

*Comprehensive Protection
for Human Rights Defenders
and Journalists:*

The Duty of the Mexican Government

ESPACIO_osc
Para la Protección de Personas Defensoras y Periodistas



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for Human Rights Defenders
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Third Diagnosis

Espacio OSC organizations signing this report are: ARTICLE 19; Asociación Mundial de Radios Comunitarias, México (AMARC MX); Casa de los Derechos de Periodistas A.C.; Casa del Migrante Saltillo; Centro Mexicano de Derecho Ambiental (CEMDA); Centro de Derechos Humanos de la Montaña Tlachinollan; Centro de Derechos Humanos Miguel Agustín Pro Juárez (Centro Prodh); Centro de Derechos humanos Zeferino Ladrillero (CDHZL); Centro de Investigación y Capacitación Propuesta Cívica A.C. (CIC-PC); Centro Nacional de Comunicación Social (CENCOS); Comisión Mexicana de Defensa y Promoción de los Derechos Humanos (CMDPDH); Comunicación e Información de la Mujer A.C. (CIMAC); JASS Just Associates; Red Nacional de Organismos Civiles de Derechos Humanos Todos los Derechos para Todas y Todos (RedTDT); Journalists without Borders; SMR: Scalabrinianas, Misión con Migrantes y Refugiados; Servicios y Asesoría para la Paz A.C. (SERAPAZ). Peace Brigades International (PBI) - Mexico Project accompanies the Espacio OSC.

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Cover picture: Mario Marlo

The editorial supervision and publishing of this report was possible thanks to ARTICLE 19's contribution.

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Work meeting, January 2017. Photo: OHCHR Mexico

Introduction

The work carried out by human rights defenders and journalists is fundamental for a more just and democratic society, and therefore the acts of aggression against people belonging to these populations (whether committed by individuals or State agents) constitute attacks against the rights of the whole population. To the extent that they inhibit the protection of human rights, restrict access to information and participation, and hinder the effective enjoyment of the rights defenders advocate, it can be said that the whole society is seriously affected by this violence.

Despite the fact that Mexico has demonstrated a strong commitment to international policy development and has ratified most of the international human rights treaties, including most of the agreements on human rights, the risk faced by human rights defenders and journalists is extremely palpable in the country.

In 2008, in response to the grave situation of violence faced by human rights defenders, journalists, reporters and communicators in Mexico, several human rights organizations

—currently integrating the Espacio de Organizaciones de la Sociedad Civil (Espacio OSC)—¹ began working together in search for answers to address this crisis.

In 2010, as a response to experiences of other Latin American countries pertaining to the protection of human rights defenders, these organizations began to promote the creation of a federal protection policy; at the same time, ARTICLE 19² developed initiatives to promote a mechanism for the protection of journalists.

Both the initial efforts developed in this matter, which focused on building State capacity, and the international pressure exerted by different international organizations³, led to the approval of the Ley Federal para la Protección de Personas Defensoras de Derechos Humanos y Periodistas⁴ (Federal Law for the Protection of Human Rights Defenders and Journalists) in April 2012, and the development of a Mechanism to Protect Human Rights Defenders and Journalists (hereinafter referred to as the Protection Mechanism) within the Ministry of the Interior. The Protection Mechanism was implemented on November 12, 2012, when it held its first Governing Board.

Espacio OSC, which has promoted this effort, recognizes the importance of some of the actions implemented by this institution and the progress made over the last few years. However, the problem the Protection Mechanism attempts to address remains in full force. Espacio OSC feels obliged to continue expressing not only

1 ARTICLE 19; Asociación Mundial de Radios Comunitarias, México (AMARC MX); Casa de los Derechos de Periodistas A.C.; Casa del Migrante Saltillo; Centro Mexicano de Derecho Ambiental (CEMDA); Centro de Derechos Humanos de la Montaña Tlachinollan; Centro de Derechos Humanos Fray Francisco de Victoria O.P. A.C.; Centro de Derechos Humanos Miguel Agustín Pro Juárez (CENTRO PRODH); Centro de Derechos humanos Zeferino Ladrillero (CDHZL); Centro Nacional de Comunicación Social (CENCOS); Centro de Investigación y Capacitación Propuesta Cívica (CIC Propuesta Cívica); Comisión Mexicana de Defensa y Promoción de los Derechos Humanos (CMDPDH); Comité Cerezo México; Comunicación e Información de la Mujer A.C. (CIMAC); JASS Just Associates; Red Nacional de Organismos Civiles de Derechos Humanos Todos los Derechos para Todas y Todos (RedTDT); Journalists Without Borders; SMR: Scalabrinianas, Misión con Migrantes y Refugiados; Servicios y Asesoría para la Paz A.C. (SERAPAZ). Amnesty International (AI) and Peace Brigades International (PBI) — Project Mexico accompany the process. Espacio OSC also has a network formed by organizations from different states to which provides information and guidance on how to present cases before the Federal Protection Mechanism, as well to share experiences on protection.

2 At that time, ARTICLE 19 was not yet part of Espacio OSC.

3 For example, United Nations Human Rights Council, (2011). Report of the Working Group on Enforced or Involuntary Disappearances. Addendum. Mission to Mexico. A/HRC/19/58/Add.2, December 20 2011. Original: Spanish; United Nations, International Covenant on Civil and Political Rights. Human Rights Committee (2010). *Consideration of reports submitted by States Parties under article 40 of the Covenant*. CCPR/C/MEX/CO/5, April 7 2010, Original: Spanish; United Nations, Human Rights Council (2011). *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue*. A/HRC/17/27/Add.3, May 19 2011, Original: Spanish; Organization of American States, OAS, Inter-American Commission on Human Rights IACHR (2011). 2010 Special Report on Freedom of Expression in Mexico, OEA/Ser.L/V/II. Doc. 5, March 2011, Original: Spanish; United Nations, Human Rights Council (2011). *Report of the Working Group on Enforced or Involuntary Disappearances. Addendum, Mission of Mexico**. A/HRC/19/58/Add.2, December 20, 2011, Original: Spanish, p. 112; United Nations, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Committee against Torture (December 11, 2012). *Concluding observations on the combined fifth and sixth periodic reports of Mexico as adopted by the Committee at its forty-ninth session* (29 October–23 November 2012). CAT/C/MEX/CO/5–6, December 11, 2012, Original: Spanish; among others.

4 Ley para la Protección de Personas Defensoras de Derechos Humanos y Periodistas. Published in the Diario Oficial de la Federación (Official Gazette of the Federation) on June 25, 2012. (In Spanish). Retrieved from: <http://www.diputados.gob.mx/LeyesBiblio/pdf/LPPDDHP.pdf>

the serious shortcomings observed in the Protection Mechanism's work, but also the deficiencies this measure presents as the central response to the violent phenomenon it seeks to tackle, which are evident in the constant increase of violence against these groups.⁵

This third Espacio OSC report aims to show the progress and limitations of the Protection Mechanism's operation, and to identify the main obstacles for its implementation. The observations laid out in this document are particularly critical considering that the Mexican State exhibits the Protection Mechanism before the international community as a successful practice.

This document demonstrates that the aforementioned lack of a comprehensive policy results in siloed actions by the State, as some sectors of the State seek to protect human rights defenders and journalists, while others generate adverse conditions for their protection, thus proving counterproductive. Therefore, each chapter in this report explains and illustrates contradictions between the obligations assumed by the State in terms of protection, and their implementation.

The first chapter shows the important limitations resulting in the lack of a comprehensive protection policy for human rights defenders and journalists, and the lack of political will to implement such actions.

The second chapter contextualizes the work carried out abroad by the Mexican government in this field, addressing its position regarding the defense of human rights defenders, and its response to the observations made by international organizations.

As of the third chapter, the report analyzes in detail how the lack of a public policy leads to contradictory and counterproductive State actions. In this sense, it reveals how the absence of a comprehensive policy does not protect both populations, but also makes it possible for State agents to become the main perpetrators, leaving aside their role in protection and security.

The fourth chapter focuses on authorities' lack of acknowledgement of human rights defenders and journalists, and the constant stigmatization these populations face.

The fifth chapter depicts how the Mexican government has not prioritized the punishment of criminals that attack human rights defenders and journalists. The sixth chapter highlights the Protection Mechanism's characteristics and current situation. Finally, possible measures are presented as recommendations directed to governmental institutions, and among them, the Protection Mechanism.

⁵ The constant rise in violence against defenders is clearly observed in the report issued by the Comité Cerezo in 2016, in which the annual growth of human rights violations committed against defenders is recorded: in 2011, 87 cases were registered, 118 in 2012, 160 in 2013, 255 in 2014 and 302 in 2015. Acción Urgente para Defensores de Derechos Humanos, AC., ACUDDEH, Comité Cerezo México & Campaña Nacional Contra la Desaparición Forzada. (June 2012 to May 2013). *Defender los derechos humanos en México: el costo de la dignidad*. (Report), p. 34. Retrieved from: <http://comitecerezo.org/spip.php?article1541&lang=es>; Other documents cited in Chapter 3 on the assaults suffered by human rights defenders and journalists.



***The lack of a
comprehensive
policy to protect human
rights defenders and
journalists***

Chapter one

Since the first discussions on the Lay for the Protection of Human Rights Defenders and Journalists carried out between civil society and federal authorities, organizations belonging to Espacio OSC have insisted that a Federal Law is insufficient to address the scale of the issue of protection, and to face the context of aggressions against human rights defenders and journalists within the country. Additional tools are needed in order to contribute to the construction of a comprehensive public policy on protection that leads to a proactive, responsible and coordinated participation of different institutions at all government levels.

Far from achieving the goal of creating a comprehensive protection policy for defenders and journalists, the State's response to the claims of civil society only resulted in the implementation of isolated actions by the Ministry of the Interior, and the development of institutionalism for protection through the Protection Mechanism. Therefore, beyond the critiques that can be made to its work, criticism must begin with how limited the State's response is when it is only articulated in a case-specific, reactive and isolated way. Moreover, although an important effort was made to design a mechanism capable of providing a holistic response in this matter, its effectiveness has failed.

Even though the difficulties encountered in achieving a Protection Mechanism that responds to the needs of beneficiaries are detailed below, it is also necessary to recognize the critical efforts made by the Mechanism's driving forces to ensure improvements and efficiency. We also highlight its openness to dialogue and collaboration with Espacio OSC and the organizations involved.

This section presents general trends that are explained in more detail throughout the following chapters, which gather insights from previous Espacio OSC reports, as well as what was reported by other organizations and agencies that have assessed the Protection Mechanism's functioning.⁶

- **Firstly**, they make it difficult to react to the diversity of forms of violence faced by defenders and journalists, disregarding attacks that traditionally have had scarce visibility, such as stigmatization and criminalization⁷, which have been recently recognized by international human rights organisms for their frequency and severe repercussions.
- **Secondly**, protection measures do not address the different impacts of aggressions inflicted upon defenders and journalists. In this sense, the impacts on the

⁶ United Nations Special Rapporteur on the situation of human rights defenders (2017). "United Nations Special Rapporteur on the situation of human rights defenders Michel Frost, Visit to Mexico End of Mission Statement", January 24 2017. Retrieved from: http://hchr.org.mx/images/doc_pub/SRHRD-END-OF-MISSION-STATEMENT-FINAL_ENG.pdf; PBI and WOLA (2016). "Mexico's Mechanism to Protect Human Rights Defenders and Journalists. Progress and continued challenges". Report developed by Peace Brigades International and Washington Office for Latin American Affairs, May 2016. Retrieved from: http://www.pbi-mexico.org/fileadmin/user_files/projects/mexico/images/160525_Mechanism_Report.pdf

⁷ If criminalization is understood as the use of criminal law to end or inhibit human rights defense work, other examples of harassment can be taken into account, such as judicial harassment enforced through the use of civil, administrative or tax law for this same purpose. Both stigmatization and criminalization are discussed in the following chapters.

physical and psychological well-being, image, personal and institutional heritage, etc. of the people who are attacked should be addressed.

- **Thirdly**, it is necessary to highlight the lack of implementation of measures for the multiplicity of people affected by these aggressions, whether violence is directly or indirectly aimed at them. Thus, although direct victims of aggressions are individuals, the purpose is often to inhibit or hinder the work carried out by the collective; individual aggressions affect people's families and the groups they are connected to.
- **Fourthly**, gender approaches are not incorporated to risk analysis, nor to responses towards specific situations of violence faced by women. Implemented measures must respond to women defenders' needs, the inequality and discrimination they face, the obligations many of them have in caring for their relatives, and to the possible impacts of aggressions.⁸
- **Fifthly**, there is no effective coordination between the Protection Mechanism and federal bodies. Although the obligations assumed by Mexico in this matter are binding at different government levels, and their implementation requires coordination between them (which should not be hindered by the creation of local protection mechanisms), it is common to find a lack of will from municipalities and local entities in the implementation of such measures. There is also a lack of effective coordination to offer high-level political support to the Protection Mechanism, to defenders and journalists, and to the work they carry out. This lack of coordination not only hinders the creation of substantive changes in the Protection Mechanism's implementation, but also impedes the effectiveness of measures for specific cases.⁹
- **Sixthly**, concrete actions developed by the Protection Mechanism have responded to a police logic of reactive, case-specific and isolated intervention (only one response has been given to particular cases in which the person at risk has suffered a previous attack). This sheds light on the critical shortcomings of State measures taken towards the protection of defenders and journalists. This is due to the fact that the Protection Mechanism is guided by a logic of responding to consummated attacks, which until recently has caused less emphasis on the implementation of preventive measures to face violence against defenders and journalists.

8 Martin Quintana, María. (2016). *El enfoque de género en la protección a defensoras: Las experiencias de México y Honduras. Honduras*. JASS, Protection Internacional, CEJIL. Retrieved from: <https://justassociates.org/es/publicaciones/enfoque-genero-proteccion-defensoras-experiencias-mexico-honduras> Martín Quintana, María. (2016).

9 In Espacio OSC member organizations' experience in case accompaniment, this lack of coordination continues being a general trend. This has been pointed out in Espacio OSC's *Segundo diagnóstico sobre la implementación del Mecanismo de Protección para Personas Defensoras de Derechos Humanos y Periodistas*. (In Spanish). Retrieved from: <http://serapaz.org.mx/wp-content/uploads/2017/03/Informeosc.pdf> and picked up in the aforementioned report by PBI and WOLA. This topic is also developed in Chapter 6.

- **Seventhly**, the law has defined prevention as an element of protection,¹⁰ and in coherence a Unit for Prevention, Monitoring and Analysis (Third Unit) has been created within the Protection Mechanism. This area is dedicated to the development of measures for prevention. Despite significant efforts undertaken to set this third unit in motion, and the work carried out by the unit itself, up until now we have not been able to identify concrete results. Before the public recognition event carried out by Mexican authorities on January 13, 2017, during the visit of the Special Rapporteur on the situation of human rights defenders in Mexico, the acts of recognition and legitimation of defenders and journalists, and their work, had been so restricted that not even Espacio OSC had any knowledge of their implementation.¹¹
- **Eighthly**, there is an important lack of measures that can tackle the sources and causes of violence. Therefore, measures aimed at promoting the creation of a favorable and adequate environment for the defense of human rights and the exercise of freedom of speech have not been widely adopted. While in some cases political measures have been developed, such as the creation of spaces for dialogue with authorities, these have been specific initiatives that have not been frequently practiced, but have rather responded to exceptional situations in which there is public debate around the case as well as pressure from civil society organizations.¹²

Addressing the causes of violence necessarily means facing impunity in these cases. In this sense, it is necessary to reiterate the total absence of actions implemented by the Protection Mechanism to ensure criminal investigation of attacks against human rights defenders. The participation of the Attorney General (PGR) in the Protection Mechanism and its Governing Board has been limited to the presence of the Special Prosecutor for the Attention of Crimes Committed Against Freedom of Speech (Fiscalía Especial para la Atención de Delitos cometidos contra la Libertad de Expresión - FEADLE), and its intervention has not provided information that can deactivate the risk in which the effective access to justice by beneficiaries is in, nor the attraction of cases that fall under the FEADLE's mandate.¹³

On the other hand, the National Human Rights Commission's (CNDH) Governing Board has not made full use of its potential in the framework of its work addressing the causes and consequences of the widespread cases of violence. This is mainly because, like FEADLE, it has not taken on a proactive role. This aspect is extremely relevant if we relate it to the increasing rate of violence and the lack of sustainability of the Protection Mechanism over time, as the number of people who require protection

¹⁰ Article 1 of the Law refers to Prevention Measures, and in Article 2, these are defined as: "Set of actions and means to develop public policies and programs with the objective of reducing the risk factors that favor the aggressions against human rights defenders and journalists, as well as to fight the causes that produce them and to generate guarantees of non-repetition".

¹¹ Although in theory acts of recognition were carried out, such as in the case of Ramon Verdugo Sanchez, from the Association Todo por Ellos, in Tapachula, Espacio OSC was only informed by authorities of the Ministry of the Interior (SEGOB) that they had been carried out, without being informed of the concrete actions that were developed, nor the terms and means in which they were developed. The fact that Espacio OSC did not have knowledge of this and other recognition acts that were carried out makes it difficult to conceive that the general public or other people who do not carry out specialized work in this field could have knowledge of such acts.

¹² This aspect is developed in Chapters 4 and 5.

¹³ See Chapter 5 of this report.

will continue to rise, as will the resources that must be invested for their protection.¹⁴

The previous points, which will be developed throughout the document, allow us to stress that the mass incidents of violence against people who defend human rights and exercise freedom of speech in a comprehensive manner have not been addressed. On the contrary, action has been taken around cases and attacks in an isolated manner, which has led to discrepancies between different State institutions and officials in matters of protection. Thus, while certain public officials or their agents develop actions aimed to protect, other institutions and/or officials increase the risk for or blatantly attack the people they are meant to protect.

Although public institutions are constituted as guarantors of defenders and journalists' security, public officials are amongst the main aggressors.¹⁵ While members of State security law enforcement protect certain defenders, others are assaulted by agents from these same bodies for carrying out their human rights work.¹⁶ And at the same time, while there are specific actions in support of certain human rights defenders and journalists (even though implemented in a poor manner), smear campaigns are carried out, allowed or encouraged by public officials, even those at the highest level.¹⁷ On the other hand, justice system officials responsible for the investigation of these acts of violence against human rights defenders and journalists, and the sanction of perpetrators, are amongst the main actors that criminalize these groups.¹⁸

Taking all these aspects into account, it cannot be said that the Protection Mechanism responds to the complexity of the violence phenomenon against defenders and journalists. In addition to this, the way this problem is approached through a logic that generates limited results is an important indicator that the Mexican State's

¹⁴ Between 2012 and 2016, the Protection Mechanism received 447 requests for incorporation from journalists and human rights defenders (including individual and collective cases). Only during 2015 it received 122 requests for incorporation, while from January to October 2016 it received 94. Therefore, until October 2016, the Protection Mechanism is responsible for the protection of 507 human rights defenders and journalists in the country. Despite the magnitude of the figures provided by the Protection Mechanism, they do not necessarily reveal the level of violence faced by the populations mentioned above, since in many cases, the victims, due to mistrust, prefer not to go before this instance. And to understand more precisely the magnitude of this phenomenon, these data should be related to those of civil society organizations.

¹⁵ The report issued by the Centro Mexicano de Derecho Ambiental A.C. (CEMDA) indicates that of the 109 aggression cases reported against environmental defenders during 2015, in 49 of them authors are unidentified and in 37 authors are identified as authorities. Presbitero, Cerami, & Romero (2015). "Informe sobre la situación de los defensores ambientales en México 2015". Report by Centro Mexicano de Derecho Ambiental A.C. (CEMDA). Retrieved from: http://www.cemda.org.mx/wp-content/uploads/2011/12/Informe-defensores-2014-2015_final2.pdf. In addition, in CEMDA's last report, out of the 63 cases of attacks on environmental defenders, 43% of these attacks were committed by Mexican State authorities. Leyva Hernández, A., Ulisse Cerami, A., Romero Bartolo, F., Lugo Hernández, L., Ramos Pedreuz, X. (2017). Informe sobre la situación de las personas defensoras de los derechos humanos ambientales en México. México: Centro Mexicano de Derecho Ambiental (CEMDA). Retrieved from: <http://www.cemda.org.mx/wp-content/uploads/2011/12/Informe-defensores-ambientales-2016.pdf>. Research carried out by CIMAC allows us to identify that in the case of aggressions against women journalists committed in the same year, 67% were carried out by public officials. Lagunes, L. & González, F. (2016). "El poder del cacicazgo. Violencia contra mujeres periodistas 2014-2015". CIMAC Report. Mexico: Comunicación e Información de la Mujer. Retrieved from: http://www.cimacnoticias.com.mx/sites/default/files/CIMAC_INFORME_FINAL_Web.pdf

¹⁶ See Chapter 3 of this report.

¹⁷ This aspect has been developed in Chapter 4 of this report.

¹⁸ See Chapter 5 of this report.



Espacio osc meeting with Special Rapporteur on the situation of human rights defenders, Michel Forst, and his team, during his visit to Mexico, January 2017. Photo: OHCHR Mexico.

apparent disposition in addressing this problem implies only taking cosmetic measures, aimed at seeking approval from the international community, without really being directed at ending violence against people who belong to these groups.

In addition, it should be noted that this assertion becomes even more evident considering that the State presented the Protection Mechanism as a success for its attention of a considerable number of people. Instead of extolling advancements in the protection policy, the State should be focused on creating an enabling environment for the defense of human rights. Besides, there are many aspects around the Protection Mechanism's operation that prevent us from considering that State responses have effectively protected people and their right to defend human rights.



***Backward steps in
Mexican foreign policy
on human rights and its
impact on the protection
of human rights defenders
and journalists***

Chapter two

For over a decade, during the first years of 2000, Mexican foreign policy on human rights gave signs of commitment at the multilateral level to boosting the human rights' agenda, and strengthening international mechanisms designed for its protection and defense.

This commitment was not only reflected in the national diplomatic dynamics in the multilateral field for the development of international law for human rights, but also in the opening of international scrutiny by international observers, the ratification of international human rights treaties, the removal of reservations in ratified treaties, as well as the acceptance of international organisms' competence to receive individual complaints.

To name just a few examples, in July 2002, the Office of the United Nations High Commissioner for Human Rights was established in Mexico through a technical assistance agreement, which was renewed in 2008. Likewise, in 2001, Mexico expressed its "open and permanent" invitation policy to all UN and OAS human rights bodies and procedures for country visits, and accepted the individual communications procedures prescribed in the Convention against Torture (2002), the International Covenant on Civil and Political Rights (2002), the Convention on the Elimination of All Forms of Discrimination against Women (2002), the International Convention on the Elimination of all Forms of Racial Discrimination (2002) and the Convention on the rights of Persons with Disabilities (2007).¹⁹ Similarly, from the years 2000 to 2010, nine²⁰ of the twenty²¹ main international rights treaties were ratified by the country.

On the other hand, from 2001 to 2011, fourteen special procedures of the United Nations Human Rights Council visited the country²² and issued recommendations in relation to different rights. However, although good offices abroad consolidated Mexico's image in the multilateral arena as a State promoter and guarantor of human rights, internally a bloody war against drug trafficking was taking place — initiated in 2006 by then-President Felipe Calderón — which would end in one of the deepest human rights crises the country has gone through.

¹⁹ See the country's ratification status database, by treaty, of the Office of the United Nations High Commissioner for Human Rights. Retrieved from: <http://indicators.ohchr.org/>

²⁰ Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities (2000); Inter-American Convention on Forced Disappearance of Persons (2002); Optional Protocol to the Convention on the Rights of the Child on the involvement of Children in armed Conflict (2002); Optional Protocol to the Convention on the Rights of the Child concerning the sale of children, child prostitution and the use of children in pornography (2002); Optional protocol to the Convention against Torture and Other cruel treatment or punishment, inhuman or degrading (2005); Convention on the Rights of Persons with Disabilities (2007); the second Optional Protocol to the International Covenant on Civil and Political Rights aimed at abolishing the death penalty of (2007); Protocol to the American Convention on Human Rights concerning the abolition of The Death Penalty (2007) and the International Convention for the Protection of all persons from enforced Disappearances (2008).

²¹ International Convention on the Elimination of All Forms of Racial Discrimination (1975); American Convention on Human Rights (1981); International Covenant on Economic Rights, social and Cultural (1981); International Covenant on Civil and Political Rights (1981); Convention on the Elimination of All Forms of Discrimination against Women (1981); Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1986); Inter-American Convention to Prevent and Punish Torture (1987); Convention on the Rights of the Child (1990); Pacto de San José de Costa Rica; Additional Protocol to the American Convention on Economic Rights, Social and Cultural (1996); Inter-American Convention to Prevent, Punish and Eradicate Violence Against Women or the Convention of Belém do Pará (1998); International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1999).

²² See the list of countries and visits by holders of special procedures mandates of the Council of Human Rights from 1998 to 2015. Retrieved on March 2, 2017, from: http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en

The shift in human rights foreign policy during President Enrique Peña Nieto's administration

The country's change of administration in 2012 placed analysts, security specialists and media, as well as activists and human rights defenders, in a debate around the need for changes in security policy and institutional narratives to transcend the war-mongering of former president Calderón and respect human rights. However, more and more voices from civil society – both organized and unorganized – international human rights entities, academia, and the media – predominantly independent media – agree that Mexico faces a human rights crisis for which there seems to be no political will capable of ending it.²³

Despite the shared diagnoses and well-founded evidence by organizations and institutions dedicated to the promotion and defense of human rights,²⁴ Enrique Peña Nieto's administration has sustained a policy of denial, and even confrontation, against those denouncing the seriousness of the human rights crisis in the country. The clear shift in this policy abroad has had impacts at the national level not only because of the lack of prioritization of far-reaching public policies to respect, guarantee and promote human rights, but also because it has turned the defense of human rights into questionable and even illegitimate work.

Ever since the State's policy of denial and questioning before international human rights organisms was made evident, mainly in 2015 and 2016, human rights defenders in Mexico have been strongly slandered, stigmatized and exposed to serious risks against their safety and personal integrity. Coupled with this is citizen's fatigue resulting from a serious security crisis and high rates of violence and impunity in the country. This comes as a result of failed security and justice institutions, which has fueled a punitive and populist State narrative, in which respect for human rights has become the main obstacle.

In sum, the backward steps in foreign policy on human rights in the current administration have been the context in which, in an increasingly risky, discredited and profusely criticized way, human rights are defended and promoted in the country. Some

²³ Open Society Justice Initiative (2016). *Undeniable Atrocities: Confronting Crimes against Humanity in Mexico*. New York. Retrieved from: <https://www.opensocietyfoundations.org/sites/default/files/undeniable-atrocities-2nd-edition-20160808.pdf>; Peace Brigades International (PBI) – Project Mexico (2014). "Mexico in peace? Security Strategies and Human Rights", (PBI - Project Mexico newsletter). Retrieved from: http://www.europarl.europa.eu/meetdocs/2014_2019/documents/droi/dv/54_peacebrigades_/54_peacebrigades_en.pdf

²⁴ United Nations, Human Rights Council (2014). *Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez. Addendum. Mission to Mexico*. A/HRC/28/68/Add.3, December 29, 2014, Original: Spanish; United Nations, (2014). *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, Addendum. Mission to Mexico*. A/HRC/26/36/Add.1, April 28, 2014, Original: English; Organization of American States, OAS, Inter-American Commission on Human Rights, IACHR (2015). *Situation of Human Rights in Mexico*. (Country report, Mexico). OAS/SER.L/V/II. Doc. 44/15, December 31, 2015, Original: Spanish. P. 108; United Nations, (October 7 2015) "Statement of the UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, on his visit to Mexico, October 7th, 2015". (Press Release); United Nations, Human Rights Council (2011). *Report of the Working Group on Enforced or Involuntary Disappearances. Addendum. Mission to Mexico*, A/HRC/19/58/Add. 2, December 20, 2011, Original: Spanish; United Nations, Economic and Social Council. Commission on Human Rights (2002). *Civil and political rights, including questions of: independence of the judiciary, administration of justice, impunity. Report of the Special Rapporteur on the independence of judges and lawyers, Dato'Param Kumaraswamy, submitted in accordance with Commission on Human Rights resolution 2001/39. Addendum. Report on the mission to Mexico*. E/CN.4/2002/72/Add.1, January 24, 2002. Original: English.

elements that reveal the lack of warranties to advance in the defense of human rights in a safe and legitimate manner are explained below.

Foreign policy before the UN Human Rights Protection System

The current administration has been characterized by a lack of recognition of the situation the country is in, and of a reliable national diagnosis on the situation of human rights and the challenges faced in this matter. This has become evident in the increasing disregard the State has had towards observations made by international human rights mechanisms. For example, in February 2015, the Mexican State disregarded the concluding observations of the Committee against Forced Disappearance of the United Nations by arguing that these “do not adequately reflect the information presented by Mexico”.²⁵

In March 2015, after the presentation of the report submitted by the United Nations Special Rapporteur on Torture, Mr. Juan Méndez, on his mission to Mexico,²⁶ the Secretary of Foreign Affairs, during the 28th session of the United Nations Human Rights Council, rejected the generalization of torture in Mexico, as was established by the Special Rapporteur in his report.²⁷ Without substantiating his claims and without explaining the increase in official figures on this type of incidents,²⁸ José Antonio Meade, then Secretary of Foreign Affairs, publicly expressed his discomfort with the Special Rapporteur and endorsed the statements of the then Under-Secretary for Multilateral Affairs and Human Rights, Juan Manuel Gómez Robledo, who discredited the work of Mr. Méndez in stating that the Special Rapporteur acted “in an irresponsible, unethical and unfounded way”²⁹ by accusing that in Mexico torture is a widespread phenomenon.³⁰

The Mexican government’s position during the 31st session of the Human Rights Council in March 2016 was particularly troubling, when it questioned the veracity, rigor, professionalism, objectivity, credibility and attachment to international law of observations and recommendations issued by the United Nations Human Rights Mechanism. In the words of Deputy Secretary for Multilateral Affairs and Human Rights of the Secretariat of Foreign Affairs, Miguel Ruiz Cabañas:

²⁵ Statement issued by the Secretaría de Relaciones Exteriores, SRE (2015). “México recibe las recomendaciones del Comité contra la Desaparición Forzada de la ONU” on February 13, 2015. (Bulletin 133). (In Spanish). Retrieved from: <https://aristeginoticias.com/1302/mexico/SEGOB-y-SRE-recomendaciones-de-onu-no-reflejan-lo-presentado-por-mexico/>

²⁶ Rapporteur Méndez’ mission to Mexico was held between April 21 and May 2, 2014.

²⁷ United Nations, UN News Centre (March 9 2015). “Relator especial alerta de tortura, malos tratos e impunidad en México” Retrieved from: <http://www.un.org/spanish/News/story.asp?NewsID=31848#Wk-tlqjibIV>; and UN Web TV, “17th Meeting 28th Regular Session of Human Rights Council. Mexico (as a concerned country), Mr. Jorge Lomonaco, from minute 35:49.

²⁸ Since 2006, the Secretariat of Foreign Affairs neglected the alarming increase in the number of complaints recorded for torture and ill-treatment by the National Human Rights Commission and the state human rights commissions, as was the increase of previous inquiries initiated by the Attorney General of the Republic for this offence.

²⁹ CNN. (March 8 2015). “Relator de la ONU, irresponsable por dichos sobre tortura en México: SRE” Expansión. (Reuters Press Release). Retrieved from: <http://expansion.mx/nacional/2015/03/28/relator-de-la-ONU-irresponsable-por-dichos-sobre-tortura-en-mexico-SRE>

³⁰ United Nations, UN News Centre (March 9, 2015). “Relator especial alerta de tortura, malos tratos e impunidad en México”.



Photo: Strategic planning session of the Espacio osc, 2017.

[...] considering the high impact of the observations and recommendations issued by human rights mechanisms, we believe it is imperative that these fully verify the information they have in their studies, and analyze it in strict adherence to international law. Consequently, they should issue soundly substantiated observations, which reflect objectivity and professionalism, in order to facilitate the tasks States have in their implementation [...] We are concerned about the impact these types of statements have on the credibility of the system as a whole, especially relation to its effectiveness.³¹

Likewise, the Mexican State has given signs of silencing important and experienced voices in the United Nations, through the nomination of candidates who have always served the interests of the State, to be part of the mechanisms that integrate the UN human rights protection system. This was manifested on June 16, 2015 in an unannounced candidacy replacement of renowned and honored expert on torture Miguel Sarre, to be a member of the Committee Against Torture (CAT), by Claude Heller, a career diplomat who has traditionally represented the interests of the Mexican State, which questioned his impartiality and autonomy to fulfill his mandate.³²

Foreign policy before the Inter-American System for the protection of Human Rights

Following the on-site visit of the Inter-American Commission on Human Rights (IACHR) to Mexico from September 28 to October 2, 2015, the Mexican State once again dismissed the Preliminary Observations on the Situation of Human Rights in Mexico presented by this organism, considering them to be far from the country's reality.³³ During this visit, the IACHR observed in situ the serious human rights crisis in Mexi-

³¹ United Nations, UN Web TV (February 29, 2016). Mexico, High-Level Segment - 2nd Meeting, 31st Regular Session Human Rights Council. (Video). Retrieved from: <http://webtv.un.org/search/mexico-high-level-segment-2nd-meeting-31st-regular-session-humanrights-council/4779448297001?term=Mexico>

³² Secretaría de Relaciones Exteriores, SRE. (8 de octubre de 2015). "Claude Heller es electo como miembro del comité contra la tortura de la ONU". (Human Rights. Press Release 527. Retrieved from: <https://mision.SRE.gob.mx/oi/index.php/ver-mas/16-claude-heller-es-electo-como-miembro-del-comite-de-la-tortura-de-la-ONU>

³³ Muñoz, Alma (October 3, 2015). "Grave crisis de derechos en México: CIDH; el gobierno refuta". *La Jornada*. Retrieved from: <http://www.jornada.unam.mx/2015/10/03/politica/005n1pol>

co, the critical levels of impunity, and inadequate and insufficient attention to victims and their family members who have suffered human rights violations.³⁴ In order to do this, they carried out interviews with government authorities from the three State powers and different government levels, civil society representatives, autonomous organisms, international organizations, academics and journalists, and collected testimonies from victims of human rights violations and their family members in Mexico City and in the states of Coahuila, Guerrero, Nuevo León, Tabasco and Veracruz.

Nevertheless, for the Mexican State, observations made by the IACHR were insufficient in demonstrating Mexico faces a grave human rights situation, and on the contrary, according to government officials' declarations, observations made by this organism resulted in isolated considerations of "extraordinary" cases.³⁵

Likewise, in response to the report issued by the IACHR on the human rights situation in Mexico (No. OEA-03636), the Mexican State declared that:

For Mexico, it is not consistent to point out, as the IACHR has done, that the country is experiencing a "serious human rights crisis" when only certain violations - not rights - have been analyzed, without assessing the enjoyment and exercise of all or most of the rights contained in the American Convention on Human Rights and other international instruments, and with a spatial implementation scope of a federal state such as Mexico.

[...] the IACHR project report draws conclusions [...] that seem to have been taken very lightly, due to the lack of seriousness in its methodology, sources and use of information, to which it undoubtedly has had access to over several years.³⁶

In addition, the Ministry of Foreign Affairs (SRE) discredited the methodology used by the IACHR for the development of the report: "Situation of Human Rights in Mexico",³⁷ even though this report is not only based on observations made during its on-site visit in the country, but also during other visits carried out by the IACHR and its Thematic Rapporteurships, as well as other mechanisms at its disposal such as: thematic hearings, processing of precautionary measures, petitions and cases presented by victims, human rights defenders and civil society organizations.

According to the document containing observations made by the Mexican State in response to the IACHR's report on the situation of human rights in Mexico (No. OEA-03636), the latter sought biasedly to accredit human rights violations during its visit, which prevented it "to adequately assess available information sources and even use them in an impartial manner."³⁸ Furthermore, in this document, the Mexican State

34 Organization of American States, OAS, Inter-American Commission on Human Rights, IACHR (October 2, 2015). "Preliminary Observations on the IACHR Visit to Mexico". (Press Release - Annex). Retrieved from: http://www.oas.org/en/iachr/media_center/PReleases/2015/112A.asp

35 Solera, C. & Quiroz, C. (October 3, 2015). "Polemizan por derechos humanos; la CIDH señala 'grave crisis'". *Excelsior*. Retrieved from: <http://www.excelsior.com.mx/nacional/2015/10/03/1049023>

36 Misión Permanente de México ante la OEA (2015). Remarks by the Mexican State Regarding the Draft Report on the Status of Human Rights in Mexico. OAS No-00378. Retrieved from: <http://www.oas.org/en/iachr/docs/annual/2015/doc-en/MX-Observations2015.pdf>, pp. 2 and 3.

37 Organization of American States, OAS, Inter-American Commission on Human Rights, CIDH (2015). Situation of Human Rights in Mexico. (Country Report, Mexico). OEA/Ser.L/V/II. Doc. 44/15, December 31 2015, Original: Spanish.

38 Misión Permanente de México ante la OEA (2015). *Op. cit.* p. 7.

found that the resources used by the IACHR, despite its “budgetary shortcomings”, were being unproductively used:

[...] as the Commission will recall, Mexico was one of the main promoters of the Inter-American System’s strengthening process and is aware of its calling in relation to the budget deficits it is going through. Thus, it is strange that, taking into account the high costs having a hearing has for the Commission, it has used these resources in a way that would appear to be unproductive, denoting that formalities would only be fulfilled before a situation that is seemingly prejudged.³⁹

The questions raised by the Mexican government regarding the IACHR’s reliability and impartiality were manifested again within the framework of the financial crisis announced by this commission in May 2016. During the Ordinary Meeting of the OAS’ Permanent Council on May 25 2016, the Mexican government argued that the “selectivity” regarding the handling of certain cases or claims, its politicization and partiality in certain issues and countries, as well as its lack of “standardized criteria”, constituted sufficient grounds to stop trusting the IACHR and, therefore, to stop supporting it financially.⁴⁰

Likewise, its relationship with the Interdisciplinary Group of Independent Experts (GIEI) designated by the IACHR to provide technical assistance in the investigation of the case of the 43 students belonging to the Normal Rural “Isidro Burgos” of Ayotzina-pa, Guerrero, who disappeared on September 2014, was visibly defiant. In the months after the GIEI discredited the Mexican government’s version on their disappearance, especially its two female members were targeted in media campaigns trying to discredit their previous work and their persona, without State action to counteract such statements. These slander attempts continued until the submission of its final report, which revealed a pattern of intimidation and criminalization⁴¹ aimed not only at the group of experts, but also at the parents themselves and their legal representatives, in a clear confrontation against those who try to discover the truth about the case and re-victimizing the families of the 43.⁴² In addition, the government decided not to renew the group’s mandate, although its objective continued to be in force.⁴³

39 Misión Permanente de México ante la OEA (2015). Ibid. p. 23.

40 Organization of American States, OAS (May 25, 2016). Regular Meeting of the Permanent Council, May 25th, 2016. (Video). Retrieved from: <https://www.youtube.com/watch?v=5sdoKBYW54M&feature=youtu.be>

41 Hernández Navarro, Luis. (19 de enero de 2016). “Claudia Paz y Paz y la campaña contra el GIEI”. *La Jornada*. Retrieved from: <http://www.jornada.unam.mx/2016/01/19/opinion/017a2pol>

42 The Special Rapporteur on the situation of human rights defenders, Michel Forst; the Rapporteur on freedom of opinion and speech, David Kaye, and the Rapporteur on the right to freedom of peaceful assembly and association, Maina Kiai, called on the Mexican government to actively counteract “the current slandering campaign” against human rights defenders and deplored the fact that the Inter-disciplinary Group of Independent Experts (GIEI) of the Inter-American Commission on Human Rights (IACHR), which contributes to the investigation of the Iguala case, has been the subject of “campaigns to discredit their work and the results of their investigations.” United Nations, Office of the High Commissioner for Human Rights, OHCHR (April 6, 2016). “UN experts urge Mexico to counter smear campaign and openly support right defenders.” (Press release). Retrieved from: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19784&LangID=E>

43 On April 13, 2016, shortly before the presentation of the group’s second report, the government announced that its mandate would not be renewed, despite the fact that the group itself, as well as the families and their representatives requested it, since its objective remained in force and that the agreement of its creation stated: “The mandate of the Interdisciplinary Group of Experts will be six months, and may be extended as necessary for the fulfillment of its objective, in consultation of parties by the IACHR.”



Photo: Internal meeting of Espacio osc, first semester 2017.

The non-recognition by the State of the human rights crisis in Mexico

Despite the fact that the Mexican State has recognized human rights challenges faced in the country in its public discourse, it has not wanted to fully accept that it is facing a human rights crisis.⁴⁴ For example, it has denied the perpetration of serious human rights violations⁴⁵ carried out by the army and navy and, on the contrary, has attempted to empower the armed forces so they continue to exercise public security functions that are specific to the civilian police, through legislative frameworks contrary to the Mexican Constitution.⁴⁶

The Mexican government's unwillingness to acknowledge the difficult situation the country is facing in terms of human rights, and the consequences it has had on the militarization of public security itself, became evident during the thematic hearing "Policy on Drugs and Human Rights", at the 156th ordinary session of the IACHR in October 2015. At that hearing, the Undersecretary for Multilateral Affairs and Human Rights of the Ministry of Foreign Affairs, Miguel Ruiz Cabañas, affirmed that the Mexican army and air force are ranked as the institutions with highest public trust. He also said that according to public surveys, almost 70% of

⁴⁴ Secretaría de Relaciones Exteriores, SRE, Secretaría de Gobernación, SEGOB y Procuraduría General de la República, PGR (1 de marzo de 2017). "Posición del Gobierno de la República respecto al Informe de la organización Amnistía Internacional". Recuperado de: <http://www.gob.mx/SRE/prensa/posicion-del-gobierno-de-la-republica-respecto-al-informe-de-la-organizacion-ammistia-internacional?hootPostID=1f737830dfd3>

⁴⁵ Pérez Correa, C., Silva Forné, C. y Gutiérrez Rivas, R. (2015). "Índice de letalidad. Menos enfrentamientos, más opacidad". *Revista Nexos*. Julio de 2015. Retrieved from: <http://www.nexos.com.mx/?p=25468>

⁴⁶ Comisión Mexicana para la Defensa y Protección de los Derechos Humanos, CMDPDH (14 de febrero de 2017). "Organizaciones y academia exigen detener las iniciativas de la Ley de Seguridad Interior y buscar medidas de seguridad no militarizadas". (Press release). Retrieved from: <https://CMDPDH.org/2017/02/organizaciones-academia-exigen-detener-las-iniciativas-la-ley-seguridad-interior-buscar-medidas-seguridad-no-militarizadas/>

the population considers that the Mexican armed forces are deeply respectful of human rights, and that some of the civil society organizations that criticize their work in other cases request that they participate more in their protection from crimes committed by organized crime. "Thus, on the one hand the State is asked to act against criminal groups, and when this is done, it is questioned for the way it faces organized crime." With this approach, it strongly rejected that the armed forces are responsible for committing human rights violations, including torture, extrajudicial executions, willful killings and disappearances, and said that although some might have committed some excesses, they were already being investigated and processed.⁴⁷ A similar position was manifested at the hearing on extrajudicial executions in Mexico (during the same session), which addressed death rates, and cases such as Tlatlaya, Tanhuato, Apatzingán and Ostula.

In general, the federal government persistently seeks to dissociate itself in its discourse from its international obligations to respect, protect and guarantee rights, and, on the contrary, to hold organized crime organizations responsible for atrocious crimes, and to consider serious and systematic violations of human rights of national and international importance as isolated cases.⁴⁸

The backward steps in foreign policy on human rights has negatively impacted the defense of human rights in the country. Dismissing the human rights crisis faced in the country and questioning the reports of international human rights mechanisms also discredits the work of civil society organizations and human rights defenders who carry out firsthand documentation of violations. Faced with the inability of national entities to protect, respect, sanction and repair, human rights defenders present their cases before international organisms in search of justice.

⁴⁷ Organization of American States, OAS, Inter-American Commission on Human Rights, IACHR (October 20, 2015). Human Rights and Drug Policy in Mexico. Public Hearing on the 156th Session of the Inter-American Commission on Human Rights (IACHR). (Video). Retrieved from: <https://www.youtube.com/watch?v=9BR2oo-yjg> minute 24:17.

⁴⁸ After the Inter-American Commission on Human Rights declared that Mexico is experiencing "a serious human rights crisis", which is illustrated by the disappearance of the 43 student- of Ayotzinapa, the Undersecretary for Human Rights of the Ministry of the Interior, Roberto Campa, stated that the preliminary report "does not reflect the general situation of the country", despite the fact that there are areas such as Guerrero, that face enormous human rights challenges. López, Lorena (October 3, 2015). "Ayotzinapa no es un reflejo de México: SEGOB." *Milenio*. Retrieved from: http://www.milenio.com/politica/Ayotzinapa-reflejo-Mexico-Segob_0_602939706.html; In addition, consult: Miguel, Pedro (April 19, 2016). "Casos Aislados." *La Jornada*. Retrieved from: <http://www.jornada.unam.mx/2016/04/19/opinion/020a1mun>; Muédano, Marcos (May 25, 2016): "SEMAR. Violaciones de derechos humanos son casos aislados". *El Universal*. Retrieved from: <http://www.eluniversal.com.mx/articulo/nacion/seguridad/2016/05/25/semar-violacion-derechos-humanos-son-casos-aislados>; Secretaría de la Defensa Nacional, SEDENA (April 16, 2016). "Mensaje pronunciado por el C. General Salvador Cienfuegos Zepeda, Secretario de la Defensa Nacional, el 16 de abril 2016, a las tropas para reforzar su actuación en el respeto irrestricto a los derechos humanos, en el Campo Militar no.1-A, Cd. Mex". (Speech). Retrieved from: <https://www.gob.mx/sedena/prensa/mensaje-pronunciado-porel-c-general-salvador-cienfuegos-zepeda>



Acts of Aggression Instead of Protection

Chapter 3

Human rights violations and acts of aggression against human rights defenders and journalists have remained constant in Mexico, and are now on the rise. This can be confirmed through the documentation of cases, as carried out by several civil society organizations. Although their methodologies and approaches are different, they all portray an upward tendency in the number of acts of aggression faced by these populations that the State is obliged to protect.

Registered acts of aggression

*murders

VICTIMS	SOURCE	2012	2013	2014	2015	2016	TOTAL
Journalists	ARTICLE 19	207 (7)*	330 (4)*	326 (5)*	397 (7)*	397 (7)*	1,686
Human Rights Defenders	ACUDEH Comité Cerezo México	156 june 2012 -	- May 2013	488 June de 2014 -	446 June de 2015 -	- May de 2016	1,090
Environmental Defenders	CEMDA	23	56	89	78	34 By June 2016	280
Female Journalists	Cimac	39	47	68	79	x	233
Female Human Rights Defenders and Journalists	Iniciativa Mesoamericana de Defensoras de derechos humanos	118	189	308	x	x	615

By taking this trend into account, it is not hard to see that, unless a comprehensive policy targeting the underlying issues behind these figures is adopted, the Mechanism to Protect Human Rights Defenders and Journalists will not be sufficient. The Protection Mechanism's sustainability will be compromised if, as according to the aforementioned data, there is an increase in the incoming number of cases (while extant measures remain active). Meanwhile, a large number of current beneficiaries remain without seeing their protection truly guaranteed.

Even more worrying is the fact that out of 394 cases addressed by the Mechanism up to 2017, only 115 have been closed, and some of them with no guarantees that beneficiaries are at a lower risk. According to the Protection Mechanism's February 2017 Statistical Report, "protection measures for 27% of cases filed have been terminated due to a decrease in risk."⁴⁹ Nevertheless, Espacio OSC member organizations have documented cases that were closed on the mere assumption that there has been a decrease in risk because of a lack of acts of aggression over a certain period of time.

⁴⁹ Secretaría de Gobernación, Mecanismo para la Protección de Personas Defensoras de Derechos Humanos y Periodistas (2017). "Informe Estadístico. Febrero 2017". Retrieved from: http://www.gob.mx/cms/uploads/attachment/file/198522/Estadisticas_Febrero_2017.pdf

Espacio CSO has also documented cases⁵⁰ where Protection Mechanism staff unlawfully sent letters of withdrawal of claims to be signed by beneficiaries, thus stepping away from the closing procedure foreseen in the Law.

Journalist Cecilio Pineda's case was among these 115 closed cases. He was murdered four months after the Protection Mechanism closed his case.

Infobox

Cecilio Pineda⁵¹

On September 18 2015, a series of attacks against journalist Cecilio Pineda Birto began. That day, in his then home address in Coyuca de Catalán, Guerrero, he found two individuals attempting to deprive two of his relatives of their liberty. Although Cecilio and his family were threatened with a firearm, they were able to make it out unharmed. In February 2016, Cecilio suffered attacks from the mayor of Ajuchitlán del Progreso for having expressed criticism of the municipal government's actions and public works. After this, the journalist told civil society organizations that journalistic activity in Tierra Caliente was extremely difficult, and expressed fear for his family's life.

In the aftermath of the first attack, on September 19, 2015, ARTICLE 19 referred the journalist to the Federal Protection Mechanism, which led to the opening of case 298/2015/P/E. In this way, Cecilio was granted protection measures for six months through file CEN/091/2016, dated

February 2, 2016, in which his risk was rated as "standard". Among these measures he was offered address relocation, but he did not accept it. Even though this situation does not rule out the Mechanism's obligations to grant him protection, during the Governing Board meeting in October 2016, he was notified that he would stop receiving protection measures.

Only a few months after this decision, on Thursday March 2, 2017, journalist Cecilio Pineda Birto was shot dead by an unknown subject while he was in a car-wash in Ciudad Altamirano, located in Tierra Caliente, Guerrero.

Faced with these facts, Roberto Campa, the Undersecretary for Human Rights of the Ministry of the Interior, publicly stated that protection measures were withdrawn because, on three occasions, the journalist did not accept the shelter that was offered to him in Mexico City.⁵²

⁵⁰ Espacio OSC member organizations have documented such irregularities in their accompaniment of cases.

⁵¹ Information provided by ARTICLE 19.

⁵² Secretaría de Gobernación, SEGOB (March 4, 2017). "Lamenta el Mecanismo para la Protección de Personas Defensoras de Derechos Humanos y Periodistas la muerte de Cecilio Pineda Brito." [Press Release No.049/17]. Retrieved from: <https://www.gob.mx/segob/prensa/lamenta-el-mecanismo-para-la-proteccion-de-personas-defensoras-de-derechos-humanos-y-periodistas-la-muerte-de-cecilio-pineda-birto?idiom=es>. See also Espacio OSC (March 7, 2017). "Posicionamiento Espacio OSC". Retrieved from: <http://acuddeh.org/spip.php?article4063>; and Organization of American States, OAS, Inter-American Commission on Human Rights, IACHR (March 10, 2017). "Office of the Special Rapporteur Condemns Killing of Journalist Cecilio Pineda in Mexico and Urges the State to review Action of the Federal Protection Mechanism in the case" (Press release num. R30/17). Retrieved from: <http://www.oas.org/es/cidh/expression/showarticle.asp?artID=1058&IID=2>

The Undersecretary's statements appear to be an attempt to place responsibility on the victim, while avoiding the Protection Mechanism's own responsibility with regards to protecting human rights defenders and journalists.

Pineda was a well-recognized journalist in the region. He was the director of local radio station *La voz de Tierra Caliente*, and he collaborated with local news media such as *El Despertar del Sur*, *El Debate de los Calentanos* and *Hechos de Tierra Caliente*. He also corresponded for the national newspaper *El Universal*. Besides this, he was known for spreading important news for the Tierra Caliente region through social media - his Facebook profile had over 50,000 followers.

Just hours before being killed, the journalist had released a live transmission through Facebook, in which he spoke about fires in towns near Ciudad Altamirano, as well as the profound insecurity in the Tierra Caliente region.

In his last *Facebook* transmission, Pineda openly spoke about local authorities' lack of political will and capacity which had recently carried out joint operations between local police and army elements, in order to bring members of criminal group Los Tequileros to justice - despite their location being well known. During the transmission, Cecilio added: "only those of us who have suffered assaults, those who have been kidnapped or threatened, know what the situation is like."

On paper, democratic processes entail recognizing defenders' and journalists' rights and freedoms. In practice, however, they have yet to provide a favorable environment for exercising such rights as outlined in the previous chapter on foreign policy. Thus, criminalization, attacks through digital media,⁵³ gender-based violence and even institutional violence⁵⁴ are frequently used in order to inhibit the exercise of the right to defend human rights and freedom of speech.

In the face of this wide range of attacks, the Federal Law to Protect Human Rights Defenders and Journalists establishes its goal in its first two articles:

To implement and operate prevention, preventive and urgent protection measures that guarantee the right to life, integrity, freedom and security for people at risk as a consequence of defending or promoting human rights, or practicing journalism and freedom of speech.

Similarly, Article 2 defines acts of aggression as "physical or psychological harm against a person's integrity, threats, harassment or intimidation undergone by Human Rights Defenders and Journalists for the exercise of their activities." Nonetheless, in the figures and statistics provided by the Mechanism to Espacio OSC regarding attacks on beneficiaries, only abduction and deprivation of liberty, physical assaults and threats are counted.

⁵³ See ARTICLE 19 (2016). *Tercer informe trimestral. De lo digital a lo tangible*. Retrieved from: <https://articulo19.org/tercer-informe-trimestral-de-lo-digital-a-lo-tangible/>

⁵⁴ See Martín Quintana, María (2016). *Op. cit.*

Attacks against beneficiaries classified by types of aggression

YEAR	KIDNAPPINGS / DEPRIVATION OF LIBERTY	PHYSICAL ASSAULTS	THREATS	TOTAL
2012 October - decemeber	2	6	18	26
2013	6	33	82	121
2014	1	25	41	67
2015	3	27	87	117
2016	1	14	73	88
Total	13	105	301	419

Source: Protection Mechanism, Ministry of Interior

Espacio OSC is convinced that the Protection Mechanism’s framework of action should not focus on reacting to attacks after they have happened, nor should its scope of action be limited to physical assaults, since this would result in non-compliance of its mandate to protect all Human Rights Defenders and Journalists who are at risk as a result of their activities. Moreover, it should not make a distinction between the types of risk nor limit itself only to those attacks that directly harm the rights to life and physical integrity. While it has been pointed out that the Mechanism’s physical protection measures serve as deterrence measures, as long as crimes and human rights violations remain unpunished, the risk against beneficiaries continues to exist.

The Protection Mechanism’s role has proven to be completely reactive and primarily in response to threats or physical attacks, thus remaining on a one-dimensional, limited plane, as demonstrated through Espacio OSC’s case monitoring. For instance, responses to face and inhibit some of the diverse types of gender-based violence suffered by defenders and journalists has proven inadequate. As explained by JASS Just Associates:

Apart from direct attacks, women have to face invisibilization and social acceptance of violence against them, as well as stigma, stereotypes and fears that prevent them from having an effective access to justice and means of protection.⁵⁵

A comprehensive public policy to protect defenders and journalists should serve to counter the violence they suffer, including racial and gender-based violence or hate crimes against the LGBTBI community. This policy should also be able to alter the under-

55 *Idem.*

lying discrimination patterns typically used against defenders and journalists.

Another pending issue that must be urgently addressed is the psychosocial perspective. This perspective is needed, on one hand, to tackle and reduce the impacts of violence, and on the other hand to avoid further victimization of defenders and journalists who are constantly targeted and assaulted. Having a psychosocial approach is necessary since violations and violence suffered by these groups represent "an interruption on life's continuity, and mark a turning point in the lives of affected people. More than often the person suffers long-term or, in many cases, permanent harm".⁵⁶

Furthermore, acts of aggression are "experiences that undermine a person's control over his/her life"⁵⁷ by placing it in the hands of others, sometimes in the hands of the perpetrators themselves (who are often part of the governmental structure). These circumstances generate stressful and extreme situations that put personal or collective resources to the limit. In order to overcome and avoid these effects, it is important for the Protection Mechanism and other liable institutions to understand, analyze, and come up with solutions for defenders and journalists at risk as well as victims of human rights violations.

Espacio OSC member organizations have insisted on the need to set recognition measures in motion. These measures are already established in legislation, but have only occasionally been implemented. These types of measures are particularly important in cases of stigmatization and criminalization, and may be ideal to avoid more severe attacks or violations against human rights.

These recognition measures are stipulated in the Protection Mechanism's bylaw, which also includes other prevention measures, such as:

1. Federal, state, and municipal level dissemination of information regarding the Mechanism's role and authorities' obligations to protect Human Rights Defenders and Journalists.
2. Training courses for state government officials concerning the legislation, regulation, risk evaluation and other documents derived from the Mechanism as related to human rights and journalists.
3. Dissemination of government officials' public statements regarding the importance of Human Rights Defenders' and Journalists' work, as well as national and international criteria and other similar documents.
4. Promotion of public awareness on the importance of the work carried out by human rights defenders and journalists, and on relevant international instruments concerning the rights and responsibilities that individuals, groups and society organs have in the protection and promotion of universally recognized human rights and fundamental freedoms.

⁵⁶ Beristáin, Carlos (2010). *Manual sobre perspectiva psicosocial en la investigación de derechos humanos*, p. 12.

⁵⁷ *Idem*.

5. Gathering, analyzing and publishing data on attacks against beneficiaries.⁵⁸

The first four measures have not been widely implemented by the Protection Mechanism. In relation to the fifth measure, Espacio OSC acknowledges the efforts made by the Third Unit to comply with that end.

Far from granting protection that responds to the most frequent types of attacks, and that most affect human rights defenders and journalists, the State offers partial assistance, responding in a limited manner and only to certain types of violence.

This can be seen in the lack of responses to digital attacks. Currently, defenders face massive spying, threats and harassment on social media. Social media have increasingly become a means to intimidate, install fear and censor defenders. According to the International Organization ARTICLE 19,⁵⁹ an Espacio OSC member organization, threats against journalists have been constant; six out of ten threats have taken place in social media. Moreover, while during the first three months of 2016 one digital attack was documented monthly, the third quarter saw 4.6 digital threats every month.⁶⁰

Institutional violence must also be taken into account. Governments, by means of numerous institutional instruments, constantly and arbitrarily seek to intimidate human rights defenders and journalists. As was previously mentioned government officials are amongst the main perpetrators of attacks against defenders and journalists.⁶¹ Therefore, it is necessary to address physical assaults made by State security forces as well as other types of violence and acts of harassment on behalf of government officials at different government levels.

As a consequence, Espacio OSC deems it necessary to: a) implement adequate public policies that overcome the Protection Mechanism's current limited paradigms; and b) that this organism begins to analyze and address the existing array of violence, specifically public officials' intervention on the issue of violence against defenders and journalists.

⁵⁸ Reglamento de la Ley para la Protección de Personas Defensoras de Derechos Humanos y Periodistas. Chapter IV, Art. 68.

⁵⁹ ARTICLE 19. (2016). *Tercer informe trimestral. Op. cit.*

⁶⁰ *Idem.*

⁶¹ See note 42.



Photo: Espacio osc internal meeting; First semester of 2017.

Infobox

Institutional Violence: Huasteco Defenders⁶²

On June 22, 2013, a group of approximately 15 units, composed of members of the Ministry of the Navy and Armed Forces (SEMAR) and the Ministry of Public Security (SSP) entered the premises of the Grupo Huasteco de Defensoría y Promoción de los Derechos Humanos, A.C without a

search warrant and arbitrarily detained Enrique Biú Gonzalez, a human rights defender, depriving him of freedom for a couple of hours. The next morning, another armed commando broke into the building, only to find it empty. In the face of these events, some group members were

⁶² Infobox information provided by the Comisión Mexicana de Defensa y Promoción de los Derechos Humanos, A.C. (CMDPH).

registered in the Mechanism to Protect Human Rights Defenders and Journalists.

On November 9, 2013, at 04:00 a.m., Juan Carlos Soni Bulos, Luis Edgardo Char-nichart Ortega, Lárraga Galván and Luis Enrique Biú González, members of the Huasteco Group, were illegally and arbitrarily deprived of their liberty by Navy elements. Once again without a search warrant, the Navy searched *Grupo Huasteco's* building, beat them up, took them out by force, blindfolded them and transported them to an unknown location, where they were victims of torture and other cruel, inhumane, degrading treatment.

Later on, they were transported to San Luis Potosí, where they were presented before a public prosecutor's office, which belongs to the General Attorney's Office (PGR). They were arrested and had to appear in a Federal Court, accused of organized crime, possession of weapons reserved for the army, and crimes against health for the possession and illegal distribution of drugs. Despite the irregular

conditions of their arrest, the judicial authority proceeded to raise charges against the human rights defenders, and they were sent to prison at CEFERESO 6 in Tepic, Nayarit, where they spent one year and four months in reclusion.

After being acquitted of all felonies, they were released. However, they continue to receive threats and intimidation on behalf of the Navy, Army and State Police elements, as a result of false information circulating on the media ever since their imprisonment.

The Protection Mechanism has not entirely assessed threats against *Grupo Huasteco* members, underestimating some attacks by considering them isolated incidents rather than looking at the wider context. As a result, they are placed in a vulnerable position, which increases their level of risk.

The case of the *Grupo Huasteco* defenders is paradigmatic: it is a reflection of the lack of capacity to prevent the materialization of serious human rights violations.

Infobox

Alma Barraza⁶³

In 2010, lawyer Alma Angélica Barraza Gómez began representing a group of joint land-owners (*comuneros*) affected by the construction of the Picachos dam, in the State of Sinaloa. The *comuneros* were suing authorities at federal, state and municipal levels for dispossession, and demanded a compensation payment.

Since 2011 and especially throughout 2013, Alma Barraza was victim of numerous criminalization incidents, threats, physical assault and torture by different security authorities, notably by Sinaloa's ministerial police officers.

The events include the attack on February 10, 2013, when Alma Barraza and the group of *comuneros* publicly denounced these aggressions at Mazatlan's carnival parade. Alma was arbitrarily placed under arrest by ministerial police officers, who covered her face, repeatedly banged her head against the vehicle's door and threatened to kill her. She was taken to a Ministerial Police office in Mazatlán where she was verbally abused, hit, and, finally, locked up. Alma was held in isolation for over 24 hours without medical assistance or access to a bathroom.

Although the defender denounced these attacks, the perpetrators have yet to be identified. Alma Barraza then sued for investigation negligence, winning several legal remedies for self-protection. This, however, did not translate into any significant progress in the investigation of human rights violations and crimes committed against her.

Since 2013, the defender is registered as a beneficiary of the Protection Mechanism and receives security measures, such as escorts.

Over the last years, the Protection Mechanism's Governing Board has reduced her escort scheme claiming that no security incidents had taken place and, consequently, her level of risk was decreasing. This happened despite the fact that government employees reported by Alma Barraza remained in their positions, which signified a latent risk for her.

On January 31, 2017, the defender's brother, lawyer Francisco Javier Barraza Gómez, was intercepted by an armed group

and disappeared in Culiacan, in the State of Sinaloa. In the weeks that followed, Alma Barraza went to different governmental agencies in Culiacan to push for the investigation concerning her brother's disappearance. On one occasion, on her way back to Mazatlan, a trailer truck attempted to push her vehicle off the road. When she reported the event before the Protection Mechanism, the Federal police offered to accompany her on her way back and forth to Culiacan.

Nevertheless, this measure was not implemented. Alma Barraza continued to unsuccessfully request such a service from the Protection Mechanism for her proceedings in Culiacan on March 22, 2017. After waiting for a response from the Federal police, that night she drove back to Mazatlan along with her escorts. An armed commando intercepted her vehicle midway and ordered her to step out of the vehicle go with them. After an armed confrontation between the attackers and the defender's escorts, one of the latter was killed by a bullet.



***Stigmatization
instead of actions for the
recognition and legitimization
of defenders and journalists,
and their work***

Chapter four

The discrediting actions carried out by the Mexican government against international human rights organisms, as was previously analyzed, have been accompanied by a strong slandering campaign against defenders, journalists and members of human rights organizations working in Mexico.

A campaign against human rights defenders accompanying victims of torture was set in motion on March 4, 2016, during a radio broadcast with wide national coverage, led by journalist Ciro Gómez Leyva of Radio Formula. In the show, the journalist interviewed Mrs. Isabel Miranda de Wallace, a close ally of the Mexican political class and founder of Alto al Secuestro (Stop Kidnappings), an organization that is aligned with the government. During the interview, statements unsupported by evidence were made, which jeopardized human rights defenders –some of them members of civil society organizations dedicated to the defense of human rights.

Through the news story headlined “UN Rapporteur facilitates work for corruption network to release criminals,”⁶⁴ posted on the website of the aforementioned radio program, well-known activists recognized for their long trajectory in the defense and promotion of human rights in government public positions and civil society such as Emilio Álvarez Icaza, Mariclaire Acosta, Alejandra Nuño, Miguel Saarland, José Antonio Guevara, Juan Carlos Gutiérrez and Luis González Plascencia, among others, were deceitfully labeled as members of a “corruption network”.

With arbitrary and unsustainable arguments, the article stated that these people release criminals to obtain millions of dollars from the Fund for Aid, Assistance and Integral Compensation of Victims of the Executive Commission of Attention to Victims (CEAV). It then went on to affirm that the UN Special Rapporteur on Torture facilitated the work of the “corruption network” by using “torture to make money.”⁶⁵

Various press releases and editorials of printed and digital media went on to reproduce this smear campaign against the mentioned defenders. “Human rights mercenaries”⁶⁶ and “mafia groups”⁶⁷ were some of the labels assigned to the human rights defenders and organizations. The perception that human rights are useful for “criminals and not for victims” that began to spread involved the stigmatization and criminalization of victims and survivors, mainly of torture, that the defamed organizations accompany and defend.⁶⁸

At the same time, messages even coming from high-level officials began to be disseminated, delegitimizing those who demand the Justice System to be respectful of human rights. A relevant example was Brigadier General Gonzalo Corona González’s statements, general director of the Military Justice of the National Defense Secretariat (SEDENA), who in a national media interview stated that there are lawyers and organ-

64 Radio Formula (March 4 2016). “Relator ONU facilita el trabajo a red de corrupcion para liberar criminales: Miranda con Ciro Gomez”. Retrieved from: <http://www.radioformula.com.mx/notas.asp?Idn=575364&idFC=2016>

65 *Idem*.

66 Mauléon, Hector de (March 9, 2016). “Mercenarios de los derechos humanos”. *El Universal*.

67 Alemán, Ricardo (April 3, 2016). “Danza de millones y derechos humanos”. *Milenio*. Retrieved from: http://www.milenio.com/firmas/ricardo_aleman/Danza_de_millones_y_derechos_humanos_18_718908112.html

68 Intimidation and reprisals reported to the Committee Against Torture (CAT) suffered by Ramiro Lopez Vazquez, Rodrigo Ramirez Martinez, Ramiro Ramirez Martinez and Orlando Santaolaya Villareal, victims of torture recognized in the resolution CAT/C/55/D/500/2012 of the same Committee, as a result of the smear campaign in printed and digital media undertaken against the CMDPDH. See CAT’s discussion in relation to the acts of retaliation against them. Retrieved from: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20950&LangID=E>

isms that make complaints against military personnel for alleged human rights violations only to "taint" criminal proceedings and release criminals.⁶⁹

He even warned in an interview for the national newspapers *Milenio* and *El Universal*, that some complaints submitted by human rights organisms and defenders are raised solely in order to halt armed forces' actions for the benefit of society, and through this undermine confidence in the Mexican armed forces. He also affirmed that in any form of detention, either in flagrante or in urgent case, the first thing that these human rights organisms and defenders do is submit a complaint in order to taint the procedure.⁷⁰

This argument regarding the interposition of torture complaints as a method to taint criminal proceedings, which some public officials articulate, was never rejected by the Mexican State. On the contrary, it has taken force in public opinion. Journalists and members of civil society, oblivious to the human rights agenda, have promoted and strengthened the idea that torture is not a serious problem in Mexico and that, on the contrary, is denounced only to release "criminals".

This argument was even reiterated and strengthened by President Enrique Peña Nieto. During the international forum "Equity for victims through due process", held on July 19, 2016, in Mexico City, the president stated that the Fund for Aid, Assistance and Integral Compensation of victims of the Executive Commission of Attention to Victims (CEAV) went to the "victimizers" instead of the victims of crime. He also stated that in the majority of cases the lack of due process is invoked as an argument to exempt the accused persons from a criminal process.⁷¹

During the above-mentioned forum, President Peña also endorsed the human rights work of Mrs. Miranda de Wallace who, as mentioned before, has started smear campaigns against human rights defenders and has criminalized victims of torture and other human rights violations. The President went on to say that he considers Mrs. Miranda de Wallace an important ally of the federal government.

Among the statements disseminated by high-level public officials are those put forth by Julio Hernández Barros, former head of the Executive Committee on Victim Care, who in an interview with *El Universal* newspaper on November 12, 2016, implied that the Comisión Mexicana de Defensa y Promoción de los Derechos Humanos (CMDPDH) may have obtained resources from the Damage Repair Fund. He stated that although no organization had obtained money directly from the CEAV, this did not rule out that contracts could have been made directly between the victim and the representative organization to receive a part of the victim's paid compensation.

69 Alzaga, Ignacio (July 19, 2016). "Defensores 'vician' los juicios: SEDENA". *Milenio*. Retrieved from: http://www.milenio.com/politica/Defensores_vician_juicios-Sedena-Justicia_Militar-Gonzalo_Corona_0_722327783.html

70 Interview available in Muédano, Marcos (July 4, 2016). "Hay quienes buscan enfrentar al Ejército con la sociedad: Gonzalo Corona". *El Universal*. Retrieved from: <http://www.eluniversal.com.mx/articulo/nacion/seguridad/2016/07/4/hay-quienes-buscan-enfrentar-al-ejercito-con-la-sociedad-gonzalo>

71 Presidencia de la República (19 de julio de 2016). "Palabras del Presidente Enrique Peña Nieto, durante la Inauguración del Foro Internacional: Equidad para las víctimas en el debido proceso". (Discurso). Recuperado de: <https://www.gob.mx/presidencia/prensa/palabras-del-presidente-enrique-pena-nieto-durante-la-inauguracion-del-foro-internacional-equidad-para-las-victimas-en-el-debido-proceso>; Presidencia de la República (19 de julio de 2016). "Diversas intervenciones durante la Inauguración del Foro Internacional: Equidad para las víctimas en el debido proceso". (In Spanish). Retrieved from: <https://www.gob.mx/presidencia/prensa/diversas-intervenciones-durante-la-inauguracion-del-foro-internacional-equidad-para-las-victimas-en-el-debido-proceso>



Photo: Espacio osc in the presentation of the 4-year report of the protection mechanism, December 2016.

Furthermore, when questioned about Mrs. Miranda de Wallace's denunciation, in which she stated that the CMDPDH obtained 12 million pesos as payment for two recommendations, he affirmed:

That is what the victims obtained, the ones they represent. If they made a deal with the victims to receive part of the compensation, it is unknown to us, and it is unlawful. They are not remunerated because of being kidnappers, but because their human rights were violated during the process. It is like in the Tlatlaya case, they were delinquents and assassins, I have no doubt about it, but they were remunerated because the Armed Forces violated their human rights.⁷²

In the light of the discrediting climate led and tolerated by the Mexican State towards the defense of human rights, members of the National Congress (Congreso de la Unión), international organizations, international human rights mechanisms, and human rights defenders demanded the federal government to publicly recognize the work and legitimacy of human rights defense in Mexico. However, its answer was to refuse to recognize the smear campaign; on the contrary, it allowed it to continue.

During the thematic hearings carried out in April 2016 in the framework of the 157th ordinary session of the Inter-American Commission on Human Rights, Miguel Ruiz Cabañas, the Under-Secretary for Multilateral Affairs and Human Rights of Mexico's Foreign Affairs Ministry, said:

On the subject of the alleged smear campaign, I want to tell you with absolute honesty and sincerity, there is no one from the Mexican government involved in any smear campaign against civil society organizations, against the IACHR, against the Executive

⁷² García, Dennis (October 12, 2016). "No controlamos contratos entre las ONG y víctimas." *El Universal*. Retrieved from: <http://www.eluniversal.com.mx/articulo/nacion/politica/2016/10/12/no-controlamos-contratos-entre-las-ong-y-victimas>



Secretary of this Commission, nor against the GIEI. Mexico is a complex and democratic society and there is freedom of speech, and that is a fundamental human right. In that freedom of speech we have to respect everyone's opinion.⁷³

The de-legitimization carried out by the Mexican State of human rights defenders was equally manifested throughout the observations document developed as a response to the IACHR's report on the situation of human rights in Mexico (OAS-03636). According to the State, the IACHR based its report on assessments that lacked technical rigor, using testimonies and research carried out by human rights defenders as its main source of information.

For example, without contrasting them with official figures [...] the IACHR took for granted the numbers provided by civil society organizations regarding the number of confrontations held by the Navy [...]. In other matters, such as the implementation of the criminal justice system, citizen security, or extrajudicial executions, only data and opinions of non-governmental organizations that participated in the [thematic] audiences are exposed and taken as truth. Nothing the State referred to or delivered in writing to the IACHR during these hearings is reflected in the draft report⁷⁴.

It was not until January 2017, with the visit of the UN Special Rapporteur on the situation of human rights defenders, Mr. Michel Forst, and after several initiatives un-

⁷³ Organization of American States, OAS, Inter-American Commission on Human Rights, IACHR (April 2 to 15, 2016). General Situation of Human Rights in Mexico. Public Hearing on the 157th Session of the Inter-American Commission on Human Rights (IACHR). April 7 2017. (Video). Retrieved from: <https://www.youtube.com/watch?v=sSV9vcgNu14>, minute 1:07.45.

⁷⁴ Misión Permanente de México ante la OEA (2015). Op. cit. p. 26.

dertaken by international organizations⁷⁵ and even UN special procedures⁷⁶ urging the federal government to counterbalance the smear campaign and support human rights defenders, that high-level authorities in the federal government finally recognized the importance of human rights defenders' role in Mexico through a public act.⁷⁷

The public recognition act for human rights defenders held by the federal government on January 13, 2017, might seem like a turning point in its stigmatization, omission and silence policy in response to the discrediting declarations against defenders it had made in the past. However, so far it remains an isolated event and its materialization at the state and municipal levels seems rather distant.

An example of this is the assassination of the environmental and territory defender, Isidro Baldenegro, of the indigenous Rarámuri people, who lost his life in his native community in Chihuahua on January 18, 2017, during the visit of the UN Special Rapporteur on the situation of the human rights defenders to Mexico. Only fifteen days later, human rights defender Juan Ontiveros Ramos, from the indigenous community of Choréachi, also in the State of Chihuahua, was kidnapped and killed.

Mr. Michel Forst emphatically called on state authorities to initiate an immediate and effective investigation. Nevertheless, a few weeks after the crime was committed and without a thorough and diligent investigation, the General Attorney of the State of Chihuahua publicly stated that the assassination of defender Juan Ontiveros was not related to his human rights work but, on the contrary, was a personal crime.⁷⁸

The murders of Isidro Baldenegro and Juan Ontiveros follow a series of defamations and unfounded accusations that, ever since 2013, have been levied against civil society organizations and human rights defenders who accompany cases of human rights violations in Chihuahua.

Such is the case of the defenders from the Centro de Derechos de las Mujeres en Chihuahua (CEDEHM), who were victims of a smear campaign for reporting domestic violence exerted by the former state judge Alberto Espino de la Peña. After the CEDEHM criminally denounced the former of domestic violence and injuries against his wife, among others, Espino de la Peña began to publicly disqualify the defenders and went as far as stating that:

⁷⁵ "México, carta abierta conjunta al Presidente Enrique Peña Nieto: Preocupación frente a la campaña de desprestigio y difamación contra víctimas y defensores". Firmada por las organizaciones internacionales, como ACAT Francia, APT, FIDH, WOLA, OMCT, RFK Human Rights, ISHR, entre otras. (In Spanish). Retrieved from: <http://www.omct.org/es/human-rights-defenders/urgent-interventions/mexico/2016/03/d23672/>

⁷⁶ United Nations, Office of the United Nations High Commissioner for Human Rights, OHCHR (April 6, 2016). "UN experts urge Mexico to counter smear campaign and openly support right defenders." (Press release). Retrieved from: <http://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=19784&LangID=E>

⁷⁷ Opening remarks of the Secretary of the Interior, Miguel Ángel Osorio Chong, on January 13, 2017 in the International Forum: Human Rights Defenders, Challenges and Experiences, sponsored by the National Human Rights Commission (CNDH) and the Office of the United Nations High Commissioner for Human Rights in Mexico (OHCHR). Retrieved from: <https://www.gob.mx/segob/prensa/foro-internacional-personas-defensoras-de-derechos-humanos-retos-y-experiencias>

⁷⁸ Sánchez, Pedro (2 de febrero de 2017). "Ubica FGE a asesino de líder indígena", *El Norte*. Retrieved from: <http://www.elnorte.com/aplicacioneslibre/articulo/default.aspx?id=1038210&md5=2d98ebfb3d4fe5056c77aa9db8722d8f&ta=0dfdbac11765226904c16cb9ad1b2efe>

The treatment that many women in our country have received for a long time is denigrating and unacceptable, it is not the sole responsibility of individuals of the male [sic] gender. Unfortunately, women like you are also involved in this treatment, women who have found in this a way to make profits and prolong your *modus vivendi*.⁷⁹

The smear campaign against CEDEHM defenders reflects the lack of specific measures undertaken by the Mexican State to face aggressions marked by gender discrimination and the prejudices that affect women defenders.

Another illustrative case is that of Luisa Velázquez Herrera, blogger, activist and co-founder of the *Colectivo Lesbterrorista*, who in addition to facing rape and death threats, had to deal with a smear campaign in social networks, through which she was even accused of pedophilia.

In an apparent attempt to put an end to Luisa's activism promoting and defending sexual and reproductive rights, she was threatened with the uploading of fake pictures to social networks in which she would be exhibited as a pedophile. In the threats Luisa received, she was called "an aberration of nature for promoting hatred against men, for promoting immoral activities that go against traditional values [... and], for having an immoral lifestyle and spreading her cancer on social media [...]"⁸⁰

In sum, the Mexican State's policy regarding the defense of human rights has been characterized by a breach of its duty to protect human rights defenders and journalists against the acts of stigmatization committed by private agents who discredit their work. This situation becomes even more alarming if one takes into account that in addition to the lack of intervention, stigmatization and de-legitimization actions are also carried out by public agents themselves, and in some cases even by officials of the highest level. In this sense, in the last few years the environment has become increasingly unfavorable for the defense of human rights, jeopardizing the legitimate work defenders carry out at the federal and state levels.

⁷⁹ RedTDT (27 de febrero de 2015): "Pronunciamento de OSC ante el ataque a las defensoras de derechos humanos Irma Villanueva y Lucha Castro del CEDEHM Chihuahua". Retrieved from: <http://redtdt.org.mx/?p=2132>

⁸⁰ ARTICLE 19 (22 de mayo de 2015). "Amenazas de muerte a feminista y comunicadora, grave ataque a la libertad de expresión". (Alert) Retrieved from: <http://www.articulo19.org/amenazas-de-muerte-a-feminista-y-comunicadora/#sthash.Oz0aXdnJ.dpuf>



Criminalization instead of fighting against impunity

Chapter five

Defenders and journalists are facing a particular situation of vulnerability due to the generalized impunity that prevails in the country, which is particularly visible when crimes are committed against them, or their rights are violated.

Far from finding an efficient solution to the situation of impunity, these groups are also facing criminalization processes that go unregistered in official statistics. However, the use of the criminal justice system against them has been internationally recognized as an act of aggression against their human rights work and freedom of speech.⁸¹

On the one hand, an ongoing practice is to use and pervert the criminal system to prosecute these groups, while on the other hand denying them their right to truth and justice when they are victims of aggressions, crimes or human rights violations. At the individual level, this inhibits the defense of human rights and the exercise of the right to freedom of speech; while at the collective level, it discourages people's participation. It also questions public institutions' impartiality and legitimizes any arbitrary action committed against these groups, creating a stimulus to repeat acts of aggressions and violations.

We have especially seen that the criminalization of social protest - a way of defending human rights - is related to the displacement of social conflicts into the legal sphere, specifically the criminal justice system. Therefore, these social processes include several measures: arbitrary arrests, disproportionate and abusive use of force and intimidation, to name a few. This results in popular struggle being increasingly thought of as a crime.

Along with this, criminalization and other associated phenomena, such as stigmatization, defamation and de-legitimization of the work done by those who promote and defend human rights, reduce and degrade the workplace of civil society and journalists. This also erodes the notion of public space as a place for participating and defending human rights.

Instruments often used to criminalize defenders and journalists and deter them from carrying out their work include open or ambiguous⁸² legal definitions of felonies, such as blockage of public roads, attacks against public peace, attacks against authorities, sedition, or rioting; the use of "aggravating circumstances" in legal charges, or legal figures that significantly limit guarantees, such as pre-charge detention (*arraigo penal*). This creates a daunting effect that wears out victims and their collectives in terms of the time, resources and energy spent in legal defense. This, in turn, often leads individuals and organizations to neglect their human rights defense activities

81 United Nations Special Rapporteur on the situation of human rights defenders (2017). "United Nations Special Rapporteur on the situation of human rights defenders Michel Frost, Visit to Mexico End of Mission Statement", January 24 2017. Retrieved from: http://hchr.org.mx/images/doc_pub/SRHRD-END-OF-MISSION-STATEMENT-FINAL_ENG.pdf

82 The Inter-American Court of Human Rights has pointed out that criminal precepts must be clear, accurate and in a way that undoubtedly demonstrates the reproached conduct, separating it from other conducts. See Inter-american Court of Human Rights (2014). Case Of Norín Catrimán Et Al. (Leaders, Members And Activist Of The Mapuche Indigenous People) v. Chile. Judgment Of May 29, 2014. (Merits, Reparations And Costs). Retrieved from: http://www.corteidh.or.cr/docs/casos/articulos/seriec_279_ing.pdf

or cease their journalistic work.⁸³

The Protection Mechanism has reactivated actions taken against these acts of aggression, leaving the follow-up of investigations and legal processes related to attacks against members of these collectives aside. This entails the omission of penalties against public officials who enable these processes through the excessive use of force or abuse of their authority.

Preventive measures to inhibit the use of criminalization in the justice system are also lacking. Examples of these measures are actions that broaden the recognition of human rights defenders and journalists, and their right to defend human rights and exercise their freedom of speech and information.

Articles 42, 43 and 44 of the Law for the Protection of Human Rights Defenders and Journalists, regarding “Preventive Measures”, are “broad” and ambiguous as they do not detail the actions that should be implemented in order to address the structural causes of violence reflected in criminalization. The Protection Mechanism so far has not implemented measures to broaden the recognition of defenders and journalists, their right to defend human rights, to exercise their right of freedom of speech and information, nor has it launched a public campaign to recognize the social and political importance of the defense of human rights. Measures directed at training government officials with regards to human rights to confront prejudice against defenders and journalists and change the negative perception they have towards them and their work, have also been left aside.

Such measures are especially important when it comes to the justice system. However, people working in it, as well as in investigation agencies, far from leading efforts to identify and sanction perpetrators, have shown no will to investigate and prosecute acts of violence against human rights defenders and journalist in the country. Moreover, they have enabled their intimidation through criminalization processes.

We have detected a recurrent denial to take on cases on the part of the Special Prosecutor for Crimes Committed Against Freedom of Speech (FEADLE) of the PGR,⁸⁴ leaving this task to local Attorney’s Offices, which – in most cases – have shown little autonomy. With these omissions, they have contributed to create a climate of impunity, which becomes an incentive for human rights violators to continue their actions.

⁸³ See Frente por la Libertad de Expresión y Protesta Social (April 9, 2014). *Informe control del espacio público*. Retrieved from: <http://serapaz.org.mx/publicaciones/informe-control-del-espacio-publico-informe-sobre-retrocesos-en-las-libertades-de-expresion-y-reunion-en-el-actual-gobierno/> ; *Control del espacio 3.0*, Retrieved from: <http://www.fundar.org.mx/mexico/pdf/InformeFrente3.0.pdf> , and Centro Prodh (March 2, 2017). *Informe regional de protesta social*. Retrieved from: http://centroprodh.org.mx/index.php?option=com_content&view=article&id=2270%3Ainforme-del-cels-sobre-protesta-social&catid=171%3Aeventos-por-mientras&lang=es

⁸⁴ This is based on documentation carried out by civil society organizations that work on journalist protection.



Photo: Moisés Sánchez. ARTICLE 19 Newsletter, May 28, 2014.

Infobox

Moisés Sánchez⁸⁵

Moisés Sánchez Cerezo worked as a journalist for over 12 years. He was head and editor of several critical media in Veracruz, and also broadcasted news through social media. During the weeks preceding his kidnapping and murder, and just a few days before the mayor from Medellín de Bravo, Omar Cruz Reyes, from the National Action Party (PAN), presented his activities report, Mr. Sánchez Cerezo wrote a Facebook post denouncing various acts of violence perpetrated in the municipality, and stated that they were happening while “the mayor was being protected by Mexican Navy elements”.

On January 2, 2015, at 7pm, Moisés Sánchez was taken from his home. His body was found twenty-two days later. His family was aware of mayor Cruz Reyes’

annoyance regarding his journalistic work. Three days before being deprived of his freedom, the journalist found out that the mayor intended to silence him by “giving him a lesson”.

Far from carrying out immediate response actions to search for him, the journalist was publicly stigmatized and discredited for his journalistic work by then State governor, Javier Duarte. Moreover, it is clear that these discrediting remarks had an impact on the measures taken by local authorities: the General Attorney’s Office in Veracruz (PGJEV) limited its actions to avoid criticism in media. The Veracruz General Attorney’s Office waited twelve days before setting in motion basic search protocols.

⁸⁵ Infobox information provided by ARTICLE 19.

The FEADLE wasted the first crucial days investigating whether Moisés Sánchez was indeed a journalist, while the PGR's Specialized Unit for Finding Disappeared People began its preliminary investigation nine days after the event.

It was only after national media began to exercise pressure around the absolute lack of progress in the investigation that the sitting General Attorney of Veracruz suddenly changed the course of the investigation. In less than ten days after he became aware that civil society and human rights organizations were accompanying the case, the PGJEV (i) identified one of the perpetrators; (ii) located one of the perpetrators; (iii) found José Moisés Sánchez Cerezo's body; and (iv) found evidence that incriminated the mayor of Medellín de Bravo. None of this had even begun to be carried out during

the first 18 days of the investigation.

The case of Moisés Sánchez is an example of how specialized agencies are not necessarily a solution to the numerous shortcomings in police investigations. Furthermore, it demonstrates how these agencies are in fact part of the problem they are meant to solve: difficulties can be found even in essential aspects such as getting the FEADLE to comply with its obligation to take on cases.

In this case, the smear campaign launched against Moises Sanchez achieved its purpose of decoupling the aggression from the victim's journalistic work. This allowed the General Attorney's Office to avoid taking on the investigation. The FEADLE was forced to take on the case and begin investigations only after a writ of *amparo* was interposed against it.⁸⁶

As was previously stated, the FEADLE only investigates crimes against freedom of speech. The FEADLE is part of the Protection Mechanism's Governing Board – the highest decision making body – as the PGR's representative to listen and vote on the cases related to human right defenders and journalists.

With this in mind, the PGR's (and its member instance, the FEADLE) lack of initiative is concerning. So is the CNDH's apparent inertia, since it could generate important contributions to criminal investigations and to the fight against impunity through its own case documentation processes and recommendations issued on the matter. Both institutions are part of the Protection Mechanism's Governing Board, and according to their faculties, upon obtaining information on human rights violations and on the commission of crimes against defenders and journalists, should channel the information collected from this space to open investigations or allow the opening of new cases. This could guarantee the sanctioning of perpetrators and the issuing of pertinent recommendations.

Unfortunately, hiding behind the argument that their role in the Protection Mechanism is solely debating and deciding on a protection scheme, these institutions have repeatedly avoided implementing actions that link protection to criminal investigations, which also prevents them from facing the serious lack of trust that defenders and journalists have towards the justice system.

⁸⁶ In the file 871/20015, the Fifth District Court of Amparo Proceedings in Criminal Affairs granted an amparo that orders the FEADLE to take on the case. The Seventh Collegiate Criminal Court confirmed this resolution through file 67/2016.

It should be stated that the lack of effective actions from authorities has produced a generalized mistrust among citizens, including defenders and journalists. The 2016 Global Impunity Index- Mexico, shows that in the country “only 7 out of 100 crimes are reported, with the impunity rate in Mexico never falling below 92.8% since 2013”.⁸⁷

In view of this problem, the only solution appears to be the implementation of public policies that allow the justice system to respond in accordance to international standards. In this way, impunity can be fought by penalizing criminal justice officials that do not comply with their obligations. This will necessarily have an impact on the number of crimes committed against defenders and journalists, and would allow addressing causes instead of consequences, and inhibit acts of aggressions against this community. Tackling impunity in acts of aggressions against defenders and journalists is the only way to effectively respond to the situation they face.

Infobox

Coyotepec⁸⁸

In 2013, in the Municipality of Coyotepec, a resistance process began against the municipalization of water services management. Because of this, there were several acts of aggressions that led to the incorporation of a number of people participating in the resistance into the Protection Mechanism. In May 2016, a massive raid was carried out by the police against members of the *Administración Ciudadana de Agua Potable* (AAPCOY) and the *Asociación Civil Frente 9 de Junio en Defensa de los Recursos Naturales*, as well as ordinary citizens, who were protesting in front of the City Hall against the municipalization of clean water services.

During that raid, several defenders were arrested – including Sergio Velázquez (beneficiary of the Protection Mechanism) – and charged with illegal occupation of public buildings. This happened despite the fact that Sergio Velázquez was in the middle of the public square filming the arrival of riot police. On the other hand, defenders Anselmo Zárate and Efraín Robles were arrested for attempting to free Sergio and for trying to document his arbitrary arrest. In relation to this, the municipal police, in an attempt to fabricate proof for its testimony, stated that the defenders were behind a table outside the City Hall and were de-

⁸⁷ Le Clercq, J.A. y Rodríguez, G. (2016). “Índice Global de Impunidad México IGI-Mex 2016”. México: Universidad de Las Américas, Puebla; Consejo Ciudadano de Seguridad y Justicia de Puebla; Centro de Estudios sobre Impunidad y Justicia, Universidad de Las Américas Puebla, p. 13. Retrieved from: https://www.udlap.mx/igimex/assets/files/igimex2016_ESP.pdf

⁸⁸ Infobox information provided by the Centro de Derechos Humanos Zeferino Ladrillero.

nying public officials access to the building, and were insulting them as well.

They were then transferred to the Public Prosecutor's Office in Cuautitlán Izcalli, and within 48 hours the investigation against them was open. The allegations were sustained with statements from police officers, a public official and a person who never showed up to hearings before the judge. It was said that this person was "a citizen of Coyotepec who was annoyed by the actions taken by the water defenders".

With this manufactured proof, the Public Prosecutor's Office turned the case over to the Control Judge of the Cuatitlán District Court, and asked for the arrest to be considered legal. However, the Control Judge considered the arguments difficult to believe, and proceeded to dismiss them, ruling that the arrest was illegal.

During the process, municipal authorities and the Prosecutor's Office insisted on issuing arrest warrants against defenders from the town of Coyotepec. However, no arrest took place because the defenders presented enough proof to show their innocence, including videotapes.

Nevertheless, the court summoned defenders Adriana Rodríguez Pineda, Sergio Velázquez Morales and Jorge López Flores, from the *Administración Ciudadana de Agua Potable* in Coyotepec municipality, to testify on June 24, 2016, accusing them of "aggravated robbery" – an evidently false claim. The Cuatitlán Judicial District Control and Oral Trial Court

issued this warrant. The head of Social Communications of the Coyotepec Municipality, Israel Ortiz Pacheco, accused the defenders.

Moreover, other files have been found in which the defenders are accused of different felonies. In file 445/2016 an accusation was levied against Sergio Velázquez for damage to public property; file 446/2016 accuses Anselmo Zárate Pérez of illegal occupation of public buildings; while file 459/2016 accuses Anselmo Zárate, Efraín Robles Quiroz and Sergio Velázquez of theft and occupation. The accusers are Julio Pacheco and the Public Finances Office. Yet another file, 462/2016, accuses Sergio Velázquez, Adriana Rodríguez and Jorge López of illegal occupation and theft. The accusers are Israel Ortiz Pacheco and the Public Finances Office.

Taken together, these facts demonstrate the local authorities' intentions to put an end to social struggle through legal processes, especially when we look at the near consecutive numbering of files, which shows a great number of accusations being raised over a small period of time.

Because of these threats, the defenders had to leave their homes for fear of arbitrarily losing their freedom due to the threat of arrest warrants.

This case exemplifies the problem criminalization represents to organized groups that demand respect for human rights and shows how it even affects the Protection Mechanism's beneficiaries.



The current situation of the Protection Mechanism

Chapter six

For many years, Mexico has experienced a severe human rights situation, which is both cause and consequence of the risk situation human rights defenders and journalists face. The variety of attacks against human rights defenders and journalists reflect the current deterioration in terms of human rights as well as the ongoing wave of violence and impunity experienced in Mexico.

Limitations stated in previous chapters in terms of federal intervention on the matter, based on the previously described protection mechanism, have interfered in tackling this situation. Human rights violations figures have not decreased, and Mexico has become one of the most dangerous countries to practice journalism and defend human rights.⁸⁹

Unfortunately, the Protection Mechanism has served in a very limited manner to allow the State to guarantee the right to life and integrity, as well as the right to defend human rights and exercise freedom of speech and information of those who have been victims of attacks and threats due to their activities and have requested protection from this instance, specifically created for such a purpose.⁹⁰ The answer it provides even in the limited aspect of reactive protection has important limitations, some of which stem from difficulties widely stated by Espacio OSC and other agencies,⁹¹ while others have recently appeared or worsened.

The obstacles to the mechanism's overall functioning identified in the aforementioned documents, as well as in the daily practice of Espacio OSC member organizations, are the following:

1. Operational difficulties resulting from the complex functioning of the federal public administration. These difficulties block access to funds when they are needed, which in turn impedes the implementation of concrete actions (such as visits to develop risk analysis, and the assistance of beneficiaries at Governing Board official meetings to assess their situation).⁹²
2. Constant staff turnover that prevents cases from being addressed by qualified government employees. This situation has resulted, amongst other things, in poor-quality risk analyses, which in turn sets an inadequate starting point for any protection strategy or action.⁹³

⁸⁹ The situation of journalists and communicators in Mexico has been considered one of the highest risk situations worldwide, as reported by the international organization Reporters Without Borders in their annual reports. 2016 Report. Source: <http://www.informeanualrsf.es/news/mexico2/>; see also Front Line Defenders (2017). "Annual Report on Human Rights Defenders at Risk in 2016." Source: <https://www.frontlinedefenders.org/en/resource-publication/annual-report-human-rights-defenders-risk-2016>.

⁹⁰ The best way to confirm this is by looking at Cecilio Pineda's case. He was murdered even though he approached the Protection Mechanism and identified himself at the agency, where he declared being at risk.

⁹¹ In this sense, see previous Espacio OSC reports (In Spanish). Retrieved from: <http://serapaz.org.mx/wp-content/uploads/2017/03/Informeosc.pdf>, the already mentioned PBI and WOLA report, and the 2015 CMDPDH report "In Defense of Life. Civil Observation Mission (MOC) Report on the situation of Human Rights Defenders in Mexico 2015. Mexico. Retrieved from: <http://www.omct.org/es/human-rights-defenders/reports-and-publications/mexico/2015/09/d23475/>

⁹² Among the difficulties identified in this matter are those highlighted in the PBI and WOLA report "Mexico's Mechanism to Protect Human Rights Defenders and Journalists. Progress and continued challenges." Retrieved from: http://www.pbi-mexico.org/fileadmin/user_files/projects/mexico/images/160525_Mechanism_Report.pdf, as well as those published in the CMDPDH report (2015), Op. cit.

⁹³ Overall, the quality of risk analysis has improved; however, important deficiencies still exist therein, which in turn impedes an adequate risk assessment of some cases. In general terms, the report issued by PBI and WOLA makes reference to the need to address human resources and training deficiencies. The CMDPDH report (2015). Op. cit. makes a similar point.

3. The lack of a gender-based approach within the Protection Mechanism. Because of this, almost half of the victims' situations are not taken into account in accordance to their real needs.⁹⁴
4. Lack of transparency and clarity in relation to Mechanism's access procedures and overall functioning, as well as to its implementation measures. This affects the decisions regarding who is granted protection, leaving human rights defenders and journalists aside, thus contravening the law.⁹⁵
5. Scarce capacity to provide urgent responses when needed due to coordination difficulties with public forces and local authorities.⁹⁶
6. The privatization of measures when implemented by security companies. This has hindered human rights defenders' and journalist' access to protection schemes that answer to their needs. As pointed out by the IACHR, once security services are privatized they become market products, unrelated to human rights concepts.⁹⁷
7. The lack of a collective approach to implement ideal measures to protect collective subjects.⁹⁸
8. As was previously stated, the Mechanism lacks measures that allow it to tackle the primary source of risk.
9. In high and imminent risk situations, implemented measures are almost exclusively focused on relocation actions, despite the fact that these are among the measures which most impact beneficiaries' lives (they have to abandon their homes and support networks, and are not provided with access to resources to live a decent life or to fulfill family obligations), and limit, among other things, their right to defend human rights. It is worth highlighting that in such cases, the need for measures that allow defenders to return to their

94 Although this aspect has been pointed out in many reports such as *"In Defense of Life | Civil Observation Mission (moc) Report on the situation of Human Rights Defenders in Mexico 2015,"* a deeper analysis on the situation may be found in Martín Quintana, María (2016), *Op. cit.*

95 PBI and WOLA's report also make reference to the need to ensure access to the Protection Mechanism in accordance with the law and international definitions. In addition, Espacio OSC previous reports also address the lack of transparency in certain essential operation processes of the Protection Mechanism.

96 The preventive warning request for human rights defenders and journalists in Chihuahua was based on the lack of emergency responses on behalf of security forces. Centro de Derechos Humanos de las Mujeres y Organizaciones de Sociedad Civil de Chihuahua (March 7 2016). "Solicitud de alerta preventiva para personas defensoras de derechos humanos en Chihuahua." Retrieved from: <http://cedehm.blogspot.mx/2016/03/solicitud-de-alerta-preventiva-para.html?m=1>

97 State security forces' resistance to comply with this type of measures was the argument used by the Mexican State to justify the privatization of these services, despite the fact that the IACHR has explicitly rejected the implementation of protection measures by security companies. Organization of American States, OAS, Inter-American Commission of Human Rights, IACHR (2009). *Report on citizen security and human rights*, section 4, 72. OAS/Ser.L/V/II. Doc. 57, December 31 2009. Retrieved from: <http://www.oas.org/en/iachr/docs/pdf/citizenssec.pdf>

98 Despite having a matrix for groups that allows the Mechanism to conduct risk analysis for groups, subsequently implemented measures do not provide an adequate answer to the calculated level of risk.

place of origin is overlooked.⁹⁹

10. Scant action on behalf of agencies responsible for the investigation of crimes against defenders and journalists.¹⁰⁰
11. Insufficient follow-up of cases and implementation of measures.¹⁰¹

These obstacles add to structural problems within the Mexican political system, such as the lack of coordination among states (federal entities).¹⁰² Nowadays, Article 17 of the Law for the Protection of Human Rights Defenders and Journalists, requires the National Executive Coordination to assume responsibility for the coordination among states, federal public administration agencies and autonomous organisms to guarantee the mechanism's operation and the implementation of its measures.

In order to fulfill that obligation, government entities created cooperation agreements between them, which have proven to be inadequate and have resulted in important deficiencies in the implementation of measures and local early warnings.¹⁰³ Four years after the Protection Mechanism's creation, States have been unable to keep up with adequate responses to current protection needs.¹⁰⁴

⁹⁹ The aforementioned case of Cecilio Pineda shows how this is set out as the only alternative in such situations. For official information on the case, see Secretaría de Gobernación (2017), *Op. cit.*; OAS-IACHR (March 10 2017) *Op. cit.*: "So-called protection measures should not only be suitable for journalists' whose life and integrity are at risk, but should also adapt to beneficiaries' individual, economic, and social circumstances and needs, such as the need/desire to continue exercising their professional activities. [...] it is fundamental to clarify which alternatives were offered to protect the journalist before closing the file on an extraordinary case." (In Spanish). Retrieved from: <https://www.gob.mx/segob/prensa/lamenta-el-mecanismo-para-la-proteccion-de-personas-defensoras-de-derechos-humanos-y-periodistas-la-muerte-de-cecilio-pineda-birto?idiom=es>

¹⁰⁰ In this sense, see Chapter 5 related to impunity.

¹⁰¹ Espacio OSC member organizations' documentation of the cases they accompany has confirmed this situation.

¹⁰² In this sense, see: CDPDHM (2015). *Op. cit.*

¹⁰³ PBI & WOLA (2015) "The Mechanism to Protect Human Rights Defenders and Journalists in Mexico: Challenges and Opportunities." Retrieved from: PBI and WOLA (2015) "The Mechanism to Protect Human Rights Defenders and Journalists in Mexico: Challenges and Opportunities." Retrieved from: <https://www.wola.org/sites/default/files/MX/Jan%202015-The%20Mechanism%20to%20Protect%20Human%20Rights%20Defenders%20and%20Journalists%20in%20Mexico.pdf>

¹⁰⁴ This is reflected in the asymmetrical efficiency in the implementation of measures and in the level of commitment from state governments to implement protection measures.



Photo: Miroslava Breach. *La Jornada*, March 23, 2017.

Infobox

Miroslava Breach¹⁰⁵

Miroslava Breach Velducea was a correspondent for newspaper *La Jornada* in Chihuahua and collaborator of *El Norte de Juárez*, among other newspapers.¹⁰⁶ She was also director and owner of MIR agency. On the morning of March 23, 2017, she was murdered in front of her son in Chihuahua City. The journalist was intercepted at 6:53 a.m. by gunmen who fled on board of a white Sedan. Her body was found with several shots in the head.

Miroslava Breach was covering the confrontations between organized crime gangs in Chihuahua's mountain range and got involved in issues concerning struggles over territory in the Tarahumara mountain

range. She documented and broadcasted the murder of Isidro Baldengero and Juan Ontiveros, environmental defenders in the Sierra Tarahumara, as well as other cases related to clandestine graves and femicides. She also covered official corruption issues.

Miroslava Breach's voice was pivotal to making human rights violations in Chihuahua public, and was part of the group who pushed for the "Early Warning for Journalists and Human Rights Defenders" in the state, requested to the Protection Mechanism in August 2016. The contingency plan has not been set in motion even after her murder.

¹⁰⁵ Infobox information provided by ARTICLE 19.

¹⁰⁶ The journalist had a long and renowned career in journalism in the state. She collaborated with and headed various journals, newspapers and other media, such as *La Crónica de Hoy*, *Diario de Chihuahua*, *El Norte de Ciudad Juárez*, *Semanario Concepto*, *Semanario La Opinión*, TV Azteca and *El Heraldo de Chihuahua*.

Since the Federal Mechanism and the Law depend largely on the goodwill of state governments for their implementation, it has been argued that it is necessary to create state mechanisms that can provide an answer at the local level. Along these lines, some state legislations and mechanisms have been created on par with federal equivalents. Nevertheless, beyond the political gains that could be obtained in terms of legitimation of political actors that put forth these initiatives, it seems difficult to understand what the creation of state mechanisms would achieve in entities that have not expressed a political will to meet the Federal Mechanism's requirements. The fact that state agencies could provide an answer to the issues presented herein, as well as in previous Espacio OSC reports, is baffling given that: (a) they lack infrastructure, resources, and specialized staff; and (b) these initiatives could result in a situation in which those in charge of giving protection are government employees linked to the perpetrators of violence against human rights defenders and journalists.

Far from contributing to the comprehensive protection policy to which the State should aspire, the nascent efforts to create local protection mechanisms have only fragmented protection dynamics. Although most protection standards and regulations are in fact similar to those outlined in the Federal Mechanism, they lack the operational capacity or political will needed to be actually implemented. It thus seems difficult to imagine that states will be up to the challenge of implementing comprehensive protection measures, since such measures should include an intercultural and gender-based perspective, and address psychosocial impacts and digital threats. Even under the assumption that states have enough political will, in reality local protection mechanisms and laws are lagging behind. Although the Federal Mechanism has important deficiencies in terms of technical and operational expertise (despite large investments in training), even this level of expertise remains a distant aspiration at the state level.

Given this situation, it is important to strengthen the Federal Mechanism, taking into account the shortcomings mentioned by Espacio OSC, on the mechanism itself and the Law. The aspiration to make it operational at different governmental levels should become a reality, as it would imply an effective and transparent coordination at the federal level. This entire situation is even more relevant in the light of the current context, in which federal entities occasionally turn into chiefdoms with little or no accountability, and end up managing violence against defenders and journalists.

Although the Federal Mechanism has been a laudable effort, and within it we have identified the need to deepen cooperation with state authorities and autonomous bodies, the ineffectiveness in the implementation of measures has often rested on the limits of federalism. When it comes to safeguarding the integrity of human rights defenders and journalists, no argument on the distribution of faculties/jurisdiction should take precedence over the obligation of all government levels to provide guarantees for these vulnerable groups.

Progress in the operation of the Protection Mechanism and its limitations

Even though there have been certain improvements in the mechanism's operation, they are extremely limited. In these sense, we must refer to the following aspects:

The coming into operation of the Third Unit, which is in charge of prevention, follow-up, and analysis, is one of the most important steps forward in the Protection Mechanism's work, and has been welcomed with widespread interest by Espacio OSC. The mechanism has started developing the first tools that will allow it to go beyond case-by-case basis analysis in order to make important progress in preventive action. However noticeable that may be, there are still no results that can identify relevant contexts for risk assessment, aggressions patterns, nor have there been actions to suggest changes in public policies and legislation at the federal and local level. For these reasons, the Mechanism's existence has not resulted in a decrease in the number of cases, acts of aggressions or risks for human rights defenders and journalists.

Similarly, the preventive-logic approach behind early warnings, as well as their emission in the states of Chihuahua and Veracruz, represents an acknowledgment of a crisis situation. These actions, however, have not translated into palpable improvements in the situation of protected people or groups in either of those states.

Espacio OSC recognizes that the Protection Mechanism's directors are clearly committed to human rights and can engage in dialogue with civil society organizations. Nevertheless, we have not seen these same qualities in the entire operational Protection Mechanism staff. We believe that it is fundamental for everyone involved in protection work to be as sensitive as directors are.

The staff has received important training in risk analysis, which in turn has enabled government employees to provide better-quality risk analysis. Unfortunately, this progress is not as widely spread as it should be, due to previously mentioned high rates of staff turnover.¹⁰⁷

Another important provision is assessment of measures. It is evident that their isolated assessment only provides operational input. Although necessary, this input is insufficient to broadly assess the Protection Mechanism's operation.

Although Protection Mechanism authorities have attempted to implement their coordination obligation, as established in Article 17, through good faith agreements with state governments, four years after the Mechanism's creation, states have failed to meet defenders' and journalists' current security and protection needs. It is thus clear that there needs to be a proactive, responsible, and coordinated engagement at every government level in order to address the violence faced by defenders and journalists. The regulation of these actions through Federal Law is not enough to achieve this.

¹⁰⁷ Ignorance around defense and information tasks leads to out-of-context, limited analyses, as well as to short-term, inadequate, or unrealizable measures, among other issues.

Backward steps in the Protection Mechanism's operation

In practice, certain backward steps may be seen in the Protection Mechanism, which have a significant effect on its operation. It is important to highlight the consolidation of a work logic focused solely on the protection of individuals, understanding it almost exclusively as physical protection, and fleeing from the notion of protection of journalistic and human rights work. In this sense, the Protection Mechanism neglects the fact that its job is to ensure the continuity of its beneficiaries' activities, and the implementation of concrete measures should not represent an obstacle to do so.

On the other hand, even though legislation has offered definitions in line with international standards, we should not disregard the fact that, in practice, government employees are excluding people without traditional activist profiles from their concept of "defenders", excluding in this way emergent human rights defense expressions. Contrary to the Protection Mechanism's operational standards, it is difficult effectively access its protective mission.¹⁰⁸ It was extremely important to have confirmed that people who might be considered direct victims of severe human rights violations (and go on to defend human rights as a consequence of this), or those attempting to defend human rights in their role as public servants, are almost automatically excluded from the Protection Mechanism. As to journalists, there is also a very limited understanding of their work; communicators who do not exercise this activity from a traditional journalistic logic are excluded as well.¹⁰⁹

The overall limitations or difficulties mentioned in this chapter and throughout the document allow us to assert that the Protection Mechanism provides inadequate and limited responses to risk situations faced by defenders and journalists. Even though this response has significantly improved since its onset, it continues to face key challenges in operating in a way that guarantees the protection of beneficiaries in the previously identified (limited) terms.

¹⁰⁸ In the second Espacio OSC report, we stated that petitioners that seek access to the Protection Mechanism have suffered, on average, three acts of aggression before requesting their incorporation. In this same document, we stated that such a situation might be due to mistrust in the Protection Mechanism or ignorance about its existence, derived from the lack of effective efforts made to raise awareness regarding its existence and its competences.

¹⁰⁹ Espacio OSC member organizations' practice shows the resistance there is in the implementation of the legal concepts of human rights defenders and journalists, which rest on international standards, and the resistance in including defenders with a non-traditional activist profile.



Conclusions and recommendations

Espacio OSC considers it necessary for public institutions at different government levels to commit themselves beyond formal actions through which they claim to comply with their obligations, enshrined in Article 1 of the Constitution. Furthermore, different institutions, according to their faculties and functions, must effectively respect, protect, promote and guarantee the human rights of those defending human rights and exercising journalism. Authorities should conduct more concrete and coordinated actions from the municipal to the federal level in order to safeguard not only the lives and integrity of human rights defenders and journalists, but also their right to carry out their work.

Although we cannot lose sight of the importance of having a Protection Mechanism, it should be considered as a one-off measure for security and protection, but it should not be the only response to attacks and to the violent crisis human rights defenders and journalists face. Therefore, we need a public policy that allows for broader and more comprehensive reactions. There should be more coordination initiatives at different government levels, and these should be more than just a weak and palliative reaction. Such initiatives will actually contribute to create a violence-free environment with full guarantees that increase the scope of action for those who defend human rights or yearn for a better-informed society.

In this sense, the Protection Mechanism should be part of a more complete and comprehensive scaffolding, constituted by a public policy of prevention, attention, investigation, penalty and reparation for all human rights violations against defenders and journalists. Unfortunately, this scaffolding cannot currently be said to exist, because the Protection Mechanism entails a “quick fix” for aggressions in a context defined by an institutional setting that undermines and even penalizes the exercise of freedom of speech and the right to defend human rights.

Without coordinated actions directed towards the achievement of comprehensive protection, the creation of a more favorable environment to exercise these rights, and due to the absence of a structural response towards impunity (a condition that hinders the prevention and non-repetition of aggressions, because it makes violating the rights of human rights defenders and journalists “easy” and without consequences) we cannot consider that the State is complying with its international protection obligations, which it is obliged to provide to these groups, nor is it offering an effective response to the violence faced by these groups.

Accordingly, Espacio OSC urges public institutions of the Mexican State to develop certain specific actions, as enlisted below.

Directed at the Protection Mechanism

Ensure the Protection Mechanism’s actions respond to security and protection needs, taking into account people’s and organizations’ diversity. The Mechanism should:

1. Incorporate a gender-based approach in a systematic and crosscutting way. This approach must be applied in all risk analyses, as well as in the design and implementation of preventive, precautionary and protection measures.

2. Respond to organizations' specific needs drawn from characteristics presented by different groups and their cultural diversity.
3. Incorporate the definitions of human rights defenders and journalists that stem from international standards in a practical and effective way, in order to achieve broader protection and recognition.
4. Take into account the intersectionalities¹¹⁰ of the Mechanisms' petitioners and beneficiaries.
5. Develop comprehensive protection measures that allow the Mechanism to respond to different types of violence, and not only guarantee individuals and their family's protection, but also their work. In this sense, it is important to:
 - a. Design and implement protection and prevention measures against digital attacks, stigmatization and defamation, and specifically address all attacks related to the victim's gender.
 - b. Design and implement psycho-emotional and psychosocial containment actions, which include beneficiaries' freedom to choose service providers, in order to allow human rights defenders and journalists to face violent events and continue their work. When extraction and shelter measures are applied, psychosocial guidance must be offered to beneficiaries during their stay in the shelter and after their return.
 - c. Guarantee that protection measures do not hinder beneficiaries' ability to continue with their work
 - d. Ensure that assessment of measures is followed by improvements in their implementation. As such, user manuals must be designed and published, drafted in an accessible way, with a clear and simple language. Other training and dissemination tools should also be used, such as audiovisual content or workshops for each protection measure physically implemented by the Protection Mechanism with a human rights and gender approach, ensuring strict respect for the pro-persona principle.
6. Guarantee the effective and differentiated implementation of public recognition by federal and local authorities of the work carried out by defenders and journalists, in accordance to the person and the collective's needs.
7. Guarantee real alternatives to temporary relocation measures, and ensure that due attention is paid to beneficiaries who have been displaced (before and/or after their entry). In order to do this, it is necessary to:

¹¹⁰ The intersectionality approach reveals that inequalities stem from interactions between subordination systems based on gender, sexual orientation, ethnicity, religion, national origin, (dis)ability, and socioeconomic situation. These systems constitute each other dynamically in time and space. See La Barbera, Maria Caterina (2016). "Interseccionalidad, un 'concepto viajero': orígenes, desarrollo e implementación en la Unión Europea". *Interdisciplina* 4(8): pp. 105-122. Retrieved from: https://www.researchgate.net/publication/310773560_Interseccionalidad_un_concepto_viajero_origenes_desarrollo_e_implementacion_en_la_Union_Europea

- a. Incorporate data to the monthly report on the state where displaced beneficiaries were carrying out their work.
 - b. Design and implement a comprehensive plan for displaced human rights defenders and journalists, allowing their full protection, access to justice, damage compensation, and appropriate and dignified conditions for the return to their community.
 - c. Ensure that beneficiaries can undertake the professional activities they were working on before their displacement, or provide real alternatives that satisfy their professional needs.
8. Encourage the design of a public policy that allows the replacement of private companies in the implementation of protection measures.
 9. Be transparent and accountable to beneficiaries regarding the Protection Mechanism's risk assessment methodology, as well as the means and criteria used to assign and withdraw protection measures for defenders and journalists. Public documentation on this methodology should be drafted.
 10. Draft a public report on the compliance status of the agreements set at the dialogue tables, driven by the Protection Mechanism with the support of the Human Rights Defense Unit, and disseminate it among local and state authorities as well as beneficiaries.
 11. Design concrete collaboration schemes between the federation, the states and the municipalities that will generate coherent, coordinated, fast and comprehensive protection measures. In order to do this, it is necessary to:
 - a. Make public the collaboration agreements with state governments.
 - b. Keep the directory of relevant state authorities updated, and ensure that emergency State telephone numbers provided to beneficiaries remain operational.
 - c. Follow-up the effective implementation of measures corresponding to different agencies (federal, state, municipal).
 12. Optimize the administrative processes the Mechanism must comply with according to its mandate, and optimize other legal frameworks in adherence to transparency, budgetary austerity, accountability and efficiency in spending.
 13. Ensure on-going training for the Mechanism's staff and guarantee specialized learning even with staff turnover.

14. Count with enough trained staff to follow-up on protection measures as defined by the Mechanism's Governing Board. It is both urgent and necessary that analysts are provided with psychological assistance with a gender perspective. This will allow them to process information more effectively and better handle violent situations reported by beneficiaries that may put them at risk. Moreover, a protection plan needs to be established for their work on field.
15. Publish, on a monthly and annual basis, the official diagnosis to which the Protection Mechanism has already committed to on the situation of defenders and journalists, by developing a national risk map that locates the main acts of aggression, as well as alleged perpetrators and types of aggressors, in order to identify patterns of aggression and root causes. To do so, the participation of human rights and civil society organizations is crucial. The consultation of different reports developed by international rights protection systems describing the situation of defenders and journalists is also important.
16. Design a prevention plan for high-risk areas based on the assessment of the situation of human rights defenders and journalists, as previously recommended.
17. Ensure the correct development of early warnings, in collaboration with defenders and journalists in their respective states. To do so, it is necessary to:
 - a. Define and publish what an early warning consists of and its general features.
 - b. Assess implemented actions in the State of Veracruz's contingency plan and consider its reactivation, expanding its scope to human rights defenders.
 - c. Approve, as soon as possible, a contingency plan derived from the early warning for human rights defenders and journalists in the State of Chihuahua, and establish effective follow-up mechanisms with the full participation of civil society organizations.
18. Incorporate prevention measures to eradicate structural causes that allow human rights violations to happen, putting human rights defenders and journalists at risk.
19. Carry out an analysis on best practices and participation challenges faced by federal agencies in the Mechanism's Governing Board, both for those who have a voice and a vote and for those who only have a voice.

Directed to the members of the Protection Mechanism's Governing Board in their respective competencies (Secretariat of the Interior, SEGOB; General Attorney of the Republic, PGR; National Security Commission, CNS; Ministry of Foreign Affairs, SRE, and National Human Rights Commission, CNDH).

20. Carry out, with the support of the Presidency of the Republic, a national campaign that recognizes the work of human rights defenders in Mexico and of freedom of speech. In order to do this, all involved agencies should, according to their faculties, carry out activities of public recognition in which clear messages are transmitted on the important work carried out by human rights defenders and journalists.
21. Perform recognition initiatives within their institutions, for example, by means of internal bulletins, agreements, newsletters or protocols, where clear messages about the important work carried out by human rights defenders and journalists are transmitted, to prevent their stigmatization.
22. Attract, within their faculties, those cases and issues that must be solved with their own resources and mandates, and to which they have access to due to their participation in tables where protection plans for the Protection Mechanism's beneficiaries are discussed.
23. Train and sensitize authorities and federal, state and municipal officials, in order to prevent them from attacking human rights defenders and journalists.
24. Ensure effective investigations and sanctions in order to end officials' repetition of human rights violations against human rights defenders and journalists.
25. Ensure that actions are undertaken to generate measures against criminalization, including sanctioning officials who illegally participate in criminalization processes against human rights defenders and journalists.
26. Design and disseminate action protocols for federal security agencies that prevent abuse of authority and excessive use of force against human rights defenders and journalists. Authorities that make up the Mechanism's Governing Board must adopt and disseminate these protocols.
27. Ensure proper investigations and subsequent punishments that guarantee non-repetition in the face of aggressions against human rights defenders and journalists.
28. Seek greater coordination between the Protection Mechanism and the agencies dedicated to investigation, so that the different processes in which defenders or journalists participate (investigation or protection) can nourish each other.

29. Promote, encourage and collaborate, within their faculties, in the design of an officially approved protocol for the investigation of aggressions against human rights defenders and journalists.

Directed at the General Attorney of the Republic (PGR)

30. Ensure the efficient representation of the PGR in the Governing Board, not limiting it to the representation of the Special Prosecutor for the Attention of Crimes Committed Against Freedom of Speech (FEADLE).
31. Fulfill its mandate to investigate the crimes it becomes aware of through its participation at the discussion tables on safety plans for the Protection Mechanism's beneficiaries. In case of local jurisdiction, it must fulfill its mandate to take complaints and investigations to local jurisdictions, as long as this is the will of the beneficiary and is not a crime that should be prosecuted *ex officio*.
32. Design and implement a comprehensive plan that ensures the access to justice of human rights defenders and journalists who have been displaced because of their work defending human rights and freedom of speech.
33. To design and promote, in collaboration with civil society and corresponding government units, the creation of an officially approved protocol for the investigation of attacks against human rights defenders and journalists.

Directed at the National Human Rights Commission (CNDH)

34. Escort Protection Mechanism beneficiaries who are subject to human rights violations to file complaints. In cases that fall under jurisdiction of state human rights commissions, the National Commission should provide adequate assistance.
35. Develop and request full reparation of damages in the form of attacks and violations against human rights defenders and journalists, to the competent authorities.

Directed at the Ministry of Foreign Affairs (SRE)

36. Implement recommendations issued by the Inter-American Commission on Human Rights (IACHR) in its report on Mexico, as well as those issued by the UN Special Rapporteur on the situation of human rights defenders, particularly those regarding the Protection Mechanism's operation. This includes accepting external technical assistance for public policy development, as the Special Rapporteur suggested.
37. Facilitate, according to its faculties, the creation of an Advisory Board against

impunity, as recommended by the United Nations High Commissioner for Human Rights. The advisory board should be composed of national and international experts that can draft recommendations on reforms and strategies to reverse the prevailing impunity rate regarding attacks against human rights defenders and journalists in Mexico.

38. Acknowledge the severe situation that human rights defenders and journalists face in Mexico and the existing impunity. Accept and provide follow-up to recommendations issued by international human rights bodies coming to Mexico and revisiting its situation.
39. The agreement published on March 2005 establishes guidelines for the participation of civil society organizations in terms of foreign policy. As set forth therein, the Ministry of Foreign Affairs must inform civil society organizations on foreign policy related to human rights and freedom of speech through meetings, forums, events, electronic or print media, or through any mechanism foreseen in the agreement.

Directed at the Ministry of Finance and Public Credit and to the Protection Mechanism

40. The protection mechanism must request an adequate budget to fulfill its mandate.
41. Provide the Protection Mechanism with the necessary funding, according to the existing number of cases and the foreseen acts of aggression based on the national context.

To the Executive Commission for Victim Assistance (CEAV) and to the Protection Mechanism

42. Generate institutional coordination mechanisms between the Protection Mechanism and the CEAV so that beneficiaries who are either potential victims or victims are included in the National Victims Record (RENAVI). This should help to guarantee comprehensive assistance.
43. Drive the creation of a special instrument for the cooperation and coordination between the Protection Mechanism and CEAV for corresponding cases.
44. Design and implement a comprehensive plan that allows for effective measures to assist human rights defenders and journalists who have been displaced for exercising their human rights work and freedom of speech.

Directed at State (“federative entities”) Governments

45. Provide adequate and effective follow-up to protection measures issued by the Protection Mechanism and comply with the collaboration agreements and agreements that stem from discussion panels.

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