

## Human rights defenders and journalists in situation of forced internal displacement in Mexico

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### General context of violence and limitations on the exercise of the right to defend human rights and freedom of expression

Mexico is one of the most dangerous countries to exercise the right to defend human rights and of freedom of expression<sup>1</sup>. Since the start of the administration of president Andrés Manuel López Obrador, on December 1, 2018, violence against human rights defenders and journalists has exacerbated. From December 2018 to June 2022 the murders of at least 58 journalists and 105 human rights defenders have been reported.<sup>2</sup>

Within this context, the 10 states of the Republic that concentrate the biggest percentage of homicides are Oaxaca, Mexico City, Guerrero, Michoacán, Tamaulipas, Chiapas, Quintana Roo, Jalisco, Veracruz and Estado de México. The most persons most suffering attacks are those who defend the right to access to justice, truth and reparation, the environment, social rights and the rights of migrants, and, in the case of journalists, the attacks have been mostly directed to those who cover the subjects of corruption, politics, political security and social events.<sup>3</sup>

In the case of journalists, the impunity related to the homicides committed during the aforementioned period reaches up to 88%, with only 7 issued sentences; in the case of murdered rights defenders, said percentage is 98%, with only two judicial sentences.<sup>4</sup>

Beyond lethal attacks, rights defenders and journalists face, among other things, smear campaigns, acts of intimidation and harassment, threats, physical and digital attacks, arbitrary detentions, the use of the justice system against them, for example without any legal justification, internal forced displacement (henceforth: IFD). In these types of attacks, impunity is even more flagrant than in homicide cases, and, with regard to crimes committed against rights defenders, there is not even a registry of the number of open investigations. According to official figures, the attacks against rights defenders and journalists originate mostly from public officials (who have the obligation to defend them) and, secondly, from private individuals, specifically private companies and members of organized crime.

### a) Internal Forced Displacement (IDP) of rights defenders and journalists

<sup>1</sup> See FrontlineDefender, <https://www.frontlinedefenders.org/es/location/mexico> and Global classification Reporters Without Borders, <https://www.frontlinedefenders.org/es/location/mexico>.

<sup>2</sup> Secretaría de Gobernación, *Diálogo Estatal para Impulsar una iniciativa de Ley General de Prevención y Protección ante Agravios a Personas Defensoras de Derechos Humanos y Periodistas*, June 16, 2022.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*

In recent years, IDP has expanded significantly across Mexican territory under the crisis of human rights that the country experiences, particularly due to insecurity, generalized socio-political violence and climate change.

In the case of rights defenders and journalists, it is increasingly observed that, due to their work, they are forced to abandon their places of origin or residence as a result of the climate of hostility, threats and attacks to which they have been subjected, but above all due to the absence of effective measures of prevention, protection and the administration of justice, which have turned internal forced displacement into a means of survival.

According to Reporters Without Borders, the first displaced journalists in Mexico were observed in 2010 with at least 10 cases. The number was 8 in 2017 and it is estimated that, between 2010 and 2017, at least 13 journalists were forced to leave the country to protect their lives. Likewise, according to the organization ARTICLE 19, during the administration of president Andrés Manuel López Obrador, at least 32 other journalists have been displaced.

Likewise, there are cases of rights defenders and journalists who have been the victim of IDP without counting on the support from authorities, and who are without protection of attention from the competent authorities or whose situation is in the process of being evaluated by the Federal Protection Mechanism, so that they are acknowledged, protected and heeded. As such, there may be cases of persons who, even though they require protection and attention from the Mechanism, have no knowledge of its existence nor its functioning.

#### **b) The extraction of leaving of the place of residence as IDP**

As a result of the alarming context of violence these two sectors of the population have faced during a decade, and of the demands of civil society, on June 25, 2012, the Mexican State published the Law for the Protection of Human Rights Defenders and Journalists, through which the Protection Mechanism was created, a government agency that has its mission guaranteeing the right to protect rights defenders and journalists.

Moreover, this law has as its objective the establishment of cooperation between the Federation and the Federative Entities to implement and operate the Protective Measures, Preventive Measures and Urgent Protective Measures that guarantee the life, safety, freedom and security of persons at risk as a consequence of defending or promoting human rights, as well as the exercise of free expression and journalism.

Since the Mechanism was created in 2012, and as of June, 2022, it had 1,599 beneficiaries<sup>5</sup>, 716 women and 883 men, of whom 1,068 are rights defenders, principally from the states of Oaxaca (131), Mexico City (123), Jalisco (102), Michoacán (95), Chiapas (93) and Estado de México (72). In the case of

<sup>5</sup> Secretaría de Gobernación, *Ibid.* Las medidas de protección otorgadas por el Mecanismo de Protección a junio de 2022 son: 1,300 botones de asistencia, 66 servicios de escolta con 267 elementos de seguridad, 84 refugios de seguridad y más de 1,440 domicilios con infraestructura de seguridad

journalists, the number of beneficiaries is 531, the states with the highest number of journalists with protective measures being Mexico City (82), Guerrero (85), Tamaulipas (49), Quintana Roo (42), Veracruz (25), Oaxaca (23) and Sonora (23).<sup>6</sup>

In Article 66 of the Regulation of the aforementioned law, amongst the Urgent Protective Measures that Mechanism provides<sup>7</sup> were established “Safeguarding the Beneficiary” of “temporary relocation”, commonly known as “extraction”, which implies offering the necessary measures for their subsistence during its implementation.<sup>8</sup> Mexico City has been the location where displaced rights defenders and journalists have most frequently been safeguarded or relocated.

As of June 2022, the Protection Mechanism allocated 84 temporary security refuge measures for rights defenders and journalists. The largest number of beneficiaries of such measures are persons from the states of Guerrero (23), Tamaulipas (10), Oaxaca (8), Sonora (5), Sinaloa (5) and Morelos (4).<sup>9</sup>

The internal forced displacement implemented by the Mechanism, even though it is an urgent measure to protect safety, does not take the security at the destinations into account, nor the necessities, concerns, priorities, interests and capacities of the persons and their families. In most cases, it means separating them from their family, support network and the area they know, as well as abandoning their work of defending rights or providing information, which greatly affects their family sphere and mental health. Moreover, the measure of extraction can have a duration of more than 2 or 3 years, which carries with it a greater impact on family, social and work life.

#### **d) Shortcomings in the attention to rights defenders and journalists extracted and in a situation of IDP**

As pointed out by the Office of the High Commissioner for Human Rights in Mexico<sup>10</sup>, ten years after the promulgation of the Law, the Mechanism is a fundamental agency that has achieved the protection of life and safety of a number of people. It is also clear, however, that progress in its operation is still insufficient and has not been able to counter the levels of violence and limitations to the defending human rights and the right to freedom of expression.

Conversely, during recent months, the political vulnerability of the Mechanism, reflected in the failure to act by institutions that form and participate in the governing board, the highest organ of the Mechanism. Such is the case of the General Prosecutor of the Republic (FGR) and the National Human Rights

<sup>6</sup> Secretaría de Gobernación, *Ibid.*

<sup>7</sup> Reglamento de la Ley para la Protección de Personas Defensoras de Derechos Humanos y Periodistas, disponible en: <https://bit.ly/3w8g1IN> consultado el 30 noviembre de 2012

<sup>8</sup> Art 32. Las Medidas Urgentes de Protección incluyen: i) Evacuación; ii) Reubicación temporal; iii) Escoltas de cuerpos especializados; iv) Protección de inmuebles y v) las demás que se requieran para salvaguardar la vida, integridad y libertad de los beneficiarios.

<sup>9</sup> Secretaría de Gobernación, *Ibid.*

<sup>10</sup> ONU-DH, Diagnóstico sobre el funcionamiento del Mecanismo, julio de 2019, p. 7, disponible en: <https://bit.ly/3wnBZZI> (consultado el: 23 de agosto de 2022).

Commission (CNDH), as that of the Executive Commission for Attention of Victims (CEAV), that participate with the right to speak, and that systematically omit reporting the actions undertaken to provide protection and the progress in investigations or penal procedures related to rights defenders and journalists.<sup>11</sup>

The operational structure of the Mechanism has not been strengthened with sufficient and sustainable human or financial resources either, with the operational and administrative personnel being insufficient for the number of beneficiaries, which has increased by more than 100% during the last three years<sup>12</sup>.

In the case of the measure of extraction, which requires an urgent decision in the face of imminent risk and must contemplate all adverse effects of displacement, as well as the promptness of providing of measures stipulated in the Law, the performance of the Mechanism is not focused on the principle of acting without causing harm, which specifies the consequences of an intervention to avoid or minimize its adverse effects.<sup>13</sup>

The organizations have documented that a lack of sensitivity, knowledge and technical capacities of the personnel that carries out the risk analyses, key information for the process to determine whether to grant the protective measure, persists. For example, it has been observed that risk analyses are not carried out in the expelling municipality or locality, that the security events and incidents presented within the chain of violence are not identified, that they are not carried out from a differentiated and human rights of women perspective and that they do not consider the state of judicial investigations, nor the psychological, professional, family or even patrimonial impact.

The consequence of these information vacuums has caused the measures granted by the Protection Mechanism to be limited and inadequate for the situation and the needs of protection of both sectors of the population. Moreover, they do not contemplate the attention people need in terms of health, security, nutrition, education, labor or others from differentiated and intersectional approaches, including the conditions that allow them to sustainably resume their journalistic or defense work in a safe way.<sup>14</sup>

Many beneficiaries resort to the CEAV in search of support for other demands, such as spending to cover needs in terms of health or education for their children, satisfying their rights as victims. Nevertheless, and despite the existence of procedures in the Victims Law, the criteria to comply demanded by the Commission are not always adjusted to the situations journalists and rights defenders in a situation of internal displacement face, restricting their access. One

<sup>11</sup> Espacio OSC, Situación de la defensa de derechos humanos y a la libertad de expresión en México a partir de la pandemia por Covid-19, p 33, disponible en: <https://bit.ly/3woVLEe> (consultado el 23 de agosto de 2022).

<sup>12</sup> Secretaría de Gobernación, *Ibid.* Al inicio de la actual administración se encontraban incorporadas 798 personas. A junio de 2022 se han adherido 830 personas más, lo que equivale a un incremento del 104%. Secretaría de Gobernación.

<sup>13</sup> ONU-DH, p.32, *Ibid.*

<sup>14</sup> Las personas beneficiarias en situación de DIF también han reportado irregularidades en la entrega de despensas o medidas de alimentación, tales como la entrega de comida expirada o vencida, así como el hecho de no contemplar necesidades particulares de las personas. También las viviendas otorgadas como medida de extracción y protección en ocasiones no tienen condiciones seguras y carecen de instalaciones y del personal de vigilancia que pueda prevenir y reaccionar ante un evento de riesgo.

obstacle to access to social measures is the enrollment in the National Victims Registry (RENAVI), due to complications of bureaucratic procedures, prolonged response times and the commission's refusal to grant in some cases.

Furthermore, organizations defending freedom of expression have documented that victims, in spite of having the RENAVI, do not have quick access to support, under the pretext that they cannot be attended to promptly due to the excessive workload.

To strengthen the Mechanism and by request of the Secretariat of the Interior, in 2019 the Office of the High Commissioner for Human Rights (OACNUDH) in Mexico carried out a diagnosis of its performance. As a result of this diagnosis, 104 recommendations were issued that were accepted by the Mexican State. Regardless, up to this date there exists no information that shows the status of its compliance, nor has a strengthening in the operation of the Mechanism been made evident.

#### **e) Impacts on the work of Human Rights defenders and journalists**

Based on the documentation of cases made by NGO's, IDP has a profound impact on the lives of the victims and their families, particularly in terms of the exercise of rights related to: housing, education, recovery of documents, comprehensive health, employment, livelihood, security and the return to their places of origin. The psychosocial repercussions are also present in their collectives, both professional and community, since, on many occasions, threats and attacks are carried out intentionally as a measure to generate fear and harm to other actors. Therefore, every time a defender or journalist is attacked, censured or displaced, their environment tends to silence and demobilize them. In the case of journalism, when a journalist or media outlet is silenced, the impact is felt by society as a whole, which is left uninformed and without spokespersons that communicate, to the outside world, the human rights violations that afflict them.

In addition to the difficulty of re-establishing a professional life and finding a job after displacement (which prevents them from having sufficient means to recover their lives in the place of resettlement), they are often forced to interrupt their work in order to maintain a low profile and not expose their new location or social relations. In the case of people who are supported by the Mechanism, this condition is also contradictory, since, by ceasing to be considered as human rights defenders or active journalists, they run the risk of losing the security and assistance measures provided to them. In this sense, the threats and criteria for withdrawing protection measures constitute additional factors of revictimization.

In the case of women human rights defenders and journalists, the impacts are intensified by the reproduction of institutional violence generated by their gender condition. This is due to the fact that the personnel in charge of attention and protection do not recognize them as victims subject to rights, and their work is questioned based on the traditional roles they should be playing. This leads them to feel responsible for their situation and that of their families, generating a feeling of guilt. Organizations have even documented serious acts in which personnel from the Mechanism and other institutions with a duty to protect have verbally abused women defenders and journalists, using gender-based insults, and in other cases even committing sexual harassment.

To date, none of the Mexican authorities have been responsible for providing sustainable or affordable solutions to those for whom safe or assisted return is impossible, which keeps most defenders and journalists in an almost permanent state of suspension, affecting their life projects and, in most cases, forcing them to adapt to new conditions due to the inactivity or deficiencies in the Mexican protection and criminal justice systems.

## Recommendations

### To the Mexican State

- Promote, alongside civil society organizations and international human rights organizations, the development, design and implementation of a collaborative working plan that strengthens the Protection Mechanism for Human Rights Defenders and Journalists and to design a comprehensive protection public policy (prevention, protection, investigation) which include sanctions and full reparation with an intersectional approach (gender, multicultural, age, etc.) that guarantees the right freedom of expression.

### To the Congress

- To the Senate and its respective commissions (Treasury and Interior): to approve the initiative of the General Law to Prevent, Attend and Comprehensively Repair Forced Internal Displaced People, taking into account the analyses and inputs from civil society organizations, victims' collectives, and international human rights organizations.
- Generate an open parliament in which the regulations of the General Law to Prevent, Attend and Comprehensively Provide Reparations for Internal Forced Displacement are widely and representatively discussed, once the Law has been approved.
- Guarantee sufficient financial resources for the current fiscal year 2023 for the operation of the Federal Protection Mechanism, the granting of protection measures and plans, and the training of sufficient personnel for the care and monitoring of defenders and journalists at risk for their work.

### To the Mechanism of Protection for Human Rights Defenders and Journalists



- Elaborate a comprehensive strategy in cases of IDP through a permanent inter-institutional coordination mechanism, involving at least with the following public entities: National Institute for Women, Special Victims Commission, Ministry of Health, Ministry of Public Education, Ministry of Labor, Integral Development for the Family, and other national or federal entities, when applicable.
- Establish a specific protocol for action and inter-institutional coordination in matters of forced internal displacement of human rights defenders and journalists, among the agencies that are part of the Protection Mechanism, with clear criteria regarding: the procedure for granting protection; distribution of responsibilities; type of accommodation; possibilities of transfers to the area of origin; protection of property in the place of origin; follow-up methodology; cultural relevance; access to social support; sensitivity to structural differentiation, among others. The protocol should include a case-by-case review to study the possibility of providing affordable solutions for people in IDP situations when it is impossible for them to return in safe conditions.

#### **To the Mechanism's National Executive Coordination (CEN)**

- Guarantee that risk analyses are carried out in accordance with international standards and good practices, including information about the origin place of internally-displaced people, which considers the particular conditions, needs and differentiated approaches of IDP..
- Establish a follow-up strategy for IDP human rights defenders and journalists, which should include more efficient coordination, exchange and management of information between the internal units of the Mechanism and other public entities, so as to ensure their safe return or, when this is not feasible, their full integration into a new community.

#### **To the Special Victims Commission, CEAV**

- Generate and maintain an updated registry of journalists and HRD's who are victims of human rights violations, including those who have been forcibly displaced.
- Create a working group between CEAV, the Ministry of the Interior (through the Protection Mechanism), and the Attorney General's Office (through the Special Prosecutor's Office for Attention to Crimes Committed against Freedom of Expression [FEADLE]), and the Federal Judiciary, aiming to ensure a better and more comprehensive processes of attention, investigation and eventual reparations to journalist victims of crimes or human rights violations

#### **To the Attorney General Office**

- Actively participate in the Protection Mechanism's governing board, by providing information about cases about crimes committed against human rights defenders and journalists.
- Investigate diligently and expeditiously the crimes committed against human rights defenders and journalists, having as a tenet of investigation the defense of human rights and the practice of journalism.
- Develop and implement a specialized protocol for crimes committed against human rights defenders, based on international standards and best practices.
- Create an investigation unit for crimes committed against human rights defenders, which is charged with the follow-up and implementation of protocol.

**To the Office of the Special Rapporteur on the human rights of internally displaced persons;**

- Provide technical advice to the Mexican authorities to deepen the analysis of, the capacity to give attention to, and the implementation of a comprehensive regulatory framework that addresses the situation of internally displaced human rights defenders and journalists in Mexico.
- Promote a comprehensive, intersectional and gender-sensitive assessment that permits measurement of the number of people affected, understand and characterize the situation of forced internal displacement experienced by the press and HRD's; the causes and forms of violence that induce their displacement; the impacts and needs that occur at all stages of displacement; and other information that might be necessary to advocate before authorities to prevent new displacements and generate lasting solutions for people within IDP.