



RESOLUTION ON MEXICO

Mexico continues to be the most dangerous place to work as a journalist in Latin America and the world.¹ Despite the calls and petitions of PEN and other national and international organisations, the conditions necessary to ensure true freedom of expression have deteriorated, demonstrated by state and local governments' failure to meet its promises.

The means of censoring and controlling information have grown and diversified. For example, defamation campaigns conducted through WhatsApp have emerged.² Some methods of control are structural, such as the lack of regulation of official advertising and gag laws ('*leyes mordaza*'); meanwhile, extreme violence has persisted since the year 2000. Reprisals against journalists for their reporting can range from the filing of a lawsuit – in some case multimillion such as in the case of Sergio Aguayo – for moral damages, to murder and dismemberment, all with the objective of fostering terror among reporters. In 2017, 12 murders, 1 enforced disappearance, and 507 attacks on journalists – of which 19% occurring online – were recorded. In 2018, at least eight reporters have been killed in various states across the Republic.³ Since 2014, attacks on online media (47.8%) have overtaken those on print media (20.8%), a trend that has continued over the three subsequent years.⁴ According to PEN Mexico's information, 99% of cases remain unsolved, despite the existence of the Special Prosecutor for Crimes against Freedom of Expression (*Fiscalía Especial para la Libertad de Expresión - FEADLE*). Self-censorship out of fear is one of the possible responses, although numerous journalists continue their reporting.

In regard to attacks against female journalists, an average of 32 reporters were attacked each year during the past presidential term (2006-2012); 192 in the past six years, while in the current presidential term (2012-2018) an average of 86.7 female journalists are attacked annually.⁵

The impunity and corruption about protection and the investigation of murders of journalists are showed in two cases. One case is the murder of journalist **Miroslava Breach Velducea** (killed on 23 March 2017), whose work focussed on denouncing human rights abuses, attacks on indigenous communities and violence carried out by organised crime groups. The local authorities found the supposed culprits but there is no sentence so far⁶. A second case is the murder of **Javier Valdez Cárdenas** (killed on 15 May 2017), whose death also shocked Mexican journalists, provoking fear in

¹ <https://www.proceso.com.mx/531413/mexico-se-mantiene-como-el-pais-mas-peligroso-para-ejercer-el-periodismo-rsf>

² <https://www.debate.com.mx/mexico/Amenazan-de-muerte-al-periodista-Mussio-Cardenas-20170904-0355.html>,
<http://www.sinembargo.mx/04-06-2018/3425562>

³ Information updated on 29 September 2018. <https://articulo19.org/periodistasasesinados/>

⁴ Information taken from Article 19 Mexico's report *Democracia simulada, nada qué aplaudir*, Artículo 19, México, 2018.
https://articulo19.org/wp-content/uploads/2018/03/INFORME-A19-2017_v04.pdf

⁵ Information taken from Article 19 Mexico's report *Democracia simulada, nada qué aplaudir*, Artículo 19, México, 2018.
https://articulo19.org/wp-content/uploads/2018/03/INFORME-A19-2017_v04.pdf

⁶ <https://www.elheraldodechihuahua.com.mx/local/atrae-juez-federal-el-caso-miroslava-breach-a-trece-meses-del-asesinato-1647452.html>

the work of journalists. After more than a year since his murder only two individuals have been prosecuted, and a leader of organised crime thought to be connected to the murder has been detained, but no one has been sentenced.⁷ Valdez posthumously received the 2018 PEN Mexico Prize for excellence in journalism, further cementing his legacy as a great chronicler of drug trafficking.⁸

Meanwhile, in 2018 the murders of **Héctor González** in Ciudad Victoria, Tamaulipas state, on 29 May and of **José Guadalupe Chan Dzib**⁹ on 29 June and Ruben Pat, both journalists killed in Playa del Carmen, Quintana Roo State, and reporters for *Playa News*; Pat was the director of *Playa News* was killed on 24 July¹⁰. Most recently, **Mario Leonel Gómez** was killed in Chiapas on 21 September. These cases show the insecurity that journalists continue to face in the Republic, in particular the violence from non-State actors and lack of protection on the part of the state.¹¹

Unfortunately, during the last year the economic resources allocated to the Mechanism to Protect Human Rights Defenders and Journalists were less than requested; furthermore, the mechanism risks having no funds at all from October 2018 to April 2019, infringing on the safety of hundreds of Mexican journalists and human rights defenders.

In previous PEN Mexico resolutions, and with advocacy support by other non-governmental organisations such as ARTICLE19, we called on the federal government to regulate official advertising as a means of democratising media and to make the use of public resources transparent in order to avoid censorship, self-censorship, corruption and the control of information. In contrast, the federal government passed, last May, the Social Communication Law (*Ley de Comunicación Social*), better known as the “Ley Chayote”, which does not make media expenditure transparent and leaves the setting of criteria for the distribution of public money to public officials, among other things.

In view of the new presidential period in Mexico, as of December 1, 2018, the Assembly of Delegates of PEN International urges the Mexican authorities to:

- Create the conditions that are essential for the free exercise of journalism in the country, in compliance with Mexico’s obligations under international universal and regional human rights law;
- Immediately, thoroughly and adequately investigate and prosecute all crimes committed against journalists, especially in light of the fact that 99% of these crimes at the moment remain unresolved;
- End in particular the current impunity that surrounds the murders of journalists and that for years has been the rule rather than the exception, including by:
 - Ensuring that the federal and local authorities immediately, thoroughly and adequately investigate all murders of journalists, including elucidating the potential connection between the murder and the journalist’s work wherever it exists and ensuring that the investigations are pursued up at the federal level where relevant;
 - Ensuring cooperation with legislative chambers and Supreme Court of Justice in the resolution of cases and in legislation in favour of freedom of expression;

⁷ <https://riodoce.mx/javier/damaso-lopez-nunez-dice-que-dos-asesinos-de-javier-valdez-eran-de-su-grupo-delictivo>

⁸ https://internacional.elpais.com/internacional/2017/05/15/mexico/1494874504_787443.html

⁹ <https://www.sipiapa.org/notas/1212620-la-sip-condena-asesinato-periodista-mexico>

¹⁰ <https://www.animalpolitico.com/2018/07/asesinan-periodista-quintana-roo/>

¹¹ In the last year, all kinds of attacks have been brought against journalists, as you can see here:

https://www.facebook.com/penmexico3/posts/1670238599720715?notif_id=1531348438032600¬if_t=page_post_reaction

- Reviewing and updating security protection protocols for Mexican journalists, and dedicating adequate and sufficient budgets to the protection of journalists;
- Ensure that the federal and local authorities guarantee freedom of expression throughout the country and do not restrict access to information or dictate journalists' contributions to the media or oblige private companies to dismiss journalists from their jobs;
- Ensure that the digital rights of every communicator be respected.
- Ensure that the General Law of Social Communication be abolished or revised in line with the country's constitution and its obligations under international universal and regional human rights law, in particular the right to freedom of expression.