

Mexico: from the Guiding Principles to national responsibilities on the rights of IDPs

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The Mexican government needs facts and figures on internal displacement and then to mobilise national institutions to design appropriate responses.

On 3 August 2013, the staff of Mexico's National Commission on Human Rights (CNDH) travelled to the municipality of Tlacotepec where, according to information provided by local authorities, approximately 700 persons had been displaced from various communities as a result of the fear of violence arising from organised crime.

In this, as in other cases documented by the CNDH, being forced to abandon a region, municipality or place of residence means undertaking a dangerous, exhausting journey, the loss of capital, and impoverishment, all within the framework of an uncertain future. However, displacement can also be indicative of hope in the quest for protection and security for the individual, even sometimes undertaken preventively to avoid worse consequences.

In Mexico, the CMDH has documented cases of displacement resulting from communal conflicts, natural disasters and violence, as well as probable displacements caused by major development projects in which the principles of consulting the communities in which they are intended to be carried out are not respected.

Displaced persons are immediately up against the need for shelter and lodging, drinking water and food; guarantees for their physical safety and that of their family; access to basic hygiene, along with medical and psychological services. Frequently, as a result of having abruptly abandoned their place of origin, they do not have any identity documents with them, which limits full access to enjoyment of their civil rights (work, education, social welfare and property, amongst others).

In the longer term, they will be faced with the choice of whether to return to their place of origin, establish themselves in the host community, or even move further on to a new location. If they choose to return to their communities of origin, they will face the challenge of discovering what has happened to their properties during their absence (this may even include finding that they no longer physically exist, or that they have been occupied by someone else), as well as having to fit into a new social framework. If they decide to settle in the host community or to relocate, they must integrate into a new society, where it will be necessary to create new networks and,

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possibly, to face situations of rejection or discrimination. The greatest challenge will be to find lasting and sustainable solutions for the displaced population.

Hence the Mexican national ombudsman has stressed that “the authorities have the duty and responsibility to provide protection and humanitarian assistance to the [displaced] population found within the territory, with no discrimination whatsoever, being obliged to provide special attention to those at risk of vulnerability, such as children, disabled persons, elderly people and women.”¹

In order to establish a public policy on internal displacement, it is necessary for each national institution to identify its responsibilities towards IDPs and for a coordination mechanism to be established in order to prevent the duplication of functions and to ensure prompt and efficient emergency response.

At present, most of the internally displaced persons in Mexico are not recognised as displaced and in most cases are not settled in specifically designated and equipped camps or locations. Instead, they are settled with host families, or in temporary shelters. These dynamics of mobility in the settlement patterns imply significant challenges in the collection of statistics, and also in the monitoring of displaced persons, not least because of the reluctance of displaced persons to talk about their displacement. Given the scale of the efforts being made by the present government to develop tools to quantify this problem, it would be advisable for the Mexican state to carry out a specific programme on internal displacement from within the Mexican legal framework and in accordance with the competences of national entities, taking into account the voices of civil society entities working with the issue, as well as the displaced persons themselves. Such a programme should also ensure a disaggregated perspective, that is, ensure the visibility of specific vulnerabilities of groups and individuals that require prioritising in terms of actions

to enable the effective and comprehensive realisation of their fundamental rights.

As a starting point in the creation of this programme, it is important for there to be a national process to determine figures on internal displacement in Mexico in order to identify the patterns, causes and extent of the issue. Producing diagnostics opens the door to recognition of the issue and constitutes a fundamental tool in building effective public policies and programmes. To this end, studies identifying issues confronted during displacement should be promoted, as should those looking into the social, economic, legal and political consequences of this phenomenon in the country.

Measures must also be considered in terms of legal aid for the displaced population in order to guarantee investigation of what occurred, the restoration of threatened rights, defence of affected property, and voluntary return to the place of origin in safe and dignified conditions, or, if appropriate, relocation. Such a service programme should be designed with activities and indicators to enable the programme to be monitored. The participation of state and municipal governments in this programme is of fundamental importance, as policy on the issue must be built upon a feeling of shared responsibility for development.

Finally, given the most recent waves of displacement due to violence, there is an imperative need for the development of tools for building peace as a necessary precondition for the achievement of lasting solutions.

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1. Raul Plascencia Villanueva, president of the National Commission on Human Rights. www.cndh.org.mx/sites/all/fuentes/documentos/PalabrasRPV/20120305.pdf (Spanish only)