





2020 Report on the Situation of Environmental Human Rights Defenders in Mexico



2020 REPORT ON THE SITUATION OF ENVIRONMENTAL HUMAN RIGHTS DEFENDERS IN MEXICO

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Introduction

The integration of the *Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean* (the Escazú Agreement)¹ into the Mexican constitutional body of law implies a great move forward in the construction of a safe environment for the defense of environmental human rights in Mexico. Nonetheless, defending the environment, land, and territory in Mexico continues being a dangerous and high-risk activity which with the passing of time faces new obstacles.

Besides its own global challenges, the year 2020 experienced an additional adversity to the collection of barriers faced by those who every day devote their life to defending human dignity, land, territory, and the environment in Mexico. Throughout the Latin American region, considered the most dangerous region for the defense of human rights,² the global pandemic caused by SARS-CoV2 started to take the lives of tens of thousands of people throughout the planet. Within this context, the Mexican State has been unable to guarantee the most basic rights such as the right to health, integrity, and life. In Mexico, this situation aggravated the existing violence- and poverty-related issues. The year 2020 witnessed a considerable worsening of the historical levels of violence reached in 2019.³

As far as development projects are concerned, within the context of the pandemic, the Mexican State revealed its priorities by considering extractive activities, such as mining and megaprojects⁴ as essential activities, which nonetheless compromise the balance between

natural and social systems.⁵ However, on the other hand, environmental, land and territory defenders have had to face not only the opposition of the authorities in turn, but also actions and measures that detract from the possibilities of defense, such as, for example, health distance measures, the suspension of judicial activities and procedures to access information.

Under these complex circumstances, land, territory, and environmental defenders in Mexico continue to be subjected to all kinds of aggressions, which increased in comparison to earlier years. The data presented in this report add to the documentation and visibility work carried out by the Mexican Center for Environmental Law, a non-profit organization (Centro Mexicano de Derecho Ambiental, A.C./CEMDA) during the past eight years.⁶ This data revealed the permanent violence exercised in the context in which environmental, land, and territory defenders work.

The situation described drastically contrasts with the fulfillment of the obligations recently adopted by the Mexican State through the Escazú Agreement.⁷ This instrument makes explicit the minimum standards for the fulfillment of the State's obligation to protect human rights defenders in environmental matters.⁸ In this sense, obligations such as guaranteeing a safe environment free of threats and restrictions, recognizing the work defenders carry out, and preventing, investigating, and punishing aggressions, are only some of the obligations established by the agreement, which, in accordance with the Mexican constitutional system, all authorities are obliged to uphold within the framework of their capacities.

¹ Diario Oficial de la Federación, DECRETO por el que se aprueba el *Acuerdo Regional sobre el Acceso a la Información, la Participación Pública y el Acceso a la Justicia en Asuntos Ambientales en América Latina y el Caribe*, hecho en Escazú, Costa Rica, el cuatro de marzo de dos mil dieciocho, December 09, 2020. Available at: https://www.dof.gob.mx/nota_detalle.php?codigo=5607130&fecha=09/12/2020

² Amnesty International, *Américas 2019*. Available at: <https://www.amnesty.org/es/countries/americas/report-americas/>

³ Animal Político, *En 2020, la violencia en México se mantuvo en niveles récord; en 11 estados aumentaron asesinatos*, December 29, 2020. Available at: <https://www.animalpolitico.com/2020/12/violencia-2020-mexico-record-11-estados-aumento-asesinatos/>

⁴ Consejo de Salubridad General, *Acuerdo por el que se establecen los Lineamientos técnicos relacionados con las actividades descritas en los incisos c) y e) de la fracción II del Artículo Primero del Acuerdo por el que se establecen acciones extraordinarias para atender la emergencia sanitaria generada por el virus SARS-CoV2*, publicado el 31 de marzo del 2020, April 6, 2020. Available at: https://www.dof.gob.mx/nota_detalle.php?codigo=5591234&fecha=06/04/2020

⁵ This can be illustrated by the construction of the Mayan Train project, to which resources continued to be allocated, even by Presidential Decree and the works of which were inaugurated by the Mexican President himself amidst the current health emergency. See Diario Oficial de la Federación, “*Decreto por el que se establecen las medidas de austeridad que deberán observar las dependencias y entidades de la Administración Pública Federal bajo los criterios que en el mismo se indican*”, April 23, 2020. https://www.dof.gob.mx/nota_detalle.php?codigo=5592205&fecha=23/04/2020; and Deutsche Welle, “*Presidente de México inaugura obras del Tren Maya*,” Deutsche Welle, Latin America, June 2, 2020. Available at: <https://p.dw.com/p/3d7WH>

⁶ See the reports on the situation of human rights defenders in environmental matters in Mexico published since 2013 at CEMDA's website: <https://www.cemda.org.mx/>

⁷ Diario Oficial de la Federación, DECRETO por el que se aprueba el *Acuerdo Regional sobre el Acceso a la Información, la Participación Pública y el Acceso a la Justicia en Asuntos Ambientales en América Latina y el Caribe*, hecho en Escazú, Costa Rica, el cuatro de marzo de dos mil dieciocho, December 09, 2020. Available at: https://www.dof.gob.mx/nota_detalle.php?codigo=5607130&fecha=09/12/2020

⁸ The Escazú Agreement also specifies the minimum standards regarding State obligations for the effective enjoyment of the rights of access to information, citizen participation, and access to environmental justice. See *Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean*. Available at: https://repositorio.cepal.org/bitstream/handle/11362/43583/1/S1800428_en.pdf

In the face of this panorama of violence, with the purpose of drawing up routes of action in order to improve the conditions for environmental defenders, CEMDA continues promoting the consolidation of a social, multicultural, democratic, and constitutional rule of law in which the human right to a healthy environment, the right to defend it, and the human rights of those who fight for its defense are protected, respected and guaranteed. The seventh Report on the Situation of Environmental Defenders in Mexico is hereby presented as a means to move forward in the achievement of this goal. This report details data about aggressions perpetrated between January 1 and December 31, 2020, delineating the cases by state, type of victim, aggressor, type of aggression, and the economic sector to which the documented aggression was related. The report also presents some cases of stigmatization that occurred during 2020 against people and organizations defending the environment with the purpose of showing the consequences and impact of this type of aggression on their personal life, especially considering that these aggressions are often the first of many increasingly violent aggressions.⁹

On the other hand, within the framework of obligations related to the protection of defenders and their right to defend, this report also addresses the characteristics of a comprehensive public policy of protection for human rights defenders in environmental matters in Mexico. Finally, it points to the shortcomings of the measures that have been adopted, with an emphasis on the challenges that the Mechanism for the Protection of Human Rights

Defenders and Journalists faces in order to operation and function optimally. The ultimate aim is to create and consolidate a comprehensive public policy with respect to this issue.

This report therefore aims to show that there is much more work to do in Mexico in order to achieve the full enforcement and defense of human rights in environmental matters. For this, it is essential that the work to defend land, territory, and the environment that so many women and men throughout the nation are involved in, not be branded or fought against from the various power structures as an affront to public interests. In a social, democratic, multicultural, and constitutional State based on the rule of law, the defense of human rights and, therefore, the protection of defenders is a mandate that must be assumed as such by all authorities.



Environmental rights defenders have a well-founded fear that violence will increase, so they choose to remain silent

⁹ See CEMDA, Informe sobre la situación de las personas defensoras de los derechos humanos ambientales en México 2019

Methodology

In order to continue to provide visibility to the serious risk faced by land, territory, and environmental defenders, through a description of the attacks and aggressions perpetrated against them, this report shows the violent context within which defense work was conducted during the year 2020 in Mexico. This not only undermines the protection and guarantee of defenders' human rights, but also impedes the exercise of human rights in environmental matters, a fundamental element for any democracy.

For the purpose of this report, the land, territory, and environmental defenders were identified, individually or collectively, through the groups or organizations that promote, procure or defend the exercise of human rights in matters related to land, territory, or the environment. This definition is in accordance with that contained in the Law for the Protection of Defenders and Journalists,¹⁰ as well as that adopted by the Inter-American Commission on Human Rights (IACHR).¹¹

During 2020, continuing the research carried out since 2012, CEMDA made efforts to monitor, record, analyze, and document information related to attacks against land, territory, and environmental defenders, consulting various sources of information, including:

- Printed and digital journalistic reports from approximately 200 local, state, national, and international resources.
- Advisory services provided by CEMDA as an organization specializing in environmental law and territorial defense.
- National governmental platforms offering access to information.

- Data documented by the Mechanism for the Protection of Defenders and Journalists.
- Information from national and international civil society organizations that accompany and follow-up perpetrated aggressions against land, territory, and environmental defenders.
- Information published by international human rights organizations.

The figures and cases presented in this report must be considered in the light of the situation of widespread violence and impunity prevailing in Mexico, a context in which the denunciation of crimes and human rights violations suffered by environmental defenders often remains hidden,¹² preventing the full visibility of the gravity of the situation, at least through a quantitative analysis.



There is still much more work to do in Mexico in order to achieve the full enforcement and defense of human environmental rights

¹⁰ Ley para la Protección de Personas Defensoras y Periodistas, artículo 2: *Persona Defensora de Derechos Humanos: Las personas físicas que actúen individualmente o como integrantes de un grupo, organización o movimiento social, así como personas morales, grupos, organizaciones o movimientos sociales cuya finalidad sea la promoción o defensa de los derechos humanos*, publicada en el Diario Oficial de la Federación el 25 de junio de 2012, Available at: http://www.diputados.gob.mx/LeyesBiblio/pdf/LPPDDHP_061120.pdf

¹¹ Inter-American Commission on Human Rights, *Second Report on the Situation of Human Rights Defenders in the Americas*, para. 12: "[...], the IACHR understands 'every person who in any way promotes or seeks the realization of human rights and fundamental freedoms nationally or internationally' has to be recognized as a human rights defender [...]." December 31, 2011. Available at: <https://www.oas.org/es/cidh/defensores/docs/pdf/defensores2011.pdf>

¹² An example is the historical record of unrecorded statistics of crime incidence in Mexico since 2018, see Causa en Común, *Análisis delictivo 2020*. Available at: <http://causaencomun.org.mx/beta/analisis-delictivo/>; Revista Nexos, *Cifra negra: causas atribuibles a la autoridad*, September 30, 2019. Available at: <https://seguridad.nexos.com.mx/cifra-negra-causas-atribuibles-a-la-autoridad/>; Instituto Nacional de Estadística y Geografía, *Incidencia delictiva, Cifra negra por año, según causa*, 2018. Available at: <https://www.inegi.org.mx/temas/incidencia/>

Through accompanying cases and participating in environmental protection networks, CEMDA has identified that the failure to file complaints is due to the violent consequences that this might imply for defenders of land, territory, and environmental rights, since these people have a well-founded fear that violence will increase even against their families. In the face of this, they choose to remain silent. It should be noted that this impunity has a differential impact on women and men defenders of land, territory, and environmental rights, as well as on indigenous environmental defenders, due to the structural gender- and ethnicity-based discrimination committed by Mexican institutions.

As a consequence of the aforementioned, in spite of the strict documentation and the efforts made to create this report, the figures presented offer a glimpse of the concerning magnitude of violence that environmental defenders still experience in Mexico. Within this framework, our annual report joins the many voices demanding justice for those who defend environmental human rights. Based on the public denunciation of the situation that land, territory, and environmental defenders experience in Mexico, CEMDA also intends to build joint solution alternatives for the present and future collective benefit.

I Defending the Environment in Times of COVID-19





The situation of human rights violations experienced by environmental rights defenders in Mexico, as well as the historical struggle for territorial defense are now set in the context of the pandemic caused by the SARS-CoV-2 virus and the measures adopted by the Mexican State in order to face it, which has increased the existing obstacles to the defense of environmental human rights.

On March 30, 2020, in the face of the health emergency caused by the COVID-19 pandemic, the Mexican State, through the General Health Council, issued various health measures involving social distancing and the suspension of non-essential activities in accordance with the declaration of the health emergency,¹³ advising people to stay home. As a consequence, all non-essential administrative procedures in environmental matters were cancelled,¹⁴ deadlines for both responding to requests for information¹⁵ and for processing non-essential trials were suspended, thus¹⁶ paralyzing access to information, participation in public affairs and access to justice in environmental matters.

However, the same General Health Council Agreement that stipulates public health measures in the face of the pandemic, considers extractive economic activities, such as mining and megaprojects, as well as the construction of railway infrastructure, airports, and oil refineries, to be essential and are therefore not suspended. Thus, despite the existing health risk, the political will of the Mexican State has allocated exorbitant economic resources to its flagship projects, in contrast to health needs or the solution of social and environmental conflicts.¹⁷

This context hinders the exercise of the right to environmental defense, since environmental defenders face public policies that, through promoting megaprojects, violate human rights and favor socio-environmental conflict.¹⁸ In addition to the above, environmental defense is carried out within a context of the government's lack of transparency regarding access to information, since there was an increase in the number of obstacles, such as the suspension of deadlines to respond to requests for information, the lack of availability and/or refusal to provide information by responsible authorities, including COVID-19-related information. Consequently, defenders also fight for their right to gain access to justice, as well as against barriers in administrative and even jurisdictional procedures.¹⁹

In this scenario, during the months of the pandemic corresponding to the year 2020, an increase in the severity of aggressions against environmental defenders was observed, recording the murder of 14 defenders.²⁰

In addition, throughout the pandemic, the Mexican State has issued various measures opposed to the respect, protection, and guarantee of defender rights to the detriment of environmental human rights, hindering the exercise of the right to defense. For example, in April 2020, through a decree of the Executive Branch,²¹ institutions of environmental relevance, such as the National Commission of Protected Natural Areas (CONANP) were affected by a decrease of the application of 75% of their budget, an administrative determination that temporarily curbed the possibilities of protecting and conserving natural areas, which are essential for the provision of environmental services

¹³ Diario Oficial de la Federación, *Acuerdo por el que se declara como emergencia sanitaria por causa de fuerza mayor, a la pandemia de enfermedad generada por el virus Sars-Cov2 (COVID-19)*, March 30, 2020. Available at: https://dof.gob.mx/nota_detalle.php?codigo=5590745&fecha=30/03/2020

¹⁴ Diario Oficial de la Federación, *Acuerdo por el que se hace del conocimiento del público en general, los días que serán considerados como inhábiles para efectos de los actos y procedimientos administrativos substanciados por la Secretaría de Medio Ambiente y Recursos Naturales y sus órganos administrativos desconcentrados, con las excepciones que en el mismo se indican*, May 29, 2020. Available at: https://www.dof.gob.mx/nota_detalle.php?codigo=5594131&fecha=29/05/2020

¹⁵ Diario Oficial de la Federación, *Acuerdo mediante el cual se aprueban diversas medidas para garantizar los derechos de protección de datos personales y acceso a la información, ante la situación de contingencia generada por el denominado virus COVID-19*, March 27, 2020. Available at: http://www.dof.gob.mx/nota_detalle.php?codigo=5590620&fecha=27/03/2020#:~:text=Se%20suspenden%20los%20plazos%20y,Acceso%20a%20la%20Informaci%C3%B3n%20P%C3%BAblica%2C

¹⁶ Consejo de la Judicatura Federal, *Acuerdo General 4/2020 Del Pleno del Consejo de la Judicatura Federal relativo a las medidas de Contingencia en los Órganos Jurisdiccionales por el Fenómeno de Salud Pública derivado del virus COVID-19*, March 17, 2020. Available at: https://www.cjf.gob.mx/resources/AcuerdoGeneral_4-2020-V2.pdf

¹⁷ See EuropeanLeft, López Obrador y la 4o transformación en tiempos del COVID 19, June 24, 2020. Available at: <https://www.european-left.org/lopez-obrador-y-la-4-transformacion-de-mexico-en-tiempos-del-covid-19/>

¹⁸ The "Mayan Train" project is a good example. On multiple occasions, CEMDA has reiterated its position regarding the multiple negative impacts generated by this project. See Centro Mexicano de Derecho Ambiental, *Postura del Centro Mexicano de Derecho Ambiental respecto al proyecto Tren Maya*, June 08, 2020. Available at: <https://www.cemda.org.mx/postura-del-centro-mexicano-de-derecho-ambiental-respecto-al-proyecto-tren-maya/>

¹⁹ Based on the Agreement of the Federal Judiciary Council dated 06/2020, the Judiciary Branch only processes files classified as urgent. Land, territory, or environmental issues, however, are not recognized as urgent. This agreement thus recommends that the judges classify these cases as urgent and process them in compliance with the health regulations, considering the human rights at stake, the transcendence of their eventual transgression, and the consequences brought forth from waiting for the contingency period to conclude

²⁰ This statistic only corresponds to the period from the declaration of the health contingency due to the SARS CoV-2 virus on March 30 to the end of the year, December 31, 2020.

²¹ See Diario Oficial de la Federación, *Decreto por el que se establecen las medidas de austeridad que deberán observar las dependencias y entidades de la Administración Pública Federal bajo los criterios que en el mismo se indican*, April 23, 2020. Available at: https://www.dof.gob.mx/nota_detalle.php?codigo=5592205&fecha=23/04/2020

for the population.²² In the face of this reduction, this same decree allocated important budget items to the development of projects classified as essential.²³

The Legislative Branch²⁴ proposed the disappearance of trusts relevant for the protection of environmental defenders and victims of violations of environmental rights such as the *Fund for the Protection of Human Rights Defenders and Journalists* and the *Fund for Aid, Assistance, and Comprehensive Reparation*, as well as other funds closely related to the work of environmental and territorial defense, such as the *Environmental Research Sectoral Fund*, the *Natural Disasters Fund* and the *Climate Change Fund*.²⁵ These measures not only fail to comply with the obligations regarding the protection and defense of environmental human rights in accordance with the recently adopted Escazú Agreement, but also translate into the elimination of the financial resources supporting the actions of the Mexican State to fulfill the obligations of protection and guarantee of human rights in environmental matters, despite the multiple preventions, accusations, criticisms, and appeals of various organizations and institutions.²⁶

In this sense, environmental and territorial rights defenders pertaining to or accompanying indigenous peoples and comparable communities in Mexico identified the following obstacles and problems generated or exacerbated by the pandemic:²⁷

- Measures restricting the mobility and concentration of persons constitute a discriminatory measure that directly affects defense work since it prevents

defenders from carrying out their work of accompaniment, defense or even social protest. These measures, however, did not stop extractive activities, which affect territory and natural resources.²⁸

- The authorization of the Mexican State to carry out extractive activities in itself constitutes a risk of contagion among the communities defending their land and territory. State restrictions regarding access by environmental defenders to indigenous communities and peoples resisting the dispossession of their lands and the use of their natural resources also constitute actions that force them to tolerate or acquiesce to the violation of their environmental rights and their territory.
- Within the framework of the needs generated by the pandemic, there is a prevailing absence of an accessible, culturally appropriate, and effective health policy²⁹ aimed at protecting the human rights to health, personal integrity and life the women and men forming part of indigenous peoples and communities are entitled to.
- The scarce measures that the government has implemented are lacking a differentiated approach or application of a gender and intersectional perspective. The Mexican State does not take into account the particular needs of women, indigenous peoples or people in a situation of poverty or marginalization who defend the environment.

²² It should be noted that, as a result of the great citizen mobilization in favor of the National Commission of Natural Protected Areas, a dialogue opened with the Department of Finance and Public Credit that led to an agreement to provide CONANP with a sufficient budget for its activities. See *Excelsior*, "A salvo Áreas Naturales Protegidas; CONANP consigue presupuesto suficiente," June 15, 2020. Available at: <https://www.excelsior.com.mx/nacional/a-salvo-areas-naturales-protégidas-conanp-consigue-presupuesto-suficiente/1388195>

²³ *Ibid.*

²⁴ See *Animal Político*, *Diputados de Morena aprueban desaparecer 109 fideicomisos y van también por Fondo para enfermedades graves*, October 06, 2020. Available at: <https://www.animalpolitico.com/2020/10/diputados-aprueban-general-desaparicion-fideicomisos/> and *Foro Jurídico*, *Senado aprueba desaparición de fideicomisos*, October 21, 2020. Available at: <https://forojuridico.mx/senado-aprueba-desaparicion-de-fideicomisos/>

²⁵ *Diario Oficial de la Federación*, *Decreto por el que se reforman y derogan diversas disposiciones de la Ley para la Protección de Personas Defensoras de Derechos Humanos y Periodistas; de la Ley de Cooperación Internacional para el Desarrollo; de la Ley de Hidrocarburos; de la Ley de la Industria Eléctrica; de la Ley Federal de Presupuesto y Responsabilidad Hacendaria; de la Ley General de Protección Civil; de la Ley Orgánica de la Financiera Nacional de Desarrollo Agropecuario, Rural, Forestal y Pesquero; de la Ley de Ciencia y Tecnología; de la Ley Aduanera; de la Ley Reglamentaria del Servicio Ferroviario; de la Ley General de Cultura Física y Deporte; de la Ley Federal de Cinematografía; de la Ley Federal de Derechos; de la Ley del Fondo Mexicano del Petróleo para la Estabilización y el Desarrollo; de la Ley de Bioseguridad de Organismos Genéticamente Modificados; de la Ley General de Cambio Climático; de la Ley General de Víctimas y se abroga la Ley que crea el Fideicomiso que administrará el Fondo de Apoyo Social para Ex Trabajadores Migratorios Mexicanos*, November 06, 2011. Available at: http://dof.gob.mx/nota_detalle.php?codigo=5604411&fecha=06%2F11%2F2020&s=09

²⁶ *Centro de Derechos Humanos Miguel Agustín Pro Juárez*, *Eliminación de fideicomisos pondrán en riesgo vida de periodistas y defensores amenazados*, October 2, 2020, https://centroprodh.org.mx/sidih_2_0_alfal?p=65571; *Federación Mexicana de Ombudspersons*, *Federación Mexicana de Ombudspersons*, *CNDH y ONU-DH lamentan la decisión de eliminar fideicomisos sin garantizar alternativas para la protección de derechos humanos*, October 8, 2020. Available at: <https://cedhsinaloa.org.mx/index.php/difusion/pronunciamientos/5203-pronunciamiento-fmopdh-cndh-y-onu-dh/file>

²⁷ See *Centro por la Justicia y el Derecho Ambiental (CEJIL)*, *Resistencia comunitaria. Luchas desde los pueblos indígenas de Latinoamérica*, Casos en México, Foros virtuales, <https://covid19yddh.org/cejil/en/page/2/> A review of the experience of defenders in Mexico

²⁸ Véase, *Diario Oficial de la Federación*, *Acuerdo por el que se establecen acciones extraordinarias para atender la emergencia sanitaria generada por el Virus Sars-Cov2*, March 31, 2020. Available at: https://www.dof.gob.mx/nota_detalle.php?codigo=5590914&fecha=31/03/2020&print=true

²⁹ United Nations Organization, Committee on Economic, Social and Cultural Rights, General Comment No. 14, *The right to the highest attainable standard of health*, E/C.12/2000/4, August 11, 2000. Available at: <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmIBEDzFEovLCuW1AVC1NkPsgUed-PlF1vPMJ2c7ey6PAz2qaojTzDmC0y%2B9t%2BsAIGDNzEqA6SuP2r0w%2F6sVBGTpvTSCbiOr4XVFTqhQY65auTFbQRPWNdxL>

- The government's emphasis on the pandemic and its consequences have provided visibility to the struggles and resistance carried out by environmental defenders and communities.
- It has been particularly alarming to identify stigmatizing acts and discourses against environmental defenders from top levels of government, including the President's statements against those who oppose the current administration's development megaprojects, such as the *Mayan Train*.³⁰
- State measures to suspend certain government activities contribute to delaying investigations and to impunity. Victims of crimes committed against the life, freedom, and personal integrity of human rights defenders fail to attain truth, justice and reparation.
- Environmental defenders, as well as the communities and peoples that they defend, do not have clear, sufficient, adequate, and accessible information to face the pandemic. The communities and peoples in resistance, as well as the people and collectives defending environmental rights have taken on the task of disseminating information and collaborating with measures to prevent and respond to the pandemic. This multiplies their activities and harms their defense work.
- In addition to the restrictions that the State places on their freedom and mobility, they face restrictions imposed by organized crime. Checkpoints set up by members of organized crime hinder the access of defenders to the territories they are fighting for and increase the risks they face since they are zones dominated by criminal groups.

The consequences the pandemic has had on gender-related issues should be noted in particular. The current context places women and girls at a particular risk because of the roles that are socially imposed on them, particularly related to domestic

and care work.³¹ In addition to the physical, mental, and psycho-emotional impact derived from their participation in defending the environment and their territory, there is the impact caused by the pandemic. Measures adopted by the Mexican State such as the closure of schools and child care centers, the lack of formal well-paid jobs, the lack of care and assistance for people infected with the SARS CoV-2 virus, in general generates a disproportionate increase in women's workload. Gender violence and the lack of government measures to protect women's integrity within private or public spaces, accentuate and reinforce the gender violence that women territory and environmental defenders have suffered historically.

The fact that the aforementioned situation sharply contrasts with what international human rights systems stipulate is a matter of great concern. The IACHR, through its resolution 1/2020, recommends that the governments of the member States "ensure that human rights defenders are able to perform their defense and information work during the pandemic. Refrain from going after or detaining human rights defenders on account of the oversight they provide of the State's actions regarding the pandemic and possible violations of fundamental rights; this includes ... not exposing them to the risk of being attacked in person or online."³² Likewise, the IACHR Special Rapporteur on Economic, Social, Cultural, and Environmental Rights, and the UN Special Rapporteur on Human Rights and the Environment have declared that States "should take all relevant measures that will provide for the protection of environmental human rights defenders and the prompt investigation and prosecution of individuals responsible for threats or violence against these people."³³ These standards of protection must be met in a necessary and urgent manner in accordance with the obligations derived from the human right to a healthy environment, for the protection of environmental rights defenders. Within the framework of the zoonotic origins of the COVID-19 pandemic, these obligations are of particular relevance to the fulfillment of State obligations specific to the right to health,

³⁰ It is noteworthy that in spaces such as the President's daily morning conferences, speeches have been issued that point out the environmental work of associations and individuals as conservative acts. See Aristegui News, Newsroom, *Conservadores se disfrazan de ambientalistas contra Tren Maya*: AMLO, November 10, 2019, available at: <https://aristeguinoticias.com/1011/mexico/conservadores-se-disfrazan-de-ambientalistas-contra-tren-maya-amlo/>

³¹ UN Women, Gender and COVID-19 in Latin America and the Caribbean: Integrating Gender into the response framework. Brief v 1.1. 17.03.2020, <https://www2.unwomen.org/-/media/field%20office%20americas/documentos/publicaciones/2020/03/briefing%20coronavirusv1117032020.pdf?la=es&vs=930>

³² Inter-American Commission on Human Rights, Resolution No. 1/2020, *Pandemic and Human Rights in the Americas*, April 10, 2020, p. 10. Available at <https://www.oas.org/es/cidh/decisiones/pdf/Resolucion-1-20-es.pdf>

³³ See Inter-American Commission on Human Rights, *The Americas: Governments should strengthen, not weaken, environmental protection during the COVID-19 pandemic*, Press Release No. 198/20, August 13, 2020, http://www.oas.org/en/iachr/media_center/PReleases/2020/198.asp



The current context places women and girls at a particular risk because of the roles that are socially imposed on them, particularly related to domestic work and caregiving

to the protection of the human right to a healthy environment and to the protection, respect, and guarantee of the human rights of land, territory, and environmental defenders.

In a changing world in which the consequences of zoonosis, climate change, illegal logging, irresponsible use of resources and State omissions regarding the conservation and protection of the environment, it must be top priority to care for environmental defenders. Today more than ever, the effective exercise of the right to defend human rights takes on special importance in the face of safeguarding human dignity.



Attacks against Environmental Defenders in Mexico during 2020



It is essential to document and disseminate statistics regarding the various forms of violence experienced by land, territory, and environmental defenders in order to make their situation visible. The presentation of statistics regarding the aggressions recorded by CEMDA from January 1 to December 31, 2020 is based on a systematic analysis of the type of aggressions, the sectors involved, the conflicts, the agents of aggression, and the characteristics of the victims.

As aforementioned, in addition to the prevailing context of aggressions documented by CEMDA, the year 2020 faced risks and government measures that often translated into obstacles derived from the pandemic caused by the SARS CoV-2 virus,³⁴ a situation that aggravated the circumstances of violence suffered by environmental defenders. Thus, there was an increase in the number of aggressions during the year 2020, since 65 cases were systematized, exceeding the number of aggressions recorded in the previous three years.³⁵ An increase in the rates of violence and the lack of compliance with the obligations corresponding to the Mexican State in relation to the human rights of land, territory, and environmental defenders thus became evident.

It should be highlighted that, in some of the recorded attacks, defenders underwent more than one aggression. Therefore, the total number of 90 aggressions recorded in 2020 were perpetrated in 65 different attacks. So far under the current federal administration, the year 2020 became positioned as the most violent year for the work carried out by environmental human rights defenders. In other words, not only has the current federal administration failed to reduce the number of aggressions, but these have actually increased: for the second consecutive year, the most recurrent aggression is homicide: 18 environmental defenders were murdered.

During 2020, the following land, territory, and environmental defenders were murdered:

Guerrero State

One of the bloodiest attacks was the torture and murder of four indigenous Nahuas, members of the Emiliano Zapata Indigenous and Grassroots Council of Guerrero State (Consejo Indígena y Popular de Guerrero – Emiliano Zapata/CIPOG-EZ) that took place on December 20, 2020. María Agustín Chino, Amalia Morales Guapango, José Benito Migueleño, and Miguel Migueleño were found dead with signs of torture on the Chilapa-Tlapa highway in the state of Guerrero.³⁶ Since 1992, this organization has been fighting for the right to territory, autonomy, and self-determination. On October 28, 2020, also in the state of Guerrero, in the Papalutla community in the municipality of Copalillo, Juan Aquino González, an indigenous Nahua environmental defender and activist was shot dead;³⁷ Juan was the founder of both the Cerro de Tecaballo Ecological Reserve of Macaws and Bats and the Ecological Game Reserve for the protection of wild boars and hares.

Michoacan State

Four environmental defenders were killed in the state of Michoacan:

- Homero Gómez, defender and manager of the “El Campanario” sanctuary, disappeared on January 13 and was found murdered on January 30 in the town of El Soldado, a few kilometers from Ocampo, municipal seat. The investigation pointed out that his activity of defending the sanctuary’s forest affected the interests of people engaged in illegal logging.³⁸
- After missing for three days, Raúl Hernández Romero was found dead on February 1, in a place called Las Balsitas, located between Ocampo and Angangueo. Raul was a tour guide at the monarch butterfly sanctuaries.³⁹

³⁴ Milenio, *Pese a la crisis por covid-19, siguen en marcha Santa Lucía, Tren Maya y Dos Bocas*, April 5, 2020. Available at: <https://www.milenio.com/negocios/amlo-pese-covid-19-construccion-santa-lucia-tren-maya>

³⁵ 39 aggressions were recorded in 2019, 49 in 2018, and 53 in 2017

³⁶ Infobae, *Torturados, atados de manos y con tiro de gracia: el terrible asesinato de cuatro indígenas nahuas en Guerrero*, publicado el 21 de diciembre de 2020, <https://www.infobae.com/america/mexico/2020/12/22/torturados-atados-de-manos-y-con-tiro-de-gracia-el-terrible-asesinato-de-cuatro-indigenas-nahuas-en-guerrero/> See the communiqué CIPOG-EZ published after these attacks: <http://www.congresonacionalindigena.org/2020/12/20/asesinan-a-cuatro-indigenas-nahua-del-cipog-ez-en-chilapa-mientras-los-asesinos-gozan-de-la-impunidad-de-los-tres-niveles-de-gobierno/>,

³⁷ EDUCA, *Asesinan a Juan Aquino, defensor nahua del bosque y de guacamayas en Guerrero*, November 5, 2020. Available at: <https://www.educaoxaca.org/asesinan-a-juan-aquino-defensor-nahua-del-bosque-y-de-guacamayas-en-guerrero/>

³⁸ BBC News Mundo, *Homero Gómez: encuentran muerto al defensor de la mariposa monarca en México*, January 30, 2020. Available at: <https://www.bbc.com/mundo/noticias-america-latina-51305163>

³⁹ La Jornada, *Matan en a guía en santuario de mariposas*, February 2, 2020. Available at: <https://www.jornada.com.mx/2020/02/02/estados/024n2est>

- Jesús Miguel Jerónimo, Head of Land Tenure in the Purépecha community of Ichán and his 18-year-old son Jesús Miguel Junior⁴⁰ were murdered on July 23 in their home in the Municipality of Chilchota.⁴¹

Oaxaca State

Another of the most deplorable cases of aggression was the murder of Eugui Roy, a 21-year-old student of biology, murdered on May 7 in his home in San Baltazar Loxicha, Oaxaca State.⁴² Since the age of 11, Eugui became empirically involved in the world of biology, foreseeing to have a promising future in research. He devoted his time to rescue and protect reptiles, amphibians, and other wild animal species. In addition, he disseminated of scientific knowledge in a blog about biology.

On August 24, Tomás Martínez Pinacho, leader of the Popular Revolutionary Front (FPR by its acronym in Spanish) in the southern chain of mountains in Oaxaca State and a territory defender, was murdered in the municipality of Ánimas Trujano. Tomás was returning from a demonstration in the capital city of Oaxaca, in which he had demanded justice for two FPR members who had been victims of homicide.⁴³

Chihuahua State

On April 11, environmental defender Juan Zamarripa Torres, 72, was murdered in his home in the town of San Juanito, municipality of Bocoyna, in the Rarámuri region. One of the criminal investigations pointed out that his murder was related to the fact that his environmental defense activity affected criminal groups dedicated to illegal logging.⁴⁴

The second murder that occurred in that state was that of defender Antonio Montes Enríquez, 43, who opposed illegal logging and the construction of an

airport. Antonio's body was found on June 6 in the town of Creel, municipality of Bocoyna. Prior to his murder, he had suffered other attempted homicides with firearms and in early 2020 his house had been set on fire.⁴⁵

Baja California State

On September 24, 34-year-old Óscar Eyraud Adams was murdered in Tecate, Baja California. Óscar was a water defender in his community, Kumiai de Juntas de Nejí, in the face of the dispossession caused by transnational company water grabbing in the municipality of Tecate.⁴⁶ One day later, on September 25, also in Tecate, Baja California, Daniel Sotelo, Óscar Eyraud's brother-in-law, was murdered inside a grocery store owned by the family.⁴⁷

San Luis Potosi State

On March 22, Paulina Gómez Palacio Escudero, 50, originally from Matehuala, guardian of the sacred territory of Wirikuta, a small-scale farmer, friend of the Wixárika people, and a tireless fighter against mining, was found murdered in the municipality of El Salvador, Zacatecas. Paulina had been missing since March 19 until her body was found on March 22 with gunshot wounds. On March 21, a person found in the vicinity of the scene was arrested. This person was carrying a gun, money and probably knew Paulina. The Attorney General's Office in Zacatecas, therefore, opened an investigation folder for the crime of femicide.⁴⁸

Morelos State

On March 23, in the municipality of Jiutepec, Morelos State, environmental defender Isaac Medardo Herrera Avilés was shot dead at point-blank range in his home. Isaac was a staunch defender of the "Los Venados" nature reserve, which was threatened

⁴⁰ Comunicado del Congreso Nacional Indígena, Consejo Supremo exige justicia por el asesinato del Jefe de Tenencia de Ichán y su hijo, July 27, 2020. Available at: <http://www.congresonacionalindigena.org/2020/07/27/consejo-supremo-exige-justicia-por-el-asesinato-del-jefe-de-tenencia-de-ichan-y-su-hijo/>

⁴¹ *Ibid.*

⁴² Sin Embargo, Eugui Roy amaba a los animales y se opuso a taladores en la sierra sur de Oaxaca. Lo asesinaron, May 15, 2020. Available at: <https://www.sinembargo.mx/15-05-2020/3786508>

⁴³ EDUCA, Condenan el asesinato de Tomás Martínez Pinacho, dirigente del FPR en la Sierra Sur, August 25, 2020. Available at: <https://www.educaoaxaca.org/ejecutan-a-tomas-martinez-pinacho-dirigente-del-fpr-en-la-sierra-sur/>

⁴⁴ La Jornada, Chihuahua: asesinan con cuerno de chivo al activista Juan Zamarripa, April 22, 2020. Available at: <https://www.jornada.com.mx/2020/04/23/politica/011n3pol>

⁴⁵ Desinformémonos, Rarámuris exigen justicia para el defensor asesinado Antonio Montes Enríquez, June 19, 2020. Available at: <https://desinformemonos.org/ramuris-exigen-justicia-para-el-defensor-asesinado-antonio-montes-enriquez/>

⁴⁶ Animal Político, Quién era Óscar Eyraud, activista Kumiai que defendía el agua en BC y fue asesinado?, September 26, 2020. Available at: <https://www.animalpolitico.com/2020/09/oscar-eyraud-activista-kumiai-asesinado/>

⁴⁷ Animal Político, Asesinan a Daniel Sotelo, cuñado del activista Óscar Eyraud, en Tecate, Baja California, September 26, 2020. Available at: <https://www.animalpolitico.com/2020/09/asesinan-cunado-activista-oscar-eyraud-en-tecate-baja-california/>

to become converted into a housing complex. In addition, he was the legal representative of the 13 villages defending the “Chihuahuita” water spring.⁴⁹

Veracruz State

On April 8, Adam Vez Lira, 54, was killed. He was an environmentalist dedicated for more than two decades to defending territory and the birdwatching sanctuary in La Mancha, Veracruz. He strove to protect mangroves, dunes, and ecosystems on the central coast of Veracruz. In his last years, he participated in the defense of the territory against open-pit mining.⁵⁰

These brief descriptions of homicide cases are evidence of the violence experienced by individuals who dedicate themselves to and exercise –or seek to exercise– their right of environmental defense. In many of these cases, the material and intellectual authors of these crimes have not been found and punished, reflecting a high degree of impunity.

Neglecting to fulfill the duty of investigation and punishment, as well as the duty to protect environmental defenders’ right to integrity and life plays a transcendental role in enabling homicide to persistence as the most recurrent form of attack. This issue raises the greatest concern underscoring the urgency of guarantees for exercising the right to defend land, territory and the environment.

Cases by State

In relation to the cases documented per state during 2020, in contrast to 2019, Chiapas, Campeche, State of Mexico, Chihuahua, Mexico City, Guerrero, and Veracruz have experienced an increase in the number of attacks.

Chiapas State, in particular, continues to experience a critical atmosphere of territorial conflict within the framework of a high degree of marginalization, involving a multiplicity of stakeholders including paramilitary groups and militarization due to the establishment of National Guard military bases near indigenous or Zapatista territories. In the State of Mexico, the persistent atmosphere of violence against women clearly reflects the attacks against women environmental defenders characterized by harassment, criminalization, and gender-based violence that can escalate to more serious aggression.

Likewise, Chihuahua once again showed an increase in the number of attacks against environmental human rights defenders. In 2019, three cases were registered, whereas during 2020, the number of recorded attacks doubled. In Chihuahua state, the conflict over ancestral indigenous territory and

illegal logging are the main context within which the largest number of attacks take place.

In Guerrero State, various socio-environmental conflicts related to illegal logging and the conservation of nature persist. Within this context, five cases have been recorded.

In Mexico City, the attacks were mainly recorded around the Road Bridge Project in Xochimilco, an area of environmental and cultural importance, protected by the United Nations Educational, Scientific and Cultural Organization (UNESCO).

In states such as Puebla, Oaxaca, Morelos, and Jalisco, despite the persistence of violence against environmental defenders, the number of recorded attacks decreased. The case of Puebla stands out, in which the recorded attacks decreased from four in 2019 to only one attack in 2020. On the other hand, in Oaxaca and Morelos States, the recorded attacks were part of the socio-environmental conflicts over megaprojects concerning electrical power that persist in the territories, in which five and three cases were identified, respectively. It was also observed that

⁴⁸ OCMAL, *Abren carpeta de investigación por asesinato de Paulina Gómez activista en Zacatecas*, April 1, 2020. Available at: <https://www.ocmal.org/abren-carpeta-de-investigacion-por-asesinato-de-paulina-gomez-activista-en-zacatecas/>

⁴⁹ Animal Político, *Matan a ambientalista en Jiutepec, Morelos; es el segundo defensor asesinado en 2020*, March 25, 2020. Available at: <https://www.animalpolitico.com/2020/03/asesinan-ambientalista-isaac-medardo-herrera-jiutepec-morelos/>

⁵⁰ Animal Político, *Asesinan a Adán Vez Lira, defensor del área natural de La Mancha, en Veracruz*, April 8, 2020. Available at: <https://www.animalpolitico.com/2020/04/asesinan-adan-vez-lira-defensor-veracruz/>



The case of Campeche should be noted: seven attacks were recorded within the framework of highway megaprojects, thus joining the list of states with an alarming record of attacks

states such as Guanajuato, Nuevo León, Sonora, and Yucatán, in which attacks had been recorded in 2019, did not report any attacks during the year 2020.

On another front, attacks against environmental defenders were recorded in states that did not appear on last year’s list: Baja California, Campeche, Coahuila, Durango, Hidalgo, Michoacan, Nayarit, and Queretaro. The case of Campeche State should be noted. Seven attacks were recorded within the framework of highway megaprojects. Campeche thus joined the list of states with an alarming record of attacks. The previous attack that CEMDA recorded in Campeche, within the annual documentation exercise, took place in 2017.⁵¹

The following table records the number of attacks by state:

| States | Number Of Attacks Recorded |
|-----------------|----------------------------|
| Baja California | 2 |
| Campeche | 7 |
| Chiapas | 8 |
| Chihuahua | 6 |
| CDMX | 5 |
| Coahuila | 1 |
| Colima | 1 |
| Durango | 1 |
| State of Mexico | 6 |
| Guerrero | 5 |
| Hidalgo | 1 |
| Jalisco | 1 |
| Michoacan | 3 |
| Morelos | 3 |
| Nayarit | 1 |
| Oaxaca | 5 |
| Puebla | 1 |
| Queretaro | 1 |
| Quintana Roo | 1 |
| Veracruz | 4 |
| Zacatecas | 2 |
| TOTAL | 65 |

⁵¹The 2017 report disclosed that four aggressions had been perpetrated in the territory of Campeche

Thus, during 2020, it was observed that the lack of identification of perpetrators responsible for the attacks, the corresponding punishment, and the absence of justice for the victims coincided in many

cases with the presence of groups of organized crime in states such as Chiapas, Oaxaca, Guerrero, Michoacan, and Veracruz, a situation that favors the increase in impunity.



Victims

According to the data obtained, it was observed that the perpetrated attacks were conducted in four different ways: against a defender (an individual attack), against two or more women or men defenders, against a community or against a civil society organization that defends land, territory or the environment.

Thus, of the 65 recorded attacks, in 30 cases the victims were attacked personally (individually) (46.2%). Of the attacks conducted individually against environmental defenders, 19 were attacks on men and 11 on women. Of the 19 attacks on men, 15 were murders. Whereas of the 12 attacks on women, three were identified as murders.

In seven of the cases (10.8%), the assault was perpetrated against more than two people. In three cases, the attacks were perpetrated against women and men, in another three cases the attacks were against men and in one case it was against women. Threats, criminalization, and homicide were, recorded as the most recurrent forms of attack.

On the other hand, 16 attacks were recorded against communities notably devoted to the defense of territory, forests and water (24.6%).⁵² In only four of these attacks, it was possible to identify that the attacks were carried out indiscriminately against men and women.

⁵² The documented aggressions against the communities that defend the environment, land and territory took place in the states of Campeche, Chihuahua, Chiapas, State of Mexico, Guerrero, Oaxaca, Colima, and Morelos

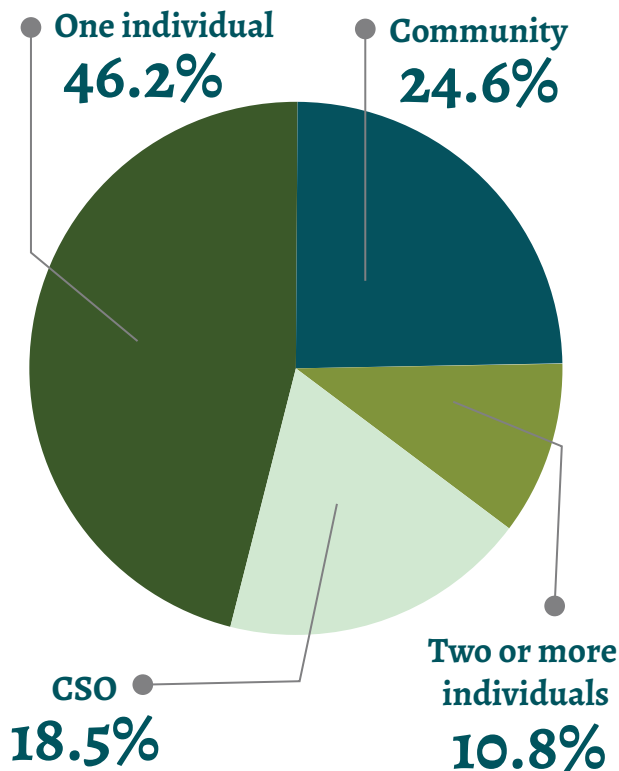


In these 16 attacks, threats, intimidation, and harassment were mainly recorded without the information being disaggregated by sex.

Civil society organizations (CSOs) dedicated to environmental defense suffered 12 attacks (18.5%). These aggressions occurred within the context of defending water, soil, and territory. Criminalization, stigmatization, and threats were the most recurrent aggressions.



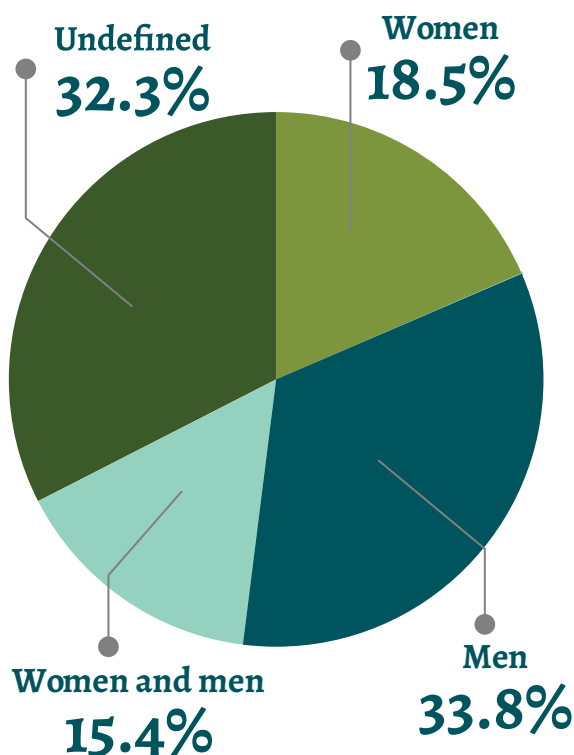
During 2020, a significant increase in attacks against communities was identified

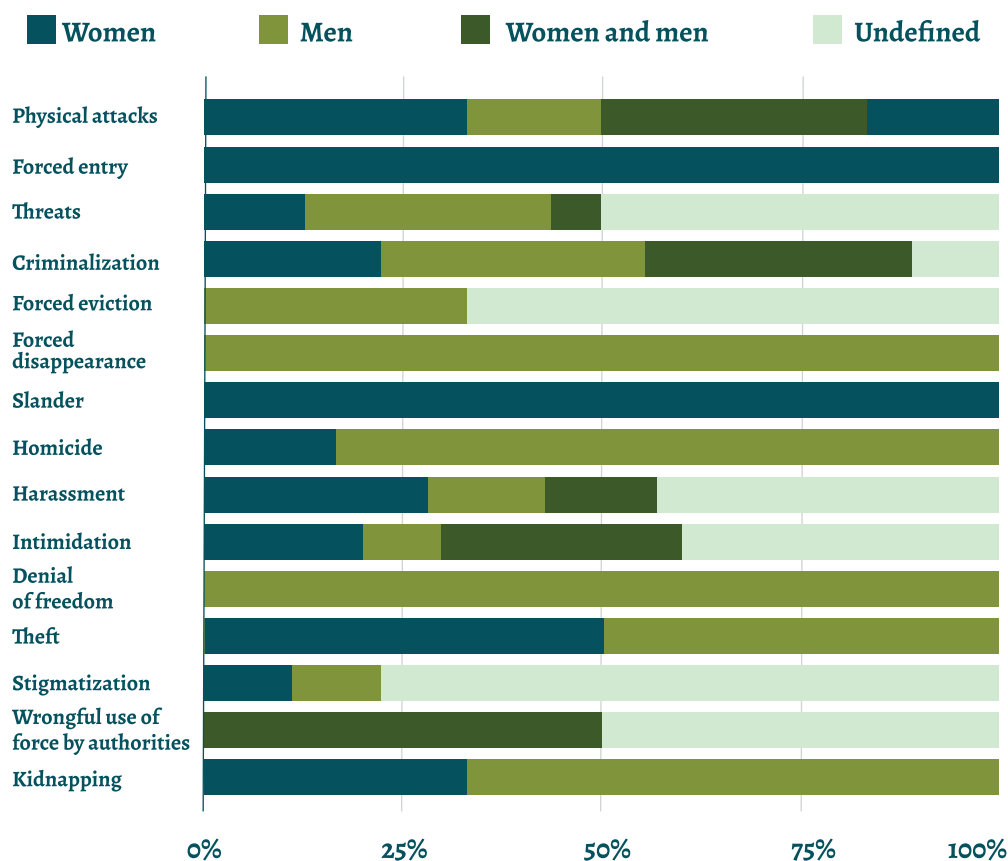


A significant increase in attacks against communities during 2020 was identified. In 2019, this kind of attack accounted for 15.4% of the total cases, whereas in 2020 these attacks represented 24.6% of the total recorded aggressions. The 2019 report recorded that 5.1% of the total attacks were conducted against social organizations, whereas for 2020, this percentage increased to 18.5% of the total.

Analyzing the cases registered in 2020 from a gender perspective, demonstrated that 18.5% of the victims were women environmental defenders, 33.8% were men and 15.4% were both men and women. It should be noted that in 16 cases, the victim's sex was not be identified: in 4 cases because the aggression was against an entire civil society organization and in 12 of the 16 cases, the attacks were conducted on communities. Not all the information regarding number of defenders attacked was disaggregated by sex, age or ethnicity. This is generally due to the fact that the corresponding authorities and the media fail to generate data from a gender and intersectional perspective when complaints are filed or attacks against environmental defenders are recorded.

The following graph portrays an analysis of the various attacks disaggregated by sex suffered by environmental human rights defenders in 2020:





This data shows that when the victim was a woman defender, the main acts of violence perpetrated were physical aggression, harassment, including sexual harassment in one of the documented cases, stigmatization, theft, criminalization,⁵³ forced entry, and slander. For male defenders, the most recurrent attacks were homicide, kidnapping, threats, and stigmatization. The importance of this exercise is that it shows gender bias in the type of aggression

perpetrated, which in some cases is clearly marked such as the disappearance and denial of freedom in which the victims were exclusively men, while, according to the information collected, only women were reported to suffer slander and forced entry to their homes. Once better records are obtained, it will be possible to attain a more rigorous identification of these differences that are indispensable for adopting prevention and protection measures.

Attacks per Economic Sector

With regard to the sectors related to the attacks perpetrated against environmental defenders during the year 2020, it was identified that 16 of the documented attacks are related to the forestry sector, representing 24.6% of the total cases recorded. As concerns the defense against illegal logging, 14 cases

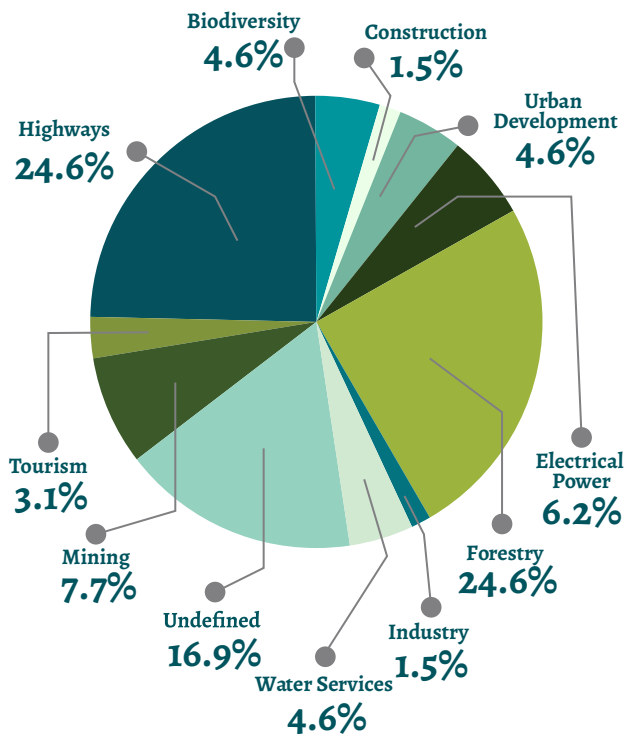
were recorded and two cases of damage caused to Protected Natural Areas were identified.

Regarding the highway construction sector, 16 cases were recorded, representing 24.6% of the total attacks. Of these, eight attacks were related to the

⁵³ One of the cases of criminalization against environmental defenders occurred in Quintana Roo, where a girl was denounced along with her mother and her legal representative for avoiding ecocide in an area in which sea turtles nest in Quintana Roo. See Quadratin Quintana Roo, *Criminaliza Fiscalía de Quintana Roo y RIU a mamá de niña cancenense que busca detener el ecocidio y defender tortugas*, December 6, 2020. Available at: <https://quintanaroo.quadratin.com.mx/riu-y-fiscalia-de-quintana-roo-buscan-criminalizar-a-mama-de-nina-criminaliza-fiscalia-de-quintana-roo-a-mama-de-nina-cancunense-que-pide-defender-tortugas-y-evitar-ecocidio-del-riu/>

Mayan Train Project; three attacks related to the highway project in San Francisco Xochicuautla in the State of Mexico; three attacks related to the construction of the Xochimilco Road Bridge Project in Mexico City and another three attacks were related to road constructions in different states.

The mining sector accounted for 7.7% of documented attacks (five cases); the electric power sector recorded 6.2% of the overall attacks (four cases); the hydraulic, urban development, and biodiversity threatened sectors each constitute 4.6% of the attacks (three cases per sector); 3.1% of the total number of attacks recorded are related to the tourism sector; and, finally, with 1.5% of the documented attacks were related to the construction works and textile industry sectors, recording one attack each.



Historically, the forestry sector has reported the highest number of attacks against defenders during the years documented by CEMDA. It is remarkable that forestry continues to be the most dangerous sector, with 17 cases in 2020. It is important to highlight that various individual attacks were perpetrated against women defenders.

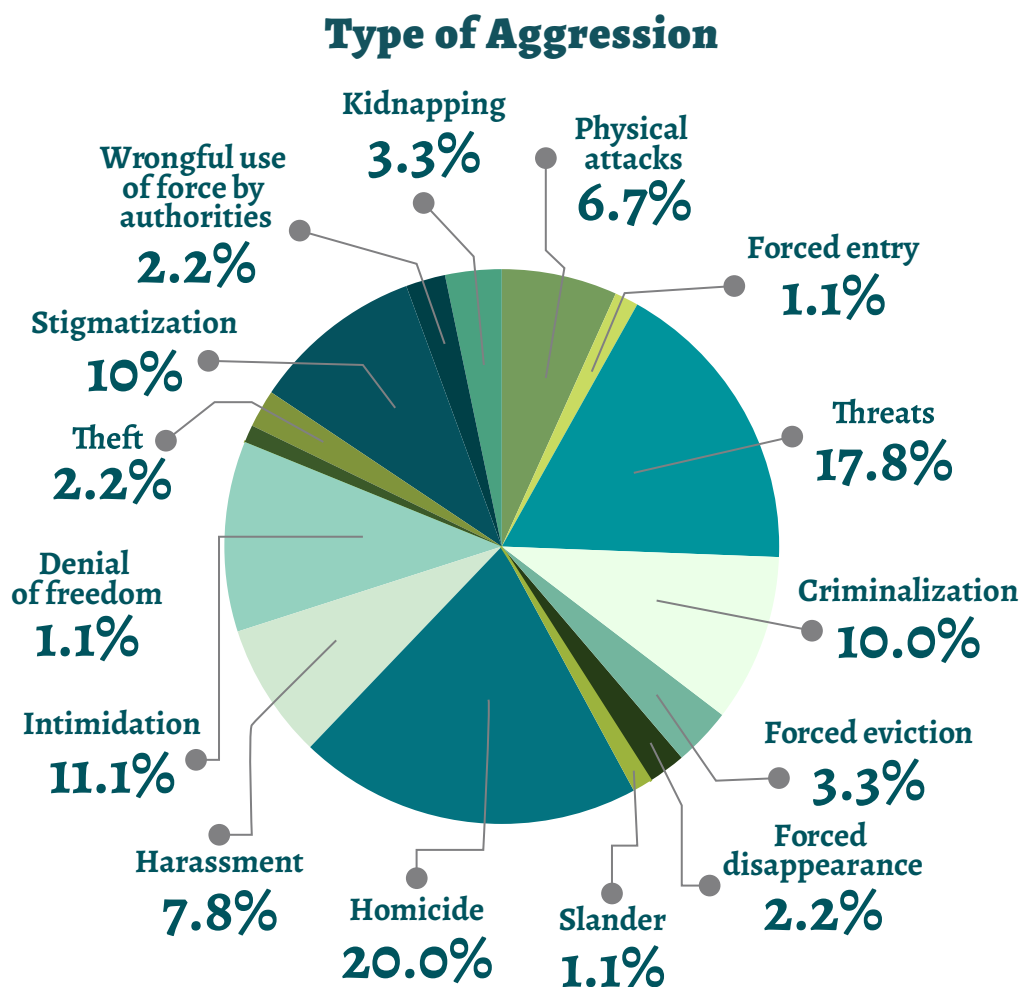
Within the framework of the risk that environmental defenders face in the forestry sector, the case of San José la Pila Park, a forest in the municipality of Metepec, the State of Mexico, where the government planned to build a National Guard base, is especially relevant. Exercising their right to environmental defense, the women movement leaders opposing the project in an effort to protect the environment were threatened, stigmatized and criminalized.⁵⁴ Complaints were filed against them, accusing them of taking possession of the park and attacks on highways.

In 11 of the 65 attacks recorded, it was not possible to identify to which economic sector the perpetrated aggressions were related, representing 16.9% of the total cases documented. These types of aggression or attacks, classified as undetermined, refer to situations in which not only defenders were defending their territory, but also other human rights in different contexts.⁵⁵

The forestry sector has reported the highest number of attacks against defenders during the years documented by CEMDA

⁵⁴ Diana Bobadilla, environmental rights defender, suffered harassment, threats, criminalization, and intimidation because she was defending the forest against the tree logging of the San José la Pila Park intended for the construction of new barracks for the National Guard. See Front Line Defenders, *Harassment, surveillance and threats against environmental defender Diana Bobadilla Martínez*, September 2, 2020. Available at: <https://www.frontlinedefenders.org/es/case/harassment-surveillance-and-threats-against-environmental-rights-defender-diana-bobadilla>

⁵⁵ An example is the case of the four murdered people identified as activists members of the Guerrero-Emiliano Zapata Indigenous and Grassroots Council (Cipog-EZ) and the Peasant Organization of the Sierra del Sur (OCS). See La Jornada, *Torturan y asesinan a cuatro activistas nahuas en Guerrero*, December 22, 2020. Available at: <https://www.jornada.com.mx/2020/12/22/estados/027n1est>



Data recorded in 2020 confirmed the seriousness of the aggressions experienced by environmental defenders in Mexico, which were also documented in the 2019 report. For the second consecutive year since the beginning of the current federal administration, homicide has been the most frequent attack. In 2019, 15 murders were documented and in 2020 the number of murdered defenders reached 18, amounting to the deplorable figure of 33 people killed so far under the current administration.⁵⁶

During the year 2020, in 16 of the 65 documented attacks, the crime of deprivation of life was perpetrated. A total of 18 defenders were murdered, corresponding to 20% of the total attacks, thus becoming the main form of aggression. It should be noted that in several cases it was identified that, prior to being murdered,

the defenders had been victims of other attacks: threats and even forced disappearance.

The second form of attack, representing a total of 16 cases (17.8%), were threats. Third, were ten cases of intimidation (11.1%), nine cases of criminalization and another nine cases of stigmatization (each representing 10% of the total aggressions).

The following attacks were also documented: 7.8% harassment (7 cases); 6.7% physical assaults (6 cases); 2.2% forced disappearance, wrongful use of force by authorities, and theft⁵⁷ (2 cases each). There were 3 cases of forced eviction and another 3 cases of kidnapping, representing 3.3%, respectively. Finally, forced entry, slander of defenders, and the denial of freedom represented 1.1% each (one case for each of these forms of aggression).

⁵⁶ Corresponding to the first two years of the current federal administration (2019-2020)

⁵⁷ Of these five cases, one is presumed to be a case of forced disappearance with the participation of State agents

It is important to highlight stigmatization as a form of aggression,⁵⁸ since it is usually the first step in the escalation of violence that a defender might suffer.⁵⁹

In 2020, nine cases of stigmatization by authorities of the Mexican State were recorded; various individuals and non-governmental organizations, in particular, were stigmatized for carrying out environment advocacy. In the recorded cases, the stigmatization came from top public officials, such as the President,⁶⁰ the Head of the Mexico City Government,⁶¹ and officials of the National Tourism Fund (FONATUR),⁶² and was carried out through actions that typically characterize the stigmatization against environmental defenders: public accusation, defamation, and discrediting the work of defending the environment.

This discourse delegitimizes defense actions by transmitting messages that minimize and distort environmental defense:

“[...] they don’t have enough information [...] they are actually very small groups, there is no opposition [...] there are groups that have other political interests.”⁶³

Otherwise, they use false or biased data that undermines, discredits, and defames the work of defending the environment:

“[...] there are always underlying interests [...] supposedly independent, non-governmental organizations of so-called civil society that receive money, some of them even from abroad, in order to oppose the construction of the Mayan Train [...] for the sake of receiving funds, they

disguise themselves as environmentalists, as human rights defenders, and it is ultimately a power struggle issue in the economic and political spheres.”⁶⁴

It has been observed that these types of statements issued by a public authority open the door to a wave of stigmatizations from other groups: media, citizens or even bots⁶⁵ that replicate the stigmatizing message, which goes viral, thus increasing the violence of the initial message. The frequency with which attacks usually increase after acts of stigmatizing, makes defenders feel anxiety, uncertainty, and fear of the effects that may arise and the subsequent reprisals that State or parastate agents may take.⁶⁶ After suffering this type of aggression, some defenders may cease doing defense work. Those who continue their work, do so feeling that their integrity and that of their relatives and friends is at risk.⁶⁷ The response of solidarity and the collective accompaniment by other defenders, communities, and related organizations is a means to face these aggressions and reduce their negative effects on the victims.⁶⁸

There is thus great concern about the increasing number and frequency of acts of stigmatization in the light of their nature and the consequences they generate. Likewise, upon observing the agent of aggression, the situation of violence and risk to which defenders are exposed becomes more complex given the multiplicity of actors echoing the stigmatizing aggression. Thus, the effects and aftershocks of the stigmatizing attacks perpetrated against defenders persist.

⁵⁸ During 2019, CEMDA identified this type of aggression as a gradual process of violence against defenders that placed them in a state of vulnerability through a series of actions such as finger-pointing, defamation or smearing. Stigmatization leads to marginalizing and delegitimizing the work of defending environmental human rights, thus inhibiting the exercise of the right to defend human rights. See Centro Mexicano de Derecho Ambiental, *Report on the situation of environmental human rights defenders. Mexico, 2019*, March 2020, pp. 23-24. Available at: <https://www.cemda.org.mx/wp-content/uploads/2020/03/informe-personas-defensoras-2019.pdf>

⁵⁹ Stigmatization makes the defender an easy target for other types of aggression and simultaneously displaces their right to justice and protection of their rights, affecting in a differentiated way both women defenders and indigenous defenders. In addition to acts of stigmatization, there is sexist violence and structural discrimination generated by institutions pertaining to the Mexican State, particularly affecting those who belong to these groups in a situation of vulnerability. See Centro Mexicano de Derecho Ambiental, *Report on the situation of environmental human rights defenders. Mexico, 2019*. Available at: <https://www.cemda.org.mx/wp-content/uploads/2020/03/informe-personas-defensoras-2019.pdf>

⁶⁰ Sin embargo, *Gobierno de México exhibe lista de quienes “reciben recursos para oponerse al Tren Maya”*, México, August 28, 2020. Available at: <https://www.sinembargo.mx/28-08-2020/3849985>

⁶¹ Capital CDMX, “*Les falta información y son grupos pequeños*”, dice Sheinbaum sobre rechazo vecinal al puente y a otras obras”, November 3, 2020. Available at: <https://capital-cdmx.org/nota-Les-falta-informacion-y-son-grupos-pequenos--dice-Sheinbaum-sobre-rechazo-vecinal-a-puente-y-a-otras-obras202031147>

⁶² EDUCA, *Fonatur condiciona agua a comunidades que lograron suspensión del Tren Maya*, México, February 14, 2020. Available at: <https://www.educaoxaca.org/fonatur-condiciona-agua-a-comunidades-que-lograron-suspension-del-tren-maya/>

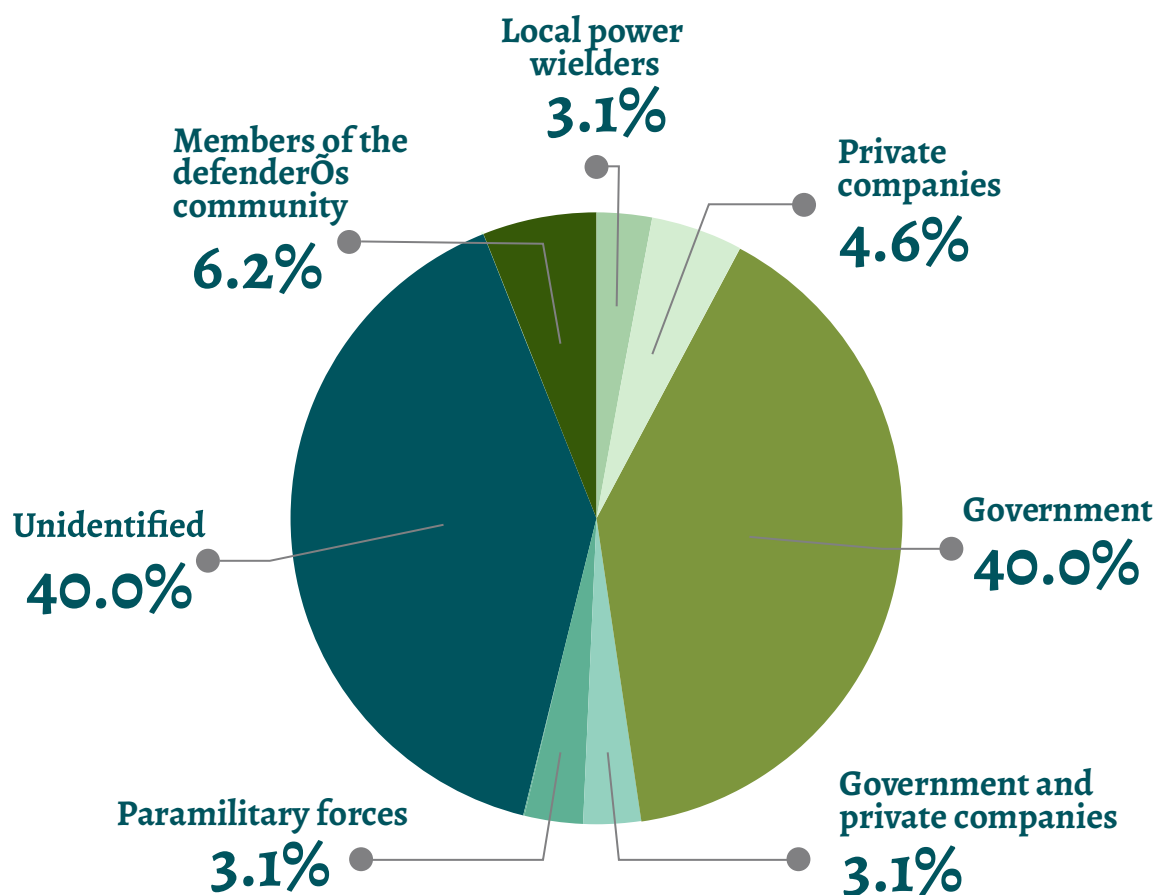
⁶³ See “Entrevista a la Jefa de Gobierno, Claudia Sheinbaum Pardo, durante recorrido por las obras del Cablebús Línea 1”, publicado el 3 de noviembre de 2020 en: https://fb.watch/3ixB8Xp_yL/ (véase del min: 44:50 al min. 48:20), Retrieved on January 28, 2021. Stenographic version available at: <https://www.jefaturadegobierno.cdmx.gob.mx/comunicacion/nota/entrevista-la-jefa-de-gobierno-claudia-sheinbaum-pardo-durante-recorrido-por-las-obras-del-cablebus-linea-1>

⁶⁴ Secretaría de Gobernación, Conferencia de prensa del presidente Andrés Manuel López Obrador del 28 de agosto del 2020, August 28, 2020. Stenographic version available at: <https://www.gob.mx/presidencia/articulos/version-estenografica-conferencia-de-prensa-del-presidente-andres-manuel-lopez-obrador-del-28-de-agosto-del-2020?idiom=es>

Types of Agents of Aggression

The ministerial authority’s failure to comply with their due diligence obligations is one of the causes of the growing impunity related to attacks against defenders. This is evidenced mainly through the lack

of identification of the agent or agents of aggression perpetrating acts of violence against environmental defenders. The year 2020, once again showed a high percentage of unidentified aggressors (40%).



⁶⁵ According to the Royal Spanish Academy, the word bot —an abbreviation of the word robot— is used in reference to a computer program that automatically performs certain tasks. See Real Academia Española, *Observatorio de palabras*. Retrieved on February 7, 2021 from: <https://www.rae.es/observatorio-de-palabras/bot#:~:text=La%20voz%20bot%20E2%80%94acortamiento%20por,est%C3%A1%20ya%20extendido%20en%20espa%C3%B1ol>.

⁶⁶ Acción Urgente para Defensores de Derechos Humanos, Comité Cerezo México y Campaña Nacional Contra la Desaparición Forzada, *Defender los derechos humanos en México: El fin de la impunidad? Informe junio de 2018 a mayo de 2019*, México, 2019, pág. 122. Available at: <https://www.casede.org/index.php/biblioteca-casede-2-0/derechos-humanos/452-defender-los-derechos-humanos-en-mexico-el-fin-de-la-impunidad/file?fbclid=IwAR1VlIGyKs7GjQhEW-NEpKa80rYsq2-jPShp46x3eHyigum3HCjUMiSAWJAE>

⁶⁷ Amnesty International *Human rights defenders under threat: A shrinking space for civil society*, 2017, United Kingdom, Amnesty International Ltd., p. 15. Available at: <https://www.amnesty.org/download/Documents/ACT3060112017SPANISH.PDF>

⁶⁸ One of the examples of solidarity and collective accompaniment derived from stigmatization aggressions pronounced by the Federal Executive Branch against the environmental defense work of organizations dealing with the Mayan Train was the support received by more than 460 organizations and defenders. Through their stance of “*Defending human rights and nature strengthens democracy and must not be criminalized*,” they jointly demanded respect for the human rights of the environmental defenders who had been attacked. See CEMDA, Diálogo y Movimiento A.C., Due Process of Law Foundation, Consejo Regional Indígena y Popular de Xpujil A.C., Consejo Civil Mexicano para la Silvicultura Sostenible A.C., and INDIGNACIÓN, *La defensa de los derechos humanos y de la naturaleza fortalece la democracia y no debe criminalizarse*, August 31, 2020. Available at: https://www.cemda.org.mx/la-defensa-de-los-derechos-humanos-y-de-la-naturaleza-fortalece-la-democracia-y-no-debe-criminalizarse/?fbclid=IwAR0ziAAg2PbrXbHPdewtjALnQc2gJGdyYHjpfm7sE0tA_PD3XLIGB57Ho

Of the 65 documented attacks, the aggressor agents were identified as follows:

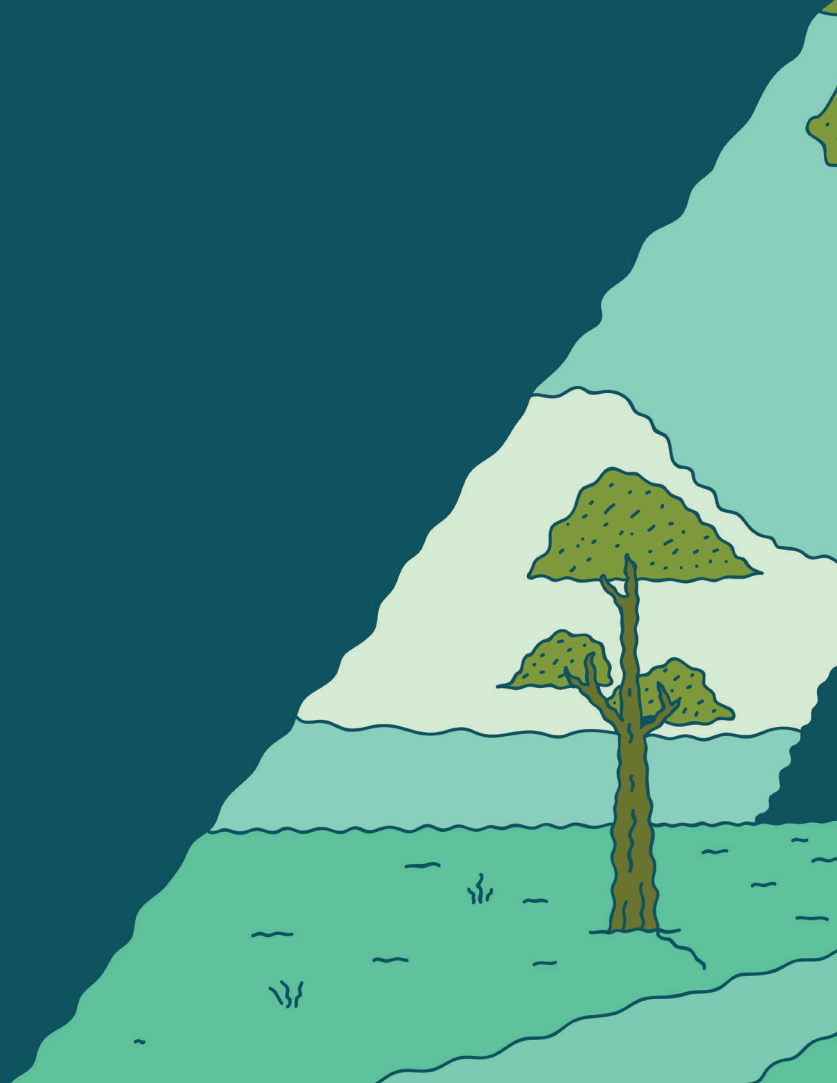
- In 26 assaults, it was known that the recorded aggressor was allegedly an agent of the State (40% of the cases).
- Private companies were identified as causing three of the cases (4.6% of the total aggressors).
- In four cases, agents belonging to the defender's community were identified as the aggressors (6.2% of the total attacks).
- Two cases were attributed to the dyad of government and companies and another two cases to local power wielders and paramilitary groups (3.1% respectively).
- In 26 cases, the perpetrator of the aggression remained unidentified, representing 40% of

the cases recorded. This high percentage of cases in which the aggressor agents were not identified normalizes impunity for the aggressions committed against environmental defenders, appearing as an inevitable burden. This perspective is unacceptable under the rule of law in which social and environmental justice is upheld.

It is alarming to witness the increase in the participation of public authorities as agents of aggression (26 aggressions). It should be noted that, contrary to previous years, it is the heads of the federal and local executive branch who currently participate in stigmatization campaigns against environmental defense.

The denunciation expressed in this report exposes the tragic reality that is far from the full compliance with the obligations of protecting and guaranteeing the human rights of environmental defenders.

3 Comprehensive Public Policy to Protect Environmental Human Rights Defenders in Mexico





In this context of aggression against environmental defenders, over the last few years, the Mexican State has adopted some measures to comply with the international standards⁶⁹ and obligations⁷⁰ taken on in relation to preventing attacks and protecting environmental defenders so that they can exercise their right to defend territory, natural resources, and the environment.

Recently, Mexico reaffirmed its international willingness to take on obligations for preventing attacks and protecting environmental defenders through ratifying the *Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters* (the Escazú Agreement), which in its Article 9 establishes the duty of the State to guarantee the rights to life, personal integrity, and other human rights of all environmental defenders; ensure a safe and favorable environment in which individuals, groups, and organizations that promote and defend human rights in environmental matters can act without threats, restrictions, and insecurity; and to ensure that the aggressions are duly investigated and that perpetrators are punished.

On the other hand, the Inter-American System for the Protection of Human Rights (IAHRS), of which Mexico is a State Party, has consolidated a series of criteria that seek the protection of women and men human rights defenders and, consequently, of people seeking to protect the environment, territory, and natural resources. This stems from the general obligation of States to guarantee the rights to life and personal integrity of all persons.⁷¹ The Inter-American Court of Human Rights (IACHR) has thus indicated that this obligation is reinforced when it involves a human rights defender, which also raises the existence of specific duties that can be determined in accordance with their specific protection needs.⁷²

The IACHR has established that the defense of human rights can only be exercised freely when the women and men involved are not victims of threat or of any type of physical, mental, or moral aggression or other acts of harassment.⁷³ According to the IACHR, in addition to creating legal and formal conditions, States must guarantee conditions in their milieu in which defenders can freely exercise their rights.

This implies:

“[...] those who occupy a public office regarding which they are threatened or in a situation of risk, or those who report human rights violations, can freely carry out their activities; protect them when they are threatened in order to prevent attacks on their life and integrity; generate the conditions for the elimination of violations by State agents and private individuals; refrain from imposing obstacles that obstruct their task, and investigate seriously and effectively any violations committed against them, combating impunity.”⁷⁴

In response to the above, the IACHR outlined the foundations of a comprehensive public policy for the protection of defenders,⁷⁵ which requires:

- The participation of defenders, organizations, and experts in the establishment of standards ruling the protection program;
- Creating a protection program that addresses the issue in a comprehensive and inter-institutional way according to the risk involved in each situation and adopts measures of immediate attention to the complaints filed by defenders;

⁶⁹ United Nations Organization, Resolution A/RES/53/144 of the General Assembly, Declaration on Human Rights Defenders, March 8, 1998, <https://undocs.org/A/RES/53/144>

⁷⁰ United Nations General Assembly, Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, A/RES/62/152, December 18, 2007; A/RES/64/163, December 18, 2009, para. 1, and A/RES/66/164, December 19, 2011

⁷¹ American Convention on Human Rights, Articles 1.1, 4, and 5

⁷² Inter-American Court of Human Rights. Case of Human Rights Defender and Others v. Guatemala, Preliminary Objections, Merits, Reparations and Costs. Judgment of August 28, 2014. Series C No. 283, para. 141 & 142

⁷³ IACHR. Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser.L/V/II.124, Doc. 5 rev.1, March 7, 2006, para. 46, <http://www.cidh.org/countryrep/defensores/defensorescap1-4.htm#III>

⁷⁴ Inter-American Court of Human Rights Case of the Xucuru Indigenous People and its members v. Brazil, Preliminary Objections, Merits, Reparations and Costs. Judgment of February 5, 2018, Series C No. 346, para. 175, https://www.corteidh.or.cr/docs/casos/articulos/seriec_346_esp.pdf

⁷⁵ Inter-American Court. Case of Human Rights Defender and Others v. Guatemala, *Op. cit.*, para. 263

⁷⁶ Special Rapporteur on the Situation of Human Rights, Michael Frost, *Op. cit.*, para. 64; Office in Mexico of the United Nations High Commissioner for Human Rights, Diagnosis on the Operation of the Mechanism, Mexico City, July 2019, p. 10

⁷⁷ Special Rapporteur on the Situation of Human Rights, Michael Frost, *Op. cit.*, para. 64-67

- Creating a risk analysis model that adequately identifies the risk and protection needs of each defender or group, based on the application of a crosscutting and differentiated approach;
- Creating an information management system regarding the situation of prevention of aggression and protection for defenders;
- Designing culturally appropriate protection plans that respond to the specific risk to each individual, as well as to the characteristics of their tasks;
- Promoting a culture of legitimacy and protection of their tasks; and

- Providing adequate human and financial resources to meet their real protection needs.

In order to be comprehensive, a public policy for the protection of defenders requires, in addition to physical protection and prevention measures, measures related to the investigation of crimes committed against defenders, all of which must have an important degree of institutional coordination.⁷⁶ However, as explained below, Mexico has only adopted measures that do not constitute comprehensive public policies, because in addition to a lack of resources and the impunity prevailing over the investigation of aggressions, the agencies in charge of investigations lack both coordination and expertise in prevention work.⁷⁷

Mechanism for the Protection of Human Rights Defenders and Journalists: Diagnosis and Challenges

Despite the regulatory landscape described above, evidence shows that Mexico has failed to fulfill its obligations, and therefore the consolidation of a comprehensive public policy for the protection of environmental defenders seems even more improbable. *The Mechanism for the Protection of Human Rights Defenders and Journalists*⁷⁸ (hereafter referred to as *the Mechanism*), which is currently the driving force underlying the Mexican State's efforts in this matter, is far from articulating a public policy that integrates all the aspects that guarantee the effective exercise of rights.

Although the Mechanism is a tool that is linked to and articulated with the government apparatus regarding protection of defenders⁷⁹ and has contributed positively to the general obligation to protect human rights defenders, its action has been insufficient, as various human rights organizations have documented.⁸⁰ In this regard, the United Nations Human Rights Committee,⁸¹ the Inter-American Commission on Human Rights, and the Office in Mexico of the United Nations High Commissioner for Human Rights (OHCHR)⁸² have repeatedly expressed their concern about the high level of violence and

⁷⁸ *The Mechanism for the Protection of Human Rights Defenders and Journalists* was created by virtue of the publication of the Law for the Protection of Human Rights Defenders and Journalists on 25 June 2012. Operated by the Mexican Department of the Interior, the Mechanism is comprised of three bodies: the Governing Board, the Advisory Council, and the National Executive Coordination. Its main objective is to carry out various actions to comply with the obligations to promote, protect, and guarantee the human rights of defenders in Mexico. See *Ley para la Protección de Personas Defensoras de Derechos Humanos y Periodistas*. Available at: http://www.diputados.gob.mx/LeyesBiblio/pdf/LPPDDHP_061120.pdf

⁷⁹ It has State Protection Units and a nominal coordination with the Special Prosecutor's Office for Attention to Crimes Committed Against Freedom of Expression (FEADLE) and the Program of Grievances against Human Rights Defenders and Journalists of the National Human Rights Commission (CNDH), and even with the Executive Commission for Attention to Victims (CEAV)

⁸⁰ See Oficina en México del Alto Comisionado de las Naciones Unidas para los Derechos Humanos, *Diagnóstico sobre el Funcionamiento del Mecanismo*, Mexico City, July 2019, https://hchr.org.mx/wp-content/themes/hchr/images/doc_pub/190725-Diagnostico-Mecanismo-FINAL.pdf; Asociadas por lo Justo (JASS), CEJIL, Protection International, *El Enfoque de Género en la Protección a Defensoras de Derechos Humanos: Las Experiencias de México y Honduras, 2019*, https://www.protectioninternational.org/sites/default/files/publications/el_enfoque_de_genero_en_la_proteccion_a_defensoras_de_derechos_humanos_-_las_experiencias_de_mexico_y_honduras_final.pdf; Secretaría General del Gobierno de Puebla, *Diagnóstico sobre la Situación de las personas defensoras de derechos humanos y periodistas en el Estado de Puebla, 2019*, http://www.pueblaparticipativa.com/wp-content/uploads/2019/09/diagnostico_final.pdf Comisión Nacional de los Derechos Humanos, Universidad de Alcalá, Programa Regional de Apoyo a las Defensorías del Pueblo en Iberoamérica, *Protocolo de Actuación para la Protección de los Derechos de las Personas que ejercen el Periodismo*, https://www.cndh.org.mx/sites/default/files/documentos/2019-05/Libro_PROTOCOLO-PERIODISMO.pdf

⁸¹ The United Nations Human Rights Committee has spoken out against the high level of violence and intimidation against defenders and journalists in the Concluding Observations on the sixth periodic report submitted by the Mexican State in compliance with the International Covenant on Civil and Political Rights. (Office in Mexico of the United Nations High Commissioner for Human Rights, CCPR/C/MEX/CO/6, December 4, 2019, para. 42, <https://undocs.org/en/CCPR/C/MEX/CO/6>)

⁸² Office in Mexico of the United Nations High Commissioner for Human Rights, *Op. cit.*, p. 228

intimidation against defenders and journalists in Mexico, particularly against defenders of economic, social, cultural, and environmental rights. They have also expressed concern about deficiencies in the protection and prevention of attacks on defenders and journalists, specifically those contained in the Mechanism. Likewise, the Committee on Economic, Social and Cultural Rights (CESCR), in its concluding observations of April 2018 on the reports submitted by the Mexican State in compliance with the International Covenant on Economic, Social and Cultural Rights, noted among its main reasons for concern the serious acts of violence committed against human rights defenders, “*in particular defenders of economic, social, cultural, and environmental rights, and the high levels of impunity existing in relation to such acts.*”⁸³

Human rights organizations have recorded how the Mechanism works and the results it has achieved. Based on different approaches and perspectives, they have formulated various analyses about its operation and function. Some of the most evident shortcomings of the Mechanism’s operational, economic, human resources and social aspects are as follows:

❧ Insufficient human and financial resources

As noted by the OHCHR⁸⁴ since 2014, the number of staff members, comprised of 36 officials operating the Mechanism has remained stable in contrast to the number of beneficiaries that increased by 235% during the same period. In other words, the increase in the number of beneficiaries is so disproportionate that the Mechanism officials are unable to fulfil their functions adequately, thus producing delays in implementing measures, a lack of depth in the risk analysis, and reducing the scope of the measures. In addition, as recorded by international organizations pertaining to the United Nations,⁸⁵ the Mechanism

does not have sufficient economic and material resources: during 2019, the Mechanism had a 36% budget deficit.⁸⁶ In addition, on October 21, 2020, the Senate decided to eliminate the Trust for the Protection of Human Rights Defenders and Journalists, as well as the Fund for Aid, Assistance and Comprehensive Reparation.⁸⁷ Both resources were of vital importance to the beneficiaries of protection measures, since these instruments financed the expenses derived from the implementation of protection measures⁸⁸ and the comprehensive repair of damages to victims of crimes and human rights violations. So far, these resources along with other financial instruments have not been restored. With this decision, the Mexican State weakened the Mechanism’s operations, as well as the existing accountability and transparency instruments, and opened the possibility to a discretionary use of resources.⁸⁹ Given this situation, the United Nations Human Rights Committee has urged the Mexican State to strengthen the Mechanism through the allocation of financial resources and adequate personnel to fulfill its mandate and the inclusion of a gender perspective in its activities, the execution of actions that intervene preventively and reactively in the face of structural causes of risk, and sensitize the population about the legitimacy of its activities.⁹⁰

❧ Insufficient protective measures.

The measures granted to persons and collectives defending environmental human rights do not correspond to the cases of aggression suffered by environmental defenders, which CEMDA has documented over the years. For example, with regard to collectives, from October 2012 to July 2020, the Mechanism⁹¹ granted only 15 protection measures (12 to collectives and 3 to communities without identifying whether the protection measures were individual or collective) in ten

⁸³ Committee on Economic, Social and Cultural Rights of the United Nations. Concluding observations on the combined fifth and sixth periodic report of Mexico. E/C.12/MEX/CO/5-6. April 17, 2018, para. 7, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/MEX/5-6&Lang=en

⁸⁴ Office in Mexico of the United Nations High Commissioner for Human Rights, *Op. cit.*, p. 8

⁸⁵ CCommittee on Economic, Social and Cultural Rights of the United Nations. Concluding observations on the combined fifth and sixth periodic report of Mexico. E/C.12/MEX/CO/5-6. April 17, 2018, para. 7, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/MEX/5-6&Lang=en

⁸⁶ *Ibid.*, p. 9

⁸⁷ See Senado de la República, Coordinación de Comunicación Social, *Aprueba Senado, en lo general, extinción de 109 fideicomisos*, October 21, 2020, <http://comunicacion.senado.gob.mx/index.php/informacion/boletines/49479-aprueba-senado-en-lo-general-extincion-de-109-fideicomisos.html>

⁸⁸ See Espacio OSC, Para la protección de personas defensoras y periodistas, *Eliminar fideicomisos y fondos pone en riesgo la vida de personas víctimas, personas defensoras de derechos humanos y periodistas*, <http://espacio.osc.mx/eliminar-fideicomisos-y-fondos-pone-en-riesgo-la-vida-de-personas-victimas-personas-defensoras-de-derechos-humanos-y-periodistas/>

⁸⁹ United Nations Human Rights Committee, Concluding Observations on the Sixth Periodic Report of Mexico, *Op. cit.*, para. 42

⁹⁰ *Ibid.*, para. 43

different states.⁹² In a similar period, from January 2012 to December 2020, CEMDA documented 170 cases of aggression against collectives that defend the environment, territory and natural resources, 117 cases against communities, and 53 aggressions against civil society organizations. With regard to the type of measures granted, their validity, evaluation, and results, the Mexican Department of the Interior (SEGOB) did not record this information. Although it had records that show that only in two cases was accompaniment provided to women beneficiaries in order for them to file a complaint, it did not mention what kind of complaint it was or before what authority it was filed, nor was the type of aggression or the sex of the victims mentioned.⁹³ In addition, it should be noted that the measures granted have not led to creating an adequate atmosphere for human rights defense work. Because the implementation of protection measures is slow and ineffective, the defenders' integrity is not safeguarded; protection measures are not interrelated, they do not follow the protection plans, do not have a gender perspective and are not culturally appropriate. The Office in Mexico of the United Nations High Commissioner for Human Rights (OHCHR) recommended in its 2019 Diagnosis, among other things, that preventive actions be undertaken to build a safe environment conducive to defense work; that the Mexican President publicly support the work carried out by defenders; encourage the participation of distinct authorities to deal with specific cases, and promote investigations and sanctions against public officers failing to comply with protection obligations.⁹⁴

• **Lack of articulation and communication.**

It is of key importance to strengthen communication and institutional cooperation. In spite of the efforts made since 2017 (agreements between the federal government and the National Conference of Governors), there is no collaboration between the different areas and units involved in the Mechanism's work. This hinders the exchange

of information and may generate confusion and contradictions. In all the spaces in which the Mechanism is linked to other state entities, there should be a comprehensive vision and attention to the problems the State faces, in addition to coordinated work with institutional guidelines and policies addressing all the operational aspects that can be activated for the beneficiaries' best protection. For example, the National Commission to Prevent and Eradicate Violence Against Women does not currently play a role in the measures and actions promoted by the Mechanism in order to prevent and eradicate gender violence against women land, territory and environmental defenders.⁹⁵ There is no active collaboration with the states and no commitments have become concretized, which implies that measures cannot be implemented. However, the current perspective does not allow for an organic collaboration between the federation, the states, and municipalities. The CDESCR in its analysis of the Mechanism expressed its concern regarding the effectiveness of the measures granted, since they could be insufficient due to a lack of coordination *between federal, state, and municipal authorities, and the lack of sufficient resources for their implementation.*⁹⁶

• **Lack of comprehensiveness in the protection actions.**

As noted at the beginning of this chapter, the need to implement a comprehensive policy to protect defenders and journalists is due to the international commitments that Mexico has acquired, as well as to the social reality existing in Mexico. The magnitude and complexity of the problem is such that this situation of violence, insecurity, impunity, and aggression must be addressed through resorting to the Mechanism and the Law that created it.⁹⁷ This situation can also be faced by an institutional apparatus the bodies of which are interrelated and articulated in order to achieve integrated, participatory, inclusive protection based on a gender, intersectional, and differentiated perspective in a

⁹¹ Response to request for access to information, folio number 0000400205920 issued by the Department of the Interior, dated September 3, 2020

⁹² It should be noted that the information provided by the Mechanism breaks down only the states and municipalities of the aggressions and is not disaggregated by year, nor does it present analytical keys. In other words, it does not allow for complex analyses as a whole, nor does it create cross-references about it. For example, it is known that protection measures have been granted in Mexico City, but it is not possible to know how many measures have been granted, the type of beneficiary (organization, collective or individual and the beneficiary's sex), who the aggressors were, or what was the type of aggression that was committed or the sex of the person assaulted

⁹³ Response to request for access to information, folio number 0000400205920 issued by the Department of the Interior, dated September 3, 2020

⁹⁴ Office in Mexico of the United Nations High Commissioner for Human Rights, *Op. cit.*, p. 228

⁹⁵ Response to a request for access to information, folio number 0000400236420 issued by the National Commission to Prevent and Eradicate Violence Against Women, dated October 7, 2020

⁹⁶ *Ibid.*

concrete and real way. The obligation to respect, prevent, and protect against a situation of risk, and to investigate, judge, and punish is the pillar on which the State must base the establishment of such a structure. However, the Mexican State has not concretized the aforementioned mandates. The Human Rights Committee pointed out categorically that, despite the existence of the Mechanism, Mexico “does not have a comprehensive policy to promote the implementation of effective protection and prevention measures.”⁹⁸ Should this trend continue, the Mechanism’s current inadequacy will worsen until it becomes unsustainable and therefore totally unable to cope with reality. Regarding the above, in response to requests for access to public information, SEGOB has pointed to various actions in order to advance compliance with the recommendations. This is aimed at moving towards a comprehensive policy, including the adoption of a color-coded system charting national aggressions, the link with the National Conference of Governors to decriminalize human rights defense through eliminating changes in the state criminal code, and mandating the Executive Commission for Assistance to Victims to ensure that defenders are accompanied when they resort to measures established by the Mechanism.⁹⁹

To counter these deficiencies, the CESCR recommended that the State carry out five actions, consisting of: a) preventing violence against defenders and effectively protecting their life and integrity, in coordination with authorities; b) investigating all complaints filed regarding attacks and acts of violence against defenders; c) guaranteeing the implementation of the Law for the Protection of Human Rights Defenders and Journalists; d) ensuring the effective functioning of the Mechanism through reviewing and improving existing protection strategies, taking into account cultural, regional and gender differences, through the allocation of adequate human, financial, and technical resources; and e) implementing information and awareness campaigns on the

fundamental work conducted by human rights defenders in order to generate an atmosphere of tolerance that allows defenders to carry out their work.¹⁰⁰ However, these recommendations have not yet been complied with.

In June 2020, in the context of following up these observations and recommendations, the CESCR noted that the information provided by the Mexican State regarding most of the recommendations

(a), (c) and (e) was *inaccurate and insufficient*. Although there had been progress in prosecuting crimes against freedom of expression, and the Mechanism had increased the number of beneficiaries and had improved some coordination aspects, efforts remained objectively insufficient to reduce problems. In particular, the Committee noted the inadequacy of human and financial resources for the prevention and protection of human rights defenders and journalists.¹⁰¹

In spite of the above, in 2020 the Mechanism reported some progress in relation to including a gender perspective in its actions, as shown by the transparency instruments of the Mexican government.¹⁰² In response to the “*implementation of the new risk assessment methodology*,” all the personnel assigned to the Risk Assessment Unit -including the analysts- were trained how to use a gender perspective in the cases they deal with. This methodology includes international human rights standards, including the standard of decision T-719/2003 of the Colombian Constitutional Court, which establishes a risk rating scale (based on the degree of legal intensity and tolerance, at a low, medium or high level) and the characteristics of risk (specific and individualized, concrete, present, important, serious, clear and discernible, exceptional, and disproportionate). Under these conditions, the Mechanism’s Governing Board approved the new Risk Assessment Methodology that considers variables from a gender perspective and a differential approach. The variables are as follows:

⁹⁷ Ley para la Protección de Personas Defensoras de Derechos Humanos y Periodistas. Available at: <http://www.diputados.gob.mx/LeyesBiblio/pdf/LPPDDHP.pdf>

⁹⁸ *Ibid.*

⁹⁹ According to a document entitled “2020 Report on the Situation of Environmental Human Rights Defenders in Mexico” delivered via request for access to information, folio number 0000400218720, by the Department of the Interior on October 2, 2020

¹⁰⁰ *Ibid.*

¹⁰¹ Committee on Economic, Social and Cultural Rights of the United Nations. Communication 2020-42/CESR/FU, 15 June 2020, p. 1, http://hchr.org.mx/images/doc_pub/INT_CESCR_FUL_MEX_42483_S.pdf

¹⁰² Response to request for information, folio number 0000400236320, issued by the Unit for Human Rights Defense, Department of the Interior, October 7, 2020

- Risk conditions derived from the fact that the defender or journalist is a woman, evaluated within her family environment.
- Risk conditions derived from the fact that the defender or journalist is a woman, evaluated in her work environment.
- Additional burdens related to the fact that the beneficiary forms part of a population group known to experience a situation of vulnerability (ethnic identity, gender identity, gender violence by partner, condition of being the only caregiver, pregnancy or breastfeeding, disability, age, forced displacement, migration status, religious belief).
- The woman forms part of organizations, working groups and support networks.
- Circumstances of vulnerability: discrimination/

exclusion and types of violence underscoring whether the beneficiary is a woman.

- Relationship between risk events and gender reasons.
- Other events: Identifying the general situation women face in the state where they do defense work or journalism in order to conclude whether it has a direct impact.

Thus, the gender perspective has begun to permeate the Mechanism's efforts. However, it is very important to call for all institutions of the governmental and non-governmental apparatus involved in the protection of women and men human rights defenders to adopt a gender perspective, since the legal, administrative, executive, jurisdictional, and criminal mechanisms should know, understand, become embedded with, and assimilate this task as an ongoing goal.

Prevention and Impunity: Challenges, Obstacles, and Needs

Among the most pressing aspects affecting the consolidation of a comprehensive protection policy and the Mechanism's effectiveness is the chain of obligations that the State must comply with, from before to after the act of aggression has been committed. On the one hand, as aforementioned, the Mechanism's response is a reaction to the violence suffered by human rights defenders and journalists, without so far seeking to identify and eradicate the causes underlying the violence perpetrated against these actors and their work. Preventive measures must be firm and designed with citizen participation, cultural relevance, a gender perspective and paying attention to the changes in the surrounding state of alarm so that -both the Mechanism and other institutional preventive instruments- can fulfill their functions and prevent attacks on environmental defenders.

In this context, stigmatization and criminalization must be taken very seriously. Aggressions tend to be perpetrated by public officials and have very serious consequences for the victims. These actions have been repeatedly pointed out by the IACHR¹⁰³ that highlights the large number of public officials in Mexico who attack human rights defenders. According to the Mechanism's most recent monthly statistical report, during 2020, 58.2% of the probable aggressors to beneficiaries and defenders were public officials.¹⁰⁴ This figure is alarming, but not surprising given that since the Mechanism came into force, it has been observed that it is public servants who are involved in a large percentage of the documented aggressions. It is therefore essential to sensitize and train State agents in order to ensure compliance with the obligations to respect rights and prevent aggression. This must be

¹⁰³ IACHR, Annual Report 2019. Chapter V. Follow-up to Recommendations Issued by the IACHR in its Country or Thematic Reports, *Op. cit.*, p. 780; Report on the Situation of Human Rights in Mexico, OAS/Ser.L/V/II. Doc. 44/15, December 31, 2015, p. 111-12, 181, <http://www.oas.org/es/cidh/informes/pdfs/Mexico2016-es.pdf>

¹⁰⁴ See Mecanismo para la Protección de Personas Defensoras de Derechos Humanos y Periodistas, Informe Estadístico, Diciembre 2020. Available at: https://www.gob.mx/cms/uploads/attachment/file/614670/2020_12_Informe_estadistico.pdf



accompanied by a mitigation strategy that takes into account that State agents must act with great care and respect for human rights, emphasizing women's rights, and avoiding discourses that put defenders at risk.

In addition, it should be noted that a large number of the socio-environmental conflicts in which human rights defenders are attacked are the result of the implementation and impact of State-promoted mega-development projects.¹⁰⁵ As a guarantor of human rights and promoter of the Mechanism itself, the State holds an increasing responsibility to prevent the perpetration of aggressions. This can be achieved, for example, through the timely intervention of both the Mechanism and other authorities involved, such as the Department of the Environment and Natural Resources (SEMARNAT).

Stigmatization and criminalization must be taken very seriously; aggressions tend to be perpetrated by public officials and have very serious consequences for the victims

On the other hand, the fact that most of the aggressions are perpetrated by State authorities and that there exists such a high level of impunity is a correlation that should not continue to be neglected. According to the Global Impunity Index 2020,¹⁰⁶ Mexico is ranked number 60 out of 69 countries with a very high impunity rating (49.67 points). These figures evidence the need to strengthen and consolidate effective tools that meet

the obligation to investigate, prosecute and punish aggressors.

It is also undeniable that much of the prevailing impunity is due to the fact that human rights defenders lack legal advice and accompaniment. In nine of the twelve months of 2020, only on two occasions¹⁰⁷ did the Mechanism grant beneficiaries protection measures as well as legal advice and/or accompaniment when they went to file a complaint or report to the corresponding authorities. However, the Mechanism must comply with the obligations derived from its powers regarding the right of access to justice, truth, and reparation for environmental defenders, promoting channels of communication and ongoing collaboration with investigative and law enforcement authorities so that they become aware of the facts or omissions that may constitute a crime. The Mechanism also facilitates access to legal advice and *promotes joint operations carried out by public security authorities to detain perpetrators with an arrest warrant in force*, as indicated by the OHCHR.¹⁰⁸

Finally, it should be noted that neither the Specialized Prosecutor's Office on Human Rights nor the Special Prosecutor's Office for the Attention to Crimes Committed against Freedom of Expression have a database that "make it possible to identify whether the victims in the investigation files were acting professionally or privately as defenders of environmental human rights."¹⁰⁹

These deficiencies and omissions, in line with what has been observed by international human rights protection institutions, offer strong elements regarding the lack of a comprehensive public policy for the protection of land, territory, and environmental defenders in Mexico. Increasing impunity, scarce resources, and a lack of political willingness are obstacles that the Mexican State must eradicate in order to ensure an effective enjoyment of the human right to a healthy environment and its defense.

¹⁰⁵ See Secretaría de Medio Ambiente y Recursos Naturales, Press, México debe transitar a una gobernanza en la que se garantice la seguridad de las personas defensoras del medio ambiente, May 27, 2020, <https://www.gob.mx/semarnat/prensa/mexico-debe-transitar-a-una-gobernanza-en-la-que-se-garantice-la-seguridad-de-las-personas-defensoras-del-medio-ambiente>

¹⁰⁶ See Le Clercq, Juan Antonio and Rodríguez Sánchez Lara, Gerardo (Coord), *Global Impunity Index 2020, Impunity Levels in the World*, University of the Americas, Puebla, Mexico, August 2020, <https://www.casede.org/index.php/biblioteca-casede-2-0/autores-casede/gerardo-rodriguez-sanchez-lara/574-indice-global-de-impunidad-2020/file>

¹⁰⁷ Response to request for information, folio number 0000400205820, issued by the Director of Prevention, Follow-up and Analysis of the Deputy Secretariat of Human Rights, Population, and Migration pertaining to the Department of the Interior, on September 22, 2020

¹⁰⁸ Office in Mexico of the United Nations High Commissioner for Human Rights, *Op. cit.* p. 36

¹⁰⁹ Response to the request for information, folio number 0001700930920, issued by the Government Transparency and Openness Unit of the Attorney General's Office, on October 15, 2020

Conclusions and Recommendations

The structural, systematic, and widespread violence experienced in Mexico continues to impact the human rights of those who defend the environment, land, and territory.¹¹⁰ After eight years of recording, documenting, and making visible the aggressions perpetrated against environmental defenders in Mexico, the increasing risk in which they carry out their transcendent defense work is alarming.

Mexico is the second country in the world with the highest number of defenders and journalists murdered;¹¹¹ likewise, a serious situation of violence faced by land, territory, and environmental defenders persists, despite the specific obligations established by the constitutional body of law currently in force. This situation prevails in spite of the recent expansion of the protection standard stipulated through the ratification of the *Escazú Agreement*.¹¹² The effective enjoyment of human rights is contingent on political willingness, which is increasingly disengaged from upholding the protection and respect for human rights in Mexico.

Thus, the grave situation of violence has found new expression through the State's failure to protect and guarantee the rights of human rights defenders in the context of an unprecedented pandemic. In addition to the common factors that are annually exposed as causing violence against environmental defenders, are the restrictions on mobility, gender violence, budget cuts to institutions of environmental relevance, the lack of information and guarantees for the participation of women and men in environmental decision-making, the elimination of economic support for the mechanisms for the protection of defenders all of which is sharply contrasted to the monetary and legal benefits designated for extractive projects.¹¹³ This constitutes a seemingly endless list of obstacles to land, territory, and environmental defense and subsequently to the consolidation of a social and democratic State of law in Mexico.

From the data presented in this report on the situation of environmental defenders in the year 2020, there is evidence of an increase in the levels of violence against women and men who exercise their right to defend the environment, land and territory. Murder has been the most recurrent aggression (20% of the documented aggressions) for the second consecutive year since the current federal administration began, recording a total of 33 murders of environmental defenders between 2019 and 2020. In 2020, 3 women and 15 men environmental defenders were murdered. Likewise, the recording of threats, stigmatizations, and criminalizations -among other aggressions- has continued, two-fifths of which have been perpetrated by agents of the Mexican State, without those responsible having been punished. This data again highlights the consolidated debt of the Mexican State with respect to its obligations to investigate and punish violations of the defenders' human rights. The figures are concerning because they reveal a violent and unpunished State, in which agents of the State, instead of preventing violence against environmental defense are actually exercising it.

The alarming data presented, as well as the causes, are framed by a lack of effective mechanisms for the protection of environmental defense work in Mexico, by omissions on the part of the prosecutor's office to investigate and eradicate impunity, as well as by the ineffective fulfillment of the obligations of the Mexican State to prevent, investigate, punish, and provide reparations for violations of the human rights to life, personal integrity, health, freedom, and the defense of human rights.

Regarding the lack of effective protection tools, despite the creation of the Mechanism since 2012,¹¹⁴ it is

¹¹⁰ See Center for Justice and International Law (CEJIL), Mesoamerican Initiative of Women Human Rights Defenders, National Network of Women Human Rights Defenders in Mexico, CSO Space for the Protection of Defenders and Journalists, Joint Report, *Situation of the defense of Human Rights and Free Expression in Mexico following the COVID-19 pandemic*, February 02, 2021, pp. 2-3. Available at: https://www.cejil.org/sites/default/files/situacion_de_la_defensa_de_ddhh_y_lex_en_mex_es_0.pdf

¹¹¹ *Op. cit.*, p. 27

¹¹² On January 22, 2021, Mexico submitted the instrument of ratification of the treaty at the United Nations headquarters in New York. See Animal Político, *Acuerdo de Escazú: Estado mexicano, obligado a garantizar derecho a la información medio ambiental*, January 23, 2021. Available at: https://www.animalpolitico.com/altoparlante/acuerdo-de-escazu-estado-mexicano-obligado-a-garantizar-derecho-a-la-informacion-medio-ambiental/#_ftn1

¹¹³ *Ibid.*, pp. 19, 20

¹¹⁴ Diario Oficial de la Federación, *Ley para la Protección de Personas Defensoras de Derechos Humanos y Periodistas*, 25 June, 2012. Available at: http://www.diputados.gob.mx/LeyesBiblio/pdf/LPPDDHP_200521.pdf

necessary to affirm that this instrument has not offered the expected and necessary results for the effective protection of defense work. Facing the environmental defense work carried out by environmental human rights defenders in terms of equality and non-discrimination, it is urgent to implement, adopt, and supervise a comprehensive public policy. This must be subject to the assessment of results based on indices of compliance with the general and particular obligations of the Mexican State. Eradicating violence against those on the front line of the environmental crisis requires a concerted effort.¹¹⁵

Confronting this reality, CEMDA reiterates the justified need for: a) the establishment of appropriate care mechanisms for listening to and solving the situation of violence faced by women and men defenders of

environmental human rights; b) an understanding of their gender-differentiated needs in order to construct ways that guarantee the fulfillment of the State's obligations; and c) a comprehensive public policy for the protection of environmental defenders that can address the causes, prevent violations, investigate the aggressions perpetrated, punish aggressors, and provide reparations to the victims.

This annual report has been presented for the construction of solutions that address the demands of the environment and its defense. Thus, based on the experience obtained in the process of recording and documenting of the aggressions exposed, as well as the defense and accompaniment of environmental causes, CEMDA reiterates and formulates the following recommendations:

| Recommendation | Action | Institutions involved |
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| <p>A. In response to the causes that generate violence against women and men who defend human rights, as well as land, territory, and environmental rights, to extensively and effectively comply with the duty to prevent violations of defenders' human rights through the unrestricted application of the general obligations regarding the human rights of individuals, indigenous peoples and communities, as well as the framework for the protection of the human right to a healthy environment.</p> | <ol style="list-style-type: none"> 1. Harmonize Mexican regulations in accordance with the highest international standards of protection for indigenous individuals, peoples and communities, as well as comparable individuals and groups, as a measure aimed at avoiding the emergence of socio-environmental conflicts. 2. Design, implement, and supervise mechanisms that guarantee the effective enjoyment of the human right to consent and consultation, the construction and implementation of which responds to the self-determination and autonomy of indigenous peoples and comparable communities. 3. Develop legal systems that effectively guarantee respect for and protection of the self-determination and autonomy | <ul style="list-style-type: none"> Presidency of the Republic Department of the Interior Sub-Department for Human Rights National Indigenous Peoples Institute Congress of the Union Local Congresses Department of the Environment and Natural Resources National Water Commission Federal Attorney for Environmental Protection National Commission of Protected Natural Areas |

¹¹⁵ See Global Witness Report *Defend Tomorrow. Climate Crisis and Threats against Land and Environmental Defenders*, July 2020, p. 35. Available at: <https://www.globalwitness.org/en/campaigns/environmental-activists/defending-tomorrow/>

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| | <p>of indigenous peoples and comparable communities over their territories and biocultural heritage. This is based on the recognition of and respect for the governing bodies and institutions of these peoples.</p> <p>4. Review and modify all legal frameworks and public policies that are not culturally appropriate, in particular in relation to the legal mechanisms that allow the exploitation of the biocultural heritage of indigenous peoples and communities through the development of extractive activities.</p> <p>5. Allocate the necessary and sufficient resources to the institutions of environmental relevance for an effective fulfillment of obligations and powers of environmental conservation and protection.</p> <p>6. Establish guidelines for designing and implementing development projects that seek to prevent attacks on environmental defenders.</p> <p>7. Suspend development projects in which the perpetration of any type of aggression against women and men environmental defenders is alleged, until the obligations of investigation of and punishment for the perpetrated violence are complied with.</p> | <p>Department of Agriculture and Rural Development</p> <p>Department of Energy</p> <p>Department of Economy</p> <p>Department of Communications and Transportation</p> <p>State Governments</p> <p>Municipal governments</p> |
| <p>B. Comply with the specific constitutional duties of crime investigation and/or human rights violations committed against land, territory, and environmental defenders.</p> | <p>1. Conduct complete, efficient, and impartial investigations through developing and following up a specific strategic plan for criminal prosecution that responds to the particular</p> | <p>Attorney General's Office, State Attorneys' Offices, Deputy Attorney General's Offices and Specialized Prosecutor's Offices</p> |

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| | <p>context of human rights defenders and establishes objectives, actions, time frames, and supervision tasks.</p> <p>2. Allocate and guarantee the necessary and sufficient economic resources to strengthen the technical capacities of public officials involved in the investigation of attacks committed against human rights defenders.</p> <p>3. Increase the number of public officials pertaining to each of the institutions participating in the investigation of crimes and aggressions committed against environmental defenders.</p> <p>4. Establish effective coordination mechanisms with women and men environmental defenders who have been victims of aggression and their respective legal representation, for the effective enjoyment of their right of collaborate.</p> | <p>Local Justice Center in each state</p> <p>Executive Commission for Attention to Victims</p> <p>State Commissions for Attention to Victims</p> <p>National Commission to Prevent and Eradicate Violence against Women</p> <p>Federal Public Defender’s Office</p> |
| | <p>Conduct full, effective and prompt investigations, even if they are unofficial, regarding acts that might constitute violations of the human rights of both women and men defenders.</p> | <p>National Human Rights Commission and Local State-Level Commissions</p> |
| <p>C. Comply with the specific constitutional duty to punish human rights violations and/or crimes committed against land, territory, and environmental defenders</p> | <p>1. Compile each investigation file, or even preliminary inquiry pending determination regarding the alleged commission of crimes against environmental defenders;</p> | <p>Attorney General’s Office, State Attorneys’ Offices, Deputy Attorney General’s Offices and Specialized Prosecutor’s Offices</p> |

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| | <p>2. Compile each investigation file, or even preliminary inquiry, in which environmental defense work is criminalized in order to dismiss the investigation, and also respect the right to defend the human rights of women and men under equal conditions.</p> | <p>Local Justice Centers in each state</p> <p>Executive Commission for Attention to Victims</p> <p>Federal Public Defender's Office</p> |
| | <p>1. Continue with the integration and determination of cases of alleged violations committed against defenders and, where appropriate, issue the corresponding recommendations, providing timely and exhaustive follow-up regarding compliance</p> <p>2. Issue determinations of a jurisdictional and non-jurisdictional nature that lead to the effective fulfillment of obligations related to the full enjoyment of the rights to access to justice and comprehensive reparation of damage suffered by both women and men, using a gender perspective. perspectiva de género</p> | <p>Federal Judicial Branch</p> <p>Local Judicial Branches</p> <p>National Human Rights Commission and Local State Commissions</p> <p>National Commission to Prevent and Eradicate Violence against Women</p> |
| <p>D. Design, implement and supervise a comprehensive public policy with a gender approach to protect land, territory, and environmental defenders within a framework of compliance with the duty to prevent violations of their human rights.</p> | <p>1. Conduct a complete diagnosis throughout the national territory of the situation of environmental defenders based on the application of a differentiated approach, using a gender and intersectional perspective through the effective participation environmental defenders. To this end, it is proposed to develop dialogue and working groups with environmental defenders in order to document contextual</p> | <p>Presidency of the Republic Department of the Interior Sub-Department for Human Rights</p> <p>Mechanism for the Protection of Human Rights Defenders and Journalists</p> <p>Attorney General's Office</p> <p>Congress of the Union</p> <p>Local Congresses</p> |

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| | <p>elements and guarantee the effective participation of women and men under equal conditions.</p> <p>2. Design, implement, input and supervise a sex-disaggregated information management system about the situation of environmental defenders, available protection mechanisms, and urgent measures needed for their effective attention, using a gender and intersectional perspective.</p> <p>3. Design appropriate and effective gender-sensitive mechanisms that guarantee the equal participation of land, territory, and environmental defenders in designing, implementing, supervising, and developing sanctions for the comprehensive public protection policy implemented.</p> <p>4. Strengthen, through granting economic and institutional resources to institutions responsible for the protection and guarantee defenders' human rights; allocate resources labeled for protection, using a gender perspective.</p> <p>5. Refrain from issuing regressive measures that compromise the economic resources necessary for the fulfillment of the obligations to promote, respect, protect, and guarantee the human right to defend human rights, particularly those closely related to the right to a healthy environment and its defense.</p> <p>6. Design, implement, and supervise simplified, rapid, and effective mechanisms for</p> | <p>National Human Rights Commission and Local Commissions</p> <p>Executive Commission for Attention to Victims</p> <p>Department of the Environment and Natural Resources</p> <p>Federal Attorney for Environmental Protection</p> |
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| | <p>the attention to cases of risk environmental defenders may face, in particular, those women defenders who are stigmatized and attacked for reasons of gender, age, and ethnicity.</p> <p>7. Design, implement, and supervise inter-institutional coordination mechanisms for the comprehensive attention to the specific needs of environmental defenders facing situations of risk in the exercise of land, territory, and environmental defense.</p> <p>8. Modify the existing standards in order to harmonize them with the current specific obligations of the Mexican State in relation to the content of the Escazú Agreement as part of the current constitutional body of law.</p> | |
| <p>E. Implement an effective and widely disseminated campaign for public recognition of land, territory, and environmental defense work carried out by women and men, based on the importance of their work, and in accordance with the obligation to prevent violations of their human rights.</p> | <p>Make speeches at the three levels of government, as well as public institutions that publicly recognize the work carried out by both women and men land, territory, and environmental defenders, the human right to defend human rights and their transcendence in the construction of a social, democratic, law-abiding Mexican State. The messages issued within the campaign's framework must be culturally appropriate, accessible, and use a gender perspective.</p> | <p>Authorities of the Mexican State of the three levels of government and pertaining to the three branches of government, including relevant autonomous bodies.</p> |
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| <p>F. Comply with the obligation to promote the human rights of environmental defenders through developing and implementing a human rights culture which always recognizes the gender perspective, environmental defense work, and their transcendence.</p> | <ol style="list-style-type: none"> 1. To use the various government media to disseminate relevant information regarding environmental defense, together with women and men environmental defenders highlighting the importance of the human right to a healthy environment, as well as the human rights of the women and men pertaining to indigenous peoples and communities. 2. For any authority pertaining to the Mexican State, to refrain from making stigmatizing statements against environmental defenders—in particular against women defenders—and their work to defend the environment. 3. To establish, implement, and enforce disciplinary sanctions against acts issued by the authority that could consist of any type of aggression against land, territory, and environmental human rights defenders, in particular, including specific sanctions in cases of aggression against women defenders. | <p>Authorities of the Mexican State of the three orders of government and belonging to the three branches of the Union, including the relevant autonomous bodies.</p> |
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Annex

| No. | State | Municipality | Date | Victim | Sex | Sector | Aggressions | Aggressor |
|-----|-----------------|----------------------------|---------|--------------------|-----------|------------------|---|---------------------------|
| 1 | Nayarit | Bahia de Banderas | January | One person | Woman | Biodiversity | Physical assaults and forced entry | Unidentified |
| 2 | Puebla | Juan C. Bonilla | January | One person | Man | Industrial | Criminalization and unlawful deprivation of liberty | Government |
| 3 | Michoacan | Ocampo and Anganguero | January | One person | Man | Forestry | Forced eviction, forced disappearance and homicide | Unidentified |
| 4 | Campeche | Calakmul | January | One person | Man | Highways | Stigmatization | Government |
| 5 | Michoacan | Ocampo | January | One person | Man | Forestry | Threats, forced disappearance and homicide | Unidentified |
| 6 | Campeche | Calakmul | Feb | CSO | Undefined | Highways | Stigmatization | Government |
| 7 | Chiapas | San Cristobal de las Casas | Feb | Two or more people | Man | Undetermined | Threats | Government |
| 8 | State of Mexico | Lerma | Feb | Community | Undefined | Highways | Intimidation | Government and enterprise |
| 9 | Campeche | Calakmul | Feb | Community | Undefined | Highways | Threats, intimidation and stigmatization | Government and enterprise |
| 10 | Oaxaca | Union Hidalgo | Feb | Community | Undefined | Electrical Power | Harassment | Government |

| | | | | | | | | |
|----|------------------|----------------------------|-------|--------------------|---------------|-------------------|---|----------------------|
| 11 | State of Mexico | Lerma | March | Community | Women and men | Highways | Physical assaults and wrongful use of force | Government |
| 12 | Zacatecas | El Salvador | March | One person | Woman | Mining | Homicide | Unidentified |
| 13 | Morelos | Jiutepec | March | One person | Man | Urban development | Homicide | Unidentified |
| 14 | Jalisco | Villa de Guerrero | March | Two or more people | Man | Highways | Threats, harassment, and theft | Government |
| 15 | State of Mexico | San Francisco Xochicuautla | March | One person | Man | Highways | Criminalization | Government |
| 16 | Veracruz | Actopan | April | One person | Man | Mining | Homicide | Unidentified |
| 17 | Chihuahua | Bocoyna | April | One person | Man | Forestry | Homicide | Unidentified |
| 18 | Zacatecas | Salaverna | April | One person | Man | Mining | Criminalization | Private company |
| 19 | Oaxaca | San Agustin Loxicha | May | One person | Man | Biodiversidad | Homicide | Unidentified |
| 20 | Chihuahua | Creel | June | One person | Man | Forestry | Homicide | Unidentified |
| 21 | CDMX Mexico City | Xochimilco | June | One person | Woman | Highways | Intimidation | Government |
| 22 | Chihuahua | Guadalupe y Calvo | July | OSC | Undefined | Forestry | Threats | Local power wielders |
| 23 | Oaxaca | Tlacolula | July | One person | Man | Undetermined | Physical assaults and threats | Government |

| | | | | | | | | |
|----|------------------|-----------------|------|--------------------|---------------|--------------|--------------------------------|--------------------------------|
| 24 | Veraacruz | Carrillo Puerto | July | CSO | Undefined | Construction | Criminalization and harassment | Government |
| 25 | Michoacan | Chilchota | July | Two or more people | Man | Undetermined | Homicide | Unidentified |
| 26 | CDMX Mexico City | Xochimilco | July | CSO | Women and men | Highways | Intimidation | Government |
| 27 | State of Mexico | Metepec | Aug | One person | Woman | Forestry | Criminalization | Government |
| 28 | Chihuahua | Bayona | Aug | Community | Women and men | Forestry | Criminalization | Government |
| 29 | Campeche | Calakmul | Aug | CSO | Undefined | Highways | Stigmatization | People from the same community |
| 30 | CDMX Mexico City | Xochimilco | Aug | CSO | Women and men | Highways | Intimidation | Government |
| 31 | State of Mexico | Metepec | Aug | Two or more people | Women and men | Forestry | Criminalization | Government |
| 32 | Oaxaca | Animas Trujano | Aug | One person | Man | Undetermined | Homicide | Unidentified |
| 33 | Campeche | Calakmul | Aug | CSO | Undefined | Highways | Stigmatization | Unidentified |
| 34 | CDMX Mexico City | Guauhquemoc | Aug | CSO | Women and men | Highways | Criminalization | Government |
| 35 | Campeche | Calakmul | Aug | CSO | Undefined | Highways | Stigmatization | Government |
| 36 | State of Mexico | Metepec | Aug | One person | Woman | Forestry | Harassment | Government |

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|----|-----------------|----------------------|------|--------------------|-------------------|-------------------|-------------------------------------|--------------------------------|
| 37 | Guerrero | Ayutla de los libres | Sept | Community | Undefined | Forestry | Threats and forced eviction | Unidentified |
| 38 | Guerrero | Eduardo Neri | Sept | Community | Mujeres y hombres | Mining | Harassment | Government |
| 39 | Guerrero | Chilpancingo | Sept | Community | Undefined | Forestry | Threats | Unidentified |
| 40 | Campeche | Calakmul | Sept | One person | Woman | Tourism | Defamation, Intimidation, and Theft | Unidentified |
| 41 | Baja California | Tecate | Sept | One person | Man | Water Services | Homicide | Unidentified |
| 42 | Baja California | Tecate | Sept | One person | Man | Water Services | Homicide | Unidentified |
| 43 | Chihuahua | Guadalupe y Calvo | Oct | Community | Undefined | Undetermined | Stigmatization | Local Power Welders |
| 44 | Veracruz | Xalapa | Oct | GSO | Undefined | Urban Development | Physical assaults and threats | Private company |
| 45 | Chihuahua | Guadalupe y Calvo | Oct | One person | Woman | Undetermined | Stigmatization | People from the same community |
| 46 | Hidalgo | Zacacuautla | Oct | One person | Woman | Forestry | Threats | Unidentified |
| 47 | Chiapas | Chilón | Oct | Community | Undefined | Urban Development | Forced eviction | Government |
| 48 | Veracruz | Tlapacoyan | Oct | One person | Man | Electrical Power | Kidnapping | Unidentified |
| 49 | Coahuila | Cuatrocienegas | Oct | Two or more people | Women and men | Forestry | Physical Assaults and Threats | People from the same community |

| | | | | | | | | |
|----|---------------------|-------------------------------|-----|-----------------------|-----------|---------------------|--|--------------------------------------|
| 50 | Guerreero | Copalillo | Oct | One person | Man | Forestry | Homicide | Unidentified |
| 51 | CDMX Mexico City | Xochimilco | Nov | CSO | Undefined | Biodiversity | Stigmatization | Government |
| 52 | Chiapas | Ocosingo | Nov | One person | Undefined | Undetermined | Kidnapping | Paramilitary forces |
| 53 | Queretaro | Queretaro | Nov | One person | Woman | Forestry | Threats | Unidentified |
| 54 | Durango | San Juan de Guadalupe | Nov | One person | Woman | Forestry | Kidnapping | People from the same community |
| 55 | Chiapas | Ocosingo | Nov | Indefinido | Undefined | Undetermined | Threats | Paramilitares |
| 56 | Colima | Manzanillo | Nov | Community | Undefined | Mining | Harassment | Government |
| 57 | Chiapas | Chenalho y Aldama | Nov | One person | Woman | Undetermined | Physical assault and harassment | Unidentified |
| 58 | Chiapas | Tonala | Nov | One person | Man | Undetermined | Threats and intimidation | Unidentified |
| 59 | Morelos | Cuautla | Nov | Community | Undefined | Electrical Power | Intimidation and wrongful use of force | Government |
| 60 | Oaxaca | Tehuantepec | Nov | CSO | Undefined | Highways | Threats | Unidentified |
| 61 | Quintana Roo | Cancun | Dec | Two or more people | Woman | Tourism | Criminalization | Private company |
| 62 | Chiapas | San Cristobal de las Casas | Dec | Undefined | Undefined | Water Services | Intimidation | Unidentified |

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|----|----------|--------------------|-----|--------------------|---------------|------------------|--------------|--------------|
| 63 | Chiapas | San Juan Cancuc | Dec | Community | Undefined | Highways | Threats | Government |
| 64 | Guerrero | Chilapa de Alvarez | Dec | Two or more people | Woman | Undetermined | Homicide | Unidentified |
| 65 | Morelos | Yecapixtla | Dec | Community | Women and men | Electrical Power | Intimidation | Government |

