

**A WAN-IFRA and IPI Joint-Report on the Freedom of the  
Press in Mexico**

**April 2013**



WAN-IFRA, based in Paris, France, and Darmstadt, Germany, is the global organisation of the world's newspapers and news publishers. It represents more than 18,000 publications, 15,000 online sites and over 3,000 companies in more than 120 countries. Its core mission is to defend and promote press freedom, quality journalism and editorial integrity and the development of prosperous businesses.

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## 1. Introduction

In February 2013, a joint delegation of the International Press Institute (IPI) and the World Association of Newspapers and News Publishers (WAN-IFRA) conducted a three-day press freedom mission to Mexico to evaluate strategies adopted by government and media actors to ensure journalist safety in the country.

Since the year 2000, 70 journalists have been killed in Mexico for reasons likely related to their work, according to IPI's Death Watch. Beginning with the year 2006, Mexico has consistently been the deadliest country in the Western Hemisphere for the media, and in 2011, registered more journalist deaths than anywhere else on the planet.

Many of these killings have been almost unspeakably brutal: Mexican reporters have been tortured, beheaded, dumped on roadsides or in sewage canals. In some cases, mutilated bodies have been deposited in public squares, together with notes warning their colleagues of a similar fate. Others have simply vanished without a trace. Media installations have been fired upon with machine guns or damaged by grenade explosions. The daily danger is such that "the majority of Mexican journalists have become war correspondents in their own country," *Proceso* correspondent Marcela Turati wrote in an IPI special feature last year<sup>1</sup>.

But while civil-society organisations have long since exposed the crisis facing Mexico's media, the Mexican government itself has been agonisingly slow in acknowledging and developing a satisfactory response to the situation. Similarly, Mexican media outlets have been slow in developing full-fledged strategies to effectively limit the danger faced by their journalists and other employees.

During the mission, the IPI/WAN-IFRA delegation specifically investigated the efficacy of two belated yet critical initiatives designed to tackle the threat to press freedom in Mexico: First, a federal protection system for journalists in danger; and second, the federal Special Prosecutor for Crimes against Freedom of Expression (FEADLE), recently strengthened by a constitutional amendment granting the federal government the power to investigate crimes against the press.

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<sup>1</sup> <http://www.freemedia.at/home/singleview/article/ipi-focus-on-world-press-freedom-day-2012.html>

In meetings with a wide variety of interested actors, including federal and state government officials, members of the Mexican Congress, foreign ambassadors, editors, journalists, and representatives of civil society, delegates collected information on the expectations, achievements, and shortcomings of these initiatives.

The delegation also examined steps taken by media owners and editors to protect their employees working in dangerous environments. While delegates sought to hold federal and state governments solely accountable for their failure to protect journalists working within Mexico's borders, they also discussed with media representatives the need for effective self-regulatory safety protocols and measures to protect journalists who find themselves working in highly dangerous realities.

IPI and WAN-IFRA, based on the stature conferred by their global membership, emphasised to high-ranking officials in President Enrique Peña Nieto's administration that the failure to bring perpetrators to justice and speak openly about zero tolerance for attacks on the media will fuel impunity, renew violence and encourage further self-censorship among journalists.

Finally, the delegation also encouraged the Mexican federal government to participate in the pilot program of the recently approved UN Plan of Action on the Safety of Journalists and the Issue of Impunity.

The members of the delegation were:

- Roger Parkinson, past president of WAN-IFRA, former publisher, CEO and chairman of Canada's Globe & Mail, and IPI member
- Larry Kilman, WAN-IFRA Deputy CEO
- Barbara Trionfi, IPI Press Freedom Manager
- Rodrigo Bonilla Hastings, WAN-IFRA Press Freedom Missions Manager
- Scott Griffen, IPI Press Freedom Adviser for Latin America and the Caribbean

## 2. Background

In the view of both IPI and WAN-IFRA, in order to fully understand the threat facing Mexico's journalists, it is necessary to comprehend the depth of the security and justice crisis facing Latin America's second-largest country. The systemic issues described below have had a direct impact on the colossal failure to protect the Mexican media in several regions of the country.

Firstly, Mexico faces enormous challenges in providing justice for the victims of crime. During the mission, numerous officials and experts told IPI and WAN-IFRA that an astonishing 98% of criminal acts in Mexico go unpunished. Moreover, even the small number of convictions that do occur are unreliable: experts estimate that 50% of inmates currently in Mexican prisons are innocent. Stubborn bureaucracy and a lack of professional law-enforcement training can derail even the most well-intentioned of investigations.

Given this institutionalised impunity, it is clear that deterrence against criminal acts of any kind is low. To be sure, nearly all the individuals with whom the delegation met agreed that as long as those responsible are given a free pass by a **broken criminal-justice system**, crimes against the media will continue.

The federal government has signalled that it will prioritise criminal-justice reform, which IPI and WAN-IFRA concluded will aid in efforts to hold accountable those who commit attacks on the press. President Enrique Peña Nieto, echoing his predecessor, Felipe Calderón Hinojosa, declared upon taking office last December, "As long as there is no justice, there will be no security."<sup>2</sup>

The president is also giving priority to a nationally mandated transition (intended to be complete by 2016) to oral trials, which allow lawyers to argue cases before judges and question or cross-examine witnesses. Previously, trials were conducted completely through writing and judges took decisions in private. The reform, first passed by the Mexican Congress in 2008, also ends the practice of treating arrested suspects as guilty until proven otherwise.<sup>3</sup> Peña Nieto has also announced he will push for the consolidation of the country's 33 penal codes into a "single code with national application." Observers hope that these changes will boost efficiency and transparency within the legal system and prove an important tool in the fight against impunity.

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<sup>2</sup> <http://www.elmundo.es/america/2012/12/01/mexico/1354396054.html>

<sup>3</sup> <http://www.nytimes.com/2008/03/07/world/americas/07mexico.html>

Secondly, **organised crime** remains a serious and growing threat to the country's stability. Its evolution is now well known: In the 1980s and early 1990s, Colombia served as the principal supplier of drugs to consumers in the United States and Canada. After the U.S. and Colombian governments largely dismantled the Colombian cartels in the mid-1990s, the drug trade shifted north to Mexico, which until that point had mainly been a transit point, not a supplier.

Upon taking office in Dec. 2006, the Calderón administration, under both domestic and international pressure to stem the narcotics trade, announced the beginning of a military offensive against the cartels, which correlated with a spike both of general violence and violence against journalists specifically. According to IPI's Death Watch, 24 journalists were killed in Mexico in the 10-year period between Jan. 1997 and Nov. 2006. By comparison, more than twice as many, 49, were killed in the span of just six years between Dec. 2006 and Dec. 2012. Estimates of the total number of casualties during the offensive range from 60,000 to 100,000.

In the meantime, experts in Mexico explained to IPI and WAN-IFRA delegates, the cartels have morphed into a quasi-political force seeking territorial control: several states, such as Tamaulipas and Nuevo León, are now said to be effectively ruled by the cartels. Moreover, while the illicit drug trade still serves as a backbone, business has diversified to include other areas such as arms and human trafficking. For these reasons, it is now more apt to use the term "organised crime."

Mexican journalists told the delegation that self-censorship, driven by fear of the cartels, has inhibited coverage of these developments. "The main story is that organised crime is eating everything up – and that is precisely the story that cannot be published," said one journalist from an affected state now living in internal exile in Mexico City.

Officials from the UN Office on Drugs and Crime (UNODC), which recently completed a study on journalist safety in Mexico, explained to the delegation that in many areas of the country organised crime was now "using the media to promote itself," with criminal elements seeking to establish a monopoly on information and spread fear and obedience among citizens. This "information control" is viewed as a logical and necessary complement to territorial control<sup>4</sup>.

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<sup>4</sup> See page 5, WAN-IFRA Report "A Death Threat to Freedom – A Report on Violence against Mexico's Press" – WAN-IFRA, September 2012.

The UNODC found that this was accomplished through a mix of threats and coercion. In some cases, the interaction between journalists and organised crime would begin as one of “mutual benefit”: cartel representatives would provide journalists with exclusive information – about an impending crime, for example – in exchange for frequent coverage that served to reinforce the cartels’ omnipotence. As one official put it, “journalists became involved with organised crime because organised crime was the source.”

Over time, however, the cartels learned to exploit this relationship by introducing increasingly higher demands: the media would be ordered to reprint, word for word, information provided by the cartels in the form of a journalistic article. Journalists or editors who refused risked having themselves or their families killed.

Finally, media and civil-society representatives emphasised, the **authoritarian practices** that were developed during the 71-year reign of the Institutional Revolutionary Party (PRI) remain widespread. An ingrained tradition in which politicians simply supplied content to the media, either by dictation or bribery, has led to an unwelcome environment for journalists who dare to criticise the official line.

“They become enraged when they cannot control information,” another internally displaced journalist told the delegation, referring to officials in one state capital.

Indeed, evidence suggests that public officials, not organised crime, are responsible for the majority of press-freedom violations in Mexico. The federal Special Prosecutor for Crimes against Freedom of Expression, Laura Borbolla, told the delegation that in 70% of cases that reach her office, public authorities are the leading aggressor. Article 19, a freedom of expression advocacy group with a long presence in Mexico, calculated that 49% of assaults against reporters in 2010 could be traced back to government officials.<sup>5</sup>

Media representatives indicated that many local and state authorities are not accustomed to being subjected to scrutiny and take action to bury investigations. In doing so, they often seek to hide their identities: one journalist recounted an incident in which a group of men purporting to be criminal gang members kidnapped and threatened him with death before dumping him beside a highway; though blindfolded, the journalist said he recognised the men as local police officers through their use of police communication codes.

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<sup>5</sup><http://www.article19.org/resources.php/resource/1621/en/violence-and-press-freedom-in-mexico:-still-in-the-line-of-fire>

UNODC officials indicated that a wide variety of factors – including low salaries and poor working conditions – have generated corrupt relationships between local authorities and organised crime. This state of affairs further isolates the media, which is unable to depend upon local governments to enforce the law and protect them.

In conversations with both journalists and editors, the delegation encountered a high level of mistrust toward the government and a scepticism that local officials had the best interests of the media at heart. “Journalists simply don’t have faith in local processes, and so they don’t participate in any local [protection] mechanisms,” Javier Hernández Valencia, Mexico representative of the UN High Commissioner for Human Rights, explained.

### **Perception and Reality in Mexico’s Journalist-Safety Crisis**

IPI and WAN-IFRA firmly believe that, despite the landscape of impunity and insecurity, it is paramount not to assume that journalists are simply victims of generalised violence. To do so would not only be ignorant of the overwhelming evidence – presented by journalists, editors, and civil-society organisations – that journalists are being singled out in order to silence critical coverage, but would also play directly into the hands of the government forces that have shirked their responsibility for protecting the media or, worse, who are complicit in attacks on the press.

“Some say, well, this is a war and in a war there are casualties,” explained Roberto Rock, editor-in-chief of *El Universal*, one of the country’s leading national dailies. “But in Mexico, we have journalists who are being targeted for what they write. So they are not casualties like in a regular war.”

Additionally, both IPI and WAN-IFRA were troubled by the tendency of the government, at various levels, to ascribe journalist killings to ethical failures. For instance, in a meeting held in Mexico City, Gina Domínguez Colío, media coordinator for the government of Veracruz, declared: “Freedom of expression is not at risk in Veracruz” and, in fact, is “100% guaranteed.” But according to virtually any count, Veracruz is the deadliest state in Mexico for journalists (with 11 killed since 2006, according to IPI’s Death Watch) and the sincerity of its State Commission for the Attention and Protection of Journalists was questioned in nearly every meeting that IPI and WAN-IFRA held, with one editor describing it as “a bad joke.”

The Veracruz authorities explained this discrepancy by insisting that journalists in the state were not being killed because of their profession, but rather because of questionable actions in their personal lives – including complicity with organised crime – or a lack of professionalism.

“I was deeply distressed to learn of insinuations that Mexican journalists are responsible for their own murders,” IPI Executive Director Alison Bethel McKenzie said. “We recognise that the immediate causes of a journalist killing can be complex and that the Mexican media is operating within a system of endemic criminality, but I fear that this situation is being used as an excuse for negligence on the part of certain Mexican authorities. Let us be clear: Too many journalists in Mexico are being hunted down for reasons specifically related to their job and the government has the responsibility to react. Full stop.”

She added: “Even in a situation of generalised conflict, the State must pay special attention to crimes committed against the media. A press that is silenced – for whatever reason – cannot perform its role of informing citizens about matters of public interest. The end result is a democracy in name only.”

IPI and WAN-IFRA agree that the federal government has taken important if belated steps in acknowledging and assuming responsibility for attacks on the country’s media. These include the recent activation of a federal Protection Mechanism for Journalists and Human Rights Defenders, which “establishes a concrete obligation on the part of the Mexican state to protect journalists,” according to the head of the Unit of Promotion and Defence of Human Rights of the Interior Ministry, Juan Carlos Gutiérrez.

Federal officials were unanimous in expressing a commitment to improving journalist safety and freedom of the press in Mexico. “Respect for freedom of expression will continue to be absolute,” emphasised Eduardo Sánchez Hernández, federal deputy minister for media regulation. “Mexico has a strong will to reduce violence and improve the conditions in which journalists work.”

“Mexico is known internationally to be one of the world’s most dangerous places for media professionals. The new Mexican federal authorities have a historic opportunity to change that once and for all”, said Vincent Peyrègne, CEO of WAN-IFRA. “But it will take a lot of authentic political will and (maybe the hardest challenge of all) cooperation from States to thoroughly investigate attacks against journalists and put an end to the prevailing culture of impunity. We are extremely concerned that the recent legal measures of

protection and of federalisation will be of little or no use at all if the state governments do not cooperate.”

### **3. “Federalisation” of Crimes against Journalists and the Office of the Special Prosecutor for Crimes against Freedom of Expression**

In 2006, Mexican authorities established the Office of the Special Prosecutor for Crimes against Journalists, which in 2010 was renamed as the Office of the Special Prosecutor for Crimes against Freedom of Expression (FEADLE, according to its Spanish acronym). FEADLE falls under the directive of the Federal Attorney General’s Office.

Despite the cautious optimism that accompanied its creation, FEADLE is widely considered to have “failed badly” in its mandate: the Office has achieved only a single conviction to date<sup>6</sup>.

The most common explanation that IPI and WAN-IFRA heard for the Office’s lack of success concerns Mexico’s federal structure. Until last summer, the killing of a journalist was considered to be a *delito de fuero común*, that is, falling exclusively under the jurisdiction of state and local governments. As a federal body, FEADLE has simply never had the legal standing to prosecute crimes against the media – a fact that adds weight to the accusation that the creation of the Office was more about Mexico’s image and less about results.

The current Special Prosecutor, Laura Borbolla, told delegates that 40 investigations had been fully “completed” to date, three of which dealt with homicides. In those cases, Borbolla explained, her office had collected enough information to justify the arrest of a suspect, but that each time the evidence had been brought to a federal judge, the case was declined due to lack of jurisdiction.

Usually, delegates learned, the judge in question would remit the case to the appropriate local authorities. Borbolla estimated that approximately one-quarter of those 40 cases were pursued at a local level. None has been brought to a conclusion.

At the time of IPI’s visit, 326 other incidents filed with FEADLE were “under investigation” or had stalled completely. In many of these cases, state officials have declined to release information to federal prosecutors. Borbolla, who is the fourth Special Prosecutor in just

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<sup>6</sup> See WAN-IFRA, *op. cit.* p.8

seven years, estimated that in 70% of the cases that reach her office local authorities are the principal aggressor.

FEADLE's reported lack of resources has frequently been singled out as a major obstacle to its success, but the Office's budget has been deemed by the Mexican press as a "mystery."<sup>7</sup> For example, in October 2012, the advocacy group México Infórmate ("Get Informed, Mexico") reported that FEADLE's budget for 2010 was just \$M 53,071 (€ 3,226), excluding staff salaries, which were not disclosed. But México Infórmate noted that the figure it had received via a Freedom of Information request was significantly different than the one (\$M 1,053,785.67 or €64,105) provided for the same year to Article 19, a press-freedom watchdog. Similar discrepancies were found in all other years from 2008 – 2011.

Borbolla informed IPI and WAN-IFRA that FEADLE's budget for 2012 was \$M 3 million, or approximately US\$ 245,000 (€190,000). She indicated that the total budget for 2013 had increased to \$M 14 million, or approximately US\$ 1 million (€800,000)

In response to mounting domestic and international criticism over FEADLE's lack of results, the Mexican Congress passed (Dec. 2011, Chamber of Deputies, 362 – 0 with two abstentions; Mar. 2012, Senate, unanimous) a constitutional amendment granting federal authorities the power to investigate crimes against freedom of expression. By early June 2012, the amendment had received the requisite approval of a majority (16) of state legislatures, allowing it to enter into force.

The amendment, to Article 73, Section XXI, reads, in part:

*[...] Federal authorities may also try crimes of local jurisdiction, when these are connected to federal crimes or crimes against journalists, persons or facilities that affect, limit, or restrict the right to information or the freedom of expression or of the press [...]*<sup>8</sup>

This landmark legislative change was widely reported as "federalising" crimes against journalists in Mexico, but this description is inaccurate. The amendment did not make crimes against the press a federal offence per se, but rather gave the federal government the power to intervene should it choose and under certain circumstances that were to be defined in subsequent secondary legislation. Strictly speaking, what this amendment did is empower the Mexican Congress to create laws defining the terms

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<sup>7</sup> <http://www.animalpolitico.com/2012/10/fiscalias-de-la-pgr-con-presupuesto-rasurado-y-en-la-opacidad/>

<sup>8</sup> Unofficial translation

under which crimes against journalists may be investigated and prosecuted by federal authorities.

The act to reform Article 73 stipulated that Congress must approve the requisite changes to the secondary legislation within *six months* from the reform's final approval (June 7<sup>th</sup>, 2012); it also clearly states that *the federal government cannot prosecute crimes against freedom of expression until the secondary legislation is passed.*<sup>9</sup>

In short, without this legislation, the constitutional reform has no practical effect on FEADLE's work and, once again, could be criticised as putting image before action.

At the time of IPI and WAN-IFRA's visit in February 2013, nine months after the constitutional reform was passed, the Mexican Senate was examining the necessary secondary legislation, which had been written by the Mexico City-based NGO Legal Centre for Human Rights with input from various other civil-society groups.

The legislation calls for the following changes in order to put the constitutional reform into practice:

1) Reform the Federal Code of Penal Procedure (Articles 6 and 10) to specify that federal authorities may investigate and prosecute crimes against the press if the following conditions are present:

- there is a suspicion that a public official or entity may be implicated in the crime;
- the alleged incident constitutes a "grave offence" according to that term's definition in Mexican law;
- the competent local authorities have not acted with due diligence;
- the competent local authorities are not capable of investigating or prosecuting the crime
- the federal entity (state) in question requests federal involvement

2) Reform the Law on Federal Judicial Power (Article 50) to reiterate that federal judges have jurisdiction in matters that have fallen under federal authorities

3) Reform the Law on the Office of the Federal Attorney General (Articles 10, 11, and 14) to more precisely define FEADLE's role and give it permanent legal standing

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<sup>9</sup> <http://www.senado.gob.mx/?ver=sp&mn=2&sm=2&id=34339>

4) Reform the Federal Penal Code (Article 430) to specify that anyone who commits a criminal act against journalists or media institutions faces one to five years in prison.

Miriam Cárdenas Cantú, president of the Human Rights Committee of the federal Chamber of Deputies, called the wording of the bill "very inclusive." "The federal government will be able to try many cases," she emphasised to the delegation.

When IPI and WAN-IFRA met with Cárdenas on Feb. 12, she expressed optimism that the Senate would approve the bill and pass it along to the Chamber of Deputies within the following 15 days. Approval of the bill could come between one and five months thereafter, the delegation was told.

Aides to Sen. Marco Antonio Blásquez Salinas, president of the newly created Special Committee to Examine Crimes against Journalists and the Media, told delegation members on Feb. 13 that the senator was seeking the "immediate approval of the secondary legislation".

On April 11, the Mexican Senate unanimously passed the bill, which will now be forwarded to the Chamber of Deputies.

Cárdenas added: "There is a special interest to speed up the process; all political forces agree that the legislation should be approved."

#### **4. The Protection Mechanism for journalists and human rights defenders**

Mexico's mechanism for the protection of journalist and human-rights defenders was officially installed by the Calderón government on June 22, 2012,. As explained in WAN-IFRA's report on violence against Mexico's press, published in Sept. 2012, the law behind the mechanism provided for the creation of three institutions that would, respectively, receive formal complaints, assign various security measures, and administer a budget allocated for the implementation of such measures.

· **The implementation of security measures for human rights defenders and journalists is carried out by three institutions:**

- A Governmental Committee, made up of four representatives of the Executive, a member of the National Human Rights Commission, and four members of civil society
- A Consultative Council, made up of nine civilians, four of whom will also sit on the Governmental Committee;
- A National Executive Coordinating Body.

· **Designing security and safety measures:**

- Urgent security measures, such as the evacuation or temporary transfer from a certain region of journalists or activists who are under threat; assigning bodyguards, security teams, securing a property;
- Safety measures, which may include the use of communications equipment; the installation of cameras and secure locks in the person's home or office; travelling in vehicles with bullet-proof windows and using other bullet-proof materials;
- Preventive measures, such as instruction manuals, personal safety courses, or the accompaniment of human rights observers and journalists.

· **Setting up a Fund for the Protection of Human Rights Defenders and Journalists** so that certain measures can be implemented in accordance with the law. The fund is made up of:

- Resources provided by the federal government;
- An annual allocation from the Expenditures Budget;
- Donations from businesses and private individuals;
- Goods and funds provided by other federal institutions.

Source: Secretaría de Gobernación

Following conversations with Mexican journalists and local civil-society representatives, IPI and WAN-IFRA concluded that the mechanism has several shortcomings<sup>10</sup>:

- By nature, the mechanism only includes reactive measures. It needs to be accompanied by a more effective judiciary system that sanctions the perpetrators;
- The mechanism is too slow to react to attacks against media professionals. For instance, its "Urgent security measures" are not adapted to the reality on the ground: though the mechanism includes a special unit designed to react within 9 hours in the case of imminent danger, attacks against journalists or media houses in Mexico often occur within 3 to 4 hours after the initial threat. And, in any case, most attacks take place without a warning at all.
- It places too large a degree of trust in state-level authorities, through so-called "coordination agreements". Organised crime groups have infiltrated many state and local police

<sup>10</sup> See p. 9-10, "A Death Threat to Freedom – A Report on Violence against Mexico's Press" – WAN-IFRA, September 2012.

departments, and there is very little trust from citizens in these forces.

WAN-IFRA and IPI met with Lía Limón García, deputy secretary for Human Rights of the Interior Ministry, and Juan Carlos Gutiérrez, head of Unit for the Promotion and Defense of Human Rights. They acknowledge that the situation was extremely serious and needed urgent action from the government. They pointed out the importance of the mechanism's finally being in place and of its 129 million peso budget, with an additional 42 million pesos coming from the Fund for the Protection of Human Rights Defenders and Journalists. They emphasised that an effective contact system for journalists would be created as soon as possible, including a toll-free number available 24/7. They also mentioned the importance of working with state authorities and promoting the creation of state-level mechanisms. Finally, they mentioned the importance of cooperation with civil society and of further professionalising and specialising their work, acknowledging how young the mechanism still is.

The discussions WAN-IFRA and IPI held with journalists and editors showed two very different views of this mechanism. On the one hand, there is an entrenched feeling of distrust and lack of credibility in the mechanism. After all, this is not the first time such a mechanism has been created. Back in November 2010, a mechanism was created that had little to no impact. Moreover, they worried that the mechanism would follow a tradition of "institutionalised pretence" -- exemplified, in their view, by the previously mentioned Special Prosecutor's office -- by which offices and institutions are created to respond to local and international pressure, but are completely toothless, revealing a real lack of political will<sup>11</sup>. In the worse cases, media professionals are not even aware of the existence of the mechanism.

On the other hand, there are journalists that recognise in this mechanism an openness and willingness to find solutions on the part of the federal authorities. Those responsible for the mechanism have previously worked in civil society and media organisations and are respected in their fields for their commitment and hard work. Several journalists have recognised their action in attending certain attacks. "Yes, they've worked well, definitely better than the former administration. We have good communication with them and we feel they do their best to provide quick support", said an editorial director from a regional newspaper that has been hit hard by violence in the past month.

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<sup>11</sup> WAN-IFRA, op. cit. p. 8

As of March 21st, nine journalists had requested assistance from the protection mechanism for journalists and human rights defenders, of which three were provided safety measures.

## **5. Case studies**

### **a. Chihuahua**

The state of Chihuahua, located along the United States border, is Mexico's largest by land area, and among the deadliest for the press: seven journalists have been killed there since 2006. Ciudad Juárez, the state's largest city, has long been a symbol for the damage wreaked upon Mexico by organised violence.

"We share your concerns, and we also share the anger of journalists in Chihuahua," Arturo Proal de la Isla, the Chihuahuan government's official representative in the federal district, told the delegation.

Proal de la Isla, who served as the state's communication director from 2004 to 2010, said that Chihuahuans had become resigned to criminality and impunity, calling the latter "our most serious problem." "We are no longer surprised by crime here," he said. "We have become accustomed to a society in which a few individuals have everything."

Several reports in 2012 indicated that violence levels in Chihuahua had levelled off.<sup>12</sup> But, observers told the IPI/WAN-IFRA delegation, any such improvement has had no effect on a press that is almost completely silenced on security-related issues. "The statistics on violence may have dropped, but impunity and self-censorship are still huge issues in Chihuahua," Javier Hernández Valencia, Mexico representative of the UN High Commissioner for Human Rights, told the delegation.

Journalists in Chihuahua, as in other states, have little faith in the the ability of state authorities to protect them from violence or investigate and prosecute crimes against the press. For most, self-censorship is the only viable response, leading to the atomisation and silencing of whole communities. "The more fear people have, the less they want to know and communicate to others, which gives

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<sup>12</sup> <http://www.economist.com/news/special-report/21566774-after-five-years-soaring-murder-rates-killings-have-last-begun-level>

more advantage to organised crime,” explained Rubí Blancas, a UNODC program officer who visited Chihuahua as part of the organisation’s study on journalist safety.

Of those journalists who refuse to accept self-censorship, many feel that the only way to guarantee their personal safety is by fleeing the state, in some cases to Mexico City or the United States. One Chihuahuan journalist living in exile in Mexico City told the delegation, simply: “If I go back to Chihuahua, they will kill me or my family.”

The journalist said that he had been kidnapped and held for eight days last year. During this time, the journalist was badly beaten and threatened with having his hands and tongue cut off. At one point, he recounted, the assailants fastened a tourniquet around his neck to simulate asphyxiation. His captors – who he believes were local police officers – asked him whether his salary as a journalist was good enough to be worth risking his life. Finally, the journalist recounted, he was left on the side of a highway. A human-rights NGO later arranged to have him flown to Mexico City.

Nevertheless, the UNODC’s report identified Chihuahua as exhibiting some of the “best practices” among Mexican states in terms of guaranteeing journalist safety. According to the UNODC, an empowered journalists union there has organised seminars how to minimise risk and was instrumental in the establishment of a journalism degree program at the Autonomous University of Chihuahua. The degree, in the UNODC’s view, is essential to improving media ethics and moving beyond “empirical” reporting. Notably, the study found that support of media owners for journalist-safety initiatives in Chihuahua was lacking, an opinion commonly held by journalists across Mexico.

In addition, in 2010, a number of media representatives and political actors – including the governor, members of the state congress, the president of the state supreme court – signed an agreement<sup>13</sup> to develop and implement the so-called “Integral Safety System for the Protection of Journalists in the State of Chihuahua.”<sup>14</sup>

As part of this system, a safety protocol for journalists was developed, containing specific recommendations for journalists faced with a variety of situations including kidnappings, assaults, or

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<sup>13</sup> <http://fiscalia.chihuahua.gob.mx/pdf/campanias/acuerdoperiodistas.pdf>

<sup>14</sup> <http://cepemexico.files.wordpress.com/2010/08/protocolofinalseguridadperiodistaschihuahua.pdf>

theats. The guide also contains general recommendations on how to minimise danger when reporting on “high-risk” topics.

However, the agreement also states, “The State is obligated to create a preventative protection program for journalists in situations of risk.” This program would provide practical measures – not spelled out, but likely to include bulletproof vests and police monitoring, for example – to “assure the physical protection of journalists and their families as well as media installations.”

Three years later, no such program has been developed, despite the obvious need for it and the signed commitment of Chihuahua’s highest political offices.

Proal de la Isla acknowledged the importance of the agreement, but indicated that solving systemic issues, such as high rates of delinquency and a disregard for the rule of law, was needed to foster better conditions for journalists.

“The first thing we have to do is educate our citizens about the law,” he said. “A country in which the law is not respected faces an uncertain future.”

During the meeting with the Chihuahuan representation in Mexico City, IPI and WAN-IFRA asked for the latest on the cases of journalists Armando “Choco” Rodríguez and Luis Carlos Santiago, from daily *El Diario de Juárez*, killed in 2008 and 2010. Proal de la Isla facilitated a phone call with Martín Zermeño, Chihuahua state prosecutor for safety and crime prevention, who was unable to provide further details about the two cases.

## **b. Veracruz**

The state of Veracruz is one of the most dangerous places to be a journalist worldwide. Home to nine million people, the state lies east of Mexico City and borders the Gulf of Mexico. Whether you are critical of the government, cover organised crime, or work on the crime beat, being a journalist here can get you killed. Indeed, nine journalists have lost their lives in Veracruz in the past two years. This wave of killings has pushed into exile at least 20 media professionals and has cast silence across this oil-rich state.

These killings sent a shock wave to the media community of the state, as amongst the victims were some of Veracruz's most respected journalists. “Killing Milo Vela (Miguel Ángel López Velasco), Yolanda Órdaz and Regina Martínez was like burning down

a library; they destroyed the whole history of Veracruz journalism”, one journalist from Veracruz told WAN-IFRA and IPI.

Veracruz has been ruled by the PRI since 1932. The office of the state governor exerts a firm grip on all channels of information, revealing a concerning authoritarian style of government. Media professionals in Veracruz face the risk not only of covering organised crime, but also of practising journalism under an aggressively intolerant regime. In many cases, organised crime reportedly acts under the instructions of the local government.

Diplomatic and NGO representatives, as well as Veracruz journalists, both in the state and in exile, explained to WAN-IFRA and IPI the extent to which the government pressures media professionals to avoid any type of critical news coverage, through the Office of Social Communication and its head, Gina Domínguez Colío. Domínguez is known to directly call journalists or media owners to pressure them to censor certain news under the threat of pulling government advertisement or other, more aggressive measures. Whether journalists cover the daily violence affecting Veracruz, civilian or opposition protests, a natural landslide, or publish polls unfavourable to the governor’s party, media professionals know they can receive a direct call from “la vice-gobernadora”, or Vice-Governor, a nickname that reveals the extent of Domínguez's power.

Although no killings have been reported in the past several months, kidnappings and beatings of journalists have continued, local journalists informed WAN-IFRA and IPI. The victims fear that denouncing these attacks or making them public may put them in even greater danger. In June 2012, journalist María José Gamboa was, according to press reports, fired from her broadcaster under direct pressure from Gina Domínguez<sup>15</sup>. Victim of three direct threats in the past years that she attributes to the state government, Gamboa recently revealed that she has been living in the premises the daily newspaper she works for, *Notiver*, the only place she considers can guarantee her safety<sup>16</sup>. Another case that recently went public is that of Félix Márquez, a 24-year-old photojournalist working for the *Cuartoscuro* agency. He publically announced he would leave Veracruz as a consequence of the intimidation and harassment from the state governor, Javier Duarte. Márquez was publically accused by Duarte and the director

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<sup>15</sup> Despiden a conductora de “Meganoticias” por órdenes del gobierno de Veracruz, Proceso, <http://www.proceso.com.mx/?p=309828>

<sup>16</sup> Una periodista de Veracruz vive en su lugar de trabajo tras agresiones. CNN México - <http://mexico.cnn.com/nacional/2013/03/28/una-periodista-de-veracruz-vive-en-su-lugar-de-trabajo-tras-agresiones>

of the state's public safety office, Arturo Bermúdez Zurita, of publishing falsified photographs of paramilitary groups that have reportedly recently emerged in certain parts of the state. They said on television that Márquez should be put in jail. This *modus operandi* points to an intolerant and authoritarian mode of government.

WAN-IFRA and IPI met with Gerardo Buganza Salmerón, Government Secretary of Veracruz, Gina Domínguez, General Coordinator of Social Communication, Namiko Matsumoto, Technical Secretary of the State Commission for the Attention and Protection of Journalists and María Lagunas, from the Veracruz' Prosecutor's Office. The state officials did not acknowledge that their state faced any type of obstacles to freedom of expression. "Freedom of expression is 100% guaranteed in Veracruz", declared Domínguez. They also praised their justice system and its role in solving, in their opinion, the murder of Regina Martínez, a prominent investigative journalist working for *Proceso* newsmagazine who was killed on April 28, 2012. The alleged murderer confessed in Nov. 2012, but during his first court appearance claimed he had been tortured, and that interrogators had warned his family would be in danger if he did not confess to the crime. *Proceso* representatives as well as journalists who knew Martínez remain highly sceptical of the government's investigation and the prosecution of the suspect. Moreover, the federal Special Prosecutor for Crimes against Freedom of Expression (FEADLE) also believes the evidence presented by the Veracruz authorities was incomplete<sup>17</sup>. When raised by IPI and WAN-IFRA, Veracruz officials declined to discuss allegations of discrepancies in the Martínez investigation, but rather offered to present medical evidence that could prove the suspect had no traces of torture

"We are filled with scepticism", said Larry Kilman, Deputy CEO of WAN-IFRA at the end of the meeting. "Not acknowledging the huge problem of press freedom in your state and pretending to have an answer to all the questions we have made today, only increases our doubts on your version of the facts".

The delegation also raised the issue of the recently created Veracruz State Commission for the Attention and Protection of Journalists, created in November 2012. The delegates presented their concern to the head of the Commission, Namiko Matsumoto, regarding the feeling expressed by several journalists that the commission lacked credibility. Journalists mistrust the Commission because they feel it

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<sup>17</sup> "La PGR rechaza esclarecimiento del asesinato de Regina Martínez" CNN México - <http://mexico.cnn.com/nacional/2012/10/31/la-pgr-rechaza-el-esclarecimiento-del-asesinato-de-regina-martinez>

merely serves the interests of the Veracruz government, which, in many cases, they fear. In addition, the previous Commission for the Defence of Journalists set a terrible precedent that fuels this mistrust. It received 13.7 million pesos (approx. € 870.000) during 5 years (2006 to 2011), and apparently had zero impact in preventing murders and the overall climate of violence against the press.

Matsumoto firstly emphasised how the commission she heads was constitutionally independent from the governor's office, which, she claims, is the key difference from the previous commission.

Several of the journalists and civil society representatives interviewed expressed scepticism and criticised the commission for attributing most of its budget to salaries instead of the much-needed support for journalists. From the commission's total budget of 15 million pesos (roughly € 1 million), 8.6 million are attributed to salaries, 4.4 million to office material, general services and property/real estate.

"I believe this is a very biased view. If you want a commission to work, you need staff, and this staff needs to be qualified. What goes to salaries is meant to fulfil the core role of this commission, that is, to protect and assist journalists", said Matsumoto. "Our staff is composed of 37 people, so we can't talk of having an excessively large staff. Moreover, since December 18th, we've examined 13 cases involving journalists. Curiously, those who proffer these critical comments have never come to our commission. I lead a policy of open doors. All journalists who come are taken care of".

Curiously, however, the one who revealed the budget details to the public and criticized the budget assignation of the commission is a journalist who is part of the commission, Jorge Morales. He claims that in the end, only 747,755 pesos are available to support journalists<sup>18</sup>.

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<sup>18</sup> Namiko Matsumoto Benítez earns a monthly salary of 59,531 pesos. She heads the 36-employee strong commission. The Commission's total budget is 15 million pesos, of which 8.6 million go to salaries. Four area directors receive 34,000 pesos and seven department directors receive between 20 and 27.000 pesos. The commission also pays lawyers, analysts, secretaries, cashiers, receptionists, drivers, surveillance employees, and a housekeeper, who earns one of the lowest wages of the commission, 6,000 pesos. Moreover, the nine members of the commission receives a monthly salary of 20,000 pesos, and have the obligation of meeting once every two months. Its president, will receive 40,000. "In Veracruz, a well-paid journalist earns a maximum salary of 5000 pesos", explained a journalist to the delegation.

## **7. The Role of the Media in Promoting Journalist Safety**

Conversations with media representatives in Mexico City left no doubt that journalists working outside of the capital have been most affected by violence in the country.

"The violence against journalists in the states is terrible," one editor told IPI and WAN-IFRA. "The national media are better off."

In meetings with editors and journalists in Mexico City, representatives of IPI and WAN-IFRA discussed necessary steps to ensure the safety of journalists, both in terms of protection by state authorities and self-protection.

A degree of hope was expressed by representatives of the press that the number of attacks against journalists may decrease under the new Institutional Revolutionary Party (PRI) government – not so much because of specific reforms undertaken by the federal government to address the problem, but rather because of a certain stability in the struggle for power between the government and the drug cartels. This stability had been a basic part of Mexico's political landscape until 2000, when the PRI lost the presidential election after 71 years of rule.

"One way or another, the PRI government had organised crime under control," an editor-in-chief of one of Mexico's leading news magazines told the delegation.

Other observers, however, expressed less hope for change under the new government, noting that the fight against drug cartels led by the government of former president Felipe Calderón Hinojosa had generated an "atomisation" of the drug trade ("atomización del narcotráfico"). As a consequence, today a number of smaller criminal groups operate in Mexico, which are possibly even more difficult to combat or control.

Talking specifically about measures undertaken by the federal government to stop attacks against journalists and end impunity for crimes against journalists, Mexican journalists told IPI and WAN-IFRA that the government of President Enrique Peña Nieto had committed to implementing reforms introduced by the previous government to allow federal authorities to investigate and prosecute crimes against journalists. Furthermore, Peña Nieto had also committed to establishing greater control over state police forces, which many journalists view as untrustworthy due to perceived corruption or complicity with organised crime.

Nevertheless, some scepticism was expressed about the government's ability to implement such reforms in a way that would actually promote a visible decrease in the dangers that journalist face, particularly in the states.

Throughout the mission, IPI and WAN-IFRA delegates also sought to encourage news organisations to develop self-regulatory safety protocols aimed at reducing the risk faced by journalists on dangerous assignments. Editors told IPI and WAN-IFRA that news organisations had taken some steps to promote safety, such as publishing articles without by-lines or pulling back field correspondents and instead relying on networks of freelancers and local media outlets. However, news organisations have failed to develop full-fledged safety protocols, as editors felt that the wave of violence came unexpectedly and caught the news media "unprepared".

"The Mexican press is not prepared for this situation," Leonardo Valero Robles, deputy editor-in-chief of the national daily *Reforma* told the IPI/WAN-IFRA delegation.

Rafael Rodríguez Castañeda, editor-in-chief of the investigative magazine *Proceso*, also noted that until the murder of the magazine's Veracruz correspondent, Regina Martínez, in April 2012, *Proceso* thought that if they reacted quickly to threats and other signals of danger, they would be able to ensure the safety of their journalists, usually by relocating them. "We move journalists out of a certain region as soon as they are threatened," Rodríguez said.

In the case of Regina Martínez, "we were unable to prevent the violence, because we thought that it would not happen, if we reacted fast enough," Rodríguez said. "Her death hit *Proceso* in the heart. We felt vulnerable."

In some regions, he noted, articles are now published without a by-line in order to protect the authors. However, Rodríguez and others editors agreed that this remedy does little to improve journalist safety as in rural areas the identities of reporters are widely known.

In March 2011, an "Agreement on Coverage of Violence" was signed by 715 Mexican media outlets, including newspapers, broadcasters, and online media. The agreement consists of 10 principles on covering violence and crime intended to avoid glorification of criminal actors and minimise the risk to journalists.

Some newspapers' editors told IPI and WAN-IFRA that they refused to sign the agreement as they felt that it represented an undue

interference in their editorial decision. Others highlighted that of the news organisations that did sign the agreement, many have ultimately not apply its principles in their news reports<sup>19</sup>.

In general, media and civil society representatives highlighted the failure of media outlets not only to develop proper safety protocols but also to establish closer cooperation in the name of journalistic safety. Many attributed this lack of solidarity to competing economic and political interests.

Journalists working for national media outlets, and who often travel to the states to cover violence and crime, told the delegation that their attempts to raise awareness about journalists' safety within their respective newsroom back in Mexico City have often been met with disinterest.

Representatives of national media outlets based in Mexico City admitted that a lack of awareness about the violence in the regions may be one of the reasons why safety has not been sufficiently prioritised by national media outlets, which would in fact have the necessary resources to offer safety training and equipment to their staff.

"There are no attacks against the media in Mexico City; therefore, many of the national media outlets based in Mexico city are not directly affected," Roberto Rock, editor-in-chief of the newspaper *El Universal*, told the delegation.

"In Mexico, everything is centralised and national media are mostly based in Mexico City. For this reason the danger to journalists has not always been taken seriously," echoed *Reforma's* Valero Robles.

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<sup>19</sup> See WAN-IFRA, *op. cit.* p. 13

## **8. Recommendations**

### To Federal authorities:

- Work to accelerate the approval of the legislation necessary to allow the federal government to investigate crimes against media professionals;
- Urgently provide training, staff, and all necessary resources to strengthen the Unit for the Promotion and Defence of Human Rights;
- Create emergency communication channels between media houses at risk, the Unit for the Promotion and Defence of Human Rights of the Interior Ministry and trustworthy local members of the Armed Forces, in order to guarantee more effective rapid-response actions on the ground in case of imminent threat or attack;
- Play a stronger role in encouraging state authorities to adopt a more tolerant attitude toward critical media by:
  - Publicly demanding more thorough investigations on the part of state authorities in cases of attacks against media professionals;
  - Publicly denouncing uncooperative states;
- Take part in the United Nations Plan of Action for Safety of Journalists and the Issue of Impunity

### To the Mexican Congress:

- Immediately pass the secondary legislation required to put into practice a constitutional reform allowing the federal government to investigate crimes against journalists

### To state authorities:

- Thoroughly investigate cases of attacks against media professionals;
- Work in close and transparent cooperation with the federal Unit for the Promotion and Defence of Human Rights and the federal Special Prosecutor for Crimes against Freedom of Expression (FEADLE);
- End the criminalisation of critical media professionals;
- Cease all direct and indirect pressures on media the media

To the media:

- Adopt and implement safety protocols aimed at ensuring the safety of journalists – both contracted and freelancers – who work in dangerous areas of the country;
- Ensure that all journalists – even those who do not operate in dangerous areas of the country – are aware of basic measures of self-protection and of ways to support their colleagues working in risky environments;
- Encourage closer communication and meetings between journalists working in different parts of the country, including Mexico City, to promote greater awareness about the conditions in which journalists operate elsewhere in the country;
- Establish closer cooperation and solidarity between media houses on issues related to journalists safety
- Seek to expose, whenever possible, the outcome of investigations of crimes against journalists, or lack thereof.

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“A WAN-IFRA and IPI Joint-Report on Freedom of Press in Mexico”

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WAN-IFRA and the Swedish International Development (SIDA) established a partnership in 2010 that allows WAN-IFRA to broaden and develop its press freedom and media development activities to support free and financially sustainable media worldwide. For more on this, please consult <http://www.wan-ifra.org/pressfreedom>.



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