recent accounts of human rights change (e.g. Cole, 2015; Börzel and Risse, 2013; Risse and Ropp 2013; Englehart, 2009). Some interviewees in both countries

perceived impunity for violence against journalists to be convenient for the government or even intentional (particularly in Honduras) (see 4.5). Hence this study also adds to a small body of scholarly texts which suggest that the phenomenon may be deliberate on the part of states (Harrison and Pukallus, 2018; Heyns and Srinivasan, 2013).

The flip side of this “simulation” was that, in the view of some interviewees, the international community also lacked willingness to enforce genuine compliance, using the – albeit limited – means at its disposal, such as applying human rights conditions to foreign aid. As noted in Chapter 3, there is some evidence that certain external measures like positive incentives, for example tailored aid or trade incentives, can play a role in improving human rights conditions at domestic level (Risse and Ropp, 2013; Simmons, 2009; Goodman, 2004), but these are rarely used due to the economic and diplomatic costs (Chapter 6). Hence, civil society and international pressure on governments had clear limits due to lack of political will on the part of both government and the international community, and consequently tended to result in only weak and temporary forms of protection of journalists and little or no reduction in impunity.

Despite the limitations of engaging with state institutions and journalists and (I)NGOs’ scepticism about the state’s motives, ceasing such activities is not really an option, at least for NGOs. These institutions have often been established as a result of local civil society demands, backed up by IHR actors, meaning that if NGOs refuse to engage with them, even on the grounds of their limited impact, “revictimization”, and so forth, they would likely risk losing credibility, as well as potential opportunities to assist journalists at risk. Hence (I)NGOs (and by extension the journalists they assisted) were in a way “trapped”³³⁶ into having to engage with flawed state institutions and “make them work” – or at least to be in a position to prove that they did not. “Rhetorical entrapment” (Jetschke and Liese, 2013; Katzenstein, 2013: 1080), it seems, can apply not only to states but also to civil society groups and activists: just as civil society can ensnare states into committing to IHR standards and forcing it to make pro-human rights changes, the state, via these changes and IHR discourse more generally, can trap civil society into engaging with its institutions, even if they lack (possibly by design) the mandate, resources and political backing to constitute compliance. This observation fits with Katzenstein (2013: 1081)’s concept of “reverse-rhetorical entrapment”, whereby governments are not only targets of advocacy but also “shap[e] the strategies of human

³³⁶ Mexican journalist Anabel Hernández specifically said that she felt “trapped” by FEADLE in that she got to a point where she felt she was spending more time dealing with its and monitoring its work than she was doing her own journalism (see 5.2).

rights organizations” – in this case, encouraging and supporting journalists to engage with state institutions, despite their flaws, limitations and risks.

Hence, from this perspective, IHR standards can be seen not only as a potential tool but also as a potential trap for civil society and journalists. This sense of being “trapped” by the state partially explains the ambivalence some journalists in Mexico displayed towards the use of IHR law and discourse and the institutionalisation of human rights. (Non) mobilisation was not just a question of journalists’ (lack of) legal literacy and dissemination by (I)NGOs: it was also due to a range of other factors as discussed above – including how they perceived legal rights. In Mexico, some journalists were resistant to the idea of referring to IHR standards in their journalism because of their perception that they lacked resonance for the public and that IHR discourse had been politicised and co-opted by the state (Chapter 6). Such perceptions greatly weaken the power of IHR law and norms to inspire mobilisation. In both countries, journalists were often sceptical about the meaningfulness of legal rights where the justice system is seen to be biased, corrupt and incompetent.

There is therefore a danger that journalists become disillusioned with state institutions, the IHR protection system and the civil society “enforcement mechanism” itself, and hence disengage with protection approaches. While understandable given the challenges, this would be an undesirable outcome as we need domestic civil society at the very least to hold the state to account for human rights violations and impunity, as a mechanism for accountability if not enforcement.

Moving to discuss the third research sub-question – *What alternative strategies do journalists adopt if domestic and international avenues fail?* – I draw the following four key conclusions.

9.1.3 Self-protection approaches: crucial but also risky

In the face of ongoing violence and impunity, journalists did not rely solely on making rights demands of the state as victims using intermediaries. Out of necessity they often supplemented or replaced protection approaches with two quite different forms of self-protection: activist strategies and professional strategies, both generally more prevalent and diverse in Mexico than in Honduras. In Chapter 7, I showed how some journalists strove to engage directly with the state as activists for their own cause, via setting up organisations to assist colleagues at risk, public protests and organising. In Chapter 8, I demonstrated that another approach was turning to their profession for self-protection measures and strategies so they could continue their work and sometimes improve it and via their journalism seek justice – or at least the truth.

Self-protection approaches did not represent a rejection of (I)NGOs, however, which often supported such journalists-led initiatives. (I)NGOs advised organisations and provided a model for organisations set up by journalists, organised protests and initiatives for self-organisation (Chapter 7), and helped set up and supported journalists' collectives and networks for mutual protection and professionalisation (Chapter 8). They also incorporated journalists into their work operations as employees and volunteers and pushed for their inclusion in government protection mechanisms. This shows that as well as acting as intermediaries for journalists' interactions with the state, (I)NGOs played an important role in empowering them to take a more direct and active role in organised civil society as activists and as journalists, despite limited legal literacy training.

Self-protection approaches were important as well as necessary for journalists; there are strong parallels here with scholarship on civilians' and citizens' self-protection. Both activist and professional strategies gave journalists some sense of agency (Berents and ten Have, 2018; Jose and Medie, 2015; Mégret, 2009) as they took the lead in their protection rather than relying on (I)NGOs, which were not equally accessible to, or able to assist, all journalists at risk. Professional strategies held particular appeal because they were incorporated into journalists' work rather than detracting from it and involved focusing on their profession and the public rather than an unresponsive or retaliatory state, offering hope and new possibilities for positive change. Self-protection measures could be relatively effective in terms of journalists' survival (Dobichina and Savage, 2016; Baines and Paddon, 2012; Bellamy and Williams, 2009), ability to go on working and resistance; protection is something that people do for themselves, not something that is done to them (Baines and Paddon, 2012; Mégret, 2009; Bonwick, 2006). Moreover, certain forms of self-protection like activism and professional self-protection strategies involved journalists working together and therefore offered the potential for them to develop collaboration and solidarity.

But some forms of self-protection also had significant drawbacks and limitations and could bring new risks. Activism was risky for journalists because it could lead to punishment by media owners or make them a target for increased repression or "exclusion" by governments (Chapter 7), undermining their journalistic credibility and ability to keep on working. Activism could also be limited by and further expose the profession's internal divisions and problems; this was especially noticeable with more grassroots forms of activism such as protests and organising (and therefore in Mexico because of its higher levels of such activism).

Although self-protection measures often bring new risks (Jose and Medie, 2015; South et al, 2010; Bellamy and Williams, 2009), in the case of journalists this potential negative effect was amplified in some respects. As seen in Chapter 8, because journalists' self-protection measures were bound up

with their work, they had the potential to have a positive or negative impact on their journalism as well as their security situation. This was true of “avoidance” measures such as self-censorship (both countries), whose “chilling” effect is widely acknowledged and well documented, but particularly of “accommodation” of state actors (both countries) and OCGs (Mexico) when it led to co-optation and loss of “neutrality”. Such self-protection measures were risky because they undermined journalists’ independence and the quality of their journalism and hence its usefulness for the public. This finding fits with those of scholars of journalists at risk in Mexico such as Hughes and Márquez-Ramírez (2017) and González de Bustamante and Relly (2016). I further argue that this erosion of journalism’s, and therefore journalists’, value to the public reinforces their “distance from society” and lack of public support (discussed in Chapters 7 and 8). Co-optation also brought the risk of violent reprisals, especially from OCGs (Chapter 8).

9.1.4 The advantages of professional self-protection strategies

In Chapter 8 I showed how some journalists, particularly in Mexico, focused instead on developing broader self-protection strategies to safeguard themselves from violence but also as a longer-term response to impunity. Such strategies went beyond immediate, physical security to focus on improving their work as well as continuing it more safely. Similarly, González de Bustamante and Relly (2016: 694/6) note that in northern Mexico “heightened levels of violence appeared to spark an increased commitment to the importance about the core values of journalism, such as truth and accuracy” while some even saw it as “an opportunity to improve their craft”. The Mexican journalists in question in this study combined protection and professionalisation, with the aim of building journalists’ internal and external support and legitimacy. These strategies represented an attempt to address “accommodation”, (re-)claim “neutrality” or independence from the government and OCGs and attract public and international support.

Professional self-protection strategies were important for journalists because they represented a return to journalists’ natural sphere of influence where they could feasibly bring about change: themselves, journalism and the public. They also represented a return to the social purpose of journalism, their role as truth-seekers. Professionalisation meant improving journalistic practice, raising standards, exposing the truth about human rights violations, impunity and corruption – about the state – and better serving the public. As Andreopoulos (2018) points out, there is a convergence between journalists’ professional commitment to truth-seeking and the emerging legal concept of victims’ and society’s “right to the truth” about human rights violations, between professional journalism and human rights advocacy. This convergence around truth-seeking has an important role to play in countering impunity.

Perceptions of corruption in journalism mattered to journalists' security. Professionalisation allowed journalists to address such perceptions which underlay the lack of trust, solidarity and support between journalists and from the public towards journalists, which was a key reason for their vulnerability to violence and impunity. At the outset of the study, I suspected that perceived corruption might be a factor impeding public support of journalists at risk. However, I did not anticipate the extent of the problem in both countries nor that it would be such a major factor undermining journalists' ability to trust one another and work together. It impeded journalists' ability to collaborate to protect themselves, and to secure support from the public who might otherwise have spoken out on their behalf when they faced attacks and lack of justice. I also did not expect the level of perceived corruption to be even higher in Honduras while initiatives to counter it were much less in evidence. In both countries, perceived corruption undermined journalists' ability to mobilise, that is their capacity to overcome internal divisions, harness allies and networks, mobilise resources and be part of an independent media. Hence tackling corrupt and unethical practices was vital, as some journalists had identified, particularly in Mexico.

In Mexico, particularly, some journalists specifically saw professionalisation as a strategy to gain public trust, to increase their credibility and legitimacy and therefore also public support of journalists and journalism. If the public valued journalism, the thinking went, they would be more likely to support journalists when they were threatened and attacked and when these attacks went unpunished. In other words, these journalists hoped that via professionalisation they could connect with the public and frame their own struggles in such a way that they "resonate" with wider society (Loveman, 1998).

However, although professional self-protection strategies were necessary and important, they represented a "least worst" rather than ideal solution³³⁷, as self-protection measures do for civilians (Berents and ten Have, 2018; Bellamy and Williams, 2009; Bonwick, 2006). Even in Mexico, where self-protection strategies were far more feasible and successful than in Honduras, they were clearly no replacement for effective state protection – or, therefore, domestic and international strategies pressuring for state protection (protection approaches). Nor could they bring about justice directly, that is investigations, prosecutions and convictions of perpetrators by the state. Nonetheless, professional self-protection strategies were a crucial complement to state-oriented protection approaches. Some journalists relied on self-protection strategies while also pursuing domestic and

³³⁷ To be clear, I mean not ideal in terms of seeking protection and justice; the impact of professional self-protection strategies, or professionalisation, on journalism itself appeared fairly positive overall.

international strategies: despite their limitations and risks, they were sometimes what enabled journalists to keep going, to continue demanding justice and protection from the state.

Self-protection strategies could also make important contributions to societal pressure for state protection, accountability and justice. Transforming journalism allowed journalists to better serve the public by providing higher quality information and strengthening their “discursive” role, i.e. their ability to be active in political and public life, to influence government policy and offer “counter-discourses” (Ekiert and Kubik, 2014; Lewis, 2013), including challenging government narratives. It allowed journalists to be part of contention rather than accommodation (Ekiert and Kubik, 2014), despite government attempts to control the media via corporativism and exclusion (see Chapter 3). This was key for journalists to maintain autonomy and independence from the government, gain public trust and to bring about change. Importantly, such journalists aimed to do this not by engaging directly with the state, via activism or lobbying – which they left to (I)NGOs – but by engaging with their audiences to form public opinion, using their professional tools and activities. Their contribution was indirect, by transforming journalistic practice, investigating and reporting the truth(s), and potentially helping to mobilise the public. In Mexico particularly, professionalisation in particular represented an important source of hope for journalists and a longer term, more sustainable strategy to address violence and impunity than making rights demands of the state, alone.

9.1.5 Power and vulnerability: journalists’ unusual position in (civil) society

Despite their scepticism about IHR law and legal rights, the journalists interviewed had not abandoned human rights ideas – far from it. However, they generally understood human rights less, as Merry et al. (2010) put it, as a “system of law” and more as a “set of values” or an “ideology of justice”. These values are generally what inspired the journalists and what they tried to convey in their work. Hence, although most were not “translators” of IHR law (bar the exceptions discussed in Chapter 7) they were “translators” of IHR norms more broadly. That is, they “vernacularise” or “frame” human rights concepts to make them resonate with local audiences and “reframe local grievances in terms of global human rights principles” (Merry, 2006: 39, 49), in this case via their journalism: by exposing and investigating human rights violations and impunity, perpetrators, motivations – by seeking the truth.

Merry (2006)’s concept of “translators” is also pertinent to journalists who promote human rights in that their status as “knowledge brokers” – who determine what most people know about the world – makes them “both powerful and vulnerable” (p. 40). Their work requires them to interact with a

wide range of social actors as sources, from powerful state and non-state actors, to civil society actors and ordinary citizens. As seen, their proximity with the powerful makes some people suspect that journalists are in their pay; indeed, in Mexico and Honduras, journalists are vulnerable to “accommodation” of or bribery and co-optation by the government or OCGs due to the threat of violence and/or their general precarity. Hence the “sold-out press” stigma and public anger and distrust.

Yet, at the same, being seen as too close to civil society can also bring journalists problems. Many journalists interviewed relied on (I)NGOs as their main allies for claiming justice and protection from the state and were generally sympathetic to their causes and human rights and social issues, reflected in their work. But participating in activism, including for their own cause, or in “advocacy journalism”, could lead to “exclusion” by the government and censure from colleagues, undermining their security, credibility and ability to work, including access to official sources of information (Chapters 7 and 8). I suggest that this may be another reason why some journalists were reluctant to engage too much with IHR standards and legal rights: in their minds such legalistic norms were too associated with civil society, activism and “causes” (and/ or, as seen above, because they saw IHR discourse as co-opted by the state) (Chapter 6).

This points to the unusual position that professional journalists occupy within society: they are insiders but also outsiders, close to but distant from their subjects, independent rather than partisan; they are both part of and distinct from civil society and walk a tightrope between the two. Independence is a norm of professional journalism but it comes with the risk of being seen as traitors by, and facing attacks from, all sides: government, media owners, OCGs, the public. This tension is in some ways inherent to the work of journalists but it, and the risks it brings, are exacerbated in contexts of violence, repression and polarisation.

Journalists’ unusual position in society and this vulnerability should be borne in mind when studying how their protection and self-protection needs might differ from those of other HRDs. For example, it partially explains the importance of professional self-protection strategies as a way to boost their legitimacy and perceived trustworthiness.

9.1.6 The importance of professional self-protection strategies vs. international strategies

Finally, self-protection approaches, particularly professional strategies, were central to how many journalists responded to impunity and violence in both countries; IHR standards, mechanisms and actors were important and valued but secondary in the day-to-day. The latter were useful tools but

mainly in protection approaches led by journalists' (I)NGO allies, of limited direct use to most journalists, and they did not provide solutions in themselves. Their role in the struggle for justice and protection was less central and less straightforward than many protection actors in the West might imagine – or than I assumed at the beginning of this research.

I have shown that self-protection approaches in general were not only necessary but also important for various reasons, despite their risks and limitations. Professional strategies were what journalists relied on when the state, civil society and international actors failed to provide adequate protection – which in Mexico and Honduras was arguably most of the time. This perspective provides an important counterpoint – or reality check – in relation to IR and politics scholarship on the value of IHR law and norms to domestic civil society: a focus on what victims do when “translation” and the civil society “enforcement mechanism” do not deliver, despite the best efforts of journalists and their (I)NGO allies. Professional – and activist – strategies may not always be ideal or constitute a solution to violence against journalists and impunity, but the same is true of domestic and international strategies to date, and they are equally important for scholars and protection actors to understand. Moreover, the use of professional strategies does not necessarily mean the abandonment of domestic and international strategies; as noted above, professional strategies could be complementary to these, and vital to keeping journalists going in the battle of attrition for state protection and justice. Professional self-protection strategies were, in the main, how some journalists (mainly in Mexico) were starting to mobilise: around self-protection and professionalisation, using the norms of professional journalism rather than their rights under international or domestic law. They were mobilising as journalists rather than as civil society activists. Transforming journalism allowed them to improve their ability to “translate” IHR norms to the public and was a vital source of hope for journalists.

Although professional self-protection strategies were local in nature, international support remained important to their success, as for state-oriented strategies. But more than traditional IHR actors, interviewees tended to value international media and donors, whom they saw as vital for supporting professionalisation, including investigative and collaborative journalism. Given the lack of other funding options, without international donors many media outlets or journalistic projects would not have existed or would have operated on a far smaller scale. Working with the international media had the potential to boost both protective and journalistic impact for the journalists concerned – a sort of parallel “insider-outsider coalition” or “boomerang effect” (Sikkink, 2005, Keck and Sikkink, 1998). More research is required to determine the extent to which journalists harnessed

international media partners and attention as a deliberate strategy to boost both the protective and journalistic impact of their stories on human rights and other sensitive issues.

However, it was clear from the data that such international support for professionalisation was not equally available to all journalists: it depended on their access to resources and actors, which in turn was affected by their location (country and region), their profile and the level of professionalism they were perceived already to have attained. Hence support for professionalisation from international donors, (I)NGOs, etc. tended to favour journalists in Mexico over Honduras, in Mexico City over Veracruz state, those who were better known and connected at national and international level and seen as more independent and “professional”. There are clear parallels here with journalists’ access to the international protection regimes. In this sense, a focus on professionalism and professionalisation could potentially lead to discriminatory practices among organisations that support journalists and reinforcing existing inequalities, as it can for those that support HRDs. Journalists seen as more “professional” may end up enjoying greater legitimacy and access to support than their less “professional” or self-taught colleagues, even though the latter may often be more in greater need (Malkova, 2018; Ichim, 2017; Jones, 2015; Nah et al., 2013). Hence, it seems that although professionalisation is generally seen more positively by journalists than by HRDs – or at least by some scholars of the security and protection of HRDs – the practice may in fact be more divisive and potentially discriminatory for journalists than might initially appear, in a way that echoes the concerns highlighted by such scholarship.

9.2 Originality and contributions

9.2.1 Originality

The approach I have adopted in this study is original in several ways. Empirically speaking, the dissertation is unusual both in terms of the countries it compares and the depth in which it analyses them. I make a novel and detailed comparison of two very different partial democracies, Mexico and Honduras, that nonetheless suffer similar problems of violence against journalists and impunity, within contexts of widespread violence and human rights violations and weak rule of law. I show why this is and how state, civil society and journalists’ responses converge and diverge. The study allows for comparison both within a region (Latin America) and across different political regimes (“flawed democracy” vs “hybrid regime”). It contrasts two “hard case” countries where official commitment to IHR law and norms does not necessarily correlate with improvements on the ground.

Also novel is my focus on the perceptions and responses of journalists, not (only) the (I)NGOs and other protection actors that support them, and on impunity as well as violence. The study provides a detailed, nuanced and multi-layered comparative analysis of how journalists in Mexico and Honduras respond to impunity, in all its complexity and diverse manifestations, and the challenges they face as victims and agents of change. It also assesses which responses are tactically most useful. I enjoyed unusually good access to journalists and protection actors in these two high-risk contexts, facilitated by my knowledge and experience of the countries and issues gained via my prior work supporting journalists at risk there and, consequently, my existing relationships and contacts. My ability to communicate directly with interviewees in Spanish was also a distinct advantage. These factors facilitated credibility and trust, contributing to the quality of the data, and determined my unique perspective as a practitioner-academic.

Conceptually speaking, the study is novel in terms of its disciplinary starting point and its overall interdisciplinary approach. I locate the issue of journalist safety, more typically examined within areas such as journalism, media studies and communications, within IR and politics literature. While this is part of an emerging trend, other recent studies have tended to be quantitative in nature and to focus on journalist killings (e.g. Solis, 2020; Bartman, 2018, Gohdes and Carey, 2017; Asal et al., 2016). My thesis stands out for its qualitative, bottom-up and in-depth approach and its focus on violence against journalists and impunity broadly speaking as well as on IHR norms and laws.

Specifically, I locate the issue of countering violence against journalists and impunity within scholarship on the value of IHR law and norms to domestic civil society groups and activists in Latin America, which tends to focus on (I)NGOs and to be relatively silent on the role of journalists and the media. Hence, I bring a new case study of a specific, under-studied sector of domestic civil society to debates on IHR law and norms and protection. In so doing, I explore the value and effect of such IHR standards, as well as IHR mechanisms and actors, from the viewpoint of journalists at risk as well as that of the (I)NGOs, CSOs and activists that support them. I examine journalists' and the media's position within civil society and the extent to which theories around domestic civil society as a de facto "enforcement mechanism" for IHR law and norms apply in this case. It is important to reiterate that most of the journalists I interviewed can be seen as human rights defenders, as much "critical change agents" as "detached watchdogs" of business and political elites; that is, they "emphasise the importance of advocating for social change, influencing public opinion and setting the political agenda" (Hanitzsch, 2011). They were not pursuing an idealised Western version of journalism or starting from a position of power in their search for protection and justice.

However, since the IR and politics literature reviewed seems implicitly premised on civil society in full or liberal democracies, I found it necessary to supplement it with scholarship on the nature and responses of civil society in violent and repressive regimes and on how civilians, journalists and HRDs cope in such circumstances. Thus, I demonstrate that the study of how journalists respond to violence and impunity cannot be contained by just one literature: it needs to draw on different areas of research and disciplines. The thesis contributes to the beginnings of a more integrated, interdisciplinary body of literature on the issue. In particular, I show that scholarship on civilian self-protection offers a relevant analytical framework for the self-protection measures of journalists (and HRDs); I extend this framework to include broader self-protection strategies that go beyond survival and physical protection to allow journalists to develop internal and external support and legitimacy. This provides a novel interdisciplinary analytical framework for understanding what such individuals do when protection from the state, international community and organised civil society based on IHR laws and norms does not work.

9.2.2 Main contributions

Overall, the study critiques the concept of domestic civil society as a de facto “enforcement mechanism” for IHR law and norms, shows that protection approaches based on invoking such standards are limited, and argues that there is a need for more focus on self-protection. It is this last point where the thesis’ principal contribution to knowledge lies. I outline this then two other key contributions.

The centrality of self-protection: the need for IR and politics scholars to take a more bottom-up and inclusive approach to civil society, and the importance of alternative, non-legal norms in (self-)protection and truth and justice-seeking.

The study shows that the usefulness and appropriateness of invoking IHR law and norms cannot be taken for granted, even in regions or countries where they are apparently well diffused or socialised. Contra Simmons (2009), IHR standards and legal rights in general may be of limited use in partial democracies, where rule of law is limited and state willingness is lacking, not only state capacity: state restrictions on civil society are common and state corruption and collusion with OCGs are rife. When state protection is lacking and violence and repression make it difficult or impossible for domestic civil society to pressure the state into providing it, self-protection is central to how journalists survive, defend themselves and their profession and continue and improve their work; the role of IHR standards, mechanisms and actors, meanwhile, is more marginal. This suggests that self-protection may be key to the security of people more generally in violent and repressive

regimes, as in situations of armed conflict, and merits more attention from scholars interested in how individuals and communities, including HRDs, journalists and other professionals, respond in such contexts.

Specifically, the centrality of self-protection in the study demonstrates how important it is that IR and politics scholars of the translation of IHR law and norms to local contexts take a more bottom-up and inclusive approach. It is crucial to start from the perspectives, resources and strategies of individual rights-holders when theorising about the value of IHR law and norms. It is vital to ask how people try to protect themselves and each other when the state, international community and the civil society “enforcement mechanism” fails to do so, and how these efforts can be supported, rather than just focusing on states, (I)NGOs and IHR standards, as the IR/ politics literature tends to do.

It is also important that IR and politics scholars take a broader view of who/ what constitutes “civil society”, the diverse roles and modus operandi of different civil society actors, and therefore how useful IHR norms and law are likely to be to them as opposed to other types of norms. I suggest that IR/ politics theories would benefit from considering not only (I)NGOs, which aim to translate IHR law and norms via litigation, lobbying and accompaniment, but also those who try to guarantee that the public has access to independent, accurate information, widely recognised as essential to democracy. The study shows that journalists, particularly in Mexico, valued the norms of professional journalism in their self-protection strategies. That is, autonomy, neutrality and (sometimes) objectivity, an emphasis on social engagement or the public interest, developing investigative and collaborative journalism and observing ethical standards, including addressing corruption and malpractice. This suggests the importance of alternative, non-legal norms as a source of inspiration and hope for non-NGO and non-lawyer civil society actors in the fight for protection and justice in violent and repressive regimes.

The study shows that, within a context of limited media freedom and civil society repression, a small but very determined group of journalists, above all in Mexico, are taking important steps towards developing free and independent journalism. For some, this represents a return to focusing on journalism, rather than journalists at risk, as their “cause”. This “professional” approach to self-protection not only reduces risks in terms of their security and credibility by sidestepping activism, but also, they believe, has more impact. By striving to report on and investigate human rights violations, corruption and impunity, such journalists inform the public, analyse what is happening in their country and play their part in holding the state to account. Self-protection strategies centred around the norms of professional journalism allow these journalists go beyond survival and physical protection and develop internal and external support and legitimacy.

On one hand, the study demonstrates that in Mexico and Honduras journalists' efforts to address impunity directly, via the legal system, with the help of (I)NGO allies, are typically thwarted by an unresponsive and sometimes retaliatory state, which can lead to feelings of inevitability, impotency and despair. However, on the other hand, it also suggests that such journalists can potentially have more success in addressing some of the *socio-political effects of impunity*, by transforming the profession and practice of journalism: building solidarity and collaboration, countering corruption, fear and distrust, seeking to uncover the truth and to hold the state accountable. In a landscape that can otherwise seem fairly bleak, this provides grounds for some optimism in terms of journalistic agency, free and independent journalism and the search for protection, justice and the truth in Mexico – and possibly Honduras – in the future. As things stand, however, this progress and optimism is to a large degree contingent on the continued support of foreign donors as well as international journalists and media outlets (which, as noted, tend to prioritise journalists and journalism already deemed to be “professional”).

The study also makes two other key contributions, as follows.

The performativity of states' apparent adherence to IHR standards conceals the lived reality of journalists and others at risk and the dangers of “reverse-rhetorical entrapment”; the need for a greater plurality of human rights approaches.

The study shows that IHR treaties and legal rights under domestic legislation can be rendered almost meaningless in states with weak rule of law and limited willingness to honour IHR commitments. Laws passed and institutions created in apparent compliance with IHR commitments do not necessarily improve access to protection and justice for individuals on the ground and can even make their situation worse due to “revictimization” and reprisals. This can give rise to further distrust in the state and suspicions that governments are insincere in their commitment to IHR law and merely “simulate” compliance to placate the demands of domestic civil society and, especially, the international community, while continuing to reap the benefits of repression.

This is significant for two reasons. Firstly, it is important to acknowledge that this self-interested apparent adherence to international standards on the part of states obscures the much more complex lived experiences of journalists, human rights defenders and other individuals at risk and the difficult, sometimes almost impossible, struggles they face to continue their work and daily lives. Secondly, the study also draws attention to the risk of “reverse-rhetorical entrapment” (Katzenstein, 2013) resulting from this “simulated” state compliance: the danger of journalists and protection actors being trapped into engaging with self-serving and sometimes rights-abusive institutions,

ensnared in limited and risky strategies shaped by the protector-violator state. The study considers the possibility of refusing to play this game, of eschewing state institutions altogether. Certainly, some journalists chose to have as little to do with the state and its institutions as possible (other than as sources for their journalism). As discussed, journalists' self-protection approaches that prioritise the profession and public rather than the state (i.e. professional strategies) provide an alternative means of seeking protection and justice, or at least the truth, and one that appeared to be increasingly popular.

However, the study ultimately suggests that self-protection approaches including professional strategies are generally complementary to, rather than providing a radical substitute for, protection approaches. Pragmatically speaking, since all the approaches and strategies analysed have limitations, journalists at risk need to make use of them all. For the (I)NGOs and activists that support them, at least, disengaging from the state is generally neither possible nor desirable: they need to engage with its institutions and mechanisms, however flawed, in the interests of accountability. Many of the institutions are still young, while securing justice takes time. Many journalists had, sometimes reluctantly, come to the same conclusion and accepted the need for continued state-centred protection approaches; for example, that unless you report an attack to the authorities, the state is not made responsible for investigating it, meaning that you cannot prove that impunity exists. (However, it should be borne in mind that the journalists interviewed could be seen as HRDs and their general acceptance of the need for state-centred approaches may therefore not be typical of other journalists.) But at the same time most journalists also pursued forms of self-protection. Hence, the study indicates the importance of a greater plurality of human rights approaches in such partial, violent and/ or repressive democracies with limited rule of law, both protection and self-protection.

Yet the question of whether or not to engage with the protector-violator state remains valid and represents an enduring dilemma for human rights practitioners. Does engaging with an oppressive state ultimately serve to bolster and legitimise it? For example, Sfar (2009) argues that the use of the Israeli courts to seek redress for Palestinians affected by the Israeli occupation, despite having led to important individual gains, may ultimately be more beneficial to the Israeli regime by creating the illusion of recourse to justice, finetuning and authorising rights-abusive policies and sustaining the occupation. Or does engaging with the state sustain the hope of, and perhaps contribute to, the existence of rule of law, justice, and more functional and stronger institutions in the future? It is not the aim of this thesis to provide a definitive answer to this question. However, it does add to these debates via an empirically rich case study of how members of a specific sector of HRDs at risk in two

Latin American countries navigate and, importantly, *circumnavigate* the state and the perceived performativity of its apparent adherence to IHR standards in their search for protection and justice.

The potential of free and independent journalism to promote public trust in and support for human rights values and journalists at risk: framing and media and information literacy.

As seen, the IR and politics literature on the translation of IHR law and norms reviewed tends in fact to focus on IHR law and legal rights and on the (I)NGOs and lawyers that master these (see 3.1.1), rather than other CSOs and individuals that may understand, and be inspired by, human rights more as a “set of values” or an “ideology of justice” than as a “system of law” (Merry et al., 2010). This study suggests that people’s differing perspectives on human rights is not only a question of legal literacy but also of faith in the state and the rule of law. Some journalists felt the power of human rights as legal standards and legal rights had been compromised by the state’s “simulation” of compliance; some also saw covering human rights from such a legal standpoint as potentially alienating for their audiences. Such journalists felt that a vision of human rights as a set of shared (non-legal, quasi-moral) values was also a more natural and effective way to connect with the public on these issues, to promote knowledge and understanding of human rights (violations) as (in)appropriate behaviour and of the need for justice. By doing better – more independent, socially engaged, professional, investigative and collaborative – journalism, they hoped they could increase their audience and boost public support for journalism and their profession, including, perhaps, for journalists attacked for doing their job (Chapter 8).

This resonates with two sets of scholarly debates, one around human rights promotion and the other around journalist safety.

Firstly, the need to engage wider publics in support of human rights including via “(re)framing” (Gready, 2019, Alston, 2017, McEntire et al., 2015). Gready argues that it is essential to mobilise support from “majority populations” around human rights and the work of human rights defenders, so these are not seen as minority issues relevant only to affected groups and “experts” rather than society more broadly. A key part of this challenge, he believes, is to focus on persuading and convincing people rather than lecturing them, as well as avoiding the sometimes overly legalistic and technical language of human rights professionals that risks alienating people from rather than drawing them to the cause (2019: 8-11).

While Gready does not address journalism or the media directly, it is clear that independent journalists are in a unique position to, as he puts it, “speak[...] truth to publics” (p. 10). The present study confirms the value of promoting free and independent journalism as an important potential

means of attracting public support for human rights issues and of countering attacks on journalists and other HRDs, including by other sections of the media (see also Nah et al. 2018; Tumber and Waisbord, 2017; Waisbord, 2017). True, Gready also sounds a note of caution with regards to placing too much faith in the power of facts and “myth-busting” to convince the opposed, sceptical or indifferent in a “post-truth” age (p. 11). Moreover, as noted, the impact and effectiveness of the media in terms of promoting human rights and public support for human rights causes is variable and unpredictable (Hampton and Lemberg, 2017; Tumber and Waisbord, 2017; Hesmondhalgh, 2006). However, free and independent journalism is nonetheless an tool with strong potential to put forward alternative narratives, including about society and justice, to wider, more general publics. In particular, scholars have shown that personal narratives or stories focusing on the plight of individuals facing abuse and injustice tend to resonate with the public, trigger empathy and sometimes action (McEntire et al., 2015; Keck and Sikkink, 1998: 27). Who better placed to do this and access wide audiences than journalists, in particular those using digital and social media?

The second, related debate is one emerging around the links between “media and information literacy” and the safety of journalists. According to Chocarro M. et al. (2020), media and information literacy should be understood not only as people’s ability to critically evaluate the media, which can facilitate their empowerment, but also to understand the social value of and the need for journalism. The authors argue that a media and information literate citizenry is more likely to resist and protest attacks on journalism and journalists, as engaged audiences or members of the general public; hence, building such literacy should be seen as a strategy to “safeguard a free, independent and safe environment for journalism.” Importantly, they emphasise that such public support depends on the existence of public trust in journalism as a source of truthful and accurate information, which can be undermined by factors such as disinformation campaigns, including those aimed at discrediting journalists, and information overload and fatigue. However, they claim that public trust in the media can also be generated via media and information literacy.

But how can media and information literacy be actively promoted as a means of boosting public trust in journalism and public support for threatened journalists? The answer is not clear from the article. The authors discuss several cases where attacks on journalists in environments of limited media freedom in different regions have mobilised significant and sometimes high-impact solidarity and support from audiences and sometimes from wider society. However, in four out of five cases the details provided suggest that this public trust and support stemmed from the individuals in question being unusually good and/or popular journalists, rather than from any concerted efforts to boost citizens’ media and information literacy generally.

Hence, I suggest a related but different question: what is the role of journalists and journalism themselves in generating public trust? The present study indicates that, for some journalists in Mexico at least, the answer is that they need to embody the change they want to see. In other words, it is up to journalists themselves to prove to the public via their journalism that they are better than their profession's (sometimes deserved) reputation for being "sold-out" or corrupt, to *demonstrate* their social value and build public trust in and support of journalism. We cannot put the onus only on the public to trust journalism (just as we cannot assume that people will automatically understand why human rights principles are important): journalists and journalism must also *earn* the public's trust and support.

9.3 Implications for practice

The findings of this study also suggest the need for a recalibration of protection actors' understanding of the protection of journalists at risk towards one that is more local/ bottom-up and less centred around states, (I)NGOs and IHR actors. In violent and repressive partial democracies like Mexico and Honduras, demanding justice and protection from the state, even via intermediaries, is context-dependent, limited in impact and risky for victims. IHR law, mechanisms and actors are important but ultimately limited tools in their struggles, and the intermediary role played by (I)NGOs can be problematic. That is not to say we should reject domestic and international strategies reliant on (I)NGOs – far from it. It is vital that donors ensure adequate funding for their activities, in particular legal representation for journalists at risk, and that protection actors continue to pressure for states to make institutions effective in protecting, and above all in bringing about justice for, journalists. But it is also important to be aware of the very real limitations and risks of these strategies and that they represent only part of what journalists do, and can do, to seek protection and justice.

Protection and justice-seeking are not (just) something that is done for journalists at risk but something that they do for themselves: they are not only victims and beneficiaries but individuals with agency, activists for their own cause and, above all, reporters, investigators, truth-seekers. For the journalists interviewed, facing violence and impunity often boosted their commitment to the social purpose of journalism. It is crucial also to pay attention to their activist and, above all, professional self-protection strategies which, I have argued, have the potential to allow journalists to start to develop trust and solidarity, to collaborate and mobilise and gain more legitimacy and public support.

Hence, it would be useful if protection actors placed more emphasis on supporting what journalists themselves do to protect themselves and seek justice as members of a profession and of civil society and on assisting them to develop and expand these initiatives. Where possible, therefore, as well as providing (vital) emergency assistance, it is important that (I)NGOs and donors prioritise supporting activities that empower journalists and encourage more collaboration and mobilisation, such as capacity building and funding journalist-led projects, designed in consultation with the journalists concerned. Since journalists' redoubled commitment to the social purpose of journalism may lead them to seek to identify as professional journalists and/ or as activists, the most appropriate focus of such capacity building and projects is likely to vary according to context, for example, professionalisation versus legal literacy. Both responses are worthy of support but it is important to bear in mind that if journalists are not professionalising it may be because they lack the right opportunities and resources.

Mexican and Honduran journalists' poor labour conditions and financial precarity pose a threat to their protection that predates and is equal or even greater than that posed by violence and impunity. It is therefore imperative to find ways of empowering journalists in relation to the media outlets they work for, as well as the state. Labour rights seem to be an area of law with potential to interest and unite journalists, in Mexico at least; hence, offering relevant training could encourage journalists to collaborate and mobilise to demand better salaries, protection and other labour conditions from their employers. It is also essential to back the reform of government advertising to minimise its influence over editorial line and content and, more broadly, of the media and its prevailing business models.

Corrupt and unethical practices, including the co-optation of journalists by the government or OCGs, are serious obstacles not only to journalists' independence and ability to do their job but also to their security. It could be useful for protection actors to support local journalists and NGOs to acknowledge and expose corruption and government influence over journalism and civil society more generally, despite the sensitivity of these issues, and find ways to tackle them and their causes as a priority. Journalists in both countries highlighted the need to focus on bringing up a new generation of young journalists who potentially stand a better chance of remaining untainted by corrupt practices. Revising university journalism courses to place a greater emphasis on professional ethics, in codes and in practice, could play an important role here; such training should also raise awareness of the multiple challenges facing critical journalists in countries like Mexico and Honduras, including violence against journalists and impunity, and of holistic security and protection tools. Such a university-based approach would however need to be complemented by opportunities

for ongoing training, professional development and above all job opportunities where is possible to put these principles into practice (which leads back to the need for reform of the media industry and the prevailing business model).

It is essential that protection actors acknowledge the tendency for more resources for journalists, whether for protection, professionalisation or other activities, to flow to those who are more urban, “professional” and well connected, and that this practice potentially discriminates against those with fewer opportunities to build their capacity due to their location and educational and socioeconomic background. In particular, it is important that protection actors be proactive in seeking ways to build the capacity of journalists in areas where journalism is seen as “weaker” and less independent, such as Honduras and some Mexican states. One way of doing this would be by supporting journalists to develop professional self-protection strategies. For example, they could provide opportunities for journalists to professionalise but also to build their networks – international journalists, media outlets and donors as well as more traditional human rights actors such as INGOs and IHRIs/ IGOs – and to seek funding and other support for journalistic projects. Journalists and media outlets could consider exploring links with others at national and international level to boost not only journalistic impact but also protective effect; protection actors could support them to pursue such approaches.

It is vital that protection actors provide more opportunities for tailored, context-specific wellbeing support for journalists at risk, in recognition that psychological resilience is a vital but often overlooked tool in the “war of attrition” that is the fight against violence and impunity.

9.4 Areas for further research

The findings of this study suggest various areas that would benefit from exploration. It would be useful to carry out further research into how non-NGO civil society actors “translate” IHR norms and values (as opposed to IHR law) in local contexts. What mechanisms do they use? What does successful translation look like? For example, more research is needed into how promoting and supporting free and independent journalism, and possibly media and information literacy, can promote public backing of human rights values and issues, including public support for journalists and HRDs at risk, in partial as well as full democracies.

Further research is also required into the domestic effects of global media attention and pressure in terms of both protection for the journalists concerned and for the translation of human rights norms. If local journalists use collaboration with the international media as a deliberate strategy for increasing protective as well as journalistic impact and creating pressure on their governments, how

successful is this and how can its impact be assessed? What is the impact of transnational collaborative journalism focused on corruption, human rights violations and impunity, including in relation to the security of journalists and HRDs at risk?

To what extent does employing professional self-protection measures and strategies in response to violence and impunity apply to other groups at risk, including professionals such as lawyers, academics and doctors? An initial review suggests that human rights lawyers have used similar self-protection measures and strategies as journalists in contexts of repression and violence, particularly in China (Fu, 2018, Hualing and Cullen, 2011, Liu et al., 2014, Nesossi, 2015), and also Russia (van der Vet and Lyytikäinen, 2015; Kogan, 2013). This may indicate that some professional strategies employed by journalists could potentially also be relevant to other professions.

It is important to study the psychological impact of violence and impunity on journalists and how this affects their lives and ability to continue their journalism, in particular those facing stigmatisation by the government and mainstream media in Honduras and paralysing fear in Veracruz state, and the extent to which this is a deliberate strategy on the part of governments and other actors. Some interesting data was generated in this area during interviews, but it could not be presented here since it lies outside the parameters of the research questions. Linked to this and the recommendations for practice above, how more psychological support/ resilience training could assist such journalists, as well as those pursuing protection approaches despite the risks.

It would also be useful to produce an in-depth study of projects or programmes aimed at promoting legal literacy among journalists in Honduras and Mexico and beyond in order to assess the impact on their ability to mobilise, effectiveness as a protection strategy and impact – positive or negative – on their ability to work. This could usefully include a focus on labour rights. Similarly, it would be helpful to examine journalists' collectives, networks and organisations in Mexico in order to evaluate their impact on members' ability to protect themselves, collaborate and professionalise.

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Appendix A: List of interviewees

Affiliations correct at interview date.

N/S = Not specified for reasons of anonymity and/ or security

Honduras

Code	Interviewee	Location	Job title	Organisation	Type of organisation	Interview date
Journalists (21)						
HON-J1	Dina Meza	Tegucigalpa	Director	Pasos de Animal Grande (ASOPODEHU)	Digital media outlet (NGO)	05.03.18, 27.03.18
HON-J2	Cesario Padilla	Tegucigalpa	Journalist	ConexiHon (C-Libre)	Digital media outlet (NGO)	06.03.18
HON-J3	Wendy Carolina Funes	Tegucigalpa	Founder	Reporteros de Investigación	Digital media outlet	06.03.18
HON-J4	Julio Ernesto Alvarado (<i>died July 2020</i>)	Tegucigalpa	Presenter	Radio Globo	Radio station	07.03.18
HON-J5	N/S	N/S	Journalist	N/S	N/S	08.03.18
HON-J6	Gilda Silvestrucci	Tegucigalpa	Correspondent/ Presenter	Telesur/ Radio Globo	TV/ radio stations	09.03.18
HON-J7	Jhonny José Lagos	Tegucigalpa	Founder & director	El Libertador	Print media outlet	09.03.18
HON-J8	Claudia Mendoza	Tegucigalpa	Correspondent	Univisión	TV station	09.03.18
HON-J9	César Omar Silva Rosales	Tegucigalpa	Presenter	Une TV	TV station	12.03.18
HON-J10	Germán H. Reyes Reyes	Tegucigalpa	Journalist	Revistazo (ASJ)	Digital media outlet (NGO)	12.03.18
HON-J11	Emy Padilla	Tegucigalpa	Co-founder & director	Criterio.hn	Digital media outlet	12.03.18
HON-J12	Milton Benítez	Tegucigalpa	Presenter	Une TV	TV station	12.03.18
HON-J13	N/S	N/S	Journalist	N/S	N/S	17.03.18
HON-J14	Lesly Banegas Frazier	El Progreso	Journalist	Radio Progreso (ERIC-SJ)	Radio station (NGO)	20.03.18
HON-J15	Inmer Gerardo Chévez	El Progreso	Journalist	Radio Progreso (ERIC-SJ)	Radio station (NGO)	20.03.18
HON-J16	Jennifer Ávila	El Progreso	Co-founder & director	Contra Corriente	Digital media outlet	21.03.18

HON-J17	Dunia Aracely Montoya Medina	El Progreso	Journalist	Vida Laboral	Print media outlet	21.03.18
HON-J18	Arnulfo Aguilar	San Pedro Sula	Founder & director	Radio Uno	Radio station	22.03.18
HON-J19	Glenn Flores	San Pedro Sula	Journalist	Freelance, including for Criterio.hn	Various media outlets	22.03.18
HON-J20	N/S	N/S	Journalist	N/S	N/S	26.03.18
HON-J21	José Adán Castelar	Tegucigalpa	Journalist	Freelance, including for Canal 13 and <i>El Heraldo</i>	TV station/ print media outlet	27.03.18
Protection actors (10)						
HON-ORG1	-	Tegucigalpa	Volunteer	Peace Brigades International (Honduras)	INGO	08.03.18
HON-ORG2	Dagoberto Rodríguez	Tegucigalpa	President/ Editor-in-chief	Colegio de Periodistas de Honduras (CPH)/ <i>La Prensa</i>	Professional association/ print media outlet	13.03.18
HON-ORG3	N/S	Tegucigalpa	Member of the diplomatic community	N/S	-	13.03.18
HON-ORG4	N/S	Tegucigalpa	N/S	Office of the High Commissioner for Human Rights of the United Nations (OHCHR)	IHRI	14.03.18
HON-ORG5	N/S	Tegucigalpa	Lawyer	National Protection Mechanism	State institution	15.03.18
HON-ORG6	Guillermo López Lone	San Pedro Sula	Coordinator	Coalition Against Impunity (CCI)	Civil society coalition	16.03.18
HON-ORG7	Ryan Morgan Maria Alejandra Rincón Bryan Rogers	El Progreso	Volunteers	Witness for Peace	INGO	19.03.18
HON-ORG8	Joaquin Rivera Mejía	El Progreso	Researcher & lawyer	ERIC-SC	NGO	20.03.18
HON-ORG9	N/S	N/S	Human rights lawyer	N/S	N/S	26.03.18

HON-ORG10	José Guadalupe Ruelas	Tegucigalpa	Director	Casa Alianza	INGO	26.03.18
Total	21					

Mexico

Code	Interviewee	Location	Job title	Organisation	Type of organisation	Interview date
<i>Journalists (24)</i>						
MEX-J1	Humberto Padgett León	Mexico City	Journalist & author	Freelance, including for Radio Fórmula	Various media outlets	05.09.18
MEX-J2	Daniela Rea	Mexico City	Co-editor/ Co-founder	Pie de Página (Journalists on the Ground - PdP)	Digital media outlet (journalists' collective/ NGO)	06.09.18
MEX-J3	Jacinto Rodríguez Munguía	Mexico City	Journalist & author	Freelance	Various media outlets	06.09.18
MEX-J4	Gildo Garza Herrera	Mexico City (displaced - Tamaulipa)	Director/ President	Cambio de Tamaulipas/ Journalists Displaced in Mexico (PDM)	Digital media outlet/ Journalists' collective (NGO)	08.09.18
MEX-J5	Omar Bello Pineda	Mexico City (displaced - Guerrero)	Journalist/ Spokesperson	Freelance/ Journalists Displaced in Mexico (PDM)	Journalists' collective (NGO)	08.09.18
MEX-J6	José Reveles	Mexico City	Journalist & author	Freelance	Various media outlets	10.09.18
MEX-J7	N/S	N/S (displaced - Guerrero)	Journalist	N/S	N/S	11.09.18
MEX-J8	Temoris Grecko	Mexico City	Journalist, author & filmmaker	Freelance	Various media outlets	12.09.18
MEX-J9	Cynthia Yarel Valdez García	Mexico City (displaced - Sinaloa)	Co-founder & co-director	La Pared Noticias	Digital media outlet	14.09.18
MEX-J10	Gerardo Albarrán de Alba	Mexico City	Director of Investigations Unit/ President	Capital Media/ Mexico City Protection Mechanism for Human Rights Defenders and Journalists	Multimedia outlet/ State institution	14.09.18

MEX-J11	Guillermo Osorno	Mexico City	Co-founder & director	Horizontal.mx	Digital media outlet (NGO)	18.09.18
MEX-J12	Salvador Frausto	Mexico City	Editor	Freelance, including for Vice News Español	Digital media outlet	18.09.18
MEX-J13	Noé Zavaleta	Xalapa, Veracruz state	Correspondent	Proceso	Print/ digital media outlet	19.09.18
MEX-J14	Norma Trujillo	Xalapa, Veracruz state	Journalist/ Head	La Jornada Veracruz/ Voz Alternativa collective	Print media outlet/ Journalists' collective	20.08.18
MEX-J15	Miguel Ángel León Carmona	Xalapa, Veracruz state	Reporter/ contributor	E-Consulta Veracruz/ La Silla Rota, Pie de Página	Digital media outlets	20.08.18
MEX-J16	Miguel Ángel Díaz González	Xalapa, Veracruz state	Editorial director	Plumas Libres	Digital media outlet	21.08.18
MEX-J17	Melina Zurita	Xalapa, Veracruz state	Reporter	Freelance, including for Grupo Radio Centro	Various media outlets	24.09.18
MEX-J18	Israel Hernández	Xalapa, Veracruz state	Journalist/ Founder/ Commissioner	Freelance, including for Aristegui Noticias/ Veracruz Journalists' Network (RVP)/ State Commission for the Protection of Journalists (CEAPP)	Various media outlets/ journalists' collective/ state institution	24.09.18
MEX-J19	Félix Márquez	Veracruz, Veracruz state	Photojournalist	Freelance, including for Associated Press/ Veracruz Journalists' Network (RVP)	Various media outlets/ member	25.09.18
MEX-J20	Jorge Sánchez	Veracruz, Veracruz state	Journalist & owner	La Unión	Print media outlet	25.09.18
MEX-J21	Sandra Segura	Veracruz, Veracruz state	Columnist	Notiver	Print media outlet	26.09.18
MEX-J22	Luis Cardona	N/S (displaced - Chihuahua)	Director	Diario 19	Digital media outlet	28.09.18
MEX-23	Anabel Hernández	N/S (in exile - Mexico City)	Journalist & author	Freelance, including for Aristegui Noticias and foreign media outlets	Various media outlets	16.10.18

MEX-J24 [originally coded as ORG-11]	Marcela Turati	Mexico City	Co-founder/ Co- founder	Quinto Elemento/ Journalists on the Ground (PdP)	Investigative journalism organisation (NGO)/ journalists' collective (NGO)	13.09.18
<i>Protection actors (12)</i>						
MEX-ORG1	Ana Cristina Ruelas	Mexico City	Director	Article 19 (Mexico & Central America)	INGO	03.09.18
MEX-ORG2	Sara Mendiola	Mexico City	Director	Propuesta Cívica	NGO	04.09.18
MEX-ORG3	Balbina Flores Martínez	Mexico City	Representative (also a journalist)	Reporters Without Borders (RSF) Mexico	INGO	04.09.18
MEX-ORG4	Georgina Aldana	Mexico City	Deputy communication s director	Mexicans Against Corruption and Impunity (MCCI)	NGO	05.09.19
MEX-ORG5	N/S	Mexico City	N/S	British Embassy	Embassy	07.09.18
MEX-ORG6	Jorge Ruiz del Ángel	Mexico City	Deputy general director for case reception and rapid response	Federal Protection Mechanism for Human Rights Defenders and Journalist	State institution	10.09.18
	Fernanda Oceguera		Adviser			
MEX-ORG7	Daniela Pastrana	Mexico City	Co-founder & Investigations and Projects Coordinator (also a journalist)	Journalists on the Ground (PdP)	Journalists' collective (NGO)	10.09.18
MEX-ORG8	Lucía Lagunes de Huerta	Mexico City	Director (also a journalist)	Center for Communication and Information about Women (CIMAC)	NGO	11.09.18
MEX-ORG9	Jan-Albert Hootsen	Mexico City	Representative (also a journalist)	Committee to Protect Journalists (CPJ) Mexico	INGO	11.09.18
MEX- ORG10	Imma Roca i Cortes	Mexico City	Deputy Head	European Union (EU) Delegation	IGO	13.09.18
MEX- ORG12	N/S	Mexico City	N/S	Office of the High Commissioner for Human Rights of the	IHRI	13.09.18

MEX- ORG13	Jorge Morales Vázquez	Xalapa, Veracruz state	Executive Secretary (also a journalist)	United Nations (OHCHR) State Commission for the Protection of Journalists (CEAPP)	State institution	20.09.18
Total	36					

Source: Author

Appendix B: Journalists' rights in Mexico and Honduras in international law and national constitutions

Mexico

Mexico has ratified the major UN human rights treaties and their regional equivalents. At UN level these include: the International Covenant on Civil and Political Rights (ICCPR); the International Covenant on Economic, Social and Cultural Rights (ICESCR) the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT); and the Convention for the Protection of All Persons from Enforced Disappearance (CED). Mexico allows individual complaints to be made under CAT, ICCPR and CED (OHCHR, 2021b).

At regional level, Mexico has ratified the American Convention on Human Rights (ACHR); the Inter-American Convention to Prevent and Punish Torture (IACPPT); and the Inter-American Convention on the Forced Disappearance of Person (IACFDP). (OAS, 2021a, OAS, 2021c, OAS, 2021b). Mexico recognises the jurisdiction of the Inter-American Court of Human Rights (IACtHR, 2019).

The Mexican Constitution stipulates that all human rights enshrined in international treaties to which Mexico is a state party will be respected, and that the State has the obligation to prevent, investigate, punish and make reparations with respect to human right violations. Constitutional reforms in 2011 established that where there is a conflict between the Constitution and international treaties, the norm most favourable to the individual's protection will prevail (EUM, 1917: Article 1).

The Constitution recognises key rights relevant to the protection of journalists and other individuals. These include the right to: work in the profession of one's own choosing (Art. 5); freedom of expression and information (Arts. 6 and 7); association and assembly (Art. 9); freedom of movement (Art. 10); freedom (Art. 14) and privacy (Art. 16). Citizens have the right to petition authorities and receive a prompt written response (Art. 8) and to have access to justice and a legal defence (Art. 17). The constitution also recognises the right to physical integrity and the prohibition of torture, arbitrary detention and enforced disappearance and the need to pass federal laws protecting these rights (Arts. 29; Section III, XXI (a)).

Honduras

Honduras has also ratified the major UN human rights treaties and their regional equivalents. At UN level these include the ICCPR, ICESCR, CAT and CED; individual complaints are allowed under the ICCPR and ICESCR (OHCHR, 2021a). At regional level, Honduras has signed and ratified the ACHR and the IACFDP; it has signed but not yet ratified the IACPPT (OAS, 2021a, OAS, 2021c, OAS, 2021b). It also recognises the jurisdiction of the Inter-American Court of Human Rights (IACtHR, 2019).

The Honduran Constitution recognises the rights enshrined in international treaties and conventions as part of domestic law (ANC, 1982, Arts. 16 and 183). It also recognises key rights such as the right to: life, liberty, security and equality before the law (Arts. 61, 65); physical, psychological and moral integrity and freedom from torture and cruel inhuman and degrading treatment or punishment (Art. 68); freedom from arbitrary detention (Art. 71); freedom of thought and expression (Art. 72-75); privacy (Art. 76); freedom of association (Art. 78) and assembly (Art. 79); freedom of movement (Art. 81); and to work in the profession of one's own choosing (Art. 127). Citizens also have the right to: justice (Art. 1); to present petitions to authorities and receive a response with the legal timeframe (Art. 80); a legal defence and access to justice (Arts. 82-83); the right to *amparo* (a mechanism for the legal protection of individual rights) (Art. 183).

Note: this is a non-exhaustive guide; other international and domestic legislation also applies, including domestic provisions that undermine these rights (see Chapter 4).

Appendix C: Glossary of translations

(Translations not included in List of Acronyms)

Name in English (translation)	Name in Spanish (original)	Country
23 March Collective	Colectivo 23 de marzo	Mexico
Courts Inspectorate	Inspectoría de Tribunales	Honduras
Federal Protection Mechanism for Journalists and Human Rights Defenders	Mecanismo de Protección para Personas Defensoras de Derechos Humanos y Periodistas	Mexico
Journalists for Life and Freedom of Expression collective	Colectivo Periodistas por la Vida y la Libertad de Expresión	Honduras
Law for the Protection of Human Rights Defenders and Journalists	Ley para la Protección de Personas Defensoras de Derechos Humanos y Periodistas	Mexico
Law for the Protection of Human Rights Defenders, Journalists, Social Communicators and Law Enforcement Officials	Ley de protección para las y los defensores de derechos humanos, periodistas, comunicadores sociales y operadores de justicia	Honduras
Law on Classification of Documents Related to Security and National Defence	Ley para la Clasificación de Documentos Relacionados con la Seguridad y Defensa Nacional	Honduras
National Law on Cybersecurity and Protection Measures against Acts of Hate and Discrimination on the Internet and Social Media	Ley Nacional de Ciberseguridad y Medidas de Protección ante los Actos de Odio y Discriminación en Internet y Redes Sociales	Honduras
Prosecutor of Officials of the Public Prosecutors' Office	Fiscalía de Enjuiciamiento de Funcionarios del Ministerio Público	Honduras
Protection Mechanism for Human Rights Defenders, Journalists, Social communicators and Law Enforcement Officials	Mecanismo de Protección de las y los defensores de derechos humanos, periodistas, comunicadores sociales y operadores de justicia	Honduras
Special Prosecutor for Electoral Crimes and Crimes against Freedom of Expression (Veracruz state)	Fiscal Especial en Delitos Electorales y en Delitos contra la Libertad de Expresión (Veracruz)	Mexico
Transparency and Access to Public Information Law	Ley de Transparencia y Acceso a la Información Pública	Honduras

Voluntary Programme of Rescue and
Promotion of the Communications
Sector Law

Ley del Programa Voluntario de
Rescate, Promoción y Fomento del
Sector de las Comunicaciones

Honduras