



“Peace in Mexico?”

Security Strategies and Human Rights

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Editorial

Since the beginning of the "war on organized crime," which started at the beginning of Felipe Calderon's administration in 2006, Mexico has faced a context of extreme violence and insecurity that has seriously affected the human rights panorama in the country.

The public security policies implemented since then have focused on fighting organized crime with a militarization strategy that has led to a drastic increase in human rights violations. The factors that contributed to the increase in organized crime - such as impunity, corruption, and the extreme socio-economic inequalities that persist in Mexico - have not been prioritized in the same way as the fight against organized crime.

When his administration began at the end of 2012, Enrique Peña Nieto announced a new security strategy, which was presented with the motto "Peace in Mexico." This was one of the main themes of the National Development Plan for 2014-2018, a document produced by the Federal Executive. Since then, the Government has created reforms and taken other actions in an attempt to diminish the violence. At the same time, PBI has seen a decrease in reports in the national and international press about insecurity in Mexico. In spite of the positive changes in Mexico's image, civil society organizations have expressed concern over the persistence of violence and they believe that it is important to inform key actors in the international and national community about the continuous effects of the public security policies on human rights and the people that they defend.

In order to respond to this request from civil society, PBI is working to provide visibility to the security context in Mexico and the consequences for the defense of human rights in the country. Peace in Mexico? Security and Human Rights discusses the issue of public security from the perspective of human rights defenders who suffer the consequences of this context, since it affects their security situation, their relationship with the Mexican state and the perception of their status as human rights defenders. HRDs have organized themselves in order to react to this context; they accompany victims, form networks, and propose solutions that respond to the particular needs of the most vulnerable groups. They demand justice, a new paradigm for human security, a new model for combating organized crime, an end to corruption, and human rights focused public security policies.

Despite the official discourse, PBI has not observed Peace in Mexico during the first two years of Peña Nieto's term, and is concerned about the continuing problems related to public security policies and their effects on human rights in the country. An example of this are the recent events in Tlatlaya, State of Mexico, where members of the Army allegedly executed 22 people¹, and Iguala, Guerrero, where members of the municipal police are being investigated for the homicide of 6 people and for allegedly disappearing 43 students².

PBI constantly conducts context analysis and maintains a continuous exchange of ideas with human rights organizations. This publication is based on interviews with human rights defenders who carry out their work in this context. PBI thanks all of the people who have contributed to the elaboration of this document. It is important to point out that PBI requested interviews with representatives from the Mexican government and the diplomatic corps present in Mexico. These interviews were not granted and instead we have included an overview of reports and press releases from the Mexican government to complement this analysis.

1. OHCHR: "Mexico/Tlatlaya case: UN expert urges full investigation of possible summary executions after initial arrests" 29/09/2014
2. Organizaciones de derechos humanos reportaron acción conjunta entre policías municipales y actores del crimen organizado. Ver comunicado del Centro de Derechos Humanos de la Montaña Tlachinollan del 7/10/2014: <http://bit.ly/1EXi7LA>

In Context: Mexico as an example of Latin America



Members of the Paso del Norte Human Rights Center show the Juarez Valley to a PBI volunteer © PBI

Mexico cannot be analyzed separately from other countries because its violent situation is not unique. Similar to other countries in the region, it suffers from a lack of rule of law, drastic economic and social inequalities amongst the population and a proliferation of non-state armed groups. It also has high levels of criminal violence. According to the United Nations Development Program (UNDP), "[t]he Latin American region [...] carries a heavy burden of violence, registering more than 100,000 homicides.. per year. Most countries in the region have homicide rates that are at epidemic levels according to the World Health Organization, with much higher rates than in other regions [of the world]³.

The causes and expressions of violence among Latin America countries are diverse and respond to the particular local context of each one of them. The UNDP report warns that the multiple expressions of violence (gender violence, corruption, gang violence, violence by state actors) "and their local nature show that not every crime occurring in Latin America can be explained by the incidence of transnational organized crime."

Still, the violence associated with organized crime is prioritized and has shaped the public security policies in the region, in part due to the influence of the United States and its prohibitionist drug policies and focus on national security. These policies consider organized crime and drug trafficking to be a problem of regional security (and not a public health issue). The-

se policies show that there is a belief that the military and police should respond to this issue in the countries where drugs are produced and trafficked and fail to recognize the United States' role in the consumption and trafficking of drugs and in the production of firearms⁴. The United States' strategy focuses on capturing leaders of criminal groups and confiscating drugs without clearly having an impact on reducing production and trafficking⁵.

The negative social and political consequences of this strategy⁶ have recently pushed several Latin American countries to question it and open a debate in the Organization of American States (OAS)⁷ about the drug policies in the region. For the first time in March 2014, the Inter-American Commission on Human Rights (IACHR) held a hearing to analyze the impact of the drug policies on human rights in the Americas, in this way recognizing the importance of the issue.

COOPERATION BETWEEN THE UNITED STATES AND MEXICO: THE MERIDA INITIATIVE

The Merida Initiative is a security cooperation agreement initially signed by Presidents Felipe Calderon and George W. Bush, and remains in effect under the current administrations of Enrique Peña Nieto and Barack Obama. In contrast with Plan Colombia, which was implemented during an armed conflict and clearly had a counter-insurgent component, the Merida Initiative was announced in October 2007 as a way to support Mexico in its fight against organized crime and to "counter the violence caused by drugs that threaten citizens on both sides of the border."⁸ The Merida Initiative never stipulated that the US military would directly participate on Mexican soil and mainly focused on providing equipment and training to the Armed Forces and the Mexican police who are involved in the "war on drugs". The US Congress has allocated 2.1 billion dollars, and as of July 2014, 1.2 billion dollars have been handed over⁹. Since the beginning, international organizations and Mexican civil society questioned the policy's disproportionate support for the Armed Forces, which legitimizes the role of the mili-

3. UNDP, "Citizen Security with a Human Face: Evidence and Proposals for Latin America," Regional Human Development Report 2013-2014, November 2013, p.III

4. Simone Lucatello, "El desafío del tráfico de armas en México y Centroamérica" [The challenge of arms trafficking in Mexico and Central America] and Georgina Olson Jiménez, "El tráfico de armas de Estados Unidos hacia México" [Arms trafficking from the United States to Mexico] in Atlas de la Seguridad y la Defensa de México 2012, [Atlas of Security and Defense of Mexico 2012] México: CASEDE, 2013, pp.47-63.

5. Daniel Mejía and Pascual Restrepo, "¿Por Qué Está Colapsando la Prohibición Estricta? Una Perspectiva desde los Países Productores y de Tránsito" [Why is Strict Prohibition Collapsing? A perspective from Production and Transit countries] in Acabando con la Guerra contra las Drogas: Informe del Grupo de Expertos de LSE en Economía de las Políticas sobre Drogas, [Ending the War against Drugs: Report by the Group of Experts of LSE in Economics of Drug Policies]LSE-IDEAS, May 2014

6. Idem. See also: Mesoamerican Working Group, Rethinking the Drug War in Central America and Mexico, Washington DC, November 2013.

7. See also: José Miguel Insulza, "The drug problem in the Americas", OAS, General Secretary, OEA/Ser.D/XXV.4, 2013.

8. US Embassy in Mexico, Information Sheet: Merida Initiative - General Panorama, July 2014

9. Idem



Military convoy sent to Chihuahua by the Federal Government to support the fight against organized crime in January 2011, a year marked by the highest level of violence in the state. © Sugeyry Gándara

“Recovering peace and freedom”: logic and reality of the current security strategy

tary in the Mexican government’s strategy to fight organized crime, in a context of increased violations committed by them¹⁰.

Since 2010, however, the US State Department has reduced the amount of security assistance to Latin America, particularly the funds assigned to the Merida Initiative¹¹. With the arrival of Peña Nieto to the government, the funding priorities were reformulated (less military and intelligence equipment and more funds for training and institutional strengthening)¹². The Merida initiative currently focuses on four objectives: (1) affecting the operative capacity of organized crime, (2) institutionalizing the capacity to maintain Rule of Law, (3) creating a border structure for the 21st Century and (4) constructing strong and resilient communities. However, the Washington Office on Latin America (WOLA) warns that even though the priorities have shifted slightly (with more funds going to strengthening the justice system and to prevent violence), the first objective continues to be where a large part of resources are concentrated, and “with the arrival of Peña Nieto there has not been a significant shift in where su-



Members of the Mexican Army participate in a parade on Mexico’s Independence Day, September 15, 2014 © PBI

pport goes¹³.” The emphasis continues to be on the prohibition of drugs and detaining members of organized crime and not as much on structural changes to reinforce Mexican institutions. At the same time, there has been increased funding for “border security.” The assistance not only goes to the common border between the two countries, but also to the southern border of Mexico due to its strategic value - drugs pass through here every day along with an increasing number of Central American migrants¹⁴. Concerning this last piece, civil society organizations have warned that this change represents, “a turn toward more policies that view migrant flows as a threat to be controlled instead of a humanitarian phenomenon to be managed or a vulnerable population to be protected¹⁵.”

Mexican and US civil society organizations demand that Mexican security forces do not receive support unless there is adequate control over their actions and unless security institutions and institutions involved in administering justice are strong and trustworthy. Many have praised a change in focus in order to considering the problems that Mexico is facing only from another perspective besides security¹⁶. The US Congress is able to retain 15% of funds if Mexico does not comply with minimum standards for a respect for human rights however since 2008 they have only withheld funds on two occasions. Still, the organizations consider that these standards have not fully been met since 2007¹⁷.

10. HRW, Uniform Impunity: Mexico’s Misuse of Military Justice to Prosecute Abuses in Counternarcotics and Public Security Operations April 2009 and Maureen Meyer, Mexico’s Police: Many Reforms Little Progress, WOLA, 05/2014

11. Adam Isacson et al, Time to Listen: New Trends in US Security Assistance to Latin America and the Caribbean, CIP/LAWG/WOLA, September 2013

12. Isacson et al, Ibidem, p.21

13. Interview with Maureen Meyer (WOLA), August 19, 2014

14. Adam Isacson et al, Mexico’s Other Border: Security, Migration, and the Humanitarian Crisis at the Line with Central America, WOLA, August 2014

15. Ibidem, p. 20

16. CMDPDH, “Por un nuevo paradigma en las políticas de drogas: un llamado de la sociedad civil a los Estados de la región”, 2/09/2014

17. Clare Ribando Seelke y Kristin Finklea, U.S.-Mexican Security Cooperation: The Mérida Initiative and Beyond, Congressional Research Service, April 2014, pp.29-31

The Governor of Chihuahua, Cesar Duarte, takes attendance for more than 1,250 people who are part of the 12 divisions of the State Attorney General’s Office assigned to work on security and persecution of crimes. November 2013 © Sugey Gándara



In December 2006, Felipe Calderon inaugurated his administration by announcing a “war” against organized crime and deployed the military throughout the country to support the police, who were thought to be too corrupt and poorly trained to fight the criminal groups. The violence did not decrease, and: “as of May 2008 the homicides related to organized crime continually increased to levels that had never been seen before¹⁸.” At the same time, the presence of the military in public security tasks and the need to show positive results led to a worsening of the human rights situation and increased human rights violations like torture, disappearances, extrajudicial executions, arbitrary detentions, and unfair criminal proceedings by the armed forces, police and the institutions responsible for administering justice¹⁹. Calderon’s administration closed its six-year term with 26 thousand disappeared people, more than 120,000 homicides²⁰, and only 1% of crimes ever being punished²¹.

When Enrique Peña Nieto arrived in office in 2012, there was a change in the way in which the public security strategy was presented. This strategy was once again defined as a central theme of Mexican federal policy, however this time the main objective supported by the three majority parties in the Pact for Mexico was to “recover peace and freedom by decreasing violence, specifically [...] the three crimes that harm the population the most: murder, kidnapping and extortion²².” The strategy is included under the motto “Peace in Mexico” and is the first goal of the National Development Plan 2013-2018. It is also detailed in the National Public Security Program 2014-2018 (PNSP), a document that shows the administration’s attempt to distance themselves from the previous administrations led by the PAN. The program states that instead of “head-on of combat with criminal organizations,” it will focus on reducing violence and the rate of crimes that impact society and the economy²³.

The current federal government’s new security strategy proposes the following: (1) greater coordination between the federal and state public security institutions, (2) strengthening of the public security corps through trainings and institutional reorganization, the creation of a new public security corps (the National Gendar-

merie), (3) breaking up criminal groups by favoring intelligence over force, breaking up their financial and logistical structures and increasing territorial control by the State, especially on the border and in the strategic economic centers in the country. In addition to the PNSP, similar to what was announced in the Pact for Mexico, resources and efforts were designated to tend to the structural causes of violence and to prevent crime, all of which was detailed in February 2013 in the National Program for the Social Prevention of Violence and Crime²⁴. Now, two years since the PRI took office in the presidency, how can we evaluate this new strategy?

THE RENEWED STRATEGY BY PEÑA NIETO: CURRENT SITUATION

According to the Second Governmental Report by Enrique Peña Nieto in September 2014, several aspects of the new security strategy have already been implemented:

With the goal of reinforcing inter-institutional cooperation, the Department of the Interior (SEGOB) was given new powers including public security, protection of hu-

man rights, attention to victims of crime and disappeared people, as well as maintaining a political relationship and coordination with the states. The new structure places the federal police under the recently created National Security Commission in SEGOB, returning to the structure used by previous administrations led by the PRI²⁵.

- A Single Command for the police has been created in order to unite the municipal and state police under one entity, with the goal of reducing corruption. According to the Second Governmental Report, this process has taken place in 31 states. 73% of the national population is covered by municipalities that have collaboration agreements as part of the Single Command.

- Due to the abuse of power and corruption in the police forces that was recognized in the PNSP, the Federal Government has prioritized professionalizing the police force and reinforcing quality controls, purges, and other mechanisms of internal control. The Second Governmental Report by Peña Nieto includes the number of trai-



PBI volunteers accompany members of Codigo-DH at a police checkpoint in the Isthmus of Tehuantepec, Oaxaca © PBI

18. Eduardo Guerrero en “Nuestra Guerra: Una Conversación” [Our War: A Conversation], Nexos, 01/11/2011

19. HRW, Neither Rights Nor Security, November 2011

20. “Confirma Segob: 26 mil 112 desaparecidos en el sexenio de Calderón” [Segob confirms: 26 thousand 112 disappeared during Calderon’s administration], Proceso, February 26, 2013; and “Más de 121 mil muertos, el saldo de la narcoguerra de Calderón” [More than 121 thousand dead, the balance of Calderon’s drug war], Proceso, July 30, 2013

21. CNDH, Agenda Nacional de Derechos Humanos [National Human Rights Agenda] 2013, p.37

22. Pact for Mexico, December 2012: <http://bit.ly/ZToShB>

23. Programa Nacional de Seguridad Pública National Public Security Program 2014-2018, DOF, April 30, 2014, p.12

24. National Program for the Social Prevention of Violence and Crime 2014-2018, April 2014

25. Davis Jack and Edward Fox, “México Formally Dissolves Public Security Ministry”, Insight Crime, 03/01/2013



Members of the new National Police participate in a march to commemorate Mexican Independence day on September 15, 2014. © PBI

nings that the police forces have received. It also affirms that more than 90 percent of the security corps and state and federal levels of justice have passed evaluations and quality controls. At the federal level, 88 percent of those who were evaluated successfully passed.

- In August 2014 the new National Police was created with “the fundamental task of contributing to the generation of security conditions for people and their goods [...] in those places where organized crime is present or where there is a high crime index²⁶.”

- In terms of social strategies to prevent violence, 99 programs were financed in 2014 including addiction programs, projects that focus on recovering public spaces, artistic and cultural projects, community mediation projects, and support for socio-productive projects.

- In 2013 the Government published the General Law for Victims along with several other reforms with the goal of implementing the Criminal Justice Reform from 2008. As a result, the cases of human rights violations against civilians must now be judged by the civil justice system and not by military tribunals²⁷.

- In terms of human rights, the Govern-

ment adopted the National Human Rights Program²⁸.

Despite some advances and positive indicators, the results in the field are less tangible. According to the organizations that were interviewed and who receive PBI accompaniment, the indicators showing the impact of this strategy are not so clear.

A SIGNIFICANT CHANGE IN EVENTS?

Even if the violence has been less present in the Governmental discourse, the numbers are an object of debate. On one hand, the Federal Government celebrated a decrease in homicides. According to reports from the National Public Security System, the rate of homicides for every 100,000 inhabitants went from 9.3 in 2007 to 19.8 in 2011, but then dropped to 15.5 in 2013, which shows a slight decrease since May 2011²⁹. On the other hand, scholars, jour-

nalists and human rights defenders have questioned the way in which the state collects and analyzes these numbers and they present a much less flattering version of the situation³⁰. The Zeta and Sin Embargo newspapers have kept a regular count of homicides since Calderon's term, and reported more than 57,000 new homicides since the beginning of Peña Nieto's administration³¹. In addition to these numbers, there are around 160,000 internally displaced people according to the Center for Monitoring of Displaced People (IDMC), of which it is estimated that 141,900 were displaced since 2007 due to violence from drug-trafficking³². Additionally, the National Attorney General's Office (PGR) recognizes that 22,322 people have been disappeared between 2006 and 2014, of which 44% took place under the current administration³³.

As far as human rights violations, in 2012 the CNDH received 23,347 case files, of which about 11,000 were complaints. The institution emphasizes that “the total files represent a 56% increase compared to 2009 [...] the 11,011 files with complaints reflect an 81% increase compared to 2009.” Of the complaints that were presented, “4,447 were against authorities from the security sector [...] regarding violations such as arbitrary detention; cruel inhumane or degrading treatment; failure to comply with formalities required for a search warrant; intimidation; and the arbitrary use of force³⁴.” In 2013, the CNDH reported receiving 23,716 files, and 9,008 of these files were complaints. Of these, 3,842 complaints were against authorities from the security sector³⁵. In spite of this decrease in the number of complaints received by the CNDH between 2012 and 2013, several UN special rapporteurs have given warnings about the continuity of human rights violations linked to security strategies in Mexico. It is also important to highlight that the CNDH has been ques-

tioned by several sectors of Mexican and international civil society for its apathy in some cases³⁶.

In 2014, after a visit to the country the year before, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions concluded that “violations of the right to life [...] continue to take place at an alarmingly high rate. Impunity remains a serious concern at the individual and systemic levels. Problems in the protection of the right to life in Mexico are due to various factors including deficiencies in the legal system; [...] unwillingness or lack of capacity of police and prosecutors to investigate; [...] and lack of accountability for violations. [...] There is an urgent need to decrease the involvement of the military in policing; ensure that civilian and not military courts try members of the military who are accused of having committed human rights violations; [...] What is called for is systematic, holistic and comprehensive strengthening of the rule of law, a critical element of which is ensuring accountability for abuses³⁷.”

Similarly, the Special Rapporteur for Torture visited the country in 2014 and stated that “there is still a generalized use of torture and mistreatment in Mexico as a way to carry out criminal investigation but with more intensity for crimes related to organized crime [...] and these acts usually remain in complete impunity³⁸.” In addition, “the Rapporteur recognizes the development of new public security strategies with a human rights perspective, including for crime prevention. However, [...] he is concerned about the continued militarization of several regions of the country and the persistent participation of military commanders in civilian posts [...] Even though official national and state human rights entities reported a decrease in the number of reports of torture and mistreatment in the last two or three years, the Rapporteur received an alarming number of complaints and testimonies and observed cases that documented these practices by diverse authorities, including the Armed Forces, the municipal, state and federal police; and the state and federal ministerial agents [...] the Rapporteur expresses his extreme concern regarding the scarce number of investigations carried out for these crimes and the almost complete absence of sentences both on a federal and state level, which leads to the ongoing impunity³⁹.”

Even though there has been some progress, Mexican human rights organizations have not seen a decrease in human rights violations. In a joint report, the National Campaign against Forced Disappearance, the Cerezo Committee and Urgent Action for Human Rights Defenders, A.C. highlight an increase in politically motivated human rights violations. They documented 292 arbitrary detentions in 2012 and 427 in 2013; 21 extrajudicial executions in 2012 and 20 in 2013 and they affirm that “in the first 18 months of Calderon's administration, there were 24 forced disappearances [of human rights defenders] and in the first 18 months of Peña Nieto's administration there were 29⁴⁰.”

Even though the government reports some changes, and civil society organiza-

tions also recognize advances, they also warn that, “despite the Constitutional reforms from 2008 and 2011, the State has not taken actions to implement the necessary radical changes in the operation of the institutions [that administer justice] [...] the main problems are not found in the rules, but in the concrete implementation of human rights and in the fight against impunity⁴¹.” In this sense, the efforts made to train and renew the security forces have been insufficient⁴². According to Edgar Cortez, “we still do not have a clear, continuous process that will ensure a professional police force that is well-trained and respectful of human rights⁴³.” In a report from May 2014, WOLA points out that even though several measures have been put in place to reform the police in Mexico, which includes positive elements, they “have failed to establish



Members of the new National Police participate in a march to commemorate Mexican Independence day on September 15, 2014. © PBI

36. Penélope Aldaz, “Crítica actuación tardía de CNDH en Tlatlaya e Iguala”, [Late action by CNDH is criticized in Tlatlaya and Iguala] *El Universal*, September 29, 2014

37. Christof Heyns, Report by the Special Rapporteur on extrajudicial summary or arbitrary executions, UN General Assembly, A/HRC/26/36/Add.1, April 28, 2014.

38. OHCHR Mexico, “Torture: UN expert asks the Mexican government to put an end to the cycle of impunity” Press release, May 2, 2014.

39. UN, Preliminary Conclusions, Visit to Mexico by the UN Special Rapporteur on torture and other cruel, inhumane or degrading treatment, Juan E. Méndez April 21-May 2, 2014.

40. ACUDEH, National Campaign Against Forced Disappearance and Cerezo Committee Mexico, La defensa de los derechos humanos en México: una lucha contra la impunidad [The defense of human rights in Mexico: a fight against impunity] (June 2013 to May 2014), 2014.

41. Situación General de Derechos Humanos en México [General Situation of Human Rights in Mexico], Report prepared by several civil society organizations for the 147th period of sessions of the IACHR, March 2014 <http://bit.ly/1yh4gO9>

42. David Vicentefo, “Llamam a completar certificación policial”, [Call to complete police certification] *El Excelsior*, July 3, 2014

43. 67 Interview with Edgar Cortez, Investigator for the Mexican Institute of Democracy and Human Rights (IMDDH), July 15, 2014

Working towards a criminal justice system: impunity and respect for human rights during the first two years of the Peña Nieto Administration

strong internal and external controls over police actions, enabling a widespread pattern of abuse and corruption to continue. [...] The most significant challenge ahead is ensuring that corrupt and abusive officers are held accountable for their actions⁴⁴. Due to their magnitude, the most recent deaths in Tlatlaya (an alleged execution of 22 people by members of the Army)⁴⁵ and the events in Iguala (6 deaths and the alleged disappearance of 43 students, the State Attorney General's Office in Guerrero and the National Attorney General's Office recognize the participation of the municipal president and the municipal police)⁴⁶ have put the international community on alert and have generated criticism towards Mexico⁴⁷. Far from being isolated cases, these show the continuity of human rights violations from the previous administration.

QUESTIONING THE SECURITY STRATEGY

Civil organizations and sources from the media have criticized several aspects of the current security strategy, including its novelty and efficacy. Civil society has mainly criticized the role that the army plays in public security tasks, without a clear end date. Edgar Cortez states that "there is still no distinct security strategy from the previous administration," since the armed forces continue to be used together with the federal police for public security. The National Defense Sector Program 2013-2018 explicitly confirms that the military will continue to work with civil authorities in their public security tasks throughout this term⁴⁸. In fact, "the operatives have intensified - there were 219,378 patrols this year with the participation of 91,547 soldiers, and Mixed Operation Bases (military-police) increased from 97 to 141 and employ 37,000 soldiers every day⁴⁹." It is positive that a manual was published which regulates the use of force by the three armed forces⁵⁰, however it also shows that these three sectors will continue to carry out police duties.

In addition to this point, some organizations and other sources insinuate that the insecurity and the military response have benefited certain economic interests⁵¹. As a result of these cases, (such as in Valle de Juárez⁵², the Allende municipality⁵³ and other areas in Tamaulipas, Nuevo León and Coahuila), some regions that were particularly hit by the violence and



Presentation of the report "Out of Control: torture and other cruel treatments in Mexico" by Amnesty International Mexico, 4 September, 2014 © PBI

forced displacement are now prospects for exploration and extraction of natural resources by businesses. In fact, the current governmental programs directly link security with economic development. In October 2014, the Secretary of Finance even stated that the new national police "would be placed at the disposition of private companies that are working on projects in the Mexican territory and [...] that it will be activated based on three threats, one of which includes threats to production or sources of income⁵⁴."

Lastly, civil society organizations criticize that new laws and regulations have been created to limit social protest in the name of security. The Front for the Freedom of Expression and Social Protest was created at the beginning of 2014⁵⁵ and documented how during the last two years, laws

and regulations have been approved that tend to restrict freedom of expression and protest, combined with a climate of abuse of force by police during marches and protests, as well as arbitrary detention of protesters and human rights defenders⁵⁶. The Front criticizes the reform to Article 29 of the Constitution which makes the procedures to declare a State of Exception more flexible, and the Regulatory Law which gives an "ample margin of discretion to the Executive to justify the establishment of the suspension of guarantees. [...] This allows for political utilization with the goal of social control and criminalization of social protest." They also criticize reforms like the Telecommunications reform which allows people to be localized through their telephones and direct access to their data by the Government for security reasons⁵⁷.

Article by José Luis Gutiérrez, lawyer and director of Legal Assistance for Human Rights A.C. (AsiLegal), an NGO that provides legal support for vulnerable groups and monitors the implementation of the new accusatory criminal justice system by providing training to those who administer justice.

Up until 2008 the Criminal Justice System in Mexico showed serious deficiencies in terms of complying with their main goal: administering justice quickly, efficiently and impartially⁵⁸. The failure to comply with this objective was due to corrupt practices, a lack of due process, saturation, legal delays and human rights violations, all circumstances that allowed for impunity to persist. Faced with this panorama, the Mexican state, with the goal of consolidating a democratic and respectful state for human rights, reformed the Constitution in order to transform the criminal justice system. Considering the complexity involved in the transition from an inquisitive system to an accusatory criminal justice system, along with the need for legislative change, the creation of institutions, training and other aspects, an 8-year period was specified (2008-2016) so that the necessary changes could be made to totally restructure the criminal justice system.

However, at the end of 2014, the challenges in the implementation of the new criminal justice system still remain. Just one year from 2016, only four states completely operate under an accusatory criminal justice system⁵⁹. The accusatory criminal system operates in some regions of fourteen states⁶⁰. The Mexican Government projects that in the last three months of 2014, nine states will begin to apply the new criminal system⁶¹ and between 2015 and 2016, four states and the Federal District will begin the process⁶². The current government increased funding by 280 percent in order to achieve this goal.

Despite the funding, the delays in implementation are attributed to several factors: the designated resources were used for other purposes by the states⁶³, insufficient reforms to laws, and the lack of training.

It is important to highlight that one of the main strategies in the implementation of the new criminal justice system⁶⁴ and in working towards an effective justice

system is the National Code of Criminal Procedures (CNPP), which was created in March 2014. The CNPP was published by Enrique Peña Nieto's administration as one of the most relevant legal changes in the last few years. It will allow legal proceedings in Mexico to become more uniform and aims to recover the confidence of the citizens⁶⁵. However, the CNPP represents serious risks for human rights. The National Human Rights Commission (CNDH) in March 2014 stated that this Code was unconstitutional and refuted thirteen articles of the CNPP, stating that they violated human rights. The National Code of Criminal Proceedings will be applied throughout Mexico as of 2016 and some articles could have serious effects on freedom⁶⁶ and the physical integrity of innocent people.

In order to guarantee an efficient, impartial and transparent criminal justice system, the Government also created a strategy to fight impunity. This strategy has nine components that include legislative reforms and increased faculties for the National Attorney General's Office that will allow it to investigate crimes with greater effectiveness. It also includes new information systems and training for judges, police, investigators and public defenders⁶⁷.

Despite these actions, the negative perception towards the justice system remains. During the Citizens Consultation that took place during the elaboration of the National Development Plan for 2013-2018 for Enrique Peña Nieto, 56% of the people who were interviewed consider that the main problem with the justice system is impunity. 22% believe that the main problem is that trials are slow and lack transparency. These statistics show a compelling reality; Mexico is the seventh country in the world with unresolved cri-

mes against journalists, even though in 2013 a constitutional reform was approved that allows the Federal Public Ministry (under the federal jurisdiction) to investigate crimes against journalists in the states (state jurisdiction)⁶⁸. Mexico is also the seventh country in the world with the greatest number of incarcerated people, with 257,807 people in prison. Of this population, 43.67% have not been sentenced. Between January and August 2014, 233 people died in the penitentiary system in a context of legal reforms in favor of the human rights of people who have been incarcerated, including the construction of new prisons⁶⁹. Enrique Peña Nieto's administration recognized that more than 26,000 people have been reported disappeared or missing since December 2006. These victims from recent years are in addition to those who were disappeared during the sixties, seventies, and eighties and who are still waiting for justice. As far as torture, the panorama is no different. The UN Special Rapporteur on torture and other cruel, inhumane and degrading treatment pointed out that a generalized situation of torture and mistreatment continues to take place⁷⁰. These circumstances take place in a context of total impunity in which these practices are tolerated.

The reality shows that two years into Enrique Peña Nieto's administration, impunity has not decreased even with the transition to a criminal justice system that aims to respect human rights in Mexico.

44. Maureen Meyer, Mexico's Police: many reforms, little progress, WOLA, May 2014

45. OHCHR, "Mexico / Tlatlaya case: UN expert urges full investigation of possible summary executions after initial arrests", Press release, September 29, 2014

46. OHCHR, "Mexico faces crucial test in the investigation of the deaths and enforced disappearances of students in Guerrero", Press release, October 10, 2014

47. See statements by the IACHR (<http://bit.ly/1ssgZUv>), the UN (<http://bit.ly/1vAKg4A>) and the European Parliament (<http://bit.ly/1vSrJdH>)

48. SEDENA, Sectoral Program for National Defense 2013-2018, p. 18

49. Erubiel Tirado, "Los Límites del control civil", [The limits of civil control] Proceso, October 2, 2014

50. Manual for the use of force for joint application by the three Armed Forces, DOF, May 30, 2014

51. Dawn Paley, "Militarization & Economic Transformation in Colombia & Mexico: Drug War Capitalism", Against the Current, Vol. 27, Issue 3, July/August 2012, p.21

52. ACUDEH, Informe de violaciones de derechos humanos cometidas contra las personas defensoras de derechos humanos en el periodo 2011-primer trimestre 2012 [Report of human rights violations committed against human rights defenders from 2011-the first trimester of 2012], 2012, pp.71-81

53. Diego Enrique Osorno, "El Manantial Masacrado" [The Massacred Spring], Vice, September 19, 2014

54. Several Civil Society Organizations OSC, "Gendarmería debe proteger derechos de personas y no intereses personales" [The National Police should protect the rights of people and not personal interests], October 2014

55. Front for the Freedom of Expression and Social Protest, Control del espacio público: Informe sobre retrocesos en las libertades de expresión y reunión en el actual gobierno, [Control of the public space: Report on setbacks in freedom of expression and assembly in the current government] April 2014

56. Juan Alberto Cedillo, "En la mira transnacional, tierras abandonadas y secas" [In the transnational sight, abandoned, dry land], Proceso, September 10, 2014

57. Front for Freedom of Expression and Social Protest, idem

58. SEGOB, Plan Nacional de Desarrollo 2013-2018, p.34

59. Chihuahua, Morelos, Yucatán y Estado de México

60. Oaxaca, Zacatecas, Durango, Baja California, Guanajuato, Nuevo León, Chiapas, Tabasco, Puebla, Veracruz, Coahuila, Tamaulipas, Querétaro y Quintana Roo.

61. Según el Segundo Informe de Gobierno de Peña Nieto, estos son Jalisco, San Luis Potosí, Aguascalientes, Guerrero, Sinaloa, Nayarit, Hidalgo, Colima y Tlaxcala.

62. Según el Segundo Informe de Gobierno de Peña Nieto, estos son Distrito Federal, Michoacán, Campeche, Baja California Sur y Sonora.

63. De acuerdo con el último informe de auditoría sobre la gestión financiera (2012) realizada por la Auditoría Superior de la Federación, se documentaron diversas irregularidades sobre el proceso de evaluación de los proyectos presentados por las entidades federativas.

64. SEGOB, Plan Nacional de Desarrollo 2013-2018, Estrategia 1.4.2

65. Presidencia de la República, Infografía- Beneficios del Código Nacional de Procedimientos Penales, 09/03/2014.

66. Código Nacional de Procedimientos Penales, artículo 148.

67. SEGOB, Plan Nacional de Desarrollo 2013-2018, Estrategia 1.4.1, p.109

68. Committee to Protect Journalist, Global Impunity Index 2014 <http://bit.ly/1oaduZo>

69. Concentrado de la población penitenciaria del Órgano Administrativo Desconcentrado Prevención y Readaptación Social. 08/2014.

70. ONU, Conclusiones Preliminares de la visita a México del Relator Especial de Naciones Unidas sobre la tortura y otros tratos crueles, inhumanos o degradantes, Juan E. Méndez.

Increased risk for defenders



A PBI volunteer accompanies members of the Organization of Indigenous Me'phaa People (OPIM) during a military checkpoint. © Tlachinollan Human Rights Center

"The Rapporteur expresses her deep concern about [...] the persistence of a climate of violence and insecurity for human rights defenders in Mexico [...] and would like to once again call attention to the high level of impunity that prevails for violations committed against defenders in the country⁷¹."

Reports from the United Nations Office of the High Commissioner of Human Rights (OHCHR) in Mexico reflect that "since 2006 [there has been] a climate of hostility against defenders with regard to the activities that they carry out⁷²." According to the Human Rights Commission for Mexico City (CDH-DF), the cases of aggressions against human rights defenders have sharply increased from 63 in 2011, to 260 in 2012, and 427 in 2013. At the same time, the non-governmental organization Accudeh reports that between January 2011 and May 2014, cases of aggressions towards human rights defenders have doubled⁷³. Women human rights defenders have been identified as particularly vulnerable⁷⁴, along with migrant rights defenders, community rights defenders and those who work to fight impunity⁷⁵.

As Maureen Meyer from WOLA explains, this increase in risk correlates with the security strategy that has been in place

since 2006: "the deployment of the federal police and the military has led to major attacks and threats to journalists as well as human rights defenders⁷⁶." By reporting on human rights violations and working to fight impunity, human rights defenders directly face the causes and consequences of the governmental security strategy and as a result they become the specific target for a variety of actors. The "All Rights for All" National Network of Civil Human Rights Organizations (Red TdT) reports that, of the 104 cases of aggressions against human rights defenders that were documented between 2011 and 2013, the main group of perpetrators that were identified were members of state security forces⁷⁷. In addition to this, and according to the United Nations High Commissioner for Human Rights, "it is important to note that a majority of [the cases] point to non-state actors, mainly identified as

local bosses or criminal groups that see their interests affected by the work of defenders in the region, since they uncover and confront their illegal actions and interests. In some cases they have been able to demonstrate the acquiescence of governmental actors. One piece of data to highlight is that in 23% of the cases, public officials have played a role either through action or omission⁷⁸."

In addition to the increase in aggressions, Accudeh points out that throughout the last three years, the patterns of aggressions have become more serious: documented cases of harassment and aggressions have exceeded the threats⁷⁹. At the same time, more human rights defenders have been killed⁸⁰ in connection with the context in which they are working. According to the RedTdT's analysis, the work of many of the human rights defenders who were killed in recent years "confronted certain groups of "default power" (businesses, local leaders and organized crime groups) that operate in conjunction with diverse levels of government [...] the work of the defenders is focused on obtaining justice and truth; defending the land, territory and natural resources [...]; reporting on the actions by organized crime and the complicity of authorities and pointing out corruption and inefficiency of state organizations to prevent, investigate and sanction those who violate human rights⁸¹." Additionally, the National Campaign against Forced Disappearance affirms that if you compare the first 18 months of Felipe Calderon's presidency with Enrique Peña Nieto's, the forced disappearance of human rights defenders increased by 60%, which means that currently in Mexico, every two weeks a human rights defender is a victim of forced disappearance⁸².

According to the OHCHR, in Mexico between 95 and 98.5% of the violations against human rights defenders remain

71. Margaret Sekaggya, Report of the Special Rapporteur on the situation of human rights defenders, Addendum: Observations on communications transmitted to Governments and replies received, A/HRC/25/55/Add.3, February 28, 2014, p.40
72. OHCHR-Mexico, Report on the situation of human rights defenders in Mexico: update and evaluation, 2013, p.9
73. The organization documented 100 cases between January 2011 and April 2012, 153 cases between May 2012 and May 2013 and 204 cases between June 2013 and May 2014. See Accudeh, Op.Cit., 2014
74. Meso-American Initiative of women human rights defenders. Diagnosis 2012: Violence against human rights defenders in Meso-America, 2012.
75. Red TdT, El derecho a defender los derechos humanos en México: Informe sobre la situación de personas defensoras 2011-2013 [The right to defend human rights in Mexico: report on the situation of human rights defenders 2011-2013], 2014, pp.57-58
76. PBI: Interview with Maureen Meyer, August 19, 2014
77. Red TdT, Op.Cit., p.73
78. OHCHR-Mexico, Op.Cit., p.13
79. ACCUDEH, Op.Cit (2014), pp.39-40
80. IACHR, Second report on the situation of human rights defenders in the Americas. OEA/Ser.L/V/II. Doc.66, December 23, 2011, pp.13-14
81. Red TdT, Op.Cit., p.66
82. Accudeh, Op.Cit. (2014), pp.95-96



Accudeh: "The defense of human rights in Mexico: a fight against impunity, June 2013-May 2014."

in impunity⁸³. This allows these aggressions to continue, and also gives "an intimidating message to society and creates a situation of helplessness⁸⁴." Both the IACHR as well as diverse social organizations report practices and patterns that criminalize people and social human rights organizations in Mexico. In addition to the use of legal proceedings against them, human rights defenders in Mexico are affected by defamation and stigmatization by private actors and public authorities who sometimes associate them with organized crime⁸⁵. Recently, the Front for the Freedom of Expression and Social Protest has provided visibility to laws and practices that limit or that could limit and restrict social protest⁸⁶. This criminalization also means that social spaces are closing for human rights defenders, and this seriously affects their organizations and the social fabric of the communities and towns where they carry out their work.

"There is a national strategy to militarize the police and this also has an impact on the use of torture.": Interview with Alba Cruz of the Gobixa Human Rights Committee (Codigo-DH).

Alba Cruz is a lawyer and the coordinator of the legal section of Codigo-DH, an organization located in Oaxaca which provides legal defense and advice, medical and psychological attention for victims of human rights violations, promotes access to justice and fights against impunity. The aggressions against members of Codigo-DH and their relatives have not ceased; PBI has provided them with accompaniment since 2009.

One of the issues that Codigo-DH focuses on in their work to defend and promote human rights in recent years has been torture, why is that?

Codigo has always worked on this issue, but we have seen how [torture] has increased recently. We received cases, we started to do some workshops and some trainings, and this allowed the organization to have a greater foundation from which to work on these cases.

How does this fit into the national political context, especially in the context of the security strategy which began in 2006?

Without a doubt it is related. We know that there are distinct cases, but torture takes place everywhere. It is a constant and systematic practice that has taken place for a long time, but it is not identified as such by the people, nor by defenders or authorities. These campaigns, calling torture for what it is, this

was one of the goals that we set, and we realized that it had to do with a national strategy. The strategy of militarizing the municipal, state and federal police is a pattern. We found that in the places where there is torture, generally a marine or someone from the military is involved. We believe that there is a national strategy to militarize all the police and that also brings a pattern of torture.

You have also worked on cases of torture that took place during the 2006 protests in Oaxaca, what do these events have to do with the national context?

Between 2006 and 2007 there was a change in administration and in the context of elections, one of the issues regarding governance was about placating Oaxaca. This is why the federal police were the ones who intervened in the detentions and who violated and tortured people - they are in these reports that we are filing for torture. It had to do with a national strategy. At that time it was a question of national security during the change in government.

83. IACHR, Second report on the situation of human rights defenders in the Americas and update, 2009 and update in 2010
84. IACHR, Op.Cit, p.51
85. IACHR, Op.Cit, p.13
86. Front for Freedom of Expression and Social Protest, Op.Cit.



Alba Cruz, lawyer for Codigo-DH in Oaxaca © PBI

In terms of these changes in the political context, have they led to new risks and have they changed your security situation as a human rights defender? There have been changes, but also changes in the issues that we work on. Not just torture, but also in accompanying other processes that have to do with political interests, as well as economic interests at the federal level. And this has increased the risks. The issue of mega-projects, the defense of territory, these are current issues that will be the core theme in the coming years and this also means an increased risk on a national level.

What obstacles do you face when it comes to defending cases of torture?

We have a terrible problem with information leaks and that makes us vulnerable, not only for our work, but also for the people that we accompany. There is no secrecy in the investigations, and because of that, there is no protection for witnesses, there is not an adequate protocol for investigation.

In your opinion, what policies should be applied or improved so that civil society organizations like Codigo-DH can continue their work on cases of torture?

I think that regarding torture there is still a lot that needs to be done. There is no es-

tablished public policy. There are no laws that have a definition that authorities can use; some want to apply the state law, some want to apply the federal, others want to use the Inter-American Convention to prevent and sanction torture. There are no (universal) criteria. And I think that unifying the criteria will have to be part of the policy. What can be done? Compliance with the UPR (Universal Periodic Review) recommendations. I think that this is the minimum that must be done to start to establish a public policy related to torture.

“With the arrival of the Army and the Federal Preventative Police to the city, the human rights violations increased sharply”: Interview with Diana Morales, Paso del Norte Human Rights Center.

Diana Morales is a lawyer and coordinator of the legal section of the Paso del Norte Human Rights Center, located in Ciudad Juarez, Chihuahua. The Center mainly accompanies cases of torture and disappearance from an integral perspective (legal, psychological and political). Paso del Norte has been the target of threats and harassment on a number of occasions due to their work. PBI has accompanied the Center since September 2013.

Paso del Norte was created in Ciudad Juarez in 2001 and with time it modified the focus of their work, why was it created? And in what ways has the focus changed and why?

The Center opened its doors to the people of Juarez in order to work on cases of human rights violations and to attend to the great number of civil legal cases, as well as to provide psycho-social attention. With time, the Center began to consolidate its work in Juarez and when “the war against drugs” began, with the arrival of the Army and the Federal Preventative Police to the city, the human rights violations sharply increased. This made it clear that we had to make a change and specialize in torture and forced disappearance. We started to document cases in which agents of the security forces were involved.

How does this fit into the national context, especially into the security strategy which began in 2006?

That “security” strategy was (and continues to be) a humanitarian disaster with crimes against humanity that are still awaiting justice. The situation in Chihuahua state and in Ciudad Juarez in particular has become the most bloody setting in Mexico. This police-military experiment has changed some, but continues to be a large part of the federal strategy influenced by the Merida Initiative. Fear continues to be present in a large part of society, there is enormous and justified distrust towards the police and the justice system, police abuse continues along with torture and impunity.

We must remember that in Juarez, the political context of a security “strategy” coincides with the world economic crisis and affects the economy of the city, which is very much linked to the maquila export industry and the economy of the United States. Poverty and insecurity were a lethal combination for the city, during what might be the worst economic crisis that the city has seen since the Revolution in 1910.

Have these changes led to new risks or changed your security situation? In what way?

The risk has increased for all of society,



Diana Morales of the Paso del Norte Human Rights Center accompanies family members at the Judiciary in Ciudad Juarez, Chihuahua, in a case related to arbitrary detention and torture. © PBI

and more for those who work in human rights. It has also increased for groups that are vulnerable to police abuse of power, which tend to be the poor and the young people, and for professions that are vulnerable to reprisals by the state, such as journalism. Since 2008 the threats, repression, assassinations and harassments towards journalists, activists and HRDs have increased, making our state and city one of the most dangerous places in the world for these activities.

The Center’s offices were raided by the Federal Preventative Police in 2011 and on other occasions we faced harassment directed at me and Patricia Galarza, a psychologist for the center, as well as at our director, Oscar Enriquez.

Where does this risk come from?

It comes mainly from the State due to the public security policies implemented and the complete failure to purge the bad elements from the police corps as well as the poor administration of justice that favors impunity of police and judges - we quickly became an uncomfortable observer that

constantly points out the State’s perversions. Because we defend victims of torture and receive complaints of police abuses we are in a confrontational situation with a State that denies its crimes, even though the evidence shows otherwise. Specifically, we observed a hostile discourse by the State government, and with the help of the press they accused us of “defending criminals” and they slandered our work by minimizing its [importance]. As far as your work, what obstacles do you face in terms of defending victims of torture? Several. One of them is economic: the [legal] processes are long and tiring, sometimes the cases are taken to another place and we have to constantly travel. Another is the harassment faced by relatives of the victims and the center itself by police and ministerial agents. Finally, there is a campaign to discredit our work by the State and the media.

In your opinion, what policies should be applied or improved upon so that civil society organizations like Paso del Norte feel protected when they defend victims of torture and disappearance?

Even though the Mexican state established the Protection Mechanism for Human Rights Defenders, it has not been able to achieve effective protection for this group of people. But beyond this, the problem is that if the Mexican State were to administer justice and do things according to the law, organizations like the Paso del Norte Human Rights Center would not have a reason to exist. It is difficult to think about political changes to improve our risk for our work, knowing that the root of the problem is in the government’s authoritarianism. In theory, modifications to the laws to defend or protect human rights work would be a good strategy in favor if it was not the state the first one to violate their own rules. That reality does not give us much hope. We can aspire to have support from prestigious international organizations, preferably foreign organizations that in a given moment can play an intermediary role with the State to facilitate our work.

Overcoming impotence: civil society gets organized



Event in El Barzón-Chihuahua to commemorate the anniversary of the assassination of two of their members, Ismael Solero and Manuela Solís, on October 22, 2012. © El Barzón Chihuahua

PROTECTION MECHANISM FOR DEFENDERS AND JOURNALISTS: A CIVIL SOCIETY INITIATIVE

Given the insecurity in the country and the worsening of the situation for human rights defenders and journalists, Mexican civil society reacted with an initiative to create a federal mechanism that would guarantee their protection. In 2008 they created the "OSC Space" (space for civil society organizations) where the organizations reflected on the need for protection for defenders and journalists, in response to a context of increased risk. In October 2010, civil society organizations sent a proposal for a mechanism to the Mexican government. Following a long process of negotiation and debate, in June 2012, the Law for the Protection of Human Rights Defenders and Journalists was published, creating a federal mechanism for their protection⁸⁷.

With Peña Nieto's administration, the strengthening and implementation of the

Mechanism was part of the priorities detailed in the National Human Rights Plan 2014-2018⁸⁸. The implementation of the protection Mechanism is a good example of the obstacles in the plans and strategies proposed by the Government. As of September 2014, the Mechanism had received more than 197 petitions for protection, of which 157 had been accepted for analysis. Of these, only 85 were evaluated to determine protection measures.

Since the beginning, the Mechanism has faced a series of problems, including lack of personnel, frequent overturn, lack of proper training, and bureaucratic difficulties to attain financial resources.

PBI has expressed concern for the diverse problems that inhibit an improved functioning of the Mechanism, which can have serious consequences for the safety and protection of HRDs and journalists at-risk. Even though the coordination between different levels of government to implement protection measures continues to be a challenge, the lack of justice is without a doubt the greatest obstacle. In spite of the efforts by the Mexican Government to improve its functioning, Edgar Cortez, a member of the governing board for the Mechanism states that "almost 100% of the cases remain in impunity⁸⁹."

87. For more information about the process of creating the mechanism and its implementation, see PBI's briefing: <http://bit.ly/1tn8HCt>

88. National Human Rights Program, DOF, April 30, 2014

89. Interview by PBI with Edgar Cortez, June 2014

In September 2014 PBI interviewed two psychologists who are experts in human rights. Since the 1990's Clemencia Correa has worked with victims of human rights violations. She was an expert witness with the Inter-American Court of Human Rights (IACHR) and currently is the director of Aluna Psychosocial Accompaniment an organization that accompanies human rights defenders who are at risk. Alejandra González Marín is a psychologist, consultant and independent expert on the analysis of the psychosocial impact of damages and integral reparation measures for human rights defense organizations. She has worked with the Tlachinollan Human Rights Center and the Mexico City Human Rights Commission.

The extreme violence in Mexico does not take place without leaving an imprint on civil society. The affected people - relatives of the victims and victims who survive - suffer from "experiences of extreme stress that are a threat to physical, psychological and ideological integrity⁹⁰." At the same time, the social fabric gets damaged and society faces a situation of collective post-traumatic stress.

Psychologists Clemencia Correa and Alejandra González Marín have closely worked with victims of human rights violations and with their relatives, and they say that victims develop different strategies to cope with what took place. Clemencia Correa explains how in some cases the people become empowered by their experiences and decide to take an "active stance with regards to the trauma," by searching for justice, truth and dignity - for themselves and other victims - in order to prevent the same thing from happening again.

In some cases, contact with others who have been in similar situations is one way to create new methods for social organization, which not only gives support to the victims who are directly affected, but also becomes a support for civil society, filling the gaps that have been left by the State. Alejandra González Marín believes that it is precisely what the victims have lived through that becomes the drive for organizational processes that are created and she highlights that changing traumatic experiences into something dynamic for the future "gives them a sense of purpose in life."



In the context of the accompaniment of the Association of the Relatives of the Detained, Disappeared and Victims of Human Rights violations in Mexico (AFADDEM), PBI observed the excavations that took place between May 20-22, 2013 in Atoyac de Alvarez, Guerrero. The excavations were to search for the remains of people who were disappeared during the "Dirty War." © PBI

In Mexico a multitude of social movements, collectives, networks and individual initiatives have appeared in the last few years, motivated by a sense of injustice associated with a climate of impunity. In certain cases, there is a specific focus, like femicide or disappearances, while in other cases they are more generally directed towards issues like impunity and injustice in the country. At the same time, the internet is being used as a means of alternative information and is often used for reporting on the situation.

Initiatives like the Movement for Peace with Justice and Dignity, the Embroidery for Peace Collective, Our Apparent Surrender, and the Network of Journalists On Foot are examples of the union of citizens, victims, activists, HRDs and journalists, who, in spite of the risks that they face in carrying out this work, still document, inform, file reports and propose solutions. Their efforts bring crucial accomplishments like the finding of disappeared people, the dissolution of trafficking rings, and important reforms to public policies. They inform and raise awareness with the public about the problems that they face,

in this way avoiding the historic repetition of violations.

The three examples in the following pages illustrate some of the responses from civil society given the lack of solutions from the Mexican state regarding the impact of the generalized violence in Mexican society.

WOMEN HUMAN RIGHTS DEFENDERS ORGANIZE THEMSELVES IN THE FACE OF RISKS AND CHALLENGES IN MEXICO

Atziri Ávila is the coordinator of the National Network of Women Human Rights Defenders in Mexico, a space for women human rights defenders from several states in the country to come together to combat the violence that women human rights defenders face due to their work and their gender.

The National Network of Women Human Rights Defenders in Mexico (RNDDHM), which is part of the Meso-American Initiative of Women Human Rights Defenders (IM-Defenders), was created in 2010 in a context marked by violence and hu-

90. Clemencia Correa "El acompañamiento psicosocial: una construcción colectiva" [Psychosocial Accompaniment: a collective construction]. Presented in the VI Latin American Conference of Social Psychology. Homage to Dr. Enrique Pichon Rivière. Mental health as a collective construction. October 25 - 28 2012. Buenos Aires, Argentina.



Third National Encounter of Human Rights Defenders in Mexico, City January 25 and 26, 2013. © RNDDHM

man rights violations during the “War on Drugs” initiated by Felipe Calderon. Currently, the Network is made up of 172 defenders from 97 organizations, located in 21 states of the Republic and Mexico City.

The goal of the RNDDHM is to generate integral alternatives for protection in order to respond to the violence that defenders face, as a result of the work that they carry out and because they are women. In this way they hope to provide continuity to the contribution of women in the defense of human rights.

This situation is due to the fact that in societies like Mexico where gender violence is common, being a Human Rights Defender means challenging cultural norms and stereotypes that limit the participation of women; it means carrying out this work in unequal conditions, with little social recognition for their contribution, while also carrying out domestic work and care, in a context of high levels of discrimination against women. This and other factors inhibit the participation of women in public life.

After listening to diverse experiences on a national level and hearing testimonies

from women human rights defenders, the RNDDH identified concerns, problematic areas, obstacles and needs that the women were not seeing in the general evaluation of their security situation, or which they failed to recognize, given the violence against them for being women.

They created three working groups: 1. To document, register and organize aggressions against defenders and journalists in Mexico; 2. Self-care: promoting the concept of security and self-care as two inseparable elements, including not only physical security but also emotional, psychological and spiritual stability of WHRDs; and 3. Security and Urgent Action: Supporting defenders in high-risk situations, carrying out a joint effort to analyze risk and make integral plans for protection with a gender perspective.

The RNDDHM also created a space to receive defenders that have to temporarily leave their place of origin and a networking strategy with shelters for women who are survivors of violence, as well as the identification of other shelters on a national and regional level.

Since its inception, the RNDDHM has documented⁹¹ aggressions and accompanied women defenders and journalists. In many cases, these threats have a gender component, like threats of rape and other aggressions that would violate their body like touching, harassment and sexual assault, and defamation and slander based on gender stereotypes and with sexist language. At the same time the RNDDHM promotes mechanisms for protection, prevention and reparation, incorporating a gender perspective regarding the impact that the aggressions and the threats have on women human rights defenders.

Among other accomplishments, the RNDDHM has developed an electronic network of communication in which the defenders share information, make urgent phone calls, take collective actions and take action in emergency situations. At the same time, they share tools that increase their capacity to face risk derived from their work, and also to prevent the violence against them from being considered normal. They have generated mechanisms to accompany, protect, report on violations, carry out solidarity actions, lobby, and create visibility in order to construct mechanisms with a gender perspective.

The RNDDHM is a diverse network of women who affirm their identity as human rights defenders; they aim to reinforce the work of women defenders and take measures so that they can act without fear of reprisals, in order to continue to construct a more just country; they are women that recognize their work and their contribution to the construction of peace, justice and democracy in Mexico.

FROM SOLITUDE TO ORGANIZATION: MIGRANT SHELTERS FORM A NETWORK

Because of its geographic location, Mexico is a country of origin, transit, a destination and a point of return for migrants. Thousands of Central American migrants pass through Mexico on their way to the United States each year. On their way, they receive support from more than sixty shelters that provide food, housing and safety, and in some cases, legal advice. Sister Leticia Gutierrez Valderrama, founder and general director of Scalabrinianas:

Mission for Migrants and Refugees, says that “the first need was to give the migrants a place to go. Later, we realized that they not only needed a place to stay, we started to listen to them and we realized that their human rights were being violated, crimes were committed against them and there was no one to help them.” For that reason, the shelters began to organize among themselves and to document and file complaints about these crimes.

Beginning in 1999, they coordinated and formed a network “...of about 32 migrant shelters and human rights centers” says Sister Leticia. Alberto Donis, coordinator of the “Brothers on the Way” Shelter in Ixtepec, Oaxaca explains that “today we have them, tomorrow they are in another shelter, today they are in the south, tomorrow in the center of the country and the day after tomorrow in the north. This is why it is important to work in a network.” According to Sister Leticia, this allows them to “save lives, find migrants, and communicate with people in Central America or North America when they ask for information about a migrant.”

She believes that the visibility of the work



A PBI volunteer accompanies Alberto Donis from the migrant shelter “Brothers on the Way” near the train tracks in Ixtepec, Oaxaca. © PBI

of human rights defenders of migrants is rather recent, “traditionally they only knew about those who defend the land, women, children.” For a long time they lived with the risk of being detained because the “Law on general popularion labels what we do as human trafficking.” Remembering these experiences, the defender explains that “solitude and isolation left us in a very vulnerable situation.”

In the general context of insecurity and impunity, the shelters continue to face elevated risk due to the conflict of interest of criminal organizations who see migrants as merchandise⁹² and extort them, sexually assault them, kidnap them for forced labor or use them as mules to transport drugs. According to sister Leticia, this context “has not changed much from Calderon’s administration to Peña Nieto’s administration,” and it is important for the shelters to be organized.

Being organized in a network gives shelters some

protection, and in addition to the mutual support the network provides, they also have the possibility of immediately activating an alert system on a national and international level. The network can “have an impact on authorities so that they respond with certain protections, and make contact internationally so that they also feel like they are being watched from outside,” says Sister Leticia. Thanks to the joint actions and national and international pressure, they have already reformed certain migration laws, and created laws to protect human rights defenders, but most of all, they provide visibility to the situation for migrants and their defenders with the goal of being able to “exercise our right to defend human rights.”

Alberto Xicoténcatl from the Saltillo Migrant Shelter points out that in order to guarantee protection for the defenders of migrants, there must be first some protection for the migrants themselves. In the same way, Alberto Donis highlights that the Mexican and United States governments will have to change their security strategy and “instead of detaining migrants and creating more detention centers, they should attack the causes of migration; unemployment, lack of security, etc. because in the end if they are detaining people who return the next day, there is really no point.”



Sister Leticia Gutiérrez Valderrama, SMR Scalabrinianas: Mission for Migrants and Refugees participates in a training for human rights defenders in San Cristóbal de las Casas, Chiapas © Mavi Cruz Reyes

91. From 2010 to 2013 the National Network of Women Human Rights Defenders in Mexico documented a total of 398 aggressions: in 2010, 35; in 2011, 43; in 2012, 118 and in 2013, 202 aggressions. Just in the first trimester of 2014 they documented 41 aggressions against 25 defenders and 6 of their organizations. The most common aggressions were: threats, warnings and ultimatums; intimidations and psychological harassment, false accusations, slander, and defamation campaigns.

92. “Adolescent migrants are merchandise for the narco, reports priest” Proceso June 3, 2014

Armed civil groups in Mexico: self-defense and community police



PBI accompanies Migrants in a march as they arrive in Saltillo, Coahuila on May 1, 2014 © PBI

THE SEARCH CONTINUES: UNITED FORCES FOR OUR DISAPPEARED IN COAHUILA

This article is based on an interview with Diana Iris Garcia, member of FUUNDEC and with the support of Alma Garcia of the Fray Juan de Larios Diocese Center for Human Rights (CDDHFJDL), an organization accompanied by PBI since 2014 which provides support to FUUNDEC.

According to Alma Garcia, "United Forces for Our Disappeared in Coahuila (FUUNDEC) was created in a context of general violence in the state of Coahuila where murder and disappearances were part of the everyday life of the inhabitants in the northeast of the country. It was created because the relatives of the disappeared did not get a response from the Mexican state when it came to finding and investigating the disappearances of their loved ones. They were treated with indifference and their relatives were made out to be criminals. At the end of 2009, relatives of the disappeared began to arrive at CDDHFJDL in search of support. In December of the same year, 14 families who were looking for 21 disappeared people decided to carry out their first joint action."

"The drastic increase in violence in Mexico meant that the demands made by the FUUNDEC resonated with families

throughout the country," says Diana Iris Garcia. In 2011, after 2 years of work, "FUUNDEC held a meeting with the directors of SEGOB and the PGR and we decided to get the relatives of the disappeared together from other states. After that meeting, FUNDEM [United Forces for our Disappeared in Mexico] was created and it brought together families from all over Mexico [with the goal of] creating basic conditions to search for the disappeared by creating protocols to search and investigate, and public policies that facilitate their search and that support the families."

"To come together as relatives and talk about what happened to us is very important. To be able to cry and share ways to search, it's a way we can talk about something that in many cases we could not even talk about with our own families. We saw how we could not do anything alone; they did not listen to us. By coming together, we got stronger and we made them listen to us. We are a big family. Here we learned and we got training: it is a constant training."

"As a movement we have

been able to improve our capacity to do political work, since the collective is diverse and rich in thoughts, and nourishes our proposals. To have a dialog with the State of Coahuila - it has now been four years - has allowed us to learn how to do political work. Now we can generate precise proposals that respond to our demands. That helps us to monitor the work of the state and federal governments."

"The main challenges that we face are the lack of investigation into cases of disappeared people and a lack of coordination amongst authorities to investigate and search. As time goes by this is having an impact on our friends, their health is deteriorating, and some have even died waiting. We can see how the Mexican state is not carrying out coordinated, effective actions to search [for the victims]. Meanwhile, we are dying."

"The truth is we would have preferred if FUUNDEC had never been created. We are hopeful that FUUNDEC will one day disappear when our loved ones appear. We would not want anyone to go through what we are going through."

"We think that there should be rule of law in Mexico and that there should be a security policy, human security. This means security that revolves around human beings and not the state, like in the case of public security. Even with the absence of these measures, we will continue with our tireless search."



A march in honor of the Day for the Victims of Forced Disappearance organized by FUUNDEC in Saltillo, Coahuila on August 30, 2014 © PBI

The presence of non-state armed groups is a phenomena which has been historically present in Mexico. Since the Revolution, private guards have been contracted by ranchers, local bosses or local politicians, paramilitary groups and community police. However, recently there has been a proliferation of civilian armed groups, particularly in Guerrero and Michoacan. Even though the terms "self-defense" and "community police" have been used interchangeably to refer to these groups, the phenomena covers different and complex situations. Throughout 2013 and 2014, PBI Mexico interviewed scholars and human rights defenders in order to better understand this new political context⁹³.

Those interviewed as well as other scholars⁹⁴ agree that the diverse civilian armed groups in Mexico should be differentiated because "they have distinct compositions, structures, and goals even though they share the same goal of security⁹⁵." It is not the same to talk about the self-defense groups in Michoacan or in the Costa Chica or Tierra Caliente in Guerrero, groups that were recently created as a result of the state's inaction and its incapacity to protect the population from organized crime⁹⁶; than to talk about the community police (like the CRAC in Guerrero) which was created as a result of autonomous indigenous processes. These groups are based on traditions and customs and make decisions as a community and through regional assemblies; they created a model of social justice and defense of life and territory⁹⁷. Miguel Moguel from Fundar states that "the community police adhere to the governmental structures and internal organization of the communities and indigenous people; it comes from them and it is useful for them. At the same time, the self-defense groups are citizens or groups of citizens that have organized themselves to obtain security."

According to several analysts, within the self-defense groups and the community police there are different structures: some are the legitimate expressions of citizens who are fed up with violence and corruption, others have formed a close relationship with organized crime groups, other more regional groups have police or mixed self-defense groups in addition to the paramilitary groups that have been trained by the government. In addition there are

an increasing number of police and guards whose duty it is to protect the interests of business people⁹⁸. Miguel Mijangos explains that there are several categories in the state of Guerrero and there are several groups that are slightly different and that were created as a result of insecurity. Although they do not necessarily share the autonomous project of the indigenous community police, they have achieved a lot of social backing. According to this expert, other more regional groups have not had the time nor the care to get to know the specific situation of each community. These groups include citizens who are fed up with the insecurity, community groups where there is a known relationship with political parties (which dilutes the collective, citizen aspect) or even worse, the incorporation of communities where there is a complete knowledge about the presence of paramilitary groups or communities that are infiltrated by drug trafficking.

The legality, the legitimacy and even the tolerance by the state of these groups has also been a central point of debate within Mexican society. As far as the recent "self-defense" groups, neither the Mexican constitution nor the state laws and regulations are totally clear with regard to the close line between legal and illegal. The indigenous community police is different since its existence is based on Convention 169 of the International Labor Organization (ILO) and Article 2 of the Constitution, as well as state law in Guerrero (Law 701). However, the increa-



Celebration of the XVII anniversary of the Regional Coordinator of Community Authorities (CRAC) © PBI

sing excess of these security expressions both in Guerrero and Michoacan has forced the state and federal governments to create laws that aim to regulate, tolerate or control the diverse ways of organizing to combat insecurity. As far as legitimacy, a large part of society and academia has backed the self-defense groups as a legitimate popular expression that was created to protect themselves, comparable to the community police⁹⁹. According to Miguel Moguel "if we begin by considering that in a democracy there is a pact between those who govern and the governed, what happens when this is broken or when it is not fulfilled? From my perspective, when the rule of law does not exist or when the capacity to obey laws and guarantee the rights of all of us is lost, defense is valid¹⁰⁰." Other analysts make a distinction between the different groups and warn about the alleged connections between self-defense groups with other actors that evidently raise the risk so that they become "militias" in the hands of legal economic interests (like megaprojects) or illegal interests (like organized crime)¹⁰¹. They

93. On July 19, 2013 with Abel Barrera from the Tlachinollan Human Rights Center and Cuahtémoc Ramírez from the OPIM, on July 20, 2013 with Raymundo Sandoval from CCTI and on June 14, 2014 with Antonio and Alejandro Cerezo, all of them in the context of accompaniments of these defenders. Press conference by the UPOEG on March 14, 2013. Specific interviews about this topic on August 25, 2014 with Miguel Ángel Mijangos Leal from Integral Processes for the Self-Management of the People and on September 8, 2014 with Miguel Moguel, coordinator of the human rights and citizen security section for Fundar.
94. See Alejandro Hope, Ernesto López Portillo and Raúl Benítez interviewed by the Crisis Group in April 2013. (Justice at the Barrel of a Gun: Vigilante Militias in Mexico, Crisis Group Latin America Briefing no. 29, May 28, 2013, p.3)
95. José Gil Olmos, "Policías Comunitarias y Grupos de Autodefensa" [Community Police and Self-Defense Groups] in Proceso, November 12, 2013
96. See interview by Agencia Suversiones with José Manuel Mireles in June 2013: <http://bit.ly/1Dfbdxz>
97. Interview by PBI with Miguel Ángel Mijangos Leal (PIAP) on August 25, 2014.
98. Miguel Ángel Mijangos, Op.Cit.
99. See John Ackerman, "Autodefensa popular" [Popular self-defense] in La Jornada, January 20, 2014.
100. Miguel Moguel, Op.Cit.
101. Miguel Ángel Mijangos, Op.Cit.

PBI's work in the context of the war on organized crime - a reflection



Members of the Community Police march during the XVII anniversary of the CRAC © PBI

have even affirmed that the self-defense groups have been created or tolerated by sectors of the State in order to control territory and protect specific legal or illegal economic interests¹⁰². On the other hand, Miguel Mijangos, warns that the process of growth and expansion of the different expressions of community groups to fight insecurity, should not be compared to the paramilitary that developed in Mexico (such as during the Dirty War in Mexico that was at its height during the 1970's) nor can it be compared to Colombia. The goal of the community groups is clear and this inhibits the government from acting or responding with a counterinsurgent strategy¹⁰³.

Given the diversity of these groups, the lack of clarity about their identity and legitimacy, the response from the government has been ambiguous, and it varies depending on the section of government, the state, and the type of civil armed group. In Michoacan at one point the Federal government tolerated the self-defense groups while the state government systematically discredited them¹⁰⁴. The worsening of the problem and its portrayal in the media forced the federal authorities to take control of the situation and to launch a "pacification" plan in the state.

After asking the self-defense groups to return to their homes and send federal troops to disarm them at the beginning of 2014, the government changed its strategy¹⁰⁵. Negotiation was favored and an agreement was reached with several of the self-defense groups. The Government made a commitment to detain some drug traffickers and to purge the local security forces with information provided by these groups; in exchange the self-defense groups agreed to become legal through their incorporation in the Rural Defense Corps and in the arms registry¹⁰⁶. Those who have not accepted the offer have been legally persecuted¹⁰⁷. In Guerrero on the other hand, the situation has been managed by the State Government who maintains diverse relationships with each

group and oscillates between repression through armed operatives, criminalization of some leaders and dialog and coordination with others¹⁰⁸. HRDs in the region indicate that the attitude of the state has been more rigid towards groups like the CRAC that were created by the citizens, and this has accelerated its division and weakening¹⁰⁹. Even beyond the lack of coherence or clarity in the strategy, defenders and activists have warned that the government and the press have made an effort to position the different groups under the single label of "self-defense groups"¹¹⁰. According to Miguel Mijangos, "in that way, everything that is understood as local defense processes or grassroots processes are labeled that way and they make people think that they are radical processes that do not challenge organized crime, but instead the state governments"¹¹¹.

Beyond the difficulty in understanding the local dynamics that create each group, the surge of the self-defense groups and the community police have had several risks. The experience of other countries shows that the proliferation of non-state armed groups without mechanisms of social control is difficult to stop and in the long run it usually leads to more violence and impunity¹¹². For the defenders this means that they have to deal with an additional armed actor, which makes both the human rights defense work and the analysis of the security situation more complex. In the same way, it is important to point out that the risk is even bigger for community defenders. Those who display genuine expressions of indigenous autonomy run the risk of being criminalized and assimilated with groups whose relationships and identity are not so clear.

The current context of violence linked to the war on organized crime has a direct influence on PBI's international accompaniment work. PBI aims to maintain and increase the participation spaces for human rights defenders in Mexico. The sharp increase in human rights violations and the increased risk for HRDs affects PBI's work. In addition, the context has become increasingly complex and non-state actors now have more of an impact on human rights.

According to the UN Special Rapporteur for Human Rights Defenders, "non-state actors have more frequently participated in attacks against human rights defenders. Guerrillas, private militias, para-police groups that perform surveillance, and armed groups have participated in acts of violence against defenders. [...] Private companies have also participated, either directly or indirectly, in acts of violence against defenders"¹¹³. In Mexico, one of these non-state actors is clearly organized crime. According to the OHCHR, "on the one hand the municipal authorities fail to prevent organized crime from carrying out reprisals against those defenders who make their activities more difficult; but [...] these authorities may have also asked organized crime to do the "dirty work" in order to evade any responsibility"¹¹⁴. This tendency has also been identified in PBI Mexico's publications since 2009¹¹⁵. Three years later, Joy Olson, Executive Director of WOLA, in an article written as a self-critique, criticized the international human rights community for not being able to respond to the problem in part because of the difficulty in putting crimes committed by organized crime within the traditional human rights framework¹¹⁶. She invited the international community to rethink our agendas and to analyze the violence related to organized crime as a human rights problem. What does the appearance of illegal actors, like organized crime, mean for the international accompaniment of human rights defenders?

For PBI, the growth of armed non-state actors, like organized crime groups, has led to new challenges, such as accompanying or providing visibility to aggressions that were allegedly committed by members of organized crime. This has led to the criminalization of these defenders. It is important to more deeply analyze the



PBI observes the work table for the Dianosis of the Human Rights Situation in Oaxaca, organized by the Coordinating Committee of the Diagnosis and Human Rights Program in Oaxaca State © PBI

context and the risk in order to guarantee the security of the organization, its members and the efficiency of accompaniment. PBI's model of protection works as long as the perpetrators are actors who are rational and able to calculate the cost and political benefit of their actions, including the violent ones¹¹⁷. The model adequately functions when the aggressor has a direct relationship with the state or when it is an agent of the State. Governments do not want to be seen on an international level as responsible for human rights violations. In this sense, the presence of international observers dissuades aggressions. This presence is also a strong incentive to respect international human rights law, since the state can be called on to protect human rights defenders¹¹⁸ and this obligation must be transmitted throughout govern-

mental structures and their chains of command. Under international law, organized crime is not a legal entity and cannot be seen as responsible for violating the rights of HRDs nor does it have international human rights obligations. In addition, the definition of organized crime generally points to the lack of political rationale - not the economic situation - of these groups¹¹⁹.

However, organized crime groups do in fact act with some level of rationality. To a certain extent they are sensitive to the presence of international human rights organizations. This is even more relevant in a context like Mexico, where organized crime and governmental actors clearly work together¹²⁰. Getting to know the logic and reasoning of these actors and the chain of command within the group

102. Carlos Fazio, "Michoacán y el Monopolio de la Fuerza" [Michoacan and the Monopoly of Force] in La Jornada (5 part series), June 7, 2014, July 21, 2014, August 4 & 18, 2014, and September 1, 2014.

103. Miguel Ángel Mijangos, Op.Cit.

104. Justice at the Barrel of a Gun: Vigilante Militias in Mexico, Crisis Group Latin America Briefing no. 29, May 28, 2013, p.13 and Eva Saiz, "El Gobierno de Peña Nieto ha sido ambiguo con las autodefensas" [Peña Nieto's government has been ambiguous with the self-defense groups] in El País, January 21, 2014

105. Eduardo Guerrero, "La Dictadura Criminal" [Criminal Dictatorship] in Nexos, April 1, 2014

106. Paula Chouza, "El Gobierno Mexicano viste a las autodefensas de policías" [The Mexican government dresses the self-defense groups as police] in El País, May 10, 2014.

107. Jan Martínez Ahrens, "El comisionado de Michoacán: Que nadie lo dude haremos valer la ley" [The commissioner of Michoacan: No one can doubt that we will carry out the law] in El País, June 30, 2014

108. See Abel Barrera, "Autodefensas: doble rasero" [Self-defenses: double standard] in La Jornada, January 28, 2014

109. Presentation by Miguel Mijangos in Jour Fixe: Armed civilians: use of force and the state Boell Foundation, October 1, 2013, Mexico

110. Aida Hernández Castillo, María Teresa Sierra, Rachel Sieder, Mariana Mora, "¿Mas Estado es más Seguridad? En defensa de la autonomía indígena" [More State means more security? In defense of indigenous autonomy] in Revista Ichan Tecolotl, CIESAS, Year 23, no. 272, April 2013, p.13

111. Interview by PBI with Miguel Ángel Mijangos (PIAP) on August 25, 2014

112. See presentations by Elizabeth Yangana and Javier Ciurlizza in Jour Fixe: Armed civilians: use of force and the state Boell Foundation, October 1, 2013, Mexico.

113. Margaret Sekaggya, Report by the Special Rapporteur on the situation of Human Rights Defenders; UN General Assembly, A/HRC/66/203, July 28, 2011, par.18c

114. Margaret Sekaggya, Informe de la Relatora Especial sobre la situación de los Defensores de derechos Humanos, Asamblea General de la ONU., A/HRC/66/203, 28/07/2011, párr.18c

115. OACNUDH, Defender los derechos humanos: entre el compromiso y el riesgo. Informe sobre la situación de las y los defensores de Derechos Humanos en México, 2010, párr.44

116. "Los defensores de derechos humanos en México frente al narcotráfico" en EPU: México ha sido evaluado, PBI, Proyecto México, Boletín Temático n.26, sept. 2009

117. Joy Olson, "Organized Crime as Human Rights Issue: Where is the outrage?" in Organized Crime: beyond Drug trafficking, Revista Harvard Review of Latin America, Winter 2012

118. Más sobre el modelo de acompañamiento de PBI: Liam Mahony, Side by Side: Protecting and encouraging threatened activists with unarmed international accompaniment, Tactical Notebook, New Tactics Project of the Center for Victims of Torture, 2004

119. Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized human rights and Fundamental Freedoms, Asamblea General de la ONU, A/RES/53/144, 08/03/1999,

120. Mychael Lyman/Gary Potter, Organized Crime, 5th edition, New Jersey, Pearson Education, 2011

Conclusions and recommendations



A PBI volunteer observes a peaceful march by the Council of United People for the Defense of Rio Verde (COPUVEVER) in Santiago Jamiltepec, Oaxaca © PBI

is an arduous task. The illegality of these groups and the lack of information that we have means that our map of actors is incomplete; it is difficult to determine our level of dissuasion and capacity to provide protection. For this reason, PBI does not plan on having an impact on this illegal actor but instead appeals to the state's duty to protect defenders.

More than providing dissuasion, in order to be effective, PBI's accompaniment must also persuade the actors (authorities in this case) who are responsible for protecting human rights defenders to comply with their international obligations.

This is something that can be discussed in Mexico since both at the UN and the OAS Mexico has defended the universal and

regional human rights systems. No matter who the aggressor is, or whether or not there is complicity between governmental actors and organized crime, the State has the first responsibility for protecting the physical and emotional integrity of HRDs. Without a doubt, national and international human rights organizations will continue to encourage their work and demand that these duties are fulfilled. Like Olson suggests, PBI's role together with other human rights organizations, is to advocate more for the reinforcement of Rule of Law, for the fulfillment of fair laws and stronger democratic institutions, and this includes the demand from international organizations that the State accepts its responsibility in cases in which organized crime is involved.

As presented in this bulletin, the context of impunity, violence and human rights violations that Mexico continues to face is clear. As explained throughout the publication, this panorama has affected and put human rights defenders at increased risk. PBI considers that if HRDs do not have enough political space and protection in order to promote social change, the transition towards Rule of Law and complete democracy will be compromised. Mexican civil society organizations have on many occasions made recommendations about structural reforms and practices that the Mexican government should implement to improve the situation, especially the impunity, violence and the security strategies that have been implemented. Their ideas have been reflected in the recommendations made by the human rights mechanisms within the United Nations and the Inter-American system throughout recent years. Regarding human rights defenders, a topic that PBI can provide support as a result of its 30 years of experience, we believe that the following recommendations are important to consider:

TO THE MEXICAN STATE:

- Guarantee the physical and psychological integrity of human rights defenders and relatives of the victims who fight in this context. Adequately protect the defenders and families of the victims that report on abuses from possible reprisals. Human rights defenders carry out legitimate work to defend and promote human rights. By protecting them, social change and an improvement of the human rights situation in the country is possible.
- Effectively and quickly implement the Protection Mechanism as well as the protection measures granted by state and national human rights commissions and international entities. Ensure that defenders can participate in the design, implementation and revision of these measures.
- End impunity and ensure an effective administration of justice in cases of human rights violations and aggressions against human rights defenders. Consolidate the justice system to ensure that investigations, trials and sanctions are carried out according to international standards. Systematically consider the

possibility that these aggressions may have been committed due to the legitimate work of human rights defenders, even in cases of defamation, unfair use of the justice system and the public force against them, and with the involvement of non-state actors in the events.

- Ensure fair, sensitive treatment according to proper procedures to anyone who reports a human rights violation in order to prevent re-victimization.
- Allow and consider audits, independent investigations, and technical cooperation by national and international experts to revise the cases of aggressions against human rights defenders or unresolved human rights violations.
- Recognize the legitimate and important role of human rights defenders, their risk situation and the need to protect them through public declarations or campaigns to raise awareness.
- Establish mechanisms and effective spaces for coordination and communication between the different institutions and levels of government to ensure a coordinated protection of human rights defenders.
- Provide human rights training, including training about the work and the importance of human rights defenders to civil and military authorities who are responsible for implementing public security policies and administering justice. Establish efficient internal mechanisms to evaluate and sanction and follow up on these trainings.

• Consult and include human rights defenders in the elaboration and implementation of public policies to ensure a human rights perspective.

• Implement the recommendations made by the Inter-American Human Rights System and the diverse human rights mechanisms of the United Nations, including the Universal Periodic Review, in consultation with Mexican civil society.

TO FOREIGN GOVERNMENTS AND THEIR DIPLOMATIC REPRESENTATIONS IN MEXICO:

- Consult defenders and compile first-hand information about the situation for

human rights in Mexico. Take this input into account in interactions with the Mexican Government. In dialog with the Mexican government, provide visibility and systematically discuss the highlighted points in this bulletin and the situation for human rights and for defenders.

• Ensure that dialog and relationships with the Mexican Government are transparent and able to be monitored. Push for mechanisms in which civil society and human rights defenders can participate. Follow up to measure possible improvements on the issues discussed in these spaces.

• Systematically condemn human rights violations in Mexico and the aggressions against defenders through public declarations, statements, questions in parliament, resolutions or private actions.

• The UE, Switzerland and Norway should prioritize the implementation of the guidelines on human rights defenders in a coordinated, transparent way that can be monitored by civil society. These guidelines should be disseminated and should cover local organizations or defenders that work in isolated and remote areas. Other countries should adopt similar guidelines.

• Publicly recognize the legitimate and important role of human rights defenders through public statements, meetings within and outside the country, in situ visits, observation missions and consultations with human rights defenders both by their representations in Mexico as well as by the Department of Foreign Affairs and Parliament.

• Create cooperation programs with Mexico based on the input of human rights defenders and their analysis of the security situation, especially when it comes to programs like the Merida Initiative or other programs that are focused on security and justice.

• Ensure greater coherence between commercial and economic interests and the responsibility to promote and defend human rights in the relationship with Mexico.



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Commemoration of the day honoring victims of the disappeared in Saltillo, Coahuila by FUUNDEC © PBI



Peace Brigades International (PBI) is a non-governmental organization with 30 years of experience in international accompaniment. PBI has maintained a permanent presence in Mexico since 1999 and aims to protect the spaces for people and organizations that non-violently promote human rights and who suffer from repression as a result of their work.

Acting at the request of local organizations, PBI does not intervene in Mexican initiatives that promote a respect for human rights but provides support through an international presence.

PBI makes periodic visits to areas in conflict, distributes information and dialogs with civil and military authorities as well as with human rights organizations and other actors from Mexican civil society. In order to promote international coverage, PBI maintains dialog with the diplomatic corps, and inter-governmental agencies, disseminates information and asks for support from the international network in order to guarantee the security of Mexican defenders. PBI aims to contribute to the creation of the necessary conditions so that human rights defenders can continue with their work.

For more information about PBI's work in Mexico, see our web page at: www.pbi-mexico.org