needs to be a fundamental shift in responses by concerned states and the international community, from punishing or defeating the offenders to giving full weight to the needs of victims, including migrants.

The existing international protection framework provides such a focus on the needs and vulnerabilities of people moving as a result of criminal violence. Through new interpretations of existing legal norms, people who do not clearly fall within the existing legal categories could potentially find protection. A broad interpretation of the Guiding Principles could include as IDPs people who flee without direct coercion but who do not move out of free choice either. Likewise, innovative interpretations of the grounds for asylum in the Refugee Convention could provide relief to people in these situations.

However, even if interpretation of existing frameworks may in principle offer protection, practical implementation remains the biggest challenge. In the absence of a state response for people displaced by violence in Mexico, humanitarian agencies should engage to protect people affected and displaced by violence. But situations of insecurity caused by criminal violence often fall outside the mandates and mission statements of humanitarian agencies; among the international agencies currently in Mexico, no agency has thus far set up programmes to respond to the impacts of criminal violence on local communities. And up to now, the Mexican government has not sought cooperation from international agencies in relation to drug-cartel violence; to do so would be to acknowledge that the country faces a humanitarian crisis or is in the grip of an armed conflict.

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2. www.refworld.org/docid/3ae6b36ec.html
3. www.hrweb.org/legal/cat.html The term torture, as defined in the CAT, contains a public requirement, which means that for an act to be counted as torture it has to be carried out by a public official or with their ‘consent’ or ‘acquiescence’.
4. With particular reference to the situation of Mexican asylum seekers in the US, note that the US is not a State Party to the Convention for the Protection of All Persons from Enforced Disappearances. Convention online at www.ohchr.org/EN/HRBodies/CED/Pages/ConventionCED.aspx

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Mexicans seeking political asylum

Leticia Calderón Chelius

The militarised struggle against drug cartels in Mexico that began in 2008 triggered an unprecedented increase in human rights violations against the population which found itself caught between the criminals and the armed forces and police. This in turn led to a mass exodus, with 230,000 people leaving the border region between 2007 and 2010 and some 20,000 dwellings abandoned. Many of these people had come from other parts of Mexico and returned to their home areas.

An estimated 124,000 people or more of those who decided to move crossed into Texas in the US; in the great majority of cases they had no intention of immigrating into the US before this episode of violence but were forced to flee from fear.

Crossing the border opens up legal issues that people seeking temporary refuge do not imagine. This is important in light of current heated debates in Mexico over internal displacement resulting from violence in the country. Crossing the border seems not to be a strategic choice but a practical one based on geographical proximity. Yet by doing so these people simply disappear from the IDP statistics, seeming to have joined the millions of Mexicans who have emigrated over many decades because of poverty and insecurity. In this way the problem of forced displacement is minimised and neutralised.

In 2009, there were 254 Mexican asylum seekers in the US. In 2010 there were 2,973, and in 2011 6,133 of whom only 104 – 2% of those requesting it – were...
Mexico: from the Guiding Principles to national responsibilities on the rights of IDPs

Fernando Batista Jiménez

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

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

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

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

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

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

granted asylum. In mid-2012 a group formed in the US calling themselves ‘Mexicans in Exile’. Some 160 people decided that, having fled assassinations, extortion, disappearances and fear, rather than remain isolated and maintain a low profile a better strategy would be to publicly and visibly seek political asylum on the grounds that their cases had political bases.

Banding together in response to a situation of this seriousness gives people strength and confidence, and provides emotional, social and – above all – legal and political support. Mexicans in Exile empowers its members and allows them to transcend the personal, demanding international justice for their situation in recognition of the difference between migrating out of fear and seeking political asylum.

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