

THE EXTRAORDINARY PLIGHT OF VENEZUELAN WOMEN: AN ACUTE EXAMPLE OF THE NEED FOR GLOBAL RECOGNITION AS REFUGEES

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The current mass exodus of Venezuelans is the second largest forced migration in the world.¹ Those leaving Venezuela could reach eight million by next year—surpassing in numbers even those fleeing Syria.² Men, women, and children traverse the continent predominantly by foot, as bus fares are far too expensive for most Venezuelans, and many do so without shoes. They walk 350 miles to Colombia or further to arrive at Ecuador or Peru.³ Temperatures along the way exceed ninety degrees and drop below freezing.⁴ The *trochas*—illegal border crossings through rivers—have become infamous routes for those fleeing Venezuela.⁵ The magnitude of the migration is indicative of the severity of the humanitarian crisis that Venezuelans flee, yet the group lacks official recognition as refugees⁶ and relief efforts are largely underfunded.⁷ Women feel distinct effects of the broader humanitarian crisis, and what used to be a migration primarily of men is now increasingly of women.⁸ Their plight is an acute example of why forcibly displaced Venezuelan migrants demand increased aid from the international community and warrant official recognition as refugees.

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1. Dylan Baddour, *OAS: Venezuelan Migration May Reach World's Largest by 2020*, AL JAZEERA (Jun. 28, 2019), <https://www.aljazeera.com/news/2019/06/oas-venezuela-migration-largest-world-2020-190628174012682.html>.

2. *Id.*

3. Matt Ozug et al., *Chronicles of A Venezuelan Exodus: More Families Flee The Crisis On Foot Every Day*, NATIONAL PUBLIC RADIO (Apr. 4, 2019, 11:21 AM), <https://www.npr.org/2019/04/04/709193469/chronicles-of-a-venezuelan-exodus-more-families-flee-the-crisis-on-foot-every-day>.

4. *Id.*

5. *Id.*

6. Oriana Van Praag, *Understanding the Venezuelan Refugee Crisis*, WILSON CENTER (Sep. 13, 2019), <https://www.wilsoncenter.org/article/understanding-the-venezuelan-refugee-crisis>.

7. *Id.*

8. Ozug, *supra* note 3; U.N. High Comm'r for Refugees [UNHCR], *Regional Refugee and Migrant Response Plan for Refugees and Migrants from Venezuela, January – December 2019* (Dec. 11, 2018).

The crisis in Venezuela is rooted in a complex intertwining of political, social, and economic factors. The United Nations High Commissioner for Human Rights highlighted as root causes, among others, Venezuela's move toward a dictatorship, food and supply scarcity, and the systematic human rights violations occurring in Venezuela—extrajudicial killings, use of excessive force, arbitrary detention, and torture.⁹ Victims of these human rights violations do not have access to judicial remedies.¹⁰

The Venezuelan economy, as measured by GDP, declined by 45% between 2013 and 2018.¹¹ Inflation weakened the purchasing power of minimum wage until the salary provided for only four days of food per month.¹² In one study, 90% of families reported insufficient money to buy food.¹³ Today, the currency is worth so little that migrants use the bills to make and sell paper artwork.¹⁴

In conjunction with economic collapse, Venezuelans' access to food and health care is in freefall. Reports of the "impending famine" indicate that 84% of basic food items are unavailable, food imports have fallen by 70%, and average weight loss due to food scarcity is twenty-five pounds per person.¹⁵ Eighty-five percent of essential medicine is unavailable, and hospital infrastructure is collapsing—more than 65% of hospitals experience failures in electricity and water supply.¹⁶ Previously controlled diseases such as measles have reemerged, and medical facilities are without supplies such as water, gloves, and syringes.¹⁷

The food and supply shortage disproportionately affects women.¹⁸ Food scarcity has a particularly adverse effect on female caregivers and heads of household, who are most often responsible for feeding children, a task of "herculean" difficulty in this climate.¹⁹ Reports show that women dedicate up to ten hours a day searching for food, in some cases exchanging sex for food.²⁰

Pregnant women with children in poor neighborhoods are the most affected by the famine.²¹ One study showed that 28% of pregnant women had moderate acute malnutrition and 21% had severe acute malnutrition.²²

9. Off. of the U.N. High Comm'r for Hum. Rts. [OHCHR], *Human Rts. Violations in the Bolivarian Republic of Venezuela: a Downward Spiral with No End in Sight*, at i, (Jun. 2018).

10. *Id.*

11. Van Praag, *supra* note 6.

12. Rep. of the U.N. High Comm'r for Hum. Rts. on the situation of Hum. Rts. in the Bolivarian Republic of Venezuela [RUNHCHR], ¶ 11, U.N. Doc. A/HRC/41/18, (Jul. 5, 2019).

13. Van Praag, *supra* note 6.

14. Ozug, *supra* note 3.

15. Van Praag, *supra* note 6.

16. *Id.* at 4.

17. RUNHCHR, *supra* note 12, at ¶ 16.

18. *Id.* at ¶ 75.

19. *Id.* at ¶ 75.

20. *Id.* at ¶ 14.

21. Van Praag, *supra* note 6; *see also* OHCHR, *supra* note 9, at 48.

22. Van Praag, *supra* note 6.

Malnutrition during pregnancy can lead to growth retardation in children, and it increases the risk of development of chronic diseases, cognitive retardation, nervous system damage, gastrointestinal disorders, and early death.²³ According to the Venezuelan Health Observatory, one third of children younger than age two, living in poor sectors, have growth retardation that indicates chronic malnutrition.²⁴

Additionally, the sharp decline in medical infrastructure has distinct manifestations felt primarily by women of child-bearing age: limited access to contraception and increased infant and maternal mortality rates.²⁵ There is a lack of access to all types of contraceptives in Venezuela; some cities have a 100% shortage.²⁶ A pack of birth control pills, only available on an underground market, costs more than fifteen times the average monthly income.²⁷ One International Rescue Commission (IRC) expert says that the crisis in Venezuela has “made family planning impossible.”²⁸ The contraception shortage coupled with the decline in medical infrastructure has increased maternal mortality rates, the risk of contracting disease, numbers of unsafe abortions, and the rate of school dropout of young girls.²⁹ Today, more than nine million women in Venezuela are at risk of unwanted pregnancy.³⁰

Similarly, lack of access to pre and post-natal care acutely affects these women. The Venezuelan government stopped publishing health indicators. However, a brief report by the Health Minister in 2017 indicated that maternal mortality increased by 66% and infant mortality by 30% between 2015 and 2016.³¹ Deteriorations of hospitals and maternity clinics drive women to give birth abroad.³²

The mass migration of Venezuelan migrants, now predominantly comprised of women, has a jarring number of young women who are pregnant mothers, mothers carrying infants or toddlers, or both.³³ Throughout the journey, there are inadequate shelters or private spaces at the entry points and along the route for resting, showering, changing, and breastfeeding.³⁴ In addition, pregnant and lactating women have limited or no access to nutritional supplements or quality pre- or post-natal care.³⁵

23. Van Praag, *supra* note 6.

24. *Id.*

25. RUNHCHR, *supra* note 12, at ¶ 75.

26. *Id.* at ¶ 18.

27. Anjelika Alabaladejo, *Contraceptive shortages mean Venezuela's people face a sexual health emergency*, BRITISH MED. J. (Mar. 23, 2018), <https://www.bmj.com/content/360/bmj.k1197>.

28. Ozug, *supra* note 3.

29. RUNHCHR, *supra* note 12, at ¶ 18.

30. Christine Armario, *Venezuela crisis pushes women into forced motherhood*, ASSOCIATED PRESS (Aug. 21, 2019), <https://www.apnews.com/766e8561ee204965b5e11661119ac5c3>.

31. Van Praag, *supra* note 6.

32. RUNHCHR, *supra* note 12, at ¶ 18.

33. Ozug, *supra* note 3; UNHCR, *supra* note 8, at 18.

34. UNHCR, *supra* note 8, at 18.

35. *Id.* at 18.

Those arriving at international borders in Latin America have largely received a “generous and pragmatic” regional response.³⁶ Colombia, Peru, and Ecuador,³⁷ the countries receiving the largest number of Venezuelan migrants, have attempted to maintain legal avenues for Venezuelans, facilitate their access to public services, and assist with their integration into receiving countries.³⁸ Colombia poignantly recognized the influx of child-bearing mothers by granting citizenship to more than 24,000 children born to Venezuelans on Colombian soil.³⁹ Colombia also keeps its border open and publicly acknowledges that closing ports of entry could increase human trafficking and guerilla operations.⁴⁰

However, hospitals and schools, especially near the border, are becoming overcrowded, and receiving countries face internal displacement challenges.⁴¹ Most Venezuelan migrants arriving at international borders are poor and in need of multiple social services.⁴² Women and girls particularly face challenges of irregular migration status, labor exploitation, hyper-sexualized stereotypes, and exposure to human trafficking and sexual exploitation.⁴³ Despite regional governments’ mobilization of militaries to help with humanitarian operations and reliance on aid from international organizations, most migrants do not receive enough survival services.⁴⁴

Temporary solutions, despite the efforts of receiving countries, are not effectively assisting migrants⁴⁵ and will not address the long-term humanitarian crisis.⁴⁶ Colombia’s Special Residency Permit, one example of many distinct government efforts, is designed to facilitate work authorization and access to health services; however, difficulties of acquiring the permit and understanding its applicability limit the benefits that it actually affords.⁴⁷ Like many of the temporary permits available in Latin America, it does not

36. ANDREW SELEE, ET AL., MIGRATION POL’Y INST & ORG. OF AM. STATES, CREATIVITY AMID CRISIS, LEGAL PATHWAYS FOR VENEZUELAN MIGRANTS IN LATIN AMERICA 3 (Jan. 2019), <https://www.migrationpolicy.org/sites/default/files/publications/VenezuelansLegalPathwaysBrief-English-Final.pdf>.

37. Rocio Cara Labrador, *The Venezuelan Exodus*, COUNCIL ON FOREIGN REL. (Jul. 8, 2019), <https://www.cfr.org/in-brief/venezuelan-exodus>.

38. SELEE, *supra* note 36 at 2.

39. Anatoly Kurmanaev & Jenny Carolina Gonzalez, *Colombia Offers Citizenship to 24,000 Children of Venezuelan Refugees*, N.Y. TIMES (Aug. 5, 2019), <https://www.nytimes.com/2019/08/05/world/americas/colombia-citizenship-venezuelans.html>.

40. *Id.*

41. Ozug, *supra* note 3; See also SARAH MILLER & DAPHNE PANAYOTATOS, REFUGEES INT’L, QUITO III: WHAT REGIONAL GOVERNMENTS MUST DO TO HELP DISPLACED VENEZUELAN 2 (2019), <https://www.refugeesinternational.org/reports/2019/4/5/quito-iii-what-governments-must-do-to-help-displaced-venezuelans>.

42. Javier Corrales, *Responses to the Venezuelan Migration Crisis: A Scorecard*, AMERICAS Q. (Jul. 11, 2019), <https://www.americasquarterly.org/content/responses-venezuelan-migration-crisis-scorecard>.

43. UNHCR, *supra* note 12, at ¶ 72.

44. Corrales, *supra* note 42.

45. Giselle Carpio, *The Role of Neighboring Countries in the Venezuelan Migrant Crisis*, HARV. POL’Y REV. (Aug. 28, 2019), <https://harvardpolitics.com/world/venezuelan-migrant-crisis/>.

46. SELEE, *supra* note 36 at 2.

47. MILLER, *supra* note 41.

provide the comprehensive coverage, permanence, or access to public services that Venezuelan migrants need.⁴⁸

The strain on both migrants and receiving countries is prompting regional governments not only to adopt policies that limit the number of Venezuelans entering the country but also to seek more permanent solutions.⁴⁹ Eleven of the most affected countries—Argentina, Brazil, Chile, Colombia, Costa Rica, Ecuador, Mexico, Panama, Paraguay, Peru, and Uruguay—created a platform to design and coordinate a long-term response.⁵⁰ Government leaders recognized that meeting international obligations and protecting the rights of migrants requires orderly migration and effective integration of Venezuelans into the economy,⁵¹ both of which depend on additional resources from the international community.⁵² Strikingly, the Regional Refugee and Migrant Response Plan, adopted by the United Nations High Commissioner for Refugees and the International Organization for Migration, has only received 23.9% of the funding requested.⁵³

One of the reasons that the crisis in Venezuela has not received enough funding or attention is that the migrants are not broadly recognized as refugees under the 1951 Refugee Convention, which generally requires a “well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.”⁵⁴ The Cartagena Declaration on Refugees, adopted by most of the states affected by the Venezuelan crisis, defines refugees more broadly: 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.”⁵⁵ Adopting this definition “makes possible the adoption of a simplified procedure to determine refugee status and expedite the processing of asylum claims,” but only Mexico⁵⁶ and Brazil⁵⁷ have done so. In the United States, Venezuela is the main source of asylum claims and comprises nearly 31% of all received asylum applications, but fewer than 10% of applicants have been recognized as refugees.⁵⁸

In order to address this mass forced migration, we must look specifically at issues affecting women,⁵⁹ who now make up most of the

48. SELEE, *supra* note 36 at 1.

49. SELEE, *supra* note 36.

50. MILLER, *supra* note 41.

51. Kurmanaev, *supra* note 39.

52. MILLER, *supra* note 41; Carpio, *supra* note 45.

53. Van Praag, *supra* note 6.

54. *Id.*

55. Organization of American States [OAS], Cartagena Declaration on Refugees, art. 3, OAS/Ser.L/V/II.66, doc. 10, rev. 1, at 190-93 (Nov. 22, 1984).

56. SELEE, *supra* note 36 at 1, 10.

57. Van Praag, *supra* note 6.

58. Van Praag, *supra* note 6.

59. Hillary R. Clinton, *Keynote Address at Georgetown Institute for Women, Peace, and Security Awards Ceremony* (Sep. 27, 2019).

migration.⁶⁰ Furthermore, addressing the issues of women and girls can lift up families, communities, and nations.⁶¹ Women are a critical piece of community and family systems. In Venezuela, for example, women carry the burden of household tasks and childrearing; they also constitute 72% of the membership in local community councils.⁶² The plight of young women and children is one of the most acute examples of why Venezuelans must be recognized as refugees under the broader definition adopted in the Cartagena Declaration. Applying the broader definition of refugees is a crucial step in regularizing migration procedures, facilitating social and economic integration, and providing access to social services.⁶³ Furthermore, regularizing migration procedures can help ensure that receiving countries experience the long-term positive outcomes of migration.⁶⁴ In response to official recognition from signatories to the Cartagena Convention, the broader international community must be prepared to meet its obligations to protect refugees and aid the regional response that is already underway.

60. Ozug, *supra* note 3.

61. Clinton, *supra* note 59.

62. UNHCR, *supra* note 8, at ¶ 24.

63. MILLER, *supra* note 41.

64. SELEE, *supra* note 36 at 2.