NGO Statement on the Americas

This statement is delivered on behalf of a wide range of civil society organizations of the Americas and the Caribbean that carry out their work both regionally and nationally. As part of their monitoring and advocacy work, those organizations have closely accompanied persons of concern in the region. We aim to reflect the diversity of views within the NGO community and will highlight the major crises in the Americas as well as the regional challenges regarding persons of concern in the region.

Regarding the major crises that the region is currently facing, NGOs would like to highlight the following recent developments.

First, Venezuela is experiencing an outflow of people who are leaving the country with an unprecedented rate, mostly to other Latin American countries. We welcome the collaboration of national governments in the region that have met Venezuelans with great generosity, facilitating their access to social services and work authorization. However, many Venezuelans continue to be vulnerable to different types of violence including discrimination and xenophobia during their journeys as well as in their host communities. Women and girls have become particularly vulnerable to trafficking and exploitation. Many migrants and refugees continue to encounter difficulties crossing borders and accessing rights in their host communities due to lack of travel and legal identity documents, thus increasing the risk of statelessness in the region.

Second, Central America remains a place of origin for major migrant and refugee flows. The countries that form the so-called northern triangle—El Salvador, Guatemala and Honduras—continue generating internal displacement and major flows of people, who are fleeing—mostly north—because of a combination of factors including lack of opportunities, poverty, and gang violence. Some of the people leaving their countries have been forced to travel in caravans to ensure their safety. While the greatest attention is concentrated on United States-Mexico border, the situation in the northern triangle countries remains unattended. Despite the situation, there is no Humanitarian Response Plan or Humanitarian Appeal to respond to the needs of displaced people inside the countries.

Furthermore, Nicaragua has recently created an outflow of people, who are fleeing mostly to neighboring countries in Central America, where they have been victims of xenophobic attacks and have experienced situations that violate their human dignity.

In terms of the regional challenges that these and other human mobility dynamics pose for the region, the NGO community in the Americas has urged States on various occasions to develop a coordinated response with a human rights perspective to the growing flows of people leaving their countries. We highlight the following concerns and specific appeals:

- NGOs asks States to reaffirm the validity of the principles and provisions of the 1951 Refugee Convention and its 1967 Protocol as well as the applicable regional and international instruments on refugees.
• We also call on those States who have not yet ratified the 1951 Convention and its 1967 Protocol to do so immediately, particularly those in the Caribbean, where the lack of protective refugee norms leads to forcible returns as well as arbitrary detention.
• We urge States to use the expanded definition of refugee status provided in the Cartagena Declaration for those persons who require international protection; such a definition responds to the current displacement dynamics in the region.
• NGOs are concerned that States in the Americas are often in violation of their obligations to respect the right of people to seek asylum; this includes guaranteeing the principle of non-refoulement. Such principle has been violated, for instance, in the reluctance of some States to allow access to their territories to those seeking asylum; in the massive deportations of migrants and refugees; and in agreements between States to fund and carry out deportations for them, or even to force migrants and refugees to remain in an unsafe transit country.
• NGOs are concerned about the increased protection risks faced by children on the move, such as violence, exploitation and separation, where adolescent girls remain extremely vulnerable to trafficking and sexual exploitation.
• We call on UNHCR to urge States to stop practices of arbitrary detention of migrants and refugees and to refrain from criminalizing migration.
• We condemn the inhumane treatment of people in border areas, the militarized responses and the separation of families, especially affecting women, boys, girls and people with disabilities. We call on States to abstain from carrying them out and urge UNHCR to demand States to treat people with dignity regardless of their immigration status or national origin.
• NGOs call on UNHCR to insist on the obligation of States to ensure a human rights-based response, with a differential and intersectional approach, including respect for the principle of equality and non-discrimination.
• The NGO community urges States, UNHCR and other international organizations to generate data on persons of concern disaggregated by gender, age and diversity for designing programs and public policies.
• We call on States to guarantee and unify channels to obtain regular immigration status in order to guarantee full access to rights and facilitate integration in host communities.
• NGOs are concerned about States’ responses to migrants and refugees in transit, especially those traveling in caravans that wish to apply for asylum. We call on UNHCR to ask States to strengthen their commitment to human rights and avoid restrictive immigration and border control policies that threaten the safety and civil liberties of millions.
• We note with concern the xenophobic State rhetoric at all levels of government, including heads of States, which generates violence and hinders local integration. We ask States and international organizations to send public messages with the intent of preventing discrimination, violence, and xenophobia against the migrant and refugee population.
• NGOs notes with concern that some States have imposed immigration requirements that are impossible for a great number of migrants and refugees to meet. Limiting safe migration to economic elites and forcing people to opt for irregular channels and access routes where they are more vulnerable, places their lives and security at greater risk.
• NGOs also note the generosity some States have shown in developing legal pathways for regular stay and access to social rights, especially the right to work in their territory; we ask that these
complementary forms of protection continue to be effective, and do not come at the expense of other more permanent forms of protection, such as refugee status.

- We call on States, UNHCR, and every stakeholder involved to develop responses with a differential approach, mindful of age, gender, race, sexual orientation and any other form of human diversity.

- NGOs condemn gender-based violence against migrants and refugees, particularly against adolescent girls, and an overall lack of access to rights including sexual and reproductive health, and access to justice for women, which remains a serious concern throughout the continent.

- We ask UNHCR and States to take into consideration the internally displaced populations in the development of local integration policies and budgeting processes.

- The NGO community urges UNHCR and other international organizations making appeals for economic resources to ensure transparency in their budgeting processes. In addition, we ask that such resources be assigned for humanitarian assistance, local integration and durable solutions, but should not neglect other issues that continue to exist in the region and in the host communities.

- NGOs call on States to guarantee both the host community and migrants and refugees’ access to social rights through policies that benefit them equally.

- We note with concern the growing risks of statelessness and the violation of the right to a nationality in the context of forced displacement in the Americas, especially with regard to children and racial minorities.

- We ask UNHCR to support States in implementing regional and durable solutions that assure voluntariness, security, and the respect and full enjoyment of migrants and refugees’ human rights.

- UNHCR plays a key protection role on internal displacement in the region. UNHCR should strengthen its IDP response in coherence with the Cartagena+30 action plan. UNHCR must also continue its coordination leadership in IDP responses.

- Based on challenges faced by an increasing lack of respect of international humanitarian law in armed conflict, there is an increased need to focus on the centrality of protection through concrete interventions towards preventing and addressing protection concerns.

- UNHCR should support actions to ensure access by humanitarian actors. Access remains a major issue. Humanitarian actors have to adopt new modes of operation in order to reach the most vulnerable as most IDPs and refugees try to remain unidentified to protect themselves from further violence.

- We call on governments in the region to ensure that humanitarian aid is provided exclusively for humanitarian and apolitical purposes. International advocacy from UNHCR is vital to promote government’s willingness to comply with humanitarian situations.

- UNHCR’s efforts to facilitate a durable solution needs to start at the onset of a crisis. This includes the need to track trends and identify protection concerns at an early stage through organized information sharing and joint analysis with civil society and other humanitarian actors in line with the ambition to work across the humanitarian and development nexus.

- UNHCR should strengthen its coordination with NGOs and improve broader information sharing mechanisms to strengthen the protection response in the region.
Finally, we would like to highlight that more than 40 civil society organizations in the Americas have developed an Action Plan that includes more than 300 specific actions and recommendations. These are directed towards other civil society actors, States and international organizations. The Civil Society Action Plan was developed to respond to the situation of migrants and refugees from Venezuela but can also be used as a roadmap for a coordinated response with a human rights perspective to respond to other migrants and refugees’ flows in the Americas.

Thank you.