

States across the Americas must guarantee the lives and right to health of migrants and refugees in the face of the COVID-19 crisis

The Americas, March 30th, 2020.- Over the past few weeks, we have seen how the measures implemented by governments calling for quarantines, shut downs, deportations, border closures and militarization to address the emergency caused by the spread of COVID-19 are disproportionately affecting migrants and petitioners for international protections.

Multiple concerning situations as well as human rights violations of the migrant and refugee population have been denounced, among them, [the situation of Venezuelan migrants stranded](#) after both Colombia and [Brazil](#) closed their borders; [the detention of at least 80 Haitian nationals](#) in Guatemala; the closing of the border between Mexico and the United States to asylum seekers, as well as [the rise in deportations](#) of Mexican and Central American people; [the lack of sanitary and adequate conditions and the high risk of infection](#) in migration stations, detention centers, and quarantine centers for people who were deported; and [the violent repression on behalf of Mexico's National Guard](#); [the overflow of shelters](#), among others.

Given these facts, it is likely that migrants and refugees will continue to be affected in the following weeks and months. We, the undersigned organizations, urge the governments of our region to implement the necessary measures to guarantee the rights to life, health, physical, mental, and moral integrity of this population, in equal conditions and without any form of discrimination, including discrimination based on their migratory status or nationality.

[As the High Commissioner for Human Rights, Michelle Bachelet has stated](#): “Under international human rights law, States have an obligation to take steps to prevent foreseeable threats to public health and have a duty to ensure that all who need vital medical care can receive it”. This includes access to prevention measures dictated by the World Health Organization, including access to COVID-19 testing, health services, and the necessary medical attention to treat the disease, to all people including migrants and refugees.

Additionally, States must halt deportations, and guarantee the access of all people to seek and be granted asylum. [As the High Commissioner for Refugees \(UNHCR\) has previously indicated](#), States have an obligation to guarantee that all people are able to seek and be granted asylum, as well as respecting the principle of non-refoulement. This means that States must abstain from returning individuals to territories where their lives or liberties are at risk, including through the use of rejection or non-admission at the border. The measures implemented in response to COVID-19 cannot prevent those seeking international protection from asking for it. Even in extenuating circumstances like the one we currently face, implementing measures that prevent the admission of refugees or asylum seekers, without protecting them against refoulement, is a violation of their human rights and against international obligations of States.

In that sense, the measures implemented as a response to this crisis cannot be discriminatory, or result in undesirable outcomes that would negatively impact the enjoyment of human rights. On the contrary, these measures must be proportional, strictly necessary, and developed and implemented with a human rights and gender perspective. They must also ensure the participation of civil society organizations. Moreover, these measures cannot justify the systematic detention of migrants, asylum-seekers or refugees.

On this front, we urge States to abstain from detaining migrants and refugees, free people currently in detention, and guarantee their access to housing, food, and medical services in public shelters, ensuring the necessary sanitary conditions and qualified medical staff to avoid contagion. Furthermore, group-specific attention must be provided to those who are most vulnerable to the virus, including the elderly, people with disabilities, women, LGBTIQ+ people and children. These same measures must be implemented in the country of origin of those who would have been deported, while the quarantine is in effect.

Additionally, the current restrictions to mobility and/or constitutional guarantees defined by multiple governments will impact in a particular manner the ability of migrants to access work. In this regard, States in the region must guarantee their access to livelihood, just like they would to the rest of the population.

On the militarization of borders and reports of repression, we remind governments that military forces must abstain from taking on duties related to ensuring civilian safety, health, or serving as migration officials. Using the military in such duties exposes the population to higher risks and to new human rights violations.

Similarly, States must guarantee the access to relevant, timely and clear information that is based off of scientific evidence regarding the pandemic. States must abstain from using discriminatory speeches or measures, which are stigmatizing or xenophobic, and from blocking or criminalizing the work of all who defend the rights of migrants and refugees. Likewise, governments must adopt positive measures to fight discriminatory discourse or actions of third parties regarding the crisis.

Finally, we, the undersigned organizations, emphasize that none of the measures implemented to respond to the COVID-19 emergency can justify human rights violations. We hope that States respond to the health emergency in accordance with their international obligations and we will remain vigilant in monitoring and denouncing the human rights situation of people in situations of human mobility and others in situations of risk.

In a region that has been vastly impacted by inequality, poverty, corruption, and extractivism, we hope that States take this opportunity to build up protection mechanisms, strengthen their social safety nets, and ensure the full access to water and health for every person, and the recognition and the guarantee to the human rights of the entire population without any form of discrimination.

Undersigned organizations:

International:

Coordinadora Regional de Investigaciones Económicas y Sociales (CRIES)
Instituto Internacional sobre Raza, Igualdad y Derechos Humanos
Network in Solidarity with the People of Guatemala (NISGUA)
Refugees International
Women's Link Worldwide

Regional:

Alianza Americas
Center for Justice and International Law (CEJIL)
Conferencia de Provinciales Jesuitas de América Latina y el Caribe
Fundación para la Justicia y el Estado Democrático de Derecho (FJEDD)
Misión Scalabriniana Ecuador
Organización Negra Centroamericana
Oficina en Washington para Asuntos Latinoamericanos (WOLA)
Red Jesuita con Migrantes Latinoamérica y el Caribe (RJM-LAC)
Red de Coaliciones Sur (RCS)
Synergia - Iniciativas por los Derechos Humanos

Argentina:

Centro de Estudios Legales y Sociales (CELS)
Comisión Argentina para Refugiados y Migrantes - CAREF

Brazil:

Conectas Direitos Humanos
Missão Paz

Chile:

Clínica Jurídica de Migrantes y Refugiados de la Universidad Diego Portales
Clínica Jurídica Universidad Alberto Hurtado
Servicio Jesuita a Migrantes Chile

Colombia:

Centro de Estudios de Derecho, Justicia y Sociedad (Dejusticia)
Corporación Caribe Afirmativo
Programa de Asistencia Legal a Población con Necesidad de Protección Internacional y Víctimas del Conflicto Armado - Corporación Opción Legal - Colombia
Clínica Jurídica para Migrantes de la Universidad de los Andes
Consultoría para los Derechos Humanos y el Desplazamiento (CODHES)

Costa Rica:

Servicio Jesuita para Migrantes Costa Rica (SJM-CR)

El Salvador:

Universidad Centroamericana José Simeón Cañas (UCA)

United States of America:

Comunidades Organizando El Poder y la Acción Latina (COPAL)

Cooperación Migrante

CRECEN

Houston's America For All

Latin America Working Group (LAWG)

Lila LGBTQ Initiative Inc

Women's Refugee Commission (WRC)

Women Working Together USA

Network in Solidarity with the People of Guatemala (NISGUA)

The Chelsea Collaborative

Guatemala:

Asociación Pop N'oj

Instituto de Relaciones Internacionales e Investigación para la Paz (IRIPAZ)

Instituto de investigación y proyección sobre Dinámicas Globales y Territoriales (IDGT)

Honduras:

Equipo de Reflexión, Investigación y Comunicación (ERIC)

Mexico:

Asylum Access México (AAMX) A.C.

Colectivo de Mujeres Transnacionales

Club Mujeres con Decisión

Derechos Humanos Integrales en Acción, A.C. DHIA

Sin Fronteras IAP

Nicaragua:

Servicio Jesuita a Migrantes Nicaragua (SJM-Nicaragua)

Panama:

Fe y Alegría

Paraguay:

Coordinadora por los Derechos de la Infancia y la Adolescencia de Paraguay (CDIA)

Dominican Republic:

Centro para la Observación Migratoria y el Desarrollo Social en el Caribe (OBMICA)

Venezuela:

CIVILIS Derechos Humanos

Prepara Familia

Programa Venezolano de Educación Acción en Derechos Humanos (Provea)

Servicio Jesuita a Refugiados (JRS Venezuela)

Centros Comunitarios de Aprendizaje (CECODAP)

Centro de Justicia y Paz (Cepaz)

Acción Solidaria

Centro de Derechos Humanos de la Universidad Católica Andrés Bello (CDH UCAB)