



Comparative Experiences on Internal Displacement: A Regional Exchange Series

**Regional Exchange on Preventing and Addressing
Internal Displacement in the Americas
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Introduction

During 2019, around 8.2 million people were living in internal displacement in the Americas as a result of armed conflict and generalized violence.¹ There were also over 602,000 new conflict and violence-induced internal displacements throughout the year. The total number of internally displaced persons (IDPs) in the region represents 14 per cent of the global total, 45.7 million people displaced due to conflict and violence.² Displacement in the context of disasters and development projects also remain significant in the region.

National authorities remain principally responsible to prevent the conditions that lead to displacement, and provide protection and assistance to internally displaced populations, including the facilitation of durable solutions.³ To discuss common challenges, share good practices and exchange experiences, key governments in the region and other relevant stakeholders were invited in June 2020 to take part in an exchange organized under the auspices of the GP20 initiative and the Inter-American Commission on Human Rights (IACHR).

This summary details the exchange, which had five main objectives:

1. To provide a platform for authorities and experts from Colombia, El Salvador, Honduras and Mexico as well as the IACHR to share experiences and lessons learned on preventing and/or addressing internal displacement in line with the Guiding Principles on Internal Displacement;
2. To identify challenges and opportunities for improved protection, assistance and solutions for IDPs in Colombia, El Salvador, Honduras and Mexico;
3. To compile and evaluate strategies and tools related to the development and implementation of laws and policies in line with the Guiding Principles on Internal Displacement with focus on the effective inclusion and participation of displacement-affected communities;
4. To take stock of good practices developed at the level of local governments (municipalities, cities, departments, etc.) to address the root causes of displacement, respond and search for solutions for internally displaced communities; and,
5. To provide concrete recommendations to the UN Secretary General's High-Level Panel on Internal Displacement.

The UN Refugee Agency (UNHCR), UN Office for the Coordination of Humanitarian Affairs (OCHA), the IACHR, and the UN Special Rapporteur on the human rights of IDPs provided opening remarks. The meeting was thereafter divided into three sessions: law and policy development on internal displacement; national registries, protection and facilitation of durable solutions for IDPs; and regional coordination and cooperation on internal displacement. El Salvador and Mexico featured in the first session, Honduras and Colombia featured in the second session, and the IACHR and El Salvador presented in the third session. Ms. Paula Gaviria Betancur, Panel Member of the UN Secretary General's High-Level Panel on Internal Displacement, provided concluding remarks.

Background

¹ UN High Commissioner for Refugees (UNHCR), Global Trends: Forced Displacement in 2019, 18 June 2020, available at: <https://www.unhcr.org/statistics/unhcrstats/5ee200e37/unhcr-global-trends-2019.html>

² Internal Displacement Monitoring Centre, 28 April 2020, Global Report on Internal Displacement 2020, available at: <https://www.internal-displacement.org/global-report/grid2020/>

³ UN, 1998, Guiding Principles on Internal Displacement, available at: <https://www.unocha.org/sites/dms/Documents/GuidingPrinciplesDispl.pdf>

The GP20 initiative

The Guiding Principles on Internal Displacement (hereafter Guiding Principles), presented to the UN Commission on Human Rights in 1998, is a foundational document for the protection and assistance of IDPs.⁴ The Guiding Principles explain that IDPs are persons who are forced or obliged to flee or leave their homes or places of habitual residence, including due to conflict, violence, human rights violations and disasters, and do not cross an international border. The Guiding Principles also outline the rights of IDPs and the corresponding obligations of the authorities. As IDPs remain within the borders of their country, the national authorities have the primary responsibility for meeting their protection and assistance needs.

To mark the 20th anniversary of the Guiding Principles on Internal Displacement (GP20) in 2018, the UN Special Rapporteur on the human rights of IDPs spearheaded a three-year global Plan of Action and launched it together with UNHCR and OCHA, who have since co-chaired the GP20 initiative.⁵ The Plan aims to galvanize and reinforce multi-stakeholder engagement towards reducing and resolving internal displacement through prevention, protection and solutions for IDPs. To progress towards this aim, the GP20 initiative has convened discussions dedicated to internal displacement at the global, regional and country level.

GP20 regional State to State exchanges gather technical-level government representatives to share policies and practices that aim to prevent, address and resolve internal displacement in line with the Guiding Principles. In 2019, two GP20 regional exchanges between States were co-convened with the Economic Community of West African States and the Inter-Governmental Authority on Development in East Africa. In the context of the COVID-19 pandemic in 2020, GP20 adapted the format from a two-day in-person event to a two-hour virtual meeting. In addition to the exchange in June 2020 that is the subject of this report, GP20 also convened an online exchange on internal displacement in the Middle East and North Africa in July 2020.

Regional mechanisms on displacement in the Americas

The Brazil Declaration and Plan of Action (2014)⁶, adopted in the framework of the 30th Anniversary of the Cartagena Declaration on Refugees (1984) by 28 States and territories in the Americas, renewed the commitment of countries in the region to prevent displacement, including internal displacement, and to protect and search for durable solutions for all forcibly displaced persons. It also underlines the need to analyze in depth and address the causes that generate displacement in the region with the cooperation and regional solidarity of States, international and civil society organizations.

In addition, the Comprehensive Regional Protection and Solutions Framework, known in the region by its Spanish acronym MIRPS, continues to demonstrate the value of responsibility-sharing in responding to displacement situations in Central America and Mexico, including internal displacement. In 2020, MIRPS encompassed seven countries: Belize, Costa Rica, El Salvador, Guatemala, Honduras, Mexico and Panama. MIRPS countries, supported by UNHCR and the Organization of the American States among others have developed national plans which include activities to prevent and respond to situations of internal displacement. MIRPS also established an expert working group on internal displacement to guide actions on the issue in the region.

⁴ UN, 1998, Guiding Principles on Internal Displacement, available at: <https://www.unocha.org/sites/dms/Documents/GuidingPrinciplesDispl.pdf>

⁵ GP20, 23 May 2018, A Plan of Action for Advancing Prevention, Protection and Solutions for Internally Displaced People 2018-2020, available at: <https://www.globalprotectioncluster.org/assets/files/20180523-gp20-plan-of-action-final.pdf>

⁶ Brazil Declaration and Plan of Action, 3 December 2014, available at: <https://www.refworld.org/docid/5487065b4.html>

The IACHR is a principal organ of the Organization of American States (OAS) charged with promoting the observance and defense of human rights in the Americas⁷. Since the IACHR's early years, one of the focuses of its work has been the protection of the human rights of people on the move, in particular situations involving migrants, asylum seekers, refugees, stateless persons, and IDPs. To respond to the serious predicament facing IDPs in the hemisphere, the IACHR extended the mandate of its Rapporteurship on the Rights of Migrants to include protection of the rights of IDPs among other forcibly displaced groups.

In terms of international standards, the Guiding Principles on Internal Displacement remain the international benchmark for the protection of the human rights of IDPs. In the Americas, several regional and national versions of the Principles have been drafted for implementation by States, assisted by the international community and civil society. However, obstacles include the lack of acknowledgement of internal displacement, limited prevention of arbitrary displacement used by States and non-State groups, and difficulties in the protection of IDPs and the search for durable solutions to their displacement.

Internal displacement in the Americas

Internal displacement is one category of forced displacement among many in the region that exists in parallel with other human mobility situations. Forcibly displaced populations, and migrant population involved in mixed movements alike are threatened by criminal gang violence and poverty, which are being exacerbated by the COVID-19 pandemic. Analyzing and addressing the causes that generate displacement in the region cannot be done in an isolated manner. The fluid and regional nature of the phenomenon requires the cooperation of the States, civil society and international organizations, jointly with active consultation and involvement of displaced persons and host communities.

The scale and nature of the violence in Central America has generated significant humanitarian needs. Despite the efforts of intergovernmental organizations, UN agencies and civil society as well as progressive legal instruments and policy frameworks in the region, IDPs struggle to access services, jobs and housing with secure tenure and live in precarious conditions. Basic services, such as health care and education, are virtually non-existent in areas affected by violence, or inaccessible where gangs control movement across territory. The situation of some IDPs is aggravated by the COVID-19 pandemic, which may reduce the mobility of humanitarian organizations who support IDPs.

Countries in the region have strong institutions and benefit from good relations with the international community and a vibrant, but sometimes threatened, civil society. National Human Rights Institutions (*Defensorias*), human rights defenders and associations of IDPs are active in monitoring and defending the human rights of IDPs and other displaced persons. The Inter-American System on Human Rights also devotes significant efforts and resources to monitor, advocate and protect the rights of displaced populations. The four priorities of the GP20 Plan of Action are particularly relevant in the region: the development of legal and political frameworks to promote good governance; the need for quality data and analysis; ensuring the participation of IDPs in decisions that affect them; and the search for lasting solutions to internal displacement.

⁷ The Charter of the Organization of American States, signed in Bogota on April 30, 1949 and amended by the Protocol of Buenos Aires in 1967, the Protocol of Cartagena de Indias in 1985, the Protocol of Washington in 1992 and the Protocol of Managua in 1993, articles 53 (e) and 106.

Country initiatives to prevent and address internal displacement

Session 1: Law and Policy Development on Internal Displacement

El Salvador: Presentation by Legislative Assembly

Development of the Special Law for the Assistance and Comprehensive Protection of Internally Displaced Persons

The impetus for the development of the Special Law for the Assistance and Comprehensive Protection of Internally Displaced Persons in El Salvador was the July 2018 judgement of the Constitutional Chamber of the Supreme Court of Justice. This judgement ruled in favour of IDPs who claimed that their rights to security, property and freedom of movement had been violated. Among others, the Court ordered the Legislative Assembly to issue special regulations to protect forcibly displaced people, including IDPs, within six months.⁸

Prior to the judgement, El Salvador had a Law for the Protection of Victims and Witnesses.⁹ However, protection measures were activated only for those who had gained victim status through a criminal judicial process. This was a limiting condition for IDPs as most do not bring forward complaints since they fear attacks and prefer to go unnoticed. In its judgment the Court called on the relevant State authorities: (i) to recognize displaced persons and categorize them normatively through review and issuance of legislation; (ii) to design and implement public policies and protocols aimed at preventing forced displacement and violations of fundamental rights, and protecting displaced persons and witnesses (iii) to provide protection measures to those who already have the *de facto* status of displaced persons and, in addition, guarantee them the possibility of returning to their areas of residence.

Following a May 2019 forum convening all stakeholders to promote dialogue on development of the law and its contents,¹⁰ the Committee on Legislation and Constitutional Matters formed a technical team made up of advisers from parliamentary groups and UNHCR. The technical team conducted a comparative study of four draft bills and consolidated a single bill with 69 articles that was presented to the Committee on Legislation and Constitutional Matters, which consulted stakeholders, including IDPs, and condensed the law. The final law with 35 articles was approved with 82 out of 84 votes on 9 January 2020 and entered into force in February 2020.

The law provides a catalogue of rights for IDPs and those at risk of displacement as well as the conditions for exercising these rights from prevention of displacement through to durable solutions. The law also outlines the competencies and powers of relevant government institutions at the national and local level and gives legal backing to local support offices that were already providing legal and psychological assistance to the displaced. The law calls for the establishment of an IDP registry, an important tool and evidence base for IDP assistance and protection as reliable estimates are unavailable. An inter-ministerial Technical Commission will identify and manage funding each Ministry requires to meet its obligations and monitor the effectiveness of policies and protocols.

An important factor for the development of the law was that the Constitutional Chamber of the Supreme Court of Justice went beyond the mere issuance of the judgement. A deadline for

⁸ El Salvador: Sentencia sobre desplazamiento forzado. (Amparo 411-2017) [El Salvador], 13 Julio 2018, available at: <https://www.refworld.org/es/docid/5b4f72e54.html>

⁹ <https://www.asamblea.gob.sv/decretos/details/386>

¹⁰ <https://www.acnur.org/noticias/press/2019/5/5ce5d61c4/el-salvador-acnur-saluda-esfuerzos-de-asamblea-legislativa-para-construir.html>

issuing regulations was unusual and put pressure on the Legislative Assembly and the Executive. The Court established follow-up mechanisms and called not only on the Legislative Assembly but also some institutions of the Executive to follow up on the judgement and provide status updates. It also requested other institutions to report their measures taken to protect the rights of displaced persons.

One of the main obstacles to the development of the law was the reluctance of some stakeholders to publicly acknowledge internal displacement as a national issue and challenge given its political implications. Political will was generated in multiple ways. The Management Group¹¹ for the approval of regulations on forced displacement was important due to their continuous oversight and lobbying, and their media engagement demanding a law be put in place. Civil society, including NGOs such as CRISTOSAL, also played a key role representing the displaced and developing the draft bills. UN agencies such as UNHCR monitored the discussion process inside the legislative assembly, provided technical support and elaborated drafts.

Mexico: Presentation by Undersecretary fo Human Rights, Migration and Population - Ministry of Interior

Development of the General Law to Prevent, Assist and Create Solutions for Internal Forced Displacement

Following a change in administration in December 2018, the government acknowledged internal displacement as a national issue with an estimated 350,000 IDPs located mainly in southeast states, but also in the west and north. The government has been since acting to address internal displacement including through humanitarian assistance and reinforcing state presence in areas where internal displacement has taken place as a result of criminal group activities. One initiative has been the preparation of a General Law to Prevent, Attend to and Comprehensively Repair Forced Internal Displacement in Mexico.

During 2019, a draft bill was elaborated with relevant public institutions, including the Mexican Commission for Aid to Refugees, the National Population Council and the Immigration Policy Unit, as well as the collaboration and support of UNHCR and academic experts. Discussions were also held within the Chamber of Deputies in Mexico with the Commissions for Governance and Population, and Migration Affairs. In March 2020, the draft bill was discussed in an open session of the parliament where several parliamentarians and other relevant stakeholders presented their comments. The bill was adopted in September 2020.

The law refers to the Guiding Principles on Internal Displacement and details the causes of internal displacement; coordination and participation mechanisms between the federal, state and municipal government spheres; the creation of an interinstitutional body to coordinate special measures; the establishment of a Citizen's Council as a participation and consultation mechanism for the displaced and civil society; the categorization of internal displacement as a crime, which is a measure to fight impunity, but also for prevention and non-repetition; and a national fund, a cross-sector budget for the implementation of the law.

The federal, state and municipal levels of government all have responsibilities to protect the displaced. However, the municipal level witnesses the genesis of the causes of displacement, displacement itself and its impacts. The law calls for the creation of an inter-institutional body that will have powers to intervene and collaborate with other powers, particularly the

¹¹ The Management Group was constituted at the initiative of the Minister of Justice and Public Security. It consisted of public institutions, international organizations and civil society organizations with the aim to provide technical support to the Legislative Assembly on minimum standards regarding the IDP regulations. The group also advocated in the Legislative Assembly and the media for the prompt study and approval of the regulations.

Legislature and the Judiciary, and define common actions throughout the country. It will include the Office of the President of the Republic, the Secretariat of Education, the Secretariat of the Environment and Natural Resources, the Secretariat of Finance and Public Credit, the National Institute of Indigenous Peoples, the Executive Commission of Attention to Victims and the Ministry of the Interior.

The federal government is studying local laws and programmes already in place in the states of Guerrero, Chiapas and Sinaloa where resources have been allocated for the construction of decent housing for groups of displaced persons; or in the case of Chihuahua, where, together with civil society organizations and international advisers, the designing of public policies for protection and the implementation of solutions is being geared towards an indigenous community. To identify the optimal level of attention, support and protection to the internally displaced, the government conducted an exercise with a female-headed single-parent household with four children displaced by violence. This family was transferred to a shelter in the city of Querétaro, where they are currently receiving psychological assistance, the children are attending school, and the mother is being trained on pastry making.

Mexico: Presentation by Chiapas Human Rights Commission Forced displacement in Chiapas

Internal displacement in Chiapas is protracted, multi-causal and has mostly affected indigenous peoples. The religious conflicts of the 1970s displaced people in the Altos area, as did the flooding of entire towns for the construction of the La Angostura dam and the Malpas Dam. In 1982, the eruption of the El Chichón volcano displaced people from the town of Francisco León. The armed movement of 1994 with the Zapatista National Liberation Army, and the Acteal inter-community conflict in 1997 in Chenalhó also displaced significant numbers of people. More recently, people have been displaced from El Ejido-Puebla and Aldama-Chenalhó.

The state of Chiapas has taken several normative measures to prevent and address internal displacement. In 2012, it enacted the [Law for the prevention and attention of forced displacement in Chiapas](#). This law is a guide for state and municipal authorities and created the State Council for the Comprehensive Attention to Forced Displacement. This Council enables inter-institutional coordination between agencies responsible for security, education, welfare, health and humanitarian aid as well as the access and inclusion of IDPs in decision-making. A regulation of the Law is currently under discussion.

Chiapas state's Law of Indigenous Rights and Culture and the Crime Investigation Protocol also prohibit displacement. The protocol offers protection and access to justice for IDPs and helps ensure that crimes related to displacement do not go unpunished. Additionally, the reform of the Law of the Public Administration of the State established responsibilities for the Secretariat for the Sustainable Development of Indigenous Peoples to develop a Programme for Attention to Displaced Indigenous Peoples to address the impacts of their displacement.

Over 2019 and 2020, the Chiapas State Commission for Human Rights issued five recommendations on internal displacement. They seek comprehensive reparation of the damage and the establishment of measures that guarantee non-repetition, putting the dignity of the displaced first. The Commission also accompanies IDPs before the authorities, assists children to continue their studies, and includes IDPs in welfare programmes. The Commission also participates in the elaboration of the regulations under the law and in the monitoring of forced recruitment and publishes [Relatoría sobre el Desplazamiento Interno en Chiapas](#) [Rapporteurship on Internal Displacement in Chiapas].

Some of the remaining challenges include raising awareness of the Guiding Principles on Internal Displacement and human rights issues among all ethnic groups in their native languages; the creation of a national registry of IDPs; defining the obligations of municipalities in all phases of displacement, including to promote a culture of legality and combat exclusion; an alert system on potential internal displacement that reaches regional and federal security boards; and the creation of a protocol for government officials to identify and protect internally displaced indigenous peoples. The COVID-19 pandemic aggravates the existing challenges and is deepening marginalization and vulnerability of many of the displaced, leaving them further behind in work to achieve the Sustainable Development Goals by 2030.

Session 2: National Registry, Protection and Durable Solutions

Honduras: Presentation by Property Institute of Honduras Protection of Abandoned Property

The Property Institute of Honduras is a state institution responsible for property registration. Following an exchange of lessons learned between Honduran cadastral and registry professionals with land restitution authorities in Colombia, the Property Institute created a Cadastral Committee gathering several government institutions related to land issues to protect the property of the displaced. All bodies working on property such as the Property Institute, which administers public registries, the Land Registry, the National Agrarian Institute, the Forest Conservation Institute and the Association of Honduran Municipalities were linked to ensure guardianship of property or possession rights of displaced persons whose assets were lost or appropriated.

To identify affected properties, the Cadastral Committee elaborated a form for the displaced to describe the physical characteristics of their properties, worked with UNHCR, civil society and other stakeholders to develop mechanisms to identify abandoned property, and convened roundtable discussions to address complex cases. These cases showed that a formal or legal response in terms of regulations is insufficient; the problem also requires a social approach with community engagement. The Committee also created a module for the formal registration of properties abandoned as a result of violence and internal forced displacement that would eventually reach the unified registry system of the Property Institute. The module will be formally in effect and abandoned properties formally registered upon adoption of the law on internal displacement by the National Congress.

Together with UNHCR, Caritas, the Secretariat for Human Rights and grassroots organizations, the Property Institute launched an exercise to pilot the registration form and module where parish teams, community leaders and officials were trained on forced displacement as well as the abandoned property form and module. The registration cycle begins in the community, is supported by the municipalities from the outset and data on the property, the rights violation and the person affected are recorded in the module to allow for cross-referencing with the public registry and eventual activation of protection or restitution mechanisms, where appropriate. Ultimately, 292 abandoned properties were identified and after cross-referencing the community information with registry databases, 50 properties had all identifying characteristics of abandonment due to violence-induced displacement.

Support from the Secretariat for Human Rights and UNHCR was valuable because the main function of the Property Institute is registration. Before this collaboration, the phenomenon of displacement was indirectly reflected in the work of the Property Institute such as cadastral surveys, title issuing or regularization processes since technical instruments did not have the capacity to determine whether the abandoned property was linked to displacement due to violence or other circumstances.

Process manuals were created for the abandoned property identification process since this requires techniques to connect the facts on the ground with the legal reality, which goes beyond the traditional practice of registry zoning or cadastral surveying and allows for potential subsequent legal claims. Staff have been trained at the cadastral and registry level so that when the law on internal displacement is approved and a property restitution system is in place, the public registry of Honduras has the capacity to identify property abandoned due to displacement.

There are three main challenges. First, a protection system is not in place to activate security guarantees for the affected person dispossessed of their property, the community or the authorities once the person has submitted their property identification request to a local or intermediate body. Second, an integrated approach across multiple sectors at the local and central levels has not been put in place to address internal displacement. It is not only a legal issue, but also a public security issue, a land-use planning issue and a fiscal issue. The State response must therefore be coordinated and comprehensive at all levels. Finally, the legal validity of registration of property abandoned due to displacement caused by violence rests upon the adoption of the law on internal displacement by the National Congress.

Colombia: Presentation by Unit for the Attention and Integral Reparation of Victims Implementation of the legal framework for the assistance of victims and land restitution

The National Registry of Victims is a tool administered by the Victims Unit to implement Colombia's 2011 [Law 1448 on Victims and Land Restitution](#). Consolidating policy frameworks and registries that preceded it, the Registry includes more than 9 million victims of violence and armed conflict, 8 million of whom have been internally displaced. It contains information about the victims' needs and the circumstances of their displacement, including whether they were displaced as individuals or as a group. Victims voluntarily approach the authorities to register which may include the Offices of the Attorney General, the Offices of the Ombudsmen and the Personerías, municipal offices protecting the rights of IDPs and seeking solutions for IDPs before the competent institutions. Victims living abroad may also register at Colombian consulates.

In addition to compiling information on the impact of violence on peoples' rights, the Registry enables victims' access to measures provided in the Victims and Land Restitution law including assistance for basic needs and reparations. Data in the Registry is interoperable with other institutions, facilitating victims' access to social benefits and assistance beyond those in the Victims and Land Restitution law. Nearly 95 per cent of the IDPs registered have been assisted by government institutions and nearly 1.6 million IDPs have overcome their displacement-related vulnerabilities. The Registry is also a data source for public policy elaboration, the construction of historical memory for the country and improves victims' confidence in the state.

Challenges with establishing the Registry included the following: the need to standardize pre-existing variables or regulations, strengthening the three institutions part of the Public Ministry (the Attorney General, the Ombudsmen and the Personerías) in the recording of declarations, the registration of victims abroad, and establishing a differentiated approach for ethnic and indigenous communities. Colombia's system of assistance for IDPs and other victims is linked to the Registry, guaranteeing assistance by local and national institutions until minimum subsistence is reached. Inclusion in the Registry is a pre-requisite for access to reparations measures.

The Victims and Land Restitution law includes measures to support durable solutions for IDPs, including return, local integration and relocation. More than 300,000 internally displaced households have accessed these measures. Reparation measures include remediation,

satisfaction, guarantees of non-repetition, compensation and restitution of land rights. Nearly 6000 land restitution judgements had been passed by June 2020. The reparations programme contained in the Victims and Land Restitution law has also included the direct participation of victims, government bodies and the Constitutional Court, which issued the T-025/04 rule in 2004, declaring the unconstitutional state of affairs for IDPs.

The 2016 Peace Agreement with the FARC, which led to the establishment of the Special Peace Jurisdiction, Unit for the Search for Disappeared Persons and the Truth Commission to investigate and report on forced displacement, also contributes to facilitating durable solutions as well as reducing new displacements in the country. Coordination among those three institutions and the Victims' Unit is a challenge, especially with respect to reparations for victims and implementation of the Development Plans with a Territorial Approach (*PDETs* in Spanish) in 170 municipalities most affected by the armed conflict, a process also resulting from the Peace Agreement with the FARC.

Session 3: Regional Coordination and Cooperation: Comprehensive Regional Framework for Protection and Solutions (MIRPS)

El Salvador: Presentation by Ministry of Foreign Affairs Comprehensive Regional Framework for Protection and Solutions (MIRPS)

Acknowledging that a regional response to forced displacement was needed in the Americas, the [Declaration of San Pedro Sula](#) was adopted by Mexico, Guatemala, Belize and Honduras, Costa Rica and Panama in 2017. This formalized a shared response to protection and solutions for the displaced among countries of origin, transit and solutions. El Salvador joined in 2019. Seven countries are now members of the Comprehensive Regional Protection and Solutions Framework (the Spanish acronym is MIRPS), which is a structure to implement the Global Compact on Refugees regionally. It is served by a Technical Secretariat operated by the Organization of American States and UNHCR. A MIRPS working group on internal displacement formed in 2020.

MIRPS is based on multisectoral and participatory representation of local governments, civil society, public institutions and UN agencies. MIRPS persons of concern are IDPs, asylum-seekers, refugees, and persons in transit and returnees with international protection needs. MIRPS has four strategic pillars: (i) reception and admission; (ii) immediate needs and assistance; (iii) strengthening host country capacities and (iv) durable solutions.

The reception and admission pillar seeks to strengthen the capacity for identifying and documenting people with protection needs. Under immediate needs, humanitarian assistance, legal information and integration services are provided to the displaced, while support to host countries seeks to strengthen the institutional response and coordination with local actors, civil society and the private sector to promote social inclusion and socioeconomic participation of the displaced. Expanding opportunities for durable solutions includes promoting public policies as well as integrating the displaced into existing programmes to facilitate their self-sufficiency.

The larger scope of MIRPS has five objectives. It seeks to strengthen national and international protection systems for the displaced, document and exchange good practices, establish coordination and monitoring mechanisms, strengthen mechanisms for shared responsibility - all through engagement with relevant stakeholders. Member countries develop National Action Plans to fulfil MIRPS commitments in consultation with civil society and other key stakeholders. These generally include the creation of protection mechanisms, and promotion of conditions for the inclusion and independence of the displaced.

There is a need to increasingly strengthen the networks of support and solidarity of States with regional and international organizations, the private sector and civil society to seek regional and multilateral solutions for problems that transcend borders. It is also important to address the causes of violence, displacement and migration. This problem occurs on a country-by-country basis, but is a challenge common to all.

IACHR: Presentation by the Rapporteur on the Rights of Migrants Regional standards on addressing forced displacement

The mandate of the Rapporteurship on the Rights of Migrants covers a range of groups of people on the move, including refugees, asylum seekers, stateless persons, IDPs and victims of trafficking in persons and migrant smuggling. This mandate encompasses all categories since migratory and displacement flows are not necessarily singular, linear or uniform and a person may fall under more than one category. Common to all, however, is respect for the human rights of the individual.

The IACHR follows the American Convention on Human Rights and other applicable treaties, such as the Convention of Belém do Pará, the Inter-American Convention for Protection against Torture, and takes into account the UN Guiding Principles on Internal Displacement. The Commission recognizes internal displacement as a complex and multi-causal phenomenon that can be caused by armed conflicts, development projects and, more recently, health safety.

The IACHR has published several documents related to internal displacement. [Human Mobility Inter-American Standards](#) (2016) and [Internal Forced Displacement in the Northern Triangle of Central America](#) (2018) include definitions, guidelines for the elaboration of public policies that include forcibly displaced persons and a field guide. In June 2020 the Rapporteurship was preparing a report on due process linked to the judicial sphere and administrative procedures that can apply to both internal and cross-border forced displacement. It was also preparing a regional report on key inter-American standards for the comprehensive protection of human rights and human mobility in Central and North Americas, including a specific focus on intersectionality and guidance for public policies.

The IACHR works on three different dimensions of human rights: (i) human rights violations that cause forced displacement; (ii) human rights violations as a consequence of forced displacement and (iii) long-term human rights violations due to the lack of adequate protection responses of host countries and communities. When these three dimensions of human rights violations are combined, they result in a situation of extreme vulnerability which requires a strict due diligence approach.

The indivisibility of human rights is an essential principle for preventing and addressing internal displacement. Whereas internal displacement has usually been linked to violations of civil and political rights, now it also stems from the violation of economic, social and cultural rights – including health rights. Prevention of and protection against violations of the Social, Economic and Environmental Rights (ESKER), as well as civil and political rights, is key to preventing further displacement.

In applying the principle of non-discrimination, the Rapporteurship conducts an intersectional analysis of the internally displaced and their rights. Among key populations undergoing human mobility-related human rights violations are indigenous communities, people of African descent, women, children, LGBTI community, older people and people with disabilities. Gender violence and sexual discrimination have been particularly salient as added layers of

vulnerability in these analyses. In [its Ruling 92/2008 on the protection of forced displaced women in the context of the armed conflict](#), Colombia's Constitutional Court confirmed that women were displaced as a result of sexual violence in the armed conflict. At the inter-American level, sexual violence, discrimination related to sexual orientation, the risk of human trafficking and femicides have also been named causes of displacement.

The IACHR adopted the following action points to improve State responses to forced displacement: (i) constant updating of the inter-American standards on human mobility; (ii) provide concrete guidelines and recommendation to States on how to include forcibly displaced persons in their public policies; (iii) intensify the intersectional analytical approach with a gender and diversity perspective; (iv) recognize the continuity of violence and discrimination produced by structural factors, and (v) constant dialogue with States, UN agencies and Committees.

Conclusions

Political will

- The government's acknowledgement of the existence of internal displacement is an essential first step towards an effective response. However, this can be difficult since it requires recognition of the causes and impacts of internal displacement.
- Political will in the Americas to acknowledge internal displacement and public support to address its adverse impacts has been accumulating. Several factors have been important, including the work of the IACHR and its Rapporteurship, international organizations and civil society, the development of national and local law and policy frameworks, and the establishment of MIRPS and its working group on internal displacement. Courts have also catalyzed the State to act.

Coordination and cooperation

- A 'whole of government' or integrated approach across multiple sectors at the local and central levels is required to address internal displacement, including the definition of responsibilities. This is because internal displacement has myriad impacts including in the legal, public security, social, economic, land-use planning and fiscal spheres.
- Preventing and resolving internal displacement cannot be achieved by any single actor alone. It can only be accomplished through cooperation and coordination between all stakeholders, such as governments, humanitarian, financial, development and peacebuilding institutions, as well as local civil society organizations, the private sector and IDPs themselves.
- Coordination and cooperation are essential not just within countries, but also between countries at the regional and global level. Coordination and partnerships are critical to addressing root causes of displacement and ensuring the internally displaced are not left behind in achieving the 2030 Agenda or in peacebuilding and conflict resolution processes.
- At the regional level, MIRPS demonstrates the importance of shared responsibility and comprehensive regional action. Taking stock of its mandate in the protection and promotion of regional human rights in the region, the IACHR and the Inter-American System more broadly have an essential role in the establishment of standards and policy guidelines for the implementation of such partnerships.

Differentiated impacts of displacement

- Displacement generates particular impacts on IDPs in rural and urban areas, as well as women, boys, girls, indigenous communities, people with disabilities and people with diverse sexual orientations, among others. The enforcement of rule of law and the prevention of human rights violations remains key to mitigating these consequences. The impacts of the COVID-19 pandemic and related measures are highlighting the vulnerability of certain groups of IDPs and causing new displacements.

Legal frameworks on internal displacement

- The development of laws and policies on internal displacement in El Salvador, Mexico and the Mexican state of Chiapas demonstrates acknowledgement of the phenomenon and acceptance of local and national responsibility to uphold the rights of IDPs and protect and assist them.
- Laws increasingly seek to be aligned with the Guiding Principles on Internal Displacement and other standards and they consecrate a catalogue of rights for IDPs, coordination mechanisms for resource budgeting, and follow-up mechanisms with the participation of IDPs and civil society.
- Translation into local languages of national and local laws on internal displacement, as well as the Guiding Principles on Internal Displacement and the Inter-Agency Standing Committee Framework on Durable Solutions for IDPs, could assist IDPs and others in defining actions to address displacement impacts and facilitate durable solutions.

Data on internal displacement

- The implementation of profiling studies on internal displacement has proven decisive in the first stages of the designing of public policies to prevent and address situations of IDPs. Protection information initiatives that provide data and information on the causes and the profile of the affected population play a relevant role in the acknowledgement of displacement situations and the building of political will.
- An IDP Registry is one tool for the protection, provision of assistance and social benefits, public policy elaboration, improving IDPs' confidence in the state and archiving information on national historical events over time. A mechanism is required to differentiate among the needs of IDPs and progress towards achieving durable solutions among IDPs in the Registry.
- In the absence of a law or policy on internal displacement, properties left behind by IDPs can be documented. In Honduras, this was done through a legal approach with community engagement, and it was an opportunity to expand the capacity of state institutions to respond to the impacts of displacement on their work.

Exchange of experiences on internal displacement

- Countries in the Americas have made progress on and developed innovative approaches to addressing internal displacement and have much to share with other countries facing internal displacement in the region and elsewhere, including on the adoption of legislation, establishment of IDP Registries, IDP participation and victims reparations programmes.