



INTERNATIONAL SERVICE
FOR HUMAN RIGHTS



LATIN AMERICA WORKING GROUP
EDUCATION FUND

Joint Statement: International NGOs identify concerning shortcomings in the implementation of the Protection Mechanism for Human Rights Defenders and Journalists in Mexico

Brussels/Washington, 29 April 2015. The undersigned organisations express our concerns regarding a crisis thwarting the implementation of the Mexican Federal Protection Mechanism for Human Rights Defenders and Journalists in recent months. February and March 2015 saw the resignation of, both Victor Manuel Serrato Lozano, Director of the Human Rights Unit which oversees the running of the Protection Mechanism, and Lía Limón Garcia, Under Secretary of the Human Rights and Judicial Affairs Secretariat which oversees the Human Rights Unit,¹ leaving the Protection Mechanism in a leadership vacuum similar that of March 2014.² Although the post of Under Secretary was filled on 23 April 2015 by Roberto Campa Cifraín, almost two months have passed since the departure of the Director of the Human Rights Unit and there is little clarity about when this position will be permanently filled. This absence of leadership places the Protection Mechanism under increased strain and impedes its intended function, putting human rights defenders (HRDs) and journalists who are either beneficiaries of the Mechanism or applicants awaiting approval at even greater risk.

Beyond the lack of leadership, additional concerns regarding the highly flawed implementation of the Protection Mechanism have also been brought to our attention.³

- **Inadequate resources.** Civil society has expressed concern that the quality and number of risk analyses has decreased considerably and there are few incentives to improve this situation. This partly stems from inadequate resources for the Human Rights Unit. According to members of the Consultative Council, analysts for the Unit have had to foot the bill for their own travel expenses since October 2014. The insufficient funding is reflected in the reduction of resources made available to the Human Rights Unit and the lack of physical office space within the Unit itself

¹ Proceso – article published on 3 March 2015 available at: <http://www.proceso.com.mx/?p=397529> Accessed on 21 April 2015

² Communique signed by Front Line Defenders, Latin American Working Group, Peace Brigades International and Washington Office on Latin America – published on 3 April 2014, available at: http://www.wola.org/commentary/concerns_about_protection_of_human_rights_defenders_and_journalists_in_mexico Accessed on 21 April 2015

³ The issues of concern were communicated to the undersigned organisations both in the Civil Society Organisations' Space which is dedicated to following up on the implementation of the Protection Mechanism and by members of the Consultative Council, the body which represents civil society at Governing Board meetings (Juntas de Gobierno).

to attend beneficiaries and applicants.⁴ Furthermore, civil society has complained that there has been no follow-up to the training provided to staff members at the Human Rights Unit. Also, many of the Mechanism personnel are employed under temporary instead of permanent contracts, resulting in a lack of clarity regarding work plans, and overall follow-up of cases, as well as to a general sense of instability.⁵

- **Slow pace of implementation.** Protection measures continue to be implemented at a very slow pace. HRDs and journalists are left at risk while they await measures granted during Governing Board meetings (Juntas de Gobierno) to be put in place.⁶ Furthermore, civil society has reported that there is inadequate follow-up to measures once granted noting that if there are changes in a HRD or journalist's level of risk, the Mechanism has not proven itself capable of responding effectively to these changes.⁷

- **The criteria for the admission of cases remain unclear.** Those accepted are implemented in a partial or contradictory fashion.⁸ The lack of appropriate and clear criteria and arbitrary application of protection means that HRDs and journalists run the risk of being excluded from the Federal Protection Mechanism.

- **Lack of prevention measures.** Although the Prevention, Monitoring and Analysis Unit was assigned a director in early 2015, the unit is still not operational and therefore information is not forthcoming on establishing trends or patterns of attacks and security incidents carried out against HRDs and journalists. For this reason, prevention measures are rarely put in place because the analysis necessary to enact such measures is not carried out, although this is required under the Mechanism Law.⁹

- **Impunity.** Widespread impunity places HRDs and journalists at greater risk as there are few notable advances in investigations regarding crimes committed against them as a result of their work.¹⁰

- **Lack of shared responsibility.** Members of the Consultative Council have expressed concern that the responsibility to produce effective protection plans weighs heavily on them because, in large part, Government entities that also participate in Governing Board meetings have failed to assume a similar level of responsibility. Although members of the Consultative Council have demonstrated a very high level of commitment to the Protection Mechanism, their posts are voluntary and not remunerated, and as a result, the time they are able to dedicate to the Protection Mechanism is limited due to other commitments.¹¹

While the undersigned organisations recognise and applaud the progress made in specific areas of the Protection Mechanism, notably the ability to process cases with greater efficiency at Governing Board Meetings, we remain concerned regarding the aforementioned shortcomings. Of particular

⁴ According to the IMDHD, the Protection Mechanism will receive 3.5% less funding in 2015 than it did in 2014. Available at: http://imdhd.org/articulos_detalle.php?id=10189 Accessed on 24 April 2015

⁵ Supra nota 3

⁶ One such example is documented in a report by WOLA and PBI on page 4 concerning the situation of Juan Gerardi HRC in Torreon, Coahuila. Although the organisation first contacted the Mechanism in September 2013, to date, the measures granted have not been fully implemented. The report is available at: http://www.pbi-mexico.org/fileadmin/user_files/projects/mexico/files/Mechanism/1501_Mechanism_to_Protect_HRDs_and_Journalists.pdf Accessed on 21 April 2015

⁷ Supra nota 3

⁸ One such case is that of HRD Norma Mesino, who was denied protection upon submitting an application to the Protection Mechanism but who was subsequently granted protection measures upon submitting a request with the same information to the Inter-American Commission for Human Rights. For more information see: MVS News article published on 2 March 2015 available at: <http://www.noticias.mvs.com/#!/noticias/aprueban-medidas-cautelares-para-la-defensora-norma-mesino-644.html> accessed on 21 April 2015

⁹ See article by Consultative Council member Edgar Cortez published on 5 March 2015 for more information. Available at: <http://lasillarota.com/encrucijada-en-el-mecanismo-de-proteccion-a-periodistas-y-defensores-de-dh/Edgar-Cortez#.VTaMaGY2WqQ> accessed on 21 April 2015

¹⁰ Ibid

¹¹ These concerns were expressed by some members of the Consultative Council to the undersigned organisations

concern is the apparent lack of political will to resolve these issues and to guarantee the stability of the Protection Mechanism through consistent, permanent leadership.

In light of the aforementioned shortcomings, the undersigned organisations issue the following recommendations to the Mexican Government:

- Filling the position of Director of the Human Rights Unit should be a top priority. This individual should have strong professional background in human rights, particularly in protection issues for HRDs and journalists. Furthermore, guarantee that all positions within the Human Rights Unit are permanent;
- Guarantee greater transparency regarding the functioning of the Human Rights Unit, including the criteria used to accept or reject cases, and the follow-up provided where protection measures are granted. Ensure adequate funding to guarantee the effective and efficient functioning of the Human Rights Unit;
- Improve the manner in which Risk Analyses are conducted by sharing the methodology used with civil society and applicants in advance of case revision and ensuring their participation in the risk analysis process and at Governing Board meetings. Include information in the Risk Analyses reports such as the broader context in which HRDs or journalists live and work, their ethnicity, gender, rights being defended, etc.;
- Respond to requests submitted for protection in a timely manner. Once protection measures have been granted, prioritize their immediate implementation with special consideration for those exposed to an even greater level of risk if implementation is delayed. Amend and update the measures granted as necessary recognizing that the level of risk is likely to fluctuate. Ensure that protection measures include effective and timely investigations and bringing to justice those responsible for attacks and other security incidents carried out against HRDs and journalists;
- Guarantee the physical and psychological integrity of all HRDs and journalists, who are at risk as a result of their legitimate work, and who have been placed in a situation of even greater risk following this latest leadership crisis and the shortcomings identified in the implementation of the Protection Mechanism. Ensure that all necessary measures are taken to guarantee that their protection and security concerns are addressed adequately and without delay.

Front Line Defenders

International Federation for Human Rights (FIDH) in the frame of the Observatory for the Protection of Human Rights Defenders

International Service for Human Rights (ISHR)

Jass – Just Associates

Latin America Working Group Education Fund

Peace Brigades International (PBI) – Mexico

Protection International

Washington Office on Latin America (WOLA)

World Organisation Against Torture (OMCT) in the frame of the Observatory for the Protection of Human Rights Defenders