



# HOW MANY MORE?

THE NEED FOR A GOVERNMENTAL PROTECTION  
MECHANISM FOR HUMAN RIGHTS DEFENDERS

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## EDITORIAL

During its ten years of work in Mexico, PBI has witnessed, and participated in, the ongoing efforts of both Mexican organisations and international bodies to highlight the dangerous security situation faced by those who defend and promote human rights. However, the situation for human rights defenders (HRDs) continues to be one of serious risk. Murder, disappearance, harassment, surveillance and threats recur in an atmosphere of violence which is rendered more acute by the fight against organised crime.

In response to this situation, Mexican civil society organisations have spent years asking for the establishment of a governmental protection mechanism which will allow the State to comply with its obligation and commitment to recognise and protect HRDs.

Since 2009, PBI has been monitoring the development of a governmental protection mechanism, and has participated as an external consultant in the meetings which a group of Civil Society Organisations (the CSO Group) has held to promote the issue. In addition, PBI presented a risk-analysis methodology to Mexican authorities: something fundamental when it comes to implementing a mechanism which hopes to determine the appropriate protection tools for the situation of each HRD who has requested support. In May 2010, PBI provided the federal authorities with this methodology, a contribution it hopes to repeat and extend in the coming months.

For some years, PBI has also supported the construction of a civil society mechanism by providing security workshops and, more recently, by facilitating gatherings of HRDs coming from a range of regions and backgrounds to reflect upon this issue.

With this special bulletin, PBI aims to provide information on the process to achieve a governmental protection mechanism that can guarantee the physical and psychological integrity and the ongoing work of Mexican HRDs. Unless HRDs have sufficient political space and safety guarantees to be able to promote social change, Mexico's democratic transition will be seriously compromised. A protection mechanism is therefore both urgent and necessary.

### HOW MANY MORE?

In March 2011, representatives of Mexican civil society held a press conference in Mexico City in response to the increasing wave of violence against human rights defenders in the country. They asked, "How many more human rights defenders and journalists have to die before the Mexican State will respond with a protection mechanism (for human rights defenders)?"

On the front page of this bulletin are the faces of many of the human rights defenders that PBI has worked with during its 10 years in Mexico. All of them are at risk because of their efforts to defend human rights.

The people on the cover face death threats, physical aggressions, harassment, extrajudicial execution, defamation, torture, violence, unjust imprisonment, surveillance and forced disappearance. Their faces represent the risks faced by human rights defenders throughout Mexico.

How many more human rights defenders have to suffer similar incidents before a protection mechanism will be created to protect this vulnerable population? This bulletin will analyze the current debate regarding a state mechanism to protect human rights defenders.



*2011 is the 30th anniversary of Peace Brigades International (PBI). Currently, PBI has projects in Colombia, Guatemala, Mexico and Nepal, and 16 Country Groups in Europe, North America and the Pacific who work to protect human rights defenders and communities whose lives and work are threatened by violence.*

# TOWARDS A GOVERNMENTAL PROTECTION MECHANISM IN MEXICO

Defending human rights in Mexico is a dangerous job. This has been documented by the United Nations (UN) and the Inter-American Commission on Human Rights (IACHR). Their reports show that Mexican authorities and institutions have been unable to protect human rights defenders (HRDs) and journalists<sup>1</sup>.

In this context, the recommendations of the international community and the needs set out by civil society organisations (CSOs) to the Mexican government over various years highlight the urgent need to implement a special mechanism to protect HRDs and journalists, and to guarantee the prevention, investigation and punishment of all attacks against them<sup>2</sup>.

The Mexican government responded to these demands in February 2010. In a forum which brought together State authorities, Mexican CSOs, and the Office of the United Nations High Commissioner for Human Rights in Mexico (OHCHR), as well as representatives of the Colombian government, the dialogue leading to a protection mechanism for journalists and people defending human rights was begun.

The forum concluded with the agreement that the Interior Ministry (Secretaría de Gobernación, SEGOB), through its Unit for the Promotion and Defence of Human Rights (Unidad para la Promoción y Defensa de los Derechos Humanos, UPDDH), would promote the design of a comprehensive mechanism for the prevention, protection and investigation of attacks against HRDs and journalists.

This mechanism would be both subsidiary and

complementary to existing State obligations, and would include active civil society participation. The dialogue continued with another meeting in May 2010, but lost momentum because of changes within the government.<sup>3</sup> Within a context of new attacks against media professionals, and in response to international pressure on this issue,<sup>4</sup> the Mexican government finally decided to create a protection mechanism specifically for media professionals, abandoning the initial idea of a single instrument for both journalists and HRDs.

During 2010, a range of civil society organizations decided to form the "CSO Group"<sup>5</sup>. The members of this group reflected upon their protection needs and the necessary characteristics that an effective governmental mechanism should include to have a positive impact on the risks faced by HRDs. In October 2010, they sent a mechanism proposal to the Mexican government. The proposal defined the aims and objectives, the roles, and the structure necessary for a protection mechanism to attend to the needs of HRDs and journalists.<sup>6</sup>

They requested – unsuccessfully – a meeting with the UPDDH to discuss the proposal. Given the lack of progress made, the CSO Group requested a thematic hearing before the IACHR on the need to create a protection mechanism for HRDs, thus seeking to open up a space for dialogue with the Mexican government. During the hearing, which took place in October 2010, the Mexican government representatives stated that they were willing to listen to the CSOs' demands.

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## The CSO Group's Proposed Protection Mechanism

### OBJECTIVE:

The Mexican State should protect, promote, and make... For this to occur, the authorities must adopt measures and legal guarantees to protect the life, integrity, freedom and security of defenders and their families when they are exposed to danger as a result of their work in defence of human rights.

### MECHANISM STRUCTURE:

The mechanism should be coordinated at federal level by a Coordinating Committee, presided by a specially created body part of the Interior Ministry. The mechanism will include the participation of the entities responsible for promoting and defending human rights within the President's Office, the Interior Ministry, the National Human Rights Commission (Comisión Nacional de Derechos Humanos, CNDH), the Federal Attorney General's Office (Procuraduría General de la República, PGR), the Ministry of Public Security (Secretaría de Seguridad Pública, SSP), as well as civil society and OHCHR representatives. Other participants could include individuals requesting protection measures, NGOs who accompany or advise particular cases, or other State authorities.

### FUNCTIONS:

1.- Receive and document requests for protection from HRDs and journalists who have suffered acts of aggressions.

2.- In each case, evaluate the risk faced, grant protective measures, order the implementation of those measures, monitor and evaluate the effectiveness of the measures.

3.- Produce reports on the security situation of HRDs and journalists, including relevant recommendations or draft laws.

4.- Make recommendations to other bodies and propose laws on issues related to the protection of HRDs and journalists.

5.- Promote and ensure the application of international regulations in this area, and their incorporation into Mexican laws and guidelines.

To function effectively, the mechanism should:

1.- Have an adequate legal framework.

2.- Be in addition to existent legal obligations to investigate, as set out in current legislation.

3.- Be capable of acting at the federal level, with seniority over state-level authorities.

4.- Be granted independent budgetary allocations.

5.- Have properly trained officials.

6.- Be able to react immediately to any alerts

7.- Respond to all request for support by all those people who defend human rights, according to the definition of HRDs enshrined in the 1998 UN Declaration on Defenders, no. 53/144.

8.- Include a wide representation of defenders and journalists.

9.- Incorporate a risk analysis methodology which includes a proper consultation of the defenders requesting protection.

## Towards a governmental protection mechanism in Mexico (continued)

Subsequently, the Interior Ministry's Subsecretary for Human Rights and Legal Issues, Felipe de Jesús Zamora Castro, held a meeting with representatives of human rights organisations and stated the Government's commitment to establishing a mechanism which would incorporate the suggestions of CSOs. In February 2011, two representatives of the CSO Group participated in the official Mexican government delegation to Colombia<sup>7</sup> to analyse and better understand Colombia's equivalent protection mechanism.

The civil society organisations are now awaiting the Mexican government's follow up on the commitments it has made, and have requested – as a matter of highest priority – that their opinions be considered and included in the design of the Government's protection mechanism. Given the gravity and urgency of the situation faced by HRDs and journalists, these two groups have decided to push for a parallel non-governmental protection mechanism which is to be coordinated by social organisations.



*In a press conference, Agnieszka Raczynska of the National Human Rights Network "All Rights for All", Brisa Maya Solís Ventura of the National Centre of Social Communication (CENCOS), and Silvano Cantú of the Mexican Commission for the Defence and Promotion of Human Rights (CMDPDH) express the concerns of the CSOs regarding the lack of advances in the development of a mechanism.*

### Notes

**1** IACHR, *Report on the Situation of Human Rights Defenders in the Americas*, 7 March 2006; UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review, Mexico*, A/HRC/11/27, 3 March 2009; UN Human Rights Committee, *Concluding Observations of the Human Rights Committee, CCPR/C/MEX/CO/5* (pp.2,7), 17 May 2010; OHCHR, *Defender los derechos humanos: Entre el compromiso y el riesgo [Defending human rights: Between commitment and risk]*, October 2009, updated 2010.

**2** In August 2008, Article 19 suggested the creation of a Committee for the Protection of Journalists (Comité de Protección a Periodistas) in response to the prevailing climate of violence and impunity. In 2009, various civil society organisations initiated meetings to reflect on the risks they faced and their resulting protection needs.

During 2009, as part of Mexico's Universal Periodic Review before the UN Human Rights Council, Germany and Norway recommended that Mexico '[i]ncrease the effectiveness of the "precautionary measures" to protect human rights defenders (Germany), including through adopting effective and comprehensive prevention strategies, at central and local levels, to prevent attacks and protect the life and physical integrity of human rights defenders and journalists, and ensure that such programs are backed by a strong political commitment and provided with adequate resources (Norway)'.

In 2010, the UN Human Rights Committee asked Mexico to '[t]ake immediate steps to provide effective protection to journalists and human rights defenders whose lives and security are under threat due to their professional activities'.

**3** In July 2010, José Francisco Blake Mora was named Interior Minister, to replace Francisco Gómez Mont.

This political change led to other shifts in the cabinet. Since July 2010, Felipe de Jesús Zamora Castro has been the Subsecretary for Human Rights and Legal Issues.

Omeheira López Reyna was named head of the UPDDH in August 2010, as a replacement for José Antonio Guevara (who had held the position since May 2009). Guevara had promoted the dialogue process for the establishment of a protection mechanism.

**4** On 26 July 2010, in the state of Durango, four journalists were kidnapped by the Sinaloa drug cartel to force the media to publish their messages. This had a strong impact on public opinion regarding journalistic safety in Mexico.

After a joint visit to Mexico in August 2010, the UN Special Rapporteur on Freedom of Opinion and Expression and the Inter-American Commission on Human Rights (IACHR) Special Rapporteur for Freedom of Expression recommended, among other suggestions, the creation of an official protection mechanism for journalists.

**5** The Civil Society Organisation Group is made up of ACUDEH, AMARC, ANAD, CEMDA, CENCOS, the Mexican Commission for the Defence and Promotion of Human Rights (CMDPDH), the "Fray Vitoria" Centre, the 'Miguel Agustín Pro Juárez' Centre, Tlachinollan Human Rights Centre, Cerezo Committee Mexico, GIRE, and the executive secretary of the 'All Rights for All' Network (Red 'Todos los Derechos para Todas y Todos'). Peace Brigades International participates as an international adviser.

**6** The proposed mechanism can be found here (in Spanish): [www.libertad-expresion.org.mx/wp-content/uploads/2010/10/Resumen-Ejecutivo-Propuesta-OSC-28-octubre-2010.pdf](http://www.libertad-expresion.org.mx/wp-content/uploads/2010/10/Resumen-Ejecutivo-Propuesta-OSC-28-octubre-2010.pdf). For further information on the mechanism, also in Spanish, see: [www.cencos.org/es/node/25401](http://www.cencos.org/es/node/25401).

## TIMELINE

### TIMELINE OF THE DEBATES AROUND THE PROTECTION MECHANISM

• *11 - 12 February 2010:* Seminar: 'Towards a Protection Mechanism for Journalists and Human Rights Defenders'

• *9 - 24 August 2010:* The UN<sup>1</sup> and IACHR Special Rapporteurs for Freedom of Expression make a joint visit to Mexico. In their report, they recommend the establishment of a national protection mechanism for journalists. They recommend that this mechanism be led by a federal authority, have the capacity to coordinate between different levels of governments, possess its own funding, and include the participation of journalists and CSOs in its functioning and evaluation processes.

• *18 - 29 September 2010:* CSOs involved in debates on the mechanism ask the Interior Minister to ensure the continuity of dialogue and progress in the establishment of the mechanism.

• *22 September:* A meeting is held between Mexican President Felipe Calderón, the Inter American Press Association (IAPA) and the Committee to Protect Journalists (CPJ). This

meeting addresses the need for a protection mechanism for journalists.

• *12 October 2010:* The CSO Group meets with advisers from European Union embassies and the representative of the OHCHR. The CSO Group presents its proposal for a mechanism, and those present explore different forms of support which might be offered by the diplomatic corps.

• *28 October 2010:* A thematic hearing is held at the IACHR in Washington on the protection mechanism for HRDs and journalists. Mexico is reminded of the need to reopen the dialogue around the establishment of a government protection mechanism. It responds that it is willing to do so.

• *3 November 2010:* An agreement is signed which establishes a protection mechanism for journalists.

• *26 November 2010:* A gathering of HRDs from various Mexican states is held to examine existing protection measures. The gathering considers the

implementation of a non-governmental mechanism, as well as providing feedback on the proposal for a governmental mechanism set out by the CSO Group.

• *12 December 2010:* The CSO Group meets to present their proposed mechanism to the US ambassador, and to explore ways in which the diplomatic corps can support the process.

• *3 January 2011:* The Consultative Committee for the Implementation of Preventative and Protective Actions for Journalists (Comité Consultivo para la Implementación de Acciones de Prevención y Protección a Periodistas), established on 3 December 2010, begins operations.

• *14 March 2011:* Before the media, representatives of the CSO Group denounce the lack of dialogue with the federal government, as well as the lack of advances in terms of the mechanism's development. They ask 'How many more human rights defenders and journalists have to die before the Mexican State responds with a protection mechanism?'

**1** Full title: Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

### WHAT ALREADY EXISTS?

Below are some examples of the protective measures and systems which currently exist for at-risk HRDs in Mexico:

• Protection measures dictated by the Ombudsmen of State Human Rights Commissions or the National Human Rights Commission (CNDH).

• Protection measures handed down by the Inter-American Human Rights System, coordinated by the Interior Ministry and implemented by a range of authorities.

• Recommendations issued to the Mexican State by the CNDH, State Human Rights Commissions and international entities.

• Preventative and reactive measures taken by foreign embassies in Mexico (for example, in accordance with the European Union Guidelines on Human Rights Defenders).

• Advice on security and protection measures provided by organisations specialising in this topic, such as Peace Brigades International (PBI) and Protection Desk Mexico.

• The support of international organisations when HRDs facing grave security situations seek refuge or respite abroad.

• The Mexican State bodies responsible for security and justice, but without specific resources to attend to the needs of HRDs.

The statistics detailing attacks and threats against HRDs prove that these mechanisms are insufficient.<sup>1</sup>

In addition, civil society organisations have expressed their concern for the lack of coordination between the various State authorities when dealing with such a vulnerable population, and the lack of will shown by the Mexican state in implementing the existing measures.<sup>2</sup>

The consensus among Mexican HRDs and various international organisations is that a comprehensive governmental mechanism, specialising in the protection of HRDs, is required.

**1** OHCHR, *Defender los derechos humanos: Entre el compromiso y el riesgo* [Defending human rights: Between commitment and risk], October 2009, updated 2010.

**2** See [www.cencos.org/es/node/25401](http://www.cencos.org/es/node/25401) (in Spanish).



*Obtilia Eugenio Manuel of the OPIM continues to receive death threats. Obtilia is accompanied by PBI.*

# “THE PARTICIPATION OF CIVIL SOCIETY IS VITAL”

## HOPES AND FEARS OF MEXICAN HUMAN RIGHTS DEFENDERS REGARDING THE PROTECTION MECHANISM

PBI interviewed three female HRDs who have participated in the process of designing the protection mechanism, with the aim of better understanding their points of view, their expectations and their opinions on civil society's role in the mechanism's creation. These HRDs are Karla Hernández of the Civil Monitor of the Police and Public Security Forces of the Montaña, Guerrero (*Monitor Civil de la Policía y Cuerpos de Seguridad Pública Seguridad en la Montaña de Guerrero, MOCIPOL*), based in Tlapa de Comonfort, Guerrero; Alba Cruz, lawyer with the Gobixha Committee for the Comprehensive Defence of Human Rights (*Comité de Defensa Integral de Derechos Humanos Gobixha, CÓDIGO-DH*), in Oaxaca City; and Minerva Martínez of the Bartolomé Carrasco Briseño Regional Human Rights Centre (*Centro Regional de Derechos Humanos 'Bartolomé Carrasco Briseño', BARCA-DH*), also in Oaxaca City.

Each of these women points out that a protection mechanism reflecting the needs identified by HRDs should be the result of dialogue between the Government and civil society. The specific expectations of the mechanism project have already been expressed, to the Government and in the media, by the human rights defence organisations which have had an active participation since the earliest stages of the process.

### THE CURRENT SECURITY SITUATION

Each of the HRDs interviewed notes, based on her own experience, that the risk faced by those defending human rights in Mexico is extremely high, especially in Mexico's northern states, as well as Guerrero and Oaxaca. The women point out that the State's current response to the risks faced is inadequate. Karla says, *'The State's response takes too long. All the mechanisms or actions they try to implement take one to two years.'* The women highlight the need to establish new governmental responses so that HRDs might work in conditions of adequate safety. MOCIPOL and CÓDIGO-DH are recipients of protective measures granted by both the Inter-American Court and Commission on Human Rights.



*Karla Hernández, HRD accompanied by PBI.*

They note that *'The fact that the complaints we make [regarding aggressions] go against the police makes it difficult to then ask the same security forces to protect us.'* Minerva indicates that, *'The measures adopted by the State are inefficient. But the most worrying thing is that the investigations [in cases of aggressions against HRDs] never move forward.'*

This concern is shared by the other interviewees, who point out that while the protective measures are necessary, they don't resolve the underlying problems caused by the State's inattention to its key responsibilities: providing justice and investigating reports.



*"In the first place, the international community should share their experiences, because perhaps a mechanism has already been implemented in one of their countries. Secondly, it should demand respect for human rights and draw attention to the issue abroad, to make it a priority for the Mexican government",*  
*Minerva Martínez, HRD accompanied by PBI.*

### TOWARDS THE ESTABLISHMENT OF A PROTECTION MECHANISM

According to the women PBI interviewed, the establishment of a mechanism can't even be considered without civil society's participation in the process.

Those who are threatened are representatives of civil society, they say, so it is of great importance that they be able to share their experiences and thus design a realistic mechanism, one that can respond to their needs and also build trust in the State. Karla says, *'the State has a very limited perspective. Civil society participation is vital.'*

The organisations which these HRDs belong to have had an active role in the initial stages of designing a protection mechanism. In November 2010 they participated in a gathering in Mexico City, organised by the CSO Group which is monitoring this issue. PBI participates in the Group as an international adviser. The women emphasised the usefulness of gatherings such as this as a platform to share information with other HRDs from around Mexico.

According to Minerva, they provide a panorama of the overall situation: *'We realised that it is not just one state, but a situation that is affecting the entire country.'* However, the HRDs would have liked to have seen greater attendance.

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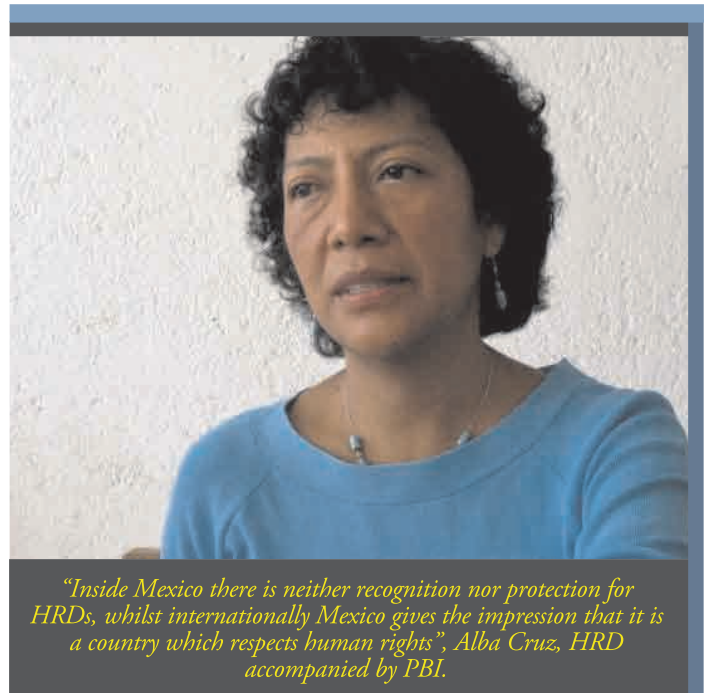
### “The participation of Civil Society is vital” (continued)

Although some organisations did participate, the women believe there are still many others who could have benefited, and they hope the situation will improve at future meetings.

Reflecting upon the process of establishing a governmental protection mechanism, the HRDs expressed their concerns about the process and their participation in it. As Karla states, just by *‘participating, it could give the impression that we accept that the Government is designing an appropriate mechanism’*.

They also consider that this dialogue was not a Government initiative but rather – according to Alba – that *‘the recommendations of the Universal Periodic Review opened a space to establish a mechanism. But it was never one of the State’s priorities.’*

According to this analysis, the role of the international community has been key in initiating dialogue between the Mexican State and civil society. The HRDs highlight the need for continued involvement by the international community, and underline the dual role it can play: to inform, and to pressure.



*“Inside Mexico there is neither recognition nor protection for HRDs, whilst internationally Mexico gives the impression that it is a country which respects human rights”, Alba Cruz, HRD accompanied by PBI.*

For more information about the mechanism, please visit:

<http://cencos.org/es/node/25401>

### PBI 30 years defending human rights

*2011 marks the 30<sup>th</sup> anniversary of Peace Brigades International (PBI). Currently, PBI has projects in Colombia, Guatemala, Mexico and Nepal, and 16 Country Groups in Europe, North America and the Pacific who work to protect human rights defenders and communities whose lives and work are threatened by violence.*



## THE EXPERIENCES OF OTHER LATIN AMERICAN COUNTRIES

In Latin America, whilst attempts are made to consolidate the rule of law, human rights defenders continue to be subjected to hostility and violence. In response to this situation, protection instruments have been established in various Latin American countries. Three of these systems are outlined below.<sup>1</sup>

### BRAZIL

**Mandate:** In 2004, the *National Protection Program for Human Rights Defenders* (Programa de Proteção aos Defensores/es de Direitos Humanos) was created to 'provide protection and assistance to all human and legal persons, groups, institutions, organisations and social movements that promote and defend human rights, and, as a result of their actions and activities, experience a situation of risk and/or vulnerability'.

**Decision making:** The program is coordinated by the Secretariat of Human Rights of the President's Office. Civil society organisations and representatives of the legislative, executive and judicial branches of Government participate. It can grant physical protection and assistance measures as well as promote the investigation and punishment of attacks. Among its tools are public declarations by the State's highest representatives, which recognise HRDs as vital to the democratic process, as well as information campaigns on the threats HRDs experience.

**Criticisms and Recommendations:** The Brazilian Committee of Human Rights Defenders<sup>2</sup> has demanded that the coordination between federal and state entities be streamlined and improved, especially in public security issues, and that it offer legal support, psychological support, and effective protection for women HRDs. It asks that the program become a State policy, conduct a national diagnostic study, and improve the program's funding and methodology.

### COLOMBIA

**Origin and mandate:** *The Protection Program of the Human Rights Authority of the Ministry of the Interior* (Programa de Protección de la Dirección de Derechos Humanos del Ministerio del Interior) was created in 1997 with the aim of 'safeguarding the life, integrity, liberty and security of the target population which experiences definite, imminent and exceptional risk, as a direct consequence and because of its exercise of political, public, social or humanitarian functions'.

**Decision making:** Various government bodies make up the Regulation and Risk Evaluation Committees (Comités de Reglamentación y Evaluación de Riesgos), which then analyse specific cases to decide the appropriate protection measures. Civil society representatives are invited to the meetings. The measures are focused on physical protection and assistance to individuals who are victim of attack.

**Criticisms and Recommendations:** The UN Special Rapporteur on the situation of human rights defenders has received information documenting the long waiting time in receiving protection measures, the poor response to the level of risk, the personal needs and cultural characteristics of the beneficiaries, as well as accusations of espionage activities by the security forces assigned for the beneficiaries' protection.<sup>3</sup> The campaign by human rights organisations, called 'For the right to defend human rights in Colombia' (Por el derecho a defender los derechos humanos en Colombia)<sup>4</sup> has asked for the revision of the program in direct consultation with HRDs in order to ensure that it responds to the need of each region in Colombia, considers the characteristics of the person requiring protection in the risk analysis, and guarantees that protection not be provided by private security companies.

### GUATEMALA

**Origin and mandate:** In 2004, the Unit for the Protection of Human Rights Defenders, Journalists and Others (Unidad de Protección para Defensores de Derechos Humanos, Periodistas y Otros) was created to respond to the protection measures granted by the Inter-American System, but without the real capacity to impact upon government decisions. In 2007, the Interior Ministry (Ministerio de Gobernación) created an Entity for the Analysis of Attacks against Human Rights Defenders (Instancia para Análisis de Ataques contra Defensores de Derechos Humanos), coordinated by the Deputy Ministry of Security (Viceministerio de Seguridad).

**Decision making:** The Unit is comprised of various State bodies, OHCHR-Guatemala and human rights organisations. In its meetings attacks are analysed, protection mechanisms are designed, information is shared, investigations are coordinated and risk patterns are identified. Its work has encouraged closer collaboration with the filter groups of European Union countries and has generated better communications mechanisms, inter-institutional coordination and trust between participants.

**Criticisms:** The UN Special Rapporteur on the situation of HRDs reported<sup>5</sup> that: the police are believed to have participated in some attacks against HRDs; protection is granted only if there are requests from the UN or the IACHR; protective measures are often poorly implemented and hindered by the police or the Interior Ministry; and there is not independent supervisory mechanism.

### NOTES

<sup>1</sup> This article is largely based on the document elaborated by the Office of the United Nations High Commissioner for Human Rights in Mexico (OHCHR/M), entitled 'Experiencias en el continente americano sobre mecanismos de protección para periodistas, defensoras y defensores de derechos humanos' [Experiences from the Americas on protection mechanisms for men and women journalists and human rights defenders]. It is available here:

[www.cencos.org/documentos/EXPERIENCIAS-MECANISMO-PROTECCION.pdf](http://www.cencos.org/documentos/EXPERIENCIAS-MECANISMO-PROTECCION.pdf)

<sup>2</sup> Letter to the authorities by the Brazilian Committee of Men and Women Human Rights Defenders (Comité Brasileiro de Defensores e Defensoras de Direitos Humanos) together with 15 other NGOs, 13 November 2009.

<sup>3</sup> UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya / Addendum / Mission to Colombia (7-18 September 2009), A/HRC/13/22/Add.3, 4 March 2010.

<sup>4</sup> 4 March 2010.



# URGENT ACTION: THE NEED FOR A NON-GOVERNMENTAL MECHANISM

## COORDINATING LOCAL AND INTERNATIONAL ACTION TO PROTECT HRDS

*Urgent Action for Human Rights Defenders (Acción Urgente para los Defensores de los Derechos Humanos, ACUDDEH) is an organisation founded in 2010 by the Cerezo Committee Mexico (Comité Cerezo México). ACUDDEH provides security workshops to Mexican organisations, and participates in the definition and future implementation of a protection mechanism for HRDs. ACUDDEH also works together with Protection International (PI) to provide support for at-risk HRDs through 'Protection Desk Mexico'. PI is an international organisation based in Brussels, Belgium, which was launched in 2007. It has its roots in PBI's European Office. Its mission is to foster the recognition of HRDs' work, with a specific focus on improving their security. PI works in various countries, with 'Protection Desks' located in conflict zones to train local HRDs and organisations in order to improve their security strategies. In February 2011 PBI spoke with Alejandro Cerezo, Director of ACUDDEH.*



*Alejandro Cerezo Contreras, Director of ACUDDEH, member of the Cerezo Committee, and accompanied by PBI.*

**PBI:** *What has ACUDDEH's role been in the development of a civil society proposal for the different protection mechanisms?*

**Alejandro:** We have contributed the experience which we've gained through giving workshops on prevention, protection and security for HRDs, and through our knowledge of the development processes of governmental protection mechanisms in other countries such as Colombia, Guatemala, Brazil, the Congo and Nepal.

With other organisations, we participated in the preparation of the Proposal for the Protection Mechanism for Men and Women HRDs and Journalists,<sup>1</sup> which was presented to the Inter-American Commission on Human Rights on 28 October 2010. Our role has been to convince other organisations of the need to establish a mechanism. We have also begun to devise the content of a non-governmental mechanism, together with PBI and Clemencia Correa, another human rights defender. The two mechanisms (governmental and non-governmental) are tools for prevention, protection and security for at-risk HRDs.

*What do you understand by a non-governmental mechanism? Are there models operating in other countries which could be duplicated in Mexico?*

We understand it as the meeting point for the capacities of various organisations, which will allow us to reduce risk and expose the fact that Mexico has reneged on its obligations to guarantee the physical and psychological integrity of HRDs.

There are three tools in particular which we use: urgent actions, preventative actions,<sup>2</sup> and the 'early warning/early response' system. This is in addition to concrete prevention and protection measures. The model we are looking at in particular is the Colombian one, and we believe that many of its elements are applicable here.

*Why do you think a mechanism is needed in Mexico?*

Because the Mexican State, far from assuming the responsibility for HRDs' physical and psychological integrity, has in fact increased extrajudicial executions, forced disappearances, and attacks against HRDs. It encourages the development of a terrorist, narco-paramilitary model that militarises – and paramilitarises – society, thus aiming to make itself exempt from responsibility in cases of human rights violations.

*What is crucial for a non-governmental mechanism to function adequately?*

The basic factor is consciousness-raising by social movements and HRDs – to be aware of the emergency situation we are living in – and the importance of establishing a mechanism.

*How can the international community provide support?*

The international community can participate in the 'early warning/early response' system by monitoring and verifying the information provided and actions taken by the Mexican State to avoid rights violations. It can also implement protective measures such as visiting HRDs in their places of work, attending events, issuing urgent actions, transporting HRDs to safe areas, monitoring court cases brought against HRDs, granting visas and visiting permits to other countries, and providing finances for emergency funds and security training, amongst other options.

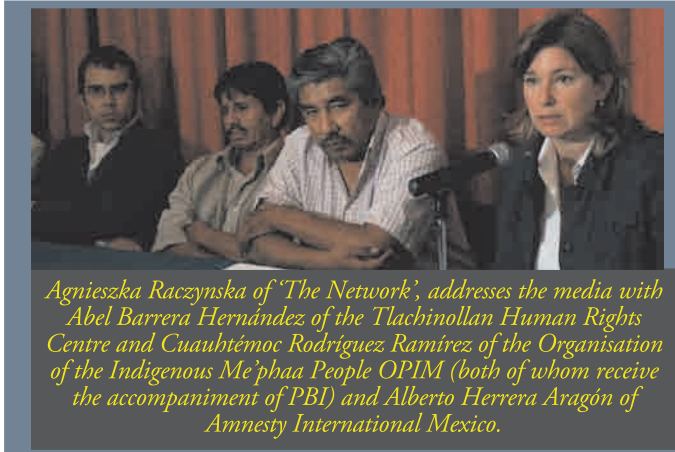
### NOTES

**1** In Spanish only, entitled 'Propuesta de Integración para el Mecanismo de Protección Defensores y Defensoras de Derechos Humanos y Periodistas'. See the full document at [www.acuddeh.org](http://www.acuddeh.org).

**2** The main aim of 'preventative actions' is to inhibit any action that puts HRDs' lives at risk. Preventative action is a tool used by the human rights organisation Cerezo Committee Mexico to alert an array of institutions, bodies, organisations and government agencies in different countries of possible attacks against the lives of HRDs.

## AGNIESZKA RACZYNSKA: WHAT CAN BE DONE

*In early February 2011, PBI interviewed Agnieszka Raczyńska, executive secretary of the National Human Rights Network "All Rights for All" (Red Nacional de Organismos Civiles de Derechos Humanos "Todos los Derechos para Todas y Todos"), also known as 'the Network'. It is comprised of 70 pluralist, non-partisan, non-governmental groups from 23 Mexican states, all working in human rights education, defence and promotion. For almost three years, the Network—together with other organisations—has encouraged the process of establishing protection mechanisms.*



*Agnieszka Raczyńska of 'The Network', addresses the media with Abel Barrera Hernández of the Tlachinollan Human Rights Centre and Cuauhtémoc Rodríguez Ramírez of the Organisation of the Indigenous Me'phaa People OPIM (both of whom receive the accompaniment of PBI) and Alberto Herrera Aragón of Amnesty International Mexico.*

**PBI:** *How do you evaluate the risks faced by Mexican human rights defenders (HRDs)?*

**Agnieszka:** According to the analysis conducted by the Network, we see that there has been a regression in terms of the security and protection of our colleagues. We are witnessing an increase in social conflict in Mexico, an increasingly violent context compared to what we have experienced before, and an increase in risk. HRDs - for example those in Mexico's North or in the state of Guerrero - face situations that are even out of the government's control. Clearly the State has an ongoing responsibility to offer protection to HRDs, but from my point of view it has not responded to this serious situation. I really see that the government is making a minimal effort to protect at-risk HRDs.

*Why this lack of response?*

I don't think the State has either the capacity or the will. It has material capacity, so it is not a question of resources. But a capacity to understand and analyse the situation is required, to understand HRDs' work and its importance across the country, to recognise that HRDs' work is a contribution to democracy and stability in Mexico. I believe the government doesn't have the capacity to reach this analysis, this recognition, nor to give the necessary weight to the work of HRDs and journalists. I believe this is entirely because of the lack of will.

*Let's talk about the governmental protection mechanism: In the current civil society proposal, do you think that the mechanism could help improve the security situation of HRDs?*

I think so - as long as it is an effective mechanism. The creation of a mechanism sends a message from the federal to the state governments. It also creates the opportunity to establish joint coordination between the various government bodies, so they can sit at the table and open a dialogue around the cases and the protection requests they receive. I'm thinking in terms of coordination between federal bodies (Office of the President, Interior Ministry, Secretary of National Defence, Secretariat of Public Security and the Federal Attorney General's Office). They need to find channels for communication and organisation to respond to requests for protection in the first place and of course to find channels to state governments. However, I believe the crucial issue is the investigation into cases of threats and attacks against HRDs - i.e., detaining those responsible and bringing them to justice - so that the cycle of impunity is broken. The mechanism could push investigations forward, asking for accountability in cases, requesting information or even publishing reports of advances in cases. Another one of the most important issues in regard to the mechanism's functioning is funding. I've realised that in Mexico, if there is no budget for something, then it simply won't exist: it just can't work.

*Does the Network believe in the importance of civil society participating in the design of this mechanism?*

Yes, we believe it is very important that civil society participates. On the one hand, because we are the ones affected and we should be able to suggest factors that would give us the best possible mechanism for our current needs. And on the other hand, I believe that we - organisations who work in human rights - should participate in the design, implementation, monitoring and evaluation of public policies in our area.

*Do you believe there is sufficient trust in the government to be able to work on and implement a mechanism?*

Civil society organisations are giving the government a chance to work together. We're opening our doors to them. We want this dialogue. We have a proposal for our ideal mechanism that we want them to adopt. [However, the dialogue] has not been adequate. As there is no policy, the government has no agenda dealing with HRDs, there is no capacity to understand the magnitude of the problem, there is neither analysis nor will, so therefore the dialogue is unsatisfactory.

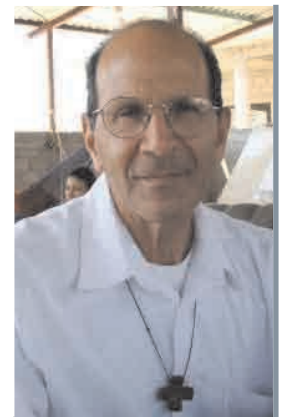
*So how can the dialogue be improved?*

For our part, simply through insistence. Insisting on the issue, insisting on the risk, insisting on the magnitude of the problem. It is only with the pressure we bring to bear that this can be achieved. It is not only pressure on the government; it is pressure on the embassies, on the [UN] High Commissioner's Office, to keep pushing the issue. It is also the presence of organisations in international forums who speak about these issues, because it makes the Mexican government understand how deeply we are concerned. I think that is how the government actually measures our agenda priorities, our means and our reach. I think the meeting we had with European Union embassy representatives was very important.

I think that the issue of HRDs has to stay on NGOs' international agenda. Of course, any presence before the Inter-American Commission [on Human Rights], before the UN, in any international space will assist greatly in making the Government understand that this is a vital issue for us right now.

*Do you see other ways in which the international community could support this process?*

Campaigns for individual cases are very helpful. The pressure brought to bear so far has been very important, in regard to both protection in general and in individual cases (addressed in calls to action, written communiqués, or in meetings with the Government). Of course the European Union representatives here in Mexico have the opportunity to be more involved in regards to HRDs, because of the [EU] Guidelines [on Human Rights Defenders]. In that respect, any advocacy work that European groups can do with their Governments to urge them to implement the guidelines is very important. I believe the international community has the opportunity to increase the political cost for attacks on HRDs in Mexico. We also find the international community's expertise very valuable, and we ask them to provide any support or suggestions that could help guide us on how to continue, or on whether we are on the right track in this process.



*A protection mechanism could help HRDs like Father Alejandro Solalinde Guerra who has been a constant victim of threats and harassment due to his work at the "Hermanos en el Camino" Migrant Shelter. Father Solalinde is accompanied by PBI.*

## RECOMMENDATIONS

PBI considers it urgent that the Mexican State guarantees the security of HRDs by devising, among other measures, an effective mechanism for their protection. This should result from a broad-based consultation with civil society. In this way, the Mexican State would also implement the recommendations issued by:

- The Inter-American Commission on Human Rights (IACHR). In its 2006 *Report on the Situation of Human Rights Defenders in the Americas*, the IACHR recommended that member States: 'Urgently adopt effective measures to protect the life and physical integrity of human rights defenders who are threatened, and to ensure that these measures are decided upon in consultation with the defenders'.<sup>1</sup>

- The UN Human Rights Council. The Council made the following recommendation during the 2009 Universal Periodic Review, which Mexico subsequently accepted: 'increase the effectiveness of "precautionary measures" to protect human rights defenders (Germany), including through adopting effective and comprehensive prevention strategies, at central and local levels, to prevent attacks and protect the life and physical integrity of human rights defenders and journalists, and ensure that such programs are backed by a strong political commitment and provided with adequate resources (Norway)'.<sup>2</sup>

- The Office of the United Nations High Commissioner for Human Rights in Mexico (OHCHR/M). In its 2009 report on human rights defenders in Mexico, *Defender los derechos humanos: Entre el compromiso y el riesgo* [Defending human rights: Between commitment and risk], the OHCHR/M recommended: 'That the federal authorities, together with civil society organisations, define and implement a national protection mechanism for human rights defenders [which] should have sufficient budget allocation, have the ability to coordinate with (state and federal) authorities, and act as a direct communication channel between HRDs and high-level authorities'.<sup>3</sup>

- The UN Human Rights Committee. In 2010 the Committee recommended that Mexico take 'immediate steps to provide effective protection to journalists and human rights defenders whose lives and security are under threat due to their professional activities'.<sup>4</sup>

<sup>1</sup> The Inter-American Commission on Human Rights, Report on the Situation of Human Rights Defenders in the Americas, 7 March 2006; Recommendation 6.

<sup>2</sup> Universal Periodic Review: Mexico; Recommendation 60.

<sup>3</sup> Office of the United Nations High Commissioner for Human Rights in Mexico, *Defender los derechos humanos: Entre el compromiso y el riesgo*, October 2009, updated 2010; point 126, p.33. PBI translation.

<sup>4</sup> UN Human Rights Committee, Concluding Observations of the Human Rights Committee, CCPR/C/MEX/CO/5; Recommendation 20(a).



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PEACE BRIGADES INTERNATIONAL (PBI) is a non-governmental organisation that has maintained teams of international volunteers who accompany human rights defenders in Mexico since 1999. International accompaniment is a tool for conflict transformation through which a third party contributes to the creation of the necessary conditions to search for solutions. At the request of local organisations, PBI's goal is to protect the political space of people and organisations that have suffered repression as a result of their non-violent human rights work. PBI never tries to substitute Mexican human rights initiatives, but rather supports them with the presence of international volunteers that accompany people and organisations under threat. The teams make regular visits to conflict zones, disseminate information about the evolution of the conflict, engage with civil and military authorities and carry out public relations and lobbying work to generate international support.

More information about PBI's work in Mexico can be found on our website at: [www.pbi-mexico.org](http://www.pbi-mexico.org)



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