

**"VOLUNTARY CONTRIBUTION TO THE THIRD UPR
OF THE BOLIVARIAN REPUBLIC OF VENEZUELA".**

Review Period 2016 - 2021.

Organization Contacts:

María Hernández. Mail: maria.hernandez@argosob.org

Advances in aspects of Human Mobility in Venezuela

1. ARGOS is a non-governmental, non-profit organization, created by a team of people dedicated to research and defense of the human rights of migrants in the Americas, Europe and Africa, in response to the shared concern for the growing violation in different parts of the world. We are present in the cities of Geneva, Buenos Aires, Caracas, Santiago de Chile y New York.
2. The evocation of the ARGOS myth -the one with multiple eyes- inspires us to observe, with a plurality of perspectives, the migratory phenomena and the possible recommendations that guarantee free human mobility in conditions of equality and non-discrimination.
3. In this sense, we defend the right to human mobility and the free movement of persons established in Article 13 of the Universal Declaration of Human Rights, in the face of a reality marked by the raising of walls, the criminalization of migration and an alarming disdain for the inherent rights of each person. This is why we are obliged to mobilize on behalf of migrants and refugees whose rights are violated in the context of migratory movements or in their irregular condition once they are in the countries of destination.
4. We focus on action-research with the objective of accompanying and defending migrant populations whose human rights may be violated. Our purpose is to generate inputs for the realization of advocacy actions, as well as tools that can be useful to social, academic, civil and multilateral organizations in the effective application of the norms of international human rights and humanitarian law.
5. The process of human mobility recorded in recent times in the Bolivarian Republic of Venezuela is a relatively recent phenomenon. It is from the 1980s onwards that a discreet but growing phenomenon of Venezuelan migration to northern countries began. Since then, there have been substantial variations in the migratory destinations chosen by Venezuelan-born people, as well as in the profile of migrants. However, massive migrations per se have only been registered in this country since 2014.

6. Venezuelan migrations since the 1980s had been characterized by being mostly female, concentrated in people from middle and high socioeconomic strata, and having countries such as the United States, Spain and Italy as migratory destinations. After 2015, it became evident that Venezuelan emigration was mostly male, concentrated in people from middle and low socioeconomic strata, and where the countries of migratory destination became, fundamentally, Latin America and, more specifically, Colombia, Peru and Chile, although also with an important presence in countries such as Ecuador and Argentina.
7. It is precisely the history of Venezuela as a country of migratory destination that marks the destiny of its own emigrations. It can be seen that the return migration of nationals from southern European and Latin American countries has facilitated the formation of migratory networks, so that return migration drags along Venezuelan migration without dual nationality, largely due to the effective integration that the country offered to its immigrants in past decades.
8. Another factor that has contributed to stimulate emigration resides in the binational migratory agreements, which, with legislation inspired by reciprocity, facilitated Venezuelan migration processes to countries that were historically expellers of human groups to Venezuela. Likewise, the importance of the free transit agreement within the framework of the Southern Common Market (Mercosur), which in practice allowed the movement of people throughout South America, cannot be ignored. In recent years, however, these facilities have been suspended due to obstacles erected for the control of Venezuelan migrations.
9. It should be noted that since 2014 an economic, financial and commercial blockade has been active against Venezuela, this being the most important factor contributing to emigration: the devastating effects of the package of unilateral coercive measures imposed against Venezuela, of a U.S. and European nature, has generated a serious and massive violation of a wide range of human rights of the Venezuelan population in view of their inability to access food, medicines and quality public services.
10. Regarding Venezuelan migration figures, multilateral organizations such as the United Nations (UN) Population Division and the International Organization for Migration (IOM) have shown difficulties in establishing a measurement of

- 11.** Venezuelan migratory flows due to the weight of return migration and people with dual nationality. This has caused differences in the UN agencies' own statistics of almost 100% for 2019. The United Nations High Commissioner for Refugees (UNHCR) acknowledges that their own registration is not reliable, and they point out that a person is likely to be counted multiple times because it is not a biunivocal registration, so that the same person may be registered as many times as they cross the same border on different occasions. It also does not differentiate international emigration from circular and pendular migration flows (which, among others, include people who cross the border and return in a short time, for commercial, labor, educational or health reasons).
- 12.** The Coordination Platform for Venezuelan Refugees and Migrants (R4V), clarifies in each update report that its figures are not based on biunivocal records, through the following tagline: "this figure represents the sum of Venezuelan migrants, refugees and asylum seekers reported by host governments. It does not necessarily imply individual identification, nor registration of each individual, and includes a degree of estimation" (R4V, 2019). However, despite the important methodological clarification, the Platform's press releases and reports give the figure the quality of being the number of "Venezuelans" abroad, without taking into account the risk of overestimation that this entails. Hence the figure of 4.5 million migrants that is often quoted in the international press.
- 13.** The Andean countries receiving Venezuelan migrants experienced a new process for them, so the presence of Venezuelans is a novelty for their populations and for the economies of these countries, due to their low capacity to absorb foreign labor. In this sense, what has happened is that the vast majority of Venezuelan migrants have had to join the informal economy, with all that this entails in terms of lack of labor and social protection, pigeonholing and stigmatization of the migrant population, which has led in some countries to an outbreak of xenophobic manifestations by sectors of society and government authorities themselves against this population.
- 14.** The trend of Venezuelan migration to the region has now shown an abrupt turnaround during 2020. Even months before the beginning of the health crisis caused by the COVID-19 pandemic, more than 200,000 people returned to Venezuela, mainly from Colombia, Ecuador, Peru and Brazil, by all possible

means, as a result of massive evictions, dismissals, violence and discriminatory acts against them. There have been numerous complaints made by Venezuelan migrants about the little or no attention received by the authorities of those countries, not to mention the fact that this population has not benefited from social protection plans, nor has a regional plan been contemplated to guarantee their safe transfer to Venezuela.

- 15.**In relation to persons with Refugee status, the National Commission for Refugees reported in 2018 that in Venezuela there were 297 persons with refugee status, in addition to 112 pending applications. This figure includes people of different nationalities, fundamentally of Colombian origin, and includes some of Syrian origin. It is worth noting that still in 2019 Venezuela was the country in the region with most refugees in its territory, only surpassed by Peru. For several decades, this country has welcomed numerous people who have fled the conflict in Colombia, and who have not managed to obtain any kind of protection from the Colombian State. Thus, the number of Colombian refugees is more than double the number of Venezuelan refugees.
- 16.**In Venezuela, widespread expressions of xenophobia and discrimination against foreigners are not part of its culture, due to its historical tradition of hospitality towards all nationalities. However, as a way of instituting a mechanism to attend to the victims of such manifestations when they occur, the Venezuelan State, through the National Institute Against Racial Discrimination, established in July 2019 a series of Mechanisms for the formation of Committees Against Racial Discrimination, which are still being constituted at the national level.
- 17.**Human trafficking is a global and regional problem, from which the country does not escape. To address it, Venezuela is implementing a National Anti-Trafficking Plan 2020-2025 (which was a recommendation of the UPR in 2016ⁱ), through the National Council against Trafficking in Persons, and the National Office against Organized Crime and Terrorist Financing (Oncooft), which with the support of all national bodies, are oriented towards the protection of victims, particularly the most vulnerable sectors of our society, such as women and children and adolescents.

18. There is an international legal framework subscribed and ratified by Venezuela for the fight against human trafficking, such as: Convention No. 29 of the International Labor Organization on Forced Labor, Universal Declaration of Human Rights, Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, Hague Convention on the Protection of Children and Cooperation in Matters of International Adaptation.

Challenges

19. With the new National Assembly in office since 2020, the efforts to eliminate discrimination against women and girls should be advanced through a law draft on Human Trafficking.

Recommendations

20. It is urgently needed the establishment of the National Migration Commission contemplated in the Migration Law.

21. Adopt measures for the ratification of Convention No. 189 on Domestic Workers.

ⁱ UPR recommendation (3rd cycle - 26th session): 133,152