



THE MERCOSUR DECLARATION OF PRINCIPLES ON INTERNATIONAL REFUGEE PROTECTION

(Unofficial translation)

In Fortaleza, Federative Republic of Brazil, on November 23th, 2012, within the scope of the Meeting of Ministers of Interior of Mercosur and Associated States, the Minister of Security of the Republic of Argentina, the Minister of Justice of the Federative Republic of Brazil, the Minister of Interior of the Oriental Republic of Uruguay, the Minister of Popular Power for Interior Relations and Justice of the Bolivarian Republic of Venezuela, Mercosur States Parties, the Minister of Government of the Plurinational State of Bolivia, the Minister of Interior and Public Security of the Republic of Chile, the Minister of Foreign Affairs of the Republic of Colombia, the Minister of Interior of the Republic of Ecuador, and the Minister of Interior of the Republic of Peru, Mercosur Associated States:

Reminding the importance of harmonizing their legislations in relevant areas to achieve the strengthening of the integration process enshrined in the Treaty of Asunción (March 26th, 1991)

Considering the commitments undertaken on the international level to promote and guarantee the international protection to refugees, such as the Universal Declaration of Human Rights of 1948; the American Declaration of the Rights and Duties of Man of 1948; the American Convention on Human Rights of 1969; the Convention of Geneva of 1951 and its Protocol of 1967; the Cartagena Declaration of 1984; the Mexico Plan of Action to Strengthen International Protection of Refugees in Latin America of 2004; and the Brasilia Declaration on the Protection of Refugees and Stateless Persons in the Americas of 2010;

Considering the Rio de Janeiro Declaration on the Institution of Refuge of November 10th, 2000; the Santiago Declaration on Migration Principles, item IV; the Declaration of the Meeting of Ministers of Justice and Interior of Mercosur on Justice, Security and Human Rights, item XXI;

Reaffirming the desire of our States to reinforce national, regional and global efforts to the protection, promotion and respect of Human Rights, following the principles of solidarity, diversity, access to justice, prosperity, security, harmonious coexistence and peace for our people;

CONSIDERANDO necessária a implementação de políticas que promovam e garantam respeito e proteção aos direitos humanos dos refugiados e suas famílias;

Considering the need to implement policies to promote and to guarantee the respect and protection towards the rights of refugees and their families;

Recognizing the need to create harmonic criteria to face the challenges regarding international refugee protection; and

Recognizing the contribution of the United Nations High Commissioner for Refugees (UNHCR) to strengthening international refugee protection in the region,

State:

- The Extended Mercosur is a space of humanitarian protection for refugees;
- Refugees will not be returned, deported or expelled to territories where they can be submitted to persecution or their lives, physical integrity or freedom are at risk due to their race, religion, nationality, social group, political opinion, generalized violence, foreign aggression, internal conflicts, massive human rights violations, or other circumstances that disturb the public order;
- States Parties to Mercosur and Associated States will not take measures to forcibly return recognized refugees to places where their life, freedom or physical integrity are at risk due to one of the reasons mentioned in the paragraph above;
- Refugees will have at least the same rights as of foreigners who hold permanent residency and the rights enshrined in international agreements on refugee protection;
- The need for a broad approach to family reunification, which is recognized as an essential element to ensure the stability for refugees;
- The differences arising from gender, age and diversity, especially in unaccompanied and separated children and teenagers, must receive special attention;
- Coordination and cooperation mechanisms will be developed among competent organizations involved in refugee protection, intended to exchange information and to use new technologies, with regard to the principle of confidentiality;

- To enhance the regional dialogue and sharing experiences related to the protection and search for durable solutions for refugees;
- To recognize refugees' contribution to host societies;
- The importance of having non-restrictive immigration policies that include alternatives to immigration regularization, in order to prevent submissions of asylum claims in cases that are not refugee-related;
- Common measures will be adopted to identify those who are in need of international refugee protection, in the context of the growth and complexity of mixed migration flows;
- The importance of implementing the broader definition of refugee, provided in the III conclusion of the Cartagena Declaration of 1984, as a broader inclusion clause than those established in existing international instruments;
- The value and significant role played by civil society in working with governments in the creation and implementation of public policies regarding the protection and local integration of refugees;
- To consider the possibility of adopting effective national protection mechanisms that deal with cases not foresee in international refugee protection instruments;
- To highlight the contributions of the regional approach enshrined in the Declaration and the Mexico Plan of Action to Strengthen International Protection of Refugees in Latin America, emphasizing the importance of continuing its programs, especially those related to solidarity borders, solidarity cities and solidarity resettlement;

- To cooperate for the development of national resettlement programs and to make efforts to create a regional resettlement program;
- To promote the institutional strengthening of national organisms that deal with refugees and to promote profession training to its employees, through regional cooperation.