

Buying Compliance: Governmental Advertising and Soft Censorship in Mexico



Buying Compliance: Governmental Advertising and Soft Censorship In Mexico



PUBLISHED BY:

WAN-IFRA

96 bis, Rue Beaubourg

75003 Paris, France

www.wan-ifra.org

WAN-IFRA CEO:

Vincent Peyrègne

EDITORIAL COORDINATOR:

Mariona Sanz Cortell

RESEARCHERS:

Justine Dupuy (Fundar) and Ana Cristina Ruelas
(Article 19) - lead researchers

Antonio Martínez, Diego de la Mora, Regina
Ganem and Ricardo Luevano

EDITOR:

Thomas R. Lansner

RESEARCH PARTNERS:

Center for International Media Assistance

National Endowment for Democracy

1025 F Street, N.W., 8th Floor

Washington, DC 20004, USA

www.cima.ned.org

Open Society Justice Initiative

224 West 57th Street

New York, New York 10019, USA

www.opensocietyfoundations.org

RESEARCH PARTNERS MEXICO:

Fundar, Centro de Análisis e Investigación

Cerrada Alberto Zamora, num. 21
Colonia Villa Coyoacán, Del. Coyoacán
C. P. 04000, México, D. F.

www.fundar.org.mx



**ARTICLE 19, oficina para México y
Centroamérica**

José Vasconcelos 131, Col. San Miguel
Chapultepec
Delegación Miguel Hidalgo, c.p. 11850, México D.F.

www.articulo19.org



SUPPORTED BY:

Open Society Foundations

www.opensocietyfoundations.org

SPECIAL THANKS TO:

Darian Pavli; Senior Attorney at Open Society Justice Initiative, for his advice on the research methodology, legal and policy questions; the interviewees and survey participants; and all colleagues who made this research possible.

DESIGN AND PREPRESS:

Snezana Vukmirovic, Ivan Cosic, Plain&Hill Serbia

© 2014 WAN-IFRA

Table of Contents

- Note on report research and methodology 6
- Executive summary 6
- Key findings..... 8
- Key recommendations 9
- Introduction..... 10
 - 1. Mexico’s media environment:
 - A highly concentrated and politically shaped media landscape..... 11
 - 1.1 Freedom of Expression in Mexico 12
 - 1.2 Legal framework 12
 - 1.3 Government advertising framework 13
 - 1.4 Access to broadcast spectrum..... 14
 - 2. Government advertising at the federal level 15
 - 2.1 Media, an influential political actor 15
 - 2.2 Persistent arbitrary allocation of official advertising 16
 - 2.3 Discrimination in allocation or withdrawal
 - of government advertising: documented cases..... 17
 - 2.4 Transparency and Access to information 20
 - 2.5 Government advertising spending 21

3. The use of official advertising at state level	25
3.1. Opacity, lack of regulation and millionaires' expenses	25
3.2 Widespread discretionary allocation of government advertising	26
3.3 Simulated and artificial media pluralism	27
3.4 Excessive promotion of annual governance statements by public servants.	28
3.5 Media dependence and political propaganda.....	28
3.6 "Chayote": buying favorable coverage	30
Conclusion	31
Annex 1. Interviews (2010-2013)	32
Annex 2. Media consumption in Mexico 2000 vs. 2011	34
Annex 3. Government Advertising Legal Framework	35
Annex 4. Bills on official advertising (2002-2012)	36
Annex 5. One page of the Proceso Comparative Advertising Report from 1994-2010	37
Annex 6. Social communication spending and government advertising spending of the Federal Public Administration	38
Annex 7. Report on the use of "official time" on radio and television	40
Annex 8. Puebla State change in power in 2010 and its impact on the allocation of government advertising:	41
Endnotes.....	42

Note on report research and methodology

This report on the existence and extent of soft censorship in Mexico is part of the Soft Censorship Global Review, an annual report produced by the World Association of Newspapers and News Publishers (WAN-IFRA) in cooperation with the Center for International Media Assistance (CIMA), with the support from the Open Society Foundations. It was prepared by Fundar Center for Analysis and Research, based on the methodology developed by WAN-IFRA.

The findings of *Buying Compliance: Governmental Advertising and Soft Censorship in*

Mexico, are based on the results of the three-year (2010-2012) Official Publicity Project led by Fundar and ARTICLE 19 Office for Mexico and Central America.¹

Extensive desk research, including many freedom of information requests, was performed. Research teams carried out eight field trips to the Mexican states of Chihuahua, Distrito Federal, Estado de Mexico, Guanajuato, Oaxaca, Puebla, Querétaro and Sonora. Interviews with 67 relevant actors were conducted between 2010 and 2013.² (See Annex 1)

Executive summary

Mexico's media today face great difficulties. Physical attacks are all-too common, the shadow of state control has not fully faded, market concentration is extreme, and most media outlets have advanced little towards a democratic model to serve as an impartial watchdog on actions of government and other societal actors.

Any discussion of Mexico's media situation must begin by explicitly recognizing—and condemning—ongoing assaults on journalists. Mexico is among the world's most dangerous countries to practice journalism. Since 2000, over 77 journalists have been murdered. Another 17 have disappeared. This terrible violence is widely documented by Mexican and international press freedom groups.

The impact of these attacks is very powerful and very clearly leads to widespread self-censorship. But more subtle means also and perhaps more widely constrain media freedom in Mexico.

“Soft censorship,” or indirect government censorship, includes a variety of actions intended to influence media—short of closures, imprisonments, direct censorship of specific content, or physical attacks on journalists or media facilities. This report focuses primarily on financial aspects of official soft censorship: pressures to influence news coverage and shape the broad media landscape or the output of specific media outlets or individual journalists through biased, and/or non-transparent allocation or withholding of state/government media subsidies, advertising, and similar financial instruments.

In Mexico, the allocation of Government advertising is the more common tool to exert soft censorship and is an integral part of the country's complicated media landscape.³ Absent precise and clear rules, it is a means to influence or even a tool to blackmail media owners and journalists. Federal and local governments use official adver-

tising to shape media outlets' editorial line and push partisan agendas. Opaque and arbitrary allocation of official advertising constrains pluralism and a diversity of voices by selectively funding media outlets that support officials and their policies.

Some media owners actively partner with politicians in a corrupt symbiosis that earns both power and profit. Many Mexican media outlets have become addicted to public money, corrupting basic journalistic ethics. Articles praising or criticizing specific politicians are often offered primarily as leverage to negotiate more lucrative government advertising contracts.

Mexico's very high level of ownership concentration in the television industry (largely dominated by only two players) is an important aspect of the soft censorship landscape. The growing economic clout of these two media businesses has magnified their influence on the country's political life. These dominant companies often skew nominally democratic debates towards their self-interest.

Buying Compliance: Governmental Advertising and Soft Censorship in Mexico offers an

overview and detailed examples of how a virtually unregulated system of government advertising has distorted Mexico's media landscape and corrupted the country's media profession. Refusal to license community radio stations as a constraint on media freedom is also addressed. The report does find some reasons for hope in efforts in a few states and by some media outlets to instill new integrity in both official and journalistic practice—and in pledges, as yet unfulfilled, by Mexico's president and legislators to enact genuine change.

Another cause for guarded optimism is the 2013 Constitutional Reform on Telecommunications, which has the potential to make a profound change in Mexico's media landscape and generate greater pluralism and competitiveness.

This report's key recommendations are a launching point for wider reforms urgently needed to help Mexico's media fulfill its proper role in promoting democracy, pluralism, and accountability—rather than serving as an empty vessel to be filled with and driven by government advertising.

Country profile



Mexico Country Data

2012

Population	120.8 million
Adult literacy rate	93,4%
Gross national income (GNI) per capita	\$ 9,640
Urban/rural population	78 / 22%
Mobile subscription penetration (SIM cards)	87%
Internet access (households)	30%
Corruption perceptions score	34/100

Source: INEGI, Transparency International, UN and World Bank

Key findings

1. Allocation of massive governmental advertising in Mexico on partisan and political bases powerfully shapes media content. Federal and local officials take advantage of weak regulation to influence editorial content. Despite laws and recommendations that demand or encourage regulation, scant progress has been made to establish clear allocation criteria.
.....
2. Many media outlets slant their coverage to obtain more advantageous advertising contracts. Some media owners are active partners in a corrupt symbiosis that rewards propaganda rather than accurate news reporting.
.....
3. Allocation of broadcast spectrum is a distinct soft censorship mechanism, used particularly to restrict community broadcasting.
.....
4. A profound lack of transparency hinders understanding and reform of government advertising. Efforts to make federal advertising spending public have failed. Opacity also prevails at the state level; more than half of the states withhold details of their advertising allocations. And the majority of Mexican media outlets refuse to release fundamental data on audience or circulation.
.....
5. Regulation of government advertising exists only regarding electoral campaigns, despite constitutional obligations and presidential promises. Article 134 (2007) of Mexico’s constitution barring propaganda in government advertising is often unenforced. President Enrique Peña Nieto’s July 2012 pledge to reform government advertising remains unfulfilled.
.....
6. Arbitrary use of government advertising further concentrates media ownership and creates a false appearance of pluralism. It sustains so-called “pasquines”—multiple media outlets, especially among print media and on the Internet, that survive solely on government funds and have minimal actual audience.
.....
7. The billions of pesos in government advertising that promote individual politicians or political party agendas with no proven positive impact on public debate are effectively subsidies for favored media outlets. About 12 billion pesos (905 million USD)^{4 5} is spent by the federal and state governments on advertising each year absent any clear indication that the advertising reaches target groups or is effective.
.....
8. Directly corrupt practices persist in most of Mexico, including offering typically poorly-paid journalists bribes—known colloquially as “chayote”—to influence their reporting, as well as other payments allegedly made to editors, owners, and publicists.
.....

Key recommendations

1. Ensure detailed transparency of all official advertising expenditures through public access to the Federal Administration “Social Communication spending system” [Sistema de gastos de Comunicación Social (COMSOC), launched in 2010], where all federal government advertising spending is, at least nominally, recorded monthly, or a web platform like that Oaxaca State Government is building in collaboration with civil society.
.....
2. A law guaranteeing fair and transparent official advertising should be enacted, based on the principles of the Office of the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights.⁶ This law must:
.....
 - a) Develop non-discriminatory and equitable criteria for allocation of government advertising;
.....
 - b) Limit the use of government advertising to proper public information purposes;
.....
 - c) Implement adequate oversight of government advertising; and
.....
 - d) Promote mechanisms to encourage media pluralism.
.....
3. The electoral reform approved in January 2014 established a transitory article requiring special regulation for advertising before April 2014; this should be implemented and enforced.
.....
4. Provisions of the 2013 Constitutional Reform on Telecommunications that aim to limit concentration and boost pluralism and competitiveness in Mexico’s media should be implemented and enforced.⁷
.....
5. All broadcast licenses and spectrum allocation should be fully, clearly, and transparently regulated by law, on objective, clear, public, and democratic criteria, with special encouragement for community broadcasting.
.....
6. Media outlets should strengthen audience confidence and encourage public discussion by disclosing information regarding their receipt of official advertising and any other government funds.
.....
7. Mexican media owners and journalists should adopt clear codes of ethics that ban the acceptance of “chayote” [bribes that shape reporting] or any other gifts or compensation that influence coverage.
.....
8. Impartial audience measuring systems based on certified standards should be established to ensure advertising allocation can be based on technical criteria.⁸
.....
9. Public debates on financial relations between government and media outlets should be encouraged to better discuss proposals for institutional reforms and the State’s role in promoting information pluralism.
.....

Introduction

Censorship of Mexican media is no new phenomenon. During the seven-decade rule of the Institutional Revolutionary Party (PRI) until 2000, Mexico had no truly free press. Media outlets existed under the shadow of state sponsorship and censorship. The PRI controlled media content by various mechanisms: people sympathetic to the party owned media outlets; the government awarded friendly media with official advertising and economic advantages; journalists were added to official government payrolls and received bribes called “*chayote*.” “*Gacetillas*,” paid content disguised as news, were easily bought by anyone willing to pay. The government owned the only newsprint supplier, and controlled the country’s newspaper distribution system through PRI-affiliated unions. As former president (1970-1976) José López Portillo famously said of Mexico’s media, “I don’t pay them to hit me.”

Market liberalization, the economic crises, and the stagnation of the PRI regime during the 1990s all helped loosen state control over Mexico’s media. The end of the state newsprint monopoly and attempts to curb financial support to journalists and media owners brought some positive change. In 1992, the government stopped paying for journalists to travel with the president on international trips. A new but largely ineffective policy to review the public budget allocation for press and public relations was introduced.

Twenty years after this initial effort to transform government-media relations, state control has diminished, but far from disappeared. “Soft censorship” remains as a deeply rooted media control mechanism. In an interview, Rafael Rodríguez Castañeda, director of the magazine *Proceso*, said that 20 years after its publication, his book “*Prensa vendida*” (*Corrupt Media*)⁹ re-

mains remarkably and lamentably relevant, as official advertising is still granted under hidden and arbitrary criteria. Public money is spent on government advertising with few controls. The Official Publicity Project reported a tendency to overspend public resources and inadequate oversight or evaluation in this area.¹⁰ In 2007, an amendment to Article 134 of Mexico’s constitution barred “propaganda” in government advertising,¹¹ but it is clear that much promotion of individual politicians or their parties continues.

Media concentration is an increasing challenge to media pluralism, especially in broadcasting. Mexico’s broadcast television industry is dominated by two players: the Televisa media group, with three networks, and TV Azteca, owned by Grupo Salinas, with two networks. Televisa and TV Azteca together reach 98 percent of Mexican households,¹² and almost completely dominate the commercial and governmental advertising market.¹³ These companies wield immense economic and political influence. Allocation of political advertising reflects the high level of media concentration. In some states, more than half of governmental advertisement spending goes to Televisa and TV Azteca.

Buying Compliance: Governmental Advertising and Soft Censorship in Mexico is based on extensive research and interviews with 67 people with first-hand knowledge and experience in Mexico’s media and government. It relates the background and persistence of soft censorship in Mexico, but also points to some positive change and lays out concrete suggestions for reform. The authors hope this work will serve as a tool for advocates for a more open and democratic Mexican media, and encourage more research in this field.

1. Mexico's media environment: A highly concentrated and politically shaped media landscape

A 2011 report on digital media in Mexico found: "With one powerful group commanding the bulk of advertising revenues and audience, a weak public service system catering to the tastes of cultural elites, and numerous outlets depending on government money, the media sector in Mexico does not play a major role in the democratization of this, the most populous Spanish-speaking country in the world, home to over 112 million people."¹⁴

The Mexican media landscape is characterized by:

- lack of pluralism and transparency;
- a high level of concentration;
- predominance of radio and television;
- weak public service;
- a plethora of print outlets with low readership; and
- limited internet access

In Mexico, most households rely on radio and television for daily news and information. Ninety-three percent of the Mexican households have a television and access to free-to-air (FtA) television.¹⁵ Only 45 percent can access pay-TV.¹⁶ The Mexican FtA television market is dominated by two players: the *Televisa* media group with a 70 percent market share and three networks; and *TV Azteca*, owned by Grupo Salinas. The two main public stations, *Once TV* and *Channel 22*, each command less than two percent of the nationwide audience. Mexico has 56 public radio and television stations, but their number does not translate into equivalent impact.¹⁷

Radio remains an important medium. The time that Mexicans spend listening to radio rose 7.6 percent from 2008 to 2009.¹⁸ On average, there are 10 million daily radio listeners in the

Mexico City metropolitan area, the country's main radio market, comprising about 20 percent of the national audience.¹⁹ The majority choose FM stations; only 22 percent listen to AM stations. Despite hosting numerous radio stations²⁰ Mexico is a concentrated market: the biggest radio corporations are Radiorama and ACIR, which together hold almost one-third of the country's commercial radio stations.

Mexico also has a large print media sector. According to the National Written Press Register,²¹ there are 1,168 print publications around the country. However, most of their audience is in Mexico City, where the most influential five newspapers are published.²² Lack of transparency precludes accurate understanding of circulation, and it is widely believed that many publications offer inflated and unrealistic circulation figures.

Internet access in Mexico is growing rapidly, but the majority of the population still lacks affordable access, particularly in rural areas. According to Freedom House data, in 2012 only 38 percent of the population had access to an Internet connection.²³ This figure is low considering Mexico's level of economic development. Experts anticipate that Internet penetration will reach 65 percent by 2014, largely due to the growing prevalence of smart phones. Internet has become a new tool for activism, primarily by the non-governmental organizations (NGOs). Mexican users prefer social networks over traditional news websites. Citizens, media, politicians, and activists have all taken advantage of digital media to make their voices heard. However, the impact of digital activism is remains constrained by low Internet penetration²⁴ and cost of access.

1.1 Freedom of Expression in Mexico

Mexico is among the world's most dangerous countries for journalists. Reports by media freedom groups including Article 19 and WAN-IFRA have documented the dire situation. In 2012, WAN-IFRA published a report, which identified an unprecedented level of violence faced by the Mexican press as a result of corruption, organized crime and the armed offensive against drug traffickers²⁵.

Since 2000, over 77 journalists and bloggers have been murdered. Seventeen more have disappeared. Few of these crimes are properly investigated and even fewer have resulted in prosecutions and convictions. Increasing domestic and international pressure led to a law federalizing crimes against media workers in 2013, but serious attacks continue to rise; in 2013 and the

first two months of 2014, five journalists were murdered and two disappeared.²⁶

According to a 2010 report by the Inter-American Commission Special Rapporteur, full enjoyment of freedom of expression in Mexico faces severe obstacles. Thirteen states that have laws that can criminalize free expression. The report describes several key threats to freedom of expression in Mexico:

- violence against media workers;
- impunity and self-censorship;
- lack of freedom, pluralism and diversity in the democratic debate;
- legal restrictions on the exercise of freedom of expression; and
- limited access to information.

1.2 Legal framework

Telecommunications reforms approved in 2013 could change the Mexican media landscape. Until 2013, laws that regulated the telecommunications sector were the 1960 Radio and Television Law and the 1995 Telecommunications Law.

On July 11th, 2013, constitutional reform on telecommunications was approved. The objectives are to curb monopolistic practices, to boost competitiveness and to strengthen information technologies, broadcasting services and telecommunications within the country. The reform plan acknowledges that these are tools that favor productivity and growth, and that they can become factors for economic viability.²⁷

The reform considers telecommunications as part of the public interest, and compels the State to guarantee certain service conditions: competence, plurality, range, free access and continu-

ity. It establishes broadcasting as a public service and prohibits media from offering advertising disguised as news and misleading advertising, while seeking to protect freedom of expression and dissemination.²⁸ The reform aims to improve access to broadband and other telecom services, to increase foreign investment and participation in television and radio, and plans to create two new free to air television channels

Appropriate implementation of this constitutional reform would address problems of oligopoly, concessions, licenses and permits that have developed over the last 50 years in Mexico. A new oversight body, the Federal Institute of Telecommunications (IFETEL), was also created.²⁹ At the time of publication of this report, laws to properly implement Constitutional reform remain pending. And, crucially, these reforms fail to directly tackle regulation of public advertising.

1.3 Government advertising framework

Despite many promises, initiatives and commitments, there has been neither progress in the regulation of the use of government advertising nor substantial changes in public policy. Mexico still lacks specific legislation on official advertising (see Annex 3).

After the fiercely contested 2006 presidential election, the Mexican Congress enacted electoral reform in November 2007, prompted by widespread anger over abuse of official advertising as a resource for electoral campaigning. During the 2006 presidential elections, the five candidates together aired 757,572 spots on radio and TV. The President, using public resources, aired approximately 462,000 spots, or about 2/3 of all such spots, publicizing himself and governmental actions on social programs.³⁰ Local governments also aired many spots with similar characteristics; the precise number and amount spent for them is unknown.

The 2007 electoral reform included a constitutional prohibition barring public servants (especially key executive officers, including the president, state governors, and municipal authorities) from appearing in official advertising. Article 134 of the Mexican constitution prohibits the use of “names, images, voices and symbols involving promotion of any public servant.”

Article 41 of the Mexican Constitution strictly prohibits parties buying electoral advertising on the radio and television in order to guarantee equal access, and also bars use of public advertising during electoral campaigns.³¹ Since the 2007 electoral reform, there is a complete prohibition of official advertising during electoral campaigns with few exceptions (electoral information, health and education information and emergency communication), established in the constitution and in Articles 2, 228 and 347 of the Federal Code for Electoral Institutions and Procedures (COFIPE).

Outside the electoral context, there is no detailed regulation on what content may be disseminated under the title of “official advertising.” There are also no formal criteria on advertising goals, its allocation and target audiences.

At the federal level, there is an administrative guide for the use of public advertising: the “Federal Public Administration General Guidelines for the allocation of resources for social communication campaigns” (the General Guidelines), published every year since 2000.³² However, these do not mandate objective, transparent and non-discriminatory criteria for contracting official advertising. The limited legal standing of the General Guidelines undermines their implementation: “[Guidelines] can be reformed, added or overridden discretionary by the Executive Power who had agreed them [...] and they do not introduce sanctions.”³³

Current legislation and regulation at the federal level does not guarantee a transparent allocation of government advertising. The legal framework fails to establish competitive, open, transparent and public procedures for its distribution. There are only a few states with their own general guidelines for the distribution of advertising,³⁴ but none guarantee non-discriminatory allocation of resources.

Despite the express constitutional prohibition, propagandistic use of government advertising remains a current practice. Worse, the article 228.5 of the COFIPE provides exceptions to this prohibition for the annual management reports of public servants. Today, heavy spending to announce management reports is common. In February 2012, the governor of Puebla spent 56 million pesos (4 million USD) in one month to publicize his first annual report.³⁵ In December 2013, a poster depicting the governor of Chiapas (one of the poorest states in Mexico) appeared all

around the country in spite of a legal prohibition, and evoked wide media criticism.³⁶ According to news reports, Chiapas State spent 130 million pesos (9.8 million USD) for this official advertising.³⁷

The need for transparency and regulation of government advertising is at least nominally recognized by both the legislative and executive branches. During the last decade, the Congress presented 14 bills to regulate government advertising, but none have even been discussed in the plenary of either the Senate or the Deputies Chamber (See Annex 4). In January 2014, a political and electoral constitutional reform was promulgated with a transitory article that com-

pels legislators to finalize a special regulation for public advertising before the end of April 2014.

Creating such regulations is a presidential and consensus political party promise that remains unmet. On July 13, 2012, President Enrique Peña Nieto wrote in the newspaper *Reforma*: “I will push for the creation of an independent citizen body to oversee the hiring of media for advertising purposes, at all levels of government.”³⁸ Similarly, Proposal 95 of the Pact for Mexico (“*El Pacto por México*,” an agreement inked by Mexico’s three main political parties on December 2, 2012³⁹) pledged creation of this body by the second half of 2013. However, no early movement to realize these reforms is foreseen.

1.4 Access to broadcast spectrum

Selective allocation of broadcast spectrum is deployed as another soft censorship mechanism. The Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights has documented abuses in this area, especially for community broadcasting. After a mission to Mexico in 2010, the special rapporteur specifically recommended that the Mexican Government “guarantee that the allocation of radio or television licenses be fully, clearly, and transparently regulated by law, based on criteria that are objective, clear, public, and democratic.”⁴⁰

During the last decade, the state imposed serious obstacles to the legalization of community broadcasters. Lack of state recognition means that many community radio stations are denied access to broadcast frequencies. As a consequence, 90 percent of the hundreds of Mexican community radio stations still broadcast illegally, and some have been closed down or threatened by the government.⁴¹

Big commercial outlets are also pressured.

In 2012, the CEO of media conglomerate *MVS Comunicaciones* accused the Mexican government of threatening the company with the loss of spectrum unless it fired a popular radio news anchor who was a harsh critic of President Felipe Calderon’s administration.⁴²

This situation might improve. The 2013 telecommunication reform approved by the Congress includes the recognition of community radios⁴³ and provisions to “guarantee the optimal use of the 700 MHz and 2.5 GHz bands under the principles of universal, non-discriminatory, shared and continual usage.”⁴⁴ However, details on this reform and its implementation are still unclear.

2. Government advertising at the federal level

Efforts by the federal government for a transparent and regulated official advertising have been insufficient. The many interviews carried out for this report, as well as its analysis of public resources, confirmed that the practice of arbitrary and discriminatory allocation of official advertising remains deeply entrenched in Mexico. Government advertising is mostly distributed on the basis of political criteria and private interests.

The horizontal and vertical media concentration prevalent in Mexico multiplies the weight of official advertising as an instrument of pressure on media. A small number of companies monopolize most private and public advertising. Private

advertising is little distributed in small media, a situation that makes them financially vulnerable and even more heavily dependent on government advertising to survive. Opaque and arbitrary allocation of official advertising constrains pluralism and a diversity of voices by selectively funding media outlets that support officials and their policies.

In recent years, rising spending on official advertising by the federal government has directly affected the diversity and quality of the media market, although its impact is difficult to measure precisely.

2.1 Media, an influential political actor

Broadcasters' political power is reflected in their ability to negotiate legal changes that benefit their economic interests. For example, a decree in 2002 limited the amount of unpaid, or "official time" the government could use on radio and television.⁴⁵ In 2006, a set of amendments to the Federal Telecommunications Law and the Law on Radio and Television was popularly dubbed the "*Televisa Act*" because the deregulation of broadcast spectrum heavily favored *Televisa* and *TV Azteca*.⁴⁶

The power of television is so important that some candidates in the presidential election of

2012 argued that the millions of pesos spent on official "social communication" directly affected their chances to win the election. PRI candidate Enrique Peña Nieto claimed that the leftist candidate Andrés Manuel López Obrador spent one billion pesos for social communication when he was the head of the Federal District. Peña Nieto's observation was widely quoted: "If television made presidents," he said, "You (referring to López Obrador) would be president."⁴⁷

2.2 Persistent arbitrary allocation of official advertising

There has been little improvement in transparency and access to information at the federal level. Government advertising expenditures appear to have decreased slightly, but this small change does not represent a structural political reform in the use of government advertising.

A chasm remains between law and practice. The Administrative Guidelines describe a process of planning, monitoring, and detailed assessment. At the beginning of the year, each public institution delivers its annual advertising strategy to the Ministry of the Interior for authorization. A detailed authorization is also required for each campaign. According to the Administrative Guidelines, the relevance and effectiveness of campaigns should be evaluated. Expenditure reports are required to be updated each month through the COMSOC System, but this platform is not public. High profile civil servants interviewed confirmed that this long bureaucratic process has a limited impact on the practice of official advertising allocation.

“Government advertising is severely regulated and conditioned,” said a former federal communication director. “But I can tell you that for

at least 70 percent of the final resources spent, [spending is] preceded by hard work of analysis and intelligence to avoid regulations.” According to various media directors, instead of following the legal process, they meet with “senior officials of the Presidency” to negotiate annual contracts for governmental advertising based on arbitrary criteria.

At the federal level, it is not clear if government offices are allocating communication budgets to serve their mandated interests and reach relevant audiences. It is very difficult to establish a firm relationship between the placement of government advertising and criteria that address the governmental communication requirements.

Arbitrariness and favoritism in allocation of government advertising have structurally corrupted the relationship between media and government. It has given way to a dynamic of mutual pressures and “learned vices.” The ability to “negotiate” government advertising promotes self-censorship, and inhibits the social and watchdog role that the media should play in a democratic society.

2.3 Discrimination in allocation or withdrawal of government advertising: documented cases

Several cases that illustrate the widespread lack of clear, transparent, objective and non-discriminatory government advertising criteria are described below.

The Diario de Juárez case: critics are not welcome

The newspaper, *Diario de Juárez*, based in Ciudad Juárez, Chihuahua (one of the most dangerous cities during the “war” against drug cartels during Felipe Calderón’s presidency, 2006-2012), complained against the discretionary allocation of public resources from the Federal Ministry of Security (Secretaría de Seguridad Pública or SSP, in charge of the Federal Police), which allegedly excluded it from any public advertising contract as punishment for its editorial line. Executives of the *Diario de Juárez*, consulted by ARTICLE 19 and Fundar, explained that on February, 20, 22, 24 and 27, 2012, the Social Communication Unit of the SSP bought placed advertisements in one newspaper to publicize efforts of the Federal Police in the city, but excluded the *Diario de Juárez*, arguing that its editorial line was very “harsh” to the SSP. The authorities employed these same criteria on April 2011 when the same ministry excluded the *Diario de Juárez* from a social communication campaign.⁴⁸

The Proceso case: to my friends, the benefits of public resources; to my enemies, only the law

On the April 27, 2009, *Proceso*, founded in 1976 and one of Mexico’s most influential political weekly magazines, submitted a complaint to the National Human Rights Commission (Comisión Nacional de Derechos Humanos, CNDH)⁴⁹, claiming that *Proceso* was treated unfairly with regard to the distribution of government advertising contracts for national print media. The magazine’s situation became particularly difficult during Vicente Fox’s administration. The government restricted advertising in *Proceso* because the magazine published negative information about him and his associates, said *Proceso* Executive Director Rafael Rodríguez Castañeda in an interview, adding, “With Felipe Calderón’s administration, the situation got worse and federal government advertising was reduced to practically zero.”

The magazine provided documentation of this arbitrariness: From January to December 2008, *Proceso* published only 5.16 pages of federal government advertisements, while the far smaller *Vértigo* got 166.42 pages; *Milenio Semanal* received 111.83, and *Emeequis* 75.5. The federal government advertised 32 times more in *Vértigo* than in *Proceso*. *Vértigo* has a circulation (considering only sold copies) of 4,000, and *Proceso* 74,792, according to National Written Press Register.

In the “Comparative Advertising Report from 1994-2010,” *Proceso* delivered to the CNDH, the magazine documented that, in 2006, the Federal Government bought just over 74 pages in *Proceso*. By 2009, this fell to seven pages. The same year, *Vertigo* and *Emeequis* magazines had, respectively, 91.5 and 35.8 pages of federal government advertising. (See annex 5)

After a three-year investigation, on August 1, 2012, the CNDH issued the recommendation 35/2012⁵⁰ that found a violation of the rights to legality, legal certainty and freedom of expression, based on absence of an appropriate legal framework to limit the discretionary allocation of official advertising and media discrimination.

The Commission called for “clear guidelines and objectives, fair and transparent criteria that ensure equal opportunities in the provision and distribution of official advertising for media, both electronic and printed...” This recommendation was accepted by the government. In July 2013, the Interior Ministry published some criteria as part of the 2013 Administrative Guidelines⁵¹ promulgated every other year since 2000. However, as mentioned earlier, these Administrative Guidelines have very limited impact on the practice.

“There is no deadline to fulfill the recommendation,” said the director of *Proceso*, claiming that nothing has changed in the distribution of the advertising. The magazine had not received any public advertising throughout most of 2013. In November 2013, the director was informed that *Proceso* would receive official advertising from that point till the end of the year. The director does not know the reasons for this change in allocations, “There is nothing explicit,” he said. “There is a lack of clear and coherent political management of the resources.”

The Contralínea case: I don’t pay you to hit me

The Mexican Oil Company (PEMEX) stopped advertising in the magazine *Contralínea* after the publication of an unfavorable article on PEMEX contracting practices. The CNDH filed a complaint against PEMEX, which was found to have violated freedom of expression.

In its recommendation 57/09,⁵² CNDH recognized the absence of clear and objective criteria to allocate public resources of public advertising. CNDH accepted that Pemex followed the 2008 General Guidelines and the Acquisitions Act. But it declared that these rules do not establish proper procedures and clear, transparent, non-discriminatory and objective criteria for contracting public advertising that guarantee equal opportunities between different media players. This opens the possibility to engage in discretionary practices that affect media pluralism and public debate, both essential for a democratic society. It also infringes the right to equality regarding the access to public resources. Based on these criteria, CNDH recognized the violations to the rights of legality, equality, legal certainty and freedom of expression against *Contralínea* and made recommendations to PEMEX and to the Jalisco Judiciary branch. Pemex had to establish objective, clear, transparent and non-discriminatory processes and criteria for government advertising allocation. Pemex did not accept the recommendation, and there was no consequence for its refusal. The judiciary branch investigated the case and suggested measures to avoid judicial harassment against freedom of speech. The Jalisco Court accepted the recommendation.

The Radio Voladora case: no scale, no sale

In July 2011, the Mexico's Supreme Court (SCJN) decided a case brought by "La Voladora" 97.3 FM, a small community radio in the State of Mexico. The Federal Health Ministry refused to place advertisements on the station, arguing that it was "looking for media with large coverage," and that this radio "did not meet the expectations for broadcast." As described earlier, the government has imposed serious obstacles to legalization of community broadcasters, which in turn restricts their access to government advertising.⁵³

The SCJN determined that the arguments for denying government advertising to this community radio were discriminatory and based on restrictive and quantitative measures that lack reasonableness and a qualitative perspective. According to the SCJN, these measures allow discretionary and restrictive allocation of official advertising and could adversely affect protection or respect for the rights of broadcasters. The Ministry of Health reviewed the arguments and denied again advertisements to La Voladora. The radio again went to court, but this time lost. "To date, the radio has not received federal government advertising," confirmed Veronica Galicia, director of La Voladora, in a December 2013 phone interview.

As demonstrated by the various cases discussed above, judicial and extra-judicial channels have failed to initiate significant changes in the use of official advertising, despite judicial resolutions in favor of improving standards and practices. The Supreme Court's rulings regarding government advertising cases have been narrow. Its findings on two community radio cases (La Voladora and Nandia) did not address many legal loopholes and did not set legal precedent regarding allocation of public advertising.

2.4 Transparency and Access to information

In the last ten years, there has been some progress regarding dissemination of information related to government advertising at the federal level. “Before President Fox [2000-2006], spending on communication represented [unaccountable] strongboxes,” said a former undersecretary in charge of regulation and media, referring to the implementation of the General Guidelines. “These strongboxes ceased to exist months after the arrival of President Fox. I saw this strengthening of rules that monitor this expenditure.”

The right of access to information, enacted in 2002 at the federal level, also brought some change. Government advertisement documents such as communication strategies, invoices, and assessments of the most important campaigns can be obtained.

Every two months, the executive reports information on the use of government advertising to the legislature. However, the utility of this nominal transparency is limited because the proliferation of official reports has included many discrepancies and irregularities.

The government is reluctant to directly publish this information on the Internet. In the con-

text of the Open Government Partnership and as part of the First Mexican Action Plan, the federal government promised to publish data from the COMSOC system. Some information was placed online in December 2012,⁵⁴ but has never been updated.

The media also have opaque practices. Reliable data on audience rating and profile are difficult to obtain. Each media outlet pays a private company for measuring their audience (TV and radio) or coverage (in case of newspaper and magazine) and there is neither official certification of the results, nor are they made public. This lack of information means governments cannot allocate advertising rationally according to technical criteria. At the federal level, the National Written Press Register was created in 2003, but this initiative depends on voluntary registration of the newspapers and magazines and its information is not updated regularly. “Standardization of information would be required but there are no legal tools for us to request this information. It is the same problem with the audience rating. We have no reliable information,” acknowledged the former undersecretary interviewed.

2.5 Government advertising spending

2.5.1 Spending increases from 2007-2012

Despite limited advances in access to information and transparency, the lack of control mechanisms and effective accountability in the spending of public resources for government advertising still permit excesses and abuses.

During the past five years, through budget analysis and information requests, Fundar has documented much of the spending for government advertising. The diversity of government ministries, offices and agencies placing official advertising and limited transparency has made the exercise difficult. For example, according to the federal budgets and the Federal Public Accounts, former President Felipe Calderon spent 27.2 billion pesos (2.05 billion USD) on advertising during his six-year term of office. However, this is a difference of almost one million dollars to the amount that new President Enrique Peña Nieto reported during his first annual Report to the Nation, delivered to Congress on September

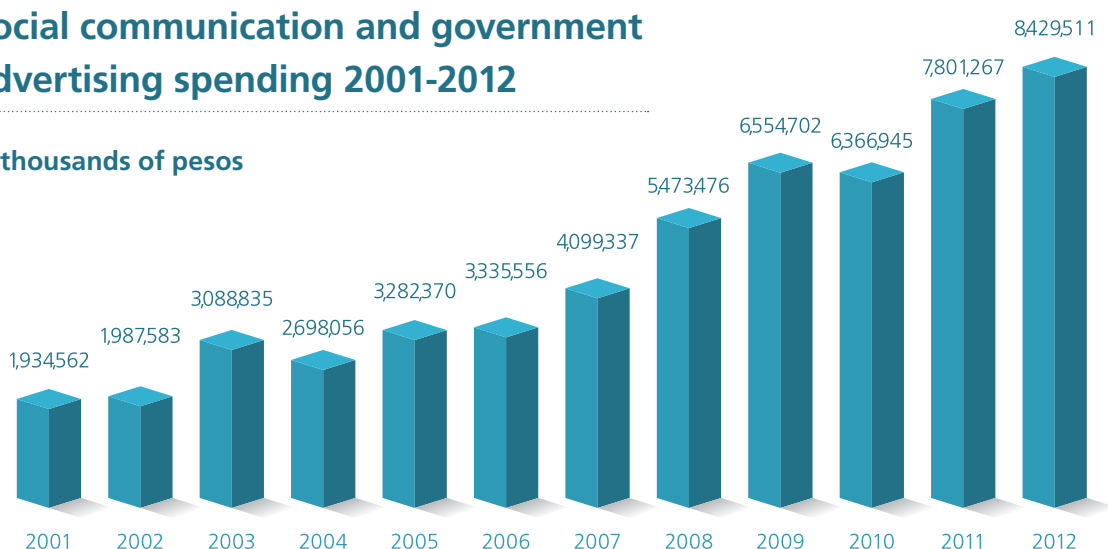
1, 2013.⁵⁵ This difference can be explained not only in term of restricted access to information, but also because the final figures integrated all centralized and decentralized spending. According to the statistical annex of the 2013 presidential annual report (See Annex 6), President Felipe Calderón spent over 39 billion pesos (nearly 2.95 billion USD) in government advertising. As shown in the graphic, reported spending almost tripled during President Calderón's term.

There is much evidence on the absence of planning, evaluation and control of advertising expenditures, including debts and overspending. In November 2013, a currently ongoing investigation was launched into 322 million pesos (24.3 million USD) of unpaid invoices for Ministry of Health advertising campaigns with 260 media outlets.⁵⁶

Fundar's analysis of the government advertising of the central administration of former

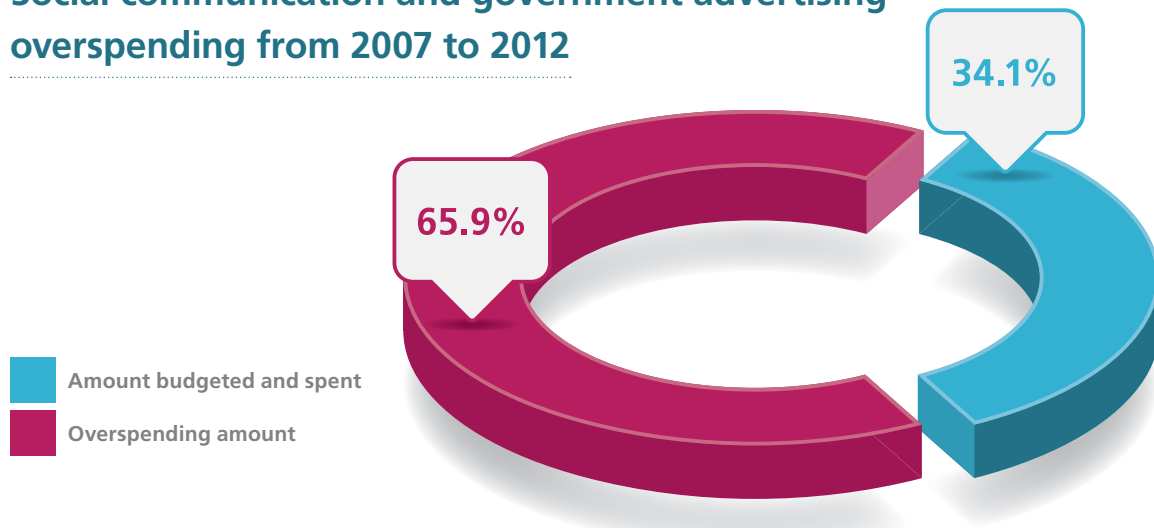
Social communication and government advertising spending 2001-2012

in thousands of pesos



Source: Fundar based on the statistical annex of the First National Inform of Enrique Peña Nieto's government, delivered on September 1st, 2013 to the Congress, available at <http://www.presidencia.gob.mx/informe/>

Social communication and government advertising overspending from 2007 to 2012



Source: Fundar, based on the Federal budgets and the Federal Public Accounts, 2007-2012

President Calderón revealed nearly 200 percent overspending. From 2007 to 2012, his central administration spent 27.2 billion pesos (2.05 billion

USD) for governmental advertising compared to the originally budgeted 9.3 billion pesos (nearly 700 million USD).

OFFICIAL TIME IN RADIO AND TELEVISION

The law obliges every radio station and television channel to provide free time to federal government for advertising and announcements. In total, this official time represents 65 minutes a day on every radio station and 48 minutes on each TV channel (see annex 7). The federal government Interior Ministry shares administration of this time with the Federal Electoral Institute (IFE). When there is no election, the Ministry of the Interior manages 88 percent and the IFE 12 percent. During election periods the Electoral Institute administers 48 percent of the total time available for official information.⁵⁷

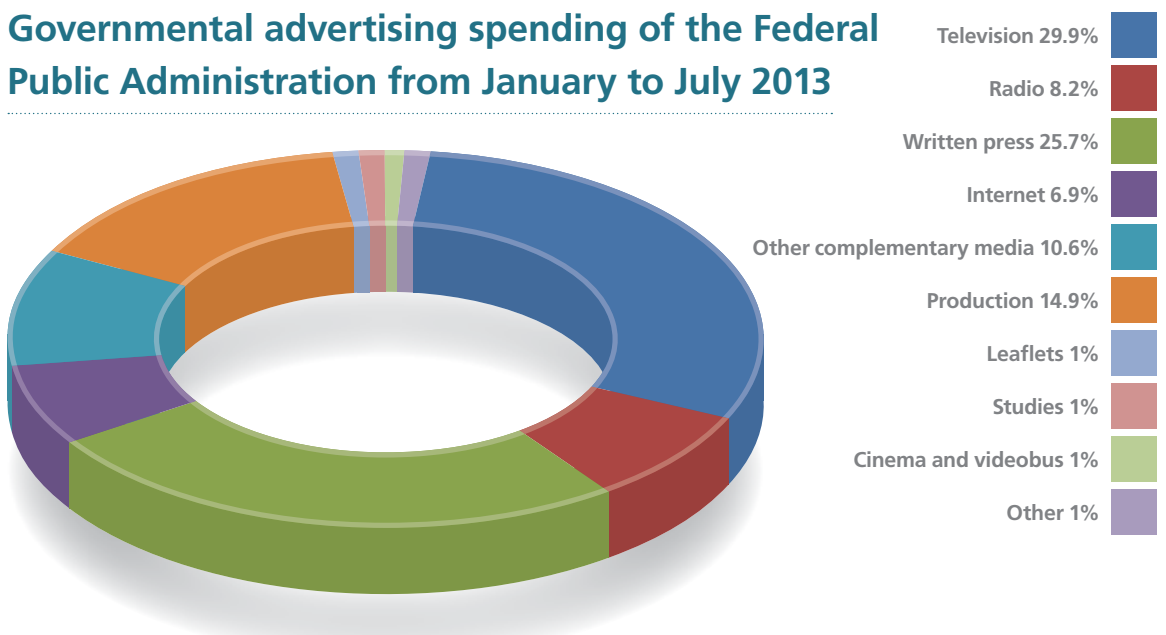
For some respondents, the existence of free official time argues for far less or no paid government advertising radio and television. They argue that, if better managed, the free time provided by law would be sufficient to communicate essential official information.

2.5.2 Decrease in expenses

President Enrique Peña Nieto, who took office in December 2012, officially reported a decrease in advertising expenses during his first year in office. The centralized and decentralized federal government spent 698.4 million pesos (52.7 million USD) from January to July 2013, according to expenditures reported in the COMSOC system obtained through the access to information request number 2700172813 filed by Fundar.

This public money was distributed to the media as follows: 30 percent to television –(208.8 million pesos, 15.75 million USD); 26 percent to print media (179.6 million pesos, 13.55 million USD); and 15 percent to production (103.9 million pesos, 7.84 million USD). Seventeen percent (116.5 million pesos, 8.8 million USD) of the total was contracted with the same corporation, Grupo Televisa.⁵⁸

Governmental advertising spending of the Federal Public Administration from January to July 2013



Source: FUNDAR, based on the COMSOC information

It is difficult to know how government advertising expenditures are divided among different media outlets, but these figures show the predominance of television. In some states, this percentage is even greater, and TV spending reaches 50 or 60 percent of the total amount (See chapter 3).

The percentage of government advertising assigned to print media and Internet contrasts

with their small audiences. The same pattern was documented at the state level, where government advertising is effectively subsidies, as described by one interviewee, Raul Trejo Delarbre: “For decades, we are in a vicious circle. We have a press that depends on the state because we assume that the market is insufficient. And the market is insufficient because the press depends on the state.”

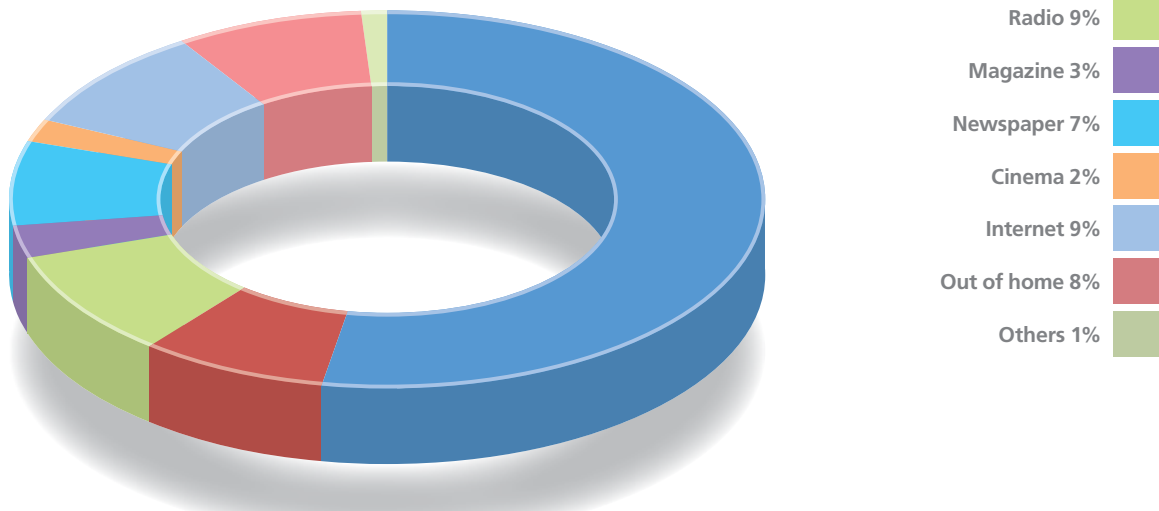
2.5.3 The government, a key actor of the general advertising market

The government is a key actor of the general advertising market. According to the Asociación de Agencias de Medios (the Media Agencies Association), the total advertising market in Mexico in 2012 was 65 billion pesos (4.9 billion USD), taking into account the three more important sectors: government, direct clients and media agencies. (See annex 7) According to official reporting the federal government alone spent over 8.4 billion pesos (63 million USD) on communications and publicity in 2012. This represents nearly

13 percent of the total market—and might be an underestimate and does not include state and local spending.

The distribution of official advertising contrasts sharply to that in the broader advertising market. Commercial advertisers are six times more likely to consider television than print media (see below). These differences confirm the subsidy role governmental advertising is playing, especially for the written press.

Mexico commercial and governmental advertising market 2012



Mexico commercial and governmental advertising market (USD)

Advertising market	2010	2011	2012
Broadcast TV	2,653,270,000	2,677,170,000	2,776,200,000
Pay TV	256,030,000	320,100,000	396,900,000
Radio	399,310,000	423,880,000	486,220,000
Magazine	141,170,000	144,030,000	151,190,000
Newspaper	337,740,000	371,580,000	364,120,000
Cinema	37,230,000	79,060,000	78,310,000
Internet	255,660,000	348,510,000	482,150,000
Out of home	351,080,000	413,940,000	424,260,000
Others	38,510,000	42,810,000	42,810,000

Source: Asociación de Agencias de Medios http://www.aamedios.com/docs/Valor_del_Mercado_de_Medios_2012.pdf

3. The use of official advertising at state level

Patterns similar to those described at the federal level are present at a state level, with even greater intensity and frequency. This phenomenon can be explained by a slower democratic transition in many states that allows the survival of old practices like the use of government advertising to control media. A former IFE Commissioner, Alfredo Figueroa, explained in a recent interview that at the federal level, the economic clout of the largest media houses has increasingly subordinated government to dominant media interests, but most state governments still maintain a traditionally authoritarian relationship with media.

At the state level, media outlets with critical editorial lines generally face myriad pressures from the authorities, including tax audits, intimidation by police, and statements by officials to discredit the media. But most common is still the threat to withhold government advertising. Some media outlets are willing players in this game, and pressure governments to secure advantageous advertising contracts. Based on interviews and evidence and data collected, this chapter details various phenomena that derive from abuse of official advertising and perverse state-media dynamics.

3.1. Opacity, lack of regulation and millionaires' expenses

It is very difficult to obtain reliable data on state official advertising spending, and there is a total lack of regulation. According to the report, "The Cost of Legitimacy," released by Article 19 and Fundar in April 2013, more than half Mexico's states rejected requests for information or provided insufficient data on their advertising spending. The report described some of the reasons given by the authorities for not delivering the information:

- a. no detailed information on official advertising spending exists;
- b. information official advertising spending was confidential;
- c. State authorities who answered the access to information request (or state administra-

tion) did not specify what government agency was responsible for this area; and

- d. claiming, wrongly, that the information was available online.⁵⁹

There is also substantial and unplanned official advertising spending outside official budgets. According to official figures obtained for the report, 27 states spent 4.52 billion pesos (341 million USD) in 2011. In 2010 and 2011, almost two-thirds of the states overspent the budgets approved by their respective Congress for government advertising. In 2011, in 24 states, 40 percent (1.38 billion pesos, 105 million USD) of the total expenditures for official publicity were overspent. These practices highlight the lack of proper planning and monitoring.

3.2 Widespread discretionary allocation of government advertising

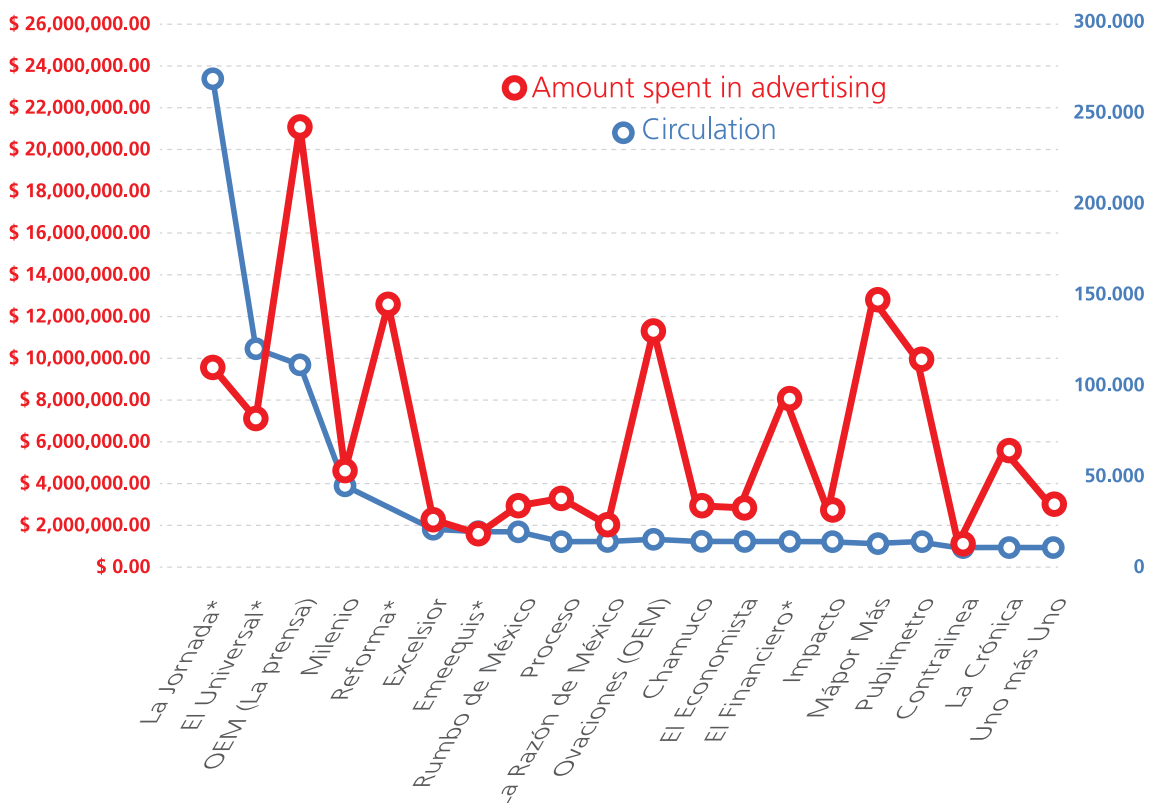
The negotiation of official advertising is usually centralized in the hands of one political actor who is often the state communication director. In some cases, the media owner negotiates directly with the governor or a secretary.

The criteria for the allocation of official publicity are “cronism” and “understood values,” commented an academic specialized on the media. “Good government is expensive, it is cheaper to buy the media.” The relationship between the media and the government is established on the

basis of favorable and advantageous coverage rewarded by advertising contracts. Sometimes, journalists’ livelihoods are directly affected. According to Freedom House, a reporter and editor were fired from their positions at San Luis Potosí newspaper El Portal in April 2011, at the request of the state government. The government demanded their dismissal as a condition for the newspaper to receive state advertising.⁶⁰

The graph below demonstrates the absence of relationship between newspaper circulation

Governmental advertising spending in printed press in 2011 in the Federal District versus press circulation (in pesos)



*In all the cases, circulation is for the Federal District, except for La Jornada, El Universal, Reforma, Emeequis and El Financiero, which are national circulation figures.

Source: Fundar, 2011, based on information request and the National Written Press Register

and the official advertising awarded.

Alternation in power has produced few changes in basic practices. Which media outlets are most favored might change according to which party is in power, but the basic system remains. Media that supported the outgoing administration stops receiving official advertising and new allies are rewarded with new or expanded contracts (see Annex 8). In Querétaro,

the political shift involved direct pressure to fire media editors or directors who criticized the Governor, but according to interviewees, there was no change in the advertising allocation patterns. Media outlets adapted their editorial line to the new administration. "The media do not have a political color, they align with whomever the new governor is," observed an academic at the Autonomous University of Querétaro.

3.3 Simulated and artificial media pluralism

More media does not necessarily mean more information. The proliferation of printed media, especially magazines, as well as news websites does not reflect pluralism in information offered. Even many "new media" outlets don't break with old practices, and in some cases, are created only to benefit from advertising. This proliferation exists in most of the states visited by the Official Publicity project, and has been magnified with the emergence of Internet, because "it is easier to create the illusion with a website," observed a media owner. In Querétaro, an explosion of weeklies over the last five years has brought their total to over 40. Many weeklies use blackmail to survive. "These weeklies only published press releases and then go with the officers or the major to demand to be paid," said a magazine director. In Sonora, during a 2010 research visit, interviewees commented that the state government has given advertising to journalists to create their

own websites, which has led to the proliferation of websites supporting the government.

Mexican media too rarely act as a counterweight to government power. To obtain government advertising, said several journalists interviewed, some media follow "understood values" or "did not criticize the authorities." Critical news coverage can cause financial hardship for media outlets, as in the case of the daily newspaper A.m. from León, Guanajuato. A.m. was denied government advertising for many years because of disagreements with the state governor, despite having one of the highest circulations in the state.⁶¹ These "understood values" often lead to self-censorship. A state communication director said: "The media even called to ask if they can publish information," adding, "Sometimes they decide to not publish information that might be uncomfortable to avoid trouble with the government."

3.4 Excessive promotion of annual governance statements by public servants

Although constitutionally barred, propagandistic use of government advertising remains widespread. Article 228.5 of the Federal Code of Electoral Institutions and Procedures allows an exception for the annual reports of public servants. As a result of this loophole, such reports multiplied since 2008 in order to use advertising for self-promotion. In February 2012, the governor of Puebla spent between 42 million and 56

million pesos (3.2-4.2 million USD) in less than a month to announce his first annual government report. In December 2013, the Chiapas State Government distributed posters with its governor’s photo in the Federal District, State of Mexico, Puebla, Tlaxcala and other places in the center of the country, despite explicit prohibition of such practices.

3.5 Media dependence and political propaganda

In several states, especially at municipal level, it is common to include “news coverage” and interviews with officials as part of annual government advertising contracts. Government institutions seek to ensure a positive image in the media by buying advantageous news coverage. Thus, official advertising is disguised as news, a situation that many media outlets have not only accepted, but promoted. Interviews, infomercials and news coverage are considered part of official

advertising, and could represent about 40 percent of the total amount spent.

It is very difficult to know how much money media outlets receive through government advertising and the percentage it represents of their total income. All interviewees recognized that most media outlets are dependent on government advertising. In local media, official advertising often represents 50 percent or more of the budget. Many media outlets inflate their

Political and commercial prices for buying advertising space

space	Political price (USD)		Commercial price (USD)	
	B&W	Color	B&W	Color
4.5 cm x 4.8 cm	22.37	42.50	16.57	31.48
14.4 cm x 15.2 cm	201.30	382.48	149.11	283.32
9.5 cm x 30.8 cm	268.40	509.97	198.82	377.75
24.34 x 15.2 cm	335.51	637.46	248.52	472.19
49 cm x 15.2 cm	671.01	1,274.92	497.05	944.39
24.3 cm x 30.8 cm	671.01	1,274.92	497.05	944.39
39.2 cm x 25.6 cm	894.68	1,699.90	662.73	1,259.18
49 cm x 30.8 cm	1,342.02	2,549.85	994.09	1,888.77
49 cm x 64.3 cm	2,907.72	5,524.67	2,153.87	4,092.35

Source: A newspaper from Querétaro provided these price lists to Article 19 and Fundar in 2012

audiences, ratings and circulation to attract more advertising at higher rates.

Columnists and reporters sometimes use their positions to “blackmail” the authorities. During electoral campaigns, it is common practice for media to demand money to provide coverage. “In electoral campaigns, the media become gamblers and bet on who they think will win and usually bet on who has more resources,” commented an academic from Querétaro. Another interviewee reported a three million peso contract to cover a candidate’s campaign for governor.

There are different prices for government advertising and commercial ads. Many interviewees confirmed that this is common practice in many media⁶², and governments are often charged twice the commercial rate.

In Querétaro, respondents stated that in most cases, entrepreneurs have family relationships with politicians or economic interests that influence their behavior. In Sonora, some small media that suffered the withdrawal of government advertising also suffered the withdrawal of private advertisers, given the close relationship between political and economic elites. However, exceptions exist: in the state of León, the A.m. newspaper survived on commercial advertising and its owner’s funding while it was denied state advertising for an extended period.

In Oaxaca, media reported the absence of private advertisers because of the scarcity of private enterprises. In Sonora, some interviewees described the passivity and “comfort” of the media, which are used to living off government advertising and do not seek other means of financing.

Difference between official press coverage data and information obtained during interviews in the State of León (2010)

Newspapers	Media circulation based on the National Written Press Register	Media circulation based on interviews
El Correo	14,929 daily copies	-
El Heraldo	17,917 daily copies	9,000-10,000 daily copies
El Sol de León	León: 11,567 daily copies	Less than 5,000 daily copies
El a.m. de León	Monday to Saturday: 19,589 daily copies Sundays: 23,000 daily copies	13,000-18,000 daily copies
Milenio León	9,433 daily copies	4,200 daily copies

Source: Article 19 and Fundar 2010, based on National Written Press Register and interviews

3.6 “Chayote”: buying favorable coverage

Reporters are underpaid and face many hurdles in their work. Among them are lack of employment security, a high level of competition for work, violations of labor provisions, and a broad range of physical risks going all the way to murder. Journalists who are starting their careers can expect a salary from 3,000 to 4,000 pesos per month (226 to 300 USD). In Oaxaca, interviewees said that journalists are paid 30–40 pesos (2.5 to 3 USD) for each published article. Often, journalists must find a second job to survive or opt for less legal or ethical solutions such as those described below.

Since the 1960s, the name of the fruit chayote has been used as a colloquial term for bribes taken by journalists. This practice still exists across Mexico. Journalists often live in part on advertising con-

tracts. A percentage (between 5 and 10 percent) of the contract is assigned to reporters. Several journalists and civil servants interviewed confirmed the typical process: reporters cover an official event, publish the article, and then find the civil servant to receive payment for the coverage.

There are other types of “state support” to journalists. Some receive formal appointment as advisors to the government “to justify the monthly payments made to them,” explained a print media editor or through informal practices such as gifts. In Querétaro, reporters celebrate the freedom of expression day with the state governor. During the ceremony, refrigerators, televisions, and even houses are raffled, interviewees reported.

THE END OF “CHAYOTE” IN THE STATE OF GUANAJUATO

Interviewees stated that chayote disappeared in Guanajuato in 1991 after the state’s first change in political power. The long-ruling PRI was defeated and a governor from the right wing National Alliance Party [PAN] elected. “On taking office, the Governor wanted to break with old practices. A list of journalists receiving “chayote” was published. This practice ended in Guanajuato while it still persists in other states,” said an editorial manager. Political change was not the only cause for the demise of chayote in Guanajuato. An editorial director recognized the significant role of the newspaper *A.m.* in promoting a code of ethics for its journalists that prohibited accepting gifts and money. Other media outlets followed this example.

Conclusion

The urgent need for reform that introduces transparency and regulation of government advertising demanded by Mexico's civil society is at least nominally recognized by both the legislative and executive branches. Regulatory gaps and loopholes continue to permit governments on all levels to strongly influence media outlets' editorial line through governmental advertising allocation.

Constitutional reform should be an important path to transforming relationships between media and government. Yet despite a wide array of repeated promises, initiatives, and explicit commitments by Mexico's senior-most leaders, there is neither progress in the regulation of government advertising nor substantial changes in public policy. Creating such regulations is a presidential and consensus political party promise that remains unmet.

This report demonstrates the soft censorship and corrupting influence that unconstrained official advertising exerts on Mexico's media. These practices negatively impact media quality, limit freedom of expression, violate the right to public information, and stifle public debate that is essential to democracy.

Mexico's governments and some media outlets continue to preserve this symbiotic status quo that serves their economic and political interests. The country's political leaders and some media owners must be made accountable for such abuses. Until these practices are changed, many Mexican media will remain tools of politicians and special interests, rather than independent watchdogs and platforms for democratic debate.

Annex 1. Interviews (2010-2013)

Interviewees included:

- 42 journalists, anchors, correspondents, news editors, editorial director, media executive director, and media owners.
- 12 senior officials, including undersecretaries, communications directors, and commissioners of transparency and electoral oversight bodies.
- Four academics
- Three NGO representatives
- Two congressmen
- Four trade unionists and members of journalist associations

POSITION	INSTITUTION	DATE	PLACE
Former communication director	Federal Government	2010	Mexico City
Former IFE commissioner	Federal Electoral Institution	2014	Mexico City
Academic, former high-level civil servant	EGAP	2010	Mexico City
Journalist and media specialist	Proceso (a weekly)	2010	Mexico City
Academic, media specialist	UNAM University	2010	Mexico City
Journalist and consultant	Federal Electoral Institute (IFE)	2010	Mexico City
Communication director	Government of Mexico City	2010	Mexico City
Commercial assistant manager	Proceso	2010	Mexico City
Undersecretary	Federal government	2010	Mexico City
Director	Emeequis (a weekly)	2010	Mexico City
Director	Proceso	2013	Mexico City
Director	Magazine Forum	2010	Mexico City
News director	Telemax	June 2010	Sonora Field trip
Director	Diario de Sonora	June 2010	Sonora Field trip
Director	El Imparcial	June 2010	Sonora Field trip
Director	Dossier Político	June 2010	Sonora Field trip
Commercial director	Expreso	June 2010	Sonora Field trip
Local legislator (PRI) and media owner	Tribuna	June 2010	Sonora Field trip
Director	Mujer y Poder	June 2010	Sonora Field trip
News anchor for Azteca TV	Azteca TV	June 2010	Sonora Field trip
Journalist and news anchor	Televisa , El imparcial and Radio SA	June 2010	Sonora Field trip
Communication secretary	Sonora State government	June 2010	Sonora Field trip
Director	Radio Capital	June 2010	Sonora Field trip
Director	Infogenero (Web)	June 2010	Sonora Field trip
Communications coordinator	Chihuahua Government	2010	Chihuahua Field Trip
Information director	Communications Office, Chihuahua Government	2010	Chihuahua Field Trip
Editor in Chief	El Diario	2010	Chihuahua Field Trip

President	Comunicadores y Periodistas Asociados de México (COMUMEXAC)	2010	State of Mexico Field Trip
Director	Unión de Periodistas y Editores del Estado de México	2010	State of Mexico Field Trip
Editor	La Causa	2010	State of Mexico Field Trip
Freelance journalist		2010	State of Mexico Field Trip
Editor	La Tribuna	2010	State of Mexico Field Trip
Editor	Agenda Informativa	2010	State of Mexico Field Trip
Member	Union de Periodistas Regionales del Estado de México	2010	State of Mexico Field Trip
Editor	El Valle newspaper	2010	State of Mexico Field Trip
	Municipium magazine	2010	State of Mexico Field Trip
Editorial director	Milenio	September 2010	Field trip In Guanajuato
Director	Radio Poderosa	September 2010	Field trip In Guanajuato
Editorial director	Heraldo del Bajío	September 2010	Field trip In Guanajuato
Former commissioner	State Transparency Institute	September 2010	Field trip In Guanajuato
Director	El Sol de León	September 2010	Field trip In Guanajuato
Editorial director	a.m.	September 2010	Field trip In Guanajuato
Director	a.m.	September 2010	Field trip In Guanajuato
Commissioner	Local Transparency Institute	July 2012	Oaxaca Field trip
Director	ADiario	July 2012	Oaxaca Field trip
News director	Radio Oro	July 2012	Oaxaca Field trip
Correspondent	Proceso	July 2012	Oaxaca Field trip
News director and anchor	TV Azteca (Local)	July 2012	Oaxaca Field trip
Transparency director	Oaxaca Government	July 2012	Oaxaca Field trip
Former legislator	Local Congress	July 2012	Oaxaca Field trip
News director	RPO	July 2012	Oaxaca Field trip
Legal director	AMEDI (local NGO on right to know)	July 2012	Oaxaca Field trip
Director	Radio Nhandia (Community radio)	July 2012	Oaxaca Field trip
Academic	Colegio Oaxaqueño de Comunicación A.C.	July 2012	Oaxaca Field trip
Director	Despertar	July 2012	Oaxaca Field trip
Director	Noticias Voz e imagen (TV)	July 2012	Oaxaca Field trip
Communication secretary	Oaxaca Government	July 2012	Oaxaca Field trip
Editorial director	Plaza de Armas	September 2012	Queretaro Field trip
Trade unionist	Radio and TV Union	September 2012	Queretaro Field trip
Journalist	Plaza de Armas, El Universal y la Jornada	September 2012	Queretaro Field trip
Director	Mensajero de la Sierra Gorda	September 2012	Queretaro Field trip
Editorial director	El Universal	September 2012	Queretaro Field trip
Academic and media specialist	Queretaro University	September 2012	Queretaro Field trip
Investigator	Locallis (Local NGO)	September 2012	Queretaro Field trip
Journalist	Ladobe (Internet)	May 2012	Puebla Field trip
Journalist	La Jornada de Oriente	May 2012	Puebla Field trip
Academic	Local NGO (Amedi)	May 2012	Puebla Field trip

Annex 2. Media consumption

in Mexico 2000 vs. 2011

(Percentage of positive answers)

	2000		2011		
	Consume	Do not consume	Consume	Do not consume	
Magazines	43.00%	57.00%	27.00%	73.00%	-16%
Open TV	98.70%	01.30%	97.00%	03.00%	-1.7%
Radio	82.40%	17.60%	81.00%	19.00%	-1.4%
Internet	15.20%	84.80%	30.40%	69.60%	15.2%
Pay TV	13.50%	86.50%	40.50%	59.50%	27%
Written Press	37.90%	62.10%	27.00%	73.00%	-10.9%
Internet mobile			07.30%	92.70%	

Source: SWS Consulting Group "La Publicidad en México en un Contexto Global 2012" available at: <http://www.slideshare.net/swstrategists/sws-publicidad>. Translation by ARTICLE 19.

Annex 3. Government Advertising Legal Framework

Article	Law	Provision
Article 1	Political Constitution of the United Mexican States	Obliges authorities to promote and guarantee human rights according to the Constitution and the Human Right International Treaties.
Article 6	Political Constitution of the United Mexican States	Recognizes right to information as a human right and establishes the bases for the allocation of concessions of TV and radio frequencies (telecommunications)
Article 7	Political Constitution of the United Mexican States	Recognizes free press as a human right and prohibits the use of indirect ways to obstruct information flow.
Article 41	Political Constitution of the United Mexican States	Gives the Federal Elections Institute authority to control the official time in television and radio.
Article 134	Political Constitution of the United Mexican States	Prohibits the use of official advertising as propaganda and obliges government to spend public resources in a transparent, economic and honest way.
Article 228.5	Federal Code for Electoral Institutions and Procedures	Establishes that the publication of the annual report of labor is not considered as propaganda in terms of article 134 of the Political Constitution.
Article 347.1	Federal Code for Electoral Institutions and Procedures	Prohibits the use of public advertising during electoral campaigns.
	Expenditure budget Act	Limits the allocation of resources on official advertising to a fixed percentage and establishes the obligation to use all the official time (free time in radio and television) available before buying advertising.
	Public Procurement and Concessions Act	Regulates the allocation of public services when purchasing goods or services from the private sector.
Article 7	Transparency and access to information federal Act	Obliges authorities to publish, proactively, all information related to budget allocation, including the beneficiaries of this spending.
	Federal Public Administration General Guidelines for the allocation of resources for social communication campaigns.	Establishes criteria for the allocation of public resources regarding official advertising and the rules to plan this expenditure by the federal public administration (Presidency and Ministries)

Annex 4. Bills on official advertising (2002-2012)

Date	Sponsor Congressman/woman	Party	Bills
19-mar-02	Dip. Lorena Beauregard	PRI	Ley Federal para la Regulación y Control de la Publicidad Gubernamental en materia de Prensa, Radio y Televisión
02-dec-03	Dip. Cristina Portillo Ayala	PRD	Ley Federal de Equidad y Transparencia para la Publicidad Institucional
08-dec-05	Sen. Dulce María Sauri	PRI	Ley Federal de Comunicación Gubernamental a la Ciudadanía
14-may-07	Dip. Jacinto Gómez Pasillas	PNA	Reforma a los artículos 93, 115, 116 y 122 de la Constitución y 8 de la Ley Federal de Responsabilidades de los Servidores Públicos
11-jul-07	Sen. Graco Ramírez	PRD	Proyecto de decreto por el cual se reforman y adicionan disposiciones de la Ley de Adquisiciones, Arrendamientos y Servicios del Sector Público y de la Ley Federal de Presupuesto y Responsabilidad Hacendaria
23-oct-07	Sen. Carlos Sotelo	PRD	Iniciativa de ley que Regula la Publicidad del Estado
01-dec-09	Dip. Jaime Cárdenas	PT	Iniciativa de ley en materia de publicidad de Estado
22-feb-11	Dip. César Augusto Santiago	PRI	Ley Federal de Propaganda Institucional
29-mar-11	Sen. Pablo Gómez Álvarez	PRD	Ley General de Propaganda Gubernamental
26-apr-11	Dip. Javier Corral Jurado	PAN	Ley Federal de Comunicación Gubernamental
26-apr-11	Sen. Emma Larios Gaxiola	PAN	Ley Federal de Publicidad Oficial
04-sep-12	Sen. Javier Corral	PAN	Ley General de Propaganda Gubernamental
13-nov-12	Se. Armando Ríos Pitter	PRD	Ley General de Propaganda Gubernamental

Annex 5. One page of the *Proceso* Comparative Advertising Report from 1994-2010

MAGAZINE	PROCESO	MILENIO	VERTIGO	EMEEQUIS
03/01/2010	0	0	0	0
10/01/2010	0	0	2	0
17/01/2010	0	0	3	0
24/01/2010	0	0	3	1
30/01/2010	0	0	1	1
07/02/2010	0	0	1	0
14/02/2010	0	0	1	0
21/02/2010	0	0	1	0
28/02/2010	0	0	0	0
07/03/2010	0	0	0	0
14/03/2010	0	1	1	0
21/03/2010	0	0	1	0
28/03/2010	0	2	2	0
04/04/2010	0	2	2	0
11/04/2010	0	0	1	0
18/04/2010	0	0	2	0
25/04/2010	0	0	1	1
TOTAL	0	5	22	3

Annex 6. Social communication spending and government advertising spending of the Federal Public Administration (thousand pesos)

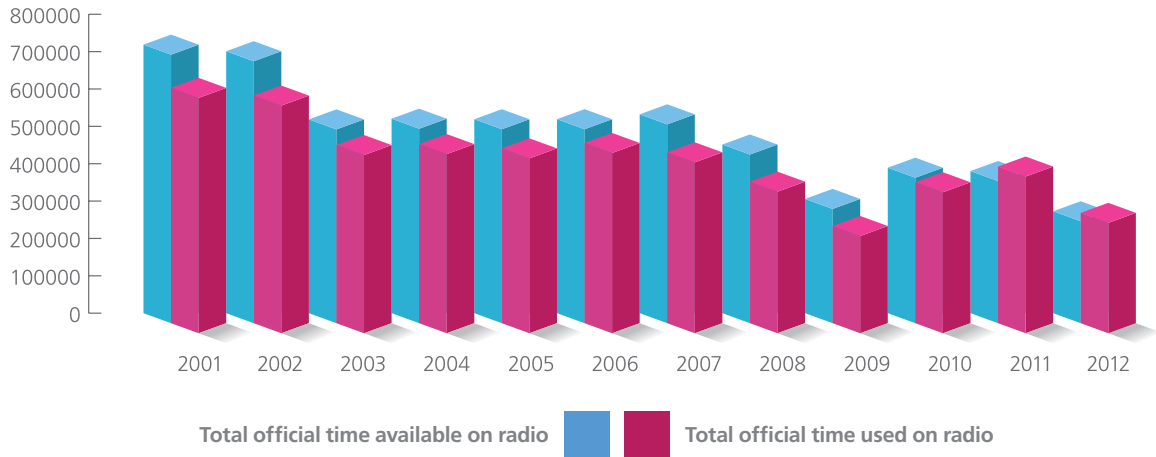
	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
FEDERAL GOVERNMENT												
Presidency	71 375,3	26 434,8	25 723,0	33 360,4	35 236,7	33 215,0	33 061,9	30 172,3	32 721,1	38 662,0	37 105,8	26 222,3
Ministry of Interior	89 155,9	34 372,1	31 797,6	23 212,7	2 670,7	18 680,2	15 959,1	19 980,0	45 162,9	29 544,1	73 587,1	86 641,5
Foreign Affairs	30 535,2	4 188,1	2 512,7	7 480,2	3 129,5	5 309,0	4 519,6	6 360,0	5 438,2	26 163,3	5 646,2	6 562,8
Finance	23 919,2	32 565,4	53 948,3	149 280,1	243 849,5	270 661,2	151 442,7	370 996,8	298 043,0	169 171,4	184 049,8	183 557,6
National Defense	106,9	530,1	559,2	405,5	266,3	108,0	111,2	47 052,2	3 138,3	14 688,3	90 571,7	92 335,8
Agriculture	12 696,5	14 879,4	23 822,1	9 278,5	5 076,8	6 020,9	7 462,9	7 396,3	121 484,1	86 889,4	101 193,7	103 256,7
Secretary of Communication	16 785,9	10 038,6	23 155,9	29 415,0	8 334,8	15 465,4	13 876,8	11 342,9	32 646,1	308 551,9	125 055,9	85 615,6
Economy	14 165,3	24 744,0	27 467,8	30 327,4	27 201,4	28 875,6	14 386,4	23 208,7	15 581,7	15 738,7	15 840,4	20 852,8
Education	69 026,8	30 417,7	26 084,8	23 937,0	33 530,3	33 289,9	31 753,5	130 656,2	73 599,0	114 371,8	105 692,8	154 751,1
Health	34 787,9	36 343,4	35 711,3	16 534,4	9 892,2	9 154,9	83 896,3	82 582,0	486 318,1	659 308,1	1 509 696,1	2 124 366,3
Navy	473,6	191,8	172,6	700,0	630,0	630,0	700,0	1 399,4	2 800,0	717,5	69 999,9	70 000,0
Labor	10 453,5	9 182,9	10 575,0	13 069,5	3 928,6	10 846,3	55,2	25 767,8	24 346,4	23 541,8	21 893,9	22 500,0
Agrarian Reform	2 127,7	1 119,0	1 329,2	7 413,4	7 684,7	8 994,5	8 994,8	8 176,4	6 134,0	8 445,5	8 036,4	5 606,0
Environment	5 664,3	3 994,7	2 547,7	2 302,4	2 070,0	1 770,8	1 532,7	1 690,5	2 893,5	1 347,4	1 654,4	22 995,4
Attorney General's office	6 788,8	6 080,8	13 101,5	14 952,1	11 372,3	12 847,8	3 812,0	81 000,0	148 676,5	29 567,9	86 191,9	111 018,2
Energy	4 421,6	2 305,0	2 208,2	1 581,2	2 723,7	2 208,0	11 660,7	2 540,7	3 049,7	2 465,5	2 497,7	2 505,3
Social development	7 159,1	12 294,7	5 801,1	5 010,7	8 012,1	7 477,6	9 651,9	9 668,7	14 615,4	25 964,3	20 056,7	63 035,0
Tourism	6 306,1	9 105,9	4 817,0	9 344,1	9 169,8	8 449,3	8 992,7	8 389,4	7 595,1	7 578,2	9 136,3	10 547,0
Public administration	3 064,7	4 250,3	7 487,1	5 100,8	8 903,2	10 171,5	7 510,8	9 427,1	22 764,6	19 315,7	14 601,8	11 360,3
Agrarian tribunals	0,0	0,0	0,0	0,0	0,0	0,0	0,0	0,0	0,0	0,0	0,0	0,0
Public Security	0,0	34 501,2	43 930,1	44 845,1	37 224,8	46 139,6	49 385,1	30 588,0	44 884,3	98 610,8	85 803,1	55 959,0
National Council for Science and Technology	13 133,6	20 640,9	13 194,9	9 706,5	8 228,4	9 594,9	10 786,8	10 607,8	10 840,3	12 343,9	5 276,9	8 059,2
No sectorized	2 158,4	3 569,4	6 083,9	3 640,0	0,0	9 367,5	19 499,1	17 760,2	11 580,1	8 445,1	1 165,7	9 916,2

Federal Public Administration	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
ENTITIES UNDER THE DIRECT BUDGETARY CONTROL OF THE GOVERNMENT												
Mexican Social Security Institute	152 466,1	200 312,2	500 910,4	357 584,9	463 329,0	432 327,7	274 294,0	298 182,2	364 146,4	447 527,1	542 819,2	623 157,9
Petróleos Mexicanos PEMEX	158 271,1	200 842,3	183 782,0	193 441,4	226 231,2	228 344,9	214 405,1	407 143,7	235 909,4	251 835,9	253 594,7	347 147,7
Federal Electricity Commission	61 632,6	107 160,3	104 131,4	93 919,8	92 489,3	108 952,4	120 617,1	112 062,5	235 318,8	243 415,8	257 612,9	379 406,1
LFC (Light and Power Company)	14 914,5	15 070,6	38 081,8	36 480,0	43 432,5	38 067,1	36 181,2	31 049,8	2 225,3	0,0	0,0	0,0
ISSSTE (Institute for Social Security and Services for State Workers)	21 173,7	19 678,6	24 781,6	25 829,1	15 907,6	20 219,8	255 963,5	294 280,4	28 406,5	29 858,9	44 197,0	42 351,7
ENTITIES UNDER THE INDIRECT BUDGETARY CONTROL OF THE GOVERNMENT												
Ministry of Interior	22 258,0	25 086,7	11 905,4	11 019,5	49 055,1	29 940,1	26 247,4	198 114,5	207 242,9	266 529,6	182 730,5	384 113,4
Finance	715 355,2	745 650,0	837 537,0	687 148,6	819 377,4	740 133,3	985 023,7	1 063 636,6	1 091 572,4	1 110 182,6	1 311 782,0	1 104 399,4
Agriculture	4 294,8	5 815,7	1 561,6	1 497,8	3 857,3	6 377,7	7 194,6	19 750,2	29 372,3	31 439,7	8 055,0	12 942,5
Secretary of Communication	19 416,5	25 957,8	40 755,8	38 192,0	32 443,8	39 146,4	48 693,5	83 686,2	69 656,1	67 285,7	61 616,6	86 789,6
Economy	13 814,3	14 985,1	8 197,6	9 225,2	8 153,6	34 303,1	26 515,6	39 288,8	85 486,1	56 487,8	44 673,4	69 899,5
Education	280 987,5	224 748,9	151 102,1	123 292,7	105 448,8	123 749,6	140 375,2	168 843,0	197 691,0	176 260,2	246 806,4	234 759,1
Health	3 266,8	9 449,7	4 731,6	3 789,0	4 572,1	39 647,5	78 199,4	244 609,4	459 652,0	450 962,5	663 020,5	420 313,1
Labor	641,6	4 013,1	5 280,8	10 399,4	11 033,6	14 574,4	18 162,3	29 652,6	18 440,8	39 142,1	48 521,3	38 470,1
Agrarian Reform	4 006,1	2 252,8	2 537,1	2 475,9	2 637,8	3 787,6	1 242,7	1 152,4	1 240,0	1 200,0	1 450,1	1 439,4
Environment	16 928,4	36 095,1	23 705,1	26 670,5	51 118,6	64 048,0	61 896,3	57 144,0	81 152,2	90 973,8	39 785,6	134 071,1
Attorney General's office	0,0	0,0	0,0	0,0	0,0	0,0	0,0	0,0	0,0	0,0	0,0	0,0
Energy	0,0	4 916,6	473,8	473,8	264,5	243,0	182,5	230,0	214,0	276,8	0,0	269,3
Social development	2 868,3	10 725,0	23 585,5	21 881,2	21 182,3	21 884,4	26 908,7	38 027,8	45 954,9	52 773,9	36 127,0	232 089,1
Tourism	17 960,4	13 072,8	763 743,9	613 839,1	862 699,8	840 732,2	1 288 182,2	1 451 858,6	1 986 709,3	1 349 860,7	1 483 715,3	1 040 218,4

Source: Statistical index of the first annual report of President Enrique Peña Nieto

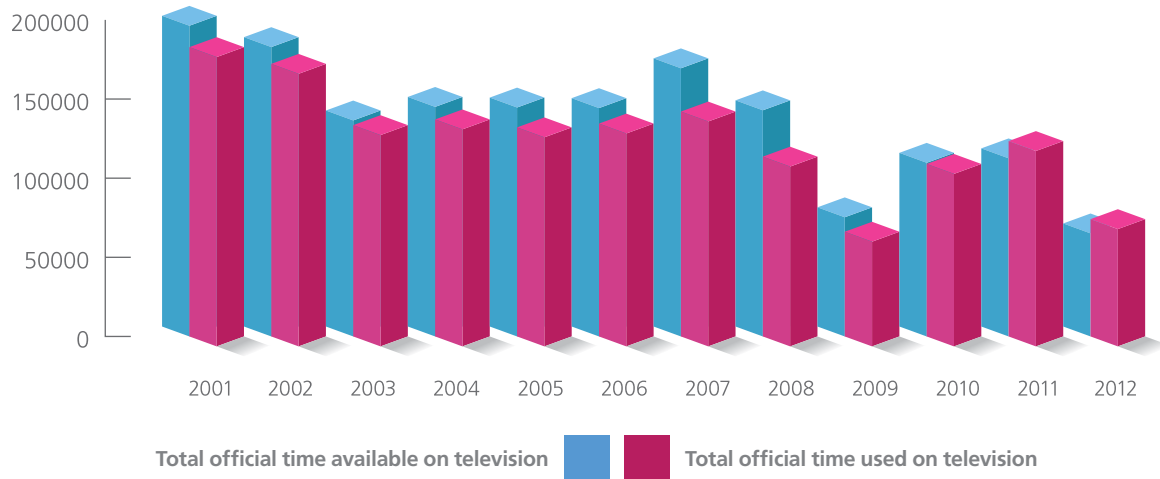
Annex 7. Report on the use of “official time” on radio and television

Federal government use of “official time” on radio (hours)



Source: Statistical index of the first annual report of President Enrique Peña Nieto

Federal government use of “official time” on television (hours)



Source: Statistical index of the first annual report of President Enrique Peña Nieto

Annex 8. Puebla State change in power in 2010 and its impact on the allocation of government advertising:

Evolution of the allocation of political advertising in three Puebla newspapers before and after the 2010 election (pesos)

Media outlet	2008	2009	2010 (election)	2011 (first year of political alternation)
<i>Síntesis</i>	4,500.00	0	1,543,913.03	10,091,400.00
<i>El Heraldo de Puebla</i>	12,233,126.30	11,110,151.04	10,672,000.00	0
<i>Status</i>	4,427,500.00	3,450,000.00	3,045,000.00	16,008.00

Source: Fundar, based on official figures released in May 2012 by the Puebla government.

Endnotes

- 1 Research activities of the Official Publicity Project included the creation of a database containing information on government-sponsored advertising. These data have been obtained by extensive access to information requests and budget analyses at federal and local levels (www.publicidadoficial.com). The project also reported the first inclusive analysis of official publicity at a local level [please see ARTICLE 19 y Fundar, *El costo de la legitimidad: el uso de la publicidad oficial en las entidades federativas*, 2013. Available at: publicidadoficial.com.mx/v2/pdf/DocPO.2011pdf.pdf.
- 2 The majority of respondents asked for confidentiality so they could speak freely about the controversial allocation of official advertising, which has serious political and financial impact and involves possibly corrupt practices. The research team agreed that offering broad anonymity to sources was necessary to build trust to obtain relevant information, and this was reasonable given the very powerful interests involved in the multibillion-dollar sector.
- 3 According to official figures, from 2007 to 2012, the federal government spent 39,040,580,390 pesos (\$3,123,246,431) on advertising. In 2011 alone, twenty-seven Mexican states spent 4.518 million pesos (\$361.44 million) on official publicity.
- 4 All the USD amounts are based on the 28/02/2014 currency rate.
- 5 Calculation based on 2011 information.
- 6 Office of the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights (IACHR), Principles on the regulation of government advertising and freedom of expression, 2012. Available at: www.oas.org/en/iachr/expression/docs/publications/ADVERTISING%20PRINCIPLES%202012%2005%2007%20reduce.pdf
- 7 These reforms include the creation of a new, autonomous regulatory body with power to revoke operating licenses for monopolistic practices and to bar companies from controlling more than 50 percent of market share.
- 8 Global Reporting Initiative (GRI), Sustainability Reporting Guidelines Media Sector Supplement, May 2012. Available at: www.globalreporting.org/resourcelibrary/MSS-Complete.pdf
- 9 Rafael Rodríguez Castañeda, *Prensa vendida: los periodistas y los presidentes: 40 años de relaciones*, 1993, editorial Grijalbo.
- 10 From 2010 to 2013, Fundar and Article 19 analyze official publicity budget expenditures at federal and state levels and documented stakeholders' practices on that subject. The results of the research are available at: www.publicidadoficial.com.mx/

- 11 Art 134.8 reads: “La propaganda, bajo cualquier modalidad de comunicación social, que difundan como tales, los poderes públicos, los órganos autónomos, las dependencias y entidades de la administración pública y cualquier otro ente de los tres ordenes de gobierno, deberá tener carácter institucional y fines informativos, educativos o de orientación social. En ningún caso esta propaganda incluirá nombres, imágenes, voces o símbolos que impliquen promoción personalizada de cualquier servidor público. (Adicionado mediante decreto publicado en el diario oficial de la el 13 de noviembre de 2007).” Translation: “The propaganda that the political parties, the autonomous organs, branch offices, and entities of the public administration and any other organism of the three branches of government spread under any form of social communication shall be of institutional kind and meant to inform, educate, or provide social orientation. Such propaganda shall not include names, images, voices, or symbols that imply the promotion of some public servant.”
- 12 Gómez, R., Sosa, G., Téllez, P., and Bravo, J., *Mapping digital media in México*, 2011, Open Society Foundation, p.15. Available at <http://www.opensocietyfoundations.org/reports/mapping-digital-media-mexico>
- 13 According to the Media Agencies Association (Asociación de Agencias de Medios), the total advertising market in Mexico in 2012 was 65 billion pesos, (4.9 billion USD), taking into account the three more important sectors: government, direct clients, and media agencies. Of this market, 61 percent went to TV (53 percent broadcast TV and 8 percent pay TV). Asociación de agencias de medios, *Valor del mercado de Medios 2012*, available at: www.aamedios.com/docs/Valor_del_Mercado_de_Medios_2012.pdf
- 14 Gómez, R., Sosa, G., Téllez, P., and Bravo, J. *Mapping digital media in México*, 2011, Open Society Foundation. Available at: www.opensocietyfoundations.org/reports/mapping-digital-media-mexico
- 15 Instituto Nacional de Estadística y Geografía (INEGI), National Census, 2010. Available at: www.inegi.org.mx
- 16 Latin American Multichannel Advertising Council (LAMAC), Available at: www.lamac.org/america-latina-ingles/
- 17 OECD. OECD Review of Telecommunication Policy and Regulation in Mexico 2012, OECD Publishing. Available at: dx.doi.org/10.1787/9789264060111-en
- 18 The time rose from 202 minutes per person in 2008 to 219 minutes in 2009.
- 19 Radio Comunicación Estratégica, 2010. Available at: rceguia.com
- 20 There are 1,404, according to radiotvmexico.net

- 21 National Written Press Register (Padrón nacional de medios impresos). Available at: pnmi.segob.gob.mx/
- 22 Gómez, op. cit.
- 23 Freedom House, *Freedom of the net*. Available at: www.freedomhouse.org/report/freedom-net/2013/mexico
- 24 Gómez, op. cit.
- 25 World Association of Newspapers and News Publishers, "A Death Threat to Freedom: A Report on Violence Against Mexico's Press, 2012." Available at: www.wan-ifra.org/articles/2012/09/04/violence-destroying-press-freedom-in-mexico-a-wan-ifra-report
- 26 Artículo 19. Available at: articulo19.org/a19-media/publicaciones/ and www.wan-ifra.org/articles/2012/09/04/violence-destroying-press-freedom-in-mexico-a-wan-ifra-report
- 27 The reform is available at: dof.gob.mx/nota_detalle.php?codigo=5301941&fecha=11/06/2013
- 28 Political Constitution of the United Mexican States, Article 6, part B sections II, III and IV.
- 29 COFETEL disappeared when it was replaced by IFETEL, an independent oversight body responsible for awarding commercial, public, private, and social concessions to different suppliers.
- 30 Diego de la Mora, Abuso de la publicidad oficial, January 1, 2009. Available at: www.etcetera.com.mx/articulo.php?articulo=3904
- 31 Art. 41 reads: "Durante el tiempo que comprendan las campañas electorales federales y locales y hasta la conclusion de la respectiva jornada comicial, debera suspenderse la difusion en los medios de comunicacion social de toda propaganda gubernamental, tanto de los poderes federales y estatales, como de los municipios, organos de gobierno del distrito federal, sus delegaciones y cualquier otro ente público. las unicas excepciones a lo anterior seran las campañas de informacion de las autoridades electorales, las relativas a servicios educativos y de salud, o las necesarias para la proteccion civil en casos de emergencia." Translation: "During the time comprised by the federal and local electoral campaigns, until the end of the respective electoral journey, diffusion of governmental propaganda, whether from the federal and local powers, or from the municipalities, government entities of the federal district, the delegations thereof and any other public entity shall be suspended. The only exceptions to this shall be the information campaigns divulged by the electoral authorities those related to educational or public health services, or those necessary for civil protection in case of an emergency."

- 32 2014 General Guidelines. Available at: www.dof.gob.mx/nota_detalle.php?codigo=5328423&fecha=30/12/2013
- 33 Ernesto Villanueva, *Publicidad Oficial, transparencia y equidad*, 2010.
- 34 For example, the general norms related to Social Communication Matters for the Executive Power of the Federal District establishes that: “Contracting information, dissemination, and publicity services with private or official media, will be done along with the commercial rates properly accredited; the penetration, audience and reading guaranteed by the official and professional institutions that study them, as well as the ideal coverage for each campaign.”
- 35 “Moreno Valle gastó 56 mdp para promocionar su primer informe,” *Animal Político*, July 2012. Available at: www.animalpolitico.com/2012/07/moreo-valle-gasto-56-millones-para-promocionar-su-primer-informe/#axzz2qmPpmKqJ
- 36 “El Gobernador de Chiapas se autopromueve en el DF y en estados del centro del país, aunque la Ley lo prohíbe,” *Sin Embargo*, 17 December 2013. Available at www.sinembargo.mx/17-12-2013/848459
- 37 Álvaro Delgado, “Velasco reconoció que gastó 130 millones de pesos en publicidad,” *Proceso*, January 8, 2014. Available at: www.proceso.com.mx/?p=361845
- 38 Enrique Peña Nieto, “El comienzo del cambio,” *Reforma*, July 16, 2012.
- 39 Available at: pactopormexico.org/acuerdos/
- 40 Office of the Special Rapporteur, 2010 *Special Report on Freedom of Expression in Mexico*, March 2011, page 97. Available at: www.oas.org/en/iachr/expression/reports/country.asp
- 41 *Ibid.*, pp. 75–78.
- 42 E. Eduardo Castillo and Michael Weissenstein, “Fight over Mexican telecom frequencies turns ugly,” *Associated Press*, August 22, 2012. Available at: finance.yahoo.com/news/fight-over-mexican-telecom-frequencies-turns-ugly-205912334--finance.html
- 43 Article 28 of the Political Constitution of the United Mexican States.
- 44 Fifth Transitory Article of the Constitution of the United Mexican States.
- 45 For explication of official time, see chapter 2.6.2.

- 46 Office of the Special Rapporteur. Op. cit., page 71. "In 2006, a set of amendments to the Federal Telecommunications Law and the Law on Radio and Television were adopted. Later, in June 2007, the Supreme Court declared several of these amendments unconstitutional. For example, the Court invalidated the automatic renewal of radio and television concessions without requiring the bidding process set forth in Federal Telecommunications Law Article 16. The Supreme Court considered that direct granting of concessions 'fosters situations of concentration with regard to broadcasting concessions, instead of the free and healthy competition that allows equitable access to communications media for all those interested in using bandwidth on the broadcast spectrum.' The Supreme Court also struck down Article 17-G of the Federal Law on Radio and Television, which established the granting of concessions by public auction, because 'anything that favors economic interests in granting concessions to frequencies for providing broadcast services favors the monopolization by economically powerful groups of mass communications media, thereby impeding pluralistic participation and the entry of new agents or entities into the sector.' Finally, among many other aspects, the Supreme Court ruling declared unconstitutional several of the discretionary powers related to granting permits that Article 20 of the Federal Law on Radio and Television attributed to the Ministry of Communications and Transportation, because these placed 'those applying for permits in a serious state of legal uncertainty.'"
- 47 Francisco Reséndiz, "Si la tv hiciera presidentes, usted lo sería: Peña a AMLO," *El Universal*, May 6, 2012. Available at www.eluniversal.com.mx/notas/845692.html
- 48 Redacción, "Policía Federal "castiga" a medios de "línea dura": Diario de Juárez denuncia que lo excluye de publicidad oficial," *Sin Embargo*, February 29, 2012. Available at www.sinembargo.mx/29-02-2012/166647
- 49 The CNDH has limited powers as described by Human Rights Watch February 2008 report, *Mexico's National Human Rights Commission: A Critical Assessment*: "The CNDH's modus operandi entails investigating and documenting human rights abuses and then employing a variety of instruments to resolve the cases. The most common instrument used in cases of serious human rights abuses is a public document that details the violations and identifies steps that state institutions should take to redress them. This document is formally known as a *recomendacion*, 'recommendation.' (A *recomendacion* often contains multiple specific recommendations directed at multiple state agencies.) When documenting generalized practices or systemic abuses, the CNDH may issue a 'special report' or a 'general recommendation,' which also usually recommend ways in which the government should address the documented abuses." www.hrw.org/sites/default/files/reports/mexico0208_1.pdf

- 50 Recommendation available at: www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_035.pdf
- 51 Available at: hwww.dof.gob.mx/nota_detalle.php?codigo=5308401&fecha=30/07/2013
- 52 This recommendation is available at: www.cndh.org.mx/Recomendaciones
- 53 Etcétera, "La Suprema Corte reconoce la labor informativa de La Voladora, radio comunitaria del Edomex," July 14, 2011. Available at: www.etcetera.com.mx/articulo.php?articulo=8430
- 54 Available at: www.funcionpublica.gob.mx/index.php/transparencia/transparencia-focalizada/gastos-de-comunicacion-social.html
- 55 First Government Inform available at: www.presidencia.gob.mx/informe/
- 56 Claudia Guerrero, "Exigen aclarar deuda en Salud," *Reforma*, November 12, 2013. Available at: www.reforma.com/nacional/articulo/721/1440456/
- 57 For more details on official time, please see: www.rtc.gob.mx
- 58 Graphics available at publicidadoficial.com.mx/v2/?p=2147
- 59 Article 19 y Fundar, El costo de la legitimidad: el uso de la publicidad oficial en las entidades federa-tivas, 2013. Available at: publicidadoficial.com.mx/v2/pdf/P.O.FINAL.pdf
- 60 Freedom House, Freedom of the Press 2012. Available at: www.freedomhouse.org/report/freedom-press/2012/mexico
- 61 See the CNDH resolution 60/2009 on the A.m. case available at: www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2009/REC_2009_060.pdf
- 62 Different advertising rates for different sectors in not unique to Mexico. The far higher rates paid for official advertising over commercial advertising in Mexico increases governmental influence over media outlets..

© WAN-IFRA, World Association of Newspapers and News Publishers

March 2014

The contents of this report may be used in whole or part by publishers in the execution of their business. Use of any part of the content or intellectual property herein for the purpose of representation or consulting requires prior written consent of the author. Any reproduction requires prior consent of WAN-IFRA.