



**Submission by:** Front Line Defenders – The International Foundation for the Protection of Human Rights Defenders

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Front Line Defenders – The International Foundation for the Protection of Human Rights Defenders ([www.frontlinedefenders.org](http://www.frontlinedefenders.org)) is an international NGO based in Ireland with special consultative status with the Economic and Social Council of the United Nations. Front Line Defenders has particular expertise on the issue of security and protection of human rights defenders and works to promote the implementation of the UN Declaration on Human Rights Defenders adopted by General Assembly resolution 53/144 of 9 December 1998.

The following submission has been prepared by Front Line Defenders based on research carried out by this organisation and information received from independent human rights defenders in Mexico.

## Introduction

1. Human rights defenders (HRDs) and journalists in Mexico work in a continuously violent and insecure environment, with the country consistently ranking as one of the most dangerous states in the world for those individuals and organisations actively engaging in the defence of human rights and freedom of expression. HRDs and journalists operating in a high risk environment are frequently subject to intimidation, legal harassment and the violation of due process rights, preventive illegal or arbitrary detention, death threats, physical aggression, break-ins, stigmatisation, forced disappearances and killings. The perpetrators are frequently state authorities, state security forces, drug cartels and paramilitary groups many of whom have links to the Government and/or security services.

2. HRDs at risk in Mexico come from a broad range of different backgrounds, including lawyers, students and youth activists, church workers, LGBTI and HIV activists. Journalists denouncing corruption and impunity, environmental and land rights defenders, women's rights defenders and defenders who work with local communities are particularly at risk. In addition, HRDs denouncing human rights violations committed by the armed forces and promoting the rights of indigenous peoples, migrants and *campesino* farmers also work under a constant climate of fear.

3. The Human Rights Council Special Rapporteur on Situation of Human Rights Defenders, Ms Margaret Sekagya, has submitted a request to conduct an official country visit to Mexico (2011).

## Attacks, Impunity and the State's Failure to Effectively Protect Human Rights Defenders

4. Mexican security forces have committed widespread human rights violations in efforts to combat powerful organised criminal groups, including extrajudicial killings, disappearances, and torture. Almost none of these abuses are adequately investigated, exacerbating a climate of violence and impunity in many parts of the country.

5. Several international organisations have expressed concern for the lack of protection for human rights defenders and those who exercise freedom of expression in Mexico, including the UN Special Rapporteur on the situation of Human Rights Defenders, the UN High Commissioner for Human Rights, and the UN and IACHR Special Rapporteurs on Freedom of Expression, who noted that in the past decade Mexico has become one of the world's most dangerous countries for journalists to exercise their profession. Concern was also expressed, and relevant recommendations made, on the occasion of the 2009 Universal Periodic Review.

6. In December 2011, in its second report on the situation of human rights defenders in the Americas, the IACHR noted with concern the lack of adequacy and effectiveness of the protection instruments for HRDs and journalists in Mexico, as evidenced by the persistence of attacks. This lack of adequacy and effectiveness of current protective measures contributes to the continuing severity, frequency and impunity of abuse suffered by HRDs in Mexico<sup>1</sup>.

7. The *Centro Nacional de Comunicación Social, A.C* – CENCOS (National Centre for Social Communication) registered 212 cases of aggressions against journalists and 69 against HRDs in 2012. Some of the states with the highest number of documented attacks were Chihuahua, Oaxaca and Guerrero<sup>2</sup>. These states also reflect the places where there is an increased presence of the armed forces as part of the government's strategy to combat organised crime.

**8. On 28 April 2012 journalist and human rights defender Ms Regina Martínez Pérez was found dead in her home in the city of Xalapa, in Veracruz. Regina Martínez Pérez was a correspondent with the weekly publication *Proceso* in which she addressed issues relating to drug cartels and the links between organised criminal groups and government officials. Her body, which showed signs of having been badly beaten around the face and ribs, was found in her home and pathology reports indicated that the cause of death was asphyxia. In the week prior to her killing, Regina Martínez Pérez had reported on the arrest of an allegedly high-ranking Zeta criminal leader, the arrests of nine police officers charged over links to cartels, and also a story relating to a**

<sup>1</sup> <http://www.oas.org/en/iachr/defenders/docs/pdf/defenders2011.pdf>

<sup>2</sup> <https://www.cencos.org>

local mayor who was arrested with other alleged cartel gunmen following a shoot-out with the Mexican Army. A man who had reportedly freely confessed to murdering the journalist, later retracted his statement, claiming that he had been tortured and threatened that his family would be killed if he did not confess to the murder.

### **Political Environment That Stigmatises And Discredits Legitimate Human Rights Activities**

9. Stigmatisation of human rights defenders and journalists remains common. Public officials repeatedly attacked journalists and human rights defenders for their work in investigating violence, the lack of police response or police corruption. On several occasions the Governor of the state of Chihuahua, Mr César Duarte Jáquez, accused HRDs and journalists of having electoral aims, seeking to obtain power, feeding partisan and private interests, and seeking to "enlarge problems" rather than solving them. He has claimed that human rights defenders and organisations are motivated by financial gain and funding. Such statements are not only aimed at discrediting the role of HRDs and their legitimate and peaceful work, but they also increase the vulnerabilities of those groups, leaving them at greater risk of attack or threat.

10. In October 2012, various media outlets in Mexico published statements made by a number of government officials between 9 and 12 October aimed at discrediting the work of lawyer and human rights defender Ms Luz (Lucha) Estela Castro Rodriguez, a prominent HRD and coordinator of the *Centro de Derechos Humanos de las Mujeres A.C.* – CEDEHM (Centre for Women's Human Rights), an NGO based in the city of Chihuahua which offers legal and psychological support to women victims of violence. The discrediting statements had been made by a number of public officials, including the Governor of Chihuahua Mr Cesar Duarte, the Secretary of Government Mr Raymundo Romero, the State Director of Public Prosecutions Mr Carlos Manuel Salas, amongst others.

11. On 1 October 2010 a demonstration was held in San Cristóbal de Las Casas, Chiapas, accusing human rights organisation *Centro de Derechos Humanos Fray Bartolomé de Las Casas A.C.* (Frayba), of being the mouthpiece of an armed group. Persons taking part in the demonstration held up banners in which they called for legal action to be taken against its then Director, Mr Diego Cadenas Gordillo. Flyers were distributed to members of the public which contained slanderous comments regarding the work carried out by Frayba and accusing them of attempting to destabilise Mexico through promoting autonomous communities in the State of Chiapas. On 16 September 2010, the leader of a fundamentalist Christian group wrote to the Secretary of the Interior detailing the same accusations and also alleging that Frayba has received funding from international organisations to further their mission of promoting self-governance for particular communities. He described his own group as a non-violent civil organisation working on inter-community conflict resolution.

### **Criminalisation Of Human Rights Defenders**

12. Unfounded criminal prosecutions and arbitrary detention continue to be used as a means to silencing dissenting voices. *Acción Urgente para Defensores de los Derechos Humanos* (Acuddeh) reported repeated instances of criminalisation of people who defend human rights, with such attempts aimed at portraying human rights defenders as enemies of the state<sup>3</sup>. This can be done by bringing false, unfounded and politically motivated criminal charges against a person, or falsely identifying HRDs as members of criminal gangs, including through media campaigns. These and other forms of criminalisation all serve the purposes of impeding the legitimate activities of a HRD and exposing them to an increased risk of physical attack.

13. Nataniel Hernández Núñez, director of the *Centro de Derechos Humanos Digna Ochoa* (Digna Ochoa Human Rights Centre), has been subjected to a continued and systematic campaign of judicial harassment since 2010. In June 2010 he was summoned to a preliminary inquiry into charges brought against him for the obstruction of public rights of way. The charges related to a roadblock as part of a protest against high electricity rates. Nataniel Hernández Núñez maintains that his presence at the roadblock was in his capacity as director of CDH Digna Ochoa, as he had been asked to participate as an observer in order to document any violation of human rights which

<sup>3</sup> <https://dl.dropbox.com/u/40366066/Informe%20Sexenal%20150.pdf>

may have taken place. In March 2011 the human rights defenders was released on bail of 11,000 Mexican pesos following his arrest and detention on the same charges. Most recently, in February 2013, he was arrested and detained for seven hours. The arrest took place during a meeting attended by him and other public authorities to discuss the National Civil Network Against High Prices of Electricity, a national campaign protesting against rising energy costs in Mexico, and for the duration of the detention his whereabouts remained unknown to his family and colleagues

### **Women Human Rights Defenders (WHRDs)**

14. WHRDs working in the fight against impunity and justice for victims of human rights violations, as well as those promoting the rights of indigenous communities and community leaders, are particularly at risk. Chiapas, Chihuahua, Guerrero, Oaxaca and Veracruz are the states with the highest level of risk for WHRDs. They face higher risks in regions with a stronger presence of criminal groups, paramilitaries, army and state security forces. The Mexican security model, focused on police and military intervention, has not eradicated organised crime or increased civilian security, but has rather seen an increase in the number of human rights violations, the criminalisation of social protest and a more general breakdown in security. The increased public spending on the war against drugs has led to a simultaneous increase in the number of killings, sexual violence, femicide and attacks against HRDs.

15. The Mesoamerican Women Human Rights Defenders Initiative reports that violence against women human rights defenders has intensified, without noticeable political will nor specific results from the Mexican State to counter this. Impunity and the involvement of authorities in some of the attacks are obstacles to the adoption of any effective protection measure. It is reported that in 2011, there were 68 cases of attacks against human right defenders, with 41% being against women human rights defenders or their family members. Cases include violent attacks, threats, sexual abuse and, in some cases, rape and torture<sup>4</sup>.

16. In April 2012 human rights defender and lawyer Ms Alba Cruz of the *Comité de defensa integral de derechos humanos Gobixha – Código DH* (Committee for the defence of human rights Gobixha) was subjected to death threats received to her mobile telephone. She has been subjected to numerous death threats and episodes of harassment since 2010 due to her representation of victims of torture and abuse which occurred in the Mexican state of Oaxaca in 2006. On 14 April 2012 Alba Cruz received a text message on her mobile phone which read “*Empieza ahora putas*” (It starts now bitches). The previous day, at approximately 2pm, a message arrived to her phone in which she was warned “... *quedas advertida te mueres junto con el por pendejos*” (... be warned you will die with him you idiots). The message is believed to refer to **Mr Marcelino Coache, trade unionist, former political prisoner and torture victim**, whom she was legally representing. Prior to this event, on 30 March 2012, Alba Cruz was travelling from a meeting near Oaxaca when a grey truck, with registration plates from Mexico City, with three men on board attempted to hit her vehicle. When she attempted to take a photo of the men, the van sped away.

17. In the concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW) deep concern was expressed about the risks women human rights defenders and journalists face in the exercise of their professional activities in the State party and at the fact that a number of them had to leave their domicile to seek a place where their life and security would not be threatened<sup>5</sup>.

18. In December 2011, human rights defender Ms Norma Andrade was shot at five times at her home in Ciudad Juárez by an unknown male. According to information received, she was discharged from hospital after a couple of days following death threats directed at the staff treating her. Following this attack, the WHRD defender requested protection from the authorities in Chihuahua and she was moved to Mexico City for her safety, where her home location was supposed to be known only to federal and state officials. Subsequently, in February 2012, Norma Andrade was attacked for a second time, by an unknown assailant, who approached her in the south of Mexico City and slashed her face with a knife before fleeing the scene. The human rights defender went to hospital where she received treatment for a two-inch laceration in her cheek.

<sup>4</sup> [http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/WHRD\\_ForTheSession\\_MexicoCEDAW52\\_sp.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/WHRD_ForTheSession_MexicoCEDAW52_sp.pdf)

<sup>5</sup> <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-MEX-CO-7-8.pdf>

Norma Andrade is the founder of *Nuestras Hijas de Regreso a Casa* – NHRC (May Our Daughters Return Home), and her human rights work focuses on fighting for justice for the victims of femicide and their families in the state of Chihuahua.

### **Protection Mechanism for Human Rights Defenders and Journalists**

19. The Law for the Protection of Human Rights Defenders and Journalists was unanimously passed in both houses of the legislature and signed by President Calderón in June 2012. The law mandated the establishment of a new protection mechanism that has the potential to guarantee protection of HRDs and journalists if implemented in an effective way. The mechanism's governing body, composed of government officials and civil society representatives, will receive and analyse reports of threats to advocates and journalists, decide which cases are to be granted protection, and oversee effective implementation of its resolutions, which will be mandatory for government agencies.

20. The law ensures the participation of civil society organisations in the implementation of the Mechanism and its decision-making processes. It also guarantees the right of the beneficiary to participate in the analysis of his/her risk and the definition of his/her protective measures. Due to most attacks against HRDs and journalists occurring under state jurisdiction, the law establishes the 'subsidiarity principle', obliging the Interior Ministry (*Segob*) to assume responsibility for the implementation of protective measures in cases of municipal or state level incapability or when these levels of Government are shown to be related to the existent threat.

### **21. Front Line Defenders calls upon the UN to urge the Mexican authorities to prioritise the protection of human rights defenders and in doing so to:**

- (a) Make public and frequent statements on the important role played by HRDs and journalists in democratic Mexico, recognising the level of risk of attack that they face in carrying out their legitimate and peaceful activities, and the responsibility of the federal government to protect both groups through an effective protection mechanism;
- (b) Take measures to ensure that government officials or other public officials, especially senior government members, refrain from making public statements or declarations stigmatising the legitimate work of human rights defenders and that can give the impression that they condone illegal acts of violence against them;
- (c) Ensure that the Attorney-General's Office (*Fiscalía*) carries out immediate, thorough and impartial investigations into all reported cases of attacks against human rights defenders, with a view to publishing the results and bringing those responsible to justice in accordance with international standards;
- (d) Cease the criminalisation of human rights defenders, and in so doing ensure the immediate revision of all standing criminal investigations against HRDs and close those cases where accusations are unfounded, and immediately release all HRDs who are being unjustly detained;
- (e) Guarantee that the Protection Mechanism for Human Rights Defenders and Journalists provides effective protection through: an adequate budget which responds to the material and human requirements of those in need of protection; integrated training and capacity building of all staff within the mechanism, as well as others involved such as judges, lawyers, police escorts etc; and a risk evaluation framework that realistically reflects the dangers faced by individual HRDs and journalists when considering protection measures, including through the incorporation of a gender dimension in protection models and an analysis of the need for support for families;
- (f) Fully implement the adopted UPR recommendations on human rights defenders in a transparent and participatory manner with full involvement of human rights defenders at all levels.