

**CONTRIBUTIONS FROM THE REGIONAL NETWORK OF CIVIL ORGANIZATIONS FOR MIGRATIONS AND ORGANIZATIONS OF CIVIL SOCIETIES BEFORE THE XXI MEETING OF THE REGIONAL CONSULTATION GROUP ON MIGRATION (RCGM)
REGIONAL CONFERENCE ON MIGRATION (RCM)
TEGUCIGALPA, HONDURAS
JUNE 7TH- 9TH, 2016**

The Regional Network of Civil Organizations for Migration (RNCOM) greets the Member States, intergovernmental organisms, and observers of the XXI meeting of the Regional Consultation Group on Migration, in Honduras, Pro Tempore Presidency of the RCM.

The migratory realities and the context in which these take place require an integral approach. This is the only way to respond to the many elements that migration generates and requires in origin, transition and arrival states. The policies that may affect migration must focus primarily on migrants, victims of human trafficking and smuggling, asylum seekers, refugees and stateless people.

RNCOM recognize the importance of juridical frameworks in accordance to human rights international law, starting with international obligations that states adopted. We value the efforts made in the RCM framework regarding protection, which produced protocols, lineaments, agreement memorandums, collaboration mechanisms, inter-institutional cooperation and coordination. We insist in the necessity of go beyond agreements and take effective and binding actions in the Member States of the RCM.

***We reiterate the necessity of approaching migration starting from:***

* Visualizing the people who migrate, so to be recognized and treated as right holders, independently from their migratory situation.
* Recognizing the contribution of migrants to origin, transit and arrival countries and societies.
* Strengthening the participation of migrants and organizations in public politics, and in regional forums where reflections and decisions are made.

Based on this point of view, we present the following with concrete proposals:

1. **EMERGING MIGRATORY FLOWS:** The current migratory flow from the south, of primarily Cuban and African populations, highlighted the difficulties in communication and political support of Member States of the RCM. We recognize the bilateral efforts made by Costa Rica, El Salvador, Guatemala and Mexico.

Undoubtedly, the destination of these populations is the United States of America, and the reason of their migration is humanitarian. Inside these flows, networks of trafficking clearly exist.

Closing borders increased the difficult humanitarian situation these populations were living, and it empowered criminal networks.

We consider there will be more migratory flows transiting in our territories, regardless of border controls, and new unauthorized routes will open.

***We demand a regional approach, coordinated and integral, that shall include:***

* The application of human rights to these populations and a strong fight against human trafficking that won’t affect these vulnerable people’s rights, especially the ones who are seeking international protection.
* A real and effective communication among Member States and among all civil actors involved in the process of attention and protection.
* The updating of national and regional information about emergent human smuggling and illicit human trafficking systems, that shall include an analysis of data, the identification of legal lacks and the elaboration of both short-term and long-term strategies.
* The elaboration of large information and awareness campaigns addressed to vulnerable populations and to communities where criminal networks are stronger. We recommend including prevention of human trafficking and smuggling.
1. **CARTAGENA +30 ACCION PLAN:** With the intention of homologating the efforts taken outside the RCM, like it was for Mesoamerican meetings between civil society and governments for the monitoring of the Brasilia Plan, we consider we should take into our Conference this Plan, which was adopted with the objective of applying higher standards about international protection, implementing innovative solutions for refugees and misplaced people, as well as eradicate the statelessness in the region.

In this sense, we request to the states that they reactivate the dialogue so that we can progress in the accomplishment of the Brasilia Action Plan, in favor of asylum seekers, refugees and stateless people, establishing measures such as:

* Adopting the wide definition of the concept of refugee, that shall include the one adopted in the Cartagena Declaration.
* Developing more mechanisms of international protection planned by Member states, which weren’t adequately implemented.
* Ratify relevant Conventions[[1]](#footnote-1)
* Develop norms, practices and procedures for the recognition of the condition of refugee, guaranteeing a better access, as well as respect towards the due process, and the right to confidentiality, including a gender-focused approach, with special attention towards sexual violence victims.
* Assuring in all states the implementation of the entire Initiative, especially the programs of ***Quality Managing of Asylum and Solidary and Safe Borders***.
* Giving the right treatment to victims of human trafficking by giving them protection, including the guarantee of the principle of no devolution and avoiding the exploitation of these in a context on penal persecution.
* Progressing following the documents developed by the Ad Hoc Group on Migrant Girls, Boys and Adolescents, guaranteeing their best interest, the presence of an official, legal, psychological, sanitary assistance, and the communication with family. Also, they shall not be prohibited freedom, but rather look for alternative solution, according to the Consultative Option 21/14 of the Inter-American Court of Human Rights.

***We suggest to governments to reactivate the dialogue with civil society in order to progress toward the accomplishment of the Brasilia Action Plan in favor of asylum seekers, refugees and stateless people.***

1. **ALLIANCE PLAN FOR PROSPERITY:** The Alliance Plan for Prosperity, structured and negotiated between the governments of Guatemala, El Salvador and Honduras and the United States of America, proposed a structured response to the fast growth of the migratory flow of unaccompanied girls, boys and adolescents towards USA.

It is worrisome that the big majority of civil society organizations taken into consideration for this proposal are related to politics and business, and that the voice of organizations that work directly with migrants and their families was not listened.

We worry that because of the weak budget management of origin countries, this Plan won’t necessarily benefit the most disadvantaged populations and specifically migrants and their families.

It is worrisome that the contributions to the Plan are already existing funds in the current budget, as well as contributions from the United States for ongoing programs (CARSI, Financial Program for Military Forces, IMET, education and training for military forces, INCLE), which shows that the priority is control and security, rather than attention to factors that cause migratory flows.

Although new funds for development programs exist, we see an opportunity in the fact that the implementation of these programs could begin with the necessities of communities that expulse and receive many migrants.

***RNCOM requests:***

* New funds from the United States of America that could be used for development programs and projects focused on necessities of origin communities.
* The inclusion of specific, independent and impartial monitoring and evaluation mechanisms that would allow the participation of the civil society, so that results can be highlighted with transparency.
* The guarantee of public access to reports, processes and procedures related to the execution of programs and projects.
* The inclusion of civil society organizations, unions, human rights organizations, migrants and their families’ organizations, in the Committee of Consultation, Monitoring and Evaluation.
1. **GENDER:** We consider that gender-based inequalities are extremely evident in migration. We suggest, in the RCM framework, the generation of a process of strategies construction and concrete measures, focused on eradicating these inequalities. For example, in the evaluation of migratory or protection requests, lineaments that recognize sexual orientation and gender self-identification should be implemented. It must take into consideration:
* Mainstreaming the gender perspective;
* Incorporating the concept of diversity to gender equality’s approach;
* Empowering people.
1. **IACHR and ICHR:** Before the declaration of the Inter American Commission on Human Rights, related to its budgetary crisis, the RNCOM recognized the importance of the IACHR’s actions and would lament that this situation would negatively affect the IACHR’s activities in protecting and promoting human rights.

***The RNCOM call the Member States of the RCM to economically contribute with the Inter American Commission on Human Rights.***

1. **STRENGHTENING OF THE RCM:**

The RNCOM suggests:

* Strengthening spaces and mechanisms of coordination among government, civil society and all actors involved, to achieve the implementation of national and regional agendas.
* Keep the high political dialogue, which shall allow technical and juridical binding actions to respond to happenings.
* Address the mechanisms of follow up of agreements, the analysis of lacks and progress in the implementation of the agenda in the short-term, medium-term and long-term.
* Strengthen the follow up to the application of compromises taken in the meetings of the Regional Consultation Group.
1. **CIVIL SOCIETY AND CO-RESPONSIBILITY:** Co-responsibility is based in the idea of protecting and guaranteeing human rights, since it’s a state’s responsibility. Consequently, co-responsibility is primarily among states.

The main role of civil society is consultation and social auditing for states in order to accomplish with their obligation to guarantee and protect human rights. Civil society ratifies its offering to help the states in the attention and protection for migrants and refugees, as well as for victims of human trafficking. Therefore, the civil society needs funds that should be given by states and international cooperation, in the respect of their autonomy.

Nevertheless, it’s necessary to build a new paradigm about migratory dynamics and its manifestation. This requires reaching an agreement with civil society to reposition migrations and treatments given.

Beyond formalities, beyond juridical perspectives and points of view, the contribution of the civil society is to visualize the human beings, because of the emotional closeness we have to the subjects. The civil society sees migrants as people; it gives to them a human and personalized treatment. This is the fundamental contribution of the civil society.

**TECHNICAL SECRETARIAT OF THE REGIONAL NETWORK OF CIVIL ORGANIZATIONS FOR MGIRATION**

**TECUGIGALPA, HONDURAS, JUNIO 2016**

1. The 1954 Convention relating to the Status of Stateless persons, the 1961 Convention on the Reduction of Statelessness, the 1989 Convention on the Rights of a Child, the 1990 International Convention on the Protection of the Rights of All Migrants and Members of their Families, the 1979 Convention on the Elimination of All Forms of Discrimination Against Women, the 2000 UN Convention against Transnational Organized Crime and its Protocols to Prevent , Suppress and Punish Trafficking in Persons, Especially Women and Children, and against the Smuggling of Migrants by Land, Sea and Air (Palermo Protocol). [↑](#footnote-ref-1)