



Advocacy for Human Rights in the Americas



REPORT



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MEXICO'S MECHANISM TO PROTECT HUMAN RIGHTS DEFENDERS AND JOURNALISTS

Progress and Continued Challenges

MAY 2016

KEY FINDINGS

Mexico's national Mechanism to Protect Human Rights Defenders and Journalists was established in 2012. While recognizing the progress that has been made to strengthen the Mechanism, this report also identifies the challenges that persist and draws on a series of cases examples to illustrate these shortcomings.

- **IN 38 PERCENT OF THE MECHANISM'S CASES, GOVERNMENT AUTHORITIES ARE THE PRESUMED AGGRESSORS OF THREATS AND ATTACKS AGAINST HUMAN RIGHTS DEFENDERS AND JOURNALISTS.** Since its creation and through April 2016, the Mechanism has received 389 requests for protection, 316 of which have been accepted, representing 300 defenders and 219 journalists. According to the Mechanism's data, 38 percent of the presumed aggressors in these cases are government authorities, while 31 percent are non-state actors, and another 31 percent are not identified. Fifty-two percent of the Mechanism's cases come from journalists and defenders located in: Veracruz, Guerrero, Oaxaca, Chiapas, and the Federal District (in the case of the Federal District, this is partly due to individuals who relocated to the city out of fear of persecution).
- **THE MECHANISM IS AN IMPORTANT RECOGNITION BY THE MEXICAN GOVERNMENT OF THE SEVERITY OF THE SITUATION FACING HUMAN RIGHTS DEFENDERS AND JOURNALISTS IN THE COUNTRY.** Progress has been made in strengthening the Mechanism, the backlog of cases has largely been overcome, and over the past year the Mexican government has shown a greater openness to engage with civil society to review the Mechanism's performance and discuss ways to address shortcomings.
- **THE MECHANISM HAS BEGUN TO ADDRESS PREVENTION.** The Mechanism's long-awaited Unit for Prevention, Follow Up, and Analysis was established in August 2015. In an important first step, the Unit analyzed the high-risk situation that journalists face in the state of Veracruz and outlined a preventative action program. In November 2015, the government of Veracruz signed an agreement to implement these actions; however, to date, the agreement has not had an overall impact on journalists' safety in the state: attacks continue and two journalists have been murdered in the state since the agreement was signed.
- **THE MECHANISM CONTINUES TO HAVE AN INSUFFICIENT NUMBER OF STAFF.** Only approximately 37 individuals work in the Mechanism itself. These staff are tasked with managing the Mechanism's 316 cases, receiving and assessing new cases, monitoring the implementation of protection measures, reevaluating cases, and proposing preventative actions. Staff are overworked, which contributes to a high turnover rate.
- **PROTECTION MEASURES ARE OFTEN NOT ADEQUATELY IMPLEMENTED.** Civil society has continuously expressed concern that the protection measures assigned to a case are not adequately implemented, which leaves the defender or journalist vulnerable. There are also ongoing concerns about the reliability of technological measures, such as panic buttons, security cameras, and satellite phones.

KEY FINDINGS

- **THERE IS OFTEN A DISCONNECT BETWEEN A JOURNALIST'S OR DEFENDER'S SITUATION OF RISK AND THE PROTECTIONS PROVIDED.** In some cases, it was reported that the same police body identified as the aggressor was the authority assigned to provide protection. There are ongoing concerns about the quality of the risk assessments that Mechanism staff carry out to determine protection needs. Despite significant training, many assessments continue to be subjective and influenced by the attitude and level of experience of the individual analyst.
- **THE MECHANISM DOES NOT IMMEDIATELY REEVALUATE CASES WHEN A JOURNALIST OR DEFENDER IS ATTACKED WHILE UNDER PROTECTION.** If a beneficiary suffers an attack while receiving protection from the Mechanism, there is no protocol in place that requires the case to be immediately reviewed to adjust the protection strategy accordingly. Rather such adjustments are generally only considered when the case is up for review, regardless of whether the level of risk increases.
- **ACCESSING THE MECHANISM CAN BE DIFFICULT WITHOUT ACCOMPANIMENT.** Defenders and journalists who request the Mechanism's protection with accompaniment from civil society organizations are treated more seriously than those without accompaniment. The Mechanism exists to serve vulnerable journalists and defenders; it must be accessible to these individuals whether or not they are accompanied through the process.
- **DISPLACED DEFENDERS AND JOURNALISTS OFTEN HAVE DIFFICULTIES RETURNING TO WORK.** When defenders or journalists are displaced due to their work, the Mechanism carries out risk assessments in their new location rather than in the area from where they were displaced. This complicates the possibility of returning and continuing their human rights work, and fails to reduce the real level of risk they face.
- **THE FAILURE TO INVESTIGATE AND SANCTION ATTACKS ON HUMAN RIGHTS DEFENDERS AND JOURNALISTS PLACES THEM AT CONTINUED RISK.** Without addressing the impunity that prevails in cases of attacks against human rights defenders and journalists, the protection measures provided by the Mechanism can never fully guarantee the safety of those at risk. Although the Mechanism itself does not have the authority to investigate crimes, the federal Deputy Attorney General for Human Rights sits on the Mechanism's Governing Board and has the ability to advance federal investigations and coordinate with local authorities to ensure investigations are carried out. Despite this, many cases are not effectively pursued.
- **THE U.S. GOVERNMENT CONTINUES TO PROVIDE IMPORTANT ASSISTANCE TO THE PROTECTION MECHANISM,** and to human rights defenders and journalists. From 2014 to 2018, the United States has designated an estimated US\$25 million in USAID funding to strengthen human rights in Mexico.

INTRODUCTION

Mexico continues to be one of the most dangerous countries in the world to defend human rights and practice journalism. Attacks on defenders and journalists occur regularly, creating a worrisome environment of self-censorship and intimidation. In recent months, there have also been increasing and troubling attempts in Mexico to publicly discredit organizations that defend human rights and the freedom of expression, as well as regional and international human rights bodies and their representatives.¹

The international freedom of expression watchdog organization Article 19 estimated that in 2015, a journalist was attacked in Mexico every 22 hours and documented 397 acts of aggression against journalists during the year, which represents a 22 percent increase over 2014.² Between 2000 and May 3, 2016, Article 19 documented 93 cases of murdered journalists, 20 of which occurred during the current administration of President Peña Nieto.³

In the first five months of 2016 alone, at least five journalists in Mexico have been murdered as a likely consequence of their work.⁴ Most recently, on May 14, Manuel Torres was shot to death after covering an electoral campaign event in the state of Veracruz.⁵ Torres' death marks the sixteenth murder of a journalist in Veracruz since the current governor Javier Duarte de Ochoa took office in 2010.⁶ Journalist Anabel Flores Salazar was murdered in Veracruz on February 9, after being

kidnapped from her home by armed men.⁷ On April 25, Francisco Pacheco Beltrán, who reported on crime, violence, and local politics was shot to death in front of his home in the state of Guerrero.⁸ On January 21, Marcos Hernández Bautista, who covered politics and corruption in Oaxaca, was shot and killed.⁹ On February 20, Moisés Dagdug Lutzow was stabbed to death in the state of Tabasco after receiving threats for his reporting on local politics and violence.¹⁰

From 2006 to 2015, Mexico's National Human Rights Commission (*Comisión Nacional de los Derechos Humanos*, CNDH) received 380 complaints of attacks against human rights defenders, including 25 cases of murder between 2010 and 2015; 156 of these complaints (41 percent) were submitted during the current administration of President Peña Nieto.¹¹ The CNDH warned of an increase in murders and overall attacks on defenders, especially since 2011.¹² Organizations from the state of Chihuahua recently submitted a request to Mexico's Interior Ministry (*Secretaría de Gobernación*, SEGOB) to declare a preventative alert for the protection of human rights defenders given the gravity of the situation in the state.¹³ Both the UN High Commissioner for Human Rights and the Inter-American Commission for Human Rights (IACHR) have expressed concern about the ongoing harassment of human rights defenders and journalists in Mexico.¹⁴

THE PROTECTION MECHANISM

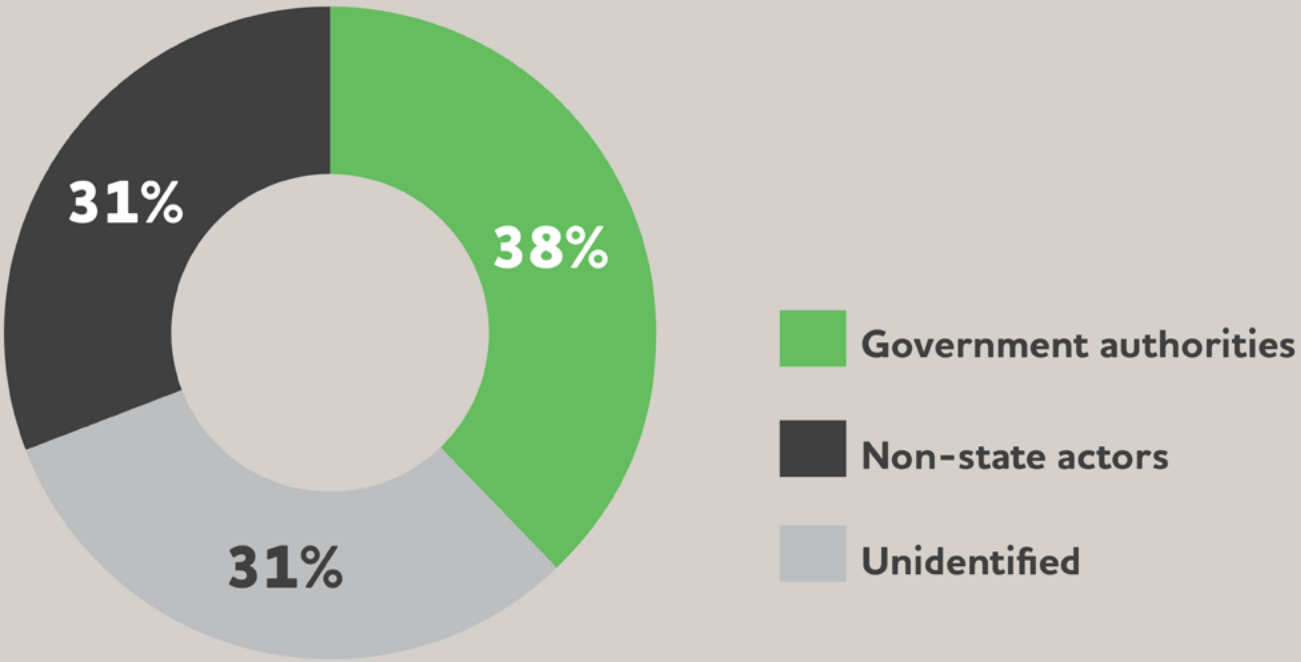
In November 2012, with significant pressure and support from Mexican civil society organizations, the Mexican federal government established the national Mechanism to Protect Human Rights Defenders and Journalists (*Mecanismo de Protección para Personas Defensoras de Derechos Humanos y Periodistas*).¹⁵ Since its creation and through April 2016, the Mechanism has received 389 requests for protection, 316 of which have been accepted, representing 519 individuals (300 defenders and 219 journalists). Fifty-two percent

of the Mechanism's accepted cases come from journalists and defenders located in: Veracruz, Guerrero, Oaxaca, Chiapas, and the Federal District (in the case of the Federal District, it is important to note that several protection requests come from individuals who have relocated to the city out of fear of persecution). Regarding the presumed aggressors, according to SEGOB, 153 are identified as government authorities (38 percent of total), 126 as individuals not associated with the government (31 percent), and 124 are not identified (31 percent).¹⁶

The most effective way to combat attacks and threats against journalists and defenders is to investigate and sanction those responsible for these crimes. However, if effectively implemented, the Mechanism provides people at risk with immediate access to protection. Given the Mechanism's important role in assisting journalists and defenders under threat, this document outlines the progress that has been made to consolidate the Mechanism, as well as the shortcomings that persist. It also provides a series of recommendations to the Mexican government to strengthen the Mechanism and to the U.S. government in its assistance to Mexico to protect human rights defenders and journalists.

This document is a follow-up to the February 2015 analysis of the Mechanism by Peace Brigades International (PBI) and the Washington Office on Latin America (WOLA).¹⁷ Since the Mechanism's creation, our organizations have monitored its implementation from the perspective of international human rights organizations. Additionally, PBI accompanies a number of defenders and organizations that receive protections under the Mechanism as well as the Civil Society Organizations' Space (*Espacio de Organizaciones de la Sociedad Civil*, henceforth "CSO Space"), a collective of journalists and human rights organizations that advocated for the creation of the Mechanism and now closely follow its trajectory.¹⁸

[FIGURE 1] OCT. 2012 - APR. 2016
PRESUMED AGGRESSORS IN CASES DOCUMENTED BY MEXICO'S PROTECTION MECHANISM



Source: <http://bit.ly/1TpTxaV>

ADVANCES

By establishing the Mechanism, the Mexican government sent an important signal of its recognition of the severity of the situation facing human rights defenders and journalists in the country. The law creating the Mechanism was signed by former president Felipe Calderon in June 2012 and the Mechanism was established in November 2012, just a month before current president Enrique Peña Nieto took office.¹⁹ Our organizations commend the Mexican government for taking this first step toward generating a safer environment in which freedom of expression and the defense of human rights can thrive. We also recognize and welcome the advances that have been made since the establishment of the Mechanism.

In particular, over the past year there has been greater openness on behalf of the Mexican government to engage with civil society to review the Mechanism's performance and discuss ways to address shortcomings. New leaders of key offices within SEGOB have been regarded as positive by civil society groups. This includes the April 2015 appointment of Roberto Campa Cifrián as SEGOB's Under Secretary for Human Rights and the May 2015 appointment of Sara Irene Herrerías Guerra as head of SEGOB's Human Rights Unit, which is charged with coordinating protection efforts with federal and state authorities. Among other posts, Herrerías Guerra had previously served as the Special Prosecutor for Violence against Women and Human Trafficking (FEVIMTRA) and as the Social Prosecutor for Attention to Victims of Crimes (ProVíctima). The human rights community has largely welcomed Herrerías Guerra's appointment, regarding her as possessing both the sensitivity and commitment to the Mechanism's cases, as well as the political savvy and technical experience needed to be a strong advocate within the government.

Within the Attorney General's Office (*Procuraduría General de la República*, PGR), the May 2015 appointment of Eber Betanzos Torres as Deputy Attorney General for Human Rights, Crime Prevention, and Community Service (*Subprocurador de los Derechos Humanos, Prevención del Delito y*

Servicios a la Comunidad) was initially well received, however there is concern among civil society that his appointment has not improved the PGR's participation in the Mechanism. (See Appendix A for details on the Mechanism's structure.)

Communication channels have opened between SEGOB and the CSO Space, allowing for the distribution of periodic reports compiled by SEGOB on the Mechanism's work, including a statistical breakdown of the number of requests received by state, the number of journalists and defenders granted protection, and the types of protection measures granted.²⁰ Although we recognize that circulating these reports with the CSO Space is a step towards greater transparency, it is hoped that the bureaucratic issues that prevent such reports from being published directly on SEGOB's website will quickly be overcome.

The backlog of cases which dominated the work of the Mechanism at its outset has largely been cleared by employing methodologies provided by technical experts from the international organization Freedom House, which has accompanied the Mechanism's development since it was established. The technical assistance provided by Freedom House experts has been essential in defining the Mechanism's work plan, strategies, and structure. However, after over three years of working with the Mechanism staff, Freedom House will be ceasing its direct support later this year. It is hoped that the Mechanism will increasingly be able to apply the skills gained through Freedom House's technical assistance and continue to make progress.

In August 2015, the Mechanism's Governing Board (*Junta de Gobierno*) established the long-awaited third and final unit of the Mechanism: the Unit for Prevention, Follow Up, and Analysis (*Unidad de Prevención, Seguimiento y Análisis*). The objective of the Third Unit is to analyze regional and local contexts and patterns of attacks in order to propose actions or public policy changes that can help prevent violence against journalists and defenders. The Unit is headed by Patricia Colchero Aragonés, who had

previously served in the PGR, the Federal District's Attorney General's Office, and the Federal District's Human Rights Commission. Civil society groups have welcomed Colchero Aragonés' leadership. The creation of the Third Unit is a significant step towards providing a more comprehensive form of protection to defenders and journalists, however, much work remains to establish the conceptual framework of the Unit and to ensure it is equipped with sufficient staff. Currently, there are only four staff members assigned to the Third Unit.

The Third Unit took an important first step toward prevention and issued a report in October 2015 that evaluated the high-risk situation journalists face in the state of Veracruz.²¹ This led to the signing of an agreement between the Protection Mechanism and the government of Veracruz to publicly condemn attacks on journalists, to implement public policies aimed at preventing attacks against journalists, and to refrain from stigmatizing or criminalizing journalists, among other measures.²² While this represents a crucial advance, to date the agreement has not had an overall impact on journalists' safety in the state. In the subsequent months, attacks have continued and two journalists have been murdered since the agreement was signed: Anabel Flores Salazar and Manuel Torres.²³ Both the government

of Veracruz and the federal Protection Mechanism must guarantee that the agreement is upheld.

In 2014, the Governing Board also designed a catalogue of protection measures which includes a greater number of measures than were previously available to beneficiaries. In its response to the Inter-American Commission on Human Rights' observations from its official visit in October 2015, the Mexican government announced that throughout 2016 the newly established Prevention Unit will be conducting follow-up studies on the effectiveness of commonly granted protection measures (for example, bodyguards, security cameras, satellite phones, police patrols).²⁴ An evaluation of panic buttons has already been carried out. Despite the numerous reports of problems with their functionality and effectiveness, panic buttons continue to be one of the most frequently granted protection measures. The results of the evaluation will be presented to the Mechanism's Governing Board, along with proposed solutions to the challenges identified. Given that each button costs MXN\$3,500 (approximately US\$200) per month to operate, it is important to evaluate whether the Mechanism's budget could be better spent on more effective protection measures.

CHALLENGES

While WOLA and PBI recognize the progress made in strengthening the Mechanism, it is important to note the challenges that persist so that they can be adequately addressed. Using case examples, we highlight below the various obstacles that remain with regard to the Mechanism's ability to adequately respond to the risks faced by human rights defenders

HUMAN RESOURCES

Although there have been notable improvements in the area of human resources since the outset of the Protection Mechanism, a number of shortcomings have been identified. There is a fundamental problem with regard to the number of staff: only approximately 37 individuals work in the Mechanism itself; these staff are tasked with receiving cases, carrying out risk analyses, drawing up conclusions, presenting findings, and monitoring implementation, follow up, and the reevaluation of cases, as well as addressing prevention. As of April 2016, the Mechanism was handling 316 cases, providing protection to 519 defenders and journalists.²⁶ The staff members are overworked and, despite putting in long hours, they often fail to meet deadlines, which then offsets the work of the Governing Board and delays the implementation of measures and follow-up.

For example, in June 2015, the offices of the Mexican civil society organization Cencos (*Centro Nacional de Comunicación Social*) were broken into; office computers, documents, and cameras were stolen. Cencos is dedicated to raising the voice of human rights defenders, journalists, communities, and indigenous peoples who may otherwise not be able to access media outlets, and to highlighting the injustices perpetrated against these groups. In

and journalists. Many of the challenges outlined below were also highlighted in the WOLA-PBI October 2014 analysis of the Mechanism. Similarly, many of these challenges were identified in the CSO Space's July 2015 report on the Mechanism, and in the IACHR's December 2015 report on the human rights situation in Mexico.²⁵

the days following the security incident, Cencos contacted the Mechanism to report the robbery and to request protection. Although the initial response of the Mechanism was swift, and analysts met with Cencos within days of the robbery, the actual installation of the protection measures granted did not occur until January 2016, almost seven months later. Delays such as these have been noted in a number of cases brought before the Mechanism, and have been attributed to an inadequate number of staff to handle the Mechanism's caseload and to follow through on the necessary processes to ensure the implementation of measures. Such delays place defenders and journalists who have suffered security incidents in an increasingly vulnerable position.

Furthermore, the working conditions have contributed to a high staff turnover, leading to significant gaps in case follow-up, reduced efficiency and promptness in responding to emergencies, and unnecessary burdens on the beneficiaries who must submit the same information to the Mechanism multiple times. Moreover, a high turnover signifies the frequent departure of staff members who have had access to highly sensitive information. Many of the other shortcomings outlined in this document stem directly from the problems associated with human resources.

BUDGET

The implementation and operation of the Mechanism's protection measures is financed by a trust fund (*Fondo para la Protección de Personas Defensoras de Derechos Humanos y Periodistas*) set up specifically for that purpose. There were initial problems accessing these funds due to

internal bureaucratic requirements, however the government recently reported that as of June 2015, approximately US\$4.2 million in funds had been allocated for protection measures, and approximately US\$20 million remains in the trust fund.²⁷

There are other elements of the Mechanism's budget which require further attention. Due to Mexico's budget allocation process, by the end of each year the Mechanism does not have money available for travel and other costs incurred by Mechanism staff, meaning staff are forced to use personal funds to pay for such expenses. Although these costs are later refunded when the new year's budget is approved, this system places analysts and the Mechanism under great strain and generates delays which often lead to a buildup of

cases brought before the Governing Board once a new budget is approved. Additionally, during the period when the budget has effectively run out, the Mechanism is not in a position to pay for beneficiaries to travel to Mexico City to participate in the Governing Board's discussion of their case. Although many government agencies face similar budgetary shortcomings toward the end of the year, this is particularly concerning in the case of the Mechanism as it is a body created to provide rapid response to individuals at risk.

ACCESSING THE MECHANISM ACCOMPANIMENT OF DEFENDERS AND JOURNALISTS

Civil society has raised concerns about a perceived lack of sensitivity and professionalism of some staff members within the Mechanism, particularly within the Case Reception and Rapid Reaction Unit (*Unidad de Recepción de Casos y Reacción Rápida*), which is the first point of contact for defenders and journalists seeking protection. Questions have been raised regarding the criteria used to admit or reject cases. In some instances, there have been differences of opinion regarding whether an individual is considered a human rights defender, and therefore whether a case is admitted for protection measures. In these cases, the Mechanism's staff has not applied the definitions of 'defender' included in the Mechanism Law and in the UN Declaration on Human Rights Defenders.²⁸ There have been similar instances during Governing Board proceedings.

For example, in early 2015, Romeo Montejo Díaz—a Tzotzil indigenous leader from a family with a long history of defending land rights and the environment in Chiapas—requested protection from the Mechanism for himself and five family members. In December 2014, two members of his family, who were also indigenous leaders, were murdered, and the family had received threats from the former mayor of their community. During the Mechanism's proceedings, Montejo Díaz was not provided with interpretation services and

the Governing Board concluded that he had not accredited that he was indigenous nor a human rights defender. Montejo Díaz appealed the decision and, in an important development, a federal judge ruled in December 2015 that the Mechanism's Governing Board had violated Montejo Díaz's rights and access to protection. The judge ordered the Governing Board to reassess the case and ensure that Montejo Díaz is provided with an interpreter and that a legal advisor is able to accompany him in the interview with the Governing Board.²⁹

Civil society organizations have noted that defenders and journalists seeking the Mechanism's protection without accompaniment by civil society or international organizations are treated differently than those with such accompaniment. Because the Mechanism exists to serve vulnerable journalists and defenders, it must be accessible to these individuals whether or not they are accompanied through the process. Cases that are accompanied by civil society organizations are often treated more seriously, move through the system more rapidly, and greater attention is paid to the implementation of measures. This highlights the lack of consistency regarding how cases are handled, and how difficult it can be for defenders or journalists to navigate their way through the Mechanism alone.

RISK ANALYSIS, PROTECTION MEASURES, AND IMPLEMENTATION

In spite of receiving significant training, there are ongoing concerns about the quality of the risk assessments by Mechanism staff. Instead of being carried out on objective grounds, using independently defined variables and the methodology developed by Freedom House, many assessments continue to be subjective and influenced by the attitude and level of experience of the individual analyst, which leads to disparities between cases. Although there are quality controls in place to ensure that analysts use the same criteria to assess cases before they are sent to the Governing Board for final determinations, often times these controls are not implemented or do not have an impact on the final outcome.

Currently only one person is responsible for conducting quality control reviews. As a result, when assessments are completed, they are often not prepared on time for the beneficiaries and Consultative Council members to provide observations before the Governing Board meetings, in which protection measures are finalized and granted. Therefore, the meetings often focus more on including these quality control observations rather than reaching agreement on the case itself. Quality controls must be implemented throughout the risk analysis process, not solely as a final step. Additionally, the Mechanism should develop a process to highlight good risk analysis practices.

Although the technical assistance provided by Freedom House was instrumental in bringing about a uniformed and systematic approach to conducting risk analysis, civil society has expressed concern that there is often a disconnect between the results produced and measures granted. In some cases it was reported that the same police body identified as the aggressor is the entity assigned the task of conducting police patrol rounds. Moreover, beneficiaries have found that the analysts sent to conduct the risk analysis are often more concerned with following the evaluation forms rather than understanding the root causes behind the risk. In some cases, analysts have been reported to focus on a narrow geographical area, for example, where the defenders live, without considering that they travel extensively throughout the state or country.

The experience of the Women's Human Rights Center (*Centro de Derechos Humanos de las Mujeres*, CEDEHM) in Chihuahua is representative of some of these problems. The CEDEHM legally represents victims of femicide, enforced disappearance, torture, human trafficking, and gender violence, as well as at-risk human rights defenders. CEDEHM receives precautionary measures from the Inter-American Commission on Human Rights and CEDEHM's director receives provisional measures from the Inter-American Court of Human Rights. Although both bodies have their own procedures for monitoring the fulfillment of the measures granted, the measures are often implemented through the Mechanism.

In August 2013, the Inter-American Court ordered that a risk analysis be conducted and it was carried out through Protection Mechanism. According to the beneficiaries, the analysis was completed with grave flaws, such as the inclusion of inaccurate information, a lack of sensitivity for the situation, and the failure to consider a gendered perspective. Given this, the Inter-American Court ordered a second risk analysis to be carried out with a gendered perspective. In October 2015, two analysts from the Mechanism traveled to Chihuahua to conduct a risk assessment for CEDEHM and its director. Members of CEDEHM report that analysts lacked experience and seemed to also lack the interest or the time to properly conduct the assessment. The analysts rigidly followed the evaluation forms without requesting additional information or considering the specific context in which CEDEHM works. The security evaluation of CEDEHM's office building was carried out through interviews with staff, rather than through an inspection of the building. Analysts also asked CEDEHM to sign and confirm that the risk assessment was completed before the evaluation was fully carried out.

Furthermore, in the case of defenders and journalists who are displaced as a result of their human rights work and who contact the Mechanism for protection from their place of relocation, the risk assessments are carried out in their new location and not in the area from where they were displaced. This complicates the possibility of returning and

continuing with their human rights work, and fails to reduce the real level of risk they face.

In the case of Silvia Pérez, a grassroots human rights defender in Oaxaca who faces significant threats in the community where she carries out her human rights work, the Mechanism's protection strategy has focused on ensuring Pérez's security where she lives, rather than on improving the security conditions in the community where she works and faces the highest risk. The Mechanism has provided a car and security measures for her house; however, these measures have not enabled Pérez to return to the community where she carries out her human rights work.

Apart from concerns regarding the assessments, civil society has continuously expressed concern that the protection measures provided are not adequately implemented.³⁰ Questions continue to be raised regarding the reliability of technological measures, such as panic buttons, cameras, and satellite phones. Questions too have been raised regarding who has access to images recorded by security cameras and where such information is stored, as well as the role of the security company contracted to install such measures. Furthermore, the installation of cameras and fences, and the presence of police and security guards are likely to draw attention to beneficiaries who may wish to maintain a low profile. These measures are also thought to raise the suspicions of neighbors given that added security and surveillance measures are often associated with drug cartel activity. These measures may therefore be counterproductive, provoking stigmatization and increasing the level of risk of the beneficiary. The Mechanism has a manual detailing the benefits and drawbacks of each measure, but often times the beneficiaries are not made aware of this fact.

Likewise, defenders and journalists have expressed concern that they are sometimes granted measures, such as panic buttons and police patrols, when they have specifically stated that these measures will not be effective in protecting them. In remote areas, for example, a panic button is of little use if police deployment in cases of emergencies will take an extended period of time.³¹

The case of Julián Carillo Martínez in the Sierra Tarahumara Mountains in Chihuahua is a clear example of the limitations of the Mechanism's protection and the challenges to protecting beneficiaries in remote locations. Julián Carillo Martínez is a human rights defender addressing land rights in a rural community in the Sierra Mountains. Carrillo Martínez together with two members of the accompanying organization Alianza Sierra Madre based in Chihuahua City became beneficiaries of the Mechanism on February 20, 2014. Given the remoteness of Carillo's community, a risk analyst was not able to reach the community and perform a risk analysis. In July 2015, the community defenders received satellite phones, but they rarely capture the satellite signal. On February 5, 2016, Carillo's son was shot and killed, and Carillo fled for safety. The following day he notified the state prosecutor's office of the attack, however, state police were not able to arrive until the following day. It is important for the Mechanism to explore protection alternatives for situations in which authorities are not located in close range or in which technological measures will not function or have a real impact. Additionally, this case highlights the importance of preventative action and of the capacity to preemptively detect persons who may be at-risk due to their relationship with a Mechanism beneficiary, particularly family members.

Furthermore, if a beneficiary suffers an attack while receiving protection from the Mechanism, there is no protocol in place that demands that the case is immediately reviewed to adjust the protection strategy accordingly. Rather such adjustments are generally only considered when the case is up for review, regardless of whether the level of risk increases. Similarly, there are concerns about how to cease protection measures when the beneficiary and the Mechanism disagree on whether a beneficiary is still at risk. The Juan Gerardi Human Rights Center—an organization based in Torreón, Coahuila that provides assistance to migrants and accompanies the families of disappeared persons—was granted protection measures in July 2014 and its level of risk was determined to be “extraordinary.”³² While receiving protection under the Mechanism, the Center has experienced various security incidents, including an attempted break-in on November

10, 2015, in which surveillance cameras and other security measures installed by the Mechanism were destroyed.³³ Despite the increase in security incidents, the Mechanism downgraded the Center's level of risk to "ordinary" in its reevaluation of the case in December 2015, a decision that does not reflect the reality of the risk the organization faces.

With regard to bodyguards, defenders and journalists continue to express concern that they often have a military background, and therefore view protection through a narrow lens that is not consistent with civilian protection. Additionally, there is a lack of understanding on part of both

parties regarding the nature of this protection measure and relationship: bodyguards are not educated on the specific nature of risk faced by defenders or journalists, and the beneficiaries are not made aware of the type of protection bodyguards provide. Overall, there is also little information available for defenders and journalists about how certain measures function, such as the panic buttons or satellite phones, and about what constitutes appropriate use of protection measures. This lack of clarity on appropriate usage has caused some beneficiaries to have their case reviewed due to alleged abuse of protection measures.

IMPUNITY AND POLITICAL WILL

The Mechanism operates in a context in which approximately 98 percent of crimes committed in Mexico remain unresolved.³⁴ Without addressing the impunity that prevails in cases of attacks against human rights defenders and journalists, the protection measures provided by the Mechanism can never fully guarantee the safety of those at risk. The failure to investigate and sanction those who attack human rights defenders and journalists sends the signal to the aggressor that there are no consequences to committing this type of crime, and creates an environment conducive to repetition.

Although the Mechanism itself does not have the authority to investigate crimes, the federal Deputy Attorney General for Human Rights sits on the Mechanism's Governing Board and has the ability to advance federal investigations and coordinate with local authorities to ensure investigations are carried out. Despite this, many cases are not effectively pursued. As WOLA and PBI have previously noted, the PGR and its Special Prosecutor for Crimes Against Freedom of Expression (*Fiscalía Especial para la Atención de Delitos cometidos contra la Libertad de Expresión*), which is responsible for investigating many of the cases involving journalists, have been criticized by civil society for failing to make more significant progress in investigations. The federal government registered 103 journalists who were murdered between 2000 and November 2015. Since its creation in July 2010 and as of November 2015, the FEADLE reports only 31 investigations into homicides of journalists.³⁵

Through its accompaniment of defenders and journalists seeking protection under the Mechanism, the Mexican human rights organization Propuesta Cívica, has documented 94 criminal investigations opened in connection with a sample of their cases (52 in local jurisdiction and 42 in federal jurisdiction). However, only four of these investigations have resulted in charges being brought before a judge.³⁶

The Mechanism is a short-term solution to the insecurity defenders and journalists face in Mexico; until authorities investigate and prosecute these crimes, defenders and journalists will continue to be victims of defamation, threats, and abuse.

WOLA and PBI, as well as the CSO Space and various civil society organizations, have repeatedly highlighted the need for a stronger commitment from the Mexican government, at both the federal and state level, to the Mechanism and to the work of human rights defenders and journalists.³⁷ Civil society organizations and the Mechanism's beneficiaries have commented that many members of the Mechanism's staff and government representatives on the Governing Board have not demonstrated a commitment to ensuring a sound protection strategy for journalists and defenders at-risk. At the state and municipal level, there is a concerning lack of coordination with the Mechanism and lack of the implementation of protection measures.³⁸

RECOMMENDATIONS

To SEGOB and the Mexican authorities on the Mechanism's Governing Board:

PUBLIC RECOGNITION

- Recognize, via public statements, the important role that human rights defenders and journalists play in a democratic Mexico, the situation of risk in which they live due to their work, and the responsibility of the federal and state governments to protect them.

CONTINUE IMPROVING RISK ANALYSIS PRACTICES

- Ensure that the protection measures granted to human rights defenders and journalists take into account the specific context within which a beneficiary works as well as the beneficiary's gender, and ensure that measures distinguish between the aggressor and the authority assigned to protect the beneficiary.
- Ensure ongoing training for Mechanism staff and a sufficient number of personnel.

GUARANTEE ACCESS TO THE MECHANISM AND EDUCATION

- Ensure that beneficiaries are able to attend the Governing Board meeting in which their case is discussed.
- Ensure that access to the Mechanism is based on the definitions of "human rights defender" included in the Mechanism Law and the UN Declaration on Human Rights Defenders.
- Make available for the Governing Board information regarding cases rejected by the Mechanism; include the petitioner's location, gender, age, and situation and the reasoning for the rejection.
- Develop informational documents to be distributed to beneficiaries and civil society that clearly describe the process to request protection and what to expect from the protection measures. Ensure ample dissemination of this information.
- Work with the security company to better educate staff on the nature of journalists' and defenders' work, the risks they face as a result, and how to respond with more sensitivity to these risks. Provide an introductory training to bodyguards assigned to work with a defender or journalist.

RECOMMENDATIONS

IMPROVE COOPERATION AT THE STATE AND LOCAL LEVEL

- Work in close cooperation with state and municipal governments to guarantee the implementation of the Mechanism's measures. Improve communication and coordination channels and identify local-level contacts responsible for implementing the Mechanism's protection measures.

REPORT ON THE EFFECTIVENESS OF PROTECTION MEASURES

- Follow through on the announcement to evaluate commonly granted protection measures and report the findings and proposed solutions to the Governing Board. This information should also be made available to the CSO Space and other civil society organizations.

To Mexico's state and municipal governments:

- Recognize, via public statements, the important role which human rights defenders and journalists have to play in a democratic Mexico, the situation of risk in which they live due to their work, and the responsibility of state governments to protect them.
- Define specific authorities responsible for coordinating with federal authorities and Mechanism staff to guarantee the proper implementation of protection measures.
- Establish within the state public prosecutors' offices a special program to investigate attacks against journalists and human rights defenders.

U.S. SUPPORT FOR THE MECHANISM

Through USAID programs, the U.S. government continues to provide assistance to the Protection Mechanism, and to human rights defenders and journalists. From 2014 to 2018, the United States has designated an estimated US\$25 million in USAID funding to strengthen human rights in Mexico.³⁹ The total estimated funding supporting human rights efforts since 2009 through 2018 is approximately US\$38 million. Of these funds, US\$6.8 million has been provided to Freedom House for its programs through 2018, including support for the Mechanism.

In 2012, the United States supported the legislative framework that established the Mechanism. Presently, the United States, through USAID, supports programs that seek to strengthen coordination to prevent human rights violations, strengthen institutional capacity to design and implement public policies with a human rights focus, improve investigations of cases of torture and disappearances, build the capacity of human rights defenders, and promote freedom of expression.⁴⁰ Continued support for human rights in Mexico was outlined in the State Department's 2017 budget justification.⁴¹

USAID funds continue to support the technical assistance that Freedom House provides to the Mechanism staff. Freedom House began its third phase of technical assistance in October 2015 with the goal of ensuring sustainability for the progress made in previous phases of assistance. Freedom House is working with the Case Reception and Rapid Reaction Unit to develop a guide on how to respond to phone calls with requests for protection, and clear criteria regarding which cases qualify to receive protection from the Mechanism. Freedom House continues to work with the Risk Evaluation Unit on improving risk analysis practices, including a focus on gender and protection measures for whole organizations or large groups.⁴² Additionally, Freedom House is working with the newly established Unit for Prevention, Monitoring, and Analysis to develop the Unit's conceptual framework and methodology.

Given the significant support the United States government has provided to the Protection Mechanism and to journalists and human rights defenders in Mexico, and given the increasing number of cases submitted to the Mechanism, in future engagement with Mexico on this issue, U.S. policymakers should:

RECOMMENDATIONS

- Continue to provide robust support for the Mechanism and other initiatives to protect human rights defenders and journalists in Mexico.
- Both publicly and privately, express support at the highest levels for human rights defenders and journalists and for the Protection Mechanism. Communicate the expectation that the Mechanism functions properly.
- Meet with representatives of the CSO Space at their request.
- Request information from SEGOB regarding plans to continue strengthening the Mechanism and to guarantee its long-term sustainability. Additionally, request information about key indicators of the Mechanism's success, including the average time it takes to respond to requests and the number of beneficiaries who report security incidents after having requested the Mechanism's protection.

APPENDIX

STRUCTURE OF THE MECHANISM

The Mechanism is under the Human Rights Unit of the Interior Ministry (*Secretaría de Gobernación, SEGOB*).

There are three units tasked with receiving the initial request for protection, processing the information, conducting a risk analysis, and granting measures. These are: the Unit for Case Reception and Rapid Reaction (*Unidad de Recepción de Casos y Reacción Rápida*); Risk Evaluation Unit (*Unidad de Evaluación de Riesgos*); Unit for Prevention, Monitoring, and Analysis (*Unidad de Prevención, Seguimiento y Análisis*).

The Governing Board oversees the Mechanism. It is made up of representatives—at the under secretary (*subsecretario*) level or equivalent—from SEGOB, the National Security Commission (*Comisión Nacional de Seguridad, CNS*), the Foreign Affairs Ministry (*Secretaría de Relaciones Exteriores, SRE*), the Federal Attorney General's

Office (*Procuraduría General de la República, PGR*), the National Human Rights Commission (*Comisión Nacional de los Derechos Humanos, CNDH*), and four representatives of the Consultative Council. The Governing Board is chaired by the SEGOB representative, who has ultimate responsibility for the proper functioning of the Mechanism and the correct implementation of its protective measures.

The Consultative Council (*Consejo Consultivo*) monitors the Mechanism and sends representatives to its Governing Board. This council consists of nine human rights defenders, journalists, and civil society representatives, who are elected by civil society and work on a volunteer basis.

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

NOTES

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¹⁹ Diario Oficial de la Federación, “Decreto por el que se expide la Ley para la Protección de Personas Defensoras de Derechos Humanos y Periodistas.”

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ABOUT WOLA

WOLA is a leading research and advocacy organization advancing human rights in the Americas. We envision a future where public policies in the Americas protect human rights and recognize human dignity, and where justice overcomes violence.

ABOUT PBI

Peace Brigades International (PBI) is a nongovernmental organization with 30 years of experience in international accompaniment. PBI has maintained a permanent presence in Mexico since 1999 and aims to protect spaces for people and organizations that non-violently promote human rights and who suffer from repression as a result of their work.

