

## Annexure 5



# The Mechanism to Protect Human Rights Defenders and Journalists in Mexico:

## *Challenges and Opportunities*

In the past several years, Mexico has become one of the most dangerous countries in the world to practice journalism and defend human rights. The kidnapping on January 2, 2015 and alleged murder of the journalist Moisés Sánchez Cerezo in Veracruz, Mexico is far from an isolated incident.<sup>1</sup> The magnitude of the problem is striking, and is evident in the following figures: during the first nine months of 2014 the Mexican chapter of the international organization Article 19 documented 222 attacks against members of the media;<sup>2</sup> since 2010, Mexico's National Human Rights Commission (*Comisión Nacional de los Derechos Humanos*, CNDH) has documented 97 cases of journalists who were allegedly killed as a result of their work;<sup>3</sup> from November 2010 to December 2012, the United Nations Office of the High Commissioner for Human Rights (OHCHR) documented 89 alleged acts of aggression against human rights defenders;<sup>4</sup> and between January 2011 and December 2013, the Mexico-based National Human Rights Network "All Rights for All" documented 27 cases of human rights defenders who were killed as a result of their human rights work.<sup>5</sup>

In light of these ongoing attacks and threats, and in response to the pressure from civil society organizations, the Mexican government established the Mechanism to Protect Human Rights Defenders and Journalists in 2012.<sup>6</sup>

The creation of a national Mechanism that would respond in a comprehensive and effective manner to requests for protection from journalists and human rights defenders is a laudable achievement. However, more than two years after its creation, the Mechanism continues to be faced with multiple challenges that hinder its ability to effectively provide protection to vulnerable journalists and human rights defenders.

In spring 2014, the Mechanism lost a third of its staff, including the head of the Human Rights Unit of the Interior Ministry (*Secretaría de Gobernación*, SEGOB), which oversees the Mechanism. The board of civil society advisors (*Consejo Consultivo del Mecanismo*) announced that they would refuse to participate in the Mechanism until new staff and leadership was in place.<sup>7</sup> In an April 2014 meeting with the Secretary General of Reporters without Borders, Interior Minister Osorio Chong admitted that the Mechanism had "failed" (*fracasó*) and committed to restructuring the Mechanism and to including civil society in this process.<sup>8</sup>

On April 10, Víctor Manuel Serrato was named as the new head of the Human Rights Unit. Mr. Serrato had previously served in the National Human Rights Commission (CNDH) and the State of Michoacán Human Rights Commission (*Comisión Estatal de Derechos Humanos de Michoacán*, CEDH).<sup>9</sup> His naming was largely welcomed by civil society. Significant work has been undertaken to restructure the mechanism and address the backlog in the cases, but many challenges to secure full implementation remain.<sup>10</sup> Furthermore, Mr. Serrato and his team are working to resolve the underlying issues facing the mechanism in a context where human rights defenders and journalists have become increasingly skeptical of the Mechanism's capacity to guarantee their protection. The re is

an urgent need for the Mechanism to become fully functional so that it can fulfill its important mandate.

This report is based on PBI's and WOLA's communications with journalists and human rights defenders over the past two years, on PBI's accompaniment of several human rights defenders who are beneficiaries of the Mechanism, and on PBI's regular participation in meetings of a collective of journalists and human rights organizations called the Civil Society Organizations' Space (*Espacio de Organizaciones de la Sociedad Civil*; henceforth CSO Space).

While recognizing the importance of the Mechanism and the important work carried out by its staff, this report identifies several areas where improvement is needed, drawing on a series of case examples to illustrate these weaknesses. It also provides recommendations to the Mexican government, to the governments of Mexico's 31 states and Federal District, and to the U.S. government, which has provided assistance to the Mechanism through the foreign assistance package termed the Merida Initiative.

### **Problems in the Mechanism's Implementation**

From the beginning, the Mechanism has suffered from a shortage of staff and funds that has inhibited its ability to respond in a timely and effective manner to the urgent requests that it receives from human rights defenders and journalists. Of the limited staff initially assigned to the Mechanism, many were poorly trained, under-qualified, and temporary. Furthermore, the implementation of its measures depends greatly on the cooperation of state and local governments, which have not always been forthcoming. This is in part due to the fact that Secretary Osorio Chong has made few statements about the Mechanism and has done little to make clear to governors and mayors that the implementation of the protection measures is a priority for the federal government. In fact, the federal government has made recent efforts to discredit and criminalize human rights defenders and organizations, such as those supporting the families of the disappeared students from Aytozinapa, Guerrero, sending a concerning message that the government does not respect or recognize the invaluable work of human rights defenders or prioritize their protection.<sup>11</sup> This failure to implement protection measures is also the result of poor coordination and communication between federal authorities and state authorities and between different federal authorities. When protection measures have been implemented, they have often been ineffective, and in some cases counterproductive. As a result of these shortcomings, human rights defenders and journalists appealing to the Mechanism for protection support have been unable to rely on the Mechanism to guarantee their safety.

#### *Human Resources*

The staff made available to the Mechanism has been insufficient to provide for timely and effective responses to requests for protection. Until recently, most staff positions have been temporary; several staff members were on loan from a variety of other government agencies. Moreover, the high staff turnover in the past has resulted in gaps in the transfer of case information and in monitoring cases. Human rights defenders and journalists have complained that Mechanism staff members lack professionalism and training. They cite insensitivity toward the situation of defenders, particularly defenders who are not affiliated with a formal civil society organization.

Efforts are being made to remedy this situation. In recent months, all staff at the mechanism have received training from the human rights organization Freedom House, which provides technical assistance to mechanism staff with funding from USAID. (Some defenders and journalists have reported that this has improved staff members' professionalism and sensitivity.) Furthermore, the Mechanism is in the process of hiring permanent staff, including several individuals who were on loan from other agencies and who have already received training from Freedom House. Once the rest of the staff are hired, it will be essential that these individuals also receive training similar to that provided by Freedom House. We understand that, due to the highly bureaucratic process of hiring permanent government employees, it may take until early 2015 before all permanent, full-time positions are created.

#### *Risk Analysis and Protection Measures:*

There have been major delays involved in carrying out the initial risk analysis, which determines whether an individual's situation warrants protection and, if so, which protection measures are most appropriate. Human rights defenders and journalists have been left waiting many months for their particular situation to be analyzed and for measures to be granted, with no emergency protections provided during the delay.

On April 30, 2013, Freedom House signed an agreement with SEGOB to provide technical assistance in carrying out risk analyses and to help the Mechanism clear the backlog of cases that had built up since it began admitting cases in October of 2012. In April 2014, Freedom House staff began working together with the Mechanism's staff and was able to help clear a significant portion of this backlog using its own methodology to categorize risk. Between June and August 2014, the team conducted 85 risk analyses. However, some members of the CSO Space have expressed concern about the Freedom House methodology, which they fear may not represent their overall situation of risk. In particular, they have noted that crucial contextual information is often omitted, which is central to obtaining a greater understanding of the level of risk. Part of the methodology employed involves attributing numerical values to establish levels of risk. This methodology is not fully understood by journalists, defenders, and civil society stakeholders, and some have noted that the use of numerical values risks excluding important unique characteristics of individual cases.

Even when journalists and human rights defenders do obtain protective measures through the Mechanism, the design and implementation of measures suffers from serious shortcomings.

Protection measures often consist of regular police rounds to a human rights defender or journalist's home or office. Some beneficiaries have expressed concern that their neighbors associate a visible and heavy police presence with criminal activities and will thus suspect them of criminal activity.

In other cases, defenders or journalists have been provided with panic buttons and satellite phones that may be activated in situations of emergency. Beneficiaries have reported that these devices have failed to activate. While the Mechanism has provided newer panic buttons to address this issue, and technology is always subject to malfunction, these devices need to work reliably if threatened defenders and journalists are to depend on them for protection. Furthermore, a panic button or satellite phone is only as good as the rapid response capacity of the agency that receives the signal or call, and human rights defenders have found that the emergency response time of the Mechanism, which must request assistance from police agencies, has often been slow.<sup>12</sup> This severely undermines trust in the Mechanism and its capacity to provide a rapid response in emergency situations.

The Mechanism has also installed cameras and/or alarm systems in the homes and offices of defenders and journalists. There have also been numerous cases in which alarms have gone off without a timely response from the relevant authorities. Again, while technology is imperfect, such issues seriously erode trust in the Mechanism and undermine its ability to provide effective protection. Furthermore, the Mechanism has provided these alarms and cameras through a private security company: in the CSO Space meetings, defenders and journalists have expressed concern about the fact that a private company has access to the information that is transmitted by the camera, as well as other sensitive information regarding defenders' and journalists' security.

Inconsistencies have also been noted between what was discussed during the Governing Board (*Junta de Gobierno*) meetings and the official letter transmitted to the beneficiaries following this meeting.

In meetings of the CSO Space, journalists and defenders have expressed concern that many of the measures do not take into consideration the specific context in which each individual lives and works, or the individual's particular characteristics, such as gender or ethnic identity. In order for measures to be effective they must be adapted to the unique risks that an individual faces. In addition, police making rounds should receive training on the differences between protective rounds and searching for criminal activity, and should receive at least basic information about the specific threats faced by the individuals they are sent to protect. (Ideally, police agencies should create

specialized units trained for protection tasks.)

Furthermore, defenders and journalists have been provided with little information on the range of protection measures available. For instance, the Mechanism also maintains a series of safe houses throughout the country, but in the CSO Space meetings, defenders and journalists have noted that they do not know how to access these safe houses, and civil society requests for a meeting with Mechanism staff to discuss these concerns have yet to receive a response. While it is certainly appropriate that detailed information about the locations of the safe houses remains confidential, details should be made available about how to request this type of protection.

### *Backlog of Cases*

The Mechanism has received over 197 petitions for protection since it began in November 2012. The vast majority, approximately 157 petitions, have been deemed to merit further analysis. However, for various reasons, these cases have been delayed; the majority of these defenders and journalists have waited many months, and in many cases, over a year, without a response from the Mechanism. Individuals facing serious threats to their personal integrity cannot afford to wait months or a year before receiving a response. Such delays seriously undermine the credibility of the Mechanism.

Fortunately, important progress has been made in recent months to deal with this backlog. The first phase of the technical assistance that Freedom House provided to the Mechanism for 2014 aimed to clear this backlog; in two special work sessions with Mechanism staff and Freedom House consultants, held in July and August of 2014, 85 cases were removed from the backlog and measures were granted in those cases. Many of the 60 remaining cases in the backlog were dealt with during Governing Board meetings in the fall of 2014, reducing significantly this backlog of cases. The Mechanism is likely to continue to receive more and more cases however, and should therefore be capable of dealing with this volume of requests as part of its average workload, and not an exceptional situation.<sup>13</sup>

One organization that has experienced first-hand the delay in processing requests is the Juan Gerardi Human Rights Center. Based in Torreon, Coahuila, the Center provides assistance to migrants, accompanies families whose loved ones were disappeared, works to defend environmental rights, particularly the right to water, and carries out community education projects. PBI has formally accompanied the Center since January 2014 but has maintained regular contact with its staff since 2012. In 2012, members of the Mexican military, together with federal and state police officers, raided the Center without warrant (they told Center staff that they were searching for drugs, based on information provided by a criminal informant).<sup>14</sup> Then, in 2013, documentation and computers containing highly sensitive information were stolen from the Center.<sup>15</sup> Concerned about their safety, the staff at the Center requested protection measures from the Mechanism in September 2013; they did not receive a response to this request until June 2014, after a very cursory risk analysis was conducted using the Freedom House methodology. The Center was finally granted a number of protection measures during the Governing Board meetings on July 17 and 18, 2014; its level of risk was declared to be “extraordinary.” However, as of the writing of this report, the Center had not yet received any notification regarding the implementation of these measures.

### *Coordination and Communication*

Many journalists and human rights defenders with whom PBI and WOLA have maintained communication have approached the Mechanism requesting protection measures and have expressed serious concern about poor communication between the beneficiaries and Mechanism staff members, as well as poor coordination between the various entities involved in the process. Concern was also expressed regarding the inadequate coordination between federal- and state-level entities, and within federal institutions themselves. This lack of coordination has led to serious gaps in the provision of protection.<sup>16</sup>

Further complicating this situation is the fact that some journalists and human rights defenders who apply to the

Mechanism already have protection measures from other bodies such as the CNDH, state-level human rights commissions, or the Inter-American System (the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights), yet no plan for how these systems are to complement each other has been made public, and coordination between the different bodies providing protection measures has also been poor.

The experience of the Saltillo Migrant Shelter (*Casa del Migrante de Saltillo*, CMS) provides an example of the aforementioned problems and highlights the need to improve coordination between the various entities involved in granting and implementing protection measures. This example also underscores the absence of fluid communication channels between beneficiaries and the relevant authorities.

The CMS is a migrant shelter located in Saltillo, Coahuila, which was founded in 2002 and provides legal, psychological, medical, and humanitarian assistance to migrants as they transit through Mexico on their journey north to the U.S. border. Because of the nature of its work, the CMS has come under attack on several occasions, and it has been granted protection measures by the CNDH, the State of Coahuila Human Rights Commission, and the Inter-American Commission on Human Rights (IACHR). (The latter has found that the level of risk of the CMS is “extraordinary.”)

In 2012, the CMS contacted the federal Mechanism to request protection. Following an attempted incursion into the shelter by Coahuila State Police on August 9, 2013, the shelter’s director, Alberto Xicoténcatl, again requested that the CMS be admitted to the Mechanism. After a preliminary analysis, the CMS was admitted to the Mechanism on August 10, 2013. Despite the high number of security incidents suffered by the CMS, the Mechanism established the level of risk to be “ordinary,” contradicting the IACHR’s designation of the CMS’s risk as “extraordinary.”

It was not until March 2014 that the Mechanism’s Governing Board discussed the CMS’ case in order to draw conclusions from the risk analysis and grant protection measures. This Governing Board meeting was held in the aftermath of the aforementioned crisis in the Mechanism: there were no representatives present from civil society, as is prescribed in the law, and the CMS Director was also absent, even though he had requested that the case not be discussed in his absence. Although the Board granted the CMS a series of protection measures, the CMS subsequently expressed their opposition to their situation being discussed in their absence.

Five months later, in August 2014, an agreement was reached between the CMS and the Mechanism staff for the installation of fencing and barbed wire around the shelter. The CMS has twice requested that their case be discussed again, but as of the writing of this report, this request has not been met. Mr. Xicoténcatl has expressed in writing serious concerns about the lack of effective communication and coordination between the CMS and the federal entities, which he believes has inhibited the implementation of the measures granted by Mechanism and the aforementioned bodies.

It is worth noting that CMS learned through its various communications with SEGOB that Freedom House would be involved in reviewing this case. In meetings of the CSO Space, journalists and defenders who had submitted their cases to the Mechanism expressed concern about this fact because they never gave authorization for personnel from outside SEGOB to have access to sensitive information regarding their need for protection.

#### *Failure in Implementing Measures*

Silvia Pérez Yescas is the founder of the grassroots human rights organization CIARENA, which works to defend women’s rights and other human rights issues affecting rural Oaxacan communities. Since 2009, Ms. Pérez and other members of CIARENA have experienced several grave security incidents, including death threats, surveillance, and harassment. On the night of January 16, 2013, a group of approximately twenty heavily armed men surrounded Ms. Pérez’s home in Matias Romero, Oaxaca and attempted to gain access to her home before she and her son managed to flee the scene. She has been displaced from her home and unable to work in her community since the incident. On August 19, 2014, upon returning to the area, a reliable source informed Ms. Pérez that there

was a bounty of MXN\$100,000 on her head.

In November 2012, Ms. Pérez, together with her legal representatives, brought the situation to the attention of the federal Mechanism. The Board granted Ms. Pérez with protection measures, including a vehicle and a satellite phone, to be provided by the Federal authorities. However, none of these measures were implemented. Following the January 2013 security incident, Ms. Pérez's situation was again raised before the Governing Board, and additional measures were granted. These measures were also never implemented and Ms. Pérez continued to be unable to return to Matias Romero because of the risk involved. In July 2014, some measures, including the installation of electricity, cameras, and lighting were implemented by SEGOB. However, these measures resulted in very high electricity bills, which Ms. Pérez has made clear she will not be able to pay. Although attempts were made to reach alternative arrangements, it has proven particularly difficult to negotiate the implementation of these measures. This case highlights various practical difficulties that may be encountered and the unique nature of each case brought to the attention of the Mechanism. Such specificities should be taken in to account when protection measures are granted.

#### *Rapid Response*

The Mechanism has failed to provide effective and swift responses to emergencies. The experience of the “You are Us” Collective (*Colectivo Ustedes somos Nosotros*), a group of volunteers that provides humanitarian assistance to migrants, illustrates this problem. The members of the Collective have been beneficiaries of the Mechanism since February 2013 but have not yet been granted any protection measures. On April 5, 2014, members of the Collective were shot at several times by unknown individuals while leading a humanitarian mission tasked with providing medical assistance and aid to migrants transiting through Lechería, State of Mexico. The shots were fired directly at the members of the Collective; a Guatemalan citizen who was receiving assistance at the time was hit in the leg. The human rights defenders made a number of calls to the Mechanism's emergency number, but several hours passed before the authorities dispatched a police patrol car and were able to evacuate the defenders from the area of the shooting.<sup>17</sup> This delayed response to emergency requests brings into question the Mechanism's capacity to protect defenders in situations of serious risk and severely erodes confidence in the Mechanism. On November 23, 2014, two members of the Collective, who regularly provided humanitarian assistance to migrants, were killed in Tequiquiac, State of Mexico—a tragic incident that highlights the dangerous situation in which human rights defenders in Mexico work and the importance of taking more concrete steps to protect them.

#### *Insufficient Awareness of the Mechanism*

Although the Mechanism has been in operation for more than two years, very little is known about it outside of Mexico City. Each of Mexico's 31 states has signed a cooperation agreement with the federal government regarding the Mechanism (the Federal District has not), but implementation has been extremely slow. In a February 2014 meeting, the governors of each of Mexico's 31 states made a commitment emphasizing the need to work together on human rights issues, including the Mechanism. While this commitment is a step forward, very little has changed in practice since then, and the general consensus among those who approach state institutions on this issue is that government officials working at the state level have little or no knowledge of the Mechanism. There is also a lack of cooperation between SEGOB and state governments, which hinders the implementation of the Mechanism on the ground.

#### *Impunity*

The various attacks, killings, harassment, and threats experienced by Silvia Pérez Yescas, the Saltillo Migrant Shelter, the Juan Gerardi Human Rights Center, and the You are Us Collective, have been brought to the attention of the relevant authorities. However, no progress has been made in the investigations that were launched. The Office of the Attorney General (*Procuraduría General de la República*, PGR), which sits on the Governing Board, and in

particular, its Special Prosecutor for Crimes Against Freedom of Expression (*Fiscalía Especial para la Atención de Delitos cometidos contra la Libertad de Expresión*), which is responsible for investigating many of the cases involving journalists, has been criticized by civil society in the OSC Space for failing to make more significant progress in investigating threats against human rights defenders and journalists. Furthermore, several of the security incidents fall under the remit of the state attorney general's office in the corresponding states, and not the PGR. Coordination between the federal and state attorney general's offices has proven difficult. PBI and WOLA have frequently expressed concern regarding the level of impunity surrounding crimes against journalists and human rights defenders and believe that without adequate investigations and sanctioning, the long-term security situation for human rights defenders and journalists is unlikely to improve.

## **Recommendations**

### **To the Interior Ministry (SEGOB) (and in particular its Under Secretariat for Judicial Affairs and Human Rights) and the governmental members of the Mechanism's Governing Board:**

- Ensure that the Mechanism has a sufficient number of well-trained personnel, so that it may operate efficiently and professionally.
- Continue to improve risk analysis practices.
- Ensure that the Mechanism's protection measures granted to human rights defenders and journalists are effective, taking into account their specific needs.
- Work in close cooperation with state governments to guarantee application of the Mechanism in each state. Define state level contacts for and guidelines on effective inter-institutional coordination and participation in the Mechanism.
- Make available the necessary resources to guarantee that the newly created Unit for Prevention, Monitoring, and Analysis becomes fully operational.
- Ensure that dialogues with civil society organizations continue, recognizing their legitimacy and the role they played in promoting and formulating the Mechanism.
- Ensure that the implementation of the Mechanism is conducted in a transparent manner, in particular, with regard to contracts with external organizations and persons whose roles involve the implementation and strengthening of the Mechanism. Make public, on a regular (at least tri-monthly) basis and in a transparent manner, information about the status of the Technical Committee for the Mechanism's funds, to clarify concerns, detailing the amount of money available and how it will be used. Moreover, with regard to the security company contracted by SEGOB, provide the information necessary to clarify questions or concerns that beneficiaries may have.
- Ensure ample dissemination of information about the Mechanism among defenders and journalists, including those who live in rural or isolated areas, informing them of what the Mechanism is and how it may be accessed, and among relevant state-level and municipal-level officials.
- Include guidelines which focus on gender issues, guaranteeing the protection of women human rights defenders.

### **To the governments of all Mexican states and municipalities and the Federal District:**

- Recognize, via public statements, the important role which human rights defenders and journalists have to play in a democratic Mexico, the situation of risk which they live in due to their activities, and the responsibility of state governments to protect them through a protection mechanism.
- Work in close cooperation with SEGOB to guarantee application of the Mechanism in each state.
- Guarantee the proper implementation of the measures authorized by the Mechanism.

### **To the U.S. Government:**

## *U.S. Support for the Mechanism*

Apart from the aforementioned support for Freedom House, the United States government has provided support, principally technical assistance, for the Protection Mechanism for Human Rights Defenders and Journalists in Mexico through the Merida Initiative. This has included support for “the legislative framework for protection, including assistance on drafting laws passed in 2012 to protect journalists and human rights defenders; federalize crimes against journalists and implementing legislation to carry them out and develop sustainable mechanisms for protection and corresponding protocols.”<sup>18</sup>

Furthermore, U.S. policy makers have publicly supported the mechanism and encouraged the government of Mexico to ensure its full implementation. A 2013 letter from U.S. members of Congress to Secretary of State John Kerry highlighted the vulnerability of human rights defenders in Mexico and called upon the Peña Nieto administration to ensure that the mechanism is effectively implemented. The latter affirmed the members’ belief that “a clear commitment from the Peña Nieto government is needed to ensure that this mechanism provides defenders with immediate protection measures when necessary. It is equally important that prompt and comprehensive investigations are carried out to ensure that those responsible for threats and attacks are prosecuted and punished.”<sup>19</sup>

In a December 10, 2014 meeting with members of civil society, U.S. Ambassador Wayne expressed concern about the situation of human rights defenders in Mexico, explaining: “the United States is committed to working with the Mexican government and civil society to assist in their efforts to strengthen the rule of law and protection of human rights.”<sup>20</sup>

Additionally, Senior Deputy Assistant Administrator for Latin America and the Caribbean at USAID, Elizabeth Hogan, testified before the United States House of Representatives Foreign Affairs Committee that “During the recent Bilateral Human Rights Dialogue in April [2014] which I attended, we discussed many areas of cooperation on human rights. Since then, we are pleased that the Protection Mechanism for Journalists and Human Rights Defenders has taken very concrete steps to improve its operations and better respond to the safety concerns of journalists and human rights defenders across the country.”<sup>21</sup>

Given the significant support that the United States has provided to the Mechanism and for human rights defenders and journalists, we believe it is important that, in future engagement with Mexico on this issue, the U.S. should:

- Continue to provide technical assistance to the Mechanism through USAID.
- Request information on a quarterly basis from the Mexican government about key indicators of the Mechanism’s success, including the number of requests received, the average time it takes to respond to requests, and the number of human rights defenders and journalists who report security incidents after having requested protection from the Mechanism.
- Meet with representatives from the CSO Space at their request.
- Express support for the Mechanism at the highest levels, both publicly and privately.

## Appendix A

### *Structure of the Mechanism*

The Mechanism’s operation is overseen by the Human Rights Unit of the Interior Ministry (Secretaría de Gobernación, SEGOB). There are three units tasked with receiving the initial request for protection, processing the information received, conducting a risk analysis, and granting measures in cases where it is deemed necessary. These units are entitled: the Unit for the Reception of Cases and Rapid Reaction, the Risk Evaluation Unit, and the

Unit for Prevention, Monitoring, and Analysis. There is still little clarity on the mandate of each unit, and there seems to be considerable overlap regarding their responsibilities and duties.

**The Governing Board** is responsible for oversight of the Mechanism, and it is made up of representatives—of Undersecretary (*Subsecretario*) level or equivalent—from SEGOB, the National Security Commission (*Comisión Nacional de Seguridad, CNS*), the Foreign Affairs Ministry (*Secretaría de Relaciones Exteriores, SRE*), the Federal Attorney General's Office (*Procuraduría General de la República, PGR*), the National Human Rights Commission (*Comisión Nacional de los Derechos Humanos, CNDH*), and four representatives of the Consultative Council (*Consejo Consultivo*). The Governing Board is chaired by the Interior Ministry representative, who has ultimate responsibility for the proper functioning of the Mechanism and the correct implementation of its protective measures.

**The Consultative Council** (*Consejo Consultivo*) monitors the Mechanism and sends representatives to its Governing Board. This council consists of human rights defenders, journalists, and representatives of civil society organizations, who were elected by civil society itself on October 19, 2012.

**The National Executive Coordinator** (*Coordinación Ejecutiva Nacional*) is responsible for coordinating actions between the different areas of the Mechanism.

**The Unit for the Reception of Cases and Rapid Reaction** (*Unidad de Recepción de Casos y Reacción Rápida*); **Risk Evaluation Unit** (*Unidad de Evaluación de Riesgos*); **Unit for Prevention, Monitoring, and Analysis** (*Unidad de Prevención, Seguimiento y Análisis*): Auxiliary, operative units in the Mechanism.

Appendix B:

### *Origins of the Mechanism*

In 2010, a group of human rights organizations and journalists presented a proposal for the creation of a protection mechanism to the Inter-American Commission on Human Rights. Drawing from their collective experience and from a study of existing protection mechanisms in other countries, the proposal set forth the essential components of a mechanism to provide prevention, protection, and effective investigation.

In subsequent months, this collective of journalists and human rights organizations, called the Civil Society Organizations' Space (*Espacio de Organizaciones de la Sociedad Civil*; henceforth CSO Space), met with Mexican government officials to encourage the establishment of such a Mechanism.

During the visit of Navi Pillay, the United Nations High Commissioner for Human Rights, to Mexico on July 7, 2011, then-President Felipe Calderón signed a presidential decree authorizing SEGOB to develop and implement a protection mechanism. Subsequently, the CSO Space began a dialogue with SEGOB about the structure of the mechanism. At the same time, the members of the CSO Space began working with the Mexican Senate to draft legislation that would ensure that government agencies at the federal, state, and local levels would coordinate to implement protection measures and would ensure that the mechanism would remain in operation even after a change in administrations.<sup>22</sup> (This is particularly important in Mexico, where reform initiatives are often scrapped by new administrations.)

Both PBI and Amnesty International accompanied all of the steps in the process of elaborating the proposal. The law was unanimously approved at the end of the LXI Legislature of the Mexican Congress on April 30, 2012 and President Felipe Calderón signed it into law on June 22, 2012. The Protection Mechanism for Human Rights Defenders and Journalists became operative in November 2012.

On December 11, 2012, the newly named Undersecretary for Human Rights, Lía Limón, publicly recognized the

risks facing human rights and journalists and the State's responsibility to protect them. She also committed the federal government to prioritize the implementation of the Protection Mechanism.<sup>23</sup>

#### Appendix C:

As established by law, the Mechanism's Technical Committee for the Fund for Protective Measures (*Fideicomiso*) was formed in 2013 and tasked with overseeing the financial operation of the Mechanism. Guidelines were published detailing how this entity would operate. Initially, it was not possible to assess these funds, which are in excess of 170 million Mexican pesos, due to internal bureaucratic requirements. Although SEGOB recently confirmed that the funds are now accessible, many questions exist about the use of the funds. In this connection, SEGOB signed a contract in early 2014 with a security company, employed to implement the security measures as outlined by SEGOB. Many doubts still exist regarding the role and the responsibility of the security company.

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#### Notes

<sup>1</sup> Ureste, Manu, "Hijo de Moisés Sánchez no cree que el cadáver sea de su padre," *Animal Político*, 26 January 2015, <http://www.animalpolitico.com/2015/01/moisés-sánchez-lo-que-se-sabe-y-las-dudas-de-la-investigación-del-periodista-asesinado-en-veracruz/>.

<sup>2</sup> Article 19, *Tercer Informe Trimestral: El más violento para la prensa en la administración de Enrique Peña Nieto*, 2014, <http://www.articulo19.org/tercer-informe-trimestral-el-mas-violento-para-la-prensa-en-la-administración-de-enrique-pena-nieto/>.

<sup>3</sup> "Suman 97 quejas por periodistas muertos," *Reforma*, 6 January 2015, <http://www.reforma.com/aplicaciones/articulo/default.aspx?id=433234&v=3>.

<sup>4</sup> UN Office of the High Commissioner for Human Rights (UN-OHCHR), *Informe sobre la situación de las y los defensores de derechos humanos en México: actualización 2012 y balance*, June 2013, [http://hchr.org.mx/files/doctos/Informe\\_defensoresDH\\_2013\\_web.pdf](http://hchr.org.mx/files/doctos/Informe_defensoresDH_2013_web.pdf).

<sup>5</sup> Red Nacional de Organismos Civiles de Derechos Humanos "Todos los Derechos para Todas y Todos" (Red TDT), *El Derecho a Defender los Derechos Humanos en México: Un informe sobre la situación de personas defensoras – 2011-2013*, May 2014, p. 65-66, <https://www.dropbox.com/s/jj1tw0490fs1bxt/INFORME%202014%20REDTDT%20Final.pdf>.

<sup>6</sup> Before the Mechanism was established, human rights defenders and journalists relied on a patchwork of state, national, and regional human rights bodies. State-level and the national human rights commissions granted protection measures to some defenders and journalists. Precautionary measures were granted by the Inter-American Commission on Human Rights, and provisional measures were granted by the Inter-American Court of Human Rights for individuals linked to cases before the Court (victims, witnesses, or petitioners) or that were being considered by the Commission. In these cases, although the aforementioned entities granted a number of protection measures for defenders and journalists, implementation and follow up remained particularly problematic. Mexican and international organizations repeatedly expressed concern over the lack of coordination on behalf of state and federal authorities to safeguard the physical and psychological integrity of the beneficiaries. These problems were compounded by a serious lack of understanding among Mexican officials regarding protection issues and on how to conduct a risk analysis. For example, the Inter-American Court granted provisional measures in the case of Inés Fernández Ortega and Valentina Rosendo Cantú that required Mexico to conduct a risk analysis of their particular situation. Given Mexican authorities' shortcomings in carrying out such an analysis, SEGOB reached an agreement with the beneficiaries that PBI would in fact carry out this risk analysis, which was presented to SEGOB in May 2010. In 2012, PBI, together with Protection International and the UN-OHCHR held a series of workshops with civil society on protection issues. Subsequently, Protection International held workshops for government civil servants focusing on HRDs and journalists and their unique situation of risk and security needs, and the role of the state.

<sup>7</sup> Members of the Consultative Council wrote a letter to the Undersecretary for Human Rights, Lía Limón, on March 24, 2014 expressing their concerns about staffing for the Mechanism. The letter can be found here:

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[http://imdhd.org/boletines\\_detalle.php?id=10137](http://imdhd.org/boletines_detalle.php?id=10137).

<sup>8</sup> Cabrera, Rafael, “El mecanismo de protección a periodistas es un fracaso, reconoce Gobernación”, *Animal Politico*, 4 April 2014, <http://www.animalpolitico.com/2014/04/gobernacion-prometio-modificar-mecanismo-de-proteccion-de-periodistas-rsf/#axzz38ypEx9lw>.

<sup>9</sup> “Designa Segob titular para unidad de Derechos Humanos”, *El Universal*, 10 April 2014, <http://www.eluniversal.com.mx/nacion-mexico/2014/designa-segob-titular-para-unidad-de-derechos-humanos-1002501.html>.

<sup>10</sup> Martínez, Fabiola and Fernando Camacho, “Serrato Lozano, nuevo titular de la Unidad de Derechos Humanos de Gobernación,” *La Jornada*, 11 April 2014, <http://www.jornada.unam.mx/2014/04/11/politica/012n1pol>.

<sup>11</sup> On December 8, 2014, the digital newspaper *Reporte Indigo* published an article based on leaked information presumably from the Center for Investigation and National Security (*Centro de Investigación y Seguridad Nacional*, CISEN) which links two members of the Tlachinollan Human Rights Center with “subversive groups” from the State of Guerrero. According to the article, CISEN has a file on Tlachinollan’s Director Abel Barrera and the Director of the Judicial Section, Vidulfo Rosales Sierra, and considers them “radical and dangerous to the governability” of the country. The same article mentions several other civil society organizations from Guerrero which are allegedly surveilled and have files with CISEN. The Reporte Indigo article is available here: [www.reporteindigo.com/reporte/mexico/ficha-cisen-abogado-de-normalistas](http://www.reporteindigo.com/reporte/mexico/ficha-cisen-abogado-de-normalistas). In the same context, on December 10, 2014, the Secretary of the Marines (*Secretaría de Marina Armada de México*, SEMAR), Vidal Francisco Soberón, stated during a public interview that the organizations that accompany the family members of the disappeared Ayotzinapa students gain from the parents’ sorrow and are manipulating them in order to achieve their own objectives. See the following article for more information: [www.eluniversal.com.mx/nacion-mexico/2014/normalistas-desaparecidos-guerrero-elecciones-igualayotzinapa-semar-vidal-francisco-soberon-1060913.html](http://www.eluniversal.com.mx/nacion-mexico/2014/normalistas-desaparecidos-guerrero-elecciones-igualayotzinapa-semar-vidal-francisco-soberon-1060913.html).

<sup>12</sup> See the section on the You are Us Collective (*Colectivo Nosotros Somos Ustedes*) in this report. Also, on July 1, 2014, Amnesty International publicly expressed concern about the situation of Juan Ramón Verdugo Sánchez, a human rights defender in Tapachula, Chiapas and beneficiary of Mechanism protections, because of previous threats that he had received. Mr. Sánchez, who works in the “Everyone for Them” (*Todos por Ellos*) migrant shelter in Tapachula, received a death threat from a former shelter guest who had joined a local Central American gang. Mr. Sánchez asked for help from the local police officer designated by the Mechanism to provide him with protection, but the officer did not act immediately; a patrol car was not sent for an hour, after the perpetrator had already left the vicinity.

<sup>13</sup> Cortéz, Edgar, “Segundo informe: Protección a defensores de DH y periodistas,” *Plumas Libres*, 3 September 2014, <http://plumaslibres.com.mx/2014/09/03/segundo-informe-proteccion-defensores-de-dh-y-periodistas/>.

<sup>14</sup> Urgent Appeal issued by the Red TDT: [http://www.redtdt.org.mx/d\\_acciones/d\\_visual.php?id\\_accion=178](http://www.redtdt.org.mx/d_acciones/d_visual.php?id_accion=178).

<sup>15</sup> Urgent Appeal issued by the Red TDT: [http://www.redtdt.org.mx/d\\_acciones/d\\_visual.php?id\\_accion=303](http://www.redtdt.org.mx/d_acciones/d_visual.php?id_accion=303).

<sup>16</sup> PBI and WOLA have worked closely with numerous HRDs and journalists in the course of our work in Mexico. We refrain from naming those defenders and journalists who shared their opinions with us in order not to jeopardize their security and guarantee their right to privacy. In the examples in which we do provide names of defenders and organizations, consent was obtained to publish this information or public sources were used.

<sup>17</sup> Urgent Appeal issued by Voces Mesoamericanas: <http://vocesmesoamericanas.org/2014/04/09/agresion-hacia-integrantes-del-colectivo-ustedes-somos-nosotros/>.

<sup>18</sup> U.S. Embassy – Mexico, “Historical Fact Sheet: The Merida Initiative – Major Deliveries to November 30, 2012,” November 2012, <http://photos.state.gov/libraries/mexico/310329/agosto2013/fs-majordelivs%20-200813-eng.pdf>; Freedom House, “Propuesta de reglamento de la ley para la protección de personas defensoras de derechos humanos

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y periodistas,” January 2013, <http://www.freedomhouse.org/publicaciones/propuesta-de-reglamento-de-la-ley-para-la-proteccion-de-personas-defensoras-de#.U9IPAWOTElc>.

<sup>19</sup> “Moran Leads Bipartisan Group of 24 Lawmakers Call on Secretary Kerry to Prioritize Human Rights in Mexico,” Press Release, 26 April 2013, [http://www.legistorm.com/stormfeed/view\\_rss/406397/member/386.html](http://www.legistorm.com/stormfeed/view_rss/406397/member/386.html).

<sup>20</sup> U.S. Embassy—México, “Ambassador Wayne Engages Civil Society Leaders on Mexico's Human Rights Priorities,” 10 December 2014, <http://mexico.usembassy.gov/news-events/press/ambassador-wayne-engages-civil-society-leaders-on--mexicos-human-rights-priorities.html>.

<sup>21</sup> “The Future of U.S.–Mexico Relations,” Testimony before the House Committee on Foreign Affairs, 20 May 2014, <http://www.usaid.gov/news-information/congressional-testimony/may-20-2014-elizabeth-hogan-acting-aa-future-us-mexico-relations>.

<sup>22</sup> The text of the law was published in the *Diario Oficial de la Federación* on June 25, 2012 and is available to read here: <http://www.diputados.gob.mx/LeyesBiblio/pdf/LPPDDHP.pdf>.

<sup>23</sup> Peace Brigades International (PBI), “El Nuevo gobierno mexicano se compromete a aplicar el Mecanismo de Protección de forma efectiva,” December, 17, 2012, <http://bit.ly/1yH0a1W>.