**TTLP Meeting**

**Date: 1 July 2022**

**Ongoing legal and policy efforts in Mexico and Nigeria**

**I. Claudio Frausto Lara, Director, Policy Assessment for Human Mobility Control (Government of Mexico, Ministry of Interior – Unit for Migration Policy, Register and People Identity[[1]](#footnote-0))**

* The wording used in Mexico to refer to the phenomenon of internal displacement is ‘forced internal displacement’ – as in Spanish, the term displacement (“desplazamiento”) is commonly used for forms of mobility that are not necessarily forced.
* In Mexico, there have been efforts to monitor and document internal displacement since at least the 1970s. However, past governments did not acknowledge (even hid) this phenomenon. It was not until 2019 that the Deputy Secretary of Human Rights, Population and Migration, Alejandro Encinas, recognised it as a public problem – as part of the national human rights agenda. Different sources display different figures (see image). To date, there is no official national registry that allows to know where exactly IDPs are and how many there are.
* The Subsecretary of Human Rights, Population and Migration (Subsecretaría de Derechos Humanos, Población y Migración) tries to complete the numbers with the figures available from the different sources, while trying to build their own data. Regular censuses are also a useful source, but only carried out every 10 years. Numbers of forced internal displacements as a result of conflict and violence outnumber those of disasters (which is also a serious situation).



***The work of the Subsecretary of Human Rights, Population and Migration***

* Nowadays, protecting and assisting IDPs, as well as achieving durable solutions is a priority for the Mexican government (a direct consequence of the official recognition of the phenomenon).
* The Unit for Migration Policy, Register and People Identity (or the Unit) under the MInistry of Interior is pushing for the adoption of a federal law, working hand to hand with the UNHCR colleagues and the whole inter-agency system for IDPs led by UNHCR. A national draft IDP law was approved unanimously by the lower chamber in 2020, but it is still pending for discussion in the Senate.
* In the absence of a federal law, the Unit does not have a specific mandate to address this topic directly. Therefore, the space used to discuss the forced internal displacement is that of the **Consultive Council for Migration Policy** (a participatory organ). This space brings together federal and subnational stakeholders involved in human mobility policies and decision-making. It is also a point to work with strategic actors like the Colombian government.
* This Consultive Council is the space/structure where the Unit can refer to the IDPs agenda specifically. Even if the process of adopting the law got stuck in the federal level, the Unit has continued its advocacy/promotion work in collaboration with subnational governments, by pushing the subnational states and offering them technical assistance to develop laws on the forced internal displacement.
* The Unit has developed a political advocacy plan to advance the push of its agenda both in the federal and subnational level.
	+ ‘[Contextos](http://portales.segob.gob.mx/work/models/PoliticaMigratoria/CEM/Publicaciones/Revistas/Contextos/Contextos01.pdf)’ and ‘[Movilidades](http://www.politicamigratoria.gob.mx/work/models/PoliticaMigratoria/CEM/Publicaciones/Revistas/movilidades/Mdfi/espmovdfi.pdf)’ are two magazines developed in the Migration Policy Unit. These are aimed at raising awareness of the topic (not a technical reading).
	+ ‘[Guía](http://www.politicamigratoria.gob.mx/es/PoliticaMigratoria/Guia_DFI)’ seeks to provide guidance to local governments looking for a comprehensive response to the IDP situation, based on human rights and humanitarian standards. It establishes the minimum standards that a local government should cover when facing a forced internal displacement situation.
	+ ‘[Elementos mínimos para la elaboración de una ley estatal](http://www.politicamigratoria.gob.mx/es/PoliticaMigratoria/ElementosMinimos_DFI)’ includes a set of instructions to build a local law on IDPs following international standards.
* These documents help the Unit do the advocacy work with the subnational governments. These come together with the technical assistance offered by the Unit and regularly with the assistance from UNHCR, IOM, JIPS and others.
* In collaboration with UNHCR, the Unit developed a full analysis of existing legal and public policy frameworks relating to the protection of IDPs in Mexico at the federal level. This research aims to assesses:
1. if the existing domestic legal and policy framework provides for a sufficient basis to ensure the protection of IDPs, and address their specific rights, needs and vulnerabilities; and
2. how existing laws, policies and programmes might need to be adjusted or more effectively implemented to address the IDPs’ protection and assistance needs, and their inclusion into national systems to the extent possible - including in the absence of a federal law.

→ Martina: The methodology of this analysis is based on the Brookings-Bern “Protecting Internally Displaced Persons: A Manual for Law and Policymakers”, as the TTLP reflected in the following documents:

[TEMPLATE Legal Audit on internal displacement – Project Concept Note](https://www.globalprotectioncluster.org/wp-content/uploads/TEMPLATE_Legal-Audit-Project_Concept-Note.docx)

[TEMPLATE Legal Audit on internal displacement – Analysis Methodology](https://www.globalprotectioncluster.org/wp-content/uploads/TEMPLATE_Legal-Audit_Analysis-Methodology_Africa.docx)

* Although no federal IDP law is in place, there are three subnational laws in the states of **Chiapas**, **Guerrero** and **Sinaloa** (3/32 subnational governments). In collaboration with IOM, the Unit carried out an analysis on the implementation of the state laws in Chiapas, Guerrero and Sinaloa. It tries to assess the difference between having a subnational law and not having one, what advantages and/or new challenges come with the adoption of a law, and which steps are missing to fully implement those laws. Interesting information on the different approaches that each subnational government adopted when designing the law; for example, in Chiapas there is a civil protection focus; in Sinaloa the focus is on welfare and social programmes. The Unit is gathering data to explore which focus works best in Mexico. It is usually very hard to adapt the international guidelines to national and subnational contexts.

→ Martina: For those interested in carrying out similar exercises, an interesting resource for methodology can be the report below (Brookings, 2011, From Responsibility to Response), based on the Framework on National Responsibility on Internal Displacement. See Annex 1 for Benchmarks, Indicators and Research questions: <https://www.globalprotectioncluster.org/_assets/files/tools_and_guidance/Internal%20Displacement/from-responsibility-to-response-nov-2011.en.pdf>.

* Together with the GIZ, the Unit developed a diagnosis on the situation of IDPs in the states of Jalisco, Puebla and Querétaro. These three states are not notorious for their internal displacement situation, but the Unit discovered that they are destinations for a lot of IDPs. This study opened opportunities to explore durable solutions and relocations as well to identify socio-demographic characteristics of internal migration.
* Finally, with JIPS and the NGO Mexican Commission for defence and promotion of human rights the Unit developed another set of minimum elements for profiling exercises. The Unit is also currently implementing an IDP Profiling exercise in the north, in Chihuahua, with the technical support of UNHCR and JIPS.

For more information on the Unit’s work, visit the Government of Mexico’s Forced Internal Displacement Microsite, [here](http://www.politicamigratoria.gob.mx/es/PoliticaMigratoria/DFI). This tries to give a full overview of what the government is doing as regards the forced internal displacement. In the ’Bitácora DFI’ you can find all the steps that the government has taken as regards the forced internal displacements.

***How is the Unit working with the subnational governments? The examples of Michoacán, Sinaloa and Guerrero***

* **Michoacán**: the subnational government is trying to push for a specific IDP law. A proposal has already been built and sent to the Unit for Migration Policy for its technical analysis. The next step is to go through the legislative process. The Unit is also working with the government of Baja California given that a lot of persons are displaced there from Michoacán.
* **Sinaloa**: a law was approved and now it is being implemented.
* **Guerrero**: a law already exists, but they have not been able to implement it. The Unit is working to try to identify the key obstacle to fully implement the law and how to enhance it.
* Very recently, the state of **Zacatecas** just approved a law on IDPs which would be the fourth one (it has not been officially published on the Gazette but will be soon).

Another strategy that the Unit for Migration Policy is developing is the **Regional Human Mobility Forums**. These four forums (in the lowland, north, south and centre-south) gather the 32 Mexican states. In these forums the Unit speaks with the local authorities about what they are doing as regards human mobility. These forums provide the space to also learn which are the subnational governments’ needs and obstacles.[[2]](#footnote-1)

***Next steps***

* The Unit has been gathering a lot of information as well as establishing important links with allies, subnational governments and stakeholders, and even working with some communities that are starting dialogues to develop durable solutions. Next steps include:
	+ To take forward the recommendations resulting from the analysis of existing legal and policy frameworks relating to the protection of IDPs carried out with UNHCR, the Unit will gather all the key actors in a workshop to further translate the recommendations into concrete actions that different relevant stakeholders can take forward. The roundtable will also constitute an opportunity to ensure that everyone fully understands the IDP agenda and the topic.
	+ Try to develop projects of humanitarian assistance and protection – looking for those in the subnational governments that are pushing the agenda. Humanitarian assistance should be linked with the whole institutional response. It cannot be isolated (which links to the analysis above - IDPs should be included into national systems to the extent possible).
* Promote laws and public policies at the subnational level. Pushing to include the IDPs programmes in the programmatic instruments (national development plan and human rights program).
* Expanding the capacity building activities of the government. About to have the second workshop on IDPs’ registry, organised together with the IDMC and the Colombian Victims’ Unit. Exploring the Colombian experience and the lessons learned and some good practices.
* Visit of the SR of IDPs in October 2022.

***Contact information:*** E-mail: cfrausto@segob.gob.mx

***Resources***

* Elementos mínimos para la elaboración de una Ley Estatal para Prevenir, Atender y Reparar Integralmente el Desplazamiento Forzado Interno (January 2022), <http://www.politicamigratoria.gob.mx/es/PoliticaMigratoria/ElementosMinimos_DFI>.
* Movilidades, Desplazamiento forzado interno en México y en el mundo (January 2021), <http://www.politicamigratoria.gob.mx/work/models/PoliticaMigratoria/CEM/Publicaciones/Revistas/movilidades/Mdfi/espmovdfi.pdf>.
* Guía para la prevención, asistencia humanitaria, atención integral y soluciones duraderas del Desplazamiento Forzado Interno (October 2021), <http://www.politicamigratoria.gob.mx/es/PoliticaMigratoria/Guia_DFI>.
* Contextos, Migración interna por violencia o inseguridad en México (2020), <http://portales.segob.gob.mx/work/models/PoliticaMigratoria/CEM/Publicaciones/Revistas/Contextos/Contextos01.pdf>.
* Análisis del marco normativo y de política pública en México a nivel federal para la atención integral y protección de las personas en situación de desplazamiento forzado interno, <http://www.politicamigratoria.gob.mx/work/models/PoliticaMigratoria/CPM/DFI/biblioteca/bd/90.pdf>.
* Diagnóstico sobre movilidad humana con énfasis en la implementación de las Leyes Estatales sobre Desplazamiento Forzado Interno en Chiapas, Guerrero y Sinaloa, <http://www.politicamigratoria.gob.mx/work/models/PoliticaMigratoria/CPM/DFI/visorpdf_oim.html>.
* Desplazamiento forzado interno en México, análisis y recomendaciones para su atención en Jalisco, Puebla y Querétaro (2022), <http://www.politicamigratoria.gob.mx/work/models/PoliticaMigratoria/CPM/DFI/visorpdf.html>.
* Elementos mínimos para la realización de ejercicios de caracterización de situaciones de desplazamiento forzado interno (July 2022), <http://www.politicamigratoria.gob.mx/work/models/PoliticaMigratoria/CPM/DFI/biblioteca/bd/89.pdf>.

**II. Mwihaki Kinyanjui, Senior Protection Officer, UNHCR Nigeria**

* Nigeria is faced with a situation of massive internal displacement. As of 1 July, there were up to 3.3 million IDPs in Nigeria. Over 2 million are within the north-east region, in the states of Borno, Adamawa and Yobe (BAY states). As in Mexico, lack of comprehensive, agreed-upon data on internal displacement is a significant challenge. According to the [May Snapshot](https://reliefweb.int/map/nigeria/nigeria-all-population-snapshot-31-may-2022), since 2015 there have been over 1.9 million returnees, but in practice there is limited information on whether these returns have been sustainable.

***Law and policy related initiatives***

* This has been an important focus for Nigeria, which ratified the Kampala Convention in May 2012 and has been working to develop a draft IDP policy since 2011. The initial draft IDP policy, which is very comprehensive and in line with international and regional standards, was reviewed and eventually adopted by the Federal Executive Council (the most senior executive committee on policy matters) in September 2021 to be launched in March 2022.
* Since its adoption, the government put forward two commitments:

a) that Nigeria will develop an action plan for the implementation of the policy (a consultant is already on board to support this); and

b) that Nigeria will move forward with the domestication of the Kampala Convention through law.

* In support of the latter, on 5-7 May 2022 UNHCR co-organised with the Ministry of Humanitarian Affairs a **three days’ workshop** bringing together key government stakeholders and their international and national partners to build consensus around the needed steps of the process (see workshop report attached). Representatives of the Ministry of Humanitarian Affairs (including from the National Commission on Refugees, Migrants and IDPs as well as National Emergency Management Agency), Ministry of Justice, members of the national assembly and members of the BAY states - where the internal displacement is a grave concern - were invited as part of the consultation.
* During the workshop, it was discussed how to move forward the **drafting of a national bill**. The teams were able to sit and review the Kampala Convention, its Model Law, what is contained in the adopted National IDP policy and agree on how a new bill would look. The draft bill is aimed to be submitted to the national assembly for review and improvement in September this year (before elections take place next year).

**III. AOB: Global Protection Forum, Carolina Montenegro**

* The GPC is organising the thematic segment of the Global Protection Forum, from 24 to 28 October.
* The theme of this year is “Access for protection”. The Forum will include an opening ceremony, 10 thematic sessions and one virtual exhibition to showcase the work of the Task Teams. The call for proposals for the thematic sessions is open.
1. Unidad de Política Migratoria, Registro e Identidad de Personas (UPMRIP). [↑](#footnote-ref-0)
2. Human mobility here refers to human migration, both regular and irregular (includes both refugees and IDPs). [↑](#footnote-ref-1)