COMMITTEE ON MIGRATION ISSUES OEA/Ser.W

 CIDI/CAM/doc.125/23

 28 March 2023

 Original: Spanish

CONCEPT PAPER

THEMATIC MEETING: “HUMANITARIAN MANAGEMENT OF MIGRATION AND BORDERS: HUMANITARIAN CORRIDORS AND STABILIZATION OF MIGRANTS UNDER THE PRINCIPLE OF FREE MOVEMENT OF PERSONS. HUMAN MOBILITY SITUATION IN THE DARIÉN REGION AND CENTRAL AMERICA: FOOD INSECURITY, EXPOSURE OF MIGRANTS TO NATURAL DANGERS, TRANSCONTINENTAL MIGRATION, AND THE CONSEQUENCES OF CONFLICT AND FORCED DISPLACEMENT”

(April 11, 2023)

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

The increase in mixed migratory flows traveling along irregular routes in the Americas endangers the physical integrity and human rights of migrants and displaced persons, who as a result face numerous risks on their journeys, and it has also fueled urgent humanitarian crises in the Hemisphere. For that reason, warnings have been issued regarding the need to implement prioritized assistance plans to ensure the integrity, safety, and well-being of migrants and refugees traveling along those routes.

Far from their countries of origin and usually undertaking journeys along dangerous routes in precarious conditions in search of socioeconomic stability and refuge, these people often suffer serious human rights violations, which have repercussions for their mental and physical health and, in the worst cases, can lead to their deaths. The risks to which they are exposed include falling victim to the actions of criminal groups, such as sexual exploitation, rape, kidnapping, murder, and other abuses and forms of violence.[[1]](#footnote-1) In addition, because of their precarious conditions, they are exposed to diseases such as dengue and malaria, often without the possibility of immediate medical attention or access to food and shelter. The most vulnerable people in these flows are victims of forced displacement, asylum seekers, stateless persons, sexual, ethnic, and racial minorities, women, children, and adolescents.

According to the IOM, four main migration patterns can be identified in the Hemisphere and, specifically, in Central America. First, mixed population movements from countries in the region toward countries in North America, the main destination being the United States. Second, intra-regional migration flows: i.e. citizens from different countries in the region to other countries in the same region, with the main destinations being Mexico, Costa Rica, and Panama. Third, flows of people from the Caribbean and South America, along with various extra-regional flows from Asia and Africa, all of whom cross the region’s countries with the intention of heading north. Dense flows of returnees—mainly to the countries of northern Central America—also have an impact: during 2021, there was a 39% increase in the numbers of migrants returning to the countries of northern Central America, for a total of 125,257.[[2]](#footnote-2)

In 2022, a record number of people in mixed movements was registered, almost double the 2021 total. In the Darién region alone, a corridor 106 km in length that connects Central and South America, the total rose from 133,000 to 250,000 people, 61% of whom came from Venezuela, followed by nationals from Cuba, Ecuador, and Haiti. The increase was largely due to economic, environmental, political, and security factors, aggravated by the COVID-19 pandemic.[[3]](#footnote-3)

The Darién Gap, which has one the most complex topographies in the world, has become one of the busiest irregular migratory routes for migrants on their way north. As of February 8, 2023, there had been a historic number of new entries through the Darién region: almost 31,000 people, mainly Haitians and Ecuadorians.[[4]](#footnote-4) The difficult conditions along this route led to the deaths of some 36 people during 2022.[[5]](#footnote-5)

According to the IOM, the death toll could be higher because many victims are neither reported nor recovered.[[6]](#footnote-6) United Nations figures indicate that 28% of the total number of migrants crossing the Darién Gap in 2022 were women, with children and adolescents accounting for a further 16%,[[7]](#footnote-7) all of whom were exposed to natural dangers in an inhospitable jungle environment.

According to the Migration Policy Institute, nearly 2.5 million migrant encounters were recorded at the southwest border of the United States during 2022, including nationals from Venezuela, Nicaragua, and Cuba: an increase of 37% compared to 2021.[[8]](#footnote-8) In addition, three of the region’s countries are among the world’s top five recipients of asylum applications (the United States, Mexico, and Costa Rica). The number of asylum seekers and refugees in Central America and Mexico rose from an estimated 44,554 in 2017 to 499,252 in 2022.[[9]](#footnote-9)

In light of this panorama—with the considerable rise in the numbers of people in situations of human mobility in the region; the worsening of their human rights situations, especially at border crossings; the already overwhelmed capacities of states and local communities to process them and meet their assistance and protection needs; and the additional involvement of environmental factors, such as environmental degradation—calls have been made for international cooperation to strengthen humanitarian efforts with a shared responsibility approach.

This is becoming urgent despite the assistance provided by bodies such as the Comprehensive Regional Protection and Solutions Framework (MIRPS), in which Belize, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, and Panama participate to provide a joint action response by fostering regional cooperation between countries of origin, transit, and destination and promoting greater shared responsibility for prevention, protection, and lasting solutions from an interagency and multisectoral approach. Similarly, the MIRPS Support Platform—created in 2019 at the first Global Refugee Forum to support the efforts of the MIRPS countries in providing protection and seeking solutions for forcibly displaced persons in Central America and Mexico—serves as a mechanism for greater responsibility sharing, with the support of states, financial institutions, and the private sector.

In the Darién Gap—despite the efforts of Colombia and Panama to promote cooperation in the control of migrations headed for North America, ensure that they are safe, and guarantee a humanitarian approach—further assistance is still needed to establish protocols and mechanisms to ensure that flows are controlled, safe, and dealt with in a humanitarian way. All this could be achieved by establishing a roadmap to save the lives of migrants transiting through the region, strengthening security coordination and cooperation, and combating the misinformation spread by migrant smuggling networks that put the lives of migrants at risk in this particular stretch of jungle terrain.

In that context, the humanitarian management of migration requires that states adopt human rights standards and safeguards that guarantee the well-being of migrants and refugees, regardless of their legal status, place of origin, physical appearance, and any other characteristic or condition that could cause gender-based or intercultural discrimination, while paying special attention to the differentiated protection needs of all persons.

In particular, the humanitarian management of borders means that human rights should be the starting point for migration governance measures, that migrants and refugees should be protected from all forms of discrimination, and that their effective protection and access to justice in border territories should be guaranteed.[[10]](#footnote-10) Moreover, the principle of international solidarity, enshrined in United Nations Human Rights Council resolution 44/11, speaks of unity among individuals, peoples, states, and international organizations in order to preserve the international order. This, in practice, is facilitated by the principle of shared responsibility, which calls for the adoption of joint measures by states for the humanitarian management of migration and borders, a call that was reiterated in both the Global Compact for Safe, Orderly, and Regular Migration and the Global Compact on Refugees.

For this response to be effective, the legitimate interests of states in conducting border controls must be harmonized with their obligation to respect the rights of migrants and refugees. Thus, states have the duty of including human rights guarantees in their provisions and operational agreements governing the attention given to migrants and refugees, along with the duty of ensuring that the authorities have the resources and training necessary to carry out their work in accordance with international human rights rules and standards.

Within the inter-American system, the Inter-American Program for the Promotion and Protection of the Human Rights of Migrants, including Migrant Workers and their Families, adopted by means of resolution AG/RES. 2883 (XLVI-O/16), emphasizes the need to promote exchanges of good practices and cooperation between countries of origin, transit, destination, and return for the protection of the rights of migrants and refugees and their families, even at times of humanitarian crises or natural disasters.

Against that backdrop, this thematic meeting of the CAM will provide a forum for discussing the principles for the humanitarian management of migration and borders and for addressing the main challenges and opportunities in implementing humanitarian assistance protocols from the perspective of the shared state responsibility. This dialogue will aim to promote the analysis of strategies for compliance with human rights safeguards in the attention and protection of migrants and refugees with protection needs, while recognizing the inherent challenges of human mobility: discrimination, hunger, food and nutrition insecurity, displacement, and poverty. It will also consider environmental factors caused by climate change that increase the risk of disasters, in addition to counteracting the loss of biodiversity.

After the presentations by the panelists, the delegations will have an opportunity to address these topics. In particular, states are requested to share their best practices in this area, allowing for dialogue and exchanges on these issues in order to consolidate information and make it available to the member states.

1. . For more information, see the following link: <https://www.vozdeamerica.com/a/los-10-peligros-de-cruzar-el-darien-el-infierno-verde-de-las-americas/6705004.html>. [↑](#footnote-ref-1)
2. . Figures published by the IOM in the report “Recent Migration Trends in the Americas,” available at: <https://rosanjose.iom.int/sites/g/files/tmzbdl1446/files/documents/recent-migration-trends-in-the-americas_en.pdf>. [↑](#footnote-ref-2)
3. . Figures published by the IOM, based on estimates by the Government of Panama. For more information, see the following link: <https://www.iom.int/news/number-migrants-who-embarked-dangerous-darien-gap-route-nearly-doubled-2022>. [↑](#footnote-ref-3)
4. . Figure published by *El Espectador* newspaper. Article available at:

<https://www.elespectador.com/mundo/america/darien-en-2023-ya-cruzo-la-misma-cantidad-de-migrantes-que-en-cinco-meses-de-2022-noticias-hoy/>. [↑](#footnote-ref-4)
5. . Figures published by the IOM, based on estimates by the Government of Panama. For more information, see the following link: <https://www.iom.int/news/number-migrants-who-embarked-dangerous-darien-gap-route-nearly-doubled-2022>. [↑](#footnote-ref-5)
6. . <https://www.iom.int/news/number-migrants-who-embarked-dangerous-darien-gap-route-nearly-doubled-2022>. [↑](#footnote-ref-6)
7. . <https://news.un.org/es/story/2023/01/1517947>. [↑](#footnote-ref-7)
8. . For more information, see the Migration Policy Institute article, available at:

<https://www.migrationpolicy.org/news/2022-record-migrant-encounters-us-mexico-border>. [↑](#footnote-ref-8)
9. . Figure published in the 2022 annual report of the Comprehensive Regional Protection and Solutions Framework (MIRPS), available at:

 <https://mirps-platform.org/wp-content/uploads/2023/01/MIRPS_ENG_WEB.pdf>. [↑](#footnote-ref-9)
10. . For more information, see the document from the office of the United Nations High Commissioner for Human Rights titled “Recommended Principles and Guidelines on Human Rights at International Borders,” available at:

<https://www.ohchr.org/sites/default/files/OHCHR_Recommended_Principles_Guidelines.pdf>. [↑](#footnote-ref-10)