

Definition of “Protection Measures” as part of the Immediate Protection Mechanism of the MRDH

The Anti-Retaliation Policy includes a definition of “protection measures” that are provided “to safeguard complainants and any indirect victims.” It is the following:

“In addition to the Immediate Protection Mechanism (Mecanismo de protección inmediata) for immediate threats, MRDH implements various protection measures to safeguard complainants and any indirect victims. Enhanced privacy and anonymity measures are in place, ensuring the confidentiality of the complaint process and protecting identities through secure communication channels. Regular safety check-ins will be conducted post-resolution to monitor the well-being and safety of complainants. MRDH also provides referrals to counseling and psychosocial support services, helping complainants to cope with stress and trauma. For legal support, MRDH has developed a network of legal professionals and organizations that offer pro bono or discounted services, particularly for advice on legal rights and options in cases of retaliation.”

This document serves to provide a more detailed definition that encompasses both the scope and nature of these measures, along with illustrative examples. This expanded definition articulates the specific actions, procedures, and resources designed to safeguard complainants and other affected parties from retaliation, particularly in the context of human rights violations in Mexico and within the operational scope of the MRDH.

Definition of Protection Measures

Protection Measures, within the framework of the Anti-Retaliation Policy, refer to a comprehensive set of actions, protocols, and resources implemented to prevent and mitigate the risks of retaliation against complainants (i.e., individuals, groups, or other entities who report human rights abuses or cooperate in investigations pertaining to such reports) and other affected parties. These measures are specifically tailored to address the varied and complex nature of risks associated with retaliation, ensuring the safety, confidentiality, and wellbeing of complainants, witnesses, and their families.

It is important to distinguish these policy-driven protection measures from those defined within Mexico's legal system. In Mexico, “protection measures” refer to specific legal protections established under the criminal legislation framework, notably within the National Criminal Procedure Code and the General Law for Women’s Access to a Life Free of Violence. The protection measures outlined in this policy are distinct and operate in parallel, focusing on preventive and responsive strategies outside the purview of the legal protections specified by Mexican law.

Components of Protection Measures

The following components of protection measures provide a framework of strategic actions and protocols designed to safeguard individuals and groups from retaliation, with particular attention to gender-based risks and the needs of those with dependents, such as children. It is not meant to be exhaustive but illustrative, explaining and sharing best practices that can be used by MRDH.

1. **Confidentiality and Anonymity:** Ensuring that the identity and details of the complainant or witness are kept confidential, with stringent measures to prevent unauthorized disclosure. This includes the use of secure communication channels and data storage methods to protect sensitive information. For example, a human rights defender in, fearing retaliation, is provided with a secure phone line and email address for confidential communication with MRDH.
2. **Immediate Protection Mechanism:** A gender-sensitive protocol for immediate action when a high risk of retaliation is identified. This might include the immediate removal of the complainant from a harmful environment, temporary relocation, or other urgent protective actions. Any such action will endeavor to accommodate the needs of individuals with dependents.
3. **Legal Support:** Providing access to legal counsel and advice, including *pro bono* or public legal services from a network of legal professionals, to advise on rights and options in the face of retaliation. This includes support for actions such as injunction applications to prevent harm to the complainant, with particular attention to the legal needs of women and those responsible for dependents.
4. **Psychosocial Support:** Offering access to counseling and support services to help individuals cope with the stress, trauma, or fear resulting from their involvement in the reporting of human rights abuses. Such counseling will take into consideration the gender of the complainant and offer gender-sensitive counseling approaches.
5. **Safety Planning and Risk Assessment:** Conducting comprehensive and ongoing assessments of the potential risks faced by complainants and witnesses, and developing personalized safety plans to mitigate these risks.
6. **Regular Monitoring and Follow-Up:** Continual check-ins with individuals who have reported abuses or participated in investigations to ensure their ongoing safety and to respond promptly to any new threats or incidents of retaliation. Regular follow-up meetings are held post-resolution to monitor for any signs of delayed or indirect retaliation.
7. **Coordination with Authorities and NGOs:** Collaborating with local, regional, federal, and international bodies, as well as non-governmental organizations, to secure additional support and protection for complainants, particularly in situations where MRDH's capacity for direct intervention is limited. This collaboration includes advising complainants of their rights to file criminal charges and/or charges of human rights violations, as applicable. Furthermore, the MRDH commits to guiding individuals on how to seek protection from

public federal authorities, should they opt for such recourse. This assistance encompasses providing information on the appropriate channels for requesting protection, thereby ensuring complainants are fully informed of their rights and the procedures to follow for securing their safety and pursuing justice.

8. **Awareness and Training for MRDH Member Companies:** Educating MRDH members on the prohibition of retaliation, reinforcing the rights of workers to submit complaints, the right to defend human rights, understanding victims' rights, and maintaining a zero-tolerance policy for retaliation. The trainings aim to highlight the importance of fostering a culture of respect and accountability within the workplace, with a specific focus on gender sensitivity, workers' rights to report grievances, defending human rights, understanding victims' rights, and enforcing a strict zero-tolerance approach to any form of retaliation.
9. **Awareness and Training for Communities and Affected Parties:** Educating affected parties and the broader community about the risks of retaliation and the importance of protection measures. The trainings will include a focus on gender sensitivity and support for those with family responsibilities.