



WOLA

Concern expressed over worrying developments regarding the Protection Mechanism for Human Rights Defenders and Journalists in Mexico

The undersigned organisations are deeply concerned by recent developments that have taken place regarding the Protection Mechanism for Human Rights Defenders (HRDs) and Journalists in Mexico. We believe that such developments are likely to place HRDs and journalists at even greater risk. The signatories therefore urgently call on the Mexican Interior Ministry to take all necessary steps to ensure the efficient and effective functioning of the Mechanism, as well as guaranteeing the physical and psychological integrity of those HRDs and journalists whose cases are registered before it.

On 15 March 2014, Mr. Juan Carlos Gutierrez Contreras, Director of the Interior Ministry's Human Rights Unit, together with four other members of staff, resigned from their positions in the Protection Mechanism. The Protection Mechanism is a Federal Government body that was established in June 2012 under the Law for the Protection of Human Rights Defenders and Journalists, and is tasked with providing protection measures to HRDs and journalists who are at risk as a result of their legitimate work. As a result of these resignations, the Mechanism has lost one third of its staff. The other four staff members allegedly resigned as a result of poor work conditions and excess pressure to conduct their professional duties.¹

On 24 March, in response to the aforementioned resignations, the Consultative Council, a body that represents civil society at Governing Board meetings concerning protection measures for HRDs and journalists, withdrew their participation in such meetings, considering that the conditions to conduct analysis or address issues surrounding protection no longer exist. Both civil society and the undersigned organisations support the Consultative Council's decision and believe that the prolonged absence of one third of the Mechanism's staff and of its director paralyses the Mechanism and demonstrates a worrying lack of institutional and political backing from the Mexican State for the Mechanism. Without the Consultative Council's participation, civil society is no longer represented in the Mechanism as provided by the law.

These resignations, along with the withdrawal of the Consultative Council from the Governing Board meetings, are the latest issues of concern in a series of problems previously identified, both by Mexican civil society organizations and by the aforementioned organisations since 2013:²

- Excessive delays in processing cases: since the Mechanism's inception, 130 cases involving individuals seeking protection through the Mechanism have been identified as meriting further analysis and attention. Of these, only 41 cases have been resolved, while the remaining 89 have not yet been dealt with. These figures indicate that 70 percent of cases registered with the Mechanism are subject to significant delays during the analysis stage. These delays may take up to six months to resolve, and in the interim the defenders or journalists at the centre of these cases are placed in grave risk.³
- Excessive delays in accessing funds: although roughly 263.9 million pesos (US\$20.3 million) have been allocated to the Mechanism to date, these funds have been inaccessible due to unnecessarily burdensome internal bureaucratic procedures.⁴ The lack of access to funds is

¹ Article in *Proceso*, Edition 1951, published on 22 March 2014

² See the letters sent to the Mexican Government in June 2013 by Mexican CSO: <http://bit.ly/P8Hcx1> and by international NGOs: <http://bit.ly/1qSACv>. See also the briefing submitted in February 2014 by PI, FLD, CIFCA and PBI ahead of the EU-Mexico Human Rights Dialogue: <http://bit.ly/P0uzEH>. For further information on the Mechanism and its implementation see PBI-Mexico's briefing on the strengthening of the Mechanism, updated in March 2014: <http://bit.ly/1dJXWkm>

³ See statement issued by Mexican civil society on 27 March 2014: http://imdhd.org/boletines_detalle.php?id=10141

⁴ Ibid.

extremely troubling as it hinders the implementation of security measures approved by the Mechanism.

- Insufficient efforts to conduct investigations and prosecute perpetrators: although the Attorney General's Office has a specific role in the implementation of the Mechanism, it has failed to make advances, particularly in the identification and indictment of perpetrators of attacks against HRDs and journalists. Without investigations and judicial processes, conducted in line with international standards, the protection measures granted may be rendered insufficient and the Mechanism may become unsustainable in the long term. Civil society, in a press conference held on 27 March, also made reference to the issue of impunity.
- The Prevention, Follow up and Analysis Unit has not yet been installed. This, coupled with the frequent rotation of personnel, has led to difficulties in transferring case information and consequently risk evaluations are not carried out properly. Proposed protection measures often rely on police operations, and do not place enough emphasis on other key aspects for defining and assigning protection measures, such as gender issues or the socio-political context. Some HRDs and journalists have reported that measures granted do not reflect their level or type of risk, and as a result, are not useful or, in some instances, have placed them at even greater risk. Others have denounced that measures granted are not based on the risk analysis formally adopted by the Governing Board.
- Institutional, political backing from the highest levels of government is necessary to ensure that the protection of HRDs and journalists is a priority for the current administration, and to guarantee that those working at an operational level within the Mechanism have their support and cooperation when implementing protection measures. Although 31 of the 32 Mexican states have signed cooperation conventions with the Mechanism, in practice there is a lack of cooperation between the different levels of government that obstructs the proper implementation of the protection measures granted. In October 2013, the Interior Minister, Miguel Osorio Chong, met with the Consultative Council and offered his full support for the Mechanism, agreeing to promote it with the relevant government entities. During a press conference held on 27 March, civil society called for an urgent meeting with Minister Osorio Chong to address the latest developments in the Mechanism.

The undersigned organisations express deep concern regarding this situation and therefore call on the Mexican Ministry of the Interior to take the following measures:

- As a matter of urgency, fill the position of Director of the Human Rights Unit, ensuring that the person selected has considerable professional experience in human rights and protection issues. Furthermore, ensure that all other posts at the Mechanism are filled promptly, and that such staff members have sufficient experience in human rights and protection issues and are provided with relevant and necessary resources and training in order to conduct their duties in a professional manner. Communicate all such appointments to Mexican human rights organisations;
- Immediately call a meeting with Mexican civil society in order to inform them of the steps being taken to overcome the major challenges in the existing Mechanism's structure, as well as to communicate to them the measures being taken to guarantee their protection in the interim, until such structural issues are resolved;
- Publish a work plan detailing how the aforementioned deficiencies related to the implementation of the mechanism will be dealt with, providing a time frame during which steps mentioned in this plan will be put in place. Include Mexican civil society in the drafting of this plan and permit their active participation at each stage of the review process;
- Guarantee the physical and psychological integrity of all HRDs and journalists, who are at risk as a result of their legitimate work, as well as that of their relatives, and who have been placed in a situation of even greater risk following this latest crisis within the Protection Mechanism. Ensure that all necessary measures are taken to ensure that their protection and security concerns are dealt with adequately and without delay.

2 April 2014.

Signatories:

Peace Brigades International – Mexico Project

Front Line Defenders

Latin American Working Group

Washington Office on Latin America