

NGO statement on the Americas

This statement is delivered on behalf of a wide range of civil society organizations including those active in the Americas and the Caribbean that carry out their work both regionally and nationally. As part of their monitoring and advocacy work, those organizations have closely accompanied persons of concern in the region. We aim to reflect the diversity of views within the NGO community and will highlight the major crises in the Americas as well as the regional challenges regarding persons of concern in the region.

- Venezuela situation

The political, human rights and socio-economic developments in the Bolivarian Republic of Venezuela (hereinafter Venezuela) has led to 7 million people¹ inside the country being in need of humanitarian aid². Frequent interruptions in electricity, limited transportation due to the lack of fuel and vehicle spare parts, and increased insecurity have undermined the ability of many Venezuelans to meet their most basic needs. For humanitarian actors, similar logistical impediments are present across the country, due to the lack of fuel, deteriorated basic services such as electricity, transportation, and telecommunications, which limits the capacity of humanitarian organizations to reach vulnerable populations, as well as the access of these populations to humanitarian assistance and services. For children, it has been increasingly difficult to access food and water and attend school regularly. Vaccine-preventable diseases, including measles and diphtheria, have re-emerged, and cases of tuberculosis, HIV and malaria are on the rise. According to UNICEF: *"Some 6.8 million people are undernourished, and the prevalence of undernourishment is increasing, from 6.4 percent in 2012–2014 to 21.2 percent in 2016–2018. At least 4.3 million people lack access to safe water, and 14 percent of the population only receives water every 15 days. An estimated 1.3 million children are in need of protection, and 2.2 million children require access to education"*³.

This has led to the largest flight of affected persons in recent history in Latin America and the Caribbean. As of February 2020, there were about 4.8⁴ million refugees and migrants from Venezuela – 4.0 million in the region alone – with no prospects for return in the short to medium term. Estimates are that this number will rise to 6,5 million⁵ by the end of 2020. The unprecedented influx of refugees and migrants from Venezuela continues placing immense pressure on governments and host communities in receiving countries. Restrictive migratory measures applied by different countries in the region, such as revised entry requirements for refugees and migrants from Venezuela, have led to an increase in irregular border crossings and the vulnerability of refugees and migrants. In this context, a rising number of Venezuelans remain in irregular situations for reasons that include lack of documentation, length of

¹ [Venezuela Situation report](#), OCHA, February 2020

² HRP Venezuela 2019

³ UNICEF, [Humanitarian Action Plan 2020](#), 4 December 2020

⁴ [R4V Coordination Platform](#)

⁵ [Joint UNHCR-IOM Press Release, 13 November 2019](#)

administrative procedures and restrictions, difficulty in accessing legal counsel, long waiting periods and high application fees for visas, among others. A big challenge for the work of humanitarian actors in some areas relates to the denial of the existence of humanitarian needs, which impacts the ability to collect the necessary data to design appropriate interventions.

Venezuelans, particularly those moving or residing irregularly, continue to be vulnerable to different types of violence including discrimination and xenophobia during their journeys as well as within their host communities. The presence of irregular armed groups in some areas and popular demonstrations impact humanitarian access to vulnerable populations. Women and girls have become particularly vulnerable to trafficking and exploitation. Many migrants and refugees continue to encounter difficulties crossing borders and accessing rights in their host communities due to a lack of travel and legal identity documents, thus increasing the risk of statelessness in the region.

- **North Central America**

Criminal violence, insecurity economic hardship, and climate change effects continue to force thousands of people to flee from their countries in the North of Central America (NCA). Thousands of refugees and asylum-seekers from Honduras, El Salvador and Guatemala had no other choice but to flee their homes in search for safety and protection. In 2019, increasing numbers of asylum applications of NCA nationals were lodged in different countries. The vast majority of persons are hosted within the Americas region. In addition, the situation of internal displacement continued deteriorating and reached a historically high number, with thousands of people estimated to be forcibly displaced within El Salvador and Honduras.

The situation of human mobility in NCA countries has also been affected by migration/asylum policies implemented by the United States of America (US). New policy recently adopted in the US bars eligibility for asylum-seekers who have crossed the country's southern border after passing through a third country where they could have applied for asylum. In addition, "Asylum Cooperation Agreements" (ACAs) concluded by the US with the Governments of Guatemala, Honduras, and El Salvador might pose increasing protection concerns, considering that ensuring the conditions of safety and access to social and economic rights for asylum seekers and refugees continues to be a challenge. This adds to the fact that the institutional and technical capacity to process increasing asylum claims in Central America remains limited, and systems require significant strengthening and technical assistance to meet their current demands.

In this regard, we must again highlight the need for a Humanitarian Response Plan or Humanitarian Appeal to respond to the needs of displaced people from and inside countries in NCA.

- **Nicaragua**

The deterioration of the social, political and human rights situation in Nicaragua has forced nearly 90,000 Nicaraguans to flee their country since April 2018⁶ (5.9% of the total population). The majority have fled to neighboring Costa Rica, where 69,700 are registered asylum-seekers pending decision. Among those seeking asylum are students, former public officials, opposition figures, journalists, doctors, human rights defenders, and farmers. A significant number arrived in need of health care, psychological support, shelter, and food assistance. A severe and incessant situation verified by the Deputy High Commissioner for Refugees, Ms. Kelly Clements, during her visit to Costa Rica in February 2020.

The protection response to address the needs of Nicaraguans arriving in neighboring Costa

⁶ UNHCR Nicaragua Situation [Fact Sheet](#), 1-30 November 2019

Rica requires additional efforts to enhance reception capacities at communities near the border, support for fulfilling basic needs, the early identification of persons with special protection needs and the strengthening of the asylum system to process asylum applications in due and effective manner. Long delays in registration and adjudication of asylum applications and obstacles to the enjoyment of basic rights for asylum seekers continue representing a serious protection concern. As a matter of fact, the border area is not safe for Nicaraguan refugees, because of various repressive behaviors so, most of the refugees use alternative paths to cross the border and the first possibilities of safe reception are provided in communities located some kilometers inside the Costa Rican territory.

- **Colombia**

The security situation continued deteriorating along the country's border with Venezuela, its southern borders and the Pacific Coast. These include a high prevalence of attacks, including homicides, against community leaders and human rights defenders; the use of anti-personnel mines and the presence of unexploded ordnances; the forced recruitment for criminal activities; the targeting of specific social groups; and sexual and gender-based violence. Chronic displacement, whether new or recurring, as well as restrictions on movements are commonplace in these areas and predominantly affect indigenous people and Afro-Colombians. In 2019, thousands more people were displaced and are in need of humanitarian assistance. Colombian nationals continue to seek asylum in Ecuador, with approximately 5,000 new asylum applications registered in 2019.

- **Global Refugee Forum**

In December 2019, the first-ever Global Refugee Forum (GRF) took place in Geneva. In preparation for the GRF, UNHCR held regional consultations with NGO and other stakeholders in the Americas region.⁷

In terms of the regional challenges that these and other human mobility dynamics pose for the region, NGOs in the Americas has urged States on various occasions to develop a coordinated response with a human rights perspective to the growing flows of people leaving their countries. Therefore, we highlight the following concerns and specific appeals:

- We urge States to use the broader refugee definition provided in the Cartagena Declaration for those persons who require international protection; such a definition responds to the current displacement dynamics in the region.
- NGOs are extremely concerned that States in the Americas are often in violation of their obligations to respect the right of people to seek asylum; this includes guaranteeing the principle of *non-refoulement*. This principle has been violated, for instance, through the reluctance of some States to allow access to their territories to those seeking asylum; in the massive (collective) deportations of migrants and refugees; and in agreements between States to fund and carry out deportations for them, or even to force migrants and refugees to remain in an unsafe transit or third country.
- NGOs are concerned about the increased protection risks faced by children on the move, such as violence, exploitation, and separation, where adolescent girls remain extremely vulnerable to trafficking and sexual exploitation.

⁷ [South America UNHCR-NGO Consultations, Rio de Janeiro, Brazil, 21 and 22 November 2019](#)

- NGOs call on UNHCR to insist on the obligation of States to ensure a human rights and dignity-based response, with a differential and intersectional approach, including respect for the principle of equality and non-discrimination.
- The NGO community urges States, UNHCR and other international organizations to generate data on persons of concern, disaggregated by gender, age, and diversity for designing programs and public policies. Additionally, UNHCR's efforts to facilitate durable solutions needs to start at the onset of a crisis. This includes the need to track trends and identify protection concerns at an early stage through organized information sharing and joint analysis with civil society and other humanitarian actors, migrants, refugees and host communities in line with the ambition to work across the humanitarian and development nexus.
- We call on States to guarantee and unify channels to obtain regular immigration status in order to guarantee full access to rights and facilitate integration in host communities.
- We call on States, UNHCR, and every stakeholder involved to develop responses with a differential approach, mindful of age, gender, race, sexual orientation, disability and any other form of human diversity.
- NGOs condemn gender-based violence against migrants and refugees, particularly against adolescent girls, as well as members of the Lesbian, Gay, Bisexual, Transgender, Queer and Intersex community, and an overall lack of access to rights, and access to justice for women, which remains a serious concern throughout the continent.
- We ask UNHCR and States to take Internally Displaced Persons (IDPs) into consideration in the development of local integration policies and budgeting processes. UNHCR should strengthen its IDP response in coherence with the Cartagena+30 Action Plan. UNHCR must also continue its coordination leadership in IDP responses.
- The NGO community urges UNHCR and other international organizations to issue appeals for economic resources to ensure transparency in their budgeting processes. In addition, we ask that such resources be assigned for humanitarian assistance, local integration, and durable solutions, but should not neglect other issues that continue to exist in the region and in the host communities.
- We note with concern the growing risks of statelessness and the violation of the right to a nationality in the context of forced displacement in the Americas, especially with regard to children and racial minorities. We call on States to ensure the right to nationality for all persons.
- UNHCR should support actions to ensure access by humanitarian actors. Access remains a major issue, in particular, access to detention facilities. Humanitarian actors have to adopt new modes of operation in order to reach the most vulnerable as most IDPs and refugees try to remain unidentified to protect themselves from further violence.
- UNHCR should strengthen its coordination with NGOs and improve broader information-sharing mechanisms to strengthen the protection response in the region.

Thank you, Chair.