

MEXICO

	2011	2012
INTERNET FREEDOM STATUS	Partly Free	Partly Free
Obstacles to Access (0-25)	12	11
Limits on Content (0-35)	10	11
Violations of User Rights (0-40)	10	15
Total (0-100)	32	37

* 0=most free, 100=least free

POPULATION: 116 million
INTERNET PENETRATION 2011: 36 percent
WEB 2.0 APPLICATIONS BLOCKED: No
NOTABLE POLITICAL CENSORSHIP: No
BLOGGERS/I USERS ARRESTED: No
PRESS FREEDOM STATUS: Not Free

INTRODUCTION

In February 1989, the Monterrey Superior Studies Institute established Mexico's first internet connection.¹ Despite dramatic growth in internet penetration over the last 23 years, the majority of the population, particularly in rural areas, still lacks affordable access. This is largely due to infrastructural deficiencies and high prices resulting from ownership concentration in the telecommunications sector. On the other hand, mobile phones are widely available.

Once individuals are able to get online, the Mexican internet is predominantly free of censorship. While the blogosphere is not as influential as in other countries in the region, the social-networking site Facebook and the Twitter microblogging service have emerged as tools for citizen mobilization, including in response to drug-related violence and attacks on journalists. In 2011, for the first time, internet users became the target of such violence when four people were brutally killed in Nuevo Laredo between September and November, apparently in connection with their online writings. Separately, several new websites reporting critically about state governments have begun serving as important sources of information and forums for public discussion. However, as they gained prominence, the websites reported encountering harassment, discrimination, and cyberattacks that negatively affected their ability to operate.

¹ Network Information Center (NIC) Mexico, "History of NIC Mexico" [in Spanish], accessed November 16, 2011, <http://www.nic.mx/es/NicMexico.Historia> (site discontinued).

OBSTACLES TO ACCESS

Internet penetration in Mexico has notably increased in recent years, from approximately 20 percent of the population in 2006 to 36 percent by early 2012.² These figures remain low, however, for a country at Mexico's level of economic development and especially for a member of the Organization for Economic Cooperation and Development (OECD).³ In addition, technological advancement has been uneven across the country, with a large percentage of users concentrated in Mexico City or other urban areas.⁴ This digital divide is largely due to a lack of infrastructure as well as high prices. Thus, as of August 2011, only 21 percent of households had internet service,⁵ and in May 2012, 54 percent of users reported accessing the web outside their home.⁶ Nevertheless, cybercafes are generally easy to access in small cities, some small towns, and in areas frequented by tourists. No accurate statistics are available on the level of internet use among the indigenous population.

A lack of competition in the telecommunications sector has contributed to high prices and weakened incentives for the dominant companies to expand services to rural areas, leaving many parts of the country without connectivity. According to the National Institute of Geography and Statistics (INEGI), landline coverage in urban areas is only 50 percent, and in rural areas, this figure drops to 25 percent. As a result, broadband access is also limited. Although there are hundreds of independent internet service providers (ISPs) in Mexico,⁷ the private company Teléfonos de México (Telmex) dominates the market for landlines and provides DSL broadband internet services for 8.7 million of the market's 10 million subscribers.⁸

² International Telecommunication Union (ITU), "Percentage of individuals using the Internet, fixed (wired) Internet subscriptions, fixed (wired)-broadband subscriptions," 2006 & 2011, accessed July 13, 2012, <http://www.itu.int/ITU-D/ICTEYE/Indicators/Indicators.aspx#>. A study by AMIPCI based on interviews conducted in April-May 2012 supported this figure that there were 40.6 million users, about 35 percent of the population "Internet users in Mexico reach more than 40 million," [in Spanish] Mexican Internet Association (AMIPCI), May 17, 2012, <http://www.amipci.org.mx/?P=articulo&Article=71>.

³ "Internet penetration in Mexico is still low" [in Spanish], Azteca Noticias, May 7, 2012, <http://www.aztecanoticias.com.mx/notas/tecnologia/110807/penetracion-de-internet-en-mexico-es-baja-amipci>.

⁴ Of the 30.6 million users over the age of six, an estimated 25.6 million live in urban areas. Mexican Internet Association, *AMIPCI 2009 Report on Internet Users' Habits* [in Spanish], Mexican Internet Association (AMIPCI), May 2010, <http://www.amipci.org.mx/estudios/temp/Estudiofinalversion1110-0198933001274287495OB.pdf> (site discontinued).

⁵ "Internet penetration in Mexico" [in Spanish], Mexican Communication Magazine, March 29, 2011, <http://mexicanadecomunicacion.com.mx/rmc/2011/08/18/la-penetracion-de-internet-en-mexico/#axzz1jqEkt6lM>.

⁶ Mexican Internet Association, *AMIPCI 2010 Report on Internet Users' Habits* [in Spanish], Mexican Internet Association (AMIPCI)

⁷ James Thomasson, William Foster, and Laurence Press, *The Diffusion of the Internet in Mexico* (Austin: Latin American Network Information Center, University of Texas, 2002), <http://lanic.utexas.edu/project/etext/mexico/thomasson/thomasson.pdf>.

⁸ Ibid.

Broadband subscriptions have enjoyed modest growth since 2009, increasing by 2.3 percent to reach 10.6 broadband subscribers per 100 inhabitants in 2011;⁹ by comparison, the OECD average is 25.1.¹⁰ There has been some reduction in the cost of a broadband connection, but it remains expensive for many Mexicans, ranging from 389 pesos (US\$30) to 599 pesos (US\$78) per month,¹¹ compared to the minimum monthly wage of 1,770 to 1,860 pesos (US\$114 to US\$126), depending on location.¹² Access from cybercafes is more affordable, ranging from 10 to 15 pesos (US\$0.77 to US\$1.15) per hour.

The Mexican government acknowledges the serious gaps in internet access and has shown willingness in recent years to address the problem. In April 2009, Congress approved a Law for the Development of an Information Society that explicitly recognizes the responsibility of the Mexican state to plan and promote access to information and communication technologies (ICTs).¹³ In May 2010, the Department of Communications and Transportation announced an investment of 1.5 billion pesos (US\$115.5 million) to extend internet access to neglected regions that private companies have deemed unprofitable.¹⁴ The plan included efforts to create a national network of fiber-optic cables to connect outlying regions, and allow third parties to offer internet services.¹⁵ However, three years later, achievements have been marginal, as evidenced by the statistics cited above.¹⁶

Six private companies provide most mobile phone services, though the Telmex subsidiary Telcel dominates with 70 percent market share.¹⁷ Mobile phone access, according to the International Telecommunications Union (ITU), is significantly more widespread than internet use, with 94.6 million subscribers (82 percent of the population) as of the end of 2011.¹⁸ The Competitive Intelligence Unit, a market research firm, estimates that the country will achieve 100 percent penetration in 2014.¹⁹ A drop in prices for mobile phone

⁹ International Telecommunication Union (ITU), "Percentage of individuals using the Internet, fixed (wired) Internet subscriptions, fixed (wired)-broadband subscriptions," 2011.

¹⁰ OECD Broadband Subscriptions data, June 2011.

¹¹ Ibid.

¹² "Minimum wage in Mexico" [in Spanish], Misalario.org, last modified February 20, 2012, <http://www.misalario.org/main/tu-salario/salario-minimo/mexico-salarios-minimos>.

¹³ Special Committee of Congress for the Promotion of Digital Access to Mexicans, *Bill to Promote the Development of the Society of Information* [in Spanish], 2009, <http://jmcane.files.wordpress.com/2009/04/ley-desarrollo-sociedad-de-la-informacion-mexico.pdf>.

¹⁴ "SCT Will Invest 1.5 Billion Pesos for the Internet" [in Spanish], El Universal, June 23, 2010, <http://www.eluniversal.com.mx/notas/689775.html>.

¹⁵ James Thomasson, William Foster, and Laurence Press, *The Diffusion of the Internet in Mexico*.

¹⁶ Karol Garcia, "Broadband," [in Spanish] Media Telecomm, May 2, 2012, http://www.mediatelecom.com.mx/index.php?option=com_content&view=article&id=21217&catid=9&Itemid=35.

¹⁷ Henry Lancaster, "Mexico – Mobile Market Insights, Statistics and Forecasts," BuddeComm, last updated July 4, 2012, <http://www.budde.com.au/Research/Mexico-Mobile-Market-Insights-Statistics-and-Forecasts.html>.

¹⁸ International Telecommunication Union (ITU), "Mobile-cellular telephone subscriptions," 2011, accessed July 13, 2012, <http://www.itu.int/ITU-D/ICTEYE/Indicators/Indicators.aspx#>.

¹⁹ Ariadna Cruz, "Mobile lines still growing in Mexico" [in Spanish], El Universal, November 14, 2011, <http://www.eluniversal.com.mx/finanzas/91029.html>.

use has helped accelerate growth.²⁰ Perhaps the most notable change since 2011 has been the growth in the use of smartphones and with it, mobile internet access. By April 2012, industry insiders estimated that 17 million of the country's 97 million mobile phones were smartphones, or about 17.5 percent.²¹

Mexico's legal framework for telecommunications is complicated and outdated, as the main legislation on the topic was passed in the 1960s. In January 2012, the OECD published a report recommending quick legal and regulatory reforms in order to boost competition and investment in the sector.²² The Federal Commission of Telecommunications (COFETEL) and the Federal Competition Commission (CFC), an antitrust body, are the primary agencies tasked with regulation.²³ Observers and press freedom advocates have criticized COFETEL for its lack of independence from the Department of Communications and Transportation and the executive branch. The president directly appoints COFETEL commissioners without the need for Senate approval, and the commission operates with limited transparency. These problems contribute to mistrust of its actions, especially regarding frequency allocations. The agency's credibility was further damaged with the 2010 appointment as director of Mony de Swaan Addati, perceived to be a political ally of the president and ruling party with little expertise in telecommunications.²⁴ After his appointment, de Swaan encountered conflicts with other commissioners and reports emerged of several contracts being awarded without a competitive bidding process.

The CFC has a better reputation, and its head commissioner has demonstrated the will to enforce antitrust legislation, but the institution remains weak and has limited power to enforce sanctions on large companies like Telmex. In June 2011, the commission imposed a 91 million peso (US\$7.9 million) fine on Telmex for monopolistic practices after it denied a subsidiary of Telefonica (the second largest mobile phone service provider after Telmex) the ability to interconnect with its network in 2007-2008. In September, however, the commission revoked the fine after an appeal from Telmex and what some observers believed

²⁰ In May 2011, COFETEL ordered telecom firms to reduce interconnection fees between landlines and mobile phones to a more affordable level. The fees were dropped to 0.39 pesos (US\$0.03) for mobile phones. The decision was later affirmed by the Supreme Court. "Cofetel reduces interconnection fees" [in Spanish], *Revista Opcion*, June 10, 2011, <http://www.revistaopcion.com/tag/de-mayo/>.

²¹ Interview Guillermo Perezbolde, Vicepresident of Marketing, Public Relations and Social Media at Asociación Mexicana de Internet (AMIPCI).

²² *OECD Review of Telecommunication Policy and Regulation in Mexico*, OECD, January 30, 2012, http://www.oecd.org/document/18/0,3746,en_2649_34223_49453202_1_1_1_1,00.html.

²³ COFETEL, "Scope of Action," [in Spanish] Federal Competition Commission, accessed August 31, 2010, http://www.cofetel.gob.mx/wb/Cofetel_2008/Cofe_ambito_de_accion.

²⁴ Organización Editorial Mexicana (Mexican Editorial Organization), "Por Correo Electronico El Valor de la Amistad" [By Email, The Value of Friendship], *El Sol de Leon*, February 10, 2012, <http://www.oem.com.mx/elsoldeLEON/notas/n2422115.htm>; "Biografía de Mony de Swaan" [Mony de Swaan Biography], *Terra.com*, June 30, 2010, http://economia.terra.com.mx/noticias/noticia.aspx?idNoticia=201006301612_TRM_79128653.

was political pressure.²⁵ There are no restrictions on opening cybercafes, though like other businesses they are required to obtain a license to operate.²⁶

LIMITS ON CONTENT

The Mexican authorities do not employ any technical methods to filter or systematically curb access to online content, and no legislation restricts the internet as a medium for mass communication. This absence of regulation, even on content internationally recognized as harmful, is evident from Mexico's ranking as second worldwide in the production and distribution of child pornography.²⁷

In previous years, isolated incidents were recorded of government agencies instigating the removal of online content in the public interest. However, in 2011 and early 2012, there were no reports of such deletion requests by the federal government. For example, according to Google's Transparency Report, the firm did not receive any requests for content removal from the Mexican authorities in 2011.²⁸

More notable for its negative impact on the availability of online information to the public has been the rise in cyberattacks against independent online news sources. Beginning in mid-2011, a series of denial-of-service (DoS) attacks targeted political websites and online news outlets, shuttering them for days at a time or otherwise damaging their capacity to provide information to the public (see "Violations of User Rights").

In addition, as independent news websites covering state governments gained prominence, reports emerged of measures taken by some governors to neutralize their influence. In July 2011, Expediente Quintana Roo reported that four local government agencies had without explanation decided not to renew advertising contracts at a time when the recently elected government was showing growing hostility towards the year-old news website known for its investigative reporting and public opinion surveys.²⁹ In October 2011, E-consulta accused the governor of Puebla of using sympathetic news outlets to discredit the website after it

²⁵ The fine was suspended in August pending further examination, then revoked the following month. Notimex, "CFC backs up on fine imposed to Telmesx," [in Spanish], El Universal, August 4, 2011 <http://www.eluniversal.com.mx/notas/783712.html>.

²⁶ "Why an Internet Café Is Still Good Business in Mexico," InternetCafes.com.mx (blog), July 1, 2010, <http://internetcafes.com.mx/2010/07/por-que-un-cafe-internet-aun-es-buen-negocio-en-mexico/> (subscription required).

²⁷ "Mexico, gran productor de pornografia infantil" [Mexico, a major producer of child pornography], Periodistasenlinea.org, <http://www.periodistasenlinea.org/modules.php?op=modload&name=News&file=article&sid=4011>; <http://www.vanguardia.com.mx/unainfanciadesprotegidaporlaley-1277522.html>, April, 2012.

²⁸ "Google Transparency Report July to December 2011," <http://www.google.com/transparencyreport/removals/government/MX/?p=2011-12>.

²⁹ "Ataque cibernético en contra de tres medios digitales de Quintana Roo" [Cyber-attack against three Quintana Roo Digital Media], Instituto Prensa y Sociedad [Press and Society Institute], July 14, 2011, <http://www.ipys.org/index.php?q=alerta/723>.

leaked information indicating that the governor had distributed millions of dollars in advertising to such outlets,³⁰ while reports also emerged of efforts to discourage advertisements in E-consulta.³¹

Although self-censorship is extensive among traditional media journalists, particularly regarding police activity and drug trafficking, the phenomenon is less prevalent among online reporters, as the sphere is not well developed and physical attacks are less common. This dynamic began to change in 2011 with the brutal killing of several internet users who had used social media to expose information related to drug violence (see “Violations of User Rights”). The murders generated somewhat of a chilling effect on online speech, but primarily prompted reminders from the moderators of forums on drug violence that contributors protect their anonymity. The editor of a news website anticipated that online journalists may come under attack more often in the coming years as their influence grows.³²

Due to scarce funding, including a lack of investor interest in internet advertising, it is difficult for individuals and nonprofit initiatives to establish sustainable online media projects. However, since early 2011, efforts to develop politically-oriented web portals have gained momentum and met with some success. For example, in Mexico City, the portals Animal Político, Sin Embargo, La Silla Rota, Gurú Político, and SDP Noticias have emerged as important venues for political discussions and analysis not typically available from the traditional press. As their influence has grown, so too has the traffic to their websites.³³ Visits to Animal Político, for example, increased 300,000 to 700,000 within one year. Some news websites have focused on typically more marginal social issues, such as Subversiones, which receives about 6,000 visits per month.³⁴ Many civil society groups also have their own sites, and those that cannot afford a website use blogging platforms to publicize their activities. According to the World Association of Community Radio in Mexico, the internet has been a helpful tool for nongovernmental organizations operating in rural areas, and especially for female activists.³⁵ Some community radio stations, such as RadioAMLO have successfully migrated online after being shut down by the authorities

³⁰ “Acoso del gobernador de Puebla Rafael Moreno Valle contra e-consulta (Harassment by the Puebla governor Rafael Moreno Valle on e-consulta),” YouTube video, 4:48, posted by “videoeconsulta,” October 24, 2011, <http://www.youtube.com/watch?v=tbqGB24McG8>.

³¹ “La confrontación como política de comunicación en Puebla” [Confrontation over political communication in Puebla], Lado B, October 12, 2011, <http://ladobe.com.mx/2011/10/la-confrontacion-como-politica-de-comunicacion/>.

³² “Acoso del gobernador de Puebla Rafael Moreno Valle contra e-consulta (Harassment by the Puebla governor Rafael Moreno Valle on e-consulta),” YouTube video; Interview with Daniel Moreno, editor of Animal Político, February 2012.

³³ Websites of these portals: www.animalpolitico.com, www.lasillarota.com, www.sinembargo.mx, www.sdpnoticias.com

³⁴ Subversiones website: www.agenciasubversiones.org.

³⁵ Interview with Laura Salas, advocacy coordinator for AMARC–México, October 2011.

because of Mexico's restrictive legal framework on such outlets.³⁶ Despite these changes, blogging remains relatively underdeveloped in Mexico. This is not due to deliberate government censorship, however, and the Mexican public generally has open access to the full range of national and international news sources.

Applications like Facebook, Twitter, the video-sharing site YouTube, and international blog-hosting services are freely available and growing in popularity. Facebook and Twitter have emerged as especially important tools for social and political mobilization, as well as for exchanging information about drug-related violence, thereby providing critical warnings to local communities about dangerous situations.³⁷ As of March 2012, Mexico was home to over 33 million Facebook users, the second largest contingent in Latin America after Brazil and fifth largest in the world.³⁸ Twitter also has a growing number of accounts, increasing from 146,000 in February 2010 to four million by February 2011.³⁹ Nevertheless, throughout 2011, online activism remained limited to a small community, as many of the most popular bloggers address personal topics rather than engaging in political or social commentary.⁴⁰ Some observers anticipated, however, that mobilization via online tools might gain momentum in the run-up to general elections in July 2012.

In addition to civil society uses of social media tools, most political parties have an online presence, with some candidates using Twitter or Facebook to communicate their platforms to voters.⁴¹ In April 2011, President Felipe Calderon and several cabinet members announced they had opened Twitter accounts.⁴² A review of the scale and nature of their activities indicates that most ministers are not particularly adept at using social media and that Twitter has typically served as a medium to communicate information and views to

³⁶ Julio Hernández López, "Cofetel Shuts Down Two Community Radio Stations" [in Spanish], *La Jornada*, October 4, 2007, <http://www.jornada.unam.mx/2007/10/04/index.php?section=opinion&article=00+o1pol>.

³⁷ Damien Cave, "Mexico Turns to Twitter and Facebook for Information and Survival," *New York Times*, September 24, 2011, https://www.nytimes.com/2011/09/25/world/americas/mexico-turns-to-twitter-and-facebook-for-information-and-survival.html?_r=1; Miguel Castillo, "Mexico: Citizen Journalism in the Middle of Drug Trafficking Violence," *Global Voices* (blog), May 5, 2010, <http://globalvoicesonline.org/2010/05/05/mexico-citizen-journalism-in-the-middle-of-drug-trafficking-violence/>.

³⁸ "Mexico Facebook Statistics," *SocialBakers*, accessed March 9, 2012, <http://www.socialbakers.com/facebook-statistics/mexico>.

³⁹ "Twitter in Mexico, some numbers" [in Spanish], *Webadictos.com*, accessed February 14, 2011, <http://www.webadictos.com.mx/2010/02/08/twitter-en-mexico-algunos-numeros/>; Damien Cave, "Mexico Turns to Twitter and Facebook for Information and Survival," *New York Times*, September 24, 2011, https://www.nytimes.com/2011/09/25/world/americas/mexico-turns-to-twitter-and-facebook-for-information-and-survival.html?_r=1.

⁴⁰ Kaitlyn Wilkins, "Social Media in Mexico: 5 Things You Need to Know," *Ogilvy Public Relations Worldwide*, September 24, 2009, <http://blog.ogilvypr.com/2009/09/social-media-in-mexico-5-things-you-need-to-know/>.

⁴¹ Octavio Islas, Amaia Arribas, and Erika Minera, "The Use of Web 2.0 Propaganda in Campaigns for Elected Office, State of Mexico, July 2009" [in Spanish], *Razon y Palabra* 14 no. 70, November 2009–January 2010, http://www.razonypalabra.org.mx/N/N70/Final_Argentina.pdf.

⁴² Deborah Esch, "Mexico: Felipe Calderon's Cabinet on Twitter," *Global Voices* (blog), April 19, 2011, <http://globalvoicesonline.org/2011/04/19/mexico-felipe-calderons-cabinet-on-twitter/>.

citizens, rather than engage in interactive conversations.⁴³ One notable exception has been Labor Minister Javier Lozano, who had by far the largest number of tweets and used a more engaging, relaxed tone in his communications. In a more disturbing trend, drug cartels have also begun using social media applications to exchange information on military checkpoints, prompting calls by some Mexican politicians for increased government monitoring and regulation of these tools.⁴⁴

VIOLATIONS OF USER RIGHTS

The constitution guarantees freedom of speech and freedom of the press, as well as the privacy of personal communications. The federal criminal defamation law was repealed in 2007, but civil insult laws remain on the books and criminal defamation statutes exist in 15 of Mexico's 32 states.⁴⁵ Although the upper echelons of the judiciary are independent, rule of law protections are relatively weaker at state levels.

With online tools becoming crucial sources of public information on drug-related violence, controversy has emerged when local authorities have sought to punish false reports that cause public alarm. For example, in Veracruz, amidst a surge in violence in August 2011, two users posted unconfirmed reports to Twitter of an attack on a school, sparking panic among parents.⁴⁶ Local authorities arrested the pair, a schoolteacher and journalist, on charges of terrorism and sabotage, which can yield punishments of up to 30 years in prison. A public outcry ensued over due process shortcomings and the disproportionate charges for citizens who may have been negligent in publishing unconfirmed reports but demonstrated no malicious intent.⁴⁷ The prosecutor's office subsequently dropped the charges in September and the two were released. That month, the state congress also amended the criminal code such that creating a "public order disturbance," would be punishable by one to

⁴³ Felipe Coredero, "Mexico: President Felipe Calderon's Twitter Use," Global Voices (blog), May 19, 2011, <http://globalvoicesonline.org/2011/05/19/225272/>; Claudia Benassini, "Calderon's cabinet on Twitter" [in Spanish], *Razón y palabra*, April 2012, http://www.razonypalabra.org.mx/caja_pandora/gabinete.html.

⁴⁴ Alexis Okeowo, "To Battle Cartels, Mexico Weighs Twitter Crackdown," *Time*, April 14, 2010, <http://www.time.com/time/world/article/0,8599,1981607,00.html/r:t#ixzz0laM8OTIa>.

⁴⁵ Freedom House, "Mexico," *Freedom in the World 2012*, <http://www.freedomhouse.org/sites/default/files/Mexico%20draft.pdf>.

⁴⁶ Daniel Hernandez, "Terrorism charges for 2 in Mexico who spread attack rumor on Twitter, Facebook," *LA Times* (blog), September 1, 2011, <http://latimesblogs.latimes.com/laplaza/2011/09/twitter-tweets-veracruz-mexico-terrorism-drug-war-censorship-rumors.html>.

⁴⁷ Local media reported that the pair was subject to psychological pressure to plead guilty and according to Amnesty International, denied access to a lawyer for 60 hours. Javier Duarte Ochoa, "Personas en riesgo de prision en Mexico tras publicaciones en Twitter y Facebook" [in Spanish], Amnesty International, August 31, 2011, <http://amnistia.org.mx/nuevo/2011/09/01/personas-en-riesgo-de-prision-en-mexico-tras-publicaciones-en-twitter-y-facebook/>.

four years in prison and a fine equivalent to 1,000 days of wages.⁴⁸ Similarly, in late August 2011, the state of Tabasco's congress approved a law punishing false alarms spread via mobile phones or social media that provoke panic or require mobilization of emergency personnel with between six months and two years in prison.⁴⁹ Local lawyers raised concerns that the new provision could be used to unnecessarily restrict freedom of expression.

The Mexican constitution has strong privacy protections, including requiring a judicial warrant for any interception of personal communications. In 2010, a new law on data protection was adopted that expanded the oversight powers of the data protection authority.⁵⁰ Nonetheless, amidst efforts to curb drug-related violence, Mexican security agencies have sought to improve their surveillance capabilities. In 2007, the Federal Investigations Agency reportedly began acquiring equipment with high technical sophistication from the Israeli firm Verint with the assistance of the United States government. The contract called for a system capable of intercepting mobile and landline phone calls, email communications, VoIP services, and internet chat programs.⁵¹ In April 2012, a second procurement was announced, aimed at increasing the number of work stations from 30 to 107.⁵² Human rights and privacy advocates have acknowledged the need for law enforcement agencies to improve their capacity to fight drug cartels and protect the public given rising violence levels. However, they have also raised concerns that corruption and weak rule of law among some state governments—including the infiltration of law enforcement agencies by organized crime—leave much room for abuse and that citizens could be endangered should their private communications fall into the wrong hands. Such concerns were heightened with the passage of a Geolocation Law that came into effect in April 2012. The legislation enables law enforcement agencies, including potentially low-level public servants, to gain access without a warrant and in real time to the location data of mobile phone users.⁵³ Critics of the law warned that it set a worrisome precedent of warrantless surveillance and was unconstitutional.⁵⁴ They also claimed location data was easy

⁴⁸ “After wasted month in prison, two social network users freed, charges dropped,” Reporters Without Borders, September 22, 2011, http://en.rsf.org/mexico-two-social-network-users-held-on-02-09-2011_40907.html.

⁴⁹ H. Congreso del Estado de Tabasco, *Constitution of the State of Tabasco* [in Spanish], http://www.congresotabasco.gob.mx/60legislatura/trabajo_legislativo/pdfs/decretos/Decreto%20125.pdf; Leobardo Perez Marin, “Apreuban Ley contra ‘rumor’; coartara libertades” [in Spanish], *Tabasco Hoy*, August 31, 2011, http://www.tabascohoy.com/noticia.php?id_nota=220149.

⁵⁰ Jeremy Mittman, “Mexico Passes Sweeping New Law on Data Protection,” Proskauer Rose LLP, May 11, 2010, <http://privacylaw.proskauer.com/2010/05/articles/international/mexico-passes-sweeping-new-law-on-data-protection/>.

⁵¹ Bob Brewin, “State Department to Provide Mexican Security Agency with Surveillance Apparatus,” NextGov, April 30, 2012, <http://www.nextgov.com/technology-news/2012/04/state-department-provide-mexican-security-agency-surveillance-apparatus/55490/>.

⁵² Ibid.

⁵³ Katitza Rodriguez, “Mexico Adopts Alarming Surveillance Legislation,” Global Voices (blog), March 2, 2012, <http://advocacy.globalvoicesonline.org/2012/03/02/mexico-adopts-alarming-surveillance-legislation/>.

⁵⁴ Cyrus Farivar, “Mexican ‘Geolocation Law’ draws ire of privacy activists,” ArsTechnica, April 24, 2012, <http://arstechnica.com/tech-policy/2012/04/mexican-geolocation-law-draws-ire-of-privacy-activists/>.

for savvy criminal elements to hide, while the law could potentially endanger ordinary citizens.⁵⁵

A 2008 law mandated that mobile phone companies keep a registry of users, communications, and text messages for use by law enforcement agencies in combating extortion and kidnappings.⁵⁶ Critics expressed doubt that the authorities would securely store the information to protect users' privacy, especially given past failures by the state to safeguard such data.⁵⁷ Nevertheless, 70 percent of users complied with the registration requirement, partly due to threats that their line would be cancelled if they did not. In 2012, the above mentioned Geolocalization Law revoked the registration requirement and the federal data protection agency subsequently ordered the registry destroyed.⁵⁸ According to some reports, however, copies had already been put up for sale on the black market, confirming earlier fears regarding weak data protection.⁵⁹

Mexico continues to be one of the most dangerous countries in the world for journalists, who are mostly targeted by individuals linked to drug cartels for probing trafficking, corruption, and police issues. This phenomenon has been exacerbated by widespread impunity for those carrying out such attacks.⁶⁰ In 2011, for the first time, individuals who had circulated information online on the above issues were also the victims of brutal murders. Specifically, four people were killed between September and November 2011 in the city of Nuevo Laredo, all of their bodies accompanied by notes from their killers linking their murders to online reporting about local organized crime and gangs. The first victims were a man and woman whose bodies bearing signs of torture were hung from an overpass in the city alongside a message warning of retribution for those who contribute to websites that expose organized crime activities, as the two victims had on the popular online forum *Frontera Al Rojo Vivo*.⁶¹ The next victim was Maria Elisabeth Macias, a journalist and blogger, whose beheaded body was found on October 27 accompanied by a similarly

⁵⁵ Lisa M. Brownlee, Esq., "Memo to Privacy Commissioners," April 24, 2012, <http://static.arstechnica.net/2012/04/24/brownlee.mexico.geoloc.pdf>.

⁵⁶ "In Mexico, All Telephone Conversations Will Be Recorded and Stored for One Year," [in Spanish] Babel Del Norte, December 16, 2008, <http://www.babeldelnorte.com/index.php?view=article&catid=39%3Acultura&id=719%3Aen-mexico-todas-las-conversaciones-telefonicas-seran-grabadas-y-se-guardaran-por-un-ano>.

⁵⁷ Miguel Castillo, "Mexico: Fear and Intimidation in Electronic Media," Global Voices (blog), May 12, 2010, <http://globalvoicesonline.org/2010/05/12/mexico-fear-and-intimidation-in-electronic-media/>.

⁵⁸ Nicole Toderas, "IFAI ordena destruir los datos recavados por el RENAUT" [IFAI ordered to destroy the data obtained by RENAUT], PoderPDA, March 3, 2012, www.poderpda.com/uso-smartphones/ifai-ordena-destruir-los-datos-recavados-por-el-renaut/.

⁵⁹ Lisa M. Brownlee, Esq., "Memo to Privacy Commissioners," April 24, 2012; "The Geolocalization law came into effect in Mexico and the RENAUT dies" [in Spanish], PoderPDA, April 24, 2012, <http://www.poderpda.com/uso-smartphones/entra-en-vigor-en-mexico-la-ley-de-geolocalizacion-y-muere-el-renaut/>.

⁶⁰ Committee to Protect Journalists, "27 Journalists Killed in Mexico since 1992/Motive Confirmed," accessed September 18, 2012, <https://www.cpj.org/killed/americas/mexico/>.

⁶¹ Chris Taylor, "Mexican Blog Wars: Couple Hanged for Denouncing Cartel Online," Mashable, September 14, 2011, <http://mashable.com/2011/09/14/mexican-blog-wars/>.

threatening message linking her death to online writings on the popular website Nuevo Laredo en Vivo and signed “Z” for Zetas, a cartel active in the area. The body of the fourth victim was found on November 9 with a note reading, “This happened to me for not understanding that I shouldn’t report things on social networks,” and again naming Nuevo Laredo en Vivo, though it remained unclear whether he had actually contributed to the website.⁶² Although the precise perpetrators remain unknown, the circumstances of the killings pointed to drug cartels being involved. Website moderators responded by reminding contributors to adhere to rules regarding anonymity when denouncing cartel activities, while urging them not to be intimidated into silence.⁶³

Since mid-2011, cyberattacks have emerged as a new threat to online news websites in Mexico. In July 2011, the free expression group Article 19 reported that three online news outlets—Expediente Quintana Roo, Noticaribe and Cuarto Poder—had been temporarily forced offline by cyberattacks, and that some also had personal information and reporters’ notes stolen from their servers.⁶⁴ The sites are known for the critical coverage of the state government of Quintana Roo. In November 2011, the weekly *Riodoce* was informed by its hosting provider that the website had been the target of a large distributed denial-of-service (DDoS) attack and that the provider was therefore unable to continue to offer server capacity. As a result, the publication’s website was unavailable for several days. Although the source of the attack was unclear, it was widely suspected to be a reprisal for the publication’s reporting, as it is one of the few media outlets in Mexico to report aggressively on crime and drug trafficking, and has been the target of offline attacks.⁶⁵ Sporadic cyberattacks continued to be reported in early 2012. Some targeted the above mentioned outlets for a second time, while others paralyzed previously unaffected websites.⁶⁶

⁶² Robert Beckhusen, “Mexican Man Decapitated in Cartel Warning to Social Media,” *Wired*, November 9, 2011, <http://www.wired.com/dangerroom/2011/11/mexican-blogger-decapitated/>.

⁶³ Sarah Kessler, “Mexican Blog Wars: Fourth Blogger Murdered for Reporting on Cartel,” *Mashable*, November 10, 2011, <http://mashable.com/2011/11/10/mexico-blogger/>.

⁶⁴ Monica Medel, “Three news websites hacked in Mexico,” Knight Center for Journalism in the Americas, July 15, 2011, <https://knightcenter.utexas.edu/blog/three-news-websites-hacked-mexico>.

⁶⁵ International Freedom of Expression eXchange (IFEX), “Weekly goes offline after cyber attack,” news release, November 28, 2011, http://ifex.org/mexico/2011/11/30/riodoce_cyberattack/.

⁶⁶ Tania Lara, “Mexican digital newspaper disabled by frequent cyberattacks,” Knight Center for Journalism in the Americas, April 20, 2012, <http://knightcenter.utexas.edu/blog/00-9806-mexican-digital-newspaper-disabled-frequent-cyberattacks>.