

MAPPING DIGITAL MEDIA: **MEXICO**



Mapping Digital Media: Mexico

A REPORT BY THE OPEN SOCIETY FOUNDATIONS

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Mapping Digital Media

The values that underpin good journalism, the need of citizens for reliable and abundant information, and the importance of such information for a healthy society and a robust democracy: these are perennial, and provide compass-bearings for anyone trying to make sense of current changes across the media landscape.

The standards in the profession are in the process of being set. Most of the effects on journalism imposed by new technology are shaped in the most developed societies, but these changes are equally influencing the media in less developed societies.

The **Mapping Digital Media** project, which examines the changes in-depth, aims to build bridges between researchers and policy-makers, activists, academics and standard-setters across the world. It also builds policy capacity in countries where this is less developed, encouraging stakeholders to participate and influence change. At the same time, this research creates a knowledge base, laying foundations for advocacy work, building capacity and enhancing debate.

The Media Program of the Open Society Foundations has seen how changes and continuity affect the media in different places, redefining the way they can operate sustainably while staying true to values of pluralism and diversity, transparency and accountability, editorial independence, freedom of expression and information, public service, and high professional standards.

The Mapping Digital Media project assesses, in the light of these values, the global opportunities and risks that are created for media by the following developments:

- the switchover from analog broadcasting to digital broadcasting,
- growth of new media platforms as sources of news,
- convergence of traditional broadcasting with telecommunications.

Covering 60 countries, the project examines how these changes affect the core democratic service that any media system should provide—news about political, economic and social affairs.

The aim of the Mapping Digital Media project is to assess the impact of these changes on the core democratic service that any media system should provide, namely news about political, economic and social affairs.

The **Mapping Digital Media** reports are produced by local researchers and partner organizations in each country. Cumulatively, these reports will provide a much-needed resource on the democratic role of digital media.

In addition to the country reports, the Open Society Media Program has commissioned research papers on a range of topics related to digital media. These papers are published as the **MDM Reference Series**.

Mapping Digital Media: Mexico

Executive Summary

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.

The emergence of digital media has not changed this situation: digitization of broadcasting remains an exclusively market-driven process whereby the access of community media to airwaves is barred while the internet is a luxury available to a small number of citizens.

In a country ranking among the 15 largest economies worldwide, only 15 percent of households own a digital device and less than a third have a computer. Most rely on TV and radio.

Although terrestrial television has remained the favorite TV platform in the country, cable and satellite have made inroads over recent years, with non-terrestrial platforms accounting in 2009 for almost a third of the country's households, up from some 20 percent four years earlier. Although it trebled between 2005 and 2009, the internet subscription rate remained low, at under 10 percent, in 2009. However, the number of internet users was much higher at almost 30 percent that year. Mobile telephony advanced steadily with over 80 percent of Mexicans owning a mobile phone subscription in 2009.

The digital divide between developed cities such as Mexico City, Monterrey, and Guadalajara and the rest of the country has deepened in recent years as consumption of digital media grew healthily in the three developed cities and limped along elsewhere. Although digital technologies have significantly changed the media consumption habits, Mexico has remained heavily dominated by television consumption, which has continued to grow. On the other hand, press readership, traditionally low, has not been much affected by the spread of digital media.

Digital broadcasting has been dormant. After its launch in 2006 it became a reality for a modest 1.6 million households in 2009, with half of them consuming digital television through paid platforms. There are, however, government plans to introduce subsidies for people to purchase digital devices.

Mexicans are enthusiasts for news. Their preferred sources are radio, periodicals, and television. On television, newscasts are the most preferred type of programming, ahead of glitzy soap operas and Mexican and foreign films. On radio, news comes second among listeners' preferences after pop music.

Although it does not have an authentic nationwide press, Mexico still boasts an impressive number of print outlets: over 800, including 279 daily newspapers. Despite this plethora, their readership remains low and concentrated in the Federal District where the five largest dailies are published. No major changes have taken place in the past five years in the print media market. Tabloids boast higher circulations than serious newspapers. In 2010, the five largest tabloid dailies sold on average 40 percent more copies than the five bestselling serious dailies. On television, the private stations Televisa and TV Azteca have maintained their grip on the audience.

With a limited geographical reach of under half of the total Mexican households, blatant interference in its work from federal and state governments, and insufficient funding, Mexican public service television plays only a marginal role in the country's television diet. The two main public stations, Once TV and Channel 22, each command less than 2 percent of the nationwide audience. The two stations are overtly elitist, with a heavy emphasis on fine arts and high culture, which brings them little social impact and low popularity. On the other hand, Mexico sports a vibrant public service sector consisting of 56 public radio and television stations. But their number does not translate into equivalent impact.

These stations have been lauded, for example, for their effectiveness in jointly purchasing high-quality programs, but otherwise they operate on frugal budgets and their staff is undertrained in handling digital equipment. Government support for the public service media has remained thin. The government has repeatedly cut the budgets of Once TV and Canal 22, which has prevented the two flagship public broadcasters from extending their footprint. Mexican public service is gathering support exclusively from civil society groups, the intelligentsia, and academia.

The internet has emerged in the past five years as a new tool for activism, with non-governmental organizations (NGOs), citizens, media, politicians, and activists taking advantage of its interactivity and immediacy to make their voices heard. Campaigns on the internet have created pressure on traditional media to tackle topics they would not otherwise cover or on state institutions to embrace new technologies. The internet has also started to be increasingly used in electoral campaigns. The impact of digital activism, however, is significantly blunted by the low internet penetration.

Social networks top the preferences of Mexican internet users, ahead of news websites. The social networking market is fragmented, but there are increasingly dominant ones such as Hi5, Metroflog, and Facebook, which gather some three-quarters of the social networking user base.

Overall, drug-traffickers, censoring state bodies, and business pressures are the main challenges for journalists in Mexico. In a country where the murder of journalists continues to ravage the profession, Mexican journalism has undergone another major crisis in recent years as advertising has migrated steadily to new media. Digitization has made news production more cost-effective, but it has not translated into better working conditions for journalists.

Apart from a small circle of well-paid journalists, reporters are underpaid and face many hurdles in their work: lack of employment security, a high level of competition for work, a broad range of risks going all the way to murder, and violations of labor provisions. Ethics in journalism are sloppy, with only a few media outlets boasting self-regulation mechanisms. Although digitization made it easier for investigative journalists to access more information, they still lack basic rights such as the protection of sources and the use of off-the-record information.

Digitization of broadcasting has been shaped thus far by industry needs. The process openly advantages the dominant commercial players, particularly the mighty Grupo Televisa. Both Televisa and TV Azteca networks have seen their licenses renewed until 2021, the deadline for analog switch-off. Today, Grupo Televisa and Televisión Azteca hold together 94 percent of the television frequencies awarded in the country.

Calls from civil society on the broadcast regulator the Federal Commission of Telecommunications (*Comisión Federal de Telecomunicaciones*, COFETEL¹) to license more stations have been in vain. Not-for-profit organizations and communities are not given an equal footing by legislation in the tenders for digital licenses. They are entitled only to air as official stations of federal or local administrations and even the procedure to obtain such an authorization is a more convoluted process than the general application for a broadcast license. Community radio is not even recognized by law.

Since 2006, the government has not granted any broadcast licenses, ignoring a total of 140 requests for frequencies. Even powerful telecommunications companies (telcos), whose involvement was expected to spur competition in the audiovisual content market, did not get access to frequencies. Telmex, the dominant fixed-line operator controlled by the world's richest man, Carlos Slim, which has the financial muscle to dismantle Televisa's domination, cannot do so because of license conditions limiting its activities. The only two fresh challenges to Televisa, besides Televisión Azteca, its sole major competitor, are Cadena Tres and Milenio, which purchased existing channels, but their audience share is very low.

1. The Federal Telecommunications Commission (COFETEL) was established by the Federal Telecommunications Act published in *the Official Gazette* on 7 June 1995. After the 11 April 2006 amendments to the aforementioned Act, and of the Federal Radio and Television Act; it was consolidated as an administrative body separate from SCT. COFETEL enjoys technical, operative, expenses, and management independence, and is in charge of regulating, promoting, and supervising the efficient development and ample social coverage of telecoms and radio broadcasting in Mexico, with full autonomy of decision-making.

Televisa's grip on Mexican broadcasting has been made possible by legislation allowing for such dominant positions, which has not changed at all in the past five years despite calls for anti-concentration provisions from civil society groups and media experts. In fact, over this period, Televisa's position was strengthened in some segments such as pay-TV, where it was allowed by regulators to enter the cable distribution businesses.

Televisa also dwarfs its competitors when it comes to financial power. The group's revenues in 2009 were more than three times higher than those of the second-largest player. In parallel, public media, meanwhile, are totally dependent on state subventions. The state is also one of the largest advertisers in the private media, which on the one hand curtails the independence of these outlets, while on the other hand it allows a slew of outlets to survive, boosting media diversity.

In recent years, several proposals from experts and civil society organizations to improve the sustainability and independence of the media have been put forward. They have included calls on the government to redirect its spending on private media towards public service media. More important, this should be part of a larger process of consolidation of public service broadcasting into a unitary system that would truly serve the public. On top of that, the country needs legal provisions that would help spawn fresh competition and diversity in the media. New entrants, including indigenous communities and not-for-profit organizations, should thus be given the right to obtain broadcast licenses, and mechanisms to ensure transparency in the licensing process should be put in place.

Context

With 112 million inhabitants, Mexico is the most populous Spanish-speaking nation in the world. Spanish coexists alongside 62 indigenous languages, which are officially recognized by the state. Mexico is a federal republic and has been moving towards democratic normality since the second half of the 1990s.

In economic terms, Mexico in the last five years has ranked among the 15 largest economies of the world with a GDP close to US\$1,000 billion in 2009. The country has been battered by the economic downturn, seeing its GDP diving in 2009, only to recover significantly in 2010. The economy is predicted to reach a higher GDP in 2012 than the pre-crisis level of 2008. In socio-economic terms, Mexico displays numerous inequalities: 47 percent of its population still lives under the poverty threshold.²

Over 93 percent of Mexicans speak Spanish. In 2005, 12.3 percent of the population speaking indigenous languages did not speak Spanish. Some 6.7 percent of the total population uses the indigenous languages. The most used indigenous languages are Amuzgo, Tzotzil, and Tzeltal. The country is predominantly ethnically mixed, with indigenous people accounting for only 10 percent of the entire population. Most Mexicans, some 88 percent, were Roman Catholic in 2005.

2. United Nations Development Programme (UNDP) (2011), *Human Development Report, 2010*, New York, Statistical annex: 161.

Social Indicators³

Population (number of inhabitants): 112.32 million (2010)

Number of households: 28.67 million (2010)

Figure 1.

Rural/urban breakdown (% of total population)

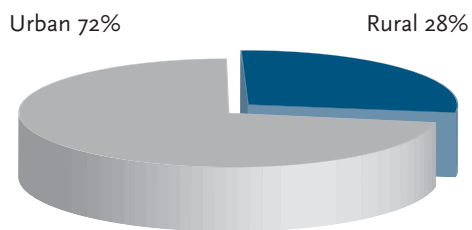
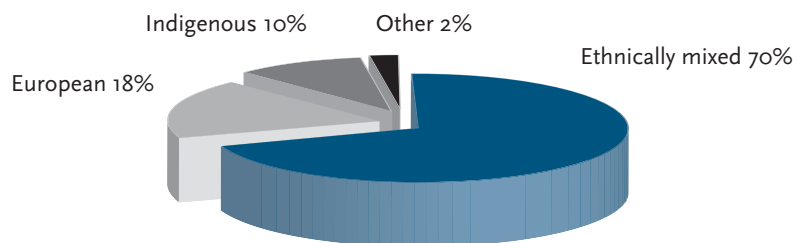


Figure 2.

Ethnic composition (% of total population)



3. National Institute of Statistics, Geography and Information (*Instituto Nacional de Estadística, Geografía e Informática*, INEGI); Agusalientes: México. Labor Observatory (Observatorio laboral), available at <http://www.observatoriolaboral.gob.mx/> (accessed 10 August 2010).

Figure 3.
Linguistic composition (% of total population)

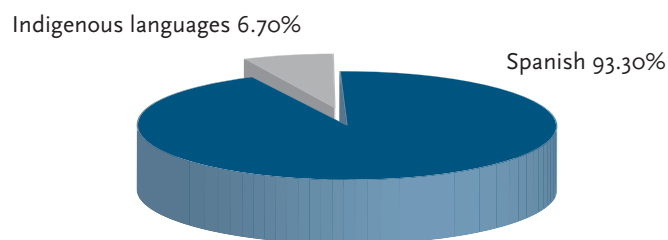


Figure 4.
Religious composition (% of total population)⁴

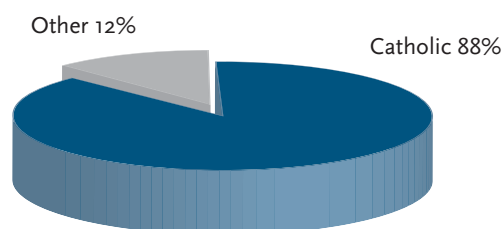


Table 1.
Economic indicators

	2005	2006	2007	2008	2009	2010	2011f	2012f
GDP (current prices) (US\$ bn)	848.94	952.5	1,025.5	1,089.9	874.9	995.9	1,065.5	1,151.4
GDP (US\$, current prices) per head	8,167	9,084	9,694	10,216	8,134	9,168	9,712	10,391
Gross National Income (GNI) (current US\$) per head	12,380	13,550	14,280	15,070	14,100	n/a	n/a	n/a
Unemployment (% of total labor force)	3.2	3.6	3.2	3.9	5.1	5.8	5.8	n/a
Inflation (average annual rate, % against previous year)	3.3	4.0	3.7	6.5	3.5	5.3	3.0	3.0

Notes: n/a: not available; f: forecast.

Sources: IMF; INEGI and Observatorio laboral; World Bank (for GNI data).

4. After 2005, the census did not ask questions about religion. The category "Other" includes Christian churches other than Catholic, atheist and agnostics.

1. Media Consumption: The Digital Factor

1.1 Digital Take-up

1.1.1 Digital Equipment

Mexican households are not prepared to access content provided by digital media. According to INEGI, of 23.9 million TV households, only 3.6 million own a digital device (see Table 2). Socio-economic indicators suggest that the technological readiness of households will not increase in the coming years unless the government subsidizes digital equipment, such as set-top boxes. The Felipe Calderón Hinojosa administration has a plan to subsidize digital equipment (see section 7).

Table 2.
Households owning equipment, 2005–2009

	2005		2006		2007		2008		2009	
	HH ('000) ⁵	% of THH ⁶	HH ('000)	% of THH	HH ('000)	% of THH	HH ('000)	% of THH	HH ('000)	% of THH
TV set	24,803	92.8	25,089	93.4	25,965	93.3	26,920	93.2	28,123	95.1
Radio set	23,647	92.2	23,909	92.7	23,817	93.9	23,895	93.1	n/a	88.9
PC	4,770	18.6	5,313	20.6	5,605	22.1	6,596	25.7	n/a	26.8

Note: n/a: not available.

Sources: Reporters calculations based on data from INEGI, “Encuesta Nacional sobre Disponibilidad y Uso de las Tecnologías de la Información en los Hogares” (National Enquiry on the Availability and Use of Information Technologies in Households) (hereafter INEGI, “Encuesta Nacional”), 2006, 2009; International Telecommunication Union (ITU), 2010.

5. Total number of households (HH) owning the equipment.

6. Percentage of total number of households (THH) in the country.

1.1.2 Platforms

The favorite platforms for Mexican audiences have remained terrestrial radio and television. Nevertheless, pay-TV platforms including cable and satellite have grown constantly over the past five years. The number of satellite households almost trebled while cable subscriptions increased by some 30 percent over the same period (2005–2010). (See Table 3.)

Table 3.

Platform for the main television reception and digital take-up,⁷ 2005–2009

	2005		2006		2007		2008		2009	
	HH ⁸ (‘000)	% of TVHH ⁹	HH (‘000)	% of TVHH	HH (‘000)	% of TVHH	HH (‘000)	% of TVHH	HH (‘000)	% of TVHH
Terrestrial reception:	17,563	77.0	17,372	74.4	17,735	73.3	18,052	72.1	19,057	70.4
of which digital	0	0	0	0	n/a	n/a	n/a	n/a	n/a	n/a
Cable reception:	3,400	14.3	3,972	16.9	4,338	17.8	4,822	19.2	5,121	18.9
of which digital	0	0	0	0	n/a	n/a	n/a	n/a	n/a	n/a
Satellite reception:	1,180	5.0	1,339	5.7	1,449	5.9	1,524	6.0	2,439	9.0
of which digital	n/a	n/a	n/a	n/a	n/a	n/a	1,524	6.0	2,439	9.0
IPTV	0	0	0	0	0	0	0	0	n/a	n/a
Multiple Multipoint Distribution Service (MMDS) ¹⁰	874	3.7	725	3.0	729	3.0	691	2.7	465	1.7
Total:	23,017	100.0	23,408	100.0	24,251	100.0	25,089	100.0	27,082	100.0
of which digital	n/a	n/a	n/a	n/a	n/a	n/a	2,215	8.7	2,904	10.7

Note: n/a: not available.

Sources: Calculations based on data from UNESCO; OECD (data for terrestrial TV); INEGI, “Encuesta Nacional,” 2009; Dirección de Información Estadística de Mercados (Department of Statistical Information on Markets); COFETEL, 2009.

Although it almost trebled between 2005 and 2009, internet penetration has remained low in Mexico, with less than 10 percent of the population having an internet subscription in 2009. On the other hand, mobile penetration has surged during the period, with more than 80 percent of the people owning a mobile phone subscription in 2010.

7. The figures refer to the main TV set in the households for multi-TV households.

8. Total number of households owning the equipment (HH).

9. Percentage of total number of TV households (TVHH) in the country.

10. MMDS, known also as wireless cable, is a wireless telecoms technology used as an alternative way of transmitting cable television programs. It is common for sparsely populated rural areas where passing cable is not economically viable. Reception of television via MMDS is done through a special rooftop microwave antenna and a set-top box attached to the TV set.

Table 4.

Total fixed internet subscriptions as % of total population and mobile phone subscriptions as % of total population in Mexico, 2005–2010

	2005	2006	2007	2008	2009	2010
Internet:	3.7	4.5	5.5	7.7	9.5	n/a
of which broadband	49.4	64.2	78.1	91.0	96.2	n/a
Mobile telephony:	45.1	52.6	62.6	70.3	77.4	80.2
of which 3G	0	0	1.6	2.8	6.5	n/a

Note: n/a: not available.

Source: Calculations based on data from INEGI, “Encuesta Nacional;” Dirección de Información Estadística de Mercados (2010); COFETEL, 2009.

1.2 Media Preferences

1.2.1 Main Shifts in News Consumption

Terrestrial free-to-air television has long dominated the media landscape. Nevertheless, the overall terrestrial TV television saw its take-up fall from some 77 percent of the total TV households in 2005 to some 70 percent in 2009. In recent years, significant changes have taken place in the reception equipment and consumption of digital media, principally in the three major cities, Mexico City, Monterrey, and Guadalajara, as well as in other cities along the border with the United States. In the rest of the country, the changes are less evident and the gap in access to the latest technologies continues to challenge the country’s public policy. These differences stem from the fact that Mexico City, Monterrey, and Guadalajara are the three richest and most developed cities in the country, far ahead of the rest of the country. Public service television, transmitted by analog signal, remains marginal because it reaches only 47 percent of all households compared with private television stations, which reach 98 percent of households and achieve the highest ratings for their news programs.

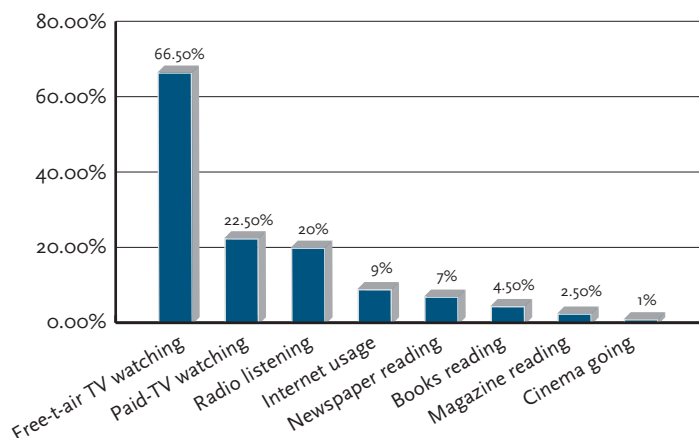
By mid-2009, some 7.4 million households—26.8 percent—were equipped with a computer. This figure represented a year-on-year increase of 4.7 percent. Some 5.1 million of these computer-equipped households had an internet connection that year, which was still a low figure in terms of the percentage of total households. The internet connection saw an increase of 36.4 percent in 2009 over 2008. A majority of the internet-connected households had broadband access in 2009.

In mid-2009, Mexico numbered 27.2 million internet users, or just over 25 percent of the population, and 34.7 million computer users, or just over 32 percent of the population. Some 70 percent of both these groups were aged 12–34. Pay-TV transmitted terrestrially and via cable and satellite had a combined total of 8.26 million subscribers at the end of 2009, giving a combined penetration of 28.5 percent of households. In 2009, 96.3 percent of households had at least one TV set, 76.6 percent owned a DVD player and 25 percent had a video-player.¹¹

11. IBOPE (Institute of Public Opinion and Statistics, Brazil, *Instituto Brasileiro de Opinião Pública e Estatística*) AGB Mexico, “2009–2010 Annual Report, Audiences and Media in Mexico,” February 2010, p. 135. (In Mexico, IBOPE’s complete name is IBOPE AGB México, an international branch of Nielsen Media Research.)

The penetration of diverse technologies has to some extent modified the consumption habits among people in the sense that they have diversified the ways through which they consume media content (see Figure 5). For example, mobile devices are reshaping the manner in which audiovisual content is consumed. However, television has remained dominant and indeed, this dominance is increasing. In 2005, the average TV viewing time per household was 527 minutes a day. By 2009, it had increased by 36 minutes. The TV viewing time per head rose from 265 minutes to 281 minutes over the same period.

Figure 5.
Consumption of media,* 2009

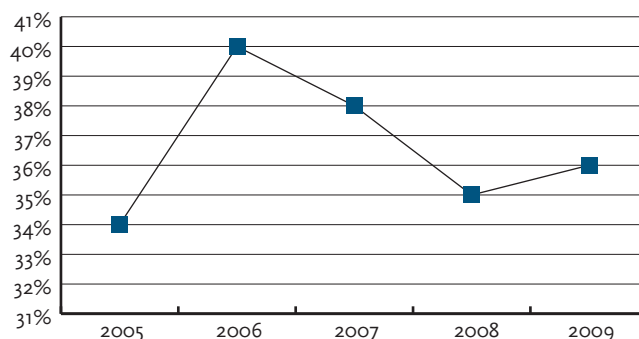


Note: * On an average weekday.

Source: IBOPE AGB Mexico.

Although the printed press was affected by the expansion of digital media, the impact was not major. The weekly number of readers of newspapers and magazines in Mexico City, Guadalajara, and Monterrey fell marginally from 33 percent to 32 percent of the population between 2005 and 2009. While the number of readers of newspapers decreased, magazines showed a recovery in the same cities, albeit a variable one (see Figure 6).

Figure 6.
Magazine readership in the major cities (Mexico City, Guadalajara, Monterrey),
aggregate figure, 2005–2009



Source: IBOPE AGB Mexico.

In general, the consumption of traditional media, particularly television, rose compared with the time dedicated to other media such as the internet. However, an increasing number of Mexicans have begun to use the internet in recent years. Between 2005 and 2009, the proportion of internet users rose from 26 percent to 42 percent of the total population. Growth was much higher among youths of 16–25 years of age. (Internet use covers here all places of internet connection, including homes, workplace, school, cybercafés, public libraries, and digital community centers.)¹²

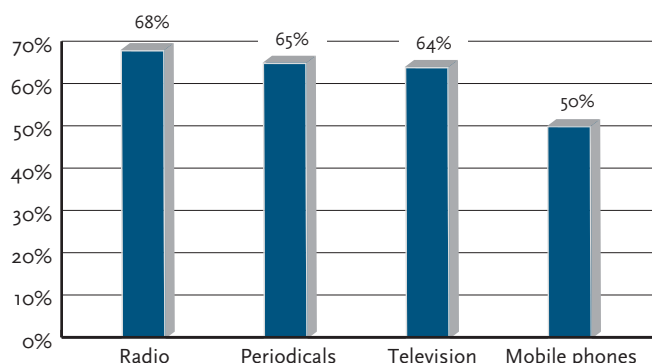
The shifts in consumption have been minimal in the digital transition of broadcast media. This is reflected in the acquisition of digital equipment. Digital terrestrial television (DTT) was launched in 2006. Three years later, 63 channels out of 729 were transmitting digitally. Analog switch-off was scheduled for 2021 by the administration of President Vicente Fox (2001–2006), but in September 2010, the Calderón administration (2007–2012) changed that date to 2015 in a move aimed at generating more competition, as the administration put it (see *section 7*). In February 2011, the administration’s decision was annulled by the Supreme Court of Justice, which found that the adoption of such a decision was unconstitutional as this is COFETEL’s remit.

Only 1.6 million households, representing 6 percent of the total, could receive digital TV in 2009, according to INEGI. In 2009, some 22.8 million out of 28.1 million households still had an analog TV set. This means that only some 13.6 percent of TV households had a digital set. Only 46.6 percent of digital TV households could receive digital television free-to-air programming. The remainder consumed pay-TV.¹³

1.2.2 Availability of a Diverse Range of News Sources

With internet penetration still at a low level, most Mexicans are still oriented towards traditional media as their principal sources of news (see Figure 7).

Figure 7.
Main sources of news and information among non-internet users, 2008



Source: Center of the Digital Future in the Annenberg School of Communication at the University of California and the Monterrey Technological Institute in Mexico, 2008.¹⁴

12. Between 2001 and 2006, the Fox administration adopted a public policy through which it created digital community centers in all municipalities, with a special emphasis on places inhabited by people with low incomes. In January 2010, there were 6,970 such digital centers. See <http://www.mediatelecom.com.mx/> (accessed 10 January 2011).

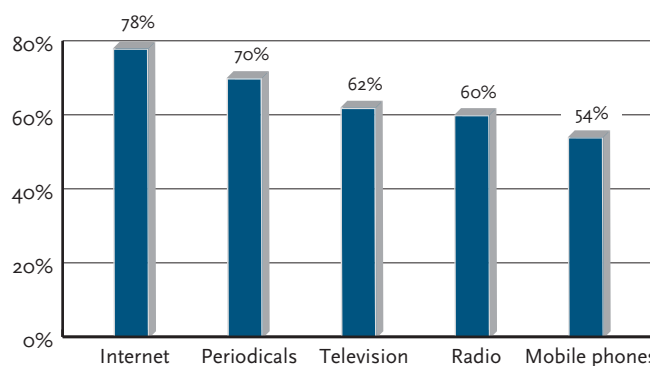
13. COFETEL, “1.6 million households have the potential to receive DTT service,” press release, 25 January 2010.

14. This study was performed by the Center of the Digital Future in the Annenberg School of Communication at the University of California and the Monterrey Technological Institute in Mexico. The research was carried out on a national level on populations of over 50,000 inhabitants (aged 12–70), in October and November 2008.

However, once they start using the internet, Mexicans make this their main source of news and information (see Figure 8). Users and non-users both mentioned cellular telephones as an information medium, at 54 percent and 50 percent respectively.

Figure 8.

Main sources of news and information among internet users, 2008



Source: Center of the Digital Future in the Annenberg School of Communication at the University of California and the Monterrey Technological Institute in Mexico, 2008.¹⁵

Another study, by Millward Brown Mexico, confirmed that the number of internet users who read the news online increased from 33 percent in 2008 to 54 percent in 2009. However, 25 percent of Mexicans still watched television for news and information in both years. In response to the statement “it keeps me up to date,” those surveyed identified the internet in 81 percent of responses, followed by TV at 45 percent, radio at 30 percent, magazines at 25 percent, and newspapers at 31 percent.¹⁶ The study concluded that internet users perform a greater number of activities online. In 2008, they performed an average of three activities online, increasing in 2009 to almost eight. These activities included reading the news online.

1.3 News Providers

1.3.1 Leading Sources of News

1.3.1.1 Television

An overwhelming proportion of Mexicans (95.5 percent) use television to follow current events.¹⁷ The most trusted people-meter company operating in Mexico, which has measured television ratings since 1991, is Brazil’s Institute of Public Opinion and Statistics (*Instituto Brasileiro de Opinião Pública e Estatística*, IBOPE).

15. This study was performed by the Center of the Digital Future in the Annenberg School of Communication at the University of California and the Monterrey Technological Institute in Mexico. The research was carried out on a national level on populations of over 50,000 inhabitants (aged 12–70), in October and November 2008.

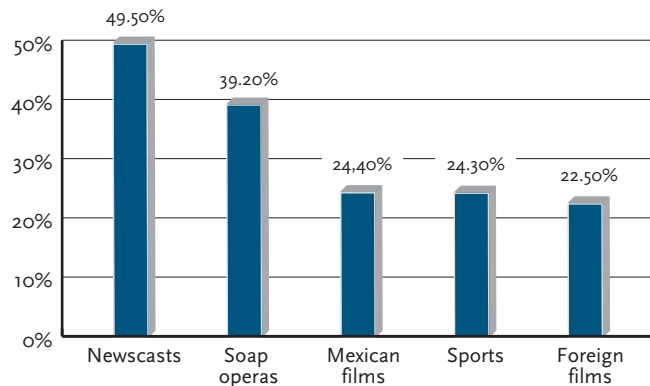
16. Millward Brown Mexico, “Study on digital media consumption in Mexico,” November 2009, p. 34. México: Millward Brown.

17. National Council for Culture and the Arts (*Consejo Nacional para la Cultura y las Artes*, CONACULTA), “National Survey of Practices and Consumption (2004).” Mexico D.F.: CONACULTA.

In 2005, households watched an average of 508 minutes of television a day, while the viewing time per person was 187 minutes a day. In prime time (7–11 p.m.), television attracts its highest maximum daily audience, reaching an average of 70 percent of TV households. Five years ago, newscasts topped the preferences of viewers, followed by soap operas and Mexican films. Approximately two-thirds of those who turn on the television do it specifically to watch a program that they like, some 28 percent to find out what is going on, and some 3 percent not to feel lonely. (See Figure 9.)

Figure 9.

Top TV programming preferences among Mexicans, 2004

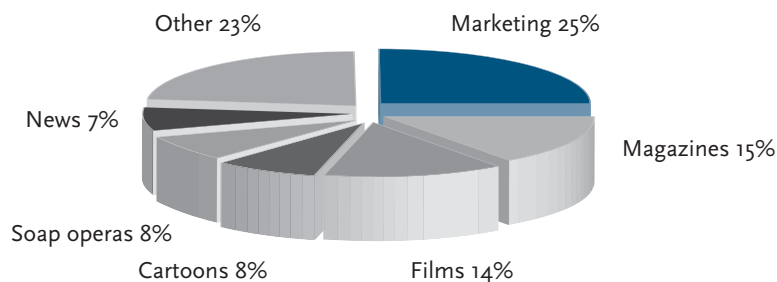


Source: National Council for the Culture and Arts (*Consejo Nacional para la Cultura y las Artes*, CONACULTA¹⁸) 2004.

The main programs on nationwide generalist TV in 2005, in terms of airtime, were tele-shopping, magazines, and films. News accounted for less than 7 percent of the total airtime on these stations combined. (See Figure 10.)

Figure 10.

Breakdown of airtime on nationwide, generalist TV stations, 2010



Source: CONACULTA, 2010.

18. Created in 1988, CONACULTA is a government agency in charge of museums and monuments, promotion of arts and management of the country's archives.

Mexicans watch news on TV in three main tranches: early morning, then from 1 p.m. to 3 p.m. and the evening news from 10 pm to 11 pm. The viewers of newscasts are 57 percent women. It is the program that attracts the highest number of adults: two out of every three television viewers who watch news are older than 30 years old. In recent years, this type of programming has totaled approximately 261 hours a month, of which the regular television viewer watched an average of nine hours a month.

1.3.1.2 Radio

Listening time for the radio grew by 7.6 percent from 202 minutes per head in 2008 to 219 minutes per head the following year. On average, 10 million people in the Mexico City Valley, the main radio market in the country, listen to radio on a typical day. Most of them tune in to FM, with only 22 percent listening to stations on AM frequencies. News holds a strong position in listener preferences after pop music. Talk-radio continues to be popular, commanding one-fifth of the total audience in Mexico City Valley. The largest proportion of listeners of radio news programs in Mexico City is concentrated on the morning shows, followed by night-time news. The heavy radio listeners in the Valley dedicate almost the same time to morning shows as to night-time ones. The main difference is in the listening location. While morning shows are listened to at home, night-time shows are listened to mainly while driving or at work. The radio airtime devoted to news grew by 19 percent between 2009 and 2010, climbing two places in the program ranks.¹⁹ (See Table 5.)

Table 5.
Radio news programs with the highest ratings, February 2010

Rank	Name	Issuer	Rating ²⁰
1	Noticias MVS—Carmen Aristegui	MVS Noticias	0.499
2	Óscar Mario Beteta en Cadena Nacional	Radio Fórmula FM	0.407
3	Fórmula Detrás de la Noticia—Ricardo Rocha	Radio Fórmula FM	0.368
4	Panorama Informativo—Alejandro Cacho	88.9 Noticias	0.334
5	Enfoque—Leonardo Curzio	Stereo Cien FM	0.326
6	Reporte 98.5—Martín Espinoza	Reporte 98.5	0.325
7	La Red de Radio Red—Sergio Sarmiento	Radio Red	0.285
8	Imagen Informativa—Pedro Ferriz	Imagen Informativa	0.248
9	Hoy por Hoy—Carlos Puig	W Radio FM	0.17
10	Antena Radio—Mario Campos	Horizonte	0.069

Source: Prepared in-house based on data from INRA, 2010.

19. IBOPE AGB, “Annual report 2009–2010 Audiences and Media in Mexico,” February 2010.

20. The percentage of the total TV or radio households in a market tuned in to a channel for a certain period. Ratings are calculated as a percentage of the total number of TV or radio households, whether they are turned on or not. Usually, ratings are calculated for programs, episodes, but also for entire networks. Another measurement of broadcast audience is the share, which is the percentage of TV households in use tuned in to a certain program.

1.3.1.3 Print media

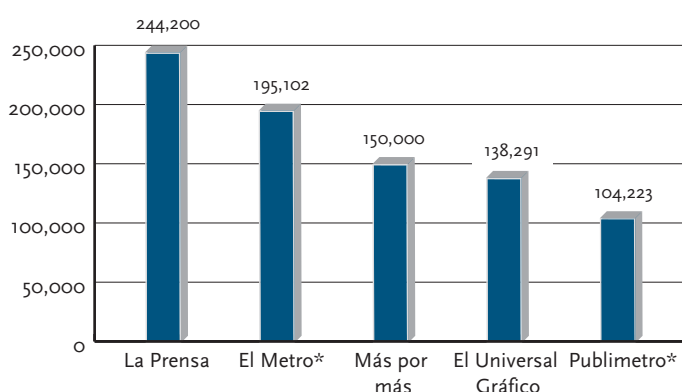
Because of geographical coverage and penetration, and socio-economic factors, Mexico has no authentic nationwide press. Frequently, newspapers from the capital present themselves as such, but they lack an authentic presence throughout the country. Media companies inflate their circulations to attract readers and, especially, advertisers. Thus, there are newspapers with broad circulations, low readership, and solid levels of advertising revenue. As Delarbre indicates, Mexico is a country of many newspapers but few readers.²¹ The country also lacks a comprehensive and reliable registry of print media. The most complete database is the National Registry of Print Media (*Padrón Nacional de Medios Impresos*, PNMI) of the Ministry of the Interior. This inventory was created in 2003 with the aim of building an instrument that would allow the federal government to assign advertising contracts, transparently (which still has not happened), based on the circulation, coverage, and reader profile of each publication. In spite of being the most complete tool, the PNMI does not include all the publications in the country (the registry is voluntary) and is not fully updated. Nevertheless, given that the print media seek to attract official advertising and, to do so, registration in the PNMI is mandatory, it does include the main print media.

According to the PNMI, there are 823 publications, including 279 daily newspapers with an average combined daily circulation of 6.16 million, i.e. 57.75 copies per 1,000 people.²² As a result of centralization, the Federal District is the area where most newspapers are published, including the five largest daily newspapers. There are 32 daily newspapers in the Federal District, which translates into 266.21 copies per 1,000 people. (See Figure 11.)

The tabloid daily with the highest circulation is *La Prensa*, with a circulation of over 244,200 copies. It is owned by the Mexican Publishing Organization (*Organización Editorial Mexicana*, OEM). The two free tabloids lack their own reporters and only reprint stories from Notimex, the official Mexican newswire.²³

Figure 11.

Tabloid daily newspapers with the highest circulations, 2010



Note: * *El Metro* and *Publimetro* are free-of-charge dailies.

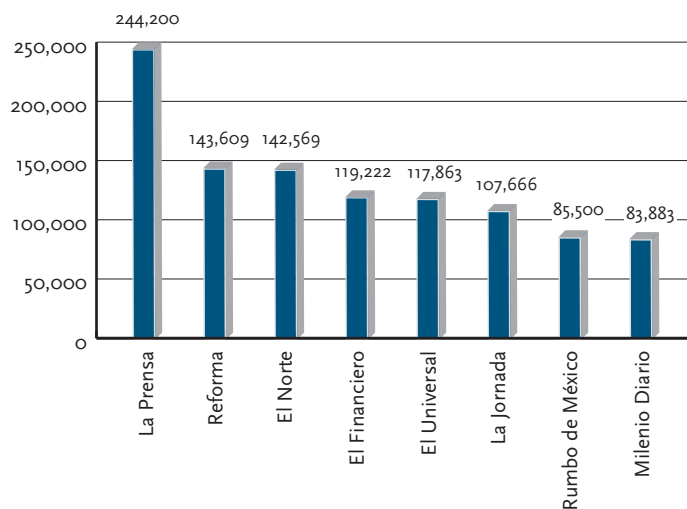
Source: PNMI.

21. R. Trejo Delarbre, *Poderes Salvajes. Mediocracia sin contrapesos* (Wild Powers, Mediocracy without Counterbalances), Cal y Arena, Mexico, 2005, p. 206.
22. Another source, the private researcher Media Verification Institute, states that a total of 10.1 million copies of daily newspapers are distributed daily in Mexico, which would be 95 copies per 1,000 people.
23. Sports tabloid dailies are very popular. The sports tabloid daily with the highest circulation is *Ovaciones*, with over 148,000 copies. It is followed by *Esto*, also from OEM, with a circulation of more than 139,000. In third place is *Record* from the Notmusa group, with a circulation of some 115,000. The fourth largest sports daily is *Estadio*, with a circulation of 87,000. These four newspapers are also published in the capital city.

Among the serious or general press, the daily *Reforma* has the largest paid circulation, of some 146,300 copies. *Reforma* and *El Norte* are owned by Grup Reforma. Despite its high circulation, *Rumbo de México* is believed by media observers to have a low readership. *Milenio Diario* is distributed only in the Federal District. *El Financiero* is a niche daily specializing in business reporting.²⁴ (See Figure 12.)

Figure 12.

Serious daily newspapers with the highest circulations, 2010



Source: PNMI.

Over the last five years there have been few changes in the ranking of the most popular sources of news, the main explanation being that usage of the internet and new technologies in general remains low. Nevertheless, the amount of news and information on new platforms has steadily increased, mainly through the social networks.

1.3.2 Television News Programs

Some of the stations that devote more airtime to news are TV Azteca's Channel 13 where newscasts ranked third with 16 percent of the total airtime in 2010, and Televisa's Channel 2 where news accounted for 14 percent of the channel's total airtime in 2010. In contrast, on Channel 7 of TV Azteca, newscasts ranked only seventh with a mere 2 percent of total broadcast time in 2010. Between 2005 and 2010, the pattern of regular heavy consumption of TV news has not changed markedly. (See Table 6.)

24. The most popular topics in the daily newspapers are, in order: sports, crime news, local news, show-biz, and political news.

Table 6.

TV news programs with the highest ratings, January 2010

Rank	Name	Channel	Rating
1	Noticiero con Joaquín López-Dóriga	Channel 2 of Televisa	15.9
2	Noticiero con Enrique Acevedo	Channel 9 of Televisa	14.1
3	Noticiero con Santos Mondragón	Channel 9 of Televisa	13.4
4	Hechos Noche	Channel 13 of TV Azteca	12.5
5	Noticiero con Alejandro Cacho	Channel 9 of Televisa	12.4
6	Primero Noticias	Channel 2 of Televisa	10.6
7	Las noticias por Adela	Channel 9 of Televisa	9.9
8	Info 7 noche	Channel 7 of TV Azteca	9.5
9	Noticiero con Lolita Ayala	Channel 2 of Televisa	9.3
10	Hechos	Channel 13 of TV Azteca	9.1
11	Buenas noches con Edith Serrano	Channel 13 of TV Azteca	9.1
12	A las tres	Channel 4 of Televisa	9
13	Info 7 tarde	Channel 7 of TV Azteca	4.5
14	Avance informativo	Channel 11 of IPN	3.3
15	15 minutos	Channel 11 of IPN	3.1
16	Noticias con Adriana Pérez Cañedo	Channel 11 of IPN	3.1
17	Noticias con Adriana Pérez Cañedo (rep.)	Channel 11 of IPN	2.1
18	Informativo 40	Proyecto 40	1.8
19	Pedro Ferriz	Cadena Tres	0.9
20	Ventana 22 (repeat)	Channel 22	0.6
21	Ventana 22	Channel 22	0.6

Source: Prepared in-house based on data from IBOPE AGB, 2010.²⁵

At the moment, because TV digital migration is a slow process, there has been no loss of audiences for news consumption from analog TV stations to digital ones.

1.3.3 Impact of Digital Media on Good-quality News

There have been no major changes in the news offered by digital media in the past five years. However, there are positive examples of good-quality media that have started their own online editions, but they still remain marginal in terms of audience share. Nevertheless, such ventures help enrich the public sphere and encourage mainstream media to care more about the quality of their news output. At the same time, new media offered

25. IBOPE AGB, "Ratings TV," January 2010, available at <http://www.terra.com.mx/revistaneo/articulo/896661/Ratings+TV+IBOPE+AGB.htm> (accessed 1 August 2010).

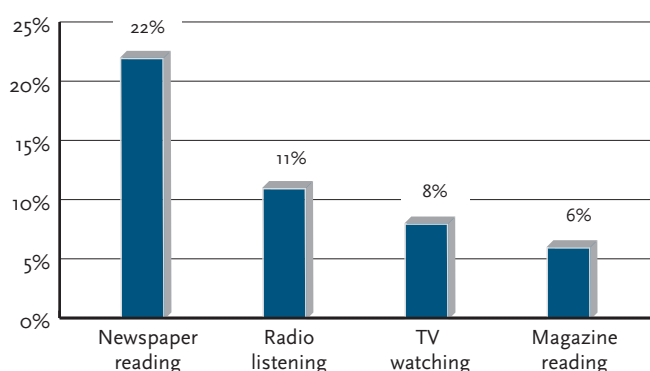
audiences more sources of news than before. The best such example is the online multimedia news portal reporteindigo.com.

According to Alexa, eluniversal.com.mx is the most consulted online newspaper in Mexico; it is ranked 20th of the 100 most visited sites. In position 65 is the milenio.com news site, while positions 67 and 87 are held by elnorte.com and reforma.com, respectively. In 98th place are the online editions of OEM (oem.com.mx), a newspaper chain with more than 70 titles throughout the country.

Among the main online activities as far as media content is concerned, reading newspapers and listening to the radio are the most popular. On average, the Mexican web surfer connects for 2.54 hours a day. (See Figure 13.)

Figure 13.

Main media online activities among internet users, 2009



Source: Mexican Internet Association (*Asociación Mexicana de Internet*, AMIPCI), “Habitos de los usuarios de internet en México” (Habits of Internet Users in Mexico), 2009, available at <http://www.amipci.org.mx/estudios/temp/RESUMENEJECUTIVOEstudioAMIPCI2009UsuariosdeinternetFINAL-03347250012456912600B.pdf> (accessed 10 August 2010).

In general, the main sources of news and information in traditional media have remained stable. In Mexico, 95.5 percent of the population watches television, compared with 87.3 percent that listens to the radio and barely 16.1 percent that reads a newspaper. There are social and economic reasons behind these trends, such as lack of access to broadband internet in poor areas where it is easier and more affordable to consume news through free-to-air analog television (see *section 1*). According to the annual survey of media consumption by *Reforma* newspaper, in the case of television, news programs are the preferred genre among Mexicans, both on TV (49.5 percent) and radio (48.6 percent).

1.4 Assessments

The interactivity offered by the internet is attractive for many consumers of news because it offers users the possibility to deepen and diversify their information, comparing it with a range of views and coverage by various media. However, in Mexico, low access to the internet because of high connection tariffs and limited

telecoms infrastructure, which prevents deployment of networks of wireless connection hotspots in the open, is a serious obstacle to the growth of news consumption on these new platforms (see *sections 5 and 7*). At the same time, digital literacy is still poor. The public lacks education in media consumption, particularly news, on the internet. These factors have all impeded higher migration of news consumers to new media.

The new communications technologies and the internet have emerged as an opportunity to diversify the news supply. The decreasing costs of these technologies compared with investment in traditional media, the development of digital skills, and the increase in software distribution make it possible for any individual with interest and basic knowledge to become a producer of information, albeit not at the level of quality expected from a professional media outlet.

2. Digital Media and Public or State-Administered Broadcasters

2.1 Public Service and State Institutions

2.1.1 Overview of Public Service Media; News and Current Affairs Output

Public service television is characterized by the following features:

- limited coverage: the most important public service channel, Once TV, reaches only 47 percent of all households;
- editorial interference by the federal and state governments;²⁶
- low budgets compared with the financial resources of private television companies: in 2009, the two nationwide public service TV channels, Once TV and Channel 22, received a combined US\$60 million from the federal government (for comparison, Televisa television has an annual budget worth some US\$1 billion);²⁷
- low nationwide ratings: it is estimated by IBOPE and Media Data that Once TV and Channel 22 command a mere 1.7 percent and 1.1 percent of the nationwide audience share, respectively;
- elitist programming, focussed on traditional public service strands, with a heavy emphasis on fine arts and high culture (some children's programs produced by Once TV and Channel 22 have received international awards).²⁸

26. The directors of Canal 22 and Once TV, operated by the federal government, are chosen personally by the president of the republic. The directors of state radio and television stations are, in most cases, appointed by the state governors. This is one mechanism by which the public service media are controlled by the state.

27. This is the figure just for Televisa's TV operations. The entire group's turnover is much higher. In 2007, it reached US\$3.81 billion (Observatoire Européen de L'Audiovisuel, *Annuaire*, 2008: 2).

28. G. Orozco and F. Hernández, "Usos públicos de la televisión en México" (Public uses of television in Mexico), in B. Indrajit and S. Kalinga, *Radiotelevisión de servicio público: Un manual de mejores práctica* (Public service radio-television. A handbook of best practices), UNESCO, San José, Costa Rica, 2006; P. Ortega, *La Otra Televisión. Por qué no tenemos televisión pública*, (The Other Television. Why we do not have public television), Universidad Autónoma Metropolitana, Mexico, DF, 2005; F. Toussaint, *Directorio de la televisiones públicas en México* (Directory of public televisions in Mexico), Juan Pablos-FCPyS, Mexico, DF, 2010 (hereafter Toussaint, *Directorio*).

There are 56 public service radio and television stations in total, grouped in the Network of Educational and Cultural Radio Broadcasters (*Red de Radiodifusoras y Televisoras Educativas y Culturales*). This organization fosters collaboration and communication, primarily in the distribution and purchase of programs. For example, they buy programs jointly to obtain better deals.

Public service media are diverse in so far as their licenses are held by a wide array of entities such as the federal government, state governments, and institutions, and public and private universities. These outlets are largely dependent on these institutions. In total, the public service network consists of 450 radio and television channels with a potential reach of 25 million listeners and viewers across all 31 states and one Federal District.

The two largest public service channels are Once TV,²⁹ whose license is held by the National Polytechnic Institute (*Instituto Politécnico Nacional*, IPN),³⁰ and Canal 22, whose license is held by the Ministry of Education and CONACULTA.

Both channels are primarily financed from the federal budget. Canal 22 alone is allowed through legislation to sell advertising during certain programs.³¹ Once TV also seeks additional funds from public and private companies in the form of sponsorship and raises money from sales of its programs abroad. The budgets of Canal Once and Canal 22 were reduced in 2010 as a result of the economic crisis. (See Table 7.)

Table 7.
Budgets of Once TV and Canal 22, 2009–2010

	2009		2010	
	MXN (Mexican pesos) million	US\$ million	MXN million	US\$ million
Once TV	532.4	41.0	466.0	36.0
Canal 22	224.2	17.0	220.3	16.5

Source: Secretariat of Finance and Public Credit (*Secretaría de Hacienda y Crédito Público*, SHCP), 2010.

Since the early 1990s, Once TV has significantly and continuously increased its program output. Today it produces approximately 60 percent of its total programming in-house. The station's general director for the period 2008–2012, Fernando Sariñana Márquez, said in March 2009 that his goal was to increase the station's share of in-house production to 74.3 percent in 2010.³²

29. Although Once TV has the status of a nationwide broadcaster, its footprint reaches only 27 percent of viewers due to a shortage of relay stations. Once TV has 14 local stations.

30. The IPN is Mexico's second-largest public higher-education institution, funded from the federal budget.

31. The station is restricted to four minutes of commercial breaks every half hour.

32. A.C. Bércenas, "Canal Once renueva programación" (Once TV renews its programming), *La Jornada*, 18 March 2009.

Once TV's programming is divided into seven genre strands, including drama, youth and children programming, and news. The station's primetime programming (8–11 p.m.) usually gains between two and four national rating points.³³ Once TV's political and cultural debate programs are distinguished for their plurality of views and critical stance on national and international affairs. Once TV is recognized by the public as a leader in foreign news coverage, in respect of time and depth.

Canal 22's in-house production currently accounts for 49 percent of its output. It has not produced newscasts or political debate programs since its establishment in 1990. Nonetheless, under the management of the famous novelist Jorge Volpi, who was appointed as general director in 2007 and whose mandate is expected to end in 2012, the station has produced a few programs with good-quality, balanced, and objective political content. Under Volpi, the schedule was restructured, with significant airtime devoted to youth programs. At the same time, a cultural news agency operated by Canal 22 was formed to provide news to other culture-focused TV stations. Volpi's management also made it possible for independent producers to apply for funding from Canal 22 to produce programs. Under him, the station has increasingly purchased programs from foreign broadcasters such as the BBC and Spanish Television (*Televisión Española*, TVE).

The main historic weakness in the output of both Once TV and Canal 22 is their undue preference for high culture in their program strategies and the news and information services. There is a discrepancy in the amount of time devoted to programs on fine arts such as opera and classical music, literature, and theatre compared with programs on Mexico's contemporary native and popular cultures such as popular music (*ranchera*, *salsa*, *cumbia*, etc.), documentaries about various ethnic and urban groups in Mexico or programs created by such groups. Canal 22, for example, has aired many programs purchased from the German public service broadcaster ARD (Consortium of public-law broadcasting institutions of the Federal Republic of Germany, *Arbeitsgemeinschaft der öffentlich-rechtlichen Rundfunkanstalten der Bundesrepublik Deutschland*) on topics such as the history of the German language. While such programs are certainly of interest and value, Canal 22 has attended less to Mexican national and cultural needs and interests.

Nevertheless, Canal Once has plural opinion programs that offer critical perspectives on relevant political, economic, and social issues.

2.1.2 Digitization and Services

Once TV streams its international programming on its website,³⁴ and via satellite in the Americas. Since 2009, Canal 22 has run its own channel on the internet video-sharing website YouTube, where it offers 15 of its own series, including *Defensor del televidente* (Defending the viewer), *La dichosa palabra* (Happy word), *Reverso* (The reverse), *Tocando Tierra* (Touching the earth), *La oveja electrónica* (The electronic sheep), *Argenmex* (Argenmex), and *Los alimentos terrenales* (Earthy foods).³⁵ Also since 2009, Once TV has allowed

33. IBOPE AGB calculates each rating point at 500,000 viewers. This translates into an average of 1–2 million viewers for Once TV's primetime programming. In contrast, some 15 million viewers tune in to the most popular programs on commercial television such as soap operas broadcast by Televisa (around 30 rating points).

34. The stream is available at <http://148.204.199.85/tx/> (accessed 7 January 2011).

the download of its 10 most popular programs from its website³⁶ and uploaded another five popular programs on YouTube.³⁷ Other than these scattered initiatives, digitization has not yet led the public service media to directly increase the number of their services.

2.1.3 Government Support

The most recent launches of public service channels were Canal del Congreso (Congress Channel) in 2000, Canal del Poder Judicial (Judiciary Power Channel) in 2006, and the National Autonomous University of Mexico channel known as TVUNAM (Televisión de la Universidad Autónoma de México) in 2005.³⁸ These stations are to start airing digitally in 2012. TVUNAM and Canal del Congreso estimate that so far, they have digitized 60 percent of their equipment. Nevertheless, they need increased funding to be able to transmit fully in digital.³⁹

Despite these launches, government support for public service media remains thin. The cuts in the budgets of Once TV and Canal 22 hindered them from purchasing digital equipment needed for a smooth digital switch-over in 2010–2012. At the same time, these cuts prevented public service media from investing in increasing their footprint. Nevertheless, the Calderón administration promised to help Canal Once to reach nationwide coverage by the end of its current mandate. They are also reportedly ready to provide the same help for Channel 22. These two mainstream stations have almost finalized the process of digitizing their equipment.

2.1.4 Public Service Media and Digital Switch-over

The majority of the minor public service stations operate with basic broadcast equipment. Most of them have inadequate budgets and their staff lack training in handling digital equipment. The transition to digital broadcasting is therefore problematic. They wholly lack plans for changing broadcast production and distribution technology.⁴⁰ The small public service stations are totally unprepared to purchase and use digital equipment. Policies on digitization are not expected to boost the role of the small public service stations. Moreover, their low budgets do not help them to increase their coverage and reach during the transition.

35. The Canal 22 YouTube website is available at <http://www.youtube.com/canal22> (accessed 7 January 2011).

36. These programs are: *Primer Plano* (Foreground), *Dinero y Poder* (Money and power), *Escuela para Padres* (School for fathers), *Espiral* (Spiral), *Omnibus* (Omnibus), *Conversando con Patricia Pacheco* (Chatting with Patricia Pacheco), *México diferente* (Another Mexico), *La ciudad de todos* (The city for all), *Toros y toreros* (Bulls and bullfighters), and *¿Quién dijo yo?* (Who says I?).

37. These programmes are: *Bienes raíces* (Good roots), *Aquí nos toca vivir* (Here we have to live), *Central Once* (Central 11), *XY*, and *D'Todo con Pamela Correa* (A Lot of Things with Pamela Correa), available at <http://www.youtube.com/CanalOnceIPN> (accessed 10 January 2011). These programs are educational programs, popular music clips, debates, interviews, and drama series.

38. These launches were seen by independent experts as a positive development and examples of political pluralism and cultural diversity. Unfortunately, these channels are transmitted solely via satellite and cable. Potentially, they can reach only 27 percent of households.

39. Gabriel Sosa, personal interviews with the directors of Congress Channel, Leticia Salas Torres, and TVUNAM, Ernesto Velazquez.

40. Toussaint, *Directorio*.

Both Once TV and Canal 22 are preparing for digital switch-over. Once TV has in place a digitization plan focused on renewing its equipment. Once TV plans to launch digital broadcasting tests on the frequency assigned to the channel by the Ministry of Communications and Transport (*Secretaría de Comunicaciones y Transportes*, SCT), until march of 2011. Canal 22 is performing digital broadcasting tests and also producing some of its series and news programs in high-definition (HD) resolution. On top of that, a 2009 initiative by Canal 22 called “Moving Toward a Digital Society” aims to inform viewers about the use of digital equipment. In this document, Volpi has outlined the channel’s goal to digitize its equipment in 2010.⁴¹ At this time of writing, however, it has not happened. If it succeeds, Canal 22 will become the first public service channel in Mexico to broadcast in digital format. The completion of switch-over for this channel is set for the year 2012.

2.2 Public Service Provision

2.2.1 Perception of Public Service Media

Public service broadcasting has never been a priority for Mexico’s political ruling class. Nevertheless, civil society organizations, the country’s intelligentsia, and academia, in particular, have been trying over the past five years to push public service media on to the agendas of Congress and various political parties. They see this as a step to foster democracy and cultural diversity in the media. One theatre of this advocacy effort has been the debate over the new Act on broadcasting and telecoms. (See section 7.)

The cuts in the budgets of Once TV and Canal 22 in 2010, prompted by the economic crisis, showed that public service media are not a political priority.

On the other hand, a positive development that strengthens the accountability of the public service media was the 2007 launch of a program that showcases viewers’ opinions and comments on Canal 22. As well as suggesting how to improve its output, the program bolsters participation and citizenship.⁴² After its launch, state-based public networks adopted similar mechanisms of inclusion and accountability.

In the case of the Congress Channel, a survey commissioned from a private consultancy found that 50.7 percent of the respondents considered the channel’s output to be important for the political culture of the country. At the same time, nine out of 10 respondents in the survey said that the channel had to exist to satisfy this need.⁴³

41. At the beginning of 2009, Canal 22 reported digitization of 84 percent of its equipment.

42. The 30-minute program *Defensor del Televidente* (Defending the Viewer), broadcast on Canal 22 since 2007 every Tuesday at 9 p.m., hosts interviews with media experts, academics and professionals on issues related to the coverage and work of Canal 22 and the public service network. The program also presents viewers’ opinions. The program’s website facilitates further interaction: <http://www.defensor.canal22.org.mx/> (accessed 7 June 2010).

43. 2 Informe Anual de actividades del Canal del Congreso [Annual report of Channel of Congress], May 2008–April 2009, available at http://www.canaldelcongreso.gob.mx/nueva_imagen/seccion.php?id=13 (accessed 10 January 2011).

A study on perceptions by Channel 22 found that audiences recognize the importance of the public service mission as a distributor of high culture with output such as classical music concerts, literature, fine arts, science, and philosophical debates. The study also found that private television is, according to public opinion, intended to entertain audiences through low-quality programs.⁴⁴

2.2.2 Public Service Provision in Commercial Media

There are no public service obligations on commercial media. Digitization has not triggered any change in this respect. In fact, one of the major concerns of various civil society groups that advocate for the amendment of the Federal Act on Radio and Television is to introduce public service obligations for commercial broadcasters. The organizations articulating these demands have built an alliance called the National Front for a New Media Act (*Frente Nacional por una Nueva Ley de Medios*), whose members include the Mexican Association for the Right to Information (*Asociación Mexicana de Derecho a la Información*, AMEDI), the National Center of Social Communication (*Centro Nacional de Comunicación Social*, CENCOS) and the Mexican Association of Communication Researchers (*Asociación Mexicana de Investigadores de la Comunicación*, AMIC). The main principles these organizations are fighting for is to force commercial media to fulfill their social responsibility role in terms of information plurality and the right of reply.

2.3 Assessments

Given the government's lack of interest, to date, in taking the opportunity of digitization to reshape Mexico's communications system by increasing diversity, commercial broadcast media stand to gain most from the switch-over process. Those with the most to lose are small, local broadcasters that ensure a certain degree of cultural diversity. In the absence of policies to support the purchase of equipment to make the digital transition, they are in danger of disappearing.

The importance of public service provision in the media has not been a central concern for the political establishment. Although it has remained marginal in popularity, public service in the media over the last 16 years has gained more presence in the democratization of the political system and of society. Along these lines, it has to be noted that audiences have more possibility than ever to understand better the role of the public service media. Digitization could help this process to advance in that direction, but the outcome depends entirely on the political will of the government in office.

Thus, public service in the media has constantly emerged as a condition and part of the democratization of the public sphere and of the Mexican communications system, which have to date been controlled by the logic of the market and private interests, mainly those of Televisa and TV Azteca. The Television and Radio Act does not include public service provision and only vaguely alludes to the idea of public interest in the media.

44. André Dorcé, "Medios públicos, audiencias y cambio digital" (Public Media, Audiences and Digital Change), 2011, mimeo, in publication.

3. Digital Media and Society

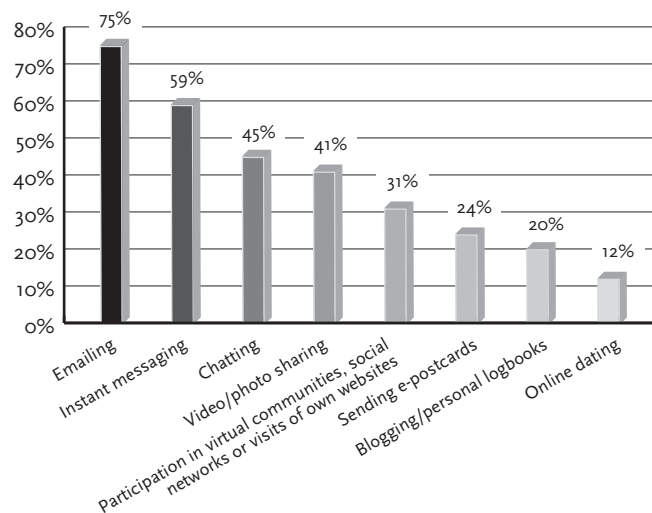
3.1 User-Generated Content (UGC)

3.1.1 UGC Overview

E-mailing, instant messaging, chatting, video, photo-sharing, and blogging were the most popular types of UGC among the main social activities online in 2009. (See Figure 14.)

Figure 14.

Most popular online activities in 2009 (% of respondents with multiple-choice answers)



Source: AMIPCI,⁴⁵ “Habits of Internet Users in Mexico” (Habitos de los usuarios de internet en México) 2009, available at <http://www.amipci.org.mx/estudios/temp/RESUMENEJECUTIVOEstudioAMIPCI2009UsuariosdeinternetFINAL-0334725001245691260OB.pdf> (accessed 19 February 2011).

⁴⁵ The survey was carried out among 12,300 respondents aged 12–64, from 28 cities with more than 500,000 inhabitants each.

Another study, the World Internet Project,⁴⁶ which aimed to create a typology of internet users by analyzing how and what Mexicans use the internet for, confirmed to a large extent AMIPCI's findings, showing that the most popular UGC-related activities online are e-mailing, instant messaging, chatting, and blogging. The World Internet Project also found that news searches (not precisely defined) account for 78 percent of the online activity in Mexico, more than downloads and listening to music (77 percent).

In March 2010, there were 15.5 million home and work internet users aged 15 and above, which was an increase of 20 percent over the previous year, making the internet one of the fastest growing markets in the country. Microsoft websites ranked among the top online properties by reach of the internet users (see Table 8).

Table 8.
Top internet websites by number of unique visitors, March 2010

	Total unique visitors ('000)		
	March 2009	March 2010	Change (March 2009/March 2010) %
Total Internet : Total Audience	12,914	15,462	20
Microsoft Sites	11,084	14,268	29
Google Sites	10,738	14,218	32
Yahoo! Sites	7,311	9,003	23
Facebook.com	2,696	8,736	224
Wikimedia Foundation Sites	5,427	7,312	35
WordPress	3,606	5,222	45
MercadoLibre	6,154	5,044	-18
Batanga	4,508	4,975	10
Taringa.net	2,296	4,669	103
HI5.com	4,100	4,197	2

Source: Comscore Media Metrix, Panel-Only Data, 2010.

There is no official registry of UGC websites in Mexico. Some of the best known sites are described below (see section 3.3.1). Among established media-embedded UGC platforms, the most important nationwide newspaper online is *eluniversal.com.mx*, which is the 19th most popular website and the most popular newspaper website in Mexico, with a share of the search traffic, according to *alexa.com*, of 16.87 percent.

After social networks, news websites are the second most popular category. According to the multimedia director of *El Universal* online, Ignacio Catalán, the newspaper receives 9.7 million visits monthly on its website. The most accessed section on the site is *Reportero Ciudadano* (Citizen Reporter), with 150,000

46. Fernando Gutiérrez, *Estudio 2009 de hábitos y percepciones de los mexicanos sobre Internet y diversas tecnologías asociadas*. (2009 Study of habits and perceptions of Mexicans about the internet and diverse related technologies), World Internet Project México (WIP), 2009 Report, Monterrey Technological Institute, Campus Estado México, with the cooperation of the Center of the Digital Future in the Annenberg School of Communication, University of Southern California, available at <http://wipmexico.org/index2.html> (accessed 19 May 2010).

monthly visits. Some 75,000 people are registered to be able to post comments on the website. The newspaper also has 30,500 followers on Twitter.

3.1.2 Social Networks

A survey by Comscore shows that the social network landscape is very fragmented. Social networks reach 64.6 percent of the internet audience, on a par with worldwide reach. But there is no clear leader in this segment. Many of these networks overlap with photo-sharing sites such as Metroflog and Fotolog, which are actually the social networks with the highest usage.⁴⁷

According to Comscore, the 10 most used social networks in Mexico in February 2009 were:

- Hi5 (30.8%)
- Metroflog (30.1%)
- Facebook (18.9%)
- My Space (17.1%)
- Sonico (11.8%)
- Fotolog (8.6%)
- Wamba (7.7%)
- MSN (3.3%)
- Slideshare (3.2%)
- Deviantart (3.0%).

Comscore states that Mexicans have “a clear appetite for multimedia, especially in video.” Mexico lags behind only Canada and the UK in the percentage of its population visiting YouTube. In 2009, YouTube reached 53.4 percent of all Mexican internet users. The same study shows that Facebook has experienced phenomenal growth in Mexico, almost doubling its global growth. This situation is partly explained by the fact that Facebook launched its Spanish-language version in 2008. Comscore’s 2010 study showed that Facebook reached 8.7 million visitors, which is more than treble the number of visitors in the previous year.⁴⁸

47. ComScore, “The State of the Internet in Mexico”, 28 April 2009, available at http://www.comscore.com/Press_Events/Presentations_Whitepapers/2009/The_State_of_the_Internet_in_Mexico (accessed 20 May 2010).

48. ComScore, “Mexico’s Online Population Soars 20 Percent in Past Year,” press release, Mexico City, 6 May 2010, available at [http://www.comscore.com/Press_Events/Press_Releases/2010/5/Mexico_Online_Population_Soars_20_Percent/\(language\)/eng-US](http://www.comscore.com/Press_Events/Press_Releases/2010/5/Mexico_Online_Population_Soars_20_Percent/(language)/eng-US) (accessed 14 June 2010).

3.1.3 News in Social Media

According to AMIPCI, Mexican internet users, when online, mostly send and receive e-mails and instant messages, chat, watch, and download or upload videos and photos. Some 31 percent of users said that part of the time on the internet is used to access, create or maintain community websites, social networks or their own websites, and 20 percent use the internet to access or create or maintain blogs/personal logbooks. The most consulted traditional media on the internet remain the websites of traditional newspapers with 17 percent of users' preferences. Some 37 percent read online national news and 33 percent international news. There is no survey or solid indication on the usage of social networks and blogs as sources of news.

3.2 Digital Activism

3.2.1 Digital Platforms and Civil Society Activism

Social movements, NGOs, citizens, media, politicians, and activists are today taking advantage of the internet in Mexico to express their demands or interests via social networks and Web 2.0 tools. Fernando Gutiérrez, an internet expert, has said that many of the main stories published by established media in 2009 and 2010 were picked up from social networks such as Facebook, Hi5, and Twitter, and that people unfortunately do not check this information.⁴⁹ News generated through social networks fill reporting gaps in traditional media, but those who report on these things are not equipped to do so as journalists, which presents in some cases the risk of misinformation but in others gives voice to a cause or social movement.

Below is a brief description of some emblematic cases where digital platforms were used to communicate warnings, protests, demands for justice, information, or in some cases to abuse power.

EZLN net war

Mexico has been a territory for grassroots activism and UGC. The communication and social movement generated by the Zapatista National Liberation Army (*Ejército Zapatista de Liberación Nacional*, EZLN) on the internet to steer the attention of the international community has become well-known worldwide.⁵⁰ The Zapatista rebels from the southern state of Chiapas, one of Mexico's poorest, rose up on New Year's Day 1994 under the leadership of a man known as Subcomandante Marcos. The aim of the EZLN's campaign was to make known to the world the movement's request to defend the rights of local people against the signature by the Mexican government of the North American Free Trade Agreement (NAFTA). The movement was described as the first netwar, a guerrilla rebellion combining social struggle with an effective use of information and communication technologies to spread their discourse and manifesto globally.

49. Interview with Fernando Gutiérrez, Director of the Department of Communication and Digital Art of the Monterrey Technological Institute, Campus Estado Mexico, and General Coordinator of World Internet Project, Mexico, 18 June 2010.

50. The blog and web page of EZLN is <http://enlacezapatista.ezln.org.mx/>. There are presented all the initiatives, manifestos, reports, speeches, complaints, and activities of the *zapatistas* communities.

El Sendero del Peje (The Garfish Path)⁵¹

The 6 July 2006 presidential elections in Mexico were much disputed. Having narrowly lost the preliminary count, Andrés Manuel López Obrador from the centre-left Democratic Revolution Party (*Partido de la Revolución Democrática*, PRD), challenged the results with the Federal Electoral Tribunal (*Tribunal Electoral del Poder Judicial de la Federación*, TEPJF), and demanded a recount. An independent blog named *El Sendero del Peje* was created to support López Obrador's fight for the presidency. The blog's creator, Víctor Hernández, published information that would not have been otherwise hosted by established media, which were overtly against Mr López Obrador. His blog even published a list of the media enterprises, companies, and journalists blocking information about this initiative.

The main objectives of the blog were to seek, comment, and gather information related to Mr López Obrador. It also hosted a link to his official website, discussion forums, links to stories, and columns on his candidacy published in newspapers and to broadcasts on radio and TV about him. *El Sendero del Peje* became a major focus of discussion for the public, including journalists, independent media, and politicians. *El Sendero del Peje* became more famous when journalists Federico Arreola (from *Milenio* newspaper) and Julio Hernández (from *La Jornada* newspaper) wrote about the blog in their columns. The climax came when the journalist Denise Maerker showed program videos from the blog on TV. This broadcast alone boosted the blog's visitor numbers by 10,000. On the election day, the blog had 17,000 visitors, rising to 60,000 the following day. The blog visit measurement company Blogalaxia ranked *El Sendero del Peje* for a long time as the most visited blog in Latin America. (*El Sendero del Peje* has now evolved into the alternative news website SDPnoticias.com.)

Internet Necesario (Necessary Internet)

This was a micro-blogging-based type of cyber-protest developed from October 2009 to November 2009. Its purpose was to inform people about the government's proposal to impose new taxes on telecoms services such as internet subscriptions, cell-phone subscriptions, and pay-TV. Alejandro Pisanty, who represented the Internet Society in Mexico, an international NGO, promoting internet deployment, gave out the information through two tweets on the Twitter social network about the complaint against the government initiative and created the hash-tag #Internetnecesario. The first message about the complaint was sent in the morning of 19 October 2009 and by midnight a total of 100,000 tweets had been generated. About 12,000 people spread the news and within a few hours, an unprecedented online protest took shape. Two days later, traditional media picked up the story, publishing interviews and reports about the #Internetnecesario. The protest forced Congress to organize a hearing with NGOs and academics to discuss the situation. In the end, the government's proposal was not approved.

51. This is Andrés Manuel López Obrador's nickname, because the garfish – half fish, half alligator – is native to his home state of Tabasco.

Callejerito

This became the name of a stray dog that was kicked, tortured, and finally killed by four Mexican teenagers. The brutal act was made known through pictures posted on Facebook, a video uploaded on YouTube, and reports posted on blogs. The four teenagers were identified. The case prompted demands from citizens via social networks to apply the law to the four teenagers and for a reform of the animal protection laws. In 40 cities, street demonstrations were organized via social networks for Callejerito. The case was reported in most of the established media, the perpetrators were interviewed by the local radio station in the town where they were based, and they admitted torturing and killing the dog. The protest went then beyond Mexican borders. Organizations such as People for the Ethical Treatment of Animals (PETA) and Animaturalis sharply criticized the act.

Electoral smear campaigns

Social networks have also been used for this purpose, especially YouTube. The Federal Electoral Institute (*Instituto Federal Electoral*, IFE) has debated in the past whether it should fine smear-video campaigns aired via the internet.⁵² This followed the smear campaigns in the 2006 presidential elections. A reform of the electoral legislation in 2007 prohibited parties and politicians from using expressions in the media that denigrate institutions or slander individuals. In May 2009, the IFE discussed a new problematic case, a video that parodied a song from a famous Mexican film, *Rudo y Cursi*. The parody was, in fact, a way to spread denigrating comments about the governor of the state of Veracruz. It said: “I saw him, I saw him, I saw him, I saw him stealing, oh, oh, oh, yes, I saw him in his mansion counting money, he doesn’t want to tell us where did he got it; tell me, tell me, what are you selling, little music monkey.” As a result, the regional attorney in Veracruz lodged a case against the creators and perpetrators of the video with the Federal Electoral Court (TRIFE).⁵³ This case set a precedent: the IFE discussed the violation of the electoral law through content on the internet and adopted provisions forbidding denigration and slander online. The IFE also ordered YouTube to remove the link to the video.

Organized crime

On 23 February 2010, a message reading “Gunfire on the main square of Reynosa [at the Tamaulipas–Texas border], 23 dead persons approx. mostly civilian” appeared on Facebook. It was followed on Twitter by this message: “Big gunfire on the two international bridges of Nuevo Laredo, Tamaulipas.” Facebook followed: “It is official today Wednesday 24.02.10 in our city Matamoros, Tamaulipas, curfew at the stroke of 21 hours. If you have read this please paste it, send it and publish it, you never know when you can save a life. Don’t be out late...” These messages caused confusion because of the crime waves the country has experienced in

52. The IFE is a public, autonomous, independent institution in terms of decisions and operations. It was established by the state with the authority to organize federal elections, which are those for the president as well as the Upper and Lower Chambers of the Federal Congress. Headquartered in the Federal District, it has offices in the capital cities of the 32 states and in the 300 electoral districts. It receives funding from the state budget that it is approved by the Chambers of Congress.

53. The other electoral authority is the Federal Electoral Court—Federal Judicial Branch (*Tribunal Electoral del Poder Judicial de la Federación*, TRIFE), and it has the responsibility to supervise that all acts and rulings pronounced by the electoral authorities observe the Constitution and the laws derived from it.

recent years. The director of *Milenio TV* titled his column in the daily *Milenio*: “Twitter wants to kill us with fear.”⁵⁴ He criticized the impunity of social networks where information is not verifiable: “With a sense of survival that nobody can criticize, media and reporters stopped reporting. Fertile terrain for make-believe.” He concluded: “When journalism dies, only the official version remains. And now Twitter. How frightening.” In April 2010, *Time* magazine wrote that Mexican drug cartels appeared to have adopted a new technique to avoid military raids and police checkpoints by posting warnings on Facebook and Twitter.⁵⁵

3.2.2 The Importance of Digital Mobilizations

As described in one example above, digital mobilizations organized through social networks have started to prompt state institutions to incorporate new technologies. These mobilizations involve politicians, are carried out by citizens through social networks, and are then picked up by traditional media. In some situations these new tools provide critical support for crises, but in other situations they create confusion and outrage. People working in various state institutions or ordinary people who have been through various crises have increasingly started to use social networks to disseminate their demands. A survey on the use of Twitter in Mexico shows that between August 2009 and January 2010, the number of active Twitter accounts grew eightfold.⁵⁶ The survey predicted that the number of such accounts would reach some 350,000 by July 2010. At this time of writing, it has exceeded 1 million twitter accounts.

3.3 Assessments

Activists, politicians, and regular citizens use digital media to enhance their impact on traditional media. Alma Delia Fuentes, a journalist specializing in new media, says that Web 2.0 digital mobilizations such as blogs and social networks have forced journalists to produce more content and improve their research, as they realize that people are using new media to generate their own news and information content more rapidly, accurately, and sometimes from the spot.⁵⁷ Citizens use such digital tools to publish stories online, upload their own stories on social networks and comment on news produced by traditional media online. In general, however, established media publish online news from newswires rather than journalists’ investigations, Fuentes said. Some broadcasters and newspapers use citizen-generated information to create news. For example, *El Universal* on its online *Citizen Reporter* section encourages readers to upload their stories with photos and video captured and recorded on their mobile phones or video cameras.⁵⁸ The commercial TV station Televisa offers something similar on *esmas.com*.⁵⁹

54. Ciro Gómez Leyva, “Twitter nos quiere matar de miedo” (Twitter wants to kill us with fear), *Milenio*, 25 February 2010, available at <http://impreso.milenio.com/node/8725469> (accessed 18 May 2010).

55. Alexis Okeowo, “To Battle Cartels, Mexico Weighs Twitter Crackdown,” 14 April 2010, available at <http://www.time.com/time/world/article/0,8599,1981607,00.html> (accessed 18 May 2010).

56. Guillermo Pérezbolde, “Twitter en México” (Twitter in Mexico), available at <http://www.slideshare.net/gpbolde/twitter-en-mexico> (accessed 17 May 2010).

57. Interview with Alma Delia Fuentes, editor of the news website *cnxexpansion.com* in Spanish, former editor of *El Universal* online and teacher of cyberjournalism since 2003 at the Monterrey Technological Institute, Campus Ciudad de Mexico, 18 June 2010.

58. See <http://interactivo.eluniversal.com.mx/contactanos/rciudadano.html> (accessed 18 May 2010).

59. See <http://enviayreporta.esmas.com/noticierostv/> (accessed 18 May 2010).

In the last few years, the users of social networks multiplied exponentially. Another trend was a firmer relation between established media, alternative radical media, and social networks. Limited access for citizens to established media helped legitimize the work of the alternative radical media. Information published on social networks has also increasingly made it into stories in the established media, which have embraced social networks to increase the number of their readers, viewers, listeners, and visitors.

New media have proved their power in Mexico. More than ever, citizens can communicate directly with politicians, organizations, institutions, and so forth. Even congressmen answer messages on Twitter because they are both exposed by and in a very dynamic community, where people answer and communicate very rapidly. New media, given their dynamics and practicality, are seen as useful because they have become a political tool, which opens possibilities for rebalancing the poles of power in political life. Fuentes says that social networks make a qualitative contribution in Mexico, as they give social groups the power to influence the news agenda in the mainstream media and to push for fresh social policies. However, their impact is still limited because relatively few people have internet access despite the increasing number of users. The digital mobilizations are not a guarantee that this problem is solved. The possibility that any citizen can create a blog or send messages by social networks on themes relevant for them could also help create an extensive base of information and knowledge.

Ignacio Catalán says that to encourage participation through new media, it is necessary to reduce digital illiteracy, not only by providing more computers, but also by maximizing the power of networking. Citizens must also learn the value of the information they post. Simple posting does not achieve anything much by itself, even on a massive scale. In order to boost civic participation, topics that are relevant for ordinary citizens should be disseminated.⁶⁰

60. Ignacio Catalán, “Destacan importancia de la ética periodística” (The importance of journalism ethics), 10 November 2009, available at <http://www.eluniversal.com.mx/estados/73637.html> (accessed 19 May 2010).

4. Digital Media and Journalism

4.1 Impact on Journalists and Newsrooms

4.1.1 Journalists

Digitization has allowed for faster distribution of more abundant news content on more platforms, but it has also led to falling circulation in the print media and advertising migration from traditional to new media. The financial crisis in Mexico has not affected journalism as sharply as in Europe and the United States. The free-of-charge print media and news portals have yet not posed a threat to the press, mainly because they traditionally survive on government advertising, and funding from universities or other public institutions and political parties. In 2009, newspapers and magazines pulled in some US\$35 million in advertising spending, which represented some 10 percent of the total spending by the federal government on social communication, which means spending by state institutions on publicizing the government's policies and programs. The print sector was the fifth-largest recipient of money from the budget following TV, radio, foreign media, and the internet.⁶¹

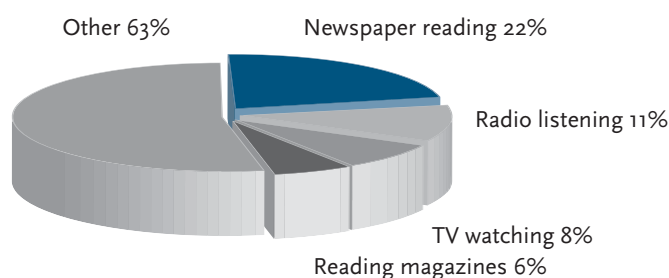
The crisis in Mexican journalism has been triggered by digitization and the migration of advertising to other media, particularly the internet. In 2009, online media pulled in some MXN2,345 billion (US\$192 million) in advertising revenue, which is a growth of 24 percent over 2008.⁶² The internet increases the reach of all combined traditional media by up to 26 percentage points, in a country with 11.3 million computers connected to the internet in 2009.

61. J. Bravo, "Gasto de Comunicación Social 2009" (2009: spending on social communication), *El Búho*, April 2010, p. 36, available at http://www.renevilesfabila.com.mx/universodeelbuho/117/02_de_nuestra.pdf (accessed 25 June 2010) (hereafter Bravo, "2009").

62. IAB México, "Internet advertising investment grew 24 percent during 2009," 2010, available at http://iabmexico.com/archivos/medioteca/9e86_fact_sheet_2009_ok.pdf (accessed 21 June 2010).

Figure 15.

Most preferred media consumption activities online, 2009



Source: AMIPCI, 2009⁶³

Digitization has had two sorts of impact on journalism: one more political and the other more technological and financial.

The first impact is related to the political transition to democracy that started after the 2000 elections when the centre-right National Action Party (*Partido Acción Nacional*, PAN) formed a government after 71 uninterrupted years of administration by the Institutional Revolutionary Party (*Partido Revolucionario Institucional*, PRI). This change did not complete the achievement of freedom of expression which had increased during the last six years of the PRI administration, but it did create broad expectations of a different relationship between the political class, the mass media, and journalists.

The change in 2000 led to a looser relation between media and the government than during the previous authoritarian regime, which had used censorship and other mechanisms of control to pressurize the media. The relation evolved from a somewhat disguised subordination of the media by the government to a more fragmented, competitive, and pluralist media scene where political conflicts appear more often. Moreover, a larger number of stakeholders, including the old political groups, were allowed into the policy debate: they included the mass media and organized crime groups. The latter started to make intensive and unusual use of political communication tools.

The new relationship between the media and the political establishment that emerged after 2000 was characterized by greater political independence for the media, greater freedom to cover topics that had been taboo, greater risks for journalists and less good-quality journalism, with more trivialization and sensationalism in political coverage.

The second impact is connected to the deployment of new technologies that led to transformations in news production, distribution, and consumption, as well as in the practice of journalism more broadly. It is hard to say whether technological innovation has translated into better journalism able to bolster public debate and, implicitly, the quality of democracy.

63. AMIPCI, "Habits of Internet Users in Mexico" 2009, available at <http://www.amipci.org.mx/estudios/temp/RESUMENEJECUTIVOEstudio-AMIPCI2009UsuariosdeinternetFINAL-0334725001245691260OB.pdf> (accessed 20 June 2010).

Many publications would disappear if there were no state advertising. However, subsidizing the media from state coffers jeopardizes the independence of media outlets because there is no regulation imposing caps on allocations of what has become known as official advertising in the media. The main concern is that magazines and newspapers sometimes cover public institutions positively because they depend on official advertising. Then, public institutions also sometimes pressurize these publications to cover them in a positive manner.

Consumption of information and downloading of journalistic content through mobile devices such as mobile handsets have increased in recent years. Six percent of mobile telephone users access the internet through mobile devices.⁶⁴ Print media have recently been searching for a new business model to encompass these new technologies. Such strategies include migration exclusively to the internet (such as *Reporte Indigo* magazine), charging for online content (the daily *Reforma*), merger of newsrooms of more media companies (such as the media groups Imagen and Multimedios), or launch of production of journalistic content for mobile devices (the daily *El Universal*). Some media observers believe the last is likely to be the trend in coming years.

Opinions vary on the impact of technological convergence on journalism. Nevertheless, everyday practice shows that convergence has been a pretext for reducing production costs, which has had direct repercussions on the quality of news and information output, and has shaken job security in the industry.

As in other parts of the world,⁶⁵ different models of converged journalism can be found in Mexico, ranging from a model based on two distinct editions, one in print and one digital, such as the *El Universal* daily newspaper, to a model based on fully merged news desks that aim at efficiently using resources. There are two examples of media that feature a “high-intensity journalistic convergence,”⁶⁶ seen mostly in the profound transformations that took place in the type of work done, namely in the media groups Imagen and Multimedios.⁶⁷ According to María Elena Meneses, some 66 percent of the journalists from Grupo Imagen, most of them young, found it very hard to move towards convergence,⁶⁸ while 34 percent found this easy. On a different note, some 62 percent in the same survey said that they received a boost in salary during this process, but 35 percent were not given any financial compensation. At the same time, about 69 percent agreed that they worked longer hours after the convergence of the newsrooms, 25 percent said that they had the same working hours, and only 3 percent said that they worked fewer hours.⁶⁹

64. Mundo 2.0 contact, “México, entre los países donde más se leen blogs” (Mexico, among the countries where blogs are increasingly being read,” available at http://www.mundo-contact.com/enlinea_detalle.php?recordID=12172 (accessed 28 June 2010).

65. According to a survey among editors-in-chief of newspapers during the World Newspaper Forum in Gothenburg, Sweden, in May 2008, 53 percent of those canvassed said that they were managing converged editorial departments, producing content for both digital and print versions of the publications. Some 69 percent said that they planned to converge their print and digital departments by 2013.

66. M.E. Meneses, “Las implicaciones de la convergencia en la industria periodística en México. El caso de Grupo Imagen” (The implications of the convergence in the Mexican journalism industry: Case study of Grupo Imagen), PhD thesis in Social Sciences, FCPyS of the UNAM, 2009 (hereafter Meneses, “El caso de Grupo Imagen”).

67. Grupo Imagen, a pioneer in journalistic convergence in Mexico, owns the daily newspaper *Excelsior*, the internet portal online.com.mx, radio stations, and a free-to-air TV channel. The business magazine *Expansión* ranked the conglomerate that owns Grupo Imagen as 126th of the 500 largest companies by sales revenues in Mexico. The Multimedios group operates the *Milenio Diario* network of daily local newspapers, the weekly *Milenio Semanal*, internet websites, radio stations, and Milenio TV, a news channel on pay-TV and internet.

68. Moving towards convergence is the process whereby newsgathering increasingly involves knowledge about using digital tools.

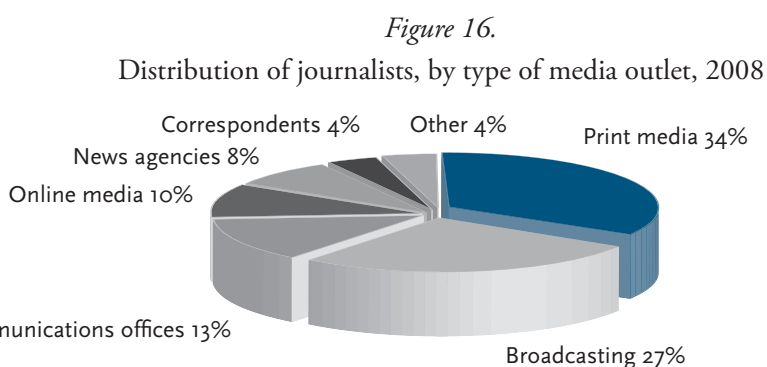
69. Meneses, “El caso de Grupo Imagen.”

Digitization has made information production more cost-effective, but it has not necessarily improved working conditions for journalists. Unless they belong to the small circle of well-paid star journalists, reporters receive low salaries compared with the average. The Federal Labor Act does not include journalism among 18 professions listed. Therefore, protecting the rights of journalists is difficult. Journalism in Mexico is characterized by a lack of employment security, a high level of competition for work, a wide range of risks extending even to murder, and violations of labor provisions such as failures by media outlets to offer training, overreliance on freelance contracting, absence of social benefits, and lack of union organization.

On top of these concerns, no legislation guarantees the federalization of crimes committed against journalists and freedom of expression; nor are there codes of ethics or ombudsmen in the media. Defamation lawsuits against journalists are often used as a means to harm them financially and discourage free expression. The right to reply is not regulated. The situation of journalists is even worse outside the Federal District where there is a much higher level of uncertainty, including physical violence. (See section 4.2.2.)

In 2008, according to the latest data available, about 30,000 people worked in journalism, of whom 54 percent were women. Some 49 percent of the journalists in all media received a monthly income of MXN4,000 (US\$309)–10,000 (US\$772); 23 percent earned less than MXN4,000; and only 26 percent had a salary higher than MXN10,000, according to the latest survey available.⁷⁰ Over 60 percent of journalists worked with traditional media. Only some 10 percent were in the online sector. Only some 9 percent of online journalists were paid in the mid-range segment.

In Mexico, there is what has become known as the journalist reserve army, consisting of young reporters seeking jobs. With an abundance of unemployed journalists, the salaries of reporters are often cut. New-entry reporters are immediately equipped with portable computers, wireless devices, video cameras, and digital recorders, and asked to produce content for different platforms, including the print edition of newspapers and their websites, radio, and television programs. In these conditions, there is little room for proper investigation and contextualization of the news, and the quality of news output is deteriorating. As a result, there is very often similar or even identical news output in different media. (See Figure 16.)



Note: Social communications offices are the public relations in each ministry.

Source: CIMAC, 2008.

70. Communication and Information on Women (CIMAC, *Comunicación e Información de la Mujer*), “Labour conditions of journalists in Mexico, an approach,” Mexico, 2008, a survey conducted among 200 journalists, of whom 123 were women and 77 men.

4.1.2 Ethics

Digitization has had no perceptible effect on the ethical behavior of journalists in Mexico.

Only a few media outlets have self-regulation mechanisms, including codes of ethics. Where these codes do exist, the public is not informed about them; they are circulated privately among the company's employees. Digitization has not had any direct consequence for the ethical behavior of journalists or media outlets. Outlets that have codes of ethics had them also before the emergence of digital media. The outlets that have such codes include, for example, the dailies *El Financiero* and *El Excelsior*, and the magazine *Proceso*, the latter being one of the most popular and controversial political magazines.⁷¹ In total, there are just 39 codes of ethics in a country numbering a total of 3,400 media outlets and journalists' associations.⁷² The journalist Rogelio Hernández López says: "Probably in the daily professional routine, tens or maybe hundreds of journalists behave ethically, but at the end of the day, the market in Mexico sets these rules."⁷³

4.2 Investigative Journalism

4.2.1 Opportunities

Digitization has helped investigative journalism, making it possible for journalists to seek, find, and cite many more sources and information that otherwise would not have been available. Nevertheless, digitization itself does not guarantee a higher quality of journalism.

Following the change in administration in 2002, Congress approved the Federal Transparency and Access to Public Governmental Public Information Act,⁷⁴ which among other things created a Federal Institute of Access to Public Information (*Instituto Federal de Acceso a la Información Pública*, IFAI), in charge of guaranteeing the right to access information. The Act allows any citizen to request information from public institutions and obliges these institutions to release the information. An electronic system allowing such requests to be filed over the internet was introduced in 2003.

The protection of sources and the right to use off-the-record information are not enshrined in law. Since 2002, however, journalists have been able to request documents from public institutions legally, without compromising their ethical and professional principles by trying to obtain information surreptitiously. The Transparency Act has become a valuable tool that eases the work of investigative journalists, but reporters need to make more use of it. Mass media requests for information accounted for a mere 10 percent of

71. Trejo Delarbre, Raúl, *Volver a los medios. De la crítica a la ética* (Going to the Media. From the Critic to the Ethic), Cal y Arena, 1994–1997, Mexico.

72. Omar Raúl Martínez, *Códigos de ética periodística en México* (Ethical Codes in Mexico), Benemérita Universidad Autónoma de Puebla, México, 2009, p. 380.

73. Rogelio Hernández López, "Periodismo y mercado" (Journalism and Market), *Contralínea*, June 2010, available at <http://contralinea.info/archivo-revista/index.php/2010/06/27/periodismo-y-mercado/> (accessed 27 October 2010).

74. *Official Gazette of the Federation*, 11 June 2002; the last amendment published in the *Official Gazette of the Federation* was on 6 June 2006.

requests for information filed between 2003 and 2009. According to reports from the IFAI, print journalists increasingly request more public information, while radio and television journalists appear not to use this tool at all.

The Act has helped investigative journalists to gather more information and to unearth more issues of public interest. Journalism has begun to fulfill its watchdog role in matters of national importance such as access to judicial records in drug cases, publishing names of people and companies that evade tax, and so forth.⁷⁵ However, this tool is not yet being used to its full potential. The possibility for e-request is the main provision of this Act.

4.2.2 Threats

Investigative journalism is hard to carry out in Mexico where freedom of expression itself is in jeopardy. There are three main threats: drug-trafficking and organized crime; state bodies that impose censorship on media outlets through practices such as discretionary allocation of state spending on social communications or defamation lawsuits; and business interests that lead to a symbiotic relation between media on the one hand and businesses or advertising interests on the other.

Governments since 2002 have tolerated freedom of expression without guaranteeing it. More journalists were assassinated during the PAN governments than under the previous administrations, and the dangers posed by drug-trafficking and organized crime continued. Under international pressure, the administration of Vicente Fox created a Special Prosecutor for Monitoring Aggression against Journalists, but not a single case has been resolved to date.

Between 2000 and 2010, some 65 journalists were murdered, according to the National Human Rights Commission (*Comisión Nacional de los Derechos Humanos*, CNDH).⁷⁶ This makes Mexico the country with the highest number of murdered reporters in Latin America, ahead of Colombia, and the second most dangerous in terms of assassinations of journalists and civilians after Iraq. The number of murders was higher than during PRI rule, which was marked by censorship and authoritarianism. (See Figure 17.)

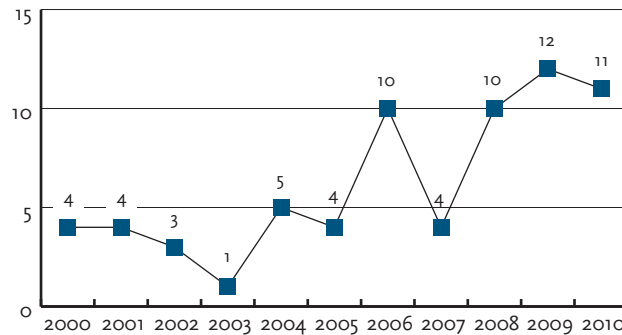
But beyond those, digitization has brought no direct threats to investigative journalism. Even after the release of many cables that depicted the Mexican government negatively during the WikiLeaks saga in 2010, the government did not use any pressure to block access to those data, and the media referred to them freely.

75. Officials, however, are increasingly skillful at hiding information and outside the Federal District the lack of transparency of public information is even higher.

76. CNDH, "Guarantees urgent for the professional practice of journalists," 2 May 2010, available at <http://www.cndh.org.mx/comsoc/comsoc.asp> (accessed 1 July 2010).

Figure 17.

Record of journalists killed in Mexico, 2000–2010



Source: CNDH in <http://eleconomista.com.mx/sociedad/2010/11/03/cndh-reporta-65-homicidios-periodistas-decada> (accessed 10 January 2011).

4.2.3 New Platforms

In 2009, Mexico had 5.9 million users of blogs, making it the fourth country in the world in blogging activity after South Korea, the Philippines and China. Some 60 percent of these users had their own blogs, and over 87 percent accessed one regularly.⁷⁷ Nevertheless, unlike in countries such as the United States, blogs have not yet become investigative journalism centers that would work on a daily basis.

The low impact of blogs and social networks on investigative journalism has two causes. The first is the domination of traditional media: over 95 percent of Mexicans consume news on TV, about 87 percent of them take news from radio and barely 16 percent read a newspaper.⁷⁸ The second cause is the relatively low rate of internet penetration, reaching nearly 27 percent of the population in 2009.⁷⁹

4.2.4 Dissemination and Impact

More recently, with the intensification of violence, including killings during “the war on drug-trafficking” waged by the federal government, international social networks such as Facebook and Twitter or video-sharing portals such as YouTube allowed for the dissemination of information and images that are not available on traditional media, which fear reprisals from criminal gangs or the police and military authorities. Alerts about ongoing confrontations, photos and videos of such violent acts, are shared and exposed on the internet, particularly in cities such as Ciudad Juárez or Monterrey where violence has been mounting. Even criminal gangs started to use social networks to warn authorities, threaten their rivals or terrorize citizens by airing videos of executions, including warnings on motorway closures, upcoming confrontations, and ambushes.

77. Universal McCann in http://www.mundo-contact.com/enlinea_detalle.php?recordID=12172 (accessed 19 January 2011).

78. CONACULTA, “National Survey of Cultural Practices and Cultural Consumption,” Mexico, 2004.

79. Source: AMIPCI.

In general, investigative journalism has improved, mostly because there is a better democratic environment in the country in terms of freedom of speech. At the same time, the country has a more competitive journalism market that stimulates media outlets to produce more in-depth stories. The new technologies are a tool that helps to disseminate the product more widely.

4.3 Social and Cultural Diversity

4.3.1 Sensitive Issues

The most sensitive topics in terms of social and cultural diversity are related to the lack of democracy over the past 70 years. As such, they cover a wide range of concerns, inside and outside the conventional definition of diversity. These topics are not covered continuously in the media, and only resurface when they are triggered by a specific event or the government decides to tackle an issue directly.

In recent years, these topics have included:

- migration from Mexico to the United States
- drug-trafficking, violence and organized crime
- planned legalization of abortion
- same-sex marriages and sexual abuse by priests
- controversial relationships between the Government, parliament and the judiciary, as well as highly debatable decisions by the Supreme Court of Justice of the Nation (SCJN, *Suprema Corte de Justicia de la Nación*)
- economic crisis, corruption and impunity
- electoral reform
- social conflicts such as those in San Salvador Atenco—State of Mexico—and Oaxaca city in 2006⁸⁰
- the Zapatista Movement and its spokesman, Subcomandante Marcos

Other relevant topics that do not get sufficient media coverage include indigenous peoples, extreme poverty, the reform of state structures, unemployment, democratic reform of the mass-media system, and environmental degradation.

80. In San Salvador Atenco in 2006, settlers clashed with federal, state and municipal authorities. The story goes back to 2003, when residents blocked a plan to build an international airport after the federal government decided to pay a low price for expropriated land. The repressive measures against the people of Atenco in 2006 were interpreted by political analysts and settlers as government revenge for blocking the construction of the promised airport. After four years in jail the leaders of the locals were freed in 2010.

4.3.2 Coverage of Sensitive Issues

Migration is one of the most sensitive topics between the United States and Mexico. The annual illegal emigration flow from Mexico averages 1 million, depending on such factors as the economic crisis, drug-trafficking, the war on terrorism, restrictive policies, and anti-immigration legislation. On this topic, the media report mainly on remittances sent back to Mexico by immigrants to the United States, the importance of illegal immigrant Mexican workers to the US economy, cases of immigrants captured and deported by the American Border Patrol, the unwillingness of the White House and Congress to approve a comprehensive law that would solve the problem of Mexican immigration, and failed attempts by the Mexican government to convince its U.S. counterpart to reach migration accords.

Topics such as drug-trafficking, violence, lack of security, and organized crime are the most sensitive and frequently covered in the media, but not often with the depth they require. In December 2006, the newly appointed government of Mr Calderón declared a “war on drug-trafficking,” a media strategy for fighting the underworld, but also for legitimizing itself after a controversial electoral process that was marked by accusations of fraud. Official data estimate that drug-trafficking generates an annual income of US\$40 billion and that half a million families in Mexico are involved in one way or another in the drug business. The same data show that in the first three years in power of the Calderón government, over 12,000 people lost their lives, the majority assumed to have been the result of account-settling among criminal gangs.

Journalistic coverage of such topics is risky. There have been numerous cases of journalists killed because of their coverage of organized crime. This danger prompts many publications to publish stories anonymously or without by-lines. Usually, these stories quote official bulletins from the police, defense and justice departments in the government, and report on the arrest of drug barons and assassins, and the capture of drugs and weapons. They also report on confrontations between criminals and authorities, settling of accounts among criminals and messages from drug-traffickers, but without deeper investigation because of the risks involved. Sensational news such as the inclusion of Joaquín Guzmán, nicknamed “El Chapo,” one of the most wanted drug-traffickers in the world, among the Forbes 2009 World’s Richest People, is widely reported.

In the first two years of the “war against drugs,” media coverage of drug-trafficking included sensitive topics such as human rights abuses by the military, the efficiency and legality of the authorities’ operations against drug dealers, the governmental strategy for fighting organized crime, the role of the military in carrying out police tasks in the streets, the scope and limitations of the Mérida initiative between Mexico and the United States,⁸¹ and the more active role that the latter should take in controlling drug consumption, the work of the intelligence services, and so on. The legalization of drugs has also been tackled by the media, but there were not many arguments in its favor.

All these topics are discussed more freely online than in the traditional media. On the other hand, information related to the “drugs war” is a delicate issue related to the security of journalists and media.

81. The Mérida initiative is a security cooperation agreement dating back to 2007, between the United States and Mexico, aimed at fighting drug-trafficking, organized crime, and money laundering.

4.3.3 Space for Public Expression

The situation for minorities in terms of both media visibility and presence is particularly grave. The constitution recognizes Mexico as a multicultural state. Its main minorities are, from an ethnic viewpoint, indigenous communities that number some 10 million people. The constitution also recognizes the right of towns and communities to acquire, operate, and manage media for community integration.

Nevertheless, in practice there are no optimal political and legal conditions for exercising this right because the Broadcasting Act does not establish rules and conditions for these minorities to acquire a TV or radio license. At the same time, most of these communities lack access to new technologies as telecoms companies do not consider them as an attractive market. In this situation, indigenous groups are being isolated from the effects of the digitization that is happening in the rest of the country. On the other hand, ethnic and social minorities are insufficiently represented in the mainstream media, a situation that has not been changed by digitization.

Among sexual minorities, the gay and lesbian community has its own spaces for expression, but is marginalized in the mainstream media.

4.4 Political Diversity

4.4.1 Elections and Political Coverage

To date, digitization has not changed the regulation of election coverage in the media. Nevertheless, the controversial 2006 elections⁸² led to the creation of a congressional majority that in 2007 approved a constitutional reform, which among other things, established the following new relationship between parties and mass media:

- reduce public subsidy of election campaigns (in the 2006 elections, the parties received a total of US\$188 million, which civil society organizations saw as excessive)
- ban the sale of radio and television airtime to political parties: this task has been transferred to the IFE
- shorten the electoral campaign from six months to some three months for the president, senators, and congressmen, and regulate the time and access to electoral messages before the election campaigns
- ban stakeholders outside the election process, such as churches or trade unions, from taking part in campaigns
- regulate government campaigns: government bodies, for example, are obliged not to advertise their public policy and pay for this service in the media
- strengthen the tasks and powers of the election authorities, which now have more tools to impose fines or other forms of sanctions on political parties

82. In 2006, at the end of the elections that gave the victory by less than half a percentage point to Calderón and his party (PAN), the opposition candidate (Andrés Manuel López Obrador, of the leftist coalition For Everyone's Good), challenged the elections saying that fraud was involved (see *section 3.2*).

Of all these new provisions, only the ban on radio and TV broadcast airtime has to do with the media. The others are related to general political campaigning before elections. The 2007 electoral reform was designed to resolve the deficiencies and excesses of the tense electoral process in 2006. It limited the campaign to a maximum of 90 days for general elections and of 60 days for mid-term parliamentary elections. The cuts in electoral funding introduced by the electoral reform of 2007 are estimated at over MXN3 billion (US\$250 million) over the next three years.

The internet has become more used mostly in electoral campaigns. In 2009, a video that ridiculed Governor Fidel Herrera (member of the PRI) of the State of Veracruz drew high traffic after it was uploaded on YouTube. It was then presented on Milenio TV. Its soundtrack was broadcast by various radio stations. The PRI accused its rival party, PAN, of being behind this video and complained to the IFE General Council, which found the complaint unfounded, stating that the video was “in no manner linked to or accredited by PAN as authors ... or proved their responsibility for [its] dissemination.”

Nonetheless, despite this decision, the IFE general manager, Marco Antonio Gomez Alcantar, stated that the election watchdog would seek to prevent similar campaigns from disgracefully or anonymously turning the internet into a no-man’s-land.⁸³ Following the PRI complaint, IFE ordered YouTube to remove the video, which it did.⁸⁴ Until June 2010, however, there were no specific regulations for electoral campaigns on the internet. However, demand for such regulation has been increasing.⁸⁵

In digital media and new technologies, there were no significant news sources that moved to non-regulated or less regulated platforms.

4.4.2 Digital Political Communications

Parties were banned from purchasing airtime on radio or television in 2006. Their sole access to electronic media is through a program and calendar established by the state-regulated timetable. The IFE will be in charge of allocating time slots to political parties during electoral campaigns at both federal and local levels. Since 2007, the Federal Code of Electoral Institutions and Procedures (*Código Federal de Instituciones y Procedimientos Electorales*, COFIPE) has prohibited any entity from buying advertising on radio or television that favors or attacks any party or candidates in elections and thus would influence the viewers’ electoral preferences.

83. Notimex, “Analiza IFE desechar queja por video de YouTube” (The IFE considers rejection of a complaint regarding YouTube video), 15 May 2009, available at <http://www.wradio.com.mx/nota.aspx?id=812396> (accessed 2 July 2010). Notimex is the news agency of the Mexican State. Since 2006, it has been a decentralized organ of the Federal Public Administration. More information at www.notimex.com.mx (accessed 11 March 2011).

84. Hoy por Hoy, “Propone PRI-Veracruz regular campañas por Internet” (PRI Veracruz proposes regulation of campaigns via internet), 15 May 2009, available at <http://www.wradio.com.mx/nota.aspx?id=812508> (accessed 2 July 2010).

85. For example, Jorge Carvallo Delfin, president of the PRI board of directors in Veracruz, stated that the federal representatives would propose an initiative for the IFE to regulate electoral campaigns on the internet.

Parties are forbidden by law to denigrate institutions or individuals. But this restriction does not hinder the work of journalists. During the electoral campaign, advertising spending by government must be suspended. The only such spending allowed during this period is related to campaigns on educational services, health care and citizen protection in cases of emergency. Government-paid advertising during this period must omit names, images, voices or symbols related to public officials. The 2007 electoral reforms only changed political communication in the electronic media, not media coverage as such, and did not refer to digital media at all. The lawmakers were not interested in regulating the internet during elections because they continue to see the net as a marginal platform for current affairs. In a country where only 27 percent of the population has internet access, politicians generally do not see it as a danger or as an opportunity.

However, political parties have started to make more use of online opportunities. All parties had an official website and opened micro-sites on the internet for the 5 July 2009 legislative elections.⁸⁶ These sites were very static, focusing on banner and video-spots, and lacking discussion forums, blogs, and in general more information about the manifestos and candidates. Not surprisingly, they received few and short visits in 2009. They lacked a strategy in the sense that they omitted to prepare electoral messages designed for the internet. At the same time, they did not take advantage of interactive functions.⁸⁷

At the same time, Facebook and Twitter are becoming favorite tools of some elite politicians who want to be closer to the citizens and to express their points of view on various issues.

In contrast, eight internet websites of citizen and civil society organizations appeared during the elections demanding the annulment of the vote because they suspected fraud. Sometimes, their proposals were published by mainstream media.⁸⁸ These websites positioned themselves quickly as spaces offering valuable, transparent, and up-to-date information that aimed to hold the political elite accountable.

The media launched electoral micro-sites during the elections, publishing information about the political parties, candidate profiles, polls, and other news. Such sites created interest among readers to a greater or lesser extent. During the 2009 elections, political parties and their candidates, civil society activists, and citizens jumped on to social networks to communicate.⁸⁹ They used these networks to announce electoral events and disseminate electoral speeches or information from the traditional media. Nevertheless, in general, blogs as a space for expansion of citizen participation during the last elections were not wholly endorsed by society at large. YouTube stood out as a substitute medium for traditional TV watching. It aired electoral spots, critical videos, records of electoral meetings, news conferences, and interviews related to the elections.

86. M.E. Meneses and C. García Rubio, "Elecciones e internet en México: el uso político dela red en el marco de la campana electoral de 2009" (Elections and internet in Mexico: the political use of the internet in the framework of the 2009 electoral campaign), *Sala de Prensa* 11, 5 (122) (December 2009), available at <http://www.saladeprensa.org> (accessed 11 March 2011).

87. Meneses and García., "Elections."

88. The websites included Voto en Blanco, Anulo mi Voto, Propuesta Cívica, Esperanza Marchita, Tache a Todos, Vota por Papanatas, Vota por Nadie, and Ponle sentido a tu Voto.

89. In Mexico, the most popular social networks in terms of membership are YouTube, Facebook, Metroflog, Hi5, and MySpace. (For more detailed information, see *section 3*.)

4.5 Assessments

Digitization has had two contradictory impacts on the work of journalists, one related to quality and the other to accuracy. While journalists now have more tools to obtain information and improve the quality of their work, some of them use the internet just to recycle information.

Journalists can now access information that was not available through traditional means. The online availability of historical archives, company financial information, international news sources, official documents (following requests under the new Transparency Law), coupled with the opportunities offered by multimedia platforms, have helped journalists to improve their stories and package them more attractively. Nevertheless, these tools are not fully exploited by reporters.

Digitization has also affected the working conditions of journalists. Reporters working for multimedia platforms or converged newsrooms process more information and prepare more output, with more and improved digital devices for more media, platforms, and publics. However, all these expanded capacities and innovations do not necessarily translate into higher-quality investigative journalism. On the contrary, this work has become riskier as it often can jeopardize the safety of journalists, for instance when covering drug-trafficking. At the same time, journalists continue to be paid meager salaries and frequently the quality of their content has declined, consisting of shorter pieces, often recycled from other outlets, topped and tailed with a new introduction and conclusion.

The effects of digitization on election coverage have not been developed. There was much talk of the success of political communications over the internet and the use of social networks by Barack Obama in the 2008 U.S. presidential election. However, a set of basic conditions that made that possible in the United States are lacking in countries such as Mexico, which are characterized by low internet penetration, the dominance of traditional media as sources of political information, and low levels of interest in public political debate by traditional and digital media alike.

Most politicians and political leaders have an internet presence and make use of social networks, mainly Facebook and Twitter, but this has not translated into a closer relationship between government and citizens, a better-quality democracy or more reliable information. The new political communication strategies on digital platforms employed by political parties have not supplanted traditional strategies with their dependence on speeches, spots, verbal attacks on rivals, photo galleries, etc.

Marginalized social groups, minorities, and citizen organizations are those that have most benefited from the advantages brought by digital media. The vote annulment campaign mentioned in this section is an example of citizen empowerment of this kind. Digital media help such groups to have a greater presence in the public space where the mainstream media used to not pay them much attention. They have learned how to create networks for collaboration, exchange of information, and knowledge.

5. Digital Media and Technology

5.1 Spectrum

5.1.1 Spectrum Allocation Policy

The allocation of radio-frequency spectrum is a responsibility of the Ministry of Communications and Transport (*Secretaría de Comunicaciones y Transportes*, SCT).

In Mexico, the digitization of broadcasting has only been implemented in television. The model adopted was similar in terms of advantaged parties to that promoted in the United States. It has been developed mainly according to industry needs, under the influence of large multinational technology corporations and equipment manufacturers. The most important media consortium in Mexico, Grupo Televisa, with the support of the main industry lobby group, the National Radio and Television Industry Chamber (*Cámara de la Industria de la Radio y la Televisión*, CIRT), influenced the government to introduce a model of transition to digital broadcasting in accordance with its interests as set out below.

Government agreements on digital policy started to be made toward the end of the six-year administration of Ernesto Zedillo (1994–2000) and were cemented in the Fox administration (2000–2006).⁹⁰ In 2004, the government established 31 December 2021 as the end date for analog television transmission.⁹¹

Broadcast licenses were given, or renewed, until 31 December 2021 in order—the government argued—to give TV owners time to invest in digital equipment. In parallel, through the same 2004 accord the government assigned an additional frequency to each operator of TV stations to allow them to start testing digital transmissions. These experimental channels became known as mirror channels. As a result, the two

90. One of these accords reserved frequencies for the future that will be used for terrestrial radio and television digital technologies. This agreement was signed in 2000 by the then head of the SCT, Carlos Ruiz Sacristán, who justified blocking the spectrum for the purpose of “carrying out research and development tasks related to the introduction of sound and digital television radio broadcasting.” (*Diario Oficial de la Federación* (Official Newspaper of the Federation), 3 October 2000.)

91. “Acuerdo mediante el cual se establecen obligaciones para los concesionarios y permisionarios de radio y televisión relacionadas con las tecnologías digitales para la radiodifusión” (Agreement by which the technological standard of digital terrestrial television is adopted and the policy for the transition to digital land television in Mexico is established), *Diario Oficial de la Nación*, 2 July 2004.

dominant commercial TV groups, Televisa and Television Azteca, added to their combined 436 channels a similar number of digital channels. They now control 94 percent of all TV broadcast licenses awarded to private groups and 66 percent of all TV licenses. When analog broadcasting is shut off, these two operators will have to free the frequencies on which they now air in analog. Televisa and Azteca were not charged any fee for using frequencies for their mirror channels.

5.1.2 Transparency

One of the issues of most concern to SCT and COFETEL is the lack of transparency over spectrum allocation. Neither of the two institutions has clear rules on this process. In 2010, the government launched two tenders for allocating frequencies on the 1.7 GHz and 1.9 GHz bands for mobile telephony and new generation (3G) services. The tender conditions led to protests from various companies, particularly because COFETEL decided to reserve spectrum for at least one new competitor on the national level in the market.

From the very launch of the tender, it was announced that because of spectrum caps and other requirements imposed by COFETEL, none of the other interested parties such as Telefónica, Unefon, and Telmex would be able to compete for this license, leaving only companies such as Televisa and the U.S. telco Nextel in a position to compete. But instead of competing in each of the two tenders, these two companies joined forces and contended for one of the two frequencies. As a result, COFETEL declared in summer 2010 that the second frequency would not be awarded.

The joint venture Televisa-Nextel won the tender, for which they paid slightly more than MXN180 million (US\$15 million). Other operators such as Telcel, Telefónica, Movistar, and Iusacell bid for smaller segments of 10 MHz in different regions of the country, for which they paid up to three or four times more than Televisa-Nextel.⁹² In October 2010, following heated debates about the tender among members of the Federal Congress, academics, telecommunications experts, and some lawsuits, Televisa decided to cancel its alliance with Nextel. Critics of the tenders still call for the reorganization of the entire tender process.

5.1.3 Competition for Spectrum

In the transition to digital broadcasting, public policy has given priority to high definition digital television channels (see section 7), which reduces the technical possibility of dividing the same 6 MHz channel into two, three or even four TV channels. In brief, this reduces the availability of frequencies for more non-high-definition channels. Second, broadcasters are allowed to offer telecoms services such as internet or mobile phone services on their channels provided that this will not mean total or partial disruption of digital broadcasting. The possible explanation for this public policy is that the government wants to favor existing main players instead of adopting a new policy that could open the spectrum to newcomers.

92. For further information on all the processes and opinions, see Gabriel Sosa-Plata (2010) "Licitación 21, más irregularidades" (Tender 21, More Issues), *El Universal*, 22 de Octubre 2010, available at <http://www.eluniversal.com.mx/columnas/86747.html> (accessed 12 January 2011); Carmen Aristeguí, interview with former vice-minister of SRT, Purificación Carpinteyro, available at <http://www.youtube.com/watch?v=PA13Dt-vk7E> (accessed 15 January 2011).

The 2006 amendment of the Federal Radio and Television Act and the Federal Telecommunications Act (both mockingly referred to as the Televisa Act because they were designed to privilege the commercial TV sector, and more precisely Televisa) allows broadcasters to apply for permission to offer telecoms services through broadcast channels with COFETEL. They will not necessarily have to pay spectrum usage fees. Nevertheless, following an appeal by a group of senators in 2006, the SCJN ruled that this benefit, i.e. exemption from spectrum fees, was unconstitutional because, in the court's view, it bestowed new privileges on the dominant companies in the sector. The court also considered this decision to be unfair as other TV license holders (cultural, educational, state TV stations, etc.) did not benefit from it.

In a 2006 decision by the Minister of the Supreme Court, Salvador Aguirre Anguiano, it was argued that the legal amendments, "instead of preventing ... concentration, favors the monopolization of telecommunications and media in the hands of a few persons to the detriment of the public interest and free availability."⁹³ Anguiano's decision further explained that allowing dominant TV broadcasters to offer telecoms services would lead to more concentration on these other segments.⁹⁴

According to COFETEL, as of May 2010, there were 63 channels transmitting digitally. Of these, 45 cover cities that were part of the first phase, from 2004 to 2006, of the digital terrestrial transition policy accord (see section 7). Based on the aforementioned accord, the second phase of the transition was supposed to cover, between 2006 and 2009, cities with more than 1.5 million residents. According to the INEGI, only three cities meet those criteria: Puebla, Toluca, and León, in addition to Tijuana, already considered in the first period. The transition has been smooth but mainly because the goals were not very ambitious. Television Azteca has the most digital channels in operation. It even beat the deadlines established in the government policy agreement. Televisa has opted to stick to the official timetable and, according to COFETEL, has not complied with the obligation to air digitally in Toluca and Puebla.

The government acts timidly in promoting competition, plurality, and diversity in the allocation of broadcasting frequencies. In 2009 and the first half of 2010, COFETEL awarded 19 permits for the operation of radio and television stations, including one for the Congress Channel, another for the Government of Mexico City (digital), and six for community radios, which were awarded after technical, financial, and legal procedures that lasted almost two years, and still have serious restrictions on their footprint.

5.2 Digital Gatekeeping

5.2.1 Technical Standards

No debates on digital standards for radio or TV broadcasting have been organized. The Consultative Committee of Digital Radio Broadcasting Technologies, a body created by the government in July 1999, proposed the international Advanced Television Systems Committee (ATSC) standard for digital terrestrial

93. Decision of Sergio Salvador Aguirre Anguiano on the action of unconstitutionality 26/2006, p. 497.

94. Anguiano decision, see note 96, p. 499.

television.⁹⁵ This committee is authorized to issue recommendations to the SCT on legal, administrative, and technical steps for the adoption of digital technologies and standards in radio and television. The head of the SCT is tasked to adopt these recommendations. The committee consists of six members, appointed half by the SCT and half by the CIRT. People or institutions with proven expertise in the field of radio and TV broadcast technologies were allowed in the past to attend committee's meetings, but only by invitation and as observers.

In Mexico, the Government adopted the ATSC's standard for digital terrestrial television as part of its September 2010 strategy for digital switch-over. This standard was adopted without public discussion or the participation of all industry stakeholders.

5.2.2 Gatekeepers in Digital Broadcasting

There have been many problems with gatekeeping in broadcasting, but digitization has introduced further complications, because there is no clear rule on licensing. At the same time, the high prices of digital equipment represent another obstacle to the growth of community radio.

5.2.3 Transmission Networks

Televisa was permitted to operate as a monopoly from 1970 to 1993. The entrance of TV Azteca (Canal 7 and 13) in 1993 put an end to the monopoly. Since then, the duopoly has been privileged. Most of the full-power TV stations in Mexico are operated as repeaters, which are owned by the two TV groups. Smaller repeaters are controlled and run by municipality-based organizations.

5.3 Telecommunications

5.3.1 Telecoms and News

So far, the dominant TV stations have managed to bar the access of telecoms to broadcast content, including news.

One problem affecting competition is the lack of specific regulation for broadcasting on free-to-air channels (by dominant operators such as Televisa and Television Azteca) of restricted, pay-TV platforms such as cable, satellite, and microwave, or through other technologies (such as mobile telephony or IPTV). This legal vacuum led the direct-to-home (DTH) television company DirecTV to leave the Mexican market at the end of 2004, in the face of the impossibility of rebroadcasting nationwide free-to-air channels of Televisa, which were exclusively rebroadcast by the competing company, Sky, in which Televisa has a majority stake.

95. "Acuerdo para el estudio, evaluación y desarrollo de tecnologías digitales en materia de radiodifusión" (Agreement on the Study, Evaluation and Development of Digital Technologies on the Subject of Radio Broadcasting), *Diario Oficial de la Nación*, 20 July 1999.

The situation has changed in recent years following the imposition by the Federal Competition Commission (*Comisión Federal de Competencia*, COFECO) on Televisa of a set of conditions for acquiring cable television companies. These conditions included must-carry rules such as the obligation to broadcast in non-discriminatory conditions on all its networks the entire content of free-to-air television stations at these stations' request, and must-offer rules such as the obligation of free-to-air stations such as Televisa to offer their content in non-discriminatory conditions to all newly-entered, restricted, pay-TV platforms upon the latter's request.

COFECO's resolution also established the obligation on Televisa to transmit over DTH platforms those channels which cover at least 30 percent of the country. As far as local channels transmitted through satellite television are concerned, the "carry one, carry all" obligation was imposed on Televisa, prohibiting it from discriminating against local free-to-air TV channels.⁹⁶

COFECO stated that concentration in the television sector would be allowed in terms of mergers and alliances between pay-TV companies and free-to-air television networks, if Televisa complied with the provision to grant access on its channels and to its content to all the free-to-air or paid-for television companies that have requested such access, in non-discriminatory conditions. Thus, Televisa started to make its free-to-air channels, together with channels on its 16 paid-for television brands, available to other operators in 2008. But it made these channels available in packages, with a set of strings attached aimed at barring access to Telmex, the main operator of fixed and mobile telephony, which is controlled by Carlos Slim. They did this by stating that Televisa's programs could be aired via cable and satellite, but not through IPTV, which Telmex offers. Surprisingly, COFECO did not oppose this move. Close to 170 cable TV companies bought content from Televisa, and COFECO eventually approved Televisa's domination.⁹⁷ The main concern and surprise of this COFECO decision is that it barred the way to Telmex's entry to the pay-TV sector. Second, this decision helped perpetuate Televisa's dominance in the sector. The government policies in telecoms look as if they are made to bolster Televisa's position against Telmex instead of boosting competition.

In 2008, a new DTH company entered the market. This was Dish México, a joint venture of the Mexican MVS and U.S. company EchoStar, but it has not reached any agreement to rebroadcast Televisa's free-to-air channels, because it judges that Televisa's packages are too expensive. Dish México's TV service is low-cost, at MXN149 (roughly US\$11) a month. Therefore, the acquisition of Televisa packages is not affordable for Dish. As of June 2010, Dish had a total of 1.7 million subscribers.⁹⁸

96. In other words, if Televisa decides to air a free-to-air local channel on its satellite platforms, it will have the obligation to transmit all the channels in that area to avoid disadvantaging local channels (CFC, press release 06-2007).

97. G.S. Plata, "Fortalecer a Televisa para debilitar a Telmex" (Strengthen Televisa to Weaken Telmex), "Telecom and Media" column, *El Universal*, Finance, 20 May 2008, p. 8.

98. A. Aguilar, "De Swaan va por la presidencia de Cofetel" (De Swaan goes for presidency of Cofetel), "Names, names and names" column, *El Universal*, Cartera, 2 June 2010, p. B-3.

5.3.2 Pressure of Telecoms on News Providers

As of June 2010, the dominant fixed telephone operator Telmex,⁹⁹ with more than 80 percent of this market, did not offer pay-TV because there is a clause in its license conditions that prevents it. The federal government has only authorized Telmex to provide double-play service packages of telephony and internet. Telmex committed to ensure number portability for end-users and fair interconnection and interoperability conditions for alternative operators, as preconditions for being allowed to offer more services, according to the convergence agreement of 2006, which also established in what conditions cable companies can offer fixed telephony, internet, and content distribution in a triple-play package.¹⁰⁰

In contrast, cable companies and the rest of telecoms are permitted, through their infrastructure, to distribute audiovisual and internet content. Telmex insists that it has complied with the three conditions of number portability, interconnection, and interoperability, but the government says that other companies are still complaining about problems with the interconnection of their networks with Telmex's.¹⁰¹

Since 2007, Telmex has been planning to launch its own IPTV platform. It has readied the marketing, business, and programming plan, but opposition from Televisa and the National Chamber of the Cable Telecommunications Industry (*Cámara Nacional de la Industria de Telecomunicaciones por Cable*, CANITEC) has weighed greatly on the decision of the federal government.

Telmex TV, on the other hand, started to become known in other countries in Latin America such as Peru, Chile, and Colombia. In 2009, Telmex acquired two cable television companies in Colombia. In Peru and Colombia, Telmex TV is offered by cable while in Chile it is broadcast by satellite. Telmex TV airs only third-party programming. The company does not produce any audiovisual content in those countries.

At the end of 2008, Telmex started to upload programs of the Telmex channel Uno TV News through its Prodigy web portal. Uno TV News has limited itself to offering two news bulletins of 15 minutes at 1.00 p.m. and at 6.00 p.m. Telmex decided to keep a low profile with this service so as not to irritate cable operators, which might find legal ground to sue the telco. Eventually, these operators started to criticize the initiative.

Uno TV news is an online service only, with poor picture quality; it does not air exclusive stories or interviews, nor does it report on its competitors or on the company's own offers. Nevertheless, CANITEC lodged a complaint with the SCT and COFETEL, arguing that Telmex was in breach of its telecoms license conditions. In response, the director of Telmex's legal and regulatory affairs, Javier Mondragón, said that

99. It is important to understand that Telmex is the only operator in Mexico that could provide portability, interconnection, and interoperability. It was a monopoly operator when the government privatized it in 1991, giving it possession of the national telecoms infrastructure. Since then, Telmex has invested in this infrastructure.

100. "Acuerdo de convergencia de servicios fijos de telefonía local y televisión y/o audio restringidos que se proporcionan a través de redes públicas alámbricas e inalámbricas" (Accord of convergence of fixed local telephony and television and/or restricted audio services that are provided through wired and wireless public networks), *Diario Oficial de la Nación*, 3 October 2006.

101. G.S. Plata, "Telmex TV" (Telmex TV), "Telecom and Media" column, *El Universal*, Finance, 29 January 2008.

through the decision to launch this service online, Telmex was exercising its constitutional right to freedom of expression. He also argued that web companies such as Yahoo!, YouTube or Google or content producers such as Sony, Warner or Disney do not have a license to distribute their content in Mexico.¹⁰² At the time of writing, there has been no official decision on the case. The company continues to air its news bulletin on the internet. It also sends news via text messages to its mobile telephony clients.

5.4 Assessments

The system of frequency allocation has been criticized in recent years because it favors certain companies or business groups. Only in 2006, with the amended Federal Radio and Television Act and the Federal Telecommunications Act, was a tender procedure for granting broadcast frequencies established, in line with the procedure for telecoms licenses. Before, these frequencies had been assigned at discretion, based on a tender published in the *Official Gazette of the Federation*. These changes are part of the largest democratic transition that the Mexican political system has ever experienced.

Since 2006, however, the government has not launched any tenders to assign broadcast frequencies despite repeated demands from various social and political actors, who argued for boosting competition to the duopoly of Televisa and Television Azteca in the television sector, and for the position of public service and community media.

When it comes to allocating frequencies for non-commercial entities, every time COFETEL issues a favorable opinion to associations or institutions that request a frequency, the federal government obstructs it via the Secretary of the Interior. In recent years, some 140 applications for frequencies have been submitted to COFETEL, and most of them have not received a response.¹⁰³ At the same time, the Ministry of the Interior has closed dozens of community radio stations that operate without licenses. They do this by means of violent police operations that put the lives of the communicators at risk. During 2009, indigenous peoples and other social activists from political organizations who continued to broadcast were taken to court. The World Association of Community Radio Broadcasters (*Asociación Mundial de Radios Comunitarias*, AMARC), Mexico, estimates that some 200 community broadcasters currently operate without authorization.¹⁰⁴

Mexico has not yet achieved appropriate spectrum regulation. In its current form, this regulation still presents a lot of gaps. For example, it does not help to ensure a healthier level of competition, allowing for numerous monopolies in various segments (*see section 6*). Moreover, spectrum allocation policy is responsible for the fact that accessibility of services is dictated solely by the market and is not seen as a public service or from a public

102. G.S. Plata, "Telmex y su canal de noticias" (Telmex and its news channels), "Telecom and Media" column, *El Universal*, Finance, 24 February 2009.

103. AMEDI, "Report on right to information 2010," Mexico, 2010, mimeo, p. 4.

104. AMARC AL, *Annual Report 2009 on Diversity and Pluralism of Radio Broadcasting in ALC*, Uruguay, 2009.

interest perspective. Finally, spectrum allocation does not address the socio-economic gaps and divisions in society, which is the key reason for the differences in the speed of embracing digital technologies.

There is no reference to the public interest, public service values or socio-cultural objectives in the policy on spectrum allocation. A reference to public interest is made only in the Federal Act of Telecommunication, in the context of infrastructure operations. The tenders for frequency allocation described in this section and the moves in terms of allocation of digital spectrum for broadcasting show the logic behind government thinking on spectrum, in which public interest does not play any role whatsoever. When it came to privileging Televisa in the tender for spectrum in 2010, the Calderón administration argued that this “new” operator would generate competition in the telecoms sector and bring down prices for telecoms services. The big problem here is that Televisa already holds a dominant position in all the media markets and wields immense political and economic power.

6. Digital Business

6.1 Ownership

6.1.1 Legal Developments in Media Ownership

Legislation on media ownership has not changed in the past five years. In fact, the reform of this legislation has been at the forefront of demands by civil society organizations and of some political parties. They argue that there is an urgent need to change the legal conditions that allow large media to concentrate horizontally, vertically, and diagonally in all the media markets. Grupo Televisa and Grupo Salinas (the owner of TV Azteca) are examples of this unhealthy situation.

6.1.2 New Entrants in the News Market

Two significant new players have entered the news content market in the past five years. One is a new TV channel called Cadena Tres, which entered the broadcast television market in 2007 following the purchase by Grupo Imagen of Channel 28 in Monterrey. Grupo Imagen owns Cadena Tres. Nevertheless, Cadena Tres's audience share continues to be minimal. Its most watched programs do not reach more than 2–3 rating points and its average audience share a year is 1–1.7 percent.¹⁰⁵ The channel is available terrestrially only in the metropolitan area of the city of Monterrey and through cable in the rest of the country. Among the positive aspects of the launch of this channel is its alliance with the independent producer Argos to distribute fiction series and soap operas, which are expected to help the independent production sector. The second new entrant is a cable TV news channel from Grupo Multimedios, which owns the newspaper *Milenio Diario* and magazine *Milenio*. The group's all-news TV channel, named also Milenio, started in October 2008. The entrance of these two new news providers is a positive development as it contributes to enriching the public sphere.

105. IBOPE AGB, 2009.

6.1.3 Ownership Consolidation

Media ownership has not changed significantly during the past five years. In some sectors, Grupo Televisa increased its dominance. In the pay-TV sectors, this was made possible by COFECO's decision in 2008 to allow Televisa to buy shares and form alliances with cable distribution companies in different states of the republic.¹⁰⁶

For years, academics, civil society organizations, intellectuals, opposition political parties, and advertisers have called on the federal government to award more nationwide broadcast licenses through public tenders, in order to offer the public more content options. Mexico has a high level of concentration in broadcast television, where Grupo Televisa and Televisión Azteca hold 94 percent of the television frequencies. In addition, both networks produce centrally the entire programming that is distributed at local level, so independent producers have no chance to reach wide audiences. In the case of radio, the situation has not changed much either. Between 1988 and 2007, the control of more than 70 percent of all the licenses for radio stations was in the hands of 10 radio broadcasting groups.¹⁰⁷

One case in radio illustrating how private operators prevent pluralism in the news offering is the Spanish Grupo Prisa, which operates one of the largest nationwide news radio networks in Mexico in terms of listenership, Radiópolis.¹⁰⁸ The dispute started in 2008 when Grupo Prisa decided to rescind the contract of its journalist Carmen Aristeguí, who produced and presented one of the most popular shows in the morning slot from 6 a.m. to 10 a.m. The news show was known for giving a significant amount of space and fair treatment to political activists and issues that no other station was systematically following. For example, in the last presidential election campaign of 2006, the show gave voice to leftist parties and their main candidate, Andrés Manuel López Obrador, as well as to dissenting voices such as Subcomandante Marcos, spokesperson of the EZLN. The show also covered sensitive issues such as the reform of media legislation, the rape of indigenous women in the State of Veracruz and Coahuila by the military, cases of pederasty among Catholic clergy, and abortion rules in the Federal District.

Prisa's reason for dropping Aristeguí was the existence of divergences between the station's editorial line and the journalist's line. Originally, Grupo Prisa argued that the program's production was too expensive. The Aristeguí story stirred a massive debate on issues such as social responsibility and freedom of expression. This story is also an example of how horizontal concentration between Grupo Prisa and Grupo Televisa impeded plurality and diversity in news coverage.

106. R. Gómez and G. Sosa, "La concentración en el mercado de la televisión restringida en México" (Concentration of the pay-TV television market in Mexico), *Comunicación y Sociedad* (University of Guadalajara) 14 (Nueva época) (2010), pp. 109–142.

107. In Mexico, there are 854 stations that operate on AM, of which 759 are commercial and 95 non-commercial. The latter include some community radio broadcasters, such as states, governments, and educational institutions.

108. The Spanish Grupo Prisa signed an alliance with Grupo Televisa to operate the radio station Radiópolis after acquiring 49 percent of the shares in Televisa's radio division back in 2011 for a total of US\$50 million.

A major player with notable growth is Grupo Multimedios, which in recent years has expanded its dominance in the area of newspaper publishing, with eight regional dailies across Mexico, including the nationwide daily *Milenio*. The group has traditionally operated local television and radio stations in the north-eastern states, Nuevo León and Coahuila.

6.1.4 Telecoms Business and the Media

Over the last four years, Grupo Televisa has gained a larger share in the market of subscription television, reaching almost 50 percent of television households in 2009, through its cable companies, Cablevisión, Cablemas, and TVI, and through its company Sky on satellite television. In addition, thanks to the introduction of triple-play services, the group became the country's second-largest provider of telecoms services, including internet connections and telephone fixed lines, after the giant telecom Telmex. (See Table 9.)

Table 9.
Companies of Grupo Televisa on the pay-TV Market, 200

Companies	No. of subscribers
Cablevisión	605,339
Cablemas	879,923
TVI	227,936
SKY (DTH)	1,793,388
Total Grupo Televisa	3,506,586
Others	4,106,444
Total	7,613,000

Source: Prepared on the basis of information from COFETEL and Grupo Televisa, Q3 2009 Report.

Another link between telecoms and media is the interest that Grupo Salinas, owner of Television Azteca, has in the mobile and fixed-line sectors through its companies Iusacell and Unefon. Both these companies offer mobile phone services, including 3G, with Unefon also running fixed-line networks. The two companies control together some 7 percent of the mobile phone market.

Grupo Televisa and Televisión Azteca are investing massively in the telecoms sector with expectations of using digital convergence to beef up their profits and to find new platforms for distributing media content. At the same time, the largest telecoms operator, Telmex, is trying to enter the content business by developing its own IPTV platform.

6.1.5 Transparency of Media Ownership

Over the past decade, the two large players in the TV market, TV Azteca and Grupo Televisa, have set a range of policies to allow their shareholders to get informed yearly on financial deals, revenue flow, expenditures, and business strategies. This information is available on their websites in the investor relations pages, in reporting formats aligned with the requirements of the stock exchanges in Mexico, the United States and

Spain, where their shares are floated. The two new players in the news media market, Milenio TV and Cadena Tres, do not offer this mechanism of transparency. In general, there are no mechanisms for ensuring transparency of media ownership. Except for their obligation, like that of any other companies, to report on their owners to the Ministry of the Treasury solely for tax purposes, media companies are not required to report any changes in their ownership to any state authorities.

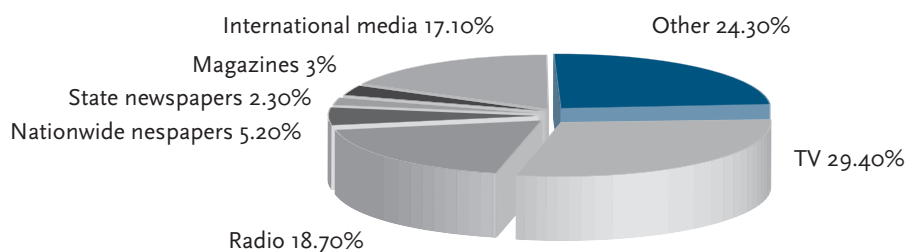
6.2 Media Funding

6.2.1 Public and Private Funding

The total advertising market in Mexico in 2009 was worth MXN44.9 billion (US\$3.4 billion), of which 60 percent went to broadcast television, mainly Televisa and TV Azteca. This trend, according to the PriceWaterhouseCoopers consultancy, is set to continue in the coming years when the advertising spend is predicted to grow at an average annual rate of some 6 percent.¹⁰⁹ In addition to commercial advertising, TV Azteca and Televisa obtain significant funding through government advertising, which is distributed at their discretion. In 2009, the federal and state governments spent close to US\$360 million on advertising in various media. TV Azteca and Televisa pulled in 10.5 percent and 14.38 percent of that amount, respectively.¹¹⁰ (See Figure 18.)

Figure 18.

Distribution of public spending on advertising in the media, by sector, 2009



Source: Bravo, "2009," p. 37.

The public media with nationwide coverage are financed through direct subvention, and their financial health depends mainly on decisions by the president and parliament to grant them the resources necessary for their operations (*see section 2*). Comparing the budgets of the two public broadcasters with government spending on private media, it is obvious that there are resources to better finance public television and plan the digitization of public service media and the expansion of their footprint, as explained below.

109. PricewaterhouseCoopers, "Global Entertainment and Media Outlook, 2008-2012," New York: Bowne Business Communication, 2009.

110. Bravo, "2009," p. 36.

The state is one of the main advertisers for various private media, which has a negative effect on pluralism and independence. In some cases, particularly local media, this type of spending is a form of political control, but at the same time, in other cases, there are media that survive only thanks to this form of funding, that at the same time is good for diversity. (See section 4). To establish the impact of this type of funding on the independence and diversity of the media, clearer rules on the relation between the media, government, and funding should be introduced.

Several proposals to improve the sustainability and independence of the media have been put forward by experts and civil society organizations. One of these calls on the state and federal governments to stop spending on private media and channel those resources directly to the public service media to improve their news programs. Another proposal is to allow the state to fund private media, but the spending would be decided by a council or board according to criteria responding to the public interest. The same body should monitor state spending on the media. It was even proposed that this spending should be subject to congressional approval. The aim of these recommendations is to achieve transparency in allocating public resources. If rules on such spending are violated, the law should provide not only civil penalties, but also criminal ones, according to various recommendations submitted to Congress.¹¹¹

The Ministry of the Interior is in charge of issuing general guidelines on planning, authorizing, coordinating, supervising, and evaluating the public relations strategies of the federal government. At the same time, legal provisions ensure impartiality in decisions on public spending. For example, the 2007 amended constitution stated that state employees at federal, state, and municipal levels as well as in the Federal District and its delegations, must allocate public resources under their responsibility “with impartiality”, and without hurting fair competition between political parties. Paid advertising, according to the constitution, should “be of an institutional nature and have informational, educational or social orientation purposes.”¹¹²

A new trend that has begun to affect the credibility of journalism is the purchase by political parties, politicians, and some private companies, without invoice or receipt, of stories, reports, and interviews on radio and television that are not labeled as such but aired as general information. The IFE has analyzed dozens of such cases in recent years, and in May 2010 it imposed the first fine for such practices on a candidate of the government of Oaxaca and on a television company that broadcast an “infomercial” for the said candidate.¹¹³

111. J. Cárdenas, “Es necesario legislar la publicidad gubernamental” (It is necessary to legislate governmental advertising), *Zócalo*, May 2010, available at

http://www.revistazocalo.com.mx/index.php?option=com_content&view=article&id=579 (accessed 15 June 2010).

112. Bravo, “2009,” p. 37.

113. A. Urrutia, “Uso rampante de los infomerciales con fines políticos, denuncian” (Rampant use of *infomercials* for political ends, they charge), *La Jornada*, 17 May 2010, available at <http://www.jornada.unam.mx/2010/05/17/index.php?section=politica&article=013n1pol> (accessed 15 June 2010).

6.2.2 Other Sources of Funding

Funding in the media continues to fall into traditional patterns. No new types of funding have emerged in recent years.

6.3 Media Business Models

6.3.1 Changes in Media Business Models

Media conglomerates have been mainly those that, forced by digitization and the economic crisis, have developed diversification strategies aimed at improving the profitability of their companies. “Maximization of revenues prevails to such an extent as a business criterion that news has to be produced by a single reporter for different media, in an inflexible routine in which technology and time, the latter frenetic and intense, become a tyranny for professional practice.”¹¹⁴

In recent years, media conglomerates have increasingly produced content for different platforms: written press, internet, radio, and television. This has led to a major reorganization of their production process, reducing costs by using the same staff for producing content for more platforms. One company that has significantly diversified and converged its newsrooms is Grupo Imagen, which is part of Grupo Empresarial Angeles, owned by Olegario Vázquez Raña, an entrepreneur who also owns hospitals, hotels, real-estate companies, and financial firms. Grupo Imagen controls radio broadcasters, the television Channel Cadena Tres, the daily newspaper Excelsior newspaper, and its website ExOnline.

Analyzing the group’s activities, Meneses noted:

a clear trend toward the devaluation of news and a growing quest for the print media to find informative formulas beyond the daily story, which would be found by adhering to journalistic investigation and the rupture of the agenda dictated by elite interests, but this is still far from being obvious, since at least in the universe of Mexican daily newspapers, statements are the order of the day of the front pages each morning and journalistic investigation is a pending task.¹¹⁵

This strategy has been employed by other multimedia groups in the country that have started to converge their newsrooms. As a result, journalistic production has grown, but the quality has not improved. There is more news content in Mexico, sufficient to fill the spaces opened by the new media, particularly the internet. But the journalistic routine in information-gathering has not changed significantly.

According to INEGI, the media market declined by 2.5 percent in 2009, the most significant drop since 2003, as measured by GDP.¹¹⁶ The economist Francisco Vidal said that the media sectors most affected by digitization and the economic crisis are traditional media (television, radio, and print), and also, despite the constant growth of broadband subscribers, the internet subscription customer base. Music and video

114. Meneses, “El caso de Grupo Imagen,” pp. 3–4.

115. Meneses, “El caso de Grupo Imagen,” p. 24.

116. See <http://dgcnesyp.inegi.org.mx/cgi-win/bdiocoy.exe/492?s=est&c=12343> (accessed 12 September 2010).

producers and distributors were not greatly affected by the crisis.¹¹⁷ The media sector, however, was less hit by the economic downturn than the economy in general, which reported a record drop of 6.5 percent in 2009, year-on-year. It is increasingly evident that the groups which diversified more, such as Televisa, which acquired cable television companies and developed new businesses in telecoms, were in better shape to face the crisis.¹¹⁸ (See Table 10.)

Table 10.
Sales revenues of the largest media groups, MXN million

Company	2008	2009	2009*	Change (year-on-year) %	
				Nominal	Real
Televisa	49,095	53,519	50,826	9.0	3.5
Telmex Internet Segment	13,213	16,080	15,271	21.7	15.6
TV Azteca	9,815	9,968	9,467	1.6	-3.6
Megacable	5,854	6,895	6,548	17.8	11.9
Cablevisión	4,762	5,277	5,012	10.8	5.2
El Universal	1,552	1,521	1,444	-2.1	-7.0
Grupo Radio Centro	735	786	746	6.9	1.5

Note: * Expressed in real prices (the National Consumer Price Index was used).

Source: Rueda de la Fortuna, available at <http://ruedadelafortuna.wordpress.com/2010/03/08/reportes-financieros-de-las-empresas-de-medios-en-2009/> (accessed 1 October 2010).

In contrast, traditional media companies that are less diversified seem to be the most affected by economic crisis. Such is the case of *El Universal* and Grupo Radio. One of the most important indicators that reflect the economic health of the media conglomerates is their growing number of employees (see Table 11).

Table 11.
Number of employees in media companies, 2008–2009

Company	2008	2009	Change (2009/2008) %
Televisa	22,528	24,362	8.1
Cablevisión	2,594	2,931	13.0
Megacable	8,252	8,940	8.3
Radio Centro	577	562	-2.6
TV Azteca	2,992	3,115	4.1
El Universal	1,178	1,075	-8.7

Source: Prepared by the report's authors based on information from the Mexican Securities Exchange.

117. F. Vidal Bonifaz, "Los Medios mexicanos ante la crisis económica" (Mexican media overcome the crisis), La Rueda de la Fortuna, 10 March 2010, available at ruedadelafortuna.wordpress.com (accessed 27 June 2010) (hereafter Vidal Bonifaz, "Los Medios mexicanos").

118. Although all companies saw a decline in their profits in 2008, no media company incurred losses that year except for Cablevisión, which lost MXN671 million as a result mainly of the increase in costs (exchange variations, among them), and of some failed financial transactions (e.g. cancellation of a commercial loan), in Vidal Bonifaz, "Los Medios mexicanos."

News programs on radio and television are among the most commercially attractive program strands. Therefore, media tend to charge high rates for advertising on these programs compared with other information programs. At the same time, media companies are striving to increase their revenues from their online platforms, many of them experimenting with internet paywalls. The newspapers *Reforma* and *El Norte*, for example, offer access through paid subscription.

6.4 Assessments

Digitization in itself has not affected the monopolies and dominant positions of media companies. On the contrary, the award of a raft of digital terrestrial licenses to the dominant TV operators Televisa and Televisión Azteca, without charging fees, has closed doors to opportunities that digitization should bring by opening the radio-frequency spectrum. This situation is mainly the result of the lack of political will on the parts of both government and Congress to adopt a public policy aimed at democratizing Mexico's communications system, exploiting the advantages brought by digitization in terms of more efficient spectrum use.

Instead of enhancing plurality and raising the profile of independent media, whether community or public, digitization, particularly broadcast switch-over, has so far led to smothering the operations of such media. Although digital switch-over has not yet begun, it can be said that the process of transition to digital broadcasting has begun in Mexico with the launch of test broadcast by private networks. Public service and community outlets desperately need funding and a supportive policy. It is estimated, for example, that a total of US\$650 million would be needed to digitize the not-for-profit broadcasters.¹¹⁹

In addition, cross-ownership concentration continues to grow, with Grupo Televisa in particular further bolstering its position. Televisa's business model is based on incorporating all lines of media production and controlling a large number of distribution platforms. Such a model has negative repercussions on independent producers because Televisa controls the distribution chain and relies mostly on its own production.¹²⁰

Media companies and conglomerates, with the exception of those that charge for their services such as pay-TV, obtain their income mainly through commercial or government advertising. This is the main source of revenue for radio and TV stations, newspapers, magazines, and internet websites. The use of digital platforms has not substantially changed the business model of traditional news media. For some media companies it is imperative to boost their income by taking advantage of convergent or multi-channel distribution. The models differ widely. For example, the *Reforma* newspaper, since it launched its internet version in 2000, charges for its service, while other newspapers such as *El Universal* and *La Jornada* offer their internet content free, trusting in high visitor numbers to drive up advertising revenue.

119. F. Vidal Bonifaz, "El costo del apagón analógico" (The Cost of Analogue Switch-over), *La Rueda de la Fortuna*, 13 October 2010, available at ruedadelafortuna.wordpress.com. (Accessed 20 October 2010.) (hereafter Vidal Bonifaz, "El costo del apagón analógico").

120. R. Gómez, "Políticas e industrias audiovisuales en México. Apuntes y diagnóstico" (Audiovisual policies and industries in Mexico. Analyses and diagnosis), *Comunicación y Sociedad* (University of Guadalajara) 10 (Nueva época) (2008), pp. 191–224.

None of these companies discloses how their sales on new platforms have evolved in recent years. However, data from financial reports of Mexican companies floated on the stock exchange show that the income media companies pulled in from digital platforms has not been significant to date.¹²¹ Even *El Universal*, one of the most expansive and innovative outlets on new platforms, continues to generate sales revenues mainly from its print version, according to sources from the newspaper consulted by the present authors. Another major experience in the digital world is Grupo Multimedios Estrellas de Oro, which developed the *Milenio* concept encompassing today the nationwide weekly *Milenio Semanal*, eight regional daily newspapers (one for each of Mexico City, Monterrey, Guadalajara, Tampico, State of Mexico, Torreón, León, and Puebla), a TV channel covering Monterrey terrestrially and other parts of the country through cable and satellite, and the internet portal *milenio.com*, which brings together content from its print publications and broadcasts of its TV channel and news streams. The company claims that it has increased its advertising revenue thanks to its website.

121. The Mexican media companies quoted on the Mexican stock exchange are Televisa, Televisión Azteca, Megacable, Cablevisión, and Grupo Radio Centro.

7. Policies, Laws and Regulators

7.1 Policies and Laws

7.1.1 Digital Switch-over of Terrestrial Transmission

7.1.1.1 Access and Affordability

The timeframe for digital switch-over has been adopted. It includes obligations on digital mirror channels for simulcasting, but it lacks incentives for the development of digital technology, which is reflected in the low penetration of digital terrestrial take-up. According to INEGI, 3.6 million households have a digital television set, which represents 13.6 percent of the TV households in 2009. However, fewer than half of those 3.6 million households, namely 1.6 million, receive digital content terrestrially. The remainder access TV content via cable and satellite TV, games or videos.¹²² COFETEL stated in one of its documents that low penetration of digital equipment begs for “strategies that encourage the acquisition of this type of television set.”¹²³

The lack of incentives and legal provisions on digital switch-over was an opportunity seized in the beginning of 2009 by Television Azteca to launch HiTV, a multi-channel service encompassing some 20 channels. The project generated strong controversy because of the questionable legality of the move.¹²⁴ In parallel with this, Azteca marketed a set-top box that was used to access HiTV. The cost of this device was approximately MXN2,000 (US\$153) and was sold in the Elektra stores, a chain controlled by Ricardo Salinas Pliego, the

122. COFETEL, “1.6 hogares tienen capacidad para recibir TDT” (1.6 million households have the capacity to receive DTT), press release 04/2010, 25 January 2010.

123. COFETEL, “Objetivos de la política de la TDT” (Objectives of the DTT policy), available at http://www.cofetel.gob.mx/wb/Cofetel_2008/Cofe_objetivos_de_la_politica (accessed 5 September 2010).

124. On 11 May 2010, a note was published on the front pages of three newspapers owned by Grupo Reforma, *Reforma*, *El Norte*, and *Mural*, which emphasized the opinion that the HiTV service was illegal. Television Azteca argued that the launch of the service did not violate the Radio and Television Act and Rules, and that its goal was to shatter the monopoly on the pay-TV market. Azteca’s lawyers argued that Televisa, Sky, and Cablevision, their partners Cablemas and Television Internacional, as well as the company part of CANITEC, did everything possible to maintain their monopoly on the pay-TV market to prevent the cost of the service from falling. In a letter to President Calderon and the Minister of the SCT, Juan Molinar, CANITEC continued to argue that the launch of HiTV was illegal, and called on the government to take action.

holder of the Television Azteca broadcast license. In mid-2010 the company reported that 50,000 set-top boxes were sold in the Federal District.¹²⁵

In July 2009, COFETEL began administrative proceedings against TV Azteca for “supposed violations of the Federal Radio and Television Act through unauthorized provision of services other than those specified in their license contract and in the Agreement for the Switchover to Digital Terrestrial Television.” In December 2009, COFETEL reversed its initial ruling, saying that it had no grounds to sanction TV Azteca because the service was in line with the law and policy on digital switch-over. In February 2010, the SCT ruled against COFETEL’s decision on HiTV, calling it an illicit service in violation of the Federal Telecommunications Act, because HiTV could be considered as a telecoms service. But TV Azteca used the right to *amparo*,¹²⁶ which allows for a postponement of the resolution. At the time of writing, no final ruling had been made in this case and the service continued to be provided.¹²⁷

In the case of radio, after numerous statements and positions expressed by the antitrust watchdog COFECO and the Federal Bureau of Regulatory Improvement (*Comisión Federal de Mejora Regulatoria*, COFEMER), COFETEL published in 2008 the Guidelines for the Switch-over to Digital Terrestrial Radio for radio stations located near the country’s northern border.¹²⁸ Broadcasters located within 320 km of the northern border may choose to carry out the digital switch-over in synchronization with the U.S. In-Band On-Channel (IBOC) standard, commercially known as HD Radio.¹²⁹ The rest of the country must await the assessment of other digital standards before a decision on the switch-over is made. At the time of writing, no additional criteria for licensing or incentives for commercial and non-commercial licensees have been adopted. No open public discussion was held on guidelines or policy for the introduction of digital terrestrial radio in Mexico. By June 2010, a total of 25 stations located along the northern border were ready to transmit in HD Radio (hybrid digital/analog) signal.

7.1.1.2 Subsidies for Equipment

In September 2010, the Calderón administration established an inter-ministerial commission to organize subsidies for households that cannot afford set-top boxes, antennas or digital sets.¹³⁰ The initial figure for such subsidies that has been floated in ministerial circles is US\$60.¹³¹

125. Notimex, “TV Azteca mantiene operación de HiTV” (TV Azteca maintains operation of HiTV), *El Universal*, 9 March 2010, available at <http://www.eluniversal.com.mx/notas/664723.html> (accessed 10 March 2011).

126. The right to *amparo* (*recurso de amparo*) is a constitutional tool to empower state courts to protect individuals against possible abuses by the state. It is defined in articles 103 and 107 of the constitution.

127. C. Avina, “Sanciona la SCT a radiodifusoras” (The SCT sanctions television broadcasters), *El Sol de Mexico*, 24 February 2010, available at <http://www.oem.com.mx/laprensa/notas/n1531786.htm> (accessed 2 July 2010).

128. Published in the *Official Gazette of the Federation*, 14 May 2008.

129. IBOC is a hybrid means of transmitting digital and analog radio broadcast signals simultaneously on the same frequency.

130. “Decreto por el que se establecen las acciones que deberán llevarse a cabo por la Administración Pública Federal para concretar la transición a la Televisión Digital Terrestre” (Order laying down measures to be carried out by the Federal Public Administration to finalize the transition to Digital Terrestrial Television), *Official Gazette of the Federation*, 2 September 2010.

131. Vidal Bonifaz, “El costo del apagón analógico,” *La Rueda de la Fortuna*, 13 October 2010, available at ruedadelafortuna.wordpress.com (accessed 27 October 2010).

7.1.1.3 Legal Provisions on Public Interest

The existing legal framework for digital switch-over, set by the Fox and Calderón administrations (2001–2012), understands public interest mainly in terms of coverage and the need for the state to ensure deployment of the technology. It does not spell out any guarantees in terms of public interest. (*See these legal documents in section 7.1.1.4.*)

7.1.1.4 Public Consultation

The policy on digital switch-over in terrestrial TV broadcasting has been shaped by the needs of the broadcasting industry, without the inclusion or participation of civil society. The main policy documents adopted during this process include:

- Agreement on the study, evaluation and development of digital radio broadcasting technologies (*Official Gazette of the Federation*, 20 July 1999);
- Agreement on the reservation of frequencies for research and development projects related to the introduction of digital radio broadcasting (*Official Gazette of the Federation*, 27 March 2000);
- Agreement approving the technical standard for digital terrestrial television (DTT) and establishing the policy for the switch-over to DTT (*Official Gazette of the Federation*, 2 July 2004);
- Order laying down measures to be carried out by the Federal Public Administration to finalize the transition to DTT (*Official Gazette of the Federation*, 2 September 2010).

The policy on digitization was not created at random, argues Maria de la Luz Casas. It is the result of many decades of lobbying by large international capital groups and the media industry in general. Major events that have contributed to the shape of this policy included the sale of Teléfonos de Mexico (Mexican Telephone Company) to Carlos Slim in 1991 and the subsequent entrance of foreign telecoms businesses such as AT&T and MCI Communications in Mexico, the 2003 modifications to the constitution's article 28 to permit foreign investment in Mexican telecoms, and the adoption of the Federal Telecommunications Act in 1995, through which telecoms networks, radio-frequency spectrum, satellite communications, and mobile telephony were opened to foreign buyers within caps of 49 percent, and without restrictions for mobile telephony.¹³²

The process of transition to digital broadcasting has been monitored by an advisory board created in 1999. The Digital Radio Broadcasting Technologies Advisory Board comprises six members, three from the CIRT and three from the SCT, and several non-voting honorary members, including representatives of the Ministry of Public Education, *Secretaría de Educación Pública*, SEP), the Mexican Radio Institute (*Instituto Mexicano de la Radio*, IMER) and the Network of Cultural and Education Broadcasters (*see section 4*). Some community media asked to participate, but to date have not been given this opportunity.¹³³

132. M. Casas Perez, "Economic policies, regulations and factors and policies related to information and communication technologies", in Jose Carlos Lozano Rendon, ed., *Communications in Mexico: Diagnosis, balances and the rest. Mexico*, CONEICC (Consejo Nacional para la Enseñanza y la Investigación de las Ciencias de la Comunicación) and Monterrey Technological Institute, 2005, p. 276.

133. "Acuerdo para el estudio, evaluación y desarrollo de tecnologías digitales en materia de radiodifusión" (Agreement regarding the study, evaluation and development of digital radio broadcasting technologies), *Official Gazette of the Federation*, 20 July 1999.

7.1.2 The Internet

7.1.2.1 Regulation of News on the Internet

Freedom of expression is a guaranteed by article 6 of the constitution:¹³⁴

The expression of ideas will not be subject to any legal or administrative inquisition whatsoever, except in the event that the morals or rights of another are attacked, a crime is committed or public order is disrupted; the right of reply will be exercised in the terms provided by law. The right to information will be guaranteed by the State.

The dissemination of news via the internet or mobile platforms is not specifically regulated. However, those responsible for such content, journalists or media, are not exempt from civil responsibilities in the event that “the morals or rights of another are attacked, a crime is committed or public order is disrupted,” based on other laws.

Modifications in April 2006 to the Federal Codes of Criminal Procedures and Federal Crimes introduced several provisions that affect news content dissemination and production:

- The confidentiality and protection of sources were safeguarded. This guarantees that informants cannot be obliged by any state authority to testify on information they possess. This provision also extends to attorneys, doctors, and clergymen.
- Offenses by media were decriminalized, meaning that acts of slander, libel, and defamation committed by journalists are now judged under the civil code.¹³⁵

These provisions were seen as positive for the journalistic profession. Nevertheless, the possibility remains that independent journalists also writing on the internet may be sued for what “pain and “suffering”, according to the Civil Code, they inflict on third parties. But they can be sued in civil rather than criminal courts. In article 1916, the Federal Civil Code defines “pain and “suffering” as the harm brought to a person in terms of feelings, emotions, beliefs, dignity, honor, reputation, private life, physical aspect and appearance, and the image which others have of them. Infliction of pain and suffering are punishable by material compensation rather than imprisonment.¹³⁶ The internet has made it possible for journalists to write about any subject with greater independence and freedom in comparison with traditional media; however, reporting can be inhibited by these Civil Code sanctions, which may foment self-censorship even when the journalists’ reporting covers questionable actions of a public official or celebrity.

134. “Political Constitution of the United States of Mexico,” available at <http://www.cddhcu.gob.mx/LeyesBiblio/pdf/1.pdf> (accessed 1 October 2010).

135. L. Franco, “Sacan del Código Penal calumnia, difamación e injuria; a salvo, secreto profesional de periodistas, médicos y abogados” (Take slander, libel and defamation out of the Penal Code; free of liability, confidentiality of sources of journalists, physicians, and attorneys), *La Cronica de Hoy*, 19 April 2006, available at <http://www.cronica.com.mx/nota.php?idc=236968> (accessed 30 June 2010).

136. Federal Civil Code, available at <http://www.cddhcu.gob.mx/LeyesBiblio/pdf/2.pdf> (accessed 24 October 2010).

7.1.2.2 Legal Liability for Internet Content

In Mexico, as of September 2010, there was no legal provision on liability for internet content.

7.2 Regulators

7.2.1 Change in Content Regulation

Apart from modifications to the Penal Code (*see section 7.1.2*), the constitution, and COFIPE as part of the 2007 electoral reform (*see section 4.4*), no significant amendment has been made to the regulatory framework for content in print and electronic media, including digital media.

Print media are primarily regulated by the Press Act of 1917¹³⁷ and by the Rules on Illustrated Magazines and Publications of 1981.¹³⁸ The agency in charge of sanctioning periodicals or magazines that violate the Press Act is the Qualifying Commission of Illustrated Magazines and Publications (*Comisión Calificadora de Publicaciones y Revistas Ilustradas*, CCPRI), under the Ministry of State. This body issues title certificates to periodicals and magazines, and in the event that a publication does not comply with the Act, can declare it unlawful, impose sanctions, and even prohibit its distribution. Provisions on what print media are not allowed to do are nailed down in article 6 of the 1981 Rules:

- Content that induces or foments vices or commits a crime in itself;
- Topics that affect positive attitudes to work and education;
- Description of initiatives through which entities achieve success by not complying with the legislation and not respecting state institutions;
- Content containing advice on methods used to violate legislation, moral principles, and good practices;
- Stories that incite to direct or indirect contempt for or rejection of Mexican people, their aptitudes, customs and traditions;
- Texts that systematically employ offensive language.

Nudity as well as articles against morality and education are also prohibited on the front page or back cover of print media.

The internet is not subject to any specific regulations when it comes to news content. Nevertheless, individuals who feel offended by content published online can sue the author(s) for inflicted “pain and suffering.” (*See section 7.1.2.1.*)

137. “Ley sobre delitos de Imprenta,” Act on Press Crimes, available at www.diputados.gob.mx/LeyesBiblio/pdf/40.pdf (accessed 27 October 2010).

138. “Reglamento sobre publicaciones y revistas ilustradas” (Regulations on Illustrated Magazines and Publications), 13 July 1981, available at <http://www.stccpri.gob.mx/CCPRI-Docs/Reglamento-STCCPRI.pdf> (accessed 26 October 2010).

Between 2006 and 30 June 2010, a total of 49 publications were declared illicit by the CCPRI mainly because of infringing morality and attitudes to education. The number of such publications, however, has decreased: 13 in 2006, 24 in 2007, seven in 2008, four in 2009 and one in 2010.¹³⁹

In TV and radio, content is primarily regulated by the Federal Radio and Television Act of 1960¹⁴⁰ and Regulations added to this Act in 2002.¹⁴¹ The agency responsible for implementing regulations in this sector, including the application of sanctions, is the General Directorate of Radio, Television and Cinematography (*Dirección General de Radio, Televisión y Cinematografía*, RTC), a body subordinate to the Ministry of Interior. The RTC is tasked to initiate proceedings against broadcasters, which can lead to fines. The RTC can also warn broadcasters about breaches of law that can be remedied.

On television, a total of 549 proceedings were carried out between 2002 and 2009. Of those, 80 percent investigated Televisa (Televimex and Radiotelevisora de Mexico Norte) and Television Azteca combined. The main faults investigated by the RTC were “negative and disturbing influences on harmonious childhood development,” “foul language,” “irregularities in broadcast contents” (such as surreptitious advertising), and “government programming” (such as use of the airtime reserved to the state or political parties to broadcast other programs).¹⁴²

Between 2002 and 2009, a total of 677 proceedings were initiated against radio broadcasters. Some 70 percent of these proceedings concerned violations related to the refusal to broadcast government and political party programming. The remaining 30 percent were the result of other faults including “foul language” and “misleading propaganda or advertising.” The company with the greatest number of legal violations in the radio sector was Radio Uno FM of Grupo Formula, with stations in the country’s major cities. It was followed by Radio Iguala, airing in Iguala, Guerrero, which was sanctioned chiefly for irregularities in broadcasting political party programming, Radio Integral with stations across the nation, and Cadena Radiodifusora Mexicana, a Televisa Radio company.¹⁴³

7.2.2 Regulatory Independence

The regulatory mechanisms for both print media and broadcasting have not changed in the past five years. The two main media regulators are both directly subordinate to state institutions: the CCPRI is subordinate to the Ministry of State while the RTC is under the Ministry of Interior. Both print and electronic media are

139. Declarations on unlawfulness, available at <http://www.stccpri.gob.mx/Portal/PtMain.php?pagina=declaraciones-ilicitud> (accessed 5 July 2010).

140. “Ley Federal de Radio y Televisión” (Radio and Television Act), available at <http://www.diputados.gob.mx/LeyesBiblio/> (accessed 6 July 2010).

141. “Reglamento de la ley federal de radio y televisión, en materia de concesiones, permisos y contenido de las transmisiones de radio y televisión” (Regulations of the Federal Radio and Television Act in matters regarding radio and television broadcasting licenses, permits and content), available at <http://www.sct.gob.mx/fileadmin/normatividad/telecomunicaciones/2010/73%20Reglamento%20de%20la%20Ley%20Federal%20de%20Radio%20y%20Televisi%F3n,%20en%20materia%20de%20Concesiones,%20Permisos%20y%20Contenido%20de%20las%20Transmisiones%20de%20Radio%20y%20Tele.pdf> (accessed 26 October 2010).

142. G. Sosa Plata and K.J. Godines, “Televisa la más sancionada” (Televisa, the most sanctioned), *Zocalo* 115 (September 2009), pp. 38–40 (hereafter Sosa Plata and Godines, “Televisa la más sancionada”).

143. Sosa Plata and Godines, “Televisa la más sancionada.”

regulated by the Ministry of the Interior through the provisions of the Press Act and the Regulation of Radio, TV and Cinematography, last amended in 2002.

The CCPRI is tasked to ensure that publications operate legally. It is entitled to cancel the certificates of registration of publications that do not comply with the provisions of the 2002 Press Act. It is also tasked to assist other state authorities on request and to issue recommendations related to their expertise. The RTC used to be known as the censorship office. It is still criticized for inertia over decisions on the broadcasting sector. The RTC has a broad range of functions and tasks. It issues certificates of origin for radio, television, and films, produced domestically or abroad, for commercial use. It also has a major say in reviewing applications for permission to broadcast radio or television programs as well as for distributing and showing films. The RTC is thus in charge of authorizing imports and exports of radio and television programs in accordance with various agreements.

An important mechanism of regulatory independence from the government is represented by the set of provisions on freedom of speech and press, and the right of information as defined in the constitution. The independent state entities that protect these constitutional guarantees are SCJN and the CNDH.

Some of the loopholes in the secondary acts and rules include the lack of provisions on mechanisms to protect government interference or pressure on the media. At the same time, independent state-controlled regulators such as CNDH, COFETEL, and IFE have to move towards more independence by allowing for more civil society participation. These entities are now controlled by the principal political parties.

7.2.3 Digital Licensing

Broadcast licensing is a problem because of the diversity of operators, because the Federal Radio and Television Act does not offer not-for-profit organizations or communities an equitable legal framework to obtain broadcast licenses. Nor does the digital policy adopted by the Calderón administration address this. The Federal Radio and Television Act only stipulates that not-for-profit broadcast licenses are issued for the operation of “official stations” by bodies subordinated to the centralized federal public administration, state and municipal governments, and public educational institutions.

This Act does not entitle communities to radio or television frequencies. Moreover, the procedure for non-commercial organizations to obtain a license is much more complicated than the procedure for a commercial license.¹⁴⁴ For example, unlike in the case of applying for a private license, the Act foresees that the SCT may require additional information from not-for-profit applicants if deemed necessary by other authorities.¹⁴⁵

144. See the assessment of Mexico’s legal framework for the authorization of private and not-for profit broadcasting licensing published in AMARC, “The invisible jaws. New and old barriers in radio broadcasting,” Buenos Aires, 2009, pp. 169–198.

145. Federal Radio and Television Act, article 20, section II.

AMARC Mexico reported in 2009 that the Federal General Attorney (*Procuraduría General de la República*) took legal action against the director of the community radio Tierra y Libertad de Monterrey in Nuevo León, Héctor Camero, who was accused of operating without a license.¹⁴⁶ He faced up until 12 years in jail, plus fines. In March 2010, various civil society organizations responded by denouncing the criminalization of the use of freedom of expression.

According to a complaint signed by 47 senators who criticized the amendments to the television law in 2006, the provision allowing the regulator to ask for more papers and information creates uncertainty for the applicant. The complaining senators found this provision to be unconstitutional.¹⁴⁷ At this time of writing, there were no different rules for digital licensing.

7.2.4 Role of Self-regulatory Mechanisms

Self-regulatory mechanisms and press councils have played no role in the Mexican media. In fact, such mechanisms are almost non-existent. Those that do exist are linked to public media. Canal 22 (administered by CONACULTA), Canal 11 (of the National Polytechnic Institute), and Radio Educación have internal bodies representing the interest of TV viewers. The Mexican Radio Institute also has a kind of self-regulatory mechanism, more like a mediator between IMER and its listeners. Commercial media have not established any such bodies. The main leading authority in the broadcasting sector, CIRT, has a self-regulatory council that attends to complaints about radio and television programs. No self-regulatory bodies for digital and internet media are in place. (*See sections 2.2.1 and 4.3.1.*)

7.3 Government Interference

7.3.1 The Market

The main interference by state authorities that has led to distortions of the media market is, in fact, the lack of initiative in organizing tenders to license new broadcasters. As a result of this omission, the state authorities help to perpetuate the Televisa-Azteca duopoly in the television market and an oligopoly in the radio market. Both situations are detrimental to diversity and competition in the broadcasting sector. At the same time, various ministries and the 31 state governments spend hefty amounts of money on advertising their policies and actions in the media, which is a disguised form of electoral propaganda. Government funding of a swathe of private media also, in some aspects, distorts the free functioning of the market (see section 6) and, consequently, hurts the independence of the media. (*See section 4.*)

146. He was accused of using, exploiting, and operating through radio spectrum without permission from the state, according to article 150 of the General Act of National Properties. Further information and direct testimony of Héctor Camero may be consulted at <http://mediocracia.wordpress.com/2010/11/05/todos-somos-hector-camero/> (accessed 5 July 2010).

147. Action of unconstitutionality displayed by 47 Senators on 4 May 2006.

7.3.2 The Regulator

Media diversity and pluralism in Mexico are hurt, not by media regulators abusing their powers, but by the lack of initiative by state authorities. This has allowed the two dominant TV players in the market, Televisa and TV Azteca to further bolster their market dominance at the same time that they breach the license conditions. Such was the launch by TV Azteca of the multi-channel platform HiTV, a move that was not allowed by the broadcast license. (See section 7.1.1.1.)

7.3.3 Other Forms of Interference

Violence against journalists continues to be a major problem in Mexico due to the recrudescence of drug-trafficking. (See section 4.2.2.) However, in the past five years there has been no evidence that the government has put any extra-judicial pressure on editors and journalists.

7.4 Assessments

The legal framework for communications has infringed freedom of expression and the right to information for many decades. This system was built over the last 50 years as a discretionary system controlled by the government through unwritten agreements with media owners. The failure to take due steps against powerful media conglomerates, the non-existence of a truly independent regulator, the lack of recognition for community media, and in general the absence of a public policy that stimulates political pluralism, cultural diversity, and economic competition in the radio and television sector were the main reasons for the perpetuation of this state of affairs.¹⁴⁸

Digitization has not affected the nature and intensity of government interference, which continues to exist albeit at intensity lower level, and which is mainly related to advertising and sometimes is unpredictable. At the same time, state involvement in the media sector lacks transparency.

Digital switch-over has not brought about a major impact because the digital divide is still wide. Nevertheless, there are cases now and then of new platforms making some impact. For example, users of Twitter, although they only numbered 150,000 in March 2010, feel that they have begun to exert a degree of influence on lawmakers and public officials to modify decisions, as the Internet#Necesario story proved (see section 3.2.1).

Some observers believe that one way to encourage diversity of news and information is through licensing non-profit organizations and communities to run radio stations.¹⁴⁹ Nevertheless, community radio is not recognized in law. The 13 radio broadcasters operating as such in Mexico do it with a special permission: a license for not-for-profit cultural and education institutions.

148. F. Hernández and G. Orozco, *Televisión en México. Un recuento histórico* (Television in Mexico. A historical countdown), UdeG, Guadalajara, 2007.

149. AMEDI, “¿Qué legislación hace falta para los medios de comunicación en México?” (What legislation is needed for communication media in Mexico?), AMEDI-Konrad Adenauer Stiftung, México, D.F. 2009.

In the case of indigenous communities, there are glaring contradictions in the regulatory framework. The second article of the constitution acknowledges that towns and communities may “acquire, operate and administer media under conditions determined by law.” Nonetheless, this right has not been guaranteed and it is not part of the Radio and Television Act. This legal loophole has a negative impact on media diversity and cultural and ethnic plurality.

The public policies related to digitization do not have the principles of media pluralism and diversity at their heart. In fact, the discourse of the Calderon administration is geared to the three Cs: competence, coverage, and convergence, three pillars that, in their view, will inevitably produce pluralism and diversity.

8. Conclusions

8.1 Media Today

8.1.1 Positive developments

- Creation of democratic mechanisms through establishment of independent institutions such as CNDH, IFAI, and IFE, and of semi-independent institutions such as COFETEL and COFEMER. This has helped to improve media diversity and pluralism.
- Expansion of public service television: the main public television channel, Canal 11, has a plan to go nationwide after 52 years. To date, Canal 11 has covered a maximum of 47 percent of households.
- New entrants in the news market through various new platforms, including independent media outlets, private operators, and civil society organizations. They help enrich the pluralism of voices in the public sphere.
- In September 2010, the Calderón administration unveiled a public policy aimed at accelerating the deployment of digital TV. The policy established the possibility of subsidies for purchase of set top-boxes and antennas for poor households, and the opportunity to allow entrance through public tenders of new digital terrestrial channels in local markets.
- Licensing of not-for-profit organizations including six community radios, public service broadcasting in some states of the republic, and public universities.

8.1.2 Negative developments

- The nationwide TV market continues to be extremely concentrated and centralized, with the Televisa-Azteca duopoly still overwhelming. The radio market remains concentrated at regional levels. This situation hinders plurality and competition.
- The Federal Radio and Television Act and the Telecommunications Act have not been amended to address the cultural diversity and democratic pluralism that society demands, and to open the spectrum to new entrants to ensure society benefits from advantages brought by digitization.

- The pay-TV and broadband markets are also steadily concentrating, which starts to present problems in terms of economic competition and internet access. The deployment of pay-TV and the internet are done solely according to market logic, without taking into account public interest and social inclusion despite major socio-economic inequalities.
- COFETEL and SCT have no clear rules on licensing procedures and tenders for telecoms services.
- The drug war and organized crime continue to encroach on freedom of expression and the safety of journalists.
- The state authorities during the past five years have been increasingly taken to court under the penal code by directors and operators of community radio stations.

8.2 Media Tomorrow

The contribution of digital media to news output is important, but the impact of this fresh content on the average Mexican continues to be marginal. The internet is accessible solely to a thin middle class and to educated, urban people.

The deployment of new technologies is driven by market logic: liberalization, commoditization of the news product, and privatization. Thus, the opportunities that digitization was expected to produce are now following economic logic rather than social objectives.

News updates online, citizen journalism, new channels for audio and video streaming, and the availability of pictures are all new and valuable sources of information through which online portals are enriching the general news offer. They surely contribute to a richer variety of voices, but for a society such as Mexico these developments are not enough to generate larger social change. Civil society needs to participate more in the media to ensure the evolution of a plural and diverse communications system with private, public service, and community media coexisting.

In the future digitization could be an opportunity to open up the Mexican communication system, giving citizens a richer palette of viewpoints. This, however, has to be built through policies that take account of social and political change.



9. Recommendations

This report will be discussed with professional media representatives and policy makers, and recommendations will be drafted, published and presented for public debate.

List of Abbreviations, Figures, Tables, Companies

Abbreviations

AMARC	World Association of Community Radio Broadcasters, <i>Asociación Mundial de Radios Comunitarias</i>
AMEDI	Mexican Association for the Right to Information, <i>Asociación Mexicana de Derecho a la Información</i>
AMIC	Mexican Association of Communication Researchers, <i>Asociación Mexicana de Investigadores de la Comunicación.</i>
AMIPCI	Mexican Internet Association, <i>Asociación Mexicana de Internet</i>
ARD	Consortium of public-law broadcasting institutions of the Federal Republic of Germany, <i>Arbeitsgemeinschaft der öffentlich-rechtlichen Rundfunkanstalten der Bundesrepublik Deutschland</i>
CANITEC	National Chamber of the Cable Telecommunications Industry, <i>Cámara Nacional de la Industria de Telecomunicaciones por Cable</i>
CCPRI	Qualifying Commission of Illustrated Magazines and Publications, <i>Comisión Calificadora de Publicaciones y Revistas Ilustradas</i>
CENCOS	National Center of Social Communication, <i>Centro Nacional de Comunicación Social</i>
CIMAC	Communication and Information on Women, <i>Comunicación e Información de la Mujer</i>
CIRT	National Radio and Television Industry Chamber, <i>Cámara Nacional de la Industria de la Radio y la Televisión</i>
CNDH	National Human Rights Commission, <i>Comisión Nacional de los Derechos Humanos</i>
COFECO	Federal Competence Commission, <i>Comisión Federal de Competencia</i>
COFEMER	Federal Bureau of Regulatory Improvement, <i>Comisión Federal de Mejora Regulatoria</i>
COFETEL	Federal Commission of Telecommunications, <i>Comisión Federal de Telecomunicaciones</i>
COFIPE	Federal Code of Electoral Institutions and Procedures, <i>Código Federal de Instituciones y Procedimientos Electorales</i>
CONACULTA	National Council for Culture and the Arts, <i>Consejo Nacional para la Cultura y las Artes</i>

CONEICC	National Council for Teaching and Research into Communication Sciences, <i>Consejo Nacional para la Enseñanza y la Investigación de las ciencias de la Comunicación</i>
EZLN	Zapatista National Liberation Army, <i>Ejército Zapatista de Liberación Nacional</i>
IBOPE	Institute of Public Opinion and Statistics (Brazil), <i>Instituto Brasileiro de Opinião Pública e Estatística</i>
IFAI	Federal Institute of Access to Public Information, <i>Instituto Federal de Acceso a la Información Pública</i>
IFE	Federal Electoral Institute, <i>Instituto Federal Electoral</i>
IMER	Mexican Radio Institute, <i>Instituto Mexicano de la Radio</i>
IMF	International Monetary Fund
INEGI	National Institute of Statistics, Geography and Information Technology, <i>Instituto Nacional de Estadística, Geografía e Informática</i>
INRA	International Researchers Associated, <i>Investigadores Internacionales Asociados</i>
IPN	National Polytechnic Institute, <i>Instituto Politécnico Nacional</i>
ITU	International Telecommunication Union
MXN	Mexican peso
NAFTA	North American Free Trade Agreement
OEM	Mexican Publishing Organization, <i>Organización Editorial Mexicana</i>
PAN	National Action Party, <i>Partido Acción Nacional</i>
PNMI	National Registry of Print Media, <i>Padrón Nacional de Medios Impresos</i>
PRD	Democratic Revolution Party, <i>Partido de la Revolución Democrática</i>
PRI	Institutional Revolutionary Party, <i>Partido Revolucionario Institucional</i>
RTC	General Directorate of Radio, Television and Cinematography, <i>Dirección General de Radio, Televisión y Cinematografía</i>
SCJN	Supreme Court of Justice of the Nation, <i>Suprema Corte de Justicia de la Nación</i>
SCT	Ministry of Communications and Transport, <i>Secretaría de Comunicaciones Transportes</i>
SHCP	Secretariat of Finance and Public Credit, <i>Secretaría de Hacienda y Crédito Público</i>
TEPJF	Federal Electoral Tribunal, <i>Tribunal Electoral del Poder Judicial de la Federación</i>
TVE	Spanish Television, <i>Televisión Española</i>
TVUNAM	Autonomous University of Mexico Television, <i>Televisión de la Universidad Autónoma de México</i>
UNDP	United Nations Development Programme

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Companies

Angeles
AT&T
Cablemas
Cablevisión
Comscore
DirecTV
Dish Mexico
EchoStar
Formula
Imagen
Instituto Brasileiro de Opinião Pública e Estatística
Iusacell
MCI Communications
Megacable
Millward Brown Mexico
Movistar
Multimedios
MVS
Nextel
Organización Editorial Mexicana (OEM)
PriceWaterhouseCoopers
Prisa
Radio Centro
Reforma
Sky
Telefónica
Telcel
Telmex
Televisa
TVI
Unefon
Universal

Mapping Digital Media is a project of the **Open Society Media Program** and the **Open Society Information Program**.

Open Society Media Program

The Media Program works globally to support independent and professional media as crucial players for informing citizens and allowing for their democratic participation in debate. The program provides operational and developmental support to independent media outlets and networks around the world, proposes engaging media policies, and engages in efforts towards improving media laws and creating an enabling legal environment for good, brave and enterprising journalism to flourish. In order to promote transparency and accountability, and tackle issues of organized crime and corruption the Program also fosters quality investigative journalism.

Open Society Information Program

The Open Society Information Program works to increase public access to knowledge, facilitate civil society communication, and protect civil liberties and the freedom to communicate in the digital environment. The Program pays particular attention to the information needs of disadvantaged groups and people in less developed parts of the world. The Program also uses new tools and techniques to empower civil society groups in their various international, national, and local efforts to promote open society.

Open Society Foundations

The Open Society Foundations work to build vibrant and tolerant democracies whose governments are accountable to their citizens. Working with local communities in more than 70 countries, the Open Society Foundations support justice and human rights, freedom of expression, and access to public health and education.

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