COMMITTEE ON MIGRATION ISSUES OEA/Ser.W

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REPORT BY THE CHAIR OF THE COMMITTEE ON MIGRATION ISSUES (CAM)
ON FOLLOW-UP TO THE INTER-AMERICAN PROGRAM FOR THE
PROMOTION AND PROTECTION OF HUMAN RIGHTS OF MIGRANTS,
INCLUDING MIGRANT WORKERS AND THEIR FAMILIES

(2019–2020 period)

(Prepared by the Chair with support from the Technical Secretariat)

**INTRODUCTION:**

* As part of the mission entrusted to it by the Inter-American Program for the Promotion and Protection of the Human Rights of Migrants, Including Migrant Workers and their Families [AG/RES. 2883 (XLVI-O/16)](http://scm.oas.org/doc_public/ENGLISH/HIST_17/CIDSC00039E02.doc), during the current period (2019–2020) CAM requested activity reports from the different stakeholders responsible for pursuing the Program’s objectives. Those reports appear in the annexes to this report.
* The following paragraphs provide a summary of the work carried out and reported by those stakeholders in pursuit of the Program’s objectives.
1. **Report by the Department of Public Security (DPS) of the Secretariat for Multidimensional Security (SMS)**
* The DPS supports the member states in strengthening their public policies for preventing, dealing with, and reducing the main criminal offenses that affect irregular migrants, most particularly human trafficking. The DPS does so through two complementary spheres of action: politically, and programmatically.
* In the political arena, it serves as the technical secretariat of the Meetings of National Authorities on Human Trafficking, in conjunction with the Department against Transnational Organized Crime (DTOC). A total of five meetings have been held since 2006, with the aim of creating venues for discussion and cooperation among the region’s highest national authorities, identifying trends, setting priorities, determining the region’s main concerns in this regard, and presenting joint recommendations to improve the responses offered for dealing with those problems. The outcomes of those meetings included the First Work Plan against Trafficking in Persons (2010–2014), the Second Work Plan to Combat Trafficking in Persons in the Western Hemisphere (2015–2020), the Inter-American Declaration to Address Trafficking in Persons (Declaration of Brasilia, 2014), and the Declaration of Mexico (2018).
* Also as the result of these meetings, the Human Trafficking Knowledge Portal is being developed, which will provide the OAS member states with: (i) a database and qualitative and quantitative information on actions underway in the countries to prevent and prosecute this crime and to provide its victims with assistance, (ii) national and international legal frameworks, directories of national authorities, projects, programs, best practices, publications, courses, and other materials on trafficking in persons, and (iii) exchanges of knowledge and information, and of collaboration opportunities between the member states.
* In the programmatic arena, the DPS has in recent years implemented four projects to bolster the prevention of human trafficking and to assist and protect its victims. Between 2014 and 2018, the Program to Prevent Crimes Related to Irregular Migration was carried out in eight countries of Mesoamerica. Comprising three complementary axes (prevention, intervention, and protection), it is intended to strengthen government responses in dealing with the main offenses that affect migrant populations in Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, and the Dominican Republic.
* In Honduras, the DPS has been working since 2017 to promote access to and improve resources for the assistance and protection of human trafficking victims in four municipalities with high levels of migration. A total of 70 professionals received training and certificates to improve their ability to assist populations vulnerable to human trafficking, and efforts were made to integrate them into a network for interinstitutional and intermunicipal cooperation and assistance. As part of this initiative, a catalogue of governmental and nongovernmental institutions that provide services for human trafficking victims was also produced.
* The DPS also assisted with the production of a handbook of Action Routes for the Identification, Assistance, and Protection of Human Trafficking Victims, specifically tailored to the four beneficiary municipalities, which was officially presented in March 2020. These municipalities’ local committees have also been strengthened through regular meetings to encourage interinstitutional interaction and engagement, training exercises, and the creation of an instant-messaging network for the municipal focal points.
* In Guatemala, the DPS is implementing a project to strengthen the technical capacity of personnel from government agencies, nongovernmental organizations, and civil society to provide immediate and first-level assistance to human trafficking victims, particularly the highly vulnerable. In January 2020, the Handbook of Comprehensive Attention for Adult LGBTIQ+ Human Trafficking Victims in Guatemala was launched. Development of an online education tool is currently underway to bolster the knowledge and skills of first-aid professionals in the identification, assistance, protection, and channeling of human trafficking victims in general. It will be launched in the coming months.
* In Ecuador, the DPS will implement a project to prevent human trafficking, assist and protect its victims (including assisted return), and bring the perpetrators to justice, with a particular focus on minorities and migrant populations. Its interventions include proposing and adapting regulatory and legal frameworks, training for government personnel and members of civil society, and the enforcement of policies at the local level.
* The outcomes of these cooperation projects for preventing crimes related to irregular migration are available on the website of the Inter-American Network for the Prevention of Violence and Crime, and the DPS’s social networks also report on project implementation.
* The DPS remains committed to fulfilling the objectives of the Program for the Promotion and Protection of the Human Rights of Migrants, Including Migrant Workers and their Families, and to its mission of bolstering the professional capacities of government agencies, nongovernmental organizations, the private sector, and other social stakeholders and of promoting interinstitutional and intersectoral cooperation and collaboration at all levels, in order to contribute to the implementation of efficient and effective actions for preventing and combating crimes that affect migrants and for assisting and protecting their victims in the Americas.

**2. Report by the Inter-American Commission on Human Rights (IACHR)**

* In resolution 4/19 of December 7, 2019, the IACHR published the Inter-American Principles on the Human Rights of all Migrants, Refugees, Stateless Persons, and Victims of Human Trafficking. That resolution consolidates and further develops the guidelines for the design, preparation, implementation, and evaluation of public policies for protecting and promoting those individuals’ rights.
* The Commission also issued statements through several of its press releases, condemning situations of violence, disappearances, and death, and the adoption of policies that restrict migrant mobility. In other communications, it applauded measures adopted to ensure the right to nationality and prevent statelessness in the region. The IACHR also called on states to uphold the rights of migrants and to meet their international obligations in that regard, and it expressed its concern about the situations of migrants and refugees in the United States, Mexico, and Central America, of people forced to migrate from Venezuela, and of members of migrant and refugee caravans in Honduras and Guatemala.
* The IACHR carried out working visits, including:
* Costa Rica (May 19–24, 2019), to monitor and follow up on the situation of Nicaraguans forced to flee to other countries.
* Honduras (May 22–24, 2019), to monitor compliance with the recommendations formulated by the IACHR in the preliminary observations of its 2018 visit.
* United States (August 19–23, 2019), to monitor reception conditions at the border, access to asylum and to international protection procedures, migrant detention conditions and their associated practices, migration and asylum procedures, and procedural guarantees and judicial protection, with special emphasis on the principles of family unity and the best interests of children.
* Panama (September 16–17, 2019), to observe the situation of Nicaraguan migrants and refugees in Panama.
* In addition, the IACHR visited Bolivia on December 22 to 25, in order to learn about situations of ethnic and racial discrimination, detentions and arbitrary arrests, the use of force during the recent protests, citizen security, freedom of expression, and the rights of migrants.
* The IACHR, in fulfillment of its monitoring functions, sent requests for information to states regarding the following matters: migration measures in Argentina, the modification of the process to determine refugee status in Canada, the death of Nicaraguans in Honduras, and complaints of sexual abuse made by migrant children in detention in the United States.
* Through its Rapporteurship on the Rights of Migrants, the IACHR presented a report on the forced migration of Nicaraguans to Costa Rica.
* The IACHR participated in outreach and training activities, including:
* Conference at the Migration Policy Institute in Washington, D.C.
* Event on migrants’ rights in Colombia.
* Event on the mechanisms of the IACHR and human mobility training in Washington, D.C.
* Mock courts at the University of Baltimore in Maryland, United States.
* Event on statelessness at Howard University School of Law in Washington, D.C.
* Training workshop on international migration and asylum standards in Washington, D.C.
* Activity on migrants’ rights in Tijuana, Mexico.
* Workshop on inter-American human rights standards regarding migration and internal displacement, for officers of the judiciary, and course on migration and economic, social, cultural, and environmental rights (ESCER) for technical staff of the National Human Rights Commissioner, in Tegucigalpa, Honduras.
* Course on migration and ESCER for technical staff from the office of the Ombudsman for Human Rights, in Guatemala.
* Course on migration and ESCER for officers of the judiciary, and course on migration and ESCER for technical staff of the attorney general’s office, in San Salvador, El Salvador.
* In connection with the OAS’s political bodies, on March 18, 2019, the Executive Secretary of the IACHR, Paulo Abrão, gave a presentation on the situation of migrant populations in the region at an informal meeting of the CAM.
* During 2019, the IACHR consulted with civil society regarding the Inter-American Principles on the Human Rights of Migrants, Refugees, and Other Persons in the Context of Mixed Migration Flows.
* Regarding the Commission’s activities with other regional and universal human rights agencies, at the 42nd session of the Human Rights Council, the IACHR participated as a guest on a high-level panel on the High Commissioner’s report on the human rights situation in Nicaragua. The Commission also participated in the interactive dialogue on the situation of migrants in the region.
* In connection with the Special Follow-Up Mechanism for Venezuela (MESEVE), the IACHR made significant efforts to monitor the human rights crisis in Venezuela. During 2019, the Commission issued 30 press releases in connection with that country. In addition, at its periods of sessions over the course of the year, the Commission held 13 thematic hearings on the human rights situation in Venezuela and the situation of Venezuelan migrants in the region.

**3. Report by the Inter-American Commission of Women (CIM)**

* Women have always migrated, but their migrations have increased in number and complexity, as have the different forms of violence and discrimination faced by migrant women in their countries of origin, transit, and destination. Identifying and showcasing gender-differentiated impacts and the intersectionality intertwined with the lives of the world’s more than 120 million women and girl migrants helps our societies humanize the differentiated situation of female migrants and reveals new dimensions within it.
* Attention must be drawn to issues of poverty, insecurity, health emergencies, and other related problems but, above all, to two crosscutting phenomena that accompany migrant women at every step along their migratory routes: care and violence. The sexual division of labor assigns women, almost exclusively, the burden of care—not only for minor-aged children, but also for disabled family members and older adults—and this has an impact on all aspects of women’s lives.
* Care work is also present in women’s migration, on account of the worry and guilt they feel when they leave their dependents in the care of others when they migrate to other countries, where they predominantly find employment in jobs that entail care; it is also present in their own migrations when they are accompanied by their dependents, particularly children.
* Situations of violence are another crosscutting element in female migration. Often, domestic and social violence are among the factors that drive migration. Migration routes expose women’s bodies and lives to multiple forms of violence, particularly sexual violence, sexual blackmail, and rape, and, at the extreme, some women are tricked or coerced into labor or sexual trafficking by transnational organized crime networks.
* Through the Follow-up Mechanism to the Convention of Belém do Pará (MESECVI), in 2012 the Committee of Experts recommended that the Convention’s states parties criminalize trafficking in persons in line with the standards of the Palermo Protocol. The system of indicators distributed to the states for the Third Multilateral Evaluation Round included migrant women in 28 of its indicators, and the states’ responses thereto were recorded in the Third Hemispheric Report on the Implementation of the Convention of Belém do Pará (2017).
* The Thirteenth Meeting of the Committee of Experts, held in October 2016, adopted an agreement to work for the enforcement of the Convention of Belém do Pará against the crime of trafficking in women and girls. Since then, MESECVI has held meetings on protecting the rights of female trafficking victims.
* In May 2017, CIM organized a round table on the regional challenges posed by the trafficking of women and girls from a human rights perspective. The aim was to raise the profile of their shared identification and assistance challenges and how they are rooted in an approach that prioritizes prosecuting crimes and/or controlling immigration over and above protecting and upholding victims’ rights. As the result of that meeting, the OAS member states agreed to “strengthen institutional capacities to prevent and prosecute crimes […], in particular, human trafficking, particularly of women and children; and the illicit trafficking of migrants by land, sea, and air, on account of their situation of vulnerability, promoting respect for their human rights.”
* Similarly, in November 2017, the Seventh Conference of the MESECVI States Parties agreed to “request that the Technical Secretariat of the MESECVI continue to work with the Secretariat for Multidimensional Security of the OAS on the issue of Human Trafficking in all of its modalities, particularly of women and girls, from a gender perspective.”
* Those same authorities met again in February 2018, at the Second Special Conference of MESECVI States Parties, when they agreed to “facilitate a meeting point between the MESECVI, competent authorities at the national level in the area of human trafficking, and regional integration mechanisms fighting human trafficking, in order to promote the permanent exchange of relevant information about women and the gender perspective in relation to this issue.”
* At the Second Special Conference of the States Parties, the authorities adopted a new strategic plan to govern the MESECVI’s activities over a period of five years (2018–2023). One of the central planks of this new plan is working on the issues of disappeared women and human trafficking, with a particular emphasis on women and girls, in accordance with a gender perspective.
* In 2018, the Committee of Experts adopted General Recommendation No. 2 on missing women and girls in the Hemisphere, which analyzes the trafficking and forced migration of women as a cause of disappearances. It seeks to frame the disappearance of women and girls within the terms of the Convention and, consequently, highlight the states parties’ obligation to prevent, investigate, punish, and eradicate that form of violence.
* On November 4, 2019, the MESECVI Committee of Experts sent an amicus brief to the Office of the United Nations High Commissioner for Human Rights for inclusion in a petition on the case of *A.R.B.M. v. Spain* before the CEDAW Committee, in an attempt to protect a woman who was the victim of trafficking and sexual exploitation. Among the arguments it presented, the Committee of Experts spoke of the heightened duty of states of origin, transit, and destination to address and respond to trafficking as a form of violence and discrimination against women for reasons of gender with a differentiated and specialized approach.
* CIM has worked to create and influence key forums for political dialogue about migration. In September 2019, in collaboration with the Center for Victims of Torture, CIM organized a dialogue panel and art exhibition to showcase the voices of women who had suffered violence during their northward migrations from Central America. The panelists—from MESECVI, the Latin America Working Group (LAWG), and Together for Girls—examined the reasons why the region’s women migrate, the impact of current policies in the Americas, and recommendations for better meeting the needs of these women as migrants, as well as in their countries of origin.

**4. Report by the Inter-American Children’s Institute (IIN)**

* As part of the Quito Process, a high-level regional technical meeting was held in late March 2019. Attended by representatives of public agencies for the protection of refugees and systems for the promotion, protection, and exercise of the rights of children and adolescents, it highlighted the urgent need to create a Regional Cooperation Protocol to protect children and adolescents in the context of human mobility. An interagency group, comprising IOM, UNHCR, IIN-OAS, and IPPDH, was established, and a draft protocol has already been produced.
* The IIN conducted the study “Migration and Early Childhood in Latin America and the Caribbean: Crossroads between a New Regional Scenario, Legislation, and State Intervention,” which deals with the phenomenon of human mobility in general terms and, more specifically, how it affects early childhood. The document’s findings and conclusions emphasize:
* The invisibility still surrounding children and adolescents—and particularly during early childhood—in how the human mobility phenomenon is addressed.
* The numerous structural causes that create inequalities and obstacles to the exercise of rights, which drive migration from countries of origin.
* National regulatory frameworks generally include the rights of migrant children and adolescents, but that recognition still has a way to go before it can be exercised in equality of conditions with countries’ nationals.
* The need for greater engagement by systems for the promotion, protection, and exercise of children’s and adolescents’ rights at all stages of public policies, from formulation onwards.
* The need and importance of furthering routes or mechanisms for the promotion, protection, and exercise of regional rights, together with their coordination mechanisms.
* Since the second half of 2019, the IIN has been working on the creation and consolidation of a Network of Technical Liaisons to serve as a permanent online forum for exchanges and discussions, with the aim of determining the situation in the region and identifying good practices for attending to children and adolescents in contexts of human mobility. During this year, there are plans to release a document containing good practices and recommendations.
* The Institute also produced the document “Children and Adolescents: Key Concepts,” and the issues note “Reflections on the Sexual Exploitation of Children with a Gender Perspective.”
* The IIN provided Paraguay’s Ministry of Children and Adolescents with technical assistance in drafting a legislative bill “to regulate the international return of children and adolescents.”
* It also provides permanent technical assistance to the Regional Action Group of the Americas (GARA) for preventing the sexual exploitation of children and adolescents by travelers and tourists.
* The Fifth Subregional Meeting on “Prevention, Protection, and Restitution of Rights in the face of Sexual Exploitation of Children (SEC): Experiences for Reflection,” was held in Quito in August 2019. It brought together the IIN’s technical liaisons for the sexual exploitation of children and adolescents from the region’s southern states to allow them to exchange specific experiences underway in the region in the prevention, protection, and restitution of rights affected by SEC, paying particular attention to forms of sexual exploitation of children and adolescents through the internet and travel and tourism.
* The second edition of the Specialized Online Course on Migrant Children in the Americas, for personnel from public institutions and nongovernmental organizations engaged in the area, is currently under development.
* The twelfth (Spanish) and sixth (English) editions of the online course “Civil Aspects of International Child Abduction” were held, as was the mixed-mode course on “Sexual Exploitation of Children and Adolescents.”
* In light of the COVID-19 pandemic, the IIN has been in contact with child protection agencies and has received and accepted several requests for technical assistance directly related to the current situation. Migrant children, as a group, are particularly vulnerable to both the pandemic’s medical and health repercussions and its social and economic impact.
* Most do not have access to health services, and their undocumented status and fear of deportation hamper epidemiological monitoring. Their housing conditions are generally precarious and extremely overcrowded, which hinders preventive isolation or simply renders it ineffective.
* The IIN has provided concrete guidance and has facilitated communications between states and organizations for exchanges of good practices. It is also preparing user-friendly materials that gather together the main recommendations of the study into migration and early childhood, adapted to the context of the current pandemic.

ANNEX

Complete reports submitted by stakeholders of the Inter-American Program for the Promotion of the Human Rights of Migrants, Including Migrant Workers and their Families

* Inter-American Commission on Human Rights (IACHR):

Spanish: <http://scm.oas.org/pdfs/2020/Informe-CIDH-CAM.docx>

* Inter-American Commission of Women (CIM):

Spanish: <http://scm.oas.org/pdfs/2020/Informe-CIM-CAM.docx>

* Inter-American Children’s Institute (IIN-OAS):

Spanish: <http://scm.oas.org/pdfs/2020/Informe-IIN-CAM.pdf>

* Department of Public Security (DPS):

Spanish: <http://scm.oas.org/pdfs/2020/Informe-DSP-CAM.docx>

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