



## Global Compact for Safe, Orderly and Regular Migration:

### Regional Review in Latin America and the Caribbean

26-28 April de 2021

#### Background Paper

#### Thematic round table 2: Protecting the human rights, safety and well-being of migrants, including through addressing drivers and mitigating situations of vulnerability in migration

**GCM Objective #2.** Minimize the adverse drivers and structural factors that compel people to leave their country of origin.

**GCM Objective #7.** Address and reduce vulnerabilities in migration.

**GCM Objective #8.** Save lives and establish coordinated international efforts on missing migrants

**GCM Objective #12.** Strengthen certainty and predictability in migration procedures for appropriate screening, assessment and referral

**GCM Objective #13.** Use migration detention only as a measure of last resort and work towards alternatives

**GCM Objective #23.** Strengthen international cooperation and global partnerships for safe, orderly and regular migration

#### I. Why does this thematic area matter??

Given the migratory characteristics of the Latin American and Caribbean region, both in terms of internal and international migratory flows, the objectives included in thematic table 2 are of fundamental importance for an appropriate migration governance. Indeed, these objectives encompass the adverse factors of migration and displacement, as well as vulnerabilities and the protection of rights throughout the entire migration process.

In a region marked by evident vulnerabilities concerning humanitarian, social, political, economic and environmental factors, and with migratory processes that carry many risks, defined in many cases by high degrees of vulnerability, the identification of underlying areas for building resilience in communities of origin and the protection of migrants are key priorities. It is crucial to integrate into this approach the great diversity of the countries and communities that make up the region, as well as the variety of migrant groups and persons and migratory flows, with specific needs and capacities, including the gender perspective and other cross-cutting elements.

#### II. What are key challenges and opportunities in Latin America and the Caribbean in regards to the objectives of the round table?

The challenges that the countries of the region face in addressing the adverse and structural factors of migration and displacement are multiple and diverse. From this perspective, it is necessary to consider these factors jointly and in their variety, taking into account the different most vulnerable populations. Social, economic, political and environmental factors cannot be considered in an autonomous way, but must be seen as interrelated and forming or determining complex risk scenarios in the face of which people and groups choose or are forced to leave their communities of origin.

The impact of disasters, environmental degradation and climate change, violence and insecurity, the persistence of poverty and inequalities, difficulties in accessing formal employment and social protection, the violation of rights or the lack of access to social services - education, health, water and sanitation, communication - and the COVID-19 pandemic continue to be recurring challenges that require a comprehensive approach within the framework of the Sustainable Development Agenda.

The gender perspective, including the situation of LGBTI + populations, the focus on the rights of children and adolescents, the realities of indigenous communities and other cross-cutting vulnerabilities should be considered as a fundamental part of the analysis.

On the other hand, irregular migration processes themselves also present significant challenges throughout the region. The control and security approach, including the use of force and militarization, in border management and the response to irregular movements pose a threat to the protection of the rights of migrants, asylum seekers and refugees, particularly in contexts of uncertainty, for example, during the COVID-19 pandemic and its repercussions.

Despite the progress that is beginning to be made in the implementation of alternatives to detention, including progress towards its prohibition in some cases, greater efforts focused on the targets of objective 13 of the Global Compact are still needed. In general, the focus on rights in migration governance continues to represent a challenge for the rights of migrants. Again, specific groups such as migrant children and adolescents represent a particularly vulnerable group that requires specific attention.

Despite these challenges, it is also necessary to point out that the objectives of the Global Compact related to thematic table 2 also represent opportunities for the region. In particular, there is growing attention throughout the region to the link between migration, the environment, and climate change, with the incipient development of new policies that address the environmental factors of migration.

On the other hand, there are opportunities for intervention in the large mixed movements that mark the reality of the region - including the situation of refugees and migrants from Venezuela, movements from Nicaragua and the countries of Northern Central America, and extra-regional flows, as well as migration and internal displacement - with the objective of promoting a rights-based approach based on cooperation between multiple stakeholders (objective 23).

International migrants in transit through countries and communities with great inequalities that exceed assistance capacities, or the flows of migrants trapped by emergencies caused by natural phenomena are not included in mechanisms to save lives (objective 8) because migrants are not necessarily registered in the country's databases or censuses. Therefore, it is a priority to work on mechanisms, even if they are provisional, to save the lives of migrants in vulnerable situations and in need of humanitarian assistance.

**III. What are key priority issues to be addressed in the region under the overall objective of the round table? (1 bullet describing each priority)**

The migratory and humanitarian reality of Latin America and the Caribbean would require a comprehensive approach of all the objectives that constitute the five thematic tables. However, to facilitate the discussion and the identification of progress and challenges in the implementation of the Global Compact, a series of key issues have been identified that must be addressed as a priority:

- **The interaction of multiple adverse factors of migration and displacement:** The objective of the Global Compact is not to prevent migration per se, but to address the structural factors that make migration the only option for communities in vulnerable situations. In Latin America and the Caribbean, multiple humanitarian, economic, social, and environmental factors interact to exceed the resilience capacities of individuals and communities. Objective 2 includes a specific paragraph on disasters, environmental degradation and climate change, which represent priorities in the region. It is crucial to address these structural factors, generating options for communities and safe migration processes, with a focus on the situation of vulnerable groups.
- **Vulnerabilities in migration:** Massive and irregular mixed movements from the North of Central America and towards the southern border of the United States, as well as flows of Venezuelan refugees and migrants have been characterized by integrating an increasing number of groups in vulnerable situations, among them children and adolescents, especially those separated or unaccompanied, who face various risks that aggravate situations of vulnerability. Addressing the situation of these groups is essential to analyze the region's progress in fulfilling the indications of objective 7 of the Global Compact. On the other hand, LGBTI+ groups in the region also suffer from discrimination in countries of origin, transit and destination. In addition, the [Missing Migrants Project](#) clearly identifies the region as a priority area of attention with regard to the deaths and disappearances of migrants en route, with 174 deaths registered only between January and the end of April 2021, distributed around the border between the United States and Mexico (77), South America (49), the Caribbean (28) and Central America (20).
- **Alternatives to the use of force:** There are multiple examples in the region of the use of force and militarization of the response, particularly in the management of irregular flows, which creates situations of vulnerability and the possible violation of rights.
- **Alternatives to the detention of migrants:** There is evidence of the detention of migrants in an irregular situation in countries of the region. However, progress has also been observed in this regard in limiting the use of detention and the use of alternatives to detention. The discussion on this topic can deepen the promotion of legal approaches to guarantee the protection of fundamental rights, regardless of the status of migrants.
- **Situation of the pandemic of COVID-19 and health factors:** A discussion on the progress in migration governance since the adoption of the Global Compact in December 2018 cannot avoid addressing the incidence of COVID-19 as a factor of migration and its impact on the vulnerability of migrant and displaced populations. The issue of the pandemic must be considered as a cross-cutting element when addressing migration factors and vulnerabilities throughout the migration process.

#### IV. Guiding questions



1. How have the structural factors that force people to migrate been addressed considering the variety of phenomena that drive migration in the region?
2. How do you integrate the approaches of multiple government agencies with a specific role in addressing migration factors? How is the whole-of-society approach organized when addressing migration factors?
3. Provide examples of specific approaches that address the situation faced by migrants in vulnerable situations, especially migrant children.
4. How has the pandemic of COVID-19 affected migration factors and vulnerabilities throughout the migration process?
5. Can you identify good practices for promoting alternatives to detention with a rights-based approach and what are the main challenges that still remain?
6. What are the priority challenges for the protection of the human rights of migrants throughout the entire migration process?

## **V. Additional related resources**

- Global Migration Group. Principles and Guidelines on the human rights protection of migrants in vulnerable situations. <https://www.ohchr.org/Documents/Issues/Migration/PrinciplesAndGuidelines.pdf>.
- IOM. 2019. Human mobility in the climate agenda of the Americas. <https://publications.iom.int/books/la-movilidad-humana-en-la-agenda-climatica-de-las-americas-necesidades-y-oportunidades>.
- ECLAC and IOM. 2021. Advancing gender equality in environmental migration and disaster displacement in the Caribbean. <https://environmentalmigration.iom.int/advancing-gender-equality-environmental-migration-and-disaster-displacement-caribbean>.
- UNHCR. 2017. Migrants in vulnerable situations, UNHCR's perspective. <https://www.refworld.org/docid/596787174.html>