

# The Effects of Drug-War Related Violence on Mexico's Press and Democracy

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## INTRODUCTION

The Mexican government's multiyear war against drug trafficking and criminal organizations has had many unintended effects. One of them is that Mexico is the most dangerous country in the Western Hemisphere for journalists. As a percentage of the total drug war-related deaths, the deaths of journalists and media workers make up a very small number, yet their significance is undeniable. Not only do they contribute to the country's overall insecurity, the deaths also threaten the quality of Mexico's democracy by curtailing freedom of expression because journalists are truly the "eyes and ears of civil society."

Both freedom of expression and access to alternative sources of information, two functions of an independent press, are essential for democracy because they allow citizens to be introduced to new ideas, engage in debate and discussion, and acquire the information they need to understand the issues and policy alternatives. In other words, freedom of expression and information are essential for civic competence and effective participation.<sup>1</sup> Furthermore, an independent press is indispensable for monitoring government activity. Without it, citizens may never learn about their leaders' accomplishments and transgressions, thus compromising their ability to punish, reward, or otherwise hold politicians accountable for their actions.

Violence against journalists compromises Mexicans' right to free expression, which is guaranteed to all citizens by Articles 6 and 7 of the 1917 Mexican Constitution, and also limits the independence and effectiveness of the national press.<sup>2</sup> These developments simultaneously are linked to and exacerbate Mexico's

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1 Robert A. Dahl, *On Democracy* (New Haven: Yale University Press, 2000), 96–98.

2 These rights are also protected by international law. For example, Article 19 of the Universal Declaration of Human Rights adopted by the United Nations in 1948 reads: "Everyone has the right to freedom of opinion and expression," and the Organization of American States' Declaration of Principles of Freedom of Expression says that "the murder, kidnapping, intimidation of and/or threats against social communicators ... violate the fundamental rights of individuals and strongly restricts freedom of expression. It is the duty of the state to prevent and investigate such occurrences, to punish their perpetrators and to ensure that victims receive due compensation." U.N. declaration: <http://www.un.org/en/documents/udhr/index.shtml>. (accessed February 25, 2013). For OAS declaration, see Principle 9: <http://www.oas.org/en/iachr/mandate/Basics/19.FREEDOM%20EXPRESSION.pdf>. (accessed February 25, 2013).

already weak rule of law, and the threat they pose to the quality of Mexican democracy should not be understated. The purpose of this report is to outline the scope of the problem, assess the causes and consequences of violence against journalists, and evaluate the response by Mexico's government and society. It also offers some policy recommendations for national and international actors.

## SCOPE OF THE PROBLEM

While there is consensus that violence against journalists in Mexico is very high and has increased significantly over the past several years, there are competing sets of statistics that seek to prove the point. For example, the Foundation for Freedom of Expression (Fundalex), a Mexican human rights organization, reports that between January 2000 and August 2012, 98 reporters were killed.<sup>3</sup> Mexico's chapter of Article 19, an international organization that defends freedom of expression and information, claims that during the same time period, 72 journalists were killed and 13 were disappeared.<sup>4</sup> Meanwhile, Reporters Without Borders (RSF) says that 88 reporters have been killed and 18 have gone missing between 2000 and 2013.<sup>5</sup> Mexico's National Commission on Human Rights (CNDH), the only government institution that actively collects and publicly releases data on this issue, claims that 81 were killed and 16 disappeared in that same time period. The Attorney General's office (PGR) reports that 90 were killed and 19 disappeared between 2000 and 2012.<sup>6</sup>

The discrepancies among organizations' tabulations can be attributed to the fact each differs in its criteria for determining whether the victim of a particular crime was a member of the media. In some cases, it is enough that the victim be employed (or formerly employed) by a media outlet or have worked as a freelancer to be classified as an attack on the press.<sup>7</sup> For others, like the Committee to Protect Journalists (CPJ), the murder or attack must be directly attributable to the victim's work as a journalist. In March 2014, the CPJ reported that 23 journalists and four media workers (e.g., drivers, interpreters) have lost their lives in the line of duty

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3 Fundalex is a Mexican civic organization dedicated to promoting freedom of expression. [www.fundalex.org](http://www.fundalex.org), accessed October 7, 2012, <http://www.vanguardia.com.mx/asciendea98elnumeroperiodistasasesinadosdesde2000-1356908.html>

4 Article 19 is an international human rights organization that defends and promotes the freedom of expression and information. <http://www.articulo19.org/portal/index.php>. (accessed October 7, 2012).

5 Reporters Without Borders, World Press Freedom Index 2014, accessed March 1, 2014, <http://rsf.org/index2014/en-americas.php>.

6 "Protegidos 213 periodistas y derechohumanistas por amenazas," *Milenio*, February 6, 2014.

7 Article 19 discusses the number and methodological discrepancies between Mexican organizations (e.g., CNDH and itself) in its 2011 annual report *Silencio forzado: El Estado, cómplice de la violencia contra la prensa en México*, <http://www.scribd.com/doc/86373076/Silencio-forzado-El-Estado-complce-de-la-violencia-contra-la-prensa-en-Mexico>. (accessed October 1, 2012.)

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in Mexico since 2000. The same organization has strong reason to believe that an additional 38 deaths were motivated by the victims' profession in the media.<sup>8</sup>

The Justice in Mexico Project considers the deaths of “journalists and media-support workers employed with a recognized news organization at the time of their deaths, as well as independent, freelance, and former journalists and media-support workers.” Using these criteria, it appears that 110 journalists and media-support workers lost their lives between 2000 and 2014.<sup>9</sup> Among the latter were several high-profile murders that occurred in the state of Veracruz in 2012 and 2014. The first was Regina Martínez, an investigative journalist for *Proceso*, a highly respected and influential muckraking weekly, who was murdered in her home in the capital city of Xalapa on April 28, 2012. Four days later, the dismembered bodies of three photojournalists who covered organized crime and violence were found in black plastic bags in a canal on the side of the highway in Boca del Río.<sup>10</sup> On June 13, Víctor Manuel Baez Chino, an editor for *Milenio*, and director of the news website Reporteros Policiacos, was kidnapped, tortured and murdered, apparently by Los Zetas, in Xalapa.<sup>11</sup> Finally, on Feb. 5, 2014, Gregorio Jiménez de la Cruz, who covered crime and security for *Notisur* and *Liberal del Sur*, was abducted in Coatzacoalcos. His body was found six days later in Las Choapas.

While Veracruz is currently a hotbed of drug-related violence, this is a relatively new development. Until 2011, it was more common for journalists (as well as other victims) in northern Mexico to be targeted.<sup>12</sup> Overall, the most homicides have occurred in the northern states of Chihuahua and Tamaulipas, though the number of murders in Guerrero and Veracruz is almost as high. Figure 1 shows the geographic distribution of the murders between 2000 and 2012 and the years in which they occurred. CPJ's investigative work provides a more nuanced look at the characteristics of the victims. For example, 85 percent of the victims killed during that same time period were males, all but three (89 percent) were murdered (as opposed to being killed while on a dangerous assignment), and just 15 percent were

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8 The CPJ is a highly reputable U.S.-based nonprofit organization that monitors, compiles data, and publicizes information about global abuses against the press. Its reputation for factual accuracy is very strong, in part because of its efforts to verify the motive for attacks on members of the media. See: [www.cpj.org](http://www.cpj.org).

9 Cory Molzahn, Octavio Rodríguez Ferreira, and David Shirk, *Drug Violence in Mexico: Data and Analysis through 2012* (San Diego: Trans-Border Institute, University of San Diego 2013): 30. Figures for 2013–2014 provided by USD's Justice in Mexico project, March 4, 2014.

10 The victims were Guillermo Luna Varela of *Veracruznews*, Gabriel Hüge of *Notiver*, and Esteban Rodríguez, a photographer who had worked for the local newspaper AZ but left his job after receiving death threats. There are unconfirmed reports that a fourth victim, Irasema Becerra, may have also been a media worker. <http://justiceinmexico.org/2012/05/04/three-journalists-killed-in-veracruz-four-journalists-murdered-in-five-days/>.

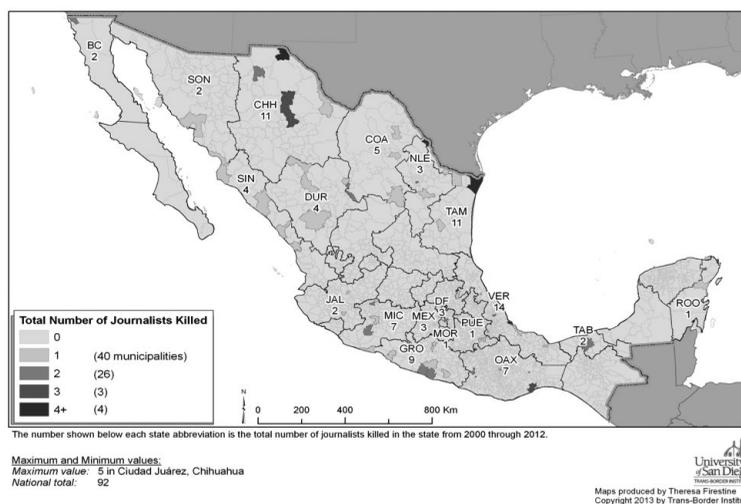
11 “27 Journalists Killed in Mexico since 1992/Motive confirmed,” <http://cpj.org/killed/americas/mexico/>. (accessed October 7, 2012.)

12 “Norte, peligroso para la prensa,” *El Universal*, August 10, 2011.

freelance journalists. The vast majority (74 percent) covered crime or corruption for print media outlets, and in all but three cases a criminal group is suspected of committing the murder.<sup>13</sup>

While the data are illustrative, they do not show another important fact: Journalists all over Mexico, but especially in the states mentioned above, as well as Michoacán, Oaxaca, Coahuila, and Sinaloa, suffer a significant amount of harassment and aggression by authorities and criminal organizations. Many of these attacks are designed to be warnings to reporters and media owners. For example, in July 2012, there were three attacks on newspaper supplements owned by the daily *El Norte* outside of Monterrey, Nuevo León. All three attacks involved the use of guns, explosives, and fire, which resulted in severe damage to the buildings. On that same day, explosives were used on the offices of the daily *El Mañana* in Nuevo Laredo, the third such attack in Tamaulipas since the beginning of that year.<sup>14</sup> By one estimate, there were 41 armed attacks perpetrated against media property or personnel between 2000 and July 2012.<sup>15</sup> Table 1 disaggregates the different types of attacks on media personnel during 2011.

**FIGURE 1: JOURNALISTS KILLED BY MUNICIPALITY IN MEXICO, 2000–2012**



13 Calculations based on victims killed between 2000 and 2012. The perpetrators in the other three cases were the military, government officials, and unknown assailants. <http://cpj.org/killed/americas/mexico/>. (accessed March 2, 2014.)

14 “Mexico’s El Norte attacked for the third time this month.” <http://cpj.org/2012/07/mexican-daily-attacked-for-the-third-time-this-mon.php#more>. (accessed September 30, 2012.)

15 This figure is higher than that reported by the Special Prosecutor’s Office for Crimes Against Journalists, which claims that between 2000 and 2012 there were approximately 30 such attacks. <http://www.articulo19.org/porta1/index.php>. (accessed October 14, 2012).

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TABLE 1: TYPES OF VIOLENCE AGAINST JOURNALISTS, 2011

Type	Number
Physical Attack or Destruction of Property	73
Intimidation	24
Threats	20
Forced Displacement	17
Illegal Detention	13
Murder	11
Charges of Defamation, Slander, Libel	8
Cyber Attack	4
Disappearance	2
Total	172

Source: Article 19, *Silencio forzado: El Estado, cómplice de la violencia contra la prensa en México: Informe 2011*, 13.

## Who are the Perpetrators of Violence Against Journalists?

According to Article 19, between 2009 and 2011 there were 565 attacks on journalists in Mexico, and a majority (54 percent) of these were perpetrated by public officials. More specifically, state police were involved in 77 incidents, the armed forces in 41, municipal police in 37, and the federal police in 36 incidents. In other words, one out of every three crimes against journalists in this three-year time span was committed by law enforcement.<sup>16</sup> But interestingly, criminal organizations were responsible for all of the murders during those three years.<sup>17</sup> Tables 2 and 3 outline the scope and kinds of crimes committed by public employees and organized crime.

<sup>16</sup> Article 19, *Silencio forzado*, 25. This evidence coincides with the findings of a recently issued report by Human Rights Watch. See Tracy Wilkinson, “Mexican forces involved in kidnappings, disappearances, report charges,” *Los Angeles Times*, February 20, 2013, <http://www.latimes.com/news/world/worldnow/la-fg-wn-mexico-human-rights-report-20130220,0,7241124.story?track=rss> (accessed February 21, 2013.)

<sup>17</sup> These are likely conservative estimates because responsibility has yet to be established for almost a fifth of all crimes against journalists committed during this period. Article 19, *Silencio forzado*, 25–26.

**TABLE 2: PRESUMED PERPETRATOR OF VIOLENCE AGAINST JOURNALISTS, 2009–2011**

Presumed Aggressor	Number
Public Employee (Police, Military)	303
Undetermined/Unknown	100
Organized Crime	77
Parties/Candidates/Partisan Groups	27
Private Citizen	26
Other	18
Union/Social Group	14
Total	565

Source: Article 19, *Silencio forzado: El Estado, cómplice de la violencia contra la prensa en México: Informe 2011*, 24.

**TABLE 3: TYPES OF CRIME AGAINST JOURNALISTS COMMITTED BY PUBLIC EMPLOYEES AND ORGANIZED CRIME, 2009–2011**

	Attack on Person or Property	Threat	Intimidation	Murder	Kidnapping or Illegal Detention	Disappearance	Charges of Defamation or Slander	Cyber Attack	Total
Public Employee	142	53	53	1	40	1	11	2	303
Organized Crime	30	21	6	12	7	1	0	0	77

Source: Article 19, *Silencio forzado: El Estado, cómplice de la violencia contra la prensa en México, Informe 2011*, 25.

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### Impunity

The problem is exacerbated by the fact that since 2006 only one of the perpetrators of violence against the media has been brought to justice. In her testimony before a congressional panel in July 2012, Laura Borbolla, the special prosecutor for crimes against journalists, reported that although 74 suspects had been identified (but not necessarily arrested), and 31 criminal investigations were under way, only one had resulted in a guilty verdict and prison sentence.<sup>18</sup> According to the CNDH, the rate of impunity in criminal cases involving violence against media workers is well over 90 percent. While this is similar to the general rate of impunity for violent crimes committed in Mexico, many journalists run a much higher risk of becoming victims than the average Mexican citizen because of the dangerous nature of investigative reporting on crime and corruption.<sup>19</sup> In 2012, Mexico ranked among the worst in the world according to the CPJ's Impunity Index.<sup>20</sup> Such a high rate of impunity means that current laws and law enforcement present almost no deterrent to crimes against journalists, and therefore effectively perpetuate the problem. As a result, there are areas in Mexico (e.g., Durango, Tamaulipas, and Veracruz) where investigative reporting has essentially stopped.

### Mexico in Comparative Perspective

Although Mexico is currently the most dangerous country in the Western Hemisphere for journalists, it ranks 10th worldwide and is one of three Latin American nations on the CPJ's list of the 20 deadliest countries for journalists. The other two countries in that group are Brazil (ranked 11<sup>th</sup>) and Colombia (8<sup>th</sup>).

With 29 confirmed murders since 1992, Brazil has experienced an increase in the frequency of violence against journalists since 2011. Over the past three years, 17 journalists were killed in Brazil—in almost all cases because of their reporting on crime and corruption.<sup>21</sup> From 1990 to 2000, Brazil had fewer than 10 such murders, so the increase in violence against journalists is quite significant.

Colombia's story is a bit different. Although it has the highest number of journalist deaths in Latin America overall, the vast majority of deaths occurred between 1993 and 2003, when the country was in the grips of a civil war against

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18 "Violencia golpea a los periodistas; 67 muertos desde 2006," *Vanguardia*, [http://www.vanguardia.com.mx/violencia\\_golpea\\_a\\_los\\_periodistas%3B\\_67\\_muertos\\_desde\\_2006-1332341.html](http://www.vanguardia.com.mx/violencia_golpea_a_los_periodistas%3B_67_muertos_desde_2006-1332341.html). (accessed October 1, 2012.)

19 Kari Larsen, "Mexico: A deadly beat," CNN, March 2, 2012, accessed October 5, 2012, <http://www.cnn.com/2012/03/02/world/americas/mexico-journalists/index.html>

20 The Impunity Index identifies countries where the murder of journalists generally go unpunished and calculates the number of unsolved journalist murders as a percentage of a country's population. In 2012, Mexico ranked 7th worst. <https://www.cpj.org/reports/2013/05/impunity-index-getting-away-with-murder.php>. (accessed March 1, 2014.)

21 Of the 17, CPJ has confirmed the motive was retribution for reporting on sensitive topics. <http://cpj.org/killed/americas/brazil/>. (accessed March 1, 2014.)

paramilitary organizations and drug traffickers. As in Mexico, these victims were overwhelmingly local correspondents who covered crime and corruption, but unlike the Mexican print journalists who have been targeted by organized crime groups, the Colombian journalists killed were predominantly radio broadcast reporters killed by paramilitary or government forces.<sup>22</sup>

Because of its experience with combating drug trafficking and organized crime organizations, Colombia is often identified as a good case for comparison with Mexico. With regard to violence against journalists, there are some other important similarities, such as Colombia's impunity rate of nearly 90 percent, and the compromised nature of the country's rule of law at the time the majority of the murders occurred. In this sense, Colombia's experience could be instructive for Mexico, so we will return to this topic in the final section of the report.

## CAUSES AND CONSEQUENCES OF THE VIOLENCE

The simplest explanation for the rise in violence against journalists is that their efforts to report on violent crime and corruption threatens to bring unwanted attention to cities where drug trafficking and criminal organizations do business and are currently in a war against government forces. Thus it is not surprising that the highest rates of violence against the press occur where turf wars among organized crime groups are most intense. The aggression represents a change from the past when drug lords coveted press coverage of their good deeds because it endeared them to society, while also relishing reports on their bad deeds as a means to inspire fear in their rivals. After 2000, criminal organizations began to pressure the media to omit stories about their activities while at the same time publishing incriminating stories about their enemies and exposing corrupt government officials working for their competitors. In this way the media became an important tool in the efforts of organized crime groups to establish control over a particular geographic area and trade route, or "plaza," and in some places, ceased to be an independent watchdog working on behalf of Mexican society.

### Self-Censorship and Superficial Coverage

Of course the ability of drug trafficking organizations (DTOs) to thrive as economic organizations has always been facilitated by their close ties to government officials, and journalists who seek to expose these corrupt links are also regularly the targets of violence. In many areas, local (and state) governments,

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<sup>22</sup> Since 2009, 10 journalists and media workers have died work-related deaths, and while only four have confirmed motives, there is strong reason to suspect that all occurred as a result of the journalists' efforts to report on political issues (e.g., land disputes, paramilitary activities) or government corruption. See <http://cpj.org/killed/americas/colombia/>. (accessed March 1, 2014.)

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together with criminal organizations have established control of press coverage in order to prevent federal authorities from intervening in the plaza and disrupting business. The practical effect of these alliances is widespread self-censorship by the press. Editors and reporters frequently decide that the cost of publishing certain stories is simply not worth the potential benefits. This problem is particularly acute at the local level, where journalists are more easily targeted for their actions by local authorities with ties to criminal organizations. As a result, it is not uncommon for high profile incidents (attacks on military bases, gunfights in the streets, assaults with military grade weapons, etc.) to go unreported in the local press. Some believe that this development suits the federal government just fine. In the words of an editor from Reynosa, "Don't think the federal government doesn't know what we are suffering. ... If there is no news coverage, then the federal government can pretend it doesn't know. If the citizens are kept ignorant, then the pressure for federal intervention is less."<sup>23</sup>

The most common methods used to gain control of the press are threats and use of force. But in some cases, organized crime groups ensure control by serving as *de facto* editors who assume the role of giving a story a green light or preventing its publication. So while local journalists often cover standard crimes, the press is forbidden from publishing stories about DTO activity. For example, because the success of DTOs depends in part on their ability to penetrate society, it is necessary for them to develop extensive spy networks made up of street vendors, taxi drivers, and others who monitor people and movement in a particular plaza. These facts are widely known, but no journalist would dare publish a story explaining this system, let alone names or details of the role the network plays in a DTO's business operations. Similarly, it is common knowledge that criminal organizations have successfully established footholds in many local governments through campaign financing. Yet reporters would be foolish to discuss this or details of how criminal organizations use threats and coercion to force city officials to carry out their orders.<sup>24</sup>

This is not to say that the Mexican press stays completely silent on drug trafficking. Many media organizations, particularly at the national level, regularly publish stories on a range of related topics (violence, drug seizures, arrest of major leaders, etc.). However, much of the coverage parrots official government reports and narratives, or focuses on reporting the facts without also providing analysis of the deeper causes and consequences. In most established democracies, the media eagerly participates in debates on important and controversial issues. Yet in Mexico, this practice seems to be the exception rather than the rule. There are a few news outlets, mostly national and based in Mexico City, that make a great effort to report on the realities of the

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23 Carlos Lauría and Mike O'Connor, *Silence or Death in Mexico's Press* (New York: Committee to Protect Journalists, 2010), 17.

24 Ibid., 16; Tyler Bridges, "Coverage of Drug Trafficking and Organized Crime in Latin America and the Caribbean," Knight Center for Journalism in the Americas, 8th Austin Forum on Journalism in the Americas, September 17 and 18, 2010.

drug war. For example, *Proceso*, an influential national weekly magazine, regularly publishes investigative reports on violence and corruption, despite several attacks on its personnel. Similarly, *Reforma*, a Mexico City daily newspaper, has provided consistent coverage of many facets of the drug war and, until recently, documented and published a tally of drug-war related deaths.<sup>25</sup>

The societal effects of self-censorship and superficial coverage are not marginal. When citizens lack information about the general state of affairs of their city, they are more likely to be in danger of becoming victims themselves. This clearly exacerbates Mexico's already serious problem of public insecurity. On a broader level, widespread self-censorship threatens the quality of Mexico's democratic governance, since a liberal democracy requires freedom of expression and access to competing sources of information in order for citizens to hold governments accountable for their actions and performance.

## Co-optation of Journalists

Once criminal organizations have successfully established control over the local media, they maintain their influence through continued threats or use of force and coercion, but also with bribes. The use of bribes to prevent coverage of kidnappings, extortion, gunfights, assaults, and other activities, or to publicize the misdeeds of criminal organization enemies, is common in Mexico. Some journalists unwillingly participate in these schemes because they fear for their lives and the safety of their families, so they join forces with criminal organizations, trading selective or positive coverage for the material and security benefits that go along with membership in the organization.<sup>26</sup> The fact that journalists are poorly paid in Mexico increases their vulnerability to bribery. The least that print journalists in Mexico can be paid is \$13 a day, or approximately \$400 a month, but many state and local level reporters earn as little as \$11 a day. Furthermore, at least half of Mexican journalists are self-employed, which means that they lack healthcare coverage and other benefits.<sup>27</sup>

It must also be said that the co-optation of journalists is facilitated by the fact that this practice was in place long before criminal organizations began to use

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25 Other outlets that have not shied away from covering the drug war include: Noticias MVS (radio), *Zeta*, *Contralínea* magazine, and Internet publications such as Reporte Indigo, Sinembargo, Animal Político, and Aristegui Noticias.

26 This phenomenon has opened the media up to the criticism that the recent increase in journalist deaths is the result of their role in the drug war. See "Police arrest two journalists in Mexico allegedly linked to organized crime," Knight Center Journalism in the Americas Blog entry, November 21, 2102, <http://knightcenter.utexas.edu/blog/00-12145-police-arrest-two-journalists-mexico-allegedly-linked-organized-crime>. (accessed February 20, 2013.)

27 Elia Baltazar (founder of Periodistas a Pie, a journalists' advocacy group), broadcast interview on MVS, October 12, 2012, <http://ww2.noticiasmvs.com/podcasts/el-defensor-de-la-audiencia/las-agresiones-contra-los-periodistas-tambien-son-laborales-943.html>. (accessed October 12, 2012.)

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it. During the era of Institutional Revolutionary Party (PRI) dominance, self-censorship and outside editorial control were common, and many journalists were already accustomed to doing business in this way. Furthermore, as in the past, many media owners in local markets have close ties to local leaders and depend heavily on the government for a substantial portion of their advertising revenue. This dynamic gives corrupt local governments and their criminal allies added leverage over journalists with an interest in publishing the truth.

### Victimization of Journalists

That some journalists willingly become complicit in the activities of organized crime should not obscure the fact that their options are generally limited and that refusing to comply almost certainly invites negative and dangerous attention.<sup>28</sup> And for those who are victimized and survive, the damage is far more complex than bodily injury or material harm. In many cases repeated exposure to extreme violence and threats of violence have led to elevated stress, depression, insomnia, substance abuse, and other symptoms associated with post-traumatic stress. In fact, a recent psychiatric study of 104 Mexican journalists provides preliminary evidence to suggest that the emotional distress they experience is in some ways worse than that of traditional war correspondents:

Unlike the war group, who travel in and out of danger, or local journalists in other countries working in safer environments, most Mexican journalists studied here both work and live in areas where violence is endemic. There is no respite from danger, short of backing off from covering drug-related news, and even this does not guarantee the journalists immunity from the violence that surrounds them in areas where drug cartels hold sway.<sup>29</sup>

Mexican journalists have few specialized resources to help them address job-related mental health problems. As a result, many have little recourse but to change jobs, move to other cities, or simply resign themselves to living in fear of what might happen to them or their families. Of course not all of these avenues are open to everyone. Even those willing to leave their jobs or cities must have the resources to make such a life change, and the reality is that only a small number of journalists do. According to RSF, between 2000 and 2012, 20 reporters left their home states for Mexico City, but once there, none found work as journalists. Similarly, during that same time period, 15 reporters threatened or victimized by attacks sought

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28 Indeed, at a recent conference of Latin American journalists, one of the clearest takeaway points was: "Aggressive journalists need to understand that their work will likely prompt harassment from government officials put on the spot." Bridges, "Coverage of Drug Trafficking," 2.

29 Anthony Feinstein, "Mexican Journalists: An Investigation of Their Emotional Health," *Journal of Traumatic Stress* 25 (2012): 482.

asylum abroad, but only a small number have been able to continue their careers as journalists.<sup>30</sup> Like many immigrants, they have little choice but to work in menial jobs in their new countries.

There is little doubt, then, that the recent increase in violence has taken a tremendous toll on the Mexican media and on society. As a group, journalists appear to be particularly susceptible to danger in the war between the government and organized crime. Perhaps it is no surprise then, that Mexican college students no longer see journalism as a viable profession. Enrollment numbers in journalism programs have dropped dramatically in recent years, prompting at least one to shut down.<sup>31</sup> In the words of a university official in Veracruz, “It’s not that they’re just killing reporters, they’re killing the drive to become one.”<sup>32</sup> This phenomenon prompts the question of what happens when a country loses the one entity whose purpose is to monitor and report on the performance and activities of elected and appointed officials. Without an effective watchdog in society, both the government and criminal organizations are free to do what they will. If the public, particularly at the local level, is unable to learn about, much less do something about, the crime and corruption in their cities, the result is a threat to the rule of law and the quality of democracy in Mexico.

## STATE AND SOCIETAL RESPONSES

Although the Calderón administration’s militarized anti-drug strategy was directly responsible for much of the escalation in violence, it is important to point out that rates of drug-related violence were already on the rise before he took office in 2006. Indeed the first spike in violence against journalists occurred in 2004, when, after two years without any deaths, four reporters were killed. In 2005, there were two more deaths, and in 2006, seven Mexican journalists lost their lives. This conspicuous increase and subsequent national and international attention prompted both the Mexican government and society to respond. The following section describes the efforts to protect members of the Mexican media.

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30 “Cerca de 15 periodistas fuera de México buscan refugio,” Grupo Fórmula, September 19, 2012, <http://www.radioformula.com.mx/notas.asp?Idn=271428>.

31 The University of Veracruz has experienced very high rates of attrition since 2011 when violence against journalists began to increase in that state. The University of Morelia said it would not offer the journalism major during the 2012–13 academic year because it failed to matriculate enough students to sustain the program.

32 Tania Lara, blog summary for October 29, 2012, *Journalism in the Americas Blog*, <http://knightcenter.utexas.edu/en/node/11907>.

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### State Responses

In general, it must be said that the Mexican government has been slow to acknowledge or act to curb the recent increase in violence against the press.<sup>33</sup> Neither the current nor past two presidents have made it a policy priority. Calderón's response, like that of Fox before him, was initially counterproductive and later, only lackluster. Indeed, the former had a tendency to suggest that by reporting on the drug war and publishing violent images or narco-messages, the media gave Mexico a bad image that frightened foreign observers and investors. The Peña Nieto administration has adopted a similar approach. Shortly after his inauguration, he reportedly told the press that they should "achieve a balance between good and bad news," so as not to project the wrong image of Mexico.<sup>34</sup> This type of attitude, combined with weak political will to protect the rights and obligation of the press to express itself freely, effectively gives license to federal and state authorities to ignore the problem, and thereby reinforces the problem of impunity. For that reason, it must be said that the state-led efforts discussed below would not likely have come about were it not for the pressure exerted by domestic and international nongovernmental organizations (NGOs) and foreign governments on the Mexican government to address the problem.

Over the past several years, the Mexican government has initiated three attempts to protect journalists from violence: the creation of a special prosecutor inside the Attorney General's office (Procuraduría General de la República, PGR), a constitutional amendment, and a law to protect journalists. In many ways, these initiatives are appropriate and on paper they even look progressive. However, to date, their overall impact has been minimal because they are only recently implemented and they lack important provisions that would make them more effective.

### Special Prosecutor for Attention to Crimes against Free Expression (FEADLE)

President Fox was the first to create a new position inside the Attorney General's office to handle crimes against journalists, in February 2006. The Special Prosecutor's Office for Attention to Crimes Against Journalists (Fiscalía Especial para la Atención de Delitos cometidos contra Periodistas, FEADP) was directly

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33 The government's slow and ineffective approach is in many ways no different from its failure to investigate the thousands of kidnappings, disappearances, and other human rights abuses perpetrated during the Fox, and especially, Calderón administrations. Wilkinson, "Mexican forces involved in kidnappings."

34 Jorge Ramos, "FCH fustiga a medios que difunden narcomensajes," *El Universal*, February 25, 2012, <http://www.eluniversal.com.mx/notas/661689.html>. (accessed October 13, 2012); "EPN 'sugiere' a medios equilibrar las malas noticias con buenas," *SDPnoticias.com*, December 7, 2012, <http://www.sdpnoticias.com/nacional/2012/12/07/epn-sugiere-a-medios-equilibrar-las-malas-noticias-con-buenas>. (accessed February 20, 2013.)

under the supervision of the assistant attorney general for attention to human rights abuses, and the position was initially designed to address and prosecute crimes only against journalists. This meant that it was powerless to investigate crimes against others persecuted for exercising free expression (e.g., bloggers and social media users). Other weaknesses included a lack of authority to investigate a case unless the crime involved military firearms, insufficient budget, and the absence of a clear chain of command. Offenses linked to organized crime did fall under federal jurisdiction, but those against journalists were not seen as distinct, and so were sent, together with all others with ties to organized crime, to the attorney general's office charged with investigating organized crime (Subprocuraduría de Investigación Especializada en Delincuencia Organizada, SIEDO), and not to the FEADP.<sup>35</sup>

In order to address some of these problems, the Calderón administration restructured and renamed the office. Currently, the Special Prosecutor's Office for Attention to Crimes Against Free Expression (FEADLE) answers directly to the attorney general and enjoys wider jurisdiction over all types of crimes against free speech and expression. However, the FEADLE continues to be limited in its impact because the office is not permanent (the attorney general can eliminate it at any time) and lacks an autonomous and reliable budget. Not surprisingly then, the office suffers from insufficient resources, including trained employees to do basic tasks such as compile case information into a central database.<sup>36</sup>

There are other problems as well. For example, there are no clearly delineated criteria to determine the FEADLE's jurisdiction. Consequently, this office handles some cases of crimes against journalists, while others are given to different offices in the PGR, and still others are handled by state or local police forces. The lack of a coherent protocol for assigning cases leads to varied applications of the law, and could potentially lead to differential access to justice. Because of these and other shortcomings, the FEADLE has been largely ineffective in its task: Between 2006 and 2010, it successfully prosecuted just one case.<sup>37</sup> The activity of the special prosecutor's office has improved somewhat since 2010. In the past two years, it has investigated 81 cases, identified 55 suspects, and issued 23 subpoenas. However, so far none of these cases has ended with a successful conviction. Furthermore, only recently has the PGR made an effort to streamline and coordinate its efforts with the FEADLE. As a result, the two offices are still in the process of learning how to work together and have only

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35 "Creación de nueva fiscalía para periodistas es insuficiente," Article 19, <http://www.libertad-expresion.org.mx/noticias/creacion-de-nueva-fiscalia-para-periodistas-es-insuficiente/>. (accessed February 1, 2013.)

36 While members of the FEADLE have consistently said the office lacks resources, at least one study suggests that the budget has been consistently under-utilized, with surpluses every year between 2006 and 2010. Article 19, *Silencio forzado*, 58.

37 For an in-depth look at the structure and performance of the FEADLE, see the work done by Article 19, "Justicia pendiente para periodistas en México," <http://www.animalpolitico.com/blogueros-altoparlante/2012/07/17/justicia-pendiente-para-periodistas-en-mexico>. (accessed September 30, 2012.)

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just begun to train personnel within the PGR on how to handle cases involving violations of the right to free expression.<sup>38</sup>

The ineffectiveness of the FEADLE is clearly a function of persistent organizational weaknesses like those discussed above, but until recently, the office was also severely hampered by the fact that federal authorities had no legal jurisdiction over cases of ordinary violent crime. Consequently, the only way for the federal government to participate in an investigation or prosecution was at the request of local or state authorities, and even then, its role was secondary, since local police maintained control over the pace and direction of its cases.

In the case of violence against journalists (and arguably in many other cases of drug-related violence), this division of responsibilities is particularly problematic because the perpetrators are often closely linked to those local or state authorities in charge of investigating and charging suspects with crimes. Under these circumstances, it is highly unlikely that victims will ever achieve justice for the crimes against them. Since federal authorities tend to be better trained, have more resources at their disposal (at least in theory), and are removed from the environments in which the crimes take place, it is thought that the best hope for justice lies with them.

In line with this logic and in response to complaints by the national and international press and human rights organizations (e.g., Article 19, FSN, CPJ), Calderón proposed a constitutional amendment to make a federal offense, “violations of society’s fundamental values, national security, human rights, or freedom of expression, for which their social relevance will transcend the domain of states.”<sup>39</sup> Between 2009 and 2012, there were several unsuccessful attempts to approve this and another related bill. For example, in 2009 the Chamber of Deputies approved an initiative to add crimes against freedom of expression to the federal penal code, but the bill never made it out of the Senate. The proposed constitutional amendment met a similar fate in the fall of 2011. Finally, in the spring of 2012, the Mexican Congress approved both of these measures designed to defend the rights of journalists and human rights defenders.

### Constitutional Amendment and the Law to Protect Journalists

The amendment to Article 73, section 21 of the Mexican Constitution grants federal authorities the power to investigate and try crimes against journalists, persons, and property intended to limit or undermine the freedom of expression and information, and marks an important step forward for Mexico. The amendment also allows federal authorities to take on any case falling under state

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38 “PGJE se coordinará con FEADLE para investigar delitos contra Libertad de Expresión,” *La Jornada Michoacán*, January 8, 2014.

39 Lauría and O’Connor, *Silence or Death*, 9.

jurisdiction. However, secondary legislation is needed to ensure that federal law enforcement agencies have the resources and training necessary to effectively investigate and try crimes against freedom of expression.<sup>40</sup>

Similarly, the Law to Protect Human Rights Defenders and Journalists (*Ley para la Protección de Personas Defensoras de Derechos Humanos y Periodistas*) aims to promote cooperation between the federal and state governments in order to prevent and protect the integrity, freedom, and security of those at risk because they denounce human rights violations or practice freedom of expression. It is a welcome change because it widens the definition of a crime to include omission or acquiescence that harms the physical, psychological, moral, or economic integrity of human rights defenders, including journalists, and individuals (e.g., citizen journalists), or anyone closely related to them (nuclear and extended family, partner, colleague, employer, etc.). However, like the constitutional amendment, this law has important shortcomings that are likely to limit its effectiveness. For example, it does not define the circumstances under which federal authorities are required to take on a case, nor does it require state or municipal authorities to cooperate with federal investigators. Again, secondary legislation will be necessary to implement these changes or efforts to punish subnational authorities for failing to protect or defend freedom of expression.

### Task Force to Protect Journalists (Protection Mechanism)

Importantly, the Law to Protect Human Rights Defenders and Journalists also establishes a Task Force for the Protection of Human Rights Defenders and Journalists (*Mecanismo de Protección para Defensores y Periodistas*) within the Interior Ministry (*Segob*). It is comprised of a Governing Group (*Junta de Gobierno*), an Advisory Council (*Consejo Consultivo*), and a National Executive Coordinating committee (*Coordinación Ejecutiva Nacional, CEN*). The *Junta de Gobierno* was to be made up of nine permanent members, initially composed of five representatives of federal ministries—*Segob*, *PGR*, *SSP* (Public Safety Ministry), *SRE* (Foreign Ministry), and *CNDH*—and four representatives from the Advisory Council. The *Consejo* is made up of nine representatives of civic and human rights organizations elected to four-year terms. Four of the advisers must be journalists, and the council elects one member as president by a simple majority vote. The *CEN* is responsible for coordinating efforts between all constituent bodies of the task force. In addition, it oversees a reception and reaction unit that evaluates cases and makes recommendations about risk prevention.<sup>41</sup>

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40 Frank Smyth, “Mexico must back up federal measure to protect press,” *CPJ*, <http://cpj.org/security/2012/08/mexico-must-back-up-federal-measure-to-protect-press.php#more>; Article 19, “Mexico: Constitution amended, federal authorities given powers to prosecute crimes against free expression,” <http://www.article19.org/resources.php/resource/3330/en/mexico:-constitution-amended,-federal-authorities-given-powers-to-prosecute-crimes-against-free-expression>.

41 Gerardo Herrera Pérez, “Protección a defensores y periodistas,” *Cambio de Michoacán*, July 31, 2012, <http://www.cambiodemichoacan.com.mx/editorial.php?id=6914>. (accessed October 5, 2012.)

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The objective of this task force is to establish a national protocol for authorities to follow once they have been notified that someone is at risk. This includes a clear methodology for evaluating risk, and the following detailed steps for state and federal governments to follow to prevent further harm.<sup>42</sup>

1. A journalist (or human rights activist) files a complaint and requests government protection.
2. The reception, rapid reaction, and risk evaluation units determine whether the subject is in imminent danger within three hours of receiving the complaint.
3. In cases of imminent danger, the state government must implement urgent security measures within nine hours (e.g., relocation, deployment of bodyguards, provision of equipment such as bulletproof vests, secure satellite phones, etc.).
4. Inform the CEN of measures taken to protect the individual.

After a false start, the protection mechanism is now up and running. The advisory council members were elected in October 2012, and two months later Congress set aside funding for the initiative.<sup>43</sup> Since its creation, the mechanism has been used to provide body guards, satellite phones, home surveillance, and other preventive measures, including relocation, to 210 media personnel and three NGOs threatened with violence because of their work.<sup>44</sup> Yet complaints by journalists have raised questions about whether the protection mechanism is nimble enough to provide protection in a timely manner. Even with the time limits built into the protocol, authorities do not always respond quickly. For example, RSF reports that several journalists have been forced to wait days (rather than hours) to receive protection, while others have received protection only for a limited period of time.<sup>45</sup> Given that much can happen within the nine-hour window, and that most attacks occur without warning, it is no surprise that reporters do not feel well protected.

Another problem that impedes the effectiveness of the protection mechanism is that in order for the security process to be effective, there must be strong coordination between the federal agencies that mandate the measures and state

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42 Víctor Ballinas and Andrea Becerril, "Crean un mecanismo para proteger a defensores de derechos y a periodistas," *La Jornada*, April 25, 2012. (accessed October 5, 2012.) <http://www.jornada.unam.mx/2012/04/25/politica/007n2pol>; "La implementación de la Ley de Protección para Personas Defensoras de Derechos Humanos y Periodistas," <http://www.libertad-expresion.org.mx/wp-content/uploads/2010/10/1208BriefingMecanismoPBI-copia.pdf>.

43 "A paso lento, mecanismos para proteger a periodistas y defensores de DH," <http://www.animalpolitico.com/2012/07/a-paso-lento-mecanismos-para-proteger-a-periodistas-y-defensores-de-dh/>; "Organizaciones civiles se retiran del mecanismo oficial para proteger a periodistas," <http://www.animalpolitico.com/2012/09/07/organizaciones-civiles-se-retiran-del-mecanismo-oficial-para-proteger-a-periodistas/>; "Integran consejo consultivo para proteger a periodistas y defensores," *Milenio*, October 21, 2012.

44 "Protegidos 213 periodistas y derechohumanistas por amenazas," *Milenio*, February 6, 2014.

45 "Una periodista obligada al exilio atestigua las fallas en la protección de periodistas," <http://es.rsf.org/mexico-una-periodista-obligada-al-exilio-27-05-2013,44683.html>. (accessed March 1, 2014.)

authorities that must implement them. The level of cooperation needed for smooth implementation is not a foregone conclusion because state and local authorities often have close ties to the very criminal organizations threatening journalists. Finally, while the creation of the protection mechanism represents an improvement over the past, neither it nor other aspects of the new laws address the root of the problem: widespread and widely recognized impunity for crimes against journalists. It is exactly this problem that leads many members of the media to argue that it is useless to report crimes against them because they simply do not trust the authorities to protect them. Until problem of impunity is more effectively addressed, it is difficult to see how Mexico will make significant progress in solving this problem.<sup>46</sup>

### Congressional Committee for the Protection of Journalists

It is worth mentioning that since the LX Legislature (2006–2009), there has existed a congressional committee charged with monitoring crimes against journalists and ensuring the accountability of all three levels of government in preventing and investigating these crimes. The Special Committee for the Protection of the Media and Journalists (Comisión Especial para dar Seguimiento a las Agresiones a Periodistas y Medios de Comunicación) is made up of 16 deputies. It meets regularly when Congress is in session, but much of its activity centers on attending seminars, conferences, etc., rather than on committee work. Its highest-profile meeting occurs in July, when it hears annual testimony from the FEADLE’s special prosecutor on the activities of that office. In the past, the committee has used this occasion to publicly criticize the special prosecutors and lambast the ineptitude and inefficiency of the office. Yet, these efforts have had almost no measurable effect on increasing the accountability of the FEADLE, or indeed, demonstrating that the committee itself has met its obligations. Indeed, although the committee successfully lobbied for a budget increase for FEADLE in 2011, and played a role in helping to pass the legislation discussed above, it has failed in its most basic function of collecting and disseminating information about crimes against journalists. For example, the webpage created to report the activities of the commission and maintain an up-to-date database of crimes against journalists is deficient in almost all aspects of its presentation, providing almost no useful information at all.<sup>47</sup>

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46 For more on the problem of impunity, see IFEX-ALC’s Annual Report on Impunity 2013, [http://ifex.org/alc/es/impunidad2013/2013/en/pdf/report\\_2013.pdf](http://ifex.org/alc/es/impunidad2013/2013/en/pdf/report_2013.pdf). (accessed February 15, 2014.)

47 “Comisión Especial,” Chamber of Deputies, [http://www3.diputados.gob.mx/camara/001\\_diputados/010\\_comisioneslxi/002\\_especiales/009\\_agresiones\\_a\\_periodistas\\_y\\_medios\\_de\\_comunicacion/002\\_comision\\_especial](http://www3.diputados.gob.mx/camara/001_diputados/010_comisioneslxi/002_especiales/009_agresiones_a_periodistas_y_medios_de_comunicacion/002_comision_especial). (accessed March 5, 2014); Article 19, *Silencio forzado*, 61.

## State and Local Governments

Although the efforts of the federal government have been slow and remain incomplete, the new laws discussed demonstrate some progress in establishing an institutional framework that could become more effective in the future. Unfortunately, the same cannot be said for most state and local governments, which continue to show ineptitude, or worse, complicity in crimes against journalists and freedom of expression. One of the most infamous cases is that of Lydia Cacho, an award-winning investigative journalist who in 2004 published a book on a child prostitution ring that she claimed operated with the complicity of local police and politicians. After the publication of the book, she was harassed, received death threats, and was illegally arrested by state police. Even after a criminal defamation suit against her was dismissed in 2005, her work on international human trafficking has prompted continual harassment, including death threats. State and local officials have been unable or unwilling to put a stop to this treatment, and in fact, are suspected of playing a role in it.<sup>48</sup>

Moreover, a number of human rights organizations have documented cases in which local and state authorities failed to properly investigate crimes against journalists, and even went to the trouble of obscuring important details or falsifying evidence in order to give the appearance of a thorough investigation that determined the crime had nothing to do with the victim's work.<sup>49</sup> One such case is that of Bladimir Antuna García, a crime reporter for *El Tiempo de Durango*, whose body was found in 2009 with a note that said: "This is what happened to me for giving information to the military and for writing too much."<sup>50</sup>

More recently in the state of Puebla, two reporters were detained, robbed, and abandoned by four policemen.<sup>51</sup> Two days later, the governor, Rafael Moreno Valle, demanded a public apology and then filed charges against two different journalists for "abusing freedom of expression" when they used insulting language to describe state officials. To the extent that this move was nonviolent, it represents an improvement over the kinds of treatment other reporters have received at the hands of state governments. However, the fact that charges of libel should have been filed by the defamed individuals (rather than the state government) together with the reporters' accusations that they were threatened

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48 "Mexico must investigate threat against Lydia Cacho," <http://cpj.org/2012/07/mexico-must-investigate-threat-against-lydia-cacho.php>. (CPJ, accessed October 17, 2012.)

49 Lauría and O'Connor, *Silence or Death*, 10-13.

50 *Ibid.*, 34.

51 The reporters later filed charges against the state police officers. "Denuncian a cuatro policías estatales por abuso de autoridad vs. reporteros," *Milenio*, October 21, 2012, <http://puebla.milenio.com/cdb/doc/noticias2011/b5717446ffbebd6243d28adfcfb0293f>. (accessed October 22, 2012); "Indagan presuntos abusos contra periodistas en Puebla," *El Universal*, October 21, 2010, <http://www.eluniversal.com.mx/notas/878049.html>. (accessed October 22, 2012.)

and harassed for publishing comments critical of the government, suggests that nothing has really changed.<sup>52</sup>

Unfortunately, there are hundreds of examples that demonstrate the unwillingness and incapacity of subnational governments to protect journalists who insist on exercising their right of free speech. This is particularly true at the state level, where many governors see the law as infringing on states' rights and have therefore pledged not to comply with it. As long as state and local governments are complicit in many of the crimes against the media, and as long as Mexico's legal system and rule of law are compromised, it will be very difficult to bring about real change.

### Reaction of Media Outlets

In response to the increase in violence against journalists, many media outlets have taken measures to protect their employees. Some of these measures are very basic, such as installing reinforced doors, bulletproof windows, and surveillance cameras on their property. Others go further and provide bodyguards or safety training to at-risk reporters. But not all outlets have the resources or willingness to pay for such protections.<sup>53</sup> Therefore the most common effort has been the no-cost practice of publishing articles without bylines in order to protect the identity of the writer. Similarly, some journalists alternate beats so that individuals are not easily identified as crime or investigative reporters. While both of these strategies are logical and have some preventive effects, overall, they have not succeeded in protecting journalists, especially in smaller cities and communities where local reporters are well-known and not easily kept from public view.

These problems notwithstanding, some outlets have managed to continue reporting on violent crime by presenting the highest profile events in smaller formats without photographs on the back pages, or using the *nota roja* to present basic reports on violent crime.<sup>54</sup> Others, such as *El Siglo de Torreón*, have sought to cover the issue from alternative angles, such as focusing on the damage that drug trafficking does to the community.

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52 Elvia Cruz y Rodrigo Soberanes, "Gobierno de Puebla acusa a periodistas de "abuso de libertad de expresión." *CNNMéxico*, October 23, 2012, <http://mexico.cnn.com/nacional/2012/10/23/gobierno-de-puebla-acusa-a-periodistas-de-abuso-de-libertad-de-expresion>. (accessed October 24, 2012.)

53 There is some anecdotal evidence to suggest that some media owners' so-called efforts to protect their journalists involves hiring freelancers to cover the most-dangerous assignments.

54 The *nota roja* is essentially a tabloid style police blotter that appears in many newspapers and television shows. It provides basic information and often photographs (rather than investigative reporting) about violent crimes.

## Media Partnerships to Protect Journalists

A more sophisticated version of this same kind of strategy is for media outlets to make agreements among themselves to send at-risk reporters to a new city where they are unknown and then protect their professional identity when they publish sensitive stories. While in theory this should be an effective method of protecting journalists, the practice has rarely been used because the media in Mexico are not a unified group of actors. Indeed, there is a rather acrimonious divide between some media owners, many of whom have strong ties to local and national governments accused of participation and/or complicity in the crimes and corruption uncovered by reporters, and media workers, some of whom have actively challenged their employers to provide better wages and working conditions. Fueling this tension are also the aforementioned instances of owners encouraging reporters to accept bribes from government or criminal groups in exchange for favorable coverage because this saves owners money on salaries and ensures that the owners will remain in good standing with the local government. Clearly these owners are disinclined to expend extra resources of any kind on their employees.<sup>55</sup>

In addition to the divide between owners and media workers, there is also tension between local and national level journalists that prevents them from acting as a unified front. There is a common perception in Mexico City that journalists in the provinces are poorly educated and not professionally trained, and are therefore more susceptible to corruption than correspondents from national publications. Ironically, until 2010, there was relatively little national coverage of the problem of violence against journalists in Mexico, and consequently, few recognized the emerging pattern of increased violence against the press. The spike in deaths began to change this, but according to Alfredo Quijano, the late director of *Norte de Ciudad Juárez*, “There are few effective independent networks linking journalists in the capital city and the states and provincial cities.”<sup>56</sup>

## Media Agreement on the Coverage of Violence

One exception to this rule was the Agreement on the Coverage of Violence (Acuerdo para la Cobertura Informativa de la Violencia) reached in March 2011 by 46 media groups (which together own more than 700 newspapers and radio and television stations). The accord was designed to bring media outlets together in their efforts to protect their journalists and avoid glorifying drug trafficking organizations by portraying them in a positive light or by publishing propaganda

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55 It should be noted that there are a number of media owners who have themselves become targets of criminal organizations and effectively exiled from Mexico. Several editors have also been forced out of their jobs because they refused to bow to pressure to censor articles that criticize local authorities and their failure to more effectively address drug violence.

56 Bridges, “Coverage of Drug Trafficking.”

such as narco-banners that contain messages for their enemies. Furthermore, the agreement sought to create standards for photographs showing violent images (e.g., decapitated bodies), to provide more in-depth analysis and context in accompanying stories, and not to reveal information that would compromise police investigations. See Figure 2 for a complete list.<sup>57</sup> Calderón and others who feared that gruesome photographs desensitize society to the effects of violence praised the accord. However, some of Mexico's most independent and influential outlets (e.g., *Reforma*, *La Jornada*, *Proceso*) refused to join, arguing that an agreement that promoted standardized coverage amounted to censorship that could ultimately minimize the effects of coverage of drug-war related violence.<sup>58</sup> To date, the agreement seems to have produced no substantive change in the way drug violence is covered or improved protection for the media.

## FIGURE 2: EDITORIAL GUIDELINES REACHED IN THE AGREEMENT ON THE COVERAGE OF VIOLENCE, MARCH 2011

1. Take a stand against the violence perpetrated by organized crime
2. Do not become an unintentional spokesperson for organized crime. Avoid using the language and terminology used by the criminal groups
3. Present the information in all its complexity
4. Be explicit in assigning responsibility for a crime
5. Do not presume that an individual is guilty without evidence
6. Protect the rights of victims and minors involved in the violence
7. Encourage citizens to play a role and report on crime
8. Set up protective measures for journalists
9. Express support when a reporter or media outlet is targeted or under threat
10. Do not interfere with the fight against crime

57 "A Death Threat to Freedom: A Report on Violence Against Mexico's Press," World Association of Newspapers and News Publishers (WAN-IFRA), September 2012.

58 Ken Ellingwood, "Mexico news companies agree to drug war coverage guidelines," *Los Angeles Times*, March 25, 2011. (accessed October 15, 2012.)

## Self-Censorship

By far the most common and effective response from the media is self-censorship. Scaling back or eliminating coverage of sensitive topics is both logical and justifiable because it is the one strategy with the best chance of removing journalists from the line of fire. The decision not to print particular stories or to stop investigating specific types of crime stories happens every day all over Mexico. But the most dramatic examples of self-censorship have come when owners and editors have publicly stated their intention to stop covering the news. For example, on Sept. 18, 2010, *El Diario* (Ciudad Juárez) responded to the murder of one of its reporters (the second in two years) by publishing an editorial titled: “What do you want from us?” which directly addressed the criminal organizations, letting them know that they were seen as the city’s de facto authorities, and asking them to lay ground rules for what and how they should publish so as not to lose any more personnel.<sup>59</sup> More recently in Nuevo Laredo, Tamaulipas, an editorial in *El Mañana* appealed to its readers for understanding because “for a certain amount of time, as deemed necessary, we will refrain from publishing any information related to the violent conflict plaguing our city and other parts of the country ... because of the lack of a proper environment for the free exercise of journalism ...”<sup>60</sup>

On the surface, self-censorship, especially if it is limited to one or two topic areas, may not appear to pose a problem to society. Yet the cumulative effect of refusing to investigate or publish stories about a specific type of crime all together, or of silencing the media in a particular geographic region is to increase the danger by creating “information blackouts.” A 2010 study by the Mexican Foundation of Investigative Journalism (MEPI) that examined crime coverage in 13 regional newspapers published in Mexico’s most violent cities over a six-month period found that “in 8 of the 13 cities studied, the media only reported 1 of every 10 drug-related acts of violence.” Another of MEPI’s findings was that the worst restrictions were found in those states controlled by the Zetas and the Gulf Cartel: “The news media in those states, which comprise about one third of the country, publish or broadcast reports on only a maximum of 5 percent of all drug trafficking related violence.”<sup>61</sup> Under these circumstances, it is impossible for citizens to have a true sense of the security problems in those cities. Equally important, citizens lack crucial information that will inform their opinions of government, which therefore impedes the accountability process—two crucial aspects of responsive and representative democracy.

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59 “Rocío Gallegos: What do you want from us?” World Association of Newspapers and News Publishers, <http://www.wan-ifra.org/rocio-gallegos-what-do-you-want-from-us>. (accessed October 21, 2012.)

60 “Opinión Editorial,” *El Mañana*, May 13, 2012, <http://www.elmanana.com.mx/notas.asp?id=285418>.

61 MEPI Foundation, “Mexico: The New Spiral of Silence,” November 2010. Reprinted in Bridges, “Coverage of drug trafficking.”

## Societal Response

Although Mexico's community of journalists was initially slow to respond, there are a few encouraging signs that it and other societal groups have stepped up their efforts to call attention to the problem and work toward solutions. For example, over the past two years there has been a notable increase in the news coverage of violence against journalists, and more editorials calling for better protection and an end to impunity. There is also growing unity among journalists: In August 2010, a group of reporters organized a public demonstration in Mexico City, titled "Not One More" ("*Ni Uno Más*") to show solidarity with the victims and demand better preventive measures by the government. More recently, in the wake of news about the murder of Gregorio Jiménez de la Cruz, media workers in 20 Mexican cities and along the U.S.-Mexico border took to the streets to protest the dangerous conditions facing journalists, especially in the state of Veracruz. None of protests attracted more than 1,000 supporters, and so far have not produced any tangible improvements, but public denunciations of this kind raise the profile of the problem within Mexican society and raise the costs of government inaction.

## NGOS

By far the most vocal about the scope and consequences of the problem are Mexican NGOs whose missions are or include monitoring and protecting freedom of expression. Some of these groups are national (e.g., Red de Periodistas de a Pie, Animal Político), while others are national chapters of international organizations (e.g., Article 19, Committee to Protect Journalists). All have actively and consistently called attention to the problem through press releases, blog posts, and investigative reports that generally include scathing critiques of the Mexican government's response and accusing it of indifference, ineptitude, and complicity.

Some of these NGOs have also been active in advocating specific solutions. For example, as noted earlier, Article 19's investigation revealed that most of the violence against journalists was perpetrated by state authorities rather than organized criminal groups. The same group advocated a constitutional amendment to federalize crimes against free expression and provided legal and technical advice to the Mexican Congress on how to implement this change.<sup>62</sup>

Another important example is Periodistas de a Pie (PdP), a Mexican NGO founded in 2007 in order to defend the public's right to information and freedom of expression and to improve the quality of Mexican journalism. In the process of carrying out this mission it has also taken on the task of protecting journalists

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<sup>62</sup> Article 19, "Mexico: Constitution amended, federal authorities given powers to prosecute crimes against free expression," <http://www.article19.org/resources.php/resource/3330/en/mexico:-constitution-amended,-federal-authorities-given-powers-to-prosecute-crimes-against-free-expression>. (accessed October 28, 2012.)

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working in dangerous conditions. To this end, it organizes conferences in order to disseminate information, and sponsors online courses and workshops designed to teach investigative reporting strategies for reporters working in high-risk areas. PdP works closely with other national and international organizations to sponsor events and workshops that train reporters how to use data analysis and sophisticated investigative techniques.<sup>63</sup> It also regularly joins the Austin Forum on Journalism in the Americas, an annual meeting and workshop organized by the Knight Center for Journalism in the Americas at the University of Texas at Austin to promote the development and training of media personnel in the Americas and the Caribbean.<sup>64</sup>

### Citizen Journalists

Social media users have stepped in to fill the news void that has resulted from limited reporting and widespread self-censorship. There are numerous websites, blogs, Facebook pages, and Twitter accounts set up expressly for the purpose of disseminating information about drug-related violence. This phenomenon is strongest in northern Mexico, where sites that denounce organized crime and the government or report on local violence in their cities began to crop up as a way to counter public denials by government officials that violence was escalating. Now many citizens claim that blogs like “El Blog del Narco” and social media outlets provide the only trustworthy information about such matters. For example, a social media activist using the handle “Chuy” uses Twitter to inform citizens of “narco blockades” and firefights in Reynosa, Tamaulipas. His tweets about cartel activity help people avoid violent hotspots and conduct their daily lives a little more securely. But Chuy sees his role as more than just providing safety tips; he is also a committed government watchdog: “Thanks to Twitter we have documentation, with video, audio, and images of violent events. It’s a registration [countering the] opacity and denial of local and state government” who at one time attempted to attribute the escalation in tension to the “psychosis of the residents.”<sup>65</sup>

Unfortunately, but perhaps not surprisingly, the fate of those who use social media to report the activities of criminal groups is not unlike those of professional journalists reporting for traditional outlets. Nuevo Laredo has been particularly dangerous, with at least four murders of social media activists in 2011 and 2012. All four victims were brutally murdered and found with notes attributing their deaths to the use of social media to report crime or denounce organized criminal groups’ activity. In September 2011, two bodies were found hanged under a pedestrian bridge

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63 Periodistas de a Pie, <http://periodistasdeapie.wordpress.com/>. (accessed October 22, 2012.)

64 The theme of the 2012 Forum was “Safety and Protection for Journalists, Bloggers, and Citizen Journalists.” <http://knightcenter.utexas.edu/austinforum>.

65 “Residents turn to social media to fight Mexico cartel violence,” CNN, March 5, 2012, <http://www.cnn.com/2012/03/05/world/americas/mexico-narco-bloggers/index.html>. (accessed October 14, 2012.)

with a notice that read, “This is going to happen to all of those posting silly things on the Internet.” Several days later, the decapitated body of María Elizabeth Macías Castro, a well-known blogger known as “La Nena de Laredo,” was found with the head next to a keyboard and a note that read in part, “I am here because of my reports.” Both notes were signed with the letter Z, suggesting that Los Zetas were responsible for all three deaths. Just two months later, the body of a man identified as “El Rascatripas,” an administrator of Nuevo Laredo en Vivo, a website used by residents to denounce organized crime, was found tortured and beheaded with a note that indicated that he was killed for denouncing drug cartels in the site’s chat room.<sup>66</sup> These crimes suggest that citizen journalists are equally or more vulnerable as mainstream ones to the violence of criminal organizations and authorities; so far, the measures taken by the Mexican government have done nothing to protect them.

## POLICY RECOMMENDATIONS

It is clear from the preceding discussion that the scope of the problem of violence against the Mexican media is vast and that existing preventive and protective measures are inadequate. The only real solution is to end impunity for these and other crimes, a change that will not come quickly or easily, as long the government lacks the political will and capacity. That said, there are some steps that Mexico’s government and society and the international community can take to move in the right direction:

### Recommendations for the Mexican Government

- First and foremost, the president must be clear about the seriousness of the problem and demonstrate determination to solve it. Otherwise, the message communicated to the bureaucracy and politicians at all levels of government is that there will be no consequences for failing to enact or enforce laws and procedures that aim to protect the media and free expression.
- The executive must also strengthen the FEADLE and provide sufficient resources and capable people in order to successfully investigate and prosecute crimes. This should include making the FEADLE a permanent office and providing specialized training for attorneys, judges, and law enforcement agencies. There is also a need to introduce accountability for performance so that state prosecutors take their job seriously. These measures will help the FEADLE build a reputation for efficacy, otherwise it will not be an effective deterrent nor will it inspire the confidence of the journalists and citizens it is meant to protect.
- Effort must be made to ensure that the protection mechanism works

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<sup>66</sup> It was later determined that the victim was not El Rascatripas, but because the killers either mistook his identity or were willing to accept anyone as a stand-in, the murder is still classified as the death of a citizen journalist.

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effectively. There are already some encouraging signs that this is beginning to happen.<sup>67</sup> But this group must also develop strong links to state governments where protocols will be implemented. One way to encourage these links is to provide resources, support, and incentives for states to comply with the new law. For example, states that cooperate with federal law enforcement initiatives could be made eligible to receive added fiscal transfer revenue to offset any costs or to strengthen their own law enforcement efforts.

- The congressional committee needs more resources, authority, and training to be of any use, especially if it is going to live up to its responsibility to collect data and disseminate updates and information about cases and government actions via the Internet. To this end, its functions should be streamlined with those of the FEADLE and the protection mechanism so as not to duplicate mission and spread resources too thin.<sup>68</sup>
- The federal government should establish a fund to provide life insurance for journalists and reparations for victims' families, since in many cases the journalist is the primary breadwinner of the family. This type of initiative worked well in Chile and Colombia and could have similar results in Mexico.<sup>69</sup>
- Once federal authorities show that they have the will and capacity to deal effectively with the problem through FEADLE and the protection mechanism, state and local governments must be convinced to do their part to support these institutions. Again, tangible incentives will be necessary to elicit compliance. For example, state and local governments might become eligible to receive additional federal support for their policy initiatives in exchange for their cooperation on legal processes. Alternatively, negative incentives (e.g., a reduction in federal transfer revenue) might be used to force mayors and governors to support the new institutions.

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67 For example, the organization announced in February 2013 that it would audit all of the security contracts signed by the Calderón administration to uncover why funds went missing and equipment allocated to journalists in danger was never delivered. "Auditarán el mecanismo de protección a activistas," *El Universal*, February 20, 2013, <http://www.libertad-expresion.org.mx/noticias/auditaran-el-mecanismo-de-proteccion-a-activistas/>. (accessed February 25, 2013.) As noted earlier, the protection mechanism has intervened to provide protection for over 200 journalists and human rights workers. "Protegidos 213 periodistas y derechohumanistas por amenazas," *Milenio*, February 6, 2014; "Instala Senado comisión para dar seguimiento a agresiones a periodistas," *Milenio*, February 7, 2013, accessed February 25, 2013, <http://www.milenio.com/cdb/doc/noticias2011/c2786e10952498759b7205a3a76d6bb3>.

68 In February 2013, the Mexican Senate created a special committee to review cases of violence against journalists and violations of freedom of expression. It is not clear whether the work of this committee will support or duplicate that of the existing committee in the Chamber of Deputies. "Instala Senado comisión."

69 The Senate committee appears to be in the process of establishing just such a program. Juan Arvizu, "Senado gestionará apoyos para periodistas agredidos," *El Universal*, February 9, 2013, <http://www.eluniversal.com.mx/nacion/203882.html>. (accessed February 25, 2013.)

## Recommendations for Mexican Society

Mexican society also has a responsibility to protect its journalists and demand that freedom of expression be respected. We have already seen a number of efforts to do both, but it is imperative that society continues to apply pressure on the government, or else the latter is unlikely to respond in a meaningful way.

- Media owners must begin or continue to protect their employees by taking measures to strengthen security, but they must also provide greater support for training specifically designed to help journalists working in dangerous areas. There are many existing resources that might prove helpful here. For example, NGOs such as PdP, Article 19, and the Knight Center regularly offer workshops designed to give journalists knowledge and tools to help keep them safe. Media outlets could pay for the travel and registration fees of employees interested in participating in these opportunities. There are also a number of low-to no-cost resources. For example, a number of international NGOs have published manuals on war reporting designed to help journalists minimize the dangers they face.<sup>70</sup>
- Editors must be more creative in how they publish delicate information so that their journalists are better protected. Colombia provides an excellent example: during the most violent time period for journalists in Colombia, sensitive stories were published simultaneously in multiple outlets in order to reduce the risk to those journalists closest to the violent actors.<sup>71</sup>
- Journalists need to strive for unity in order to keep this issue in the public eye and put pressure on the government to solve the problem. Public protests and marches are important, but there are other measures that could bring more tangible results. For example, national and local press could create a network committed to publicizing the problem of violence against journalists and its dire consequences for democracy in Mexico. Additionally, members of the national press can cover stories that are too dangerous for locals, but still support local journalists by employing them as stringers or co-authors. Here again, Colombia might provide a model of best practices.
- Mexican NGOs must continue to place pressure on the government by issuing independent reports, helping legislators draft new laws and policies, and helping to keep visibility of the problem very high. They should continue to serve as excellent resources for journalists (with workshops, manuals, etc.) and maintain strong links with larger, better-endowed international organizations with an interest protecting journalists and free speech (e.g., Knight Center, CPJ, RSF).

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<sup>70</sup> Lauría and O'Connor, *Silence or Death*, 19.

<sup>71</sup> Ibid.

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- Citizens must fill the void and continue to serve as watchdogs and demand that the government respect the constitutional right to information and free expression. The key here is to get the middle class involved in the fight against drug-related crimes. This group is crucial because while it does not have enough resources to fully insulate or protect itself (e.g., by leaving the country or hiring private body guards), unlike the working and lower classes, it does have resources (e.g., education, disposable income, paid vacation/time off) to dedicate time and energy to solving the problem.

### Recommendations for the International Community

While the problem of drug-related violence against journalists is clearly a domestic problem in Mexico, there are a number of measures that international actors should take to help raise awareness because the more Mexico becomes known as a dangerous place for the media and a country where freedom of expression is compromised, the costlier it becomes for the Mexican government to ignore the problem.

- Foreign governments must do their best to help members of Mexico's media who find themselves in danger by providing asylum when appropriate, and by continuing to raise the issue in diplomatic talks and pressuring the Mexican government to strengthen laws that protect the freedom of expression.
- International media must not let this issue fade, but instead provide regular coverage and updates on the situation. Foreign journalists and editors should also lend support and resources to Mexican colleagues who find themselves in dangerous situations. For example, non-Mexican publications might purchase stories investigated and written anonymously by Mexicans that would be too dangerous for news outlets to publish in Mexico.
- International NGOs must continue to serve as important impartial sources of information. Organizations such as CPJ, RSF, and Article 19 should continue to support and share resources with Mexican organizations, and keep reminding the world that Mexico is the most dangerous country in the Western Hemisphere for journalists because this puts pressure on the government to address the problem.
- International organizations and foundations, such as the Annenberg Foundation and the Open Society Foundation, can support these efforts by continuing to provide grants, fellowships, and training to Mexican journalists.