

# **Bill regarding the Protection of Human Rights Defenders and Journalists**

This Document is subject to revision by the Work Group  
March 12, 2012

# General Characteristics

## Objetives

1. Create cooperation between the Federation and the different entities of government in order to implement and operate measures for prevention, protection, and urgent protection.
2. Guarantee the life, integrity and security for those who are at risk as a result of their right to defend human rights and for exercising their right to freedom expression and journalism.
3. Guarantee that the State complies with its fundamental responsibility to protect, promote and reinforce all human rights and fundamental freedoms.

## Proposal for how to comply with these objectives

1. Create a Protection Mechanism

## Affected Population

1. Human Rights Defenders
2. Journalists

## Dependency that will mainly be responsible for the implementation of the Mechanism

1. Ministry of the Interior

# Specific Characteristics

## **Objectives of the Mechanism**

Attend to the fundamental responsibility of the State to protect, promote and guarantee a respect for human rights.

- Prevent any act that puts the security of human rights defenders or journalists at risk.
- Provide human rights defenders and journalists protection through specific measures to guarantee their physical and mental integrity, their freedom and the right to exercise their human rights defense work.

## **Main function of SEGOB**

1. Operate the Mechanism
2. Preside over the Junta de Gobierno del Mecanismo
3. Act as the National Executive Coordinator of the Mechanism

## **Scope of the operation of the Mechanism**

1. The resolutions released will be mandatory for federal authorities (Governing Board)
2. Attributions for implementation from officials in different units of government (Unit for Admitting Cases and Rapid Reaction)
3. Celebration of cooperation agreements with federal entities

Prevent any act that puts the work or security of human rights defenders or journalists at risk, this can include strategies and operative programs to prevent aggressions, harassment and risk. This is accomplished through measures that include rapid reaction, corrective, and dissuasive as well as training, in coordination with the diverse entities that are part of the Federal Government, and when necessary, with federal entities and municipalities. Providing immediate protection to human rights defenders and journalists who have been threatened, harassed, attacked, or who are at risk through specific measures to guarantee physical and mental integrity, freedom and the ability to carry out their work.

Foreign Affairs Commission, Non-Governmental Organizations February 13, 2012.

# Protection Characteristics

## **Human Rights Defender**

People who act individually or as a member of a group, organization or social movement, as well as moral authorities, groups, organizations or social movements whose goal is to promote or defend human rights.

## **Journalists**

Individuals as well as the media and public communication, private, independent, university, experimental or any other kind of media communication that collects, generates, processes, edits, comments, publishes or provides information by any means, including print, radio, digital or images, including commercial, public, community or independent media.

## **What is protected**

1. Human Rights Defender or Journalist;
2. Partner by marriage or otherwise, any next of kin or dependents of the human rights defender or journalist;
3. People that participate in the same activities from the same group, organization or social movement;
4. Goods or other objects belonging to the person, group, organization or social movement, and
5. Other people that are specified in the risk analysis;

# Protection Characteristics

## Reason for providing protection

Agressions by action, omission or acquiescence in order to cause damage to a person's physical, psychological, moral or economic integrity. **Defintion of aggressions:** damage, threat, harassment or intimidation

## Requirement to participate in the mechanism

1. A human rights defender or journalist suffers from an aggression as a result of their activities
2. Request to be admitted into the mechanism
3. Consent from the potential beneficiary, unless this is impossible due to some serious condition. Once this condition changes, the beneficiary should provide consent.

## Procedure for granting protection

1. Extraordinary
  1. Criteria: the expressed declaration that the person's life and physical integrity is in imminent danger.
2. Ordinary

## Procedure for determining the type of protection

1. Evaluation of risk analysis
2. Evaluation for Immediate Action (extraordinary procedure)

# Protection Characteristics

## Main Characteristics of the Risk Analysis study

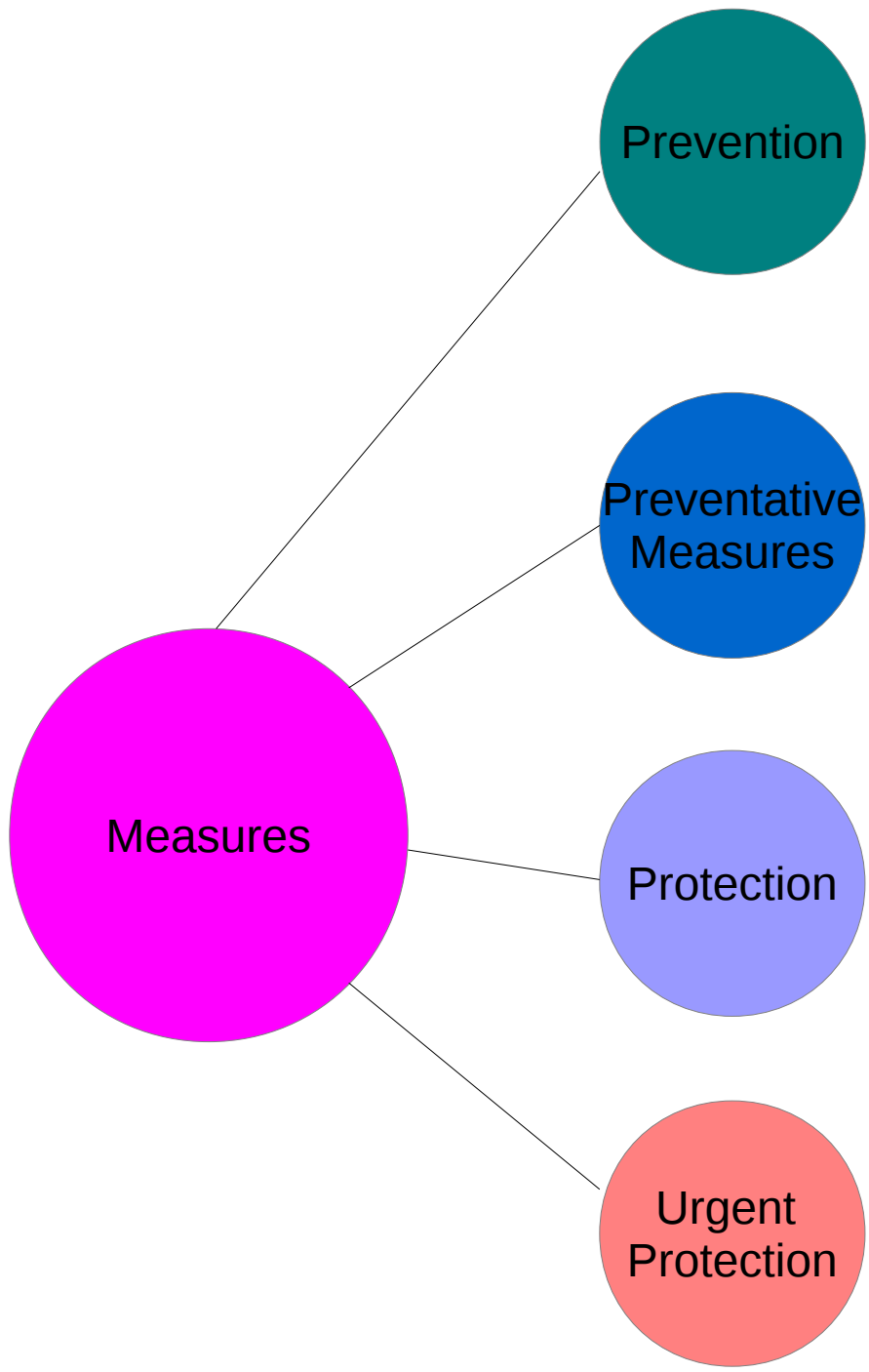
1. Objective.- Analyze the factors that determine the level of risk
2. Tools for analysis – improved methodologies, international standards and best practices
3. Determination of who will receive protection

## Type of protection

1. Urgent Protection Measures
2. Protection Measures
3. Preventative Measures

## Main characteristics of the of the Measures

1. Objective.- Maximally reduce exposure to risk,
2. Type: idóneas, eficaces y temporales, according to the best methodologies, international standards and best practices.
3. Who: individuals or groups
4. Others:
  - The activities of the beneficiaries will not be restricted,
  - There should not be any unnecessary surveillance or intrusion on the work or personal life of the individuals
  - **The measures will be analyzed, determined, implemented and evaluated together with the beneficiaries.**
  - Measures are subject to periodic evaluation
  - Measures can be modified according to the results of the periodic evaluation
  - The beneficiary can terminate these measures at any time by providing written notice to the Governing Board.
  - Measures can be removed by the Governing Board at any time if the measures are unduly used.



Actions and measures for developing public policies and programs to reduce risk factors that favor aggressions against human rights defenders and journalists, as well as to fight the causes that produce them, generate measures that ensure no repetition.

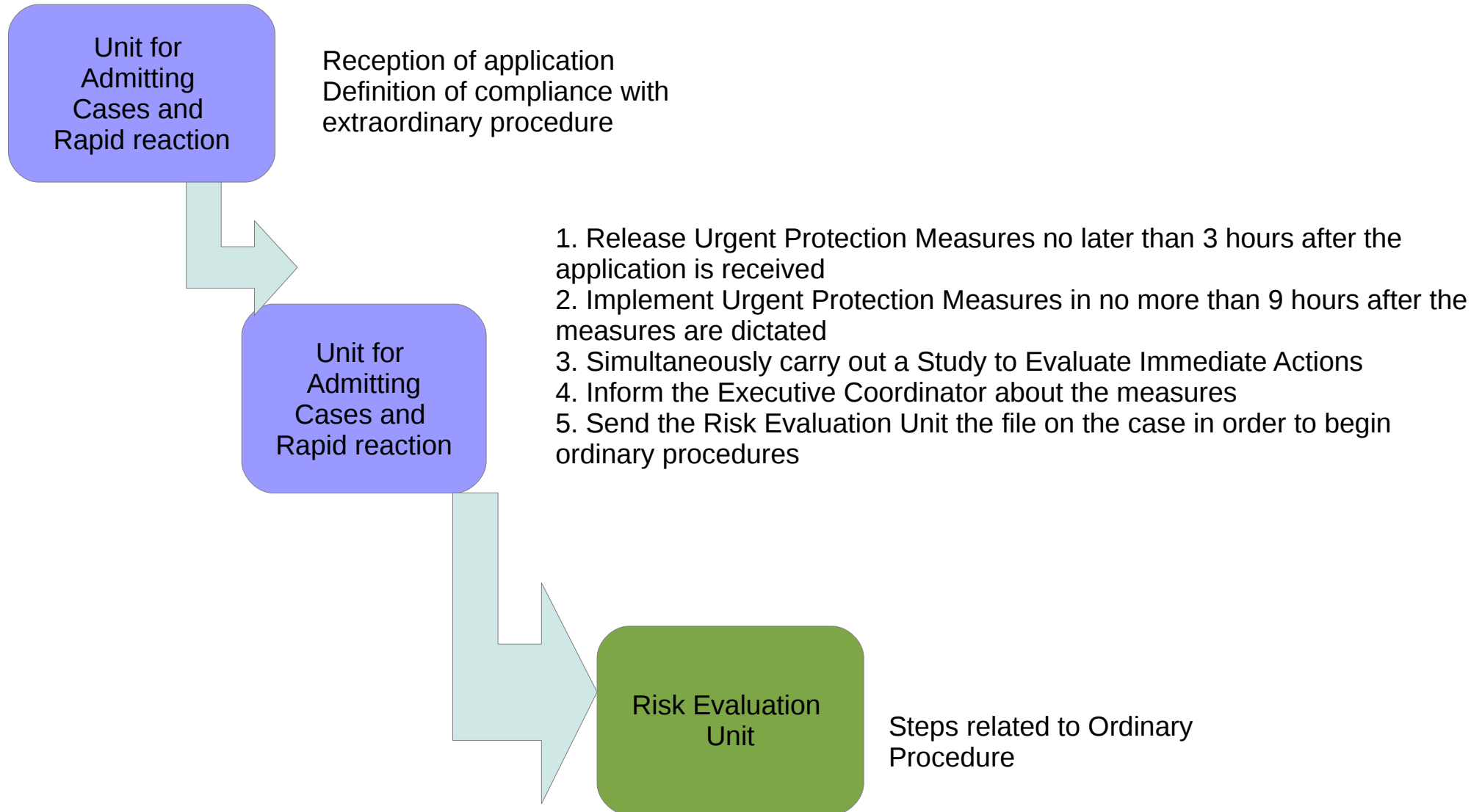
Group of actions and measures on behalf of the beneficiary to prevent further aggressions.

Group of actions and security measures to protect against risks and protect the right to life, integrity, freedom and security of the beneficiaries.

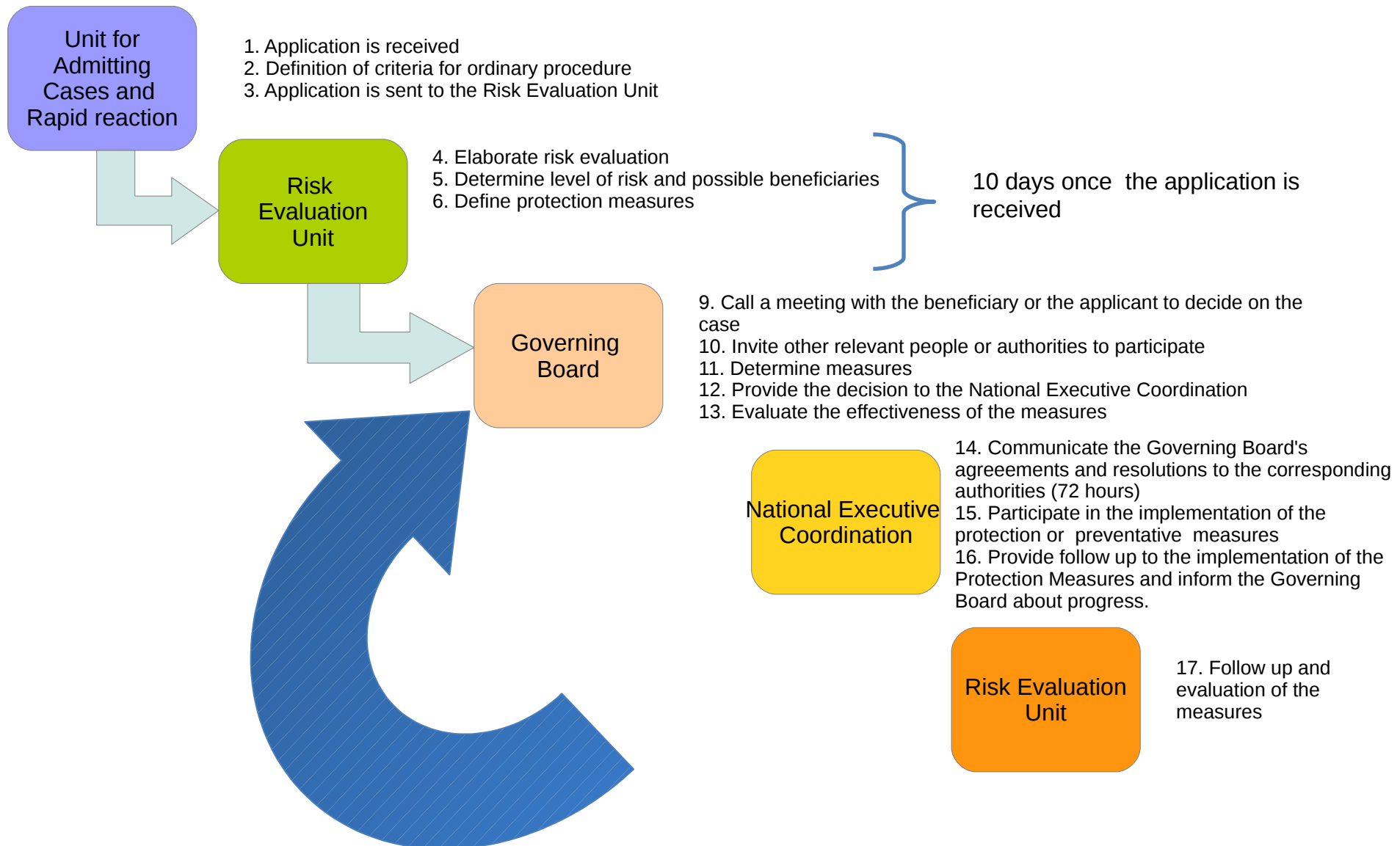
Group of actions and measures to immediately protect the life, integrity and freedom of the beneficiary.



# Extraordinary Procedure



# Ordinary Procedure



## Prevention Characteristics

### **Main executors**

1. Federation
2. Federal entities

### **Objective**

1. Design early warning systems and control plans in order to avoid potential aggressions to human rights defenders and journalists.

### **Specific Actions**

1. Promote:
  - Public and social recognition of the important work of Human Rights Defenders and Journalists, in order to consolidate Democratic Rule of Law
2. Condemn, investigate, and sanction aggressions

## Cooperation Characteristics

### Main executors

1. Federation
2. Federal entities

### Objectives

1. Ensure that the measures in the mechanism are carried out
2. Guarantee the life, integrity, freedom and security of Human Rights Defenders and Journalists
3. Establish coordinated actions that facilitate its effective and efficient operation.

### Specific actions

- Designation of representatives to act as liasons.
- Exchanging information and technical experience about the Mechanism as well as to providing training;
- Promotion of the study, analysis, investigation and development of strategies, actions, systems, and methodologies that incorporate best practices for prevention and protection;
- Promotion of reforms and any necessary addition to the legislation to improve the situation for Human Rights Defenders and Journalists;

# Operation of the Mechanism

## Financial resources

1. Budget from the Federation
2. Fund to protect human rights defenders and journalists
  - Public fund (*input from the Federal Government, Budget from the Federation and other public funds ; donations; goods transferred by the federal government or federal entities*)
  - Exclusive for:
    - Preventative Measures, Protection Measures, and Urgent Protection Measures
    - Implementation of the mechanism including independent evaluations

## Crimes that harm Human Rights Defenders and Journalists

**Action:** Illegal use, subtraction, alteration, destruction, transfer, release, exploitation of information provided or obtained in the application or throughout the application process, evaluation, implementation or operation of the Mechanism

**Result:** anything that causes damage or increases risk

**Subject:** Human rights defender, journalist, petitioner and beneficiary

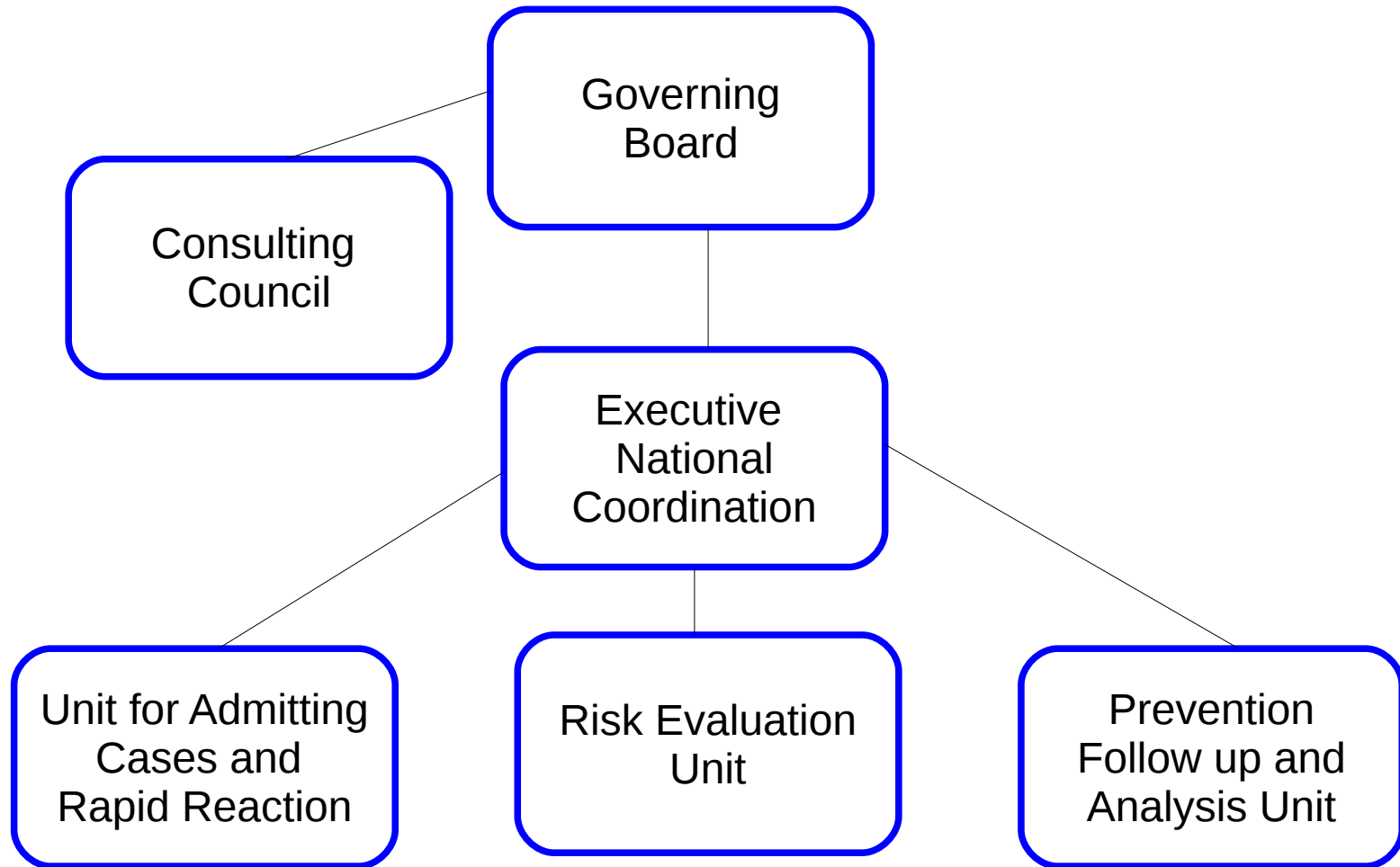
**Who commits the crime:** A public servant or a member of the Mechanism

**Sanction:** 2 to 9 years in prison, 70-400 day fine. Dismissed from public post or commission.

**Institutional Design**

**Protection Mechanism**

# INSTITUTIONAL DESIGN



# Main Attributes

## Governing Board

Order, evaluate, Suspend, and if Necessary modify Preventative Measures And Protection Measures

Evaluate, suspend, And modify Urgent Protection Measures

Ask the Consulting Council for advice Or an opinion for All things related to this Law.

## Consulting Council

Attend to consultations And formulate opinions As requested by The Governing Board

Formulate Recommendations about Programs and activities For the Coordination.

Commission Independent risk Evaluation studies at the request of the Governing Board to Resolve inconformities.

## National Executive Coordination

Provide follow up and implement the decisions of the Governing Board

Communicate the Agreements and Resolutions of the Governing Board to Coresponding Authorities

Celebrate the specific Agreements necessary For compliance wth the Goals of the mechanism



# Functions of the Units

## Unit for Admitting Cases and Rapid Reaction

Receive requests  
For inclusion in  
The mechanism

Define the cases of  
Ordinary and  
Extraordinary  
procedure

In charge of defining  
And implementing  
Urgent protection  
measures

## Risk Evaluation Unit

Elaborate a risk  
evaluation study

Define protection  
And preventative  
measures

Follow up on the  
Protection and preventative  
Measures / recommend  
Modification, continuation  
Conclusion, etc.

## Prevention, Follow up and Analysis Unit

Propose preventative  
measures and  
Public policies

Systematically organize  
Information about the  
mechanism

Evaluate the  
Effectiveness of the  
measures

# Integration

## Governing Board

### **Permanent Members (9)**

- Ministry of the Interior (President)\*
- National Attorney General's Office\*
- Public Security Ministry\*
- Ministry of Foreign Affairs\*
- National Human Rights Commission\*\*

\*Representative should be the level of under secretary or higher or its Equivalent

\*\*Representative should be at the level of Examiner or higher

### **Permanently Invited members (5)**

- Mexican Office of the United Nations Office of the High Commissioner For Human Rights
- National Governor's Conference
- Human Rights Commission of the Senate
- Human Rights Commission of the Chamber of Deputies

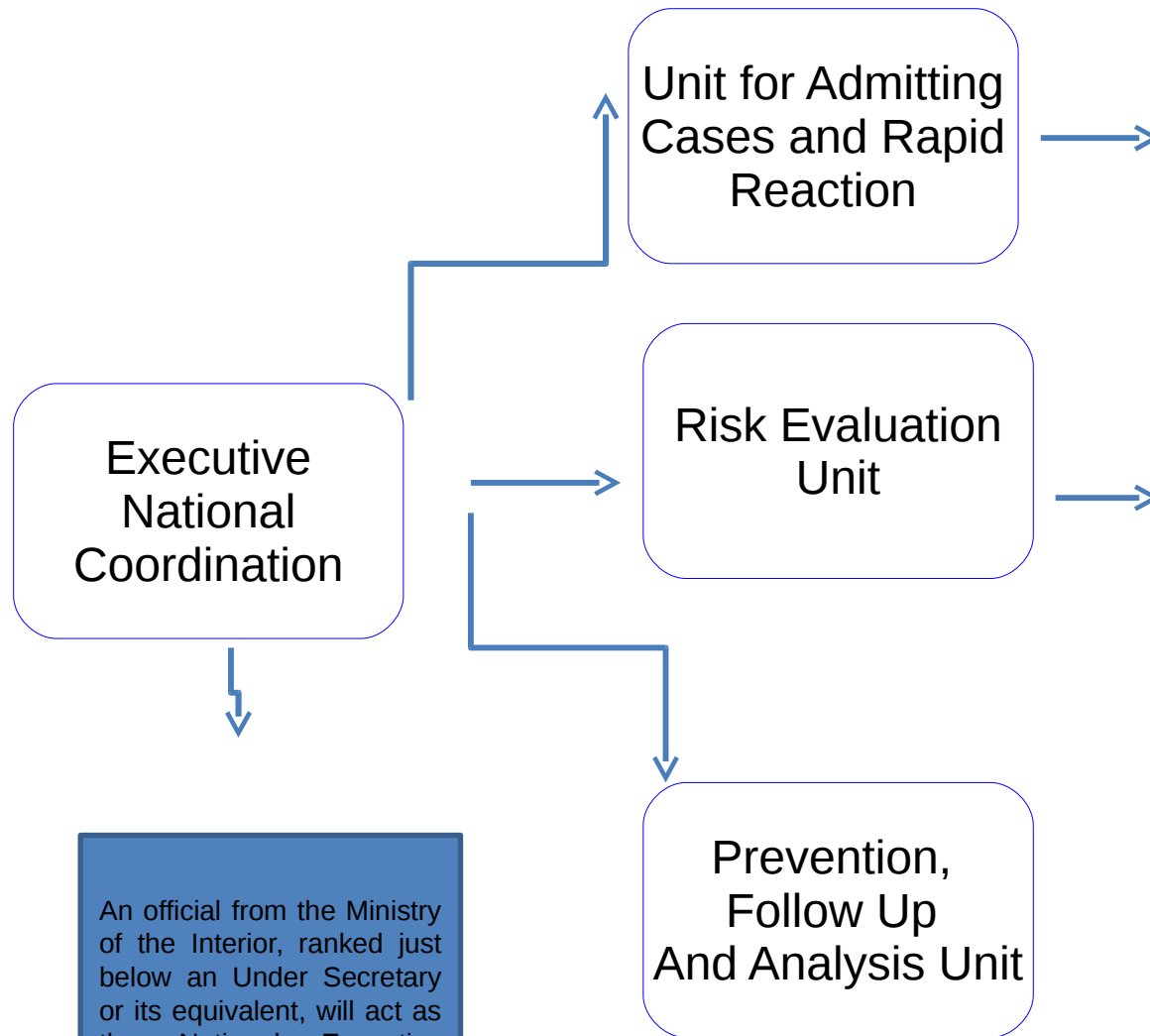
# Integration

## Consulting Council

### 9 Members

- Balance between experts in the defense of human rights, Freedom of expression and journalism
- Experience or knowledge of defending or promoting human rights, Journalism or risk analysis
- Members will be elected through a public announcement about the post which will be released by the Governing Board
- 4 of these representatives will participate in the Governing Board (2 defenders / 2 journalists)
- This council is based on volunteers – its members will not receive Compensation for their participation
- The council will have a president for a 2 year period elected by the Other members of the council
- Each member will also have a substitute.
- Each member will serve 4 years with the possibility of reelection

# Integration and characteristics of the Executive National Coordination



- At least five people who are experts in risk analysis and protection
  - One of them should know about human rights defenders and the other about journalism and freedom of expression.
  - One representative of the Ministry of the Interior, from the National Attorney General's Office, and the Public Security Ministry, with the ability to implement Urgent Protection Measures.

\*

At least five people who are experts in risk analysis and protection, one of them should be knowledgeable about human rights defenders and the other about journalism and freedom of expression.

1. *The Governing Board will approve the profiles of the members of the Units.*
2. *Public servants belonging to SEGOB; SSP; PGR and commissioners. In the event that public servants do not comply with the requirements to create the Units, new employees will be hired.*

# Contents

## Iniciative for the Protection of Human Rights Defenders and Journalists

### **Chapter I**

Objective and Goal of the Mechanism

### **Chapter II**

Governing Board

### **Chapter III**

Consulting Council

### **Chapter IV**

Executive National Coordination

### **Chapter V**

Auxiliary Units

### **Chapter VI**

Request for Protection, Evaluation and Determination of Risk

### **Chapter VII**

Preventative Measures, Protection Measures and Urgent Protection Measures

### **Chapter VIII**

Prevention Measures

### **Chapter IX**

Cooperation Agreements

### **Chapter X**

Fund for the Protection of Human Rights Defenders and Journalists

### **Chapter XI**

Non-conformity

### **Chapter XII**

Transparency and Access to Information

### **Chapter XIII**

Sanctions

### **Transitorios**

# Important

The contents of this presentation is a summary of the Bill for the Protection of Human Rights Defenders and Journalists.

For more information, please consult the micro site of the Commission of Foreign Affairs, Non-Governmental Organizations

<http://www.senado.gob.mx/comisiones/LX/ong/index.htm>

The final version of the initiative will be published in the Parliamentary Newspaper the day in which it is presented to the Senate.