NGO Statement on the Americas

Dear Chair,

This statement was drafted in consultation with a wide range of NGOs. **We want to highlight the following recent forced displacement trends in the region.**

First, Venezuela is experiencing an outflow of people who are leaving the country at an unprecedented rate, mostly to reach other Latin American countries. We welcome the generosity of governments in the region, particularly those that have facilitated Venezuelans’ access to social services and work. However, Venezuelans, particularly women and girls, continue to be vulnerable to different types of violence including trafficking, exploitation, discrimination and xenophobia during their journeys and within host communities. Many also encounter difficulties crossing borders and accessing rights due to lack of travel and identity documents, thus increasing the risk of statelessness in the region.

Second, the so-called Central American northern triangle—El Salvador, Guatemala and Honduras—continues to generate internal displacement and major movements of people, fleeing due to a combination of factors including lack of opportunities, poverty, and gang violence. Some have been forced to travel in caravans to ensure their safety. While most attention is focused on the US-Mexico border, the situation in the northern triangle remains largely unattended. Despite the deteriorating humanitarian situation, there is no Humanitarian Response Plan to respond to the needs of displaced people inside those countries.

Furthermore, Nicaraguans have also recently fled violence and sought refuge mostly in neighboring countries, where they have been victims of xenophobia and experienced violations of their human dignity. NGOs have repeatedly urged States to have a coordinated response with a human rights perspective to the growing flows of people leaving their countries. We, however, remain concerned that States in the region have often denied people their right to seek asylum. Some States, for example, have been reluctant to allow asylum seekers’ access to their territories and carried out massive deportations, sometimes through agreements concluded with third States. Migrants and refugees have also sometimes been forced to remain in unsafe transit countries. Such practices increase protection risks, particularly for children on the move, who are exposed to violence and separation, whereas adolescent girls remain extremely vulnerable to gender-based violence. NGOs are worried that some States have imposed immigration requirements that are impossible to meet for a great number of people. Limiting safe migration to economic elites and forcing people to opt for irregular channels makes them more vulnerable, placing their lives at greater risk.

Based on those observations, NGOs call:

- For a reaffirmation of the 1951 Refugee Convention and its 1967 Protocol as well as other relevant regional and international instruments, including by guaranteeing the non-refoulement principle. Protective refugee norms are particularly lacking in the Caribbean, increasing the risk of forcible returns and arbitrary detention. States should particularly use the Cartagena Declaration’s expanded refugee definition to respond to the current displacement dynamics in the region.

- Humanitarian aid should remain apolitical, promote respect of international humanitarian law in armed conflict, and ensure a focus on the centrality of protection.
• States should also strengthen their commitment to human rights and avoid restrictive immigration and border control policies that threaten the safety and civil liberties of millions. Inhumane treatment of people in border areas should stop, including militarized responses and coerced family separations. People should be treated with dignity regardless of their migration status or origin.

• Moreover, channels to obtain regular immigration status should exist in order to facilitate full access to rights and promote integration in host communities. States in the region should continue showing generosity in developing legal pathways for regular stay and access to social rights, especially the right to work, without undermining more permanent forms of protection, such as refugee status. Public messages should help prevent discrimination, violence, and xenophobia against migrants and refugees, thus contributing to their integration.

• States should also generate data on persons of concern disaggregated by gender, age and diversity for designing programs and public policies; develop multi-stakeholder responses with a differential approach, mindful of age, gender, race, and any other form of diversity.

Moreover, 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. UNHCR should also urge States to stop criminalizing migration and stop arbitrary detention of migrants and refugees.

• UNCHR should ensure transparency in its budgeting processes. In addition, we ask that 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.

• To advocate for access by humanitarian actors. At the same time, humanitarian actors have to adopt new modes of operation in order to reach the most vulnerable, especially those who hope to find protection through anonymity.

• To facilitate the search for durable solutions from 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 actors across the humanitarian and development nexus.

• This should contribute to strengthen coordination with NGOs and improve broader information sharing mechanisms to strengthen protection responses in the region. In particular, we need a strengthened IDP response, under UNHCR leadership, in coherence with the Cartagena+30 action plan.

Finally, we underline that over 40 organizations in the Americas have developed a Civil Society Action Plan highlighting more than 300 specific actions and recommendations. These are directed towards civil society actors, States and international organizations. It 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 different migrant and refugee flows in the Americas.

A detailed version of this statement is available on icvanetwork.org.

Thank you.