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Violence Against Journalists in Mexico: In Brief

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Contents

Introduction 1
Press Freedom Conditions in Mexico 1
Crimes Against Journalists and Media Workers 3
Estimated Killings of Journalists and Media Workers 4
Other Crimes Committed Against Journalists 6
Mexican Government Efforts to Address Crimes Against Journalists 7
The Federal Protection Mechanism 7
Office of the Special Prosecutor for Crimes Against Freedom of Expression 9
Executive Commission of Attention to Victims 9
U.S. Policy 10

Figures

Figure 1. 2020 Press Freedom Ratings of Selected Latin American Countries by Reporters Without Borders 2
Figure 2. Estimates of Homicides of Journalists and Media Workers in Mexico 5
Figure 3. Principal Perpetrators of Aggressions Against Journalists in Mexico: 2020 6

Contacts

Author Information 13

Introduction

An upsurge in lethal attacks against journalists in Mexico since the start of 2022 has renewed interest in Congress about violence against journalists and the state of media freedoms in Mexico.[1] Since 2000, more than 150 journalists and media workers have been killed in Mexico, including seven in 2021 and eight in the first few months of 2022.[2] Violence against journalists is occurring within the context of a broader security crisis in Mexico fueled by organized crime-related violence.[3] Nevertheless, the U.N. High Commissioner for Human Rights (OHCHR) and the Inter-American Commission on Human Rights (IACHR) have asserted that "impunity in attacks against [or murders of] journalists fosters further violence against reporters and may inhibit the exercise of freedom of expression."[4] In February 2022, Secretary of State Antony Blinken stated that he joined "those calling for greater accountability and protections for Mexican journalists."[5]

Some congressional concerns about the killings of journalists in Mexico have prompted letters to the Biden Administration and hearing questions to Administration officials regarding the extent to which the U.S. government is urging Mexico to better prevent, investigate, and prosecute cases of violence against journalists. Congress has appropriated foreign assistance to help the Mexican government and civil society better protect journalists and reduce impunity in cases of crimes committed against them. An oversight issue for the 117th Congress may be the extent to which the protection of journalists and other vulnerable groups is prioritized under the new U.S.-Mexico Bicentennial Framework for Security Cooperation signed in October 2021.[6] Congress also may examine whether other tools, such as conditions on foreign assistance, sanctions, or legislation, could be used to improve the situation.

Press Freedom Conditions in Mexico[7]

In recent years, international press freedom organizations have expressed concerns about the deterioration of press freedom in Mexico, precipitated by an increase in violence and other attacks on journalists as well as by politically driven attempts to intimidate independent media. As an example, Reporters Without Borders (RWB) produces an annual index rating and ranking countries worldwide in terms of press freedom. The RWB World Press Freedom's Index measures global press freedoms based on factors including media independence, self-censorship, and security of journalists. In the 2021 index, RWB placed Mexico in the "bad" category, below nine

[1] "Mexico: Death Toll of Journalists Exceeds 2021 Tally," *Latin News Daily*, March 16, 2022.

[2] Article 19, "Periodistas Asesinados en México," accessed on March 16, 2022, available at https://articulo19.org/periodistasasesinados/; "Wake of eighth journalist killed in Mexico this year," Associated Press (AP), March 17, 2022.

[3] CRS Report R41576, *Mexico: Organized Crime and Drug Trafficking Organizations*, by June S. Beittel.

[4] Inter-American Commission on Human Rights (IACHR), "The IACHR, Its Special Rapporteurship for Freedom of Expression, and the Mexican Branch of the U.N. High Commissioner for Human Rights (OHCHR) Condemn the Murder of Journalist Lourdes Maldonado," January 28, 2022.

[5] Secretary Antony Blinken (@SecBlinken), "The high number of journalists killed in Mexico this year and the ongoing threats they face are concerning. I join those calling for greater accountability and protections for Mexican journalists," Twitter, February 22, 2022 (8:47 p.m.).

[6] CRS Insight IN11859, *New U.S.-Mexico Security Strategy: Issues for Congressional Consideration*, by Clare Ribando Seelke and Liana W. Rosen.

[7] This report draws extensively on the investigations and reporting of several nongovernmental organizations that regularly track media conditions in Mexico. CRS cannot independently verify their data or methodologies; where applicable, variances in data are noted.

other Latin American countries and above countries in the Western Hemisphere, such as Venezuela, Honduras, and Cuba (see **Figure 1**). Overall, Mexico ranked 143rd out of 180 countries for its level of press freedom.

Although the Mexican government does not use state-owned media to promote itself or to shut down independent media (as Cuba, Nicaragua, and Venezuela have done), it reportedly has rewarded outlets providing favorable coverage with lucrative advertising contracts and has used various means to punish and intimidate its critics.[8] In 2020, a consortium of media outlets uncovered evidence that the Enrique Peña Nieto administration (2013-2018) had used Pegasus—Israeli spyware intended for use against terrorists and criminals that allows users access to targets' cell phones—to spy on Mexican citizens, including at least 26 journalists.[9]

Since taking office in 2018, Mexican President Andres Manuel López Obrador has used confrontational rhetoric, rather than spyware, to intimidate journalists. During his daily press conferences, President López Obrador has made public statements stigmatizing journalists, sometimes calling out reporters critical of his administration by name.[10] In some cases, journalists whom López Obrador has criticized have faced subsequent harassment.[11] Governors and local officials have followed this example and disparaged local journalists critical of their actions.[12] President López Obrador has criticized U.S. support for civil society organizations that work to protect

Figure 1. 2020 Press Freedom Ratings of Selected Latin American Countries by Reporters Without Borders

Reporters Without Borders		
Country	Rank (out of 180)	Category
Panama	77	Problematic
Peru	91	Problematic
Ecuador	96	Problematic
Paraguay	100	Problematic
Bolivia	110	Bad
Brazil	111	Bad
Guatemala	116	Bad
Nicaragua	121	Bad
Colombia	134	Bad
Mexico	143	Bad
Venezuela	148	Bad
Honduras	151	Bad
Cuba	171	Very Bad

Source: Reporters Without Borders (RWB), *2021 World Press Freedom Index*.

Notes: RWB determines the level of press freedom enjoyed by journalists by compiling the responses of experts to its detailed questionnaire. This qualitative analysis is combined with quantitative data on abuses and acts of violence against journalists during the period evaluated. The countries are listed in order from "problematic" to "very bad."

[8] Mireya Marquez Ramirez, and Juan S. Larrosa Fuentes, "Mexico," *Media Landscapes*, accessed March 1, 2022, at https://medialandscapes.org/country/mexico.

[9] Cécile Schilis-Gallego, "Spying on Mexican Journalists: Investigating the Lucrative Market of Cyber-Surveillance," *Forbidden Stories*, December 7, 2020; "Mexico: Prosecutors Arrested a Man Linked to the Illegal Espionage with Pegasus Spyware," *International Federation of Journalists*, November 11, 2021.

[10] Jude Webber, "Amlo's Media Naming and Shaming Shows a Flexible Approach to Facts," *Financial Times*, July 6, 2021; Carrie Kahn, "Mexico's President Attacks Journalists," *NPR*, February 17, 2022.

[11] Whitney Eulich, "Reporting in Mexico Isn't Easy. Under AMLO, it may get Harder," *Christian Science Monitor*, May 24, 2019.

[12] CRS interview with a Committee to Protect Journalists (CPJ) representative, February 14, 2022.

journalists.[13] Although the president has pledged to improve the mechanism to protect journalists, his rejection of U.S. and European Union calls to improve the protection of journalists in Mexico may not bode well for such efforts.[14]

The U.S. Department of State's *Country Report on Human Rights Practices* covering 2020 (most recent available) cited the lack of press freedom in Mexico, including impunity for crimes against journalists, as issues of U.S. concern.[15] Mexico ranks among the top 10 countries globally with the highest rates of unsolved journalist murders as a percentage of population in the *Global Impunity Index* published by the Committee to Protect Journalists (CPJ).[16] In 2020, the annual report of the IACHR's Special Rapporteur for Freedom of Expression named lethal violence against journalists as one of the main problems Mexico faces.[17] Many observers draw a connection between the increasing numbers of violent crimes against journalists and the high level of impunity for those who commit those crimes and journalistic self-censorship in Mexico. Self-censorship inhibits freedom of expression, people's access to information, and government accountability.[18]

Crimes Against Journalists and Media Workers

Many journalists reporting on issues such as crime and corruption have become targets for organized crime groups and corrupt officials. Whereas some crime groups or public officials bribe journalists to receive favorable coverage, others use threats or other aggressive actions to pressure journalists not to expose their crimes or to retaliate against journalists who report on their misdeeds. A 2018 study found that journalists were three times as likely as other Mexicans to become victims of organized crime or drug trafficking-related violence.[19] The IACHR and the OHCHR have expressed ongoing concern about the safety of journalists in Mexico.[20]

Although killings of local journalists have occurred at high levels in Mexico over the past decade, 2017 marked the first year in which multiple well-known journalists were killed.[21] The killings of investigative journalists Miroslava Breach, a correspondent for *La Jornada* based in Chihuahua, and Javier Valdéz, the editor of *Riodoce* in Sinaloa, fostered international concern and were condemned by CPJ and others. Both journalists spent much of their careers writing on collusion

[13] Ann Deslandes, "Why Has AMLO Accused USAID of a 'Coup Against Mexico?'" *Foreign Policy*, June 5, 2021; Marcos Alemán and Christopher Sherman, "'Foreign' agents pitch has El Salvador civil society on edge," AP, November 17, 2021.

[14] "Mexican President says U.S.'s Blinken 'Misinformed' on Journalist Killings," Reuters, February 23, 2022; "Mexico Irate at EU Criticism of Journalist, Activist Deaths," AP, March 11, 2022.

[15] The report stated, "High levels of impunity, including for killings or attacks on journalists, resulted in self-censorship and reduced freedom of expression and the press." U.S. Department of State, *Country Reports on Human Rights Practices*: *Mexico*, March 2021.

[16] CPJ, *Killers of Journalists Still Get Away with Murder: 2021 Global Impunity Index*, October 28, 2021.

[17] Vaca Villarreal, Pedro, "Annual Report of the Office of the Special Rapporteur for Freedom of Expression, *Inter-American Commission on Human Rights*, March 30, 2021. Hereinafter IACHR, 2021. See also IACHR and OHCHR, *Special Report on the Situation of Freedom of Expression in Mexico*, June 2018. Hereinafter IACHR and OHCHR, 2018.

[18] R. A. González Macías and V. H. Reyna García, "They Don't Trust Us; They Don't Care if We're Attacked: Trust and Risk Perception in Mexican Journalism," *Communication & Society*, vol. 32, no. 1 (2019), pp. 147-160.

[19] Laura Y. Calderón, *An Analysis of Mayoral Assassinations in Mexico, 2000-17*, Justice in Mexico, January 2018, at https://justiceinmexico.org/wp-content/uploads/2018/01/180117_CALDERON-WRKPPR_v3.0.pdf.

[20] IACHR and OHCHR, June 2018.

[21] Washington Office on Latin America (WOLA), "WOLA's Statement on Violence against Journalists and Human Rights Defenders in Mexico," press release, December 10, 2017.

between criminals and politicians. Five years later, these cases reveal the difficulties prosecutors have had trying to arrest and prosecute the perpetrators of murders of high-profile journalists even under intense domestic and international scrutiny.

Emblematic Cases of Journalist Killings in Mexico

Miroslava Breach was shot at least four times as she left her house to take her son to school on March 23, 2017, in Chihuahua City, Chihuahua. Breach worked for the Mexico City-based *La Jornada* newspaper and *El Norte de Juarez*. Her reporting covered crime, land struggles, and corruption. Federal police arrested criminal gang leader Juan Carlos Moreno Ochoa for her murder in December 2017. While prosecutors first identified Moreno Ochoa as the intellectual author of the crime, evidence brought forth by civil society groups led the attorney general to characterize him as a co-perpetrator at his conviction in 2020. A year later, authorities convicted a former mayor of Chínipas as one of the masterminds behind her murder.

Javier Valdez Cárdenas, editor and cofounder of *Riodoce*, a weekly investigative journal chronicling organized crime and politics, was dragged from his car and shot after leaving his office on May 15, 2017, in Culiacán, Sinaloa. Valdez had received death threats after reporting on the cartel leadership struggles that occurred following the January 2017 extradition of Joaquín "El Chapo" Guzmán Loera to the United States. Two people have been convicted for carrying out Valdez Cárdenas's murder, but Damaso Lopez Serrano—whom the prosecution alleged to be the mastermind of the crime—has not been prosecuted.

Sources: Committee to Protect Journalists (CPJ), "CPJ Welcomes Sentence in Miroslava Breach Murder Case, Urges Further Investigation," August 24, 2020; Silvia Higuera, "Mexican Authorities Arrest Former Mayor in 2017 Murder of Journalist Miroslava Breach, but Progress in Case Remains Slow," *Latin American Journalism Review,* December 21, 2020; CPJ, "CPJ Welcomes 2nd Conviction in Case of Slain Mexican Journalist Javier Valdez Cárdenas," June 9, 2021.

Violence against journalists is occurring as violent crime perpetrated by warring criminal organizations has threatened citizen security and governance in parts of Mexico.[22] According to the 2019 *U.N. Global Report on Homicides*, Mexico's homicide rate in 2018 (murders per 100,000 people) remained average for the Western Hemisphere (albeit high by global standards).[23] In subsequent years, however, Mexico's homicide rate has risen to record levels.[24] Since 2019, *Insight Crime* has ranked Mexico in the top third of countries with the highest homicide rates in the region.[25] Some experts estimate that as many as 70% of homicides may be related to organized crime.[26]

Estimated Killings of Journalists and Media Workers

Several nongovernmental organizations track the killings of journalists and media workers in Mexico. Data from three of these organizations (CPJ; Article 19, a human rights organization focused on freedom of expression and freedom of information worldwide; and Justice in Mexico, an academic organization that tracks drug trafficking-related violence in Mexico) demonstrate widely varying data over the years, as reflected in **Figure 2**.

[22] CRS Report R41576, *Mexico: Organized Crime and Drug Trafficking Organizations*, by June S. Beittel.

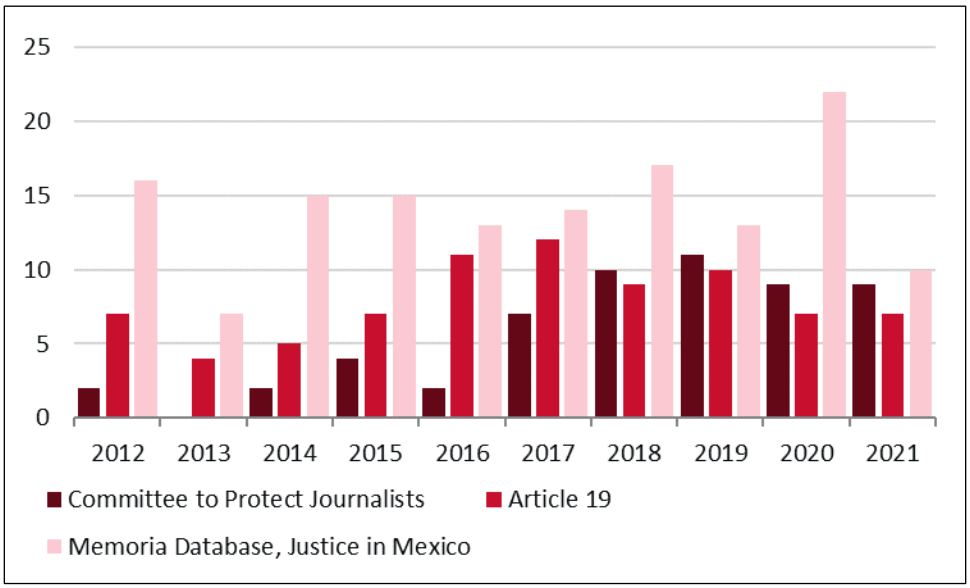
[23] U.N. Office of Drugs and Crime (UNODC), *Global Study on Homicide 2019.*

[24] Laura Y. Calderón et al., *Organized Crime and Violence in Mexico, 2021 Special Report*, October 2021. Hereinafter Calderón et al., October 2021.

[25] Parker Asmann and Eihmin O'Reilly, "InSight Crime's 2019 Homicide Round-Up," January 28, 2020; Parker Asmann and Katie Jones, "InSight Crime's 2020 Homicide Round-Up," January 29, 2021; "InSight Crime's 2021 Homicide Round-Up," February 1, 2022.

[26] Calderón et al., October 2021; CRS interview with Eduardo Guerrero, January 21, 2022.

Figure 2. Estimates of Homicides of Journalists and Media Workers in Mexico
(2012-2021)



Sources: Calculations by CRS using Committee to Protect Journalists database; Article 19, "151 Comunicadores Asesinados en México en Posible Relación con su Labor Periodística (2000-2022)," March 2022; Justice in Mexico, Memoria Database.

From 2012 through March 15, 2022, CPJ recorded 63 killings of journalists and other media workers in Mexico, of whom at least 37 were confirmed to have been killed in relation to their work.[27]

According to Justice in Mexico, some 147 journalists and media workers were killed in Mexico from 2012 to February 10, 2022. Justice in Mexico maintains that some journalists have been victims of Mexico's overall increase in homicides, even if their deaths were not directly linked to their reporting.[28]

Midway between these two estimates, Article 19 annual reports estimate that 85 journalists and media workers were killed in Mexico between 2012 and March 15, 2022.[29] According to Article 19, 31 journalists have been killed during Lopez Obrador's presidency (December 2018-present).[30] Many state attorneys general offices have deemed those killings as unrelated to the journalists' work, even in cases of those journalists who had been critical of the governor.

[27] See CPJ data, available at https://cpj.org/data/location/?cc_fips=MX&start_year=2011&end_year=2022&report-builder-type=year&motiveConfirmed%5B%5D=Confirmed&status%5B%5D=Missing&status%5 B%5D=Imprisoned.

[28] "In tracking murders of media workers, Justice in Mexico relies on broader criteria than CPJ, Article 19, and Reporters without Borders. Justice in Mexico gathers data on homicide victims working in a variety of different categories of media and cases where the motives were not necessarily related to their reporting." Justice in Mexico, October 2021.

[29] Article 19, "Periodistas Asesinados en México," accessed on March 16, 2022, available at https://articulo19.org/periodistasasesinados/.

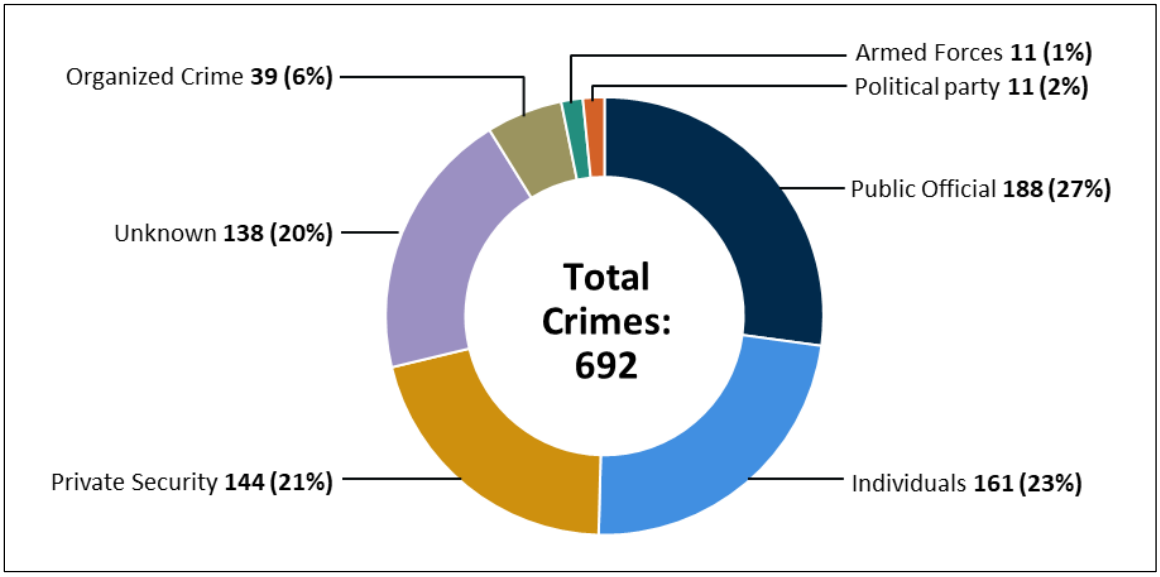
[30] Article 19, *Distorsión: El discurso Contra la Realidad*, March 23, 2021.

Other Crimes Committed Against Journalists

Homicides and disappearances of journalists may represent the most drastic forms of crimes against journalists, but other actions used by criminal groups, politicians, and others also may lead to a chilling effect on reporting. These actions can include, but are not limited to, harassment, lawsuits for libel, public denunciations of the journalist's work, digital surveillance, extortion, attacks on media offices, threats on the physical well-being of a journalist or his or her family, kidnapping, and torture. Often the direct perpetrators of these types of crimes and the killings of journalists are non-state individuals/groups hired by others, with those "others" sometimes including local or state officials.[31]

As depicted in **Figure 3**, the Article 19 organization documented almost 700 "aggressions" committed against journalists in Mexico in 2020, up from 609 it reported to have been committed in 2019 and almost three times the 238 reported in 2009 (the first year this type of data was collected). Article 19's definition of aggression includes acts of illicit access, breaking and entering, threats, killing, destruction of property, physical attacks, cyberattacks, blocking or alteration of content, disappearance, displacement, fake websites or fake online accounts, intimidation and harassment, deprivation of liberty, content removal, inappropriate use of public authority, or illegal surveillance.[32] In 2020, the most frequent aggressions that were documented included threats, intimidation, blocked or altered journalistic content, and illegitimate use of public power. Of the total number of aggressions reported in 2020, 27% reportedly were attributed to public officials, far less than the 53% attributed to public officials in 2016.[33]

Figure 3. Principal Perpetrators of Aggressions Against Journalists in Mexico: 2020



Source: Article 19, *Distorsión: El discurso Contra la Realidad*, March 23, 2021.

A breakdown of aggressions committed by level (local/state/federal) of government official is not included in Article 19's 2020 report as in past reports, but other sources point to significant

[31] Ibid.

[32] Article 19, *Distorsión: El discurso Contra la Realidad*, March 23, 2021, p.145.

[33] Ibid; Articúlo 19, *Libertades en Resistencia: Informe 2016 de Article 19*, April 2017.

aggressions by local officials. For example, the director of the human rights unit in charge of Mexico's federal protection mechanism asserted that 40%-45% of threats were issued by local government officials (see "The Federal Protection Mechanism").[34] Similarly, in 2021, CPJ reported that government authorities, often at the local level, were responsible for 36% of threats and 46% of intimidations and harassment against journalists.[35]

As reported by Reporters Without Borders, these types of aggressions have led to the forced displacement of journalists within Mexico, which has caused them economic and psychological strain.[36] Displaced journalists have formed an association, Displaced Journalists Mexico, which has lobbied the government to support them and all journalists. Some journalists have sought asylum abroad.

Mexican Government Efforts to Address Crimes Against Journalists

The Federal Protection Mechanism

The Mexican government has taken some actions to protect journalists. In 2012, it established the Mechanism to Protect Human Rights Defenders (HRD) and Journalists (the Mechanism). The Mechanism is housed within Mexico's interior ministry and provides bodyguards, panic buttons, and other protective measures to those seeking its assistance.[37] From 2012 through April 2021, the Mechanism had provided support to 691 journalists, and six states had established similar state-level protection mechanisms.[38] Since President López Obrador took office, the number of journalists protected by the Mechanism has risen by 80% and the budget has risen to $28 million.[39] Of the roughly 1,560 individuals under protection as of early March 2022, interior ministry officials have testified to the Mexican Congress that 515 of them are journalists.[40]

Given the extent of the challenge, some experts have suggested that funding for, and implementation of, the Mechanism have been insufficient. Among the issues identified are a lack of staff with experience in human rights issues; timely analysis; protective measures that consider

[34] Animal Político, "El Mecanismo de Protección para Periodistas está en Revisión, dice AMLO; Titular Acusa Faltas de Autoridades Locales," January 27, 2022.

[35] CPJ, 2021

[36] RWB, "More Forced Displacement of Journalists Seen in Mexico," press release, December 8, 2017.

[37] Washington Office on Latin America (WOLA) and Peace Brigades International (PBI), *Mexico's Mechanism to Protect Human Rights Defenders and Journalists: Progress and Continued Challenges*, May 2016. Hereinafter WOLA and PBI, 2016.

[38] See Secretaría de Gobernación, "Informe estadístico abril 2021 mecanismo para la protección de personas defensoras de derechos humanos y periodistas," April 30, 2021, at https://www.gob.mx/cms/uploads/attachment/file/644669/2021_04_Informe_estadistico.pdf. See also Secretaría de Gobernación, "El Mecanismo de Protección para Personas Defensoras de Derechos Humanos y Periodistas de la Secretaría de Gobernación asume su obligación de proteger a todas aquellas personas que se encuentran en riesgo por el ejercicio de su labor y llama a las demás autoridades involucradas a hacer lo propio en esta materia," July 12, 2021, at https://www.gob.mx/segob/prensa/el-mecanismo-de-proteccion-para-personas-defensoras-de-derechos-humanos-y-periodistas-por-instruccion-presidencial-informa-lo-siguiente.

[39] Alejandra Ibarra Chaoul and Kevin Sieff, "Mexico offers bodyguards and bulletproof vests to vulnerable journalists. It hasn't been enough." *Washington Post*, January 27, 2022. Hereinafter Ibarra Chaoul and Sieff, January 2022.

[40] "Analizan en San Lázaro problemática de las agresiones a periodistas y defensores de derechos humanos," *Noticias del Congreso*, March 7, 2022.

a person's gender, family, and employment needs; and psychological assistance for victims.[41] Other studies point to the high cost and faulty technology behind some of the services offered, such as some panic buttons that do not work.[42] Some others maintain that it is unrealistic to use local police forces to respond to calls for protection, since they often are involved in perpetrating the threats and crimes against journalists. An August 2019 OHCHR evaluation of the Mechanism highlighted a lack of resources and a lack of political prioritization of the issue of violence against the media.[43]

In a 2019 national survey of journalists, 85% responded that they felt the federal government did "little" or "nothing" to protect them.[44] Since 2018, at least seven journalists have been killed while under the protection of the Mechanism.[45] Lourdes Maldonado, a Tijuana journalist who had publicly asked President López Obrador for protection at a news conference, began to receive protection from the Baja California state protection mechanism in December 2021 but was murdered in January 2022.[46]

In 2020, the Mexican Congress passed legislation to eliminate a number of public trusts, including the one that funded the Mechanism.[47] Legislators took that step after officials at the Mechanism issued a statement urging against the action, arguing that it could hinder its responses to threats during rapidly evolving security situations.[48] The Mexican government has responded to criticisms by stating that the resources available to the federal mechanism will not decrease.[49]

In January 2022, following the deaths of several journalists, President López Obrador announced that the federal protection mechanism was under review to improve coordination with state officials.[50] Since February, lawmakers from opposition parties have pushed for legislation to better protect journalists and reduce impunity for crimes committed against them. Some initiatives have called for increasing criminal penalties for those convicted of killing a journalist or HRD, and others have called for a national public register to track attacks against journalists, responses taken to respond to these attacks, and sanctions on public officials who denigrate journalists.[51]

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[41] OHCHR and IACHR, 2018.

[42] WOLA and PBI, 2016.

[43] OHCHR, *Diagnóstico sobre el funcionamiento del Mecanismo de Protección para Personas Defensoras de Derechos Humanos y Periodistas*, August 2019.

[44] "Encuesta sobre 'Seguridad y Ejercicio de la Libertad de Expresión en México," C*olectivo de Análisis de la Seguridad con Democracia*, September 2019.

[45] Ibarra Chaoul and Sieff, January 2022.

[46] Ibarra Chaoul and Sieff, January 2022.

[47] IACHR, 2021.

[48] Mecanismo para la Protección de Personas Defensoras de Derechos Humanos y Periodistas, "Urge la no desaparición del Fideicomiso del Fondo para la Protección de Personas Defensoras de Derechos Humanos y Periodistas," September 28, 2020, at https://www.gob.mx/defensorasyperiodistas/es/articulos/mecanismo-para-la-proteccion-de-personas-defensoras-de-derechos-humanos-y-periodistas?idiom=es.

[49] IACHR, 2021.

[50] Animal Político, "El Mecanismo de Protección para Periodistas está en Revisión, Dice AMLO; Titular Acusa Faltas de Autoridades Locales," January 27, 2022, at https://www.animalpolitico.com/2022/01/mecanismo-proteccion-periodistas-revision-autoridades-faltas/.

[51] "Mexico: Push for Legislation to Protect Journalists," *Latin News Weekly Report*, March 10, 2022.

Office of the Special Prosecutor for Crimes Against Freedom of Expression

In 2006, in response to rising violence against journalists in northern Mexico, then-President Vicente Fox named Mexico's first prosecutor to investigate crimes against journalists. Federal jurisdiction over crimes against journalists and violations of freedom of expression expanded in 2010, and the Office of the Special Prosecutor for Crimes Against Freedom of Expression (FEADLE) became its own unit within the attorney general's office. In May 2013, changes to the federal code of criminal procedure gave FEADLE the authority to investigate local attacks or killings of journalists even in instances when state authorities were already looking into a case. According to CPJ, FEADLE's current lead prosecutor has said that prosecutors will only federalize crimes in response to a request by a victim's family or by local authorities.[52] Through July 2021, FEADLE reportedly had declined to investigate some 71% of the cases of journalist killings brought before it, arguing that the murders did not relate directly to freedom of expression.[53]

In January 2022, press reports using government statistics estimated an impunity rate of 93% for cases of journalist killings handled by FEADLE, which had secured seven convictions from 2010 through 2021.[54] The IACHR and OHCHR have asserted that this level of impunity for journalist killings has fueled additional killings.[55] Even with the high-profile convictions secured in 2020 and in 2021 for the emblematic cases previously discussed, prosecutors struggled to convict the intellectual authors of those crimes.[56] According to the Article 19 organization, FEADLE lacks technical capacity, adequate cooperation with police and state prosecutors, and high-level support for its efforts. Article 19 further argues that FEADLE has proven unable to investigate crimes in a way that can help families of journalists who have been killed or disappeared find resolution.[57]

Executive Commission of Attention to Victims

In January 2013, President Peña Nieto signed the General Victim's Law, which created an Executive Commission of Attention to Victims (CEAV), a registry of victims of organized crime, and a compensation fund for victims and their families. The law provided for support (medical, legal, financial, and psychological) and access to justice for victims of crimes within the federal government's jurisdiction and required states to create similar registries and victim funds. Delays, burdensome requirements placed on those seeking to qualify for assistance, and an overwhelmed and ill-trained staff hindered its implementation.[58] In June 2017, a special fund within the crime victim's fund was created to meet the specific needs of journalists.

Under President López Obrador, the CEAV has faced budget cuts and a lack of leadership for a period of 18 months after the president's first pick to lead the commission resigned six months

[52] Jan-Albert Hootsen, "Despite Convictions, Justice for Murdered Journalists in Mexico Remains Abstract," CPJ, October 28, 2020.

[53] Jorge Monroy, "Feadle Rechaza Indagar 71% de Asesinatos de Periodistas," *El Economista*, October 22, 2021.

[54] "Caso Lourdes Maldonado: 93% de crímenes contra periodistas quedan impunes," *El Financiero*, January 26, 2022.

[55] IACHR and OHCHR, January 28, 2022.

[56] Silvia Higuera, "Mexican Authorities Arrest Former Mayor in 2017 Murder of Journalist Miroslava Breach, but Progress in Case Remains Slow," *Latin American Journalism Review*, December 21, 2020.

[57] Article 19, *Distorsión: El Discurso Contra la Realidad*, March 23, 2021.

[58] Leticia Robles Rosa, "Ley de Víctimas se Ahoga en el Fracaso," *Excelsior*, March 14, 2016.

after complaining about a lack of institutional and financial support for its mission.[59] Activists have criticized the government for funding some 60% of what the commission sought to pay for staff, infrastructure, and assistance to victims for 2022.[60] Support provided to all crime victims and their families, including journalists, has been minimal.[61]

U.S. Policy

Some in Congress have expressed ongoing concerns about human rights conditions in Mexico, including the government's treatment of journalists and human rights defenders; those concerns peaked after two high-profile journalist killings in 2017 and have resurged after a spate of killings in early 2022.[62] Some congressional concerns about the killings of journalists in Mexico have prompted letters to the Biden Administration and hearing questions to Administration officials regarding the extent to which the U.S. government is urging Mexico to prevent, investigate, and prosecute cases of violence against journalists. For more than a decade, Congress has provided foreign assistance to help the Mexican government and civil society better protect journalists and reduce impunity in cases of crimes committed against them.

Members of the 117th Congress may choose to address the issue of protection of journalists in the context of the new U.S.-Mexico Bicentennial Framework for Security, Public Health, and Safe Communities (signed in October 2021) and in future U.S. foreign assistance. Congress also may consider whether additional tools, such as foreign aid restrictions or sanctions on individuals complicit in the killings of journalists, could improve the situation. In addition, in the context of broader congressional apprehension over the deterioration in press freedoms globally, some Members have introduced a number of bills focused on this issue in the 117th Congress that could have implications for Mexico.[63]

U.S. concerns about human rights issues intensified as U.S. security assistance to Mexico increased. U.S. assistance increased under the Mérida Initiative, a security and rule-of-law partnership for which Congress provided some $3.3 billion (FY2008-FY2021), and is now guided by the Bicentennial Framework.[64] The Bicentennial Framework's action plan has three broad

[59] "Mara Gómez Pérez Renunció a la CEAV, Acusó Pérdida de la "Vocación Humanista" en la Comisión," *Infobae*, June 24, 2020.

[60] Alberto Galarza, "Perspectivas 2022 en atención a víctimas," *El Universal*, December 28, 2021.

[61] Ibid.

[62] See, for example, Rep. Alan Lowenthal, "Congressman Lowenthal Calls on Secretary Tillerson To Ensure Mexican Govt Moves Forward in Spyware Investigation," December 7, 2017; Lexi Lonas, "Bipartisan Senators call on Mexico to Protect Journalists," *The Hill*, February 9, 2022.

[63] These include H.R. 839 (Schiff)/S. 226 (Klobuchar), which would require the President to impose certain property- and visa-blocking sanctions on persons responsible for gross violations of the human rights of journalists and prohibit certain foreign assistance to a governmental entity of a country if an official acting under authority of the entity has committed a gross violation of human rights against a journalist; S. 204 (Schatz), which would create an Office and an Ambassador at Large for Press Freedom; S. 1495 (Kaine), which would create an Office on International Press Freedom, authorize new funding for programs that help keep foreign journalists safe, create a new visa category to allow threatened journalists to come to the United States; and, S. 1478 (Rubio), which would, among other provisions, create a fund to assist journalists in danger overseas and encourage the imposition of sanctions on those who harass, torture, attack, or kill journalists abroad.

[64] CRS In Focus IF10578, *Mexico: Evolution of the Mérida Initiative, FY2008-FY2022*, by Clare Ribando Seelke; CRS Insight IN11859, *New U.S.-Mexico Security Strategy: Issues for Congressional Consideration*, by Clare Ribando Seelke and Liana W. Rosen. For a summary of the action plan for the Bicentennial Framework, see U.S. Department of State, "Summary of the Action Plan for U.S.-Mexico Bicentennial Framework for Security, Public Health, and Safe Communities, January 31, 2022.

pillars that Congress could influence through legislation, appropriations, and oversight. Under pillar one, the two governments pledge to protect the human rights of vulnerable groups and reduce impunity.

Since FY2008, Congress has withheld a percentage of certain U.S. assistance to Mexican security forces through provisions in annual State Department and Foreign Operation Appropriations laws until the State Department submits a report to appropriators confirming that Mexico has made progress in complying with certain human rights standards.[65] U.S. human rights conditions on foreign aid to Mexico, including those on the $158.9 million in FY2022 aid to Mexico (P.L. 117-103), have not directly related to attacks on journalists. As Congress considers the Biden Administration's FY2023 budget request, it could consider whether to add reporting requirements or conditions related to Mexico's efforts to protect journalists.

The State Department and the U.S. Agency for International Development (USAID) have funded projects to strengthen Mexico's ability to prosecute cases under its accusatorial justice system at the federal and state levels and to improve respect for human rights. USAID assistance helped Mexico draft the 2012 legislation that established the federal protection mechanism. From 2011 to 2016, USAID provided some $5.1 million: (1) helping journalists better protect themselves, (2) increasing civil society involvement in issues related to freedom of expression, and (3) strengthening Mexico's federal protection mechanism.[66] During the Obama Administration, the State Department established a high-level human rights dialogue with Mexico that included a focus on protecting journalists; that dialogue ceased beginning in 2017 under the Trump Administration but could be revived by the Biden Administration (as it revised the U.S.-Mexico High Level Security Dialogue).

Many in Congress have closely monitored assistance provided to Mexico under the Mérida Initiative and could require more monitoring of existing programs dealing with the protection of journalists, as well as dedicate increased funding to those efforts. Since 2017, USAID has invested some $11 million in programs that aim to strengthen the federal protection mechanism and FEADLE.[67] USAID's newest initiative is a $13.4 million program to run from 2021 to 2026; the agency has obligated approximately $2 million of those funds (which is included in the $11

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[65] From FY2008 to FY2015, the conditions applied to Mérida Initiative aid accounts that provided assistance to Mexican police forces and to foreign military financing (FMF). From FY2016 onward, the conditions applied only to FMF. The explanatory statement to the FY2021 Consolidated Appropriations Act (P.L. 116-260) asserted that

> of the funds available for assistance for Mexico under the FMF heading, 25 percent shall be withheld from obligation until the Secretary of State determines and reports to the Committee that the Government of Mexico is: (1) thoroughly and credibly investigating and prosecuting violations of human rights in civilian courts; (2) vigorously enforcing prohibitions against torture and the use of testimony obtained through torture; and (3) searching for victims of forced disappearances and credibly investigating and prosecuting those responsible for such crimes.

In addition, the State Department had to withhold those funds until the Secretary of State determined that "the Government of Mexico is implementing credible counternarcotics and law enforcement strategies in cooperation with the United States that reflect the input of civil society, have realistic goals, and are consistent with the right of due process and protection of human rights."

[66] According to an external evaluation of USAID's human rights programs, this project provided training on personal protection, cybersecurity, and other topics regarded as "generally useful" to some 580 journalists. However, the project was unable to engage journalists outside the Federal District, Chihuahua, and Veracruz. The project reportedly helped improve the Mechanism by strengthening its processes and procedures, especially those related to analyzing a person's or a group of people's risk.[66] Even so, the services offered remained limited and did not always take into account people's personal or family situations. U.S. Agency for International Development (USAID), *Results of Human Rights Program Evaluation*, 2017, at https://pdf.usaid.gov/pdf_docs/PA00N3NP.pdf.

[67] CRS electronic correspondence with USAID, March 1, 2022.

million figure mentioned above). Complementing these efforts, USAID has provided $9 million to civil society organizations in support of press freedom, investigative journalism, and assistance and training directly to journalists.

Congress has authorized several U.S. tools to combat human rights violations and corruption in law. For example, the Global Magnitsky Human Rights Accountability Act of 2016 (P.L. 114-328) empowers the President to impose economic sanctions and visa restrictions on foreign persons who have engaged human rights violations or corruption.[68] The executive branch has in some cases used the Global Magnitsky sanctions tool—as implemented through Executive Order 13818—to impose sanctions in response to human rights violations against journalists. Perhaps most notably, a total of 18 Saudi Arabian nationals and 1 entity have been designated for their role in the 2018 murder of Saudi journalist Jamal Khashoggi.[69] While Global Magnitsky sanctions have been imposed on a former Mexican official in connection with corruption, it remains to be seen whether the executive branch will impose Global Magnitsky sanctions on officials accused of human rights violations against journalists in Mexico.[70]

Congress also has included a provision under Section 7031(c) of annual appropriations for the Department of State, Foreign Operations, and Related Programs (SFOPS) legislation requiring the Secretary of State to bar certain foreign corrupt officials and human rights violators and their immediate family members from entry into the United States.[71] This provision provides the Secretary with discretion to designate such barred individuals publicly or privately. Visa bans implemented pursuant to this requirement apply to foreign officials about whom the Secretary has credible information indicating that they "have been involved, directly or indirectly, in significant corruption, including corruption related to the extraction of natural resources, or a gross violation of human rights."[72] In December 2021, Secretary of State Blinken imposed visa restrictions on a former Mexican governor accused of authorizing the arbitrary arrest of journalist Lydia Cacho.[73] Detained in 2005 after publishing a report on child sexual abuse by the governor and his associates, Cacho suffered years of torture and persecution.[74]

[68] CRS Report R46981, *The Global Magnitsky Human Rights Accountability Act: Scope, Implementation, and Considerations for Congress*, by Michael A. Weber.

[69] Ibid.

[70] U.S. Department of the Treasury, "Treasury Works with Government of Mexico Against Perpetrators of Corruption and their Networks," May 17, 2019.

[71] CRS Report R46362, *Foreign Officials Publicly Designated by the U.S. Department of State on Corruption or Human Rights Grounds: A Chronology*, by Liana W. Rosen and Michael A. Weber.

[72] Ibid.

[73] U.S. Department of State, "The United States Promotes Accountability for Human Rights Violations and Abuses," December 10, 2021.

[74] Silvia Higuera, "Man convicted for torture of Mexican journalist Lydia Cacho will serve more than five years in prison," *LatAm Journalism Review*, January 17, 2020.

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