



HIGH PRIORITY TOPICS
FOR GUARANTEEING THE RIGHT TO DEFEND

**HUMAN RIGHTS AND
FREEDOM OF EXPRESSION**

“

High priority topics
for guaranteeing the
right to defend human
rights and freedom
of expression”

ESPACIO_OSC

Para la Protección de Personas Defensoras y Periodistas





High priority topics for guaranteeing the right to defend human rights and freedom of expression.

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1. Conceptual and normative framework



1.1.



Introduction

México remains one of the most dangerous countries for the exercise of the right to defend human rights and freedom of expression. Since the beginning of Andrés Manuel López Obrador's administration on December 1, 2018, violence against human rights defenders and journalists has worsened. From December 2018 to February 2022, at least 55 homicides of journalists and 98 homicides against human rights defenders were registered.ⁱ

In this context, the 10 Mexican entities with the highest percentage of homicides are Oaxaca, Mexico City, Guerrero, Michoacán, Tamaulipas, Chiapas, Quintana Roo, Jalisco, Veracruz and the State of México.ⁱⁱ

In the case of journalists, impunity related to homicides committed during the aforementioned period reaches 91%, with only five sentences issued; in the case of murdered human rights defenders, the percentage is 99%, with only two sentences issued.ⁱⁱⁱ

In addition to assaults on their lives, defenders and journalists face smear campaigns, acts of intimidation and harassment, threats, physical and digital attacks, arbitrary detentions, use of the justice system against them, forced displacement, among others. In this type of aggressions, impunity is even more flagrant than in homicide cases, and in most cases there is not even a record of the number of investigation files opened on the matter.

According to official figures, attacks on human rights defenders and journalists come mainly from public agents (who, however, have the duty to protect them) and, in second place, from private actors, specifically corporations and organized crime.^{iv}

Despite this situation, human rights defenders and journalists continue to assume roles of leadership, defense of rights and reconstruction of the social order, thus becoming agents of change. However, the recognition of this work, their protection and guaranteeing the effective en-

joyment of their rights are obligations and commitments of the Mexican State that are still unfulfilled.

Given these challenges, starting in October 2018, a series of meetings convened by the *Espacio de Organizaciones de la Sociedad Civil para la Protección de Personas Defensoras de Derechos Humanos y Periodistas* (hereinafter, *Espacio OSC*) began in the cities of Mexico and Oaxaca, in order to discuss the generation of public policies for the right to defend rights, as well as to study and analyze the complexity of situations of violence and protection needs in each of the respective local contexts.▼

As a result of these discussions, the need for a new paradigm of protection that recognizes human rights defenders and journalists as subjects of rights and not only objects of protection has been highlighted, which implies the generation of a broader public policy aimed at guaranteeing both life and personal integrity, as well as the exercise of the right to defend human rights and the right to freedom of expression.

In order to contribute to the generation of a comprehensive public policy that guarantees the right to defend human rights and freedom of expression, we at *Espacio OSC* have prepared this document, which consists of four strategic axes:

1) prevention, 2) protection, 3) investigation, 4) reparation and guarantees of non-repetition, which are considered priority actions for the transition to a new public policy model that can reverse the rates of violence and violations in the defense of human rights.

The action guidelines of these axes require political will and intentionality to be included, constructed and developed by the competent government entities also mentioned, through the generation of dialogues and the provision of human and financial resources and political support for their effective implementation. In addition, this will require harmoniza-

“ **a new paradigm of protection that recognizes human rights defenders and journalists as subjects of rights and not only objects of protection** ”



tion with the rest of the regulations and systems for the protection of human rights, being fundamental to guarantee at all times proper reporting and the participation of human rights defenders and journalists in the process of decision-making that affects them.

For this purpose, the document includes a systematization of normative frameworks, a brief description of the context of human rights defenders and journalists, a list of problems that should be periodically updated and a series of strategies, objectives and guidelines to be implemented. Moreover, the final section describes a series of general guidelines for their development, as well as procedures for follow-up, which, given the imminent need and urgency of reversing the situation of violence faced by human rights defenders and journalists, it is hoped will be taken into account by government agencies.

1.2.

Justification

The failure of the Mexican State to comply with its obligations to guarantee the work of human rights defenders and journalists should lead to a reinforcement of its responsibilities in the search for opportune responses, in order to analyze and address the situation of risk faced by human rights defenders, journalists, media, organizations, collectives and communities.

As stated by the Inter-American Commission on Human Rights (IACHR), a comprehensive protection policy must be based on the recognition of the interrelation and interdependence of the State's obligations to enable human rights defenders to freely and safely carry out their work in defense of human rights, which implies public policies and measures aimed at respecting their work, preventing violations of their rights, investigating with due diligence the perpetrators of violence against them and punishing the intellectual and material perpetrators of such aggressions.^{vi}

The generation of these protection policies implies a coordinated institutional effort that recognizes and addresses both the set of obligations that the Mexican State has, as well as the risks against defenders and journalists that affect them in a differential and disproportionate manner. This is the case, for example, of women human rights defenders, women journalists, defenders of land and territory and indigenous and Afro-descendant communities, *on whom violence must be conceived as structural, with an impact on socio-political and economic issues, protection of rights, class, race and gender.*

In light of this situation, the creation and implementation of a comprehensive public policy for protection must be understood as a process that goes beyond the promulgation of a normative framework; it must also provide a well-timed response to the violation of the rights of human rights defenders through a process of continuous and joint dialogue between civil society (with the majority of voices and pluralities of human rights defenders), government agencies and the international community. This in order to analyze and address risk situations, analyze causes and patterns, and concrete proposals for each of the problems identified by each axis of action. On the other hand, public policy must ensure the assignment of responsibilities regarding prevention, protection, investigation and reparation among state, municipal and federal authorities, always within their mandate and scope of responsibility, in order to favor clear leadership and transparency.

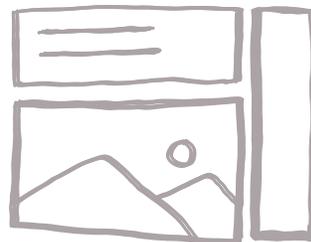
The priority topics to guarantee *the right to defend human rights and the right to freedom of expression* seek to strengthen the conditions for the exercise of the defense of human rights and the practice of journalism, so that the State, at all levels of government and autonomous institutions, promotes actions aimed at guaranteeing that individuals, organizations, collectivities and communities freely exercise their rights, through inter-institutional coordination actions that guarantee *dignified conditions* for the exercise of their defense, protect their work and safeguard the life, freedom, integrity and safety of human rights defenders and journalists.

“public policy must ensure the assignment of responsibilities regarding prevention, protection, investigation and reparation



The creation of a public policy to guarantee the right to defend human rights and freedom of expression must adopt an integral protection approach, based on international standards and best national and international practices, inspired by the principles established in the Declaration on Human Rights Defenders, as well as *include a cross-cutting gender perspective and an intersectional and intercultural approach.*

1.3.



Normative Framework

a) International

- » Universal Declaration of Human Rights.
- » Convention on the Political Rights of Women (1952).
- » International Covenant on Civil and Political Rights (1966).
- » International Covenant on Economic, Social and Cultural Rights (1966).
- » American Convention on Human Rights (1969)
- » Convention on the Elimination of All Forms of Discrimination against Women 'CEDAW' (1979)
- » ILO Convention 169 on Indigenous and Tribal Peoples (1991)
- » Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of

Belém do Pará) (1994)

- » Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by Resolution A/RES/53/144 (1999)
- » OAS General Assembly Resolution 1671 on Human Rights Defenders in the Americas (1999)
- » Resolution 68/181 United Nations General Assembly (2013)
- » Resolution N 72/247 United Nations General Assembly (2017)
- » Regional Agreement on Access to Information, Public Participation and Access to Justice on Environmental Matters in Latin America and the Caribbean (2021)
- » International Convention on the Elimination of All Forms of Racial Discrimination (1965)
- » Declaration of Principles on Freedom of Expression (2000)
- » Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (1998)
- » United Nations Declaration on the Rights of Indigenous Peoples (2007)

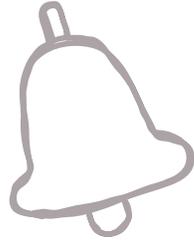
b) National

- » Political Constitution of the United Mexican States
- » Law for the Protection of Human Rights Defenders and Journalists (2012).
- » Law number 586 of Veracruz that creates the State Commission for the Attention and Protection of Journalists (2012).
- » Law for the Protection of Human Rights Defenders and Safeguarding the Rights of Journalists in Hidalgo (2012).
- » Durango State Law for the Protection of Journalists and Human Rights Defenders (2014).
- » Law for the Protection of Journalists for the State of Coahuila de Zaragoza (2014).
- » Law for the Comprehensive Protection of Human Rights Defenders and Journalists of the Federal District (2015).
- » Law for the Protection of Human Rights Defenders and Journalists of the State of Jalisco (2016).
- » Law for the Protection of Human Rights Defenders for the State of Coahuila (2016).
- » Law for the Protection of Human Rights Defenders and Journalists of the State of Nayarit (2017).
- » Law for the Protection of Human Rights Defenders and Journalists for the State of Tamaulipas (2017).

- » Law for the Protection of Human Rights Defenders and Journalists for the State of Guanajuato (2017).
- » Agreement of the Executive of the State of Puebla, creating the Commission for the Protection of Human Rights Defenders and Journalists (2017).
- » Homologated Protocol for the Investigation of Crimes Committed against Freedom of Speech, Office of the Attorney General of the Republic (2018).
- » Coordination Protocol for the Protection of Human Rights Defenders and Journalists (2017).
- » Law for the Protection of Journalists and Human Rights Defenders of the State of Morelos (2018).
- » Law for the Protection of Human Rights Defenders and Journalists of the State of Michoacan de Ocampo (2019)
- » Law for the Comprehensive Protection of Journalists and Human Rights Defenders in the State of Mexico (2021)
- » Law for the Protection of Human Rights Defenders and Journalists in the State of San Luis Potosi (2021)
- » Decree creating the local office for the protection of human rights defenders and journalists in the state of Tlaxcala, as an administrative body of the Secretariat of Government (2022)
- » General Law on Women's Access to a Life Free of Violence
- » General Law for the Equality between Women and Men.
- » Federal Law for the Prevention and Eradication of Discrimination
- » Law of the National Institute of Indigenous Peoples.
- » Agrarian Law.



1.4.



Rights of human rights defenders and duties of the State^{vii}

a) Rights of human rights defenders

01. To pursue the protection and fulfillment of human rights at both national and international levels.

02. To work for human rights, individually or in association with others.

03. To form associations and Non-Governmental Organizations (NGOs).

04. To assemble or demonstrate peacefully.

05. To have effective legal and administrative remedies.

06. To gather, obtain, receive and possess information about human rights.

07. To develop and discuss new ideas and principles related to human rights and advocate their acceptance.

08. To submit criticisms and proposals to governmental bodies and agencies and organizations concerned with public affairs, to improve their functioning and to draw attention to any aspect of their work that may impede the realization of human rights.

09. To denounce official policies and actions in relation to human rights and to have such complaints reviewed.

10. Legitimately exercise the occupation or profession of human rights defender.

11. To obtain effective protection under national laws when reacting or opposing, by peaceful means, activities, acts and omissions attributable to States that cause human rights violations.

12. Attend public hearings, proceedings and trials to form an opinion on compliance with national standards and international human rights obligations.

13. To address and communicate without hindrance with non-governmental and intergovernmental organization.

14. To offer and provide professional counsel or other relevant advice or assistance in the defense of human rights.

02. To request, receive and use resources for the purpose of protecting human rights.

b) Rights of journalists

01. The right to seek, receive and spread information and opinions freely.

03. To communicate their opinions by any means and in any form.

04. To be free from prior constraints, such as truthfulness, timeliness or impartiality.

02. To have equal opportunity to receive, seek and spread information by any media without discrimination.

05. The right to confidentiality of their sources of information, notes and personal and professional files.

b) Duties of States

The obligations of the Mexican State concerning human rights materialize the meaning of an integral policy through their interrelation and interdependence. The content of these obligations of the Mexican State is as follows:

01. To protect, promote and fulfill all human rights.

03. To adopt the legislative, administrative and any other measures needed to ensure the effective implementation of rights and freedoms.

04. To conduct a well-timed and impartial investigation into alleged human rights violations.

02. To ensure that all people under its jurisdiction are able to enjoy in practice all social, economic, political and other rights and freedoms.

05. To take all necessary measures to ensure the protection of all people against any form of violence, threat, reprisal, adverse discrimination, pressure or any other arbitrary action resulting from the legitimate exercise of the rights contained in the aforementioned Declaration.

06. To promote public understanding of civil, political, economic, social and cultural rights.

07. To promote and facilitate the teaching of human rights at all levels of formal education and professional formation

1.5.



Main risks in Mexico for human rights defenders and journalists

This section describes the general situation in Mexico regarding the defense of human rights and the right to freedom of expression.

As various national and international human rights organizations and government institutions have argued, despite some institutional progress in the protection of human rights defenders and journalists, the level of violence against them in Mexico is still alarmingly high. Following her visit to Mexico in 2019, *the United Nations High Commissioner for Human Rights, Michelle Bachelet*, pointed out that 'the situation of human rights defenders and journalists continues to be alarming.'^{viii}

Throughout 2021, the Environmental Law Center (CEMDA) documented the murder of 25 environmental defenders^{ix}, while *ARTICLE 19* recor-

ded 7 journalists assassinated during the same period presumably for reasons related to their work. In addition to this, 8 journalists and at least 4 human rights defenders were murdered between January and April 2022.^x

In addition to the murders of journalists, ARTICLE 19 reports that in Mexico one aggression against the press was registered every 14 hours, with 644 documented attacks during the year 2021. Of these attacks, the Mexican State was involved in two out of every five aggressions, while the subjects most linked to violence against journalists were corruption and politics. So far in the current six-year term, 1,945 aggressions against the press have been documented.

Likewise, in the last three years the National Network of Women Human Rights Defenders in Mexico has documented persistent acts of violence against women human rights defenders and women journalists, connected to their work. *In 2019 the RNDDHM recorded 812 aggressions*, 1,700 in 2020 and 1,125 in 2021, in particular and mainly: threats, harassment and intimidation, impediments or attacks for disseminating or receiving information.^{xi}

The activities of defenders and journalists in Mexico are also criminalized through the improper or intentional use of criminal and civil legislation, in addition to the manipulation of the Judiciary by public and non-public agents. In general, such criminalization begins with the formulation of unfounded accusations or statements and is intended to have a deterrent effect, not only for defenders, but also for society in general, by weakening social movements and, in many cases, causing the population to desist from demanding their rights and filing complaints for certain crimes.

On the other hand, *defamatory campaigns and stigmatizing discourse* against human rights defenders and journalists, aimed at undermining their work, are of great concern at the national and international levels, especially due to their persistence and impact. In general, these aggressions come from the highest levels of public power and send a message of permissiveness to other government agencies at the federal, state and municipal levels.^{xii} This is how these types of actions have been replicated at all levels of government, with discredit and lack of recognition of the exercise of a right becoming more common. Furthermore, in recent years the misogynist, sexist, homophobic, transphobic and racist discourse of political leaders has normalized violence against women defenders, racialized populations and sexual dissidence. Therefore, stigmatization also has a notable intersectional component when directed against these sectors.

In this regard, in 2022, during *the judgment of the Inter-American Court of Human Rights (IACHR) in the case of Digna Ochoa y Plácido and family members vs. Mexico* ^{xiii} the court noted the generalized panorama of im-

punity in the murders of human rights defenders, *identifying patterns of irregularities in the investigations*, such as gender stereotypes, violation of the reasonable delay of the investigations, dissociation of the work of human rights defense and lack of due diligence in the collection of evidence and presentation of the case.

The inability of the Mexican State to investigate and punish the perpetrators and instigators of those aggressions sends the message that such crimes do not have the slightest consequences, which creates an environment that favors systematic human rights violations. Despite the existence of the Special Prosecutor's Office for Attention to Crimes Committed against Freedom of Expression (*FEADLE*), impunity for crimes against journalists persists and, in the case of human rights defenders, there are no records of investigation files at the state and federal level, and impunity is even greater.

Furthermore, the situation of indigenous rights defenders is extremely concerning. The increase in *the number of urban construction projects and land takeovers in various territories has also increased* socio-environmental conflicts. In this context, the populations that defend their lands as sacred and vital for their existence and culture are among the most abused.^{xiv} Members of these same populations are also victims of harassment, arbitrary detentions, torture, forced disappearances and executions, acts that are mostly not investigated. Finally, it should be noted that due to the geographical difficulties related to these populations, many of the measures granted by the Protection Mechanism (discussed below) are impracticable because they are not suitable for the context.

In June 2012, under the initiative and impulse of social and human rights organizations and in response to the violence suffered in this sector, the Congress of the Union enacted *the Law for the Protection of Human Rights Defenders and Journalists*.^{xv} This law creates the Protection Mechanism for the State to fulfill its fundamental responsibility to protect, promote and guarantee human rights; it also aims to establish cooperation between the Federation and the Federal Entities in order to implement and operate the *Prevention Measures, Preventive Measures and Urgent Protection Measures that guarantee the life, integrity, freedom* and security of persons who are at risk as a result of their work in the defense of human rights.

As pointed out by the Office of the High Commissioner for Human Rights in Mexico, almost ten years after the enactment of the aforementioned law, the Mechanism is a fundamental instance that has managed to protect the life and integrity of various persons, demonstrating a broad capacity in its objectives, derived from the participation and impulse of civil society, with a sufficiently flexible policy framework for the development of its operations.

It is also true, however, that its progress in operationalization is still insufficient and has not been able to counteract the rates of violence and limitations to the defense of human rights and the right to freedom of expression.

“*impunity for crimes against journalists persists and, in the case of human rights defenders, there are no records of investigation*”

In this regard, it has been observed, for example, that the procedures for admission and follow-up of reevaluation of protection plans continue outside the term of the Law (prolonged times even before the covid 19 sanitary crisis). There is also a persistent lack of trained personnel within the Mechanism, as well as a lack of prevention actions and due coordination between the Mechanism's units and the institutions that make up the Governing Board.

In order to strengthen the Mechanism, in 2019 the *UN-DH Office* in Mexico conducted a diagnosis of its functioning, at the request of the Ministry of the Interior. As a result of that diagnosis, 106 recommendations were issued, of which 104 were accepted in their entirety by the Mexican State.^{xvi}

The recommendations were directed specifically to the Mechanism's Governing Board, to the National Executive Coordination, which is operated by the Ministry of the Interior, and to the rest of the government institutions. However, up to date, there is no known balance on the status of their compliance and there is no evidence of a strengthening of the Mechanism's operability.

On the contrary: during the last few months a certain political fragility of the Mechanism has been perceived, reflected in *the lack of action of the institutions that conform and participate in the Governing Board*, as is the case of the Attorney General's Office (FGR), the National Human Rights Commission (CNDH) and the Executive Commission for Attention to Victims (CEAV), which systematically omit to report actions carried out within the protection plans or regarding the progress of investigations or criminal proceedings related to human rights defenders and journalists.^{xvii}

Currently, there are at least 18 states in the country with regulatory frameworks for the protection of human rights defenders and journalists. In addition, at least 12 State Protection Units (UEP) have been recently created, however, in the case of these, they have not been properly implemented and most of them do not have the regulations, personnel and resources to operate adequately.^{xviii}

In this scenario, ensuring coordination and co-responsibility between federal and state authorities for the implementation of protection plans becomes a challenge, especially considering that the *highest percentage of documented aggressions come from state and municipal government agencies*.



Members of these same populations are also victims of harassment, arbitrary detentions, torture, forced disappearances and executions, acts that are mostly not investigated

2.

Priority Topics



A public policy designed to guarantee the exercise of the right to defend human rights and freedom of expression must be aimed towards generating institutional capacities *to prevent and address both violence against human rights defenders and journalists, as well as the limits on the exercise of their rights.*

This implies the generation of human and financial resources for its operation, as well as the will for a determined political action in the conduction of each of the actions by the government entities.

The objective would be to guarantee that individuals, media, organizations, collectivities and communities freely exercise their right to defend human rights and freedom of expression, through inter-institutional coordination actions that protect the work, life, freedom, integrity and safety of defenders and journalists.

The priority topics are structured along four axes that respond to the problems and risks identified:

Prevention

Aimed at enhancing the capacity to identify risks and strengthen the work and leadership of human rights defenders, journalists and organizations that defend human rights.

Protection

Focused on generating institutional responses to situations of imminent risk and the adaptation of procedures and measures with a gender, differential and community approach.

Investigation

Aimed at strengthening the capacities of justice agencies.

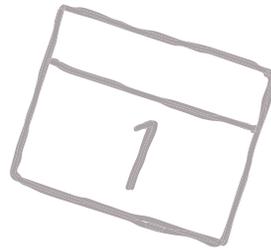
Reparation and guarantees of non-repetition

Aimed at generating the conditions to ensure that human rights violations do not occur again, by resorting to historical memory and compensation for damages

“ *The objective would be to guarantee that individuals, media, organizations, collectivities and communities freely exercise their right to defend human rights and freedom of expression* ”

Priority actions are defined by axes, objectives and action guidelines.

2.1.



Prevention

The lack of recognition and respect for the work of human rights defenders and journalists, the shutting down of institutional spaces for dialogue and consultation, and the difficulties in carrying out their defense and information work (such as lack of recognition of their work, smear campaigns, precariousness and others) are three factors that increase the risks against both populations. This situation is aggravated by the insufficient institutional capacity to identify and manage risks from a gender, differential and community approach, as well as *to raise the visibility and awareness of public servants* at all levels of government in accordance with their *human rights obligations*.

To face this situation, institutional actions are required in order to:

- A** Strengthen capacities in the identification and management of risk with a gender, differential and community approach.
- B** Publicly recognize and support the work of human rights defenders, journalists and civil society organizations.
- C** Investigate and sanction public servants by criminal, administrative, civil or political channels.



Strategy:

Strengthening the work of human rights defenders, journalists and civil society organizations..

Specific Objective:

To increase capacities for the participation and exercise of the work of human rights defenders, journalists and civil society organizations.



Action guidelines >>>>

To have an updated registry of aggressions at the local and national level that allow us to know the magnitude of the phenomenon, through the identification of patterns of attacks, aggressions and obstacles to the right to defend human rights the defense of human rights and the exercise of journalism.

To design risk maps at the municipal, state and national levels, with determined periodicity, that help to visibilize risk situations but without jeopardizing even more the security of defenders and journalists.

To establish early warnings or contingency plans in areas of greatest risk for human rights defenders and journalists, in order to combat with greater force the structural causes that generate and allow aggressions and limitations against people who exercise the right to defend human rights and freedom of expression. These prevention plans should include the participation of local, municipal and federal agencies, such as the Ministries of Labor, Health, Integral Development, Rural Development, Environment and other agencies with duties of protection, as well as the participation of human rights defenders, journalists and civil society organizations.

To guarantee sufficient and sustainable human and financial resources for the development of prevention measures and policies.

Guarantee the procedures, means and technology necessary for the due protection of information gathered by local and federal agencies.

Adopt specific positive measures to foster a culture of human rights and an environment free of violence and threats and to empower human rights work, through recognition campaigns, training and awareness-raising actions on the Declaration of Human Rights Defenders and on the rights of journalists, as well as through other national and international best practices.

To operate under a preventive framework of mass atrocities, which recognizes the serious context of criminalization and generalized persecution experienced by journalists and human rights defenders, the excessive use of force and the misuse of criminal legislation against them, by which they are subject to intimidation and obstruction, especially when they have denounced any abuse committed by public servants or members of organized crime.

Investigate and punish by criminal, administrative, civil or political channels public servants who alter the information collected, put privacy and personal data at risk, stigmatize, attack and limit, directly and indirectly, the work carried out by human rights defenders and journalists.

Reconsider the privatization of protection measures granted by the Protection Mechanism, as well as alternatives to contracting private companies for the implementation and execution of the measures.

Identify and repeal criminal offenses that criminalize and inhibit the exercise of freedom of expression and the right to defend human rights, such as crimes against honor or anti-protests.



2.2.



Protection

Inadequate attention and coordination mechanisms between federal, state and municipal government agencies, as well as the absence of suitable and complementary protection measures, limit the effectiveness of actions for a opportune and effective protection of the rights to life, freedom, integrity and security of human rights defenders, journalists and civil society organizations. This situation is further exacerbated by the different contexts in each Mexican state and by the lack of articulation and coordination between the agencies responsible for protection.

In view of this, the protection axis proposes actions aimed at:

- A** To adapt the protection measures to the diversity of risks faced by human rights defenders and journalists.
- B** To improve institutional management and coordination at the federal, state and municipal levels.
- C** To improve internal procedures for risk analysis from an integral perspective and information handling.

Strategy:

Institutional strengthening for the attention and implementation of comprehensive protection plans with a gender, differential and community approach.

Specific Objective:

Guarantee the life and integrity of human rights defenders and journalists at risk through comprehensive protection plans, with a gender, differential and community approach, improving the institutional response capacity at the federal and state levels, and overcoming barriers to access and implementation.

Action guidelines >>>>

To promote compliance with the 104 recommendations issued by the Office of the High Commissioner for Human Rights in Mexico towards the strengthening of the Protection Mechanism and to report in a transparent manner the progress made in their implementation.

To ensure the integration and collaboration of authorities at the federal, state and municipal levels within the Federal Mechanism, the State Mechanisms and the State Protection Units, with planning and accountability objectives in the implementation of all protection procedures. Among these authorities are: the National and State Human Rights Commissions, the Attorney General's Office, the local Prosecutor's Offices, the Executive and Local Commissions for Attention to Victims, the Ministry of Citizen Security and the local Ministries of Security.

To establish specific actions to strengthen the Federal Protection Mechanism, State Mechanisms and State Protection Units, such as: allocation of sufficient and trained personnel, adoption of good information management practices, victim attention, risk analysis, implementation and follow-up of measures, guaranteeing the participation of civil society, among others.

Local protection entities should be composed by officials with direct responsibility and decision-making capacity.

Risk analyses and protection plans must adopt a broad approach, taking into account the sources of aggression that may affect their right to defend human rights and exercise freedom of expression. They must be made from a differential (non-discriminatory) gender, class, race, intersectional and psychosocial approach. They should also be culturally acceptable and accessible, adjusted to the real conditions faced by defenders and journalists in a variety of situations, and have the informed consent of the defender or journalist.

To have clear, effective, efficient, secure and transparent protection plans with procedures to protect defenders and journalists at risk.

To implement plans with protection measures from a comprehensive approach that addresses the physical, digital, legal and psychosocial violence faced by defenders and journalists with a gender perspective and an intersectional approach.

To guarantee the principles of pro persona and bona fides by adopting the most guaranteeing actions that allow the wide application of the right to defend human rights and the right to freedom of expression.

To guarantee in all instances and procedures of prevention, protection and investigation differentiated, gender, collective and community approaches that take into account the particular needs and historical discrimination of human rights defenders and journalists.



To promote that protection plans are aimed at protecting the life, freedom, integrity, dignity and security of defenders and journalists at risk, without negatively impacting the exercise of their right to defend human rights and freedom of expression.

To have administrative resources that allow the modification or documentation of protection schemes.

To modify the regime of criminal and administrative sanctions to cover any lack of due diligence attributable to personnel of the Protection Mechanism, its Governing Board and State Units or coordination liaisons of the Mechanism (including delays in registration, deficiencies in risk assessment and decisions that put the life or integrity of defenders and journalists at risk).



2.3.



Investigation

High rates of impunity for crimes committed against the rights to life, freedom, integrity and security of human rights defenders and journalists encourage the continuity of aggressions against them, hinder their work (because of the fear of further reprisals and the latent danger generated by the lack of knowledge of the true motives of the aggressions) and create an environment conducive to the repetition of these violations.

The diligent investigation of aggressions, threats or harassment contributes to generate the optimal means to effectively mitigate the risk situation faced by human rights defenders and journalists. A public policy cannot be effective if it lacks diligent investigations that send a clear message that acts of violence will be duly sanctioned.

This axis proposes to develop actions aimed at advancing access to the rights to truth, justice and reparation, by means of

- A** strengthening institutional capacities in the area of investigation.
- B** Improving institutional management and coordination between federal and state prosecutors' offices and protection mechanisms.
- C** Guaranteeing better attention to victims and accountability on the progress of investigations.

Strategy:

Due diligence in investigations and punishment of the perpetrators and instigators.

Specific objective:

Fight against impunity for crimes committed against human rights defenders and journalists.

Action guidelines: >>>>

To develop and implement specialized investigation protocols for crimes committed against the right to defend human rights, setting out simple, fast and effective procedures, with monitoring and accountability mechanisms that allow for adjustments to the implementation of these instruments.

To implement and train local prosecutors' offices to ensure the implementation of the Homologated Protocol for the investigation of crimes committed against freedom of expression.

To maintain updated public databases on crimes, damages and the status of investigations, which in turn guarantee due process and the privacy of victims during investigations.

Authorities in charge of investigating crimes and human rights violations should be obliged to take as the main line of investigation the work of human rights defenders and journalists as the cause of the criminal act in question.

To carry out contextual analysis to identify the motives and possible perpetrators of the crime. The analyses should adopt a macro-criminal approach to identify the interests that were affected by the journalistic activity or the defense of human rights, where applicable.

To promote work plans to strengthen local prosecutors' offices in terms of training and investigation of this type of crime.

To establish coordination mechanisms between local prosecutors and federal prosecutors.

To adopt monitoring mechanisms for prosecutors and officials of the prosecutor's offices in their activities of attention and follow-up to the investigation files of crimes committed against human rights defenders and journalists in the context of their work.

Actively promote information exchange mechanisms between the Protection Mechanism and the Prosecutor's Offices in order to strengthen risk analysis, protection plans and lines of investigation.

To create a specific and genuinely useful regime of administrative responsibilities of public servants that allows the investigation, substantiation and sanction of the personnel assigned to the Protection Mechanism and other State agencies.

To generate training plans and actions for justice operators from a human rights approach, developing the provisions of the United Nations Declaration on Human Rights Defenders.

2.4.



Reparation and guarantees of non-repetition

The current context of violence requires State actions, not only to contain the risk, but also to ensure that the situations that have generated these types of human rights violations do not happen again. Therefore, the dismantling of armed groups and the adaptation of regulations and institutional operations are fundamental actions not only to stop aggressions committed against journalists and human rights defenders, but also to ensure that they will not occur in the future.

On the other hand, the lack of memory and truth about the work carried out by human rights defenders and journalists favors the permanence of aggressions and undermines the legitimacy of the causes they defend. The integral public policy must repair the victims of violence and seek immediate and structural ways to protect people from these or other events and to allow them to carry out their work of defending human rights and journalism.



In view of this, the reparation axis proposes actions aimed at:

- A** Establish actions of memory and recognition of the work of human rights defenders and journalists.
- B** Strengthen coordination and victim care.
- C** Guarantee restitution, rehabilitation, compensation and satisfaction measures for the victims.

Strategy:

Guarantee the effective exercise of the rights to truth, justice, comprehensive reparation and guarantees of non-repetition.

Specific objective:

Specific objective: Provide integral reparation to victims and guarantee the non-repetition of violations committed against human rights defenders and journalists so that they can carry out their work in safe conditions.



Action guidelines:

To establish mechanisms for coordination and victim attention among the State Commissions of Attention to victims, by means of simple, clear and transparent procedures that allow access to their rights as victims without falling into processes of re-victimization or risking their work in the defense of human rights and freedom of expression.

To ensure that the State Commissions have sufficient and-trained personnel to provide the necessary victim assistance with a human rights perspective and to avoid revictimization.

To guarantee coordinated mechanisms between institutions for the adoption of comprehensive reparation plans, victim care and construction of life projects for defenders and journalists who are victims of crime due to their work and their families.

To establish actions of remembrance and recognition of the work carried out by human rights defenders and journalists, highlighting their contribution to the defense of human rights, the construction of just and egalitarian societies and respect for nature and the well-being of the entire population.

To promote and adopt coordinated actions to dismantle armed groups and organized crime that attack human rights defenders and journalists, as well as others that counteract the structural causes of violence and the limits to the exercise of the right to defend human rights and freedom of expression.



3.

Actors Involved



3.1.



Governance networks

Governance is understood as the process by which the actors of a society decide on their fundamental and circumstantial objectives of coexistence and the ways of coordinating to achieve them, i.e., their sense of direction and capacity to lead. One of the ways of implementing the democratic governance approach is the public policy network approach.

The network concept is intended as a mechanism for overcoming dysfunctionalities and recognizing the existence of numerous actors that influence public policies at a time when decision-making and its operationalization are characterized by their complexity and the multiplicity of interdependent actors.

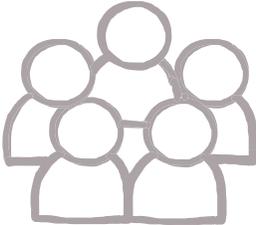
In this sense, governance networks seek that public actors with the duty to protect and guarantee the right to defend human rights and the right to freedom of expression recognize the need for interdependence in the dynamics and processes, in order to promote and carry out actions that favor the construction of comprehensive public policies.

Under this approach, the different actors of *the three branches of public power and orders of government must establish interrelationships, cooperative actions and generate agreements* to achieve gradual, achievable, measurable and improvable results in each of the axes and lines of action. Each actor must make available its resources and knowledge for the generation of previously agreed actions in a joint manner, based on a collective analysis and the search for a common objective. The participation of beneficiaries and civil society organizations in this process is fundamental in view of their experience, the analysis of the generation of proposals and their capacity for mobilization.

Therefore, based on the specific challenges and needs for the guarantees of the right to defend human rights and the right to freedom of expression, as well as the elements and actors (public and private) and interdependent identities that are related, the best way to manage the strengthening of public policy is through a continuous process of planning, implementation and evaluation in which the different sectors with a duty to protect (networks / thematic networks) and civil society organizations participate and interrelate.

3.2.

Actors Involved



(non-exhaustive list)

The actors that should be involved in the process of discussion, creation and implementation of the axes and actions up for discussion are as follows:

- » Human Rights Unit (SEGOB).
- » Public Policy Office (SEGOB).
- » General Office of the Mechanism (SEGOB).
- » Offices and Technical Units of the National Executive Coordination (SEGOB).
- » Ministry of Security and Citizen Protection (SSPC) - Unit for the Prevention of Violence and Crime - Unit for Strategic Analysis and Inter-institutional Liaison (SSPC).
- » Office of the Attorney General of the Republic (FGR) - Specialized Prosecutor for Human Rights - Specialized Prosecutor for Crimes Committed against Freedom of Expression (FEADLE).
- » National Human Rights Commission (CNDH) - Executive Secre-

tariat - Director General of the Fifth Inspector General's Office - General, Program of Offenses against Human Rights Defenders and Journalists.

» Ministry of Foreign Affairs (**SRE**) - General Office of Human Rights and Democracy - Office of International Policy on Civil and Political Rights and Democracy.

» Executive Commission for Attention to Victims (**CEAV**).

» Consultative Council (**C.C.**).

» Civil society organizations.

» Beneficiaries of the Mechanism.

» Integral protection mechanism for human rights defenders and journalists in Mexico City.

» Veracruz State Commission for the Attention and Protection of Journalists

» Guerrero State Unit for the Protection of Human Rights Defenders and Journalists.

» State Unit for the Protection of Human Rights Defenders and Journalists of Colima.

» Guanajuato State Unit for the Protection of Human Rights Defenders and Journalists.

» State Unit for the Protection of Human Rights Defenders and Journalists of Puebla.

» Office of the United Nations High Commissioner for Human Rights in Mexico (**OHCHR**).



Actors
Involved

3.

4.

General guidelines for implementation and follow-up



4.1.



Implementation

Given the complexity of the design of public policies on the right to defend human rights and the right to freedom of expression, the priority topics constitute a series of strategies and lines of action for the construction and implementation of a public policy that allows progress to be made in guaranteeing these rights. At the same time, *this is a follow-up tool and a guide for action* that should be in charge of all federal and state government agencies, and its implementation is an opportunity to lead towards the creation of a public policy for the right to defend human rights and a new approach to protection from an integral point of view.

For this, institutional leadership as well as the capacity for coordination and follow-up are fundamental for the development of the proposed actions, being necessary for each of the actors to assume the capacity to coordinate and guide the formulation, implementation and follow-up of each of the actions and axes.

The actions should be developed in working groups with the actors involved that are defined for each of the areas. The initial roundtables will be fundamental to involve other institutions, generate trust among participants, promote understanding in the process of building public policy, jointly define the problems to be addressed, analyze the actors (institutional frameworks, capacity and political influence) and advance in small achievements through the development of specific and gradual actions that contribute to the process of building a comprehensive public policy.

The prioritized topics should include objectives, achievable results (based on small wins) and follow-up and accountability mechanisms. This is especially important considering that the construction of public policy is a process composed of multiple actions and actors. It is essential to communicate and exchange working documents for the development of working groups, according to the list of initial issues and those that may arise from the discussions themselves, which are not exhaustive by nature.

Prior to each roundtable, there should be a meeting among the driving group to define the problems to be addressed, as well as the topics to be discussed and the results to be achieved.

As for *the questions to guide the discussion, these should be specific, i.e., oriented to concrete results* (instead of using open questions that could lead to endless deliberations), around the problems/factors, topics to be included and the way to proceed in the face of these, which allows to advance efficiently, saving time in the rest of the process, which could be used in the discussion of problems and issues to be enlisted even for other topics to be addressed at the working tables.

4.2. ?

Monitoring and evaluation

Every activity agreed upon for the fulfillment of the lines of action must contain clear objectives, indicators and means of verification and information that allow their evaluation, as well as clear mechanisms for *the monitoring and follow-up of their implementation and accountability* (with an open channel to provide feedback on achievements and deficiencies and to actively incorporate improvements, especially during the first year of implementation; and then remain in the form of monitoring and reporting, as in the quality control processes of public policies, for example).

The whole process should have flexible and clear activities to ensure its *precise implementation* when actions are proposed at the different levels of government, without having to be 'interpreted' at the local level (understanding this interpretation as a possibility for an official at any level of government to implement it in his/her own way, to distort it or to leave out key aspects of implementation, either because the activities are ambiguous, because it is not accepted, or because there are local pressures against it, etc.).

4. General Guidelines for Implementation and Follow-up



For the follow-up analysis, biannual roundtables will be convened with the directors of the participating government institutions, civil society organizations, human rights defenders and journalists. The purpose of the roundtables is to analyze the execution process and provide support for proper implementation. To this end, the entity responsible for the Mechanism must prepare a report on the management of each of the axes and actions, with inputs from the rest of the state agencies, which will be delivered to the rest of the participants.

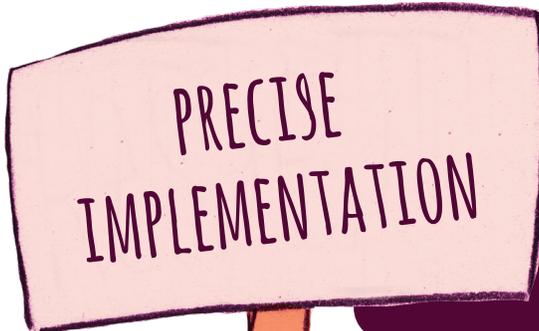
Therefore, the follow-up process must be connected to the execution process to allow:



To obtain the necessary information to measure the impact, efficiency and effectiveness of the activities according to their respective Action Plan.

To describe the degree of execution of the axes and their respective lines of action.

To identify critical points in managing and executing the program in order to detect problems opportunely.

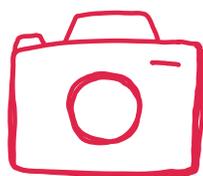


To alert on the risks that arise from the execution of the actions in the fulfillment of each one of the axes.

Measure the degree of progress towards the achievement of the objectives according to the strategies.

Facilitate decision making and improvements that will be implemented.





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Para la Protección de Personas Defensoras y Periodistas

The priority topics for guaranteeing the right to defend human rights and freedom of expression were discussed and approved by *the organizations that integrate the Espacio OSC* para la Protección de Personas Defensoras de Derechos Humanos y Periodistas (OSC Space for the Protection of Human Rights Defenders and Journalists), consisting of:

ARTICLE 19 México y Centroamérica; Casa del Migrante Saltillo; Centro Mexicano de Derecho Ambiental (CEMDA); Centro de Derechos Humanos de la Montaña Tlachinollan; Centro de Derechos Humanos Zeferino Ladrillero (CDHZL); 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); Consorcio Para el Diálogo Parlamentario y Equidad, Oaxaca A.C.; Instituto de Derecho Ambiental A.C. (IDEA); Red Nacional de Organismos Civiles de Derechos Humanos "Todos los Derechos para Todas y Todos" (RedTDT); SMR Scalabrinianas, Misión con Migrantes y Refugiados; Servicios y Asesoría para la Paz (Serapaz). El Espacio OSC está acompañado por Brigadas Internacionales de Paz (PBI).

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