

**INTER-AMERICAN PROGRAM FOR THE PROMOTION AND PROTECTION
OF THE HUMAN RIGHTS OF MIGRANTS, INCLUDING
MIGRANT WORKERS AND THEIR FAMILIES**

AG/RES. 2141 (XXXV-O/05)

(Adopted at the fourth plenary session, held on June 7, 2005)

THE GENERAL ASSEMBLY,

HAVING SEEN:

The Annual Report of the Permanent Council to the General Assembly (AG/doc.4376/05); and

The Annual Report of the Inter-American Commission on Human Rights to the General Assembly, in particular the chapter on the Sixth Progress Report of the Special Rapporteurship on Migrant Workers and Their Families (CP/doc.3984/05);

RECALLING its resolutions AG/RES. 1928 (XXXIII-O/03) and AG/RES. 2027 (XXXIV-O/04); and

TAKING INTO ACCOUNT:

The Plan of Action of the First Summit of the Americas, adopted in December 1994 in Miami, Florida, United States of America; the Declaration of the Second Summit of the Americas, held in Santiago, Chile, in April 1998; and, more particularly, the Plan of Action of the Third Summit of the Americas, adopted in Quebec City, Canada, in April 2001, in which the Heads of State and Government stated that they would “[e]stablish an inter-American program within the OAS for the promotion and protection of the human rights of migrants, including migrant workers and their families, taking into account the activities of the IACMR and supporting the work of the IACMR Special Rapporteur on Migrant Workers and the UN Special Rapporteur on Migration”; and

That in the Declaration of Nuevo León, the Heads of State and Government, gathered in Monterrey, Mexico, in January 2004, for the Special Summit of the Americas, underscored “the importance of cooperation between countries of origin, transit, and destination to ensure the full protection of the human rights of all migrants, including migratory workers and their families”;

EXPRESSING ITS SATISFACTION with the establishment, in January 2004, within the Committee on Juridical and Political Affairs of the Permanent Council, of the Working Group to Prepare an Inter-American Program for the Promotion and Protection of the Human Rights of Migrants, starting from the draft presented by the Inter-American Commission on Human Rights (IACMR) and the proposals of member states, specialized organizations, and other bodies;

BEARING IN MIND the holding, in September 2004, of the Special Meeting of the Working Group to Prepare an Inter-American Program, with the broad participation of government experts and representatives of the Organization’s organs, agencies, and entities; multilateral and intergovernmental organizations; and civil society organizations; and

CONSIDERING the Draft Inter-American Program for the Promotion and Protection of the Human Rights of Migrants, Including Migrant Workers and Their Families (CAJP/GT/TM-24/05 rev. 7), prepared by the Working Group of the Committee on Juridical and Political Affairs,

RESOLVES:

1. To adopt the Inter-American Program for the Promotion and Protection of the Human Rights of Migrants, Including Migrant Workers and Their Families, which is appended to this resolution.

2. To convene, as established in the Inter-American Program, a meeting of the Committee on Juridical and Political Affairs in the first half of 2006, with the participation of government experts and representatives of the organs, agencies, and entities of the inter-American system, other international organizations, and civil society, for the purpose of sharing best practices and activities carried out last year in support of the Program, as well as new proposals that might be incorporated into it.

3. To instruct the Inter-American Commission on Human Rights (IACHR) to continue to provide its support, through the Special Rapporteurship on Migrant Workers and Their Families, to the Inter-American Program adopted herein.

4. To request the relevant organs, agencies, and entities of the Organization to include, in their annual reports to the General Assembly, their actions aimed at implementing the activities set out in the Program.

5. To instruct the Permanent Council to constitute a specific fund composed of voluntary contributions, called the “Fund for the Inter-American Program for the Promotion and Protection of the Human Rights of Migrants, including Migrant Workers and Their Families,” to contribute to funding of the activities assigned to the organs, agencies and entities of the OAS in support of this Program; and to urge member states, permanent observers, regional organizations, international organizations, and civil society organizations to contribute to the Fund.

6. To request the Permanent Council to report to the General Assembly at its thirty-sixth regular session on the implementation of this resolution, which will be carried out within the resources allocated in the program-budget of the Organization and other resources.

**INTER-AMERICAN PROGRAM FOR THE PROMOTION AND PROTECTION
OF THE HUMAN RIGHTS OF MIGRANTS, INCLUDING
MIGRANT WORKERS AND THEIR FAMILIES**

I. INTRODUCTION

A. Program Background

The Working Group to Prepare an Inter-American Program for the Promotion and Protection of the Human Rights of Migrants, Including Migrant Workers and Their Families was established by the Committee on Juridical and Political Affairs of the Permanent Council on January 15, 2004, to prepare a draft Inter-American Program for the Promotion and Protection of the Human Rights of Migrants, Including Migrant Workers and their Families.

1. Summits of the Americas

The topic “Promotion and Protection of the Human Rights of Migrants, Including Migrant Workers and their Families” has been present throughout the Summits of the Americas process. In the Plan of Action of the First Summit of the Americas, held in Miami, Florida, in December 1994, the Heads of State and Government, in reaffirming their commitment to the promotion and protection of human rights pledged, *inter alia*, to “[g]uarantee the protection of the human rights of all migrant workers and their families.”

Then, in the Plan of Action of the Second Summit of the Americas, held in Santiago, Chile, in April 1998, the Heads of State and Government expressed their resolve to “protect the rights of migrant workers and their families” and, in that regard, they established that governments would:

Comply with the applicable international human rights instruments and, consistent with the legal framework of each country, guarantee the human rights of all migrants, including migrant workers and their families.

Seek full compliance with, and protection of, the human rights of all migrants, including migrant workers, and their families, and adopt effective measures, including the strengthening of public awareness, to prevent and eradicate violations of human rights and eliminate all forms of discrimination against them, particularly racial discrimination, xenophobia, and related intolerance.

Reaffirm the sovereign right of each State to formulate and apply its own legal framework and policies for migration, including the granting of permission to migrants to enter, stay, or exercise economic activity, in full conformity with applicable international instruments relating to human rights and in a spirit of cooperation.

Seek full respect for, and compliance with, the 1963 Vienna Convention on Consular Relations, especially as it relates to the right of nationals, regardless of their immigration status, to communicate with a consular officer of their own State in case of detention.

Protect the rights of all migrant workers and their families, consistent with each country's internal legal framework, by taking steps, in case they do not exist, to:

- provide, with respect to working conditions, the same legal protection as for national workers;
- facilitate, as appropriate, the payment of full wages owed when the worker has returned to his/her country, and allow them to arrange the transfer of their personal effects;
- recognize the rights of citizenship and nationality of the children of all migrant workers who may be entitled to such rights, and any other rights they may have in each country;
- encourage the negotiation of bilateral or multilateral agreements, regarding the remission of social security benefits accrued by migrant workers;
- protect all migrant workers and their families, through law enforcement and information campaigns, from becoming victims of exploitation and abuse from alien smuggling;
- prevent abuse and mistreatment of all migrant workers by employers or any authorities entrusted with the enforcement of migration policies and border control; and
- encourage and promote respect for the cultural identity of all migrants.

Support the activities of the Inter-American Commission on Human Rights with regard to the protection of the rights of migrant workers and their families, particularly through the Special Rapporteur for Migrant Workers.

It should be pointed out that the Heads of State and Government also referred to the topic in the Declaration of the Second Summit of the Americas, held in Santiago, Chile, in the following terms: "We will make a special effort to guarantee the human rights of all migrants, including migrant workers and their families."

Likewise, in the Declaration of the Third Summit of the Americas, held in Quebec City, Canada, they said: "We recognize the cultural and economic contributions made by

migrants to receiving societies as well as to their communities of origin. We are committed to ensuring dignified, humane treatment with appropriate legal protections, defense of human rights, and safe and healthy labor conditions for migrants. We will strengthen mechanisms for hemispheric cooperation to address the legitimate needs of migrants and take effective measures against trafficking in human beings."

In the Plan of Action of the Third Summit of the Americas adopted in Quebec City, Canada, the Heads of State and Government of the Americas, reaffirming the commitments made in 1998 at the Santiago Summit concerning the protection of the human rights of migrants, including migrant workers and their families, established that their governments would:

Strengthen cooperation among states to address, with a comprehensive, objective and long-term focus, the manifestations, origins and effects of migration in the region;

Promote recognition of the value of close cooperation among countries of origin, transit and destination in order to ensure protection of the human rights of migrants;

Establish an inter-American program within the OAS for the promotion and protection of the human rights of migrants, including migrant workers and their families, taking into account the activities of the IACMR and supporting the work of the IACMR Special Rapporteur on Migrant Workers and the UN Special Rapporteur on Migration;

Commit to undertake the widest possible cooperation and exchange of information among states concerning illegal trafficking networks, including developing preventative campaigns on the dangers and risks faced by migrants, particularly women and children who often can be victims of such trafficking, with a view to eradicating this crime;

Establish linkages with subregional processes, such as the Regional Conference on Migration and the South American Conference on Migration, which are dialogue fora, in order to exchange information on the migration phenomenon, as well as promote cooperation with specialized international organizations, such as the International Organization of Migration (IOM), in order to advance and coordinate implementation efforts of Summit mandates.

Lastly, in the Declaration of Nuevo León, the Heads of State and Government, assembled at the Special Summit of the Americas, in Monterrey, Mexico, in January 2004, said the following:

We underscore the importance of cooperation between countries of origin, transit, and destination, to ensure the full protection of human rights of all migrants, including migratory workers and their families, and the observance

of labor laws applicable to them, in accordance with the commitments agreed to in the Santiago and Quebec City Summits. We support the adoption of programs for orderly migration as a factor of economic and social development; and we will cooperate in the fight against trafficking in persons, which especially affects women and children.

We recognize that remittances are an important source of capital in many countries of the Hemisphere. We commit to take concrete actions to promote the establishment, as soon as possible, of necessary conditions, in order to achieve the goal of reducing by at least half the regional average cost of these transfers no later than 2008 and report on progress achieved at the next Summit of the Americas in Argentina in 2005. We will adopt, as needed or appropriate, measures such as: the promotion of competition between the providers of these services, the elimination of regulatory obstacles and other restrictive measures that affect the cost of these transfers, as well as the use of new technologies, while maintaining effective financial oversight.

2. General Assembly of the Organization of American States (OAS)

For its part, the General Assembly adopted resolutions AG/RES. 1928 (XXXIII-O/03), "The Human Rights of All Migrant Workers and Their Families"; and AG/RES. 2027 (XXXIV-O/04), also entitled "The Human Rights of All Migrant Workers and Their Families." The latter resolution instructed the Permanent Council to renew the mandate of the Working Group of the Committee on Juridical and Political Affairs (CAJP) to prepare an inter-American program so that, as soon as possible, it might draft the proposed Inter-American Program, starting from the draft presented by the IACHR and the proposals of member states, specialized organizations, and other bodies, in accordance with the mandate of the Third Summit of the Americas.

II. CONCEPTUAL FRAMEWORK

Due to the increased scope and significance of migration in the last decade, virtually every state has become a sending, receiving, and transit country of migrants. As a result, migration has become a priority on the political and diplomatic agenda of many countries and of the Heads of State and Government at the Summits of the Americas. Violence and the growing disparity in standards of living and social and labor benefits among countries in the region, to cite but two factors, have spurred a sharp upturn in the number of people migrating. Studies have shown that in the last four decades the annual migration rate has easily surpassed the population growth rate in the Americas.^{1/} As would be expected, the increase in migratory flows has had social, political, and economic consequences for countries of origin, destination, and, to a lesser degree, transit. The countries of our region have become more and more interested in tackling the matter as related phenomena have made themselves felt. These include the influence of migrant workers on local labor markets; the demands associated with absorbing migrant populations; smuggling of migrants and trafficking in persons; the

1. *IMILA*. International Migration in Latin America. Bulletin No. 65. January 2000. ECLAC/CELADE website: www.wclac.cl/celade.

repercussions of migration on the communities of origin, transit, and destination; violations of human rights; the impact of remittances; crime rates in border areas; and abuse of migrants. Countries of the region are also interested in greater cooperation in order to maximize the benefits of migration. The Program recognizes that orderly migration contributes to economic and social development. In this regard, the Program promotes an environment of respect for the human rights of migrants and their families.

The goals of promoting and protecting the human rights of migrants are compatible with each OAS member state's sovereign rights to control its borders and enforce its laws. The Program therefore acknowledges the right of member states to regulate the entry and stay of foreigners in their territories and to determine the status of migrants and the effect of that status within the domestic political, legal, economic, and educational systems of receiving countries, as well as access to government services and benefits, in accordance with the legal framework of each country.

The states' authority to regulate the entry and stay of foreigners in their territories and to determine the status of migrants must be executed and be consistent with applicable international human rights and refugee law. At the same time, the rights of each person are limited by the rights of others, by the security of all, and by the just demands of the general welfare of a democratic society.

This Program seeks to integrate the human rights considerations of migrants and their families into the work of the organs, agencies, and entities of the OAS. The Program links the work of these organs, agencies, and entities and that of member states, multilateral organizations, and civil society. It also comprises a two-pronged approach: (a) activities to be carried out by the organs, agencies, and entities of the OAS; and (b) proposed optional activities to be carried out by member states, multilateral organizations, and/or civil society organizations.

This Program is structured on the basis of general and specific objectives. Also identified are activities for fulfilling those objectives. The Program's main implementers are the organs, agencies, and entities of the OAS. Other potential Program implementers include member states, multilateral organizations, and civil society, including migrants themselves and migrant workers and their families. The beneficiaries of the Program are migrants, including migrant workers and their families, temporary residents,² and the states.

The activities assigned to the organs, agencies, and entities of the OAS stem from existing programs and activities. Subsequently, others will be added when those bodies identify them. The activities to be recommended to multilateral organizations and civil society organizations derive from their usual fields of work. Finally, the specific optional activities that are suggested to states emerge from their proposals.

In the case of the OAS, activities are assigned in keeping with the primary responsibility of the system's different organs, agencies, and entities. In the case of the states, the Program suggests specific optional activities for their consideration, and in the case of multilateral organizations and civil society organizations, the Program takes into account the activities developed by such organizations in accordance with their mandates.

2. Temporary residents include, among others, students and retirees.

The activities of this Program may be developed over the long term, gradually and flexibly, in such a manner that they may be reviewed periodically.

The Program envisages a series of measures to facilitate its follow-up, in order to measure progress, facilitate the exchange of best practices, and take advantage of updates and new developments that may occur at the regional and international levels, according to the section "Program Follow-Up Activities."

The Program will incorporate a gender perspective as a crosscutting theme.

A specific voluntary fund will be established to contribute to funding of the activities assigned to the organs, agencies, and entities of the OAS, in support of this Program, in addition to the existing resources in the Regular Fund of the program-budget of the Organization, which will be administered by the Summits of the Americas Secretariat. The CAJP will determine the use of such funds. This notwithstanding, the Program implementers may allocate and obtain funds to carry out the specific optional activities.

Lastly, for greater ease in understanding the Program, a document cross-referencing its objectives and activities has been included as Appendix I, while a general description of existing international instruments and other reference documents has been included as Appendix II.

III. DESCRIPTION OF THE PROGRAM IMPLEMENTERS

Program implementers are listed, without prejudice to the ability to include others, as relevant, in future revisions.

A. Organs, agencies, and entities of the OAS

- Inter-American Commission on Human Rights (IACHR) and the Special Rapporteurship on Migrant Workers and Their Families
- Inter-American Commission of Women (CIM)
- Inter-American Children's Institute (IIN)
- Inter-American Agency for Cooperation and Development (IACD)
- Office of Education, Science, and Technology
- Summits of the Americas Secretariat
- Office for the Promotion of Democracy (OPD)
- Department of Legal Affairs and Services
- Pan American Health Organization (PAHO)

B. Implementers other than organs, agencies, and entities of the OAS

1. OAS member states

Specific optional activities that may be undertaken by states are listed below under subheading V.B.1. These may be unilateral, or bilateral or multilateral, and may even use intergovernmental forums on migration, such as:

- Regional Conference on Migration (RCM)
- South American Conference on Migration
- Central-American Commission of Directors of Migration (OCAM)
- Southern Common Market (MERCOSUR), in particular, its Political Consultation and Coordination Forum
- Andean Community
- Caribbean Community (CARICOM)
- Ibero-American Federation of Ombudsmen

2. Multilateral organizations

- International Organization for Migration (IOM)
- Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Special Rapporteur on the Human Rights of Migrants
- Office of the United Nations High Commissioner for Refugees (UNHCR)
- International Labour Organization (ILO)

3. Other implementers

- Migrants
- Civil society organizations
- Inter-American Institute of Human Rights (IIHR)

This Program recommends activities that may be undertaken by civil society organizations involved in the field of human rights, migration, and development, as well as by migrant organizations. It also includes the activities being carried out by the IIHR in accordance with its mandate.

IV. PROGRAM OBJECTIVES

A. General Objectives

- Promotion and protection of the human rights of migrants, including migrant workers and their families, through, *inter alia*, the identification and implementation of cooperative actions and the exchange of best practices.
- Integration of considerations relating to the human rights of migrants and their families into the work of the organs, agencies, and entities of the OAS, taking into consideration a gender perspective.
- Linkage of the work of the organs, agencies, and entities of the OAS with the activities of states, multilateral organizations, and civil society, including the migrants themselves and their families.

B. Specific Objectives

1. Promotion of the exchange of best practices and cooperation among sending, transit, and receiving countries in order to fully respect and protect the human rights of all migrants, including migrant workers and their families.
2. Effective and efficient migration management, through the exchange of best practices with a view to achieving organized, fair, and controlled migration processes, which may constitute a factor in economic and social development and take family interests into account, including family reunification.
3. Promotion of international cooperation to deal with the diverse causes of migration, as well as its effects and impact on the sending, transit, and receiving societies.
4. Attention to the special needs of vulnerable groups of migrants, including children, women, indigenous persons, persons of African descent, and persons with disabilities, among others.
5. Attention to the needs of persons in transit and receiving countries who may be vulnerable, such as low-income families and individuals, and persons living in regions, or working in economic sectors, with high proportions of migrants.
6. Prevention and technical cooperation in the fight against trafficking in persons, investigation and criminal prosecution of the persons responsible for this crime, and protection and assistance to victims of trafficking.
7. Prevention and technical cooperation in the fight against the smuggling of migrants, and investigation and criminal prosecution of migrant smugglers.
8. Promotion of orderly migration and support for migrant programs that permit social inclusion in the receiving countries, consistent with each state's domestic legal framework and applicable international human rights law.
9. Promotion of a more effective exchange of information on legislation and migration policies.
10. Education and dissemination of information on human rights, migrants' rights and responsibilities, and legal channels for migration and access to social services.
11. Promotion of activities against manifestations or acts of racism, racial discrimination, xenophobia, and related forms of intolerance against migrants, and recognition of the cultural and economic contributions made by migrants to receiving societies as well as to their communities of origin.
12. Strengthening of or participation in, as applicable, transnational networks and forums for dialogue among migrant organizations, and support for the work of multilateral entities and civil society organizations.
13. Inclusion of the human rights of migrants as a crosscutting issue in all the relevant activities undertaken by the OAS.
14. Promotion of public policies, facilitation of practices, and, when requested, advice on legislative issues aimed at the inclusion of migrants in the transit and receiving societies, consistent with each state's domestic legal framework and with applicable international human rights law, with special emphasis on the rights related to health, education, labor, culture, nondiscrimination, and against violence, intolerance, racism, and xenophobia.

15. Development and support of programs for the reintegration of migrants and their families into the countries of origin.
16. Protection of the rights of migrants and their families under immigration proceedings, consistent with each state's domestic legal framework and applicable international human rights law, including the rights to a fair trial, protection from arbitrary arrest, due process of law, and equality before the law.
17. Information, notification, communication, and consular assistance, in accordance with the obligations of the states parties to the Vienna Convention on Consular Relations of 1963.
18. Facilitation of political participation by migrants and their families in their countries of origin.
19. Promotion of measures aimed at fulfilling the objectives of reducing the transfer costs of remittances.
20. Promotion and protection by states of origin of the human rights of the families of migrant workers who stay in their countries of origin, paying special attention to children whose parents have emigrated.

V. SPECIFIC ACTIVITIES

- A. Instruct the Secretary General to provide a work plan to undertake the specific activities listed in this section, including the specific organs, agencies, and entities of the OAS that will carry them out, pursuant to Article 113 of the Charter of the Organization of American States, and instruct the organs, agencies, and entities of the OAS to undertake the following actions:

Inter-American Commission on Human Rights (IACHR):

1. Carry out activities to promote the inter-American human rights system, with emphasis on the human rights of migrants and their families, including the use of the Commission's website for that purpose.
2. Facilitate the exchange of information and technical assistance on human rights and migration legislation with state agencies; government officials; organs, agencies, and entities of the OAS; multilateral organizations; and civil society organizations.
3. Offer training on guarantees of due process in migration proceedings and on the use of the inter-American human rights system, to organizations that make free legal aid programs available to migrants and their families.
4. Offer training to government officials from sending, transit, and receiving countries on consular protection to migrants in accordance with the Vienna Convention on Consular Relations, taking into account information, notification, communication, and consular assistance for migrants.

Inter-American Commission of Women (CIM):

5. Conduct research on female migration and its impact on family structure, the labor market, and migration control, *inter alia*.

6. Develop policies and programs designed to protect migrant women and their families, in particular women heads of household, and to combat violence against women.
7. Promote the implementation of resolutions of the CIM and of the OAS General Assembly on trafficking in persons.
8. Recommend ratification by the states of the United Nations Convention against Transnational Organized Crime and its optional Protocols, and of the Optional Protocol to the United Nations Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.
9. Promote mechanisms for the safe return and reintegration of trafficking victims and special procedures to protect juvenile victims of trafficking.

Inter-American Children's Institute (IIN):

10. Include in its activities the special situation of unaccompanied migrant children.
11. Include in its activities the protection of juvenile victims of trafficking in persons.

Inter-American Agency for Cooperation and Development (IACD), when requested by member states:

12. Promote the formulation and funding, within existing resources, of projects aimed at: (a) facilitating appropriate^{3/} access to the job market and improving the working conditions of migrant workers, with emphasis on aspects of safety and health; (b) strengthening democratic institutions; (c) providing education for democracy and human rights, for government officials and the private sector.
13. Promote and support the management of bilateral agreements on seasonal or temporary migrant workers.
14. Develop joint initiatives with the private sector to foster economic development and protect the labor rights of migrants and their families, consistent with each state's domestic legal framework and applicable international human rights law.
15. Promote, through specialized regional forums, discussions on the promotion and protection of the human rights of migrants and their families, with the participation of governments, international organizations, private sector representatives, and community leaders.

Office of Education, Science, and Technology:

16. Promote cooperation among educational institutions in different states to facilitate the incorporation of migrant children into schools and promote the exchange and training of teachers working in the field of bilingual and intercultural education.
17. Foster the modernization of curricular standards to introduce standards on job-related skills.
18. Include human rights education for migrants and their families within the activities of the Inter-American Program on Education for Democratic Values and Practices. In particular, consider including education for migrants and their families in the activities of the electronic observatory, organizing discussion forums on the topic,

3. In accordance with national regulations.

and gathering information on public education programs for migrants in sending, transit, and receiving countries.

19. Consider the possibility of periodically organizing a hemispheric seminar for training public officials in immigration policies and human rights, as well as in the detection of forged documents, with the support and participation of specialists, international organizations, and civil society.

Summits of the Americas Secretariat:

20. Assist the CAJP and participate in the follow-up and coordination process of this Program, and submit the results obtained to the Summits process.
21. Administer, under the supervision of the CAJP, the specific voluntary fund to be established for the execution of the Program activities assigned to the organs, agencies, and entities of the OAS.

Office for the Promotion of Democracy (OPD), when requested by member states:

22. Further studies on comparative legislation related to the political participation of migrants in the democratic systems of their countries of origin and host countries.
23. Generate, promote, and disseminate information regarding the legal, political, and practical implications of the political participation of migrants in their countries of origin for governments, migrant organizations, and electoral administrations, among others.
24. Offer technical assistance in institution-building to election authorities and civil electoral registries, on institutional modernization, updating of their countries' electoral rolls, and the issuance of documents necessary for migrants to participate in the electoral processes of their countries of origin.
25. Offer technical assistance to legislatures that so request along with advice to parliamentary commissions on migration matters, including advice to states interested in the harmonization of migration legislation.
26. Provide training to migrants in order to promote their participation in democratic processes.
27. Promote democratic culture through formal and nonformal education, stressing the need for tolerance and solidarity, in accordance with the characteristics of each country.
28. Facilitate multiparty and multisectoral discussions within political parties on the human rights of migrants and their families.

Department of Legal Affairs and Services:

29. Compile and disseminate on its website current national migration legislation, policies, and requirements.

All the organs, agencies, and entities of the OAS mentioned in this Program:

30. Exchange best practices among the different implementers of this Program.

31. Enter into cooperation agreements in order to contribute to the implementation of this Program's objectives and specific optional activities.
32. Incorporate into assistance and technical cooperation activities the condition of migrant and migrant family vulnerability and the elimination of discrimination without distinction as to race, sex, language, creed, or any other factor, consistent with each state's domestic legal framework and applicable international human rights law.

B. Implementers other than OAS organs, entities, and agencies

1. OAS MEMBER STATES

Suggest to OAS member states for possible implementation the following specific optional activities, among others:

33. Exchange information on the migration phenomenon, its characteristics, dimension, statistics, and implications. Improve statistical information systems and foster the exchange of information and best practices through the use of information and communication technologies.
34. Facilitate access by migrants to public information, in accordance with domestic legislation.
35. Empower migrants to make informed decisions by disseminating information on the legal avenues for migration and on the dangers associated with the smuggling of migrants and trafficking in persons.
36. Develop an institutional capacity to manage and deal with migration by training officials, reviewing legislation, and setting up organized and fair migration management systems.
37. Consider the signing and ratification of, or accession to, all universal and inter-American human rights instruments, and take specific measures at the national level to strengthen respect for the human rights and fundamental freedoms of all persons, including those of women, children, senior citizens, indigenous peoples, migrants, repatriates, and persons with disabilities, and anyone belonging to any other vulnerable group, among others.
38. Consider signing, ratifying, or acceding to the United Nations Convention against Transnational Organized Crime and its optional Protocols.
39. Review their laws to ensure that those laws are consistent with their obligations to respect the human rights of migrants as set forth in international instruments on human rights and migration—including instruments relating to migration for employment and the protection of migrant workers—to which they are party, recognizing the states' sovereign right to regulate the entry and stay of foreign nationals in their respective territories.
40. Review each state's migration practices regarding the entry and stay of foreign nationals to ensure that they are carried out in a manner consistent with applicable international human rights and refugee law.
41. Train government officials working in the migration area in migration legislation, protection of the human rights of migrants and their families, conditions of vulnerability of migrants and their families, identification and protection of refugees

- and potential asylum seekers, the modus operandi of networks involved in the smuggling of migrants and trafficking in persons, and victim identification and assistance.
- 42. Make efforts to harmonize migration requirements between interested states of the Americas and within subregional groups.
 - 43. Conduct programs to promote authorized migration and migrant worker agreements.
 - 44. Promote and implement voluntary repatriation programs as an alternative to deportation or expulsion.
 - 45. Conduct information and assistance programs aimed at migrants and their families who return to their countries of origin.
 - 46. Foster policies and actions that ensure the application of standards of due process in migration proceedings.
 - 47. Promote and facilitate public policies, legislation, and practices aimed at protecting the rights of migrants and their families under immigration proceedings, consistent with each state's domestic legal framework and applicable international human rights law, including the rights to a fair trial, protection from arbitrary arrest, due process of law, and equality before the law.
 - 48. Issuance of identity documents to migrants by the states of origin at their consular representations.
 - 49. Promote consular protection in accordance with the obligations of the states parties to the Vienna Convention on Consular Relations, taking into account information, notification, communication, and consular assistance for migrants; and sign and implement cooperation agreements between the states on this matter, for instance networks of liaison officials.
 - 50. Offer broad public information campaigns and basic and secondary education programs on nondiscrimination and on understanding the contribution and worth of migrants and their families to the home and host societies.
 - 51. Cooperate and exchange information among states regarding migrant smuggling networks and develop individual and collective strategies in order to prevent these acts, investigate, prosecute, and punish smugglers, and, when appropriate, protect and assist migrants.
 - 52. Cooperate and exchange information among states regarding networks that traffic in persons and develop individual and collective strategies in order to prevent these acts, investigate, prosecute, and punish traffickers, and protect and assist the victims.
 - 53. Provide suitable mechanisms for reporting and filing complaints made by migrants and civil society organizations regarding violence and alleged violations of human rights, without prejudice to their right to access to applicable protection mechanisms under the inter-American and universal systems.
 - 54. With respect to the sending of remittances, take concrete actions to promote the establishment, as soon as possible, of necessary conditions to achieve the goal of reducing by at least half the regional average cost of these transfers, if possible, no later than 2008. Also, adopt as needed or appropriate, measures such as the promotion of competition between the providers of these services and the elimination of regulatory obstacles and other restrictive measures that affect the cost of these transfers, as well as the use of new technologies, while maintaining effective financial oversight.

55. Support voluntary community or individual initiatives on the use of investment funds and productive projects to promote the general welfare and development of the communities of origin.
56. Promote bilateral agreements on the social security benefits of migrants and their families, so that any social security contributions made by the state may be claimed in or transferred to the state in which the migrant worker lives.
57. Promote the exchange of information and best practices among the different implementers of this Program.
58. Protect the physical safety of migrants and take appropriate measures to prevent, combat, and eradicate violence and other forms of crime against migrants, such as fraud, extortion, and corruption.
59. Provide appropriate and effective access by all migrants and their families to the judicial system so that they may exercise their rights.
60. Provide the means to preserve the health of every person through sanitary measures relative to medical care to the extent permitted by public and community resources, consistent with each state's constitutional and domestic legal framework and applicable international human rights law.
61. Implement the actions and programs needed to improve effective access by all migrant children, wherever they may be, to educational systems, consistent with each state's constitutional and domestic legal framework and applicable international human rights law.
62. Implement the actions and programs needed to improve effective access by all migrants and their families to education, consistent with each state's constitutional and domestic legal framework and applicable international human rights law.
63. Facilitate the participation of migrants in the cultural life of the community.
64. Make the best efforts to secure compliance with labor laws, with a particular focus on the situation and working conditions of migrant workers, by building transparency, knowledge, and professionalism, and by sharing best practices.
65. Protect the lawful property of all migrants, including cash, real and intellectual property, bank accounts, and other financial instruments and property, and combat illicit acts against them.

2. MULTILATERAL ORGANIZATIONS

Take into account the following activities carried out by multilateral organizations, in accordance with their mandates and, as funding permits, with a view to possible cooperation between them and the OAS member states and/or OAS organs, agencies, and entities:

International Organization for Migration (IOM):

66. Set up information, resource, and comprehensive service centers for migrants to ensure that they receive advice and information on their rights as well as legal aid, medical care, and assistance in returning to their countries of origin.
67. Train and support the work of local nongovernmental organizations so that they may offer advice and protection to migrants and their families.
68. Conduct information campaigns for migrants and their families so they may be aware of their rights and defend them.

69. Conduct information campaigns designed to empower migrants and their families so that they may be aware of the obligations deriving from their presence in transit and destination countries.
70. Promote and offer public information campaigns for potential migrants on how networks that traffic in persons operate and the dangers involved in resorting to them; and offer protection and assistance to the victims, in conjunction with nongovernmental organizations, multilateral organizations, and public institutions.
71. Promote and offer public information campaigns for potential migrants on how migrant smuggling networks operate and the dangers involved in resorting to them; and, when a state so requests, offer protection and assistance to migrants, in conjunction with nongovernmental organizations, multilateral organizations, and public institutions.
72. Conduct studies on migration and trafficking in persons that may serve as working tools for developing policies and raising awareness, with special emphasis on gender analysis.
73. Establish centers to provide protection and assistance to victims of trafficking in persons in transit and receiving countries, so that they may receive legal advice and medical and psychological care.
74. Support states in the voluntary return and the reintegration of victims of trafficking in persons.
75. Offer training on trafficking in persons to government officials and civil society organizations.
76. Consider the possibility of lending support to states in meeting their obligation to promote the human rights of the families of migrant workers who remain in the country of origin, paying special attention to the children whose parents have migrated.

Office of the United Nations High Commissioner for Human Rights (OHCHR) and Special Rapporteur on the Human Rights of Migrants:

77. Offer broad public information campaigns and basic and secondary education programs on nondiscrimination and on understanding the contribution and worth of migrants and their families to the home and host societies.
78. Take part in specialized workshops, seminars, and conferences to discuss the relationship between migration and human rights and to protect and guarantee the human rights of migrants and their families.

United Nations High Commissioner for Refugees (UNHCR):

79. Promote and offer technical assistance to states so that they may incorporate fair and efficient asylum processes into legislation on the matter and implement them in practice, based on international human rights standards and refugee law, introducing safeguards for the victims of persecution.
80. Train government officials working in the field of migration on the identification and protection of refugees and potential asylum seekers.

International Labour Organization (ILO):

81. Promote better understanding and awareness of ILO standards relating to migration for employment and the protection of migrant workers and assist interested states in conforming national migrant worker policies and national law and practice to the principles contained in these ILO standards.
82. Strengthen the capacity of authorities, including labor inspection services and labor tribunals, to secure compliance with labor laws, with a particular focus on the situation and working conditions of migrant workers, by building transparency, knowledge and professionalism, and by sharing best practices.
83. Promote actions designed to improve labor conditions, with emphasis on health and safety conditions at work, in particular in the case of the sectors that employ a high proportion of migrant workers.

All multilateral organizations mentioned in this Program:

84. Exchange best practices among the different implementers of this Program.
85. Enter into cooperation agreements in order to contribute to the development of the objectives and specific optional activities of this Program.

3. OTHER IMPLEMENTERS

Take into account the following activities developed by migrants as well as civil society organizations and the IIHR, in accordance with their mandate, with a view to possible cooperation among them and the OAS member states that request it, and/or OAS organs, agencies, and entities:

Migrants and civil society organizations:

86. Promote and offer public information campaigns addressed to migrants on how migrant smuggling networks operate and the dangers involved in resorting to these networks.
87. Promote and offer public information campaigns addressed to potential victims on how networks that traffic in persons operate and the dangers involved in resorting to these organizations.
88. Promote and develop transnational networks of migrant organizations to facilitate communication and develop activities among migrants and their families in transit and receiving countries and in communities of origin.
89. Promote the review and updating of national legislation on migration and labor rights in accordance with applicable international human rights and migration instruments.
90. Train community leaders in the home and host communities on the human rights of migrants and their families.
91. Offer assistance to migrants deprived of their freedom and monitor their detention conditions.
92. Provide legal aid to migrants and their families subject to migration proceedings, emphasizing respect for the guarantee of due process of law.
93. Exchange best practices among the different implementers of this Program.

Inter-American Institute of Human Rights (IIHR):

94. Conduct joint cooperation programs to strengthen the work of ombudsmen and facilitate the exchange of information on human rights and migration legislation.
95. Offer training to judges, government officials involved in migration proceedings, public defenders, and prosecutors, on international legal instruments and on national legislation in force to safeguard the human rights of migrants, in particular insofar as judicial guarantees are concerned.
96. Offer training to government officials responsible for enforcing labor legislation on nondiscrimination against migrant workers, taking a gender approach and safeguarding trade union freedom.
97. Offer broad public information campaigns and basic and secondary education programs and campaigns on nondiscrimination and on understanding the contribution and worth of migrants to the home and host societies.
98. Prepare training materials and train civil society organizations on how they can conduct migrant-oriented human rights education campaigns and on the fight against trafficking in persons and the smuggling of migrants and their families and on the possibilities of authorized migration.
99. Offer training on guarantees of due process in migration proceedings and on the use of the inter-American human rights system for organizations that provide free legal aid to migrants.
100. Include in training activities components aimed at empowering migrant women and women left behind in the migrant's country of origin.

VI. PROGRAM FOLLOW-UP ACTIVITIES

The organs, agencies, and entities of the OAS will include actions aimed at implementing the activities listed in this Program in their annual reports to the General Assembly of the Organization. Furthermore, member states of the OAS will be invited to report on the specific optional activities suggested in this Program.

The Permanent Council shall consider convening, through the Committee on Juridical and Political Affairs, an annual meeting, to be attended by the Program implementers, in order to exchange best practices, information, and new proposals for inclusion in this initiative. The Program implementers and the states will have the opportunity at this meeting to present the contributions mentioned in the preceding paragraph.

In order to guarantee appropriate Program follow-up, the Permanent Council through the CAJP will convene, starting in 2006 and prior to the Summits of the Americas, a meeting of experts to review the progress of the Program and submit recommendations to the Summits of the Americas. In its work, the meeting of experts shall consider the contributions submitted by the organs, agencies, and entities of the OAS and by the member states, as well as the conclusions of the annual meetings convened by the CAJP.

VII. HUMAN AND FINANCIAL RESOURCES

In addition to the existing resources in the Regular Fund of the program-budget of the Organization, a specific voluntary fund, to be administered by the Summits of the Americas Secretariat, will be established to contribute to funding the activities assigned to the organs, agencies, and entities of the OAS in support of this Program. The CAJP will determine the use of such funds. This notwithstanding, the Program implementers may allocate and obtain funds to carry out the specific optional activities.

The political organ responsible for Program execution will be the CAJP, which, for this purpose, will receive support from the unit within the General Secretariat assigned for this purpose.

APPENDIX I

CROSS-REFERENCE TABLE

The following indicative table shows the relationship between the objectives and the activities assigned to each of the beneficiaries or implementers of the Program. The Program's specific objectives appear in the columns of the cross-reference table, while the Program's activities to be undertaken by the OAS organs, agencies, and entities, specific optional activities to be carried out by the states, and activities being carried out by the multilateral organizations in accordance with their mandates, appear in the table's rows.

Objectives Activities	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
1.									X				X							
2.	X							X				X	X	X						
3.									X		X	X				X	X			
4.									X			X				X	X			
5.			X	X									X							
6.		X											X	X						
7.			X										X							
8.			X	X	X								X							
9.			X	X									X		X					
10.			X	X	X								X				X			
11.			X	X									X		X					
12.								X					X	X				X		
13.	X								X	X			X							
14.													X							
15.										X		X	X							
16.			X	X									X							

Objectives Activities	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
17.													X							
18.	X							X	X		X	X							X	
19.	X							X	X		X	X				X				
20.													X							
21.													X							
22.													X					X		
23.													X					X		
24.													X					X		
25.													X	X				X		
26.													X					X		
27.										X			X	X				X		
28.													X					X		
29.		X							X	X			X	X			X			
30.	X	X							X				X							
31.	X								X				X							
32.										X			X							
33.	X	X	X						X											
34.			X									X								
35.		X				X	X	X	X	X										
36.																	X			
37.		X								X										
38.						X	X													
39.			X											X			X			
40.																	X	X		

Objectives	1	2	3	4	5	6	7	8	9	1	1	1	1	1	1	1	1	2
Activities										0	1	2	3	4	5	6	7	0
41.						X	X		X						X			
42.	X							X						X		X		
43.	X						X	X	X						X			
44.	X							X						X	X			
45.														X				
46.															X			
47.															X			
48.											X			X			X	
49.	X							X		X	X	X		X		X		
50.	X								X	X	X			X				
51.						X												
52.						X										X	X	
53.																		X
54.																	X	X
55.																		X
56.	X						X		X					X				
57.	X							X	X	X				X		X		X
58.	X	X				X	X	X						X				
59.							X							X		X		
60.							X		X					X				
61.							X		X					X		X		
62.							X		X					X				
63.						X			X		X	X		X				
64.							X							X				
65.							X							X				

APPENDIX II

INTERNATIONAL INSTRUMENTS AND OTHER REFERENCE DOCUMENTS

This list comprises conventions and treaties that establish international obligations for the states that have agreed to be party to them, and declarations and sets of rules and principles approved in international forums. The latter complement and introduce elements for the interpretation of international obligations.

Some OAS member states have not signed and ratified all the instruments listed below. The following list is an illustrative enumeration of international instruments and other reference documents.

I. INTERNATIONAL INSTRUMENTS:

International Bill of Human Rights and General Human Rights Instruments

Universal Instruments

- Universal Declaration of Human Rights, 1948
- International Covenant on Civil and Political Rights, 1966
- International Covenant on Economic, Social and Cultural Rights, 1966

Regional Instruments

- American Declaration of the Rights and Duties of Man, 1948
- American Convention on Human Rights, 1969
- Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights “Protocol of San Salvador,” 1988

Rights of Indigenous Peoples and Minorities

- Convention concerning Indigenous and Tribal Peoples in Independent Countries, 1989 (No. 169)
- Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, 1992

Prevention of Discrimination

- Equal Remuneration Convention, 1951 (No. 100)
- Discrimination (Employment and Occupation) Convention, 1958 (111)
- Convention against Discrimination in Education, 1960
- International Convention on the Elimination of All Forms of Racial Discrimination, 1965
- Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, 1981

Rights of Women

Universal Instruments

- Convention on the Elimination of All Forms of Discrimination against Women, 1979
- Declaration on the Elimination of Violence Against Women, 1993

Regional Instrument

- Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, "Convention of Belém do Pará," 1994

Rights of the Child

- Minimum Age Convention, 1973 (No. 138)
- Convention on the Rights of the Child, 1989
- Worst Forms of Child Labour Convention, 1999 (No. 182)
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, 2000

Rights of Older Persons

- United Nations Principles for Older Persons, 1991

Rights of Persons with Disabilities

Universal Instruments

- Declaration on the Rights of Mentally Retarded Persons, 1971
- Declaration on the Rights of Disabled Persons, 1975

Regional Instrument

- Inter-American Convention on the Elimination of All Forms of Discrimination against Person with Disabilities, 1999

Human Rights and the Administration of Justice: Protection of Persons Subjected to Detention or Imprisonment

Universal Instruments

- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984
- Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, 1988
- United Nations Rules for the Protection of Juveniles Deprived of their Liberty, 1990

Regional Instruments

- Inter-American Convention to Prevent and Punish Torture, 1985
- Inter-American Convention on Forced Disappearance of Persons, 1994

Freedom of Association

- Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
- Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

Slavery, Servitude, Forced Labour and Similar Institutions and Practices

- Forced Labour Convention, 1930 (No. 29)
- Abolition of Forced Labour Convention, 1957 (No. 105)

Rights of Migrants

- Migration for Employment Convention (Revised), 1949 (No. 97)
- International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, 1990
- Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, 2000

Nationality, Statelessness, Asylum, and Refugees

Universal Instruments

- Convention relating to the Status of Refugees, 1951
- Convention relating to the Status of Stateless Persons, 1954
- Convention on Diplomatic Asylum, 1954
- Convention on Territorial Asylum, 1954
- Protocol relating to the Status of Refugees, 1967
Declaration on the Human Rights of Individuals who are not Nationals of the Country in which They Live, 1985

Regional Instrument

- Cartagena Declaration on Refugees, 1984

Trafficking in Persons

- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000

Consular Relations

- Vienna Convention on Consular Relations, 1963

II. OTHER REFERENCE DOCUMENTS:

Other reference documents include the judgments of the Inter-American Court of Human Rights, which are applicable only to those states which have accepted the Court's jurisdiction, as well as the advisory opinions of the Court and the recommendations and reports of the Inter-American Commission on Human Rights.

- Inter-American Court of Human Rights: *The Right to Information on Consular Assistance in the Framework of the Guarantees of the due Process of Law*, Advisory Opinion OC-16/99 of October 1, 1999, Series A No. 16
- Inter-American Court of Human Rights: *Juridical Condition and Rights of the Undocumented Migrants*, Advisory Opinion OC-18/03 of September 17, 2003, Series A No. 18