

## **Mexico**

### **Journalists undermined by power, violence and impunity**

#### **Executive Summary**

Mexico ranks thirteenth in the Chapultepec Index scoring of 43.50, below the average of countries in the American continent labeled as belonging in the general table's "Restriction" range. In this Aug 2, 2023-Aug 1, 2024 period, criticism and attacks from the Executive branch intensified, instances of judicial harassment from the Executive and from companies to silence independent voices increased, and episodes of violence triggered by organized crime escalated, a phenomenon that has turned journalism into a very-high-risk profession.

#### **Introduction**

This period recorded fewer journalist murders in Mexico by almost half, compared to the previous period (seven murders, while in the previous Index —August 2, 2022 to August 1, 2023— there were twelve murders). However, despite the drop in homicides, most of the last decade's violent deaths have remained unsolved, thereby maintaining a bleak situation for the country's freedom of the press and expression. Most of the cases have gone unpunished and the Government's disposition to resolve them have been minimal.

Compared to 2023, the slight improvement in the 2024 Chapultepec Index evaluation should not necessarily be interpreted Mexico has progressed toward to fully guarantee the freedom of expression situation. The difference for this period's index (43.50) compared to the previous 41.82 is marginal given the cases of violence and harassment against journalists in the country. According to the Index, Mexico still has a "Restriction" level for the exercise of independent journalism. The country is only below Ecuador (46.03) and above Colombia (40.34). Mexico avoided falling in the so-called "High Restriction" zone by only two points.

This report's period happens at the same time as the Executive Branch switch. It takes place at a time when the nation's public opinion has an evident perception that little or nothing has changed in the last year regarding the systematic damning tone against the independent press. The cases and opportunities to denigrate journalists and independent media continue when the six-year term approaches its end, in which propaganda and official pressure mechanisms continued additionally to be used. Against the backdrop of presidential and federal election campaigns, the attacks on journalists increased notably and few responses of defense or solution were provided.

National peace and freedom of expression have been complicated by large organized crime group factions' open skirmishes throughout the country, a situation that escalated and became permanent in this period due to the declaration of regional "internal wars" between the different cartels. This, despite the presence of armed forces to mitigate conflicts and control the affected areas, particularly in Western, Central and Southern Mexico. The absence of concrete and joint efforts between the different authorities to contain the spread of the groups and avoid the growing disputes continues to be evident. This creates an atmosphere of high risk for the free practice of journalism, and few guarantees for the respect of human rights.

This 2023-2024 period defines the controversial end of an Executive branch's six-year stint in which 46 murders of journalists have been recorded in Mexico, according to the organization Artículo 19. In these six years, at least 3,408 attacks against the press were recorded, equivalent to one act of violence every fourteen hours, according to said organization.

## **Results analysis**

### **A. Executive environment**

When the administration's term was approaching its end, the Executive Branch doubled its attacks on the independent press from its morning forum known as "*La Mañanera*" (The Morning Briefing) On several occasions, it downplayed the attacks against journalists as well as the international complaints from organizations such as Reporters Without Borders and the European Parliament, which were considered by the Executive Branch as "foreign strategies" to denigrate the Government.

One of the most controversial cases took place when the President of Mexico released private information about *The New York Times*'s bureau chief for Mexico, Central America and the Caribbean Natalie Kitroeff. The president read in its entirety a message sent by Kitroeff in which she asked for the president's comments on an article she was working on. When another journalist questioned him about the exposure to which he was subjecting the correspondent in a country that is particularly dangerous for journalism, the president assured that it was not a mistake, that he would do it again; he dismissed the figures for journalist murders in Mexico and took advantage of the opportunity to attack media outlets and newsmen whom he accused of doing journalism in favor of economic and political powers.

In short, the Executive branch maintained until the end of its administration the disclosure of journalists' private data in its morning public forum as a tactic to intimidate the independent press and show its authoritarianism, according to critics and analysts.

### **B. Legislative environment**

Between 2023 and 2024, the Legislative branch echoed the Executive branch in such key aspects as judicial reform in the country, an issue that has brought controversy due to its impact on the system of checks and balances and on the fragile Mexican democracy. The Congress—under pressure from the Executive branch—greenlit the bolstering of a package of constitutional reform initiatives so that members of the Supreme Court of Justice are elected by popular vote.

Also included are a series of legislative dispositions to change the election of members from electoral authorities and a ruling that eliminates several autonomous constitutional agencies such as 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). All of these measures imply a threat to democratic checks and balances and put at risk the transparency of government information, the ability to oversee the authority, the effective protection of human rights in Mexico and freedom of expression. During its existence, the INAI represented a place of support for independent journalists to carry out investigative projects on acts of corruption.

In June 2024 elections, the parliamentary dominance of the ruling party (Morena) increased by achieving a majority in the House of Representatives and a remarkable advance in control over the Senate. This was essential to ensure that the judicial reforms proposed by the Executive did not meet too much opposition.

### **C. Judiciary environment**

There is concern in Mexico that there continue to be cases of evident judicial harassment through which the indiscriminate use of legal actions is carried out against journalists with the aim of censoring and inhibiting their investigative work on issues of general interest. It is no longer just a bad custom adopted by official institutions. Accusations by companies against journalists for moral damage have also been added to this modality.

The fact of suing or reporting a media outlet or journalists individually has produced a psychological impact, generating fear, as well as notable effects on the economic and human resources required to seek legal advice and representation. In addition, it has implied an impact on the time that must be invested to prepare the corresponding defense.

In some states of the country, criminal law is being used against journalists who are highly active on social media and who have been brought to trial for sharing a wide variety of content, including memes, X platform messages, as well as videos or notes of publicly relevant content. In states such as Jalisco, social media companies have even been asked to provide relevant data from journalists' and influencers' personal accounts.

### **Realm Citizens Free to Express Themselves**

Mexico scores 14.38 (out of a theoretical maximum of thirty) in this Chapultepec Index aspect, an interesting figure showing a moderate level —albeit in “Restriction”— and higher than other countries (such as Costa Rica, which obtained 11.86 in that realm) known for achieving better scores for years. In information flow, Mexico scores of 4.88 (out of a total of eleven), while in free speech it records a noteworthy 7.50 (out of a reference of nine). In the area of disinformation it scores 2.0 (out of a reference of ten).

Despite the Executive branch's cases and devices for intimidating the press, voices of expression have found a certain freedom to speak their minds not only in the independent-from-the-ruling-parties media left, but also in different social media spaces. Likewise, the number of independent digital media, both small (single-media) and medium-sized, has increased significantly, with investigative portals in states such as Coahuila, Chihuahua, Baja California,

Sonora and Sinaloa standing out. This is thanks to grants, consulting and mentoring from organizations such as Sembramedia and the ICFJ.

At the end of the six-year term, the Executive Branch recorded an increase in the dissemination of fake news or verifiable-data-supported information. The bad practice in this type of efforts has created a deep negative effect on the realm Right to freedom of expression, as it puts at risk and impacts the right of people to be informed and to use other rights.

### **Realm Violence and Impunity Against Journalists**

In this category, Mexico scores 3.25 (out of a total of twenty). Only in 2023, 561 attacks against journalists and media outlets were recorded while they were doing their job; that is, every sixteen hours there was an attack against the press, according to Artículo 19.

According to the National Human Rights Commission, violence against journalists includes reports of kidnappings, threats, physical and verbal attacks, acts of intimidation and judicial harassment, slandering of the press by high-ranking authorities, as well as attacks and smear campaigns against journalists and media outlets in the digital field and in government outreach spaces.

Just in the Aug 2, 2023- Aug 1, 2024 period, seven murders were recorded in Mexico. The International Committee to Protect Journalists (CPJ) ranks the country seventh among those with the highest rate of impunity in the world for murders of media employees. Three ever-present threats are looming over journalists in Mexico: constant threat of violence from criminal groups, pressure from the government and companies that subject them to judicial harassment, and verbal attacks and disclosure of personal information by the Executive branch.

### **Realm Control over Media and Journalists**

In Control Over Media and Journalists, Mexico's score is one of the highest among the variables analyzed in the Chapultepec Index: 22.63 (out of a reference of thirty). Regarding direct control, it scores 11.25 (out of a reference of fourteen) and indirect control 6.0 (out of a total of six).

Control over the media taking place in Mexico has to do with the strict criteria for the allocation of official advertising to newspapers, magazines, radio and TV stations and digital portals. Spending in this area still lacks effective control and accountability devices, thereby perpetuating the risk that these resources are used to reward or punish journalists and media outlets according to their covering approach at government activities, as reported by Artículo 19.

This was practiced during the six-year term of President Andrés Manuel López Obrador and became an indirect censorship device. Advertising during the soon-to-be-over six-year term operated under the criterion of ideological preferences —from leftist, ruling Morena party's and the Executive Branch's end— to favor those media and journalists who echo said political and ideological current.

## Conclusions

The report's Aug 2, 2023- Aug 1, 2024 measurement period shows a concerning panorama for freedom of the press in Mexico. This is the reality despite a slight improvement in their Chapultepec Index rating. Although there are fewer murdered journalists, violence and judicial harassment persist with an alarming aggression rate while widespread impunity remains.

Absence of concrete protective and crime-solving actions for journalists deepens the perception of a restrictive and dangerous environment for the press. Risk monitoring outlined in this report should focus on creating more effective protection devices for journalists, boosting impunity suppression in press-work-related crimes. The Special Attorney's Office for Crimes Against Freedom of Expression (Fiscalía Especial para la Atención de Delitos Cometidos contra la Libertad de Expresión, Feadle) is the official agency in charge of investigations and prosecution of offenses committed against freedom of the press and expression. However, the number of overseen cases pursued by this government agency that lead to a sentence favorable to effectively address complaints and preliminary investigations of violence is extremely low.

Strengthening judicial and human rights institutions is necessary so that they can work independently and solve cases of violence and harassment against the press. Therefore, the imminent shutdown of autonomous constitutional agencies, especially those linked to guaranteeing transparency and the protection of personal information, needs to be considered an important setback in individual rights and freedoms in Mexico.

Furthermore, it seems essential to lay down more rigorous controls on the official advertising use, avoiding its permanent use as an indirect censorship tool. Official advertising has been for many years an indirect control device in the country, and used to have a more "plural" distribution, but from this six-year term its scope only reached media openly left-leaning currents (precisely supported from ruling party).

Therefore, attention needs be paid to the control-over-the-media interactions and especially to what has to do with manipulation of information and government propaganda. It is essential to promote a more plural and equitable environment for the practice of journalism in Mexico, which ensures that freedom of expression and the right of citizens to be well informed are not compromised by coercion from the government, corporations or racketeers. Only concrete and sustained measures can help improve the freedom of the press situation in the country.

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