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LEGAL REFORMS – STATE AND LOCAL GOVERNMENT

Mexico City government passes laws for press freedom

The Mexico City government formally implemented two new laws that are aimed at protecting journalists and making it easier for them to do their jobs. The first law decriminalizes defamation, moving slander and libel cases out of the penal code and into civil court. This means journalists won't face jail time if they are found guilty of libel. The second law – a “shield” law – formally immunizes from government inquiry records of communications between reporters and sources. The package of legislation, known as the “Law of Civil Responsibility for the Defense of Honor, Private Life, and Self Image,” was voted on in late April and was registered in the city government's official gazette on 25 May.

The city law follows the very easy passage of similar federal legislation by the lower-house Chamber of Deputies in April. That legislation has yet to become law as time expired during the ordinary period before a vote could come before the Senate. Pres. Vicente Fox is said to strongly endorse the legislation that passed the lower house.

The new city laws appear to more tightly circumscribe the grounds upon which a plaintiff can claim defamation. For example, to hold up in court, a slanderous statement must now represent “an abuse of freedom of expression.” A public official may sue a newspaper for libel but to have merit the case must prove “actual malice,” i.e. that a reporter knowingly published a false statement with the intention of injuring a reputation.

The new laws give reporters and editors more breathing room. Rather than face up to 7 years in prison and onerous fines calculated at as high as 600 times the daily minimum wage, libelous journalists, or perhaps more accurately their publishers, now will be required to issue a public *mea culpa* and pay a hefty fine.

Reforma newspaper reports that over a roughly two-year period from 2004 to January 2006, 604 defamation-related cases were opened by the city attorney general's office (PGJDF). Of these, only about 70, or less than 12 percent, were brought to trial. Still the decision by the ALDF, the name for

the city's legislature, carries great symbolic importance due to the fact that the city is home to close to 80 percent of the country's journalists, according to the U.S.-based Committee to Protect Journalists.

The new legislation passed by Mexico City's legislative assembly coincides with cases dealing with press freedom in the news. Over the past months, a case brought by Mexico's first lady, Martha Sahagun de Fox, against *Proceso* newsmagazine has appeared in the press. She claims the magazine printed inaccuracies regarding the business dealings of her sons. In the case's latest twist, a panel of judges in Mexico City ruled that a comment made by President Fox should be addressed in the proceedings. Fox, the head of the executive branch, complimented his wife's assertiveness in bringing the suit – a statement that could be interpreted as speaking to the merit of her case and indirectly influencing judges.

Sources:

[Committee to Protect Journalists. "In Mexico, two bills would protect journalists." News release. 20 April 2006.](#)
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[Fuentes, Victor. "Despenalizan en silencio la calumnia." *Reforma* 25 May 2006.](#)
["Frentazo juridico." *Proceso* 21 May 2006.](#)
[United Mexican States. Chamber of Deputies. Boletín No. 2916. News release 18 April 2006.](#)
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ORDER

Declining official crime rate questioned in Mexico City

In Mexico City, official statistics that point to falling crime levels are being questioned by public safety advocates who critique the way the government arrives at the data. Meanwhile in Baja California, anecdotal reports of heightening violent crime have led residents to plead for a stronger federal police presence.

"Juan Ciudadano," the pseudonymous columnist for a group of Mexico City residents concerned with crime, along with columnist Rafael Ruiz Harrell, who focuses on public safety issues, both pointedly question the data issued last week by top Mexico City prosecutor Bernardo Batiz. In his annual report on crime statistics, Batiz says that formal criminal complaints have steadily fallen in Mexico City from 2000 through 2005. But "John Citizen," a persistent gadfly to law-and-justice public officials in Mexico, along with Ruiz Harrell, suggests that the lower figures are manipulated to serve political ends. Andres Manuel Lopez Obrador, of the center-left Democratic Revolution Party (PRD), held the Mexico City presidency from 2000 through 2005 before stepping down to run for president. He is a frontrunner in the race that is decided July 2.

Both Ruiz Harrell and Juan Ciudadano dispute the government's contention that lower rates of criminal complaints equals less crime. They say the system has so many obstacles that individuals choose not to report crimes. They cite a study by Mexico's National Chamber of Commerce that shows that only 29 percent of individuals "affected" by robbery in the first quarter of the year bothered to report the crime. Many Mexicans feel that reporting a crime is a waste of time, or they fail to report crime because they don't trust police officers.

Violence in Baja California

In northern Mexico, especially in Baja California, individual residents are quoted in newspapers as lamenting increasing rates of violent crime. They feel powerless to stop violent criminals who are committing crimes that only federal police are equipped to handle. Yet there are so many inter-agency conflicts between federal, state, and municipal forces, and cooperation is hindered. Particularly unsettling in recent weeks were the assassination attempt against Antonio Martinez Luna, public safety secretary for the state of Baja California, and an attack against an anti-drug agency in Tijuana.

Sources:

[Ciudadano, Juan. "Bátiz, Ortega y Encinas: respondan." *Reforma* 29 May 2006.](#)

[Bailey, John. "Los enigmas de Tijuana." *El Universal* 22 May 2006.](#)

[Jiménez, Benito. "Exigen a la PGR mano dura en BC." *Reforma* 24 May 2006.](#)

[Ruiz Harrell, Rafael. "Mentiras y más mentiras." *Reforma* 22 May 2006.](#)

ACCOUNTABILITY

Under fire judiciary moves to improve image

Mexico's Supreme Court announced plans that it will begin broadcasting court sessions on Cablevision and on SKY. The decision was made to improve the judiciary's image and to increase transparency. It will let Mexican viewers see how their judiciary operates as they will be able to view live sessions of the Supreme Court. Sessions involving other tribunals and other kinds of programming, including in-house news programming, also will air.

Mexico's national judiciary is under fire. It is criticized in the press. In particular, the body that oversees the country's federal courts system, the Federal Judiciary Council, is perceived as having failed to implement an adequate selection mechanism for justices, according to an article in the Mexico City daily *La Jornada*. The newspaper cites a study by a top Mexican jurist who says that the selection-and-designation system for picking and promoting judges is inadequate. The article states that, according to the study, only 4.3 percent of judges seeking promotion to a higher office passed a qualifying examination.

Sources:

[Aranda, Jesus. "La Corte critica magros resultados de 11 años de vida del Consejo de la Judicatura." *La Jornada*, 30 May 2006.](#)

["Inician transmisiones el canal de la Corte." *Milenio* 30 May 2006.](#)

ACCESS TO JUSTICE

Discrimination: A Thorn in Mexico's Side

Discrimination continues to be a major problem in Mexico and what is needed to lessen race-, sex-, age-, and religion-based forms of discrimination is a culture of human rights. Discrimination at the workplace also is a major problem in Mexico where women consistently gain lower salaries than men. Handicapped persons also are frequently overlooked for jobs, according to studies by Conapred, the national discrimination-prevention agency.

Sources:

[Comisión de Derechos Humanos del Distrito Federal. "Cuatro de Cada Diez Personas Con Discapacidad Son Rechazados Por El Sector Laboral." News release. 27 May 2006.](#)
[Woldenberg, José. "La enfermedad de la discriminación." *Reforma* 25 May 2006.](#)