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THE ARMED CONFLICTS IN COLOMBIA AND VENEZUELA AND THE HUMAN RIGHTS TO THE REFUGE IN BRAZIL: AN ANALYSIS WITH GENDER REPRESENTATION

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Abstract

Abstract: Each year, the international environment shows an increasingly palpable growth of forced migration in the world. The countries Colombia and Venezuela are references when it comes to civil war, drug trafficking, guerrilla warfare, armed conflict and, consequently, human rights violations. One of the groups that suffer the most is women. Colombian and Venezuelan women find themselves in a situation where human mobility is an emergency survival factor, as civilian populations in warlike contexts are forced to flee their countries in order to survive or escape violations of their dignity. However, the road to Brazil ends up bringing frustrations to this group that faced the arduous path of migration, but still does not feel a member belonging to this place.

Key Words: Armed Conflicts. Human Rights. Refugee Women

INTRODUCTION

No one faces a migratory process because they want to. These flows of people have existed since the human being acquired the capacity to take his first steps. Today, however, international migration has acquired a basic feature: it migrates when is no longer possible to live in a place. Currently, the discussion of international migration has received considerable attention around the world, because with the consolidation of the globalization culture, information and technology, the large number of migration centers around the globe became even more evident. With this clarity, variables emerge from th migratory process, such as, for example, gender-related problems, such as international human trafficking (for purposes of sexual explitation, trade in organs or work analogous to slavery), rape, the violence of gender, among others. The vulnerability to which the "subjects" who are the victims of this process are exposed end up compromising their physical, psychic and emotional integrity.

The countries Colombia and Venezuela are axperiencing difficult times, reaching the extreme of not guaranteeing the human rights of their inhabitants. Endured by civil wars, guerrillas sponsored by the powerful drug market, and the most varied armed conflicts throught its territory, destroy internally and externally, any and all human rights principles. The migration of colombian and venezuelan women to Brazil has grown considerably in recente years. However, this hopeful pursuit of belonging somewhere often becomes a fristration. Besides the barbarismo that many latina women spend during the migratory process, when they arrive in Brazil, they suffer even more from other formal and social ills. If they are not consumed by the trafficking of women, or used as drug mules, they still suffer from discrimination, acts of xenofobia, end up in misery, work without registration, go throught the tiresome bureaucracy of the request for refuge, and are not citizens, that is, they have no political rights and end up in misery.

It is necessary to analyze the impact of the migratory processo n the lives of colombian and venezuelan women, intertwined with the current legal system and the suggestions of public policies for a more dignified reception to this group, who do not only wnat to survive but find a place to live with conflicts dignity.The armed in Colombia VenezuelaWarlike conflicts and civil wars are part of the daily lives of colombian and venezuelan people. They are globally recognized countries as the world's cradle of drug trafficking, overflowing crime and violence across their borders through decades. If in Brazil there is seemingly controlled political civil revolt segregating civilian through partisan fanaticisms and groups of ideals, in the countries of Colombia and Venezuela this would be a democratic dream, since its bipartisan and guerrilla conflicts have lasted through generations and they use arms and violence unreasonably.

The armed conflict in Colombia is one of the oldest events in Latin America, spanning more that five decades. The United Nations Security Council (UN) has sought to define international civil conflict, which has been used to justify interventions by this instituition in cases that threaten international peace and security, even though this is a domestic conflict. (ONU, 2011, nacoesunidas.org) In this way, the colombian conflict becomes na interesting object of analysis, since it presentes domestic origin, under the background of the disputes between the two national parties, the Conservative and the Liberal, predominant in the nineteenth century. Associated with the factors of social order and enconomy and the contexto of Cold War, they constituted what Viana (2009) calls a socio-political brood for the emergence of the first organized guerrillas. From the 1990 decade onwards, the conflict became so complex that it became problematic to regard it as na internal armed conflict, since its effects overflowed its borders. One of these effects is the large migratory mass of its nationals. Since its emergence as a national state, Colombia has been marked by violence.

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In the early nineteent century, Independence was the result of civil wars whose purpose was the liberation of Spanish domination. According to Pécaut (1987), from 1810 – the year of the promulgation of the first Constitution – until 1886, violent disputes between the two poles of the creole elite, supported by federalista and centralista projects, resulted in countless civil wars. Afterwards, the Thousand Days War (1899-1902) and the La Violencia period (1948-1958) totaled approximately three hundred thousand dead, being remembered as one of the bloodiest chapters in the history of the country.

It was in this environment that the first leftist guerrilla movements began to emerge in the country, such as the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN). In 1968, a law authorized the constitution of civilian militias to fight guerrillas. With the support of landowners and drug traffickers, several rightwing paramilitar groups (SANTOS 2011: 21). These events that marked the history and formation of Colombia erupted in the country, and provide to its people a bloody succession of events that make of war a componente presente throughout its hhistory. Disputes between guerrillas, paramilitaries and the State, associated with the cultivating the ilegal drug trade, are not only a matter of internal responsability, but also an importante international discussion. The inability of the colombian State to presente peaceful solutions and responses to revolutionary projects by means of social inclusion and the establishment of greater capillarity of the presence of state institutions in the historically neglected regions of the territorial integration projects promoted by the colombian government opened space for the increase of the complexity of the armed conflict, which has been presente in the country for more than forty years (BONILLA, 2001: 110). For Tokatlian (2002), today Colombia does not have na Anarchic State, but lives a mixture of a phantom state and anemic state. According to the author, it would be a weak state for being unable to protect its individuals and communities from the forces that threaten its rights to exercise a worthy citizenship. These wars have led to a steady increase in social inequality, political exclusion and economic stagnation, resulting in more than 37,000 deaths from 1990 to 2002, according to the International Crisis Group (2008, crisisgroup.org), and about 2,900,000 displaced, 1985 and 2002.In Venezuela, the contexto of other situations of violence has also produced countless deaths in the country. In the most recent data, the country presented a rate of 82 violent deaths to 100,000 people in 2014, according to research by the Venezuelan Observatory of Violence (2014, www.insightcrime.com).

This increase in the number of violent deaths did not occur in a politico-social vacum. At the same time, there is a resurgence of international drug trafficking in Venezuela. This growth of drug trafficking in venezuelan territory is visible due to the growing participation of venezuelan space in the routes of production and distribution of narcotics (UNODC, 2010: 26, 234; UNODC, 2015a). This due to a movement of emphasis in the drug war in the venezuelan geographical environment, mainly in Colombia and Mexico, which leads to a displacement of these illicit activities to the territory of Venezuela. The conflicts in Venezuela, mostly are promoted by the venezuelan State. According to Gerchmann (2016, zh.cliclrbs.com.br), when a country accepts the request for refuge, that country, where people leave, is not being able to

protect its citizens. That is diplomatically horrible. The deepest thinkers of the twentieth century have directly attacked the idea that history is a coherent and intelligible process. In fact, they denied the possibility of philosophical intelligibility of any aspect of human life. We in the West have become extremely pessimistic about the possibility of widespread progress in democratic institutions. This profound pessimism is not acidental but provoked by the terrible political events of the first half of this century: two destructive world wars, the rise of totalitarian ideologies and the science used against man in the forms of weapons. [...] In fact, we are so used to wainting for the future to bring us bad News about the health and safety of democratic, liberal and decente political practices, that we will have difficulty recognizing the good news when they appear (FUKUYAMA, 1992: 13).

In the case of Venezuela, the conflict is still not recognized by the international community, or by the United Nations (UN). Faced with the growing number of requests for refuge from venezuelans on the outside, especially in Brazil, recognition of Venezuela's problems is urgently needed as a situtation involving other border countries.In Colombia, internal conflict with the FARC and other guerrillas has been recognized for 52 years. Therefore, ir is already considered that the country can not protect its citizens. Although, with the promises of peache, colombians continue to take refuge. Both countries obviously live in chãos. Colombia and Venezuela live in the shadow of drug trafficking amidst armed conflict and power struggle. People starving and hopeless, suffering from violence, food shortages, inflation and terrified by the uncertainty of tomorrow. There is no other way out, besides the search for refuge.In the words of Arendt (2004) "man can lose all the so-called Human Rights without losing essential quality of man, his human dignity. Only the loss of the community itself is that it expels it from the community".

The refuge and human rights of migrants

"Refugees are people fleeing conflict or perscution. They are defined and potected in international law, and must not be expelled or returned to situations where their life and freedom are the risk", segundo The UN Refugee Agency UNHCR (2014, www.unhcr.org).

The issue of forced migration in world of today, on the theme of population movements caused by pressing needs: war situations, persecutions of individuals caused by their political ideas, on the grounds of race, religions, nationality or any of the reasons provided for by international refugee law. Globalization should embrace all áreas relevant to the international community, which in fact does not happen. One knows how easy it is to enter a containerwith foreign goods in Brazil, but the entry of a foreingner, even more: poor, is extremely bureaucratic and discouraging. Globalization shows itself to be economic and not social priority.

Given the premise, domestic and foreign political disputes arise between countries, forcing the mobilization of the human being who seeks to survive. In the face of so many humanitarian catasthophes, especially in the postwar years of the twentieth century, and under the principles of the newly founded UM, a genuinely universal entity is established to care for refugees. In 1950, the United Nations High Comissioner for Refugees (UNHCR) was established. The UNHCR establishment has ushered in a new phase in the international protection of refugees. Firstly, there was an international acceptance of the sources of International

Refugee Law, the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees, which contributed to the effective start of the international systematization of protection. Secondly, there was a change in the qualification of the refuge, since until then the recognition of refugee status was only based on collective criteria, that is, protection was granted to individuals who proved to be members of a given persecuted group, depending on their nationality or ethnicity, for example, and it is not necessary to prove the individualization of the persecution; And that, from then on, this qualification was also carried out on the basis of data from individual persecutions (HATHAWAY 1991: 22).

In view of this, for Jubilut (2007) the concept of non-refoulement, the basis of all refugee law, simply means that the persecuted individual can not be returned. On the contrary, this person receives protection, welcome, a new home, a new country, a new opportunity to live. "From this basic principle of human solidarity a complex system of public law was built."

The annual Global Trends Report by the UN Refugee Agency (UNHCR, 2016), a UNHCR partner, points out a total of 65.3 million people displaced by wars and conflicts by the end of 2015. While In 2005, UNHCR recorded an average of six displaced persons per minute, in the last report this number increased to twenty-four per minute (UNHCR, www.unhcr.org). Among the countries analyzed by the Report, one of the countries with the largest number of internally and externally displaced persons is Colombia, with six million and nine hundred thousand migrants. In Brazil, according to the National Committee for Refugees (CONARE), a body linked to the Ministry of Justice, requests increased by 2,868% in the last five years (UNHCR, 2016, www.acnur.org). Already the crisis in Venezuela has caused a mass flight of refugees from the neighboring country to Brazil. Only in the capital Roraima, since last year have arrived more than 30 thousand venezuelans, fugitives of a political and social crisis, as never seen in their nation (FIGUEREDO, 2017, g1.globo.com). As for human rights, its internationalization is a recent phenomenon, having occurred from the end of World War II. The UN Charter and the 1948 Declaration of Human Rights began a process of positivization and universalization of these rights.

The internationalization of human rights has brought about profound changes in the organization and structure of international legal norms. Negative and positive duties have been envisaged which require both the State's tolerance of certain individual behaviors and the elaboration of public policies to ensure the exercise of economic and social rights. Human rights, which traditionally belonged to States, have gained international relevance. Proof of this is that the exclusive national domain is now set in practice by the activities of international organizations. A new criterion of legitimacy emerged based on respect for human rights by the State. Governments that fail in this task lose legitimacy domestically and internationally (JUBILUT 2017: 14) While Hobbes, Locke, and the American Founding Fathers, like Jefferson and Madison believed that rights for the most part existed to preserve a private sphere, where men can enrich and satisfy the desires of their souls, Hegel saw in rights as ends in themselves, claiming that the real satisfaction of the human being lies not only in material prosperity, but in the recognition of their status and dignity. (FUKUYAMA 1992:

36)After this period of barbarism, international human rights law emerges as one of the greatest concerns of the international community, when the main function of the UN is to provide minimum guarantees of survival to the human species, through the assurance of essential human rights. Given this, it can be said that, in the present day, the human person has a great system of protection, called International Human Rights Law. This is directly related to, and strengthened in, International Refugee Law. For Piovesan (2001):

The international protection of refugees operates through a structure of individual rights and state responsibility derived from the same philosophical basis as the international protection of human rights. International Human Rights Law is the source of the principles of refugee protection and at the same time complements such protection.

The Feminization of Migration

The history of civilization is marked by the migratory process. It helped build the many faces of our planet. The voice of the patriarchy also plays a major role in this regard, making the male experiences more considered at the expense of women. Most immigration discussions address immigration as a male issue, hiding the female voice in this context. The aim of this work is to focus on the role of the female gender in migratory reality, since "the feminization of migrations is one of the main characteristics that define the current era of migration" (WEINBERG 1992: 21).

"The refugee is the zero degree of humanity" (DOUZINAS, 2009: 155). Starting from the same premise, using such an affirmation of Costas Douzinas, it can be related that, in the midst of the international migratory crisis, being a woman and a refugee is suffering from negative degrees of humanity. According to UNHCR (2016) studies, women represent the most vulnerable group among refugees, requiring special attention to protection routes for refugee women. According to Ferrajoli (1999), the law blind to gender ignores and devalues differences in the name of an abstract affirmation of equality that is based on a false universalization of the male subject in the equality of women by assimilation.

For a long time the gender "problem" has been treated in terms of equality and difference, as if it were sufficient to understand what is different in women to achieve material equality with men. However, in the last decades, the issue has been translated in the conception of domination and subordination, leaving aside the differences, being understood that the differences are created by the diverse ones by the forms of administering the social conviviality, being one of them the law itself (JUAN 2016:104). The woman, in the migratory process, has always been seen as a passive agent, the one who is brought in as a member of the family. But nowadays, where the woman has also taken on the strength of her work and, not infrequently, as the main source of her family's support, this migrant is no longer seen alone as the wife or daughter brought, but rather as the matriarch or responsible for her family and the direction of her life. For Costa and Nunes (2012), the analysis of gender differences brings a perspective of observing the inequality between the masculine and feminine gender, which results in the inequality of power, marked by the domination of women. In a broad sense, according to Jubilut (2007) it is possible to differentiate, in the universal scope, the general conventions and the special conventions on human rights. While the general instruments consider man an abstract being that deserves equal treatment, the special conventions focus on the specificities and differences between human beings, factors that justify a particularized treatment.

The subject of law ceases to be a generic entity to gain specificity due to race, age, gender or any other reason that requires special consideration. Vulnerable social groups and practices that have become objects of general condemnation demand attention from the legal system, which turns to the singularities they possess in an attempt to capture their original traits (JUBILUT 2007:14). In addition, women, like no other group, attract enticors of one of the most lucrative businesses of the underworld: international trafficking in persons, for the purpose of sexual exploitation, for the withdrawal of organs and for works analogous to slavery. These women, adrift, need to survive, so they easily get sidetracked by the convincing techniques of coyotes, which come under the promise of work that would restore their livelihood and dignity. But this is not how it happens.

These statements lead to an irrefutable conclusion: emigration has now become a global phenomenon and affects all nations, whether they are countries of exit, transit or arrival. It affects millions of people, but among those particularly affected are undocumented migrants, refugees, asylum seekers, and the victims of women and children, of the terrible crime of human trafficking (SANTIAGO 2003: 33). There are many demands of women refugees, because if the difficult confrontation of the diaspora was not enough, the simple reason that they belong to the female sex makes them even more fragile. Tiburi (2015) potentiates exposure by calling the woman "ravable beings." The author says that being a woman in many social contexts is an authorizing condition of machismo.

According to UNHCR (2016), in an interview by UN representatives, refugee women report "having been forced to have sex as a bargaining chip to pay for travel documents or even travel." Most of the time, the urgency to leave the place of origin is so great that women do not even report such abuses, fearing to risk the lives of their families and their own. Colombian and Venezuelan women are also at the end of international drug trafficking. These are recruited by organized crime bosses as mules to carry cocaine, many in their own body. They make them swallow bags with the drug, and not infrequently, these burst, they infiltrate in their sanguineous system, causing overdose. In this way, they die as indigent people in Brazil. In addition, the preferred choice of drug traffickers is the pregnant women, since they are easier in front of the searches at the borders (CARRANCA, 2009, brasil.estadao.com.br).

According to Carranca (2009), for those who survive, only the prison in Brazil remains. The way back is long and difficult. Extradition cases are rare. Even on probation, most have to end their sentence in Brazil, where they can not work, still facing the language barrier. They end up in a shelter for former prisoners or prostitutes. For them, it is the end of the line of international drug trafficking. It is with this fear that the refugee woman lives. Fear that increases the human rights violations, due to the abuses suffered during the journey. The condition of woman and refugee is one of the saddest examples of how is the law itself with its mechanisms of normalization that ends up promoting the exclusions that, in a

second moment, tries to protect them under the justification of human rights. And this is because the widespread propagation of human rights comes from an ideal based on the stricto sensu man, which disfigures and subjugates the woman by turning a blind eye to her particular needs in a profane attempt at equality. This situation, in the context of refugee women, is evident when examining refugee protection laws because they disregard the specific nouns of existing vulnerability groups, especially women, who are lucky enough to come alive to the host country, May never regain the dignity that was taken for the simple fact of being a woman, a woman refugee (PERTILLE, emporiododireito.com.br).The destiny Brazil and the reflexes in the life of the refugee womanEspecially in recent years, not rare, destination countries have often addressed migration as a national security problem, and a number of immigration control laws have been enacted, over and above international standards that classify migration as a fundamental right (COSTA, SCHWINN 2016: 11). Thus, in times of globalization of capitalism, it is evident that the human migratory flow, rather than a right, is a privilege subject to access to economic resources, subject to discrimination criteria by race, nationality, sex, social class and age (ORTEGA 2015: 104).

Even if Brazil counts on the existence of a specific law for the protection and protection of refugees, the necessary protection for the female figure demands adaptations of the national legal system in order to establish the functioning of the latter before the very issues that involve the treatment of genders. The venezuelan crisis reflects tightly in Brazil, two hundred and forty venezuelans, great part of women, lives in a gymnasium in Pacaraima, Roraima. With the help of a nongovernmental organization (NGO), they receive food and medical assistance, but the state-created office to monitor immigrants was disabled last month. Rampant immigration also arrived in Manaus, where 350 Venezuelan Indians have been living for more than four months in front of the bus station. (FIGUEREDO, 2017, gl.globo.com)The recognition of refugees from Venezuela has provoked a flood of requests for refuge in Brazil. These people are fleeing the socioeconomic chaos and conflicts of their country. According to the National Council of Refugees (CONARE), in the last three years, there were 2,238 requests for refugees from Venezuelans (37% of them in Roraima). As for Colombia, according to Ramirez (2009), she and Brazil have always been distant and fearful neighbors. This is due both to its wild frontiers to the colombian fear of brazilian expansionism. However, there was an approximation of these countries motivated by the security issues, urgent on the colombian side and of global geopolitical interest by the brazilian government.

Border areas share common traits: they are located on the periphery of their countries, are overrepresented in the indices of unsatisfied basic needs and harbor a great environmental and cultural wealth, in addition to presenting a low population density and a precarious state presence. (RAMÍREZ 2009: 92) Refugees, not infrequently, are popularly regarded as outsiders, a threat, someone who came to steal their place. For ELIAS (2000: 45): The rejection and stigmatization of outsiders constitute their own attack. The established group feels compelled to repel what it experiences as a threat to its superiority of power (in terms of its cohesion and its monopoly of official positions and leisure

activities) and its human superiority, to its collective charism, through of a counterattack, of a continued rejection and humiliation of the other group.

Of course, one of the most contrary aspects to the fullness of human rights, in the national context, is the deprivation of citizenship for migrant women. According to Janoski (1998), "citizenship is the passive and active belonging of individuals in a Nation-State with certain universal rights and obligations on a specific level of equality." If the universal basis of human rights is equality based treatment, how can they deprive Citizens of their right to citizenship?Man fundamentally differs from animals, because, in addition, he wants the desire of other men, that is, he wants to be "recognized". In particular, he wants to be recognized as a human being, that is, as a being with a certain value or dignity. This value, in the first instance, is related to his willingness to risk his life in the struggle for pure prestige. (FUKUYAMA 1992: 17)

According to Janes (2009), Brazil is an important market for colombian cocaine, losing only to the United States and Europe as a source of illegal arms supply to armed groups. It is believed that the FARC is linked to the PCC (First Command of the Capital), a brazilian group that would finance its illegal operations through drugs from Colombia. Genderbiased women traffickers and drug mules emerge, most of them from Colombia.

In the present work, the history, the circumstances and the reflections in the life of the refugee woman, when entering Brazil, were analyzed. Based on human rights principles, the Brazilian Network of the UN Global Compact created a program to empower refugee women in Brazil. The objective is to empower women for the job market. (CASTRO, 2016) Yet the incorporation of migrant women labor has been seen in the context of a sexually segregated economic system in which women, more often than men, are exposed to forced labor, sexual exploitation, forced prostitution, and To other types of violence, sometimes tolerating the violation of their rights to ensure the livelihood of their dependents. (MIRANDA, 2011)

The role of social movements is of importance, which, for Mellucci (1994)

They can contribute to the democratization of political systems by changing rules of procedure and forms of political participation, by the diffusion of new forms of organization and, above all, by the extension of the limits of politics, politicizing subjects that until then were considered of the private sphere as , For example, gender issues involving relationships between the sexes.

Final Considerations

Men and women have different forms of socialization and therefore require specific public policies, especially the female gender. The different nuances in which the migratory process unfolds for both genders create ways to reflect even more on the issue of human dignity and what can be done as social agents in order to change this picture. It is not only a question of pressure on the state to claim rights, it is also about modernizing civil society itself, modifying traditional structures of domination, inequality and exclusion that, outside the State system, are rooted in institutions, norms, values and

collective identities, which follow biased assumptions about race, class, and gender.

It is understood that the issue of protection of refugee women in Colombia and Venezuela should not be treated exclusively from a legal perspective, since the law, although an essential factor in the application of human rights, has the very , Create the problems to be tackled. In this way, the implementation of public policies for the empowerment of migrant women is extremely relevant. And more than that, women can express their voices and be heard in the programs formulated, so that they are not treated as mere objects, but as people in search of a dignified life, a less unequal world of spaces In which the political rights of citizens living and working in them are respected. Public policies for immigrants and refugees should be considered as a "good" and adequate solution to the social problems faced by this population. The mobilization of organized civil society is the best way to put pressure on the public authorities with a view to meeting in a humane and responsible manner the demands of this population, especially refugee women and children, asylum seekers, and the need for public policies that contemplate this condition.

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