

MÉXICO IN THE CROSSHAIRS OF CRIME AND POWER

Executive Summary

Mexico occupies the fifteenth place in the Chapultepec Index, with a ranking of 41.82 and at the lower limit of the countries of the American continent framed under the “Restriction” value of the general table. The escalation of murders against journalists (a dozen in just one year), hundreds of cases of verbal and physical attacks, consistent attacks and harassment from the Executive Branch, and the growing environment of violence in different regions stand out as alarming factors of the country, which has caused displacement and exile not only of citizens, but also of journalists.

Introduction

A worrying and historic spike in the murder of journalists between August 2, 2022 and August 1, 2023 (a total of twelve) frames the seriousness of the situation of freedom of the press and expression currently experienced in Mexico. The majority of cases have remained unpunished.

The increase in the condemnatory tone of the Executive Branch against the independent press is worrying. The condemnation has increased through the use of the State's media power, which is used as an instrument of official propaganda and pressure. An additional alarming factor is the government's lack of will to promote reforms and functional actions that stop harassment and violence against journalists at public events, events that have registered exponential growth in 2022 and 2023, and that occur in all state.

The expansion of organized crime throughout the country (a phenomenon called today “macrocriminalization”) and the lack of concrete and joint actions by federal, state and municipal authorities to stop it, has generated an atmosphere conducive to violence against reporters, and has led to the number of forced disappearances increases.

The evaluation of the Chapultepec Index for the year 2023 shows that little to no progress has been made to improve the state of freedom of expression in Mexico. Instead of moving towards greater protection and promotion of this fundamental right, the country seems stagnant due to the inaction of the three powers to generate initiatives that contribute to a climate of greater freedom in the exercise of journalism. The data reveals a score of 41.82 out of one hundred points, almost similar to that reported in 2022.

According to the Index, Mexico is one of the countries that is close to entering the circle of Latin American nations considered to be in “high restriction” for carrying out independent journalistic activities. Mexico registered 41.82 points only below Ecuador (43.85) and above Honduras (36.5).

The increase in extreme violence by drug trafficking cartels and urban and regional organized crime, as well as their frequent complicity with local authorities, continue to gradually put an end to free and safe journalism throughout the country. In the five years of government, the Executive Branch has not undertaken the necessary reforms and actions to stop the spiral of violence against the press. Even the Executive Branch itself has adopted rhetoric that is as violent as it is stigmatizing against journalists.

Executive environment

The Chapultepec Index shows us that the Executive Branch has a moderate level of influence in situations that are detrimental to freedom of expression, with a score of 4.93 out of ten, being the most influential power of the three that make up the Mexican State.

Regarding realm A, which focuses on “Informed Citizens free to express themselves”, it has a moderate influence with a ranking of 4.21. Realm B, which evaluates the “Practice of journalism” and is the worst rated, shows a strong and negative influence towards freedom of expression with a classification of 8.43. In realm C, which focuses on “Violence and impunity”, a score of 7.52 is obtained. On the other hand, realm D, related to “Media Control”, receives the lowest ranking in the entire environment measurement with zero points, indicating a very low influence in unfavorable situations.

A very marked influence is observed on realms B and C in contexts unfavorable to freedom of expression. The Executive Branch has been critical of some media outlets and independent journalists who have questioned its government and its policies. It has accused certain media of practicing “conservative” journalism and of being linked to political or economic interests opposed to the current administration.

The morning conferences of the Executive Branch are distinguished by an antagonistic style towards the press, and this qualifies the sessions as a propaganda platform. As part of these conferences, the segment “Who is who in lies” is maintained, its purpose is to disqualify those media or journalists who question the Executive Branch, a fact that, on several occasions, has been criticized by the Inter-American Commission on Human Rights (IACHR).

Faced with this climate of harassment, the Executive Branch recently announced the definitive closure of the Mexican news agency, Notimex, whose original objective was to be a source of information for society, but it became an instrument to attack journalists. The announcement of its definitive closure (for 2023) comes after three years on strike and a questionable budget of 237.6 million Mexican pesos (US\$13.37 million dollars).

Legislative environment

One of the most notable aspects of recent months is the marked parliamentary dominance held by the Morena political party together with its allies, both in the Congress and the Senate. This gives the Executive Branch tacit influence and control over the Legislative Branch, which has a direct impact on the legislative agenda and the approval of reforms and laws. That is, the agenda and discourse against the press transcends from the Executive Branch to the Legislative Branch.

According to the Chapultepec Index, the impact of the Legislative Branch in situations unfavorable to freedom of expression is rated as moderate, with a score of 2.98. However, this classification increases almost double when realm B -the practice of journalism- is evaluated, reaching a score of 5.71. The realm that analyze "Informed Citizens free to express themselves" (realm A) and "Violence and Impunity" (realm C) present moderate scores with 3.07 and 4.00 respectively. Regarding "Media Control" (realm D), this is the one that obtains the best classification with zero points.

The official party (Morena) many times manages to control, from Congress, the legislative agenda and prioritize projects and reforms that are aligned with the vision of the Executive Branch. This leads to relegating other important issues that are not your priority. We see how the Legislative Branch, which used to be independent and more diverse, has become a kind of troupe or "echo chamber" of the Executive Branch acting in tune with government actions.

Judicial environment

Contrary to what happens with the Legislative Branch, at present the Executive Branch has had notable frictions and differences with its Judicial counterpart. That is to say, the criticism of the Executive Branch from the National Palace has not only been severe against the independent press, but also against the Judicial Branch. It has become a constant thing to hear from the Executive that its Judicial counterpart needs to be reformed. However, the relationship between both branches was not always equal. Before the arrival of Norma Piña, the relationship between the head of the Federal Executive and the Supreme Court of Justice of the Nation (SCJN), headed by Arturo Zaldívar, was stable. This has changed, which is considered an unusual historical moment in the "Check and Balances" system in Mexico.

The results of the Chapultepec Index consider that the level of influence of the judicial environment in situations unfavorable to freedom of expression is relatively low, with a score of 1.41. Regarding realm A, "Informed citizens free to express themselves", it reached 3.07 points; while realm B obtained 5.71 points, which represents a moderate influence and the worst classification for this environment; for realm C, "Violence and impunity", the score is 4 and in realm D, "Media control", it also resulted in a score of zero, the same as that recorded in the executive and legislative environments.

In the judicial aspect there is still a lack of homologation in the classification of crimes related to freedom of expression and the oversight exercise of the independent press. There are still marked differences in the way crimes such as defamation, slander or libel are classified in the criminal codes of the 31 Mexican states, opening the door to many uncertainties. Likewise the level of sanctions; These vary from one state criminal code to the next, causing confusion and uncertainty. In this regard, independent organizations such as Artículo 19 have requested that a "Homologated Protocol for the investigation of crimes committed against freedom of

expression” be defined, which takes into account the particular needs in the investigations of this type of crimes so that they are effective, exhaustive and diligent.

Realm A: “Informed citizens free to express themselves”

Mexico presents a score of 9.43 (out of a total of twenty-three) regarding this item of the Chapultepec Index, a relevant number that should be paid attention to. The Mexican Constitution exists as a basic human right, but this does not mean that it is completely guaranteed. In the areas of information flow, Mexico achieves a score of 3.43 (out of a total of eleven), while in freedom of expression it registers a worrying six (out of a reference of twelve).

In particular, the Executive Branch has used methods such as censorship, restriction of access to information and the exhibition of dissident points of view (through official propaganda spaces) to silence critical voices. This has led to distrust and a lack of credibility among the Citizens.

Furthermore, the lack of gender equality spaces also limits freedom of expression. Mexican women continue to face discrimination and violence in the workplace, which makes it difficult for them to access spaces of public discourse. This means that women's voices are silenced, and their opinions are not heard.

Realm B: “Journalism practice”

In the results of the Index, Mexico achieves a ranking of 6.29 (out of a total of ten). The expansion of organized crime throughout the country – and the lack of concrete actions by federal, regional and municipal authorities to stop it – has generated an atmosphere conducive to violence against reporters and has led to an increase in the number of forced disappearances.

The increase in threats and attacks against journalists has caused greater forced displacements, specifically in states such as Guerrero, Tamaulipas and Chihuahua. Reporters, who have come under the protection mechanism for journalists and human rights defenders, have had to move and change their place of residence because there are no conditions to return to their cities or municipalities of origin.

Various organizations and independent media have held events and promoted the production of documentaries to leave evidence and testimony of the lack of guarantees to practice journalism in the country. The documentary *Silenced: murders of journalists in Mexico* has been widely disseminated as a reference production to promote collaborative actions and try to stop hostility against the press in this country. Another production is the short documentary *Mexico: journalists in danger*, a special from the “Reporteros” program broadcast this year by France 24 in Spanish, from the France Médias Monde group network.

Realm C: “Violence and impunity”

Mexico's ranking in terms of cases of violence that remain unpunished reaches a notable figure: 6.54. The following ratings also stand out: Protection with 2.3 and Violent events recorded with 2.86. A worrying spike in the murder of journalists between July 2022 and July 2023 (twelve) frames the seriousness of the situation of freedom of the press and expression currently experienced in the country.

It is important to point out the government's lack of will to promote reforms and functional actions to stop harassment and violence against journalists at public events. According to a report by Artículo 19 (ARTICULO 19 Mexico and Central America is an independent and non-partisan organization that promotes and defends the progressive advancement of the rights of freedom of expression and access to information of all people), in Mexico a type of harassment or assault against journalists is recorded every twelve hours. Violent attacks mainly stand out in Mexico City, State of Mexico, Guerrero, Nayarit, Veracruz, Chiapas, Jalisco, Tamaulipas, Puebla and Sinaloa.

The 2023 edition of the World Press Freedom Classification, prepared by the organization Reporters Without Borders (RSF) – which evaluates the conditions in which journalism is practiced in 180 countries and territories around the world – revealed that Mexico is one of the most dangerous and deadly countries for journalists. In addition, according to the study, Mexico also registers the highest number of missing journalists worldwide.

Realm D: “Media Control”

In the “Media Control” category, Mexico achieves one of the highest scores for the variables analyzed in the Chapultepec Index: 19.57 (out of a benchmark of twenty-five). Regarding the “Direct control” category, it reaches 14.14 (out of nineteen) and “Indirect control” 5.43 (out of a total of six).

The perverse use of official advertising as a mechanism of control and censorship continues to be a pillar of the structure of the Mexican political system, indicates an Artículo 19 report published at the end of 2022. Thus, the official power became a Latin American expert in the use of this narrative as a central element of government.

Certainly, official advertising as a mechanism of indirect censorship is a public problem that afflicts a good part of the Latin American region and, despite many attempts, to date there is not a single country that has resolved it. However, in the case of Mexico it borders on ideological preferences – on the part of the party in power and the Executive Branch, both with a leftist tendency – to favor those media and journalists who sympathize with said political and ideological current.

A factor of concern is the increase in cases of legal intimidation towards independent journalists in different modalities, ranging from the application of fines, prison sentences, open prohibition of content, arrests and detentions for unfounded accusations of slander or defamation. The level of economic income of the Mexican journalist does not guarantee the ability to obtain a good defense in cases of accusation (in addition to the fact that there are no defense entities available to them) which leads them to practice, on many occasions, self-censorship and to stop to supervise authority for fear of demands that are used as an instrument of coercion by power and authority.

Conclusions

The expansion of organized crime, and in many cases the evident complicity with federal and state authorities, frames an environment that is not conducive – and not safe – to practice journalism in Mexico. As one of the latest Artículo 19 reports points out, every twelve hours a case of harassment, aggression or violence against a journalist is reported.

The lack of greater concrete actions aimed at supervising and defending those who practice this profession has generated a natural atmosphere to allow violence against reporters to develop and has led to an increase in the number of express kidnappings, unresolved forced disappearances, and reaching a record number of a dozen murders of journalists between 2022 and 2023.

Mexico has a federal authority: the Special Prosecutor's Office for Crimes Committed Against Freedom of Expression (Feadle). This is the official authority in charge of investigations and prosecution of crimes committed against freedom of the press and expression. However, the inspection cases that reach a sentence to address the complaints and preliminary investigations of violence have been minimal.

There has been the creation of state prosecutor's offices (FGE's) who have established their own investigation protocols for crimes committed against journalists, activists and citizens, but have been criticized for the lack of transparency and inclusion of the journalistic union itself in the planning of the investigation mechanisms to follow (this is the case of the state of Puebla).

There are advances to create instances for the defense and protection of journalists in Mexico. Some assault cases have been satisfactorily resolved in some states. However, most of the time the substantial increase in organized crime exceeds the response capacity to address – and resolve – incidents against the independent press more quickly.

The results of the Chapultepec Index corresponding to 2023 remain as a record and evidence that Mexico has not advanced enough to offer greater guarantees that allow the free exercise of journalism in the country. Above all, the results reveal an additional factor of concern because the same authority – the Executive Branch – has raised its tone of aggression and condemnation against independent and critical journalists, a position that contributes to the worsening of the hostile environment against the press.

References

Artículo 19. (2023a, July 13). *Personas y Comunidades Defensoras de Derechos Humanos y Periodistas en Situación de Desplazamiento Forzado Interno en México*. Artículo 19. <https://articulo19.org/personas-y-comunidades-defensoras-de-derechos-humanos-y-periodistas-en-situacion-de-desplazamiento-forzado-interno-en-mexico/>

Artículo 19. (2023b, September 19). *Informe Semestral 2023: Violencia Contra la Prensa entre Ataques, Estigmatización y Ausencia del Estado*. Artículo 19. <https://articulo19.org/informe-semestral-2023-violencia-contra-la-prensa-entre-ataques-estigmatizacion-y-ausencia-del-estado/>

Artículo 19. (2022, October 10). *Hacia una Regulación de la Publicidad Oficial en México*. Artículo 19. <https://articulo19.org/hacia-una-regulacion-de-la-publicidad-oficial-en-mexico-analisis-legal-comparado/>

Crónica. (2023, February 18). *Muestran los Riesgos de ser Periodista en México*. Crónica. <https://www.cronica.com.mx/escenario/muestran-riesgos-periodista-mexico.html>

El País. (2023, February 14). *Acoso y Violencia: La Realidad de Hacer Periodismo en México*. El País. <https://elpais.com/mexico/2023-02-14/acoso-y-violencia-la-realidad-de-hacer-periodismo-en-mexico.html>

El Punto sobre la Í. (2023, June 7). *La Libertad de Expresión: Un Derecho Constitucional Amenazado en México*. El Punto sobre la Í. <https://www.elpuntosobrelai.com/la-libertad-de-expresion-un-derecho-constitucional-amenazado/>

El Sol de Puebla. (2023, January 2). *Fiscalía Excluye a Periodistas de Protocolo para su Protección*. El Sol de Puebla. <https://www.elsoldepuebla.com.mx/local/fiscalia-excluye-a-periodistas-de-protocolo-para-su-proteccion-9408583.html>

Eje Central. (2023, May 3). *Difícil Ejercer la Libertad de Prensa en México*. Eje Central. <https://www.ejecentral.com.mx/dificil-ejercer-la-libertad-de-prensa-en-mexico-en-2023/>

Fiscalía General de la República. (2023). *Conoce Qué es la FEADLE*. Fiscalía General de la República. <https://www.gob.mx/fgr/acciones-y-programas/fiscalia-especial-para-la-atencion-de-delitos-cometidos-contra-la-libertad-de-expresion-18894>

Gaceta UNAM. (2023, June 12). *Se Diversifican los Mecanismos de Presión y Control*. Gaceta UNAM. <https://www.gaceta.unam.mx/se-diversifican-los-mecanismos-de-presion-y-control-hacia-los-medios/>

La Verdad de Juárez. (2023, April 15). *Una Larga Agonía: Presidencia Confirma el Cierre de Notimex*. La Verdad de Juárez. <https://laverdadjuarez.com/2023/04/15/una-larga-agonia-presidencia-confirma-el-cierre-de-notimex/>

Pie de Página. (2022, October 28). *Precarización, Riesgos e Incertidumbre: Los Retos del Periodismo en México*. Pie de Página. <https://piedepagina.mx/precarizacion-riesgos-e-incertidumbre-los-retos-del-periodismo-en-mexico/>

Proceso. (2023, February 6). *México, Periodistas en Peligro. Un Especial de France 24*. Proceso. <https://www.proceso.com.mx/cultura/2023/2/6/mexico-periodistas-en-peligro-un-especial-de-france-24-301584.html>

Quadratin. (2023, April 6). *Urge en Michoacán Protocolo para Protección de Mujeres Periodistas*. Quadratin. <https://www.quadratin.com.mx/politica/urge-en-michoacan-protocolo-para-proteccion-de-mujeres-periodistas/>

Reporteros Sin Fronteras. (2023). *Clasificación Mundial de la Libertad de Prensa: Los Desafíos de la Industria del Engaño*. Reporteros Sin Fronteras. <https://rsf.org/es/clasificación-mundial-de-la-libertad-de-prensa-2023-los-peligros-de-la-industria-del-engaño>

