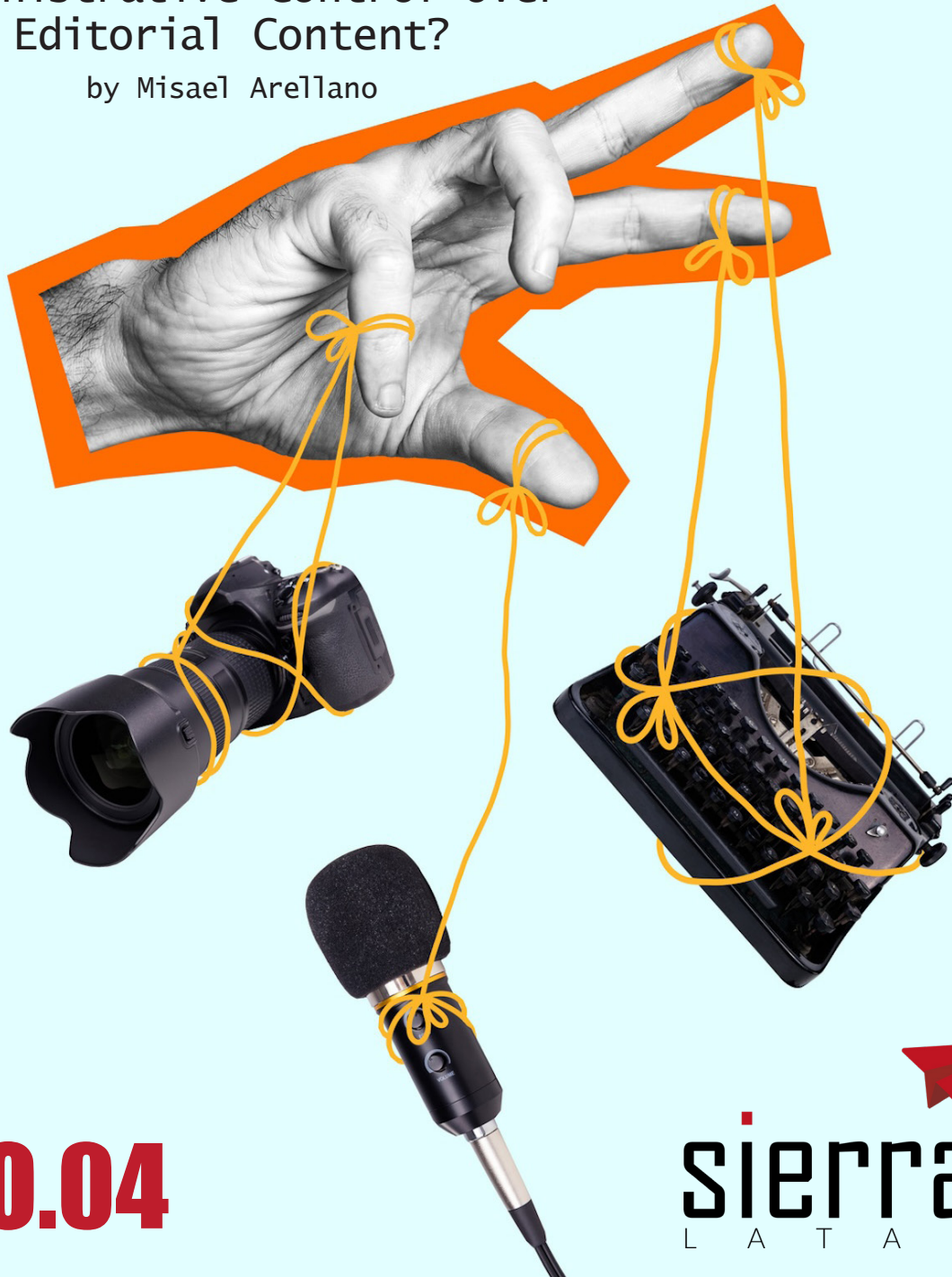


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Protection of Audiences or Administrative Control over Editorial Content?

by Misael Arellano



"DILIGITE JUSTITIAM QUI JUDICATIS TERRAM." "Ye who judge the earth, give diligent love to justice"

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Protection of Audiences or Administrative Control over Editorial Content?

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This edition examines the General Guidelines for the Protection of Audience Rights (the Guidelines) issued by Mexican Telecommunications Regulatory Commission¹ (CRT) and published in the Official Gazette of the Federation (DOF) on August 28, 2026². The Guidelines raise significant questions regarding their potential effect on freedom of expression, editorial independence, and the operation of broadcasters in Mexico. Although the CRT has stated that the Guidelines are not intended to censor media outlets or determine what constitutes truth, the structure of the regulatory framework raises important constitutional and legal concerns.

The protection of audience rights is not a new concept within Mexican telecommunications and broadcasting regulation. The Mexican Constitution recognizes the right of audiences to receive plural and timely information, while the federal telecommunications and broadcasting framework has historically required broadcasters and programming providers to adopt codes of ethics and appoint audience ombudspersons. Such mechanisms were designed to provide audiences with channels to submit complaints, request explanations, and, where appropriate, obtain a response from the relevant broadcaster.

Mexican Constitution protect the freedom to seek, receive, and disseminate information and ideas through any means of communication. Particularly, Article 7 of the Constitution prohibits prior censorship and indirect restrictions that impede the circulation of ideas and opinions. Similarly, Article 13 of the American Convention on Human Rights recognizes that freedom of expression may only be subject to subsequent liabilities that are expressly established by law

and necessary to protect a legitimate interest. It likewise prohibits indirect restrictions on the exercise of freedom of expression.

The previous regulatory model developed by the former Federal Telecommunications Institute (IFT)³ was principally focused on the implementation of these internal mechanisms. Broadcasters were required to maintain codes of ethics, designate audience ombudspersons, publish relevant information, and process communications from viewers and listeners. At the same time, the applicable legal framework expressly recognized that the protection of audience rights must coexist with freedom of expression, programming freedom, editorial freedom, and the prohibition against prior censorship.

In this context, the protection of audiences was conceived as a system largely based on self-regulation. Broadcasters would remain primarily responsible for their editorial decisions. Although the authority retained supervisory powers regarding compliance with statutory and regulatory obligations, the model did not necessarily contemplate an administrative review of the substantive correctness of editorial content.

On July 16, 2025, the Official Gazette of the Federation published the “Decree issuing the Law on Telecommunications and Broadcasting Matters” (the Law)⁴, thereby abrogating the Federal Telecommunications and Broadcasting Law. Article 7 of the Law provides that the CRT is a decentralized administrative body of the Digital Transformation and Telecommunications Agency, with technical, operational, and management independence; and that its purpose

1.- “Comisión Reguladora de Telecomunicaciones”

2.- https://dof.gob.mx/nota_detalle.php?codigo=5797461&fecha=28/08/2026#gsc.tab=0

3.- “Instituto Federal de Telecomunicaciones”

4.- “Decreto por el que se expide la Ley en Materia de Telecomunicaciones y Radiodifusión”

is to ensure the efficient development of telecommunications and broadcasting, in accordance with the Mexican Constitution and other applicable legal provisions.

Likewise, Article 10, section I, of the Law states that the CRT is empowered to issue the general administrative provisions necessary to regulate telecommunications and broadcasting. Such authority includes the issuance of the guidelines, and any other provisions necessary to ensure compliance with the Law. Additionally, and as one of its most questionable faculties, section II of Article 10 of the Law provides that the CRT is authorized to *“monitor compliance with the audience-rights guidelines that it issues and, where appropriate, sanction noncompliance, in accordance with the provisions of this Law.”*

“The problems arise when these principles are transformed from voluntary editorial commitments into enforceable administrative standards subject to regulatory review and potential sanctions.”

Based on the afore described the Guidelines preserve part of the prior framework, including the requirement to maintain codes of ethics, designate an audience ombudsperson, and establish complaint procedures. However, the Guidelines adopt a more interventionist approach by incorporating references to the dissemination of truthful information, editorial criteria, and the protection of audiences through a regulated complaint mechanism.

Such provisions may appear unobjectionable as general ethical principles. Indeed, media organizations routinely adopt internal standards concerning verification, corrections, separation between paid content and editorial material, and the responsible treatment of information. The problems arise when these principles are transformed from voluntary editorial commitments into enforceable administrative

standards subject to regulatory review and potential sanctions.

Under the published framework, the CRT issues the rules defining the obligations of broadcasters; interprets their regulatory scope; monitors compliance and may intervene upon the express request of an audience member or audience ombudsperson to ensure compliance with the complaint procedure. The CRT also retains authority to sanction failures to comply with the audience-rights framework, subject to the provisions of the Law.

In practical terms, the same authority may act as rule-maker, interpreter, supervisor, and enforcer. While administrative agencies frequently perform multiple functions within a regulated sector, the concentration of such functions requires heightened scrutiny when the regulated activity involves the dissemination of information, criticism, analysis, and opinions on matters of public interest.

A chilling effect may arise where the system combines complaints based on broad or indeterminate concepts; mandatory responses by broadcasters; requests for recordings, reports, explanations, or editorial information; recommendations issued by audience ombudspersons; possible intervention by the CRT; and administrative sanctions in the event the authority considers that the audience’s rights have not been adequately protected.

Each of these elements may appear reasonable when considered separately. A viewer or listener should be able to submit a complaint. A broadcaster should be able to explain its position. An audience ombudsperson may properly issue a recommendation. However, when all these elements are combined within an administrative enforcement model, they may create a substantial incentive for broadcasters to modify their editorial practices not because the content is unlawful, but because it may generate a regulatory proceeding.

The concepts of “truthful information,” “decontextualized information,” and an adequate separation between news and opinion are particularly sensitive in this regard. Journalism frequently involves reporting on developing events, competing factual accounts, anonymous sources, incomplete information, political debate, analysis, satire, and commentary. The determination of whether a report was sufficiently contextualized, whether an opinion was properly distinguished from news, or whether information should have been regarded as truthful may require an assessment of editorial judgment.

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It is important to mention that the final Guidelines are more carefully framed than the consultation version. They do not expressly authorize the CRT to determine, in the first instance, whether a particular news report is objectively true or false. The relevant editorial criteria are to be incorporated into each broadcaster’s code of ethics. Nevertheless, the application of concepts such as truthfulness, context, and editorial diligence must remain confined to the broadcaster’s editorial and self-regulatory sphere. Such assessments should not become a basis for administrative review of the substance of ordinary editorial decisions.

This is the practical concern that should guide the implementation of the Guidelines. The relevant constitutional protection is not limited to the right to publish after obtaining authorization from the government. It also protects against regulatory mechanisms that, without formally prohibiting speech, discourage the dissemination of ideas and opinions through the threat of administrative consequences.

Accordingly, a constitutionally sound application of the Guidelines should limit the CRT’s supervisory role to objectively verifiable obligations: the existence and publication of ethical codes; the designation and independence of audience ombudspersons; the availability of complaint procedures; and compliance with clear statutory duties. Any sanctions should remain limited to conduct expressly defined by law, based on precise standards, and subject to effective judicial review.

The fundamental question is therefore not whether audiences should be protected, but how that protection should be structured in full compliance with the first paragraph of Article 215 of the Law, which provides that: “The right to information, expression, and the reception of content through the public broadcasting service and restricted television and audio services is free and, consequently, shall not be subject to any judicial or administrative prosecution or investigation, nor to any restriction or prior censorship. Such right shall be exercised in accordance with the Constitution, international treaties, and applicable laws.”

“The Guidelines should therefore be implemented and, where necessary, judicially interpreted in a manner that ensures that audience protection does not become administrative supervision of editorial content. Audience protection and editorial freedom are not mutually exclusive.”

The Guidelines should therefore be implemented and, where necessary, judicially interpreted in a manner that ensures that audience protection does not become administrative supervision of editorial content. Audience protection and editorial freedom are not mutually exclusive. The constitutional challenge is to preserve both: effective mechanisms for audiences to assert their rights, and a regulatory framework that does not allow procedural oversight to become administrative control over editorial content.

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