

# The Effects of Drug-War Related M5jr0JEMC CS0 \*

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in Mexico since 2000. The same organization has strong reason to believe that an additional 38 deaths were motivated by the victims' profession in the media.<sup>8</sup>

The Justice in Mexico Project considers the deaths of “journalists and media-support workers employed with a recognized news organization at the time of their deaths, as well as independent, freelance, and former journalists and media-support workers.” Using these criteria, it appears that 110 journalists and media-support workers lost their lives between 2000 and 2014.<sup>9</sup> Among the latter were several high-profile murders that occurred in the state of Veracruz in 2012 and 2014. The first was Regina Martínez, an investigative journalist for *Proceso*, a highly respected and influential muckraking weekly, who was murdered in her home in the capital city of Xalapa on April 28, 2012. Four days later, the dismembered bodies of three photojournalists who covered organized crime and violence were found in black plastic bags in a canal on the side of the highway in Boca del Río.<sup>10</sup> On June 13, Víctor Manuel Baez Chino, an editor for *Proceso*, and director of the news website *Reporteros Policiacos*, was kidnapped, tortured and murdered, apparently by Los Zetas, in Xalapa.

freelance journalists. The vast majority (74 percent) covered crime or corruption for print media outlets, and in all but three cases a criminal group is suspected of committing the murder.<sup>13</sup>

While the data are illustrative, they do not show another important fact: Journalists all over Mexico, but especially in the states mentioned above, as well

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1. Types of Crimes Against Journalists, 2009-2011

Crime	Number
Attacks on journalists	73
Attacks on journalists' families	24
Attacks on journalists' homes	20
Attacks on journalists' vehicles	17
Attacks on journalists' offices	13
Attacks on journalists' equipment	11
Attacks on journalists' sources	4
Attacks on journalists' colleagues	2
Attacks on journalists' employers	172

Source: Article 19, *Journalists Under Fire: A Report on Violence Against Journalists in Mexico*, 2011, 13.

According to Article 19, between 2009 and 2011 there were 565 attacks on journalists in Mexico, and a majority (54 percent) of these were perpetrated by public officials. More specifically, state police were involved in 77 incidents, the armed forces in 41, municipal police in 37, and the federal police in 36 incidents. In other words, one out of every three crimes against journalists in this three-year time span was committed by law enforcement.<sup>16</sup> But interestingly, criminal organizations were responsible for all of the murders during those three years.<sup>17</sup> Tables 2 and 3 outline the scope and kinds of crimes committed by public employees and organized crime.

16 Article 19, *Journalists Under Fire*, 25. This evidence coincides with the findings of a recently issued report by Human Rights Watch. See Tracy Wilkinson, "Mexican forces involved in kidnappings, disappearances, report charges," *Los Angeles Times*, February 20, 2013, <http://www.latimes.com/news/world/worldnow/la-fg-wn-mexico-human-rights-report-20130220,0,7241124.story?track=rss> (accessed February 21, 2013.)

17 These are likely conservative estimates because responsibility has yet to be established for almost a fifth of all crimes against journalists committed during this period. Article 19, *Journalists Under Fire*, 25-26.



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The problem is exacerbated by the fact that since 2006 only one of the perpetrators of violence against the media has been brought to justice. In her testimony before a congressional panel in July 2012, Laura Borbolla, the special prosecutor for crimes against journalists, reported that although 74 suspects had been identified (but not necessarily arrested), and 31 criminal investigations were under way, only one had resulted in a guilty verdict and prison sentence.<sup>18</sup> According to the CNDH, the rate of impunity in criminal cases involving violence against media workers is well over 90 percent. While this is similar to the general rate of impunity for violent crimes committed in Mexico, many journalists run a much higher risk of becoming victims than the average Mexican citizen because of the dangerous nature of investigative reporting on crime and corruption.<sup>19</sup> In 2012, Mexico ranked among the worst in the world according to the CPJ's Impunity Index.<sup>20</sup> Such a high rate of impunity means that current laws and law enforcement present almost no deterrent to crimes against journalists, and therefore effectively perpetuate the problem. As a result, there are areas in Mexico (e.g., Durango, Tamaulipas, and Veracruz) where investigative reporting has essentially stopped.

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Although Mexico is currently the most dangerous country in the Western Hemisphere for journalists, it ranks 10th worldwide and is one of three Latin American nations on the CPJ's list of the 20 deadliest countries for journalists. The other two countries in that group are Brazil (ranked 11<sup>th</sup>) and Colombia (8<sup>th</sup>).

With 29 confirmed murders since 1992, Brazil has experienced an increase in the frequency of violence against journalists since 2011. Over the past three years, 17 journalists were killed in Brazil—in almost all cases because of their reporting on crime and corruption.<sup>21</sup> From 1990 to 2000, Brazil had fewer than 10 such murders, so the increase in violence against journalists is quite significant.

Colombia's story is a bit different. Although it has the highest number of journalist deaths in Latin America overall, the vast majority of deaths occurred between 1993 and 2003, when the country was in the grips of a civil war against

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18 "Violencia golpea a los periodistas; 67 muertos desde 2006," *La Vanguardia*, [http://www.vanguardia.com.mx/violencia\\_golpea\\_a\\_los\\_periodistas%3B\\_67\\_muertos\\_desde\\_2006-1332341.html](http://www.vanguardia.com.mx/violencia_golpea_a_los_periodistas%3B_67_muertos_desde_2006-1332341.html). (accessed October 1, 2012.)

19 Kari Larsen, "Mexico: A deadly beat," CNN, March 2, 2012, accessed October 5, 2012, <http://www.cnn.com/2012/03/02/world/americas/mexico-journalists/index.html>

20 The Impunity Index identifies countries where the murder of journalists generally go unpunished and calculates the number of unsolved journalist murders as a percentage of a country's population. In 2012, Mexico ranked 7th worst. <https://www.cpj.org/reports/2013/05/impunity-index-getting-away-with-murder.php>. (accessed March 1, 2014.)

21 Of the 17, CPJ has confirmed the motive was retribution for reporting on sensitive topics. <http://cpj.org/killed/americas/brazil/>. (accessed March 1, 2014.)

paramilitary organizations and drug traffickers. As in Mexico, these victims were overwhelmingly local correspondents who covered crime and corruption, but unlike the Mexican print journalists who have been targeted by organized crime



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together with criminal organizations have established control of press coverage in order to prevent federal authorities from intervening in the plaza and disrupting

drug war. For example, *Proceso*, an influential national weekly magazine, regularly publishes investigative reports on violence and corruption, despite several attacks on its personnel. Similarly, *Excelsior*, a Mexico City daily newspaper, has provided consistent coverage of many facets of the drug war and, until recently, documented and published a tally of drug-war related deaths.<sup>25</sup>

The societal effects of self-censorship and superficial coverage are not marginal. When citizens lack information about the general state of affairs of their city, they are more likely to be in danger of becoming victims themselves. This clearly exacerbates Mexico's already serious problem of public insecurity. On a broader level, widespread self-censorship threatens the quality of Mexico's democratic governance, since a liberal democracy requires freedom of expression and access to competing sources of information in order for citizens to hold governments accountable for their actions and performance.

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Once criminal organizations have successfully established control over the local media, they maintain their influence through continued threats or use of force and coercion, but also with bribes. The use of bribes to prevent coverage of kidnappings, extortion, gun fights, assaults, and other activities, or to publicize the misdeeds of criminal organization enemies, is common in Mexico. Some journalists unwillingly participate in these schemes because they fear for their lives and the safety of their families, so they join forces with criminal organizations, trading selective or positive coverage for the material and security benefits that go along with membership in the organization.<sup>26</sup> The fact that journalists are poorly paid in Mexico increases their vulnerability to bribery. The least that print journalists in Mexico can be paid is \$13 a day, or approximately \$400 a month, but many state and local level reporters earn as little as \$11 a day. Furthermore, at least half of Mexican journalists are self-employed.



asylum abroad, but only a small number have been able to continue their careers as journalists.<sup>30</sup> Like many immigrants, they have little choice but to work in menial jobs in their new countries.

There is little doubt, then, that the recent increase in violence has taken a tremendous toll on the Mexican media and on society. As a group, journalists appear to be particularly susceptible to danger in the war between the government and organized crime. Perhaps it is no surprise then, that Mexican college students no longer see journalism as a viable profession. Enrollment numbers in journalism

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In general, it must be said that the Mexican government has been slow to acknowledge or act to curb the recent increase in violence against the press.<sup>33</sup> Neither the current nor past two presidents have made it a policy priority. Calderón's response, like that of Fox before him, was initially counterproductive and later, only lackluster. Indeed, the former had a tendency to suggest that by reporting on the drug war and publishing violent images or narco-messages, the media gave Mexico a bad image that frightened foreign observers and investors. The Peña Nieto administration has adopted a similar approach. Shortly after his inauguration, he reportedly told the press that they should "achieve a balance between good and bad news," so as not to project the wrong image of Mexico.<sup>34</sup> This type of attitude, combined with weak political will to protect the rights and obligation of the press to express itself freely, effectively gives license to federal and state authorities to ignore the problem, and thereby reinforces the problem of impunity. For that reason, it must be said that the state-led efforts discussed below would not likely have come about were it not for the pressure exerted by domestic and international nongovernmental organizations (NGOs) and foreign governments on the Mexican government to address the problem.

Over the past several years, the Mexican government has initiated three attempts to protect journalists from violence: the creation of a special prosecutor inside

under the supervision of the assistant attorney general for attention to human rights abuses, and the position was initially designed to address and prosecute crimes only against journalists. This meant that it was powerless to investigate crimes against others persecuted for exercising free expression (e.g., bloggers and social media users). Other weaknesses included a lack of authority to investigate a case unless the crime involved military firearms, insufficient budget, and the absence of a clear chain of command. Offenses linked to organized crime did fall under federal jurisdiction, but those against journalists were not seen as distinct, and so were sent, together with all others with ties to organized crime, to the attorney general's office charged with investigating organized crime (Subprocuraduría de Investigación Especializada en Delincuencia Organizada, SIEDO), and not to the FEADP.<sup>35</sup>

In order to address some of these problems, the Calderón administration restructured and renamed the office. Currently, the Special Prosecutor's Office for Attention to Crimes Against Free Expression (FEADLE) answers directly to the attorney general and enjoys wider jurisdiction over all types of crimes against

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jurisdiction. However, secondary legislation is needed to ensure that federal law enforcement agencies have the resources and training necessary to effectively investigate and try crimes against freedom of expression.<sup>40</sup>

Similarly, the Law to Protect Human Rights Defenders and Journalists (*Ley para la Protección de Personas Defensoras de Derechos Humanos y Periodistas*) aims to promote cooperation between the federal and state governments in order to prevent and protect the integrity, freedom, and security of those at risk because they denounce human rights violations or practice freedom of expression. It is a welcome change because it widens the definition of a crime to include omission or acquiescence that harms the physical, psychological, moral, or economic integrity of human rights defenders, including journalists, and individuals (e.g., citizen journalists), or anyone closely related to them (nuclear and extended family, partner, colleague, employer, etc.). However, like the constitutional amendment, this law has important shortcomings that are likely to limit its effectiveness. For example, it does not define the circumstances under which federal authorities are required to take on a case, nor does it require state or municipal authorities to cooperate with federal investigators. Again, secondary legislation will be necessary to implement these changes or efforts to punish subnational authorities for failing to protect or defend freedom of expression.

Importantly, the Law to Protect Human Rights Defenders and Journalists also

establishes a Task Force for the Protection of Human Rights Defenders and Journalists (*Mecanismo de Protección para Defensores y Periodistas*) within the Interior Ministry (*Segob*). It is comprised of a Governing Group (*Junta de Gobierno*), an Advisory Council (*Consejo Consultivo*), and a National Executive Coordinating committee (*Coordinación Ejecutiva Nacional, CEN*). The *Junta de Gobierno* was to be made up of nine permanent members, initially composed of five representatives of federal ministries—*Segob*, *PGR*, *SSP* (Public Safety Ministry), *SRE* (Foreign Ministry), and *CNDH*—and four representatives from the Advisory Council. The *Consejo* is made up of nine representatives of civic and human rights organizations elected to four-year terms. Four of the advisers must be journalists, and the council elects one member as president by a simple majority vote. The *CEN* is responsible for coordinating efforts between all constituent bodies of the task force. In addition, it oversees a reception and reaction unit that evaluates cases and makes recommendations about risk prevention.<sup>41</sup>

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40 Frank Smyth, "Mexico must back up federal measure to protect press," CPJ, <http://cpj.org/security/2012/08/mexico-must-back-up-federal-measure-to-protect-press.php#more>; Article 19, "Mexico: Constitution amended, federal authorities given powers to prosecute crimes against free expression," <http://>



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The objective of this task force is to establish a national protocol for authorities to follow once they have been notified that someone is at risk. This includes a clear methodology for evaluating risk, and the following detailed steps for state and federal governments to follow to prevent further harm.<sup>42</sup>

1. A journalist (or human rights activist) files a complaint and requests government protection.
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authorities that must implement them. The level of cooperation needed for smooth implementation is not a foregone conclusion because state and local authorities often have close ties to the very criminal organizations threatening journalists. Finally, while the creation of the protection mechanism represents an improvement over the past, neither it nor other aspects of the new laws address the root of the problem: widespread and widely recognized impunity for crimes against journalists. It is exactly this problem that leads many members of the media to argue that it is useless to report crimes against them because they simply do not trust the authorities to protect them. Until problem of impunity is more effectively addressed, it is difficult to see how Mexico will make significant progress in solving this problem.<sup>46</sup>

It is worth mentioning that since the LX Legislature (2006–2009), there has existed a congressional committee charged with monitoring crimes against journalists and ensuring the accountability of all three levels of government in preventing and investigating these crimes. The Special Committee for the Protection of the Media and Journalists (Comisión Especial para dar Seguimiento a las Agresiones a Periodistas y Medios de Comunicación) is made up of 16 deputies. It meets regularly when Congress is in session, but much of its activity centers on attending seminars, conferences, etc., rather than on committee work. Its highest-profile meeting occurs in July, when it hears annual testimony from the FEADLE's special prosecutor on the activities of that office. In the past, the committee has used this occasion to publicly criticize the special prosecutors and lambast the ineptitude and inefficiency of the office. Yet, these efforts have had almost no measurable effect on increasing the accountability of the FEADLE, or indeed, demonstrating that the committee itself has met its obligations. Indeed, although the committee successfully lobbied for a budget increase for FEADLE in 2011, and played a role in helping to pass the legislation discussed above, it has failed in its most basic function of collecting and disseminating information about crimes against journalists and interjected.

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Although the efforts of the federal government have been slow and remain

and harassed for publishing comments critical of the government, suggests that nothing has really changed.<sup>52</sup>

Unfortunately, there are hundreds of examples that demonstrate the unwillingness and incapacity of subnational governments to protect journalists who insist on exercising their right of free speech. This is particularly true at the state level, where many governors see the law as infringing on states' rights and have therefore pledged not to comply with it. As long as state and local governments are complicit in many of the crimes against the media, and as long as Mexico's legal system and rule of law are compromised, it will be very difficult to bring about real change.

### Reaction of Media Outlets

In response to the increase in violence against journalists, many media outlets have taken measures to

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such as narco-banners that contain messages for their enemies. Furthermore, the agreement sought to create standards for photographs showing violent images (e.g., decapitated bodies), to provide more in-depth analysis and context in accompanying stories, and not to reveal information that would compromise police investigations. See Figure 2 for a complete list.<sup>57</sup> Calderón and others who feared that gruesome photographs desensitize society to the effects of violence praised the accord. However, some of Mexico's most independent and influential outlets (e.g., *El Financiero*, *El Economista*, *El Nueve*) refused to join, arguing that an agreement that promoted standardized coverage amounted to censorship that could ultimately minimize the effects of coverage of drug-war related violence.<sup>58</sup> To date, the agreement seems to have produced no substantive change in the way drug violence is covered or improved protection for the media.

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working in dangerous conditions. To this end, it organizes conferences in order to disseminate information, and sponsors online courses and workshops designed to teach investigative reporting strategies for reporters working in high-risk areas. PdP works closely with other national and international organizations to sponsor events and workshops that train reporters how to use data analysis and sophisticated investigative techniques.<sup>63</sup> It also regularly joins the Austin Forum on Journalism in the Americas, an annual meeting and workshop organized by the Knight Center for Journalism in the Americas at the University of Texas at Austin to promote the development and training of media personnel in the Americas and the Caribbean.<sup>64</sup>

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Social media users have stepped in to fill the news void that has resulted from limited reporting and widespread self-censorship. There are numerous websites,

with a notice that read, “This is going to happen to all of those posting silly things



Mexican society also has a responsibility to protect its journalists and demand that freedom of expression be respected. We have already seen a number of efforts to do both, but it is imperative that society continues to apply pressure on the government, or else the latter is unlikely to respond in a meaningful way.

- Media owners must begin or continue to protect their employees by taking measures to strengthen security, but they must also provide greater support for training specifically designed to help journalists working in dangerous areas. There are many existing resources that might prove helpful here. For example, NGOs such as PdP, Article 19, and the Knight Center regularly offer workshops designed to give journalists knowledge and tools to help keep them safe. Media outlets could pay for the travel and registration fees of employees interested in participating in these opportunities. There are also a number of low-to no-cost resources. For example, a number of international NGOs have published manuals on war reporting designed to help journalists minimize the dangers they face.<sup>70</sup>
- Editors must be more creative in how they publish delicate information so that their journalists are better protected. Colombia provides an excellent example: during the most violent time period for journalists in Colombia, sensitive stories were published simultaneously in multiple outlets in order to reduce the risk to those journalists closest to the violent actors.<sup>71</sup>
- Journalists need to strive for unity in order to keep this issue in the public eye and put pressure on the government to solve the problem. Public protests and marches are important, but there are other measures that could bring more tangible results. For example, national and local press could create a network committed to publicizing the problem of violence against journalists and its dire consequences for democracy in Mexico. Additionally, members of the national press can cover stories that are too dangerous for locals, but still support local journalists by employing them as stringers or co-authors. Here again, Colombia might provide a model of best practices.
- Mexican NGOs must continue to place pressure on the government by issuing independent reports, helping legislators draft new laws and policies, and helping to keep visibility of the problem very high. They should continue to serve as excellent resources for journalists (with workshops, manuals, etc.) and maintain strong links with larger, better-endowed international organizations with an interest protecting journalists and free speech (e.g., Knight Center, CPJ, RSF).

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70 Lauría and O'Connor, *Journalists in Danger*, 19.

71 Ibid.

- Citizens must fill the void and continue to serve as watchdogs and demand that the government respect the constitutional right to information and free expression. The key here is to get the middle class involved in the fight against drug-related crimes. This group is crucial because while it does not have enough resources to fully insulate or protect itself (e.g., by leaving