
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 18/2022**

Precautionary Measure No. 21-11
Blanca Velázquez Díaz *et al.*, regarding Mexico¹
March 29, 2022
Original: Spanish

I. SUMMARY

1. The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of Blanca Velázquez Díaz *et al.*, in Mexico. At the time of making the decision, the Commission evaluated the actions taken by the State during implementation as well as the observations furnished by the representatives. Following the State's request to have the measures lifted, the IACHR repeatedly requested observations from the representatives, who submitted their last response in 2015. To date, no response has been received for the communications sent in 2017, 2019, and 2022. Upon not identifying compliance with the procedural requirements, the IACHR has decided to lift these measures. The IACHR also assessed that, according to public information, Ms. Blanca Velázquez Díaz died of cancer in 2021.

II. BACKGROUND

2. On May 29, 2012, the IACHR granted precautionary measures in favor of Blanca Velázquez Díaz, José Enrique Morales Montaña, Cecilia Medina, and other members of the Center for Worker Support (*Centro de Apoyo al Trabajador, CAT*), represented by the Economic, Social, and Cultural Rights Project (*Proyecto de Derechos Económicos, Sociales y Culturales, PRODESC*) in Mexico. The request alleged that CAT members were subjected to harassment, monitoring, and threats due to their involvement in actions to promote the protection of labor rights in Mexico. On May 15, 2012, José Enrique Morales Montaña was kidnapped and reportedly seriously injured, in addition, the threats via telephone increased after this event. Upon analyzing the submissions of fact and law, the Commission considered that the situation complied *prima facie* with Article 25 of the IACHR Rules of Procedure. In this regard, the Commission requested that the State: a) adopt the necessary measures to guarantee the life and physical integrity of Blanca Velázquez Díaz, José Enrique Morales Montaña, Cecilia Medina, and other members of the Worker Support Center; b) consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and c) report on the actions taken to investigate the facts that led to the adoption of precautionary measures.²

III. INFORMATION PROVIDED DURING THE TIME THE MEASURES WERE IN FORCE

3. During the time the precautionary measures were in force, the Commission has followed-up on the situation that is the subject matter of these precautionary measures by requesting information from the parties. On December 24, 2012, the IACHR notified the representatives its decision not to extend precautionary measures in favor of the members of PRODESC.

¹ In accordance with Article 17(2)(a) of the IACHR Rules of Procedure, Commissioner Joel Hernández García, a Mexican national, did not participate in the debate and deliberation of this matter.

² IACHR. Precautionary Measures 2012. Available [in Spanish] at <https://www.oas.org/es/cidh/decisiones/MC/cautelares.asp?Year=2012&Country=MEX>

4. On May 18, 2012, the representatives presented a report requesting the extension of the precautionary measures. On June 22, 2012, the State submitted a report. On July 13, 2012, the Commission forwarded the State's response to the representatives. On July 20, 2012, the State submitted a report. On July 27, 2012, the representatives submitted a report. On August 1, 2012, the Commission forwarded the representatives' response to the State. On August 31, 2012, the State submitted a report. On September 3, 2012, the representatives sent a report. On October 9, 2012, the Commission forwarded the corresponding information. On November 12, 2012, the representatives submitted a report. On December 3, 2012, the State presented a report. On April 1, 2013, the Commission requested the State to submit information. On July 19, 2013, the State submitted a report. On September 26, 2013, the Commission forwarded the State's response to the representatives for observations. On October 29, 2014, the representatives submitted a report. On November 3, 2014, the Commission forwarded the representatives' response to the State. On January 21, 2015, the State submitted a report. On June 18, 2015, the Commission forwarded the State's response to the representatives. On August 25, 2015, the representatives submitted a report. On July 27, 2016, the Commission forwarded the representatives' response to the State. On November 9, 2016, the State submitted a report. On March 27, 2017, the Commission forwarded the State's response to the representatives.

5. On August 6, 2019, the State filed a request to have the measures lifted, which was forwarded to the representatives on August 14, 2019. On January 25, 2022, the Commission once again requested that the representatives submit information. On February 24, 2022, the request for information was reiterated to the representatives and it was indicated that the Commission will analyze whether these precautionary measures should remain in force.

A. Information provided by the State

6. On June 22, 2012, the State reported that, prior to the precautionary measures being granted, it implemented various measures that were previously agreed upon in order to protect the fundamental rights of Ms. Blanca Velázquez Díaz and other members of the CAT. Among the implemented protection measures, the State emphasized security inspections by officers of the Secretariat of Public Security and Municipal Transit of Puebla (*Secretaría de Seguridad Pública y Tránsito Municipal de Puebla*), as well as emergency numbers and cell phones provided by the General Secretariat of Government of the State of Puebla (*Secretaría General de Gobierno del Estado de Puebla*). These measures have been implemented since February 2011. However, given that no calls were received, and no complaints of threats or harassment were filed, the Human Rights Commission of the State of Puebla (*Comisión de Derechos Humanos del Estado de Puebla*) determined that there were insufficient elements to continue with the established measures. On June 6, 2012, a consultation meeting was held and the State requested information on the number of CAT members, as well as their names.

7. On June 15, 2012, another follow-up meeting was held where it was agreed that a permanent patrol in the CAT offices would be evaluated. The State indicated that it could not carry out a risk analysis as the beneficiaries have not submitted a formal complaint to the competent authority. During their meeting, the State authorities undertook the following:

- i. psychological support to treat post-traumatic stress disorder reported by members of the CAT;
- ii. assess the possibility of personal protection service for the three members of the CAT;
- iii. timely monitoring of previous investigations reported by CAT members, regularly reporting on the progress of investigations;

- iv. implementation of police inspections in the CAT offices and various emergency numbers were made available to the beneficiaries;
- v. continued monthly support to the cell phones available to the three CAT members; and
- vi. assess the possibility of having a surveillance camera permanently placed outside the CAT offices.

8. On August 31, 2012, the State reported that the beneficiaries had not accepted the proposals for protective measures presented on June 15, 2012. The State stressed that there were certain conditions to implement the measures in the beneficiaries' workplace located the capital of the state of Puebla. The State also indicated that Mr. José Enrique Morales Montaña did not ratify his complaint dated May 29, 2012. It was reiterated that without the beneficiaries' formal reporting, a risk study cannot be initiated. The Office of the Attorney General of the Republic (*Procuraduría General de la República*) declared itself incompetent to investigate the threats against the beneficiaries in 2010, and therefore declined jurisdiction in favor of the Office of the Attorney General of Justice (*Procuraduría General de la República*). On June 14, 2012, the latter stated that there is no formal complaint regarding the events that occurred to Mr. Enrique Morales Montaña. On December 3, 2012, the State indicated that three cell phones were delivered to the beneficiaries José Enrique Morales Montaña, Blanca Velázquez Díaz, and Cecilia Medina. With regard to investigations, it was reported that the beneficiaries were asked to ratify the complaints. However, this ratification was not carried out and a consultation meeting was held on July 12, 2013.

9. On January 21, 2015, the State stated that on December 4, 2014, a meeting was held to implement the precautionary measures. During this meeting, the following was agreed: a) the representatives would report on psychological and psychosocial care; b) the Secretariat of Public Security (*la Secretaría de Seguridad Pública, SSP*) would carry out security inspections; c) the Secretariat of the Interior (*Secretaría de Gobernación, SEGOB*) would schedule a technical visit to the CAT facilities on December 19, 2014 in order to determine the need to improve infrastructure; d) a panic button would be delivered no later than December 19, 2014; and e) the Mexican Institute of Social Security (*Instituto Mexicano del Seguro Social, IMSS*) would check on the possible reimbursement of medical care.

10. On November 9, 2016, the State reported the following: (i) since December 2014, the Public Secretariat of Mexico City implemented security inspections in favor of the beneficiaries; (ii) there were no threatening incidents against the beneficiary Blanca Velázquez since the inspections were implemented in December 2014; (iii) regarding the technical visit to the CAT facilities, the State evaluated and concluded that the installation of protective infrastructure is unnecessary as there were no incidents that put the life and integrity of the beneficiary Blanca Velázquez at risk during the last four years; (iv) on December 19, 2014, the beneficiary was given a constantly monitored panic button; and (v) on September 5, 2013, criminal proceedings were filed against R.R.R. for threats against José Enrique Morales Montaña, Blanca Velázquez Díaz, and Cecilia Medina López.³

11. Lastly, on August 6, 2019, the State requested that the precautionary measures be lifted. It considered that it had fully implemented the precautionary measures, as consultation meetings had been held and agreements had been reached for security measures (supplying cell phones, inspecting the CAT facilities, and providing an emergency number). The State further claimed that investigations had been launched. Lastly, it emphasized that there is no record of new threatening events against the beneficiaries.

B. Information provided by the representatives

³ The investigations were archived due to insurmountable material obstacles.

12. On May 18, 2012, the representatives reported that: (i) on May 17, 2012, Mr. José Enrique Morales Montaña's wife received a text message from her husband's stolen cell phone number. The message read, "Your family is at risk. And one of your children will be next because they aren't safe yet"; (ii) on May 17, Ms. Blanca Vázquez, director of the CAT, received a message that read, "You're next, damn you"; and that (iii) the families and members of the CAT no longer live in the city of Puebla. On July 27, 2012, it was reported that the State has convened two meetings to implement the precautionary measures. The representatives highlighted that the State undertook to assemble the federal government since the beneficiaries were now located in Mexico City. This allegedly never took place, given that the State estimated that the requirements to implement the measures in the state of Puebla are met. They questioned that the State did not inform which CAT members have the proper conditions to return to Puebla. The representatives indicated that they have not experienced any situations presenting a risk by virtue of the internal measures that were taken.

13. On September 3, 2012, the representatives reported that on July 27, 2012, a meeting took place between Blanca Velázquez Díaz and one of the representatives of ProDESC, Andrea Medina Rosas, at the Miguel Agustín Pro Juárez A.C. Human Rights Center (Prodh Center). Upon concluding the meeting, they realized that their communication devices had been stolen. The cell phones were subsequently recovered, but the representatives indicated that they had to pay for the "extortion" to recover them. The representatives requested that the ratifications of the complaints be carried out in the city of Puebla under precise security conditions.

14. On November 12, 2012, the representatives questioned the implementation of the precautionary measures. It was indicated that the beneficiaries did not return to the state of Puebla where they were working as human rights defenders specialized in labor. They indicated that the State's proposal is of a formal and restrictive nature and does not meet the needs of the beneficiaries. It was reported that the beneficiaries were in Mexico City. They indicated that a smear and discredit campaign was launched against CAT members in Puebla. The representatives issued a series of requests to implement the precautionary measures.⁴

15. On October 29, 2014, the representatives reported that on April 1, 2014, a working meeting was held in which the following was agreed: a) the representatives must inform whether the beneficiary Blanca Velázquez has social security in order to receive the reimbursement of the resources distributed by the CAT for psychological treatment; b) the Secretariat of Public Security of the federal district committed to carry out security inspections, and c) the Secretariat of the Interior committed to schedule a technical visit to the CAT facilities to assess the need to improve infrastructure. On September 26, 2014, a request for *amparo* was filed against the judgment of the Second Criminal Chamber of the Superior Court of Justice (*Penal del Tribunal Superior de Justicia*) of the state of Puebla, which confirmed the order that denied the arrest warrant for R.R.R. for the crime of threats committed against the members of the CAT. On August 25, 2015, the representatives stated that: (i) they were unable to present the information on

⁴ The representatives referred to the following requests: a) psychosocial care and support for the beneficiaries that covers the beneficiaries' request; b) paying the rent for the CAT offices in Puebla for a period of 6 months, as well as paying the rent of a workspace in Mexico City; c) a closed circuit system that includes the camera and monitor, and can be adapted to the specific characteristics of the place where the CAT defenders are carrying out their work; d) police inspections carried out by police officers in areas surrounding the workplace (AFI); (e) AFI support during trips for field work carried out by the CAT members; f) a cell phone with a direct line to the Secretariat of Government (SEGOB) and the Secretariat of Government of the State of Puebla for Blanca Velázquez Díaz, José Enrique Morales Montaña, and Cecilia Medina; g) paying expenses for relocation of CAT defenders and their families; h) that the Office of the Attorney General of the Republic (*Procuraduría General de la República*) send a monthly report on the progress of the investigation into the facts that gave rise to the precautionary measures; and i) a campaign that asserts and builds legitimacy of the right to defend the human rights of workers, and that aims to eliminate discriminatory criteria against those who promote human rights in the state of Puebla.

the psychological treatment of the beneficiary Blanca Velázquez Díaz as the psychologist who has the documents is out of the country; (ii) the inspections at the workplace and home of Blanca Velázquez and the technical visit to the CAT facilities are still pending; and (iii) on December 19, 2014, a panic button was delivered to Ms. Blanca Velázquez Díaz. They further reported that the *amparo* filed on September 26, 2014, was granted on January 30, 2015. However, on March 2, 2015, the Second Criminal Chamber of the Superior Court of Justice of the state of Puebla once again issued a judgment denying the arrest warrant against R.R.R.

16. Lastly, the IACHR requested information from the representatives in 2017, 2019, and 2022. The representatives did not answer any of the aforementioned communications.

IV. ANALYSIS OF THE REQUIREMENTS OF URGENCY, SERIOUSNESS, AND IRREPARABLE HARM

17. The mechanism of precautionary measures is part of the Commission's function of overseeing Member States compliance with the human rights obligations set forth in Article 106 of the Charter of the Organization of American States. These general oversight functions are established in Article 41(b) of the American Convention on Human Rights, as well as in Article 18(b) of the Statute of the IACHR. The mechanism of precautionary measures is described in Article 25 of the Commission's Rules of Procedure. In accordance with this Article, the IACHR grants precautionary measures in urgent and serious situations in which these measures are necessary to avoid irreparable harm to persons or to the subject matter of a petition or case before the organs of the inter-American system.

18. The Inter-American Commission and the Inter-American Court of Human Rights ("the Inter-American Court" or "I/A Court H.R.") have repeatedly established that precautionary and provisional measures have a dual nature, protective and precautionary.⁵ Regarding the protective nature, these measures seek to avoid irreparable harm and preserve the exercise of human rights.⁶ To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and the vulnerability to which the persons proposed as beneficiaries would be exposed if the measures are not adopted.⁷ Regarding their precautionary nature, these measures have the purpose of preserving a legal situation while under consideration by the organs of the inter-American system. The precautionary nature aims at safeguarding the rights at risk until the petition pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect of the final decision. In this regard, precautionary or provisional measures enable the State concerned to comply with the final decision and, if necessary, to implement the ordered

⁵ See in this regard: I/A Court H.R. Request for Provisional Measures submitted by the IACHR regarding the Bolivarian Republic of Venezuela, Order of the Inter-American Court of Human Rights of March 30, 2006, considerandum 5; I/A Court H.R. [Case of Carpio Nicolle et al. v. Guatemala](#), Provisional Measures, Order of July 6, 2009, considerandum 16. Available [in Spanish] at https://www.corteidh.or.cr/docs/medidas/penitenciarioregion_se_01.pdf

⁶ See in this regard: I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#), Provisional Measures regarding Venezuela, Order of the Court of February 8, 2008, considerandum 8; I/A Court H.R. [Case of Bámaca Velásquez](#), Provisional measures regarding Guatemala, Order of the Court of January 27, 2009, considerandum 45; I/A Court H.R. [Matter of Fernández Ortega et al.](#), Provisional Measures regarding Mexico, Order of the Court of April 30, 2009, considerandum 5; I/A Court H.R. [Matter of Milagro Sala](#), Request for Provisional Measures regarding Argentina, Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5 [only in Spanish].

⁷ See in this regard: I/A Court H.R. [Matter of Milagro Sala](#), Request for Provisional Measures regarding Argentina, Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5; I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#), Provisional Measures regarding Venezuela, Order of the Court of February 8, 2008, considerandum 9; I/A Court H.R. [Matter of the Criminal Institute of Plácido de Sá Carvalho](#), Provisional Measures regarding Brazil, Order of the Inter-American Court of Human Rights of February 13, 2017, considerandum 6 [only in Spanish].

reparations. In the process of reaching a decision, according to Article 25(2) of its Rules of Procedure, the Commission considers that:

- a. “serious situation” refers to a grave impact that an action or omission can have on a protected right or on the eventual effect of a pending decision in a case or petition before the organs of the inter-American system;
- b. “urgent situation” refers to risk or threat that is imminent and can materialize, thus requiring immediate preventive or protective action; and
- c. “irreparable harm” refers to injury to rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.

19. With respect to the foregoing, Article 25(7) of the Commission’s Rules of Procedure establishes that “decisions granting, extending, modifying or lifting precautionary measures shall be adopted through reasoned resolutions.” Article 25(9) sets forth that “the Commission shall evaluate periodically, at its own initiative or at the request of either party, whether to maintain, modify or lift the precautionary measures in force.” In this regard, the Commission should assess if the serious and urgent situation and possible irreparable harm that caused the adoption of the precautionary measures persist. Moreover, the Commission shall consider whether new situations have subsequently arisen that might meet the requirements set forth in Article 25 of the Rules of Procedure.

20. Similarly, while the assessment of the procedural requirements when adopting precautionary measures is carried out from a *prima facie* standard, keeping such measures in force requires a more rigorous evaluation.⁸ In this sense, when no imminent risk is identified, the burden of proof and argument increases over time.⁹ The Inter-American Court has indicated that the passage of a reasonable period of time without any threats or intimidation, in addition to the lack of imminent risk, may lead to the international protection measures being lifted.¹⁰

21. In the matter at hand, the Commission recalls that the precautionary measures were granted in 2012 in favor of Blanca Velázquez Díaz, José Enrique Morales Montaña, Cecilia Medina, and other members of the Worker Support Center (CAT). During the Commission’s follow-up, the State sent information on the actions implemented in the framework of this procedure. In particular, the following actions were carried out:

- (i) Holding working meetings for the beneficiaries and their representatives to agree on the implementation of precautionary measures. In these meetings, the representatives had the time and space to issue their requests, receive responses from the competent authorities and reach agreements. According to the available information, the last meeting was held in 2014;
- (ii) Security measures, such as carrying out security inspections, supplying a panic button, and providing a cell phone and emergency numbers; and
- (iii) Promoting investigations to clarify the facts that led to the precautionary measures, including an arrest warrant against the alleged perpetrator and the subsequent judicial review.

⁸ I/A Court H.R., Provisional Measures regarding Mexico, Order of February 7, 2017, paras. 16 and 17. Available [in Spanish] at http://www.corteidh.or.cr/docs/medidas/fernandez_se_08.pdf

⁹ Ibid.

¹⁰ Ibid.

22. The Commission notes that the State requested that these precautionary measures be lifted on August 6, 2019 (see *supra* paras. 5 and 11). In accordance with Article 25(9) of the Rules of Procedure, the request to lift the measures was forwarded to the representatives that same year. Subsequently, between 2019 and 2022, the Commission reiterated the request for information. To date, the representatives have not provided any response and have not submitted information since 2015. Since that time, approximately seven years have elapsed without any further information being provided. This unresponsiveness from the representatives acquires special relevance given that the State has asked them to review whether these precautionary measures should remain in force, upon having requested to lift the measures pursuant to Article 25 of the Rules of Procedure.

23. In analyzing whether this matter should remain in force, the IACHR does not identify the existence of facts that would allow identifying a situation presenting a risk under the terms of Article 25 of the Rules of Procedure. The last allegation in this regard by the representatives is from 2012, which was approximately 10 years ago. In this sense, the Commission does not have assessment elements to identify a situation presenting a risk in the terms of Article 25 of the Rules of Procedure. The Commission also notes that, according to public information, Ms. Blanca Velázquez died in 2021 due to cancer.¹¹

24. The Commission recalls that when a State requests the lifting of a precautionary measure, it must present sufficient evidence and arguments to support its request.¹² By the same token, the representatives of the beneficiaries that want the measures to continue must present evidence of any reasons why.¹³ Similarly, Article 25(11) of the Rules of Procedure sets forth that the Commission may lift or review a precautionary measure when the beneficiaries or their representatives unjustifiably fail to provide the Commission with a satisfactory response to the requests made by the State for its implementation.

25. In this sense, considering the analysis previously carried out, and in response to the State's request to lift the measures, the Commission considers that it is not possible to identify any situation that currently fulfills the requirements of Article 25 of the Rules of Procedure. In view of the above, and taking into account the exceptional and temporary nature of precautionary measures,¹⁴ the Commission deems it appropriate to lift these measures.

26. Lastly, the Commission emphasizes that regardless of the lifting of these measures, in accordance with Article 1(1) of the American Convention, it is the obligation of the State to respect and guarantee the rights recognized therein, including the life and personal integrity of the persons identified in the matter at hand.

V. DECISION

27. The Commission decides to lift the precautionary measures granted in favor of the beneficiaries of this matter, "Blanca Velázquez Díaz *et al.*", in Mexico.

¹¹ RED TDT, *Condolencias ante el fallecimiento de Blanca Velázquez Díaz* (Condolences on the death of Blanca Velázquez Díaz) Available [in Spanish] at <https://redtdt.org.mx/condolencias-ante-el-fallecimiento-de-blanca-velazquez-diaz/>; and MAQUILA SOLIDARITY NETWORK, *Blanca Velázquez Díaz, Una Brillante Defensora de los Derechos de las Personas Trabajadoras* (A Brilliant Advocate for Workers' Rights), October 14, 2021. Available [in Spanish] at <https://www.maquilasolidarity.org/es/blanca-velazquez-diaz-una-brillante-defensora-de-los-derechos-de-las-personas-trabajadoras>

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ I/A Court H.R., *Matter of Adrián Meléndez Quijano et al.* Provisional Measures regarding El Salvador. Order of the Court of August 21, 2013, para. 22, and *Matter of Galdámez Álvarez et al.* Provisional Measures regarding Honduras. Order of the Inter-American Court of Human Rights of November 23, 2016, para. 24

28. The Commission recalls that the lifting of these measures does not prevent the representatives from filing a new request for precautionary measures should they consider that there is a situation that meets the requirements established in Article 25 of the Rules of Procedure.

29. The Commission instructs its Executive Secretariat to notify this resolution to the State of Mexico and to the representatives.

30. Approved on March 29, 2022, by Julissa Mantilla Falcón, President; Edgar Stuardo Ralón Orellana, First Vice-President; Margarete May Macaulay, Second Vice-President; Esmeralda Arosemena de Troitiño; and Roberta Clarke, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary