

SUMMARY OF THE LATIN AMERICAN CONSULTATION
Quito Ecuador, October 5th and 6th, 2017

The region of Latin America and the Caribbean presents diverse migratory dynamics in the origin, transit and return, displacement and internal migration caused by structural inequalities, social, political and economic violence as well as by natural phenomena and the growing extractive activities. Regrettably, the response of the region has materialized in regressive restrictive systems that lead to the disappearance of migrants, their criminalization, the securitization and militarization of our territories and borders accompanied by the limited access to justice, collective expulsions, deportations and arbitrary detentions that undermine the human rights of migrants, subject to international protection, internally displaced persons, their families and descendants.

After the Latin American consultation was held in Quito, Ecuador on October 5th and 6th, the Latin American bloc composed of 60 networks representatives from 16 countries have defined 18 contributions to the Global Compact on Migration that will be delivered, however the following points demand our greatest attention:

- 1) The access and full exercise of the rights of migrants, subject to international protection, their families, descendants and communities, regardless of their migration status, must be a guiding axis in the Covenant, such as: the right to a job in decent conditions, to identity and nationality, to the emotional and physical health, to the education as well as to the previous, free and informed consultation of the native peoples on the affectations of their territories

In this sense, the Pact must ensure non-regression in migration policy, the integration of international legal frameworks and respond to the implementation of the recommendations and advisory opinions of the Committees of the United Nations System, it's agencies as well as regional organizations such as the Commission and the Inter-American Court of Human Rights, the Organization of American States and Brazil Plan of Action (2014). We also request the reengineering of our regional integration organizations such as the Union of South American Nations (UNASUR) and the Regional Conference on Migration that will support the implementation of the Covenant from a human rights perspective.

We ask the States to clarify the concepts that define their actions, such as the safe, orderly and regular migration that until today is not clear in its approach as in practice. We demand that States concentrate on the causes of migration and not only on its consequences. More clearly, we urge the States to comply with the advanced laws that we have in this matter.

- 2) States must recognize and evaluate, from an intersectional perspective, the negative impact of current migration policies, which are not focused on differentiated needs. Specific sectors such as women, sexual diversity population, and ethnic-racial groups in situations of vulnerability, discrimination and risk, require special attention that considers their beliefs as well as their exposure to violence in places of origin, transit, destination and return.

Likewise, the States of the region need to incorporate into their governmental practices measures and procedures for the determination and guarantee of the best interests of children and adolescents (NNA) in the face of the current phenomenon of Central American forced displacement that mainly affects this population. In the case of children and adolescents who migrate together with their families, this principle should result in the guarantee of no family separation, always avoiding privative measures of freedom for all members of the family.

- 3) Facing detention, deportation, repatriation, forced returns and voluntary returns. We demand absolute respect for the right to personal freedom and the principle of non-refoulement; we reiterate the prohibition of collective expulsions of foreigners in all cases. From civil society, the only form of return considered consistent with the rights approach is the total and effectively voluntary return, based on a free decision of the migrant and in conditions of security.

- 4) Migratory regularization should be assumed as a State policy and as an acknowledgment of the right to migrate. The policies of access to documentation must be the first response of the States against the premise of a regular and orderly migration. The broader criteria such as those established in the Cartagena Declaration, advisory opinions and international recommendations should be incorporated. There should be adopted free temporary entry initiatives between countries without a visa requirement such as CA-4 of Central America (despite its setbacks), the MERCOSUR area and the CAN are safe and legal paths for those who wish to stay can be regularized, provided that when the State's open up these possibilities.
- 5) Access to justice must be integral. States must expand the mechanisms that guarantee the victim's' right to justice, both for migrants, who are subject to international protection, and for their families and those who defend them. Effective mechanisms for access to transnational justice must be created to guarantee the right to truth, justice, reparation and memory, such as the recently created Transnational Justice Mechanism in Mexico and Central America.

We state that governments have not been able to respond adequately to the needs of migrants, so a reorientation of migration policies is urgently needed. We emphatically reject the current contexts of fear, xenophobia and discrimination, as well as their political manipulation by representatives of governments.

We consider it essential to create an interagency and collegiate committee as a monitoring and evaluation mechanism, transparency and accountability for the Pact.