



# MEXICO

	2012	2013
<b>INTERNET FREEDOM STATUS</b>	<b>PARTLY FREE</b>	<b>PARTLY FREE</b>
<b>Obstacles to Access (0-25)</b>	11	11
<b>Limits on Content (0-35)</b>	11	10
<b>Violations of User Rights (0-40)</b>	15	17
<b>Total (0-100)</b>	<b>37</b>	<b>38</b>

**POPULATION:** 116.1 million  
**INTERNET PENETRATION 2012:** 38 percent  
**SOCIAL MEDIA/ICT APPS BLOCKED:** No  
**POLITICAL/SOCIAL CONTENT BLOCKED:** No  
**BLOGGERS/ICT USERS ARRESTED:** No  
**PRESS FREEDOM 2013 STATUS:** Not Free

\* 0=most free, 100=least free

### KEY DEVELOPMENTS: MAY 2012 – APRIL 2013

- A civil society coalition successfully lobbied for freedom of access to the internet to be guaranteed as a right under the Mexican constitution (see **OBSTACLES TO ACCESS**).
- In 2012 and 2013, Mexico continued to be one of the most hostile environments in the world for journalists and bloggers, who were subject to retaliatory violence from drug cartels and organized crime (see **VIOLATIONS OF USER RIGHTS**).
- A new telecommunications bill was approved by the Senate on April 30, 2013, and offers the potential to increase ICT competition and affordability once implemented (see **OBSTACLES TO ACCESS**).
- In October 2012, two contributors to digital newspaper *e-consulta* were kidnapped and robbed by Tlaxcala state police. In April 2013, retaliatory defamation cases were leveled against five others associated with the site (see **VIOLATIONS OF USER RIGHTS**).
- Evidence of widespread surveillance, including the real-time warrantless recording of citizens’ phone calls, came to light in 2012 after secret government documents were made public (see **VIOLATIONS OF USER RIGHTS**).

## INTRODUCTION

Internet penetration in Mexico has experienced dramatic growth since the first connection was established in February 1989; however, the majority of the population still lacks affordable access, an issue that is particularly pronounced in rural areas. Such disparity is largely due to infrastructural deficiencies and high prices exacerbated by the concentrated ownership of the telecommunications sector in the hands of a few influential companies. A recently approved telecommunications bill intended to combat monopolization, however, is expected to result in increased competition and affordability. Further legislation that began as a citizen initiative in January 2013 also resulted in the inclusion of a provision in the Mexican Constitution guaranteeing access to the internet as a civic right. Although this is a significant development, as of yet there is no secondary legislation defining exactly how the government will guarantee this right in practice.<sup>1</sup>

Although positive legislation pertaining to communications was recently passed, in 2012, documents were leaked detailing pervasive surveillance technologies used by the Mexican government. The real-time, warrantless recording of citizens' phone calls, along with interception of email, text messages, and other personal communications were among the more concerning provisions of the government's surveillance procedures.

Mexico still ranks as one of the most dangerous climates in the world for journalists. While widespread intimidation, threats, violence, and self-censorship were historically limited to traditional media, writers for critical websites and narcoblogs have been victim to increasing harassment, cyberattacks, physical violence, and murder as their reporting has gained prominence. Recent legislation pertaining to the protection of journalists marks an important departure from Mexico's historical record of impunity for attackers; however the real world impact of such legislation remains to be seen.

Between May 2012 and April 2013, Mexico was witness to at least one forced disappearance related to online content, as well as three retaliatory murders for online journalism. In early 2013, threats against online media reporting on high-risk security situations allegedly extended to a bounty of 600,000 pesos (\$47,000) for information relating to the identification of the administrator of high profile site *Valor por Tamaulipas*.

Despite such threats, online forums such as social-networking site Facebook and microblogging platform Twitter have emerged as tools for civil society activism and mobilization. A network of regional sites including *Valor por Tamaulipas* has had some success in warning citizens of safety concerns and cartel violence—coverage that is particularly timely given a recent decision by some state governments to avoid reporting on violence in official media.

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<sup>1</sup> E-mail interview with Jorge Luis Serra, Knight International Journalism Fellow, reporter, editor, and digital expert, as well as the author of internet platforms allowing citizens to report and track crime in Mexico; Internet para Todos Mexico, <http://internetparatodos.mx>.

Social networks are also increasingly used for political activism in Mexico. In May 2012, the video sharing site YouTube was instrumental in the mobilization of the YoSoy132 movement, which gained traction on Facebook and Twitter, resulting in nationwide protests concerning free elections and free speech.

## OBSTACLES TO ACCESS

Internet penetration in Mexico has increased significantly over the past decade, growing from approximately 5 percent in 2000 to 38.4 percent in 2012.<sup>2</sup> This figure is low for a country with Mexico's level of economic development; however, experts anticipate that penetration will reach 65 percent by 2014, a figure predicated in large part on the growing prevalence of smart phones.<sup>3</sup> If actualized, such a projection would bring Mexico into the range of its peers in the Organization for Economic Cooperation and Development (OECD).<sup>4</sup>

In recent years, growth among household penetration rates has progressed more slowly than other points of internet access, such as mobile and office connections; a reality due in part to the fact that only 30 percent of Mexican homes have computers. As of August 2012, household internet access was reported to have grown a slight 2.3 percent from 2011 figures, increasing to 23.3 percent.<sup>5</sup> Technological advancement in Mexico remains uneven, with 11 million of the country's approximately 40.6 million internet users concentrated in Mexico City and other urban areas. According to the National Institute of Geography and Statistics (INEGI), in urban areas, landline coverage hovers around 50 percent, while in rural areas this figure drops to 25 percent.<sup>6</sup>

Such limited connectivity—combined with high subscription fees—has resulted in a relatively small percentage of internet users with broadband access. This figure has enjoyed modest growth in

<sup>2</sup> Instituto Nacional de Estadística y Geografía and Comisión Federal de Telecomunicaciones, "Boletín de Prensa Número 270/12," press bulletin, August 2, 2012,

[http://www.inegi.org.mx/inegi/contenidos/espanol/prensa/boletines/boletin/comunicados/especiales/2012/agosto/comunicado\\_1.pdf](http://www.inegi.org.mx/inegi/contenidos/espanol/prensa/boletines/boletin/comunicados/especiales/2012/agosto/comunicado_1.pdf). See also, International Telecommunication Union, *Statistics: Percentage of Individuals Using the Internet, 2000-2012*, June 17, 2013, [http://www.itu.int/en/ITU-D/Statistics/Documents/statistics/2013/Individuals\\_Internet\\_2000-2012.xls](http://www.itu.int/en/ITU-D/Statistics/Documents/statistics/2013/Individuals_Internet_2000-2012.xls); World Internet Project, "Estudio 2012 de Hábitos y Percepciones de los Mexicanos sobre Internet y Diversas Tecnologías Asociadas" [2012 Study of the Habits and Perceptions of Mexicans Regarding the Internet and Other Associated Technologies], 2012 Report, [http://www.scribd.com/fullscreen/110836917?access\\_key=key-23sx28wav3vk306badtz](http://www.scribd.com/fullscreen/110836917?access_key=key-23sx28wav3vk306badtz).

<sup>3</sup> World Internet Project, "Estudio 2012 de Hábitos y Percepciones de los Mexicanos sobre Internet y Diversas Tecnologías Asociadas."

<sup>4</sup> The average penetration rate in OECD countries, as defined by households with internet access, was measured at 74.9 percent in 2011. See, "OECD Key ICT Indicators, File 6b," <http://www.oecd.org/internet/broadband/oecdkeyictindicators.htm>; Azteca Noticias, "Penetración de Internet en México es Baja: Amipci" [Internet Penetration in Mexico is Still Low: Amipci], May 7, 2012, <http://www.aztecanoticias.com.mx/notas/tecnologia/110807/penetracion-de-internet-en-mexico-es-baja-amipci>.

<sup>5</sup> INEGI, "Penetración de Internet en México" [Internet Penetration in Mexico], August 2012, [http://www.inegi.org.mx/inegi/contenidos/espanol/prensa/boletines/boletin/comunicados/especiales/2012/agosto/comunicado\\_1.pdf](http://www.inegi.org.mx/inegi/contenidos/espanol/prensa/boletines/boletin/comunicados/especiales/2012/agosto/comunicado_1.pdf); Gabriel Sosa Plata, "La Penetración de Internet en México" [Internet Penetration in Mexico], Mexican Communication Magazine, August 18, 2011, <http://mexicanadecomunicacion.com.mx/rmc/2011/08/18/la-penetracion-de-internet-en-mexico/#axzz1jqEkt6IM>.

<sup>6</sup> Of the 30.6 million users over the age of six, an estimated 25.6 million live in urban areas. Mexican Internet Association, *AMIPCI 2009 Report on Internet Users' Habits* [in Spanish], May 2010, <http://www.amipci.org.mx/estudios/temp/Estudiofinalversion1110-0198933001274287495OB.pdf> (site discontinued).

recent years, however, increasing by 5.2 percent between June and December 2012.<sup>7</sup> Mexico now counts 11.6 broadband subscribers per 100 inhabitants. By comparison, the average for OECD countries is 26.3.<sup>8</sup> As evidenced by the aforementioned figures, broadband service in Mexico, which ranges from 389 pesos (\$30) to 599 pesos (\$78) per month, compared to a minimum monthly wage of 1,770 to 1,860 pesos (\$114 to \$126) depending on location, still remains out of reach for many Mexicans.<sup>9</sup>

Cybercafes, which are generally easy to access in small cities and tourist destinations, offer a more affordable means of accessing the internet than do home subscriptions. Accordingly, as of May 2012, 54 percent of internet users reported accessing the web outside their homes.<sup>10</sup> Rates for internet access at cybercafes, which are not bound by special restrictions and require only a regular business license for operation, range from 10 to 15 pesos (\$0.77 to \$1.15) per hour.<sup>11</sup>

Mexico's mobile phone sector is primarily controlled by six private companies, however America Movil, owned by Mexican billionaire and world's richest man Carlos Slim Helu, which counts both Telmex and Telcel as subsidiaries, dominates the information and communication technologies (ICT) landscape with 80 percent of landline subscriptions and 70 percent of the wireless market.<sup>12</sup> Top competitors Axtel and Movistar account for only 6 percent of fixed lines and 20 percent of wireless connections, respectively.<sup>13</sup> According to the Federal Commission of Telecommunications (COFETEL), mobile phone access is significantly more widespread in Mexico than internet use, with 96.7 million subscribers, or 87 percent of the population, as of the end of 2012,<sup>14</sup> a figure that has been projected to increase to 100 percent by 2014.<sup>15</sup>

Such accelerated growth is due in part to a recent drop in prices for mobile phone use,<sup>16</sup> increasing availability of smartphones, and promotions that narrow the price gap between basic phones and

<sup>7</sup> OECD, "Fixed and Wireless Broadband Subscriptions per 100 Inhabitants" and "Yearly Penetration Increase," in *OECD Broadband Statistics*, See: (1) and (2) OECD, updated July 18, 2013, [http://www.oecd.org/internet/broadband/oecdbroadbandportal.htm#Services\\_and\\_speeds](http://www.oecd.org/internet/broadband/oecdbroadbandportal.htm#Services_and_speeds).

<sup>8</sup> OECD, "Fixed and Wireless Broadband Subscriptions Per 100 Inhabitants." ; OECD , *OECD Review of Telecommunication Policy and Regulation in Mexico*, (OECD Publishing: 2012), <http://www.oecd.org/sti/broadband/50550219.pdf>.

<sup>9</sup> OECD, "Fixed Broadband Basket Prices," *OECD Broadband Statistics* updated July 18, 2013, [http://www.oecd.org/internet/broadband/oecdbroadbandportal.htm#Services\\_and\\_speeds](http://www.oecd.org/internet/broadband/oecdbroadbandportal.htm#Services_and_speeds); Misalario, "Mexico Salarios Minimos" [Minimum Wage in Mexico], modified November 27, 2012, <http://bit.ly/18eV6D2>.

<sup>10</sup> Mexican Internet Association, *AMIPCI 2010 Report on Internet Users' Habits* [in Spanish].

<sup>11</sup> "Why an Internet Café Is Still Good Business in Mexico," *Internet Cafes*(blog), July 1, 2010, <http://internetcafes.com.mx/2010/07/por-que-un-cafe-internet-aun-es-buen-negocio-en-mexico/> (subscription required).

<sup>12</sup> Susan Crawford, "Mexico's Lucky to Have Just One Man Blocking Internet Equality, We've Got a Bunch," *Wired*, May 13, 2013, <http://www.wired.com/opinion/2013/05/when-it-comes-to-internet-access-and-cost-were-just-like-mexico/>; Henry Lancaster, "Mexico – Mobile Market Insights, Statistics and Forecasts," BuddeComm, last updated July 4, 2012, <http://www.budde.com.au/Research/Mexico-Mobile-Market-Insights-Statistics-and-Forecasts.html>.

<sup>13</sup> Dolia Estevez, "U.S. Government Puts Pressure on Carlos Slim, Mexico's Telecom Sector to Open up to Competition," *Forbes*, April 1, 2013, <http://onforb.es/14Alypz>.

<sup>14</sup> "Alcanza Mexico 87% de Penetracion en Telefonica Celular: Cofetel" [Mexico Reaches 87% Penetration in Mobile Phones: COFETEL], *Milenio*, August, 27, 2012 <http://www.milenio.com/cdb/doc/noticias2011/d0c48ff2e2b7bc219046de523e53ff9>.

<sup>15</sup> Ariadna Cruz, "La Telefonía Movil Sigue al Alza en Mexico" [Mobile Lines Still Growing in Mexico], *El Universal*, November 14, 2011, <http://www.eluniversal.com.mx/finanzas/91029.html>.

<sup>16</sup> In May 2011, COFETEL ordered telecom firms to reduce interconnection fees between landlines and mobile phones to a more affordable level. The fees were dropped to 0.39 pesos (\$0.03) for mobile phones. The decision was later affirmed by the

smartphones.<sup>17</sup> As of August 2012, industry insiders estimated that 17 million (approximately 17.5 percent) of the country's 96.7 million mobile phones were smartphones.<sup>18</sup> In 2013, the number of smartphones in Mexico is expected to increase by approximately 40 percent, a figure that would make Mexico the second largest smartphone market in Latin America after Brazil and the tenth largest in the world.<sup>19</sup>

While Mexico's embrace of both smartphones and mobile internet has been enthusiastic, its investment in telecommunications is the lowest of any OECD nation; its adoption of high speed internet is consequently also low compared to other OECD members.<sup>20</sup> Under the 2009 Law for the Development of an Information Society, former President Felipe Calderón addressed Mexico's serious gaps in internet access by explicitly providing responsibility for the development of ICTs to the State.<sup>21</sup> In May 2010, the Department of Communications and Transportation announced an investment of 1.5 billion pesos (\$115.5 million) to extend internet access to neglected regions deemed unprofitable by private companies.<sup>22</sup> Such access was to be facilitated via the creation of a national network of fiber-optic cables in conjunction with allowances for third parties to offer internet services.<sup>23</sup> Nearly three years later, however, achievements have been marginal, as evidenced by the statistics cited above.<sup>24</sup>

In January 2012, the OECD published a report recommending quick legal and regulatory reforms in order to boost competition and investment in Mexico's ICT sector.<sup>25</sup> In March 2013, only four months into his six-year term, President Enrique Peña Nieto introduced a substantial telecommunications reform bill. Approved without delay by the House and passed 108 to 3 in the Senate in late April 2013, the reform marks a notable change in the government's attitude toward the telecommunications sector.<sup>26</sup> Once implemented, the reform will increase competition via

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Supreme Court. See: "Cofetel Reduces Interconnection Fees" [in Spanish], *Revista Opcion*, June 10, 2011, <http://www.revistaopcion.com/tag/de-mayo/>.

<sup>17</sup> Maris Olvera, "A la baja precios de smartphones" [Smartphone Prices Decreasing], *El Universal-Querétaro*, May 27th, 2013, <http://m.eluniversalqueretaro.mx/vida-q/27-05-2013/la-baja-precios-de-smartphones>.

<sup>18</sup> Interview with Guillermo Perezbolde, Vicepresident of Marketing, Public Relations and Social Media at Asociación Mexicana de Internet.

<sup>19</sup> Julio Sanchez Onofre, "México, Mercado "Top 10" Global de Smartphones en 2013: IDC" [Mexico: 'Top Ten' Global Market for Smartphones in 2013: IDC], *El Economista*, June 11, 2013, <http://eleconomista.com.mx/tecnociencia/2013/06/11/mexico-mercado-top-10-global-smartphones-2013-idc>.

<sup>20</sup> Susan Crawford, "Mexico's Lucky to Have Just One Man Blocking Internet Equality, We've Got a Bunch," *Wired* online, May 13, 2013, <http://www.wired.com/opinion/2013/05/when-it-comes-to-internet-access-and-cost-were-just-like-mexico/>.

<sup>21</sup> Special Committee of Congress for the Promotion of Digital Access to Mexicans, *De Ley Para el Desarrollo de la Información, a Cargo de los Diputados Integrantes de la Comisión Especial para la Promoción del Acceso Digital a los Mexicanos y Otros Legisladores* [Bill to Promote the Development of the Society of Information], 2009, <http://jmcane.files.wordpress.com/2009/04/ley-desarrollo-sociedad-de-la-informacion-mexico.pdf>.

<sup>22</sup> "SCT Will Invest 1.5 Billion Pesos for the Internet" [in Spanish], *El Universal*, June 23, 2010, <http://www.eluniversal.com.mx/notas/689775.html> (site discontinued).

<sup>23</sup> James Thomasson, William Foster, and Laurence Press, *The Diffusion of the Internet in Mexico* (Austin: Latin American Network Information Center, University of Texas, 2002), <http://lanic.utexas.edu/project/etext/mexico/thomasson/thomasson.pdf>.

<sup>24</sup> Karol Garcia, "Broadband," [in Spanish] *Media Telecomm*, May 2, 2012, <http://bit.ly/IJAKCp> (site discontinued).

<sup>25</sup> OECD, *OECD Review of Telecommunication Policy and Regulation in Mexico*, January 30, 2012, [http://www.oecd.org/document/18/0,3746,en\\_2649\\_34223\\_49453202\\_1\\_1\\_1\\_1,00.html](http://www.oecd.org/document/18/0,3746,en_2649_34223_49453202_1_1_1_1,00.html).

<sup>26</sup> Al Jazeera, "Mexican Senate Approves Telecoms-Reform Bill," *Al Jazeera*, May 1, 2013, <http://www.aljazeera.com/news/americas/2013/05/2013515845225187.html>; Dolia Estevez, "Mexico's Congress Passes Monopoly-Busting Telecom Bill, Threatening Tycoon Carlos Slim's Empire," *Forbes*, May 1, 2013, <http://onforb.es/10WdzEo>.

asymmetric regulation, forced divestment of companies with a monopoly on telecommunications, and lightened restrictions on foreign investment.<sup>27</sup> The reform also contains the product of Mexico's first successful citizen initiative pertaining to legislation – a provision guaranteeing all citizens access to the internet. The provision was championed by 17 civil society organizations that joined forces in January 2013. After gathering 127,198 signatures from constituents advocating for freedom of internet access to be a constitutional right, the proposal was submitted to Congress. Freedom of access to the internet is now included in Article 6 of the Mexican constitution.<sup>28</sup>

A number of other conditions contained in the bill, such as the formation of a new independent regulatory commission known as the Federal Telecommunications Institute, (IFETEL) ensure increased transparency of media regulation.<sup>29</sup> Currently, two regulatory bodies oversee the Mexican telecommunications industry: the Federal Commission of Telecommunications (COFETEL), and the Federal Competition Commission (CFC). Neither body is vested with the power to alter permits, order divestment, or issue fines.<sup>30</sup> Such powers reside with a Cabinet secretary, a position that has frequently been accused of bowing to telecommunications firms.

COFETEL, which operates with limited transparency and is not entirely independent from the executive, has likewise been accused of being partial to special interests. The president directly appoints COFETEL commissioners without the need for Senate approval; commissioners then choose COFETEL's president, who serves a four-year term and is subject to re-election, from their ranks.<sup>31</sup> While the Federal Competition Commission has a better reputation, in practice the institution remains weak and has limited power to enforce sanctions on large companies such as Telmex.

IFETEL, the new autonomous regulatory apparatus to be created under the telecommunications reform, will act as an antitrust body, protecting against monopolistic practices. In addition to issuing rulings, IFETEL will have the power to unilaterally punish non-competitive practices with the withdrawal of corporations' licenses, the application of asymmetric regulation, and the unbundling of media services—stipulations that portend a sea change in the Mexican ICT landscape.<sup>32</sup>

<sup>27</sup> "Working through a Reform Agenda," *Economist*, April 6, 2013, <http://econ.st/Y2t8n5>.

<sup>28</sup> Internet para Todos Mexico, *Libre Internet para Todos [Free internet for All]*, accessed August 9, 2013, <http://internetparatodos.mx/>.

<sup>29</sup> Juan Montes, "Mexico Telecoms Reform Bill Advances," *Wall Street Journal*, March 22, 2013 <http://online.wsj.com/article/SB10001424127887324373204578375542294095614.html>.

<sup>30</sup> COFETEL, "Scope of Action," [in Spanish] Federal Competition Commission, accessed August 31, 2010, [http://www.cofetel.gob.mx/wb/Cofetel\\_2008/Cofe\\_ambito\\_de\\_accion](http://www.cofetel.gob.mx/wb/Cofetel_2008/Cofe_ambito_de_accion).

<sup>31</sup> OCDE, "Review Questions for Mexico's Regulatory Reform in the Telecommunications Sector," March 22, 2010, <http://bit.ly/1bhGgnX>: 7.

<sup>32</sup> Víctor Pavón-Villamayor, "Ifetel, La Mayor Apuesta en Telecomunicaciones," [Ifetel, The Biggest Bet in Telecommunications], *Forbes México*, April 25, 2013, <http://www.forbes.com.mx/sites/la-mayor-apuesta-en-telecomunicaciones-ifetel/>; Juan Montes, "Mexico Telecoms Reform Bill Advances," *The Wall Street Journal*, March 22, 2013, <http://on.wsj.com/Yt7bAG>.

## LIMITS ON CONTENT

Although there are significant threats to online journalists and bloggers in Mexico, including both cyberattacks and physical violence, in 2012 and 2013 social media subscriptions sustained their upward momentum. Internet-mediated political activism also increased and played an influential role in both the YoSoy132 protests as well as the development and subsequent success of Mexico's first successful civil action to amend the Constitution, a campaign that resulted in a state guarantee of internet access for all.<sup>33</sup> Despite significant obstacles to funding, a handful of independent news sites covering civil society initiatives and protests continued to attract growing audiences. As internet use grows in Mexico, however, requests from government agencies for user data and removal of content are also on the rise.

Mexican authorities sometimes employ technical methods to filter or curb access to online content, but aside from the sporadic application of defamation laws to content posted online, no additional legislation yet restricts the internet as a medium for mass communication. This absence of regulation, even on content internationally recognized as harmful, is evident from Mexico's ranking as second worldwide in the production and distribution of child pornography.<sup>34</sup>

Although there are no laws that specifically govern online content, government agencies have been issuing more requests for content removal and user data in recent years, as evidenced by Google's recent transparency report.<sup>35</sup> In 2011, Google received only one request from the Mexican government for content removal. Between July and December 2012, the report's most recent coverage period, the figure increased to twelve. Recent requests for removal of videos hosted on YouTube or content posted on Blogger pertained to content which was allegedly defamatory or critical of the government, or presented a risk to privacy and security. In most cases, Google found that the content in question did not violate YouTube's community guidelines or local laws and declined to remove them. Government requests for user data are also on the rise, increasing by 26 percent from December 2011 to December 2012. Despite this increase, however, Google's rate of compliance has stayed within a narrow range over the past few years, with the company releasing data in only 24 percent of cases.<sup>36</sup>

Although self-censorship was once largely limited to traditional journalists who faced threats of retribution for reporting on police activity and drug trafficking, the phenomenon has been increasing steadily among online journalists and bloggers. In 2011, as online sources of news about

<sup>33</sup> *Internet Para Todos*, [Internet for All], accessed September 7, 2013, <http://internetparatodos.mx>. The provision which guarantees internet access as a civic right is now included in Article 6 of the Constitution.

<sup>34</sup> Elsy Lopez, "Mexico, Principal Productor de Pornografía Infantil en el Mundo" [Mexico, Top Producer of Child Pornography in the World], *Milenio*, June 4 2013, <http://www.milenio.com/cdb/doc/noticias2011/577409eff8ed0e4164086d202b95715e>;

Angel Aldaz, "Mexico, Gran Productor de Pornografía Infantil" [Mexico, a Major Producer of Child Pornography], *Periodistasenlinea*, April 2012,

<http://www.periodistasenlinea.org/modules.php?op=modload&name=News&file=article&sid=4011>.

<sup>35</sup> Google, *Google Transparency Report, Mexico – Government Removal Requests*, <http://www.google.com/transparencyreport/removals/government/MX/?p=2011-12>.

<sup>36</sup> Google *Transparency Report, Mexico – User Data Requests*, <http://www.google.com/transparencyreport/userdatarequests/MX/>.

cartel-related violence drew increasingly larger audiences, several contributors to social networks were brutally murdered for acting as informants on cartel activity. Violence against online reporters has continued in recent years, and while some writers have been intimidated into silence, there is nonetheless a dynamic community of bloggers and online journalists attempting to spread information about cartel activity and citizen safety.<sup>37</sup>

Such courageous citizen journalism may be tempered by a recent agreement between the Federal Security Council and some state governments to refrain from reporting on violence unless absolutely necessary. The decision to suppress such news allegedly arose from a campaign to decrease fears of insecurity within the country, while also promoting an international image of Mexico as a country transitioning away from widespread violence.<sup>38</sup> Such policies emphasize the importance of online journalists' efforts to report on the full scope of events in their communities. In addition to the attempts of government agencies to downplay violence, online content is reportedly also subject to manipulation by politicians with close ties to media outlets.<sup>39</sup>

Economic constraints also influence the diversity of media in Mexico. Scarce funding and lack of interest in online advertising create challenges for individuals and nonprofits seeking to establish sustainable online outlets in Mexico. Reliance on public advertising renders independent media vulnerable to manipulation of content or closure due to lack of funding, although manipulation appears to be the more widespread of the two trends. Despite such impediments, however, efforts to develop politically oriented web portals that are financially independent have gained momentum in recent years. *El Respetable*, a political website run from Jalisco, has become very influential at the local level.<sup>40</sup> *Pijama Surf*, a website dedicated to presenting diverse types of social information, has grown drastically over the past three years, and now garners more than two million hits per month, drawing largely on an audience between 19 and 35 years of age.<sup>41</sup>

Among the most striking examples of successful independent digital media is *Animal Político*, a popular site which counts more followers on Facebook than any other news outlet in Mexico.<sup>42</sup> In order to raise revenue for the site without compromising content based on advertisers' political leanings, *Animal Político* is now practicing brand journalism, offering social media consulting and digital content to private companies. Additional financing is derived from syndicated content and

<sup>37</sup> "Acoso del Gobernador de Puebla Rafael Moreno Valle Contra E-Consulta" [Harassment by the Puebla Governor Rafael Moreno Valle Against E-Consulta], YouTube, October 25, 2011, <http://www.youtube.com/watch?v=tbqGB24McG8>; Interview with Daniel Moreno, editor of *Animal Político*, February 2012 ([www.animalpolitico.com](http://www.animalpolitico.com)).

<sup>38</sup> SDP Noticias.com, "Gobierno federal recomendó "dosificar" datos sobre violencia: Mario Anguiano, gobernador de Colima" [Federal Government Recommended Proportionate Violence Data: Mario Anguiano, Governor of Colima], *SDP Noticias*, Jan 29, 2013, <http://www.sdpnoticias.com/nacional/2013/01/29/gobierno-federal-recomendo-dosificar-datos-sobre-violencia-mario-anguiano-gobernador-de-colima>

<sup>39</sup> Reporters Without Borders, "Mexico," June 4, 2013, <http://en.rsf.org/report-mexico,184.html>.

<sup>40</sup> Interview with Ivabelle Arroyo, Director of *El Respetable* Mexico City, <http://www.elrespetable.com/>.

<sup>41</sup> Interview with Juan Manuel Ortega Riquelme, founding partner at *Pijama Surf*, March, 2013, [www.pijamasurf.com](http://www.pijamasurf.com).

<sup>42</sup> Tania Lara, "Popular Mexican News Site *Animal Político* Seeks to Eliminate Dependence on Government Advertising," Knight Center for Journalism in the Americas, *Journalism in the Americas* (blog), April 30, 2013, <https://knightcenter.utexas.edu/blog/00-13751-popular-mexican-news-site-animal-politico-seeks-eliminate-dependence-government-advert>.

private sponsorships.<sup>43</sup> *Animal Político's* approach, which appears to be unique among Mexican media, is clearly working. In July 2012 alone, visits to the site increased from 700,000 to 2 million.

Social media sites such as Facebook, Twitter, YouTube, and international blog-hosting services are widely used in Mexico by citizens, advocacy groups, and political parties.<sup>44</sup> As of September 2012, Mexico was home to the second largest community of Facebook users in Latin America after Brazil—and the fifth largest in the world—with an estimated 38,463,860 users.<sup>45</sup> The number of Mexicans with Twitter accounts (a group which includes President Enrique Peña Nieto<sup>46</sup>) has also ballooned, growing from 146,000 in February 2010 to more than 11 million in early 2013.<sup>47</sup>

Although netizens have been utilizing social media to provide critical warnings to local communities about dangerous cartel-related situations,<sup>48</sup> members of organized crime have also begun using such applications to exchange information on military checkpoints. Such subversive use of social networks has prompted calls by some Mexican politicians for increased government monitoring and regulation, though to date no such legislation has been passed.<sup>49</sup>

In addition to their aforementioned uses, Facebook and Twitter are also growing in popularity as forums for political commentary and mobilization, a trend which was witnessed in the lead-up to the July 2012 general elections.<sup>50</sup> In May 2012, students at Iberoamericana University used online tools to assist in mobilizing protests against the potential return of the Revolutionary Institutional Party (PRI) to the executive. Rallies were held against PRI candidate Enrique Peña Nieto (elected

<sup>43</sup> Tania Lara, "Popular Mexican News Site *Animal Político* Seeks to Eliminate Dependence on Government Advertising," Knight Center for Journalism in the Americas, *Journalism in the Americas* (blog), April 30, 2013, <https://knightcenter.utexas.edu/blog/00-13751-popular-mexican-news-site-animal-politico-seeks-eliminate-dependence-government-advert>.

<sup>44</sup> Octavio Islas, Amaia Arribas, and Erika Minera, "El Empleo Propagandístico de Internet 2.0 en Campañas a Puestos de Elección Ciudadana, Estado de México, Julio 2009" [The Use of Web 2.0 Propaganda in Campaigns for Elected Office, State of Mexico, July 2009], *Razon y Palabra* 14 no. 70, November 2009–January 2010, [http://www.razonypalabra.org.mx/N/N70/Final\\_Argentina.pdf](http://www.razonypalabra.org.mx/N/N70/Final_Argentina.pdf).

<sup>45</sup> Social Bakers, "Mexico Facebook Statistics," SocialBakers, accessed March 9, 2012, <http://www.socialbakers.com/facebook-statistics/mexico>.

<sup>46</sup> Deborah Esch, "Mexico: Felipe Calderón's Cabinet on Twitter," *Global Voices*, April 19, 2011, <http://globalvoicesonline.org/2011/04/19/mexico-felipe-calderons-cabinet-on-twitter/>; Felipe Coredero, "Mexico: President Felipe Calderón's Twitter Use," *Global Voices*, May 19, 2011, <http://globalvoicesonline.org/2011/05/19/225272/>; Claudia Benassini, "El Gabinete de Calderón en Twitter" [Calderón's cabinet on Twitter] *Razón y palabra*, April 2012, [http://www.razonypalabra.org.mx/caja\\_pandora/gabinete.html](http://www.razonypalabra.org.mx/caja_pandora/gabinete.html).

<sup>47</sup> Daniel Medina, "Twitter en México, Algunos Numeros" [Twitter in Mexico, Some Numbers], *Webadictos*, February 8, 2010, <http://www.webadictos.com.mx/2010/02/08/twitter-en-mexico-algunos-numeros/>; Damien Cave, "Mexico Turns to Twitter and Facebook for Information and Survival," *New York Times*, September 24, 2011, [https://www.nytimes.com/2011/09/25/world/americas/mexico-turns-to-twitter-and-facebook-for-information-and-survival.html?\\_r=1](https://www.nytimes.com/2011/09/25/world/americas/mexico-turns-to-twitter-and-facebook-for-information-and-survival.html?_r=1); European Travel Commission, *New Media Trend Watch: Mexico*, last updated June 29, 2013, <http://www.newmediatrendwatch.com/markets-by-country/11-long-haul/56-mexico>.

<sup>48</sup> Damien Cave, "Mexico Turns to Twitter and Facebook for Information and Survival," *New York Times*, September 24, 2011, [https://www.nytimes.com/2011/09/25/world/americas/mexico-turns-to-twitter-and-facebook-for-information-and-survival.html?\\_r=1](https://www.nytimes.com/2011/09/25/world/americas/mexico-turns-to-twitter-and-facebook-for-information-and-survival.html?_r=1); Miguel Castillo, "Mexico: Citizen Journalism in the Middle of Drug Trafficking Violence," *Global Voices*, May 5, 2010, <http://globalvoicesonline.org/2010/05/05/mexico-citizen-journalism-in-the-middle-of-drug-trafficking-violence/>.

<sup>49</sup> Alexis Okeowo, "To Battle Cartels, Mexico Weighs Twitter Crackdown," *Time*, April 14, 2010, <http://www.time.com/time/world/article/0,8599,1981607,00.html/r:#ixzz0laM8OTIa>.

<sup>50</sup> Kaitlyn Wilkins, "Social Media in Mexico: 5 Things You Need to Know," Ogilvy Public Relations Worldwide (blog), September 24, 2009, <http://blog.ogilvypr.com/2009/09/social-media-in-mexico-5-things-you-need-to-know/>.

to the office of president in the July elections despite the protests) to discourage the return of what some protesters view as a monopolistic political party “in cahoots” with state media.<sup>51</sup>

After national news outlets downplayed the protest as merely a display by agitators sponsored by the opposition, 131 students from the university created a video to prove that they were indeed registered students acting independent of any political party. The non-partisan video, which advocated for free, fair, and transparent elections as well as greater freedom of speech, was uploaded to YouTube with the hash tag #YoSoy132 and quickly gained a large following on social networks. The so-called “Mexican Spring” grew to become a national movement with thousands of students, unionized workers, and farmers organizing peaceful regional marches. As the movement grew, it gained recognition from the government, which allowed protestors to demonstrate. National television channel Televisa even afforded airtime to YoSoy132.<sup>52</sup> While the protests may have had little impact on electoral results, many Mexicans concur that such mobilization marked an important shift in citizen activism.

## VIOLATIONS OF USER RIGHTS

In 2012 and 2013, violations of user rights in Mexico were on the rise. As in previous years, threats and violence from drug cartels plagued online reporters, resulting in three murders during the coverage period. State-sponsored smear campaigns against crime reporters and unannounced surveillance of private citizens came to light, marring the landscape of digital freedom. Although positive legislation to safeguard journalists and NGOs was passed, weak rule of law protections at the state level have impeded implementation.

The Mexican Constitution guarantees freedom of speech, freedom of the press, and privacy of personal communications, however, recent reports concerning a ubiquitous state surveillance apparatus call such protections into question. While there are no legal ramifications for online activity other than defamation or libel, criminal defamation statutes still exist in 13 of Mexico’s 32 states.<sup>53</sup> The upper echelons of the judiciary are viewed as independent; however, state level legal bodies have been accused of ineffectual conduct and biased behavior.

In June 2012, the Law for the Protection of Human Rights Defenders and Journalists was passed in Mexico, effectively establishing mechanisms for the protection of media workers and NGOs.<sup>54</sup> Among the law’s provisions is a requirement that state governments work in conjunction with

<sup>51</sup> Allison Kilkenny, “Student Movement Dubbed the ‘Mexican Spring,’ *The Nation*, May 29, 2012, <http://www.thenation.com/blog/168099/student-movement-dubbed-mexican-spring>.

<sup>52</sup> Octavio Rod, “Students Start the So-Called ‘Mexican Spring’ through the Movement ‘#YoSoy132,’” Justice in Mexico Project, May 29, 2012, <http://justiceinmexico.org/2012/05/29/students-start-the-so-called-mexican-spring-through-the-movement-yosoy132/>.

<sup>53</sup> Commission on Human Rights, Congress General of the United States of Mexico, *Gaceta Parlamentaria, Número 3757-VIII*, [Parliamentary Gazette, No. 3757-VIII], April 25, 2013, <http://gaceta.diputados.gob.mx/Black/Gaceta/Anteriores/62/2013/abr/20130425-VIII/DictamenaD-18.html>

<sup>54</sup> Leah Danze, “Mexico’s Law to Protect Journalists and Human Rights Activists Remains Ineffective,” LAWG International, June 30, 2013, <http://www.lawg.org/action-center/lawg-blog/69-general/1219-mexicos-law-to-protect-journalists-and-human-rights-activists-remains-ineffective>.

federal authorities to ensure that protection is effectively extended to those under threat; as of April 2013, 27 of Mexico's 32 states had signed agreements to this effect.<sup>55</sup> While the legislation is promising in that it establishes a legal basis for protection and suggests an end to impunity for attackers, to date, capacity to actualize the law has been lacking. As of March 2013, PEN International noted that since 2006, Mexican authorities have "failed to successfully prosecute 90 percent of cases."<sup>56</sup> Media and human rights advocates are hopeful that the new legislation will shift this troubling dynamic. A separate amendment, predicated on protecting freedom of expression, was passed in the Senate in April 2013. If signed by the president, the amendment will grant authority for prosecution of crimes against journalists to the federal government, marking another positive step in the fight to protect reporters and bloggers.<sup>57</sup>

In January 2013, a coalition of seventeen civil society organizations began mobilizing online to gather the 125,000 signatures required to present new legislation to the government. Following the success of its online initiative, the coalition, known as *Internet para Todos* (internet for all) began lobbying for the inclusion of a universal digital policy guaranteeing access to internet for all Mexicans. The campaign, which was spearheaded by Senator Armando Rios Piter of the Party of the Democratic Revolution (PRD), was intended to extend opportunities for education, information, and work to all Mexicans, while also ensuring the integration of communities previously excluded from the digital sphere due to economic hardship. The government took notice of the coalition's efforts and in April 2013, Article 6 of the constitution was amended to include language that guarantees access to the internet as a civic right. While secondary legislation will be necessary to define precisely how the government will ensure this right, the constitutional amendment is a vital first step in Mexico's digital inclusion policy.<sup>58</sup>

Online tools have gained prominence as crucial sources of public information concerning drug-related violence, which has led local authorities to increase attempts to punish false reports that cause public alarm. In August 2011, amidst a surge of violence in Veracruz, a schoolteacher and a journalist tweeted about an attack on a school. In response to the resulting panic, local authorities arrested the pair on allegations of terrorism and sabotage, which can yield punishments of up to 30 years in prison.<sup>59</sup> A public outcry ensued over due process shortcomings and disproportionate charges for citizens who may have been negligent in publishing unconfirmed reports but

<sup>55</sup> Peace Brigades International, Proyecto Mexico, "The Implementation of the Law for the Protection of Human Rights Defenders and Journalists," June 26, 2013, [http://www.pbi-mexico.org/fileadmin/user\\_files/projects/mexico/files/Mechanism/130625BriefingMechanismPBI\\_EN.pdf](http://www.pbi-mexico.org/fileadmin/user_files/projects/mexico/files/Mechanism/130625BriefingMechanismPBI_EN.pdf).

<sup>56</sup> PEN International, "A Year On, PEN International Renews its Call for an End to the War on Mexico's Journalists, Writers, and Bloggers," PEN International, March 11, 2013, <http://www.pen-international.org/newsitems/a-year-on-pen-international-renews-its-call-for-an-end-to-the-war-on-mexico%E2%80%99s-journalists-writers-and-bloggers/>.

<sup>57</sup> Mike O'Connor, "In Mexico, a Movement and a Bill against Impunity," *CPJ Blog*, April 26, 2013, <http://cpj.org/blog/2013/04/in-mexico-a-movement-and-law-against-impunity.php>; Committee to Protect Journalists, "CPJ Commends New Mexican Legislation," press release, April 25, 2013, <http://cpj.org/2013/04/cpj-commends-new-mexican-legislation.php>.

<sup>58</sup> Ruben Vasquez, "La Propuesta Internet para Todos" [Proposed Internet for All], *Forbes Mexico*, August 1, 2013, <http://www.forbes.com.mx/sites/la-propuesta-internet-para-todos/>.

<sup>59</sup> Daniel Hernandez, "Terrorism Charges for Two in Mexico who Spread Attack Rumor on Twitter, Facebook," *LA Times* (blog), September 1, 2011, <http://latimesblogs.latimes.com/laplaza/2011/09/twitter-tweets-veracruz-mexico-terrorism-drug-war-censorship-rumors.html>.

demonstrated no malicious intent.<sup>60</sup> In the midst of such controversy, the prosecutor's office subsequently dropped the charges and the two were released.

During the same month, several state congresses made changes to laws pertaining to "public order disturbances."<sup>61</sup> In Veracruz, the approval of Ley de Perturbación ("The Disturbance Act") has criminalized the spreading of false alarms via mobile phones or social media such that the offense may now carry criminal charges ranging from prison terms of six months to four years and fines equivalent to 1,000 days of wages.<sup>62</sup> Although local attorneys raised concerns that such provisions could be used to unnecessarily restrict freedom of expression, as of May 2013, there were no known instances of such an occurrence.

In late 2012 and early 2013, several state governments either planned or initiated legal proceedings against journalists and bloggers who had written critical statements about state officials. In one case, a list was leaked to the press of journalists that were likely to be sued by the governor of Puebla; in another instance, several online journalists were arrested for defamation. The first instance occurred in October 2012, when a document was publicized naming nineteen journalists and bloggers that Governor Moreno Valle's administration planned to sue. Of the nineteen named reporters allegedly guilty of "engaging in an excess of freedom of expression" which resulted in "moral damage" to government officials, seven were online writers.<sup>63</sup>

In April 2013, Martin Ruiz Rodriguez, editor of digital newspaper *e-consulta*, was arrested by police in Tlaxcala, Mexico's smallest state, and one of 13 that penalizes defamation.<sup>64</sup> The order for arrest came at the behest of Ubaldo Velasco, the chief clerk of Tlaxcala, who Ruiz had called mediocre in a handful of posts on his controversial political blog.<sup>65</sup> Ruiz is one of five contributors to *e-consulta* charged with defamation, a crime punishable in Tlaxcala with fines and up to two years in prison.

<sup>60</sup> Local media reported that the pair was subject to psychological pressure to plead guilty. According to Amnesty International, they were also denied access to a lawyer for 60 hours. See: Javier Duarte Ochoa, "Personas en Riesgo de Prisión en México tras Publicaciones en Twitter y Facebook" [People at Risk of Prison in Mexico after Publications on Twitter and Facebook], Amnesty International, August 31, 2011, <http://amnistia.org.mx/nuevo/2011/09/01/personas-en-riesgo-de-prision-en-mexico-tras-publicaciones-en-twitter-y-facebook/>.

<sup>61</sup> Reporters Without Borders, "After Wasted Month in Prison, Two Social Network Users Freed, Charges Dropped," September 22, 2011, [http://en.rsf.org/mexico-two-social-network-users-held-on-02-09-2011\\_40907.html](http://en.rsf.org/mexico-two-social-network-users-held-on-02-09-2011_40907.html).

<sup>62</sup> H. Congreso del Estado de Tabasco, "Constitución de la Estado de Tabasco" [Constitution of the State of Tabasco], [http://www.congresotabasco.gob.mx/60legislatura/trabajo\\_legislativo/pdfs/decretos/Decreto%20125.pdf](http://www.congresotabasco.gob.mx/60legislatura/trabajo_legislativo/pdfs/decretos/Decreto%20125.pdf); See also: Leobardo Perez Marin, "Aprueban Ley Contra 'Rumor'; Coartara Libertades" [Law Approved Against 'Rumor'; Freedoms Abridged], *Tabasco Hoy*, August 31, 2011, [http://www.tabascohoy.com/noticia.php?id\\_notia=220149](http://www.tabascohoy.com/noticia.php?id_notia=220149) (account suspended).

<sup>63</sup> Alvaro Delgado, "Gobernador de Puebla Presenta Doe de 19 Demandas contra Periodistas" [Governor of Puebla Presents Two of Nineteen Lawsuits against Journalists], *Proces*, October 23, 2013, <http://www.proceso.com.mx/?p=323287>.

<sup>64</sup> Sin Embargo, "Atentados a la Libertad de Expresión Aumentaron 46% con EPN: Artículo 19; Registra 32 Agresiones a Periodistas" [Attacks on Freedom of Expression Increased 46% with EPN: Article 19; Recorded 32 Attacks on Journalists], July 1, 2013, <http://www.sinembargo.mx/01-07-2013/672263>; Article 19, "Segundo Informe Trimestral: Reprimir la Protesta [Second Quarterly Report: Suppress the Protest], Article 19, May 2013, <http://articulo19.org/segundo-informe-trimestral-reprimir-la-protesta/>.

<sup>65</sup> Elvia Cruz, "Un Periodista de Tlaxcala va a Juicio por Llamar a un Oficial 'Mediocre'" [A Journalist from Tlaxcala goes on Trial for Calling an Officer 'Mediocre'], CNN Mexico, April 11, 2013, <http://mexico.cnn.com/nacional/2013/04/11/un-periodista-de-tlaxcala-va-a-juicio-por-llamar-a-un-oficial-mediocre>; SDP Noticias, "Detienen a Martín Ruiz, Director de Portal e-consulta Tlaxcala por 'Difamación contra Funcionarios'" [Arrest of Martin Ruiz, Director of e-consulta Tlaxcala, for "Defamation against Officials"], April 7, 2013, <http://www.sdpnoticias.com/estados/2013/04/07/detienen-a-martin-ruiz-director-de-portal-e-consulta-tlaxcala-por-difamacion-contra-funcionarios>.

Although he was released hours after being detained, Ruiz will stand trial for the charges leveled against him, which include emotional and psychological damage, at a future date.<sup>66</sup>

Four other journalists and managers of *e-consulta* have also been charged with defamation by state cabinet officials in Tlaxcala: Ruiz' brother, Rodolfo, Roberto Nava Briones, Gerardo Santillan, and Arturo Tecuatl. As of May 2013, it was unclear whether criminal proceedings would be upheld or whether the charges would be dropped.<sup>67</sup> A few days after Ruiz' arrest, Aurora Aguilar Rodriguez, deputy general of the National Action Party (PAN), publicly denounced the efforts of the Tlaxcala state government to censor criticism by filing criminal charges against journalists. It remains to be seen whether Aguilar's comments will influence the state government.<sup>68</sup>

This is not the first time that contributors to *e-consulta* have been harassed. In October 2012, Gerardo Rojas and Jesse Brena, journalists with the digital newspaper were kidnapped by state police in Puebla and held captive in the trunk of a police car for three hours. After taking all of their personal belongings, including the cash they carried, they were abandoned in an empty lot in Ciudad Judicial.<sup>69</sup> Although such intimidation was presumably meant to inspire fear in *e-consulta* reporters, the digital news outlet continued operations unabated.

Apart from a 2008 requirement that cell phone users register with the government (revoked in 2012) there are no official provisions regarding anonymity. The only regulation currently in practice is unofficial and pertains to the safety of informants writing online about drug cartel activity. Moderators of forums disseminating user-generated safety updates on local websites urge writers to publish their comments anonymously in order to ensure their safety.

Despite a constitutional requirement that any interception of personal communications be accompanied by a judicial warrant—a well as the 2010 passage of a law expanding the oversight powers of the data protection authority<sup>70</sup>—reports published in 2012 allege that secret surveillance of private citizens is widespread in Mexico.<sup>71</sup> In July 2012, evidence was leaked (and later

<sup>66</sup> "Pidió Oficial Mayor de Tlaxcala detención de Director de e-Consulta" [Mayor of Tlaxcala Called for Detention of Director of e-Consulta], *e-consulta*, April 7, 2013, <http://archivo.e-consulta.com/2013/index.php/2012-06-13-18-40-00/politica/item/pidio-oficial-mayor-de-tlaxcala-detencion-de-director-de-e-consulta>; Juana Osorno Xochipa, "Liberan a Periodista Detenido por PGJE de Tlaxcala" [Free Journalist Arrested for PGJE in Tlaxcala], April 7, 2013, <http://www.eluniversal.com.mx/notas/915260.html>; "Daily Digest: Mexican State Blocks Access to Police, Court Information," Knight Center for Journalism in the Americas, April 12, 2013, <https://knightcenter.utexas.edu/en/blog/00-13521-daily-digest-mexican-state-blocks-access-police-court-information>.

<sup>67</sup> Article 19, "Alerta: Oficial Mayor Intenta Meter a la Carcel a Periodista por Difamacion" [Alert: Mayor Tries to Send Journalist to Jail for Defamation], April 8, 2013, <http://articulo19.org/mexico-criminalizacion-al-director-de-periodico-digital-e-consulta-en-tlaxcala-es-una-agresion-a-la-libertad-de-expresion/>.

<sup>68</sup> Gerardo Santillan, "Pide PAN en San Lazaro Cese Persecucion a la Prensa en Tlaxcala" [In San Lazaro, PAN Asks for Persecution of the Press to Cease in Tlaxcala] *e-consulta*, April 11, 2013, <http://archivo.e-consulta.com/2013/index.php/2012-06-13-18-40-00/nacion/item/pide-pan-en-san-lazaro-cese-persecucion-a-la-prensa-en-tlaxcala>.

<sup>69</sup> Víctor Gutiérrez, "Dos Reporteros, Víctimas de Policías Delinquentes" [Two Reporters, Victims of Police Offense], *El Sol de Puebla*, October 22, 2012, <http://www.oem.com.mx/elsoldepuebla/notas/n2742106.htm>.

<sup>70</sup> Jeremy Mittman, "Mexico Passes Sweeping New Law on Data Protection," Proskauer Rose LLP, May 11, 2010, <http://privacylaw.proskauer.com/2010/05/articles/international/mexico-passes-sweeping-new-law-on-data-protection/>.

<sup>71</sup> Bob Brewin, "State Department to Provide Mexican Security Agency with Surveillance Apparatus," *NextGov*, April 30, 2012, <http://www.nextgov.com/technology-news/2012/04/state-department-provide-mexican-security-agency-surveillance-apparatus/55490/>.

confirmed by the Mexican army<sup>72</sup>) pertaining to the secret purchase of approximately \$4.6 billion pesos (\$355 million) of “spyware” engineered to intercept online and mobile phone communications. Such technology, which has been funded in large part by the U.S. State Department’s Bureau of International Narcotics and Law Enforcement Affairs, facilitates the real-time geolocation of callers, the storage of up to 25,000 hours of conversation, and the real-time monitoring of packet data.<sup>73</sup> In addition to recording conversations and gathering text messages, email, internet navigation history, contact lists, and background sound, the surveillance software is also capable of activating the microphone on a user’s cell phone in order to eavesdrop on the surrounding environment.<sup>74</sup>

The website of the Mexican Access to Information agency (IFAI) makes no mention of this expenditure — or of the U.S. State Department’s alleged assistance in the tripling of Mexico’s surveillance capacity.<sup>75</sup> In March 2012, the Geolocalization Law, which allows the government “warrantless access to real time user location data,” was passed nearly unanimously with 315 votes in favor, 6 opposed, and 7 abstentions.<sup>76</sup> Such opacity, which renders Mexicans unaware of the extent to which they are being surveilled and unable to contribute to discussions concerning the legality of using such technology on private citizens, is deeply concerning. Critics of the law warn that it is unconstitutional and sets a worrisome precedent of warrantless surveillance.<sup>77</sup> Corruption and weak rule of law among state governments—including the infiltration of law enforcement agencies by organized crime—also leave room for abuse should private communications fall into the wrong hands.

Mexico continues to be one of the most dangerous countries in the world for journalists, who are subject to violence (often from drug cartels) for investigating a range of issues, notably those involving the drug trade, from trafficking to corruption. This phenomenon has been exacerbated by widespread impunity for those carrying out such attacks.<sup>78</sup> While such violence has historically been targeted at traditional, rather than online media, in 2011, bloggers and journalists posting information about sensitive topics online became victims of cartel-related violence for the first time, a worrisome trend that has continued to plague online writers.

Although online writers have attempted to protect themselves, they continued to be the target of intimidation and violence in 2012 and 2013. In September 2012, Ruy Salgado aka “El 5anto”

<sup>72</sup>Ryan Gallagher, “Mexico Turns to Surveillance Technology to Fight Drug War,” *Slate*, August 3, 2012, [http://www.slate.com/blogs/future\\_tense/2012/08/03/surveillance\\_technology\\_in\\_mexico\\_s\\_drug\\_war\\_.html](http://www.slate.com/blogs/future_tense/2012/08/03/surveillance_technology_in_mexico_s_drug_war_.html).

<sup>73</sup>Robert Beckhusen, “U.S. Looks to Re-Up its Mexican Surveillance System,” *Wired*, May 1, 2013, <http://www.wired.com/dangerroom/2013/05/mexico-surveillance-system/>.

<sup>74</sup>Katitza Rodriguez, “Mexicans Need Transparency on Secret Surveillance,” Electronic Frontier Foundation, July 24, 2012, <https://www.eff.org/deeplinks/2012/07/mexicans-need-transparency-secret-surveillance-contracts>; Cryptome, U.S. Department of State Contract 58, *Communications Intercept System Mexico*, <http://cryptome.org/2012/06/us-mx-spy.pdf>.

<sup>75</sup>Robert Beckhusen, “U.S. Looks to Re-Up its Mexican Surveillance System,” *Wired*, May 1, 2013, <http://www.wired.com/dangerroom/2013/05/mexico-surveillance-system/>; Katitza Rodriguez, “Mexicans Need Transparency on Secret Surveillance,” Electronic Frontier Foundation, July 24, 2012.

<sup>76</sup>Katitza Rodriguez, “Mexico Adopts Alarming Surveillance Legislation,” Electronic Frontier Foundation, March 2, 2012, <https://www.eff.org/deeplinks/2012/03/mexico-adopts-surveillance-legislation>.

<sup>77</sup>Cyrus Farivar, “Mexican ‘Geolocalization Law’ Draws Ire of Privacy Activists,” *ArsTechnica*, April 24, 2012, <http://arstechnica.com/tech-policy/2012/04/mexican-geolocalization-law-draws-ire-of-privacy-activists/>.

<sup>78</sup>Committee to Protect Journalists, “28 Journalists Killed in Mexico since 1992/Motive Confirmed,” accessed January 12, 2013, <https://www.cpi.org/killed/americas/mexico/>.

(@5anto), a prominent blogger reporting on corruption and electoral fraud, went missing.<sup>79</sup> Forty-two days later, Salgado resurfaced to announce that despite multiple death threats, he was alive. In a video post, Salgado explained that he had been subject to a forced disappearance, the details of which he was afraid to reveal. Citing fear for the safety of his family, Salgado announced that he would no longer be writing, but urged others to be brave—and careful—in their reporting.<sup>80</sup>

Although widely reported in international media, conflicting reports have emerged about a February 2013 campaign by an organized crime group to identify the administrator of *Valor por Tamaulipas*, a site issuing reports on security risks in the cartel-dominated state. Although the crime group allegedly offered a reward of 600,000 pesos (\$47,000) for information leading to the identification of the site's owner or his family,<sup>81</sup> residents of the area say they never saw flyers with such an offer.<sup>82</sup> Following reports of additional threats in April 2013, the site announced the shutdown of both its Twitter and Facebook accounts.<sup>83</sup> As of May, 2013, however, the Facebook and Twitter pages associated with *Valor por Tamaulipas*—which have nearly 215,000 likes and 33,800 followers, respectively—were back up and running. Conflicting reports alternately claim that the sites are clones or that the administrator changed his mind about closing the sites.<sup>84</sup>

In February 2013, death threats were issued against members of an informal network of Twitter users sharing information about drug violence in Mante, Tamaulipas under the hashtag #vigilantesmante. The threats, which were transmitted from accounts using the name #ManteZeta (the Zeta cartel is active in the area) via YouTube and Twitter, linked to a video depicting the murder of three people. Accompanying the link to the video, which was originally published by *Blog del Narco*, a site reporting on cartel-related violence, were threats stating that the same fate would befall those tweeting about security risks in Tamaulipas.<sup>85</sup>

Murders of online journalists are no longer rare in Mexico. Between September and November 2011, four people were brutally murdered in connection with their online writings. In each case, the bodies, often bearing signs of torture, were displayed publicly and accompanied by notes

<sup>79</sup> Lisa Goldman, "A Prominent Mexican Anti-Corruption Blogger Has Gone Missing," *TechPresident*, September 17, 2012, <http://techpresident.com/news/wegov/22862/prominent-mexican-anti-corruption-blogger-has-gone-missing>.

<sup>80</sup> Arjan Shahani, "Censorship in Mexico: The Case of Ruy Salgado," *Americas Quarterly* (blog), October 29, 2012, <http://www.americasquarterly.org/node/4077>.

<sup>81</sup> Daniel Hernandez, "Facebook Page in Mexico Draws Attention for Posts on Security Risks," *Los Angeles Times*, February 9, 2013, <http://articles.latimes.com/2013/feb/19/world/la-fg-wn-mexico-facebook-page-security-20130218>.

<sup>82</sup> #Reynosafollow, "Observaciones en el Caso Valor por Tamaulipas" [Observations in the Case of Valor por Tamaulipas], *Del Twitter al Blog*, April 12, 2013, [http://chuynews.blogspot.com/2013/04/observaciones-en-el-caso-valor-por\\_12.html](http://chuynews.blogspot.com/2013/04/observaciones-en-el-caso-valor-por_12.html).

<sup>83</sup> Sin Embargo, "'Valor por Tamaulipas,' Que Operaba Bajo Amenaza del Narco, Cierra sus Cuentas de Twitter y Facebook," [Valor por Tamaulipas, Which Operated Under Threats from Drug Cartels, Closes its Twitter and Facebook Accounts] *SinEmbargo.mx*, April 1, 2013, <http://www.sinembargo.mx/01-04-2013/576396>.

<sup>84</sup> "Valor por Tamaulipas Official Facebook Back Online but Will Cease Operations in Eight Days," *Hispanic News Network USA* (blog), April 7, 2013, <http://hispanicnewsnetwork.blogspot.com/2013/04/valor-por-tamaulipas-official-facebook.html>; "Valor por Tamaulipas Facebook Page to Remain, but Less Active," *Hispanic News Network USA* (blog), April 14, 2013, <http://hispanicnewsnetwork.blogspot.com/2013/04/valor-por-tamaulipas-facebook-page-to.html>.

<sup>85</sup> Periodistas en Riesgo, Crowdmap, "Amenaza de Muerte contra Tuitero de Tamaulipas" [Death Threat against Twitterers in Tamaulipas], ICFJ and Freedom House, February 21, 2013, <https://periodistasenriesgo.crowdmap.com/reports/view/45>.

explicitly stating that the murders were retribution for the victims' posts on popular websites and narcoblogs. At least one of the messages was signed "Z" for Zeta.<sup>86</sup>

Echoing the fears of website moderators, who have implored contributors to continue reporting but to do so anonymously, such targeted killings of website contributors were also carried out in 2012 and 2013.<sup>87</sup> In June 2012, Victor Manuel Baez Chino, a journalist who reported on crime for the digital edition of weekly newspaper *Mileno* and also edited the crime reporters' website *Reporteros Policiaos*, was kidnapped and murdered. In a note accompanying his body, the Zeta drug cartel claimed responsibility for Chino's killing.<sup>88</sup> In November 2012, Adrián Silva Moreno, a journalist in Tehuacán Puebla working for the online newspaper *Glob@l México*, was shot to death while covering an army raid on a warehouse filled with stolen fuel.<sup>89</sup> Having been warned to leave by a soldier, Silva was in the process of driving away when trucks arrived and began firing on his car, killing him and his companion, Misray López González, a former policeman.

In March 2013, journalist Jaime Guadalupe González Domínguez, editor of the online news portal *Ojinaga Noticias*, was murdered in broad daylight in Chihuahua, a state reportedly run by organized crime. A group of men shot González 18 times before absconding with his camera. González's murder, which was foreshadowed by written threats warning him to avoid covering certain topics, led to the closure of his online news portal, *Ojinaga Noticias*, which reported on local news, crime, sports, and politics.<sup>90</sup>

Hate campaigns against journalists also marred Mexican reporting in 2012 and 2013, bringing attacks against traditional journalists into the domain of the internet. The state Social Communication General Coordination Office in San Luis Potosi made use of both Twitter and Wordpress blogs in December 2012 and February 2013 to denigrate several journalists writing for daily newspaper *Pulso*. After a video was leaked of the Office's director, Juan Antonio Hernandez Varela, ordering subordinates to create fake social networking accounts for the sole purpose of discrediting government critics, Hernandez Varela resigned without explanation. It remains to be seen whether such attacks will continue under the new director.<sup>91</sup>

<sup>86</sup> Robert Beckhusen, "Mexican Man Decapitated in Cartel Warning to Social Media," *Wired*, November 9, 2011, <http://www.wired.com/dangerroom/2011/11/mexican-blogger-decapitated/>.

<sup>87</sup> Sarah Kessler, "Mexican Blog Wars: Fourth Blogger Murdered for Reporting on Cartel," *Mashable*, November 10, 2011, <http://mashable.com/2011/11/10/mexico-blogger/>.

<sup>88</sup> UNESCO Press, "Director-General Condemns Murder of Mexican Journalist Victor Manuel Baez Chino," July 11, 2012, <http://bit.ly/18eVyRR>.

<sup>89</sup> Reporters Without Borders, "Un Periodista Asesinado a Balas en Tehuacán: "Cuándo se Acabará la Violencia y la Impunidad?" [Journalist Murdered in Tehuacan Bales: 'When Will the Violence and Impunity End?], November 19, 2012, <http://es.rsf.org/mexico-un-periodista-asesinado-a-balas-en-19-11-2012,43695.html>.

<sup>90</sup> Committee to Protect Journalists, "Editor de Sitio Web de Noticias Asesinado a Balazos en México" [Editor of News Site Murdered by Gunshot in Mexico], March 5, 2013, <http://cpj.org/es/2013/03/editor-de-sitio-web-de-noticias-asesinado-a-balazo.php>; UNESCO Press, "Director-General Voices Deep Concern over the Killing of Mexican Journalist Jaime Gonzalez Dominguez," March 11, 2013, <http://bit.ly/14Twex>; Reporters Without Borders, "Self-Censorship: Newspapers in Northern Border States Forced to Censor Themselves?," March 12, 2013, <http://bit.ly/Zlfl6x>.

<sup>91</sup> Reporters Without Borders, "The Dangers of Reporting: Organized Crime, Local Authorities Threaten Reporters and Netizens," March 4, 2013, <http://en.rsf.org/mexico-organized-crime-local-authorities-04-03-2013,44161.html>; Eduardo Delgado, "Gobierno Estatal Cambia de Vocero" [State Government Spokesman Changes], *Pulso*, March 5, 2013, <http://pulsoslp.com.mx/2013/03/05/gobierno-estatal-cambia-de-vocero/>.

Cyberattacks have become an issue in Mexico in recent years, and pose a growing threat to critical news sites. In September 2011, three online outlets known for critical coverage of state government—Expediente Quintana Roo, Noticaribe, and Cuarto Poder—were temporarily disabled by cyberattacks. Personal information and reporters' notes were also stolen from their servers.<sup>92</sup> In November 2011, weekly newspaper *Riодоce* was informed by its host provider that the website had been the target of a large distributed denial of service (DDoS) attack. Widely suspected to be a reprisal for the publication's aggressive reporting on crime and drug trafficking, the cyberattack resulted in the website being inaccessible for several days.<sup>93</sup> Sporadic cyberattacks continued to be reported in 2012 and early 2013. Vincente Carrera, director of online newspaper Noticaribe, which was temporarily paralyzed by DDoS attacks in late 2011 and early 2013, stated that recent attacks, which disabled the site for weeks, were likely government retaliation for the outlet's coverage of electoral violations and state debt.<sup>94</sup>

One notable case of repeated DDoS attacks targeted *rompeviento.tv*, an independent, left-leaning internet television site intended to present the public with an alternate perspective on news. *Rompviento*, which counts an audience of 600,000 visitors per month, was disabled by continuous cyberattacks after it aired contentious political content.<sup>95</sup> During the broadcast of a debate organized by YoSoy132, *Rompviento* lost broadband access and its webpage subsequently vanished. Despite multiple attempts to recover content, the original website appears to have been deleted permanently. Administrators of the host platform, mydomain, were unable to provide explanation or assistance with the issue. As of May 2013, however, the new *rompeviento.tv* website was accessible both from within Mexico and from outside the country.

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<sup>92</sup> Monica Medel, "Three News Websites Hacked in Mexico," Knight Center for Journalism in the Americas (blog), July 15, 2011, <https://knightcenter.utexas.edu/blog/three-news-websites-hacked-mexico>.

<sup>93</sup> International Freedom of Expression eXchange, "Weekly Goes Offline after Cyber Attack," news release, November 28, 2011, [http://ifex.org/mexico/2011/11/30/riodoce\\_cyberattack/](http://ifex.org/mexico/2011/11/30/riodoce_cyberattack/).

<sup>94</sup> Tania Lara, "Mexican Digital Newspaper Disabled by Frequent Cyberattacks," Knight Center for Journalism in the Americas (blog), April 20, 2012, <http://knightcenter.utexas.edu/blog/00-9806-mexican-digital-newspaper-disabled-frequent-cyberattacks>.

<sup>95</sup> In a recent interview, Ernesto Ledesma, Director General of *Rompviento* ([www.rompeviento.tv](http://www.rompeviento.tv)) stated that the company has identified a pattern of disruptions. Although the signal is steady for cultural programs, when the company attempts to broadcast critical political programs, the signal is lost. While *Rompviento* cannot prove government interference, a pattern has emerged in which disruptions seem to be tied to the airing of political content.