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## DIANA VILLALOBOS DÍAZ (CONTEC)

Defending indigenous rights in Mexico, the deadliest country in the world for land and environmental rights defenders.

- ❖ Diana Villalobos Díaz, is a prominent Mexican human rights defender, director of local human rights organisation CONTEC which defends indigenous communities in the Sierra Tarahumara, Chihuahua.
- ❖ Mexico is the deadliest country in the world for environmental activists, with 54 land rights defenders killed in 2021. The Sierra Tarahumara, a mountain chain in the southwestern part of the state, is home to a large indigenous population and is a hotspot for violence against HRDs.
- ❖ Indigenous communities face violence from organised crime and economic activities such as logging, mining and tourism which has led to deforestation and mass displacements.

Diana Villalobos Díaz, has spent the last 30 years defending indigenous communities in the Sierra Tarahumara, Chihuahua. Diana is the director of local human rights organisation the Community Technical Consultancy (CONTEC), a local organisation that provides legal support, capacity building and technical assistance to indigenous communities fighting to defend their ancestral territories from violence, displacement and environmental destruction. Members of CONTEC, including Diana, have faced harassment, intimidation, and smear campaigns for their legitimate work defending rights.

A 2022 report from Global Witness found Mexico to be the deadliest country in the world for environmental activists, with 54 land and environmental rights defenders killed in 2021. Chihuahua, Mexico's biggest state, has amongst the highest numbers of killings of human rights defenders (HRDs) in Mexico. The Sierra Tarahumara, a forested mountain chain in the southwestern part of the state, is home to 90% of the state's indigenous population and is a hotspot for violence against HRDs. The Sierra Tarahumara is an area rich in natural resources including timber, and is a prized corridor for drug production and trafficking into the neighbouring USA which threatens both the forest and indigenous communities.

Indigenous Rarámuri and Ódami communities face merciless violence from cartels: extortion, death threats, disappearances, sexual violence, kidnappings, murders, burning of their homes, forced recruitment, and dispossession of their lands for narcotics production. Communities also face attacks driven by formal economic interests such as logging, mining, tourism, energy pipelines and hydro projects. According to CONTEC's own investigations many of the companies, which are backed by the Mexican government, are alleged to have links to organised crime, and appear to benefit from the violence and displacement in the region which leaves lands and natural resources open to exploitation with less community resistance. The vulnerable situation of indigenous communities in the face of this violence is exacerbated by a lack of protection of their land rights, plus corruption of municipal authorities, pervasive impunity, and a lack of state presence in this isolated region.

The violence forces whole communities to displace. Those displaced communities who seek to resist and reclaim their rights turn to CONTEC for support.

Due to the high-risk that CONTEC members face, the PBI Mexico team of international observers in Chihuahua has provided protection and security support to the organisation since 2014 through international observation, protection capacity building and advocacy with federal, state and international authorities. In the UK, PBI supports this work through advocacy, fundraising, and matching UK-based capacity and support with the needs of defenders on the ground

## CONTEC's legal work

CONTEC has led strategic litigation in over 20 cases related to land rights, self determination and Free Prior and Informed Consent (FPIC) for indigenous peoples, arrest warrants as well as emblematic cases of internally displaced people, work which has set legal precedents at the state and national levels.

Two cases have been accepted by the Interamerican Court of Human Rights; one of which requested protective measures for the displaced community of "El Manzano" in 2015; and the other followed a collective complaint by three communities against the tourist project "Barrancas del Cobre" in relation to the lack of FPIC.

### *Compliance with the judgments of the Federal Court on the case of community of El Manzano and Monterde*

CONTEC is currently handling the case of the communities of El Manzano and Monterde, an emblematic case of displacement. 120 people from the indigenous communities of El Manzano and Monterde have fled due to violence related to organised crime since 2014. In 2015, the communities were granted precautionary measures by the Inter-American Commission on Human Rights, as a result of the displacement. The measures, and response from the authorities, were ultimately insufficient to guarantee their protection, with three community members having lost their lives in the seven years since measures were granted. In May 2021, The National Human Rights Commission (CNDH) asked the Government of the State of Chihuahua to 1) carry out a census and register the communities as victims of forced displacement 2) provide humanitarian aid to the communities 3) to advance the criminal investigations into the violence.

The CNDH gives deadlines of between four and six months to comply with these recommendations, counting from the moment the government accepts them. Although the CNDH issued this recommendation on May 2, 2022, the Government has so far not accepted the resolution.

## RECOMMENDATIONS

### **The need for a law on enforced displacement in Mexico**

As of December 2020, there were approximately 357,000 internally displaced persons in Mexico, up from 8,000 people in 2009. The Mexican Commission for the Defense and Promotion of Human Rights has highlighted that Chihuahua is one of the states with the highest rates of internal forced displacement in the country. While some have been displaced by climate change and natural disasters, the majority have been displaced by either organised crime groups fighting for control of territory or companies displacing communities to access natural resources, including timber. Mexico does not have specific legislation on forced internal displacement. This lack of public policy leaves victims without recourse for justice and means efforts to prevent these crimes lack effective coordination. Social movements have called on the López Obrador administration to implement the proper protection frameworks in this regard.

In 2021, CONTEC, together with a network of Mexican organisations, formed the Collective of Victims of Forced Displacement and Accompanying Organisations with the aim of raising awareness of the serious humanitarian crisis of forced displacement in Mexico and to campaign for adoption of the *Law to Prevent, Attend and Comprehensively Repair Forced Internal Displacement*.

This legislation was unanimously approved in the Chamber of Deputies, but has been held up in the Senate of the Republic for more than a year. Following her visit to Mexico in September, the UN Special Rapporteur on the rights of internally displaced persons urged the Mexican government to legislate human rights guarantees for internally displaced persons and to allocate adequate funding for their protection and durable solutions.

PBI echoes CONTEC's call for the law to be passed, for the Mexican government to properly resource its implementation, and for the international community to support those human rights defenders currently risking their lives to support the victims of enforced displacement.

### Mexico's National Protection Mechanism for HRDs and Journalists

The Protection Mechanism for Human Rights Defenders and Journalists was established by law in 2012, in an attempt to establish a clear process and resources through which the Federal government could protect threatened activists and journalists. However, several shortcomings persist in the Mechanism's implementation:

- The Mechanism continues to be underfunded and has an insufficient number of staff, meaning protection measures are often not adequately implemented, leaving at-risk HRDs exposed.
- The nature of the current law means local authorities cannot be held to account for failing to implement protection measures, while sometimes the government authorities responsible for implementing protection measures are the same authorities presumed to be behind the attacks defenders face.
- The Mechanism has consistently failed to implement the preventative measures and policies that could reduce threats against HRDs in the first place.
- The mechanism is failing to tackle the impunity that prevails in most cases of attacks against HRDs and journalists, meaning that the Mechanism is unable to fully guarantee the safety of those at risk. The failure to investigate and sanction attacks on HRDs places them at continued risk.

These challenges mean that the mechanism falls short in light of the situation that defenders face in Mexico. In 2021 Global Witness found that Mexico was the country with the highest recorded number of killings of land and environmental defenders, with at least 54 killings, up from 30 in 2020. Over 40% of those recorded killed were Indigenous people. Officials believe local authorities are implicated in about 40% of the killings.

PBI supports a broad coalition of Mexican human rights organisations, known as the *Espacio OSC*, which monitors the Mechanism's implementation and supports HRDs seeking government protection. This coalition has successfully advocated for the Mexican government to begin to prepare new General Law which would overhaul the Mechanism's governance and help overcome some of the deficiencies identified in the current law. PBI supports their call for proper consultations with civil society to inform the content of the new law, called the *Ley General de Prevención y protección ante Agravios a Personas defensoras de Derechos Humanos y Periodistas*. However, at present, there is a lack of transparency regarding the consultation process, and the *Espacio OSC* is yet to be invited to the consultations, despite being the principal group working on these issues in the country, and despite having developed a proposal of their own for what the new law should look like.

The UK has supported the mechanism since its inception through both diplomatic support and via UPR recommendations, and should urge the Mexican authorities to convene consultations with advance invites to civil society to facilitate their participation. They should insist that the *Espacio OSC* be consulted and encourage the Mexican government to incorporate the *Espacio OSC*'s proposals into account when they draft the law.

### Strengthen UK Policy on Human Rights Defenders

In the [2019 policy document 'UK Support for Human Rights Defenders'](#), the UK acknowledges the fundamental role HRDs play in the realisation of human rights, gender equality, democratic spaces, and access to justice and peace, all key elements of the UK's foreign policy objectives. This policy document identifies practical support measures, and provides guidance for UK embassies. However implementation is sporadic and under-resourced.

The UK government should provide greater support and protection for Human Rights Defenders, prioritising defenders by developing a strategy to support them which is adequately funded, cross-departmental and gender-responsive, as laid out in our report '[On the Human Rights Frontline](#)'.

The FCDO is currently developing a Civic Space Strategy. This is an opportunity for the Government to address current shortcoming with the implementation of the 2019 policy on HRDs, and to situate that in a broad, preventative approach to the threats facing activists. However, civil society organisations have not yet been consulted on its content. We urge the FCDO to hold roundtables with those of us who work to support defenders at risk and who inputted into the 2019 policy as soon as possible, to discuss the proposed strategy.

## Adopt UK Mandatory Human rights Due Diligence Law

The violence that indigenous communities in the Sierra Tarahumara face is emblematic of the situation indigenous and local communities face across the world in the context of irresponsible and aggressive corporate behaviour. That's why it's so important for real protections to be afforded to those on the frontline of this ecological and humanitarian catastrophe and for companies ensuring their operations do not cause harm.

A new UK Failure to Prevent law (known as the [Business, Human Rights and Environment Act](#)) would build on proposed amendments to the Environment Bill and on the Modern Slavery Act's Transparency in Supply Chains requirement. It would provide a stronger, overarching approach to tackling irresponsible business conduct across all human rights and environmental risks, that would complement and go beyond sectoral or issue-specific approaches. Big name companies, investors worth trillions, consumers and campaigners are [all united in their support for the proposed Act](#). It is time for the Government and opposition parties to back it too.

New mandatory due diligence legislation can contribute to preventing the kinds of attacks and displacement faced by indigenous communities in the Sierra de Tarahumara through ensuring certainty about the standards expected from businesses, clarifying legal consequences when those standards are not met, and increasing engagement and leverage with value chain partners.

## Support the work of CONTEC and human rights defenders in Mexico

### *The UK Government should*

- Ensure Embassy staff visit the offices of CONTEC in Chihuahua and meet with members of the organisation and discuss what else they can do to apply the UK's 2019 policy on HRDs to CONTEC.
- Urge the Mexican authorities to implement the rulings in the cases of the communities of El Manzano and Monterde, investigate the displacement of communities in the Sierra Tarahumara, and ensure their return home and the provision of humanitarian aid.
- Express public support for the approval of the General Law on Forced Internal Displacement.
- Urge the Mexican authorities to effectively consult Mexican civil society on the proposed new General Law for the protection of human rights defenders and journalists, and to meet with the Espacio OSC to discuss their proposal for what the new law should include to ensure effective protection.

### *UK Parliamentarians*

MPs can provide invaluable support to CONTEC and indigenous communities in the Sierra Tarahumara through actions including tabling parliamentary questions. Some suggested PQs:

- To ask the Secretary of State for Foreign, Commonwealth and Development Affairs how the FCDO and its embassies are responding to recent reports that 54 environmental defenders were murdered in Mexico in 2021.
- To ask the Secretary of State for Foreign, Commonwealth and Development Affairs, whether he has had discussions with his Mexican counterpart on mass displacements of indigenous communities in the Sierra Tarahumara, Chihuahua.
- To ask the Secretary of State for Foreign, Commonwealth and Development Affairs, how his Department is supporting human rights defenders and displaced indigenous communities in Mexico.
- To ask His Majesty's Government what steps they are taking to ensure that UK companies operating in Mexico support indigenous peoples, and local communities.
- To ask the Secretary of State for Foreign, Commonwealth and Development Affairs what assessment he has made of reports that 120 people from the communities of Monterde and Manzano have been forcibly displaced from their territories, despite families having protection measures from the IACHR.
- To ask how the FCDO is improving global support for human rights defenders and civic space.

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