

Mexico: Half-Exercised Free Expression in a Context of Generalized Crisis

Executive Summary

Mexico, with 55 points out of 100, is in position No. 11 among 22 countries of the Americas included in the Chapultepec Index of Freedom of Expression and the Press. The outlook faced by the country in terms of freedom of expression during the period covered by this study, which goes from April 2019 to May 2000, is one of setbacks. Although it cannot be claimed that free speech is muzzled, some institutional actions of the Mexican government tend to condition it with adverse consequences for media organizations, journalists, and the society in general. President Andrés Manuel López Obrador has marked the news agenda of the media with a heightened prominence. In his addresses, he has stigmatized and disparaged them. The actions of the Legislative and the Judiciary have been rather omissive than diligent, and distinctively aligned with the Executive.

Introduction

The report on Mexico is contained below. It is structured based on the four realms of this Index, and has, as its starting point, the assessment conducted in this regard by the panel of journalists and experts in this field called by the organizers, thereby underscoring the analysis of its results within the Mexican context, from April 2019 to May 2020.

During this period, the economic and social outlook for Mexico has been negative. In April 2019, the International Monetary Fund (IMF) estimated that, in 2019 and 2020, Mexico's Gross Domestic Product (GDP) would grow 1.6% and 1.9%, respectively, compared to 2% in 2018, in light of the uncertainty of national and foreign investors stemming from the policies of the Andrés Manuel López Obrador (AMLO) government (Hernández, 2019). Three months later, this international organization lowered that forecast from 1.6% for 2019 to 0.9%. Added to that scenario, in August 2019, the National Council for the Evaluation of Social Development Policy (Consejo Nacional de Evaluación de la Política de Desarrollo Social, CONEVAL), in the study *10 Years of Poverty Indicators in Mexico (10 años de Medición de Pobreza en México)*, reported that there were 52.4 million Mexicans in poverty situation nationwide, a figure equivalent to 41.9% of the population (Redacción Animal Político, 2020a).

In March of this year, the Organization for Economic Cooperation and Development (OECD) rated Mexico as having the worst economic performance of

the G-20 countries, when its GDP decreased 0.1% at the end of 2019, compared to a 2.1% growth in 2018 (Villanueva, D. 2020).

For its part, the National Institute of Statistics and Geography (Instituto Nacional de Estadística y Geografía, INEGI), revealed that the Coronavirus left 12 million Mexicans unemployed in April (Notimex, 2020b). In May, the Economic Commission for Latin America and the Caribbean (ECLAC) reported that the country would have a 4.8% increase in extreme poverty levels, compared to 2019 (Redacción, 2020).

In 2019, regarding crime rates, 34,582 premeditated murders went on record, the highest in the last 20 years (Nájar, 2020). That year, 73.9% of the population aged over 18 considered that living in their city was unsafe (INEGI, 2019).

In this context of generalized crisis, the media and journalists carry out their activities in a climate of tension caused by the president's stance, as he recurrently stigmatizes and discredits them because they are critical of his policies, attitude, and performance. In addition, journalists continue to be the target of aggressions, threats, and murders that seriously undermine freedom of expression, with a government that acts halfheartedly in terms of protection, amidst systemic institutional impunity. On the other hand, to the economic crisis that the country is experiencing should be added federal budget cuts in government advertising, which has negatively affected those media outlets not favored by the administration.

Analysis of results

With 55 points out of 100, Mexico holds position No. 11 among the 22 countries of the Americas included in the research on the influence of institutional actions of the three branches of government on the exercise of freedom of expression. Based on the results of the survey to journalists and experts, Mexico is recognized for being a country in which there is a relatively favorable climate for the exercise of freedom of expression, but under conditions that have negatively influenced it. Actions of the Executive prevail, which instead of consolidating such right, have triggered negative effects against it, without exempting the Legislative and Judiciary from responsibility for their omission.

This is the environment in which the greatest effects against the exercise of freedom of expression in Mexico occur. These negative consequences are the result of the authoritarian and deaf ways that have marked government communications. The communication policy of the AMLO administration has been outstanding for discretionary allocation of public resources in government advertising expenditures, on an ideological pattern identifying the president's friends and foes. This is coupled with corresponding actions in favor and against the media and journalists, in a context of crisis of government communication interspersed with flows of inaccurate information, fake news, and polarization. Mexico is undergoing a crisis resulting from public policies in economic, political, and social matters that has been worsened by

the Coronavirus (SARS-CoV-2) pandemic, in an environment of poverty and crime among the society in general and for journalists in particular.

Executive

The Executive is the lowest rated by the experts surveyed as moderately influential in average, at 4.65 points, in situations discouraging free speech, well above those achieved by the other two branches of government. The points scored in this environment reveal that it exerts a strong negative influence on the exercise of freedom of expression in the country. The realm worst assessed by the experts was C, relating to violence and impunity, particularly in the sub-realm regarding persecution of journalists, with an influence on discouraging situations at 8.1 points, considered very strong. Similarly, but with a lower score, is the influence of this environment on Realm A regarding information flow and free speech, with an unfavorable rate at 5.61 points, considered to be a strong influence.

The analysis of the results of Realm A, regarding informed citizens free to express themselves, is framed in the communication strategy that started being pursued on December 3, 2018, two days before AMLO took office as president of the republic. That day, the *mañaneras* [morning addresses] were established as the main political communication tool of the new government. Every day from Monday to Saturday, from 7:00 a.m. to 9:00 a.m., the president offers a press conference with national coverage on public and private radio and television, online news sites, and those of the federal government itself.

This strategy has been the object of criticism because it does not respond to fulfilling the duty of transparency and accountability, but rather to effectively spreading propaganda, with inconsistencies in the information provided, which causes the president to say falsehoods (Nájar, 2019). This was fact-checked by a study indicating that "practically 6 out of every 10 verifiable assertions stated by the president, in the months of December 2018 to September 2019, are either a lie or a half-truth. (Guerrero, D. 2019). Likewise, this communication model has been used by the president to confront the national and international media, stigmatizing and disparaging them (Infobae, 2020c). The negative consequences for citizens are recognized in the setting of the news agenda by the Executive, in the low-quality information communicated, as well as in the climate of polarization being created between the government and the press, between its Fourth Transformation (Cuarta Transformación, 4T) project and its critics on mainstream and social media.

Immediately after winning the elections, in his capacity as president-elect, he had seven confrontations with the press (Yáñez, 2018). During 2019, he kept this confrontational stance, calling it "*fifi*" (bourgeois, pretentious) and "conservative" press. On April 22, 2020, the President said that this country "does not have a professional, independent and ethical journalism"; that the media coverage of the 4T is "disproportionately negative". He discredited the journalistic work of the

newspapers *El Universal*, and *Reforma*, which have been distinctly critical of the government. Additionally, citing journalists by their full names, he criticized them since, according to him, they only dedicate themselves to lying on their job (Redacción Animal Político, 2020a). In May, in the midst of the Coronavirus pandemic, AMLO accused *The New York Times*, *The Washington Post*, *The Financial Times* and Spain's *El País* (*The Country*) of lying and breaching ethics in their coverage of Mexico regarding the management of the COVID-19 pandemic by the government (Arista, L. 2020). Faced with this situation of stigmatization of the press, several civil society organizations, scholars, and intellectuals have questioned the president's actions, considering them an attack on freedom of information and the citizens' right to know, thereby creating a climate of polarization that, instead of fostering democratic dialogue, impoverishes, intimidates, and threatens it.

On the other hand, among direct actions by the Executive evidencing collusion with media moguls, the case of Ricardo Salinas Pliego, owner of *TV Azteca*, the second largest broadcast television network in the country – who has been awarded no-bid contracts from the government and is a recipient of government advertising from the federal budget – stands out. A week after the declaration of nationwide health emergency, the owner of said TV network publicly defied official orders on the suspension of economic activities as a mitigating measure regarding the Coronavirus pandemic. (La Redacción, 2020). The attitude of this businessman was confirmed on April 17 by Javier Alatorre, an evening news anchor in the above television station, who called on the population to disobey the prevention and care measures adopted by Hugo López Gatell, Undersecretary of Prevention and Health Promotion. The newscaster called the government official a liar and urged viewers to disregard him. (Redacción / Sin Embargo, 2020). The seriousness of this call for contempt of authority was not an object of any penalty by the federal government. Instead, the president justified the journalist by saying that this friend of his was wrong, that he is a good person, that he made a mistake as we all do, and that "there should be no political lynching on someone who does not share our point of view" (Infobae, 2020b). Finally, he recommended that there be "no sanctions... albeit an excess, an irresponsibility, so that the right to self-expression, the right to freedom of expression, can be safeguarded" (Redacción, 2020a).

With respect to the worst ratings achieved by this environment, corresponding to Realm C of violence and impunity, particularly persecution of journalists, at 8.1 points, the federal government exerts a very strong degree of influence in situations unfavorable to freedom of expression. Specifically, its Department of the Interior (Secretaría de Gobernación, SEGOB) in charge of the protection mechanism for journalists, and the Special Prosecutor's Office for Crimes against Freedom of Expression (Fiscalía Especial para la Atención de Delitos cometidos contra la Libertad de Expresión, FEADLE) of the Attorney General's Office (Fiscalía General de la República), by closing of this report, had demonstrated their institutional inability. To date, these offices fail to protect from and address aggressions, threats, and murders perpetrated against the members of this profession.

Legislative

Based on the results of the study, the influence of the legislative environment in situations unfavorable to free speech is moderate, with almost three points (2.99). The actions of the legislative branch have mostly been lip service in nature. During the period under analysis, no initiatives for draft bills aimed at updating and improving the current regulatory provisions on freedom of expression were found. However, the experts' ratings on this environment highlight Realm C, relating to violence and impunity against journalists, as the most omitted. The lack of institutional responsibility of this branch of government is noted in the issues of protection of journalists (6.4 points) and impunity (5.6 points).

Among the few positions emanating from this environment, regarding the case of *TV Azteca's* contempt, it is worth noting that of a senator from the Movement for National Regeneration (Movimiento para la Regeneración Nacional, Morena), the president's party. Specifically, he requested that the Federal Institute of Telecommunications (Instituto Federal de Telecomunicaciones, IFT) revoke the network's broadcast license, thereby rendering it ineffective.

On the other hand, this branch of government has been the object of complaints by such representative civil society organizations as Article 19, Medios Libres (Free Media), FUNDAR Centro de Análisis e Investigación (FUNDAR Center for Analysis and Research), and the Mexican Association for the Right to Information (Asociación Mexicana de Derecho a la Información, AMEDI), among others, in demand to revise and update the General Law on Media of 2018 (Ley General de Comunicación Social de 2018). These organizations describe the above law as discretionary, far removed from the democratic principles of transparency, plurality of information, and citizens' right to know.

Faced with the background of impunity for murders of journalists, National Action Party (Partido Acción Nacional, PAN) Senator Marco Antonio Gama Basarte, presented a draft decree amending the Organic Law of the Attorney General's Office (Ley Orgánica de la Fiscalía General de la República), to create the Specialized Prosecutor's Office for Journalists and Human Rights Defenders into an autonomous entity. This proposal has been circulated among various committees (Infobae, 2020 a), but it has not been addressed upon completion of this study.

Judiciary

The experts surveyed in this study perceived a lesser influence from the judicial environment at 2,87 points, twelve tenths of a point below the legislative environment (2,99 points). With a moderate degree of negative influence, this environment does increase its impact on Realms C and A. Realm C, regarding violence and impunity, achieved 4,23 points with a strong showing in the sub-realms on protection of journalists and actions against impunity, at 5 points each. Regarding Realm A of actions encouraging an informed citizenry and the exercise of free speech, it is

important to note that the actions encouraging information flow stood out with 3,08 points.

Regarding Realm A, the most relevant case during the period of this study is related to the right to hearings. This right was constitutionally enshrined in the telecommunications and broadcasting reform of June 2013, a reform that mandated the Legislative to draft a new statute in this area, which was enacted and published in 2014. This Law provided for the framework of the right to hearings, as well as the functions, authority, and responsibilities of the Hearings Advocates (Defensores de las Audiencias). However, in 2017, the Senate of the Republic approved a counter-reform to this law, which left hearings unprotected. Faced with this action by the legislative branch, the Mexican Association of Hearing Advocates' Offices (Asociación Mexicana de Defensorías de las Audiencias) filed for injunction relief. On May 19, 2020, the Federal Judiciary conclusively ruled the unconstitutionality of the amendment to Article 256 of the Law (AMEDI, 2020). This decision from the Judiciary was widely welcomed because it also reinstated the IFT's authority to issue guidelines on this matter. Such guidelines are still pending to date, although it is publicly acknowledged that this will be conducted within a framework of legal certainty.

However, based on the experts' remarks on Realm C, regarding protection of journalists, persecution and impunity, the situation from previous years has not changed, but worsened instead, due to the increase in the number of murders of journalists. In 2019, ten homicides went on record and, during the first five months of 2020, two more were added. (Arista, 2020). In total, 12 murders of journalists have been reported from January 2019 to May 2020. Institutional impunity in this area has made this country one of the most dangerous in the world for this activity.

Realm A: Citizenship and freedom of expression

The actions of the Mexican State aimed at encouraging the flow of plural, timely, and accurate information with regard to free speech and the right of citizens to information for the period covered by this research, have been marked by the departure from the sense of public responsibility of government bodies in the field of freedom of expression, respect for the rights of citizens to information, and the sense of democratic communication conducive to pluralistic dialogue, tolerance of criticism, and consensus building. This is confirmed by the results of the survey conducted among experts in the field of freedom of expression and the journalists inquired for this study. Out of a maximum 23 points of this realm, the rating was 13.4.

The sub-realm corresponding to actions encouraging plural and diverse free speech in the media was rated by the experts surveyed at 5.4 points out of a maximum 11.

The above results clearly point to the actions of the Executive as those that have mostly affected the informational dynamics in a negative direction nationwide,

without exempting the other two branches of government from responsibility by omission.

The results of the survey to experts on the actions of Mexico's branches of government in the field of free speech averaged 8 points out of a maximum of 12. These results are objectively supported, precisely, on the ongoing debate and polarization in social media, in publications critical of the Mexican branches of government by columnists, scholars, intellectuals, and journalists on the media, as well as in citizen organization in order to demonstrate in the public arena in demand of respect for their fundamental rights.

The actions of the Legislative and the Judiciary were marginal to those of the Executive. Up to this point, the Judiciary has a backlog of cases (injunctions and litigations) regarding decisions of the Executive challenging constitutional and statutory provisions. For its part, the Legislative, practically posing no challenge, has remained aligned with the actions and policies of the federal government.

Realm B: Conditions for the professional exercise of journalists

The experts surveyed rated Realm B on actions aimed at guaranteeing respect for the professional exercise of journalists, their freedom of information, and the dignity of their professional activity through regulatory provisions in favor of their work and social responsibility, with 7.8 points out of a maximum of 10.

In the period covered by this study, the working conditions of journalists have been affected by several factors, among which is president AMLO's decision to implement austerity in media spending. This decision by the Executive triggers negative consequences for the media and, therefore, for its workers. Faced with this measure by the federal government, several outlets downsized (by means of layoffs) to face a difficult scenario in terms of their advertising sales income from government agencies. According to figures from the Department of Civil Service Media System, in 2019, 5.21 billion Mexican pesos (\$244,964,000) were budgeted for government advertising, of which 3.24 billion pesos (\$152,515,000) were spent that fiscal year. In other words, there was a discretionary under-expenditure of over 2 billion pesos (\$92,449,000). The list of media that received the highest allocations that year for this item is practically the same benefited in previous six-year presidential terms: *Televisa*, *TV Azteca*, *La Jornada (The Daily)*, *Grupo Fórmula*, *El Universal*, and *Excélsior* (Artículo 19, 2020), with serious repercussions on other media which, in lack of public income, have had to downsize their payroll and dismiss staff.

On April 17, 2019, the agreement establishing the media policy of the federal government was published in the Official Daily of the Federation (Diario Oficial de la Federación, DOF). This agreement was presented by the president, who emphasized that this policy adhered to the criteria of austerity, that public resources would not be used to reward or punish any media, and that it would not be "a mechanism of coercion, of punishment". For his part, the president's

communications coordinator said that he would “never issue any news directive to the media”; that no journalist would be reprimanded in the exercise of his profession; but “on the contrary, any kind of coercion or pressure on journalists is forbidden”; media would be selected according to objective criteria, to avoid “favoring or vetoing any media outlet for political reasons or for personal affinity or aversion”, and that it was forbidden to make government advertising to pressure, punish, reward, privilege, or coerce newsmen. In addition, he said that the objective of the media policy “ranges from guaranteeing the full exercise of freedom of expression, making government action transparent, empowering citizens, and promoting the democratization of the Mexican media ecosystem, to documenting the impact of public policies on the transformation of the national reality (Notimex, 2019), (Damián, F. & Venegas, D., 2019). These statements, however, are far from corresponding with the facts.

For the organization Article 19, the official discourse downplays “the absence of clear rules for the allocation and distribution of government advertising, because even with the Media Policy published on April 17, 2019, schemes and wrongful practices such as concentrated and discretionary budget allocation and uneven share persist”. This organization, along with FUNDAR, demanded that the General Law on Media of 2018 be repealed, in order to put an end to loopholes and wrongful practices, which have historically contributed to the violation of freedom of expression and the right to information (Artículo 19, 2020).

Regarding the salary conditions of the country's journalists, which have historically been on the decline, Mexico has been considered one of the lowest-paying countries for newsmen. In January 2020, the minimum wage had an overall increase of 20%, going from 102.68 to 123.22 pesos a day, the equivalent of just over six dollars. With this overall increase, journalists had the best salary among the 59 professions, trades, and special jobs reviewed by the federal government. Their salary will reach 275.90 pesos per day, which means that it will be above the established minimum (Infobae, 2020a), a wage equivalent to US\$13.50, which represents approximately US\$390.00 per month. Even with this increase, journalists' compensation remains well below international standards.

While this increase is significant for journalists, the situation caused by the SARS-CoV-2 Coronavirus has had a negative impact on their working environments. In Mexico, some media have informed their journalists that, in reason of the pandemic, their salaries would be adjusted. In an extreme case, this implies a cut of down to 55% (La Jornada, 2020). According to the Fernando Mora Gómez Foundation, layoffs have increased. The number of workers dismissed in recent months is between 5,000 and 10,000. Additionally, in two years, according to data from the INEGI, the number may reach almost 20,000 (Reyes, A. Etcetera, 2019).

A dismissal that caused significant effects on the media was the removal from *Noticieros Televisa* (Televisa News) of anchorman Carlos Loret de Mola, who worked for 18 years in that company. His journalistic work has been marked by criticism of AMLO's government, with whom he has had confrontations on several

occasions. His retirement from this corporation was in reason of news and opinion pieces that made it clear that his informative work was not to the President's liking. This situation forced the president's communications coordinator to publicly deny the government's involvement in this decision. (Ramírez, F., 2019).

However, the case that sent shock waves through a section of the information apparatus of the federal government was the labor and institutional crisis at the Mexican State News Agency (Agencia de Noticias del Estado Mexicano, NOTIMEX), under the direction of journalist Sanjuana Martínez. The labor crisis began in February 2019, less than a month after the arrival of the new director, in the wake of the strike of those staff members affiliated to the Unified Guild of NOTIMEX Workers (Sindicato Único de Trabajadores de Notimex, SUTNOTIMEX). The strike was not acknowledged by the director, so she formed another professional team to carry on with the agency's activities. According to this union, between April and November 2019, 142 dismissals were accounted for, on the pretext of acting upon the federal government's austerity policy. Currently, the organization has been filed over 60 lawsuits for unlawful dismissal, plus that of 20 correspondents who are abroad (El punto crítico, June 24, 2020). For its part, the new union committee assured that, early in this administration, NOTIMEX had a 320-strong workforce and, by the month of July, 169 staff serving at the pleasure of the director's office, as well as unionized and non-unionized personnel had been dismissed; among them, 83 were fired between May 15 and June 30 resulting from the President's austerity memorandum (Aguilar, Y. 2019). Some of these workers expressed that they had been mistreated and humiliated by the director through abuse of power, manipulation, cronyism, and influence peddling (Díaz, A. 2019).

The crisis worsened on May 12, 2020, when Article 19 reported that NOTIMEX was fueling smear campaigns on social media against journalists and former workers, in addition to workplace harassment and the dismissal of staff who refused to join a ring of trolls, headed by the director. The complaint was based on a joint investigation between *Aristegui Noticias* and Western Higher Studies Institute of Technology (Instituto Tecnológico y de Estudios Superiores de Occidente, ITESO) social media analysis lab Signalab (La Octava, 2020). Faced with this conflict, President AMLO said that he would not engage in its resolution, and that the legal and arbitration bodies would be in charge of settling the dispute (LatinUs, 2020). Until May 31, Director Sanjuana Martínez continued to head the Mexican State News Agency.

Realm C: Violence and Impunity

Regarding actions to protect journalists, the situation dating back from previous years has not changed, but has worsened due to the increase in the number of journalists murdered. This fact reflects on the assessment made by the experts surveyed on this realm. Out of a maximum of 42 points, the score was 12.

From April 2019 to May 2020, 12 homicides of journalists have been on record in Mexico.

Regarding the protection of journalists sub-realm, the experts rated this line 6.4 out of 10; persecution of journalists, had a score of zero out of 15, while in impunity the assessment was 5.6 out of 17

The organization Article 19, in its report "Dissonance: Voices in Dispute", highlights that murders are the most serious form of attack against journalists in Mexico (Article 19, 2020). It put on record 609 cases of attacks against reporters and the media, the highest number in the last decade. In 2019, a greater number of attacks against the mass media were identified, which means an 11% increase compared to the previous year. The data indicates that, between January 1 and December 31, 2019, one journalist was attacked every 15 hours.

The report lists 10 murders of journalists in 2019. Regarding the perpetrators, the organization denounces that government officials continue to be the ones that perform most of the attacks with 256, followed by unknown attackers (151), individuals (131), organized crime (49), and political parties (13).

Covering corruption and politics poses the highest risk, as this accounts for 339 of the documented aggressions, followed by covering security and justice (133), social movements (62), human rights (51), the private sector (17), land and territory issues (7). Roughly, one of every four attacks (27%) was directed against women.

The document points out "one factor that drove the increase of attacks in Mexico City was the stigmatization of the press by the State. There were multiple attacks on journalists who covered the president's morning press conferences or who published articles critical of the Executive's activity [...]. The president's belligerent morning speeches, in which he has labeled various media outlets as 'adversaries', are later replicated by political leaders at the local level as well as on social media, where smear campaigns against reporters, who are described as '*chayoteros*' (literally, chayote squash street vendors, meaning those who receive bribes from officials to report at convenience) or 'sellouts', are common".

The report criticizes that AMLO "has decided to neutralise or nullify anyone who questions his discourse," and questions the control and polarization recorded over the past year. "Thus, the attacks on the press and civil society launched from the presidential chair in the form of stigma are intended, like any other attack, to turn the messenger into the message". On the other hand, in the report, "it is evident that judicial authorities and the judiciary maintain patterns of impunity in which justice continues to be confused with vengeance," despite a government "that came to power with the promise that censorship and attacks against the media had ended" (Animal Político, 2020b).

For its part, the FEADLE, created in 2012 as the authority responsible for directing, coordinating, and supervising investigations and, if necessary, prosecuting crimes committed against those who exercise journalistic activities, or those

committed in reason of the exercise of the right to information, had achieved only 18 convictions as of March 2020, according to its own records. However, in January, based on data from *El Financiero*, this agency had only achieved four convictions out of 803 previous investigations, which is equivalent to a 0.4% efficiency. This represents 99.6% of backlog investigations for unsolved attacks against journalists (Ortega, E. 2020).

In August 2019, the Mexico Office of the United Nations High Commissioner for Human Rights (UNHCHR) prepared a diagnosis on the functioning of the Mechanism to Protect Human Rights Defenders and Journalists and issued 104 recommendations for improvement. It found that the mechanism would be unsustainable by 2024 if the authorities do not address the root causes of violence against reporters and activists (Del Pozo M. 2019). In January 2020, the SEGOB reported that, stemming from the diagnosis commissioned to the OHCHR, the mechanism to protect underwent organizational restructuring with the objective of comprehensively ensuring the protection of defenders and journalists. For her part, Josefina Galván, Commissioner of the National Institute of Transparency, Access to Information and Protection of Personal Data (Instituto Nacional de Transparencia, Acceso a la Información y Protección de Datos Personales, INAI), stressed that, according to the last report published by the Department of the Interior regarding this protection mechanism, as of March 2019, there were a total of 1,162 beneficiaries, including 492 journalists and 717 human rights defenders. However, the president of the Mechanism to Protect Human Rights Defenders and Journalists' Federal Consultative Council (Consejo Consultivo Federal) warned that, if no budget allocation is made for this mechanism, as of September, it might cease to provide security to all beneficiaries. He underscored that, in the midst of this pandemic, threats against journalists and activists continue, and consequently they are requesting that the mechanism be reinforced (Aguilar, 2020).

Realm D: Control over the media

In this realm, Mexico was rated at 21.8 points out of a possible 25. The most important action of the Executive was the order issued on April 22, 2020, which came into effect on May 15, 2020, regarding the devolution of State airtime allotment to national broadcast radio and television. This presidential action was highly criticized by the National Electoral Institute (National Electoral Institute, INE), civil society organizations, intellectuals, and scholars, mainly. Under this executive order, Mexican broadcasting companies will have more airtime for sales of advertising slots, to the detriment of the official communications to which State and law in educational, civic, cultural, public health, and general interest information binds government institutions as part of Mexicans' rights.

Among the main misgivings regarding this executive order is that expressed by the Mexican Association for the Right to Information (Asociación Mexicana de Derecho a la Información), which underscores that such airtime does not belong to

“the administration in office, but to the State; the relinquishment of government airtime would compromise media campaigns and the society’s right to know about the legislative and judicial branches, as well as autonomous agencies (AMEDI, 2020).

A week later, on April 30, the INE filed a constitutional injunction with the Supreme Court of Justice of the Nation (Suprema Corte de Justicia de la Nación, SCJN) to challenge the executive order. This dispute poses "the trespassing of powers vested in the Institute as the sole authority in the administration of official airtime that corresponds to the State in radio and television, pursuant to its own ends and to the exercise of national political parties’ rights. The INE, upon considering that the entry into force of the challenged executive order is a "serious" issue, requested that the SCJN rule suspending the entry into force of the presidential order while the controversy is settled. This filing was rejected by a justice to the court. (Belmont J.A. 2020). This executive order, in addition to violating the duties and obligations of the public media and trespassing the powers of the electoral authority, acquires a political nature in the face of the 2020-2021 electoral cycle.

Conclusions

The Mexican State, through its three branches of government, has an outstanding debt with the society regarding freedom of expression. As shown in the quantitative assessment conducted by the journalists and experts surveyed in this study, it is the Executive power that carries the greatest weight of influence in perpetuating the current state of affairs, a situation confirmed in the specific status analysis presented in this report.

Although Mexico does not experience the systemic repression typical of a dictatorship on those who exercise their right to express themselves publicly on different media and communication platforms, the open hostility of the Executive towards those who critically exercise this right, its persistent disqualification of any hint of criticism, its control of the media agenda, and its manifest unwillingness to listen to any voice other than the one conveying its vision of the country and the content of its decisions, compromise the very meaning of freedom of expression proper to a democratic regime, that is, the social control of the government exercised by a robust public opinion and informed and participating citizens.

President Andrés Manuel López Obrador, politically formed in the party that ruled the country for over 70 years until 2000, obtained an overwhelming victory in the 2018 elections. His popularity afforded the party founded by him, MORENA, a majority in Congress in a maneuver, questioned as unconstitutional, of alliances with smaller satellite parties.

In this state of affairs, the Congress has not taken any initiative in favor of freedom of expression and its related right to information. On the contrary, in a regressive reform, it amended the law on broadcasting and telecommunications to the detriment

of audiences, a decision that was the object of an injunction filed with the Judiciary. The executive order last April whereby the State relinquished using constitutionally provided airtime from radio and television licensees for public communications and electoral campaigns of the different parties, confirms the little appreciation of the Executive for an informed citizenry. This is an executive order also in court litigation for alleged unconstitutionality, a claim brought precisely by the Mexican State electoral body.

Harassment of critical expression on the part of the president correlates with the unsafe conditions experienced by Mexican journalists, most crudely evident in the murder of journalists: 12, from April 2019 to May 2020 (the period of this study) and 134 from the year 2000 to date. This figure places Mexico as one of the riskiest countries in the world for the exercise of this freedom, without adding all the other violent forms of suppression (forced disappearances, threats, extortion, etc.). It is true that the Mexican State cannot be held directly responsible for each and every one of the crimes committed against those who practice journalism – although undoubtedly not just a few political actors are found among those allegedly responsible. However, here is a prevailing impunity and lack of appropriate protection resulting from the ineffectiveness of law enforcement and prosecutorial entities.

The low level of compensation for newsmen and the conditions of labor instability and insufficient professionalization for them complete this picture, in a context of critical economic decline stemming from public policies and the emergence of the COVID-19 pandemic.

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