

Brasilia Declaration on the Protection of Refugees and Stateless Persons in the Americas

Brasilia, 11 November 2010

The Governments of the participating countries from the Americas: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, and the Bolivarian Republic of Venezuela.

Gathered in the city of Brasilia to mark the sixtieth anniversary of the Office of the United Nations High Commissioner for Refugees (UNHCR), the sixtieth anniversary of the 1951 Convention Relating to the Status of Refugees and the fiftieth anniversary of the 1961 Convention on the Reduction of Statelessness;

Highlighting the contribution of the Americas to strengthen the protection of victims of forced displacement and stateless persons through the adoption of multilateral treaties on asylum, statelessness and human rights;

Recognizing UNHCR's work to promote international refugee law and guidelines on forced displacement and statelessness, as well as its supervisory responsibility in the field of refugees and stateless persons;

Acknowledging the progress achieved in caring for and protecting refugees and internally displaced persons, since the adoption of the Cartagena Declaration and the Mexico Declaration and Plan of Action to Strengthen the International Protection of Refugees in Latin America of 2004, and addressing the new challenges presented by mixed migratory movements in various regions of the continent, as well as acknowledging the need to revitalize the search for durable solutions with the active participation of these populations, taking into account UNHCR's new policy on refugees in urban areas;

Reiterating the right of every person to seek and be granted asylum and the importance of the right to a nationality, enshrined in the American Declaration of the Rights and Duties of Man of 1948 and the American Convention of Human Rights of 1969;

Reiterating our unrestricted respect for the principle of *non-refoulement*, including non-rejection at the border and indirect *non-refoulement*, as well as for the non-penalization of illegal entry, and non-discrimination, as the fundamental principles of international refugee law;

Recognizing with satisfaction that the existing domestic legislation on refugees and internally displaced persons of the countries on the continent has incorporated gender, age and diversity considerations to respond to the differentiated care and protection

needs of men and women, girls and boys, the elderly, persons with disabilities, indigenous peoples and Afro-descendants;

Highlighting the broader scope of the protection accorded by the regional refugee definition, which has been reflected in the domestic legislation of some countries in the region;

Acknowledging the efforts that countries of origin have been making, with support from the international community, to deal with the circumstances that generate movements of people seeking international protection as refugees, and the importance of continuing those efforts;

Underlining the efforts made by receiving countries in the region, even under difficult socio-economic circumstances and faithful to their generous asylum tradition, to continue providing protection to asylum-seekers and refugees;

Underscoring the fundamental contribution made by States, with the support of UNHCR, the donor community, national institutions for the promotion and protection of human rights and civil society organizations, among others, to care for, protect and seek durable solutions for refugees, stateless persons and internally displaced persons;

Reiterating the importance of continuing to make progress in the search for and implementation of durable solutions for refugees and internally displaced persons, through renewed commitment to international cooperation as well as to responsibility sharing in relation to refugees;

Underlining the creative and innovative character of the regional solidarity resettlement programme, implemented by Argentina, Brazil and Chile, joined by Uruguay and Paraguay, as well as the need to consolidate this with the technical and financial support of the international community;

Taking into account the growth and complexity of mixed migratory movements, especially from outside the continent, fostered by transnational networks engaged in smuggling and trafficking in persons;

Taking note of “UNHCR’s Refugee Protection and Mixed Migration: A 10-Point Plan of Action”, and the recommendations and conclusions of the “Regional Conference on Refugee Protection and International Migration in the Americas: Protection Considerations in the Context of Mixed Migration”, held in San Jose, Costa Rica, in November 2009, and the importance of acknowledging the different profiles of persons within migratory movements so as to respond to the specific, differentiated protection needs of refugees, victims of trafficking, unaccompanied/separated children and migrants who have been subjected to violence;

Underscoring the importance of State-led regional consultative migration *fora* as they contribute to the development of safeguards for the care and protection of refugees, victims of trafficking, unaccompanied/separated children and vulnerable migrants;

RESOLVES:

1. *To revitalize* implementation of the “borders of solidarity”, “solidarity cities” and “solidarity resettlement” programmes of the 2004 Mexico Plan of Action to Strengthen the International Protection of Refugees in Latin America, with the support of the international community, as necessary.
2. *To promote* the exchange of good practices and lessons learned throughout the region within the framework of the Mexico Declaration and Plan of Action which could be useful for the care and protection of refugees and internally displaced persons and the search for durable solutions.
3. *To recommend* applying the Mexico Plan of Action as the regional framework to address new challenges related to the identification and the protection of refugees in the context of mixed migratory movements.
4. *To recognize* the importance of achieving durable solutions for refugees and, in particular, the need to address the fundamental root causes of refugee displacement, in order to avoid new refugee flows.
5. *To promote* accession in the hemisphere to the international instruments for the protection of refugees and, in this regard, to call on States that have not yet done so to consider speedy accession to these instruments.
6. *To consider* the possibility of adopting appropriate national protection mechanisms to address new situations not foreseen by the international instruments for the protection of refugees, giving due consideration to the protection needs of migrants and victims of trafficking, including whether they are in need of international protection as refugees.
7. *To urge* countries in the Americas to consider acceding to the international instruments on statelessness, reviewing their national legislation to prevent and reduce situations of statelessness, and strengthening national mechanisms for comprehensive birth registration.
8. *To promote* the values of solidarity, respect, tolerance and multiculturalism, underscoring the non-political and humanitarian nature of the protection of refugees, internally displaced persons and stateless persons, and recognizing their rights and obligations as well as their positive contributions to society.
9. *To recognize* the importance of greater opportunities for regular migration and policies that respect the human rights of migrants, regardless of their migration status, for preserving the space for refugee protection.
10. *To promote* assessment of the protection needs of separated or unaccompanied children, including their need for international protection as refugees, and the establishment of national mechanisms for the determination of the best interests of the child.

11. *To thank* the Government and the people of Brazil for their initiative to hold this meeting and their generous hospitality and solidarity.

12. *To approve* the present Declaration as the “Brasilia Declaration” and disseminate its contents as a contribution of the region to the commemorations organized by the Office of the United Nations High Commissioner for Refugees (UNHCR).