



## BRAZIL DECLARATION

### **“A Framework for Cooperation and Regional Solidarity to Strengthen the International Protection of Refugees, Displaced and Stateless Persons in Latin America and the Caribbean”**

**Brasilia, 3 December 2014**

We, the participating Governments of the countries of Latin America and the Caribbean,

*Gathered* in the city of Brasilia to commemorate the thirtieth anniversary of the Cartagena Declaration on Refugees of 1984, whose commemorative processes have enabled us to identify new humanitarian challenges and to propose effective solutions to improve the protection of refugees, displaced and stateless persons in the region, in a spirit of flexibility and innovation,

*Underline* the important, inclusive and constructive dialogue that the *Cartagena +30* process has fostered among Governments and civil society from all countries in the region, including refugee youth and refugee women, and pertinent regional and international organizations, through four subregional consultations held between March and September 2014 in the cities of Buenos Aires, Quito, Managua and Grand Cayman,

*Highlight* the achievements attained through the adoption of the Cartagena Declaration on Refugees of 1984, the San José Declaration on Refugees and Displaced Persons of 1994, the Mexico Declaration and Plan of Action to Strengthen the International Protection of Refugees in Latin America of 2004 and the Brasilia Declaration on the Protection of Refugees and Stateless Persons in the Americas of 2010,

*Acknowledge* the humanitarian commitments that we have made in relation to the protection of refugees, displaced and stateless persons, addressing newly identified challenges and reinvigorating the search for durable solutions,

*Emphasize* the convergence and complementarity of International Human Rights Law, International Refugee Law and International Humanitarian Law, to provide a common legal framework to strengthen the protection of refugees and other persons in need of it, on account of their vulnerable situation, in light of the *pro homine* principle,

*Underline* that States have the primary responsibility to protect refugees, displaced and stateless persons, and that international cooperation and solidarity are fundamental for responding to humanitarian challenges,

*Recognize* the efforts of the countries of Latin America and the Caribbean in their support for refugees, displaced and stateless persons, and in particular those of the Republic of Ecuador for hosting the largest number of refugees in the region,

*Reaffirm* the enduring applicability and validity of the principles and standards of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol for the protection of refugees, with a primary focus on the human being,

*Highlight* the importance of ensuring unrestricted respect, protection and promotion of the human rights of refugees, displaced and stateless persons, with special emphasis on groups in a vulnerable situation,

*Highlight* that the extended refugee definition of the Cartagena Declaration has been incorporated in large measure by the majority of Latin American countries in their internal legislation, and *recognize* the existence of new challenges regarding international protection for some countries of the region that need to continue making progress in the application of the regional extended refugee definition, thus responding to the new international protection needs caused, among others, by transnational organized crime,

*Underline* the gradual progress we have made to incorporate into national legislation high protection standards, with a comprehensive and differentiated age, gender and diversity approach, in accordance with the international obligations we have acquired in this area,

*Recognize* developments in the jurisprudence and doctrine of the Inter-American Court of Human Rights, in those countries in which they apply, regarding the content and scope of the right to seek and be granted asylum enshrined in the regional human rights instruments, their relationship to international refugee instruments, the *jus cogens* character of the principle of *non-refoulement*, including non-rejection at borders and indirect *refoulement*, and the integration of due process guarantees in refugee status determination procedures, so that they are fair and efficient,

*Reaffirm* the importance of consolidating national refugee status determination systems through the effective application of the standards of due process of law,

*Appreciate* the good practices in the region of regulating complementary protection and the grant of humanitarian visas to people who may not necessarily qualify as refugees under the Convention, but who may also benefit from protection responses,

*Recognize* that the specific characteristics and realities of the Caribbean require a dialogue for the adoption of a subregional strategy for the progressive development of asylum systems,

*Highlight* the changes in the dynamics of international migration within the continent, particularly the increase in mixed migration movements, which may include people who are in need of international protection,

*Underline* the need to analyse in depth and address the causes that generate displacement in the region, with the cooperation of States, international and civil society organizations, within a framework of cooperation and regional solidarity,

*Recognize* that, owing to a multiplicity of causes, the displacement of persons, including accompanied and non-accompanied children, forced to escape from their community of origin constitutes a new challenge in El Salvador, Guatemala and Honduras, and *highlight* the importance of promoting shared but differentiated responsibility among the States of origin, transit and destination and of providing a differentiated response in view of their high degree of vulnerability, as well as the need to work jointly and in close coordination between Governments, civil society and regional and international organizations, in order to guarantee to these persons due process, dignified treatment and respect of their rights,

*Emphasize* the importance of striking a balance between States' legitimate security concerns and the protection needs of asylum-seekers and refugees, including the application of the refugee definitions in a manner which is consistent with international instruments, jurisprudence and doctrine,

*Highlight with concern* the vulnerable situation and increased presence of accompanied and unaccompanied migrant children and adolescents, who may be in need of international protection,

*Acknowledge* the challenge posed by the disproportionate impact of mixed migration movements in the Caribbean owing to its geographical, economic and demographic characteristics and the need for effective mechanisms of international cooperation and solidarity,

*Acknowledge* that new realities in Latin America and the Caribbean require a comprehensive durable solutions strategy which, based upon the lessons learned in the implementation of the “Cities of Solidarity”, “Borders of Solidarity” and “Solidary Resettlement” programmes of the Mexico Plan of Action, provides for simultaneous and inclusive implementation of local integration, resettlement and voluntary repatriation, and guarantees the exercise of the rights of binational families and of foreigners in conditions equal to those of nationals, as appropriate,

*Recognize* the measures implemented by countries of the South American region, in the framework of the migration agreements to which they are parties, permitting the free movement of people, in full respect of human rights, which can serve as a possible alternative durable solution for persons in need of international protection, with the due safeguards,

*Recognize* the importance of the “Solidarity Resettlement” programme as an effective protection and burden-sharing mechanism within a comprehensive durable solutions strategy, and *highlight* the importance of strengthening support from the international community for its continuation,

*Underline* the need for voluntary repatriation to be based on objective and updated information on the country of origin and to be carried out in safety and dignity, as part of a comprehensive solutions strategy, taking into account national legislation, through tripartite mechanisms between the country of origin, the country of asylum and UNHCR, and considering the participation of the refugees themselves as a good regional practice,

*Recognize* the positive contribution that refugees can make to their countries of origin, through the experience and knowledge acquired in the countries of asylum, and their contribution to host communities by becoming promoters of local development,

*Take note* of the regional good practices in the adoption of public policies that promote the local integration of refugees, through joint efforts of States, UNHCR and civil society, and *highlight* the important role of local authorities and the private sector, with the active involvement of the refugees themselves and host communities,

*Highlight* the importance of making a distinction between the legal status of refugees and the migratory category or status granted to them for their residence in the countries of the region, in order to facilitate their local integration through the grant of permanent residence, without leading to the loss of their refugee status, in accordance with the national legislation in force,

*Stress* that every person has the right to a nationality and that statelessness is a violation of this individual right when a State’s prerogative to regulate the acquisition, loss, renunciation and deprivation of nationality in its internal legislation infringes upon the limits set by international law,

*Recognize* the progress made in the region in identifying, preventing and reducing statelessness, bearing in mind the important challenges that still exist in this regard in some subregions,

*Take note* of UNHCR Executive Committee Conclusion No. 111 on civil registration of 2013, promoted by the Latin American and Caribbean Group (GRULAC) of States,

*Recognize* the challenges posed by climate change and natural disasters, as well as by the displacement of persons across borders that these phenomena may cause in the region, and *recognize* the need to conduct studies and give more attention to this matter, including by UNHCR,

*Reaffirm* our commitment to the consolidation of regional integration and *make a collective call* to deepen the degree of coordination, complementarity, cooperation and convergence between regional and subregional integration mechanisms, including on issues relating to migration, refugees, displaced and stateless persons,

**AGREE TO,**

*Approve* this Brazil Declaration “*A Framework for Cooperation and Regional Solidarity to Strengthen the International Protection of Refugees, Displaced and Stateless Persons in Latin America and the Caribbean*” and the Plan of Action in annex.

*Promote and implement* this Declaration and the Plan of Action in annex to respond to the new challenges in international protection and in the identification of solutions for refugees, displaced and stateless persons in Latin America and the Caribbean in the next 10 years.

*Congratulate* the countries of Latin America and the Caribbean that acceded or ratified international instruments on refugees, displaced and stateless persons, and *invite* those countries that have not yet done so, to consider accession or ratification, as appropriate, to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, the 1954 Convention relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness, as well as the 1989 Convention on the Rights of the Child, the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the 1979 Convention on the Elimination of All Forms of Discrimination against Women, the 2000 United Nations Convention against Transnational Organized Crime and its Protocols to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and Against the Smuggling of Migrants by Land, Sea and Air (Palermo Protocols), and other relevant instruments; and to foster the progressive development of the interpretation of these instruments.

*Deepen* cooperation within the framework of regional integration mechanisms such as CELAC, MERCOSUR, the Andean Community, SICA and CARICOM, among others, in order to improve the analysis and understanding of displacement and address its causes; offer international protection to those persons in need; and continue moving towards the progressive harmonization of public policies, standards and procedures through the exchange of good practices for the protection of refugees, displaced and stateless persons.

*Continue strengthening* national bodies for the determination of refugee status, for example through quality assurance mechanisms, such as the *Quality Assurance Initiative (QAI)*, allocating greater human and financial resources, strengthening bilateral and regional cooperation and implementing regional training programmes, thereby ensuring the effective implementation of the principle of due process of law established in international and regional instruments, as well as in national legislations.

*Support* the establishment of a regional dialogue in the Caribbean in order to adopt a strategy for institutional strengthening, which should envisage, among other things, a progressive approach for the development of asylum systems and the implementation of refugee status determination procedures, as appropriate.

*Continue making progress* in the identification, prevention, effective protection and the implementation of differentiated referral and response mechanisms for victims of sexual and gender-based violence, and in the development of specific programmes, within a rights-based framework and a community-based approach, that take into consideration the needs of groups and populations in a vulnerable situation.

*Highlight* that victims or potential victims of trafficking may, in some circumstances, be in need of international protection and that their access to refugee status determination procedures must be guaranteed, stressing the importance of early identification because of their great vulnerability and recognizing the complementarity of asylum systems and mechanisms for the protection of victims of human trafficking.

*Promote* the assessment of the protection needs of accompanied and unaccompanied children and adolescents, including their access to refugee status determination procedures, and *emphasize* that all considerations in this matter should be governed by the principles recognized in the Convention on the Rights of the Child, in particular the best interests of the child and non-discrimination, seeking to preserve family unity and recognizing children as persons entitled to rights and special protection.

*Promote* the increased presence in border areas, to the extent possible, of national bodies for the determination of refugee status, so as to provide dignified treatment to persons in need of international protection with full respect for their human rights.

*Recognize* that the deprivation of liberty of migrant children in an irregular situation, ordered solely for this reason, is arbitrary and that consequently we must make progress in adopting alternatives to detention, aimed at its prohibition, that promote their care and welfare with a view to their full protection in light of their particular vulnerabilities, taking into account Advisory Opinion 21/14 of the Inter-American Court of Human Rights, as appropriate.

*Promote* the adoption of comprehensive public policies and their inclusion in national development plans that address the needs of refugees, displaced and stateless persons, ensuring their participation and that of the host communities; and *multiply efforts* to guarantee the enjoyment of economic, social and cultural rights, including labour rights, taking into account the differentiated needs of groups and populations in a vulnerable situation, in order to promote their local integration.

*Urge* States to establish tripartite mechanisms between the country of origin, the country of asylum, and UNHCR to facilitate voluntary repatriation processes, considering the participation of refugees as a regional good practice.

*Facilitate* the issuance of personal identification documents to refugees, displaced and stateless persons, without mention of or reference to their status, in order to promote local integration in accordance with national legislation.

*Foster* hospitality and non-discrimination policies to strengthen local integration through the promotion of respect for diversity and interculturalism, highlighting the positive contribution of refugees, displaced and stateless persons to host communities.

*Facilitate* the naturalization of refugees and stateless persons through appropriate procedures, as part of a comprehensive durable solutions strategy, in accordance with national legislation.

*Invite* the countries of the region which have not yet done so to evaluate the possibility of participating in the regional resettlement programme, in a framework of international solidarity and cooperation.

*Encourage* traditional resettlement countries to continue receiving refugees from the region, in particular from those Latin American and Caribbean countries hosting large numbers of refugees.

*Consider*, in countries where the legal framework allows it, the implementation of temporary or permanent options offered by regional integration systems, such as labour mobility programmes for refugees, to promote their integration in third countries and as a regional solidarity mechanism to support countries hosting large numbers of refugees.

*Reaffirm* our commitment to the eradication of statelessness within the next ten years and *support* the campaign and the *Global Plan of Action to End Statelessness*, launched by UNHCR within the framework of the sixtieth anniversary of the 1954 Convention relating to the Status of Stateless Persons, by resolving existing situations, preventing new cases of statelessness and protecting stateless persons, through the revision of national legislation, the strengthening of national mechanisms for universal birth registration and the establishment of statelessness status determination procedures.

*Request* UNHCR to continue providing its support to States, including for the implementation of the Plan of Action in annex, through technical support and assistance, including the provision of legal assistance, opportunities for education and training, and dissemination of its policies and guidelines, as appropriate, to guide the work of States in the protection of refugees, displaced and stateless persons.

*Urge* UNHCR to prepare periodic reports on the implementation of the protection programmes for refugees, displaced and stateless persons in the countries of Latin America and the Caribbean, resulting from the implementation of the Plan of Action in annex and of the respective international instruments.

*Disseminate* widely the outcomes of the *Cartagena +30* process through the publication of its documents, with the support of the Government of Brazil, UNHCR and the regional and subregional mechanisms.

*Express* our deep gratitude to the Government and people of Brazil as the host country of the Ministerial Commemorative Event held in Brasilia on 2 and 3 December 2014; to the Governments of Argentina, Ecuador, Nicaragua and the Cayman Islands for having co-sponsored the subregional meetings; to UNHCR and the Norwegian Refugee Council as organizers; to the Human Rights Ombudsmen Offices and civil society organizations and to the Principal Experts, appointed by the High Commissioner, who made important contributions to this commemorative process.

**Brasilia, 3 December 2014**