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**INTERNATIONAL MIGRATION, HUMAN RIGHTS AND DEVELOPMENT IN
LATIN AMERICA AND THE CARIBBEAN**

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A. INTRODUCTION

The Economic Commission for Latin America and the Caribbean (ECLAC), through its Population Division (CELADE), is preparing a review paper to be delivered at the meeting of the ECLAC sessional Ad Hoc Committee on Population and Development, which will take place in Uruguay in April 2006 during the thirty-first Session of the Commission. By mandate of the countries, the paper will deal with international migration, human rights and development in the region.

Conscious of the complexity and importance of the issue, ECLAC is seeking to provide substantive information and guidelines to the Governments of the region to enable them to cope with the most important challenges and opportunities of migration as a factor for development, from the perspective of the cross-cutting issue of the human rights of migrants and their families. Given the scope and trends of international migration and the growing risks faced by Latin American and Caribbean migrants, two very broad questions are of particular relevance: (a) What are the prerequisites for advancing towards protection of the human rights of Latin American and Caribbean migrants? and (b) What strategies can countries adopt in order to turn migration into a mechanism conducive to development? In trying to tackle these questions, the following chapters briefly described below.

B. STUDY AGENDA AND PROPOSALS

1. Current context

The first part of the study examines the context under which migratory movements occur, with reference to the forces of globalization, the emergence of transnationalism and the way in which these factors affect the countries of the region. Initiatives aimed at the governance of migration are also taken into consideration. Development asymmetries seem to have a strong impact on the economies of the region. This is compounded by a lack of job security and social tensions, which lead to the recognition of a pervasive sense of social vulnerability. Hence, the growing acceptance of emigration as an alternative for overcoming difficult living conditions, job insecurity and lack of satisfaction with the pattern of development.

One fundamental aspect of the migration process is the relationship between immigrants and their home and host societies, which generates changes in the international order, the concept of citizenship and the sovereignty of States.

The conclusion of the chapter is that regional and multilateral cooperation is needed to provide better governance to migration processes.

2. Stylized facts

The following section contains a description of migration trends and patterns, highlighting some stylized facts in this area inter alia: international migration has been a constant feature of the history of Latin America and the Caribbean; however, whereas the countries in the region had been recipients of immigrants from overseas in the past, the vast majority have now become exporters of labour and social capital, accounting for a total of nearly 25 million migrants, most of them present in the United States. Emigrés represent close to 4% of the regional population (a very low estimate). Mexico is the country with the largest number of emigrants (10 million), followed by the countries of the Caribbean Community and Colombia, which have contributed more than 1 million emigrants each, while nine other countries of Latin America account for more than half a million migrants each. In relative terms, the impact on population in the countries of origin varies considerably: in the case of many Caribbean nations, more

than 20% of their nationals live abroad; in the case of some Latin American countries, namely, Cuba, El Salvador, Mexico, Dominican Republic and Uruguay, the percentages range between 8% and 15%.

Towards 2004, the Latin American and Caribbean population in the United States stood at 18 million, more than half of the total immigrant stock in this country. Together with their descendents born in the United States, these immigrants, identified ethnically as “Latinos” currently represent the largest minority in the country. Socially and economically, the Latino community is not a homogeneous group: its members are classified according to factors such as national and ethnic origin, territorial distribution, legal status in the host country, social integration, employment status and level of organization.

Other major destinations are Canada and especially Spain, which has recently experienced a large influx of South Americans, mainly women with relatively high qualifications.

3. Problems and opportunities

The problems and opportunities associated with international migration from Latin America and the Caribbean are considered from three points of view: family remittances, migration and gender, and skilled migration. Each of these is a source of concern and opportunities for development.

As an example of those problems and opportunities, one feature of international migration in Latin America and the Caribbean (which distinguishes it from other regions) is the growing participation of women and the fact that they feature prominently in various flows, especially the most recent. Such a trend points to qualitative changes in the role of women vis-à-vis men and it carries out other social consequences of international migration. This trend is neatly identified in various intraregional flows, in flows of South Americans to the United States and Canada and especially in the emigration to Europe.

The gender composition of migratory flows is closely linked to the degree of complementarity between the labour markets of countries, the demand for labour in service activities, the role of social networks and possibilities for family reunification. In fact, family reunification was traditionally the main category under which women entered the United States; in recent years the incorporation of women has been more directly associated with the labour market.

4. Linkages between migration and human rights

The linkages between migration and human rights are a priority issue in the study, in keeping with the mandate handed down by ECLAC member countries. The region is one of the most active in protecting the human rights of migrants. Many countries have ratified the international instruments for protection, and issues related to the human rights of migrants have been included in numerous fora including the Organization of American States. These developments have come in response to the apparently high incidence of irregular migration, trafficking in persons and smuggling of migrants, which go hand in hand with other negative facets of migration.

The United Nations Special Rapporteurs on the Human Rights of Migrants have stated that discrimination is a common problem faced by Latin American and Caribbean migrants. In their reports, the Rapporteurs refer to the association between migration of women and vulnerability, for several sources. Additionally to discrimination and xenophobia, these persons face the risk of violence, trafficking in persons, low qualification and wages below the minimum standard, forced labour and dangerous living conditions, lack of access to basic social services, among others, which exacerbate gender inequities. These situations are more complex in the case of undocumented persons or those who are working without legal status; among women, the most serious cases of violation of rights are those

suffered by victims of sexual exploitation and prostitution, domestic workers or employees in the informal services sector.

The situation of the victims of trafficking is a priority issue on the regional migration agenda; however, this reality has often been absent from the statistics and distorted by the media.

For these reasons, the anti-migrant demonstrations which have been held in some developed countries are cause for concern. In addition, according to studies published by the Inter-American Commission on Human Rights, countries of Latin America and the Caribbean recognize that their emigrants suffer discrimination and exploitation; and that there is significant evidence of the vulnerability of migrants and the need for cooperation among States to face these problems.

The international community and, in particular, the Latin American and Caribbean countries face numerous uncertainties and challenges regarding the reality faced by migrants, particularly on the risk of vulneration of their rights, of which there are numerous examples, in particular in the reports of the Special Rapporteur of the United Nations and of the Rapporteur of the Inter-American Human Rights System. Some of these uncertainties and challenges are being addressed at the multilateral level (witness the process of the Summit of the Americas) and at the national level through the ratification of international law instruments set up to protect the rights of migrants and to combat trafficking in persons. These elements are signs of advances towards the construction of a Latin American and Caribbean agenda on the rights of migrants, and help to counter the invisibility of the problem.

Civil society organizations can play an important role by reporting violations and monitoring the implementation of the rules that States have pledged to the international community. Indispensable complementary actions for the full enforcement of the instruments of protection are awareness building and the training of personnel to put them into practice.

5. Proposals for the migration agenda

The final chapter of the study is devoted to a set of proposals for a regional agenda on migration which takes into account the specific features of the region and considers the protection of the human rights of migrants as the major objective. The aim is to offer an agenda for migration governance which differentiates between countries of destination and promotes and strengthens multilateral cooperation as a legitimate way of ensuring that international migration contributes to the development of Latin American and Caribbean countries.