

**Declaration on the Integral Protection of Refugees and
Other Forcibly Displaced Persons and for
the Construction of an Effective Humanitarian Space
in Latin America and the Caribbean**

Declaration by Academia within the framework of Cartagena + 40

Construction Process of the Declaration by Academia within the framework of Cartagena +40

With the aim of revisiting the concerns expressed by the Academia, specifically the Latin American, as outlined in the Cartagena + 30 Framework, and to enhance and expand upon this action plan with a proactive and inclusive approach, emphasizing the protection of refugees and other forcibly displaced persons, the “Declaration of the Academia in the Cartagena + 40 Framework” has been developed. This initiative originates from the endeavors of the Research Group “Human Rights and Vulnerabilities” at the Catholic University of Santos - UniSantos.

Titled “Declaration by Academia within the framework of Cartagena + 40: Declaration on the Integral Protection of Refugees and Other Forcibly Displaced Persons and for the Construction of an Effective Humanitarian Space in Latin America and the Caribbean”, this document considers the (emerging) challenges and intersectional perspectives, with a forward-looking approach for the upcoming decade, consistently seeking to enhance regional protection capacities.

The increase in mixed and intra-regional flows, along with the growing challenges posed by policy and implementation barriers to protecting forcibly displaced persons, as well as the increasing trends of criminalization and securitization of migration and migrants, underline a reevaluation of the extent of protection for particular groups, drawing inspiration once again from the “Spirit of Cartagena”. The expansion and strengthening of the humanitarian space in the region also imply analysis of power dynamics, the effective implementation of human rights, and the integration of gender, age, and diversity considerations (including race and disabilities), with a focus on addressing distinct vulnerabilities and specific needs.

The Academia, which has a central role in this task, aims with this Declaration: i) highlight the issues and concerns involving the protection of forcibly displaced persons; ii) reinforce positions based on scientific evidence and humanitarian approaches; iii) propose solutions and protection and inclusive actions; and iv) inspire States and other stakeholders to act in the “Spirit of Cartagena” to enhance and strength the humanitarian protective space in Latin America.

The idea of revitalizing the project was proposed by Liliana Lyra Jubilit, considering the forthcoming 40th anniversary of the Cartagena Declaration in 2024. The proposal became public, in an *ad hoc* online session at the 19th IASFM (biennial meeting of the International Association for the Study of Forced Migration), hosted by UniSantos, in August 2022.

In September 2022, the Research Group was mobilized to initiate the project’s work, followed by the first meeting held the subsequent month. The meeting took place online and brought together members of the Research Group as well as invited individuals who previously collaborated with the group.

The Working Group was established with the participation of 25 members, including Angela

Limongi Alvarenga Alves, Camila Marques Gilberto, Carolina Moulin, Daniela Florêncio Silva, Estela Vieira, Fernanda Damacena, Flávia Oliveira Ribeiro, Gabriela Mezzanotti, Gabriela Soldano Garcez, Giuliana Redin, João Carlos Jarochinski Silva, João Roriz, Isabela Mazão, Luciana Diniz, Marcia Vera-Espinoza, Natalia Cintra, Natalia Rosa Oliveira, Patrícia Nabuco Martuscelli, Paula Zambelli Salgado Brasil, Ricardo Félix, Roberta de Stefani Vianna, Roberto Yamato, Samantha Ramos Paixão de Oliveira, Verônica Maria Teresi, and Liliana Lyra Jubilut, who is leading the coordination of the work.

In December 2022, an email was sent to academic networks in Brazil, Latin America academics, and the United Nations High Commissioner for Refugees (UNHCR) to provide updates on the project. The email outlined the project's objectives, revisited the previous Declaration, and highlighted the proposed steps for the development of the new Declaration.

During the same month, the Working Group met to deliberate on the methodological approaches and strategies for drafting the Declaration. We outlined the main components of the project, as well as preliminary schedules for each phase. A methodology was established for making suggestions for the text, and a specific email address (cartagena40.academia@gmail.com) was created for the project. It was also decided that the new proposal would be based on and developed from the 2014 Declaration by Academia (Declaration on the Integral Protection of Forced Migrants and for the Construction of an Effective Humanitarian Space in Latin America and the Caribbean - Academy Declaration in the Cartagena + 30 Framework)¹.

Based on the discussions held during the December meeting, it was agreed that the document would incorporate the regional criteria outlined by UNHCR, ensuring the comprehensive coverage of Latin America and the Caribbean. This approach acknowledges the expanded framework established by Brazil's Declaration and Action Plan in 2014.

By February 2023, the Working Group had made significant contributions to the process by providing suggestions to revise, adapt, and update the 2014 Academy Declaration. Additionally, new themes were introduced, resulting in a total of 40 recommendations, all within the framework of Cartagena + 40.

In March 2023, following the initial consolidation efforts led by Liliana Lyra Jubilut, two meetings of the Working Group were held to determine which suggestions would be retained in the text. These meetings provided an opportunity for collective discussion, ensuring that any changes could be deliberated upon, ultimately leading to the compilation of the first version of the text.

During this time, it was also determined that a glossary would be created to harmonize the understanding of key concepts related to the document's adopted migratory categories, thereby clarifying the proposals put forth. The Glossary was developed through

¹ Available at: <https://www.unisantos.br/portal/noticias/catedra-sergio-vieira-de-mello-lanca-declaracao-sobre-protecao-integral-a-migrantes-forcados/#>

contributions from Estela Vieira, Luciana Diniz, Natalia Cintra, Paula Zambelli Salgado Brasil and Verônica Maria Teresi. These contributions were subsequently edited and consolidated by Liliana Lyra Jubilut, and the original authors approved the final version.

The finalized versions of the Declaration and Glossary were subsequently circulated once again to the Working Group, receiving their endorsement.

In May and June 2023, a series of Round Tables were organized, featuring invited specialists from diverse fields of expertise in refugee and forced migration studies. These experts were given the opportunity to share their opinions and provide suggestions for the document, with a particular emphasis on thematic and geographic diversity.

Three Round Tables were held, each featuring a panel of distinguished experts: the first with Érika Pires Ramos and Melissa Martins Casagrande; the second with Diego Acosta, Gilberto Rodrigues, and Feline Freier; and the third with Luciana Gandini and Leiza Brumat.

To facilitate the input of the invited guests, a Spanish version of the original text of the Declaration and of the Glossary was provided to them. This translation was prepared by Estela Vieira, and reviewed by Isabela Mazão and Liliana Lyra Jubilut.

Following each round table, Liliana Lyra Jubilut prepared revised versions of the text, considering the suggestions provided by the experts. These updated versions incorporated the key points discussed during the sessions and were subsequently endorsed by the Working Group.

During the Round Table stage, a proposal was put forward to include a preliminary section before the Declaration. This section would consist of contributions on the impacts of the Cartagena Declaration, incorporating information and statistics on its implementation, a literature review on the subject, and an evaluation of the Cartagena proposals' implementation. Additionally, it would encompass the monitoring of the recommendations outlined in the Academy's Declaration within the Cartagena + 30 Framework. However, the implementation of this proposal is contingent upon the availability of resources.

Following the completion of the Round Tables, the official version of the text in Portuguese, along with this text outlining its construction process and the Glossary, was finalized for circulation. Márcia Vera-Espinosa prepared a new version of the main text in Spanish, while Liliana Lyra Jubilut created an English version. Additionally, Estela Vieira was responsible for the Spanish translation, and Flávia Oliveira Ribeiro handled the English translation of both the Glossary and the present text. Subsequently, all these materials were once again sent to the Working Group for their approval.

Within the framework of World Refugee Day (June 20) 2023, the second round of consultations on the document began. At this stage there was greater participation by members of the Latin American Academia in Latin America or who research Latin America.

The deadline for proposals was September 30th, and they were received by the Working Group through specific forms (Google Forms) in Portuguese, English, or Spanish.

By the end of November 2023, the final version of the text, derived from this whole process of collective and participatory construction, was consolidated.

On December 12, 2023, during an event associated with the II World Forum on Refugees, which officially launched the celebrations of the 40th anniversary of the Cartagena Declaration, in Geneva, Switzerland, the Academia's Declaration was made public. This was the result of a presentation by Liliana Lyra Jubilut at the invitation of the Governments of Brazil, Chile and Colombia, with the support of UNHCR, which organized the event.

The following day (December 13, 2023), the Academia's Declaration was circulated for manifestations of support by email. At this point, efforts were made to gather as much support for the text as possible, with the possibility of individual or institutional participation from both the Global South and North. The gathering of support signatures was carried out by Estela Vieira and Flávia Oliveira Ribeiro, with the support of Liliana Lyra Jubilut. The first phase of gathering support ended on March 31, 2024, so that the document could be sent to the governments before the first preparatory meeting. However, the gathering of support will continue throughout the year, and is expected to end in November, so that the final version can be released before the meeting to adopt the official Cartagena+40 document.

Declaration by Academia within the framework of Cartagena + 40

– Declaration on the Integral Protection of Refugees and Other Forcibly Displaced Persons and for the Construction of an Effective Humanitarian Space in Latin America and the Caribbean –

Considering the **relevant role played by the Academia** in the protection of refugees and other forced migrants in theory, practice and theoretical evidence-based practice; in the **strengthening of shared action**; the **humanitarian imperative of protection** of all human beings; the **fundamental relevance of the Cartagena Declaration on Refugees of 1984, of its revisional process and related documents, and of its spirit**; and aiming to contribute to the construction of the Declaration and Plan of Action to be adopted by States in the framework of the 40th anniversary of this normative tool, the **Academia presents its new Declaration.**

This initiative follows the adoption of the 2014 Declaration by Academia within the framework of Cartagena + 30 - Declaration on the Integral Protection of Refugees and Other Forced Migrants and for the Construction of an Effective Humanitarian Space, mirroring that process by drawing from and updating its text.

The new Declaration still adopts the perspective of **integral protection**², understood as the combination of all the rights refugees and other migrants (including other forcibly displaced persons) have, be they from their migratory status or from their human rights as human beings.

Accordingly, and in light of the continuation and relevance of forced displacement dynamics in the region, of the existence of old and new challenges, of the need of international protection of refugees and other forcibly displaced people³, the Academia seeks to **contribute to the consolidation and enhancement of the region as an effective humanitarian space**, by adopting this Declaration.

Recalling the prevalence of the protection of human dignity and of human rights - the legal form of human dignity⁴ -, as guidelines for action;

² The concept of integral protection adopted in this document is the one proposed by Liliana Lyra Jubilut and Sílvia Menicucci de Oliveira (A população refugiada no Brasil: em busca da proteção integral. *Univ. Rel. Int.*, Brasília, v. 6, n. 2, p. 9-38, jul./dez. 2008. DOI:10.5102/URI.V6I2.787) which defends the combination of human rights with the rights stemming from specific migratory protection regimes, so as to allow for respect to the totality of the rights a person on the move has.

³ This document adopts the use of a gender perspective in the language adopted, and it employs in general “*pessoa refugiada*” (refugees) e “*outras pessoas migrantes forçadas*” (other forcibly displaced persons) instead of “*refugiado*” (refugee in the male form), which is only used when the text is referring to the technical and legal term for those who had this status officially recognized.

⁴ Jubilut, Liliana L. Itinerários para a Proteção das Minorias e dos Grupos Vulneráveis: os desafios conceituais e de estratégias de abordagem. In: Jubilut, Liliana L.; Bahia, Alexandre G. M.; Magalhães, José L. Q. (Org.). *Direito à diferença 1: Aspectos teóricos e conceituais da proteção às minorias e aos grupos vulneráveis*. São Paulo: Saraiva,

Recalling the convergence of the various branches of the protection of human persons (International Human Rights Law; International Refugee Law; International Humanitarian Law and International Criminal Law), and the several dimensions of human rights (civil, political, social, economic, cultural and collective);

Highlighting the progress in Latin America and the Caribbean⁵ in the protection of forcibly displaced persons, especially refugee populations and internally displaced persons⁶, either collectively and/or in states' domestic legal systems;

Remembering and commending the tradition of the right to asylum in the Americas, encompassing both refuge (*asilo*) and asylum;

Remembering and praising the relevance of the 1984 Cartagena Declaration on Refugees, of its revisional process and the documents that stem from it, and of its spirit, as a protective architecture⁷ for refugees and other forcibly displaced persons in the region, and also as an example of efforts in migratory governance by Global South countries;

Recalling the important role of the Academia in the creation of the 1984 Cartagena Declaration on Refugees;

Considering the fundamental role of the Academia in the creation, implementation, development and interpretation of International Refugee Law in general, the 1984 Cartagena Declaration on Refugees in particular, and of International Humanitarian Law and International Human Rights Law; and also the central role of the Academia in the analysis of the complexities and of the constant transformation of the nature and the regional impacts of forced displacement flows;

Recalling the relevant role given to Academia in the effective protection of refugees and other forced displaced persons by the 2004 Mexico Declaration and Plan of Action and by the 2018 Global Compact on Refugees, especially in its establishment of the *Global Academic Interdisciplinary Network*⁸;

p. 13-30, 2013.

⁵ Unlike the initial documents of the Cartagena Declaration and its revisional process, the newer ones expand their scope to include Latin America and the Caribbean. UNHCR has also been working with this regional division. Regional migrations from the Caribbean and to Latin America have been significant flows throughout the region. In this context, and to engage in broader dialogue with international instruments, the present declaration is adopted with proposals for Latin America and the Caribbean.

⁶ The reference to refugee, displaced and/or migrant population throughout the text aims to bring it closer to inclusive language in its original version, and does not mean only collective rights or that only groups ought to be respected. It aims towards the guarantee of multiple individual perspectives and not their limitation, given that the guideline for the Declaration is the respect of human rights in their totality, i.e. with respect to both individual rights and of the groups that they establish or are a part of.

⁷ Jubilut, Liliana L.; Espinoza, Marcia Vera; Mezzanotti, Gabriela (Ed.). *Latin America and Refugee Protection: Regimes, Logics, and Challenges*. Forced Migration, Volume 41. Oxford: Berghahn Books, 2021. eISBN 978-1-80073-115-8.

⁸ It is interesting to note the Sérgio Vieira De Mello Chairs initiative in this context of valuing Academia. The Chairs are understood as a partnership model between UNHCR and Universities, and implement actions in teaching, research and outreach activities. As of the time of writing there are 38 Chairs in Brazil, 3 in the Dominican Republic and 1 in Costa Rica (besides 2 in Ethiopia and 1 in the UK), which shows its strong presence in

Highlighting the will and the need to effectively establish an expanded humanitarian space of protection for refugees and other forcibly displaced persons in Latin America and the Caribbean;

Accepting the existence of challenges brought by new forced displacement flows and the imperative need to balance States' interests and the human person's protection needs to face them;

Highlighting the need for systemic governance of migrations, in general, and of forced displacement, in particular, that embeds the interaction of multilevel mechanisms of protection as well the search for integral protection; and considering migration as a continuum, the trinomial "origin-transit-destiny", the perspective of a "whole-of-the-journey approach"; the need of complementarity between migration governance and the protective regime of International Refugee Law, and the need of the continued protection to migrants;

Emphasizing the relevance of regional (and sub-regional) migration governance based on human rights that take into consideration migratory peculiarity(ies) of each region(s), as well as the possibility of implementation of regional free movement regimes, of regional instruments and agreements for migratory regularization and the continued respect to International Refugee Law;

Recalling that the standard for legitimacy of state actions should be the human rights of all persons, regardless of their legal status, citizenship or nationality;

Remembering the existing normative structures for the protection of refugees, specially the 1948 Universal Declaration of Human Rights; the 1951 Convention relating to the Status of Refugees; the 1967 Protocol relating to the Status of Refugees; the 1969 American Convention on Human Rights; the 1984 Cartagena Declaration on Refugees; the 2016 New York Declaration for Refugees and Migrants; the 2018 Global Compact on Refugees and the 2018 Global Compact for Safe, Orderly and Regular Migration;

Considering that the issue of migration has gained momentum in the debates on development, as evidenced by the 2030 Agenda, and in particular Sustainable Development Goals (SDGs) 3, 5, 8, 13 and 16;

Reminding that environmental and climate issues have been triggers of forced displacement, and that there is still no international regime of protection for persons displaced in the context of climate change and/or disasters that tackle their particular needs of protection;

Recalling the needs of protection of internally displaced persons, stateless persons on the move, stateless persons due to the impacts of intergenerational mobility; victims/survivors

of human trafficking; and other forcibly displaced persons;

Highlighting the need of protection of all migrants in mixed flows, regardless of the cause of their forced displacement, as well of all persons in transit through Latin America and the Caribbean, including those forcibly returned;

Considering that the migrant population in Latin America and the Caribbean still faces major challenges in terms of recognition, reception, protection, integration (with inclusion in plural societies) and respect of their rights in host States;

Re-affirming the continuing importance of the 1984 Declaration of Cartagena on Refugees, of its revision process, of the documents and actions that stem from it, and of its spirit for the advancements in the consolidation of Latin America and the Caribbean as a space of humanitarian protection;

Celebrating the role of the 1984 Cartagena Declaration on Refugees and its revisional process in the insertion of new issues related to the migration reality in Latin American and the Caribbean, such as, the topic of statelessness in the framework (in the agendas and Plans of Action) of Cartagena+30 (with the adhesion of many countries in the region to the 1954 Convention Relating to the Status of Stateless Persons, after 2014);

Highlighting the fact that this Declaration does not intend to replace any other document adopted in the framework of Cartagena + 40, but rather to join efforts in the protection of forcibly displaced persons in Latin America and the Caribbean;

Recalling that this Declaration is based on the Declaration by Academia within the framework of Cartagena + 30 - Declaration on the Integral Protection of Refugees and Other Forced Migrants and for the Construction of an Effective Humanitarian Space of 2014;

Highlighting the need for migration issues in the 1984 Cartagena Declaration on Refugees and its revisional process remain in the agendas of debates and actions on forced migration, as well for the identification of issues that might have emerged in the last 10 years from the adoption of the previous document of this regime;

And **considering** the urgent need for legal, political and implementation normative advances in implementing and respecting human beings in situations of crisis that with migration effects, and the need to balance States' interests with the needs of protection of human persons, the Academia proposes the **FOLLOWING 40 RECOMMENDATIONS** as guidelines and approaches **to be adopted in the definition, adoption, implementation, interpretation and monitoring of the document stemming from the Cartagena + 40 revisional process and in its plan of action as well as of migration policies of the Latin American and Caribbean States:**

1. That the human dignity and human rights of all refugees and other migrants (including forcibly displaced people) are guaranteed in all phases of the migratory process, in all places and contexts, in all times, and considering the specific needs of protection;
2. That human rights, as the legal form of human dignity⁹, solidarity and cooperation, already established as normative principles of International Law, be the guidelines for all and any actions on migration policies and migratory governance in Latin America and the Caribbean;
3. That the aim of migratory actions, rules and policies is the implementation of integral protection of the migrant population with respect to the totality, universality, indivisibility and interdependence of their human rights;
4. That the States in the region improve their actions in facing the *root causes*¹⁰ of forced displacement, including preventing conflict, persecution, human rights violations, socio-environment and climate issues, nationality issues, violence, food insecurity, recalling their commitment in the Cartagena Declaration to protect the life, security and freedom of human beings;
5. That International Refugee Law is respected in its entirety and at all times for all persons. That it is applied in conjunction and integrated with other norms of International Law, particularly International Human Rights Law, International Humanitarian Law, International Criminal Law, International Environmental Law, International Climate Change Law, International Law of Disasters, International Migration Law and the International Law of Humanitarian Assistance. And that States do not adopt actions, practices and procedures with exigencies beyond the law or exceptionalities that harm refugee people;
6. That States establish and guarantee safe access to territories (with full respect of International Law in border regions); safe access to territories; access to rights, including the right to claim asylum and/or to the determination of statelessness; access to services; access to procedures that respect due process and human rights legislation; and humanitarian protection to all populations with respect to their needs and particular vulnerabilities;
7. That the States in the region adopt all the necessary measures to accomplish integral protection, with particular attention to the gender-age-diversity approach, thus considering specific vulnerabilities and needs of protection and adopt a humane and humanitarian approach in all its practices;
8. That *non-refoulement* (non-devolution) is implemented as *jus cogens* and is respected in its totality, and should not be violated by policies that close borders, deportation practices or non-voluntary returns, including for security or sanitary reasons. In this event States

⁹ Jubilut, Liliana L. Itinerários para a Proteção das Minorias e dos Grupos Vulneráveis: os desafios conceituais e de estratégias de abordagem. Op. cit.

¹⁰ This Declaration uses the expression “root causes”, on the one hand, to facilitate the understanding of the idea of baseline triggers of migration used in the field of Forced Migration, and, on the other hand, to dialogue both with the development turn of humanitarian issues and, more specifically with the Global Compact on Refugees.

should seek alternatives that balance State concerns and the need of human protection, with primacy to the respect of human rights and the right to asylum (i.e. the right to access asylum claims to the recognition of refugee status);

9. That the phenomenon of mixed migratory flows do not restrict the access of the migrant population to safe territories and that the possibility of applying for asylum/refugee status is always respected, as well as that instruments of complementary protection or complementary pathways for migratory regularization, which are values in themselves, are always respected and implemented, and not bring barriers to or jeopardize the implementation of International Refugee Law and the rights it guarantees, and that their relationship with asylum is always one of complementarity and coexistence, leaving open the possibility to request and/or keep refugee status;

10. That the concept of “gross and generalized violations of human rights”¹¹, posited by the 1984 Cartagena Declaration on Refugees, is incorporated as a basis for the recognition of refugee status in domestic law by all States in Latin America and the Caribbean, and that it is properly, impartially and equitably interpreted in light of the hermeneutic human rights norms of securing the greatest protection of victims of violations and the prohibition of setbacks, of international solidarity, and respecting to the apolitical and humanitarian contours of the institute of asylum, so as to be understood as including the disrespect of violation of any human rights, and not only civil and political rights, as well as encompassing the situations in which human rights cannot be implemented or guaranteed; and that it is more widely considered in different asylum claims;

11. That all interpretation of the International Refugee Law instruments is made adopting a broadening and non-selective approach, aiming at the integral protection of asylum seekers and people recognized as refugees, and that the specific circumstances of individual concrete cases are considered whenever they can engender greater protection;

12. That the protection of the refugee and migrant population is based on anti-racist, anti-*machista*, anti-misogynist, anti-patriarchal and anti-ableist interpretations and approaches that consider intersectionalities and specific needs of protection;

13. That border control and migratory policies and practices have a humanitarian approach, and that alternatives to migrants’ detention due to their migratory status are sought and abolished for refugee and migrants children and teenagers;

14. That new types of agents of persecution, including non-state actors, are recognized in the analysis of asylum applications, taking into account the particularities of human rights violations in Latin America and the Caribbean, such as the *maras*, *pandillas*, gangs, paramilitary groups, militias, criminal groups, and groups that preach hate speech, prejudice

¹¹ The idea of “gross and generalized violations of human rights” is the one present at the 3rd conclusion of Cartagena, although not using this linguistic construction, by which refugees are understood to also be “persons who have fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order”.

and intolerance and other groups that violate human rights, as well as individuals that commit gender and domestic violence;

15. That States of Latin America and the Caribbean reinforce existing practices and policies of migratory regularization, and establish individually or collectively, other humanitarian migratory statuses to protect all migrants with international protection needs that are not encompassed in the International Refugee Law regime, both as part of their migratory governance and as ways to complement refugee status. That said humanitarian migratory statuses guarantee regular residence in the territory of the granting State, as well as the enjoyment of human rights, going beyond entry authorizations, i.e. going from the mere concession of humanitarian visas, to, at least, the granting of residency for humanitarian reasons. And that, beyond migratory regularization, States commit to implement existing and/or new public policies for those populations in order to guarantee their human rights integrally;

16. That the practice of humanitarian visas is continued and enhanced but it is understood widely and not as mechanism of migratory control, that it allows refugees and other people in need of international protection to use it as a facilitating tool in entering and accessing safe territories and adequate refugee status determination procedures, and that for other migrants, it is understood as a instrument of complementary pathways for migratory regularization, and that, in all cases, it does not hinder access to asylum claims and the recognition of refugee status;

17. That the States of Latin America and the Caribbean adopt and/or reinforce practices of access to naturalization, facilitating them, as a manner of implementation of protection as essential to integration and as a durable solution, to refugees, other forcibly displaced persons, stateless persons and their descendants;

18. That the States of Latin America and the Caribbean establish, either individually or collectively, forms of protection for persons displaced due to environmental issues, including those related to climate change and disasters, of extreme impact or slow development, and the violations of rights that might stem from environmental questions, either by broadening the regional definition of the concept of refugees, by understanding socio-environmental and climate circumstances as also human rights issues and, therefore, encompassed in situations of gross and generalized violations of human rights, by creating specific migratory status for persons permanently displaced due to environmental issues, including those related to climate change and/or disasters, also referred to as environmentally displaced persons permanently, by creating specific migratory status for persons temporarily displaced due to environmental issues, also referred to as environmentally displaced persons, or yet by the combination of two or more of these recommendations;

19. That the States of Latin America and the Caribbean establish, either individually or collectively, forms of protection for victims/survivors of human trafficking, understanding the issues related to human trafficking as encompassed in human rights, thus demanding

the establishment of a specific migratory status for victims/survivors, regardless of their collaboration with authorities in the investigation of traffickers;

20. That the States in the region adhere to the international conventions (Convention relating to the Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961) and actions on statelessness, implement the *jus solis* principle without discriminatory limits, especially in relation to the gender and origin of the parents, to avoid new cases of statelessness; adopt internal procedures for determining statelessness status; implement measures of full access to civil registration, including measures for late registration and self-registration; implement measures of full access to the right to a nationality; adopt legislative and capacity building actions (including of public agents) on access to civil registration and to nationality; adopt measures that facilitate naturalization; abstain from adopting norms or practices of loss of nationality and respect access to justice, to due legal process, to be heard and to ample defense in processes and proceedings for the loss of nationality, avoiding arbitrary deprivation of the right to a nationality; with the aim to protect the stateless population, guaranteeing all their human rights and integral protection to them; and that consider the possibility and the need to adopt a Interamerican Convention on the issue;

21. That Latin America and the Caribbean advance in building an international regime for the protection of internally displaced persons (IDPs), promoting the minimum international standards of rights within the internal legal order of States and in their protection policies, considering the possibility and the need to adopt, among others, an Interamerican Convention on the issue and a model for national laws;

22. That the protection of indigenous refugees and other indigenous forcibly displaced persons is enhanced, taking into account and respecting their cultural specificities and specific needs of protection for their integral protection, from a perspective of interculturality;

23. That all these recommendations are applied, as much as possible, also to crisis migrants¹², survival migrants, migrants due to humanitarian reasons or other forcibly displaced persons, and migrants in general, with the fundamental goal of ensuring the maximum respect of their dignity and human rights;

24. That States compromise to consider the transversality of issues of gender, age and diversity (including of races, indigenous peoples and persons with disabilities), in all their actions of protection to refugees and other forcibly displaced persons, taking into account all specific vulnerabilities and particular needs of protection;

25. That a gender perspective is applied transversally in all policies and official documents

¹² Crisis migrants are forcibly displaced persons due to situations of crises in their place of origin. It is important to mention that the use of this expression crises in the migration context is defended in this Declaration only to define this category of people in situation of forced mobility. We do not understand that exist, on one hand, a migration crisis but the use of this rhetoric is a political position on this issue and, on the other hand, there is not a crisis of migrants but a crisis for migrants.

that are developed in the regional level, to encompass all needs of distinct identities and plurality of migrants that are on the move, i.e. men, women, children (boys and girls), adolescents and the LGBTQIA+ population, and that the specificities of sexual orientation and gender identity are respected;

26. That special and differentiated protection is granted to migrant children and adolescents, respecting the principle of the best interests of the child (provided for in the 1989 Convention on the Rights of the Child) as the basis of any standard of conduct and that this principle prevails over other interests (including security), and the parameters of the Advisory Opinion 21/2014 of the InterAmerican Court of Human Rights as the protective standard in the region. In this context, the existence of specific forms of persecution towards children, the need to services that respect age differences, understanding and the level of maturity of the child, and the need for monitoring of the school integration must be highlighted;

27. That the protection granted is even more substantial and broadening when dealing with unaccompanied minors (children and adolescents) in the circumstance of migration; guaranteeing the means for them to apply for protection on their behalf, considering their age and level of maturity, by means of a specialized hearing that understand the specificities of communication with and by children;

28. That the States in the region ascertain positive measures (wide definition of family including by affection and facilitated procedures) that allow the reunification and permanence of families in their territories, so as to guarantee the rights to family and to family life. And that all States do not use reunification family visas as a tool of migratory control;

29. That States recall that the situation of being “undocumented” that affects a large portion of the migrant population is a cause of serious vulnerability, which can be understood as being in itself a violation of human rights, so that they adopt measures to minimize such violations (including refraining from adopting policies that generate lack of documentation) as well as those that might stem from this situation, and the violations resulting from that situation, considering that often documentation is instrumental for access to other rights. And that host States adopt best practices in the issuance of documents to stateless persons and/or forcibly displaced persons, including to those that do not have documents from their States of origin. In the same way, that States do not condition access to services and human rights, such as housing, access to health and education among others, to having documents;

30. That durable solutions, particularly local integration (with inclusion in plural societies) are understood as part of protection efforts, that have their practices expanded in the region and that their implementation guarantee integral protection with full respect to human rights in the access of rights, services and livelihoods; and that they advance in enforcing the Mexico Plan of Action's solidarity initiatives (Solidarity Resettlement, Borders of Solidarity and Cities of Solidarity);

31. That States evaluate and review the current programs and processes of reception, sheltering, protection and integration (with inclusion in plural societies) of refugees and other migrants and effectively advance in enforcing the initiatives of Plans of Action of the Cartagena Declaration revision process, as well as encourage the participation of civil society (including the Academia) in the processes of protection of migrants;

32. That the participation of refugees and other forcibly displaced persons in the debates, normative decisions, policies design and implementation of the normative architecture be guaranteed, expanded and effective;

33. That in implementing local integration States seek the enhanced protection possible, with inclusion in plural societies, taking into consideration all the dimensions of the human being (physical, mental, psychological, spiritual, political, social, etc.) and the particularities and special needs of protection of refugees, stateless persons and other forcibly displaced persons, facilitating, whenever these needs demand, procedures, processes, actions, initiatives, demands and policies for those populations;

34. That the good practices in terms of local integration that arose from the Cities of Solidarity component of the 2004 Mexico Declaration and Plan of Action, as in the case of validation of academic titles, language teaching, access to social and assistance benefits, access to public services and rights, are expanded, strengthened and replicated in the region, and that local powers take charge of their relevant role in concrete actions alongside federal (national) and state (regional) governments, in the search of constant enhancement of the inclusion of the migrant population, including forcibly displaced persons, in the region;

35. That a basic paradigm of the treatment of migrants in general is conducted by civilian agencies and not by bodies primarily connected to the police or related with security issues; and that, in the case of collaboration with said organs in the reception, attention or any dealing with migrants, human rights are adopted as guidelines for action, and the logics of securitization and criminalization of migration and of migrants is repelled, as well as that there is continued availability of resources (personal, financial and documentary-related) in languages understood by the migrant population, capacity-building of agents (state or not) engaged with procedures of access to documents and rights, strengthening of civil society networks, and effective participation of the migrant population in the debates;

36. That States undertake the commitment of registry and creation of open access statistical data that allow for the elaboration of public policies for the migrant populations, as well as the adoption of said policies based on human rights, be it by the creation of specific public policies, by the facilitation of inclusion and/or by the access of migrants to the existing public policies;

37. That the Latin American and Caribbean States commit to adopt measures of ethical and legal care in the processes of digitalization of migratory governance, with special attention to the protection of personal data of persons on the move, and that said digitalization is

used for the benefit of forcibly displaced persons and not as a way to create barriers to access to services, rights and procedures;

38. That the migrant population has all its rights respected, based on the minimum standards established in the American Declaration of the Rights and Duties of Man (1948), the Universal Declaration of Human Rights (1948), the Convention relating to the Status of Refugees (1951), the Convention relating to the Status of Stateless Persons (1954), the Convention on the Reduction of Statelessness (1961), the International Convention on the Elimination of All Forms of Racial Discrimination (1965), the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights (1966), the Protocol relating to the Status of Refugees (1967), the American Convention on Human Rights (1969), the Convention on the Elimination of All Forms of Discrimination against Women (1979), the Cartagena Declaration on Refugees (1984), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), the Inter-American Convention to Prevent and Punish Torture (1985), the Declaration on the Right to Development (1986), the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador) (1988), the Convention on the Rights of the Child (1989), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), the Rio Declaration on Environment and Development (1992), the Vienna Declaration and Programme of Action (1993), the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Belém do Pará Convention) (1994), the Inter-American Convention on Forced Disappearance of Persons (1994), the San José Declaration on Refugees and Displaced Persons (1994), the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities (1999), the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000), the Universal Declaration on Cultural Diversity (2001), the Mexico Declaration and Plan of Action to Strengthen International Protection of Refugees in Latin America (2004), the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), the Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas (2008), the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance (2013), the 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 (2014), the Sendai Framework for Disaster Risk Reduction (2015), the 2030 Agenda for Sustainable Development (2015), the Agenda for the Protection of Cross- Border Displaced Persons in the Context of Disasters and Climate Change (2015), the Paris Agreement (2015), the New York Declaration for Refugees and Migrants (2016), the San Pedro Sula Declaration (2017), the 100 Points of Brasília (2018), the Global Compact for Safe, Orderly and Regular Migration (2018), the Global Compact on Refugees (2018), the VIII Joint Declaration of the Quito Process (2022), and in all other documents that form the hard core of protection for human beings, or guarantee protection for the legal reflexes of human dignity;

39. That the States of Latin America and the Caribbean ratify the above mentioned

normative instruments of protection, and others that might emerge, and internalize their provisions in order to implement them, and also, that they commit to respect soft law documents, such as declarations, advisory opinions and recommendations, deriving from such organizations as the UN (UNHCR, IOM, ILO, etc.), OAS and the ECLAC, in regional consultative processes – such as the South-American Conference for Migration and the Regional Conference on Migration – that deal with the protection of refugees and other migrants, Special Rapporteurs (such as from the UN) and international working groups;

40. That the migrant population have access to quick and effective regional and national remedies as guarantees to their rights, including access to Justice and to the judicial system and to due process, and a closer relationship with the InterAmerican Human Rights System due to the convergence between International Refugee Law and International Human Rights Law; and that States implement their commitments to guarantee integral protection based on human dignity to all migrants in their norms, policies and procedures.

Santos, 2024.

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12. SIMN - Scalabrini International Migration Network
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Glossary of the Declaration by the Academia within the framework of Cartagena + 40

Forcibly displaced persons

This expression, which can be interchangeable with *forced migrant people or person who migrate involuntarily*, is used to describe all persons whose reasons for displacement are mostly external, and with a decrease in autonomy of choice and agency, since they involve force, coercion or compulsion. This displacement can occur within the territorial borders of their country of nationality or habitual residence, persons commonly referred to as internally displaced persons, or in a cross-border manner, that is, by crossing international borders. Armed conflict, persecution, terrorism, human rights violations and abuses, violence, adverse effects of climate change, disasters, development projects, or a combination of these factors, among others, are some of the main reasons mentioned that compel the forced movement of people. There is no consensual definition of this term under International Law. However, commonly, forcibly displaced persons are defined as refugees, asylum seekers, stateless persons in situations of forced displacement, internally displaced persons, environmentally displaced persons, victims/survivors of human trafficking, among others.

Refugee persons

Refugee persons are international forced migrants who enjoy special protection under International Law due to a well-founded fear of being persecuted for reasons of race, nationality, religion, membership of a particular social group, or political opinion. Persecution is defined as threats to life, safety and freedom. In the Latin American context, this concept also includes persons who are internationally displaced due to gross and generalized human rights violations. This protection does not depend on formal recognition of refugee status, and is based on the 1951 Convention relating to the Status of Refugees, the 1967 Protocol relating to the Status of Refugees, and the 1984 Cartagena Declaration on Refugees. Refugees are entitled to specific rights and protections, including the right to seek asylum, the principle of *non-refoulement* (protection against return to a country where their life or freedom are at risk), and access to basic rights such as shelter, food, education, and healthcare.

Refugees

In some contexts, the word *refugee* is used to refer to persons who have had their refugee status formally recognized by States or by UNHCR. They are, therefore, those refugee persons (see specific entry) who, after an eligibility process, have been recognized as having a well-founded fear of persecution for reasons of race, nationality, religion, membership of a particular social group, or political opinion, or, in the Latin American regional context, for gross and generalized human rights violations, and who are outside their country of origin or habitual residence and who, because of this fear, cannot or do not wish to return to it.

Asylum seekers (persons claiming asylum)

Asylum seekers are persons applying for the international protection of asylum who submit a request to the competent authorities for recognition of such legal status. Not every person claiming asylum will necessarily be recognized as a refugee at the end of the process, but

every refugee initially goes through this claim. Thus, it can be verified that every person claiming asylum is a potential refugee. As a result, asylum seekers have rights guaranteed by International Law, including the right to have safe access to safe territories, have their requests evaluated in a fair and reasonable time, count on the protection of *non-refoulement* (that is, not to be returned to a country where they would face persecution or harm), and have access to basic rights, such as health, education, work and decent housing conditions.

Refugee population

The term *refugee population* includes both asylum seekers (see specific entry) and refugees (see specific entry). In other words, it refers to all persons who have been forced to leave their country of origin or place of habitual residence due to a well-founded fear of persecution for reasons of race, nationality, religion, membership of a particular social group, or political opinion, or gross and generalized violations of human rights, and who claim asylum in another country either while awaiting a decision on their claim for refugee status or when their eligibility process has been completed.

Refugees and other forcibly displaced indigenous persons

Indigenous persons, also known as *natives*, *autochthonous*, *aboriginal* or *original persons*, are those who integrate all the populations that, whether known or isolated, and in a plural and inclusive perspective that contemplates the most diverse ethnic groups and socio-anthropological matrices, are the legitimate and first occupants of a territory, before its foreign domination/subordination (colonization). In this sense, when they are in situations in which they are forced to abandon their respective places of origin or habitual life, they are indigenous forcibly displaced persons (see specific entry). When this motivation is related to refugee (see specific entry) status, that is, owing to a well-founded fear of persecution due to race, religion, nationality, social group, or political opinion, or due to gross and generalized human rights violations, they are considered indigenous refugee persons (see specific entry).

Migrant children and adolescents

Migrant children and adolescents are, according to the 1989 Convention on the Rights of the Child, human beings from 0 to 18 years old, who have migrated or are migrating for various reasons, and having crossed international borders or being still within their own country, accompanied or not by their families. Not every migrant child or adolescent will necessarily be a refugee, and there are other migratory categories that may encompass their situation. International Law recognizes the need for special protection and specific care for migrant children due to the vulnerability presented by their young age and stage of maturity, and several conventions such as the Convention on the Rights of the Child, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and other sources of International Law (such as the Advisory Opinion 21/14 of the Inter-American Court of Human Rights) establish the rights and principles to be observed in the treatment of migrant children.

Unaccompanied or separated children and adolescents in migration situations

Unaccompanied children and adolescents in a migration situation are those persons between the ages of 0 and 18 who find themselves temporarily or permanently deprived of family life in the context of migration. Within this group, there are children and adolescents who migrate alone, without the presence of an adult; unaccompanied, either because their family has sent them to their destination alone, or because they are orphans, or because they are fleeing alone; and there are separated children and adolescents whose distance from their families is a security imposition, i.e., those who can no longer remain with their families due to the need to protect their best interests when remaining in the presence of adults who migrate with them poses risks to their development and integrity. General Comment 6 of the UN Committee on the Rights of the Child defines unaccompanied children as those who are not under the care of any adult, whether parents or other relatives, who by law or custom should be responsible for doing so, and separated children as those who have had to be separated from their parents or previous legal or customary guardians, but who may be accompanied by other adult family members, provided that these other members do not pose risks to them, within the best interest determination procedures.

Migrant person

The term *migrant person* refers to any individual who has moved from his or her place of origin to another with the intention of residing there for a period of time (excluding, therefore, short-term displacement for recreational purposes, vacation, visits to friends and relatives, business, medical treatment or religious pilgrimage, etc.). In this sense, a migrant person is in a state of mobility, and if such movement is transnational in nature, the expression is adjectively complemented as *international migrant person*.

Crisis migrants

Crisis migration, and therefore crisis migrants, arises from a complex combination of social, political, economic and environmental factors, which may be triggered by an 'extreme event' but not caused by it. The 'crisis', therefore, that can trigger migration, is rooted in systemic inequalities or pre-existing structural vulnerabilities that make certain groups more vulnerable to displacement. The 'extreme event', therefore, is not the primary cause of migration, but only one aspect of this crisis process already faced by these migrants. Crisis migrant is therefore a descriptive term for all persons who move in the context of different types of 'crises' (humanitarian, environmental, climate, socioeconomic, armed conflict, among others), and is thus a broad and open concept. It is also a concept that reinforces not only the immediate cause of movement, but all the structural and historical causes that characterize the different effects of 'crisis' for certain groups. The concept of 'crisis' migrants is closely linked to the concepts of 'survival' migrants and humanitarian migrants, often differentiating themselves based on the individual choices of those who use them.

Survival migrants

These are persons who due to a threat to their life and basic subsistence rights, and without protection in their country of origin or habitual residence, are displaced. Although survival migrants have rights under International Human Rights Law, such as the right, in some cases, not to be forcibly returned, there is still no agreed definition or specific protection regime. It

is a broad concept, which also encompasses refugee persons (see specific entry) as they may have their lives, safety or freedoms threatened. The concept of *survival migrants* is closely linked to the concepts of *crisis migrants* and *humanitarian migrants*, often differentiating themselves based on individual choices of those who use them.

Humanitarian Migrants

It is a descriptive concept that encompasses persons who are displaced, internally or internationally, as a result of a humanitarian crisis situation, such as hunger or food insecurity, extreme poverty, or serious violations of economic, social, and cultural rights. It is not a concept technically defined by International Law but it highlights the issues of distress that underlie humanitarian concerns. The concept of *humanitarian migrants* is closely linked to the concepts of *crisis migrants* and *survival migrants*, often differentiating themselves based on the individual choices of those who use them.

Internally Displaced Persons

The term *internally displaced persons* refers to those who are forcibly displaced within the territory of their State, without crossing an internationally recognized border. The causes of displacement are varied and can include armed conflicts; situations of generalized violence; gross and generalized human rights violations; climate change and disasters. Internally displaced persons remain under the jurisdiction and protection of their country, and have a minimum international protection framework based on the Guiding Principles on Internal Displacement, adopted by the UN in 1997.

Displaced persons in the context of climate change and/or disasters / Environmental displaced persons

Displaced persons in the context of climate change and/or disasters or, simply, *environmental displaced persons* are those who are forcibly displaced, within the territory of a State or across borders, temporarily or permanently, in search of shelter and humanitarian protection. The reason for this displacement is the total or partial, sudden or progressive, destruction of their places of origin or habitual residence, due to climate change or environmental disasters of transitory or permanent consequences, and that make their lives unviable in their former and usual homes. In other words, these are forcibly displaced persons by environmental triggers or those resulting from climate change. International Law has not yet established a specific legal regime for the protection of such individuals and/or groups of individuals.

Stateless persons

A *stateless person* is any person who, according to international instruments, “is not considered by any State under the laws of that State as its national”. Statelessness may be caused by a conflict in the application of rules concerning the right to a nationality by more than one State, by discriminatory political and/or administrative decisions, among other factors. Generally speaking, International Law protects stateless persons through the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. There is, however, no specific treaty for cases of mobility of these persons.

Stateless persons in a situation of mobility

Persons who are *stateless in a situation of mobility* are those who, being stateless (see specific entry), are in a situation of forced or voluntary displacement. UNHCR has a mandate to protect all stateless persons, whether or not they are in a situation of mobility.

Statelessness as a function of intergenerational mobility reflexes

Statelessness may have intergenerational reflections of mobility, when, due to displacement by a previous generation, persons may not have had access to civil registration and/or access to the right to nationality.

Victims/survivors of human trafficking

Human trafficking is defined by the Palermo Protocol as “the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation”. Human trafficking victimizes persons directly or indirectly. Direct victims of human trafficking suffer the violence resulting from the recruiter's exploitation. They are the ones who end up having all the physical and psychological effects resulting from the situation of being trafficked. Indirect victims are persons close to the victim who end up suffering the consequences of human trafficking. They are often threatened by human trafficking networks or even suffer reprisals. Human trafficking victims need assistance, which varies in its peculiarities according to the extent of violence suffered and the psychological or physical consequences experienced. International Law specifically protects human trafficking victims/survivors, for example, the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), which supplements the 2000 UN Convention against Transnational Organized Crime; the 2000 Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography; and the 1990 UN Convention against Transnational Organized Crime. Other documents addressing general human rights themes or protection in specific cases (such as children, migrant workers, and torture) also apply in situations of human trafficking.

Undocumented person

The expression *undocumented person* or its variation undocumented migrant includes those persons who, for various reasons, do not have the documentation required by the existing possibilities of migratory regularization in a given country. They are the migrants who either when entering or during their stay do not have documental proof of their migratory status. This can also reflect on the person's situation in terms of documentation in the country they find themselves in, since, due to bureaucracy, lack of resources, misinformation or formal or material impossibilities, they don't have the necessary documents to exercise their civil and political life. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, approved by the UN on December 18, 1990 (with its text ratified by Argentina, Bolivia, Chile, Colombia, Ecuador, El Salvador, Guatemala,

Guyana, Honduras, Mexico, Nicaragua, Paraguay, and Peru, and in the process of ratification by Brazil) defines “documented or in a regular situation” as those persons “authorized to enter, to stay and to engage in a remunerated activity in the State of employment pursuant to the law of that State and to international agreements to which that State is a party”, and undocumented or irregular migrant workers are those who are not in those conditions (Art. 5(a) and (b)). The undocumented situation leads to vulnerability and minimizes access to rights and services. In the context of non-documentation, the expressions “*illegal migration*”, “*clandestine migration*”, and “*irregular migration*” are often used without much precision and as synonyms. However, in a human rights and protection perspective, the use of the words illegal and irregular should be restricted to the actions and not to the persons involved in them, hence the term undocumented person or migrant is preferred.

Returnees

These are internal or international migrants who have returned to their countries or cities of origin or habitual residence after a period living abroad. The return of these persons can be voluntary or involuntary. On the one hand, voluntary return may occur spontaneously or with the assistance of a third party. On the other hand, forced return occurs through repatriation, deportation, or expulsion from a country, and when not consisting of a legal compulsory departure, constitutes a violation of rights (including the principle of *non-refoulement*).

Migrant population

The term *migrant population* may refer to a group of persons who are migrating together at a given time or place, but also to the entire group of persons who are not originally from or of the nationality of the State in which they live, i.e. persons who have moved from their native land to live and work elsewhere, either temporarily or permanently. This expression also encompasses the non-native population targeted by specific public policies for non-nationals, i.e. public services aimed at the migrant population. The present document uses the expression in these last two meanings to encompass all migrants, regardless of their migratory status and the reasons for their displacement.

Mixed migratory flows

These are complex movements of population displacement that include persons in different contexts of mobility (such as refugees, asylum seekers, economic migrants, and human trafficking victims/survivors). They often involve persons who move without the necessary documentation. They are international displacements, occurring in all parts of the world, and bring considerable challenges in terms of protection, as the persons involved in such movements are likely to suffer deprivations, human rights violations, and discrimination, and therefore require individualized and special assistance.