

NETWORK OF NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS IN THE AMERICAS

AGREED CONCLUSIONS FROM CAMPECHE

Campeche, Mexico, 11 March, 2005

International Seminar on “Irregular Migration and Trafficking, Human Rights and National Institutions”

The members of the Network of National Institutions for the Promotion and Protection for Human Rights in the Americas met in the city of Campeche, Mexico, on 10 and 11 March, 2005, to hold the International Seminar “Irregular Migration and Trafficking, Human Rights and National Institutions”, organized by the Network itself, the Office of the United Nations High Commissioner for Human Rights, the Special Fund for Ombudsman and National Human Rights Institutions in Latin America and the Caribbean, and with the support of the Human Rights Commission of the State of Campeche.

This seminar was celebrated within the framework of the “Zacatecas Declaration”, adopted on 15 October, 2004. The Declaration highlighted the need to increase the cooperation among National Institutions on migration issues and, in particular, with regard to smuggling of migrant workers and trafficking in persons, especially women and children. The goal was to analyze the issues related to the protection of the human rights of the persons involved in this phenomenon and to inform on the result to the International Cooperation Committee of National Institutions, during its annual meeting in April, 2005.

The Constitutional Governor of the State of Campeche, C. P. Jorge Carlos Hurtado Valdez, opened the seminar. Present at the opening were also representatives of the Chamber of Senators and Deputies of the Mexican Congress, representatives of the Government of the State of Campeche, 24 presidents of public institutions of human rights of the Mexican Republic, and representatives of the civil society. In addition, 10 National Institutions were represented by their Chairpersons or high representatives namely from Argentina, Bolivia, Colombia, Guatemala, Honduras, Mexico, Panama, Paraguay, Peru and Venezuela, as well as the human rights institutions of Antigua and Barbuda, El Salvador, Haiti and Nicaragua.

Participants to the International Seminar on “Irregular Migration and Trafficking, Human Rights and National Institutions” concluded that:

We reaffirm our conviction that smuggling of migrants and trafficking in human beings are two forms of serious crimes that violate international and domestic laws, affecting both the states and their institutions in general, as well as individuals in particular, because they jeopardize the security, integrity, life and dignity of human beings. Trafficking is a human rights violation per se, while smuggling of migrants puts them in a situation of increased vulnerability towards possible violations of their human rights.

We note that, in order to achieve an effective promotion and protection of the rights of migrant people, it is necessary to establish the legal–conceptual delimitations of trafficking in human beings and smuggling of migrants. Thus, we align ourselves with the definitions contained in the following protocols: a) Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized and, b) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime.

We recognize the value and the importance of disseminating the content of the United Nation Convention against Transnational Organized Crime and its two protocols in our countries, in order to share the knowledge on the obligations State Parties are undertaking.

We urge once again States to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and we recognize the important role that the Committee for the Protection of the Rights of Migrant Workers and Their Families shall take.

We manifest our concern for the increase in trafficking in human beings with the purpose of sexual or labor exploitation. Programmes for the comprehensive protection to the human rights of the victims and their families shall be implemented without being conditioned to the will of the victims with regard to their participation as witnesses or to start legal action. We insist on the importance of the reparation of damage as a restoration measure, but also as deterrent to the commission of a crime.

We agreed to implement campaigns alerting populations of the risks of trafficking and smuggling of persons, and to increase the cooperation among the various agencies of the State to address the phenomenon in a holistic way.

We acknowledge the need to increase cooperation among national institutions, strengthening regional approaches to address the issue and exchanging common experiences, especially between neighbouring countries, whose land is used for the transit of migrants.

We indicate the necessity of intensifying contacts with civil society, in order to coordinate efforts aiming at ensuring the best protection of the human rights of the persons involved.

We manifest our intention to sensitize the countries of destination on the uselessness of applying restrictive migration policies, therefore recommending the States to elaborate programmes aiming at developing and improving opportunities in the countries of origin, and consequently monitor the migratory practices with the objective of avoiding overlapping in the measures for the selection of migrants.

We agree upon the necessity to create collaborative networks between human rights institutions at the local, national and international levels. We agree to intensify the discussion of the subject in *fora* like the Network of Nationals Institutions for the Promotion and Protection of Human Rights in the Americas, the Iberoamerican Ombudsman Federation, the International Committee of Nationals Institutions, the International Ombudsman Institute, among others.

We stress the importance of exchanging information on the work achieved by our chancelleries and consulates in order to redefine the role of the latter and to create mechanisms that allow victims to claim their assistance, through human rights institutions of the countries of destination.

We reaffirm our conviction that migration, in itself, should be once again an option and not a necessity.

Conclusions of the working groups

Trafficking in human beings and smuggling of migrants

To continue elaborating and deepening the report on migrants that is being prepared by national institutions in collaboration with the regional mechanisms, with special attention given to the structural causes of migration.

To recommend national institutions to prepare and to present alternative reports, to present before the Special Rapporteurs reports *in voce* within the framework of the specifically established in international human rights instruments.

To ensure that, in the States members of the Network, due process is granted, preceding the expulsion of migrants, taking into account the work accomplished by the Consulates.

To implement and, if applicable, reinforce training programmes to public servants on the rights of migrants and the protection of the victims of trafficking undertaken by the National Institutions of Promotion and Protection of Human Rights.

Maras

To increase the intraregional cooperation between National Institutions from countries where the phenomenon of the Central American gangs (Maras) is present. This should be achieved through agreements or cooperation mechanisms proposing States the adoption of common policies addressed to governmental public security forces for them not to include discriminatory or stigmatizing criterias.

To monitor all initiatives that pretend to adopt "special laws" to fight these groups, since they are opposed to the concept of human rights.

National Institutions must monitor the social problem of the gangs, analyzing the structural causes of its existence and stressing prevention and rehabilitation as necessary methods for the respect of human rights of the gangs members.

Trafficking in women and children

With respect to trafficking in women and children, national institutions commit:

To ensure that their governments identify the structural causes of trafficking in human beings, especially of minors (teenagers and children), that constitute a human rights violation. To implement public policies towards the eradication and prevention of such causes, as well as the structural causes that lead to the smuggling of migrants.

To propose to the iberoamerican human rights institutions, the creation of a network to launch preventive and defensive actions on the issue of trafficking in women and children, as well as, to closely monitor the performance of the State in the fulfillment of its obligations.

To urge States to sign and ratify the international treaties as a legal source and the harmonization of their national legislations.

The participants commit themselves to use of the "Recommended Principles and Guidelines on Human Rights and Human Trafficking" prepared by the Office of the United Nations High Commissioner for Human Rights as a tool for awareness raising, training, advocacy and monitoring.

Participants express their gratitude to the Network of National Institutions for the Promotion and Protection of Human Rights of the Americas and to its General Secretariat, to the National Human Rights Commission of Mexico, to the Office of the United Nations High Commissioner for Human Rights, to the Special Fund for Ombudsman and Nationals Human Rights Institutions of Latin America and the Caribbean, for the organization of this seminar, and to the Commission of Human Rights of the State of Campeche for its support. They extend individual gratitude to the Governor of the State of Campeche and to the rest of the authorities for their warm hospitality. Participants note the important contribution of the Mexican Federation of Human Rights Public Organisms and the Non Governmental Organizations.

Campeche, Mexico, 11 March, 2005.