

# Congress of the United States

Washington, DC 20515

December 16, 2011

The Honorable Hillary Clinton  
Secretary of State  
US Department of State  
2201 C Street, NW  
Washington, DC 20520

Dear Secretary Clinton,

The Government of Mexico has taken important steps recently to institutionalize protection mechanisms for human rights professionals. President Felipe Calderón signed a decree on July 7, 2011 authorizing the Ministry of the Interior to create and implement a Protection Mechanism for Human Rights Defenders, and the Mexican Senate has furthered this effort by developing a bill for the Integration of a Protection Mechanism for human rights defenders and journalists.

These are positive and necessary measures that will help protect this vulnerable population while moving Mexico towards compliance with international norms. We write to you today to urge that the U.S. Department of State impress on its Mexican counterparts the importance of civil society participation in the development and implementation of the proposed mechanism.

The UN High Commissioner for Human Rights demonstrates that human rights defenders in Mexico are victims of assassination and other physical attacks, forced disappearance, threats and criminalization. Journalists covering this issue face similar persecution and violence. The Mexican non-governmental organization CENCOS has registered 24 murders of human rights defenders and journalists between January and November 2011.

It is to be hoped that the decree and accompanying legislation will change a deplorable situation. To date the Mexican state has not responded effectively to threats and aggression against human rights defenders. Beneficiaries of protective measures authorized by local and national human rights ombudsmen as well as the Inter-American Human Rights System continue to document the slow and incomplete implementation of the measures which they request. Ninety-eight percent of crimes against these activists never come to justice.

The Presidential Decree is a response to this reality, and to the demands of human rights organizations. It also responds to recommendations by the Inter-American Commission on Human Rights and the United Nations Human Rights Council, among others. However, this response will only be complete if the protection mechanism is both developed and implemented with the participation of civil society and the population it aims to protect.

In 2010, a broad range of human rights groups and journalists formed the Civil Society Organizations (CSO) Group, which presented a proposal for a mechanism based on their experience and a study of existing protection mechanisms in other countries. The proposal recommends a Mechanism Coordinating Committee, with representation and participation of civil society organizations, and the need for a thorough risk analysis of each case accepted by the mechanism, including consultation with the beneficiaries.

The CSO Group also emphasized the need for an adequate regulatory framework to make the Coordinating Committee's decisions legally binding at all levels of government. The proposed mechanism would cover both human rights defenders and journalists, and would include provisions to prevent attacks, to protect activists and professionals with appropriate measures, and to investigate threats and attacks against members of these groups.


The CSO Group asserts that their recommendations thus far have not been addressed in the guidelines presented by the Calderon Administration. Among other issues, the CSO Group is concerned that there is no description of how the proposed mechanism will correct deficiencies in the current protection measures, and no specificity regarding funding allocated to its operations.

The participation of both the CSO Group and other civil society representatives in the development and implementation of the mechanism is essential for its effectiveness. In this regard the Mexican Senate's proposal is a very welcome addition to the policy debate. The draft bill would facilitate coordination between federal entities and ensure that the protection mechanism maintains its viability despite changes from one presidential administration to the next. We hope our diplomatic mission in Mexico will express our admiration of this noteworthy effort to protect those who courageously defend the rights of others.

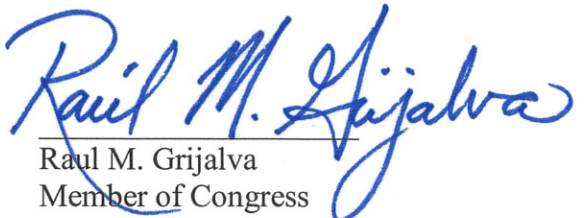
Given the emphasis which the Merida Initiative places upon consultation with human rights organizations, U.S. funding to protect human rights defenders and journalists in the country, as well as the important role of human rights defenders and journalists in the development of democratic institutions, we urge you to give this message the utmost priority in your dialogue with Mexico.

Thank you very much for your consideration.


Sincerely,



Jim Moran  
Member of Congress



Raul M. Grijalva  
Member of Congress



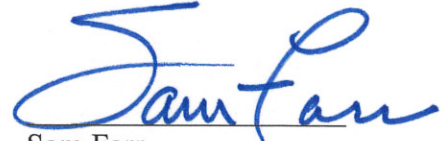
Barbara Lee  
Member of Congress



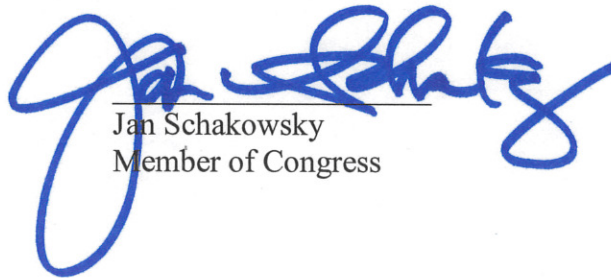
Jesse L. Jackson, Jr.  
Member of Congress



James P. McGovern  
Member of Congress



Sam Farr  
Member of Congress



Jan Schakowsky  
Member of Congress