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Mexico

Country:

Mexico

Year:

2016

Press Freedom Status:

Not Free

PFS Score:

64

Legal Environment:

19

Political Environment:

31

Economic Environment:

14

Mexico is one of the world's most dangerous places for journalists and media workers, and press freedom faces persistent threats. Journalists and media outlets frequently face harassment, intimidation, and physical attacks, and self-censorship remains widespread in areas heavily affected by drug-related violence. The Federal Telecommunications and Broadcasting Act, known as the "Ley Telecom," signed by President Enrique Peña Nieto in July 2014, continued to draw criticism for threatening freedom of expression.

Key Developments

- At least four reporters were killed in connection with their work in 2015, and the facilities of media organizations were repeatedly attacked with gunfire and explosives.
- A team of investigative reporters were fired by their employer in March, just months after they published information about an apparent conflict of interest in which the president's wife purchased a luxurious residence from a favored government contractor.
- The websites of several media outlets and press freedom organizations were temporarily disabled by cyberattacks during the year, and at least one journalist faced a smear campaign on social media in response to her reporting.

Legal Environment: 19 / 30 (↓1)

Freedom of expression is established in Articles 6 and 7 of the constitution, and there are a number of legal mechanisms designed to ensure journalists' safety and freedom to operate. However, despite legislation in 2013 that facilitated the transfer of crimes against journalists to the federal prosecutorial system, impunity for these crimes remained the norm in 2015, as federal officials have proven unwilling or unable to halt or punish the growing tally of murders. The Office of the Special Prosecutor for Crimes against Freedom of Expression (FEADLE) has been hesitant to assert its jurisdiction over such crimes without state officials' approval. Many governmental officials dismiss potential journalism-related motives for attacks and threats with questionable haste, often invoking journalists' personal lives as motives for their deaths despite evidence to the contrary. In light of the scale of ongoing impunity, the Committee to Protect Journalists (CPJ) ranked Mexico eighth in the world in its 2015 Global Impunity Index.

Mexico decriminalized defamation at the federal level in 2007, and a number of states have eliminated their own criminal defamation statutes, including the state of Mexico—the country's most populous—in 2012. Nevertheless, criminal defamation laws remain on the books in 12 of the 32 states, and both criminal and civil codes continue to be used to intimidate journalists.

Mexico passed a Freedom of Information Law in 2002, and a 2007 amendment to Article 6 of the constitution stated that all levels of government would be required to make their information public. However, information can be temporarily withheld if it is deemed to be in the public interest to do so, and accessing information is often a time-consuming and difficult process in practice.

The Federal Telecommunications and Broadcasting Act, known as the "Ley Telecom," signed by President Enrique Peña Nieto in July 2014, continued to draw criticism for threatening freedom of expression. Although it facilitated greater competition among television stations and telecommunications providers, some of its provisions gave the government expanded powers of surveillance without judicial oversight.

Under the law's provisions, the government may require internet service providers (ISPs) and mobile providers to store user data for at least two years, and to provide detailed communication records to security agencies (including police, intelligence, and military agencies) without a judicial warrant. Such records could theoretically enable authorities to identify or monitor whistle-blowers, journalists' sources, and individuals engaging in political expression. In addition, Article 190 of the Ley Telecom authorizes the "appropriate authority" within the Mexican government to request the suspension of telecommunications service in order to "halt the commission of crimes." Civil society groups have expressed concern that authorities could abuse the provisions to limit expression at critical moments.

Criticism intensified when the Federal Telecommunications Institute (IFT), a regulatory agency created by the Ley Telecom, published implementing regulations for the law in December 2015. Press freedom watchdog group Article 19 noted that the guidelines expanded governmental surveillance capacity even further, yet failed to include an

oversight system. Meanwhile, reports during the year on Mexican government contracts with domestic private security vendors and the Italian surveillance company Hacking Team suggested that governmental surveillance is widespread at both the federal and state level.

These developments prompted a coalition of civil society organizations to challenge the constitutionality of the Ley Telecom. Although a federal court denied the coalition's argument that the law violates constitutionally protected human and privacy rights, an appeals court accepted the case and forwarded it to the Supreme Court of Justice for review in August 2015. A final decision was still pending at year's end.

The competition components of the Ley Telecom, building on related constitutional amendments adopted in 2013, empower the IFT to force concessions from telecommunications firms and television networks that are designated as dominant in their respective markets. For example, the dominant players would be obliged to grant smaller competitors access to their infrastructure and distribution systems. Advocates for community radio stations, which tend to serve politically and economically marginalized communities and are regularly targeted for closure over illegal broadcasting, initially characterized the law as a regression. In May 2015, however, advocates welcomed the licensing of several community stations.

Anyone can become a journalist and practice journalism in Mexico. Professional licenses are not required, and the duration of journalists' careers depends on contextual factors such as the state of the industry, the financial health of individual media outlets, and aggression by state or nonstate actors.

A number of press freedom organizations and journalists' associations operate in Mexico, but they have faced increased intimidation in recent years. In February 2015, three of Article 19's websites were struck by cyberattacks that put them offline for an entire week. In June, the offices of the media monitoring group National Center of Social Communication (CENCOS) were robbed and ransacked.

Political Environment: 31 / 40

Media outlets and their employees face pressure from a variety of actors interested in manipulating or obstructing news content, including owners with political or business agendas, major advertisers seeking positive or neutral coverage, government officials, and criminal organizations.

Public officials and private actors used harassment and economic constraints to manipulate the media environment during 2015. An especially egregious episode occurred in March, when MVS, an independent radio station, fired all members of Aristegui Noticias, a team of investigative journalists known for deeply researched reports on a variety of matters of public interest. The company accused members of the investigative team of using the MVS brand without permission to publicize a new website, Méxicoleaks, that encourages whistle-blowers to anonymously provide data on government wrongdoing. The dismissals took place just months after the team published a report about a luxurious residence in Mexico City that Peña Nieto's wife had acquired from an

important government contractor, triggering a major scandal over the apparent conflict of interest. Citizens, journalists, and media organizations voiced suspicions about the role of governmental pressure in MVS's decision. Edison Lanza, the Inter-American Commission on Human Rights' special rapporteur for freedom of expression, said the firings suggested "a subtle form of censoring a critical voice."

The authorities do not engage in official censorship or formally block online content, but media outlets have suffered from cyberattacks of unclear origin. Lydia Cacho, a well-known critical journalist who in September 2015 received a new round of death threats, decried the hacking and temporary shutdown of a website while she was giving a live online interview. Additional online outlets were felled by cyberattacks in 2015. The Aristegui Noticias website experienced a series of distributed denial-of-service (DDoS) attacks in April. *Centronline.mx*, *La Jornada de Oriente*, and *Diario Cambio* in Puebla, as well as *AVC Noticias* in Veracruz, were subjected to similar forms of attack.

When employment-based or technological censorship is not enough, more coercive methods have been used against journalists. Drug-trafficking organizations, frequently in cooperation with authorities in their areas, have created what the *Washington Post* called an "institutionalized system of cartel censorship" imposed on media organizations, particularly along the U.S.-Mexico border. For media editors in regions of high cartel influence, survival can require accepting explicit criminal demands regarding content and practicing self-censorship. In February 2015, alleged cartel members kidnapped Enrique Juárez Torres, editor of the newspaper *El Mañana*, from his offices in Matamoros and threatened to kill him if he continued to run stories on violence related to drug trafficking.

The prevalence of threats—and impunity for perpetrators—have caused self-censorship to deepen and spread, including to areas that had not been considered hotspots for drug-related violence, such as the state of Zacatecas and municipalities surrounding Mexico City. Since 2010, at least three newspapers have published editorials indicating that they would avoid coverage likely to provoke further attacks or threats from organized crime. According to an early 2015 survey by the MEPI Foundation, a Mexican nonprofit that promotes investigative journalism, eight out of 10 respondents living in regions of high-intensity drug trafficking said they knew that local media would not report on crime in their area.

A combination of criminal and political violence, frequently reflecting collusion between criminal organizations and state officials, has been on dramatic display over the last decade. According to CPJ, at least 36 journalists and four media workers have been killed in connection with their work since 1992, including four murders in 2015. Other organizations cite much higher figures: The governmental National Commission on Human Rights reported 107 reporters killed from 2000 to November 2015, while Article 19 logged seven murders of journalists in 2015.

The largest number of attacks in 2015 took place in the states of Veracruz and Oaxaca. Journalist José Moisés Sánchez was kidnapped in Veracruz in January and found decapitated and dismembered several weeks later. Sánchez was the founder and director of the newspaper *La Unión*; the paper regularly criticized authorities for their failure to respond to local criminal activity, prompting death threats from the mayor of the town of Medellín. In July, Veracruz activist and journalist Rubén Espinosa, who had reported receiving numerous threats, was killed at an apartment in Mexico City. In Oaxaca,

Armando Saldaña and Filadelfo Sánchez Sarmiento were murdered in May and July, respectively. Sánchez was known for coverage of local corruption, while Saldaña antagonized criminal gangs with his reporting. In a crime not included in CPJ's tally, a community radio director in Oaxaca, Abel Bautista Raymundo, was killed in April, illustrating the frequent harassment and lack of protection for journalists in this sector.

As in previous years, officials often disregarded apparent links between such crimes and the victims' status as media workers. For example, Veracruz authorities characterized José Sánchez as a taxi driver rather than a journalist, and the federal attorney general's office offered the same justification for nonintervention in the case. Mexico City officials were similarly quick to blame Espinosa's death on his supposed presence at a party that featured prostitutes and drug use. As of year's end, at least one suspect had been arrested in the Saldaña case; in the Espinosa case, several arrests were made, but press freedom advocates assailed the investigation for failing to clarify numerous outstanding questions about the incident.

In addition to murders, hundreds of nonfatal attacks on journalists and press outlets occur in Mexico every year, with many allegedly perpetrated by corrupt or abusive government officials. Article 19 registered 397 attacks of various forms, while *Periodistasenriesgo.com*, a website that tracks incidents of violence against journalists, recorded 90 incidents of aggression. The facilities of several media organizations were attacked in 2015. In January, unknown assailants threw explosive devices at the offices of *El Heraldo de Córdoba* in Veracruz. Another armed attack against a Veracruz newspaper took place in August, when gunmen fired on the offices of *Presente*, a weekly magazine based in Poza Rica. In both February and March, armed groups threw grenades at Televisa facilities in Matamoros, Tamaulipas, in the context of ongoing battles between gangs and the police. Overall, 23 of the 90 attacks recorded by *Periodistasenriesgo.com* took place in Veracruz; Mexico City was second with 14 incidents, followed by Guerrero, Oaxaca, Chiapas, and Puebla.

Some attacks on journalists are reputational. Cacho, for example, faced a social-media smear campaign accusing her of accepting money from politicians after she ran a story about blogger and human rights defender Pedro Canché. Press advocates note that female journalists have often been victimized in distinct ways, including through the use of sexual threats and violence.

Journalists face significant obstacles when attempting to receive protection through the official federal governmental mechanism to protect journalists and human rights defenders, created in 2012. Low levels of funding and political will, bureaucratic rivalries, and lack of training are among the challenges that affect the federal government's ability to protect journalists. Journalists and human rights defenders who sought risk assessment and protection measures reportedly faced delays and inadequate safeguards, although some did benefit from the program during 2015, and the backlog of cases has been reduced. Nonetheless, ongoing problems were highlighted in an independent study conducted in 2015 by Espacio OSC, a coalition of civil society organizations.

Economic Environment: 14 / 30

Mexico is home to a large number of media outlets. Mexico City alone features approximately 30 print newspapers, along with dozens of magazines. Each of the 32 states has multiple newspapers, and the number of online news outlets is growing rapidly. However, the quantity of media publications does not signal robust diversity within the sector. Low rates of internet penetration in rural areas impede the growth of online readership, and print publications have very limited circulation, restricted mostly to urban areas. In much of the country, the main sources of information are the oligopolistic broadcast media.

Two networks—Televisa and TV Azteca—control most of the television market. In March 2014, the IFT designated Televisa, which controls about 70 percent of the free-to-air television market and is also the largest cable and satellite television operator, as the dominant player in its industry, meaning it would have to share infrastructure with competitors.

A key step toward the intended diversification of broadcast media was the issuance of two new television licenses. In March 2015, the IFT announced that two media companies previously focused on radio and newspapers, Grupo Radio Centro and Cadena Tres, had submitted winning bids for the licenses, though neither company was considered a serious rival to Televisa or TV Azteca in the short term. Moreover, regulators subsequently rescinded Grupo Radio Centro's bid due to noncompliance with financial requirements and announced that a new process would be carried out in 2016.

The IFT in March 2014 designated billionaire Carlos Slim's América Móvil group as the dominant player in telecommunications, prompting similar steps to increase competition in that industry. América Móvil at the time controlled about 80 percent of the fixed-line telecommunications market and 70 percent of the mobile market. High costs and lack of investment have limited access to telecommunications services to date.

According to the International Telecommunication Union, only 44 percent of the population accessed the internet in 2014, but 82 percent of individuals had a mobile telephone. Regional disparities are substantial, with much higher internet penetration rates in Nuevo León, Mexico City, and Baja California, and very low rates in Chiapas and Oaxaca.

Concentration of official advertising is high. Televisa and TV Azteca get 25 percent of the total sum of federal resources allocated for official advertising, estimated at about \$400 million. A 2015 report produced by a consortium of media watchdogs characterized the discriminatory use of public advertising funds as "subtle censorship." Many studies have found that media outlets slant their coverage to gain more favorable government ad contracts.

Individuals or business entities can legally establish and operate private media outlets, but it is difficult to find sustainable business models while maintaining journalistic independence. For example, *La Unión*, the print and online newspaper of slain reporter José Sánchez, was supported by Sánchez's work as a taxi driver. In general, journalists often work without the protection of contracts, have few or no benefits, and are paid abysmally low wages, leaving them vulnerable to attack and exploitation.

Bribery of journalists is considered a widespread phenomenon, but it is not well documented. Such bribery seems to be particularly common in the context of

arrangements established between candidates and media outlets during electoral periods. As described in a 2015 feature on the high-profile website Animal Político, organized crime groups also force journalists to accept bribes, and some even have their own public affairs officers to manage such relationships.

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