

NATIONAL HUMAN RIGHTS COMMISSION

**SPECIAL REPORT ON
INTERNAL FORCED DISPLACEMENT (IFD)
IN MEXICO**

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CNDH
M É X I C O

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LIST OF ABBREVIATIONS

ACHR	American Convention on Human Rights
APF	<i>Administración Pública Federal</i> [Federal Public Administration]
AUC	<i>Autodefensas Unidas de Colombia</i> [United Self-Defense Forces of Colombia]
CDI	<i>Comisión Nacional para el Desarrollo de los Pueblos Indígenas</i> [National Commission for the Development of Indigenous Peoples]
CEAV	<i>Comisión Ejecutiva de Atención a Víctimas</i> [Executive Committee for Victims Assistance]
CENAPRED	<i>Centro Nacional de Prevención de Desastres</i> [National Center for Prevention of Disasters]
CIREFCA	<i>Conferencia Internacional sobre Refugiados Centroamericanos</i> [International Conference on Central American Refugees]
CMDPDH	<i>Comisión Mexicana de Defensa y Promoción de los Derechos Humanos</i> [Mexican Commission for the Defense and Promotion of Human Rights]
CNDH	<i>Comisión Nacional de los Derechos Humanos</i> [National Human Rights Commission]
CODDEHUM	<i>Comisión de Defensa de los Derechos Humanos del Estado de Guerrero</i> [Human Rights Protection Commission of the State of Guerrero]
CONAGUA	<i>Comisión Nacional del Agua</i> [National Water Commission]
CONAPO	<i>Consejo Nacional de Población</i> [National Population Council]
CONAVI	<i>Comisión Nacional de Vivienda</i> [National Housing Commission]
CONEVAL	<i>Consejo Nacional de Evaluación de la Política de Desarrollo Social</i> [National Council to Evaluate Social Development Policy]
CPGMDH	<i>Comisión de Política Gubernamental en Materia de Derechos Humanos</i> [Inter-Ministerial Commission on Government Policy on Human Rights]
CSO	Civil Society Organizations
DOF	<i>Diario Oficial de la Federación</i> [Federal Official Gazette]
ENVIPE	<i>Encuesta Nacional de Victimización y Percepción de la Seguridad Pública</i> [National Survey of Victimization and Perception of Public Safety]
EZLN	<i>Ejército Zapatista de Liberación Nacional</i> [Zapatista National Liberation Army]
FEADLE	<i>Fiscalía Especial para la Atención de Delitos contra la Libertad de Expresión</i> [Special Prosecutor's Office for Crimes against Freedom of Expression]
GANHRI	Global Alliance of National Human Rights Institutions
HRC	Human Rights Council
IACmHR	Inter-American Commission on Human Rights
IACtHR	Inter-American Court of Human Rights

IASC	Inter-Agency Standing Committee
ICRC	International Committee of the Red Cross
IDMC	Internal Displacement Monitoring Centre
IDP	Internally Displaced Persons
IFD	Internal Forced Displacement
INE	<i>Instituto Nacional Electoral, antes Instituto Federal Electoral (IFE)</i> [National Electoral Institute, previously the Federal Electoral Institute]
INEGI	<i>Instituto Nacional de Estadística y Geografía</i> [National Institute of Statistics and Geography]
LGV	<i>Ley General de Víctimas</i> [General Law for Victims]
NHRI	National Human Rights Institution
NRC	Norwegian Refugee Council
OAS	Organization of American States
OAU	Organization of African Unity
OC	Organized Crime
OCHA	UN Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the United Nations High Commissioner for Human Rights
PGJE	<i>Procuraduría General de Justicia Estatal</i> [Office of the State Attorney General]
PGR	<i>Procuraduría General de la República</i> [Office of the Attorney General]
PHRA	Public Human Rights Agency
PIEE	Program for Inclusion and Equity in Education
PND	<i>Plan Nacional de Desarrollo</i> [National Development Plan]
PNDH	<i>Plan Nacional de Derechos Humanos</i> [National Human Rights Plan]
PRONAPRED	<i>Programa de Prevención del Delito</i> [Crime Prevention Program]
QVG	<i>Quinta Visitaduría General de la CNDH</i> [5 th General Rapporteurship of the CNDH]
RENAVI	<i>Registro Nacional de Víctimas</i> [National Victims Registry]
ROPS	<i>Reglas Operativas de Programas Sociales</i> [Operating Rules for Social Programs]
RSF	Reporters without Borders
RUV	<i>Registro Único de Víctimas</i> [Registry of Victims]
SAGARPA	<i>Secretaría de Agricultura, Ganadería, Desarrollo Rural, Pesca y Alimentación</i> [Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food]
SCJN	<i>Suprema Corte de Justicia de la Nación</i> [Supreme Court of Justice]
SE	<i>Secretaría de Economía</i> [Ministry of Economy]

SEDENA	<i>Secretaría de la Defensa Nacional</i> [Ministry of Defense]
SEDESOL	<i>Secretaría de Desarrollo Social</i> [Ministry of Social Development]
SEDIF	<i>Sistema Nacional para el Desarrollo Integral de la Familia</i> [National System for Integral Family Development]
SEGOB	<i>Secretaría de Gobernación</i> [Ministry of the Interior]
SEMAR	<i>Secretaría de Marina</i> [Ministry of the Navy]
SEMARNAT	<i>Secretaría de Medio Ambiente y Recursos Naturales</i> [Ministry of the Environment and Natural Resources]
SEP	<i>Secretaría de Educación Pública</i> [Ministry of Public Education]
SNE	<i>Servicio Nacional de Empleo</i> [National Employment Service]
SRA	<i>Secretaría de la Reforma Agraria</i> [Ministry of Agrarian Reform]
SRE	<i>Secretaría de Relaciones Exteriores</i> [Ministry of Foreign Affairs]
SS	<i>Secretaría de Salud</i> [Ministry of Health]
SSPE	<i>Secretaría de Seguridad Pública del Estado</i> [State Ministry of Public Safety and Security]
STyPS	<i>Secretaría del Trabajo y Previsión Social</i> [Ministry of Labor and Social Security]
UDDH- SEGOB	<i>Unidad de Defensa de los Derechos Humanos de la Secretaría de Gobernación</i> [Unit for the Promotion and Defense of Human Rights within the Interior Ministry]
UN	United Nations
UNDP	United Nations Development Program
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCR	United Nations High Commissioner for Refugees
WBL	Wellbeing Line
WFP	World Food Program
WHO	World Health Organization

“Often the consequence of traumatic experiences with violent conflicts, gross violations of human rights and related causes in which discrimination features significantly, displacement nearly always generates conditions of severe hardship and suffering for the affected populations.

It breaks up families, cuts social and cultural ties, terminates dependable employment relationships, disrupts educational opportunities, denies access to such vital necessities as food, shelter and medicine, and exposes innocent persons to such acts of violence as attacks on camps, disappearances and rape.

Whether they cluster in camps, escape into the countryside to hide from potential sources of persecution and violence or submerge into the community of the equally poor and dispossessed, the internally displaced are among the most vulnerable populations, desperately in need of protection and assistance.”

Sr. Francis M. Deng, 1998

*Former UN Special Rapporteur on the Human Rights of Internally Displaced Persons
(1992-2004)*

I. PREFACE

"I was working with my grandfather, two uncles and three other men in the mountains when we suddenly realized we were surrounded by a group of armed men. There were about fifteen of them. I don't know what kind of weapons they were because I don't know about those things, but they looked well-armed. They grabbed us, tied us up and took us to a house further away. I heard them say they were from (--), but I didn't pay attention because I was watching them beat my grandfather, my uncles and the other three. They beat [my relatives'] backs with boards or with stones and also with their hands, and kicked them. They let me go because I was too young and they told me to leave, but they kept on hitting the others and asking them questions about who worked there in the town and other things I didn't understand, but I just heard my grandfather say he didn't know anything. When they let me go, I ran home and told my grandmother what was happening. By then, people in the town had already started to leave. Everyone was afraid. They said there were like fifty armed men driving people out of their homes, but I think there were more.

Shortly after, my grandfather arrived. He tried to talk to the cattle ranchers in town. The men who had captured us sent him to tell everyone to go up (to the house where they were holding the others), that the (--) wanted to reach an arrangement with the town, but no one wanted to go. Everyone was afraid. My grandfather had to go back alone because my uncles and the other three were still being held. But the rest of the family left just like that, without thinking twice about it. We all walked away, we left the houses and all the animals tied up. We just got together and we left for (--). That was last Monday (July 29th). It took us like six hours to walk to (--) where it was supposed to be safer, and from there we got on some trucks that left us here in (--). Here, they are giving us food and the townspeople are helping us with blankets and things so we don't get cold at night..."¹

Testimony of a displaced child with his grandmother

1. Based on Article 102, paragraph B of the Political Constitution of the United Mexican States, Articles 1, 3 and 6, sections I, II, III and 15, paragraph VIII of the Law of the National Human Rights Commission and Article 174 of its Rules of Procedure, the National Human Rights Commission (CNDH) submits to the public this Special Report on Internal Forced Displacement (IFD) in Mexico.²
2. The general purpose of this Special Report is to analyze the causes, manifestations and main problems of IFD in Mexico, in order to propose measures and actions to protect displaced persons victims of multiple human rights violations.

¹ CNDH, *Fact-Finding Report; Person from the state of Guerrero. Testimony gathered in the same state*, August 6, 2013.

² In addition to the abovementioned provisions, this report brings up the commitments of national human rights institutions to "uphold and realize the human rights guaranteed by international and regional human rights instruments, as well as the Geneva Refugee Convention, for every migrant, refugee, asylum-seeker and displaced person at all times, [...] and turn law and policy-makers' attention towards protection measures for the most vulnerable among migrants and asylum seekers," as stated in the Closing Statement of the Annual Conference of the Global Alliance of National Human Rights Institutions (GANHRI) celebrated on March 23, 2016.

3. To achieve this objective, information was gathered from primary and secondary sources. As to the first ones, CNDH personnel went to different parts of Mexico to conduct interviews and gather testimonies from IDPs. Information was also requested from various federal and state authorities. With regard to secondary sources, reports issued by national and international civil society organizations were analyzed, as were judgments issued by international human rights protection agencies, criteria and arguments of doctrinal, legislative and jurisprudential nature.
4. The results of this analysis are presented in seven sections: background, actions, facts, observations, conclusions, proposals and appendixes. The first appendix identifies the recognition of the rights of IFD victims (IDPs) contained in Mexican legislation, stemming from the 1998 United Nations Principal Guidelines on Internal Displacement (hereinafter, Guiding Principles) and Mexico's Political Constitution. The second appendix consists of testimonies of IFD in Mexico that clearly show the suffering, fears and distress that victims experience.
5. The CNDH acknowledges the institutional collaboration of various federal, state and municipal authorities who have promptly responded to the requests for information sent by this national human rights agency. To the victims of IFD (IDPs) in Mexico, we offer our solidarity and hope that this Special Report will contribute to the awareness, respect, protection and safeguarding of their human rights.

II. INTRODUCTION

6. IFD in Mexico is an unfortunate reality. It is affecting people from different parts of the national territory, drastically modifying their living conditions, leaving them overnight without a home, without belongings, without what they care about and without roots.
7. The current context of violence and human rights violations in Mexico can be interpreted as a situation that troubles and should concern all Mexican authorities since these situations, including IFD resulting from development projects, among the other causes analyzed in this report, are causing a progressive increase in the number of IFD victims (IDPs) in different locations throughout national territory.
8. The different causes of IFD are not unique to Mexico. According to the UN High Commissioner for Refugees (UNHCR), by the end of 2014 some 13.9 million people around the world would become newly displaced persons as a result of widespread violence, conflicts or human rights violations. This means that every day in 2014 saw 42,500 persons being forced to leave their homes for these reasons. This in turn means that that IFD has accelerated and reached unprecedented levels.³
9. IFD in Mexico has been caused by violence, human rights violations, natural disasters, development projects, self-defense groups and journalistic activity.⁴ In recent years, a different kind of violence has provoked people's mobility since it has been linked to armed groups terrorizing various parts of Mexican territory. The authorities have been unable to put a stop to this violence, which has led to a lack of victim protection.
10. The situation of lack of protection arises not only from violations to the rights of life, integrity, personal freedom and public security, but also as a result of the destruction and abandonment of lands, properties and homes, violating the rights to private property,

³ UNHCR, *World at War: Global Trends, Forced Displacement in 2014*, 18 June 2015, page 2.

⁴ The only case of armed conflict with displacement to which reference is made is that of the events of 1994 in Chiapas.

private life and home. It is necessary to stress that human rights are also violated by omission.

“Displacement in Mexico has been both a reactive and preventive resource. Displaced persons flee their homes [or places] of habitual residence either as a result of criminal acts and human rights violations against them or against their families, or as a result of a well-founded fear of being victims in the face of a widespread climate of insecurity and impunity.”⁵

11. On the Inter-American Commission on Human Rights (IACmHR) on-site visit to Mexico on September 28 to October 2, 2015, this international agency evaluated the situation of respect and guarantee of human rights in Mexico, and gave its assessment in a preliminary document that addresses the situation of IDP, among other human rights violations, as follows:

“Another of the serious human rights violations caused by the various forms of violence that have plagued Mexico in recent years is forced internal displacement. In the course of its visit the IACHR received extensive information and testimonies about how the violence inflicted by organized crime groups, at times acting in collusion with agents of the State, leads directly and indirectly to the internal displacement of victims of human rights abuses and their families. Development megaprojects are leading to the forced displacement of indigenous peoples and other communities in certain parts of the country. The violence has had a particularly serious impact in generating the forced displacement of groups such as indigenous peoples, journalists, and human rights defenders.”⁶

12. In Guerrero, the IACmHR received a testimony of an IDP from a community in the Totolapan Sierra, who said that: *“We were displaced by organized crime. We are 58 families and of those 58 families, there are 27 dead and 3 missing. We were attacked in our homes. They came five times to attack us at home. That is where they killed 27. An 8-year-old girl saw her mother and brother killed. That was in 2012. They wanted wood, to plant drugs and the minerals there.”*
13. The IACmHR recommended making a national assessment on IFD in Mexico and adopting a national policy to address IFD in accordance with international standards in this area.
14. The Country Report on the Situation of Human Rights in Mexico published by the IACmHR on 31 December 2015, among other issues of concern, stresses the seriousness of

⁵ Comisión Mexicana de Defensa y Promoción de los Derechos Humanos A.C., *“Desplazamiento Interno Forzado en México”* [Internal Forced Displacement in Mexico], Guevara Bermúdez, José Antonio (ed), Mexico, 2014, page 6.

⁶ IACmHR, *“Preliminary Observations on the IACHR Visit to Mexico”*, October 2015.

the problem of IFD in Mexico due to the absence of official figures and the fact that Mexican authorities do not recognize the existence of this problem, thus making it invisible.

“The [IACmHR] has also learned of situations of forced internal displacement in Mexico through the adoption of precautionary measures urging the protection of groups of individuals who were forced to displace internally. The Commission notes that at the date of approval of this Report, the internal forced displacement has not been documented and analyzed comprehensively by the State, which is the main obstacle facing the comprehensive response that Mexico should give this phenomenon.”⁷

15. The CNDH acknowledges the existence of elements of IFD mentioned in the Guiding Principles, as well as those analyzed in this section, in various populations and regions in Mexico, which implies the need to shed light on the current context of lack of protection in which displaced persons find themselves.
16. Displacement changes people’s lives. While the often traumatic experience of displacement cannot be undone, IDPs need to be able to resume a normal life by achieving a durable solution.⁸
17. The purpose of this Special Report is to make IFD visible, to prompt State action in the prevention, research, punishment and reparation of harm in favor of the victims and to influence society and government to become aware of the need for solidarity and empathy with victims. With this, the CNDH aims to put the issue of IFD on the national public agenda.

⁷ IACmHR, Country Report. Situation of Human Rights in Mexico, OAS, 2015.

⁸ UN, “Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin. Addendum: Framework on Durable Solutions for Internally Displaced Persons”, 9 February 2010.

III. BACKGROUND

*"It all started one day when the criminals came and cut the barbed-wire fence around a corral that we were building – just to annoy us. After that, they started coming around the house, asking about my father, until one night, they slashed all four tires on his truck. The following day, my father went to get the tires fixed and while he was away, some fourteen hooded and well-armed guys arrived. It was in the afternoon. I clearly remember that some of them went in the house to look inside the house while others watched outside. They came in and started yelling bad words at my mother and me. One of them grabbed me... He put a gun to my head. He had two handguns and a shotgun. Others searched the whole house, under the beds and everything. My grandfather was lying down, in his hammock. He's old; he's 85. They surrounded him, pointing a gun at him like he'd escape. Yeah, right. They wanted us to hand over my father because he supposedly knew where 'I don't know who' was hiding. I don't get it. We didn't say anything. Before they left, they threatened that if we didn't leave, they'd kill us. As soon as they'd gone, I called my dad on his cell phone and I asked him not to come back. My dad then went to see the soldiers and tell them what was going on. They sent us tires with an acquaintance, we put them on the truck and we came here. My mom drove. We were escorted by soldiers so we could get out without getting hurt... My grandfather stayed behind. He wouldn't have been able to stand being packed in with so many people. We left him at the house of an aunt who he doesn't like very much because where he was happy was with us, because he ate his four tortillas and he was even fattening up and getting color back in his cheeks. The last time I went to visit him, it made him sad again. They emptied out my house and poisoned the animals... We had to leave everything, just like that, all of a sudden, the house, the people, the animals... and grandfather."*⁹

Testimony of a displaced adolescent, 17

18. In order to analyze IFD in Mexico, it is necessary to examine several general issues to understand this problem from a local perspective. Hence, this section discusses the concept of IDP and its elements in light of the Guiding Principles. This is followed by a general overview of the most important international standards that make it possible to establish the legal framework of protection for IDP victims.
19. Two of the many factors that can influence the emergence of IFD, such as poverty and violence are mentioned from a perspective of human security. Lastly, there is a brief account of some of the IFDs that have taken place in Mexico that show the different causes underlying these events.

1. Concept and Elements of IFD

⁹ CNDH, *Fact-Finding Report; Person from the state of Michoacán*, testimony gathered in the state of Colima, August 2013.

20. After the World Wars, and particularly after World War II, the IFD of persons has been an issue of international concern. Faced with the urgent need to protect people from the atrocities of war, UN Member States adopted the 1951 Convention Relating to the Status of Refugees, which manifests the global will to address the issue of IFD, primarily based on the figure of refugee.¹⁰
21. The Guiding Principles¹¹ (or “Deng Principles” in honor of Francis Deng, former Special Representative of the UN Secretary General on Internal Displaced Persons, who drafted the principles) have the same protection purpose as those in the 1951 Convention, with the difference that victims of IFD (IDPs) seek protection elsewhere but within their country of residence.¹²
22. Specifically, these principles define internally displaced persons as:
- “... persons or groups of persons who have been forced or obliged to flee or leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.”¹³*
23. While the definition provided in the second paragraph of the Guiding Principles does not expressly feature development projects as a cause of IFD, it does so indirectly in Principle 6.2, which prohibits arbitrary displacement, including cases of large-scale development projects (mega-projects) that are not justified by an overriding public interest.
24. Based on these principles and progressive interpretations of the issue, it is possible to identify when it is a case of IFD.

¹⁰ UNHCR, “An Introduction to International Protection. Protecting persons of concern to UNHCR. Self-study module 1”, 1 August 2005, page 9.

¹¹ UN, “Guiding Principles on Internal Displacement”, Doc. E/CN.4/1998/53/Add.2, 11 February 1998.

¹² Uprimny, Rodrigo and Sánchez Duque, Luz María, “Artículo 22. Derecho a la Circulación y Residencia” [Article 22. Freedom and Movement and Residence] in *Convención Americana sobre Derechos Humanos. Comentada*, Christian Steiner/Patricia Uribe (Editors) Rule of Law Programme in Latin America, Konrad Adenauer Foundation, 2014, page 540.

¹³ See UN, “Guiding Principles ...”, *op. cit.*, paragraph 2.

25. This concept of IFD is integrated by three main elements: (i) the condition of immediacy and urgency that forces people to move from their place or community of origin; (ii) the characteristics of the contextual conditions in the place of residence that prompt people to move; and (iii) the geographic aspect that differentiates this phenomenon and its victims from refugees and persons in need of international protection.
26. The first element refers to the fact that the mobility or displacement of people, as individuals, families or *en masse* from one place to another is not optional, planned or the result of an informed and well-thought-out personal or family decision, but a decision taken as a matter of urgency.
27. This urgency is caused by several factors whose magnitude goes beyond the “usual” levels of security and exercise of human rights for those forced to mobilize. Therefore, it is possible to say that the second element consists of the causes of IFD. Hence, there are causes beyond the control of displaced persons that prompts their mobility, which is why it is considered a forcible transfer of persons.
28. The third and last element of the definition refers to the geographical aspect. This kind of mobility is located within the national territory where the causes of IFD also took place. Hence, it is internal. People remain in their country and do not cross international borders because they want to return to their homes and rebuild their lives in one way or another. Therefore, even though they move away from their habitual residence to safeguard their physical integrity and life, they remain within national territory.

2. Causes of IFD According to the Guiding Principles

29. The different causes of IFD must be understood in the light of international humanitarian law, which classifies various situations involving different levels of violence,¹⁴ attesting to the close links between the origin and development of IDP protection standards and

¹⁴ UN, International Conference on Central American Refugees (CIREFCA), “*Principles and Criteria for the Protection of and Assistance to Central American Refugees, Returnees and Displaced Persons in Latin America*”, CIREFCA 89/9, Guatemala City, 29 to 31 May 1989, paragraph 28.

international refugee law.¹⁵ The different causes of IFD identified in the Guiding Principles are:

- Armed conflict;
- Situations of generalized violence;
- Violations of human rights;
- Natural or human-made disasters, and
- Development projects.

30. We will analyze each of the causes identified in the Guiding Principles in order to have a clearer understanding of their scope and implications.

Armed conflicts

31. Armed conflicts are defined by the Geneva Conventions and its Protocols, and are classified into two kinds: international and non-international (or internal). The first “involves all cases of declared war or of any other armed conflict which may arise between two or more parties, even if the state of war is not recognized by one of them.”¹⁶

32. Non-international or internal armed conflicts are those which take place in the territory of a State between its armed forces and dissident forces or other organized armed groups which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations.¹⁷ Accordingly, armed conflicts involve a number of assumptions in determining their existence and in the case of IFD, it is internal conflicts that are considered a cause of compulsory mobility.

Situations of generalized violence

¹⁵ For more information, see: Murillo González, Juan Carlos, “*El derecho de asilo y la protección de refugiados en el continente americano: contribuciones y desarrollos regionales*” [The right of asylum and refugee protection in the Americas: Regional contributions and developments], OAS, available at: <http://www.oas.org/dil/esp/19%20-%20murillo%201.DM.MR.417-438.pdf>

¹⁶ See CIREFCA 89/9, *op. cit.*, paragraph 29.

¹⁷ ICRC, “*Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)*, 8 June 1977”, Article 1.1.

33. Armed conflicts are not the only violent cause of IFD. The Guiding Principles also include widespread violence as a possible source of IFD. The Cartagena Declaration on Refugees (hereafter referred to as the Cartagena Declaration) refers to the concept of generalized violence, without specifically defining it, as a cause for refugees to flee their countries of residence.¹⁸
34. The definition of generalized violence must not only address its origins in international humanitarian law in order to protect the victims of wars, conflicts and mass violent uprisings, but it must also be adjusted to the historical and social context of each country, as well as to the transformations of violence. Thus, the principle of progressivity in human rights protection is fulfilled.¹⁹
35. The causes of IFD are not mutually exclusive and may appear jointly or separately.
36. The definition of violence set out in the Guiding Principles should not be interpreted restrictively or to the detriment of the rights of displaced persons, as this would be contrary to their purpose.

Violations of human rights

37. Human rights violations due to actions or omissions by state authorities are considered yet one more cause of IFD. Violations by action consist of exercising a behavior that directly violates the obligations to prevent, guarantee, protect or respect human rights. Violations by omission involve the State abstaining from action in a situation where it should have acted imminently.
38. The omissions of the State as a cause of IFD coincide with the authorities' knowledge of reasonably foreseeable situations of risk that could result in the forced mobility of a

¹⁸ UNHCR, "*Cartagena Declaration on Refugees*" 22 November 1984, third conclusion.

¹⁹ One example of the evolution of this concept is found in Article 4 of the Regulations of the Law on Refugees and Complementary Protection of Mexico, which states that generalized violence implies "confrontations in the country of origin or habitual residence, whose nature is continuous, general and unrelenting, in which force is used indiscriminately."

community –and multiple violations of their rights– for which the necessary measures were not taken to prevent it.²⁰ Based on the above, a foreseeable risk can be the presence of a situation with a strong manifestation of violence between public authorities and organized crime groups or between the latter, in a given territory, which makes it possible to predict the fact that the inhabitants of that place will have to leave their homes for their personal safety.

39. In addition to prevention, omissions can also be found in the absence of adequate investigation into the causes of IFD, which implies a violation of the duty to guarantee the right of displaced persons to access justice.
40. The State is responsible for the protection and well-being of the victims of IFD (IDPs), addressing their particular situation of vulnerability caused by the sudden abandonment of their assets, heritage, and jobs, as well as their emotional, social and family ties, along with the distress and anxiety generated by the underlying violence and insecurity in the place/home they left.

Natural or human-made disasters

41. Faced with the danger posed by nature in its many manifestations (hurricanes, earthquakes, floods, storms, droughts, tidal waves and volcanic eruptions, among many other variables), people have historically had to abandon their places of residence in order to be safe from these phenomena.
42. According to the glossary in the Inter-Agency Standing Committee (IASC) Operational Guidelines on the Protection of Persons in Situations of Natural Disasters, a natural disaster consists of “a serious disruption of the functioning of a community or a society causing widespread human, material, economic or environmental losses which exceed the ability of the affected community or society to cope using its own resources.”²¹

²⁰ IACtHR, “*Case of the Rochela Massacre v. Colombia*”, Judgment of May 11, 2007, paragraph 78

²¹ IASC, “*Operational Guidelines on the Protection of Persons in Situations of Natural Disasters. Glossary*”, 2012, available at: http://www.ohchr.org/Documents/Issues/IDPersons/OperationalGuidelines_IDP.pdf

43. These events have put entire communities in serious crisis where State action in terms of their humanitarian, assistance and human rights work has become an essential element to attend these cases. The duty of the State is vital for IFD victims (IDPs), especially because of the nature of the affectations and the myriad of human rights violated.
44. Not all of the causes of IFD are related to human rights violations, as in the case of natural disasters that are not the result of human intervention. However, a natural disaster that might have been foreseeable and in the face of which the authorities failed to take preventive actions to protect the population may lead to the State's probable accountability for such omissions. The same applies if after the displacement the State fails to provide the assistance required for each specific case. Therefore, human rights violations in IFD can also occur after a natural disaster.²²
45. Disasters are not only caused by nature; human beings can also be the main actors in this type of event. Forest fires, nuclear bomb detonations, the pollution of rivers and seas, among many other potential risks, are caused by humans whether intentionally or through negligence, but victims suffer equally the consequences of these acts.

Development projects

46. Development projects are those actions that seek to contribute to the planned development of a society, either in themselves or as part of a broader policy. One such action is the so-called "mega-projects", the magnitude of which is reflected not only in their physical size, but also in their social, environmental and even political impact.²³

²² The Inter-American Court has ruled in this regard in the following judgments: the Case of the Pueblo Bello Massacre v. Colombia, the Case of the Barrios Family v. Venezuela, and the Case of Rodríguez Vera et. al. v. Colombia.

²³ Domínguez, Juan Carlos, *"Desplazamiento forzado por proyectos de desarrollo: retos para la cooperación internacional en América Latina"* [Forced displacement through development projects: Challenges for international cooperation in Latin America], Cuadernos de cooperación internacional y desarrollo Instituto Mora, Conacyt and Universidad Iberoamericana, Mexico, 2014, page 21.

47. The construction of these development projects may be in the hands of the public administration and/or the private sector. These projects may result in hydroelectric power plants, highways, mines, or airports, among other major works.
48. In order to carry out these constructions, the State must ascertain that the rights of persons are not violated through arbitrary displacement. It must also ensure that society and the environment are not affected.
49. Not all development projects result in IFD, but there have been cases in which such works have led to the forced mobility of people whose homes were on the land on which these development projects were built. The Background section of this report mentions some of these cases.
50. To build this kind of infrastructure, it is often necessary to displace entire communities, modify the environment and develop a parallel infrastructure that includes, among other things, roads, treatment plants and waste management plants.²⁴ In view of this, citizen participation and free, prior and informed consultation with the ethnic communities that may be affected by the construction of such works is necessary. These democratic mechanisms make it possible for victims to be heard, as well as to have a global perspective of the contexts and issues that may arise with the aim of finding viable, effective and consensual solutions among the population, the business community and the government.²⁵
51. Likewise, in development projects, human acts can lead to different kinds of disasters, as in the case of mines whose toxic waste can be discharged into the rivers and the subsoil, causing even greater damage.

3. IFD, Refuge and Forced Migration

²⁴ *Idem.*

²⁵ For more information, see IACtHR, *Case of the Kichwa Indigenous People of Sarayaku v. Ecuador*, Judgment of June 27, 2012.

52. One of the most visible expressions of human mobility today is migration and within it, forced migration. While the term “forced migration” can be applied to almost any field of migration analysis –economic, sociological, anthropological, among others– in the context of IFD, this concept has been used, at least initially, more specifically.
53. The international bodies and agencies that study the migration phenomena from the perspective of international human rights law and international humanitarian law have traditionally considered forced migration a type of human mobility caused by anomalies or conflicts that are not directly related to economic processes, such as (i) violence unleashed by ethnic, political, religious or community conflicts; (ii) violence caused by war, guerillas, and criminal activities; and (iii) the occurrence of natural disasters like hurricanes, cyclones, tsunamis, floods and droughts. Furthermore, this concept also refers to IFD caused by large-scale infrastructure projects like residential developments and dams.²⁶ Accordingly, those who find themselves in contexts of forced migration are classified as displaced persons,²⁷ refugees, asylum seekers and exiles.
54. In its glossary on migration-related terms, the International Organization for Migration (IOM) defines forced migration as “a general term to describe a migratory movement in which an element of coercion exists, including threats to life and livelihood, whether arising from natural or man-made causes (e.g. movements of refugees and IDPs, as well as people displaced by natural or environmental disasters, chemical or nuclear disasters, famine, or development projects).”²⁸
55. Thus, and beyond the various disciplinary debates on what other types of population flows are likely to be considered forced migrations, we can graphically summarize the above conceptual categories as follows:

²⁶ Humberto Márquez Covarrubias, *“Diccionario crítico de migración y desarrollo, Colección Desarrollo y Migración”* [A critical dictionary of migration and development, Development and Migration Collection], Mexico, Miguel Ángel Porrúa, 2012, page 225.

²⁷ In this context, when we use the terms “displaced persons”, “internally displaced persons”, “victims of displacement” or “internally displaced persons”, we are referring to the same category of persons defined by the Guiding Principles on Forced Displacement.

²⁸ Document no. 17 sobre Derecho Internacional de las Migraciones, 2006 IOM, *International Migration Law Glossary on Migration*, 2004. http://www.iomvienna.at/sites/default/files/IML_1_EN.pdf



56. It is important to establish the practical relationship of the differences and similarities between refugees and victims of IFD (IDPs) beyond the crossing of an international border.
57. Historically, and mainly due to war contexts, the approach to the protection for victims of IFD (IDPs) and refugees has evolved hand in hand with international humanitarian law and the need to create frameworks for the protection of civilians. However, the framework for the protection of refugees has been more widely developed than that for victims of IFD (IDPs).²⁹
58. In this regard, the following table shows the main characteristics of these protection frameworks.

TABLE 1
Main Characteristics and Frameworks for the Protection of Refugees and Victims of IFD (IDPs)

CHARACTERISTICS	REFUGEES	INTERNALLY DISPLACED PERSONS
Persons to Whom the	Persons outside their country of origin who have	Persons who have been forced or compelled to escape or flee their home or place of habitual

²⁹ UNHCR, "An Introduction to International Protection. Protecting persons of concern to UNHCR", Self-study module 1, August 2005, page 5.

Respective Condition Applies	a well-founded fear of persecution for various reasons in their country of origin or habitual residence.	residence, due to or to avoid the effects of serious situations of violence in which their life and freedom are in danger.
Causes	Persecution for reasons of: <ul style="list-style-type: none"> - Race - Religion - Nationality - Political opinion - Membership in a particular social group 	Displacement due to: <ul style="list-style-type: none"> - Armed conflict - Generalized violence - Violations of human rights - Natural or human-made disasters - Development projects
Geographical Condition	They have crossed an international border.	They have not crossed an international border.
Main Framework of International Protection	International refugee law	International human rights law
Main Universal Protection Instruments	<ul style="list-style-type: none"> - 1951 Convention relating to the Status of Refugees - 1967 Protocol on the Status of Refugees (Binding) 	Guiding Principles on Internal Displacement (Non-binding)
Regional Protection Instruments	<ul style="list-style-type: none"> - 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (Binding) - 1984 Cartagena Declaration on Refugees (Non-binding) 	2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) (Binding)

Source: CNDH

4. Standards and Legal Framework for the Protection of Victims of IFD (IDPs)

59. IFD has been widely addressed by international jurisdictional and non-jurisdictional bodies. It has a legal framework of both international and national protection that must be considered in order to understand its nature. These aspects will be discussed in the following pages.

a) Guiding Principles on Internal Displacement

60. The international community has embraced the Guiding Principles as the regulatory framework for this issue. These principles reflect the rights contained in various international human rights and humanitarian law instruments, many of which have been signed by Mexico. Therefore, they constitute positive law in the country and must be considered for the interpretation of human rights legislation, in accordance with the provisions of Articles 1, paragraphs first, second and third, and 133 of the Constitution.
61. *“The purpose of the Guiding Principles is to address the specific needs of internally displaced persons worldwide by identifying rights and guarantees relevant to their protection.”*³⁰ It therefore recognizes the rights and mechanisms for the protection of persons at all stages of displacement: prevention of arbitrary displacement; protection and assistance during displacement; and guarantees during their return or settlement and reintegration.
62. The following is a summary of the principles in question:

TABLE 2
A Summary of the Guiding Principles

HEADING	PRINCIPLES	CONTENT SUMMARY
General Principles	1 to 4	<p>Displaced persons shall enjoy, in full equality, their rights and freedoms. They shall not be discriminated against on the ground that they are being displaced.</p> <p>National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons.</p> <p>These Principles shall be applied to all displaced persons without discrimination of any kind, such as race, color, sex, language, religion, political opinion, national origin, age, or any other similar criteria.</p>

³⁰ UN, *“Guiding Principles on Internal Displacement”*, *op. cit.*, paragraph 9.

Principles Relating to Protection from Displacement	5 to 9	<p>All authorities shall respect their obligations under international law to prevent the displacement of persons. Every human being shall have the right to be protected against being arbitrarily displaced. Authorities shall ensure that displacement does not violate the rights to life, dignity, liberty and security of those affected. Authorities shall also ensure proper accommodation, with satisfactory conditions of safety, nutrition, health and hygiene.</p>
Principles Relating to Protection During Displacement	10 to 23	<p>Every displaced person has the right to life (protection from genocide, murder, enforced disappearances); not to be subjected to violence (protection from direct or indiscriminate attacks, starvation as a method of combat, the use of anti-personnel landmines); to dignity and physical, mental and moral integrity (protection from rape, torture, slavery and forced labor); to liberty and security of person (protection from arbitrary arrest or detention as a result of their displacement); to liberty of movement and freedom to choose his or her residence; to know the fate and whereabouts of missing relatives; to respect of his or her family life, giving priority to family reunification; to an adequate standard of living; to medical services; to recognition as a person before the law; not to be arbitrarily deprived of property and possessions; to education; to employment; to freedom of thought; and to associate freely, as well as political rights.</p>
Principles Relating to Humanitarian Assistance	24 to 27	<p>The responsibility of providing humanitarian assistance lies with national authorities. International organizations have the right to offer their services in support of the internally displaced. Thus, authorities shall facilitate the free passage of humanitarian assistance to the internally displaced, which shall be carried out in accordance with the principles of humanity and impartiality and without discrimination.</p>
Principles Relating to Return, Resettlement and Reintegration	28 to 30	<p>National authorities have the responsibility to provide the means which allow internally displaced persons to return voluntarily, in safety and with dignity, to their places of habitual residence, or to resettle voluntarily in another part of the country. Special effort shall be made to ensure the full participation of the victims in the planning and management of their return or resettlement and reintegration.</p> <p>Competent authorities have the duty to assist internally displaced persons to recover their property and possessions which they left behind or were dispossessed of. When recovery of such property and possessions is not possible, authorities shall provide these persons appropriate compensation or another form of just reparation.</p>

Source: CNDH

63. As shown above, the Guiding Principles identify a number of actions that States are obligated to take with regard to victims of IFD (IDPs). Five of these stand out: a) non-discrimination; b) the prevention of displacement; c) protection during displacement; d) humanitarian assistance; and e) conditions of return, resettlement and reintegration. These basic actions would considerably mitigate the effects of IFD.

b) Other International Instruments for the Protection of Victims of Displacement

64. In addition to the Guiding Principles, there are other international and regional instruments that establish standards for the protection of victims of IFD.

65. Among these instruments are the Principles on Housing and Property Restitution for Refugees and Internally Displaced Persons,³¹ known as the “Pinheiro Principles” in honor of the then Special Rapporteur Paulo Sergio Pinheiro who drafted these principles on the restitution of housing and property on the return of refugees and IDPs.³²

66. The “Pinheiro Principles” systematize the rights recognized in international human rights instruments, refugee law, humanitarian law and related legislation, to provide a basis to address the legal and technical issues surrounding housing, land and property restitution in situations where displacement has led to persons being arbitrarily or unlawfully deprived of their former homes, lands, properties or places of habitual residence.³³

67. These Principles apply equally to all refugees, IDPs and to other similarly displaced persons who have fled their countries but who may not meet the legal definition of refugee.³⁴ It also recognizes the rights to non-discrimination; to privacy and respect for the home; to peaceful enjoyment of possessions; to adequate housing; to freedom of movement and to voluntary return in safety and dignity, based on a free, informed, individual choice.

³¹ UNHCR, “*Final report of the Special Rapporteur, Paulo Sérgio Pinheiro. Principles on housing and property restitution for refugees and displaced persons*”, doc. E/CN.4/Sub.2/2005/17, 28 June 2005.

³² Adopted by the Sub-Commission on the Promotion and Protection of Human Rights of the then Human Rights Commission at its fifty-sixth session, in its resolution 2004/2.

³³ UNHCR, “*Final report of the Special Rapporteur, Paulo Sérgio Pinheiro...*” *op. cit.*, Section I. Scope and Application, paragraph 1.1

³⁴ *Ibid.*, paragraph 1.2

68. These Principles also stress that the State is responsible for creating legal, procedural and institutional mechanisms to allow displaced persons and refugees access to procedures for claims and restitution, consultation, participation in decision-making, registration and documentation of homes, land and property, and compensation. Successful implementation of programs of housing, land and property restitution is essential for restorative justice and helps prevent the recurrence of displacement.
69. Another instrument that forms part of the international regulatory framework for the protection of displaced persons is the Declaration of Cartagena,³⁵ which in its ninth conclusion calls on national authorities and competent international organizations to offer protection and assistance to IDPs.
70. Additionally, in 2004, the General Assembly of the Organization of American States (OAS) adopted a resolution addressed to States on various issues related to displaced persons.³⁶ What stands out in this document is the OAS's call for States to include the needs of this population in their plans and programs and to consider the content of the Guiding Principles in the design of their public policies.
71. The regulation of IFD is not exclusive to the Americas. For instance, there is the *African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa* (The Kampala Convention), which came into force in 2012. This document is the first international treaty for the protection and assistance of displaced persons to apply across an entire continent. It imposes on States the obligation to protect and assist persons displaced because of natural disasters and man-made actions like armed conflicts.³⁷

³⁵ Adopted by the *Colloquium on the International Protection of Refugees in Central America, Mexico and Panama: Legal and Humanitarian Problems*, held in Cartagena de Indias, Colombia, from 19 to 22 November 1984.

³⁶ OAS, General Assembly, fourth plenary session, *Resolution AG/RES.2055, Internally Displaced Persons Internos*, AG/RES.2055 XXXIV-O/04, June 8, 2004

³⁷ International Committee of the Red Cross, News Release 12/234, "*ICRC welcomes entry into force of Kamapala Convention for displaced persons*", 5 December 2012.

72. The Kampala Convention draws heavily on the Guiding Principles, and especially elaborates on those dealing with the primary responsibility of the State and non-discrimination towards displaced persons.³⁸
73. Regarding Mexican law, the CNDH analyzed the rights of displaced persons in the light of the national legal framework (Appendix 1). The results of this analysis stress the need for the Mexican State to comply with both the Guiding Principles on Internal Displacement and the Pinheiro Principles.

c) Inter-American System Criteria Regarding IFD

74. The regional system for the protection of human rights has established case law on internal displacement, which makes it possible to propose a series of criteria regarding the conceptualization of the phenomenon, as well as the State's obligations in this area.
75. On several occasions, the Inter-American Court of Human Rights (IACtHR) has ruled on the issue of IFD on the grounds of violence. Two cases are considered emblematic on the subject: the "Mapiripán Massacre"³⁹ and the "Ituango Massacres",⁴⁰ both against Colombia.
76. In addition to the Colombian cases, this court has condemned several States for failing to comply with their obligation to protect and guarantee the human rights of victims of IFD (IDPs), such as Suriname,⁴¹ Guatemala,⁴² El Salvador⁴³ and Paraguay.⁴⁴

³⁸ UNHCR, *"Personnes déplacées à l'intérieur de leur propre pays: responsabilité et action: Guide à l'usage des parlementaires"* N° 20 – 2013, UNHCR and Union Interparlementaire, France, 2013, page 30.

³⁹ Judgment of September 15, 2005.

⁴⁰ Judgment of July 1, 2006.

⁴¹ IACtHR, *"Case of the Moiwana Community v. Suriname"*, Judgment of June 15, 2005.

⁴² IACtHR, *"Case of Chitay Nech et. al. v. Guatemala"*, Judgment of May 25, 2010.

⁴³ IACtHR, *"Case of the Massacres of El Mozote and Nearby Places v. El Salvador"*, Judgment of October 25, 2012.

⁴⁴ IACtHR, *"Case of Sawhoyamaya Indigenous Community v. Paraguay"*, *Separate Opinion by Judge A.A. Cançado Trindade*, Judgment of March 29, 2006.

77. With regard to the conceptualization of the phenomenon, the Inter-American Court has pointed out that the circumstances of special vulnerability and defenselessness in which displaced persons generally find themselves can be understood as a *de facto* condition of the lack of protection,⁴⁵ considering that the situation of vulnerability of displaced persons results from the fact that they are under the jurisdiction of their own State, which has not taken the necessary measures to prevent or avoid the situation of abandonment that led to displacement.⁴⁶
78. As to State obligations regarding IFD, the IACtHR has established that States must protect the rights of displaced persons, which implies not only the duty to adopt measures to prevent and guarantee the right of free movement,⁴⁷ but also to carry out an effective investigation of the alleged violation of these rights and to provide the necessary conditions for a dignified⁴⁸ and safe return to their place of habitual residence,⁴⁹ or their voluntary resettlement in another part of the country,⁵⁰ ensuring their full participation in the planning and management of their return.⁵¹

⁴⁵ IACtHR, "*Case of Chitay Nech et. al. v. Guatemala*", *op. cit.*, paragraph 141.

⁴⁶ Separate Opinion of Judge A.A. Cançado Trindade in the Case of the Sawhoyamaya Indigenous Community v. Paraguay, Judgment of March 19, 2006.

⁴⁷ In the case of the Sarayaku Indigenous Community in Ecuador, the Court ordered provisional measures on June 17, 2005 and July 6, 2004, instructing that the right of free movement to members of the Kichwa people of Sarayaku be guaranteed.

⁴⁸ In the case of the Peace Community of San José de Apartadó in Colombia, the provisional measures dated February 2, 2006, March 15, 2005, November 17, 2004 and November 24, 2000, instructing the Colombian State to ensure the necessary conditions for the people of the Peace Community of San José de Apartadó, who had been forced to move to other areas in the country, to return to their homes.

⁴⁹ In the case of the communities of Jiguamiandó and Curbarado in Colombia, this court issued the provisional measures of November 17, 2004 and March 6, 2003, instructing said State to ensure that the beneficiaries could continue to live in their habitual residence and to provide the necessary conditions for the displaced persons of these communities to return to their homes.

⁵⁰ In the case of the Kankuamo Indigenous Community in Colombia, the IACtHR issued provisional measures dated January 30, 2007 and July 5, 2004, instructing the Colombian State to guarantee the necessary conditions of security to respect the right to free movement of the people of the Kankuamo indigenous community, as well as for those who had been forced to move to other regions so they might return to their homes if they so desired.

⁵¹ IACtHR, "*Case of Chitay Nech et. al. v. Guatemala*", *op. cit.*, paragraph 149.

79. In the event that the conditions needed for return do not exist, authorities must have the necessary and sufficient resources for victims of IFD (IDPs) to resettle in conditions similar to those they had prior to the events, to a place they freely and willingly choose.⁵²
80. The IACtHR has also stated that the continuation of forced displacement due to the State's failure to adopt measures to allow people to return safely and with dignity to their lands constitutes a violation of the right of movement and of residence,⁵³ stressing that the separation of some communities from their ancestral lands causes emotional, psychological, spiritual and economic distress.
81. The IACmHR has also studied and examined cases of IFD in the region. One of these cases is the Montes de María massacre, in Colombia,⁵⁴ which took place in February 2000, when members of the United Self-Defense Forces of Colombia (AUC) entered several villages located in the departments of Bolivar and Sucre. The AUC posted a guard around the village, herding most of its inhabitants into the central square and the basketball court where they were classified the inhabitants by sex and age and then killed 38 of them while drinking alcohol and making music. Among the victims was a six-year-old girl. Through these acts of violence, some 1,500 families were forced to leave.
82. In this case, the IACmHR declared that these acts could be considered violations of the rights to life, to personal integrity, to the prohibition of slavery and servitude, to personal liberty, to the protection of honor and dignity, to the protection of the family, to the rights of the child, to private property, to movement and residence, to legal guarantees and legal protection, enshrined in Articles 4.1, 5.1, 5.2, 6.2, 7.2, 8.1, 11, 17, 19, 21.1, 22.1 and 25 of the American Convention, in accordance with Article 1.1 of the same convention, and Article 7 of the Convention of Belém do Pará.

⁵² IACtHR, "*Case of the Ituango Massacres v. Colombia*", Judgment of July 1, 2006, paragraph 404 and *Case of the Massacres of El Mozote...*, *op. cit.*, paragraph 345.

⁵³ IACtHR, "*Case of the Moiwana Community v. Suriname*", Judgment of June 15, 2005, paragraph 128.

⁵⁴ IACmHR, *Report No. 15/09, Petition 1-06, Admissibility, Massacre and Forced Displacement of Montes de María, Colombia*, March 19, 2009.

83. The IACmHR has also requested precautionary measures related to IFD in the case of the 135 members of the Triqui indigenous community of San Juan Copala in Oaxaca, who were displaced as a result of repeated violent attacks against them by an armed group. On October 7, 2010, the IACmHR requested the Mexican State to adopt the necessary measures to guarantee the lives and personal integrity of 135 inhabitants of San Juan Copala, Mexico; to agree on the measures to be adopted with the beneficiaries and their representatives; and to report on the actions taken to investigate the events that gave rise to the adoption of the precautionary measures. The criteria identified at the time by the IACmHR have been taken up and elaborated upon extensively by the IACtHR.
84. The following is a compilation of the criteria already established in the Inter-American Human Rights System and which are considered the most significant in the protection of displaced persons.

TABLE 3
Notable Criteria on IFD Established by the Inter-American Human Rights System

CRITERIA	CASES
<p>To establish the international responsibility of the State, it is enough to prove that there has been support or tolerance by public authorities in the infringement of the rights [...] or omissions that enabled these violations to take place.</p>	<p>Case of the “Mapiripán Massacre” v. Colombia, Judgment of September 15, 2005, paragraph 111; Case of the Pueblo Bello Massacre v. Colombia, Judgment of January 31, 2006, paragraph 112; Case of the Massacres of El Mozote and Nearby Places v. El Salvador, Judgment of October 25, 2012, paragraph 144; Case of the Santo Domingo Massacre v. Colombia, Judgment of November 30, 2012, paragraph 188; Case of the Afro-Descendant Communities Displaced from the Cacarica River Basin (Operation Genesis) v. Colombia, Judgment of November 20, 2013, paragraph 224</p>
<p>[In contexts that may result in or have already caused displacement,] it is indispensable that the States adopt specific measures of protection considering the particularities of the indigenous peoples.</p>	<p>Case of Chitay Nech et. al. v. Guatemala, Judgment of May 25, 2010, paragraph 147; Case of the Río Negro Massacres v. Guatemala, Judgment of September 4, 2012, paragraph 177</p>
<p>[In contexts that may result in or have already caused displacement,] in the case</p>	<p>Case of the Moiwana Community v. Suriname, Judgment of</p>

of indigenous communities, [...] mere possession of the land should suffice to obtain official recognition of their communal ownership and for consequent registration.

The acute vulnerability of displaced persons is reinforced by their rural origin and, in general, it especially affects women [...], girls, boys, youths, and elderly persons. Cases such as this one are particularly serious, when the victims of human rights violations are children.

As a result of the complexity of the phenomenon of internal displacement and of the high range of human rights that are affected or put at risk, and based on the circumstances of special vulnerability [...] in which those displaced usually find themselves, their situation can be understood as a *de facto* condition of lack of protection.

The obligation of guarantee for the States to protect the rights of displaced persons carries with it not only the duty to adopt measures of prevention, but also [...] to provide the necessary conditions for a dignified and safe return to their habitual place of residence or voluntary resettlement in another place in the country. To this end, their full participation in the planning and implementation of their return or reintegration must be guaranteed.

The lack of an effective investigation of the acts that led to internal forced displacement can perpetuate the

June 15, 2005, paragraph 131; Case of the Sawhoyamaya Indigenous Community v. Paraguay, Judgment of March 29, 2006, paragraph 127

Case of the “Mapiripán Massacre” v. Colombia, Judgment of September 15, 2005, paragraphs 152 and 175; Case of the Ituango Massacres v. Colombia, Judgment of July 1, 2006, paragraphs 212 and 244; Case of the Massacres of El Mozote and Nearby Places v. El Salvador, Judgment of October 25, 2012, paragraph 150; Case of the Afro-Descendant Communities Displaced from the Cacarica River Basin (Operation Genesis) v. Colombia, Judgment of November 20, 2013, paragraphs 329 and 330

Case of the “Mapiripán Massacre” v. Colombia, Judgment of September 15, 2005, paragraph 177; Case of the Ituango Massacres v. Colombia, Judgment of July 1, 2006, paragraph 210; Case of Chitay Nech et. al. v. Guatemala, Judgment of May 25, 2010, paragraph 141; Case of the Barrios Family v. Venezuela, Judgment of November 24, 2011, paragraphs 162 and 165; Case of the Río Negro Massacres v. Guatemala, Judgment of September 4, 2012, paragraphs 180 and 181; Case of the Massacres of El Mozote and Nearby Places v. El Salvador, Judgment of October 25, 2012, paragraph 193; Case of the Afro-Descendant Communities Displaced from the Cacarica River Basin (Operation Genesis) v. Colombia, Judgment of November 20, 2013, paragraph 315

Case of the Moiwana Community v. Suriname, Judgment of June 15, 2005, paragraph 113; Case of the Ituango Massacres v. Colombia, Judgment of July 1, 2006, paragraph 404; Case of Chitay Nech et. al. v. Guatemala, Judgment of May 25, 2010, paragraph 149; Case of the Massacres of El Mozote and Nearby Places v. El Salvador, Judgment of October 25, 2012, paragraph 188; Case of the Afro-Descendant Communities Displaced from the Cacarica River Basin (Operation Genesis) v. Colombia, Judgment of November 20, 2013, paragraph 220; Case of Human Rights Defender et. al. v. Guatemala, Judgment of August 28, 2014; paragraph 167

Case of the Moiwana Community v. Suriname, Judgment of June 15, 2005, paragraphs 108 and 128; Case of the “Mapiripán Massacre” v. Colombia, Judgment of September 15, 2005, paragraph 186; Case of Chitay Nech et. al. v. Guatemala, Judgment of May 25, 2010, paragraph 149;

vulnerable situation of the victims.

Case of the Barrios Family v. Venezuela, Judgment of November 24, 2011, paragraph 165; Case of the Río Negro Massacres v. Guatemala, Judgment of September 4, 2012, paragraph 178; Case of the Massacres of El Mozote and Nearby Places v. El Salvador, Judgment of October 25, 2012, paragraph 193

In addition to the violation to the right of movement and residence, forced displacement can be caused by other violations of multiple rights or lead to multiple violations of other human rights.

Case of the “Mapiripán Massacre” v. Colombia, Judgment of September 15, 2005 paragraph 186; Case of the Ituango Massacres v. Colombia, Judgment of July 1, 2006, paragraph 234; Case of the Massacres of El Mozote and Nearby Places v. El Salvador, Judgment of October 25, 2012, paragraph 195; Case of the Afro-Descendant Communities Displaced from the Cacarica River Basin (Operation Genesis) v. Colombia, Judgment of November 20, 2013, paragraph 317

Source: CNDH

d) IFD in the Region: Reference to the Colombian Case and the Criteria of its Constitutional Court

85. One of the most important cases of IFD in the world is the one of Colombia. Since the 1990s, it has come to have the most visible effect of internal armed conflict in its different manifestations and concerning all its actors. In 1995, the Constitutional Court of Colombia acknowledged that this context seriously affected the civil population, one of its most discernable consequences being the displacement of more than half a million Colombians at that time.⁵⁵
86. A couple of years later and in line with the above, the report of the UN High Commissioner for Human Rights, “Human rights and mass exoduses”,⁵⁶ reiterated what the Colombian Constitutional Court had stated, noting that in Colombia and Chechnya, among other countries, mass exoduses occurred in the context of large-scale violations of human rights, committed in situations of armed conflict, which include indiscriminate military attacks against civilians during counter-insurgency operations, attacks by

⁵⁵ Constitutional Court of Colombia, Judgment C-225/95, May 18, 1995.

⁵⁶ UN, “Human Rights, Mass Exoduses and Displaced Persons. Human Rights and Mass Exoduses. Report of the High Commissioner for Human Rights”, Doc. E/CN.4/1997/42, 14 January 1997.

irregular armed groups, and communal violence.⁵⁷ In addition, forced displacement also leads to the violation of other rights, making it a genuine cycle of violations.

87. After recognizing that IFD was one of the worst consequences of internal armed conflict based on various judgments issued since 1997, the report drew attention to some characteristics of IFD and of displaced persons. The following is a brief summary of its content that should be taken into account when analyzing the phenomenon of IFD locally and in due proportion:

- The persons forced to leave their homes because of violence are mostly poor farmers, with low levels of schooling. In addition, the majority of displaced persons are minors and women. They mainly move to cities where they have few possibilities to access decent housing and stable employment. The result of the forced migration to which they are subjected is often a worsening of their already precarious living conditions in the countryside.⁵⁸
- Forced displacement is a multiple, massive and continuous violation of the rights of persons who are forced to migrate. On the one hand, it is clear that these people have to leave their homes because of the risk to their lives and personal integrity, the danger arising from direct threats made against them or from their reading of the multiple acts of violence that take place in their places of residence.⁵⁹
- IFD involves two fundamental elements regarding its victims: (i) the coercion that makes relocation necessary; and (ii) staying within the nation's own borders. If these two conditions are met, there is no doubt that the situation is one of internal forced displacement.⁶⁰
- Forced displacement clearly entails a violation of the right of nationals to choose their place of residence, as well as their right to free development of their personality.

⁵⁷ *Ibid*, paragraph 15.

⁵⁸ Constitutional Court of Colombia, Judgment SU-1150/00, August 30, 2000.

⁵⁹ *Idem*.

⁶⁰ Constitutional Court of Colombia, Judgment T-227/97, May 5, 1997.

Likewise, given the intimidating environment that precedes displacement, these people are also denied their rights of expression and association.⁶¹

- IFD implies the State's obligation to guarantee freedom of movement and residence, the prohibition against arbitrary individual or mass removals, and the prohibition of forced return in dangerous conditions. As a result, no authority can brand displaced persons as disruptive agents simply because they are trying to save their lives.⁶²
- The victims of extreme social conditions, such as those who are in a situation of internal forced displacement, are the ones who suffer the most on the spectrum of people in situations of manifest weakness because of their uprooting, the destruction of the material bases that supports their life project, as well as the serious impact on the social fabric to which they belong. These criteria should serve as an interpretative guide to address the housing needs of the population in situations of manifest weakness, as well as the distribution of the resources needed to meet their economic, social and cultural rights. Hence, along with the social housing programs and adequate long-term financing mechanisms, there should be plans to assist those who are extremely vulnerable: displaced persons and victims of natural disasters.⁶³
- In view of this myriad of constitutional rights affected by displacement and the above-mentioned circumstances of special weakness, vulnerability and powerlessness in which displaced persons find themselves, they are generally entitled to receive urgent preferential treatment from the State. According to the Colombian court, this right constitutes the "*point of support to protect those who are in a situation of helplessness due to internal forced displacement,*" and must be characterized, above all, by prompt attention to the needs of these people, since "*otherwise the violation of fundamental rights would be allowed to continue and, in many situations, worsen.*"⁶⁴

5. Human Security and its Relevance to the Presence of IFD in Mexico

⁶¹ Constitutional Court of Colombia, Judgment SU-1150/00, *op. cit.*

⁶² Constitutional Court of Colombia, Judgment T-227/97, May 5, 1997.

⁶³ Constitutional Court of Colombia, Judgment T-958/01, September 6, 2001.

⁶⁴ Constitutional Court of Colombia, Judgment T-025/04, January 22, 2004.

88. Regardless of the causes of IFD identified in the Guiding Principles, there are a number of social factors that may contribute to this phenomenon. One approach for the analysis of these factors can be made from the concept of human security that makes it possible to comprehensively study them.
89. Human security covers a wide range of conditions related to the survival, livelihood and dignity of people, especially those who are vulnerable and under serious threat. An essential factor for human security is the promotion of political, social, economic, environmental and cultural systems that together provide people with the basic elements to attain human peace, development and progress.⁶⁵
90. In broad terms, human security encompasses the right to a life with freedom from fear, freedom from want/misery and freedom to live in dignity.⁶⁶ According to the 1994 United Nations Development Programme (UNDP) Human Development Report, there are seven main categories of threats to human security. The following table shows these categories from the perspective of how they are expressed and the insecurities that result when they are not guaranteed:

TABLE 4
Human Security and Threats

TYPE OF SECURITY	EXAMPLES OF SECURITY:	EXAMPLES OF THREATS OR INSECURITIES:
Economic	Assured basic income, employment, and overcoming poverty	Persistent poverty, unemployment
Food	Fair distribution of food	Hunger, famine
Health	Clean drinking water and overcoming health threats	Deadly infectious diseases, unsafe food, malnutrition, lack of access to basic

⁶⁵ United Nations Trust Fund for Human Security and Human Security Unit, *Human Security at the United Nations*, New York, 2015, page 5.

⁶⁶ UN, *Human Security. Report of the Secretary-General*, Doc. A/64/701, 8 March 2010, paragraph 19.

		health care
Environmental	Respect for local and global ecosystems	Environmental degradation, resource depletion, natural disasters, pollution
Personal	Safety from physical violence	Physical violence, crime, terrorism and other types of violence
Community	Strengthening the family, ethnic and racial groups and organizations	Inter-ethnic, religious and other identity-based tensions, family disintegration
Political	Guarantee of basic human rights for citizens of a democratic State	Political repression, human rights abuses

Source: United Nations Trust Fund for Human Security and the Human Security Unit. *“Human Security at the United Nations”*.

91. Human security emphasizes the interconnectedness of both threats and responses when addressing these insecurities. Threats or insecurities are mutually reinforcing and interconnected in two ways: (i) through a domino effect in the sense that each threat feeds on the other. For example, violent conflicts can lead to deprivation and poverty which in turn could lead to resource depletion, infectious diseases, education deficits, and so on; and (ii) threats within a given country or area can spread and have negative externalities for regional and international security.⁶⁷

92. Accordingly, displaced persons may also find themselves in situations of poverty, hunger and violence that reflect a total lack of protection. IDPs are usually people who were already living in poverty before the causes of displacement occurred and, as a result, their situation worsens after this displacement.

93. Poverty is one of the most serious social problems related to the development of a country, region or city. This is why eradicating extreme poverty and hunger is the first of

⁶⁷ Human Security Unit, *“Human Security in Theory and Practice... Application of the Human Security Concept and the United Nations Trust Fund for Human Security”*, New York, 2009, *op. cit.*, page 8.

the Eight Millennium Goals.⁶⁸ The UN Special Rapporteur on the Human Rights of Internally Displaced Persons, Chaloka Beyani, addressed the Human Rights Council on the need to include IDP in the post-2015 development agenda and the sustainable development goals. Furthermore, recognizing displacement crises, especially long-lasting ones, are not only a humanitarian, but also a development challenge. The Special Rapporteur also emphasized that national authorities must include IDPs in their own development agendas and programs to ensure durable solutions.⁶⁹

94. For the Mexican State to address the problem of IFD, it is necessary to consider the individuals, families and communities that had to be displaced due to the lack of minimum human security conditions in their communities of origin.

a) Social Deprivation and Economic Income Indices in Mexico

95. Some of the parameters for defining human security are the rates of access to social and economic, and public security opportunities. Conflicts damage the structure of a community and a country, affecting the development of public services, health care, food distribution, and the work and educational environment. Social capital deteriorates with the separation or displacement of families.
96. According to the 2012 Report of the National Council for the Evaluation of Social Development Policy (CONEVAL) in Mexico, *“almost half of the Mexican population is poor.”*⁷⁰
97. The CONEVAL designed a poverty measurement system based on main indicators:
 - a. Social deprivation: This is measured by six categories: (i) educational gap, (ii) access to health care, (iii) social security, (iv) quality and housing spaces, (v) basic services and (vi) food.

⁶⁸ UN, *“We Can End Poverty” Millennium Development Goals and Beyond 2015*. See: <http://www.un.org/millenniumgoals/poverty.shtml>

⁶⁹ UN, *“Protection and assistance to internally displaced persons. Report of the Special Rapporteur on the human rights of internally displaced persons”*, Doc. A/70/334, 20 August 2015, paragraph 25.

⁷⁰ CONEVAL, *“Informe de Pobreza en México 2012”* [2012 Mexico Poverty Report], Mexico, 2013, page 10

- b. Economic income: This consists of verifying whether the economic income is sufficient to cover basic food and non-food needs. The “minimum welfare line” equals the value of the basic food basket⁷¹ per person per month, and the “welfare line” equals the total value of the food basket and non-food basket per person per month.⁷²

98. From these indicators, the CONEVAL has identified three main groups of Mexicans:⁷³

- a. Poor population. Those with one or more social deprivations and an income below the minimum welfare line (MWL). It includes:
- Extreme poverty. This is the population with three or more social deprivations and an income below the MWL. The average income is MXP\$1,242.61 a month for the urban population and MXP\$868.25 a month for the rural population.⁷⁴
 - Moderate poverty. The average income is MXP\$2,542.13 a month for the urban population and MXP\$1,614.65 for the rural population.⁷⁵
- b. Vulnerable population. This group has social or economic deprivations. Its two subgroups are:
- Vulnerability due to social deprivations. This population has one or more social deprivations and income equal or higher than the MWL. The national average of income for this group was MXP\$4,541.00 a month.⁷⁶
 - Vulnerability due to income. This population is without deprivation, but has an income lower than the MWL. The national average income for this group was MXP\$1,601.00.⁷⁷

⁷¹ See the official website of the National Council for the Evaluation of Social Development Policy.

⁷² CONEVAL, “Informe de Pobreza...”, *op. cit.*, page 12.

⁷³ *Idem.*

⁷⁴ Consejo Nacional de Evaluación de la Política de Desarrollo Social, *Medición de la pobreza en México y en las Entidades Federativas 2014* [2014 Measurement of poverty in Mexico and its states], Mexico, July 2015.

⁷⁵ *Idem.*

⁷⁶ CONEVAL, “Informe de Pobreza...”, *op. cit.*, page 94 (graph 14). According to the “Medición de la pobreza en México y en la entidades federativas 2014” [2014 Measurement of poverty in Mexico and its states] July 2015, in Mexico, 31.5 million people are vulnerable due to social deprivation.

⁷⁷ *Idem.* According to the “Medición de la pobreza en México y en la entidades federativas 2014” [Measurement of poverty in Mexico and its states] July 2015, in Mexico, 8.5 million people are vulnerable because of their level of income.

- c. Neither poor nor vulnerable population. This population does not have social deprivation and has an income equal to or higher than the MWL. The national average income for this group was MXP\$6,408.00.⁷⁸

99. According to the CONEVAL, in Mexico there are 53.3 million poor people (46.2%), of which 43.9 million are considered moderate poor and 11.4 million live in extreme poverty.⁷⁹

100. In Mexico, there are 31.4 million people living in vulnerability due to social deprivation (26.63%) while 8.4 million Mexicans suffer from income vulnerability (7.1%). The remaining 24.5 million (20.5%) are classified as neither poor nor vulnerable.⁸⁰

101. The six states with the highest percentages of poverty are: Chiapas (76.2%), Oaxaca (66.8%), Guerrero (66.2%), Puebla (64.5%), Michoacán (59.5%) and Tlaxcala (58.9%).⁸¹

102. According to the figures in the 2014 CONEVAL report, 24.6 million people had such a low income that even with the full amount in hand it would still not be enough to acquire the basic food basket. It also reported that for that year, more than half of the population (60.6 million) earned less than MXP\$2,328.00 a month in the urban areas and MXP\$1,489.00 a month in rural areas. This means that their income was insufficient to acquire the complete food basket.⁸²

103. As to social deprivation, the CONEVAL indicated that three out of four Mexicans had at least one social deprivation (86.9 million). Meanwhile, one out of five Mexicans

⁷⁸ *Idem*. According to the “*Medición de la pobreza en México y en la entidades federativas 2014*” [Measurement of poverty in Mexico and its states] July 2015, in Mexico, 24.6 million people are neither vulnerable nor poor.

⁷⁹ Consejo Nacional de Evaluación de la Política de Desarrollo Social, “*Medición de la pobreza, Estados Unidos Mexicanos, 2014*” [Measurement of poverty, United Mexican States, 2014], Table 1, Percentage, number of people and average deprivation by poverty indicator, 2010- 2014.

⁸⁰ *Ibid.*, Table 4B, Percentage, number of people and average deprivation by poverty indicator, by state, 2010-2014, Part II

⁸¹ CONEVAL, “*Medición de la pobreza en México...*”, *op. cit.*

⁸² *Ibid.*, page 14.

experienced three or more social deprivations (28.1 million),⁸³ which prevented 86.9 million Mexicans from fully developing.⁸⁴

104. This is all the more important considering that poverty and social inequality are related in various ways to violence.⁸⁵ For example, the presence of organized crime in some municipalities of the country is due to the resources they can obtain and the geostrategic location for drug trafficking.

105. In its 2013 National Human Rights Agenda,⁸⁶ the CNDH proposed the need to promote the right to an adequate standard of living, which includes the rights to food and protection from hunger, to decent housing, to drinking water and clothing, as well as to promote social development programs to satisfy the right to the minimum living standard, which should be aimed at ensuring a dignified life for people through growth and employment, as well as strengthening the existing human development programs, guaranteeing that their implementation and the procedures for granting and including said programs comply with the law in order to benefit the people.

b) Rates of Violence and the Right to Public Security

106. According to the Assessment of the “Bases of the National Program for the Social Prevention of Violence and Crime and the Establishment of the Inter-Ministerial Commission”⁸⁷ published in February 2013, the phenomenon of violence in Mexico has become a priority issue on both the public agenda and in citizens’ perception. During the period of 2001-2011, even with the 538% increase in the budget allocated to the then

⁸³ *Ibid.*, page 23.

⁸⁴ CONEVAL, “Informe de Pobreza...”, *op. cit.*, page 58.

⁸⁵ According to the Economic Commission for Latin America and the Caribbean, “*violence and inequality are a cause and consequence of poverty, insecurity and underdevelopment, and at the same time they restrict democracy, freedom and lower the quality of life for the population in Latin America and the Caribbean.*” ECLAC, Press Release Violence and Inequality Restrict Democracy and Cause Poverty and Underdevelopment, 29 April 2012, available at: <https://www.cepal.org/en/pressreleases/violence-and-inequality-restrict-democracy-and-cause-poverty-and-underdevelopment>.

⁸⁶ CNDH, “Agenda Nacional de Derechos Humanos 2013” [National Human Rights Agenda], available at: http://www.cndh.org.mx/sites/all/fuentes/documentos/conocenos/Agenda_2013_1.pdf

⁸⁷ SEGOB, “Bases del Programa Nacional para la Prevención Social de la Violencia y la Delincuencia e Instalación de la Comisión Intersecretarial” [Bases for the National Program for the Social Prevention of Violence and Crime and the Establishment of the Inter-Ministerial Commission], February 2013.

Federal Ministry of Public Security and its decentralized administrative agencies (from \$6.3 billion Mexican pesos to \$40.5 billion Mexican pesos), the incidence of crimes under federal jurisdiction increased by 83% (from 78,309 to 142,971 cases).⁸⁸

107. The federal government recognized that among the factors that have most influenced the increase in violence in Mexico are disputes within and between criminal organizations dedicated to drug trafficking.⁸⁹

108. In this regard, the 2013 Special Report on Self-Defense and Public Security Groups in the State of Guerrero, as well as the CNDH 2015 Special Report on Self-Defense Groups in the State of Michoacán and the Human Rights Violations Related to the Conflict, reiterated that the authorities of the three levels of government are obliged to guarantee the physical integrity, property and rights of individuals, to preserve public freedom, order and peace. Public security is a human right that is provided to people through preventive or security measures, which must be timely and effectively implemented. Moreover, this right is a fundamental factor for the consolidation of the system of freedoms and the guarantee of unrestricted respect in the exercise, protection and promotion of human rights, which entails the requirement of protection of public order.

109. The effective exercise of this right consists of raising the quality of public service, according to the needs and demands of reality and of society, as a vital element aimed at preventing misconduct in public service, eliminating areas of neglect and impunity through conditions that guarantee the effectiveness of government action and enabling the creation of a culture based on the respect for human rights. The CNDH has stressed that public security is directly related to the concept of the Rule of Law and public peace, and it is therefore imperative that it be guaranteed effectively.

⁸⁸ See VI Informe de Gobierno [6th Annual Government Report] and SNSP, 2012.

⁸⁹ *Bases del Programa Nacional para la Prevención Social de la Violencia y la Delincuencia e Instalación de la Comisión Intersecretarial* [Bases of the National Program for the Social Prevention of Violence and Crime and the Establishment of the Inter-Ministerial Commission] 2013, with information from the Centro Nacional de Prevención del Delito y Participación Ciudadana [National Center for Crime Prevention and Citizen Participation] from 2010. Available at: http://qacontent.edomex.gob.mx/idc/groups/public/documents/edomex_archivo/ipd_pdf_progman_al_archivo.pdf

6. History of IFD in Mexico

110. IFD is not a recent event in Mexico. The diverse causes that have led to it have appeared at different times and places in national territory. This section addresses some of the best-known causes of displacement in the last 50 years, such as IFD for religious reasons, human rights violations, natural disasters, clashes between organized crime groups, self-defense groups, journalistic activity and development projects in Mexico.

a) Events of 1994 in Chiapas

111. On January 1, 1994, an armed uprising by the so-called Ejército Zapatista de Liberación Nacional [Zapatista National Liberation Army -- EZLN] took place in the State of Chiapas. This armed movement had a significant impact on the socio-political situation in Chiapas, and the violence that occurred led to the forced displacement of people to different regions of the state.

112. In his Report on Displaced Persons in the Armed Conflict in Chiapas, the UN Special Rapporteur on the Human Rights and Fundamental Freedoms of Indigenous Peoples noted the following:

“The military offensive implemented by the Mexican Army resulted in serious human rights violations, including the displacement of the population of different indigenous and farming communities around the Municipality of San Cristóbal de las Casas during the 12 days of hostilities. While it is true that the armed conflict produced, among other things, multiple human rights violations such as arbitrary detentions, disappearances, executions, cases of torture, extrajudicial executions, a lack of due process, etc., we cannot fail to mention that in the State of Chiapas communities have been displaced by the structural violence that has prevailed in the face of policies implemented by the various governments in turn. One of the main causes is the lack of attention and a solution to the agrarian situation. This problem continues to be a source of contradiction and conflict, not only because of what land represents as a means of production, but also as a space for the advancement of the different projects of autonomy implemented by different agricultural worker and indigenous organizations in the state of Chiapas.”⁹⁰

⁹⁰ Centro de Derechos Humanos Fray Bartolomé de las Casas [Human Rights Center], San Cristóbal de las Casas, Chiapas, June 12, 2003.

113. In the same vein, in her book entitled “Desplazamiento interno inducido por la violencia: una experiencia global, una realidad Mexicana” [Internal Displacement induced by violence: A global experience, a Mexican reality], researcher Laura Rubio Díaz-Leal said that “in response to the Zapatista call to war, the federal government reacted by sending the Mexican army to do away with the rebels. Tens of thousands of Chiapas residents, mostly from the municipalities of Chenalhó, Tila, Sabanilla and Palenque, fled their places of origin...”⁹¹
114. These events have been the main cause of internal forced displacement that have kept thousands of indigenous people from the area, outside their places of origin and in precarious conditions to date.
115. According to the Joint Programme for a Culture of Peace (2012), “There are currently some 25,000 displaced persons in Chiapas, of whom approximately 70% (some 19,000) are the direct or indirect result of the armed conflict that stemmed from the Zapatista uprising that began on January 1, 1994.”⁹²
116. The next two large-scale forced displacements related to the events in Chiapas took place between 1995 and 1997, as a result of violence by paramilitary armed civilian groups in the northern and upper regions of Chiapas, culminating in the Acteal massacre on December 22, 1997, when 45 indigenous people (including 21 women, four of whom were pregnant, and 15 children) were killed by heavily armed civilians.⁹³

b) Religious-Based Violence

117. IFD in the Chiapas population due to religious conflicts is not a new phenomenon. Suffice to recall the tragedy of more than 30,000 Tzotzil indigenous people who were expelled

⁹¹ Rubio Díaz-Leal, Laura, “Desplazamiento interno inducido por la violencia: una experiencia global, una realidad mexicana Instituto Tecnológico Autónomo de México” [Internal displacement induced by violence: A global experience, a Mexican reality], Comisión Mexicana de Defensa y Promoción de los Derechos Humanos, Mexico 2014, page 125.

⁹² Arana Cedeño, Marcos y María Teresa del Riego, “Estudio sobre los desplazados por el conflicto armado en Chiapas” [A Study on Persons Displaced by the Armed Conflict in Chiapas], Mexico, FIODM, Joint Programme for a Culture of Peace, UN, 2012, page 79.

⁹³ See CNDH, Recommendation 1/1998.

from the municipality of San Juan Chamula in the 1970s for embracing religions other than traditionalist Catholicism.

118. The CNDH documented the IFD of people due to religious conflicts in this state. Thus, Recommendation 58/1994 attested to the expulsion of persons from various areas in the municipality of San Juan Chamula, Chiapas.
119. On August 27, 1990, twenty-three Evangelical families from Yaaltem accused of not professing the Catholic religion were expelled by the municipal authorities. The complainants pointed out that before the families were expelled, they were locked up in the local school for three days.
120. On October 20, 1990, eighteen more Evangelicals from Yaaltem were expelled by the municipal authorities. The complainants reported that days earlier three women had been raped and thirteen others had been locked up for nine hours in the local school.
121. On December 8, 1990, nine adult women and two adult men from Alamul and Canaluntic, were locked up with their children at the municipal seat despite declaring themselves Catholics. The complainants pointed out that the president, the syndic and the judge of the municipality were responsible for this.
122. These cases were gathered, investigated, verified and resolved by the CNDH through Recommendation 58/1994, which urges various authorities in the state of Chiapas to investigate and prosecute those responsible, to solve the problem of expulsions, to guarantee the return of those expelled to their communities, the peaceful coexistence and unrestricted respect for the freedom to profess the religion of their choice, to investigate whether the expulsions of those affected violated the provisions of the Constitution and the Organic Municipal Law of the State of Chiapas and, if appropriate, to suspend the mandate of the San Juan Chamula City Council members who were responsible for these acts, among others.

123. On August 9, 2002, the CNDH received written complaint signed by the pastor and legal representative of the “Vid Verdadera, A.R.”. In this letter, he requested the intervention of the CNDH in order to prevent the expulsion and perpetration of unlawful acts against the parishioners of the Pedernales de Santa Catarina community in the municipality of Mezquitic, Jalisco. The complaint went on to state that on August 2 of that same year a Communal Assembly had been held in that community and the traditional Huichol authorities agreed to allow all the parishioners of the congregation 10 days to leave the community; otherwise, they would be violently expelled and their homes would be burned down because of their religious beliefs. Therefore, on August 12, 2002, they were forced to leave the community because of the aggressions to which they were subjected. Fearing violent expulsion, they moved to the community of Tenzompa, in the municipality of Huejuquilla El Alto, Jalisco.⁹⁴
124. In 2005, the CNDH learned that at a meeting of Huichol indigenous people held on May 26, 2005, the members of the San Sebastian Teponahuaxtlan Commisariat of Communal Property in the municipality of Mezquitic, Jalisco, told the community members that those who changed their religion must return to traditional Huichol beliefs or else they would have to leave the community and, by extension, their lands and rights as community members. The meeting was attended by representatives of the Government of Jalisco, the Office of the Undersecretary for Population, Migration and Religious Affairs of the SEGOB, and the CDI.
125. In view of this threat of expulsion, on August 9, 2005, the CNDH requested the Under-Secretary for Population, Migration and Religious Affairs of the SEGOB and the Governor of the State of Jalisco to intervene in order to adopt the necessary precautionary measures to prevent human rights violations that would be difficult to redress. These measures were accepted. Even so, as a result of the treatment dissident Wixarika indigenous people were

⁹⁴ After the corresponding investigations, the CNDH issued *Recommendation 62/2004*, in which it confirmed the human rights violations of the the victims, which implicated the state government in the delay in the pursuit of justice and the improper exercise of public office, and the municipal president of Mezquitic, Jalisco in the improper exercise of public office. These actions resulted in the violation of the right to freedom of belief and worship.

subjected to and the fear of being attacked and expelled, they left their homes and property in August 2005 to move to a shelter in the city of Tepic, Nayarit.⁹⁵

126. The CNDH also issued Recommendation 71/2010 “*On the case of religious intolerance in the Ejido de los Llanos, San Cristóbal de las Casas*”, which analyzed the acts of violence committed against members of the Evangelical community, the aggressions suffered by the pastor of the church and the constant threats received from a group of the Ejido de los Llanos community. For this reason, they had to leave their community, losing their property and with their rights infringed.
127. This Recommendation was addressed to the Constitutional Governor, the President of the Executive Board of the State Congress and members of the Constitutional City Council of San Cristóbal de las Casas, of the State of Chiapas. It was recommended that necessary measures be implemented to guarantee the return of the people who left their communities, that humanitarian assistance be provided to the victims who were sheltered in the Evangelical church and that actions be implemented to resolve the religious conflict.
128. Currently, there are reports of acts of probable IFD in the municipality of San Pedro Chenalhó, Chiapas, with overtones of a religious nature.⁹⁶

c) Displacement due to Human Rights Violations

129. The CNDH issued Recommendation 197/1992 addressed to the Minister of Agrarian Reform. This recommendation reported a series of human rights violations perpetrated by individuals and authorities against families of agricultural workers who were deprived of their land in various communities in Chiapa de Corzo, Chiapas. The victims were illegally

⁹⁵ This case led to *Recommendation 07/2008*, which documented the actions and omissions of state authorities in the diligent handling of these conflicts.

⁹⁶ “A rural municipal agent from the Nuevo Cánolal de Chanalhó community reported that there are 167 displaced Catholics and injured pastors, who were deprived of their liberty, incarcerated and tortured last week. In the coming hours, the corresponding complaints will be filed before the Office of the Prosecutor for Indigenous Justice of this city.” News Story “*Indígenas realizan marcha para apoyar alcaldesa*” [Indigenous people demonstrate to support mayor] published on the “Reporte Ciudadano. Las noticias de Chiapas al minute” portal on May 4, 2016. Available at: <http://www.reporteciudadanochiapas.com/?p=117149>.

detained and deprived of their liberty, all because of serious omissions on behalf of the Ministry of Agrarian Reform in the resolution of the conflict.

“On April 12, 1991, members of the public security and judicial police and hired gunmen (sic), led by landowners, evicted agricultural worker families from the ‘Emiliano Zapata’ and ‘Paso Achiote’ communities in the Municipality of Chiapa de Corzo...” The complainant considered the second eviction inexplicable since the competent authorities handed over the land to the agricultural workers on May 7, 1990. Moreover, the complaint also indicated that the whereabouts of Mr. Florentino Torres Pérez and several other people were unknown. In this regard and as part of the Missing Persons Program, the National Commission found six people alive and free while another five were found in the Cerro Hueco Social Rehabilitation Center in Tuxtla Gutiérrez, Chiapas.”

The CNDH recommended that the Minister of Agrarian Reform solve the problem promptly.

130. Recommendation 001/1993 on the case of the Tepehuano indigenous peoples from Baborigame, in the municipality of Guadalupe y Calvo, Chihuahua, documented the fact that in 1992 members of the Mexican Army opened “an investigation” in that place to find the alleged murderer of a second lieutenant of the Infantry. In doing so, eight homes of the indigenous people were set on fire, the residents were attacked and a series of unlawful acts were committed including damage to property, theft, injuries, deprivation of liberty and threats.
131. These violent human rights violations forced the affected families to leave their communities. Therefore, it was recommended that those responsible be criminally prosecuted and that the damage to the families’ property be remedied.
132. More recently, in October 2015, various media outlets⁹⁷ reported the IFD of approximately 253 families from several communities in the municipality of Tamazula, Durango. Allegedly faced with the arrival of members of the Ministry of the Navy (SEMAR) and

⁹⁷ This news story can be seen in the following media outlets: a) Velasco, Fernando, “*Requieren desplazados atención humanitaria*” [Displaced persons need humanitarian assistance], Noroeste Newspaper, published on October 16, 2015; b) Editorial Staff, “*La búsqueda del Chapo provoca desplazamientos en Sinaloa y Durango*” [The search for El Chapo causes displacements in Sinaloa and Durango], CNN Mexico, published on October 18, 2015; c) Bustamante, Jesús, “*Más de mil desplazados en Durango por operativos contra el Chapo*” [More than 1000 displaced persons in Durango because of operatives against El Chapo], Excelsior Newspaper, published on October 19, 2015; and d) Maldonado, Saúl, “*Desplazados ya quieren regresarse*” [Displaced persons want to return], El Siglo de Durango, published on October 21, 2015.

their attack on the civilian population, these families found themselves in the urgent need to flee their communities of origin. The displaced population headed toward the municipality of Cosalá, Sinaloa, to seek shelter and protection.

133. The Human Rights Commission for the State of Durango⁹⁸ reported that as soon as it learned of the Navy's operation, it informed the CNDH. It made several visits and interviewed the heads of families from different communities, who spoke of the intimidating actions done by members of the SEMAR. As a result, five complaints were initially received, to be followed by seven more on October 15, 2015. All of these complaints were filed with the CNDH. The Commission of Durango also informed the CNDH of the various actions taken by both Sinaloa and Durango state government bodies to assist the displaced persons.
134. As soon as the CNDH learned of the facts, it sent personnel to Cosalá, Sinaloa, to obtain information directly from the victims and any complaints they might want to file regarding these events.
135. The municipal government of Cosalá received the displaced persons and provided them with the basic assistance they required, such as food, blankets and shelter for those without relatives or friends in the municipality to receive them. The CNDH is currently preparing a case file to determine the probable responsibility for human rights violations.
136. A complaint concerning alleged human rights violations of the population of the State of Michoacán is currently under consideration. The facts under investigation consist of the alleged displacement of persons caused by acts of violence perpetrated with the possible participation of some state agents.⁹⁹

d) Displacement due to Natural Disasters

⁹⁸ Comisión Estatal de Derechos Humanos de Durango, *Official Document No. CEDHD/003/16*, January 15, 2016.z

⁹⁹ Case File CNDH/5/2013/6709/Q

137. On countless occasions, Mexico has been affected by a variety of natural phenomena such as floods, storms, forest fires, earthquakes, hurricanes and cyclones that have left behind serious damage to the human settlements in their wake. This is compounded by the human failures that have amplified the destructive effects of these phenomena, such as the disorderly concentration of groups and human settlements, a lack of disaster prevention mechanisms, and vulnerable populations in hazardous areas, among others. In Mexico, there are several types of action plans against natural disasters carried out by the Centro Nacional de Prevención de Desastres [National Center for Prevention of Disasters].
138. In recent field work carried out in some communities, mainly in the state of Veracruz, by CNDH deputy visitors, several official reports were drawn up, recording the phenomenon of internal forced displacement, but not as a consequence of a wave of violence resulting from drug trafficking or religious issues. The reason was Hurricane Ingrid, which in 2013 affected a large part of the population of Veracruz, who received support from state authorities to move them to temporary shelters where they could be treated and provided with the corresponding humanitarian protection.
139. According to the State's General Office of Civil Protection,¹⁰⁰ 134 families in the state of Puebla were reportedly relocated due to gravitational landslides due to the instability of the subsoil in the Huixtla community in the municipality of Tlaola, Puebla.
140. The cases reported are not all that exist, but only a sample of what has happened with these phenomena.

e) Violence Caused by Clashes between Criminal Groups

141. The CNDH recognizes that in Mexico, violence manifested in different forms and provoked by diverse actors, as well as human rights violations, is one of the main causes of IFD in various parts of the country, affecting an exponential number of victims.¹⁰¹

¹⁰⁰ *Official Document DGPC/4089/15*, July 4, 2015.

142. A major problem nationwide is the clashes between criminal groups. These conflicts have repercussions on entire communities who, faced with the threat of aggression or the forced recruitment of adolescents, young people and adults, choose to leave their places of origin or residence and move to places where they can survive in peace.
143. When criminal groups arrive in a new community, their goal is to settle in and begin to forcibly recruit mainly young people and adults. Threats against their families, the destruction of their property and acts of extreme violence that can cost them their lives when they refuse to “work” with them are used as a means of recruitment.
144. Among these criminal groups are those involved in drug trafficking, which are in turn causing IFD. Therefore, it is not only necessary to implement actions against drug use and the treatment of people with addictions, but also to look at the victims of systemic violence and IFD caused by the groups dealing in illegal drugs.¹⁰²
145. Human rights are also violated by omission. When a criminal group arrives in a community, the authorities must take actions to apprehend these persons as established by the law and thus safeguard social peace. IFD has occurred because of the lack of authority and the refusal to go to certain areas because of the risk this poses. By leaving the population at risk of IFD unprotected, public security authorities are giving way to impunity and an incentive for these groups to continue to affect the population.
146. The aforementioned *Special Report on Self-Defense and Public Security Groups in the State of Guerrero* describes this type of circumstances:

¹⁰¹ According to the “*Diagnóstico: Desplazamiento forzado y necesidades de protección, generados por nuevas formas de violencia y criminalidad en Centroamérica*” [Diagnosis: Forced displacement and the protection needs generated by new forms of violence and criminality in Central America] prepared by the International Centre for the Human Rights of Migrants, at the request of UNHCR in 2012, forced migration of persons stems from new forms of violence and criminality, including organized crime.

¹⁰² For more information, see Atuesta Becerra, Laura H., ‘Addressing the Costs of Prohibition: Internally Displaced Populations in Colombia and Mexico’, in “*Ending the Drug Wars*”, Report of the LSE Expert Group on the Economics of Drug Policy, London, s/a, page 54, available at: <http://www.lse.ac.uk/IDEAS/publications/reports/EndingDrugWars.aspx>

“Moreover, during a visit made on August 6, 2013 to (---), a municipal public servant reported that the number of displaced persons had hitherto ranged from 700 to 900. In that same town, a temporary shelter for refugees from the communities of (---) was visited. About 40 people were interviewed during the visit. They coincided in that in July 2013, around 200 people belonging to organized crime had taken over their communities and threatened them, which is why they had to leave their places of residence.”

147. Throughout this report, there are testimonies gathered in the states of Sinaloa, Michoacán and Guerrero regarding forced displacement due to clashes between criminal groups.

148. In 2015, the CNDH issued the “Special Report on Self-Defense Groups in the State of Michoacán and the Human Rights Violations Related to the Conflict,” which highlighted the negative impact of the lack of authority in the state and the existence of organized crime groups in the state of Michoacán:

“For years, the state of Michoacán has experienced the weakening of the Rule of Law. This situation was exploited by ‘organized crime,’ which acted unchecked and with impunity because of the inability of state and municipal governments to guarantee public security and access to justice.

This state of affairs resulted in the commission of crimes (homicides, extortion, disappearances, theft of property, etc.) that went unpunished, as well as violations of various human rights of the Michoacán population: the protection to life, liberty, personal and family integrity, work, property and possessions, access to justice and to public security.”

149. The report prepared by the Fray Bartolomé de las Casas Human Rights Center for the UN Special Rapporteur on the Human Rights and Fundamental Freedoms of Indigenous Peoples on June 12, 2003, maintains that the displacement in the state of Chiapas was caused by violence generated by paramilitary groups.

“Part of the situation of violence experienced by indigenous communities in Chiapas is due to the consequences of the actions of paramilitary groups linked to local and state power structures in the 1990s, which violently intervened in the political and social conflicts in the region, resulting in the murder, injuring, disappearance, and displacement of a number of people. Even though during the current administration their profile has diminished, it is reported that they have not been dismantled or disarmed...”¹⁰³

150. The report of the Special Rapporteur on the situation of human rights and the fundamental freedoms of indigenous people, Rodolfo Stavenhagen, “Mission to Mexico”

¹⁰³ Fray Bartolomé de las Casas Human Rights Center [...] “Informe para Relator Especial...”, *op. cit.*

of December 23, 2003, makes several recommendations to the Mexican State concerning, *inter alia*, the displacement of the indigenous population:

“The Special Rapporteur recommends that the Government of Mexico should pay urgent attention to preventing and resolving social conflicts in indigenous regions; that it thoroughly overhaul the indigenous justice system, that it pursue a comprehensive economic and social policy in favor of the indigenous regions with active participation by the indigenous peoples, paying special attention to migrants, displaced persons, women and children; and that it revise the constitutional reform of 2001 so that peace can be reached in Chiapas and the demands of the indigenous peoples for recognition and respect for human rights can be met.”

151. Meanwhile, in its report on *“Mexico’s Unseen Victims”*, Refugees International affirms that Mexico is in the midst of a hidden humanitarian crisis:

“Entire rural communities have been viciously emptied by violent drug cartels looking to appropriate their land and natural resources. Residents have fled cities and states where the Mexican military is heavily engaged in armed conflict against organized criminal groups. As a result of targeted assassinations, kidnappings, and extortion, Mexican families have been forced to escape by abandoning their homes and livelihoods.”¹⁰⁴

152. The National Population Council (CONAPO) also recognizes the existence of IFD due to violence caused by organized crime in Mexico. It states that:

“During the reported period, progress was made in the preparation of a document that develops the conceptual framework of the phenomenon through the review and gathering [of information] on internally displaced persons in our country. A qualitative instrument (in-depth interviews) was also developed to report on the phenomenon among the population displaced by violence generated by organized crime.”¹⁰⁵

153. The CNDH is currently preparing a case file on the acts of violence allegedly perpetrated by armed groups in the municipality of San Miguel, Totolapan, Guerrero, who used violence to evict people from their homes and damage their property. These people were forced to move around the state, in search of a way to safeguard their lives and their rights.¹⁰⁶

154. We have seen that IFD in Mexico is neither a new nor recent event, but has been constant and due to various reasons. In view of this, it is necessary to insist on the few government actions that have been observed in terms of prevention and control of this issue.

¹⁰⁴ Reynolds, Sarnata, *“Mexico’s Unseen Victims. Field Report”*, Refugees International, Washington D.C, July 2, 2014.

¹⁰⁵ CONAPO, General Secretary, *“Informe de Rendición de Cuentas de la Administración Pública Federal 2006 – 2012”* [Federal Public Administration Accountability Report], Mexico, 2013.

¹⁰⁶ Case File CNDH/5/2013/6352/Q

f) Self-Defense Groups as a Cause of IFD

155. The CNDH has stressed¹⁰⁷ that public security is a state function that cannot be delegated, since only the authorities of the three levels of government are obliged to guarantee the physical integrity, property and rights of individuals, as well as to preserve public freedom, order and peace. This must be interpreted in conjunction with Article 17, first paragraph, of the Constitution, which prohibits self-justice and the exercise of violence to claim rights.
156. The CNDH has documented the creation of groups of civilians who supply themselves with arms in order to counteract the effects they suffer from organized crime groups, especially in the states of Guerrero, Oaxaca, State of Mexico, Veracruz and Michoacán.
157. With the beginning of the fight against drug trafficking in Mexico, the criminal groups responded with violence against civilians, collecting “quotas” (protection money), kidnapping, extorting, disappearance and murder. As a social reaction to the State’s failure to act in terms of public security, groups of civilians were formed, calling themselves “self-defense groups” to protect themselves, their families, their property and possessions from organized crime groups’ attack on these legal assets.
158. In this context, there is the case of the self-defense groups in Michoacán, which on May 10, 2014, the federal government appointed some of them to act as rural police, gave them uniforms and legalized the weapons they carried. Three days later, on May 13, 2014, by decree published in the Official Gazette of the Constitutional Government of the State of Michoacán de Ocampo, they were named the “Rural Force Unit” of the State Ministry of Public Security. The CNDH has a record of testimonies on how the self-defense groups have caused serious problems to the population in the state, as well as displacement:

“A woman from (---) who was residing because of the IFD in (---), who did not give her name for fear of reprisals, said that she is a lemon-cutter, that she left the city fearing that she would die because of threats from the “community members” who asked her two

¹⁰⁷ CNDH, “Informe Especial sobre los grupos de autodefensa y la seguridad pública en el Estado de Guerrero” [Special Report on Self-Defense Groups and Public Security in the State of Guerrero], Mexico, 2013.

children to join them. She remarked that the funeral insurance business in town had risen as they went to their homes to offer [the insurance]...¹⁰⁸

159. Another testimony also collected in (---) was from another woman forcibly displaced from (---), who did not want to give her name, said that when the self-defense groups went to a village, the residents had to join them and if they did not do so they were in danger. Most of the people who join them are homeless and drug addicts...¹⁰⁹

160. There is a testimony from a father of a family who left an indigenous community:

“Well, the (---) first took over the [municipal] presidency. The day he arrived with his people, they disarmed the police, locked them up, put them in jail and left the fan on all the time so they would die of the cold. Then they seized the municipal patrol cars and started patrolling the area. They went to houses where they knew some of the community leaders were and beat them up and shoved them into the patrol cars. They didn’t care if they were with their families. They were taken to the town hall and then beaten and tortured so they would be with him, that they would work for him. I don’t know, but a lot of people in town used to say that the (---) had bought out the federal [police]. They say he had paid them for six months. Since the (---) was first working with those who controlled the main square here, but then they had a fight; he tried to recruit people to fight against the others for control of Aquila, and whoever didn’t want to join was threatened and beaten. Many had their animals poisoned or their houses emptied. That’s why I left with my family. Since the (---) were fighting with (---) over control of the town, (---) disguised his people as “community police” since that was what they were doing in some communities in (---) to defend themselves from crime groups so, he wanted to cover it up that way. We came here instead. We lost all our things, but better to lose material things than to lose our lives.”¹¹⁰

161. A similar testimony is given by a person from another community, who said the following:

“That the reason why they had to leave the community is because they received death threats, because they intended to force them to join a community group, which was armed, hooded and its objective was to control the royalties that were granted to the community members, a situation that was agreed upon with the signing of an agreement for the exploitation of a mine. That the mentioned agreement was concluded with the (---) company, on which occasion ----- were present. For the signing of the agreement, the community was notified for an assembly. However, there were people who were not beneficiaries, inciting discontent, especially the ex-co-proprietors, who organized an armed group to regain control of the site and thus receive the benefits of the mine. He added that actions had been taken to solve the problem that

¹⁰⁸ CNDH, *Fact-Finding Report; Testimony from a person from the state of Michoacán, Testimony gathered in the state of Baja California*, February 6, 2014.

¹⁰⁹ CNDH, *Fact-Finding Report; Testimony from a displaced person*, February 6, 2014

¹¹⁰ CNDH, *Testimony from a person from the state of Michoacán, Testimony collected in the state of Colima*, August 15, 2013.

had arisen. Even the judicial authority is aware of the matter, which is in process and awaiting judgment. However, the conflict was aggravated by the interests of the leader of the armed group who responds to the name of (---), who has used physical and verbal violence to control the community members who receive royalties from the company. This organization even has the support of members of the federal police. Since two months ago, this situation has prompted approximately 100 families, that is, between 500 and 600 people to leave the community of (---) to various municipalities in the state of (---)...”¹¹¹

162. The CNDH personnel who made up the team to investigate the facts that substantiate the 2015 “*Special Report on Self-Defense Groups in the State of Michoacán and the Human Rights Violations Related to the Conflict*” documented the case of 483 people from the state of Michoacán who were displaced as a result of violence by the self-defense groups and organized crime groups in that state of the republic. “*Among the expelling communities are San Miguel de Aquila in the municipality of Aquila, Nueva Italia in the municipality of Múgica, and the municipality of Coahuayutla de José María Izazaga, as well as the municipalities of Aguililla, Apatzingán and Tepalcatepec.*”¹¹²

g) IFD as a Result of Journalistic Activity in Mexico

163. Freedom of expression is one of the most emblematic and necessary human rights in a democratic State based on the Rule of Law. It implies the possibility for all people to express what they feel, believe and think of the world and its actors. It is a necessary right to build networks, to gain followers, to promote ideologies and, in general, to promote culture.

164. The right to freedom of expression is a characteristic of a democratic State and is one of the human rights that have been widely recognized by various legal systems worldwide. This right, like all recognized rights, has its limits. The greatest of these limits is to infringe upon the rights of others by exercising this right.

165. One way to exercise this right is through journalism. A journalist is a person who transmits information about what is happening in a given place. To do so, the journalist investigates,

¹¹¹ CNDH, *Fact-finding Report; Person from the state of Michoacán*, Testimony collected in Colima, August 15, 2013.

¹¹² CNDH, Mexico, 2015, paragraph 824.

documents, analyzes, questions, evaluates and finally presents his or her conclusions through various media outlets.

166. Journalism is committed to the truth, to identify the need to transmit information as the events happen. This circumstance can make the people directly or indirectly linked to the events being reported uneasy. This has led to different types of aggressions against those who carry out this activity in Mexico, ranging from threats to assassinations, leaving behind a serious climate of social insecurity and fear of journalistic activity.¹¹³

167. In this regard, the non-governmental organization Reporters Without Borders (RSF) issued an open letter¹¹⁴ to the Mexican government, calling its attention to the deplorable cases of aggressions suffered by journalists in different contexts.¹¹⁵

168. According to General Recommendation 24 published by the CNDH on February 8, 2016,¹¹⁶ 25 out of 32 states registered the disappearances of 20 journalists (from 2005 to 2015) and 48 attacks against the media (from 2006 to 2015).¹¹⁷ It also noted that:

“Veracruz, Tamaulipas, Guerrero, Chihuahua and Oaxaca have the highest number of homicides. From 2000 to January 31, 2016, almost six out of every ten murders of journalists in the country occurred in these five states.”¹¹⁸ “The high rates of attacks against journalists and the media in these five states are part of a general climate of public

¹¹³ For more information, see the documentary “El Paso”, directed by Mexican Everardo González, a work that won an award from the CEME-DOC International Documentary Film Festival on Migrations and Exile, Information available at: <http://cemeuned.org/CEMEDOC2015/>

¹¹⁴ Reporters Without Borders, “Open Letter alerting on the violence experienced by journalists in Mexico. Delivered to the President of Mexico in Paris, France”, July 10, 2015.

¹¹⁵ The letter mentions the following, among other issues: (i) the violent murder of six journalists in the states of Veracruz, Oaxaca and Guanajuato, and the fact that the police have yet to identify the perpetrators of these murders; (ii) the kidnapping of a journalist in the state of Guerrero, and held for twenty days. The journalist was freed because his family paid a ransom. The police have not identified his kidnappers; (iii) the many physical attacks against journalists during Mexico’s election campaign in June. RSF is aware of at least ten attacks against journalists whose only crime was to have been covering events; and (iv) a journalist spent nine months in prison in the state of Quintana Roo before a court finally recognized that his rights had been violated and ordered his immediate release. The journalist had been accused of “sabotage” after posting photos of local protests and a video critical of Quintana Roo’s administration.

¹¹⁶ CNDH, *General Recommendation 24*, February 8, 2016, available at: http://www.cndh.org.mx/sites/all/doc/Recomendaciones/generales/RecGral_024.pdf

¹¹⁷ *Ibid.*, page 10.

¹¹⁸ *Ibid.*, page 8.

*insecurity in these states, which also have a high rate of violence as seen in the commission of high-impact crimes like kidnappings and extortion.”*¹¹⁹

169. In Veracruz, for instance, more than three homicides a day were committed on average in 2014, making it the state with the highest number of murdered journalists, with 16 homicides since 2005. It is also the state with the third highest number of kidnappings, with 239 cases from January 1, 2014 to August 31, 2015. High crime rates and weak crime prevention efforts have placed journalists and the media at risk.¹²⁰
170. Based on information from the National Public Security System, from January 1, 2014 to August 31, 2015, Guerrero and Chihuahua ranked second and third nationwide in the number of intentional homicides. In Tamaulipas, there are three out of ten kidnappings in the country, making it the state with the highest number of such crimes with 779 cases recorded during the period in question. The common denominator in these states is a context of insecurity and violence.¹²¹
171. The case of Oaxaca, embroiled in a social conflict that has been going on for several decades now, shows yet another example of insufficient government action to guarantee the safety of journalists and communicators. In the course of their journalistic work, they are victims of direct threats and attacks, not only from organized crime, but also from authorities at the different levels and branches of government, and even by organized civil groups.¹²²
172. Violence has forced many journalists across the country to move around in search of a peaceful life far from those who do not approve of their exercise of the right to freedom of expression.

¹¹⁹ *Ibid*, page 8.

¹²⁰ *Idem*.

¹²¹ *Idem*. The CNDH is aware of the information provided to the viewing public by journalist Denise Maerker in a report entitled “Desolated Tamaulipas” on the Punto de Partida program, which states that for the past 10 years Tamaulipas has experienced serious levels of violence, which has led to the abandonment of homes and ranches. It also documents the case of properties taken from their owners by organized crime, as well as the different impacts on the economy and the peace of the inhabitants of that state. Available at: <http://noticieros.televisa.com/programas-punto-de-partida/2016-04-13/tamaulipas-desolado/>

¹²²*Idem*.

173. The 5th General Rapporteurship of the CNDH (QVG) Program for the Protection of Journalists and Civilian Human Rights Defenders is aware of at least six journalists who have been displaced from their places of residence for reasons related to violence, such as threats, crimes against them and the killing of family members.
174. For example, one journalist living in northern Mexico is known to have fled from his state as a result of the threats received in early 2015. However, weeks later, he returned to his place of residence. Another journalist from that region of the country was also displaced after suffering violence in the first half of 2015. At the time of writing this report, his whereabouts are unknown.
175. There was also a case of a journalist from the center of the country who was forcibly displaced from his community of residence after an attack on him and in which one of his children lost his life. This journalist is currently a member of the Mechanism to Protect Human Rights Defenders and Journalists.
176. Through the Unit for the Promotion and Defense of Human Rights within the Interior Ministry (UDDH-SEGOB), the CNDH is aware of three other journalists who have been forced to move because of violence in the country.
177. One journalist moved from the state of Veracruz to Mexico City where he was murdered. He is presumed to have been forced to leave his state. The cause of his death is currently under investigation.
178. According to the Mexican civil organization “Article 19”:
- “On 2 August, the body of (---) was identified by his family. His body was found in a house in Mexico City, with two gunshot wounds, and evidence of repeated blows to the head. [...] The family members reported his disappearance and, advised by ARTICLE 19, notified the authorities (PGR, SEGOB and CNDH) to instigate search protocols. Including (---), 88 journalists have been murdered in Mexico since 2000.”¹²³*

¹²³ Article 19. Mexico: Photojournalist (---) murdered. August 3, 2015. Available at: <https://www.article19.org/resources/mexico-photojournalist-ruben-espinoza-murdered/>

179. Each of these cases demonstrates opposition to this work. When the corresponding authorities do not prevent, investigate and punish those responsible, it increases the possibility of offenses and such levels of impunity harm the whole of society. When a journalist is forced to leave his place of residence, the underlying cause is a complete disregard or indifference of the authority to act in response.
180. It is not at all gratifying for the Mexican State to be classified as one of the most dangerous countries in the world for journalism,¹²⁴ nor is it gratifying that violence against our journalists is not stopped. The Mexican State has implemented actions to protect journalistic work. One example is the creation of the Special Prosecutor's Office for Crimes against Freedom of Expression (FEADLE) established by the PGR in 2006, and the Mechanism for the Protection of Journalists and Defenders of Human Rights, instituted by the CNDH in 2012. However, this progress has not been able to stop aggression against these groups.
181. It is essential for those responsible for the prevention, investigation and prosecution of persons to do their work with professionalism, honesty and respect for the human rights as required of them by both the constitution and conventions. Only thus can they generate certainty in the society and particularly credibility, which is the basis for the stability of State institutions.

h) Displacement due to Development Projects

182. The Supreme Court of Justice has held that

“development and infrastructure projects shall be understood to be those enterprises and/or State driven undertakings, in rural or urban areas, that have commercial purposes or carried out under the argument of the common good, and involve the acquisition, disposition, lease or occupation of territorial spaces, generating an impact on the lives of the individuals or communities there living, or on which they depend, and a possible impact on their human rights.”¹²⁵

¹²⁴ Reporters Without Borders, “Violation of Press Freedom Barometer 2015. World Report”, Mexico, August 2015.

¹²⁵ Supreme Court of Justice, “Protocol of for those who administer justice in cases involving development and infrastructure projects”, Mexico 2004, page 11.

183. In Mexico there are several cases in which different types of development projects have resulted in the IFD of entire communities, including indigenous peoples. Some of these cases are listed below.

184. Cerro de Oro Dam, Oaxaca: The effects of the construction of the Cerro de Oro dam began with the expropriations of the lands of Chinantec indigenous people in 1972. The work was part of a program for the construction of a system of dams on rivers that flowed into the Papaloapan River.¹²⁶ Work began in 1974 and was completed in 1989. This led to the IFD of approximately 26,000 agricultural workers, most of whom were Chinantecs, who showed strong opposition to the project.¹²⁷

185. The population not only left their homes, plots of land, and churches, but they lost their territory and something else. After 22 years of forced displacement:

“Their culture is practically destroyed; their communities are territorially distanced. There is community disintegration, a breakdown of the kinship system, a loss of language. They suffer from poverty due to a lack of compensation, smaller cultivation areas and lower agricultural quality. The houses on their plots are smaller and they lack basic services.”¹²⁸

186. Picachos Dam, Sinaloa: On November 12, 2012, the then president of Mexico inaugurated the dam. More than 1.567 million Mexican pesos were invested. Construction started in February 2009.¹²⁹ According to the information published in various media outlets, the violent forced displacement of the community members of the Picachos Dam area uprooted more than 800 families, who were left without their villages and without their history.¹³⁰

¹²⁶ Rojo Horta, Joel. “Chinantecos desplazados por la presa Cerro de Oro, en Oaxaca” [Chinanteecs displaced because of Cerro de Oro dam in Oaxaca], *El Cotidiano* Journal, No. 183, January-February, 2014, Universidad Autónoma Metropolitana Unidad Azcapotzalco, pp. 43-50.

¹²⁷ *Idem.*

¹²⁸ *Idem.*

¹²⁹ Government of the State of Sinaloa, “Inaugura el presidente Felipe Calderón la Presa Picachos” [President Felipe Calderón Opens the Picachos Dam], press release, November 12, 2012, available at: <http://sinaloa.gob.mx/noticias/25-cgcs/boletines-2012/noviembre-2012/317-inaugura-el-presidente-felipe-calderon-la-presa-picachos>

¹³⁰ Quintero Arias, José, “El caso Picachos dejó al descubierto serios problemas del campo Sinaloense” [The Case of Picachos reveals serious problems in the Sinaloan countryside]. *El Sol de Mazatlán*, November 6, 2011. Available at: <http://www.oem.com.mx/elsoldemazatlan/notas/n2297910.htm>

187. The six villages affected were San Marcos, La Puerta de San Marcos, El Placer and Copales in the municipality of Mazatlán, and Las Iguanas and Casa Viejas on Concordia land.¹³¹
188. Without any other options, the inhabitants moved to the new settlement built by the state government. Two years later, a wave of violence was unleashed in the mountainous area of Mazatlán, where the residents would suffer extortion and death at the hands of groups of *gatilleros* [hitmen]. The people of San Marcos were thus forced to undergo a second expulsion.¹³²
189. A CNDH investigation¹³³ confirmed violations of human rights to personal integrity and security, to legality and legal security resulting from acts consisting of the excessive use of public force, injuries and failure to pay compensation. These violations were attributed to members of the federal police and the state preventive police, as well as public officials of the government of the state of Sinaloa, who acted to the detriment of cooperative and community members from Las Iguanas, Casa Viejas, San Marcos, Puerta de San Marcos, Palmilla, Juantillos and El Placer in the municipalities of Concordia, Escuinapa, El Rosario and Mazatlán, all of which are in the state of Sinaloa. A total of 847 heads of families were affected by this.
190. Supervía Poniente, Mexico City: The Supervía Poniente is a highway that connects the commercial district of Santa Fe in Mexico City with the elevated Periférico highway. Plans for its construction and development were not consulted with citizens,¹³⁴ particularly with residents of the neighborhoods that would be completely or partially destroyed by the construction of this project.¹³⁵

¹³¹ *Idem.*

¹³² Lizárraga, Lidia, “*Nuevo San Marcos, un pueblo dos veces desplazado*” [Nuevo San Marcos, a village twice displaced], *El Debate Newspaper*, January 7, 2015, available at: <http://www.debate.com.mx/mazatlan/httpwww.debate.com.mxmazatlanNuevo-San-Marcos-un-pueblo-dos-veces--desplazado-20150107-0050.html-20150107-0050.html>

¹³³ Case File CNDH/4/2009/3310/Q

¹³⁴ See: http://cdhdfbeta.cdhdf.org.mx/2014/06/seguimiento-a-recomendacion-01_2011/

¹³⁵ Centro de Derechos Humanos Miguel Agustín Pro Juárez, “*Han destruido la vida en este lugar. Megaproyectos, Violaciones a Derechos Humanos y Daños Ambientales en México*” [They have destroyed life here. Megaprojects, Human Rights Violations and Environmental Damage in Mexico], Mexico, 2012, page 75.

191. In addition to procedural irregularities, several residents began to receive eviction orders in April 2010, followed by demolitions, which began in July that year. According to the *Megaprojects, Human Rights Violations and Environmental Damage in Mexico* report prepared by the Miguel Agustín Pro Juárez Human Rights Center, some residents in the area said they learned about the Supervía Poniente project for the first time when the police showed up at their homes to inform them that their property no longer belonged to them. Even though the government offered compensation to the owners of the homes to be demolished, some of the residents who rented apartments did not receive any type of compensation for being displaced.¹³⁶ Lastly, the inhabitants stated “*that they had been intimidated into moving and that the owners were repeatedly warned that if they did not accept the money, they would not receive anything and lose their homes anyway.*”¹³⁷

192. These facts led the Human Rights Commission of the Federal District to issue Recommendation 1/2011.

193. Petacalco Carbon-Fired Power Plant, Guerrero: This was built in the 1990s in the municipality of La Unión. It is one of the largest power generation plants in Latin American, and according to the information obtained, the displacement it caused was minimal.¹³⁸

194. These constructions, which should benefit the community, cannot be carried out without considering the people who will be affected by their construction. Landowners and residents have the right to know about the projects that will affect their properties, possessions or rights; and the authority, therefore, has the duty to inform and persuade them with arguments about the greater benefit that the megaproject will bring to the community and the country.

¹³⁶ *Ibid.*, page 77.

¹³⁷ *Idem.*

¹³⁸ *Ibid.*, page 27.

195. The government should not stint on compensation and reparation for the damage, but should consider that the spaces the owners are forced to leave are sometimes, in addition to the people's economic asset, an emotional and traditional foothold, and therefore have an impact on them in different ways.
196. The right to consultation of indigenous peoples or communities must be respected at all time since their territorial properties hold invaluable cultural and traditional treasures for them in particular and for the rest of the nation in general.

IV. FACTS

“The father of the family was out of a job because the people in organized crime... extorted, kidnapped and killed the ranch owners and little by little the ranch owners left and insecurity grew... This situation led them to go and live in (XXXX), and they feel safer, but they live in precarious conditions since they do not have the minimum services of water, electricity, sewerage... so, they tolerate living like this instead of living in danger.”¹³⁹

Testimony from a displaced family

197. This section presents information gathered through various activities carried out by National Commission personnel that led to the preparation of this Special Report. It shows the analysis of the testimonies received from victims of IFD, testimonies from the CNDH personnel who came in contact with the victims, information obtained from federal, state and municipal authorities, and information provided by PHRAs.

1. Analysis of IFD Based on the Testimonies Gathered by CNDH Personnel

198. The accounts given to the personnel of this national agency show that there is considerable reluctance on the part of IDPs, witnesses to the phenomenon and the municipal authorities interviewed to discuss the issue.

199. In addition to the fear that prevails when speaking of this issue, there is a low rate of displaced persons reporting the crimes whose occurrence is consistent with the phenomenon of internal displacement, such as extortion, kidnappings, express kidnappings and threats, among others.

200. An analysis of the testimonies contained in the fact-finding reports reveals that in the vast majority of the cases of the people interviewed, whether they were displaced or witnesses of displacement, were afraid to provide general information on their situation, but especially their identity and information about the individuals or groups allegedly responsible for the acts of violence that forced them to move:

- *“... they took the husband [of the woman] who did not want to give her name, and he was shot twice in the face, which is all she can say because on seeing the attack, she and her*

¹³⁹ CNDH, *Fact-Finding Report; Person from the state of Sinaloa, Testimony gathered in the same state, August 12, 2013.*

children went out together through the back door. When specifically expressly asked, she said that she did not report the death of her husband..."¹⁴⁰

- *"...who did not want to give their names for fear of reprisals coincided in stating that approximately fifteen days ago, on or before July 31, 2013, several people in organized crime..."¹⁴¹*
- *"...the same person who did not want to give the name of the child or hers, for fear of reprisals; however, she agreed to her grandson giving his testimony..."¹⁴²*
- *"...who did not want to give their names for fear of reprisals, and coincided in pointing out that they left their community approximately 3 months ago, people in organized crime..."¹⁴³*
- *"A conversation was held with a displaced family, who did not want to give their names for safety reasons, consisting of 3 boys and a girl and their parents..."¹⁴⁴*
- *"...proceeded to interview a family that had just arrived to ..., consisting of 5 adult women, three men and 4 children... who did not want to give their names for fear of reprisals..."¹⁴⁵*
- *"...interviewed a group of 4 people from the community of..., who agreed that they did not want to give their names for fear of reprisals..."¹⁴⁶*

201. Other testimonies:

- *"...telling them not to report their presence and to stay inside their homes; otherwise there would be reprisals."¹⁴⁷*
- *"... says that people are wary of reporting for fear of being attacked or exposed to crime, which is why they prefer to remain anonymous... all the bars in the city are charged a fee ranging from five thousand to ten thousand pesos a week... that a few weeks ago, the husband of a woman who owns a textile maquiladora in the central region was kidnapped, that she has five sewing machines in her home workshop, that they asked her*

¹⁴⁰ CNDH, *Fact-finding Report; Person from the state of Sinaloa, Testimony gathered in that same state, August 22, 2013.*

¹⁴¹ CNDH, *Fact-finding Report; Person from the state of Guerrero, Testimony gathered in that same state, August 6, 2013.*

¹⁴² *Idem.*

¹⁴³ CNDH, *Fact-finding Report; Person from the state of Sinaloa, Testimony gathered in that same state, August 12, 2013.*

¹⁴⁴ CNDH, *Fact-finding Report; Person from the state of Sinaloa, Testimony gathered in that same state, August 12, 2013.*

¹⁴⁵ CNDH, *Fact-Finding Report; Person from the state of Sinaloa, Testimony gathered in the same state, August 12, 2013.*

¹⁴⁶ CNDH, *Fact-Finding Report; Person from the state of Guerrero, Testimony gathered in the same state, August 6, 2013.*

¹⁴⁷ CNDH, *Fact-Finding Report; Person from the state of Guerrero, Testimony gathered in the same state, August 6, 2013.*

for sixty thousand pesos in ransom, money she couldn't raise, which is why her husband was killed..."¹⁴⁸

202. This highlights an important and disquieting feature of the phenomenon of IFD due to violence in Mexico: the invisibilization of the problem and of the victims. If victims of violence fail to report the acts committed against them to public security or criminal prosecution institutions, and to inform these institutions of their intention to move or actually having done so because of threats or well-founded fear, the possibilities for the authorities to perform their corresponding duties are minimal since it is impossible for the authorities to know or adequately gauge the problem. This does not prevent the authority, upon learning of the forced displacement of one or more persons, from acting immediately in response, verifying the existence of criminal activity to carry out the corresponding detentions.

203. Among the scenarios prior to the displacement, the practice of "charging protection money" was observed.¹⁴⁹

- *"...mentioned the violence that reigns in (---) seven years since the (---) arrived, approximately two years [ago] they began burning businesses, charging "protection money" (a monthly quota), that before there had been drug trafficking, but they didn't bother people who did their own thing..."¹⁵⁰*
- *"..., that they began to charge quotas to everyone they knew with businesses or companies..."¹⁵¹*

204. The testimonies gathered exhibited a clear propensity for business people in different sectors and professionals to become specific targets for organized crime because of their economic capacity and level of income. There were testimonies of threats, kidnappings and extortions often committed against business owners and professionals, who are coerced into paying large sums of money to delinquents.

¹⁴⁸ CNDH, *Fact-Finding Report; Person from the state of Guerrero, Testimony gathered in the same state*, August 26, 2013.

¹⁴⁹ For information about "protection money" or "*derecho de piso*" in Spanish, see the section on: Human Rights Violations Related to Work, Assets and Property in the Special Report on the Self-Defense Groups in the State of Michoacán and the Human Rights Violations Related to the Conflict, page 249 ss, available at: http://www.cndh.org.mx/sites/all/doc/Informes/Especiales/2016_IE_gruposautodefensa.pdf

¹⁵⁰ CNDH, *Fact-Finding Report; Person from the state of Michoacán, Testimony gathered in Baja California*, February 6, 2014.

¹⁵¹ CNDH, *Fact-Finding Report; Person from the state of Guerrero, Testimony gathered in Mexico City*, October 31, 2013.

- *“...2013, because he received threats and extortion. If he did not pay a sum of money, he or someone in his family would be kidnapped...”¹⁵²*
- *“...said that there is currently a grocer kidnapped, that they are asking for ten million pesos in ransom, that the wife sold a house for two and a half million, but they don't want to take it, so they are constantly afraid they'll kill him...”¹⁵³*

205. IFD in the business sector has a mushrooming effect since companies and businesses represented a source of employment and income for the rest of the population.

206. From the analysis of the testimonies gathered, it was possible to conclude that when business people, professionals and ranch and land owners move because of violence against them, they abandon their businesses and properties, leaving these inoperative while generating unemployment and marginalization.

207. Displacement in the business sector contributes to higher rates of displacement of the population whose income depends on the companies and industries that generate employment, and who, along with the serious context of violence they face, have no choice but to leave their places of origin. Among the displaced persons who worked in the fields, it was found that it was common for them to say that the owners of the ranches, crops and lands where they worked had to move because they had been victims of different forms of violence (extortion, threats, kidnappings, etc.), a circumstance that had left them unemployed and, in addition to having been victims of violence themselves, had led them to move as well.

- *“... who did not give a name for fear of reprisals, said to work in lemon harvesting, which had been in decline because the owners of the crops were kidnapped by violent groups in the region...”¹⁵⁴*
- *“...as well as a drop in the productivity of their businesses (particularly with agricultural entrepreneurs), as they cannot spend more time at the ranches...”¹⁵⁵*

¹⁵² CNDH, *Fact-Finding Report; Person from the state of Veracruz, Testimony gathered in the same state, February 22, 2014.*

¹⁵³ CNDH, *Fact-Finding Report; Person from the state of Guerrero, Testimony gathered in the same state, August 26, 2013.*

¹⁵⁴ CNDH, *Fact-Finding Report; Person from the state of Michoacán, Testimony gathered in the state of Baja California, February 6, 2014.*

¹⁵⁵ CNDH, *Fact-Finding Report; Person from the state of Veracruz, Testimony gathered in the same state, February 22, 2014.*

208. According to what was told to CNDH personnel, displacement due to violence occurs in a context of the fight between cartels on drug routes and production fields since the presence of organized crime groups fighting for control over the “turf” leads to clashes that affect the entire population and, in some cases, the population has one of two options: collaborating in illegal acts or leaving their place of residence.

- “... said that there were two groups of organized crime that are fighting for turf, called (“xxx”), that security is uncertain since in their township...”¹⁵⁶
- “...that insecurity grew, since it was not the (---) who roamed the streets, but people from the (---) too, and that between them, they were fighting over the area, to the extent that there was a curfew on the streets...”¹⁵⁷

209. In general, IFD consists of moves that are made as families, and which naturally include women and children. A significant presence of minors under the age of 12 was documented, and in many cases breastfeeding children.

- “...said that he lived in that place with his family, consisting of his wife and his five children aged 12, 10, 9, 4 and 2, respectively...”¹⁵⁸
- “... to be accompanied by her husband and three underage children, to be in good health and to have fled from the (---) because of violence...”¹⁵⁹
- “..., merely indicated that her family consisted of her and 6 children: two adults and 4 minors...”¹⁶⁰

210. Another common element that stood out in the analysis of the testimonies given in the fact-finding reports was a tendency for displacement to take place *en masse*. There are very few testimonies of displacements of small groups of people and practically none of those referred to single individuals. These displacements occurred in groups of several families and even entire communities of often more than 100 people from the same community or population.

¹⁵⁶ CNDH, *Fact-Finding Report; Person from the state of Sinaloa, Testimony gathered in the same state, August 22, 2013.*

¹⁵⁷ CNDH, *Fact-Finding Report; Person from the state of Sinaloa, Testimony gathered in the same state, August 12, 2013.*

¹⁵⁸ CNDH, *Fact-Finding Report; Person from the state of Guerrero, Testimony gathered in the same state, August 20, 2013.*

¹⁵⁹ CNDH, *Fact-Finding Report; Person from the state of Guerrero, Testimony gathered in the same state, August 20, de 2013.*

¹⁶⁰ CNDH, *Fact-Finding Report; Person from the state of Guerrero, Testimony gathered in the same state, August 20, 2013.*

- *“...however, he requests that his data and information be kept in strict confidence, indicating that there are more than 200 cases of families that have come to his office for assistance and advice in seeking asylum in the United States of America...”*¹⁶¹
- *“...reported that there are about 45 displaced families in the settlement, with a total of about 200 or more people there...”*¹⁶²
- *“... they can report that approximately 40 families have left (---), the same ones that have left...”*¹⁶³
- *“...Although 150 people displaced by violence in (---) are still sheltered in (---) and it is said that in the house where the displaced persons were sheltered in (---), a hundred more people arrived...”*¹⁶⁴

211. Unlike voluntary internal migration, where people can freely exercise their right to move and reside anywhere in the country and decide with which family members to move, in the cases of IFD this decision cannot be made and therefore they try not to leave anyone behind. Hence, the constant presence of children and infants who have been displaced with their families has been observed. Even so, many testimonies have revealed that some older adults stayed behind in their communities of origin because it is not easy for them to undertake the forced march.

212. In the presence of organized crime groups in their communities, if families, the head of the household or adult children choose not to cooperate, the criminal groups burn their houses down. Therefore, staying is not a possibility. In addition to their homes, displaced persons lose ranches, animals, land and peace of mind. In other cases, members of organized crime abduct entire families or leave dead bodies in public squares or places.

- *“... and that at the beginning of July, they left their home with their two children and the respective families of each one of them, pointing out that a group of approximately 15 people arrived and began attacking his children, so much so that they ‘shot and burned’ their house...”*¹⁶⁵

¹⁶¹ CNDH, *Fact-Finding Report; Person from the state of Chihuahua, Testimony gathered in Chihuahua, October 10, 2013.*

¹⁶² CNDH, *Fact-Finding Report; Person from the state of Sinaloa, Testimony gathered in the same state, August 12, 2013.*

¹⁶³ CNDH, *Fact-Finding Report; Person from the state of Guerrero, Testimony gathered in Mexico City, October 31, 2013.*

¹⁶⁴ CNDH, *Fact-Finding Report; Person from the state of Michoacán, Testimony gathered in Colima, August 12, 2013*

¹⁶⁵ CNDH, *Fact-Finding Report; Testimony from a person from the state of Sinaloa, August 22, 2013.*

- *“...That the (---) criminal group made their presence felt in several ejidos [communal land] of said municipality, seizing livestock, crops and land...”¹⁶⁶*
- *“... said that the reason why they had to leave the community is because they received death threats because they intended to force them to join a community group that is armed, ‘hooded’ and its objective was to control the royalties that were granted to the community members...”¹⁶⁷*

213. The main manifestations of violence mentioned by the victims of displacement or their acquaintances are: extortion, threats, destruction of homes, murder and kidnapping. In the case of extortion, it was noted that it is mainly seen in the form of charging protection money or rents, which are charged to everyone, regardless of their occupation, academic level or numbers of properties, and coercion to join organized crime groups. In the latter case, forced recruitment focuses on males.

- *“...fear of dying because of threats from community members; they wanted their two children to join them...”¹⁶⁸*
- *“...since the head of the family was left without a job, since the people in (---) organized crime extorted, kidnapped and killed the ranch owners...”¹⁶⁹*
- *“... He and his family decided to move to the city of (---) in 2010, after seeing the situation of kidnappings aimed at people with the same profile (business people capable of paying certain sums of money for ransom), as well as suffering extortion attempts in recent years...”¹⁷⁰*
- *“...but kidnapping has increased in all its forms, and even more so in the case of express kidnapping, which now they ask from five to fifty thousand pesos, but in a few hours and if not, they take them, which is why family members prefer to flee...”¹⁷¹*
- *“...2011 after months of receiving threats of kidnapping him and his family, and extortion by criminal groups...”¹⁷²*

¹⁶⁶ CNDH, *Fact-Finding Report; Testimony from a person from the state of Guerrero, September 12, 2013.*

¹⁶⁷ CNDH, *Fact-Finding Report; Testimony from a person from the state of Colima, August 19, 2013.*

¹⁶⁸ CNDH, *Fact-Finding Report; Person from the state of Michoacán, Testimony gathered in Baja California, February 6, 2014.*

¹⁶⁹ CNDH, *Fact-Finding Report; Person from the state of Sinaloa, Testimony gathered in the same state, August 12, 2013.*

¹⁷⁰ CNDH, *Fact-Finding Report; Person from the state of Veracruz, Testimony gathered in the same state, February 21, 2014.*

¹⁷¹ CNDH, *Fact-Finding Report; Person from the state of Guerrero, Testimony gathered in the same state, August 26, 2013.*

¹⁷² CNDH, *Fact-Finding Report; Person from the state of Veracruz, Testimony gathered in the same state, February 21, 2014.*

214. Numerous testimonies reporting various specific acts of extreme violence perpetrated with the aim of terrorizing and intimidating the population were also gathered. In one specific case, personnel from this national agency were told that members of an organized crime group killed a man and his son, severing their bodies and placing them in public spaces in the community. This act was also videotaped and posted on a social network with the aim of disseminating it.

- *"... as soon as a man with his two small children tried to return home to feed their animals, but when they arrived home, they were intercepted by a criminal group that cut them into pieces... they even made a video and posted it on the Internet..."¹⁷³*
- *"...because it was no longer safe to leave home, since 'bad' people terrorized the locals, leaving bodies on the sidewalks with their heads cut off..."¹⁷⁴*

215. Another expression of violence that was observed as a constant feature in the fact-finding reports prepared by personnel of this national agency is the destruction of homes, in most cases by arson.

- *"...the members of this group came to their community and began to inquire about some people; to this effect, they took the inhabitants out of their homes and began to intimidate them so to get information and some of them had their houses burned down..."¹⁷⁵*
- *"..., apparently members of the (---) cartel, who drove SUVs, who burned down some houses..."¹⁷⁶*
- *"...that pointed at the arrival of a group of people who were shooting and setting fire to property in the village that did not belong to them ..." ¹⁷⁷*

216. According to the testimonies gathered by personnel from this national agency, another way that organized crime exerts pressure is to seize livestock, crops and land without the victims of IFD (IDPs) receiving protection from the competent authorities in the face of these attacks. Moreover, some of the testimonies gathered indicate that there is more

¹⁷³ CNDH, *Fact-FindingReport; Person from the state of Sinaloa, Testimony gathered in the same state, August 12, 2013.*

¹⁷⁴ CNDH, *Fact-FindingReport; Person from the state of Sinaloa, Testimony gathered in the same state, August 12, 2013.*

¹⁷⁵ CNDH, *Fact-FindingReport; Person from the state of Guerrero, Testimony gathered in the same state, August 6, 2013.*

¹⁷⁶ CNDH, *Fact-FindingReport; Person from the state of Guerrero, Testimony gathered in the same state, August 23, 2013.*

¹⁷⁷ CNDH, *Fact-FindingReport; Person from the state of Guerrero, Testimony gathered in the same state, August 20, 2013.*

organized crime in certain areas than there are authorities responsible for providing public security.

- *“... they left, since they need the military to arrive, since there is no security, that in fact, the community commissioner who was in charge of town security left before them and that he needs to get his things...”¹⁷⁸*

217. As to places of refuge, most of the time people have sought greater protection in the municipal capitals, close to their own communities.

218. It is important to mention that the states of Guerrero and Colima have set up shelters specifically for victims of IFD (IDPs). However, these isolated efforts run by various actors do not have the necessary infrastructure to meet the immediate needs of displaced persons, such as clothing, food, health care and education.

219. From the analysis of the fact-finding reports, it is possible to note, as a general rule, that displaced persons generally face precarious housing conditions in the places where they have relocated after displacement. The assistance provided by the authorities focuses mainly on shelter, transportation and food. However, in the vast majority of the cases, displaced communities live in precarious conditions without basic services like water, drainage and electricity.

- *“... and if they left their homes at night, it was under their own responsibility. This situation led them to go and live in (---) and that they feel safer, but they live in precarious conditions since they do not have the minimum services of water, electricity, sewerage, and so on. So, they tolerate living like this instead of living in danger.”¹⁷⁹*
- *“...due to the internal displacement to several places including (---), (---) and (---), as well as to (---), says that during that period they were without electricity, drinking water for more than four months...”¹⁸⁰*

220. It is worth noting that in no case were government efforts to incorporate children and adolescents into educational institutions mentioned, and on few occasions was there any mention of the implementation of effective actions to find viable solutions for the definitive and dignified settlement of displaced persons.

¹⁷⁸ CNDH, *Fact-Finding Report; Person from the state of Sinaloa*, August 12, 2013.

¹⁷⁹ CNDH, *Fact-Finding Report; Person from the state of Sinaloa, Testimony gathered in the same state*, August 12, 2013.

¹⁸⁰ CNDH, *Fact-Finding Report; Person from the state of Tamaulipas*, August 15, 2013.

221. The CNDH documented the case of some displaced families who received government assistance once or twice in more than two years, without regularizing, for instance, the provision of food baskets or access to the social program applicable to them.
222. Regarding their return, there is evidence that displaced persons fear that members of organized crime will return to their communities when the security forces that were deployed there because of the crisis situation, such as soldiers and the federal police, are recalled. Scenarios for durable solutions are yet to be seen as the conditions of security still depend on extraordinary measures and are not yet adequate for resuming daily activities.
223. Another related problem that displaced persons report in their testimonies is that the authorities invite them to return to their communities of origin, without the necessary conditions for a safe return.
224. While in some cases displaced persons admit that they feel safer in their destination location, they report the lack of basic services, such as housing, water, light and sewerage.
225. In many cases, the testimonies reveal the government's inability to confront the violence that causes internal forced displacement. There are many testimonies of a lack of the State's aptitude in dealing with criminal groups, as they mention the presence and participation of government institutions in activities to support communities in moving and leaving their villages, or in any case once they have settled in a new location, but very rarely is there any mention of actions by the authorities to prevent displacement.
- *"... that they should leave and take the children, which they heeded and went to the nearest town where they saw a patrol car and told the police on board what had happened to them and told them that in their community there were three kidnapped women, that these policemen only offered to take them to another town, so that finally they were driven to the place where they are now."¹⁸¹*
 - *"...members of the Mexican Army, who gathered the people in the aforementioned auditorium to ask them how the events came about, to which the people only rebuked them. That since then,*

¹⁸¹ CNDH, *Fact-Finding Report; Person from the state of Guerrero, Testimony gathered in the same state, August 12, 2013.*

*some military groups have reportedly gone to the communities without any information on whether the area has been controlled...*¹⁸²

226. It is striking that various testimonies refer to the authorities' assistance for leaving communities affected by violence, with few references to effective actions on behalf of the authority to stop the violence and prevent people from being forced to move.

227. It can be concluded that the trend in the government's action in dealing with points at an inability to effectively confront and combat the criminal groups that cause the violence that leads to the forced displacement of entire communities. So much so, that it tends to be the authorities themselves who assist people in moving and fleeing their homes.

- *"...recriminated the limited intervention of the Mexican army to protect the citizens, because there were more than nine hours of fighting and military personnel did not come to the aid of the population..."*¹⁸³
- *"...in which there are approximately 100 to 200 or more members of that criminal organization and that the 'convoy' of members of the Mexican Army that arrived to help them consisted of approximately 40 soldiers. It is not enough for the insecurity that prevails in the region, so therefore they request a greater presence of the Ministry of Defense, the Ministry of the Navy and the Federal Police, so that they can finally return to their homes..."*¹⁸⁴

228. The authority's most important role often appears after the displacement, once the communities have relocated, and consists of assistance with shelter, transportation, security and food. In the case of displaced indigenous communities, there is a tendency to negotiate with the government to grant them new land to settle.

- *"...added that the (--) group displaced [from the community of (---)] consisted of 350 inhabitants, but in the struggle to recover their lands, 250 indigenous people remain, and to the express question of CNDH personnel, 'where are you currently living?' they said that they live in communities near the municipality of (---), for example in (---), (---), (---) and in (---) that they are scattered awaiting justice, and that the commission he represents is the one in the City of (---), awaiting the allocation of land, without the state government giving them a deadline for purchase..."*¹⁸⁵

¹⁸² CNDH, *Fact-Finding Report; Person from the state of Guerrero, Testimony gathered in the same state, August 6, 2013.*

¹⁸³ CNDH, *Fact-Finding Report; Person from the state of Tamaulipas, August 15, 2013.*

¹⁸⁴ CNDH, *Fact-Finding Report; Person from the state of Guerrero, Testimony gathered in the same state, August 6, 2013.*

¹⁸⁵ CNDH, *Fact-Finding Report; Person from the state of Oaxaca, Testimony gathered in the same state, August 12, 2013.*

229. The institutions named in each testimony vary, but the involvement of the armed forces before and during the displacement is mentioned, as is that of municipal and state authorities after displacement, once the people have relocated.

- "... when members of the Mexican Army arrived, who helped them, moving them to the city of (--)..."¹⁸⁶
- "...established by the government of that municipality, and thanks to the protection of the National Army, they were not attacked in there because they received threats from organized crime cells to attack the integrity of the people sheltered [there]..."¹⁸⁷

230. In the search for different solutions for people who have had to leave their homes, there is the possibility of seeking asylum in another country since they believe they do not have the necessary protection in Mexico.¹⁸⁸

231. They also highlight the problems that displacement generates in the abandoned communities, as it affects the local economies, the subsistence conditions of abandoned animals and the businesses that are forced to close their doors, both because of threats from organized crime and the lack of consumers, as well as the effects abandonment has on houses, and the owners' concern for not having the documentation to prove ownership.

- "...that the (---) came in and another (---) too, that they began to charge protection money to everyone they know had businesses or companies, that they had a cinema and had to

¹⁸⁶ CNDH, *Fact-Finding Report; Person from the state of Guerrero, Testimony gathered in the same state, August 20, 2013.*

¹⁸⁷ CNDH, *Fact-Finding Report; Testimony from a person in the state of Tamaulipas, August 15, 2013.*

¹⁸⁸ For more information, see: UNHCR Guidance Note on Refugee Claims Relating to Victims of Organized Gangs. March 2010. "The main question addressed in this Note is whether victims of criminal gangs or activities associated with those groups may be considered in need of international protection under the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol and, if so, under what circumstances." It points out that "as stipulated in the UNHCR Handbook on Procedures and Criteria for Determining Refugee Status, persecution may 'emanate from sections of the population that do not respect the standards established by the laws of the country concerned' The UNHCR Handbook further provides that 'Where serious discriminatory or other offensive acts are committed by the local populace, they can be considered as persecution if they are knowingly tolerated by the authorities or if the authorities refuse, or prove unable, to offer effective protection.'" (UNHCR, Handbook of Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, 1 Jan. 1992, available at: <http://www.unhcr.org/refworld/docid/3ae6b3314.html> (hereinafter the "UNHCR Handbook"), para. 65. See also the EU Council Directive 2004/83/EC of 29 April 2004 on Minimum Standards for the Qualification and Status of Third Country Nationals or Stateless Persons as Refugees or as Persons Who Otherwise Need International Protection and the Content of the Protection Granted, 19 May 2004, 2004/83/EC, available at <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=4bb21fa02>, which explicitly refers to non-State actors as agents of persecution (Art. 6 (c)).

close it down, they also have a beauty school and they are planning to close it because it doesn't make a profit anymore..."¹⁸⁹

- "...but the rest of the family left like that, without thinking about it, we all walked away, we left the houses and the animals tied up, we just got together and left for (---), that was last Monday (July 29). It took us about 6 hours on foot to get to (---) where it's supposed to be safer."¹⁹⁰
- "...but now it's worse because they burned our houses, took our animals, destroyed the school and killed people..."¹⁹¹
- "...We had to leave everything, just like that, and our animals too, but the people who came to (---) after us told us that they had already emptied the house and poisoned the animals..."¹⁹²






2. Data on the Situation of Violence as a Factor of IFD

232. This section details the results of the surveys conducted by the CNDH to 1000 people in different parts of the country, and to the communities or populations most affected by IFD.



Desplazamiento, inseguridad y crimen organizado

De 1.000 personas encuestadas por la CNDH en 65 municipios:




-  **274 conocen a una persona desplazada;**
-  **809 tienen miedo de ser víctima de grupos delincuencia organizada (GDO);**
-  **110 escucharon sobre la creación de grupos delincuenciales con poder en su comunidad;**
-  **116 conocen personas que fueron presionadas para unirse a GDO;**
-  **108 fueron víctimas de extorsión por parte de GDO;**

¹⁸⁹ CNDH, *Fact-Finding Report*; Person from the state of Guerrero, Testimony gathered in Mexico City, October 31, 2013.

¹⁹⁰ CNDH, *Fact-Finding Report*; Person from the state of Guerrero, Testimony gathered in the same state, August 6, 2013.

¹⁹¹ CNDH, *Fact-Finding Report*; Person from the state of Durango, Testimony gathered in the same state, January 17, 2014.

¹⁹² CNDH, *Fact-Finding Report*; Person from the state of Michoacán, Testimony gathered in the same state, August 15, 2013.

-  **720 conocen a alguien que fue extorsionado por GDO;**
-  **219 fueron víctimas de robo en sus propiedades, tierras o ganado;**
-  **220 conoce de casos de secuestro;**

Source: CNDH

233. From the testimonies and questionnaires gathered, it is possible to observe the following communities that have expelled or received persons as a result of violence:

TABLE 5
Communities Expelling Persons Who Have Been Displaced because of Violence

STATE	MUNICIPALITY	COMMUNITIES
Chiapas	Las Margaritas	Gabriel Leyva Velázquez
	Oxchuc	Oxchuc
Chihuahua	Ahumada	Miguel Ahumada (municipal capital of Ahumada)
	Praxedis de Guerrero	Praxedis de Guerrero
		El Porvenir
	Guadalupe	Guadalupe
	Ascensión	Palomas
		Josefa Ortíz de Domínguez
Guerrero	Heliodoro Castillo	Tetela del Río
		El Rodeo
		Huerta Vieja
		Tlacotepec
	Chilapa de Álvarez	Acatlán
	Leonardo Bravo	Filo de Caballo
	San Miguel Totolapan	Pericotepec
		Comunidad Las Mesas II
		Las Shascuitas
	Chilpancingo	Chilpancingo
Pungarabato	Altamirano	
Jalisco	Tuxpan de Bolaños	Tuxpan de Bolaños
Sinaloa	Culiacán	Ranchería La Noria
	Escuinapa	Ojo de Agua Las Palmillas

	Mazatlán	Tecomate de la Noria, Tiro
	Sinaloa de Leyva	Comunidad La Mesa, El Zapote
	Choix	El Oro, Tararán, Madriles, Puerto La Judía, Real Blanco, Los Laureles
	Mocorito	Corral Quemado
	Badiraguato	La Ladrillera
	Ahome	Zaragoza
	Concordia	Cieneguilla, Platanar de los Oliveros
	Angostura	El Llano
Tamaulipas	Ciudad Mier	Ciudad Mier
	Nuevo Laredo	Nuevo Laredo
Michoacán	Aquila	San Miguel de Aquila
	Aguililla	Aguililla
	Múgica	Nueva Italia de Ruiz
	Apatzingán	Apatzingán
	Tepalcatepec	Tepalcatepec
	Coahuayutla de José María Izazaga	Coahuayutla de Guerrero
Durango	Mezquital	Tierra Colorada
	Pueblo Nuevo	Las Guacamayas
	Tamazula	El Verano, El Limón
Veracruz	Cosamaloapan	Cosamaloapan
Oaxaca	Juxtlahuaca	San Juan Copala

Source: CNDH

TABLE 6
Communities Receiving Persons Who Have Been Internally Displaced because of Violence

State	Municipality
Chihuahua	Ciudad Juárez
	Heliodoro Castillo
Guerrero	Tecpan de Galeana
	Acapulco
	Chilpancingo
	Cosalá
	Mazatlán
	Choix

Sinaloa	Los Mochis
	Culiacán
	Angostura
	Concordia
	Miguel Alemán
Tamaulipas	Nuevo Laredo
	Reynosa
Nuevo León	Monterrey
Colima	Colima
Mexico City	Benito Juárez borough
Baja California	Tijuana
Oaxaca	Juchitán

Source: CNDH

234. In the Special Report on Self-Defense Groups in the State of Michoacán and the Human Rights Violations Related to the Conflict, 21 possible IFD victims (IDPs) were identified through the testimonies gathered by CNDH personnel in various municipalities of the state of Michoacán, including Aquila, Uruapan, Pátzcuaro, Apatzingán, Nuevo Urecho, Huetamo, Tingüindín and Tacámbaro. The CNDH does not ignore the fact that there may be more people who were not made visible in the municipalities with high levels of violence by organized crime and in view of a series of crimes like extortion, kidnapping, ill-treatment of women and homicide.

3. Results of Requests for Information from Various Authorities

235. In order to identify the existence and, where appropriate, the implementation of actions to assist the displaced population, in 2013 and 2015, the CNDH asked authorities in the three levels of government for information on the existence of cases of IFD in the territories under their jurisdiction and, if applicable, the possible measures that were implemented or could be implemented to assist displaced persons.

236. Although the requests for information were not addressed to all the authorities that make up the executive branch, they did represent the main part of the Mexican State responsible for taking the necessary measures for the adequate protection of victims of IFD (IDPs), regardless of the causes for said displacement.

237. The information sent by the authorities and systematically compiled by the CNDH can contribute to the design of actions and strategies aimed at the effective protection of the

displaced population by the state authorities and members of civil society located in different parts of the country.

238. The information from the federal, state and municipal authorities is presented below, organized according to their sphere of competence in this regard. At the end, a table summarizing this information is provided.

a) Information Provided by Federal Authorities

239. The official document sent by the UDDH-SEGOB¹⁹³ analyzes the definition of the causes of IFD, in accordance with the Guiding Principles, to conclude that in Mexico, “*there is no evidence of the existence of any elements required for the presence of internal forced displacement; therefore, it is not possible to recognize it,*” adding that “*although there is mobility due to violence, it is not widespread.*”
240. Notwithstanding the above, the existence of the Working Group on Internally Displaced Persons created by said Ministry more than a decade ago¹⁹⁴ draws attention since its very existence implies that there is an institutional will to address the issue. In this regard, it is worth noting that since 2003, through the *Response of the Mexican Government to the Report presented by the Special Representative of the United Nations Secretary-General for Internally Displaced Persons*, the existence of IFD was officially recognized in Chiapas, Oaxaca, Guerrero and Sinaloa,¹⁹⁵ a situation that prevails and which may have increased since then.
241. The CNDH corroborated the existence of this working group through an official document from the UDDH-SEGOB¹⁹⁶ elaborating on the scope of another document responding to a request for a report and which stated that up until December 2015 three work meetings had been held (February 18, March 20 and September 9, 2015) to present the actions taken

¹⁹³ Official Document No. UDDH/911/DGAEI/920/2015, October 29, 2015.

¹⁹⁴ To this effect, see: “Response of the Mexican Government to the Report Presented by the Special Representative of the United Nations Secretary-General for Internally Displaced Persons”, Annex to Document E/CN.4/2003/G/56, 28 March 2003, where the existence of this Working Group is substantiated.

¹⁹⁵ *Ibid.*, page 4.

¹⁹⁶ SEGOB, Unidad para la Defensa de los Derechos Humanos [Unit for the Promotion and Defense of Human Rights], Official Document No. UDDH/911/DGAEI/1209/2015, December 3, 2015.

by different agencies and to analyze the approach the group should take in designing a public policy that addresses the problem of IDPs. This group is made up of the CONAPO, INEGI, PGR, SEDESOL, CEAV, INFONAVIT, CONAVI and UDDH-SEGOB.

242. In addition to this, Objective 4 of the 2014-2018 Comprehensive Victim Assistance Program,¹⁹⁷ approved by the plenary of the National Victim Assistance System, which is part of the SEGOB, includes the strategy of *“promoting adequate assistance for victims of internal forced displacement,”* which should be implemented through several lines of action.¹⁹⁸
243. In its response to the CNDH, the CEAV¹⁹⁹ mentions various issues that deserve detailed analysis. It points out that, in compliance with the provisions of the LGV, this Commission *“... has dealt with cases of persons who have come to seek assistance based on the commission of a crime or a human rights violation and who, by filling out the single statement form, indicate the situation of displacement.”*
244. In view of the above, it argued that there are entries in the National Victims Registry (RENAVI) of people who reported being displaced as a result of a victimizing act. It also mentioned that *“... no individual has been registered in the Renavi using displacement as an independent event.”*
245. It went on to add that *“...under the terms of the current legal framework, in order for a person to be registered in the National Victims Registry and have access to the resources of the Comprehensive Assistance, Aid and Compensation Fund, he or she must be a victim of a crime or of a human rights violation.”*
246. To conclude with the statements of interest to the CNDH, the official document received states that *“... to date (October 27, 2015), the CEAV is not aware of any person who has been recognized as a victim solely on the basis of forced displacement.”*

¹⁹⁷ Published in the Diario Oficial de la Federación [Federal Official Gazette] on July 16, 2015.

¹⁹⁸ Lines of Action: 4.6.1. Promote legislative analysis on internal displacement to ensure prevention, protection and durable solutions for displaced persons; 4.6.2. Carry out assessments to establish the magnitude of the problem of internal forced displacement; and 4.6.3. Secure assistance and protection mechanisms for unaccompanied children and adolescents, prioritizing family reunification.

¹⁹⁹ Official Document CEAV/DEVI/254/2015, October 27, 2015.

247. On examining these statements as a whole, it is possible to reach at the following conclusions:

- The CEAV makes a distinction between victims of IFD who claim to be victims of a crime or human rights violation, and those who, while also claiming to be victims of IFD, did not initially mention the causes of displacement.
- The CEAV holds that internal displacement is an independent victimizing act, but it is not entirely clear whether independence refers to the recognition of IFD as a human rights violation regardless of the violating or criminal acts that may have caused it or, on the contrary, if it is an independent act because its presence cannot be associated with the pre-existence of other human rights violations or criminal acts. If the latter interpretation is used, it would disregard the fact that displacement can occur for different reasons, including violence (which involves the commission of crimes) and human rights violations, as stated in the Guiding Principles.
- Even though the only condition imposed by the LGV for a person to be registered with RENAVID is that he or she must be a victim of any type of human rights violation or crime, no displaced person has yet been registered because they have been unable to obtain recognition of their status as a victim of IFD (IDPs). According to this, the CEAV itself seems to make a contradiction between the recognition of displacement as an “independent victimizing act” and the need to prove that displacement is simply the consequence of the previous commission of a violation or crime, in which case the person would be registered as victims of the violation or crime, but not of IFD.

248. Meanwhile, the CONAPO recently stated that it does not have “*assessments and reports on internal forced displacement, nor does it have a National Registry of Displaced Population or the powers to do so.*”²⁰⁰ When expressly asked by the CNDH, it noted that according to its regulatory framework, “*it does not have the power to carry out actions related to humanitarian assistance and the protection of internally displaced persons.*”²⁰¹

²⁰⁰ Official Document SG/214/15, October 12, 2015.

²⁰¹ *Idem.*

249. Nonetheless, in the document entitled *Internally Displaced Persons as a Result of Violence in the Main Cities of the Country in 2010-2012*, the CONAPO stated that it has sought to design and pilot an instrument that will allow it to gather information and broadly analyze some social characteristics, such as the health, education, access to food, income, personal security, community security and protection of human rights of the displaced population.²⁰²
250. It also pointed out that in this exercise it was aware that *“in addition to the investigation processes, efforts of a political nature must be made to grasp the full magnitude of the problem. Otherwise, the validity of the measurement will be proportional to the escalation of violence and lack of effective measures to combat it.”*²⁰³
251. It should be noted that the 2014-2018 National Population Program²⁰⁴ establishes a line of action to *“Contribute to the analysis and response to internal forced displacement in its different aspects”* as part of its *“Objective 3: Encourage an inclusive and sustainable territorial distribution of the population, promoting networks of settlements.”*
252. The CDI runs the *Project for the Assistance of Displaced Indigenous Peoples*, whose objective is to join forces with federal, state and municipal agencies to contribute to the relocation or return to their places of origin of the indigenous population displaced by acts of violence, armed conflicts, human rights violations, or religious, political, cultural or ethnic intolerance, while fully respecting their cultural diversity. The aim of the project is to provide people affected by displacement with a physical space of their own where they can settle for good. Likewise, assistance is offered to displaced indigenous groups returning to their place of origin so that they can restore their living conditions and facilitate their reinsertion into economic activities.
253. On October 12, 2015, the CDI reported that from 2006 to 2013, assistance was given for the acquisition of land for housing (including land titling costs), building materials, agricultural land and supplies to boost their productive activities, totaling \$254 million Mexican pesos, distributed among 5,364 displaced indigenous families from Chiapas,

²⁰² Official Document SG/063/2013, March 26, 2013.

²⁰³ *Idem.*

²⁰⁴ Published in the Diario Oficial de la Federación [Federal Official Gazette] on April 30, 2014.

Guerrero, Hidalgo, Jalisco, Nayarit and Oaxaca.²⁰⁵ The CNDH estimates that the number of families served could translate into approximately 16,092 persons.

254. This commission highlighted the actions carried out in 2014 and 2015, through the Support for Access to the Rights of Displaced Indigenous People, with which 287 families from Chiapas and Guanajuato benefitted from an investment of \$16.1 million Mexican pesos which were distributed in the acquisition of agricultural land, urban plots and building materials for houses.

255. Also in 2013, the Ministry of Health (SS) sent the CNDH its *Health Security Guidelines*, which are based on the *Handbook for Health Care in the Event of Disasters*, which establishes the procedures for preparing for and responding to hospital emergencies arising from events of bioterrorism, outbreaks of infectious and/or emerging diseases, natural disasters and exposure to other agents, seeking a rapid response to the contingency so as to support and guarantee the survival and protection of the affected population. To this end, it is established that immediate medical attention should be provided to the injured and sick population, and that shelters should be installed to provide accommodation, water, food and medical care.²⁰⁶

256. The guidelines do not consider IFD due to violence as a situation requiring the deployment and implementation of a specific emergency procedure.

257. On receiving a new request for information in 2015,²⁰⁷ the SS cited its existing programs that are aimed at assisting dispersed populations living in hard to reach areas and persons without access to medical care in municipalities with low rates of human development, places with high and very high levels of marginalization. According to this, there are no actions aimed at attending the displaced population, but at persons who may, in general terms, be in a situation of vulnerability.

258. In April 2013, the Ministry of Social Development (SEDESOL) reported that it provides assistance in emergency or disaster situations through the Temporary Employment, Rural

²⁰⁵ CDI, General Office of Legal Affairs, Official Document *DGAJ/RL/2015/OF/077*, October 12, 2015.

²⁰⁶ SS, Coordinación General de Asuntos Jurídicos y Derechos Humanos, Official Document *2486*. May 2, 2013.

²⁰⁷ Official Document *CGAJDH-DDHINS-7176-2015SSa*. October 5, 2015.

Supply and Development of Priority Areas programs.²⁰⁸ It also stated²⁰⁹ that *“it has carried out various actions to provide assistance to persons who are victims.”* For this reason, it added that it supports having persons registered in RENAVI be incorporated into social programs in accordance with the provisions of the LGV. It also stated that it has taken the necessary administrative steps to ensure that the rules of operation of social programs are aligned with that law.

259. Lastly, it pointed out that it has helped IDPs by: i) granting the support provided by social programs like the Pension for Older Adults and Life Insurance for Women Heads of Families; and ii) through the inter-institutional assistance provided by the Mexican State in the context of the precautionary measures issued by the IACtHR. Accordingly, the SEDESOL is actively engaged in efforts to protect the displaced population. However, its response refers to actions aimed at the victims mentioned in the LGV, and not specifically those who are victims as a result of displacement.

260. The National Institute of Statistics and Geography (INEGI) responded to the request for information on the subject of IFD as follows:²¹⁰

“... The General Office of Government Statistics, Public Security and Justice does not have statistical information would allow it to make an assessment of forced internal displacement, nor does it have an observatory on internal displacement.”

“... It should be clarified that the INEGI produces information on criminal victimization of the population 18 years of age and over at the national level and by state through the National Survey on Victimization and Perception of Public Security (ENVIPE), although because of the nature of this type of instrument, it is not possible to obtain estimates on the dimension of the phenomenon of internal displacement, its causes, areas of migration due to this phenomenon or the problems faced.”

261. Through its General Office of Legal Affairs, the Ministry of Labor and Social Security (STyPS) reported in 2015²¹¹ that the purpose of the National Employment Service run by this ministry is to support the job-seeking population in the country to assist in their placement or productive occupation. This assistance to the target population does not depend on the person’s condition, but solely and exclusively on his or her job search, skills

²⁰⁸ Official Document *OF.- 500/1539/2013*, April 22, 2013.

²⁰⁹ Official Document *500/5893/2015*, October 6, 2015.

²¹⁰ Official Document *805.2.3/599/2015*, October 2, 2015.

²¹¹ Official Document *117.DG.3069.2015*, October 2, 2015.

and work experience in any productive activity. Consequently, there is no specific program for victims of IFD resulting from violence.

262. The CNDH realized that this ministry does not have an action plan to offer the priority and urgent attention required by this population group of victims of IFD, who would vastly benefit from training and obtaining employment.
263. The National Housing Commission (CONAVI) reported²¹² that it does not have specific or individual mechanisms to facilitate direct access to housing programs for the displaced population. Notwithstanding the above, it stated that the *Rules of Operation of the Program of Financing Schemes and Federal Subsidies for Housing* provide for the possibility of authorizing “institutional projects that promote public policy for the developing actions and projects that cover the needs of unattended or not sufficiently attended niches, for access to solutions related to housing and/or its environment.” It also has the power “to design and implement institutional or extraordinary programs in collaboration with the public and private sectors, and for this purpose it would have the power to grant federal subsidies to persons with specific needs.” In addition to the above, it stated that these Rules of Operation provide for granting subsidies in cases of violence and crime. According to this, the CONAVI has the power to provide direct assistance to victims of IFD (IDPs) without having to modify its current functions or competencies.
264. Lastly, it mentioned that it has participated in meetings with the Working Group for Internally Displaced Persons formed by the Commission on Government Policy on Human Rights of the SEGOB to propose actions to be carried out within the framework of human rights policy in order to serve the sector of the population that presents problems of IFD, thereby reaffirming the validity and operability of the Working Group.
265. In April 2013, the Attorney General’s Office (PGR) reported that there is no history of pretrial investigations compiled regarding crimes committed against displaced persons. However, it did report that the Special Prosecutor’s Office for Crimes against Freedom of Expression had, at the time of its response, five preliminary investigations relating to

²¹² Official Document QCW.4/259/2015, October 9, 2015.

victims who had fled their places of origin in order to protect their integrity. It also reported that it had no facilities to provide assistance to displaced persons.²¹³

266. In its October 2015 response to the request for information, it reiterated that *“from the records kept by the institution’s delegations, there is no history of pretrial investigations regarding displaced persons.”*²¹⁴ However, there is evidence that the PGR has made preliminary investigations regarding the internal displacement of persons in Sinaloa, mainly due to the crime of homicide,²¹⁵ which are not related to any of the investigations carried out by the Special Prosecutor’s Office for Crimes against Freedom of Expression.
267. The Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food (SAGARPA) indicated²¹⁶ that it does not have programs related to the assistance of the internally displaced population, that it has not carried out actions related to humanitarian assistance and protection of the displaced population and that the actions carried out by this ministry are aimed at the agricultural sector. Therefore, it does not have specific regulations for dealing with displaced persons as this is not part of the attributions and powers conferred to it by law.
268. The SE stated that it does not have or run any program specifically aimed at displaced persons. However, it did note that as an authority obliged to respect, guarantee, promote and protect human rights, the regulations and rules of operation of the programs it undertakes are governed by the premise of non-discrimination. In this regard, the National Microentrepreneurship Financing Program (PRONAFIM) is designed to support productive initiatives by men and women, which could include displaced persons.²¹⁷
269. Although it recently stated²¹⁸ that it had not found any records related to the CNDH’s request for information on IFD, the Ministry of the Navy (SEMAR) reported in response to a previous request for information dated from 2013 that it acts to assist the civilian population in cases and areas of disaster or emergency by implementing the “Plan

²¹³ Official Document *DHPDSC/CGPPDH/013/13*, April 4, 2013.

²¹⁴ Official Document *CSCR/4584/2015*, October 13, 2015.

²¹⁵ Information obtained to compile Case File CNDH/5/2014/3700/Q.

²¹⁶ Official Document *110.03.-19263/15*, October 5, 2015.

²¹⁷ Official Document *110.12403.2015*, October 2, 2015.

²¹⁸ Official Document *19724/DH/15*, October 7, 2015.

Marina” civil protection plans and programs, to provide necessary relief in the event of disasters and for the reconstruction of the communities affected by natural disasters.²¹⁹

270. In turn, the Ministry of National Defense (SEDENA) reported that while it does not have a specific plan for IFD caused by violence, it does deal with the phenomenon within the framework of the National Civil Protection System, in which it carries out relief actions for the civilian population, as established in Plan DN-III-E for cases of disaster. It also said that due to the breadth and flexibility of this plan, it is possible to act in the presence of a natural or anthropogenic disrupting agent.²²⁰

271. The SEDENA reported that in 2013 it had not participated in specific humanitarian assistance and protection actions for displaced persons in the country. However, several testimonies gathered by CNDH personnel mentioned the army’s participation in various security actions and the transportation of displaced persons.

“...members of the Mexican Army, who gathered the people in the aforementioned auditorium to ask them how the events came about, to which the people only rebuked them. That since then, some military groups have reportedly gone to the communities without any information as to whether the area has been controlled...”

“... which suggests that the best thing to do is to send an official document requesting the collaboration of the Ministry of National Defense (SEDENA) to provide the corresponding assistance; it also refers to the fact that there is also a Federal Police squad, to provide security to the city of (---).”²²¹

“...in which there are approximately 100 to 200 or more members of that criminal organization and that the ‘convoy’ of members of the Mexican Army that arrived to help them consisted of approximately 40 soldiers. It is not enough for the insecurity that prevails in the region, so they request a greater presence of the Ministry of Defense, the Ministry of the Navy and the Federal Police, so that they can finally return to their homes...”²²²

272. In response to a new request for information on the subject of IFD in 2015,²²³ the SEDENA replied that it had instructed the commanders of the 12 military regions in the country to report whether they had data or information on IFD. It attached the respective response,

²¹⁹ Official Document 5335/DH/13, April 11, 2013.

²²⁰ Official Document DH-VI-5057, April 4, 2013.

²²¹ CNDH, *Fact-Finding Report; Person from the state of Guerrero, Testimony gathered in the same state*, March 14, 2014.

²²² CNDH, *Fact-Finding Report; Person from the state of Guerrero, Testimony gathered in the same state*, August 6, 2013.

²²³ Official Document DH-IV-15395, December 3, 2015.

which stated that they had no data, no records, no knowledge, no precedents or information and even no jurisdiction to have any knowledge of the situation. This response is surprising in view of the many testimonies that mention the intervention of members of the SEDENA in various IFD-related actions.

273. An example of the above is found in the response to a request for information made to the Municipal Government of Teloloapan, Guerrero, which reported²²⁴ that it was aware of some cases of IFD (without specifying the number of persons). In answering the question of what type of actions have been implemented to address the problem of violence in the region, it responded that in the municipality everything related to public security and violence is being dealt with directly by the commanders of the “Tierra Caliente” operation coordinated by SEDENA, SEMAR and the Federal Police. It claims that there are no protocols in place in the municipality for assisting victims of IFD (IDPs), and that victims have been assisted through Municipal DIF programs in the form of medical attention and food baskets.
274. The Ministry of Foreign Affairs (SRE) pointed out that Mexico’s position in international forums dealing with internal displacement is based on the “Deng Principles”, which are built upon on international humanitarian law and international human rights law.²²⁵
275. The Mexican Foreign Ministry indicated that within the framework of the OAS General Assembly, Mexico bi-annually introduces the “*Resolution on Internally Displaced Persons*”, which aims to draw attention to the specific protection needs of these persons. It also stressed that the drafting of the resolution takes into account the contents of the report of the UN Special Rapporteur on the human rights of internally displaced persons, as well as the current challenges of forced displacement.
276. As to the Special Rapporteur’s request to visit Mexico,²²⁶ the SRE informed that it was following up on the request and that the dates on which it might take place had yet to be defined in view of the need to schedule different international commitments in advance.

²²⁴ Official Document 486, December 2015.

²²⁵ Official Document DDH-04857, October 2, 2015.

²²⁶ UN, “*Protection of and assistance to internally displaced persons*”, *Report of the Special Rapporteur on the human rights of internally displaced persons*, Doc. A/70/334, August 20, 2015, paragraph 10.

277. The INE²²⁷ stated that it did not have the mechanisms for the registration of displaced persons in any electoral lists; it was not aware of the implementation of actions related to humanitarian assistance and protection of IDPs and it did not have specific regulations for dealing with displaced persons.
278. The National Water Commission (CONAGUA) said²²⁸ that it did not have specific programs for IDPs. Despite the above, it indicated that Chapter III of the 2014-2018 National Water Program establishes water resources management policies that are intended to help people who, according to their circumstances, can be classified as IDPs.
279. The Ministry of the Environment and Natural Resources (SEMARNAT) sent an official request for information to CONAGUA, without responding directly to the information requested by the CNDH.
280. The National System for Integral Family Development (SNDIF) indicated that it did not have information related to that requested by the CNDH.²²⁹ However, it pointed out that Article 38 of the General Law on Victims grants the SNDIF the power to attend to displaced minors.
281. The Ministry of Public Education (SEP) reported²³⁰ the existence of a program for Educational Inclusion and Equality (PIEE) whose general objective is to contribute to ensuring greater coverage, inclusion and educational equality among all groups of the population in order to build a fairer society through standards and support for public educational services, as well as the improvement of infrastructure and equipment in public institutions of basic, secondary and higher education, which serve the population in contexts of vulnerability and/or disability.

²²⁷ Official Document, V5/68405, October 7, 2015.

²²⁸ Official Document BOO.5.03.00.00.01 05681, Exp. 13-0643, October 6, 2015.

²²⁹ Official Document DGJEI.205.000.00/538/2015, September 22, 2015.

²³⁰ Case File 111.04/02C.18/328/2015, November 30, 2015.

282. The SEP also reported²³¹ that the displaced population (which is not considered a migrant population) is not required to have identity documents for access to any grade or level of basic education.
283. Among the vulnerable groups are persons in context of migration. However, there are no specific actions for victims of IFD, probably because this group is neither identified nor registered.

b) Information Provided by State Authorities

284. From the information requested from state agencies and from those that provided said information, the following can be inferred.
285. The DIF System of Aguascalientes stated that it has no knowledge of cases of this type, but in response to the question of whether it has mechanisms to facilitate direct access for children and adolescents displaced from their community of origin because of violence, it affirmed that any cases that might arise would be referred to the Assistance Program for Unaccompanied Migrant Children.²³²
286. The General Office of the DIF of Baja California reported²³³ that it did not have mechanisms to facilitate access for children and adolescents displaced from their community of origin. However, it assured that it had two reception modules for unaccompanied repatriated children and adolescents, one in Mexicali and the other in Tijuana, that provide assistance in terms of care, food, shelter and handing them over to relatives. If family members are unable to travel to the modules to collect the children or adolescents, the minors are sent by plane.
287. The government of Chiapas²³⁴ sent the CNDH the *Study on Displaced Persons due to the Armed Conflict in Chiapas*.²³⁵ This document presents data and testimonies that make it

²³¹ Case File 111.04/02C.18/328/2015, December 15, 2015.

²³² Official Document DGSE-07229/2015, September 18, 2015.

²³³ Official Document DIF-DGEN/064/2015, October 19, 2015.

²³⁴ Official Document SGG/SGDH/DVDHTPD/0333/2013, May 2, 2013.

possible to recreate the crisis of the armed confrontation in Chiapas in the 1990s, and the serious problem of IFD this conflict generated in several municipalities in the state and that has extended into the 21st century. The study also reveals that the affected population was mostly indigenous, thus, exacerbating their social vulnerability.

288. The Office of the Undersecretary of State Government and Human Rights of Chiapas reported²³⁶ that in January 2016, eight families were forced to move from an *ejido* located in the municipality of Las Margaritas because they were members of a church whose presence had not been allowed in the *ejido* since its pastor was accused of killing an inhabitant of that place.

289. In view of the probable acts of IFD that took place in the Municipality of Chinipas, Chihuahua, in September 2015, information was requested from the Office of the Secretary of State Government, which responded²³⁷ to the CNDH that probable criminal acts (murders) had been detected and were under investigation in various communities of the municipality. As to displacement, it was neither confirmed nor denied, but the office claimed that health care, education and the municipal government's own activities, as well as the delivery of federal government support, were carried out on a daily basis and that the inhabitants of sectors of the municipality in question were currently living in their social environment and carrying out their usual activities.

290. However, the CNDH noted the existence of acts of violence that could put the inhabitants of the region in risk of IFD, which is why government actions to prevent and control violence cannot be delayed.

291. The DIF System in Coahuila²³⁸ assured that it has mechanisms to facilitate the access of children and adolescents displaced from their community of origin due to violence to assistance and protection programs suited to their specific situation through the "Camino

²³⁵ Arana Cedeño, Marcos and María Teresa del Riego, "*Estudio sobre los desplazados por el conflicto armado en Chiapas*" [A Study on Persons Displaced by the Armed Conflict in Chiapas], Mexico, FIODM, Joint Programme for a Culture of Peace, UN, 2012.

²³⁶ Dirección de Vinculación con Derechos Humanos [General Office of Human Rights Liaison], *Trata de personas y Discriminación* [People Trafficking and Discrimination], Official Document SGG/SSGDH/DVDHTPD/0046/2016, January 25, 2016.

²³⁷ Official Document SGG/225/15, November 20, 2015.

²³⁸ Official Document DIFJURD/116/2015, August 21, 2015.

a Casa” [On the Way Home] program by which assistance and prevention of unaccompanied child migration is provided to unaccompanied national and foreign migrant children and adolescents who, for various reasons, are forced to cross the border. Sometimes, it is possible to detect that their displacement is due to violence in their communities of origin.

292. The government of Coahuila declared that the state had no record of the issue between May 2013 and June 2015.²³⁹

293. Through its Ministry of Social Development,²⁴⁰ the government of Colima reported that it had carried out several actions to assist a group of displaced families from Michoacán, including the provision of food, food baskets, clothing, and personal hygiene products, among others; as well as conducting a census and socio-economic studies, providing medical and psychological care, in addition to training and channeling them to various educational authorities.

294. In response to a new request for information in 2015, the DIF System of Colima reported²⁴¹ that the agency did not have information on the existence of children and adolescents displaced from their communities of origin because of violence, so there are no mechanisms to facilitate their direct access to assistance programs adapted to their specific situation. It also pointed out that there were no regulations on the matter or actions related to humanitarian assistance in this regard.

295. In July 2015, television media broadcasted the case of 45 families from the community of Sapioriz, San Dimas, Durango, that were forced to leave their homes and lands in Durango to escape the violence that had led to several murders in the community.

296. In response to a request sent to the Secretary General of State Government concerning these events, it responded that

“[They] were aware of the events that occurred on July 14, 2015, an aggression (ambush) against members of the State Police stationed in the Municipality of Otáez, Durango, who were carrying out public security actions and responding to the crimes reported in

²³⁹ Official Document SGB/042/2015, September 8, 2015.

²⁴⁰ Official Document SDS.DS.526/2013, October 13, 2013.

²⁴¹ Official Document 1128/2015, October 1, 2015.

the San José de Bacis ejido, in the Municipality of San Dimas. On the 18th of that same month, 11 persons lost their lives in the Sapioriz ejido, Durango.”²⁴²

297. To address this problem, the Office of the Secretary of the State Government of Durango said that security and surveillance had been reinforced with 85 elements and 14 vehicles of the State Police, to permanently patrol the area and establish checkpoints along the roads and unpaved roads that lead to the *ejidos* and communities of Spaioriz and the municipality of Otáez. This resulted in the arrest of persons for a number of offenses, who were handed over to the competent authorities, thereby restoring the safety and peace of mind of the families living in these municipalities. As a result of these actions, the 45 displaced families returned to their homes where they are currently located.
298. Following new acts of IFD in in the municipality of Tamazula, Durango, in October 2015, the Office of the Secretary General of State Government was again asked to provide information. It responded:

“That the Government of the State of Durango and the office under my charge are aware of the events and that the necessary actions were taken immediately to meet the social needs of the displaced families belonging to various communities in the municipality of Tamazula, Durango. As to the problem of violence in the region, there is inter-institutional coordination between the state security forces and the Ministry of National Defense, with permanent patrolling for the attention and prevention of crime and violence, as well as permanent support from state social programs. As a result of the foregoing, the Government of the State of Durango immediately took the necessary steps to provide assistance to these families through agencies like the Office of the Secretary General of State Government, Civil Protection, the Ministry of Health, the State DIF, the Ministry of Social Development and the State Human Rights Commission, which provided support and social assistance to the affected families, offering medical care, free medicine, food packages, blankets, mats, and personal hygiene products, among other things.

It should be noted that the Office of the Secretariat in my charge is in permanent communication with the displaced families and at all times has maintained close collaboration and coordination with the authorities of the State Government of Sinaloa and the City of Cosalá, who have been supportive of this assistance plan. It is also important to mention that by this time, these families have been returning to their communities to resume to their jobs and everyday tasks.”²⁴³

299. When asked to provide information on the IFD population in the state, particularly displaced children and adolescents, the government of Guanajuato responded through the

²⁴² Official Document SGG/919/2015, September 1, 2015.

²⁴³ *Idem.*

General Office of the State DIF System²⁴⁴ that it did not have specific mechanisms or programs to assist and protect this population in these cases, but it did have diverse programs for children who have not been displaced from their place of origin.

300. On being questioned about alleged acts of displacement in 2015 and early 2016 that were reported by the media,²⁴⁵ the government of Guerrero declared on both occasions²⁴⁶ that it had no knowledge of the events in question. It also stated that the state government agencies responsible for the assistance of displaced persons rely on *Law 487 to Prevent and Address Internal Displacement in the State of Guerrero*.
301. Meanwhile, the government of Hidalgo claimed²⁴⁷ that there were no data or records regarding the information requested on the matter of internal displacement since the criteria and definition adopted by the UN did not apply to the conditions of the persons who have been assisted in its jurisdiction between May 2013 and June 2015.
302. In 2013, the government of Jalisco²⁴⁸ told this national agency of cases of displacement due to “religious conflicts” in San Andrés Coahamiata, Mezquitic, Jalisco, in San Sebastián Teponahuaxtlán and in the adjoining Tuxpan Bolaños, in the municipalities of Mezquitic and Bolaños. It reported to have provided timely assistance to the displaced population through roundtables with the participation of representatives of the community, various religious groups, the government of Jalisco, the SEGOB General Office of Religious Associations and the CDI, among others. It also stated that as a result of the agreements adopted at these roundtables, the CDI acquired land that was given to the displaced families.

²⁴⁴ Official Document SDIFEG/DPJF/DG/558/2015, September 17, 2015.

²⁴⁵ Pastrana, Daniela, *Los desterrados de Teloloapan: familias enteras desplazadas por el narco*. [The Exiles of Teloloapan: Entire Families Displaced by Narcos] “Animal Político”, available at: <http://www.animalpolitico.com/vivirconelnarco/desterrados-teloloapan-familias-desplazadas-por-el-narco.html> and “Desplaza violencia a 500 habitantes de Zitlala y Chilapa” [Violence displaces 500 inhabitants of Zitlala and Chilapa], available at: <https://guerrero.quadratin.com.mx/Desplaza-violencia-a-500-habitantes-de-Zitlala-y-Chilapa/>

²⁴⁶ Official Document DADH-1286, December 4, 2015, and Official Document No. DADH-0030, January 18, 2016.

²⁴⁷ Official Document SSPCyGR/1119/15, October 1, 2015.

²⁴⁸ Official Document SAJ/420/2013, May 13, 2013.

303. In 2015, in response to a request to the DIF System of the State of Jalisco²⁴⁹ for information on the subject, it stated that it was not aware of any cases of forced displacement due to violence.
304. After analyzing the information submitted,²⁵⁰ it is worth noting that despite having acknowledged the existence of the problem of IFD, the Office of the Secretary of State Government of the State of Michoacán stated that it did not have regulatory proposals regarding this issue. It also stated that it was not within the purview of the Office of the Undersecretary of State Government to carry out any kind of registration or assessment of profiles. However, in referring to the specific guidelines of the Project for the Assistance Displaced Indigenous Peoples, published in the Federal Official Gazette (DOF) on June 15, 2006, as well as Article 28 of the LGV published in the DOF on January 9, 2013, there is a direct or indirect mention of the phenomenon of internal displacement. Accordingly, the state government and in strict compliance, this office, in coordination with municipal governments and the Ministry of Public Security have carried out a series of activities in the area where these cases occurred, carrying out legal actions through the State Attorney General's Office (PGJE) and maintaining close contact with the population in order to guarantee economic and security conditions that safeguard and protect the rights and guarantees of citizens, thus preserving social peace in the region and the conditions for free development.
305. The Coordinating Office of Legal Affairs of the Government of Nuevo Leon told the CNDH that there was no current information on the problem of forced displacement of persons in the state.²⁵¹
306. The government of Oaxaca²⁵² reported that despite not having an assessment as such or specific legislation, it has assisted the Triqui indigenous community from San Juan Copala in 2011 and 2012 by providing financial support to 110 displaced Triqui families.

²⁴⁹ Official Document *DG/3455*, September 30, 2015.

²⁵⁰ Official Document *SGSG/215/2014*, September 3, 2015.

²⁵¹ Official Document *BCAJ/475/2015*, September 25, 2015.

²⁵² Official Document *1032/2013*, April 22, 2013.

307. Through the Office of the Secretary General of State Government,²⁵³ the government of Puebla reported that the state Ministry of Public Security did not have any record of persons displaced due to violence, but that the Ministry of Social Development and the General Office of Civil Protection did, although it was on displacement due to natural disasters where actions have been taken.
308. In response to a new request for information in 2015,²⁵⁴ the government of Puebla reiterated that it had no record of the existence of IDPs in the state due to armed, political, social or religious conflicts. It reported that there was only a record of displacement of persons due to natural phenomena, which have been exceptional and to which the state has provided the corresponding assistance. This mainly refers to the community of Huixtla in the municipality of Tlaola, which was affected by a landslide on July 2, 2011, an event that led to the relocation of 134 families.
309. In view of this, it was claimed that there was no program in Puebla to address the phenomenon of forced internal displacement, reiterating that the phenomenon is non-existent in the state.
310. The displacement of persons due to natural disasters is also of a forced displacement since people who had neither planned nor had a choice have to leave their homes to be safe from these phenomena. The government of Puebla, on the one hand, acknowledges the existence of displacement due to natural disasters and, on the other hand, justifies the lack of specific programs because it claims that IFD does not exist in its territory.
311. The government of Querétaro stated through the state DIF²⁵⁵ that no children or adolescents displaced from their communities of origin because of violence in national territory had been admitted to any shelter and/or assistance center. However, it declared that it had shelters to attend children in these cases.

²⁵³ Official Document SGG/DGAJ/JC/789/2013, May 27, 2013.

²⁵⁴ Official Document 4136/2015, September 17, 2015.

²⁵⁵ Official Document DPM/1594/2015, September 22, 2015.

312. Through its State DIF System,²⁵⁶ the government of Sinaloa reported that this agency has undertaken actions and provided assistance through the provision of food and cleaning, personal hygiene supplies. It also channeled 11 families, who were displaced from the high mountains, specifically from the “La Mesa” community in the municipality of Sinaloa de Leyva, to the General Office of Food and Social Assistance of the DIF System in Sinaloa. Their displacement occurred in May 2012.
313. It also reported that on June 4 of that same year, follow-up was given to the situation of displaced persons to ascertain the legal situation of unregistered minors in order to facilitate the corresponding procedures and a roster of unregistered children and adolescents was drawn up, with a total of 13 minors and one adult.
314. The Sinaloa DIF said that in 2012 and 2013, the Ministry of Social and Human Development of the Government of the State of Sinaloa had been informed of other cases of displacement due to violence. To this end, the “Interinstitutional Committees for the Support of Displaced Persons” were created, of which the DIF System of Sinaloa a member, actively participating at each of the meetings that have taken place.
315. Through its General Coordinating Office of the DIF Tabasco,²⁵⁷ the government of Tabasco indicated that it was not aware of or has received any request for assistance related to cases of protection of displaced children and adolescents. It also mentioned that it has a variety of programs for children and adolescents, but not for such circumstances.
316. The DIF System in Tamaulipas stated that there had been no cases of forced displacement in which children and adolescents have required humanitarian assistance. It does not have specific mechanisms for this population group nor the legislation on the subject. However, it declared that it has various types of assistance available for the displaced children and adolescents who require it, including food, shelter, legal, psychological, medical and other types of assistance.²⁵⁸

²⁵⁶ Official Document *DG 989/2015*, September 22, 2015.

²⁵⁷ Official Document *CG/1820/2015*, September 21, 2015.

²⁵⁸ Official Document *DG/1129/2015*, September 21, 2015.

317. The government of Veracruz reported through its State DIF System's General Office for Legal and Advisory Affairs²⁵⁹ that it does not have specific programs for the displaced population, but that it does have programs for victims of family violence, sexual exploitation, child labor and addiction prevention. There have been no humanitarian aid actions in this regard and the regulations it has consist of the Law for Victims for the State of Veracruz, and a Law for the Operation and Running of Shelters, Assistance Centers and Similar Institutions in the State of Veracruz at which, it stated, the population in these situations can be attended.
318. The government of Veracruz did not report the existence of IFD in its territory, which does not coincide with the testimonies gathered by the CNDH.
319. The Legal Director of the Office of the General Secretary of Government of the State of Yucatán reported that she had no report of any situation regarding the problem of IFD.²⁶⁰
320. Lastly, the Zacatecas DIF System reported²⁶¹ that the state government institution has carried out various actions on behalf of children and adolescents displaced from their communities of origin due to violence. These actions include referral to the Agency for the Protection of Children, Adolescents and the Family through its delegates; legal advice and representation; psychological and medical attention; temporary shelter while pending the resolution of their legal situation, and humanitarian assistance. In addition, it pointed out that as a result of the national meetings of the Agencies for the Protection of Children and Adolescents in the country, it was possible to establish cooperation agreements between agencies to transport children and adolescents by providing financial assistance and accompanying them to their places of origin.
321. Very few states in Mexico have acknowledged the existence of IFD within their borders and are implementing actions to counteract it. Below, it will be shown that although the governments of Aguascalientes, Nuevo Leon, Querétaro, Tabasco and Tamaulipas deny the existence of the phenomenon in its territory and/or claim to have no records of cases,

²⁵⁹ Official Document *DJC/541/15*, September 21, 2015.

²⁶⁰ Official Document *SGG/DJ-181-2015*, September 1, 2015.

²⁶¹ Official Document *1389/2015*, October 5, 2015.

some of their municipal authorities have informed the CNDH that the problem does indeed exist.

322. Most of the measures implemented are in the form of assistance (generally food and medical assistance) but are only temporary. Only Chiapas and Guerrero have specialized legislation on the subject.
323. At present, there are no public policies designed to prevent and address the problem comprehensively and in coordination among the different levels of government, nor is there a budget earmarked for this purpose, which makes it difficult to provide adequate assistance for victims in Mexico.

c) Information Provided by PHRAs

324. The information requested from state PHRAs shows the following:
325. The State Human Rights Commission of Baja California Sur reported²⁶² that it had dealt with two complaints of displacement due to violence. One took place in 2013 and the other in 2015 and in both cases legal and psychological counselling was provided. It stated that it had responded to one more complaint of displacement due to natural disasters in 2012. It also informed that the assistance for the population in vulnerable conditions is constantly provided through training, counselling and diverse management practices.
326. The State Human Rights Commission of Chiapas reported²⁶³ having dealt with a total of 8 complaints of IFD cases from 2012 to 2015 without specifying the causes. From 2010 to 2015, it reports having dealt with 6 cases of probable displacement through legal counselling.
327. The State Human Rights Commission of Chihuahua stated²⁶⁴ that it had not issued any recommendation or carried out any conflict resolution related to IFD. However, it said it was informed of one complaint about alleged forced displacement which was referred to the CNDH because federal authorities were involved. Moreover, with regard to the actions

²⁶² Official Document *CEDHBCS-UTAIP-LAP-8615*, October 22, 2015.

²⁶³ Official Document *CEDH/DGQOYG/1802/2015*, October 7, 2015.

²⁶⁴ Official Document *BPO/86/2015*, September 7, 2015.

undertaken to assist victims of IFD (IDPs), it assures that the training area of the local agency has been instructed to include this issue in its training programs.

328. The State Human Rights Commission of the State of Coahuila reported²⁶⁵ that since 2010 to date, it received one complaint, in September 2015, for forced displacement with damages to homes caused by a geological fault line. In this case, the agency provided counselling, support and management services to 45 displaced persons and 154 families, making a total of 613 persons allegedly affected by this circumstance.

329. The State Human Rights Commission of Colima reported²⁶⁶ that in 2013 it submitted to the CNDH a complaint for alleged acts of IFD against a group of 36 persons from a community in Michoacán, who had to flee alleged acts of violence by armed groups and arrived in Colima seeking refuge.

330. The Human Rights Commission of the Federal District²⁶⁷ sent the CNDH the results of the query made to its database regarding human rights violations allegedly committed in the cases it has handled from 2011 to October 8, 2015. As a result, we observe that IFD does not appear as a violation. However, this does not necessarily mean that there are no victims of IFD (IDPs), but that the victims are probably not made visible in the violations classified as such.

331. The State Human Rights Commission of Durango²⁶⁸ informed the CNDH that in January 2011 it learned through various media outlets that a group belonging to organized crime had attacked the inhabitants of a community in the mountainous region of the municipality of Mezquital, Durango, known as “Tierras Coloradas”. The inhabitants were forced to leave this community to protect their physical integrity. It was further reported that this PHRA did not receive complaints from the persons allegedly affected by these acts or from any others involved in the matter.

332. The State Human Rights Commission of Guerrero (CODDEHUM) reported that in 2011 it learned of a case of collective displacement in La Laguna, municipality of Coyuca de

²⁶⁵ Official Document *VG/653/2015*, October 19, 2015.

²⁶⁶ Official Document *PRE/110/2015*, October 9, 2015.

²⁶⁷ Official Document *CDHDF/OE/DEADLE/734/2015*, October 15, 2015.

²⁶⁸ Official Document *SR/93/15*, October 12, 2015.

Catalán, in which 164 persons were affected and threatened by armed groups from communities in the same municipality.²⁶⁹ In 2012, it learned of another case in the same area involving 180 persons,²⁷⁰ which led to Recommendation 35/2012. This recommendation analyzed the violation of the right of residence and recommended that the members of the Municipal Government of Trujano, Guerrero, respect the complainant's right to residence, return him to his residence and guarantee his peaceful stay. This Recommendation was accepted and partially complied with by the authority to which it was addressed.

333. In 2013, the CODDEHUM documented the displacement of 542 persons from the communities of Rancho Viejo, Buena Vista de los Hurtado, Tetela de Río, El Caracol, Ixtayotla, El Capire, El Órgano and La Laguna de Comunitlali in the municipality of Heliodoro Castillo; San Pedro Pezuapan and Pericopetec, in the municipality of San Miguel Totolapan; Las Shascuitas in the municipality of Miguel Totolapan, as well as Las Mesas II of the San Juan Tetehuetla Ejido in the municipality of San Miguel Totolapan, Guerrero. It reported that in all cases the displacements stemmed from threats by organized crime groups²⁷¹ and that precautionary measures had been requested on four occasions from various state authorities to ensure that the displaced families had access to housing, education, health care, employment, productive projects and security so as to improve their living conditions. In these three cases, the State Commission reported that it attended the inter-institutional sessions as an observer without a complaint having been lodged.

334. In 2015, the State Human Rights Commission of the State of Jalisco informed²⁷² the CNDH that there was no information regarding the matter in question. However, it stated that in 2009, it issued Recommendation 35/2009 concerning the construction of the "El Zapotillo" dam, which would most likely result in the flooding of the communities of Acasico,

²⁶⁹ Case File CODDEHUM-CRZN/092/2011-II in which *Recommendation 035/2012* was issued.

²⁷⁰ In this case, the CODDEHUM Guerrero reported that it has participated as an observer in the inter-institutional support sessions that have been held.

²⁷¹ *Idem.*

²⁷² Official Document *JMLA/1879/2015*, October 1, 2015 and Official Document *P/CEDHJ/435/2015* October 5, 2015.

Palmarejo and Temacapulín in Jalisco, which would in turn lead to the relocation of the inhabitants once the dam was completed.

335. On September 4, 2013, the State Human Rights Commission of Michoacán reported that more than 100 families had been displaced and gone to the state of Colima as a result of the insecurity and the presence of “hooded armed men calling themselves the Community Police of *Aquila*”. The affected persons stated that the hooded armed men, backed by the federal police, subjugated the citizens who did not support them, stole their property and threatened them with death. It also reported that according to the municipal president of Coahuayana, the town granted asylum to 200 families who had been displaced from three municipalities where self-defense groups had been formed: *Aquila*, *Coalcomán* and *Chinicuila*.²⁷³

336. In 2013, the Office of the Human Rights Ombudsman of the State of Oaxaca informed the CNDH of the existence of two complaints being processed indicating the forced displacement of persons. One of them dealt with people who were expelled from their community because they were accused of practicing *Santería*. They were forcibly removed without the authorities doing anything for them. The other complaint concerns 73 displaced families from *San Miguel Copala* in the municipality of *Putla de Guerrero*, who requested the Office of the Ombudsman to assist them by providing advisory services and support in the resolution of their petitions submitted to *SEGOB* seven months before and had yet to be acknowledged.²⁷⁴

337. In response to a new request for information in 2015,²⁷⁵ the Office of the Ombudsman reported that since 2010 it had lodged 7 complaints for alleged acts of IFD, most of them due to violence. So far, 2 Recommendations and one conciliation proposal have been issued. It assured that it participated in the negotiations so that the displaced persons could return to their place of origin or be relocated in other spaces in acceptable conditions.

²⁷³ Complaints LAZ/365/2013 of August 8, 2013, LAZ/376/2013 of August 16, 2013 and LAZ/365/2013, the three of which were referred to the CNDH.

²⁷⁴ Official Document 008767, July 26, 2013.

²⁷⁵ Official Document 013596, September 29, 2015.

338. In September 2013, the State Human Rights Commission of Sinaloa reported that it lodged a complaint regarding the lack of support from municipal authorities towards the families who had left the community of Ocurahui in the municipality of Sinaloa de Leyva. It pointed out that since early 2012, press reports in various media outlets had been published, reporting that a large number of families had left their communities because of the violence that prevailed and their fear of the criminal groups based in different regions of the state. The State Commission requested information from municipal and state authorities, as well as the adoption of precautionary measures aimed at ensuring the security and well-being of inhabitants and visitors in Sinaloa. It also requested precautionary measures from the State Attorney General's Office, the State Ministry of Public Security and the Office of the Secretary General of State Government.
339. The State Commission of Sinaloa issued the *Special Report on the Internal Displacement of Persons in Sinaloa* in April 2013. It requested information from the Office of the Undersecretary of Social Development of the State Government regarding the number of displaced families and the measures that had been taken to ensure their well-being and security. In response, the agency reported that in most cases, the efforts were non-existent and that no exact figures were available since armed criminal groups were positioned in such a way as to block the access of municipal and state government personnel sent by the Ministry of Social and Human Development. It also stated that there were an indeterminate number of families who had left their places of origin and did not want to be identified. Moreover, their destination was unknown, but approximately no more than 15% of the population in the state consisted of families who were still living in their communities of origin and refused to leave their homes.
340. In this Report, the State Human Rights Commission of Sinaloa was aware of various clashes that have resulted in murders in different towns in the state, and the climate of terror that led 1220 families to decide to leave their belongings and homes and flee these places for fear of losing their lives or of harm to their physical integrity.
341. The State Commission expressed its concern regarding the state government's failure to react diligently to the problem and recommended that:

“Each and every one of the proposals and considerations set out in this Special Report should be evaluated and appropriate measures should be taken to ensure that, within the scope of their respective spheres of competence, the problem of internal displacement is addressed in order to give priority to respect for the human rights of displaced persons and to comply with the provisions of the applicable constitutional, international, regional, legislative and regulatory resolutions and regulations.”²⁷⁶

342. The Human Rights Commission of the State of Tamaulipas informed²⁷⁷ the CNDH that from 2010 to 2015, it had issued 3 Recommendations regarding IFD due to violence, particularly in 2012.

343. Thus, the PHRAs that reported having no knowledge of cases of IFD in their territory were Baja California,²⁷⁸ Campeche,²⁷⁹ Guanajuato,²⁸⁰ Morelos,²⁸¹ Nayarit,²⁸² Nuevo León,²⁸³ Querétaro,²⁸⁴ Quintana Roo,²⁸⁵ San Luis Potosí,²⁸⁶ Sonora,²⁸⁷ Tabasco,²⁸⁸ Tlaxcala,²⁸⁹ Veracruz,²⁹⁰ Yucatán²⁹¹ and Zacatecas.²⁹²

344. The PHRAs that were aware of or have detected the existence of IFD in their territories and/or are recipients of IDPs are Baja California Sur, Chiapas, Chihuahua, Coahuila, Colima, Durango, Guerrero, Hidalgo, Michoacán, Oaxaca, Puebla, Sinaloa and Tamaulipas. Most agree that violence-related causes have driven entire families out of their places of origin.²⁹³

²⁷⁶ *Informe Especial sobre el Desplazamiento Interno en Sinaloa*, available at: http://www.cedhsinaloa.org.mx/_documentos/recomendaciones/generales/10.pdf

²⁷⁷ Official Document 7239/2015, October 30, 2015.

²⁷⁸ Official Document PDH-UT-032-13, December 9, 2013.

²⁷⁹ Official Document VG/2329/2015, October 19, 2015.

²⁸⁰ Official Document PDH/660/15, September 30, 2015.

²⁸¹ Official Document UDIP-071015-1, October 7, 2015.

²⁸² Official Document VG/1133/15, September 29, 2015.

²⁸³ Official Document DJ/8091/15, November 3, 2015.

²⁸⁴ Official Document UAIDDHQ/0036/2015, October 8, 2015.

²⁸⁵ Official Document DHEQROO/DCSQR/UV/177/2015, October 8, 2015.

²⁸⁶ *Comunicación via e-mail*, November 5, 2015.

²⁸⁷ Official Document SCSVPQCEDH/110/2015, October 22, 2015.

²⁸⁸ Official Document CEDH-P/338/2015, October 14, 2015.

²⁸⁹ Official Document CEDHT/S.E/2334/2015, October 13, 2015.

²⁹⁰ Official Document 367/2015, October 6, 2015.

²⁹¹ Official Document SECODHEY/007/15, October 8, 2015.

²⁹² Official Document CDHEZ/SEZA/8016/2015, October 19, 2015.

²⁹³ In her work “Desplazamiento Interno inducido por la violencia: una experiencia global, una realidad mexicana”, *op. cit.*, Laura Rubio writes that in the state of Chihuahua there is a known case of a prosperous family that has been the victim of organized crime through murders and extortion of such impact that they decided to leave their businesses, their homes and their belongings to seek other places

d) Information Provided by Municipal Authorities

345. The requests to municipal authorities were made in connection with the National Crime Prevention Program's Agreement Establishing the Guidelines for Granting Assistance to States, in an effort to grant protection and assistance policies to priority population groups, including IDPs.
346. Of the 106 municipalities that were asked for information (91 that were given resources in 2013 to reinforce crime and violence prevention efforts, including two boroughs in Mexico City and 15 more municipalities called upon because of alleged acts of violence that caused IFD in 2015 and 2016), the CNDH received responses from only 42 municipalities. Gustavo A. Madero was the borough in Mexico City that responded. The municipalities that also responded to the request were Aguascalientes, Aguascalientes; La Paz, Baja California Sur; Saltillo, Coahuila; Matamoros, Coahuila; Torreón, Coahuila; Colima, Colima; Manzanillo, Colima; Durango, Durango; Tamazula, Durango; Lerdo, Durango; Celaya, Guanajuato; León, Guanajuato; Pachuca de Soto, Hidalgo; Tulancingo de Bravo, Hidalgo; Guadalajara, Jalisco; Tlaquepaque, Jalisco; Tlajomulco de Zuñiga, Jalisco; Zapopan, Jalisco; Ecatepec de Morelos, México; Toluca, México; Morelia, Michoacán; Cuernavaca, Morelos; Temixco, Morelos; Tepic, Nayarit; Apodaca, Nuevo León; Cadereyta, Nuevo León; Juárez, Nuevo León; Monterrey, Nuevo León; Oaxaca de Juárez, Oaxaca; Querétaro, Querétaro; El Marqués, Querétaro; Huimilpan, Querétaro; Ciudad Valles, San Luis Potosí; Choix, Sinaloa; Veracruz, Veracruz; Xalapa, Veracruz; Mérida, Yucatán; Fresnillo; Zacatecas; and Guadalupe, Zacatecas.
347. Only 31 authorities reported having social assessments of their municipality or borough, which are a prerequisite for receiving resources from the Crime Prevention Program.
348. As to the request for information on the facilities to provide assistance to displaced persons, only 18 authorities reported having facilities that could be used to shelter displaced persons: Aguascalientes, Aguascalientes; Saltillo, Coahuila; Gustavo A. Madero

where they could live without fear. In Sinaloa, the CNDH has documented cases of more than 600 families that were also victims of IFD.

borough, Mexico City; Durango, Durango; Lerdo, Durango; Tulancingo de Bravo, Durango; Guadalajara, Jalisco; Tlajomulco de Zúñiga, Jalisco; Apodaca, Nuevo León; Cadereyta, Nuevo León; Juárez, Nuevo León; El Marqués, Querétaro; Huimilpan, Querétaro; Choix, Sinaloa; Veracruz, Veracruz; Mérida, Yucatán; Fresnillo, Zacatecas and Guadalupe, Zacatecas.

349. They were asked to provide information on protocols for assistance of displaced persons. Of the responses received, only the municipal authority of Torreón, Coahuila, sent the CNDH a document entitled “Protocol on Persons Displaced by Armed Conflicts, Situations of Generalized Violence and Human Rights Violations,” which states that “the current conflicts in the different regions of the city of Torreón and the Lagunera region continue to force numerous groups of people to leave their homes, not so much because of individualized persecution, but because of organized crime, violence that makes life unbearable in their own social environment.”²⁹⁴ In this situation, it stipulates that any person who has been displaced must report the events to the Public Prosecutor’s Office and that displaced persons will be provided with a general medical and psychological assessment, food and hygiene supplies, shelter, and legal counselling to recover their home or property while monitoring the follow-up to the complaint.

350. The number of municipal and borough authorities that have social assessments of their territories is very low despite its being a requirement for receiving further resources from federal programs. This is a matter of concern since each authority requires these assessments in order to take action in the area of crime prevention and to establish the corresponding public policies.

TABLE 6
*Comparison of Reports of Cases of Persons Internally Displaced because of Violence*²⁹⁵

	Federal Authority	State Authority	Municipal Authorities	Local Ombudsman	CNDH Interviews	CNDH Questionnaires
Aguascalientes			X			
Baja California						X

²⁹⁴ Official Document *DMPD/071*, August 12, 2014.

²⁹⁵ The number of victims of IFD (IDPs) is not specified. Some figures are given in the Observations Section.

B. C. Sur				X		
Campeche						
Chiapas	X (CDI)	X	X			
Chihuahua		X	X		X	X
Coahuila		X	X			X
Colima		X				
Durango		X	X	X	X	
Edo de México			X			X
Guanajuato						
Guerrero	X (CDI)	X	X		X	
Hidalgo	X (CDI)		X	X		
Jalisco	X (CDI)	X	X			X
Mexico City		X				X
Michoacán			X	X	X	X
Morelos			X			X
Nayarit	X (CDI)					
Nuevo León			X			X
Oaxaca	X (CDI)	X	X			X
Puebla		X	X			X
Querétaro			X			X
Qunitana Roo						
San Luis Potosí			X			
Sinaloa		X	X	X	X	X
Sonora						
Tabasco			X			
Tamaulipas			X		X	X
Tlaxcala						X
Veracruz			X		X	
Yucatán						
Zacatecas						

Source: CNDH

e) Perspective of CNDH Personnel Who Had Contact with Displaced Population in Various Parts of Mexico

351. The insight and perspective of the CNDH personnel who had the opportunity to gain first-hand knowledge of the situation of IDPs in the country reveals the state of helplessness and extreme vulnerability that displaced persons are experiencing. Below are three testimonies that reflect part of this reality.

Testimony 1

“So much poverty, neglect and powerlessness. That is what I perceived on my visit to (---) and (---). The people looked dispirited, sad, angry. It was no wonder with the situation they were going through. They told tragic stories in which armed groups forced men to join the criminal group or killed them. I was astonished to hear people talking of death as if it were something normal. I don't know if it's because they're so used to seeing people killed or if it's a survival mechanism to cope with their violent reality.”

“Leaving their homes and properties (land and/or animals) is very painful for them. They don't dare go back for their things because of the danger and the authorities tell them they can't go up there.”²⁹⁶

Testimony 2

“I visited several regions of the country and had the opportunity to see, meet and talk to many people who had been violently displaced from their homes. In practically all the places visited, the main cause of displacement was the violence of armed groups involved in drug trafficking, although I also noticed displacement caused by self-defense groups. I remember a small town in the state of (---) where we (two CNDH co-workers and I) were interviewing displaced persons who were in an auditorium that had been converted into a shelter. I began to notice brand-new luxury cars without license plates driving around and they stopped to watch and ask about our activities. When we arrived in this small town, we were told that we could stay the night at the small local hotel and we agreed. However, at around three in the afternoon, a local nurse approached us and told us that we had to leave. When I asked her why, she just insisted that we should leave. I remember we left the place scared and that in every town we passed, we saw people with radios watching us and transmitting something.”²⁹⁷

Testimony 3

“I had to get help from a psychologist after everything I saw and heard. Someone who deals with so many people whose human rights have been violated needs this kind of help to avoid emotional distress. Of course, it's not about becoming insensitive to the pain of others, but one has to learn to handle emotions so that they don't become harmful. I've heard heart-breaking stories, [about] murders, rapes, the butchering of people, so much horror across the country that one wonders how far man is capable of causing so much harm.”²⁹⁸

²⁹⁶ CNDH, *Fact-Finding Report; Testimony from CNDH personnel*, September 21, 2015.

²⁹⁷ CNDH, *Fact-Finding Report; Testimony from CNDH personnel*, September 21, 2015.

²⁹⁸ CNDH, *Fact-Finding Report; Testimony from CNDH personnel*, September 21, 2015.

352. From the transcribed testimonies, it is noted that the situation of victims of IFD is not easy and is not being addressed as it should be. Serious omissions by government authorities in fulfilling their obligation to protect this group of persons are evident as it leads to the suffering and vulnerability of the civilian population.

f) Results of the Review of Mexican Legislation

353. After the constitutional reform on human rights on June 10, 2011, the Mexican State formally and fully recognized the validity and application of the content of the international human rights treaties to which it is party. This includes those comprising international human rights law, international humanitarian law, international refugee law and international criminal law, all of which impose obligations on public authorities to protect, promote, respect and guarantee these rights.

354. Since then, all human rights provisions must be understood in the light of the Constitution and international treaties, which require the adoption of a *pro persona* interpretation, which gives the choice of the provision or treaty that provides the broadest protection at all times.

355. Accordingly, the *Declaración y Plan de Acción de México para Fortalecer la Protección Internacional de los Refugiados en América Latina* [Mexico Declaration and Plan of Action to Strengthen International Protection of Refugees in Latin America]²⁹⁹ noted the importance of the application of the standards and principles of international refugee law, international human rights law and international humanitarian law to strengthen the protection of refugees, as well as other persons entitled to international protection.

356. For more than ten years, this Declaration has reiterated Conclusion 16 of the 1994 San José Declaration on Refugees and Displaced Persons, according to which “... *the problem of the internally displaced, albeit the fundamental responsibility of the States of their nationality, is*

²⁹⁹ This document was adopted in Mexico City on November 16, 2004. According to the UNHCR, “*The Mexico Plan of Action is an important regional tool for strengthening international protection in Latin America. This is a first action plan adopted by 20 Latin American countries on 16 November 16 2004, with the active participation of States themselves, international organizations and representatives of civil society organizations from throughout the region.*” Available at: <http://www.acnur.org/t3/que-hace/plan-de-accion-de-mexico/>

*nevertheless of concern to the international community because it is a human rights issue which can be linked to prevention of causes which generate refugee flows...*³⁰⁰

357. Hence, the expanded notion of refugee, subject of international protection, is useful at a time when the presence of criminal violence and government strategies against organized crime are forcing individuals and entire families to leave their communities of origin. In the various mobility flows currently taking place in Mexico, it is possible to find both foreigners (Hondurans and Salvadorans) fleeing violence and internally displaced Mexicans.

358. The current human security situation in the region calls for the use of this kind of concepts, which lead to the declaration of principles to strengthen the scope of protection. In view of this, underlining the peaceful, apolitical and humanitarian nature of granting asylum or recognition of refugee status is essential.

359. In its Report *“It’s a Suicide Act to Leave or Stay”: Internal Displacement in El Salvador*”, *Refugees International* recommended that the Mexican State should, with the support of the UNHCR, ensure that all Salvadorans expressing a fear of serious human rights violations, persecution, or torture be given due process and the opportunity to articulate their fears of return before an officer authorized to adjudicate asylum applications consistent with the *Cartagena Declaration on Refugees and Brazil Plan of Action, and other complementary forms of protection*.³⁰¹

360. In addition to the validity and application of the Guiding Principles in domestic legislation, in accordance with the provisions of Article 1 of the Constitution, there is no general law in Mexico that incorporates or elaborates on the content of these principles despite the various initiatives of law or constitutional reform on the subject that have been presented since 1998.³⁰² However, the National Constitution itself, some national laws and

³⁰⁰ *Ibid*, page 3.

³⁰¹ Reynolds Sarnata, 2015, available at: <http://www.refugeesinternational.org/reports/2015/9/30/its-a-suicide-act-to-leave-or-stay-internal-displacement-in-el-salvador>

³⁰² Some of these initiatives include *“Iniciativa Ley General para Personas Desplazadas Internamente”* [Initiative for the General Law for Internally Displaced Persons], presented on April 23, 1998 by legislators from various political parties in the Chamber of Deputies; the *“Iniciativa con proyecto de decreto por el que se crea la Ley General para la Prevención y Atención del Desplazamiento Interno”* [Initiative for a Draft Decree Creating the General Law for the Prevention and Attention to Internal Displacement], presented

the states of Quintana Roo, Oaxaca, Chiapas and Guerrero have drafted regulations related to IFD or that are applicable to this population.

361. Article 11 of the Constitution recognizes freedom of movement and residence as human rights. The first one means that every person can move throughout the territory, enter, traverse and leave freely it, except under the restrictions imposed by law. The second, the right of residence, implies the freedom to decide where one lives. These are important rights that affect a fundamental part of every person's actions: decision-making and the freedom make decisions.

362. Therefore, if the rights to freedom of movement and residence imply the exercise of decisions and freedoms, it conversely implies that no one should be forced to move, leave, enter or reside in a specific part of the territory. In this context, IFD violates these rights by forcing people to move and leave their habitual residence. Non-displacement is a right derived from the rights of freedom of movement and residence.

363. On interpreting Article 22 of the American Convention on Human Rights which recognizes the right to freedom of movement and residence, as the Mexican Constitution does, the IACtHR stated the following:

"The Court has established that the right to freedom of movement and residence, protected in Article 22(1) of the American Convention, is an essential condition for the free development of the individual, and protects, inter alia, the right not to be forcibly displaced within a State Party and not to have to leave forcibly the territory of the State in which that individual lawfully resides. This right can be violated formally or by de facto restrictions, if the State has not established the conditions and provided the means that allow it to be exercised; for example, when a person is a victim of threats or harassment and the State does not provide the necessary guarantees for that person to move and reside freely within the territory in question. The Court has also indicated that the failure to

by Senator Zoé Robledo Aburto on March 18, 2012; the law initiative presented by Deputies Imelda Castro Castro and Ramón Lucas Lizárraca of the LXI Legislature of the Congress of the State of Sinaloa on May 27, 2015; and the *"Iniciativa con Proyecto de Decreto, por el que se adiciona un párrafo tercero al artículo 11 de la Constitución Política de los Estados Unidos Mexicanos, con el propósito de reconocer la condición de población desplazada, a toda aquella que se haya visto forzada a dejar sus lugares de residencia por efectos de situaciones relacionadas con la violencia generalizada, violaciones de derechos humanos, catástrofes naturales o provocadas por el ser humano"* [Initiative for a Draft Decree Adding a Third Paragraph to Article 11 of the Political Constitution of the United Mexican States, for the Purpose of Recognizing the Condition of Displaced Population, of all Those Who Have Been Forced to Leave their Places of Residence due to Situations Related to Generalized Violence, Human Rights Violations, Natural or Human-Made Disasters] presented by Deputy Amalia Dolores García Median on June 3, 2015.

conduct an effective investigation of violent acts can Foster or perpetuate exile or forced displacement.”³⁰³

364. Meanwhile, the Special Rapporteur on adequate housing, as part of the right to an adequate standard of living, stated that

“forced evictions constitute gross violations of a range of internationally recognized human rights, including the human rights to adequate housing, food, water, health, education, work, security of the person, security of the home, freedom from cruel, inhuman and degrading treatment, and freedom of movement.”³⁰⁴

365. The LGV recognizes IFD as a human rights violation in Articles 5 and 38. Article 5 includes displaced persons in the group of population for whom the authorities responsible for enforcing this law must provide special guarantees and protective measures for groups most at risk of violations of their rights.

366. Article 38 stipulates that the SNDIF or its analogous, similar or correlated agency in states and municipalities, must engage services or directly provide shelter and food in conditions of security and dignity to the victims who are in a particularly vulnerable situation or who are threatened or displaced from their place of residence due to crimes committed against them or the violation of their human rights.

367. As the body in charge of enforcing the statutory mandates and procedures, the CEAV made several observations regarding IDF in Mexico through a Plenary Agreement,³⁰⁵ that are indicated and analyzed below:

- The law states that in Mexico there is no provision in the domestic legal system to establish a catalog of rights aimed at the protection of persons in the situation of IFD. Therefore, the guarantees and special protection measures referred to in Article 5 of the General Law for Victims are not expressly regulated. In this same vein, it mentions that there are no authorities with the express responsibility of attending displaced persons.

³⁰³ IACtHR, “Case of Gudiel Álvarez et. al. (“Diario Militar”) v. Guatemala”, Judgment of November 20, 2012, paragraph 304.

³⁰⁴ *Basic Principles and Guidelines on Development-Based Evictions and Displacement*. Annex 1 of the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living. Available at: http://www2.ohchr.org/english/issues/housing/docs/guidelines_en.pdf

³⁰⁵ *Minutes of the Forty-Third Ordinary Session of the Plenary Meeting of the Executive Commission for Victim Assistance*, June 2014.

Consequently, in the absence of an internal catalog of rights, guarantees and protective measures for victims of IDF (IDPs) and of the authorities expressly responsible for this, IDPs are left unprotected and may be re-victimized by any authority that refuses to recognize their displacement status and provide them with the corresponding protection or assistance. However, the obligation of all authorities to protect, promote, respect and guarantee human rights set out in Article 1 of the Constitution, along with the framework of rights recognized in the Guiding Principles, is sufficient to comply with Article 5 of the LGV.

- The phenomenon of displacement implies crossing state boundaries, which is why it is an act that essentially merits the intervention of a federal authority.

According to the Guiding Principles, displaced persons are those *“who have been forced or obliged to flee or leave their homes or places of habitual residence”* within the territory of the country, without limiting the geographical area to which they are to be relocated within state territory. Thus, it is important to bear in mind that IDPs may or may not remain within the state or municipality where they were living and still be displaced.

On the other hand, the intervention of federal authorities is critical in any case of IFD as many public policies and structural actions depend on their intervention.

- Internal displacement is a complex phenomenon whose consequences are multidirectional and reflected in three main areas: (i) forced disruption of the life they led, along with the personal and family cost this entails; (ii) loss or endangerment of the conditions of access to the rights that constitute a dignified life (employment, food, housing and medicine); and (iii) the emergence of a situation of particular vulnerability for displaced persons, who are more likely to become potential victims of other crime phenomena such as disappearances and rape.

The CEAV recognizes IFD as a violation of human rights and the multiple impacts it generates, stressing that they may not only be victims of other violations, but also

of crimes, as a consequence of their special vulnerability. This recognition is fundamental to the work of the Executive Commission.

- The CEAV has the obligation to guarantee victims' access to all their rights, including victims of internal displacement (IDPs). In particular, this protection is essential as a result of the uncertainty of a specific legal status for displaced persons, who often: (i) lack documentation to prove their identity; (ii) have significant difficulties in exercising their rights and appearing for trials (when carried out in other states); and (iii) have medical, psychological, legal and social work needs in all aspects since displacement usually involves loss of employment, housing and education.

The express recognition that the CEAV makes in this Agreement regarding its obligation to guarantee the victims of IFD (IDPs) access to their rights is consistent with its legal and constitutional mission and with international standards in this field.

The General Law for Victims establishes that access to rights and measures of aid, assistance and attention³⁰⁶ that aim to provisionally, opportunely and promptly meet the immediate needs for food, personal hygiene, provision of supplies, emergency medical and psychological care, emergency transportation and temporary shelter in dignified and safe conditions, is based on the violation of rights or at the moment when the authorities become aware of the violation.³⁰⁷ However, access to these rights and assistance measures is contingent on the recognition of victim status by various authorities,³⁰⁸ which hinders and restricts the obligation to guarantee access to assistance measures for displaced persons the moment a human rights violation occurs.

A person is a victim³⁰⁹ of a violation from the very moment when the event that generates it occurs, and not when an authority recognizes it as such. Therefore, to

³⁰⁶ Title II, Chapter II.

³⁰⁷ Article 8 of the LGV.

³⁰⁸ Article 110 of the LGV.

³⁰⁹ According to the *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*

demand such a requirement in order to guarantee rights implies the infringement of those rights.

Although the law is contradictory and presents restrictions on the immediate guarantee of the rights of victims of IFD (IDPs), the CEAV, in applying the *pro persona* principle, can comply with the spirit and the purpose of the law, determining the actions necessary for displaced persons to have immediate access to aid, assistance and attention measures after displacement has occurred.

368. The above considerations were the basis for the CEAV to agree “*that the situation of targeted internal displacement focalized must be considered an autonomous victimizing event that requires a differential and specialized approach.*” The importance of recognizing IFD as a human rights violation distinct from other violations is fundamental in the implementation of actions for victim protection and for the prevention of events that give rise to such violations. However, it does not indicate the meaning and scope of the term “targeted” as used by the CEAV in its Agreement.

369. Article 4 of the Social Assistance Law establishes that “*individuals and families whose physical, mental, legal or social conditions require specialized services for their protection and full integration into well-being have the right to social assistance.*” Included among those entitled to social assistance are children and adolescents, especially those at risk or affected, *inter alia*, because they are victims of armed conflicts and ethnic or religious persecution, as well as displaced persons or persons in vulnerable situations.

adopted by United Nations General Assembly resolution 60/147 of 16 December 2005, “*victims are persons who individually or collectively suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that constitute gross violations of international human rights law, or serious violations of international humanitarian law. Where appropriate, and in accordance with domestic law, the term ‘victim’ also includes the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization.*” Furthermore, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by General Assembly Resolution 40/34 of 29 November 1985 through, states that “*‘victims’ means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that do not yet constitute violations of national criminal laws but of internationally recognized norms relating to human rights.*” These definitions do not condition the status of victim on recognition of the act by an international authority or body.

370. On the subject of children's rights, Article 21 of the repealed Law on the Protection of the Rights of Children and Adolescents stated that "*children and adolescents have the right to be protected against acts and omissions that may affect their physical or mental health, normal development or right to education in the terms set out in Article 3 of the Constitution,*" stressing that they would be protected when affected, for instance, by situations of refuge or displacement.

371. The current General Law on the Rights of Children and Adolescents does not allude to the situation of displacement as a ground for State protection. Article 89 only mentions "*the special protection measures to be adopted by the authorities to guarantee the rights of migrant, accompanied, unaccompanied, separated, national, foreign and repatriated children and adolescents in the context of human mobility.*"

372. The publication of these federal laws and the presentation of IFD-related initiatives at different times show that IFD has been a latent problem, not only in certain states, but also for the members of Congress who have proposed initiatives on the subject, considering it to be of national interest. Regrettably, political will has so far not rallied to take up these proposals and pass a law in favor of the victims of IFD.

373. From the analysis of local constitutions, it was concluded that the problem of IFD is not clearly visible in their texts, with the exception of the state of Oaxaca whose constitution makes express reference to displacement in Article 16, paragraph three, under the following terms:

"The regulatory law shall punish various forms of ethnic discrimination and ethnocidal conducts, as well as cultural looting in the State. It shall also protect the indigenous peoples and communities and the Afro-Mexican people and communities against relocation and displacement, determining the rights and obligations derived from any cases of exception that may arise, as well as the sanctions that may apply in the event of their infringement."

374. At this time, there is no regulatory law that specifically establishes the rights of victims of IFD (IDPs) and the obligations of the state of Oaxaca towards them. However, there is the Law Regulating Article 4 of the Political Constitution of the Free and Sovereign State of Oaxaca, which creates the Fondo para la Reparación del Daño a Violaciones Graves y Víctimas de los Derechos Humanos [Fund for the Reparation of Damage for Serious Violations and Victims of Human Rights Violations], published in the State Official

Gazette on June 4, 2013. The law makes it possible to compensate victims of human rights violations. Since it considers that IFD is a human rights violation in itself, the CNDH sees no obstacle for the victims of this phenomenon in that state to benefit from this local regulation.

375. The government of Chiapas published the *Ley para la Prevención y Atención al Desplazamiento Interno en el Estado de Chiapas* [Law for the Prevention and Response to Internal Displacement in the State of Chiapas] in its official state gazette on February 12, 2012. This law establishes the obligations of the state of Chiapas with regard to the problem of IFD. It is defined in accordance with the UN Guiding Principles of Internal Displacement and mandates the creation of a *State Program for the Prevention and Management of Internal Displacement*, as well as the establishment of the State Council for the Comprehensive Management of Internal Displacement, which shall serve as a means to address the problem and prevent the causes that generate it.

376. This law, in turn, includes an important catalog of the rights of persons who are in the situation of IFD, among which the following stand out: food, personal security, housing, mandatory basic education, clothing, shelter and basic housing, medical care and sewerage, freedom of expression, freedom to employment, freedom of association and assembly, and identity, among many others the state of Chiapas must provide to the population in these circumstances.

377. On July 22, 2014, the state of Guerrero published Law No. 487 to Prevent and Address Internal Displacement in the State of Guerrero in the state's Official Gazette. This law aims to establish the bases for the prevention, protection, assistance and aid of victims during their displacement and after their return or resettlement, as well as to ensure human rights protection for persons in this situation (Article 1, Section I).

378. The law also provides for the creation of a *Programa Estatal para la Prevención y Atención al Desplazamiento Interno* [State Program for the Prevention and Response to Internal Displacement], which must establish lines of action aimed at neutralizing the effects of violence, defining and developing actions for prevention, protection and emergency humanitarian assistance and access to government social programs, as well as mitigating

serious consequences on personal integrity (psychoactive, social and economic conditions of IDPs).

379. In reference to certain aspects of the specialized legislation on forced displacement, Article 6 of the Ley de Interculturalidad, Atención a Migrantes y Movilidad en el D.F. [Law of Interculturality, Attention to Migrants and Mobility in the Federal District] establishes that persons in human mobility may be, among others, those who seek protection due to forced displacement or natural phenomena that cause disasters. Article 12 states that social, economic, political and cultural assistance and aid programs shall be developed for the care of these persons.
380. Article 6 of the Ley de Atención y Reparación a Víctimas del Delito y de Violaciones a los Derechos Humanos [Law on Assistance and Reparation to Victims of Crime and Human Rights Violations] for the State of Morelos establishes that the authorities shall offer, within the scope of their respective competences, special guarantees and protective measures to groups exposed to a greater risk of violation of their rights, including IDPs.
381. In addition to laws and initiatives, some federal authorities have shown a favorable and progressive stance regarding the application of the Guiding Principles and their obligation to protect victims of IFD (IDPs). Such is the case of the Ministry of Economy (SE), which informed the CNDH that it does not have or run any program specifically aimed at displaced persons. However, as an authority obliged to respect, guarantee, promote and protect human rights, the programs run by the ministry are governed by the premise of non-discrimination or making distinctions of any kind. Thus, it adds, if rights are to be respected and guaranteed for all persons, all the more reason to pay special attention to those in vulnerable conditions, such as displaced persons.³¹⁰
382. Little progress has been made in the regulatory aspects of IFD in terms of the number of states where the problem is observed. It is necessary to create a general policy that clearly and precisely determines the attributions and obligations of each authority, whether federal, state or municipal, because in order to overcome the problem, joint action among the three levels of government is required.

³¹⁰ Official Document No. 11012403/2015, October 5, 2015.

383. Likewise, there is a lack of a comprehensive public policy on forced internal displacement, which has become urgent in view of the many rights that are violated by displacement and the outbreak of the problem in different parts of Mexico.
384. It is essential that a public budget be earmarked for the assistance of displaced persons, considering that this event practically places them in a situation of extreme poverty and vulnerability, in which it is necessary to invest resources to solve the economic problems and rights linked to this situation. Hence, the CNDH considers it fitting that the publication of specific standards on IFD should take into account the economic impact in order to guarantee their application.
385. For the CNDH, safeguarding the rights of displaced persons and compliance with the constitutional mandate set forth in Article 1 by the authorities should not necessarily depend on the issuance of an internal law that recognizes a list of rights for this population, even though such issuance would be a useful tool for guaranteeing them.

V. OBSERVATIONS

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(--)

Subject: Letter of Certification

(--), January 7, 2014

(--), (--) of (--) municipality of (--), (--)

Certifies:

That since February 24, (--) and children, inhabitants of (--), municipality of (--), of the state of (--) , the residents of this area, as well as of the municipalities of (--), (--) and (--), etc. have been receiving death threats from organized crime, as they have been experiencing a wave of crime and insecurity, both in their places of origin and on the highways, and the situation has not improved to date. For this reason, I strongly recommend that the support and protection requested be provided, as this resident has decided to leave her home until the danger being experienced in her state has passed.

This document has been issued at the request of the petitioner for the corresponding legal purposes and uses.

Sincerely,

(--)³¹¹

386. IFD clearly demonstrates how the right to freedom of movement and residence is linked to the effectiveness of other human rights, and how its exercise can be an indispensable condition for guaranteeing a dignified life.

387. IFD is facilitated and aggravated when state agents responsible for order and public security neglect their duty to provide such protection. We have highlighted testimonies where this is evident and troubling to the CNDH. In addition, as discussed in the background section, there are multiple factors related to the inadequate guarantee of human rights in everyday life, which favor the emergence of IFD. Furthermore, a lack of public policies and programs in previous situations of IFD strengthen and foster its development, leading to the types of consequences discussed below.

1. Problems and Difficulties of Not Having Public Policies to Assist Displaced Persons

388. IFD is a source of multiple human rights violations of the people who suffer them. In this situation, the absence of immediate, adequate and timely attention from the State

³¹¹ The CNDH issues official documents like this one carried by displaced persons in a shelter in Tijuana, Baja California.

exacerbates the effects of these violations and increases the levels of vulnerability of victims.

a) The Cycle of Human Rights Violations and the Problems Faced by Displaced Persons

389. In most cases, displacement is the result of the lack of State protection and the subsequent infringement of several human rights.³¹² For this reason, displacement is the result of the violation (by omission or commission) of one or multiple rights, initiating the cycle of violations.

390. When the source of IFD is violence, whether rooted in religious issues or matters of land, among other causes,³¹³ it implies the automatic denial of the right to freedom of movement and residence. Being forcibly moved and the context in which IFD takes place lead to transgressions of other human rights such as the right to life, personal integrity, freedom and personal security.

391. Once the exodus begins, it will characteristically be one long series of rights violations³¹⁴ as long as the victims do not voluntarily return to their places of origin and do so in safety, or if that is not possible, choose places that are conducive to a violence-free existence. The latter implies that the problems this population suffers can continue for a considerable period and can give rise to long-term difficulties.

392. Violations of rights do not end when people leave their places of residence, their lands, or their jobs since they are generally in such a vulnerable situation that they become susceptible, yet again, to the violation of their rights to personal integrity, life, liberty and

³¹² IACtHR, "*Case of the "Mapiripán Massacre" v. Colombia*", Judgment of September 15, 2005, paragraph 186, and the "*Case of the Ituango Massacres v. Colombia*", Judgment of July 1, 2006, paragraph 234.

³¹³ For example, according to the Representative of the Secretary-General on internally displaced persons, there are multiple causes for forced displacement in Mexico, such as disputes over land, drug trafficking, religious intolerance, development projects and natural disasters. See: United Nations, "*Report of the Representative of the Secretary-General on internally displaced persons, Francis Deng, submitted pursuant to Commission on Human Rights resolution 2002/56, Profiles in Displacement: Mexico*" doc. E/CN.4/2003/86/Add.3, January 10, 2003, page 2.

³¹⁴ IACtHR, "*Case of the Moiwana Community v. Suriname*", Judgment of 15 June 2005, paragraph 108 and "*Case of the Rio Negro Massacres v. Guatemala*", Judgment of September 4, 2012, paragraph 178.

personal security.³¹⁵ These new infringements are in addition to those arising from leaving their homes, such as the right to private property, housing, work, protection for the family, health and food, among others.

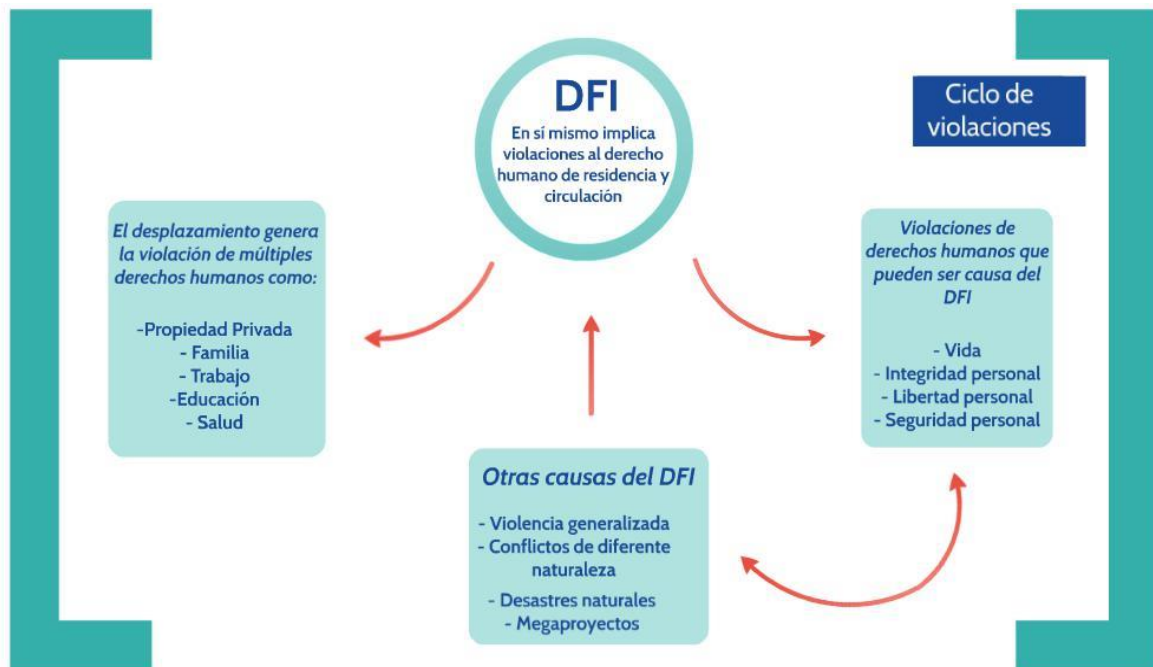
393. The above-mentioned rights cannot be interpreted as an exhaustive list, since they depend on the environment in which IFD occurs and on victim characteristics, such as age, sex, membership of an indigenous group, and other specific circumstances. It is therefore important to take into account the distinct impact that human rights violations have on each population group with the aim of providing adequate and effective care.³¹⁶

394. In short, rights violations can generate IFD that affects the right to freedom of movement and residence and, in addition, produces the infringement of several other rights, among which are those that initially led to IFD. The violation cycle can be depicted as shown in the following graph:

³¹⁵ Another report by the Representative of the Secretary-General on internally displaced persons, Francis M. Deng, notes that internally displaced persons are also at high risk of physical attack, sexual assault and abduction, and frequently are deprived of adequate shelter, food and health services. See: "*Report of the Representative of the Secretary-General on internally displaced persons, Francis M. Deng, submitted pursuant to Commission on Human Rights resolution 2002/56*", doc. E/CN.4/2003/86/Add.3, January 21, 2003, paragraph 5. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G03/104/53/PDF/G0310453.pdf?OpenElement>

³¹⁶ The IACtHR has widely recognized in its jurisprudence that certain human rights violations have a differentiated impact on women, men, children and adolescents, the elderly, persons with disabilities and other vulnerable groups. See: IACtHR, "*Case of the Landaeta Mejías Brothers et al. v. Venezuela*", Judgment of August 27, 2014, paragraph 173; "*Case of Espinoza Gonzáles v. Peru*", Judgment of November 20, 2014, paragraph 222; "*Case of González et al. (Cotton Field) v. Mexico*", Judgment of November 16, 2009, paragraph 451; "*Case of Artavia Murillo et al. (In vitro Fertilization) v Costa Rica*", Judgment of November 28, 2012, paragraph 314.

GRAPH 1



Source: CNDH

395. The multiple rights violations can only be mitigated through specialized and timely attention aimed at attenuating and, where appropriate, eliminating the effects of IFD. The actions and measures of attention should take into account:

- The problems at the beginning of the displacement or those immediately following its occurrence;
- The problems that arise once there is displacement; and
- The problems in displacement that are prolonged indefinitely.

396. It should be noted that displaced persons are particularly vulnerable at the beginning of IFD, and it is essential to ensure their protection against forced recruitment, discrimination and forced separation from their families.³¹⁷ In many cases, displaced persons who report being victims of violence are threatened and harassed even after they have left the place from which they were displaced.³¹⁸

³¹⁷ Global Protection Cluster, "Handbook for the Protection of Internally Displaced Persons", March 2010, page 23.

³¹⁸ IACmHR, "Human Rights of Migrants and Other Persons in the Context of Human Mobility in Mexico". OAS/Ser.L/V/II Doc 48/13, 30 December 2013, page 108.

397. According to the Special Rapporteur on the Human Rights of Internally Displaced Persons, displacement can put displaced persons at greater risk of violence, particularly sexual violence, trafficking and other forms of abuse, either in the context of ongoing violence or conflict (which led to displacement) or due to the perilous and poor conditions in which they find themselves.³¹⁹
398. In addition to security concerns, they need immediate assistance with basic survival issues, such as shelter, safe drinking water, food and access to hygienic conditions, in their new location. Victims of IFD (IDPs) often suffer the loss of the protective environment offered by their home, family and community and do not have access to vital assistance and benefits, such as food, shelter and basic health services. They may face even greater threats of violence, even as their ability to recover from its harmful effects is diminished.³²⁰
399. Frequently, hunger and food insecurity are the most pressing problems for victims of IFD (IDPs) as they have lost access to their lands and livelihoods, and become heavily dependent on humanitarian aid, social programs and the charity of host families and communities, who may also become food insecure.³²¹
400. They also need medical and psychological attention.³²² Among the immediate and permanent minimum care that displaced persons should receive is access to primary health care services, including child immunization, sanitation services, supplementary feeding programs for undernourished children and adults, and reproductive health care

³¹⁹ UN, "Report of the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani", Doc. A/HRC/29/34, April 1, 2015, paragraph 19.

³²⁰ Global Protection Cluster, "Handbook for the Protection...", *op. cit.*, page 157.

³²¹ UN, "Report of the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani", *op. cit.*, paragraph 52.

³²² "With regard to the mental health of populations displaced by conflict or violence, a psychosocial approach is recommended, defined as the connection between the psychological aspects of personal experience (thoughts, emotions and behaviors) and social experiences in the broadest sense (relationships, traditions and culture). The key principle is that people and communities have resources, so community self-help must be promoted, often with the support of an external agent if the social fabric is severely affected, to restore trust and communication in the community. Therefore, it is important to give priority to social interventions, the proper management of individual and collective historical memory, the strengthening of community resources and social support networks. However, for this to be successful, it is equally important to act comprehensively and immediately to satisfy basic needs in terms of health, food, clothing, housing. On the subject of mental health in situations of internal displacement..." See: Rodríguez Jorge, Pérez Ricardo and Zaccarelli, Mónica, "Practical Guide for Mental Health in Disaster Situations," Pan American Health Organization, Washington, DC. USA, 2007; Basic Manual of Doctrine and Protection of the Colombian Red Cross, General Office of the Colombian Red Cross, Bogotá, Colombia, 2002; ICRC Operation manuals.

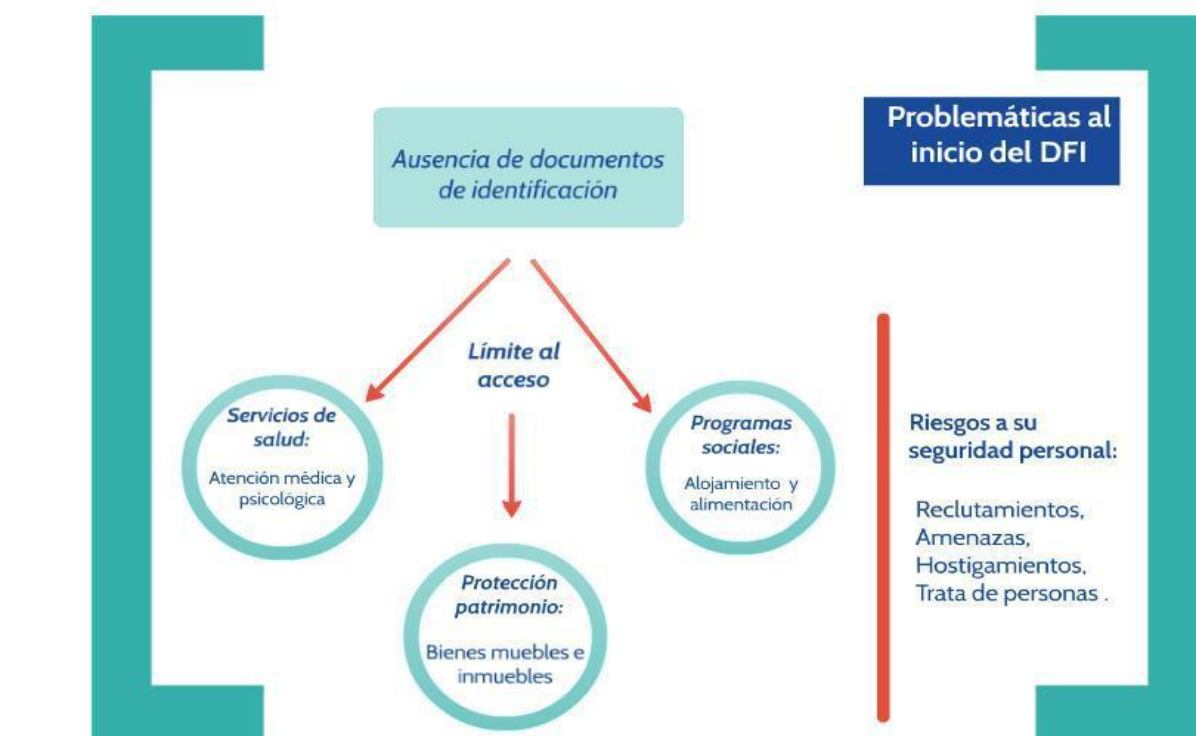
services. Special attention should be given to the prevention of infectious and contagious diseases. Given the often cramped living conditions, particularly during emergencies, spread of these diseases is all too common. Further, all wounded, sick and disabled displaced persons should also receive the medical care they require as quickly as possible.³²³

401. In cases of mass displacement, existing health care services oftentimes lack the capacity to respond to the necessary psychological and physical care this population requires.³²⁴

402. On the other hand, access to basic services and to State assistance programs is often limited by displaced persons' lack of proper identification documents, largely because having abandoned their places of origin abruptly, they do not carry documents to prove their identity or property ownership. Without identity papers, they may be blocked from access to such services and, therefore, from enjoying and exercising several of their rights.

403. The immediate challenges that displaced persons face are shown in the following graph:

GRAPH 2



³²³ OCHA and the Brookings Institution, Washington, D.C. "Handbook for Applying the Guiding Principles on Internal Displacement, The Brookings Institution Project on Internal Displacement", 1999, page 38.

³²⁴ UN, "Report of the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani", *op. cit.*, paragraph 56.

Source: CNDH

404. As displacement progresses, the initial problems may become more acute and heighten the levels of vulnerability, as over time difficulties tend to increase and become more complex depending on the particularities of individuals, families and communities.
405. Generally speaking, there is a fundamental need for adequate housing, which not only consists of access to basic services (electricity, water and sewerage, among others), sufficient space for its inhabitants, and the opportunity to access public goods and services, but also that this housing be in a safe place. According to the United Nations Committee on Economic, Social and Cultural and Rights “... *the right to housing should not be interpreted in a narrow or restrictive sense which equates it with, for example, the shelter provided by merely having a roof over one’s head or views shelter exclusively as a commodity. Rather it should be seen as the right to live somewhere in security, peace and dignity.*”³²⁵
406. For displaced persons, the right to adequate housing should not depend on a decision whether or not to return to their place of origin or to resettle in a particular place, as that implies an analysis of the security conditions of the place where they will live: displaced persons “*have the right to seek safety wherever they are able to find it. They have the right to remain where they are, if that is their choice. They have the right to move to another part of the country...*”³²⁶
407. Along with adequate housing, work or some means of subsistence,³²⁷ education and family reunification are key issues for displaced persons.
408. With regard to work, once IDPs have lost their known ways of earning a living, they find it difficult to adjust to new markets, to learn new skills and to integrate fully into the surrounding communities.³²⁸

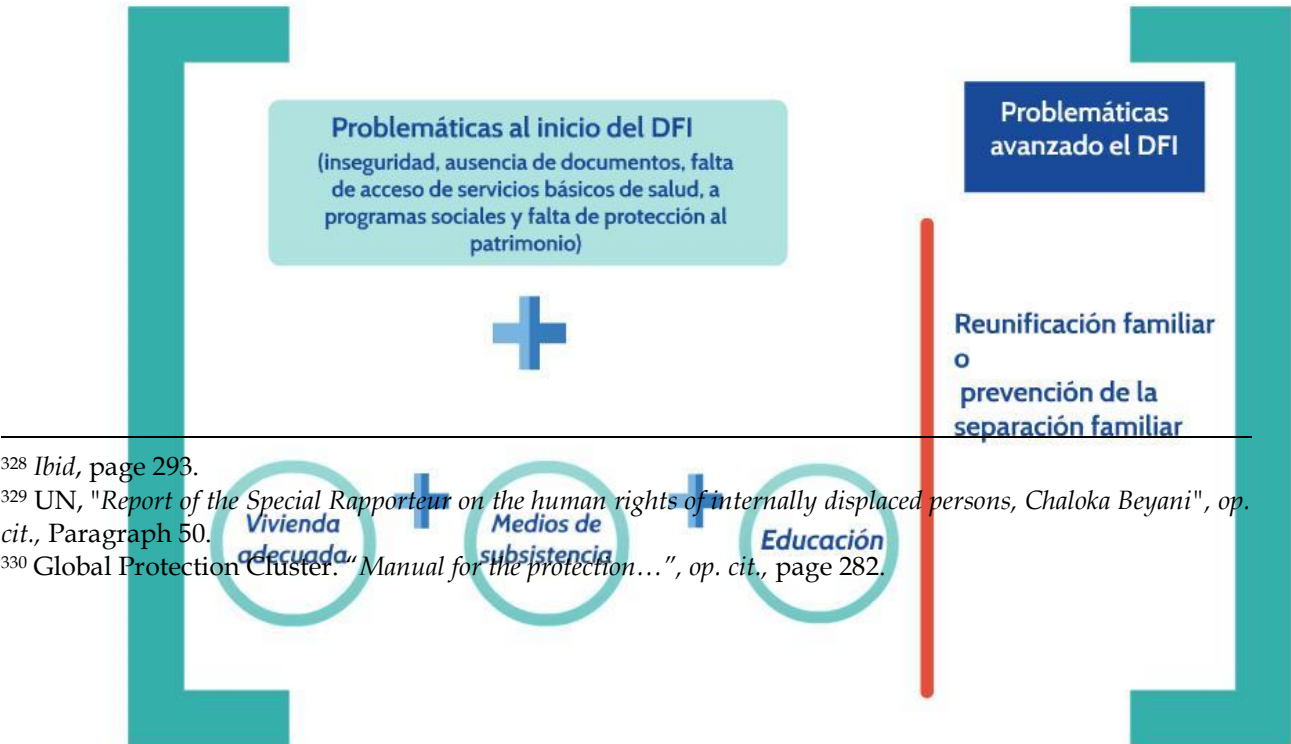
³²⁵ UNESCO, General Comment No. 4, Paragraph 7.

³²⁶ OCHA and the Brookings Institution, Washington, D.C., *op. cit.*, page 28.

³²⁷ “*Livelihood refers to the capabilities, assets and strategies that people use to make a living, i.e. to secure food and income through a variety economic activities.*” See: Global Protection Cluster. “*Manual for the protection...*”, *op. cit.*, page 292.

409. Although the coping mechanisms and income-generating activities of displaced persons may improve over time, the poverty they experience is likely to be more extreme and persistent than that experienced by other sectors of society.³²⁹
410. For displaced children and adolescents, education is of special importance. As with short-term problems, one of the greatest obstacles in integrating them into the educational system is the lack of official identification, which translates into a violation of their right to education and the impossibility of continuing their education. Schooling in the context of IFD is an end in itself and a fundamental part of protecting persons because it provides access to vital and essential skills as well as knowledge for survival,³³⁰ particularly when displaced persons are immersed in new communities and social realities.
411. With regard to family reunification, it should be noted that part of the psychological and emotional stability of displaced persons lies in their closeness to their families. In general, family reunification or the prevention of family separation is essential to the process of rebuilding the life plans and goals of its members and therefore, throughout the entire period of IFD.
412. The difficulties that the victims of forced displacement (IDPs) face as the situation progresses or develops are shown in the following graph:

GRAPH 3



³²⁸ Ibid, page 293.

³²⁹ UN, "Report of the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani", op. cit., Paragraph 50.

³³⁰ Global Protection Cluster. "Manual for the protection...", op. cit., page 282.

Source: CNDH

413. Displacements caused by conflict or violence can last a long time.³³¹ Therefore, all the problems that arise both immediately and while it progresses not only become more serious, but they also become the context of the life of displaced persons. During this period, they must decide whether or not to return to their place of origin, to settle in the host community or to relocate elsewhere, all against a backdrop of imminent poverty and tensions that may arise with the communities where they choose to stay.
414. IFD can put a great strain on the capacity of the communities in which displaced persons live, destabilizing the affected regions, particularly in fragile settings after long periods of violence.³³²
415. Without a doubt, poverty and return, reintegration or resettlement, are the major problems that persons face when experiencing prolonged, indefinite displacement. Over time, victims often lose the attention and support of national authorities and international actors,³³³ as well as the humanitarian aid they received, thereby raising their levels of poverty and vulnerability. For economic, security or anonymity reasons, displaced persons often move to the outskirts of cities where they mix with the urban poor.³³⁴

³³¹ UN, "Report of the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani", *op. cit.*, Paragraph 20.

³³² *Ibid.*, Paragraph 22.

³³³ *Ibid.*, Paragraph 23.

³³⁴ *Ibid.*, Paragraph 72.

416. According to the UN Special Rapporteur on the human rights of internally displaced persons, millions of displaced people around the world are among those left behind as others are brought out of poverty.³³⁵

417. If they decide to return to their communities of origin, they face the challenges of ascertaining the condition of their possessions after their absence (this may include those that are no longer physically present or that have been used by someone else), as well as of integrating into a social group. If they decide to settle into the host community or relocate again, they will have to integrate into a new society, and it will be necessary to weave new networks and quite possibly endure rejection and discrimination.

418. The following graph illustrates the different factors that increase the vulnerability of victims of indefinite displacement:

³³⁵ *Ibid.*, Paragraph 33.

CHART 4



Source: CNDH

419. In the face of these problems and difficulties, the State's greatest challenge is to find lasting and sustainable solutions for the displaced population.
420. From the testimonies gathered by the CNDH, it has become clear that IDPs fear for their integrity, fear to officially report and, worse still, fear to speak up or even remember. This fear comes from the fact that organized crime has taken over their communities, that they disagree with how others in their communities think or that they feel threatened.
421. An analysis of the information gathered by this national agency shows that since 2007, many families, communities and groups have relocated as a result of violence caused by organized crime.

422. Forcibly leaving their area of residence entails embarking on a dangerous journey into an uncertain future. However, displacement, which often follows an inter-municipal route, also means a search for protection and security, even if it is done preventively to avoid worse consequences.
423. Displaced persons are in a twofold situation of vulnerability because they often belong to marginalized groups living in poverty. These are people who generally do not have the resources to leave the country or to move freely throughout the country without experiencing deprivations.
424. For those who have been displaced for more than 10 years, as is the case of those related to the Chiapas' conflict with the emergence of the self-styled "Zapatista Army", relocation or return agreements have not produced any lasting solutions. When relocation has been sought, it has been carried out in temporary facilities without the necessary infrastructure to deal with the circumstances, such as houses, schools and services, among others.
425. With regard to people displaced by natural disasters, who also report cyclical displacement, the authorities have done very little to prevent greater damage.
426. Testimonies gathered by the CNDH from persons displaced by violence show a clear inability or lack of political will of the three levels of government to effectively address and eradicate the criminal groups responsible for the violent acts that generate displacement. This is in violation of the fifth and sixth principles of the Guiding Principles, which state that authorities have a duty to prevent and avoid the emergence of conditions that may result in the displacement of persons, and that every human being has the right to protection against arbitrary displacement from his or her home or place of habitual residence.
427. The CNDH observes violations of the rights of these groups through the omission of the authorities of the three levels of government, which have failed to take action to prevent and control the causes that generate forced displacement of social groups. In addition to this, attention to the needs of victims of IFD (IDPs) is scant or non-existent in most cases.

b) Lack of an Assessment of IFD

428. One of the greatest difficulties in studying IFD in Mexico is the dearth of official information on the subject and the absence of an assessment that takes into account the multiple factors influencing its emergence and its consequences.
429. The August 18-28, 2002 visit to Mexico by Francis Deng, the then Representative of the Secretary-General on Internally Displaced Persons, was noteworthy. In his report, he emphasized the need for official statistics on internal displacement and recommended the collection of data to determine the magnitude of the problem. An accurate picture of the situation and the specific needs of displaced persons, through the establishment of a centralized system of data and information collection and analysis could aid in the development of effective assistance policies, strategies and programs, he wrote.
430. In his report of December 23, 2003,³³⁶ the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, Rodolfo Stavenhagen, recommended that the Mexican government pay urgent attention to the prevention and resolution of social conflicts in indigenous regions; that the indigenous justice system be thoroughly reviewed; and that a comprehensive economic and social policy be developed for the benefit of indigenous regions with the active participation of indigenous peoples, with special attention to migrants, displaced persons, women and children.
431. The Mexican government's response to the report of Special Rapporteur on the human rights and fundamental freedoms of indigenous people on his mission to Mexico (Geneva, Switzerland, March 2004),³³⁷ stated that in adopting the Guiding Principles, the government was committed to ensuring the protection of persons who, without leaving their country, were forced to leave their homes because of violent conflicts and serious human rights violations.
432. Armed conflicts, religious conflicts, construction of infrastructure and natural disasters were acknowledged as the main causes of forced displacement in Mexico.

³³⁶ Economic and Social Council. United Nations Commission on Human Rights, Sixtieth session "Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Rodolfo Stavenhagen", E/CN.4/2004/80/Add.2, December 23, 2003.

³³⁷ Available at: http://132.247.1.49/ocpi_/respuesta/docs/respuesta.pdf

433. The government also reported the establishment of the “*Working Group on Internally Displaced Persons*” coordinated by the UDDH-SEGOB, and with the participation of seven State Ministries: SRA,³³⁸ SEDENA, SEDESOL, SEMARNAT, SRE, SS and SEP, as well as the CDI and the PGR.
434. The members of the group asked SEGOB to gather all the information on IDPs found in the different federal agencies and to group it together under a single federal policy to increase its effectiveness. Among the outstanding issues that the Working Group reported it would address were the development of a legal framework on IDPs and the creation of a National Documentation Program for Internally Displaced Persons.
435. In SEGOB’s April 30, 2013 response to a request for information from the CNDH, it was noted that that it had no information on the Working Group on Internally Displaced Persons that was created in 2004, nor did it have in its possession any documents or proposals for that purpose. Even more surprisingly, SEGOB stated that it did not have any assessment on the dimension and characteristics of IFD in Mexico or a specific plan to address or provide assistance in emergency situations.
436. The prevalence of a lack of official information on IFD in Mexico by international human rights organizations continues until recently. In its *Report on the Human Rights of Migrants and Other Persons in the Context of Human Mobility in Mexico*,³³⁹ the IACmHR expressed its concern about the lack of official information on how extensive IFD may have become in Mexico, given that this points at the invisibility of the problem. For the IACmHR, the lack of data on the scale and characteristics of internal displacement in Mexico does not mean that the State need not conduct a serious analysis of the situation. On the contrary, it makes it incumbent upon the State to conduct a nationwide examination of this problem to characterize displacement and take the necessary measures to address this phenomenon, recognize it and offer lasting solutions for those who have been victims of internal displacement. The IACmHR concedes that the CNDH has underscored the impact that internal displacement has had in Mexico and the need for a national study to describe it

³³⁸ Ministry of Agrarian Reform.

³³⁹ IACmHR, OAS/ Ser.L/V/II Doc 48/13, December 30, 2013.

and help steer public policies that acknowledge the problem and enable the adoption of prevention and protection measures for these persons in vulnerable situations.³⁴⁰

437. To comprehensively address the phenomenon of IFD in Mexico, both a quantitative and a qualitative analysis should be presented. However, to take an action of this nature, it is necessary to have the material, human and skill resources to do so. It has been previously pointed out that this Special Report is based on various actions that corroborated the existence of victims of IFD (IDPs) in different parts of the country. One such action was to gather testimonies by having CNDH personnel compile detailed fact-finding reports on their visits to different municipalities and states in Mexico³⁴¹ from 2012 to 2014.

438. From an analysis of the information gathered by CNDH personnel, it was concluded that in various states of Mexico there were individuals and family groups who were victims of IFD (IDPs), due to various reasons. The following is an account of the some of the most significant figures derived from this analysis.

i) Number of IFD victims (IDPs), according to information gathered through detailed fact-finding reports compiled between 2012 and 2014 by the QVG

439. In the process of taking fact-finding reports and gathering testimonies, QVG officials with the authority to attest documents identified the existence of displaced persons through the victims' own accounts, references made by victims, and statements from public servants and other individuals who were interviewed.

440. In their testimonies, the victims named the communities, *ejidos*, settlements and municipalities from which they had been displaced. These places are in the states mentioned in Table 7 while the reasons for displacement, as reported by the victims, are in Table 8.

TABLA 7
Individuals Who Told CNDH Personnel that They Were Victims of IFD (IDPs), By State



³⁴⁰ Paragraph 252 of the Report.

³⁴¹ The states and municipalities visited adhered to the methodology set out in the Actions section of this Report.

State of Origin	Number of Victims of IFD
Chiapas	15
Chihuahua	20
Durango	8
Guerrero	289
Michoacán	63
Nuevo León	512
Puebla	1
Sinaloa	85
Veracruz	104
Undetermined	687 ³⁴²
Total	1,784³⁴³

Source: CNDH

441. It must be emphasized that the numbers presented were arrived at through information obtained directly by CNDH personnel in different states of Mexico, information that was expressed in the detailed fact-finding reports. Thus, it constitutes a direct source.

TABLE 8
Victim-Identified Causes of IFD

Cause of IDF	Subcause	Number of Displaced Persons
Violence	Delinquency	441
	Religious conflict	16
	Land conflict	3

³⁴² From the analysis of the fact-finding reports, it was not possible to determine the exact place of origin of this number of IFD victims. In some cases, victims omitted this information for fear of disclosure.

³⁴³ The persons interviewed indicated, in each case, the numbers of displaced persons and the numbers of families in the same situation. In the latter case, the average number of households indicated by INEGI for each of state shown as the origin of the displacement of families was used to measure the number of persons in each family, and thus arrive at a figure based on the same unit of measurement. For more information, see the INEGI Information Bank, at: <http://www3.inegi.org.mx/sistemas/biinegi/default.aspx>. While this figure is indicative of an approximate number of people, it is necessary for government authorities to implement mechanisms to verify and identify victims of IFD (IDPs) and locate where they are, as well as the circumstances surrounding the displacement, to be certain of the number of people affected.

	Conflict between families	10
	Undetermined	66
		Subtotal: 536
Natural Disasters		1,248
		Total: 1,784

Source: CNDH

442. The results of the information collected in the above table show that the causes of the greatest number of victims of IFD (IDPs) are natural disasters and violence.
443. The persons who said to be victims of IFD (IDPs), public servants and private individuals who were interviewed by QVG officials stated that they knew of other displaced persons. The figures on the number of such persons mentioned by third parties and the states from which they had to flee are given in Table 9 below. In Table 10, a connection is made between the victims reported by third parties and the causes of IFD.

TABLE 9
Victims of IFD (IDPs) Reported³⁴⁴ by Third Parties

State of Origin	Number of Victims of IFD (IDPs)
Chiapas	128
Chihuahua	2008
Durango	430
Guerrero	2165
Michoacán	728
Oaxaca	250
Sinaloa	1065
Tamaulipas	20,000 ³⁴⁵

³⁴⁴ "Reported victims of IFD" refers to the number of victims of IFD who were revealed by the persons interviewed by CNDH officials and who were not directly identified by those officials.

³⁴⁵ According to a fact-finding report issued in Nuevo Laredo, Tamaulipas, on August 20, 2013, two deputy rapporteurs met with a municipal public servant from Nuevo Laredo, who said that "the phenomenon of internal displacement of people that has occurred in Nuevo Laredo, Tamaulipas, stems from the

Veracruz	1131
Undetermined	7,528
TOTAL	35,433

Source: CNDH.

Of the 35,433 IFD victims reported:

- a) 3,359 victims were reported by persons who were not victims of IFD;
- b) 1,695 victims were reported by victims of IFD;
- c) 30,379 victims were reported by state and municipal authorities.

TABLE 10
Causes of IFD for reported victims

Cause of IDF	Subcause	Number of Displaced Persons
Violence	Delinquency	31,798
	Religious conflict	128
	Land conflict	920
	Conflict between families	130
	Undetermined	2,368
		Subtotal: 35,344
Natural Disasters		89

armed conflicts between various organized crime gangs and/or the armed forces of the Mexican State, with an estimated 20,000 people having left the town between 2001 and 2012, due to the high rate of violence in the area, which resulted in damage to the property and physical integrity of the inhabitants, even though they did not belong to organized crime groups". No records of this were presented, which is why the figure needs to be corroborated. There are, however, news reports of ghost towns in the area that might support this figure, such as: "Casas abandonadas en Nuevo Laredo" [Abandoned houses in Nuevo Laredo], available at: <https://www.youtube.com/watch?v=Nts32z9Nngw>; "Los pueblos fantasmas en México por la guerra entre narcos" [Ghost towns in Mexico because of war between drug traffickers], available at: <https://www.youtube.com/watch?v=D8lavk0vnQw>; "Cd. Mier en guerra" [Cd. Mier at War], available at: <https://www.youtube.com/watch?v=NNNB1wd0BK14>; "Narcos dejan pueblos fantasmas en Tamaulipas" [Narcos leave ghost towns in Tamaulipas] (El Universal TV).flv, available at: <https://www.youtube.com/watch?v=gkXOu4KvXp4>. Recently, a report called "Tamaulipas desolado" [Desolated Tamaulipas] by the *Punto de Partida* program, under the direction of Denise Maerker, gave an account of this situation. Available at: <http://noticieros.televisa.com/programas-punto-de-partida/2016-04-13/tamaulipas-desolado/>

Total: 35,433

Source: CNDH

444. Finally, in Table 11, all the variables mentioned in the previous tables are listed: the states of origin of victims of IFD (IDPs), the causes of IFD, the number of persons who indicated having been displaced, as well as the number of victims reported by third parties.

TABLA 11
States, Causes and Number of Victims of IFD (IDPs)

State	Cause	Subcause	Victims who gave testimony	Victims reported by third parties
Chiapas	Violence	Religious conflict	15	128
Chihuahua		Crime	20	8
	Violence	Undetermined	0	2,000
Durango	Violence	Crime	8	430
Guerrero		Crime	243	2,044
	Violence	Undetermined	46	121
Michoacán	Violence	Crime	63	728
Nuevo León	Natural		512	0
	Disasters			
Oaxaca	Violence	Crime	0	250
Puebla	Violence	Religious Conflict	1	0
Sinaloa		Crime	60	769
	Violence	Conflict between families	5	130
		Undetermined	20	166
Tamaulipas	Violence	Crime	0	20,000
Veracruz	Violence	Crime	33	961
		Undetermined	0	81
	Natural	Disasters	71	89
Undetermined			687	7,528
Total:			1,784	35,433

Source: CNDH.

445. The above figures should be considered a mere sample of the magnitude of problem of IFD in Mexico. Therefore, these numbers are in no way meant to be used to establish the total number of displaced persons in a state or the entire country, neither exactly nor conclusively. It should be noted that to obtain more precise data, a census could be conducted to verify the number of IFD victims in Mexico.

446. Likewise, the figures and variables in the previous analysis, such as the states of origin of the forcibly displaced and the causes of IFD, can be used by different institutions to conduct their own studies using the information directly collected by the CNDH in different years.

ii) Number of victims of IFD, according to other sources obtained by the QVG

447. At the date of publication of this report, QVG personnel were preparing a file on the alleged internal forced displacement of persons in different municipalities of the state of Sinaloa caused by conflicts between criminal groups. This file contains information provided by a state authority, which reported the existence of 1,177 families who were victims of IFD (IDPs). It is estimated that this number of families approximates 4,554 displaced persons, distributed among the different municipalities of the state.³⁴⁶

448. On the other hand, between 2013 and 2015, several state and municipal authorities reported to the QVG that they had information on 30,377 victims of IFD in their respective territories.

449. In the same period, different state PHRAs reported a total of 6,685 victims of IFD in their states.

450. Finally, the CDI reported that from 2006 to 2013 it had assisted 5,364 families of displaced indigenous persons from Chiapas, Guerrero, Hidalgo, Jalisco, Nayarit and Oaxaca. That makes a total of 16,092 people.³⁴⁷

451. For more than a decade, various national and international bodies from the public sector, civil society and academia concerned with the issue of IFD have provided information on the number of displaced persons and families based on the activities carried out as part of

³⁴⁶ To convert the number of families to the number of individuals, the INEGI figure for the average number of households in the state of Sinaloa was taken as the basis.

³⁴⁷ The figures mentioned in sections (i) and (ii) show that there are displaced persons in several municipalities and states of the Republic. It should be noted that these figures come from different sources. Those in section (i) come from fact-finding reports and those in section (ii) from responses to requests for information and files. Consequently, it is likely that in some cases some of the displaced and accounted for persons could appear under both headings, which is not easy to determine due to the lack of specification of the place and of the identity data of the persons.

their functions and in accordance with their monitoring capacity. These figures and information vary greatly from one another.³⁴⁸

452. This great diversity of information and numbers proves the urgent need for an official census with the human and material resources necessary to obtain the real figures on IFD in Mexico. A census would reveal the actual number of how many victims there are, where they are and what they require.
453. It is important to mention that the national authorities find it easier to acknowledge IFD caused by natural disasters or community conflicts than that resulting from violence and the construction of megaprojects.
454. Sometimes the use of terms such as “displacement due to religious conflicts” can lead to confusion and lack of comprehensive action because that description hides other

³⁴⁸ In 2003, the Mexican Government’s response to the report submitted by the UN Special Representative of the Secretary-General on Internally Displaced Persons (2003) acknowledged internal displacement in Chiapas, Oaxaca, Tabasco and Sinaloa. It reported there were 1,261 families displaced by violence in Chiapas between 1994 and 2000. In the period 2000-2002, 271 families were reported to be victims of IFD in the same state. In 2004, the Office of the United Nations High Commissioner for Human Rights (OHCHR), in its Diagnostic of the Human Rights Situation in Mexico (2004), estimated 30,000 to 60,000 victims for that year, despite the absence of official statistics in Mexico. In 2009, the Norwegian Refugee Council’s Internal Displacement Monitoring Centre (IDMC) reported 115,000 people. This figure was provided in its report published in December 2009 “*Mexico: Limited response to displacement following local and regional conflicts*”. Also in 2009, the National Survey of Victimization and Perception of Public Security (ENVIPE) reported that out of a total of 390 Mexican households, the decision was taken in 209 of them to move house or place of residence as a crime protection measure. In 2011, in its article “*México y sus desplazados*” [Mexico and its Displaced Persons], Parametría (Strategic Research, Opinion and Market Analysis) reported that there were 1,648,387 victims of IFD in Mexico. In 2013, the CNDH reported in its National Human Rights Agenda that, according to figures provided by various agencies (without specifying which ones), there were 110,000 displaced persons, but that in the last two years (2012-2013), another 24,000 had been displaced, and to that the 20,000 displaced persons recognized by the government of Chiapas should be added, making a total of approximately 150,000 victims of IFD. In 2015, the federal executive branch’s 2014-2018 National Victim Assistance Program re-reported the figure of 150,000 people, citing the CNDH’s National Human Rights Agenda. Also in 2015, the Norwegian Refugee Council’s Internal Displacement Monitoring Centre (IDMC) in its “*Global Overview 2015: People internally displaced by conflict and violence*”, reported the existence of 281,400 displaced persons. From the figures shown, it is not possible to arrive at even an approximate number because different periods are covered and in some cases the figures only consider certain areas within geographical regions. Therefore, we insist on the urgent need to take a census of victims of IFD (IDPs) in order to plan and implement State actions and to comply with the legal, constitutional and conventional obligations in this area, since in the absence of a reliable and truthful official register, government and social decision-making regarding the victims is seriously limited.

community strife that lead to move: political problems, land issues or the way a community is organized, for example.

455. It is interesting that the CDI's Project for the Assistance of Displaced Indigenous Peoples considers all scenarios that cause displacement, but only for indigenous people. CDI has told the CNDH that the groups it serves through this project "*are those who, due to acts of violence, armed conflicts, human rights violations, and religious, political, cultural or ethnic intolerance, are forced to move.*"³⁴⁹
456. The reports submitted to the CNDH show that the INE does not have mechanisms to register displaced persons on electoral lists.³⁵⁰
457. Nor does INEGI collect information on IDPs.³⁵¹ Hence the importance that CONAPO, which depends on SEGOB, gave to the task in 2013 of undertaking research to design an instrument (still underway) that will help reveal the characteristics and magnitude of the phenomenon, even though CONAPO itself recognized that its current sources presented serious limitations in terms of knowing the dimensions of the phenomenon and its scale.³⁵²
458. Since IDPs are not registered, this prevents the recognition of their special condition from which the required differentiated protection schemes should be drawn. A clear indicator of the obstacle to exercising the right to education, for example, is that according to the SEP, the General Office for Educational Planning and Statistics has no knowledge of educational assistance for displaced persons in the country.³⁵³
459. Regarding the impact that the lack of official records and the causes of this omission have on assistance for victims of IFD (IDPs), UN Special Rapporteur on the Human Rights of Internally Displaced Persons stated that:

"Official IDP figures advanced by governments tend to differ significantly from those of international agencies and non-governmental organizations due to factors that include data-gathering and registration deficiencies and, in some cases, the desire to downplay the

³⁴⁹ Official Document No. DGAJ/RL/92/2013, April 5, 2013.

³⁵⁰ Official Document No. DJ/0421/2013, April 4, 2013.

³⁵¹ Official Document No. 805/068/2013, April 4, 2013.

³⁵² Official Document No. SG/063/2013, March 26, 2013.

³⁵³ Official Document No. DGP/EE/050/2013, April 9, 2013.

issue and the number of people affected by internal displacement. The latter is particularly true in situations of conflict or violence and when the national authorities are complicit in a displacement situation. Deficiencies in registration procedures and reluctance of displaced persons to register due to fear, lack of information or other factors can all contribute to underestimation of the actual number of displaced persons. The Internal Displacement Monitoring Centre highlights that figures often reflect only those living in camps, while 60 per cent of IDPs are dispersed in other locations and with host families, and are often not officially counted. Even when officially counted, the concerns and perceptions of IDPs are frequently not captured by official statistics and require more sophisticated data-gathering and household surveys."³⁵⁴

c) Urgent Need to Implement Programs to Address Internal Displacement

460. The then Representative of the United Nations Secretary-General on Displaced Persons, Francis Deng, recommended³⁵⁵ that the Mexican government adopts and implements policies, at all three levels of government, that address protection issues against arbitrary displacement, taking into account the specific needs of minors and women at all times. To this end, he proposed that these policies be linked to other human rights plans, policies and programs to meet protection and assistance needs. He also called for the development of programs for voluntary return, resettlement and/or local integration of displaced persons in a safe and dignified manner.
461. He also recommended coordination between state and federal authorities, as well as with non-governmental humanitarian, human rights and development organizations, to improve protection and assistance to displaced persons, facilitating access to humanitarian aid, through safe routes for the provision of food, potable water, sanitation and shelter.
462. The only federal program that specifically targets the displaced population in Mexico is the CDI's *Proyecto para la Atención a Indígenas Desplazados* [Project for Assistance to Displaced Indigenous Peoples], although it is limited to the indigenous population only.
463. Of note is the case of the government of the state of Colima, which has reported, as one of its actions, psychological support provided to displaced families from Michoacán, but there is, as such, no planned, specific and coordinated program of action.

³⁵⁴ UN, "Report of the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani", *op. cit.*, paragraph 80.

³⁵⁵ UN, "Report of the Special Representative of the Secretary-General on internally displaced persons, Francis Deng, submitted pursuant to Commission on Human Rights resolution 2002/56, Profiles in displacement: Mexico" doc. E/CN.4/2003/86/Add.3, January 10, 2003, page 17.

464. For its part, the municipal government of Torreon, Coahuila, presented a *Protocolo de Atención a Personas Desplazadas por violencia* [Protocol for Assistance to Persons Displaced by Violence]. However, it points out that “if the displaced person or refugee refuses the assistance provided by the municipality, state or federation, he or she will be asked to sign a waiver,”³⁵⁶ which is contrary to one of the fundamental principles of human rights, inalienability, which implies that the authority is obliged to serve IDPs in all cases. Nevertheless, we believe this municipal government has set an example in creating a protocol of assistance since this indicates that the government has acknowledged the problem of IFD and is taking steps to address it.
465. Since it is unclear who has been forcibly displaced from his or her place of origin, it is impossible for the authorities to take specific and coordinated action on the matter. Some authorities that provide assistance do so as part of other programs of care for individuals or groups in different circumstances, but there is no specific public policy on the matter, as we have underlined.
466. It has been pointed out that the authorities do not have a specific record for this type of population and, the vast majority lack protocols for action to address the problem. This concealment of the phenomenon creates a double victimization of those experiencing displacement since State action is delayed or simply not forthcoming, despite the urgent needs of the affected population.

d) National Public Policy on Forced Displacement

467. Although the existence of the phenomenon of forced displacement in Mexico dates back several decades, its presence on the maps for action of the federal governments in turn, which national development plans attempt to define, appears with the elaboration of the first National Human Rights Plan (PNDH), published during the 2000-2006 presidential period.
468. From there, some objectives, strategies or actions related to the assistance of victims of IFD (IDPs) have been established. The following table shows how in this and subsequent

³⁵⁶ Point #7.

periods some public policies related to this problem have been considered, beginning with the formulation of objectives, which in some cases are developed through strategies and these, in turn, through lines of action:

TABLE 12
Comparison of Presidential Terms, Programs and Government Plans

<p>2000 – 2006 Term</p>	<p>National Development Plan (PND)</p> <p>* It includes measures related to displacement in the National Human Rights Plan (PNDH) 2005</p>	<p>PNDH 2005:</p> <p>A. Human rights of indigenous peoples</p> <p>Objective 9. Right to development. (...)</p> <p>Lines of Action</p> <p>(...)</p> <ul style="list-style-type: none"> • Consolidate a public policy to address internal displacement and propose state and federal legislative reforms to create an effective legal framework to protect the displaced population. <p>B. Protection of internally displaced persons</p> <p>Rationale</p> <p>The Diagnostic on the Human Rights Situation in Mexico cites a source that speaks of between 3,000 and 21,000 displaced persons in the country, although it mentions that other estimates go as high as 60,000. In the particular case of Chiapas, the Diagnostic shows that more than 12,000 persons were displaced as a result of the conflict there, although other sources estimate that the number is between 10,000 and 12,000 persons in this condition, who describe themselves as belonging to the Tzeltal, Tzotzil, Cho l, Tojolobal and Mame peoples.</p> <p>This is a multicausal phenomenon. As the Diagnostic points out, one of its recurrent causes is the violence generated by religious conflicts in rural communities, which violates the freedom of worship, religious expression and association, as well as agrarian conflicts, disputes over the control of natural resources, economic and political conflicts, and natural disasters, among others.</p> <p>The Mexican State has the irrefutable legal duty and the moral obligation to provide a solution to the human rights problems arising from internal displacement, particularly with regard to security and psychological</p>
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		<p>and physical integrity.</p> <p><i>Lines of Action</i></p> <ul style="list-style-type: none"> • Promote the establishment of uniform criteria between federal and state governments and civil society in general to develop a national assessment of internally displaced persons in the country (SEGOB). • Design and implement a government assistance policy on internal displacement (CPGMDH). • Promote discussion on a legal framework to govern internal displacement in order to create a legal system that provides adequate protection to this segment of the population and promote public policies for the assistance, care and safe return of internally displaced persons (SEGOB).
<p>2006 – 2012 Term</p>	<p>PND</p> <p>* It includes measures related to displacement in the PNDH 2008-2012.</p>	<p>PNDH 2008-2012</p> <p>Objective 1. Strengthen the human rights perspective in the design of Federal Public Administration (APF) public policies.</p> <p>Strategy 1.5. Consolidate civil and political rights in the design of APF public policies. (...)</p> <p><i>Lines of Action (...)</i></p> <p>Intervene, according to each agency’s scope of powers, in the investigation of complaints regarding the displacement of families and religious communities (SEGOB, PGR, SSP).</p>
<p>2012 – 2018 Term</p>	<p>PND: It includes measures related to displacement only in the following programs:</p> <p>*National Population Program 2014-2018;</p> <p>*National Victim Assistance Program 2014-2018</p>	<p>PNDH 2014- 2018:</p> <p>It does not specify any action related to IFD or IDPs.</p> <p><u>National Population Program 2014-2018:</u></p> <p>Objective 3. Foster an inclusive and sustainable territorial distribution of the population, by developing networks of settlements.</p> <p>Strategy 3.1</p> <p>Reinforce networks of productive and competitive settlements to diversify employment, migration and residence options. (...)</p>

Lines of Action

(...)

3.1.4. Contribute to the analysis of and response to forced internal displacement in all its aspects.

National Victim Assistance Program 2014-2018:

Objective 4. Guarantee victims access to assistance measures with a differentiated approach and an emphasis on addressing vulnerability.

Strategy 4.6. Promote adequate assistance to victims of internal forced displacement.

Lines of Action:

4.6.1. Promote legislative analysis on internal displacement to ensure preventive and protection measures as well as **durable solutions** for displaced persons.

4.6.2. Make an assessment to establish the scale of the problem of internal forced displacement,

4.6.3. Ensure assistance and protection mechanisms for unaccompanied children and adolescents, by prioritizing family reunification.

Objective 5. Establish prevention, assistance, care and reparation measures for the victims of specific crimes and human rights violations. The Mexican State must encourage comprehensive assistance to direct, indirect and potential victims. Additionally, measures should be implemented to provide comprehensive assistance, particularly in cases of sexual and family violence, human trafficking and smuggling, arbitrary detention, forced internal displacement, kidnapping, torture, disappearance and forced disappearance of persons, homicide, femicide, discrimination, as well as violations of economic, social, cultural and environmental rights.

Source: CNDH

469. From the above table we can observe the following:

- The 2005 PNDH contains a section justifying the establishment of measures to protect the displaced population, and takes up the points made in the Diagnostic on the Human Rights Situation in Mexico, in terms of IFD. Although displacement has

continued since then, the PNDs of the subsequent periods do not address this justification again and are unaware of the urgency of implementing measures to assist displaced persons.

- The 2005 PNDH states that the protection of displaced persons includes actions such as the consolidation of public policy and legislative reforms, and the protection and design of an inter-institutional program of assistance for the displaced population, among other measures. For its part, the PNDH for the following period only contemplates the intervention of some institutions in the investigation of complaints of IFD. Finally, the current PNDH makes no mention of the issue.
- The absence of comprehensive attention to the problem of IFD in Mexico in the 2006-2012 PNDH shows a regression in the protection, respect and guarantee of the rights of displaced persons that had been noted in the previous period.
- Although the PNDH of the current administration makes no mention of IFD, this issue is visible in other national programs, such as population and victim assistance. The National Population Program, which did not exist in previous periods, establishes the need to analyze and attend to the victims of IFD (IDPs). In this regard, although it seems to be a step in favor of protecting the displaced population, this action is isolated and decontextualized from a problem that was recognized during the 2000-2006 period.
- The National Victim Assistance Program only provides protection measures for displaced persons as victims, which makes the protection to which they are entitled as a vulnerable group invisible. This is perhaps one of the most obvious problems of not considering this population in the PNDH, as no measures are established to guarantee the full exercise of their rights, beyond the actions of attention and assistance (such as food, housing and health, among others) that stem from their condition of imminent lack of protection. In spite of the above, this program has meant an important advance in the issue, since it has managed to put the various problems that surround these victims on the public agenda and establishes actions to address these problems.

e) The Importance of Due Diligence to Prevent IFD

470. The Mexican authorities must strengthen their public security efforts to prevent arbitrary displacement related to violence generated by organized crime. The CNDH stresses that the work of state agents as it concerns violence in the country must be based on respect for the principle of due diligence.

471. Due diligence means that the State has the duty to do everything within its power to protect the right in question, in this case the public safety of its population, preventing its violation, investigating whether the right was violated, identifying and punishing those responsible and, where appropriate, repairing the damage caused.

472. For the IACtHR, due diligence in terms of prevention involves:

"...“ ... all those means of a legal, political, administrative and cultural nature that promote the protection of human rights and ensure that any violations are considered and treated as illegal acts, which, as such, may lead to the punishment of those responsible and the obligation to indemnify the victims for damages. It is not possible to make a detailed list of all such measures, since they vary with the law and the conditions of each State Party.”³⁵⁷

473. On the responsibility of States in this area, the IACtHR has pointed out:

“However, this does not define all the circumstances in which a State is obligated to prevent, investigate and punish human rights violations, nor all the cases in which the State might be found responsible for an infringement of those rights. An illegal act which violates human rights and which is initially not directly imputable to a State (for example, because it is the act of a private person or because the person responsible has not been identified) can lead to international responsibility of the State, not because of the act itself, but because of the lack of due diligence to prevent the violation or to respond to it as required by the Convention.”³⁵⁸

474. Article 5 of the LGV defines this in the following manner:

“Due diligence: The State shall carry out all necessary actions within a reasonable period of time to achieve the objective of this Law, especially prevention, assistance, attention, care, the right to truth, justice and comprehensive reparation so that the victim may be treated and considered as the holder of the right.

The State shall remove obstacles that prevent victims from having real and effective access to the measures regulated by this Law, shall take priority action to strengthen their rights,

³⁵⁷ “Case of Velázquez-Rodríguez v. Honduras”, Judgment of July 29, 1988 (Merits), paragraph 175.

³⁵⁸ “Case of Godínez Cruz v. Honduras”, Judgment of January 20, 1989 (Merits), paragraph 182.

shall contribute to their recovery as subjects in full exercise of their rights and duties, and shall permanently evaluate the impact of actions implemented in favor of the victims."

475. Due diligence must be considered and applied at various stages by the State: prevention, investigation, punishment and reparation of damage for human rights violations.
476. In a press release, the SRE reported that on November 1, 2013, during its appearance before the IACmHR at the hearing on internal displacement, the State presented the National Program for the Social Prevention of Violence and Crime, in which it informed of "*... a comprehensive plan for the creation of public policies on security and crime prevention, as well as for a cross-sectional, inter-institutional and intersectoral approach to the improvement of security and citizen coexistence and strengthening community cohesion.*"³⁵⁹
477. With regard to the information requested from the 91 municipality heads that established, as priorities, the Guidelines for granting support to states within the framework of the National Crime Prevention Program, the CNDH gave the states a January 20, 2014 deadline to submit the following documentation to SEGOB: I. Closing report with cut-off date as of December 31, 2013, signed by the corresponding authorities in the format established for this purpose by the Ministry, through the competent administrative unit. II. Progress report on the application of the resources contained in these Guidelines, in the formats and systems established by the Ministry, through the competent administrative unit and, where appropriate, proof of reimbursement to the Federal Treasury; and III. Proof of cancellation of the specific bank account opened in the current fiscal year for the administration of the support resources.
478. According to the information submitted to the CNDH by the municipal authorities, approximately 30 municipalities currently have social assessments of their municipality or borough, which are a prerequisite for receiving resources from the Crime Prevention Program (PRONAPRED).
479. This, together with the statements made in the fact-finding reports taken by CNDH personnel, shows the need for the three levels of government to implement effective

³⁵⁹ Press release: "*El gobierno mexicano acude al 149º periodo de sesiones de la Comisión Interamericana de Derechos Humanos*" [The Mexican government attends the 149th session of the Inter-American Commission on Human Rights], November 1, 2013.

actions to prevent displacement and guarantee the right to protection against displacement. This right is recognized as such in the Guiding Principles on Internal Displacement, particularly in Principle 6, which states: *"I. Every human being shall have the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence."*

f) Registration with RENAVI and the Obstacles to Receiving Assistance Provided for under the General Law for Victims

480. In addition to the difficulties posed by the lack of an assessment on the current situation of IFD in Mexico and the implementation of assistance programs for the displaced population, there are also obstacles imposed by the LGV to access these aid, assistance and attention measures aimed at victims of human rights violations. These are related to the registration of victims of IFD in RENAVI and are discussed below.
481. The main objective of the LGV is to recognize and guarantee the rights of victims of crime and human rights violations, including the right to receive assistance, support and care. This right is enforceable from the time of the violation or as soon as the authorities become aware of it.
482. Access to these measures, however, is conditioned on the victim being registered with RENAVI, as only those who are registered can access the comprehensive support, assistance, and reparation fund and the aid and assistance measures.
483. To form part of RENAVI, one must have the status of victim, which is difficult to attain since the tendency of municipal, state and federal authorities is to ignore the existence of displacement, and in so doing, the absence of victims of this phenomenon.
484. Although the CEAV recognizes that IFD is a human rights violation,³⁶⁰ so far there are only two people registered with RENAVI as victims of IFD (IDPs). So, in practice, the enforceability of the rights of displaced persons, especially those related to access to assistance and support measures, is quite limited. RENAVI should be considered as a

³⁶⁰ See *Minutes of the Forty-Third Ordinary Session of the Plenary of the Executive Commission for Victim Assistance*, July 29, 2014.

“rights giving” mechanism³⁶¹ in the case of displaced persons, as soon as displacement occurs in order to help them overcome their vulnerability.

485. In addition to access to rights, RENAVI aims to maintain and safeguard a national victims’ registry and to record the data on human rights violations nationwide.³⁶² According to this, the registry provided for in the law could give a first approximation of the number of victims of IFD (IDPs) in Mexico. Therefore, the lack of access to RENAVI not only prevents the exercise of rights, but it also hinders the possibility of providing an approximate number of victims of IFD (IDPs) in each state and in the country.
486. Although a registry is necessary, otherwise it would be impossible to establish control mechanisms for assistance to victims of IFD (IDPs), it should be a means of access to assistance and not a “screening process” for individuals to have access to the exercise of their rights.
487. Mexico is not the only country that has a victim registration system. In Colombia, for example, the 2011 Victims and Land Restitution Law also provides for a Registry of Victims (RUV). According to this law “...the inclusion of a person in the Registry of Victims shall be sufficient for the entities to provide the corresponding assistance, care and reparation measures to the victims, as the case may be.”³⁶³
488. There is no need for any authority to grant an official status of victim, for any injured party, including displaced persons, to be registered in the RUV. All it takes is for a victim to make a declaration before the Public Prosecutor’s Office³⁶⁴ of events that occurred before the law came into force.³⁶⁵ In addition, victims do not need to be included in the RUV to have access to immediate assistance, as it is provided to persons who “claim to have been displaced and who are in a situation of increased vulnerability and require temporary shelter

³⁶¹ According to the second paragraph of Article 96 of the LGV, “the National Victims Registry provides fundamental support to ensure that victims have timely and effective access to the measures of assistance, aid, care, access to justice and comprehensive compensation provided for in this Law.”

³⁶² *Idem*.

³⁶³ Article 156.

³⁶⁴ In Colombia, the Public Prosecutor's Office is not responsible for investigating and prosecuting crimes. Instead, it monitors, disciplines, and represents individuals before the State as well as defends human rights.

³⁶⁵ Article 155 of the Victims and Land Restitution Act.

and food assistance."³⁶⁶ According to this, priority attention does not require any additional procedures either, since the mere declaration before the authority is sufficient to receive initial assistance.

489. The RUV also makes it possible to know the number of persons displaced per year and in which territories. In Colombia, this information has been instrumental in the implementation of public policy and currently for the enforcement of reparation measures.
490. Victim registries can help when trying to grasp the scale of IFD in a country. However, the data in the records depend on the persons who have access to the registry. For this reason, other tools are needed to establish the number, as close as possible to reality, of displaced persons. In this regard, the intervention of CONAPO and INEGI is crucial in establishing a true, reliable and official number of displaced persons in Mexico, which will serve to make effective both assessments and public policies targeted at all of the displaced population.
491. In conclusion, although a victims' registry is necessary, it should not be applied or interpreted as a tool to hinder access to immediate assistance and care measures, as this is not only contrary to the purpose of the registry itself, but also a violation of the rights of victims of IFD (IDPs).

2. Durable Solutions

492. One need of displaced persons is that of a durable solution to their situation.³⁶⁷
493. "*A durable solution is one that ends the cycle of displacement and allows displaced persons to resume their lives in a secure environment.*"³⁶⁸ States and the international community have a responsibility to find such solutions.³⁶⁹

³⁶⁶ *Ibid.*, Article 63.

³⁶⁷ UN, "Protection of and assistance to internally displaced persons. Report of the Special Rapporteur on the human rights of internally displaced persons", Doc. A/69/295, August 11, 2014, paragraph 24.

³⁶⁸ UNHCR, "Durable solutions. A normal life in a safe environment ", see at: <http://www.acnur.org/t3/que-hace/soluciones-duraderas>

³⁶⁹ *Ibid.*

494. Neither a return to the place of origin nor the establishment of a permanent settlement elsewhere is in itself a durable solution. Similarly, improved housing provision or cash grants are also not durable solutions if they are not combined with strategies to address livelihood and integration.³⁷⁰
495. This section analyzes the factors to consider when implementing any durable solution, keeping in mind the UN Framework for Durable Solutions for Internally Displaced Persons.

a) Governance and Sustainable Development as a Context for Implementing Durable Solutions

496. The crises caused by internal displacement are challenging for authorities at all levels and tend to worsen as the number of victims increases and economic resources are exhausted. Effective governance structures are essential to ensure coordinated and human rights-based responses to the victims of IFD.³⁷¹
497. States often lack adequate governance structures to prevent and prepare for the consequences of internal displacement.³⁷² Moreover, as displacement becomes more protracted, the response from national authorities must transition to address and meet ongoing and future needs, in full conformity with the human rights of displaced persons.³⁷³
498. According to the Special Rapporteur on the human rights of internally displaced persons, good governance entails timely and coordinated responses, and is a prerequisite for effectively preventing and responding to displacement. If governance mechanisms are inadequate or non-existent, responses are likely to be inadequate and ineffective, forcing displaced persons to fend for themselves or rely on international humanitarian and non-governmental initiatives. But with good governance in place, the responses implemented,

³⁷⁰ UN, "Report of the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani", *op. cit.*, paragraph 43.

³⁷¹ UN, "Protection of and assistance to internally displaced persons. Report of the Special Rapporteur on the human rights of internally displaced persons ", doc. A/70/334, August 20, 2015, paragraph 20.

³⁷² *Ibid.*, paragraph 40.

³⁷³ *Ibid.*, paragraph 72.

or to be implemented, will be timely, coordinated and effective in meeting the needs and protecting the rights of victims of IFD.³⁷⁴

499. Good governance in matters of displacement also requires recognition that it is imperative matter for the countries' internal development. *"Internal displacement is not only a humanitarian issue, but ultimately and most importantly, a long-term development issue that requires the full and sustained engagement of a diversity of national and international actors."*³⁷⁵ When displaced persons are not included in national development processes and plans, displacement is prolonged, people's levels of marginalization, of lack of protection and of vulnerability increase and their chances of overcoming the consequences of displacement diminish. Furthermore, it seriously undermines all the present pillars of sustainable development for both displaced persons and host communities.³⁷⁶
500. The phenomenon of displacement must be analyzed and addressed from a holistic development approach, which means having long-term and sustainable objectives that recognize, for example, the fundamental interconnection between shelter and livelihood, and their importance for health, food security and education.³⁷⁷ This approach goes beyond limiting attention to humanitarian aspects, which are more the result of short- or medium-term assistance measures and cannot resolve issues of a structural nature.
501. Poverty, exclusion and discrimination are drivers of conflict and displacement. Therefore, development initiatives should be used as preventive measures to help build peaceful and inclusive societies, as well as achieve long-term stability.³⁷⁸
502. The assessment or increase in the levels of internal development of countries is related to the Millennium Development Goals³⁷⁹ and the 2030 Agenda for Sustainable Development:³⁸⁰

³⁷⁴ *Ibid.*, paragraph 22.

³⁷⁵ UN, "Report of the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani", *op. cit.*, paragraph 46.

³⁷⁶ *Ibid.*, paragraph 47.

³⁷⁷ *Ibid.*, paragraph 45.

³⁷⁸ *Ibid.*, paragraph 88.

³⁷⁹ See: <http://www.un.org/millenniumgoals/>

³⁸⁰ Resolution A/RES/70/1 adopted by the General Assembly of the United Nations on September 25, 2015. This Agenda points to the need to empower vulnerable people, including victims of IFD, and that

*"A development challenge: achieving durable solutions entails addressing key development challenges that are also identified by the Millennium Development Goals. These include providing access to livelihoods, education and health care in areas of return, local integration or other settlement areas; helping to establish or re-establish local governance structures and the rule of law, and rebuilding houses and infrastructure."*³⁸¹

503. Consequently, it can be argued that a durable solution necessarily involves addressing the fundamental development challenges that generally relate to access to livelihoods, education and health in areas of return, local integration or resettlement, help to establish or re-establish local structures and the rule of law, and support for housing reconstruction.³⁸²

b) Implementation Processes of Durable Solutions

504. A durable solution is achieved when persons who were previously internally displaced are no longer in need of specific assistance or protection for that situation and can fully exercise their human rights without discrimination because of their status. This is directly linked to the obligation of the authorities to *"establish the conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country."*³⁸³

505. A durable solution can be achieved through:

- Sustainable reintegration at the place of origin (hereinafter referred to as "return");
- Sustainable local integration in places where internally displaced persons take refuge (local integration);

the Heads of State and Government, including that of Mexico, commit themselves to cooperate *"to ensure safe, orderly and regular migration involving full respect for human rights and the humane treatment of migrants regardless of migration status, of refugees and of displaced persons,"* (paragraph 29).

³⁸¹ UN, *"Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kalin, Addendum Framework on Durable Solutions for Internally Displaced Persons"*, doc. A/HRC/13/21/Add.4, 9 February 2010, paragraph 16.

³⁸² UN, *"Report of the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani"*, op. cit., paragraph 46.

³⁸³ Principle 28 of the Guiding Principles.

- Sustainable integration in another part of the country (resettlement).³⁸⁴

506. Whatever the reason for internal displacement or the option chosen by IDPs for their durable solution, victims of IFD will continue to have human rights needs and concerns linked to their exodus. For example, IDPs who return to their place of origin may be unable to rebuild destroyed homes or reclaim their land; or persons who opt for local integration may not find jobs or dwellings to rent because of discrimination against IDPs by the resident population or authorities. Lastly, those who choose resettlement may need humanitarian, developmental and financial assistance until they have access to services and rights in their new location.³⁸⁵
507. Durable solutions should include restitution or compensation of affected property and rights, as well as equal access to economic and social rights that enable a sustainable way of life.
508. It must also be based on justice, which involves identifying the aggressors, arresting them, prosecuting them, sentencing them and enforcing the corresponding punishment, as well as the authorities' guaranteeing the personal safety of those affected and preventing this type of act. We cannot forget the priority need for psychological, medical and/or welfare assistance for the victims of IFD (IDPs) and the need to repair the damage caused by having to abandon their family and cultural roots and their sense of belonging to a community and, in general terms, to abandon their life project abruptly and forcibly.
509. A particularly important issue in terms of durable solutions is the establishment of evaluation mechanisms. In this regard, the *Framework on Durable Solutions for Internally Displaced Persons*³⁸⁶ sets out eight indicators that are required for a durable solution to be considered to have been reached:

³⁸⁴ UN, "Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kalin, Addendum, Framework on Durable Solutions for Internally Displaced Persons", *op. cit.*, paragraphs 8 and 9.

³⁸⁵ *Ibid.*, paragraph 11.

³⁸⁶ UN, "Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kalin, Addendum, Framework on Durable Solutions for Internally Displaced Persons", *op. cit.*

TABLE 13
Indicators for the Assessment of Durable Solutions

Criteria	Some indicators that a durable solution has been reached
<p>Personal and Public Security</p>	<ul style="list-style-type: none"> • Displaced persons enjoy good health and physical safety through protection from the threats that caused the initial displacement or could lead to further displacement. Thus, when they return to their community of origin or resettle elsewhere in the country, they are not victims of attacks, intimidation, harassment, persecution or any other punitive measures. They have freedom of movement: they can freely come and go from the settlement areas. • Relocation to other areas with comparable living conditions is seen as a measure of last resort. • They have access to national and local protection mechanisms, particularly from the police, the justice system, national human rights institutions and national disaster management services. • Assistance from the international community is temporary and a gradual handover process is promoted, which culminates in national and local authorities taking full responsibility for such protection. • Frequency of spontaneous and voluntary return to certain areas.
<p>Adequate Standard of Living</p>	<ul style="list-style-type: none"> • Displaced persons are provided, without discrimination, accommodation with the minimum requirements, health care, food and water and other means of subsistence. • They have sustainable access to basic shelter or housing; essential medical services including care for victims of sexual assault and other reproductive health care; sanitation; and primary education. • Goods and services are available to the affected population in sufficient quantity and quality, considering the local context. • Goods and services for the beneficiaries are also culturally appropriate and gender- and age-sensitive.
	<ul style="list-style-type: none"> • Reintegration often takes place against a backdrop of fragile economies and high levels of unemployment affecting the entire population, including IDPs. It will not always be possible for all IDPs to find work or regain previous livelihoods, but they must

Access to Livelihoods and Employment	<p>find conditions of access to employment and livelihoods on an equal footing with residents.</p> <ul style="list-style-type: none"> • Where appropriate, they should be helped to acquire new professional skills or offered alternative means of earning a living.
Restitution of Housing, Land and Property	<ul style="list-style-type: none"> • There are effective and affordable mechanisms for resolving housing, land and property disputes related to displacement. • There is access to support and credit programs to restore or improve housing, land or property, on an equal footing with the resident population. • It is necessary to clarify that the rules apply not only to residential, agricultural and commercial properties, but also to rental and tenancy agreements. Additionally, persons entitled to inherit property from deceased relatives (orphans, for example) must be included. • Alternatives should also be found for temporary occupants of the properties of displaced persons, who face eviction with restitution, particularly if they themselves are displaced persons who occupied the property in good faith. • In addition, access to basic shelter and housing should be ensured for returnees who do not have property rights and for IDPs who integrate locally or resettle in areas where they do not own property. • And work is being done to ensure that IDPs have access to support programs (including access to credit) to restore or improve housing, land or property on an equal footing with the resident population.
Access to Documentation	<ul style="list-style-type: none"> • Competent national or local authorities facilitate the issuance of new documents or the replacement of those lost during displacement without imposing unreasonable conditions, such as demanding a return to the area of habitual residence to obtain documentation • Access to documentation necessary to access public services, claim ownership and possessions, and exercise the right to vote.
Family Reunification	<ul style="list-style-type: none"> • There are mechanisms to reunite separated family members. If there are reasonable grounds to believe that family reunification exposes or may expose a child to certain risks, it must be determined in the best interests of the child.

	<ul style="list-style-type: none"> • There is no restriction on movement that could prevent family reunification.
Public Participation	<ul style="list-style-type: none"> • Displaced persons may exercise their right to freedom of association and equal participation in community affairs, to vote and stand for election, and to work in any sector of public administration.
Access to Effective Remedies and Justice	<ul style="list-style-type: none"> • Displaced persons have access to existing mechanisms of transitional justice, reparation and information on the cause of violations. Effective remedies include equal and effective access to justice; appropriate, effective and prompt compensation for damage suffered; and access to relevant information on violations and compensation mechanisms. Affordable mechanisms include providing displaced persons with effective recourse against violations by non-State agents. • Reparation may include restitution aimed at restoring the situation prior to arbitrary displacement; compensation for quantifiable economic damage; rehabilitation (including medical and psychological care); and satisfaction, which should be applied when the violation cannot be remedied by restitution or compensation, and may take the form of public acknowledgement of the violations, official apologies or judicial proceedings against each of the perpetrators.

Source: CNDH based on *Framework on Durable Solutions for Internally Displaced Persons**

510. The effective implementation of durable solutions, particularly in cases of internal displacement due to violence, requires peace-building processes, the restoration of security and public order, the reconstruction and rehabilitation of the economy, social conciliation, the guarantee of justice and the political transition to more accountable structures and government institutions.³⁸⁷

511. If IDPs do not find peace-building processes in their communities of origin, they will most likely not be able to return.

*The Brookings Institution, University of Bern and Pontificia Universidad Javeriana, *Internal Displacement and the Construction of Peace*, Project on Internal Displacement, Colombia, 2008, page 42.

³⁸⁷ Fisas, Vicenç, *Manual del buen explorador en iniciativas de cultura de paz. El programa transdisciplinar de la UNESCO* [A Good Explorer's Manual on culture of peace initiatives. The transdisciplinary program of the UNESCO], Icaria/UNESCO, Barcelona, 1998, page 6.

512. When IFD ends, the need for specialized assistance and protection diminishes. So, IDPs are no longer seen as such when there is no further need for protection directly related to their displacement; when they have arrived at a durable solution.
513. In this sense, the existence of roundtable talks with actors related to displacement is not enough to achieve durable solutions; it also demands institutional will to address the structural causes of displacement, such as public safety programs and the need for prior consultation with communities in cases where mega-projects affect their interests.
514. Of note are the cases reported by the Government of Chiapas, in which reference is made to working meetings between displaced persons and authorities, but not to legal, procedural and institutional arrangements that allow displaced persons access to complaint and restitution procedures, consultation, participation in decision-making, registration and documentation of housing, land and property, as well as compensation.
515. The study submitted by the Government of Chiapas to the CNDH and carried out within the framework of the "*OPAS-1969 Conflict Prevention, Agreement Development and Peace-Building in Communities with Internally Displaced Persons in Chiapas, Mexico*" project,³⁸⁸ reported that 18 years after the Zapatista conflict, 70% of the displaced have not received assistance from state and federal authorities, while for the remaining 30%, the assistance provided has been partial and of a clientelistic nature.
516. The line of action taken by the authorities to focus post-displacement actions on assistance activities that are generally temporary and do not represent definitive and durable solutions for displacement victims is confirmed by the many testimonies gathered by CNDH personnel. These testimonies also point out that it is usually the authorities of the receiving municipalities who are responsible for providing assistance to displaced persons.
517. The vast majority of the testimonies speak of actions like the delivery of food baskets, food, personal hygiene products, in some cases accommodation on government land and in government shelters, almost all in precarious conditions and without basic water,

³⁸⁸ Official Document SGG/SGDH/DVDHTPD/0333/2013, May 2, 2013.

electricity and drainage services. These actions only roughly and temporarily meet the needs of displaced persons and do not represent a way out or a response to their situation.

518. To assess whether a durable solution has been achieved, both the processes of seeking solutions and the conditions in which people are returning must be examined, so that the rights violated during displacement can be restored. As long as there are no durable solutions, displacement cannot be avoided.
519. With regard to the above, the CNDH urges the authorities of the three levels of government to coordinate and join efforts to offer durable solutions to the victims of internal forced displacement, to acknowledge the existence of the problem, to design specialized laws to address the issue, to allocate human and financial resources for the care of IDPs, to provide comprehensive reparation to the victims, to address its causes and, above all, to prevent the emergence of situations and conditions that lead to IFD.

VI. ACTIONS TAKEN TO PREPARE THE REPORT

520. In order to prepare this report, a methodology was designed to compile, systematize and analyze the testimonies of displaced persons, interviews with actors involved in the issue and information requested from various municipal, state and federal authorities.
521. To gauge the number of IDPs in the country, CNDH personnel administered 1,000 questionnaires in 65 municipalities of the 32 states of the Mexican Republic. The municipalities in which the questionnaires were administered are among the 91 included in the SEGOB National Crime Prevention Program's *Agreement Establishing the Guidelines for Granting Assistance to States*, published in the DOF on February 15, 2013.
522. According to these guidelines, the resources provided to the states are meant to support them in the development and implementation of public policies on citizen security, with a preventive approach to address violence. The guidelines state that comprehensive assistance will be provided to direct and indirect victims of violence and crime, to young people, the prison population and their families, migrants, transmigrants and IDPs.
523. Article 6 and Annex 1 of the Guidelines state that 48 municipalities, 2 territorial districts of Mexico City and 7 metropolitan areas are receiving support. This adds up to the 91 municipalities in question. To select these municipalities and in accordance with Annex 1, the authority used indicators on the total population in each municipality and the number of willful killings recorded in each municipality.
524. Considering that due to the subject matter, the questionnaire should be applied to persons of legal age, the total number of voters in these municipalities (32,082,284) was divided among the 100 locations where the questionnaire would be applied. These locations were then distributed among the total number of the municipal electoral districts. This resulted in a total of 100 locations in 65 municipalities in all the states of the Mexican Republic where questionnaires could be administered. Ten questionnaires were administered at each location to have a total of 1,000 questionnaires.

525. Depending on the distances between one to five locations, the questionnaires were administered in a single day in the same state. The questionnaires were applied between March 10, and April 28, 2014.³⁸⁹

526. The questionnaires were administered in the following locations:

- In Aguascalientes: the municipality of Aguascalientes;
- In Baja California: the municipalities of Mexicali and Tijuana;
- In Baja California Sur: the municipality of La Paz;
- In Campeche: the municipality of Campeche;
- In Chiapas: the municipalities of Tapachula and Tuxtla Gutiérrez;
- In Chihuahua: the municipalities of Chihuahua and Ciudad Juárez;
- In Coahuila: the municipalities of Saltillo, Matamoros and Torreón;
- In Colima: the municipality of Colima;
- In Mexico City: the boroughs of Iztapalapa and Gustavo A. Madero;
- In Durango: the municipalities of Durango and Lerdo;
- In Guanajuato: the municipalities of Celaya and León;
- In Guerrero: the municipalities of Acapulco and Chilpancingo;
- In Hidalgo: the municipalities of Pachuca and Tulancingo;
- In Jalisco: the municipalities of Guadalajara, Zapopan, Tlaquepaque, Tonalá and El Salto;
- In the State of Mexico: the municipalities of Ecatepec, Nezahualcóyotl and Toluca;
- In Michoacán: the municipalities of Morelia and Uruapan;
- In Morelos: the municipalities of Cuernavaca, Jiutepec and Temixco;
- In Nayarit: the municipalities of Tepic;
- In Nuevo León: the municipalities of Apodaca, General Escobedo, Guadalupe, Juárez, Monterrey, San Nicolás de los Garza, Santa Catarina and Santiago;
- In Oaxaca: the municipality of San Juan Bautista Tuxtepec;
- In Puebla: the municipality of Puebla;
- In Querétaro: the municipalities of Querétaro and Corregidora;
- In Quintana Roo: the municipality of Benito Juárez;
- In San Luis Potosí: the municipalities of Ciudad Valles and San Luis Potosí;
- In Sinaloa: the municipalities of Culiacán and Ahome;
- In Sonora: the municipalities of Cajeme and Hermosillo;
- In Tabasco: the municipality of Centro;
- In Tamaulipas: the municipalities of Nuevo Laredo and Victoria;
- In Tlaxcala: the municipalities of Tlaxcala and Calpulalpan;
- In Veracruz: the municipalities of Alvarado and Xalapa;
- In Yucatán: the municipality of Mérida; and
- In Zacatecas: the municipality of Zacatecas.

³⁸⁹ This methodology provides a 95% degree of confidence with a plus or minus 2.5% margin of error.

527. In order to define this phenomenon, between 2012 to 2014, CNDH personnel gathered 166 fact-finding reports in 15 states, 39 municipalities and in one borough of Mexico City, providing testimonies of IDPs and actors associated with the issue of IFD such as witnesses, authorities from the three levels of government, social organizations, clergy, businesspeople and state ombudsman systems.
528. The testimonies were collected from families, communities and actors associated with IFD in the states of Oaxaca (Ixtepec), Chihuahua (Ciudad Juárez, Praxedis G. Guerrero, Guadalupe and Ascensión); Guerrero (Tlacotepec, Tecpan de Galeana, Acapulco and Chilpancingo); Sinaloa (Mazatlán, Culiacán, Choix and Concordia); Tamaulipas (Ciudad Mier and Nuevo Laredo); Veracruz de Ignacio de la Llave (Cuichapa, Ixtaczoquitlán, El Naranjal, Coatzacoalcos, Amatlán de los Reyes, Altotonga, Poza Rica, Tuxpan, Pánuco and Veracruz); Colima (Manzanillo, El Chanal, Colima and Tecomán); Nuevo León (Monterrey); Puebla (San Martín Texmelucan); San Luis Potosí (Soledad de Graciano Sánchez); Chiapas (Venustiano Carranza and Altamirano); Durango (Durango); Michoacán (Morelia, Pátzcuaro and Uruapan) and Baja California (Tijuana), as well as in Mexico City (Benito Juárez). The places were defined by cross-referencing the information from the journalistic follow-up with that provided in the *Mexico: Displacement due to criminal and communal violence* report prepared by the Internal Displacement Monitoring Centre.³⁹⁰
529. The testimonies gathered and recorded in the fact-finding reports are an essential element for understanding the causes of displacement, the places of origin and reception of IDPs, as well as their basic needs in their communities of origin, during transit and in the host communities.
530. The purpose was to obtain an overview of the particularities and elements of the phenomenon in order to assess the current situation of internal displacement in Mexico and thus determine whether the actions implemented by federal and state government authorities have been able to meet the needs of this vulnerable population. It is important to note that many of the displaced persons who were interviewed were afraid to testify

³⁹⁰ Norwegian Refugee Council “*Internal Displacement Monitoring Centre*”, *op. cit.*

and, in some areas, the municipal authorities themselves considered it risky to speak out on the issue.

1. Requests for information

531. Pursuant to Article 67 of the CNDH statute and Article 67, Section II, of its regulations, a total of 123 requests for information were sent to various federal and state authorities. At the federal level, information was requested from: CONAVI, CONAGUA, CDI, SEGOB, CONAPO, INE, INEGI, PGR, PROVÍCTIMA, CEAV, SAGARPA, SEDESOL, SE, SEP, SEDENA, SEMAR, SRE, SS, STyPS, as well as SNDIF.
532. At the local level, requests for information were addressed to all the state government ministries and state DIF systems.
533. Information was requested from the municipal presidents of the 91 municipalities to whom, in accordance with the aforementioned National Crime Prevention Program's *Guidelines for Granting Assistance to States*, resources were provided in 2013 to strengthen crime and violence prevention efforts namely: in Aguascalientes: Aguascalientes; in Baja California: Mexicali and Tijuana; in Baja California Sur: La Paz; in Campeche: Campeche and Carmen; in Chiapas: Tapachula and Tuxtla Gutiérrez; in Chihuahua: Chihuahua, Juárez; in Coahuila: Saltillo and the municipalities of the metropolitan area of La Laguna including Matamoros and Torreón; in Colima: Colima and Manzanillo; in Mexico City: the boroughs of Iztapalapa and Gustavo A. Madero; in Durango: Durango, and the municipalities of the metropolitan area of La Laguna, including Gómez Palacio and Lerdo; in Guanajuato: Celaya and León; in Guerrero: Acapulco de Juárez, Chilpancingo de los Bravo and Zihuatanejo de Azueta; in Hidalgo: Pachuca de Soto and Tulancingo de Bravo; in Jalisco: the municipalities of the metropolitan area of Guadalajara including Zapopan, Tlaquepaque, Tonalá, Tlajomulco de Zúñiga, El Salto, Ixtlahuacán de los Membrillos and Juanacatlán; in the State of Mexico: Ecatepec de Morelos, Nezahualcóyotl and Toluca; in Michoacán: Morelia and Uruapan; in Morelos, the municipalities of the metropolitan area of Cuernavaca, including Jiutepec, Temixco, Emiliano Zapata, Xochitepec, and Cuautla; in Nayarit: Tepic; in Nuevo León the municipalities of the metropolitan area of Monterrey, including Guadalupe, Apodaca, San Nicolás de los Garza, General Escobedo, Santa

Catarina, Juárez, García, San Pedro Garza García, Cadereyta Jiménez, Santiago and Salinas Victoria; in Oaxaca: Oaxaca and San Juan Bautista Tuxtepec; in Puebla: Puebla and Tehuacán; in Querétaro: the municipalities of the metropolitan area of Querétaro, including Corregidora, El Marqués and Huimilpan; in Quintana Roo: Benito Juárez and Othón P. Blanco; in San Luis Potosí: Ciudad Valles and San Luis Potosí; in Sinaloa: Culiacán and Ahome; in Sonora: Cajeme and Hermosillo; in Tabasco: Centro; in Tamaulipas: Nuevo Laredo and Victoria; in Tlaxcala: Tlaxcala and Calpulalpan; in Veracruz: the municipalities of the metropolitan area of Veracruz, including Alvarado, Boca del Río, Jamapa and Medellín, in addition to Xalapa; in Yucatán: Mérida; in Zacatecas: Fresnillo and the municipalities of the metropolitan area of Zacatecas, including Guadalupe and Morelos.

534. Since late 2015, the CNDH has also requested information from the state government ministries and from the municipalities of San Dimas and Tamazula, Durango; Chinipas, Chihuahua; Zirándaro, Teloloapan, Zitlala, Chilapa, Cuetzala del Progreso, and Coyuca, Guerrero; Choix, Sinaloa; Las Margaritas, Oxchuc, San Cristobal and Zinacantán, Chiapas; as well as the municipality of Tuxpan de Bolaños, Jalisco, regarding alleged forced displacements reported by civil society and the general public in these municipalities.³⁹¹

³⁹¹ On August 11, 2015, TV Azteca station's "Azteca Noticias" program reported live that 45 families in San Dimas, Durango, had fled their homes because of violence. On October 12, 2015, national and local media, including the "El Siglo de Durango" newspaper, reported that dozens of people and families had fled the municipality of Tamazula, Durango, to the municipality of Cosalá, Sinaloa, as a result of a military siege carried out in that area by the Ministry of the Navy. According to an October 5, 2015 article in the "La Jornada Guerrero" newspaper, groups of people from the municipality of Zirándaro, Guerrero, had fled with their families due to clashes between armed civilians and aggression by federal authorities. In November of that same year the "Animal Político" website also published a report entitled "Aprender a vivir con el Narco" [Learning to Live with Narcos], which showed that various communities in the municipality of Teloloapan had fled their places of origin or habitual residence because of violence, leading to the displacement of more than 1,000 persons. On its website, the weekly "Proceso" news magazine reported on December 26, 2015, that several families from the communities of La Vinatita and El Ídolo, in the municipality of Coyuca, had left their homes in the wake of violent confrontation between the criminal groups known as "Los Viagras" and "Los Caballeros Templarios". On January 12, 2016, the "Quadratin-Guerrero" website reported that at least 500 people from different communities in the municipalities of Chilapa and Zitlala, had been displaced due to violence in the area. Similarly, an article in the March 10, 2016 edition of the *La Jornada* newspaper noted that criminal groups operating in the municipality of Cuetzala del Progreso, Guerrero, had forced at least 15 families to flee their homes in those weeks due to violence. In northern Mexico, the "Revolución Tres Punto Cero" website published a report on December 8, 2015 entitled "En la Sierra Choix se pueden ver cadáveres de mujeres, niños y jóvenes en el suelo como si fueran el empedrado de las calles" [Sierra Choix streets paved with the bodies of women, children and young people], which reported that various communities in that municipality

535. The request for information asked for the recorded data of the phenomenon and the programs implemented to assist the displaced population in Mexico, based on the following main points in the case of federal and state authorities:

- Assessment of the scale and characteristics of internal displacement in Mexico, as well as the existence of any registry of displaced populations or registration mechanisms for censuses (electoral, educational, social).
- The existence of emergency assistance and relief plans for individuals, families and groups to guarantee and meet their needs, as well as mechanisms to facilitate direct access to existing programs for the displaced population.
- Security operations in areas with high levels of violence that could lead to forced internal displacement.
- Facilities and protocols to provide care for displaced persons, including psychological and medical care, as well as legal counseling.
- Coordination mechanisms that link the displaced population, the three levels of government, international organizations, organized civil society and the private sector to address the phenomenon of internal displacement.

had left because due to violence resulting from clashes between criminal gangs and authorities in the region. In the state of Chiapas, the civil organization Christian Solidarity Worldwide, based in London, United Kingdom, issued a press release on January 8, 2016, stating that religious conflicts with leaders of the Gabriel Leyva Velázquez community in the municipality of Las Margaritas forced 9 Protestant families of Tojolabal origin to flee their place of origin since their homes were set on fire. The families had been burnt out of their homes, the organization said. On February 23, 2016, another press release from Christian Solidarity Worldwide stating that since 2012, 12 families from the community of Yashtininín, San Cristóbal de las Casas had been displaced. A February 3, 2016 article in the *El Universal* daily noted that 47 people who had been displaced in the municipality of Zinacantán, Chiapas, since December 2015 were being constantly harassed and threatened. On February 18, 2016, *La Jornada*, another Mexican daily, reported on the situation of 16 Tojolabal families displaced by land conflicts for a year, as well as the death of a 4-month old girl as a result of their precarious situation. On January 28, 2016, the *El Sol de México* newspaper published an article about the displacement of 150 people from the municipality of Oxchuc, Chiapas, allegedly due to political conflicts. In the western state of Jalisco, according to a January 28, 2016 article in the *Milenio* newspaper, 60 people from the Wixárica community in the municipality of Tuxpan de Bolaños were expelled because of their religious affiliation.

536. The municipal presidencies of the municipalities included in the National Crime Prevention Program were asked to report on their criminological and social assessments and on the existence and profile of persons internally displaced as a result of violence.
537. In the case of the PHRA, there were 66 requests for information between 2013 and 2016 on complaints and case studies of IFD in order to establish whether affected persons considered their situation a violation of their human rights. The corresponding answers can be found in the "Facts" section of this report.

2. Review of Mexican Regulations

538. The provisions of the Mexican legal framework that correspond to the Guiding Principles on Internal Displacement were identified to determine the basic institutional framework for protecting the human rights of IFD victims in our country. International human rights law was analyzed to ascertain progress in the regulation and recognition of the rights of victims of IFD.
539. Federal and state regulations were analyzed to determine how Mexico regulates IFD. This analysis is discussed in the Facts section, point f), entitled "*Results of the Review of Mexican Legislation*" and is shown in Annex 1 of this report.

VII. CONCLUSIONS

“... a newly-arrived family was interviewed... consisting of 5 adult women, 3 men and 4 children, who came from... who did not want to give their names for fear of reprisals and coincided in pointing out that they left their community approximately 3 months ago, people in organized crime arrived at their community... they were frightening the townspeople and that on losing their employment and with the uncertainty that something would happen to them, they left, since they need the military to arrive, since there is no security, that in fact, the community commissioner who was in charge of town security left before them and that he needs to get his things.”³⁹²

Testimony of a displaced family

540. The authorities of the Mexican State are obliged to provide assistance to victims as a matter of priority in order to protect their rights and to generate durable solutions to the problem. Adequate and efficient response mechanisms are essential to guarantee the human rights of displaced persons, given their particular vulnerability.
541. The CNDH believes that IFD, in the context expressed herein, has not been made visible nor have the victims been properly attended in order to protect or guarantee their human rights. Some actions carried out to address IFD were reported, but it must be admitted that they are sporadic, isolated, unplanned, unstructured and uncoordinated. This is compounded by the resistance of the authorities to openly recognize the existence of IFD.
542. It should be noted that even when various representatives from government institutions and PHRAs acknowledge the existence of IFD due to various causes, the Mexican State has not taken a uniform position on this issue, which makes it difficult to address and implement actions for the victims.
543. In this sense, there is no coordinated action among the three levels of government (federal, state and municipal) to address the problem of IFD and the human rights violations against the victims. There is an urgent need for joint action to take place among the three levels of government to prevent the causes of IFD from adding more victims and to ensure that the existing ones are not overlooked.

³⁹² CNDH, *Fact-Finding Report; Testimony from a person from the state of Sinaloa*, August 12, 2013.

544. IFD needs to be a constant in government discourse at both the federal and state levels. Pertinent measures have been taken, such as the working group on internal forced displacement within the framework of the Commission on Government Policy on Human Rights Policy, coordinated by the SEGOB, and the call made by the General Office of Public Policy of the same ministry to several federal public administration agencies and bodies to hold a working meeting on IFD on September 9, 2015, in order to set out the actions to be taken to address the causes and implications of this situation. Subsequently, on March 28, 2016, the CEAV presented to this working group a document containing a series of actions to address groups of IDPs. The *“Comprehensive assistance program for persons who are in a situation of internal displacement due to violence,”* aims to describe the set of comprehensive and differentiate measures to be provided to persons in a situation of IFD due to violence in order to guarantee the rights of persons during their displacement and mainly, to ensure their return to their place of origin. However, IFD is not visible and consequently not on the public agenda. This may be due to various factors, including the complexity of this situation in its true magnitude, victims; fear of reporting the events, or the high level of multicausal mobility in the country.
545. There is no official national assessment on IFD in Mexico. Therefore, it is essential to design one that opens the doors to official recognition of the problem and constitutes a fundamental tool for the creation of effective public policies and programs, addressing the social, economic, legal and political consequences of IFD in the country.
546. The measures that the Mexican State should take to prevent and address IFD should include specific actions to produce durable solutions, as well as the corresponding assessment indicators.
547. Legal and judicial assistance measures for the displaced population should also be considered in order to ensure the investigation of the facts, the restitution of the violated rights and the defense of the affected assets. Similarly, the security conditions against organized crime must also be established, as well as the voluntary return of the displaced population to their area of origin or their relocation to new settlement areas.

548. It is also important to pay special attention to the protection of the rights of displaced persons in conditions of vulnerability, such as children and women, older adults and indigenous peoples, journalists and human rights activists, who have specific needs for protection and counseling. Those who have remained in the abandoned communities of their own free will or because they have no other choice, especially older adults, children and adolescents, should likewise be considered.
549. It is necessary to create a general law on IFD that establishes the legal framework for the distribution and determination of the concurrence of powers and obligations of the authorities of the Mexican State in the matter. Although this law does not exist at the moment, it does not prevent authorities from acting in favor of the protection of the rights of victims of IFD since these rights are protected by Article 1 of the National Constitution and by the duty of the authority to act on the basis of the principle of *pro persona*.
550. It is similarly important for the competent authorities to address the problem of the protection of the property of IDPs, preventing misappropriation, sale, destruction or possession by third parties.

VIII. PROPOSALS

“The absence of a comprehensive approach for the displaced population results in protracted displacement and increases the vulnerability of the population that is susceptible to various types of displacement and even exploitation or recruitment by organized crime.”³⁹³

1. To the Ministry of the Interior:

First. To instruct that immediate actions be defined with the aim of designing, implementing and evaluating a comprehensive public policy to protect and safeguard the rights of victims of IFD.

Second. The public policy to be designed should include a national program on IFD that considers the strategies and lines of actions outlined in the current National Human Rights Program.

Third. To generate coordinating actions among the bodies of the three levels of government, international organizations, civil society organizations and the private sector to address IFD.

Fourth. To implement awareness and training programs on IFD for public servants.

2. To the Ministry of Social Development:

Sole. To liaise with relevant government institutions to implement mechanisms that facilitate direct access of the displaced population to social programs for food, health, education, housing, water, sanitation, employment and the promotion of production.

3. To the Ministry of Labor and Social Security:

First. To implement mechanisms that facilitate the direct access of the displaced population to employment programs, job training and the promotion of production.

³⁹³ UN High Commissioner for Refugees, available at: <http://www.acnur.org/t3/uploads/pics/1833.pdf?view=1>.

Second. To train the displaced population for employment in formal sectors of the economy by expanding technical and vocational training programs for the displaced population to enable them to access jobs in the formal sector of the economy.

4. To the Ministry of Public Education:

First. To implement mechanisms that facilitate the direct access of the displaced population –especially children and adolescents– to compulsory education programs at any time, giving positive responses to those who do not have the documentation required.

Second. To promote projects for access to education for displaced persons, preventing discrimination against them and encouraging literacy among displaced women and children.

5. To the Ministry of Health:

First. To implement mechanisms that facilitate the direct access of the displaced population to health programs and services in the same conditions as those provided to other vulnerable populations, taking the appropriate measures to ensure that children and adolescents, women, persons with disabilities and adults who are victims of IFD have access to the health services they need.

Second. To apply the Guidelines for Health Care in the Event of Disasters to victims of IFD due to natural disasters and to establish the needs for short-, medium- and long-term care.

Third. To give priority attention to victims of IFD, especially to children and adolescents, pregnant women, older adults and persons with functional diversity and those who require care.

6. To the Congress:

First. To revise the LGV in order to eliminate the restrictions on victims of IFD to be recognized as such by State agencies, so that they may have access to the benefits the law provides for their protection and comprehensive reparation for damage.

Second. Prior to a constitutional reform, for the Congress to analyze and discuss the possible drafting of a general law on IFD that would establish the rights of victims of this phenomenon, the duties of the State in this matter, preventive and control actions needed to combat it, as well as the sanctions for those who fail to comply with the law, considering the financial impact.

Third. To propose the corresponding reforms to the content of the General Population Law to recognize IDPs and to grant powers, competences and obligations to the CONAPO to carry out assessments, registries and other actions related to identifying this population.

7. To the National Institute of Statistics and Geography:

First. To incorporate questions regarding the issue of IFD into national population censuses that allow for studies to be conducted on expelling and receiving communities, and the causes and characteristics of the population, among other factors.

Second. To coordinate with SEGOB, CONAPO and the authorities responsible for ensuring public security to conduct studies to identify the causes of displacement, patterns of probable violence, expelling and receiving areas of displaced population, and the problems encountered during displacement.

Third. To design and implement, in coordination with the CONAPO, mechanisms to document and gather information on IFD.

8. To the Executive Committee for Victim Assistance:

First. To develop a support protocol for displaced persons geared towards its officials, as well as a comprehensive care package for victims of IFD.

Second. To implement the necessary measures to guarantee the victims of IFD the enjoyment of their rights under the LGV and to interpret this law at all times in accordance with the principle of *pro persona*.

9. To the National System for Integral Family Development:

Sole. To develop protocols for determining the best interests of children and the principle of family unity in cases of displacement, which should include special attention to child and adolescent victims of internal displacement, through the network of National DIF System shelters, and to give all the assistance, within its scope of competence, that it is responsible for providing to vulnerable groups.

10. To the State Governments Facing the Problem of IFD:

First. To establish emerging programs to support the displaced population and assist federal and municipal authorities in creating the necessary conditions for the safe and peaceful return of IDPs to their communities of origin.

Second. To immediately attend the victims of IFD, assigning human and material resources to cover their priority needs.

Third. To provide protection to persons forced to move so as to prevent them from becoming targets of threats and violence.

Fourth. To explore what appropriate and effective measures should be designed to protect the property of displaced persons, as well as the authorities designated for that purpose. These measures should serve to guarantee the right to property of displaced persons.

Fifth. To provide, as a priority and free of charge, the official identity documents victims of IFD may require that should be provided to them by the state government.

11. To Local Congresses Facing the Problem of IFD:

First. To revise the state Law for Victims and the operations of the institutions created for the assistance and protection of victims, as well as that of institutional representatives, in order to eliminate the restrictions that victims of IFD have to be recognized as such by State agencies and thus have access to the benefits the law provides for their protection and comprehensive compensation of damage, considering the financial impact.

Second. To pass a law on IFD that establishes the rights of victims in this situation, the duties of the state in this matter, and the prevention and control actions needed to combat it, as well as the sanctions for those who fail to comply with the law.

12. To the Municipal Governments Facing the Problem of IFD:

First. To establish emerging programs to support the displaced population and assist federal and state authorities in creating the necessary conditions for the safe and peaceful return of IDPs to their communities of origin.

Second. To immediately attend the victims of IFD, assigning human and material resources to cover their priority needs.

Third. To provide protection to persons forced to move so as to prevent them from becoming targets of threats and violence.

Fourth. To explore what appropriate and effective measures should be designed to protect the property of displaced persons, as well as the authorities designated for that purpose. These measures should serve to guarantee the right to property of displaced persons.

IX. APPENDIXES

1. The Rights of Persons who are Victims of Internal Forced Displacement within the Framework of National Legislation

Human Rights	Guiding Principles	Legal Framework		Comments
		Constitution	Laws	
Right to Non-Discrimination	Principles 1, 4 and 13	Articles 1; 2, Section B; 4	Federal Law to Prevent and Eliminate Discrimination (Articles 2, 4, 9)	National and international laws must apply equally to displaced persons and to those who have not been forced to leave their homes. In this respect, it is necessary to bear in mind the prohibition of discrimination in access to economic, social and cultural rights (ESCR), as established in General Comment 20 of the UN Committee on Economic, Social and Cultural Rights.
			General Law on Equality between Women and Men (Articles 1, 2, 3, 5)	
Right to Housing and Clothing	Principles 7.2 and 18.2.b and c	Articles 1; 2, Section B, Subsection IV; 4, seventh paragraph	General Law on Social Development (Articles 2, 6)	All persons have the right to adequate housing as part of a decent standard of living. This entails the right of every person to a safe and secure home in the community in which he or she lives, in order to live in peace and dignity. This also implies not being deprived of his or her home if there is no legal justification to do so.
			Federal Law to Prevent and Eliminate Discrimination (Article 9, Section XXI)	
			General Law on Social Development (Articles 6; 19, Subsection VII)	
			Housing Act (Articles 1, 2, 3)	
			General Law on Human Settlements (Articles 3; 32, Subsection V; 41, Subsections II, IV, VII and	

			VIII)	
Right to Property	Principles 21 and 29.2	Articles 1; 2, Section A, Subsections V and VI; 4, 14 and 27	Local and Federal Civil Codes Local and Federal Criminal Codes	<p>The right to property shall be understood as the right to enjoy housing, land, other property or possessions without interference or discrimination of any kind. Rights to property and possessions, whether individual or collective, must be respected if they are based on formal property deeds, customary laws, long-term and undisputed possession or occupation.</p> <p>The property and possessions left behind by displaced persons, communities or populations must be protected against looting, destruction, appropriation, occupation, and arbitrary or illegal use. Therefore, when establishing any legislation to regulate the phenomenon of displacement, certain measures should be considered, such as the use of photographic records of the abandoned properties, the deployment of police forces in the affected areas and the guarantee that the owners will have access to effective means of reporting illegal occupation of their property.</p>
Right to Associate	Principle 22.c	Articles 1 and 9	Federal Law to Prevent and Eliminate Discrimination (Article 9, Subsection VIII) Federal Civil Code (Article 2670)	<p>No distinction shall be made among internally displaced persons, whether or not they live in camps, on the basis of their displacement, with regard to the enjoyment of their right to associate freely and to participate equally in community affairs.</p>
Right to Employment and Social Assistance	Principle 22.1.b	Articles 1; 2, Section B, Subsections I, V and VIII, 5; and 123.	General Law on Social Development (Article 6) Federal Labor Law (Articles 3 and 4) Social Assistance Law (Article 4, Subsection III)	<p>Internally displaced persons have the right to seek employment and to participate in the economic activities of the host community. The ability to generate income (for them and their families) is particularly important; otherwise they would become heavily dependent on humanitarian assistance. Moreover, as the International Labour Organization (ILO) has stated, the right to work is not limited to the economic dimension, but also implies an individual aspect of personal</p>

Right to Vote	Principle 22.1.d	Articles 1; 35, Subsection I; and 41	General Law on Electoral Institutions and Procedures (Article 7, Number 1) Federal Law to Prevent and Eliminate Discrimination (Article 9, Subsection IX)	development and social inclusion. It is necessary to guarantee to the displaced population the full exercise of their right to vote and to be voted for. It is also important for the electoral authority to establish procedures that allow displaced persons to vote by mail, especially in the cases of protracted displacement, and to register on the electoral lists in their temporary place of residence.
Right to Liberty and Security of Person	Principles 8, 12 and 15	Articles 1, 13, 14, 16 and 29, second paragraph	Federal Law to Prevent and Eliminate Discrimination (Articles 2 and 3)	The right to liberty and security of person means the prohibition of the internment or confinement of displaced persons. Furthermore, it entails protection against arbitrary arrest, detention and hostage-taking, as well as protection against forced military recruitment.
Right to Due Process	Principles 1.1 and 12.3	Articles 1, 14, 16,17, 19 and 20	Federal Law to Prevent and Eliminate Discrimination (Articles 9, Subsections XI and XII; 11, Subsection IX; 12, Subsection III; and 14, Subsection VII) National Code of Criminal Procedure (Articles 3, Subsection X, Paragraph b; and 41)	In addition to the recognition of legal personality, it is important to protect other rights, such as access to justice and due process (especially in cases where the displacement occurs as a result of violence; i.e., as a victim of violence).
Right to Family Unity, to Respect for Family Life and to the Best Interest of the Child	Principles 7.2, 16 and 17	Articles 1 and 4, first and eighth paragraphs	Federal Law to Prevent and Eliminate Discrimination (Articles 9, Subsection XIX; and 11, Subsections IV and VII) Social Assistance Law (Article 28.d)	The Guiding Principles call on the competent authorities to respect family life, to keep displaced persons together, i.e. not to separate them, and to bring them together as soon as possible. It is also important that the right of every member of a family to know the whereabouts of his or her missing or lost relatives be recognized and adequately guaranteed, and that the legal basis be established to facilitate national and international collaboration with humanitarian actors experienced

<p>Right to the Protection of Physical, Mental or Moral Integrity; Protection of Life</p>	<p>Principles 8, 10, 11 and 15</p>	<p>Articles 1, 22 and 29, second paragraph</p>	<p>Criminal Codes Federal Law to Prevent and Eliminate Discrimination (Article 9, Subsections XIII, XXIII, XXVII and XVIII)</p>	<p>in the search for, tracking and handling of mortal remains, such as the International Committee of the Red Cross or UNICEF.</p> <p>The right to life is the most important right a displaced person shares with every human being. The Guiding Principles place particular emphasis on the fact that no one should be arbitrarily deprived of his or her life, thus stressing the importance of protecting displaced persons from atrocities like genocide, murder, summary or arbitrary executions, and enforced disappearances.</p> <p>On the other hand, the right to personal integrity (physical, mental or moral) entails the prohibitions of acts of torture, cruel, inhuman or degrading treatment as a fundamental right. Even in emergency situations, the responsible authorities may not violate or allow the violation of this right. Displaced persons cannot be subjected to sexual assault, mutilation, gender-specific violence, forced prostitution or other outrages upon their dignity.</p> <p>Thus, the persons affected by the phenomenon of displacement must be protected from human trafficking, child labor, contemporary forms of slavery (such as forced prostitution, sexual exploitation or other such forms to exploitation). Due to their special situation of vulnerability, they are prone to be victims of such acts.</p> <p>It must be emphasized that displaced women and girls in particular must be protected from gender-based violence and the victims of such violence must receive adequate assistance. To this end, it is important to strengthen the training of law enforcement agencies to investigate and respond to this kind of incidents.</p> <p>The right of access to information is a fundamental right that obliges the three levels of State government (federal, state and municipal) to make public the documentation generated, guaranteeing</p>
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Right to Information	Principles 7.3.b and 16	Articles 1 and 6	Discrimination (Articles 9, Subsection XVIII and 10 Subsection V) Federal Law on Transparency and Access to Public Government Information (Articles 6 and 14, Subsection VI)	access to this information and protecting the confidentiality of personal data. In the case of displaced persons it is of vital importance to guarantee the effective exercise of this right, for instance, in cases where information is required concerning relatives who are missing or lost due to displacement or on the reasons and procedures for their displacement, and, where applicable, information on compensation that may be provided to them or on relocation (Principle 7.2.b).
Right to Freedom of Thought, Expression, Opinion and Religion	Principle 22.1.a	Articles 1, 3, 6, 7 and 24	Federal Law to Prevent and Eliminate Discrimination (Articles 9, Subsection XVI) Law on Religious Associations (Articles 1, 2 and 6)	It is necessary to guarantee that persons affected by displacement can express their opinions and file complaints or grievances (for instance, about disaster relief and recovery response). In addition, protection should be provided against adverse reactions to the expression of their opinions and the opportunity to hold peaceful assemblies or form associations. Their rights of freedom to profess the religion of their choice must also be respected.
Right to Safe Return	Principles 28 to 30	Article 1. This right is related to some constitutionally recognized rights, such as the right to free movement, to personal security and integrity, to health, to housing, to education and to employment.	The Law for the Prevention and Response to Internal Displacement in the State of Chiapas is the only ordinance in Mexico that expressly regulates this right.	National authorities are responsible for providing the necessary means to ensure the dignified and safe voluntary return of displaced persons to their place of origin or their voluntary resettlement in another part of the country. Special efforts must be made to ensure that the victims of IFD participate fully in the planning and management of their return or their resettlement and reintegration. The authorities have the obligation to assist IDPs in the recovery of the properties or possessions they abandoned or been dispossessed of. If such recovery is not possible, the authorities shall grant these persons adequate compensation or some other form of just reparation.
			General Social Development Law	The right to education shall be understood as the right to receive an education in all its forms and at all available levels, in a way that is accessible,

Right to Education	Principle 23	Articles 1; 2, Section B, Subsections II, VIII; 3; and 4, eighth paragraph	(Articles 6; 14, Subsection I; 19, Subsection I) General Law on Education (Articles 2, 3, 4, 6 and 7) Federal Law to Prevent and Eliminate Discrimination (Articles 9, Subsection I; 10, Subsection I; and 11, Subsection II)	acceptable, inclusive and non-discriminatory. The interventions and activities at all levels of education must be based on the following guidelines: a) the return of displaced children and youth to school in safe learning environments should take place without discrimination and as soon as possible after the displacement; b) education should respect the cultural identity, language and traditions of the persons affected by displacement; and c) special attention must be given to children with disabilities.
Right to Liberty of Movement and Freedom to Choose One's Place of Residence	Principle 14	Articles 1; 11, first paragraph; and 14	Federal Law to Prevent and Eliminate Discrimination (Article 9, Subsection XXII)	This refers to the right of every person not to be arbitrarily displaced; that is, it establishes freedom of movement. Arbitrary displacement deprives people of their choice of residence. The State is responsible when, without compelling reasons strictly required to protect national security, public order, public health or other similar public interests, it arbitrarily displaces its population. Displacement is prohibited when it is aimed at altering the ethnic, religious or racial composition of certain areas. Cases of natural or human-made disasters cannot be used as a pretext for the arbitrary relocation of ethnic, religious or political minorities. Similarly, displacement caused by large-scale development projects, such as dams, construction plans and mining concessions are deemed arbitrary if they are not justified by an overriding public interest. Even if such an interest is established, those who are displaced by urban development projects must be consulted and compensated.
Right to			Federal Civil Code (Articles	Recognition as a person before the law implies that, at the very least, there should be institutional mechanisms to facilitate the issuance or re-issuance of documentation relating to IDPs through the use

<p>Recognition as a Person before the Law</p>	<p>Principle 20</p>	<p>Articles 1 and 29, second paragraph</p>	<p>2 and 22) Federal Law to Prevent and Eliminate Discrimination (Article 4)</p>	<p>of official records or other alternative forms available to them, ensuring the celerity and expediency of the process. This right also includes the prerogative for women to obtain documentation in their own name. Guaranteeing this right is important so as not to limit effective access to the services that should be available to the displaced population, such as health, education, employment or housing.</p>
<p>Right to Humanitarian Assistance</p>	<p>Principles 24, 25, 27 and 30</p>	<p>Article 1</p>	<p>International instruments signed and ratified by Mexico, such as the Rome Statute of the International Criminal Court, which establishes attacks against personnel involved in humanitarian assistance as a war crime (Article 8, 2.b.iii) Geneva Conventions</p>	<p>The right to receive and provide humanitarian assistance is a fundamental humanitarian principle that must be provided impartially and without discrimination. States have the primary duty and responsibility of providing assistance to the persons affected by internal displacement. In doing so, States are obligated to respect victims' human rights and protect them against possible violations of these rights. This assistance should not be used for purposes other than those of a strictly humanitarian nature, such as for political ends or to divert supplies to persons who do not need them.</p>
<p>Right to Food, Potable Water and Sanitation</p>	<p>Principles 7.2 and 18.2.a</p>	<p>Articles 1; 2, Section B, Subsections III and VIII; 4, third, sixth and eighth paragraphs; and 27.</p>	<p>General Social Development Law (Articles 6 and 19, Subsection IX). General Health Law (Articles 65, Subsection IV and 114) Social Assistance Law (Article 12, Subsection VIII) Federal Law to Prevent and Eliminate Discrimination (Article 9,</p>	<p>Access to water is necessary for survival and, therefore, an essential condition for the existence of practically all the fundamental rights of human beings. That is to say, the right to an adequate and dignified life encompasses the right to access to water, which conditions the existence of other rights. This right is fully guaranteed when every person has safe and non-discriminatory access to safe drinking water. Meanwhile, the right to food means physical and affordable access, without discrimination, to adequate and safe food in sufficient quantities, as</p>

Subsection XXI)

Official Mexican Standard
169-SSA1-1998 (Article 5.1
and 5.1.1)

National Water Law
(Articles 1 and 44)

well as the means for its acquisition. It is important to include food products that meet the specific needs of pregnant women, nursing mothers, babies, children, elderly persons, and people with chronic or long-term illnesses (such as HIV/AIDS).

2. Relevant Testimonies on IFD in Mexico

A testimony is an account of the experience, of what is known. The following pages show the testimonies of the people who experienced IFD. Through these testimonies, it is possible to perceive the circumstances surrounding the displacement, the distress, the hopelessness, the fear, the feeling of being abandoned.

"... The interview was made to two women who had been released by that criminal group. The women expressed their desire not to give their names 'for fear that something might happen to them.' When expressly asked, they said that they and three more women who were still deprived of their freedom, along with a group of 2 children, had been detained for a period of 5 days. In the beginning, a group of individuals came by surprise to their homes, taking the women and children, taking them to a home where they gathered them. That to them, these persons looked like "Rambo" because they had only seen people so armed in movies. That they had: rocket launchers, grenades, pistols, machine guns and other things they could not identify. That they used them [the women] to make them food, and that the leftover food was distributed among the children and them. That on one occasion one of them was mistreated, told that they were going to kill her, that they took her little finger and clamped it with pliers... and went to the nearest town where they saw a patrol car... these policemen only offered to take them to another town, so that finally they were driven to the place where they are now..."

Testimony of two women victims of displacement

"... says that people are wary of reporting for fear of being attacked or exposed to crime, which is why they prefer to remain anonymous... to all the bars in the city, they charge a fee ranging from five thousand to ten thousand pesos a week... that a few weeks ago, the husband of a woman who owns a textile maquiladora in the central region was kidnapped, that she has five sewing machines in her home workshop, that they asked her for sixty thousand pesos in ransom, money she couldn't raise, which is why her husband was killed..."³⁹⁴

Testimony of a victim of displacement

³⁹⁴ CNDH, *Fact-Finding Report; Testimony from a person from the state of Guerrero*, August 26, 2013.

“... that as of February 22, 2010, as a result of the armed clashes between organized crime groups, displacement of the population of that town began... stating that in the early part of that year, there was a population of 7,500 inhabitants. However, in the population census taken in May 2010... there was a population of 4,600 people. The person said that in the subsequent months and until January 2011, there was a population of approximately 1,500 inhabitants...”³⁹⁵

Testimony of a Municipal Government Secretary

“...10 individuals, mostly elderly people... had to leave their homes due to the confrontations and actions carried out by organized crime against the general population, because for no reason at all they would break into homes and take entire families (levantones), to later have bodies turn up lying in public squares or places. Other people were killed in their own homes. That they themselves stayed at a shelter in (---) (---), established by the government of this municipality and owing to the protection of the Mexican Army, they were not attacked at that shelter because they were threatened by organized crime cells with attacks on the integrity of those sheltered...”³⁹⁶

Testimony of three displaced elderly people

“President of the Business Center of (---) (---), regarding the displacement of the business community of this city, to whom the undersigned fully identified himself; indicating that (---) (---) was aware that there were at least 110 families, which represent approximately 450 persons, who had been displaced from the city of (---) due to the crime to which they had been subjected. That the person knows the case of a doctor who is a businessperson and is about to leave town because of the constant death threats he has received; that people in the chicken trade are being charged fees ranging from two thousand to ten thousand pesos a week; that the hardware store owners are also charged every week, and even those who say they have contacts in government. He also says that persons are reluctant to report for fear of being assaulted or made visible to crime, so they prefer to remain anonymous. That there are various cases that he knows of directly, those who have been kidnapped. All the bars in the city are charged a fee that ranges from five thousand to then thousand pesos a week, plus the special events outside normal sales, which can range from ten thousand to twenty thousand pesos more. He claims that others have been shot in their homes and to repel the aggression they have abandoned properties and businesses...”³⁹⁷

Testimony of a businessperson who witnessed the displacements

“... Father (---), a parish priest of the Catholic Church... told us that he was aware of the exodus of persons from (---) due to the armed clashes between organized crime groups, as well as by armed institutions, estimating that the period of greatest violence happened as of February 2010 and that around 200 or 300 remain in that community, mostly older adults, and that a group of no more than 20 parishioners attend religious services or Mass...”³⁹⁸

Testimony of a parish priest of a community of displaced persons

³⁹⁵ CNDH, *Fact-Finding Report; Testimony from a person from the state of Tamaulipas, August 15, 2013.*

³⁹⁶ *Idem.*

³⁹⁷ CNDH, *Fact-Finding Report; Testimony from a person from the state of Guerrero, August 26, 2013.*

³⁹⁸ CNDH, *Fact-Finding Report; Testimony from a person from the state of Tamaulipas, August 15, 2013.*

(---), (---) Ejido,
Municipality of (---), Guerrero
Subject: Request for assistance
(---), August 13, 2013

I, the undersigned, (---), president of the Ejido Commission, of the (---) ejido, municipality of (---) Guerrero, am writing to you, Mr. Governor, most attentively and respectfully, to ask you, on my own behalf and on behalf of the 120 persons who were affected in our community since an armed group forced us to leave, burning some of our homes and taking our belongings. For this reason, we find ourselves temporarily in the municipality of (---) in a place allocated to us by the president of (---), with whom we are very grateful because he, his wife and his staff have treated us very well, as has the Secretary of Public Security and Civil Protection of the state, and the Undersecretary of Legal Affairs and of Human Rights of the Office of the State General Secretary, and as the days go by, more affected families from our community continue to arrive in this city seeking refuge. We therefore request your valuable support, in the following manner:

- *To provide security for us to go to our community of (---) to bring back our few remaining belongings.*
- *To be relocated to a safe place where we carry on with our fieldwork, since we do not want to return to our community, and to be given security since there is the fear that these people will retaliate against us.*
- *To have the necessary arrangements made for the beneficiaries of the Oportunidades, Seguro Popular and Procampo Capitaliza programs to change to the place assigned to them.*
- *To assist us in enrolling in a health center to receive medical services.*
- *To enable us to enroll our children in elementary and middle schools.*
- *We also ask you to support us in productive projects, such as reservoirs for tilapia farming, greenhouses to grow tomatoes, chile peppers and vegetables, etc., since we are working people who know how to earn our living tilling the land.*
- *We request the support of vehicles to service us at the place where we will be relocated.*

With no other matter to discuss, and knowing of your high humanitarian spirit of helping those in need, and awaiting a prompt and favorable response, I take this opportunity to send you my warmest greetings.

*Sincerely,
President of the Ejido Commission of the (---) Ejido
Municipality of (---)³⁹⁹*

³⁹⁹ Letter of request for support dated August 13, 2013, in the state of Guerrero.

X. SOURCES OF INFORMATION

1. International Scope

• Universal System for the Protection of Human Rights

- United Nations High Commissioner for Refugees, *Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees*, 1 January 1992.
 - , *Mexico Declaration Plan of Action to Strengthen the International Protection of Refugees in Latin America*, Mexico City, Mexico, 16 November 2004.
 - , *World at War, Global Trends, Forced Displacement in 2014*, 18 June 2015.
 - , “Durable Solutions, A Normal Life in a Safe Environment” at ACNUR *¿Qué hace?* Available at: <http://www.acnur.org/t3/que-hace/soluciones-duraderas/>
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