

**Eighth International Conference of  
National Institutions for the  
Promotion and Protection of Human Rights  
Santa Cruz, Republic of Bolivia, 24-26 October 2006**

**The Santa Cruz Declaration**

1. The Eighth International Conference of National Institutions for the Promotion and Protection of Human Rights was devoted to the theme of the role of national human rights institutions (NHRIs) in dealing with migration. The Conference was organized by the Defensor del Pueblo of Bolivia from 24-26 October 2006, in cooperation with the United Nations Office of the High Commissioner for Human Rights (OHCHR) and the International Coordinating Committee (ICC) of NHRIs. The participants thanked the support of the Defensoria del Pueblo, OHCHR, Rights and Democracy, the Special Fund for Ombudsman and NHRIs in Latin America and the Caribbean, the Network of NHRIs of the Americas and the British Council.
2. NHRIs express their gratitude to the Defensoria of Bolivia for its excellent organization of the conference and warm hospitality. They also appreciate the consideration extended to them by the city of Santa Cruz. They welcomed the message of the United Nations High Commissioner for Human Rights and acknowledged the stimulating presentations by the United Nations special rapporteur on the human rights of migrants, the Chair of the Migrant Workers Committee and other keynote speakers as well as the fruitful discussions and deliberations. Nongovernmental organizations (NGO) from around the world made a valuable contribution at a pre-conference forum and by actively participating in the conference itself. The conference was further enriched by the participation of the President of the Republic of Bolivia and the Prefect of the State of Santa Cruz.
3. The Eighth International Conference for NHRIs hereby adopts the following Declaration:

*The Eighth International Conference of NHRIs,*

4. *Recalling* the universal instruments agreed upon by States to safeguard human rights and fundamental freedoms, particularly the Universal Declaration of Human Rights, the International Covenant on Economic, Social, and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, and the International Convention on the Protection of the Rights of All Migrant Workers and Their Families, the United Nations Convention against Trans-national Organised Crime and its additional protocols, the relevant International Labour Organization conventions and regional instruments, and other relevant international human rights instruments,
5. *Recognizing* that these instruments make provision for, and require States to, undertake measures to protect the rights of migrants which constitute a platform for a human rights based approach to migration,
6. *Recognizing* the unique role played by NHRIs in the implementation of international human rights standards at the national level, thereby ensuring sustainability of human rights protection,
7. *Welcoming* the guidance and jurisprudence on issues of migration provided by the human rights treaty bodies and special procedures, and in particular the Committee on Migrant Workers, the Special Rapporteur on the human rights of migrants, the Committee on the

Elimination of Discrimination against Women, and the Committee on the Elimination of Racial Discrimination as well as the judgements and findings of regional organizations and mechanisms,

8. *Stressing* the particular role played by NHRIs as expressed in the Copenhagen and Seoul Declarations adopted by the Sixth and Seventh International Conferences of NHRIs, regarding migration in the context of conflict and terrorism and their commitment in this regard,
9. *Welcoming* the Recommended Principles and Guidelines on Human Rights and Human Trafficking of July 2002 and General Recommendation 30 (2004) of the Committee on the Elimination of Racial Discrimination on the rights of non citizens,
10. *Recognizing* the linkage of international migration, economic growth and development including poverty reduction,
11. *Recalling* that, as practice shows, physical barriers, including walls, endanger fundamental rights such as the right to life,
12. *Welcoming* The Guiding Principles on Internal Displacement drafted by the United Nations General Assembly in 1998,
13. *Urging* therefore the continued enhancement of the role and participation of NHRIs in the international human rights system including in the recently established Human Rights Council,

*Declares that:*

14. NHRIs shall advocate for a human rights approach to migration and migration management. NHRIs underline that each State is responsible to guarantee respect for the human rights and fundamental freedoms of all persons regardless of their migration status,
15. NHRIs play an important role in ensuring efficient domestic legal protection of all migrants, including access to justice, non-discrimination and equal treatment, including full and effective protection in all areas of society,
16. NHRIs play a vital role in promoting a society dedicated to diversity as a positive potential for ensuring a cohesive and peaceful society, for innovation and growth, and building on the fundamental principles of equality and mutual respect,
17. NHRIs shall examine and raise awareness of the causes of migration, encompassing economic, political, social, cultural, historical, or other factors leading to migration,
18. NHRIs shall engage in cross-country cooperation and use their networks to communicate on migration issues - between neighbouring countries and sending, transit and receiving states. NHRIs would also benefit from strategic partnerships with civil society organisations to implement their advocacy, research, public education, media campaigns and ongoing monitoring and investigation activities,

In order to implement this declaration, NHRIs hereby agree:

19. To establish a Working Group through the ICC to define a concrete plan of action for implementation of this Declaration at the 19<sup>th</sup> session of the ICC and call on regional groups to do the same,

20. To develop and implement within their institutions a strategy to address the problematics of migration,
21. To develop plans of action among NHRIs of relevant sending, transit and receiving states in cooperation with partners including civil society,
22. To request OHCHR to prepare a study which could also include NHRI best practices in relation to migration,
23. To encourage their States to support the Migrant Worker's Committee and the Special Rapporteur on the human rights of migrants and call for the ratification, and its implementation, of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and report back to the next session of the ICC on concrete measures taken in this regard.

## **General Guidelines**

The following are a summation of the main areas whereby NHRIs may intervene to promote and protect the rights of migrants:

### **Operational provisions**

#### **Ratification**

24. NHRIs should promote the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Member of Their Families through appropriate means including campaigns, policy advice, conferences and publications on the benefits and the background of the convention,
25. Regarding the large number of governments which are reluctant to ratify the convention, NHRIs should analyze the reasons behind non-ratification including misconceptions and other obstacles, and work on argumentation catalogues to counter these concerns,
26. In an effort to advocate for ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Member of Their Families, NHRIs could benefit from partnership with civil society organizations,

#### **Implementation de jure and de facto**

27. NHRIs should closely monitor the domestic administrative and legislative implementation of international instruments relevant for all migrants application of these rights,
28. NHRIs should encourage the development of a national legal framework for upholding the rights of internally displaced persons, paying special attention to promoting and protecting the rights of internally displaced women, children, the Indigenous Peoples and all vulnerable groups,
29. NHRIs should, where relevant, monitor, investigate and initiate complaints to protect the rights of migrant workers. As part of ongoing monitoring efforts, include a migration related section, including regarding the impact on development, in their annual reports. Special reports are encouraged where appropriate,

30. NHRIs should protect the rights of victims of trafficking and smuggling, especially women and children, including by providing legal assistance or taking legal action to defend the rights of smuggled and trafficked persons' rights,
31. NHRIs should protect trafficked persons, especially women and children, from harm, threats or intimidation by traffickers and associated persons,
32. NHRIs should advocate that national legislation defines the crimes of trafficking and smuggling and their various punishable elements and provide protection of smuggled and trafficked persons, including protection from summary deportation or return if this would pose a security risk to the persons and/or their families,

### **Cooperation**

33. NHRIs should make use of the many options offered by the UN treaty bodies and the treaty reporting cycle to express their concerns regarding migrants in their respective countries,
34. NHRIs should use all mechanisms of the Human Rights Council, particularly its Special Procedures, to protect migrants' rights and advocate increased focus on the rights of migrant workers,
35. NHRIs should use existing regional mechanisms, conventions, regulations and courts,
36. NHRIs should work in regional networks to address the regional aspects of migration and development from a human rights perspective and coordinate joint action,
37. NHRIs should conduct research, identify and exchange best practices associated with migration and development including with respect to the creative and productive use of remittances to support development,

### **Policy and action oriented approach to implementation**

38. NHRIs should launch public campaigns in order to counteract stereotypes of migrants and promote the knowledge and respect of their rights. In relation to the media, NHRIs should promote an understanding of migrants and migrant issues, including the positive impact of migration and diversity, and inform about the danger related to the risk of exploitation,
39. NHRIs should assist in developing guidelines and/or training for relevant State authorities and officials such as police, border guards, immigration officials and others involved in the detection, detention, reception and processing of migrants, and in the inspection of immigration detention centres.
40. NHRIs should encourage the provision of practical and legal assistance to migrants upon arrival, including by facilitating the establishment of offices in border towns. NHRIs should monitor expulsion procedures,
41. NHRIs should focus as much on the economic, social and cultural rights of migrants as on their civil and political rights. NHRIs should encourage governments to adopt policies that regularize the status of migrants and assure their access to social services, including education and health services. They should also help to ensure that the labour rights of migrants, including decent work and full social protection, are protected,

42. Specifically, NHRIs should contribute to creating, in reception countries, the conditions for family reunification of migrant workers and the free education of the children of migrants in accordance with international human rights standards. In addition, NHRIs should pressure States to adopt emergency measures to guarantee the provision of basic services to Indigenous communities and other vulnerable groups that have a lack or no access to such services,
43. NHRIs should include refugees and asylum seekers among the groups requiring special attention. In particular, NHRIs should take an active role in implementing the goals, activities and programmes of the international Protection Agenda promoted by UNHCR and ensure its inclusion in the respective regional agendas of work and/or action plans,
44. NHRIs should conduct and encourage research on the real situation of Indigenous and minority migrants and other migrants. This may include the development of disaggregated data, by sex and ethnic groups, and accurate statistics and policy suggestions to reflect diversity and enable the participation of minority groups, internally displaced persons and Indigenous communities in policy and consultative processes on issues affecting them to ensure that their needs are better met.

**Adopted in Santa Cruz  
26 October 2006**