



REPORT FOR THE UN SPECIAL RAPPORTEUR ON THE HUMAN RIGHTS OF INTERNALLY DISPLACED PERSONS IN THE STATE OF CHIHUAHUA

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I. INTRODUCTION.

Chihuahua, Chih., September 01, 2022

In the framework of the official visit to Chihuahua by the United Nations Special Rapporteur on the human rights of Forcibly Displaced Persons, civil society organizations and groups that have been created around this issue focused our efforts on collecting information about the situation in our state mainly around three areas: the facts that generate the displacement, the response of the Government and the main concerns about the conditions in which displaced people find themselves.

Additionally, we share some recommendations that we believe can be made to the Mexican State to respond to the current crisis that our country is experiencing in terms of Internal Forced Displacement (IFD), not only because of the alarming number of people estimated to be in these circumstances.¹ (mainly because of the generalized violence in Mexico), but because of the absence of a public policy that adequately addresses this issue.

The people who provided information to prepare this report in some way or at some point reached out to the civil society organizations that participated in the preparation of this work. Unfortunately, the figure obtained does not even closely represent a real sample of the total number of people who, without help of any kind, are in a condition of displacement; we know of entire populations that are totally abandoned without it being possible for us to obtain information about what happened. Therefore, the characteristics and approach of the information presented here for cases of IFD is directly linked to acts of violence and in almost all of the documented cases, people were forced to leave small rural communities.

II. HIGHLIGHTS ON THE CONTEXT OF INTERNAL FORCED DISPLACEMENT IN CHIHUAHUA

Considering that the current Rapporteur Cecilia Jimenez-Damary had the opportunity to learn about the context of the state of Chihuahua in the framework of the unofficial visit she made in September 2018, we will not elaborate on this, and will instead only highlight some elements that we consider relevant for a better understanding of the information presented.

Sierra Tarahumara area

The area of the Sierra Tarahumara in Chihuahua and the adjoining municipalities is propitious for drug production and trafficking into the United States, which is why it is under the control of drug trafficking groups and is the object of an ongoing dispute among cartels; in addition, it has large areas with no state authority presence, which is why it has become one of the places with the highest crime rate in Chihuahua and therefore, is very

¹ It is estimated that in Mexico there are between 262, 411 and 357,000 people in conditions of forced displacement, which is 4% of the total population of the country. See: **MINISTRY OF THE INTERIOR, GOVERNMENT OF MEXICO**. *Internal Forced Displacement in Mexico*. June 2022. Mexico, p. 26. Available at: http://www.derechoshumanos.gob.mx/work/models/Derechos_Humanos/DGPPDH/pdf/DESPLAZAMIENTO_FORZADO_INTERNO_EN_MEXICO.pdf Last referenced: September 1, 2022

likely the region where the largest number of displacement events occurs. A significant number of victims are indigenous rarámuri or ódami, who suffer a differentiated impact in the face of a historical situation of marginalization and discrimination.

In this regard, preventing, investigating, punishing, repairing and eradicating forced displacement in the area is directly related to the security policy for combating drug trafficking; thus, in 2014 a former Undersecretary for Human Rights for the Federal Government told the accompanying organizations of a displaced community that the possibility of returning safely to the place they had been displaced from was not possible, since it would require "ending the drug trafficking problem in Mexico".

The U.S.-Mexico border

Chihuahua and particularly Ciudad Juárez is a place of transit and, possibly, final destination of people across the country who have been forcibly displaced by violence and seek to cross into the United States to obtain political asylum, given the inability of the Mexican State to provide protection and justice. The organizations that collaborated to prepare this report have known cases in which the Mexican authorities themselves, recognizing their inability to guarantee security, have suggested or even escorted families to cross the bridge and take refuge in the United States.²

III. OVERVIEW

These are the contributing organizations: Alianza Sierra Madre A.C. (ASMAC)³, Centro de Derechos Humanos de las Mujeres A.C. (CEDEHM)^{4 5}, Consultoría Técnica Comunitaria A.C. (CONTEC)⁶, Derechos Humanos Integrales en Acción A.C. (DHIA)⁷ and the Parish of the Virgin of Guadalupe in the Diocese of the Sierra Tarahumara, based in the town of Baborigame, in the municipality of Guadalupe y Calvo. The information was validated by the displaced persons who will participate in the Rapporteur's visit, in the framework of a meeting held with the families on August 31, 2022.

There are important differences in the known information of the cases accompanied by some of the aforementioned organizations and that which was only documented without being able to know the facts and their impacts in greater depth, therefore in some cases exact data cannot be provided, only estimates .

The information analyzed came from at least 61 displacement events, which took place between 2012 and August 15 of this year, and one from 1996, with 1703 victims: 648 women, 508 men and 524 girls and boys.

²In March 2013, the Porrás family from Villa Ahumada, Chihuahua was escorted by the Federal Police to cross the bridge. See: **AL DÍA. Family of 20 asks for political asylum fleeing from Mexico.** Available at: <https://aldianews.com/es/politics/politicas/familia-de-20-people-ask> Last referenced: 9/01/2022

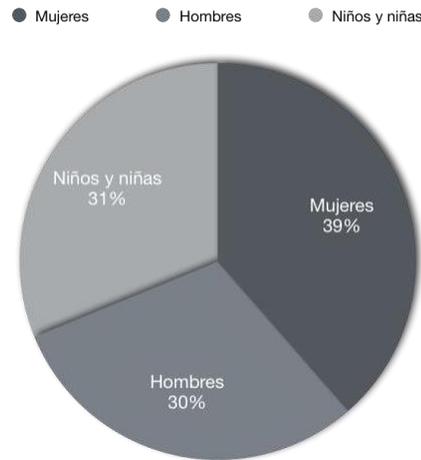
³ <https://alianzasierramadre.org/>

⁴ <https://cedehm.org.mx/es/>

⁵ It is part of the information documented, provided by the group *Nuevo Amanecer*, made up of displaced people from different communities and settled mostly today in the city of Parral, Chihuahua; as well as two groups of families that are not linked to any organizational movements, but whose general information we were able to collect.

⁶ <https://kwira.org/>

⁷ <https://dhia.mx/>



Most of the reported cases of displaced persons took place in the state of Chihuahua; however, we have included cases of persons who were displaced from 11 other states: Chiapas, Durango, Guanajuato, Guerrero, Jalisco, Michoacan, Morelos, Oaxaca, Sinaloa, Veracruz and Zacatecas.

For Chihuahua, displacements from 11 different municipalities were documented: Balleza, Bocoyna, Ciudad Juárez, Guachochi, Guadalupe y Calvo, Guazapares, Madera, Morelos, Moris, Parral and Uruachi, with Guadalupe y Calvo in the heart of the Tarahumara Mountains being the municipality with the highest number of incidents.

Of a total of 1,703 displaced persons, accurate data on the year of displacement is only available in 1,042 cases, which are mainly focused on 2017 and 2019.

IV. IDENTIFYING THE FACTS GIVING RISE TO INTERNAL FORCED DISPLACEMENT

From the events and cases of displacement documented for this report, it can be deduced that the majority are linked to the violence exercised by members or groups of drug trafficking either in the course of activities related to the production and trafficking of drugs, as well as to diversify sources of income, or as a mere territorial control mechanism.

Other causes identified were: gender-based violence⁸ where in some cases the aggressors had ties to criminal organizations; territorial control through violence to take advantage of mining concessions and; two groups that are displaced in search of job opportunities, as there is no farming in their areas; in these cases it was also reported that the crime rate in their communities was a determining factor⁹.

⁸ DHIA documented 29 people from three states who between 2021 and 2022 traveled to Ciudad Juárez, seeking shelter after being victims of gender-based violence by their romantic partners or ex-partners.

⁹ CONTEC has a record of 73 indigenous people from two different communities.

Women in particular expressed the fear and anguish they felt for themselves, their daughters and the other women in their family because they were constantly exposed to sexual violence, even in at least three of the documented cases these attacks were recorded as part of what made them leave the community.

Acts of violence reported by displaced persons, who in most cases were directed at them or at a member of their family are:

- Widespread violence in the community
- Attempted or forced recruitment
- Dispossession of their lands to grow drugs
- Illegal logging for commercial purposes
- Theft of property and livestock
- Extortion
- Physical attacks
- Burning of their homes, property or belongings
- Death threats
- Killing of their animals with extreme viciousness
- Disappearances
- Kidnappings
- Murders
- Sexual violence
- Gender-based violence in all its variants
- Preventing them from leaving or entering the community
- Cutting off their utilities or stealing government aid that was intended for the community

V. LACK OF ADEQUATE, SUFFICIENT AND TIMELY STATE RESPONSE TO AVOID FORCED DISPLACEMENT AND SANCTION THE EVENTS THAT GENERATE IT.

Of all the 61 events analyzed, there were only six where there were no complaints filed with any instance to request their intervention, in two there is no information on the matter and, in the rest of the cases, there is a complaint, although in the murder cases this was not necessarily filed by the victims, but was opened automatically as part of the investigative ministerial proceedings.

Despite the fact that complaints were filed in most of the cases analyzed, it was noted that these do not cover all the violent acts suffered, nor all the victims who suffered serious consequences from them.

Of the total number of documented cases, except for four cases of homicide for which some of the perpetrators have been sentenced ¹⁰, there is no substantial progress in the rest and consequently are unpunished.

¹⁰ Cases with sentences are: In the murder of Julián Carrillo Martínez and his son Víctor Carrillo two people have been convicted; the case is still in the enforcement stage; in the disappearance and murder of Cruz Soto, three people have been convicted, some of whom are police officers,

The acts of violence suffered, coupled with the lack of an effective response from the government authorities against them, are the necessary conditions for forced displacement to occur. To prepare this report, we sought to identify the reasons, obstacles or existing circumstances that kept the State, which is in charge of order, peace and public security, from responding as required, which resulted in people being forced to abandon everything to protect their lives.

In the rural communities farthest from urban areas, there are no state agencies, all law enforcement does is go to the communities to process homicides. To report other crimes, victims usually travel for several hours to file complaints. For indigenous communities, this journey generally has to be done on foot and in some cases involves more than 10 hours of walking.

The lack of action by the authorities in acts of violence, whether due unwillingness or inability, prevents the filing of complaints as people think nothing will come from it, coupled with a great fear of retaliation by the perpetrators directly against them or against a family member who remains in the community.

On the other hand, one of the reasons expressed in a generalized and consistent way is the distrust in the authorities responsible for security or law enforcement, due to their collusion with members of criminal groups, even in some of the documented cases, public officials were directly identified as the generators of the violence that motivated the displacement; particularly at the municipal level, there is strong control by organized crime over the authorities, especially over the security forces who, in the municipalities, are in charge of crime prevention and, in general, are responsible for being the “first responders”.

In other cases, the lack of a complaint or progress in the investigations (and therefore sanction) is due to formal requirements that cannot be fulfilled by the victims, such as a request for them to submit official documents proving ownership of property or livestock, which people who live in small communities do not have, such as the case of cattle which is used for self-consumption and not for sale, and thus is not registered with any government agency, or because they have lost or never received a receipt for their property.

There is also information about several cases where due to a lack of due diligence by the authorities in charge of receiving the complaints, said complaints are not filed or in the best-case scenario are filed but no investigative work is done; for example criminalizing or blaming the victims for the incident, authorities convincing victims to stop seeking justice for security reasons, an allegation of lack of jurisdiction to deal with the matter, the discretionality with which incidents are recorded as well as the conditions under which they occurred or minimizing threats or symbolic or psychological violence.

who have a prison conviction and three others whose arrest is pending; in the murder of Juan Ontiveros, one person has been sentenced, and another perpetrator's arrest is pending.

One of the most complex situations and one that has an effect on the conditions in which some of the displaced persons live, as will be explained later, is that of those who have not been direct victims of a crime but whose displacement occurs because staying in their community is dangerous for anybody due to systematic violence and therefore they decide to leave their home. In this case it would not be appropriate to file a complaint and therefore they have no access to any services or support from the State to deal with displacement.

It should be noted that there are cases or communities where the authorities have been aware of the seriousness and impunity with which organized crime groups are acting, and yet no effective actions have been implemented to prevent or stop it. Such is the case of the community of El Manzano where months before the displacement occurred, help was requested from different security forces from the state, the federation and the army, but there was no response; also that of Coloradas de la Virgen where displacements have been occurring continuously, the last 15 days before preparing this report, and not a single action has been taken to stop the violence under which the indigenous community lives due to defending their territory. In this case, several people have been included in the Mechanism for the Protection of Human Rights Defenders and Journalists and, while being beneficiaries, they have suffered displacement because the only measure that was implemented for them was a satellite phone.

In other words, there is no case that we are aware of, either directly or through the media, where the authority has deployed efforts that show a real intention to stop displacement.

Inadequate, insufficient and delayed response to substantive issues.

Agrarian-environmental authorities are not responsive enough in the legal controversies that exist between aggressors and communities due to the dispute over resources. This is a factor that encourages or allows continued perpetration of dispossession, which, as already stated in the cases documented here, always occurs through violence.

VI. CONDITIONS OF DISPLACED PEOPLE

First of all, it is important to reiterate that the information presented here refers to the situation of people displaced by violence and, due to that, they are facing the psycho-emotional consequences derived from it; coupled with mourning for the loss of their life project, family and/or friends, all of this in a permanent state of fear, uncertainty and precariousness in which they have to live their lives. The radical and multidimensional impact of abruptly changing from a lifestyle in a rural community to another in an urban population must also be taken into account.

There are important differences between those who receive some services, help or support from the State as victims of crime and those who do not have any rights to receive them because, as explained above, they do not have the status of victims because they have not been subjected to a direct incident that is considered a crime or because they decided not to file the complaint. For these people, there is no support from the State.

The general situation faced by the victims of forced displacement makes it practically impossible to redesign a life project, since there is no certainty about the future, while there is no public policy for relocation or resettlement and it is unlikely that the necessary security conditions are met to return to their habitual residence.

Housing, work, health and education.

Only five of the registered cases have support from government agencies for housing. Two cases as victims of crime and two cases from the federal government as beneficiaries of a national or international protection mechanism. People who are not in the situation mentioned above, have to find a place to live on their own either in temporary shelters (mainly those who are in transit), with relatives or acquaintances or paying for it themselves.

For those who have government support, this is temporary while there is a sentence, which means that support for victims ends, or while it continues to be proven that a situation of seriousness and urgency subsists to avoid irreparable damage and then justify that they deserve to be kept in a "shelter".

The lack of dignified housing means that quite often people live in crowded conditions, especially when over time naturally the family grows as new core families are formed, an issue that is not considered by the authorities.

The main obstacle to obtaining living financial aid is that displaced persons are forced to work in activities or tasks that have nothing or little to do with what they did in their community. We're talking mainly about small-scale farming or ranching. Consequently, they work for low pay, with no social security or job stability.

Another work-related issue is the loss of aids provided by social programs, intended specifically for people who live in rural, agricultural or forest communities; as well as the loss of ejido and communal rights which are lost when they are displaced.

We don't have an exact figure, but information was collected from displaced persons suffering from serious chronic illnesses for whom the lack of medical care and follow-up represents a real risk to their health. If a person meets the criteria to receive aid from the Executive Commission for Victim Services, services and medicines are quite limited and it's the same universal health system provided by the Mexican government.

It should be noted that the issues requiring psychiatric care, which are common in cases of displacement, are not included in the health scheme provided to victims.

Security and law enforcement

Displaced persons constantly talk about their strong fear that the perpetrators of violence will find them, so they live in a situation of permanent anguish. There are cases in which threats have been received at the new location of the displaced persons and there is a record of four murders that took place years after the displacement but which were linked to the same events or aggressors that caused the displacement.

In the matter of safety and psycho-emotional integrity, there are no care models with a special focus to face the particular consequences in cases of forced displacement and in any case, the State does not provide this service, except for people who are formally registered as victims and who request it.

In the general context of impunity in the country for more than 98% of reported crimes, it is even more difficult for displaced persons to access justice for the following reasons: not every incident is reported due to the various reasons stated above; their inability to follow up on investigations due to not residing in the same place as the authorities in charge of law enforcement and the absence of mechanisms to obtain information remotely; difficulty in collecting evidence that proves the incident due to fear by people who have information to suffer reprisals if they provide it to the authority; fragmentation of investigations that are conducted for individual crimes committed and not as a whole in a way that accounts for the complexity of the situation that causes the displacement; the inability to dedicate efforts to follow up on the investigation folders due to having to focus on survival and; in the few cases where some of the aggressors are prosecuted and sentenced, there are no comprehensive reparation measures that help them truly resume their life project.

Without sanction and reparation, there are no conditions for safe return.

Specific situations: girls, boys, women and indigenous people

The victim services policy does not have an approach that includes the intersection of multiple discriminations and does not even have the minimum conditions for culturally relevant care for indigenous peoples; there are no victim advisers who are aware of indigenous language or culture.

With the exception of one of the documented cases in which a family from the Sierra Tarahumara was relocated to a community with conditions similar to the place of displacement, in all other cases the general rule is that the education of girls and boys was negatively impacted, either because the family is in constant displacement seeking to find conditions to settle or because of the time of the school year in which the displacement occurs that prevents them from going back after a certain period of time. Additionally, oftentimes displacement ends up affecting children's school performance, not only due to the negative feelings that arise in the face of the family situation, but sometimes they even present symptoms of malnutrition due to the precariousness in their lives.

From this, as in other situations of serious human rights violations and although no specific information was provided in this regard, it can be deduced that children are not fully told what is happening and this results in them having to deal by themselves with the feelings that result from a situation that is obviously serious and uncertain, although they are not taken into account in it.

There is a significant number of children orphaned by violence without any special attention from state authorities.

Women more clearly express feelings of sadness, pain, despair and helplessness, as well as suffering from the loss of an entire life project and everything associated with it. In all the documented cases of murders and disappearances, the victims are men who, due to culture, had undertaken, solely or mainly, the role of providers, so in these cases from one day to the next women are charged with the duty of supporting their daughters, sons and other dependents.

The women express extreme sadness when they see how, after the displacement, the family disintegrates and they no longer live together or nearby because everyone is looking for a place and a way to live.

As a result of displacement, indigenous families suffer a rupture in the reproduction of their sociocultural identity while it is closely linked to the territory as a material foundation for this process. This has as a consequence a strong uprooting of their collectivity conceived in community life within the territory, and also has consequences in the religious-spiritual dimension and even in health, since the latter is linked to religion and rites that are specific to their culture.

Displaced indigenous persons and their insertion in spaces alien to their own culture and identity, entails that they suffer discrimination and marginalization in urban spaces. Of particular concern is the case of children who enter school in a language other than their own and, in general, with no cultural relevance, which results in them falling behind.

VII. JUDICIAL AND EXTRAJUDICIAL STRATEGIES IN THE SEARCH FOR LONG-LASTING SOLUTIONS

Given the lack of an informal and effective response by government authorities, some organizations have implemented legal actions or made use of human rights protection mechanisms to promote comprehensive reparation that includes no-recurrence measures, as well as relocation or safe return.

Regarding judicial actions, there are currently sentences that order the authorities of the different levels of government to generate lasting solutions; thus, in the case of the homicide of Víctor and Julián Carrillo from Coloradas de la Virgen, which displaced a large part of the community, who were recognized as indirect victims, the resolution recognizes the State's obligation to provide comprehensive reparation to the group. On the other hand, three displaced families from El Manzano and Monterde filed writs of amparo alleging the State's failure to attend, respond and repair the facts that caused the displacement, in recent days a sentence was obtained in which the authorities are required to implement service and repair measures.

The cases mentioned above are in the enforcement stage, that is, we do not know if the State will comply with them or not.

In two of the cases described above, prior to the judicial resolutions, complaints were processed before the National Commission and the State Human Rights Commission, both institutions decided to recommend the requested measures of reparation to the authorities. These resolutions have been accepted by the government, but have not been enforced yet, which we hope will happen based on the judicial decisions obtained in the same cases.

VIII. RECOMMENDATIONS

Based on the needs indicated by the displaced persons and the experience of the accompanying organizations, the following actions are proposed as recommendations for the Mexican State:

- Reorienting the approach to the issue of public security and restoration of public peace, with a comprehensive approach to human rights, which allows the rule of law to be restored in communities where crime and impunity prevail.
- Guaranteeing the effective participation and coordination of the federal government with the states in the prosecution of cases involving organized crime.
- Increasing the budget allocated to law enforcement.
- Criminal prosecution plans of the prosecutors that include as a priority the investigation of events that have caused the displacement that guarantee access to justice with due process.
- Implementation of a public policy that involves the three levels of government, to prevent and respond effectively to the problem of internal forced displacement, which includes, as comprehensive reparation measures, the safe return or relocation or resettlement in decent conditions and as similar as possible to those that existed prior to displacement, in order to facilitate the reestablishment of life projects.
- Public registry of displaced persons.
- Permanent program of training and awareness for public servants in matters of assistance to victims and the rights of forcibly displaced persons.
- Strengthening the Executive Commissions for Victim Services, mainly in those municipalities that receive displaced persons in the state, such as: Chihuahua, Cuauhtemoc, Parral and Ciudad Juarez.
- Special public policy for children orphaned by violence.

- Urgent humanitarian care, which includes psychosocial support, without any formal requirement to provide it, in which a differentiated approach and cultural relevance are guaranteed.
- Including psychiatric care within the health care scheme for victims in general and displaced persons in particular.
- Design and implementation of a protocol for an immediate and effective response to a report of violent acts that requires the extraction of people at risk, their protection and accompaniment to present the corresponding reports and register them as victims.
- Reviewing and amending of the mining policy in the country.
- Guaranteeing prompt and expeditious justice to resolve agrarian-environmental conflicts in communities that suffer consequences in the defense of their land, territory and natural resources and guaranteeing previous, free and informed consultation to grant concessions to exploit natural resources.
- There is an urgent need to adopt plans to provide humanitarian aid to displaced families that includes dignified housing or shelter, food, education and health support.
- Involving municipalities in humanitarian aid.
- Special support for obtaining official documents that have been lost due to displacement.
- Special programs to promote the economic empowerment of victims of internal forced displacement, which includes training and support for the undertaking of productive projects.
- Implementation of the recommendations of the Interamerican Commission on Human Rights on migration and internal forced displacement.
- Promoting public policy to favor the rooting of indigenous communities in their territory.

For the specific case of the state of Chihuahua, in addition to all the previous recommendations:

- Following up on action 42 of the Contingency Plan, associated with the Early Warning for the Protection of Human Rights Defenders and Journalists, where work was done with civil society to design a strategy to stop forced displacement in the Sierra Tarahumara.
- Increasing the budget of the Executive Committee for Victim Services.