NATIONS UNIES **E**

Conseil économique et social

Distr.
GÉNÉRALE

E/CN.4/2004/G/22
16 mars 2004

FRANÇAIS
Original: ESPAGNOL

COMMISSION DES DROITS DE L'HOMME
Soixantième session
Point 15 de l'ordre du jour provisoire

QUESTIONS AUTOCHTONES

Lettre du 11 mars 2004, adressée au Haut-Commissariat aux droits de l'homme par intérim par la Mission permanente du Mexique auprès de l'Office des Nations Unies à Genève

La Mission permanente du Mexique auprès de l'Office des Nations Unies à Genève et des autres organisations internationales ayant leur siège à Genève présente ses compliments au Haut-Commissaire des Nations Unies aux droits de l'homme par intérim, et a l'honneur de lui transmettre les observations du Gouvernement mexicain concernant le rapport présenté par le Rapporteur spécial sur la situation des droits de l'homme et des libertés fondamentales des populations autochtones, M. Rodolfo Stavenhagen, à l'issue de la visite qu'il a effectuée au Mexique du 1er au 18 juin 2003 (E/CN.4/2004/80/Add.2).

La Mission permanente du Mexique saurait gré au Haut-Commissaire par intérim de bien vouloir faire distribuer la réponse* du Gouvernement mexicain en tant que document officiel de la soixantième session de la Commission.

* Reproduite telle quelle, dans la langue originale et en anglais.

GE.04-12072 (F) 020404 020404

Annex

REPLY FROM THE GOVERNMENT OF MEXICO TO THE REPORT BY THE SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS OF INDIGENOUS PEOPLE ON HIS VISIT TO MEXICO

Geneva, Switzerland, March 2004

CONTENTS

Page

I. INTRODUCTION 4

II. ACTION TO BE TAKEN BY THE GOVERNMENT OF MEXICO 7

III. ACTION AIMED AT SOLVING HIGH-PRIORITY CONFLICTS RELATED TO AGRICULTURAL LAND ("HOT SPOTS") 11

IV. THE FEDERAL GOVERNMENT'S POLICY ON INTERNALLY DISPLACED PERSONS, AND ACTION UNDER WAY 12

V. NATIONAL PUBLIC HEARING FOR INDIGENOUS PEOPLE (November 2003 to February 2004) 17

I. Introduction

Mr. Rodolfo Stavenhagen, Special Rapporteur on the human rights and fundamental freedoms of indigenous people, paid a visit to Mexico from 1 to 18 June 2003 in response to an open invitation to representatives of international human rights mechanisms issued by the Government of Mexico in 2001.

The clear expression of the Mexican Government's interest in a visit to the country, which was conveyed to Mr. Stavenhagen, was the first he received following his appointment as Special Rapporteur. This stemmed from the Government's conviction that the process of democratic transition through which Mexico is passing will be boosted by wide-ranging and open discussion of the various problems affecting the country, which sometimes assume historic proportions. The problem of Mexico's indigenous peoples is one of these: it is an issue awaiting resolution in Mexico, and one whose origins lie not only in the period covered by Mexico's existence as a country, but in the colonial background and its consequences for the indigenous peoples.

We agree with the Special Rapporteur's diagnosis that the development of our country, which faces many obstacles that we have yet to overcome, especially where social justice is concerned, constitutes a formidable challenge to be met by the present and coming generations.

Mr. Stavenhagen has submitted a document which sets out the ancestral disadvantage of our indigenous people in all areas, the lack of attention given to their problems and the failure to realize their collective rights. This is an evaluation which covers not only two years under the present administration, but historical neglect in a series of areas which has left a legacy of poverty, marginalization and discrimination against these Mexicans who now demand to be full members of the nation. It is not easy to reverse this long-term trend, but the Government of Mexico is committed to doing so.

In the historical context of these problems, the Rapporteur summarizes the policy followed towards indigenous people during the twentieth century, which focused on bilingual education, agrarian reform and the construction of transport links which, despite the integrationist approach they embody, he recognizes as positive for the indigenous people. He also approves the positive - though inadequate - aspects of the recent constitutional reform, which highlights the "multicultural nature of the Mexican nation", the definition of members of communities and the reference to the right of indigenous peoples to self-determination in a constitutional framework of autonomy which will guarantee national unity - a function which our current constitution assigns to the congresses of each Mexican State.

The Rapporteur also highlights the transformation of the National Institute for Indigenous Affairs (INI) in 2003 into the Commission for the Development of the Indigenous Peoples (CDI), with an updated mandate focusing all its activities on the "integrated and sustainable development of indigenous peoples and communities; and the obligation to be "a consultative body and [assist] in the exercise of the self-determination and autonomy of the indigenous peoples and communities". He also emphasizes the adoption of the General Act on the Linguistic Rights of Indigenous Peoples, which set up the National Institute of Indigenous Languages (2003), whose purpose is to recover and strengthen this facet of Mexico's indigenous cultures. He also notes the fact that Mexico has signed the main international human rights

instruments and ratified ILO Convention No. 169 on indigenous and tribal peoples. All these actions demonstrate the resolve of the Government of Mexico to continue to provide decisive support for all efforts to improve the situation of Mexico's indigenous peoples.

The Government of Mexico acknowledges that much remains to be done to reduce the major disadvantages suffered by the indigenous peoples, as reflected in the fact that the lowest human development indices in the country are recorded among the indigenous population, showing that still greater efforts to overcome them are needed on the part of all those who make up the Mexican nation.

The country is undergoing a complex process of transition involving, more than ever, many social and political stakeholders. The change in pace has been hard to assimilate for many sectors which are still operating under the vestiges of an authoritarian cultural policy which refuses to disappear. This is aggravated by the economic crisis affecting the peasant economy. As a result of adverse economic factors, the resources required to develop more wide-ranging public policies have not been available. In some areas, the physical means for appropriate action are lacking; in others, the complexity of the problems stands in the way of easy and speedy solutions, which complicates the problems.

It was against this background that the Rapporteur identified the two main sources of violations of the human rights of Mexico's indigenous peoples: conflicts over agricultural land ("hot spots"), exacerbated by lack of clarity in relation to agricultural land rights, which lie at the heart of most conflicts in indigenous areas, and political disputes and tensions, stemming from disputes over political power, involving the management of public resources at the local (municipal) level. Efforts are being made to address the issue of "hot spots", and considerable progress has been made, as reported in the second part of this document.

As Mr. Stavenhagen points out, this entire situation is made more complicated because the vulnerability of the indigenous peoples is most evident in the system of justice. This is where violations of the human rights of the indigenous people occur. As regards indigenous people who have been unfairly imprisoned, despite the efforts made by the Commission for the Development of the Indigenous Peoples, the National Human Rights Commission and the Ministry of the Interior to introduce prisoner release programmes, with the aim of cutting down violations of their human rights, public bodies lack the resources needed to oversee the strict enforcement of the law. To use the words of the Rapporteur, it is recognized that much remains to be done, "despite the progressive improvement of the situation of indigenous people in the justice system". Here too, practical steps have been taken, marking the beginning of a process which we hope will bear fruit.

The deadlock in the peace process in Chiapas is another unresolved issue which will demand greater efforts from the parties involved. The consequences of this situation are being addressed, especially in relation to internally displaced persons, whose situation is described in the fourth part of this paper. Peace in Chiapas is an unachieved goal which has not been abandoned, and greater efforts will be made to secure it.

Other aspects referred to are: the meagre resources earmarked for indigenous regions, owing to an economic environment which restricts allocations in all areas; the low priority assigned to indigenous issues by the political parties, taken together with the conflicts arising

from the current political transition; and the concern felt over development plans which are still at the drafting stage, and under which consultation exercises are being prepared. All these are issues which form the object of public endeavours.

Many of the aspects highlighted by the Rapporteur relate to situations whose solution depends on the many parties involved, at the national, State and local levels, since nowadays solutions to problems are not settled solely as a result of the decisions and efforts of the federal Government. The federal Government will urge all the parties involved to do their utmost to take the Rapporteur's recommendations into account, so as to help to offer the members of the country's indigenous peoples and communities the chance of fair and dignified development.

The Government of Mexico has studied the Special Rapporteur's recommendations, and is preparing the steps it is to take for their implementation. These steps are described in part II of this reply.

In relation to the Special Rapporteur's recommendation on the Plan Puebla Panamá, and in particular his reference to the importance of consulting the indigenous peoples themselves in connection with any development projects to be implemented under the Plan, part V contains details of the "*national public hearing on development forms and aspirations for the indigenous peoples*". It is intended that the public hearing should become a permanent mechanism which will enable the indigenous peoples and communities to give shape to the form of development to which they aspire.

Part IV sets out the federal Government's policy towards internally displaced people - an issue of special importance for the Special Rapporteur and for the federal Government.

In response to the Rapporteur's request to United Nations agencies to pay increased attention to the human rights of the indigenous peoples, the Government of Mexico has contacted the Mexico offices of such agencies, including the Office of the United Nations High Commissioner for Human Rights, to seek their support in the implementation of the Government's current policy for securing better conditions for meeting the needs of the indigenous peoples and communities and supporting and promoting their human rights.

II. ACTION TO BE TAKEN BY THE GOVERNMENT OF MEXICO

Action to be taken to follow up the recommendations in the Special Rapporteur's report is described below. The numbers refer to the paragraphs of the Special Rapporteur's report.

CONSTITUTIONAL LEGISLATION
64. In a context of respect for the sovereignty of the legislature, the Government of Mexico will encourage the federal Congress to begin discussions on a new constitutional reform to incorporate the principles subscribed to in the Agreements of San Andrés Larráinzar.
65. The Government of Mexico will, within its sphere of competence, step up and promote protection of the land of the indigenous groups. It will also encourage the legislature to adopt the necessary regulations in pursuance of article 27, section VII, paragraph 2 of the Constitution.
66. In a context of respect for the sovereignty of the constituent elements of the federation, the Government of the Republic will, after consulting the indigenous peoples, encourage the State Governments to amend their constitutions in order to grant recognition to the fundamental human rights of the indigenous peoples.
THE PEACE PROCESS
67 and 69. The Government of Mexico will pursue its efforts to find a definitive solution to the situation in Chiapas.
68. The right of indigenous peoples to self-determination will be exercised in a constitutional framework of autonomy which will guarantee national unity. Indigenous peoples and communities will be granted recognition in the constitutions and laws of the federal States.
In accordance with the above, the federal Constitution recognizes and guarantees the right of the indigenous peoples and communities to decide on their own internal forms of social, economic, political and cultural life and organization (art. 2, part A, sect. I).
ILO CONVENTION No. 169
70. In the context of the division of powers, the Government of Mexico will encourage the federal legislature and judiciary to ensure that the rights laid down in Convention No. 169 are reflected in national legislation and respected in its enforcement.
71. The Government of Mexico will continue to call on civil society, federal and State officials and representatives of the indigenous peoples to promote and extend awareness of the content and scope of ILO Convention No. 169.
72. The Government of Mexico will continue to encourage the federal Congress and the State congresses to bring federal and State legislation into line with the provisions of ILO Convention No. 169, when appropriate, in keeping with article 133 of the federal Constitution.

CONFLICTS OVER AGRICULTURAL LAND AND ENVIRONMENTAL CONFLICTS
73. The Government of Mexico will urge the federal judiciary and competent bodies to take into account the customs of each indigenous agricultural unit in matters and cases involving the land of indigenous groups, as long as this does not conflict with the provisions of the federal Constitution and relevant laws.
74. The Government of Mexico has set up interdisciplinary working groups to review cases of conflict over agricultural land throughout the country, and has consulted the representatives of indigenous peoples, non-governmental organizations and civil society for the purpose of seeking and putting into effect solutions for each of these conflicts.
75. Resettlement in the Montes Azules biosphere reserve must be agreed among all the parties involved, especially the indigenous communities who have settled there.
76. The Government of Mexico will encourage communities to monitor, preserve and regenerate natural resources located in protected natural areas, taking into account environmental regulations and proposals from the communities, in the context of relevant legislation.
77. The Government of Mexico will carry out consultations when new ecological reserves are proposed in territories with an indigenous population, within the relevant legal framework.
78. The aim of the Government of Mexico is the development of southern and south-eastern Mexico through a new pattern of regional development providing for new policies for human development with special emphasis on the indigenous peoples of the region, establishing machinery for the provision of information, consultation and participation which will guarantee respect for the rights, interests and needs of these peoples.
79. Subject to respect for the forms and arrangements for land ownership and occupation set out in the Constitution and the relevant laws, as well as the rights acquired by third parties and members of the community, the Government of Mexico permits the use of and preferential benefit from the natural resources of the places lived in and occupied by the communities, except for those which fall in strategic areas as defined by the Constitution. For these purposes the communities may form associations in keeping with the law.
INTERNALLY DISPLACED PERSONS
81. The Government of Mexico will review the circumstances of internally displaced persons in the country in order to seek ways and means of providing the necessary care and help so that they can return to their communities. It will also study the establishment of a body to deal with internally displaced persons.

JUSTICE
82. The Government of Mexico will foster a review of the system of justice, with participation by the institutions concerned and members of the indigenous peoples, so that the right to a different culture can be taken into account.
83. The Government of Mexico will encourage the relevant administrative and judicial authorities to review the system of justice as it relates to agricultural land so that the collective rights of the indigenous peoples and communities are taken into account, in a context of respect for their own regulatory systems. 84. The federal executive authorities, through their departments dealing with agricultural and land issues, will maintain closer contact with indigenous agrarian units and will reprofile their staff to ensure better treatment of indigenous peoples.
85. The Government of Mexico will work to ensure that the staff of the courts, the public prosecutors' offices, the public defenders' offices and auxiliary bodies in the system of justice who deal with the indigenous peoples are familiar with their language and culture (article 2, part A, section VIII of the Constitution).
86. The federal executive authorities will encourage the creation and strengthening of an inter-agency group made up of representatives of the Attorney-General's office, the Federal Institute of Public Defenders, the National Commission for the Development of the Indigenous Peoples, the Ministry of the Interior and the National Human Rights Commission, to review cases involving indigenous persons being prosecuted for federal offences and seek judicial means of securing their release.
87. The CDI will step up its work with institutions in the system of justice in all matters relating to the judicial authorities themselves and in providing advice to State and municipal bodies, as well as with civil-society organizations.
88. In a context of respect for the autonomy of human rights protection organizations, the Government of Mexico will encourage the establishment of specific forums for dealing with indigenous affairs.
89. The Government of Mexico will see to it that all practices of physical and psychological torture in the police and armed forces are eradicated, and will urge the governments of the States to adopt measures to prevent and punish such practices, particularly in the criminal codes. In cases of alleged torture and/or ill-treatment, it will encourage the use of the specialized psychological reports prepared by the federal Attorney-General's office in accordance with the Istanbul Protocol.
90. The Government of Mexico will encourage the establishment of an inter-agency group to review and analyse the desirability of legislative reforms and change the practice of institutions in this area.

91. In a context of respect for the division of powers and the autonomy of human rights protection organizations, the Government of Mexico will urge the federal and State judicial authorities as well as the organizations themselves to ensure that legislation and the dispensing of justice are consistent with the provisions of the second sentence of article 17 of the Constitution ("Every person has the right to justice administered expeditiously through the courts within the time limits and under the terms established by law; the courts shall hand down their decisions in timely, complete and impartial fashion.").
92. The Government of Mexico will, within its sphere of competence, ensure that any offence against the security and sexual freedom of an indigenous woman is investigated in accordance with the Constitution, the Criminal Code and the Code of Criminal Procedure.
93. The Government of Mexico "recognizes and guarantees the right of the indigenous peoples and communities to self-determination, and hence to autonomy, for the following purposes: to apply their own systems of rules to the regulation and settlement of internal conflicts, subject to the general principles set out in the Constitution, in a context of respect for individual guarantees, human rights and, most importantly, the dignity and integrity of women. The circumstances in which the judges and courts concerned will be granted official recognition, and the corresponding procedures, will be established by law". (article 2, part A, section II of the Constitution).
94. The Government of Mexico will promote the establishment of an inter-agency working group to review and analyse the compatibility of indigenous regulatory systems with the human rights recognized in Mexican and international legislation, with a view to taking appropriate measures.
95. The Government of Mexico will urge the federal and State legislatures to enact amnesty laws, subject to review and analysis, where appropriate, of cases brought for political or social reasons, in cooperation with the competent bodies.
96. The Government of Mexico acknowledges and respects the community machinery and will encourage the State governments to acknowledge and respect local forms of self-government and means of settling disputes that are specific to the indigenous peoples.
97. The Government of Mexico will encourage the federal legislature to consider including the offence of murder of human rights defenders in the Federal Criminal Code, subject to a study by the competent bodies.
MILITARIZATION AND ARMED GROUPS
98. The Government of Mexico will encourage the enforcement of the Federal Firearms and Explosives Act, in the context of the guarantees set out in the Constitution.
99. The Government of Mexico undertakes to review and analyse the demands from the indigenous communities for the withdrawal of armed forces, and to adopt appropriate measures in keeping with the Constitution.

INDIGENOUS MIGRANTS
100. The Government of Mexico will strengthen the programme for migrant day labourers, and will prepare programmes for indigenous migrants in urban areas, with special emphasis on women and children.
101. The Government of Mexico is monitoring the situation of indigenous migrants who live in the neighbouring country, and responds to the demands and recommendations emanating from that sector through the Institute of Mexicans Abroad, in cooperation with units of the federal executive.
EDUCATION AND CULTURE
102. By order of the President of Mexico, the Ministry of Education has set up a General Coordinating Office for Bilingual Intercultural Education, which is to be strengthened with the aim of ensuring that the educational process encompasses all Mexicans, especially indigenous children of school age, and budgetary measures will be adopted to improve these services.
103. The Government of Mexico will make it possible for indigenous peoples and communities to extend the communication network to facilitate their integration, through the construction and expansion of communication and telecommunication links, and enable indigenous peoples and communities to acquire, operate and administer communication media, in accordance with the law (article 2, part B, section VI of the Constitution).
UNITED NATIONS SYSTEM
The Government of Mexico undertakes to pay special attention to any agreements which are adopted to boost activities related to the rights of indigenous peoples.

III. Priority conflicts related to agricultural land ("hot spots")

Action has been taken with respect to 14 "hot spots" classified on the Agrarian Agenda as having national impact, and another 56 high-risk cases in the priority category are being dealt with, mainly in Oaxaca, Puebla, Sonora, Guerrero and Hidalgo. The vast majority of these conflicts involve areas with predominantly indigenous populations and customs relating to land tenure.

The weakened state of the institutional machinery set up to handle conflicts relating to agricultural land necessitated a special strategy for resolving them. CDI, in cooperation with the federal authorities dealing with agricultural and land issues, has launched machinery which fosters wide-ranging coordination with State and municipal governments, as well as cooperation with peasant organizations and groups in conflict, focusing on conciliation as the best approach to conflict resolution, and on cash or other economic contributions as elements of the negotiating process.

Of the 14 "hot spots" recorded last year, the federal Government has resolved the situation in 6: Bernalejo de la Sierra, in Zacatecas and Durango; San Juan Lalana and Santa Clara y

Anexos, in Veracruz and Oaxaca; Pujal Coy Segunda Fase, in San Luis Potosí; El Milagro, in Oaxaca; *Santo Domingo Teojomulco v. Santiago Xochiltepec*, a conflict known as "Aguas frías", in Oaxaca; and *Santa María Chimalapa v. the Cuauhtémoc settlement*, also in Oaxaca. Negotiations on the remaining priority cases are at an advanced stage, and we hope to be able to report a settlement in the near future.

Pending issues

- CHIAPAS. *Selva Lacandona v. residents on communal lands (ejidos) and individuals*.
- SONORA. Dispute between the Yaqui tribe, a population group on communal land and individuals.
- MICHOACÁN. Purépecha region. A total of 49 land conflicts have been identified in Meseta Purépecha and Cañada de los 11 Pueblos.
- JALISCO-NAYARIT. *Puente de Camotlán v. San Sebastián Teponahuaxtlán*.
- JALISCO-ZACATECAS. *San José del Refugio v. San Andrés Cohamiata*.
- OAXACA. *San Sebastián Nopalera v. San Pedro Yosotato*.
- OACACA. *Santa Lucía Monteverde. v. San Sebastián Nopalera*.
- OAXACA. *San Juan Lachao v. Santa María Temaxcaltepec*.
- OAXACA. *San Francisco del Mar v. San Francisco Ixhuatán*.

IV. The Government of Mexico's policy on internally displaced persons, and action under way

Introduction

The Government of Mexico is convinced that a fundamental component of the strengthening of democracy must be recognition and unlimited respect for human rights, which makes a major contribution to the all-round development of all the institutions of society and to the genuine welfare of every individual.

Mexico has an obligation to protect the enjoyment of the fundamental freedoms and rights of all persons, without any discrimination on grounds of sex, age, social status, state of health, religion or ethnic or national origin.

The search for permanent solutions to resolve the situation experienced by internally displaced persons in our country forms part of the present Government's aim of upholding and promoting human rights. To achieve this aim, it has launched a process of linkage between State bodies and civic organizations in the States experiencing the largest number of internal movements (Chiapas, Guerrero, Oaxaca, Tabasco and Sinaloa). Chiapas stands at the head of this category, but the Government is aware that resources must be allocated to displaced persons

in other States. It should be emphasized that, although this problem has been addressed in the past through joint action by the federal Government and the local governments involved, this coordination needs to be strengthened.

It is estimated that 40 per cent of the displaced population in Chiapas is located in the area under the influence of the Zapatista National Liberation Army (EZLN), and this presents the federal Government with the challenge of organizing special measures to gain access to them.

At the invitation of the federal Government, the Special Representative of the United Nations Secretary-General on internally displaced persons, Dr. Francis Deng, visited Mexico from 18 to 28 August 2002. After his visit he submitted various recommendations to the Government of Mexico, which serve as the basis for governmental policy on the issue of internally displaced persons in the country.

Following Dr. Deng's report, the federal Government has made an effort to locate population groups which have been forcibly uprooted and contact them as well as interested organizations and offices for the purposes of further study of the problem.

By adopting the United Nations *Guiding Principles on Internal Displacement*, the Government took on a commitment to guarantee protection of persons who, while not leaving the country, are forced to abandon their homes because of violent conflicts and serious violations of human rights.

Despite the political will that has been displayed, many urgent tasks remain to be tackled, as indicated below.

Conceptual framework

Mexico currently lacks a specific legal definition in this area. However, the Constitution, federal legislation and the international instruments that our country has signed, as well as the *Guiding Principles on Internal Displacement*, encompass various fundamental rights which are closely related to internal displacement.

In order to overcome this shortcoming, the Unit for the Promotion and Defence of Human Rights in the Ministry of the Interior is working on a definition of internally displaced persons so as to ensure uniformity among concepts used within the federal administration. In this regard, internally displaced persons will be considered to be:

> *"all individuals or groups of persons who have been obliged, or pressured, to abandon or to leave their places of residence as a result of armed or religious conflicts, generalized violence, violations of their fundamental human rights, the construction of infrastructure projects or natural disasters."*[1]

The main causes of forcible displacement in Mexico are:

- Armed conflicts
- Religious conflicts
- Infrastructure projects
- Natural disasters.

The definition was drafted by Dr. Deng, but has been adapted to Mexican circumstances.

In order to distinguish between internally displaced persons and refugees:[2] refugee status is not caused by natural disasters or forcible displacement for purposes of infrastructure projects. Refugees must cross an international border. An internally displaced person does not leave his or her country of origin, but continues to benefit from the protection under the law which a State must offer its inhabitants. The federal Government also distinguishes between economic migrants and internally displaced persons. It provides specific public resources and policies for both groups.

Progress made by the Government in formulating a government policy on internally displaced population groups

- The Ministry of the Interior has carried out many activities in this area. It set up the "*Working Group on Internally Displaced Persons*", which is coordinated by the Ministry's Unit for the Promotion and Defence of Human Rights. Seven ministries participate actively in the work of the Group - those of agrarian reform, defence, social development, environment and natural resources, foreign affairs, health, and education - as well as the National Commission for the Development of the Indigenous Peoples of Mexico and the office of the Attorney-General.

- The Working Group has held four meetings, at which it agreed to adopt urgent measures. The members of the Group entrusted the Ministry of the Interior with the task of compiling all information on internally displaced persons available in the various federal agencies, with a view to drawing up a single federal policy for greater efficiency.

- Each agency participating in the work of the Working Group has appointed a focal point for this topic, who plays the role of internal coordinator.

- The Working Group will invite representatives of civil-society organizations to cooperate actively with it.

- The Working Group has identified the following basic elements which need to be covered by a policy for displaced persons:

    - Guarantees for their physical protection (security).

    - Guarantees of their material welfare (as far as possible).

- Permanent solutions to the problem of uprootedness.
- Devising of a legal framework for internally displaced persons.
- Efforts to consult displaced persons, as far as possible, in relation to all activities and development programmes devised for them.
- Establishment of a national programme of documentation for internally displaced persons.

- The members of the Working Group played an active part in the seminar on "Internally Displaced Persons in Mexico" held in Tlaxcala on 30 and 31 January 2004.

- The Working Group will propose to the Interministerial Commission on Government Human Rights Policy that it should become a standing body.

Governmental action relating to internally displaced persons during 2003

- *National Commission for the Development of the Indigenous Peoples (CDI)*

  In 2003, the now closed Presidential Representative Office for the Development of the Indigenous Peoples, the then National Institute for Indigenous Affairs and the National Institute of Women funded a diagnostic study of the situation of displaced indigenous women in the State of Chiapas. It was prepared by the non-governmental organization Na'snopel, A.C. on the basis of workshops and interviews with displaced women, and was delivered on 24 February 2004.

  In 2003, CDI launched programmes in support of productive projects in communities of displaced indigenous persons in Chiapas. In all 193 projects were funded in 17 communities of displaced persons, at a total cost of $10,390,000. Equal participation by women was ensured.

- The Ministry of Social Development and the government of the State of Chiapas have drawn up a strategy for displaced population groups, under which the Ministry has financed productive projects and services in the municipalities of Altamirano, Las Margaritas and Tila to the tune of $1,432,967.

- The Ministry of Education is implementing a *Programme of Primary Education for Child Migrants* in 15 areas, in order to boost primary education among child migrants. Although this programme is not specifically targeted at the displaced population, it covers such people in some States. The programme has been such a success that there are plans to implement it in States where the greatest concentrations of displaced persons are found. In 2003, 14,024 child migrants were taught by 1,014 teachers, at a cost of $8,452,400.

- The Ministry of Foreign Affairs organized a *Regional Seminar on Internally Displaced Persons in the Americas* in Mexico City from 18 to 20 February 2004. It was attended by 60 international experts, including Dr. Francis Deng, as well as public officials from the federal and State governments and judiciaries, the National and State Human Rights Commissions, deputies and senators from the federal Congress and representatives of relevant Mexican and international non-governmental organizations.

- *The Government of the State of Chiapas* has devised a targeted programme known as "Comprehensive services for the displaced population in the State of Chiapas". It was prepared on the basis of information obtained directly from the people concerned, through their demands, and covers public services, farm implements and household utensils, replacement of documents, integration in productive programmes, purchase of property or regularization of property ownership, road-building, institution-building and cultural development. In keeping with United Nations guidelines, the programme is organized along the following lines: health, child nutrition, sanitation, food, shelter, psychological support, education, legal support and administration of justice, economic development, rehabilitation, training of men and women for work, and cultural development.

Future activities

- Strengthening of government policy to address the problems of internally displaced persons.

- Priority areas identified by the Working Group:

  - Negotiation of reforms of federal and State legislation to create an effective legal framework for the protection of the displaced population.

  - Search for permanent solutions for uprooted populations, such as integration in their new communities, resettlement elsewhere or return to their region of origin.

V. NATIONAL PUBLIC HEARING FOR INDIGENOUS PEOPLES

(November 2003 to February 2004)

GENERAL CHARACTERISTICS	DEFINITIONS
1. CHARACTERISTICS OF THE PUBLIC HEARING	The public hearing is intended to become a permanent mechanism which will enable the indigenous peoples and communities to give shape to the form of development to which they aspire.
2. PARTICIPANTS	Representatives of indigenous peoples and communities, as well as indigenous authorities with constitutional status, traditional roles or community-related functions, participated in the hearing.
3. NUMBER OF PERSONS CONSULTED[3]	A total of 2,740 persons were involved in the hearing, in 54 forums - 53 municipal/State forums and one regional forum.
LOCATIONS	The forums were held at locations in Puebla (seven), Oaxaca (nine), Guerrero (five), Tabasco (two), Campeche (four), Quintana Roo (two), Chiapas (eight), Veracruz (eight) and Yucatán (nine).
PERIOD OF APPLICATION	November 2003 to February 2004.
4. OBJECTIVES/GOALS	To obtain information which would help to define the development model to which Mexico's indigenous peoples and communities aspire.
5. GOVERNMENT BODIES	National Commission for the Development of the Indigenous Peoples of Mexico, General Coordinating Office for the Plan Puebla-Panamá in the Ministry of Foreign Affairs, and State bodies responsible for dealing with the indigenous population.
6. INTERNATIONAL ORGANIZATIONS	United Nations Development Programme.
7. COST OF THE PUBLIC HEARINGS IN SOUTH-SOUTH-EAST MEXICO	$3,700,000 for organizational costs, as well as daily allowances and transport for the participants.

Source: PPP Coordinating Unit, Ministry of Foreign Affairs, February 2004.

Data under item 3 are supplied in greater detail in an additional table.

STATE	LOCATION	DATE	NUMBER OF PARTICIPANTS
PUEBLA	CHILCHOTLA	14-15/11/03	44
	CUETZALAN	18-19/11/03	104
	HUAUCHINANGO	25-16/11/03	47
	TEPEXI DE RODRÍGUEZ	28-29/11/03	54
	ZOQUITLÁN	4-5/12/03	35
	TETELA DE OCAMPO	1-2/12/03	40
	CUETZALAN (State workshop)	8-9/01/04	50
	7		374
OAXACA	CUICATLÁN	1-2/12/03	50
	PUERTO ESC.	6-7/12/03	50
	JUCHITÁN DE Z.	7-8/12/03	70
	TUXTEPEC	4-5/12/03	106
	HUAJUAPAN DE LEÓN	4-5/12/03	80
	IXTLÁN DE JUÁREZ	1-2/12/03	86
	MIAHUATLÁN	10-11/12/03	50
	TLACOLULA	10-11/12/03	60
	OAXACA (State workshop)	17-18/12/03	66
	9		618
GUERRERO	XOCHIXTLAHUACA	14-15/11/03	35
	TLACOAPA	4-5/12/03	35
	TOTOLZINTLA	2-3/12/03	35
	TLAPA	8-9/12/03	30
	ZITLALA	9-10/12/03	38
	5		173

STATE	LOCATION	DATE	NUMBER OF PARTICIPANTS
TABASCO	VILLA HERMOSA	2-3/12/03	52
	VILLA HERMOSA	9-10/12/03	29
	2		81
CAMPECHE	HOPELCHEN	25-26/11/03	25
	CALKINI	28-29/11/03	30
	XPUJIL	2-3/12/03	40
	CHAMPOTON	5-6/12/03	35
	4		130
QUINTANA ROO	CARRILLO PUERTO	8-9/12/03	50
	CHETUMAL	13-14/01/04	50
	2		100
CHIAPAS	PALENQUE	8-9/01/04	74
	OCOSINGO	8-9/01/04	104
	MARGARITAS	8-9/01/04	70
	MOTOZINTLA	12-13/01/04	70
	SAN CRISTOBAL DE LAS CASAS	12-13/01/04	39
	TAPILULA	12-13/01/04	70
	TUXTLA	14-15/01/04	70
	BOCHIL	14-15/01/04	42
	8		539
VERACRUZ	UXPANAPA	10-11/11/03	17
	XOCHIAPA	11-12/11/03	27
	ACAYUCAN	12-13/11/03	34
	IXHUATLANCILLO	14-15/11/03	66

STATE	LOCATION	DATE	NUMBER OF PARTICIPANTS
	PAPANTLA	17-18/11/03	77
	CHICONTEPEC	18-19/11/03	38
	HUAYACOCOTLA	19-20/11/03	20
	OTONTEPEC	20-21/11/03	26
	8		305
	REGIONAL FORUM		
YUCATÁN	TIZIMIN	26-27/11/03	35
	CHEMAX	26-27/11/03	35
	TEKOM	27-28/11/03	35
	TZAMAL	25-26/11/03	35
	YAXCABA	28-29/11/03	35
	PETO	28-29/11/03	35
	MÉRIDA	27-28/11/03	35
	TEKAX	1-2/12/03	35
	MAXCANU	4-5/12/03	190
	9		470
TOTAL 54 EVENTS			2 740

Notes

[1] This definition was taken from article 6 of the *Guiding Principles on Internal Displacement* issued by the United Nations Secretary-General's Representative for displaced persons in 1998.

[2] Definition of a refugee: a person who, "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country" (article 1 of the *1951 Convention relating to the Status of Refugees*).

[3] An additional table expanding on item 3 is included.
