

Challenges to freedom of opinion and expression in times of conflicts and disturbances in Latin America in the digital age (July 11th, 2022)

Derechos Digitales' contribution to the report by the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Irene Khan at the 77th session of the UN General Assembly in October 2022

About Derechos Digitales

Derechos Digitales is a non-governmental and non-profit organisation, founded in 2005, with a Latin American scope. It has consultative status with ECOSOC and its headquarters are in Santiago, Chile. We are an organisation dedicated to defending and promoting human rights in the digital environment. Our actions are focused on analysing the impact of technologies on fundamental rights and influencing the public and private sector to promote social change around the respect and dignity of all people. Previously, Derechos Digitales has contributed to several UN reports on privacy and freedom of expression in the digital age, always sharing a Latin American vision on the related relevant issues.

Introduction

This report seeks to contribute to documenting and systematising the Latin American experience on the exercise of the right to freedom of opinion and expression in the digital age in times of conflicts and other disturbances. Far from being an exhaustive list, we present several cases in which freedom of opinion and expression have been violated through digital technologies in the past years in different Latin American countries during protests and conflicts.

We consider that, in its interdependent nature, the violation of the right to freedom of opinion and expression in such cases has a severe consequence of the violation of other human rights such as the right to life, privacy, freedom of association and peaceful assembly, equality and a dignified life.

The documentation supporting this report has been gathered by Derechos Digitales from our work individually and in alliances with other civil society organisations and academic institutions in the region as well as from other trusted sources in the region.

1. Protests in Bolivia (2019-2020)

The political crisis exploded in October 2019 in Bolivia, was plagued by violence and violation of human rights due to the confrontation of political positions that bet on the conflict and the subsequent tendencies to exercise greater vigilance and restrict freedoms and guarantees by the transitional government. The internet has been one

of the spaces where human freedoms have been exercised while several rights have been violated in this period.¹

The COVID-19 pandemic has accelerated digitization processes, causing several key aspects of life to increasingly move to virtual spaces and, with this, the gaps in access and use of information technologies have also become evident and multiplied information and communication (ICT) that, at the same time, become barriers to access to social services, labour market, financial and information services, and increase security risks online.

During the political and health crisis, digital tools were used by some population groups to call for peaceful demonstrations, they were also used for education, work and the exercise of freedom of expression. However, they also became scenarios for the violation of rights exercised both by governments and by technology companies, and even by civil society groups. The first cases in Bolivia of free expression violations on the internet during the political crisis occurred from the beginning, starting on the day of the national elections, October 20, 2019, and were directed against journalists and the media.²

During the transitional government, they were followed by harmful regulations, cyber patrols and the arrest of people accused of misinforming.³ Since Luis Arce assumed the presidency of the State, several government actions have been verified and described as judicial political persecution through arrests of opponents supported, in part, due to statements on social networks. These actions, when directed at political opponents, constitute not only violations of freedom of expression, but also the criminalization of dissident political positions.⁴

In March 2020, with the rapid deterioration of the health situation in the country and the region, two additional Supreme Decrees, 4199 and 4200, were issued declaring the "*Total Quarantine throughout the territory of the Plurinational State of Bolivia*", and putting a series of provisions and regulations in force for its administration and control. In both Supreme Decrees specific regulation is included regarding the "*responsible exercise*" of the citizen's right to express an opinion and disseminate information in the context of the health emergency. The mentioned Decree 4200 (March 25), in its Art. 13 states that "People who incite non-compliance with this

¹ Eliana Quiroz Gutiérrez. Internet, redes sociales y derechos digitales. In: La democracia en Bolivia hoy, Plural editores: La Paz, 2021. Available at:

https://internetbolivia.org/file/2022/04/Internet_redes_sociales_y_derechos_digit.pdf

² Idem, p. 288

³ InternetBolivia. Reporte sobre la situación de los derechos digitales en Bolivia durante el COVID-19, 2020. Available at: https://internetbolivia.org/file/2020/11/fd_tecnopandemia_2021.pdf, p. 16-20

⁴ Eliana Quiroz Gutiérrez. Internet, redes sociales y derechos digitales. In: La democracia en Bolivia hoy, Plural editores: La Paz, 2021. Available at: https://internetbolivia.org/file/2022/04/Internet_redes_sociales_y_derechos_digit.pdf, p. 290.

Supreme Decree or misinform or generate uncertainty in the population, will be subject to criminal charges for committing crimes against public health”.⁵

2. Protests in Colombia (since November 2019-2021)

In November 2019, Colombia experienced a series of social protests that demanded compliance with the peace agreements, guaranteed access to social services, and the end of the assassinations and arbitrary detentions of indigenous leaders. On November 21, 2019, a national strike was called, which resulted in the militarization of the streets. In this context, different media announced that the Bogota Police would launch facial recognition software that would be installed in the “Halcón” helicopter—which is used to prosecute crime—, and it would also be installed in the City of Medellin through static cameras. According to the media, this system would recognize parts of a person's body that were visible despite having the face covered, such as eyes and nose, these biometric data that would be articulated with databases of the *Dirección de Investigación Criminal*, *Interpol* and the *Registraduría Nacional*.⁶ These measures are contrary to freedom of expression and that they threaten anonymity in contexts of social protest.

In 2021, the protests were revived due to the tax reform announced by the Colombian government with the aim of recovering from the pandemic.⁷ In this framework, the State violated the human rights of the population with the excessive use of force, but also by using digital technologies to monitor the population and violating free expression on the internet.

Also in 2021, the protests resurfaced again with violations of human rights in the digital environment. In its 2021 annual report, the Office of the Special Rapporteur for Freedom of Expression (*RELE*, for its acronym in Spanish) of the Inter-American Commission on Human Rights (*IACHR*) documented that the internet played a fundamental role in the protests because “it allowed people to report incidents and make open complaints, often in real time, about possible excesses in the use of force, in addition to requesting protection of their rights.”⁸

⁵ InternetBolivia. Reporte sobre la situación de los derechos digitales en Bolivia durante el COVID-19, 2020. Available at: https://internetbolivia.org/file/2020/11/fd_tecnopandemia_2021.pdf

⁶ Guerra, J. “21N en Colombia, defender el anonimato en la protesta”. Derechos Digitales. 2019. Available at: <https://www.derechosdigitales.org/14033/21n-en-colombia-defender-el-anonimato-en-la-protesta/>

⁷ DeJusticia. “Colombia 2021: una nueva amenaza de crisis en materia de derechos humanos Informe de situación de las protestas ocurridas en Colombia desde el 28 de abril al 5 de mayo de 2021”. 2021 Available at: <https://www.dejusticia.org/wp-content/uploads/2021/05/Informe-de-la-situacion-en-materia-de-protesta-social.pdf>

⁸ Relatoría Especial para la Libertad de Expresión. “Informe Anual de la Comisión Interamericana de Derechos Humanos 2021”. Comisión Interamericana de Derechos Humanos. 2022 . Available at: <https://www.oas.org/es/cidh/expresion/informes/IA2021ESP.pdf>

However, the internet also served to monitor the population, due to the RELE also received information about the practice of cyber patrolling, which monitored the alleged false content about the protests and determined which information was true and which was false. The Colombian State reported to RELE “that 21,675 hours of cyber patrolling were carried out and that at least 154 fake news and more than 2,300 publications containing threats to life or physical integrity were identified.”⁹

In this context, Colombian civil society organisations denounced that the State criminalised online social protest. State agents called the protests “digital terrorism” and “terrorism disguised as vandalism.” This criminalisation was reinforced by the security forces with the launch of the *#ColombiaEsMiVerdad* campaign, which aimed to qualify false information, which led to the cyber patrolling mentioned above.¹⁰

The organisations denounced that the State used technologies to restrict access to the internet, especially at the height of the protests and in the spaces occupied by the public forces. Citizens denounced that during the protests, internet connectivity was interrupted, as well as that they experienced difficulties in accessing certain content, which could be verified, at least in Cali, with a Netblocks report that confirmed the interruption of internet service.¹¹ The organisations also made it visible that the State has acquired technology capable of inhibiting or blocking the internet and telecommunications signal, thanks to regulatory frameworks that allow it.¹²⁻¹³

3. Protests in Ecuador (since 2019 to June 2022)

On October 3, 2019, the Ecuadorian government announced austerity measures that involved the elimination of the gas subsidy, which would impact the transport sector. This situation led to a series of protests by carriers, students and indigenous peoples, which took place over a period of ten days, in which 1,228 irregular arrests were registered.¹⁴ Moreover, within the framework of these protests, human rights were also violated in the digital environment.

Civil society organisations documented that during the protests “temporary disruptions to internet connection and interruptions of social media, mobile

⁹ Ibid.

¹⁰ Fundación Karisma. “Pedimos incorporar y analizar las violencias digitales en la protesta durante su visita”. 2021. Available at:

<https://web.karisma.org.co/una-peticion-para-incorporar-y-analizar-las-violencias-digitales-en-la-protesta/>

¹¹ Netblocks. “Internet disrupted in Colombia amid anti-government protests”. 2021. Available at: <https://netblocks.org/reports/internet-disrupted-in-colombia-amid-anti-government-protests-YAEvMvB3>

¹² Ibid.

¹³ Guerra, J. “¿Se han violado los derechos humanos en internet en Colombia? Necesitamos explorar esa posibilidad”. Derechos Digitales. 2021. Available at: <https://www.derechosdigitales.org/16031/se-han-violado-los-derechos-humanos-en-internet-en-colombia-necesitamos-explorar-esa-posibilidad/>

¹⁴ Human Rights Watch. “Ecuador: Lecciones de las Protestas de 2019”. 2020. Available at: <https://www.hrw.org/es/news/2020/04/06/ecuador-lecciones-de-las-protestas-de-2019>

communications and websites were detected and reported.”¹⁵ The Netblocks organisation reported difficulties accessing the internet for several hours over six days.¹⁶ In this sense, the organisations received requests for support regarding the difficulties with communications, even after the protests ended, requests for support for digital security threats kept coming in.¹⁷

In 2019, the Office of the Special Rapporteur for Freedom of Expression (RELE for its acronym in Spanish) made an official visit to Ecuador with the aim of documenting the human rights situation in the protests. In its report, the RELE documented that internet signal inhibitors were used in the areas of conflict between citizens and security forces, which made it impossible to send text messages or access to internet,¹⁸ all with the intention to stop the dissemination of information about what was happening in the protests. After ten days, the protests ended when the government and protesters made an agreement to eliminate the decree with the austerity measures.

More recently, on June 13, 2022, indigenous groups, especially the *Consejo Ampliado de la Confederación de Nacionalidades Indígenas del Ecuador* (CONAIE), called for a national strike to make a demand about the precarious conditions in which they live and made a agenda with proposals¹⁹ to improve these conditions.²⁰ However, the Ecuadorian government announced a state of emergency suspending the right to freedom of expression and access to information, alleging the ability of the government to limit access to telecommunications and the internet in some areas of the country.

During this process, the Ecuadorian State has violated human rights through the internet and through the use of digital technologies. On the one hand, the government has implemented video surveillance practices against the leading indigenous

¹⁵ APC, Derechos Digitales. “Contribuciones sobre derechos humanos en el entorno digital en Ecuador”. 2022. Available at: https://www.apc.org/sites/default/files/dd_apc_upr_ecuador_2022.pdf

¹⁶ NetBlocks, 2019. “Evidence of social media disruptions in Ecuador as crisis deepens”. Available at: <https://netblocks.org/reports/evidence-of-social-media-disruptions-in-ecuador-as-crisis-deepens-oy9RN483> and NetBlocks, 2019. “Mobile internet disrupted in Quito as Ecuador political crisis escalates”. Available at: <https://netblocks.org/reports/mobile-internet-disrupted-in-quito-as-ecuador-political-crisis-escalates-eBOgkJBZ>

¹⁷ APC, DDP, LaLibre.net, Tecnologías Comunitarias y TCM, 2019. “Derechos digitales en el contexto de las protestas y movilización social en Ecuador en octubre de 2019. Aporte para la Visita de Observación al Ecuador por parte del Relator Especial para la Libertad de Expresión, Edison Lanza y del Comisionado Luis Ernesto Vargas de la Comisión Interamericana de Derechos Humanos (CIDH). Available at: https://www.apc.org/sites/default/files/Ecuador_Informe_bloqueos_e_interrupciones_red_octubre_2019_CIDH_2.pdf

¹⁸ CIDH, 2020. Comunicado de Prensa: CIDH Presenta observaciones de su visita a Ecuador. Available at: <https://www.oas.org/es/cidh/prensa/comunicados/2020/008.asp>

¹⁹ CONAIE, “Agenda de lucha nacional”. 2022. Available at: <https://drive.google.com/file/d/1SzuT4sG8VlnSpcmQ4-qAe07ardw-n4BX/view>

²⁰ Alianza por los derechos humanos Ecuador. “Pronunciamiento desde la Alianza por los Derechos Humanos sobre las acciones legítimas de protesta social y la respuesta estatal de criminalización por parte del Gobierno Nacional”, 2022. Available at: <https://ddhhecuador.org/sites/default/files/documentos/2022-06/Pronunciamiento%20Alianza%20DDHH%20sobre%20protesta%20social%20Junio%202022%20.%2014.06.22.pdf>

organisations of the national strike, installing cameras outside their offices through the Integrated Security Service ECU911, which has previously been criticised by social organisations for its surveillance purposes and its lack of transparency.²¹ In addition, protesters have denounced the seizure of electronic devices, Distributed Denial of Service (DDoS) attacks have also been reported on media and websites of social organisations involved in the protests, as well as direct attacks against their social media accounts.²²

Due to this, Derechos Digitales sent a communication to Mr Clément Nyaletsossi Voule, Special Rapporteur on Rights to Freedom of Peaceful Assembly and of Association Office of the High Commissioner for Human Rights United Nations in order to alert the international community about the use of digital technologies for the violation of human rights by the State.²³

4. Protests in Chile (2019-2020)

On October 18th, 2019 a series of massive citizens' demonstrations started in Santiago and then throughout the country, that lasted for almost five months, until the COVID-19 pandemic forced the implementation of strict lockdowns in the country. The Government declared a state of emergency for ten days, and the military were called to preserve the public order; for the first time since Augusto Pinochet's dictatorship, curfew was implemented. Many human rights violations were denounced: according to the information compiled by Amnesty International, as of March 2021, there were 8.000 victims of state violence and more than 400 cases of eye trauma.²⁴

Since the beginning of the protests, citizens found in social networks an alternative and complementary space to the street protests. Nevertheless, there were many documented cases where social network accounts used to share news and relevant information for social organisation were suspended, deleted, or had their traffic artificially compromised. Among the most common reasons declared by affected users and platforms for restrictions on the circulation of content or on the well-functioning of social networks accounts during the period of social protests in Chile were: (1) Application of community standards without due considerations of human rights implications that prevent the distinction between the legitimate suppression of violent

²¹ Fundamedios. "La videovigilancia en Ecuador vulnera derechos ciudadanos". 2021 Available at: https://www.fundamedios.org.ec/wp-content/uploads/2021/12/Inf.-Videovigilancia_01-1.p

²² Derechos Digitales. "Organizaciones de la sociedad civil rechazan intentos de silenciar y criminalizar movimientos sociales en el contexto de protesta en Ecuador y exigen que se respeten los derechos humanos." 2022. Available at: <https://www.derechosdigitales.org/18736/organizaciones-de-la-sociedad-civil-rechazan-intentos-de-silenciar-y-criminalizar-movimientos-sociales-en-el-contexto-de-protesta-en-ecuador-y-exigen-que-se-respeten-los-derechos-humanos/>

²³ Derechos Digitales. "Violations to the freedom of peaceful assembly and of association in Ecuador." 2022.

²⁴ El Mostrador. Víctimas de trauma ocular del estallido social exigen reparación. Available at: <https://www.elmostrador.cl/dia/2021/11/05/victimas-de-trauma-ocular-del-estallido-social-exigen-reparacion/>

and illicit content and those that are not only legitimate, but important and necessary in a context of social protest and State repression; (2) Flagging of accounts and content as a form of censorship; and (3) Security attacks to accounts. In several reported cases, affected users don't receive any type of information regarding the reasons why their accounts or content were eliminated, which adds to the already complex methods of report and review of this type of decision, which are, as evidenced, not adequate for these exceptional situations.²⁵

Social media sites were monitored by the Police in search of information regarding the protests,²⁶ and there were cases where people were intimidated by the Police based on information obtained this way.²⁷ In December of 2019, it was reported by the press that the Government ordered an analysis of social media during the first days of protests, pointing out to famous singers, comedians, Korean pop fans, and alternative media outlets as instigators of the protests.²⁸

A report²⁹ by *Fundación Datos Protegidos*, *Instituto de la Comunicación e Imagen* (ICEI) at *Universidad de Chile*, and the *Observatorio del Derecho a la Comunicación* - OCD ("Observatory for the right to communication") compiled 138 cases of violence, threats and intimidation against journalists, social communicators, and photographers between October 18th and November 22th, 2019. Several people reported being harassed by the police while trying to document their behaviour, and heard from the police that this was an illegal practice. Police actions for avoiding being registered included detention, insulting and hitting. There is also evidence of forced confiscation of phones from people who were recording the police.³⁰ There were complaints of internet shutdowns during the first days of protest, and of the use of spyware to intercept communications of a Judge, but no solid evidence was found to sustain those claims.

²⁵ Derechos Digitales. Report to International Human Rights Organizations: Human rights situation and the use of technology during social protests in Chile 2019. Available at https://www.derechosdigitales.org/wp-content/uploads/DDHHChile_EN.pdf

²⁶ La Tercera. Gobierno rastrea rol de venezolanos en Twitter. Available at <https://www.latercera.com/nacional/noticia/gobierno-rastrea-rol-venezolanos-twitter/880408/>

²⁷ Palabra Pública. Quién vigila a quién: las redes sociales en tiempos de crisis. Available at: <https://palabrapublica.uchile.cl/2019/11/13/quien-vigila-a-quien-las-redes-sociales-en-tiempos-de-crisis/>

²⁸ La Tercera. El big data del Gobierno: Los detalles del informe por el estallido social que entregó a la Fiscalía. Available at <https://www.latercera.com/la-tercera-domingo/noticia/big-data-del-gobierno-los-detalles-del-informe-estallido-social-entrego-la-fiscalia/947967/>

²⁹ Datos protegidos, ICEI and OCD. Libertad de expresión en el contexto de las protestas y movilizaciones sociales en Chile. Available at <https://datosprotegidos.org/download-informe-libertad-de-expresion-en-el-contexto-de-las-protestas-y-movilizaciones-sociales-en-chile-durante-el-estallido-social/>

³⁰ This video published on Twitter shows a woman being detained by the Police for recording them on video with her cellphone. Moments later, a Police Officer destroys the phone. https://twitter.com/phillip_molina/status/1195553077924945921?s=21

5. Decline of freedom of expression in Brazil (2019-2022)

Between 2011 and 2021, Brazil had one of the biggest declines in freedom of expression indicators, according to the Global Expression Report produced annually by Article 19. The country had a reduction of 38 points in the scale of the global ranking of freedom of expression produced annually by the institution, which gathers information from 161 countries in 25 indicators.³¹

Together with the Association for Progressive Communications, Article 19 and Intervozes, Derechos Digitales sent a contribution within the scope of the Universal Periodic Review.³² This report emphasises that although the country is considered an international referent regarding the protection of rights in the digital environment, assuming a central role in the promotion of international standards in favour of privacy in the digital age, these rights have important limitations at the National level. These limitations have compromised the exercise of fundamental rights, especially in the last five years, a situation that worsened during the COVID-19 pandemic in 2020 and 2021.

Another example of growing surveillance practices was the preparation of an “anti-fascist dossier” by the federal Ministry of Justice in 2020. The report sought to map civil service workers who were against Bolsonaro, based on gathering information about these individuals available on social networks.³³ The Federal Supreme Court ruled to prohibit the preparation of the dossier in 2021.³⁴

Furthermore, online gender-based violence has been reported in Brazil. Recent studies have reported that the starting point of racism and misogyny suffered by journalists on social media comes from important public figures in the country.³⁵ Other investigations show that female journalists receive more than twice as many offences as male colleagues on Twitter.³⁶

³¹ Article 19. The Global Expression Report 2022 - Intensifying battle for narrative control. Available at: <https://artigo19.org/wp-content/blogs.dir/24/files/2022/06/A19-GxR-Report-22.pdf>

³² Association for Progressive Communications (APC), Artigo 19 Brasil e América do Sul, Derechos Digitales and Intervozes - Coletivo Brasil de Comunicação Social. UPR. 41st session period - Brazil. Joint stakeholder contribution. Available at: https://www.derechosdigitales.org/wp-content/uploads/UPR_Brazil_eng-logoPT.pdf

³³ Conjur, 2020. Dossiê de antifascistas entregue aos EUA cita jornalistas e professores. Available at: <https://www.conjur.com.br/2020-ago-17/dossie-antifascistas-entreg-ue-aos-eua-cita-jornalistas-professores>

³⁴ G1, 2020. STF decide suspender produção de dossiê sobre antifascistas pelo Ministério da Justiça. Available at: <https://g1.globo.com/politica/noticia/2020/08/20/stf-for-ma-maioria-para-proibir-ministerio-da-justica-de-produzir-dossie-contr-antifascistas.ghtml>

³⁵ Laís Martins; Giovana Fleck. Como autoridades potencializam ataques misóginos e racistas contra jornalistas. Revista AzMina. Available at: https://azmina.com.br/reportagens/como-autoridades-potencializam-ataques-misoginios-e-racistas-contr-jornalistas-nas-redes/?utm_source=twitter&utm_medium=rede-social&utm_campaign=6072022monitora-jornalistas-post1

³⁶ Jamile Santana, Mulheres jornalistas recebem mais que o dobro de ofensas que colegas homens no Twitter. Revista AzMina. Available at: <https://azmina.com.br/reportagens/mulheres-jornalistas-recebem-mais-que-o-dobro-de-ofensas-que-colegas-homens-no-twitter/>

6. Situation of the right to freedom of expression and information in Venezuela

In Venezuela, organisations such as *Espacio Público* denounce that any person interested in finding out about topics of public interest has to overcome several barriers to doing so. The acute shortage of censored periodicals, radios and televisions, blocked web portals and recurrent power outages are the main obstacles for this dimension of right to freedom of expression. Additionally, for those who decide to give an opinion or to inform, there may be further consequences.³⁷

Public communication media have been used to promote the stigmatisation of sectors considered to be “political opposition”. This practice is supported by the improper use of data and personal information, which is accessed through information available on social media, or on databases from public institutions.³⁸

7. State of exception and the situation of the right to freedom of expression and information in Nicaragua and El Salvador

The deterioration of the protection of human rights in Nicaragua and El Salvador is a case that can be verified in recent years. In both cases, however, we find similarities in the form in which they have been closing spaces for dissent and in irrespective of human rights It's a daily practice.³⁹ In the case of El Salvador, the digital harassment in which people who disagree with the government are the only subject, in many cases, generates self-censorship.⁴⁰ This harassment, carried out mainly by anonymous accounts, is also carried out manually by high government officials and the president, accompanied by armies of adherents that amplify the abuse.⁴¹

Investigations from Access Now and the Citizen Lab identified the use of Pegasus, a NSO Group spyware, hacking against El Salvador journalists and members of civil society organisations on a large scale in 2021. Targets included journalists from *El Faro*, *Gato Encerrado*, *La Prensa Gráfica*, *Revista Digital Disruptiva*, *Diario El Mundo*, *El Diario de*

³⁷ Espacio Público. Informe 2021: Situación del derecho a la libertad de expresión e información en Venezuela. Available at: <https://espaciopublico.org/situacion-general-del-derecho-a-la-libertad-de-expresion-enero-diciembre-2021/>

³⁸ Espacio Público. Privacidad y datos personales en Venezuela - Una aproximación a la legislación y práctica vigentes. Available at: <https://espaciopublico.org/privacidad-y-datos-personales-cual-es-la-situacion-actual-en-venezuela/>

³⁹ Laura Hernández. Crónica de un deterioro anunciado. Derechos Digitales. Available at: <https://www.derechosdigitales.org/18501/cronica-de-un-deterioro-anunciado/>

⁴⁰ Astrid Valencia. La receta de Nayib Bukele para limitar el ejercicio de los derechos humanos. Amnesty International. Available at: <https://www.amnesty.org/es/latest/news/2021/07/receta-nayib-bukele-para-limitar-ejercicio-derechos-humanos/>

⁴¹ Fernanda Kobelinsky. “Sábados de bullying”, el agresivo método del presidente más popular de América Latina para aplacar las voces críticas. Infobae. Available at: <https://www.infobae.com/america/america-latina/2021/05/08/sabados-de-bullying-el-agresivo-metodo-del-presidente-salvadoreno-nayib-bukele-para-aplacar-las-vozes-criticas/>

Hoy, and two independent journalists. Civil society targets included *Fundación DTJ*, *Cristosal*, and another NGO.⁴² The declaration of a state of exception in El Salvador in March 2022, has been criticised by civil society, due to the lack of proportionality in the measures adopted, abuses committed⁴³ and threats to freedom of expression.⁴⁴ The decree was requested by the Salvadoran President, following a weekend of extreme violence.

In Nicaragua, measures have also been implemented that indirectly violate the right to freedom of expression, such as the confiscation of paper for the printing of newspapers, as well as internet shutdowns that interfere with the free circulation of information.⁴⁵

All of the above is but a brief overview of the challenges to the right to freedom of expression in Latin America in the context of digital communications, and the domino effect that these threats present to all other human rights in the region, especially those of activists and journalists, and those of historically marginalised groups.

We welcome the opportunity to contribute to the call for inputs, and are happy to receive any comments or questions from your Office on the work of Derechos Digitales on the right to freedom of expression, and the development of digital technologies in Latin America. We can be reached at ia@derechosdigitales.org.

⁴² CitizenLab. Project Torogoz - Extensive Hacking of Media & Civil Society in El Salvador with Pegasus Spyware. Available at: <https://citizenlab.ca/2022/01/project-torogoz-extensive-hacking-media-civil-society-el-salvador-pegasus-spyware/>

⁴³ Civicus. El Salvador: freedom of expression under threat amid rising gang violence. Available at: <https://monitor.civicus.org/updates/2022/04/19/el-salvador-freedom-expression-under-threat-amid-rising-gang-violence/>

⁴⁴ Human Rights Watch. El Salvador: Evidence of Serious Abuse in State of Emergency. Available at: <https://www.hrw.org/news/2022/05/02/el-salvador-evidence-serious-abuse-state-emergency>

⁴⁵ NetBlocks. (2018, 19 July). Regional internet disruptions in Nicaragua amid protests. <https://netblocks.org/reports/nicaragua-regional-internet-disruptions-amid-protests-gdAmMvA9>