



## MEXICO

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**MEXICO:** For many years Mexico has been classed as one of the most dangerous places in the world to practise journalism in electronic and print media, and even on social networks.

In the last 11 years (2001-2012), there has been a significant increase in the number of attacks made against freedom of expression in Mexico: 780 attacks documented against individuals and organisations working in print or electronic media, according to Article 19. Of these reports, 122 are murders, 138 threats, 324 physical or material assaults, and 196 attacks on the media. Today in Mexico, according to Reporters Without Borders, there are 17 journalists missing and 26 in exile or outside their own region. With regard to these murders, Veracruz, Tamaulipas and Chihuahua are the states which, in that order, have the highest number of journalist assassinations.

Media websites, executives and entrepreneurs, as well as reporters, editorialists and columnists have been attacked and threatened so far in 2013 in various states in the Republic, including Baja California, Veracruz, Tamaulipas, Chihuahua and Coahuila. In addition, many media offices have been attacked with firearms, mainly in the north of the country.

According to the recent report by Article 19's Mexico and Latin American Office – whose executives were threatened in April 2013 – attacks on freedom of expression increased by just over 46% in the first two quarters of 2013, in comparison with the same period last year.

Records from as recently as 2012 show 207 attacks on journalists in 25 of the 32 states which make up the Mexican Republic. Of all the reporter deaths linked to their work, 80% occurred violently in the state of Veracruz. In almost 44% of cases, the State is deemed to be the principal aggressor, and in 14% organised crime.

In its 2011 report, the National Commission for Human Rights stated that of 98 complaints made about attacks on journalists, only 12 were brought as own-initiative cases; six of these became applications for interim measures, while, of the original total number, only three obtained recommendations from the aforementioned Commission.

The majority of the murders and the reports in general have had no clear legal solution. There are a number of reasons for this: the conclusion of proceedings before all lines of investigation have been exhausted; the omission of subpoenas, summonses, search orders and orders for the presentation of key persons; the lack of measures to prevent the loss, destruction or alteration of traces of evidence, and delays in enforcing arrest warrants,



amongst others.

One example is that of Regina Martínez Pérez, a correspondent for the weekly paper *Proceso* in Veracruz, who was murdered on the afternoon of 28 April 2012 at her home in Xalapa. In April 2013, an illiterate man was given a 38-year sentence for her murder, but the Veracruz Supreme Court overturned this ruling on 8 August on the grounds that there had been a lack of due process and that the confession on which his conviction was based may have been extracted under torture. There is also the case of photojournalist Miguel Ángel López Solana, also from Veracruz, who had to be granted asylum by the United States government.

Although the country has a Protection Mechanism for Journalists and Human Rights Defenders, the protection measures take up to 12 hours to respond to requests for help from a journalist who is being threatened – a delay which could cost them their life. The lack of proper participation, delays, long periods of inactivity, and the infiltration of corrupt practices make for an extremely vulnerable situation in which to practise journalism.

On 29 November 2011, the Senate unanimously voted to decriminalise slander and libel, as laid out in Articles 1 and 31 of the Print Offences Law (*Ley sobre Delitos de Imprenta*), finally bringing the law in line with the federal penal and civil codes. As a result, journalists no longer run the risk of a prison sentence at the federal level for so-called ‘honour’ crimes – such violations of the law are now treated as civil offences. However, 13 out of Mexico’s 32 states still have criminal defamation, libel and slander laws on their statute books. Federal law does not supersede state laws in Mexico, meaning that journalists still face up to four years in prison for these offences.

As the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression has pointed out, the complete decriminalisation of defamation is a necessary step in exposing and addressing the involvement of federal and state authorities in crimes against journalists, since such laws are currently used to persecute those who criticise officials.

PEN is also concerned that the use and threatened use of Article 33 may be affecting non Mexican writers’ and journalists’ right to freedom of expression in the country. Until June 2011, Article 33 of the Mexican Constitution expressly forbade foreigners from “meddling” in the political affairs of Mexico and granted the Federal Executive branch (the President) powers to expel foreigners whose presence in the country was deemed “inappropriate” (*inconveniente*) “immediately and without the need for prior legal action.” On 1 June 2011, Article 33 of the Mexican Constitution was amended so that the Federal Executive branch is obliged to grant a hearing to foreigners before determining their expulsion from the country. The subjective element of the foreigner’s presence being deemed “inappropriate” was also removed.

However, to date Congress has yet to enact the Article 33 Regulatory Law, which should



have been enacted by Congress no later than 9 June 2012. As a result, foreigners whose presence in Mexico is deemed “inappropriate” may still be expelled by the head of the Federal Executive branch without a prior hearing and with a considerable margin of discretion. Article 13 of the International Covenant on Civil and Political Rights establishes a foreigner’s right to submit the reasons against his expulsion to the competent authority.

Today, another risk of falling into self-censorship is government control of the media through official advertising. For fear of losing a commercial battle, being left without resources, many media organisations and entrepreneurs give in to government requests. In Mexico there is no regulation of official advertising whatsoever.

PEN International urges the Mexican authorities to ensure that:

- Federal and State governments clearly resolve crimes committed against journalists;
- Federal and local governments guarantee freedom of expression throughout the territory and do not limit or attempt to limit information or dictate lines of journalism in the media;
- The Federal government makes effective use of the new tools for the ‘federalisation’ of crimes;
- The federal government regulates and ensures the transparency of official advertising in the media based on verifiable data, as well as the audience and print run of media and publications, in order to avoid persistent practices of corruption;
- An operating protocol is established for the Protection Mechanism for Journalists and Human Rights Defenders.
- They guarantee that they will take measures for the complete decriminalisation of defamation in all Mexican states;
- They guarantee that the Regulatory Law for Article 33 is promulgated as a matter of urgency and they promise that they will not expel foreign nationals from Mexico in breach of their right to freedom of expression.