

Migration in the Americas:

Human Rights for all Migrants and their Families

As representatives of civil society organizations who work in different areas in the field of human mobility, meeting in Santiago, Chile from November 19-22, 2002, at the first Civil Society Forum of the Americas on Human Mobility, drawing on the Guatemala Declaration of the Regional Network of Civil Organizations on Migration (RNCOM) (May 2002), and the Declaration of the First South American Civil Society Gathering on Migration in Quito (August 2002), and

Considering that:

- America is a continent in motion and a growing, complex phenomenon of forced mobility in the form of international migration and internal displacement persists within it that, in recent decades, has demonstrated the following characteristics:
 - Increased mobility within and outside of the continent;
 - Rising levels of internal displacement;
 - Feminization of migration, a result of the adoption of family strategies that include the autonomous migration of women as a survival mechanism;
 - Growing migration of urban sectors and skilled populations;
 - Sustained mobility of unskilled labor;
 - Growing numbers of asylum-seekers, refugees, and unprotected migrants;
 - Increasing numbers of people who disappear, are injured, or die in the process of migrating;
 - Increases in the trafficking and smuggling of persons, illicit practices that undermine human dignity.
- These tendencies demonstrate the failure of current economic models and are related to the imposition, in most American countries, of structural adjustment policies that have deepened social inequalities, unemployment, poverty, economic exclusion, as well as discrimination, the corruption of power structures, and political and institutional violence. At the same time, new initiatives like the negotiations of the Free Trade Area of the Americas (FTAA) and agreements negotiated under the WTO framework will widen the reach of these policies, threatening to deepen already-existent social gaps, and generate more poverty.
- In Colombia the persistent armed conflict persists is increasingly internationalized by means of growing militarization throughout South America, the presence of foreign troops, the increase in displaced people, and refugees, as well as the fumigations of illicit crops in the framework of failed anti-drug policies.

- Far from defining migration policies that respond to complex realities of current migration patterns, our governments have reduced the migration agenda to restrictive policies and national security derived from the U.S. doctrine of a global struggle against terrorism since 9/11. This agenda views migration as a threat and is characterized by tightening of security policies, border control, arbitrary detentions, and deportations. This is accompanied by the process of installation of U.S. military bases throughout the continent.
- This perspective reveals the absence of strong commitments from governments to define policies, legislate, and implement measures to ensure the recognition, promotion, and protection of the human rights of migrant populations, in clear non-compliance with the obligations derived from international instruments voluntarily assumed by governments. Even worse, the restrictive policies that are being applied in migration-related matters often generate the very situations of irregularity that the governments are trying to combat. A consequence of this irregularity is the worsening of migrant workers' labor and security conditions.
- While it is true that there exists a recent initiative in the framework of the Mercosur, Bolivia, and Chile, which facilitates the free residence of its members in those countries, current migration policies in these countries will undermine full compliance with the agreement, as has occurred with the CA-4 initiative in Central America.
- The lack of reliable quantitative and qualitative studies regarding migration, and the scarce resources states devote to this research, undermines the governments' ability to design migration policies.
- Restrictive migration policies generate conditions that lead to the clandestine movement of people and, in this way, lend themselves to illicit activities like trafficking and smuggling of persons – especially women and children – for labor or sexual exploitation, sale of organs, and illicit adoption of minors. High degrees of state and institutional corruption are linked to the operation of international networks of exploitation, because corruption results in impunity for people responsible for trafficking networks, including, by participation or indifference, agents of the state.

WE REJECT:

- Policies and models that result in differential access to fundamental human rights, and that exclude the majority of people from the benefits of economic growth and the right to development, and
- Agendas and models of integration and free trade (like the FTAA) that will deepen even more the current economic gaps and generate more poverty in the majority of our countries.

WE URGE GOVERNMENTS:

In the international arena to:

- Effectively guarantee all migrants the rights recognized in the Universal Declaration of Human Rights, the American Declaration of the Rights and Duties of Man and other international human rights instruments ratified by each state;
- Subscribe to, ratify, and implement the International Convention for the Protection of the Rights of all Migrant Workers and their Families, the Palermo Protocols, and ILO Conventions 97 and 143;
- Extend political and institutional support to the Inter-American Human Rights Protection system, including technical and financial resources, with the aim of guaranteeing the promotion and protection of the rights of migrants, displaced people, and refugees;
- Contribute actively to the work of the Inter-American Commission's Special Relator for the Migrant Workers and support the implementation of the Inter-American Program for the Protection of the Human Rights of Migrants;
- Develop and implement national plans of action against discrimination, in compliance with the agreements reached at the World Conference Against Racism, Xenophobia, and other related forms of Intolerance, particularly the commitments relating to migrants, displaced people, and refugees;
- Respect the right to free mobility of indigenous people in accordance with their ancestral practices;
- Promote a political solution to the armed conflict in Colombia based on respect for principles of national sovereignty and non-intervention;
- Develop regional agreements that effectively guarantee the right of free transit and residence of nationals of the countries that make up these agreements, like the recent MERCOSUR-Bolivia-Chile agreement, taking into consideration need that they be accompanied by measures that will eliminate the high costs and numerous bureaucratic obstacles that currently characterize the process of applying for residency in many countries;
- Include express clauses that protect the interests and rights of migrant workers in bilateral or regional free trade agreements;

In national arenas:

- Promote the democratic construction of alternative economic models that ensure the economic, social, and cultural rights of all people, and facilitate policy debates regarding the model of inequitable development that leads to forced migration;
- Reorient consular policies and the training of consular officials to help them protect and promote the respect of the rights of their co-nationals living abroad;

- Implement public campaigns of sensitivity, information dissemination, and training aimed at making the situation of migrants visible, keeping in mind the particular situations of women, youth, the elderly, people with special needs, indigenous peoples, ethnic and religious groups;
- Finance and join forces with civil society in order to implement studies, diagnostics, comparative analyses, and produce and disseminate timely and adequate information that allows for the design, implementation, and adequate monitoring of migration patterns and public policies regarding migration;
- Support the efforts of organized civil society committed to the defense of the rights of migrant populations, ensuring their access to information and their participation in the design, debate, and implementation of public policies regarding migration;
- Support the efforts of migrant organizations that already exist in various countries to ensure that they are able to carry out their programs and projects;

In relation to the particular issue of smuggling and the illegal trafficking of people:

- Without using it as an excuse for the militarization of the continent, take measures to ban and repress mafias and networks dedicated to illegal trafficking and smuggling of people – in particular in cases involving women and minors – for labor or sexual exploitation, the commercialization of organs, and the illicit adoption of minors;
- Eradicate the impunity that these networks have enjoyed up to the present, and dismantle and penalize the acts of state and institutional corruption that give rise to this impunity. Sanction the promoters and consumers of child prostitution;
- Define policies, plans, and programs that, in the framework of a comprehensive agenda, guarantee the rights of the victims of these crimes, taking into particular consideration the creation and implementation of assistance programs to victims of smuggling, including social, legal, and psychological support.

To conclude, we demand that governments define policies, plans, and programs that, in the framework of a comprehensive agenda, guarantee the rights of their citizens living abroad, as well as the foreigners residing in their territory, regardless of migratory status. To do this, they must address the multiple dimensions of the migration phenomenon, instead of reducing it exclusively to national or hemispheric security objectives. In particular, we demand the implementation of laws that are consistent with international human rights treaties and guarantee the protection and not the criminalization of migrants, facilitating the regularization of their migratory situation.