



Proposals of Faith-Based Organizations for the construction of the Chile Declaration and Plan of Action 2024-2034 (Cartagena+40)¹

As it is well known, this year we commemorate the 40th anniversary of the adoption of the Cartagena Declaration, an initiative that originally sought to respond to the crisis of Central American refugees fleeing the violence that plagued the sub-region and which was responded to by the adoption of a solidarity approach by Latin American and Caribbean countries. The Declaration expanded the concept of refugee contained in the 1951 Convention to include "persons who have fled their countries because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violations of human rights or other circumstances which have seriously disturbed public order".

As occurred in 1994, 2004 and 2014, this year saw the beginning of the Cartagena +40 Process, led by the government of Chile, which should culminate with the adoption of the Chile Declaration and Plan of Action on December 12 of this year. As a result, the Technical Secretariat of the Process convened three thematic consultations, held in Mexico City, Brasilia and Bogota. Government delegations and other relevant actors, such as organizations of refugees and displaced persons, civil society organizations, the private sector and international organizations of the United Nations system and others participated in these consultations.

On the civil society side, four networks with a presence in the region participated, two of which are networks of Catholic organizations: the Jesuit Network with Migrants and the Clamor Network, to which several National Caritas organizations belong. Because in many cases we are the first to respond to the needs of the people, in a spirit of synodality, both networks have decided to present a consolidated document of the recommendations we have made in the three thematic consultations, adding some elements resulting from the reflection of the process itself.

This is how the present document arises, which, in a spirit of cooperation, we hope will be useful for the government delegations that, both in capitals and in Geneva, will begin negotiating the Declaration and Plan of Action of Chile next September. We also hope that the document will complement the work done by other networks participating in the process and by organizations of refugees and displaced persons.

¹ We appreciate the initiative of the Embassy of Chile to the Holy See for co-organizing, together with the Jesuit Refugee Service and Caritas Internationalis, the event to present this document in Rome on July 2, 2024. The text contains the recommendations made by representatives of the Jesuit Migrant Network and Red Clamor that have been presented at the three thematic consultations that the Chilean government has organized to gather input for the negotiation of the Chile Plan of Action.

1. Considerations on the global and regional context regarding refuge and forced displacement

In recent days, on the occasion of the publication of its Global Trends report, the United Nations High Commissioner for Refugees (UNHCR) reported that the number of people who have experienced forced displacement has now reached a record 120 million, including refugees, asylum seekers, internally displaced persons, stateless persons and other persons in need of international protection. This figure is the double of what was recorded ten years ago, which makes us see with alarm that the trend is an accelerated and sharp rise.

As a region, Latin America and the Caribbean is no stranger to this trend, because in contrast to the context in which the Brazil Plan of Action was negotiated in 2014, as of 2018 the number of people in situations of forced cross-border displacement soared, also reaching record figures in the region, as UNHCR also points out, noting in September last year that the figure amounted to 21 million displaced persons in the region.

On the other hand, the region has recently experienced a reconfiguration of migratory routes, two of which are considered among the most dangerous in the world, due to the diversity and degree of violence that people experience while crossing them, which obviously calls on all of us to respond to the defenselessness and extreme vulnerability in which our sisters and brothers find themselves, particularly children and women.

It is true that the governments of the region have sought to respond to this challenge in a supportive and humanitarian manner, implementing public policies for the regularization and integration of people arriving in their territory. However, there are also certain tendencies that, from a humanitarian point of view, generate concern, especially because the Catholic organizations that participate in this process are precisely the first point of contact with displaced persons and, therefore, we know not only the adversities they have had to face, but also the abuses and violence that threaten their integrity and rights.

Due to the above, the Jesuit Migrant Network and the Clamor Network present the following recommendations with the aim of contributing to making the Chile Action Plan a living document. This document should not only guide states in implementing public policies that ensure effective protection and integration of asylum seekers and refugees, but also become a trigger for a process in which these policies can be evaluated and, if necessary, improved with the participation of all involved actors, particularly organizations of affected individuals.

2. General or Cross-Cutting Recommendations

We understand that the challenges are significant, and therefore we call on governments to act with determination and full political will to ensure:

- a) Starting from a human rights approach, based on the pro-person principle, so that the Action Plan centers on the effective protection of the rights of the individuals it seeks to benefit.
- b) Consequently, rejecting approaches focused on security concerns that criminalize people and lead to the militarization and externalization of borders.
- c) Maintaining and expanding the spirit of Cartagena, allowing individuals displaced by the negative effects of climate change and disasters to obtain international protection.
- d) Unrestricted respect for the principle of *non-refoulement*.
- e) Moving beyond temporary migration regularization approaches and adopting protection measures in accordance with International Refugee Law.
- f) Facilitating the integration of individuals by guaranteeing their effective access to economic, social, cultural, and environmental rights to aid in rebuilding their life projects and preventing new migratory movements.
- g) Addressing the demand of displaced and refugee individuals for effective participation in all initiatives: “nothing about us, without us.”
- h) Also ensuring the full participation of civil society organizations and all actors, including academia, in the process of consultation, negotiation, implementation, and monitoring of the Chile Action Plan.
- i) Establishing mechanisms for tracking and monitoring the implementation of the commitments made in the Chile Action Plan, also ensuring the effective participation of all relevant actors.

3. Specific Recommendations on Protection

- Systematically and non-discretionarily implementing the expanded definition as a public commitment to respect existing legal frameworks, recognizing the interdependence and indivisibility of the human rights of applicants, to address prevailing gaps, including those for the eradication of statelessness.
- Recognizing the collective nature of some international protection requests and the contexts of expulsion to expedite the response of protection systems.
- Guaranteeing access to territories – both land and air – and thus materializing the possibility of requesting asylum at border areas or points of entry.
- Rejecting attempts by some States to externalize their borders and asylum procedures, as well as pre-admission policies and cooperation agreements between third safe countries or those facilitating returns, including chain returns, violating the principle of *non-refoulement*.
- Preventing the use of new technologies from leading to the criminalization of the asylum-seeking population.
- Providing sufficient technical and budgetary resources to national asylum institutions.
- Promote recognition procedures and protocols for refugee status that are focused on the individuals, transparent, and informed, with clear, simplified, and flexible standards; with defined and reasonable timelines that acknowledge the specific needs of different population groups and the barriers they face (technological, language, or literacy skills).

- Provide legal security to applicants through migration regularization documents that ensure access to economic, social, cultural, and environmental rights on equal terms with nationals. This implies the ability to work, access sufficient livelihoods, and in no way impede or limit mobility within national territories.
- Provide complementary protection to those who have a low probability of being recognized as refugees and are at risk or threatened if returned to their countries of origin. Complementary protection must guarantee effective protection and the principle of *non-refoulement*; therefore, it is important to differentiate it from ordinary and temporary migration regularization mechanisms.
- Remember that the quality of asylum is intrinsically linked to access to rights that allow effective integration; therefore, resources must be guaranteed for both entities responsible for asylum and those involved in the provision and guarantee of other rights, and mechanisms for enforceability must be included to genuinely access them.
- Legally recognize the non-detention for migration reasons.
- Promote "Protective Borders" where there are cross-border articulation mechanisms for the safe management and referral of cases, based on the identification of vulnerabilities. These mechanisms must contemplate the highest standards of protection and information safeguarding to avoid re-victimization or discrimination of individuals.
- Promote specific and culturally relevant policies for indigenous groups forced to move, enabling them to move between the countries that are part of their life history.
- Guarantee access to humanitarian assistance, psychosocial care, and mental health, with special attention to vulnerable populations: children, separated children, unaccompanied children, women, LGBTQIA+, the elderly, indigenous peoples, and Afro-descendants, among others.
- Adopt a harm reduction approach and allow people in irregular situations, if applicable, to apply for complementary protection, understanding irregularity as a condition of vulnerability and lack of protection.
- Attend to migrant children, especially unaccompanied ones, ensuring their best interests and family unity, adopting the expanded definition of family as mechanisms for their protection and integration and those who care for them.
- Implement effective measures to overcome statelessness in the region, adopting a monitoring mechanism, the establishment of a committee composed of representatives from various countries with the participation of civil society, and the annual publication of progress and limitations on the issue in each country.

4. Specific recommendations on integration

- Understand integration as an essential component of protection when effective access to economic, social, cultural, and environmental rights is allowed, to facilitate the reconstruction of individuals' life projects in the destination countries and prevent new migratory movements.
- Reject migration policies, discourses, and practices of criminalization, discrimination, racism, and xenophobia against people in need of protection that hinder their integration. The guarantee of non-discrimination must be transversal and explicit in any public policy.

- Promote actions that inform and raise awareness among the general population about non-discrimination and combat xenophobia.
- Recognize the contribution of women applicants, refugees, and stateless persons to the household economy and care central to the sustainability of families, economies, and host societies.
- Design public policies and national plans for integration and social cohesion with the participation of people with protection needs and host communities, where decisions affecting them are made, eliminating barriers that prevent their cultural, social, and legal recognition.
- Ensure financial, human, technical, and infrastructure resources and promote coordination between different levels of government to make integration processes effective with clear competencies that favor inter-institutional coordination.
- Continuously train public officials responsible for access to health, education, housing, sanitation, employment, financial services, and justice.
- Promote the education of migrant, refugee, or stateless children and adolescents by simplifying requirements to ensure their access, permanence, and educational certification. Pay special attention to separated and unaccompanied children.
- Recognize the contributions, trajectory, and experience of people in communities by implementing existing regional agreements to validate academic degrees, without the requirement of an apostille.
- Understand decent work as an enabling right to contribute to host communities and contribute formally to state taxation.
- Promote sustainable socio-economic integration focused on the skills, knowledge, and professions of people through the design of training policies for employment, professional and non-professional training, inclusive employment, financial inclusion, entrepreneurship, and enterprise development for applicants, refugees, and stateless populations, in partnership with civil society organizations and academia.
- Support initiatives that favor the cultural and religious integration of refugees in communities from a systemic perspective that values different cultural and religious manifestations as facilitators of refugee integration into communities.
- Ensure that public investment, international cooperation, and multilateral agencies take into account the needs of applicants and refugees, as well as host communities, so that resource investment promotes comprehensive development and social cohesion.
- Facilitate processes of admission or resettlement to achieve adequate access to rights, including work, considering the consent of all parties involved.

5. Specific recommendations on the protection of people displaced by adverse effects of climate change and disasters

- Tackle the disproportionate effects of adverse climate change and disasters on traditionally marginalized people and communities with a human rights and intersectional approach that acknowledges gender and racial inequalities, among others.
- Include disaster displacement and adverse climate change effects as a standalone objective cause in Article 3 of the Declaration, in addition to those already explicitly recognized, to

ensure the next action plan commitments apply to these invisible profiles and move beyond restrictive legal categories towards a broad interpretation of international protection principles and standards, as has been the tradition in Cartagena.

- Design a coordinated regional response for disaster response and international protection for those crossing borders, ensuring principles of equality, non-discrimination, *non-refoulement*, and family reunification, so people can access refugee status determination and protection without delay.
- Address the multiple threats to integrity, security, and freedom faced by those displaced for these reasons, given the context of migration containment.
- Recognize that forced displacement and climate change in our region are linked to an extractive model that dispossesses and degrades territories, limiting the right to a healthy environment, causing forced displacement, increasing global temperatures, and intensifying climate change causes. Therefore, measures for attention, prevention, and protection should include those who cannot move, those displaced within national borders, and those crossing international borders seeking protection.
- Pay special attention to groups in vulnerable situations like women, children, indigenous communities, and environmental defenders who face various types of violence, including murder.
- Move beyond temporary regularization policies towards protection and integration policies, as many people cannot safely return to their places of origin. Experience shows that once temporary deadlines pass, people are left in irregular conditions, often unable to qualify for other migration categories.
- Promote integration programs with a focus on prevention, adaptation, and risk mitigation, ensuring those in need of international protection can access housing in safe environments and not in disaster-prone or marginalized areas, exposing them to new displacements.

In addition to the topics consulted with civil society, we wish to add two aspects: attention to critical migration corridors, representing an unavoidable regional challenge, and mechanisms for participation, regional cooperation, implementation, and follow-up of the Chile Action Plan.

6. Particular recommendations on migratory corridors that represent an unavoidable regional challenge

- Emphasize protection and integration actions, especially at borders where people experience extreme vulnerability and human rights violations due to containment policies. We draw attention to the Darién, Mexico's northern and southern borders, and maritime corridors in the Caribbean.
- Recognize that those opting to cross these corridors do so as a consequence of the multi-causality experienced in the region stemming from rights violations, unmet basic needs, and other forms of violence.
- Identify the Darién as a continental route involving countries of origin, transit, and destination. This area represents a regional protection and integration crisis requiring a regional response.

- Addressing migration corridors requires state presence according to human rights standards and instruments, International Humanitarian Law, and International Refugee Law, with coordinated efforts between states, civil entities managing migration flows, and not military forces.
- Establish humanitarian corridors with institutional presence and international organizations as protection measures against territorial control and presence of armed actors, defining essential elements for their effective implementation.

7. Particular recommendations on participation, regional cooperation, implementation and monitoring of the Chile Action Plan

- Enable governance instances where displaced, asylum seekers, refugees, and stateless persons can participate in decision-making and provide recommendations for plan implementation. These instances should include various stakeholders (refugee and displaced organizations, civil society, human rights institutions, academia, etc.).
- Utilize technical cooperation from the international community, including UN agencies and regional institutions, civil society organizations, and other relevant sectors for policy application with a human rights perspective as outlined in the Inter-American Principles.
- Periodically coordinate with regional and subregional mechanisms and existing intergovernmental spaces to deepen articulation, complementarity, cooperation, and convergence levels as contemplated in the Brazil Plan, thus advancing policy coherence and measures in the new plan and avoiding duplicities. This is feasible given the technical secretariat role of agencies like UNHCR.
- Build alliances with civil society organizations to identify differentiated needs by population groups and promote appropriate and adapted responses.
- Implement policies with clear competencies of public entities, inter-institutional coordination at various levels (central-local), multisector coordination including refugee organizations, civil society, and the private sector, and sufficient allocation of financial, human, technical, and infrastructure resources to advance institutional strengthening addressing the low refugee recognition rates in the region.
- Follow-up tasks should include continuous training of authorities at different government levels in prevention and protection strategies.
- Define result indicators developed with the substantive participation of all actors, especially displaced persons and NGOs, based on human rights standards, for transparent and comprehensive monitoring of the Chile Action Plan.

We call for regional solidarity, as has been the spirit of Cartagena, particularly with Haitian and other nationalities facing protection deficits on our continent.

We request the present delegations support civil society organizations' request to actively participate in the Plan of Action negotiation process in Geneva in the second half of 2024. We are willing to continue contributing to make Cartagena a living process and a regional commitment involving all stakeholders.

We recognize good practices and regional efforts to facilitate protected mobility, access to asylum, and full rights integration. We offer our experience as faith-based organizations to counter discrimination and xenophobia, aiming to promote, protect, welcome, and integrate those displaced seeking a dignified and safe life.

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