



Constructive Dialogue on Smuggling of Migrants

Thanks for the invitation to participate and speak before you on this constructive dialogue.

I am Norma Ferrer, representative of Exodo, Venezuelan Civil Society Organization dedicated to research, advice, raise awareness and training on safe context human mobility, incorporating the human rights and gender-based approach to our every action.

The complex humanitarian emergency in Venezuela has generated a crisis of human mobility in Latin America, more than 6 million people have fled to find a better life. Forced migration is one of the main causes of increased risk factors and over-exposure of the Venezuelan population to human trafficking and smuggling of migrants.

The high prices for obtaining a Venezuelan passport (200 USD for adults and around 160 USD for kids and teenagers), makes that most of the people who decide to leave the country, do it without their travel document.

The proliferation of request of visas for Venezuelans in the region does not stop migration, but makes it irregular causing the creation of smugglers networks that are intertwined with trafficking networks and the vulnerability of Venezuelan migrants.

In Exodo we have attended cases of trafficking in persons which have started with smuggling of migrants, especially the cases of the shipwrecks in Sucre State, in the Venezuelan eastern coast, where migrants sail in boats to reach Trinidad and Tobago.

We have documented 3 shipwrecks in the area: Ship Jonnalys José have left a balance of 27 missing people and 1 deceased. Ship Ana María: 33 missing people. Boats Mi Recuerdo and Mi Refugio: 34 death and 7 missing.

In the port of Guiria, Sucre, this situation happens under the sight of the Government, nor the National Guard or the Coast Guard control the area. According to relatives of the victims, officers are implied in this illicit business.

In January Exodo together other CSO attended a case where 21 young women and teenagers where rescue from a trafficking network in Trinidad and Tobago, the whistleblower manifested intervention of T&T migration civil servants to take them back with traffickers. The way they enter Trinidad and Tobago was irregular using this sea channel between Venezuela and Trinidad and Tobago.

By land, we have noticed new dynamics on migration and smuggling of Venezuelan migrants. There is a new rout to reach the US, migrants get to Mexico, passing irregularly through all the Centro American countries which ask Venezuelan for Visas, crossing the borders between Chihuahua and Texas. During 2021, the USCIS indicated that the crossing of Venezuelans from the border from Mexico to the US raised to 108,000.



Despite Venezuela has criminalized smuggling of migrants, the domestic legal framework does not fulfill the international standards marked by the UNTOC protocol.

In the criminal definition of smuggling of migrants in Venezuela the presence of a financial or other material benefit does not constitute an aggravating circumstance of the crime, this conduct is part of the offence.

Producing, procuring, providing or possessing a fraudulent travel or identity document for the purpose of smuggling is not criminalized in any of the 3 acts that criminalize smuggling of migrants.

Like with the criminal definition of trafficking in persons in Venezuela, smuggling of migrants does not have a level of criminality or participation, said this, there is not attempt to commit smuggling of migrants nor accomplice in this offence.

Organizing or directing other persons to commit smuggling of migrants is not criminalized under the Venezuelan legal framework, but this conduct could be prosecuted with other offences such as association established in the Act against organized crime and funding of terrorism.

The Venezuelan legal framework lack of measures necessary to establish as aggravating circumstances to any of the offences referred to in questions 54, 55, 57 and 58.

It is necessary that Venezuela finds the political will to reinforce the legal framework according to the UNTOC and apply it efficiently to prevent, prosecute this crime, as well as protect their people for being object of smuggling of migrants which in many cases is connected with trafficking in persons or expose migrants to trafficking networks.

Bilateral agreements with countries of the region are needed, to implement an efficient protocol of investigation, detection of cases and dismantling of criminal networks for the protection of Venezuelan migrants and achieve a Safe, Orderly and Regular Migration.

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