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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## Visit to Mexico

### **Report of the Special Rapporteur on the human rights of internally displaced persons, Cecilia Jiménez-Damary\*, \*\*, \*\*\***

#### *Summary*

The Special Rapporteur on the human rights of internally displaced persons, Cecilia Jiménez-Damary, visited Mexico from 29 August to 9 September 2022. The causes of internal displacement in Mexico are diverse and multifactorial. They include various types of violence resulting from organized crime, development projects, community conflicts over land, climate change, disasters and, in some specific cases, the creation of protected natural areas. In her report, she examines the current legal and policy framework at the federal and state levels, as well as existing gaps that need to be addressed in order to provide adequate support for internally displaced persons. She also analyses the impact of internal displacement on the most vulnerable populations, such as Indigenous Peoples, and the particular ways in which it has affected human rights defenders, journalists and family members of disappeared persons.

\* The summary of the present report is being circulated in all official languages. The report itself, which is annexed to the summary, is being circulated in Spanish and English only.

\*\* The annex to the present report is reproduced as received, in the language of submission only.

\*\*\* The present document was submitted after the deadline in order to reflect the most recent developments.



## **Annex**

### **Report of the Special Rapporteur on the human rights of internally displaced persons, Cecilia Jiménez-Damary, on her visit to Mexico**

#### **I. Introduction**

1. The Special Rapporteur on the human rights of internally displaced persons, Cecilia Jiménez-Damary, visited Mexico at the invitation of the Federal Government from 29 August to 9 September 2022. During her visit, she held meetings with senior government representatives and representatives of civil society and international organizations, as well as with internally displaced persons. She wishes to thank the Government of Mexico for its outstanding cooperation, and all the government representatives with whom she met for the valuable information they provided before, during and after her visit.

2. The Special Rapporteur met with senior officials from the following federal institutions: the Ministry of Foreign Affairs; the Ministry of the Interior; the Office of the Undersecretary for Human Rights, Population and Migration; the Migration Policy, Registration and Identification Unit; the National Population Council; the Mexican Commission for Assistance to Refugees; the Executive Commission for Victim Support; the National Search Commission; the Commission for Dialogue with the Indigenous Peoples of Mexico; the Mechanism for the Protection of Human Rights Defenders and Journalists of the Unit for the Defence of Human Rights; the Ministry of Security and Citizen Protection; the National Guard; the Ministry of Naval Affairs; the Ministry of Defence; the National Council for the Prevention of Discrimination; the Federal Office for the Protection of Children and Adolescents; the National System for the Comprehensive Development of the Family; the National Institute for Women; the National Commission for the Prevention and Elimination of Violence against Women; the National Civil Protection Coordination Office; the Ministry of Labour and Social Security; the Ministry of Education; the Ministry of Health; the Ministry for Agrarian, Territorial and Urban Development; the Prosecutor General's Office; the Higher Agrarian Court; the National Human Rights Commission; the National Institute of Statistics and Geography; the Supreme Court; the Federal Public Defender Institute; the Federal Electricity Commission; *Petróleos Mexicanos* and the Senate of the Republic.

3. She also met with representatives of the executive, legislative and judicial branches of the States of Chiapas, Chihuahua, Guerrero and Mexico City, as well as the state human rights commissions and executive commissions for victim support. In addition, she held consultations with members of the diplomatic corps and the United Nations country team. She wishes to thank the Resident Coordinator and the rest of the United Nations country team, as well as the representation of the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund, the United Nations Development Programme, the United Nations Entity for Gender Equality and the Empowerment of Women and other agencies, funds and programmes that provided her with extraordinary support and information regarding internal displacement issues. She is grateful to the Office of the United Nations High Commissioner for Human Rights (OHCHR) for the valuable support it provided in preparing and carrying out her mission. She also wishes to thank the victims of internal displacement, affected communities, civil society organizations and religious and academic institutions with whom she met.

#### **II. Context**

4. The fact that Mexico, a country of enormous diversity and richness, has a Federal Government and 32 state governments complicates the creation, harmonization and application of the legal framework and public policies. It is a country of origin, transit, destination and return for migrants, asylum-seekers, refugees and internally displaced persons, among others. Restrictions on access to asylum and the implementation of measures

such as Title 42 by the United States of America have affected both Mexican and foreign nationals. This has resulted in the saturation of reception and assistance services at the country's northern border.

5. There are high rates of violence in Mexico.<sup>1</sup> Added to this is the high number of people reported missing – 100,000 people were officially registered as disappeared in Mexico in 2022.<sup>2</sup>

6. During her visit, the Special Rapporteur heard from victims of organized crime and noted how criminal groups terrorize and control territories and populations through threats, intimidation and violence. She observed that, despite the high rates of violence, few people dare to report it, for fear of reprisals or lack of trust in the authorities, particularly in the criminal justice system. In the cases in which complaints were filed, the persons interviewed stated that the competent authorities closed the investigation files or did not conclude the investigations, even in cases involving serious crimes such as homicides and disappearances. This sense of impunity is compounded by the perception of corruption at all levels of government.<sup>3</sup>

7. Indigenous Peoples have historically suffered structural inequalities, exclusion and systematic violence. There continue to be obstacles that prevent them from fully enjoying their human rights, such as extreme poverty, violence by armed actors, including organized crime groups, lack of recognition of their own regulatory systems and institutions, progressive land grabbing and appropriation of their lands, and the design and implementation of investment projects by the State and private companies.

### III. Causes of internal displacement

8. The causes of internal displacement in Mexico are diverse and multifactorial. They include various types of violence, often resulting from organized crime, development projects, including mining and illegal logging, community land conflicts, climate change, and disasters. Likewise, it has been shown that, in specific cases, the creation of protected natural areas has caused arbitrary displacement.

9. The Special Rapporteur noted that many cases of internal displacement were the result of high levels of violence, mainly by organized crime groups, paramilitary groups and even State agents. In addition, internally displaced persons, representatives of Indigenous Peoples and civil society organizations described cases of internal displacement linked to disappearances, sexual violence, gender-based violence, femicides, homicides, massacres, recruitment, and forced labour and extortion, among other things.

10. Organized crime and paramilitary groups operate mainly in areas where the State is conspicuously absent and impunity prevails. This translates into a lack of trust in the authorities in general, and in the criminal justice system in particular. In 2020, the probability of a crime being reported and addressed was only 1.04 per cent.<sup>4</sup> This situation hinders access to justice, perpetuates insecurity and impedes the return of internally displaced persons to their places of origin. Various groups denounced alleged collusion between organized crime groups and government institutions, mainly at the municipal level.

11. Civil society organizations expressed concern about the strategy for security and the fight against organized crime, which has been based on the deployment of military forces and the use of force. This strategy has reportedly not sustainably reduced violence, and many of the abuses committed have gone unpunished.<sup>5</sup> Some victims also stated that, when they requested the intervention of the armed forces, they arrived late or did not stay long enough

<sup>1</sup> [https://datos.bancomundial.org/indicador/VC.IHR.PSRC.P5?end%20=2020&locations=MX&most\\_recent%20\\_value](https://datos.bancomundial.org/indicador/VC.IHR.PSRC.P5?end%20=2020&locations=MX&most_recent%20_value).

<sup>2</sup> [www.ohchr.org/es/statements/2022/05/mexico-dark-landmark-100000-disappearances-reflects-pattern-impunity-un-experts](https://www.ohchr.org/es/statements/2022/05/mexico-dark-landmark-100000-disappearances-reflects-pattern-impunity-un-experts).

<sup>3</sup> [www.inegi.org.mx/contenidos/programas/encig/2019/doc/encig2019\\_principales\\_resultados.pdf](https://www.inegi.org.mx/contenidos/programas/encig/2019/doc/encig2019_principales_resultados.pdf).

<sup>4</sup> [www.impunidadcero.org/uploads/app/articulo/160/contenido/1649369674T53.pdf](https://www.impunidadcero.org/uploads/app/articulo/160/contenido/1649369674T53.pdf).

<sup>5</sup> <https://home.inai.org.mx/wp-content/documentos/SalaDePrensa/Comunicados/Nota%20INAI-130-22.pdf>.

to provide them with effective protection. Organizations reported that the intervention of the military has extended to other civilian functions, including participation in infrastructure projects, which increases the risks related to internal displacement.

12. The Special Rapporteur observed internal displacement caused by development plans and projects related to mining, logging, hydrocarbon extraction, dam construction and tourism, including the Mayan train project. In this regard, she noted with concern the irregularities and harassment faced by Indigenous communities in expressing their free, prior and informed consent. She received information concerning the case of the Penmont La Herradura gold mine on the El Bajío communal land in the State of Sonora, which illustrates the power of mining companies in the country, since, despite 67 court rulings having been handed down ordering the mining company to vacate the land, repair the environmental damage and compensate the communal landholders, these orders have still not been executed.

13. She also noted that Indigenous Peoples suffer the impact of long community conflicts over land, during which acts of intra- and inter-community violence often occur. During her visit, she learned, for example, about the situation of internal displacement and dispossession of 200 Mixe Indigenous people from the community of Tierra Negra, in the municipality of San Juan Mazatlán, in the State of Oaxaca. These conflicts appear to be caused by differences over agrarian, religious, budgetary and political affiliation issues.

14. Despite the fact that some of these conflicts have been latent for decades, for example in the Chiapas highlands, there does not appear to be a government strategy for preventing, managing and resolving them. Furthermore, many acts of violence go completely unpunished, which puts Indigenous Peoples at risk of being victims of a range of human rights violations.

15. In addition, the Special Rapporteur took note that, as a result of the 1985 earthquake, there has been an interest in Mexico City in adopting public policies on disaster prevention and management, despite the lack of official statistics on the number of people internally displaced by disasters. She noted that the focus of the State's strategy is on providing those affected with humanitarian assistance during the emergency. Both the authorities and various groups of academics interviewed stated that the current General Civil Protection Act is insufficient to guarantee the rights of internally displaced persons, comprehensive risk management and coordination between the authorities of the different levels of government.

16. Climate change is another of the causes of internal displacement. Although Mexico is considered a pioneer in the adoption of regulations on this issue, as illustrated by the 2012 General Climate Change Act, this law has been insufficient to mitigate the adverse effects of climate change because its implementing regulations have not been issued and no mechanisms have been created to assist people who have been internally displaced for this reason. Nor has there been any recognition of the long-term effects of climate change, known as slow-onset environmental degradation, which is already occurring in some parts of the country. For example, the fishing community of El Bosque, in Tabasco, is reportedly suffering internal displacement related to climate change, particularly due to marine erosion. Dozens of people have lost their property, 26 children and adolescents have been deprived of educational services, the majority of the families have not received assistance and support measures, and no measures have been taken to enable them to pursue their main means of subsistence.

17. The creation of protected natural areas was identified as another cause of internal displacement. In her 2016 report, the Special Rapporteur on the rights of Indigenous Peoples included Mexico among the countries in respect of which concerns have been raised over the impact that protected areas have had on Indigenous Peoples.<sup>6</sup> During her visit, the Special Rapporteur received information on protected natural areas that have reportedly caused the displacement of Indigenous Peoples in the Montes Azules and Calakmul Biosphere Reserves, in Chiapas and Campeche, respectively. It is worrying that, according to the information received, the Government has relocated the communities without having obtained the necessary consent. While the creation and maintenance of protected areas for the

<sup>6</sup> A/71/229, para. 51.

conservation of the environment and cultural heritage is paramount, the Indigenous Peoples concerned must be consulted, and must express their free, prior and informed consent.

#### IV. Characteristics of displacement

18. Mexico does not have official national figures or information disaggregated by age, gender, ethnic origin, sexual orientation, disability and diversity that illustrates the scale of internal displacement and the various profiles of internally displaced persons. In this regard, the Special Rapporteur notes with interest the efforts made by government agencies, academic institutions and civil society organizations, both at the federal and state levels, to monitor, collect information and generate statistics on displacement. According to statistics from civil society, as of December 2021, a total of 379,322 people had been displaced in Mexico in episodes of mass internal displacement caused by violence.<sup>7</sup>

19. Among the aforementioned efforts, the questions added by the National Institute of Statistics and Geography to the 2020 census, and the conducting of the National Survey on Victimization and the Perception of Public Safety stand out. Attention is also drawn to the first exercise to characterize internal displacement in Chihuahua, as part of which the National Institute of Statistics and Geography gathered quantitative information, and the efforts of the National Population Council to prepare a national assessment of the situation of forced internal displacement in Mexico. In this regard, it is recalled that disaggregated figures should be presented in line with the International Recommendations on Internally Displaced Persons Statistics and the protection of personal data so that they can be used for the development of laws and policies, as well as for the implementation of protection strategies.

20. Furthermore, it is vital to create state registers that identify and address the assistance needs of internally displaced persons and that can activate inter-institutional support pathways. It must be ensured that these registers are coordinated through the identity services of the National Population and Identity Registry and that they complement the victim registers. Accordingly, and in order to facilitate the adjustment of public policies and ensure complementarity and coordination among state registers, it is vital that the information in these registers be merged in a single register of internally displaced persons, under the responsibility of a federal institution with the relevant powers. No register should be used for the purpose of conferring legal status, since internal displacement is a *de facto* condition that does not require the declaration of a specific status. The status of internally displaced person is conferred not by being included in such a register, but by virtue of violations of the right to freedom of movement. Similarly, it is important that attention be given to displaced persons who do not want to report and use this system. Although there is currently a National Registry of Victims under the responsibility of the Executive Commission for Victim Support, this system does not fully address the particularities of internally displaced persons.

21. The Special Rapporteur noted with great concern that internal displacement affects mostly Indigenous Peoples, who, despite making up 10 per cent of the total population of Mexico, were affected by 40 per cent of the episodes of displacement recorded by civil society in 2020.

22. Internal displacement has a differentiated impact on women and girls, as they face gender-based violence, including sexual violence. She noted the risks arising from the discrimination and vulnerability faced by Indigenous and Afrodescendent women, as well as men's fear of exercising economic activities in an area controlled by organized crime, which forces women to become the sole providers.

23. She notes with concern that children and adolescents were part of almost all episodes of displacement in 2020 and highlights the differentiated impact on them due to their particular dependency and vulnerability, including forced recruitment, the breakdown of the family unit, the loss of protective environments, school dropout, the loss of identity documents and hindered access to health services. Mention should be made of the situation

<sup>7</sup> <https://cmdpdh.org/wp-content/uploads/2023/01/Episodios-2021-FINAL.pdf>, p. 67.

of Indigenous women who are older or have disabilities, as they face economic and social obstacles due to their condition and require special attention.

24. Furthermore, family members of disappeared persons constantly face threats and security and displacement risks when they report their loved ones missing. Families who were interviewed reported experiencing attacks during the search and suffering harm to their personal integrity or freedom of movement.

25. The risks faced by human rights defenders and journalists, and their displacement as a result of threats, assaults, criminalization and other attacks, have been the subject of concern among various United Nations experts.<sup>8</sup> This violence reportedly has a chilling effect on others carrying out the same work. There continue to be inadequate protection measures in respect of human rights defenders and journalists, and the Special Rapporteur even learned of cases of journalists who were murdered in their new location. She notes the lack of differentiated measures for the protection of women journalists and human rights defenders, as well as the absence of comprehensive plans for the relocation of the direct family of persons subject to protection measures.

26. During her meeting with displaced LGBTIQ+ persons, she noted with concern the high levels of discrimination and stigmatization they face in gaining access to their rights. The absence of a regulatory framework guaranteeing rights, the lack of gender awareness in society, exclusion and poverty make them more vulnerable to displacement. Victims stated that there are no adapted programmes, and that when they request a response from the authorities, they have no information or knowledge on the subject.

27. With respect to asylum-seekers and returnees, she noted that a significant proportion of the people housed in shelters along the United States-Mexico border in cities such as Tijuana and Ciudad Juarez between 2020 and 2022 were of Mexican origin. Organizations and religious institutions reported that some Mexican returnees became internally displaced because they could not return to their place of origin.

## V. Impact of internal displacement

28. The Special Rapporteur received information on the devastating impact of internal displacement. The vast majority of victims stated that displacement inevitably entailed the loss of livelihoods. In her meeting with the Ministry of Labour and Social Security, she noted the absence of plans for the reintegration of internally displaced persons into the labour force. This type of omission heightens the vulnerability of the victims.

29. An Indigenous group relocated from the State of Chiapas to the State of Campeche reported that the land provided by the State was unsuitable for planting and that they had no drinking water or schools nearby. Some internally displaced persons regretted that the type of land and climate to which they had been relocated by the Government was different from that of their community, and that this has had a substantial negative impact on food production.

30. Displacement has meant the loss of social and cultural identity, particularly for Indigenous Peoples, who have a special attachment to their ancestral lands. Displaced Indigenous families expressed regret that the new generations have lost the link with their land, and that their customs and traditions have been weakened. Displaced Indigenous women expressed concern that their children are losing their mother tongue, and older Indigenous persons expressed their fear of dying far from their home communities. The Indigenous people interviewed stated that their arrival in urban areas has marginalized them, stripped them of their social and cultural identity, and caused the weakening of their traditional institutions.

31. This situation has led many displaced Indigenous Peoples to organize to seek their return and the protection of their human rights. In such situations, they face discrimination and racism from justice operators and systematic delays in access to justice. They also suffer

<sup>8</sup> See [A/HRC/37/51/Add.2](#) and [A/HRC/38/35/Add.2](#).

reprisals and attacks, and Indigenous leaders have even been assassinated.<sup>9</sup> Some Indigenous persons are unable to return to their communities due to arrest warrants issued in the context of intra-community conflicts.

32. Regarding the impact on the family sphere, the Special Rapporteur found that internally displaced persons have been deeply affected by the disintegration of their nuclear family and the loss of protective environments. She heard testimonies from journalists, human rights defenders and family members of disappeared persons who chose to live far from their immediate family for fear of reprisals.

33. Some people emphasized the urgent need for mental health-care strategies to deal with traumatic experiences suffered before, during and after displacement. Family members of disappeared and murdered persons testified that they have to deal with the double pain of losing their relatives and having to move, all of which is very damaging to their mental health.

34. The Special Rapporteur noted that the loss or abandonment of identity documents by internally displaced persons limits their access to their rights. Similar concerns were raised by members of the LGBTBIQ+ community, particularly trans women. Civil society organizations denounced the lack of culturally appropriate access to existing protection mechanisms and the absence of emergency governmental support with a differentiated approach.

## **VI. Legal, policy and institutional responses to internal displacement**

### **A. Responses at the federal level**

35. The Special Rapporteur welcomes the Federal Government's recognition of internal displacement in 2019, which marked an essential first step in responding effectively to the needs of victims. However, there is no federal legal framework regulating a comprehensive protection response for internally displaced persons, which should include the components of prevention, protection, assistance, support, comprehensive reparation and durable solutions.

36. She noted that several bills were under consideration by the Senate, including the draft general law on preventing, addressing and providing full reparation for forced internal displacement. The first draft of this bill was unanimously approved by the House of Representatives on 29 September 2020 and is currently before the Senate for its corresponding legislative process. Although the Senate committed during her visit to adopting a general law on displacement, she regrets to note that this essential legal framework is not yet in place.

37. Several internally displaced persons and civil society organizations said that this proposal presented some fundamental challenges, including the central role that the Mexican Commission on Assistance for Refugees would have in internal displacement issues, given that it does not have a presence in all states, has a limited budget and its expertise is focused on asylum issues. It also reportedly poses formal challenges, including the lack of effective participation and consultation with the internally displaced population and civil society organizations. Despite the many challenges, many people expressed hope that the law would be adopted as a necessary step in the creation of a response strategy.

38. The Special Rapporteur also noted that there is legislation in force which, although it does not establish a definition of "internally displaced person" or provide for specific response measures, includes some mention of internal displacement, such as the General Victims Act, the General Education Act and the Social Welfare Act. In this context, several organizations stated that the absence of a specific regulatory framework has hindered the protection of the rights of internally displaced persons, and highlighted that some authorities

<sup>9</sup> <https://hchr.org.mx/comunicados/onu-dh-condena-el-asesinato-del-defensor-de-derechos-humanos-crispin-reyes-pablo-y-llama-a-proteger-a-la-comunidad-indigena-mixe-de-guadalupe-victoria/>.

have denied the provision of services on the basis that there is no law empowering them to do so.

39. In reference to the implementation of the General Victims Act, she is concerned about the difficulty that victims of internal displacement have in gaining access to the National Registry of Victims, through which they can have formal access to comprehensive measures provided for in the Act. This difficulty in gaining access is due to the requirement that individuals must have the status of victims, which must be declared by a competent body. In practice, in order to obtain victim status, internally displaced persons have to file a criminal complaint, or obtain a recommendation or settlement agreement from a public human rights body. The challenge arises in states where internal displacement has not yet been criminalized, where there is no enforceable judgment or where there are barriers that hinder the processing of the request by the human rights body. In any case, this is a general law which, although it includes internally displaced persons as part of its differentiated approach, does not provide for specific measures applicable to them. Likewise, in some cases, internally displaced persons with victim status have not been given adequate follow-up for the restitution of their rights.

40. In addition, the General Civil Protection Act and the General Climate Change Act are federal regulations that need to be updated to fully include the issue of internal displacement, which would adequately complement the protection framework for internally displaced persons. In addition, due to the differentiated impact of displacement on women and children and adolescents, it is important to ensure that the General Act on Women's Access to a Violence-Free Life and the General Act on the Rights of Children and Adolescents are harmonized with the response to internal displacement.

41. Furthermore, there are challenges when it comes to the inclusion in climate change legislation of comprehensive services for people at risk and measures to increase resilience and prepare the population based on a preventive rather than a reactive approach. In Mexico there is no institutionalized early warning system that includes the causes and risks of all types of internal displacement.

42. The Human Rights Defenders and Journalists Protection Act provides for a protection mechanism that facilitates the evacuation and temporary relocation of persons who are threatened because of the exercise of their work. During the Special Rapporteur's visit, the mechanism reported that 84 measures had been activated, under which people had been evacuated and relocated by the State. In addition, there are also the cases of human rights defenders and journalists who left their places of residence due to threats and who did not activate the mechanism. Whether it is a relocation undertaken through the mechanism or by the person him or herself, such situations continues to constitute internal displacement and must be addressed as such. It is therefore vital that the Act be strengthened and incorporate the concept of internal displacement.

43. The Special Rapporteur welcomes the adoption of the National Human Rights Programme 2020–2024, the first national public policy instrument that includes several lines of action on displacement. She recalls that this programme must be accompanied by a budget and institutional coordination for its implementation. During her visit, she received information from the Ministry of the Interior on the development of a prevention protocol involving the creation of early warning systems and on the preparation of a report analysing the federal regulatory and public policy framework in Mexico for the comprehensive support and protection of persons in situations of forced internal displacement, prepared jointly by the Office of the Undersecretary for Human Rights, Population and Migration, the Migration Policy, Registration and Identification Unit and UNHCR. This instrument will be essential in activating responses and addressing obstacles arising from the lack of a federal regulatory framework.

44. She takes note of the importance of the Comprehensive Programme to Prevent, Address, Punish and Eradicate Violence against Women 2021–2024 and the Sectoral Programme for Security and Citizen Protection 2020–2024, and encourages the Government to include a focus on internal displacement in these programmes.

45. During her visit, she was informed of the creation of the Working Group on Internal Forced Displacement within the framework of the Advisory Council on Migration Policy and



Human Mobility, made up of the Ministry of the Interior, federal and local authorities, international agencies, academic institutions and civil society organizations, and responsible for promoting public policy in this area. However, she is concerned about the lack of operational institutional coordination among the three levels of government to adequately attend to internally displaced persons without revictimizing them. At the same time, she notes that the displaced population do not receive timely and complete information about their rights, the institutional services on offer, procedures and requirements, and the institutions responsible for their provision.

46. She noted with interest the cases processed before the agrarian courts, which play an important role in mediating conflicts and providing legal certainty in property matters, and which contribute to preventing and addressing land conflicts and potential internal displacement. However, she notes with concern that their decisions are often not implemented, and encourages the Government to follow up on them.

47. Recalling that the role of the judiciary is essential in providing adequate protection against internal displacement, she welcomes with great satisfaction the publication of the Manual on Internal Displacement of the Supreme Court, coordinated by UNHCR and the International Committee of the Red Cross, which is a tool that can be used to consult the main regional judicial standards and criteria for the protection and restitution of the rights of internally displaced persons. She also welcomes the fact that, shortly after its publication, the Manual was already referred to in the first amparo ruling issued for the protection of internally displaced persons in Chihuahua. She also welcomes the fact that the Federal Public Defender Institute has begun to conduct strategic litigation to trigger responses from the judiciary, and believes that this action is key to promoting protective responses.

## **B. Responses at the state level**

48. The Special Rapporteur visited Mexico City and the States of Chihuahua, Chiapas and Guerrero, where she learned about the various efforts made by state authorities in the area of internal displacement.

49. Noting that prior to her visit only the States of Chiapas, Guerrero and Sinaloa had specific laws on forced internal displacement, she welcomes the fact that following her visit the State of Zacatecas adopted a specific law on the subject.<sup>10</sup> Furthermore, she notes that, despite being the first to have adopted a specific law, the State of Chiapas has yet to adopt implementing regulations, and that this is preventing it from moving forward with effective response pathways, adequate budgetary allocation and institutional coordination, and she highlights the importance of providing laws with implementing regulations in order to ensure their proper implementation.

50. Following her visit, she received information on the efforts being made by the State of Michoacán, including the organization of seven round tables to consolidate a bill on internal displacement. She was also informed of the efforts of the State of Sinaloa to issue implementing regulations for the current law and develop a protocol based on a participatory methodology carried out with the technical assistance of UNHCR, for which thematic round tables were held with authorities and other actors, as well as participatory consultations in situ with internally displaced persons.

51. She welcomes the efforts made in the State of Oaxaca to address internal displacement and resume the discussion on the issue, and looks forward to the prompt adoption of a state legislative framework on the matter. She also encourages other states to adopt specific laws on displacement, with the corresponding implementing regulations and protocols, with a view to protecting displaced persons and providing a comprehensive response to internal displacement.

<sup>10</sup> Act on Preventing and Addressing Internal Displacement in the State of Chiapas (2012); Act No. 487 on Preventing and Addressing Internal Displacement in the State of Guerrero (2014), which establishes the rights of internally displaced persons; and the Act on Preventing, Addressing and Providing Full Reparation for Forced Internal Displacement in the State of Sinaloa (2020).

52. She notes with interest that the States of Chihuahua, Guerrero, Sinaloa and Sonora have made forced internal displacement a criminal offence and hopes that it will be defined as a separate offence under criminal law by the other state legislatures. The States of Chiapas and Chihuahua have adopted action protocols for the investigation of crimes related to forced internal displacement, which constitutes a good practice.

53. She welcomes the fact that the 2017 Political Constitution of Mexico City recognizes the victims of internal displacement, as well as the various causes of displacement, and notes that Mexico City has adopted regulations that contribute to the fulfilment of the rights of internally displaced persons, including the Act on Interculturality, Services for Migrants and Human Mobility, which provides for the establishment of a guest register to serve as a public policy instrument. As this register is considered an official document, it allows people to prove their identity and residence in Mexico City. She emphasizes the institutionalization of risk mitigation measures and disaster preparedness exercises in order to minimize the effects of such disasters, and believes that this type of exercise could also be developed in the area of internal displacement.

54. She welcomes the first exercise of its kind in Chihuahua to characterize internal displacement, carried out by a broad working group encompassing various sectors, including the National Institute of Statistics and Geography, which participated in the quantitative component. She hopes that the exercise will allow for the generation of more specific public policies, among other actions. She also welcomes the initiative to include measures in respect of internally displaced persons in its State Development Plan 2022–2027 and hopes that other state entities will emulate this initiative.

55. She welcomes the fact that days prior to her visit, the Commission on Forced Internal Displacement of the State of Chihuahua was created, as an interinstitutional coordination body on internal displacement, and hopes that this body will facilitate the provision of services during all phases of displacement and will include the participation of internally displaced persons, their representatives and civil society organizations in order to take their concerns into account. She takes note of the establishment in Ciudad Juarez, a border city that hosts migrants and returnees, of the State Council for the Protection and Support of Migrants and Persons in Situations of Human Mobility as a dialogue network, and hopes that this institution will be able to effectively address the mixed migratory flow.

56. During her visit to Chihuahua, civil society organizations pointed out that the contingency plan led by the Mechanism for the Protection of Human Rights Defenders and Journalists included measures aimed at preventing the displacement of Indigenous people from their communities of origin, which prompted, for example, the initiative to carry out a state assessment to support public policies in the state.

57. She notes with special interest the initiative for the reconstruction of the social fabric and the promotion of disarmament “Canje de armas” (Weapons Exchange), a campaign being promoted by the State of Chiapas. Emphasizing the importance of having coordination mechanisms in place, she welcomed the initiative of Chiapas in establishing, at the end of 2018, the State Council for a Comprehensive Response to Internal Displacement to perform that function.

58. In Guerrero, she learned about the actions being taken by that state to implement the State Programme for Preventing and Addressing Internal Displacement, which focuses mainly on the provision of emergency support to those who report that they have been internally displaced. In this regard, she welcomes this initiative and recalls the importance of ensuring support for all internally displaced persons without the need for them to register or file complaints and grievances with the competent bodies.

### **C. Independent human rights organizations**

59. The Special Rapporteur recalls that national human rights commissions play a fundamental role in the promotion and protection of all human rights. These autonomous

bodies take important steps to address human rights violations<sup>11</sup> and are an important element in maintaining peace and stability and preventing violence, the latter being one of the main triggers of internal displacement in Mexico.

60. Autonomous bodies have issued several recommendations in specific cases of internal displacement. These include those issued in Chiapas, Chihuahua, Guerrero, Oaxaca and Sinaloa.<sup>12</sup> The Special Rapporteur recognizes the important role of these bodies in documenting cases, mediating conflicts and issuing recommendations and provisional measures. However, she notes that they have limited budgetary and human resources to carry out their functions adequately and with sufficient speed. This is particularly worrisome given the importance of provisional measures and recommendations for the recognition of the status of victim of human rights violations for internally displaced persons.

61. Lastly, she welcomes the documentation of cases by the Office of the Rapporteur on Internal Displacement of the Human Rights Commission of the State of Chiapas and encourages other autonomous bodies to replicate this good practice.

## **VII. Ensuring a comprehensive response to displacement**

62. The Special Rapporteur highlights the importance of the implementation by the State of a comprehensive response strategy at all stages of displacement: before, during and after. This response requires a coordinated, simultaneous and permanent institutional effort. On the one hand, the legislature (at the federal and state levels) needs to establish a rights-based regulatory system that includes the necessary legal elements to provide comprehensive support to internally displaced persons, as well as the criminalization of arbitrary displacement. On the other, the executive branch must redouble its efforts to create public policies and legislative proposals in order to strengthen the State's comprehensive response. Finally, the judicial branch plays an essential role in the protection of displaced persons by handing down court decisions that allow for the material protection of victims.

63. In order to ensure the proper approach and functioning of a comprehensive response to internal displacement, it is essential that the strategy is designed in such a way as to include the participation of internally displaced persons, who have direct knowledge of the evils of forced displacement and are well positioned to contribute to the identification of tools and procedures to promote the protection of their rights.

### **A. Before the emergency: prevention and protection measures**

64. The Special Rapporteur recalls that prevention and protection efforts should prioritize the creation of strategies to tackle the structural causes of displacement (poverty, inequality and lack of opportunities), as well as the creation of an early warning system to identify risks related to the immediate causes of internal displacement (such as organized crime, development projects and community conflicts over land). The implementation of these measures will give the State the capacity to identify vulnerable populations and risks and to adopt preventive measures to avoid internal displacement and guarantee the protection of the rights to freedom of movement and choice of residence. Although the National Human Rights Programme 2020–2024 recognizes that internal displacement is one of the manifestations of the serious human rights crisis in Mexico, as well as recognizing the difficulties faced by internally displaced persons in exercising their rights, it is noted that there have been challenges in implementing this policy due to lack of budget and political will, among other

<sup>11</sup> [A/HRC/41/40](#), para 37.

<sup>12</sup> In 2022, four recommendations were issued on individual cases and one general recommendation at the state level: (a) recommendations 36/2022 and 96/2022 of the National Human Rights Commission on the internal displacement of Indigenous Triqui people from the community of Tierra Blanca Copala (Oaxaca) and 120 people from the communities of Manzano and Monterde (Chihuahua); (b) recommendations 29/2022 and 55/2022 of the Human Rights Commission of the State of Guerrero on the cases of the collective of displaced persons and victims of violence of the communal properties of Cacahuatpec; and (c) general recommendation 2/2022 of the Human Rights Commission of the State of Sinaloa.

factors. It is essential to adopt general legislation, complemented by local legislation, in order to provide internally displaced persons with a legislative framework to which they can have recourse in the event that their rights are violated.

65. In development projects, the full implementation of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement), ratified by Mexico, is one measure to address the impacts of climate change. It is thus essential that when creating protected natural areas, the State guarantees the provision of full information and the participation of the affected populations in order to avoid internal displacement.

66. With regard to the internal displacement of Indigenous Peoples, she recalls that the full implementation of the international regulatory framework on the rights of Indigenous Peoples is essential to guarantee their enhanced protection and prevent internal displacement, especially taking into account the obligation of State authorities to seek their consent prior to any act that could displace them from their lands.<sup>13</sup>

67. She calls on the State to redouble its efforts in the fight against the high rates of impunity and to strengthen the institutions responsible for guaranteeing access to justice, including public prosecutors' offices, public defenders' offices and the courts. This strengthening should include staff training, as well as in-depth knowledge of the causes of internal displacement through tools such as context analysis and stakeholder mapping. In addition, the necessary resources should be allocated so that these institutions can fulfil the role for which they were designed.

68. Recognizing the efforts made to promote the participation of internally displaced persons, particularly through the holding of round tables for dialogue on land conflicts and some round tables for the development of instruments, she highlights the need to guarantee the full, informed and effective participation of all affected groups and to ensure proper follow-up of the agreements reached. When private companies are part of a conflict, it is necessary for the authorities to include them in the process and activate the necessary mechanisms to ensure that they comply with the agreements reached.

## **B. During the emergency: assistance and support measures**

69. The Special Rapporteur recalls that assistance and support measures should be focused on promoting the protection of the rights of persons at all stages of displacement, particularly during the emergency. These measures are aimed at restoring the rights of internally displaced persons and guaranteeing the conditions for them to lead a dignified life. She encourages the State to ensure that its assistance measures include internally displaced persons in social, economic and political life, both when it comes to measures for minimum subsistence through humanitarian assistance in all required areas, including housing, food, clothing, health and transportation, and measures to overcome the situation of vulnerability through, for example, the issuance of identity documents, family reunification and education. At the same time, she highlights the importance of support measures focused on the provision of guidance and information so that displaced persons are aware of their rights and can pursue the administrative and judicial pathways for their protection.

70. The State must guarantee the protection of internally displaced persons and provide them with assistance and support measures, regardless of whether their status has been recognized in the National Registry of Victims. This should be done taking into account the fact that registration systems aim to identify specific needs for the creation of a response strategy but do not seek to grant a legal status of internally displaced person, since displacement is a *de facto* condition that does not require the declaration of a specific status.

71. In cases involving children and adolescents, the protection of family life must be guaranteed, ensuring that the best interests of the child and family reunification are taken into account at all times. Access to education and training must be guaranteed, and security

<sup>13</sup> ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), art. 16; and United Nations Declaration on the Rights of Indigenous Peoples, art. 10.

measures must be strengthened to guarantee the protection of women and girls against violence.

72. The Special Rapporteur repeatedly heard that the loss of identity documents and proof of residence hindered access to rights, including the rights to education, health and work. In the case of children and adolescents, the lack of documents may hinder the identification of legal representatives in the event that they are separated from their families. The State must facilitate access to and replacement of documents and the recognition of legal personality.

73. She recalls the importance of putting in place programmes for emergency education and ensuring that the mobile clinics also provide mental health care, based on a differentiated approach with respect to the culture and particularities of the victims.

74. In the case of disappeared persons, displaced families have the right to know the fate and whereabouts of their missing relatives. The right of displaced family members to participate fully, effectively and safely in the search for their relatives must be guaranteed.

75. In addition, the right to freedom of movement within the national territory and the right to remain in one's chosen place of residence must be guaranteed. The right of internally displaced persons to freely seek employment opportunities must also be guaranteed, particularly for those from rural areas and those with a special bond to the land who were forced to move and abandon their traditional livelihoods.

76. Internally displaced persons often face numerous barriers to participation in elections on an equal basis with other citizens and, in some cases, are intentionally excluded or neglected in electoral processes. Disenfranchisement also exacerbates socioeconomic marginalization and deprives them of the possibility to influence decisions that can have a significant impact on their situation, posing obstacles to durable solutions and perpetuating displacement. States have the primary duty to protect the rights of internally displaced persons, including their right to vote and be elected, and to ensure they can exercise this right without discrimination on account of their displacement.<sup>14</sup>

### **C. After the emergency: comprehensive reparation measures and durable solutions**

77. The Special Rapporteur recalls that the modalities of reparation for internally displaced persons related to restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition must be comprehensive and address all social spheres that were affected by internal displacement. The purpose of comprehensive reparation measures must as a priority be the restoration of the victim's rights in an adequate, differentiated, transformative and effective manner. Reparation measures must include a guarantee of the rights to truth and access to justice, which aim at ensuring the elucidation of the facts, the justiciability of rights and the identification and punishment of those responsible.

78. She also recalls the importance of ensuring access to justice, the implementation of which is part of any durable solution. The State has a primary obligation and responsibility to provide the conditions and means to enable internally displaced persons to have access to return, relocation and local integration measures.<sup>15</sup> The State must guarantee that a support plan is in place to verify mandatory compliance with the principles of voluntariness, dignity and safety. Internally displaced persons maintain their right to participate politically in their place of origin, in the host community or in the place where they decide to relocate.

79. When it comes to any durable solution, the will of the internally displaced persons must prevail. The process must guarantee that they can have their needs satisfied, which requires the implementation of socioeconomic stabilization and recovery programmes. It is essential to have a differentiated approach that takes into account ethnicity, gender, age, diversity and disability and, particularly in the case of Indigenous Peoples, which makes it

<sup>14</sup> See [A/HRC/50/24](#).

<sup>15</sup> See [E/CN.4/1998/53/Add.2](#).

possible to attend to internally displaced persons according to their specific needs and life choices, with a view to achieving culturally and socially appropriate solutions.

80. With regard to the comprehensive response, she notes that the State has not yet designed a specific strategy that addresses durable solutions, and notes the challenges in translating humanitarian responses into a clear strategy for durable solutions.

## **VIII. Conclusions and recommendations**

81. The causes of internal displacement in Mexico are diverse and multifactorial. Formally recognizing the social problem of internal displacement is an essential step that must be followed by putting in place legal frameworks and public policies for the comprehensive protection of internally displaced persons. All laws and policies must have a differentiated approach that takes into account age, gender and diversity, be adequately funded, and be comprehensive and consistent with international human rights standards.

82. Legislation and public policies that respond to the problem of internal displacement must contain, develop and implement a comprehensive strategy for all phases of displacement. Responsibility for the coordination of this strategy must be delegated to a single entity. The strategy also requires the intervention of several State entities, the adoption of a complex and coordinated set of actions, and a level of resources that involves a significant budgetary effort.

83. The creation, development and implementation of the comprehensive strategy to respond to internal displacement involves the inclusion and participation of displaced persons. Their perspective is essential for the identification of risks, gaps, needs and barriers to gaining access to rights in all phases of the emergency.

84. Primary responsibility for comprehensively addressing internal displacement lies exclusively with the State. The services provided by civil society organizations and international organizations should be seen and treated as complementary actions that must necessarily be coordinated with the direct response provided by the State. Similarly, in the exercise of these activities, the State must guarantee organizations access to displaced persons and the protection of their personnel.

85. In light of the above considerations, the Special Rapporteur makes the following recommendations to the State party.

86. With regard to general and specific laws relating to internal displacement, she recommends:

(a) Adopting the general law on internal displacement without further delay and encouraging other federative entities to continue adopting specific laws on the matter. At the federal level, these laws must be effectively implemented and harmonized with other relevant pieces of legislation, including the General Victims Act; the Act on the Rights of Children and Adolescents; the General Civil Protection Act, and the General Climate Change Act. At the local level, these laws must be harmonized with other relevant regulations;

(b) Ensuring that the laws are accompanied by the corresponding regulations and instruments that allow for their proper implementation, as well as adequate budgetary allocations and administrative systems. It must also be ensured that there is a clear distribution of competencies according to the different phases of displacement, as well as mechanisms for coordination between the three levels of government and the autonomous constitutional bodies, and that in all cases clear focal points are designated in the different entities to guarantee the rights of internally displaced persons in a cross-cutting manner;

(c) Ensuring the incorporation of a broad definition of the term “internally displaced person”, including all the causes and context conditions, in accordance with international law, mainly the Guiding Principles on Internal Displacement;

(d) Ensuring the active, transparent and accessible participation of internally displaced persons in decision-making processes, including in the design of laws and public policies that have an impact on their particular situation.

87. She calls for arbitrary displacement to be established as a separate criminal offence, in accordance with international human rights and humanitarian law, at both the federal and local levels, and accompanied by appropriate investigation protocols. Welcoming the adoption of two protocols for the investigation of crimes related to internal displacement, she encourages other states to adopt similar protocols, and, in states where such crimes are already criminalized, to take the necessary steps to prosecute and punish those responsible.

88. With respect to public policies, at the national and state level, she recommends:

(a) Adopting a comprehensive strategy to address the human rights of internally displaced persons at all levels of government and to effectively coordinate the legal and public policy framework in relation to internal displacement within the relevant ministries and in cooperation with United Nations agencies and other national and international partners;

(b) Designing a strategy to address the structural and immediate causes of internal displacement with a view to preventing it and mitigating the risks of arbitrary displacement and to implement prevention, protection and risk mitigation actions in accordance with the Guiding Principles on Internal Displacement;

(c) Implementing existing laws, public policy instruments and support pathways for internally displaced persons through effective participatory processes that include the perspectives of internally displaced persons, their representatives and civil society organizations;

(d) Adopting a federal and state protection strategy focused on a comprehensive response, that is, not focused on service delivery but on the prevention of structural and immediate causes, emergency assistance and support, and comprehensive reparation and implementation of durable solutions.

89. With respect to the autonomous human rights bodies and institutions that will be responsible for providing assistance and protection to internally displaced persons, it is crucial that they have the necessary budget and human resources to carry out their functions properly and in a timely manner.

90. With respect to protection strategies, she recommends:

(a) Ensuring consultation with internally displaced persons to ensure that legislative, policy and programme measures meet their needs without exposing them to additional risks, and that protection measures are tailored to their needs and risk profiles;

(b) Strengthening the Mechanism for the Protection of Human Rights Defenders and Journalists, in line with the assessment on the functioning of the Mechanism prepared in 2019 by the OHCHR office in Mexico.

91. With respect to the registration of internally displaced persons, in coordination with protection strategies, the Special Rapporteur recommends:

(a) Creating state registers that identify and address the assistance needs of internally displaced persons and that allow for the activation of inter-institutional support pathways, ensuring that these registers are coordinated by the identity services of the National Population and Identity Registry, and are complementary to and coordinated with the victim registers;

(b) Guaranteeing that the information from these registers is merged in a single register of displaced persons under the responsibility of a federal institution with the relevant powers, with the purpose of adjusting public policies and ensuring the complementarity and coordination of state registers, including mechanisms for assessing cases of displacement, and with the ultimate goal of coordinating the restitution of rights and property as appropriate in each case;

(c) Recognizing that registration and inclusion in the registry of victims is a purely administrative process whose main function is to facilitate the identification of victims, their needs and the support strategy. In any case, it should be recognized that an individual is not granted the status of victim of displacement on the basis of inclusion in the said register, but by virtue of violations of the rights of free choice of residence and movement, among others.

92. With respect to the production of official statistics on internally displaced persons, she recommends producing official statistics in accordance with the International Recommendations on Internally Displaced Persons Statistics in order to identify the scale of the problem and its location and trends, as well as the risk profiles and profiles of internally displaced persons, and, when necessary, to replicate characterization exercises, such as the one carried out in Chihuahua, which allow for a deeper understanding of these persons' needs and intentions with a view to providing appropriate support.

93. With respect to prevention strategies, she recommends:

(a) Adopting a national prevention strategy focused on mitigating and eliminating the factors, conditions and structural causes of internal displacement;

(b) Adopting preventive measures to address the immediate causes of internal displacement and imminent displacement, as well as implementing early warning systems and risk assessments;

(c) Fully implementing the General Civil Protection Act and the General Climate Change Act to include the perspective of internal displacement, and reduce risks and minimize the adverse effects of disasters and climate change.

94. In terms of assistance and support, it is recommended to:

(a) Establish clear support pathways for internally displaced persons;

(b) Identify safe places to house internally displaced persons and meet their temporary needs with safe and secure facilities, keeping the development perspective in mind to avoid prolonged displacement;

(c) Create a protection and support plan for internally displaced persons that includes specific measures for families, Indigenous Peoples, women and girls, and children and adolescents, in a way that protects the family unit and takes into account the best interests of the child, as well as the opinions and preferences of displaced persons;

(d) Train and sensitize personnel who assist internally displaced persons so as to avoid their revictimization;

(e) Conduct nationwide information campaigns, including the establishment of hotlines for communication between internally displaced persons and local or national authorities;

(f) Adopt the necessary measures to promote the education of internally displaced persons, including emergency measures, adequate employment that takes into account their previous livelihoods and access to vocational training;

(g) Ensure that internally displaced persons have access to mental health and psychosocial support services to help them cope with the circumstances that gave rise to their displacement and its impacts, and provide specialized support to children and adolescents and survivors of sexual and gender-based violence;

(h) Facilitate internally displaced persons' access to and restitution of documentation, including birth certificates. This includes not only the issuance of documents, but also the simplification of administrative requirements and fee waivers;

(i) Continue and expand initiatives for the provision of documentation through mobile and registration units with a view to guaranteeing the right to recognition of the legal personality of displaced persons and their right to vote;



(j) Adopt protective measures to guarantee the civil, political, economic, social, cultural and environmental rights of internally displaced persons, specifically with regard to ensuring their safety and facilitating access to housing, culturally appropriate food, water and sanitation, education and health services, including reproductive and sexual health and psychological care, family reunification and livelihoods;

(k) With respect to abandoned properties that were occupied, destroyed or set on fire, provide adequate measures to protect housing and property rights. To facilitate this, it is suggested that these properties be registered, and that specific measures be taken for their protection and insurance, and even deed campaigns conducted for communities at risk in order to provide them with legal certainty.

95. With respect to displaced family members of disappeared persons, she recommends:

(a) Establishing appropriate mechanisms for coordination among authorities to ensure the appropriate and safe participation of family members in searches, as well as in investigation and prosecution procedures;

(b) Encouraging the adoption of the National Policy for the Prevention and Eradication of Enforced Disappearance in the terms proposed by the United Nations Committee on Enforced Disappearances, and ensuring that it includes internally displaced persons.

96. In relation to displaced human rights defenders and journalists, it is recommended to fully implement a plan to strengthen the Protection Mechanism for Human Rights Defenders and Journalists, in line with the assessment on the functioning of the Mechanism. It is also recommended to include measures aimed at addressing the structural factors that create risk and, in some cases, internal displacement, to ensure that they can continue to carry out their journalistic and advocacy work.

97. With regard to returnees, it is recommended to strengthen the identification of those in need of protection and to develop mechanisms and referral pathways when they cannot return safely to their communities of origin due to threats against their lives or freedom or other serious harm, while respecting their right to seek asylum in another country. These processes must be supported by the State, guaranteeing that the criteria of voluntariness, dignity and safety are met.

98. In relation to Indigenous Peoples, it is recommended to adopt a national policy for the prevention of the causes of internal displacement that includes the perspective of displaced Indigenous Peoples. It is also recommended to ensure the application of an intercultural approach for the protection of the rights of Indigenous Peoples at all stages of displacement, particularly with regard to the reinforced protection of their rights in relation to the link to their ancestral lands. When displacement is caused by development projects and the creation of protected areas, it is essential to consult the Indigenous Peoples concerned.

99. With respect to the LGTBIQ+ community, it is recommended that specific and viable protection mechanisms be created that recognize the increased risk faced by some people, particularly trans women, and ensure access to services that respect their gender identity without discrimination.

100. She recommends the adoption of sufficient measures to guarantee the conditions of access to justice for internally displaced persons or persons at risk of internal displacement, including:

(a) Ensuring that prosecutors' offices provide timely follow-up to criminal and public complaints, as well as to urgent actions issued by civil society organizations, to avoid impunity that perpetuates the situation of violence, and to provisional measures and urgent actions of national and international organizations;

(b) Ensuring that investigation files that exhaust all lines of investigation are duly compiled. Victims and their families should be informed of these processes so that they can actively participate by suitable and culturally appropriate means;

(c) Encouraging the judiciary to verify compliance with treaties and the Constitution as necessary to guarantee the application of the rule of law, and to use the Supreme Court's Manual on Internal Displacement as a guide for the resolution of cases;

(d) Ensuring follow-up and compliance with judicial and administrative decisions, including those of the agrarian courts, particularly those that prevent the causes of displacement and protect the rights of internally displaced persons;

(e) Strengthening the Federal Public Defender Institute and the Executive Commission for Victim Support, which play an important role in defending the human rights of internally displaced persons;

(f) Ensuring prosecution of perpetrators and access to justice for victims in cases where crimes and human rights violations are committed by law enforcement officials;

(g) Not making support for internally displaced persons conditional on the filing of a complaint.

101. With respect to durable solutions, she recommends:

(a) Ensuring access to housing, land and property rights, including restitution in a culturally appropriate manner, and enabling internally displaced persons, particularly Indigenous persons and families, to exercise their livelihood needs. If restitution is not possible, fair and proportional compensation should be provided, in accordance with the guarantees of due process;

(b) Promoting the participation of internally displaced persons in public affairs at all levels and on an equal footing with the resident population;

(c) Designing comprehensive and appropriate reparation programmes for people who have suffered specific or displacement-related damages;

(d) Strengthening the prosecution of organized crime and ensuring civilian command of the public security forces so as to guarantee the security of communities at risk of internal displacement with rapid and timely actions. In addition, she recommends reviewing current police and security policies, practices and structures to assess their effectiveness and impact on communities and to ensure their compliance with human rights standards.

102. She recalls that public and private development projects must comply with international business and human rights standards in accordance with the Guiding Principles on Business and Human Rights, to prevent, mitigate, remedy and ensure access to redress for displaced populations.

103. Given the geopolitical situation of Mexico as a country of origin, transit and destination, and the regional dimension of the problem of internal displacement, the Government is encouraged to continue strengthening the inclusion of internally displaced persons under the Comprehensive Regional Protection and Solutions Framework with a view to finding lasting regional prevention and protection solutions, in line with the San Pedro Sula Declaration.

104. She recommends that the United Nations, in accordance with the Secretary-General's Action Agenda on Internal Displacement, develop a coordinated approach under the leadership of the Resident Coordinator, as well as a clear and contextualized strategy for the humanitarian, development and peace nexus, with a view to adopting targeted responses for specific populations to ensure their protection and durable solutions.

## Appendix

### Comunidades indígenas desplazadas que la Relatora Especial conoció durante su visita

<i>Comunidad</i>	<i>Lugar de origen</i>	<i>Lugar(es) de desplazamiento (año)</i>	<i>Causas</i>	<i>¿Se solicitó apoyo del Estado? Si es el caso, indíquense las medidas recibidas</i>	<i>Medidas de protección internacional o regional</i>
Entre 50 y 100 personas xitá ìma (mazateca)	Ngixó, Eloxochitlán de Flores Magón, Oaxaca	<p>Varias ciudades:</p> <ul style="list-style-type: none"> <li>- Ciudad de México (2014–2023)</li> <li>- Ciudad de Puebla (2015–2023)</li> <li>- Estado de Veracruz (Varios momentos)</li> <li>- Tijuana, Baja California (2015–2019)</li> <li>- Tehuacán, Puebla (2022–2023)</li> <li>- Estados Unidos de América (2018)</li> </ul>	Proyectos de extracción de piedra, violencia intracomunitaria, represión de la lucha por la libre determinación.	Sí. Se solicitaron amparos <i>o habeas corpus</i> contra las órdenes de aprehensión, obteniendo diversas sentencias favorables. Se solicitó apoyo de las autoridades federales y locales, las cuales reconocieron la problemática y se comprometieron a tomar acciones, sin que se hayan concretado medidas efectivas para asegurar el retorno.	Ninguna
72 familias mixes	Comunidades de Guerrero Grande y Ndoyonoyuji, San Esteban Atlatlahuca, Tlaxiaco, Oaxaca	Instituto Nacional de los Pueblos Indígenas, ubicado en la Ciudad de Tlaxiaco, Oaxaca	Por la intervención de un grupo armado que, desde el mes de octubre de 2021, ha entrado en las comunidades para generar violencia en contra de sus habitantes, quemando aproximadamente 100 casas y provocando la desaparición de 5 personas.	Por el otorgamiento de las medidas cautelares por parte de la Comisión Interamericana de Derechos Humanos se han llevado a cabo reuniones de implementación de medidas cautelares, sin que se haya hecho nada para el retorno seguro de las familias desplazadas.	Medida cautelar núm. 1050-21, otorgada por la Comisión Interamericana de Derechos Humanos. Petición de acción urgente emitida por el Comité contra la Desaparición Forzada relativa a la desaparición de Miguel Bautista Avendaño, Donato Bautista Avendaño, Marco Quiroz Riaño, Mayolo Quiroz Barrios e Irma Galindo Barrios (núms. 1456/2021 a 1460/2021)

<i>Comunidad</i>	<i>Lugar de origen</i>	<i>Lugar(es) de desplazamiento (año)</i>	<i>Causas</i>	<i>¿Se solicitó apoyo del Estado? Si es el caso, indíquense las medidas recibidas</i>	<i>Medidas de protección internacional o regional</i>
128 familias mixes	Comunidad de Guadalupe Victoria, San Juan Juquila Mixes, Oaxaca	San Juan Juquila Mixes, Oaxaca	Entrada de un grupo armado, por lo que habitantes de esta comunidad tuvieron que salir. Se trata de 128 familias, aproximadamente.  Posteriormente se cometió el asesinato del Sr. Crispín Reyes Pablo, quien fue agente municipal de Guadalupe Victoria y defendió a las personas desplazadas.	Se solicitó al Gobierno Federal y al Gobierno Estatal medidas de apoyo en vivienda, alimentación y salud, que no les han sido proporcionadas.  El 15 de julio de 2022, en el expediente DDHPO/CA/0238/(14)/OAX/2022, la Defensoría de Derechos Humanos del Pueblo de Oaxaca solicitó a la Fiscalía General de Justicia del Estado que implementara las medidas de protección necesarias para las personas que resulten víctimas directas e indirectas y requirió a la Secretaría de Seguridad Pública que llevara a cabo recorridos de vigilancia en la zona del conflicto.	No
80 familias de varios pueblos indígenas	Colonia Ernesto Che Guevara, Villa de Zaachila, Oaxaca	Ciudad de Oaxaca de Juárez, Oaxaca	Por la entrada violenta de personas armadas, quemando las casas que ya se encontraban ahí y desplazando con lujo de violencia a unas 80 familias.	Se han solicitado al Gobierno Federal y al Gobierno Estatal medidas de apoyo en alimentación, salud y vivienda, pero no se les proporcionaron.  Se ha presentado queja ante la Defensoría de Derechos Humanos del Pueblo de Oaxaca.	No
200 personas mixes	Tierra Negra, Municipio San Juan Mazatlán, Distrito Mixe, Oaxaca	Matías Romero Avendaño (2017)	Violencia intra e intercomunitaria	Se ha solicitado la intervención de las autoridades competentes: hasta el momento solo se han mantenido reuniones con las autoridades estatales y federales sin acuerdos concretos sobre el retorno o la reparación integral.	La Defensoría de los Derechos Humanos del Pueblo de Oaxaca solo ha integrado la carpeta DDHPO/0900/(14)/OAX/2017, sin que hasta el momento haya hecho una recomendación.

<i>Comunidad</i>	<i>Lugar de origen</i>	<i>Lugar(es) de desplazamiento (año)</i>	<i>Causas</i>	<i>¿Se solicitó apoyo del Estado? Si es el caso, indíquense las medidas recibidas</i>	<i>Medidas de protección internacional o regional</i>
Tierra Blanca Copala	Región Triqui, Municipio de Santiago Juxtlahuaca, Oaxaca	29 de diciembre de 2020 y 22 de enero de 2021. 60 familias están refugiadas en la comunidad de Yosoyuxi Copala, Oaxaca; 20 familias en la cabecera municipal de Santiago Juxtlahuaca, Oaxaca; 15 familias en la Ciudad de Huajuapán de León, Oaxaca; 19 familias en la Ciudad de Oaxaca de Juárez; 30 familias en la Ciudad de México.	Se reconoce como presunto responsable a un grupo armado ligado a la organización Movimiento de Unificación y Lucha Triqui, cuyos integrantes ocupan cargos de representación pública en los Gobiernos municipal, estatal y federal.	El Tribunal Unitario Agrario del Distrito 22 emitió sentencia favorable a las personas desplazadas en el expediente 3026/2017. Hasta la fecha no se ha podido ejecutar dicha sentencia.  Se ha presentado amparo. Asimismo, desde hace cinco años se han presentado denuncias penales ante el Ministerio Público, sin que a la fecha hayan sido resueltas.	La Relatora sobre los derechos de los Pueblos Indígenas de la Comisión Interamericana de Derechos Humanos, la Sra. Esmeralda Arosemena, se comprometió a recibir y revisar la información de la comunidad triqui de Tierra Blanca. Está pendiente su respuesta.
		Mitzitón, San Cristóbal de las Casas, Chiapas	Conflicto religioso, conflicto social interno	Registro de atención ante la Fiscalía General del Estado de Chiapas, que no ha derivado en una carpeta de investigación. Queja ante la Comisión Estatal de Derechos Humanos, sin resolver.	

<i>Comunidad</i>	<i>Lugar de origen</i>	<i>Lugar(es) de desplazamiento (año)</i>	<i>Causas</i>	<i>¿Se solicitó apoyo del Estado? Si es el caso, indíquense las medidas recibidas</i>	<i>Medidas de protección internacional o regional</i>
Organización campesina Emiliano Zapata - Casa del Pueblo y Región Carranza (tzotziles)	San Bartolomé y Yaxchen de los Pobres, Venustiano Carranza, Chiapas		Conflicto comunitario	Carpeta de investigación sin resolver ante la Fiscalía General del Estado. Queja ante la Comisión Estatad de Derechos Humanos, sin resolver.	Comunicación AL MEX 9/2021, Procedimientos Especiales.
3 familias tzotziles, alrededor de 17 personas	Centro Polhó, Chenalhó, Chiapas	Cabecera municipal de Chenalhó	Conflicto comunitario	Se acercaron a las autoridades municipales y estatales, sin respuesta alguna.	
60 familias indígenas tzotziles	Santa Martha, Chenalhó, Chiapas	Polhó, Chenalhó	Conflicto territorial y conflicto comunitario	Mesa de diálogo con el Gobierno de Chiapas.	
34 familias, alrededor de 156 personas	Carmen San José, Chilón, Chiapas	Cabecera municipal de Chilón	Violencia de actores no estatales	Denuncias ante la Fiscalía General del Estado de Chiapas. Mesas de diálogo con autoridades federales y estatales.	
25 familias indígenas tseltales, 106 personas	San Antonio Patbaxil, Chilón, Chiapas	Cabecera municipal de Chilón y comunidades vecinas	Violencia de actores no estatales	Se intentó presentar denuncia, pero no se levantó.	
10 comunidades, 3.499 personas	Aldama, Chiapas	Comunidades vecinas en Aldama, Chiapas	Violencia intercomunitaria	Mesas de trabajo con autoridades federales y estatales. Firma de acuerdos de paz. Queja ante la Comisión Nacional de los Derechos Humanos, que derivó en las Recomendaciones 71/2019 y 103/2020.	Medida cautelar núm. 284-18 de la Comisión Interamericana de Derechos Humanos.
Personas indígenas tseltales, ch'ol y zoques	Viejo Velasco, Ocosingo, Chiapas	Distintos municipios de Chiapas y Tabasco	Violencia intercomunitaria		Caso 14.120 ante la Comisión Interamericana de Derechos Humanos.

<i>Comunidad</i>	<i>Lugar de origen</i>	<i>Lugar(es) de desplazamiento (año)</i>	<i>Causas</i>	<i>¿Se solicitó apoyo del Estado? Si es el caso, indíquense las medidas recibidas</i>	<i>Medidas de protección internacional o regional</i>
Indígenas tzotziles	Acteal, Chenalhó, Chiapas	San Cristóbal de las Casas, Chiapas	Violencia de actores no estatales	Diversos juicios	
4 familias indígenas tzotziles, 17 personas	Campo Los Toros, Chenalhó, Chiapas	Riesgo de desplazamiento	Violencia intracomunitaria		
6 personas	Colonia Puebla, Chenalhó, Chiapas	Pach', Tenajapa	Violencia de actores no estatales		
5 familias	Miguel Utrilla, Los Chorros, Chenalhó, Chiapas		Violencia intracomunitaria		
72 personas	Diversas comunidades de Ocosingo, Chiapas	Cabecera municipal de Ocosingo, Chiapas	Violencia de actores no estatales		
290 familias, 1.011 personas	8 comunidades de Chalchihuitán, Chiapas	Cabecera municipal de Chenalhó, Chiapas	Violencia intercomunitaria y de actores no estatales	Se acercaron a las autoridades federales y estatales, sin respuesta alguna. Queja ante la Comisión Nacional de los Derechos Humanos.	Medida cautelar núm. 882-17 de la Comisión Interamericana de Derechos Humanos.
3.499 personas tzotziles	10 comunidades de Aldama, Chiapas		Violencia intercomunitaria y de actores no estatales	Se acercaron a autoridades de los tres niveles de gobierno y se han firmado distintos acuerdos de paz, que no se han cumplido.	Medida cautelar núm. 284-18 de la Comisión Interamericana de Derechos Humanos.
34 personas tzeltales	Nueva Palestina, Ocosingo, Chiapas	San Cristóbal de las Casas, Chiapas	Violencia intracomunitaria	Denuncias en la Fiscalía General del Estado. Queja ante la Comisión Nacional de los Derechos Humanos y la Comisión Estatal de los Derechos Humanos de Chiapas.	
25 personas	Banavil, Tenajapa, Chiapas	San Cristóbal de las Casas, Chiapas	Violencia intracomunitaria	Denuncias en la Fiscalía General del Estado. Queja ante la Comisión Estatal de los Derechos Humanos de Chiapas.	

<i>Comunidad</i>	<i>Lugar de origen</i>	<i>Lugar(es) de desplazamiento (año)</i>	<i>Causas</i>	<i>¿Se solicitó apoyo del Estado? Si es el caso, indíquense las medidas recibidas</i>	<i>Medidas de protección internacional o regional</i>
Indígenas zoques	Ejido Esquipulas Guayabal, Chapultenango, Chiapas	Rayón, Chiapas	Violencia intercomunitaria y de actores no estatales	Han interpuesto juicios agrarios y denuncias ante la Fiscalía General del Estado.	