**End of Mission Statement**

**United Nations Special Rapporteur on the human rights of internally displaced persons**

**Ms Cecilia Jiménez-Damary**

**29 August to 9 September 2022**

Mexico City, 13 September 2022 –. In my capacity as United Nations Special Rapporteur on the human rights of internally displaced persons (IDPs), I have had the honour to carry out an official visit to Mexico from 29 August to 9 September 2022 with the agreement of the Government of Mexico. My visit aimed to assess the human rights situation of IDPs in the country due to, *inter alia*, violence, land conflicts, development projects, and disasters. During my visit, I went to the states of Chiapas, Chihuahua, Mexico City and Guerrero. I also met with executive, legislative, and judicial officials at the federal and state levels. I also had the opportunity to meet with victims of internal displacement and communities affected by the problem, civil society organisations, autonomous human rights bodies, diplomatic corps, UN agencies and other international organisations.

I would like to thank the Ministry of Foreign Affairs and the Ministry of Interior (SEGOB) for their excellent cooperation with my mandate as well as its openness to international scrutiny. In addition, I would like to take this opportunity to thank the Government of Mexico for co-sponsoring the IDPs resolution at the Human Rights Council for the first time this year. I also thank the state authorities of Chiapas, Chihuahua, Mexico City, and Guerrero state governments for enabling me to learn about their realities. I am grateful to the various civil society organisations and, in particular, the victims of internal displacement, including women, relatives of disappeared persons, members of indigenous peoples and communities, journalists, human rights defenders (HRDs) and members of the LGBTI community, who shared with me the painful reality they are facing.

In 2019 the Government of Mexico acknowledged the existence of internal displacement in the country. This visit has allowed me to observe the complexity of the situation, which requires comprehensive attention, including the adoption of measures for prevention, assistance, and protection of IDPs with a human rights, differentiated and intersectional approach and the attainment of conditions for durable solutions.

I welcome the Government's willingness to initiate coordinated actions with a view to addressing the root causes of displacement in accordance with international human rights standards, including the Guiding Principles on Internal Displacement. I note with particular interest the National Human Rights Programme (2020-2024), which sets the tone for developing human rights public policies. Among its five priority objectives, it ensures attention to victims of serious human rights violations, including victims of forced internal displacement.

This statement presents only preliminary observations from my visit. My complete analysis and recommendations to the Government will be prepared in the coming months and presented to the UN Human Rights Council in June 2023.

**Context**

These two weeks were an opportunity to learn about Mexico's enormous diversity, complexity, and wealth. Mexico has a federal government and 32 state governments, which complexifies the legal framework and public policies. Throughout my visit, I noted that the causes of displacement are diverse and multifactorial. They include different types of violence, often originating from organised crime, sometimes related to development projects, mining and illegal logging, or conflicts over budget allocation, as well as electoral, religious, and agricultural conflicts. Similarly, the causes include drivers such as climate change and disasters aggravated by discrimination that has a differentiated impact on the most vulnerable populations.

Mexico is characterised as a country of origin, transit, destination and return of migrants, asylum seekers, refugees and IDPs, who are mainly concentrated in border cities. In addition, in some areas of the country, organised crime terrorises and controls territories and populations through threats, intimidation and violence. Several people stressed the high level of violence faced by the population and those investigations are rarely carried out, even in the most serious crimes such as homicides and disappearances. The latter translates into high levels of impunity and a lack of trust in the authorities, particularly in the criminal justice system.

Gender-based violence, including high levels of femicide, generates a situation of particular vulnerability to threats, intimidation, and violence, including sexual violence for women and girls. I met women who shared their experiences, the pain of family disintegration, the loss of their heritage and livelihoods, and the severe impacts on their right to health. Women face differentiated effects, and with displacement, many suddenly assume the role of head of household and become responsible for providing for their family’s livelihoods, protection, and security.

LGBTI people, especially transgender women, face high levels of discrimination and stigmatisation in accessing rights. The insufficiency of gender awareness in society and the social exclusion and poverty they face place them in a highly vulnerable position to indiscriminate attacks by society.

According to civil society, the presence of children and adolescents was mentioned in most of the displacement episodes recorded in 2020. I received information that some of them are direct victims of forced recruitment by armed groups. Being a child and an IDP puts them in a situation of double vulnerability. Furthermore, the breakdown of family and community structures puts them at greater risk of various forms of exploitation, abuse, and neglect.

Although indigenous peoples and communities represent ten percent of the total population of Mexico, more than 40 percent of the displacement episodes registered by civil society in 2020 affected indigenous peoples. These populations suffer differentiated impacts on their rights due to their unique situation of vulnerability, lack of access to culturally relevant protection mechanisms and racism. I am particularly concerned about the absence of an intercultural and gender perspective in the attention given to displaced indigenous women.

In this context, I note with satisfaction the legislative efforts on the part of the executive and legislative branches at the federal level, which have led to the adoption by the Chamber of Deputies of the *General Law to Comprehensively Prevent, Address and Provide Reparations for Internal Forced Displacement.*This draft general law is currently under consideration by the Senate, together with other legislative initiatives. The Senate has committed itself during my visit to adopt it before the end of the year.

**Draft general law**

Having legislation in this area is an essential step towards formalising recognition of the problem and fulfilling the state's primary role in providing comprehensive attention to internal displacement. It is, therefore, vital that it is adopted as soon as possible and reflects the standards of international human rights law.

The specific law should have a clear distribution of competencies according to the various phases of displacement, coordination mechanisms between the three levels of Government, and autonomous constitutional bodies. Likewise, IDPs and civil society organisations should be duly consulted in all decisions affecting them, including in the development of specific laws and instruments that reflect their main concerns and suggestions.

Once the specific law is approved, the necessary mechanisms must be put in place to make it operational and adequately implemented. There must be a clear focal point to coordinate the response and focal points determined in the different institutions to guarantee the IDPs' rights in a cross-cutting manner.

Finally, all legislation and public policy must be accompanied by a sufficient budget. As one of the Senators pointed out during my visit to the Senate of the Republic: "it is useless going to the doctor and having the best medical prescription if you do not have the resources to buy the medicines". The same goes for legislation. It is not only about having the clarity and legal certainty that a law provides but also about having the financial and operational resources to implement it in a timely manner.

In reference to the pending efforts in the Senate of the Republic of Mexico to pass the draft general law on the protection of IDPs, I recommend that the minutes[[1]](#footnote-1) for the adoption of the draft law be approved which will lead to the final enactment of the law.

**Legislative and policy framework for victims**

At the same time, the General Victims Law establishes a National Victims System made up of various authorities and an Executive Commission for Attention to Victims (CEAV), aiming to recognise and guarantee the rights of victims of crime and human rights violations. This law is a general framework for the protection of victims and a highly complementary instrument for the competence of the CEAV in the IDP's recognition for purposes of protection and assistance.

I received information from IDPs on the difficulty of accessing the victims' registry in a timely manner, at the national and state level, due to the challenges in obtaining "victim status", since at the federal level and in most states, arbitrary displacement does not amount to a crime. Additionally, I have been informed that in the case of human rights violations, "victim status" is not granted until there is a recommendation from autonomous human rights bodies. This prevents IDPs from timely access to services that should be provided to them as victims by the commissions on attention to victims.

It is necessary to consider other complementary laws, such as the Law for the Protection of Human Rights Defenders and Journalists, which has recognised that displacement can be a basis for their protection under the law.

The protection mechanisms mentioned above have been essential in the recognition of individuals and communities as victims of internal displacement. However, available limited government statistics as well as testimonies I have received, show that there is a huge percentage of internally displaced persons who do not go to the authorities to make complaints or avail of these mechanisms because of internally displaced persons’ distrust of the authorities or fear from reprisals by organised crime. It is therefore essential that the acknowledgment of who are internally displaced persons is not limited merely to those legally recognised as IDPs by these mechanisms but also to those who do not avail, or fail to avail, of these mechanisms.

On legislation, I also would like to point out that the General Law on Civil Protection and the General Law on Climate Change are relevant to internal displacement in the country. I encourage their due implementation to reduce risks and minimise the adverse effects of disasters and climate change.

The above laws must therefore be effectively implemented and harmonised with other relevant pieces of legislation on internal displacement, such as the General Law on the Rights of Children and Adolescents. In this regard, I welcome the analysis of the regulatory and public policy framework in Mexico, at the federal level, for the comprehensive attention and protection of IDPs carried out by SEGOB together with UNHCR. This constitutes a useful baseline in identifying the legal instruments at the national level that need to be harmonised.

**Official data and registration**

Mexico does not yet have official national figures and disaggregated data, which would allow us to know the magnitude of internal displacement in the country and the over-all profiles of IDPs. In this regard, I recognise the efforts made by authorities, including, National Institute of Statistics and Geography (INEGI), National Council for the Development of Indigenous Peoples (CONAPO), and Migration Policy, Registration and Identity of Persons Unit (UPMRIP), academic institutes and civil society organisations, both at the federal and state level, to monitor and collect information or generate displacement statistics. Official figures, based on a harmonised methodology of quantitative and qualitative data collection, are essential for elaborating public policies.

On the other hand, creating a unique IDP federal registry is vital, in addition to registries at the State level. This registry should include not only those who have been legally recognised as victims but also those who do not have this legal recognition but are de facto displaced. It is worth noting that the registry should not grant any legal status but should have the purpose of facilitating protection and assistance in accordance with the individual and collective needs of IDPs.

**The Judiciary**

The judiciary plays an important role in protecting the rights of displaced persons. I acknowledge the efforts of the Federal Judiciary to publish the Manual on Internal Displacement, jointly elaborated with the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC), which compiles the primary international and regional standards. Despite its recent publication, I am pleased to note that Federal Courts have already used this manual to issue two important "amparo" decisions, recognising human rights violations against IDPs and ordering reparation measures from various federal and state authorities.  I encourage the strengthening of the Office of the Federal Public Defenders which has an important role in the defense of human rights of IDPs.

**Autonomous human rights bodies**

I also met with the National Human Rights Commission and five state human rights commissions. Their fundamental work in promoting and protecting all human rights, if properly exercised, is essential for peace, stability, and the prevention of violence, which is one of the primary triggers of internal displacement in Mexico. Autonomous human rights bodies adopt important measures to address human rights violations (A/HRC/41/40, para. 37), among which I highlight the formulation of recommendations and the adoption of precautionary measures, their effective follow-up, as well as their mediation role in cases of conflict. In spite of the above, I noted the budgetary and human resources constraints they face to carry out their functions adequately and in a timely manner to assist IDPs.

**Civil society**

I met with civil society organisations, including religious and academic organisations. I commend and recognise their fundamental role in the promotion, protection, and defence of human rights, as well as the advocacy work that has made the situation of internal displacement in Mexico visible. HRDs and journalists, including women victims of gender-based violence, have also been forced to move due to threats, aggression, criminalisation, and other attacks which, unfortunately, remain mostly unpunished.

Sometimes, the displacement of HRDs and journalists results from a protection measure implemented by the Protection Mechanism for Human Rights Defenders and Journalists, or autonomously by the people at risk themselves. To date, this mechanism has 84 active measures of security shelter. Although the latter can be suitable for situations where no other alternatives are identified to protect life, its consequences can be dire, especially when it is not, from an early stage, oriented towards the generation of possibilities for a safe return. I join the call of organisations and victims who emphasised the need to strengthen said mechanism and ensure that protection plans are fully implemented, including measures with a transformative approach aimed at addressing the structural factors that generate risk and, in some cases, internal displacement.

**Legal and institutional framework at the state level**

I welcome the adoption in Chiapas of the Law for the Prevention and Attention to Internal Displacement in 2012, the first state law for the protection of IDPs, as well as the inauguration of the State Council for Comprehensive Attention to Internal Displacement at the end of 2018. From the information received, in some cases, the Council has been able to provide timely humanitarian assistance. Despite the above, there is a need for sufficient and sustained budget allocation to assist IDPs. We also encourage the Government of Chiapas to adopt a regulatory framework of the law to have clear rules for addressing internal displacement within a culturally appropriate approach. Furthermore, we note that although the crime of arbitrary displacement is not criminalised at the local level, the Chiapas State Attorney General's Office has a specific protocol for investigating crimes related to internal displacement.

In Chihuahua, I welcome the completion of the first multi-stakeholder profiling exercise. Such collaborative efforts are crucial, and I was informed that this exercise will serve to promote and design evidence-based public policy. I especially acknowledge the participation of the National Institute of Statistics and Geography (INEGI) in conducting the first survey of its kind, which will serve as the quantitative component of the exercise. It is worth noting that two days prior to my visit to Chihuahua, the Commission on Internal Forced Displacement was set up as a coordination mechanism, which is critical for a better response and should include the participation of IDPs. Likewise, the Chihuahua State Congress is currently considering an initiative to reform the Penal Code with a view to including arbitrary displacement as a crime. I encourage its discussion and approval. It was also brought to my attention the existence of a protocol for investigating crimes related to internal displacement.

Although Mexico City does not have a specific law on internal displacement, its Political Constitution adopted in 2017 recognizes victims of forced displacement (art. 20.6) and generates obligations for state authorities to promote, respect, protect and guarantee their rights.

Regarding Guerrero, in 2014, the state adopted Law No. 487 to Prevent and Address Internal Displacement in the State of Guerrero. State Congress displayed political will for this legislation to be reviewed and updated to respond to the current situation. I recommend that this process includes IDPs, and that progress should also be made regarding the regulatory and public policy mechanisms necessary to have adequate operational response and sufficient financial resources. I recognise the steps the Guerrero Congress took to criminalise forced internal displacement, mainly through the entry into force of article 220 bis of the State Criminal Code, which, if correctly implemented, might become an important preventive measure.

In all these States, while legislative or regulatory frameworks, as well as coordinative bodies, may have been adopted for governmental responses to internal displacement, it is essential that state-level strategies be adopted respectively that go beyond the provision of services through the individual ministries or agencies. These strategies should be based on analysis of the particular characteristics of internal displacement pertinent to each state and take into consideration the internal displacement in the state, along with its reception of IDPs from other states, which may include those in transit. Moreover, due attention should be given to the prevention of the conditions that provoke internal displacement and to the generation of durable solutions for internally displaced persons.

**Government Actions: Prevention, Protection and Durable Solutions**

The State must adopt measures that consider all phases of internal displacement in accordance with the Guiding Principles on Internal Displacement.

**Prevention**

I take special note of the role of the Agrarian Courts in preventing and resolving agrarian and territorial conflicts through their jurisdictional role of verifying the legality of contracts. Likewise, during the visit to Chihuahua, civil society organisations highlighted that the Contingency Plan promoted by the Mechanism for the Protection of Human Rights Defenders and Journalists included actions aimed at preventing the displacement of indigenous peoples from their communities of origin. This has motivated, for instance, the initiative to carry out a state diagnosis to support public policies in the state. In Mexico City, because of its disaster-prone nature, I commend the institutionalisation of risk mitigation measures and disaster-preparedness exercises for the populations meant to minimise the effects of disasters, including displacements.

On the other hand, I received several testimonies of people whose requests for intervention were not duly considered by competent authorities and eventually had to relocate themselves as a self-protection measure. I observed that there is no early warning mechanism at the community level for situations of violence or human rights violations that could result in internal displacement. Also, authorities at the municipal and state level do not systematically conduct risk assessments in relation to acts of violence that could result in internal displacement. I stress the importance of early warnings and encourage different levels of government to explore such mechanisms.

While recognising some efforts to promote IDPs’ participation, particularly through roundtables on agrarian or territorial conflicts, I stress the need to guarantee full, informed, and effective participation of all affected groups and to ensure proper follow-up of the agreements reached. In addition, I take note of SEGOB's initiative to have a prevention protocol on the circumstances that generate internal displacement.

**Protection**

Recognition of internal displacement in Mexico should be accompanied by protection measures that cover all IDPs and consider their specific protection needs, regardless of the government's recognition of their "victim status".

A comprehensive approach would allow protection measures to guarantee the civil, political, economic, social, and cultural rights of IDPs, specifically with regard to guaranteeing their security and providing access to housing, culturally appropriate food, water and sanitation, education, and health services, including reproductive and sexual health and psychological care.

 I would like to draw the government's attention to the need to guarantee IDPs the right to recognition of their legal personality. Many IDPs informed me about obstacles to access to children's basic education, including due to lack of identity documents and proof of residence. In this regard, I take note of Mexico City's guest register (registration of returning guests -people in mobility- to Mexico City, which aims to promote the exercise of the basic rights of these people) as a measure to facilitate access to rights for persons who do not have such documentation and suggest a broader implementation of this mechanism.

Many people have also brought to my attention that their abandoned property was occupied and often destroyed or burned. In this regard, it is essential for the State to provide adequate measures to protect the housing and property rights of IDPs.

I would strongly recommend that coordination between the different institutions and levels of government be strengthened to ensure the active participation of IDPs in decision-making that may affect them. To this end, instruments will have to be designed to facilitate communication, with clear attributions for each of them and mechanisms for participation.

**Durable solutions**

Durable solutions are achieved when IDPs no longer require specific assistance or protection linked to their displacement and can enjoy their human rights without being discriminated on the basis of their displacement.

Although many people expressed their desire to return to their communities of origin, there is fear due to the lack of security guarantees. The state must guarantee safe, dignified, and voluntary return as a durable solution. Due to prevailing insecurity in the places of origin, many IDPs have expressed their willingness to be locally integrated or relocated as long as they are provided with the means to restart their lives with livelihood or a piece of land. In all these cases, the affected persons should be involved in the planning and management of their local integration or resettlement. This does not preclude an IDP's right to seek protection, including outside Mexican territory.

A fundamental aspect of achieving durable solutions is access to justice, particularly when displacement is linked to crimes or human rights violations. In this sense, it is essential to facilitate this right for IDPs by widely disseminating information on how to access the complaints mechanisms and by simplifying processes. Likewise, in the case of historical conflicts such as those in Chiapas, transitional justice becomes key to achieving durable solutions. The right to truth, justice, reparation, and guarantees of non-repetition serve as deterrents to future forced displacement.

Restitution of housing, land, and property, reparation for underlying violations, and criminal prosecution of perpetrators of displacement are fundamental to achieving durable solutions. Housing, land, and property rights must be realised in a manner that is culturally appropriate and that enables IDPs to exercise their subsistence needs, particularly for individuals and families belonging to indigenous peoples and communities. Accordingly, international law recognises the territorial rights of indigenous peoples, who face a situation aggravated by displacement as they have a special attachment to the lands, territories, and resources they have traditionally owned.

Among the criteria for measuring progress towards a lasting solution is the criterion of participation in public affairs at all levels on an equal footing with the resident population. In this sense, I acknowledge as a good practice the ruling of the Electoral Tribunal of the Federal Judiciary (TRIFE) in favour of several displaced indigenous peoples in Chiapas who were able to exercise their right to vote. The right of internally displaced persons to participate in electoral processes, specifically to vote and to stand for elections, remains an important exercise of their citizenship in Mexico, despite their internal displacement, and is key to their integration into society.

In conclusion, I wish to reiterate that these preliminary observations derive from the political will of the authorities of Mexico to respond to internal displacement in the country and ensure that its internally displaced citizens are part of the nation’s development and transformation. However, my observations, derived from intensive discussions as well as field visits, also illustrate the complexity of the internal displacement situation and the challenges they provoke. I encourage the continuation and strengthening of efforts to enable relevant and appropriate responses based on the firm respect for human rights.

Once again, I wish to thank the Government of Mexico – both at the Federal and State levels – for their cooperation in enabling the implementation of the visit, as well as the trust placed on myself by internally displaced persons and civil society. I stress my desire to continue the constructive engagement established between my mandate and Mexico to protect the human rights of internally displaced persons.

Thank you.

1. Document containing the draft law or decree that has been approved by the chamber of origin and is submitted for consideration by the reviewing chamber for discussion and probable approval. [↑](#footnote-ref-1)