“Peace in Mexico?”
Security Strategies and Human Rights
Since the beginning of the “war on organized crime,” which started at the beginning of Felipe Calderon’s administration in 2008, Mexico has faced a context of extreme violence and insecurity that has seriously affected the human rights panorama in the country.

The public security policies implemented since then have focused on fighting organized crime with a militarization strategy that has led to a drastic increase in human rights violations. The factors that contributed to the increase in organized crime - such as impunity, corruption, and the extreme socio-economic inequalities that persist in Mexico - have not been prioritized in the same way as the fight against organized crime.

When his administration began at the end of 2012, Enrique Peña Nieto announced a new security strategy, which was presented with the motto “Peace in Mexico.” This was one of the main themes of the National Development Plan for 2014-2018, a document produced by the Federal Executive. Since then, the Government has created reforms and taken other actions in an attempt to diminish the violence. At the same time, PBI has seen a decrease in reports in the national and international press about insecurity in Mexico. In spite of the positive changes in Mexico’s image, civil society organizations have expressed concern over the persistence of violence and they believe that it is important to inform key actors in the international and national community about the continuous effects of the public security policies on human rights and the people that they defend.

In order to respond to this request from civil society, PBI is working to provide visibility to the security context in Mexico and the consequences for the defense of human rights in the country. Peace in Mexico? Security and Human Rights discusses the issue of public security from the perspective of human rights defenders who suffer the consequences of this context, since it affects their security situation; their relationship with the Mexican state and the perception of their status as human rights defenders. HRDs have organized themselves in different networks to respond to this context. They accompany victims, form networks, and propose solutions that respond to the particular needs of the most vulnerable groups. They demand justice, a new paradigm for human security, a new model combating organized crime, an end to corruption, and human rights focused public security policies.

Despite the official discourse, PBI has not observed Peace in Mexico during the first two years of Peña Nieto’s term, and is concerned about the continuing problems related to public security policies and their effects on human rights in the country. An example of this are the recent events in Tlatlaya, State of Mexico, where members of the Mexican Army allegedly killed 22 people and, Iguala, Guerrero, where members of the municipal police are being investigated for the homicide of 6 people and for allegedly disappearing 45 students.

PBI constantly conducts context analysis and maintains a continuous exchange of ideas with human rights organizations. This publication is based on interviews with human rights defenders who carry out their work in this context. PBI thanks all of the people who have contributed to the elaboration of this document. It is important to point out that PBI requested interviews with representatives from the Mexican government and the diplomatic corps present in Mexico. These interviews were not granted and instead we have included an overview of reports and press releases from the Mexican Government to complement this analysis.

Mexico cannot be analyzed separately from other countries because its violent situation is not unique. Similar to other countries in the region, it suffers from a lack of rule of law, drastic economic and social inequalities among the population and a proliferation of non-state armed groups. It also has high levels of criminal violence. According to the United Nations Development Program (UNDP), “[t]he Latin American region […] carries a heavy burden of violence, registering more than 100,000 homicides, per year. Most countries in the region have homicide rates that are at epidemic levels according to the World Health Organization, with much higher rates than in other regions of the world.”

The causes and expressions of violence among Latin American countries are diverse and respond to the particular local context of each one of them. The UNDP report warns that the multiple expressions of violence (gender violence, co-migration, gang violence, violence by state actors) “and their local nature show that not every crime occurring in Latin America can be explained by the incidence of transnational organized crime.”

Still, the violence associated with organized crime is prioritized and has shaped the public security policies in the region, in part due to the influence of the United States and its prohibitionist drug policies and focus on national security. These policies consider organized crime and drug trafficking to be a problem of regional security (and not a public health issue). These policies show that there is a belief that the military and police should respond to this issue in the countries where drugs are produced and trafficked and fail to recognize the United States’ role in the consumption and trafficking of drugs and in the production of firearms. The United States’ strategy focuses on capturing leaders of criminal groups and confiscating drugs without clearly having an impact on reducing production and trafficking.

The negative social and political consequences of this strategy have recently pushed several Latin American countries to question it and open a debate in the Organization of American States (OAS)5 about the drug policies in the region. For the first time in March 2014, the Inter-American Commission on Human Rights (IACHR) held a hearing to analyze the impact of the drug policies on human rights in the Americas, in this way recognizing the importance of the issue.

COOPERATION BETWEEN THE UNITED STATES AND MEXICO: THE MERIDA INITIATIVE

The Merida Initiative is a security coope-ration agreement initially signed by Pre- sides Felipe Calderon and George W. Bush, and remains in effect under the current administrations of Enrique Peña Nieto and Barack Obama. In contrast with Plan Colombia, which was implemented during an armed conflict and clearly had a counter-insurgent component, the Merida Initiative was announced in October 2007 as a way to support Mexico in its fight against organized crime and to “counter the violence caused by drugs that threaten citizens on both sides of the border.” The Merida Initiative never stipulated that the US military would directly participate on Mexican soil and mainly focused on providing equipment and training to the Armed Forces and the Mexican police who are involved in the “war on drugs”. The US Congress has allocated 2.1 billion dollars, and as of July 2014, 1.2 billion dollars have been handed over. Since the beginning, international organizations and Mexican civil society questioned the policy’s disproportionate support for the Armed Forces, which legitimizes the role of the mili-
Since 2010, however, the US State Department has reduced the amount of security assistance to Latin America, particularly the funds assigned to the Merida Initiative. With the arrival of Peña Nieto to the government, the funding priorities were reformulated (less military and intelligence equipment and more funds for training and institutional strengthening)\(^{11}\). The Merida initiative currently focuses on four objectives: (1) affecting the operational capacity of organized crime, (2) instituting the capacity to manage Rule of Law, (3) creating a border structure for the 21st Century and (4) constructing strong and resilient communities. However, the Washington Office on Latin America (WOLA) warns that even though the priorities have shifted slightly (with more funds going to strengthening the justice system and to prevent violence), the first objective continues to be where a large part of resources are concentrated, and “with the arrival of Peña Nieto there has not been a significant shift in where support goes”\(^{11}\). The emphasis continues to be on the prohibition of drugs and detaining members of organized crime and not as much on structural changes to reinforce Mexican institutions. At the same time, there has been an increased funding for “border security”. The assistance not only goes to the common border between the two countries, but also to the southern border of Mexico due to its strategic value - drugs pass through here every day along with an increasing number of Central American migrants\(^{12}\). Concerning this last piece, civil society organizations have warned that this change represents, “a turn toward more policies that view migrant flows as a threat to be controlled instead of a humanitarian phenomenon to be managed or a vulnerable population to be protected”\(^{11}\), Mexican and US civil society organizations demand that Mexican security forces do not receive support unless there is adequate control over their actions and unless security institutions and institutions involved in administrating justice are strong and trustworthy. Many have praised a change that was to focus on what the problems that Mexico is facing only from another perspective besides security\(^{11}\). However, this time the main objective supported by the three majority parties in the Pact for Mexico was to “re-cover peace and freedom by decreasing violence, specifically [. . .] the three crimes that harm the population the most: murder, kidnapping and extortion”\(^{12}\). The strategy is included under the motto “Peace in Mexico” and is the first goal of the National Development Plan-2013-2018. It is also detailed in the National Public Security Program-2014-2018. A document that shows the administration’s attempt to distance themselves from the previous administrations led by the PAN. The program states that instead of “head-on of combat with criminal organizations,” it will focus on reducing violence and the rate of crimes that impact society and the economy\(^{11}\).

11. Adam Isacson et al., “The Aftermath of Mexico’s Drug War,” Foreign Policy, 2014
12. Interview with Maximiliano Meyer (WOLA), August 19, 2014
13. Analysis section on Mexico’s Other Border: Security, Migration, and the Humanitarian Crisis at the Line with Central America, WOLA, August 2014
14. Ibid., p. 22
15. CNDHOPD, “Por un nuevo paradigma en las políticas de drogas: un llamado de la sociedad civil a los Estados de la región”

In December 2006, Felipe Calderon inaugurated his administration by announcing a “war” against organized crime and deployed the military throughout the country to support the police, who were thought to be too corrupt and poorly trained to fight the criminal groups. The violence did not decrease, and “as of May 2008 the homicides related to organized crime (12,000) had increased to levels that had never been seen before”\(^{16}\). At the same time, the presence of the military in public security tasks and the need to show positive results led to a worsening of the human rights situation and increased human rights violations like torture, disappearances, extrajudicial executions, arbitrary detentions, and unfair criminal proceedings by the armed forces, police and the institutions responsible for administering justice\(^{15}\). Calderon’s administration closed its six-year term with 28 thousand disappeared people, more than 120,000 homicides\(^{15}\), and only 1% of crimes ever being punished\(^{15}\).

When Enrique Peña Nieto arrived in office in 2012 he promised to change the way in which the public security strategy was presented. This strategy was once again defined by a federal police policy, however this time the main objective supported by the three majority parties in the Pact for Mexico was to “re-cover peace and freedom by decreasing violence, specifically [. . .] the three crimes that harm the population the most: murder, kidnapping and extortion”\(^{12}\). The strategy is included under the motto “Peace in Mexico” and is the first goal of the National Development Plan-2013-2018. It is also detailed in the National Public Security Program-2014-2018. The strategy continues that instead of “head-on of combat with criminal organizations,” it will focus on reducing violence and the rate of crimes that impact society and the economy\(^{11}\). The current federal government’s new security strategy proposes the following: (1) greater coordination between the federal and state public security institutions, (2) strengthening of the public security corps, handling and institutional reorganization, the creation of a new public security corps (the National Gendarmerie), and (3) breaking up criminal groups by favoring intelligence over force, breaking up their financial and logistical structures and increasing territorial control by the State, especially on the border and in the strategic economic centers in the country. In addition to the PNSEP, similar to what was announced in the Pact for Mexico, resources and efforts were designated to tend to the structural causes of violence and to prevent crime, all of which was detailed in February 2013 in the National Program for the Social Prevention of Violence and Crime\(^{22}\). Now, two years since the PRI took office in the presidency, how can we evaluate this new strategy?

**THE RENewed STRATEGY BY Peña NiETo: CURRENT SITUATION**

According to the Second Governmental Report by Enrique Peña Nieto in September, 2014, several aspects of the new security strategy have already been implemented:

- With the goal of reinforcing inter-institutional cooperation, the Department of Internal Security (SEGOB) was given new powers including public security, protection of human rights, attention to victims of crime and disappeared people, as well as maintaining a political relationship and coordination with the new structures. This new structure replaces the federal police under the recently created National Security Commission in SEGOB, returning to the structure used by previous administrations led by the PRI\(^{20}\):
  - A Single Command for the police has been created in order to unite the municipal and state police under one entity, with the goal of reducing corruption. According to the Second Governmental Report, this process has taken place in 31 states. 73% of the national population is covered by municipalities that have collaboration agreements as part of the Single Command.
  - Due to the abuse of power and corruption in the police forces that were recognized in the PNSEP, the Federal Government has prioritized professionalizing the police force and reinforcing quality controls, purges, and other mechanisms of internal control. According to the Second Governmental Report, by Peña Nieto includes the number of training sessions that have taken place in the new Internal Security Secretariat, which has already been implemented. 50,000 police officers were trained and a new system for standardizing this was announced in February 2013 in the National Program for the Social Prevention of Violence and Crime\(^{23}\).

Members of the Mexican Army participate in a parade on Mexico’s Independence Day, September 16, 2014 © PBI

PBI volunteers accompany members of Codigo-DH at a police checkpoint in the Isthmus of Tehuantepec, Oaxaca © PBI

17. HRW, Human Rights in Mexico, December 2012
21. CIDH, Agenda Nacional de Derechos Humanos (National Human Rights Agenda), 2013, p. 37

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of the security corps and state and federal courts. Additionally, the National Attorney General’s Office (PGR) recognizes that 22,322 people have been disappeared between 2007 and 2014, of which 44 percent took place under the current administration.

As far as human rights violations in 2012, the CNDH received 23,347 case files, of which about 11,000 were complaints. The institution emphasizes that “the total files represent a 56% increase compared to 2011 [...] the 11,011 files with complaints reflect an 81% increase compared to 2009.” Of the complaints that were processed, 68 percent had complaints received against authorities from the security sector [...] regarding violations such as arbitrary detention; cruel treatment or sadistic treatment; use to comply with formalities required for a search warrant; intimidation; and the arbitrary use of force. In 2013, the CNDH reported receiving 23,716 files, and 9,008 of these were complaints. Of these, 17,091 complaints were against authorities from the security sector [...]. Despite this decrease in the number of complaints received by the CNDH between 2012 and 2013, several UN special rapporteurs have given warnings about the continuity of human rights violations linked to security strategies in Mexico. It is also important to highlight that the CNDH has been questioned by several sectors of Mexican and international civil society for its apathy in some cases.

In 2014, after a visit to the country the year before, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions concluded that “violations of the right to life [...] continue to take place at an alarmingly high rate. Impunity remains a serious concern at the individual and systemic levels. Problems in the protection of the right to life in Mexico are due to various factors including deficiencies in the legal system; [...] unwillingness or lack of capacity of police and prosecutors to investigate; [...] and lack of accountability for violations; [...] There is an urgent need to decrease the involvement of the military in policing; ensure that civil and not military courts try members of the military who are accused of having committed human rights violations; [...] What is called for is systematic, holistic and comprehensive strengthening of the rule of law; a critical element of which is ensuring accountability for abuses.”

Similarly, the Special Rapporteur for Torture visited the country in 2014 and stated that “there is still a generalized use of torture and mistreatment in Mexico as a way to carry out criminal investigation but with more intensity for crimes related to organized crime [...] and these acts usually remain in complete impunity.” In addition, “the Rapporteur recommends the development of new public security strategies with a human rights perspective, including for crime prevention. However, [...] he is concerned about the continued militarization of several regions of the country and the persistent participation of military commanders in civilian posts [...] Even though official national and state human rights entities reported a decrease in the number of reports of torture and mistreatment in the last two or three years, the Rapporteur received an alarming number of complaints and testimonies and observed cases that documented these practices by diverse authorities, including the Armed Forces, the municipal, state and federal police; and the state and federal ministerial agents [...] the Rapporteur expresses his extreme concern regarding the scarce number of investigations carried out for these crimes, the almost complete absence of sentences both on a federal and state level, which leads to the ongoing impunity.”

Even though there has been some progress, Mexican human rights organizations have not seen a decrease in human rights violations. In a joint report, the National Campaign against Forced Disappearance, the Cerezo Committee and Urgent Action for Human Rights Defenders, A.C. highlight an increase in politically motivated human rights violations. They documented 292 arbitrary detentions in 2012 and 427 in 2013; 21 extrajudicial executions in 2012 and 20 in 2013 and they affirm that “in the first 18 months of Calderon’s administration, there were 24 forced disappearances (of human rights defenders) and in the first 18 months of Pena Nieto’s administration there were 29.”

Even though the government reports some changes, and civil society organizations also recognize advances, they also warn that “despite the Constitutional reforms from 2008 and 2011, the State has not taken actions to implement the necessary radical changes in the operation of the institutions that administer justice [...] the main problems are not found in the rules, but in the concrete implementation of human rights and in the fight against impunity.” In this sense, the efforts made to train and renew the concrete security forces have been insufficient. According to Edgar Cortez, “we still do not have a clear, continuous process that will ensure a professional police force that is well-trained and respectful of human rights.”

In a report from May 2014, WOLA points out that even though several measures have been put in place to reform the police in Mexico, which includes positive elements, they “have failed to establish...
Civil organizations and sources from the media have criticized several aspects of the current security strategy, including its novelty and efficacy, which have mainly criticized the role that the army plays in public security tasks, without a clear end date. Edgar Paredes warned that “there is still no distinct security strategy from the previous administration,” since the armed forces continue to be used together with the federal police for public security.

The National Defense Sector Program 2013–2018 explicitly states that the military will continue to work with civil authorities in their public security tasks throughout this term. In fact, “the operatives have intensified—there were 218,378 patrols this year with the participation of 91,547 soldiers, and Mixed Operation Bases (military-police) increased from 97 to 141 and employed 37,000 soldiers every day.”

It is positive that a manual was published which regulates the use of force by the three armed forces. However, it is also positive that these three sectors will continue to carry out police duties.

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**QUESTIONING THE SECURITY STRATEGY**

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Increased risk for defenders

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“The Rapporteur expresses her deep concern about [...] the persistence of a climate of violence and insecurity for human rights defenders in Mexico [...] and would like to once again call attention to the high level of impunity that prevails for violations committed against defenders in the country.”

Reports from the United Nations Office of the High Commissioner of Human Rights (OHCHR) in Mexico reflect that “since 2006 [there has been] a climate of hostility against defenders with regard to the activities that they carry out.”

According to the Human Rights Commission for Mexico City (COHDF), the cases of aggressions against human rights defenders have sharply increased from 63 in 2011, to 260 in 2012, and 427 in 2013. At the same time, the non-governmental organization Accudeh points out that throughout the last three years, the patterns of aggressions have become more serious: documented cases of harassment and aggressions have exceeded the threats.

At the same time, human rights defenders have been killed in connection with the context in which they are working. According to the RedTD’s analysis, the work of many of the human rights defenders who were killed in recent years “confronted certain groups of ‘default power’ (businesses, local leaders and organized crime groups) that operate in conjunction with diverse levels of government [...] the work of the defenders is focused on obtaining justice and truth, defending the land, territory and natural resources [...] reporting on the actions by organized crime and the complicity of authorities and pointing out corruption and inefficiency from the military and police.”

Additionally, the National Campaign against Forced Disappearance affirms that “if you compare the first 18 months of Felipe Calderon’s presidency with Enrique Peña Nieto’s, the forced disappearance of human rights defenders increased by 60%, which means that currently in Mexico, every two weeks a human rights defender is a victim of forced disappearance.”

According to the OHCHR, in Mexico between 95 and 98.5% of the violations against human rights defenders remain in impunity.

By reporting on human rights violations and seeking to fight impunity, human rights defenders directly face the causes and consequences of the governmental security strategy and as a result they become the specific target for a variety of actors. The “All Rights for All” National Network of Civil Human Rights Organizations (Red TD) reports that, of the 104 cases of aggressions against human rights defenders that were documented between 2011 and 2013, the main group of perpetrators that were identified were members of state security forces.

In addition to this, and according to the United Nations High Commissioner for Human Rights, “it is important to note that a majority of the cases point to non-state actors, mainly identified as local bosses or criminal groups that see the work of the human rights defenders as a threat to their illegal activities and interests. In some cases they have been able to demonstrate the acquiescence of governmental actors. One piece of data that is relevant is that in 23% of the cases, public officials have played a role either through action or omission.”

In addition to the increase in aggressions, Accudeh points out that since 2006, “there has been a climate of hostility against defenders with regard to the activities that they carry out.”

As Maureen Meyer from WOLA explains, this increase in risk correlates with the strategy that has been in place since 2006: “the deployment of the federal police and the military has led to major attacks and threats to journalists as well as human rights defenders.”

According to the OHCHR, in Mexico “since 2006 [there has been] a climate of hostility against defenders with regard to the activities that they carry out.”


“The strategy of militarizing the police and promoting human rights in recent years has been torture, why is that?”

Codigo has always worked on this issue, but we have seen how the strategy has increased recently. We received cases, we started to do some workshops and some trainings, this allowed the organization to have a greater foundation from which to work on these cases.

How does this fit into the national political context, especially in the context of the security strategy which began in 2006?

Without a doubt it is related. We know that there are distinct cases, but torture takes place everywhere. It is a constant and systematic practice that has taken place for a long time, but it is not identified as such by the people, nor by defendants or authorities. These campaigns, calling torture for what it is, this was one of the goals that we set, and we realized that it had to do with a national strategy. The strategy of militarizing the police and promoting human rights and political rights was one of the goals that we set, and we realized that this was related to the national strategy to militarize all the police and that also brings a pattern of torture.

You have also worked on cases of torture that took place during the 2006 protests in Oaxaca, what do these events have to do with the national context?

Between 2006 and 2007 there was a change in administration and in the context of elections, one of the issues regarding governance was about placing Oaxaca. This is why the federal police were the ones who intervened in the demonstrations and who violated and tortured people - they are in these reports that we are filing for torture. It had to do with a national strategy. At that time it was a question of national security during the change in government.

One of the issues that Codigo-DH focuses on in their work to defend and promote human rights in recent years has been torture, why is that?

64. ACIRCH, Op.Cit, p.13
65. ACIRCH, Op.Cit, pp.57-58
“With the arrival of the Army and the Federal Preventative Police to the city, the human rights violations increased sharply” Interview with Diana Morales, Paso del Norte Human Rights Center.

Diana Morales is a lawyer and coordinator of the legal section of the Paso del Norte Human Rights Center, located in Ciudad Juarez, Chihuahua. The Center mainly accompanies cases of torture and disappearance from an integral perspective (legal, psychological and political). Paso del Norte has been the target of threats and harassment on a number of occasions due to their work. PBI has accompanied the Center since September 2013.

Paso del Norte was created in Ciudad Juarez in 2001 and with time it modified the focus of their work, why was it created? And in what ways has the focus changed and why?

The Center opened its doors to the people of Juarez in order to work on cases of human rights violations and to attend to the great number of civil legal cases, as well as to provide psycho-social attention. With time, the Center began to consolidate its work in Juarez and when “the war against drugs” began, with the arrival of the Army and the Federal Preventative Police to the city, the human rights violations sharply increased. This made it clear that we had to make a change and specialize in torture and forced disappearance. We started to document cases in which agents of the security forces were involved.

How does this fit into the national context, especially into the security strategy which began in 2006?

That “security” strategy was land continues to be a humanitarian disaster with crimes against humanity that are still prevailing justice. The situation in Chihuahua state and in Ciudad Juarez in particular has become the most bloody setting influenced by the Merida Initiative. Fear continues to be present in a large part of society, there is enormous and justified distrust towards the police and the justice system, police abuse continues along with torture and impunity.

We must remember that in Juarez, the political context of a security “strategy” coincides with the world economic crisis and affects the economy of the city, which is very much linked to the maquila export industry and the economy of the United States. Poverty and insecurity are a lethal combination for the city, during what might be the worst economic crisis that the city has seen since the Revolution in 1910.

Have these changes led to new risks or changed your security situation? In what way?

The risk has increased for all of society, and more for those who work in human rights. It has also increased for groups that are vulnerable to police abuse of power, which tend to be the poor and the young people, and for professions that are vulnerable to reprisals by the state, such as journalism. Since 2008 the threats, repression, assassinations and harassments towards journalists, activists and HRDs have increased, making our state and city one of the most dangerous places in the world for these activities.

The Center’s offices were raided by the Federal Preventative Police in 2011 and on other occasions we faced harassment directed at me and Patricia Galarrza, a psychologist for the center, as well as at our director, Oscar Enriquez.

Where does this risk come from?

It comes mainly from the State due to the public security policies implemented and the complete failure to purge the bad elements from the police corps as well as the poor administration of justice that favors impunity of police and judges - we quickly became an uncomfortable observer that constantly points out the State’s perversions. Because we defend victims of torture and receive complaints of police abuse, we are in a confrontational situation with a State that denies its crimes, even though the evidence shows otherwise. Specifically, we observed a hostile discourse by the State government, and with the help of the press they accused us of “defending criminals” and they slandered our work by minimizing its importance.

As far as your work, what obstacles do you face in terms of defending victims of torture? Several. One of them is economic: the [legal] processes are long and tiring, sometimes the cases are taken to another place and we have to constantly travel. Another is the harassment faced by relatives of the victims and the center itself by police and ministerial agents. Finally, there is a campaign to discredit our work by the State and the media.

In your opinion, what policies should be applied or improved upon so that civil society organizations like Paso del Norte feel protected when they defend victims of torture and disappearance?

Even though the Mexican state established the Protection Mechanism for Human Rights Defenders, it has not been able to achieve effective protection for this group of people. But beyond this, the problem is that if the Mexican State were to administer justice and do things according to the law, organizations like the Paso del Norte Human Rights Center would not have a reason to exist. It is difficult to think about political changes to improve our risk for our work, knowing that the root of the problem is in the government’s authoritarianism. In theory, modifications to the laws to defend or protect human rights work would be a good strategy in favor if it was not the state the first one to violate their own rules. That reality does not give us much hope. We can aspire to have support from prestigious international organizations, preferably foreign organizations that in a given moment can play an intermediary role with the State to facilitate our work.
Since the beginning, the Mechanism faced a series of problems, including lack of personnel, frequent turnover, lack of proper training, and bureaucratic difficulties to attain financial resources.

PBI has expressed concern for the diverse problems that inhibit an improved functioning of the Mechanism, which can have serious consequences for the safety and protection of HRDs and journalists at-risk. Even though the coordination between different levels of government to implement protection measures continues to be a challenge, the lack of justice is without a doubt the greatest obstacle. In spite of the efforts by the Mexican Government to improve its functioning, Edgar Cortez, a member of the governing board for the Mechanism states that “almost 100% of the cases remain in impunity”.

With Peña Nieto’s administration, the strengthening and implementation of the Mechanism was part of the priorities detailed in the National Human Rights Plan 2014-2018. The implementation of the protection Mechanism is a good example of the obstacles in the plans and strategies proposed by the Government. As of September 2014, the Mechanism had received more than 197 petitions for protection, of which 157 had been accepted for analysis. Of these, only 86 were evaluated to determine protection measures.

Since the beginning, the Mechanism has faced a series of problems, including lack of personnel, frequent turnover, lack of proper training, and bureaucratic difficulties to attain financial resources.
Since its inception, the RNDDHM has documented aggressions and accompanied women defenders and journalists. In many cases, these threats have a gender component, like threats of rape and other aggressions that would violate their body like touching, harassment, and sexual assault, and defamation and slander based on gender stereotypes and with sexist language. At the same time, the RNDDHM promotes mechanisms for protection, prevention and reparation, incorporating a gender perspective regarding the impact that the aggressions and the threats have on women human rights defenders.

Among other accomplishments, the RNDDHM has developed an electronic network of communication in which the defenders share information, make urgent phone calls, take collective actions and take action in emergency situations. At the same time, they share tools that increase their capacity to face risk derived from their work, and also to prevent the violence against them from being considered normal. They have generated mechanisms to accompany, protect, report on violations, carry out solidarity actions, lobby and create visibility in order to construct mechanisms with a gender perspective.

The RNDDHM is a diverse network of women who affirm their identity as human rights defenders; they aim to reinforce the work of women defenders and take measures so that they can act without fear of reprisals, in order to continue to construct a more just country, they are women that recognize their work and their contribution to the construction of peace, justice and democracy in Mexico.

FROM SOLITUDE TO ORGANIZATION: MIGRANT SHELTERS FORM A NETWORK

Because of its geographic location, Mexico is a country of origin, transit, a destination and a point of return for migrants. Thousands of Central American migrants pass through Mexico on their way to the United States each year. On their way, they receive support from more than sixty shelters that provide food, housing and safety, and in some cases, legal advice. Sister Leticia Guadalupe Valderrama, founder and general director of Scalabrinas:

Mission for Migrants and Refugees, says that “the first need was to give the migrants a place to go. Later, we realized that they not only needed a place to stay, we started to listen to them and we realized that their human rights were being violated, crimes were committed against them and there was no one to help them.” For that reason, the shelters began to organize among themselves and to document and file complaints about these crimes.

Beginning in 1999, they coordinated and formed a network “...of about 32 migrant shelters and human rights centers” says Sister Leticia. Alberto Donis, coordinator of the “Brothers on the Way” Shelter in Ixtepec, Oaxaca explains that “today we have them, tomorrow they are in another shelter, today they are in the south, tomorrow in the center of the country and the day after tomorrow in the north. This is why it is important to work in a network.” According to Sister Leticia, this allows them to “save lives, find migrants, and communicate with people in Central America or North America when they ask for information about a migrant.” She believes that the visibility of the work of human rights defenders of migrants is rather recent, “traditionally they only knew about those who defend the land, women, children.” For a long time they lived with the risk of being detained because of the “Law on general population labels what we do as human trafficking.” Remembering these experiences, the defender explains that “solitude and isolation left us in a very vulnerable situation.”

In the general context of insecurity and impunity, the shelters continue to face elevated risk due to the conflict of interest of criminal organizations who see migrants as merchandise and extortion them, sexually assault them, force them to sell drugs, kidnap them for forced labor or force them to sell drugs, kidnap them for forced labor or use them as mules to transport drugs. According to Sister Leticia, this context “has not changed much from Calderon’s administration to Peña Nieto’s administration, and it is important for the shelters to be organized. Being organized in a network gives shelter some protection, and in addition to the mutual support the network provides, they also have the possibility of immediately activating an alert system on a national and international level. The network can “have an impact on authorities so that they respond with certain protections, and make contact internationally so that they also feel like they are being watched from outside,” says Sister Leticia. Thanks to the joint actions and national and international pressure, they have already reformed certain migration laws, and created laws to protect human rights defenders, but most of all, they provide visibility to the situation for migrants and their defenders with the goal of being able to “exercise our right to defend human rights.”

Alberto Xicotenalli from the Satilti Migrant Shelter points out that in order to guarantee protection for the defenders of migrants, there must be first some protection for the migrants themselves. In the same way, Alberto Donis highlights that the Mexican and United States governments will have to change their security strategy and “instead of detaining migrants and creating more detention centers, they should attack the causes of migration; unemployment, lack of security, etc. because in the end if they are detaining people who return the next day, there is really no point.”

A PBI volunteer accompanies Alberto Donis from the migrant shelter “Brothers on the Way” near the train tracks in Ixtepec, Oaxaca. © PBI

This National Encounter of Human Rights Defenders in Mexico, City January 25 and 26, 2013. © RNDDHM

91. From 2010 to 2013 the National Network of Women Human Rights Defenders in Mexico documented a total of 308 aggressions against 150 defenders and 15 organizations. The most common aggressions were: threats, warnings and ultimatums; intimidations and psychological harassment, false accusations, slander and defamation campaign.

92. “Adolescent migrants are merchandise for the narco, reports priest” Proceso June 3, 2014

16 “Peace in Mexico” | PBI Mexico

17 “Peace in Mexico” | PBI Mexico

Sister Leticia Guadalupe Valderrama, SMR Scalabrinas: Mission for Migrants and Refugees participates in a training for human rights defenders in San Cristobal de las Casas, Chiapas © Mari Cruz Reyes

CIvil Society Reaction

CIvil Society Reaction

CIvil Society Reaction

CIvil Society Reaction
A march in honor of the Day for the Victims of Forced Disappearances organized by PBI in Saltillo, Coahuila on August 29, 2014 © PBI

The presence of non-state armed groups is a phenomenon which has been historically present in Mexico. Since the Revolutions of 1910, there has been a proliferation of civilian armed groups, particularly in Guerrero and Michoacán. Even though the terms “self-defense” and “community police” have been used interchangeably to refer to these groups, the phenomenon covers different and complex situations. Towards 2013 and 2014, PBI Mexico interviewed scholars and human rights actors in order to better understand this new political context 91.

Those interviewed as well as other scholars agree that the diverse civilian armed groups in Mexico should be differentiated because “they have distinct composi- tions, structures, and goals even though they share the same goal of security.” 92. It is not the same to talk about the self-defense groups in Michoacán or in the State of Guerrero, groups that were recently created as a result of the state’s inaction and its incapacity to control the diversification of crime 93; than to talk about the community police like the CRAC in Guerrero which were part of a repressive, autonomous in- digenous processes. These groups are ba- sed on traditions and customs and make decisions as a community and through indigenous processes; they created a model of social justice and defense of life and terri- tory. Miguel Moguel from Fundar states that “the community police adhere to the governmental structures and internal organization of the communities and indi- genous people; it comes from them and it is useful for them. At the same time, the self-defense groups are citizens or groups of citizens that have organized them- selves to obtain security.”

According to several analysts, within the self-defense groups and the community police there are different structures, some are the legitimate expressions of citizens who are fed up with violence and corruption, others have formed close relation- ship with organized crime groups, other more regional groups have police or mixed self-defense groups. However, recently to the pro- rama groups that have been trained by the government. In addition there are an increasing number of police and guards whose duty it is to protect the interests of business people. Miguel Moguel says that there are several categories in the state of Guerrero and there are sev- eral different kinds of groups that were created as a result of insecurity. Although they do not necessarily share the autonomous project of the indigenous community police, they have achieved a lot of social backing. According to this ex- pression, other more re- gional groups may have not the time nor the care to get to know the specific situ- ation of each community. These groups in- clude citizens who are fed up with the in- security, community groups that have a known relationship with political par- ties (which dilutes the collective, citizen aspect or even worse, the incorporation of communities where there is a comple- te knowledge about the presence of pa- trols and not the state, like in the case of public security. Even with the absence of these measures, we will continue with our tire- less search.”

The main challenges that we face are the lack of investigation into cases of disappeared people and a lack of coordination amongst authorities and search. As time goes by this is having an impact on our friends, their health is deteriorating, and some have even died waiting. We can see how the Mexican state is not carrying out coordinated, effective actions to search (for the vic- tims). Meanwhile, we are dying.”

“The truth is we would have preferred if FUUNDEC had never been created. We are hopeful that FUUNDEC will one day disappear when our loved ones appear. We would not want anyone to go through what we are going through.”

“We think that there should be rule of law in Mexico and that there should be a secu- rity policy, human security. This means se- curity for all, the police, the military, and not the state, in the case of public security. Even with the absence of these measures, we will continue with our tire- less search.”

The presence of non-state armed groups has been a central point of debate within Mexican society. As far as the re- cent “self-defense” groups, neither the Mexican constitution nor the state laws and regulations are totally clear with re- gard to the close line between legal and indigenous. The indigenous community police is different since its existence is based on Convention 169 of the International Labor Organization (ILO) and Article 2 of the Constitution, as well as state law in Guerrero (Law 701). However, the increa- sing excess of these security expressions both in Guerrero and Michoacán has for- ced the state and federal governments to create laws that aim to regulate, tolerate or control the diverse ways of organizing to combat insecurity. As far as legitimacy, a large part of society and academia has backed the self-defense groups as a legiti- mate popular expression that was created in a democratic way by those who govern and the governed, what happens when this is broken or when it is not fulfilled? From my perspective, when the rule of law does not exist or when the capacity to obey laws and guarantee the safety of all of us is lost, defense is va- lid.” Other analysts make a distinction between the different groups and warn about the alleged connections between self-defense groups with other actors that evidently raise the risk so that they beco- me “militias” in the hands of local economic interests (like megaprojects or illegal interests like organized crime) 94.

Armêd civil groups in Mexico: self-defense and community police

The drastic increase in violence in Mexico has increased the demands made by the FUUNDEC resonated with families throughout the country,” says Diana Iris Garcia. In 2011, after 2 years of work, “FUUNDEC held a meeting with the direc- tors of SEGOB and the PGR and we deci- ded to get the relatives of the disappea- red together from other states. After that meeting, FUENDEM (United Forces for Our Disappeared in Coahuila) was created and it brought together families from all over Mexico (with the goal of) creating basic conditions to search for the disappeared by creating protocols to search and investi- tigate, and public policies that facilitate their search and that support the families.”

“To come together as re- latives and talk about what happened to us is very im- portant. To be able to cry and share ways to search, it’s a way we can talk about so- mething that in many cases we could not even talk about with our own families. We saw how we could not do anything alone; they did not listen to us. By coming to- gether, we got stronger and we made them listen to us. We are a big family. Here we learned and we got training: it is a constant training.”

“As a movement we have been able to improve our capacity to do political work, since the collective is di- verse and rich in thoughts, and nourishes our proposals. To have a dialog with the State of Coahuila - it has now been four years - has allowed us to learn how to do political work. Now we can generate precise proposals that respond to our de- mands. That helps us to monitor the work of the state and federal governments.”

“The main challenges that we face are the lack of investigation into cases of disappeared people and a lack of coordination amongst authorities and search. As time goes by this is having an impact on our friends, their health is deteriorating, and some have even died waiting. We can see how the Mexican state is not carrying out coordinated, effective actions to search (for the vic- tims). Meanwhile, we are dying.”

This article is based on an interview with Diana Iris Garcia, member of FUUNDEC and with the support of Alma Garcia of the Fray Juan de Larios Diocese Center for Human Rights (CODIFJDL), an or- ganization accompanied by PBI since 2014 which provides support to FUUNDEC.

According to Alma Garcia, “United Forces For Our Disappeared in Coahuila (FUUN- DEC) was created in a context of general violence in the state of Coahuila where murder and disappearances were part of the everyday life of the inhabitants in the northeast of the country. It was created because the relatives of the disappeared did not get a response from the Mexican state when it came to finding and investi- gating the disappearances of their loved ones. They were treated with indifference and their relatives were made out to be criminals. At the end of 2009, relatives of the disappeared began to arrive at COD- JDL in search of support. In December of the same year, 14 families who were looking for 21 disappeared people decided to carry out their first joint action.”

93. On July 19, 2013 with Álvaro Barrales from the Titleholders’ Rights Human Rights Center and Casucalalacan Ramírez from the IUPM, on July 29, 2013 with Raymundo Sandoval from CCTI and on July 14, 2014 with Antonio and Alejandra Casares, all of them in the context of accompaniments of these defenders. Press conference by the IUPM on March 12, 2013. Specific interviews on this topic on August 29, 2014 with Miguel Angel Mijangos Leal from Integral Processes for the Self-Management of the People and in September 8, 2014 with Miguel Moguel, coordinator of human rights and citizen security project for Fundar. See Alejandra Huerta, Ernesto López Páez and Raúl Barrientos interviewed by the Casa de los Civils in April of 2014. Interview at the point of the IUPM’s “Violence against the Mexican Indigenous” (Crime group) on the limits of communitarianism (March 12, 2013), p 16.
94. See “Las comunidades y los grupos de autoafiliación” (Community Policing and Self-Defense Groups) in Pro- ceedings, November 12, 2013
95. See “Interview with Agustina Escobar with José Manuel Moreno in June. 2013”, “Interview with Pablo Pinto with José Miguel Angel and Luis Leal (PAPI) on August 20, 2014.”
have even affirmed that the self-defense groups have been created or tolerated by sectors of the State in order to control territory and protect specific legal or illegal economic interests[102]. On the other hand, Miguel Mijangos, warns that the process of growth and expansion of the different expressions of community groups to fight insecurity, should not be compared to the paramilitary that developed in Mexico (such as during the Dirty War in Mexico that was at its height during the 1970s) nor can it be compared to Colombia. The goal of the community groups is clear and this inhibits the government from acting or responding with a counterinsurgency strategy[103].

Given the diversity of these groups, the lack of clarity about their identity and legitimacy, the response from the government, the state governments, and the organization of these groups have had several risks. The experience of other countries and contexts in the region like the self-defense groups in Colombia, indicates that the least the government has to do is to encourage their incorporation in the judicial system[104].

Given the local dynamics that create each group, the surge of the self-defense groups and the community police have had several risks. The experience of other countries indicates that the least the government has to do is to encourage their inclusion in the judicial system[104].

After asking the self-defense groups to return to their homes and send federal troops to disarm them at the beginning of 2014, the government changed its strategy[105]. Negotiation was favored and an agreement was reached with several of the self-defense groups. The Government made a commitment to detain some drug traffickers and to purge the local security forces with information provided by the self-defense groups; in exchange the self-defense groups agreed to become legal through their incorporation in the Rural Defense Corps and in the arms registry[106]. Those who have not accepted the offer have been legally persecuted[107]. In Guerrero on the other hand, the situation has been managed by the State Government which maintains diverse relationships with each group and oscillates between repression through armed occupation and criminalization of some leaders and dialogue and coordination with others[108]. HDGs in the region indicate that the attitude of the state has been more rigid towards groups like the CRAC that were created by the citizens, and that this has accelerated its division and weakening[109]. Even beyond the lack of coherence or clarity in the strategy, defenders and activists have warned that the government and the press have made an effort to position the different groups under the same label of “self-defense groups”[110]. According to Miguel Mijangos, “in that way, everything that is understood as local-defense processes or grassroots processes are labeled that way and they make people think that they are radical processes that do not challenge organized crime, but instead the state governments”[111].

Beyond the difficulty in understanding the local dynamics that create each group, the surge of the self-defense groups and the community police have had several risks. The experience of other countries indicates that the least the government has to do is to encourage their incorporation in the judicial system[104].

However, organized crime groups do in fact act with some level of rationality. To a certain extent they are sensitive to the presence of international human rights organizations. This is even more relevant in a context like Mexico, where organized crime and governmental actors clearly work together[120]. Getting to know the logic and reasoning of these actors and the chain of command within the group context and the risk in order to guarantee the security of the organization, its members and the efficiency of accomplishment. PBI’s model of protection works as long as the perpetrators are actors who are rational and able to calculate the cost and political benefit of their actions, including the violent ones[112]. The model adequately functions when the aggressor has a direct relationship with the state or when it is an agent of the State. Governments do not want to be seen on an international level as responsible for human rights violations. In this sense, the presence of international observers dissuades aggressions. This presence is also a strong incentive to respect international human rights law, since the state can be called on to prohibit human rights defenders[113] and this obligation must be transmitted throughout governmental structures and their chains of command. Under international law, organized crime is not a legal entity and cannot be seen as responsible for violating the rights of HRDs nor does it have international human rights obligations. In addition, the definition of organized crime generally points to the lack of political rationale - not the economic situation - of these groups[114].

The current context of violence linked to the war on organized crime has a direct impact on PBI’s international accompaniment work, which aims to maintain and increase the participation spaces for human rights defenders in Mexico. The sharp increase in human rights violations and the increased risk for HRDs affects PBI’s work. In addition, the context has become increasingly complex, and non-state actors now have more of an impact on human rights.

According to the UN Special Rapporteur for Human Rights Defenders, “non-state actors have more frequently participated in attacks against human rights defenders. Guerrillas, private militias, para-police groups that perform surveillance, and armed groups have participated in acts of violence against defenders. [...] Private companies have also participated, either directly or indirectly, in acts of violence against defenders”[115]. In Mexico, one of these non-state actors is clearly organized crime. According to the OCHRR, “on the one hand the municipal authorities fail to prevent organized crime from carrying out reprisals against those defenders who make their activities more difficult; but [...] the authorities may have also asked organized crime to do the “dirty work” in order to evade any responsibility”[116]. This tendency is not limited to Mexico, it is also evident in PBI’s publications since 2009[117]. Three years later, Joy Olson, Executive Director of PBI in an article written as a self-critique, criticized the international human rights community for not being able to respond properly to the problem in part because of the difficulty in putting crimes committed by organized crime within the traditional human rights framework[118]. She invited the international community to rethink our agendas and to analyze the violence related to organized crime as a human rights problem. What does the appearance of illegal actors, like organized crime, mean for the international accompaniment of human rights defenders?

For PBI, the growth of armed non-state actors, like organized crime groups, has led to new challenges, such as accompanying or providing visibility to aggressions that were allegedly committed by members of organized crime. This has led to the following problem: is it important to more deeply analyze the nature and the role of these actors in order to identify where and how the violence is taking place? PBI’s work in the context of organized crime - a reflection
As presented in this bulletin, the context of impunity, violence and human rights violations that Mexico continues to face is clearly explained throughout the publication. This panorama has affected and put human rights defenders at increased risk. PBI considers that if HRDs do not have enough political space and protection in order to promote social change, the transformation of the Rule of Law and complete democracy will be compromised. Mexican civil society organizations have on many occasions made recommendations about structural reforms and practices that the Mexican government should implement to improve the situation, especially the impunity, violence and the security strategies that have been implemented. Their ideas have been reflected in the recommendations made by the human rights mechanisms within the United Nations and the Inter-American system throughout recent years. Regarding human rights defenders, a topic that PBI can provide support as a result of its 30 years of experience, we believe that the following recommendations are important to consider:

TO THE MEXICAN STATE:

• Guarantee the physical and psychological integrity of human rights defenders and relatives of the victims who fight in this context. Adequately protect the defenders and families and victims that the victims of actions stated in the previous sections. Human rights defenders carry out legitimate work to defend and promote human rights. By protecting them, social change and an improvement of the human rights situation in the country is possible.

• Effectively and quickly implement the Protection Mechanism as well as the protection measures granted by state and national human rights commissions and international entities. Ensure that defenders can participate in the judgement, implementation and revision of these measures.

• End impunity and ensure an effective administration of justice in cases of human rights violations and aggressions against human rights defenders. Consolidate the justice system to ensure that investigations, trials and sanctions are carried out according to international standards. Systematically consider the possibility that these aggressions may have been committed due to the legitimate work of human rights defenders, even in cases of unfair use of the justice system and the public force against them, and with the involvement of non-state actors in the events.

• Ensure fair, sensitive treatment according to the protection processes that can report a human rights violation in order to prevent re-victimization.

• Allow and consider audits, independent investigations, and technical cooperation by national and international experts to revise the cases of aggressions against human rights defenders or unresolved human rights violations.

• Recognize the legitimate and important role of human rights defenders, their risk situation and the need to protect them through public declarations or campaigns to raise awareness.

• Establish mechanisms and effective spaces for coordination and communication between the different institutions and levels of government to ensure a coordinated protection of human rights defenders.

• Provide human rights training, including training about the work and the importance of human rights defenders to civil and military authorities who are responsible for implementing public security policies and administering justice. Establish effective internal mechanisms to evaluate and sanction and follow up on these trainings.

• Consult and include human rights defenders in the elaboration and implementation of public policies to ensure a human rights perspective.

• Implement the recommendations made by the Inter-American Human Rights System and the diverse human rights mechanisms of the United Nations, including the Universal Periodic Review, in consultation with Mexican civil society.

TO FOREIGN GOVERNMENTS AND THEIR DIPLOMATIC REPRESENTATIONS IN MEXICO:

• Consult defenders and compile first-hand information about the situation for human rights in Mexico. Take this input into account in interactions with the Mexican Government. In dialog with the Mexican government, provide visibility and systematically discuss the highlighted points in this bulletin and the situation for human rights and for defenders.

• Ensure that dialog and relationships with the Mexican Government are transparent and able to be monitored. Push for mechanisms in which civil society and human rights defenders can participate. Follow up to measure possible improvements on the issues discussed in these spaces.

• Systematically condemn human rights violations in Mexico and the aggressions against defenders through public declarations, statements, questions in parliaments, resolutions or private actions.

• The UE, Switzerland and Norway should prioritize the implementation of the guidelines on human rights defenders in a coordinated, transparent way that can be monitored by civil society. These guidelines should be disseminated and should cover local organizations or defenders that work in isolated and remote areas. Other countries should adopt similar guidelines.

• Publicly recognize the legitimate and important role of human rights defenders through public statements, resolutions or other programs that are focused on security and justice.

• Recognize the legitimate and important role of human rights defenders to civil and military authorities who are responsible for implementing public security policies and administering justice. Establish effective internal mechanisms to evaluate and sanction and follow up on these trainings.

• Create cooperation programs with Mexico based on the input of human rights defenders and their analysis of the security situation, especially when it comes to programs like the Mandela Initiative or other programs that are focused on security and justice.

• Ensure greater coherence between commercial and economic interests and the responsibility to promote and defend human rights in the relationship with Mexico.
Peace Brigades International (PBI) is a non-governmental organization with 30 years of experience in international accompaniment. PBI has maintained a permanent presence in Mexico since 1999 and aims to protect the spaces for people and organizations that non-violently promote human rights and who suffer from repression as a result of their work.

Acting at the request of local organizations, PBI does not intervene in Mexican initiatives that promote a respect for human rights but provides support through an international presence.

PBI makes periodic visits to areas in conflict, distributes information and dialogs with civil and military authorities as well as with human rights organizations and other actors from Mexican civil society. In order to promote international coverage, PBI maintains dialog with the diplomatic corps, and inter-governmental agencies, disseminates information and asks for support from the international network in order to guarantee the security of Mexican defenders. PBI aims to contribute to the creation of the necessary conditions so that human rights defenders can continue with their work.

For more information about PBI’s work in Mexico, see our web page at: www.pbi-mexico.org