

DISONANCIA

VOCES EN DISPUTA



DISSONANCE: VOICES IN DISPUTE ANNUAL REPORT 2019



ARTICLE 19 OFICINA PARA MÉXICO Y CENTROAMÉRICA

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A WORLD UPSIDE DOWN AND AGAINST HUMAN RIGHTS

One third of the world's population lives in a country where democracy has been eroded and movements favouring other types of autocratic governments with major regressions in the principle of separation of powers are taking over.

Data from V-Dem Annual Democracy Report 2018 shows that when a country becomes autocratic it affects freedom of expression, public deliberation, the rule of law, and to a lesser degree, freedom of association. In the same vein, Article 19 stated in its Global Expression Report 2018/2019 that freedom of expression has reached the lowest point in a decade, resulting in a sharp deterioration of this right and access to information.

The last decade has seen more protests than any other moment since the 60's partly due to the connection and organisational capacity of social media. This has turned the streets into a key space for freedom of expression in response to the need to know and understand, to oppose and protest. Thus, making the price of silence higher than any of us can afford at this moment in history.

MEXICO IMMersed IN INEQUALITY, CORRUPTION AND IMPUNITY

Mexico continues to be one of the most dangerous countries in the world to practice journalism, as well as one of the most unequal, corrupt and with the highest levels of impunity. The narrative of Andrés Manuel López Obrador's Government, which promised to guarantee plurality of expressions and to not use the State as a censor, has yet to set out a clear route in its first year in office.

In matters related to the exercise of freedom of expression and information, such as transparency and accountability, the old corrupt practices continue and no major changes have been implemented to dismantle the mechanisms that were constructed over decades to censor and control information. Impunity for violence against the Press always remains the same.

Corruption

Corruption in Mexico, as an intrinsic part of the exercise of power, is deep-seated and, despite the official rhetoric claiming it “no longer exists”, the Cuarta Transformación (Fourth Transformation or 4T) government shows hints of ongoing corruption that has not been eradicated nor sanctioned.

In terms of transparency, a selective policy of information sharing with society is used, making it impossible to contrast the information provided by the president in his morning press conferences with that obtained through information requests or published by different institutes.

Violence and impunity

Violence against Journalists and the Media has not ceased, on the contrary it continues to steadily increase. During 2019, 609 journalists were attacked, of which 10 were murdered, possibly as a result of their work. This represents an increase of almost 100% compared to the first year of Enrique Peña Nieto’s Government.

Although Andrés Manuel López Obrador’s Administration stated that ending impunity would be the principal mission of his Government, it continues to pervade more than 99% of cases of crimes against journalists. If this does not change, violence against journalists is unlikely to cease.

Emblematic cases such as Aristegui Noticias and journalists like Humberto Padgett and German Canseco showcase judicial authorities maintaining the same patterns of impunity: leaking of sensitive information about victims to the perpetrators and the media; not prioritising lines of investigation regarding the victim’s journalistic activities; and failing to implement the Protocol for the Investigation of Crimes against Journalists.

Additionally, the judicial power may be complicit in gross injustices derived from its submission and collusion with the political power. For example, the Sergio Aguayo case in which a disproportionate penalty of ten million pesos was imposed as reparation for damages caused to the “honour” of former governor, Humberto Moreira. Justice continues to be confused with revenge. Transparency also works through selective means: it is only for a select few.

Inequality

Andrés Manuel Lopez Obrador has been clear, at least in his rhetoric, in stating that the only way to transform the country is by fighting inequality, a key characteristic of Mexico, that may have even deeper roots than corruption or impunity. His diagnosis is accurate and highlights how the last decades have excluded the underprivileged majorities from political and economic arenas, relegating them to the role of clientele, while the elites used their skills to deprive and accumulate wealth to repress and deceive.

This is clear when access to public information is managed by only a few people, who continue discriminatory practices against different social groups in vulnerable situations, such as indige-

nous peoples and more so, indigenous women, nullifying the transformative potential that this information can offer the people.

According to the National Survey on Access to Public Information and Personal Data Protection (ENAIID in Spanish) 2016, in Mexico only 7.7% of the population recognises the National Institution for Transparency, Access to Information and Personal Data Protection (INAI in Spanish) as the institution that guarantees the right to information and only 0.7% submit information requests. Therefore, access to information privileges only a small part of the population (Spanish speakers, literate, included in the digital world, with knowledge of public administration and a good level of technical language), which generates a new form of exclusion for the most vulnerable strata.

One of the “central features” of his government that President Andrés Manuel López Obrador has set forth is to grant the same opportunities to children of the rich and the poor. However the opportunities to do so are unequally distributed among the population. One year after taking office, Mexico is still entrenched in inequality, corruption and impunity, because those holding the reins in the administration have not yet decided if they want to lose their own privilege so that others can benefit.



NI UNA MÁS

2019: “The good, the bad and the ugly”

The good thing about 2019 was the narrative for social change, the recognition of violence and the appropriation of a feminist civic space.

The narrative for social change

Historically, Mexican governments have made use of various tools to manage what information society received through imposition, silence or simply through indifference towards the less privileged. This dominating narrative sought to undermine our confidence through fear and insecurity. Even before the digital era, the popular consciousness was impregnated by what the market, the government and the media wanted to tell us.

Narratives have been a key piece for PRI and PAN governments to exert political control and concentrate Mexico's wealth. However, during Enrique Peña Nieto's last year in office, the feeling that there was nothing more to lose made it possible to overcome fear and many sectors of society joined together to cross the line of indignation and become true political actors in the fight against power.

Through the power of social media, thousands of stories became intertwined, joined together and were in harmony, with the hope of breaking away from rapacity, death and disdain for the most pressing problems.

Andrés Manuel López Obrador's administration also utilises social media for political control and his discourse plays on the values and beliefs that the majorities are seeking in their lives: equality, transparency and justice. Nevertheless those who have imposed the hegemonic narrative and have enjoyed the benefits, seek to look after their own interests through polarisation.

The recognition of violence

Up until now, no contemporary government has admitted the existence of victims of violence in the State. During Andrés Manuel López Obrador's first year in office, the undersecretary for Human Rights, Population and Migration of the Ministry of the Interior (Segob in Spanish), Alejandro

Encinas, reported that during the first year of administration 5184 people had disappeared out of a total of 61 637 who remain missing.

In addition, official recognition was given to the role of the State in cases including that of Martha Camacho, who was a victim of torture, along with her son and husband, José Manuel Alapizco Lizárraga, killed by the military. In this event the Secretary of the Interior, Olga Sánchez Cordero, spoke about the actions of political persecution against the armed groups and the nature of crimes against humanity.

With this narrative, Andrés Manuel López Obrador's government reaches the point of no return. To recognise inequality, as well as the systematic and generalised nature of violence in Mexico, implies, simply put, the duty to push forward public policies —not solely on paper— that guarantee equality, access to justice, truth, full reparation and non-repetition.

The appropriation of a feminist civic space

In 2019, the feminist movement in Mexico managed to make part of the population look at and question the patriarchal system through different forms of expression: word, dance, songs and art, as well as civil disobedience and affront. They took over physical and digital civic spaces to highlight the fight for an end to the abuses and violence to which they are exposed in all areas of their family, work and social life. They managed to gather young people and adults from different social classes, united by the same objective: justice and equality.

The challenge ahead is facing the stigma and criminalisation that seek to generate fear and suppress alternative and individual stories that allow us to identify new ways of being and living.

The bad: control, polarisation and cancellation

In his attempt to control the narrative, the president has made his word an instrument and weapon of the government. The morning press conferences and the weekend national tours have become what characterise Andrés Manuel López Obrador's administration.

The president has decided to neutralise or nullify anyone who questions his discourse. He generalises and lumps together anyone who does not agree with him. After a year of government what is clear is that those in society, regardless of sector or social class, who do not take a political stand in favour of what the president calls "the fourth transformation" become opponents and, in order to win public opinion, they are sacrificed.

Stigmatising discourse towards the Press has also increased and been reproduced in different parts of the country, affecting the social recognition of journalism. Historically, ARTICLE 19 has documented that between 49% and 53% of aggressions against journalists are perpetrated by State agents; however threats from individuals and non-identified actors have increased at a staggering rate.

This may be a response to a presidential discourse that emboldens or legitimises action against the press, or to the increasingly polarised environment that seeks to identify “the good guys” and “the bad guys” or “the liberals” and “the conservatives”.

Digital space and social networking platforms are accompanying López Obrador’s government to place themselves at the epicentre of Mexican politics. Old practices such as the use of automated Twitter accounts and coordinated and continuous articulation to favour the image of the government and reduce the reach of critical voices have led to violent discourses that have created divides between sides.

Thus, the attacks on the press and civil society launched from the presidential chair in the form of stigma are intended, like any other attack, to turn the messenger into the message.

Despite the climate of polarisation towards the media, it is clear that journalists in Mexico have played an important part in the social construction of alternative narratives that resulted in López Obrador himself coming to power. The committed and determined work of hundreds of civil and social organisations that have accompanied the victims of structural and State violence for decades in various forms and under various strategies must also be recognised.

The bad thing about 2019 lies in the absolutes that polarise society and the annulment of those considered “adversaries”, which inhibits any advance towards the true path of change.

In this regard, another trend addressed by this report relates to public debate in the digital age, in which misinformation is nurtured and nationalist positions are strengthened, putting at risk the recognition of cultural diversity and the importance of issues such as migration and its impact on the country’s development.

Antagonism and conflict are natural in a democracy, so it is important that the president recognises everyone, including his “adversaries”, as subjects of rights. The political, social and economic system we aspire to is an inclusive one, where conflicts can be settled in a framework of democratic, transparent, equal and fair contestation; not having one form of exclusion replaced by another or a mere reconfiguration of elites.

The ugly: the persistence of violence, impunity and disdain

Although the president’s discourse reiterates that we are going down the right path regarding security, in reality Mexicans continue to experience the intensification of violence to the point of accepting it as part of our lives and how it affects our chances of living in peace.

In the case of violence against the press, the increase in the last 12 years has been constant. In 2013, ARTICLE 19 documented 330 attacks against journalists; by 2019, the number increased to 609, representing an 85% increase. The prosecutor’s offices also continue to be complicit in violence against the press and shows no signs that the levels of impunity will be reversed.

This year was the first one in which the Special Prosecutor's Office for Crimes against Freedom of Expression (FEADLE in Spanish) succeeded in conducting a thorough investigation against the likely perpetrators of the crime against journalist and activist Lydia Cacho. However, justice has not been served and she has had to abandon her life in Mexico for her safety, as the State has been incapable of apprehending all those responsible and taking steps towards truth, reparation and non-repetition.

In this sense, "the ugly" is where impunity does not cease and violence persists. "The ugly" is that, until now, each line of investigation and the judicialisation of victims is torturous, because it puts them before a State that is selectively powerful, and therefore, biased.

Andrés Manuel López Obrador's government came to be in a country with an impossible history to erase and start over; the atrocity and the pain are way too severe to forget and let go. Nevertheless, "the ugly" in this government is that all the legal and institutional tools are available to support the people. Yet up until now, as far as justice is concerned, it seems he has chosen to stop halfway and with partial justice, a little change and only for a select few. And with disdain.



Journalism, between stigmatisation and neglect

Andrés Manuel López Obrador's first year of government was more violent and lethal for journalism than the last year of Enrique Peña Nieto's administration, with an increase in attacks on the press from 544 in 2018 to 609 in 2019, while murders of journalists rose from nine to ten in the same period.

In the area of government advertising¹, although the amount of money given to the media has decreased, this has not translated into greater editorial independence. Rather the opposite, the president has concentrated his efforts on controlling the media agenda by holding daily press conferences, which have also become platforms used to lecture journalists and media outlets critical of his government. ARTICLE19 has documented hostile public comments against journalists by López Obrador on 12 occasions, which have provoked an immediate reaction on social media, filled with insults and threats against anyone who criticises the administration.

Also discouraging is the situation of impunity and the pursuit of justice for crimes against freedom of expression. Impunity remains at over 99%² and doubts about the autonomy of the Attorney

1 Ariadna Ortega, "El gobierno de AMLO fija límite de 5800 mdp en publicidad oficial", Expansión Política, April 17th 2019, <https://politica.expansion.mx/presidencia/2019/04/17/el-gobierno-de-amlo-promete-no-gastar-mas-5-800-mdp-en-publicidad-oficial>

2 Every month, the Attorney General's Special Office for Crimes against Freedom of Expression publishes reports on its activities on the official website of the Attorney General's Office. The last report is dated December 2019, see Office of the Attorney General of the Republic, FGR, "Conoce a la Fiscalía Especial para la Atención de Delitos cometidos contra la Libertad de Expresión", Gobierno de México, FGR, <https://www.gob.mx/fgr/documentos/conoce-a-la-fiscalia-especial-para-la-atencion-de-delitos-cometidos-contra-la-libertad-de-expresion>. The statistics report issued by FEADLE does not allow us to know in which year the investigation or preliminary enquiry for the achieved sentences in 2019 started, but it shows that the number of investigation folders has increased, from which it can be inferred that violence against the press continues to rise. In this sense, violence against the press continues to increase, impunity has not diminished and access to justice continues to be a pending issue for the Mexican state.

General's Office from the Federal Executive³ are growing, which to date does not have a Criminal Prosecution Policy Plan⁴. The FGR (new Attorney General's Office) carries out some of the worst practices in criminal investigations, such as not having suitable work plans, delaying proceedings without any justification and revictimising⁵ those who have suffered crimes. While all this is happening, it was not until November 2019 that the Citizens' Council⁶ was created.

Furthermore, ARTICLE 19 has documented that necessary elements of the investigations are still pending in the cases being investigated by FEADLE. For example, investigation files created with the participation of victims and representatives, and clear investigation lines that take into account journalistic work as the first element in illicit acts committed against journalists.⁷

López Obrador is losing valuable government time in taking measures to mitigate the crisis of violence against freedom of expression. However, there is still time to correct the course by re-building the Protection Mechanism for Human Rights Defenders and Journalists, laying the foundations for the FGR to reduce the rate of impunity - through a democratic relationship of cooperation and respect for its autonomy - and offering guarantees for media independence and pluralism.

3 "Morena nombra a Gertz Manero. Es un 'fiscal carnal': Coparmex; 'un engaño a la democracia', dice", Sin Embargo, January 18th 2019, <https://www.sinembargo.mx/18-01-2019/3524464>; "Alejandro Gertz, candidato de Morena, a la Fiscalía General; colectivo y opositores acusan simulación", Animal Político, January 18th 2019, <https://www.animalpolitico.com/2019/01/gertz-fiscal-general-senado/>; "Partidos de oposición critican poca independencia de Gertz Manero", La Jornada, January 19th 2019, <https://www.jornada.com.mx/2019/01/19/politica/004n3pol>

4 Arturo Ángel, "La falta de recursos complica la transición de PGR a FGR, advierte informe", Animal Político, February 4th 2020, <https://www.animalpolitico.com/2020/02/falta-recursos-complica-transicion-pgr-fgr-informe/>

5 ARTICLE 19, Protocolo de la impunidad de delitos contra la libre expresión, México, ARTICLE 19, https://articulo19.org/wp-content/uploads/2019/02/A19-2019-Informelmpunidad_final_v3.pdf

6 The functions of this Citizens' Council are: "To express an opinion, follow up and issue public recommendations on the content and implementation of the Plan of Criminal Prosecution presented by the head of the Public Prosecutor's Office, as well as the annual work programmes and their implementation; II. To provide an opinion on the creation of new structures proposed by the head of the Office of the Attorney General of the Republic; III. Inform the Internal Control Organ when it notices a probable administrative responsibility; IV. Provide feedback to strengthen the institution's budget; V. Provide opinions on the internal regulations of the Attorney General's Office; VI. Provide opinions on the proposals and plans of the Professional Career Service; VII. Establish the Council's operating rules; VIII. In general, issuing opinions and recommendations on the performance of the Prosecutor General's Office and its areas; IX. For a better development of its functions, the Citizens' Council may invite national and international experts", Organic Law of the Attorney General's Office, 2018, art. 42.

7 Senate of the Republic LXIV Legislature, Public Call to Integrate the Citizen Council of the Attorney General's Office, November 7th 2019, [https://infesen.senado.gob.mx/sgsp/gaceta/64/2/2019-11-25-1/assets/documentos/Convocatoria_ccfgr.pdf](https://infosen.senado.gob.mx/sgsp/gaceta/64/2/2019-11-25-1/assets/documentos/Convocatoria_ccfgr.pdf)

The end of Peña Nieto's advertising era and 4T's propaganda

For six years, Enrique Peña Nieto's government maintained unidirectional and onerous communication with the press, which was characterised by the delivery of exorbitant amounts of public money to media companies. ARTICLE 19 documented that the spending on government advertising during that government was 61,891 million pesos. This money supported a toxic relationship of political compensation, which fractured the possibility of editorial independence. It was also used to punish critical media, denying them resources, and rewarding those who favoured the government.

This dynamic seems to be changing, although it is too early to know to what extent. During 2019, the government allocated about 50% less resources with respect to what Peña Nieto spent during 2018, going from 10.725 million pesos exercised in that year to 4.258 million approved in 2019.⁸ However, this does not mean more freedom to inform, because the decrease in resources does not remove the possibility of the government editorially influencing - in a tacit manner - the media, nor does it end editorial bias in favour of the State.⁹

Instead, the current President has found additional tools to ensure favourable and consistent coverage. These include daily conferences transmitted by the verified accounts of Twitter, Facebook, YouTube and the official website of Andrés Manuel López Obrador.¹⁰ The conferences have served to set the agenda for the single voice of the Executive.

The morning press conferences (Las mañaneras): from stigma to threat

Under Andrés Manuel López Obrador's administration, it has not been possible to fully exercise the right to disagree within the framework of the coverage of his morning conferences. Journalists such as Pablo Pérez, from Verificador MX and Jorge Ramos, from Univisión, have seen how, by questioning the President or his government's actions, social networks begin to harass them with the adjectives used by the Executive itself to refer to the press that is critical of his adminis-

8 A. Ortega, op. cit.

9 It is not the intention of this report to specify how the allocation of government advertising resources is being modified in view of the consolidation of social networks as a tool of widespread use, which is, in turn, a vehicle used by the government to advertise to citizens at public expense. The government still has the task of proactively accounting for and publicising how it operates and distributes government advertising money on the networks. It is also a task to identify how this flow of resources (to impact conversations on Facebook, Twitter, Instagram, etc.) can affect the right of citizens to access plural and diverse information.

10 Twitter: Andrés Manuel @lopezobrador, <https://twitter.com/lopezobrador> Facebook: Andrés Manuel López Obrador @lopezobrador.org.mx <https://www.facebook.com/lopezobrador.org.mx/> Página web: AMLO <https://lopezobrador.org.mx/> Canal de YouTube: Andrés Manuel López Obrador <https://www.youtube.com/channel/UCxEgokul-nwoJaNcisHvSg>

tration¹¹, “fifi”¹² (a derogatory and recently-coined adjective for an indecently or cynically privileged person who is angry at the government since his/her interest is no longer a priority for the current administration), “conservatives”, “chayotero” (receiving bribes given by a government office for a journalist to report at its convenience) and “hypocrites”. This has become an additional incentive for aggressions and has done nothing to create favourable conditions for the exercise of journalism in a country that is currently the most violent for journalists in a non-war context.

In López Obrador’s underlying tone, one perceives reproach for the simple fact of not covering a subject in a certain way or for not being “on their side”, of “biting the hand of the one who took away their muzzle”, of “being at fault” or of questioning that the “untouchables” privileges are over. This rhetoric has multiplied in the support networks to the extent that hashtags (#) are created against media outlets that are prone to Twitter or even death threats or invitations to burn down media facilities.

From stigma to an organised collective attack

The hostility of Mexico’s political leadership towards the press sky-rocketed in 2019, along with a virtual militancy of lopezobradorismo that uses its voice to harass those who criticise the current administration. This has been documented by SIGNA Lab in Mexico’s¹³ online monitoring of political discussion, identifying atypical behaviour patterns of digital platforms users, who “pollinate” the attacks denouncing those who criticise or question the president, and even go so far as to constitute political operations to censor journalists.

ARTICLE 19 has a record of the increase in the number of attacks against media outlets, which is almost 100%, rising from 36 in 2018 to 70 in 2019. Of these, there is documentation of 12 direct aggressions in Mexico City, ranging from threats to smear campaigns on social networks and even doxxing (publication of private data). Six campaigns were also documented in Mazatlán, Sinaloa; Xalapa, Veracruz; and Tecate, Baja California, by local officials of the National Renewal Movement (Movimiento de Renovación Nacional, Morena), who used the same adjectives as López Obrador to refer to the press.

The mere persistence of verbal hostility by public officials, with sustained attacks and violations of journalists’ human rights, generates an inhibiting effect that hinders the flow of information.

11 ARTICLE 19, “En los primeros cien días de gobierno se ha intensificado la intolerancia a la crítica y al discurso disidente”, Mexico, ARTICLE 19, March 12th 2019, <https://articulo19.org/en-los-primeros-cien-dias-de-gobierno-se-ha-intensificado-la-intolerancia-a-la-critica-y-el-discurso-disidente/>

12 ARTICLE 19, “Declaraciones de AMLO contravienen su deber de tolerancia a la critica”, México, ARTICLE 19, October 19th 2018, <https://articulo19.org/declaraciones-de-amlo-frente-a-la-prensa-contravienen-su-deber-de-tolerancia-a-la-critica/>

13 Signa Lab, “Democracia, libertad de expresión y esfera digital. Análisis de tendencias y topologías en Twitter: el caso de la red #AMLOVE”, ITESO, Universidad Jesuita de Guadalajara, February 18th 2019 , https://signalab.iteso.mx/informes/informe_redamlove.html ;Signa Lab, “Prensasicaria, prensasprostituida, prensacorrupta”, ITESO, Universidad Jesuita de Guadalajara, <https://signalab.mx/2019/11/25/prensaprostituida/>

Thus, the President reinforced a hostile discourse towards the journalists who, moreover, when pointed out are more vulnerable to become a target of aggressions.

The 2019 numbers

While the president escalated the level of confrontation towards the press, aggressions against journalists increased throughout the national territory. From January 1st to December 31st, 2019, ARTICLE 19 documented 609 attacks on the press, compared to 544 in 2018. Thus, in Mexico, during 2019 a journalist was assaulted approximately every 15 hours, whereas the previous year it was one every 17.14 hours.

The geography of violence

The data by entity shows that Mexico City registered the highest number of aggressions, with 84 cases; followed by Quintana Roo, with 57; Guerrero, with 51 and Puebla with 34 cases. Both, Oaxaca and Veracruz registered 33 aggressions each. It is worrisome that for Mexico City and Quintana Roo attacks against journalists have doubled in only twelve months. On the other hand, the states with the least attacks were Queretaro with 1 case, followed by Hidalgo, Aguascalientes and Zacatecas, with three attacks each.¹⁴ ARTICLE 19 documented 4 aggressions in Chihuahua.

It should be noted that there are a number of attacks that occur, but of which ARTICLE 19 is not aware because people are afraid to report them, due to the lack of effective government mechanisms to prosecute them or, worse, the normalisation of attacks in the context of journalistic coverage.

The intentionality of violence

Journalism covering street crime and violence remains fundamentally at risk, mainly in those entities where the homicide rate and the presence of organised crime are highest, such as Veracruz, the State of Mexico, Guerrero and Tamaulipas. The 2019 figures also show that certain news sources are more at risk than others, such as attacks on reporters covering corruption and politics. Those reporting on security and justice suffered 133 attacks out of the 609 total attacks. Meanwhile the number of aggressions during social movements or protests increased from 26 to 62 in one year. In the same vein, those who covered the private sector also suffered more attacks, with 17 assaults. It should be noted that in 265 cases the aggressor was a public official, which corresponded to 43.51% of the total.

The protagonists of violence

There has been a growing diversification in the actors of censorship in the current context of polarisation, which points to the multiplying effect of official discourses that encourage attacks that

¹⁴ An under-recording of these numbers by ARTICLE 19 should be considered. There are journalists who fear potential retaliation and prefer to remain silent to an aggression and choose not to act, instead of reporting it to the State or bringing their case to the attention of civil society organisations that can provide some form of advice.

can be carried out by anyone on the digital stage. Attacks by anonymous persons went from 116 in 2018, to 151 in 2019. Cases of violence perpetrated by individuals rose from 84 to 131. In the midst of the electoral situation, members of political parties committed 13 attacks and 49 attacks were committed by organised crime.

The typology of violence

Out of the 609 documented aggressions, the most recurrent were intimidation and harassment, with 166 cases; 114 cases of threats and 62 physical assaults. Blocking, altering or removing content on the Internet ranked fourth, equivalent to 60 assaults. While all the aggressions increased, the “illegitimate use of public power”¹⁵ went from 22 to 46, doubling in only 12 months.

Of the total mentioned, 88.51% of the aggressions were perpetrated against journalists, while 11.49% were against media outlets. In turn, the most recurrent against the media were intimidation and harassment, which represented 24.29%, followed by the illegitimate use of public power, with 14 cases, equivalent to 20%. Threats and removals of digital content ranked third, with 15.71% each, equivalent to 11 attacks each.

The differentiated impacts of violence

27.42% of all aggressions during the year were directed at women journalists, equivalent to 167 cases. The most recurrent aggressions were acts and messages of intimidation, with 18 and 13 aggressions recorded, respectively. Physical attacks and information blockades are closely monitored, with 12 of each documented. Despite reports of the various forms of violence faced by women journalists and communicators, responses from the public sector often adopt approaches that seek to blame them or stigmatise their behaviour. Therefore, it is particularly relevant to have information on the patterns, motivations, operating schemes and impacts of the aggressions that women experience when exercising their right to freedom of expression and information.

The 4th Transformation (4T) can change course (still)

2019 was a wasted year for Lopez Obrador to strengthen the guarantees of the rights to inform and be fully informed. There are still five years of government left in which the course can be corrected. Where a true state policy will promote the guarantees of freedom of expression and articulate the efforts of different public institutions to prevent aggressions, protect journalists, seek justice, and repair the damage caused to hundreds of communicators.

The first step was taken when it was publicly acknowledged that the Protection Mechanism for Human Rights Defenders and Journalists, under the responsibility of the Federal Government,

15 Illegitimate use of public power refers to state measures, such as stigmatising speeches, conditioning government advertising and judicial harassment, either through lawsuits or complaints, all to limit freedom of expression.

needed to be restructured,¹⁶ as pointed out by the Office of the United Nations High Commissioner for Human Rights as “insufficient to meet the real protection needs” in the country. The international organisation called for the strengthening of human and economic resources; the creation of a monitoring tool for the correct implementation of each protection plan; a change of focus for the prevention of aggressions and development of guidelines in cases where these are committed by public servants, among others.¹⁷

Something similar happens with the justice system. The aim of changing from the Attorney General's Office (PGR) to the Federal Attorney General's Office (FGR) was to leave behind a stagnant model that re-victimises¹⁸ the victims of crime, and to reduce impunity through a more agile model that respects human rights.¹⁹ Currently, the FGR only has a conviction rate of 7.6% of cases.²⁰ Even more discouraging is the state of investigations of crimes against journalists, whose

16 Arturo Contreras Camero, “Ineficiente el mecanismo de protección a periodistas, admite el gobierno”, Pie de Página, March 25th 2019, <https://piedepagina.mx/ineficiente-el-mecanismo-de-proteccion-a-periodistas-admite-el-gobierno/>

17 The Office of the United Nations High Commissioner for Human Rights, OHCHR, Diagnosis on the functioning of the Mechanism. Executive Summary, Mexico, 2019, http://hchr.org.mx/images/doc_pub/190820-Diagnostico_Brief.pdf

18 On February 25th 2019, ARTICLE 19 presented a study that identifies the causes that facilitate and perpetuate the lack of sanctions in crimes against journalists. The following are among the conclusions: Prosecutor's offices and public prosecutors' offices constantly disqualify journalistic work as a cause of the crimes suffered, since they usually claim that the crime was not committed as a result of the journalist's coverage, in order to create a social vision far removed from the probable motives for these crimes. 2. The authorities stigmatise journalists who are in a vulnerable situation, which can range from being a woman to the work environment, with the consequence that investigations do not consider the coverage of journalists and focus on various situations far from the exercise of free expression, such as relationship problems or labour conflicts other than journalism. 3. The authorities criminalise victims before conducting investigations into their abusers. See ARTICLE 19, “ARTICLE 19 presenta el informe especial ‘Protocolo de la impunidad en delitos contra periodistas’”, Mexico, ARTICLE 19, February 25th 2019, <https://articulo19.org/informeimpunidad/>

19 Demands filed by a group of civil society organizations and human rights defenders called #FiscaliaQueSirva, to end impunity in Mexico; see #Fiscalía que Sirva, “Qué proponemos”, <http://fiscaliaquesirva.mx/> y <https://reforma102.mx/>

20 “La Fiscalía General en la era de Gertz Manero sólo resuelve 7.6 % de los casos: México Evalúa”, Economía Hoy, October 31st 2019, <https://www.economiahoy.mx/nacional-eAm-mx/noticias/10174252/11/19/La-Fiscalia-General-en-la-era-de-Gertz-Manero-solo-resuelve-76-de-los-casos-Mexico-Evalua.html>; Arturo Ángel, “Omissiones y opacidad marcaron el primer año de Gertz como fiscal general: informe”, Animal Político, January 15th 2020, <https://www.animalpolitico.com/2020/01/omisiones-opacidad-gertz-fgr-informe/> Cruz Silva (coord.), ¿1 año de justicia y autonomía de la FGR? Balance ciudadano a un año de gestión del fiscal general de la República, Dr. Alejandro Gertz Manero, México, Fundación para la Justicia y el Estado Democrático de Derecho, https://www.fundacionjusticia.org/wp-content/uploads/2020/01/FINAL_DIGITAL_A-UN-A%C3%A9O-DE-JUSTICIA-Y-AUTONOMIA.pdf

rate of impunity is over 99%, according to the figures published by FEADLE,²¹ which show that out of 1614 cases in progress since its creation (2010), only 14 sentences²² have been handed down. This overview shows three urgent issues to be addressed: restructuring the Mechanism; designing, and implementing a plan to reduce impunity for crimes against journalists; adjusting the official narrative so as not to accentuate the journalists' vulnerabilities.

21 The FEADLE periodically publishes reports on its activities. The last one is from December 2019; see “Conoce a la Fiscalía Especial...”, op. cit.

22 Ibid.

TRENDS IN 2019



More or less public information than in the past?

Since April 2019, Julian Antonio Chepe, community journalist for Diario Alternativo (Alternative Journal), has submitted 15 information requests to the state government and other municipalities from Costa Chica in Guerrero, to document issues affecting his community. He only received one parcial reply. All other requests were denied on the grounds that his media outlet had “misgivings” about the administration.

Eighteen years after the approval of the first Federal Law of Transparency and Access to Information, the institutions at the three levels of government and other obliged entities remain unaware that the information they generate is public and that they are only a repository.

Unfortunately during Andres Manuel Lopez Obrador’s first year in office there have been significant setbacks and the federation ceased to be a reference in the fulfilment of obligations regarding access to information, with an increased lack of attention given to information requests, the failure to comply with transparency obligations and the centralisation of information.

The recurrence of information

From 1st January to 28th November 2019, 259,526 requests for information were submitted to federal institutions, with an increase in the number of appeals for review — ‘challenges’ made by an individual when an information request was not well answered or when access was denied or limited. In 2018, 4.82% of responses to requests were challenged, and in 2019, 6.59%.

Although the increase may be related to the authorities that fail to comply with their duty to grant access, it may also be related to the success of INAI’s²³ policies of reaching out to the population. INAI’s “National Citizen Perception Survey” reports an increase of 2% in people who requested information in 2019, from 8% in 2018 to 10%.

²³ INAI, ““Encuesta Nacional de Percepción Ciudadana INAI 2019 (Face-to-face quantitative opinion survey in housing)” [Online] in INAI, 2019, URL: http://inicio.inai.org.mx/Estudios/INAI_Par%C3%A1metro_2019_V8.pdf, [Retrieval date: February 13, 2020].

**Table 1. Statistics on access to information regarding institutions Federals,
November 28th 2019²⁴**

	2015	2016	2017	2018	2019*
Information request	138 450	205 166	250 644	236 490	259 526
Replies	122 866	181 849	229 863	220 346	236 756
Review appeal	6 913	8 234	8 702	10 631	15 608
Percentage of replies that had review appeal	5.63%	4.53%	3.79%	4.82%	6.59%

* The 2019 figures are for the period from January 1st to November 28th.

Source: Created by the author with information from INAI's SIPOT, Consultation: January 13th, 2020.

Non-existence: an efficient way to deny information

Each administration has developed a series of arguments to maintain control of information. Andrés Manuel López Obrador's administration replaced the secrecy or confidentiality of information with the argument of "non-existence". Thus, in 2019 the number of claims of non-existence of information increased by 160% with respect to the first year of Enrique Peña Nieto's administration and by 285% with respect to Felipe Calderón's. In 2019, there were 14,801 cases of non-existent information²⁵.

The media outlet Animal Político, in which journalist Nayeli Roldán collaborates, made a series of requests in 2019 for information on national programmes and strategies that were announced in morning conferences. The government's strategy to deny the information was to turn the request over to other agencies that also did not have the information and, in the end, to declare the non-existence of the requested information on the grounds that there is no legal provision that imposes the duty on this subject to have the input or documentary support on the issues discussed in speeches and public messages of the Head of the Federal Executive²⁶.

It should be noted that this mechanism is used despite the fact that the General Law of Transparency and Access to Public Government Information itself establishes that all information related to the fulfilment of the powers, competencies and duties of an institution would have to be on file²⁷. Likewise, this mechanism is used despite the fact that the same law establishes in article 206 that "To declare with fraud or negligence the non-existence of information when the reporting parties

24 NACI, "Statistics and Indicators", [Online] on the Official NACI Website, no date, URL: <http://inicio.inai.org.mx/SitePages/AIP-Estadisticas.aspx>, [Retrieval date: January 13 2020]

25 Source: INAI, "Respuestas de inexistencia de la información solicitada por parte de sujetos obligados seleccionados para períodos específicos", 2019.

26 Itxaro Arteta, Gonzalo Ortúñoz, Arturo Daen and Manu Ureste, "El gobierno declara inexistentes planes y programas anunciados por AMLO", [Online] in Animal Politics, April 10, 2019, URL: <https://www.animalpolitico.com/2019/04/gobierno-informacion-programas-acciones/>, [Retrieval date: February 9, 2020].

27 In accordance with Article 19 of the General Law on Transparency and Access to Public Information, it is presumed that information on the powers, competences and functions of the regulated entities must exist and be found in their files or records.

must generate it, derived from the exercise of its faculties, competencies or functions" is sanctioned.

Lack of compliance with transparency obligations

The percentage of non-compliance with transparency obligations in the current administration has increased by 200%, from 255 in 2018 to 656 in 2019, despite the fact that the reporting parties established in the General Transparency Law must make this information available to individuals on the National Transparency Platform (PNT)²⁸.

Most complaints are directed against the political party MORENA with 81, followed by the Ministry of Health with 22 and the Chamber of Deputies with 18²⁹. The lack of compliance with these obligations demonstrates the absence of commitment to the institutional values of transparency and openness.

The centralization of the source of information

In 2019, there was a historic increase in the number of review appeals directed to the Office of the President of the Republic with a total of 515; this is an increase of 817% compared to 2018 when there were 63.

Table 2. Institutions before which most appeals for review resource were lodged (2015-2019)

	2015	2016	2017	2018	2019*
IMSS Mexican Institute of Social Security	942	942	1073	1098	1273
National lottery	1	5	9	49	758
ISSSTE Institute of Security and Social Services for State Workers	290	315	262	296	533
Presidency	104	101	87	63	515
SEP Ministry of Public Education	396	399	419	414	506
PEMEX Mexico Oil	155	226	263	301	442
FGR/PGR Attorney General's Office	247	251	174	248	414
SEDENA Ministry of National Defence	154	168	154	210	375

* The 2019 figures are for the period January 1st to November 28th.

Source: Prepared by the author with information from INAI's SIPOT, Consultation: January 13th, 2020.

Most public policy or decision-making announcements are made at the morning press conferences, hence the increase in information requests addressed to the Office of the President of the Republic. The Directors of the agencies with the greatest increase in review appeals, such as PEMEX, the Ministry of Public Security, the Ministry of the Interior and the Ministry of National Defence, is because have accompanied the President on most occasions during the morning conferences.

28 The transparency obligations correspond to those contained in Articles 60 to 88 of the General Law of Transparency and Access to Public Information and/or its similar ones in the states.

29 Information obtained by INAI and covers the period from January 1st to September 11th 2019.

Unfortunately, the concentration of information from the president is not translating into quality information or strengthening the exercise of the right to information. On the contrary, entrenched practices of opacity remain, such as the lack of attention regarding various information requests, failure to comply with transparency obligations, indifference to the resolutions of the guarantor body and the centralisation of information in a single source.

The President's morning outreach exercises could mean effective ways of getting information to people. However, until now, it cannot be said that what is communicated through these conferences is really information, and not propaganda, agenda positioning, information control or even disinformation. What is required of this administration is to turn transparency and openness into true institutional values and a new way of governing.

Is there more transparency in the transition from the Procuraduría (PGR- former Attorney General's Office) to the Fiscalía (FGR- current Attorney General's Office)?

It is worth analysing the case of the FGR, an institution that has undergone a process of “transformation” towards greater autonomy, but not greater transparency. At the time, the PGR refused to comply with INAI's resolutions in cases related to serious human rights violations, such as the arbitrary executions perpetrated in the community of San Pedro Limón, in the municipality of Tlatlaya³⁰, or serious acts of corruption such as the Odebrecht case, for which the refusal to provide information still stands³¹.

In his Annual Activities Reports 2019³², the FGR stated that according to INEGI “a project is underway to guarantee the autonomy, quality, consistency and homogeneity of the statistical information, emphasising the alignment of conceptual aspects that assertively reflect the operation of the institution and its results in the pursuit of justice”.

During the year 2019 the adoption of these measures has not been reflected in more information being available to society and to date no public versions of the records have been published or generated as mandated by the General Law of Disappearance from 2017, establishing that it is the responsibility of the Attorney General's Office to generate the National Registry of Burials and the National Registry of Unidentified Deceased Persons³³.

30 For more information on the case, see: “A 5 años de la masacre de Tlatlaya, ningún responsable rinde cuentas ante la justicia: Centro Prodh”, online at: <https://aristeguinoticias.com/3006/mexico/a-5-anos-de-la-masacre-de-tlatlaya-ningun-responsable-rinde-cuentas-ante-la-justicia-centro-prodh/> and Plataforma Memoria y Verdad: www.memoriayverdad.mx

31 Reforma Agency, INAI insists FGR for Odebrecht case, online Diario el Mundo, January 28th 2019, URL: <https://www.diarioelmundo.com.mx/index.php/2019/01/28/insiste-inai-fgr-por-caso-odebrecht/> (Retrieval date: January 13th 2019)

32 FGR, Annual Activity Report of the Attorney General 2019, online: Official site of the Federal Government of Mexico, URL: https://www.gob.mx/cms/uploads/attachment/file/533814/Informe_Anual_de_Actividades_2019.pdf, (Retrieval date: February 18th 2020)

33 Stated in Articles 111 and 133 of that law.

Thus, a trend towards non-recognition of the right to information and non-compliance with the resolutions issued by INAI has been identified. The Public Prosecutor's Office, as an autonomous institution, must adopt the values of transparency and openness in its institutional work, and consolidate itself as a model to be followed by the rest of the public prosecutor's offices at state level.

This is fundamental in the context of violence and human rights violations that Mexico is going through, given that the Attorney General's Office is the institution in charge of making access to justice effective. Based on the right to information, it is possible to follow up on the actions of these institutions, which translates into their strengthening.



Access to information: do the poor really go first?

One of the sentences for which Andrés Manuel Lopez Obrador has been known over his 12-year journey to the presidency is “*for the good of all, first the poor*”. As president he made the commitment to provide special attention to Mexico’s indigenous peoples, 71% of whom live in poverty³⁴. Despite this discourse, access to information is a privilege for people with higher levels of education who are not limited by the digital divide.

In Mexico, 59% of public information applicants have a Bachelor’s degree and 28.4% have a Graduate degree. Most requests are concentrated in Mexico City (35%), the State of Mexico (6.5%) and Jalisco (2.9%)³⁵. In contrast, the most isolated and vulnerable communities have and continue to be victims of different forms of exclusion related to this right: due to language, poverty, gender, lack of technology, not being familiar with the technicalities of public administration or, simply, because the institutions do not comply with their duty to guarantee, promote and push for alternative mechanisms to provide information in areas where access to technologies does not exist.

One of the main obstacles to access information is the digital divide, evidenced by the fact that only 52.9% of the population has access to the Internet, according to the National Survey on the Availability and Use of Information Technologies in Households 2018 (ENDUTIH)³⁶. Despite this limitation, transparency obligations are placed on online portals and the information request system depends largely on the use of the Internet³⁷.

In a field study by ARTICLE 19 and Punto Lab in the Palenque region of Chiapas, it was identified that “a clear digital gap exists regarding access to a cell phone and the Internet for older women and the rest of the population in the communities; where they communicate in their mother tongue

34 S/A Social Development Policy Evaluation Report, 2018 (IEPDS)

35 INAI, “Informe de Labores 2018 del INAI”, Online, INAI, URL: <http://inicio.inai.org.mx/Informes%202018/Informedelabores2018.pdf>, (Retrieval date: January 5, 2020)

36 ENDUTIH’s methodology in 2018 was applied to urban (49 cities) and rural areas. INEGI, ENDUTIH 2018 (online), at INEGI, May 9th, press release 252/19, URL: https://www.inegi.org.mx/contenidos/saladeprensa/aproposito/2019/internet2019_Nal.pdf, (Retrieval date: January 15th, 2020).

37 According to the LGTAIP the institutions are obliged to respond to information requests that are physically received in transparency units, also orally and in indigenous languages. However, few institutions have the capacity to deal with this type of requests.

(Ch'ol or Tzeltal) and in most cases do not speak, read or write in Spanish"³⁸. It was found, for example, that what little information on social programmes³⁹ there is, is found on digital platforms in Spanish, and if it is in an indigenous language⁴⁰, it is only written without considering that a significant number of the beneficiaries of these programs do not speak Spanish or do not know how to read.

The obstacle referred to by the digital divide is of particular relevance because it reveals a structural inequality, that places a large population sector at a clear disadvantage in terms of access to relevant information for their daily lives and makes it impossible and/or difficult to demand more rights.

Another obstacle lies in compliance with the law and the responsibility of the institutions and reporting parties to guarantee access to the information that constitutionally and legally would have to be published on Internet portals, which was inaccessible during the first half of 2019.

ARTICLE 19 carried out a series of requests and searches for information on social programmes in this administration⁴¹ implemented in the first half of 2019. The process was characterised by the lack of response, declarations of non-existence of information and a lack of information on the institutions' portals responsible for implementing them. There was a latent resistance from municipal and state authorities, as well as from the reporting parties to give access to information and, in certain cases, it even led to them criminalising or questioning the search for information.

Thus, the discretionary management of information by the government with regard to issues that are relevant to the lives of communities is another way in which the abuse of power is asserted and it is a form of institutional violence which is intentionally carried out by Public Servants. Furthermore, the responses to information requests often do not comply with the criteria of quality, timeliness, accessibility and accuracy of information.

In the National Evaluation of Bodies Guaranteeing the Right of Access to Information 2018 (ENO-DAI 2018), the first area of opportunity we observed was related to information accessibility, which is hampered when the answers are presented in highly specialised language or are in closed formats such as databases scanned as PDF images. Unfortunately, the authorities' behaviour after one year in office, has not changed⁴².

38 Unprecedented report "Transparencia Proactiva. Mujeres en comunidades de Chiapas y el acceso a la información", October 2018.

39 Information recovered from field reports and documentary research conducted within the framework of the Proactive Transparency in Rural and Indigenous Communities project, 2019.

40 It was possible to identify some diffusion posters in Tzeltal language, in communities of the Salto del Agua municipality, Chiapas, summer 2019.

41 "Sembrando Vida" programme, Benito Juarez Grant, "Youth building the Future" Programme, grants for the elderly.

42 Gutiérrez Muñoz, Erick , Altoparlante (de Artículo 19), Organismos Garantes del Derecho a la Información: de la lógica administrativa a un enfoque de derechos ", Animal Político, December 22th 2019, available at: <https://www.animalpolitico.com/altoparlante/organismos-garantes-del-derecho-a-la-informacion-de-la-logica-administrativa-a-un-enfoque-de-derechos/>

Proactive transparency: a conveniently applied measure

The proactive transparency models applied in Mexico are limited to a universe of information needs, identified by a sector of society familiar with the tools and platforms for access, discarding the information needs of the poorest and most excluded communities.

This is despite the fact that Articles 56, 57 and 58 of the General Law on Transparency and Access to Public Information (LGTAIP) establish the obligation and guidelines that should govern proactive transparency and the importance of identifying the needs and consultation patterns of the vulnerable population as well as to seek to ensure that politics contributes to closing the asymmetries⁴³.

Currently, the proactive transparency policies that have been in place until now⁴⁴, are based on the recurrence of information requests, i.e. they are determined from the main trends identified in the requests. The problem with this model is that, if a person does not know the information access system and does not ask about it, he or she is not part of the statistics used to integrate new information into the portals without any request.

Consequently, for the most vulnerable populations that do not have access to the Internet⁴⁵, much less to the platform of the National Transparency System to make an information request, their needs are not considered in a proactive transparency policy.

This is so for several reasons: publicity or knowledge of information is assumed to be obvious; the right to information is unknown; the mechanisms to exercise it are not known or the information is not available in the language of those who need it. In addition, such materials are often presented in technical language that is not easily understood by the majority of the population. Therefore, the proactivity of the guarantor institution actually remains dependent on the citizens' initiative, i.e. it is still to some extent reactive⁴⁶.

All is not lost, good practices exist. In ENOGDAI 2018, we documented that among the promotional actions that are found are the printing of the LGTAIP in the Braille language in the States of Oaxaca, Puebla and Sinaloa; the issuance of formats in indigenous languages for submitting requests for information and filing appeals for review in the State of Veracruz; as well as the continued operation of a council that brings together 35 educational institutions in the State of Coahuila with the aim of including transparency content in their curricula⁴⁷.

43 Article 58, General Law on Transparency and Access to Public Information, DOF, May 4th 2015.

44 In ENOGDAI 2018 only the Commission for Transparency and Access to Information in the State of Nuevo Leon (COTAI) was identified and the INAI had a proactive transparency policy: www.enogdai.org (Retrieval date: February 16th, 2020).

45 ENDUTHI 2018, Op. Cit.

46 ARTICLE 19, "Transparencia proactiva: informe de ARTICULO 19 y Casa de la Mujer Ixim Antsetic (CAM)", ARTICLE 19, July 11th 2017, available at: <https://articulo19.org/wp-content/uploads/2017/07/TRANSPARENCIA-PROACTIVA.pdf>

47 Gutiérrez Muñoz, Erick, op. Cit.

In December 2019, INAI and SFP published the Guide of Proactive Transparency. Building useful public knowledge for the benefit of society⁴⁸, it is also intended as a guideline for the issuance of proactive transparency policies by the bodies that guarantee the right to information and that, in turn, guide the reporting parties in the states.

Due to the digital, linguistic, cultural and gender gaps, among other structural barriers faced by the Mexican population throughout the national territory⁴⁹, it becomes fundamental to implement policies that allow, in particular, people in a situation of vulnerability to exercise the right to information. As long as the exercise of the right continues to be focused on the digital domain and most strategies are based on the Internet, exclusion towards these populations will continue.

In this sense, although a change of narrative is perceived in the current federal administration where priority is given to this population, practices for access to information continue to be discriminatory, as in past administrations. The challenge then is to make relevant, accessible and quality information available to historically disadvantaged individuals and groups for the full exercise of human rights, and hence be in a position to truly build an inclusive democracy.

48 INAI-SFP, Guía de Transparencia Proactiva. Construyendo conocimiento público útil en beneficio de la sociedad., [Online] at INAI-SFP, December 2019, URL: https://www.gob.mx/cms/uploads/attachment/file/522552/Gu_a_TransparenciaProactiva2019.pdf, [Retrieval date: January 15th, 2019]. Added to this is the publication in 2016 of the “Lineamientos para determinar los catálogos y publicación de información de interés público; y para la emisión y evaluación de políticas de Transparencia Proactiva” and the Bank of Practices for Institutional Openness.

49 Jordy Micheli Thirión y José Eduardo Valle Zárate, “La brecha digital y la importancia de las tecnologías de la información y la comunicación en las economías regionales de México” INEGI, Edition: Vol.9, Num. November 2nd, 2018.



Are institutions at the service of those in power or a counterweight of the people?

The former government policy of co-opting the autonomy of public institutions did not substantially change in 2019. Rather, the autonomy of these bodies has been questioned due to persistent cronyism in how top officials are appointed, hampering and causing a regression in the selection process.

Institutions have not been strengthened enough to counterbalance the power of the State, nor have mechanisms been promoted to enable the fulfillment of their legal powers and competences and attributions of law.

In the first semester of 2019, the narrative of president Andrés Manuel López Obrador was derogatory of institutions such as the National Institute of Transparency, Access to Information and Data Privacy (INAI), an institution he accused of operating with an excessive budget and whose usefulness he questioned⁵⁰.

He has similarly attacked other autonomous agencies, which he described as “[...] a sector of the government that enables looting and theft, that awards contracts and permits to private companies” [translated quote] during his morning press conference of 12 February 2019. He added that “most of those agencies’ counselors represented various interest groups.”⁵¹

It is true that several human rights agencies such as the National Commission of Human Rights (CNDH) and the National Institute of Transparency, Access to Information and Data Privacy (INAI) turned their back on their duty to protect human rights and build bridges between the government and civil society, turning into merely bureaucratic entities from the start. In the eyes of citizens,

50 Idem.

51 Rocío Méndez, “Había mucha “simulación” detrás de organismos autónomos: AMLO”, in mvs Noticias, February 12th, 2019. Available online at: <https://mvsnoticias.com/noticias/nacionales/habia-mucha-simulacion-detrás-de-organismos-autonomos-amlo/>, [Retrieval date: January 13 th, 2020.]

these agencies leave much to be desired. Both institutions, however, embody the citizens' struggle for real change and a counterbalance to the power of the State.

The role of agencies such as INAI is essential to Mexico's democracy. In that sense, Alejandra Ríos, researcher at the Center for Research and Teaching in Economics (CIDE), says that "INAI is under undeserved attacked. I do think there is an opportunity to restructure it and make it more efficient, [...] but I also think we should defend it and protect it. If we evaluate how access to public information has changed since 2003, the process has transformed itself for the better in spite of persisting deficiencies" [translated quote.]⁵²

ARTICLE 19 and Fundar, Center for Analysis and Research, have pointed out on numerous occasions and through the Public Appointments Observatory that the institutional weakness of human rights bodies lies in part in their appointment processes. Historically, public agencies have been led by people that protect the government and the abuse of power instead of their constitutional mandate. In other words, these government bodies are headed by cronies, becoming accomplices instead of checking and balancing power.

This does not mean that top-level officials are single-handedly responsible for their institution's efficiency, but they are essential to institutional strengthening and counterbalancing the power of the State. Transparency, accountability and citizen participation agencies do not need to disappear. Rather, they should be equipped with processes that allow them to harness their expertise, and deliver on their legal rights and obligations.

In 2019 the Public Appointments Observatory (ODP) examined 63 public appointments within key bodies for the protection of human rights, notably, three appointments to the Mexican Supreme Court of Justice (SCJN), one to the board of the National Institute of Transparency, Access to Information and Data Privacy (INAI), the chair of the National Commission of Human Rights (CNDH), and the head of the Executive Commission for Victim Assistance (CEAV), among other regulatory bodies⁵³.

This effort revealed a systematic lack of transparency and accountability regarding the Senate's final selection criteria. An attempt from the ruling party (MORENA) to control the process was also made evident, as well as the constant intervention of the Political Coordination Board (JUCOP), which relegated the effort of the expert commissions involved in the selection process.

Public appointments for positions that are key to the country's democracy and balance of power are therefore rushed, opaque in their selection process, and lack effective participation mechanisms.

52 Ariadna Ortega, "López Obrador promete transparencia, pero todavía queda a deber". Expansión, March 13th, 2019. Available online at: <https://politica.expansion.mx/presidencia/2019/03/13/lopez-obrador-promete-transparencia-pero-todavia-queda-a-deber>, [Retrieval date: February 9 th, 2020.]

53 Namely, the Mexican Central Bank (Banxico), the Attorney General's Office (FGR), the National Institute of Statistics and Geography (INEGI), the Federal Commission for National Competitiveness (Cofece), the Energy Regulation Commission (CRE), the Federal Telecommunications Institute (Ifetel), the Federal Court of Administrative Justice (TFJA), local electoral courts, and the Federal Judicial Council (CJF).

For instance, the three minister appointment processes of the Supreme Court of Justice (SCJN) were characterised by candidates that were not only close to the president, but campaigners for the MORENA political party or former candidates for elective office. Such is the case of Loretta Ortiz, who publicly renounced her membership of MORENA during her first interview before the Justice Commission on 17 December 2018, or Celia Maya, who ran for governor of the state of Querétaro twice, first in 2003 as member of the Democratic Revolution Party (PRD), and in 2015 as a member of MORENA.

The appointment of the chair of the National Commission of Human Rights, Rosario Piedra Ibarra, illustrates the tendency to select expressly supportive candidates. In 2018 Ibarra ran for federal deputy with MORENA, and was the Human Rights Secretary of her party's National Executive Commission, a position she held until she was elected chair of CNDH⁵⁴. Moreover, her candidacy was surrounded by concern about the potential illegality and non-compliance of her profile with the Senate's approved requirements.

After analysing the public appointments of the new administration, we can see that autonomous institutions continue to be co-opted as they were in the past. In spite of the historical opportunity available to the current administration, there has not been a real effort to strengthen checks and balances, key elements to a country's democracy.

54 Written / LP, “¿Quién es Rosario Piedra Ibarra, la próxima presidenta de la CNDH? Aristegui Noticias, November 11th, 2019. Available online at: <https://aristeguinoticias.com/1111/lomasdestacado/quien-es-rosario-piedra-ibarra-la-proxima-presidenta-de-la-cndh/>, [Retrieval date: February 19 th, 2020.]



Morning press conferences: a newform of propaganda?

In the first year of Andrés Manuel López Obrador's administration, the federal government's political and social communication has undergone major transformation: it went from the traditional spokesperson's statement and propaganda-filled advertising, including an excessive expenditure on official advertising, to a more affordable, yet efficient, model: the morning press conferences.

During the year, the morning conference was broadcast 252 times and has consolidated its role as the principal means of communication with society. It is political communication and propaganda under a facet of transparency, openness and dialogue and that, by November 2019, had been seen in real time by an average of between 100 thousand and 120 thousand users through Facebook and YouTube daily.⁵⁵

What happened with official advertising?

Although the public spending on official advertising has dropped considerably compared to the previous administration, the allocation of spending remains arbitrary and discretionary; the transformation of the President's conferences-centered communication model still includes official advertising since these conferences are not the only means of social communication in Andrés Manuel López Obrador's government.

Social communication spending will remain a mechanism of indirect censorship due to the lack of clear criteria for its allocation. Given the media's economic dependence on the sale of space for

55 Gabriela Hernández, "AMLO presume que más personas ven las "mañaneras" tras polémica de Culiacán", [En línea] en SDP Noticias, 7 de noviembre de 2019, URL: <https://www.sdpnoticias.com/nacional/amlo-presume-que-tras-polemica-de-culiacan-mas-personas-ven-las-mananeras.html>, [Retrieval date: February 7, 2020].

official advertising, when there is an excess in spending, it is used as a benefit mechanism; whereas when it is low, this also has a controlling effect.⁵⁶

Although Jesús Ramírez Cuevas, spokesman for the Presidency, promised to establish clear rules for allocating official advertising⁵⁷, the General Law of Social Communication published in April 2018 is still in force, which provides guidelines for the discretionary, veiled and arbitrary use of official advertising at the three levels of government.

If the General Law on Social Communication is repealed, giving way to a new law, then it is expected that there will be clear criteria established for the allocation of spend to avoid its use as a mechanism for indirect censorship. Providing institutional information for the purpose educational, informative or social guidance will especially be possible through official advertising, in accordance with the provisions of the eighth paragraph of Article 134 of the Constitution. Thus, official advertising would consolidate itself as a contributing tool, bringing relevant information closer to the population, thus strengthening the exercise of the Right to Information.

The impact of morning press conferences

In addition to the 252 broadcasts of the morning press conferences that took place during 2019 and that were seen in real time by an average of between 100,000 and 120,000 users through Facebook and YouTube daily, Andrés Manuel López Obrador has millions of followers on digital platforms: Facebook had 7 Million subscribers and the Mexican Government had 571,000. In the case of AMLO's YouTube account, there were 1.7 Million people subscribed, and in the case of the Mexican Government's account, 283,000.⁵⁸

It is worth noting that press conferences can be replayed afterwards, i.e. not in real time, and can be shared by other users. This increases the scope of the audience that receive Presidential messages. In addition, the main discussions around the President's messages take place through social media, although these rarely offer verifiable information that can be contrasted with other sources of official information.

Hence, this communication model has relevant propaganda-related, as well as misinformation-related effects: it is a means that reaches many people for its affordability, and it gives room to important discussions in the public sphere based on unreliable information.

56 For further analysis of the mechanisms of media control see: ARTICLE 19 and Fundar: "Libertad de expresión en venta. Acceso a información y censura indirecta en publicidad oficial", [Online] in Fundar: Analysis and Research Center, URL: <http://www.fundar.org.mx/mexico/pdf/LibertadDigitalOk.pdf>, [Retrieval: February 16, 2020].

57 Daniela Barragán, "Jesús Ramírez dice que no habrá ya medios favorecidos con Publicidad Oficial; gastará 4,711 millones" [Online] in Sin Embargo, April 17, 2019, URL: <https://www.sinembargo.mx/17-04-2019/3567599>, [Retrieval date: February 16, 2020].

58 <https://www.facebook.com/gobmexico/>; <https://www.facebook.com/lopezobrador.org.mx/>; <https://www.youtube.com/channel/ucxEgokul-n-wojaNcisHvSg>

Voice centralization: messages that promote, but (mis)inform

Conferences centralise the information with the president as the main spokesperson, which restricts the type of message that is communicated to the society and homogenises the positions that different institutions could have. Hence, these conferences can appear as a form of gatekeeping or a filtering zone in a system. This is a concept that enunciates the control mechanism with respect to the information that enters and leaves: “an act of intentional selection of information and sources, as well as control of access.”⁵⁹

Conferences are an effective tool for setting the stage for public debate. They are a space where there is a dialogue between the President and the journalists, where the President decides to what extent and in what sense a message can be addressed, also managing to quickly transform or distort it. This happens, for example, every time he decides to issue some stigmatising message against the press, managing to turn the messenger into the message and distort what the journalist was trying to report.

An example of this could be seen in May 2019 when he was questioned about state reports on the lack of medicines and staff layoffs in public hospitals. The President said that the contracts of the medicine suppliers were being reviewed and stated that this situation of shortage was worse before his government, but that the media did not report it and now produced propaganda against his administration: “Ya ven cómo es el hampa del periodismo” (“Look at journalism’s underworld”)⁶⁰. After this expression, drugs took a back seat and “journalism’s underworld” became the focus of the message.

The danger of setting the “terms and conditions” of public debate through conferences lies not only in misinformation or biased information but becomes an important element in deepening polarisation. The conferences have been the space for pontificating, moralising, dictating priorities, whipping opponents (including the president’s and journalists) instruct government actions in real time and make public judgments on the moral, political and even legal responsibility of certain individuals.

A relevant aspect is the veracity of the statements and contents disseminated in the morning conferences. According to SPIN data, the President issued 15,000 “untrue statements” (commitments, promises, unverifiable and/or fake statements) in 365 days. This amount even stands out in comparison to the 15,413 false or unverifiable statements made by Donald Trump during 1,055 days of government⁶¹, which have been characterised as the provision of untrue information.

59 Loo Vázquez, José Roberto; Gámez Paz, Dariela; (et. al), “Del Gatekeeper al Content Curator: cambiar algo para que no cambie nada”, Razón y Palabra, num. 92, December, 2015, p. 1-23.

60 José Manuel Rodríguez, “AMLO dice que “el hampa del periodismo” hace propaganda en su contra”, [Online] in CNN, May 24, 2019, URL: <https://cnnespanol.cnn.com/video/amlo-hampa-periodismo-imss-zoe-robledo-ricardo-peralta-vo-perspectivas-mexico-jose-manuel-rodriguez/>, [Retrieval date: February 17th, 2020].

61 Writing, “In 1,055 days, President Trump has made 15,413 false or misleading claims”, [Online] in The Washington Post, December 10 th, 2019, URL: <https://www.washingtonpost.com/graphics/politics/trump-claims-database/>, [Retrieval date: January 15 th, 2020].

This generates relevant impacts in terms of the right to information and freedom of expression, since the data and official information to which one has access through the president's voice, with its a priori moral validation, is hardly questionable and, when it is, it is hidden with other messages generating smokescreens.⁶² In the end, this entails misinformation.

In a study conducted by Impacto Social Metropolitan Group, it also describes a perverse mechanism that makes it difficult to question the president as a moral reference for "change", despite the fact that he offers unverifiable information in his lectures. The study identified the core values used by the "Cuarta Transformación" (The Fourth Transformation), most of them implied in the morning press conferences: justice, social justice, honesty, community, solidarity, moral- Christianity, tradition, national identity. Furthermore, they are intertwined with the root cause of most national problems: "conservatives; neo-liberalism as destroyer of values and community bonds like solidarity and creator of simulated procedures; corruption breeds impunity (not vice versa). Conservatives are the ones against change, liberals enable change."⁶³

In this respect, according to statistics compiled by SPIN's Luis Estrada in Taller de Comunicación Política (Political Communication Workshop),⁶⁴ the most used word in the morning press conferences were: corruption (and derivatives), followed by "people", "PEMEX", "neoliberal", "conservative" and "National Guard".

**Chart 3. Most common words stated in the Morning Press Conferences
"Las mañaneras".**



Source: SPIN Taller de Comunicación Política (Political Communication Workshop).⁶⁵

As we have pointed out throughout this report, morning conferences are a tool for the President to place messages about his "transformation" project and have become a "weapon" within the "peaceful revolution".

62 For further analysis see DIGITAL CHAPTER.

63 Unpublished study conducted by Impacto Social Metropolitan Group Mexico, January 2020.

64 Writing, "La mañanera de AMLO cumple un año y esto es lo que ha pasado", in El Universal, December 3 th, 2019, URL: <https://www.eluniversal.com.mx/nacion/politica/la-mananera-de-amlo-cumple-un-ano>, [Retrieval date: January 14 th, 2019].

65 Writing, "La mañanera de AMLO cumple un año y esto es lo que ha pasado", en El Universal, December 3th, 2019, URL: <https://www.eluniversal.com.mx/nacion/politica/la-mananera-de-amlo-cumple-un-ano>, [Retrieval date: January 14th, 2019].

Thus, the model is different from that used by previous administrations that relied on the use of official advertising but has the same effects on the President's self-promotion and the control of information that reaches society⁶⁶. Moreover, the President's media overexposure caused by the morning conferences as in its time the official publicity, impacts on the public agenda's positioning from the public power, directly affecting the electoral preferences and eliminating the possibility of a true democratic process of transparency and access to information.

66 For further analysis of the use of official advertising as a mechanism for propaganda and indirect censorship, see: Libertad de expresión en venta. Acceso a información y censura indirecta en publicidad oficial, ARTICLE 19 and Fundar: Analysis and Reserach Center, 2015, URL: <https://fundar.org.mx/libertad-de-expresion-en-venta/>, [Retrieval date: February 9th, 2020].



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State atrocity and terrorism: never again?

Access to historical archives of gross human rights violations.

On 1st March 2019, only three months into Andrés Manuel López Obrador's government, he announced the opening of the CISEN archives and archives of other security institutions, which coincided with the publication of the "Agreement establishing various actions for the transfer of historical documents related to human rights violations and political persecutions linked to political and social movements, as well as acts of corruption in the possession of Federal Public Administration agencies and entities."⁶⁷

This meant making available all human rights violations-related documentation to the National Archives of Mexico (AGN). Unfortunately, this broader "Transitional Justice" strategy has fallen short in terms of its implementation: almost a year after the announcement, it is still not known to what extent and how it has been carried out.

The Agreement had major flaws at the outset and lent itself to serious confusion: there was no clarity on how the transfer process would take place. It was also unclear whether it referred exclusively to CISEN files or to all agencies. There were doubts as to whether the review of the pro-

⁶⁷ DOF, ““Acuerdo por el que se establecen diversas acciones para la transferencia de documentos históricos relacionados con violaciones de derechos humanos y persecuciones políticas vinculadas con movimientos políticos y sociales, así como con actos de corrupción en posesión de las dependencias y entidades de la Administración Pública Federal”, [Spanish Online version] at DOF, 2020, February 28, 2020, URL: https://www.dof.gob.mx/nota_detalle.php?codigo=5551415&fecha=28/02/2019, [Retrieval date: January 15 th, 2020].

cedure and concentration archives⁶⁸ would put at risk the existence of key documents linked to cases of human rights violations.⁶⁹

On the other hand, questions arose as to who would review the documents and what would happen to the archives from the period of state repression in the 1960s to 1980s, access to which was still restricted. In addition, it was feared that the protection of personal data concerning victims and witnesses would be put at risk. These doubts were published⁷⁰, but in fact, there is no clarity about its implementation to date. A group of historians has, therefore, requested that the AGN provide information about the list of files it has received from the agencies obliged to provide this information one year after the issuance of the Agreement; there has been no response.⁷¹

The archives of the Federal Directorate for Security (DFS), the General Directorate of Political and Social Research (DGPS), as well as those from the Ministry of National Defense (SEDENA) and other local police forces that took part in acts of repression, which are housed in the AGN - some since 1985 and others since 2002,⁷² derived from a Presidential Agreement on the transfer of archives published in November 2001⁷³ - that already meet the requirements for opening, remained with restricted access throughout 2019, despite this Agreement.

The AGN, colluding with the National Institute for Transparency, Information Access, and Personal Data Protection (INAI), has hereupon disregarded the law and limited access to these archives for

68 The General Law on Archives establishes three types of archives: 1) procedure (trámite): for daily use, necessary for the functions and powers of institutions; 2) concentration: for sporadic use, still guarded by institutions; 3) historical archives: these encompass relevant testimonial values of public interest, are transferred to a general or historical archive and their access is not subject to restriction.

69 "The Agreement for the transfer of historical documents should ensure the protection and effective opening of key documents", [Online] in Article 19, March 1st, 2019, URL: <https://articulo19.org/el-acuerdo-de-transferencia-de-documentos-historicos-debe-asegurar-la-proteccion-y-efectiva-apertura-de-documentos-clave/>, [Retrieval date: January 18 th, 2020].

70 Various positions emerged from the accountability network Red por la Rendición de Cuentas, historians' groups, groups of victims' relatives, and from ARTICLE 19.

71 Available at: <https://www.change.org/p/lopezobrador-segob-mx-carlosruizabreu-m-olgascordero-f-javier-acuna-el-agn-debe-asumir-su-responsabilidad-para-abrir-los-archivos-hist%C3%B3ricos>, [Retrieval date: February 9 th, 2020].

72 According to a statement from the National Archives of Mexico, in 1985, the Ministry of the Interior entered 3,091 boxes into the AGN. This documentary group is made up of files from the Confidential Department of the General Directorate of Political and Social Research and the Federal Directorate for Security, from the period between 1920 to 1975. There are partial records. In 2002, as a result of an agreement by the President, Vicente Fox Quesada (2001), the Centre for Investigation and National Security (CISEN) handed over 4,223 boxes, with approximately 58,302 files, to the National Archives, which span from 1947 to 1985. CISEN provided technical support for files consultation on the premises of the AGN.

73 DOF, "Acuerdo por el que se disponen diversas medidas para la procuración de justicia por delitos cometidos contra personas vinculadas con movimientos sociales y políticos del pasado" by President Vicente Fox, Diario Oficial de la Federación, November 27 th, 2001.

more than 7 months⁷⁴ in a bid to delay the entry into force of the General Law on Archives. In January 2020, the AGN submitted a letter to INAI requesting that the documents of the DFS and DGIPS be declared to be of public interest, which would mean that the documents coming from these two collections would not be subject to any restrictions.⁷⁵

The lack of implementation of the Transfer Agreement of 28 February 2019, together with the lack of unrestricted access to past repression archives found in the AGN, brings us to the conclusion that the Federal Government had no real commitment in 2019 to make gross human rights violations public knowledge.

Instead, the government neglected its duty to remember past atrocities to prevent their present perpetration. In the end, these were blatant announcements that suggested a change in the way of looking at the past that was not translated into effective action.

Public recognition of atrocity

The government of Andrés Manuel López Obrador began with a narrative of openness and commitment to reparation measures, public apologies for past cases and agreements to open up information linked to serious human rights violations. However, apart from the public acts of recognition, there are no substantial changes in practice regarding proactive disclosure of information.

While public apologies are an important symbolic act to begin reparation for damages, they need to pave the way towards other important elements: ending impunity in the case by identifying, prosecuting, and convicting material and intellectual perpetrators; clarifying the truth for the victims and society; providing comprehensive reparations for damages; and adopting non-repetition measures to prevent these acts from happening again.⁷⁶

In other words, a public apology cannot be the ultimate measure, but rather the beginning of a road towards access to justice and truth behind what happened. This would imply that, as part of the non-repetition guarantees, these acts must be accompanied by Politics of Memory.

Cases such as that of Martha Alicia Camacho Loaiza, a member of the Liga Comunista 23 de Septiembre (September 23rd Communist League), who was disappeared together with her husband José Manuel Alapizco Lizárraga by elements of the Army, on 19 August 1977; and that of journalist and activist Lydia Cacho have managed to fully comply with all the aspects that are part of the measures of truth, justice, reparation and non-repetition.

74 At the time of writing, access to the historical archives referred to above is still restricted.

75 AGN, “Para posibilitar la consulta íntegra de los documentos de la DGIPS y DFS, solicita el AGN al INAI su declaratoria de interés público”, [Online] at Archivo General de la Nación, January 16 th, 2020, URL: <https://www.gob.mx/agn/articulos/para-posibilitar-la-consulta-integra-de-los-documentos-de-la-dgips-y-dfs-solicita-el-agn-al-inai-su-declaratoria-de-interes-publico?idiom=es>, [Retrieval date: January 18 th, 2020].

76 Julio Antonio Hernández Pliego, “La reparación del daño en el CNPP” (Damages reparation at CNPP), in El Código Nacional de Procedimientos Penales, IIJ-UNAM, 2015.

The message of the Secretary of the Interior, Olga Sánchez Cordero, in the act of public apology to Martha Alicia Camacho Loaiza is striking; the State recognised its responsibility in perpetrating human rights violations against Martha Camacho and her family, within a context of systematic human rights violations. By recognising the seriousness and systematic nature of these violations, we are talking about crimes against humanity.

Three additional public apologies were offered: in the case of journalist Lydia Cacho,⁷⁷ victim of criminal prosecution, unlawful detention and torture by Puebla state police, due to the publication of her book Los demonios del Edén (The Demons of Eden), warning of the existence of a child pornography network and its links with authorities;⁷⁸ in the case of the victims of the massacre in Allende, Coahuila in 2015;⁷⁹ and, subsequently, in the case of Jorge Antonio Mercado Alonso and Javier Francisco Arredondo Verdugo, two students murdered by elements of the Army at the Tecnológico de Monterrey in the early morning of 19 February 2010.⁸⁰

Statistics on gross human rights violations.

Accessing information on unmarked graves, statistics on missing persons, statistics on unidentified dead persons or statistics on the use of force, has been impossible over the past few years in Mexico. This situation continued throughout 2019.

The little information available on the subject has been published in the President's morning press conferences. On 6 January 2020, the Ministry of the Interior⁸¹ reported that there are 61,637 people

77 Article 19, "Disculpa pública a Lydia Cacho, primer paso a la reparación del daño", [Online] in ARTICLE 19, January 10 th, 2019, URL: <https://articulo19.org/disculpa-publica-a-lydia-cacho-primer-paso-a-la-reparacion-del-dano/>, [Retrieval date: February 15 th, 2020].

78 See: <https://articulo19.org/lydia-cacho-catorce-anos-en riesgo-y-sin-proteccion-efectiva-del-estado/>, [Retrieval date: January 15 th, 2020].

79 Paris Martínez, "Así fue la desaparición masiva de la población de Allende, Coahuila, a manos de Los Zetas", [Online] in Animal Político, October 11th 2016, URL: <https://www.animalpolitico.com/2016/10/desaparicion-masiva-en-allende-coahuila-quedo-en-el-olvido-institucional-colmex/>, [Retrieval date: February 15 th, 2020].

80 Luciano Campos Garza, "A 6 años del asesinato de dos estudiantes del Tec, militares siguen sin castigo", in Proceso, March 18, 2016, URL: <https://www.proceso.com.mx/434051/a-6-anos-del-asesinato-jorge-javier-estudiantes-del-itesm-ejercito-sigue-impune>, [Retrieval date: February 15th, 2020].

81 SEGOB, "Presenta Gobernación Informe de fosas clandestinas y registro nacional de personas desaparecidas o no localizadas", [Online] in Ministry of the Interior, January 6, 2020, URL: <https://www.gob.mx/segov/prensa/presaenta-gobernacion-informe-de-fosas-clandestinas-y-registro-de-personas-nacional-desaparecidas-o-no-localizadas>, [Retrieval date: January 18th, 2020]. Videoconference at: <https://www.youtube.com/watch?v=4zdfIbfwX9o>, [Retrieval date: January 18th, 2020].

missing since the 1960s and 873 graves identified since December 1 2018.⁸² The truth is that when information requests are presented regarding reports or public versions of records which could contradict what is presented in those conferences, the information is not delivered.⁸³

This situation affects the search efforts of the groups of relatives of disappeared persons. Similarly, the methodologies⁸⁴ and databases that allow this information to be contrasted and verified are not published, as is established by the General Law on Transparency and the General Law on Archives. These records - at this report's time of publication - were not yet ready, despite having been mandated in 2017 with the publication of such Law.

Something similar happens with statistics on the use of force by security institutions. ARTICLE 19, together with the CIDE Central Region Drug Policy Program (PPD), made requests for information on the number of people killed and injured in "confrontations" or "aggressions" with security forces, in addition to public versions of detailed reports on the use of force, and approved police reports.⁸⁵

The requests for information led to appeals for review which, in turn, led to amparo proceedings which are currently underway. In other words, there is still a lack of transparency in institutions such as the Army, no change in the responses to requests for access to public information, and no clarity in the methodologies used by the State when recovering information.

A comprehensive policy in terms of the right to truth on gross human rights violations, including access to information and access to justice for victims, as well as reparation and non-repetition measures, is lacking still.⁸⁶

Memory and dialogue can be achieved through information; with memory it is possible to prevent new cases from occurring. If the measures taken by the new government remain in "hype" announcements of file transfers not actually carried out, or only with public apologies, building solid public policies of non-repetition of the atrocities is not feasible. Let it not fall into oblivion, for therein lies, to a large extent, the hope for change.

82 SEGOB, "Informe sobre fosas clandestinas y registro nacional de personas desaparecidas o no localizadas", Ministry of the Interior, January 6 th, 2020, URL: <http://www.alejandroencinas.mx/wp-content/uploads/2020/01/REGISTRODEPERSONASDESAPARECIDAS.pdf>, [Retrieval date: January 18th, 2020].

83 These are the National Record of Disappeared and Non-located Persons, the National Record of Unidentified Dead Persons, and the National Record of Unmarked Graves. The first is managed by the CNB and the other two by the FGR.

84 Knowing the database methodologies is fundamental because the figures can change radically with respect to the definition of concepts such as disappeared or grave. Groups of relatives of the disappeared have decided to name the "graves" as "hiding places". This conceptual change would increase the statistics in the number of findings.

85 Request for information with folio PNT 000700213818, 2018.

86 The IACHR establishes that the Right to Truth has two components: a) the obligation to investigate and punish those responsible and; b) the obligation to establish the truth of what happened. IACHR, The Right to the Truth in the Americas, [Online] in IACHR, August 13th, 2014, URL: <http://www.oas.org/en/iachr/reports/pdfs/Right-to-Truth-en.pdf>, [Retrieval date: February 15 th, 2015].



Migrants: targets of hate, discrimination and disinformation?

In 2019, disinformation, harassment, discrimination, and even hate speech marked the narrative of Mexicans towards the migrant caravans that settled in Tapachula, Chiapas, an area with high migration flows. These narratives describe migrants in a way that shows distrust towards their economic condition, immigration and social status, race, and political affiliation.

As a result of the waves of migrant caravans that have arrived in Mexico since October 2018, an estimated 500,000 undocumented migrants entered Mexico through its southern border in the first six months of 2019⁸⁷. In view of this situation and under pressure from the U.S. government, the Mexican government launched a migration containment policy through the Migration and Development Plan⁸⁸. Under the plan, at least 10,500⁸⁹ officers of the Mexican National Guard were deployed in 23 municipalities⁹⁰ at the southern Mexican border with the purpose of containing and discouraging undocumented crossings. Similarly, members of the armed forces were appointed delegates of the National Migration Institute (INM), while⁹¹ checkpoints, raids and inspections in-

87 Mexican government, “Plan de Migración y Desarrollo Instituto Nacional de Migración” (video footage.) Published on September 26th, 2019. Available at: <https://www.gob.mx/inm/videos/plan-de-migracion-y-desarrollo-instituto-nacional-demigracion-219768>

88 Aristegui Noticias, “Flujo migratorio se redujo 56% gracias a la estrategia migratoria implementada por México: Ebrard”, *Aristegui Noticias*. Published on September 6th, 2019. Available at: <https://aristeguinoticias.com/0609/mexico/flujo-migratorio-se-redujo-56-gracias-a-la-estrategia-migratoria-implementada-por-mexico-ebrard/>.

89 *Ibid.*

90 Espino, Manuel, “Guardia Nacional sella 23 municipios en el sur”, *El Universal*. Published on June 20th, 2019. Available at: <https://www.eluniversal.com.mx/nacion/guardia-nacional-sella-23-municipios-del-sur>.

91 Sin Embargo, “Contención, militares, reportes a Washington. Pues sí, México ya no es “la mano tendida al migrante”, *Sin Embargo*. Published on September 12th, 2019. Available at: <https://www.sinembargo.mx/12-09-2019/3644320>.

creased, as well as threats against carriers to prevent undocumented migrant traffic.⁹² As a result, 278,995 migrants⁹³ were detained between June and November 2019, many of whom are stranded in Tapachula.

Forcing migrants to stay in Mexico has affected all stakeholders. It has also polarised public opinion with regard to the urgent, intense, and diverse phenomenon of migration in Mexico. Field research from ARTICLE19 revealed a deliberate attempt from unidentified actors to create and disseminate disinformation⁹⁴, as well as to promote harassing, discriminatory and hate speech⁹⁵ through information and communication technologies (ICTs.)

Sharing misinformation could be motivated by a number of reasons, and although it is hard to find a categorical explanation for this behaviour, what we do know is that some forms of misinformation can potentially confuse the public and even incite violence, discrimination or hostility towards migrants.

In ARTICLE 19's 2018 report *Ante el silencio, ni borrón ni cuenta nueva*, ARTICLE 19 highlighted the danger vulnerable populations face as a result of discriminatory rhetoric, hate speech, and the promotion, defense, and incitement of violence. One year after the new administration took office and in the midst of polarized public debate, this rhetoric is fueling misinformation and strengthening nationalism, putting at stake respect for cultural diversity and the importance of migration for the development of the country.

Key concepts in this report

Discriminatory speech is the act of expressing prejudice against a person, potentially preventing them from exercising their rights freely.

92 Ibid.

93 Arista, Lidia, "El 'muro mexicano' disminuye la migración a Estados Unidos", *Expansión Política*. Published on January 23rd, 2020. Available at: <https://politica.expansion.mx/mexico/2020/01/23/el-muro-mexicano-disminuye-la-migracion-a-estados-unidos>.

94 See explanation chart.

95 "Discriminatory speech" [...] attempts at promoting a person's or group's exclusion, segregation, or deprivation of their rights. Hate speech and harassing speech refer to the "systemic use of speech to prevent public expression in whole or in part. These discursive practices seek to infringe upon the right to freedom of expression through harassment or intimidation" [translated definition.] (Torres, Natalia and Víctor Taricco, "Los discursos de odio como amenaza a los derechos humanos", Center for Research on Freedom of Expression and Information Access (CELE, Argentina.) Published on April 2017. Available at: https://www.palermo.edu/Archivos_content/2019/cele/Abril/Los-discursos-de-odio_Torres-y-Taricco.pdf.

Hate speech⁹⁶ is even more harmful to democracy, not only because it spurs self-censorship, but because it compromises a person's integrity, liberty, and even life by making them more prone to physical harm. As a result, hate speech has been prohibited by the international community at large.

There is a third concept which, as opposed to the previous two, encourages the transition from discrimination to actual violence, and that is the incitement of violence and discrimination. These manifestations seek to cause prejudice to a person's dignity and integrity, without actually attempting harmful action. Incitement is therefore more serious than discriminatory speech, but less serious than hate speech⁹⁷.

Current international instruments and standards do not foresee a universally accepted definition of disinformation. ARTICLE 19 believes a single definition will never suffice, due to the multidimensional nature of this phenomenon, especially due to the impossibility of clearly differentiating fact from opinion. For the sake of intelligibility, however, this report defines disinformation as information and propaganda that are shared “with the purpose of creating confusion in a population, and interfering with the public’s right to learn about a matter, find information about it, and exchange information and opinions despite physical borders”⁹⁸.

Prejudice, stereotypes and subjectivity blend into narratives about migrants and migration, affecting society’s opinion about the current political, economic and social agenda.

Discriminatory rhetoric found in the media or even practiced by local authorities stigmatises and intensifies the feeling of rejection and resentment against migrants from Africa. For instance, local officials have expressed that migrants “are bringing sexually transmitted diseases and HIV to [their] communities, and will make the healthcare system collapse”, while some people feel that public spending is focusing on foreigners instead of locals. As a result, apart from being constantly discriminated against by society, African migrants are being blamed for a regional increase in HIV by the local health authorities⁹⁹

96 Much as there is not a universally accepted definition of hate speech, it can be described as an “intense and irrational emotion of opprobrium, enmity and detestation towards an individual or group for reasons of race, color, sex, language, religion, political or personal opinion, nationality, properties, birth place, conditions, or date; indigenous origin or identity, disability, migrant or refugee status, sexual orientation, or gender identity.” The impact of hate speech should also be considered with regards to: 1) harm resulting from hateful expression or actions thereof, such as a) emotional harm to the target, b) wrongful social incitement of hateful actions in prejudice of an individual or group; 2) the need to identify a cause-consequence relationship between hateful expressions and harm caused; 3) the probability or imminence of harm; and 4) the will to cause harm and socialize harmful action. ARTICLE19. ‘Hate Speech’ Explained. A Toolkit. 2015. <https://www.article19.org/data/files/media/library/38231/%27Hate-Speech%27-Explained—A-Toolkit-%282015-Edition%29.pdf>.

97 See ARTICLE 19 (2012), Principios de Prohibición a la incitación, la discriminación, la hostilidad o la violencia.

98 Ibid.

99 Mandujano, Isaín, “Tapachula, la melilla mexicana para los migrantes africanos”, Chiapas Paralelo. Published on October 8th, 2019. Available at: <https://www.chiapasparalelo.com/noticias/chiapas/2019/10/tapachula-la-melilla-mexicana-para-los-migrantes-africanos/>.

Women in particular are being subjected to gender, sexual and physical stereotyping. For example, judgmental or discriminatory narratives against Honduran women “justify” social and labour discrimination against them.

In spite of this situation, the National Migration Institute has made statements or omissions that give way to doubt, uncertainty, and speculation, creating a fertile breeding ground for the dissemination of and belief in disinformation. The government should take a proactive stand and engage in positive actions to give more and better information, as well as to organise informational and awareness-raising campaigns in communities migrants transit through.

In that sense, authorities have not disproved reports inciting xenophobia and disinformation, given a transparent account of their budget and how those resources are allocated, nor informed how many migrants have been detained or how many are seeking asylum¹⁰⁰. As a result, there is no clarity as to how many migrants are living in Tapachula.

Civil society organisation Sin Fronteras warned about contradictions by the National Migration Institute (INM), the Ministry of the Interior (SEGOB), and the Executive. According to the organisation’s director, Ana Saiz, “while INM says that access to immigration detention centres is forbidden, SEGOB says INM was not authorised to deny access to its facilities, and the President says access cannot be denied” [translated quote]¹⁰¹. Silence, contradictions and statements from authorities raise the question about whether the government could be involved in a disinformation strategy that would make the local population support current migration policy and militarisation.

For instance, a February 2020 poll published by the newspaper El Financiero revealed that 64% of Mexicans think that borders should be closed to migration, while 73% agree with the deployment of the National Guard to stop the inflow of Central American migrants trying to cross into Mexico through its southern border to go to the United States¹⁰².

Discrimination, violence, and hate compromise and threaten human rights. The government should therefore promote the embrace of diversity, informed dialogue, idea exchanges, and proactive discussions to enrich public debate and decision-making.¹⁰³

With regards to the fight against disinformation, authorities have the obligation to speak the truth and to be actively transparent to meet the need for information among different members of society.

¹⁰⁰ Pradilla, Alberto, “Migración detiene y encierra a solicitantes de refugio pese a tener papeles”, *Animal Político*. Published on October 14th, 2019. Available at: <https://www.animalpolitico.com/2019/10/migracion-detencion-migrantes-refugio-chiapas/>.

¹⁰¹ González, Isabella, “Acusan descoordinación en migración”, *Reforma*. Published on January 29th, 2020. Available at: https://www.reforma.com/acusan-descoordinacion-en-migracion/ar1863693?__rval=1.

¹⁰² Moreno, Alejandro, “Inicia AMLO 2020 con respaldo de 71%”. *El Financiero*. Published on February 4th, 2020. Available at: <https://www.elfinanciero.com.mx/nacional/inicia-amlo-2020-con-respaldo-de-71>

¹⁰³ ARTICLE 19. *Ante el Silencio, Ni Borrón Ni Cuenta Nueva: Informe anual 2018*. Published on April 2nd, 2019. Pg. 204. Available at: https://articulo19.org/wp-content/uploads/2019/05/Ante-el-Silencio-Ni-Borrón-Ni-Cuenta-Nueva_ABRV2.pdf

Additionally, they have the positive obligations to adopt a legal and regulatory framework that promotes, incentivises, and supports a free, independent, and diverse communication environment, including the media; to promote digital and media literacy, raising awareness among and ensuring the participation of civil society and other stakeholders; and to consider additional measures to promote equality, non-discrimination, cross-cultural understanding, and other democratic values, with the additional purpose of tackling the negative effects of disinformation and propaganda¹⁰⁴.

By contrast, governments have the negative obligation to refrain from passing regulations or legislation against disinformation, since there is no empirical evidence that justifies the need for such instruments. They should also avoid using ambiguous or undefined concepts such as “fake news” or “fake information” to address or control disinformation.

104 *Ibid.*



SEXUALIZADO
FEMINIZADO



Women: are we making our voices resonate?

In 2019, feminist protests ignited and became true acts of civil disobedience to grab the attention of the government and bring about structural changes for equality, justice and non-violence, in a country where Violence against Women is growing every year.

While in 2017, 2,536 women were victims of intentional homicide, of which 741 were classified as femicides; in 2018, 2,773 intentional homicides were recorded, of which 891 were classified as femicides. Finally, in 2019, 2,819 were recorded, of which 976 were identified as femicide¹⁰⁵.

In addition to femicide, there are other types of violence exercised daily against thousands of women in Mexico, such as physical and sexual violence, which in some cases is even perpetrated by the state itself. In Amnesty International's report, *Surviving Death*¹⁰⁶, it was revealed that 33% out of a hundred women interviewed reported having suffered sexual violence during an arrest in the context of judicial detention; while 72% of those interviewed were victims of touching in a similar situation, and almost all of those detained, 92% were threatened.

The government's inability to reduce Violence against Women and its responsibility as a perpetrator, either directly or through re-victimisation, has led to a change in the strategies of women's and feminist collectives' social mobilisation with the aim of highlighting the discontent, impunity and systemic violence.

The case of Lesvy Berlin Osorio, a 22 year-old young woman, victim of femicide in *Ciudad Universitaria* at the hands of her then partner¹⁰⁷ and in which the then Attorney General's Office of Mexico City made known, via twitter, information re-victimising her for possible drug and alcohol use

105 SNSP, Información sobre violencia contra las mujeres Incidencia delictiva y llamadas de emergencia 9-1-1- Available at: https://drive.google.com/file/d/1R3URXMUBiFMA46mo04k2v_G95fR5Lvfp/view

106 Amnesty International, *Surviving Death, Police and Military Torture of Women in Mexico*. Available at: <https://www.amnesty.org/download/Documents/AMR4142372016ENGLISH.PDF>. [Retrieval date: January 28 th, 2020].

107 October 18, 2019, Jorge Luis Hernandez was sentenced to 45 years in prison when he was found guilty of the femicide of Lesvy Berlin Osorio.

prior to her murder, led to the Twitter and Facebook hashtag *#SiMeMatan*, through which Mexican women of different ages and from various entities showed discontent about the authorities' treatment of femicide. Following the mobilisation on social media, a series of protests began, demanding justice for Lesvy and all those women who are attacked every day.

There has been an upsurge in such protests in recent years, which have a clear history. In 2015, the movement *#Niunamenos* was created in Latin America to demand a stop to femicide violence. In 2016, there were mobilisations like *#VivasNosQueremos* and *#Mareaverde*, demanding the decriminalisation of abortion. In addition, every year on March 8 (International Women's Day), as well as on November 25 (International Day to Eradicate Violence against Women) there are social protests that continue to demand justice and combat Violence against Women.

The irruption of women in the civic space creates, in itself, adverse reactions, because it is an act that breaks with traditional gender roles. In an interview with ARTICLE 19, Jimena Soria, mobilisation coordinator for the organization Information Group on Reproductive Choice (GIRE), commented on this issue: *"When a woman breaks a glass or paints a monument, it is considered disruptive because it is seen as an act of violence due to the fact that it goes beyond the role traditionally assigned to women. That is where feminist protests, in addition to demanding justice, seek vindication of certain acts of expression."*

Criminalising and stigmatising the ways in which women protest is a mechanism of repression because, by distorting a movement's legitimacy, it curbs freedom of expression and inhibits citizen participation while contributing to the social lynching of women, thus jeopardising those who demonstrate.

On 12 August 2019, dozens of women gathered at the Ministry of Citizen Safety in the country's capital to demand justice over the alleged sexual assault¹⁰⁸ of three women by police officers. During the mobilisation, as an act of protest, a demonstrator covered Jesus Orta, then Minister of Public Safety of Mexico City, with pink glitter. In response, Claudia Sheinbaum, the head of the Mexico City government, called these events "provocation" and said she would open an investigation to find out who was (or were) responsible.

The head of government's statement shows the lack of recognition of the importance of protest in democratic contexts, even more so in contexts of a crisis of violence. On the one hand, her discourse delegitimises and criminalizes certain forms of protest, and on the other, she equates acts of protest with acts of violence.

This is dangerous because it justifies the possibility of criminalisation or the use of force by the State and obscures the reasons that have led thousands of women to appropriate the civic space to demand justice, truth and reparation for femicide violence. Initiating an investigation, as a public threat of the use of the state apparatus against the demonstrators, can generate an inhibiting effect on the exercise of the right to protest.

¹⁰⁸ El País; La respuesta del Gobierno de Ciudad de México a una supuesta violación por policías desata la indignación. Available at: https://elpais.com/internacional/2019/08/13/mexico/1565652861_953256.html

Civil disobedience is protected by the Right to Protest.

Civil disobedience, as defined by John Rawls, (2007) is: *a conscious and political non-violent public act, contrary to the law, usually committed with the purpose of bringing about a change in government's regulations or programs*¹⁰⁹. In other words, civil disobedience has the aim of publicly evidencing some injustice or law that contravenes some human right or that affects or oppresses some determined group and is protected by the rights to freedom of expression and the right to political participation.

In this sense, the current forms of demanding justice within feminist protests are precisely a way of exercising the right to freedom of expression, while at the same time influencing political participation through the appropriation of civic space¹¹⁰.

During the mobilisation, in an act of civic disobedience, some demonstrators painted on buildings and monuments, the Angel of Independence being one of the most visible. In response, an official and media narrative was produced, criminalising these forms of expression. For example, Beatriz Gutiérrez Müller, Historian, Chair of the *Consejo Honorario de Memoria Histórica y Cultural de México* (Honorary Council of Historical and Cultural Memory of Mexico), who determined the acts as vandalism,¹¹¹ and of the Mexico City's Minister of Culture, who affirmed that the monuments of Paseo de la Reforma would be restored, *first, as an act of solidarity with firm and pacifist feminists, and in response to any form of violence, wherever it may come from*¹¹².

The production and reproduction of such a narrative generated the division in public opinion between "good" demonstrators (those who did not generate any damage), and the "bad" ones who behaved in a "violent" way. These narratives that stigmatised and criminalised protest resonated more than the women's own voices demanding justice in a country where being a woman is high risk.

ARTICLE 19 activated the #RompeElMiedo Network to monitor attacks against journalists and defenders, as well as to counteract the usual disinformation that arises during protests. As a result of it, eleven attacks against reporters, videographers and photographers were documented.

109 Rawls, John; Civil Disobedience. Stanford Encyclopedia of Philosophy. 2007. Available at: <https://plato.stanford.edu/entries/civil-disobedience/> [Retrieval date: February 10 th, 2020].

110 The IACHR emphasizes that: the States should stop applying criminal definitions that turn into criminal acts conduct commonly observed in protests, such as roadblocks or acts of disorder that, in themselves, do not affect property such as the life, safety, or freedom of persons, since in the context of protests they constitute forms related to the exercise of the rights to freedom of expression, assembly, and free association. RELE, IACHR; Protest and Human Rights.

111 Infobae: Beatriz Gutiérrez Müller reprobó las pintas en el Ángel de la Independencia durante manifestación por la violencia contra la mujer. Available at: <https://www.infobae.com/america/mexico/2019/08/27/beatriz-gutierrez-muller-reprobo-las-pintas-en-el-angel-de-la-independencia-durante-manifestacion-por-la-violencia-contra-la-mujer/>

112 Ministry of Culture; Coordinación institucional para recuperar el patrimonio monumental de la Ciudad de México. Available at: <https://www.cultura.cdmx.gob.mx/comunicacion/nota/0970-19>

Unfortunately official, as well as some media, coverage sought to link the attacks against journalists to the purposes of the mobilisation, dividing public opinion and stigmatising those who demonstrated. If the intention is to create a new cultural and political hegemony based on a discourse that appeals to social change, in the sphere of feminist protest, we are faced with the same Manichean and conservative categorisation of stakeholders of power.

Due to the State's absence in combating Violence against Women, feminist protests are increasingly frequent and resonating more and more. In the Mexican context, in which a woman is murdered approximately every 3 hours, recognising the importance of getting her voice heard, and of occupying public space in both the physical and digital spheres, is necessary.



Voices in the digital space

During 2019, the administration's first year, we have witnessed growing pressure from the State in the digital sphere. Andrés Manuel López Obrador's arrival to the Presidency promised historic changes, a new regime that would erase old practices and lay a new foundation for democracy, such as the freedom of expression and access to information in the digital space. However, the State still does not guarantee internet universality and has deployed a strategy to impose a single narrative on social networks, aligned with the government's vision.

Internet, for everyone?

A glance at internet universality from La Montaña de Guerrero (The Guerrero Mountains)

After every six-year administration period, governments have failed to close the digital gaps in historically excluded regions, even though internet access stands as one of the means par excellence for the effective exercise of human rights, especially freedom of expression and access to information. For the communities of La Montaña Alta in the state of Guerrero it would mean having a space to express themselves, to seek and receive information, to tell what is happening in their communities which today have no connection. The state ranks fourth nationally with the highest percentage of households not connected to the Internet (65%), of which the majority is concentrated in rural areas (35.3%).¹¹³

In Mexico, according to the ENDUTIH 2018, 34.2 million people still have no Internet access, and 16.3 million households do not have an internet connection. The digital divide is most noticeable in the rural and indigenous areas of the country. Chiapas ranks first with the lowest level of internet use in rural areas, with only 26.6% of users, while Guerrero and Puebla have 30.4 and 31.4%, respectively.

113 National Institute of Statistics and Geography, INEGI, "Encuesta Nacional sobre Disponibilidad y Uso de Tecnologías de la Información en los Hogares (ENDUTIH) 2018", INEGI, <https://www.inegi.org.mx/programas/dutih/2018/default.html#Tabulados>

Public policies for non-discriminatory Internet access

To guarantee the right of access to ICTs, including broadband and the Internet,¹¹⁴ the government created the company CFE Telecomunicaciones e Internet para Todos (CFE Telecommunications and Internet for All), with the objective of connecting the country's most remote communities to the web. ARTICLE 19 acknowledges the need to design digital literacy programmes coupled with connectivity strategies in order to make Internet access an instrumental right that enables the exercise of other rights, such as freedom of expression, and information and economic, social and cultural rights.

Likewise, a socio-cultural, community and indigenous perspective should be integrated into any policy, programme or impact assessment related to Internet access in Mexico, in addition to designing connectivity strategies with a gender perspective, especially in rural and indigenous areas. For its part, the Congress of the Union must guarantee, on an annual basis, the necessary resources to allow the National Institute of Statistics and Geography (INEGI) to continue with the ENDUTIH.¹¹⁵

The struggle to control the digital space

New modalities, old public policies

The digital space and social networks accompany the country's 4T (4th Transformation) and have been placed at the centre of Mexican politics¹¹⁶ as a tool for social articulation that will break the "informational fence" of traditional media.¹¹⁷ However, as new expressions of criticism and dissent appear, silencing mechanisms emerge, developed to curb them. Thus, the freedoms in the digital space and their new relationship have brought disenchantment, and the old practices of the previous six years continue, as well as the use of a variety of formulas,¹¹⁸ including automated accounts on social networks - particularly Twitter - to defend the government's image, the presiden-

¹¹⁴ Agreement establishing CFE Telecommunications and Internet for All, official gazette of the federation, August 2nd 2019, https://www.dof.gob.mx/nota_detalle.php?codigo=5567088&fecha=02/08/2019

¹¹⁵ States should collect, analyse and track data disaggregated by sex and gender on access to and use of ICTs in order to better understand how to achieve digital inclusion and how to develop informed policies. A/HRC/35/9, op. cit., paragraph 53.

¹¹⁶ Úrsula Viridiana Córdova Morales, "La transformación de la comunicación política global de las campañas electorales. El caso de Tatiana Clouthier, la coordinadora de campaña presidencial de Andrés Manuel López Obrador en Twitter", Conjeturas Sociológicas, 2019, num. 18, pp. 10-39, <http://revistas.ues.edu.sv/index.php/conjsociologicas/article/view/1473>

¹¹⁷ "AMLO agradece a redes sociales por romper 'cerco informativo' de los medios tradicionales", Aristegui Noticias, June 21st 2019, <https://aristeguinoticias.com/2106/mexico/amlo-agradece-a-redes-sociales-por-romper-cerco-informativo-de-los-medios-tradicionales/>

¹¹⁸ ARTICLE 19, "En los primeros cien días de gobierno se ha intensificado la intolerancia a la crítica y al discurso disidente", ARTICLE 19, March 12th 2019, <https://articulo19.org/en-los-primeros-cien-dias-de-gobierno-se-ha-intensificado-la-intolerancia-a-la-critica-y-el-discurso-disidente/>

tial figure, his collaborators and his decisions. This reduces the scope of critical and dissident voices, mainly journalists, as documented in SignaLab Mexico's 2019 report: *la disputa por la interpretación* (the dispute for interpretation).

As a result, the digital space, and in particular social networks, has once again become the stage¹¹⁹ from which to impose a single narrative, controlling conversations and encouraging polarisation.¹²⁰ The current administration is responsible for protecting multiple expressions in the digital sphere and preventing the obstruction of freedom of expression through the distortion of online dialogue. It is also responsible for establishing transparency mechanisms to prevent the arbitrary and indiscriminate use of public resources to close down participatory spaces online and social networks.

Regulatory excesses and risks to freedom of expression in the digital environment

This administration is playing a dominant role in looking for more active Internet regulation. This will give the State greater control over the digital space, negatively affecting freedom of expression and access to information. An example of this is the attempt by the Ministry of Finance and Public Credit (SHCP) to impose penalties that are disproportionate and harmful to freedom of expression. Examples of the penalties include: blocking technological platforms that fail to comply with their tax obligations¹²¹ or initiatives presented on the so-called "right to be forgotten"¹²², including a bill based on the misinterpretation of the right to privacy and personal data protection¹²³, which would pave the way for censoring information of public interest by classifying digital media

119 Signa Lab, "México 2019: la disputa por la interpretación", Signa Lab, May 23th 2019, https://signalab.iteso.mx/informes/informe_disputa-polarizacion_01.html#footnote-01

120 SignaLab defines "polarisation on Twitter such as the radicalisation of 'opinion' zones and judgements that show either open rejection or an uncritical or honest defensive stance towards a news, discussion, image or public figure and which may or may not be artificially produced in digital environments".

121 ARTICLE 19, "El Estado mexicano debe impulsar impuestos a la economía digital sin limitar la libertad de expresión ni la innovación", México, ARTICLE 19, September 30th 2019, <https://articulo19.org/el-estado-mexicano-debe-impulsar-impuestos-a-la-economia-digital-sin-limitar-la-libertad-de-expresion-ni-la-innovacion/>

122 ARTICLE 19, "Iniciativa para reconocer el 'derecho al olvido' abre puerta a la censura y es contraria a los derechos humanos", México, ARTICLE 19, January 14th 2020, <https://articulo19.org/iniciativa-para-reconocer-el-derecho-al-olvido-abre-puerta-a-la-censura-y-es-contraria-los-derechos-humanos/>

123 "While the protection of personal data is a legitimate objective, at no time may it be invoked to limit or restrict the circulation of information of public interest, about public officials or persons, or candidates in the exercise of their functions, or involving human rights violations" Office of the Special Rapporteur for Freedom of Expression, SRFE, Inter-American Commission on Human Rights, IACHR, "Informe Anual de la Comisión Interamericana de Derechos Humanos 2016", OEA/Ser.L/V/II. Doc. 22/17 March 15th 2017, <https://www.oas.org/es/cidh/expresion/docs/informes/anuales/InformeAnual2016RELE.pdf>

as personal data processors. Also worrying are the proposed reforms to the National Criminal Code¹²⁴ to incorporate crimes related to the digital sphere such as “terrorism” and “fake news”.

These attempts to reform are signs that the government in power is under pressure to narrow the margins and limit the plurality of expression and information in the digital sphere. Although so far the projects to change the legal framework have not materialised, ARTICLE 19 warns that legislative bills, or any other action coming from the State, must recognise the nature of the Internet. They must also avoid over-regulating and developing mechanisms that, while intended to address some phenomenon in the digital space, end up restricting the exercise of human rights.

Punitive populism against freedom of expression

Violence against women in the digital space has not ceased in recent years. As already mentioned, 2019 was marked by a strong mobilisation of women’s groups looking to reform criminal codes in different states of the country. The objective was to include the non-consensual dissemination of images with sexual content as a crime. This punitive model has been gaining strength and, with it, a policy of criminalisation. Moreover, it is not only a palliative remedy for structural violence against women in a country where impunity and re-victimisation¹²⁵ are rife but has negative effects on freedom of expression. It also opens the way for the criminalisation of journalism and implies the risk of legislation that restricts the flow of information on matters of public interest.

In a transparency exercise, ARTICLE19 identified how prosecutors’ offices deal with crimes of violence against women on the Internet. The information submitted by the prosecutors’ offices of Aguascalientes, Chiapas, and Durango provided elements showing that these state judicial instances face delays and work overload. The low progress from the investigation file to the “judicialisation” of the crime also causes revictimisation because of almost absolute impunity.

The struggle to stay online

Over the last three years, ARTICLE19 has documented cases of journalists and digital media that have confronted online censorship through content removal in different ways.¹²⁶ This trend continued in 2019. In the field of social networks, content removal is based on the infringement of some of its community rules. In the case of webhosts, the arguments are associated with contractual policies, and special emphasis on copyright violations, such as those alleged under the Digital

124 ARTICLE 19, “Iniciativa de Código Penal Nacional restringiría la libertad de expresión y el derecho a la información”, México, ARTICLE 19, January 20th 2020, <https://articulo19.org/iniciativa-de-codigo-penal-nacional-restringiria-la-libertad-de-expresion-y-el-derecho-a-la-informacion/>

125 “Falta de investigación y filtración de información en los casos de feminicidio”, recomendación 9/2019, Comisión de Derechos Humanos de la Ciudad de México, p. 40, párr. 66, https://cdhcm.org.mx/wp-content/uploads/2019/09/Reco_092019.pdf

126 Content removal refers to “the practice of removing or restricting the flow of information on the Internet by using legal frameworks and private mechanisms to limit access”. ARTICLE 19, Ante el silencio..., op. cit., p.104

Millennium Copyright Act (DMCA)¹²⁷ for the use of trademarks. Therefore, social networking platforms must continue to work on aligning their internal policies with the international human rights framework¹²⁸ and recognise more broadly the exceptions concerning public interest and journalistic work.

In 2019, following up on its 2018 report *Ante el silencio, ni borrón, ni cuenta nueva*, ARTICLE 19 submitted 224 information requests in 32 states related to content removal by authorities at the executive, administrative, electoral and judicial levels. The qualitative and quantitative research, which started at the beginning of the project, has identified several patterns: 1) State Ministries of Public Security are the institutions that request the most content removal actions, 2) none of these requests were made through the issuing a court order, 3) Facebook was the main platform that received these requests, and 4) the main reasons for requesting content removal. The replies provided information on 281 requests of content removal, out of which 76% went to Facebook in states such as Campeche, Veracruz and Baja California Sur, on the grounds of sexual content, fraud, cyber-harassment, impersonation, cyber-bullying, electoral regulations violations, sextortion and false profiling.

Content removal against artistic expression

The Internet is a space for creativity, where a diversity of expressions come together. In the digital space art finds a multifaceted way to manifest itself. It is also a human rights enabler and one of the means par excellence for exercising freedom of expression. However, in recent years pressure to censor artistic manifestations has increased without content moderation policies aligned with the international human rights framework in place, as well as the silencing of voices that seek a space to be heard and access information that has historically been denied to them. Through different formulas, States are aiming to establish greater controls over expressions and the flow of information in the digital environment.

AMLO's administration will have the fundamental challenge of protecting human rights in the digital sphere and not undermining them by adopting restrictive laws or indulging in hegemonic narratives that seek to nullify dissent and criticism. Punitivism cannot be the primary route for dealing with phenomena such as violence or misinformation.

In 2019, ARTICLE19 began developing a global campaign¹²⁹ to give visibility to silenced voices. The objective was for social network platforms to implement more effective mechanisms with higher transparency levels regarding content removal. They must also grant the possibility of appealing a decision considered illegitimate, and provide a clear resolution that resolves and closes the case.

127 "The Digital Millennium Copyright Act. us Copyright Office Summary", 1998, <https://www.copyright.gov/legislation/dmca.pdf>

128 Davis Kaye, *Speech Police. The global struggle to govern the Internet*, Columbia Global Reports, 2019, p.118.

129 ARTICLE 19, "#MissingVoices", ARTICLE 19, <https://www.article19.org/campaigns/missingvoices/>



The dissonance

Upon taking office, Andrés Manuel López Obrador's government raised high expectations among several sectors of the population by offering to advance freedom of expression, access to the truth, justice, and remedies; and clarifying and prosecuting past and present atrocities, such as the Mexican Dirty War (1960's-1980's) and the current War on Drugs¹³⁰. He also offered to eradicate inequality and exclusion, two pernicious phenomena affecting millions of Mexicans.

Sadly, this report has documented how freedom of expression and the right to information both in the physical and digital spheres did not materialise during the first year of AMLO's administration. It is thus necessary for the government in office, known as the Government of the 4th Transformation (4T) due to its ideological background, to understand that the right to information and freedom of expression are not contrary to the fight against corruption, impunity, inequality, and discrimination.

Conclusion no. 1: The President's morning press conference (La Mañanera) serves as an Arena, a Court and a Pulpit.

Andrés Manuel López Obrador's morning press conferences, informally known as *mañaneras* are turning into a key branding instrument that makes public opinion revolve around the action of the federal government, instrumentalising gatekeeping, monopolising public debate, and bringing back the idea that only a strong government can legitimately articulate the country's social and political life. Conferences seek to "convince", but also expose the "corrupt elite of the past", and "unmask badly-behaved" journalists. Therefore, their objective is not to offer an opportunity to inform and openly exchange plural views, but to control information, to instruct government supporters, to moralise, to raise disputes, and to judge. On the contrary, the quality of the information is occasionally poor and of questionable veracity. Additionally, the president's capacity to divert attention from the original agenda undermines the informational purpose of the conference, often generating misinformation instead.

130 Julio Ramírez, "En Tlatelolco, víctimas de violencia reciben a AMLO con reclamos de justicia", *Expansión Política*, September 14th, 2018. Available at: <https://politica.expansion.mx/presidencia/2018/09/14/amlo-victimas-tlatelolco>

The Presidential press conference that takes place every morning at the National Palace proves to be a monopolist communication space when competent authorities later deny the information previously mentioned by the President, or declare that they do not possess clear or accurate information about the issue in question.

On the other hand, the President's discreditation of the press can contribute to an increase or a decrease in hostilities and violence against journalists, especially in a country where in 2019 alone 609 journalists were attacked, meaning that one journalist suffers aggression every 15 hours. There is general unrest among journalists due to how AMLO has qualified the press. AMLO has used terms such as "*hampa del periodismo*" (closest in meaning to "a journalistic mob") or "*prensa fifí*" ("the fifí press", fifí being a derogatory and recently-coined adjective for an indecently or cynically privileged person who is angry at the government since his/her interest is no longer priority for the current administration.) He has also claimed that "[journalists or the media] should only wear the shoe if it fits." But that is not enough. The harshness of the president's statements hampers freedom of the press, or what is worse, intensifies social disdain against it.

What's more, the harassment on what he calls the "God-blessed social media", has become a tool for many in the highly polarised dispute for "the truth." Social media manipulation has turned them into anything but a space meant to spur genuine and spontaneous conversation. Rather, freedom of expression is at stake since the government now uses social media to muzzle dissent.

Conclusion no. 2: Problems are meant to be solved, not just listed

AMLO's main strength might be his accurate assessment of Mexico's political and social reality. Yet, dozens of pending issues demanding hundreds of actions have remained largely unaddressed. Much as spontaneity and intuition are valid resources when holding a position of power, data and expertise should not be shoved aside if they could help ensure human rights, such as civil, political, social, cultural, and environmental rights, all of which have been historically violated through existing power structures.

Thus, ARTICLE 19 believes that this report and other methodological tools for public policy analysis would make Mexico's longed-for transformation more democratic and egalitarian, freer and fairer. If interested in one of these tools, please read "Agenda mínima de libertad de expresión y información" ("The Baseline Agenda for Freedom of Expression and Information"), available at the end of our original report in Spanish. In this sense, human rights are not protected per se simply because the official discourse "imposes" its vision of reality. Rather, rights continue to be infringed upon at different levels of the public sector¹³¹.

Conclusion no. 3: Digital rights are a new subject of dispute

131 Alberto Morales y Pedro Villa, "Estado mexicano dejó de ser el principal violador de derechos humanos: AMLO", *El Universal*, January 20th, 2020. Available at: <https://www.eluniversal.com.mx/nacion/la-mananera-estado-mexicano-dejo-de-ser-el-principal-violador-de-derechos-humanos-amlo>

Social media disputes, closely related to López Obrador's statements during morning conferences, have given rise to social ferment. Instead of delivering on their potential for informational emancipation, social media is becoming a weapon of self-censorship due to verbal and psychological violence online. It is unsettling to see a president who is aware of how punitive social media can be —either genuinely or as a result of manipulation— and will still make stigmatising statements against journalists.¹³²

On the other hand, as far as efforts are being made to narrow the digital divide, the government should not only put power into infrastructure development. Despite its importance, this approach loses sight of the social and cultural implications of connectivity in a multi-cultural environment such as Mexico. A highly relevant challenge arises when seeking to bridge the digital gap, freedom of expression, and the right to information since such an effort sheds light on how large sectors of the population, especially women, are at a considerable disadvantage due to structural inequality.

Additionally, the lack of transparency and clarity about how companies like Facebook delete information gives way to discretionary content removal, disrupting the flow of information and the very nature of democracy and contravening ARTICLE 19's recommendations in this sense.¹³³ Moreover, the government seeks to exert tighter control over digital expression and flow of information, from attempting to apply sanctions to digital platforms that are currently not obliged to pay taxes, to trying to regulate the misnamed "right to be forgotten"¹³⁴.

Conclusion no. 4: The press, trapped amidst growing and diversifying violence

During AMLO's first year in office, violence against journalists grew steadily: 609 attacks were documented, as well as 10 murders. These actions attempt to silence the voices of those who put political and economic stakeholders in the spotlight due to their engagement in both legal and illegal operations. That is why ARTICLE 19 has stressed the importance of a public policy that recognises the value of the journalistic profession. At present, respect for the journalistic profession,

132 "AMLO a periodistas: Si ustedes se pasan, ya saben lo que sucede", *El Financiero*, April 15th, 2019. Available at: <https://www.elfinanciero.com.mx/nacional/amlo-a-periodistas-si-ustedes-se-pasan-ya-saben-lo-que-sucede>

133 ARTICLE 19, Agenda Mínima 2.0..., *op.cit.*, Objective 3.1: to refrain from implementing online censorship mechanisms or enforcing ambiguous legal procedures and concepts to allow online content to be deleted; action 3.1.1: complying with applicable judicial regulations when seeking to request or demand that information be deleted and digital content, restricted; action 3.1.2.: building policies that comply with the rights to freedom of expression and information to regulate how information and contents are moderated, deleted, restricted, and removed from the surface web; and action 3.1.3: issuing transparent information regarding content removal, suppression, elimination, or restriction.

134 ARTICLE19, "Iniciativa para reconocer el "derecho al olvido" abre puerta a la censura y es contraria a los derechos humanos", January 14th, 2020, <https://articulo19.org/iniciativa-para-reconocer-el-derecho-al-olvido-abre-puerta-a-la-censura-y-es-contraria-los-derechos-humanos/>

whether it pleases or discomforts those in power, could be incentivised through a direct communication channel and source of official information such as the presidential morning press conference (*la mañanera*.)

Yet, fear assails hundreds of journalists who feel like social media aggression and official vitriol could translate into real attacks in a context where practicing journalism can mean risking their life¹³⁵, and where self-censorship is the enduring remedy. The president's animosity towards the press does not further a safe environment for journalists at all. Rather, it creates a fertile ground for violence.

Attacks against the press are mostly perpetrated by public officials (43.5%). Meanwhile, journalists covering corruption, politics, insecurity and justice represent 77.6% of all victims, the most common forms of violence being intimidation (24.29%), illegitimate use of public power (20%), and digital content removal or threat thereof (15.71% each.) At a recurrence rate above 50%, smear campaigns were the most common form of violence. Attacks associated with the illegitimate use of public power are also on the rise, with cases doubling in a year.

Threats and harassment on social media intensify on social media, particularly against women journalists.¹³⁶ In 23 cases, being a woman was determinant in the form of aggression suffered. Yet, the worst form of violence against journalists is and will remain murder, an extreme and brutal form of censorship, which deprived 10 journalists of their lives in 2019 alone. These situations take place against a backdrop of a lack of robust policies on the prevention, protection, investigation, prosecution, and remedy in cases of violence against journalists.

In sum, creating comprehensive public policy should consider, although not exclusively,¹³⁷ preventive measures —i.e. that president recognises the value of the journalistic profession—, protection mechanisms —i.e. providing material, logistic and human resources to enable the operation

¹³⁵ Anayeli García Martínez, "Asesinatos contra periodistas se mantienen en 2019", CIMAC Noticias, December 30th, 2019, <https://cimacnoticias.com.mx/2019/12/30/asesinatos-contra-periodistas-se-mantienen-en-2019> and ARTICLE19, CIMAC Noticias, Red Nacional de Periodistas (RNP) and Red Nacional de Defensoras de Derechos Humanos en México. "Asesinato de Norma Sarabia hace inminente que las autoridades frenen la impunidad en los crímenes contra periodistas", June 18th, 2019, <https://articulo19.org/asesinato-de-norma-sarabia-garduzo-hace-inminente-que-las-autoridades-frenen-la-impunidad-en-los-crimenes-contra-periodistas/>

¹³⁶ Amenaza en Twitter contra Jannet López Ponce, @Jannet_LP, October 31st, 2019, https://twitter.com/Jannet_LP/status/1190076504987914243/photo/1?ref_src=twsrctf7Ctwcamp5Etweetembed7Ctwterm5E1190076504987914243&ref_url=https%3A%2F%2Fsignalab.mx%2F2019%2F11%2F25%2Fprensaprostituida%2F

¹³⁷ For instance, action 2.1.2 of our Baseline Agenda 2.0 suggests the reinforcement of the Prevention Unit (Unit 3) and the implementation of comprehensive protection measures within the Journalist Protection Mechanism as a means to draw data that can be analyzed and translated into a georeferenced map of how violence is committed against journalists and human rights defenders. See ARTICLE19, Agenda Mínima 2.0, *op. cit.*

of the Protection Mechanism for Human Rights Defenders and Journalists¹³⁸—, and access to justice —i.e. strengthening the justice administration system to bring to justice those who commit crimes against the press.

Conclusion no. 5: Fighting from the sidelines for civic space

Women's increasing participation in civic spaces has broken gender stereotypes. Women are now occupying a space that was traditionally owned by men. Feminist protests erupted in 2019, occasionally growing into true acts of civil disobedience that sought the government's attention and structural change in favour of equality, justice and non-violence.

Once again the legitimacy of the protests was questioned on the grounds of an absurd argument, faithfully repeated by Federal and Mexico City officials and their followers: why didn't you protest like this before? This statement was accompanied by strong condemnation of protesters painting monuments. It is evidently paradoxical that a political movement that took to the streets to fight "the corrupt elite" now deems the feminist cause "manipulated" or "violent." The most egregious manifestation of derision was definitely the attempt to discredit the National Women's Strike called for 9 March 2020. Historically, stigmatising and derogatory discourse against protests has been the prelude to oppressive action and justification therein¹³⁹.

A government that flaunts its leftist and popular origin should at least facilitate and protect public protests and the rights that lie at the core of protest (freedom of expression, assembly and citizen participation.) Above all, we expect a government with the characteristics mentioned above to adopt concrete measures to eradicate violence against women.

Moreover, ARTICLE 19 would like to express its utmost concern for anti-migrant discourse and how it is permeating throughout society, while public officials remain impassive to this phenomenon. The government should undertake any action necessary to fight disinformation and discriminatory and hate speech against migrants in transit through Mexico. Stigma, based on the fear of otherness, creates a fertile ground for serious human rights violations against migrants.

Although not analysed in this report, ARTICLE 19 has also identified serious flaws in the inclusion agenda, such as the right to consultation of indigenous peoples. The human rights approach of the current government is far from becoming a reality, as evidenced by cases such as the murder of indigenous activist Samir Flores, who led a community resistance movement against the infrastructure development plan Proyecto Integral Morelos, or the questionable consultation of the

138 Arturo Contreras Camero, "Ineficiente el mecanismo de protección a periodistas admite el gobierno", *Pie de Página*, March 25th, 2019, <https://piedepagina.mx/ineficiente-el-mecanismo-de-proteccion-a-periodistas-admite-el-gobierno/>

139 See Frente por la Libertad de Expresión y la Protesta Social, FLEPS, "Informe: El sexenio de la Resistencia (2012-2018)", 2018, <http://libertadyprotesta.org/informes/> See also Frente por la Libertad de Expresión y la Protesta Social, FLEPS, "Control del espacio público", 2016, http://libertadyprotesta.org/wp-content/uploads/2018/05/protesta_social_cdmx_fleps_2016.pdf

indigenous peoples of South-South-East Mexico regarding the construction of the intercity railway known as the Mayan Train.

Public occupation of civic space shrinks even further when autonomous institutions are co-opted as they were in the past. In spite of the historical opportunity available to the current administration, there has not been a real effort to strengthen checks and balances, key elements to a country's democracy.

Conclusion no. 6: Access to the rights to information and transparency is still reactive and discriminatory

To date, proactive transparency policies are based on the existence of requests for public information. Public institutions then analyse these requests to identify subjects of public interest and publish related information on their websites. The problem with this approach is that if a person is unaware of how requests for information work, and a request is not filed, the topic of interest for that person will never be considered important enough for generalised public disclosure.

As a result, transparency is only as proactive as society's efforts to obtain information. In other words, transparency is still a reactive measure to a certain extent. Additionally, information is only accessible to people who are familiar with the information transparency system, skilled in the use of technical language, and who hold graduate or post graduate degrees. As a result, information access follows a discriminatory pattern and ignores ARTICLE 19's recommendations on this, all of which are based on intense field work with indigenous women from the states of Chiapas, Yucatán, and Oaxaca¹⁴⁰.

140 ARTICLE 19, "Agenda mínima 2019 sobre libertad de expresión...", *op. cit.*: Objetive 4.3: to ensure access to information among vulnerable communities. Action 4.3.1: promoting proactive transparency. Some of ARTICLE 19's actions and objectives about this topic include: a) to promote the implementation of alternatives to statistics to identify what information the population needs. Also, to create specific strategies to reach marginalized communities, considering the digital gap and ensuring that information is proactively shared in accessible formats; b) to build information access training programs for entities bound by the obligation to create, obtain, process, store, or share public information. These programs should be developed in partnership with the Executive and state governors. Similarly, heads of transparency offices should be trained to help them identify, create, and share public information in a proactive manner, including mechanisms to bring it to sectors of the population that do not have access to information technologies; c) to promote that any individual or entity bound to create or share public information facilitates access to at least the minimum information set forth by transparency and information access laws. Information should be available in physical and digital formats, and should be equally available for public consultation; d) to promote that the National Plan for the Socialization of Access to Information and its corresponding local plans draw on theoretical and empirical findings, incorporating the principles of gender and multiculturalism, as well as community intervention mechanisms to ensure that public information is deemed a gateway to demand the enjoyment of other human rights.

Conclusion no. 7: The right to the truth –a painful history of evasion and concealment

AMLO's government proclaimed itself in favour of disclosing information to the public about the atrocities committed during the Mexican Dirty War (1960's-1980's). However, there is yet another mismatch between what is said and what is done. After strong pressure from historians and survivors of the crimes perpetrated by the State between the 1960's and 1980's, on 20 February 2020 the government finally disclosed the files that had been kept in the National Archives and which described repression during that time. All information was made public, and access, unrestricted. Yet, a clear historical memory policy is still missing.¹⁴¹

On another note, meager information is available with respect to the atrocities committed during the War on Drugs and has only been shared during the President's morning conferences. Some announcements and reports have been given regarding disappearances and clandestine mass graves. For instance, on 6 January 2020 the Ministry of the Interior (SEGOB)¹⁴² provided details about 61,637 disappearances reported since the 1960's and informed that since 1 December 2018, 873 graves have been found.¹⁴³

Public apologies for serious human rights violations committed in recent years and during the Dirty War are a symbolic action that furthers remedy. Yet, apologies alone do not cover the scope of actions needed from a comprehensive viewpoint: material and intellectual perpetrators should be identified, prosecuted, and judged to effectively fight impunity; the truth should be revealed to victims and society, victims should have access to effective remedy, and guarantees of non-recurrence should be provided to ensure that violations do not happen again. In other words, remedy does not end with public apologies. These are rather the first step towards access to justice and the truth.

Corollary

After contrasting the situations described above and the 2019 Baseline Agenda on Freedom of Expression and Information Access included in our Annual Report *Ante el silencio, ni borró ni cuenta nueva*, ARTICLE 19 concludes that its recommendations have not been followed regarding key topics such as protection for journalists, regulation of government advertising, public contracts, transparency and information access, the right to truth, the digital gap, and digital rights.

¹⁴¹Ibid., Objetive 4.1: to ensure unrestricted public access to historical records and to preserve documentation related to serious human rights violations and crimes against humanity; action 4.1.1: reducing *vacatio legis* for the National Archives Law to ensure its immediate enforcement, instead of delaying it to June 2019; action 4.1.2: drafting rules and regulations for the National Archives Law; action 4.1.3: ensuring that records from security agencies are safeguarded, preserved, organized, and made available to the public as guarantees of non-recurrence of human rights violations.

¹⁴²"Presenta Gobernación informe...", *op. cit.*; Canal Catorce, *op. cit.*

¹⁴³Comisión Nacional de Búsqueda de Personas, *op. cit.*

ARTICLE 19 will continue to consider the Agenda as a point of reference for policies seeking to ensure, respect, protect, and promote freedom of expression.

Finally, ARTICLE 19 would like to stress the importance of not equating social dissent with political opposition, just as criticism is not a sign of animosity or confrontation with power. Even if it were, manifestations or expressions against power cannot be stigmatised or suppressed in a truly democratic context. In Mexico, however, freedom of expression is a reason for argument and a target of attack. Past forms of censorship and aggression have been passed on to us, mutated, become more complex, and increasingly sophisticated.

The appropriation of social space by historically excluded and discriminated individuals, the re-vindication of old and new struggles, the construction of a new sense of public ethics, and the fight against impunity and corruption demand that the government's vision be based on respecting, ensuring, protecting, and promoting human rights.

This new approach is of utmost relevance given that freedom of expression and the right to information enable access to other rights. Meanwhile, public and private stakeholders must adopt positive and negative measures to uproot structures that foster self-censorship, fear, disinformation and opacity. This report and ARTICLE 19's day-to-day efforts will continue to seek to overturn an anti-democratic model based on censorship and lack of information, a model that permeates the current administration.