

**AMNISTÍA INTERNACIONAL**  
**COMUNICADO DE PRENSA**

**Curaçao: Las autoridades niegan protección a personas que huyen de la crisis de Venezuela**

“Las autoridades de la isla caribeña de Curaçao, territorio perteneciente al Reino de los Países Bajos, deben proteger a las personas que huyen de la crisis de derechos humanos de la vecina Venezuela y poner fin a las espantosas condiciones que sufren cuando llegan a Curaçao”, afirma Amnistía Internacional en un informe que publica hoy.

[Detenidos y deportados: Niegan protección a personas venezolanas en Curaçao](#) ofrece pruebas convincentes de que desde julio de 2017, las personas extranjeras no pueden pedir protección internacional en Curaçao y detalla varias presuntas violaciones de derechos humanos cometidas contra personas procedentes de Venezuela, que corren el riesgo de ser detenidas y devueltas en infracción del derecho internacional.

“Es una vergüenza que el gobierno de Curaçao no haya establecido un procedimiento efectivo para solicitar asilo. En lugar de volver la espalda a quienes huyen de la grave crisis de Venezuela, las autoridades de Curaçao deben garantizar los derechos de todas las personas solicitantes de asilo y refugiadas que necesitan protección internacional”, dijo Erika Guevara Rosas, directora para las Américas de Amnistía Internacional.

En lugar de proteger a quienes llegan desde Venezuela, el gobierno de Curaçao ha elaborado una “estrategia de expulsión activa” con el fin de deportar a las personas en situación migratoria irregular. En 2017, las autoridades de Curaçao expulsaron a 1.203 personas venezolanas de la isla, mientras que en los primeros cuatro meses de 2018 deportaron a otras 386.

Amnistía Internacional ha visto que las autoridades recluyen a quienes van a ser deportados en centros de detención y calabozos policiales. El informe expone también un caso en el que las autoridades pusieron a unas personas menores de edad al cuidado de una hogar de niños estatal mientras su madre estaba detenida.

Amnistía Internacional ha observado condiciones injustificables en los centros de detención, como hacinamiento, falta de intimidad, higiene deficiente en las zonas de ducha y aseo, y falta de ropa de cama adecuada. Varias personas dijeron a la organización que habían sufrido malos tratos en el momento de la detención o bajo custodia, incluida la proposición de hacer favores sexuales a cambio de compresas y jabón.

“Algunos guardias nos tratan como a animales”, dijo a Amnistía Internacional un hombre recluido en los calabozos policiales de Río Canario.

“Estamos consternados ante las denuncias de malos tratos, uso excesivo de la fuerza y otros abusos que se cometen durante las detenciones o bajo custodia. Las autoridades de Curaçao deben poner fin de inmediato a estas prácticas y abrir investigaciones sin

demora, imparciales, independientes y efectivas sobre cualquier denuncia de violaciones de derechos humanos”, dijo Erika Guevara Rosas.

Venezuela está en estado de emergencia desde enero de 2016, y las personas disidentes son sometidas a redadas, acoso e intimidación. Las graves crisis alimentaria y de sanidad siguen empeorando, y afectan sobre todo a niños y niñas, mujeres embarazadas y personas con enfermedades crónicas. La ONU calcula que 2,3 millones de personas venezolanas han huido de esta crisis sin precedentes en su país, de las que entre 5.000 y 15.000 están actualmente en Curaçao en situación migratoria irregular.

En marzo de 2018, la Agencia de la ONU para los Refugiados dijo que una proporción muy significativa de las personas venezolanas que han huido de su país necesitan protección internacional. Sin embargo, las autoridades de Curaçao no han ofrecido protección a los venezolanos y venezolanas que buscan refugio en la isla, situada apenas a 70 kilómetros de su país. Aunque el gobierno de Curaçao dice que existe un procedimiento de concesión de asilo, personas procedentes de Venezuela dijeron a Amnistía Internacional que, en la práctica, es casi imposible obtener protección.

“Llamé a la comisaría de policía para preguntar dónde podía pedir protección. El policía se rió y me dijo que no existía ese procedimiento”, dijo una mujer venezolana perteneciente a una organización humanitaria.

Amnistía Internacional pide a las autoridades de Curaçao que garanticen los derechos de las personas solicitantes de asilo y refugiadas mediante el establecimiento de un procedimiento de concesión de asilo imparcial y efectivo. Sólo deben utilizar la detención como último recurso, tal como establece el derecho internacional de los derechos humanos, y deben realizar investigaciones sin demora, exhaustivas, independientes e imparciales de todas las denuncias de violaciones de derechos humanos cometidas durante la detención y bajo custodia.

Dado que Curaçao es parte del Reino de los Países Bajos, éste tiene también la responsabilidad de proteger los derechos humanos en este territorio. Amnistía Internacional pide al Reino de los Países Bajos que garantice que se salvaguardan los derechos de las personas migrantes, solicitantes de asilo y refugiadas en todos sus territorios.

“El Reino de los Países Bajos debe investigar lo que está sucediendo en Curaçao y ofrecer su apoyo y orientación para garantizar que las personas que lleguen por primera vez a la isla reciben la protección que necesitan. Países Bajos no puede mirar hacia otro lado mientras se violan los derechos humanos de las personas”, concluyó Erika Guevara Rosas.

**Si desean más información o concertar una entrevista, pónganse en contacto con:**

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**Más información:**

Detenidos y deportados: *Niegan protección a personas venezolanas en Curaçao*  
(investigación, 10 de septiembre de 2018)  
<https://www.amnesty.org/en/documents/eur35/8937/2018/es/>

*Trinidad y Tobago: La deportación de 82 personas venezolanas viola las obligaciones de derechos humanos* (noticia, 23 de abril de 2017)  
<https://www.amnesty.org/es/latest/news/2018/04/trinidad-and-tobago-deportation-of-82-venezuelans-violates-human-rights-obligations/>

*Venezolanos y venezolanas toman medidas desesperadas para huir* (noticia, 27 de marzo de 2018)  
<https://www.amnesty.org/es/latest/news/2018/03/venezuelans-are-taking-desperate-measures-to-escape/>

## AMNESTY INTERNATIONAL

### Q&A

10 September 2018

#### Q&A: Curaçao report – FOR INTERNAL USE

1. ***Why is Amnesty International being so critical of Curaçao?***

Amnesty International investigates human rights violations wherever these may occur in the world. Hundreds of thousands of people have fled from Venezuela in recent years because of serious human rights violations in the country, with many of them being refugees. Refugees are entitled to seek protection in the country in which they claim asylum. Curacao (as one of Venezuela's closest neighbours) and the Kingdom of the Netherlands (of which Curaçao is a constituent country) have skirted their obligations under international human rights law. Because human rights are universal, it is critical that we call out all countries that fail to meet their human rights obligations. Amnesty International has already, for example, [reported on the situation](#) of Venezuelan refugees in Trinidad and Tobago.

2. ***Isn't this Curaçao's sole responsibility? Why do we refer to the Kingdom of the Netherlands' obligations?***

It's up to the government of Curaçao to ensure that Venezuelans seeking protection have access to a fair and effective asylum procedure. The government must also ensure that the detention of persons without a residence permit only occurs as a last resort, where strictly necessary after being assessed on an individual basis and under humane conditions. The authorities of Curaçao must also independently investigate any accusations of abuse or excessive violence in custody or by the authorities – and ensure that any perpetrators are held to account in fair trials.

However, the Kingdom of the Netherlands also has responsibilities. Curaçao, along with Aruba, Sint Maarten and the Netherlands, is part of the Kingdom. While the Charter for the Kingdom of the Netherlands gives significant autonomy to the constituent countries in the realization of human rights, the safeguarding of human rights is ultimately a Kingdom responsibility. If a constituent country does not follow through on supporting human rights, then the Kingdom must respond. The Charter also states that the four countries 'shall accord one another aid and assistance', so on an interstate level, each of the countries should also help each other where necessary. Amnesty calls on the Kingdom of the Netherlands to immediately ensure that the human rights of migrants, asylum seekers and refugees in all of the Kingdom's countries are guaranteed – and help Curaçao in making this happen.

3. ***Why didn't you investigate what happens to Venezuelan children who are separated from their parents in Curaçao?***

Unfortunately, we only had limited time to do careful research of all the aspects of the situation of fleeing Venezuelans on Curaçao, including the situation of children. We concentrated on the right to protection and the situation around the immigration detention. We did ascertain that children were separated when their parents were placed in a detention centre to await deportation, but we did not directly speak to any children in this situation and we also didn't visit the children's home where they were placed. According to the authorities on Curaçao, these children were placed in a children's home during that period. We consider separating children from their parents an alarming scenario that must be urgently addressed.

**4. *Are Venezuelans really refugees? Aren't they just "economic migrants"?***

Venezuela has for years experienced a grave human rights crisis. Amnesty International has consistently denounced the recurring practice of politically motivated arbitrary detentions, extrajudicial executions, cases of torture and other cruel, inhuman and degrading treatment, especially against political protesters or dissenters and the subjection of civilians to military tribunals, among other issues that demonstrate the clear deterioration of various civil and political rights in Venezuela. Amnesty International has also documented violations of economic, social and cultural rights, which have led to serious violations of the population's rights to health and adequate food. Venezuela's regression in respect for human rights is alarming, and one of the most notable consequences has been the dramatic increase in the number of people fleeing to other countries, principally in the Americas

In this context, there is a direct relationship between the constant and massive movement of thousands of Venezuelans leaving the country and the grave human rights crisis in Venezuela. An estimated 2.3 million people have fled Venezuela in recent years, according to the UN. The UN Refugee Agency (UNHCR) states that a significant proportion of these people need international protection – and are therefore refugees. In any case, every Venezuelan has the right to ask for asylum and receive a fair procedure.

**5. *What will Amnesty International do now to advocate change in the way Curaçao treats people from Venezuela?***

We have offered a series of recommendations to the Curaçao government and the Kingdom of the Netherlands. We urge them to apply these recommendations as quickly as possible.

Amnesty International calls on the Curaçao authorities to guarantee the rights of asylum-seekers and refugees by setting up a fair and effective asylum procedure. They should only use detention as a last resort, as set out in international human rights law, and must end the separation of families and conduct prompt, thorough, independent and impartial investigations into all allegations of human rights violations upon arrest and in custody. Amnesty International also calls on the Kingdom of the Netherlands to ensure that human rights of migrants, asylum-seekers and refugees are guaranteed in all its constituent countries. Amnesty International will inform the Council of Ministers of the Kingdom, but Amnesty International will also inform the Dutch parliament and the Dutch Ministry of the Interior and Kingdom Relations and open discussions with the government. As one of the Kingdom's countries, the Netherlands has the responsibility to confront human rights

violations occurring within the Kingdom. The Dutch government should help Curaçao in setting up and implementing a fair and effective asylum procedure, ensuring immigration detention is only used as a last resort, and improving detention conditions.

6. ***What's happening to Venezuelans on other islands in the Kingdom of the Netherlands? Will you be investigating there as well?***

We have not researched the situation of Venezuelans on the other islands in the Kingdom of the Netherlands. The Kingdom of the Netherlands has a responsibility to ensure there is a fair asylum process, consistent with international human rights law, in all territories under its effective control.

7. ***What relevance does this report have for other Caribbean countries?***

Many Caribbean countries have been unprepared for the significant increase in the number of asylum applicants from Venezuela in recent years. Trinidad and Tobago has the highest number of Venezuelans in the southern Caribbean, estimated at around 40,000 people of concern, according to the UNHCR. In April, Trinidad deported 82 Venezuelans, including registered asylum seekers and people who had expressed an interest in applying for asylum, in breach of international human rights law. While Amnesty International hasn't carried out detailed research in other Caribbean islands, nations such as Curaçao, Trinidad and Tobago, and other Caribbean countries have a responsibility to receive Venezuelans in need of protection and to only use detention – which can lead to further human rights violations – as a last resort.

8. ***Should the Netherlands grant asylum to people from Venezuela?***

The responsibility first lies with Curaçao to receive Venezuelans who need protection. Curaçao should also request the help of the UNHCR to resettle fled Venezuelans to other countries. As a fellow member of the Kingdom, the Netherlands should offer technical and financial assistance as required. The Netherlands is bound by the 1951 Refugee Convention. The Refugee Convention recognizes the importance of international solidarity and cooperation in trying to protect refugees. If Curaçao asks the Netherlands for help in this regard, the Netherlands should consider granting asylum to people from Venezuela.

9. ***Can Curaçao handle taking in so many Venezuelans?***

An estimated 5,000 to 15,000 Venezuelans with an irregular (and therefore unprotected) immigration status live on the island. This is quite a challenge for an island with a population of just over 160,000. Beyond matters of size, the current economic outlook for Curaçao is not promising. Since the start of 2018, 2,000 people have lost their jobs. The unemployment rate in 2017 was 14.1% (which is a 0.8% increase from 13.3% in 2016) and the youth unemployment rate was 32.8%. The Curaçao authorities say that they do not possess the resources to support Venezuelan asylum seekers and refugees. But this does not release them from their obligation to uphold the right of people in need of protection and giving them access to a fair and effective asylum procedure. This is not happening at the moment – and is therefore a clear violation of their human rights. Human rights have

also been violated in the process of detaining asylum seekers and in removing them from the island. This situation is in the first place the responsibility of Curaçao: but when there are human rights at stake, it is ultimately also the responsibility of the Kingdom.

10. ***How many people have left Venezuela? Are other countries such as Colombia, Ecuador and Brazil taking in Venezuelans?***

An estimated 2.3 million Venezuelans have fled their country in recent years, according to the UN. Providing protection for refugees is a shared international responsibility. Brazil, Colombia and other countries in the region are taking in many Venezuelans. Colombia migration official Christian Krüger Sarmiento said there were 870,000 Venezuelans living in Colombia as of July 2018. More than 500,000 Venezuelans have entered Ecuador this year, according to the UNHCR. Another 24,000 had asked for asylum in Brazil as of April, according to the UNHCR.

11. ***If Curacao offers Venezuelans protection then won't this be a pull factor and result in a tiny island being swamped by thousands of people seeking asylum?***

This is not a valid reason to fail to protect people and there is no guarantee that it would become a significant pull factor. Persecuted people in need of protection often flee their country without knowing that they will be protected. As mentioned above, Curaçao does not stand alone on this. The Refugee Convention recognizes the importance of international solidarity and cooperation in trying to protect refugees. Curaçao could ask the Netherlands for help in this regard. The UNHCR is also willing and prepared to help. They deal with mass influx of refugees from Venezuela in many other countries.

12. ***Are Venezuelans drowning at sea like in the Mediterranean?***

As the crisis in Venezuela has worsened, it has become more common for people to travel to Curaçao by boat. In 2017, the Coast Guard arrested 293 Venezuelans trying to reach Curacao by boat. Despite this, boats continue to arrive. This brings with it severe dangers, as evidenced by a boat accident in January 2018 that left four people dead and 28 missing when the boat they travelled on capsized before it had reached the shore.

13. ***Doesn't Venezuela have responsibility to end this refugee crisis by addressing the underlying causes that are forcing people to leave the country?***

Amnesty International has consistently called on the Venezuelan government to address the human rights violations that are forcing people to leave the country, including arbitrary arrests, extrajudicial executions, torture and violations of their rights to food and health, among others.