

Paris, 4 March 2013

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Language: **English**

**Human Rights Council – Universal Periodic Review
17th session, 21 October – 1 November 2013**

**Contribution by Reporters Without Borders, an NGO with special consultative status,
on the situation of media freedom in Mexico**

Summary of the media freedom situation

Ranked 153rd out of 179 countries in the 2013 Reporters Without Borders press freedom index, Mexico continues to be the western hemisphere's deadliest country for media personnel. More than 100 journalists have been murdered or have disappeared in the past decade. A total of 21 have been killed in connection with their work since 2009. They include Adrian Silva Moreno, a contributor to the daily *Puntual* and the website *Glob@l México*, who was gunned down while covering an army operation in the state of Puebla on 14 November 2012.

In the immense majority of cases, journalists are killed by drug cartels for covering their activities. The police and judicial investigations into these murders are often closed quickly or are paralyzed by cumbersome bureaucratic procedures. The result is almost total impunity.

Threats and physical attacks against news outlets and journalists are common, and usually go unpunished. The daily *El Siglo de Torreón* was the target of three armed attacks in the space of three years. The latest was on 26 February 2012, two weeks after five of its employees were kidnapped for several hours on 7-8 February 2012. In another emblematic case, *El Norte*, a daily based in San Pedro (Nuevo León), was the target of three attacks in less than a month, in July 2012.

Both organized crime and the authorities are responsible for acts of intimidation. In San Luis Potosí, several journalists with the regional daily *Pulso* have in recent months been the target of an "anonymous" hate campaign on social networks that is blamed on the state government's Social Communication General Coordination Office. The state government is said to be trying to discredit the local media after a series of critical articles on the crime level and other subjects.

The impunity prevailing in Mexico is due in large measure to collusion between organized crime and the political and administrative authorities at all levels, which have been corrupted or even infiltrated

by the cartels. It is also due to reluctance on the part of judicial and government officials to conduct investigations that could cost them their lives. The same fear is to be found among journalists. Many news media have formally announced that they will no longer cover drug trafficking for fear of violent reprisals. This climate of self-censorship is detrimental to media freedom.

A presidential election year, 2012 was marked by censorship and violence against journalists, especially during the campaign for the 1 July election and during Enrique Peña Nieto's installation as president on 1 December, which was marred by a police crackdown on the right to demonstrate and, in some cases, the right to inform, with several journalists being attacked by policemen and two jailed.

There are also very close business, political and even personal ties between politicians and the media that are detrimental to media independence and transparency.

Finally, the concentration of media ownership continues to very high, undermining pluralism. According to the Mexican Right to Information Association (AMEDI), the Televisa / TV-Azteca monopoly has 90 per cent of the free and pay-TV concessions. This monopoly violates article 28 of the constitution and the Federal Law on Economic Competition. Many of the large number of community radio stations meanwhile lack legal broadcast frequencies and are often persecuted.

The free flow of information on the Internet

Stepping into the void left by the traditional media, online social networks have for the past several years been the only source of information on the devastating impact of drug trafficking. As a result, bloggers have in their turn been targeted by organized crime. María Elizabeth Macías, a journalist who kept a blog called "La Nena de Nuevo Laredo," in which she wrote about drug trafficking, was found decapitated on 24 September 2011. A price was put on the head of the administrator of the "Valor por Tamaulipas" Facebook page, which reports on violence linked to drug trafficking, on 11 February 2012 in Ciudad Victoria.

Measures taken by the state to improve the situation

An amendment to article 73 of the constitution allowing the federal authorities to take charge of investigating and prosecuting crimes against journalists and freedom of information was approved by the federal senate on 13 March 2012, following approval by the chamber of deputies in November 2011. The amended article says: "The federal authorities may also intervene in crimes coming under the jurisdiction of individual states when they are linked to federal crimes or crimes against journalists, persons or entities that limit, affect or undermine the right to information, or freedom of expression or the freedom to print." As a result, the Special Prosecutor's Office for Crimes against Freedom of Expression (FEADLE) will have more legal leeway.

Cooperation with NGOs

The Mexican authorities do not cooperate sufficiently with NGOs and provide them with little information, which results in a lack of transparency.

Many NGOs are taking issue with the way that the authorities are drafting a *Federal Mechanism for the Protection of Human Rights Defenders and Journalists*, required by the aforementioned constitutional amendment. They criticize the lack of transparency in the selection of the organizations being consulted in the drafting process, and say the choice should be submitted to public scrutiny.


Recommendations

- Reporters Without Borders calls on Mexico to carry out a thorough overhaul of its judicial system, in order to be able to combat impunity and provide journalists with real protection. Investigating murders, threats and attacks, in order to render justice, is an essential condition for restoring the rule of law in Mexico.
- Reporters Without Borders calls on the executive coordinator of the *Federal Mechanism for the Protection of Human Rights Defenders and Journalists*, required by the recent constitutional amendment, to reopen talks on the composition of this new mechanism's Consultative Council. The recruitment criteria and skills of the NGOs invited to join the council must be published for the sake of transparency.
- The authorities must reinforce the resources allocated to the Special Prosecutor's Office for Crimes against Freedom of Expression (Fiscalía Especial para la Atención de Delitos Cometidos en contra de la Libertad de Expresión), which has existed since February 2006.
- Reporters Without Borders calls on the Mexican authorities to reinforce security and protection measures for online personal data, so that the use of social networks does not become a source of danger.
- The Federal Law on Radio and Television and the Law on Telecommunications, which date back to 1960 and 1995 respectively, must be overhauled in order to combat the monopoly that characterizes the Mexican media landscape. The proposed Law on Telecommunication and Broadcasting Content, which has been before congress for years, would be a major step in the right direction.

Methodology

The information presented in this memorandum was collected and verified by Reporters Without Borders, which has a network of correspondents in 130 countries worldwide and a network of partner organizations in 20 countries.

In some countries, a journalist can spend years in prison because of a word or a photo. Founded in 1985, Reporters Without Borders wages a constant battle for media freedom because it believes that imprisoning or killing a journalist removes an essential observer and threatens everyone's right to information.

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