



# THE CONTROL OVER THE PUBLIC EXPRESSION

A chronic illness

# The control over the public expression



## SYNTHESIS

The so-called war against organized crime started in 2007 multiplied the violence in the country and that wave took with it the life of several journalists that were suppressed on its wake. Others, though alive, have been victims of aimed aggressions to control the news agenda and the rights of the population to be freely informed. Contrary to what millions of people expected the current governmental administration has maintained the raising tendency of violence towards journalists, and the federal government has been accused of promoting this aggression on the new battlefield of social media. Likewise, even if the expenditure waned significantly between 2018 and 2019, money as

a tool for editorial control is still a feature in the governments of Mexico.

Every democratic system is supported in at least 4 building blocks: the division of powers, unrestrained respect towards human rights, political representation, and freedom of expression. The latter is fundamental to achieve the earlier ones since the plurality of ideas and opinions must be allowed by the representative democracy. Albeit Mexico has managed to transition to an electoral democracy with a system of partisan plurality, it's also true that the wave of violence it's going through, for years now, has made the journalistic performance one of the most dangerous

tasks to do in the country. The journalists serve as a liaison between the public power and the citizenry, hence ensuring the exercise of their labor is vital to keep reasonable democratic levels. Furthermore, the role of the press as a counterweight to public power is crucial.

Despite the importance of journalism to keep a democracy alive, in this country, behaviors that weaken the full exercise of the rights pertaining to information are still being reproduced. There is no doubt that sometimes mortal aggressions are the most frightening part of the situations, since, besides ending the lives of people they also establish fear in other journalists. Nonetheless, there are other ways to silence voices or control agendas, as an example governmental expenditure on official publicity or the digital intimidation that's so fashionable right now.

Mexico has become one of the countries in which the lives of journalists are in the biggest danger.<sup>1</sup> Between 2000 and May of 2020, 133 assassinations towards journalists for reasons related to their labor<sup>2</sup> have been recorded. Three of them were registered during the latter rule of Ernesto Zedillo, 22 in Vicente Fox's

1 *El País*. México y Siria, los países más peligrosos para periodistas [Mexico and Syria, the most dangerous countries for journalists] (19 de diciembre de 2017). Disponible en: <https://tinyurl.com/ybx876dj>  
 2 Artículo 19. Periodistas asesinados en México en relación con su labor informativa [Assassinated journalists in Mexico pertaining their informative labor]. Disponible en <https://tinyurl.com/yd7s5c7o>

sexennium, 48 during Felipe Calderon's rule, 47 with Peña Nieto, and 13 in the current administration. As you can see, Calderon's rule was the deadliest so far and in 2017, under Peña Nieto, was the one with the most homicides against journalists, there were 12 in total. If we compare the first 18 months of each administration, Andrés Manuel López Obrador government is the one with the most homicides against journalists registered with 13, while in the same period of Peña Nieto's administration 12 were registered, in Calderon's nine and in Fox's five. If this trend remains, the 4T government could be the one in which the greatest number of journalists are executed by reasons pertaining to their labor.

**HOMICIDES AGAINST JOURNALISTS DURING THE FIRTS 13 MONTHS OF EACH FEDERAL ADMINISTRATION**



Source: In-house production with information from Article 19

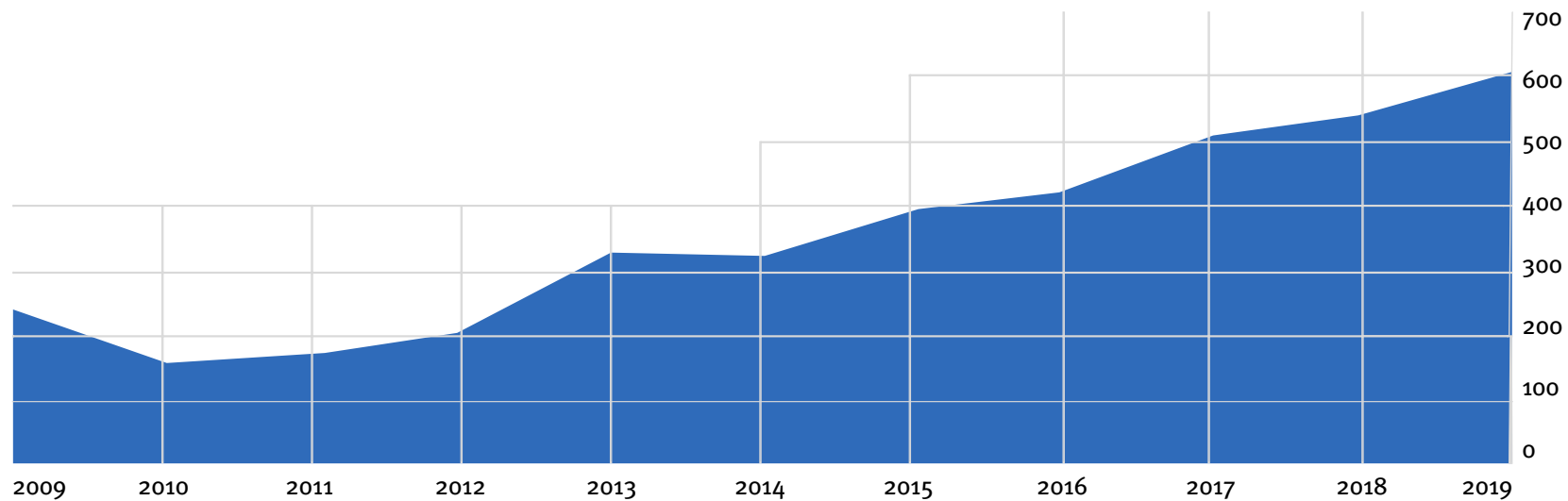
Another relevant indicator that reveals the state holds the journalist's freedom of expression is the number of aggression towards them. Between 2012 and 2019, Article 19 registered 3 thousand 346 aggressions against journalists. Just in Peña Nieto's rule 2 thousand 375 were registered, and since December 2018, when Andrés Manuel López Obrador was sworn in, till December 2019, 637 have been registered. 2019 has been so far, the year with the greatest number of aggressions of this kind with 609, which depicts an 85% growth compared to 2013, the first year of Enrique Peña Nieto's government.<sup>3</sup> Most of these are threats,

<sup>3</sup> Artículo 19. Disonancia: voces en disputa [Dissonance: fighting voices] (Marzo 2020). Disponible en: <https://tinyurl.com/ybll03e2>

which represent 64.7%, followed by physical aggressions at 23.2% and abductions worth 3.2%. Likewise, information about the aggressors demonstrates a state endorsement to them, since in 2019, 43.5% of aggressions came from public servants, and in the first month of 2020, 50% of aggressions against journalists benefited the same protection mechanism and had the same nature.<sup>4</sup>

<sup>4</sup> Informe estadístico enero de 2020 del Mecanismo para la Protección de Personas Defensoras de Derechos Humanos y Periodistas [Statistical report of the Protection Mechanism of people fighting for human rights and journalists of January 2020]. Disponible en: <https://tinyurl.com/yckhu494> .

**AGRESSIONS AGAINST JOURNALISTS PER YEAR**



Source: In-house production with information from Article 19

A relevant display of the fear that journalists feel when performing their careers is the number of requests of protections at the Ministry of Interior. Between 2018 and 2019, requests made by journalists and human rights fighters increased by 74.7%. Between 2012 and January 2020, out of 537 requests of protection of journalists have been presented, 469 have been admitted. Most of the requests came from journalists in Mexico City with a total of 37, followed by Guerrero with 76 and journalists in Veracruz with 69.

Likewise, the amount of complaints presented for crimes against journalists is alarming, not only for its number but the impunity that comes with it. Between July 2010 and September 2019, the Special Prosecution for the Crimes Against Freedom of Expression started 1,219 preliminary inquiries for crimes against journalists, and these birthed 125 arrest warrants.

**TOTAL OF BENEFITED JOURNALISTS BY THE MPPDDHP (PROTECTION MECHANISM OF PEOPLE FIGHTING FOR HUMAN RIGHTS AND JOURNALISTS BY ITS ACRONYM IN SPANISH)**

YEAR	WOMEN	MEN	TOTAL
2012	0	2	2
2013	10	15	25
2014	3	15	18
2015	10	19	29
2016	13	24	37
2017	22	68	90
2018	18	63	81
2019	30	71	101
2020	2	1	3
<b>TOTAL</b>	<b>108</b>	<b>278</b>	<b>386</b>

Source: In-house production with information on the Protection Mechanism of people fighting for human rights and journalists.

**REQUESTS TO INCORPORATE TO THE PROTECTION MECHANISM BY JOURNALISTS**

YEAR	2012	2013	2014	2015	2016	2017	2018	2019	2020
NUMBER OF REQUESTS	4	54	73	80	57	102	74	90	3
	<b>TOTAL</b>								<b>537</b>

Source: In-house production with information on the Protection Mechanism of people fighting for human rights and journalists.

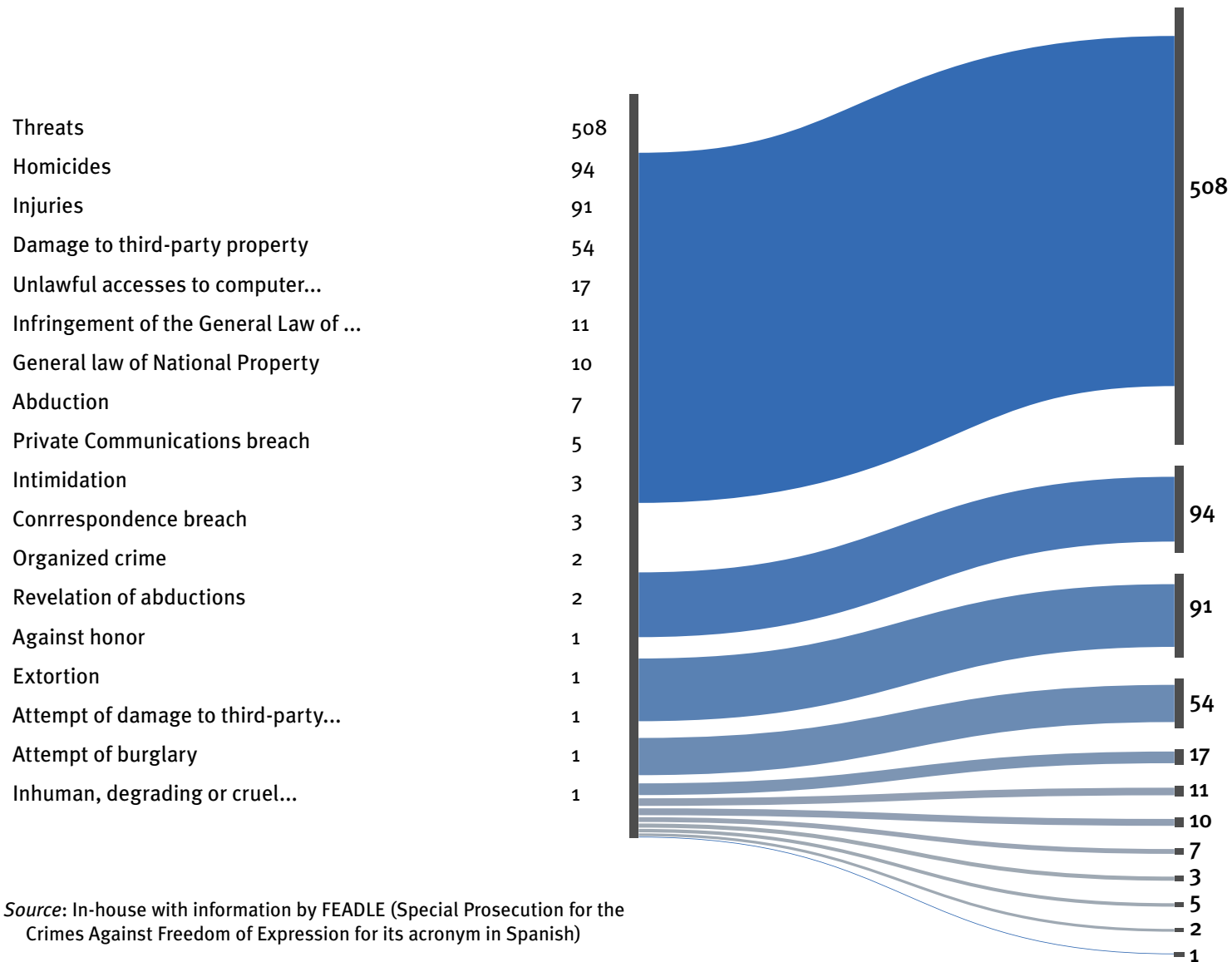


The crime with the greatest number of registries on these folders were threats with 508, followed by abuse of authority with 187 cases and homicide with 94 entries. From the total of inquests or preliminary inquiries previously mentioned, 49.7%, almost half, pertained to crimes committed in the center-south of

the country. 190 of these files of investigations, were crimes committed on Mexico City, followed by 114 in Veracruz, 87 in Mexico State, 75 in Quintana Roo, 71 in Guerrero, and 69 in Oaxaca.



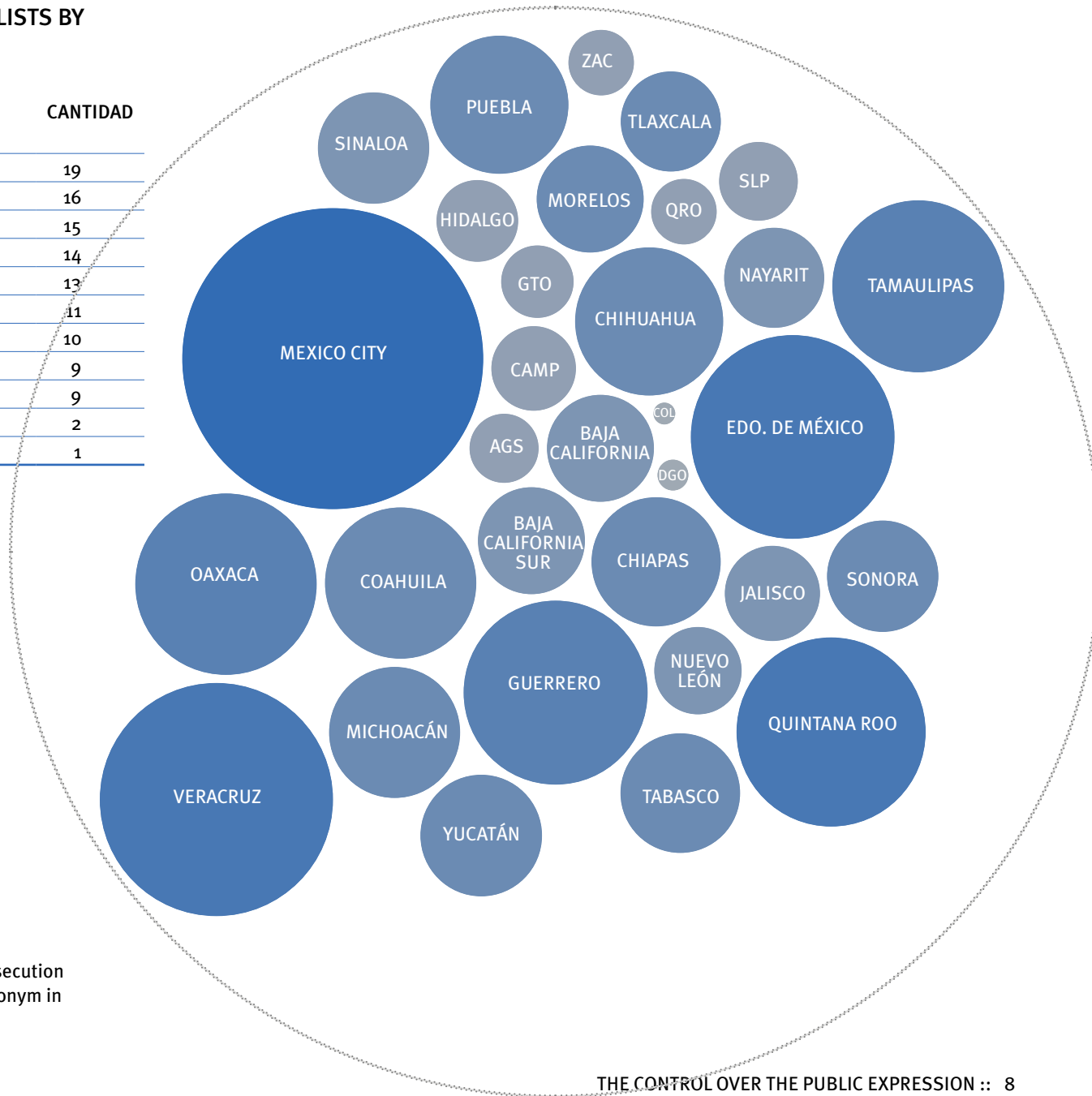
TOTAL OF INQUESTS FOR OFFENSES AGAINST JOURNALISTS: JULY 2010 - SEPTEMBER 2019



Source: In-house with information by FEADLE (Special Prosecution for the Crimes Against Freedom of Expression for its acronym in Spanish)

## INQUEST TOTAL FOR CRIMES AGAINST JOURNALISTS BY FEDERATIVE GANIZATION

ENTIDAD FEDERATIVA	CANTIDAD	ENTIDAD FEDERATIVA	CANTIDAD
Mexico City	190	Jalisco	19
Veracruz	114	Nuevo León	16
Estado de México	87	Campeche	15
Quintana Roo	75	Hidalgo	14
Guerrero	71	San Luis Potosí	13
Oaxaca	69	Guanajuato	11
Tamaulipas	62	Aguascalientes	10
Coahuila	48	Zacatecas	9
Chihuahua	46	Querétaro	9
Puebla	40	Durango	2
Michoacán	36	Colima	1
Chiapas	35		
Yucatán	31		
Tabasco	30		
Sinaloa	26		
Sonora	26		
Morelos	24		
Baja California Sur	24		
Baja California	24		
Nayarit	21		
Tlaxcala	21		



Source: In-house with information by FEADLE (Special Prosecution for the Crimes Against Freedom of Expression for its acronym in Spanish)



Between 2017 and September 2019, 702 preliminary inquiries or investigation files were started, those are on queue and birthed a linked process to 37 people, but only 11 ended up with condemnatory sentences, three of these in Quintana Roo, two in Michoacán, three in Tabasco, one in Mexico City, one in Yucatán, and one in Veracruz. From these sentences, only four of them were due to abuse of power, one for injuries, one against justice administration, one for torture, one for threats, one for willful deprivation of liberty, and one for undue persecutory function and unlawful arrest. All of the sentences were to public servants. Together all the condemnatory sentences in this period collect a corporal punishment of 22 years and 13 days in prison for 12 people. That is to say, that from all the investigation files opened you can estimate an impunity level of 96.3%.

Most of the open inquests of crimes against journalists for the Special Prosecutor's Office for Crimes against Freedom of Speech (FEADLE for its acronym in Spanish) from July 2010 and September 2019 started in CDMX, Veracruz, Mexico State, Quintana Roo, and Guerrero with 190,114, 87, 75, and 71 units respectively. From the inquest started in 2019 none have received judgment.

One more indicator that has been measured to understand the editorial control of the media by the



Image:<https://www.clasesdeperiodismo.com/2017/05/17/mexico-periodista-javier-valdez-cardenas-habia-recibido-amenazas-y-buscaba-proteccion/>

powers is the official publication. The toxic relationship between the governments and mass media has been widely documented, it is rooted in the governmental expenditure in official advertising, even if this indicator has been drastically modified with the arrival of López Obrador to the federal power, some alarms are still ringing. In 2019, the federal government spent around 3 thousand 500 million Mexican pesos in official advertising, which depicted a 67% reduction compared to 2018, Peña Nieto's last year. Despite this, a strong focus of resources was fixed in just a few companies.

Merely three mass media companies focused almost 30% of expenditure. These are, Estudios Azteca S.A de C.V (popularly known as TV Azteca), Grupo Televisa S.A.B, and Demos Desarrollo de Medios S.A de C.V. (Known as La Jornada). It's no secret that senior management of the three companies has kept close relationships with the president. Ricardo Salinas Pliego, TV Azteca owner, is a member of the advisory council of the president<sup>5</sup> comprised of miscellaneous businessmen amongst which Bernardo Gómez is highlighted, executive director of Televisa, who has kept a

5 *El Financiero*. Salinas Pliego, Alemán Magnani y Hank González serán asesores de AMLO [Salinas Pliego, Alemán Magnani and Hank González will be AMLO's council] (15 de noviembre de 2018). Disponible en <https://tinyurl.com/yaa3txue>

relationship with the trustee for years, and recently in 2019, loaned his house so López Obrador kept an encounter in which official topics were discussed with Jared Kushner, who has had a relevant involvement in commercial policies between The United States of America and Mexico<sup>6</sup>. The relationship between Carmen Lira and the chief executive probably is one of the best documented, since the La Jornada director has recognized her friendship with the President and has been benefited with big amounts of money for official advertisements since López Obrador was head of government of Mexico City<sup>7</sup>.

Accordingly, the lack of clear criteria to allot the official guidelines makes unreliable the huge amount of money the government grants to these three media companies to not have an impact on their editorial lines. It's also true that there are media companies that obtain money from the government, but it needs to be highlighted that 70% of public expenditure for official advertisement is distributed in 488 media companies<sup>8</sup>, allotting that doesn't match the penetration

6 *Expansión*. AMLO se reunió con Kushner en la casa de Bernardo Gómez, directivo de Televisa [AMLO had a reunión with Kushner in Bernardo Gómez's house, Televisa executive](20 de marzo de 2019). Disponible en <https://tinyurl.com/y6v3hcp2>

7 Ana Paula Ordorica. Exhiben la relación de AMLO y La Jornada [Relationship between AMLO and La Jornada is showcased](13 de febrero de 2018). Disponible en: <https://tinyurl.com/y9lyw36o>

8 Artículo 19. Disonancia: voces en disputa [Dissonance: fighting voices] (Marzo 2020). Disponible en: <https://tinyurl.com/ybllo3e2>

**MOST BENEFITED MASS MEDIA COMPANIES WITH PUBLIC RESOURCES BY OFFICIAL ADVERTISING CONCEPT BY PERCENTAGE (2019)**

MAJOR BENEFICIARIES	PERCENTAGE OF THE TOTAL
Estudios Azteca S.A. de C.V.	10,87
Grupo Televisa, S.A.B.	10,84
La Jornada, Demos Desarrollo de Medios, S.A. de C.V.	8,03
Medios Masivos Mexicanos, S.A. de C.V.	3,84
El Universal Cia. Periodística Nacional	3,17
Grupo de Radiodifusoras, S.A. de C.V.- Grupo Fórmula	3,06
Estudios Churubusco Azteca, S.A.	2,88
Gim de Televisión Nacional, S.A. de C.V. (Imagen Televisión)	2,77
Milenio Diario S.A. de C.V.	2,17
Ediciones del Norte, S.A. de C.V./ Diario Reforma	1,93
Agencia Digital, S.A. de C.V.	1,8
Edición y Publicidad de Medios de los Estados S. de E.L. de C.V.	1,58
Grupo Radio Centro, S.A.B. de C.V.	1,58

Source: In-house production with information from Article 19

that each has with audiences. It will be important to keep vigilant of the way the government spends in the field of advertising in the following years, especially in electoral times.

One relatively new method to strike journalists is digital aggression. With the rising use of social media public conversation has flooded different platforms in which Twitter stands out, due to the highly political content it holds. Already in 2019, Signa Lab published the report “Democracia, Libertad de expresión y Esfera digital” (Freedom of expression, Democracy, and the Digital sphere) in which it warns about networks of automated accounts capable of generating false trends against or in favor of a theme or person, amongst which “RedAMLOVE” (AMLOVEnetwork) was found, a digital army that has attacked dissidents of López Obrador policies and even the federal government.

In 2019 this network managed to establish different hashtags attacking mass media and journalists. Some of the most famous keywords were #ReformaTodoLoDeforma (Reforma distorts everything), #PrensaSicaria (Hitman Press), and #PrensaProstituida (Prostituted press). The first one managed to become the first trend nationally on the social network. Recently, Artículo 19, together with SignaLab and Aristegui Noticias (Aristegui News), released the

results of research<sup>9</sup> which proves a set of atypical behaviors of some of the Twitter accounts that keep a highly elevated activity that in some cases includes systematically retweeting positive comments about the State own news company NOTIMEX, and in other cases consists in attacking journalists in tandem and from different accounts, that have criticized the head of the said agency, Sanjuana Martínez.

This new information and opinion battleground paradoxically constitute a huge challenge to the fight for freedom of expression, due to the existence of automated herds capable of infringing and in some cases destroy the reputation of one or several journalists, it is a challenge without clear solutions. Besides, the creation of Twitter accounts or any other social network does not force the users to verify their identity, omission that makes difficult prosecutions of aggressions or crimes committed on the network.

All this is happening in a rarefied atmosphere due to the permanent confrontation of the President of the Republic with different mass media companies. Even though you cannot prove direct intimidation from the presidential office against journalists of a media company, in particular, the constant downgrading of the chief executive towards media companies like Reforma, Proceso, or El universal, by calling them “Prensa

<sup>9</sup> Artículo 19. Disonancia: voces en disputa [Dissonance: fighting voices] (Marzo 2020). Disponible en: <https://tinyurl.com/ybll03e2>

fifí” (press for the rich), conservative press, or slander press<sup>10</sup>; it has motivated more than one to undertake harsh attacks through social networks, which makes the public debate more toxic.

In spite of the experience gathered through the years, a comprehensive policy on the field of freedom of expression with action steps from the three branches of government and all authorities for the protection, prevention, and healing towards the aggressions against journalists is still missing. Likewise, it is important to stigmatize aggressions against journalists, increase State protection for them, make the access and the execution of justice in the penal field viable, and rise the degree of difficulty for the capability of actors in power to silence critical voices, which are essential to keep healthy and acceptable levels in any democratic system, and Mexico should not be an exception.



<sup>10</sup> Animal Político. Prensa fifí, calumnia y una volada: las calificaciones de AMLO contra el periódico Reforma [Press for the rich, slander and crazyness: AMLO’s qualifications againts the Reforma newspaper] (2 de enero de 2019). Disponible en: <https://tinyurl.com/y9yzkb6v>; Proceso. AMLO fustiga portada de Proceso, pero niega censura (27 de abril de 2020). Disponible en: <https://tinyurl.com/y87owj24>

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