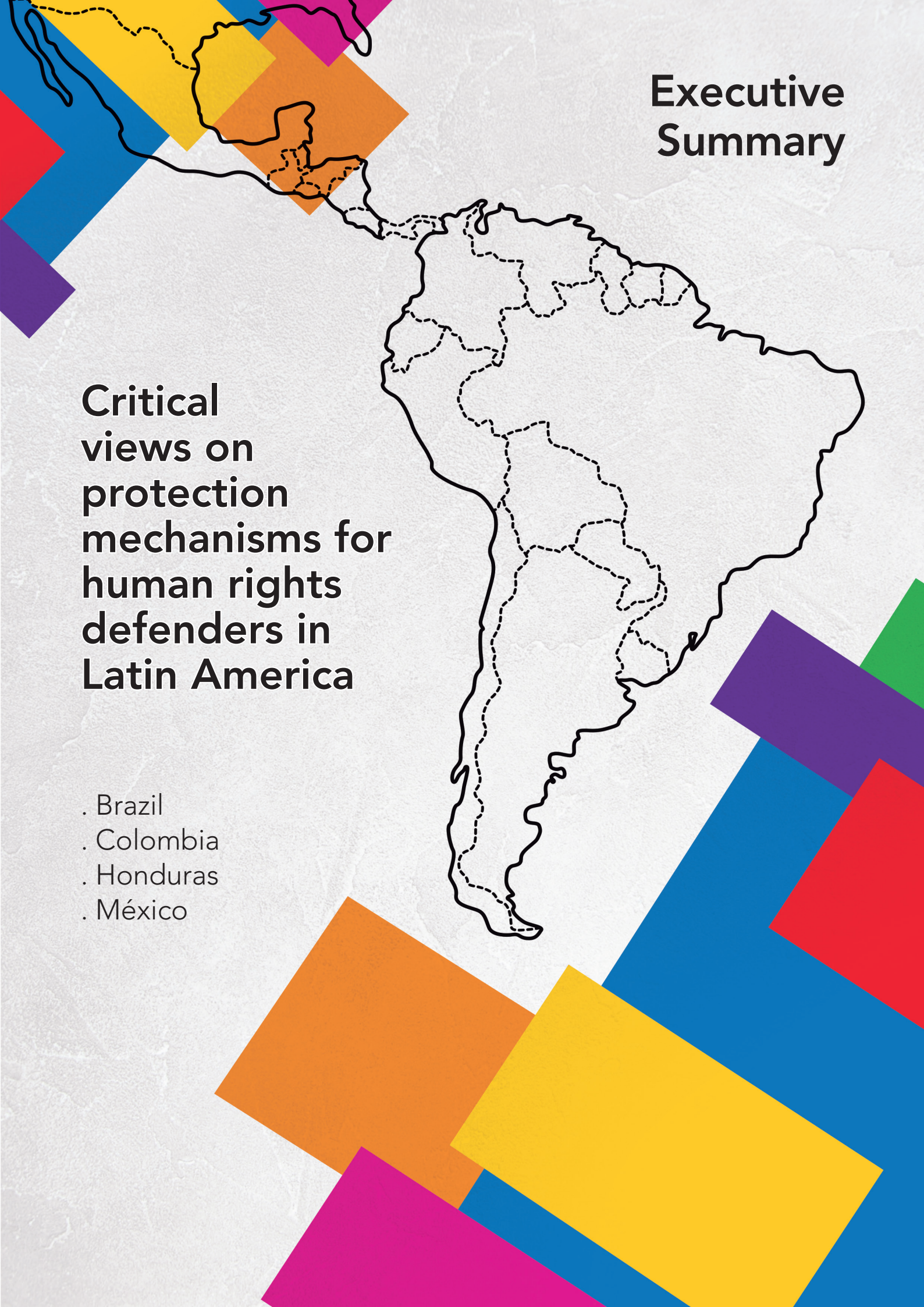


Executive Summary

Critical views on protection mechanisms for human rights defenders in Latin America

- . Brazil
- . Colombia
- . Honduras
- . México



Justiça Global¹ and **Terra de Direitos**² are civil society organizations that have historically dedicated themselves to monitoring the situation of Human Rights Defenders in Brazil. The defenders are individuals or groups that act against *all violations of fundamental rights and freedoms of peoples and individuals, as well as for the attainment of new individual and collective rights (political, social, economic, cultural, and environmental)*.³

These organizations advocate particularly against both the criminalization of the defenders' work and the perpetration of violence that is systematically committed against these individuals. It is our understanding that human rights defenders play a fundamental role in the defense and enforcement of human rights and democracy itself.

Presentation

As part of their advocacy strategy, these organizations produce data and analyses on the context of the work performed and execution of State actions focused on the protection of human rights defenders, in order to promote a better understanding of the social, political, and economic context in which they are inserted, as well as the challenges they face to remain active, fighting.

In this executive summary, we systematized the main information produced by these organizations on the situation of the Programs for the Protection of Human Rights Defenders, emphasizing Brazil, and comparative projections with three other Latin American experiences: Colombia, Honduras, and Mexico.

As a general conclusion of the comparative analysis, it is possible to state that the national mechanisms for the protection of human rights defenders in Colombia, Brazil, Mexico, and Honduras present important challenges/shortcomings in several aspects:

1. <http://www.global.org.br/blog/category/defensores/>

2. <https://www.terradedireitos.org.br/acoes/defensores-e-defensoras-de-direitos-humanos/3>

3. <https://www.terradedireitos.org.br/acoes/defensores-e-defensoras-de-direitos-humanos/3>

- 1 The lack of a comprehensive approach beyond the use of security equipment and security personnel in the protection measures (prevalence of police escorts, bulletproof vests, among others);
.....
- 2 Lack of specialized care centered on rights;
.....
- 3 The lack of political will for proper coordination and provision of human and financial resources for the programs' operation and, finally,
.....
- 4 Deficiencies in the components of what should be a public policy aimed at guaranteeing the right to defend human rights.

The data, in full, can be seen in two main analytical reports: ***“Beginning of the End? The worst moment of the Program for the Protection of Human Rights Defenders, Communicators, and Environmentalists”***⁴, published in 2021, and ***“Critical views on protection mechanisms for human rights defenders in Latin America”***⁵, published in 2022.

4. <https://terradedireitos.org.br/uploads/arquivos/Relatorio---Comeco-do-Fim.pdf>

5. <https://www.terradedireitos.org.br/uploads/arquivos/Olhares-Criticos-sobre-mecanismos-de-protecao-na-AL.pdf>

Brazil: a tragedy waiting to happen

The Program for the Protection of Human Rights Defenders, Communicators, and Environmentalists (PPDDH) was implemented in 2004 in Brazil, but until today, there is no regulation by law capable of establishing it as a state policy.

Studies on the representation of civil society in councils and commissions (IPEA – Institute of Applied Economic Research, 2017) and on the methodology for analyzing public policies (IPEA, 2010), point out that the use of Decrees as a regulation mechanism is an indication of the **low institutionalization of programs as state policies**. This is because the nature of this norm, including its competence, processing, and representation in legislative bodies, does not have the same democratic and republican force as other types of norms, such as laws.

The absence of a Federal Law that turns the program into a state policy has as its main consequence the fact that the states are not obligated to implement it. In the current model, it is at the discretion of the federal and state governments to promote the enforcement of

the program. Furthermore, it makes room for state regulations to advance on the matter, limiting and restricting the access of human rights defenders to the protection policy.

Implemented through successive acts of the Executive Branch called “decrees”, which do not have the status or force of federal law, the Program has undergone different **modifications throughout its almost two decades**, which have included changing its position within the governmental administrative structure and the design of its deliberative body. The most significant ones occurred in the last few years and indicate attacks toward its weakening and dismantling.

In 2021, with the enactment of Decree No. 10,815, of September 27, 2021⁶, substantial changes were made to Decree No. 9,937, of July 24, 2019⁷, which is the legal norm that created the Program. These changes reached new heights in 2022, when a new regulation was established with the enactment of Ordinance No. 507, of February 21, 2022. Among these changes, we highlight:

6. https://www.planalto.gov.br/ccivil_03/_ato2019-2022/2021/decreto/d10815.htm

7. http://www.planalto.gov.br/ccivil_03/_ato2019-2022/2019/decreto/d9937.htm

- **The transformation of the program’s objective:** it now provides for the “articulation”, rather than the adoption of measures for the protection of threatened persons (article 1);
- **The alteration of the concept of “human rights defender”:** it qualifies HRDs not for their fight, but for the situation of risk, threat, or vulnerability in which they find themselves in the performance of their work (article 2);
- **The alteration of the program’s Coordination,** which used to be exclusively the responsibility of the PPDDH and now includes witness protection (article 6);
- **The alteration of the composition of the Deliberative Council which disregarded the concept of parity,** so that governmental bodies occupy two-thirds of the seats and organized civil society, one-third (article 7);
- **The non-inclusion of the Brazilian Bar Association in the list of representatives that can be invited to participate in the Deliberative Council meetings,** even though lawyers are an essential part of justice in the country (article 7, paragraph 1);
- **The establishment of a public call system to select civil society entities that will compose the Deliberative Council** (article 7, paragraph 4);
- **The provision of a casting vote to the Coordinator of the Deliberative Council,** who now has the ordinary vote and the power to decide votings (article 9, paragraph 2);
- **The possibility of creating thematic groups or temporary commissions for the execution of the competencies that are specific to the Deliberative Council,** with yet the possibility of them being integrated by representatives of other bodies or civil society (article 10);
- **The inclusion of the admissibility examination as a new phase in the procedure for joining the PPDDH,** to be carried out by the executing entity and not by the Deliberative Council (articles 17, 18, and 19);
- **The expansion of the possibilities of restriction to people who may benefit from the PPDDH,** with the inclusion of four new conditions (items III, IV, V, and VI);

We believe that especially after the convictions imposed by the Inter-American Court of Human Rights on the Brazilian State, as in the recent case of Sales Pimenta Vs. Brazil, all these devices need to be revisited, discussed, and analyzed, so that their adequacy can be evaluated, in order to make effective the state commitment with the necessary protection of human rights defenders.

THESE DATA REVEAL THE URGENT AND NECESSARY STRENGTHENING OF THE PROTECTION POLICY IN BRAZIL:

- Brazil ranks fourth in the number of deaths of environmentalists⁸
- The number of violent deaths of LGBTI+ persons in Brazil increased by 33% between 2020 and 2021⁹
- Violence in the countryside intensified in 2021 when there was a 75% increase in murders and a 113% increase in slave-like labor.¹⁰
- 77% of homicide victims are Black.¹¹
- The most up-to-date data on the murder of quilombolas indicate that, in 2017, there was an increase of 350%, and that the highest concentration of these murders is in Brazil's Northeast Region (76.3%).¹²
- The year 2021 recorded the following statistics regarding invasions of indigenous lands: there were 305 cases occurring in 22 states of the federation, affecting 226 indigenous lands.¹³
- In 2021 there was an unparalleled number of direct assaults against communications professionals and attacks on the category and media outlets, with a 64.71% increase in censorship occurrences and a 400% growth in the number of attacks.¹⁴
- A recent survey¹⁵ points to an exponential increase in political violence in the country, starting in 2018. Until then, there was one victim of political violence every eight days. Between 2019 and 2022, this time interval decreased to two days, and, until the first round of elections in 2022, every twenty-six hours a case of political violence was recorded.

8. <https://www.globalwitness.org/pt/global-witness-reports-227-land-and-environmental-activists-murdered-single-year-worst-figure-record-pt/>

9. <https://observatoriomorteseviolenciaslgbtibrasil.org/dossie/mortes-lgbt-2021/#dossi%C3%AA-completo-de-mortes-e-viol%C3%AAncias-contra-lgbti+-no-Brasil-em-2021>

10. <https://www.cptnacional.org.br/publicacoes/noticias/acoes-dos-movimentos/6122-em-defesa-dos-povos-do-campo-das-aguas-e-das-flor-estas-organizacoes-sociais-realizam-o-lancamento-de-campanha-contra-a-violencia>

11. <https://forumseguranca.org.br/wp-content/uploads/2021/12/atlas-violencia-2021-v7.pdf>

12. [https://terradedireitos.org.br/uploads/arquivos/09-12_Racismo-e-Violencia-Quilombola_CONAQ_Terra-de-Direitos_FN_REVISAO_Digital-\(1\).pdf](https://terradedireitos.org.br/uploads/arquivos/09-12_Racismo-e-Violencia-Quilombola_CONAQ_Terra-de-Direitos_FN_REVISAO_Digital-(1).pdf)

13. <https://cimi.org.br/wp-content/uploads/2022/08/relatorio-violencia-povos-indigenas-2021-cimi.pdf>

14. <https://fenaj.org.br/wp-content/uploads/2022/01/FENAJ-Relat%C3%B3rio-da-Viol%C3%AAncia-Contra-Jornalistas-e-Liberdade-de-Imprensa-2021.pdf>

15. <https://terradedireitos.org.br/violencia-politica-e-eleitoral-no-brasil/>

The PPDDH is carried out in Brazil through a Federal Program, which operates in a residual manner in areas without an active state-level Program.¹⁶

The state Program has been set up in 11 (eleven) states¹⁷, with teams working exclusively in their respective territory¹⁸; the Program functions with variable quantity, approach, and structure.

According to information from the MMFDH, 169 cases were included in the federal program in the period from 2009 to 2022. **Most of the individuals being protected are men**, which reinforces **the need to include a gender perspective in the policy** so that the specificities of the reality of women human rights defenders do not become invisible in the face of a majority gender profile incapable of contemplating them.

Likewise, it is necessary to **include a race perspective in the entire policy** – from the training of technical teams to the risk assessment methodology and implementable protective measures – and in the attention to the threats and individuals, in order to qualify the protection policy.

The still unsolved murder case of city councilor Marielle Franco, in 2018, and **the threats received by fellow city councilor Benny Briolly**, both in the state of Rio de Janeiro, are

illustrative examples of the systematic political violence perpetrated against human rights defenders – a violence that is targeted and intensified by the intersection of race, gender, sexuality, and class.

The numbers reveal a disturbing situation: there is a downward tendency in the number of cases included in the PPDDH, which is not proportional to the number of requests for inclusion that are made.

By disaggregating the data, we found, for example, that in 2017, in the context of the coup d' état in Brazil, the demand for inclusion in the program increased threefold when compared to 2015. In that same year, the demand for inclusion in the Federal Program (74) was nine times greater than the number of cases included (8).

The data collected indicated that most of the active cases are related to land rights (27%), followed by the rights of Traditional Peoples and Communities – Indigenous Peoples (22%), and *Quilombolas* (13%).

According to data from 2021¹⁹, **Brazil is experiencing the worst moment of the PPDDH: 8 (eight) major attacks on the program** were identified, which undermine the effectiveness of the protection policy in the country:

16. The Federal Government signs agreements with the States to facilitate the implementation of these State Programs, coordinating resources and establishing compensations for their implementation.

17. The State Programs are set up in the following states: Amazonas, Bahia, Ceará, Maranhão, Mato Grosso, Minas Gerais, Pará, Paraíba, Pernambuco, Rio Grande do Sul, and Rio de Janeiro.

18. The Federal Program team, therefore, acts in a residual way in the other states that do not have their own programs (Acre, Alagoas, Amapá, Distrito Federal, Espírito Santo, Goiás, Mato Grosso do Sul, Piauí, Roraima, Rondônia, Paraná, Rio Grande do Norte, Sergipe, Santa Catarina, São Paulo, and Tocantins).

19. Check out the analytical report prepared by Justiça Global and Terra de Direitos, called "Beginning of the End? The worst moment of the Program for the Protection of Human Rights Defenders, Communicators and Environmentalists", published in 2021 and available at: <https://terradedireitos.org.br/acervo/publicacoes/livros/42/comeco-do-fim-o-pior-momento-do-programa-de-protecao-aos-defensores-de-direitos-humanos/23691>

- 1 **The low budget execution for protection programs:** especially considering the austerity measures implemented from 2016 onwards, the context of the rise of the far-right in the country, and the stigmatization of defenders by the Federal Government (2019-2022). Other factors identified include the lack of financial resources destined for the policy, and the rigidity, red tape, and delay in the transfer of federal funds;
.....
- 2 **The lack of social participation and transparency,** especially due to the program's institutional design outlined by the Federal Government. It institutes a decision-making body formed without parity and disrespects the self-organization and representativeness of civil society organizations working in the thematic area. In addition, the Federal Government secured 2/3 (two-thirds) of the seats in the deliberative body for itself, ensuring its hegemony in inducing decisions;
.....
- 3 **Low institutionalization in the country:** due to the lack of a legal framework that structures the protection policy for human rights defenders solidly and permanently;
.....
- 4 **Lack of structure and teams to meet the demand:** low capillarization of the program, few state-level programs with agreements, and a large concentration of territories where the federal team operates;
.....
- 5 **Decrease in the number of cases included at the federal level** according to 2021 data, in a context in which Brazil continues to rank as the country with the fourth highest number of murders of human rights defenders;
.....
- 6 **Political insecurity in the management of the program:** caused by the delay in granting protection and the ineffectiveness or even lack of adequate measures for specific cases, directly violating the paradigm of integral protection which permeates the protection policy. This paradigm imposes a broad interpretation of the measures, with a view of guaranteeing the right to life and the continuity of the defenders' fight;
.....
- 7 **Inadequacy regarding the perspective of gender, race, and class in the policy:** these dimensions were not structurally incorporated into the protection policy. According to data from 2021, most active cases (424) in the Protection Program involve the inclusion of Black Defenders (brown and black), to the detriment of a white or undeclared minority (187). It is urgent to apply the perspectives of race and gender to the perpetrated violence and affected individuals.
.....
- 8 Delay, insufficiency, and inadequacy of protective measures.

GIVEN THESE ELEMENTS, WE PROPOSE SOME RECOMMENDATIONS FOR THE BRAZILIAN REALITY:

- **Strengthen federal and state programs for the protection of human rights defenders**, to ensure the programs' structure, qualification, and continuity of work in all states and the Federal District;
- **Approve a federal legal framework** in a broad exchange with civil society;
- **Ensure social participation in the construction of the National Plan for the Protection of Human Rights Defenders.** Civil society entities and social movements that are active in the thematic field should be included in the process of elaboration, debate, and definition of the policy, both at the federal level as in the state and district level;
- **Expand civil society representation in the Deliberative Councils**, guaranteeing the parity of seats between state bodies and entities operating in the thematic field, in order to fulfill social participation in decision-making spaces of politics and of federal, state, and district programs;
- **Strengthen the institutionalization of state programs**, through the establishment of specific actions aimed at promoting the discussions and articulations necessary to stimulate and pass state and district legislations that establish the program in the territories;
- **Develop actions focused on the production of data related to federal, state, and district programs**, which allow monitoring the implementation of the public policy for the protection of human rights defenders in the programs carried out by the State Governments, by the Federal District and by the Federal Government;
- **Continuously contribute with funds** to enable the permanent execution of state programs that have an agreement with the Federal Government;
- **Promote the active transparency of information related to the implementation of the PPD-DH in the states**, in particular, to publicize the following data: entity executing the program in the state; details of the budget that is allocated, committed, and paid, considering the Federal Government and the States' compensation; composition of the technical team (not their actual names, but the number of members and their area of expertise/operation); updated disclosure of applicable standards, including state ones; composition of the Deliberative Council; the number of requests made, granted, rejected, and shelved per month, observing their distribution by sex, race, and area of militancy; requirements for inclusion in the program and protective measures made available;

- **Strive to build and publicize the methodology for risk analysis by the PPDDH in the states and at the federal level**, as well as to train technical teams and other actors who work with the programs;
.....
- **Guarantee the continuity of state programs**, in order to avoid “gaps” – periods in which the program will not have a hired team, available resources, and a signed agreement;
.....
- **Monitor and standardize the requirements for admitting people to the program**, avoiding conditions that are not supported by federal legislation;
.....
- **Apply the perspectives of race and gender to** the attention given to the threats and individuals who are fighting, in order to qualify the protection policy.

Colombia

The situation of Human Rights Defenders in Colombia is worrying. Subjected to attacks that have become increasingly more constant and violent over the years, HRDs are the targets of assaults and murders: in 2021, at least 378 people were victims of explosive devices, and 139 human rights defenders were murdered.

The country – whose history is marked by a series of armed conflicts and a long, tortuous process for the signing and implementation of the Peace Agreements – instituted in 2011 the current **Program for the Prevention and Protection of the rights to life, integrity and security of individuals, groups, and communities**.

Implemented by the National Protection Unit (UPN) – the body in charge of providing security measures for people at risk, including those classified as human rights defenders – the program has, as its predecessor, the enactment of Law n° 418, of December 26, 1997, which provided for specific instruments aimed at ensuring the coexistence and effectiveness of justice

in the context of armed conflicts and Peace Agreements.

Among the various provisions of this law, there is a set of aid and assistance measures in the areas of health, housing, education, and credit for victims of acts of violence, and the provision of a specific protection program for people whose lives, integrity, safety, or freedom are at risk.

The situation of the Human Rights Defender is classified according to three levels: **ordinary risk**, that to which all persons are subjected; **extraordinary risk**, in which the person suffers a threat to his or her life and integrity; and **extreme risk**, in which the person faces a serious and imminent threat.

According to a survey carried out, Colombia allocated a budget of approximately US\$ 263 million to the program, with most of the resources (70%) earmarked for the purchase of goods and services.

THE 5 MAIN DIFFICULTIES IN THE OPERATION OF THE POLICY IN COLOMBIA ARE:

- **A “militarized” protection model, to the detriment of the adoption of an integral protection paradigm:** this is evident by the analysis that the security measures granted are the main measures adopted by the UPN;
- **Absence of specialized care:** persistence of an individual-based approach, rather than a collective-based one, in the adoption of protective measures; risk analyses carried out without considering gender, age group, community, or ethnicity, among other factors. Risk analysts have little experience and knowledge about and in the territories.
- **Proceedings that exceeded the legal deadline and lack of capacity,** which result in a delay in the implementation of protection measures and, consequently, in their effectiveness.
- **Deficiencies in risk analysis,** in the way the interviews are carried out, in the lengthy process of evaluation and results notification, and in the rigor with which the collected information is evaluated and stored.
- **Failures in the implementation of measures:** contrary to a concept of comprehensive care, harm reduction, efficiency, and less red tape, there is no psychosocial support, care, and protection for family members of defenders that are removed from their territory.

RECOMMENDATIONS PREPARED FOR COLOMBIA:

- Ensure the broad participation of human rights defenders in the process of restructuring the National Protection Unit, its protection routes and envisaged measures;
- Prepare enhanced cooperation plans to ensure that the protection measures adopted are carried out in conjunction with a prompt, impartial and comprehensive investigation;
- Implement the necessary measures so that, in the processes of risk assessment, assignment of protection measures and assessment of their conformity, the adequate participation, communication and articulation with the people supported by the protection program (as well as the beneficiaries of precautionary measures requested by the IACHR and provisional measures issued by the Inter-American Court) are guaranteed;

20. p. 50: <https://somosdefensores.org/wp-content/uploads/2022/12/Informe-anual-2021.pdf>
 21. See: <http://wp.presidencia.gov.co/sitios/normativa/leyes/Documents/Juridica/Ley%20418%20de%20diciembre%20de%201997.pdf>

- Adopt a prevention and protection policy for defenders through appreciation campaigns, training actions, creation of guidelines to state and municipal public officials, and State declarations acknowledging the defender's work;
.....
- Refrain from making public statements that stigmatize journalists and generate an intimidating environment that seriously affects freedom of expression in Colombia;
.....
- Increase effectiveness and expedite the inclusion of defenders at risk in the protection program, solve undue delays and long waiting periods between the moment the first complaint is registered, the risk analysis is conducted and the measures are actually implemented;
.....
- Prioritize prevention and collective protection mechanisms, given that situations of greater risk for human rights defenders are concentrated in rural areas, with less state and institutional presence;
.....
- Guarantee the right to consultation and free, prior and informed consent of indigenous peoples and Afro-Colombian communities and regulate effective mechanisms for their participation;
.....
- Guarantee the immediate implementation of the Comprehensive Program for safeguards for Women Leaders and Human Rights Defenders;
.....
- Ensure that protection measures include a gender perspective in both the risk analysis and the identification of comprehensive protection measures; full participation of women defenders in the design and implementation of measures;
.....
- Investigate the facts that motivate the entry and permanence of people in protection programs, so that the investigation is recognized as a state policy and prevention measure;
.....
- Implement the Peace Agreement as signed by human rights defenders, as it is the best protection for them and their territories;
.....
- Ensure security guarantees for those defenders who participate in the Comprehensive System of Truth, Justice, Reparation, and Non-Repetition (SIVJRNR).

Honduras

After the conviction of Honduras by the Inter-American Court, in the Luna Lopez case, the country enacted the Law for the Protection of Human Rights Defenders, Journalists, Social Communicators, and Justice Operators, in 2015, and, in 2018, created a Special Prosecutor's Office for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Operators (FEPRODDHH).²²

Despite these much-needed efforts, human rights defenders face challenges of different types in their work and in obtaining adequate protection. FEPRODDHH deals with personnel and financial limitations to increase the number of services provided and even with a low

percentage of measures granted by the State: in 2021 the National Protection Council received 81 requests for protection measures but granted only 37.

Among the measures granted, coordination actions with other government bodies (33%), measures of a police nature (24%) and those related to infrastructure and technology (12%) stand out. Their granting, however, struggles with a financial difficulty: there are variations in the funds destined to the policy, which weakens not only the planning but, mainly, the implementation of the protection (in 2020, US\$ 820 thousand were allocated and in 2021 the funds were reduced by almost half, US\$ 426 thousand).

22. Public Prosecutor's Office, Acuerdo No. FGR-002-2018, consult at: <https://bit.ly/3uOWnX>

GIVEN THIS SCENARIO, THE SIX MAIN DIFFICULTIES IN THE FUNCTIONING OF THE POLICY ARE:

- **Lack of financial resources**, since there is no specific budget to guarantee the functioning of the protection system;
.....
- **The absence of inter-institutional coordination**, which hampers the operationality of the policy;
.....
- **The lack of differentiated care**, which considers an adequate gender-, community-, and inter cultural-based approach. These absences weaken the policy since the risk analysis does not take these differences into account when making decisions;
.....
- **Shortcomings in risk analysis**, which move away from a comprehensive, qualified and interpretative approach that could allow a more adequate understanding of the needs and risk conditions of defenders;
.....
- **Failures in the implementation of protection measures**, which are excessively relying on the use of security equipment and security personnel and little differentiated with regard to their ability to adapt to the contexts and concrete needs of defenders;
.....
- **The lack of transparency and mechanisms for the participation of civil society**, which end up generating distrust in the Protection Mechanism itself and imbalance in its effective participation in politics.

BASED ON THE DATA COLLECTED AND THE ANALYSIS CARRIED OUT, WE FORMULATED THE FOLLOWING RECOMMENDATIONS FOR THE EXPERIENCE IN HONDURAS:

- Urgently adopt a comprehensive public policy for the prevention and protection of human rights defenders that include an intersectional and differential approach. Allocate the necessary budget for its effective implementation;
.....
- Strengthen the Protection Mechanism for Human Rights Defenders and Journalists, in order to meet the increased demand for protection measures, as well as to ensure the effective implementation of these measures;

- Strengthen the Public Prosecutor’s Office for Crimes against Life and the Special Public Prosecutor’s Office for Human Rights, Journalists, Social Communicators, and Justice Operators, providing them with protocols, sufficient personnel, and an adequate budget to combat impunity for crimes against human rights defenders and journalists;
.....
- Have personnel trained in human rights as well as technical and material equipment to carry out timely work;
.....
- Strengthen the risk analyses conducted by the Protection Mechanism, addressing all the causes and needs that involve the various fields of struggle and defense of human rights, in particular, women defenders, LGBTQIAP+ individuals, and indigenous communities;
.....
- Take urgent measures to prevent judicial harassment against human rights defenders. Such measures should include protocols and training of justice operators, in order to prevent that, through judicial investigations, human rights defenders are subjected to unfair or unfounded trials;
.....
- Promote permanent training and dissemination to educate about the rights that support defenders, through alternative means of communication. It is also necessary to facilitate the training of leaders from different organizations and communities;
.....
- Publicly recognize, on the part of the State, the fundamental role that defenders play in society and condemn human rights violations committed against them and the attempts to discredit them;
.....
- Prioritize the fight against impunity for murders, attacks, and threats against defenders, which implies support and respect for the work autonomy of the Attorney General’s Office;
.....
- Set up the Special Prosecutor’s Office for the Protection of Human Rights Defenders, Journalists, Social Communicators, and Justice Operators and provide it with the adequate economic support and human resources necessary to investigate violations against defenders;
.....
- Review or prevent the adoption of legislative instruments that: restrict civic space and the rights to freedom of expression, peaceful assembly, and participation in public affairs, and that adopt or contain ambiguous definitions contrary to human rights;
.....
- Ensure prompt, impartial investigation of threats and violence against human rights defenders, bring to justice the authorities and accomplices guilty of these crimes, and provide reparations to victims.

Mexico

Since 2012, with the enactment of the Law for the Protection of Human Rights Defenders and Journalists, Mexico has had a Protection Mechanism focused on human rights and on persons who are at risk due to their work in the defense and promotion of human rights.

nalists, among them 138 women and 369 men; and 1032 defenders, among them 559 women and 473 men),²³ 36 people working on the team and resources estimated at approximately US\$ 20 million (amount allocated for the year 2022).

Data from March 2022 indicate that the Mechanism had 1,539 beneficiaries (507 jour-

The challenges we have identified in the Mexican experience are:

- **Proceedings that exceeded the legal deadline and lack of capacities**, with situations in which the response to a request may take 12 months;
- **Absence of inter-institutional coordination**, which reveals the weakening of the Mechanism and the lack of accountability of different institutions necessary to implement plans and protection measures;
- **Lack of specialized care** that is capable of contemplating different gender, intersectional, and intercultural perspectives of those individuals who make up the policy's target audience;
- **Deficiencies in risk analysis**, which end up being carried out without adequate context analysis, mapping of actors, identification of deficiencies, understanding of protection strategies, and, also, without the necessary complex, global view of the risks being faced by defenders;
- **Failures in the implementation of protection measures** of different natures, ranging from insufficient security personnel to the lack of inter-institutional coordination;

23. SEGOB, Communiqué from the Mechanism, July 2021, see: <https://bit.ly/3vto4zX>

- **Lack of transparency and rendering of accounts**, despite the provision in the law of the need to disclose information through annual reports. Ignorance of how the Mechanism works and data regarding the cases end up harming the possibility of developing monitoring, diagnostic, and prognostic actions.

GIVEN THIS REALITY, WE PROPOSE THE FOLLOWING RECOMMENDATIONS FOR MEXICO:

- Boost the construction, elaboration, and implementation of a collaborative work plan with civil society organizations and international human rights organizations, in order to strengthen the Protection Mechanism for Defenders and Journalists and build a public policy of integral protection (prevention, protection, investigation, punishment, and comprehensive reparation, with an intersectional perspective and a differential approach that guarantees the right to defend human rights and the right to freedom of expression);
.....
- Establish specific actions to strengthen the Federal Protection Mechanism, State Mechanisms, and State Protection Units, with the objective of planning and rendering accounts of the implementation of all protection procedures. In addition, adopt tools that allow the Mechanism to carry out assessments on the effectiveness of the implemented measures, as well as increase the transparency of the entire process to widen the trust of the beneficiaries;
.....
- Adopt a procedure that allows the Federal Protection Mechanism to order protection measures *ex officio* in cases where, due to their seriousness and urgency, they are required immediately;
.....
- Establish specific actions to strengthen the Federal Protection Mechanism, such as hiring sufficient personnel and training, adopting good information management practices, victim care, risk analysis, implementation and monitoring of measures;
.....
- Adopt a broad and integral perspective in the risk analyses and protection plans, taking into account the sources of aggression that may affect the right to defend human rights and the right to freedom of expression, based on an intersectional and differential (non-discriminatory) approach that takes into account the psychosocial component;

6. https://www.planalto.gov.br/ccivil_03/_ato2019-2022/2021/decreto/d10815.htm
7. http://www.planalto.gov.br/ccivil_03/_ato2019-2022/2019/decreto/d9937.htm

- Implement plans with protective measures that have a comprehensive approach encompassing the physical, digital, legal, and psychological violence that defenders and journalists face. These plans should incorporate a gender perspective and an intersectional, differential approach;
.....
- Allocate budget items that guarantee the necessary human and financial resources at the state and federal level for the granting and follow-up of protection plans;
.....
- Have an up-to-date registry of attacks at the state and national level that includes: the identification of patterns of attacks, aggressions, and obstacles to the right to defend human rights and to the exercise of journalism. This registry should also consider variables that allow for analyses based on an intersectional and differential approach in the defense of human rights. This registry should also provide evidence that allows knowing the magnitude of the phenomenon, through diagnoses that contribute to the elaboration of prevention and protection measures for defenders;
.....
- Draw up risk maps at municipal, state, and national levels, with a determined periodicity, which help to visualize risk situations without further compromising the safety of defenders and journalists;
.....
- Establish early warnings or contingency plans in areas of greater risk for defenders and journalists, in order to fight more forcefully the structural causes that generate and allow aggression against persons who exercise the right to defend human rights and the right to freedom of expression;
.....
- Take positive steps to foster a culture of human rights and an environment free of violence and threats, and to empower the work with human rights through appreciation campaigns, training, and awareness-raising on the declaration of human rights defenders and the rights of journalists, as well as through other good national and international practices;
.....
- Investigate and punish by criminal, administrative, civil, or political means public servants who alter collected information, jeopardize privacy and personal data, stigmatize, attack, and directly or indirectly limit the work carried out by human rights defenders and journalists.

Realização



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