

Mexico

	2013	2014		
Internet Freedom Status	Partly Free	Partly Free	Population:	117 million
Obstacles to Access (0-25)	11	10	Internet Penetration 2013:	43 percent
Limits on Content (0-35)	10	10	Social Media/ICT Apps Blocked:	No
Violations of User Rights (0-40)	17	19	Political/Social Content Blocked:	No
TOTAL* (0-100)	38	39	Bloggers/ICT Users Arrested:	No
			Press Freedom 2014 Status:	Not Free

* 0=most free, 100=least free

Key Developments: May 2013 – May 2014

- In November 2013, the Mexican government created a new National Digital Strategy to promote digital government services, wider access to information technologies, and the use of technologies to improve health, education, and security (see **Obstacles to Access**).
- A constitutional decree issued by the president to reform the telecommunications and broadcasting sectors took effect on June 11, 2013. The decree included new protections on the right to access information, calls for important infrastructural developments, and regulatory measures to promote greater competition in the telecoms market. However, delays over the passage of secondary legislation needed to implement the constitutional reforms characterized much of the coverage period. A new telecommunications bill was finally passed in July 2014, although it contains provisions that could negatively impact privacy rights for internet users (see **Obstacles to Access** and **Violations of User Rights**).
- In 2013 and 2014, Mexico continued to be one of the most hostile environments in the world for journalists and bloggers, who are subject to both physical and technical violence, as well as police harassment (see **Violations of User Rights**).

Introduction

Although Mexico has experienced dramatic growth in internet penetration over the last 25 years, with average connection speeds increasing from 1 Mbps in 2007 to nearly 4 Mbps in 2013,¹ the country still faces challenges in its quest to extend internet access to all citizens. Pronounced disparities separate large segments of the population from access to information and communication technologies (ICTs). Online publications have faced severe cyberattacks, journalists have received death threats, and some have even been murdered. Despite a recent law aimed at breaking up Mexico's telecommunications monopoly, to date, six private companies dominate the industry, offering broadband service at prices beyond the reach of many low-income families. And while widespread civil society action resulted in the 2013 passage of a constitutional amendment guaranteeing access to the internet as a civil right, its implementation has been hampered by a lack of supporting secondary laws.

Regional disparities also create a stark digital divide, in which those living in large cities have much greater access to affordable internet service than do those in smaller towns and more remote areas. This issue is particularly pronounced in rural areas due to infrastructural deficiencies and high prices—challenges that are exacerbated by the concentrated ownership of the telecommunications sector by a handful of influential companies.

Although the June 2013 constitutional reform on telecommunications included positive provisions intended to combat monopolization in the industry and guarantee internet access as a fundamental right, there was a delay in the implementation of the secondary legislation required to enact the decree, which was supposed to be passed by December 2013. Congress finally approved the required secondary legislation in July 2014 (outside of this report's coverage period); however, the legislation contained a number of provisions that threaten the privacy of internet users.

In recent years, physical and electronic attacks have rendered online journalists and bloggers susceptible to the same level of danger faced by traditional journalists. The June 2012 Law to Protect Human Rights Defenders and Journalists establishes a government mechanism of protection and allows federal authorities to investigate attacks against journalists and human rights defenders. Although this is a positive step, to date, the real world impact of the legislation has been minimal. In April 2014, the protection mechanism came under criticism due to delays in processing approximately 60 percent of the 152 time-sensitive requests for protection.² Nonetheless, there is at least one documented case of the law being used successfully to assist a threatened online journalist (see "Violations of User Rights").

1 Akamai State of the Internet Report, Q3 2007-Q3 2013 Data from State of the Internet Map Visualization, Mexico, accessed January 27, 2013, <http://www.akamai.com/stateoftheinternet/soti-visualizations.html#stoi-map>.

2 Tania L. Montalvo, "Sin Atender, 57% de Casos del Mecanismo para la Protección de Periodistas" [57 Percent of Cases of Mechanism for the Protection of Journalists Unprocessed] Animal Político, March 25, 2014, <http://bit.ly/1kpqebA>

Obstacles to Access

Internet penetration in Mexico has increased significantly in recent years, growing from 22 percent in 2008 to 44 percent in 2013.³ Although some optimistic experts expect internet penetration to increase even further by the end of 2014, a pronounced digital gap still exists. Internet penetration in Northern states (including the Federal District) was measured at 44 percent in 2013, yet official sources counted internet penetration in Southern states (such as Chiapas, Oaxaca, Guerrero, and Michoacan) at only 16 percent.⁴

Such limited and disparate connectivity rates are also evident in the relatively small percentage of internet users with broadband access. According to the National Institute of Statistics and Geography (INEGI), 31 percent of Mexicans had household internet access as of 2013, but most did not connect via broadband. Although the number of Mexicans with broadband access has increased over the past decade, growing from 0.42 percent in 2003 to nearly 12 percent in 2013,⁵ Mexico still falls significantly below the broadband penetration rates of other OECD countries, which have an average rate of approximately 27 percent.⁶ As compared to a minimum wage of US\$150 per month, the high price of broadband service in Mexico, which ranges from US\$26 to US\$73 per month, is a significant factor in the country's low broadband penetration rates.⁷ With an average monthly fee of US\$68, cable broadband services in Mexico exceed the average global price of US\$60.⁸

Although 84 percent of all internet users in Mexico access the internet from home, in 2013, a large number of users sought access from other locations. Of those who accessed the internet outside their homes, 40 percent utilized internet cafes, 28 percent connected from school, and an additional 28 percent accessed the internet from the workplace. Although the number of cybercafe users is still fairly high, it has begun to decline in recent years, due to increasing personal subscriptions as well as the expansion of alternate public access points.⁹ Such diversification has created greater opportunity for Mexicans to access the internet and is, accordingly, helping to reduce regional and socioeconomic internet gaps.

The emergence of mobile technologies has also helped to increase internet access in Mexico. According to an independent study, 64 percent of all Mexican internet users connected to the web

3 ITU, Statistics: Individuals Using the Internet, 2000-2013," http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx?utm_source=twitterfeed&utm_medium=twitter; accessed June 1, 2014. See also: Instituto Nacional de Estadística y Geografía (INEGI), "Indicadores sobre la Sociedad de la Información - Usuarios de internet" [Indicators of the Information Society – Internet Users] Updated November 27, 2013, <http://www3.inegi.org.mx/sistemas/temas/default.aspx?s=est&c=19007>

4 INEGI, "Indicadores sobre la Sociedad de la Información - Usuarios de internet" [Indicators of the Information Society – Internet Users] Updated November 27, 2013, <http://www3.inegi.org.mx/sistemas/temas/default.aspx?s=est&c=19007>;

5 OECD, "OECD Broadband Statistics," See: (1) "Historical Fixed (wired) Broadband Penetration rates", OECD, Updated June, 2013, <http://www.oecd.org/sti/broadband/oecdbroadbandportal.htm>

6 OECD, "OECD Broadband Statistics - Fixed and Wireless Broadband Subscriptions Per 100 Inhabitants" OECD, Updated June, 2013, <http://www.oecd.org/sti/broadband/oecdbroadbandportal.htm>; See also: OECD, *OECD Review of Telecommunication Policy and Regulation in Mexico*, OECD Publishing, 2012, <http://www.oecd.org/sti/broadband/50550219.pdf>.

7 Aurora Zepeda, "Entra en Vigor el Aumento del 3.9% de Salario Mínimo," [3.9 Percent Minimum Wage Increase Goes Into Effect] *Excélsior*, January 1, 2014, <http://www.excelsior.com.mx/nacional/2014/01/01/936234>

8 Point-Topic, "Mexico: Broadband Subscribers and Tariff Overview – Q4 2012," <http://point-topic.com/free-analysis/mexico-broadband-subscribers-and-tariff-overview-q4-2012/>

9 Jennifer Juarez, "Mexico Alcanza los 52.3 Millones de Usuarios con Acceso a Internet," [Mexico Reached 52.3 Million Users with Internet Access] *CNN Mexico*, October 24, 2012, <http://mexico.cnn.com/tecnologia/2012/10/24/mexico-alcanza-los-523-millones-de-usuarios-con-acceso-a-internet>

through mobile devices in 2013. This figure represents an increase of nearly 100 percent in comparison to 2012, when only 34 percent were estimated to use mobile devices for internet access.¹⁰ Notably, mobile broadband penetration, which grew to nearly 14 percent as of mid-2013, has now surpassed fixed-broadband household penetration, which reached 12 percent in the same timeframe.¹¹ Mobile broadband appears poised to continue growing at a far faster rate than fixed-broadband in Mexico, increasing by 34 percent in the second quarter of 2013, while fixed broadband connections increased by only 8 percent in the same period.¹²

While six private companies primarily control Mexico's mobile phone sector, Carlos Slim's America Movil, which counts both Telmex and Telcel as subsidiaries, dominates the information and communication technology (ICT) landscape with 80 percent of landline subscriptions and 70 percent of the wireless market.¹³ Top competitors Axtel and Movistar account for only 6 percent of fixed lines and 20 percent of wireless connections, respectively.¹⁴ Mobile phone access is significantly more widespread in Mexico than is internet use, with about 100 million subscribers (approximately 86 percent of the population) as of late 2013.¹⁵

Such accelerated growth is due in part to a recent drop in prices for mobile phone use,¹⁶ the increasing availability of smartphones, and promotions that narrow the price gap between basic phones and smartphones.¹⁷ As of December 2013, 27 million of the country's 100 million mobile phones were smartphones.¹⁸ Mexico is reportedly home to the largest smartphone market in Latin America,

10 World Internet Project, Estudio 2013 de Habitos y Percepciones de los Mexicanos sobre Internet y Diversas Tecnologias Asociadas," [2013 Study of Habits and Perceptions of Mexican Internet Users and Diverse Associated Technologies] accessed May 20, 2014, http://es.slideshare.net/fer_gut/wip-2013

11 "OCDE: Mexico con la Mas Baja Penetracion de Banda Ancha," ADN Politico, January 9, 2014, <http://www.adnpolitico.com/ciudadanos/2014/01/09/ocde-mexico-con-la-mas-baja-penetracion-de-banda-ancha>

12 Andrew Rogers, "Mexico Mobile Broadband Penetration Above 10% at End of Q2," BN Americas, August 12, 2013, <http://subscriber.bnamericas.com/Subscriber/index.jsp?idioma=I&tipoContenido=detalle&pagina=content&idContenido=624512&tipoDocumento=1#>

13 Susan Crawford, "Mexico's Lucky to Have Just One Man Blocking Internet Equality, We've Got a Bunch," *Wired* online, May 13, 2013, <http://www.wired.com/opinion/2013/05/when-it-comes-to-internet-access-and-cost-were-just-like-mexico/>; See also: Henry Lancaster, "Mexico – Mobile Market Insights, Statistics and Forecasts," BuddeComm, last updated July 4, 2012, <http://www.budde.com.au/Research/Mexico-Mobile-Market-Insights-Statistics-and-Forecasts.html>; and, America Movil renews criticism of OECD Report on Mexico. <http://www.advfn.com/nasdaq/StockNews.asp?stocknews=NIHD&article=55351248>

14 Dolia Estevez, "U.S. Government Puts Pressure on Carlos Slim, Mexico's Telecom Sector to Open up to Competition," *Forbes* online, April 1, 2013, <http://www.forbes.com/sites/doliaestevez/2013/04/01/u-s-government-puts-pressure-on-carlos-slim-mexicos-telecom-sector-to-open-up-to-competition/>

15 Mexican antitrust agency confirms America Movil's dominance in Mobile, ADFVN, April 4, 2013, <http://www.advfn.com/nasdaq/StockNews.asp?stocknews=NIHD&article=57037422>; See also: ITU, "Statistics: Mobile Cellular Subscriptions by Country, 2000-2013," http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx?utm_source=twitterfeed&utm_medium=twitter, accessed June 23, 2014

16 In May 2011, COFETEL ordered telecom firms to reduce interconnection fees between landlines and mobile phones to a more affordable level. The fees were dropped to 0.39 pesos (US\$0.03) for mobile phones. The decision was later affirmed by the Supreme Court. See: Revista Opcion "Cofetel Reduces Interconnection Fees" [in Spanish], Revista Opcion, June 10, 2011, <http://www.revistaopcion.com/tag/de-mayo/>.

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

18 eMarketer, "2013: The Year of the Smartphone in Latin America," January 22, 2014, <http://www.emarketer.com/Article/2013-Year-of-Smartphone-Latin-America/1010545>

followed by Brazil, Chile, Peru, and Argentina.¹⁹ Further, Mexico's smartphone market is expected to grow 40 percent as of the end of 2014.²⁰

In mid-2013, the parliament passed a bill to amend the constitution in order to make a series of reforms to the telecommunications and broadcasting sectors.²¹ A Constitutional Reform Decree was subsequently enacted by the Mexican president on June 10, 2013, taking effect one day later.²²

From a rights perspective, the decree made access to connectivity a fundamental right under Article 6 of the constitution, thereby responding positively to a civil society campaign on the issue. This includes "the right to access information, broadcasting and telecommunications services, including broadband and the Internet." The reform also defined telecommunications as a public service, thereby making the government responsible for such things as guaranteeing universal coverage, quality, and competition.

On the regulatory side, the decree established two new, independent regulators—the Federal Telecommunications Institute (IFETEL or IFT) and the Federal Commission for Economic Competition (FCEC). The IFT was tasked with implementing a "180 Day Agenda" within 180 days of its launch date, and will have the power to unilaterally punish noncompetitive practices with the withdrawal of corporations' licenses, the application of asymmetric regulation, and the unbundling of media services—stipulations that could significantly change the Mexican ICT landscape.²³ Restrictions on foreign direct investment and ownership in telecoms were also lifted. Prior to these changes, a 2012 report from the Organization for Economic Cooperation and Development²⁴ estimated that costs related to the lack of competition in Mexico's telecoms sector were US\$25 billion per year.²⁵

From an infrastructural development view, the decree also calls for the establishment of a National Policy for Universal Digital Inclusion and a National Digital Agenda, and places constitutional requirements to expand the national fiber-optic backbone and create a wholesale wireless network.

The decree called for the passage of two pieces of secondary legislation in order to implement the constitutional reforms. A new Federal Economic Competition Act passed both houses and was made law on May 23, 2014. A December 2013 deadline to pass a new Telecommunications and Broad-

19 Media Desk, "Mexico becomes Latin America's #1 mobile market," January 17, 2014, <http://latinlink.usmediaconsulting.com/2014/01/mexicobecomeslatinamericasnumber1mobilemarket>

20 eMarketer, "2013: The Year of the Smartphone in Latin America," January 22, 2014, <http://www.emarketer.com/Article/2013-Year-of-Smartphone-Latin-America/1010545>; See also: Julio Sanchez Onofre, "México, Mercado "Top 10" Global de Smartphones en 2013: IDC" [Mexico: 'Top Ten' Global Market for Smartphones in 2013: IDC], *El Economista* online, June 11, 2013, <http://eleconomista.com.mx/tecnociencia/2013/06/11/mexico-mercado-top-10-global-smartphones-2013-idc>.

21 "Telecommunications and Broadcasting Reform in Mexico," Baker & McKenzie, accessed November 21, 2014, <http://www.bakermckenzie.com/mexico/telecommunicationsbroadcastingreform/>.

22 Daniel Leza, "ITU Case Study: The Creation of the Federal Institute of Telecommunications of Mexico," International Telecommunications Union, 2014, http://www.itu.int/en/ITU-D/Conferences/GSR/Documents/GSR2014/Discussion%20papers%20and%20presentations%20-%20GSR14/CaseStudy-GSR14_IFT.pdf, p. 8.

23 Víctor Pavón-Villamayor, "Ifetel, La Mayor Apuesta en Telecomunicaciones," [Ifetel, The Biggest Bet in Telecommunications], *Forbes México*, April 25, 2013, <http://www.forbes.com.mx/sites/la-mayor-apuesta-en-telecomunicaciones-ifetel/>; See also: Juan Montes, "Mexico Telecoms Reform Bill Advances," *The Wall Street Journal*, March 22, 2013, <http://en.rs.org/mexico-border-town-news-website-decides-05-03-2013,44164.html>.

24 "Telecoms reform would boost competition and growth in Mexico, says OECD," OECD, January 30, 2012, <http://www.oecd.org/newsroom/telecomsreformwouldboostcompetitionandgrowthinmexicosaysoced.htm>.

25 Elisabeth Malkin, "Mexican Leaders Propose a Telecom Overhaul," *New York Times*, March 11, 2013, <http://www.nytimes.com/2013/03/12/business/global/mexican-plan-would-rein-in-phone-and-tv-providers.html>.

casting Act, however, was not met. Instead, the bill was introduced to the senate in March 2014 and passed both houses of congress in July 2014, coming into effect one month later.²⁶ However, this legislation included requirements on providers to store user data and provide law enforcement with real-time location data for mobile phones, as well as allowing providers to block access to certain content—provisions which could significantly infringe on internet users’ rights and which were met with vocal opposition (see “Violations of User Rights”).²⁷

In November 2013, the Mexican government created a new National Digital Strategy to promote wider access to information technologies, digital government and transparency, and the use of technologies to improve health, education, and security.²⁸ A new office manned by presidential staff will coordinate the Strategy, which is not a separate body predicated on internet governance, but is instead an office establishing presidential advisors on digital and internet related issues. Representatives of this office attended the October 2013 Internet Governance Forum, an international multi-stakeholder conference that took place in Indonesia. Along with 20 other nations, the Mexican government endorsed a declaration of the Freedom Online Coalition to advance internet freedom via coordinated efforts of civil society and private sector representatives to support human rights and freedom of expression online.²⁹

Although the government of Enrique Peña Nieto has been active in defining a digital strategy and policy, further steps are missing from the government’s internet initiatives, such as the approval of positive secondary legislation that would make universal access to the internet in Mexico a reality.

Limits on Content

While online journalists and bloggers still face serious threats, such as cyberattacks, harassment, and physical violence, social media has continued to serve as an important forum for internet users in Mexico. Despite ongoing threats to their security, activists make regular use of social media to provide critical warnings to local communities about dangerous cartel-related situations.³⁰ Civil society groups have also made use of the internet to generate awareness and activism for causes related to internet freedom, human rights, and other issues. While there is no legislation that restricts internet content, local officials have often been accused of manipulating online content in their favor, or of harassing or otherwise attempting to intimidate journalists for writing about issues of local corruption and crime.

26 “Mexico’s president signs telecoms reform rules into law,” Reuters, July 14, 2014, <http://www.reuters.com/article/2014/07/14/us-mexico-reforms-idUSKBN0FJ2DU20140714>.

27 See “Mexico: The challenges of the new telecommunications and broadcasting law,” Hogan Lovells Global Media and Communications Quarterly 2014, <http://www.hoganlovells.com/files/Uploads/Documents/1%20Mexico%20-%20the%20challenges%20of%20the%20new%20telecommunications%20and%20broadcasting%20law.pdf>.

28 Presidencia de la República, “Estrategia Digital Nacional,” [National Digital Strategy] <http://www.presidencia.gob.mx/estrategia-digital-nacional/>; See also: “Objetivos de la Estrategia Digital Nacional,” [Objective of National Digital Strategy] November 25, 2013, <http://www.presidencia.gob.mx/objetivos-de-la-estrategia-digital-nacional/>

29 Freedom Online: Joint Action for Freedom of Expression on the Internet, http://www.minbuza.nl/binaries/content/assets/minbuza/en/the_ministry/declaration-freedom-online-feb-2013.pdf; See also: “Fact sheet: Freedom Online Coalition,” November 20, 2012, <http://www.humanrights.gov/2012/11/20/fact-sheet-freedom-online-coalition/>

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

Applications such as Facebook, Twitter, YouTube, and international blog-hosting services are freely available in Mexico and have enjoyed steady growth in recent years. Mexico has the second largest community of Facebook users in Latin America after Brazil—and the fifth largest in the world—with an estimated 38 million users.³¹ The number of Mexicans with Twitter accounts has also ballooned in recent years, growing from 146,000 in February 2010 to more than 12 million in early 2014.³² The president and members of his administration also hold Twitter accounts, using them primarily for disseminating political information.³³

In early 2013, news broke of an agreement between the Federal Security Council and some state governments to refrain from reporting on violence unless absolutely necessary. This decision was the product of a dual campaign to ease fears about security within Mexico and to present a more positive image to the international community.³⁴ Such a policy underscores the importance of on-line journalists' efforts to report on the full scope of events in their communities, providing critical warnings to neighbors on issues of safety and security that would otherwise be kept quiet by local government officials.

Self-censorship has also been increasing among online journalists and bloggers in the wake of the 2012 murders of several social network contributors who had been posting information about cartel-related violence. Despite such grave threats, however, many brave bloggers and social media users have continued their quest to provide security warnings, address corruption scandals, and otherwise attempt to improve life in their communities.

Economic constraints also influence the diversity of media in Mexico. Scarce funding and lack of interest in online advertising create challenges for individuals and nonprofits seeking to establish sustainable online outlets. Reliance on public advertising renders independent media vulnerable to manipulation of content or closure due to lack of funding, although it is the former that appears to be the more pernicious of the two trends. Despite such challenges, however, efforts to develop politically oriented websites that are financially independent have continued in recent years.

Among the most striking examples of successful independent digital media is Animal Político, a popular site that counts more followers on Facebook than any other news outlet in Mexico.³⁵ In order

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

32 Damien Cave, "Mexico Turns to Twitter and Facebook for Information and Survival," New York Times, September 24, 2011, https://www.nytimes.com/2011/09/25/world/americas/mexico-turns-to-twitter-and-facebook-for-information-and-survival.html?_r=1; See also: Daniel James Shosky, "Why Social Networks Continue to Grow in Mexico," IDG Connect, October 30, 2013, <http://www.idgconnect.com/blog-abstract/4308/why-social-media-networks-continue-grow-mexico>

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

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

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

to raise revenue for the site without compromising content based on advertisers' political leanings, Animal Político is now engaging in brand journalism, offering social media consulting and digital content to private companies. Additional financing is derived from syndicated content and private sponsorships.³⁶ Animal Político's approach appears to be unique among Mexican media, and the site has been receiving millions of visits every month since July 2012.

Even outlets that do not depend on government funding have been subject to manipulation from local officials attempting to suppress critical information and to turn the tide in their favor. A handful of bloggers have argued that links on Twitter intended to take users to security warnings were redirecting traffic to a website supported by advertising from the Veracruz government.³⁷ The governments of Veracruz and Quintana Roo have also been accused of creating groups of social media users who saturate Twitter with publicity favorable to them, and who launch cyberattacks against critical journalists and bloggers.³⁸

In January 9, 2014 Noticaribe, an online news portal in Quintana Roo, claimed that its Twitter account had been hacked and used to distribute information favorable to the local government.³⁹ Although Noticaribe managed to recover control of its Twitter account, other publications frequently running stories about local corruption suffered cyberattacks in a widespread campaign of disinformation. *Luces del Siglo*, a weekly magazine based in Quintana Roo, argued that the local government cloned the magazine in early December 2013 and then distributed a version missing information about alleged cases of corruption. Although a public relations officer said that the local government respected freedom of expression and had nothing to do with the incident,⁴⁰ a fake Twitter account bearing the name of the magazine, @LucesdelSiglo, is still actively impersonating the publication, and is allegedly supported by the state governor.⁴¹ The organization ARTICLE 19 also reported two additional cyberattacks against news outlets in Zocalo and El Noroeste in July 2013.⁴²

Attempts to censor content on the websites of regional newspapers occur in other parts of the country as well. The editor of a local newspaper in Nuevo Laredo, Tamaulipas, said the online edition has suffered a series of cyberattacks suppressing comments from citizens in stories concerning corruption of local authorities.⁴³

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

37 "La Guerra Sucia," [Dirty War], Twitter page of @Javier_Duarte, <http://chuynews.blogspot.com/2013/05/la-guerra-sucia-de-javierduarte-en.html>

38 Diario Los Tuxtles, "Periodistas Se Enfrentan a Ciberataques," [Journalists Collide in Cyberattacks], January 7, 2014, <http://www.diariolostuxtles.com.mx/2014/01/07/periodistas-se-enfrentan-a-ciberataques/>

39 On January 9, 2014, @Noticaribe posted the following information about irregularities on Twitter: "AVISO: Usan en mensajes por cel y redes nombre de Noticaribe para exculpar a funcionario de supuestas irregularidades pic.twitter.com/jGpVXYp-pJH" <https://twitter.com/Noticaribe/status/42132977237049344>

40 Noticaribe, "Borge, intolerante y 'clonador': Acusan al gobernador por falsificar, otra vez, ejemplar de revista *Luces del Siglo*," [Borge, Intolerant, and Cloner: Government Accused of Falsifying An Issue of the Magazine *Luces del Siglo* Again] December 12, 2013, <http://noticaribe.com.mx/2013/12/12/borge-intolerante-y-clonador-acusan-al-gobernador-por-falsificar-otra-vez-ejemplar-de-revista-luces-del-siglo/>

41 For more, see the following status updates of the Twitter page of *Luces del Siglo*: <https://twitter.com/Lucesdelsiglo/status/411694401954390017> and <https://twitter.com/lucesdelsiglo/status/411559828373266432>

42 Article 19, "Portales de Noticias Sufren Ataques Cibernéticos," [News Portals Hit by Cyberattacks] July 8, 2013, <http://periodistas-es.com/portales-de-noticias-mexicanos-sufren-ataques-ciberneticos-11120>

43 Jorge Luis Sierra. Cyberattacks against *El Mañana* de Nuevo Laredo. Interview with Daniel Rosas. May 28, 2013. <https://www.youtube.com/watch?v=KqESQDQEbD8>

Facebook, Twitter, and YouTube are widely used in Mexico, and are playing an increasingly important role in the gathering and dissemination of information about risks in high intensity drug trafficking areas and in mobilization on social and political issues. Citizens reporting on such issues use Twitter hashtags such as #VeracruzFollow to exchange information about acts of violence in their cities. Those contributing to the effort to improve citizen safety have been hampered by a flood of unrelated updates generated by a digital “army” utilizing the hashtags for trivial gossip. Although the leader of the army is unknown, some believe that the operation to distract citizens from useful updates is supported by local politicians trying to suppress news of violence in their communities.

Digital tools have also aided mobilization on social and political issues. In 2013, for example, a coalition of NGOs working on the project Internet Para Todos (Internet for All) turned to the internet to gather signatures for a petition to lobby the government to include internet access as a fundamental right. Due in large part to the success of the coalition, Congress included internet access as a civil right in its 2013 reform of the Mexican Constitution.⁴⁴

Violations of User Rights

Violations of user rights have continued to escalate in Mexico in recent years. In 2014, Reporters Without Borders listed Mexico among the most dangerous countries in the world for media personnel.⁴⁵ Threats and violence from drug cartels—and occasionally from members of local government—have continued to plague online reporters, resulting in at least one murder since May 2013. Cyberattacks have also continued, at times disrupting service to online media outlets. In recent years, legislation has been passed that both positively and negatively impacts user rights. While a law intended to safeguard journalists and human rights defenders is a step in the right direction, a new surveillance protocol jeopardizes user rights by allowing significant breaches of privacy.

The Mexican constitution guarantees freedom of speech, freedom of the press, and privacy of personal communications; however, recent reports concerning a ubiquitous state surveillance apparatus and a new geolocation law call such protections into question. There are no legal ramifications for online activity other than defamation or libel, although criminal defamation statutes still exist in 13 of Mexico’s 32 states.⁴⁶ While the upper echelons of the judiciary are viewed as independent, state level legal bodies have frequently been accused of ineffectual conduct, biased behavior, and event harassment of online journalists.

In June 2012, the Law for the Protection of Human Rights Defenders and Journalists was passed in Mexico, effectively establishing mechanisms for the protection of media workers and NGOs.⁴⁷ Among the law’s provisions is a requirement that state governments work in conjunction with federal authorities to ensure that protection is effectively extended to those under threat; as of April 2013,

44 Official page of Internet Para Todos Campaign, <http://internetparatodos.mx>, accessed June 10, 2014

45 Reporters Without Borders, World Press Freedom Index: 2014, <http://rsf.org/index2014/en-index2014.php>, accessed June 10, 2014

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

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

27 of Mexico's 32 states had signed agreements to this effect.⁴⁸ While the legislation is promising in that it establishes a legal basis for protection and suggests an end to impunity for attackers, to date, capacity to actualize the law has been lacking. A separate amendment, predicated on protecting freedom of expression, was passed in the senate in April 2013. If signed by the president, the amendment will grant authority for prosecution of crimes against journalists to the federal government, marking another positive step in the fight to protect reporters and bloggers.⁴⁹

Government agencies in Mexico have also been issuing more requests for content removal and user data in recent years. Between January and June 2013, Facebook received 78 requests from the Mexican government for information related to 127 users. In 38 percent of the cases, Facebook released some information.⁵⁰ In the same period, Google received 11 requests from Mexican authorities for the removal of content; the company complied with 18 percent of the requests.⁵¹ Google also received 83 requests from the Mexican government for user data, producing information in 39 of such cases.⁵²

Apart from a 2008 requirement that cell phone users register with the government (revoked in 2012) there are no official restrictions on anonymous communication. Despite a constitutional requirement that any interception of personal communications be accompanied by a judicial warrant,⁵³ reports published in 2012 allege that secret surveillance of private citizens is widespread in Mexico.⁵⁴

In July 2012, evidence was leaked (and later confirmed by the Mexican army)⁵⁵ pertaining to the secret purchase of approximately MXN 4.6 billion (US\$355 million) worth of "spyware" engineered to intercept online and mobile phone communications.⁵⁶ In addition to recording conversations and gathering text messages, email, internet navigation history, and contact lists, the surveillance software is also capable of activating the microphone on a user's cell phone in order to eavesdrop on the surrounding environment.⁵⁷

The website of the Mexican Access to Information agency (IFAI) makes no mention of this expen-

48 Peace Brigades International, Proyecto Mexico, "The Implementation of the Law for the Protection of Human Rights Defenders and Journalists," June 26, 2013, http://www.pbi-mexico.org/fileadmin/user_files/projects/mexico/files/Mechanism/130625BriefingMechanismPBI_EN.pdf

49 Mike O'Connor, "In Mexico, a Movement and a Bill against Impunity," CPJ, April 26, 2013, <http://cpj.org/blog/2013/04/in-mexico-a-movement-and-law-against-impunity.php>; See also: CPJ Press Release, "CPJ Commends New Mexican Legislation," CPJ, April 25, 2013, <http://cpj.org/2013/04/cpj-commends-new-mexican-legislation.php>.

50 Facebook, "Government Requests Report, Mexico, January-June 2013," <https://www.facebook.com/about/government-requests>

51 Google, "Transparency Report: Content Removal by Country – Mexico," accessed June 1, 2014, <http://www.google.com/transparencyreport/removals/government/countries/>

52 Google, "Transparency Report: User Data Requests by Country – Mexico," accessed June 1, 2014, <http://www.google.com/transparencyreport/userdatarequests/countries/>

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

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

55 Ryan Gallagher, "Mexico Turns to Surveillance Technology to Fight Drug War," *Slate* online, August 3, 2012, http://www.slate.com/blogs/future_tense/2012/08/03/surveillance_technology_in_mexico_s_drug_war_.html.

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

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

diture or of the U.S. State Department's alleged assistance in the tripling of Mexico's surveillance capacity via the 2006 installment of specialized surveillance equipment.⁵⁸ Mexico's "Technical Surveillance System" allows the government to "intercept, analyze and use intercepted information from all types of communication systems operating in Mexico."⁵⁹ In the past year, reports have also surfaced that FinFisher software is being used for surveillance in Mexico. Although a group of human rights organizations has called for a federal investigation into the use of espionage and intelligence tools, the government has yet to conduct or submit to any such investigation.⁶⁰

Mobile internet users in Mexico will also be affected by a recent law that allows police to locate mobile phones in real time without a court order.⁶¹ The bill, which allows the government "warrantless access to real time user location data,"⁶² became law in January 2014, despite opposition by human rights organizations.⁶³ Although the law is intended to combat drug cartel activity, its lack of independent oversight leaves it open to misuse by police, military, or intelligence agencies. Critics of the law warn that it is unconstitutional and sets a worrisome precedent of warrantless surveillance.⁶⁴ Corruption and weak rule of law among state governments—including the infiltration of law enforcement agencies by organized crime—also leave room for abuse should private communications fall into the wrong hands.

Heightening the threat posed by real-time warrantless surveillance, over the past year, online journalists and social media users have reported frequent harassment, occasional break-ins, and even death threats—at times from government officials. In mid-2013, Emilio Lugo, editor of the Agoraguerrero news site, was forced to flee his home state of Guerrero after receiving threats for posting an article about the alleged murder of a federal police officer. Despite the many complaints about the efficacy of the Federal Mechanism for the Protection of Human Rights Defenders and Journalists, it was this governmental agency that assisted Lugo and his wife in relocating to a safer area.⁶⁵

As mentioned previously, the telecommunications act passed in July 2014 that enacts elements of the constitutional reform contains a number of worrisome provisions, including articles to provide

58 Robert Beckhusen, "U.S. Looks to Re-Up its Mexican Surveillance System," *Wired* online, May 1, 2013, <http://www.wired.com/danger-room/2013/05/mexico-surveillance-system/>; See also: Katitza Rodriguez, "Mexicans Need Transparency on Secret Surveillance," Electronic Frontier Foundation, July 24, 2012.

59 Robert Beckhusen, "U.S. Looks to Re-Up its Mexican Surveillance System," May 1, 2013, <http://www.wired.com/danger-room/2013/05/mexico-surveillance-system/>

60 Tania Molina Ramirez, "Sigue Active el Programa de Espionaje Cibernetico Finfisher en Mexico," [FinFisher Cyber Espionage Program Kept Active in Mexico] Citizen Lab, October 7, 2013, <http://wikileaks.jornada.com.mx/notas/sigue-activo-el-programa-de-espionaje-finfisher-en-mexico-citizen-lab>

61 Mauricio Torres, "La Corte Avala Ley que Permite a PGR Ubicar Celulares Sin Orden Judicial," [Court Endorses Bill Allowing Cell Tracing Without Warrant] CNN en Español, January 16, 2014, <http://mexico.cnn.com/nacional/2014/01/16/corte-celulares-fallo-modificaciones-proyecto>

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

63 Article 19, "Posicionamiento ante la aprobación del Código Nacional de Procedimientos Penales #EstadoEspia," [Positioning of Approval of the National Code of Criminal Procedure #EstadoEspia] December 5, 2013, <http://articulo19.org/posicionamiento-ante-la-aprobacion-del-codigo-nacional-de-procedimientos-penales/>

64 Cyrus Farivar, "Mexican 'Geolocalization Law' Draws Ire of Privacy Activists," *ArsTechnica*, April 24, 2012, <http://arstechnica.com/tech-policy/2012/04/mexican-geolocalization-law-draws-ire-of-privacy-activists/>.

65 RSF, "A Journalist Forced to Flee, Another Murdered in Lawless Mexico," July 4, 2013, <http://en.rsf.org/mexico-a-journalist-forced-to-flee-04-07-2013,44894.html>

security agencies with blanket access to private data without need of a court order.⁶⁶ Article 189 of the legislation requires telecoms to provide users' locations and data to police, military, or intelligence agencies in real time, without a court order; Article 190 mandates that ISPs and mobile providers keep detailed records of user communications for two years; and Article 192 requires providers to provide this detailed information to security agencies without a court order. These provisions, along with others that stand to negatively impact user freedom and privacy, have received strong opposition from groups advocating for digital privacy and internet freedom rights.⁶⁷

During the last few months of 2013, a number of editors and writers associated with online news outlets were subject to threats and police harassment. Silvia Nuñez Hernandez, editor of the online news portal AGN Veracruz, Carmen Olsen, editor of the Baja California-based news website Rosarito en La Noticia, and Jesus Issac Olmedo, editor of the online publication Reflexion en Linea, all reported police harassment in late 2013.⁶⁸ Lydiette Carrion, an investigative reporter who writes about victims of violence, received death threats via Twitter in October 2013 in connection with an article she was writing about a musician who had disappeared. Carlos Lopez Lopez, a citizen who launched a Facebook page about civil opposition to an increase in prices of subway travel, also received threats on Twitter.⁶⁹

Burglaries have also begun posing a threat to independent outlets. The digital newspaper e-Consulta, whose editor, reporters, and managers suffered a wave of arrests, defamation lawsuits, and kidnappings throughout 2012 and early 2013, suffered another attack in July 2013 when a burglar broke into e-Consulta's Puebla office and stole the computers of the general director and the managing director.⁷⁰ In March 2014, the house of Dario Ramirez, a director of the human rights and freedom of expression group ARTICLE 19, was burglarized. Ramirez's computer and other documents were stolen during the raid, which occurred the evening before ARTICLE 19 was due to release a report regarding violence against journalists in Mexico.⁷¹

Violence against journalists has been a long trend in Mexico, and one that has steadily been spilling over into the realm of online media. In May 2014, Luz Maria Rivera, the director of the online news outlet El Mercurio, was assaulted in connection with her work. No suspect has been named, how-

66 Internet Para Todos Mexico, Proposed Mexican Telecom Law Would Be a Disaster for Internet Freedom," May 7, 2014, <http://internetparatodos.mx/proposed-mexican-telecom-law-would-be-a-disaster-for-internet-freedom/>; See also: "Bashtagging the President," The Economist, April 26, 2014, http://www.economist.com/news/americas/21601281-internet-generation-thorn-enrique-pe-nietos-side-bashtagging-president?fsrc=scn/tw_ec/bashtagging_the_president

67 Internet Para Todos Mexico, Proposed Mexican Telecom Law Would Be a Disaster for Internet Freedom," May 7, 2014, <http://internetparatodos.mx/proposed-mexican-telecom-law-would-be-a-disaster-for-internet-freedom/>; See also: "Bashtagging the President," The Economist, April 26, 2014, http://www.economist.com/news/americas/21601281-internet-generation-thorn-enrique-pe-nietos-side-bashtagging-president?fsrc=scn/tw_ec/bashtagging_the_president; See also: Jesus Robles Maloof, "Enrique Pena Nieto's Open War Against Internet," April 11, 2014, <http://contingentemx.net/2014/04/11/enrique-pena-nietos-open-war-against-internet-nomaspoderalpoder-defenderinternet/>

68 Periodistas en Riesgo, "Acoso a Periodista Carmen Olsen," [Harassment of Journalist Carmen Olsen] accessed March 16, 2014, <https://periodistasenriesgo.crowdmap.com/reports/view/130>

69 Periodistas en Riesgo, "Amenazas a administrador de pagina de Facebook #posmesalto," [Threats to Administrator's Facebook Page Under #Posmesalto] accessed March 16, 2014, <https://periodistasenriesgo.crowdmap.com/reports/view/139>

70 Periodistas en Riesgo, "Roban Computadoras de Directivos del Peridico Digital en Puebla," [Computers of Digital Newspaper Executives Stolen in Puebla] July 25, 2013, <http://www.periodistasenriesgo.com/reports/reports/view/88>

71 Andaluca Knoll, "Mexico is a Killing Ground for Journalists," Vice, April 29, 2014, <https://news.vice.com/article/mexico-is-a-killing-ground-for-journalists>

ever Rivera noted that the attack was intended to drive her away from reporting. Although she has had to move multiple times due to fear of harm to her family, Ms. Rivera is dedicated to continuing her work as director of El Mercurio.⁷² Additionally, Zoila Marquez Chiu, an online journalist with the news site Linea Informativa, was abducted in December 2013. In a rare turn, she was released and returned to her family after 17 days. To date, no suspects have been named.⁷³

Between May 2013 and June 2014, Mexico was witness to at least one retaliatory murder for online journalism. Mario Ricardo Chávez Jorge, a columnist with El Ciudadano (The Citizen) and an active social media user who used his Twitter account (@laredroja) to post information about corruption among officials, was found dead in Tamaulipas in June 2013.⁷⁴ The body of a woman who had been beheaded was also found near Chavez's body.

Cyberattacks have also continued, and pose a growing threat to critical news sites. As of May 2013, Libre en el Sur, a local newspaper and online news website, had been victim to three cyberattacks in as many months.⁷⁵ Libre en el Sur was again targeted later that month with an attack that affected linked Google and Twitter accounts and resulted in the deletion of 588 contacts from the editorial director's Facebook account. The website of El Mañana de Nuevo Laredo, an important news outlet near the U.S.-Mexico border, suffered a distributed denial-of-service (DDoS) attack during the same month which forced the site to go offline for 20 minutes,⁷⁶ the sixth in a series of cyberattacks the outlet experienced in 2013.⁷⁷ In September 2013, another news site, Portal de Plumas Libres, reported a cyberattack preventing the website from being viewed for several hours. It is worth noting that each of these outlets is well known for its independence as well as its coverage of local crime and corruption.

72 RSF, "Threats and Censorship at Peak in Veracruz, Oaxaca, Michoacan, and Zacatecas," September 30, 2013, <http://en.rsf.org/mexico-threats-and-censorship-at-peak-in-30-09-2013.45259.html>

73 RSF, "Missing Woman Journalist Reappears, Back With Her Family," December 27, 2013, <http://en.rsf.org/mexico-woman-journalist-missing-for-past-09-12-2013.45573.html>

74 Periodistas en Riesgo, "Asesinato de Columnist en Tamaulipas," [Assassination of Columnist in Tamaulipas] Periodistas en Riesgo online, June 24, 2013, <https://periodistasenriesgo.crowdmap.com/reports/view/68>

75 Staff Writer, "Atacan y Bloquean la Cuenta de Twitter de Libre en el sur..." [Attacks and Blocks on Twitter Account of Libre en el Sur...] Libre en el Sur, May 17, 2014, <http://www.libreenelsur.mx/content/atacan-bloquean-twitter-libre-en-sur-exigen-que-delegado-jorge-romero-se-deslinda-manera>

76 Periodistas en Riesgo, Mapa de Ataques Cibernéticos al El Mañana de Nuevo Laredo," [Map of Cyberattacks on El Manana de Nuevo Laredo] May 12, 2013, <https://periodistasenriesgo.crowdmap.com/reports/view/55>

77 El Mañana de Nuevo Laredo, "Atacan al Mañana, Ahora via Internet," [Manana Attacked, Now Via Internet] ElManana.com, May 13, 2013, http://www.elmanana.com/diario/noticia/nacional/noticias/atacan_a_el_manana_ahora_via_internet/2075895; See also: Periodistas en Riesgo, "Mapa de Ataques Ciberneeticos a Periódico Delegacional," [Map of Cyberattacks on Periódico Delegacional] May 15, 2013, <https://periodistasenriesgo.crowdmap.com/reports/view/58>