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CONTRIBUTION BY REPORTERS WITHOUT BORDERS (RSF)
ON PRESS FREEDOM IN MEXICO

An independent international NGO that defends press freedom, Reporters Without Borders (RSF) has consultative status with the United Nations, UNESCO and the Council of Europe. Created more than 30 years ago and headquartered in Paris, it has 12 regional bureaux and a network of correspondents in 130 countries. In 2015, it opened a regional bureau for Latin America in Rio de Janeiro, Brazil.

Journalists' safety: threats, murders and disappearances

Mexico is not the scene of armed conflict, yet it is one of the most dangerous countries in the world for journalists. The election of Enrique Peña Nieto as president in 2012 has brought about no change in freedom of information in the country, which continues on a downward spiral of violence.

Mexico is plagued by corruption and organised crime, and year after year it confirms its status as the most dangerous country in the Americas for journalists. Attacks on the media are an everyday occurrence.

Between January 2000 and the end of February 2018, Reporters Without Borders recorded the murders of 111 journalists in Mexico, all directly, or probably, related to their work. In 2017 alone, no fewer than 11 journalists were killed in the country.

Since 2000, at least 22 journalists have disappeared in Mexico, according to figures issued by the country's National Human Rights Commission (CNDH)

The motives behind the threats or physical attacks generally stem from investigative journalism, particularly on such topic as:

- corruption or tax irregularities
- possible links between politicians or public officials and illegal armed groups, particularly drug cartels and criminal gangs
- law and order and accounts of armed clashes

Those mainly responsible for such attacks and threats are law enforcement officials and politicians, drug cartels and criminal gangs.

Failures of the Federal Mechanism for Protecting Journalists

The Federal Mechanism for Protecting Human Rights Defenders and Journalists was set up in 2012 as a result of the growing number of attacks on journalists throughout the country. However, it has yet to prove its worth and journalists have little confidence in it.

The support offered to victims is too late or inappropriate. Frequent personnel changes within the organization at all levels make caring for the victims more difficult.

The mechanism lacks the responsiveness and flexibility to respond effectively to complaints. RSF has noted:

- Excessive delays before security plans are put in place following requests
- Poorly trained staff
- The provision of bodyguards is subcontracted to private companies consisting of former military personnel, and they are often themselves involved in the drugs trade.
- The families of journalists who have been killed or who have disappeared are sometimes the target of threats and receive no help from the protection programme.

Impunity for attacks on journalists and ineffectiveness of the FEADLE

The Special Prosecutor's Office for Crimes against Freedom of Expression (FEADLE), set up in 2006, is understaffed and underfunded and is unable to deal quickly and effectively with complaints.

When cases are finally compiled and sent to court, they are too often rejected by the judge on the pretext that the evidence presented by the FEADLE is insufficient or the case is badly argued.

According to official FEADLE figures, 99.85 percent of cases handled by the organization between January 2010 and March 2017 went unpunished.

The FEADLE has the power, but not the obligation, to take up cases heard in local courts, but hardly ever does so. Most crimes against journalists could be prosecuted at federal level but are mostly handled locally and, since they are mainly committed by agents of the state, cases of impunity abound.

The countless cases of complicity between corrupt police and judicial officials, particularly rife at local level, perpetuate a vicious circle of impunity. Investigators have close links with police officers – responsible for most of the attacks on journalists – and have ties to the political establishment, which is hand-in-glove with the judiciary.

The matter of forced exile, a growing concern

In most cases of attacks on journalists, those who are the target of threats, are forced to leave the place where they live and work for the sake of their personal safety and/or to receive assistance from the protection programme.

In 2017, RSF tracked 13 cases of journalists targeted by threats in some of the most violent states in the country (Guerrero, Sinaloa, Tamaulipas, Quintana Roo, Baja California and Michoacán), who decided to leave their hometowns for their own safety, several of them with their families. Most received emergency assistance from the federal protection programme and sought refuge in the capital, Mexico City.

Recommendations :

RSF recommends the following steps to the Mexican government to combat forced exile:

- The development of a proper national diagnosis and the establishment of a clear and comprehensive public policy of support for those identified as victims, together with a prevention plan.
- Greater cooperation between the national protection programme, the Executive Commission for Attention to Victims (CEAV) and the FEADLE, in order to draw up specific measures to support victims, such as psychological and financial assistance, and a plan for assisting a return to work.
- Greater attention by the CEAV to the individual circumstances of victims and the continuation through 2018 of its 10,000-peso (446,00-euro) aid fund for journalists, launched in June 2017, as well as greater transparency over how the funds are used.

RSF's recommendations specifically to the interior ministry, which is responsible for the management of the federal protection programme:

- Improved cooperation between the protection programme and the CEAV to provide all-round care for victims, including effective protection measures and psycho-social support,
- An improvement in processing times by drawing up a plan to deal specifically and quickly with the most urgent cases.
- Permanent assessment and monitoring of the protection measures taken in order to plug any gaps and improve processing times.
- Provision of detailed and precise information to journalists on the extent and limitations of the protection measures, such as the operation of the rapid alert system and police surveillance.

Recommendation to the FEADLE:

- A new procedure for investigating crimes against journalists should be created, covering all types of abuse to which journalists are regularly subjected.
- Cases should be followed up publicly, giving details of the kinds of attack and the profiles of victims, for example.
- Local FEADLE offices should be opened in the most dangerous states for journalists. These delegations should work closely with the prosecuting authorities that specialise in matters of freedom of expression.

- The human and financial resources of the Special Prosecutor's Office should be increased so that it is able to conduct investigations more quickly and prosecute those responsible for the reported crimes.
- Ensure FEADLE investigators are trained in the fields of freedom of expression, gender and human rights.
- Victims, their legal representatives and family members should be allowed access to case files so that they may see for themselves whether they are correct and fair.
- The FEADLE should effectively use its power to escalate cases from local to federal level, in accordance with Article 21 of the criminal code.

Recommendation to the National Human Rights Commission (CNDH)

- Show greater transparency and provide more public data on its activities.
- Process the most serious cases more quickly and take over those that local committees have not pursued.
- Improve the implementation of preventive measures to protect victims' families, especially during public demonstrations of support for journalists who are threatened or murdered.
- Draw up a plan for the award of damages mutually agreed with victims and their representatives and ensure any recommendations are followed up, ensuring that instances where local authorities prevent their implementation are disclosed publicly.

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