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**University of York
Peace Brigades International México (PBI)
With the collaboration of the UN Special Rapporteur on the situation of Human
Rights Defenders, Michel Forst
An exchange of views on risks and protection measures for human rights
defenders in Mexico.**

Saturday 14th January 2017

Attendees:

Michel Forst, the UN Special Rapporteur on the situation of Human Rights Defenders (HRDs)
Valentine, personal assistant to Michel Forst
Jamshid Gazijev, Mandate of the Special Rapporteur on the situation of Human Rights
Defenders
Daniel Zapico, UN Human Rights Office, México
Marie-Luisa Bascur, UN Human Rights Office, México
Paola Pacheco Ruiz, Researcher University of York
Erick Monterrosas, Researcher University of York
Patricia Bartley, Centre for Applied Human Rights, University of York
Virry Schaafsma, Advocacy Coordinator from PBI México
Paula González, Communication Coordinator, from PBI México
Pascal Hubatka, Security Coordinator from PBI México
24 participating HRDs – see attendance sheet for more details.

Meeting notes:

14:30 Introductions and Presentation of research project from University of York

- Welcome from Pascal Hubatka, PBI Mexico
- Introduction to the research project from Patricia Bartley, University of York
- UN Special Rapporteur Michel Forst explains the aims of his presence and official visit to Mexico.
- Paola Pacheco and Erick Monterrosas present the main conclusions from the Mexican part of the research project, "Navigating Risk, Managing Security and Receiving Protection: a study of Human Rights Defenders". For more information on the research see: www.securityofdefendersproject.org

Feedback and questions

Why is gender violence separated from the other types of assaults and aggressions when it pervades every type of threat and harassment that women receive?

Use of masculine language-(defensores) even though women made up majority of participants in Mexico. Language is important.

Gender difference can erode solidarity and expanse of reach. Divisions led to split in HRD movement in Oaxaca-

Need to stress different types of protection required by women/minority defenders.

Appreciation that academics are involved in this area. Would be good to see the correlation between variables eg being a woman, with a disability or from indigenous community.

There are violations of labour rights within organisations working on HRs. How is this managed if you only interview the director? Perhaps it's more useful to select people at different levels who have different experiences.

Security management practices: Surprise was expressed at the number of participants who had received security trainings but not that many putting security trainings into practice.

Money: Protection is expensive: camaras, electricity and batteries, safe transport etc

30% of participants approached an authority. What authorities? What response did they get? Were they victimised? Were they given effective measures?

Response from Paola and Erick

Most participants said that the response from the authorities was nil.

15:15 Discussion on the National Protection Mechanism (NPM) for HRDs and Journalists

Question 1. How would you evaluate the implementation of NPM?

- Govt. office SEGOB decides who is/isn't a defender or journalist often using a numerical scale-need to have an independent body do this.
- NPM evaluates your risk and decided on the security measures to be allocated-needs to be carried out more holistically and independently.
- Process to evaluating risk is very variable: easier if you are high profile/known journalist-response vert fast but if you are not-it's slow/nil
- NPM makes analysis of individuals-doesn't take into account risk of organisations or indigenous groups
- NPM not known about by many in local communities and even civil service-needs greater visibility
- Lack of coordination between fed and state level-lack of capacity, resources, poor communication
- Withdrawal of measures as based on time-limited incidence-not taking into account structural issues such as corruption and impunity-just based on

temporary situation ie you've not been attacked in 2 months etc-used as palliative measure

- If measures are effective then it's hard/impossible to prove that they are no longer needed.
- Governing junta (JdG) for NPM includes PGR and CNDH. Investigation is part of their mandate but don't use this mandate within state institutions
- Many protection measures involve extra financial costs for HRDs. An agreement is needed to manage these costs.
- NPM may protect HRD as a person but doesn't help you continue work in defence of HRs.
- Lack of trust between beneficiaries and those implementing NPM.
- Some measures provided by private companies-not known/trusted
- Lack of measures in most serious and urgent situations
- Overall not effective or efficient

Question 2. How do the state governments work with the federal government to facilitate the implementation of the NPM?

- Total lack of cooperation and communication between bodies
- Protection actors and state authorities are also perpetrators and often seen as colluding in organised crime.
- Some state actors work both as a body guard in the protection process of HRDs as well as an investigator in cases against HRDs
- Protectors often don't know why they are there
- Use of private security companies leads to much mistrust.
- States have signed an agreement to collaborate with NPM but don't necessarily support it. Not convinced of its need or use. Not any political will to support NPM. There is not a state law obliging them to cooperate with national law.
- If you refuse protection measures then you are revictimized-you are putting yourself at risk

Recommendations

- There must be accountability of protection measures provided and results needed and transparency for each case
- One single independent entity (govt. or independent) to follow up each case.
- Govt. body needs to answer panic button-not private companies.
- Must be a system that obliges states to cooperate with federal govt. and NPM.
- Need public policy at state and municipal level to inform all (authorities and civilians) about the NPM
- Local protection actors need technical expertise to understand and assist HRDs and cover their needs
- Need high level people in charge of implementing NPM at local level
- Need clarity and accountability on who is responsible for what stage of the protection process.

- Those who ask for protection should have a role in the analysis of their risks and measures allocated.

Question 3. What are the priorities for the improvement of the workings of the NPM?

- Often, the technology used as part of security measures fails eg panic buttons not working in an emergency.
- Beneficiaries don't have up to date contact details for those in NPM
- Sometimes NPM shares information on the beneficiaries with untrustworthy authorities leading to greater risk.
- NPM doesn't take into account different geographical and political contexts
- Beneficiaries don't know/understand different authorities and their roles within NPM
- Protection measures don't allow for support for psychosocial/emotional needs
- Also needs to take into account the medical needs and physical wellbeing of beneficiaries in its protection of the whole person.

Recommendations

- Need to see beneficiaries as real people-not part of a bureaucratic system. Put priority on safety of whole person rather than rigidly following protocol
- Have a period of adaptation to the protection measures.
- Ensure that no protection measure/action should ever place the HRD at risk
- Incorporate a gender perspective and a perspective on the different needs.
- Improve internal workings and communication between the different governmental offices
- NPM needs to do all it can to prevent assaults. Each beneficiary should be assigned a specific person to follow up on their case and be accountable.
- Complaints to or about the NPM should be dealt with immediately.
- There needs to be reparations and support-not just for physical or structural damage but also for emotional, spiritual, family harm

Jamshid

- "Does the mechanism receive feedback in a structural way?"
- There is no established mechanism of feedback. There are some structural evaluations of the mechanism.
- "Is there any network of beneficiaries or former beneficiaries of the protection mechanism?"
- There are organizations that accompany HRDs in the mechanism. Of the beneficiary defenders themselves, there is no network, but if there are other networks, there is talk of experiences, but it is not systematized.
- There are networks of solidarity between organizations that have worked for us. Groups that take care of each other in security matters-often formed by groups of women. Press releases, public complaints, etc. We live under this protection, not by mechanism.
- Potential beneficiaries do get in contact, they sometimes get help, sometimes not.

- RedTdT OSC Security Mechanism: An alternative mechanism of protection and has to do with visibility, economic resources, risk analysis itself, agile mechanisms of reaction. In each region there is a person responsible for security.

17:15 Alternative Protection Strategies

Question 1. What would a governmental integrated security strategy look like?

Recommendations:

- Include a strategy of public recognition of human rights defenders-stop seeing them as enemies and criminalizing them.
- Community groups must be identified and recognized as legal entities.
- The state should not be the highest authority in the definition of who is a defender and who is not. Similarly, it should not be the State that defines what an aggression is.
- Greater training, capacity building and human and financial resources in the 'Ideal Mechanism'. Better training for govt. officials about mechanism
- State responsibility goes beyond the government's six-year term. There is a need to make the State actors assume responsibility for the state. Need genuine accountability. There needs to be greater coordination between the different state bodies so they stop passing the blame.
- The Mechanism must have a judicial component to monitor violations of human rights.
- Beyond the Mechanism there is a need to reinforce the rule of law, which guarantees the security and safety of citizens.
- Private security companies should not be in charge of security
- Revision of the situations that lead to having precautionary measures

Question 2. How can the international community support an integrated security strategy? What is the role of civil society?

Recommendations:

- The international community must constantly monitor and improve public policy.
- Generate specialized networks in:
 - disseminating information
 - generating a culture of self-protection
 - sharing experiences of integrated protection strategies
- International accompaniment international is very important eg work of PBI, SIPAZ, SweFOR in the absence of the rule of law.
- Awareness raising in Europe, links to other organizations such as FLD, OMCT.
- Awareness raising of donors for the issue of financing for the protection of HRDs
- Form a network of people who are within the mechanism to put pressure on the NPM.
- Convene an annual meeting on the theme on security strategies together

with the international community.

- Local mechanisms without civil society participation will fail. Eg. Alternative security mechanisms- have the manpower, analysis ability, solidarity, agile response mechanisms with someone responsible in each region who knows place well
- The Mexican NPM is advising other countries but is not working well yet in Mexico.
- Many people are relying on the Mechanism so we have to improve it.

Role of international players:

- Invite International CSOs/ embassies to forums, workshops etc
- It was noted however, that asking help from international orgs/bodies can remove responsibility from national government.

Conclusion

Main protectors are each other-networks of HRDs

Have created shelters and self-care/well-being centres to look after each other- this can feel unfair considering there is a national protection mechanism

State not protecting those in its care –prisoners who need medical care –even those who are considered illegally held by UN working groups

NPM must guarantee defence/safety of HRDs. CNDH not playing a strong role- still questioning who is/isn't a HRD

Michel Forst, SR:

Explained that what was discussed and presented will influence his final report of the mission. He asked for additional information to be sent to him. He asked that people concentrate on the following points:

- If you could abolish 3 things of the mechanism, what would they be?
- What are the 3 elements that are useful for defense that you would like to change?
- What are the elements that don't exist, that you would like to introduce in the mechanism to make it more effective?

He added that the SR office they are thinking about holding a regional event to which they would send invitations.

6:45 p.m. - Close