

ORGANIZATION OF AMERICAN STATES (OAS)
GENERAL ASSEMBLY

FIFTY-THIRD REGULAR SESSION
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AG/DEC. 111 (LIII-O/23)

**DECLARATION FOR THE PROTECTION AND INTEGRATION OF MIGRANT
AND REFUGEE CHILDREN IN THE AMERICAS^{1/2/}**

(Adopted at the fourth plenary session, held on June 23, 2023)
(Provisional version subject to review by the Style Committee)

THE GENERAL ASSEMBLY,

RECOGNIZING that migration is inherent to human nature, which, at times, may represent an option for individuals and communities in vulnerable situations;

ACKNOWLEDGING that States, have an obligation to protect the human rights of all persons in their territory and subject to their jurisdiction, and should adopt measures for the management and governance of migration and the situation of refugees, asylum seekers, and stateless persons as well as promote actions that should emphasize on the positive contributions of migrants, refugees, asylum seekers, stateless persons at a social, economic, and cultural level in countries of origin, transit, destination, and return with a comprehensive human rights perspective;

EMBRACING the progress made by different multilateral instances for the treatment of migrants and refugees, such as the Regional Conference on Migration(CRM), South American Conference on Migration (CSM), the Quito Process, the regional comprehensive framework for protection and protection and solutions (MIRPS), the 2022 Los Angeles Declaration on Migration and Protection, as well as the Global Compact for Safe, Orderly and Regular Migration and its guiding principles and recognizing the commitment of countries of origin, transit, destination, and return to manage migration and protection issues based on a spirit of collaboration, solidarity, and shared responsibility that allows for safe, orderly, and regular migration;

NOTING that an increasing number of children and adolescents are migrating throughout the hemisphere due to a multi-causal reality, and that includes children seeking asylum, refugees, and stateless, separated, unaccompanied, and/ or undocumented minors; and taking into consideration the

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1. Trinidad and Tobago will include footnote
 2. The Dominican Republic does not join this declaration by virtue of the fact that the document refers to agreements to which it is not a signatory. Nevertheless, the country reiterates its...

particular impact on girls;

CONVINCED that migration requires coordinated and responsible management that protects and promotes the dignity and rights of persons in migration contexts, especially children and adolescents who suffer a double situation of vulnerability, being minors and migrants, who are exposed to different forms of abuse and violence, including separated, undocumented, or unaccompanied children;

RECALLING the Global Compact for Safe, Orderly and Regular Migration and its guiding principles, which are cross-cutting and interdependent for the sake of protecting and integrating migrants and refugees.

CONSIDERING the United Nations Convention on the Rights of the Child, the American Convention on Human Rights, and the Inter-American principles on the Human rights of all migrants, refugees, stateless persons, and victims of human trafficking as appropriate; as well as the relevant standards developed by the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights, especially the Advisory Opinion OC-21 of 2014, which addressed the obligations of the applicant States regarding the application of the principle of the best interests of the child when designing, adopting, and implementing migration, refugee, asylum seeking, statelessness and other policies that affect children and adolescents;

DECLARE OUR INTENT TO:

1. Strengthen the regional cooperation measures for the safe, orderly, and regular migration of children and adolescents, that contribute to the consolidation of international protection frameworks, with a shared responsibility approach, as well as the prevention and mitigation of the structural causes of irregular migration, refugee, asylum seeking and statelessness of these persons in countries of origin through the following actions:

- a) Advance, in this sense, in designing and implementing mechanisms for the information and data collection disaggregated by age and sex of girls, boys, and adolescents in migration contexts, for exclusively statistical purposes and in accordance with relevant legislation, to count with evidence of their migratory dynamics and their protection needs.
- b) Promote, in a manner consistent with the Convention on the Rights of the Child, the adoption of preventive measures within our borders for the identification and management of the migration of unaccompanied or separated children and adolescents; adopting measures that allow when appropriate, to facilitate their family reunification, and adopting measures safeguarding their best interest and respect for their human rights.
- c) Support the adoption and strengthening of national, bilateral, and multilateral actions that are victim-centered and that takes into account the protection of their human rights, including with a gender perspective to prevent, detect, refer investigate, and sanction any form of human trafficking in persons or migrant smuggling that may victimize children and adolescents.

- d) Train those responsible for aiding and caring for migrant and refugee children and adolescents to include specialized training with a gender-responsive and intersectional perspective, understood as the interconnection of multiple forms of discrimination, exclusion, and inequality, to meet the particular needs of groups in situations of vulnerability in migration contexts.
- e) Manage the coordinated attention of States, civil society, and international organizations, including women's rights organizations, with a permanent commitment to attend to the structural causes of irregular migration, reducing the risks and vulnerabilities faced by children and adolescents.
- f) Protect and promote the enjoyment of human rights of children and adolescents in matters of migration and the situation of refugees, asylum seekers, and stateless persons seeking to sensitize legislators, public servants, and judicial officials and underscoring the importance of the principle of the best interest of the child.

2. Recognize that children and adolescent's rights are inherent to them and apply regardless of their migratory situation.

3. Reaffirm our commitment to implement and systematize regular migration channels for migrant children and adolescents, including recognition of refugee status or complementary protection, including the protection and safeguarding of the human rights of children and adolescents, asylum seekers, and unaccompanied and/or separated refugees children and adolescents, and underscoring the importance of the principle of the best interest of the child.

4. Advance in the need for the elimination of legal or administrative barriers that may prevent migrants, refugees, asylum seekers, and stateless children and adolescents in any migratory situation and context from enjoying human rights in equality conditions with children and adolescents who are nationals of the host countries, such as those related to education and health subject to its political and administrative division systems. To this purpose, we seek to advance in the flexibilization of the administrative requirements and facilitate school and college enrollment and recognition of qualification.

5. Reaffirm the importance of promoting the enjoyment of human rights of children and adolescents in the migration context in addressing the problem of lack of documentation and recognizing the right to identity, including nationality, name, and legal personality, and the importance of the States of origin to issue the identification documents of its nationals and, identify the importance of implementing policies to reduce the risk of statelessness, among other challenges^{3/}.

6. Promote measures that facilitate the social integration of migrants, refugees, asylum seekers, and stateless children and adolescents in host countries, including,

- a) Advance in the flexibility within migration processes, to eliminate the legislative and bureaucratic restrictions that have an impact on regular entry for a variety of reasons, including family reunification.

3. The United States notes that the purported "right to identity" referenced in operative paragraph 5 is not established in treaty or customary international law. The United States interprets the phrase ..

- b) Advance in gender-responsive policies that allow equitable and equal and nondiscriminatory access to physical and mental health care, disease prevention and comprehensive healthcare, including sexual and reproductive health services with special attention to those in need of urgent medical attention for diseases or conditions associated with or exacerbated by the migration process, including all forms of sexual and gender-based violence, while promoting the necessary partnerships with civil society and international organizations.
- c) Develop programs for the integration of migrants, refugees, asylum seekers, and stateless children and adolescents in destination countries, with educational policies that facilitate the full enjoyment of the right to education, with an intercultural approach subject to its political and administrative division systems and capable of addressing in an equitable manner and without discrimination with a gender perspective, the particular needs of children and adolescents in migration contexts, such as proficiency in a language different from that of the host country, including indigenous languages regardless of their migratory and legal situation.
- d) Promote care, assistance, and protection actions for children and adolescents, both those who migrate alone and those accompanied by their parents, who are subjected to irregular and risky migration contexts and occupy a particularly vulnerable position that affects their dignity and enjoyment of their human rights.

FOOTNOTES

2. ...commitment to the protection of the human rights of all children and adolescents, recognized in international agreements to which we are signatories and in accordance with our national legislation.

3. ...“right to identity” in operative paragraph 5 to refer to relevant rights under Article 24 of the International Covenant on Civil and Political Rights, as well as under Article 20 of the American Convention on Human Rights and Articles 7 and 8 of the Convention on the Rights of the Child, to which the United States is not party.

For more information, you can find this version of the Declaration on the website of the [Organization of American States, OAS.](#)

