

**Protecting Journalists' Right to Life and Freedom of
Expression: A Case-Study of Measures to Address Enforced
Disappearances of Journalists in Mexico**

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ABSTRACT

Journalists all over the world suffer violations to their human rights, risking their life and human dignity daily. One of them is enforced disappearances. Not much is done by the State for a prompt search, making journalists suffer graver violations such as torture, degrading treatment, and killings.¹ Notwithstanding, there is no accountability for those responsible for the disappearances and killings of journalists, and no effective measures are taken to prevent these human rights violations.² Most of the registered cases involve journalists' investigations that have exposed political corruption, the operations of organized criminal groups, impunity, and the illegal activities of other relevant actors.³

Freedom House classifies Mexico as 'partly free', but Mexicans widely view their country as a dangerous place to exercise their freedom of expression and opinion regarding political matters and controversial topics.⁴ The Committee to Protect Journalists (CPJ) considered Mexico the deadliest country for journalists to exercise their profession in 2020.⁵ ARTICLE 19 Mexico has registered 24 journalists who are still missing since 2003 in Mexico.⁶

¹ Committee to Protect Journalists. *Explore All CPJ Data*. Mexico. 2022, <https://cpj.org/data/missing/?status=Missing&cc_fips%5B%5D=MX&start_year=2022&end_year=2022&group_by=location> Accessed 2 April 2022

² José Miguel Vivanco, "Another Blow to Mexican Journalists and Human Rights Defenders", *Human Rights Watch*, 3 November 2022, <<https://www.hrw.org/news/2020/11/03/another-blow-mexican-journalists-and-human-rights-defenders>> Accessed on 2 April 2022

³ ARTICLE 19 México y Centroamérica, 'Periodistas desaparecidos en México', *ARTICLE 19*, (Mexico City, February 2016), pp. 9-16

⁴ Freedom House, 'Freedom in the World', *Mexico*. 2022. <<https://freedomhouse.org/country/mexico/freedom-world/2021>> Accessed 2 April 2022

⁵ Committee to Protect Journalists, 'Attacks on the press: The deadliest countries in 2021', (Reports), (19 January 2022), <https://cpj.org/reports/2022/01/attacks-on-the-press-the-deadliest-countries-in-2021/> Accessed 2 April 2022

⁶ ARTICLE 19 México y Centroamérica, (n 3).

This project will aim to address the question: how to protect journalists' freedom of expression and the right to not be subjected to enforced disappearances? Additionally, how can journalists (and their next of kin), who have been or are disappeared, have access to adequate remedies before and after they are found? The focus of this project is to present the case-study of Mexico, drawing lessons for other cases where the lives of journalists are at risk, especially in contexts like Mexico.

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INTRODUCTION

The right to freedom of expression is established under Article 19 of both the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR). It states that every individual has the right to hold and exercise opinions and expressions without interference from States and other individuals. Moreover, regional human rights systems have incorporated this right in the European and American Conventions of Human rights, as well in the African Charter of Human and Peoples' Rights, by integrating their own versions of the rights according to their specific needs.

The Inter-American Convention of Human Rights (IACHR), for example, indicates in Article 13 that the right of freedom of expression should not be subjected by government censorship unless it is to protect the well-being of the public.⁷ Additionally, it states that any restrictions imposed on opinions and distribution of ideas violate the positive and negative obligations of States. This right provides society the ability to be informed for decision-making and the free will of exercising their public opinion as fundamental principles of a democratic society.⁸ Yet, journalists are in constant danger of extrajudicial killings, torture, enforced disappearances, arbitrary arrest and detention, intimidation, threats, harassment, and other types of violations against their rights, during conflict and

⁷ OAS, 'Chapter II - Freedom of Expression in the Inter-American System', *Freedom of Expression* <<https://www.oas.org/en/iachr/expression/showarticle.asp?artID=630&IID=1>> Accessed 10 February 2022

⁸ Ibid

non-conflict situations.⁹ Impunity¹⁰ is a challenge journalists face when trying to obtain justice regarding the direct violations they receive, including the lack of prompt and thorough investigation for all victims of crimes connected to journalism.¹¹

According to the Committee to Protect Journalists (CPJ), a total of 1,428 journalists were killed between 1992 and 2022, where journalism was found to be the main motive for the killings.¹² Alongside, the CPJ has registered 66 missing journalists worldwide since 1982, where most of the cases were from Mexico, Iraq, Russia, and Syria respectively.¹³ In the case of Mexico, for example, the Global Freedom Report of Freedom House positioned Mexico in place 61 out of 100 during the year 2021. Reporters Without Borders's (RWB) press freedom ranking of 2021 ranked Mexico in place 143 out of 180.¹⁴ Consequently, Freedom House classifies Mexico as 'partly free', but Mexicans widely view their country as a dangerous place to exercise their freedom of expression and opinion regarding political matters and controversial topics.¹⁵ The participation of criminal organized groups in Mexico and their direct links with State authorities put the total enjoyment of human rights at risk.¹⁶

⁹ UNHRC Resolution 45/18 (2020) UN Doc E/G.20/RES/2020/45/18 The Safety of Journalists

¹⁰ *The failure to bring to justice those responsible for crimes*. UNESCO, CI-12/CONF.202/6, 'UN Plan of Action on the Safety of Journalists and the Issue of Impunity', UNESCO Publications, <https://en.unesco.org/sites/default/files/un-plan-on-safety-journalists_en.pdf>

¹¹ UNHRC (n 9).

¹² Committee to Protect Journalists, 'Journalists Killed', *Data*, <https://cpj.org/data/killed/?status=Killed&motiveConfirmed%5B%5D=Confirmed&type%5B%5D=Journalist&start_year=1992&end_year=2022&group_by=year> Accessed 10 February 2022

¹³ Committee to Protect Journalists, 'Journalists Missing', *Data*, <https://cpj.org/data/?status=Missing&start_year=1992&end_year=2022&group_by=year> Accessed 10 February 2022

¹⁴ Reporters Without Borders, '2021 World Press Freedom Ranking', *Map*, 2021, <<https://rsf.org/en/index>> Accessed 2 April 2022

¹⁵ Freedom House, (n 4).

¹⁶ Ibid

The UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression urges States to prevent all types of violence against journalists and media workers, and implement training and awareness at all State levels.¹⁷ The United Nations Human Rights Council (HRC) strongly recommends States to fully protect journalists' rights and condemns all attacks against them, including impunity.¹⁸ It has also emphasized the importance of States' obligations to ensure prompt and adequate investigations of all types of attacks against journalists and create mechanisms to protect.¹⁹

Considering that the most severe violation of human rights a journalist might experience is being deprived of their life, States must ensure and guarantee by all means the protection of their life.²⁰ In cases of enforced disappearances, victims are subjected to the conditions to which their kidnappers expose them until they are released or found.²¹ The Inter-American Court of Human Rights (IACtHR) established that cases of enforced disappearances shall not be closed until the whereabouts of the victim(s) are located and they shall not be presumed dead.²²

¹⁷ UNGA, Resolution 74/157 'The safety of journalist and the issue of impunity', 18 December 2019, UN Doc A/RES/74/157

¹⁸ UNHRC (n 9).

¹⁹ Ibid. p. 2

²⁰ Ibid, p. 2

²¹ UNHRC, 'Fact Sheet No. 6 Rev. 3, Enforced or Involuntary Disappearances', p. 37 Article 17 <<https://www.refworld.org/docid/5289da9c4.html>> Accessed 28 February 2022.

²² Ophelia Claude, 'A Comparative Approach to Enforced Disappearances in the Inter-American Court of Human Rights and the European Court of Human Rights Jurisprudence', *Intercultural Human Rights Law Review*, Vol. 5, (2010), p. 434

In that regard, the focus of this project will be on the enforced disappearances of journalists in Mexico as a case-study. Mexico lacks efficient institutions that help missing journalists to be located, thus violating journalists' right to life and freedom of expression while propagating an impunity culture at all levels.²³ Furthermore, the purpose of this project is to identify how to effectively protect journalists from enforced disappearances and their right to freedom of expression by analyzing the cases of disappeared journalists. It will also examine if direct and indirect victims have adequate access to justice and remedies during search processes.

The first section will analyze the international obligations and national legislations Mexico must follow. The second section will illustrate the actual situation of missing journalists by analyzing the specific cases, and it provides an overview of the existing protective mechanisms the State must follow. The final section will identify what are the failures and limitations of Mexico to guarantee the protection of human rights of journalists, especially of the ongoing victims of enforced disappearances.

The practical component is designed as a defense strategy guidebook. It will highlight the rights of journalists under national and international instruments, and will present a roadmap for them and their next of kin to follow whenever they seek help to report violations. It also provides a more adequate search mechanism strategy that includes the last publications journalists are or were working on and the relevance of the social and political context during a given case. Lastly, it guidebook will tailor on the

²³ Ibid.

recommendations from different organizations operating in Mexico such as ARTICLE 19, the International Federation of Journalists, RWB, and national organizations, for a more context-based solution and protection of the human rights of journalists.

SECTION 1: Mexico's Responsibility towards Journalists and Enforced Disappearances

States must respect the right to freedom of expression and follow the due diligence processes of preventing, punishing, investigating, and compensating victims whose rights were infringed.²⁴ The following section will provide a series of laws and treaties that demonstrate the responsibility of Mexico towards journalists, freedom of expression, and the prevention of enforced disappearances as national and international obligations.

A) International Framework

a. Freedom of Expression and the Safety of Journalists

States must comply with international and/or regional standards which they have adhered to by ratifying treaties.²⁵ The fundamental instrument that establishes the obligation of States toward freedom of expression is Article 19 of both the UDHR²⁶ and the ICCPR²⁷, by which Mexico is bound. By ratifying the American Convention on Human Rights, Mexico has also reaffirmed its commitment to developing a democratic state in the American region, and respect the rights enshrined in the document.²⁸ Mexico compromised

²⁴ Silvia Chocarro, 'Estándares internacionales de libertad de expresión: Guía básica para operadores de justicia', *Centre for International Media Assistance*, Washington, D.C., United States, August 2017, p. 7

²⁵ Ibid, p. 7

²⁶ United Nations Organization, 'Universal Declaration of Human Rights' 1943, Preamble, <https://www.un.org/en/udhrbook/pdf/udhr_booklet_en_web.pdf> Accessed 25 February 2022.

²⁷ United Nations Treaty Collection, 'International Covenant on Civil and Political Rights', *Status of Treaties Chapter IV Human Rights*, <https://treaties.un.org/Pages/ViewDetails.aspx?chapter=4&clang=en&mtdsg_no=IV-4&src=IND#top> Accessed 9 April 2022,

²⁸ OAS, *American Convention on Human Rights, "Pact of San Jose"*, Costa Rica, 22 November 1969, <<https://www.cidh.oas.org/basicos/english/basic3.american%20convention.htm>> Accessed 9 April 2022

to respect the Declaration of Principles of Freedom of Expression of the OAS.²⁹ The Declaration stipulates that every sort of attack against journalists or social communicators, such as murders, kidnapping, intimidation, and material destruction is a violation of the fundamental human rights, and that States have the obligation to prevent and investigate to further punish those responsible and provide due compensation to victims.³⁰

Specialized agencies of the United Nations, such as the General Assembly (UNGA), the Security Council (UNSC), the Human Rights Council (UNHRC), and UNESCO, have adopted throughout the years several resolutions and documents that protect journalists and their right to freedom of expression, which Mexico agreed to follow and comply with.

For example, notably, Resolution 74/157 of the UNGA on Safety of Journalists and the Issue of Impunity, condemns and urges States to prevent all types of violence against journalists and media workers.³¹ Alongside, calls upon States to create all the necessary measures in law and practice, to enhance the protection and respect for journalists and their job as part of the fundamental right of freedom of expression.³²

Resolution 222 of the UNSC adopted on 27 May 2015, “urges the immediate and unconditional release of journalists, media professionals, and associated personnel who

²⁹ Inter-American Commission of Human Rights, ‘Declaration of Principles on Freedom of Expression’, *Organization of the American States*, 2-20 October 2000, <<https://www.oas.org/en/iachr/mandate/basics/declaration-principles-freedom-expression.pdf>> Accessed 9 April 2022

³⁰ Ibid.

³¹ UNGA Resolution 74/157 (n 17)

³² Ibid

have been kidnapped or taken as hostages, in a situation of armed conflict”.³³ It also recognizes the importance of education and training to prevent attacks where journalists can also be affected.³⁴

The UNHRC Res 39/6 recalls past UNHRC resolutions and makes an emphasis on the importance of prevention of attacks against journalists and the vulnerability they go through from State and non-state actors.³⁵ It raises the importance of having awareness of all threats and attacks.³⁶ The UNHRC stresses that preventing attacks against journalists need the cooperation and strengthening of national legislation and protection mechanisms.³⁷

In 2006, UNESCO elaborated the UN Plan of Action on the Safety of Journalists and the Issue of Impunity, which objective is to work towards a safe place for journalists and media workers, meanwhile States work to achieve democracy and strengthen peace worldwide.³⁸ Moreover, Mexico also promised to follow the international standards by 2030 under the Sustainable Development Goals.³⁹ Goal 16.10 indicates that States shall “ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements”.⁴⁰ The UN Plan of Action works by awareness-raising, monitoring and reporting, academic research, standard-setting and

³³ UNSC, Resolution 222(2015), 27 May 2015, UN Doc S/RES/222 (2015)

³⁴ Ibid

³⁵ UNGA, Resolution 39/6 (2018), ‘The Safety of Journalists’, A/HRC/RES/39/6, (5 October 2018)

³⁶ Ibid.

³⁷ Ibid.

³⁸ UNESCO, ‘UN Plan of Action on the Safety of Journalists and the Issue of Impunity’, CI-2016/WS/10, 2016, p. 6, <<https://unesdoc.unesco.org/ark:/48223/pf0000246014>> p. 1, Accessed 9 April 2022.

³⁹ Ibid, p. 4

⁴⁰ Ibid, p. 19

policy-making, capacity making, and coalition building at national and international levels.⁴¹

b. Enforced Disappearances

Enforced disappearances are not crimes that only affect the direct victim, but they carry negative effects on the next of kin by not knowing the whereabouts of the primary victim, and the dependence each subject may have on one another.⁴² The crisis led to the adoption of the Declaration on the Protection of All Persons from Enforced Disappearances, proclaiming that crimes of enforced disappearance are attacks against human dignity⁴³, and “no State shall practice, permit, or tolerate...” them.⁴⁴ Article 7 of the Declaration states that no social context of danger such as war or threats against the nation can constitute an excuse to allow enforced disappearances.⁴⁵

The Inter-American Convention on Forced Disappearance of Persons of 9 June 1994 recognizes that enforced disappearances in the region are a recurrent crime.⁴⁶ States should cooperate to mitigate the causes of this crime and help prevent its recurrence.⁴⁷ Also, the Convention does not allow by any circumstance the ordering and following of

⁴¹ Ibid, p. 5

⁴² UNGA, Resolution 47/133 ‘The Declaration on the Protection of All Persons from Enforced Disappearances’ 18 December 1992 <<https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-protection-all-persons-enforced-disappearance>> Accessed 9 April 2022

⁴³ Ibid, Article 1

⁴⁴ Ibid, Article 2

⁴⁵ Ibid, Article 7

⁴⁶ OAS, *Inter-American Convention on Forced Disappearance of Persons*, 9 June 1994, <<https://www.oas.org/juridico/english/treaties/a-60.html>> Accessed 9 April 2022

⁴⁷ Ibid, Article 1

orders that result in enforced disappearances, and States shall train their law-enforcement authorities to not obey external actors, which mandate the action of this crime.⁴⁸

However, families of victims and non-governmental organizations advocated for more pressure to the State to oblige the eradication of the practice of enforced disappearances and the impunity that most cases carry over time.⁴⁹ The rising cases of enforced disappearance pushed Mexico to also ratify the ICPED, obliging the State to criminally punish the perpetrators of enforced disappearances with the appropriate sanctions.⁵⁰ Additionally, it states that the competent authorities shall initiate a prompt and impartial investigation when a person is suspected as a victim of this crime, and prevent the withholding of information.⁵¹

The Convention indicates that Member States shall simply register the following information: 1) identity of the victim, 2) date, time, and place where the person was last seen; if possible, include the name of the perpetrator, 3) the person who ordered the crime (in case it is different from the perpetrator), 4) the victim's vigilante, 5) the place where the victim was deprived of its liberty, 6) the state of health of the victim, 6) in case of death, the causes and destination of remains, 7) date and time of release, including the place of transfer and the authority responsible for it.⁵² Its Article 18 acknowledges the rights of the

⁴⁸ Ibid, *Article VIII*

⁴⁹ OHCHR, 'Background to the International Convention for the Protection of All Persons from Enforced Disappearances', *Committee on Enforced Disappearances*, 2022, <<https://www.ohchr.org/en/treaty-bodies/ced/background-international-convention-protection-all-persons-enforced-disappearance>> Accessed 9 April 2022

⁵⁰ UNGA RES/61/177, 'International Convention for the Protection of All Persons from Enforced Disappearances', *Article 7*, (12 January 2007).

⁵¹ Ibid, *Article 22*

⁵² Ibid, *Article 17*

next of kin or representatives, and States shall guarantee that they receive prompt and true information regarding the advancement of the victim's case.⁵³

Lastly, the Committee on Enforced Disappearance (CED) used the ICPPED and other related documents to elaborate on the Guiding Principles for the search for disappeared persons on 18 April 2019.⁵⁴ This document incorporates 16 principles on how State authorities shall consolidate good practices for the adequate search for disappeared persons, with the help of relevant actors, such as civil society organizations, victims, and experts.⁵⁵

The 16 principles are the following: 1) The search must be conducted with the presumption that the victim is alive; 2) it should respect human dignity; 3) it should be governed by a public policy; 4) should follow a differential approach; 5) respect the right to participation of next of kin and representative(s) of victims; 6) should begin without delay; 7) the search shall be a continuing obligation; 8) it should have a comprehensive strategy; 9) it should consider the vulnerability of migrants as victims; 10) should be efficiently organized; 11) should use appropriate information; 12) should be coordinated; 13) searches and criminal investigations should be interrelated; 14) should be safely carried out; 15) should be independent and impartial; 16) it should be governed by public protocols.⁵⁶

⁵³ Ibid, Article 18

⁵⁴ ICPPED, CED/C/7 'Guiding Principles for the search for disappeared persons', *Committee on Enforced Disappearances*, 8 May 2019, <<https://www.ohchr.org/en/documents/legal-standards-and-guidelines/guiding-principles-search-disappeared-persons>> p. 1, Accessed 10 April 2022

⁵⁵ Ibid, p. 1

⁵⁶ Ibid, pp. 2-9

B) National Framework

a. *Journalists and Freedom of Expression*

Mexico has a series of national legal guarantees that respect and protect journalists' human rights. Foremost, the national reform of 2011 made all human rights recognized in the Constitution of the United Mexican States (hereinafter the Constitution) and in international treaties of which Mexico is party to, and shall be interpreted with the same importance as the Constitution by all authorities in all federal states.⁵⁷ Moreover, Article 7 of the Constitution establishes that there must be no control or restriction from authorities, public or civil individuals, for the diffusion of information, opinion, or ideas, unless they go against the national interest and well-being of the population.⁵⁸ The Constitution also mandates in Article 21(1) and Article 102(A) the right to proper and prompt investigations of crimes, and the guarantee the enforcement of law at all levels of justice.⁵⁹

The only specialized federal law that protects journalists is the General Law for the Protection of Human Rights Defenders and Journalists of 25 June 2012.⁶⁰ With this Law, Mexico should comply with its national and international responsibility of protecting the life, integrity, security, and liberty of people in potential risks, for defending or promoting

⁵⁷ Pedro Salazar Ugarte, Coord., José Luis Caballero Ochoa, and Luis Daniel Vázquez, 'La Reforma Constitucional Sobre Derechos Humanos, Una Guía Conceptual', *Senado de la República Instituto Belisario Domínguez*, 1st Edition, (Mexico City, Mexico, January 2014), ISBN 978-607-8320-05-9, p. 11

⁵⁸ Diario Oficial de la Federación, Constitución Política de los Estados Unidos Mexicanos, 'Artículo 7', *De los Derechos Humanos y sus Garantías*, (5 February 1917, Last Reform: 28 May 2021)

⁵⁹ CNDH México, 'Sobre Agravios a Periodistas en México y la Impunidad Imperante', *Recomendación General No. 20*, (Mexico City, 15 August 2013), <https://www.cndh.org.mx/sites/all/doc/Recomendaciones/Generales/RecGral_020.pdf>, par, 34, Accessed 10 April 2022

⁶⁰ Diario Oficial de la Federación, 'Ley Para La Protección de Personas Defensoras de Derechos Humanos y Periodistas', *Cámara de Diputados del H. Congreso de la Unión*, (25 June 2012), <<https://www.diputados.gob.mx/LeyesBiblio/pdf/LPPDDHP.pdf>>

human rights, freedom of expression, and free press.⁶¹ It establishes the possibility of having urgent measures of protection such as evacuation, temporal relocation, specialized bodyguards, protection of real estate, and any other measures that are needed.⁶² However, this Law does not guarantee rights, because authorities need to make an assessment on whether there is a direct motivation for being a journalist.⁶³

Article 34 of this Law also indicates that victims of attacks may receive cellphones and satellite telephones, safety cameras, locks, and other security installations in a home or a group's place, security equipment such as bulletproof vests, metal detectors, and armored cars if necessary.⁶⁴ Furthermore, it determines that whoever infringes the law by acting against the life, integrity, and liberty of this vulnerable group, can be sanctioned from 2 to 9 years in prison. Public authorities who alter or manipulate the Law to harm or risk journalists will be liable to the same punishment.⁶⁵

b. Enforced Disappearances

When victims of enforced disappearances are not located promptly, first their right to liberty is contested. Nonetheless, the National Commission for Human Rights (CNDH in Spanish) argues that other rights are at risk, such as the right to dignified treatment,

⁶¹ Ibid.

⁶² Ibid, Article 32

⁶³ Ibid, Article 44

⁶⁴ Ibid, Article 34

⁶⁵ Ibid, Article 66 and Article 67

integrity and personal security, equality before the law, right to legality, judicial security, recognition of legal personality, and access to justice.⁶⁶

By 2017, most of the cases were handled by the next of kin and local organizations' efforts, leaving them with bureaucratic obstacles and no proper access to justice.⁶⁷

Therefore, Mexico approved the General Law Regarding the Enforced Disappearance of Persons, Disappearances Committed By Individuals, and the National System for Searching Persons on 17 November 2017 which created the National Commission for the Search of Persons (CNBP in Spanish).⁶⁸ The Law also approved the creation of 33 Local Search Commissions to have a prompt and adequate search considering the different societal contexts within the territory.⁶⁹

Significantly, the latter General Law establishes that public officers can be punishable against crimes of enforced disappearances and serve as a guarantee of protection and respect for the rights of missing people.⁷⁰ Article 15 of this General Law also states that any sort of action that allows impunity during investigation processes, prosecution, or punishment to obstruct the determination of the truth, will be sanctioned by corresponding

⁶⁶ CNDH México, 'Desaparecidos – Derechos Relacionados con la Desaparición de Personas', *Derechos Humanos*, (2022), <<https://www.cndh.org.mx/derechos-humanos/desaparecidos-derechos-relacionados-con-la-desaparicion-de-personas>> Accessed 10 April 2022

⁶⁷ Comisión Nacional de Búsqueda, '¿Qué es la Comisión Nacional de Búsqueda?', *Secretaría de Gobernación*, (2022), <https://comisionnacionaldebusqueda.com/que-es-la-comision-nacional-de-busqueda/> Accessed 10 April 2022

⁶⁸ Diario Oficial de la Federación, 'Ley General en Materia de Desaparición Forzada de Personas, Desaparición Cometida por Particulares y del Sistema Nacional de Búsqueda de Personas', *Cámara de Diputados del H. Congreso de la Unión*, (17 November 2017, Last Reform 20 May 2021), <<https://www.diputados.gob.mx/LeyesBiblio/pdf/LGMDFP.pdf>> Accessed 10 April 2022

⁶⁹ Comisión Nacional de Búsqueda, (n 66)

⁷⁰ Diario Oficial de la Federación, (n 67) *Article 15*,

judges.⁷¹ The only preventive measure that the General Law includes is to propose informative campaigns and trainings in Public Security Institutions on how to prevent illicit conducts within State agents. However, there is nothing specific on who will provide this training, and it does not go any further than a proposal.

⁷¹ *Ibid*, Article 15,

SECTION 2: Enforced Disappearances of Journalists in Mexico

Since 2020, attacks against journalists in Mexico have increased in numbers and severity.⁷² Reports about these attacks are censored by the government and is not part of the public discussion in Mexico. They have a chilling effect on other journalists fearing they will suffer the same or other attacks and not have proper access to justice. This section will contextualize the crimes of enforced disappearances of Mexican journalists. Additionally, it will present the existing national institutions created to oversee cases of enforced disappearances and the protection of journalists in Mexico.

A) Victims' and their last reporting

Enforced disappearances in Mexico are one of the most recurrent crimes against civilians with a historical understanding since the 1960s and can be observed as well in the Latin American context. This problem has broadly three causes: 1) the safety politics done by government administrations (local and federal) to override the security crisis and the use of military to uphold public safety; 2) the ongoing power control crash between politicians and organized crime in different federal entities since the 1970s; and 3) weak institutions.⁷³

⁷² ARTICLE 19, 'Mexico: Attacks against the press grew exponentially in the first half of 2020', (Mexico and Central America), (25 September 2020), <https://www.article19.org/resources/mexico-attacks-against-the-press/> Accessed 10 April 2022

⁷³ Susana Ramírez Hernández, 'Mecanismos extrainstitucionales para la búsqueda de personas desaparecidas en México', *Instituto Belisario Domínguez*, 20, <<http://revista.ibd.senado.gob.mx/index.php/PluralidadyConsenso/article/view/636/596>> p. 90.

From 2003 to 2021, ARTICLE 19 Mexico registered 24 disappeared journalists.⁷⁴ All cases show similarities and patterns that can be identified in all of them, regardless their difference in location and social contexts.⁷⁵ Journalists were reporting on corruption, local and military authorities having close links with criminal organizations, and drug trafficking. In 7 out of the 24 cases, journalists experienced threats from military authorities or unidentified attackers before their disappearance.⁷⁶ As ARTICLE 19 Mexico notes, it is evident that there is a causal nexus between the content of the victims' publications and those who were subject of journalistic investigations are likely the perpetrators or initiators of the journalists' abduction.⁷⁷

Moreover, the cases of enforced disappearance lack adequate investigations to identify the whereabouts of journalists. In situations where victims' bodies are found dead, investigations do not show clear evidence of the facts. Furthermore, cases that are still open for investigation lack efficient assessments, which impedes the proper localization and justice for victims.⁷⁸ For example, Leodegario Aguilera Lucas disappeared on 22 May 2004 and the Attorney General of Justice of Guerrero closed the case by matching his DNA with a burned corpse.⁷⁹ After almost 18 years, Leodegario Aguilera is still considered missing by the Office of the Attorney General of the Republic (PGR in Spanish), for wrongfully identifying an animal's DNA.⁸⁰ Another example is the disappearance of Rodolfo Rincón

⁷⁴ ARTICLE 19 México y Centroamérica, (n 3) p. 16

⁷⁵ Ibid, p. 16

⁷⁶ Ibid, p. 17

⁷⁷ Ibid, p. 18

⁷⁸ Ibid, p. 18

⁷⁹ Ibid, p. 9

⁸⁰ Ibid, p. 9

in 21 January 2007.⁸¹ His case was closed after not being able to properly identify his DNA with other 5 found bodies that matched his corporal characteristics. In 2009, authorities closed his and is considered presumably dead, violating national and international standards.⁸²

The above-mentioned are some examples of how impunity and the unwillingness to properly act is present in cases of enforced disappearances. National authorities do not link the issues journalists were investigating before their disappearance as a motive behind the attacks. Most of the reported cases show that these victims were also subjected to previous attacks, such as threats, (sexual) harassment, and invasion of privacy.⁸³ As indicated by the next of kin, journalists did not file complaints against these attacks, because they feared being stigmatized, silenced and more frequent and severe attacks.⁸⁴ Even if the disappeared victims complained to local authorities that their lives were in danger, these allegations were not included in the investigation process as complementary and relevant information or were not considered important by State authorities.⁸⁵

B) National Search Mechanisms: Registration of data and procedures

a. National Commission for the Search of Persons (CNBP)

⁸¹ Ibid, p. 10

⁸² Ibid, p. 10

⁸³ Ibid, pp. 9-16

⁸⁴ ARTICLE 19 ‘Mexico: Journalists join civil society groups to denounce stigmatization by the Mexican state’ *Protection*, (05 July 2021), <<https://www.article19.org/resources/mexico-journalists-join-civil-society-groups-to-denounce-stigmatization-by-the-mexican-state/>> Accessed on 4 April 2022

⁸⁵ México (AFP), ‘El desafío de brindar protección a periodistas amenazados en México’ (*France 24*, 25 January 2022), <<https://www.france24.com/es/minuto-a-minuto/20220125-el-desafio-de-brindar-proteccion-a-periodistas-amenazados-en-mexico>> Accessed 3 April 2022.

The National Commission for the Search of Persons CNBP (in Spanish) is responsible for search actions in coordination with federal and local state authorities to know the whereabouts of victims.⁸⁶ Within this multi-sectoral coordination, the CNBP has the faculties to link, operationalize, evaluate, and offer follow-ups between authorities that respond to the search for disappeared people.⁸⁷ On 6 October 2020, the General Law allowed to have the Homologated Protocol for the Search of Disappeared and Non-Located Persons (hereinafter the Homologated Protocol) that establishes what should authorities do, coordinate between and within institutions, and the treatment they should provide for family members and the next of kin of victims.⁸⁸ The 2012 National Data Registry of Missing or Disappeared Persons (RNPED in Spanish) was greatly criticized by Human Rights Watch for its lack of transparency, incoherence, and missing data, and its methodology to identify localized bodies.⁸⁹ Based on the investigations by national organizations, such as the Centre Fray Juan de Larios and the National Citizen Observatory, and the CNDH, it was found that most of the cases reported by the RNPED were not updated to the local registries of each federal entity.⁹⁰

After the creation of the CNBP in 2017 and the increasing national and international criticisms of the RNPED, the national registry migrated into a new National Registry for

⁸⁶ Dirección de Operaciones de Búsqueda de la Comisión Nacional de Búsqueda de Personas, 'Protocolo Homologado Para la Búsqueda de Personas Desaparecidas y No Localizadas', *Comisión Nacional de Búsqueda de Personas*, 1st Edition, (July 2021), <https://www.gob.mx/cnb/documentos/92518> p. 15

⁸⁷ Ibid, p. 1

⁸⁸ Ibid, p. 15

⁸⁹ Carlos Galindo, Susana Ramírez and Juan Manuel Rodríguez, 'Historia, retos de mejora y cifras del registro de personas desaparecidas' <<http://rgdoi.net/10.13140/RG.2.2.34756.88960>> Accessed 9 April 2022, p. 13

⁹⁰ Ibid, p. 17

Disappeared and Non-Localized Persons (RNPDO in Spanish) which was later published in July 2020.⁹¹ RNPDO now shows data about missing people; who they are (by age and gender); by related crimes with dates, and location; and if they have been located (or not) dead or alive.⁹² According to the current National Commissioner of Search of People in Mexico, Karla Quintanilla, the unpublished personal information about victims is following the guidelines of the United Nations.⁹³ The Director of Data Civica⁹⁴, Mónica Meltis, states that the lack of public data is a continuation of the violations of human rights not just for victims to access justice, but the right to information for the public.⁹⁵ From 15 March 1963 until 9 April 2022, the RNPDO has 242,820 persons that are either disappeared, not localized, and/or localized.⁹⁶

b. Search for Missing Persons

The Homologated Protocol established five types of searches for victims based on the particularities and context of the case and how they must be followed.⁹⁷ Furthermore, the Homologated Protocol states that there are three reasons why there have to be different types of searches of victims: 1) there are plenty of activities to do for each search and all of them differ from each other, 2) many factors may affect why a person is not being localized

⁹¹ Comisión Nacional de Búsqueda de Personas, 'Reporte de personas desaparecidas, no localizadas y localizadas', *Secretaría de Gobernación*, (2022), <<https://comisionnacionaldebusqueda.com>> Accessed 9 April 2022

⁹² Efraín Tzuc, 'Presentan plataforma de personas desaparecidas pero no abren datos', *Proceso*, (Nacional), (México, 13 July 2020), <<https://www.proceso.com.mx/nacional/2020/7/13/presentan-plataforma-de-personas-desaparecidas-pero-no-abren-datos-246102.html>> Accessed 10 April 2022

⁹³ Ibid.

⁹⁴ *A national organization that advocates for transparent data in human rights issues.*

⁹⁵ Efraín Tzuc, (n 91)

⁹⁶ Comisión Nacional de Búsqueda, 'Registro Nacional de personas Desaparecidos y No Localizadas,' (9 April 2022), <<https://versionpublicarnpdno.segob.gob.mx/Dashboard/ContextoGeneral>> Accessed 9 April 2022

⁹⁷ Dirección de Operaciones de Búsqueda de la Comisión Nacional de Búsqueda de Personas, (n 86), p. 18

and trying to follow only one plan of action may put in greater risk the victim, and 3) the more plans of actions the authorities have to find the victim, more answers can be obtained to provide justice for the victim(s).⁹⁸

All five proposed types of searches are strategically different strategic to gather as many information as possible and can be done simultaneously to minimize the risk a victim can be exposed to if searches are not prompt and adequate.⁹⁹ The CNBP in collaboration with the 33 Local Search Commissions must follow the five proposed search types.¹⁰⁰ The search types are 1) immediate (immediately act after the slight suspicion of disappearance), 2) individualized (using advanced techniques depending on the characteristics of the victim), 3) by patterns (using similar cases as guidance within a given specific group of victims), 4) generalized (comparing data and going to the field), and 5) by family (using family links).¹⁰¹

The Homologated Protocol gave local and federal authorities detailed instructions on how to act and react in cases of enforced disappearances, but it does not address how to prevent enforced disappearances of journalists. Once a case is open for investigation, authorities tend to wait approximately 72 hours to look for the victim, but this practice is not allowed by Mexican or international law.¹⁰² The first 48 hours of its disappearance are

⁹⁸ Ibid, p. 19

⁹⁹ Ibid, p. 20

¹⁰⁰ Ibid, p. p. 20

¹⁰¹ Ibid, p. 20

¹⁰² Verónica Díaz Favela, 'Esperar 72 horas para buscar a un desaparecido es "anacrónico"', *CNN México*, (Mexico, 26 June 2013), <<https://expansion.mx/nacional/2013/06/26/esperar-72-horas-para-buscar-a-un-desaparecido-es-anacronico>> Accessed 10 April 2022

known to be of great importance of finding the victim alive.¹⁰³ The RNPDO lacks the personnel to properly start on-site searches, and for comparing DNA with family members and from unidentified bodies.¹⁰⁴ Furthermore, cases of victims are closed or suspended without any confirmation that the information given to their next of kin is true.¹⁰⁵

C) Protective Mechanisms for Journalists

a. *The Special Prosecutor for the Attention to Crimes Committed Against Freedom of Expression*

The Special Prosecutor for Attention to Crimes Committed Against Freedom of Expression (FEADLE in Spanish) was created in July 2010, after the increasing attacks against journalists in all Mexico.¹⁰⁶ The FEADLE is designed to receive complaints, investigate, prosecute, and initiate criminal actions against offenders who attempt against journalists; inform journalists about the actions done by and with the FEADLE, and dictate urgent protective measures to victims following the National Code of Criminal Procedures.¹⁰⁷ A Constitutional Reform in 2012 to allowed the FEADLE to investigate

¹⁰³ Ibid

¹⁰⁴ Ibid.

¹⁰⁵ Arturo Daen, 'México busca a 37 mil desaparecidos con un Sistema incompleto y sin recursos insuficientes', *Animal Político*, (Mexico, 12 October 2018), <https://www.animalpolitico.com/2018/10/mexico-desaparecidos-sistema-incompleto-recursos-suficientes/> Accessed 10 April 2022

¹⁰⁶ Diario Oficial de la Federación 'Acuerdo A/145/10 Acuerdo del Procurador General de la República, por el que se crea la Fiscalía Especial para la Atención de Delitos cometidos contra la Libertad de Expresión, la cual se adscriba a la Oficina del Procurador General de la República, y se establecen sus funciones', *Secretaría de Gobernación*, (05 July 2010), https://www.dof.gob.mx/nota_detalle.php?codigo=5150640&fecha=05/07/2010 Accessed 4 April 2022

¹⁰⁷ Fiscalía General de la República, 'Informe Estadístico 2021Fiscalía Especial para la Atención de Delitos cometidos contra la Libertad de Expresión (FEADLE)', *Fiscalía Especial en Materia de Derechos Humanos*, 2021, https://www.gob.mx/cms/uploads/attachment/file/705172/Informe_Estadistico_2021_FEADLE.pdf p. 7

local state authorities for the suspicion of involvement in attacks against journalists.¹⁰⁸ The Special Prosecutor is also responsible for the coordination of communication, investigation, and aid between other specialized institutions.¹⁰⁹ The FEADLE has created a special phone app that works as a panic button to ask for help immediately, assigned bodyguards, sends journalists to safehouses, and prevents risks in danger zones by looking out for those journalists who know that they might be at risk due the place and issue they are covering.¹¹⁰

Notwithstanding, the FEADLE has not progressed in relieving the issue or bringing justice to victims.¹¹¹ According to the public results of the FEADLE in 2021, it received 1,409 complaints between 2010 to 2021 for attacks against journalists, and 9 complaints were of kidnapping.¹¹² During the same period, a total of 287 criminal actions were initiated by the Special Prosecutor.¹¹³ However, between 2010 and 2017, 44.6% of the reports were made, while 55.4% of the cases were reported between 2018 and 2021.¹¹⁴ The Special Prosecutor registered 94 journalists murdered from 2011 to 2021, but it was until 2020 that it had recorded only 6 sentences, and in 70% of the cases it was ruled that there was no connection between journalism and the attacks.¹¹⁵ With the previous exposed

¹⁰⁸ Jan-Albert Hootsen, 'Fiscal especial mexicano dice, que FEADLE está mejorando, pero la impunidad sigue', *Committee to Protect Journalists*, Reportaje y Análisis, (29 January 2018), <https://cpj.org/es/2018/01/fiscal-especial-mexicano-dice-que-feadle-esta-mejo/> Accessed 10 April 2022

¹⁰⁹ Procuraduría General de la República, 'Protocolo Homologado de Investigación de Delitos Cometidos Contra la Libertad de Expresión', (October 2018), <https://www.gob.mx/cms/uploads/attachment/file/444272/Protocolo_homologado_de_investigaci_n_de_delitos_cometidos_contra_la_libertad_de_expresi_n.pdf> Accessed 10 April 2022

¹¹⁰ Ibid

¹¹¹ Fiscalía General de la República, (n 105), p. 7

¹¹² Ibid, p. 58

¹¹³ Ibid, p. 11

¹¹⁴ Ibid, p. 11

¹¹⁵ Samedí Aguirre, 'Violencia contra periodistas en México: más de 90% de crímenes impunes y mecanismos de protección insuficientes', *Animal Político*, (Mexico, 25 January 2022), <https://www.animalpolitico.com/elsabueso/periodistas-asesinados-crimenes-impunidad-mexico/> Accessed 10 April 2022

numbers, there is a correlation between the rising attacks against journalists in Mexico, and the levels of impunity registered.

Moreover, 312 people have penal actions against them, and 65.4% are against public workers; especially from local municipalities.¹¹⁶ The FEADLE reported that 90% of the 32 murders that occurred between 2018 and 2020 have led to complete impunity.¹¹⁷ The FEADLE has opened 13 inquires or preliminary inquiries between 2010 and 2015 of disappeared journalists.¹¹⁸ However, the FEADLE still has to categorize journalists as victims of enforced disappearances for being journalists with a political motive behind it.¹¹⁹ It is of utmost importance to search for motives, possible whereabouts, links between the issues journalists were investigating before their disappearance, and the social and political context they were working on.¹²⁰ The previously exposed considerations in most cases are not used by the FEADLE, increasing the degree of impunity the case might have until the victim is found.¹²¹

The rising numbers show how there is a lack of cooperation from local authorities to detain criminals, and they are responsible for at least half of the attacks reported to the FEADLE.¹²² Even with this data, President Andrés Manuel López Obrador (AMLO) still decided to cut public funds destined for the Special Prosecutor during 2022, being the most

¹¹⁶ Fiscalía General de la República, (n 105) p. 19

¹¹⁷ Ibid, p.19

¹¹⁸ ARTICLE 19 México y Centroamérica, (n 3), p. 25

¹¹⁹ Ibid, p. 25

¹²⁰ Ibid, p. 25

¹²¹ Ibid, p. 26

¹²² Fiscalía General de la República, (n 105), p. 11

affected institution by this reduction of 5% of its 2021 funds.¹²³ Both governmental inactions affect the clarification of the facts of the attacks against journalists and increase the possibilities of additional violations of human rights against journalists.¹²⁴ Likewise, the FEADLE rarely investigates the cases that are examined by local authorities due to a lack of interest and due diligence, putting aside the advantages the Special Prosecutor received after its 2012 reform.¹²⁵

*b. Protection Mechanism for Human Rights Defenders and Journalists
(MPPDDHP)*

The Protection Mechanism for Human Rights Defenders and Journalists (hereinafter the MPPDDHP in Spanish) was created on 25 June 2012 by the rising pressure from human rights organizations to protect this vulnerable group.¹²⁶ Its objective is to safeguard the lives, personal integrity, and safety of human rights advocates and journalists by granting immediate protection or judicial aid. The MPPDDHP provides victims with police escorts, safety cameras in residences and offices, and safety equipment such as antibullet vests and satellite cellphones.¹²⁷ In 2017, the Council of the MPPDDHP approved a protocol that allows coordination between federal entities involved in the protection of journalists and

¹²³ Arturo Ángel, 'Pese a violencia e impunidad recortan presupuesto para indagar torturas y ataques', *Animal Político*, (Mexico, 10 September 2021), <<https://www.animalpolitico.com/2021/09/presupuesto-fiscalias-torturas-ataques-periodistas-2022/>> Accessed 10 April 2022

¹²⁴ OHCHR, 'Expertos en libertad de expresión limitados por la lentitud en la investigación y juzgamiento del asesinato del periodista mexicano Javier Valdez', *Press Release*, (Procedimientos Especiales), (19 November 2019), <<https://www.ohchr.org/es/2019/11/freedom-expression-experts-concerned-slow-progress-investigation-and-prosecution-murder>> Accessed 10 April 2022

¹²⁵ Gina Hinojosa, Virry Schafssma and Maureen Meyer, 'Cambiando el curso de la impunidad: Protección y acceso a la justicia para defensoras de derechos humanos y periodistas en México. Informe de Investigación', *WOLA Advocacy for Human Rights in the Americas and pbi making space for peace*, (March 2019), <https://www.wola.org/wp-content/uploads/2019/03/2019-WOLA-PBI-SPN_RESUMEN.pdf>

¹²⁶ Diario Oficial de la Federación, (n 59).

¹²⁷ Ibid, p. 7

human rights activists.¹²⁸ Now, MPPDDHP collaborates by investigating cases with other national institutions like the FEADLE and Specialized State Units of Protection of local states.¹²⁹

From its creation in 2012 until October 2021, 495 journalists benefitted from the MPPDDHP.¹³⁰ Of this, 61.3% of the victims work in political journalism, and 46.5% work on police notes.¹³¹ However, six of its beneficiaries were murdered in 2017, and journalists have received mistreatment from their assigned bodyguards. Furthermore, the private companies with which the MPPDDHP has contracts to buy safety equipment are charged high prices. The IACtHR questions whether respecting and guaranteeing the protection of human rights advocates and journalists is a matter of commercial interests, and how discreet the bodyguards are regarding the whereabouts and daily lives of those who they ‘protect’.¹³²

The MPPDDHP also collaborates with authorities responsible to investigate all types of crimes against journalists, following the Homologated Protocol for the Investigation of Crimes Committed Against Freedom of Expression.¹³³ This protocol establishes the importance of recognizing the place of crimes, (social and political) context, motives behind the attacks, and the individual background of the victim. It is the only

¹²⁸ Gina Hinojosa, Virry Schafssma and Maureen Meyer, (n 123), p. 8

¹²⁹ Ibid, p. 9

¹³⁰ Secretaría de Gobernación, ‘Agravios contra personas defensoras de derechos humanos y periodistas’, *Mecanismo de Protección para Personas Defensoras de Derechos Humanos y Periodistas*, (Mexico, 5 October 2021), <<http://www.alejandroencinas.mx/wp-content/uploads/2021/10/PRESENTACIÓN-FINALMECANISMO-.pdf>>, p. 6

¹³¹ Ibid, p. 6

¹³² Gina Hinojosa, et.al., (n 123), p. 9

¹³³ Procuraduría General de la República, (n 107).

national instrument that includes an analysis of what happened 3 months before the attacks and links all investigation assessments with the journalistic activity of the victim.¹³⁴ Yet, this document indicates that all cases of disappeared journalists should be guided under the established procedures of the Homologated Protocol for the Search of Disappeared and Non-Located Persons.¹³⁵ Consequently, the individual characteristics of being a disappeared journalist are not considered during search procedures by local authorities.

The MPPDDHP has also faced a reduction in funding and in its personnel with only 35 members on its staff to oversee all cases, procedures, and coordination with other institutions.¹³⁶ The latter reduction questions whether the MPPDDHP is properly being managed, if its programs and actions function as they should, and if it is truly a mechanism that prevents crimes or just copes with what is being presented to them.¹³⁷ The lack of funding and human personnel makes the MPPDDHP unable to properly invest in preventive techniques, such as training for local police officials and defense strategies for journalists.¹³⁸

¹³⁴ Ibid, p. 73

¹³⁵ Ibid, p. 43

¹³⁶ Ibid, p. 8

¹³⁷ Ibid, p. 8

¹³⁸ Ibid, p.8

SECTION 3: Failures and Limitations for the Mexican State

The relationship between criminal organizations with public authorities, and the lack of willingness to reduce impunity at all levels of authority erodes the path towards justice for journalists and their families to seek justice. This section will briefly analyze the relationship between impunity and criminal organizations, and how they weaken Mexican institutions while they fail to comply with national and international obligations to respect and protect human rights of journalists.

A) Impunity, Criminal Organizations, and Weak Institutions

According to Freedom House, Mexicans are more exposed to criminal acts done by public authorities, and municipal officers are more exposed to bribery by criminal organizations as years go by.¹³⁹ State officials blame criminal organizations in their public statements to justify their inaction and problematic issues of impunity in the country.¹⁴⁰ Notwithstanding, the number of public complaints at the national level demonstrates how State authorities have incurred in more attacks.¹⁴¹ To override the issue, different governmental administrations from federal presidents to municipal majors have done multiple reformatations, legislations, and specialized institutions, but the problem resides in who will be held accountable for the commission of crimes.¹⁴² At a federal level, the

¹³⁹ Freedom House, (n 4).

¹⁴⁰ Luis Mauricio Huitrón Gómez, 'El ejercicio periodístico en México: de impunidad e indiferencia', *ComHumanitas*, Vol. 2, Num. 1, December – January 2011, ISSN: 1390-5619, p. 181

¹⁴¹ Ibid, p. 181

¹⁴² Federación Internacional de Derechos Humanos and Litigio Estratégico de Derechos Humanos A.C., 'Situación de Impunidad en México: Llamamos al Estado Mexicano a reconocer la existencia de crímenes de lesa humanidad y remitir la situación de México a la Corte Penal Internacional', *FIDH*, (May 2020), <<https://www.fidh.org/IMG/pdf/mexique750esp.pdf>> p. 5

impunity percentage of the known criminal complaints is 94.6%, and at state entity level is 96.14%, while only 2% of the reported crimes were resolved through a convictional sentence.¹⁴³ However, going through the legal process of reporting crimes does not guarantee the right to access justice.¹⁴⁴

The idea of dismantling criminal organizations from governmental power juxtaposes the respect and protection of journalists' human rights.¹⁴⁵ Combating criminal organizations has been placed as a top priority of all State representatives as part of its national security agenda.¹⁴⁶ As governmental administrations go by, each one of them tend to blame the incapacity of their predecessors to achieve substantial change. Additionally, Andrés Manuel López Obrador's (AMLOS) presidency started by deploying more military personnel in the streets to do police activities, who are not trained to carry out public security actions from a human rights perspective.¹⁴⁷ Hence, most of the criminal complaints involve members of the Secretary of National Defense.¹⁴⁸

When society acknowledges the lack of democratic values in institutions, and how excessive human rights violations occur every day, both issues become part of public opinion. This acknowledgment portrays State officials and control groups to be seen as

¹⁴³ Ibid, p. 5

¹⁴⁴ Jorge Luis Amaya Lule, et. Al., 'Entre la brutalidad y la impunidad: los crímenes atroces cometidos al amparo de la estrategia de seguridad militarizada (2006-2008), *Comisión Mexicana de Defensa y Promoción de los Derechos Humanos*, A.C., (October 2020), p. 16

¹⁴⁵ Juan Carlos Montero, 'La estrategia contra el crimen organizado en México: análisis del diseño de la política pública', *Perfiles Latinoamericanos*, Vol. 20, Num. 39, (January – June 2012), <<http://www.scielo.org.mx/pdf/perlat/v20n39/v20n39a1.pdf>> p. 10

¹⁴⁶ Ibid, p. 10

¹⁴⁷ Freedom House, (n 4)

¹⁴⁸ Luis Mauricio Huitrón Gómez, (n 138), p. 181

repressive agents.¹⁴⁹ However, in a social and political context like Mexico, journalists are direct targets to silence public complaints. Members of power groups, criminal organizations, or other groups who are affected by investigative journalism, tend to exercise violence against journalists as a tool for silence.¹⁵⁰ This type of journalist tends to self-censor their publications due to fear of being attacked or disappeared by criminal organizations.¹⁵¹ Consequently, most of the time complaints are not done by journalists.¹⁵²

The aim of eliminating corruption and criminal organizations in Mexico has a territoriality factor to consider, and it is something that journalists in different state entities of Mexico have noticed.¹⁵³ The distribution of criminal groups through different regions in Mexico has made journalists decide whether to investigate these groups or not.¹⁵⁴ State entities such as Tamaulipas, Sonora, Chihuahua, Guerrero, Sinaloa, and Michoacán, are commonly known as deadly states for journalists.¹⁵⁵ According to a report made by the CNDH, these state entities present strong links between public officials with criminal groups or members of these groups working as public officials.¹⁵⁶ As greater levels of corruption exist, the greater the risk for journalists for reporting these issues.¹⁵⁷

¹⁴⁹ Juan Carlos Montero, (n 143), p. 8

¹⁵⁰ Ibid, p. 67

¹⁵¹ CNDH México, 'Estudio sobre el cumplimiento e impacto de las recomendaciones generales, informes especiales y pronunciamientos de la CNDH (2001-2017)', *Persecución a Periodistas*, Vol. 4, September 2018, ISBN: 978-607-729-476-4, p. 24

¹⁵² Ibid, p. 13

¹⁵³ Ibid, 13

¹⁵⁴ Ibid, p. 15

¹⁵⁵ Ibid, p.15

¹⁵⁶ Ibid, p. 15

¹⁵⁷ Ibid, p. 17

Unfortunately, the local and national institutions of Mexico present what is known as active impunity; a recurrent type of impunity in systematic violations of human rights, preventing punishment or sanctions to those responsible, and its deeply weakening institutions.¹⁵⁸ Active impunity can be found in different processes to obtain justice for the violations of human rights. For example, by altering crime scenes and planting false evidence, refusing to receive complaints, intimidating victims and next of kin, threats, charges against victims, and obstructing investigations concerning armed forces and cases and criminal organizations.¹⁵⁹

The lack of answers regarding enforced disappearances of journalists, especially from cases that occurred years ago, somehow could be related to the increasing number of clandestine graves (done by criminal groups or ordered by State authorities). From 2006 until today, 4,000 clandestine graves have been found.¹⁶⁰ But only between September 2020 and July 2021, 479 clandestine graves were found with 1,048 bodies; barely 22% of the remains were identified.¹⁶¹ In that sense, the right to truth and other human rights in victims' cases is obstructed by multiple factors. The *modus operandi* of criminal groups, the lack of willingness from State authorities to cooperate in protecting and investigating

¹⁵⁸ Alejandro Anaya Muñoz, James Caballero, Patricia Cruz Marín, 'La impunidad activa en México. Cómo entender y enfrentar las violaciones masivas a los derechos humanos', *ITESO, Red Universitaria para los Derechos Humanos*, 1st Edition, (Guadalajara, 2021), p. 12

¹⁵⁹ *Ibid*, pp. 12-13

¹⁶⁰ Pablo Ferri, 'México eleva la cifra de desaparecidos de la guerra al narco a mas de 60.000', *El País*, (México, 7 January 2020), https://elpais.com/internacional/2020/01/07/mexico/1578423047_621821.html Accessed 10 April 2022

¹⁶¹ Manu Ureste, 'En menos de un año, México sumó 6 mil desapariciones y más de mil cuerpos en fosas clandestinas', *Animal Político*, (Mexico, 2 Semptember 2021), <https://www.animalpolitico.com/2021/09/mexico-desapariciones-cuerpos-fosas-clandestinas/> Accessed 10 April 2022

crimes against journalists, and the weak institutions are some of the failures and limitations to help find disappeared journalists.

CONCLUSION

There is no doubt that journalists in Mexico are in constant danger. Mexico lacks preventive measures that can guarantee the protection of their human rights. Additionally, Mexican institutions are corrupted, and impunity prevails in almost all the registered cases. The lack of public acknowledgment of the issue makes it even more difficult for journalists and their next of kin to seek justice, especially when the Federal government is responsible for limiting the resources for them to seek aid. Enforced disappearances of journalists are not a particular crime. On the contrary, this sort of crime is done to stop internal pressures from the people. Each disappearance represents a fight for democracy, one in which Mexico has counterattacked by preventing the true story be out in the public discussion.

Moreover, the environment in which journalists engage is not being properly contested by State authorities. The Mexican reality nowadays is being challenged by criminal organizations that have more control over the territory than State authorities, or by keeping those in power who have benefitted themselves with the help of criminal leaders. Although this is a difficult challenge to stop the rising number of attacks against journalists, the security agenda should include this issue as one of the many problems to solve too. Alongside, State agents need to be properly trained to respect journalists when they are working on-site or near an insecure area. They should be aware that journalists are not the enemy and should be trained to identify a journalist.

Furthermore, the search for disappeared journalists should be mostly done using the individual search and search for patterns. These two searches will allow proper investigations considering the special characteristics of journalists. State agents need to mostly rely on what clues the journalist left before he or she was subjected from their liberty. Additionally, the CNBP and the FEADLE must emphasize that even though journalists are common citizens, they are more vulnerable for being human rights defenders. Their search must consider all social and political aspects that the journalist encounters before their disappearance. By considering these aspects, the search will be prompter and more adequate to the realities journalists experience in Mexico.

Unfortunately, enforced disappearances were a common attack during dictatorial regimes in Latin America. Using Mexico as a case-study can set a possible example of how to prevent further crises to rise in the American region given the social and political similarities Mexico has with other States in the region. Therefore, international organs such as the IACtHR, UNGA, UNHRC and UNSC need to have greater jurisdiction in Member States, and pressure State representatives to make the adequate changes and prevent further attacks against journalists. Although most international organizations have soft law binding documents, these organs need to change their messages towards the international community or their Member States, to enforce at first instance preventive measures to protect journalists. This will provide more safety resources to journalists and media outlets to prevent future attacks.

This case-study shows how weak institutions increase the vulnerability of indirect victims, by negating their rights to know the truth and be a participant in all search

procedures. While State agents argue that they are complying with international and national standards by creating multiple instances of protection for journalists, they still have plenty to cover when it comes to respecting the rights of the next of kin. Although this step is done once an aggression is done or a journalist is disappeared, having less bureaucratic procedures and involvement from the next of kin may help localize the victims faster and prevent severe violations such as killings and torture.

The systematic problems presented in Mexico demonstrate that it still has a long way to go. Notwithstanding, if journalists record every threat and attack against them, it could create the possibility of making precedents against the Mexican State. Mexico has the national and international legislative instruments to protect journalists once they are attacked, but it still prefers to silence the voice of those who fight for transparent institutions and democratic practices. It is easier for Mexico to accept the disappearance of journalists, rather than acknowledge that these attacks reflect how Mexican institutions are.

ANNEX I

List of Acronyms

Acronym	Description
AMLO	Andrés Manuel López Obrador
CED	Committee on Enforced Disappearances
CNBP	National Commission for the Search of Persons
CNDH	National Commission of Human Rights
CPJ	Committee to Protect Journalists
DNA	Deoxyribonucleic Acid
FEADLE	Special Prosecutor Attention to Crimes Committed Against Freedom of Expression
FEADP	Special Prosecutor's Office for the Attention of Crimes Committed Against Journalists
IACHR	Inter-American Commission of Human Rights
IACtHR	Inter-American Court of Human Rights
ICCPR	International Covenant on Civil and Political Rights
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearances
IFJ	International Federation of Journalists
IPI	International Press Institute
MPPDDHP	Protection Mechanism for Human Rights Defenders and Journalists
NGO	Non-governmental organization
OAS	Organization of the American States
OHCHR	United Nations Human Rights Office of the High Commissioner
PGR	Office of the Attorney General of the Republic
RNPED	National Data Registry of Missing or Disappeared Persons
RNPDNO	National Registry for Disappeared and Non-Localized Persons
RWB	Reporters Without Borders
SDG	Sustainable Development Goal
UN	United Nations Organization
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNGA	United Nations General Assembly
UNHRC	United Nations Human Rights Council
UNSC	United Nations Security Council

ANNEX II

Compendium of Recommendations to the Mexican State

To Members of Government and Secretariats at Local and Federal Levels

CNDH (2016)¹⁶²	To the Secretary of National Defense and the Secretary of the Navy to create and provide training to its personnel with human rights perspective enhancing the protection and respect of those who exercise the right of freedom of expression.
	To all governors and the Secretaries of Public safety of all entities; to promote state legislation that guarantees the obligation to protect and respect journalists as a matter of public safety.
National NGOs¹⁶³ + IACHR (2016)¹⁶⁴	To stop using public funds by Mexican authorities to stigmatize journalists in official and online communication spheres.
	Calls on the President to recognize the importance of journalists and civil society groups as fundamental elements of democracy.
	To all state governors, to include a gender and human rights perspective in all their defensive mechanisms due to the rising attacks against women in journalism are experiencing.
CPJ (2019)¹⁶⁵	To eradicate impunity in all the country and seek to clarify the truth in cases where journalists and their next of kin have not received justice.
	Called on the government to strengthen the federal protection mechanism.

¹⁶² CNDH México, 'Sobre el ejercicio de la libertad de expresión en México', Recomendación General No. 24, (Mexico City, 8 February 2016), http://informe.cndh.org.mx/uploads/menu/15004/RecGral_024.pdf p. 75

¹⁶³ This group was composed of organizations such as the Comisión Mexicana de Defensa y Promoción de los Derechos Humanos (CMDPDH), Controla tu Gobierno A.C., Red de Defensa de los Derechos Digitales (R3D), Red de Periodistas a Pie, Red de Periodistas del Noreste, Fundación para el Debido Proceso (DPLF), and others.

¹⁶⁴ Sergio Marín Zubirán, 'Organizaciones y colectivos de periodistas denuncian ante la CIDH la estigmatización del Estado Mexicano en su contra', *Consejo Civil Mexicano para la CivilCultura Sostenible*, (Mexico City, 1 July 2021), <<https://www.ccmss.org.mx/organizaciones-y-colectivos-de-periodistas-denuncian-ante-la-cidh-la-estigmatizacion-del-estado-mexicano-en-su-contra/>> Accessed 10 April 2022

¹⁶⁵ Jan-Albert Hootsen, 'Press Freedom Summit urges Mexico to reform journalist protection', *Committee to Protect Journalists*, (Features & Analysis), (2 July 2019), <<https://cpj.org/2019/07/mexico-press-freedom-summit-journalist-safety/>> Accessed 10 April 2022

IFJ (2021)¹⁶⁶	To reinstate or provide more funding to the FEADLE. The cut on funding is a significant step back to access to justice for victims and reduces the number of cases that remain unpunished.
RWB + UNESCO (2021)¹⁶⁷	To cooperate with international organizations and other States to join forces against the rooted causes that perpetuate and allow violence against journalists.
Media Outlets (2022)¹⁶⁸	Urge Mexican authorities at all levels of governance, to stop threats and stigmatization toward journalists and guarantee their freedom of expression and the right to information of citizens.
World Association of News Publishers (2022)¹⁶⁹	President AMLO, to make a national call to all State authorities to stop the prevalence of impunity in almost all cases
IACHR (2022)¹⁷⁰	To all state entity governments, to take intersectional, complementary, and impartial measures to guarantee prompt investigations following the standards under the Homologated Protocol for the Investigation of Crimes Against Freedom of Expression.
	To all state representatives, to recognize the importance and grave issue Mexico has regarding the increasing attacks against journalists, and the importance of achieving a fully democratic society.

To State Prosecutors and Judiciaries

CNDH (2016)¹⁷¹	Calls for all prosecutors to endure all legal instances to clarify all victims' investigations
	To promote the importance of protecting journalists whenever they emit complaints about active threats,

¹⁶⁶ IFJ, 'Impunity: Mexico', (News and Press Releases), (28 October 2021), <<https://www.ifj.org/media-centre/news/detail/article/impunity-mexico.html>> Accessed 10 April 2022

¹⁶⁷ RWB, 'RSF aboga por la protección de los periodistas y contra la impunidad en la misión internacional de libertad de prensa a México', *México*, (Mexico, 23 December 2021), <https://rsf.org/es/noticias/rsf-aboga-por-la-proteccion-de-los-periodistas-y-contra-la-impunidad-en-la-mision-internacional-de> Accessed 10 April 2022

¹⁶⁸ ARTICLE 19 México, 'Periodistas y Organizaciones de la Sociedad Civil, exigen un alto al acoso Judicial contra la prensa', *Article 19*, (Mexico City, 10 February 2022), <<https://articulo19.org/periodistas-y-organizaciones-de-la-sociedad-civil-exigen-un-alto-al-acoso-judicial-contra-la-prensa/>> Accessed 17 May 2022

¹⁶⁹ Mariza Pérez, 'Organizaciones de prensa piden parar violencia vs periodistas', *El Economista*, (Política), (Mexico, 17 February 2022), <<https://www.eleconomista.com.mx/politica/Organizaciones-de-prensa-piden-parar-violencia-vs-periodistas-20220217-0001.html>> Accessed 10 April 2022

¹⁷⁰ OAS, 'SRFOE condemns the persistence on murders of journalists in Mexico', *Press Release R102/22*, (Washington, D.C., 11 May 2022), <<https://www.oas.org/en/iachr/expression/showarticle.asp?artID=1237&IID=1>> Accessed on 22 May 2022

¹⁷¹ CNDH México, (n 160)

	especially in state entities where crimes against journalists have high incidences
IFJ (2021)¹⁷²	To demand a stronger commitment by conducting and investigating properly the killings and disappearances.
	To conduct more inter-institutional meetings with prosecutors and search personnel to follow up with investigation processes
Media Outlets (2022)¹⁷³	To follow a human rights doctrine and abide by the National Code of Civil Procedures to sanction and obstruct activities that inhibit freedom of expression of journalists and society
	Urges all mechanisms to protect journalists to analyze and include the risks journalists may face by judiciaries
ARTICLE 19 Mexico and Central America (2022)¹⁷⁴	To investigate with due diligence and promptness
	To follow the investigation guidelines under the Approved Protocol of Crimes Committed Against Freedom of Expression
	To clarify if the motives behind the crimes committed against journalists have a political and/or journalistic motive behind.

To State Institutions

CNDH (2016)¹⁷⁵	Stresses to Board Members of the Mechanism for the Protection of Human Rights Defenders and Journalists, to instruct its National Executive Coordination of the Mechanism to have a differentiated and geographic analysis of the different risks journalists face in different regions of Mexico.
	To have a prompt and accessible protective measure for journalists.
RWB (2021)¹⁷⁶	To hire more personnel responsible to deal with investigation processes, and adequately conduct investigations.
IACHR (2022)¹⁷⁷	To ensure effective coordination between state intuitions responsible for implementing preventive measures and investigation procedures.

¹⁷² IFJ, (n 164)

¹⁷³ ARTICLE 19 México, (n 166)

¹⁷⁴ ARTICLE 19, 'Mexico: State must take immediate action after murder of four journalists', (Protection), (31 January 2022), <<https://www.article19.org/resources/mexico-state-must-take-immediate-action-after-murder-of-three-journalists/>> Accessed 10 April 2022

¹⁷⁵ CNDH México, (n 160)

¹⁷⁶ RWB, (n 165)

¹⁷⁷ Sergio Marín Zubirán, (n 162)

ARTICLE 19 Mexico and Central America¹⁷⁸	Abstain from making stigmatizing statements about and to journalists, and distorting information about the ongoing investigations of missing journalists is a violation of national and international protocols.
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¹⁷⁸ ARTICLE 19, (n 172)

BIBLIOGRAPHY

- Aguirre, Samedí., ‘Violencia contra periodistas en México: más de 90% de crímenes impunes y mecanismos de protección insuficientes [Violence against journalists in Mexico: more than 90% of crimes go unpunished and insufficient protection mechanisms]’, *Animal Político*, (Mexico, 25 January 2022), <https://www.animalpolitico.com/elsabueso/periodistas-asesinados-crimenes-impunidad-mexico/>
- Amaya Lule, Jorge Luis., et. Al., ‘Entre la brutalidad y la impunidad: los crímenes atroces cometidos al amparo de la estrategia de seguridad militarizada (2006-2008) [Between brutality and impunity: The atrocious crimes committed under the protection of the militarized security strategy]’, *Comisión Mexicana de Defensa y Promoción de los Derechos Humanos, A.C.*, (October 2020)
- Anaya Muñoz, Alejandro., Caballero, James., and Cruz Marín, Patricia., ‘La impunidad activa en México. Cómo entender y enfrentar las violaciones masivas a los derechos humanos [Active impunity in Mexico. How to understand and confront massive human rights violations]’, *ITESO, Red Universitaria para los Derechos Humanos*, 1st Edition, (Guadalajara, 2021)
- Ángel, Arturo., ‘Pese a violencia e impunidad recortan presupuesto para indagar torturas y ataques [Despite Violence and Impunity, They Cut the Budget to Investigate Torture and Attacks]’, *Animal Político*, (Mexico, 10 September 2021), <https://www.animalpolitico.com/2021/09/presupuesto-fiscalias-torturas-ataques-periodistas-2022/>
- ARTICLE 19, ‘Mexico: Attacks against the press grew exponentially in the first half of 2020’, (Mexico and Central America), (25 September 2020), <https://www.article19.org/resources/mexico-attacks-against-the-press/>
- ARTICLE 19 ‘Mexico: Journalists join civil society groups to denounce stigmatization by the Mexican state’ *Protection*, (05 July 2021), <https://www.article19.org/resources/mexico-journalists-join-civil-society-groups-to-denounce-stigmatization-by-the-mexican-state/>
- ARTICLE 19, ‘Mexico: State must take immediate action after murder of four journalists’, (Protection), (31 January 2022), <https://www.article19.org/resources/mexico-state-must-take-immediate-action-after-murder-of-three-journalists/>
- ARTICLE 19 México y Centroamérica, ‘Periodistas desaparecidos en México [Disappeared Journalists in Mexico]’, *ARTICLE 19*, (Mexico City, February 2016)
- ARTICLE 19 México, ‘Periodistas y Organizaciones de la Sociedad Civil, exigen un alto al acoso Judicial contra la prensa [Journalists and Civil Society Organizations demand and end to judicial harassment against the press]’, *Article 19*, (Mexico City, 10 February 2022), <https://articulo19.org/periodistas-y-organizaciones-de-la-sociedad-civil-exigen-un-alto-al-acoso-judicial-contra-la-prensa/>
- Chocarro, Silvia, ‘Estándares internacionales de libertad de expresión: Guía básica para operadores de justicia [International standards of freedom of expression: Basic guide for justice operators]’, *Centre for International Media Assistance*, (Washington, D.C., United States, August 2017)

- Claude, Ophelia. 'A Comparative Approach to Enforced Disappearances in the Inter-American Court of Human Rights and the European Court of Human Rights Jurisprudence', *Intercultural Human Rights Law Review*, Vol. 5, (2010), p. 434
- Comisión Nacional de Búsqueda, '¿Qué es la Comisión Nacional de Búsqueda? [What is the National Search Commission?]', *Secretaría de Gobernación*, (2022), <https://comisionnacionaldebusqueda.com/que-es-la-comision-nacional-de-busqueda/>
- Committee to Protect Journalists, 'Attacks on the press: The deadliest countries in 2021', (Reports), (19 January 2022), <https://cpj.org/reports/2022/01/attacks-on-the-press-the-deadliest-countries-in-2021/>
- Committee to Protect Journalists. *Explore All CPJ Data*. Mexico. 2022, <https://cpj.org/data/missing/?status=Missing&cc_fips%5B%5D=MX&start_year=2022&end_year=2022&group_by=location>
- Committee to Protect Journalists, 'Journalists Killed', *Data*, <https://cpj.org/data/killed/?status=Killed&motiveConfirmed%5B%5D=Confirmed&type%5B%5D=Journalist&start_year=1992&end_year=2022&group_by=year>
- Committee to Protect Journalists, 'Journalists Missing', *Data*, <https://cpj.org/data/?status=Missing&start_year=1992&end_year=2022&group_by=year>
- CNDH México, 'Desaparecidos – Derechos Relacionados con la Desaparición de Personas [Disappeared – Rights Related to the Disappearance of Persons]', *Derechos Humanos*, (2022), <<https://www.cndh.org.mx/derechos-humanos/desaparecidos-derechos-relacionados-con-la-desaparicion-de-personas>>
- CNDH México, 'Estudio sobre el cumplimiento e impacto de las recomendaciones generales, informes especiales y pronunciamientos de la CNDH (2001-2017) [Study on the compliance and impact of the general recommendations, special reports, and pronouncements of the CNDH (2001-2017)]', *Persecución a Periodistas*, Vol. 4, September 2018, ISBN: 978-607-729-476-4
- CNDH México, 'Sobre Agravios a Periodistas en México y la Impunidad Imperante [On Offenses Against Journalists in Mexico and the Prevailing Impunity]', *General Recommendation No. 20*, (Mexico City, 15 August 2013), <https://www.cndh.org.mx/sites/all/doc/Recomendaciones/Generales/RecGral_020.pdf>
- CNDH México, 'Sobre el ejercicio de la libertad de expresión en México [On the exercise of freedom of expression in Mexico]', *General Recommendation No. 24*, (Mexico City, 8 February 2016), http://informe.cndh.org.mx/uploads/menu/15004/RecGral_024.pdf
- Daen, Arturo., 'México busca a 37 mil desaparecidos con un Sistema incompleto y sin recursos insuficientes [Mexico searches 37 thousand disappeared with an incomplete system and without insufficient resources]', *Animal Político*, (Mexico, 12 October 2018), <<https://www.animalpolitico.com/2018/10/mexico-desaparecidos-sistema-incompleto-recursos-suficientes/>>
- Diario Oficial de la Federación 'Acuerdo A/145/10 Acuerdo del Procurador General de la República, por el que se crea la Fiscalía Especial para la Atención de Delitos cometidos contra la Libertad de Expresión, la cual se adscriba a la Oficina del Procurador General de la República, y se establecen sus funciones [Agreement a/145/10 Agreement of the Attorney General of the Republic, by which the Special Prosecutor's Office for the Attention of Crimes Committed Against Freedom of

- Expression is created, which is attached to the Office of the Attorney General of the Republic, and establish their functions]’, *Secretaría de Gobernación*, (05 July 2010), <https://www.dof.gob.mx/nota_detalle.php?codigo=5150640&fecha=05/07/2010>
- Diario Oficial de la Federación, ‘*Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United Mexican States]*’, (5 February 1917, Last Reform: 28 May 2021).
- Diario Oficial de la Federación, ‘*Ley General en Materia de Desaparición Forzada de Personas, Desaparición Cometida por Particulares y del Sistema Nacional de Búsqueda de Personas [General Law on Forced Disappearance of Persons, Disappearance Committed by Private Parties and the National Search System for Persons]*’, *Cámara de Diputados del H. Congreso de la Unión*, (17 November 2017, Last Reform 20 May 2021), <http://www.diputados.gob.mx/LeyesBiblio/pdf/LGMDFP_200521.pdf>
- Diario Oficial de la Federación, ‘*Ley Para La Protección de Personas Defensoras de Derechos Humanos y Periodistas [Law for the Protection of Human Rights Defenders and Journalists]*’, *Cámara de Diputados del H. Congreso de la Unión*, (25 June 2012), <<https://www.diputados.gob.mx/LeyesBiblio/pdf/LPPDDHP.pdf>>
- Díaz Favela, Verónica., ‘Esperar 72 horas para buscar a un desaparecido es “anacrónico” [Waiting 72 hours to search for missing person is “anachronistic”]’, *CNN México*, (Mexico, 26 June 2013), <<https://expansion.mx/nacional/2013/06/26/esperar-72-horas-para-buscar-a-un-desaparecido-es-anacronico>>
- Dirección de Operaciones de Búsqueda de la Comisión Nacional de Búsqueda de Personas, ‘Protocolo Homologado Para la Búsqueda de Personas Desaparecidas y No Localizadas’ [Homologated Protocol for the Search of Disappeared and Non-Located Persons], *Comisión Nacional de Búsqueda de Personas*, 1st Edition, (July 2021), <<https://www.gob.mx/cnb/documentos/92518>>
- Federación Internacional de Derechos Humanos and Litigio Estratégico de Derechos Humanos A.C., ‘Situación de Impunidad en México: Llamamos al Estado Mexicano a reconocer la existencia de crímenes de lesa humanidad y remitir la situación de México a la Corte Penal Internacional [Situation of Impunity in Mexico: We call on the Mexican State to recognize the existence of crimes against humanity and refer the situation in Mexico to the International Criminal Court]’, *FIDH*, (May 2020), <<https://www.fidh.org/IMG/pdf/mexique750esp.pdf>>
- Ferri, Pablo., ‘México eleva la cifra de desaparecidos de la guerra al narco a mas de 60.000 [Mexico raises the number of disappeared from the drug war to more than 60,000]’, *El País*, (México, 7 January 2020), <https://elpais.com/internacional/2020/01/07/mexico/1578423047_621821.html>
- Fiscalía General de la República, ‘Informe Estadístico 2021 Fiscalía Especial para la Atención de Delitos cometidos contra la Libertad de Expresión (FEADLE) [Statistical Report 2021 Office of the Special Prosecutor for the Attention of Crimes Committed Against Freedom of Expression (FEADLE)]’, *Fiscalía Especial en Materia de Derechos Humanos*, 2021, <https://www.gob.mx/cms/uploads/attachment/file/705172/Informe_Estadistico_2021_FEADLE.pdf>

- Freedom House, 'Freedom in the World', *Mexico*. 2022.
 <<https://freedomhouse.org/country/mexico/freedom-world/2021>> Accessed 2 April 2022
- Galindo, Carlos., Ramírez, Susana., and Rodríguez, Juan Manuel., 'Historia, retos de mejora y cifras del registro de personas desaparecidas [History, improvement, challenges, and figures of the registry of missing persons]'
 <<http://rgdoi.net/10.13140/RG.2.2.34756.88960>>
- Hinojosa, Gina., Schafssma, Virry., and Meyer, Maureen., 'Cambiando el curso de la impunidad: Protección y acceso a la justicia para defensoras de derechos humanos y periodistas en México. Informe de Investigación [Changing the Course of Impunity: Protection and Access to Justice for Women Human Rights Defenders and Journalists in Mexico. Investigation Report]', *WOLA Advocacy for Human Rights in the Americas and pbi making space for peace*, (March 2019),
 <https://www.wola.org/wp-content/uploads/2019/03/2019-WOLA-PBI-SPN_RESUMEN.pdf>
- Hootsen, Jan-Albert., 'Fiscal especial mexicano dice, que FEADLE está mejorando, pero la impunidad sigue [Mexican Special Prosecutor Says that FEADLE is Improving, but Impunity Continues]', *Committee to Protect Journalists*, (Reportaje y Análisis), (29 January 2018), <https://cpj.org/es/2018/01/fiscal-especial-mexicano-dice-que-feadle-esta-mejo/>
- Hootsen, Jan-Albert., 'Press Freedom Summit urges Mexico to reform journalist protection', *Committee to Protect Journalists*, (Features & Analysis), (2 July 2019),
 <<https://cpj.org/2019/07/mexico-press-freedom-summit-journalist-safety/>>
- Huitrón Gómez, Luis Mauricio., 'El ejercicio periodístico en México: de impunidad e indiferencia [The journalistic exercise in Mexico: Of Impunity and Indifference]', *ComHumanitas*, Vol. 2, Num. 1, December – January 2011, ISSN: 1390-5619
- IACHR, 'Declaration of Principles on Freedom of Expression', *Organization of the American States*, 2-20 October 2000,
 <<https://www.oas.org/en/iachr/mandate/basics/declaration-principles-freedom-expression.pdf>>
- ICPPED, CED/C/7 'Guiding Principles for the sear', *Committee on Enforced Disappearances*, 8 May 2019, <<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/134/11/PDF/G1913411.pdf?OpenElement>>
- IFJ, 'Impunity: Mexico', (News and Press Releases), (28 October 2021),
 <<https://www.ifj.org/media-centre/news/detail/article/impunity-mexico.html>>
 Accessed 10 April 2022
- Marín Zubirán, Sergio., 'Organizaciones y colectivos de periodistas denuncian ante la CIDH la estigmatización del Estado Mexicano en su contra [Organizations and groups of journalists denounce before the IACHR the stigmatization of the Mexican State against them]', *Consejo Civil Mexicano para la SivilCultura Sostenible*, (Mexico City, 1 July 2021), <<https://www.ccmss.org.mx/organizaciones-y-colectivos-de-periodistas-denuncian-ante-la-cidh-la-estigmatizacion-del-estado-mexicano-en-su-contra/>>
- México (AFP), 'El desafío de brindar protección a periodistas amenazados en México [The Challenge of Providing Protection to Threatened Journalists in Mexico]' (*France* 24, 25 January 2022), <<https://www.france24.com/es/minuto-a-minuto/20220125->

- [el-desaf%C3%ADo-de-brindar-protecci%C3%B3n-a-periodistas-amenazados-en-m%C3%A9xico](#)> Accessed 3 April 2022.
- Montero, Juan Carlos., ‘La estrategia contra el crimen organizado en México: análisis del diseño de la política pública [The Strategy Against Organized Crime in Mexico: Analysis of the Design of Public Policy]’, *Perfiles Latinoamericanos*, Vol. 20, Num. 39, (January – June 2012),
<<http://www.scielo.org.mx/pdf/perlat/v20n39/v20n39a1.pdf>>
- OAS, *American Convention on Human Rights, "Pact of San Jose"*, Costa Rica, 22 November 1969,
<<https://www.cidh.oas.org/basicos/english/basic3.american%20convention.htm>>
- OAS, ‘Chapter II - Freedom of Expression in the Inter-American System’, *Freedom of Expression*
<<https://www.oas.org/en/iachr/expression/showarticle.asp?artID=630&IID=1>>
- OAS, *Inter-American Convention on Forced Disappearance of Persons*, 9 June 1994,
<<https://www.oas.org/juridico/english/treaties/a-60.html>>
- OAS, ‘SRFOE condemns the persistence on murders of journalists in Mexico’, *Press Release R102/22*, (Washington, D.C., 11 May 2022),
<<https://www.oas.org/en/iachr/expression/showarticle.asp?artID=1237&IID=1>>
- OHCHR, ‘Background to the International Convention for the Protection of All Persons from Enforced Disappearances’, *Committee on Enforced Disappearances*, 2022,
<<https://www.ohchr.org/en/treaty-bodies/ced/background-international-convention-protection-all-persons-enforced-disappearance>>
- OHCHR, ‘Expertos en libertad de expresión limitados por la lentitud en la investigación y juzgamiento del asesinato del periodista mexicano Javier Valdez [Experts on Freedom of Expression Limited by the Slow Pace of the Investigation and Prosecution of the Murder of Mexican Journalist Javier Valdez]’, *Press Release*, (Procedimientos Especiales), (19 Noviembre 2019), <
<https://www.ohchr.org/es/2019/11/freedom-expression-experts-concerned-slow-progress-investigation-and-prosecution-murder>>
- Pérez, Mariza., ‘Organizaciones de prensa piden parar violencia vs periodistas [Press organizations ask to stop violence against journalists]’, *El Economista*, (Política), (Mexico, 17 February 2022),
<<https://www.eleconomista.com.mx/politica/Organizaciones-de-prensa-piden-parar-violencia-vs-periodistas-20220217-0001.html>>
- Procuraduría General de la República, ‘Protocolo Homologado de Investigación de Delitos Cometidos Contra la Libertad de Expresión [Homologated Protocol for the Investigation of Crimes Committed Against Freedom of Expression]’, (October 2018),
<https://www.gob.mx/cms/uploads/attachment/file/444272/Protocolo_homologado_de_investigaci_n_de_delitos_cometidos_contra_la_libertad_de_expresi_n.pdf>
- Ramírez Hernández, Susana., ‘Mecanismos extrainstitucionales para la búsqueda de personas desaparecidas en México [Extra-institutional Mechanisms for the Search of Disappeared Persons in Mexico]’, *Instituto Belisario Domínguez*, 20,
<http://revista.ibd.senado.gob.mx/index.php/PluralidadyConsenso/article/view/636/596>
- Reporters Without Borders, ‘2021 World Press Freedom Ranking’, *Map*, 2021,
<<https://rsf.org/en/index>>

- RWB, 'RSF aboga por la protección de los periodistas y contra la impunidad en la misión internacional de libertad de prensa a México', *México*, (Mexico, 23 Diciembre 2021), <https://rsf.org/es/noticias/rsf-aboga-por-la-proteccion-de-los-periodistas-y-contra-la-impunidad-en-la-mision-internacional-de> Accessed 10 April 2022
- Salazar Ugarte, Pedro., Coord., Caballero Ochoa, José Luis., and Vázquez, Luis Daniel., 'La Reforma Constitucional Sobre Derechos Humanos, Una Guía Conceptual [The Constitutional Reform on Human Rights, A Conceptual Guide]', *Senado de la República Instituto Belisario Domínguez*, 1st Edition, (Mexico City, Mexico, January 2014), ISBN 978-607-8320-05-9
- Secretaría de Gobernación, 'Agravios contra personas defensoras de derechos humanos y periodistas [Offenses against human rights defenders and journalists]', *Mecanismo de Protección para Personas Defensoras de Derechos Humanos y Periodistas*, (Mexico, 5 October 2021), <<http://www.alejandroencinas.mx/wp-content/uploads/2021/10/PRESENTACIÓN-FINALMECANISMO-.pdf>>
- UN, 'Universal Declaration of Human Rights' 1943, Preamble, <https://www.un.org/en/udhrbook/pdf/udhr_booklet_en_web.pdf>
- UNESCO, CI-12/CONF.202/6, 'UN Plan of Action on the Safety of Journalists and the Issue of Impunity', UNESCO Publications, <https://en.unesco.org/sites/default/files/un-plan-on-safety-journalists_en.pdf>
- UNESCO, 'UN Plan of Action on the Safety of Journalists and the Issue of Impunity', CI-2016/WS/10, 2016, p. 6, <<https://unesdoc.unesco.org/ark:/48223/pf0000246014>>
- UNGA, Resolution 47/133 'The Declaration on the Protection of All Persons from Enforced Disappearances' 18 December 1992 <<https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-protection-all-persons-enforced-disappearance>>
- UNGA RES/61/177, 'International Convention for the Protection of All Persons from Enforced Disappearances', (12 January 2007).
- UNGA Resolution 74/157 'The safety of journalist and the issue of impunity', 18 December 2019, UN Doc A/RES/74/157
- UNGA, Resolution 39/6 (2018), 'The Safety of Journalists', A/HRC/RES/39/6, (5 October 2018)
- UNHRC, 'Fact Sheet No. 6 Rev. 3, Enforced or Involuntary Disappearances', p. 37 Article 17 <<https://www.refworld.org/docid/5289da9c4.html>>
- UNHRC Resolution 45/18 (2020) UN Doc E/G.20/RES/2020/45/18 The Safety of Journalists
- UNHRC Resolution 47/25 (2021) UN Doc A//2021/47/25 Disinformation and freedom of opinion and expression.
- UNSC, Resolution 222(2015), 27 May 2015, UN Doc S/RES/222 (2015)
- United Nations Treaty Collection, 'International Covenant on Civil and Political Rights', *Status of Treaties Chapter IV Human Rights*, <https://treaties.un.org/Pages/ViewDetails.aspx?chapter=4&clang=en&mtdsg_no=IV-4&src=IND#top>
- Ureste, Manu., 'En menos de un año, México sumó 6 mil desapariciones y más de mil cuerpos en fosas clandestinas [In less than a year, Mexico added 6,000 disappearances and more than thousand bodies in clandestine graves]', *Animal Político*, (Mexico, 2 Semptember 2021),

[<https://www.animalpolitico.com/2021/09/mexico-desapariciones-cuerpos-fosas-clandestinas/>](https://www.animalpolitico.com/2021/09/mexico-desapariciones-cuerpos-fosas-clandestinas/)

Vivanco, José Manuel., “Another Blow to Mexican Journalists and Human Rights Defenders”, *Human Rights Watch*, 3 November 2022,

[<https://www.hrw.org/news/2020/11/03/another-blow-mexican-journalists-and-human-rights-defenders>](https://www.hrw.org/news/2020/11/03/another-blow-mexican-journalists-and-human-rights-defenders)