



Written Comments for the review of Mexico's report to the Human Rights Committee in compliance with Article 40 of the International Covenant on Civil and Political Rights (ICCPR)

MEXICO

*For consideration at the 111th Session of the UN Human Rights Committee
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Introduction

1. The National Center for Social Communication (Cencos), the Judicial Center for Human Rights (CJDH), Comunicación Comunitaria, and Freedom House, national and international human rights organizations, respectfully submit these Written Comments on the implementation of the International Covenant on Civil and Political Rights (“ICCPR”), for the consideration before the Human Rights Committee (“the Committee”) at its 111th session.
2. In these Written Comments, we focus on areas of concern relating to the exercise of the right to freedom of expression in Mexico. We do this with a view to clarifying the areas in which Mexico has failed to comply with its obligations, such as its failure to adopt all necessary measures to ensure this right.
3. Increasing violence against those who exercise the right to freedom of expression, coupled with a lack of adequate rules and institutions to address these attacks, have created a climate of impunity throughout Mexico. Another serious threat to freedom of expression includes Mexico’s inadequate framework for broadcast regulation which: (a) lacks independence from government, (b) has failed to prevent monopolization of the media and (c) renders community broadcasting nearly impossible. Finally, the failure to fully guarantee the right to information and the failure to decriminalize defamation in each of its states render Mexico a difficult environment for the safe practice of freedom of expression.
4. These violations of the right to freedom of expression constitute a clear breach of the obligations of the Mexican Government under the ICCPR. We hope the Committee will use these Comments when analyzing the submissions of the Mexican Government and address the issues raised herein during Mexico’s review process.

I. Protection for Journalists and the Ineffectual Government Response

5. Since 2006, Mexico has been recognized by a number of national and international NGOs¹ as one of the most dangerous countries in the world in which to practice journalism. Statistics on the number of victims are imprecise and inconsistent. Moreover, there is a 'dark figure' because of the very silence of victims and family members who do not report crimes due to their mistrust of authorities. Officials at all levels play an important role in continued impunity. The Office of the Special Prosecutor for Crimes against Freedom of Expression (FEADLE) registered 95 homicides of journalists since January 2000 to June 30th, 2013². The CNDH registered 85 homicides and more than 20 disappearances of journalists, as well as 40 attacks against media infrastructure over the last 13 years³. The following figures generated by human rights organizations show an increase in the number of cases of violent aggressions committed against journalists⁴:

¹Freedom House, Article 19, Committee to Protect Journalists, Amnesty International, Frontline, Reporteros sin Fronteras, Cencos, IMS, INSI.

²FEADLE 2013

<http://www.pgr.gob.mx/Combate%20a%20la%20Delincuencia/Documentos/Delitos%20Federales/FPeriodistas/acuerdos/ESTADISTICAS%20NACIONALES.pdf>

³CNDH, *Recomendacion General No. 20 Sobre Agravios a Periodistas En México y La Impunidad Imperante* (México, México, 2013).

⁴ *Recuento de daños 2006: un acercamiento a la libertad de expresión e información en México* (Harms recount 2006:

Year	Killings	Disappearances	Number of aggressions
2003*	1	1	76
2004*	4	1	92
2005*	3	1	93
2006*	10	2	131
2007*	3	2	89
2008*	10	1	186
2009*	7	1	244
2010*	11	1	155
2011**	8	2	172
2012**	7	2	207
2013**	4	1	330
2014 (Jan-March)**	1		66
TOTAL	69	16	1841

Figures from *ARTICLE 19 and Cencos **Figures from ARTICLE 19

6. The Government has failed to provide reliable information on its response to the problem. There have been a number of problems identified in the Government's investigations into cases of aggressions committed against journalists and media workers. These include consistent omissions, delays and lack of diligence in the investigations⁵. State prosecutors also produce false witnesses and/or torture victims for forced confessions. Finally, prosecutors often fail to pursue a line of investigation related to the victim's work as a journalist.
 - 6.1. An example is the case of Regina Martínez Pérez, correspondent in Veracruz for *Proceso*, a weekly journal, murdered in her house on April 28th, 2012. Local authorities claimed that the only motive of the homicide was robbery and did not consider the line of investigation related to her journalistic labor. During the judicial investigation and detention of a "suspect" it was demonstrated that the case was manufactured. The judge withdrew the case as the confession of the crime was obtained under torture. Regina's colleague Jorge Carrasco has consistently followed the investigation and as a result, was also threatened last year⁶.
7. Particular omissions in the investigations were identified in the cases of missing journalists. Most of these cases have been declared "on reserve" which means that all investigations have been suspended until new evidence arises, even though authorities did not exhaust all of the investigations and the

an approach to freedom of expression and information in Mexico), Network to Protect Journalists and Media, National Centre for Social Communication, ARTICLE 19, May 2006; Report 2009, *Entre la Violencia y la Indiferencia: Informe de Agresiones contra la Libertad de Expresión en México*, ARTICLE 19 and the National Centre for Social Communication, February 2010, page 11.

⁵ Flores, B., & Gómez Gallardo, P. (2013). Las víctimas tienen derecho a saber. Seis casos de ataques a periodistas sin resolver. México, D.F. and CNDH, *Recomendación General No. 20 Sobre Agravios a Periodistas En México y La Impunidad Imperante* (México, México, 2013)

http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/Generales/REC_Gral_020.pdf.

⁶ Cencos; Jorge Carrasco, "Caso Regina: Sin Avances, Sin Explicaciones, Sin Credibilidad," *Proceso* (México, 2013) <<http://www.proceso.com.mx/?p=336225>>; Jorge Carrasco, "Caso Regina: Una Sentencia Encubridora," *Proceso*, 2013 <<http://www.proceso.com.mx/?p=338971>>.

only evidence in the case file was provided by the family⁷. The impunity prevailing in attacks committed against journalists contributes to encourage future aggressors, a fact we see reflected in the sustained increase of aggressions.

8. Due to defective investigations, cases of aggressions against journalists rarely reach courts. For example, the Office of the Special Prosecutor for Crimes against Freedom of Expression (FEADLE), meant to investigate these crimes, reports charges being brought in only one case during 2009⁸.
9. These attacks and the government's inability and/or lack of willingness to resolve them affect not only freedom of expression but the enjoyment of other human rights. In particular, these violations undermine the right to life (Article 6 of the ICCPR), the right to personal integrity (Article 7), the right to liberty (Article 9), the right to due process (Article 14), the right to legal protection (Article 17), and the right to political participation (Article 25).
10. As a result of its limited mandate, the Office of the Special Prosecutor for Crimes against Journalists established in 2006 was restructured in 2010 and renamed Office of the Special Prosecutor for Crimes against Freedom of Expression (Fiscalía Especial para la Atención de Delitos Cometidos en contra de la Libertad de Expresión, "FEADLE"). Similar to its predecessor, to date, the institution has achieved little, and not one serious crime against a journalist has been solved. This can largely be attributed to a lack of political will, and the poor capacity of the FEADLE to investigate.
11. Administrative deficiencies hinder the FEADLE in meeting its obligations in the area of transparency and accountability. For example, the FEADLE is not incorporated into the formal legal structure of the Attorney General's Office, and is therefore not accountable to that office. Under this scope, the existence and permanence of the FEADLE depends on the will and funds allocated by the Attorney General. This administrative framework allows the FEADLE to avoid criteria of transparency, particularly over their resources⁹.
12. The Mexican Congress approved a legal reform aimed at confronting impunity for crimes against journalists in the country via an amendment to Article 73-XXI fraction XXI of the constitution. This reform is a positive step, although, one year after its approval, it has yet been meaningfully implemented.
13. After this reform, the FEADLE had the faculty to attract crimes against freedom of expression into the federal jurisdiction, just one case has been attracted. The majority of aggressions committed against journalists and media workers fall under local jurisdiction: through the constitutional reform, federal authorities have the ability to prosecute and persecute crimes against journalists in certain cases, but this faculty is not being used. In conclusion, the specialized entity created to investigate on crimes committed against journalists, FEADLE, seems unwilling to do so¹⁰.
14. Even in the few cases which are reviewed by FEADLE, procedural deficiencies and infringements of due process by the local prosecutors have been identified. Furthermore, serious investigations into

⁷ ARTICLE 19, Written Comments for the consideration at the 93rd Session of the UN Working Group on Enforced or Involuntary Disappearances, March 2011 <<http://www.article19.org/data/files/pdfs/submissions/mexico-for-the-consideration-at-the-93rd-session-of-the-un-working-group-on-.pdf>> and Shadow Report Flores, B. & Gómez Gallardo (op.cit)

⁸ CNDH, Recomendación General No. 20 (op. Cit)

⁹ Idem

¹⁰ Mike O'Connor, *Mexico's Special Prosecutor Hesitates over Early Cases*, CPJ Blog (Mexico, 2013) <<http://www.cpj.org/blog/2013/08/mexicos-special-prosecutor-hesitates-over-early-ca.php>>

editorial lines, publications or news reports which might help identify a line of investigation are not fully developed neither followed. From 2010 to 2011, of the 214 complaints received the FEADLE, only 81 investigations were initiated, resulting in 23 judicial actions, addressed to 55 allegedly responsible. There have yet to be any indictments¹¹.

15. The Protection Mechanism for Human Rights Defenders and Journalists at risk (Protection Mechanism) mandated by the Law to Protect Human Rights Defenders and Journalists, began operating in November 2012. A system of risk analysis lacking in objective criteria, scarce resources, lack of trained personnel, the distrust of the actual and potential beneficiaries and little political support are all factors keeping the mechanism from functioning to its full potential¹².
16. High turnover of staff and a lack of adequate protocols and a methodology for objective risk analysis have resulted in a backlog of pending cases. The Protection Mechanism lack of budgetary autonomy makes not only the implementation of emergency measures difficult, but also complicates the purchase of tools and equipment necessary to maintain the security and confidentiality of applicants' cases. The different actors that comprise the Mechanism do not have a shared understanding of its scope and mandate, resulting in confusion and at times unrealistic expectations of what the Mechanism has the power to accomplish.
17. The National Human Rights Commission (CNDH) has a special office to deal with aggressions against journalists. Despite the high number of aggressions recorded by human rights organizations, the National Commission has issued only 24 Recommendations from 1999 to 2012¹³ regarding aggressions against journalists or media, or related to freedom of speech. Besides the limited number of Recommendations to the Mexican Government, our main concern is the lack of enforcement. The National Commission's recommendations are not binding and there is no existing mechanism to follow up on the implementation of its recommendations. In eight cases the recommendations were addressed to more than one public institution and to 33 authorities responsible. In 27 cases the authorities accepted the recommendation, and the other 6 did not accept it. Each recommendation contains specific recommendations and 50% were fully met according to CNDH. The recommendations issued in the review period include a total of 18 violated rights, according to the classification of the main rights of journalists violated: Legality (22%), legal certainty (20%), to freedom of expression (18%) integrity and security (7%) and access to justice (5%). However in only four cases there were specific recommendations that promoted the respect for freedom of expression and the right to information¹⁴.

¹¹ FEADLE recent report

<http://www.pgr.gob.mx/Combate%20a%20la%20Delincuencia/Documentos/Delitos%20Federales/FPeriodistas/acuerdos/ESTADISTICAS%20NACIONALES.pdf>

¹² Freedom-House, & CJDH. (2013). *Informe sobre la libertad de expresion y prensa en México*. México, D.F.

¹³ Rochín, J. & Sepúlveda (2013). *Propuesta de reglamento de ley para la protección de personas defensoras de derechos humanos y periodistas*. México, D.F.

¹⁴ Silencio Forzado. *El Estado cómplice de la violencia contra la prensa en México Informe 2011*
<http://issuu.com/articlexix/docs/informe>

II. Public Demonstrations

18. Criminalization of social protest is increasing along with the measures to restrain it. Several legal initiatives to regulate public demonstrations have emerged at the national and local levels that contravene international standards regarding the rights to freedom of expression and assembly¹⁵.
19. The General Law to Regulate Public Demonstrations¹⁶ is an example of the former. It seeks to amend constitutional articles, regulating fundamental rights of association, assembly, expression, and the right of free passage. It establishes schedules, authorization requests, absolute prohibitions, and responsibility schemes for presumed violations during protests. There exist local initiatives to this effect in the Federal District, Jalisco, Quintana Roo and San Luis Potosi¹⁷. On the other hand, under already- approved counter-terrorism laws and amendments of article 29 of the Constitution, suspension of individual guarantees and human rights can be done with highly ambiguous criteria¹⁸.

III. Defamation

20. The decriminalization of defamation in the Federal Criminal Code is a positive step. However, it must be noted that this reform is only partial, given that crimes of defamation, slander and libel still exist in at least less than a third of Mexico's states. According to recent figures, 10 states continue to carry prison sentences for defamation as follows:

<i>State</i>	<i>Punishment</i>
1. Baja California Art 185-197	· 3 days to 2 years imprisonment and/or 100 salary days fine or both sanctions
2. Baja California Sur Art. 336-347	· 1 to 3 years imprisonment and up to 50 salary days of fine
3. Guanajuato Art. 188-190	· 3 month to 2 year imprisonment and from 5 to 20 salary days fine
4. Hidalgo Art. 191-202	· 3 months to 2 years imprisonment or from 15 to 150 salary days fine
5. Nayarit Art. 294-304	· 2 months to 2 years imprisonment and a fine from 3 to 15 salary days
6. Nuevo León Art. 235-239	· 6 months to 3 years imprisonment and a 10 to 50 days fine

¹⁵ See: Report of the United Nations High Commissioner for Human Rights ,A/HRC/22/28, *Effective measures and best practices to ensure the promotion and protection of human rights in the context of peaceful protests* (January, 2013). <http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A.HRC.22.28.pdf> and see also: IADHC, Article 29.a, OC-5/85. Series A, No. 5 par.66-67.

¹⁶ See http://sil.gobernacion.gob.mx/Archivos/Documentos/2013/11/asun_3041436_20131120_1

¹⁷ http://sil.gobernacion.gob.mx/Archivos/Documentos/2013/10/asun_3013511_20131003_1380814630.pdf, http://www.diputadospanjalisco.net/congreso/iniciativas_diputado.php?rubro=149, <http://www.animalpolitico.com/2014/03/ley-que-prohibe-protestas-es-aprobada-en-quintanaroo/#axzz2uwzPL3C>, http://vocero.qroo.gob.mx/uv/index.php?option=com_content&view=article&id=16443:la-ley-deordenamiento-social- protege-al-turismo-y-la-sociedad-sin-coartar-garantias-individuales-gabrielmencicuti&catid=49:noticias-deldia&Itemid=123

¹⁸ http://sil.gobernacion.gob.mx/Archivos/Documentos/2013/10/asun_3013381_20131003_1380810430.pdf, http://sil.gobernacion.gob.mx/Archivos/Documentos/2013/10/asun_3025100_20131022_1382538880

7. Tabasco Art. 166-174	· 6 months to 3 years imprisonment and a fine of 4 to 40 days salary fine
8. Tlaxcala Art. 166-174	· 1 month to 2 years imprisonment and a 4 to 40 salary days fine
9. Yucatán Art. 294-305	· 3 days to 2 years imprisonment or from 20 to 2000 salary days fine
10. Zacatecas Art. 272-284	· 3 months to 2 years imprisonment

21. In states where defamation is a criminal offense, it continues to be used by both officials and private individuals to hinder journalistic investigations.
22. Civil defamation has been used to censor freedom of expression in other cases. For example, the journalist Ana Lilia Perez, who has published several books and articles on an investigation on corruption, was sued for civil defamation by a Congressman. It should be noted that the National Human Rights Commission (CNDH) has stated that there existed judicial harassment and the use of official advertisement to punish the editorial line in another case¹⁹.

IV. Media Regulation

23. Government discretion in the allocation of broadcasting licenses, as well as other factors, have encouraged massive concentration of broadcasting media ownership in the hands of commercial interests. 96% of commercial television stations belongs to two families; 86% of all radio stations belong to 13 business groups²⁰. Mexico thus has one of the most highly concentrated broadcasting media in the world, resulting in the exclusion of the voices of vulnerable groups.
24. Mexico has a massive public broadcasting sector which benefits from significant public resources. Each of the 32 states in the country, as well as the federal government, has its own radio and/or television station. This does provide something of a counter-weight to the highly concentrated commercial broadcasting sector. However, public media in Mexico lacks the autonomy and editorial independence required by international law and, as a result, fails to ensure a plurality and diversity of voices.
25. Some community broadcasters groups do have access to the operation and administration of radio frequencies. However, in spite of the internal guidelines established by the Mexican government²¹, a lack of legislative recognition, baroque procedures and requirements, and lack of recognition in the recent constitutional reforms of 2013 and 2014, make it extremely difficult for communities to obtain a permit to operate a radio or television station. Furthermore, the few community radio stations

¹⁹ For more information please visit the website <http://publicidadoficial.com.mx/> from Open Society Institute, ARTICLE 19 and Fundar

²⁰ Situación al Derecho a la Libertad de Pensamiento y Expresión en México, Informe Ejecutivo: Balance de un sexenio, 2000-2006 (*Situation of the Right to Freedom of Thought and Expression in Mexico, Executive Report: Sexennial report, 2000-2006*), submitted by various organisations to the Inter-American Commission on Human Rights during its visit to Mexico, April 2007.

²¹ National Human Rights Program (2008-2012), Line of Action: “Promover el reconocimiento jurídico de la radiodifusión comunitaria, así como facilitar su operación y desarrollo a través de reglamentos y demás normas administrativas.” (To promote the legal recognition of community broadcasting and to facilitate its operation and development through regulations and other administrative standards).

which do have permits to operate face a serious constraint on their viability because they are prohibited from using airtime for commercial purposes, thereby ruling out one of their most important sources of financing and the possibility of economic sustainability.²²

26. At the writing of this report, the Congress had received the package of enabling legislation for the operationalization of the telecommunications reform of 2013. The proposal under discussion contravenes the spirit of the constitutional amendment, as well as international standards for freedom of expression. It permits governmental censorship on the Internet, restricting the neutrality of the net, and allowing blockage of services in ambiguous circumstances, such as “public security”. It infringes on privacy, widening the power of the government to intervene in communications geographically locate users in real time without any oversight. It also compels telephone companies to store user data indefinitely allowing access to them without judicial authorization.
27. In the enabling legislation in discussion, there is no criteria for social, community and indigenous media by blocking access to funding, such as selling time for commercial use and/or receiving economic support from the state. The criteria for frequency access for these kind of media is highly ambiguous, and in many ways unequal, compelling them to comply with the same requirements as public media, without providing them the same conditions for sustainability. From June 2008 to the present, the Mexican government has demonstrated a tendency to initiate criminal proceedings against community radio stations which operate without a permit, ²³ instead of relying on civil procedures. In addition, cases of aggression which community radio stations have suffered at the hands of private and government agents remain in a state of total impunity.²⁴
28. There are no limits for the actual control of the two bigger television enterprises. In fact, the proposal maintains the status quo and reinforces their dominant position. Finally, it lacks an effective regulatory framework for the control of information with respect to children, misleading publicity, for the strengthening of independent production of information or material.
29. An informal mechanism of censorship in Mexico is the allocation of government contracts for official advertising to the media. The practice is for the authorities to reward or punish media who are, respectively, friendly or critical. There is no legal or policy framework to mandate transparency in or the criteria with which the government determines the allocation of advertising contracts. There is no regulation for the distribution and management of official advertising. The allocation is done without proper principles that prevent arbitrary and opaque distribution. This and a lack of transparency, is a mechanism to reward or punish media outlets that interfere freedom of expression and right to information. *Proceso*²⁵, a weekly journal, has brought a legal case against the state government for withdrawing all public advertising because of an editorial line which was critical of the government. The National Commission of Human Rights (CNDH) delivered a recommendation regarding the lack of transparent procedures to allocate public advertisement from the Federal Government.

²² Press release available at: <http://www.amedi.org.mx/spip.php?article375>.

²³ See: “Avanza plan ofensivo contra radios comunitarias”, (*Offensive Plan against Community Radio Moves forward*) Revista Contralínea, March 2009, <http://contralinea.info/archivo-revista/index.php/2009/03/15/avanza-plan-ofensivo-contra-radios-comunitarias/>. Community radio stations have been accused under Article 150 of the General Law on National Assets, which stipulates a sentence of from two to twelve years of imprisonment and a fine of three hundred to a thousand times the minimum salary “...for the person who uses, benefits from or exploits an asset which belongs to the Nation, without previously having obtained a concession, permit or authorization, or entered into a contract with the competent authority”.

²⁴ Some of these have lead to the issuing of precautionary measures by the Inter-American Commission on Human Rights.

²⁵ http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_035.pdf

30. Official advertisement lacks of specific criteria or specific legal framework for the allocation of public resources, federal and state level. This has resulted in a situation where such allocations are made in an arbitrary and opaque manner, depending on editorial line of a media outlet. In cases of critical coverage, no official advertising is granted, and even can lead to other forms of pressure or denial of access to information. Between September and December 2012, 5 bills on the subject were presented without being passed any of them, keeping the default of " Congress " as ordered by the " Constitutional Standing " more than 4 years in legislative omission.

V. The Right to Information

31. The constitutional reform of Art 6 of the Constitution in 2014 expands transparency, aiming to ensure access to information. Enactment of this amendment to the Constitution eliminated the special status of unions, political parties, public trusts and any person who receives and exercise public resources, mandating them to provide transparent access to any information of public interest. It also ensures the constitutional autonomy of the Federal Institute of Access to Information and Data Protection (IFAI) which has the faculty to review the responses of the Executive, Legislative and Judiciary branches of government (with the exception of the Supreme Court of Justice) and autonomous bodies, as well as the power to review decisions of oversight bodies regarding the right of access to local information.
32. Even with the General Law on Transparency and Access to Information, the Archives Act, the harmonization of the 32 local and Federal laws and processes of appointment of new Commissioners in the various oversight bodies, the right to information will not be guaranteed without the will of those who interpret the law and work in compliance.
33. The constitutional amendment mentioned above took effect on February 10, 2014 and Congress will have a year to make adjustments to the Federal Transparency Law, the Federal Law of Personal Data and the general law. Within one year, state legislatures and the Federal District Legislative Assembly must harmonize regulations.
34. The Congress and local legislatures should remain committed to the development of a solid secondary legislation to pay the maximum protection of the right of access to information where they regulate, among other things, the following: a) Making public all the information held by the obliged subjects; b) a clear and precise definition of restrictions on the right of access to information; c) Strict advertising information relating to grave human rights violations and crimes against humanity; d) maximum disclosure, reasonableness, proportionality and public interest; e) The definition of specific transparency obligations for new regulated; f) The definition of specific transparency obligations of the guarantor bodies; g) inclusion of a results-based budgeting as a general obligation of transparency for all entities; h) information required to generate the regulated entities, together with the faculty of the Institute and local oversight bodies to sort his generation; i) definition of the appeal process and procedure to review of the Legal Department of the Presidency in national security cases; j) The extension of the powers of the Institute and the oversight bodies the right of access to information to generate criteria for interpreting the law and promote the right of access to information to the general public and provide mechanisms to reach vulnerable populations; and k)

the inclusion of a specific framework of sanctions for breach of the regulatory framework for transparency and access to information.²⁶

RECOMMENDATIONS

Protection for Journalists

- Effective measures should be put in place to respond to attacks on journalists and others which are designed to limit their right to freedom of expression, such as:
 - a. An adequate legal framework and sufficient resourced for FEADLE to effectively carry out its mandate.
 - b. Ensuring that FEADLE operates in a transparent manner and that it meets its obligations in an accountable manner, including by requiring it to disclose information on a proactive basis.
 - c. Capacity Building for FEADLE employees to respect to due process, gender perspective, following their investigation under freedom of expression violations and better care for victims.
- Ensure the implementation of protection measures by the Protection Mechanism to guarantee journalists safety, of all which requires:
 - a. Capacity Building for the Protection Mechanism employees for risk analysis, victim's attention and gender perspective.
- Design a public policy focused on preventing aggressions against journalists to guarantee the free flow of information.

Public Demonstrations

- Measures should be taken to promote and defend peaceful public demonstrations to all citizens.
- Ambiguous laws trying to prioritize national security over other rights should comply with international protocols and standards.

Defamation

- Defamation should be fully decriminalized in all Mexican states. Civil defamation rules should place the onus on public officials to prove the falsity of allegations of fact, should require public officials to tolerate a greater degree of criticism, and should impose overall limits on damage awards.

Media Regulation

- The legal framework for broadcasting should be fundamentally revised to bring it into line with the Constitution and international standards in this area.
- All powers relating to media regulation, including licensing of broadcasters, should be exercised by a fully independent body.
- Fair and objective rules should be put in place for the allocation of public advertising.
- The necessary legal and administrative measures should be taken to transform public broadcasters in Mexico into independent public service broadcasters operating in the overall public interest.
- An effective system should be put in place for regulating concentration of media ownership, including by setting clear limits on media concentration, to replace the current ineffective anti-monopoly rules.

²⁶ ARTICLE 19 Comunicado sobre la promulgación de la Reforma de Transparencia. February 2014 <http://www.articulo19.org/comunicado-sobre-la-promulgacion-de-la-reforma-de-transparencia/>

- Specific procedures and rules for licensing community broadcasters should be adopted which take into account their particular circumstances and which do not require them to compete with private broadcasters for licenses (i.e. which are free or low-cost and which are not unduly onerous in terms of process).
- Criminal actions against community radio stations should be suspended.

Right to Information

- Measures should be taken to provide broader access to information for all Mexicans.
- All state and federal right to information laws in Mexico should be amended to bring them into line with Article 6 of the Constitution and harmonized with the reform of 2014. Implementation measures should also respect this article in practice.