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Violence Against Journalists in Mexico: In Brief

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Introduction

Over the past decade, at least 74 journalists have been killed in Mexico and many more have been threatened or attacked. Although violence against journalists is occurring within the context of a broader security crisis, the U.N. High Commissioner for Human Rights (OHCHR) and the Inter-American Commission on Human Rights (IACHR) Rapporteurs for Freedom of Expression have asserted that such crimes "attack the roots of democratic life in Mexico."[1] Perhaps partially as a result of international pressure, the Mexican government recently has reported progress in resolving some cases of journalists who were killed in 2017.[2] Although some observers are skeptical of this reported progress, others remain hopeful that Mexico will take more decisive action to investigate and prosecute unsolved murders and to prevent future crimes against journalists.

Congress has expressed increasing concern about freedom of the press in Mexico. It also 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.[3] The U.S. government is focused on strengthening Mexican government efforts to protect journalists and bringing together journalists, media outlet owners, civil society, and the private sector to play a role in monitoring and improving protection and prosecution efforts (see "U.S. Policy," below). Civil society organizations plan to meet with each of the five presidential candidates competing in Mexico's upcoming July 1, 2018, election and urge them to give priority to press freedom and journalists' safety, topics that currently are not addressed in any of the candidates' platforms.[4]

Press Freedom in Mexico Compared to Other Latin American Countries

In recent years, international press freedom organizations have expressed concerns about the deterioration of press freedom in many Latin American countries, precipitated by an increase in violence and other attacks on journalists as well as by politically driven attempts to curb or repress independent media. In 2017, 12 of the 22 journalist killings in the region documented in the annual report of the IACHR's Special Rapporteur for Freedom of Expression occurred in Mexico.[5] Mexico, along with Brazil, ranks among the top 10 countries globally with the highest

[1] Inter-American Commission on Human Rights (IACHR) and U.N. Office of the High Commissioner for Human Rights (OHCHR), "Preliminary Observations by the U.N. Special Rapporteur on Freedom of Expression and the Special Rapporteur on Freedom of Expression of the IACHR Following Their Joint Visit to Mexico," November 27-December 4, 2017, at https://www.press.org/sites/default/files/UN-IACHR_observations_gutierrez.pdf. Hereinafter: OHCHR and IACHR, 2017.

[2] Paola Nalvarte, "Authorities Arrest Suspect in Killing of Mexican Journalist Javier Valdez Almost One Year After Murder," *Journalism in the Americas Blog*, April 24, 2018.

[3] Office of Senator Marco Rubio, "Rubio, Colleagues Urge State Department to Address the Targeting of Journalists in Mexico," press release, January 11, 2018. As an example, the explanatory statement attached to the FY2018 Omnibus Appropriations Act (P.L. 115-141) recommends providing $1 million in U.S. support for Mexico's Office of the Special Prosecutor for Crimes Against Freedom of Expression (FEADLE).

[4] For information on the elections, see CRS In Focus IF10867, *Mexico's 2018 Elections*, by Clare Ribando Seelke and Edward Y. Gracia.

[5] IACHR, Special Rapporteur for Freedom of Expression, *Annual Report of the Special Rapporteur for Freedom of Expression*, December 31, 2017, at http://www.oas.org/en/iachr/docs/annual/2017/docs/AnnexRELE.pdf. Hereinafter: IACHR, December 2017.

rates of unsolved journalist murders as a percentage of population in the *Global Impunity Index* published by the Committee to Protect Journalists (CPJ).[6] Increasing numbers of violent crimes against journalists and the impunity often enjoyed by those who perpetrate those crimes have led to journalistic self-censorship in Mexico, inhibiting people's access to information, government accountability, and freedom of expression.[7] As an example, 68% of journalists in Mexico surveyed by Article 19, a press freedom group that has received U.S. funding for its programs, reported self-censoring.

Although the Mexican government does not use state-owned media to promote itself or to shut down independent media (as Cuba and Venezuela have done), it reportedly has rewarded outlets that provide favorable coverage with lucrative advertising contracts and has used various means to punish and intimidate its critics.[8] According to Freedom House, officials at all levels of government in Mexico have punished critical journalists by publicly denouncing their work, pushing media owners (who rely on government advertising for revenue) to dismiss them, suing them for libel, or using other tactics to intimidate or threaten them.[9] Evidence reportedly emerged in 2017 that the Mexican federal government had conducted illegal digital surveillance on journalists and their families, a practice common in Cuba and Venezuela.[10] According to Article 19, public officials committed 52% of the 507 "aggressions" that Mexican journalists experienced in 2017 (see **Figure 2**).[11] This figure compares to a regional average of roughly 40%.[12]

Both Freedom House and Reporters Without Borders (RWB) produce annual indexes rating and ranking countries worldwide in terms of press freedom (see **Table 1**). In 2018, Freedom House placed Mexico in the lowest, "not free" category of countries, along with the authoritarian governments of Venezuela and Cuba, as well as Honduras and Ecuador. As part of these determinations, Freedom House takes into account the legal, political, and economic environments within which the press functions in each country. With the exception of Ecuador, press freedom has continued to deteriorate in all the countries in the "not free" group. In RWB's 2018 index, 13 of the 35 countries in the Western Hemisphere were in the bottom half of the rankings, with 7 countries ranked "bad" and Cuba ranked "very bad" for press freedom. Mexico ranked 147th out of 180 countries evaluated worldwide, above Cuba (173) and just below Honduras (141) and Venezuela (143).[13] According to RWB, Mexico became the second-most-violent country for journalists in 2017, after Syria.

[6] Committee to Protect Journalists (CPJ), *Getting Away with Murder: 2017 Global Impunity Index*, October 31, 2017, at https://cpj.org/reports/2017/10/impunity-index-getting-away-with-murder-killed-justice.php.

[7] Articúlo 19, *Democracia Simulada: Nada que Aplaudir: Informe Anual 2017*, March 2018, available in Spanish at https://articulo19.org/nadaqueaplaudir/. Hereinafter: Article 19, March 2018.

[8] IACHR, December 2017.

[9] Freedom House, *Freedom in the World, 2017*, at https://freedomhouse.org/report/freedom-world/2017/mexico.

[10] The government also reportedly used spyware against human rights and anti-corruption activists. Freedom House, *Freedom in the World, 2018*, at https://freedomhouse.org/report/freedom-world/2018/mexico; Azam Ahmed, "Using Texts as Lures, Government Spyware Targets Mexican Journalists and Their Families," *New York Times*, June 19, 2017.

[11] Article 19, March 2018.

[12] IACHR, December 2017.

[13] Reporters Without Borders (RWB), *World Press Freedom Index, 2018*, April 25, 2018, at https://rsf.org/en/ranking.

Table 1. Press Freedom Ratings of Selected Latin American Countries by Freedom House and Reporters Without Borders

Freedom House		Reporters Without Borders		
Country	**Category**	**Country**	**Rank (out of 180)**	**Category**
Argentina	Partly Free	Peru	90	Problematic
Peru	Partly Free	Nicaragua	92	Problematic
Brazil	Partly Free	Panama	96	Problematic
Colombia	Partly Free	Brazil	103	Problematic
Panama	Partly Free	Ecuador	105	Problematic
Nicaragua	Partly Free	Bolivia	107	Bad
Guatemala	Partly free	Paraguay	110	Bad
Paraguay	Partly Free	Guatemala	118	Bad
Mexico	Not Free	Colombia	129	Bad
Honduras	Not Free	Honduras	137	Bad
Ecuador	Not Free	Venezuela	143	Bad
Venezuela	Not Free	Mexico	147	Bad
Cuba	Not Free	Cuba	173	Very Bad

Sources: Freedom House, *Freedom in the World, 2018;* Reporters Without Borders, *2018 World Press Freedom Index*.

Notes: Freedom House rates countries by providing a press freedom score. Based on that score, it classifies the countries as free, partly free, and not free. The countries listed in this chart appear from "most free" to "least free." Reporters Without Borders determines the level of press freedom enjoyed by journalists by compiling the responses of experts to a detailed questionnaire it developed. This qualitative analysis is combined with quantitative data on abuses and acts of violence against journalists during the period evaluated. The countries on the right size of the table are listed in order from "problematic" to "very bad."

Crimes Against Journalists and Media Workers

For more than a decade, violent crime perpetrated by warring criminal organizations has threatened citizen security and governance in parts of Mexico. Although Mexico's homicide rate (murders per 100,000 people) remains within the "average" range for the Western Hemisphere (albeit high by global standards), Mexico has experienced a much faster rise in homicides over the past decade than other countries in the region. Experts estimate that between 30% and 50% of those homicides have been related to organized crime.[14] Although the illicit drug trade has long been prevalent in Mexico, violence has escalated as an increasing number of criminal organizations have fought for control of lucrative routes to transport drugs, including heroin, into the United States.[15]

[14] Laura Calderón, Octavio Rodríguez Ferreira, and David A. Shirk, *Drug Violence in Mexico: Data and Analysis Through 2017*, Justice in Mexico, University of San Diego, April 2018, at https://justiceinmexico.org/2018-drug-violence-mexico-report/. Hereinafter: Justice in Mexico, April 2018.

[15] CRS In Focus IF10400, *Transnational Crime Issues: Heroin Production, Fentanyl Trafficking, and U.S.-Mexico Security Cooperation*, by Clare Ribando Seelke and Liana W. Rosen; CRS Report R41576, *Mexico: Organized Crime and Drug Trafficking Organizations*, by June S. Beittel.

In addition to rising insecurity, corruption and impunity have become top issues of concern. Since 2014, corruption scandals have implicated Mexican President Enrique Peña Nieto's family and top advisers, as well as many former governors. Javier Duarte, the former governor of Veracruz who once had a close relationship with Peña Nieto, is now on trial for stealing billions of dollars while in office. Corruption in the police and judicial systems is thought to be one of the principal factors contributing to the country's high rates of impunity for all crimes, including homicides. On average, fewer than 20% of homicides in Mexico have been prosecuted successfully.[16]

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 recent study found that journalists are three times as likely as other Mexicans to become victims of organized crime or drug trafficking-related violence.[17] The IACHR and the OHCHR have expressed ongoing concern about the safety of journalists in Mexico.

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.[18] The killings of investigative journalists Miroslava Breach, a correspondent for *La Jornada* based in Chihuahua, and Javier Valdéz, the editor of *Riodoce* in Sinaloa, have fostered international concern and have been condemned by CPJ and others. Both journalists spent much of their careers writing on collusion between criminals and politicians (see "Selected Emblematic Cases," below).

Estimated Killings of Journalists and Media Workers

Several organizations track the killings of journalists and media workers in Mexico. Data from three of these organizations (CPJ; Article 19; and Justice in Mexico, an academic organization that tracks drug trafficking-related violence in Mexico) are included in **Figure 1**.

From 2007 through 2017, CPJ recorded 74 killings of journalists and other media workers in Mexico, of whom at least 33 were confirmed to have been killed in relation to their work.[19] Thus far in 2018, CPJ reports that four journalists have been killed in Mexico.

According to Justice in Mexico, some 140 journalists and media workers were killed in Mexico from 2007 to 2017. 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.[20] Journalists and local politicians have been targeted more frequently than normal citizens by organized crime groups.

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[16] Raúl Zepeda Lecuona and Paula Guadalupe Jiménez Rodríguez, "Impunidad Frente al Homicidio Doloso en México," *Impunidad Cero*, December 2016.

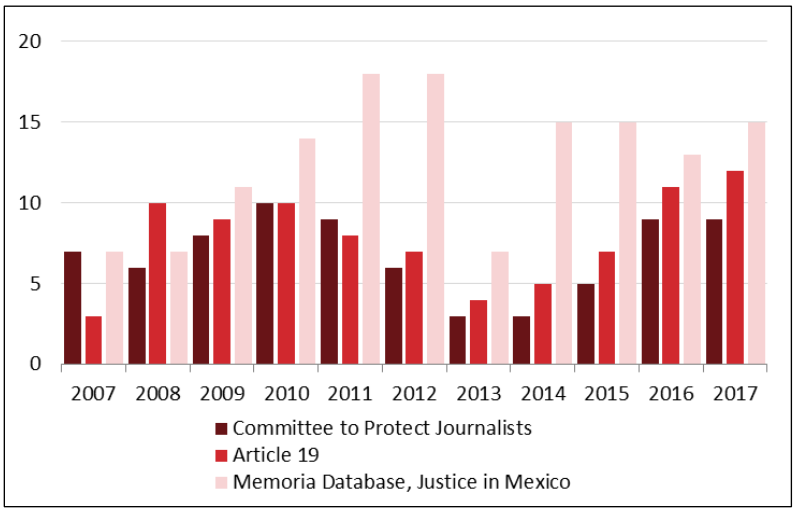
[17] Laura Y. Calderón, *An Analysis of Mayoral Assassinations in Mexico, 2000-17*, Justice in Mexico, January 2018, at https://justiceinmexico.org/wp-content/uploads/2018/01/180117_CALDERON-WRKPPR_v3.0.pdf.

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

[19] See CPJ data, available at https://cpj.org/data/killed/?status=Killed&motiveConfirmed%5B%5D=Confirmed&type%5B%5D=Journalist&type%5B%5D=Media%20Worker&cc_fips%5B%5D=MX&start_year=2007&end_year=2017&group_by=year.

[20] CPJ's statistics are often more conservative than those of other sources, particularly when they cite only the number of cases in which the motive for the killing is confirmed as having been directly associated with a journalist's profession. Justice in Mexico, April 2018.

Figure 1. Estimates of Homicides of Journalists and Media Workers in Mexico
(2007-2017)



Sources: Committee to Protect Journalists database; Articúlo 19, *Democracia Simulada: Nada que Aplaudir: Informe Anual 2017*, March 2018; Justice in Mexico, Memoria Database.

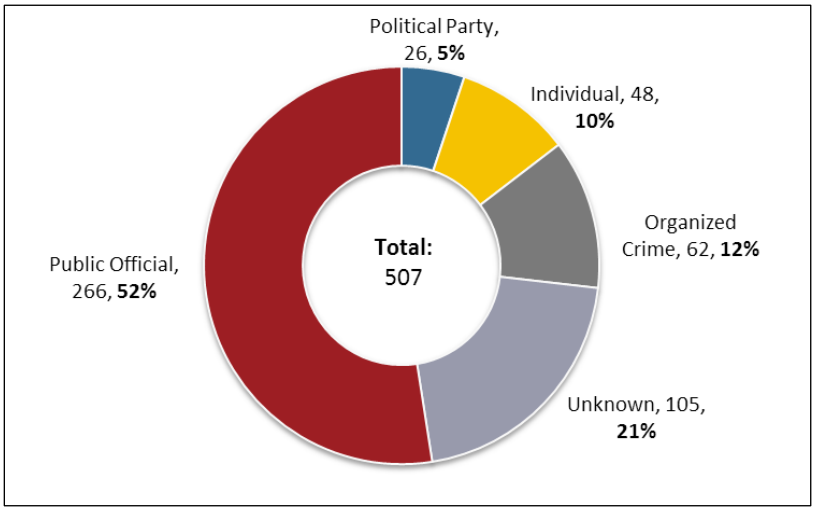
Midway between these two estimates, Article 19 in its 2017 annual report estimated that 86 journalists and media workers were killed in Mexico between 2007 and 2017. According to Article 19, 17 journalists were killed and 5 disappeared during Javier Duarte's tenure as governor of Veracruz (2010-2016).[21] The state attorney general's office deemed most of those crimes as being unrelated to the journalists' work, even in cases of those journalists who had been critical of the governor, such as Rubén Espinosa (discussed in the "Selected Emblematic Cases" section below).

Other Crimes Committed Against Journalists

Homicides and disappearances of journalists can have a chilling effect on reporting, but crime groups, corrupt politicians, and others use a range of other actions to intimidate journalists or retaliate against them for their reporting. These aggressions 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.

[21] Silvia Higuera and Teresa Mioli, "Mexican Governor of Veracruz Resigns to Face Corruption Charges; 17 Journalists Have Died During his Administration," *Journalism in the Americas Blog: Knight Center for Journalism at the University of Texas at Austin*, October 14, 2016.

Figure 2. Principal Perpetrators of Aggressions Against Journalists in Mexico: 2017



Source: Articúlo 19, *Democracia Simulada: Nada que Aplaudir: Informe Anual 2017*, March 2018.

As depicted in **Figure 2**, Article 19 documented more than 500 aggressions committed against journalists in Mexico in 2017, up from 426 committed in 2016 and more than double the 238 committed in 2009 (the first year this type of data was collected). In 2017, the most frequent aggressions documented included threats, intimidation, physical attacks or attacks on property, kidnapping, and violence committed by state actors. Of those aggressions, more than 52% reportedly were attributed to public officials, similar to the 53% attributed to public officials in 2016. Although a breakdown of aggressions committed by level (local/state/federal) of government official is not included in Article 19's 2017 report, the organization's 2016 report alleged that 75% of aggressions against journalists by public officials were committed by state or local officials.[22]

As reported by RWB, these types of aggressions have led to the forced displacement of journalists within Mexico, which has caused the journalists economic and psychological strain. In addition, some journalists have sought asylum abroad.[23] Mexican journalists seeking asylum in the United States face significant challenges.[24]

Selected Emblematic Cases

Rubén Espinosa and four women (including Nadia Vera, an activist critical of then-Veracruz Governor Javier Duarte who had been previously attacked by state officials) were killed execution-style on July 31, 2015, in Mexico City. Espinosa was a freelance photojournalist in Veracruz who had documented acts of state repression against protesters, including photos of Duarte. In early 2015, Espinosa fled Veracruz to Mexico City; before doing so, he had reported harassment from police authorities in Veracruz and received death threats. Before and after moving to Mexico City, Espinosa had given interviews to fellow journalists and published

[22] Articúlo 19, *Libertades en Resistencia: Informe 2016 de Article 19,* April 2017, available in Spanish at https://articulo19.org/informe2016/.

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

[24] Julián Aguilar, "Mexican Journalist's Case Suggests Changes to Asylum Process Under Trump," *Texas Tribune*, April 11, 2017

information on social media about the abuse and intimidation he had endured in Veracruz.[25] On June 30, 2015, a month before the murders, then-Governor Duarte publicly accused journalists in his state of "having ties" to organized crime and said that they should "behave ... [since] we're going to shake the tree, and many bad apples are going to fall."[26] After that speech, Espinosa reportedly knew that he was being followed.

The attorney general's office of the Federal District investigated the journalists' murders as a robbery unrelated to the victims' jobs. The person arrested in connection with the crime, Daniel Pacheco Gutiérrez, was reportedly a serial rapist; his two accomplices remain at large, and any links between the perpetrators and the Duarte government were not pursued. Some press rights organizations maintain that Pacheco did not commit the killings. When Pacheco appeared before a judge, he reportedly alleged that he had been tortured by authorities while in custody.[27]

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 was a correspondent for the Mexico City-based *La Jornada* newspaper and a contributor to *El Norte de Juarez*. Her work included a focus on crime groups and land struggles in the Tarahumara Mountains, publicizing human rights violations and exposing links between local officials and crime groups in Chihuahua. In 2016, Breach and others had pressed Mexico's federal government to create an early warning system for journalists and human rights defenders in Chihuahua to complement a federal protection mechanism established in 2012 (see "The Federal Protection Mechanism" section below).

In December 2017, federal police, acting on behalf of the Chihuahua state prosecutor, arrested Juan Carlos Moreno Ochoa, the leader of a criminal gang, and accused him of overseeing Breach's execution; however, some question whether Moreno Ochoa was the intellectual author of the crime. At a hearing for Moreno Ochoa, audio was played that reportedly contained evidence linking local National Action Party officials with Breach's murder.[28] State prosecutors have not followed that line of inquiry, and a judge recently ordered them to provide two folders of evidence that they had withheld from Breach's family and Moreno Ochoa's lawyer.[29] A federal judge also determined that the federal-level Office of the Special Prosecutor's for Crimes Against Freedom of Expression (FEADLE) should complete the investigation.[30]

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. The attackers stole his phone and computer. This was not the first time that Cárdenas, who also wrote for *La Jornada* newspaper and published books on crime and drugs in Mexico, was the target of violence. In 2009, a grenade hit the *Riodoce* offices; in 2011, the journal's computers were hacked.[31] According to *La Jornada*, Valdez received death threats, particularly after he reported on the succession struggles that occurred following the January 2017 extradition of Joaquín "El Chapo" Guzmán Loera to the

[25] Francisco Goldman, "Who Killed Rubén Espinosa and Nadia Vera?" *New Yorker,* August 14, 2015.

[26] Ibid.

[27] CPJ, "Ruben Espinosa," at https://cpj.org/data/people/ruben-espinosa-becerril/.

[28] Paola Nalvarte, "Politicians and Drug Traffickers Suspected in Murder of Mexican Journalist Miroslava Breach," *Journalism in the Americas Blog*, January 23, 2018.

[29] "La Fiscalía de Chihuahua Oculta dos Tomos de la Pesquisa del Asesinato de Miroslava," *La Jornada*, April 14, 2018.

[30] Ibid.

[31] In 2011, Javier Valdez won CPJ's International Press Freedom Award.

United States.[32] FEADLE took charge of the investigation in May 2017, and a suspect from the Sinaloa cartel was arrested in relation to the crime in April 2018.[33] Ricardo Sánchez, the prosecutor leading FEADLE, has said that more arrest warrants may be forthcoming.[34]

Cándido Ríos Vázquez and two companions were killed by unknown gunmen on August 22, 2017, in a drive-by shooting that took place outside a store in Juan Díaz Covarrubias, Veracruz. Ríos was the first reporter enrolled in a federally established protection mechanism (discussed in "The Federal Protection Mechanism," below) to be killed. He founded a local newspaper, *La Voz de Hueyapán*, in Veracruz and wrote for a regional paper, *El Diario de Acayucán.* His coverage of local issues reportedly angered a former mayor of Hueyapán (Gaspar Gómez Jiménez), and, after receiving threats, Ríos enrolled in the federal protection mechanism in 2013. The mechanism provided him with a panic button and security cameras at his home. (He was not enrolled in the state's protection mechanism.) In October 2016, Ríos notified FEADLE and the federal mechanism that Gómez Jiménez had threatened to kill him. According to local media outlets, Gómez Jiménez released a video threatening to beat up Ríos in early August 2017. The Veracruz special prosecutor's office has opened an investigation into the August 22, 2017, killing but maintains that Ríos's murder probably was related to his companions and not to his work.[35]

Mexican Government Efforts to Address Crimes Against Journalists

The Federal Protection Mechanism

The Mexican government has taken some actions to protect journalists. In June 2012, the government promulgated a law for the protection of journalists and human rights defenders. In November 2012, it established a federal protection mechanism housed within Mexico's interior ministry to provide bodyguards, panic buttons, and other protective measures to those seeking its assistance. Human rights groups and the international community argue that the protection mechanism is "an important recognition" by the government of the severity of the security challenges faced by journalists and human rights defenders operating in the country.[36] As of December 2017, the protection mechanism had provided support to 380 journalists and at least nine states had created similar state-level protection mechanisms.[37] The protection mechanism also helped create "early warning" systems to disseminate information about potential threats to journalists in Veracruz and Chihuahua. With U.S. support from Freedom House (see "U.S. Policy," below), those responsible for the protection mechanism have reduced the backlog of

[32] CPJ, "Javier Valdez Cárdenas," at https://cpj.org/data/people/javier-valdez-cardenas/.

[33] "Mexican Reporter Valdez Killed Because of His Work," AP, April 24, 2018.

[34] Paola Nalvarte, "Authorities Arrest Suspect in Killing of Mexican Journalist Javier Valdez Almost One Year After Murder," *Journalism in the Americas Blog*, April 24, 2018.

[35] CPJ, "Cándido Ríos Vázquez," at https://cpj.org/data/people/candido-rios-vazquez/; "A Mexican Reporter Was in a Program to Protect Journalists. He Was Still Killed," *Los Angeles Times*, August 23, 2017.

[36] 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.

[37] Secretaría de Gobernación, *Informe Estadístico: Mecanismo para la Protección de Personas Defensores de Derechos Humanos y Periodistas*, December 2017, at https://www.gob.mx/segob/documentos/conoce-mas-sobre-el-mecanismo-de-proteccion-de-personas-defensoras-de-derechos-humanos-y-periodistas.

cases and developed protocols for assessing the risk of a person seeking assistance. In August 2015, the mechanism created a unit designed to prevent future violence and to analyze results.

Nevertheless, the IACHR, the U.N., and others maintain that "the mechanisms of protection have surprisingly limited resources given the context of a national crisis."[38] They identify as issues to be addressed a lack of adequate staff; timely analysis; protective measures that consider a person's gender, family, and employment needs; psychological assistance for victims; and coordination among the protection mechanism and other entities charged with assisting those who have been victimized. Other studies point to the high cost and faulty technology behind some of the services offered, including panic buttons that do not work.[39] Many 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. According to Article 19, the federal police maintain that they lack the authority to protect journalists in cases where local or state police could pose risks to journalists.[40] In August 2017, Cándido Ríos Vázquez became the first individual enrolled in the federal protection mechanism to be killed.

Some 75% of journalists surveyed by Freedom House and others reportedly do not have faith in the mechanisms created to protect them.[41] That figure could be even higher now that it has been widely reported that the Peña Nieto government has used spyware it purchased from Israel to monitor its critics, including journalists.[42] The government has acknowledged purchasing the spyware but denied misusing it to spy on its critics.[43]

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 was expanded in 2010, and 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 against journalists even in instances when state authorities were already looking into a case. FEADLE used that power four times in 2016, the most recent year for which complete data are available.[44]

From 2010 to January 2017, FEADLE brought 12.6% of the cases it investigated before a judge and secured three convictions (0.4% of those cases).[45] According to Article 19, FEADLE lacks staff (both investigators and prosecutors), resources, technical capacity, and high-level support for

[38] OHCHR and IACHR, 2017.

[39] WOLA and PBI, 2016.

[40] Article 19, March 2018.

[41] Emir Olivares Alonso, "Periodistas Desconfian de Instituciones," *La Jornada*, June 27, 2017.

[42] Azam Ahmed and Nicole Perlroth, "Using Texts as a Lure, Government Spyware Targets Mexican Journalists and Their Families," *New York Times*, June 19, 2017.

[43] Azam Ahmed, "Mexican President Says Government Acquired Spyware but He Denies Misuse," *New York Times*, June 22, 2017.

[44] Jan-Albert Hootsen, "Mexico's Special Prosecutor Says FEADLE Is Improving, but Impunity Continues," CPJ, January 12, 2018.

[45] CPJ, May 2017.

its efforts. Article 19 argues that FEADLE has proven unable to investigate crimes or provide support to families of journalists who have been killed or disappeared.

In May 2017, a CPJ report cited an overall (federal and state) impunity rate of 86% for cases of journalists who have been killed in retaliation for their work.[46] According to the report, even in cases where arrests or convictions have been made, they generally have not involved the individual who directed the crime. CPJ maintains that this level of impunity for journalist killings has, in turn, fueled further crimes, such as additional killings, and fostered distrust between journalists and the government entities that have been established to protect them.

According to the IACHR and OHCHR, FEADLE has "still not made any impact in combating impunity."[47] The current head prosecutor took over in May 2017 and reportedly increased the staff to 22 prosecutors and 15 police (from 15 and 14, respectively).[48] According to CPJ, his team is focused on solving a backlog of cases filed under Mexico's old inquisitorial justice system; it is unclear whether FEADLE will be capable of presenting cases in the new accusatorial system, which became operational in 2016. The accusatorial system requires higher evidence standards.

According to press freedom groups, high turnover rates have negatively affected the performance of the federal protection mechanism and FEADLE. Their work also is reportedly hindered by their location within government agencies that may not have high levels of political will to support the federal protection mechanism and FEADLE's efforts. For these reasons, press rights and other civil society groups (such as Article 19) are pushing for the establishment of an independent public prosecutor's office in Mexico that is free from the influence of the president.[49] These groups argue that independent federal and state prosecutors, overseen by civil society groups, could draw attention to a lack of progress in investigations and prompt remedial action. Others have suggested that Mexico may need assistance from some sort of international mechanism akin to the U.N.-backed International Commission Against Impunity in Guatemala.[50]

Executive Commission of Attention to Victims

In January 2013, President Peña Nieto signed into law the General Victim's Law, which created an Executive Commission of Attention to Victims, a registry of victims of organized crime, and a compensation fund for victims and their families. The law guaranteed 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. Its implementation has been marred by delays, burdensome requirements placed on those seeking to qualify for assistance, and an overwhelmed and ill-trained staff that, as of 2016, had distributed only 4.5% of the $48 million that had been set aside for reparations for victims.[51] From 2014 to 2017, 38 journalists were added to the national victim's registry and received support from the

[46] CPJ, *No Excuses*, May 3, 2017, at https://cpj.org/reports/cpj_mexico_2017-04-24_English_Web.pdf.

[47] OHCHR and IACHR, 2017.

[48] Hootsen, op. cit.

[49] WOLA and the Due Process of Law Foundation, *Report: Establishing a New, Independent Attorney General's Office is Crucial to Mexico's Fight Against Corruption*, April 19, 2018, at https://www.wola.org/2018/04/wola-report-establishing-a-new-independent-national-prosecutors-office-is-crucial-to-mexicos-fight-against-corruption-and-impunity/.

[50] See, for example, Open Society Justice Initiative, *Corruption That Kills: Why Mexico Needs an International Mechanism to Combat Impunity*, 2018, at https://www.opensocietyfoundations.org/reports/corruption-kills-why-mexico-needs-international-mechanism-combat-impunity.

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

victims' fund and executive commission.[52] In June 2017, a special fund within the crime victim's fund was created to meet the specific needs of journalists; its impact is not yet clear.

U.S. Policy

Congress has expressed ongoing concerns about human rights conditions in Mexico, including the government's treatment of journalists and human rights defenders.[53] These concerns have intensified as U.S. security assistance to Mexico has increased under the Mérida Initiative, a security and rule-of-law partnership announced in 2007 for which Congress has provided some $2.9 billion.[54] Congress has continued to monitor adherence to the "Leahy laws," which require vetting for security forces to receive U.S. Department of Defense or State Department assistance, including Mexican forces.[55] Since FY2008, Congress has conditioned the annual provision of a percentage of certain U.S. assistance to Mexican security forces on the State Department's submission of a report confirming that Mexico has made progress in complying with human rights standards included in the legislation.[56] The State Department submitted reports for every year except FY2014 and FY2016. As a result, the State Department withheld certain assistance to Mexico in those years.[57] U.S. concerns were not directly related to attacks on journalists.

In 2011, the scope of bilateral cooperation broadened from focusing primarily on antidrug efforts to a four-pillar strategy that prioritized strengthening the rule of law. Under pillar two of that strategy, 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 helped Mexico draft the 2012 legislation that established the federal protection mechanism. The State Department also has established a high-level human rights dialogue with Mexico that has included a focus on the issue of protecting journalists and continued to provide human rights training for Mexican security forces. During her tenure, U.S. Ambassador to Mexico Roberta Jacobson (who left her position on May 5, 2018) spoke out about the importance of protecting journalists in Mexico and solving cases of journalists' killings.[58]

USAID in Mexico currently is focused on strengthening the rule of law, fostering an environment in which human rights are protected and abuses are prevented, and preventing crime and violence. Since the amount of U.S. funding available for these programs is limited and Mexico is a middle-income country, the assistance programs are designed to complement the work of the Mexican

[52] Article 19, March 2018.

[53] See, for example, Rep. Alan Lowenthal, "Congressman Lowenthal Calls on Secretary Tillerson To Ensure Mexican Govt Moves Forward in Spyware Investigation," December 7, 2017.

[54] CRS In Focus IF10578, *Mexico: Evolution of the Mérida Initiative, 2007-2018*, by Clare Ribando Seelke.

[55] There is no Foreign Assistance Act definition for the term *security force*. The Department of Defense (DOD) defines the term as "duly constituted military, paramilitary, police, and constabulary forces of a state." (DOD Dictionary of Military and Associated Terms, DOD Joint Publication 1-02, at http://www.dtic.mil.) See CRS In Focus IF10575, *Human Rights Issues: Security Forces Vetting ("Leahy Laws")*, by Liana W. Rosen.

[56] 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 to FY2018, the conditions only applied to FMF.

[57] As a result of the State Department's decision not to submit a report for Mexico, some $5 million in international narcotics and law enforcement assistance in FY2014 was reprogrammed to Peru. Mexico lost close to $500,000 in FMF that year, as well. In FY2016, the State Department withheld some $1.3 million in FMF to Mexico.

[58] As an example, U.S. Department of State, U.S. Embassy in Mexico City, "Ambassador Jacobson Hears Concerns from Press Freedom Advocates in Mexico," September 20, 2016.

government in those areas. The success of U.S. efforts depends, in turn, on the political will, technical capacity, and budgetary resources devoted by the government of Mexico (federal and state). USAID has provided at least $6.6 million to support freedom of expression and protection for journalists in Mexico, and it plans to invest at least another $4.2 million through September 2019. The explanatory statement accompanying the Consolidated Appropriations Act, 2018 (P.L. 115-141), stipulates that $1 million of the aid for Mexico is to provide new support to FEADLE.

From 2011 to 2016, USAID provided some $5.1 million to Freedom House in Mexico aimed at three objectives: (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. According to an external evaluation of USAID's human rights programs, this project provided training on personal protection, cybersecurity, and other topics that were regarded as "generally useful" to some 580 journalists. The project also created a network of journalists who support each other.[59] However, the project was unable to engage journalists and civil society actors outside the Federal District, Chihuahua, and Veracruz. Also, in most areas where the project operated, government-journalist relations did not measurably improve. The project reportedly helped improve the protection mechanism by strengthening its processes and procedures, especially those related to analyzing a person's or a group of people's risk. It also reportedly helped ensure that the protection mechanism had adequate resources and improved the government's willingness to work with civil society and accept technical assistance.[60] The project was unable, however, to ensure the sustainability of funding for the federal mechanism and institutional capacity within its staff. Even after Freedom House's efforts, the services offered remain limited and do not always take into account people's personal or family situations.[61]

USAID began a $1.5 million project implemented by Article 19 in October 2015 that is scheduled to end in June 2018. The program includes a focus on awareness-raising as well as activities to help train journalists in self-protection and building support networks.

A third $4.2 million USAID project builds on lessons learned from the Freedom House project and has a planned duration of two years (September 2017-Septmber 2019), which can be extended. The program (*Provoces*) focuses on improving federal and state protection mechanisms and FEADLE. It aims to improve coordination among those entities, as well as with civil society and the private sector (including media companies). This project also aims to help states develop units to investigate and prosecute crimes against journalists.

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[59] U.S. Agency for International Development (USAID), *Results of Human Rights Program Evaluation*, 2017, at https://pdf.usaid.gov/pdf_docs/PA00N3NP.pdf.

[60] WOLA and PBI, 2016.

[61] USAID, op. cit.

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