



**PRESIDENTIAL  
ELECTION 2020 -  
AMERICAS ISSUE BRIEFS**



# CONTACTS

## AFRICA

Adotei Akwei  
(202) 509-8148  
AAkwei@aiusa.org

## AMERICAS

Charanya Krishnaswami  
(202) 675-8766  
CKrishna@aiusa.org

## ASIA

Joanne Lin  
(202) 509-8151  
JLin@aiusa.org

## EUROPE AND CENTRAL ASIA

Daniel Balson  
(202) 509-8132  
DBalson@aiusa.org

## GUN VIOLENCE

Jasmeet Sidhu  
(202) 509-8160  
JSidhu@aiusa.org

## MIDDLE EAST AND NORTH AFRICA

Philippe Nassif  
(202) 675-8755  
PNassif@aiusa.org

## REFUGEES

Ryan Mace  
(202) 509-8185  
RMace@aiusa.org

## ALL OTHER INQUIRIES

Joanne Lin  
(202) 509-8151  
JLin@aiusa.org

BACK COVER PHOTO: Kaden\* and his family outside their home in Zaatari refugee camp in Jordan. They would like to be resettled anywhere, and are unable to return to Syria. \*Name changed. © Amnesty International



A photograph showing two indigenous people, likely from the Amazon, sitting in a small wooden boat on a river. They are both wearing white face masks and traditional headbands. The person on the left is holding a long wooden paddle. The background is a dense, lush green forest.

# THE AMERICAS & COVID-19

## THE ISSUE:

Governments across the Americas have responded to COVID-19 in a variety of ways, ranging from calling for states of emergencies to imposing travel bans to implementing quarantines. Stakes are high: how governments in the region respond to this pandemic will determine the future of millions of people.

Deep inequality, structural discrimination, repressive policing, censorship, underfunded public health systems, and inadequate social security and labor protections long predate the outbreak of COVID-19 in the region; the pandemic exacerbates and lays bare these underlying, systemic issues.

The Americas is the most economically unequal region in the world. 60% of the region's residents rely on employment in the informal sector, including construction, vending, and domestic labor – work which typically offers less security and stability and which has been dramatically impacted by closures and stay-at-home orders. Meanwhile, one in three residents lacks access to healthcare. This problem is particularly grave in Venezuela, where 80% of hospitals lack soap and sanitizer, meaning that even the most basic precautions against COVID-19 spread cannot be taken. Because of widespread lack of access to testing, countries whose existing inequalities and inadequate healthcare structures already place their residents at greatest risk of harm – including Venezuela, Nicaragua, and Haiti – are unlikely to know the full reach of the virus on their shores.

Governments throughout the Americas risk manipulating the pandemic to concentrate power and enact measures curbing civil rights and liberties that may be difficult to reverse once the pandemic lifts. For example, in El Salvador, the president was granted emergency powers one week before the country saw a single COVID-19 case: he has used those powers to arbitrarily arrest and detain hundreds of people who allegedly violated stay-at-home orders in “containment centers” that have proven deadly for those detained within. Similarly, the President of Peru deployed military forces to enforce quarantine measures. Meanwhile, Chile and Bolivia have delayed a constitutional referendum and an election, respectively.

Relatedly, governments have cracked down on freedom of expression and, in some cases, encouraged or implemented measures promoting disinformation. Both Mexico's and Brazil's leaders cast doubt on public health experts' recommendations. In Venezuela, journalist Darvinson Rojas was thrown in jail following his efforts to educate the public about the looming threat of COVID-19; the government has neglected to report any epidemiological information since Maduro took power in 2014, and even fired a previous Health Minister for publishing an epidemiological report.

For asylum-seekers and migrants, COVID-19 is an “emergency atop an emergency.” Already, the region had been home to a mass exodus of Venezuelan nationals fleeing a historic crisis, and well as significant numbers of individuals from Nicaragua, Honduras, Guatemala, and El Salvador fleeing political persecution and targeted violence. These populations are now facing severe mobility-limiting measures in addition to historic lack of access to economic and social rights. Many are also being subject to arbitrary and unlawful detention in dangerous conditions and blanket restrictions on their right to seek safety.

Meanwhile, U.S. deportations, which are continuing apace even though deported individuals are frequently held in tinderbox-like detention facilities prior to deportation, risk facilitating the spread of the virus to countries poorly equipped to respond to an outbreak. As of April 2020, 20% of all COVID-19 cases in Guatemala were the result of deportations, and individuals deported from the

United States have tested positive for COVID-19 after being returned to Haiti and Colombia. U.S. migration policy is thus potentially endangering an entire region already at the brink.

## RECOMMENDATIONS:

- To address these challenges, the U.S. President should:
  - ◇ Adopt an immediate, temporary moratorium on deportations from the United States in recognition of the fact that U.S. reception, processing, detention, and deportation policies increase the risk of COVID-19 transmission in the region.
  - ◇ Maintain targeted humanitarian assistance to address structural problems inhibiting lack of access to healthcare and economic security, ensuring that any such assistance is inclusive of asylum-seekers, migrants, and other at-risk populations (including Indigenous communities and women and girls).

FOR MORE INFORMATION, PLEASE CONTACT:

Charanya Krishnaswami  
Advocacy Director, The Americas  
(202) 675-8766  
CKrishna@aiusa.org



# ASYLUM ACCESS AT THE U.S./ MEXICO BORDER

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## THE ISSUE:

Seeking asylum is a human right. But in recent years, people in search of safety at the U.S./ Mexico border, including families and children, have been punished for seeking protection. These include people fleeing levels of violence comparable to war zones in El Salvador, Honduras, and Guatemala and widespread political repression in Venezuela, Nicaragua, and Cuba – as well as a growing number of people forcibly displaced from extra-continental countries due to persecution and violence.

Instead of offering refuge to people who need it, the United States has devised a series of policies to offshore them, criminalize them, and deny them protection. It has done this claiming it doesn't have adequate resources to respond, all while spending billions of dollars on border militarization.

**Offshoring asylum.** The United States has forced tens of thousands of people seeking safety at our border to wait in dangerous, precarious conditions in Mexico. Under a regime known as “metering,” asylum-seekers are forced to place their names on illegal waiting lists to apply for asylum at ports of entry. Under “Remain in Mexico,” the United States has forcibly returned close to 60,000 people to Mexico while they undergo U.S. asylum proceedings, where they are left to the mercy of cartels and criminal elements, which regularly extort, kidnap, and assault them. In 2019, the United States also strong-armed the governments of Guatemala, El Salvador, and Honduras into signing a series of unsafe third country agreements, which offload U.S. obligations to process asylum claims to third countries whose conditions are anything but safe for asylum-seekers. In July, it announced a blanket interim final rule that would wrongfully deny asylum to any national of any country who passed through a third country on the way to the United States – ignoring the grave dangers many asylum-seekers face in common countries of transit.

**Criminalizing asylum.** In 2018, thousands of parents seeking asylum were criminally charged under a “zero tolerance” policy that led to the forcible separation and irreversible traumatization of families. Thousands more families were separated by US authorities both before and after that policy. In addition, thousands of asylum-seekers, including families and unaccompanied children, have been locked up in detention facilities, including growing numbers of for-profit facilities. Policies of forcible separation and detention in jail-like conditions punish people for seeking safety in the United States. Even humanitarian aid workers and lawyers working with asylum-seekers have been criminalized, targeted, surveilled, and harassed for their lifesaving work.

**Denying protection to people who need it.** The administration has also sought to deny refuge to people who need it, including by radically rewriting asylum laws to prevent survivors of gender- and gang-based violence from accessing the protection they deserve and by banning people from seeking asylum based on how they entered the country.

## TALKING POINTS:



Seeking asylum is a human right, and the protection of asylum-seekers is a U.S. value exemplified by the Statue of Liberty. By reestablishing a fair and just asylum system, the United States can reassert its leadership and restore its standing in the world.

## RECOMMENDATIONS:

- Rescind disastrous policies restricting access to asylum at the border, including metering, Remain in Mexico, unsafe third country agreements, and bans on asylum based on manner of entry or previous transit through other countries. (DHS, DOJ/EOIR, U.S. Department of State)
- Issue guidance clarifying that the asylum definition should be broadly construed to protect individuals from persecution at the hands of non-state actors as well as state actors. (DOJ/EOIR, DHS)
- Reform the reception and adjudication process for asylum-seekers, including by adequately training and staffing the asylum officer and immigration judge corps, deploying child welfare experts to the border to manage cases of asylum-seeking families, and promoting access to government-appointed legal counsel for asylum-seekers. Law enforcement officials, including Customs and Border Protection officers, should under no circumstances be involved in the adjudication of any aspect of an asylum claim. (DHS, DOJ/EOIR)
- Cease the detention of asylum-seekers and families, including by
  - ◊ Issuing guidance clarifying that asylum-seekers generally should not be subject to detention absent an individualized determination that detention is necessary to prevent an immediate danger or potential flight risk (DHS, DOJ)
  - ◊ Restoring and prioritizing community-based alternatives to detention like the Family Case Management Program (DHS)
  - ◊ Eliminating for-profit immigration detention (DHS, HHS)

## ADDITIONAL RESOURCES:

- “Saving Lives is Not a Crime” (July 2019), about the targeting of lawyers and advocates at the Mexico/U.S. border (available [here](#))
- “No Home for Children” (June 2019), about unaccompanied children detained at the largest and only for-profit child detention facility in the country (available [here](#))
- “You Don’t Have Any Rights Here” (October 2018), about attacks on asylum at the U.S./ Mexico border (available [here](#))

### FOR MORE INFORMATION, PLEASE CONTACT:

Charanya Krishnaswami  
Advocacy Director, Americas  
(202) 675-8766  
CKrishna@aiusa.org



# ASYLUM, THE U.S. BORDER & COVID-19

## THE ISSUE:

Seeking asylum is a human right. But in recent years, people in search of safety at the Mexico/U.S. border, including families and children, have been punished for seeking protection. These include people fleeing levels of violence comparable to war zones in El Salvador, Honduras, and Guatemala and widespread political repression in Venezuela, Nicaragua, and Cuba – as well as a growing number of people forcibly displaced from extra-continental countries due to persecution and violence. Most recently, the Trump administration has weaponized a pandemic to bar access to asylum altogether for people seeking safety at the border.

Instead of offering refuge to people who need it, the United States has devised a series of policies to offshore them, criminalize them, and deny them protection. It has done this claiming it doesn't have adequate resources to respond, all while spending billions of dollars on border militarization.

In March 2020, under the guise of public health concerns presented by the COVID-19 pandemic, the Trump administration issued a new policy via the Centers for Disease Control and Prevention (CDC), which provides for automatic expulsions of asylum-seekers and unaccompanied children, in violation of the nation's obligations not to return people seeking safety to places they may face grave harm.

This is just the latest assault on asylum-seekers. Previously, under a regime known as “metering,” asylum-seekers forced to place their names on illegal waiting lists to apply for asylum at ports of entry. Under “Remain in Mexico,” the United States has forcibly returned close to 60,000 people to Mexico while they undergo U.S. asylum proceedings, where they are left to the mercy of cartels and criminal elements, which regularly extort, kidnap, and assault them. In 2019, the United States also strong-armed the governments of Guatemala, El Salvador, and Honduras into signing a series of unsafe third country agreements, which offload U.S. obligations to process asylum claims to third countries whose conditions are anything but safe for asylum-seekers. In July, it announced a blanket interim final rule that would wrongfully deny asylum to any national of any country who passed through a third country on the way to the United States – ignoring the grave dangers many asylum-seekers face in common countries of transit.

The U.S. has also sought to criminalize the act of seeking safety. In 2018, thousands of parents seeking asylum were criminally charged under a “zero tolerance” policy that led to the forcible separation and irreversible traumatization of families. Thousands more families were separated by US authorities both before and after that policy. In addition, thousands of asylum-seekers, including families and unaccompanied children, have been locked up in detention facilities, including growing numbers of for-profit facilities. Policies of forcible separation and detention in jail-like conditions punish people for seeking safety in the United States. Even humanitarian aid workers and lawyers working with asylum-seekers have been criminalized, targeted, surveilled, and harassed for their lifesaving work.

Finally, the administration has also sought to deny refuge to people who need it, including by radically rewriting asylum laws to prevent survivors of gender- and gang-based violence from accessing the protection they deserve and by banning people from seeking asylum based on how they entered the country.



## TALKING POINTS:

- Seeking asylum is a human right, and the protection of asylum-seekers is a U.S. value exemplified by the Statue of Liberty. By reestablishing a fair and just asylum system, the United States can reassert its leadership and restore its standing in the world.

## RECOMMENDATIONS:

- To address these challenges, the White House should:
  - ◊ Rescind disastrous policies restricting access to asylum at the border, including the CDC order curbing access to asylum, metering, Remain in Mexico, unsafe third country agreements, and bans on asylum based on manner of entry or previous transit through other countries.
  - ◊ Reform the reception and adjudication process for asylum-seekers, including by adequately training and staffing the asylum officer and immigration judge corps, eliminating the use of expedited removal and extended detention in border detention facilities, and promoting access to government-appointed legal counsel for asylum-seekers.

## ADDITIONAL RESOURCES:

- “Saving Lives is Not a Crime” (July 2019), about the targeting of lawyers and advocates at the Mexico/U.S. border ([available here](#))
- “No Home for Children” (June 2019), about unaccompanied children detained at the largest and only for-profit child detention facility in the country ([available here](#))
- “You Don’t Have Any Rights Here” (October 2018), about attacks on asylum at the Mexico/U.S. border ([available here](#))

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Charanya Krishnaswami  
Advocacy Director, The Americas  
(202) 675-8766  
CKrishna@aiusa.org

# BRAZIL

## THE ISSUE:

In the summer of 2019, the world watched in horror as the Brazilian Amazon burned. Rights groups had sounded the alarm long before the fires wreaked this level of destruction, concerned that the government's recent erosion of critical protections for Indigenous people and their environment was endangering the Amazon and its people.

Brazilian President Jair Bolsonaro, who ascended to power in January 2019, has declared the Amazon open for business – paving the way for agriculture and industrial mining companies to set up shop and clear vast tracts of land. Illegal cattle ranching in protected areas, which involves the burning of trees to clear for pasture, is the primary driver of Amazon deforestation. Since Bolsonaro took office, there has been a marked uptick in illegal cattle ranching, which some state agencies have actively enabled.

Bolsonaro has also publicly questioned the demarcation of environmentally protected areas and areas reserved for Indigenous communities in the Amazon. He has slashed the funding of Brazil's environmental agency (IBAMA)—which had helped reduce deforestation rates in previous administrations—by 25%, and shrunk the activities of the agency dedicated to the protection of Indigenous people (FUNAI) by 10%. Due to budget cuts, key government surveillance operations to monitor and prevent illegal land seizures and deforestation have been reduced. Indigenous communities have thus been exposed to deadly threats of violence by invaders – including ranchers and grileiros (people who illegally seize land) – eager to displace them. In November 2019, Indigenous land defender Paulo Paulino Guajajara was ambushed and killed point-blank by unauthorized loggers.

As a result of this lack of protections, Indigenous territories in the Amazon region in 2019 have lost 220 square kilometers – a surge of 106.8% compared to the same period in 2018. This deforestation is directly connected to the estimated 75,000 fires in the Amazon, which have increased at a rate of 76% compared to 2018.

Brazil must enforce its own laws, step up monitoring and patrols of land seizures in protected areas, and investigate and hold responsible those who have committed for human rights abuses. Strengthening civilian authorities responsible for combatting deforestation and illegal land seizures and restoring funding to agencies tasked with environmental and Indigenous protection is the only way forward.

Elsewhere in South America, both the Amazon and the people defending it are at grave risk. In Bolivia, then-President Evo Morales authorized controlled burns in the Chiquitano forest, which borders the Amazon, and which recently underwent a series of devastating fires. In Ecuador, women human rights defenders defending the Ecuadorian Amazon and Indigenous peoples' rights have faced a series of attacks and death threats. The Ecuadorian authorities' lack of capacity and will to adequately and effectively provide protection and conduct criminal investigations into the attacks places their lives at risk. They are thus forced to choose between risking their own lives – as well as their families' – and defending human rights and the environment.

## TALKING POINTS:

The Amazon is so vital to the Earth's wellbeing that it has been described as the world's lungs. To safeguard the health and safety of the planet and those living on it, the United States must ensure that both the Amazon and those defending it are protected.

## RECOMMENDATIONS:

- In the context of rumored US-Brazil trade negotiations, the U.S. Department of State, U.S. Department of Treasury, and U.S. Trade Representative should ensure that Brazil commits to funding and supporting FUNAI and IBAMA, curbs illegal development activities in protected areas, and aggressively reduces Amazon deforestation.
- The U.S. Department of State should ensure any financial assistance or collaboration – including a recently announced USAID-Government of Brazil collaboration on sustainable development in the Amazon – provides for robust and aggressive protection of the Amazon.
- The U.S. Department of State should express public support for the work of Indigenous environmental land defenders in the Amazon, including those working in Brazil and in Ecuador, and support the imposition of protective measures granted by international and regional bodies, including the Inter-American Commission on Human Rights.

## ADDITIONAL RESOURCES:

- “Fence Off and Bring Cattle: Illegal Cattle Farming in Brazil’s Amazon” (Nov. 2019), available at <https://www.amnesty.org/en/documents/amr19/1401/2019/en/>
- Microsite on violence in the Amazon, available at <https://amazon-violence.amnesty.org/en/>

### FOR MORE INFORMATION, PLEASE CONTACT:

Charanya Krishnaswami  
Advocacy Director, Americas  
(202) 675-8766  
CKrishna@aiusa.org



# NORTHERN TRIANGLE

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## THE ISSUE:

In Guatemala, El Salvador, and Honduras, corruption, impunity, poverty, and violence – and, more recently, devastating impacts on livelihoods wrought by climate change – have impelled increasing numbers of families and children to flee. In fiscal year 2019, 91% of families and 83% of unaccompanied children apprehended at the southwest border were from these three countries.

The World Bank has estimated that 60% of households in rural Northern Triangle areas live in poverty. In Guatemala, which produced the largest number of individuals seeking safety in the United States in 2019, the devastating impact of climate change on crop production – particularly on Indigenous communities, already disadvantaged by decades of brutal violence and discrimination – has decimated traditional livelihoods and left families and children starving.

In the face of crushing poverty and unstable government institutions, organized criminal networks – some exported directly from the United States – have taken control, particularly over poorer areas in all three countries. Their reign has led to record levels of extortion, murder, and forcible recruitment and sexual assault of minors. In El Salvador – which had the highest murder rate in the world just four years ago and still experiences one of the highest homicide rates in Latin America – only 5% of crimes prosecuted ever lead to a conviction; in the words of one woman whose husband and two sons were killed by members of MS-13, “[talking] to the police is a death sentence.”

In Guatemala, the country’s highest authorities have significantly undermined anti-corruption efforts and access to justice by intimidating and expelling a successful anti-corruption body. Judges and prosecutors involved in high-profile prosecutions of illegal criminal networks face stigmatization, threats and legal proceedings as retaliation for their work on cases involving human rights abuses. The United States, which had initially backed anti-corruption efforts in Guatemala, ultimately helped undermine them.

Even though decades of U.S. policies and interventionism in these countries helped create the instability that continues to plague them today, the United States has in recent years failed to meaningfully address the root causes underpinning forced displacement, instead approaching policy in the region with the sole and explicit goal of halting northward migration. In 2019, the Trump administration announced it was slashing foreign assistance to the Northern Triangle and entered into a series of ill-conceived “safe third country” agreements with Guatemala, El Salvador, and Honduras.

## TALKING POINTS:

Displacement from Central America is a regional issue which requires regional solutions. The United States must meaningfully address the root causes of displacement, including rampant instability, corruption, and violence – many of which are legacies of U.S. intervention.

## RECOMMENDATIONS:

- Restore funding for evidence-based programs addressing poverty alleviation, climate change adaptation, community-based violence prevention (including preventing gender-based violence and anti-LGBTI violence) and anticorruption efforts, while halting arms exports and security assistance to forces engaged in human rights violations (U.S. Department of State)
- Renew U.S. support for anticorruption mechanisms led by regional and international actors (including the United Nations and the Organization of American States) (U.S. Department of State, U.S. Mission to the United Nations)
- Expand access to regional protection for those displaced by violence and persecution, including by:
  - ◊ Supporting the strengthening of regional neighbors' domestic asylum systems as a complement to – but not a replacement of – access to asylum in the United States (U.S. Department of State)
  - ◊ Establishing a multilateral resettlement initiative in collaboration with U.S. neighbors and other resettlement countries, which should include the creation of processing centers for the resettlement of refugees, restoration and expansion of the U.S. Central American Minors program, and evacuation mechanisms for individuals at risk of imminent harm (DHS/USCIS and U.S. Department of State)

## ADDITIONAL RESOURCES:

- Guatemala: Last Chance for Justice: Dangerous Setbacks for Human Rights and the Fight Against Impunity in Guatemala” (July 2019). <https://www.amnesty.org/en/documents/amr34/0611/2019/en/>
- El Salvador: Memorandum to the President” (May 2019). <https://www.amnesty.org/en/documents/amr29/0546/2019/en/>
- “Home Sweet Home?": Honduras, Guatemala, and El Salvador's Role in a Deepening Refugee Crisis” (2016). [https://www.amnestyusa.org/files/central\\_american\\_refugees\\_-\\_report\\_eng\\_1-min.pdf](https://www.amnestyusa.org/files/central_american_refugees_-_report_eng_1-min.pdf)

### FOR MORE INFORMATION, PLEASE CONTACT:

Charanya Krishnaswami  
Advocacy Director, Americas  
(202) 675-8766  
CKrishna@aiusa.org

# VENEZUELA

## THE ISSUE:

Venezuela is currently undergoing a massive institutional crisis that has had a devastating impact on the human rights of Venezuelans. Inflation has skyrocketed by 53 million percent since 2016, leaving Venezuelans unable to afford even basic goods, and the shortage of food products and essential medicines has left many Venezuelans both starving and sick. The government's refusal to act in the face of these severe shortages of medicine and food jeopardizes Venezuelans' lives and violates their human rights. Venezuelans who have stood up for change have faced deadly crackdowns by the Maduro regime, which has overseen the deaths of hundreds of political dissidents and the arbitrary detention of thousands more.

This ongoing crisis has impelled 4.7 million people living within its borders—that is over one in every ten Venezuelans—to seek protection throughout the region. Today, in terms of numbers of people fleeing, the Venezuelan exodus is outpaced only by the Syrian refugee crisis.

Venezuela's regional neighbors have shouldered most of the burden of response. Colombia has taken in over 1.5 million Venezuelans since the onset of the crisis. Other neighboring countries, notably Peru and Ecuador, have also received hundreds of thousands of Venezuelans, though both countries have recently introduced restrictionist measures limiting Venezuelans' ability to enter.

Amnesty International called on the international community to recognize that Venezuela is facing a situation of massive human rights violations and that Venezuelans seeking international protection require an immediate response under a framework of respect for human rights, with strict adherence to the principle of non-refoulement.

While the United States has provided a significant amount of humanitarian assistance to help neighboring countries respond to Venezuelan refugees, it has failed to protect Venezuelans seeking safety at our borders. In 2019, the United States reportedly continued deportations to Venezuela, and the government has failed to designate temporary protected status (TPS) for Venezuelans. An estimated 200,000 Venezuelans could potentially benefit from TPS.

## RECOMMENDATIONS:

- Immediately designate TPS for Venezuelans. The United States must immediately act to protect Venezuelans at risk of deportation by designating TPS for Venezuela. Because many individuals fleeing Venezuela may be at risk of grave human rights violations upon return but may not qualify for asylum under the refugee definition under U.S. law, TPS is necessary to ensure that Venezuelans are protected from forcible return to harm's way. (DHS and Department of State)
- Cease the imposition of broad economic sanctions. Broad economic sanctions, imposed by the United States in January 2019 and increased in August 2019, have had an adverse effect on the economic and social rights of ordinary Venezuelans, given the already dire scarcity of essential medicines and medical supplies, food, and basic goods in the country. While the Maduro government's responsibility for the origins of the crisis cannot be ignored, the United States' punitive financial measures have thus far been ineffective in their stated objectives and have risked worsening the human rights crisis in Venezuela. (Department of State, Treasury)
- Support multilateral solutions to the crisis. The United States should support multilateral efforts to bring about an end to the crisis and ensure victims of massive human rights violations that have already taken place in Venezuela can access justice. As the largest funder of the regional response for Venezuelans, the United States should consider convening a global humanitarian summit to elicit concrete commitments from states around the globe regarding



funding crisis response and hosting refugees. This summit should build upon existing mechanisms responsive to the crisis in Venezuela, including the Quito process. (Department of State, National Security Council, U.S. Mission to the United Nations)

## ADDITIONAL RESOURCES:

- “Welcome Venezuela: Regional Campaign for Those Fleeing Massive Human Rights Violations in Venezuela” (May 2019). <https://www.amnesty.org/en/latest/campaigns/2019/05/bienvenida-venezuela-campana-regional-personas-que-huyen-crisis-derechos-humanos/>
- “Hunger for Justice: Crimes Against Humanity in Venezuela” (May 2019). <https://www.amnesty.org/en/documents/amr53/0222/2019/en/>

### FOR MORE INFORMATION, PLEASE CONTACT:

Charanya Krishnaswami  
Advocacy Director, Americas  
(202) 675-8766  
CKrishna@aiusa.org