

Mexico Amends Constitution to Protect Journalists and Free Expression Amid Violence

On June 6, 2012, Mexican lawmakers approved an amendment to the nation's constitution that made attacks on journalists a federal crime in an effort to protect reporters covering the violent struggle with drug cartels and drug-related crime.

The amendment, Article 73, Section XXI of the Mexican Constitution, makes crimes against journalists a federal offense and gives federal authorities the power to investigate and try crimes committed against journalists even when they are committed in areas that normally would fall under local or state jurisdiction. The newly-revised Mexican Constitution is available online in Spanish at <http://www.diputados.gob.mx/LeyesBiblio/pdf/1.pdf>.

The Mexican Senate approved the measure on March 6, 2012, sending it on to the 31 state legislatures, 16 of which had to pass it in order for it to be ratified. The majority of 16 was met on June 6, 2012. According to a June 14, 2012 article by Article 19, an advocacy group for freedom of expression worldwide, the amendment empowers the federal government to investigate and prosecute crimes committed against journalists, persons, or places which affect, limit or undermine the right to freedom of expression and information, or freedom of the press.

A March 9, 2012 article by the Committee to Protect Journalists (CPJ) reported that more than 40 Mexican journalists have died or disappeared in Mexico since 2006. Crimes against journalists have remained largely unsolved due to negligence and corruption among law enforcement officials, particularly those at the state level, CPJ reported, which has led Mexican journalists to avoid controversial topics such as violence, corruption, and drug trafficking, and left citizens without access to information. (For more on the challenges Mexican journalists face, see "Journalism Suffers Amid Drug Wars in Mexico" in the Fall 2010 issue of the *Silha Bulletin*.)

According to a March 30, 2012 article in the English-language newspaper *Guadalajara Reporter*, the amendment will give federal authorities the power to handle cases such as the murder or kidnapping of journalists, removing such cases from the hands of local police enforcement officials and judges who allegedly are often negligent or corrupt. Making murders of journalists a federal

crime also increases the punishment if the alleged perpetrators are found guilty, the *Guadalajara Reporter* said.

Press freedom advocates have said that the broad mandate of the amendment will probably create the need for legislation in order to enforce it. Article 19 outlined several ways in which Mexican federal law could be rewritten to accommodate the new constitutional language in its June 14 article. The law will need to specify the circumstances in which the federal government can claim jurisdiction over an investigation or prosecution, for example, and the federal criminal code and code of criminal procedure may also need to be revised to implement the new amendment.

In addition to the revised legislation, Article 19 stated that the Special Attorney's Office for Crimes against Freedom of Expression (in Spanish, *Fiscalía Especial para la Atención de Delitos Cometidos contra la Libertad de Expresión*, or FEADLE), which investigates crimes against freedom of expression that are classified as federal offenses, needs to be incorporated into the Mexican Attorney General's office. According to CPJ's March 9, 2012 article, FEADLE has never solved a case and suffers from a lack of resources. Additional legislation would also provide FEADLE with the necessary human and financial resources to carry out its mission, Article 19 said.

Eugenio Herrera, general counsel for Grupo Reforma, Mexico's largest newspaper publisher, told the *Guadalajara Reporter* that he doubted that the amendment and any accompanying laws would make the country safer for journalists. "We have higher prison punishments for kidnapping, for drug trafficking and that doesn't seem to deter criminals from committing those crimes," Herrera said. Meanwhile, Carlos Lauría, senior program coordinator for the Americas for CPJ, commended the passage of the legislation, calling it "the first step to stop impunity in the killings of Mexican journalists."

Article 19 noted that because of the amendment's broad language pertaining to crimes that limit freedom of expression and information, it could apply not only to those working with established media organizations but to citizen journalists and users of social media as well. This is important because regular citizens have turned to the Internet to report criminal activities carried out by the drug cartels after traditional media outlets were silenced. But now even the people who write about these crimes are facing violent retribution from the drug cartels, "endangering the constitutional rights of all Mexicans to freedom of expression and access to information," Lauría stated in a September 26, 2011 CPJ article. For more on the threats to social media users in Mexico, see

“Dangers Faced by Journalists Extend to Social Media Users” in the Fall 2011 issue of the *Silha Bulletin*.

Passage of the amendment did not immediately seem to quell violence against journalists in the summer of 2012. On June 14, Victor Manuel Báez Chino, a crime editor for the national newspaper *Milenio* and an editor of the news website Reporteros Policiacos, was found murdered in Xalapa, Veracruz. According to CPJ on June 14, 2012, state spokeswoman Gina Domínguez said Chino may have been the victim of organized crime, and National Attorney General Marisela Morales stated that it was possible state officials were also involved in the murder. CPJ reported that Chino was the fourth journalist in two months to be killed in the state of Veracruz.

On July 11, 2012, CPJ reported that three separate news outlets were attacked on July 10, causing property damage but no injuries. Two of the attacks were against weekly supplements of the daily *El Norte*, located in different areas of the city of Monterrey. One of the supplements, *La Silla*, was hit by an explosive device which damaged the front of the building, and the other, *Linda Vista*, was attacked by a group of people who fired on the building. One member of the group also threw a grenade at the building, damaging its façade and some windows. The third outlet, *El Mañana*, located in Nuevo Laredo, was hit by an explosive device which damaged the façade of the building. *El Mañana* was one of the first news organizations to stop covering conflicts between crime groups, and to also publicly acknowledge that it was doing so, CPJ reported.

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