

TABLE 1.

# REGIONAL DEFINITION OF REFUGEE

(CARTAGENA)  
LATIN AMERICAN COUNTRIES THAT HAVE INCORPORATED IT  
INTO THEIR NATIONAL LEGISLATION

<b>Why is it good practice?</b>	<b>It also considers as refugees those who have fled their country because their lives, safety, or freedom have been threatened by generalised violence, foreign aggression, internal conflicts, and massive violations of human rights or other circumstances which have seriously disturbed public order".</b>	
<b>COUNTRY</b>	<b>SOURCE</b>	<b>DATE</b>
<b>BOLIVIA</b>	<p>Supreme Decree No. 19640, Art. 2 Supreme Decree No. 28329, Art. 12</p> <p>REFUGEE PROTECTION ACT No. 251 of 2012 Article 15. b. They have fled from the country of their nationality or, having no nationality, have fled from their country of habitual residence because their lives, safety or liberty has been threatened by generalised violence, foreign aggression, internal conflicts, massive violations of human rights or other circumstances that have seriously disturbed public order. Available in Spanish at: <a href="http://www.acnur.org/t3/fileadmin/Documentos/BDL/2012/8855.pdf">http://www.acnur.org/t3/fileadmin/Documentos/BDL/2012/8855.pdf</a></p>	<p>1983 2005</p> <p>2012</p>
<b>ECUADOR</b>	<p>Human Mobility Law</p> <p>Article 98.- Refugee. Refugee recognition shall be granted to all persons in Ecuador who: 1. Owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinions, are outside the country of their nationality and are unable or, owing to such fear, unwilling to avail themselves of the protection of that country, or if they have no nationality and are outside the country of their former habitual residence, are unable or unwilling to return to it. 2. They have fled or are unable to return to their country because their lives, safety or freedom have been threatened by generalised violence, foreign aggression, internal conflicts, massive violations of human rights or other circumstances which have seriously disturbed public order and they cannot avail themselves of the protection of the country of their nationality or habitual residence. The recognition of refugee status is declaratory, civil, humanitarian and apolitical in nature and confers a status of international protection upon the individual.</p> <p>Available in Spanish at: <a href="http://www.acnur.org/fileadmin/Documentos/BDL/2017/10973.pdf">http://www.acnur.org/fileadmin/Documentos/BDL/2017/10973.pdf</a></p>	2017

<p><b><u>Historical References</u></b></p>	<p>Definition of refugee according to the Cartagena Declaration restored by Sentence No. • 002-14-SIN-CC of the Constitutional Court of 14 August, 2014, which declared unconstitutional several of the provisions of Executive Decree 1182 ("Regulations for the application in Ecuador of the Right to Asylum established in Article 41 of the Constitution of the Republic, the norms contained in the 1951 United Nations Convention relating to the Status of Refugees and its 1967 Protocol").</p> <p>Available in Spanish at:  <a href="http://www.acnur.org/t3/fileadmin/Documentos/BDL/2015/10066.pdf">http://www.acnur.org/t3/fileadmin/Documentos/BDL/2015/10066.pdf</a></p> <p>DECREE NO. 3293 - RULES OF PROCEDURE FOR THE IMPLEMENTATION IN ECUADOR OF THE REGULATIONS CONTAINED IN THE 1951 CONVENTION RELATING TO THE STATUS OF REFUGEES AND IN ITS 1967 PROTOCOL, OF 30 SEPTEMBER, 1987</p> <p>ARTICLE 2 - The term "refugee" shall also apply to persons who have fled their country because their lives, safety or freedom have been threatened by generalised violence, foreign aggression, internal conflicts, massive violations of human rights or other circumstances which have seriously disturbed public order.</p> <p>Available in Spanish at:  <a href="http://www.acnur.org/t3/fileadmin/Documentos/BDL/2012/8855.pdf">http://www.acnur.org/t3/fileadmin/Documentos/BDL/2012/8855.pdf</a></p>	<p>2014</p> <p>1987</p>
<p><b>MEXICO</b></p>	<p>General Population Law (reform of)</p> <p>REPEALED. IT IS CITED FOR HISTORICAL REASONS.</p> <p>Article 42.- A Non-Immigrant is a foreigner who, with permission of the Ministry of the Interior, enters the country temporarily, under any of the following characteristics:  (...) VI.- REFUGEE.- To protect their life, safety or freedom, when they have been threatened by generalised violence, foreign aggression, internal conflicts, massive human rights violations or other circumstances which have seriously disturbed public order in their country of origin, and forced them to flee to another country.</p> <p>Available in Spanish at:  <a href="http://www.acnur.org/t3/fileadmin/Documentos/BDL/2001/0230.pdf">http://www.acnur.org/t3/fileadmin/Documentos/BDL/2001/0230.pdf</a></p> <p>Refugee Law and Complementary Protection</p> <p>Article 13. Refugee status shall be granted to all foreigners within the national territory who find themselves under any of the following circumstances:  (...) II. Who have fled their country of origin because their lives, safety or freedom have been threatened by generalised violence, foreign aggression, internal conflicts, massive violations of human rights or</p>	<p>1974</p> <p>2011</p>

	<p>other circumstances which have seriously disturbed public order.</p> <p>Available in Spanish at:  <a href="http://www.acnur.org/t3/fileadmin/Documentos/BDL/2010/8150.pdf">http://www.acnur.org/t3/fileadmin/Documentos/BDL/2010/8150.pdf</a></p> <p><b>RULES OF PROCEDURE OF REFUGEE LAW AND SUBSIDIARY PROTECTION</b></p> <p>Article 4.- For the purposes of the provisions of article 13 of the Law, the following definitions shall apply:</p> <p>I. Race: The applicant's membership of a particular ethnic group, or a group that shares characteristics of common descent;</p> <p>II. Religion: The professing or not of a religious belief, as well as the practice of ceremonies, devotions or acts of the respective religion, on the part of the applicant;</p> <p>III. Nationality: The applicant's membership of a particular group, due to their cultural, ethnic or linguistic identity, their common geographical or political origins, or their common convictions that are fundamental to their identity or conscience;</p> <p>IV. Gender: The gender or sexual preferences of the applicant;</p> <p>V. Membership of a particular social group: The applicant's membership of a group of people who have common characteristics or backgrounds, or who share convictions that are fundamental to their identity or conscience;</p> <p>VI. Political Opinions: The professing of opinions or ideas of the applicant, be they either their own or attributed to them, that constitute, or are interpreted as, a criticism or opposition to the policies, customs or methods of the persecuting agent;</p> <p>VII. Generalised violence: Conflict in the country of origin or habitual residence, of a continuous, generalised and sustained nature, in which force is used indiscriminately;</p> <p>VIII. Foreign aggression: The use of armed force by a State against the sovereignty, territorial integrity or political independence of the applicant's country of origin or habitual residence;</p> <p>IX. Internal conflicts: Armed hostilities that take place in the territory of the country of origin or habitual residence between its armed forces and organised armed groups or between these groups;</p> <p>X. Massive violations of human rights: Conduct that violates human rights and fundamental freedoms in the country of origin, on a large scale and in accordance with a specific policy, and</p> <p>XI. Other circumstances which have seriously disturbed public order: Situations that seriously disturb public peace in the applicant's country of origin or habitual residence and which are the result of acts attributable to man.</p> <p>Available in Spanish at:  <a href="http://www.acnur.org/t3/fileadmin/Documentos/BDL/2012/8339.pdf">http://www.acnur.org/t3/fileadmin/Documentos/BDL/2012/8339.pdf</a></p>	
<b>BELIZE</b>	<p><i>Refugees Act</i> (and its reforms), Sec. 4(1) c</p> <p>A person shall be a refugee for the purposes of this Act if owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, he is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality.</p> <p><a href="http://www.acnur.org/t3/fileadmin/Documentos/BDL/2007/4935.pdf">http://www.acnur.org/t3/fileadmin/Documentos/BDL/2007/4935.pdf</a></p>	1991

<b>BRAZIL</b>	<p>Law 9474, Art. 1, III</p> <p>A person shall be recognised as a refugee if: (...) III - due to serious and generalised human rights violations, they are forced to leave their country of nationality to seek refuge in another country.</p> <p>Available in Portuguese at: <a href="http://www.acnur.org/t3/fileadmin/Documentos/BDL/2002/0801.pdf">http://www.acnur.org/t3/fileadmin/Documentos/BDL/2002/0801.pdf</a></p>	1997
<b>GUATEMALA</b>	<p>Migration Code</p> <p>Article 43. Refuge. Foreigners may apply for refugee status before the State of Guatemala at the time of their entry into the country at an official immigration post.</p> <p>The procedure for the recognition of refugee status shall be provided in the respective regulations, in accordance with the legislation in force and the international instruments to which Guatemala is a party.</p> <p>Available in Spanish at: <a href="http://www.acnur.org/fileadmin/Documentos/BDL/2017/10978.pdf">http://www.acnur.org/fileadmin/Documentos/BDL/2017/10978.pdf</a> Note: Article 241 repeals Government Agreement 383-2001</p>	2016
<b>PARAGUAY</b>	<p>Law No. 1938 General Law on Refugees, Art. 1 (b)</p> <p>(...) The term refugee shall apply to all persons who (...) have been forced to leave their country because their lives, safety or freedom have been threatened by generalised violence, foreign aggression, internal conflicts, massive violations of human rights or other circumstances which have seriously disturbed public order.</p> <p>Available in Spanish at: <a href="http://www.acnur.org/t3/fileadmin/Documentos/BDL/2002/1565.pdf">http://www.acnur.org/t3/fileadmin/Documentos/BDL/2002/1565.pdf</a></p>	2002
<b>EL SALVADOR</b>	<p>Decree No. 918, Art. 4 C)</p> <p>(...) Refugees are considered those who have fled their country of origin because their lives, safety or freedom have been threatened by generalised violence, foreign aggression, internal conflicts, massive violations of human rights or other circumstances which have seriously disturbed public order.</p> <p>Available in Spanish at: <a href="http://www.acnur.org/t3/fileadmin/Documentos/BDL/2002/1567.pdf">http://www.acnur.org/t3/fileadmin/Documentos/BDL/2002/1567.pdf</a></p>	2002
<b>PERU</b>	<p>Law No. 27891. Refugee Act, Art. 3</p> <p>"Persons who have been forced to flee their country of nationality or habitual residence because of massive violations of human rights, foreign aggression, internal conflict, occupation or foreign domination; or on account of events which seriously disturb public order".</p> <p>Available in Spanish at: <a href="http://www.acnur.org/t3/fileadmin/Documentos/BDL/2003/1938.pdf">http://www.acnur.org/t3/fileadmin/Documentos/BDL/2003/1938.pdf</a></p>	2002

<b>Honduras</b>	<p>Migration Law, Art. 42. 3)</p> <p>Recognition of refugee status will be granted to those who "have fled their country because their lives, safety or freedom have been threatened due to any of the following reasons;</p> <p>a) Generalised, serious and sustained violence;</p> <p>b) Foreign aggression understood as the use of armed force by a State against the sovereignty, territorial integrity or political independence of the country of origin;</p> <p>c) Internal armed conflicts arising between the armed forces of the country from which they are fleeing and armed forces or armed groups;</p> <p>d) Massive, permanent and systematic violence against human rights; and,</p> <p>e) They suffer persecution through sexual violence or other forms of gender-based persecution based on violations of human rights enshrined in international instruments".</p> <p>Available in Spanish at:</p> <p><a href="http://www.acnur.org/t3/fileadmin/Documentos/BDL/2004/2528.pdf">http://www.acnur.org/t3/fileadmin/Documentos/BDL/2004/2528.pdf</a></p>	2004
<b>ARGENTINA</b>	<p>Law No. 26165. General Law on the Recognition and Protection of Refugees, Art. 4 (b)</p> <p>The term "refugee" shall apply to all persons who "have fled their country of nationality or of habitual residence in the case where they have no nationality because their lives, safety or freedom have been threatened by generalised violence, foreign aggression, internal conflicts, massive violations of human rights or other circumstances which have seriously disturbed public order".</p> <p>Available in Spanish at:</p> <p><a href="http://www.acnur.org/t3/fileadmin/Documentos/BDL/2006/4658.pdf">http://www.acnur.org/t3/fileadmin/Documentos/BDL/2006/4658.pdf</a></p>	2006
<b>URUGUAY</b>	<p>Law 18076 on the Status of Refugees, Art. 2 (B)</p> <p>The term "refugee" shall apply to all persons who "have fled the country of their nationality or who, having no nationality, have fled their country of residence because their lives, safety or freedom are threatened by generalised violence, aggression or foreign occupation, terrorism, internal conflicts, massive violations of human rights or any other circumstances that have seriously disturbed public order".</p> <p>Available in Spanish at:</p> <p><a href="http://www.acnur.org/t3/fileadmin/Documentos/BDL/2007/4752.pdf">http://www.acnur.org/t3/fileadmin/Documentos/BDL/2007/4752.pdf</a></p>	2006
<b>NICARAGUA</b>	<p>LAW No. 655 of Refugee Protection, Art. 1 C)</p> <p>The term "refugee" shall apply to all persons who "have fled their country of nationality or former habitual residence because their lives, safety or freedom have been threatened by generalised violence, foreign aggression, internal conflicts, massive violations of human</p>	2008

	<p>rights or other circumstances which have seriously disturbed public order".</p> <p>Available in Spanish at:</p> <p><a href="http://www.acnur.org/t3/fileadmin/Documentos/BDL/2008/6435.pdf">http://www.acnur.org/t3/fileadmin/Documentos/BDL/2008/6435.pdf</a></p>	
<b>COLOMBIA</b>	<p>Decree 2840 of 2013 (procedure for recognition...)</p> <p>Art.1. The term refugee shall apply to all persons  b) "who have been forced to leave their country because their lives, safety or freedom have been threatened by generalised violence, foreign aggression, internal conflicts, massive violations of human rights or other circumstances that have seriously disturbed public order".</p> <p>Note: the extended definition was initially incorporated in 1995.</p> <p>Available in Spanish at:</p> <p><a href="http://www.acnur.org/t3/fileadmin/Documentos/BDL/2014/9437.pdf">http://www.acnur.org/t3/fileadmin/Documentos/BDL/2014/9437.pdf</a></p> <p>Decree 1067 of 2015 "by means of which the Single Regulatory Decree of Foreign Affairs' Administrative Sector is issued" contains the same definition (Article 2.2.3.1.1.1).</p> <p>Available in Spanish at:</p> <p><a href="http://www.acnur.org/fileadmin/Documentos/BDL/2016/10819.pdf">http://www.acnur.org/fileadmin/Documentos/BDL/2016/10819.pdf</a></p>	<p>2013</p> <p>2015</p>
<b>CHILE</b>	<p>Law 20430. Establishes provisions on the protection of refugees, Art. 2.2</p> <p>Recognition of refugee status shall be granted to all persons who "have fled their country of nationality or habitual residence and whose lives, safety or freedom have been threatened by generalised violence, foreign aggression, internal conflicts, massive violations of human rights or other circumstances which have seriously disturbed public order in that country".</p> <p>Available in Spanish at:</p> <p><a href="http://www.acnur.org/t3/fileadmin/Documentos/BDL/2010/7733.pdf">http://www.acnur.org/t3/fileadmin/Documentos/BDL/2010/7733.pdf</a></p>	2010
<b>Costa Rica</b>	<p>Sentence of the Administrative Dispute Tribunal, Section Four, at fourteen hundred hours on 28 November, 2014 (vote number 0103-2014 IV) regarding the extended refugee definition in Costa Rica.</p> <p>The Court "concludes that the constitutional court has incorporated into domestic law the said declaration as a benchmark of constitutionality, which, in light of Canon thirteen of the Law of Constitutional Jurisdiction, obligates that it be so for all jurisdictional bodies and administrative procedures. This collegiate body understands the position of the state representative with respect to its analysis of articles seven and forty-eight regarding the effectiveness of international instruments, but it must discard it on the basis of the abovementioned legal imperative. Thus, <b>attention is drawn to the Directorate General of the Department of Migration and Foreign Nationals, in order that this statement be held as part of the</b></p>	2014

	<p><b>national law on future occasions, as interpreted by the Constitutional Chamber of the Supreme Court of Justice"</b>(emphasis added).</p> <p>It is based on the following resolutions of the Constitutional Chamber: "vote 2014004316 at nine fifteen on 28 March, two thousand and fourteen; in the same vein, vote 2014012025 at fourteen forty-five on 23 July, two thousand and fourteen can be quoted, as can vote 2011002105 at fifteen hundred hours on 23 February, two thousand and eleven, and 4679-2005"). It is argued that the principle of <i>non-refoulement</i> benefits refugees under the 1951 Convention and those covered by the Cartagena Declaration.</p> <p>Available in Spanish at:  <a href="http://www.acnur.org/t3/fileadmin/Documentos/BDL/2014/9880.pdf">http://www.acnur.org/t3/fileadmin/Documentos/BDL/2014/9880.pdf</a></p>	
<p><b>Declaration adopted on 13 December 2001 in Geneva, at the Ministerial Meeting of States Parties to the 1951 Convention or the 1967 Protocol</b></p>	<p>The States unanimously declare that they recognise "the importance of other human rights instruments and regional instruments for the protection of refugees, including (...) the 1984 Cartagena Declaration"</p> <p>See:  <a href="http://www.refworld.org/docid/3d60f5557.html">http://www.refworld.org/docid/3d60f5557.html</a></p>	<p>2001</p>
<p><b>Inter-American Court of Human Rights Case of Pacheco Tineo v Bolivia. Preliminary Objections, Merits, Reparations and Costs. Sentence of 25 November, 2013.</b></p>	<p>141. The Cartagena Declaration on Refugees was subsequently adopted at a conference held by UNHCR and other institutions which took place in November 1984 in Cartagena de Indias, Colombia. Among others, there were experts from the six Central American countries (Belize, Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua) and the countries that comprised the Contadora group (Colombia, Mexico, Panama and Venezuela), which extended the refugee definition to also cover as refugees, in addition to the elements of the 1951 Convention and the 1967 Protocol, those persons who have fled their countries because their lives, safety or freedom have been threatened by generalised violence, foreign aggression, internal conflicts, massive violations of human rights or other circumstances that have seriously disturbed public order.</p> <p>For a Summary of the Judgment see:  <a href="http://www.refworld.org/docid/53ce2cee4.html">http://www.refworld.org/docid/53ce2cee4.html</a></p>	<p>2013</p>
<p><b>Brazil Declaration, Brasilia</b></p>	<p>We, the participating governments of the countries of Latin America and the Caribbean,</p> <p><i>Highlight</i> the achievements attained through the adoption of the 1984 Cartagena Declaration on Refugees, the 1994 San Jose Declaration on Refugees and Displaced Persons, the 2004 Mexico Declaration and Plan of Action to Strengthen the International Protection of Refugees in Latin America, and the 2010 Brasilia Declaration on the Protection of Refugees and Stateless Persons in the Americas.</p>	<p>3 December 2014</p>

*We highlight* the fact that the extended refugee definition of the Cartagena Declaration has been incorporated, to a large extent, by the majority of the countries of Latin America into its domestic legislation, and *we recognise* the existence of new challenges regarding international protection for some countries in the region that need to continue making progress in the application of the extended regional refugee definition, thus responding to the new international protection needs caused, among others, by transnational organised crime.

<http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=5487065b4&skip=0&query=Brazil%20Declaration>

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