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“Towards a governmental protection mechanism for at-risk human rights defenders and journalists”

In 2010, Amnesty International declared¹ that 'Mexico is a dangerous country in which to defend human rights'. In a study conducted by the Office of the United Nations High Commissioner for Human Rights in Mexico², 165 acts of aggression or limitations to the work of human rights defenders (HRDs) were registered, including 15 individuals who were killed between 1 January 2006 and October 2010. In the light of this situation, Mexican civil society organisations have focused on the need to design a governmental mechanism for the protection of at-risk HRDs and journalists. In 2010, dialogue was opened between the government and civil society representatives to discuss the establishment of such a mechanism.

In early February 2011, PBI interviewed Agnieszka Raczynska, 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. The Network currently forms part of a group of civil society organisations which seek dialogue with the government, aiming to influence the mechanism's design.

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

Agnieszka Raczynska: 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 have not seen any actions by the Mexican State that aim to decrease [HRDs'] risk. Not one. No conflicts have been resolved, no cases have been investigated. 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 I don't believe 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. There is no will to do it, HRDs' work is not recognised as important, we are not on the agenda, we are not a party with sufficient weight to influence [the government] either politically or economically.

¹Amnesty International: *Standing Up for Justice and Dignity: Human Rights Defenders in Mexico*, 2010.

²Office of the United Nations High Commissioner for Human Rights in Mexico: *Defender los derechos humanos: Entre el compromiso y el riesgo* [Defending human rights: Between commitment and risk], 2009 and 2010 update.

Let's talk about the governmental protection mechanism: In the current 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, SEGOB, SEDENA, SSP and PGR³). 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. My ideal mechanism would have the capacity to investigate, or at least to influence the investigation of, cases. It could push investigations forward, perhaps asking for accountability in cases, requesting information or even publishing reports of advances in cases under investigation. Another one of the most important issues in regard to the mechanism's functioning is the funding. I've realised that in Mexico, if there is no budget for something, then it simply won't exist: it doesn't work, it just can't. So it is fundamental that the mechanism has its own budget. In reality, Mexico's protection mechanism has not been allocated any funding.

What do you not want the mechanism to be or to have?

I don't want it to be a declaration on paper only. I don't want it to be an effort which is limited to the current government, I want it to be a long-term effort. I want it to be policy, not a working meeting. The issue will not be resolved in [President] Calderón's last two years [in office] unless many changes are made to institutions' internal functioning: with investigation protocols and protocols for attention to victims, HRDs, journalists.

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.



Agnieszka Raczynska (right) at a press conference

It has been said that the issue of trust is fundamental to the design and function of a protection mechanism. 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 with us. We're opening our doors to them. We're constructing the space for dialogue. We want this dialogue; it is important for civil society. We want to be there, we want to dialogue with SEGOB, we want them to listen to us, we have a proposal for our ideal mechanism that we want them to adopt. In addition, when the working team on this mechanism is set up, it will be another space where trust must be established between government representatives and participating organisations; trust will be created once results have been seen. The refusal of certain organisations to participate in this process is precisely because they are directly experiencing what the government is and isn't doing. Obviously, they doubt that any process can function in this way. Their opinion is: 'If it is the government itself which is hurting me, how can I be asking it to create a mechanism to protect me?'

Do you think the dialogue with the Mexican government on this issue has been adequate so far?

It 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. It is yet to exist. To be able to guarantee the security of HRDs, it would be an enormous challenge to establish mechanisms for dialogue. Discussions with civil society organisations and social leaders have to be inclusive, transparent, and include dialogue on different levels. I believe this is the most important challenge.

³ SEGOB: Ministry of the Interior (Secretaría de Gobernación); SEDENA: Secretariat of National Defence (Secretaría de la Defensa Nacional); SSP: Secretariat of Public Security (Secretaría de Seguridad Pública); PGR: Federal Attorney General's Office (Procuraduría General de la República).

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. I don't see any factors on the government's side that indicate to me that they will improve their side of the dialogue. It is only with the pressure we bring to bear that that 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, [as well as] what Tlachinollan Human Rights Centre did in their European tour by making the issue of HRDs relevant in Germany, in Belgium, going to the meeting with the High Commissioner [for Human Rights] and so on. I think that the issue of human rights defenders 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 Mexican 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). It is precisely these individual cases that illustrate perfectly the situation we are talking about. I believe the international community can keep demanding investigations in those individual cases, in the protection of individuals or groups, and at that point mention the importance of having protection mechanisms in place. 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 the international community has the opportunity to increase the political cost for attacks on human rights defenders in Mexico. We also find the international community's expertise very valuable, and we would ask them to provide any support or suggestions that could help guide us in how to continue, or in whether we are on the right track in this process.

For further information on the National Human Rights Network "All Rights for All" (Red Nacional de Organismos Civiles de Derechos Humanos "Todos los Derechos para Todas y Todos"), go to their Spanish-language website: www.redtdt.org.mx

For further information on the development of a proposal for a governmental mechanism for the protection of journalists and human rights defenders in Mexico, see this Spanish-language microsite coordinated by CENCOS: <http://cencos.org/es/node/25401>

For further information on PBI's work in Mexico, see our website: www.pbi-mexico.org