

**Second Iberoamerican summit on Migration
and Human Rights**

DECLARATION OF MEXICO CITY

24 May 2017

on Migration and Human Rights

The Iberoamerican Federation of Ombudsman (FIO), constituted by *Defensores del Pueblo*, Ombudsman, Prosecutors, Commissioners, *Raonadores (Razonador)* and Presidents of Human Rights Public Commissions, gathered in the city of Mexico on the occasion of the second Iberoamerican summit, “*Migration and human rights - A new look*”, on the 23 and 24 May 2017,

Recalls

Resolution 70/1 of the General Assembly of the United Nations, adopted on 25 September 2015, which approved the 2030 Agenda for sustainable development and expressly recognizes “(...) *the positive contribution of migrants to inclusive growth and sustainable development*” setting up the following objectives:

Goal 8.8 of Objective n.º 8 - States intend to “*protect labor rights and promote a safe and secure working environment for all workers including migrant workers, in particular migrant women and people in precarious employment*”;

Goal 10.7 of Objective n.º 10 - States are committed to “*facilitating orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well managed migration policies*”.

Declares

That, within the scope of their respective competencies, dedicated to the protection, promotion and defense of Human Rights, Ombudsmen are committed to the monitoring, support and follow-up no the fulfillment of the actions taken by the United Nations 2030 Agenda Member States,

For which they formulate the following considerations:

- a) Social mobility is recognized as an inseparable characteristic of the human condition, transverse to all races, creeds or social and economic conditions;
- b) Migration phenomenon very often have their origin in the conditions of poverty, if not extreme poverty, experienced by migrants in their countries of origin;
- c) Internal conflicts, criminal phenomenon, climatic catastrophes and the accentuation of the gap between rich and poor continues to cause the deterioration of the living conditions in many Latin America countries;
- d) Organized crime, generalized violence, among other causes of insecurity, are forcing some people to leave their countries in search of international protection in order to protect their life, freedom and personal integrity, through the refugee status;
- e) The scale of the massive migratory phenomenon around the world has proven the inconsistency of the idea that countries enjoying relative abundance can isolate themselves from the problems of the countries where the origins of migratory flows prevail, closing their borders to the entry of migrants from the later countries;
- f) All along the way from their country of origin to the country where they are trying to emigrate, migrants are often subjected to unworthy, oppressive and persecutory treatment by some authorities of the States they cross and by criminal gangs seeking to gain patrimonial advantages from them;
- g) This is a particularly harsh reality for women and children, boys and girls and adolescents involved in migration processes due to the risks of smuggling,

trafficking and sexual exploitation, for people with disabilities, older adults, LGBTI people, people with catastrophic diseases, indigenous people and people in other situations that generate vulnerability;

- h) The closing of borders, the construction of walls and police obstacles to migrants displacement does not put an end to their attempts to reach the intended destination, but rather these actions strengthen the human smuggling and trafficking networks associated with other types of crime;
- i) However, the new migrant communities usually become an asset for the host countries and end up reflecting positively in the development of their national economies;
- j) Transnational families and communities maintain relevant ties with their countries of origin and stimulate the circulation of tangible and intangible goods, fostering cooperation and mutual respect;
- k) The migrants and refugees reception policies are not developed in accordance with these findings because of the difficulty encountered by the States in obtaining support from their national communities, which do not accept the investment of large sums of public budget in migrants supporting policies, interpreting them as a diversion of resources that could be allocated to the needs of the national community;
- l) Destination countries of mass migratory flows do not make significant efforts to inform their citizens about the advantages of migratory processes;
- m) In countries of destination, migrants suffer labor exploitation, are deprived of their identification documents, their freedom, the support they are entitled to, and are discriminated, experiencing sometimes difficulties in obtaining a regular migration status because they cannot meet the requirements and documentation costs established for such purposes;
- n) Furthermore, migrants and refugees are often unable to secure their own livelihood since they left their country of origin without financial resources to enable them to settle in the country of destination, face difficulties entering the labor market; or they do not have access to health services and other supports because they are in an irregular situation;



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- o) Due to the lack of knowledge of those facts, xenophobic phenomenon emerge, and, in various sectors of society, increase the prejudices against other cultures and communities with different origins;
- p) Upon return to their countries of origin, even if voluntarily, migrants find obstacles and lack of support from the national authorities;
- q) For all those reasons, it is necessary a new perspective on the issue of migration from the point of view of human dignity, having in mind the instruments in force, the universal concept of Human Security, the 2030 Agenda for Sustainable Development, and also the root causes for migratory flows, without forgetting the responsibilities shared between the States of origin, the States of transit and destination and also the international community.

Fully aware of this reality, the signatories of this declaration undertake the following

Commitments

1. To develop efforts to disclose to migrants, asylum seekers and refugees their rights and inform them of the possibility to lodge a complaint with the Ombudsman institutions when their rights are not recognized or guaranteed;
2. To continue raising awareness of governments, central, regional and local administration, if necessary through the recommendation of legislative amendments, to take the necessary measures to prevent discrimination against migrants, asylum applicants and refugees, with particular attention to the special vulnerability of elderly people, women, children, boys and girls, adolescents, people with disabilities, indigenous and LGBTI people who left their countries of origin or residence, searching for better living conditions, due to the violence caused by transnational organized crime;
3. To raise awareness of governments for the need for special training on Human Rights, Rights of Refugees and Humanitarian Law of the authorities working with migrants, especially at borders;

4. To promote cooperation between human rights institutions in order to protect the rights of migrants by designating focal points.
5. To encourage the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in the countries that are members of FIO;
6. To disseminate information on the human rights of migrants, asylum seekers and refugees through civil society, fighting the hate speech, racism, xenophobia and negative stereotypes;
7. To prepare independent reports on the situation of displaced people including recommendations to States and to organs of the international human rights system, in particular the Universal Periodic Review, for the development of policies, legislation, practices and institutions that guarantee the exercise of the human rights of such groups of persons.
8. To disseminate in their institutional websites activities reports on migration issues.
9. To promote regular visits to detention centers for migrants in order to monitor the compliance with national standards and international commitments on human rights of migrants.
10. To develop coordinated actions between institutions of countries of origin, countries of transit and destination, to facilitate a dignified return of migrants to their countries of origin.

And, as a consequence

Recommend to all States confronted with migratory phenomenon, whether or not they are countries of origin, transit or final destination:

1. To fully assume their co-obligations in migration processes, including those that arise from International Human Rights Law, International Humanitarian Law and International Law of Refugee Protection, as well as established in



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- their Constitution and internal legal regulations, in order to ensure that migratory movements occur with security and dignity;
2. To develop policies for the protection, support and assistance of migratory phenomena, in compliance with the commitments undertaken in the 2030 Agenda of United Nations and with the universal common understanding of the human security adopted by the United Nations General Assembly Resolution 66/290 of 25 October 2012.
 3. To develop integration policies and durable solutions for migrants and refugees respectively, in order to ensure full respect for their fundamental rights in destination countries;
 4. That these policies be built with the participation and consultation of migrant individuals and groups, also considering the experience acquired by non-governmental organizations and networks working for human rights, especially in the field of human mobility;
 5. That educational institutions promote the integration of migrant children, boys, girls and adolescents, including the development of projects to disseminate information on the migrants and refugees countries of origin, as well as on their wealth and cultural contribution;
 6. To develop productive projects for the inclusion of migrants and refugees;
 7. To develop communication strategies, including the use of social networks, to combat xenophobia and the forms of crime that develop around the migratory phenomena in order to achieve effective and efficient protection of the human rights of migrants and refugees;
 8. That they sign international cooperation agreements with the aim of reducing the causes that determine migratory phenomena, therefore contributing to the sustainable development of the countries of origin and promoting social welfare projects that will have impact on health, on education, on the reduction of unemployment as well as on social support policies;
 9. That countries of origin and destination of mass migratory phenomena implement policies focused on the search for solutions of economic reciprocity that allow the construction of alternatives to the expulsion of

- migrants and, at the same time, promote understanding of the migratory phenomena as well as the advantages of the policies of reception of migrants by national communities;
10. That countries of origin of migratory phenomena accept investment policies in areas of privileged interest;
 11. That countries in migratory flows recognize the particular vulnerability of migrant women and children, boys and girls and adolescents, especially in regard to trafficking and sexual exploitation, as well as people with disabilities, elderly people, LGBT people, people with catastrophic illness, indigenous people and persons in other vulnerable situations, and that such countries implement prevention policies to ensure their safety and specific needs, and also detention conditions, should it be the case;
 12. To ensure access to health care for migrants and refugees in transit;
 13. To ensure the necessary legal and juridical assistance for migrants and refugees, with special emphasis on children, boys and girls and adolescents in the context of unaccompanied migration;
 14. To empower migrants and refugees so that they are included in the labor market by modifying, eliminating or simplifying administrative procedures and taxes, in order to promote their social inclusion, but also to prevent situations of marginalization/criminality associated with lack of resources, which feed parallel networks of exploitation of migrant labor;
 15. That they promote the divulgation of the risks associated with irregular migration, especially with regard to trafficking and smuggling;
 16. To support the processes of return of migrants to their countries of origin through a process agreed between the countries of origin, transit and destination, seeking to reduce negative and traumatic impacts;
 17. To guarantee the fundamental rights of migrants detained for reasons of immigration control, clarifying that the sanction imposed (deportation or rejection) corresponds to an infringement of an administrative rule or provision and not to the commission of a crime, in order not to criminalize the social phenomenon of migration.

They also call on the media to assume their responsibility as opinion makers, encouraging them to actively participate in the process of forming a collective conscience, also assuming the task of contributing to the dissemination of the commitments of Agenda 2030 of the United Nations.

City of Mexico, 24 May of 2017