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# Protecting Journalists and Human Rights Defenders in Mexico

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Mexico has become one of the most dangerous countries in the world for journalists. As organized crime, drug-trafficking and corruption continue to rise, there has been a spike in murders of journalists who have sought to draw attention to these issues. Since 2000 more than 82 journalists have been killed, and a high number have been kidnapped or disappeared, as a result of their work. Vulnerable journalists, who are increasingly being targeted by drug cartels, have nowhere to turn for help, as government authorities are often incapable or unwilling to protect them, and are sometimes even complicit in the attacks. These factors have instilled a culture of fear among journalists that has resulted in mass self-censorship.

With pressure and input from Mexican civil society organizations, the government has made timid, yet important steps to address violence against journalists, including initiatives to protect journalists and ensure that crimes are properly investigated and prosecuted. The latest effort was the passage of the Law for the Protection of Human Rights Defenders and Journalists in June of this year, which establishes a state-run protection mechanism for journalists. This protection mechanism will assess requests for protection received from at-risk journalists, analyze the cases and provide protection to safeguard the life and integrity of those in danger.

While the law serves as a stepping stone for safeguarding at-risk journalists and human rights defenders, many challenges remain in order to effectively implement this protection mechanism.

As Mexico's President-elect Enrique Peña Nieto takes office on December 1<sup>st</sup>, Freedom House urges the incoming administration to commit to strengthening this protection mechanism, improving coordination with the states, and maintaining communication and collaboration with civil society. The strengthening of the mechanism offers a strategic opportunity for the President-elect to set press freedom as a democratic priority. Without effective protection of journalists, freedom of the press will be severely undermined, and with it the quality and strength of Mexican democracy.

## **The Law for the Protection of Human Rights Defenders and Journalists**

Over the past few years the Calderón administration has approved several measures in an attempt to protect human rights defenders (HRDs) and journalists, including the formation of the Special Prosecutor's Office for Crimes against Journalists (FEADLE) in 2006, which is currently being strengthened, and a journalist protection mechanism in 2010. However, these efforts failed to be effectively implemented, as they excluded key parties, lacked proper funding and faced jurisdictional issues between federal and state authorities.

The administration's most recent attempt to address violence against journalists, the Law for the Protection of Human Rights Defenders and Journalists, was unanimously passed in both houses of the legislature and signed by President Calderón in June 2012. The law mandated the establishment of a

new protection mechanism for both journalists and HRDs to replace the failed 2010 project. This mechanism seeks to serve as a recourse for at-risk journalists and HRDs by assessing the risk level of cases it receives, determining whether they should be investigated by the FEADLE, the primary body responsible for investigating and prosecuting cases of crimes against journalists, and providing the protection measures deemed relevant to each case, such as bodyguards or armored vehicles.

The law took into consideration many of the criticisms of former protection efforts. It includes agreements with states to overcome jurisdictional problems and creates a special advisory board to involve civil society in the implementation of the mechanism. The Governing Board, the main organ in charge of ensuring the correct implementation of protection measures, was instated on November 12<sup>th</sup>, and a budget of just over USD\$3 million was proposed for the mechanism.

## Challenges Facing the Protection Mechanism

Despite the successful passage of the law to establish a protection mechanism for HRDs and journalists, there are a number of challenges facing its successful implementation. To begin with, there is a lack of political will at the state level. The 2012 protection mechanism includes collaboration agreements with state level governments to ensure their participation and cooperation. However, only 25 out of the 31 states and the Federal District have signed agreements approving the mechanism, leaving seven states still uncommitted. Even in the cases where states have signed, it is not clear to what extent they will comply with the requirements for the protection of journalists.

Most crimes against journalists occur under state jurisdiction, and, in many cases, involve the local authorities themselves. The absence of political will on the part of the state often leaves crimes unpunished. Local authorities are vital to the actual operation and enforcement of the measures provided by the mechanism. Furthermore, for the mechanism to function nationwide, it must have the comprehensive involvement of all states, thus it is essential that the federal government secure the commitment of every state to participate in the effective implementation of protection measures and the investigation of crimes.

Successful implementation of the protection mechanism also requires the political will of the Executive branch. While the mechanism mandated by the law establishes measures to protect journalists, the law remains inactive until regulations and protocols are in place to make the mechanism fully operational. Freedom House, along with other civil society organizations, multilateral agencies, and the Mexican government, addressed this issue through a working group in August 2012. Freedom House led the working group in developing the regulations, and collaborated with civil society on creating the protocols needed to enable the mechanism. However, the regulations necessary to put the mechanism into practice will require the approval of incoming President Peña Nieto. If President Peña Nieto delays in approving these regulations, the mechanism will remain temporarily ineffective and the law's credibility could be diminished in the eyes of journalists and HRDs.

A final major challenge for the protection mechanism is the lack of civil society involvement. The involvement of civil society is necessary to ensure adequate analysis of threats and protection measures for journalists, transparency of the mechanism and buy-in of its beneficiaries. While nine civil society representatives were included in the process as members of an advisory board, civil society expressed concern over their involvement due a lack of transparency in the board member selection process. Freedom House helped liaise with civil society and the Interior Ministry as part of a task force aimed at negotiating a settlement between civil society and the government, and is continuing to push for greater civil society involvement in the protection mechanism.

## Recommendations

In order to protect freedom of expression and ensure that this new protection mechanism is successfully implemented, Freedom House would like make the following recommendations to the incoming Peña Nieto administration:

**Strengthen the Mechanism:** To show commitment to the continuity of the mechanism and to the security of journalists and HRDs, the incoming administration needs to sign the regulations to immediately implement the protection mechanism established by the Law for the Protection of Human Rights Defenders and Journalists. The approval of the regulations will not only strengthen the mechanism's ability to protect journalists and HRDs, but will also ensure that the protection of these vulnerable groups is a priority for the new administration.

**Encourage Increased Collaboration between Federal and State Governments:** The new administration should urge Mexico's states to cooperate with federal authorities in the prosecution of cases and the implementation of protection measures. The administration should work to secure the buy-in of all states, and the remaining seven states must sign collaboration agreements immediately.

**Open Communication Channels with Civil Society:** Any national policy and protection program must include the very people it intends to serve. Therefore, open communication with Mexican civil society organizations needs to be maintained to continue the dialogue on protecting journalists and freedom of expression. Continued communication will ensure transparency and accountability of the protection mechanism, which in turn would generate much needed confidence in government.

**ISSUES:** Civil Society, Freedom of Expression, Internet Freedom, Media Freedom

**REGIONS:** Americas

**COUNTRIES:** Mexico

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