

**WOMEN'S  
REFUGEE  
COMMISSION**

Research. Rethink. Resolve.



## **The Time to Act Is Now: Addressing Risks of Exploitation for Venezuelan Women and Children Seeking Refuge**

**April 2019**



The Women's Refugee Commission (WRC) improves the lives and protects the rights of women, children, and youth displaced by conflict and crisis. We research their needs, identify solutions, and advocate for programs and policies to strengthen their resilience and drive change in humanitarian practice.

## Acknowledgments

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Cover photo: The border crossing at Tulcan, Ecuador. © WRC/Omar Robles

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## EXECUTIVE SUMMARY

More than 3 million people have fled Venezuela since 2015 due to widespread insecurity, the collapse of the economy, lack of food and medicines, and fears of violence, discrimination, and persecution. When this mass exodus began, many of the first wave of refugees and migrants arrived in their host countries with some resources to support themselves. The profile of the arrivals has changed: many of those now seeking refuge have limited financial resources to safely navigate displacement, and there is a higher percentage of women and children. More young women are traveling alone, and many children are unaccompanied or separated from their parents. Women and girls who have fled Venezuela are at particular risk of sexual exploitation, especially those who are in an irregular migratory situation and/or undocumented. There are persistent reports of survival sex, assault, and sex trafficking. Survival sex is often the only option available to Venezuelan women and children, in order to ensure their own survival and that of family members who are dependent on them.

Venezuelans have sought safety throughout Latin America and the Caribbean region, including in Peru and Ecuador, two of the countries hosting the largest number of Venezuelan refugees and migrants who have fled the crisis in their home country. There was a sharp increase in Venezuelan arrivals in Peru during 2018, with numbers having quadrupled during the year.<sup>1</sup> There were more than 800,000 arrivals of Venezuelan refugees and migrants in Ecuador from January to October 2018, compared to 288,000 in 2017 (although more than 80% were in transit, mainly to Peru).<sup>2</sup>

Incipient attempts at establishing a more regional response to the refugee and migrant crisis on the political front, such as the Quito Process, while critical, have not yet achieved a fully harmonized response. Notable steps forward have been taken, such as the acceptance of expired passports for entry. But there have been steps backward, such as the requirement imposed by Ecuador in January 2019 for a certified criminal history document for new arrivals. Even though children and some other vulnerable groups were exempted from the criminal record requirement, these types of policy shifts are likely to have the counterproductive effect of reducing rather than increasing security. However, in March 2019 the Ecuadorean Constitutional Court suspended the new requirement. The Quito Process has resulted in important achievements, and there have also been positive recent developments in states such as Argentina and Paraguay, which are now recognizing expired Venezuelan passports. This is important, as women and children who are forced to enter via informal routes are made invisible to the authorities and placed at greater risk. Furthermore, policies that incentivize informal entry restrict access to humanitarian transport.

This report focuses on the difficulties facing Venezuelan women and children in Ecuador and Peru, and how their risks and needs are being addressed. From January 13–29, 2019, the Women's Refugee Commission (WRC) conducted a two-country assessment, visiting capital cities and key border crossings in each country. WRC spoke with UN agencies, government ministries and social protection authorities, international and local NGOs, faith-based organizations, and Venezuelan women and children. WRC conducted three focus group discussions—one with Venezuelan women (four asylum-seekers and three migrants); one with Venezuelan school-children (eight children and adolescents) and their parents (eight parents); one with Venezuelan, Colombian, and Ecuadorean women (three Venezuelan women, two Colombian women, two Ecuadorean women). WRC also visited a women's shelter in Ecuador, attended a workshop for Venezuelans about their legal rights and obligations in Peru, and conducted short interviews at bus stations in Quito and in Lima and at border crossings with Venezuelans who were en route.

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1 According to data from the government of Peru, reported in: <https://www.thenewhumanitarian.org/news-feature/2019/01/11/Peru-Venezuela-worries-grow-refugees-migrants-crisis>.

2 According to data from the government of Ecuador, available at <https://r4v.info/en/documents/details/67282>.



## Key Findings and Recommendations

### *Urgent need to address challenges with documentation*

Both Ecuador and Peru have processes that permit some Venezuelans to access legal status. But the costs involved, and complex rules and requirements, can incentivize informal entry and stay. This complexity and the shifting policy landscape pose extra risks for women and children and compromises their protection. **In Ecuador, the costs and documentary requirements involved in obtaining visas are prohibitive for many Venezuelans. In Peru, a new process is needed now that the temporary stay permit scheme has ended.** Peru's entry requirements are resulting in a huge increase in asylum applications, as the asylum system is being used as a fall-back option for all cases where Venezuelan arrivals do not have the required documents.

### *But need for a focus on comprehensive protection programs for groups at higher risk, not just on documentation*

Documentation is vital for protection of people on the move, but documents alone are rarely enough to ensure protection for groups at higher risk. As the result of an operational focus on addressing the large numbers of new arrivals at formal ports of entry, combined with insufficient resourcing of systems, most of the protection systems for Venezuelans focus principally on documentation rather than on comprehensive protection. There are attempts to provide assistance to the most vulnerable groups and to orient people toward accessing their rights. But in practice, for many protection workers in these settings, if a refugee or migrant has managed to obtain their documents, the case is closed. This is understandable given the shortages of staff and the limited options available for referring the person at risk for support services. But it falls short in ensuring real protection. **The response must include a greater focus on comprehensive protection programs for high-risk populations whose safety and well-being is linked to their ability to safely access shelter, health services, psychosocial support, family reunification services, and livelihoods support.**

### *GBV referral and response procedures require strengthening—support host government systems*

The governments of both Ecuador and Peru have protective systems in place relating to supporting survivors of gender-based violence (GBV) and to combating trafficking, but there are some major gaps and a lack of resources for key services, particularly outside of capital cities. UN actors expect that international cooperation focused on supporting Venezuelan refugees and migrants will result in strengthened government systems and coordinated work of state and national actors that will benefit vulnerable Ecuadorean and Peruvian women and children as well as vulnerable people from other refugee and migrant communities. **At key ports of entry, along key transit routes, and in key cities, the GBV referral and response procedures vary in their protocols, capacity, and effectiveness—all require strengthening.** Training for state officials on the standard operating procedures and referral systems is necessary. There is a clear need to support governments' protection systems, including anti-trafficking initiatives, and to do so without setting up parallel systems.

In Ecuador and Peru there is a need to increase investments in shelter capacity for victims of sex trafficking and for GBV survivors (with differentiated attention to these different client groups that may have different requirements for protection and for support). The few shelters that exist lack sufficient qualified staff with the necessary technical abilities, including psychologists.



*Need to review vulnerability criteria and assess how humanitarian operations can be more responsive to young single women who are traveling without children*

In both Ecuador and Peru, Venezuelan women traveling alone, despite their high vulnerability, are often not prioritized for specific assistance in practice. For example, unless they are pregnant, women traveling alone at the Colombian-Ecuadorean border are not eligible for humanitarian transport for highly vulnerable undocumented groups or WFP food. WRC was informed that pregnant women and women with children are prioritized for services and assistance, which means that young women traveling alone who are not pregnant often cannot find safe women-only places to sleep at the border. **Given the context-specific dynamics and risks facing young single women, international agencies should review their vulnerability criteria and assess how their operations can be more responsive to young single women (18-24 years) who are traveling without children.**

*Need to increase resourcing for unaccompanied and separated children*

**Humanitarian actors should invest further in supporting the strengthening of the state authorities' efforts to address the protection needs of separated and unaccompanied children.** Three Ecuadorean government ministries (human mobility, social inclusion, and interior) have signed a protocol for attending to the needs of children in the context of human mobility in Ecuador. This protocol attempts to address the difficult situations that unaccompanied and separated children face, identifying those who are at risk and providing them with protection. There have been initial difficulties in implementation largely due to insufficient resourcing. Practitioners report that children disappear—that they give up on waiting at the border and continue with their journey—before they can complete the process of interviews, referrals, verifications, and decision-making related to child protection and well-being. The numbers of children who are lost to the system could be reduced if appropriate shelter and support services were available and if there were sufficient staffing to speed up the process. Peru does not yet have a similar protocol; the lack of such a protocol results in a lack of clarity concerning specific responsibilities for children and intensifies the risks for them. Peru's Special Protection Unit (UPE), responsible for the reception of unaccompanied and separated children, requires strengthening and further resourcing, as do its Temporary Residential Attention Centers (CARs).

*Addressing xenophobia and supporting longer-term integration*

Xenophobia against Venezuelans is a growing concern in Ecuador and Peru, and it is highly gendered. Host communities are concerned about increased demands on services that were resource-constrained before the increase in Venezuelan arrivals. In Ecuador, which has tended to focus principally on people in transit, the growing numbers of Venezuelans settling in the country has elevated tensions. In Peru, a destination country, backlash against Venezuelans who are seeking employment and accessing services is a concern. **International cooperation support should encourage governments to lead anti-xenophobia campaigns and should strengthen social sector services, particularly in relation to health and education services.** Both Ecuador and Peru are admitting Venezuelan children into schools (when there are sufficient school places); Ecuador is providing free access to health care for Venezuelans, and Peru is providing some limited free access to health care for pregnant women and young children. **The international community's focus on emergency humanitarian aid for this refugee and migration crisis needs to turn toward longer-term funding to facilitate social inclusion and integration in host countries.**

*Access to safe livelihoods and protection of labor rights is key to women’s protection*

Venezuelans’ decisions about their destination countries are heavily influenced by the issue of access to livelihoods. Every interview that WRC conducted with Venezuelan women in Ecuador and Peru highlighted the centrality of access to livelihoods as the most important factor in ensuring their protection, but also as a source of risk, including sexual harassment, pressure to provide sexual services at their workplace, labor abuses relating to their pay, and concern about increasing resentment of host communities by “undercutting” them when taking informal employment and “displacing” local people. **Women called for more livelihoods funding for themselves and for their host communities, such as cash grants for businesses, developing links with markets for products, and assistance with finding employment.**

*Regional appeal needs support, and must include national and local civil society organizations*

The United Nations (UN) has established a Regional Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela—under the leadership of UNHCR and IOM, and including many non-UN actors, to complement government-led responses and initiatives. National Platforms have been set up in Ecuador and Peru. The Regional Platform has developed a Regional Refugee and Migrant Response Plan (RMRP) to support host governments receiving Venezuelan refugees and migrants, and has put out an appeal for US\$738 million.<sup>3</sup> As at February 6, 2019 only \$12.5 million of this appeal had been funded according to UN figures.<sup>4</sup> **It is essential to the response to Venezuelan refugees and migrants in Ecuador and Peru that this appeal be funded. It will be important to ensure that the funding is inclusive of national and local civil society organizations and that it is used to strengthen existing mechanisms that will benefit Venezuelan refugees and migrants, as well as host communities.** In this region, national and local civil society organizations are central to humanitarian and development responses. Key agencies have come together at the regional level to develop a “civil society action plan on persons leaving Venezuela who require national and international protection.”<sup>5</sup>



*Tent where new arrivals in Peru can apply for asylum, Tumbes, Peru. © WRC/Omar Robles*

3 UNHCR, *2019 Regional Refugee and Migrant Response Plan for Refugees and Migrants from Venezuela*, <http://reporting.unhcr.org/node/21600>, p.53 footnote 30.  
 4 <https://fts.unocha.org/appeals/726/summary>.  
 5 Civil society action plan on persons leaving Venezuela who require national and international protection, November 16, 2018, <http://www.movhuve.org/wp-content/uploads/2018/11/CIVIL-SOCIETY-ACTION-PLAN-ON-PERSONS->





## INTRODUCTION

A Women's Refugee Commission (WRC) team spent one week in Ecuador and one week in Peru in January 2019. WRC interviewed UN agencies, government ministries and social protection authorities, international and national NGOs and faith-based organizations, and conducted focus group discussions with women from refugee, migrant, and host communities, as well as with Venezuelan school children and their parents.

### A mass exodus—generous national responses in Ecuador and Peru

The crisis in Venezuela has resulted in a rapid mass flow of people into countries in the Latin American and Caribbean region. UNHCR and IOM estimate that more than 3 million Venezuelans have taken shelter in the region.<sup>6</sup> The government of Ecuador estimates that there are more than 250,000 Venezuelans residing in Ecuador,<sup>7</sup> and at least four times that number transiting through to other countries on the continent. The government of Peru estimates that nearly 700,000 Venezuelans are living in Peru.<sup>8</sup> UN figures are slightly lower,<sup>9</sup> but even the host government figures may be under-estimates, since many of the people who have entered unofficially and are living without legal status have not been counted.<sup>10</sup> Ecuador and Peru have been ensuring that people fleeing Venezuela are able to access their territory. Both countries have made processes available so that many refugees and migrants can access legal status and rights to work. Neither state is using detention as a migration tool. Neither state is currently deporting Venezuelans.

### Changing profile of Venezuelans seeking refuge

There has been a notable change in the profile of the people leaving Venezuela over the past three years. In 2016, mostly professional adults, mainly men, were leaving. Humanitarian agencies reported that most of them arrived in Peru and Ecuador with some resources and only required some basic legal advice. In 2017, more women and families started arriving, often without documents, but most still had the resources to pay for bus transport. By 2018, comparatively more vulnerable individuals and families were arriving, with fewer resources, in need of humanitarian assistance, and trekking greater distances by foot to their destinations. There has been an increase in the arrivals of unaccompanied children, intending to reunify with family members who went ahead, or to earn money to send back home to their families in Venezuela. Recently there are also many separated children arriving with family members such as grandparents, or with unrelated adults. Humanitarian staff noted an increase in the number of teenage girls, including pregnant teenage girls, arriving alone or with persons who are not direct relatives.

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[LEAVING-VENEZUELA-WHO-REQUIRE-NATIONAL-AND-INTERNATIONAL-PROTECTION-.pdf](#).

6 <https://www.unhcr.org/news/press/2018/11/5be4192b4/number-refugees-migrants-venezuela-reaches-3-million.html>.

7 <https://www.presidencia.gob.ec/ecuador-garantiza-cumplimiento-de-los-derechos-humanos-a-migrantes-venezolanos/>.

8 <https://twitter.com/CancilleriaPeru/status/1083858821615886336>.

9 UNHCR and IOM estimated that as at January 2019 there were 221,000 Venezuelans in Ecuador and 506,000 Venezuelans in Peru: <https://data2.unhcr.org/en/documents/download/68069>.

10 <https://fts.unocha.org/appeals/726/summary>.

## Regional responses

There have been some attempts to establish a more harmonized regional response to the Venezuelan refugee and migrant crisis. These include the Regional Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela (Regional Platform). However, thus far the Regional Refugee and Migrant Response Plan has attracted only a small percentage of the necessary funding.<sup>11</sup>

Additionally, at the regional level, civil society organizations have come together to coordinate their national- and local-level efforts to develop a “civil society action plan on persons leaving Venezuela who require national and international protection,” providing a road map for a coordinated response with a human rights perspective.<sup>12</sup> This is an important initiative for engaging civil society and warrants support.

On the political front, the Ecuadorean government has led the Quito Process, in which participating host governments in the region signed up to the Quito Declaration<sup>13</sup> in September 2018 and approved its “Action Plan on Human Mobility of Venezuelan citizens in the region” in November 2018.<sup>14</sup> Also, the Lima Group of states has agreed to more flexible entry requirements. However, despite these important steps forward, states have not yet implemented a fully harmonized regional response, and a wide array of different entry requirements and different migration and refugee systems are in place across the region, and changes are suddenly instituted in individual states. For example, Ecuador itself, the convening state for the Quito Process, suddenly changed its entry requirements in January 2019 following a criminal incident committed by a Venezuelan citizen and a xenophobic backlash by host communities. This type of policy change creates great difficulties for people who are traveling to seek refuge<sup>15</sup> and trying to comply with a variety of requirements in the region. Further, such shifts result in more Venezuelans entering host countries via informal routes, thereby exacerbating risks of exploitation and trafficking for the most vulnerable refugees and migrants—particularly women and unaccompanied and separated children. However, in March 2019 the Ecuadorean Constitutional Court suspended the new entry requirement. The Quito Process has resulted in important achievements, and there have also been positive recent developments in states such as Argentina and Paraguay, which are now recognizing expired Venezuelan passports.

## Protection of Venezuelan women and unaccompanied and separated children

Venezuelan women and girls are at particular risk of exploitation, abuse, and gender-based violence. A pervasive (dangerous and unfounded) hyper-sexualized archetype of Venezuelan women and girls in the region is a key context-specific risk factor that exacerbates their vulnerability, particularly those who are undocumented. While concrete data is rarely available, there are persistent reports of very high rates of survival sex, sexual exploitation, sexual assault, and sex trafficking of Venezuelan women and girls in the region. “We know it’s happening” is a common refrain from representatives of UN agencies and national actors. There are also reports of similar abuses of unaccompanied and separated Venezuelan boys. Survival sex is often the

11 <https://fts.unocha.org/appeals/726/summary>. As at 22 March, the RMRP is 10% funded. This does not yet take into funding received by UNICEF and WFP, so the actual amount is likely to be somewhat higher.

12 Civil society action plan on persons leaving Venezuela who require national and international protection, November 16, 2018: <http://www.movhuve.org/wp-content/uploads/2018/11/CIVIL-SOCIETY-ACTION-PLAN-ON-PERSONS-LEAVING-VENEZUELA-WHO-REQUIRE-NATIONAL-AND-INTERNATIONAL-PROTECTION-.pdf>.

13 [https://www.cancilleria.gob.ec/wp-content/uploads/2018/09/declaracion\\_de\\_quito\\_en.pdf](https://www.cancilleria.gob.ec/wp-content/uploads/2018/09/declaracion_de_quito_en.pdf).

14 <https://www.cancilleria.gob.ec/en/the-ii-international-meeting-of-quito-concludes-with-the-signing-of-the-action-plan-on-human-mobility-of-venezuelan-citizens-in-the-region/>.

15 The new measure does not necessarily affect those claiming asylum at the border, who are being granted access to the territory and to refugee status determination.

only option available to Venezuelan women and children, in order to ensure their own survival and that of family members who are dependent on them. There are concerns that many women and/or children cross borders with their abuser or trafficker, and states' protection systems are struggling with how to differentiate between those who are their genuine family members and those who are accompanying them in order to exploit them. Humanitarian agencies have also received numerous accounts of women and children arriving traumatized, having been sexually abused en route by armed groups, by border officials, or by those offering transport. With more vulnerable women now arriving, if they are not provided timely assistance with shelter and initial support, including financial support, then the risk of their being exploited or recruited by traffickers is heightened. The regional safe spaces network has been developed in the Americas and is being established in Ecuador and Peru. The network focuses on protection delivery across borders and along the displacement cycle.<sup>16</sup>

## Toward the future

The volatile situation in Venezuela could result in an ever-bigger mass outflow of people. It could also potentially lead to some people deciding to return home, although many Venezuelans who have left the country express the intention not to return until they see a consolidation of change and the rebuilding of failed institutions. These preconditions could take years to meet. Other dynamics could affect the displacement flows. The increasing saturation of the job market in Peru, for example, could lead Venezuelans to aim for other host countries, such as Chile. The potential for increasing hostility and xenophobia in host countries toward Venezuelans could also influence migration within and across countries.



A Venezuelan family at the Peru-Ecuador border. © Melanie Teff

16 UNHCR, *The Regional Safe Spaces Network in the Americas: Lessons learned and toolkit*, June 2018: <https://www.refworld.org/es/docid/5c50c4b54.html>.



## FINDINGS

The findings presented in this section fall within ten core themes that emerged across both countries. Within each theme, the section outlines country-specific details and supporting information. The themes are:

1. Accessing documentation and legal status
2. International protection
3. Gaps in holistic protection programming
4. Protection for unaccompanied and separated children
5. Combating trafficking
6. Supporting survivors of GBV
7. Supporting LGBTI arrivals
8. Addressing xenophobia
9. Working toward local integration, including social protection, health, and livelihoods
10. Livelihoods

### 1. Accessing documentation and legal status

Both Ecuador and Peru have processes that permit some Venezuelans to access legal status. But the costs involved, and complex rules and requirements, can incentivize informal entry and stay. This poses extra risks for women and children and reduces protection.

“I don’t know how I am going to get the money to pay for a visa. I don’t even have the money to pay for the necessary photocopies.”

–Venezuelan woman in focus group discussion in Ecuador

“For women, having no documents exposes them to greater risks of survival sex and of trafficking.”

–Humanitarian worker in Ecuador

#### Ecuador

On arrival in Ecuador, most Venezuelans are granted a 180-day tourist visa, which does not permit them to work legally. In 2017, Ecuador began offering two-year residence visas with work rights for nationals of Union of South American Nations (UNASUR) Member States, including Venezuela. Approximately 105,000 of the Venezuelans in Ecuador have been granted visas. Therefore, if the Ecuadorean government estimate for the number of Venezuelans in the country (250,000+) is correct, nearly two-thirds of the population are undocumented or on temporary tourist visas that do not give them the right to work.

Ninety percent of the Venezuelans who have obtained legal status in Ecuador percent have been granted UNASUR visas.<sup>17</sup> A further 30,000 of these visa applications are in process. However, these visa applications are expensive (US\$250, plus extra costs associated with obtaining necessary documents) and the applicant has to have a valid passport and a certified document showing no criminal history—both of which may be impossible for a Venezuelan applicant to obtain. Because of agreements between Ecuador and Colombia, Colombians in Ecuador can obtain a MERCOSUR visa for just US\$50. With the UNASUR visa, a person can apply for permanent residency, but this involves additional costs and requirements that are difficult for Venezuelans to meet. If a person overstays their visa in Ecuador, they may be heavily fined.<sup>18</sup> Temporary UNASUR visas can be renewed.

17 MPI Policy Brief, *Creativity amid crisis: Legal pathways for Venezuelan migrants in Latin America*, <https://www.migrationpolicy.org/research/legal-pathways-venezuelan-migrants-latin-america>.

18 The fine for even one day of overstaying a visa is two months’ minimum salary, more than US\$700. If a fine is not





## Peru

Peru developed a Temporary Stay Permit for Venezuelans in 2017—the Permiso Temporal de Permanencia (PTP)—which provided a one-year residence permit with work rights. This was available for Venezuelans who entered Peru legally before October 31, 2018 and started the PTP process before December 31, 2018. By the end of December 2018, 175,000 Venezuelans had been issued a PTP and 320,000 applications were being processed.<sup>19</sup> Therefore, if the Peruvian government estimate for the number of Venezuelans in the country is correct (nearly 700,000), more than 70 percent of the population have been granted or are in the process of obtaining PTPs.

The process of applying for the PTP was relatively inexpensive (about US\$12) and was quite accessible, as a copy of one's passport or identity card was accepted as proof of identity. The Peruvian authorities required proof of no criminal record for the PTP, but accepted certification of this from INTERPOL. This could be obtained inside Peru, but did add an extra cost (of about US\$24) and significant bureaucratic difficulties. The PTP did permit its holders to apply for another renewable, one-year residence permit on its expiration. If a person overstays their visa in Peru, they can be fined 5 soles (about US\$1.50) per day.

Now that the PTP program has ended, an alternative is needed for those who arrived after October 31, 2018. While the PTP was an important step taken by the Peruvian government to provide large numbers of Venezuelans with legal status and rights to work, it was not widely recognized by employers or by state assistance programs, unlike the more widely recognized *carne de extranjería* (foreigners' card).

## Recommendations

### To the government of Ecuador

- Institute a registration of undocumented Venezuelans and a regularization process, in order to provide some option for applying for legal status for those without passports and other current requirements for visa applications. A more flexible documentation system would reduce the number of Venezuelans living in an irregular situation in Ecuador.
- Reduce the cost of visas for Venezuelan applicants and the level of the fine for overstaying a visa.

### To the government of Peru

- Institute a registration of undocumented Venezuelans and reopen a regularization process now that the PTP process has ended. Consider offering a humanitarian or special status that would grant foreigners' cards (*carne de extranjería*).

## 2. International protection

"I've lived my whole life with scarcity. Scarcity of goods in Venezuela is not my main problem. The issue is armed men and violence. Because I was seen as an opponent of the government, they took me off the lists, so I couldn't obtain food. They threatened to kill my husband."

—Venezuelan asylum-seeking woman in Ecuador

Most countries in the region have been dealing with the Venezuelan influx primarily as a migrant situation rather than a refugee situation. While most Venezuelans who have left their country tend to state that their reason for leaving was lack of food and medicines, in fact many are also

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paid, the person can be given a re-entry ban for two years. The fear of being fined and having no means to pay their fine was one of the greatest concerns expressed to the WRC team by Venezuelan women in Ecuador.

19 <https://www.migrationpolicy.org/research/legal-pathways-venezuelan-migrants-latin-america..>



leaving due to fears of violence, discrimination, and persecution. Some Venezuelans have been persecuted on the basis of political opinion and also of membership of particular social groups; this includes young people who may be considered likely demonstrators and those who were residing in certain communities seen as opposition strongholds. Both Ecuador and Peru have included a wider definition of refugees (from the 1984 Cartagena Declaration<sup>20</sup>) in their national legislations. This definition of a refugee includes not only those suffering individual persecution, but also “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.” UNHCR has encouraged states to consider the application of this regional definition in the case of Venezuelan asylum seekers, including as a basis for accelerated or simplified case processing. UNHCR has stated that it “considers that the broad circumstances leading to the outflow of Venezuelan nationals would fall within the spirit of the Cartagena Declaration, with a resulting rebuttable presumption of international protection needs.”<sup>21</sup> However, neither Ecuador nor Peru has, as yet, been applying this wider definition for Venezuelan asylum applicants.

### Ecuador

Ecuador received more than 13,000 asylum applications from Venezuelans between 2015 and 2018. The Ecuadorean authorities made no decisions on asylum applications by Venezuelans during 2018—although many have been accepted for the admissibility phase of their cases, and they are permitted to work and access social security/insurance while their cases are pending. Humanitarian agencies in Ecuador highlighted the fact that Colombian asylum seekers have continued to arrive in Ecuador during the past year, due to internal conflict in Colombia and the targeting of community leaders. Many of the Colombian women arriving in Ecuador are survivors of GBV. It is important to ensure that this group is not neglected due to the focus on Venezuelans.

### Peru

Peru has received more than 161,000 asylum applications since 2014, more than 120,000 of them in 2018—about 40 percent by women and 60 percent by men. The Peruvian government’s Special Commission on Refugees is resolving 70–100 cases per month, and there appears to be no expectation that most of the cases will be resolved. In the whole of 2018, just 367 Venezuelans were granted refugee status in Peru.

The main reason for this very high number of asylum applications is that the asylum system is being used as a fall-back option for all cases where Venezuelan arrivals do not have the currently required documents (even for people just wanting to transit through the country). Peru is requiring that Venezuelans entering the country have a passport (even if it is expired), although they will accept just a valid identity card if the person arrives with a child or is pregnant or over 55 years old or ill or disabled. Few Venezuelans can now obtain passports, plus many have had their documents stolen en route from Venezuela, so those without the necessary documents are left with the option of applying for asylum in order to enter the country. There used to be 300–400 asylum applications per year in Peru. There are about four times this number of applications now per day.

Peru permits people to work with an asylum-seeker card, but the card is not well known by employers. If a person is refused asylum after exhausting all appeal rights in Peru, they are given 30 days to try to seek another migratory status.

20 [https://www.oas.org/dil/1984\\_cartagena\\_declaration\\_on\\_refugees.pdf](https://www.oas.org/dil/1984_cartagena_declaration_on_refugees.pdf).

21 UNHCR, March 2018, Guidance Note on the Outflow of Venezuelans,” <https://data2.unhcr.org/en/documents/download/63243>.

## Recommendations

### To the governments of Ecuador and Peru:

- Use the wider Cartagena Declaration definition of a refugee when deciding on refugee status for Venezuelans. Consider using a group-based assessment, or an accelerated or simplified case processing system. This would enable a resolution of the backlog of asylum applications. Ensure that a system for prioritizing vulnerable applicants is in place and connected to protection services, particularly SGBV survivors, children at risk, and the LGBTI population.

## 3. Gaps in comprehensive protection programming

Documentation is vital for protection of people on the move, but documents alone are rarely enough to ensure protection for women and children, particularly for women at risk of trafficking for sexual exploitation or GBV and for unaccompanied and separated children.

As a result of insufficient resourcing of systems, most of the protection systems for Venezuelans in Ecuador and Peru are focused principally on documentation rather than on holistic protection. In practice, for many protection workers in these settings, if a Venezuelan has managed to obtain their documents, the “case is closed.” This is understandable given the shortages of staff and lack of local capacity, as well as the limited options available for referring the person at risk for support services. But current practice falls short in ensuring real protection. There is a need for a focus on integral protection programs for groups at higher risk, that include protection case management, safe shelter, psychosocial support, family reunification services, family-based and community-based alternative care, cash-based interventions, and livelihoods support. A regional Safe Spaces Network is being established with the aim of addressing the needs of the SGBV survivors and children at risk.

## 4. Protections for unaccompanied and separated children

There has been an increase in the number of children (mostly older teenagers) arriving in Ecuador and Peru alone or with relatives who are not their parents or with unrelated adults. These children are at heightened risk of abuse and exploitation, including trafficking for sexual exploitation or for begging, and they require protection systems adapted to their needs.

### Ecuador

In Ecuador, the Ministries of Human Mobility, Social Inclusion, and the Interior have taken the positive step of signing a protocol for attending to the needs of children in the context of human mobility in Ecuador. This protocol tries to address the difficult situations that unaccompanied and separated children face, and to try to identify those who are at risk—because they are alone or because they are in danger due to their travel companions—and to provide them with protection. This protocol came into effect in late 2018 and there have been initial difficulties in implementation, largely due to insufficient resourcing. Until these issues are addressed, there is a serious problem of children disappearing before the process has been completed. Only a small proportion of the children who go through the system stay until the process is completed—the vast majority leave beforehand. The numbers of children who are lost to the system could be reduced if appropriate shelter and support services were available and if there were sufficient staffing to speed up the process. If these issues are addressed, it could be a model to adapt for the region.

The Ministry of Economic and Social Inclusion (MIES), with the assistance of UNICEF and the

NGO ADRA, arranges for unaccompanied and separated children arriving at the Ecuadorean-Colombian border crossing at Rumichaca to be interviewed to clarify whether there are any concerns about trafficking or abuse. ADRA is providing a team that includes two social workers, a psychologist, and a lawyer for this process. All cases are then supposed to be referred by MIES to the local junta de protección (protection group) for a decision on the protection required. However, in practice, cases are only sent to the junta if there is a problem; otherwise the cases are sent to the Migration Department.

The process is supposed to take three days, but it often takes about two weeks. These delays are caused by problems in obtaining documentation for the children and lack of resources. Children often arrive with no documents or just a copy of their birth certificate, which means that they cannot move on legally. It is hard to obtain documents, as there is no Venezuelan embassy or consulate. Further, if a teenage girl is traveling with her children, she needs permission to move on. An “emancipation document” is supposed to be obtained from the girl’s parents in Venezuela, which can prove problematic.

There are generally three staff available to conduct interviews at the border, and no staff available from 6:00 p.m. to 6:00 a.m., even though that is when many of the children arrive. The junta de protección takes at least three days for a decision and also lacks staffing. There is a lack of specialized shelter places for the children, and the only specialized shelter currently available houses children for only up to three days. There is a positive emphasis on avoiding institutionalization of the children, when institutionalization used to be the norm, but only having shelter places available for three days does not permit time to finish necessary processes, such as contacting family members, making referrals to services, and obtaining documents.

Staff of agencies at the border noted that there used to be hardly any teenage girls arriving alone. But recently they have started to receive many teenage girls, including those arriving with supposed boyfriends. Many of the teenage girls arriving are pregnant or have children with them. There is no temporary shelter for teenage girls in the border area. As a result, they are usually sent to a hotel, but this is not an ideal solution for adolescents who need a safe place with supervision.

Staff at the border estimated that more than half of the cases they deal with are document-related issues for children. They deal with a significant number of unaccompanied children and cases where they are assessing the child’s relationship with the adult with whom they are traveling. These cases result in the identification of a small number of children who are being trafficked. This process does put in place an important potential protection for children at high risk.

## Peru

In Peru many unaccompanied and separated children are arriving to reunite with family or with friends, who had traveled ahead. It is reported that many pregnant teenage girls and teenage mothers are also arriving.

No protocol on unaccompanied and separated children has yet been developed in Peru. The Peruvian government’s Ministry of Women and Vulnerable Populations (MIMP) has established a Special Protection Unit—Unidad de Protección Especial (UPE)—which is responsible for the reception of unaccompanied and separated children. The UPE was only set up at the border at Tumbes in late 2018, and it requires strengthening since it is having to deal with far too many children for its current capacity. The UPE is the key coordinating actor for unaccompanied and separated children at the Peruvian-Ecuadorean border. The UPE usually only has one person on duty at the border. Therefore, inevitably, they do not have the necessary capacity to assess children’s best interests,<sup>22</sup> and they end up focusing primarily on obtaining their

22 UNHCR launched the updated UNHCR best interests procedures guidelines in Lima in 2018. A rollout plan is to be implemented in 2019.



documents. However, there has been a recent shift of responsibility for obtaining documents for unaccompanied children from UPE to the Migration Department. The UPE does try to identify child trafficking victims at the border.

Children are often allowed to enter Peru without any documents. This shows flexibility on the part of the authorities, but can raise potential risks related to trafficking. Also, as in Ecuador, there are concerns in Peru about the over-focus on documents, such as the acceptance of “emancipation documents,” regardless of whether the child needs protection. Some humanitarian agency staff expressed concern that if a separated child has a document, they may be sent through with their accompanying adult, without investigation of their relationship with the adult. Another concern expressed was that pregnant girls are not treated as unaccompanied or separated children. It was reported that pregnancy tests may be conducted at the border, and if a girl is pregnant, she does not go through the UPE system or any other child protection system. This creates the risk that pregnant girls, who may well be more vulnerable than other children passing through the border, do not receive any of the support and referrals for protective services that they may require.

There are also concerns about children disappearing before their cases have been resolved (which usually takes three to seven days). In the Peruvian–Ecuadorean border area of Tumbes, there is a limited system of Temporary Residential Attention Centers—Centros de Atención de Residencia (CARs)—for unaccompanied children, run by the UPE with the support of UNICEF. They do not have enough spaces for the number of children arriving and they are usually full. They contact families for family reunifications and look into other options for the children, such as helping older teenagers to become self-sufficient. However, there are limited resources for such support, and there is great concern that many of these children end up in exploitative work, including sexual exploitation and trafficking.

## *Recommendations*

### **To the government of Ecuador**

- Reinforce the capacity of the Ministry of Economic and Social Integration and the junta de protección with specialized personnel who are available on a 24-hour basis to ensure protection for unaccompanied and separated children arriving into the country.
- Expand the capacity of specialized shelters for unaccompanied and separated children arriving at the border and ensure that they are available for at least two weeks.
- Establish specialized shelters for teenage girls at the border.
- Work toward developing emergency family-based alternative care to prevent institutionalization and ensure immediate and adequate response to the needs of unaccompanied and separated children and other children at risk who may need this type of support.
- Expand programs that support unaccompanied adolescents’ self-sufficiency (for those older adolescents for whom family reunification is not currently viable and who are assessed to be suitable for such programs rather than for formal schooling) and assist them in finding non-exploitative ways to support themselves.

### **To the government of Peru**

- Develop a protocol on unaccompanied and separated children with UNICEF, UNHCR, and other key agencies.
- Strengthen the child protection reception system, with further resourcing of the UPE and CARs.



- Work toward developing emergency family-based alternative care to prevent institutionalization and ensure immediate and adequate response to the needs of unaccompanied and separated children and other children at risk who may need this type of support.
- Expand programs that support unaccompanied adolescents' self-sufficiency (for those older adolescents for whom family reunification is not currently viable and who are assessed to be suitable for such programs rather than for formal schooling) and assist them in finding non-exploitative ways to support themselves.

**To the United Nations and international cooperation agencies:**

- Reinforce host government systems on ensuring protection for unaccompanied and separated children arriving into the country, so that best interest assessments can be conducted relating to the risks they may be facing, and individual solutions found.
- Work with the government of Peru to develop a protocol on unaccompanied and separated children and support the strengthening of the child protection reception system, improving best interests procedures, and establish an emergency care arrangement system.

## **Protections for survivors of all forms of gender-based violence, exploitation, and sex trafficking**

In both Ecuador and Peru, many Venezuelan women and children are at high risk of sex trafficking, sexual exploitation, and other forms of gender-based violence (GBV). Their increased vulnerability is caused by several factors, including the dangers of the journey, the extra risks caused by being undocumented, lack of access to essential services and to safe livelihoods, and the desperation to support family members living with them or back in Venezuela. Humanitarian actors, local communities, and Venezuelan women themselves also reference how pop culture images of Venezuelan women have fueled unfounded perceptions about their sexuality, which exacerbates their risks of GBV, exploitation, and trafficking.

With regard to trafficking, government agencies and NGOs report that, despite the very high levels of serious exploitation of Venezuelan women and children, few Venezuelans have come forward to denounce their traffickers. This is thought to be because of fears of repercussions against themselves and their families, and because of the sense of responsibility that they have for continuing to send back money to family members in Venezuela who are dependent on them for survival. One specific form of coercion noted in host countries was blackmail of Venezuelan women and girls with threats of informing their family in Venezuela about their involvement in prostitution. Further, the lack of response services for survivors is a key issue, since there is limited safe shelter and durable solutions for survivors. Also, access to most state services is linked to reporting abuses. As noted, many survivors of trafficking do not want to report the abuses because of fears for their safety or because sometimes state actors could be complicit.

“There was one shelter in a nearby town for GBV survivors. It was great, but it closed as it had no money for ongoing maintenance.”

–Humanitarian worker in Ecuador

The governments of both Ecuador and Peru have protective systems in place, but there are some major gaps and a lack of resources for key services. The aim is that international cooperation focused on supporting Venezuelan refugees and migrants will result in strengthened government systems that will benefit vulnerable Ecuadorean and Peruvian individuals as well as vulnerable people from other refugee and migrant communities. There is a clear need to support governments' protection systems and not set up parallel systems.





## 5. Combating trafficking

### Ecuador

In Ecuador, the government has an Anti-Trafficking in Persons Committee to coordinate its anti-trafficking efforts. There are reportedly more than 30 trafficking cases currently under investigation for sexual exploitation. The Committee ran a binational meeting in 2018 to coordinate Colombian and Ecuadorean counter-trafficking efforts. A further binational meeting may be organized in 2019.

Several humanitarian agencies expressed concern about the fact that the Ecuadorean police's counter-trafficking subdivision is not currently deployed at the Ecuadorean-Colombian border. IOM, however, provides information about risks of trafficking at this border. It also conducts training to organizations working at the border, including justice officials. There were calls by humanitarian agencies for a focus on training about combating trafficking for the government's Fiscalía (Prosecutor's Department).

Venezuelan women traveling alone, despite their high vulnerability, are often not prioritized for specific assistance in practice. For example, unless they are pregnant, women traveling alone at the Colombian-Ecuadorean border are not eligible for humanitarian transport for highly vulnerable undocumented groups or WFP food. Notably, WRC was informed that pregnant women and women with children are prioritized for services and assistance, which means that young women traveling alone who are not pregnant often cannot find safe women-only places to sleep at the border.

There are some pilot programs for prevention of trafficking that may be scaled up depending on initial evaluation. For example, UN Women has a small pilot program of cash transfers for women and children identified to be at risk of sexual exploitation at the Ecuadorean-Colombian border.

The *US Trafficking in Persons Report 2018* states that “the [Ecuadorean] government did not meet the minimum standards in several key areas. Specialized services to victims remained unavailable in most of the country, the government decreased shelter funding for the second consecutive year.”

–US Office to Monitor and Combat Trafficking in Persons, *2018 Trafficking in Persons Report, Ecuador*, <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282647.htm>

There are currently only two shelters for women and girls who are victims of sex trafficking in Ecuador—although some might get a space in a GBV shelter. It is, however, not advisable for trafficking victims to be housed in GBV shelters, since they have specific security needs.

### Peru

In Peru, there are a National Counter-Trafficking Plan and District Plans, led by the Ministry of the Interior. The Prosecutor's Department falls under the Public Ministry (Ministerio Público) and, despite limited funding, it is taking various measures to combat trafficking. It is part of the Ibero-American Network of Counter Human Trafficking Prosecutors. It reports that some of the most useful information it has received has come through informal WhatsApp groups from these networks.

The department's staff undertake preventive visits to bars and brothels and explain the Prosecutor's role to the owners of these establishments, and the risks to them of engaging in trafficking. They also do community outreach work to formal and informal shelters where Venezuelans are living to conduct information sessions about trafficking and exploitation. They make it clear that if an undocumented person makes a report against a trafficker, the

Migration Department will take no action against the person making the report. The Prosecutor's Department in Lima reported that between 2014 and 2019, 1,398 trafficking cases were reported (not all proved). Eighty percent of the victims were female, mostly adolescents. In only 70 of these cases have sentences been imposed. These were all Peruvian cases (apart from one Colombian), but the Venezuelan cases are more recent, and they all take time to get through the system. The Prosecutor's Department is seeking further support for their counter-trafficking preventive measures. In particular, they are seeking support for mobile counter-trafficking units, and for a mapping of establishments where the women and girls are working/being exploited. They are also calling for a strengthened team, with technical assistance from experts in different aspects of trafficking.

The US *Trafficking in Persons Report 2018* states that "the [Peruvian] government demonstrated increasing efforts by investigating and convicting more traffickers, increasing funding for law enforcement efforts, and implementing a new national anti-trafficking action plan. However, the government did not meet the minimum standards in several key areas. Poor interagency coordination continued to hinder victim identification and assistance. Many ministries reported they did not have adequate funding to fulfill their anti-trafficking mandates."

–US Office to Monitor and Combat Trafficking in Persons, *2018 Trafficking in Persons Report, Peru*, <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282730.htm>

IOM trains police and officials at the Peruvian-Ecuadorean border in Tumbes on counter-trafficking measures. There is a referral process, at least on paper, for trafficking victims. There is a need to strengthen victim services, including shelters. There is no shelter for women who are trafficking victims at the Peruvian-Ecuadorean border in Tumbes. There are cases of trafficking victims disappearing when no follow-up is provided on their cases. As in Ecuador, women traveling alone are not designated an at-risk group and therefore are not eligible for specific assistance.

## Recommendations

### To the government of Ecuador

- Increase investments in counter-trafficking prevention and enforcement measures and ensure that the police counter-trafficking subdivision is deployed at the borders.

### To the government of Peru

- Increase investments in counter-trafficking prevention and enforcement measures, such as proposals for strengthening the work of the Fiscalía (Prosecutor's Department).

### To the United Nations and international cooperation agencies:

- Prioritize young women (aged 18–24) traveling alone as high-risk cases, ensuring that they are prioritized for receiving assistance such as safe spaces to sleep at the border, and are eligible for services such as humanitarian transport for the most vulnerable groups.
- Reinforce host government systems on counter-trafficking.

## 6. Supporting survivors of gender-based violence (GBV)

The Regional Platform is mapping GBV services available (with a view to a mobile phone app) and supporting a regional network of Support Spaces. They are mapping what services are available on the routes in the region; this is critical so that people can access services during



their journeys. UNHCR and IOM are planning to set up Family Support Centers (Centros de Apoyo Familiar) that can provide some services and make necessary referrals (similar to those that were set up along some of the refugee and migrant route in Europe) along the main routes that Venezuelans are now following. However, these have been delayed due to lack of funding.

There is a need to invest in GBV response mechanisms by supporting host government systems, which are in place but often have limited resources and minimal presence outside of capital cities. Training for state officials on the standard operating procedures and referral systems is necessary.<sup>23</sup>

It will also be important to invest in supporting host governments' capacity for data analysis in relation to GBV. Despite the high incidence and despite global guidance and standards that require measures to be taken to address GBV in all humanitarian crisis settings, in practice agencies have found it hard to succeed in obtaining resources without the official data.

A further problem is that strict mandatory reporting rules can also hinder access to services.

## Ecuador

In Ecuador, it has been noted that Venezuelan women in transit rarely want to report GBV incidents because it would disrupt their journey, and also because they do not have the finances to wait while the case is resolved. In 2018, Ecuador passed a new law on prevention and eradication of violence against women, although the implementation code is pending. There are gender committees that meet to address GBV-related issues. Standard operating procedures/referral systems for GBV in conflict/emergency settings were developed by UNFPA with the assistance of UN Women, but may not be well known or operationalized. A safe spaces network is being established with the support of UNHCR, aiming to ensure operationalization of responses.<sup>24</sup>

There are a few shelters for GBV survivors in Ecuador, most of which lack the necessary multi-disciplinary specialized staffing, especially psychologists. There is a need for improved support for these shelters, and increased capacity so that all women requiring this support have access to a shelter space regardless of whether they decide to denounce their abuser. WRC visited a shelter near the Ecuadorean-Colombian border that had limited staffing, lacked technical or specialized staff, and had no psychologist. The shelter staff noted that the lack of personnel for supporting women during various phases of the process results in fewer women filing criminal complaints against their abusers. Humanitarian agency staff noted that the Public Health Department has done good work but lacks operational support. It was further suggested that shelter managers could benefit from learning from the experience of other shelters across the country and beyond, on such issues as exit strategies for residents.

## Peru

In Peru, the Ministry of Women and Vulnerable Populations (MIMP) is responsible for provision of GBV prevention and response services. They provide a free 24-hour national hotline for survivors of GBV, and they also run the Women's Emergency Centers—Centros de Emergencia de Mujeres (CEM). There are 25 CEMs in police stations. Humanitarian agencies report that in general the CEMs are strong in their service provision, but that there are not nearly enough CEMs available to cover the number of GBV survivors who want to report cases and that the CEMs lack adequate staffing.

23 UNHCR has rolled out the ProGres V4 in different countries in the Americas and has developed alternative data collection and case management tools, including BIA and Intake Assessment forms in KOBO. They are accessible in Part III of the RSSN toolkit *UNHCR: The Regional Safe Spaces Network in the Americas: Lessons learned and toolkit*, June 2018: <https://www.refworld.org/es/docid/5c50c4b54.html>.

24 Ibid.

UNFPA has set up standard operating procedures/referral systems—one system for GBV pre-arrival and another system for GBV while at the border-crossing, but these are not always well known or followed.

As in Ecuador, there is a need to support the MIMP in strengthening the network of shelters/temporary safe spaces and their multisectoral staffing. There is one in Tumbes, run by the state. The shelters receive GBV survivors but not victims of sex trafficking, because of worries about security.

## **Recommendations**

### **To the governments of Ecuador and Peru**

- Increase investments in shelter capacity for victims of sex trafficking and for GBV survivors (with differentiated attention to these different client groups that may have different requirements for protection and for support).
- Ensure that shelter places are available for women and children when necessary, regardless of whether or not they have made an official complaint against their abuser.
- Ensure that shelters have multifaceted teams of qualified staff (with sufficient female staff) with the necessary technical abilities, including psychologists.
- Shelter managers could benefit from learning from the experience of other shelters across the country and beyond, on such issues as exit strategies for residents.
- Ensure that state officials are trained on the standard operating procedures and referral systems relating to GBV response.
- Support access to clinical management of rape, and sexual and reproductive health services for Venezuelans.

### **To the United Nations and international cooperation agencies:**

- Reinforce with staffing, training, and funding host government systems on GBV protection and response, particularly shelter capacity with multifaceted teams.
- Support host governments to produce official data on GBV, and to have the capacity for data analysis.
- Support the establishment of the regional platform initiative of Support Spaces to further enhance access to services, information, and identification, and referrals of persons with specific needs.
- Support the establishment of UNHCR's Regional Safe Spaces Network to enhance the support to SGBV survivors and children at risk.

## **7. Supporting LGBTI arrivals**

Not much attention has been paid to the specific needs of the LGBTI Venezuelan arrivals in Ecuador and Peru. For example, there has been no specific focus on identification of LGBTI trafficking victims. LGBTI survivors of SGBV can face challenges to accessing services. It will be important to invest in the national LGBTI groups in the host countries that are now starting to provide support and referral networks for Venezuelan LGBTI arrivals. In Peru, with the support of UNHCR, a specific project relating to HIV/AIDS and to providing support for LGBTI individuals is being implemented.

An Ecuadorean LGBTI group is organizing an international meeting in March 2019 relating to the specific needs of LGBTI Venezuelans in Colombia, Ecuador, and Peru, with the aim of discussing



such topics as discrimination against the LGBTI Venezuelan refugee and migrant community, LGBTI sex workers, and access to health care by LGBTI Venezuelans in these host countries, including access to treatment for HIV/AIDS. A regional network of organizations working with LGBTI persons in the human mobility context is being established to improve the identification and referral of cases at risk.

## Recommendations

### To the United Nations and international cooperation agencies

- Invest in the national LGBTI groups in the host countries that are starting to provide support and referral networks for Venezuelan LGBTI arrivals.
- Support the integration of LGBTI groups in the Regional Safe Spaces Network.

## 8. Addressing xenophobia

"Xenophobia in Peru is heavily gendered."

–Humanitarian worker in Peru

"I'm sad to say that I was glad to see the xenophobic campaign that alleges that Venezuelan women in Peru have AIDS, as that reduces the risk of us being raped."

–Venezuelan woman in Peru

"There is a lot of xenophobia against us. When we are selling, Ecuadorians come and shout at us and tell us not to sell there. They say we are taking their place."

–Venezuelan women in focus group discussion in Ecuador

In Ibarra in Ecuador on January 19, 2019, a Venezuelan man stabbed a pregnant Ecuadorian woman (apparently his partner). The incident took place in public, with police officers present, and members of the public filmed the tragic killing of this young woman and put the footage online. That same night, it is reported that groups of Ecuadorians took to the streets seeking revenge indiscriminately against any Venezuelans they came across. Venezuelans—who had fled to Ecuador for safety—found themselves having to hide or to run again, and some fled to Peru without any of their belongings. This incident appears to have been the culmination of a build-up of tensions and resentments against Venezuelans in the country. The concern is that similar situations could occur again or could easily happen elsewhere in the region.

The response of the Ecuadorian government, coming under pressure from public demands for a tougher stance, was to change its entry requirements for Venezuelans, now demanding that they provide a certified document showing that they have no criminal history. Since this will be difficult or impossible for most to obtain, it will probably result in more Venezuelans avoiding formal entry points and migration processes. Therefore, it is likely to have the counterproductive effect of reducing security rather than increasing it. Women and children forced to enter via informal routes are made invisible to the authorities and placed at greater risk.

Xenophobia, resentment, and hostility toward Venezuelans is festering, and if left unaddressed, poses real risks. While the Ecuadorian authorities have been very generous in their provision of services for Venezuelans, agencies reported to WRC their concern about xenophobia in schools, especially by teachers and school directors. WRC conducted a focus group discussion with Venezuelan school children and parents in Ecuador, and the strongest theme that emerged was that many of the children were struggling with the feeling that they were being treated in school as foreign children. Agencies noted the need for adaptations to the education system to create the right environment for children who had been through the experiences of many of the





Venezuelan children, to enable their social inclusion. The role of community organizations to provide support—and to enable mutual support—for children and families in this situation can be crucial, but this is currently underfunded.

As in Ecuador, there has been increasing negative references to Venezuelans in the media in Peru. There were some attacks and demonstrations against Venezuelans in Peru at the end of 2018. Despite some public demonstrations calling for the government of Peru not to sign on to the Global Compact on Migration, the government signed on.

In these circumstances, anti-xenophobia campaigns are necessary, ideally with buy-in and leadership from host governments. In Ecuador, an interagency anti-xenophobia campaign is planned. In Peru, a campaign led by UNHCR and IOM is under way, but without government involvement, as the government chose not to engage in the campaign. IOM and UNHCR claim some good results from the campaign and note that it is focused on being pro-solidarity and social inclusion, rather than anti-xenophobia.

## 9. Working toward local integration

“We don’t want refugee camps in Latin America, not like in Europe. We want integration processes for migrants.”

–Peruvian Ministry of Foreign Affairs official

The RMRP has elements that focus on humanitarian aid and others that focus on longer-term economic and social integration. Many agencies noted that there is a real need now for a focus on funding for integration. While there is still a need for initial humanitarian assistance for new arrivals, this situation is becoming protracted and requires a longer-term approach. It also requires a portion of the assistance provided to be directed to host communities.

The Ecuadorean government declared the Venezuelan influx an emergency situation on August 8, 2018, and currently extends this emergency declaration each month, in order to fund the humanitarian response at the border. Thus far, there has been more focus on funding and resources for humanitarian assistance at the border than on longer-term integration. The official statistics in Ecuador state that only around 20 percent of Venezuelans remain in the country, with the vast majority moving on to Peru. But those watching the situation of undocumented/unofficial arrivals think the numbers remaining and intending to stay longer term may be significantly higher. This requires a shift toward integration funding, for livelihoods, education, and anti-xenophobia programming—not just a focus on those in transit.

There has been no state emergency declaration in Peru relating to the Venezuelan influx, apart from September to November 2018 for public health at the principal border crossing from Ecuador into Peru in Tumbes. There is a risk that the situation may be deprioritized as it has not been declared an emergency. Peru has sought less funding than has Ecuador from the international community thus far, despite the large numbers of Venezuelan arrivals. Some agencies expressed concern that the government of Peru does not appear to fully acknowledge or prioritize the refugee and migration situation. They noted the need for a clearer longer-term migration policy.



## *Supporting national social protection systems*

As with international cooperation for supporting protection systems, it is essential that international cooperation supports host governments' social protection systems, rather than setting up parallel systems.

## Health Care

### Ecuador

In Ecuador, health care is free and accessible to all regardless of nationality or legal status. There are some difficulties in practice, due to over-stretching of the health system (which was the case even before the mass arrival of Venezuelans). Further, there is sometimes discrimination against minorities such as Venezuelans that affects access to health care. Sixty-seven percent of Venezuelan women surveyed by IOM in mid-2018 reported they had not had access to sexual and reproductive health services and examinations in the past year.<sup>25</sup> But overall the Ecuadorean position has been very generous on access to health care. As a result, the arrival of Venezuelans has created some inevitable pressure on the health system. For example, the fact that many Venezuelan young women and girls have been arriving in the late stages of pregnancy, who have had no previous antenatal care in Venezuela—or while they were in transit in Colombia—places great pressure on maternity services in Ecuador.

### Peru

In Peru, even with the PTP (temporary stay permit) Venezuelans have to pay for health care, except for pregnant women (up to two weeks after birth) and children up to 5 years old, and GBV survivors.

## Education

In both Ecuador and Peru, most Venezuelan children can access school regardless of their legal status. There are some concerning problems of discrimination against Venezuelan children in schools, often by teachers and school directors. There are Venezuelan children who are out of school because their families are moving around and not settled. There have been some difficulties in placing children in schools because of requirements for an initial test of the children's education levels, and some schools are demanding certified documents from previous schools, which cannot be obtained from Venezuela.

However, the biggest problem for access to education by Venezuelan children in Ecuador and Peru is the pressure of numbers created by the Venezuelan influx, leading to a lack of school spaces. UNICEF states that 37,000 Venezuelan children are out of school in Ecuador, while 250,000 Ecuadorean children are out of school. UNICEF states that 31,000 Venezuelan children are currently in school in Peru, including under-fives. Tens of thousands are not in school. UNICEF has analyzed the number of available school spaces in Peru, and is working with the government to consider whether two shifts are possible in some schools in order to accommodate Venezuelan pupils, with a view to preparing for 40,000 extra school places. Adapting these schools will cost US\$15 million, using some Ministry of Education funds.

## *Recommendations*

### To the United Nations and international cooperation agencies

- Focus a higher percentage of assistance on programs supporting longer-term socio-integration, including income generation programs, supporting host governments' social protection systems, and anti-xenophobia campaigns.

25 IOM Displacement Tracking Matrix, August–September 2018, [https://migration.iom.int/system/tdf/reports/DTM\\_Ronda\\_2.pdf?file=1&type=node&id=5044](https://migration.iom.int/system/tdf/reports/DTM_Ronda_2.pdf?file=1&type=node&id=5044).



### To international donors

- Support the Regional Platform's appeal of US\$738 million for response to the needs of Venezuelan refugees and migrants.
- Provide funding for local civil society organizations and sufficient investment in strengthening national GBV services and social protection systems that will benefit both displaced population and host communities.

## 10. Livelihoods—risks and protections

"Employment is what gives us protection."

–Venezuelan woman in focus group discussion in Ecuador

"If you do get work here without documents, you're lucky if they pay you. I worked washing dishes, but before 15 days were up they said they didn't like my work and didn't pay me for the days I'd worked. That type of abuse happens all the time."

–Venezuelan woman in focus group discussion in Ecuador

"My Venezuelan neighbor went to work as a waitress. When she started the job she was told that she had to sleep with the clients or she would lose her job. She walked out, but many Venezuelan women in Ecuador end up in prostitution through economic necessity."

–Venezuelan woman in focus group discussion in Ecuador

"It seems to be usual practice for women to be expected to provide sexual services to their employer or to clients. It is common for this to happen to Venezuelan women."

–Humanitarian worker in Ecuador

Venezuelans' decisions about their destination countries are heavily influenced by the issue of access to livelihoods. As many Venezuelan women stated to WRC, employment is a key source of protection. But it also brings risks. Every interview that WRC conducted with Venezuelan women in Ecuador and in Peru included references to these risks that they had faced in their host countries, including sexual harassment and pressure to provide sexual services. They also referred repeatedly to their awareness of the resentment that their presence can cause for employees in the host community. This is exacerbated by the fact that many labor abuses are committed against Venezuelan women, particularly in relation to their levels of pay. For example, in Ecuador, WRC was told that the average informal daily pay for Ecuadorean men is US\$12, for Colombian men is \$10, and for Venezuelan men it can be just US\$4. It can be even less for Venezuelan women.

The situation is worse for those Venezuelans who are undocumented, and therefore improving access to documentation is an important step toward addressing labor abuses. Many Venezuelan women complained about being underpaid by employers, and about the practice of being required to work "on a trial basis" for several days or even weeks, and then not being paid at all. While they were aware that there are some processes for trying to claim workers' rights in their host countries, most Venezuelan women doubted that these protections would be available in practice to foreigners. They also expressed a lot of concern about increasing resentment of host communities by "undercutting" them when taking informal employment and "displacing" local people.



International support for income generation projects for Venezuelans and their host communities would be helpful. But it has to be noted that there is a very high level of informality of employment in both Ecuador and Peru. Venezuelan women WRC interviewed called for more livelihoods funding for themselves and for their host communities, such as cash grants for businesses, developing links with markets for products, and assistance with finding employment, and a reduction in the cost of registering professional titles. World Bank studies that are being conducted should be used as a basis for finding ways of greater integration of Venezuelans into the labor market in their host countries, including setting up small businesses.

## Gabriela and Naibeth: Selling food and drink on the street to survive

Gabriela is a Venezuelan artist who has been in Peru for two years. Naibeth was an administrator in Venezuela and has also been in Peru for two years. Gabriela is selling empanadas on the street. Naibeth is selling bottles of water on the street. Gabriela's husband is working.

Gabriela: "It's not easy surviving here in Peru as a Venezuelan woman, but there are good and bad people everywhere and I've had good and bad experiences here with people. It got quite bad last year, with a lot of xenophobia against us. As a Venezuelan woman selling empanadas in the street, I get quite a bit of hassle and sexual harassment. But I have a positive attitude and I ignore the bad comments and focus on the positive interactions with people. I've heard that Venezuelans can earn lots more money in Chile than here in Peru.



"I got my PTP (temporary stay permit), and when that expired, I got a carné de extranjería [foreigners card that lasts two years]. It's important to get your documents so you're legal in the country. I made sure to do that. But the documents haven't helped me that much. You earn so little in a formal job here, and it's hard to get one—so I do better just selling informally on the street. I can go to the doctor here if I'm sick, but I have had to pay. The documents would be helpful to me if they allowed me to apply for a permit to set up a business or have a proper stall where I can sell—that would make a real difference to me. But you need a DNI [a national identity card] for that here in Peru."

Naibeth: "It's easier for Venezuelan women to find jobs than for the men, but we suffer lots of harassment. I have an eight-year-old daughter, who is in school here in Lima. At first the school was asking for authenticated school documents for her, but they realized it was impossible as there were so many Venezuelan children here without them."



A further disincentive in place in Peru for Venezuelans to enter the formal labor market is the extremely high tax rate for foreigners during their first year in the country. Foreigners are required to pay an extra 30 percent tax on top of the usual 11 percent tax, resulting in a tax rate of 41 percent in their first year of formal employment. For people in fragile situations this can be prohibitive and force them into the informal labor market.

### Recommendations

#### To the governments of Ecuador and Peru:

- Support training for the police and the judiciary on labor rights for refugee and migrant women.
- Reduce the cost of registration of professional titles.

#### To the government of Peru

- Assess livelihood policies to ensure that they do not impose overly onerous restrictive taxes on refugees and migrants.



Venezuelans seeking advice and orientation on arrival in Peru, Tumbes, Peru. © Melanie Teff





## RECOMMENDATIONS

### To the Government of Ecuador

- Implement the Quito Declaration and its Plan of Action.
- Use the wider Cartagena Declaration definition of a refugee when deciding on refugee status for Venezuelans. Consider using a group-based assessment, or an accelerated or simplified case processing system. This would enable a resolution of the backlog of asylum applications. Ensure that a system for prioritizing vulnerable applicants is in place and connected to protection services, particularly SGBV survivors, children at risk, and the LGBTI population.
- Institute a registration of undocumented Venezuelans and a regularization process, in order to provide some option for applying for legal status for those without passports and other current requirements for visa applications. A more flexible documentation system would reduce the number of Venezuelans living in an irregular situation in Ecuador.
- Reduce the cost of visas for Venezuelan applicants and the level of the fine for overstaying a visa.
- Reduce the cost of registering professional titles.
- Reinforce the capacity of the Ministry of Economic and Social Integration and the junta de protección (Protection Group) with specialized personnel who are available on a 24-hour basis to ensure protection for unaccompanied and separated children arriving into the country.
- Expand the capacity of specialized shelters for unaccompanied and separated children arriving at the border, and ensure that children are able to stay for at least two weeks.
- Establish specialized shelters for teenage girls at the border.
- Work toward developing emergency family-based alternative care to prevent institutionalization and ensure immediate and adequate response to the needs of unaccompanied and separated children and other children at risk who may need this type of support.
- Expand programs that support unaccompanied adolescents' self-sufficiency (for those older adolescents for whom family reunification is not currently viable and who are assessed to be suitable for such programs rather than for formal schooling) and assist them in finding non-exploitative ways to support themselves, while providing them with supported accommodation.
- Increase investments in counter-trafficking prevention and enforcement measures and ensure that the police counter-trafficking subdivision is deployed at the borders.
- Increase investments in shelter capacity for victims of sex trafficking and for GBV survivors (with differentiated attention to these different client groups that may have different requirements for protection and for support).
- Ensure that shelter places are available for women and children when necessary, regardless of whether they have made an official complaint against their abuser.
- Ensure that shelters have multifaceted teams of qualified staff (with sufficient female staff) with the necessary technical abilities, including psychologists.
- Ensure that state officials are trained on the standard operating procedures and referral systems relating to GBV response.
- Support access to clinical management of rape, and sexual and reproductive health services for Venezuelans.
- Support training for the police and the judiciary on labor rights for refugee and migrant women.



## To the Government of Peru

- Implement the Quito Declaration and its Plan of Action.
- Use the wider Cartagena Declaration definition of a refugee when deciding on refugee status for Venezuelans. Consider using a group-based assessment, or an accelerated or simplified case processing system. This would enable a resolution of the backlog of asylum applications. Ensure that a system for prioritizing vulnerable applicants is in place and connected to protection services, particularly SGBV survivors, children at risk, and the LGBTI population.
- Institute a registration of undocumented Venezuelans and reopen a regularization process now that the PTP process has ended. Consider offering a humanitarian or special status that would grant Venezuelans foreigners' cards (*carne de extranjería*).
- Reduce the cost of registering professional titles.
- Develop a protocol on unaccompanied and separated children with UNICEF, UNHCR, and other key agencies.
- Strengthen the child protection reception system, with further resourcing of the UPE and the Temporary Residential Attention Centres (Centros de Atención de Residencia (CARs)).
- Work toward developing emergency family-based alternative care to prevent institutionalization and ensure immediate and adequate response to the needs of unaccompanied and separated children and other children at risk who may need this type of support.
- Expand programs that support unaccompanied adolescents' self-sufficiency (for those older adolescents for whom family reunification is not currently viable and who are assessed to be suitable for such programs rather than for formal schooling) and assist them in finding non-exploitative ways to support themselves, while providing them with supported accommodation.
- Increase investments in counter-trafficking prevention and enforcement measures, such as proposals for strengthening the work of the Fiscalía (Prosecutor's Department).
- Increase investments in shelter capacity for victims of sex trafficking and for GBV survivors (with differentiated attention to these different client groups that may have different requirements for protection and for support).
  - » Ensure that shelter places are available for women and children when necessary, regardless of whether they have made an official complaint against their abuser.
  - » Ensure that shelters have multifaceted teams of qualified staff (with sufficient female staff) with the necessary technical abilities, including psychologists.
  - » Ensure that state officials are trained on the standard operating procedures and referral systems relating to GBV response.
- Support access to clinical management of rape, and sexual and reproductive health services for Venezuelans.
- Support training for the police and the judiciary on labor rights for refugee and migrant women.
- Assess livelihood policies to ensure that they do not impose overly onerous restrictive taxes on refugees and migrants.



## To the United Nations and International Cooperation Agencies

- Prioritize young women (aged 18–24) traveling alone as high-risk cases, ensuring that they are prioritized for receiving assistance such as safe spaces to sleep at the border, and are eligible for services such as humanitarian transport for the most vulnerable groups.
- Focus a higher percentage of assistance on programs supporting longer-term socio-integration, including income generation programs, supporting host governments' social protection systems, and anti-xenophobia campaigns.
- Reinforce host government systems on ensuring protection for unaccompanied and separated children arriving into the country, so that best interests assessments can be conducted relating to the risks they may be facing, and individual solutions found.
- Reinforce host government systems on counter-trafficking and on multi-sectoral support services for GBV protection and response, including shelter capacity with multifaceted teams. This can be done through the regional interagency coordination platform and its GBV working group, which includes a component on trafficking.
- Work with the government of Peru to develop a protocol on unaccompanied and separated children and support the strengthening of the child protection reception system, including an emergency family-based alternative care system.
- Support host governments to produce official data on GBV, and to have the capacity for data analysis.
- Support the establishment of the Support Spaces initiative at the regional level and the Regional Safe Spaces Network to further enhance access to services.
- Support the integration of LGBTI groups in the Regional Safe Spaces Network.
- Invest in the national LGBTI groups in the host countries that are now starting to provide support and referral networks for Venezuelan LGBTI arrivals, and support their inclusion in safe spaces networks.

## To International Donors

- Support the Regional Platform's appeal of US\$738 million for response to the needs of Venezuelan refugees and migrants.
- Provide funding for local civil society organizations and sufficient investment in strengthening national GBV services and social protection systems that will benefit both displaced population and host communities.
- Support the establishment of the Regional Platform Support Spaces initiative to enhance access to information, identification and referral of cases, and service provision, as a one-stop shop and entry point for refugees and migrants from Venezuela.
- Support the establishment of UNHCR's Regional Safe Spaces Network to further enhance access to services for SGBV survivors and children at risk.



## ACRONYMS AND ABBREVIATIONS

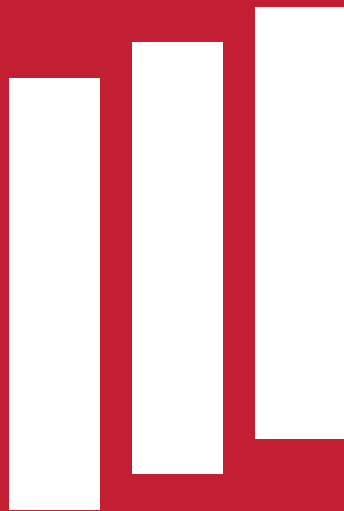
CAR	Temporary Residential Attention Center (Peru)
CEM	Centros de Emergencia de Mujeres (Peru)
DNI	National identity card (Peru)
GBV	Gender-based violence
MIES	Ministry of Economic and Social Inclusion (Ecuador)
MIMP	Ministry of Women and Vulnerable Populations (Peru)
PTP	Permiso Temporal de Permanencia (Peru)
RMRP	Regional Refugee and Migrant Response Plan
SGBV	Sexual and gender-based violence
UNASUR	Union of South American Nations
UPE	Special Protection Unit (Peru)
WRC	Women's Refugee Commission











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