



## **Mexico: In a democracy, it would not be possible for everything to remain the same after 43 students disappear**



*CIVICUS speaks to Ana Cristina Ruelas, Director of the ARTICLE 19 office for Mexico and Central America. ARTICLE 19 is an independent and nonpartisan civil society organisation that defends the rights to the freedom of expression and access to information in accordance with the highest international standards. To do this, it promotes the right to disseminate information and opinions in all media, investigates trends in and threats to the freedom of expression, provides support to people whose rights have been violated, and seeks to*

*contribute to the design of public policies.*

### **1. According to recent reports, Mexico is the country with the highest number of murders of journalists in Latin America, and one of the worst rated in the world. What are the causes of this phenomenon?**

At ARTICLE 19 we believe that the three levels of government and state institutions have a well-articulated policy to reduce the flow of information for citizens, and specifically of information related to insecurity and corruption. Violence against the press encompasses a series of mechanisms aimed towards that objective, the subtlest of which is the allocation of official advertising in a way that allows the government to dictate the editorial lines of the media. In Mexico, and particularly at the state level, government sources amount to 60 or 70 per cent of media outlets' revenue, and it is very difficult to think of pluralism and the objectivity of information when the media are so dependent on public money. At the same time, the fact that the allocation of funding is discretionary and opaque results in a lot of job instability for journalists. Journalists do not have insurance for medical expenses, and if a camera is stolen from them while covering a story their media outlet does not cover the losses. There is a real lack of co-responsibility on the part of media houses towards their journalists.

Regarding this form of economic violence, no large differences can be found throughout Mexico; this is a form of political control of the media that all governments use, including municipal ones. In the end, what we have observed is that physical aggressions are usually preceded by economic blackmail, which has a lot to do with official advertising.

### **2. So the murders of journalists are just the tip of the iceberg?**

Exactly. It is indeed the most serious phenomenon, but behind it there is a series of policies and forms of violence that are much more widespread and very well-articulated, starting with economic pressure and followed by criminalisation. In more than half of the Mexican states crimes against honour such as slander, defamation and insult are still in the penal codes. Crimes of outrage still exist and even, absurd as it may seem, there are six states that criminalise the use of memes. In such states, the use of memes is classified as the manipulation of an image in order to harm public officials and state institutions. On the other hand, in several states where crimes against honour have been abolished, an increase in institutional violence has been observed, under the form of civil lawsuits for moral damages against journalists. These processes end up having a direct impact on the livelihoods of journalists.

### **3. How far should we go back to trace the origins of the current situation? Has there been any change, for better or worse, in recent times?**

The issues with official advertising date back to the 1960s and 1970s; there is a very famous phrase pronounced by a president of that era, José López Portillo (1976-1982), who told a journalist who questioned him: "I do not pay you to hit me." The current situation is nothing new: what has worsened in recent times is outright violence, which has become more cynical and uninhibited. Since the beginning of the war against drug trafficking, attacks against journalists, including murders, have increased steadily. ARTICLE 19 documented 397 attacks in 2015, 426 in 2016, and 276 in the [first half of 2017](#) alone - an increase of 23 per cent compared to the first half of 2016. Likewise, seven murders took place in 2015, 11 in 2016, and [11 so far in 2017](#), counting up until October. Every 15.7 hours a journalist is attacked in Mexico. The situation has become tenser than ever, because now journalists know that any threat against them can mean imminent death or disappearance. There are currently 23 disappeared journalists.

Although cases of extreme violence are disproportionately concentrated in specific areas, and particularly in the states of Veracruz, Oaxaca, Guerrero and Chihuahua, this does not mean that there is more freedom in the rest of Mexico. In fact, in many states where there are fewer physical attacks there is also a higher degree of indirect censorship, carried out through the distribution of official advertising. We have a [map](#) of restrictions on the freedom of expression that clearly shows how each of these phenomena relates to one another, from restrictive laws and levels of internet access, through transparency ratings, to physical aggressions and murders.

### **4. Who are the perpetrators of these aggressions? What is the responsibility of the state, which usually blames non-state actors for the situation?**

We have figures that refute the statements made by state officials: in 53 per cent of the cases of assaults documented in 2016, the perpetrator was a state agent, firstly at the state level, secondly at the municipal level and finally at the federal level. Since at least 2007, every year more than half of documented aggressions have come from the state.

A fundamental form of state violence is precisely the lack of recognition that state agents are committing a large part of these aggressions, which entails an almost absolute degree of impunity. The state insists that the responsibility lies with organised crime, even though the statistics produced by the Public Prosecutor's Office for the Attention of Crimes Committed against Freedom of Expression and by the Protection Mechanism for Human Rights Defenders

and Journalists, which are public, all indicate that the main perpetrator is the state. However, there was a single occasion in which we heard a Protection Mechanism official publicly recognise and spell out that the state is the main perpetrator of attacks against the press.

This has a direct effect in terms of impunity. Although it is true that the general level of impunity in Mexico is approximately 98.5 per cent, it increases to 99.7 per cent for cases of attacks against journalists. And this is because the state refuses to investigate itself. The fact that the Office of the Attorney General depends directly on the executive does not help in the least.

### **5. Most countries with similar levels of violence against journalists are not democracies, while Mexico meets the minimum requirements of an electoral democracy. Is Mexico an anomaly? What is failing in the Mexican political system?**

Mexico is not really a democracy. Mexico has built its institutional foundations in an authoritarian manner. The Institutional Revolutionary Party (PRI) remained in power for 70 years and left behind deeply rooted institutional structures, which for instance allow for everything to still stand as if nothing had happened, even after the disappearance of 43 students [Editor's note: this is a reference to the so-called "Ayotzinapa 43", students who from a rural teachers' college who disappeared on 26 September 2014, on their way to a protest in the state of Guerrero, and who are the suspected victims of a network of complicities among local authorities, security forces and non-state actors. The case, still unsolved, has become emblematic of the phenomenon of massive enforced disappearances in Mexico]. Those who dominate the state do not acknowledge the restrictions on the freedom of expression because the reduction of information flows is very profitable to them, since it allows them to penetrate society and generate narratives that have an impact on society and allow them to stay in power.

Mexico's levels of inequality and poverty are very high. Places where poverty levels are highest are only reached by media that have the closest links with the state. In areas with the highest proportion of marginalised populations, which often have a high proportion of indigenous population, there is no informative plurality whatsoever. The population gets the information that the government wants them to get. Along with media that replicate the government's narrative, these localities are the recipients of social programmes that work as a mechanism of control and abuse of power over the communities, and that ultimately are an important source of votes. Lack of transparency and access to information has real impacts on the functioning of democracy, since these populations are totally unaware of the rules that govern social programmes and are manipulated so that social benefits are turned into compensation for their votes. The effects of this situation are amplified by the simple fact that the Prospera Programme serves more than six million families in extreme poverty, whose members have grown up with this programme, and who, along with social benefits, also take in a narrative that tells them that things are not going so badly for them. With such effective controls on information there is no chance that society will be capable of making a different decision in an autonomous way.

### **6. What is civil society doing to face these restrictions?**

In Mexico, the inability of society to communicate with institutions makes protest a routine form of dialogue by force. But increasingly, particularly in Mexico's states, force is being used to limit protests. ARTICLE 19 works against the closure of the space for protest and seeks to set up observation networks to monitor the use of force during demonstrations.

Organised civil society has also tried to influence public policies in order to guarantee the freedom of expression and access to information. At the beginning of the current administration of President Peña Nieto, many efforts were made to, for example, give more powers and grant constitutional autonomy to the National Institute for Transparency, Access to Information and the Protection of Personal Data (INAI) and to produce a more robust law to eliminate obstacles to access to information.

But one of the things we in civil society learned is that while it is important to have stronger and more robust institutions on paper, it is also important to pay attention to the processes through which officials are appointed, given that if an accomplice of power is placed at the top of an institution such as INAI, all progress that has been achieved is immediately reverted. Thus, [we have denounced](#) that as a result of its current composition, a majority of INAI commissioners resist transparency, particularly in regard to cases involving serious violations of human rights. That is why we have been promoting transparent and open appointment processes. We have managed to articulate a civil society coalition committed to promoting more transparent, robust and effective institutions. The great battle ahead is against corruption and impunity, and we believe that we will only be able to move forward if we manage to create a truly independent General Prosecutor's office. As of today, there are too many obstacles for that to happen, because the loss of impunity's protection is a very unattractive possibility for most politicians.

Regarding the more specific issue of the protection of journalists, there are numerous civil society initiatives, such as the [comprehensive security workshops](#) offered by ARTICLE 19, which cover issues including risk identification, security protocols, digital rights, ethics and good practices, legal defence and first aid. There are also various initiatives promoted by civil society coalitions in which we participate, such as [#AgendaDePeriodistas](#) (Journalists' Agenda), aimed at putting together a permanent agenda and defining an organisational model to represent the interests of journalists, and [#RompeElMiedo](#) (Break the Fear), a protest and electoral coverage monitoring network that was activated during the elections held on 4 June 2017 in several Mexican states, with the aim of minimising aggressions against the press in electoral contexts.

But there is still a lack of real and effective articulation of Mexican civil society, in which organisations are willing to subsume our own agendas jointly to promote structural agendas that can produce real changes.

## **7. What concrete actions should the Mexican government take right away to safeguard civic space, and more specifically the freedom of expression?**

A state policy is required to combat a state problem. With regard to the normative framework relating to the freedom of expression, all crimes of expression must be eliminated from the penal codes. In addition, we demand that civil proceedings relating to claims of moral damages be reformed so that a preliminary analysis can determine the merits of the cases and discard those in which lawsuits merely seek to inhibit the freedom of expression.

A general archives law is also required to allow journalists to make real investigations through the mechanisms of access to research. Currently archival management is not regulated, so that governments produce information only when requested, which leads to many errors. Additionally, and even more tragically, there is a deliberate policy of concealment and historical revisionism: historical archives are censored, so that journalists who are investigating, for example, serious violations of human rights during the so-called dirty war of 1960-1980 no longer have access to the relevant files [Editor's note: this is a reference to the internal conflict

that took place during the Cold War, during which the US-backed Mexican government sought to forcibly dissolve students' political movements and leftist guerrillas, against which the security forces used systematic torture, extrajudicial executions and enforced disappearances, the latter being estimated at 1,200].

In addition, judicial controls, which currently do not exist, should be imposed on surveillance and access to metadata. A structural reform of the Office of the Attorney General must also be carried out in order to give it real autonomy. The independence of the existing forensic services, which currently depend on the Attorney General's Office, which is in turn dependent on the executive, must be guaranteed. This is currently a vicious circle, in such a way that forensic examinations end up saying what power wants them to say.

Regarding the regulation of official advertising, in mid-November 2017 the Supreme Court of Justice [ordered](#) Congress to pass a law regulating the eighth paragraph of Article 134 of the Constitution before the end of April 2018. In the meantime, we continue to demand from the executive the publication of disaggregated figures for official advertising spending.

As for the Protection Mechanism, ARTICLE 19 insists that it is not necessary for protection mechanisms to exist at the local level, but rather for links that allow for an effective articulation and coordination of protection measures for journalists across Mexico. At the same time, we consider that the Protection Mechanism must include efforts to fight against impunity, that is, that it must be effectively articulated with the Special Prosecutor's Office for Attention to Crimes Committed against the Freedom of Expression, since we cannot talk about meaningful protection as long as there is no determined fight against impunity. Otherwise, we will be crowded with protected journalists but the aggressions will not diminish, because perpetrators are not being sent the message that attacking or killing a journalist has consequences.

In what pertains to the right to protest, finally, after several journalists suffered attacks when covering protests during president Peña Nieto's inauguration in 2012, we formed a working group along with the government and the human rights commission of Mexico City to create protocols against the use of force and of concertation in the context of protests. Their implementation in Mexico City significantly reduced the number of attacks not only against the press but also against protesters in general, which did not happen in other states. So we demand that these protocols be applied in all states of Mexico. And of course, first of all, all state laws that allow the use of force in protests must be repealed.

## **8. How well connected is Mexican civil society with its counterparts in other parts of the world? How could external actors support activists and civil society organisations in Mexico?**

Many organisations take part in international networks, but these have not been effective in raising substantially the international political cost of rights violations for the Mexican government. There have indeed been positive changes in recent years, in the sense that civil society has begun to articulate itself more effectively with other actors around certain issues: for example, the group that advocates for a new General Prosecutor's Office includes not only human rights groups but also business groups, and has drawn on international networks, especially Latin American ones, to identify lessons learned in other countries and apply them in our own.

But greater efforts are needed to create reputational costs for the Mexican government as a consequence of its neglect of human rights. In that sense, the case of the Open Government Partnership (OGP), of which Mexico is a founding member, is very symbolic. In civil society we



are demanding that the OGP take Mexico out of its Steering Committee, because how can our country be leading this international initiative when internally it has this situation that we have just described? This is blatant cynicism, and international pressure is lacking for this to have any cost.

- Civic space in Mexico is rated as ‘repressed’ by the [CIVICUS Monitor](#), indicating serious restrictions in the freedoms of expression as well as association and peaceful assembly.
- Get in touch with ARTICLE 19 Mexico through their [website](#) or [Facebook](#) page, or follow [@article19mex](#) and [@anaruelas](#) on Twitter.

