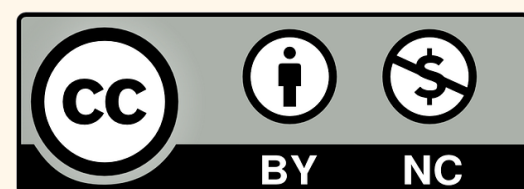


**We Defend
Rights to Build
Justice**

2022 Report

We Defend Rights to Build Justice. Fundar 2022 Report

The purpose of this report is to summarize the work that members of Fundar carried out in 2022. Its content is conceived and designed to be accessible for specialized and non-specialized audiences. The editorial design and illustrations were done by Jorge Alberto Fregoso Gafford. Style correction by Laura Anahí Maciel Castillo.



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The Struggle Is for Life



Tecoltemi

On February 16, 2022, Mexico's Supreme Court of the Nation (SCJN, for its Spanish initials) pronounced a historic sentence for the country's indigenous peoples. For the first time, the SCJN ordered the Secretariat of Economy to cancel mining concessions in an indigenous community—in this case, the Tecoltemi Nahua community—as their collective rights had been violated by not holding a previous consultation, and the court made it mandatory to conduct consultations with all the indigenous communities that would be affected by a mining project before granting any concessions in the future. Never before in the cases of rights of indigenous peoples that reached the SCJN had permits been canceled nor had a company ever been left without a concession.

This was achieved thanks to the Tecoltemi's struggle of 10-plus years. In 2015, this Nahua community and *ejidatario*¹ groups and communities from Puebla's Sierra Norte region in the municipality of Ixtacamaxtitlán, with legal support from the Tiyat Tlali Council and Fundar, filed an *amparo* lawsuit against the mining concessions that were granted in their territory without their consent.

¹In México, *ejidatarios* are those who have usufruct rights to communal or cooperative land used primarily for agricultural purposes, which is known as an *ejido*.



The mining project, which affected over 20 communities, involved diverting water from natural springs in the mining zone, which would have impacts on the land, housing, and people's ways of life. To make the case visible, in addition to the legal and technical support offered by Fundar, we worked with the community and the Tiyal Tlali Council, Instituto Mexicano de Desarrollo Comunitario (IMDEC), and Centro de Estudios para el Desarrollo Rural (CESDER) on a communications campaign that positioned the defense for the community's life and dignity, its customs, culture, and the defense of the land, remembering the historical resistance of indigenous communities. The campaign's actions included working with a collective of urban artists named Los Chachachá to build ten wooden shields, each measuring 1.2 meters in diameter and painted with key elements of the community's cosmology.

[The shields were used to cover the main entrance of the SCJN in Mexico City](#) and as part of a ritual for life that was carried out by the Tecoltemi community. The shields became a symbol of the struggle and were taken to the assemblies of towns and communities in different municipalities. These street activities helped reach more people and broadcast the case on digital media, reach traditional media outlets, and spread the petition on the platform Change.org; with the help of other organizations that publicly joined the case—such as Centro ProDH, PODER, and Amnesty International—we managed to collect 20,000 signatures requesting that the SCJN recognize the violations of the Tecoltemi community's rights.

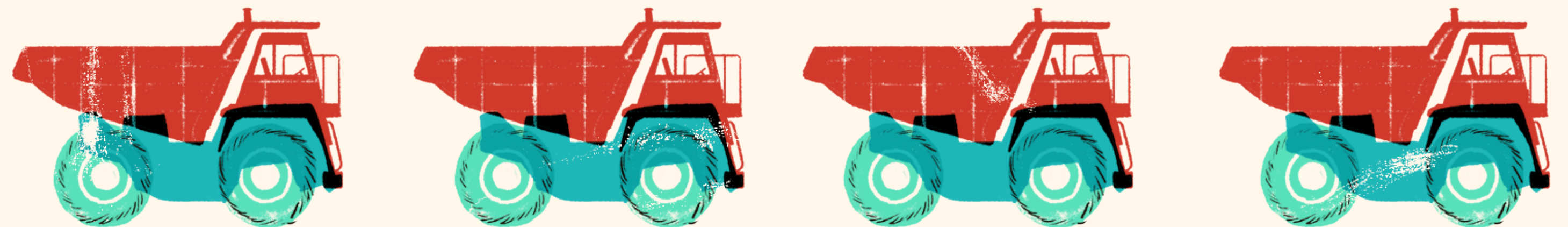
The sentence to cancel these mining concessions is evidence that the SCJN recognizes that the community's rights to consultation and consent were violated and that this should not happen again in any other mining project in Mexico.

The struggle of the Tecoltemi community, along with the other groups and organizations that supported them, is and will continue to be for life.



And Life Comes Before Mines

As part of the struggle for life, in 2022 we promoted initiatives to reform the Mining Law so it will respect the rights of indigenous peoples and human rights in general. As a member of the collective [CambiémoslaYa](#) (LetsChangeItNow)–made up of indigenous peoples, communities, civil organizations, movements, academics, and defenders of land and territory–Fundar participated in creating [proposals and recommendations to improve this public policy](#), which the collective presented to representatives of congress, who analyzed and considered them to present four reform initiatives. These proposals included removing the preferential nature and public utility of mining so as not to position it above other activities, such as agriculture, and so the State cannot expropriate the territories and their resources to build mines. In addition, the proposals aim to change the framework and abusive regime of the concessions, which are currently granted for 50 years and can be renewed for the same amount of time. At CambiémoslaYa, we want exploration concessions to be reduced to two years and exploitation concessions to 15, thus reducing the control that mining companies have over the territories and communities. Presenting the four initiatives is the first step toward reforming the current mining law in the next legislative period.



Not One Peso Less for Rights

At Fundar, in 2022, we focused on preventing the austerity policies from having adverse effects on public policies related to eradicating gender violence and on finding solutions for the forensic crisis.



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Enforced Disappearances

In a country where around 10,000 people go missing each year and where over 100,000 people are currently missing, it is vital to contribute to strengthening budgets for the public agencies that are responsible for addressing the forensic crisis and guaranteeing all people's right to be searched for.

Therefore, we are advocating for a budget of approximately 40 million pesos to be allocated to the operation of the Extraordinary Forensic Identification Mechanism (MEIF, for its Spanish initials) in 2023, which contributes to making progress on identifying the over 52,000 unidentified deceased persons in Mexico's forensic services and municipal mass graves. We also managed to gain a 40% increase in the National Search Commission's (CNB, for its Spanish initials) budget—whose existence is an indicator of the violence we experience in Mexico; this will aid in the response to the country's forced disappearance crisis.

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In order to secure these resources, joint action with the victims' collectives that form Movimiento por Nuestros Desaparecidos en México (MNDM) and other organizations was fundamental; this includes Fundar, Servicios y Asesoría para la Paz (SERAPAZ), and Centro de Colaboración Cívica (CCC), as well as dialogues between the CNB and the MEIF Coordinating Group, which made it possible to identify both agencies' budgetary needs. At the same time, at Fundar, we conducted the study [*Presupuesto y crisis forense en México. Opacidad e insuficiencia del presupuesto en materia de identificación forense*](#) [*The Forensic Budget and Crisis in Mexico. Lack of Transparency and Budget Shortfall in Matters of Forensic Identification*], which traces the budget path and provides evidence on resource allocation for this problem.

With pressure from the victims, from international bodies (UN-HR, IACHR, and ICRC), and from Fundar, together we achieved a 40% increase in the CNB budget and saw that the 40 million pesos were granted to the MEIF's operating budget for it to address forensic matters. In 2024, we will strive to get these resources earmarked on a congressional level, thus guaranteeing their specific allocation to these tasks, which can then be monitored in the annual expenditure.



Budgets with a Gender Approach

For over two decades, Fundar has been providing support for the struggle to pursue equality and the elimination of all forms of violence against women. Based on an analysis of budgets and public policies developed from a gender perspective, we have aimed to reduce inequalities, improve access to justice, and decrease the violence experienced by women.

In 2022, we conducted the study [*Presupuestos etiquetados. Análisis del Anexo Transversal 13. Erogaciones para la Igualdad entre Mujeres y Hombres*](#) [*Earmarked Budgets. Analysis of the Cross-Section Annex 13. Expenditure for Equality between Men and Women*], in which we showed how resources for programs, public policies, and institutions geared at eradicating violence and achieving substantive equality for women have been cut: 87% of the resources from Annex 13 were earmarked for the government's priority social programs, which do not have a gender approach. Although there has been an exponential increase in the Annex 13 budget since 2018, the resources are not allocated according to a methodology that considers the differentiated contexts and impacts for women's lives as a cross-cutting element, despite the alarming conditions of violence, discrimination, and inequality they experience.

As part of the budgetary discussion, and together with partner organizations such as



Centro por la Justicia y el Derecho Internacional (CEJIL) and Red Nacional de Refugios, we contributed evidence and stressed the urgency to increase the available budget for agendas of inequality and for stopping violence against women to position it within the public debate. Our advocacy work and research contributed to five programs that are directly linked to women's rights, non-discrimination, and violence-free lives, gaining budget increases totaling around 95.5 million pesos instead of undergoing budget cuts; among them are the programs "Apoyo para Refugios Especializados para Mujeres Víctimas de Violencia de Género, sus hijas e hijos" (Support for Specialized Shelters for Female Victims of Gender Violence and Their Children); "Promover la Atención y Prevención de la Violencia contra las Mujeres" (Promoting Assistance and Prevention for Violence Against Women), and "Apoyo a las Instancias de Mujeres en las Entidades Federativas" (PAIMEF) (Support for Women's Agencies in Federal Entities). This meant an overall increase of 8% in the approved budget for these programs in comparison to what was initially proposed for the 2023 tax year.

At the same time, we developed the study [*Buscando el camino.*](#)





[Presupuesto y compra de medicamentos para la salud sexual y reproductiva de las mujeres](#) [*Finding the Way. Budget and Purchase of Medicine for Women's Sexual and Reproductive Health*] as part of the series [Salud para Todos](#) [*Health for All*], where we provided evidence of the fact that the budget for purchasing medicine for women's sexual and reproductive health without social security is steadily decreasing and there are more difficulties with its traceability and accountability. Therefore, it is harder to know how this expense is being handled, making evidence to defend this right inaccessible, as there is no information about which institutions are responsible for purchasing these medicines. Based on the research, we formed a partnership with Comité Promotor por una Maternidad Segura, Mano Vuelta AC, and Fundación Mexicana para la Planeación Familiar, and together we presented technical proposals to the Mexican Chamber of Deputies' Gender Equality Commission to increase resources for sexual and reproductive health during the budgetary negotiations for next year's Federal Expenditure Budget. While the Gender Equality Commission did request an increase in the allocation based on our proposals, the request was not considered for final budget approval during the plenary session. However, with these efforts, we laid the foundations to advocate for this process beginning in early 2023.



Strengthening Knowledge for the Fight for Fiscal Justice

In November 2022, the United Nations General Assembly introduced the possibility of an international tax convention by approving a resolution that would allow all the nations to participate in discussions and decision-making related to taxes with equal conditions; currently, only the richest countries play a role in these spaces. To implement this, it will be crucial to promote tax justice from different spaces over the coming years.

Within this context in 2022, Fundar collaborated with Quinto Elemento Lab, the Independent Commission for the Reform of International Corporate Taxation (ICRICT), and the Initiative for Human Rights Principles in Tax Policy to teach the course ["Herramientas para aproximarse a la justicia fiscal"](#) (Tools for Approaching Tax Justice), which was geared at journalists and members of civil society organizations. The aim was to strengthen the 46 participants' theoretical knowledge and technical skills, analyzing tax policy from a human rights approach and with consideration for decreasing the extreme concentration of wealth in order to join the efforts to demand an increased tax burden for those who have more; that is, to increase taxes for the wealthiest and put an end to tax paradises.



Accompanying to Build Pathways



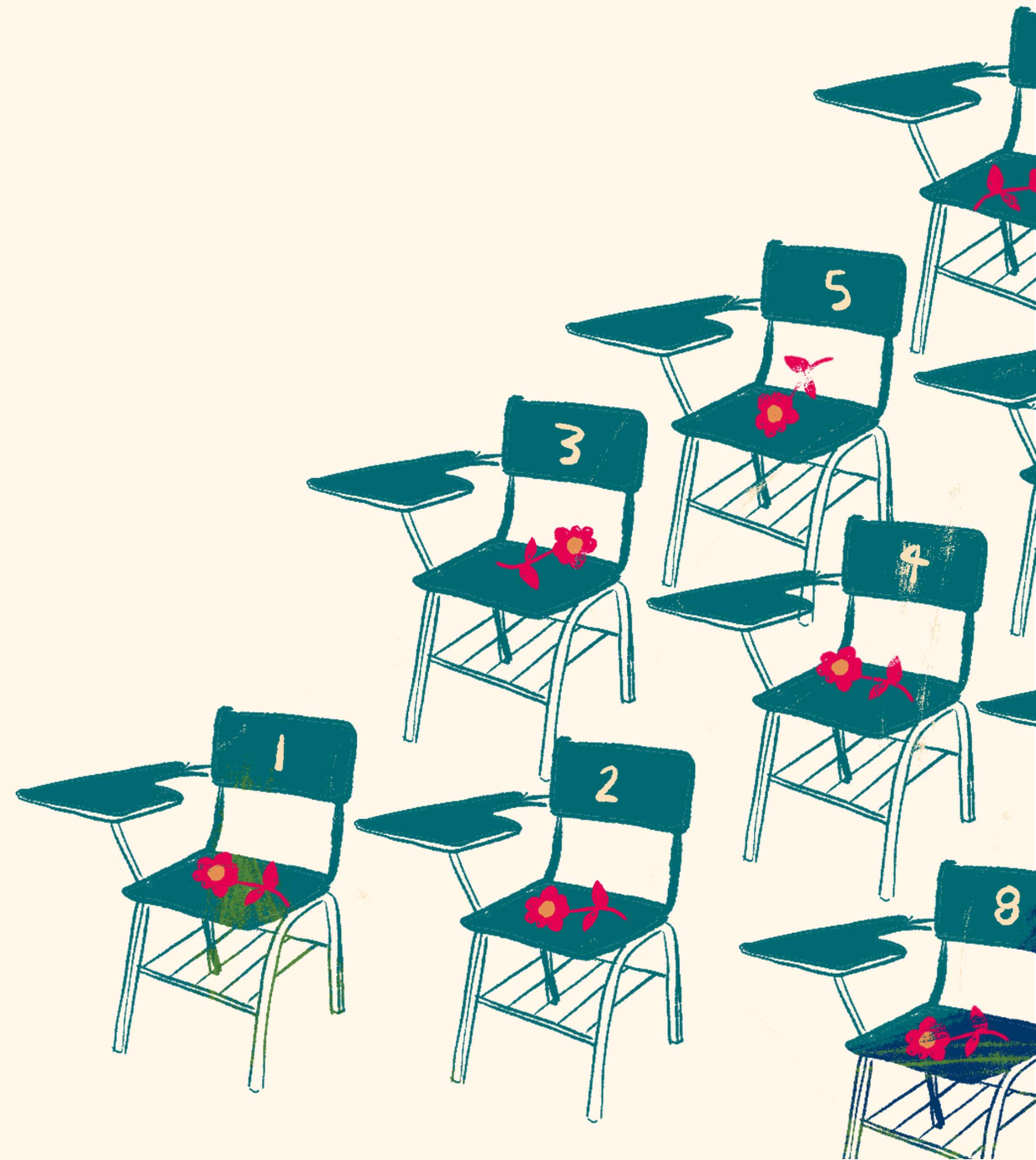
Through the [\[Anti\]Manual sobre trabajo psicosocial y acompañamiento a víctimas de la violencia y violaciones a derechos humanos](#) [(Anti)Manual on Psychosocial Work and the Accompaniment of Victims of Violence and Human Rights Violations], we managed to systematize Fundar's 10-plus years of experience in psychosocial accompaniment for victims, groups, and communities. The [Anti]Manual was possible thanks to a retrospective reflection with victims who had been accompanied by Fundar over these years, along with the psychosocial accompaniment staff of partner organizations that we have worked with on lawsuits and on promoting advocacy processes that led to the adoption of general laws on matters of victim assistance and forced disappearance.

In the current context, the "psychosocial perspective" is a category that has been distorted by the State's victim assistance mechanisms, which, when faced with victims' transformative potential, opt to handle the assistance they provide in a discretionary manner and, consequently, demobilize and fragment the victims. However, at Fundar, we believe that sharing a desire to change the world with the victims is the ethical basis and outlook of psychosocial accompaniment.

With the [Anti]Manual we aim to problematize the idea of a manual for accompanying victims, recognizing that it is not a unilateral process, as the people and collectives we work with also accompany us in an adverse and painful context, in which we mutually need each other in order to create change.



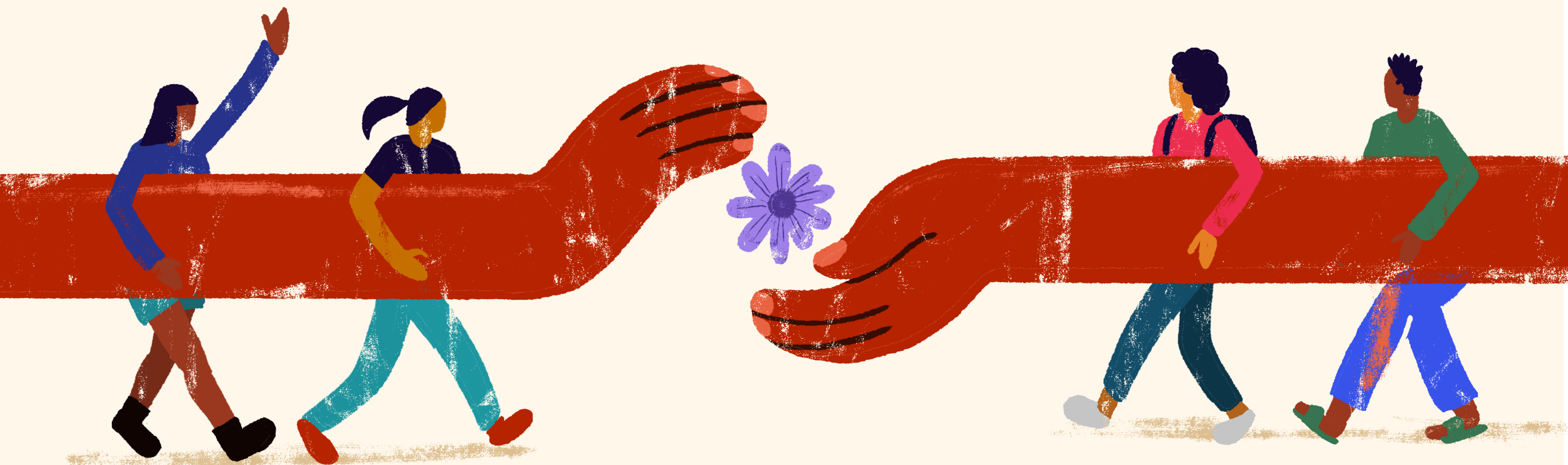
In this accompaniment process, we continue walking alongside the collective of the parents of the 43 forcibly disappeared students of Ayotzinapa. Despite the physical and emotional exhaustion from the eight years of seeking justice, the obstacles presented by the Federal Attorney General's Office and the Armed Forces, and a new attempt by Mexico's president to close the case in the media, the collective—with the accompaniment of Centro ProDH, Serapaz, Tlachinollan, and Fundar—has managed to keep political and media pressure on the government to clear up the case completely through legal follow-up, political dialogue through the Commission for Access to Truth and Justice in the Ayotzinapa Case (COVAJ, for its Spanish initials), pressure to retain observation and international technical assistance from the Interdisciplinary Group of Independent Experts (GIEI, for its Spanish initials), and a media strategy centered on the victims' perspective.





These efforts have managed to demonstrate, now through a judicial investigation with a technical basis, that the Ayotzinapa case was the result of a coordinated operation between authorities on all levels and organized crime. Therefore, they have been key to provide evidence on the dangers of militarization and the lack of transparency within military institutions, and thus, to counteract the president's current narrative in favor of the Armed Forces.

We Build Safe Spaces Collectively



Protect Ourselves and Prevent Violence

On November 25, 2022, we collectively presented the [Protocolo Modelo de prevención y actuación en casos de discriminación, acoso y hostigamiento sexual y laboral en organizaciones de la sociedad civil](#) [Model Protocol for Prevention and Action in Cases of Discrimination and Targeted and Untargeted Sexual and Workplace Harassment in Civil Society Organizations]. *Fundar, Ambulante, Equis Justicia para las Mujeres, Instituto de Liderazgo Simone de Beauvoir, Red por los Derechos Digitales, SERAPAZ, and Article 19* participated in its presentation. This same group of organizations began a collective process of critical reflection and participatory action research in 2019 based on a commitment to build safe spaces for all people and a recognition that the human rights sector is not without violence.

The protocol stems from human rights and intersectional approaches, puts victims at the center, and aims to leave the punitive approach behind. This protocol is a public asset that was designed to be adopted by other organizations and to provide basic guidelines that can be adapted to their specific needs. With this publication, we aim to promote discussion spaces and build a learning community for these issues



A Response to Face the Context

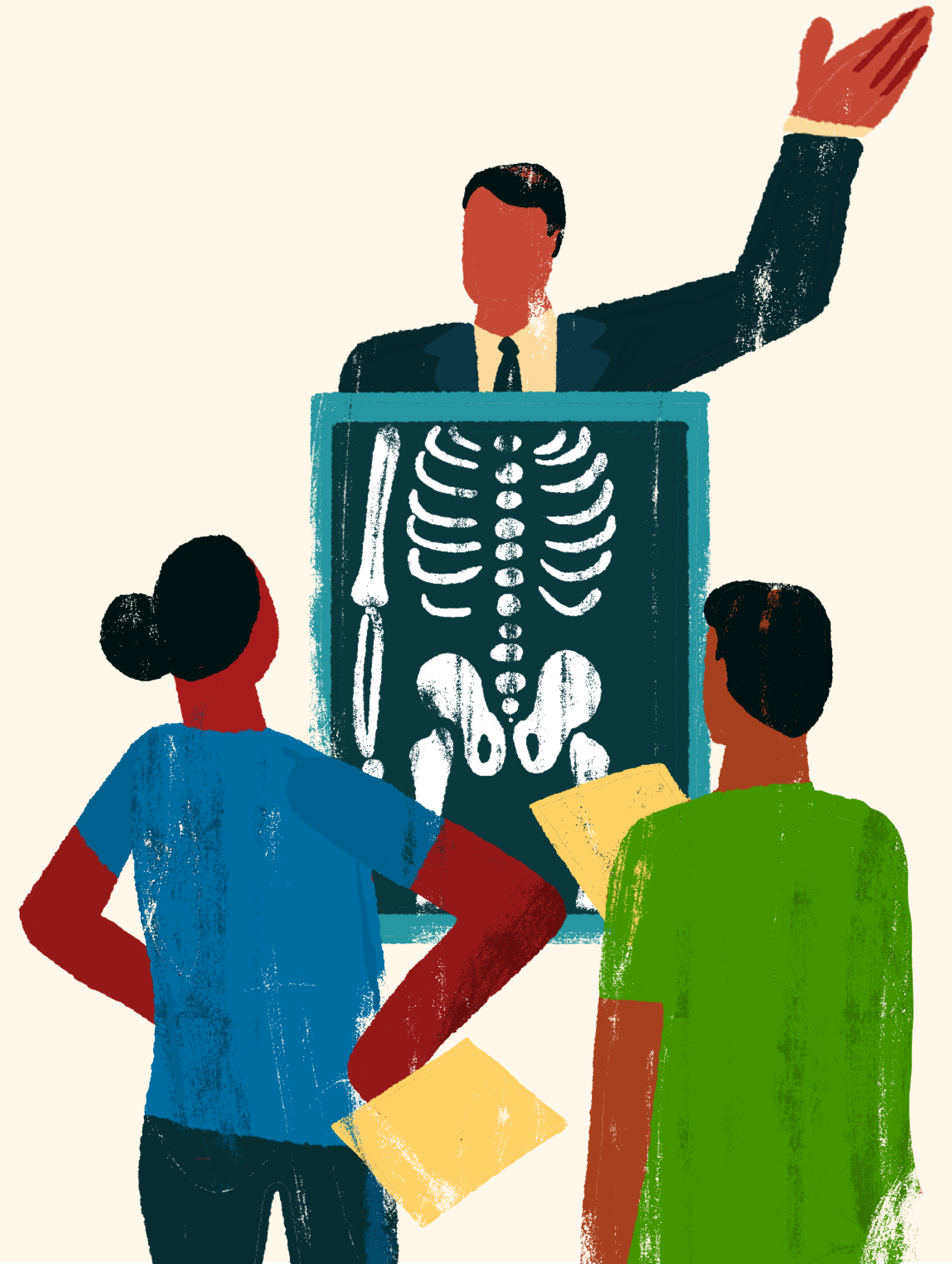
In 2021, more than 20 civil society organizations and philanthropic organizations, including Fundar, joined forces to analyze the national and regional context and to create strategies to strengthen the civic space, that is, of rights and freedoms such as freedom of expression or association. Based on these efforts and reflections, we collectively developed the *Guía de respuesta a amenazas políticas* [Guide for Responding to Political Threats]. This guide is focused on analyzing the risks presented by political threats, whether to discredit, stigmatize, or undermine the work of organizations or individuals, and also on proposing measures to prevent and protect these types of threats. The guide has already been used by one organization in the collective in response to an explicit threat they received. In addition, the guide seeks to be an adaptable tool for the 25 organizations that are part of the collective, and other groups and organizations, so that everyone has general prevention and response guidelines according to their conditions and circumstances.



Better Processes for Public Appointments

The [Public Appointments Observatory](#), an initiative promoted by A19 and Fundar, achieved the installation of a Citizen Council made up of higher education institutions and civil society organizations, which applied an evaluation methodology to the candidates for commissioners of the National Institute of Transparency, Access to Information, and Protection of Personal Data (INAI) to identify suitable profiles. The process included the use of feedback evaluation forms provided by the Observatory, the assessment of candidates' performance during interviews, the publication of evaluations carried out by parliamentary groups and the Council, and a list of profiles that obtained the most outstanding evaluations.

This was possible due to the implementation of a strategy that included the preparation of technical documents, dialogue with decision-makers, the creation of materials that explained the process in simple language, media presence, coordination with various civil society organizations, and a public activation that allowed the importance of appointments to be dimensioned. The process has faced significant delays and obstacles, but represents an important advance in transforming public appointment practices and the discussion it has generated, as it has allowed for public deliberation on the suitability of profiles based on a citizen evaluation exercise.



Fundar Numbers

Facebook: **26,330** likes

Twitter: **118,160** followers

Instagram: **2,711** followers

Youtube: **2,199** subscribers and **28,802** total views

Tecoltemi Campaign "The Struggle Is for Life": **27,000** signatures on Change.org

Interviews: **86** Mentions in the press: **176**

Publications: **10**; **8** in-house and **2** joint



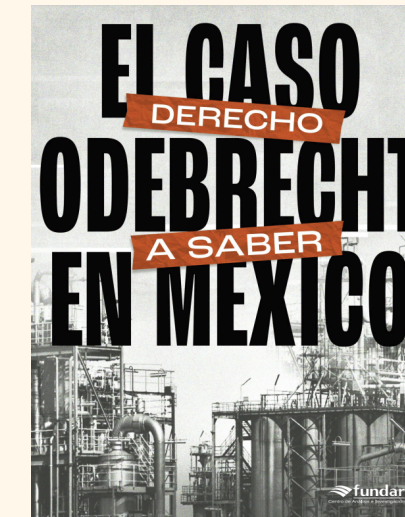
Fundar Publications



[Halfway. Assessment and Pending Matters of the Energy Policy of the Six-Year Presidential Term 2018-2024](#)



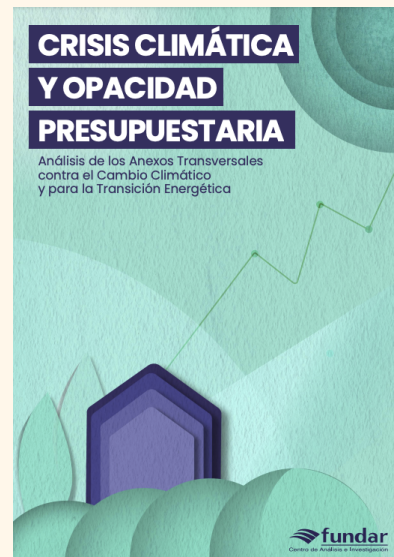
[\(Anti\)Manual on Psychosocial Work and Accompaniment of Victims of Violence and Human Rights Violations](#)



[The Right to Know. The Odebrecht Case in Mexico](#)



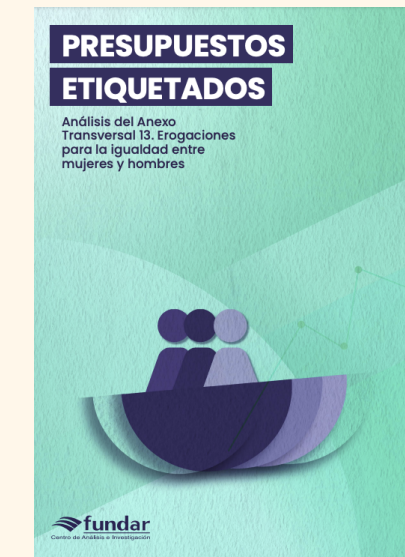
[Finding the Way. Budget and Purchase of Medicine for Women's Sexual and Reproductive Health](#)



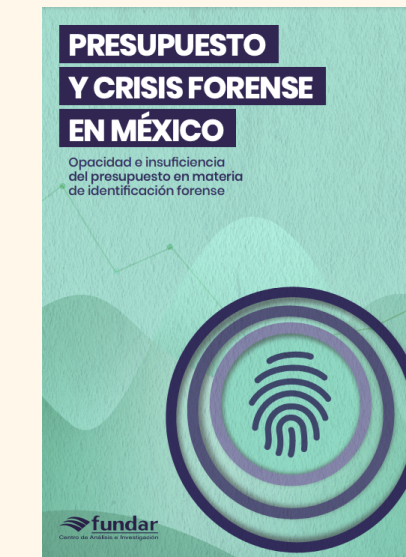
[Climate Crisis and Lack of Budget Transparency. Analysis of Cross-Section Annexes Against Climate Change and for the Energy Transition](#)



[Culture and Public Budget. Inequality and Centralization of Cultural Infrastructure](#)



[Earmarked Budgets. Analysis of Cross-Section Annex 13. Expenditures for Equality between Women and Men](#)



[The Forensic Budget and Crisis in Mexico. Lack of Transparency and Budget Shortfall in Matters of Forensic Identification](#)

Collective publications:

[Tax Reform. A Starting Point for Post-Pandemic Equality in Mexico](#)

[Sustainable Development Goals and Budgetary Credibility in Mexico](#)





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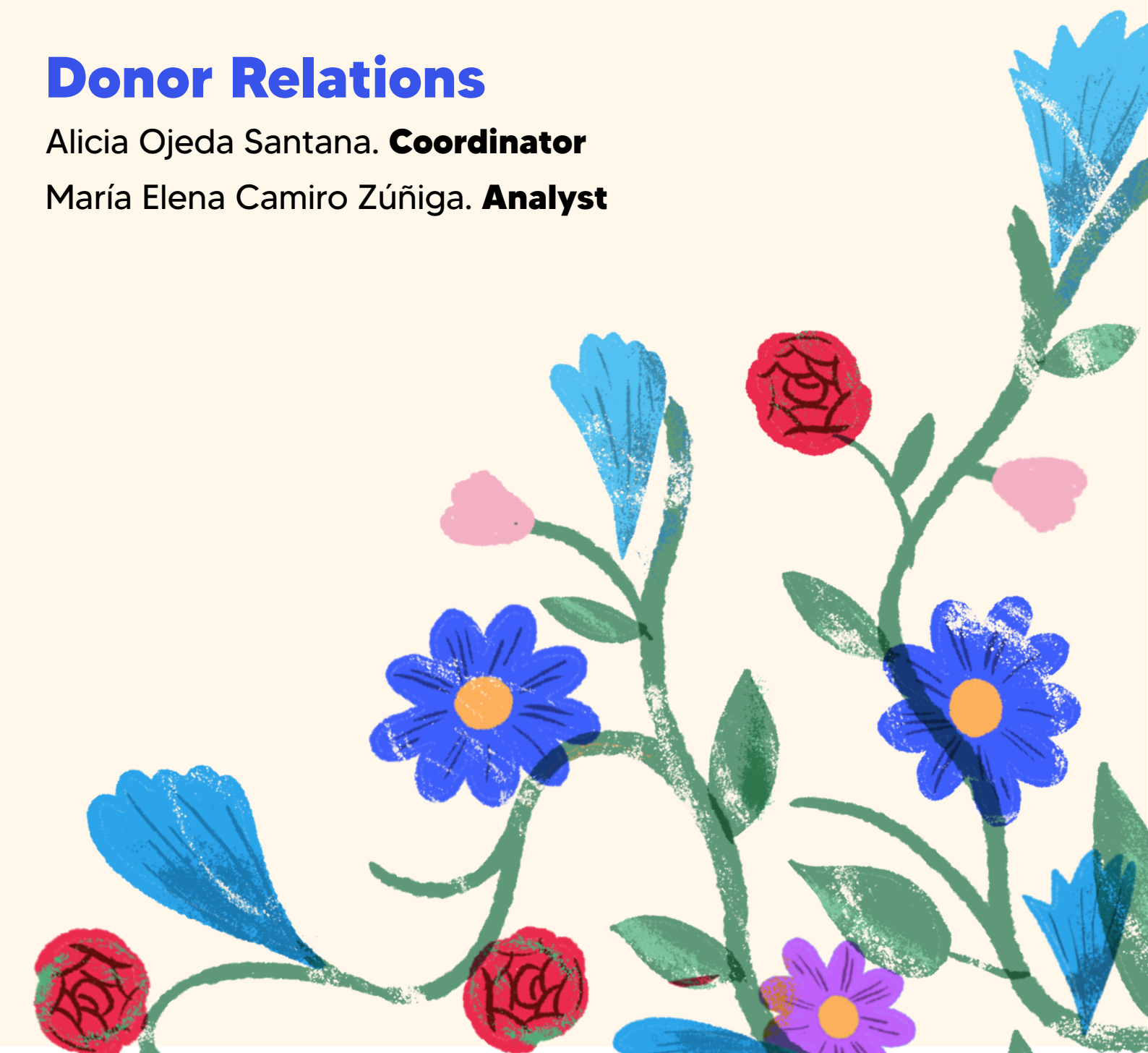
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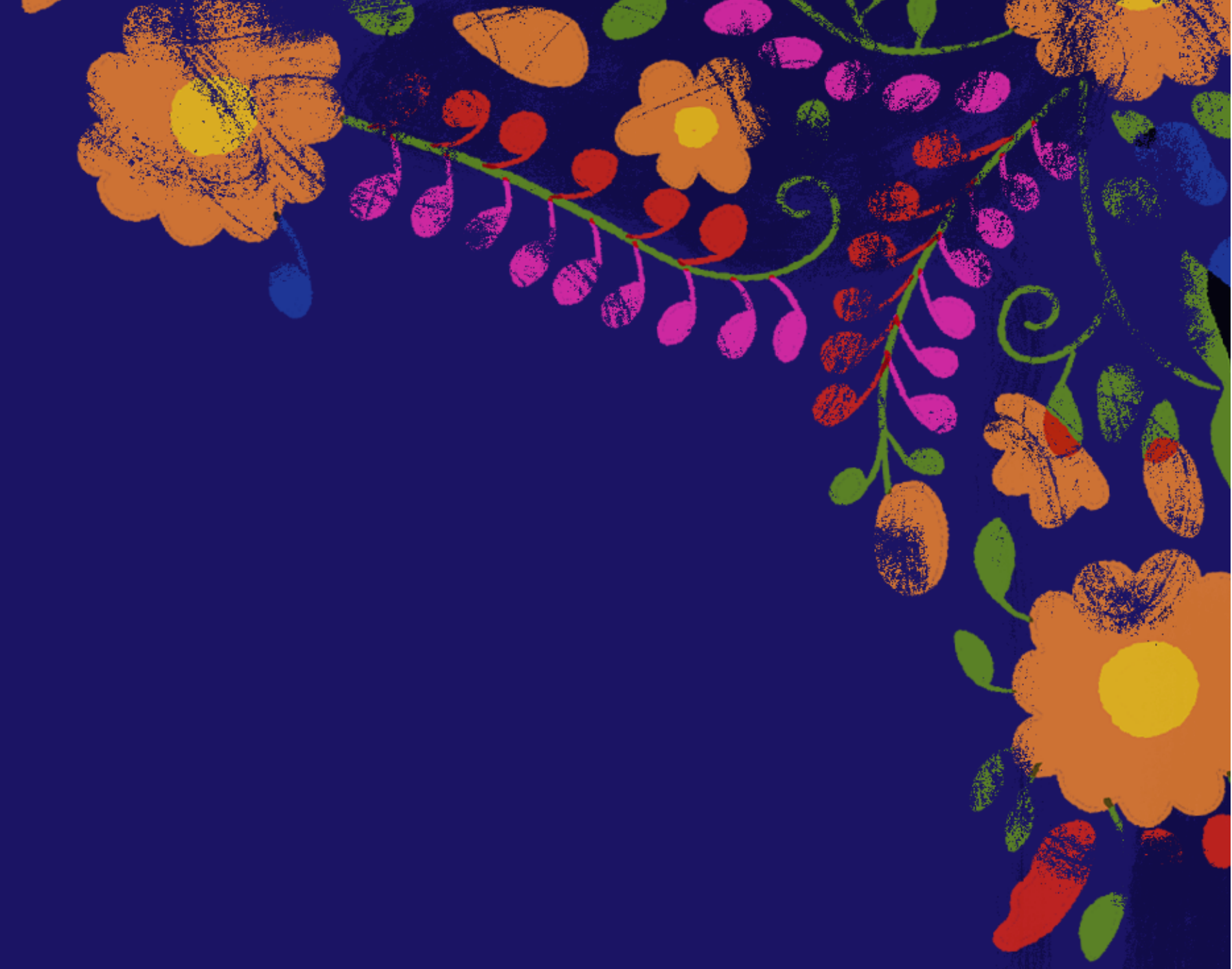
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