### **PREAMBLE**

Mexico has been considered one of the most dangerous countries to practice journalism, by international organizations, by two decades now. And there was no change in this situation with the governmental change.

According to the Ministry of the Interior's public information, 15 journalists were killed between 1 December 2018 and August 2019. Some of these victims had protective measures from the Federal Mechanism, making Mexico the deadliest country for journalists worldwide in 2019.

Regarding the protection of human rights and, in particular, of freedom of expression, international compliance has been a fundamental pillar in monitoring the fulfilment of States' duty. Thus, until 2016 Mexico had 120 international recommendations on freedom of expression, including 88 on the right of journalists and communicators.<sup>1</sup>

It is necessary to recall the duty of the Mexican State to comply fully with these recommendations in order to continue making progress. The arrival of a new government that, since its electoral campaign, does not prioritize the defense of freedom of expression and the work of journalists (in a country like Mexico, living in such a violent context), makes necessary the presence of an international visit; to remind that international observance in this matter is still in place.

Lucía Lagunes Huerta, CIMAC



<sup>&</sup>lt;sup>1</sup>According to the recent international human rights recommendations follow-up webside on follow-up of the Mexican Ministry of Foreign Affairs. https://seridh.sre.gob.mx/publico

## INTRODUCTION

One year after Andrés Manuel López Obrador took office as Mexico's President –and on the occasion of the International Day to End Impunity (IDEI) <sup>2</sup> – 17 members of the Civil Society Organizations on the Safety of Journalists (ICSO SOJ Coalition), an International Coalition dedicated to the defence and promotion of the safety of journalists, carried out an observation mission to Mexico.

The Mission visited Mexico in the midst of a serious freedom of expression crisis. In the last two decades, Mexico has become one of the most dangerous countries in the world for journalists. This has been stated by numerous international bodies such as the Inter-American Commission on Human Rights (IACHR) and the United Nations (UN). These institutions have shown how the high rates of murders, disappearances, physical aggressions, psychological threats to journalists and media inhibit the exercise of journalistic work and violate the public's right to be informed. <sup>3</sup>.

The IACHR also noted that Mexico is affected by "critically high levels of impunity" and that "the lack of access to justice has created a situation of structural impunity that has the effect of perpetuating, and in some cases encouraging, the repetition of serious human rights violations. Mexican judicial bodies systematically fail to investigate and properly prosecute crimes against journalists and human rights defenders, highlighting the country's serious institutional shortcomings. This has led to an increase in threats and attacks.

Of the 1,040 cases investigated by the Special Federal Prosecutor's Office for Crimes against Freedom of Expression (FEADLE, for its name in Spanish) between 2010 and 2018, only 16.3% were taken to court and only 10 cases –less than one percent (0.87%)– resulted in convictions. In addition, although the Attorney General's office approved an investigation protocol specifically focused on crimes against freedom of expression (Protocolo Homologado para la Investigación de Delitos Contra la Libertad de Expresión in Spanish), it remains unclear to what extent it is being implemented.

Moreover, while the FEADLE has the capacity to elevate cases to the federal level (thanks to a historic constitutional amendment in 2013), the institution rarely makes use of that capacity, despite ongoing calls from civil society groups to do so. On the other hand, there is no effective oversight by prosecutors and investigators in the prosecutor's offices of the states, which are the first in line to respond to a crime against a journalist and therefore the first responsibles to implement the protocol.

The Law on the Protection of Human Rights Defenders and Journalists was adopted in 2012, creating the Federal Mechanism for the Protection of Human Rights Defenders and Journalists (the Mechanism). As a result, nine states have enacted similar laws at the state level; however, the protection mechanisms at both federal and state levels do not provide an adequate solution to the lack of protection. The mechanisms do not have the necessary financial, material or human resources to effectively fulfill their mandates.

In this context, the members of the Mission met with government representatives and requested forceful actions to reduce impunity for crimes against journalists. The mission asked the Mexican government to allocate the necessary human and financial resources to the protection mechanism so that it functions effectively, to implement the Protocol with full transparency and accountability, and to investigate all crimes against freedom of expression.

The Mission also took the opportunity to commemorate the memory of the murdered journalists in Mexico, by organizing a commemorative event on November 6, 2019. The Mission also held meetings with local organizations and journalists to hear first-hand about the challenges they face every day, thus strengthening collaboration between local and international organizations.

<sup>&</sup>lt;sup>2</sup> Commemorated every November the 2nd since 2013.

<sup>&</sup>lt;sup>3</sup> United Nations Special Rapporteur on the situation of human rights defenders, "Report of the United Nations Special Rapporteur on the situation of human rights defenders in Mexico", 12 February 2018.



At the table, from left to right: Silber Meza, Journalist and Director of Iniciativa Sinaloa, Lucía Lagunes, Managing Director of CIMAC, Emmanuel Colombié,
Director of Reporters Without Borders for Latin America, Rachel Kay, Deputy Executive Director of IFEX. At the back: members of the Mission. Press conference held for the media. November 6th, 2019.



At the table, from left to right: Silber Meza, Journalist and Director of Iniciativa Sinaloa, Lucía Lagunes, Managing Director of CIMAC, Emmanuel Colombié, Director of Reporters Without Borders for Latin America. Press conference held for the media. November 6th, 2019.

## DEMANDS OF THE INTERNATIONAL MISSION

In the different meetings held, the members of the Mission called on the Mexican government to reduce impunity for crimes against journalists by 2% a year, since it currently exceeds 99%; they asked for the implementation of the 104

recommendations made by the United Nations to the Mechanism; and they demanded an end to the official discourse that stigmatizes and continuously increases the vulnerability of thousands of journalists in the country.



Andrés Villarreal, Chief of Information for weekly Ríodoce, at the journalists reunion with members of the Mission. November 4th, 2019.

## RESULTS AND CHALLENGES

One of the main objectives of the Mission was to consolidate itself as an ally of local advocacy groups and journalists, to establish a constructive dialogue and to listen to their voices and message. Thus, it incorporated the demands of local groups and journalists as the central discourse of the visit to communicate it to government authorities and to support it.

## **Meeting with Local Organizations:**

On 4 November, the Mission held a meeting with representatives of 12 local freedom-of-expression organizations<sup>4</sup>. During this meeting the Mission heard first-hand about the problems faced by local organizations in their task of defending journalists in Mexico, as well as their demands on the Mexican government.

The local organizations expressed to the Mission that one of the big problems in Mexico is the constant stigmatization by the government, accompanied by a resistance to dialogue and cooperation. At the federal, state and municipal levels, violence against journalists is a common theme and access to justice is practically non-existent.

On the other hand, although there are protection programs as part of the Mechanism, they lack legal support or legal frameworks to support the families of journalists to gain access to the various social programs.

In addition to this and the serious situation of attacks on journalists, the Mechanism is overstretched and still has the

<sup>&</sup>lt;sup>4</sup> Centro de Comunicación e Información de la Mujer, Sindicato Nacional de Redactores de la Prensa, Asociación Mexicana de Periodistas Desplazados y Agredidos, R3D, SocialTIC, Código DH, Espacio OSC, Propuesta Cívica, CENCOS, Red de Periodistas de a Pie, Asociación de Periodistas del Estado de Guerrero (APEG), Red de Periodistas del Noreste.

same number of workers (35) as it was when it was created in 2012, despite a 70% increase in applications. Furthermore, the lack of sufficient human and financial resources has been detrimental to the effectiveness of the Mechanism, its evaluation, implementation as the monitoring of its measures.

The local organizations asked the Mission to demand from the governmental authorities to publicly recognize the imperant need to fully respect freedom of the press and the essential role of journalists in democracy; denouncing systematically all aggressions against journalists and media.

During the meeting, the Mission also agreed to ask the government for a pronouncement regarding journalist's Forced Internal Displacement, and to demand its recognition as a social problem that needs to be addressed. All this in order to install public policies that can compensate, or give back the quality of life that the displaced people enjoyed before they were "banished" from their communities for exercising the Free Press.

The organizations planned asking the authorities to make visible and endorse the international recommendations that have been made by the UN and IACHR rapporteurs for freedom of expression. These recommendations have insisted on the need to guarantee an independent investigation mechanism for cases of surveillance of journalists and human rights defenders, as to establish a legal framework that guarantees the protection of privacy against the use of surveillance tools.

Finally, it was agreed that the Mexican authorities should clearly indicate what commitments they will make to implement the 104 UN recommendations on protection.

# Meeting with Mexican journalists:

Also on 4 November, the International Mission met with a group of 15 local journalists <sup>5</sup>., who explained to the Mission their main concerns and the dangers they face on a daily basis.

One of the most pressing challenges for the Mexican journalists is the lack of safe conditions to carry out their work and the lack of real implementation of the Mechanism.

Journalists, mainly those from states outside the metropolitan area, expressed how their work leads them to face organized crime, without receiving any kind of security from the government (federal, state or local). Moreover, those that report cases of corruption and demand accountability from government officials, face additional government pressure.

In addition to this context of violence, journalists continually face smear campaigns by local and federal governments, which not only use stigmatizing language against them, but also press for information controls and media censorship through threats and violence. Thus, the press faces a scenario where on the one hand, journalists are persecuted for carrying out freedom of expression and access to information, while on the other hand, governments strengthen systems of impunity, leaving the aggressors out of justice.

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The journalists reflected deep concern about the precariousness of employment. The absent voice of businessmen and businesswomen owners of the media, is constant when journalists are attacked and in serious cases abandoned to their fate, without defending them against the government. It was even mentioned cases with lack of payments to journalists and unjustified dismissals.

<sup>&</sup>lt;sup>5</sup> Verónica Espinoza, Semanario Proceso, Guanajuato; Rodrigo Acuña, Diario de Tepetzintla, Veracruz; Guillermina García, Grupo Noroeste, Sinaloa; Francisco Martínez, Periódico AM, Guanajuato; Andrés Villareal, Río 12, Sinaloa; Patricia Calvillo, Sol de San Luis, San Luis Potosí; Pedro Matías, Proceso, Oaxaca; Karina Cancino, Aristegui Noticias, Nayarit; Pablo Pérez, Verificado; Antonio Mundaca, Periodista Desplazado de Oaxaca, El Muro MX; Karen Rojas Kauffmann, El Muro MX; Salvador Camarena, Mexicanos Contra la Corrupción y la Impunidad, CDMX; Daniel Moreno, Animal Político, CDMX; Roberto Zamarripa, Director Editorial, CDMX; Homero Campa, Proceso, CDMX.



Mexican journalists in reunion with members of the Mission. November 4th, 2019.



## Meetings with Authorities

During its visit to Mexico, the international Mission also held meetings with several government officials, including Congresswomen, Senators, staff of the Ministry of Foreign Affairs, the Ministry of the Interior, the office of the Attorney General and the National Human Rights Commission.

### **Chamber of Deputies**

The Mission held a meeting with deputies Martha Tagle, Tatiana Clouthier and Rocio Barrera, all members of the Commission on Governance and Population of the Chamber of Deputies. In the first instant, the deputies agreed to request from the FEADLE periodic reports on the progress of investigations in cases that the Mission required.

During the meeting, they discussed the possibility of following up with other government bodies to discuss the challenges of the Mechanism, ensuring that there are sufficient resources for its correct operation.

An important point that was touched upon was the use of the "Pegasus" technology by the Mexican government as an espionage tactic (which represents a clear violation of the human rights of the people who were victims of the attack). Thus, the congresswomen agreed to follow up with the Attorney General's Office in the investigation of the use of this technology, as well as with the Executive Government to implement measures of non-repetition. The officials agreed to request greater transparency from the Federal Judicial Branch, in order to achieve free access to judicial sentences. Likewise, they agreed to request statistical information on the state of progress of the FEADLE's investigations.

Finally, the deputies agreed to maintain continuous coordination with Article 19's team and all the other organizations participating in the follow up meetings to review, develop and implement the legislative package. This package consists of adapting the legal framework for freedom of expression to align it with international standards by approving, modifying or repealing civil, criminal and administrative regulations<sup>6</sup>.

#### **Attorney General**

On the 5th of November, a meeting was held with Sara Irene Herrerías, Head of the Specialized Human Rights Prosecutor's Office of the Attorney General's Office, and Ricardo Sánchez Pérez del Pozo, Head of the Prosecutor's Office for Crimes against Freedom of Expression (FEADLE). It is important to mention that the Attorney General declined to be at the meeting, giving a clear message of the importance he attached to the Mission and its message. Moreover, during the meeting both Herrerías and Sánchez Pérez del Pozo focused their speech on trying to convince the Mission that the Prosecutor's Office was doing an exceptional job in fighting impunity. The meeting became tense when the members of the Mission began to highlight that the statistics and figures regarding impunity contradicted what was said by the Prosecutor's Office. Herrerías and Pérez del Pozo were intolerant of criticism, not accepting that collaboration with civil society was needed to achieve objectives of reducing and punishing impunity related to violence against freedom of expression.

As a conclusion, it was agreed to hold periodic meetings (every 3 months) between representatives of the Mission and members of FEADLE to monitor the progress of cases of violence against journalists and the actions that the Prosecutor's Office is taking to combat impunity. Specifically, it was proposed that a special table be created for the case of disappeared journalists in Mexico.

## **Ministry of Foreign Affairs**

On the 4th of November, members of the Mission had a meeting with Martha Delgado Peralta, Undersecretary of Multilateral Affairs and Human Rights of the Ministry of Foreign Affairs. The main objective of the Mission was to seek a commitment from the Ministry of Foreign Affairs to comply with indicator 16.10 [Guarantee public access to information and protect fundamental freedoms, in accordance with national laws and international agreements] of the Sustainable Development Goals. It also sought to ensure that the Ministry of Foreign Affairs complied with the recommendations of the Universal Periodic Review, especially those related to freedom of expression.

<sup>&</sup>lt;sup>6</sup> The legislative package includes the repeal of the "Ley de Imprenta" (law on printing); the reform of articles of the general law on the protection of personal data; and the reform of the law on the protection of human rights defenders and journalists, so that it includes a gender and intersectional perspective and seeks to prevent aggressions by modifying the structural causes that generate violence against them.

Office of the Under-Secretary agreed to work together with the Mission to follow up on the 104 recommendations of the United Nations Office of the High Commissioner for Human Rights concerning freedom of expression<sup>7</sup>.

## Senate of the Republic

The Mission also held meetings with members of the Senate, specifically with Senator Citlalli Hernández Mora, Secretary of the Anti-Corruption, Transparency and Citizen Participation Commission; Senator Emilio Álvarez Icaza, Secretary of the Human Rights Commission; and Senator Nestora Salgado Martínez.

The congressmen agreed to support the legal reforms proposed by Article 19 to adapt Mexico's legal framework to international standards of freedom of expression. They also agreed to open spaces within their commissions in the Senate to discuss issues and initiatives related to the reduction of levels of impunity and protection of freedom of expression with the objective of sensitizing senators to issues of violations to the right to freedom of expression. Another action that was discussed was to initiate a program to hold periodic meetings with state governors, in order to have more information about the local actions that are being taken to combat impunity and eradicate violence against journalists in their localities. Finally, Senator Hernández Mora's team proposed to collaborate with Undersecretary Alejandro Encinas' team to help on the issue of freedom of expression and the mechanism for protecting journalists and defenders.

## Ministry of the Interior

On the 6th of November, the Mission held a meeting with Alejandro Encinas, Undersecretary of Human Rights and Population of the Ministry of the Interior.

As a crucial issue for the Mission, the Undersecretary was asked to urgently promote an effective policy for the prevention of risks to journalists, especially in the most dangerous states of the country. To this end, it was suggested that a comprehensive policy be created to assist journalists

who are victims of forced displacement and their families, with a gender perspective and an intersectional approach.

It also called for the creation of a SEGOB (Ministry of State) follow-up group with the participation of civil society organizations to ensure compliance with the 104 recommendations issued by Mexico's Office of the United Nations High Commissioner for Human Rights to the Mechanism for the Protection of Human Rights Defenders and Journalists.

In response, the Undersecretary assured the Mission that the protection mechanism would not run out of funds during the administration of President Andrés Manuel López Obrador. The Undersecretary's continued commitment to implementing the 104 recommendations made by OHCHR was also endorsed.

# Meeting with Mexican President Andrés Manuel López Obrador

That same November 6, members of the Mission attended the morning conference called "la mañanera8" by President Andrés Manuel López Obrador. The Mission had previously had a meeting with the Director of Communications of the Presidency of the Republic, Jesús Ramírez Cuevas, and the coordinator of media relations, Jesús Cantú, to explain to them the concerns about the President's generating a climate of hostility towards critical journalism. The two officials invited the Mission to participate in López Obrador's press conference and question him directly 9.

At this conference, the Mission took the opportunity to seek an explicit commitment from the President regarding four priority areas for the Mission: measures to combat impunity for crimes against journalists; the federal budget for the protection of journalists; the stigmatizing language used against journalists by the President; and the use of Pegasus software.

First, the president was asked what concrete and immediate measures his government proposed to combat impunity for crimes against journalists. The President did not respond to this question.

<sup>&</sup>lt;sup>7</sup> The Subsecretaría de Asuntos Multilaterales y Derechos Humanos of the Secretaría de Relaciones Exteriores, is the public institution in charge of monitoring and applying international recommendations on human rights.

<sup>&</sup>lt;sup>8</sup> Mañanera is the name of the morning presidential press conferences

<sup>9</sup> Press conference available at https://www.youtube.com/watch?v=GkUpd8kulX8

Later, he was asked if there was an explicit commitment to ensure that the mechanism would have a sufficient budget to be able to function properly during his administration. The President assured the Mission that in the case of the defense of human rights and the protection of journalists, there would be no limit on the use of budget resources. President López Obrador also stated that his government will collaborate in everything that requires the support and protection of the State. In his words, "in the case of the defense of human rights and the protection of journalists, there is no limit on the use of budget resources. Whatever is needed, there is no limit".

In a third intervention, regarding the his language against certain media and journalists, the President was asked if he committed himself there and then to always use language that could in no case stigmatize the journalists' work. President López Obrador simply responded that he did not have to make any commitment since he had never used offensive language and had always been respectful. "In the time we have been fighting, we have never affected or attacked any journalist nor would we. [...] We will always respect the freedom of all citizens to demonstrate". He emphasized that, during his mandate, no-one will be censored.

Finally, regarding the use of Pegasus software against Mexican citizens, President López Obrador assured the Mission that his administration does not use software like Pegasus, does not hire bots, and does not pay companies that engage in espionage activities. Even when the Mission mentioned that they were aware that, at the beginning of his term, this technology had been used through the application WhatsApp, the President reiterated his denial of the use of such software, but assured that the case will be investigated.

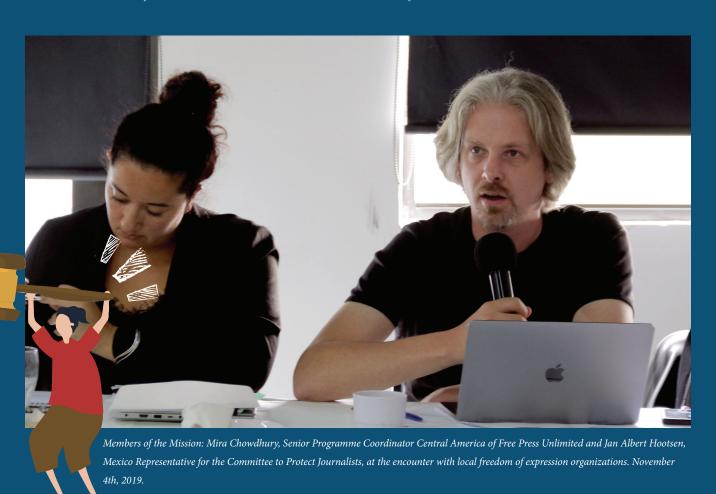
It is worth mentioning that, on the eve of the delegation's participation in the President's morning conference, several of the Mission's participants were subject to adverse reactions through social networks, which emphasizes the need to continue the dialogue with the presidency and the different levels of government regarding the interaction between the press and the executive.



Guillermina García, Journalist of Grupo Noroeste, Sinaloa, in conversation with members of the Mission. November 4th, 2019.



Patricia Calvillo, Journalist of El Sol de San Luis, San Luis Potosí, in reunion with members of the Mission. November 4th, 2019.



# **CHALLENGES**

During its visit to Mexico, the Mission also faced resistance. The main challenge was the current political situation: the Mission was heard by the authorities, but there was a general climate of only complying with minimum commitments, far from what is considered necessary to significantly diminish impunity and increase real protection of freedom of expression.

For example, the Attorney General declined the invitation to meet with the Mission, and its officials were not open to proposals for improvements or to accept collaboration from civil society to advance their objectives. Similarly, President López Obrador's denying having used language that stigmatizes the press, when on more than one occasion speeches have been documented using words such as "fiff" (snobby/conservative/elite) and "chayotero (bought journalists) journalist". Ramírez Cuevas, Director of Social Communication for the Presidency of the Republic, denied that there were cases of censorship of the press and assured that what the 17 organizations see as stigmatization against journalists and the media is more a debate stimulated by President López Obrador's morning conferences. He said that this is not a climate of hostility but a free exchange of ideas that did not exist in previous governments.

Moreover, the government agencies with which the Mission met did not commit to reducing impunity for crimes against journalists by 2% per year, nor did FEADLE accept to create a working group to follow up on the cases of disappeared journalists. According to the dialogues that the Mission held with Mexican social organizations and journalists from different states of the Republic, this lack of real commitment is one of its greatest concerns, since it increases the conditions of vulnerability of journalists.

There is concern about the President's attempt to justify his attacks on critical journalists as being in the name of open debate; this overlooks his responsibility as President to accept criticism and the effect of his discourse on more generalized attitudes toward journalism. This position of the executive is irresponsible and dangerous in a country like Mexico, where at least 11 journalists have been murdered in 2019 and aggressions against them are increasing.



Rachael Kay, Deputy Executive Director of IFEX, revealing the Mission's results during the press conference held for the media. November 6th, 2019.

## **COMMUNICATION**

During the development of the Mission, a 10-day communication campaign was carried out through social networks. The objective was to inform citizens of its activities and positions, as well as to raise awareness about the serious threats against journalism in Mexico. To achieve this objective, the organizations actively participated in the creation and publication of content, generating two press releases, three computer graphics, four editorial videos, four postcards and one press conference. Through a quantitative analysis of impressions—the number of times people saw and interacted with the content—it was determined that 152, 496 Twitter accounts had been reached. Another element to highlight was the participation of several representatives of the Mission in the main media, such as Aristegui Noticias, La Jornada, El Economista, Animal Político, MVS, among others<sup>10</sup>.



<sup>1)</sup> Some are available at: http://cencos.com.mx/2019/10/comunicado-de-prensa-llega-a-mexico-mision-internacional-de-organizaciones-defenso-ras-de-la-libertad-de-expresion-para-abordar-impunidad-en-crimenes-contra-la-prensa/ 2) https://twitter.com/cencos/status/1190659971870003200/pho-to/1; 3) https://twitter.com/cencos/status/1190297505025662976/photo/1; 4) https://twitter.com/cencos/status/1191555396554706944; https://twitter.com/cencos/status/1191822892671098882; https://twitter.com/cencos/status/1191907093571342336; https://twitter.com/cencos/status/1192575881740537856; 5) https://www.pscp.tv/w/lgqxvgqqYzBKB



Journalists and media representatives during the round of questions at the Mission's press conference. November 6th, 2019.



### CONCLUSIONS

For several presidencies, Mexico has been facing a serious crisis in terms of freedom of expression. The presidency of Andrés Manuel López Obrador finished its first year in December 2019, shortly after the Mission, and it has been no different to previous presidencies. Though the President still has time to take action, the current government faces a great challenge stop Mexico being classified as one of the most dangerous countries to practice journalism in Latin America. The urgency is clear: journalists in Mexico do not operate in conditions to practice free and independent journalism without fear of reprisals. The Mexican rule of law fails at every stage and does not presently guarantee an end to impunity.

Mexico continues to be the deadliest country for journalists in the Western Hemisphere, with an almost 100 percent rate of impunity for crimes against the press and no significant progress in the disappearance of journalists, even in cases in which more than 10 years have passed. Past governments have left a legacy of a lack of clear commitment to freedom of expression, reflected in, among other things, a weak legal framework, underfunding of institutions, and a rule of law that, instead of defending freedom of expression, promotes active and passive impunity. To this must be added the increasingly precarious nature of journalistic work, the stigmatization by the government itself and its officials, and the lack of strong mechanisms to guarantee its security.

Andrés Manuel López Obrador's government has not started from scratch and is aware of the problems described in this report. Meetings with a variety of public officials-including an exchange at the morning conference with the president of the republic himself-strongly suggested that they understood the urgency of an analysis of the roots of violence, impunity, and the various challenges facing federal government institutions.

Although the members of the Mission recognize and welcome various commitments on the part of the government of President López Obrador and his officials—among them, the guarantee of sufficient funds for the Federal Mechanism for the Protection of Human Rights Defenders and Journalists and the timely follow-up of requests to the Specialized Prosecutor's Office for Crimes Committed against Freedom of Expression (FEADLE)—the organizations participating in the Mission still point out important challenges for the current government.

There are important gaps in understanding between the government of President López Obrador and the goals and objectives of the Mission, reflected in, among other things, the fact that the President himself refused to commit to changing his discourse toward critical press.

Similarly, it is of concern that FEADLE did not want to commit to reducing impunity for crimes against the press.

Mission participants agreed that follow-up meetings would be vital to support the Mexican government in mitigating violence and impunity against journalists by addressing violations of freedom of expression. They offered to provide technical support to the government to strengthen its protection mechanisms and investigative actions. Thus, a regular and punctual follow-up of the Mission by the member organizations of the coalition is necessary and will have a central place in their advocacy in Mexico over the coming years. Although there are differences of opinion and vision between the federal government and these member organizations of the Mission, it is recognized by both sides that the time to act is now and that there is no time to lose. Mexico must and can pay its historic debt to freedom of expression.