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## Senate Approves Constitutional Reform Strengthening Protections for Journalists

by Carlos Navarro

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After many promises to enact tougher measures to protect journalists, Mexico has finally taken a decisive step that will offer new protections to reporters, editors, newscasters, photographers, and other members of the news media. In mid-March, the Senate unanimously approved reforms to the Mexican Constitution that spell out the federal government's responsibility to protect journalists.

The Senate, which approved the measure by a 95-0 margin, observed a minute of silence for the dozens of journalists killed in Mexico since 2000. Some critics point out that the number of deaths has increased since 2006, when President Felipe Calderón launched his campaign against drug traffickers. By some estimates, more than 40 journalists have been killed during the Calderón administration ([SourceMex, Aug. 3, 2011](#), and [Feb. 1. 2012](#))

"Never before in our history have so many crimes been committed against journalists during a presidential term," said the text of the legislation approved by the Senate.

Beyond the number of deaths, the attacks on journalists have resulted in self-censorship, particularly in states dominated by organized crime. In many of those areas, journalists avoid covering news events or omit facts that might offend the drug cartels ([SourceMex, May 18, 2011](#)).

"Attacking freedom of expression is one way to destroy democracy and the healthy coexistence that the country demands," said the Senate.

The reforms added a paragraph to Section 21 of Article 73 of the Constitution that makes attacks and intimidation of journalists a federal crime. "Federal authorities may also take cognizance of crimes in general jurisdiction, when these crimes are related to federal crimes or crimes against journalists, persons, or installations that damage, limit, or impair the right to information or the freedom of expression, or the press," said the added text.

"[This reform] addresses a topic that is very sensitive for our country," said Sen. José González Morfín, a member of the governing Partido Acción Nacional (PAN) and president of the upper house. "It was important that we take action."

The measure, previously approved by the Chamber of Deputies, must now be ratified by at least 17 of Mexico's 32 state legislatures. The initiative is expected to gain rapid approval in the states, since federal legislators from all parties easily approved the measure.

### *More muscle for federal agencies*

The Ley de Protección a Periodistas (Law to Protect Journalists) specifies that "crimes against communicators and journalists can fall under federal jurisdiction when they affect fundamental liberties, including the freedom of expression, of publication, and of the right to be well informed."

Specifically, the reforms empower the Procuraduría General de la República (PGR), the Secretaría de Seguridad Pública (SSP), the Centro de Investigación y Seguridad Nacional (CISEN), the

Secretaría de la Defensa Nacional (SEDENA), and the Secretaría de Marina (SEMAR) to address violations against freedom of expression and information.

Under current law, Mexico has a federal prosecutor assigned to investigate crimes against journalists, but his authority is limited to cases in which some other federal law was broken ([SourceMex, Feb. 15 2006](#), and [Feb. 24, 2010](#)).

The enhanced federal-enforcement powers would be welcomed in some of the smaller communities in Mexico, where police and local authorities generally ignore crimes against journalists. Often, authorities are on the payroll of organized crime ([SourceMex, May 27, 2009](#)).

"There had to be three years of debate to achieve this measure. The next phase, the approval by 17 of 32 state legislatures, represents a test for local authorities, which have often been implicated in the attacks against journalists and newspapers," said the international organization Reporters without Borders (RWB).

González Morfín said the constitutional reform is only the first step, as the Congress must enact secondary laws that would give the measure some muscle. "We have to approve a measure similar to one enacted in Colombia, where members of society at large and journalist organizations define who would receive protection and who is truly at risk for the work he or she is performing."

The move to protect journalists received a strong endorsement from human rights advocates. "We recognize the collaboration among human rights advocates, journalists, and members of the Senate on this project," said Alberto Herrera, director of Amnesty International (AI) in Mexico. "We now urge the states to approve this reform as quickly as possible so we can put this new faculty in place as soon as possible."

RWB had a mixed reaction. "Symbolically, this reform represents an expression of conscience and political will that we celebrate," said the organization. But it pointed out that the reforms "do not bring back the 80 journalists who have been killed and the 14 who have disappeared over a past decade," along with more than 50,000 others. "Will there be justice after many years of impunity and suffering?" asked RWB.

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