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Mexico

Country:

Mexico

Year:

2017

Press Freedom Status:

Not Free

PFS Score:

64

Legal Environment:

19

Political Environment:

31

Economic Environment:

14

Key Developments in 2016:

- At least two journalists were killed as a result of their work, according to the Committee to Protect Journalists (CPJ), but seven more were killed for motives that had yet to be confirmed, making 2016 one of the deadliest years for journalists in Mexico over the last decade. Another organization, Article 19, counted 11 murders of journalists in possible connection with their work for the year, and a total of 100 such killings since 2000.
- In May, the Supreme Court struck down a legal cap on the fines that could be imposed on journalists in Mexico City, raising the possibility that libel suits by public officials and others could lead to financially ruinous judgments.
- Citizens submitted more requests for public information during the year, but a report by watchdog organizations found that the performance of government agencies responsible for guaranteeing access to information had deteriorated since 2014.

Executive Summary

Mexico is one of the world's most dangerous places for journalists and media workers. Most murders and other violent attacks are not punished, leading to an expectation of impunity, and journalists face extreme editorial pressure—including credible threats of

violence—from criminal organizations and corrupt authorities. Governmental mechanisms to protect journalists are hampered by bureaucratic rivalries, lack of resources, and inadequate training.

The legal framework for the media remains problematic. Nearly a third of Mexico's states retain criminal defamation laws, and high-profile civil suits continued to be filed against journalists during 2016. In May, the Supreme Court upheld provisions of a 2014 telecommunications law that grant the government extensive access to users' communications data, which civil society groups had criticized as a threat to privacy and freedom of expression.

Public officials and private actors continued to use economic incentives to manipulate the media environment during the year. The government influences major commercial outlets through the distribution of official advertising, and there are few regulatory mechanisms to limit or standardize such spending. About half of state governments do not publish data regarding their official advertising expenses. Despite his campaign promises, President Enrique Peña Nieto had not succeeded in creating a regulatory body for governmental advertising as of 2016. Meanwhile, small, independent new outlets struggle to remain financially viable.

Legal Environment: 19 / 30

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 2016, 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 government officials have dismissed 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. CPJ ranked Mexico sixth in the world in its 2016 Global Impunity Index, finding that 21 journalists had been killed with complete impunity in the past decade.

Elements of both the criminal and civil codes continue to be used to intimidate journalists and pose major obstacles to freedom of expression. Defamation is a civil rather than a criminal matter in most states and at the federal level, but nine states have yet to eliminate the offense from the penal code.

According to Article 19, eight journalists were sued during 2016 for denouncing corruption or human rights violations. In one high-profile libel case during the year, former Coahuila governor Humberto Moreira filed a lawsuit against journalist and academic researcher Sergio Aguayo in a Mexico City court in July 2016. Moreira sought more than \$500,000 in compensation from Aguayo, who had asserted in a column that Moreira was corrupt and that his career exemplified impunity in Mexico. Aguayo was forced to borrow money from his university to post a large bond with the court, and the case was ongoing at year's end. Moreira, who allegedly had links to the Zetas drug cartel, had been arrested on money laundering charges in Spain in January, but the charges were provisionally dismissed the

following month after the Mexican government intervened on his behalf. Aguayo argued that the libel suit was intended to dissuade him from investigating a massacre in Allende, Coahuila, in 2011.

In July, the president of the broadcasting company MVS filed a libel suit against prominent journalist Carmen Aristegui, who wrote in the prologue of a book that the company had fired her under political pressure in 2015 after she exposed a scandal involving a mansion built for Peña Nieto's family by a government contractor. In October 2016, a judge ruled that Aristegui had damaged the reputation of the MVS president and must include an extract of the judgment in future editions of the book.

In May 2016, the Supreme Court overturned legal provisions in Mexico City that had capped the financial penalties that could be imposed on journalists for libel. Commentators noted that this could expose reporters to more lawsuits seeking exorbitant amounts in compensation, which would in turn deter critical coverage of powerful groups and individuals.

Mexico first passed a freedom of information law in 2002, and related principles and guidelines were enshrined in the constitution with a 2007 amendment to Article 6. A General Law on Transparency and Access to Public Information adopted in 2015 aimed to impose stronger standards for information disclosure at all levels of government; new federal and state laws were enacted during 2016 to bring such legislation into compliance with the 2015 measure. Nevertheless, information can still be temporarily withheld if it is deemed to be in the public interest or the interest of national security to do so, and accessing information is often a time-consuming and difficult process in practice.

Citizens submitted 141,160 information requests to governmental offices in 2016, a 15 percent increase over the previous year, according to the National Institute of Transparency, Access to Information, and Personal Data Protection (INAI). However, the National Index of Organizations that Guarantee the Right to Access to Information (INOGDAI), a civil society report published in May 2016, gave public transparency bodies an average score of 49.74 percent out of 100, a decline since the previous edition of the index in 2014. The report also found that the agencies assessed typically failed to raise awareness of the country's transparency laws and mechanisms.

Individuals and business entities can legally establish and operate private media outlets, and the 2014 Federal Telecommunications and Broadcasting Act, known as the "Ley Telecom," was designed to facilitate greater competition among television stations and telecommunications providers. The law created the Federal Telecommunications Institute (IFT) as a regulator, and it published implementing regulations in late 2015. The IFT is empowered to force concessions from telecommunications firms and television networks that are designated as dominant in their respective markets. A new television broadcaster that had received a license in 2015 launched in October 2016, but it remained unclear whether this and other new media ventures would be able to compete in practice with well-established players that enjoy financial support from governmental advertising. The IFT has licensed a number of community radio stations, but it continued to close many others for illegal use of spectrum.

Professional licenses are not required to become a journalist in Mexico. However, the practice of journalism is limited by a range of external pressures, including the threat of

surveillance. Under the Ley Telecom, the government may require internet and mobile service providers to store user data for at least two years, and to provide detailed communication records to security agencies. Such records could theoretically enable authorities to identify or monitor whistle-blowers, journalists' sources, and individuals engaging in political expression. After a legal challenge by a coalition of civil society organizations, the Supreme Court ruled in May 2016 that authorities needed a judicial warrant to access users' metadata records, but not to obtain real-time geolocation data.

Media reports in recent years have cited ample evidence that various surveillance technologies are used widely by government agencies at all levels. In one notable case, independent analysts found in 2016 that investigative journalist Rafael Cabrera, who was involved in reporting on the presidential mansion scandal, had been targeted with spyware marketed to Mexican authorities by the Israeli company NSO.

A number of press freedom organizations and journalists' associations operate in Mexico, but they have faced increased intimidation in recent years.

Political Environment: 31 / 40

Media outlets and their employees encounter pressure from a variety of actors interested in manipulating or obstructing news content, including owners with political or separate business agendas, major advertisers seeking positive or neutral coverage, government officials, and criminal organizations. Critical journalists are sometimes fired or otherwise threatened with professional repercussions if their work conflicts with the interests of such groups.

The authorities do not engage directly in official censorship or formally block online content, but media outlets have suffered from unofficial censorship, often perpetrated by criminal organizations. This type of censorship can include cyberattacks that disable news websites for long periods of time. Several major distributed denial-of-service (DDoS) attacks on media outlets were reported during 2016.

When employment-based or technological pressure is not enough, more coercive methods have been used against journalists. Drug-trafficking organizations, frequently in cooperation with authorities in their areas, have created "zones of silence," or what the *Washington Post* called an "institutionalized system of cartel censorship." For media editors in such regions, survival can require accepting explicit criminal demands regarding content and practicing self-censorship. However, the proliferation of threats—and impunity for perpetrators—has caused self-censorship to deepen and spread across the country, including to areas that had not been considered hotspots for drug-related violence.

Among other such incidents during the year, authorities in Tijuana warned in November 2016 that the so-called Jalisco New Generation Cartel was plotting to attack the *Zeta* weekly after it published the names and photographs of "most wanted" cartel members in the state. Journalists face significant obstacles when attempting to receive protection through the federal government mechanism for protecting journalists and human rights defenders that was 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.

Dozens of journalists have been killed or disappeared in recent decades, often in the context of collusion between criminal organizations and government officials. CPJ has documented the murders of at least 37 journalists and four media workers in connection with their work from 1992 through 2016, and another 49 killings in that period for which the motive has not been confirmed. Other organizations cite much higher figures: Mexico's National Commission on Human Rights reported 119 reporters killed from 2000 to November 2016.

For 2016, CPJ identified two journalists who were killed as a result of their work, but seven more were killed for unverified reasons, bringing the total to at least nine deaths, almost double the figure for 2015. Article 19 reported 11 murders of journalists in 2016, while *Periodistas en Riesgo* reported 14. The two cases confirmed by CPJ were those of Marcos Hernández Bautista, a reporter with the daily *Noticias, Voz e Imagen de Oaxaca* who was assassinated in January after working on sensitive stories involving local power brokers, and Elidio Ramos Zárate, a crime reporter for the Oaxaca newspaper *El Sur* who was fatally shot by two attackers on a motorcycle in June after receiving threats as he covered clashes between police and protesting teachers' unions. A local police commander was arrested and charged with Hernández's murder, but the Ramos Zárate case remained unsolved at year's end.

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. Of 426 acts of aggression against the media recorded by Article 19 in 2016, 81 were categorized as nonfatal physical attacks on journalists or their property, and another 79 were listed as intimidation. *Periodistas en Riesgo* reported 46 incidents of aggression, including an arson attack on the home of a reporter in Baja California Sur, the beating of a pregnant reporter by demonstrators in Oaxaca, 15 threats to journalists, six arbitrary arrests, an attack in which a reporter was struck and killed by a police car, and retaliatory asset seizures against the Sinaloa newspaper *El Noroeste* after it reported on local corruption.

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 sector. Televisa accounts for about 70 percent of the free-to-air market and more than 60 percent of the cable and satellite market. As the dominant player in its industry, it is now subject to certain competition restrictions under the Ley Telecom. TV Azteca controls about 30 percent of the free-to-air market but has struggled to develop paid services. In 2015, the IFT announced that two media companies had submitted winning bids for new television

licenses that would end the existing free-to-air duopoly, though one was later canceled after the bidder failed to meet financial deadlines. The other company, owned by a conglomerate with assets in several industries, began broadcasting nationwide as Imagen Televisión in October 2016.

América Móvil group was designated as the dominant player in telecommunications, prompting steps to increase competition in that industry. While América Móvil's market share has fallen as a result, it still controls well over 60 percent of both the fixed-line and mobile markets. High costs and lack of investment have historically limited access to telecommunications services, but internet penetration continues to grow, reaching nearly 60 percent in 2016. Regional disparities are substantial, with much higher internet penetration rates in the north and near the capital, and very low rates in rural southeastern states like Chiapas and Oaxaca.

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 provision to limit the dissemination of news and information at critical moments.

The federal government and some state governments use advertising expenditures to influence the editorial policies of media outlets. The bulk of governmental advertising goes to major broadcast media, while print outlets are supported on a selective basis. Officials have broad discretion in the allocation of advertising purchases, as there are no meaningful legal or regulatory restrictions on such spending. President Peña Nieto made a campaign pledge to create an independent body that would control governmental advertising, but no progress had been made on the matter as of 2016. According to a 2015 study by Fundar and Article 19, about half of the 32 state governments in Mexico do not publish data about their official advertising expenses. In November 2016, Fundar and INAI launched a campaign to encourage state governments to make their ad spending open and transparent. At least one state, Chihuahua, had already begun implementing the recommended practices, and another, Quintana Roo, had pledged to do so.

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.

Economic difficulties continued to affect the media industry as a whole in 2016. Late in the year, *La Jornada*, an important independent daily, was reportedly considering sharp salary cuts, and Televisa moved to lay off 20 percent of its personnel. Independent online media organizations, which often struggle to survive financially, use crowdfunding to supplement their resources. Lado B, an online investigative journalism group based in Puebla, succeeded in securing funds with a Kickstarter campaign.

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