



# WELCOME VENEZUELA

PEOPLE FLEEING MASSIVE HUMAN RIGHTS VIOLATIONS IN VENEZUELA



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First published in 2019

by Amnesty International Ltd.

Peter Benenson House, 1 Easton Street  
London WC1X 0DW, United Kingdom

Index: AMR 53/0244/2019

Original language: Spanish

**amnesty.org**



*Cover photo: Venezuelan people interviewed by Amnesty International in Argentina, Colombia y Perú © Amnesty International*

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# INTRODUCTION: AN UNPRECEDENTED CRISIS

Venezuela is suffering an unprecedented human rights crisis that is not only affecting millions of people inside the country but which has also forced one in every ten people in Venezuela to leave their homes in the last four years.<sup>1</sup> These millions of people, both inside and outside the country, have suffered and are continuing to suffer human rights violations such as the right to life, health or food, rights which are neither guaranteed nor protected by Nicolás Maduro's government.

Instead of acknowledging and addressing this deep human rights crisis, the authorities are implementing a systematic and widespread policy of repression against those people who are bravely calling for a change in government and for guaranteed access to medicines, water, education, work and other human rights.<sup>2</sup> Moreover, a biased justice system is denying victims the right to truth, justice and reparations, reinforcing the lack of protection of those suffering these violations.<sup>3</sup> Faced with this reality, millions are leaving to seek the protection of other states.

It was against this backdrop that, in September 2018, Amnesty International called on the states of the Americas to “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.”<sup>4</sup>

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<sup>1</sup> There are approximately 3.7 million Venezuelan refugees and migrants across the world. R4V América Latina y el Caribe, refugiados y migrantes venezolanos en la región [R4V Latin America and the Caribbean, Venezuelan refugees and migrants in the region] - March 2019. UNHCR. Venezuelan situation. Accessed 11 April 2019. See: <https://data2.unhcr.org/en/documents/details/68962>

<sup>2</sup> Amnesty International. Venezuela: Hunger, punishment and fear, the formula for repression used by authorities under Nicolás Maduro, 20 February 2019. See: [www.amnesty.org/en/latest/news/2019/02/venezuela-hunger-punishment-and-fear-the-formula-for-repression-used-by-authorities-under-nicolas-maduro](http://www.amnesty.org/en/latest/news/2019/02/venezuela-hunger-punishment-and-fear-the-formula-for-repression-used-by-authorities-under-nicolas-maduro)

<sup>3</sup> Amnesty International, Venezuela: This is no way to live: Public security and right to life in Venezuela, 20 September 2018 See: [www.amnesty.org/en/documents/amr53/8975/2018/en/](http://www.amnesty.org/en/documents/amr53/8975/2018/en/)

<sup>4</sup> Amnesty International, Americas: Urgent measures: Venezuelans need international protection, 3 September 2018. See: [www.amnesty.org/en/documents/amr01/9019/2018/en/](http://www.amnesty.org/en/documents/amr01/9019/2018/en/)

# METHODOLOGY

In writing this document, Amnesty International interviewed at least 47 individual Venezuelans in Argentina, Colombia, Peru and Uruguay,<sup>5</sup> and also met with representatives of international organizations, including the International Organization for Migration (IOM) and the Office of the United Nations High Commissioner for Refugees (UNHCR), along with national and international civil society organizations. As for the situation inside Venezuela, this document is based on research and statements previously issued by Amnesty International.<sup>6</sup>

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<sup>5</sup> Of these 47 people: 26 were women, 21 men; 16 were aged 18-25, 23 were aged 26-35, and 8 were over 36 years old. Five interviews were held in Montevideo (Uruguay), 15 in Buenos Aires (Argentina), eight in Bogotá (Colombia), seven in Cartagena de Indias (Colombia), and 12 in Lima (Peru).

<sup>6</sup> Amnesty International, Country page, Venezuela. See: [www.amnesty.org/en/countries/americas/venezuela/](http://www.amnesty.org/en/countries/americas/venezuela/)

# 1. "AN UNLIVEABLE COUNTRY": LIFE INSIDE VENEZUELA

**“This country is unliveable. You live the same way you would if you were a bum, you work but you don’t have enough money to buy food. There are no medicines and not enough money. We don’t have what we need to survive.”**

Familiares de Alixon Pisani entrevistados por Amnistía Internacional, Venezuela, febrero de 2019.<sup>7</sup>



 ↑ Relative of Alixon Pisani, Venezuela, February 2019 © Amnesty International

Amnesty International has documented and denounced a whole range of human rights violations Venezuela for years: civil and political rights and also economic, social and cultural rights. These violations are taking place right across the country, from Táchira in the west, through Caracas and as far as Amazonas state on the border with Brazil. This demonstrates a context of mass human rights violations. This is a significant and representative term as it refers to the degree and extent of the violations documented in the country. The victims are not only individuals but also entire communities.<sup>8</sup>

Amnesty International has been reporting the dramatic social decline taking place in Venezuela since 2016, a situation that is primarily affecting guarantees of social and

<sup>7</sup> Relatives of Alixon Pisani in interview with Amnesty International, Venezuela, February 2019.

<sup>8</sup> Amnesty International, Americas: Urgent measures: Venezuelans need international protection, 3 September 2018. See: [www.amnesty.org/en/documents/amr01/9019/2018/en/](http://www.amnesty.org/en/documents/amr01/9019/2018/en/)

economic rights such as the right to health, work and food.<sup>9</sup> The UN estimates that at least seven million people in Venezuela require humanitarian assistance.<sup>10</sup> The lack of transparency from Venezuelan authorities, who stopped publishing official data years ago, makes it difficult to measure the extent of this crisis but there are a number of indicators. For example, maternal mortality increased by 65% between 2015 and 2016 and infant mortality by 30%.<sup>11</sup> Some international organizations, such as the UN Food and Agriculture Organization (FAO) and the United Nations Children's Fund (UNICEF) have also reported child malnutrition<sup>12</sup>, under-nutrition<sup>13</sup> and the reappearance of previously eradicated diseases.<sup>14</sup> It has been calculated that there is an 85% shortage of medicines and more than half of all health centres have collapsed.<sup>15</sup> Those who do have access to goods and basic services are suffering under excruciating hyperinflation. These are just a few examples.

The serious and steady deterioration in the living standards under Nicolás Maduro's government has led thousands of people to protest in demand of their rights. However, the authorities' systematic response has been to suppress social protest and political dissidence with violence.

In this context, violations of civil and political rights have included arbitrary detentions, extrajudicial executions, the abusive use of force, torture and other ill-treatment, and violations of due process, freedom of the press, assembly and expression, among others.<sup>16</sup> The victims have different profiles but they do all have one thing in common: they are opposed to the government or perceived as such by those in power. Well-known figures from opposition parties have been detained and prosecuted, such as the prisoner of conscience Leopoldo López; however, other lesser-known people have also suffered a similar fate. Geraldine Chacón, a prisoner of conscience at 24 years of age, was arrested by the Bolivarian National Intelligence Service (SEBIN) for conducting human rights education programmes with youth in disadvantaged areas of Caracas.<sup>17</sup> These are just two cases among many.

Politically motivated arbitrary detentions, coupled with the abusive use of force to suppress protests, are being used by the authorities in a systematic and widespread manner to silence the voices of those who criticize, dissent or who are perceived as a threat to Nicolás Maduro's government.<sup>18</sup> According to the Venezuelan Observatory of Social Conflict (Observatorio Venezolano de Conflictividad Social), these voices protested at 12,715 demonstrations in

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<sup>9</sup> Amnesty International, Venezuela: In intensive care, 22 June 2016. See: [www.amnesty.org/en/latest/news/2016/06/venezuela-in-intensive-care/](http://www.amnesty.org/en/latest/news/2016/06/venezuela-in-intensive-care/)

<sup>10</sup> Under Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mark Lowcock: Briefing to the Security Council on the humanitarian situation in Venezuela, New York, 10 April 2019. See: [www.reliefweb.int/report/venezuela-bolivarian-republic/under-secretary-general-humanitarian-affairs-and-emergency](http://www.reliefweb.int/report/venezuela-bolivarian-republic/under-secretary-general-humanitarian-affairs-and-emergency)

<sup>11</sup> Ministry of People's Power for Health in Venezuela. Boletín Epidemiológico [Epidemiological Bulletin], epidemiological week no. 52, 2016.

<sup>12</sup> In the three years from 2015-2017, Venezuela was the second highest country in terms of the prevalence of hunger, which almost tripled between the 2010-2012 (3.6%) and 2015-2017 (11.7%) periods. In addition, the number of people exceeded 3.7 million. FAO. Panorama of food and nutrition security in Latin America and the Caribbean 2018

<sup>13</sup> UNICEF. "The prevalence of malnutrition among children in Venezuela is increasing as the economic crisis deepens." See: [https://www.unicef.org/venezuela/spanish/media\\_37929.html](https://www.unicef.org/venezuela/spanish/media_37929.html)

<sup>14</sup> World Health Organisation. World Malaria Report, 2017. See: <http://apps.who.int/iris/bitstream/10665/259492/1/9789241565523-eng.pdf?ua=>

<sup>15</sup> EFE, La Federación Farmacéutica Venezolana cifra la escasez de medicamentos en 85%" [Venezuelan Pharmaceuticals Federation estimates drugs shortage at 85%], available at [www.efe.com/efe/america/sociedad/la-federacion-farmacautica-venezolana-cifra-escasez-de-medicinas-en-un-85/20000013-3161928](http://www.efe.com/efe/america/sociedad/la-federacion-farmacautica-venezolana-cifra-escasez-de-medicinas-en-un-85/20000013-3161928)

<sup>16</sup> Amnesty International, Silenced by force: Politically-motivated arbitrary detentions in Venezuela, 26 April 2017. See: [www.amnesty.org/es/documents/amr53/6014/2017/es/](http://www.amnesty.org/es/documents/amr53/6014/2017/es/); This is no way to live: Public security and right to life in Venezuela, 20 September 2018 See: [www.amnesty.org/es/documents/amr53/8975/2018/es/](http://www.amnesty.org/es/documents/amr53/8975/2018/es/); Hunger, punishment and fear, the formula for repression used by authorities under Nicolás Maduro, 20 February 2019. See: [www.amnesty.org/en/latest/news/2019/02/venezuela-hunger-punishment-and-fear-the-formula-for-repression-used-by-authorities-under-nicolas-maduro](http://www.amnesty.org/en/latest/news/2019/02/venezuela-hunger-punishment-and-fear-the-formula-for-repression-used-by-authorities-under-nicolas-maduro)

<sup>17</sup> Amnesty International, Venezuela: Venezuela: Sentence against opposition leader shows utter lack of judicial independence, 10 September 2015. See: [www.amnesty.org/en/latest/news/2015/09/venezuela-sentence-against-opposition-leader-shows-utter-lack-of-judicial-independence/](http://www.amnesty.org/en/latest/news/2015/09/venezuela-sentence-against-opposition-leader-shows-utter-lack-of-judicial-independence/); Prisoners of conscience's release blocked, 27 April 2018. See: [www.amnesty.org/en/documents/amr53/8290/2018/en/](http://www.amnesty.org/en/documents/amr53/8290/2018/en/)

<sup>18</sup> Amnesty International, Venezuela: Lethal violence, a state policy to strangle dissent, 10 July 2017. See: [www.amnesty.org/en/latest/news/2017/07/venezuela-violencia-lethal-una-politica-de-estado-para-asfixiar-a-la-disidencia/](http://www.amnesty.org/en/latest/news/2017/07/venezuela-violencia-lethal-una-politica-de-estado-para-asfixiar-a-la-disidencia/)

2018, an average of 35 a day, most of them demanding access to food, work and such basic services as water.<sup>19</sup>

Behind these figures lie innumerable victims. The relatives of two young men who lost their lives for protesting in January 2019<sup>20</sup> told Amnesty International that “instead of resolving the water, fuel, things we need, public services, they send us a bunch of killers to fill us with bullets, pain and suffering.”<sup>21</sup> Another family explains that Venezuela “is an unliveable country. As much as you work, you don’t earn enough to buy food, there are no medicines, the money is not enough. We are suffering just to survive.”<sup>22</sup>

A country with massive human rights violations is a country in which it is impossible to live and millions of Venezuelans have fled in order to survive.

## 2. "YOU LEAVE TO FIND A WAY FORWARD": OUTSIDE VENEZUELA

**“The reason to leave my country behind was the humanitarian crisis going on there.”**

Albany Alfonso in interview with Amnesty International, Cartagena de Indias, Colombia, 18 January 2019.<sup>23</sup>



 ↑ Albany Alfonso, Cartagena de Indias, Colombia, January 2019 © Amnesty International

<sup>19</sup> Observatorio de Conflictividad Social, OVCS. Conflictividad social en Venezuela 2018 [Social Conflict in Venezuela 2018]. See: [www.observatoriodeconflictos.org.ve/tendencias-de-la-conflictividad/conflictividad-social-en-venezuela-2018](http://www.observatoriodeconflictos.org.ve/tendencias-de-la-conflictividad/conflictividad-social-en-venezuela-2018)

<sup>20</sup> Hunger, punishment and fear, the formula for repression used by authorities under Nicolás Maduro, 20 February 2019. See: [www.amnesty.org/en/latest/news/2019/02/venezuela-hunger-punishment-and-fear-the-formula-for-repression-used-by-authorities-under-nicolas-maduro](http://www.amnesty.org/en/latest/news/2019/02/venezuela-hunger-punishment-and-fear-the-formula-for-repression-used-by-authorities-under-nicolas-maduro)

<sup>21</sup> Relatives of Cristian Alejandro Ramos Angulo in interview with Amnesty International, Venezuela, February 2019.

<sup>22</sup> Relatives of Alixon Pisani in interview with Amnesty International, Venezuela, February 2019.

<sup>23</sup> Albany Alfonso in interview with Amnesty International, Cartagena de Indias, Colombia, 15 January 2019.

## 2.1 REGIONAL OVERVIEW

At least 3.7 million people have left Venezuela to escape the mass human rights violations in the country, most of them since 2015.<sup>24</sup> These people represent more than 10 percent of Venezuela's total population. Around 3 million are now living in other countries of Latin America and the Caribbean, mainly Colombia (1.2 million), Peru (728,000), Chile (288,000), Ecuador (221,000) and Argentina (130,000).<sup>25</sup> It is, however, likely that the number of Venezuelans in the region is actually higher, as most official sources do not include those living abroad without a regular status.

Other countries such as Brazil (96,000) and those in the Caribbean (Dominican Republic, 28,500, Curacao, 26,000) have also received Venezuelans fleeing the human rights crisis.<sup>26</sup> Although Venezuelans reaching these countries are fewer in number compared to the countries of South America, it is also true that they are settling in smaller and more isolated communities, many of which lack a legal framework for international protection, creating additional challenges for their protection.

Many of the region's states have denounced the political and human rights crisis in Venezuela, establishing different international spaces from which to call on the Venezuelan authorities to bring the crisis in the country to an end. The Lima Group, for example, was established in August 2017 following the adoption of the Lima Declaration, initially signed by Argentina, Brazil, Canada, Chile, Colombia, Costa Rica, Guatemala, Honduras, Mexico (which left the group after a new government came into office in December 2018), Panama, Paraguay and Peru.<sup>27</sup> These countries were later joined by Guyana and Saint Lucia.<sup>28</sup>

The following section tells the story of a number of Venezuelans living in different parts of South America. Their stories illustrate the realities that forced these people to leave their homes and also highlight the challenges facing the countries of the Americas.

## 2.2 IN COLOMBIA

"If you want to find a way forward, you have to leave. Because if you want to die, you stay there," says Khristopher Castillo in Bogotá.<sup>29</sup> Khristopher arrived in Bogotá on 16 March 2018. He is a 33-year-old journalist from Maracaibo, close to the border with Colombia. He explains that the lack of medicines in Venezuela was one of the reasons that forced him to leave his home and his family behind. He also recalls seeing "whole families eating out of the garbage" for lack of food. During his last two years in Venezuela, Khristopher lost 20 kilos due to limited access to food. Given the proximity of his home town to the border, he travelled to Colombia by bus. His aim was to move on to Chile but he couldn't reach his destination. He uses a familiar expression to explain how the scarce resources with which he left Venezuela forced him to stay in Colombia: "You have to cut your coat according to your cloth." Now he is working as a street vendor in Bogotá, where he is living with a residence permit.

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<sup>24</sup> UNHCR and IOM, Coordination Platform for Refugees and Migrants from Venezuela, accessed 11 April 2019. See: [r4v.info/en/situations/platform](http://r4v.info/en/situations/platform)

<sup>25</sup> Idem.

<sup>26</sup> Idem.

<sup>27</sup> Government of Peru, Ministry of Foreign Affairs, Lima Declaration, 8 August 2017. See: [www.gob.pe/institucion/rree/noticias/4702-declaracion-de-lima](http://www.gob.pe/institucion/rree/noticias/4702-declaracion-de-lima)

<sup>28</sup> Ministry of Foreign Affairs and Religion, Declaration of the Lima Group, 4 January 2019. See: [www.cancilleria.gob.ar/es/actualidad/noticias/declaracion-del-grupo-de-lima](http://www.cancilleria.gob.ar/es/actualidad/noticias/declaracion-del-grupo-de-lima)

<sup>29</sup> Khristopher Castillo in interview with Amnesty International, Bogotá, Colombia, 15 January 2019.



 ↑ *Khristopher Castillo, Bogotá, Colombia, January 2019 © Amnesty International*

Colombia has received the largest number of Venezuelans, at least 1.2 million people. UNHCR and IOM have identified different flows of people between Venezuela and Colombia: those undertaking pendular movement, travelling back and forth across the border on a daily basis to obtain products not available in Venezuela; in transit, with a final destination beyond Colombia; returnees, people who had previously sought refuge in Venezuela and are now returning to Colombia; and, finally, those who remain in the country.<sup>30</sup>

According to UNHCR, as of 31 January 2019, the Colombian authorities had recorded a total of 4,170 requests for refugee status from Venezuelans since 2014,<sup>31</sup> out of a total of more than 1,100,000 people, many of them reaching Colombia with immediate need for international protection.<sup>32</sup> It is likely that Colombia does not have a strong identification system as it has traditionally been a country of origin of people in need of international protection. Even bearing this in mind, and despite the number of requests, Colombia granted refugee status to just 12 Venezuelans in 2014, and the same number in 2015. In 2016, this number fell to four and in 2017 it climbed back up to 18.<sup>33</sup>

According to official figures from the Colombian government, almost 600,000 Venezuelans are in the country with a regular status, including those with residence permits and those with PEP (special residency permit, Permiso Especial de Permanencia in Spanish). The latter was created in 2017 for people entering through the regular checkpoints. It grants the right to remain in Colombia for up to two years plus other rights including the right to work, health and education.<sup>34</sup> Requirements include that the person must have entered Colombia with a passport and through the regular border points, that they were on Colombian territory as of 17 December 2018 and they have no criminal record. Those who cannot meet the documentary and administrative requirements, often because they are in highly precarious situations, are left in a seriously vulnerable position.

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<sup>30</sup> UNHCR and IOM, Regional Refugee and Migrant Response Plan, 1 April 2019, p.37 See: [r4v.info/en/documents/details/68669](http://r4v.info/en/documents/details/68669)

<sup>31</sup> UNHCR and IOM, Coordination Platform for Refugees and Migrants from Venezuela, accessed 12 April 2019. See: [r4v.info/en/situations/platform](http://r4v.info/en/situations/platform)

<sup>32</sup> UNHCR and IOM, Regional Refugee and Migrant Response Plan, 1 April 2019, p.39 See: [r4v.info/en/documents/details/68669](http://r4v.info/en/documents/details/68669)

<sup>33</sup> Colombian Foreign Office, Official Letter S-GDCR-18-011421, 18 April 2018, in response to a request for information from Amnesty International.

<sup>34</sup> Migración Colombia, Permiso especial de permanencia [Colombia Migration, Special Residence Permit], accessed on 16 April 2019. See: <http://www.migracioncolombia.gov.co/viajeros-venezuela/index.php/pep/preguntas-frecuentes-pep>

Moreover, between April and June 2018, the Colombian immigration authorities registered more than 442,000 Venezuelans through the Administrative Register of Venezuelan Migrants (Registro Administrativo de Migrantes Venezolanos, RAMV, in Spanish), granting the PEP following registration.<sup>35</sup> Several application rounds for Border Mobility Cards were also offered, allowing access to Colombia for up to seven days.<sup>36</sup>



 ↑ Luis Soteldo, Bogotá, Colombia, January 2019 © Amnesty International

“I arrived on 14 December 2017 and received my PEP on 7 February 2018 but not many Colombians understand what it is,” explains Luis Soteldo. The document does not guarantee him access to formal employment either because of a lack of awareness of its validity or due to discrimination.<sup>37</sup> Luis arrived from Bolívar state, in the east of Venezuela, having travelled three days by bus, first to Barranquilla and then on to Bogotá. Luis teaches literature but in Bogotá he sings in the *Transmilenio*, a public transport system, with his wife, Gleidimar, a 23-year-old visual artist. Luis managed to enter Colombia on a valid passport while Gleidimar entered without a passport and was registered through the RAMV.

Although Colombia has maintained an open-door policy, the refugee protection system is virtually inoperative in the country, despite the international obligation incumbent upon the Colombian state and despite the fact that the country’s legislation includes the extended definition of refugee status established in the Cartagena Declaration. Colombia has offered alternative systems but Venezuelans arriving in the country are not accessing any kind of international or complementary protection. The alternative systems are positive but they need to be strengthened to reduce precariousness and vulnerability and to guarantee access to rights so that these systems can be effective.

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<sup>35</sup> Unidad Nacional para la Gestión del Riesgo de Desastres, Registro administrativo de migrantes venezolanos [National Disasters Risk Management Unit, Administrative Register of Venezuelan Migrants], accessed on 12 April 2019. See: [www.portal.gestiondelriesgo.gov.co/Paginas/Slide\\_home/Registro-Administrativo-de-Migrantes-Venezolanos-RAMV.aspx](http://www.portal.gestiondelriesgo.gov.co/Paginas/Slide_home/Registro-Administrativo-de-Migrantes-Venezolanos-RAMV.aspx)

<sup>36</sup> UNHCR and IOM, Plan Regional de Respuesta para Refugiados y Migrantes, 1 April 2019, p.38. See: [r4v.info/en/documents/details/68669](http://r4v.info/en/documents/details/68669)

<sup>37</sup> Luis Soteldo / Gleidimar A. in interview with Amnesty International, in Bogotá, Colombia, on 15 January 2019.

## 2.3 IN PERÚ

Angie<sup>38</sup> is one of the people who crossed Colombia by land to continue her journey on to Peru. She arrived in Lima on 19 July 2017 after weeks of vulnerable and precarious travel. “I played games on buses to make a dollar to be able to continue my journey,” she recalls. Angie is a 29-year-old nurse from Valencia. “We got five rounds of chemotherapy for over 160 patients,” she says, explaining how the hospital where she used to work was not receiving the necessary supplies to treat terminal and chronic illnesses. Angie is one of more than 165,000 people applying for refugee status in Peru. She feared for her life and integrity due to the work she was doing in the Venezuelan public health service.



 ↑ Angie, Lima, Perú, February 2019 © Amnesty International

Peru has the largest number of people seeking refugee status from Venezuela in the world, although only 700 were granted between 2014 and 2018; it is also home to the second largest number of people fleeing Venezuela.<sup>39</sup> According to UNHCR, Venezuelans entering Peru often do so with no resources and in a vulnerable condition having travelled days or even months, some on foot. Many therefore arrive needing humanitarian assistance.<sup>40</sup> Angie, for example, recalls how upon arriving in Lima, her situation was such that “sleep in Javier Prado square for several nights”, one of Lima’s main thoroughfares.

In 2017, the Peruvian state created a Temporary Residence Permit (Permiso Temporal de Permanencia in Spanish, PTP) for Venezuelans in Peru, enabling them to access work and some basic services. The PTP is only valid for a year, however, leaving those who manage to obtain it in a temporary and precarious situation. The authorities imposed a time limit on PTP requests, limiting it to those who arrived in Peru before 31 October 2018 and with

<sup>38</sup> Angie in interview with Amnesty International, in Lima, Peru, 15 February 2019. Angie asked not to be identified by her surname for fear of reprisals.

<sup>39</sup> UNHCR and IOM, Coordination Platform for Refugees and Migrants from Venezuela, accessed 12 April 2019. See: [r4v.info/en/situations/platform](http://r4v.info/en/situations/platform); Migraciones Perú y Comisión Especial para los Refugiados [Peru Migrations and the Special Refugees Commission]

<sup>40</sup> UNHCR and IOM, Situation report January-February 2019, 28 February 2019, pp. 2 and 4. See: [r4v.info/en/documents/details/68588](http://r4v.info/en/documents/details/68588)

applications accepted only up to 31 December 2018.<sup>41</sup> Since then, Venezuelans arriving in Peru have had fewer options for regularizing their stay.

According to UNHCR, more than 6,000 people entered Peru on 31 October to meet the deadline for applications.<sup>42</sup> José Pérez, a 25-year-old electrician from Acarigua, travelled from Colombia to arrive in Peru before the deadline, on 12 October. During the bus journey across Ecuador, José recalls seeing people forced to make the journey on foot in extremely precarious conditions, including children and elderly people. He now speaks warmly about receiving his PTP in the coming days, “I feel happy because it is unique and it costs a lot and not many can get it.”<sup>43</sup>



 ↑ José Pérez, Lima, Perú, February 2019 © Amnesty International

The Peruvian state has a duty to urgently address the situation of people who have requested asylum, reducing the waiting time for a response and facilitating the appeal mechanisms. Adequate verification of refugee status for Venezuelans requires use of the extended definition of a refugee as contained in the Cartagena Declaration. Moreover, imposing a time limit on other alternative measures such as the PTP limits the opportunities open to Venezuelans who have been forced to flee.

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<sup>41</sup> UNHCR and IOM, Plan Regional de Respuesta para Refugiados y Migrantes, 1 April 2019, p.64. See: [r4v.info/en/documents/details/68669](https://www.refugees.org/en/documents/details/68669)

<sup>42</sup> Idem.

<sup>43</sup> José Pérez in interview with Amnesty International in Lima, Peru, 15 February 2019.

## 2.4 IN ARGENTINA

“For many [foreigners], the DNI is the key to gaining other kinds of work,” states Julio Olivero, 36 years of age.<sup>44</sup> Julio arrived in Buenos Aires in April 2018 after travelling three days across Brazil. He used to be a lorry driver in Venezuela and he now works for a delivery service. The DNI (national identity document in Spanish) accredits migrants with residency in the country, whether temporary or permanent. Stephany Santander, 25, a lawyer and human rights activist, arrived in Buenos Aires from Colombia and says the day she received her temporary DNI was the best day of her life since having to leave her home.<sup>45</sup>



 ↑ Stephany Santander, Buenos Aires, Argentina, December 2018 © Amnesty International

In the case of Argentina, the route used by most Venezuelans arriving in the country, either by air or overland through Brazil, Chile and Paraguay, has been migratory regularization.<sup>46</sup> According to UNHCR, approximately 1,200 people have requested refugee status in the country since 2014.<sup>47</sup> Through the National Migration Directorate (Dirección Nacional de Migraciones, DNM, in Spanish), the Argentine immigration authorities have continued to apply the MERCOSUR residency agreement to Venezuelans and have made the documentary requirements for their regularization more flexible, thus facilitating the settling of these people in the country.<sup>48</sup>

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<sup>44</sup> Julio Olivera in interview with Amnesty International in Buenos Aires, Argentina, 13 December 2018.

<sup>45</sup> Stephany Santander in interview with Amnesty International in Buenos Aires, Argentina, 10 December 2018.

<sup>46</sup> UNHCR and IOM, Regional Refugee and Migrant Response Plan, 1 April 2019, p.96. See: [r4v.info/en/documents/details/68669](https://www.refugees.org/en/documents/details/68669)

<sup>47</sup> UNHCR and IOM, Coordination Platform for Refugees and Migrants from Venezuela, accessed 12 April 2019. See: [r4v.info/en/situations/platform](https://www.refugees.org/en/situations/platform)

<sup>48</sup> National Migration Directorate, Provision 520/2019, 29 January 2019. See: [www.servicios.infoleg.gob.ar/infolegInternet/verNorma.do;jsessionid=85DC4088CC0B6E093493ADD874375F69?id=319449](http://www.servicios.infoleg.gob.ar/infolegInternet/verNorma.do;jsessionid=85DC4088CC0B6E093493ADD874375F69?id=319449)

Although specialist international organizations have recognized Argentina as a model to follow with regard to migration policy, including in its response to Venezuelans, the regression represented by recent regulatory reforms, measures and discursive strategies being promoted by the state in recent years, seeking to associate migration with criminality and to restrict the rights of migrants, is concerning.<sup>49</sup>



 ↑ Julio Olivero, Buenos Aires, Argentina, December 2018 © Amnesty International

## 3. WELCOME VENEZUELA: AN INTERNATIONAL OBLIGATION

### 3.1 INTERNATIONAL STANDARDS

The millions of people who have fled Venezuela in recent years must be received, welcomed and protected by neighbouring countries. Although the extended refugee definition, as set out in the Cartagena Declaration, is applicable throughout much of the Americas, all states have a duty to protect the human rights of Venezuelans fleeing their country.

Internationally, the Convention Relating to the Status of Refugees establishes that a refugee is someone 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”.<sup>50</sup> For Amnesty International, many of those leaving Venezuela would be considered refugees under

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<sup>49</sup> Amnesty International, Argentina: Regressive human rights policies: Amnesty International submission for the UN Universal Periodic Review, November 2017 See: [www.amnesty.org/es/documents/amr13/6772/2017/es](http://www.amnesty.org/es/documents/amr13/6772/2017/es)

<sup>50</sup> United Nations Organization, Final Act and Convention relating to the Status of Refugees, adopted in Geneva, Switzerland on 28 July 1951 by the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons

the definition given in the 1951 Refugee Convention. States that have ratified this Convention must fulfil their obligation of international protection deriving from it.

Regionally, in the Americas, the 1984 Cartagena Declaration on Refugees establishes an extended definition, and includes those people whose lives, security or freedom are threatened by massive violations of human rights in the country.<sup>51</sup> Many of the states that have denounced the crisis in Venezuela are also signatories to this Declaration, and 14 countries in the Americas have incorporated this standard into their national legislation (Argentina, Belize, Bolivia, Brazil, Chile, Colombia, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Paraguay, Peru and Uruguay).<sup>52</sup>

Moreover, to address the situation of Venezuelan migrants and refugees, 11 states signed the Quito Declaration on “human mobility of Venezuelan nationals in the region” in September 2018, which was followed up with an action plan in November agreed by eight states: Argentina, Chile, Colombia, Costa Rica, Ecuador, Paraguay, Peru and Uruguay.<sup>53</sup> The Quito Process and its action plan are an opportunity to put the principle of shared responsibility into action and to offer a comprehensive regional and rights-based response to the situation of people fleeing Venezuela, strengthening and improving alternative mechanisms to refugee status, such as temporary residence permits.



## COMPLEMENTARY INTERPRETATIONS OF THE REFUGEE STATUS

The 1989 International Conference on Central American Refugees (ICCAR) established that massive human rights violations occur “when large-scale violations take place that affect the human rights and fundamental freedoms enshrined in the Declaration of Human Rights and other relevant instruments. The severe and systematic denial of civil, political, economic, social and cultural rights can, in particular, be considered massive human rights violations”.<sup>54</sup> In 2013, a group of experts meeting to discuss the “Interpretation of the extended refugee definition contained in the Cartagena Declaration” indicated that, according to the Inter-American Court’s interpretations, the term “massive human rights violations” refers to the degree or extent of the violations reported; for example, in contexts where the precise identification of victims is difficult given the scope of human rights violations perpetrated against groups of people or entire communities. This group of experts also determined that “massive violations of human rights” further applied when the violations go beyond the real or direct victims to affect other segments of the population or even society as a whole.<sup>55</sup>

On the basis of these criteria, Amnesty International would consider that most Venezuelans in the Americas fall under the extended refugee definition of the Cartagena Declaration.

<sup>51</sup> UNHCR, Summary Conclusions on the interpretation of the extended refugee definition in the 1984 Cartagena Declaration, 15 and 16 October 2013. See: <https://www.unhcr.org/protection/expert/53bd4d0c9/summary-conclusions-interpretation-extended-refugee-definition-1984-cartagena.html>

<sup>52</sup> Information according to the Inter-American Court. See: I/A Court, case of Pacheco Tineo family v. Bolivia. Preliminary Objections, Merits, Reparations and Costs. Judgment of 25 November 2013. Series C No. 272. Para 141.

<sup>53</sup> Executive Power, Venezuela: Plan de Acción del Proceso de Quito sobre la Movilidad Humana de Ciudadanos Venezolanos en la Región [Action Plan for the Quito Process on Venezuelan Movements in the Region], 4 September 2018. See: [www.refworld.org.es/docid/5bfd87374.html](http://www.refworld.org.es/docid/5bfd87374.html) accessed 11 April 2019

<sup>54</sup> UN A/41/324, International cooperation to avert new flows of refugees, Note by the Secretary-General, para. 34

<sup>55</sup> UNHCR, Summary Conclusions on the interpretation of the extended refugee definition in the 1984 Cartagena Declaration, 15 and 16 October 2013. See: <https://www.unhcr.org/protection/expert/53bd4d0c9/summary-conclusions-interpretation-extended-refugee-definition-1984-cartagena.html>

## 3.2 INTERNATIONAL RESPONSES TO THE SITUATION OF MIGRANTS AND REFUGEES

In April 2018, the UN Secretary General, Antonio Guterres, asked UNHCR and IOM to coordinate and lead the operational response to the situation of Venezuelan migrants and refugees.<sup>56</sup> In September 2018, the two agencies established the Regional Inter-agency Coordination Platform with the aim of “implementing a regional approach by which to guarantee an operational, consistent and coordinated response”.<sup>57</sup> The Regional Platform currently includes 40 participating entities, including 17 UN agencies, 14 NGOs, five donors and two international financial institutions.<sup>58</sup> In addition, UNHCR and IOM have appointed a Joint Special Representative, Eduardo Stein.<sup>59</sup>

UNHCR and IOM drew up a Regional Refugee and Migrant Response Plan for Refugees and Migrants from Venezuela to “complement and strengthen the governments’ comprehensive regional and national responses, including through their national plans and the proposed Quito Action Plan, in line with the principles set out in the New York Declaration for Refugees and Migrants, the Global Compact on Refugees and its comprehensive response framework, and the Global Compact for Safe, Orderly and Regular Migration. The states participating in this plan include Argentina, Aruba, Brazil, Chile, Colombia, Costa Rica, Curacao, Ecuador, Dominican Republic, Guyana, Mexico, Panama, Paraguay, Peru, Trinidad and Tobago and Uruguay”.<sup>60</sup>

## 3.3 CONCLUSIONS

The human rights crisis in Venezuela is having a national and international impact. The number of people fleeing the crisis in Venezuela is surpassed only by the number fleeing the war in Syria. It is for both Venezuela and the international community to seek comprehensive and sustainable solutions that are, above all, in line with international human rights law. Nicolás Maduro’s government must bring its policy of repression to an end and accept international cooperation that meets human rights and humanitarian standards.

With the support of the international community, the region’s states have an opportunity to continue the leading role they have demonstrated in human mobility and international protection and which has led to the establishment of such instruments as the Cartagena Declaration. They must guarantee unrestricted access, a framework for regularization, and international protection to all those fleeing Venezuela.

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<sup>56</sup> UNHCR and IOM, Regional Refugee and Migrant Response Plan, 1 April 2019, p.12. See: [r4v.info/en/documents/details/68669](http://r4v.info/en/documents/details/68669)

<sup>57</sup> Idem.

<sup>58</sup> Idem.

<sup>59</sup> Idem.

<sup>60</sup> UNHCR and IOM, Regional Refugee and Migrant Response Plan, 1 April 2019, p.12. See: [r4v.info/en/documents/details/68669](http://r4v.info/en/documents/details/68669)

## 4. RECOMMENDATIONS: URGENT MEASURES

To the government of Nicolás Maduro:

- Accept international cooperation in coordination with local civil society organizations and humanitarian agencies without discrimination or conditions of any kind, ensuring that this assistance directly reaches those needing relief, particularly vulnerable groups.
- Bring the policy of repression to an end, refrain from committing extrajudicial executions, politically motivated arbitrary detentions, torture or an excessive and abusive use of force, and release all those detained arbitrarily for political reasons.

To the states of Latin America and the Caribbean:

- Unanimously declare that Venezuela is facing a situation of massive human rights violations and that, in such circumstances, people forced to flee require an immediate response under a framework of respect for human rights, with strict adherence to the principle of non-refoulement.
- Guarantee Venezuelan migrants and refugees access to documentation and to the regularization of their situation within a reasonable timeframe so they can effectively enjoy their rights, and access social services and the labour market.
- Provide unrestricted access to international protection systems such as refugee status or other complementary mechanisms, in the context of their acquired obligations. States must refrain from imposing barriers and/or conditions that hinder access to these protection mechanisms, including the imposition of a request for passports or visas or deadlines for access.

To the international community:

- Offer unconditional international cooperation in coordination with local civil society organizations and humanitarian agencies. States providing assistance must exercise due diligence to ensure that it does not cause human rights violations of any kind.
- Work together to seek or strengthen solutions that involve states' shared responsibility.

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