

AMNESTY INTERNATIONAL – PUBLIC STATEMENT

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URGENT MEASURES: VENEZUELAN S NEED INTERNATIONAL PROTECTION

Dear Presidents:

In the face of the issue of the forced migration of Venezuelans across regional borders, one of the most serious and largest-scale cases which the region has ever seen, the states of the Americas will meet today and tomorrow – 3 and 4 September – in the Ecuadorean capital of Quito, and on 5 September for the special session of the Permanent Council of the Organization of American States convened in Washington, D.C.

Given that the current situation of mass human rights violations taking place in Venezuela has led to the displacement of an unprecedented number of Venezuelan people, Amnesty International sends the states this document with its position on the situation, calling on them and on the international community to agree on the following urgent measures to guarantee the rights of Venezuelans who find themselves forced to migrate:

- **Unanimously declare that Venezuela is facing a situation of mass human rights violations and that, in such circumstances, people forced to flee require an immediate response under a framework of respect for human rights.** In addition, states must provide unrestricted access to international systems of protection such as refugee status and other complementary mechanisms, respecting their obligations as signatories to international agreements. They must not impose restrictions or conditions that impede access to these protection mechanisms, including the implementation of passport or visa controls.
- **Implement protection measures that allow a *prima facie* approach** and expedite access for Venezuelans to legal residency with appropriate safeguards, while strengthening their internal systems of protection.
- **Ensure strict adherence to and respect for the principle of non-refoulement.** For this purpose, states must guarantee minimum standards of legality and accessibility that allow Venezuelans access to public services and the exercise of their rights on an equal basis without discrimination, in particular rights to health, education, freedom of movement, the right to family unity and the right to work.
- **Equally protect the human rights of the destination communities and those in need of international protection** and guarantee their safety by supporting the socio-economic development of the local communities.
- **Work together with other actors from the international community – including specialized UN agencies such as the High Commissioner for Refugees and the International Organization for Migration – to find solutions of shared responsibility and implement the strategies discussed in the context of the Global Compact on Refugees.** In particular, they must take into account that lasting solutions require strong alliances and tangible commitments in terms of technical and economic resources. Latin America has the opportunity to advance the practice of the principle of shared responsibility that recognizes the complementarity between humanitarian aid and development funding, among other strategies, that allow refugees to actively participate in and contribute to destination countries.

We call on the states of the Americas to provide an immediate response which includes these criteria, in accordance with international standards and their obligations in terms of human rights.

URGENT MEASURES: VENEZUELANES NEED INTERNATIONAL PROTECTION

Venezuela has for years been experiencing a grave human rights crisis. Amnesty International has consistently denounced the recurring practice of politically-motivated arbitrary detentions, extrajudicial executions, cases of torture and other cruel, inhuman and degrading treatment, especially against political protesters or dissenters and the subjection of civilians to military tribunals, among other issues that demonstrate the clear deterioration of various civil and political rights in Venezuela. Amnesty International has also documented violations of economic, social and cultural rights, which have led to serious violations of the population's rights to health and adequate food¹. Venezuela's regression in respect for human rights is alarming, and one of the most notable consequences has been the dramatic increase in the number of people fleeing to other countries, principally in the Americas².

It is worth noting that the situation in Venezuela from 1997 to 2011 was different. The country achieved important advances to guarantee its population's rights to adequate housing, education and food³. Between 1998 and 2011, the poverty rate fell from 49.0% to 27.4% and the extreme poverty rate fell from 21.0% to 7.3%⁴. This led the UN agencies operating in Venezuela to recognize the country's achievements on repeated occasions⁵.

According to the Living Conditions Survey carried out by Venezuela's leading universities, however, in 2017, poverty had increased to 87% and extreme poverty to 61.2%, leading to a significant regression in the country's social indicators⁶. Venezuela experienced a grave and complex economic crisis caused by, among other factors, the fall of international oil prices (Venezuela depends on hydrocarbons for over 96% of its exports) and certain macro and microeconomic public policies. By the end of 2017, inflation was calculated at over 2,600%⁷. According to International Monetary Fund calculations, inflation could reach 1,000,000% by the end of 2018⁸. Even though Venezuela almost doubled the percent of Gross Domestic Product (GDP) invested in the country's public healthcare system from 1998 to 2010 (from 1.4% to 2.3%), this trend stagnated for several years and spending fell to 1.5% by 2014⁹. In that year, Venezuela invested less in public healthcare than every other country in Latin America and the Caribbean except Haiti¹⁰.

In 2016, then Secretary General of the United Nations Ban Ki-Moon called the situation in Venezuela a "humanitarian crisis" due to the lack of basic goods such as food, water, sanitary items and clothes¹¹, and offered the support of the UN to aid the country¹². More recently, the UN Office of the High Commissioner

¹ See: <http://www.amnistiaonline.org/SalidadeEmergencia/Default/Salida/>

² See: Amnesty International "Open Letter to the Present Ministers and the Organization of American States in the Context of the XLVIII OAS General Assembly. AMR 01/8484/2018 from 1 June 2018. Available at <https://www.amnesty.org/en/documents/amr01/8484/2018/en/>.

³ According to data used by the UN High Commissioner for Human Rights available at: https://www.ohchr.org/Documents/Countries/VE/VenezuelaReport2018_EN.pdf.

⁴ See National Statistics Institute (INE). "Statistical Synthesis of Poverty and Inequality Indicators." First Semester, 1997 - Second Semester 2011" of the Bolivarian Republic of Venezuela, available at http://www.ine.gov.ve/documentos/Boletines_Electronicos/Estadisticas_Sociales_y_Ambientales/Sintesis_Pobreza_e_Indicadores/pdf/2011Semestre_2.pdf

⁵ See UN Food and Agriculture Organization (FAO). "Reconocimiento de la FAO a Venezuela", available at <http://www.fao.org/americas/noticias/ver/en/c/230150/>. See also PAHO, "Country Report". See at: https://www.paho.org/salud-en-las-americas-2017/?page_id=163&lang=en.

⁶ See, PROVEA: ENCOVI 87% of Venezuelan households are impoverished, available at: <https://www.derechos.org/ve/actualidad/encovi-2017-87-de-los-hogares-venezolanos-estan-en-condicion-de-pobreza>

⁷ See World Bank. "Venezuela Overview", available at <http://www.worldbank.org/en/country/venezuela/overview>

⁸ See International Monetary Fund. "Outlook for the Americas: A Tougher Recovery", available at: <https://blogs.imf.org/2018/07/23/outlook-for-the-americas-a-tougher-recovery/>

⁹ See World Bank. "Public Health Spending (% of GDP) Venezuela", available at: <https://data.worldbank.org/indicator/SH.XPD.PUBL.ZS?locations=VE>

¹⁰ See WHO/PAHO. "Health in the Americas Summary: Regional Outlook and Country Profiles", available at: <https://www.paho.org/salud-en-las-americas-2017/wp-content/uploads/2017/09/Print-Version-English.pdf>

¹¹ See BBC. "Venezuela envoys disputes UN chief's humanitarian crisis remarks", available at: <http://www.bbc.com/news/worldlatin-america-37082927>

¹² See: "Venezuela envoy disputes UN chief's 'humanitarian crisis' remarks", available at <https://www.bbc.com/news/world-latin-america-37082927>

on Human Rights (OHCHR) affirmed in a report on the situation in Venezuela that “state authorities’ ineffective measures or inaction to address the acute deterioration of health care facilities and equipment, the unavailability of medicines, in particular for patients with chronic diseases, and the outbreak of diseases that had been eradicated, led to violations of the right to an adequate standard of health of a large number of people throughout the country”¹³. The few health indicators available show that between 2015 and 2016 maternal mortality increased by 65% and infant mortality increased by 30%. The high rate of medicine shortage, calculated by the Venezuelan Pharmaceutical Federation at 85%¹⁴, and of medical supplies, along with the deterioration of hospital infrastructure, have led to a complete nationwide collapse of Venezuela’s medical system.

The OHCHR report also observed that “food availability was at a critical level as food imports had been reduced by 76 per cent between 2013 and 2017 and domestic food production had dropped from covering 75 per cent of the food demand in 2013 to only 25 per cent by the end of 2017”¹⁵. It also stated that at the end of 2017, “Venezuelans were reportedly consuming only 75 per cent of their daily caloric requirements, particularly affecting the poorest sector of the population”¹⁶. The situation has worsened in 2018.

In the report “Democratic Institutions, Rule of Law and Human Rights in Venezuela”, the Inter-American Commission on Human Rights (IACHR) observed that “for several years [...] the IACHR has been observing a gradual deterioration in the democratic institutional system and the human rights situation in Venezuela that has become significantly more intense and widespread since 2015”¹⁷. The IACHR has also observed in Venezuela “an alarming increase in repression, violence and public insecurity. The report further states that the government’s response has been characterized by the militarization of public security. This has resulted in the sustained increase in extrajudicial executions, which rose 37% from 2014 to 2015 and 70% from 2015 to 2016”¹⁸.

Further, the IACHR recognized the grave economic and social crisis in the country, characterized by a general shortage of food¹⁹, medicines²⁰, treatment, medical supplies and other basic goods. It also recognized alarming rates of poverty and extreme poverty and serious obstacles to the exercise of economic, social, cultural and environmental rights for the population, like the rights to adequate food, education, and housing. The IACHR established that these problems have disproportionately affected historically marginalized and discriminated groups such as children and adolescents, women, the elderly

¹³ See: OHCHR: Human Rights Violations in the Bolivarian Republic of Venezuela: A downward spiral with no end in sight”, June 2018, available at <https://www.ohchr.org/EN/Countries/LACRegion/Pages/VEReportsOHCHR.aspx>

¹⁴ See: “La Federación Farmacéutica Venezolana cifra la escasez de medicamentos en 85%”: EFE, available at: <https://www.efe.com/efe/america/sociedad/la-federacion-farmaceutica-venezolana-cifra-escasez-de-medicinas-en-un-85/20000013-3161928>

¹⁵ See: OHCHR: Human Rights Violations in the Bolivarian Republic of Venezuela: A downward spiral with no end in sight”, June 2018, available at <https://www.ohchr.org/EN/Countries/LACRegion/Pages/VEReportsOHCHR.aspx>, p. 60

¹⁶ See: OHCHR: Human Rights Violations in the Bolivarian Republic of Venezuela: A downward spiral with no end in sight”, June 2018, available at <https://www.ohchr.org/EN/Countries/LACRegion/Pages/VEReportsOHCHR.aspx>, p. 60

¹⁷ See: IACHR “Democratic Institutions, the Rule of Law and Human Rights in Venezuela. Country Report”. http://www.oas.org/en/iachr/media_center/PReleases/2018/025.asp. December 2017. Paragraph 11.

¹⁸ See: IACHR “Democratic Institutions, the Rule of Law and Human Rights in Venezuela. Country Report”. http://www.oas.org/en/iachr/media_center/PReleases/2018/025.asp. d 2017. Paragraph 26

¹⁹ The IACHR stated that “As regards the right to food, shortages and, in some cases, a complete lack of supply has reached critical levels. For many, this situation has led to excessive weight loss and malnutrition issues and even death, not just the lack of adequate access to food”. See IACHR “Democratic Institutions, the Rule of Law and Human Rights in Venezuela. Country Report”. http://www.oas.org/en/iachr/media_center/PReleases/2018/025.asp. December 2017. Paragraph 32.

²⁰ The IACHR stated that “As a consequence of the grave economic and social crisis, disease outbreaks and other impacts on health have taken place, in the context of which the scarcity of medications, materials, inputs, and medical treatment is concerning, particularly due to their impact on pregnant women, children and adolescents, the elderly, and people living with severe illnesses, chronic conditions, or the human immunodeficiency virus (HIV) and/or Acquired Immune Deficiency Syndrome (AIDS). Infant and maternal mortality rates have increased, as has the number of epidemics. By and large, in this scenario, the State has failed to provide the necessary access to health care.” See IACHR “Democratic Institutions, the Rule of Law and Human Rights in Venezuela. Country Report”. http://www.oas.org/en/iachr/media_center/PReleases/2018/025.asp. December 2017. Paragraph 31.

and Indigenous Peoples²¹.

Faced with this undeniable reality, Amnesty International concludes that Venezuela's current situation constitutes a situation of massive violations of human rights. The country's prevailing impunity, as well as the lack of serious investigations into grave human rights violations that would force perpetrators to face justice regardless of their position, aggravate this crisis.

Venezuelan refugees in numbers

The United Nations (UN) recently observed that there are at least 2.3 million Venezuelans living outside of Venezuela and that of these at least 1.6 million have left the country since 2015. It is estimated that 90% of them have moved to other South American countries²². The magnitude and the speed of this movement not only show that it constitutes one of the gravest and largest problems of human migration in the history of the region, but also led the UN to affirm that the situation is becoming "a moment of crisis that we have seen in other parts of the world, especially in the Mediterranean"²³.

The UN High Commissioner for Refugees (UNHCR) estimates that between 2014 and 2018, at least 299,016 Venezuelans have requested asylum across the world²⁴. By June 2018, Venezuelans had submitted 117,000 requests for recognition of refugee status, more than during all of 2017. The UNHCR also estimated that around 60% of Venezuelans who have left the country lack legal status and proper documentation. Among them are those who are unlikely to apply for asylum or other legal status, generally due to bureaucratic obstacles, long wait times or high processing costs²⁵.

There is no doubt that South American countries have received the majority of Venezuelans, especially in 2018. Recent data show that there are at least 250,000 Venezuelans in Ecuador²⁶, between 850,000 to 1,000,000 in Colombia²⁷, 414,000 in Peru²⁸ and 52,000 in Brazil²⁹. Peru has accepted more refugee requests from Venezuelans than any other country (126,997), followed by the US (72,722) and Brazil (32,744)³⁰.

It must be noted that the number of asylum requests in different countries does not reflect the true, much greater number of Venezuelans who have fled the country and urgently need international protection. Several countries have adopted alternative mechanisms of legalization, as Colombia has, or alternative means for documentation through different kinds of visas.

Urgent measures: human rights for all Venezuelans who flee

²¹ See: IACHR "Democratic Institutions, the Rule of Law and Human Rights in Venezuela. Country Report". http://www.oas.org/en/iachr/media_center/PReleases/2018/025.asp. December 2017. Paragraph 29.

²² International Organization for Migration: UNHCR and OIM chiefs call for more support as the outflow of Venezuelans rise across the region. Available at: <https://www.iom.int/news/unhcr-and-iom-chiefs-call-more-support-outflow-venezuelans-rises-across-region>

²³ "UN agency sees Venezuelan exodus nearing a crisis point", 25 August 2018, Available at <https://www.reuters.com/article/us-venezuela-migration-un/venezuelan-exodus-approaching-crisis-moment-u-n-agency-idUSKCN1L91E3>

²⁴ See: UNHCR. Operational Portal; refugee situation. Available at <https://data2.unhcr.org/en/situations/vensit>

²⁵ UNHCR: Venezuela Situation as of June 2018. Fact Sheet. Available at:

<https://reliefweb.int/sites/reliefweb.int/files/resources/UNHCR%20Venezuela%20Situation%20June.pdf>

²⁶ See: "Moreno reiterates that Ecuador has welcomed 250,000 Venezuelans despite difficulties", 16 August 2018, available at:

<https://elcomercio.pe/mundo/latinoamerica/lenin-moreno-recuerda-ecuador-acoge-250-000-venezolanos-pese-dificultades-noticia-547698>

²⁷ Colombian Ministry of Foreign Relations: "More than 870,000 Venezuelans resident in Colombia", July 2018, available at:

<http://www.migracioncolombia.gov.co/index.php/es/prensa/comunicados/comunicados-2018/julio-2018/7929-mas-de-870-mil-venezolanos-estan-radicalados-en-colombia>

²⁸ See: "Immigration reports 414,000 Venezuelans in Peru", 29 August 2018, available at: <https://diariocorreo.pe/peru/migraciones-informa-414-mil-venezolanos-peru-838759/>

²⁹ UN: "More than 800 Venezuelans enter Brazil daily", 6 April 2018, available at: <https://news.un.org/es/story/2018/04/1430512>

³⁰ See: <https://data2.unhcr.org/en/situations/vensit>

Several international and regional human rights organizations have spoken out on the situation in Venezuela and its consequences in terms of human mobility. The IACHR released resolution O2/18 on “Forced Migration of Venezuelans”³¹ in which it stated that the massive violations of human rights and the grave food and sanitation crisis that Venezuela faces has led to the exponential acceleration of the flight of hundreds of thousands of Venezuelans who have found it necessary to migrate and request international protection³². The IACHR has also stated that “the broad circumstances leading to the outflow of Venezuelan nationals would fall within the spirit of the Cartagena Declaration”³³.

In this context it is clear that there is a direct relationship between the constant and massive movement of thousands of Venezuelans leaving the country and the grave human rights crisis in Venezuela. The Convention on the Status of Refugees³⁴ establishes that refugees are defined as those who, “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”

At the regional level, the Declaration of Cartagena establishes an extended definition of the concept of refugee status compared with the Convention on the Status of Refugees³⁵. It offers refugee status to *persons who have fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order*. An analysis of this definition shows that to be considered a refugee a person must be threatened with any of five situations in a certain territory: generalized violence, foreign aggression, internal conflicts, massive violations of human rights or other circumstances that have seriously disturbed public order³⁶. This extended definition has been adopted by the legislatures of 14 Latin American nations³⁷.

The 1989 International Conference on Central American Refugees (ICCAR) established that “violations of human rights and fundamental freedoms, as defined in the Universal Declaration of Human Rights and other relevant international instruments, had been and continued to be among the principal causes of massive flows of refugees. As long as denials of civil, political, economic, social and cultural rights took the form of a consistent pattern of gross violations, the danger of massive flows of refugees would persist”³⁸.

In 2013, a group of experts meeting on the “Interpretation of the extended refugee definition contained in the 1984 Cartagena Declaration of Refugees” followed the interpretation of the Inter-American Court and stated that the term “massive violations of human rights” refers to the severity or the magnitude of reported violations. This applies, for example, when it is difficult to precisely identify victims due to the

³¹ See: IACHR Resolution O2/18 “Forced Migration of Venezuelans”, available at <http://www.oas.org/en/iachr/decisions/pdf/Resolution-2-18-en.pdf>

³² *Idem*

³³ *Idem*

³⁴ See “The 1951 Refugee Convention”. Adopted in Geneva, Switzerland, 28 July 1951 by the Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons (United Nations), called by the General Assembly in resolution 429 (V), 14 December 1950.

³⁵ The Inter-American Court of Human Rights has stated that the Cartagena Declaration “expanded the definition of refugee to include as refugees, in addition to the elements of the 1951 Convention and the 1967 Protocol, persons who have fled their countries because their life, safety or freedom had been threatened by generalized violence, foreign aggression, internal conflicts, mass human rights violations, or other circumstances that may have seriously disturbed public order.” See IACHR *Case Pacheco Tineo Family Vs. Bolivia*. “Preliminary objections, merits, reparations and costs.” Judgment of 25 November 2013. Series C No. 272. Paragraph 141.

³⁶ Colloquium on the International Protection of Refugees in Central America, Mexico and Panama, Cartagena Declaration on Refugees, 22 November 1984, Conclusions and Recommendations section III, paragraph 3.

³⁷ Argentina, Belize, Bolivia, Brazil, Chile, Colombia, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Paraguay, Peru and Uruguay. Information from the IACHR. See: IACHR, *Case Pacheco Tineo Family Vs. Bolivia*. Preliminary objections, merits, reparations and costs.” Judgment of 25 November 2013. Series C No. 272. Paragraph 141.

³⁸ See: *International Co-operation to Avert New Flows of Refugees: Note by the Secretary-General*, 13 May 1986, A/41/324, available at: <http://www.refworld.org/docid/3ae68bee4.html>

wide reach of the human rights violations perpetrated against groups or entire communities. Similarly, this group of experts determined that “massive violations of human rights” also applies when violations go beyond the direct victims and affect other segments of the population or even society as a whole. This interpretation demonstrates that the Cartagena definition of a refugee should be activated to address the Venezuela refugee crisis³⁹.

RECOMMENDATIONS

Faced with the massive violations of human rights occurring in Venezuela and the grave problem of forced migration of Venezuelans, Amnesty International presents the following recommendations to governments and the international community:

- The governments of Latin America must unanimously express that Venezuela is experiencing massive violations of human rights and that in this context the people forced to flee require an immediate response under the framework of human rights. States in the region must provide access without restrictions to international systems of protections like refugee status or other complementary mechanisms, respecting their obligations as signatories to international agreements. States must not impose obstacles and/or conditions that prevent access to these protection mechanisms, like requiring passports or visas.
- Given the magnitude and the speed of the displacement of people, states must take measures to protect Venezuelan refugees that allow a *prima facie* recognition that gives them legal status through legal residency and appropriate safeguards, strengthening also internal systems of protection.
- This recognition must include the strict adherence to and respect for the principle of non-refoulement. In this context, states must guarantee minimum standards of legality and accessibility that allow Venezuelans to obtain appropriate solutions, to access public services and to access equal rights without discrimination to, in particular, health, education, freedom of movement, family unity and work.
- States have the obligation to protect the human rights of both destination communities and the people in need of international protection, and to guarantee their safety by supporting the local community's socio-economic development.
- States and other actors of the international community, including specialized UN agencies like the High Commissioner for Refugees and the International Organization for Migration, must work together to seek solutions that allow states to share responsibility and activate the strategies discussed in deliberations on the Global Compact on Refugees. They must especially consider that lasting solutions require strong alliances and tangible commitments in terms of technical and economic resources. Latin America has an opportunity to advance the practice of the principle of shared responsibility that recognizes the complementarity of humanitarian aid and development funding, among other strategies, to allow refugees to actively participate in and contribute to destination countries.

³⁹ See: Expert roundtable Interpretation of the extended refugee definition contained Conclusion III (Cartagena refugee definition) of 1984. Montevideo, Uruguay, 15 and 16 October 2013. Available at <http://www.unhcr.org/53bd4d0c9.pdf>