

XV SOUTH AMERICAN CONFERENCE ON MIGRATION

SANTIAGO DECLARATION

"WITH JUSTICE AND EQUALITY TOWARDS MIGRATION GOVERNANCE"

SANTIAGO, SEPTEMBER 8, 9, AND 10, 2015

09-10-2015

The XV South American Conference on Migration (XV SACM) was held in the city of Santiago de Chile, on September 8, 9, and 10, 2015, with Chile as Presidency Pro-Tempore and with participation of delegations from the governments of Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay, and Venezuela, as well as representatives from various International Organizations and special guests including the Civil Society, and with collaboration from the International Organization for Migration in its role as Technical Secretariat (TS-IOM).

The central theme of the XV SACM was focused on highlighting and addressing the values of justice and equality in the development and implementation of international migration governance in South America, based on a comprehensive vision of migration, of migrants as subjects of rights, and of the responsibility of Governments as regards respect for Human Rights, with a cross-cutting approach.

The SACM reaffirmed the full validity of the Principles and General Guidelines and the South American Plan for the Human Development of Migration (PSDHM, by its Spanish acronym), and agreed to advance toward their updating according to the new challenges and global consensus on international migration governance.

In view of the challenges entailed in the implementation and protection of the components of comprehensive migration governance in the region, and regional and global events that harm migrants' safety and integrity, as well as their protection, the SACM reaffirmed the full validity of its postulates regarding the promotion and defence of the human rights of migrants, especially of those who are most vulnerable.

The SACM reaffirmed the full validity of its principles and guidelines:

- a) right to migrate, not migrate and return in a free, informed and secure manner, without criminalising migrants' movements and with migrants at the centre of migrant policies, regulations and programs.
- b) comprehensiveness of the migration fact.
- c) commitment to guarantee the unrestricted and permanent respect for the human rights of migrants and their family members.
- d) implementing policies and programmes for establishing links with our nationals living abroad and building their capacities.
- e) highlighting the migration regularization agreements signed by Member States of the Conference and encouraging the negotiation and execution of new agreements.

In this regard, the SACM pointed out the importance of guaranteeing access to justice by migrants and their family members, with the implications of this concept being not only legal but also economic, social and cultural. Therefore, the aim is not only for migrants to be entitled to a due process but also to effectively access social justice. The SACM considers this dimension as an integral part of its commitment to migrants' dignity and human rights, with migrants as subjects of rights.

Based on the declarations made by the delegations from the Member States, the SACM considers it critical for migrants to have the same rights and obligations as nationals in each country in terms of equal treatment and opportunities, if a comprehensive and inclusive development of the host societies is to be achieved. Equality in terms of rights and obligations is on the horizon of development of the countries in the region, as they promote a greater sense of ownership and are based on a shared ethics aimed at guaranteeing access to all human rights by all society members, including migrants and family members, as well as the means to enjoy them.

Furthermore, the SACM considers it important to encourage the institutionalization of migration governance in the sphere of the local governments harmonizing it with national policies, which appears as an unavoidable priority for South American countries given the importance of the latter in the process of inclusion and

integration of migrants in host societies.

The SACM took note of and praised the migration policy, regulation and institutional development updating process driven and performed by the Member States, which is expressed in important initiatives in the context of consular management, service and assistance to nationals abroad and returned nationals, initiatives on migrants' regularization, the creation of spaces for citizens' participation, refugees' protection, and the modernization of migration management in different spheres.

In addition, it was agreed to update the mandate of the SACM, which will be held considering new background and consensus in the field of migration, the international migration law, and guidelines laid down in the Post-2015 Agenda promoted by the United Nations, the Montevideo Consensus (2103), the Buenos Aires Declaration (2013) the Brasilia Declaration and Action Plan of 2014 and the Declaration of the II High-Level Dialogue on Migration and Development 2013, therefore including the themes of gender, regulatory consistency, and promotion and development of knowledge, research and the rights of migrants and their family members, as well as migrants' access to justice, the relationship between migration and city, and migration, climate change and the environment.

The SACM emphasized its capacity as a South American specialized forum for political debate and consensus on international migration, and its role as a driver of proposed actions for the benefit of migrants and family members, seeking to undertake effective actions aimed at the implementation of proposals, recommendations and commitments signed at its meetings, and their inclusion in internal regulations and international and regional agreements adopted in this field.

CENTRAL THEME I: FOLLOW-UP ON THE SOUTH AMERICAN PLAN FOR THE HUMAN DEVELOPMENT OF MIGRATION (PSOHM, by its Spanish acronym).

The SACM exchanged visions and proposals regarding migrants' access to justice considering it an integral part of the recognition of migrants as subjects of rights from a comprehensive perspective and their social vulnerability, taking as a horizon social justice for migrants and their family members in countries of origin, transit and destination.

The SACM took note of and addressed the report of the Technical Secretariat (TS) on the education and training initiatives geared for national and local authorities responsible for migration governance in each country, as well as the civil society organizations that work on the protection of migrants' human rights and migrant associations.

The SACM received and discussed the report of the PPT-Chile and the TS on the different initiatives undertaken by the countries to promote social inclusion of migrants and their family members.

The SACM took note of the proposal of the PPT-Chile to start a process for reviewing and updating its mandate based on the Global Commitments on Migration and Development, the Post-2015 Agenda, the Montevideo Consensus (2013), the Buenos Aires Declaration (2013), the Brasilia Declaration and Action Plan, and the Declaration of the II High-Level Dialogue on Migration and Development of 2013.

In the context of the current humanitarian emergency involving human mobility, the SACM is satisfied with having adopted the Brasilia Declaration and Action Plan as a strategic framework for strengthening international protection and promoting sustainable solutions for refugees, displaced and stateless persons in Latin America and the Caribbean.

The SACM reaffirmed the importance and relevance of the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families as a guideline for the States that have ratified it. The SACM also appreciates the will of the Member States of the Convention to comply with the submission of their reports and the implementation of the recommendations made by the Migrant Workers Committee of the Convention.

The SACM took ownership of the proposal made by the delegation of Chile to consider the gender approach in the design of the programs and initiatives of the Member States, in order to make the situation of migrant women, girls, and adolescent girls visible in all society spheres, and enrich the development of public policies that strengthen their autonomy and comprehensive development as subjects of rights.

The SACM undertook to:

- a) Carry out a systematization process for the education and training programmes, which involves the use of new technologies, the ongoing training of national and local authorities, and the participation of civil society organizations conceived in the context of migration governance. The PPT-Chile, together with the TS and the Troika, with input from the countries, which will submit their supplementary reports before October 30, 2015, will prepare the relevant report;
- b) Continue encouraging initiatives for facilitating migrants' social inclusion in their host communities and migration regularization, promoting the exercise of their rights in accordance with the regulations and public policies of each country. The Member States will submit their reports on this matter to the PPT-Chile and the TS before November 30, 2015, in order for the latter to prepare the relevant report;
- c) Disseminate and exchange countries' good practices on migrants' access to justice, which information will be systematised by the PPT-Chile and the TS so that a report be presented at the XI Intersessional Meeting of 2016;
- d) Continue and deepen countries' promotion and assurance of justice for migrants notwithstanding their migration status, which includes providing them with assistance and legal advice in legal processes, informing them of their rights in a timely manner, providing them with mechanisms for them to understand the criminal and administrative proceedings they are involved in, within a context of due process, and protecting migrant family members, especially, women, boys, girls and adolescents, whether accompanied or not, based on the principle of family unity;
- e) Prepare, based on guidance of the PPT, support from the TS and contributions from the Member States, a draft report on the updating of the SACM mandate for its discussion at the XI Intersessional Meeting of 2016.

CENTRAL THEME II: MIGRATION AND SOUTH AMERICAN INTEGRATION

The SACM reaffirmed the importance of advancing toward the implementation of the Mercosur Residence Agreement for facilitating access to residence for migrants in the region, regional integration and migrants' exercise of their rights.

The SACM received the report of the Delegation from Paraguay in order to get to

know and exchange visions on the dynamics for facilitated border transit and free movement of persons.

The SACM undertook to:

- a) Prepare a report on facilitated border transit based on the work document proposed by Paraguay, which contemplates the preparation of a diagnosis, the identification of border facilitation components, policy-sharing, and evaluation of initiatives. A first draft report will be discussed at the XI Intersessional Meeting of 2016.

CENTRAL THEME III: MIGRATION GOVERNANCE STRENGTHENING

The SACM reaffirmed the importance of the contribution from the Civil Society in the development of the processes and themes promoted by this regional consultative process, in the area of migration governance.

The SACM took note of and welcomed the initiatives for States to incorporate mechanisms that recognise the role of the organisations that protect migrants' rights, of migrants' organisations and of city participation spaces that adopt a rights approach, respecting social and cultural diversity, recognising and integrating the peculiarities, characteristics and needs of the different groups that are part of the community.

The SACM appreciated the good initiatives aimed at involving local governments in migration management in the context of national migration policies, also highlighting migrants' organizations' contributions in the design of programmes and projects on local migration governance.

The SACM received the report of the PPT-Chile and the TS on the South-South cooperation initiatives, highlighting and appreciating the important initiatives undertaken by the countries in the region.

The SACM took note of and was pleased to receive the report of the PPT-Chile, the Delegation of Bolivia, and the TS, on the theme of migration, climate change and environment, including it in the spaces for discussion and coordination of the Member States.

The SACM undertook to:

- a) Continue undertaking initiatives for South-South cooperation aimed at strengthening government institutions, developing regulations, and formulating migration programmes;
- b) Strengthen at the national level the critical role of the civil society organizations (CSOs) as agents that contribute to the formulation of migration policies and programmes, the participation of migrants' organizations and the promotion of migrants' rights;
- c) Develop and submit, prior to the sessions of the Intersessional Meeting and the SACM, various experiences of the Member States on the relationship with the CSOs in the context of migration and the matters which are part of the SACM agenda;
- d) Gather and systematise country reports on the role of local governments in migration governance, identifying spaces for cooperation and development of regional programmes. This report will be prepared based on contributions from the Member States, which will be submitted to the PPT and the TS before March 30, 2016, for the report to be presented at the XI Intersessional Meeting of 2016.
- e) Prepare, in cooperation with the TS, a draft report on the various initiatives undertaken by the Member States on the relationship between migration, environment and climate change, especially in connection with natural disasters. Country reports should be submitted to the PPT and the TS prior to March 30, 2016, as a first draft on the progress made will be disseminated at the XI Intersessional Meeting of 2016.

CENTRAL THEME IV: INTERNATIONAL PROJECTION OF THE SOUTH AMERICAN REGION

The SACM exchanged visions and proposals on the best way to relate with other regional consultative processes, both in America and in other regions in the world.

The SACM undertook to:

- a) Start a process of analysis of potential themes for an agenda between this SACM and the Regional Conference on Migration (RCM) and of a perspective for addressing them. For this purpose, the TS is requested to prepare a technical report on the subject covered in this paragraph a) for its dissemination at the XI Intersessional Meeting of 2016.

- b) Entrust the PPT with the task of establishing contact with the other Regional Consultative Processes, seeking to find common grounds and exchange visions and good practices in the context of regional, bi-regional and global fora on international migration.
- c) Advance toward the articulation and convergence of the SACM with regional integration mechanisms, for which the PPT-Chile will prepare a report that will be discussed at the XI Intersessional Meeting.

OPERATION AND ORGANISATION

The delegations from Argentina and Peru submitted draft Rules for the Organisation and Operation of the South American Conference on Migration, which were discussed relying on the support provided by participant delegates, except for the delegation of Ecuador.

The SACM received new draft Rules from the delegation of Ecuador which, together with other potential initiatives, will be discussed at the XI Intersessional Meeting of 2016.

FINAL CONSIDERATIONS

- The SACM highlighted the importance of the participation of the Civil Society Organizations (CSOs) in the development of its initiatives, reaffirming the will of the countries to promote a national space for dialogue with the CSOs. Each country will distribute a report on the contributions made by the Civil Society at each of the meetings of the SACM.

- The SACM greets and appreciates the intervention of the CSO guests which, apart from referring to the migration dynamics and issues in the region, praise the good development of the SACM and propose advancing toward the development of a perspective for the SACM based on the protection of migrants' human rights, the promotion of the participation of the civil society, migrants' organisations and returned nationals.

- The SACM thanks the international organisations (IOM, UNHCR, ILO, CAN) for their participation, presentations and interventions, which enriched the debate, highlighting convergence areas and potential spheres for cooperation.

- The SACM expresses its appreciation for the participation of the Director General of IOM, Ambassador William Swing, in the XV SACM, highlighting his commitment to support the process of the SACM, especially in connection with the relationship between migration and local governments.

- The SACM also thanks the International Organization for Migrations in its role as Technical Secretariat for its permanent participation and collaboration in the preparation of the reports and proposals discussed at the XV SACM.

- The SACM accepts and appreciates the offering by the Delegation of Uruguay to host the XI Intersessional Meeting of the SACM to be held during the third quarter of 2016, in coordination with the PPT-Chile and the TS, and welcomes the offering by the Government of Paraguay to host the XVI SACM to be held during the second quarter of 2016.

- The SACM expresses its recognition of the Government of Chile, in its capacity as Presidency Pro-Tempore and host country, for its hospitality and the excellent organization and development of the XV SACM, as well as its preparatory sessions, and the Technical Secretariat for the support given.

In witness whereof, this document is signed in the City of Santiago, Republic of Chile, on September 10, 2015.

On behalf of the Republic of Argentina

On behalf of the Federative Republic
of Brazil

On behalf of the Plurinational State
of Bolivia

On behalf of the Republic of Colombia

On behalf of the Republic of Chile

On behalf of the Republic of Ecuador

On behalf of the Republic of Paraguay

On behalf of the Republic of Peru

On behalf of the Oriental Republic of
Uruguay

On behalf of the Bolivarian Republic of
Venezuela