Mexico

	2015	2016
Internet Freedom Status	Partly Free	Partly Free
Obstacles to Access (0-25)	9	8
Limits on Content (0-35)	10	10
Violations of User Rights (0-40)	20	20
TOTAL* (0-100)	**39**	**38**

* 0=most free, 100=least free

Population:	127 million
Internet Penetration 2015 (ITU):	57 percent
Social Media/ICT Apps Blocked:	No
Political/Social Content Blocked:	No
Bloggers/ICT Users Arrested:	Yes
Press Freedom 2016 Status:	Not Free

Key Developments: June 2015 – May 2016

- Mexico's internet penetration improved in 2015, reaching more than 57 percent of the population, although regional disparities in access persist (see **Availability and Ease of Access**).

- At least three reporters who covered sensitive stories online and seven other journalists were killed during the coverage period. Mexico continued to be one of the most hostile environments for reporters in the world (see **Intimidation and Violence**).

- The Supreme Court upheld new data retention requirements and real-time geolocation provisions passed in 2014 despite civil society pressure, although it did confirm the need for authorities to obtain a judicial warrant to access users' metadata (see **Surveillance, Privacy, and Anonymity**).

- At least three news sites were hit with cyberattacks on election day in Puebla, disrupting voters' access to information at a critical time. Other sites were targeted throughout the year (see **Technical Attacks**).

Introduction

While internet access and quality have improved, high levels of physical and technical violence against online media continued to impact Mexico's internet environment over the past year.

Recent telecommunications reforms have begun to induce changes in Mexico's ICT market by increasing competition and slashing prices for some telecommunication services. Nevertheless, Mexico still faces challenges in its quest to extend internet access to all citizens, as regional disparities create a stark digital divide.

High levels of violence against journalists continue to severely limit internet freedom and fuel a climate of self-censorship. But online journalists, bloggers, and social media activists still risk their safety to report on local crime and corruption. During this period, online publications suffered cyberattacks, journalists received death threats, and at least two online journalists, and another print journalist who used social media to report on violence, were killed. Although the June 2012 Law to Protect Human Right Defenders and Journalists created a protection mechanism to support at-risk journalists and human rights defenders, it has suffered from inadequate enforcement and delays in responding to requests.[1]

Using the tense security situation and the war on drugs as justification, the government has also increased its surveillance powers. In May 2016, the Supreme Court ruled that data retention requirements and real-time geolocation included in the 2014 Telecommunications Law were constitutional. Under that law, internet service providers (ISPs) and mobile providers must store their customers' metadata for at least two years and provide detailed communication records to police. In a positive move, the ruling did establish the need for a judicial warrant to access users' metadata. Meanwhile, reports concerning a vast state surveillance apparatus have continued to call into question the adequacy of privacy protections and the scope of government surveillance activities. The Hacking Team leak in July 2015 revealed that Mexico was the company's biggest client worldwide and that the company had signed more than 14 contracts with various state and federal agencies.

Obstacles to Access

The implementation of the 2014 Telecommunications Law has opened the ICT market to greater competition. While new legislation and government initiatives have the potential to increase availability and ease of access, the real-world impact of these changes in some parts of the country remains to be seen, as the country still suffers from a wide digital divide between the north and south.

Availability and Ease of Access

Internet penetration in Mexico has increased significantly over the past years. According to data

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1   Washington Office on Latin America and Peace Brigades International, "El Mecanismo de Protección para Personas Defensoras de Derechos Humanos y Periodistas en México: desafíos y oportunidades," [The Mechanism for the Protection of Human Rights Defenders and Journalists in Mexico: Challenges and Opportunities], February 3, 2015, http://bit.ly/1zPQbtg; See also: Edgar Cortez, "Sólo en el discurso, la protección a periodistas y defensores de ddhh" [Only discourse, the protection of journalists and human rights defenders], *Animal Político,* July 4, 2016, http://bit.ly/29k9H7D.

from the International Telecommunications Union (ITU), internet penetration reached 57.43 percent in Mexico in 2015, compared to 44.39 percent in 2014 and just 26.34 percent in 2009.[2]

Telecommunications reforms promoted by President Enrique Peña-Nieto in 2013 may substantially reshape the telecommunications industry and increase access. The government has already noted some key improvements, including the elimination of national roaming fees, lower mobile telephony rates and an increase in foreign investment.[3] The reform package also seeks to develop a Shared Network (Red Compartida) and Backbone Network (Red Troncal) to improve quality, affordability and coverage of telecommunication services across the country.[4] Aiming to expand mobile broadband service at more affordable prices, the Red Compartida project would create a shared wholesale network, notably using 90 MHz of the 700 MHz band.[5] The government began the bidding process for this network in January 2016.[6] State-owned company Telecomm (Telecommunications of Mexico) would also use and develop the national infrastructure of the Federal Electricity Commission (CFE) to expand the fiber-optic cable network across the country.[7] As a first step in September 2015, CFE announced the concession of three fiber-optic strands to Telecomm, one of which is intended for the Red Compartida.[8]

However, the real-world impact of these changes remains to be seen in some parts of the country.[9] Mexico continued to suffer from limited access and the digital divide between the north and south is still wide. While 39.2 percent of homes had internet connections in 2015, the proportion of homes with internet connections in some of the poorest states has only improved slightly.[10] In 2015, Quintana Roo and Sonora entered the group of states with more than half of homes with access to the internet, along with Nuevo Leon, Mexico City, and Baja California. At the same time, only 1 in 10 had access to the internet in Chiapas and 2 in 10 in Oaxaca.[11]

Such limited and disparate connectivity rates are also evident in the relatively small percentage of internet users with broadband access. Although the number of Mexicans with broadband subscriptions has increased over the past decade, growing from 0.4 percent in 2003 to 11.16 percent in

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2   International Telecommunications Union, "Percentage of Individuals Using the Internet," accessed September 20, 2016, http://bit.ly/1FDwW9w.

3   Secretaría de Comunicaciones y Transportes [Secretariat of Communications and Transportation], "Regulación Mexicana de Telecomunicaciones, de las menos restrictivas del mundo: OCDE" [Mexican Telecommunications Regulation, one of the least restrictive in the world: OECD], June 23, 2016, http://bit.ly/2e8ODXp; See also: Federal Telecommunications Institute, Three Years After the Constitutional Reform, June 2016, http://bit.ly/29zZ5zh.

4   Secretaría de Comunicaciones y Transportes, "The SCT and the IFT sign agreements for a "shared network" in the 700 mhz band," Press release, October 9, 2014, http://bit.ly/2felUMY.

5   Secretaría de Comunicaciones y Transportes, "Red Compartida: general criteria" July 17, 2015, http://bit.ly/2edjz80.

6   Anthony Harrup, "Mexico Launches Bidding Process for Shared Mobile Network," *The Wall Street Journal,* January 29, 2016, http://on.wsj.com/2fv48nN.

7   Claudia Juarez Escalona, "Telecomm controlará fibra óptica de la CFE" [Telecomm will control the CFE's fiber optic network], *El Economista*, May 27, 2014, http://bit.ly/1NXBVmF.

8   Miriam Posada García, "Cederá CFE hilos de fibra óptica a Telecomm" [CFE will concede fiber optic strands to Telecomm], *La Jornada,* October 1, 2015, http://bit.ly/1VsJT7U; See also: José Guadarrama, "La red de fibra óptica de la CFE, a Telecomm este mes" [The fiber optic network: to Telecomm this month], Excelsior, January 2, 2016, http://bit.ly/2fv3WVz.

9   Christine Murray, "As Mexico lauds telecom reform, rural poor search for connection," *Reuters,* October 27, 2016, http://reut.rs/2f5JiP4.

10   Instituto Nacional de Estadística y Geografía, "Módulo sobre disponibilidad y uso de las tecnologías de la información en los hogares, 2015," [Module on availability and usage of technology at home, 2015], accessed October 13, 2016, http://bit.ly/1MmCHGH.

11   Instituto Nacional de Estadística y Geografía, "Módulo sobre disponibilidad y uso de las tecnologías de la información en los hogares, 2015."

2015,[12] Mexico still falls significantly below the broadband penetration rates of other OECD countries, which have an average rate of approximately 29 percent.[13] In Mexico where the minimum wage is approximately US$120 a month,[14] the high price of broadband service, which can range from US$26 to US$100 per month,[15] is a significant factor in the country's low broadband penetration rate.

Internet cafes and the availability of internet at the workplace and schools have partially improved disparities in internet use between socioeconomic groups, but mobile devices are increasingly becoming a popular means for accessing the internet. About 87 percent of internet users access the internet from home, 38 percent from work, 28 percent from school, and 25 percent from public places. The number of users accessing the internet from mobile devices increased by 17 percentage points since 2014, representing 52 percent, while those using cybercafes is decreasing, representing 14 percent.[16]

In 2015, mobile broadband subscriptions reached a penetration rate of roughly 52.1 percent, overwhelmingly surpassing the penetration rate of fixed broadband subscriptions, at 12.1 percent.[17] Mobile phone access is significantly more widespread in Mexico than internet use, with the ITU reporting a mobile penetration rate of 85.3 percent (about 107 million subscriptions) as of 2015.[18] This rate still puts the country behind other countries in the region. However, the number of smartphone users in Mexico is increasing rapidly as new companies are entering the mobile phone market. An eMarketer study estimated that the number of smartphone users rose by 41.4 percent in the second quarter of 2015 when compared with the same period a year earlier, with a total of 62.5 million, or 59.8 percent of all mobile connections in Mexico.[19] The prevalence of smartphones is due in part to a drop in prices for mobile phone use,[20] the increasing availability of smartphones, and promotions that narrow the price gap between basic phones and smartphones.

Restrictions on Connectivity

There were no recorded activities or public incidents related to government imposed restrictions on ICT connectivity during this coverage period. Article 190 in the 2014 Telecommunications Law, however, authorizes the "appropriate authority" within the Mexican government to request the suspension of telephone service in order to "halt the commission of crimes."[21]

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12   OECD, "Historical penetration rates, fixed and wireless broadband," *OECD Broadband Portal,* updated February 2016, http://bit.ly/1Brdh9K; See also: Patricia Rey, "Mexico, second worst OCDE country for broadbrand penetration," *BNAmericas*, February 27, 2015, http://bit.ly/1KG2NVZ.
13   OECD, Fixed Broadband Subscriptions, Q2 2015, accessed October 14, 2016, http://bit.ly/2dSRRhI.
14   Comisión Nacional de Salarios Mínimos [National Commission on Minimum Salaries], Press Release, December 11, 2015, http://bit.ly/1YaiLkQ.
15   Danielle Kell et al, "The Cost of Connectivity 2014: Data and Analysis on Broadband offerings in 24 cities across the world," Policy Paper, Open Technology Institute, October 30, 2014, http://bit.ly/1L0Cco0.
16   Asociación Mexicana de Internet (AMIPCI), "12º Estudio sobre los Hábitos de los Usuarios de Internet, Mexico 2016" [12th Study on Internet User Habits, Mexico 2016], accessed October 14, 2016, http://bit.ly/29SY60u.
17   OECD, Total fixed and wireless broadband subscriptions by country, December 2015, accessed September 21, 2016, http://bit.ly/25NH4GL; See also: PwMexico, Overview of the telecommunication Sector in Mexico, February 2015, http://pwc.to/1ST6Sdc.
18   International Telecommunications Union, "Mobile-cellular telephone subscriptions, 2000-2015," accessed September 21, 2016, http://bit.ly/1FDwW9w.
19   eMarketer, Mexico's smartphone User Base Reaches 62.5 Million, October 16, 2015, http://bit.ly/1LUQPMP.
20   "Precios de telefonía móvil, de los más bajos en 1T16" [Mobile telephone prices, the lowest in Q1 2016], *El Financiero,* April 14, 2016, http://bit.ly/1NjfRpc.
21   Artículo 189-190 de Ley Federal de Telecomunicaciones y Radiodifusión" [Art. 189-190 o Federal Telecommunications and Radio Law], http://bit.ly/1zCzcYq.

Civil society groups successfully rallied to remove wording from earlier drafts of the Telecommunications Law that would have allowed the government to temporarily block telecommunications signals "in events and places critical to the public and national security."[22] Although the version of the law that was approved narrowed the parameters for blocking telecommunications signals in comparison with the proposed draft of the law, there were still concerns that authorities could abuse these provisions to limit expression in critical moments.

Although the majority of the backbone infrastructure in Mexico is privately owned, the state-owned company Telecomm has taken on greater control of the infrastructure, after taking over fiber-optic infrastructure from the Federal Electricity Commission.[23] Mexico has only one internet exchange point (IXP), set up by KIO Networks in April 2014. Experts say that this IXP may increase efficiency and reduce costs for Mexican ISPs by helping to manage traffic across networks.[24]

ICT Market

Under constitutional reforms to the telecommunications sector signed in 2013,[25] companies are prohibited from controlling more than 50 percent of the market share. In March 2014, the recently created Federal Institute for Telecommunications (IFETEL) declared América Móvil a dominant company, indicating that it violated antitrust standards under the law. In response, América Móvil preemptively started selling assets to comply with the new regulations.[26] The new Telecommunications Law published in July 2014 allowed IFETEL to take measures to reduce the market dominance of América Móvil's holdings in the mobile (Telcel) and fixed-line (Telmex) market.

In an important step that has the potential to reduce costs and obstacles to calling between phone networks, IFETEL determined that the company must eliminate mobile roaming charges and fees for receiving incoming calls from rival providers on Telcel's network. Under new regulations, América Móvil also initiated steps to allow other telecommunications providers to use its infrastructure, and after a long legal dispute, América Móvil and Axtel reached an agreement for the latter to offer mobile phone services on América Móvil's network.[27]

Despite the regulatory actions, as of 2015 América Móvil's Telmex and Telcel still dominate the ICT landscape with 60.7 percent of landline subscriptions (a 2 percent decrease from 2014) and 70.7 percent of the wireless market (a 4.3 percent decrease from 2014), respectively. The top competitor in fixed-line subscriptions, Grupo Televisa, accounted for 20.1 percent, followed by Megacable

22   Rafael Cabrera, "Bloqueo, censura… ¿Qué propone Peña Nieto para internet?" [Blocking, Censorship… What is Peña Nieto proposing for internet], *Animal Político*, March 29, 2014, http://bit.ly/1KOyri1.

23   Peralta, "Telecomm venderá conectividad de fibra óptica en 2015" [Telecomm will sell fiber optic connectivity in 2015], *Expansión*, December 11, 2014, http://bit.ly/2deO119.

24   Julio Sánchez Onofre, "Primer IXP in Mexico, una realidad," *El Economista*, April 30, 2014, http://bit.ly/1h3UAQG. See also: "Inauguración del primer IXP mexicano," [Inauguration of the first IXP] April 30, 2014, http://bit.ly/1ULslbw.

25   "Mexican Senate approves telecoms-reform bill," *Al Jazeera*, May 1, 2013 http://bit.ly/1KOyU3J; See also: Dolia Estevez, "Mexico's Congress Passes Monopoly-Busting Telecom Bill, Threatening Tycoon Carlos Slim's Empire," *Forbes*, May 1, 2013, http://onforb.es/1iFp4cQ.

26   Dolia Estevez, "In A Surprising Move, Mexican Billionaire Carlos Slim To Sell Telecom Assets In Compliance With New Anti-Trust Rules," *Forbes*, July 9, 2014, http://onforb.es/1iFpLDh.

27   Anthony Harrup, "Mexico's América Móvil, Axtel Settle Disputes," *The Wall Street Journal*, March 18, 2015, http://on.wsj.com/1RbVesD.

with 11.9 percent, and Axtel with 3.2 percent. The top competitor in wireless connections, Telefónica, claimed 18.5 percent of wireless subscriptions, and AT&T 9.9 percent.[28]

Although it is still early to fully assess the impact of the Telecommunications Law on market concentration, competition, and prices, the initial developments seem to bode well for ICT competition in Mexico. In January 2015, U.S.-based carrier AT&T closed a $2.5 billion deal with Grupo Salinas for the purchase of Iusacell, the third largest Mexican carrier.[29] The move marked the entrance of U.S. companies into the Mexican market and increasing competition for América Móvil. AT&T also purchased Nextel Mexico in a 1.8 billion deal.[30] After the deals, AT&T started to offer plans to Mexican users, including one of 9 GB at a monthly rate of US$100.

Regulatory Bodies

In 2013, the government established a new autonomous regulatory apparatus known as the Federal Telecommunications Institute (IFETEL) as part of a constitutional reform, in order to increase transparency of media regulation.[31] IFETEL has the legal mandate to act as an antitrust body, protecting the industry against monopolistic practices.

After secondary legislation was approved in July 2014, IFETEL began acting on its mandate to unilaterally punish non-competitive practices through the withdrawal of corporations' licenses, the application of asymmetric regulation, and the unbundling of media services.[32] The most notable step taken by IFETEL was the declaration that América Móvil and Televisa were dominant companies. This action indicates positive changes in Mexico's telecommunications market, especially if IFETEL can continue to remain independent from political and corporate interests.

Limits on Content

While harassment and physical violence has encouraged a climate of self-censorship among journalists and online activists, many have continued to risk physical danger in order to write about crime and corruption. In some cases, public officials and private actors have also been accused of exerting pressure to manipulate the media environment, and in March 2016 members of Milenio *newspaper's data unit resigned over allegations of censorship. Meanwhile, the "right to be forgotten" has continued to stir debate following a January 2015 ruling to request the removal of three links from Google's search results, which contained sensitive information about a businessman.*

Blocking and Filtering

No evidence has been documented that the government or other actors blocked or filtered internet

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28   Federal Telecommunications Institute (IFETEL), Cuarto Informe Trimestral Estadístico 2015 [Fourth quarterly statistical report 2015], March 2016, http://bit.ly/2e0q6A8.

29   Roger Cheng, "Done deal: AT&T closes $2.5 billion purchase of Mexico's Iusacell," January 16, 2015, http://cnet.co/1sHfJp3.

30   Noticias Iusacell, AT&T acuerda la compra de Nextel Mexico, January 26, 2015, http://bit.ly/1RH6SOH.

31   Juan Montes, "Mexico Telecoms Reform Bill Advances," *The Wall Street Journal,* March 22, 2013, http://on.wsj.com/1LXSc6E

32   Víctor Pavón-Villamayor, "Ifetel, la mayor apuesta en telecomunicaciones," [Ifetel, The Biggest Bet in Telecommunications] *Forbes México,* April 25, 2013, http://bit.ly/1JyL0Mr; See also: Juan Montes, "Mexico Telecoms Reform Bill Advances," *The Wall Street Journal,* March 22, 2013, http://on.wsj.com/1LXSc6E/.

and other ICT content. Facebook, Twitter, YouTube, and international blog-hosting services are freely available in Mexico and have enjoyed steady growth in recent years.

Content Removal

The Mexican government does not systematically request the removal of online content from intermediaries, news sites, and hosting services. Facebook did not register any content removal requests for 2015,[33] and Twitter registered two removal requests in the first half of 2016, but no requests in the second half of 2015.[34] Although there is no strong legislative framework on intermediary liability, existing legislation offers some protections from liability for ISPs in cases of copyright infringement.[35] A crucial ruling from the Federal Institute of Access to Information and Personal Data Protection (IFAI) in January 2015,[36] however, threatened to introduce greater liability for search engines if they did not comply with requests to remove sensitive personal information from their search results.

Digital rights advocates have challenged the data protection authority's decision, which ruled in favor of a request to remove links from Google search results under threat of sanction.[37] Carlos Sánchez de la Peña, a businessman whose family had extensive dealings in the transport sector, had requested the removal of three links which included criticisms of his family's business dealings, on the grounds that they constituted an affront to his honor and privacy.[38] After Google Mexico dismissed the request on jurisdictional grounds, Sánchez petitioned IFAI to force Google Mexico to remove the links. Following in the footsteps of several so-called "right to be forgotten" cases, IFAI's decision argued that individuals had the right to demand that the search engine remove search results that might violate their privacy.

Civil society groups expressed serious concern that the ruling could set a precedent for intermediary liability and censorship. Although Sánchez characterized the links as defamatory and a violation of his personal privacy, civil society groups have argued that the links—which included a journalistic investigation in the media outlet *Revista Fortuna* about fraud—had public interest value.[39] Both Google Mexico and *Revista Fortuna*—the latter represented by the digital rights group R3D (Digital Rights Defense Network)—have challenged the resolution. While a district court denied R3D's request in February 2016, a tribunal later overturned this decision in August in favor of *Revista Fortuna's* right to be heard.[40] This latest ruling rescinded the 2015 ruling and discontinued Google Mexico's case against INAI, opening way for a new procedure on the matter.[41]

33   Facebook, "Mexico," *Government Request Report,* accessed September 2016, http://bit.ly/2ddCj4e.

34   Twitter, "Mexico," *Transparency Report*, accessed September 2016, http://bit.ly/2dAvaNI.

35   Jose Camarena, "WILMAP: MEXICO," The Center for Internet and Society, Stanford Law School, http://stanford.io/1MV98kd.

36   This was the name of the institute at the time of the ruling. However, in May 2015, the institute changed its name to the National Institute of Transparency, Access to Information, and Personal Data Protection (INAI).

37   La Razón, "Google litiga contra el IFAI por el derecho al olvido" [Google challenges IFAI over right to be forgotten], March 21, 2015, http://bit.ly/1JOkoJz

38   Lauren Iliff, "Google Wages Free-Speech Fight in Mexico, *The Wall Street Journal*, May 27, 2015, http://on.wsj.com/1J0MdS1.

39   Animal Político, "Fallo del IFAI contra Google abre puerta para que cualquiera censure contenidos en Internet," *Vanguardia*, January 30, 2015, http://bit.ly/1PJNUDi.

40   This decision occurred outside the period covered by this report. See: "¡Ganamos! Tribunal anula resolución del INAI sobre el falso «derecho al olvido»" [We won! Tribunal annuls INAI resolution on false "right to be forgotten"], August 24, 2016, http://bit.ly/2ekBFpe; and Manu Ureste, "Derecho al olvido en internet: ¿un derecho, censura o un redituable negocio en México?" [Right to be forgotten on the Internet: a right, censorship, or a profitable business in Mexico?], *Animal Político,* September 13, 2016, http://bit.ly/2cT4QPA.

41   José Soto Galindo, "Fortuna obliga al INAI a discutir sobre Google y los datos personales otra vez," [Fortuna forces INAI to discuss Google and personal data again], *El Economista,* August 25, 2016, http://bit.ly/2dn6F5v.

Media, Diversity, and Content Manipulation

Local officials have often been accused of manipulating online content in their favor, or of harassing or otherwise attempting to intimidate journalists to keep them from writing about issues of local corruption and crime.

The climate of violence and harassment towards the media contributes to significant self-censorship. In some states heavily afflicted by violence, the local media will simply not report stories about drug trafficking or drug-related violence. A survey by the MEPI Foundation, a Mexican nonprofit focused on promoting investigative journalism, found that 8 out of 10 respondents residing in high-crime cities said that they knew that local media would not report on crime in their area.[42]

Several cases suggest that public officials also attempted to manipulate media content by exerting pressure on media outlets critical of the government. In March 2016, a reporter at the national newspaper *Milenio* resigned over allegations of government censorship of an investigative piece criticizing the misallocation of resources to fight hunger in certain municipalities.[43] Shortly after the article was published online, Rosario Flores Berlanga, secretary of Rural, Urban and Territorial Development (Sedatu), visited *Milenio*'s newsroom to complain about the piece. The article, headlined "The (false) success of the crusade against hunger," was temporarily taken down from the website, and then republished with a new headline that omitted the word "false."[44]

In an earlier case in March 2015, independent radio station MVS terminated a contract with a group of investigative journalists from Aristegui Noticias, ostensibly due to their involvement with the whistleblower website Méxicoleaks.[45] Many critics believe that the real reason for the termination was a reaction to a controversial report Aristegui Noticias published online investigating a luxurious residence in Mexico City owned by President Enrique Peña Nieto's family.[46]

Online trolls have targeted both online and print journalists through Twitter and other social media, and some reports suggest that some government officials or powerful figures regularly employ commentators or bots to manipulate online debate.[47] Following the disappearance of 43 students from Ayotzinapa in September 2014, spam bots reportedly flooded Twitter hashtags used by activists to share information and mobilize. The bots also created fake hashtags in attempts to manipulate trending topics linked to critical protests.[48]

Economic constraints influence the diversity of media in Mexico. Scarce funding and a lack of interest in online advertising create challenges for individuals and nonprofits seeking to establish sustainable online outlets in Mexico. Reliance on public advertising renders independent media vulnerable

42   Fundación MEPI, "Se autocensuran por crimen organizado" [Organized Crime is self-censored] February 3, 2015, http://bit.ly/1iWTqbA.

43   "Renuncia Karen Cota, autora del reportaje de Milenio DataLab censurado por la Sedatu," [Karen Cota, author of Milenio DataLab's report censored by Sedatu, resigns] *Emeequis*, March 16, 2016, http://bit.ly/1MWspTi.

44   "Los números de la cruzada contra el hambre," [The numbers of the crusade against hunger], *Milenio DataLab,* March 7, 2016, accessed on March 21, 2016, http://bit.ly/1R29a67.

45   Elisabeth Malkin, "In Mexico, Firing of Carmen Aristegui Highlights Rising Pressures on News Media," The New York Times, March 27, 2015, http://nyti.ms/1FDE7yz.

46   "La casa blanca de Enrique Peña Nieto (investigación especial)," [The white house of Enrique Peña Nieto (special investigation)] *Aristegui Noticias,* November 9, 2014, http://bit.ly/1xc1FVN.

47   Rise of the Peñabots," *Data & Society: Points*, February 26, 2016, http://bit.ly/2dxA5w8; Alberto Nájar, "¿Cuánto poder tienen los Peñabots, los tuiteros que combaten la crítica en México?," *BBC Mundo*, March 7, 2015, http://bbc.in/1KG9qHX; Erin Gallagher, "Tracking The Mexican Botnet: Connecting the Twitterbots," *Revolution News*, March 18, 2015, http://bit.ly/1FS4CxF.

48   "Pro-Government Twitter Bots Try to Hush Mexican Activists," *Wired,* August 23, 2015, http://bit.ly/2d1IBUV.

to manipulation of content or closure due to lack of funding, [49] although it is the former that appears to be the more pernicious of the two trends. In Puebla, for example, independent media organizations say the state government uses a combination of state, municipal, and university advertising as a way to control the editorial independence of local media.[50]

Despite such challenges, however, financially independent digital media outlets are appearing in Mexico, creating a new ecosystem of news options. These independent outlets, such as *Paralelo*, an outlet created by freelance and local journalists in Chiapas, bring new voices to the public debate. Another new digital media venture, *Animal Político*, a popular site that claims more than one million followers on Facebook, is successfully experimenting with alternate forms of financing. In order to raise revenue for the site without compromising content based on advertisers' political leanings, *Animal Político* is practicing brand journalism, offering social media consulting and digital content to private companies. Additional financing is derived from syndicated content, private sponsorships, and event organizing.[51] Other digital media outlets have emerged in Mexico City, Puebla, and Oaxaca.[52]

The social media landscape in Mexico is also vibrant. Mexico has the second largest community of Facebook users in Latin America after Brazil—and the fifth largest in the world—with an estimated 45.5 million users, which represents over 95 percent of Mexico's internet users.[53] The number of Twitter users in Mexico has ballooned in recent years, reaching an estimated 21.3 million in 2015.[54]

Articles 145 and 146 of the Telecommunications Law establish protections for net neutrality. However, net neutrality reemerged as a contentious issue ahead of the launch in December 2015 of Free Basics, Facebook's zero-rating platform, on the Virgin Mobile network in Mexico.[55] Zero-rating programs, which are operated by most of the major mobile providers, have generated significant debate.[56] While supporters note that the Free Basics program will introduce provide millions of users with access to important social, health, and political resources on the internet, critics have contended that the program, along with other zero-rating programs, violates net neutrality provisions and fails to provide users with proper data security.[57] According to the Network of Defense of Digital Rights (R3D), Mexican telecommunications companies have started to offer zero-rating programs: Telcel offers free access to Facebook and Twitter. Iusacell and Movistar have similar plans. IFETEL has yet to issue rules on net neutrality and traffic management.[58]

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49   "México," in *Article VIII, Control estatal de los medios de comunicación* [State control of media]*, Fundar Centro Análisis e Investigación, on Scribd, May 3, 2015, 57-60, http://bit.ly/1GcRe4F.

50   "México," in *Article VIII, Control estatal de los medios de comunicación*," 60.

51   Tania Lara, "Popular Mexican news site *Animal Político* seeks to eliminate dependence on government advertising," *Journalism in the Americas Blog*, Knight Center at the University of Texas Austin, April 30, 2013, http://bit.ly/1h44YYW.

52   There are other promising examples of new online news outlets such as: http://www.sinembargo.mx, based in Mexico City; http://ladobe.com.mx, based in Puebla, http://pagina3.mx, based in Oaxaca; http://nodonoticias.com, in Morelos; http://diarioactivo.mx, and http://www.artificialradio.mx.

53   "Facebook Dominates the Social Media Market in Mexico," *EMarketer,* April 14, 2016, http://bit.ly/2dpGMV2.

54   "Twitter's User Base in Latin America Continues to Grow," *EMarketer,* May 6, 2016, http://bit.ly/2dxKWpU.

55   Jair López, "Llega a México el internet gratuito de Facebook y Virgin Mobile" [Facebook and Virgin Mobile free internet arrives in Mexico], *El Financiero*, December 10, 2015, http://bit.ly/1Y2raH5.

56   Red en Defensa de los Derechos Digitales, "Neutralidad de la Red en México: Del Dicho Al Hecho" [Net Neutrality in Mexico: From Talk to Deed], accessed October 14, 2016, http://bit.ly/1GQtvre.

57   Milenio Digital, "Internet.org pondría en riesgo la neutralidad de la red, advierten organizaciones," *Tendencia,* May 19, 2015, http://bit.ly/1Kjxqm2.

58   Red en Defensa de los Derechos Digitales, "Neutralidad de la Red en México: Del Dicho Al Hecho" [Net Neutrality in Mexico: From Talk to Deed], accessed October 14, 2016, http://bit.ly/1GQtvre.

Digital Activism

Social media has continued to serve as an important forum for internet users in Mexico. Even in the face of cyberattacks, harassment, and physical violence, users make regular use of social media to provide critical warnings to local communities about dangerous cartel-related situations and to protest instances of corruption and violence by authorities and drug cartels.[59]

In 2016, social media channels were central to raising awareness and mobilizing protests in 27 cities against gender violence, under the umbrella movement #VivasNosQueremos ("We Want to Stay Alive"). More than 6,000 people took to the streets in Mexico City in April 2016 to ask for an end to femicide and gender violence.[60] The hashtag #TodosSomosAyotzinapa continues to be used to criticize the ongoing impunity for human rights violators and the apparent collusion of the state in violence against Mexicans. The hashtag was launched to organize protests against the kidnapping and murder of 43 students from a teaching college in Ayotzinapa, Guerrero on September 26, 2014.[61]

Social media activism succeeded in forcing the government to amend several articles in a draft version of the Telecommunications Law before it was passed in 2014.[62] In 2013, a coalition of NGOs working on the project "Internet Para Todos" (Internet for All) turned to the internet to gather signatures for a petition to lobby the government to recognize internet access as a fundamental right. Due in large part to the success of the coalition, Congress included internet access as a civil right in its 2013 reform of the Mexican Constitution.

Violations of User Rights

Mexico continued to be one of the most hostile environments in the world for online journalists and bloggers, resulting in at least three murders of journalists reporting news online between June 2015 and May 2016. The government has used insecurity as an excuse to increase surveillance. In May 2016, the Supreme Court ruled to uphold data retention mandates and real-time location of mobile devices as outlined in the 2014 Telecommunications Law, after a legal challenge by civil society. The ruling confirmed the need for a judicial warrant to access historical metadata, but not for real-time geolocation.

Legal Environment

The Mexican Constitution guarantees freedom of speech, freedom of the press, and privacy of personal communications. A constitutional reform in 2013 granted the government expanded powers to curtail monopolies in the telecommunications sector (see ICT Market), established internet access

59   Damien Cave, "Mexico Turns to Twitter and Facebook for Information and Survival," *The New York Times*, September 24, 2011, http://nyti.ms/1JySbEA; Miguel Castillo, "Mexico: Citizen Journalism in the Middle of Drug Trafficking Violence," *Global Voices*, May 5, 2010, http://bit.ly/1WtYP8i.

60   "Miles de mujeres protagonizan la mayor marcha por la violencia machista en México," *El País,* April 25, 2016, http://bit.ly/1WlPq3V; See also: "La marcha Vivas Nos Queremos contra las violencia machista en fotos y videos," *Animal Político,* April 24, 2016, http://bit.ly/1XPT2tI.

61   "Protests Mark Seven months Since Ayotzinapa Kidnappings," *PanAm Post*, April 27, 2015, http://bit.ly/1JNis3V.

62   Elizabeth, "#EPNvsInternet: Mass Campaign against Mexican Communications Bill," *Global Voices,* April 21, 2014, http://bit.ly/1P29ODI; William M. Turner, "#EPNvsInternet y el regreso de los jóvenes al activismo en redes sociales," *CNN México,* April 23, 2014, http://cnn.it/1kpJzaa; Mauricio Torres, "10 claves para desenredar el debate sobre la ley de telecomunicaciones," *CNN México,* April 25, 2014, http://cnn.it/1i0C7yM.

as a human right, and guaranteed net neutrality. A Telecommunications Law was subsequently approved in July 2014, but controversial provisions that pose a risk to privacy were largely upheld by the Supreme Court in May 2016 (see Surveillance, Privacy, and Anonymity).[63]

Although defamation was decriminalized at the federal level in 2007, criminal defamation statutes continue to exist in some of Mexico's 32 states.[64] The penal code in Tabasco, for example, establishes penalties ranging from six months to three years of prison for libel. Some halting progress has been made in decriminalizing defamation. In July 2015, the governor of Tlaxcala submitted to the state congress an initiative that would decriminalize defamation.[65] Other provisions at the local level may be equally problematic for journalists, such as Article 333 of the Penal Code in Chihuahua, which criminalizes those who, "for a profit or to cause injury, improperly produce or edit, by any technical means, images, texts or audio, which are totally or partially false or true."[66]

The Law for the Protection of Human Rights Defenders and Journalists was passed in June 2012, establishing the Governmental Mechanism of Protection, an institutional body of government officials and civil society members charged with providing protection for threatened human rights workers and journalists.[67] Among the law's provisions is a requirement that state governments work in conjunction with federal authorities to ensure that protection is effectively extended to those under threat; as of August 2015, 31 states and Mexico City had signed agreements to this effect.[68] While the legislation is promising in that it establishes a legal basis for protection and suggests an end to impunity for attackers, to date, capacity to implement the law has been lacking. In April 2014, the mechanism came under criticism due to delays in processing approximately 57 percent of the 152 time-sensitive requests for protection.[69] A second evaluation made by civil society organizations in July 2015 came the same conclusions, pointing to a lack of funding, lack of coordination between federal and state authorities, and prevalence of impunity in most cases of aggression against a journalist or a human rights defender.[70]

Despite legislation intended to increase the security of journalists and human rights defenders, the government has had little success in deterring attacks on journalists, bloggers, and activists, which are rarely punished in a country that ranks near the top in global surveys on impunity.[71] While the

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63   "El Supremo mexicano avala la retención de datos de los usuarios" [Supreme Court ratifies retention of user data], *El País,* May 6, 2016, http://bit.ly/1ryeEk4.

64   Commission on Human Rights, Congress General of the United States of Mexico, *Gaceta Parlamentaria, Número 3757-VIII,* [Parliamentary Gazette, No. 3757-VIII], Thursday April 25, 2013, http://bit.ly/1NXOcYf; See also: Committee to Protect Journalists, Thomson Reuters Foundation and Debevoise & Plimpton LLP, "Mexico" in Critics Are Not Criminals: Comparative Study of Criminal Defamation Laws in the Americas, March 2016, http://tmsnrt.rs/2eAZQiu.

65   Lucía Pérez, "Propone MGZ despenalizar delitos contra el honor," *E-Consulta.com Tlaxcala,* July 19, 2015, http://bit.ly/1h4cCm1.

66   Código Penal del Estado de Chihuahua [Penal Code of the State of Chihuahua], updated June 13, 2016, http://bit.ly/2dcyGhq; See also: Gerardo Cortinas Murra, "Artículo 133," *El Diario,* May 2, 2016, http://bit.ly/2dlFVz6.

67   Leah Danze, "Mexico's Law to Protect Journalists and Human Rights Activists Remains Ineffective," Latin America Working Group, June 30, 2013, http://bit.ly/1LY0MlV.

68   PIB and WOLA, "El mecanismo de protección para personas defensoras de derechos humanos y periodistas en México: desafíos y oportunidades," http://bit.ly/1DNcNwK; See also: Peace Brigades International, "Qué Hacemos," [What we do], April 15, 2015, http://bit.ly/1KOE1kC.

69   Tania L. Montalvo, "Sin atender, 57% de casos del Mecanismo para la Protección de Periodistas," [57 Percent of Cases of Mechanism for the Protection of Journalists Unprocessed] *Animal Político,* March 25, 2014, http://bit.ly/1kpqebA.

70   Espacio de OSC, "Mecanismo Federal de Protección a DDHH y periodistas sin respaldo financiero ni voluntad política," propuestacivica.org, July 28, 2015, http://bit.ly/2e7rAIN.

71   Committee to Protect Journalists, "Getting Away with Murder: CPJ's 2015 Global Impunity Index spotlights countries where journalists are slain and killers go free," October 8, 2015, http://bit.ly/1G1HEGQ.

upper echelons of the judiciary are viewed as independent, state-level legal bodies have frequently been accused of ineffectual conduct, biased behavior, and even harassment of online journalists.

Prosecutions and Detentions for Online Activities

There have been few documented cases of individuals detained, prosecuted, or sanctioned by law enforcement agencies on charges related to disseminating or accessing information on the internet. On April 30, 2016, however, an online journalist in Chihuahua State was arrested and spent one night in jail. Gabriel Ortega was accused of publishing false information online with the intention of damaging the public image of Chihuahua's health secretary for an article about how the state's health secretary transferred millions of Mexican pesos to the wife of the current governor.[72] Journalists in Chihuahua have heavily criticized Article 333 of the Penal Code, which criminalizes the publication of "fully or partially false or true" information (See Legal Environment).

Online reporters have also faced harassment and arrest while covering demonstrations and police action, or political events such as electoral processes. More recently during elections in Chihuahua on June 5, 2016, for example, two online reporters were arrested along with a print journalist while they investigated a complaint about vote buying.[73]

Surveillance, Privacy, and Anonymity

In April 2016, a group of 17 national and international organizations called on the Supreme Court to review the constitutionality of articles 189 and 190 of the 2014 Telecommunications Law.[74] One month later, the court ruled largely in favor of the law, upholding data retention mandates and real-time geolocation. On a positive note, it did establish the need for a judicial warrant to access historical metadata, though not for real-time geolocation data.[75] Mexico's constitution requires that any interception of personal communications be accompanied by a judicial warrant.[76] Activists have announced that they will challenge the ruling before the Inter-American System for the protection of human rights, arguing that such provisions contradict international human rights standards, in particular the right to privacy.[77]

The Supreme Court ruling provided some clarification as to which authorities can access said user data, notably the Federal Prosecutor, Federal Police, and the authority directly in charge of applying and coordinating the National Security Law. Civil society groups had argued that vague language

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72   Article 19, "Gobierno de Chihuahua utiliza sistema penal para criminalizar a periodista" [Government of Chihuahua uses penal system to criminalize journalist], May 9, 2016, http://bit.ly/2dQ5MSf; "Captura de Gabriel Ortega por denuncia de Pedro Hernández: TSJE" [Gabriel Ortega captured after complaint by Pedro Hernández], *Tiempo,* April 29, 2016, http://bit.ly/2eBhTVu.

73   Periodistas en Riesgo, "Detienen a reporteros que cubrían elecciones," [Journalists covering elections arrested], June 5, 2016, http://bit.ly/2epuhbQ.

74   R3D, "La SCJN debe proteger el derecho a la privacidad ante retención de datos y vigilancia sin controles en #LeyTelecom," [SCJN must protect the right to privacy facing uncontrolled data retention and surveillance in Telecom Law], April 14, 2016, http://bit.ly/26b90ED.

75   Supreme Court of Justice of the Nation (SCJN), "inviolabilidad del contenido de las comunicaciones y de los datos que permitan identificarlas: segunda sala," May 4, 2016, http://bit.ly/23TtOfR.

76   Jeremy Mittman, "Mexico Passes Sweeping New Law on Data Protection," *Privacy Law Blog,* Proskauer Rose LLP, May 11, 2010, http://bit.ly/1FxvTs0.

77   Global Voices, "Suprema Corte en México valida retención de metadatos y geolocalización de Ley Telecom," [Supreme Court of Mexico validates data retention and geolocation of the Telecom Law], May 6, 2016, http://bit.ly/2d8sicb; R3D, "La SCJN y la #LeyTelecom: Lo malo, lo bueno, lo absurdo y lo que sigue" [The SCJN and Telecom Law: the bad, the good, the absurd, and what comes next], May 5, 2016, http://bit.ly/2fsPDm0.

allowing for data requests by the "appropriate authority" did little to establish parameters for who this authority might be, opening the door for abuse by law enforcements agencies that have been infiltrated by organized crime.

Article 189 of the law forces telecommunication companies to provide users' geolocation data to police, military, or intelligence agencies in real time. Article 190 similarly forces providers to maintain records of their users' metadata for a period of two years, and grant security agencies access to metadata at any time.[78] For the first year, ISPs and mobile providers must save the relevant data in a system that allows the competent authorities to consult the data electronically in real-time, or what some have called "back-door access"; for the following year, the data must be stored in such a way that telecommunications companies can retrieve the data within 48 hours of being notified by authorities.[79]

The Telecommunications Law expanded on and partially replaced previous legislation that increased surveillance and allowed for real-time geolocation. In 2012, Congress passed a bill, known as the "Geolocation Law," which amended existing legislation to allow the Federal Prosecutor (PGR) to obtain the real-time location of a mobile device for a limited list of criminal investigations (for example, kidnapping, extortion, or organized crime). Of the two laws that were amended by the Geolocation Law, one was replaced by the 2014 Telecommunications Law, while the other (the Federal Code on Criminal Procedure), was replaced by the new National Code on Criminal Procedure, which entered into force at the federal level by June 2016. According to the reformed version published on June 17, 2016, the code includes a possibility to retain data in networks, computers or other devices, with a judicial order. Article 303 of that law authorizes geolocation of mobile devices, and expands its application to any investigation. In the reformed version, geolocation would also require a judicial warrant, except for exceptional cases, such as kidnapping investigations, when a person's life or physical integrity is in danger.[80]

Recent reports concerning a vast state surveillance apparatus have further called into question the adequacy of privacy protections. In July 2015, a leak of internal documents from the surveillance company Hacking Team revealed that Mexico was the company's biggest client worldwide, having signed more than 14 contracts with various state and federal agencies. Civil society organizations have argued that these contracts are illegal because many of the agencies involved in the contract lack constitutional or legal authority to conduct surveillance or espionage.[81] The media outlet *Animal Politico* has also accused the state government of Puebla of using Hacking Team products to target the political opposition and journalists, based on the fact that several leaked emails show that the company produced exploits that had subject lines or attachments directly addressed to political figures.[82]

The leaked information from Hacking Team is only the latest in a series of scandals involving Mexi-

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78   Artículo 189-190 de Ley Federal de Telecomunicaciones y Radiodifusión.

79   Artículo 189-190 de Ley Federal de Telecomunicaciones y Radiodifusión.

80   Código Nacional de Procedimientos Penales [National Code on Criminal Procedure], updated June 17, 2016, http://bit.ly/2deCKxz; See also: Luis Fernando Garcia and Jesus Robles Maloof, "La vigilancia y su impacto en el derecho a la privacidad en México," Internet en México, derechos humanos en el entorno digital, Derechos Digitales, March 2016, http://bit.ly/29VzALs.

81   For more information about the revelations of Hacking Team's operations in Mexico see Julio Sánchez Onofre, "Vulneración a Hacking Team confirma abuso de espionaje en México," [Breach of Hacking Team confirms abuse of espionage in Mexico] *El Economista,* July 6, 2015, http://bit.ly/1JRDTIA; See also: Daniel Hernandez and Gabriela Gorbea, "Mexico is Hacking Team's Biggest Paying Client -- By Far," *Vice News*, July 7, 2015, http://bit.ly/1LWGbmO.

82   Ernesto Aroche, "El gobierno de Puebla usó el software de Hacking Team para espionaje político," *Animal Politico*, July 22, 2015, http://bit.ly/1TQO7rh.

co's surveillance apparatus. In July 2012, military sources leaked evidence, which was later confirmed by the Mexican army, pertaining to the Mexican army's secret purchase of more than MXN 4 billion (more than US $300 million) of spyware engineered to intercept online and mobile phone communications.[83] In addition to recording conversations and gathering text messages, email, internet navigation history, contact lists, and background sound, the surveillance software is also capable of activating the microphone on a user's cell phone in order to eavesdrop on the surrounding environment. In 2013, reports also surfaced that FinFisher software is being used for surveillance in Mexico. Although a group of human rights organizations has called for a federal investigation into the use of espionage and intelligence tools, the government has yet to conduct or submit to any such investigation.[84] In 2006, reports alleged that the United States provided equipment allowing the Mexican government to "intercept, analyze and use intercepted information from all types of communication systems operating in Mexico."[85]

Government requests to social media companies for information regarding users have increased significantly over the past year. Between January and December 2015, Facebook received 724 requests from the Mexican government for information related to 1,296 users, an increase of 141 percent compared to 2014. In 65 percent of the cases, Facebook released some information.[86] Facebook did not reveal the type of information requested by the government. Between July and December 2015, Google received 159 requests from the Mexican government for user data of 212 users or accounts. The company produced information in 53 percent of such cases.[87]

After a 2008 requirement that cell phone users register with the government was revoked in 2012, there are no longer any official provisions regarding anonymity.

Intimidation and Violence

Threats and violence from drug cartels—and occasionally members of local government—have continued to plague online reporters. In 2015, Reporters Without Borders listed Mexico as one of the most dangerous countries in the world for media personnel.[88] According to Periodistas en Riesgo, between June 2015 and May 2016, at least 10 journalists were murdered. Two of these journalists worked exclusively online to report crimes and a third used his Twitter account to report on violence.

On July 2, 2015, authorities found the body of Juan Mendoza Delgado, the director and founder of the local news website *Escribiendo la Verdad* (which translates to "Writing the Truth"). Although authorities claimed that Mendoza had been run over by a car, human rights organizations are investigating to see whether Mendoza's death was related to his writing, which was often highly critical of

83   Ryan Gallagher, "Mexico Turns to Surveillance Technology to Fight Drug War," *Future Tense* (blog), *Slate*, August 3, 2012, http://slate.me/1MBOliq; "Paga Sedena 5 mmdp por equipo para espiar," *El Universal*, July 16, 2012, http://eluni.mx/1L0Otcd.

84   Tania Molina Ramirez, "Sigue activo el programa de espionaje cibernético Finfisher en México: Citizen Lab," [FinFisher Cyber Espionage Program Kept Active in Mexico] *WikiLeaks en La Jornada*, October 7, 2013, http://bit.ly/1MBOzWN.

85   See Beckusen, "U.S. Looks to Re-Up its Mexican Surveillance System," *Wired*, May 1, 2013, http://bit.ly/2deKWhA, Robert Beckhusen, "U.S. Looks to Re-Up its Mexican Surveillance System," *Wired* online, May 1, 2013, http://wrd.cm/1L0OxIM and Katitza Rodriguez and Gabriela Manuli, "Mexicans Need Transparency on Secret Surveillance," Electronic Frontier Foundation, July 24, 2012, http://bit.ly/1YKIttU/.

86   Facebook, "Mexico," in Global Government Requests Report, January-June 2014, http://on.fb.me/18CxvzL; Facebook, "Mexico," in Global Government Requests Report, July-December 2014, http://on.fb.me/18CxvzL. "Mexico," in Global Government Requests Report, January-June 2015, http://bit.ly/2egCAmR; "Mexico," in Global Government Requests Report, July-December 2015, accessed May 17, 2016, http://bit.ly/2ddCj4e.

87   Google, "User Data Requests – Mexico," *Transparency Report,* accessed October 14, 2016, http://bit.ly/2dQwj1I.

88   Reporters Without Borders, *World Press Freedom Index: 2016*, accessed October 14, 2016, https://rsf.org/en/mexico.

local politicians and organized crime.[89] Francisco Pacheco, a print reporter, was also killed on April 24, 2016, after he posted information on Twitter about an armed confrontation of federal police officers with members of a criminal group.[90] On May 14, 2016, Manuel Torres was assassinated with a bullet in his head while he was returning home in Poza Rica, Veracruz. He had a 20-year career as a journalist, and had recently launched his online news outlet, Noticias MT.[91]

2015 was also the first year since 1984 that a murder of an active journalist (photojournalist Rubén Espinosa) took place in Mexico's capital.[92] In August, one week after the killing, Mexico City enacted a law to protect journalists at risk in the city. Organizations such as Reporters without Borders have reacted positively to this move, yet urged the government to allocate the necessary resources to effectively implement it.[93]

Although threats, verbal attacks, and physical attacks that do not lead to death are less likely to make the news, these aggressions are pervasive. Jorge Martínez Castañeda, director of *Rotativo Digital*, an online news organization based in Michoacán, was physically attacked on January 6, 2016 by Manuel García, son of the mayor of Tacambaro. Martínez had published a story about the mayor's involvement in a corruption case. In February 2016, reporters for the weekly political magazine *Proceso* received death threats from online trolls after they criticized the lack of attention of the Mexican government to the murder of Anabel Flores, a female journalist who was kidnapped and assassinated in Veracruz.[94] Lucero Aguilar, a reporter for the weekly magazine *Expresión San Luis*, said she received more than 500 death threats from false Twitter accounts, most of them showing the picture of the elected San Luis Potosi mayor. "Shut your mouth or we are going to dismember you," read one of the threats against Aguilar.[95] More recently, online trolls sent death threats to a journalist after he ran a column on crime and violence in a trendy neighborhood in Mexico City.[96]

This coverage period also saw at least eight incidents of police officers confiscating or destroying cameras or cell phones of reporters covering protests. Karlo Reyes Luna, a photojournalist for *AVC Noticias* and *VozAlterna*, two online news portals in Veracruz, reported aggressions and destruction of equipment by state police officers on September 15, 2015.[97] Reporters who cover human rights abuses are also the victims of robbery or destruction of professional equipment. In early September 2015, unknown people broke into the home of Flor Goche, a reporter for *Desinformemonos*, an independent online news organization, and Elva Mendoza, a *Contralinea* magazine reporter. Aggressors stole computers and documents.

89   Committee to Protect Journalists, "Juan Mendoza Delgado," *Journalists Killed,* June-July 2015, http://bit.ly/1LY3Hek.

90   Periodistas en Riesgo, "Asesinan a reportero en Taxco" [Reporter assassinated in Taxco], April 24, 2016, http://bit.ly/2ehkVKB.

91   Periodistas en Riesgo, "Matan a periodista en Poza Rica, Veracruz" [Journalist killed in Poza Rica, Veracruz], May 16, 2016, http://bit.ly/2deJbAP.

92   Committee to Protect Journalists, "Mexican Journalist who Fled Violent Veracruz State Murdered in Capital," August 3, 2015, https://cpj.org/x/6522.

93   Reporters Without Borders, "DF de Mexico, ¿una ley para proteger periodistas?" [Mexico DF, a law to protect journalists?], August 14, 2015, http://bit.ly/2cD1b2O.

94   Journalists at Risk, "Amenazan por Twitter a reportero de Proceso" [Threats via Twitter to Proceso reporter], February 9, 2016, http://bit.ly/2dm83Gh.

95   Journalists at Risk, "Denuncia periodista amenaza de alcalde electo de SLP" [Journalist denounces threat by SLP mayor], June 8, 2015, http://bit.ly/2cDnDNV.

96   "El Periodista Hector de Mauleon recibe amenazas tras denunciar violencia en la colonia Condesa" [Journalist Hector de Mauleon receives threats after denouncing violence in Condesa], Sin Embargo, September 22, 2016, http://bit.ly/2cVK52d.

97   Journalists at Risk, "Fotoperiodista reporta agresión de policías de Veracruz" [Photojournalist reports police aggression in Veracruz], September 15, 2015, http://bit.ly/2dsSNsN.

Mexican journalists have also suffered aggressions while covering electoral processes. A coalition of civil society organizations working to monitor the federal and local election on June 7, 2015 reported 58 aggressions directly associated with the electoral context. Most of them were threats and six were technical attacks, including four cases of cyberattacks, one hacking of an account, and one alteration of a website.[98] (See "Technical Attacks" for more information)

Spotlight on Marginalized Communities

Freedom on the Net 2016 asked researchers from India, Indonesia, Kenya, Kyrgyzstan, Jordan, Mexico, Nigeria, and Tunisia to examine threats marginalized groups face online in their countries. Based on their expertize, each researcher highlighted one community suffering discrimination, whether as a result of their religion, gender, sexuality, or disability, that prevents them using the internet freely.

In Mexico, Oliver Trejo examined online threats against women who use digital media to document sexual harassment.[1] The study found:

- In April 2016, hashtags such as *#NoEsNo* ("no means no") and *#MiPrimerAcoso* ("my first harassment") were shared on social networks to protest violence against women. Activists hope that the internet can serve as a tool for reporting incidents of gender-based sexual violence in a country where many victims distrust government institutions. Yet as technological advances have increased internet access and affordability in Mexico, a culture of gender-based discrimination has migrated from the streets to online environments. Derogatory and discriminatory remarks about women are disseminated on news portals, blogs and social networks.

- In a disturbing trend, women who use the internet to publicize offline harassment have become the targets of sexualized abuse on social media in ways that could further deter victims from reporting crimes of assault and sexual violence.

1   Oliver Trejo, "'Viral Hate:' Trolling Victims of Sexual Assault in Mexico," research paper, August 2016, on file with Freedom House.

Technical Attacks

Technical attacks are now a central tactic in attempts to suppress freedom of expression, and entities that commit cyberattacks do so with relative impunity. Recently, the ongoing threat of Distributed Denial of Service (DDoS) attacks has led outlets to enlist the help of companies like Deflect, a Canadian nonprofit organization protecting websites of human rights organizations and independent media publications.[99]

Several major cyberattacks against news websites were reported between June 2015 and May 2016. For example, the digital outlet *Letra Roja* was forced offline for several hours on March 3, 2016, after it published a report linking government officials in Durango with organized crime.[100] More recently, the independent online TV portal Rompevientotv.com was also victim of a DDoS attack that affected the website for several days on July 3, 2016.[101]

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98   "Elecciones 2015 y agresiones contra periodistas y el derecho a la libertad de expresión, primeros resultados 7 de Julio de 2015" [2015 elections and aggressions against journalists and the right to freedom of expression. First results, July 7, 2015], Elecciones y agresiones, http://bit.ly/2cDmdDp.

99   Jorge Luis Sierra, "How Technology Keeps Journalists Safe in Latin America," *Media Shift,* May 20, 2015, http://bit.ly/1YKJClm.

100   Article 19, "Inhabilitan portal de medio tras publicación de reportaje sobre autoridades de Durango" [Media portal disabled after publishing a report], March 8, 2016, http://bit.ly/1P2wE9V.

101   "Rompeviento Tv reanuda transmisiones" [Rompeviento TV renews broadcasting], *Rompeviento Tv,* July 5, 2016, http://bit.ly/2eEcY6o.

Spiking at politically sensitive times, at least three attacks took place on election day in Puebla, which has become a major hub for cyberattacks against independent online media organizations:

- Centronline.mx, based in Puebla, reported at least one major cyberattack on June 7, 2015.[102]

- AVC Noticias, also based in Puebla, reported on its Twitter account a cyberattack against its website on June 7, 2015.[103]

- Diario Cambio de Puebla reported a DDoS attack against its website on June 7, 2015.[104]

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102   Journalists at Risk, "Ataque cibernetico a sitio de noticias en Puebla" [Cyberattack against news site in Puebla], June 7, 2015, http://bit.ly/2cD1DOq.
103   Journalists at Risk, "Reportan hackeo al portal de noticias de AVC Noticias" [Hack against news portal of AVC Noticias reported] June 7, 2015, http://bit.ly/2d6m61d.
104   Journalists at Risk, "Diario Cambio denuncia ataque cibernético" [Diario Cambio denounces cyberattack], June 7, 2015, http://bit.ly/2e7rykb.