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Public policy to address displacement in Mexico

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At hearings of the Inter-American Commission on Human Rights in November 2013 on the human rights situation in Mexico the issue of the internally displaced in particular caught my attention, both due to its current serious level and for its potential impact in the not too distant future.

There are an estimated 160,000 displaced persons in our country. Until 2007, this phenomenon was the result of land disputes, local conflicts, religious intolerance, large-scale building projects and projects of enforced urbanisation, the building of dams, natural disasters and the Zapatista conflict. Since then the main causes have been criminal violence, the activities of some members of the security forces and corruption. The vulnerability of most of the families or individuals who have been forced to abandon their homes is clear but the mistreatment to which they are exposed does not end when they leave their homes; they are often subsequently subjected to further serious abuses and acts of corruption as they lack identity documents and therefore cannot access essential services or even the minimal requirements for living. Women, children and indigenous peoples seem especially affected.

The first point to make is that this has been given little attention by Mexican society, practically remaining at the level of denial. Legally there is some limited coverage given to this issue, including the law for the Prevention and Attention to Internal Displacement in the state of Chiapas (February 2012, the first state to legislate on this matter), and an initiative for a General Law on the Prevention and Treatment of Internal Displacement presented to the Senate in December 2012, which is currently working its way through the house.¹ Similarly, the Senate has approved various motions to call for a report on the situation of the internally displaced from the President of the Republic along with the enactment of public policies to provide them with due assistance.

The second point is that there is a complexity inherent in the causes of forced internal displacement. Residency in Chiapas, the presence of conflict and being a mother or even simply a woman are circumstances that combine to force individuals from their homes. Similar associations can be seen with residency in Sonora, Michoacán or Oaxaca, the war on drugs, the construction of dams, and membership of an ethnic group, for example. Without having direct causal or linear explanations, it is possible to warn of likely sets of conditions that may expose an individual to the risk of displacement. On the basis of this conclusion, it seems there are two types of public action to be taken, through the corresponding legal pathways.

The first of these, of a preventative nature, must be the identification of the general factors that may lead to displacement. These may be aggravating factors and there should therefore be public action taken to help remedy these – but if what leads to forced migration is a coincidence of factors, the appropriate action would be to counteract one or several of these in order to avoid ever larger segments of the population going down this path.

The second type of public action is remedial. Given that forced displacement is in itself a violation of human rights, it is necessary to remedy the situation of those who are displaced and who suffer the effects of displacement – including stigmatisation, rootlessness, feelings of frustration, family disintegration, and limited hopes for reparation, compensation or access to justice.

We must start by recognising that displacement is a serious issue in Mexico today. Given the way in which the criminal

November 2014

sector operates in the country and the way their operations are being combated, it is highly probable that the number of displaced persons will increase, perhaps even by a considerable number. We must propose solutions based in empathy towards those amongst us who have lost nearly everything. The issue deserves general and inter-disciplinary consideration, the issuing of regulations and the implementation of intelligent and ongoing public policies, both to repair that which has already occurred

and to mitigate the impact of what may come. The phenomenon is slow, silent and incremental, and is therefore in need of urgent and clear-sighted resolution.

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1. Dealing with protection, care, and implementation of durable solutions, and emphasising the state's obligation to guarantee humanitarian protection and to assure Mexicans the enjoyment of their human rights to international standards.