



Migration, Forced Displacement, and Human Rights

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Context

In recent years, the migration problem has increased in both Central America and South America, where we can see two different types of migration: internal migration and migration between countries. Both types of migration give rise to a series of particular circumstances that put migrants at risk and must be managed strategically by different countries to avoid the increase in migration crises that have occurred in certain localities.

While migration has always existed, states have failed to generate durable and effective solutions.

International legislative frameworks tend not to clearly differentiate the concepts of internal displacement, migration, and forced migration, creating broad norms under the concept of “human mobility,” which makes the legal frameworks difficult to apply and sometimes dilutes the responsibility of states.

The lack of specific, clear, and defined regulations creates difficulties in the interpretation of the norm by government officials,

which leads to violations of human rights. An example of this problem is forced displacement, in which people fleeing from organized crime, armed violence, and persecution are equated with simple economic migrants, which leads to a lack of protection.

In addition to this situation, there is an inadequate registration of displaced persons and migrants, since many countries make serious errors when determining the status of people as refugees. This can increase or decrease their numbers, making it difficult to make decisions around the creation and implementation of appropriate public policies in the receiving countries.

Furthermore, reparations for victims displaced by internal conflicts constitute a challenge that has yet to show results, mainly due to a lack of state resources. This demonstrates the need for new pacts and/or mechanisms with victims that enable reparations to move forward by improving the countries’ capacity to implement these programs.

Another factor to be considered is exile, behind which there are structural patterns, constituting violence in itself because



it separates those exiled from their families. Unfortunately, international standards do not recognize exile as a violation of human rights.

In addition, there is a saturation issue around the ability of Latin American countries to welcome migrants due to the institutional weakness they face. This situation was aggravated by the COVID-19 pandemic, despite the measures taken for the temporary protection of migrants, since the challenge lies in ensuring access to basic rights (education, work, health) that, in many cases, have not been guaranteed even for the population of the country that hosts migrants.

Therefore, urgent changes in political will in Latin American countries are necessary to implement international commitments in the face of these multiple ways of migrating. Unfortunately, this responsibility can only be partially taken without migration being part of government agendas.

International bodies also play an important role in this context because, in their eagerness to address the problem, they have generated conflicting public policies that aggravate the aforementioned problems. There are many disparate regulations that should be reviewed and organized based on lessons learned in recent years.

Recommendations

- The above analysis calls for reflection on the “right not to migrate”; this right implies that Latin American countries must generate conditions so their populations can live well and do not need to migrate. To achieve this objective, it is necessary to look at this issue from another perspective, focusing on new solutions that guarantee optimal living conditions and/or human mobility.
- Reality tells us we cannot prevent human mobility, but we can prevent the series of violent incidents that occur within these processes, such as human trafficking, forced child recruitment, migrant smuggling, and drug trafficking. There is an urgent need for a strategy that addresses the problem in a comprehensive way and is applied by all countries; this goes beyond just making a commitment.
- The region must develop strategies that lead to true Latin American integration by building a culture of hospitality, related to promoting a culture of peace and fighting xenophobia. The key is to shift the focus of the problem and understand migration as an opportunity for economic growth and country development. The immigration crisis that Latin America faces should be prioritized on government agendas.
- Regarding security, the problem is not the number of migrants in a country but that said country’s system of corruption and illegality destroys democratic quality and supports the illegal immigration industry.
- Governments must approach the strategy with a regional vision to achieve long-term joint solutions. It is crucial to review internal and international regulations to adapt them to the reality faced by each country. It is necessary to have a more consistent regulatory framework that addresses more-specific migration needs in Latin America with a differential focus on the conditions of the people migrating and the circumstances they face.
- Government officials working on the subject of human mobility must be trained so they can apply the processes effectively and efficiently.
- Opening access to data on the subject of human mobility would help generate evidence to make the reality transparent in order to generate concrete public policies that solve specific cases.
- Those involved in the human mobility ecosystem should promote an approach that centers respect for human rights, making the interests of those who benefit from the current situation transparent so that timely coercive measures can be taken.
- Identify lessons learned and regional best practices from civil society on the subject of human mobility, especially those aimed at the mobility of vulnerable populations such as unaccompanied children and adolescents, and the LGBTQI+ population.
- Look to the future and understand that in later years, migration will occur because the places we inhabit do not offer proper environmental conditions to live in; there will be displaced persons due to pollution. For this reason, a system and mechanism with political will that addresses human mobility from a differentiated approach based on human rights is urgent.





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