

Mexico

	2014	2015		
Internet Freedom Status	Partly Free	Partly Free	Population:	119.7 million
Obstacles to Access (0-25)	10	9	Internet Penetration 2014:	44 percent
Limits on Content (0-35)	10	10	Social Media/ICT Apps Blocked:	No
Violations of User Rights (0-40)	19	20	Political/Social Content Blocked:	No
TOTAL* (0-100)	39	39	Bloggers/ICT Users Arrested:	Yes
			Press Freedom 2015 Status:	Not Free

* 0=most free, 100=least free

Key Developments: June 2014 – May 2015

- In 2014 and early 2015, Mexico continued to be one of the most hostile environments in the world for online journalists and bloggers, who were subjected to retaliatory violence from drug cartels, organized crime, and public officials. In this period, one online citizen journalist and at least seven other journalists were killed (see **Intimidation and Violence**).
- The Federal Telecommunications and Broadcasting Law, which was approved on July 14, 2014, may potentially increase ICT competition and affordability. However, certain provisions in the law could constitute a significant breach of users' privacy (see **ICT Market and Surveillance, Privacy, and Anonymity**).
- A ruling by the Federal Institute of Access to Information and Personal Data Protection (IFAD)¹ may set a precedent for users to request that search engines remove results that violate their privacy or harm their reputation (see **Content Removal**).
- Online journalists continued to be victims of serious cyberattacks. In this period, six major cyberattacks on journalists and media publications took place (see **Technical Attacks**).

¹ In May 2015, this institute changed its name to the National Institute of Transparency, Access to Information, and Personal Data Protection (INAI).

Introduction

Internet access has improved in recent years, and new legislation has already begun to promote diversity in Mexico's highly concentrated information and communications technology (ICT) market. Nevertheless, internet freedom is severely limited by one of the highest levels of violence against journalists in the world. Online journalists, bloggers, and social media activists often risk their safety to report on local crime and corruption. Using the tense security situation and the war on drugs as justification, the state has ramped up its legal surveillance powers through a recent telecommunications reform.

Online publications have suffered severe cyberattacks, journalists have received death threats, and at least one online journalist was murdered during the coverage period. Although the June 2012 Law to Protect Human Right Defenders and Journalists allows federal authorities to investigate attacks against journalists and human rights defenders and to provide them with protection, it has suffered from inadequate enforcement and delays in responding to requests for protections.¹

In this climate of insecurity, the government expanded its powers of surveillance by passing the Telecommunications Law in July 2014. This law requires internet service providers (ISPs) and mobile providers to store user data for at least two years and to provide detailed communication records to police without a judicial warrant. Meanwhile, recent reports of Mexican government contracts with the Italian surveillance company Hacking Team suggest that state surveillance is widespread.

Mexico has experienced dramatic improvements in both internet penetration and quality of access over the last 25 years; for example, average connection speeds increased from 1.08 Mbps in 2007 to 4.5 Mbps in 2015.² Nevertheless, the country still faces challenges in its quest to extend internet access to all citizens. Regional disparities create a stark digital divide, in which individuals living in large cities have much greater access to affordable internet service than those in smaller towns and more remote areas.

The Mexican ICT market has historically been characterized by extremely high market concentration, which has contributed to high prices and reduced access. Through the Telecommunications Law, the government has sought to reduce this concentration by curbing the dominance of América Móvil, which owns 80 percent of landlines and 70 percent of wireless internet subscriptions in Mexico and is headed by Carlos Slim, one of the world's richest individuals.³ Although the law empowered the new regulatory body, the Federal Telecommunications Institute (IFETEL), to begin to break up Mexico's highly concentrated telecommunications market, six private companies still dominate the industry, offering broadband service at prices beyond the reach of many low-income citizens.

1 Gloria Leticia Díaz, "Alertan por fallas en Ley para Protección a Periodistas y Activistas," [Warning of Failures in the Law for the Protection of Journalists and Activists] *Proceso.com.mx*, June 25, 2013, accessed July 15, 2015, <http://bit.ly/1MsOyoj>; See also "El Mecanismo de Protección para Personas Defensoras de Derechos Humanos y Periodistas en México: desafíos y oportunidades," [The Mechanism for the Protection of Human Rights Defenders and Journalists in Mexico: Challenges and Opportunities] Washington Office on Latin America and Peace Brigades International, February 3, 2015, accessed July 15, 2015, <http://bit.ly/1zPQbtg>.

2 Akamai, "Map Visualization-Mexico," *State of the Internet*, Q3 2007-Q4 2014, accessed March 12, 2014, <http://akamai.me/1VdTuF5>; See also Akamai, *State of the Internet Report*, Q1 2015, accessed July 15, 2015, <http://bit.ly/1LXLUEf>.

3 Susan Crawford, "Mexico's Lucky to Have Just One Man Blocking Internet Equality, We've Got a Bunch," *Wired*, May 13, 2013, <http://wrd.cm/1JyGpKr>.

Obstacles to Access

Implementation of the new Telecommunications Law has opened the market and started to reduce concentration of the sector. This development has the potential to increase availability and ease of access to the internet. At the same time, the government has launched its plan to use the national fiber-optic network, owned by the Federal Commission of Electricity, to expand internet service throughout the country. So far, however, the country still suffers from a huge digital divide between the north and south of the country.

Availability and Ease of Access

Internet penetration in Mexico has increased significantly over the past five years. According to data from the International Telecommunications Union (ITU), internet penetration reached 44 percent in Mexico in 2014, compared to 43 percent in 2013 and just 26 percent in 2009.⁴ Although access has continued to grow each year, the rate of this growth has decreased slightly in recent years.⁵

New legislation and government initiatives may significantly reshape the telecommunications industry and increase access, but the real-world impact of these relatively new policy changes still remains to be seen. The Telecommunications Law, passed in July 2014, aims to reduce market concentration in the sector, which could increase access by increasing competition and reducing the very high prices for mobile and internet services in the country.

Meanwhile, following advice from civil society groups, the government has announced plans to use the national infrastructure of the Electricity Federal Commission (CFE) to provide improved internet access across the country. In December 2014, as part of the constitutional reform in telecommunications, the Federal Electricity Commission granted the state company Telecomm (Telecommunications of Mexico) use of a 40,000 kilometer-long fiber-optic cable network. Telecomm hopes to use and expand this infrastructure, which can transmit data, video, and voice communications, with the goal of expanding internet access to 98 percent of homes.⁶

As of early 2015, however, Mexico continued to suffer from limited access, and the digital divide between the north and south has widened. While the proportion of homes with access to the internet grew from 30.7 percent in 2013 to 34.4 percent in 2014, the proportion of homes with access to internet in some of the poorest states was unchanged.⁷ In 2014, more than half of homes had access to the internet in Nuevo Leon, Mexico City and Baja California, while only one in ten had access to the internet in Chiapas and Oaxaca.⁸

4 International Telecommunications Union, "Percentage of Individuals Using the Internet," accessed August 15, 2015, <http://bit.ly/1FDwW9w>.

5 Julio Sánchez Onofre, "Crecimiento de internautas en México se desacelera: INEGI," [Growth of internet users in Mexico is slowing down] *El Economista*, December 17, 2014, accessed March 12, 2015. <http://bit.ly/1iFkSd7>.

6 Leonardo Peralta, "Telecomm venderá conectividad de fibra óptica en 2015" [Telecomm will sell fiber optic connectivity in 2015], *CNN Expansion*, December 11, 2014, <http://www.cnnexpansion.com/tecnologia/2014/12/10/telecomm-vendera-conectividad-de-fibra-optica-en-2015>; Claudia Juarez Escalona, "Telecomm controlará fibra óptica de la CFE" [Telecomm will control the CFE's fiber optic network], *El Economista*, May 27, 2014, <http://bit.ly/1NXBVmF>; "Mexico: Gobierno cede concesión de red de la CFE a Telecomm" [Mexico cedes concession of the CFE network to Telecomm], *Prensario Internacional*, May 28, 2014, <http://bit.ly/1M3qhbv>.

7 Instituto Nacional de Estadística y Geografía, "Módulo sobre disponibilidad y uso de las tecnologías de la información en los hogares, 2014," [Module on availability and usage of technology at home, 2014] December 11, 2014, accessed on April 12, 2015, <http://bit.ly/1QNEasd>

8 Instituto Nacional de Estadística y Geografía, "Módulo sobre disponibilidad y uso de las tecnologías de la información en

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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), 34.4 percent of Mexicans had household internet access as of 2014.⁹ Although the number of Mexicans with broadband subscriptions has increased over the past decade, growing from 0.4 percent in 2003 to nearly 12 percent in 2014,¹⁰ Mexico still falls significantly below the broadband penetration rates of other OECD countries, which have an average rate of approximately 27 percent.¹¹ In Mexico where the minimum wage is US\$150 per month,¹² the high price of broadband service, which can range from US\$26 to US\$100 per month,¹³ is a significant factor in the country's low broadband penetration rate.

Internet cafes and the availability of internet at the workplace and schools have partially ameliorated the disparities in internet use between socioeconomic groups. Although 58 percent of all computer users in Mexico access the internet from home, in 2014, the remaining 42 percent of computer users (nearly 18 million) sought access from other places,¹⁴ such as internet cafes or computers at their workplace.¹⁵

The emergence of mobile technologies has also increased internet access in Mexico. Notably, the mobile broadband penetration rate, which grew nearly 19 percent between December 2013 and June 2014 to reach a penetration rate of roughly 40 percent, far surpasses the penetration rate of fixed household broadband subscriptions, which grew 3 percent in the same period to a current penetration rate of 12 percent.¹⁶ Although Mexico had the third-highest growth in mobile broadband penetration among OECD countries between December 2013 and June 2014, it still lags well behind most other OECD countries in terms of mobile internet penetration.¹⁷

Mobile phone access is significantly more widespread in Mexico than is internet use, with the ITU reporting a mobile penetration rate of 83 percent (about 102 million users) as of 2014.¹⁸ However, this rate still puts the country behind other countries in the region. As of December 2014, an eMarketer study estimated that there were 29 million smartphone users in Mexico.¹⁹ The prevalence of smart-

los hogares, 2014."

9 Instituto Nacional de Estadística y Geografía, "Módulo sobre disponibilidad y uso de las tecnologías de la información en los hogares, 2014."

10 OECD, "Historical penetration rates, fixed and wireless broadband," *OECD Broadband Portal*, updated December 2014, <http://bit.ly/1Brdh9K>; See also: Patricia Rey, "Mexico, second worst OCDE country for broadband penetration," *BNAmericas*, February 27, 2015, accessed April 14, 2015, <http://bit.ly/1KG2NVZ>

11 OECD, "Fixed and Wireless Broadband Subscriptions Per 100 Inhabitants," *OECD Broadband Portal*, updated December 2014, <http://bit.ly/1Brdh9K>.

12 Comisión Nacional de Salarios Mínimos, "Boletín de Prensa, December 19, 2014, accessed on April 12, 2015, <http://bit.ly/1Emq3Hs>.

13 Danielle Kell et al, "The Cost of Connectivity 2014: Data and Analysis on Broadband offerings in 24 cities across the world," Policy Paper, Open Technology Institute October 30, 2014, accessed on April 12, 2015, <http://bit.ly/110Cco0>.

14 Based on statistics regarding Mexico's population and internet penetration, it is possible to calculate that there are roughly 43 million internet users in Mexico; of these, 42 percent or nearly 18 million do not have internet access at home and must seek it outside the home. Instituto Nacional de Estadística y Geografía, "Estadísticas sobre la disponibilidad y uso de las tecnologías de la información en los hogares, 2014."

15 Instituto Nacional de Estadística y Geografía, "Estadísticas sobre la disponibilidad y uso de las tecnologías de la información en los hogares, 2014."

16 Patricia Rey, "Mexico, second worst OCDE country for broadband penetration," *BNAmericas*, February 27, 2015, accessed April 14, 2015, <http://bit.ly/1KG2NVZ>; See also: Miguel Ángel Vargas, "OCDE: Mexico con la más baja penetración de banda ancha," *ADN Político*, January 9, 2014, <http://bit.ly/1P20ijX>.

17 "México, el quinto peor en Internet móvil: OCDE," *Forbes*, February 19, 2015, <http://bit.ly/1LMJAlt>

18 International Telecommunications Union, "Mobile-cellular telephone subscriptions," accessed August 15, 2015, <http://bit.ly/1FDwW9w>.

19 "Who's Using Tablets and Smartphones in Latin America," *eMarketer*, March 20, 2015, <http://bit.ly/1LIsBnZ>.

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phones is due in part to a recent drop in prices for mobile phone use,²⁰ the increasing availability of smartphones, and promotions that narrow the price gap between basic phones and smartphones.²¹ Mexico is reportedly home to the second largest smartphone market in Latin America, following Brazil, and the tenth largest in the world as of 2013.²²

Restrictions on Connectivity

There have not been any recorded activities or public incidents related to government imposed restrictions on ICT connectivity or restrictions on access to particular social media or communications applications during the period of this report. Article 190 in the recently passed Telecommunications Law, however, authorizes the “appropriate authority” within the Mexican government to request the suspension of telecommunications service in order to “halt the commission of crimes.”²³

Civil society groups successfully rallied to remove wording from earlier drafts of the Telecommunications Law that would have allowed the government to temporarily block telecommunications signals “in events and places critical to the public and national security.”²⁴ Although the version of the law that was approved narrowed the parameters for blocking telecommunications signals in comparison with the proposed draft of the law, there are still concerns that authorities could abuse these provisions to limit expression in critical moments. The United Nations Special Rapporteur on Freedom of Expression, along with other international organizations, has stated that shutting down entire parts of the communications system cannot be justified under human rights law.²⁵

Although the majority of the backbone infrastructure in Mexico is privately owned, the state-owned company Telecomm has taken on greater control of the infrastructure, after taking over the fiber-optic infrastructure from the Federal Electricity Commission.²⁶ Mexico has only one Internet Exchange Point (IXP), set up by KIO Networks in April 2014. Experts say that this IXP may increase efficiency and reduce costs for Mexican ISPs by helping to manage traffic across networks.²⁷

ICT Market

In June 2013, the president approved a constitutional amendment aimed at reforming the telecommunications sector.²⁸ Through that reform, the government hoped to increase competition via

20 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: “Cofetel reduces fixed line interconnection rate,” *TeleGeography*, June 10, 2011, <http://bit.ly/1LXQ0vV>.

21 Maris Olvera, “A la baja precios de smartphones,” [Smartphone Prices Decreasing] *El Universal-Querétaro*, May 27, 2013, <http://bit.ly/1iWOpjf>.

22 “One-Quarter of Mexico’s Population to Use Smartphones in 2014,” *eMarketer*, December 22, 2014, accessed April 14, 2015, <http://bit.ly/1wBt2aG>; See also: “2013: The Year of the Smartphone in Latin America,” *eMarketer*, January 22, 2014, <http://bit.ly/1ooxGkg>; and Julio Sanchez Onofre, “México, mercado ‘top 10’ global de smartphones en 2013: IDC,” [Mexico: ‘Top Ten’ Global Market for Smartphones in 2013: IDC] *El Economista*, June 11, 2013, <http://bit.ly/1VmwNsR>.

23 Artículo 189-190 de Ley Federal de Telecomunicaciones y Radiodifusión [Art. 189-190 of Federal Telecommunications and Radio Law], <http://bit.ly/13dOkzO>.

24 Rafael Cabrera, “Bloqueo, censura... ¿Qué propone Peña Nieto para internet?,” *Animal Político*, March 29, 2014, <http://bit.ly/1KOYri1>.

25 United Nations Office of the High Commissioner of Human Rights, “Joint Declaration on Freedom of Expression and responses to conflict situation,” accessed October 20, 2015, <http://bit.ly/1hPapLD>.

26 Peralta, “Telecomm venderá conectividad de fibra óptica en 2015.”

27 Julio Sánchez Onofre, “Primer IXP in Mexico, una realidad,” *El Economista*, April 30, 2014, <http://bit.ly/1h3UAQG>.

28 “Mexican Senate approves telecoms-reform bill,” *Al Jazeera*, May 1, 2013 <http://bit.ly/1KOyU3J>; See also: Dolia Estevez, “Mexico’s Congress Passes Monopoly-Busting Telecom Bill, Threatening Tycoon Carlos Slim’s Empire,” *Forbes*, May 1, 2013, <http://>

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asymmetric regulation, to force divestment of companies with a monopoly on telecommunications, and to lighten restrictions on foreign investment.²⁹ In July 2014, the government finally approved secondary legislation allowing the recently created Federal Institute for Telecommunications (IFETEL) to launch a process to reduce the market dominance of two América Móvil companies: Telcel in the mobile market and Telmex in the fixed segment.

Prior to the reform, six private companies controlled Mexico's mobile phone sector, with one company eclipsing all others in market dominance. Carlos Slim's América Móvil, which counts both Telmex and Telcel as subsidiaries, dominated the ICT landscape with 80 percent of landline subscriptions and 70 percent of the wireless market in 2013.³⁰ The top competitor in fixed line subscriptions, Axtel, only accounted for 6 percent of that market, while the top competitor in wireless connections, Movistar, claimed 20 percent of wireless subscriptions.³¹

Mexico's Telecommunications Law prohibits companies from controlling more than 50 percent of the market share. In March 2014, IFETEL, the new regulator, declared América Móvil a dominant company, indicating that it violated antitrust standards under the law. In response, América Móvil preemptively started selling assets to comply with the new regulations.³²

Over the past year, IFETEL has continued to issue decisions targeted at reducing América Móvil's dominance in the market. In an important step that has the potential to reduce costs and obstacles to calling between phone networks, IFETEL determined that the company must eliminate mobile roaming charges and fees for receiving incoming calls from rival providers on Telcel's network. Under new regulations, América Móvil also initiated steps to allow other telecommunications providers to use its platform, and after a long legal dispute, América Móvil and Axtel reached an agreement for the latter to offer mobile phone services on América Móvil's network.³³ Through this agreement, Axtel will become the first virtual mobile network leasing space from Americas Movil network unit Telcel.

Although it is early to assess the overall impact of the Telecommunications Law on market concentration, competition, and prices, the initial developments seem to bode well for ICT competition in Mexico. In January 2015, for example, U.S.-based carrier AT&T closed a \$2.5 billion deal with the purchase of Iusacell, the third largest Mexican carrier from Grupo Salinas,³⁴ marking the entrance of U.S. companies into the Mexican market and increasing competition for América Móvil.

Regulatory Bodies

In 2013, the government established a new autonomous regulatory apparatus known as the Federal

onforb.es/1iFp4cQ

29 "Working through a Reform Agenda," *The Economist*, April 4, 2013, <http://econ.st/1RbUovQ>.

30 Susan Crawford, "Mexico's Lucky to Have Just One Man Blocking Internet Equality, We've Got a Bunch," *Wired*, May 13, 2013, <http://wrd.cm/1JyGpKr>; See also: Henry Lancaster, *Mexico- Mobile Infrastructure, Broadband, Operators – Statistics and Analyses*, BuddeComm, last updated August 24, 2015, <http://bit.ly/1MBCfpl>; and also, "America Movil Renews Criticism of OECD Report on Mexico," *ADVFN*, <http://bit.ly/1Vjh0jL>.

31 Dolia Estevez, "U.S. Government Puts Pressure on Carlos Slim, Mexico's Telecom Sector to Open Up To Competition," *Forbes*, April 1, 2013, <http://onforb.es/1JyKiip>.

32 Dolia Estevez, "In A Surprising Move, Mexican Billionaire Carlos Slim To Sell Telecom Assets In Compliance With New Anti-Trust Rules," *Forbes*, July 9, 2014, accessed April 14, 2015, <http://onforb.es/1iFpLDh>.

33 Anthony Harrup, "Mexico's América Móvil, Axtel Settle Disputes," *The Wall Street Journal*, March 18, 2015; accessed April 17, 2015, <http://on.wsj.com/1RbVesD>.

34 Roger Cheng, "Done deal: AT&T closes \$2.5 billion purchase of Mexico's Iusacell," January 16, 2015, <http://cnet.co/1sHfJp3>.

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Telecommunications Institute (IFETEL) as part of a constitutional reform, in order to increase transparency of media regulation.³⁵ IFETEL has the legal mandate to act as an antitrust body, protecting the industry against monopolistic practices. Its abilities were put on hold, however, until secondary legislation was passed in July 2014. Though it could still make rulings, the lack of secondary legislation was grounds for dominant companies to appeal the regulator's rulings before a court.

After secondary legislation was approved in July 2014, however, IFETEL began acting on its mandate to unilaterally punish non-competitive practices through the withdrawal of corporations' licenses, the application of asymmetric regulation, and the unbundling of media services—stipulations that may portend a dramatic change in the Mexican ICT landscape.³⁶ The most notable step taken by IFETEL was the declaration that América Móvil and Televisa were dominant companies. This action indicates positive changes in Mexico's telecommunications market, especially if IFETEL can continue to remain independent from political and corporate interests.

Limits on Content

There is no evidence of blocking or filtering of online content in Mexico, but the government has increased requests to social media companies to remove content. Meanwhile, harassment and physical violence contributed to self-censorship among journalists and online activists, although many have continued to risk physical danger in order to write about crime and corruption. Public officials and private actors also used harassment and economic constraints to manipulate the media environment. In March 2015, for example, a team of online investigative journalists was fired after publishing a story about government corruption.

Blocking and Filtering

No evidence has been documented that the government or other actors blocked or filtered internet and other ICT content. Facebook, Twitter, YouTube, and international blog-hosting services are freely available in Mexico and have enjoyed steady growth in recent years.

Content Removal

The Mexican government does not systematically request content removal. Facebook did not register any content removal requests for 2014,³⁷ and Twitter registered two government agency requests for content removal, with which it did not comply.³⁸ Although there is little legislative framework for intermediary liability, the existing legislation offers some protections from liability for ISPs in cases of copyright infringement.³⁹ A crucial new ruling from the Federal Institute of Access to Information and Personal Data Protection (IFAI),⁴⁰ now known as the INAI after a recent name change, may indi-

35 Juan Montes, "Mexico Telecoms Reform Bill Advances," *The Wall Street Journal*, March 22, 2013, <http://on.wsj.com/1LXSc6E>

36 Víctor Pavón-Villamayor, "Ifetel, la mayor apuesta en telecomunicaciones," [Ifetel, The Biggest Bet in Telecommunications] *Forbes México*, April 25, 2013, <http://bit.ly/1JyL0Mr>; See also: Juan Montes, "Mexico Telecoms Reform Bill Advances," *The Wall Street Journal*, March 22, 2013, <http://on.wsj.com/1LXSc6E/>.

37 Facebook, "Mexico," *Government Request Report*, July-December 2014, <http://bit.ly/1GcN0Km>.

38 Twitter, "Mexico," *Transparency Report*, <https://transparency.twitter.com/country/mx>.

39 Jose Camarena, "WILMAP: MEXICO," The Center for Internet and Society, Stanford Law School, <http://stanford.io/1MV98kd>.

40 This was the name of the institute at the time of the ruling. However, in May 2015, the institute changed its name to the National Institute of Transparency, Access to Information, and Personal Data Protection (INAI).

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cate greater liability for search engines if they do not comply with requests to remove sensitive personal information from their search results.

In July 2014, Carlos Sanchez de la Peña, a businessman whose family had extensive dealings in the transport sector, sent an appeal to Google Mexico asking it to remove three links from search results on the grounds that these links, which included criticisms of his family's business dealings, constituted an affront to his honor and privacy.⁴¹ Google Mexico dismissed the request on jurisdictional grounds, at which point Sánchez petitioned the IFAI to force Google Mexico to remove the links. In January 2015, the IFAI conceded to Sánchez's request and ordered Google Mexico to remove the links under threat of sanction.⁴² In its decision, the IFAI, following in the footsteps of several so-called "right to be forgotten" cases, argued that individuals had the right to demand that the search engine remove search results that might violate their privacy.

Civil society groups have expressed serious concern that the ruling could set a precedent for intermediary liability and censorship. They have also raised issue with the type of content that was censored. Although Sanchez characterized the links as defamatory and a violation of his personal privacy, civil society groups have argued that the links—which included a journalistic investigation in the media outlet *Revista Fortuna* about fraud—had public interest value.⁴³ Both Google and *Revista Fortuna*, represented by the digital rights group R3D, have challenged the resolution, and Google has succeeded in obtaining an injunction. Mexican courts have not yet ruled on the right to be forgotten, although the legal challenges presented to the IFAI ruling could provide them with an opportunity to do so.⁴⁴

Media, Diversity, and Content Manipulation

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 to keep them from writing about issues of local corruption and crime.

The climate of violence and harassment towards the media contributes to significant self-censorship. In some states heavily afflicted by violence, the local media will simply not report stories about drug trafficking or drug-related violence. An investigation by the MEPI Foundation, a Mexican non-profit focused on promoting investigative journalism, found that in a survey of citizens who live in 15 high-crime cities, eight out of ten people respondents said that they knew that local media would not report on crime in their area.⁴⁵

In several cases, evidence suggests that public officials also attempted to manipulate media content by exerting pressure on media outlets to fire reporters who are critical of the government. On June 25, 2014, for example, the Chihuahua-based reporter Gabriel Ortega denounced the TV station Azteca Chihuahua, claiming that the station had fired him after he used his personal Facebook account

41 Lauren Iliff, "Google Wages Free-Speech Fight in Mexico," *The Wall Street Journal*, May 27, 2015, <http://on.wsj.com/1JOMdS1>.

42 Instituto Federal de Acceso a la Información y Protección de Datos, *Antecedentes*, <http://bit.ly/1jr0U6E>.

43 Animal Político, "Fallo del IFAI contra Google abre puerta para que cualquiera censure contenidos en Internet," *Vanguardia*, January 30, 2015, <http://www.vanguardia.com.mx/falodelifaicontragoogleabrepuertaparaquecualquieracensurecontenidoseninternet-2260478.html>.

44 Susana Guzmán, "Google litiga contra el Ifai por el 'derecho al olvido'" [Google litigates against the IFAI over the right to be forgotten], *La Razón*, April 28, 2015, <http://bit.ly/1hPhMCB>

45 Fundación MEPI, "Se autocensuran por crimen organizado," February 3, 2015, <http://bit.ly/1iWTqbA>.

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to criticize both the state and the city governments.⁴⁶ In a case that generated far more media attention in March 2015, MVS, an independent radio station, terminated its contract with the Aristegui Noticias team, a group of investigative journalists that used to run stories on the MVS radio station. MVS said that the dismissal was related to the involvement of members of the investigative team in a new website Méxicoleaks, which encourages whistleblowers to come forward anonymously. The company accused the journalists of using the MVS brand in association with the Méxicoleaks project without permission.⁴⁷

Many critics believe that the real reason for the termination, however, was a reaction to a controversial report published online by the Aristegui Noticias team two months earlier that investigated a luxurious residence in Mexico City owned by President Enrique Peña Nieto's family.⁴⁸ The proximity between the publication of the story and the dismissal of the entire Aristegui Noticias team raised suspicions about the role of governmental pressure on MVS. Edison Lanza, the Special Rapporteur of Freedom of Expression at the Interamerican Commission of Human Rights criticized the firing saying that it might be "a subtle form of censoring a critical voice."⁴⁹ After MVS terminated the contract, the team continued to publish stories on their website aristeguinoticias.com.

Online trolls have targeted both online and print journalists through Twitter and other social media, and some reports suggest that some government officials or powerful figures regularly employ commentators or bots in order to manipulate online debate.⁵⁰ The news portal Sin Embargo reported on October 8, 2014 that it was subject to attacks by anonymous users, thought to be bots, posting comments on the website accusing the editors of corruption.⁵¹ Before the threats, Sin Embargo had run a story critical of local officials.

After publishing an article on the online media platform Aristegui Noticias in February 2015 criticizing the detention of human rights defender Pedro Canché, journalist Lydia Cacho said that she faced attacks from trolls accusing her of accepting money from public officials.⁵² Trolling campaigns seem to be a regular form of attack against independent online journalists and bloggers in Mexico. The map of press freedom violations, "Journalists at Risk," shows at least two other major cases of trolling attacks against @MrCruzStar, an online activist in Tamaulipas,⁵³ and Sandra de los Santos, a reporter for the online media outlet *Chiapas Paralelo*.⁵⁴

Economic constraints influence the diversity of media in Mexico. Scarce funding and a lack of inter-

46 Periodistas en Riesgo, "Denuncia reportero espionaje virtual y despido," [Reporter claim he was spied electronically and fired] June 25, 2014, accessed April 15, 2015, <http://bit.ly/1MVbfo2>.

47 Elisabeth Malkin, "In Mexico, Firing of Carmen Aristegui Highlights Rising Pressures on News Media," The New York Times, March 27, 2015, <http://nyti.ms/1FDE7yz>.

48 "La casa blanca de Enrique Peña Nieto (investigación especial)," [The white house of Enrique Peña Nieto (special investigation)] *Aristegui Noticias*, November 9, 2014; accessed April 17, 2015, <http://bit.ly/1xc1FVN>.

49 Associated Press, "Depido de Aristegui huele a censura: CIDH," *El Economista*, March 23, 2015, <http://bit.ly/1LKw8Rm>.

50 Alberto Nájjar, "¿Cuánto poder tienen los Peñabots, los tuiteros que combaten la crítica en México?," *BBC Mundo*, March 7, 2015, <http://bbc.in/1KG9qHX>; Erin Gallagher, "Tracking The Mexican Botnet: Connecting the Twitterbots," *Revolution News*, March 18, 2015, <http://bit.ly/1FS4CxX>.

51 Periodistas en Riesgo, "Ataque cibernético a portal Sin Embargo," [Cyberattack to Sin Embargo portal] October 8, 2014, accessed April 15, 2015, <http://bit.ly/1klSpKw>; "Bots lanzan ataque masivo contra SinEmbargo, defienden al gobernador Aguirre," *Sin Embargo*, October 8, 2014, <http://bit.ly/ZtexrI>.

52 Periodistas en Riesgo, "Campaña de desprestigio contra Lydia Cacho," [Defamation campaign against Lydia Cacho] February 10, 2015, accessed April 15, 2015, <http://bit.ly/1RbYtQP>.

53 Periodistas en Riesgo, "Campañas de difamación en contra de reporteros ciudadanos de ReynosaFollow," July 22, 2014, <http://bit.ly/1Fxx19i>.

54 Periodistas en riesgo, "Campaña de difamación contra periodista Sandra de los Santos," April 2015, <http://bit.ly/1JyNRFh>.

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est in online advertising create challenges for individuals and nonprofits seeking to establish sustainable online outlets in Mexico. Reliance on public advertising renders independent media vulnerable to manipulation of content or closure due to lack of funding,⁵⁵ although it is the former that appears to be the more pernicious of the two trends. In Puebla, for example, independent media organizations say the state government uses a combination of state, municipal, and university advertising as a way to control the editorial independence of local media. According to the editor of *La Jornada de Oriente*, this mechanism of control has forced the shutdown of at least six online and print media outlets.⁵⁶

A study by the World Association of Newspapers and the Fundar Center for Analysis and Investigation interviewed Mexican media managers and found that local media organizations frequently depended on governmental advertising for 50 percent or more of their budget.⁵⁷ For the second year, the current administration reduced the budget for public advertising by 18 percent. Nongovernmental organizations (NGOs) say that the allocation of this budget is less than transparent and opens the possibility of governmental control of media.⁵⁸ For some media organizations that depend on governmental advertising, a reduction in public funding might mean shutting down business.

Despite such challenges, however, financially independent digital media outlets are appearing in Mexico, creating a new ecosystem of news options. These independent outlets, such as *Paralelo*,⁵⁹ an outlet created by freelance and local journalists in Chiapas, bring new voices to the public debate. Another new digital media venture, *Animal Político*, a popular site that claims more than one million followers on Facebook,⁶⁰ is successfully experimenting with alternate forms of financing. In order to raise revenue for the site without compromising content based on advertisers' political leanings, *Animal Político* is practicing brand journalism, offering social media consulting and digital content to private companies. Additional financing is derived from syndicated content, private sponsorships, and a new outlet named Animal Gourmet.⁶¹ Other digital media outlets have emerged in Mexico City, Puebla, and Oaxaca.⁶²

The social media landscape in Mexico is also vibrant. Mexico has the second largest community of Facebook users in Latin America after Brazil—and the fifth largest in the world—with an estimated 40 million users, which represents over 90 percent of all internet users. It also has the second highest Twitter penetration in Latin America with 12 percent of internet users regularly accessing a Twitter

55 "México," in *Article VIII, Control estatal de los medios de comunicación*, published by Fundar Centro Análisis e Investigación, on Scribd., May 3, 2015, 57-60, <http://bit.ly/1GcRe4F>.

56 "México," in *Article VIII, Control estatal de los medios de comunicación*, 60.

57 Rodrigo Bonilla, "Informe, La Comprando complacencia, publicidad oficial y censura indirecta en México," World Association of Newspapers and News Publishers (WAN-IFRA) March 26, 2014, <http://bit.ly/1iWVlaH>.

58 Eduardo Ortega, "EPN aprieta recursos a medios, baja 18 por ciento en publicidad," *El Financiero*, February, 24, 2015, <http://bit.ly/17xQMtn>.

59 The website can be found at: <http://www.chiapasparalelo.com>.

60 Tania Lara, "Popular Mexican news site *Animal Político* seeks to eliminate dependence on government advertising," *Journalism in the Americas Blog*, Knight Center at the University of Texas Austin, April 30, 2013, <http://bit.ly/1h44YYW>.

61 Tania Lara, "Popular Mexican news site *Animal Político* seeks to eliminate dependence on government advertising," *Journalism in the Americas Blog*.

62 There are other promising examples of new online news outlets such as: <http://www.sinembargo.mx>, based in Mexico City; <http://ladobe.com.mx>, based in Puebla, <http://pagina3.mx>, based in Oaxaca; <http://nodonoticias.com>, in Morelos; <http://diarioactivo.mx>, and <http://www.artificialradio.mx/artificial/>.

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account.⁶³ The number of internet users in Mexico with Twitter accounts ballooned in recent years, growing from 3.5 million in 2012 to 7.7 million in 2014.⁶⁴

Articles 145 and 146 of the Telecommunications Law establish protections for net neutrality. However, net neutrality has reemerged as a contentious issue with Facebook's announcement that it is hoping to introduce Internet.org,⁶⁵ a zero-rating platform that grants the user access to certain online applications, in Mexico.⁶⁶ Zero-rating programs, which are operated by most of the major mobile providers, have generated significant debate.⁶⁷ Facebook argues that limited access is better than no access and that this program will introduce millions to important social, health, and political resources on the internet. Critics, however, contend that the program, along with other zero-rating programs, violates net neutrality provisions and fails to provide users with proper data security.⁶⁸ The Telecommunications Law empowers IFETEL to develop rules on net neutrality and traffic management, which it is expected to do in the upcoming year.⁶⁹

Digital Activism

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. In an act of everyday activism and in the face of significant risk, users make regular use of social media to provide critical warnings to local communities about dangerous cartel-related situations and to protest instances of corruption and violence by authorities and cartels.⁷⁰

In 2014, Twitter users launched the hashtag #TodosSomosAyotzinapa to organize protests against the kidnapping and murder of 43 students from a teaching college in Ayotzinapa, Guerrero on September 26, 2014. Frustrated with the lack of results in the investigation and the security situation in the country, with state government officials often implicated in violence, Mexicans took to the streets for over a month in a series of protests in the wake of the mass killing.⁷¹

Social media in Mexico has also been used also as a tool for organizing to defend equal access to technology and freedom of expression online. 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 recognize internet access as a fundamental right. Due in large part

63 "Latin American Countries Among Fastest-Growing Twitter Markets Worldwide," *EMarketer*, June 4, 2014, accessed April 14, 2015, <http://bit.ly/1kwifbF>.

64 "The numbers of Facebook and Mexico," *Mexico Daily Review*, August 29, 2014, accessed April 14, 2015, <http://bit.ly/1MBIhXb>.

65 Internet.org changed its name to Free Basics in September 2015.

66 "Internet.org de Zuckerberg llegará a México en junio," *Informador*, May 28, 2015, <http://bit.ly/1Rv0t7h>.

67 Red en Defensa de los Derechos Digitales, "Neutralidad de la Red en México: Del Dicho Al Hecho" [Net Neutrality in Mexico: From Talk to Deed], accessed October 20, 2015, <http://bit.ly/1GQtvre>.

68 Milenio Digital, "Internet.org pondría en riesgo la neutralidad de la red, advierten organizaciones," *Tendencia*, May 19, 2015, <http://bit.ly/1Kjxqm2>; Red en Defensa de los Derechos Digitales, "Neutralidad de la Red en México: Del Dicho Al Hecho" [Net Neutrality in Mexico: From Talk to Deed], accessed October 20, 2015, <http://bit.ly/1GQtvre>.

69 Red en Defensa de los Derechos Digitales, "Neutralidad de la Red en México: Del Dicho Al Hecho" [Net Neutrality in Mexico: From Talk to Deed], accessed October 20, 2015, <http://bit.ly/1GQtvre>.

70 Damien Cave, "Mexico Turns to Twitter and Facebook for Information and Survival," *The New York Times*, September 24, 2011, <http://nyti.ms/1JySbEA>; Miguel Castillo, "Mexico: Citizen Journalism in the Middle of Drug Trafficking Violence," *Global Voices*, May 5, 2010, <http://bit.ly/1WtYP8j>.

71 "Protests Mark Seven months Since Ayotzinapa Kidnappings," *PanAm Post*, April 27, 2015, <http://bit.ly/1JNis3V>.

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to the success of the coalition, Congress included internet access as a civil right in its 2013 reform of the Mexican Constitution.⁷²

Activism based around social media also succeeded in forcing the government to amend several articles in a draft version of the Telecommunications Law before it was passed in 2014. In April 2014, activists and civil society organizations initiated an online campaign for revisions in the Telecommunications Law⁷³ and succeeded in forcing the government to remove Article 197 of the draft law, which would have allowed authorities to temporarily block signals at “critical places and events” for the sake of national security, and Article 145, which would have allowed content to be blocked at the request of a user or on the order of an authority.⁷⁴

Violations of User Rights

In 2014 and early 2015, Mexico continued to be one of the most hostile environments in the world for online journalists and bloggers, who were subjected to retaliatory violence from drug cartels, organized crime, and public officials, resulting in at least one murder of an online journalist between June 2014 and May 2015, out of eight murders of journalists in the same period. The Mexican government has used the poor security situation in the country as an excuse to dramatically increase surveillance. Evidence continued to emerge that the Mexican government engages in extensive surveillance of its citizens, and the new Telecommunications Law allows the Mexican government to request metadata from telecommunications companies and ISPs without a warrant.

Legal Environment

Despite legislation intended to increase the security of journalists and human rights defenders, the government has had little success in deterring attacks on journalists, bloggers, and activists, which are rarely punished in a country that ranks near the top in global surveys on impunity.⁷⁵ 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 even harassment of online journalists. New legislation on surveillance jeopardizes user rights by allowing significant breaches of privacy and significantly increasing the potential for abuse in government surveillance.

The Mexican Constitution guarantees freedom of speech, freedom of the press, and privacy of personal communications. In mid-2013, the parliament passed a law to create a constitutional amendment regarding telecommunications, and a Constitutional Reform Decree was subsequently enacted by the Mexican president on June 10, 2013. Besides granting the government expanded powers to curtail monopolies in the telecommunications sector, the amendment established internet access as a human right and guaranteed net neutrality. Nevertheless, the Telecommunications Law, created as

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

73 Elizabeth, “#EPNvsInternet: Mass Campaign against Mexican Communications Bill,” *Global Voices*, April 21, 2014, <http://bit.ly/1P29ODI>.

74 Rafael Cabrera, “Bloqueo, censura... ¿Qué propone Peña Nieto para internet?,” *Animal Político*, March 29, 2014, <http://bit.ly/1KOYri1>; see also William M. Turner, “#EPNvsInternet y el regreso de los jóvenes al activismo en redes sociales,” *CNN México*, April 23, 2014, <http://cnn.it/1kpJzaa>; and see Mauricio Torres, “10 claves para desenredar el debate sobre la ley de telecomunicaciones,” *CNN México*, April 25, 2014, <http://cnn.it/1i0C7yM>.

75 “Mexico Next to Last in Global Impunity Index,” *Americas Quarterly*, April 21, 2015, <http://bit.ly/1Fxs85C>; see also Elisabeth Witchel, “Getting Away with Murder: CPJ’s 2014 Global Impunity Index spotlights countries where journalists are slain and killers go free,” Committee to Protect Journalists, April 16, 2014, <https://cpj.org/x/5a16>.

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secondary legislation to the constitutional amendment and approved in July 2014, contains several provisions that pose a risk to privacy, including provisions that force telecommunication companies to retain data for two years, provide real-time geolocation data to the police, and allow security agents to obtain metadata from private communications without a court order (see Surveillance, Privacy, and Anonymity).

Although defamation was decriminalized at the national level in 2007, criminal defamation statutes continue to exist in some of Mexico's 32 states.⁷⁶ The penal code in Tabasco, for example, establishes penalties ranging from six months to three years of prison for those accused and sentenced for libel. Over the past year, however, some halting progress has been made in decriminalizing defamation. Carmen Olsen, a reporter from Baja California who was sentenced to two years on probation for libel, was finally exonerated after the local congress passed a law decriminalizing libel and slander.⁷⁷ In July 2015, the governor of Tlaxcala sent an initiative that would decriminalize defamation to the state congress for consideration.⁷⁸

In June 2012, the Law for the Protection of Human Rights Defenders and Journalists was passed in Mexico, establishing the Governmental Mechanism of Protection, an institutional body of government officials and civil society members charged with providing protection for threatened human rights workers and journalists.⁷⁹ 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 March 2014, 31 of Mexico's 32 states had signed agreements to this effect.⁸⁰ 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 implement the law has been lacking. In April 2014, the Governmental Mechanism came under criticism due to delays in processing approximately 57 percent of the 152 time-sensitive requests for protection.⁸¹

Prosecutions and Detentions for Online Activities

There were no documented cases of individuals detained, prosecuted, or sanctioned by law enforcement agencies on charges related to disseminating or accessing information on the internet. However, there is substantial suspicion that the arrest of the Mayan journalist Pedro Canché was at least partially in retaliation for a video and photos he posted on social media, which criticized the state government of Quintana Roo and showed an indigenous protest against increases in the price of water.⁸²

76 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://bit.ly/1NXOcYf>.

77 "Exoneran a la periodista Carmen Olsen por difamación y calumnia," *Monitor BC*, June 17, 2015, <http://bit.ly/1jraiY2>.

78 Lucía Pérez, "Propone MGZ despenalizar delitos contra el honor," *E-Consulta.com Tlaxcala*, July 19, 2015, <http://bit.ly/1h4cCm1>.

79 Leah Danze, "Mexico's Law to Protect Journalists and Human Rights Activists Remains Ineffective," Latin America Working Group, June 30, 2013, <http://bit.ly/1LYOMIV>.

80 Peace Brigades International, "Qué Hacemos," April 15, 2015, <http://bit.ly/1KOE1kC>.

81 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>.

82 Elizabeth, "Diary of Journalist Pedro Canché Herrera, 'Prisoner of Conscience' in Mexico," trans. Marianna Breytman, *Global Voices*, March 9, 2015, <http://bit.ly/1P2b1lh>; see also Reporters Without Borders, "Mexican President Urged to Rein in Violence Against Journalists," July 13, 2015, <http://bit.ly/1P2b35P>; Committee to Protect Journalists, "CPJ to Mexican President: Case of Jailed Journalist Violates Free Expression," April 20, 2015, <https://cpj.org/x/6008>; see also Amnesty International, "Mexico: Amnesty International concerned over the arbitrary detention of Pedro Canché, Mayan Journalist from Quintana Roo," February 23, 2015, <http://bit.ly/1dxOGXa>.

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Canché was arrested on August 20, 2014 on charges of sabotaging the water supply after he was seen conducting interviews and filming at protests against the Drinking Water and Sewage Commission. He spent nine months in jail until he was set free on May 28, 2015, following a judge's ruling in February that his detention was arbitrary and that he had been denied due process.⁸³ Reporters Without Borders and Amnesty have criticized the detention, alleging that Cancché was targeted for his work as a journalist.⁸⁴

Online reporters may also risk harassment and arrest when covering demonstrations and reporting on police action. On January 7, 2015, riot police arrested César Hernández Paredes and Gustavo Aguado, two editors of the online publication *Revolucion 3.0*, when the journalists used their cell phone cameras to film the officers arresting two young men during a demonstration in Mexico City.⁸⁵ The officers took the cell phone of one of the editors, and then violently forced them into a police van. Several officers took photos of the editors in the van before releasing them.⁸⁶

Surveillance, Privacy, and Anonymity

Despite a constitutional requirement that any interception of personal communications be accompanied by a judicial warrant,⁸⁷ the Mexican government has broad powers to track and surveil citizens. New legislation allowing authorities to access metadata without a warrant may jeopardize users' privacy. Anonymity, on the other hand, is largely protected. After a 2008 requirement that cell phone users register with the government was revoked in 2012, there are no longer any official provisions regarding anonymity.

The Telecommunications Law, passed in July 2014, contains provisions that may threaten privacy. Article 189 of the law forces telecommunication companies to provide users' geolocation data to police, military, or intelligence agencies in real time, and without a court order. Article 190 similarly forces providers to grant security agencies access to metadata at any time without a court order.⁸⁸ These provisions have received strong opposition from groups advocating for digital privacy and internet freedom.⁸⁹

The law further mandates that ISPs and mobile providers keep detailed records of users' communications for two years. For the first year, ISPs and mobile providers must save the relevant data in a system that allows the competent authorities to consult the data electronically in real-time without a court order, or what some have worried amounts to "back-door access." For the following year, the data must be stored in such a way that telecommunications companies can retrieve the data within

83 Amnesty International, "Mexico: Amnesty International concerned over the arbitrary detention of Pedro Cancché, Mayan Journalist from Quintana Roo," February 23, 2015, <http://bit.ly/1dxOGXa>; Reporters Without Borders, "Mayan Journalist and Activist Held for Past Six Months," March 20, 2015, <http://bit.ly/1AatQIY9>.

84 Amnesty International, "Mexico: Amnesty International concerned over the arbitrary detention of Pedro Cancché, Mayan Journalist from Quintana Roo," February 23, 2015, <http://bit.ly/1dxOGXa>.

85 Periodistas en Riesgo, "Detención arbitraria de directores de Revolución 3.0," January 7, 2015, <http://bit.ly/1h4ew61>

86 Article 19, "Granaderos del DF agreden físicamente y detienen a periodistas de Revolución 3.0," January 8, 2015, <http://bit.ly/1PJV3np>.

87 Jeremy Mittman, "Mexico Passes Sweeping New Law on Data Protection," *Privacy Law Blog*, Proskauer Rose LLP, May 11, 2010, <http://bit.ly/1FvTs0>.

88 Artículo 189-190 de Ley Federal de Telecomunicaciones y Radiodifusión.

89 Electornic Froniter Foundation, "Proposed Mexican Telecom Law Would Be a Disaster for Internet Freedom," Internet Para Todos Mexico, May 7, 2014, <http://bit.ly/1KLeOyr>; See also: "Bashtagging the president," *The Economist*, April 26, 2014, <http://econ.st/1JyJMOJ>; See also: Jesús Robles Maloof, "Enrique Peña Nieto's Open War Against Internet," Contingentemex (blog), April 11, 2014, <http://bit.ly/QodIwf>.

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48 hours of being notified by authorities.⁹⁰ One of the major concerns raised by civil society groups is the vague language in the law, which allows for data requests by the “appropriate authority” but does little to establish parameters for who this authority might be. 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.

The Telecommunications Law expands on and partially replaces previous legislation that increased surveillance and allowed for real-time geolocation. In 2012, Congress passed a bill, known as the “Geolocation Law,” which amended existing legislation to allow the Federal Prosecutor (PGR) to obtain the real-time location of a mobile device for a limited list of criminal investigations (for example, kidnapping, extortion, or organized crime). At the time, critics warned about privacy concerns and the potential for abuse in warrantless surveillance,⁹¹ and the National Human Rights Commission brought a legal challenge before the Supreme Court. In January 2014, however, the Supreme Court upheld the law.⁹² Of the two laws that were amended by the Geolocation Law, one was replaced by the 2014 Telecommunications Law, while the other (the Federal Code on Criminal Procedure), is set to expire in 2016 once it is replaced by the National Code on Criminal Procedure. Nevertheless, authorities’ powers of surveillance have only increased under the updated legislation. Under the 2014 Telecommunications Law, for example, geolocation is no longer restricted only to the Federal Prosecutor but is open to undefined “authorities,” nor is its use restricted to a limited number of prescribed cases.

Recent reports concerning a vast state surveillance apparatus further call into question the adequacy of privacy protections. In July 2015, a hack that resulted in a leak of internal documents from the surveillance company Hacking Team revealed that Mexico was the company’s biggest client worldwide and that the company had signed more than 14 contracts with various state and federal agencies. Civil society organizations have argued that these contracts are illegal because many of the agencies involved in the contract lack constitutional or legal authority to conduct surveillance or espionage.⁹³ The media outlet *Animal Político* has also accused the state government of Puebla of using Hacking Team exploits to target the political opposition and journalists, based on the fact that several leaked emails show that the company produced exploits that had subject lines or attachments directly addressed to opposition figures.⁹⁴

The leaked information from Hacking Team is only the latest in a series of scandals involving Mexico’s surveillance apparatus. In July 2012, military sources leaked evidence, which was later confirmed by the Mexican army, pertaining to the Mexican army’s secret purchase of more than MXN 4 billion (more than US \$300 million) of spyware engineered to intercept online and mobile phone communications.⁹⁵ In addition to recording conversations and gathering text messages, email, internet naviga-

90 Artículo 189-190 de Ley Federal de Telecomunicaciones y Radiodifusión.

91 Cyrus Farivar, “Mexican “Geolocalization Law” draws ire of privacy activists,” *ArsTechnica*, April 24, 2012, <http://bit.ly/1LY23cA>.

92 Luis Fernando, “Qué decidió finalmente la Corte sobre la geolocalización de celulares,” [What did the Court finally decide about the geolocation of cell phones] *Nexos*, February 2, 2014, <http://bit.ly/1O51t2V>.

93 The hack against Hacking Team occurred outside of the coverage period for this year. For more information about the revelations of Hacking Team’s operations in Mexico see Julio Sánchez Onofre, “Vulneración a Hacking Team confirma abuso de espionaje en México,” [Breach of Hacking Team confirms abuse of espionage in Mexico] *El Economista*, July 6, 2015, <http://bit.ly/1JRDtIA>; see also Daniel Hernandez and Gabriela Gorbea, “Mexico is Hacking Team’s Biggest Paying Client -- By Far,” *Vice News*, July 7, 2015, <http://bit.ly/1LWGbmO>.

94 Ernesto Aroche, “El gobierno de Puebla usó el software de Hacking Team para espionaje político,” *Animal Político*, July 22, 2015, <http://bit.ly/1TQO7rh>.

95 Ryan Gallagher, “Mexico Turns to Surveillance Technology to Fight Drug War,” *Future Tense* (blog), *Slate*, August 3, 2012,

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tion history, contact lists, and background sound, the surveillance software is also capable of activating the microphone on a user's cell phone in order to eavesdrop on the surrounding environment. In 2013, reports 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.⁹⁶

The United States government has allegedly played a key role in funding and supporting the expansion of Mexico's surveillance apparatus,⁹⁷ for example through the installment of specialized surveillance equipment in 2006.⁹⁸ This equipment, which comprises Mexico's Technical Surveillance System, allows the government to "intercept, analyze and use intercepted information from all types of communication systems operating in Mexico."⁹⁹ Experts interviewed by NextGov.com in 2012 alleged that secret surveillance of private citizens is widespread in Mexico.¹⁰⁰

Government requests to social media companies for information regarding users have increased significantly over the past year. Between January and December 2014, Facebook received 430 requests from the Mexican government for information related to 679 users, an increase of more than 100 percent compared to 2013. In 56 percent of the cases, Facebook released some information.¹⁰¹ Facebook did not reveal the type of information requested by the government, however. Between January and June 2014, Google received 111 requests from the Mexican government for user data of 144 users/accounts, an increase of 37 percent from the previous period. The company produced information in 79 of such cases.¹⁰²

Intimidation and Violence

Violence against ICT users has continued to escalate in Mexico in recent years. In 2014, Reporters without Borders listed Mexico as among the most dangerous countries in the world for media personnel.¹⁰³ Threats and violence from drug cartels—and occasionally members of local government—have continued to plague online reporters. Between June 2014 and May 2015, eight journalists were murdered. At least one of these journalists worked exclusively online to report crimes, while another journalist who published both online and offline may have been murdered over information he posted on Facebook. Since the end of the coverage period, the situation has only worsened, with an additional four journalists murdered in July and August alone.

Maria del Rosario Fuentes Rubio, an administrator of Valor por Tamaulipas, a Twitter and Facebook

<http://slate.me/1MB0liq>; "Paga Sedena 5 mmdp por equipo para espiar," *El Universal*, July 16, 2012, <http://eluni.mx/1L0OtcD>.

96 Tania Molina Ramirez, "Sigue activo el programa de espionaje cibernético Finfisher en México: Citizen Lab," [FinFisher Cyber Espionage Program Kept Active in Mexico] *WikiLeaks en La Jornada*, October 7, 2013, <http://bit.ly/1MBOzWN>.

97 Robert Beckhusen, "U.S. Looks to Re-Up its Mexican Surveillance System," *Wired* online, May 1, 2013, <http://wrd.cm/1L0OxIM>.

98 Robert Beckhusen, "U.S. Looks to Re-Up its Mexican Surveillance System," *Wired* online, May 1, 2013, <http://wrd.cm/1L0OxIM>; See also: Katitza Rodriguez and Gabriela Manuli, "Mexicans Need Transparency on Secret Surveillance," *Electronic Frontier Foundation*, July 24, 2012, <http://bit.ly/1YKIttU/>.

99 Beckusen, "U.S. Looks to Re-Up its Mexican Surveillance System."

100 Bob Brewin, "State Department to Provide Mexican Security Agency with Surveillance Apparatus," *NextGov*, April 30, 2012, <http://bit.ly/1LKfQgb>.

101 Facebook, "Mexico," in *Global Government Requests Report*, January-June 2014, <http://on.fb.me/18CvxzL>; Facebook, "Mexico," in *Global Government Requests Report*, July-December 2014, accessed April 14, 2015, <http://on.fb.me/18CvxzL>.

102 Google, "User Data Requests – Mexico," *Transparency Report*, accessed April 14, 2015, <http://bit.ly/1Rc6sx3>.

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

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network reporting drug violence in the border state of Tamaulipas, was brutally murdered in Reynosa City, after being kidnapped on October 16, 2014. Fuentes Rubio was known for tweeting danger alerts about drug cartel violence and urging people to report violent incidents to the police. Her attackers used her own mobile phone and Twitter account to post gruesome photos of her assassination.¹⁰⁴ The year before her murder, Valor por Tamaulipas had temporarily shut down after a cartel circulated pamphlets offering a MXN 600,000 reward (approximately US\$36,764) for information about the network administrators.¹⁰⁵

On January 24, 2015, authorities found the decapitated body of José Moisés Sánchez Cerezo, an online and print journalist who was kidnapped from his home in Medellín de Bravo earlier in the month. Sánchez founded and operated *La Unión*, a small print and online newspaper, although he had not published a print or online edition for several months before his murder, due to financial constraints. In the lead-up to his murder, Sánchez was active on Facebook, posting critical commentaries and links, including links to articles about shortcomings in local law enforcement and photographs of a protest against the governor, Javier Duarte de Ochoa. The Veracruz state attorney implicated Omar Cruz Reyes, the mayor of Medellín, as a suspect in the killing, although no formal charges have been pressed.¹⁰⁶

Killings continued after the end of the coverage period of this report. On July 2, 2015, authorities found the body of Juan Mendoza Delgado, the director and founder of the local news website *Escribiendo la Verdad* (which translates to “Writing the Truth”). Although authorities claimed that Mendoza had been run over by a car, human rights organizations are investigating to see whether Mendoza’s death was related to his writing, which was often highly critical of local politicians and organized crime.¹⁰⁷ On August 3, 2015, photojournalist Rubén Espinosa was found dead in Mexico City after fleeing his home state of Veracruz where he had been threatened for his journalistic work. Espinosa worked for local and national news organizations, as well as the online photo agency Cuartoscuro.¹⁰⁸

Although threats, verbal attacks, and physical attacks that do not lead to death are less likely to make the news, these aggressions are pervasive. On January 14, 2015, for example, Yohali Resendiz, a journalist working for Grupo Imagen, reported receiving threats—including death threats and videos of violent attacks on women—via Twitter after she reported on arbitrary arrests of children in Mexico City.¹⁰⁹ Such aggression can contribute to self-censorship and have an enormous toll on journalists and activists, forcing some of them to flee their homes or professions out of fear of violence.

Technical Attacks

There were at least six major cyberattacks against online news organizations and human rights groups’ websites between June 2014 and May 2015:

104 Periodistas en Riesgo, “Asesinato de reportera ciudadana en Tamaulipas,” [Murder of a citizen reporter in Tamaulipas] October 16, 2014, accessed April 15, 2015, <http://bit.ly/1Lhuivv>.

105 “Un internauta de Tamaulipas deja de denunciar al crimen tras amenazas,” *CNN México*, April 2, 2013, <http://cnn.it/1LKuk8l>.

106 Committee to Protect Journalists, “José Moisés Sánchez Cerezo,” *Journalists Killed*, January 2, 2015, <http://bit.ly/1SCc06e>.

107 Committee to Protect Journalists, “Juan Mendoza Delgado,” *Journalists Killed*, June-July 2015, <http://bit.ly/1LY3Hek>.

108 Committee to Protect Journalists, “Mexican Journalist who Fled Violent Veracruz State Murdered in Capital,” August 3, 2015, <https://cpj.org/x/6522>.

109 Periodistas en Riesgo, “Amenazas via Twitter a Yohali Resendiz,” [Threats via Twitter to Yohali Resendiz] January 14, 2015, accessed April 15, 2015, <http://bit.ly/1VjurQZ>.

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- Juan Carlos Solis, a journalist in Chihuahua, reported that his Facebook account was hacked on June 28, 2014 for several days. The attackers posted pornographic photos and videos on his account, as well messages of support for political parties. Solis said that all information criticizing the state government and showing arbitrary arrests of human rights defenders was erased from his Facebook account.¹¹⁰
- *Diario Cambio*, a media organization based in Puebla, reported that it was subject to a cyberattack on July 30, 2014, after running a story that suggested that rubber bullets fired by state police were the cause of death of a boy who was killed during a confrontation between state police and protesters in Chalchihuapan.¹¹¹
- The news portal *Sin Embargo* was attacked on November 11, 2014 with a DDoS attack that shut down the website for several hours.¹¹² Editors reported that the cyberattack took place after the website posted photos of a local Mexico City major wearing military uniform, close to military vehicles.¹¹³
- On November 18, 2014, e-Consulta, an online news organization based in Puebla, reported that a hacker or a group of hackers erased comments, stories, photos, and editorial columns from its site.¹¹⁴ Sources told the e-Consulta editors that Mexico City-based hackers, presumably hired by the Puebla state government, were responsible for the attack. The version could not be corroborated.¹¹⁵ The digital newspaper's editor, reporters, and managers have been under a campaign of arrests, defamation lawsuits, and kidnappings since 2012, including an 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.¹¹⁶
- Three websites of the Mexican chapter of Article 19, an international nonprofit organization focused on freedom of expression, were attacked over the course of three days via a Cross-Site Scripting (XSS) attack, a type of cyberattack that allows attackers to inject script into publically viewed webpages, on February 5, 2015.¹¹⁷ The attacks affected accessibility to Article 19 websites focused on the security of journalists.
- On April 18, 2015 the Aristegui Noticias website suffered a DDoS attack that shut down the publication for four days. Days before, the news website had run a story about the involvement of federal police officers in a massacre of civilians in Michoacan.¹¹⁸

110 Periodistas en Riesgo, "Hackean cuenta de Facebook de periodista en Chihuahua," [Twitter account of a journalist in Chihuahua was hacked] June 28, 2014, accessed April 15, 2015, <http://bit.ly/1LhuMPq>.

111 Periodistas en Riesgo, "Diario en Puebla denuncia ataque cibernético," [Newspaper in Puebla reports a cyberattack] July 31, 2014; accessed April 15, 2015, <http://bit.ly/1h4jmAd>.

112 Periodistas en Riesgo, "Nuevo ataque cibernético a Sin Embargo," [New Cyber attack to Sin Embargo] November 11, 2014, accessed April 15, 2015, <http://bit.ly/1iFHo5M>.

113 "Denuncia *Sin Embargo* nuevo ataque cibernético," [Sin Embargo reports new cyberattack] *Animal Politico*, November 11, 2014, accessed April 15, 2015, <http://bit.ly/1woFxSs>.

114 Periodistas en Riesgo, "Ataque cibernético a e-Consulta," [Ciberattack to e-Consulta] November 18, 2014, accessed April 15, 2015, <http://bit.ly/1VjuNXL>.

115 La Silla Rota, "Atacan desde el gobierno estatal al portal e-Consulta," [Somebody from the state government attacked the e-Consulta portal] *e-consulta*, November 19, 2014, accessed April 15, 2015, <http://bit.ly/1VjuNXL>.

116 Periodistas en Riesgo, "Roban Computadoras de Directivos del Periodico Digital en Puebla," [Computers of Digital Newspaper Executives Stolen in Puebla] July 25, 2013, <http://bit.ly/1iFHWZg>.

117 Periodistas en Riesgo, "Atacan páginas web de Artículo 19," [Attack to Article 19 websites] February 5, 2015, accessed April 15, 2015, <http://bit.ly/1MBQyun>.

118 Periodistas en Riesgo, "Atacan sitio de Aristegui Noticias," April 18, 2015, <http://bit.ly/1JyYJ6a>.

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Technical attacks are now a central tactic in governmental and non-state actor attempts to suppress freedom of expression, and entities that commit cyberattacks do so with relative impunity. Recently, online news outlets have started to protect themselves against DDoS attacks by contacting Deflect, a Canadian nonprofit organization protecting websites of human rights organizations and independent media publications.¹¹⁹

119 Jorge Luis Sierra, "How Technology Keeps Journalists Safe in Latin America," *Media Shift*, May 20, 2015, <http://bit.ly/1YKJClm>.