

# UNPROTECTED

GENDER-BASED VIOLENCE AGAINST VENEZUELAN REFUGEE  
WOMEN IN COLOMBIA AND PERU

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First published in 2020

by Amnesty International Ltd

Peter Benenson House, 1 Easton Street

London WC1X 0DW, UK

Index: AMR 01/5675/2022

Original language: Spanish



*Cover photo:*

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# GLOSSARY

## DEFINITION

Centros de Emergencia Mujer (Women’s Emergency Centres, Peru) are specialized and free public services that provide comprehensive and multidisciplinary care for victims of violence against women and members of their family.

The Committee on the Elimination of Discrimination against Women is a body composed of independent experts which monitors the implementation of the Convention on the Elimination of All Forms of Discrimination against Women.

Cisgender people are individuals whose gender expression and/or gender identity accords with conventional expectations based on the physical sex they were assigned at birth. In broad terms, cisgender is the opposite of transgender.

Carné de Permiso Temporal de Permanencia (Temporary residence permits, Peru)

Intersectional discrimination is when discrimination on different grounds operates together to produce a compounded or distinct disadvantage.

These are stereotypes that discriminate against women on multiple grounds, not only because of gender, but also because of age, nationality and/or sexual orientation, among other factors.

Gender stereotypes are generalized views or preconceptions about attributes or characteristics, or the roles that are or ought to be possessed by, or performed by, people of different genders (for example, women and men).

Gender identity refers to each person’s deeply felt internal and individual experience of gender. This may or may not correspond with the sex assigned at birth.

Ministerio de la Mujer (Ministry for Women’s Affairs, Peru)

In this report, the term “woman” is used as a general category to refer to both cisgender and transgender women, unless there are reasons to disaggregate the information. In such cases, the term “trans woman” is used.

**REFUGEE**

A refugee is someone outside their country of nationality or habitual residence who is unable or unwilling to return to that country owing to a well-founded fear of persecution (as defined in the 1951 Geneva Convention) and someone who has fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violations of human rights or other circumstances which have seriously disturbed public order (as extended by the Cartagena Declaration)

**PPT**

Permiso de Protección Temporal (Temporary Protection Status, Colombia)

**AURORA PROGRAMME**

National Programme for the Prevention and Eradication of Violence against Women and Members of their Family (Peru)

**SIVIGE**

Sistema Integrado de Información sobre Violencias de Género (Comprehensive Information System on Gender-Based Violence, Colombia)

**SIVIGILA**

Sistema Nacional de Vigilancia en Salud Pública (National Public Health Monitoring System, Colombia)

**TRANSGENDER**

Transgender refers to individuals whose gender identity does not correspond to the biological sex assigned to them at birth. A transgender woman is a woman who was assigned “male” at birth but has a female gender identity; a transgender man is a man who was assigned “female” at birth but has a male gender identity. Not all transgender individuals identify as male or female; transgender can include members of third genders, as well as individuals who identify as more than one gender or no gender at all. Transgender individuals may, or may not, have had sex reassignment.

**HUMAN TRAFFICKING**

Human trafficking or trafficking in persons is defined in the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (also known as the Trafficking in Persons Protocol) which sets out the internationally accepted definition of trafficking: “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.”

Trafficking in human beings for sexual exploitation is not the same as sex work.

**GENDER BASED VIOLENCE**

Gender-based violence is violence directed against a person or which affects them disproportionately because of their gender or sex. Gender-based violence can take multiple forms and is found in all contexts where people interact.

# 1. EXECUTIVE SUMMARY

**“We are a population at risk, we did not come here for pleasure or on a whim, we came here to escape from a regime that does not allow us to live a decent life... because if you work it’s in order to be able to have a decent livelihood. We came here looking for a better future. To be respected as women... But it seems that... you don’t want us here.”** Mariela, a Venezuelan woman in Colombia

Mariela was forced to leave Venezuela in 2018 because of the lack of access to food, education and healthcare for herself and her children and the high levels of inflation in the country. For her, as for many refugee and migrant women, the decision to leave was not an easy one and when she arrived in Colombia and later Peru, the two main host countries for Venezuelan refugees, she faced various forms of gender-based violence. Mariela told Amnesty International about the different abuses she has experienced in Colombia as a Venezuelan woman.

UN Women has described gender-based violence in Latin America as “the shadow pandemic”.<sup>1</sup> For refugee and migrant women, their migration status increases the risks they face, exposing them to gender-based violence on the migration route and in the cities in which they decide to settle. Despite high levels of under-reporting, existing data show that gender-based violence against refugee women has increased in recent years in Colombia and Peru, the two countries that are the focus of Amnesty International’s research in this report. The number of reported cases has risen in Colombia from 2,430 to 4,165 between 2018 and 2020<sup>2</sup>, and in Peru from 1,384 in 2019 to 1,818 in 2021.<sup>3</sup>

Xenophobia and myths about the security issues caused by migration in cities; prejudices related to the perceived sexuality of women (branded as people who “steal husbands” or as sex workers); changes in gender roles in partner or family relationships during the migration process; and the challenge to pre-established gender roles in society, are some of the underlying causes of violence against Venezuelan women.

## Violence in all spaces

As Amnesty International has documented, violence occurs in all contexts. Women are repeatedly subjected to attacks and sexual violence in public spaces, both in the host cities where they live and along the migration route. Irregular border crossings are spaces where Venezuelan refugee women experience violence by organized armed groups, while some are recruited in Venezuela for the purpose of labour or sexual exploitation.

As regards the workplace, it is per se a violent space for Venezuelan refugee women in both countries. Venezuelan women face compound stereotypes in their search for decent work, denied the opportunity to access work because they are Venezuelan, as well as discriminatory factors such as age. In the absence of support networks, childcare spaces for their young children and real opportunities for inclusion in the workforce in decent conditions, many Venezuelan women are forced to resort to work in the informal sector, as street vendors, often with their children in tow, where they are exposed to various forms of violence and labour exploitation, including being co-opted for work for the purpose of sexual exploitation. Given this precarious work context, some women have chosen to engage in sex work. Compound stereotypes also create an environment in which Venezuelan women experience gender-based violence in the workplace when they do manage to access one.

<sup>1</sup> UN Women, *The Shadow Pandemic: Violence against women during COVID-19*, <https://www.unwomen.org/en/news/in-focus/in-focus-gender-equality-in-covid-19-response/violence-against-women-during-covid-19>

<sup>2</sup> Colombian Ministry of Health, *National Observatory on Gender-Based Violence*, <https://www.sispro.gov.co/observatorios/onviolencias-genero/Paginas/home.aspx> (filter: General indicators and Venezuelan women), (Spanish only).

<sup>3</sup> Figures from the Women’s Emergency Centre (Centro Emergencia Mujer, CEM) records on sexual violence, for the years 2019, 2020 and 2021. Cases of sexual violence – Rape, indecent assault, sexual harassment and sexual assault in public places, <https://portalestadistico.aurora.gob.pe/formas-de-la-violencia-2019/> and CEM records (Spanish only).

## Absence of state protection

Although both countries have legal frameworks designed to address and punish gender-based violence, Amnesty International believes that the Colombian and Peruvian states are major absences when it comes to guaranteeing, protecting and respecting in practice the rights to a life free of violence for Venezuelan refugee women and access to justice for women survivors of gender-based violence. The organization's research reveals that Venezuelan women refugees do not have effective access to international protection and migration regularization processes because many do not receive information on this from the states. This creates a first and significant obstacle to the protection of their rights.

Furthermore, Venezuelan women face multiple obstacles in accessing justice and health services without discrimination. The general perception of widespread impunity and a lack of effectiveness in the way the justice systems function in general – both for their nationals and foreign nationals – are factors that discourage many women from reporting gender-based violence in both countries. But Venezuelan refugee women also face specific challenges: the fact that their migration status is not regularized leads them to believe that they do not have the same rights as the rest of the population and that, therefore, they cannot turn to institutions to demand these rights, or that if they do so, they would risk being deported to Venezuela. Added to this is the gap in access to information on care pathways for survivors of gender-based violence; Venezuelan women report that they do not know what these are, which institution to go to or what mechanisms exist.

Officials responsible for providing services for survivors of gender-based violence are not aware of the rights and needs of refugee and migrant women in terms of access to existing pathways and protection measures. In addition, on many occasions they have internalized compound stereotypes, in which male violence is combined with xenophobic prejudices against Venezuelans. This results not only in a denial of access to justice for these women, but also in new forms of violence and discrimination against them by those who have a duty to support and protect them.

Amnesty International identified other shortcomings in state responses in both countries, such as the lack of availability of and access to temporary shelters for survivors of gender-based violence, which particularly affects Venezuelan women, who do not have support networks, and the failure to collect adequate statistical information that would facilitate the development of public policies that address the differentiated impact of these forms of violence on Venezuelan women.

In addition, the absence of effective campaigns to challenge the compound stereotypes that foster this violence, and so prevent it, contributes to and exacerbates the continuing violence against Venezuelan women in these countries.

As regards healthcare services, in Colombia and Peru the law establishes that, in the case of survivors of gender-based violence, these services fall under the category of emergency services, so no one can be denied them. However, Amnesty International found that, in practice, the absence of a clear definition by healthcare systems of what is considered an emergency in cases of gender-based violence, including sexual violence, results in frontline public officials interpreting it in different ways, which restricts Venezuelan refugee women's access to health services.

Amnesty International calls on the Colombian and Peruvian authorities to take measures to ensure that all women can enjoy a life free from violence and free from discrimination on the basis of gender, nationality, migration status or any other grounds. In the case of Venezuelan refugee women, this requires immediate measures to challenge the entrenched compound stereotypes that foster and perpetuate violations of their human rights.

## **KEY RECOMMENDATIONS TO THE STATES**

### **ACCESS TO INTERNATIONAL PROTECTION**

- Ensure effective access to asylum procedures without discrimination for all those in need of international protection.
- Strengthen and expand the dissemination of information to Venezuelan women on access to international protection and other forms of migration regularization. This information should be accompanied by strategies and messages aimed at addressing and avoiding the fear that those approaching the authorities to initiate proceedings could risk detention and deportation to Venezuela.
- Implement, or strengthen training programmes, with a human rights perspective, for public officials, in particular those working in the police, public prosecution, migration and health services, on access to international protection and other forms of migratory regularization and the rights of refugees and migrants.

### **ACCESS TO JUSTICE**

- Implement mass information campaigns on care pathways to address cases of gender-based violence, that include dissemination strategies that have previously been consulted with women, including refugee and migrant women, in order to enable women in situations of greater risk in particular to be reached.
- Ensure that all institutions that care for survivors of gender-based violence, including the police, public prosecution service and migration and health institutions, have robust protocols for providing support, incorporating an intersectionality perspective and the obligation of non-discrimination, in cases of gender-based violence that address the particular care needs of refugee women and migrant survivors of gender-based violence.
- Provide appropriate, systematic, mandatory, initial and ongoing training to all public officials providing services for survivors of gender-based violence, such as staff from the police, public prosecution, migration and health services, on the prevention and detection of gender-based violence, gender equality and intersectional discrimination. In addition to raising awareness of women's rights, including the rights of trans people and those who engage in sex work, and existing care pathways, these programmes should aim to actively challenge prejudices regarding gender stereotypes and myths around gender-based violence among public officials and must address, from the perspective of intersectionality and the obligation of non-discrimination, the particular care needs of refugee and migrant women survivors of gender-based violence.
- Conduct thorough, impartial and independent investigations into all acts of violence against women, including rape and other forms of sexual violence, and ensure that investigations incorporate a gender perspective.
- Ensure that institutions responsible for providing services in cases of gender-based violence, both at the national and local levels, have sufficient resources to implement effective protection measures for women survivors of gender-based violence that are accessible to women regardless of their migration status. In particular, ensure that there are temporary shelters with sufficient capacity.
- Consider establishing care and self-care policies for front-line officials in the justice and health services, implemented and coordinated by the state institutions involved in addressing the needs of survivors of gender-based violence.

### **ADDRESSING AND PREVENTING GENDER-BASED VIOLENCE**

- Improve inter-agency coordination in responses to gender-based violence, in particular focusing on addressing the needs of refugee and migrant women.
- Improve data collection on gender-based violence by recording statistical data on victims, disaggregated by sex, gender, gender identity, sexual orientation, age, disability, relationship between the abuser and the victim, and the victim's migration status and ethnic minority heritage, and en-

sure that the data are regularly reviewed and used to inform policy development, resource allocation and other measures to prevent and address sexual and other types of gender-based violence.

- Improve inter-institutional coordination in responding to gender-based violence, especially regarding refugee and migrant women.
- Address the underlying causes, structural inequalities and compound gender stereotypes, nationality and migration status that perpetuate violence against Venezuelan women, ensuring that measures to prevent gender-based violence include policies for the care of children and the elderly; access to decent employment, taking into account a focus on the socio-economic integration of refugee and migrant women; and social and community integration programmes at the local level, that stimulate and strengthen support networks for refugee and migrant women, women heads of families and caregivers.

## **ACCESS TO HEALTH**

- Take measures to ensure comprehensive healthcare for women survivors of gender-based violence, regardless of their migration status, in particular ensuring that:
- Care is not conditional on the filing of a complaint, in law or in practice;
- All health needs resulting from gender-based violence are categorized as emergency healthcare and that there are clear protocols for medium- and long-term physical and emotional care; and
- That care incorporates psychological first aid and psychosocial support programmes for survivors of gender-based violence (women and close family that may be affected, children and other dependents).

## **COMBATING STIGMA AND DISCRIMINATION**

- Ensure that all authorities, including those at the highest level, refrain from using language that stigmatizes, abuses, vilifies or discriminates against Venezuelans.
- Design and implement awareness-raising campaigns for the general public aimed at combating stereotypes and xenophobia regarding Venezuelans, including composite gender stereotypes including those that foster the hypersexualization of Venezuelan women.
- In particular, adopt without delay effective measures to combat the different forms of gender-based violence at work, both in the formal and informal sectors of the economy, with particular emphasis on discrimination on the basis of gender, gender identity, nationality and migration status.
- Ensure that everyone, including Venezuelan women and trans people, have access to education and decent employment options in order to prevent anyone from having to rely on the sale of sexual services in sex work as a means of survival because of poverty or discrimination.

## **TO INTERNATIONAL COOPERATION**

- Adequately finance the humanitarian response to the mass exodus of Venezuelans from their country, ensuring the sustainability of the responses implemented for women survivors of gender-based violence.
- Promote the strengthening of state responses to gender-based violence, ensuring that technical assistance or other cooperation programmes include eliciting commitments from authorities and allocating financial resources to fulfil their obligations to prevent, punish and eradicate gender-based violence.

# 2. METHODOLOGY

This report is based on extensive research carried out during the first half of 2022 with field work carried out virtually and in person in both countries. In Peru, researchers visited the cities of Lima and Tumbes during the last week of March. In Colombia, researchers visited the cities of Bogotá, Cúcuta and the municipality of Soacha during the last week of March and the first week of April.

Amnesty International conducted 45 research interviews and coordinated seven focus groups with Venezuelan refugee women. The research team heard the experiences of 63 Venezuelan refugee women: 40 in Colombia and 23 in Peru. In order to protect and safeguard the confidentiality of the refugee women interviewed during the research, their names have been changed. The research team also held meetings with Venezuelan women's organizations, civil society organizations in Colombia and Peru and international agencies, such as the United Nations High Commissioner for Refugees (UNHCR), the International Office for Migration (IOM), UN Women and the United Nations Population Fund (UNFPA). Fifteen meetings were also held with state institutions.

Amnesty International reviewed a significant number of documents and statistical reports from humanitarian agencies, academic research, research conducted by non-governmental organizations, press articles and institutional statistical sources in Colombia and Peru. In addition, it made 17 requests for access to public information, six to the Peruvian authorities and 11 to Colombian public institutions. At the time of writing, six replies had been received from Peru and five from Colombia.

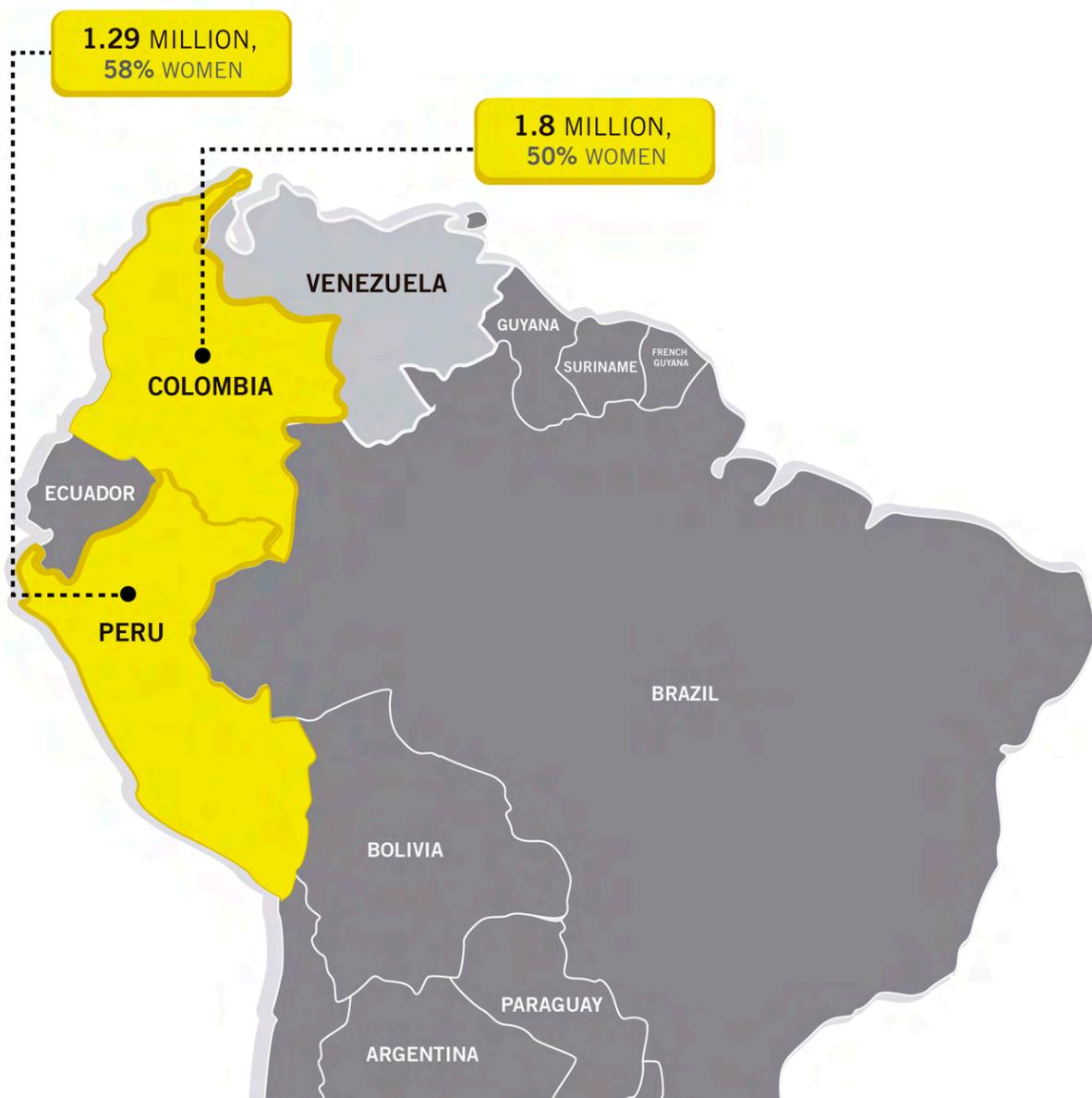
The research team reviewed national legislation and other official documents. In addition, it carried out an extensive review of international human rights standards and reports produced by the international and the inter-American systems for the protection of human rights related to women's rights, gender-based violence and the situation of migrants.

The results of this research were shared on 29 April 2022 with all the national and international organizations who participated in the research process.

Amnesty International wishes to express its deep gratitude to each of the Venezuelan refugee women who shared their stories, as well as to civil society organizations in Lima, Bogotá and Cúcuta; to the Venezuelan refugee organizations in the host cities; to the communities of Soacha and Engativá for the open spaces in which to carry out the fieldwork for this research; to the humanitarian agencies in Colombia and Peru; and to the authorities in both countries whom it met.

## VENEZUELAN PEOPLE IN PERU AND COLOMBIA – MAY 2022

From a total of over 6.1 million, approx. 5.08 million Venezuelan refugees in Latin America and the Caribbean:



# 3. BACKGROUND

By May 2022, according to the Interagency Coordination Platform for Venezuelan Refugees and Migrants (Plataforma de Coordinación Interagencial para Refugiados y Migrantes de Venezuela, R4V), more than 6 million Venezuelans had left their country because of massive human rights violations.<sup>4</sup> Of these, more than 5 million are currently in a Latin American country. In line with the broad definition of who is a refugee set out in the Cartagena Declaration, Amnesty International considers that Venezuelans who have left their country because of such massive human rights violations are in need of international protection and have the right to apply for recognition of their refugee status. The countries hosting the largest number of Venezuelan refugees are Colombia (1.84 million people), Peru (1.29 million people) and Ecuador (513,900 people).<sup>5</sup> According to the statistics consulted, women account for 50% of refugees in Colombia and 58% of those in Peru.<sup>6</sup>

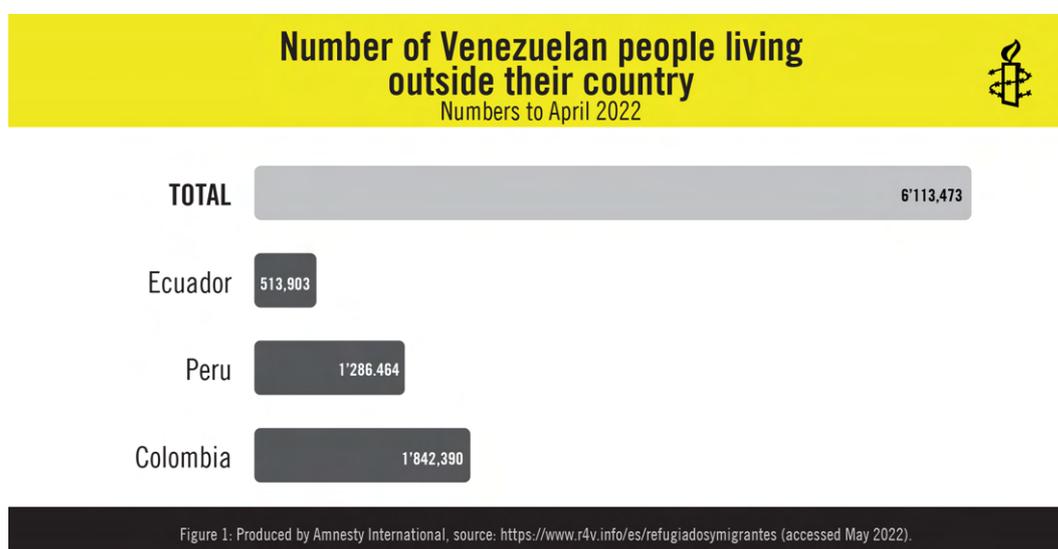


Figure 1

While it is true that the largest exodus of people from Venezuela took place between 2016 and the beginning of 2020 (about 4,110,079 people)<sup>7</sup>, refugees are continuing to leave Venezuela every day. Many enter at irregular crossing points along the extensive borders with Colombia and the other neighbouring countries.

4 Amnesty International, *Urgent measures: Venezuelans need international protection*, (AMR 01/9019/2018), <https://www.amnesty.org/en/documents/amr01/9019/2018/en/> and *Venezuela: Unattended health rights crisis is forcing thousands to flee*, News, 9 March 2018, <https://www.amnesty.org/en/latest/news/2018/03/venezuela-unattended-health-rights-crisis-is-forcing-thousands-to-flee/>  
5 R4V Platform, *Refugees and Migrants from Venezuela*, updated 5 May 2022, <https://www.r4v.info/en/refugeeandmigrants> accessed on 24 May 2022.

6 In 2020, 50.2% of Venezuelans in Colombia were women (1.13 million people). DANE, *Nota estadística Población migrante venezolana en Colombia, un panorama con enfoque de género, 2021*, <https://www.dane.gov.co/files/investigaciones/notas-estadisticas/jul-2021-nota-estadistica-poblacion-migrante-venezolana-panorama-con-enfoque-de-genero.pdf>. In the same year, CARE reported that 58% of Venezuelans in Peru were women. and CARE, *Una emergencia desigual: Análisis Rápido de Género sobre la Crisis de Refugiados y Migrantes en Colombia, Ecuador, Perú y Venezuela*, June 2020, <https://www.r4v.info/es/document/una-emergencia-desigual-analisis-rapido-de-genero-sobre-la-crisis-de-refugiados-y-migrantes>

7 R4V Platform, *Refugees and Migrants from Venezuela*, 5 May 2022, <https://www.r4v.info/en/refugeeandmigrants>

Colombia has been characterized both as a country of transit and a country of residence for many people from Venezuela. In response, the Colombian authorities have made some efforts to identify and regularize the status of Venezuelans, establishing different programmes and regularization mechanisms – the Special Residence Permit (Permiso Especial de Permanencia) in 2018 and the Temporary Protection Statute (Estatuto Temporal de Protección) in 2021 – aimed at facilitating the regularization of the situation of Venezuelans in Colombian territory.<sup>8</sup>

The armed conflicts in Colombia that are continuing, despite the signing of the Peace Agreement in 2016 between the state and the FARC-EP guerrillas, increase the risks faced by Venezuelan refugees, especially women, who arrive in the country after experiencing violence and human rights violations, either at irregular border crossings or in different areas of the country.

Peru is the country with the second largest number of Venezuelans. To respond to this situation, in addition to the existing asylum procedure, the government has created a regularization programme known as Temporary Residence Permits (Carné de Permiso Temporal de Permanencia). However, the mass arrival of Venezuelans triggered a change in migration policy and national and international organizations have highlighted the tendency of the Peruvian authorities, starting in 2018, to create obstacles to people seeking to enter the country at regular migration points by demanding a humanitarian visa or stating that they must request and wait for refugee status outside Peruvian territory.<sup>9</sup>

**“Although the borders were closed, this has not meant that the flow has actually decreased. What we have are people who are unregistered and have no possibility of regularizing their situation, and we do not know where they are or what violations they may have experienced. It’s quite complex.” Peruvian official**

The mass arrival of Venezuelans in Colombia and Peru has been accompanied by high levels of stigmatization and xenophobia towards Venezuelans, frequently accused of and, without evidence, held to be responsible for crime, as part of political strategies to exploit fear and insecurity. This narrative has even been deployed by senior officials. In Peru, the 2021 presidential election campaign was marked by intense stigmatization of Venezuelans in the country.<sup>10</sup> In Colombia, in the same year, in Bogotá, the creation of a special security force unit was proposed to combat crimes committed by foreign migrants.<sup>11</sup>

The first mass flows of people from Venezuela were composed mostly of men (for example, 63% of those in Peru), many of them professionals or with some economic options that enabled them to settle in the host countries. However, according to various sources consulted, the proportion of Venezuelan refugee women has increased from 47% to 50% since 2017<sup>12</sup> and in cases such as Peru it has gone from 47% to 58%.<sup>13</sup> Several factors contribute to the feminization of the migratory flow, including family reunification or the search for opportunities to access healthcare,<sup>14</sup> education and food for their children or elderly people in their care, not available in Venezuela.<sup>15</sup> In these cases, women do not travel alone, but as caregivers for other people who accompany them along the migration routes and once settled in the host cities. For example, family connections were the reasons why some 55% of Venezuelan refugee women who arrived in Colombia in 2020 left Venezuela. A gender analysis indicates that this is linked to the care responsibilities associated with the roles assigned to women.

<sup>8</sup> For more on Temporary Protection Status, see <https://www.migracioncolombia.gov.co/visibles> (Spanish only).

<sup>9</sup> Amnesty International, Peru: In search of safety: Peru turns its back on people fleeing Venezuela, (AMR 46/1675/2020),

<https://www.amnesty.org/en/documents/amr46/1675/2020/en/>

<sup>10</sup> Amnesty International, Perú: Comunicación al Comité de Protección de los Derechos de Todos los Trabajadores Migratorios de las Naciones Unidas previa a su 34a sesión, (AMR 46/5238/2022), <https://www.amnesty.org/es/documents/amr46/5238/2022/es/>

<sup>11</sup> El País, 'La alcaldesa de Bogotá agita la xenofobia al proponer un comando especial contra migrantes criminales', 19 August 2022, <https://elpais.com/internacional/2021-08-19/la-alcaldesa-de-bogota-agita-la-xenofobia-al-proponer-un-comando-especial-contramigrantes-criminales.html>

<sup>12</sup> National Administrative Department of Statistics (DANE), Nota Estadística, Migración en Colombia, un panorama con enfoque de género, 2021, <https://www.dane.gov.co/files/investigaciones/notas-estadisticas/jul-2021-nota-estadistica-poblacion-migrante-venezolana-panorama-con-enfoque-de-genero.pdf>; Barómetro de Xenofobia, Mujeres migrantes: hipersexualización y machismo online at: <http://barometrode xenofobia.org/publicaciones/> accessed May 2022; and CARE, Una emergencia desigual: Análisis Rápido de Género sobre la Crisis de Refugiados y Migrantes en Colombia, Ecuador, Perú y Venezuela, June 2020.

<sup>13</sup> CARE, Una emergencia desigual: Análisis Rápido de Género sobre la Crisis de Refugiados y Migrantes en Colombia, Ecuador, Perú y Venezuela, June 2020.

<sup>14</sup> Amnesty International, 'Venezuela: Unattended health rights crisis is forcing thousands to flee', press release, 8 March 2018, <https://www.amnesty.org/en/latest/news/2018/03/venezuela-unattended-health-rights-crisis-is-forcing-thousands-to-flee/>

<sup>15</sup> Statements by Venezuelan refugee women, Focus Group 2, Cúcuta, 1 April 2022. See also: Red Clamor, Pies para que te tengo, November 2020, <https://www.r4v.info/es/document/informe-red-clamor-pies-para-que-te-tengo-noviembre-2020-es> accessed May 2022.

On the other hand, refugee women who still have family in Venezuela are not only the main breadwinners for their family during the migration process, but also for those who have remained in their country of origin.<sup>16</sup>

It is important to note that there are high rates of gender-based violence against women in both transit and host countries. In Colombia, the Comprehensive System on Gender-Based Violence (Sistema Integrado de Violencias de Género, SIVIGE)<sup>17</sup> reported a total of 122,758 cases throughout the country in 2020. Of these, 58,904 involved physical violence; 31,635 sexual violence; 18,967 neglect and desertion; and 9,782 psychological violence. Of this total number of cases, 78% of the survivors were women.<sup>18</sup>

In Peru, the Aurora Programme,<sup>19</sup> via the Women's Emergency Centres (Centros de Emergencia Mujer, CEM), recorded 114,495 cases of gender-based violence in 2020. Of these cases, 97,926, or 85.5%, of survivors were women. The cases disaggregated according to the type of violence were: 55,995 cases of psychological violence; 44,125 cases of physical violence; 13,843 cases of sexual violence; and 532 cases of economic violence.<sup>20</sup>

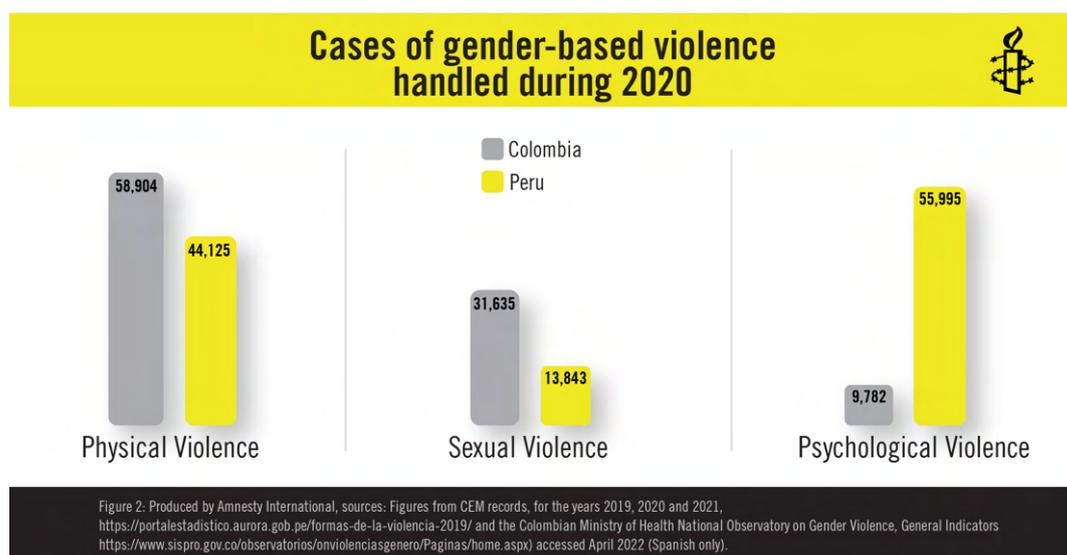


Figure 2

As this report shows, refugee women in Venezuela experience sexual violence and gender-based violence, in addition to robbery, extortion, threats, attacks, forced labour, killings, kidnappings, recruitment by armed groups and enforced disappearance. There have also been incidents where their companions or the people they care for, including their children,<sup>21</sup> have been targeted, both during the migratory journey and in the places where they settle.

16 DANE, *Nota Estadística, Migración en Colombia, un panorama con enfoque de género, 2021*, <https://www.dane.gov.co/files/investigaciones/notas-estadisticas/jul-2021-nota-estadistica-poblacion-migrante-venezolana-panorama-con-enfoque-de-genero.pdf> and HIAS, *UN Women, Mujeres en movilidad humana y violencia basada en género, Ecuador, 2020*, [https://www.r4v.info/sites/default/files/2021-07/ONU\\_Mujeres\\_HIAS\\_Diagnóstico\\_VBG\\_Mujeres\\_Movilidad\\_Humana.pdf](https://www.r4v.info/sites/default/files/2021-07/ONU_Mujeres_HIAS_Diagnóstico_VBG_Mujeres_Movilidad_Humana.pdf) accessed May 2022.

17 Among the types of violence that SIVIGE classifies as gender-based violence are: physical violence, psychological violence, sexual violence and neglect and desertion. For more information, see Colombian Ministry of Health National Observatory on Gender-Based Violence at <https://www.sispro.gov.co/observatorios/onviolenciasgenero/Paginas/home.aspx> (filter General Indicators) accessed April 2022 (Spanish only).

18 Colombian Ministry of Health, National Observatory on Gender-Based Violence, <https://www.sispro.gov.co/observatorios/onviolenciasgenero/Paginas/home.aspx> (filter General Indicators) accessed April 2022 (Spanish only).

19 The purpose of the National Programme for the Prevention and Eradication of Violence against Women and Members of the Family - AURORA is to design and implement at the national level actions and policies for the care, prevention and support of people affected by family and sexual violence, thus contributing to improving the quality of life of the population.

20 Aurora Programme, <https://portalestadistico.aurora.gov.pe/compendios/>; see 2020 compendium (Spanish only).

21 UNDP, *Reinventarse sobre la marcha: Mujeres refugiadas y migrantes de Venezuela: Un estudio de sus condiciones y accesos a medios de vida en Colombia, Ecuador y Perú*, with the support of the R4V Protection Section, published in April 2022, with figures for 2019.

# 4. VIOLENCE: MULTIPLE AND OMNIPRESENT

## VIOLENCE FACED BY VENEZUELAN WOMEN IN COLOMBIA AND PERU

### 1 IN PUBLIC SPACES

- a In host cities
- b Along migration routes

**Types of violence:** harassment, sexual violence, risk of labour exploitation, sexual exploitation, trafficking of persons.



### 2 IN A RELATIONSHIP

By a partner or former partner, Venezuelan or from the host country.

**Types of violence:** psychological, physical, economic and sexual violence.

### 3 IN THE WORKPLACE

Difficulties in accessing employment, pushing them to the informal sector. If they find a job, **They usually do not have written contracts or social benefits, and work long hours without days off.**

**Tipos de violencia:** harassment, physical or sexual violence, risks of labour exploitation, sexual exploitation, trafficking in persons.



In countries with already high rates of gender-based violence, violence against Venezuelan refugee women manifests itself in various spaces and in multiple forms: physical violence, sexual harassment, sexual violence and psychological violence; all violence that occurs in the public space, in the family and in the workplace.

Despite the fact that Colombia has SIVIGE, an inter-institutional effort aimed at managing information about gender-based violence<sup>22</sup>, consolidated public data is only available up to 2020. The available figures show that violence against Venezuelan refugee women in Colombia has grown exponentially since 2017, when 166 cases were registered, reaching 4,165 cases reported in 2020 (see Figure 3).

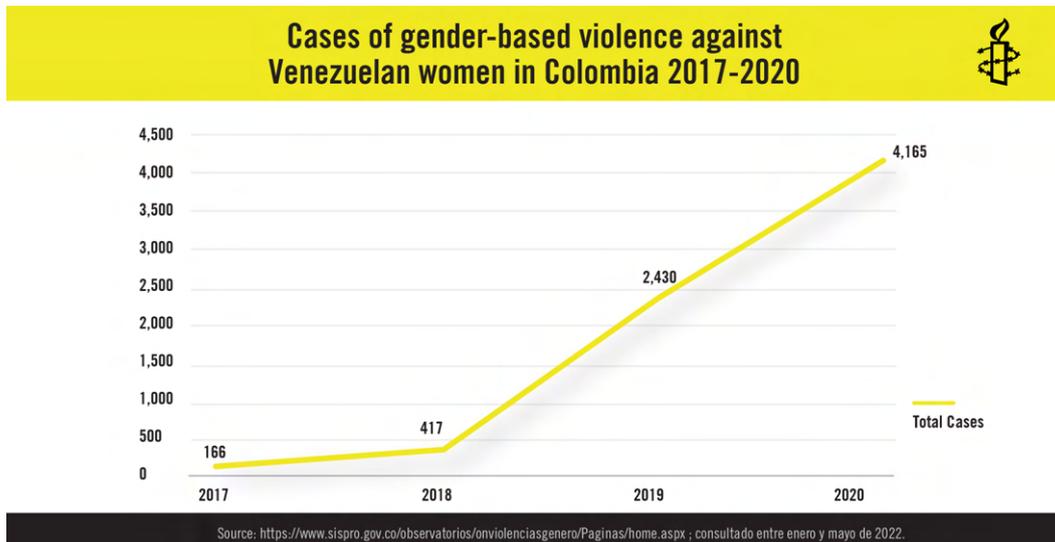


Figure 3

According to SIVIGE, 80.89% of cases of violence against Venezuelan women occurred in the home, 11.5% in the street and 7.6% in other spaces.<sup>23</sup> Figure 4 indicates the types of violence reported.

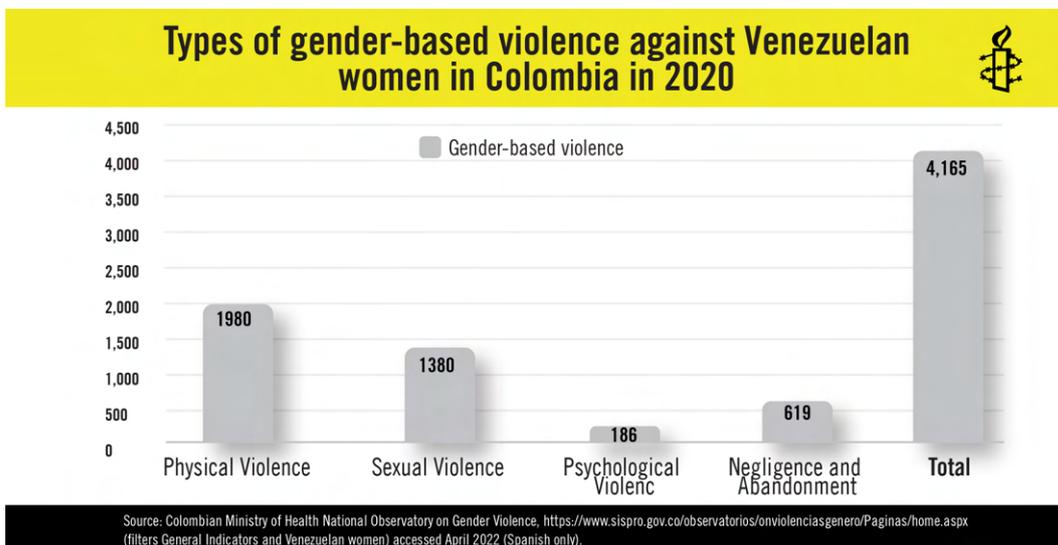


Figure 4

<sup>22</sup> For more information, see <https://www.sispro.gov.co/observatorios/onviolenciasgenero/Paginas/home.aspx> accessed between January and May 2022 (Spanish only).

<sup>23</sup> Colombian Ministry of Health National Observatory on Gender-Based Violence <https://www.sispro.gov.co/observatorios/onviolenciasgenero/Paginas/home.aspx> (filter General indicators) accessed in April 2022 (Spanish only).

In Peru, the National Programme for the Prevention and Eradication of Violence against Women and Members of the Family (Programa Nacional para la Prevención y Erradicación de la Violencia contra las Mujeres e Integrantes del Grupo Familiar, AURORA)<sup>24</sup> provides disaggregated information on foreign nationals who access CEM services. According to these figures, between 2019 and 2021 about 70% of foreign nationals who accessed CEM services were Venezuelan women, and the number of cases has tripled, going from 250 in 2017, to 759 in 2018, to 2,022 in 2019.<sup>25</sup>

Between 2019 and 2021, the dynamics changed (see Figure 5). The fall in the number of cases in 2020 is linked to the restrictions on transit and movement adopted by governments in response to the Covid-19 pandemic. However, the number of cases reported by phone through the helpline Línea 100, which provides information and advice on gender-based violence, went from 119,786 in 2019 to 235,791 in 2020, an increase of 98%.<sup>26</sup> Unfortunately, these figures are not disaggregated by the nationality of the women complainants.

The CEM reported that it provided services to foreign women 681 times between January and March 2022, which suggests that the demand for support services from Venezuelan refugee women continues to increase.<sup>27</sup> Unfortunately, although the year-by-year figures are disaggregated by type of violence, they also do not contain data corresponding to the nationality of the survivor.

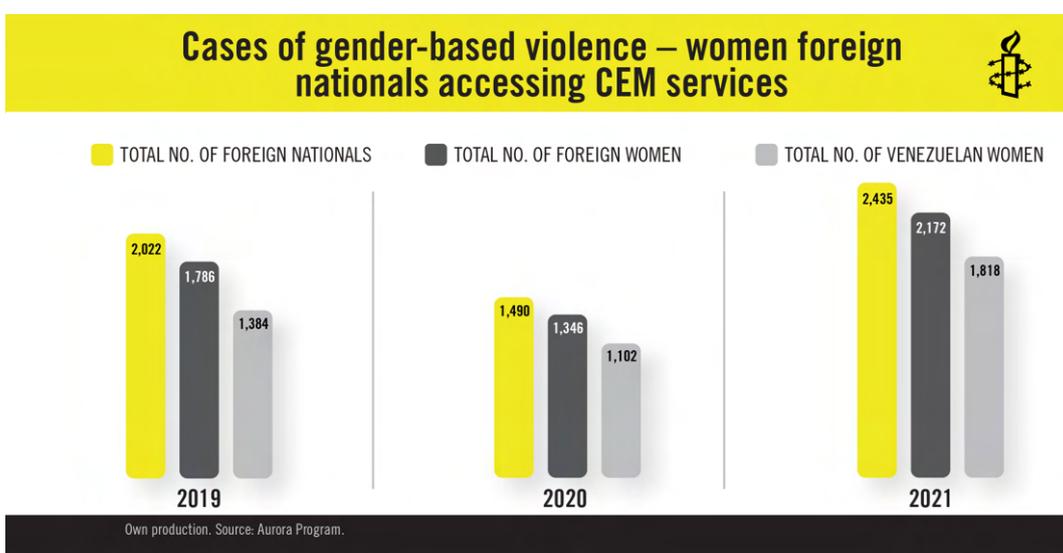


Figure 5

The increase in the number of cases reported in both countries coincides with the growth of the Venezuelan refugee population in both Colombia and Peru since 2018.<sup>28</sup> However, the figures recorded are very low in relation to the percentage of Venezuelan women in each country. For Colombia, the 4,165 cases represent just 0.45% of Venezuelan women who are estimated to live in the country. For Peru, the figure is even lower and the 1,102 cases registered by the CEM represent 0.12% of the Venezuelan female population in the country.

These considerations and figures would seem to indicate significant under-reporting of cases of refugee women users of prevention and support programmes in Colombia and Peru. This is also indicative of the challenges faced by Venezuelan women in accessing existing state care pathways. As an illustration, below is a comparison of the cases of sexual violence recorded by the Aurora Programme between 2019 and 2021.

<sup>24</sup> The purpose of the National Programme for the Prevention and Eradication of Violence against Women and Members of the Family - AURORA is to design and implement at the national level actions and policies for the care, prevention and support of people affected by family and sexual violence, thus contributing to improving the quality of life of the population.

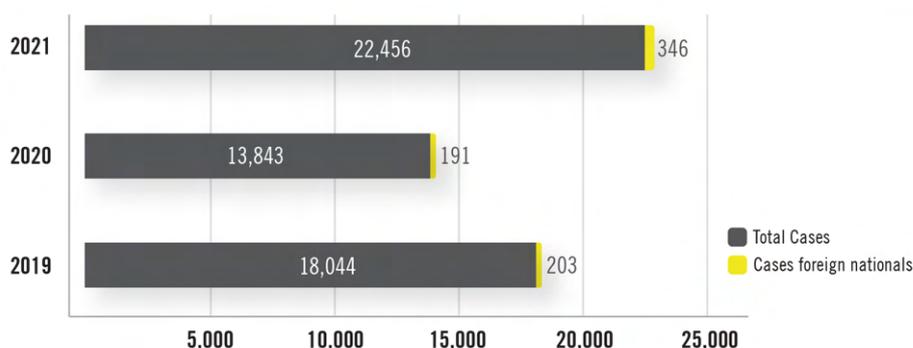
<sup>25</sup> Aurora Programme, see <https://portalestadistico.aurora.gob.pe/tipos-de-poblacion-2021/> and <https://portalestadistico.aurora.gob.pe/tipos-de-poblacion-2018/> (Spanish only).

<sup>26</sup> Aurora Programme, figures updated as of April 2022, <https://www.mimp.gob.pe/ompe/estadisticas-atencion-a-la-violencia.php> (Spanish only).

<sup>27</sup> Aurora Programme, see <https://portalestadistico.aurora.gob.pe/tipos-de-poblacion-2022/>

<sup>28</sup> Colombian Observatory for Women, Boletín Especial, La violencia contra las mujeres migrantes: una frontera por superar, [https://observatoriomujeres.gov.co/archivos/publicaciones/Publicacion\\_187.pdf?TSPD\\_101\\_RO=08394a21d4ab2000ec37f50b-5f5813ab42910e63e4a85a02641e186c863c8e25db3d73a547347e780874d4ea471430006ee3730751812f4c6a3425c7af1f02b-80f868a1cad4b1ab18d133e6a792f22dc7278720c2a8eae590cc5c522b227007c](https://observatoriomujeres.gov.co/archivos/publicaciones/Publicacion_187.pdf?TSPD_101_RO=08394a21d4ab2000ec37f50b-5f5813ab42910e63e4a85a02641e186c863c8e25db3d73a547347e780874d4ea471430006ee3730751812f4c6a3425c7af1f02b-80f868a1cad4b1ab18d133e6a792f22dc7278720c2a8eae590cc5c522b227007c) accessed May 2022.

## Cases of sexual violence reported to CEMs, Peru



Produced by Amnesty International, source: Figures from the CEM records on sexual violence for the years 2019, 2020 and 2021. Cases of sexual violence – Rape, indecent assault, sexual harassment and sexual molestation in public places, <https://portalestadistico.aurora.gob.pe/formas-de-la-violencia-2019/>

Figure 6

## 4.1 IN PUBLIC SPACES

### In host cities

Sources consulted by Amnesty International agree that violence against women in public spaces is widespread and manifests itself both against nationals, Peruvian and Colombian women, and against refugee women, including Venezuelan women.<sup>29</sup> One of the women interviewed said: “There is a lot of violence here in Peru, there is a lot of violence. Against Venezuelan as well as Peruvian women, it’s not only us Venezuelan women who experience violence. Peruvian women also experience a lot of violence, a lot of abuse.”<sup>30</sup>

However, the same sources agree that violence against Venezuelan women manifests itself in a different way because of stereotypes related to their bodies and sexuality, exposing them to harassment, violence and even to being the victims of human trafficking, and hindering their social integration in host cities.<sup>31</sup> Amnesty International found that refugee women face multiple forms of gender-based violence in public spaces in both countries: in the streets, in squares, in markets and in shops. In Colombia, women also reported violence along the different migration routes. The data available for Colombia show that 24.1% of women have experienced discrimination or have been unfairly treated because they are Venezuelan refugees. Of these, 58.8% said that they had experienced such violence in the streets.<sup>32</sup>

This violence combines stereotypes associated not only with their nationality, but also with the fact that they are women and how society believes that they dress, behave and speak as well as with the perceived sexuality of Venezuelan women. These stereotypes, by undermining their worth and dignity, increase the risk of violence, and can lead to verbal assault, psychological violence, harassment and sexual violence.

**“They said that we came here to be homewreckers, that we were all prostitutes. So even though that’s far from the case, they blame all of us, saying that we’re homewreckers, that we’re a bad influence, that we’re useless, and why don’t we go back to our own country, that there’s nothing for us here. Colombians have done a long list of things to me so my experience here has not been a very good one.” Estefanía, a Venezuelan woman in Colombia**

<sup>29</sup> Interviews with various international officials in Colombia and Peru between March and April 2022; interview with a Venezuelan woman, Lima, 20 March 2022; Focus Group 1, Lima, 21 March 2022; and interview with a Venezuelan woman, 23 March 2022.

<sup>30</sup> Statement by a Venezuelan woman, Focus Group 1, Lima, 21 March 2022.

<sup>31</sup> Colombian Observatory for Women, Boletín Especial, La violencia contra las mujeres migrantes: una frontera por superar; Barómetro de Xenofobia, Boletín #1 - Hipersexualización y machismo online, <http://barometrodexenofobia.org/publicaciones/> accessed May 2022. University of the Pacific, UNHCR, analysis of media coverage of refugees and migrants, at <https://www.acnur.org/60b84fe84.pdf> (Spanish only).

<sup>32</sup> National Administrative Department of Statistics (DANE), Pulse Migration Survey, at <https://www.dane.gov.co/index.php/estadisticas-por-tema/demografia-y-poblacion/encuesta-pulso-de-la-migracion-epm> accessed April 2022 (Spanish only).

The image of Venezuelan women, associated with stereotypes of hypersexualization, and in some cases linking them without evidence to criminality, exposes and subjects women to unsafe scenarios, both in work and in social relationships.<sup>33</sup> The information and statements gathered also reveal prejudices in the host communities that see refugee women as “stealing husbands” and homewreckers, which has at times resulted in violence against them by women in the host countries.

**“More than anything, it’s women, these comments are directed from one woman to another, it’s like ‘they come here, they hate me, they prostitute themselves’. Let’s not deny it, there are women who do, but it is out of necessity, because they can’t get work.” Daniela, a Venezuelan woman in Colombia**

These images that objectify and hypersexualize refugee women encourage discrimination and xenophobia both on the migration routes and in the host cities, exacerbating their situation of vulnerability and the risks of labour and sexual exploitation and creating significant obstacles to their integration.<sup>34</sup>

Among the types of violence identified in public spaces is **sexual violence**. Although this affects all Venezuelan refugee women, Venezuelan trans women are in a particularly vulnerable situation because of their gender identity, since they transgress entrenched patriarchal and male gender roles in societies such as Colombia and Peru.<sup>35</sup>

It should be borne in mind that the discrimination and exclusion to which some transgender women in particular are subjected results in their having reduced job opportunities, driving them look for night-time work, including sex work, and so exposing them to situations of greater risk. This was the case for Alicia, who experienced attempted sexual assaults as she was leaving a bar in Lima where she worked. One night after leaving work, Alicia took a motorcycle taxi and the driver, who had followed her a few days earlier, started to take her on a different route and tried to assault her. Alicia defended herself by fleeing the scene.

Another statement highlights how sexual violence is an everyday fact in the lives of refugee women:

**“I have been exposed to attempted rape twice here in Lima. . . and the attempted rapes were in the street, also the police wouldn’t accept my complaint because ‘what was I doing running in the streets at 6.30 in the morning’... The second attempt was January 2020, I remember, I was running again, I run a lot. I am a very active person, I really like to do sports and I run in the morning before I go to work. It happened near my home too, where I’ve always lived. . . I still live in the same place and I constantly have the same fear of coming across the same person. The second time. . . this time it was a little more in your face because that gentleman chased me with his penis out of his pants. I was running, he was running after me and nobody was doing anything and I didn’t understand why nobody was doing anything. I went again to the police station, the same station, and said that there was a person with his private parts exposed chasing the women in the park. Honestly, I saved myself because I jumped over a fence and when he jumped I turned around. It really was because of that, like he didn’t expect me to turn and face him.” Mariana, a Venezuelan woman in Peru**

- **On migration routes**

Venezuelan refugee women face significant risks to their lives and physical integrity along the entire migration route. Amnesty International received information about cases of physical and sexual violence against women all along the route as they headed to the host cities.<sup>36</sup>

<sup>33</sup> University of the Pacific, UNHCR, analysis of media coverage of refugees and migrants.

<sup>34</sup> R4V Protection Section.

<sup>35</sup> Caribe Afirmativo, Perfiles migratorios de la comunidad LGBTIQ+ Conectando caminos por los derechos, <https://caribeafirmativo.lgbt/wp-content/uploads/2022/05/PERFILES-MIGRATORIOS.pdf> accessed May 2022.

<sup>36</sup> Interviews with international officials in Colombia and Peru, between March and April 2022. See also: Red Clamor, Pies para que te tengo, 2020, [https://www.acnur.org/publications/pub\\_prot/5fad5e624/pies-para-que-tengo-testimonios-de-personas-venezolanas-refugiadas-y-migrantes.html](https://www.acnur.org/publications/pub_prot/5fad5e624/pies-para-que-tengo-testimonios-de-personas-venezolanas-refugiadas-y-migrantes.html) accessed April 2022.

According to the statements received, Venezuelan women travel in fear and with the constant threat of being targeted for different forms of gender-based violence by men in transit countries, for example being forced to have sex in order to access transport or experiencing harassment and/or sexual violence at unofficial border crossings.<sup>37</sup> According to information received by international organizations, Venezuelan women also experience violence, including sexual violence, from those in the group they are walking along with when they join groups of men in search of safety on the journey.<sup>38</sup>

The evidence gathered shows that gender-based violence also occurs at irregular border crossings. At some irregular crossings, also called “trochas” (shortcuts), refugees may be exposed to multiple forms of violence<sup>39</sup>, including assault and sexual violence and the risk of being trafficked for sexual exploitation.



↑  Border Perú - Ecuador. Copyright Fernanda Pineda/Amnesty International.



### **VIOLENCE BY NON-STATE ARMED GROUPS IN COLOMBIA: “DOUBLE JEOPARDY” (“DOBLES AFECTACIONES”)**

The concept of “double jeopardy” refers to the situation of an individual or a group of Venezuelan people, at risk on two grounds simultaneously: because of their status as people on the move and because of a context of violence, such as the armed conflicts that Colombia is experiencing. Amnesty International received information and statements about Venezuelan women in “double jeopardy” in Colombia.<sup>40</sup> The presence in Colombia of various non-state armed groups, many of them installed in areas along the borders with Venezuela, Peru and Ecuador, creates additional risks for Venezuelan women, adding to the violence directed at them because they are women on the move. Venezuelan refugee women are victims of gender-based violence by organized armed groups.<sup>41</sup>

<sup>37</sup> See *Red Clamor, Pies para que te tengo*, 2020

<sup>38</sup> Interview with an international organization, Colombia, March 2022.

<sup>39</sup> Interview with civil society organisation in Colombia, 1 April 2022. See also, *Red Clamor Pies para que te tengo. OBSERVATORY*

<sup>40</sup> Interviews with international officials, Colombia, March 2022 and interview with a Venezuelan woman, Cúcuta, 31 March 2022.

<sup>41</sup> Interviews with international officials, Colombia, March 2022 and interview with a Venezuelan woman, Cúcuta, 31 March 2022. See also *Alianza por la Solidaridad, Impacto de la Violencia Basada en Género (VBG), en las Mujeres Migrantes/Desplazadas y su Acceso al Sistema de Protección, Justicia y Reparación en Colombia*, November 2021, <https://www.alianzaporlasolidaridad.org/casos/impacto-de-la-violencia-basada-en-genero-en-las-mujeres-migrantes-desplazadas-en-colombia> accessed May 2022 and UN Women, *Mujeres, Violencia y Frontera*, 2018, <https://lac.unwomen.org/sites/default/files/Field%20Office%20Americas/Documentos/Publicaciones/2019/12/Mujeres%20violencia%20frontera.pdf> accessed May 2022.

Representatives of international organizations and civil society stated that there are cases of gender-based violence in border areas such as Norte de Santander, Santander, Nariño, Cauca, areas of Colombia where coca crops and drug trafficking and micro-trafficking corridors are prevalent.<sup>42</sup> The lack of economic opportunities for Venezuelan refugees means that some people opt for coca planting and harvesting work. Women face high risks of being recruited into trafficking for sexual exploitation. “They take women ‘recruited’ for unpaid domestic work. In border areas what happens is that there are cis and trans [Venezuelan] women looking for work and they recruit them to work on ‘ranches’<sup>43</sup> and they find that these are trafficking networks for the purpose of sexual exploitation”, said one of the people interviewed.<sup>44</sup>

This is what happened to Stella, a Venezuelan refugee woman who was persuaded by a Venezuelan friend to cross the border and go to work on coca “farms”:

**“I left everything there, my son, my mother and my whole family in Venezuela and I emigrated here, I didn’t know where to go, I knew nothing about these places and I arrived in a guerrilla zone. When I arrived in that area there were lots of Venezuelan and Colombian people... I didn’t really know anything, not even what the types of plants were. . .**

**... When night fell I rode on an animal, a donkey, for four hours to reach the farm. When I arrived at that farm it was terrible, I didn’t even know who was there, whether it was the army or the guerrillas. I was worried because I didn’t know what the score was. They came every day: giving me panela, and I don’t know what else.**

**... In Cúcuta, I didn’t experience what happened there. Here thank God they didn’t say, ‘no, sell your body’. Here, I was never told that. If I did it, it was of my own free will, they never told me to or pointed a gun at me. But, there [on the farm] there were much worse things.”**

Stella, a Venezuelan woman in Colombia

## 4.2 INTIMATE PARTNER VIOLENCE

Violence in the family, where the alleged perpetrator is the victim’s partner or former partner, is the most prevalent form of violence in the lives of Colombian and Peruvian women, as well as of Venezuelan refugee women. It can take the form of psychological, physical, economic and sexual violence.

Although in Peru, it is only possible to access figures on violence perpetrated by the intimate partner or ex-partner of foreign women in general, the information available and the statements gathered indicate that intimate partner violence against Venezuelan refugee women has increased in both Colombia and Peru.<sup>45</sup> In Colombia, during 2020, 80.89% of cases of gender-based violence against Venezuelan refugee women reported by SIVIGE occurred in the home.<sup>46</sup> The figures show an increase in violence in this area, from 75% in 2018.

42 Interviews with officials, Colombia, 2022; statement, Colombia, 31 March 2022; Red Clamor, *Pies para que te tengo*, November 2020; and Alianza por la Solidaridad, *Impacto de la Violencia Basada en Género (VBG), en las Mujeres Migrantes/Desplazadas y su Acceso al Sistema de Protección, Justicia y Reparación en Colombia*, November 2021.

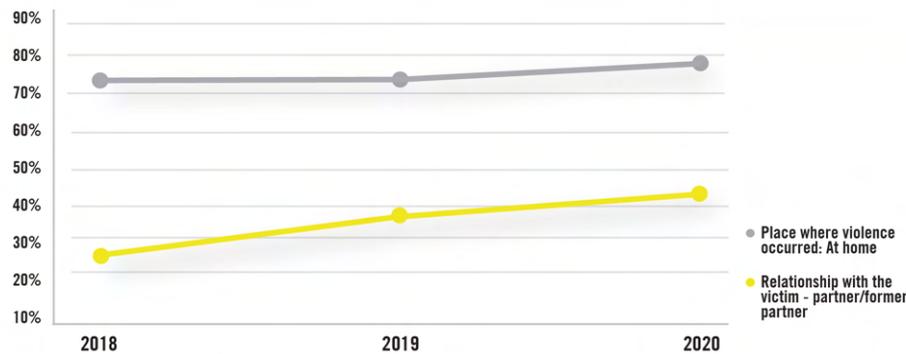
43 Places where people live and work in rural areas.

44 Interview with an international official, Colombia, March 2022.

45 Interviews with international officials in Colombia and Peru, between March and April 2022 and interview with civil society organization in Peru, 21 March 2022.

46 11.5% of cases of violence occurred in public places and 7.6% in other locations. Colombian Ministry of Health National Observatory on Gender-Based Violence, <https://www.sispro.gov.co/observatorios/onviolenciasgenero/Paginas/home.aspx> (filter General indicators, Venezuelan women, year 2020) accessed April 2022 (Spanish only).

## Domestic violence in Colombia



Source: Colombian Ministry of Health National Observatory on Gender-Based Violence, <https://www.sispro.gov.co/observatorios/onviolenciasgenero/Paginas/home.aspx> (filters General Indicators, Venezuelan women, year) accessed April 2022.

Figure 7

The cases documented during the research for this report indicate that violence in the domestic sphere is exacerbated by vulnerable situation of refugee women: namely, the lack of support networks and spaces to care for children under five and subsequent difficulties enrolling them in school, coupled with limited economic options and difficulty in finding decent work in the formal sector in countries with a large informal sector. Finally, the lack of job opportunities means they are obliged to care for their children in the home and to become economically dependent, which in some cases escalates from control to violence.

In both countries, the statements gathered show that intimate partner violence can come from partners or former partners, from nationals of the host countries as well as Venezuelans. According to the women Amnesty International interviewed: “Now violence by Venezuelan men is normalizing, something that was not always the case in Venezuela.”<sup>47</sup>

Among the factors that help explain the increase in intimate partner violence by Venezuelan men are the prevalence of macho cultures and the normalization of violence in society, as well as the “new family reconfigurations”<sup>48</sup> during the migration process that in some cases result in changes in relationships and roles within the family. For example, women who go out to work in places of high public exposure; women who in Venezuela took care of the home but who in the host cities must do paid work outside the home; or women who in Venezuela had paid work but in the host cities have to work as carers in the home while their partner works outside the home.<sup>49</sup>

Several interviewees reported cases of gender-based violence by Venezuelan men to Amnesty International.

**“In the case of Venezuelans, they are men who feel more ‘empowered’ here in Colombia because they are the ones who are working and the woman, if she came with children and has two or more, cannot leave the home, this triggers Venezuelan men’s machismo... There are even many women who say: ‘How long does the activity last? I have to leave quickly because my husband is waiting for me’ or ‘lend me the phone because I have to tell my husband’, or ‘lend me the phone to send a photo so my husband knows that I am here’, that’s the level they are reduced to”.** Micaela, a Venezuelan woman in Colombia

Researchers also documented cases where male partners who are nationals of the host country abused their relationship of power and made refugee women feel that they do not have rights in the host country<sup>50</sup>, “they make them believe that they do not have rights because they are migrants... they take away their passports to take advantage and subjugate them”, said one interviewee.<sup>51</sup>

47 Statements, Focus Groups 1 and 2, Lima, Peru, 21 and 22 March 2022.

48 “Nuevas reconfiguraciones familiares”, CARE, *Una emergencia desigual: Análisis Rápido de Género sobre la Crisis de Refugiados y Migrantes en Colombia, Ecuador, Perú y Venezuela*, June 2020.

49 Interviews with international organizations in Colombia, 31 March 2022; interviews with national organizations in Peru, 21 March 2022; and Focus Group 2, Peru, 22 March 2022.

50 Colombian Observatory for Women, *Boletín Especial, La violencia contra las mujeres migrantes: una frontera por superar*.

51 Interviews with national and international organizations in Colombia and Peru, March 2022.

“It's not easy, living like this, they control everything, they suffocate you, they control the way you dress, who you talk to, who you call. They forbid you a lot of things. They're very ready with their fists. For the least reason, they'll raise their fists and hit you. They use very offensive language, I think as far as psychological violence is concerned they can be really absolutely scathing, they really can. For them, insulting you, offending you, is natural.”

Camila, Venezuelan woman in Peru

### • Leaving the aggressor: almost impossible for Venezuelan women without resources or support

According to the information gathered, the majority of refugees from Venezuela face precarious economic circumstances in the host cities.<sup>52</sup> For women, this comes on top of other pre-existing situations of vulnerability. Often, they arrive in unfamiliar places, without support networks and with children to care for. In these contexts, in addition to physical and psychological violence, many suffer patrimonial and economic violence from their partner who is the “sole” breadwinner for the family. For example, Sandra, who currently lives with her husband in Bogotá, told Amnesty International: “He gives me 4 dollars a day and I have to try to manage on that, sometimes he doesn't give any money, for example, when he gets angry and leaves.”<sup>53</sup>

The difficulties women face breaking the cycle of violence and moving away from their abusers have been widely documented. For Amnesty International, economic violence, coupled with women's lack of employment or job insecurity, the absence of childcare and insufficient temporary shelters (see Chapter 6), make it even more difficult for Venezuelan women in Colombia and Peru to leave their partners to protect their lives. One humanitarian worker pointed out, for example, that a Venezuelan woman, when asked why she did not report the violence, replied: “I have nowhere to go. They told me that there are not enough shelters.”<sup>54</sup>

## 4.3 AT WORK

The work environment is one of the spaces where the Venezuelan women interviewed expressed facing significant levels of informality and violence. Sources consulted and civil society organizations in both countries believe that the situation of economic precariousness, the lack of regularization of their migration status and the lack of access to training programmes and economic empowerment measures because they cannot regularize their migration status, force Venezuelan women in Colombia and Peru to work in the informal sector where they do not have any protection against the violence targeted against them.<sup>55</sup>

In both Colombia and Peru, a large number of people work in the informal sector. In Colombia, between December 2021 and February 2022, 48% of working-age people were employed in the informal sector, 42.7% of this total were women.<sup>56</sup> In Peru, in 2021, the percentage of people working in the informal sector reached 76%<sup>57</sup>, but this information does not disaggregate the percentage of women.

In Colombia, a Pulse Migration Survey by the National Administrative Department of Statistics (Departamento Administrativo Nacional de Estadística, DANE) indicates that 82% of Venezuelan women in the active workforce said they had difficulties in obtaining paid work. Of these, only 16% had a written contract, compared to 84% who said they have a verbal contract.<sup>58</sup>

In Peru, the Office of the General Superintendent for Migration (Superintendencia General de Migraciones) has registered 566,707 adult women foreign nationals in the country. Of these, 74% are Venezuelan refugee women. According to the same source, 29% of foreign women are in paid work,

<sup>52</sup> In Colombia, 87% of refugee and migrant women are living in socioeconomic strata 1, 2 and 3; Colombian Observatory for Women, *Boletín Especial, La violencia contra las mujeres migrantes: una frontera por superar*.

<sup>53</sup> Interview with a Venezuelan refugee woman, Colombia, 28 March 2022.

<sup>54</sup> Interview with an international organization, Colombia, March 2022.

<sup>55</sup> Colombian Observatory for Women, *Boletín Especial, La violencia contra las mujeres migrantes: una frontera por superar*.

<sup>56</sup> DANE, Nearly 1.8 million Peruvians joined the informal work sector in 2021, <https://www.dane.gov.co/index.php/estadisticas-por-tema/mercado-laboral/empleo-informal-y-seguridad-social#:~:text=La%20proporci%C3%B3n%20de%20ocupados%20informales,metropolitanas%20fue%2044%2C6%25> accessed 2022 (Spanish only).

<sup>57</sup> Gestion, ‘Cerca de 1.8 millones de peruanos entraron a la informalidad laboral el 2021’, 15 March 2022 <https://gestion.pe/economia/management-empleo/cerca-de-18-millones-de-peruanos-entraron-a-la-informalidad-laboral-el-2021-informalidad-laboral-inei-trabajo-sin-derechos-sociales-noticia/>

<sup>58</sup> DANE, Pulse Migration Survey, <https://www.dane.gov.co/index.php/estadisticas-por-tema/demografia-y-poblacion/encuesta-pulso-de-la-migracion-epm> accessed April 2022 (Spanish only).



↑  Commercial Establishments in Tumbes, Perú. Copyright: Fernanda Pineda/Amnesty International.

34% work on an unpaid basis and in 37% of cases their employment status could not be determined. It should be noted that 22% of the women completed secondary education and 18% completed technical or higher education.<sup>59</sup>

In both countries, refugees face barriers to accessing opportunities for decent working conditions. In Colombia, for example, Venezuelan women identified lack of work permits as the main barrier, followed by lack of experience, discrimination and lack of access to information on job offers.<sup>60</sup> Several women commented that their first job option was as a street vendor selling coffee, arepas or candy, or recycling.<sup>61</sup> Faced with job insecurity, some women also choose to engage in sex work. Informal work increases the risks of being exposed to various forms of violence and labour exploitation, including being co-opted for work in restaurants and bars for the purpose of sexual exploitation.<sup>62</sup> The information and testimonies gathered suggest that in Colombia and Peru, the work environment for Venezuelan women is per se violent.

Xenophobia is another obstacle preventing Venezuelan women from accessing decent work and one of the main reasons why they face violence in the workplace.<sup>63</sup> Some Venezuelan refugee women said that, despite having regular migration status, it is still very difficult to get a decent job that allows them to escape economic precariousness, due to xenophobia and the lack of job opportunities: “she is 37 years old and has gotten into companies and everything, and right now she is in one, but she is employed by the day” said one of the mothers of a Venezuelan woman based in Colombia.<sup>64</sup>

Venezuelan women often face xenophobia or compound stereotypes when they look for work. Both the sources consulted and the statements gathered indicate that they are denied the opportunity to access work because they are Venezuelan.<sup>65</sup> This is compounded by discrimination on other grounds, such as age. This was the case for Liz, who is 60 years old:

<sup>59</sup> Office of the National Superintendent for Migration, *Contexto de la feminización de la migración en el Perú, respuesta y estrategias estatales para alcanzar la integración*, March 2022. Document provided in an interview with the Superintendent’s Office on 23 March 2022.

<sup>60</sup> DANE, *Pulse Migration Survey*, <https://www.dane.gov.co/index.php/estadisticas-por-tema/demografia-y-poblacion/encuesta-pulso-de-la-migracion-epm> accessed April 2022.

<sup>61</sup> Interview with Venezuelan refugee woman, Lima, 20 March 2022, and Focus Group 2, Cúcuta, 1 April 2022.

<sup>62</sup> Interview with international officials, Colombia, March 2022. See also Ombudsperson’s Office, *Early Warning 50-20, Norte de Santander*, 22 November 2020, and Colombian Observatory for Women, *Boletín Especial, La violencia contra las mujeres migrantes: una frontera por superar*.

<sup>63</sup> Colombian Observatory for Women, *Boletín Especial, La violencia contra las mujeres migrantes: una frontera por superar* and interview with DeJusticia, Colombia, March 2022.

<sup>64</sup> Casual employment on a day-to-day basis.

<sup>65</sup> Colombian Observatory for Women, *Boletín Especial, La violencia contra las mujeres migrantes: una frontera por superar*; interview with DeJusticia, Colombia, March 2022; statements, Focus Group 1, Lima, 21 March 2022; and statements, Focus Group, Engativá, Colombia.

**“It happened to me, when I arrived, I said, I’m going to look for work, I’m going to work, even if it’s selling coffee, I saw that they were looking for staff in bakeries, I went to several places. The first thing they asked about was my nationality, of course because of my accent: ‘No, no, we don’t hire Venezuelans here’ I was told outright. At another place, ‘how old are you?’, ‘no, go home and look after the youngsters’. I went out several times and said, ‘wow, it’s going to be hard for me to find a job’. That was one of the hurdles for me, a big one. When I came, I was working and here I cannot get a job, that’s impossible. Those are the first things, age and nationality, they already label you with that and then what do you do. I’d like to be independent, to have a space for me, my privacy but I have no way of being able to afford that.”**

Liz, a Venezuelan woman in Colombia

Potential employers stigmatize, discriminate or even assault Venezuelan women, based on gender stereotypes and their hypersexualization, which are widespread in Colombian and Peruvian societies. Venezuelan women often receive comments that reduce their job opportunities to sex work: “Why look for work if you can go to the street to work,” one of the women interviewed reported having heard. Another woman interviewed responded to a question of what obstacles they face when looking for employment by saying: “Here the issue is work, employment for migrants, because that is what Venezuelans are, they ask you for sexual services in order to give you a job. It’s shocking.”

In this context, Venezuelan refugee women face unrelenting sexual harassment in the workplace. Camila shared her experience, when she arrived in Lima, of a boss who constantly harassed her during the three months she worked with him, even fearing for her life when she realized that the man kept a gun in one of his desk drawers:

**“I arrived with a job offer that ended in threats and harassment and when I realized I was at risk, I didn’t care that I wasn’t being paid, but I wanted to, sort of melt away. And so... that was how I started out. I went on, I took a job in the informal sector so as not to be stuck there. But I arrived in what appeared to be a good position. I arrived with a job offer, with a wonderful dream salary, but by the third month, it started: ‘look, I don’t need staff, I want you, I want to be with you...’ and I kept saying, no, no, until he got a bit aggressive and I said I can’t do this anymore. My head was telling me that the gun was in the drawer [of the boss, who was harassing her].”** Jenny, a Venezuelan woman in Peru

Refugee women who manage to find work in the formal sector are not immune to violations of their labour rights and difficult working conditions. The lack of a written employment contract, social benefits, pay not in line with the law, long working hours and no rest days, were some of the persistent trends identified in both countries during this research.<sup>66</sup>

**“** In many businesses here there are abuses, my daughter worked in a shop and also had to go to the Ministry of Labour and the woman said: ‘no, she was not hired by me’, and she didn’t want to pay her for the months she worked there, she went to the police, because she was being abused, the hours they imposed, they disrespect, they exploit Venezuelans a lot. Working hours when they are not even given the time to eat, working straight through as if they were not human beings, as if they didn’t have a family. **”**

Liz, a Venezuelan woman in Colombia

**Obstacles to access to decent work: “That’s what they told us: ‘I have no one to look after the children’”<sup>67</sup>**

Another barrier to accessing work identified by women is that they continue to shoulder a disproportionate amount of the responsibility for childcare because of the prevailing gender roles both in their country of origin and in the host country. This intensifies when they leave their countries.<sup>68</sup> The study

<sup>66</sup> DANE, *Pulse Migration Survey*, <https://www.dane.gov.co/index.php/estadisticas-por-tema/demografia-y-poblacion/encuesta-pulso-de-la-migracion-epm> accessed April 2022.

<sup>67</sup> DeJusticia interview, Colombia, March 2022.

<sup>68</sup> Colombian Observatory for Women, *Boletín Especial, La violencia contra las mujeres migrantes: una frontera por superar*.

Labour Dynamics of Venezuelan Migrant Women in Colombia (Dinámicas laborales de las mujeres migrantes venezolanas en Colombia) found that Venezuelan refugee women have a higher (unpaid) workload in the home than Colombian women. According to this study, 46.7% of Venezuelan migrant women in work and 53.1% of those not in work<sup>69</sup> stated that they spent at least 20 hours<sup>70</sup> a week on childcare compared to 35.3% and 30.6% of employed and unemployed Colombian women.<sup>71</sup>

Because of the lack of support networks and state childcare policies, Venezuelan refugee women have no one to take care of their children. Often, given their economic insecurity, the conditions of poverty they face in the host cities and the lack of family support networks, it is women who are left to look after the children while their partners are at work, making it difficult in practice for them to access the labour market and job training programmes.<sup>72</sup> For single mothers it is even more difficult to get a job to meet the needs of the family as they have no reliable childcare networks.

Faced with this complex situation, many women choose to take their children with them when they go out to work as street vendors, where they face being offered money for sex, raped, assaulted and discriminated against. Other women “decide” (having no alternative) to leave their children alone at home or take them along when on the streets begging, exposing them to a greater risk of discrimination, abuse and violence. Particularly in Colombia, there is a widespread fear among Venezuelan refugee women that, in either of the above two scenarios the Colombian authorities will intervene to take away the children<sup>73</sup> and put them in the Administrative Process for the Restoration of Rights (Proceso Administrativo de Restitución de Derechos).<sup>74</sup>

**“They are also very fearful of the Colombian Family Welfare Institute [Instituto Colombiano de Bienestar Familiar, ICBF]. The ICBF is an institution that migrant families are very afraid of, afraid they’ll have their children taken away from them. So then they... decide not to go out looking for formal work, but rather to work in the informal sector, so they sell food, they sell coffee, so that they can take the children to the work with them.” Interview with DeJusticia**

In addition, according to the information received, the majority of Venezuelan refugee women face greater barriers in accessing government training programmes and economic empowerment measures because of the obstacles to regularizing their migration status<sup>75</sup> coupled with the lack of support networks for childcare.

The sources consulted also indicated that one of the difficulties faced by women in accessing and attending all stages of training programmes or certification of competencies is again related to care responsibilities.<sup>76</sup>

**“Some programmes have included nurseries, spaces that ensure women can attend. However, when they do manage to access employment, after a month or two women resign because they have no one to take responsibility for childcare, and their wages are not enough to enable them to pay a childminder. So... well, that has a big impact on the effectiveness of these programmes. This obviously restricts women’s participation in the labour market.” Interview with DeJusticia**

69 Inactive and unemployed

70 19.6 hours for those in work and 26.4 hours for those not in work.

71 CUSO Internacional, *Dinámicas laborales de las mujeres migrantes venezolanas en Colombia*, December 2021, accessed May 2022. See also Colombian Observatory for Women, *Boletín Especial, La violencia contra las mujeres migrantes: una frontera por superar*.

72 DeJusticia interview, Colombia, March 2022.

73 PARD figures indicate that there are more than 10,900 Venezuelan children in Colombia. This figure has been increasing since 2017, which coincides with the mass arrival of Venezuelans in Colombia, reaching 3,609 children during 2021, [https://public.tableau.com/app/profile/anal.tica.institucional.icbf/viz/EstadisticasMigrantes/ICBF\\_16198291803590/INDICE?publish=yes](https://public.tableau.com/app/profile/anal.tica.institucional.icbf/viz/EstadisticasMigrantes/ICBF_16198291803590/INDICE?publish=yes) accessed March 2022.

74 DeJusticia interview, Colombia, March 2022; Focus Group, Soacha, Colombia, March 2022; and interview with Colombian officials, April 2022.

75 DeJusticia interview, Colombia, March 2022 and DANE, Pulse Migration Survey,

<https://www.dane.gov.co/index.php/estadisticas-por-tema/demografia-y-poblacion/encuesta-pulso-de-la-migracion-epm> accessed April 2022.

76 DeJusticia interview, Colombia, March 2022.



## LOOKING FOR WORK – THE EXPERIENCE OF VENEZUELAN TRANS WOMEN

For LGBTI people the migration process is usually characterized by systematic and structural violence from the moment they make the decision to leave their countries of origin to the process of social integration in the cities in which they settle.<sup>77</sup> In addition to the discrimination they already experience because of the lack of acceptance of their sexual orientation and gender identity, they also face xenophobia from people in host countries, often including public officials and members of the police forces responsible for their security.<sup>78</sup>

This was the case for Alicia, a trans woman and with a career as a communications professional in Venezuela. Alicia left Venezuela and settled in Lima where she tried to look for work in her professional field, but that has not proved possible owing to the obstacles she faces not only because she is a trans woman but because of her nationality: job offers at salaries lower than those offered to nationals of the host country and health and safety conditions that could put her at risk of gender-based violence are affecting her emotional state and her life project as regards work.



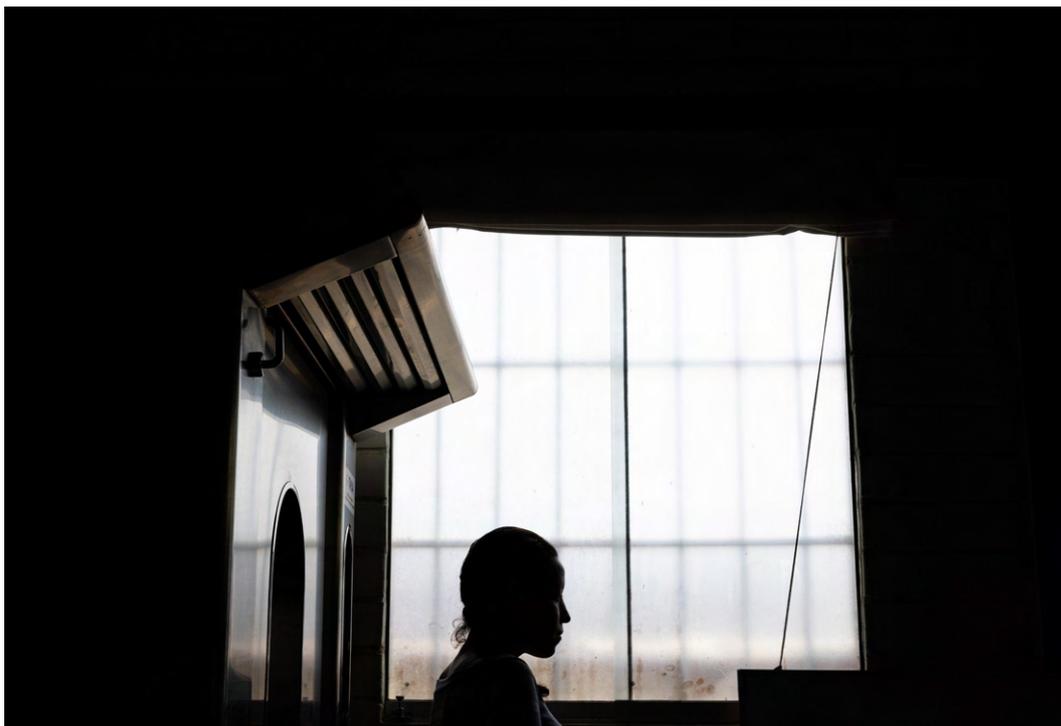
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**“The worst discrimination I have experienced in particular, and my colleagues and trans colleagues have talked about this, is the difficulty in accessing a decent job. The fact that your external physical appearance suggests to them that you do not have cognitive abilities to be able to do the job and they simply refuse to hire you. I mean, I’ve gone where it says they’re looking for a woman and my CV is way above what they are asking for and they say, ‘We’ve already filled the post’, but I’ve told cisgender friends, ‘ask them’, and they say, ‘bring your CV’ and I’ve gone in and said ‘Well, didn’t you just tell me the job was filled?’ I mean, that’s how obvious it is. I have had cases where, if they pay someone from here 30 soles for a 12-hour job, they give me 14 soles for 15 hours or they want to pay me 10 or 12 soles and I have taken the work because I had to. And many times I have done everything that I have been told, cleaning this, cleaning the roof, collecting cardboard boxes; I have worked in markets cleaning the roofs, collecting merchandise, cleaning some horrible places that smell of cat urine, in conditions that you cannot imagine and many times they have not even paid me in full, because they know that nobody will protect me, ‘I will not pay you’, period. Or else they say, ‘sales were down today, I won’t pay you’. And sometimes I have worked just for bread and coffee, what they call here the ‘lunch’, that is a snack in the afternoon, just for that, sometimes I have worked for food. It has been very, very, very hard to be here all these years and feel that you’ve lost your life and left it behind after you worked, went to university, that you have two careers, that you put so much so much of your heart into this life.”** Laura, a Venezuelan woman in Peru

<sup>77</sup> Caribe Afirmativo, *Perfiles migratorios de la comunidad LGBTIQ+ Conectando caminos por los derechos*, <https://caribeafirmativo.lgbt/wp-content/uploads/2022/05/PERFILES-MIGRATORIOS.pdf> accessed March 2022.

<sup>78</sup> OAS and R4V Platform report shows the impact of COVID-19 on specific groups of Venezuelan refugees and migrants, p71. En <https://www.r4v.info/en/news/oas-and-r4v-platform-report-shows-impact-covid-19-specific-groups-venezuelan-refugees-and#:~:text=Access%20to%20health%20care%3A%20Refugees,as%20a%20source%20of%20infection>

## HUMAN TRAFFICKING



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Amnesty International is concerned about the shortcomings of state responses to gender-based violence in Colombia and Peru, while the lack of state intervention can also leave women fleeing Venezuela at greater risk of exploitation and human trafficking.

Amnesty International found that the precarious conditions in which they are living, the lack of a support networks in the host country, linked to the need to work and the pressing need for family income not only for those in the country where they are living but also for their families in Venezuela, push many Venezuelan women to accept “the promise of high salaries with the income they need”<sup>79</sup> or “the offer of any kind of work”.<sup>80</sup>

According to the information received, women from Venezuela have been contacted to work in various cities in Colombia and Peru. In some cases, it was Venezuelan people who contacted the women and offered them job opportunities: “The fact that you do not have a support network means that your fellow nationals become your support network and you trust them, Venezuelan networks have been identified.”<sup>81</sup> This was confirmed by the cases documented by Amnesty International.<sup>82</sup>

Amnesty International received information regarding cases of exploitation and trafficking where women were recruited with their children, who were also direct victims of trafficking for begging purposes, “forced labour” on the street and even sexual exploitation.<sup>83</sup> An example of this is the case of 30-year-old Andrea who was brought from Venezuela to Peru to work in a family home. Andrea’s family was contacted by a couple who came to her house to convince Andrea’s mother that they should take her seven-year-old son to Peru and they would take care of him.

Andrea described how she and her mother refused, but instead they convinced Andrea to travel to Peru with them and her two daughters to work in the home and get a diagnosis and medical treatment for her leg problems (related to diabetes, which at the time was undiagnosed). Andrea spent two years locked up the family’s home doing housework while her health deteriorated and she gradually lost her sight. In addition to mistreating her and her daughters, the couple began to take her daughters for weeks to “work” outside the home, saying they were selling sweets on the street.<sup>84</sup>

<sup>79</sup> Interview with civil society organization in Peru, March 2022 and interview with international officials February and March 2022.

<sup>80</sup> “La promesa de alta rentabilidad con un ingreso salarial que necesitan” o “cualquier tipo de oferta laboral”; Colombian Ministry of the Interior, cited in Judgment T-236 of 2021 of the Constitutional Court of Colombia.

<sup>81</sup> Interview with international officials March 2022.

<sup>82</sup> Interview, Lima, Peru, 20 March 2022 and Focus Group 1, Cúcuta, 29 March 2022.

<sup>83</sup> Interview with civil society organization in Peru, March 2022 and interview with woman survivor, March 2022.

<sup>84</sup> Interview with survivor in Lima, 20 and 22 March 2022.

**“I came from Venezuela practically backpacking, with my daughters and a couple, the man was Colombian and the woman was Venezuelan [from my neighbourhood]. They made promises that they never kept. They promised me that they would help me. I arrived from Venezuela with my feet already swollen, I could hardly walk and they said that they were going to help me here with medicines and medical care and that when I got better, I could become independent, but it was a lie. They knew what they were bringing me here for.**

**They knew that with my daughters they were going to make money here. And the month after I got here, they started to take the girls, they told me that they were artisans, that they made bracelets, but it was a lie, I never saw them making anything. Actually, then I knew what they were taking them for. They took them begging, selling candy. They took them to the provinces, then to some villages, they took them to sell, to beg and with that they made a lot of money...**

**Trafficking in people is when they don't let you go outside, they beat you, they make you work, they don't pay you, they exploit you, they take your children, they put them to work, to beg, they exploit them just like they do you. I never received a peso from them, not a single one, nothing.”** Andrea, a Venezuelan woman in Peru.

In early 2022, the Office of the Public Prosecutor's Victim and Witness Assistance Unit (Unidad de Asistencia a Víctimas y Testigos, UDAVIT) rescued Andrea and took her to a shelter under protection. Andrea said during the interview that despite having a Peruvian foreigners permit (carné de extranjería peruano) and telling the authorities she felt safer in Peru, they informed her that she would be deported to Venezuela.<sup>85</sup> According to the information received months later by the organization, Andrea finally consented to be returned to her country.

In Colombia, in October 2021, for the first time, the Constitutional Court issued a fundamental ruling for the protection of victims of trafficking in the country. In this decision, the Court upheld the rights of Yolanda, a Venezuelan woman victim of trafficking who had not been properly identified as a victim of trafficking or protected by the Colombian authorities, and her family and ordered the authorities to adopt structural measures, such as implementing training for officials on identifying and supporting victims of trafficking and investigating and punishing those responsible.<sup>86</sup>

The Court emphasized the importance of adopting an intersectional approach in these cases, and recognized that Venezuelan people, in the context of mass migratory flows, are at greater risk of being victims of trafficking:

**The Venezuelan migrant population is exposed to a greater risk of becoming victims of the crime of trafficking, because they experience conditions of extreme poverty; are abandoned by the state; and have an irregular migration status, which exposes them to situations of exploitation; this cannot be assessed on the basis of the level of reported cases due to the barriers that prevent this from being identified and brought to the attention of the authorities.”** Constitutional Court of Colombia<sup>87</sup>

The 1951 Convention relating to the Status of Refugees and its 1967 Protocol, to which Colombia and Peru are state parties, are the main legal instruments for the protection of refugees throughout

<sup>85</sup> Interview with survivor in Lima, 20 and 22 March 2022.

<sup>86</sup> In this case, Yolanda received support from the organization Women's Link Worldwide in navigating the justice system. See Women's Link Worldwide, 'In a historic decision, the Constitutional Court of Colombia orders improvements to the country's system of protections for victims of trafficking in human beings', 11 October 2021, <https://www.womenslinkworldwide.org/en/news-and-publications/press-room/in-a-historic-decision-the-constitutional-court-of-colombia-orders-improvements-to-the-country-s-system-of-protections-for-victims-of-trafficking-in-human-beings>

<sup>87</sup> “la población migrante de Venezuela está expuesta a un riesgo mayor de ser víctima del delito de trata, pues padece unas condiciones de pobreza extrema, abandono estatal y condiciones migratorias irregulares que la expone a padecer situaciones de explotación, lo que no puede determinarse por el índice de casos denunciados debido a las barreras que impiden identificarlo y ponerlo en conocimiento de las autoridades”; Constitutional Court of Colombia, Judgment T-236 of 2021.

# 5. DIFFICULTIES IN ACCESSING INTERNATIONAL PROTECTION AND REGULARIZING MIGRATION STATUS

the world. The 1984 Cartagena Declaration, a regional protection instrument, broadens the definition of a refugee to include “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.”<sup>88</sup> Colombia and Peru have incorporated this definition into their legislation.<sup>89</sup>

The Venezuelan women interviewed expressed a pressing need to regularize their migratory situation, including access to refugee status. Amnesty International found, however, that Venezuelan people continue to face significant obstacles to regularizing their status, either through recognition of their refugee status or through other migration regularization channels or programmes.

## 5.1 ACCESS TO INTERNATIONAL PROTECTION

In Colombia, international protection is regulated by the Single Regulatory Decree of the Foreign Relations Administrative Sector (Decreto Único Reglamentario del Sector Administrativo de Relaciones Exteriores, Decree 1067 of 2015). This states that the Advisory Commission for the Determination of Refugee Status (Comisión asesora para la determinación de la condición de refugiado, CONARE) is responsible for receiving, processing and examining applications for recognition of refugee status. Individuals may apply to the migration authorities for refugee status at the time of entry into the country at migration points, or, once inside the country, within two months of their entry into the country, via the Ministry of Foreign Affairs.

In Peru, Law 27.891 on Refugees (2002) and its regulations govern international protection. The Ministry of Foreign Affairs Permanent Ad Hoc Commission on Refugees (Comisión Permanente Ad Hoc para los Refugiados del Ministerio de Relaciones Exteriores) is the body responsible for receiving, investigating, processing and deciding on applications for refugee recognition. An application for recognition of refugee status may be submitted before the expiry of a person’s temporary stay in Peru, or, if they do not have legal authorization to enter or stay, within a period not exceeding 30 days from the date of entry into Peruvian territory, unless there are, in the opinion of the Special Commission for Refugees, reasons to justify an exception to this.

The number of applications for international protection submitted by Venezuelans in Colombia is low. As of 30 June 2021, the authorities had received 31,400 applications for asylum<sup>90</sup> and recognized 1,300.<sup>91</sup>

According to information received by Amnesty International, the low number of asylum applications may be related to the limited access to existing information about this procedure. The absence of a time limit

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<sup>88</sup> Cartagena Declaration on Refugees, 22 November 1984

<sup>89</sup> Colombia incorporated the definition of refugee set out in the Cartagena Declaration in Decree 1067 of 2015, article 2.2.3.1.1.1., (b). Peru incorporated this definition in Law No. 27.891 of 20 December 2002 - Refugee Law, Article 3 (b).

<sup>90</sup> R4V Platform, Total Pending Asylum Claims per Country, accessed April 2022.

<sup>91</sup> R4V platform, Recognized refugees from Venezuela, accessed April 2022.

by which the Ministry of Foreign Affairs must issue its response;<sup>92</sup> the fact that people cannot work during this time, when they are issued a safe-conduct permit; and the inherent risk of losing refugee status in the event of returning to Venezuela, are other factors indicated in the interviews as discouraging people from submitting an asylum application.

This last factor seems to be common in both countries. In Peru, of the 531,000 refugee applications submitted<sup>93</sup> only 4,100 have been approved by the authorities.<sup>94</sup> Amnesty International has expressed concern about failings in the handling and reception of asylum applications since 2020.<sup>95</sup> Despite the fact that the number of people recognized as refugees is higher than in Colombia, the authorities affirm that, faced with the question “do you know that recognition of refugee status means that you cannot return to your country of origin? Do you consent to this, in the hypothetical event that you are granted refugee status?”, most people say no, that they want to return.<sup>96</sup>

Faced with this, the Peruvian authorities have stated that they opt for other alternatives to allow Venezuelan people to remain in the country: Humanitarian Migration Status (Calidad Migratoria Humanitaria<sup>97</sup>). This status is granted by the Ministry of Foreign Affairs to people who are in the process of applying for refugee status,<sup>98</sup> “based on humanitarian criteria, for the time being for Venezuelan individuals who have applied for refugee status.” This status allows asylum seekers to regularize their stay in Peru and obtain a foreigner’s permit, work formally or start a business and access health services. Humanitarian Migration Status authorizes a person the right to remain in the country for 183 days and is renewable, as long as the conditions of vulnerability for which it was granted persist.<sup>99</sup> As of March 2022, the Ministry of Foreign Affairs reported having granted only 61,000 instances of humanitarian migration status.<sup>100</sup>

## 5.2 OBSTACLES LINKED TO MIGRATION REGULARIZATION PROCESSES

### 5.2.1 IN COLOMBIA



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<sup>92</sup> Decree 1067 of 2015 does not set out a timeframe for the process of recognizing a refugee.

<sup>93</sup> R4V Platform, Total Pending Asylum Claims per Country, accessed April 2022.

<sup>94</sup> R4V platform, Recognized refugees from Venezuela, as of 31 December 2021, accessed April 2022.

<sup>95</sup> Amnesty International, Perú: Comunicación al Comité de Protección de los Derechos de Todos los Trabajadores Migratorios de las Naciones Unidas previa a su 34a sesión, 23 February 2022 (Index: AMR 46/5238/2022), (Spanish only).

<sup>96</sup> Interview with public official in Peru, 18 March 2022.

<sup>97</sup> Ministerial Resolution No.207-2021-RE of 15 June 2021.

<sup>98</sup> Interview with public official in Peru, 18 March 2022.

<sup>99</sup> UNHCR, Perú, La calidad humanitaria, <https://help.unhcr.org/peru/cmh/#:~:text=La%20Calidad%20Migratoria%20Humanitaria%2C%20como,como%20del%20carn%C3%A9%20son%20gratuitos> (Spanish only).

<sup>100</sup> Interview with a public official in Peru, 18 March 2022; interview with a public official in Peru, 23 March 2022; and response to the Request for Information, Ministry of Foreign Affairs, Peru.

In 2018, faced with mass arrivals of people from Venezuela, the Colombian government created the Special Permit to Remain (Permiso Especial de Permanencia, PEP) with the aim of establishing an initial register of Venezuelan refugees that would enable identity documents to be issued and give people access to basic services and job opportunities. At that time, in order to obtain a PEP, Venezuelan refugees needed to have entered through one of the authorized border points; that is, to have their passport stamped.

In 2021, Temporary Protection Status (PPT) was introduced for Venezuelans as an alternative to regularization for the 1,840,000 or so Venezuelan refugees in Colombia,<sup>101</sup> replacing the PEP. The PPT and PEP differ in a number of ways, and perhaps the most important difference is that, unlike the PEP, the PPT is available to all Venezuelans who entered Colombian territory up to 31 January 2021, whether on a regular or irregular basis.

One of the complications identified regarding access to the PPT lies in demonstrating that the “irregular” entry took place before this date. However, it is possible to present supporting evidence, such as the enrolment of children in school, a receipt, a medical examination or some document or record showing that the person entered the country before the set date. People who arrived in Colombia after 31 January 2021 must have entered through formal border posts and have stamped a passport to access the PPT. According to the available information, as of 26 May 2022, 1,207,403 PPTs had been approved.<sup>102</sup>

Venezuelan women face a number of challenges in obtaining a PPT. The first is associated with the presenting evidence. Given that many have entered without passing through an official border crossing, live in precarious conditions, are unable to enrol their children in the education system, and only approach health services for emergencies, it is not possible for them to present a document proving that they entered the country before 31 January 2021.

Amnesty International also found that the difficulties Venezuelan women face in accessing electronic media and the internet are also an obstacle to their engaging in the PPT process. Liz, a 60-year-old Venezuelan woman, said Amnesty International was also able to document that, while the PPT allows trans people to obtain documents that reflect their gender identity, in practice to do so they must carry out additional procedures that increase costs and therefore limit effective access to this document.<sup>103</sup>

## 5.2.2 IN PERÚ

It is estimated that there are approximately 1,290,000 Venezuelans in Peru.<sup>104</sup> The Peruvian legal framework has created two migratory regularization programmes: the Temporary Residence Permit (Permiso Temporal de Permanencia, PTP), between 2017 and 2019, and since 2020 the Temporary Residence Permit Card (Carné de Permiso Temporal de Permanencia, CPP), which in practice work in the same way and provide for the same rights.

It should be noted that both exclude the right to access to healthcare,<sup>105</sup> specifically impacting the health and sexual and reproductive health of Venezuelan refugee women and limiting their access to primary health services for those who are survivors of gender-based violence. The CPP is an identity document issued by the Office of the National Superintendent for Migration (Superintendencia Nacional de Migraciones), through which Venezuelans – regardless of whether or not they have regularized their status – can obtain a permit to stay for one year. “This temporary permit cannot be renewed, nor requested a second time”, so before the expiry date, the person must go through another process regarding migration status.<sup>106</sup> According to information from the Office of the Superintendent for Migration, between 9 July 2021 and 5 June 2022, 174,726 CPPs were granted to Venezuelans.<sup>107</sup>

In addition to these two programmes, there is also special migration residence status, migration status due to vulnerability and, as already mentioned, humanitarian migration status. These three types of migration status enable refugees to obtain a Foreigners' Card (Carné de Extranjería), which is the only document that allows them to access social insurance.<sup>108</sup>

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101 R4V, R4V Latin America and the Caribbean, *Venezuelan Refugees and Migrants in the Region - April 2022*, accessed April 2022.

102 *Migración Colombia, Visibles, Estatuto Temporal de Protección*, <https://www.migracioncolombia.gov.co/visibles>

103 Amnesty International, *Between invisibility and discrimination: Venezuelan LGBTQ+ refugees in Colombia and Peru*, 20 June 2022.

104 R4V, R4V Latin America and the Caribbean, *Venezuelan Refugees and Migrants in the Region - April 2022*, accessed April 2022.

105 Interview with civil society organization in Peru, 22 March 2022; Interview with public official in Peru, 23 March 2022.

106 “Este permiso temporal no puede ser renovado, ni solicitado una segunda vez”; documentation handed over during the interview with the Office of the Superintendent of Migration, Peru, 23 March 2022. For more information see <https://help.unhcr.org/peru/cpp/> accessed May 2022 (Spanish only).

107 Figures from the Office of the Superintendent for Migration.

108 Interview with civil society organization in Peru, 22 March 2022. Interview with public official in Peru, 23 March 2022.

With regard to *humanitarian migration status*<sup>109</sup>, although Amnesty International welcomes this measure, the interviews showed that there is a lack of a clear and institutionalized protocol or guidelines on its implementation to enable women survivors of gender-based violence to access this migration status through formal channels.



↑  National Centre for Attention at the Border, Tumbes, Peru. Copyright: Fernanda Pineda/Amnesty International

Special migration residence status is the process by which most people who obtain PTPs regularized their status. This status grants the right of residence for a year, the possibility of working, studying, opening bank accounts, accessing health services and accessing social programmes and services.<sup>110</sup>

Special migration status due to vulnerability is granted to foreigners in Peru “when they are in a situation in which they lack protection or risk not being able to access the full exercise of their fundamental rights.”<sup>111</sup> Being a survivor of gender-based violence<sup>112</sup> is one of the circumstances recognized when foreign women can

109 Humanitarian Migratory Status is a residence status granted by the Ministry of Foreign Affairs based on humanitarian criteria for Venezuelan nationals who have applied for refugee status, and for those who do not meet the conditions to be recognised as refugees, who are in a situation of high vulnerability and who have not been involved in the commission of crimes. It allows employment or self-employed work in order to start a business. This migratory status authorises a residence of 183 calendar days and is extendable as long as the conditions of vulnerability for which this residence was granted persist.

110 Documents provided by a public official, interview on 23 March 2022.

111 “cuando se encuentran en estado de desprotección o riesgo de no acceder al ejercicio pleno de sus derechos fundamentales”. Title X of the Regulation of Legislative Decree No. 1350 sets out specific regulations regarding foreign persons in a vulnerable situation. Article 226 states that foreign nationals in vulnerable situations are those in a situation in which they lack protection or risk not being able to access the full exercise of their fundamental rights in the country. Likewise, article 227 defines foreign nationals in vulnerable situations as those who are:

(a) Victims of domestic and sexual violence  
(b) Victims of trafficking in persons and smuggling of migrants  
(c) In an irregular migration status

(q) Others that require protection in view of the impact on or serious threat to their fundamental rights. <https://www.defensoria.gob.pe/wp-content/uploads/2021/10/Informe-Violencia-contra-mujeres-migrantes.pdf> (Spanish only).

112 Article 230 of the Regulation establishes several obligations regarding documents and/or temporary permits to remain in the country, exemption from requirements for certain procedures, the granting of extensions of deadlines and exemption from fines, and the granting of special migration status, among other aspects:

230.1. The Migration Authorities will issue the documents and/or temporary residence permits to foreign nationals in a vulnerable situation, following an expert report from a specialist organizational unit; measures that include the granting of extensions and exemption from fines and procedural rights set out in the current migration regulations or others, which enable the special circumstances of each specific case to be taken into consideration.

230.2. In cases of situations of vulnerability, MIGRATIONS may grant exemptions regarding presenting the requirements set out in procedures set out in the current migration regulations or others, subject to a report from a relevant specialist unit.

230.3. MIGRATIONS may grant special migration status exceptionally to foreign nationals in a situation of extreme vulnerability, allowing them to remain in circumstances not covered by other forms of migration status, a status that will be granted after a report from the relevant specialist body.

access this migration protection measure. The migration law states that public officials, both in the Women's Emergency Centres and in police stations, have the duty to inform women about this option, regardless of the migration status in which they find themselves – regular or irregular. Between 2019 and 2021, the Office of the Superintendent for Migration approved 2,070 applications for special migration status due to vulnerability, of which 897 were to Venezuelan refugee women and 963 to Venezuelan men.<sup>113</sup> However, this institution indicated that it did not have information on how many were granted for gender-based violence.

In response to a request for information disaggregated by each of the grounds set out for granting special migration status due to vulnerability, the Office of the Superintendent stated that it did not have this information.<sup>114</sup> For this reason, it was not possible to determine how many of the 2,070 were awarded for gender-based violence. Although this measure represents the possibility of comprehensive protection for refugee women survivors of gender-based violence, Amnesty International has identified several challenges to accessing it.

Amnesty International welcomes the recent creation of the Protocol for the Care and Referral of Migrants in Vulnerable Situations (Protocolo de Atención y Derivación de personas migrantes en situación de vulnerabilidad),<sup>115</sup> which provides a pathway that migration officials can apply in cases where women are victims of violence. This pathway can start when they are directly approached about a case, which they must refer to the Aurora Programme focal point or to the CEM covering their jurisdiction. A case can also be referred by the CEM or the police. As will be explained later (Chapter 6), among the obstacles identified to obtaining special migration status due to vulnerability, are the lack of knowledge and implementation, by frontline officials of both the CEM, the police and Migrations, of appropriate referral and advice to refugee women survivors, as provided for in the Protocol. Another factor is the economic precariousness experienced by most women, which means they have to go out each day to earn the means of subsistence, which means they do not have the time or energy necessary to deal with the justice services.

Amnesty International has also identified that the multiplicity of migration documents in Peru, which already complicates access to regularization, is exacerbated by the lack of knowledge among officials regarding the institutions involved in the care pathway for women survivors of violence. In both family police stations and the CEM, officials are not aware that foreign women have the right to access this migration status if they are victims of violence, regardless of their documentation.

In addition, officials responsible for providing primary care to women survivors are unaware of the migration status that these women can access. This results in officials not providing women survivors with this information or confusing this with other forms of migration status. This gap was confirmed by the statements of the Venezuelan women interviewed who stated that they were not informed at any time about this possibility of regularizing their status.<sup>116</sup>

**“I asked the question because I understand that because I am in this situation of vulnerability and because I am an asylum seeker, I should have gone for a foreigner’s card for vulnerability, but they didn’t tell me about this. I asked the two lawyers at the CEM [Women’s Emergency Centre] and they didn’t tell me this.” Ana, a Venezuelan woman in Peru**

Likewise, interviews with officials from different public institutions<sup>117</sup> revealed that officials from the CEM, the police and migrations’ officers exercised a certain degree of discretion regarding whether or not survivors needed to file a formal complaint to access special migration status due to vulnerability or if a social assessment carried out in the CEM by a social worker was sufficient. Another difficulty faced by women survivors of gender-based violence who opt for special migration status is the length and delays of the Office of the Superintendent for Migration processes. According to the sources consulted,<sup>118</sup> this is an ad hoc procedure and therefore requires verification by the immigration authorities, for which they request reports from the authorities in the place where the case was registered: the police, CEM and/or hospital. At present, this process can take more than six months.<sup>119</sup>

113 Response to information request, Office of the Superintendent for Migration of Peru, 11 April 2022.

114 Response to information request, Office of the Superintendent for Migration of Peru, 11 April 2022.

115 Office of the Superintendent for Migration, Protocol on the Care and Referral of Migrants in Situations of Vulnerability, 2021, <https://cdn.www.gob.pe/uploads/document/file/2037073/%20ANEXO%20I.pdf> (Spanish only).

116 Statements from Focus Groups 1, 2 and 3, Lima, Peru, held between 21 and 23 March 2022.

117 Interview with public official, Peru, 23 March 2022; interview with Aurora Programme, Peru, 23 March 2022; interview with public official, Peru, 23 March 2022; interview with public official, Peru, 24 March 2022; and interview with civil society organization, Peru, 22 March 2022.

118 Interview with public official, Peru, 22 March 2022; interview with public official, Peru, 23 March 2022; and interview with public official, Peru, 23 March 2022.

119 Interview with member of civil society, Peru, 22 March 2022.

Finally, according to the information received, the limited duration of special migration status, for one year, also represents an obstacle to the protection of the rights of foreign women survivors of gender-based violence. According to the law, at the end of this period, the authorities must reassess whether the vulnerability remains in order to decide on whether to renew their document and this can lead to instances of revictimization. Once the state of vulnerability has ended or the issue has been resolved – with or without a complaint – migration status will cease to be extended, leaving women again in a situation where they lack protection<sup>120</sup> if they do not know about other regularization mechanisms.

## 5.3 LACK OF INFORMATION

Amnesty International found that, in both countries, Venezuelan women in general do not have information about the processes for applying for international protection and regularizing their migration status.

In Colombia, Venezuelan women who have been in the country for more than five years said they did not know about the pathways for regularizing their status and had not had access to the PEP. Women also described having difficulties in accessing information because they lacked access to the internet or social media, which is where information is commonly shared.<sup>121</sup> With regard to the PPT, many said that they had received information and had been able to register thanks to the advice or assistance of national civil society organizations or international organizations.<sup>122</sup> Amnesty International requested a meeting with Migration Unit of the Colombian Ministry of Foreign Affairs, but did not receive a response.

Similarly, Amnesty International was able to observe the important work carried out by civil society organizations in Peru, in particular organizations run by Venezuelan women, to ensure access to information for refugee women survivors of violence. The assistance and support, including legal and psychological support, provided by these organizations<sup>123</sup> are filling gaps and lack of information on support pathways offered by the Peruvian state.



↑  San Miguel, Lima. Children and youth registration day with RENIEC and AAPREH, March 2022. Copyright: Fernanda Pineda/ Amnesty International

<sup>120</sup> Interview with Aurora Programme, Peru, 23 March 2022.

<sup>121</sup> Focus Group 1, Engativá, Colombia, 28 March 2022.

<sup>122</sup> Focus Group 1, Cúcuta and Focus Group 2, Cúcuta, 1 April 2022.

<sup>123</sup> Focus Groups 1, 2, 3 held in Lima, 21, 22 and 23 March 2022

Amnesty International's research highlighted the role of national and international organizations in providing information, awareness, support and advice to women survivors of gender-based violence in Colombia and Peru. This should not, however, obscure the fact that the Colombian and Peruvian authorities have a responsibility to inform refugees adequately of their right to access and receive information on the processes for obtaining recognition of their refugee status and regularization.<sup>124</sup>

As will be explained below, this right is closely linked to the possibility of having valid migration status, which, in turn, is essential today for Venezuelan women to be able to fully enjoy all their rights, in particular when accessing justice and healthcare pathways.

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<sup>124</sup> IACHR, *Due Process in Procedures for the Determination of Refugee Status and Statelessness and the Granting of Complementary Protection*, OEA/Ser.L/V/II, Doc. 255, 5 August 2020, paras 201 to 205; IACHR, *Resolution 04/19, Inter-American Principles on the Human Rights of All Migrants, Refugees, Stateless Persons and Victims of Human Trafficking*, San Salvador, 7 December 2019, Section XII, Principle 57, 185; and *Brazil Declaration and Plan of Action ("A Framework for Cooperation and Regional Solidarity to Strengthen the International Protection of Refugees, Displaced and Stateless Persons in Latin America and the Caribbean")*, Brasília, 3 December 2014, Chapter Two, p. 11.

# 6. AUTHORITIES' RESPONSES: FAILURES, LACK OF PROTECTION AND MORE VIOLENCE

## STATE OBLIGATIONS FOR THE PROTECTION OF VENEZUELAN WOMEN'S RIGHTS

To respect, protect and guarantee the human rights of all persons present in its territory, without any discrimination.

### INTERNATIONAL PROTECTION FOR VENEZUELANAS

### PROTECTION AGAINST GENDER-BASED VIOLENCE

To inform about processes for accessing the recognition of the status of refugee and migratory regularization.

To ensure a life free of violence: prevention, investigation, prosecution, conviction, and reparation.

To guarantee effective access to the processes of recognition of refugee status and migratory regularization.

To ensure effective and non-discriminatory access to justice and protection services in cases of gender-based violence.

States cannot return asylum-seekers or refugees to the country from which they have fled or where they are at risk of grave human rights violations. (Non Refoulement)

To act with due diligence: have protection standards and prevention policies, and ensure their effective implementation with sufficient resources.



To strengthen institutions for an adequate and comprehensive response to gender-based violence free of stereotypes.

Under the international treaties and instruments for the protection of human rights to which they are party, Colombia and Peru have an obligation to *respect, protect and fulfil*<sup>125</sup> the human rights of all those present in their territory, without discrimination of any kind, including on grounds such as gender, economic status, nationality or migration status.<sup>126</sup>

With regard to women's right to a life free from violence, the obligation to respect means that state authorities must refrain from performing, sponsoring or condoning any practice, policy or measure that violates this right.<sup>127</sup> The obligation to protect this right requires states to prevent it from being violated by other individuals. The authorities have a duty to protect people from violence and to take all necessary measures to prevent violence and to ensure that effective investigations are conducted into acts of gender-based violence, that those responsible are duly prosecuted and punished, and that victims receive reparation.<sup>128</sup>

The Inter-American Court of Human Rights has incorporated this into the duty of states to act with due diligence and has established that there is an enhanced due diligence obligation in cases of gender-based violence. According to the Court, states must "have an appropriate legal framework of protection that is enforced effectively, and prevention policies and practices that allow effective measures to be taken in response to complaints." In addition, the prevention strategy must be comprehensive; that is, states must prevent risk factors and simultaneously strengthen their institutions to provide an effective response. In addition, the Inter-American Court has determined that when there is a situation or context of widespread violence against women, states have a strict obligation to prevent, investigate, prosecute, punish and ensure reparation.<sup>129</sup>

Under international human rights law, all authorities of a state have an obligation to respect and observe the international standards by which the state has agreed to be bound, in particular the human rights of women.<sup>130</sup>

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125 Human Rights Committee, General Comment 31, *The Nature of the General Legal Obligation Imposed on States Parties to the Covenant*, Eightieth session, UN Doc. HRI/GEN/1/Rev.7 at 225 (2004) and CEDAW Committee, General Recommendation 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, CEDAW/C/GC/28 (2010), <https://undocs.org/Home/Mobile?FinalSymbol=CEDAW%2FC%2FGC%2F28&Language=E&DeviceType=Desktop&LangRequested=False>

126 Article 2 of the International Covenant on Civil and Political Rights and Article 1 of the American Convention on Human Rights.

127 CEDAW Committee, General Recommendation 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, CEDAW/C/GC/28 (2010), para. 37.

128 Inter-American Court, Case of Véliz Franco et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, Judgment of 19 May 2014 and Case of Vick y Hernández et al. v. Honduras, Merits, Reparations and Costs, Judgment of 26 March 2021, [https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_277\\_ing.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_277_ing.pdf) and [https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_422\\_ing.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_422_ing.pdf)

129 The Inter-American Court of Human Rights has affirmed that states also have a general obligation established in the American Convention, an obligation reinforced since the Convention of Belém do Pará came into force. See Inter-American Court, Case of González et al. ("Cotton Field") v. Mexico, Preliminary Objections, Merits, Reparations and Costs, Judgment of 16 November 2009, Series C No. 205, [https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_205\\_ing.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_205_ing.pdf) and Case of Velásquez Paiz et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, Judgment of 19 November 2015, [https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_307\\_ing.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_307_ing.pdf)

130 Human Rights Committee, General Comment 31, *The Nature of the General Legal Obligation Imposed on States Parties to the Covenant*, Eightieth session, UN Doc. HRI/GEN/1/Rev.7 at 225 (2004), para. 4. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2F21%2FRev.1%2FAdd.13&La](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2F21%2FRev.1%2FAdd.13&La)

## 6.1 BARRIERS TO ACCESS TO JUSTICE

### OBSTACLES FACED BY VENEZUELAN WOMEN VICTIMS OF GENDER-BASED VIOLENCE (GBV) IN COLOMBIA AND PERU:



Insufficient dissemination of information on care pathways in cases of GBV.



Authorities lack knowledge of relevant legislation and protocols.



Fear of reporting because of having an irregular immigration status.



Discrimination and stereotypes: authorities revictimize, blame and discriminate.



Insufficient protection measures for women.



Flaws in the systematization of statistical information on GBV for Venezuelan women.



Insufficient measures to eradicate xenophobia and eliminate GBV.



The right to access to justice has been developed by the Inter-American human rights system in its interpretation of access to an effective recourse and judicial protection provided for in article 25 of the American Convention on Human Rights. Access to justice includes both the availability of information on victims' rights and available remedies and access to effective formal remedies; and to processes and support pathways.<sup>131</sup>

<sup>131</sup> UN. *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law Resolution 60/147* adopted by the General Assembly on 16 December 2005; Titles VII and VIII In: <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-and-guidelines-right-remedy-and-reparation>

Colombia and Peru have made progress in implementing some mechanisms for the prevention and punishment of violence against women and have specialized regulatory frameworks to prevent and punish it, as well as specialized care pathways and protocols for women victims of various forms of violence.<sup>132</sup> However, according to information gathered by Amnesty International, in practice, significant challenges remain in both countries in addressing, investigating, prosecuting and punishing cases of gender-based violence. These include limited presence of the judiciary in rural areas and geographic, linguistic and economic barriers to women's equal access to justice. In addition, Venezuelan women are not aware of their rights and of the legal remedies available to them; the persistence of gender stereotypes that are deeply rooted in Colombian and Peruvian society and are replicated in the justice system; and the low level of criminal prosecutions for gender-based violence. These obstacles have also been noted by the Committee on the Elimination of Discrimination against Women (CEDAW Committee), which has highlighted the greater impact of these obstacles on women living in rural areas, as well as on women in situations of vulnerability, such as asylum seekers and migrants.<sup>133</sup>

In both Colombia and Peru, the widespread perception of impunity and the ineffectiveness of the justice systems discourage many women from reporting gender-based violence.



## FIGURES

According to the Report on Violence against Women by Corporación Sisma Mujer in Colombia, in 2021, 82.92% of complaints of domestic violence were under investigation stage, which indicates a high level of impunity as only 16.09% of these cases reached trial and only 0.8% resulted someone receiving a sentence.

In relation to sex crimes, during the same period, the report found that 88.19% of cases of sex crimes against women were under investigation. Only 6.85% of cases reached trial and in only 0.13% sentencing.

The Peruvian Ombudsperson's Office, in a statement on the pressing need for effective action by the justice system to address an increase in cases of femicide, noted that in 2020 only 6 out of 138 cases of femicide (that is, 4%) resulted in convictions for the crime of femicide.<sup>134</sup>

Amnesty International requested information from the Colombian and Peruvian governments on the number of convictions and acquittals for crimes related to various forms of gender-based violence. At the time of writing, no such information had been received.

These same perceptions are shared by Venezuelan women, who consider that in most cases it is not worth making a complaint because they will not get an effective response from the state or obtain any form of reparation, since women who are nationals of the host countries do not obtain this either.<sup>135</sup>

**“There is a very high level of impunity regarding the law and I doubt that anyone will resort to wasting their time there because we have seen that even for TV stars, very famous women here, who have gone through a lot of serious violence, the guy still remains at liberty, he is free, walking around, and they don't dare seek justice.”**

Laura, a Venezuelan woman in Peru

<sup>132</sup> In Colombia, Law 1257 of 2008 (4 December 2008) sets out measures to prevent and punish forms of violence and discrimination against women; Law 1761 of 2005 (6 July 2015) establishes femicide as a specific offence; Law 294 of 1996 establishes measures to prevent and eradicate domestic violence; Law 1010 of 2006 sets out measures to prevent and punish harassment at work, and the care pathway for victims of domestic violence and gender-based violence and guidelines on how the Attorney General's Office should respond to people with diverse sexual orientation and gender. In Peru, there are: Law 30364, the Law to Prevent, Eradicate and Punish All Forms of Violence against Women and Members of the Group, Law; and 27942, on the prevention and punishment of sexual harassment, with a core Protocol on joint action in the field of comprehensive care and protection against violence against women and members of the family aimed at strengthening inter-institutional action and coordination in providing comprehensive care services, and a Protocol for the Investigation of Crimes of Femicide, incorporating a gender perspective, among other instruments.

<sup>133</sup> CEDAW Committee, Concluding observations on the ninth periodic report of Peru, 2022, [https://tbinternet.dhchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FPER%2F00%2F9&Lang=en](https://tbinternet.dhchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FPER%2F00%2F9&Lang=en) and of Colombia, 2019, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FCOL%2F00%2F9&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FCOL%2F00%2F9&Lang=en)

<sup>134</sup> Corporación Sisma Mujer, March 2022, <https://www.sismamujer.org/wp-content/uploads/2022/03/NF-Boletin-8M-2022-1.pdf> (Spanish only). Peruvian Ombudsperson's office, 'Defensoría del Pueblo de Perú, urge una actuación efectiva del sistema de justicia frente a aumento de casos de femicidio', March 2021, : <https://www.defensoria.gob.pe/defensoria-del-pueblo-urge-una-actuacion-efectiva-del-sistema-de-justicia-frente-a-aumento-de-casos-de-femicidio/>

<sup>135</sup> Interview with a Venezuelan woman, Peru, March 2022; Focus Group 3, Lima 23 March 2022; Focus Group, Cúcuta, Colombia, 31 March 2022; and interview with a Venezuelan woman, Cúcuta, 31 March 2022.

However, in Colombia and Peru, Venezuelan survivors of gender-based violence face additional and specific obstacles in getting effective access to justice.

## 6.1.2 LACK OF INFORMATION ABOUT CARE PATHWAYS

There have been institutional efforts in Colombia and Peru<sup>136</sup> to disseminate and provide guidance to survivors of gender-based violence on existing care pathways, such as setting up hotlines. However, one of the first obstacles that women identify in accessing care pathways is that they do not know about them; they do not know which institution to go to or what mechanisms are available.<sup>137</sup>

Civil society organizations reported that, despite some isolated efforts by institutions in Colombia and Peru to disseminate and provide advice on care pathways for survivors of gender-based violence, a strategic plan has not yet been developed to ensure that existing regulations and care pathways reach Venezuelan refugee survivors of gender-based violence.<sup>138</sup>

In Colombia, the refugee women interviewed stressed that, although in recent times they have managed to have greater access to information, this was thanks to the work of international organizations, international cooperation agencies and civil society organizations, not to an effort by the state authorities.<sup>139</sup>

In addition to the lack of information, refugee women said that what sometimes prevents them from approaching institutions is the idea that they do not have the same rights as people in the host countries and therefore cannot claim their rights from institutions.<sup>140</sup> In this context, women perceive the public security and justice system as remote from their situation.

“ I didn't know, I didn't have any information, I thought that we migrants, as we didn't have documents or anything, the institutions in Colombia couldn't help us. The other thing is that I listened to what other Colombian people said, that we did not have many rights and that we could not make a complaint.”

Jazmín, Venezuelan woman in Colombia

According to sources interviewed, this perception among Venezuelan people is reinforced by the treatment they have received by some public authorities, who describe Venezuelans as “illegals with no rights”.<sup>141</sup> This type of statement is part of a context of xenophobic attitudes against Venezuelan people fed by political discourses, both in Colombia and Peru, which are discussed later in this report.<sup>142</sup>

136 Colombia has a 24/7 information and advice hotline for victims of gender-based violence that covers the whole country (Line 155 and the purple line for psycho-social care and advice covering Bogotá). Peru has a free 100 telephone line providing information, advice, counselling and emotional support and referral for victims of family or sexual violence.

137 Focus Group 1, Peru, 21 March 2022; Focus Group 2, Peru, 22 March 2022; Focus Group 3 Peru, 23 March 2022; and Focus Group in, Cúcuta, Colombia, 31 March 2022.

138 Interview with civil society organization, Colombia, 30 March 2022; response from the Colombian Ministry of Justice to Amnesty International's right of petition of 18 April 2022, from the Attorney General's Office, 19 April 2022.

139 Focus Group, Cúcuta, Colombia, 31 March 2022; Focal Group, Soacha, Colombia, 29 March 2022; and interview with a Venezuelan woman, Soacha, 29 March 2022.

140 Focus Groups 1, 2 and 3, 21, 22 and 23 March 2022 and Focus Group, Cúcuta, Colombia, 1 April 2022.

141 Interview with an international organization, Peru, March 2022.

142 Barómetro de xenofobia, Boletín mensual # 15-2021 Colombia, Boletín mensual #7 – 2021 Perú.



PERU

COLOMBIA

HOW TO REPORT GENDER BASED VIOLENCE?

At:

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>1 Police stations</li> <li>2 Family courts</li> <li>3 Public prosecutors</li> <li>4 Women's Emergency Center (in the main police stations of the districts of Lima)</li> </ul> | <ul style="list-style-type: none"> <li>1 Attorney General's Office through citizen service centers: URI, SAU, CAIVAS and CAVIF</li> <li>2 Family police stations</li> <li>3 National Police (municipal, departmental and CAI stations)</li> </ul> |
|---|---|

In order to report violence:

- It is not necessary to have signs of abuse, violence can be psychological too.
- It does not require an ID, an immigration card, or a regular immigration status.
- It does not require a valid ID or have regular immigration status.
- It can be presented in writing or verbally.
- You can report as a survivor, or as anyone who knows the situation of violence.
- It is not necessary to report with a lawyer.
- If you are denied care or discriminated against, you can report it to the Ombudsperson's Office
- If you are denied care or discriminated against, you can report it to the Ombudsperson's Office or Personería.

WHAT MEASURES OF PROTECTION CAN I ASK FOR?

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>• Protection (to avoid contact with the aggressor), psychological attention and legal support regardless of nationality or immigration status.</li> <li>• Healthcare, protection and justice services, even without an ID.</li> <li>• If there is a situation of vulnerability, the reports issued by the Women's Emergency Center can help to regularize the immigration status.</li> <li>• If the complaint leads to protection measures, you can access the special migratory status: "Resident by vulnerability".</li> </ul> | <ul style="list-style-type: none"> <li>• Protective measures (e.g. to avoid contact with the aggressor): must be taken within 4 hours of the request.</li> <li>• Care measures: temporary shelter, food and transport services.</li> <li>• Stabilization measures: help to overcome conditions of vulnerability.</li> <li>• Protective measures related to minors.</li> <li>• Special protection measures for victims of the armed conflict.</li> </ul> |
|---|---|

### 6.1.3 IRREGULAR MIGRATION STATUS

Difficulties in accessing international protection and other regularization processes have an immediate impact on access to justice for Venezuelan women survivors of gender-based violence. Many women who do not have regularized migration status are afraid to go to the relevant institutions to make a complaint, because they fear being deported to Venezuela.<sup>143</sup>

Not having regularized migration status exacerbates the power inequality between Venezuelan refugee women and their abusers if the latter have Colombian or Peruvian nationality and can constitute a means of putting pressure on them to prevent them from reporting gender-based violence. Claudia, a 36-year-old Venezuelan woman who came to Peru to work for a TV programmer and was sexually harassed by her boss, explained why she did not report it:

**“I didn’t try to get paid. I wasn’t waiting for anything from that office. Everything was left there and I didn’t dare to report it because he is a fairly powerful person, a public person... he has power. And I was... I was undocumented.”** Claudia, a Venezuelan woman in Peru

<sup>143</sup> Interview with public official, Cúcuta, Colombia, 31 March 2022; and interview with civil society organization, Peru, 25 March 2022.

Amnesty International documented how the economic precariousness in which women find themselves, linked to the lack of migration documentation, is another element that inhibits Venezuelan women from accessing care pathways because they have to focus their efforts and energies on the priority of meeting the basic needs of everyday life, rather than thinking about receiving care or filing a complaint. The women interviewed commented that they often do not have the resources or time to go to the authorities and follow long and draining processes. Amnesty International is particularly concerned that, in both countries, informal employment, poor working conditions and low wages of refugee and migrant women do not allow them to allocate resources and time to approach institutions and demand protection of their right to a life free from violence.

**“There are too many requirements and apart from that they make you waste a lot of time and for us time is work, we depend on time, if we don’t work one day, we don’t eat the next day. They don’t treat us well.”** Ángeles, a Venezuelan woman in Colombia

Amnesty International believes that the lack of information about care pathways and existing mechanisms, the lack of knowledge about their rights, fear and the widespread perception of impunity, and the precarious situation in which Venezuelan survivors of gender-based violence find themselves constitute very real barriers preventing Venezuelan refugee women in Colombia and Peru from accessing care pathways. The difficulties are exacerbated for women in an irregular migration situation.

These factors have an impact on the under-reporting of cases to the respective authorities. In turn, under-reporting prevents Colombia and Peru from assessing the true scale of the phenomenon of gender-based violence towards refugee women and, therefore, adopting appropriate policies and allocating sufficient resources to adequately address this problem.

These barriers also increase the risk of this violence continuing or even escalating. Unable to go to the authorities to make a complaint and obtain protective measures, women survivors of gender-based violence can become victims of femicide. In 2021, the Colombian Femicides Observatory (Observatorio de Femicidios en Colombia) reported that of 622 femicides recorded in 2021, 45 were of Venezuelan refugee women.<sup>144</sup> The Peruvian Ombudsperson’s Office reported that a total of 196 femicides were recorded in 2019 and 2020, of which eight were of Venezuelan women.<sup>145</sup>

## 6.1.4 AUTHORITIES’ LACK OF KNOWLEDGE OF THE APPLICABLE REGULATIONS

On other occasions, it is officials’ lack of knowledge about existing pathways and protection measures that is a barrier to foreign women survivors of violence accessing protection measures.

The regulations in force in Colombia and Peru state that there is no restriction on nationals or foreign nationals filing a complaint in cases of gender-based violence.<sup>146</sup> In other words, according to the laws applicable in these countries, Venezuelan women survivors of gender-based violence can file a complaint without the need to present a foreigners’ identity card.

However, Amnesty International found that in practice lack of documentation is one of the barriers cited by the authorities who do not know the law. According to several statements received, in both countries the authorities require women to provide documentation of their migration status in order to receive their complaints.<sup>147</sup>

<sup>144</sup> Colombian Femicides Observatory, *Boletín mensual de femicidios*, March 2022,

[https://observatoriofemicidioscolombia.org/attachments/article/483/Bolet%C3%ADn%20de%20Vivas%20nos%20queremos%20Colombia%20marzo%202022\\_.pdf](https://observatoriofemicidioscolombia.org/attachments/article/483/Bolet%C3%ADn%20de%20Vivas%20nos%20queremos%20Colombia%20marzo%202022_.pdf)

<sup>145</sup> Peruvian Ombudsman’s Office, *Informe Violencia basada en género contra mujeres migrantes en el Perú*, Documento de trabajo 002-2021, [https://peru.unfpa.org/sites/default/files/pub-pdf/informe\\_-\\_violencia\\_contra\\_mujeres\\_migrantes.pdf](https://peru.unfpa.org/sites/default/files/pub-pdf/informe_-_violencia_contra_mujeres_migrantes.pdf)

<sup>146</sup> In Peru, see Law 30364, the Law to Prevent, Punish and Eradicate Violence against Women and Members of the Family and the Core Protocol for Joint Action on comprehensive care and protection from violence against women and members of the family group, [https://observatorioviolencia.pe/wp-content/uploads/2019/06/Protocolo-de-base-conjunta-contra-la-violencia-anexo\\_r.pdf](https://observatorioviolencia.pe/wp-content/uploads/2019/06/Protocolo-de-base-conjunta-contra-la-violencia-anexo_r.pdf) (Spanish only) and in Colombia, Law 1257 (2008) setting out standards on raising awareness, preventing and punishing forms of violence and discrimination against women. Law 1257 applies to nationals and foreigners in accordance with the considerations of Decree 4796 of 2011 - sixth recital, which states: “its purpose is the adoption of norms that guarantee a life free of violence for all women”. Article. 100 of the Constitution also states that “Foreigners shall enjoy in Colombia the same civil rights granted to Colombians”.

<sup>147</sup> Interview with international organization, Peru, March 2022; interview with public official, Tumbes, Peru, 24 March 2022; interview with public official, Peru, 21 March 2022; interview with international organizations, Colombia, March 2022; and interview with international organizations, Cúcuta, Colombia, 31 March 2022.

Women indicated that public officials do not know or are not familiar with the type of temporary documentation granted to them during the regularization process and as a result officials sometimes refuse to accept the complaint because survivors cannot provide the documents that the officials know about or require in practice.<sup>148</sup>

**“I approached the police; I live near to a police station. I was in the process of moving from a PTP to a Foreigners’ Card. I only had the decision about the change in my migration status, I didn’t have the physical card as yet, but I was waiting for Migrations to approve the regularization. And the police told me that they couldn’t accept my complaint because my PTP seemed to have expired in the system. I explained that it had certainly expired, but that I had a document that confirmed that I was applying to Migrations for a change in migration status, which I could do, and in addition, my passport was valid. Even so, they didn’t want to take the complaint.”** Mariana, a Venezuelan woman in Peru

In the case of transgender women, these difficulties are compounded by the fact that the authorities refuse to receive a complaint when their documentation reflects a gender identity different from that which the person expresses or identifies with.<sup>149</sup>

## 6.1.5 DISCRIMINATION AND COMPOUND STEREOTYPING

Human rights protection mechanisms, both of the international system and the inter-American system, have established that one of the central factors limiting access to justice for women survivors of gender-based violence, in general, is the persistence of views based on gender stereotypes held by officials responsible for administering support and protection processes.<sup>150</sup> According to various sources interviewed in Colombia and Peru, views based on gender stereotypes are widespread among public officials involved in the processes of providing care and protection to these women.

A common denominator in the shortcomings of state responses when women come forward to seek protection measures is that officials seek to minimize the reported violence, which leads to refusal to adopt effective measures that can really protect women from gender-based violence. For example, a Venezuelan woman in Peru received the following response from the police: “but you’re going to go back to him aren’t you?”, or “you’re going to go back to him, right?”, “look, this is difficult, but there’s a solution to everything, with help or psychological therapy you will be alright, you have your family, you have your friends, are you sure you’re not planning to go back to him?”. The woman interviewee told Amnesty International that with this type of response: “They don’t help you, they don’t help you be safe.”<sup>151</sup>

Another Venezuelan woman, who was the victim of attempted sexual assault while she was exercising by an individual who chased her with his pants down and his penis exposed, reported that, at the time she filed the complaint, the police asked her what she was doing running alone at six in the morning. In addition, the policeman told her that what she was reporting was not a reason to file a formal complaint: “because a person chased you like that, it doesn’t mean there was any kind of aggression, because he was not doing anything to you, he was not touching you or causing an impact.” These types of responses reflect a profound lack of understanding of the problem of sexual violence; the Inter-American Court of Human Rights has established that sexual violence does not always involve physical contact.<sup>152</sup> In this particular case, the policeman ended up telling the woman survivor that he would not accept the complaint because she was a foreigner, “but if she were Peruvian, maybe he would have.”<sup>153</sup>

148 Interview with international organizations, Colombia, March 2022; interview with International Organizations, Cúcuta; Colombia, 31 March 2022; interview with international organizations, Peru, March 2022; interview with public official, Tumbes, Peru, 24 March 2022; and interview with public official, Peru, 21 March 2022.

149 Interview with public official, Peru, 21 March 2022; interview with public official, Colombia, 30 March 2022; and interview with civil society organization, Colombia, 30 March 2022.

150 CEDAW Committee, General Recommendation 33: General recommendation on women’s access to justice, CEDAW/C/GC/33, 3 August 2015, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/33&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/33&Lang=en) and Inter-American Court, González et al. (“Cotton Field”) v. Mexico, Preliminary Objection, Merits, Reparations and Costs, Judgment of 16 November 2009, and Case of Velásquez

151 Statement by a Venezuelan woman interviewed in Focus Group 3 VSX Lima, Peru, 23 March 2022.

152 Inter-American Court, Case of the Miguel Castro Castro Prison v. Peru, Merits, Reparations and Costs, Judgment of 25 November 2006.

153 Statement by a Venezuelan woman interviewed in Focus Group 3 VSX Lima, Peru, 23 March 2022

Other practices that leave women survivors of gender-based violence totally unprotected were also identified in Colombia. Amnesty International was told by a refugee woman who was assaulted by her partner that the family police station initiated a conciliation process with her attacker. The CEDAW Committee recommends that alternative procedures such as conciliation and mediation should not be used in cases of gender-based violence against women.<sup>154</sup> This is because these procedures run the risk of ignoring unequal power relations between men and women in these situations and leaving women survivors without protection, in addition to perpetuating the idea that violence against women is a private matter, not very serious and open to reconciliation.

The statements gathered show that, in the particular case of Venezuelan women in Colombia and Peru, the complaints processes and the search for protection measures were intersected by the existence of compound gender stereotypes among the public officials in charge of supporting them, that is to say, stereotypes based not only on issues of gender, which affect women in general, but also in particular on the fact that they are Venezuelan women.

**“You go to report, as I did. I went to the police station the first time and I’ll never forget the policeman’s expression. He looked me up and down and said, ‘Veneca’ [a derogatory term for a Venezuelan woman].”** Carmen, a Venezuelan woman in Peru.

The statements gathered by Amnesty International also highlighted stereotypes that blame Venezuelan refugee women for being responsible for provoking the aggressor’s violent reaction and, therefore, that they should deal with it on their own, without state protection. A Venezuelan woman who tried to report her husband to the police in Colombia was told that “they couldn’t look for him... ‘you’re Venezuelan, so you must have liked what he was about because you came and had another child’.”<sup>155</sup> The police response was that if her assailant arrived at the house, she should call them. Faced with this, the woman told Amnesty International: “first, I have no cell phone and second, call the police when there is only one unit in the village, by the time the first one arrived, he would have killed and buried me and taken my daughter.” Another Venezuelan woman who had filed a complaint against her attacker and who called the police because the attacker was nearby and armed received the following response: “ah... you are the Venezuelan, I’m sure you must be really hot because he is here looking for you.”<sup>156</sup> This type of response also reflects the hypersexualization of Venezuelan women which portrays them as desirable and always available sexually,<sup>157</sup> but not worthy of protection.

### VENEZUELAN TRANS WOMEN



The IACHR, in its report, *Violence against Lesbian, Gay, Bisexual, Trans and Intersex Persons in the Americas*, noted that LGBTI people who are victims of gender-based violence face additional obstacles in accessing justice for specific reasons related to their gender identity or sexual orientation.<sup>158</sup> Sources interviewed by Amnesty International noted that Venezuelan trans women as well as LGBTI people face obstacles and discrimination related to their gender identity when trying to report gender-based violence committed against them.<sup>159</sup> For example, their complaints are often dismissed outright and they can even experience mistreatment or mockery of their gender identity by state agents.<sup>160</sup> This situation was corroborated by Venezuelan trans refugee women interviewed in the context of this research in both countries.<sup>161</sup>

<sup>154</sup> CEDAW Committee General Recommendation 33 recommends that states ensure that cases of violence against women, including domestic violence, are under no circumstances referred to any alternative dispute resolution procedure; CEDAW Committee; General Recommendation 33, Access to justice, CEDAW/C/GC/33, para. 58 c); General Recommendation 35 of the CEDAW Committee provides that states parties must ensure that gender-based violence against women is not mandatorily referred to alternative dispute resolution procedures, including mediation and conciliation. It also states that: “The use of these procedures should be strictly regulated and allowed only when a previous evaluation by a specialised team ensures the free and informed consent by the affected victim/survivor and that there are no indicators of further risks for the victim/survivor or their family members.” CEDAW Committee; General Recommendation 35 on gender-based violence against women, updating general Recommendation 19, CEDAW/C/GC/35, 26 July 2017, para 32 (b), [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/35&Lang=e](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/35&Lang=e)

<sup>155</sup> Statement of a Venezuelan woman, Focus Group 1, Cúcuta.

<sup>156</sup> Statement of a Venezuelan woman, Focus Group 1 Cúcuta, Colombia, 31 March 2022.

<sup>157</sup> Statement by a Venezuelan woman, Focus Group 1, different forms of violence, Lima, Peru, 21 March 2022.

<sup>158</sup> IACHR, *Violence against Lesbian, Gay, Bisexual, Trans and Intersex Persons in the Americas*, 2015 <http://www.oas.org/en/iachr/reports/pdfs/violence-lgbtipersons.pdf>

<sup>159</sup> Interview with civil society organization, Peru, March 2022 and interview with DeJusticia, Colombia, March 2022.

<sup>160</sup> Interview with a Venezuelan woman, Peru, 23 March 2022 and interview with a Venezuelan woman, Cúcuta, Colombia, 31 March 2022.

<sup>161</sup> Interview with a Venezuelan woman, 23 March 2022, and interview with a Venezuelan woman, Cúcuta, Colombia, 31 March 2022.

**“I lived with my cousin in Chosica... in the Chosica police station I was in practice abused again making the complaint because the authorities didn’t take me seriously, because I am trans. Rather they made fun of me; they took a long time; I left there feeling really despondent and it was quite a painful experience. They began to make fun of me, saying things like ‘yours is coming’ as if I was looking for someone or I was someone’s wife or someone’s husband or whatever gender they wanted to use. ‘Someone will be along soon, it’s not your turn, no it’s not yours’ as if they were passing around a hot potato, but no one wanted to deal with me. My complaint was not considered, so they didn’t even take the time to write it down. I felt like it was my fault.”** Laura, a Venezuelan woman in Peru.

When they seek protection measures, they also face discrimination. A transgender woman sex worker assaulted in the street told Amnesty International that the staff of the Cúcuta Attorney General’s Office in Colombia suggested as a protection measure that she cut her hair and “dress like a man”.<sup>162</sup> Amnesty International finds these forms of direct discrimination by the authorities very worrying, because they not only violate the right of trans women to access justice and perpetuate impunity, but they leave women unprotected and therefore more exposed to further attacks or reprisals for having tried to lodge a complaint.

The examples cited show that gender and nationality stereotypes negatively influenced the responses of officials to Venezuelan refugee women survivors of gender-based violence, resulting in their being denied their right of access to justice. The human rights protection mechanisms of the international and regional systems have pointed out that gender and compound stereotypes in the justice system constitute a form of discrimination, and that their application in the area of criminal law has far-reaching consequences,<sup>163</sup> such as compromising the fairness of judicial proceedings, shifting responsibility onto victims and discharging the accused, questioning the credibility of victims’ testimony and preventing women from having access to real and effective protection measures.<sup>164</sup> In Peru and Colombia discrimination on the basis of sexual orientation, sex and nationality is a breach of the law. When committed by public officials, in both countries, this crime can be considered an aggravating factor carrying heavier punishment.<sup>165</sup> However, a recent study by Plan International revealed that the majority of Venezuelan women in Peru do not know that they can make a complaint against those administering justice if they do not fulfil their functions.<sup>166</sup>

Amnesty International believes that the authorities’ lack of knowledge, including the practice of requiring very specific immigration documentation before accepting complaints, as well as the presence of compound gender stereotypes (gender, nationality and gender identity), highlight the urgent need to strengthen the processes for raising awareness and appropriate and continuous training for officials responsible for receiving and dealing with complaints and to guarantee the protection of survivors of gender-based violence in Colombia and Peru. This challenge has been pointed out by the CEDAW Committee in its concluding observations on Colombia and Peru<sup>167</sup> and was even acknowledged by the authorities interviewed by Amnesty International, who accepted that much work still needs to be done on issues of training and awareness raising on how to support foreign survivors of gender-based violence.<sup>168</sup>

<sup>162</sup> Interview with a Venezuelan woman, Cúcuta, Colombia, 1 April 2022.

<sup>163</sup> CEDAW Committee, General Recommendation 33 on women’s access to justice, CEDAW/C/GC/33, 3 August 2015; Inter-American Court, Case of González et al (“Cotton Field”) v. Mexico, Judgment of 16 November 2009; ESCR Committee, General Comment 16 on The equal right of men and women to the enjoyment of all economic, social and cultural rights (art. 3 of the International Covenant on Economic, Social and Cultural Rights), E/C.12/2005/4, 11 August 2005.

<sup>164</sup> See CEDAW Committee, Communication No. 18/2009, Karen Tayag Vertido v. Philippines, CEDAW/C/46/D/18/2008, 16 July 2010, <https://juris.ohchr.org/Search/Details/1700> and CEDAW Committee, Communication No. 47/2012, Angela González Carreño v. Spain, CEDAW/C/58/D/47/2012, 16 July 2014, <https://juris.ohchr.org/Search/Details/1878>

<sup>165</sup> Law 1482 of 2011 (Colombia), [https://www.funcionpublica.gov.co/eva/gestornormativo/norma\\_pdf.php?i=44932](https://www.funcionpublica.gov.co/eva/gestornormativo/norma_pdf.php?i=44932) and Law 28867 (Peru) amending article 323 of the Criminal Code, <https://www.mimp.gob.pe/adultomayor/archivos/Ley28867.pdf> (Spanish only).

<sup>166</sup> Plan International, Estudio sobre violencia basada en género hacia las mujeres migrantes y/o refugiadas en los países receptores de Perú y Ecuador, p. 70, [https://plan-international.org/uploads/sites/56/2022/05/Estudio\\_VBG\\_Peru\\_-\\_Ecuador-1.pdf](https://plan-international.org/uploads/sites/56/2022/05/Estudio_VBG_Peru_-_Ecuador-1.pdf)

<sup>167</sup> See CEDAW Committee, Concluding observations on the ninth periodic report of Peru (2022), [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fPER%2fCO%2f9&Lang=e](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fPER%2fCO%2f9&Lang=e) and of Colombia (2019) [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fCOL%2fCO%2f9&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fCOL%2fCO%2f9&Lang=en)

<sup>168</sup> Interview with public official, Peru, 21 March 2022; interview with public official, Tumbes, Peru, 24 March 2022; interview with public official, Colombia, 30 March 2022; and interview with public official, Cúcuta, Colombia, 1 April 2022.

**“We actually believe that, in all reports, and also other relevant initiatives, what we always try to emphasize and highlight is the need for each institution to periodically and adequately train its officials about the issue of providing assistance to women victims of violence, not only intimate partner violence but all manifestations of violence” . Public official, Peru**

According to sources interviewed, another issue of concern in Peru regarding the training and awareness of public officials is the high turnover of personnel and, therefore, the fact that new officials enter the service who do not have the necessary training.<sup>169</sup> Sources consulted in both countries also highlighted the need to provide psychological support and self-care measures for frontline staff who provide assistance to women survivors of gender-based violence.<sup>170</sup>

**“In the police stations the officials are dealing with cases of violence for a week, they are trained and next week you they are replaced by new officials. They are not permanent staff, doing the same work. New staff arrive knowing little or nothing about the issue of violence” Public official, Peru**

Sources consulted have pointed out other factors preventing institutions from providing an adequate response to gender-based violence affecting Venezuelan women in particular, such as the lack of coordination between the different institutions involved in their protection in both countries<sup>171</sup> and the lack of resources and supplies provided to police officers, for example, in Peru.<sup>172</sup>

## 6.1.6 INSUFFICIENT EFFECTIVE PROTECTION MEASURES

The Inter-American Commission on Human Rights (IACHR) has established that States must ensure that judicial, administrative, political or other remedies for women and girls who have been subjected to gender-based violence, such as restraining orders and shelters, are women-centered, available, accessible, acceptable, take age and gender into account and adequately address the rights and needs of the victims/survivors.<sup>173</sup>

Amnesty International found that another gap in protection for survivors of gender-based violence in Colombia and Peru is women’s lack of access to temporary shelters.

Although in both Colombia and Peru, the law states that all women victims of gender-based violence must have access to a shelter when they are in a situation of moderate or severe risk<sup>174</sup>(Peru) or a special situation of risk (Colombia), according to the sources interviewed, shelters do not have sufficient capacity to guarantee the geographical coverage and quality of the facilities needed to meet the high demand for places from victims of gender-based violence. According to international standards, there should be at least one shelter/refuge place for every 10,000 inhabitants, providing safe emergency accommodation, qualified counselling and assistance in finding long-term accommodation.<sup>175</sup> These facilities must be accessible and adequately staffed and funded in order to reach victims proactively.<sup>176</sup>

169 Interview with public official, Peru, 24 March 2022, and interview with a public official, Peru, 21 March 2022.

170 Interview with a public official, Colombia, 30 March 2022 and Plan International, *Estudio sobre violencia basada en género hacia las mujeres migrantes y/o refugiadas en los países receptores de Perú y Ecuador*.

171 UNFPA and Peruvian Ombudsperson’s Office, *Violencia basada en género contra mujeres migrantes en el Perú*, October 2021, <https://www.defensoria.gob.pe/wp-content/uploads/2021/10/Informe-Violencia-contra-mujeres-migrantes.pdf> and interview with an international organization in Colombia, May 2022.

172 Plan International, *Estudio sobre violencia basada en género hacia las mujeres migrantes y/o refugiadas en los países receptores de Perú y Ecuador*

173 IACHR, *Violence and Discrimination against Women and Girls: Best Practices and Challenges in Latin America and the Caribbean*, OEA/Ser.L/V/II.Doc. 233, para. 116, 14 November 2019, para. 145, <http://www.oas.org/en/iachr/reports/pdfs/ViolenceWomenGirls.pdf>

174 See Colombia, Decree 4796 of 2011 (20 December) partially regulating articles 8, 9, 13 and 19 of Law 1257 of 2008, [https://www.funcionpublica.gov.co/eva/gestornormativo/norma\\_.pdf.php?i=45079](https://www.funcionpublica.gov.co/eva/gestornormativo/norma_.pdf.php?i=45079) and Peru, *Core Protocol for Joint Action in the field of comprehensive care and protection from violence against women and members of the family* (Peru), [https://observatorioviolencia.pe/wp-content/uploads/2019/06/Protocolo-de-base-conjunta-contra-la-violencia-anexo\\_r.pdf](https://observatorioviolencia.pe/wp-content/uploads/2019/06/Protocolo-de-base-conjunta-contra-la-violencia-anexo_r.pdf) (Spanish only).

175 UN Women, *Handbook for Legislation on Violence against Women*, p. 29, <https://www.unwomen.org/en/digital-library/publications/2012/12/handbook-for-legislation-on-violence-against-women>

176 Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), Article 23.



↑  Women's shelter, Colombia. Copyright: Fernanda Pineda/ Amnesty International

According to information received by Amnesty International, in Lima, Peru, there are two shelters run by the Metropolitan Municipality of Lima and seven run by the Ministry for Women's Affairs, (MIMP)<sup>177</sup> for a population of more than 10,004,000 inhabitants. In the border department of Norte de Santander, Colombia, there are only two shelters at present, funded through international cooperation, although the departmental government plans to create more.<sup>178</sup>

Amnesty International found that lack of sufficient shelters means many women and LGBTI refugees are denied their right to be protected through access to temporary safe refuge as survivors of gender-based violence.<sup>179</sup> This situation would seem to be even more critical for Venezuelan women and people living in poverty and without family and social support networks, and without opportunities to access decent and adequate housing, for whom shelters are the only option for finding a place of safety.

Additionally, according to sources interviewed, in Peru, protection measures can only be accessed by making a complaint to the relevant authorities.<sup>180</sup> This situation is worrying because, as noted above, there are many obstacles that prevent Venezuelan women survivors of gender-based violence from filing complaints.

On the other hand, the authorities in Colombia and Peru indicated to Amnesty International that the lack of a respectful approach regarding the rights of the LGBTI people in state specialized shelters for women, either through specialized shelters for this group or by providing safe spaces for trans women, is another of the gaps identified in relation to protection measures.<sup>181</sup>

### 6.1.7 INADEQUATE DATA COLLECTION

Amnesty International noted the difficulty, both in Peru and in Colombia, of obtaining quality information on complaints for acts of gender-based violence filed with the relevant authorities: CEM; the SIVIGILA system, SIVIGE, the police, the Public Prosecutor's Office and the Attorney General's Office.

<sup>177</sup> Peruvian Ombudsperson's Office, <https://www.defensoria.gob.pe/deunavezportodas/wp-content/uploads/2019/08/Supervisi%C3%B3n-Hogares-de-Refugio-Temporal-2019-Defensor%C3%ADA-del-Pueblo.pdf> (Spanish only).

<sup>178</sup> Interview with international organization, Peru, March 2022, and interview with civil society organization, Peru, 21 March 2022.

<sup>179</sup> Interviews with international officials, Peru, March 2022; interview with civil society organization, Peru, 21 March 2022; interview with international organizations, Colombia, March 2022; and interview with public official, Cúcuta, 1 April 2022.

<sup>180</sup> Interview with civil society organization, Peru, March 2022.

<sup>181</sup> Interview with public official, Peru, 23 March 2022, and interview with public official, Cúcuta, 1 April 2022.

Despite having information provided by the Peruvian Public Prosecutor's Office and the Colombian Attorney General's Office, in some cases, this was not disaggregated by the nationality of the women victims/survivors.

In both countries, there are records of primary care for women survivors. However, in Colombia, the Comprehensive Information System on Gender-Based Violence uses data from SIVIGE, which was last updated in 2020. The National Public Health Monitoring System (SIVIGILA) does contain indicators developed solely for gender-based violence against Venezuelans,<sup>182</sup> but these are not consistent with the figures for the general indicators in the same system, which disaggregate the data according to Colombian and Venezuelan nationals, as the following table illustrates:

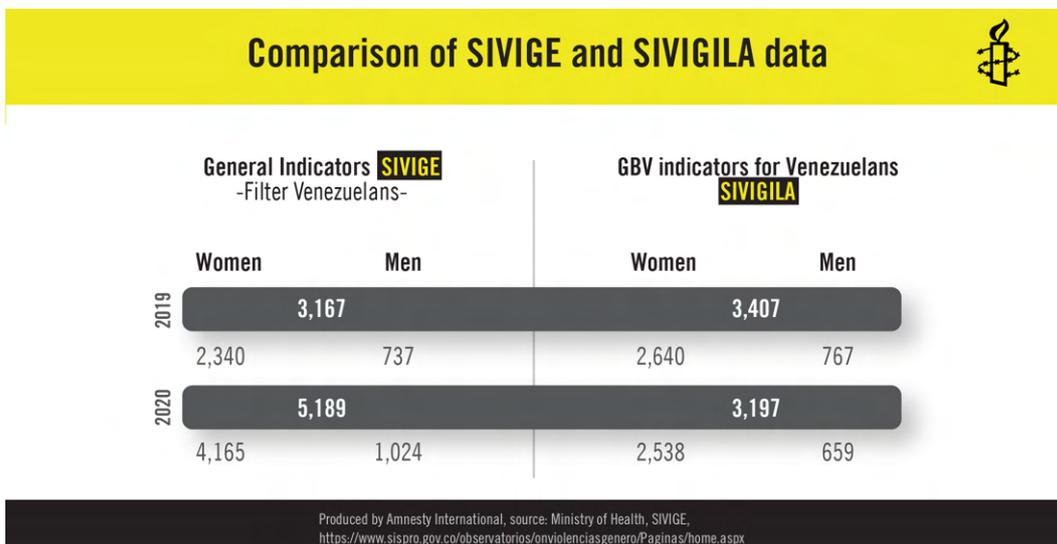


Figure 8

In Peru, the Aurora Programme has a register of cases dealt with by the Women's Emergency Centres. Although this contains data updated to March 2022, information submitted by foreign nationals and shows percentages by nationality, the figures are not disaggregated by violence and nationality, so it is not possible to identify the number of Venezuelan women who have been victims of sexual, physical or psychological violence.

The lack of up-to-date information, disaggregated by nationality, as well as by the gender identity or sexual orientation of the victims is worrying, since the failure to record this information contributes to the invisibility and under-reporting of the problem of gender-based violence against women and refugees. This in turn prevents public authorities at all levels in both countries from designing effective and adequate responses to the problem.

## 6.2 OBSTACLES TO REPORTING VIOLENCE AT WORK

States have an obligation to monitor the fulfilment of workers' rights, both in formal and informal settings. This obligation requires that they identify where the greatest number of possible violations of labour rights take place in order to make more strategic inspections. In the case of Venezuelan refugee women, the countries' inspectorates should carry out enhanced monitoring to verify compliance with their labour rights.<sup>183</sup>

In both Peru and Colombia there are two routes for reporting bullying and sexual harassment at work. A criminal procedure, whose legal framework is the Criminal Law to Prevent and Punish Sexual Harassment at Work, in Peru, and Law 1257 of 2008 and Law 599 of 2000 (Criminal Code) in Colombia.<sup>184</sup>

<sup>182</sup> Colombian Ministry of Health National Observatory on Gender-Based Violence, <https://www.sispro.gov.co/observatorios/onviolenciasgenero/Paginas/home.aspx> (filter by Gender Violence Indicators, Venezuelan population) (Spanish only).

<sup>183</sup> International Labour Organization (ILO), Convention on Violence and Harassment, 2019 (No. 190). [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C190](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C190) and Convention on Labour Inspection, 1947, (No. 81), [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C081](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C081) and CEDAW Committee General Recommendation 26 on women migrant workers, paras 23 and 26, [https://www2.ohchr.org/english/bodies/cedaw/docs/gr\\_26\\_on\\_women\\_migrant\\_workers\\_en.pdf](https://www2.ohchr.org/english/bodies/cedaw/docs/gr_26_on_women_migrant_workers_en.pdf)

<sup>184</sup> Criminal Law to Prevent and Punish Sexual Harassment at Work (Peru) and Law 1257 of 2008 and Law 599 of 2000 (Colombia).

Under the latter two laws, women victims of bullying and sexual harassment working in the formal and informal sector can lodge a complaint with the competent criminal authorities.

Additionally, in both countries under the labour laws, there are mechanisms to promote, oversee and monitor compliance with labour and occupational safety provisions. In Peru, it is the Office of the National Superintendent for Workplace Monitoring (Superintendencia Nacional de Fiscalización Laboral) and in Colombia, it is the Employee Relations Committees (Comités de Convivencia Laboral), which are responsible for receiving and processing complaints filed regarding situations that could constitute workplace harassment. Amnesty International identified, for example, that existing mechanisms under labour laws in both countries to report bullying and sexual harassment at work are accessible only to those working in the formal economy, de facto excluding thousands of informal workers, many of them foreign women, including Venezuelans, exposed to gender-based violence in the workplace.

The evidence gathered shows that Venezuelan women do not approach the authorities to report gender-based violence in the workplace.<sup>185</sup> Amnesty International identified several obstacles that prevent refugee women from reporting this violence, which are closely associated with the precariousness of their economic and employment situation. The majority of the women interviewed work in the informal sector of the economy, because, among other things, they do not have regularized migration status and face discrimination when seeking to access decent work. This, in turn, puts them in a situation where there is a greater risk of gender-based violence.

According to the statements obtained, another of the elements that inhibit Venezuelan refugee women from reporting workplace violence is the fear of suffering reprisals and in particular losing their source of income should they initiate a legal case, given that dismissal is the most common reaction in these types of cases.<sup>186</sup>

**“My granddaughter got together with a partner who is Colombian... It has been difficult because she has an intimate relationship with the owner of the place where she works. So a lot of the time, the workplace is not separate from the personal and when they have had personal problems the first thing he does is sack her, he has done that about three times. She’s been working for him since 2018, no holiday, no bonus, nothing and every time he gets annoyed, he kicks her out.”**

**Carolina, a Venezuelan woman in Colombia.**

One woman told Amnesty International that she experienced workplace harassment and discrimination because she is Venezuelan but decided not to report it for fear of losing her job: “I think I also didn’t report it because I was too afraid of losing my job, and I held out until the end so I wouldn’t lose my job.”<sup>187</sup>

As with violence in the family, the lack of resources of their own and limited job opportunities prevent women from reporting gender-based violence in the workplace. Amnesty International notes with concern that, in practice, challenges remain to ensuring that existing complaints mechanisms are accessible and effective in protecting the rights of Venezuelan women survivors of gender-based violence in the workplace and that they take into account the additional challenges they face due to their gender, migration status and nationality.<sup>188</sup>

The plans and strategies of the Colombian and Peruvian labour authorities must be strengthened to ensure that Venezuelan women are better able to report gender-based violence in the workplace and prevent reprisals for filing complaints. This is a challenge identified by the authorities interviewed in Peru.<sup>189</sup>

<sup>185</sup> Interview with a Venezuelan woman in Colombia, 30 March 2022; interview with a Venezuelan woman in Soacha, Colombia, 30 March 2020; and statements by Venezuelan women in Focus Group 1, Lima, 21 March 2022.

<sup>186</sup> Interview with a Venezuelan woman in Colombia, 30 March 2022; interview with a Venezuelan woman in Soacha, Colombia, 30 March 2020; and statements by Venezuelan women in Focus Group 1, Lima, 21 March 2022.

<sup>187</sup> Statement by a Venezuelan woman, Focus Group 1, Peru, 21 March 2022.

<sup>188</sup> CEDAW Committee General Recommendation 26 on women migrant workers sets out states’ obligation to establish adequate legal remedies and complaints mechanisms and put in place easily accessible dispute resolution mechanisms, protecting both documented and undocumented women migrant workers from discrimination or sexual exploitation and abuse.

<sup>189</sup> Interview with a public official, Peru, March 2022.

The above is based on states' obligation, established in the CEDAW Convention, to react actively against any form of discriminatory violence<sup>190</sup> and to adopt comprehensive responses taking into account that gender-based violence impacts women in a different way because it is related to other factors, in this case their migratory situation.<sup>191</sup> In particular, the CEDAW Committee noted that states should implement adequate legal complaints mechanisms and easily accessible dispute resolution mechanisms to protect all women migrant workers, including undocumented women migrant workers, from discrimination and sexual exploitation and abuse.<sup>192</sup>

## 6.3 OBSTACLES TO ACCESS TO HEALTH SERVICES

In Colombia and Peru, laws recognize the right of survivors of gender-based violence to comprehensive healthcare<sup>193</sup> and the care pathways established by the authorities include care for survivors of gender-based violence (physical, psychological and sexual and reproductive healthcare) regardless of their migration status.<sup>194</sup> In both countries, the policy considers healthcare services for women and survivors of gender-based violence, including sexual violence, to fall under the category of emergency services, and therefore they cannot be denied to anyone.<sup>195</sup>

Healthcare services for victims of gender-based violence are essential to meet their physical, emotional and security needs during initial interventions, as well as to ensure that the necessary evidence is gathered for the investigation. The information provided by various health professionals in both medicine and psychology, in the context of state responses to gender-based violence, is essential to identify the impact of various inter-related forms of discrimination and survivors' respective needs, as well as the measures that need to be established to ensure access to justice. In both countries, the care pathways for survivors of sexual violence state that providing care within 72 hours is crucial to prevent sexually transmitted infections and/or forced pregnancies as a result of sexual violence.<sup>196</sup>

However, Amnesty International found that, in practice, one of the main obstacles faced by Venezuelan refugee women in accessing healthcare services is the lack of a clear definition for frontline public officials of what is considered an emergency in cases of victims of gender-based violence, including sexual violence.<sup>197</sup> According to civil society organizations interviewed, there are no common or clear criteria that set out that certain services related to gender-based violence should be considered as an emergency. In Peru, although initial emergency care should be given to any woman victim of gender-based violence, follow-up and subsequent care is conditional on women having regularized their status and having access to the Comprehensive Health System.<sup>198</sup> In Colombia, the problem is that people who do not have regular migration status cannot join the health system and that means that the only care to which they are entitled is care that is considered emergency care.<sup>199</sup> For example, information was received that psychological care services and non-emergency contraception are not considered to be emergency services.<sup>200</sup>

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190 CEDAW Committee General Recommendation 28 on article 2 of the CEDAW Convention states that: "States parties have an obligation not to cause discrimination against women through acts or omissions; they are further obliged to react actively against discrimination against women, regardless of whether such acts or omissions are perpetrated by the State or by private actors. Discrimination can occur through the failure of States to take necessary legislative measures to ensure the full realization of women's rights, the failure to adopt national policies aimed at achieving equality between women and men and the failure to enforce relevant laws. Likewise, States parties have an international responsibility to create and continuously improve statistical databases and the analysis of all forms of discrimination against women in general and against women belonging to specific vulnerable groups in particular" (para. 10), <https://www.refworld.org/docid/4d467ea72.html>

191 CEDAW Committee, General Recommendation 35 on gender-based violence against women, updating general Recommendation 19, CEDAW/C/GC/35, 26 July 2017, para. 12.

[https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1\\_Global/CEDAW\\_C\\_GC\\_35\\_8267\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_GC_35_8267_E.pdf)

192 CEDAW Committee, General Recommendation 26 on women migrant workers, para. 26,

[https://www2.ohchr.org/english/bodies/cedaw/docs/gr\\_26\\_on\\_women\\_migrant\\_workers\\_en.pdf](https://www2.ohchr.org/english/bodies/cedaw/docs/gr_26_on_women_migrant_workers_en.pdf)

193 Article 8 of Law 1257 (2008) on the rights of victims of violence in Colombia and Law No. 30364 in Peru which recognizes the rights to comprehensive care and recovery regarding the physical and mental health of victims of violence against women and members of the family

194 See *Ruta de Atención para víctimas de Violencia Intrafamiliar y Violencia Basada en Género, Colombia*, [http://centrodedocumentacion.prosperidadsocial.gov.co/2021/Micrositio/Prevencion-de-la-Violencia/Infografias/Ruta\\_de\\_Atencion.pdf](http://centrodedocumentacion.prosperidadsocial.gov.co/2021/Micrositio/Prevencion-de-la-Violencia/Infografias/Ruta_de_Atencion.pdf) and outline of procedure for Law No. 30364 to Prevent, Punish and Eradicate Violence against Women and Members of the Family", Peru, [https://www.mimp.gob.pe/webs/mimp/ley30364/pdf/esquema-ley-30364\\_2016\\_22-04-16.pdf](https://www.mimp.gob.pe/webs/mimp/ley30364/pdf/esquema-ley-30364_2016_22-04-16.pdf) (Spanish only).

195 In Colombia, Law 1257 (2008) and the Protocol and Guidance on Comprehensive Healthcare for Victims of Sexual Violence and Resolution 2021, which updates the Protocol on Healthcare for Victims of Sexual Violence in Colombia, and Law No. 30364 in Peru, Core Protocol on Joint Action on comprehensive care and protection from violence against women and members of the family, and Specialist Health Standard No. 164-MINSA/2020/DGIESP.

196 Protocol and Guidance on Comprehensive Healthcare for Victims of Sexual Violence and Resolution 2021, which updates the Protocol on Healthcare for Victims of Sexual Violence in Colombia, and Specialist Health Standard No. 164-MINSA/2020/DGIESP in Peru.

197 Interview with civil society organization, Peru, March 2022 and interview with members of civil society, Colombia, March 2022.

198 Interview with a public official, Peru, 21 March 2022.

199 Interview with civil society organization, Colombia, 30 March 2022.

200 Interview with civil society organization, Colombia, 30 March 2022, and interview with members of civil society, Colombia, March 2022.

According to the information received, Venezuelan refugee women survivors of gender-based violence are not receiving adequate and ongoing psychological care from institutions in either country. In best case scenarios, this group of women survivors of gender-based violence receive this type of care through civil society organizations.<sup>201</sup>



↑  Copyright: Fernanda Pineda/ Amnesty International

Another obstacle identified in Peru is that healthcare services for women survivors of gender-based violence are, in practice, conditional on the woman having previously lodged a complaint.<sup>202</sup> This means that a woman who is unable or unwilling to report violence out of fear or other factors would not have access to healthcare services.

The CEDAW Committee has established that states must ensure that all protection and support measures and services to women's victims/survivors of gender-based violence respect and strengthen their autonomy" and are "provided irrespective of women's residence status and their ability or willingness to cooperate in proceedings against the alleged perpetrator."<sup>203</sup> Additionally, the Inter-American Court of Human Rights has established that physical integrity is directly and immediately linked to healthcare and that the lack of adequate medical care may lead to a violation of Article 5.1 of the American Convention. Therefore, making healthcare for women survivors of gender-based violence conditional on the existence of a prior complaint can lead to a violation of their rights to physical integrity, to health and to live a life free from violence.<sup>204</sup> The current situation has a different negative impact on Venezuelan women given the fear they have of reporting violence because of the factors mentioned earlier in this report.

In Colombia, filing a complaint is not a requirement for accessing healthcare services.<sup>205</sup> However, according to the information received, in practice, health professionals often inform the relevant authorities when women report having been victims of sexual violence, without necessarily obtaining the woman's consent. Amnesty International believes that survivors should receive all the information and support they need to report gender-based violence, but that it is their decision whether or not a report

<sup>201</sup> Focus Group 2 in Cúcuta, Colombia, 31 March 2022.

<sup>202</sup> Interview with international organization, Peru, March 2022.

<sup>203</sup> CEDAW Committee, General Recommendation 35 on gender-based violence against women, updating general Recommendation 19, CEDAW/C/GC/35, 26 July 2017.

<sup>204</sup> Inter-American Court, Case of Suárez Peralta v. Ecuador, Preliminary Objections, Merits, Reparations and Costs, Judgment of 21 May 2013, para. 130.

<sup>205</sup> Colombian Ministry of Health and Social Protection, resolution number of 2021 updating the Protocol on Healthcare for Victims of Sexual Violence, <https://consultorsalud.com/wp-content/uploads/2020/12/Actualizacion-Protocolo-de-Atencion-en-salud-para-Victimas-de-Violencia-Sexual.pdf> (Spanish only) and interview with civil society organization, Colombia, 30 March 2022.

is made, and not a legal requirement or a practice by health professionals or others who come into contact with survivors.<sup>206</sup>

Finally, another challenge in accessing healthcare faced by women survivors of gender-based violence is that healthcare services in both countries are conditional on the resources having been allocated and being available. Therefore, in certain rural regions or municipalities such services are extremely limited and this constitutes another barrier for Venezuelan survivors of gender-based violence in these areas, who are generally living in an economically precarious situation and do not have the resources themselves to access health services.<sup>207</sup>

## 6.4 OTHER STRUCTURAL OBSTACLES

States have an obligation to combat the compound gender stereotypes that underpin violence and discrimination against women<sup>208</sup> and to undertake actions to transform discriminatory sociocultural attitudes, structures and patterns, through social and civic campaigns that promote “changing socio-cultural patterns” and “transforming social perceptions and gender-based stereotypes”.<sup>209</sup>

Although Colombia and Peru have made some efforts to combat xenophobia against Venezuelans through widespread awareness-raising initiatives and campaigns, the information gathered, for example the Report Balance and proposed initiatives to combat xenophobia in Colombia,<sup>210</sup> show that these campaigns have had very little impact and have not effectively contributed to the dismantling of stereotypes, nor have they translated into the prevention of violence against refugee women.

Throughout this research, Amnesty International found that compound gender and nationality stereotypes about Venezuelans remain deeply entrenched. As discussed above, they are one of the root causes giving rise to violence and discrimination against Venezuelan women in all areas, as well as one of the main obstacles that prevent refugee women survivors of gender-based violence from accessing protection measures and justice.<sup>211</sup>

Amnesty International was particularly concerned about the persistence of such stereotypes, despite the recommendations of treaty bodies. The Committee on the Rights of Migrant Workers recommended in 2020 that Colombia enhance its policies to eliminate discriminatory stereotypes and make progress in education for the prevention of xenophobia at all educational levels.<sup>212</sup>

Amnesty International would also highlight that the lack of access to decent work; the difficulties in accessing economic and social benefits as informal workers and economic empowerment measures (financing and training programmes); and bearing disproportionate responsibility for childcare in the absence of support networks and difficulties in accessing care policies, are other barriers that prevent Venezuelan refugee women from reporting and obtaining protection from gender-based violence.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) sets out states' obligation to prevent discrimination against women on the grounds of maternity and to ensure the realization of their right to work, encouraging the provision of the necessary supportive social services to enable parents to combine family obligations with work responsibilities by encouraging the creation and development of a network of childcare services. The Committee on Economic, Social and Cultural Rights (ESCR Committee) has stated that: “Intersectional discrimination and the lack of an approach that takes into account the needs of women throughout their life-cycle leads to an accumulation of disadvantages that adversely affect the right to fair and satisfactory working conditions and other rights”.<sup>213</sup> In response to this, the Committee has set out the obligation of states to take specific measures to address traditional gender roles, as well as other structural obstacles that perpetuate tra-

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206 World Health Organization, *Responding to intimate partner violence and sexual violence against women WHO clinical and policy guideline*, [https://apps.who.int/iris/bitstream/handle/10665/85240/9789241548595\\_eng.pdf](https://apps.who.int/iris/bitstream/handle/10665/85240/9789241548595_eng.pdf)

207 Interview with civil society organization, Colombia, 30 March 2022, and interview with civil society organization, 30 March 2022.

208 Article 5 CEDAW and Article 8 Convention on the Rights of Persons with Disabilities.

209 Article 8 of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women “Convention of Belém Do Pará”.

210 Friedrich Ebert Stiftung, *Balance y propuestas en torno a iniciativas para combatir la xenofobia en Colombia 2021* en <http://library.fes.de/pdf-files/bueros/kolumbien/17329.pdf>

211 Colombian Observatory for Women, *Boletín Especial, La violencia contra las mujeres migrantes: una frontera por superar*; interview with civil society organizations, Colombia, March 2022; statements, Focus Group 1, Lima, 21 March 2022; and statements, Focus Group, Engativá, Colombia.

212 Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families Concluding observations on the third periodic report of Colombia, CMW/C/COL/CO/3, 27 January 2020, para. 26.

213 Committee on ESCR, General comment No. 23 (2016) on the right to just and favourable conditions of work (article 7 of the International Covenant on Economic, Social and Cultural Rights), para 47 a, in <https://digitallibrary.un.org/record/1312521#record-files-collapse-header>

ditional gender roles, such as childcare in the workplace and flexible working arrangements to promote equal working conditions in practice.

Amnesty International believes that these measures are essential to address the structural inequality that prevents women, especially Venezuelan women, from breaking down the dynamics of violence they face at home and at work.

In addition, according to the information received, in the few cases where they do have access to training and job guidance from other agencies, women continue to be encouraged to enter sex-segregated sectors of work with lower social value and economic recognition, despite the fact that the ESCR Committee noted the duty of states to pay special attention to and address the issue of occupational segregation based on sex as an indispensable part of guaranteeing the right to fair and decent working conditions for women workers.

# 7. CONCLUSIONS AND RECOMMENDATIONS

Women in Latin America and the Caribbean are victims of multiple and systematic forms of violence. In the case of Venezuelan women, who have had to leave their country because of the grave human rights crisis or persecution to protect their lives in other countries of the region, such as Colombia or Peru, their nationality and often irregular migration status are additional sources of discrimination and violence. For trans women, their sexual orientation or diverse gender identity are other additional factors. Throughout whole process of departure and travel as well as in these host countries, Venezuelan women face multiple forms of gender-based violence in the different spaces where they live and pass through: in the public, domestic and work spheres.

Amnesty International believes that the lack of access to international protection and other migration regularization processes is one of the first obstacles to the full enjoyment of human rights faced by Venezuelan refugee women survivors of gender-based violence. Among the main barriers to accessing regular migration status are the lack of access to information about the regularization and international protection processes, the complexity of these processes, and the barriers set up by countries to limit the mass entry of people, as well as Venezuelan refugee women's lack of economic and technological resources to access these processes, in particular to access justice and health services, among others.

Although Colombia and Peru have laws to prevent and punish gender-based violence against women and protocols and/or specialized care pathways for survivors of gender-based violence, Amnesty International found that there are serious challenges to achieving effective implementation. In addition to the obstacles that women in general face when reporting gender-based violence in Colombia and Peru, among the main barriers identified for access to justice for Venezuelan women is the lack of access to information on care pathways and existing mechanisms; a lack of knowledge about their rights and/or the perception that they do not have the same rights to file a complaint and to protection mechanisms as nationals of the host countries; the fear of being detained or deported; and their precarious economic situation, which prevents them from devoting the time and energy required to access the justice system.

Amnesty International also noted with concern that gender and nationality stereotypes regarding Venezuelan refugee women are being used by officials to justify denying them access to justice when they attempt to file a complaint or seek protection measures, perpetuating violence and discrimination against them. In addition, it found that officials do not know the applicable regulations and require, for example, that women submit certain identity documents before accepting their complaint, despite the fact that the regulations do not require this. There are not enough temporary protection shelters for survivors of gender-based violence, despite the fact that these protection measures are crucial for Venezuelan women who do not have support networks in Colombia and Peru. In addition, Amnesty International considers that there are serious gaps in the collection of information on gender-based violence against refugee and migrant women in both countries, which prevents the adoption of adequate measures to address it.

In relation to access to health, while health services for women and survivors of gender-based violence, including sexual violence, fall under the category of emergency services in Colombia and Peru, the lack of a clear definition of what is considered an emergency in cases of gender-based violence acts as an obstacle to adequate and comprehensive care for refugee women, such as Venezuelan women. This is in addition to the requirement for women to file a criminal complaint to access health services, despite the fact that the legislation does not require this to access care, in addition to the series of previously listed barriers to access to justice services. Amnesty International also identified other difficulties in accessing health services beyond emergency services, particularly psychological care.

The multiple forms of gender-based violence faced by Venezuelan women survivors of such violence in Colombia and Peru outlined in this report, coupled with the lack of access to migration regularization processes and the obstacles they face in accessing health and justice services, are extremely grave and in breach of the obligations of both states to prevent gender-based violence against women without discrimination, including Venezuelan women, and to respect, protect and guarantee their right to live a life free of violence. In response, Amnesty International makes the following recommendations to the Colombian and Peruvian authorities and regarding international cooperation.

## **RECOMMENDATIONS TO THE STATES**

### **ACCESS TO INTERNATIONAL PROTECTION**

- Ensure effective access to asylum procedures without discrimination for all those in need of international protection.
- Strengthen and expand the dissemination of information to Venezuelan women on access to international protection and other forms of migration regularization. This information should be accompanied by strategies and messages aimed at addressing and avoiding the fear that those approaching the authorities to initiate proceedings could risk detention and deportation to Venezuela.
- Implement, or strengthen training programmes, with a human rights perspective, for public officials, in particular those working in the police, public prosecution, migration and health services, on access to international protection and other forms of migratory regularization and the rights of refugees and migrants.

### **ACCESS TO JUSTICE**

- Implement mass information campaigns on care pathways to address cases of gender-based violence, that include dissemination strategies that have previously been consulted with women, including refugee and migrant women, in order to enable women in situations of greater risk in particular to be reached.
- Ensure that all institutions that care for survivors of gender-based violence, including the police, public prosecution service and migration and health institutions, have robust protocols for providing support, incorporating an intersectionality perspective and the obligation of non-discrimination, in cases of gender-based violence that address the particular care needs of refugee women and migrant survivors of gender-based violence.
- Provide appropriate, systematic, mandatory, initial and ongoing training to all public officials providing services for survivors of gender-based violence, such as staff from the police, public prosecution, migration and health services, on the prevention and detection of gender-based violence, gender equality and intersectional discrimination. In addition to raising awareness of women's rights, including the rights of trans people and those who engage in sex work, and existing care pathways, these programmes should aim to actively challenge prejudices regarding gender stereotypes and myths around gender-based violence among public officials and must address, from the perspective of intersectionality and the obligation of non-discrimination, the particular care needs of refugee and migrant women survivors of gender-based violence.
- Conduct thorough, impartial and independent investigations into all acts of violence against women, including rape and other forms of sexual violence, and ensure that investigations incorporate a gender perspective.
- Ensure that institutions responsible for providing services in cases of gender-based violence, both at the national and local levels, have sufficient resources to implement effective protection measures for women survivors of gender-based violence that are accessible to women regardless of their migration status. In particular, ensure that there are temporary shelters with sufficient capacity.
- Consider establishing care and self-care policies for front-line officials in the justice and health services, implemented and coordinated by the state institutions involved in addressing the needs of survivors of gender-based violence.

### **ADDRESSING AND PREVENTING GENDER-BASED VIOLENCE**

- Improve inter-agency coordination in responses to gender-based violence, in particular focusing on addressing the needs of refugee and migrant women.

- Improve data collection on gender-based violence by recording statistical data on victims, disaggregated by sex, gender, gender identity, sexual orientation, age, disability, relationship between the abuser and the victim, and the victim's migration status and ethnic minority heritage, and ensure that the data are regularly reviewed and used to inform policy development, resource allocation and other measures to prevent and address sexual and other types of gender-based violence.
- Improve inter-institutional coordination in responding to gender-based violence, especially regarding refugee and migrant women.
- Address the underlying causes, structural inequalities and compound gender stereotypes, nationality and migration status that perpetuate violence against Venezuelan women, ensuring that measures to prevent gender-based violence include policies for the care of children and the elderly; access to decent employment, taking into account a focus on the socio-economic integration of refugee and migrant women; and social and community integration programmes at the local level, that stimulate and strengthen support networks for refugee and migrant women, women heads of families and caregivers.

#### **ACCESS TO HEALTH**

- Take measures to ensure comprehensive healthcare for women survivors of gender-based violence, regardless of their migration status, in particular ensuring that:
  - Care is not conditional on the filing of a complaint, in law or in practice;
  - All health needs resulting from gender-based violence are categorized as emergency healthcare and that there are clear protocols for medium- and long-term physical and emotional care; and
  - That care incorporates psychological first aid and psychosocial support programmes for survivors of gender-based violence (women and close family that may be affected, children and other dependents).

#### **COMBATING STIGMA AND DISCRIMINATION**

- Ensure that all authorities, including those at the highest level, refrain from using language that stigmatizes, abuses, vilifies or discriminates against Venezuelans.
- Design and implement awareness-raising campaigns for the general public aimed at combating stereotypes and xenophobia regarding Venezuelans, including composite gender stereotypes including those that foster the hypersexualization of Venezuelan women.
- In particular, adopt without delay effective measures to combat the different forms of gender-based violence at work, both in the formal and informal sectors of the economy, with particular emphasis on discrimination on the basis of gender, gender identity, nationality and migration status.
- Ensure that everyone, including Venezuelan women and trans people, have access to education and decent employment options in order to prevent anyone from having to rely on the sale of sexual services in sex work as a means of survival because of poverty or discrimination.

#### **TRAFFICKING**

- Implement measures to prevent, suppress and punish human trafficking for the purpose of sexual exploitation.

#### **REGARDING INTERNATIONAL COOPERATION**

- Adequately finance the humanitarian response to the mass exodus of Venezuelans from their country, ensuring the sustainability of the responses implemented for women survivors of gender-based violence.
- Promote the strengthening of state responses to gender-based violence, ensuring that technical assistance or other cooperation programmes include eliciting commitments from authorities and allocating financial resources to fulfil their obligations to prevent, punish and eradicate gender-based violence.

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# UNPROTECTED

## GENDER-BASED VIOLENCE AGAINST VENEZUELAN REFUGEE WOMEN IN COLOMBIA AND PERU

In Colombia and Peru, the two main receiving countries for Venezuelan refugees in the Americas region, Venezuelan women face multiple forms of violence in public spaces, at home and at work. Despite this, they are denied access to justice and health services because of stereotypes related to their gender, nationality and gender identity, among other factors, which also mean they experience new forms of violence and discrimination when they try to file a complaint. For many, the lack of regular migration status and information about their rights exacerbates these difficulties. This report outlines how the Colombian and Peruvian authorities are failing to guarantee Venezuelan women's rights to a life free from violence and discrimination.

ÍNDICE: AMR 01/5675/2022  
JULY 2022  
ORIGINAL LANGUAGE: SPANISH

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