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Category/Department: Mexico
Published: 2014-04-30

In May 2013, the Mexican Congress approved comprehensive reforms to the telecommunications sector with an eye on improving competition in the nation’s broadcast media (SourceMex, March 27, 2013, and June 12, 2013). The initiative gained broad support because it proposed major changes that promised to transform the telecommunications sector by attracting more foreign investment, allowing open television stations, proposing stricter regulations governing competition, and expanding the choices for consumers to obtain telephone, Internet, and television services.

The passage of the legislation in 2013, which included some changes to the Constitution, was only the first step. The law cannot fully take effect until Congress approves secondary laws that allow implementation of the reforms, although President Enrique Peña Nieto’s government is allowed to take some administrative steps to implement a portion of the reforms. At the beginning of this year, the administration announced the rules for the auction of television frequencies (SourceMex, Jan. 8, 2014).

The Peña Nieto administration set the full debate on the secondary laws in motion by sending its 500-page proposal to the Senate at the end of March. While most of the bill was straightforward, a couple of controversial provisions created an uproar from advocates of free speech. One proposal, contained in Article 197, attracted strong negative reactions, since it would allow authorities to block cell phone signals during protests, censor Web sites, and track cell phone communications in the interest of national security.

A violation of the Constitution

A coalition dubbed the Frente por la Comunicación Democrática (Democratic Communication Front) has come together to oppose what is considered an attempt by the Peña Nieto government to stifle free speech. A number of prominent opposition politicians are heading the coalition, including Cuauhtémoc Cárdenas, Manuel Camacho Solís, and Alejandro Encinas of the center-left Partido de la Revolución Democrática (PRD), and Javier Corral and Ernesto Ruffo Appel of the conservative Partido Acción Nacional (PAN). The majority of participants in the front, however, are civic organizations, labor unions, and student groups, including participants in the #yosoy132 movement that led protests against Peña Nieto during the 2012 presidential campaign (SourceMex, May 23, 2012).

"This is an initiative that tramples on our rights," said Aleida Calleja, coordinator of the Observatorio Latinoamericano sobre Regulación, Medios y Convergencia, one of the members of the coalition. "This is all about censorship."

Furthermore, Manuel Alejandro Guerrero, a professor and political communications researcher at the Universidad Iberoamericana in Mexico City, said the plan requires that telecommunications
companies give authorities requested user geolocation information, without a court order, which is a potential violation of human rights.

The student groups expressed their opposition to the Peña Nieto proposal by organizing two large demonstrations in Mexico City with the help of coalition leaders. In the first protest, the students drew more than 1,000 people to a rally at the Ángel de la Independencia monument in Mexico City at the end of April. "They're trying to silence our voices and our freedom of expression on the Internet," student Natalie Ollivier told reporters.

The second protest a few days later involved the creation of a "human chain" from the national auditorium in Mexico City to the headquarters of the Televisa network. This demonstration attracted about 7,000 people.

The biggest citizen protest did not occur in the streets, however, but in cyberspace. The online publication Animal Político said there were at least 500,000 comments on Twitter opposing the censorship proposals in the Peña Nieto plan.

Communications experts also made their opinions known in the news media. "The constitutional reform approved by all the political parties in 2013 guarantees all Mexicans access to broadband on the Internet," María Elena Meneses, a researcher at Tecnológico de Monterrey ((ITESM), wrote in CNNMéxico. "This was a sensible and unprecedented change that some observers viewed as a sensible response that met the demands of the students involved in the #yosoy132 movement."

"This sensibility was yanked out with the proposal of the secondary laws," added Meneses, pointing to Article 197 of Peña Nieto’s proposal, which gives "the competent authorities the power to block, inhibit, or temporarily cancel the communications signals during events and locations critical to public safety and national security."

Meneses said the strong public opposition to the provisions in Article 197 leaves the Congress no alternative but to make changes. "Following the outcry of recent days, Mexican legislators will now be forced to consider the public interest … and consider a secondary law that respects the Constitution," said the ITESM researcher. "A lack of action could have high social costs."

Other observers noted that the executive branch is usurping some of the regulatory functions that the law reserved for the newly created Instituto Federal de Comunicaciones (IFT). "This initiative borders on the absurd by allowing the Secretaría de Gobernación to monitor the content of radio and television programs," said the Asociación Mexicana de Derechos a la Información (AMEDI).

The overly general and vague nature of the Article 197 is also considered a potential problem, since there are no definitions of what constitutes national security and public safety. "This could become a mechanism to prevent journalists and communications media, and society in general, from disseminating reports on a citizen demonstration," said Clara Luz Álvarez, a researcher at the Instituto de Investigaciones Jurídicas (IIJ) at the Universidad Nacional Autónoma de México (UNAM).

**A return of the old PRI?**

The Peña Nieto government believes the protestors might be misinterpreting the intent of Article 197, which was designed primarily to aid the government in the fight against kidnappings, cyberattacks, and other crimes. "Criminals are also able to gain access to the same tools that are
designed to serve the community," presidential spokesperson Eduardo Sánchez said in an interview with Animal Político.

Still, Sánchez explained that the proposal sent to the Senate involves much more than the controversial measures. "The initiative on the secondary laws is very broad and deep, and these criticisms refer to a very small part," said the presidential spokesperson, who suggested that the administration might be open to changing or eliminating the controversial provisions.

Others suggested, however, that there are darker motives behind the administration’s proposal. "The federal government under the PRI is interested in regaining full control of the Congress in the 2015 elections," columnist Jenaro Villamil wrote in the weekly news magazine Proceso. "They will do whatever is necessary, even if it means renegotiating their agreement with Televisa, with TV Azteca, and with their affiliates, to guarantee control of public opinion."

Some analysts agreed that the proposal harkens back to the days when the PRI ruled Mexico with a heavy hand. "The Mexican government is spending a lot of effort and money to build an international image as a reformer, a democratic government [but] that’s totally at odds with what we are living in Mexico," said Luis Fernando García, an attorney with the Red por la Defensa de los Derechos Digitales. "What we are seeing is a return of the old PRI."

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