

# Regional Legal Aid Needs Analysis

Colombia, Mexico, Peru, Venezuela,  
Guatemala and Honduras

Nov 2023 - Oct 2024



## Table of Contents

<b>1. Introduction</b>	3
<b>2. Executive summary</b>	4
<b>3. Methodology</b>	7
<b>3.1. Limitations</b>	8
<b>4. Context</b>	9
<b>5. Legal Aid Needs</b>	12
<b>5.1. Access to Justice</b>	12
5.1.1. Barriers	13
5.1.2. Consequences of the need for access to justice	14
5.1.3. Legal Services Required	15
<b>5.2. Access to International Protection</b>	16
5.2.1. Barriers	17
5.2.2. Consequences of the need for access international protection	18
5.2.3. Required legal services	19
<b>5.3. Access to Civil Documentation and Nationality</b>	20
5.3.1. Barriers	21
5.3.2. Consequences of the need for access civil documentation and nationality	22
5.3.3. Legal services required	22
<b>5.4. Access to Legal Protection Against Internal Displacement</b>	24
5.4.1. Barriers	26
5.4.2. Consequences of the need for legal protection against internal displacement	26
5.4.3. Required legal services	27
<b>5.5. Access to Migratory Regularization</b>	28
5.5.1. Barriers	29
5.5.2. Consequences of the need for access to migratory regularization	29
5.5.3. Required legal services	30
<b>6. Capacities</b>	31
<b>7. Recommendations</b>	32

# 1. Introduction

Latin America is facing an unprecedented protection crisis. The countries analyzed in this report - Colombia, Mexico, Peru, Venezuela, Guatemala and Honduras - are experiencing multiple challenges in guaranteeing the rights of the most vulnerable persons within contexts marked by generalized violence, human rights violations, migration, forced displacement, climate change, and institutional weaknesses that hinder effective access to justice. In the face of this multifaceted crisis, affected persons have legal aid needs in order to exercise their rights, access services, and thus reduce the protection risks they face.

Legal aid in humanitarian contexts, whether marked by human mobility, armed conflict or generalized violence, is essential for ensuring the rights of affected persons and paving the way for durable solutions. Timely, accessible and meaningful legal aid can be the difference between the effective protection of a person and the perpetuation of human rights violations with severe consequences, including irreparable physical and psychological harm. While Latin America has a legal system that broadly recognizes International Human Rights Law, International Humanitarian Law, and International Refugee Law; the scale of the humanitarian crises also poses a significant challenge to duty bearers in protecting populations in constant movement who face complex protection risks. Access to justice and fundamental rights is disproportionately limited for those who face protection risks, especially for those forced to leave their places of origin due to multiple reasons, such as persecution, violence, massive human rights violations, armed conflict, or the effects of climate change.

For the Danish Refugee Council (DRC), legal aid is a key component of protection responses and a priority in fulfilling our mandate. DRC's legal aid in humanitarian contexts adopts a dual approach to address the different phases of a crisis. On the one hand, it enables access to information, personalized legal advice and case management to meet the legal needs of affected persons. On the other hand, it aims to strengthen the legal environment through advocacy, strategic litigation, and support for the capacities of legal actors and duty bearers. This report seeks to provide an analysis of legal aid needs in the region based on evidence collected by DRC in order to facilitate an effective and coordinated response that centers on the rights of persons, thus enhancing their protection and mitigating the risks they face.

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## 2. Executive summary

Latin America faces a protection crisis characterized by multiple human rights violations in contexts of human mobility, internal displacement, armed conflict, and generalized violence. **Five legal aid priorities were identified at the regional level.** This report is based on evidence collected by the DRC between November 2023 and October 2024 through protection monitoring (PM), review of secondary sources, and interviews with relevant legal actors in Colombia, Mexico, Peru, Venezuela, Guatemala, and Honduras.

### Access to Justice

<b>Legal Aid Need</b>	Vulnerable populations require legal assistance to navigate ineffective and often discriminatory judicial systems, as most fail to obtain a judicial response when their rights are violated, despite facing serious incidents such as gender-based violence, extortion, kidnapping, and discrimination.
<b>Barriers</b>	<ul style="list-style-type: none"> <li>• Institutional discrimination, often based on nationality, immigration status and gender.</li> <li>• Limited access to information on rights and procedures, and a knowledge gap on the part of the authorities.</li> <li>• High centralization of judicial services and structural barriers associated with a lack of personnel, unqualified staff, or a shortage of work supplies.</li> <li>• Difficulties in geographical access.</li> </ul>
<b>Consequences of the Need for Access to Justice</b>	<ul style="list-style-type: none"> <li>• Lack of access to protection measures and immediate care services.</li> <li>• Reluctance to report violence for fear of retaliation or deportation.</li> <li>• Perpetuation of cycles of violence and impunity.</li> <li>• Severe effects on the physical and mental health of survivors.</li> </ul>
<b>Legal Services Required</b>	<ul style="list-style-type: none"> <li>• Legal advice and assistance for persons in an irregular migration situation to access the justice system.</li> <li>• Legal representation as victims during criminal proceedings.</li> <li>• Institutional strengthening actions.</li> </ul>

### Access to International Protection

<b>Legal Aid Need</b>	Persons in need of international protection require legal aid to exercise their right to seek asylum. Specialized legal assistance is essential given the increasing number of applications alongside the limited capacity of asylum systems and increasingly restrictive migration policies that undermine fundamental rights, such as due process and the principle of non-refoulement.
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<b>Barriers</b>	<ul style="list-style-type: none"> <li>• Lack of awareness about international protection and its basic procedures.</li> <li>• Security-oriented policies and ineffective, ambiguous, arbitrary, or confusing procedures.</li> </ul>
<b>Consequences of the Need for Access to International Protection</b>	<ul style="list-style-type: none"> <li>• Violation of the principle of non-refoulement.</li> <li>• Exposure to irregular crossings and situations of trafficking, abuse, exploitation, gender-based violence (GBV), or health risks.</li> <li>• Abandonment of asylum application processes.</li> </ul>
<b>Legal Services Required</b>	<ul style="list-style-type: none"> <li>• Legal advice and case management for the preparation and review of asylum applications, as well as the organization of available evidence and necessary documentary elements.</li> <li>• Assistance in appealing negative decisions.</li> <li>• Capacity-building for duty bearers at border points with a human rights approach to improve access to international protection.</li> <li>• Advocacy and monitoring of compliance with international protection obligations.</li> </ul>

## Access to Civil Documentation and Nationality

<b>Legal Aid Need</b>	Vulnerable populations require legal aid to access civil documentation, including birth registration and identity documents, particularly to prevent barriers to accessing nationality and the exercise of rights in the face of multiple institutional obstacles and the effects of human mobility.
<b>Barriers</b>	<ul style="list-style-type: none"> <li>• Complex and arbitrary procedures.</li> <li>• Lack of information.</li> <li>• Challenges in geographic access.</li> <li>• Linguistic and technological barriers.</li> </ul>
<b>Consequences of the Need for Access to Civil Documentation and Nationality</b>	<ul style="list-style-type: none"> <li>• Inability to exercise the right to identity and the connection between nationality and state.</li> <li>• Risk of statelessness.</li> <li>• Limitations on freedom of movement.</li> <li>• Restrictions on access to economic, social, and cultural rights.</li> </ul>
<b>Legal Services Required</b>	<ul style="list-style-type: none"> <li>• Legal advice and information on the requirements, procedures, scope, and limitations of different mechanisms for accessing civil documentation and nationality.</li> <li>• Legal advice and case management to prevent statelessness.</li> <li>• Cross-border legal services.</li> <li>• Capacity-building for civil registry offices and advocacy for improved public policies.</li> </ul>

## Legal Protection Against Internal Displacement

<b>Legal Aid Need</b>	A legal response is required to ensure that persons affected by forced internal displacement can access their rights. These needs are contextualized within three main legal scenarios: 1) Effective implementation of robust legal frameworks, as in Colombia. 2) Legal advice to obtain adequate protections where such displacement legislation is partially or entirely lacking, such as in Mexico and Guatemala; and 3) Legal assistance to advocate for the creation of adequate protections in the absence of a legal framework to address forced displacement, for example, when facing climate-related causes.
<b>Barriers</b>	<ul style="list-style-type: none"> <li>• Bureaucratic and complex procedures.</li> <li>• Limited infrastructure and insufficient staff.</li> <li>• Mobility challenges in conflict zones and/or in remote areas.</li> <li>• Lack of legal frameworks for displacement caused by climate change.</li> </ul>
<b>Consequences of the Need for Legal Protection Against Internal Displacement</b>	<ul style="list-style-type: none"> <li>• Challenges in access to reparation mechanisms.</li> <li>• Limited access to economic, social and cultural rights.</li> <li>• Lack of recognition of forced internal displacement status.</li> </ul>
<b>Legal Services Required</b>	<ul style="list-style-type: none"> <li>• Legal advice and support in filing claims.</li> <li>• Legal counseling and case management to activate reparation processes for displaced persons.</li> <li>• Filing legal actions to ensure land restitution.</li> <li>• Legal advice and case management to facilitate civil registration and replace lost civil documentation.</li> <li>• Institutional advocacy to develop legal frameworks in the region that address internal displacement, including displacement caused by climate change or natural disasters.</li> </ul>

## Access to Migratory Regularization

<b>Legal Aid Need</b>	Persons outside their country require legal aid to obtain migratory permits, which is critical given the decreasing regularization options in the region. Specialized legal assistance is needed to identify eligible cases, build strong legal arguments, effectively navigate complex administrative procedures, and advocate for mechanisms tailored to regional needs.
<b>Barriers</b>	<ul style="list-style-type: none"> <li>• Demand for documentation requirements that are difficult to fulfill.</li> <li>• Lack of awareness among authorities regarding the vulnerabilities and conditions of migrants.</li> <li>• Delays in the issuance of regularization documents.</li> </ul>
<b>Consequences of the Need for Access</b>	<ul style="list-style-type: none"> <li>• Limited access to economic, social and cultural rights.</li> <li>• Increased risk of detention and deportation, as well as exploitation or abuse.</li> </ul>

<b>to Migratory Regularization</b>	<ul style="list-style-type: none"> <li>• Multiple displacements.</li> </ul>
<b>Legal Services Required</b>	<ul style="list-style-type: none"> <li>• Legal advice and case management for vulnerable persons seeking regularization through judicial means.</li> <li>• Cross-border services and legal advice on requirements, deadlines, and steps for obtaining documentation to support migratory regularization requests.</li> <li>• Awareness-raising actions for immigration officials.</li> </ul>

In response to the identified legal aid needs, five cross-cutting and priority protection risks have been identified, which legal aid seeks to address:



### 3. Methodology

A legal aid need is defined as a situation in which a person, community, or group requires specialized legal assistance to resolve an issue with a legal dimension. This need may arise for two main reasons:

- 1) When there are obstacles to accessing justice due to a lack of legal capacity, knowledge, or resources, or when there is a risk of human rights violations requiring reparations, as outlined in the Legal Aid Analysis Framework (LAAF) proposed by the [Global Protection Cluster](#).
- 2) When the intervention of legal professionals is required to guarantee a right within an established legal framework, as proposed by [Professor Pascoe Pleasence](#).



Essentially, **a legal aid need arises when specialized legal support is required to resolve legal issues**, whether due to a lack of knowledge, barriers to accessing justice, or human rights violations. In humanitarian contexts, legal aid needs emerge in response to fundamental rights violations linked to the denial or omission of duty bearers in fulfilling their protection responsibilities toward civilian populations. In the face of this gap, **humanitarian protection responses require a robust analysis to understand how legal voids impact associated threats, vulnerabilities, and capacities**, thereby enabling the development of effective prevention and response strategies.

The analysis presented is based on quantitative and qualitative data collected through DRC's Protection Monitoring (PM) activities conducted between November 2023 and October 2024 in Colombia, Mexico, and Venezuela, as well as through its partner [Encuentros SJM](#) in Peru<sup>1</sup>. Additionally, 11 interviews were conducted with key legal aid actors at national and regional levels to deepen the analysis. Primary information was supplemented with 147 secondary sources of qualitative data from humanitarian actors, human rights mechanisms, and academic sources. Finally, to strengthen the analysis, a triangulation exercise was conducted using databases from DRC's legal assistance teams and its partner Encuentros SJM. This complementary analysis allowed for the identification of key areas where legal aid is currently being provided, aligning with the identified needs: access to justice, international protection, civil documentation and nationality, internal displacement, and migratory regularization.

The qualitative information was systematized and categorized using the *The Deep* platform, applying the [Legal Aid Analysis Framework \(LAAF\)](#) to identify legal aid needs, barriers, consequences and protection risks faced by the affected population.

### 3.1. Limitations

It is important to highlight that the purpose of this report is to analyze legal aid needs, not to conduct a legal analysis. **The legal aid needs identified in this document reflect the prioritization of populations of concern within DRC's humanitarian protection activities**, specifically persons in displacement situations and those affected by armed conflict. This analysis does not explore broader legal aid needs or those specific to other population profiles in the region.

It is important to note that data from PM presents certain limitations in terms of statistical representativeness. The sample used for the household survey is selected based on convenience, according to DRC's operational needs in intervention areas, rather than through random selection. Similarly, the information provided by key actors through interviews is primarily based on their perceptions. Therefore, the conclusions drawn from this source are considered indicative and are triangulated with information obtained from other sources.

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<sup>1</sup> Through PM, data and information on threats, vulnerabilities, and capacities are systematically collected to identify trends in protection risks and needs and inform evidence-based humanitarian responses. The PM scope covered 4,354 households, representing 15,229 persons in quantitative data collection, along with 34 qualitative sources obtained through focus group discussions, key informant interviews, and direct observations.



## 4. Context

The countries in the region have been characterized by their ratification of international human rights instruments, international humanitarian law, and international refugee law, which establish obligations for the States. The legal aid needs explored in this report have a legal basis in international law.

The main international instruments that enshrine the right to **access justice** include the 1948 Universal Declaration of Human Rights, the 1966 International Covenant on Civil and Political Rights (ICCPR), which establishes in Article 16 the right to recognition as a person before the law, and the American Convention on Human Rights. These instruments establish that, regardless of their situation, individuals have the right to effectively access justice and assert their rights before competent courts. This generates the following obligations for the States:

- **They are obligated to establish judicial systems that provide full procedural guarantees, including the right to be heard publicly and fairly, and to ensure the availability of simple and prompt remedies for judicial protection.**
- **They must ensure that every person has access to an effective remedy before competent national courts when their rights have been violated, guaranteeing that these courts are independent and impartial.**
- **They must ensure that no convictions are issued without a prior trial before a legally constituted court.**

Additionally, the international legal framework that guides the response to **gender-based violence (GBV)** in the region is based on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women (Belém do Pará Convention). All the countries analyzed have ratified these instruments, establishing concrete obligations to ensure access to justice and the effective protection of survivors. However, as evidenced by protection monitoring data, a gap remains between these international standards and their effective implementation. According to these instruments:

- **States must adopt legislative and public policy measures to prevent, punish, and eradicate violence against women. This includes establishing fair and effective legal procedures for victims.**
- **States are also obligated to ensure access to justice, including timely procedures and effective access to redress, reparations, and other forms of compensation. They must eliminate legal and practical barriers that may deter women from seeking justice, including costs, language, and the location of services.**

Specifically, regarding **international protection**, the countries analyzed in this report are signatories to the 1951 Convention Relating to the Status of Refugees, and its 1967 Protocol, which form the cornerstone of the international protection system and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984, which prohibits the refoulement of individuals to countries where they may face such risks. In the Latin American context, the 1984 Cartagena Declaration expanded the definition of refugee to address regional realities, including persons fleeing generalized violence, foreign aggression, internal conflicts or massive human rights violations.

Venezuela has not incorporated the definition of the Cartagena Declaration into its legislation. As a result of these frameworks, the following obligations arise for States:

- **The obligation of non-refoulement is the cornerstone of international refugee law. This means that states are prohibited from expelling or returning a person to a territory where their life or freedom would be at risk due to race, religion, nationality, membership in a particular social group, or political opinions. The Cartagena Declaration expands these obligations in the Latin American context by recognizing generalized violence, foreign aggression, and massive human rights violations as grounds for recognition. The non-refoulement obligation is upheld in international instruments when the person faces the risk of torture or cruel treatment that could endanger their life. This obligation applies regardless of migration status or the manner of entry into the territory.**
- **Similarly, states must guarantee access to the refugee status determination procedure. This requires establishing mechanisms and institutions to identify persons in need of international protection and assess their applications fairly and efficiently.**
- **Respect the fundamental human rights of refugees, including freedom of religion and movement, the right to education, and the right to seek employment.**

The main international instruments addressing the right to **civil documentation and nationality** include the 1948 Universal Declaration of Human Rights, the 1979 Convention on the Elimination of All Forms of Discrimination Against Women, as well as the American Convention on Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the Convention Relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness of 1961.

In general, these instruments establish the fundamental rights to legal personality, nationality, name, and identity, recognizing civil documentation as a fundamental right that enables access to other basic rights and generating the following obligations:

- **States must guarantee the recognition of the legal personality of all persons and ensure that no one is arbitrarily deprived of their nationality by implementing effective systems for the documentation of their citizens.**
- **States are obligated to register all children immediately after birth, providing them with a name and recognizing their right to acquire a nationality, as well as protecting their identity and family relationships.**
- **States are obligated to guarantee equal rights for men and women regarding the acquisition, change, or retention of nationality, eliminating all forms of discrimination in this regard.**
- **States must facilitate the naturalization of stateless persons within their territory. This includes making the process as expedited as possible and reducing costs and administrative requirements.**
- **The right to identity documentation and travel documents for stateless persons must be guaranteed. States cannot deny these documents for discriminatory reasons.**

Los United Nations Guiding Principles on Internal Displacement, while not a binding instrument, provide the international framework that has served as a reference for the protection of internally

displaced persons in countries that have developed legislation on this issue. This gives rise to the following obligations for the States:

- **States have the primary obligation to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction. This includes preventing conditions that may lead to displacement.**
- **Authorities must ensure that internally displaced persons enjoy the same rights as the rest of the population, without discrimination. This includes access to basic services, documentation, education, and livelihoods.**

This framework has inspired the development of national legislation in countries such as Colombia with Law 1448/2011 which establishes measures for the care, assistance and comprehensive reparation of victims of the internal armed conflict and dictates other provisions; in Honduras, the Law for the Prevention and Protection of Internally Displaced Persons was recently adopted, while in Guatemala, the draft Law on the Prevention and Comprehensive Assistance for Persons in a Situation of Forced Internal Displacement is under discussion. Mexico, although lacking federal legislation on the issue, has four states that have taken significant steps by enacting laws that address this. However, the **legislative gap** in other countries in the region continues to hinder an effective response to internal displacement, particularly when it is caused by **environmental or climatic factors**.

Finally, the international protection of the rights **migrants** is supported by various key instruments, the most comprehensive being the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, of which all six countries analyzed are state parties<sup>2</sup>. This convention establishes fundamental rights regardless of migration status. This legal framework is complemented by the ICCPR that guarantees due process and non-discrimination, while the International Covenant on Economic, Social and Cultural Rights ensures rights such as education, health and decent work. Lastly, other general human rights instruments, previously cited, also protect migrants, such as the 1948 Universal Declaration of Human Rights, with further protection reinforcement through the provisions of the American Convention on Human Rights. As a result, the following obligations arise for the States:

- **States must guarantee the fundamental rights of all migrant workers and their families, including the right to life, liberty, dignity, and due process, regardless of their migration status. They must also ensure access to emergency medical care and education for their children.**
- **States must implement policies to prevent any advocacy of national, racial, or religious hatred that incites discrimination, hostility, or violence.**

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<sup>2</sup> Being a "state party" means that states have undertaken an international commitment to implement standards and obligations within their territories. See: <https://indicators.ohchr.org/>

# 5. Legal Aid Needs

## 5.1. Access to Justice

Access to administrative and judicial justice systems is essential for obtaining reparations or responses to human rights violations. However, it remains one of the primary legal aid needs, as **many individuals must navigate justice systems that are not only ineffective but also discriminatory**, both in terms of legal advice and representation for justice.

A high percentage of persons in transit in the region were victims of some form of violence during their journey alongside their family members. These percentages reached 78% in Peru, 60% in Mexico and 32% in Colombia. Robbery and extortion incidents are the most prevalent among persons in transit in Peru and Mexico, as well as the high number of kidnapping cases mentioned by people in Mexico. However, data from regional protection monitoring - applied to persons in places of origin, transit and destination - reflect that in situations of abuse, 98% of those surveyed in Peru, 93.6% in Mexico, 67.9% in Colombia and 79.3% in Venezuela have not been able to access justice. In this regard, MP data in October 2024 indicate that, in the six countries analyzed, 43% of the population reached had experienced abuse, the most frequent being threats (32.3%), psychological and emotional abuse (32%) and extortion or bribery (30.1%). It is important to highlight that gender-based violence abuses were identified by 15.8% of the population.

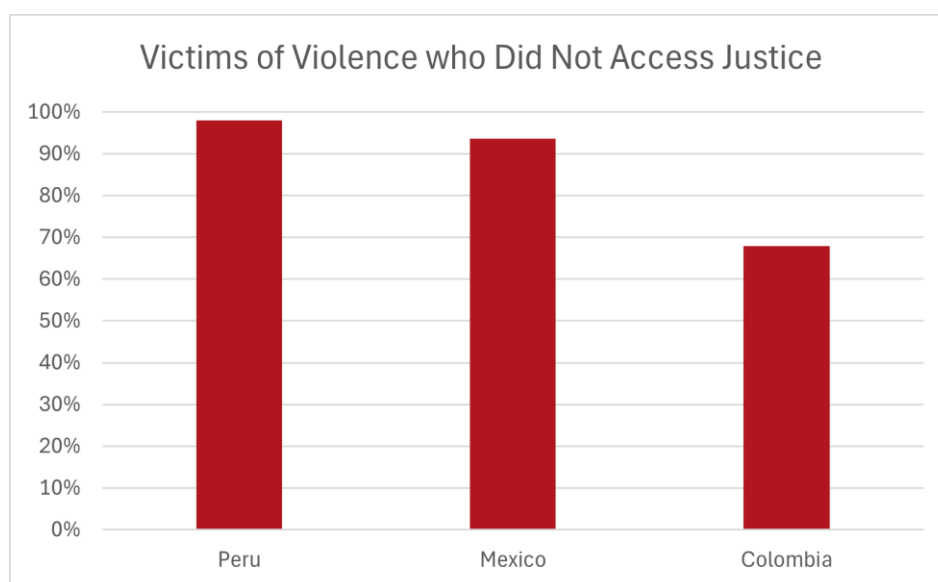


Table 1: Percentage victims of incidents of violence identified via regional PM who were not able to access justice for such incidents.

When people experience incidents of physical and psychological violence, kidnappings or extortion and robbery, a need for legal assistance arises to access justice, especially considering that many victims face additional barriers due to being foreigners or due to their immigration status. In addition,

specialized legal representation is also required to respond to human trafficking, a risk noted as especially critical by key actors in the Venezuelan context.<sup>3</sup>

### **a) Access to legal protection when facing gender-based violence**

Access to justice is disproportionately limited for survivors of GBV who require specialized assistance in the face of discriminatory practices and institutional barriers.

In general, GBV is underreported in the region. Of the PM participants in Venezuela that reported having been victims of a violent act in their community, 18.4% mentioned some form of GBV. In Colombia, 17% reported having been affected by sexual and gender-based violence, while in Mexico, 8.2% of the persons who manifested having been victims of an incident experienced sexual gender-based violence. Finally, in Peru, 1.7% of people entering the country reported having suffered GBV-related abuse. The number is assumed to be much higher given that the MP does not seek to identify survivors. However, complementary qualitative information has shown that women and girls affected by crises in their countries of origin, as well as those migrating within the region, face significant barriers to accessing justice. In fact, without the help of specialized personnel, access to justice is very difficult. At the same time, there is an urgent need for a survivor-centered approach within the judicial system, covering both reporting procedures and training of officials to facilitate these procedures.

#### **5.1.1. Barriers**

Access to justice is marked by various barriers, which can be classified as institutional, informational, structural and access related.

Institutional barriers are related to discrimination and staff behavior. While some limitations stem from systematic practices of certain public institutions, others are linked to arbitrary actions by some officials. For example, in Mexico, people in transit reported going to the prosecutor's office after being robbed, but the staff in charge discouraged them from filing a report; in other cases, prosecutor's office staff refused to accept reports, arguing that the facts reported by the person of concern were not credible. Furthermore, fear of reprisals and fear of the authorities were identified as the main barriers to accessing justice. In Peru, PM participants indicated that, although they knew where they could report crimes, they refrained from doing so because the authorities would not respond adequately to them due to their nationality and immigration status. There are also informational barriers, which operate on two levels: on one hand, people are unaware of their rights and the state's obligations regardless of their migration status; on the other, the authorities themselves exhibit significant gaps in their knowledge and application of the legal framework. This situation is clearly illustrated in Peru, where, despite legislation guaranteeing the right to report crimes regardless of migration status, there remains widespread ignorance of this guarantee among both the population and the officials responsible for enforcing it. In the case of migrant women who are victims of violence, the Peruvian Ombudsman's Office has identified the requirement of a foreigner's identity card to proceed with the process as a common barrier.

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<sup>3</sup> DRC (2024). Interview with key actor, Caracas, Venezuela.

In terms of structural and access barriers, **significant limitations to accessing justice are observed throughout the region for persons in rural, remote, or predominantly Indigenous territories**. In the case of Venezuela, access to the justice system implies multiple obstacles, such as a lack of working materials, frequent power outages, a general shortage of personnel, a lack of qualified staff, and high staff turnover. These challenges are further exacerbated by the marked centralization of judicial services<sup>4</sup>. The concentration of justice institutions in the capital deepens access gaps. This situation reflects broader state limitations in ensuring effective justice service coverage across the national territory.

### **a) Barriers faced by survivors of GBV**

In situations of GBV, many survivors do not know where to report incidents and face difficulties in accessing support services due to the lack of essential services, crisis care, and local alternatives for reporting incidents. Additionally, the **fear of stigmatization and guilt—universal barriers to accessing justice in GBV cases—are further exacerbated by xenophobia in the case of Venezuelan survivors and other survivors in transit**<sup>5</sup>. Women in transit also avoid seeking services out of fear of detention or deportation, especially when services are administered or funded by the government. Despite advances in national legal frameworks for women's protection and equality, state compliance with its obligations to provide effective protection to women facing risks remains limited.

It is important to note that these barriers are interconnected and can have a multiplying effect on the vulnerability of women survivors of GBV. For example, the lack of information is exacerbated when combined with geographic and technological barriers, and institutional discrimination can heighten the fear of seeking legal aid.

Finally, services and systems that lack a survivor-centered approach become a structural barrier to accessing justice. For example, in some countries, the criminal justice system is designed so that the burden of proof falls on the survivor when reporting an incident. Additionally, public officials often lack the necessary competencies to handle GBV cases from a comprehensive approach, or holistic support services are unavailable, including guarantees of physical and emotional safety for survivors.

### **5.1.2. Consequences of the need for access to justice**

The lack of access to justice affects the availability of protection measures and immediate care services for affected populations. In the worst cases, it exacerbates vulnerabilities and perpetuates cycles of abuse, exploitation, and marginalization, leading to physical, social, and material harm. The

inability to access justice results in widespread distrust of authorities and the judicial system, reinforcing the perception that institutions do not protect the rights of survivors of various abuses and, in some cases, contributes to their revictimization.

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<sup>4</sup> DRC (2024). Interview with key actor, Caracas, Venezuela.

<sup>5</sup> DRC (2024). Interview with key actor, Bogota, Colombia.

## a) Consequences for survivors of GBV

Without legal intervention, GBV survivors face ongoing threats to their physical and emotional safety. In many cases, perpetrators are family members, community members, or organized crime groups. Without comprehensive legal support to ensure effective protection measures, survivors' lives are at risk. Given the state's limited capacity to provide

comprehensive assistance, survivors who wish to pursue legal action may find themselves unprotected and without representation, making the pursuit of justice potentially harmful. In GBV cases, perpetrators are emboldened by the impunity within both the criminal and administrative justice systems, discouraging women from seeking help.

### 5.1.3. Legal Services Required

- ***Legal advice and support to access the justice system for persons in an irregular migration situation***

Ensuring that persons in irregular migration situations have access to the justice system is essential for protecting their rights, particularly for those who are victims of violence or other human rights violations. While they may formally have the ability to assert their rights under legal frameworks, providing clear guidance and personalized legal support is crucial to addressing these challenges. This ensures that all individuals, regardless of their migration status, understand how to access the justice system and can effectively seek protection and redress for rights violations. Additionally, legal assistance is important to ensure that justice system officials and personnel do not impose additional or unlawful barriers.

- ***Legal representation of victims during criminal proceedings***

Specialized legal representation is also required to respond to sensitive cases such as human trafficking. These situations require a specialized response in terms of legal protection, as it is necessary to provide guidance to obtain protective measures appropriate to the context and exposure of the threat. Support is needed in the reporting process, as victims require extra attention and security measures, considering that, at times, they face a risk of retaliation when seeking justice.

In addition, GBV survivors require specialized legal support and representation to manage their reports - including the initiation, follow-up and monitoring of the status of their legal proceedings - due to deficiencies in the procedural handling of cases, including problems in the consolidation of files.

- ***Institutional strengthening actions***

Judicial institutions need to be strengthened by training their staff in human rights and in caring for people in vulnerable situations. These training sessions should include a gender-sensitive approach and adequate care for GBV survivors.



These actions should also include advocacy and consultation with policymakers to promote policies that guarantee access to justice for all people, regardless of their gender, immigration status, socioeconomic situation or geographic location.



## 5.2. Access to International Protection

The region has experienced a notable increase in the number of persons seeking international protection, as evidenced by the [United Nations High Commissioner for Refugees \(UNHCR\)](#) figures, reflecting that the total number of asylum seekers as of 2024 are 508,429 in Peru, 276,696 in Mexico, 29,305 in Colombia, 2,366 in Guatemala, 1,578 in Venezuela, and 133 in Honduras. **This represents a significant increase of 31% in Honduras, 22.9% in Colombia, 15.3% in Guatemala, and 7.5% in México compared to 2023.** The data from Peru and Venezuela do not show variations, indicating neither an increase nor decrease from 2023.

The data from PM evidence that the factors for leaving the country of origin imply international protection needs, as they have been identified as being generalized violence, fear of persecution, gender-based violations or human rights violations. These fall directly within the international protection frameworks established by the 1951 Convention on the Status of Refugees, its Protocol, and the 1984 Cartagena Declaration. For example, in Mexico, insecurity or generalized violence, followed by the fear of persecution, were the two most frequently mentioned reasons for leaving a country of origin, and GBV was the fourth most mentioned reason. In Peru, fear of persecution ranks fourth among the reasons mentioned for leaving a country of origin. In many cases, the triggers for leaving the country of origin may appear to be economic or due to a lack of access to health or education, however, in many cases, these are intrinsically related to other rights violations. The prevalence of reasons relating to the fundamentals that fall directly within international protection frameworks highlights the importance of ensuring access to protection mechanisms as established in international law.

Despite potentially significant international protection needs, the percentage of persons who report having received a response to their asylum applications remains low. **Of the PM participants who had applied for asylum, in Colombia only 0.37% of applicants have had their application approved, in Mexico 28%. In Peru, 82% of applicants responded that they were in the process, and 2.9% mentioned having been recognized.** In Venezuela, 8% of respondents have applied for asylum but haven't received a response. Furthermore, the systems for renewing provisional documents for refugee applicants are slow and entail complex administrative burdens. This weakness in the region's asylum

systems highlights the need for specialized support to ensure that both populations of concern and state officials understand the eligibility criteria and procedures for applying for asylum, and to facilitate the proper follow-up of these applications.

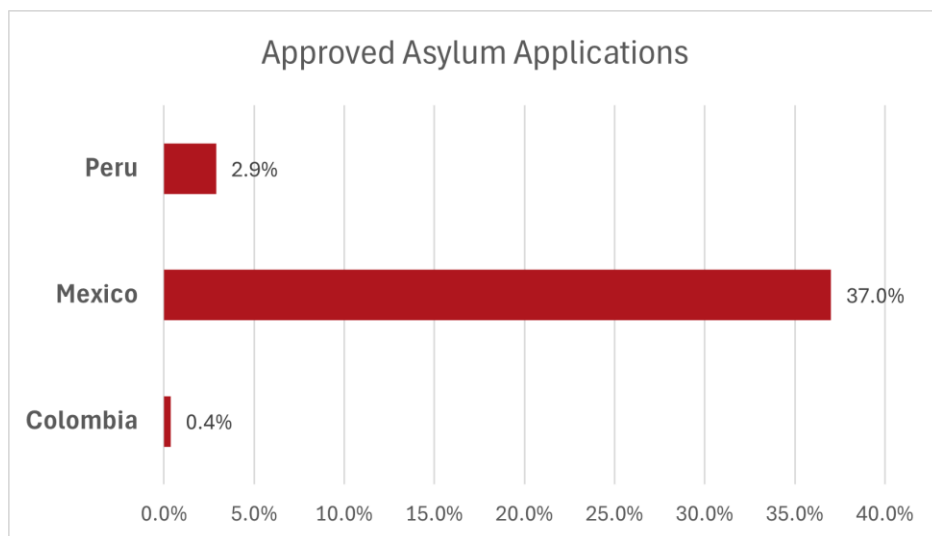


Table 2: Percentage of participants in MP who have had an asylum application approved.

In parallel, the regional trend towards security policies and discourses is cause for concern. These initiatives have involved expulsions and the omission of due process, jeopardizing the principle of non-refoulement. In Peru, for example, the Special Exceptional Administrative Sanctioning Procedure (PASEE, by its Spanish acronym) allows the expulsion of foreigners within 48 hours if they are lacking regular entry or a visa<sup>6</sup>. This procedure does not provide a reasonable time to exercise the right to defense, nor does it allow for the filing of precautionary measures or effective appeals, even in cases of persons in need of international protection. In Mexico, arbitrary detentions and expedited deportations that fail to comply with legal standards of due process have been documented. Furthermore, in militarized border areas or with intensified police controls, it becomes essential to have legal support to guarantee safe access to the territory and protect the right to request asylum.

### 5.2.1. Barriers

The needs for legal aid are aggravated by an information deficit and institutional barriers, which include security and anti-human rights policies.

First, an information deficit is identified around international protection and the rights of persons who require protection. PM in Colombia, Mexico and Peru shows that the lack of information is a relevant reason why individuals do not request the recognition of refugee status, with more than 50% of the population surveyed reporting a lack of knowledge regarding the process as a reason for not applying. In the absence of legal advice, a gap is observed among various actors regarding the identification of profiles with international protection needs and the necessary skills to provide information and advice potential applicants.

<sup>6</sup> DRC (2024). Interview with key actor, Lima, Peru.

Second, there is a regional trend towards the militarization of borders and a priority focus on security, to the detriment of human rights. For example, some countries have implemented requirements that are considered inadequate, such as the requirement to have arrived directly from the country of origin to apply for asylum. This requirement ignores the reality of mixed migratory movements characteristic of the region, ignores the international instruments that guarantee the right to request asylum, and represents an additional barrier to access to international protection. Restrictive administrative measures, such as PASEE in Peru, expedited returns in Mexico and the militarization of borders constitute a violation of the right to request and be granted asylum, as well as a contravention of the principle of non-refoulement, preventing access to the territory and to these procedures. This militarization trend not only constitutes a violation of rights but also reflects a change in priorities—with greater investment in defense and less focus on the capacity to receive asylum applications. For example, in Mexico, officials at the National Migration Institute receive military training, and strategic positions at the Institute are staffed by military personnel. In both Mexico and Peru, there has been an increase in the presence of military and police forces in border areas. This means that, by redirecting resources towards military and police activities, the possibilities of safeguarding human rights are limited. In general, the focus on security views persons with international protection needs as dangers to the State, rather than persons requiring its protection. Therefore, the ability to receive requests for international protection or the evaluation of individual cases is not prioritized.

Institutional barriers are not limited to policies that prioritize security over human rights, but also include ineffective, ambiguous, arbitrary, or confusing procedures. For example, the Mexican Commission for Refugee Assistance (COMAR) in Tapachula, Mexico, maintained particular practices in organizing the asylum process, including pre-classifying applicants into four groups, which, along with differentiated waiting times, creates confusion and makes it difficult to navigate the asylum system. Likewise, COMAR has also implemented a requirement to demonstrate presence in the area, in which applicants must appear every 15 days to sign a declaration of presence. This demand, along with the long waiting times, both to obtain an initial appointment and to receive a final answer, frequently render the asylum application process ineffective for persons who require immediate protection and drive many persons to desist.

Lastly, violations of rights by the State prevent effective access to request protection because the guarantor of rights is the perpetrator. Specifically, the PM on the southern border of Peru reflects that the persons surveyed have been victims of robbery (34%), intimidation (26%), bribery (24%), discrimination (19%), forced return (10%), fraud (9%) and extortion (8%). Respondents stated that state officials were the main perpetrators of these incidents.

### **5.2.2. Consequences of the need for access to international protection**

The lack of access to legal assistance for international protection has significant consequences that can be classified into impacts on the security and dignity of the persons. The main consequence is the risk of deportation, in contravention of the principle of non-refoulement, or that people do not request international protection due to a lack of trust in

institutions or ignorance of their rights. Deportation or the failing to seek international protection can have devastating consequences, particularly for those facing persecution in their countries of origin. These persons are left exposed to serious risks that threaten their lives, safety and well-being. Refoulement may entail returning to situations of generalized

violence, direct or indirect persecution, systematic discrimination, or serious human rights violations, such as arbitrary detentions, torture, gender-based violence or even extrajudicial executions.

Another factor affecting the population is the absence of competent authorities available to receive asylum applications at the borders, which also encourages irregular border crossings, increasing protection risks such as trafficking, abuse, exploitation or gender-based violence, and health hazards. Additionally, those who do not apply for international protection due to misinformation, distrust in institutions, or administrative obstacles, are left

in situations of extreme vulnerability. Without a migratory status that grants them protection, these persons are more likely to face labor exploitation, physical or psychological abuse, human trafficking, and social exclusion. Furthermore, the lack of protection can drive them to live in precarious conditions, without access to basic services, such as health, education and housing, which perpetuates cycles of poverty and marginalization. The prolonged procedures to obtain refugee status and the lack of response often lead individuals to abandon their processes and continue their journeys, exposing them to even greater protection risks.

### **5.2.3. Required legal services**

- ***Legal counseling and case management for writing and reviewing applications, as well as organizing available evidence and necessary documentary elements***

This service is especially aimed at persons who, due to an array of circumstances, require specialized support to submit a solid and well-founded application, whether because they have fled from their countries of origin in emergency situations and were unable to gather all their documentation, or because they face language or cultural barriers that hinder their ability to express in writing their story and the reasons underlying their application. It also applies to people who have evidence but need professional guidance to determine what is relevant and how to submit effectively—cases where persecution or threats are not evident at first glance and require detailed legal arguments, or situations of persons who have suffered traumatic events and require support to structure their narrative in a coherent and chronological manner.

- ***Support for challenging negative decisions***

When the refugee application procedure ends with a negative decision, specialized support is necessary for the challenge, the preparation of reconsideration or appeal resources. Furthermore, this may include advice on alternative means of protection.

- ***Strengthening the capacities of guarantors of rights at border points with a focus on human rights and to improve access to international protection***

Considering the increase in asylum applications in the region and a low recognition rate, efforts are required to support governments in designing fair and efficient systems that respect due process—in line with the realities and needs of international protection—to receive and process asylum applications. These efforts may include support for the training of civilian or military personnel with the skills to identify international protection needs, especially for cases that require a differential approach,



moving towards a human rights approach and fulfilling their international protection obligations stipulated in legal frameworks, and moving away from security-based policies.

- ***Advocacy and monitoring of compliance with international protection obligations***

Strategic litigation and advocacy efforts are required to challenge policies that ignore the realities and needs for international protection in the region, as well as run counter to the 1951 Convention Relating to the Status of Refugees and the 1984 Cartagena Declaration. Advocacy efforts, with the potential to resort to strategic litigation, should emphasize the rights set out in these international legal frameworks and promote policies that are more aligned with them. In addition, a key focus of advocacy should be the elimination of the provisional documentation system, which imposes excessive administrative burdens on refugees.

A critical component of this service involves systematically monitoring the access to international protection mechanisms by legal aid providers. This includes identifying and documenting barriers faced by asylum seekers, such as administrative delays, lack of clear procedures, discriminatory practices or the misapplication of international refugee law. By actively monitoring these issues, the service can generate evidence to highlight systemic shortcomings, advocate for specific reforms and hold states accountable for their obligations under international law.



### **5.3. Access to Civil Documentation and Nationality**

One of the most pressing needs of the population is access to civil documentation, such as identity cards and birth registration—since the latter entails significant repercussions on effective access to nationality and, in some situations, risk of statelessness. Although civil documentation should be an accessible administrative process, it often requires the support of lawyers to boost the functioning of inefficient systems that have extensive or centralized procedures and requirements that are inaccessible to populations residing far from capitals or large cities.

Access to documentation is especially complicated for people who live in rural areas of Colombia and Venezuela, including members of indigenous communities. For example, in Venezuela, PM indicates a high percentage of persons without documentation. In the states of Zulia and Apure, cases were identified of both returned persons and population affected by the crisis who lack an identity document: because it got lost (48%), have never gotten one (38%), only have a photocopy (7%), not in their possession (4%) or expired (2%).

In other areas of the region, **legal support to facilitate access to birth registration for children born to foreign parents or outside their country of origin is critical to prevent statelessness and ensure access to basic rights and services.** In Mexico, despite *ius solis*, access to birth registration for children born in the country from foreign parents is conditioned by requirements with no legal basis, such as the mandatory presence of a witness of Mexican nationality or unregulated fees, which, without specialized support, would be difficult to overcome.<sup>7</sup> Likewise, children of Colombians born outside Colombia, when the birth record is not apostilled, often require the support of a lawyer to activate constitutional frameworks or file a guardianship that would allow them access to nationality. Despite the loosening of requirements to obtain nationality in 2023, when the Constitutional Court of Colombia ruled to repeal the need for apostilled documents, many civil registries still require these documents, unless there is legal intervention.

Although access to civil documentation and nationality should not require legal assistance, significant institutional barriers make specialized support necessary to ensure access to this fundamental right.

### 5.3.1. Barriers

Structural and institutional barriers have the greatest impact on people, especially due to complex and arbitrary procedures, as well as limited and exclusionary services. Additionally, there is a lack of information about the procedures, further hindering access to civil documentation and nationality for the affected population.

An example of procedures that are difficult to meet can be seen in the case of Venezuelan children born abroad. Even though they have documents proving their birth in other countries, the impossibility of having them apostilled—mainly due to economic limitations or, in some cases, a lack of knowledge about the process—creates significant obstacles to obtaining Venezuelan documentation. Arbitrary procedures have been reported, such as informal payments or "voluntary contributions" requested by civil registry officials in Venezuela. In Mexico, access to birth registration for children of foreign parents is hindered by excessive or difficult-to-meet requirements, such as the need for specific witnesses.

Additionally, vulnerable populations, such as Indigenous communities or those affected by armed conflict, who are geographically distant from or lack access to government institutions, face barriers to civil registration, particularly those related to geography and language. For example, in Nariño, Colombia, ethnic communities in rural areas affected by conflict encounter obstacles due to the absence of registry offices in their territories, the lack of institutional personnel with knowledge of Indigenous languages, and the security risks associated with traveling through conflict zones. People living in rural

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<sup>7</sup> DRC (2024). Interview with key actor, Chiapas, Mexico.

areas without mobile phone coverage or internet access also face limitations in completing the digital procedures that have become increasingly common.

On the other hand, the suspension of Venezuelan consular services particularly impacts Venezuelans abroad in their access to the Venezuelan nationality in countries where they are unable to register their descendants or access to civil documentation, including passports. This has a particularly sensitive impact in countries with a high presence of Venezuelan migrants, such as [Peru](#).

However, the barriers are not only institutional. There is also a severe lack of information on how to access civil documentation. For example, in Zulia and Apure, respondents reported lacking valid documents, mainly due to a lack of knowledge about the procedures required to obtain or recover them and about the pathways to access their rights.

### 5.3.2. Consequences of the need for access civil documentation and nationality

The inability to obtain identification documents significantly hinders access to fundamental rights and essential services. In the most extreme cases, the inability to access not only identification documents but also civil registry services pose a risk of statelessness. Lacking ties to any state means lacking access to fundamental rights; for example, it complicates access to education, healthcare and social protection. Additionally, it increases the risk of falling victim to human trafficking, labor exploitation, arbitrary detention and other forms of abuse, as it prevents identification and protection by authorities.

Persons without civil documentation are exposed to protection risks, such as extortion and restrictions on their movements. Persons on the move without an identity document from their country of origin to identify them are forced to cross territories irregularly and face limited access to regularization mechanisms, which in turn hinders their access to economic, social and cultural rights.

For Venezuelans abroad, access to civil documentation affects not only their possibilities for regularization in host countries but also, since [September 2024](#), the lack of civil documentation represents a significant barrier to returning to Venezuela. While entry into the country is not explicitly prohibited, presenting a valid passport is required. This requirement creates a challenging situation for many Venezuelans who do not have a valid passport due to various reasons, such as the lack of financial resources, expired documents, irregular departure from the country, or the absence of consular services in the destination country. In these cases, the only option to enter Venezuela is to request a letter of safe passage from consular authorities. This process, in addition to being costly, generates uncertainty among the population, as it involves a review procedure and constitutes a significant barrier for returning to Venezuela.

### 5.3.3. Legal services required

- ***Counsel and information on the requirements, procedures, scope and limitations on the different mechanisms for access to civil documentation and nationality***



People need guidance on the types of documents available and their validity, as well as information on costs, times, and competent offices. Accessible and differentiated information is particularly needed in indigenous communities and communities with difficult access. These communities face significant barriers in accessing legal documentation due to their lack of knowledge of legal procedures and the remoteness of services that are usually only available in capitals and large cities. Therefore, legal advice must go beyond simply providing information and should include actions such as on-site support, the management of mobile or roving documentation services, and the activation of legal mechanisms to guarantee access when structural obstacles prevent communities from accessing institutions.

- ***Legal advice and procedures to prevent statelessness***

In complex cases where procedural or documentation requirements practically prevent access to nationality for children born to foreign parents or born outside their country of origin, legal support is essential to bring legal actions or activate constitutional mechanisms that protect against statelessness.

- ***Cross-border legal services***

Due to the mobility of vulnerable persons, there is a heightened need for assistance in apostille processes and document validation between countries. Many cases involve transnational documentation, such as children born in Colombia, Ecuador or Trinidad and Tobago who return to Venezuela. There are also situations of loss or destruction of original documents. Therefore, it is necessary to reconstruct documentary chains to prove filiation and birth.

- ***Capacity-building for civil registry offices and advocacy for improved public policies***

Considering the institutional barriers imposed by civil registry offices and consular services, support is required to expand their services. This may include an expansion of services to cover remote areas more effectively and to provide inclusive services that address the specific needs and cultures of indigenous groups, minorities, and foreign populations. For example, indigenous communities and/or ethnic minorities in Venezuela and Colombia encounter difficulties in accessing nationality, particularly because most births occur outside hospitals. To address this, it is necessary to implement administrative procedures using community-based mechanisms and/or approaches that are realistic and adapted to the local context and the personnel involved in births within these communities. These services must also include awareness-raising initiatives and guidance in languages and formats that are accessible to these populations.

Furthermore, the monitoring of these documentation procedures and requirements, as well as the overall functioning of these services, must be continuous. It is essential to establish alert mechanisms and advocate for improved processes or the elimination of overly strict procedures that threaten the right to legal identity.



#### **5.4. Access to Legal Protection Against Internal Displacement**

Internal displacement is a significant problem throughout the region, including displacement due to generalized violence, armed conflict and, more recently, causes related to climate change and natural disasters. Regarding the numbers of internal displacements in the countries analyzed, 6,976,277 persons are reported in Colombia, 262,411 in México and 247,090 in Honduras. It is worth mentioning that Guatemala and Perú do not provide figures, although the Inter-American Commission on Human Rights (IACHR) recognizes the existence of the internal displacement phenomenon in Guatemala, as well as the lack of recognition by the government and the absence of relevant regulations. Also, in reference to internal displacement for environmental reasons, in Colombia between January and February 2024, at least 433,000 persons were affected by natural disasters and/or environmental degradation, an increase of 692% compared to the previous year. In Colombia, 23 families participating in the PM were identified, they reported having been displaced by these emergencies, for which none of them received assistance from public entities.

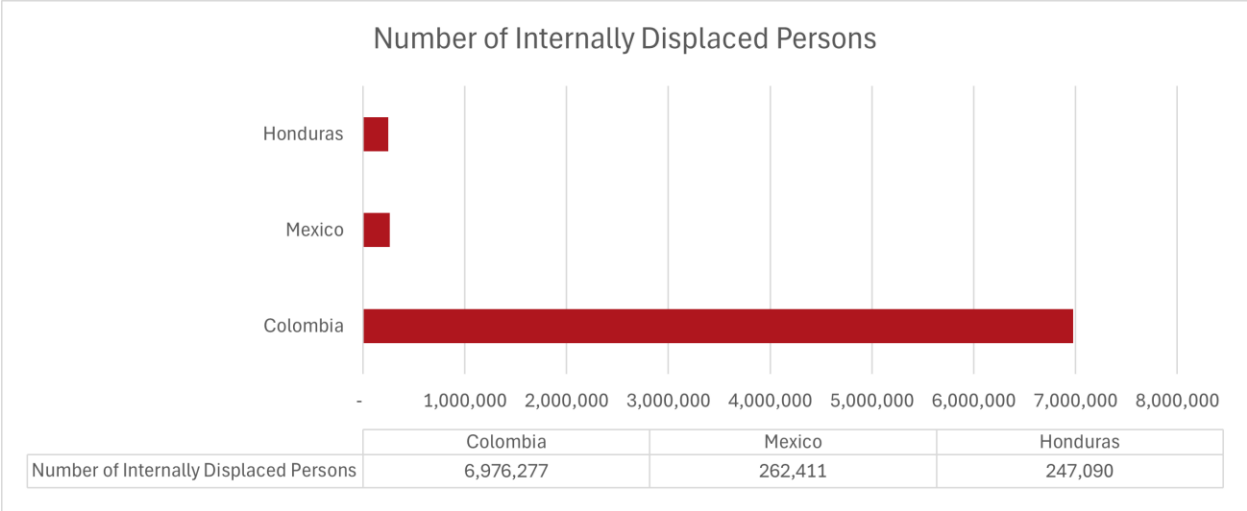


Table 3: Number of IDPs in Colombia, Honduras, and Mexico by mid-2024.

The state response to this phenomenon manifests in various ways across different countries. For example, Colombia has a well-developed regulatory framework around the issue of internal displacement due to armed conflict. This regulatory framework establishes rights for displaced populations and demands government action for prevention, assistance and durable solutions. It also includes provisions for reparations, land restitution, and access to social programs. In contrast, Mexico has state-level regulations, particularly in four states: Chiapas, Guerrero, Sinaloa and Zacatecas, which, while serving as an important starting point for guaranteeing the rights of displaced persons, requires a national legal development that has not yet existed. In Honduras, the recent legislation addressing internal displacement due to violence, in effect since December 2022, responds to internal displacement situations caused by generalized violence within the context of organized crime. The legislation seeks to protect affected rights, such as education, housing, abandoned or dispossessed land and property; as well as seed capital and access to justice to achieve durable solutions for victims. Finally, the proposal for a new law in Guatemala reflects a growing recognition of the issue of internal displacement in the region.

On the other hand, it is important to highlight that despite these developments, there is a notable lack of legal framework addressing internal displacement related to climate change. This gap was acknowledged in Colombia when the Constitutional Court, by [Ruling T-123](#), established that there is no complete legal void that would justify the lack of protection. However, the absence of an adequate regulatory framework in environmental contexts leaves these persons in a situation of inadequate protection of their fundamental rights. Although the disaster risk management framework provides some tools, these are not sufficient to fully guarantee their rights.

In cases where a legal framework for internal displacement exists, institutional barriers that hinder its implementation, as well as low levels of awareness about these protections, create the **need for legal assistance to ensure its application in protecting victims and reparations**, including access to land restitution. **In countries and specific situations where no legal frameworks provide reparations for victims of internal displacement, legal assistance is needed to advocate for and advise on the creation of such protections.**

### 5.4.1. Barriers

Among the institutional barriers affecting the implementation of existing legal frameworks for responding to victims of internal displacement are limited infrastructure, insufficient personnel to support these initiatives, limited accessibility for victims, and complex bureaucratic procedures. In Honduras, a lack of available services, combined with ongoing neglect in ensuring adequate access and coverage of essential and specialized services, has been observed. Many services lack the necessary technical capacity and sufficient human resources to meet the growing demand. Additionally, the remote location of these services further exacerbates the situation, making access to assistance even more challenging. Similarly, in Colombia, reports indicate that the distance to service centers and mobility issues in conflict areas pose additional obstacles.

Additionally, displaced persons face a lack of information regarding assistance channels, their rights and available services. It is also important to consider that displaced persons not only lack information about their rights and available services but also face misinformation regarding the processes and procedures they need to follow to get help. This is further exacerbated by the existence of complex bureaucratic processes, requirements that are difficult to meet, and a lack of documentation, which is often a direct consequence of displacement itself. In Colombia, when the victims of internal displacement are foreigners, they encounter significant obstacles when attempting to access the victim declaration system, as competent entities usually resist receiving their claims.

In some cases, the structure of policies and their specifications limit their impact. For example, in Mexico, a criticism of the existing frameworks is that, being at the state level rather than the federal level, they result in a fragmented and ineffective response and fail to deliver reparations. Additionally, authorities often don't recognize internal displacement caused by generalized violence; thus, limiting access to reparations.

Moreover, the lack of legal regulation or the proper normative development to address the specific needs of the displaced population, particularly when displacement is linked to climate change, represents a significant barrier. This situation calls for specialized legal intervention to enable affected persons to access existing reparation systems. The absence of an effective regulatory framework not only perpetuates the vulnerability of these persons but also sidesteps the importance of a coordinated and effective response to a phenomenon that is becoming increasingly recurrent.

### 5.4.2. Consequences of the need for legal protection against internal displacement

The unmet need for legal assistance regarding internal displacement creates a direct consequence that translates into the inability to access a comprehensive path to reparations. This phenomenon not only implies the denial of fundamental rights, such as the registration and recognition of victims, reparations and compensation, but also perpetuates the vulnerability of displaced persons.

Due to the lack of documentation, because of displacement or challenges in re-registering at new places of residence, the displaced populations face limited access to essential services, such as healthcare, social protection and essential items, as the lack of documentation can hinder their official recognition as displaced persons.

The lack of reparations and comprehensive responses to internal displacement leaves many people without the possibility of vindicating their rights and, therefore, without the necessary tools to rebuild their lives. For

this reason, legal assistance is needed to drive the existing mechanisms and create mechanisms for situations that are not yet mentioned in legal frameworks.

### **5.4.3. Required legal services**

- ***Advice and support for filing a claim***

Institutions must provide legal support, guidance on the rights of displaced persons, and support in collecting and organizing the requested documentation to overcome the barriers to access the recognition of the person as internally displaced and for the claims to be received.

This is especially important for vulnerable groups such as people belonging to indigenous groups and foreigners, who due to these situations encounter additional barriers to filing a claim. These barriers include a lack of knowledge about the relevant institutions, lack of awareness of the legal framework that protects them, and even the refusal to accept their claims due to the absence of civil documentation or migration permits. Legal advice must also go beyond simply providing information. It is necessary to include the establishment of mobile legal clinics to serve hard-to-reach areas and respond to the structural obstacles that prevent communities from accessing institutions.

- ***Advice and management for the activation of reparation processes for displaced persons***

Legal advice and management are essential to access reparation measures. A significant gap has been identified in victims' understanding of rehabilitation processes. Rehabilitation programs and services may include access to health services, support to access livelihoods, among others. Victims are often unaware of the procedures for submitting applications and following up on their cases, limiting their ability to benefit from such programs.

- ***Filing legal actions to ensure land restitution***

Land restitution emerges as a fundamental aspect in comprehensive reparation for victims. A significant need for legal guidance in this area has been identified, as many victims who suffered the dispossession of their property during the conflict or after a natural disaster face difficulties in understanding and accessing the legal mechanisms that would allow them to recover effective ownership of their lands.

- ***Advice and management to facilitate civil registration and replace lost civil documentation***

Among the specific needs identified, the importance of immediate legal advice following displacement events is particularly significant, especially for managing documentation. Displaced persons often lose their documentation during forced displacements—whether on a large scale or individually—due to the urgency of their departure or during transit.



- ***Institutional advocacy to develop legal frameworks in the region that address internal displacement, including that caused by climate change or natural disasters.***

Considering the institutional barriers, a legal service is needed to address institutional advocacy for the development of legal frameworks in response to internal displacement, including that caused by climate change and natural disasters. The frequency and intensity of these phenomena have highlighted legal gaps and a lack of preparedness in many countries, as the existing legal frameworks fail to cover the complexity of the circumstances faced by displaced persons.



## **5.5. Access to Migratory Regularization**

Historically, mechanisms for migratory regularization in Latin America have played a fundamental role in the inclusion of migrants within host societies. However, in recent years, **the region has shown a trend toward stricter restrictions and a progressive reduction in these mechanisms**. This shift has created scenario where **legal assistance becomes essential to guide migrants and facilitate their access to processes that are increasingly complex and limited**.

An example of this transition is the implementation of mass regularization processes in countries like Colombia and Peru. Previously, Colombia and Peru implemented mass regularization programs that granted temporary permits to large numbers of migrants. Colombia has issued 1,868,587 permits between February 2021 and November 2023, and in Peru, more than 501,000 permits were granted between July 2021 and November 2023. However, in both countries, opportunities for migratory regularization are decreasing as this temporary protection permit process concluded in November 2023, reflecting the general trend toward more restrictive measures.

Despite these limitations and policies that prioritize security over protection, opportunities for migratory regularization still exist in the region, particularly for extremely vulnerable individuals and/or those requiring humanitarian assistance. In Colombia, survivors of GBV can, through legal precedents, access the temporary protection mechanism under the ETPV, for which legal support is needed throughout the process. In Peru, specific cases—such as individuals with severe medical conditions—can access migratory regularization mechanisms through special categories or humanitarian grounds, providing a potential pathway to secure regular status in the territory and access essential services. These migratory regularization mechanisms require legal support to identify and build cases, as well as to submit and follow through on their procedures.

### **5.5.1. Barriers**

The most frequent challenge to accessing the regularization options available are mainly institutional barriers, where policies and requirements barely reflect the reality of people in migratory situations.

The most frequent barrier to accessing migratory regularization is obtaining civil documents for foreigners. The processes that allow staying involve documentary requirements that are difficult to meet for the migratory profiles identified in the region, such as the possession of valid passports, the requirement of an entry visa for some nationalities, apostilled documents, and others. These requirements ignore the reality of people in displacement situations who have often lost or have very limited access to this documentation. The situation becomes more complicated in cases such as that of Venezuela, where citizens do not have access to consular services in their destination countries due to the closure of consulates in several countries in the region since July 2024.

Other requirements also reflect the authorities' lack of understanding regarding the situations of migrants, as seen in Peru's policy toward separated children and adolescents in irregular situations. The migration authority requires, as an essential condition for the regularization of minors, the presence of a parent or caregiver with duly formalized parental authority—a requirement that is often impossible to meet. Another institutional barrier is evident in the eligibility limitations within migratory regularization systems for persons in an irregular status.

Barriers related to the vulnerabilities of migrants, exacerbated by flaws in institutional designs, are also evident. For example, in Colombia, a significant barrier has been identified in the process of delivering migratory regularization documents, such as the Temporary Protection Permit (PPT). The centralization of delivery points in major cities fails to reflect the territorial reality of the refugee and migrant population, which often settles in rural areas and villages where they have found job opportunities or support networks. This situation creates a significant dilemma for economically vulnerable persons, who must choose between keeping their jobs or traveling to urban centers to collect their documentation, bearing transportation costs and loss of workdays. The policy of canceling documents due to untimely collection further demonstrates a profound lack of understanding of the circumstances and limitations faced by this population.

### **5.5.2. Consequences of the need for access to migratory regularization**

The difficulties in accessing migratory regularization processes leave many migrants

unable to regularize their status. This situation creates a cycle of vulnerability where the lack of



documentation that would prove a regular status has transversal impact on access to basic services, fundamental rights, and inclusion opportunities. Security-focused policies place persons in irregular situations at risk of detention, deportation, and potential family separation.

Finally, the lack of access to regularization mechanisms in some cases results in secondary displacements. During October 2024, an average of 26% of the households interviewed reported having undertaken secondary movements, often due to the inability to regularize their status and, consequently, the inability to access other underlying rights.

### 5.5.3. Required legal services

- ***Legal advice and/or management for vulnerable people seeking regularization through judicial means***

When migratory regularization can be obtained through judicial means, legal advice and, in some cases, representation are required to determine if cases meet specific requirements, develop a case, and process and follow up on such applications. This is particularly necessary in situations where visas, protection mechanisms, or special residency categories—such as those based on humanitarian reasons or vulnerability—can open pathways to regularization. Additionally, in processes related to documentation, such as gender identity or name changes, which go beyond standard procedures, specialized support is often needed to navigate and advocate for the necessary adjustments.

- ***Cross-border services and legal advice on requirements, deadlines and steps for obtaining documentation to support migratory regularization applications***

To overcome the challenges in accessing documents that can facilitate migration permits—especially for persons who need to meet specific documentation requirements from their country of origin or last residence—cross-border support is required to ensure the processing of these documents or the request for exemptions.

- ***Awareness-raising actions for migration officials***

Considering that exceptional processes exist for vulnerable groups within migrant populations, it is essential for migration officials to have the knowledge necessary to identify these cases and activate regularization mechanisms. This highlights the need for a legal service focused on raising awareness among migration officials about differential approaches.

## 6. Capacities

Although the variety of legal aid needs contain their barriers, such as institutional barriers and misinformation; there are also capacities within the affected populations and agents in legal assistance and justice—civil society, international organizations, and rights guarantors.

In terms of the capacities of the affected population, Colombia has shown the development of a strong social fabric represented by active community leadership, particularly in informal settlements where leaders act as guides on rights, legal services, and the available assistance pathways within the territory, fulfilling a role in community protection. Similarly, in Peru, both NGOs and civil associations, along with citizens themselves, have initiated significant pressure actions to resume administrative processes that were put on hold due to the closure of the Venezuelan embassy and consulate.

The coordination capacities of legal aid actors, including humanitarian organizations, civil society, and rights guarantors, play a crucial role in facilitating access to legal assistance. For example, through the work of the Regional Protection Sector of the Inter-Agency Coordination Platform for Refugees and Migrants of Venezuela (R4V Coordination Platform), national protection mechanisms have been created. These mechanisms, through their specialized focal points, enable a comprehensive response that includes fundamental components such as legal assistance. The effective coordination of these legal services, alongside other protection dimensions, is supported by annual evaluations that help identify the actual needs of affected populations. In Mexico, the legal response is coordinated through the legal sub-group, where various NGOs provide legal assistance in collaboration with the Public Defender's Office, aiming to strengthen the legal response. Similarly, in Colombia, collaboration between the Ombudsman's Office and humanitarian organizations has been observed to facilitate the provision of legal services, particularly legal guidance. The effectiveness of these efforts varies significantly depending on the geographic location, with certain regions demonstrating particularly efficient operations.

Among civil society organizations and international organizations, various legal aid activities and services are addressing gaps. For example, DRC and other organizations across the region carry out outreach and awareness-raising activities to inform asylum seekers when there are changes in policies and procedures that are not always effectively communicated. Additionally, they provide support to help individuals meet the obligations associated with the refugee procedure. Regarding legal assistance services for children without civil documents, DRC and its regional counterparts offer legal services to overcome information, technological, geographical, and economic barriers, or those related to lack of access to documentation. They provide support in gathering valid elements to access birth registration with evidence, as well as cross-border coordination services between Colombia and Venezuela to facilitate access to nationality, particularly for cases of extreme vulnerability and even those at risk of statelessness.

Finally, despite the identified gaps, duty bearers, including governments, have their own capacities to respond to legal aid needs through laws, policies, and institutional initiatives. For example, regarding internal displacement, although there are areas for improvement, the existence of the previously

mentioned legal frameworks allows for the possibility of a holistic response to rights violations and serves as an example for other countries in the region.

## 7. Recommendations

### 7.1. For the humanitarian community



#### Regarding the offer of legal services:

- Establish mobile legal clinics to serve rural areas and remote communities, addressing the identified barrier of centralized services and geographic access difficulties.
- Create networks of organizations specialized in gender-based violence to provide comprehensive legal aid representation for survivors.

#### On strengthening cross-border legal aid services:

- Create referral mechanisms between organizations from different countries.
- Implement secure information exchange systems.
- Develop legal information databases by country between organizations that allow keeping up to date the regulatory landscape affecting people on the move.
- Establish networks of cross-border legal services providers.

#### Regarding community capacity-building:

- Develop training programs for community leaders on access routes to legal rights and services, taking advantage of the identified capacity of active leaders in informal settlements.
- Establish networks of community advisors (paralegals) trained in identifying international protection needs and referring them to specialized services.

### 7.2. For States



#### Regarding access to justice:

- Establish specific protocols to guarantee access to justice for people in an irregular migration situation, especially in cases of GBV.
- Strengthen channels for disseminating information on people's rights and mechanisms for access to justice and state legal services.
- Implement training programs for public officials on the rights of migrant and refugee populations, responding to the identified barrier of institutional ignorance.

#### Regarding strengthening international protection systems:

- Improve access to asylum procedures.
- Establish points for receiving applications at borders.
- Decentralize the asylum application reception services to include border areas.
- Promote alternatives to expulsion and guarantee the right of non-refoulement.
- Create a training program for public officials on international protection and human rights, especially in border areas.

**Regarding civil documentation and access to nationality:**

- Create mobile units that allow civil registry and documentation services to be brought to communities in rural or remote areas without institutional presence.
- Raise awareness among public officials about the realities of people in the context of human mobility and promote responses appropriate to their vulnerable situations.

**Regarding internal displacement:**

- Develop specific regulatory frameworks for the protection of displaced persons, both those displaced by violence and environmental factors.
- Promote communication between State institutions that guarantee the rights of internally displaced persons to ensure a comprehensive response that covers, in addition to the specific rights to reparation and restitution, basic services and civil documentation.

**Regarding migratory regularization:**

- Establish permanent mechanisms for migratory regularization that do not depend on deadlines for entering the country.
- Ensure that regularization processes respect due process, including the right to information on requirements and procedures and to receive legal assistance.
- Encourage migratory regularization processes to be based on a human rights approach and to prioritize the protection of migrants.
- Simplify documentary requirements for the regularization of separated or unaccompanied children.

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