

ACTIVITIES CARRIED OUT BY THE ECONOMIC COMMISSION FOR LATIN AMERICA AND
THE CARIBBEAN IN THE AREA OF INTERNATIONAL MIGRATION,
HUMAN RIGHTS AND DEVELOPMENT

Economic Commission for Latin America and the Caribbean (ECLAC)

Based on extensive experience conducting research, providing assistance and engaging in capacity-building, the Latin American and Caribbean Demographic Centre (CELADE) —Population Division of the Economic Commission for Latin America and the Caribbean (ECLAC)— has drawn up a work plan on international migration, human rights and development in line with the following objectives:

1. Following up resolution 615 (XXXI)¹ adopted at the meeting of the ECLAC Ad Hoc Committee on Population and Development in Uruguay in 2006;
2. Following up the mandates established at the high-level Ibero-American meetings;
3. Leading the development account project on migration and development in collaboration with the other regional commissions and the Population Division of the United Nations Department for Economic and Social Affairs.

A. FOLLOW-UP TO RESOLUTION 615 (XXXI) OF THE THIRTY-FIRST SESSION OF
THE COMMISSION MEETING OF ECLAC IN 2006

The documents presented at the thirty-first session of the United Nations Economic Commission for Latin America and the Caribbean (ECLAC) which took place in Montevideo, Uruguay, from 20 to 24 March 2006 were summarized in the publication *International Migration, Human Rights and Development in Latin America and the Caribbean: Summary and Conclusions*². The papers compiled in this document investigate the trends and problems associated with international migration and provide advice to governments in the region on how to address the challenges and take advantage of the opportunities of international migration for development, within a human rights framework. The main message from ECLAC to the governments in the region is that international migration is both a development and a human rights issue, which requires implementing integrated actions within the Latin American and Caribbean context, broadening the free movement of people, maximizing the positive aspects of migration and protecting the human rights of all migrants.

Resolution 615 (XXXI) of the thirty-first session of the Commission supports the work done by ECLAC and calls for the countries in the region to ratify and adhere to international instruments related to international migration. It also establishes the creation of an inter-institutional group, coordinated by ECLAC, to monitor topics related to international migration and development in the region. The preparations for the implementation of this mandate started in 2007 and several United Nations agencies and the International Organization for Migration (IOM) were invited to participate.

ECLAC also published the book *International Migration, Human Rights and Development in Latin America and the Caribbean*³ that was presented in a preliminary form at the meeting of the Ad Hoc Committee on Population and Development held during the thirty-first session of the Commission of ECLAC in Montevideo, Uruguay, in 2006.

B. FOLLOW-UP TO THE HIGH-LEVEL IBERO-AMERICAN MEETINGS

ECLAC, through CELADE, has actively followed the Ibero-American Summits of Heads of State and Government, including those of Salamanca, Spain (2005), Montevideo, Uruguay (2006) and Santiago de Chile, Chile (2007). Those meetings recognized the importance of international migration within the Ibero-American community. ECLAC has established a relationship with the Ibero-American Secretariat (SEGIB), particularly through agreements and collaboration. In response to its mandate, ECLAC provided support for the organization of the Ibero-American Meeting on Migration and Development held in Madrid, Spain in July 2006, and the Ibero-American Forum on Migration and Development (FIBEMYD) held in Cuenca, Ecuador, from 10 to 11 April 2008, which resulted in the launch of a migration plan known as the Cuenca Plan. At both events, the Commission proposed to place human rights at the core of the discussions on international migration among origin, transit and destination countries. This proposal recognizes the positive contribution of migrants to development, promotes full respect for migrants' human rights and advocates a central role for migrants in the migration process. It also calls for the identification and dissemination of best practices in the field of international migration.

At the seventeenth Ibero-American Summit held in Santiago, Chile, in 2007, the Heads of State and Government decided to include the following paragraph in the Declaration of Santiago, "... in accordance with the agreements of the fifteenth and sixteenth Ibero-American Summits, the member countries hereby adopt the text of the Multilateral Convention for Social Security and commit themselves to carrying out the internal procedures necessary for its prompt entry into effect".⁴ ECLAC presented a study at this Summit on the estimated number of direct and indirect beneficiaries of the Convention. This document was well received and approved by the attending Heads of State and Government. The Programme of Action agreed at the seventeenth Summit instructed the Cuenca Forum to "devise an action programme on migration that, in keeping with the Montevideo Commitment on Migration and Development, promotes the protection of the human rights of migrants".⁵ Article 48 of the same document requests that ECLAC, "in the framework of its powers and mandate, continue to support the Ibero-American Secretariat in the implementation of that Programme of Action".

In compliance with the provisions of the Montevideo Commitment and in close coordination with the Ibero-American Secretariat, CELADE conducted two studies that were presented at the 2008 Ibero-American Forum on Migration and Development: a diagnosis of international migration in Ibero-America, with special emphasis on the marked increase in international migration in recent years and its demographic effects; and a study of the social and economic effects of migration in three destination countries in Ibero-America (Argentina, Costa Rica and Spain).

Some 400 people participated in FIBEMYD, including delegates of 22 Ibero-American countries and other countries, such as the Philippines and the United States of America, experts, academics, and representatives of international organizations and civil society. Senior officials of the Government of Ecuador, the Director General of the International Organization for Migration (IOM), the Secretary-General of the Ibero-American Secretariat, the Director of CELADE and the Director of the Ibero-American Social Security Organization attended and spoke at the opening ceremony, which also included recorded greetings from the Presidents of Honduras and Spain. A tripartite agreement among SEGIB, ECLAC and IOM to follow up the Forum was signed.

In October 2008, ECLAC, together with SEGIB and IOM, presented the book entitled *I Foro Iberoamericano Sobre Migración y Desarrollo: Unidos por las Migraciones* (Ibero-American Secretariat, 2008). This book summarizes the work and results of the FIBEMYD meeting. The launch was held in

Madrid and attended by Ms. Alicia Bárcena, Executive Secretary of ECLAC.⁶ The book was also presented at the eighteenth Ibero-American Summit held in San Salvador, El Salvador, from 29 to 31 October 2008, at which the Heads of State and Government reaffirmed their commitment to the Cuenca Plan.

C. THE DEVELOPMENT ACCOUNT PROJECT ON MIGRATION AND DEVELOPMENT

During the 2009-2010 biennium, ECLAC, through CELADE, will lead the development account project *Strengthening National Capacities to Deal with International Migration: Maximizing Development Benefits and Minimizing Negative Impact*. The regional commissions (Economic and Social Commission for Asia and the Pacific (ESCAP), Economic and Social Commission for Western Asia (ESCWA), Economic Commission for Africa (ECA), Economic Commission for Europe (ECE) and Economic Commission for Latin America and the Caribbean (ECLAC)) and the Population Division of the United Nations Department of Economic and Social Affairs (DESA) will execute the project.

The objective of the project is to strengthen national capacities to incorporate international migration in national development strategies in order to maximize the benefits and minimize the negative effects of international migration. At the end of October 2008, upon receipt of the first allocation of funds, preparations started with the regional commissions and United Nations' partners for the initial meeting to launch the project.

The specific objectives of the project include a focus on female migration and promoting cooperation through an intra- and interregional network for the exchange of information, studies, policies, experiences and best practices between countries and regions.

The project's expected beneficiaries are governments, international and intergovernmental agencies, research centres, academic institutions, non-government organizations and civil society organizations working in migratory affairs.

D. INTERNATIONAL MIGRATION IN LATIN AMERICA AND THE CARIBBEAN

In recent years the number of Latin American and Caribbean migrants has increased from a total estimated 21 million migrants in 2000 to almost 26 million migrants in 2005, representing 13 per cent of the 200 million international migrants in the world estimated for 2005.

International migrants represented about one per cent of the total population in Latin America and the Caribbean in 2005 (United Nations Department of Economic and Social Affairs, Population Division, 2006). Latin American and Caribbean emigrants represented four per cent of the total population in the region in 2005. That is to say, for every international migrant in the region, four emigrants are found outside of the region. The exceptions to this pattern are Argentina, the Bolivarian Republic of Venezuela and Costa Rica in Latin America, and Bahamas, Barbados and Puerto Rico and other island states in the Caribbean. In these countries, the proportion of international migrants in the total population is close to 10 per cent and in some Caribbean island states, the proportion is even higher.

The statistics indicate that a high proportion of Latin American and Caribbean people are residing outside their country of origin. Many Caribbean countries have more than 20 per cent of their populations living abroad, while in Latin America, these percentages fluctuate between 8 per cent and 15 per cent. This is the case of Cuba, the Dominican Republic, El Salvador, Mexico, Nicaragua and Uruguay, among others.

E. WOMEN AND MIGRATION: THE MANY FACES OF VULNERABILITY

Throughout the region, Latin American women have progressively increased their participation in migration flows, migrating to different places, for different reasons, by themselves, with their families or to reunite with their families abroad. This topic has been extensively analysed by ECLAC through studies conducted by CELADE. These studies have focused not only on the vulnerabilities associated with diverse forms of discrimination against female migrants, including sexual and labour exploitation, but also on the successful integration of migrants in host countries, which potentially contributes to diminishing gender disparities.

In fact, in the receiving countries of Latin America, female migrant workers do find opportunities for integration into the labour force, but these opportunities tend to be restricted to the domestic work sector. This points to the emergence of a transnational labour market composed of networks of women who work as housekeepers, personal caretakers, street vendors, waitresses and bartenders and perform other activities. The feminization of the labour market and its transnational character are phenomena that have been simultaneously increasing in the region. The labour market, in its demand for cheap and flexible labour, makes use of labour identities anchored in gender relations, which constitutes an object of concern for the design of policy instruments.

Undocumented female migrants are potentially more vulnerable than female migrants with documents because of their great exposure to social risks, such as poverty, unemployment and subordination in their homes. They have less individual and institutional support for counteracting these risks and are victims of a stigma that leads to the perception that, due to the lack of opportunities in their countries of origin, they are willing to be smuggled or trafficked for any activity. The conflation of gender, ethnicity, nationality and lack of documents can lead to the most extreme human rights violations.

F. THE STATUS OF MIGRATION AND HUMAN RIGHTS IN LATIN AMERICA AND THE CARIBBEAN

Many countries of the region have ratified the Palermo Protocols to the United Nations Convention against Transnational Organized Crime, the protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children and the protocol against the Smuggling of Migrants by Land, Sea and Air, which were adopted by the United Nations in 2000. There is also a specific programme for the protection of migrants within the framework of the Organization of American States (OAS) and the Summit of the Americas process. While there is a follow-up process for the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the delay in the ratification of the Convention suggests that it has yet to be recognized as a core instrument of migrant protection.

At present, in Latin America and the Caribbean, the 1990 Migrant Workers Convention has been ratified by Argentina, Belize, Bolivia, Chile, Colombia, Ecuador, El Salvador, Guatemala, Honduras, Jamaica, Mexico, Nicaragua, Paraguay, Peru and Uruguay. If the Convention is not ratified widely, the rights of migrants could be at risk in many countries. Civil society organizations have played a leading role in protecting the human rights of migrants and in the provision of assistance.

In the view of ECLAC, steps need to be taken to raise awareness of the 1990 Convention and to demonstrate its validity as part of the history of international rights in order to eradicate the prejudices that tend to create opposition to its adoption. Fulfilling this task is imperative for laying the groundwork for the construction of a realistic and effective platform for the protection of migrants in the region.

STATUS OF THE INTERNATIONAL CONVENTION ON THE PROTECTION OF
THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES
(OCTOBER 2008)

| Country | Signature | Ratification | Country | Signature | Ratification |
|--------------------|-----------|--------------|------------------------|-----------|--------------|
| Albania | | 2007 | Jamaica | | 2008 |
| Algeria | | 2005 | Kyrgyzstan | | 2003 |
| Argentina | | 2007 | Lesotho | | 2005 |
| Azerbaijan | | 1999 | Liberia | 2004 | |
| Bangladesh | 1998 | | Libyan Arab Jamahiriya | | 2004 |
| Belize | | 2001 | Mali | | 2003 |
| Benin | 2005 | | Mauritania | | 2007 |
| Bolivia | | 2000 | Mexico | | 1999 |
| Bosnia-Herzegovina | | 1996 | Montenegro | 2006 | |
| Burkina Faso | | 2003 | Morocco | | 1993 |
| Cambodia | 2004 | | Nicaragua | | 2005 |
| Cape Verde | | 1997 | Paraguay | 2000 | 2008 |
| Chile | | 2005 | Peru | | 2005 |
| Colombia | | 1995 | Philippines | | 1995 |
| Comoros | 2000 | | Sao Tome and Principe | 2000 | |
| Congo | 2008 | | Senegal | | 1999 |
| Ecuador | | 2002 | Serbia | 2004 | |
| Egypt | | 1993 | Seychelles | | 1994 |
| El Salvador | | 2003 | Sierra Leona | 2004 | |
| Gabon | 2004 | | Sri Lanka | | 1996 |
| Ghana | | 2000 | Syria | | 2005 |
| Guatemala | | 2003 | Tajikistan | | 2002 |
| Guinea | | 2000 | Timor-Leste | | 2004 |
| Guinea-Bissau | 2000 | | Togo | 2001 | |
| Guyana | 2005 | | Turkey | | 2004 |
| Honduras | | 2005 | Uganda | | 1995 |
| Indonesia | 2004 | | Uruguay | | 2001 |

NOTES

¹ For a copy of resolution 615 (XXXI), see [http://www.eclac.cl/pses31/noticias/paginas/8/24208/615\(XXXI\)Migration.pdf](http://www.eclac.cl/pses31/noticias/paginas/8/24208/615(XXXI)Migration.pdf) (accessed 5 March 2009).

² See LC/G.2303 (SES.31/11).

³ See LC/G.2358-P.

⁴ For the full text of the Declaration of Santiago, see <http://www.segib.org/documentos/28/esp/decsantiago.pdf> (accessed 23 February 2009).

⁵ For the full text of the Programme of Action, see http://www.segib.org/documentos/28/esp/programa_accion_dec_santiago_1.pdf (accessed 23 February 2009).

⁶ See p. 61 for Ms. Bárcena's speech at that meeting.

REFERENCES

Ibero-American Secretariat (2008). *I Foro Iberoamericano sobre Migración y Desarrollo. Unidos por las migraciones*. Madrid: Ibero-American Secretariat.

United Nations Department of Economic and Social Affairs, Population Division (2006). *Trends in Total Migrant Stock: The 2005 Revision*. POP/DB/MIG/Rev.2005.

SPEECH GIVEN BY MS. ALICIA BARCENA, EXECUTIVE SECRETARY OF ECLAC,
AT THE PRESENTATION OF THE BOOK
I FORO IBEROAMERICANO SOBRE MIGRACION Y DESARROLLO:
UNIDOS POR LAS MIGRACIONES

[The First Ibero-American Forum on Migration and Development: united by migration]

Madrid, 10 October 2008

Enrique Iglesias, Secretary-General of the Ibero-American Secretariat;
William Lacy Swing, Director General of International Organization for Migration;
Trinidad Jiménez, Secretary of State for Ibero-America;

On behalf of the Economic Commission for Latin America and the Caribbean, I would like you to know what a tremendous source of satisfaction it is for us to present this book here today along with you. This study synthesizes the valuable efforts and contributions made by the first Ibero-American Forum on Migration and Development, held in Cuenca, Ecuador, on 10 and 11 April last year.

Given the Commission's ongoing commitment to researching and addressing the issues involved in international migration, human rights and development in Latin America and the Caribbean, participating in the Ibero-American Forum has been a top priority for us. This commitment also forms part of the heritage of critical and innovative work on social and economic development that has shaped the history of ECLAC.

We know today that migration, like many other social phenomena, has several different faces. As ECLAC has consistently pointed out in different discussion forums, while it is true that migration brings with it opportunities for development for the nations involved, it also entails risks for migrants themselves and losses of human and social capital for the countries of origin. The great potential embodied in this multifaceted phenomenon poses major challenges for the countries of Ibero-America. It also commits us to addressing the subject through dialogue and cooperation, however, and action in this area will have to look beyond the crisis currently affecting the world economy and the international financial system.

Allow me to share some thoughts with you from our regional viewpoint. In the 1990s, as the result of a careful analysis of the situation, ECLAC drew attention to a historic paradox that had emerged and which became particularly apparent in the early 2000s: at a time when the world is more interconnected than ever and when financial and trade flows are being liberalized, formidable barriers to the free movement of persons persist. These are especially notable in our region. This observation has led us to highlight that migration is in fact being formally excluded from the current globalization process, an idea which we continue to develop today.

We have stressed, for example, that little value has been attributed to migration as a force for strengthening economic and labour, social and political, cultural and value-based ties around the world and that multiple factors, starting with development asymmetries and the demand for migrant workers, are driving this phenomenon. The analytical work of ECLAC has stimulated debate about one aspect of migration in particular: the juxtaposition of the motivation to migrate and restrictions on it place many migrants in positions of vulnerability. Migration therefore needs to be viewed as a human rights issue and to be incorporated as much as possible into the agendas for cooperation within the region and elsewhere.

I should point out that this task, which has yet to be fully completed, has met with mixed success. The *idée-force* underpinning ECLAC thinking on migration and development has paved the way for many of the initiatives flourishing today: agreements need to be reached to establish a framework of governance for migration.

Progress along this path has been slow. The first decade of the twenty-first century is already drawing to a close, yet we have not seen (nor do we foresee) even a basic step towards liberalization in the area of mobility, and, indisputably, many Latin American migrants still find themselves in vulnerable positions whether prior to emigrating, during their journey, when trying to integrate in the host country or, increasingly, during repatriation.

Worryingly, even though migration has begun to receive more attention in cooperation agendas, action is not being translated into real progress. There has been a tangible shift in how the tensions and inconsistencies surrounding the role of migration in globalization are being viewed. Now, however, we seem to be confronted with a new paradox, one that the Ibero-American Summit seems to be addressing in a timely manner and that ECLAC will continue to examine in close detail: the higher up migration is on international agendas, the more migration-related issues seem to arise. Migration thus runs the risk of becoming stigmatized, and the positive facets that have always been associated with the free movement of people are in danger of being overlooked.

In what way do the discussions on globalization and international migration today differ then from those of a few years ago?

ECLAC has indicated at several intergovernmental forums that migration is an increasingly complex phenomenon and that various aspects of international migration are becoming key issues on development agendas at both the regional and the national level. Hence the flurry of interest in performing detailed studies, reaching agreements and designing policies on the subject and the emergence of migration as a recurring topic of discussion in countries around the world. Now is the time to seize the historic opportunity that has arisen to address the issue. The initiative taken by the Cuenca Forum has been exemplary in this respect.

Commendable efforts are being made by the countries of Ibero-America to provide institutional responses to international migration within a framework of rational action and respect for human rights. Although the specifics of each case have differed, the progress made has been both notable and tangible. Governments now need to intensify these efforts and invite civil society and international agencies to participate in the preservation and defence of those rights.

Over the years, the strategic role that migration plays in economic and social development, which is clearly exemplified in our Ibero-American community, has been explicitly acknowledged.

The overlap between migration and development received special attention at the previous three Ibero-American Summits of Heads of State and Government. It is also reflected in the Commitment of Montevideo on Migration and Development that was adopted at the sixteenth Ibero-American Summit held in Uruguay. This instrument constituted a landmark agreement in the treatment of migration issues (and their links with development and human rights) within the Ibero-American community.

As the Governments stated in the Commitment, priority now needs to be awarded to addressing the interplay between migration and development through a global approach that fosters closer bilateral and multilateral cooperation in a number of areas, most notably in: remittances; the orderly management of migratory flows; the promotion and protection of human rights; the prevention of, and fight against, the smuggling and trafficking of migrants; undocumented migration; the promotion of a multilateral dialogue; and the participation of civil society.

Hence the importance of the establishment of the Forum, which is the most appropriate and adequate instance for exchanging experiences of joint action among the countries of Ibero-America and for building ever stronger modalities for cooperation that will make it possible to continue the implementation and follow-up of the mandates of the Salamanca Declaration, the Montevideo Commitment and the Programme of Action of the Santiago Declaration.

In this framework, the implementation of the Cuenca Programme of Action will make it possible to take advantage of, and to boost, the vast stock of good practices that exists in the countries of Ibero-America, while at the same time seeking out suitable policy responses to meet the complex challenges that migration and development pose to our nations.

Before closing, I would like to use this occasion to highlight the joint work carried out by SEGIB, IOM and ECLAC within the framework of the Memorandum of Understanding for the Tripartite Agreement, which represents a hugely valuable contribution in terms of inter-agency cooperation in the performance of activities under the Cuenca Programme of Action.

I would also like to take this opportunity to reaffirm our commitment to working within the framework of that Agreement and to furthering the follow-up activities of the first Ibero-American Forum on Migration and Development.

Lastly, let me reiterate, as we did in Cuenca, that international migration poses a major challenge to the democracies of Ibero-America. The failure to integrate migrants represents a serious shortfall in terms of the democratic quality, plurality and inclusiveness of our societies. This shortfall needs to be addressed by all the social and State agents involved because it institutionalizes the exclusion of migrants from the reach of public policy, blocks their access to citizenship and impedes the full exercise of their rights. The integration of migrants into society, on the other hand, strengthens the democratic nature of our societies, increases social cohesion, facilitates and stimulates a sense of belonging in the host country and promotes the recognition of migrants as members of society with equal rights.

Thank you very much.