

MEMORANDUM

May 3, 2018

Subject: Violence Against Journalists and Media workers in Mexico and U.S. Policy

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This memorandum was prepared to enable distribution to more than one congressional office.

The following memorandum provides background information on threats to journalists in Mexico, Mexican government efforts to prevent and punish violence against journalists, and U.S. programs to support journalists and strengthen Mexico's ability to protect them. For the purposes of this memorandum, the term "journalists" includes all media workers.

Press Freedom in Mexico as Compared to Other Countries in Latin America

In recent years, international press freedom organizations have expressed concerns about the deterioration of press freedom in many countries in Latin America, precipitated by an increase in violence and other attacks on journalists, as well as politically-driven attempts to curb or repress independent media. In 2017, 12 of the 22 journalist killings in the region documented in the annual report of the Special Rapporteur of Freedom of Expression of the Inter-American Commission on Human Rights (IACHR) occurred in Mexico.¹ Mexico, along with Brazil, ranks among the top ten countries globally with the highest rates of unsolved journalist murders as a percentage of their population in the *Global Impunity Index* published by the Committee to Protect Journalists (CPJ).² Increasing violent crimes against journalists and the impunity enjoyed by those who perpetrate those crimes have led to journalistic self-censorship in Mexico, inhibiting people's access to information, government accountability, and freedom of expression. As an example, 68% of journalists in Mexico surveyed by Article 19, a press freedom group that has received U.S. funding for its programs, reported self-censoring.³

While the Mexican government does not use state-owned media to promote itself or to shut down independent media (as Cuba and Venezuela have done), it reportedly has rewarded outlets that provide favorable coverage with lucrative advertising contracts and used various means to punish and intimidate its critics.⁴ According to Freedom House, officials at all levels of government in Mexico have punished

¹ Inter-American Commission on Human Rights (IACHR), Special Rapporteur for Freedom of Expression, *Annual Report of the Special Rapporteur for Freedom of Expression*, December 31, 2017, available at: <http://www.oas.org/en/iachr/docs/annual/2017/docs/AnnexRELE.pdf>. Hereinafter: IACHR, December 2017.

² Committee to Protect Journalists (CPJ), *Getting Away with Murder: 2017 Global Impunity Index*, October 31, 2017, available at: <https://cpj.org/reports/2017/10/impunity-index-getting-away-with-murder-killed-justice.php>.

³ Artículo 19, *Democracia Simulada: Nada que Aplaudir: Informe Anual 2017*, March 2018, available in Spanish at: <https://articulo19.org/nadaqueaplaudir/>. Hereinafter: Article 19, March 2018.

⁴ IACHR, December 2017.

journalists critical of their actions by publicly denouncing their work, pushing media owners (who rely on government ad buys for revenue) to dismiss them, suing them for libel, or using other tactics to intimidate, and/or threaten them.⁵ Evidence reportedly emerged in 2017 that the Mexican federal government had conducted illegal digital surveillance on journalists and their families, a practice common in Cuba and Venezuela.⁶ According to Article 19, public officials committed 52% of the 507 “aggressions” that journalists experienced in 2017 (see **Figure 2**).⁷ This compares to a regional average of roughly 40% of aggressions committed against journalists being carried out by public officials cited by IACHR in the executive summary of its 2017 annual report.

Both Freedom House and Reporters Without Borders (RWB) produce annual indices rating and ranking countries worldwide in terms of press freedom (See **Table 1**). In 2018, Freedom House placed Mexico in the lowest, “not free” category of countries, along with the authoritarian governments of Venezuela and Cuba, as well as Honduras and Ecuador. With the exception of Ecuador, press freedom has continued to deteriorate in Mexico and the other countries in that group. Thirteen of the 35 countries in Latin America and the Caribbean ranked in the bottom half of the RWB rankings. Mexico ranked 147 out of 180 countries evaluated worldwide, just above Cuba (173) and below Honduras (141) and Venezuela (143).⁸ According to RWB, the Mexican government failed to protect its journalists in 2017, becoming the second most violent country for journalists (after Syria).

Table 1. Press Freedom Ratings of Select Latin American Countries by Freedom House and Reporters Without Borders

Freedom House		Reporters Without Borders		
Country	Category	Country	Rank (out of 180)	Category
Argentina	Partly Free	Peru	90	Problematic
Peru	Partly Free	Nicaragua	92	Problematic
Brazil	Partly Free	Panama	96	Problematic
Colombia	Partly Free	Brazil	103	Problematic
Panama	Partly Free	Ecuador	105	Problematic
Nicaragua	Partly Free	Bolivia	107	Bad
Guatemala	Partly free	Paraguay	110	Bad
Paraguay	Partly Free	Guatemala	118	Bad
Mexico	Not Free	Colombia	129	Bad
Honduras	Not Free	Honduras	137	Bad
Ecuador	Not Free	Venezuela	143	Bad

⁵ Freedom House, *Freedom in the World, 2017*, available at: <https://freedomhouse.org/report/freedom-world/2017/mexico>.

⁶ The government also reportedly used spyware against human rights and anti-corruption activists. Freedom House, *Freedom in the World, 2018*, available at: <https://freedomhouse.org/report/freedom-world/2018/mexico>; Azam Ahmed, “Using Texts as Lures, Government Spyware Targets Mexican Journalists and Their Families,” *New York Times*, June 19, 2017.

⁷ Article 19, March 2018.

⁸ Reporters Without Borders, *World Press Freedom Index, 2018*, April 25, 2018, available at: <https://rsf.org/en/ranking>.

Freedom House		Reporters Without Borders		
Venezuela	Not Free	Mexico	147	Bad
Cuba	Not Free	Cuba	173	Very Bad

Source: Freedom House, *Freedom in the World, 2018*; Reporters Without Borders, *2018 World Press Freedom Index*.

Notes: Freedom House rates countries by providing a press freedom score and then based on that score, classifies the countries as free, partly free, and not free. The countries listed in this chart appear from “most free” to “least free.”

Mexico: Crimes Against Journalists and Media Workers

For more than a decade, violent crime perpetrated by warring criminal organizations has threatened citizen security and governance in parts of Mexico. Although Mexico’s homicide rate (murders per 100,000 people) remains within the “average” range for the Western Hemisphere (albeit high by global standards), it has experienced a much faster rise in homicides over the past decade than other countries in the region. Experts estimate that between 30% and 50% of those homicides have been organized crime-related.⁹ Although the illicit drug trade has long been prevalent in Mexico, violence has escalated as an increasing number of criminal organizations have fought for control of lucrative routes to transport drugs, including heroin, into the United States.¹⁰ In addition to rising insecurity, corruption and impunity have become top issues of concern in Mexico. Since 2014, corruption scandals have implicated President Enrique Peña Nieto’s family and top advisers, as well as many former governors. Javier Duarte, the former governor of Veracruz once close to Peña Nieto, is now on trial for stealing billions of dollars while in office.¹¹ Corruption in the police and judicial systems is thought to be a reason behind the country’s high rates of impunity for all crimes, including homicides.

Many journalists reporting on critical issues such as crime and corruption have become targets for organized crime groups and corrupt officials. While some crime groups or public officials pay bribes to journalists in order to receive favorable coverage, others use threats or other aggressive actions to pressure journalists not to expose their crimes or to retaliate against journalists who do report on their misdeeds. A recent study found that journalists are three times as likely as other Mexicans to be victims of organized crime or drug trafficking-related violence.¹² The IACHR and the U.N. High Commissioner for Human Rights have expressed ongoing concern about the safety of journalists in Mexico.¹³

While killings of local journalists have occurred at high levels in Mexico over the past decade, 2017 marked the first year in which multiple well-known journalists were killed (See **Figure 1** below). The killings of investigative journalists Miroslava Breach, a correspondent for *La Jornada* based in Chihuahua, and Javier Valdéz, the editor of *Riodoce* in Sinaloa, have fostered international concern and been condemned by CPJ and others. Both journalists spent much of their decades-long careers writing on

⁹ Laura Calderón, Octavio Rodríguez Ferreira, and David A. Shirk, *Drug Violence in Mexico: Data and Analysis Through 2017*, Justice in Mexico, University of San Diego, April 2018, available at: <https://justiceinmexico.org/2018-drug-violence-mexico-report/>. Hereinafter: Justice in Mexico, April 2018.

¹⁰ CRS In Focus IF10400, *Transnational Crime Issues: Heroin Production, Fentanyl Trafficking, and U.S.-Mexico Security Cooperation*, by Clare Ribando Seelke and Liana W. Rosen; CRS Report R41576, *Mexico: Organized Crime and Drug Trafficking Organizations*, by June S. Beittel.

¹¹ Duarte fled to Guatemala to evade capture, but was extradited back to Mexico in July 2017.

¹² Laura Y. Calderón, *An Analysis of Mayoral Assassinations in Mexico, 2000-17*, Justice in Mexico, January 2018, available at: https://justiceinmexico.org/wp-content/uploads/2018/01/180117_CALDERON-WRKPPR_v3.0.pdf.

¹³ IACHR, Special Rapporteur for Freedom of Expression, OHCHR, “Preliminary Observations by the U.N. Special Rapporteur on Freedom of Expression and the Special Rapporteur on Freedom of Expression of the IACHR Following Their Joint Visit to Mexico, November 27-December 4, 2017,” available at: https://www.press.org/sites/default/files/UN-IACHR_observations_gutierrez.pdf. Hereinafter: OHCHR and IACHR, 2017.

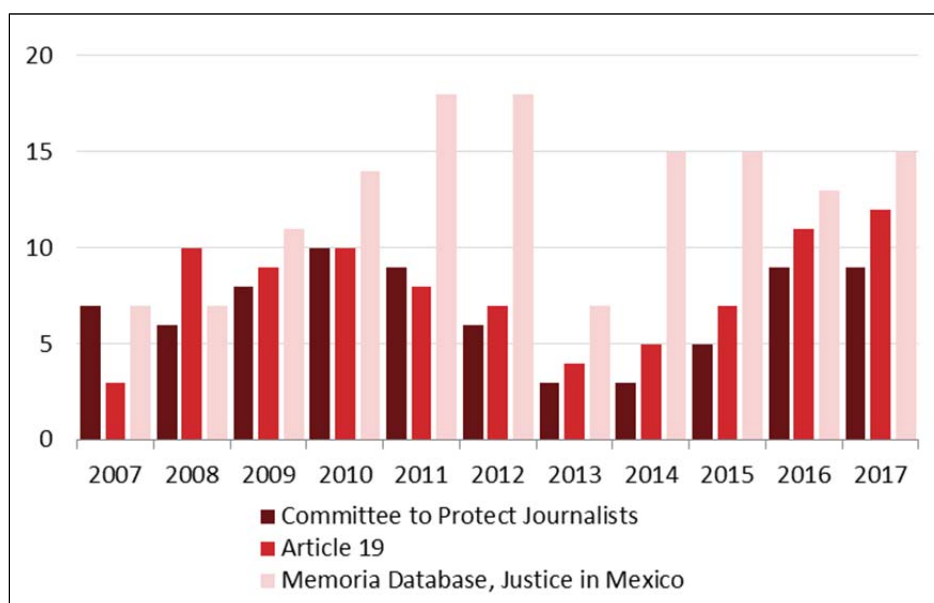
collusion between criminals and politicians (See “As depicted in Figure 2, Article 19 documented more than 500 aggressions committed against journalists in Mexico in 2017, up from 426 committed in 2016 and more than double the 238 committed in 2009 (the first year this type of data was collected). In 2017, the most frequent aggressions documented included: threats, intimidation, physical attacks or attacks on property, kidnapping, and violence committed by state actors. Of those aggressions, more than 52% were reportedly attributed to public officials, similar to the 53% attributed to public officials in 2016. Although a breakdown of aggressions committed by level (local/state/federal) of government official is not included in the 2017 report by Article 19, its 2016 report alleged that 75% of aggressions against journalists by public officials came from state or local officials.

Selected Emblematic Cases” below).

Estimated Killings of Journalists and Media Workers

Several organizations track the killings of journalists and media workers in Mexico. Data from three of these organizations (the Committee to Protect Journalists, Article 19, and Justice in Mexico) are included in the graphic below.

Figure I. Estimates of Homicides of Journalists and Media Workers in Mexico: 2007-2017



Source: CPJ database, Artículo 19, *Democracia Simulada: Nada que Aplaudir: Informe Anual 2017*, March 2018; Justice in Mexico, Memoria Database.

From 2007 through 2017, CPJ recorded 74 killings of journalists and other media workers in Mexico, of whom 33 were killed in relation to their work.¹⁴ CPJ’s statistics are often considered to be conservative,

¹⁴ See: CPJ data, available at:

https://cpj.org/data/killed/?status=Killed&motiveConfirmed%5B%5D=Confirmed&type%5B%5D=Journalist&type%5B%5D=Media%20Worker&cc_fips%5B%5D=MX&start_year=2007&end_year=2017&group_by=year.

however, particularly when they cite only the number of cases in which the motive for the killing is confirmed as having been directly associated with a journalist's profession.¹⁵

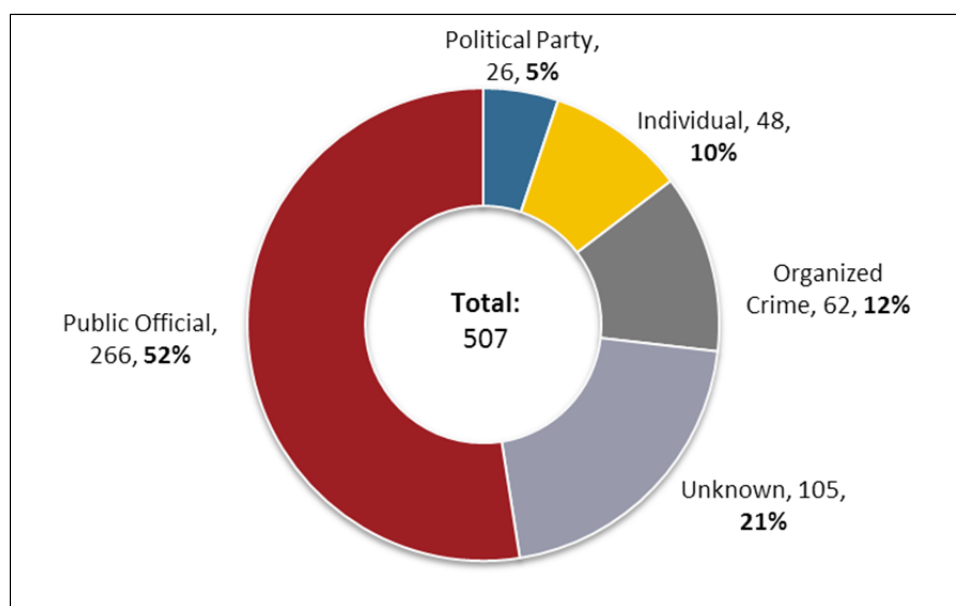
According to Justice in Mexico, an academic organization that has tracked drug trafficking-related violence in Mexico for more than a decade, some journalists have been victims of Mexico's overall increase in homicides even if their deaths were not directly linked to their reporting. Journalists and local politicians have been targeted more frequently than normal citizens, with 140 journalists and media workers killed from 2007-2017.

Midway between these two estimates, Article 19 in its 2017 annual report estimated that 86 killings of journalists and media workers took place from 2007-2017. According to Article 19, some 17 journalists were killed and five disappeared during Javier Duarte's tenure as governor of Veracruz (2010-2016).¹⁶ Most of those crimes were deemed by the state attorney general's office as being unrelated to the journalists' work, even in cases of those who had been critical of the governor such as Rubén Espinosa (discussed below).

Other Crimes Committed Against Journalists

Homicides and disappearances of journalists can have a chilling effect on reporting, but there are also a range of other actions that crime groups, corrupt politicians, and others can take to intimidate journalists or to retaliate against them for their reporting. These actions or "aggressions" can involve a range of activities including, but not limited to: harassment, lawsuits for libel, public denunciations of the journalist's work, digital surveillance, extortion, attacks on media offices, threats on the physical well-being of a journalist or his or her family, kidnapping for ransom, and torture.

Figure 2. Principal Perpetrators of Aggressions Against Journalists in Mexico: 2017



Source: Artículo 19, *Democracia Simulada: Nada que Aplaudir: Informe Anual 2017*, March 2018,

¹⁵ Justice in Mexico, April 2018.

¹⁶ Silvia Higuera and Teresa Mioli, "Mexican Governor of Veracruz Resigns to Face Corruption Charges; 17 Journalists Have Died During his Administration," *Journalism in the Americas Blog: Knight Center for Journalism at the University of Texas at Austin*, October 14, 2016.

As depicted in **Figure 2**, Article 19 documented more than 500 aggressions committed against journalists in Mexico in 2017, up from 426 committed in 2016 and more than double the 238 committed in 2009 (the first year this type of data was collected). In 2017, the most frequent aggressions documented included: threats, intimidation, physical attacks or attacks on property, kidnapping, and violence committed by state actors. Of those aggressions, more than 52% were reportedly attributed to public officials, similar to the 53% attributed to public officials in 2016. Although a breakdown of aggressions committed by level (local/state/federal) of government official is not included in the 2017 report by Article 19, its 2016 report alleged that 75% of aggressions against journalists by public officials came from state or local officials.¹⁷

Selected Emblematic Cases

Rubén Espinosa and four women (including Nadia Vera, a known activist critical of then-Veracruz governor Javier Duarte) were killed execution-style during the day on July 31, 2015 in Mexico City. Espinosa was a freelance photojournalist in Veracruz who had documented acts of state repression against protesters, including photos of Duarte. Before fleeing to Mexico City, Espinosa had reported harassment from police authorities in Veracruz and received death threats. Before and after his move to Mexico City earlier that year, he had given interviews to fellow journalists and published information on social media about the abuse and intimidation he had endured in Veracruz.¹⁸ On June 30, 2015, a month before the murders, then-Governor Duarte publicly accused journalists in his state of “having ties” to organized crime and said that they should “behave...[since] we’re going to shake the tree, and many bad apples are going to fall.”¹⁹ After that speech, Espinosa reportedly knew that he was being followed. Despite this information and the fact that Nadia Vera had been previously attacked by state officials, the attorney general’s office of the Federal District investigated the murders as a robbery unrelated to the victims’ jobs. The person arrested in connection with the crime, Daniel Pacheco Gutiérrez, was reportedly a serial rapist; his two accomplices remain at large and any links between them and the Duarte government were not pursued. Some press human rights organizations maintain that Pacheco did not commit the killings. When Pacheco appeared before a judge, he reportedly alleged that he had been tortured by authorities while in custody.²⁰

Miroslava Breach was shot at least four times as she left her house to take her son to school on March 23, 2017 in Chihuahua City, Chihuahua. Breach was a correspondent for the Mexico City-based *La Jornada* newspaper and contributed to *El Norte de Juárez* and other newspapers as well. Her work included a focus on crime groups and land struggles in the Tarahumara mountains, publicizing human rights violations, and exposing links between local officials and crime groups in Chihuahua. In 2016, Breach and others had pressed Mexico’s federal government to create an early warning system for journalists and human rights defenders in Chihuahua to complement the federal protection mechanism (discussed below). In December 2017, federal police, acting on behalf of the Chihuahua state prosecutor, arrested Juan Carlos Moreno Ochoa, the leader of a criminal gang, and accused him of overseeing Breach’s execution, but some question whether he was the intellectual author of the crime. At a hearing for Moreno Ochoa, audio was played that reportedly contained evidence linking local National Action Party (PAN) officials with Breach’s murder.²¹ State prosecutors have not followed that line of inquiry and a judge recently ordered them to provide two folders of evidence that they had withheld from Breach’s

¹⁷ Artículo 19, *Libertades en Resistencia: Informe 2016 de Article 19*, April 2017, available in Spanish at: <https://articulo19.org/informe2016/>.

¹⁸ Francisco Goldman, “Who Killed Rubén Espinosa and Nadia Vera?” *New Yorker*, August 14, 2015.

¹⁹ *Ibid.*

²⁰ CPJ, “Ruben Espinosa,” <https://cpj.org/data/people/ruben-espinosa-becerril/>.

²¹ Paola Nalvarte, “Politicians and Drug Traffickers Suspected in Murder of Mexican Journalist Miroslava Breach,” *Journalism in the Americas Blog*, January 23, 2018.

family and the lawyer for Moreno Ochoa.²² A federal judge also determined that the federal-level special prosecutor's office for crimes against freedom of expression (FEADLE) should complete the investigation.

Javier Valdez Cárdenas, editor and cofounder of *Riodoce*, a weekly investigative journal chronicling organized crime and politics, was dragged from his car and shot after leaving his office on May 15, 2017 in Culiacán, Sinaloa. The attackers stole his phone and computer. This was not the first time that Cárdenas, who also wrote for Mexico City-based *La Jornada* newspaper and published several books on crime and drugs in Mexico, was the target of violence. In 2009, a grenade hit the *Riodoce* offices and in 2011, its computers were hacked.²³ According to *La Jornada*, Valdez received death threats, particularly after he reported on the succession struggles that had occurred following the January 2017 extradition of Joaquín “El Chapo” Guzmán Loera to the United States.²⁴ FEADLE took charge of the investigation in May 2017 and a suspect from the Sinaloa cartel was arrested in relation to the crime in April 2018.²⁵

Cándido Ríos Vázquez and two companions were killed on August 22, 2017 in a drive-by shooting by unknown gunmen that took place outside of a store in Juan Díaz Covarrubias, Veracruz. Ríos, the first reporter enrolled in the federal protection mechanism (discussed below) to be killed, founded a local newspaper, *La Voz de Hueyapán* in Veracruz, and wrote for a regional paper, *El Diario de Acayucán*. His coverage of local issues reportedly angered a former mayor of Hueyapán (Gaspar Gómez Jiménez), and, after receiving threats, he enrolled in the federal protection mechanism in 2013. The mechanism had provided him with a panic button and security cameras at his home. (He was not enrolled in the state's protection mechanism.) In October 2016, Ríos notified FEADLE and the federal mechanism that Gómez Jiménez had threatened to kill him. According to local media outlets, Gómez Jiménez released a video threatening to beat up Ríos earlier in August 2017. The Veracruz special prosecutor's office has opened an investigation into the attack, but maintains that it was probably related to Ríos' companions and not his work as a journalist.²⁶

Mexican Government Efforts to Address Crimes Against Journalists

The Protection Mechanism

In June 2012, Mexico promulgated a law for the protection of human rights defenders and journalists. In November 2012, the government established a federal protection mechanism housed within Mexico's interior ministry to provide bodyguards, panic buttons, and other protective measures to those seeking its assistance. Human rights groups and the international community have said that the protection mechanism is “an important recognition” by the government of the severity of the security challenges faced by journalists and human rights defenders operating in the country.²⁷ As of December 2017, the protection mechanism had provided support to 380 journalists; at least nine states had created similar state-level protection mechanisms.²⁸ The protection mechanism also helped create “early warning” systems to

²² “La Fiscalía de Chihuahua Oculta dos Tomos de la Pesquisa del Asesinato de Miroslava,” *La Jornada*, April 14, 2018.

²³ In 2011, Javier Valdez won CPJ's International Press Freedom Award.

²⁴ CPJ, “Javier Valdez Cárdenas,” available at: <https://cpj.org/data/people/javier-valdez-cardenas/>.

²⁵ “Mexican Reporter Valdez Killed Because of his Work,” AP, April 24, 2018.

²⁶ CPJ, “Cándido Ríos Vázquez,” available at: <https://cpj.org/data/people/candido-rios-vazquez/>; “A Mexican Reporter was in a Program to Protect Journalists. He was Still Killed,” *Los Angeles Times*, August 23, 2017.

²⁷ Washington Office on Latin America (WOLA) and Peace Brigades International (PBI), *Mexico's Mechanism to Protect Human Rights Defenders and Journalists: Progress and Continued Challenges*, May 2016. Hereinafter: WOLA and PBI, 2016.

²⁸ Secretaría de Gobernación (SEGOB), *Informe Estadístico: Mecanismo para la Protección de Personas Defensoras de Derechos Humanos y Periodistas*, December 2017, available at: <https://www.gob.mx/segob/documentos/conoce-mas-sobre-el-mecanismo-de-proteccion-de-personas-defensoras-de-derechos-humanos-y-periodistas>.

disseminate information about potential threats to journalists in Veracruz and Chihuahua. With support from Freedom House (discussed below), those responsible for the protection mechanism have reduced the backlog of cases present in its early years and developed protocols for assessing the risk of a person seeking assistance. In August 2015, the mechanism created a unit designed to prevent future violence and analyze results.

Nevertheless, the IACHR, the U.N. and others have maintained that “the mechanisms of protection have surprisingly limited resources given the context of a national crisis.”²⁹ They identify a lack of adequate staff; timely analysis; protective measures that consider a person’s gender, family, and employment needs; psychological assistance for victims; and coordination among the protection mechanism and other entities charged with assisting those who have been victimized as issues to be addressed. Other studies point to the high cost and faulty technology behind some of the services offered, including panic buttons that do not work.³⁰ Many others maintain that it is unrealistic to use local police forces to respond to calls for protection from journalists since they are often involved in perpetrating the threats and crimes against them. According to Article 19, the federal police say that they lack the authority to protect journalists in cases where local or state police can pose a risk to journalists. In August 2017, Cándido Ríos Vázquez became the first individual enrolled in the federal protection mechanism to be killed.

Some 75% of journalists surveyed by Freedom House and others do not have faith in the mechanisms created to protect them.³¹ That figure is likely even higher now that it has been widely reported that (as previously referenced) the Peña Nieto government has used spyware it purchased from Israel to monitor its critics, including journalists.³² The government has acknowledged purchasing the spyware but denied using it for espionage.³³

Office of the Special Prosecutor for Crimes Against Freedom of Expression (FEADLE)

In response to rising violence against journalists and news outlets in northern Mexico, then-President Vicente Fox named Mexico’s first prosecutor to investigate crimes against journalists in 2006. In 2010, federal jurisdiction over crimes against journalists and violations of freedom of expression was expanded and a special prosecutor’s office for crimes against freedom of expression (FEADLE) became its own unit within the Attorney General’s office. In May 2013, changes to the federal code of criminal procedure gave FEADLE the authority to investigate local attacks against journalists even in instances when state authorities were already looking into a case. FEADLE used that power four times in 2016, the most recent year for which complete data is available.³⁴

From 2010-January 2017, FEADLE brought 12.6% of the cases it investigated before a judge and secured three convictions (0.4% of those cases).³⁵ According to Article 19, FEADLE lacks staff (both investigators and prosecutors), resources, technical capacity, and high-level support for its efforts. Article 19 argues that FEADLE has proven unable to investigate crimes or to provide support to families of journalists who have been killed or disappeared.

²⁹ OHCHR and IACHR, 2017.

³⁰ WOLA and PBI, 2016.

³¹ Emir Olivares Alonso, “Periodistas Desconfían de Instituciones,” *La Jornada*, June 27, 2017.

³² Azam Ahmed and Nicole Perloth, “Using Texts as a Lure, Government Spyware Targets Mexican Journalists and Their Families,” *New York Times*, June 19, 2017.

³³ Azam Ahmed, “Mexican President Says Government Acquired Spyware but He Denies Misuse,” *New York Times*, June 22, 2017.

³⁴ Jan-Albert Hootsen, “Mexico’s Special Prosecutor says FEADLE is Improving, but Impunity Continues,” CPI, January 12, 2018.

³⁵ CPI, May 2017.

In May 2017, a CPJ report cited an overall (federal and state) impunity rate of 86% for cases of journalists who have been killed in retaliation for their work.³⁶ According to the report, even in cases where arrests or convictions have been made, they have generally not involved the individual who directed the crime. This level of impunity for journalist killings has, in turn, fueled further crimes (such as additional killings) and fostered distrust between journalists and the government entities that have been established to protect them.

According to the IACHR and OHCHR, FEADLE has “still not made any impact in combating impunity.”³⁷ The current head prosecutor took over in May 2017 and reportedly increased the staff to 22 prosecutors and 15 police (from 15 and 14 respectively).³⁸ According to CPJ, his team is focused on solving a backlog of cases filed under Mexico’s old inquisitorial justice system; it is unclear whether it will be capable of presenting cases in the new accusatorial system, which requires higher standards of evidence.

High turnover rates have impacted performance of the federal protection mechanism and FEADLE. Their work is also hindered by their location within government agencies that may not have high levels of political will to support their efforts. For these reasons, many groups (such as Article 19) are pushing for the establishment of an independent public prosecutor’s office in Mexico that is free from the influence of the president. These groups argue that independent federal and state prosecutors, overseen by civil society groups, could draw attention to a lack of progress in investigations and prompt remedial action to be taken.

U.S. Policy

Congress has expressed ongoing concerns about human rights conditions in Mexico, including the government’s treatment of journalists and human rights defenders.³⁹ These concerns have intensified as U.S. security assistance to Mexico has increased under the Mérida Initiative, a security and rule of law partnership announced in 2007 for which Congress has provided some \$2.9 billion.⁴⁰ Congress has continued monitoring adherence to the “Leahy laws” that require vetting for security forces to receive U.S. Department of Defense or State Department assistance, including Mexican forces.⁴¹ Since FY2008, Congress has conditioned the annual provision of a percentage of certain U.S. assistance to Mexican security forces on the State Department’s submission of a report confirming that Mexico has made progress in complying with human rights standards included in the legislation.⁴² The State Department submitted reports for every year except FY2014 and FY2016. In those years, the State Department did not submit reports confirming to Congress that Mexico met all of the human rights criteria in the

³⁶ CPJ, *No Excuses*, May 3, 2017, available at: https://cpj.org/reports/cpj_mexico_2017-04-24_English_Web.pdf.

³⁷ OHCHR and IACHR, 2017.

³⁸ Hootsen, *op. cit.*

³⁹ See, for example, Rep. Alan Lowenthal, “Congressman Lowenthal Calls On Secretary Tillerson To Ensure Mexican Govt Moves Forward In Spyware Investigation,” December 7, 2017.

⁴⁰ CRS In Focus IF10578, *Mexico: Evolution of the Mérida Initiative, 2007-2018*, by Clare Ribando Seelke.

⁴¹ There is no FAA definition for the term “security force.” DOD defines the term as “duly constituted military, paramilitary, police, and constabulary forces of a state.” (DOD Dictionary of Military and Associated Terms, DOD Joint Publication 1-02, <http://www.dtic.mil>.) See CRS In Focus IF10575, *Human Rights Issues: Security Forces Vetting (“Leahy Laws”)*, by Liana W. Rosen.

⁴² From FY2008-FY2015, the conditions applied to Mérida Initiative aid accounts that provided assistance to Mexican police forces and to Foreign Military Financing (FMF). From FY2016-FY2018, the conditions only applied to FMF.

appropriations legislation from those years. U.S. concerns were not directly related to attacks on journalists. As a result, the State Department withheld certain assistance to Mexico.⁴³

In 2011, the Obama Administration and the Calderón government broadened the scope of bilateral cooperation from focusing primarily on antidrug efforts to a four-pillar strategy that prioritized institution building and strengthening the rule of law. Under pillar two of that strategy, the State Department and the U.S. Agency for International Development (USAID) have funded projects to strengthen Mexico's ability to prosecute cases under its accusatorial justice system (which became operational in 2016) at the federal and state level and to improve respect for human rights. USAID helped Mexico draft the 2012 legislation that established the federal protection mechanism. The State Department has also established a high-level human rights dialogue with Mexico that has included a focus on the issue of protecting journalists and has continued to provide human rights training for Mexican security forces. During her tenure, U.S. Ambassador to Mexico Roberta Jacobson (who is leaving her position on May 5, 2018) has spoken out about the importance of protecting journalists in Mexico and solving cases of journalists' killings.⁴⁴

USAID in Mexico is currently focused on strengthening the rule of law, fostering an environment in which human rights are protected and abuses prevented, and preventing crime and violence. Since the amount of U.S. funding available for these programs is limited and Mexico is a middle-income country, the assistance programs are designed to complement the work of the Mexican government in those areas. The success of U.S. efforts depends, in turn, on the political will, technical capacity, and budgetary resources devoted by the government of Mexico (federal and state). USAID has provided at least \$6.6 million in programs to support freedom of expression and journalists' protection in Mexico and plans to invest at least another \$4.2 million in this area through September 2019.⁴⁵

From September 2011 through September 2016, USAID provided some \$5.1 million to Freedom House in Mexico aimed at three objectives: 1) helping journalists better protect themselves, 2) increasing civil society involvement in issues related to Freedom of Expression, and 3) strengthening Mexico's federal protection mechanism. According to an external evaluation of USAID's human rights programs, this program provided training on personal protection, cyber-security and other topics that was regarded as "generally useful" to some 580 journalists and created a network of journalists who support each other.⁴⁶ The program was unable to engage journalists and civil society actors outside the Federal District, Chihuahua, and Veracruz, however. Also, in most areas where it operated, government-journalist relations did not measurably improve. The project reportedly helped improve the protection mechanism by strengthening its processes and procedures, especially those related to analyzing a person or group of people's risk. It also helped ensure that the protection mechanism had adequate resources, and improved the government's willingness to work with civil society and accept technical assistance.⁴⁷ The project was unable, however, to ensure the sustainability of funding for the federal mechanism and institutional capacity within its staff. Even after Freedom House's efforts, the services offered remain limited and they

⁴³ As a result of the State Department's decision not to submit a report for Mexico, some \$5 million in International Narcotics and Law Enforcement (INCLE) assistance in FY2014 was reprogrammed to Peru. Mexico lost close to \$500,000 in foreign military financing (FMF) that year as well. In FY2016, the State Department withheld some \$1.3 million in FMF to Mexico.

⁴⁴ As an example, U.S. Department of State, U.S. Embassy in Mexico City, "Ambassador Jacobson Hears Concerns from Press Freedom Advocates in Mexico," September 20, 2016.

⁴⁵ Electronic correspondence with USAID official, April 5, 2018.

⁴⁶ USAID, *Results of Human Rights Program Evaluation*, 2017, available at: https://pdf.usaid.gov/pdf_docs/PA00N3NP.pdf.

⁴⁷ WOLA and PBI, 2016.

do not always take into account people's personal or family situation. Freedom House did not engage the owners of media outlets in efforts to better protect the journalists they employ.⁴⁸

USAID began a \$1.5 million program implemented by Article 19 in October 2015 that is scheduled to end in June 2018. The program includes a focus on awareness-raising as well as activities to help train journalists in self-protection and building support networks.

The most recent USAID program builds on lessons learned from the Freedom House project and has a planned duration of two years (September 2017-September 2019), which can be extended in the event that the program is yielding positive outcomes. The program, which is called *Provozes*, focuses on improving federal and state protection mechanisms and FEADLE. It aims to improve coordination among those entities, as well as with civil society and the private sector (including media companies). This project also aims to help states develop units to investigate and prosecute crimes against journalists. Early partners include governments in Aguascalientes, Coahuila, Mexico City, and Nuevo León.

⁴⁸ USAID, op. cit.
