

INTERNATIONAL PROTECTION NEEDS OF VENEZUELAN NATIONALS

The human rights crisis in Venezuela has forced millions to flee the country in search of protection abroad. As many countries close their doors to Venezuelans, Amnesty International reiterates that Venezuelan men, women, and children are still in urgent need of international protection. This document details Amnesty International's analysis on the international protection needs of Venezuelan nationals and calls for a ban on all forced returns to Venezuela.

Refugees, mostly from Venezuela, are seen after the goods train they were travelling on stopped for over 12 hours, in the Chihuahuan desert in Chihuahuan, Mexico on September 29, 2023. © David Peinado/ Anadolu Agency via Getty Images



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1. EXECUTIVE SUMMARY

In the last decade, Venezuelan women, men and children have suffered the acute deterioration of their living conditions, and their civil, political, economic, social, and cultural rights have been severely affected. Moreover, Venezuelan journalists, human rights defenders, humanitarian workers, doctors, and trade unionists, among others, have been targeted for their human rights work, as part of an orchestrated plan by the government to suppress critical voices. Authorities have committed serious human rights violations that may amount to crimes against humanity.

This document provides a summary overview of the human rights crisis in Venezuela, which has forced millions to flee the country in search of protection abroad. As many countries close their doors to Venezuelans, engage in unlawful practices of collective expulsions, deny entry without visas, forcing them to undertake perilous journeys, or deny them access to asylum, Amnesty International reiterates that Venezuelan men, women, and children are still in urgent need of international protection.

The paper details Amnesty International's analysis on the international protection needs of Venezuelan nationals and calls for a ban on all forced returns to Venezuela.

Amnesty International considers that all Venezuelan nationals meet the refugee definition of the Cartagena Declaration on Refugees, on account of the threat to their lives, safety and freedom stemming from the "massive violation of human rights" or/and "circumstances which have seriously disturbed public order" that have occurred in Venezuela since 2016.

Additionally, Amnesty International notes that many Venezuelan nationals should be recognised as refugees according to the 1951 Geneva Convention on the Status of Refugees on account of the particular risk of persecution they face in their country. Some individuals, including human rights defenders, individuals perceived as part of the opposition, or journalists, are at real risk of persecution due to their political opinion if forced back to Venezuela. They risk arbitrary detention, torture and other ill-treatment and politically motivated charges. This extends to some Venezuelan nationals who were outside the country before 2014-2015 and can be considered as refugees "sur place", on the ground of the risks they would face if forcibly returned to Venezuela.

Finally, Amnesty International calls on all states not to return any Venezuelan to their country, due to the objective circumstances in Venezuela and the risk of harm, or the risk to their lives, safety and freedoms they would be exposed to if returned. UNHCR has also called on states to refrain from deporting, expelling, or forcing Venezuelans in any other way to return to Venezuela, urging them to ensure this guarantee in the documentation provided to Venezuelans and through clear instructions to law enforcement agencies.

2. GENERAL HUMAN RIGHTS SITUATION IN VENEZUELA

Venezuelans remain one of the largest groups forcibly displaced globally. Between 2018 and August 2023, 7.7 million Venezuelans left the country, with at least 6.5 million living in Latin America and the Caribbean.¹ The main countries hosting Venezuelans are Colombia (2.9 million), Peru (1.5 million), the United States of America (545,200), Brazil (477,500), Spain (477,400), Ecuador (474,900) and Chile (444,400).

Venezuelans continue to suffer a complex humanitarian emergency,² which has resulted in soaring levels of scarcity and inequality in the country, and the acute deterioration of their living conditions, affecting severely their civil, political, economic, social, and cultural rights.

2.1 ECONOMIC AND SOCIAL RIGHTS

The social, political, and economic crisis has impoverished Venezuelans since 2016. According to HumVenezuela,³ in March 2022, almost 95% of the population in the country did not have enough income to cover their basic needs such as food, housing, health, education, transport, or clothing, and many faced food insecurity.⁴

The World Food Programme estimates that in 2023, at least 5 million people will need humanitarian assistance.⁵ This may be an under-estimation, as other sources recorded 12.3 million Venezuelans affected by food insecurity as of March 2022.⁶ With inflation so far in 2023 above 360%, food price increases continue to hinder families' access to nutritious food.⁷

In 2022, out of the total population of 28.7 million, 19.7 million experienced multidimensional poverty.⁸ Poverty affects Indigenous people and women disproportionately, with 80.9% of households led by women living in poverty.⁹ It is estimated that, as of March 2022, 13.1 million Venezuelans lacked access to any public transport, while 5.9 million lacked electricity.¹⁰ 15.9 million Venezuelans spent days and weeks without water, and 21.2 million were exposed to contaminated water.¹¹

¹ Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela, August 2023, <https://www.r4v.info/en/refugeeandmigrants>

² A complex emergency can be defined as a humanitarian crisis in a country, region, or society where there is a total or considerable breakdown of authority resulting from internal or external conflict, and which requires an international response that goes beyond the mandate or capacity of any single agency and/or the ongoing UN country programme. UNHCR, *Coordination in complex emergencies*, 2001, <https://www.unhcr.org/publications/coordination-complex-emergencies>

³ HumVenezuela is a platform that provides information about the humanitarian situation in Venezuela and the impact of the complex emergency in the enjoyment of rights. It was created by Venezuelan civil society organizations between 2018 and 2019.

⁴ HumVenezuela, *Informe de seguimiento a los impactos de la emergencia humanitaria compleja en Venezuela tras el confinamiento por la pandemia del Covid*, March 2022, <https://humvenezuela.com/wp-content/uploads/2022/09/HumVenezuela-Informe-Marzo-2022.pdf>

⁵ World Food Programme, *Country Brief*, January 2023 <https://reliefweb.int/report/venezuela-bolivarian-republic/wfp-venezuela-country-brief-january-2023>

⁶ Food insecurity disproportionately affected the states of Zulia (86,1%), Anzoátegui (69,1%) and Amazonas (66,2%). HumVenezuela, *Informe de seguimiento a los impactos de la emergencia humanitaria compleja en Venezuela tras el confinamiento por la pandemia del Covid* (previously cited).

⁷ Venezuela had one of the highest inflation rates for food. Inflation rate, average consumer prices, 2023, https://www.imf.org/external/datamapper/PCPIPCH@WEO/WEO_WORLD/VEN

⁸ Multidimensional poverty goes beyond monetary deprivation and captures how people experience poverty in multiple ways, which include simultaneous and severe deprivations in health, education and living standards, Oxford Poverty and Human Development Initiative <https://ophi.org.uk/multidimensional-poverty-index/>; HumVenezuela, *Condiciones de vida*, hoja infográfica, April 2022 <https://humvenezuela.com/wp-content/uploads/2022/08/Condiciones-de-vida-Hoja-infografica-Marzo-2022.pdf>

⁹ Provea, *Informe Anual: situación de los derechos humanos en Venezuela*, 9 mayo 2022, p. 30, <https://provea.org/wp-content/uploads/2021/05/Informe-Provea-2022.pdf>

¹⁰ HumVenezuela, *Informe de seguimiento a los impactos de la emergencia humanitaria compleja en Venezuela tras el confinamiento por la pandemia del Covid* (previously cited), p. 25.

¹¹ HumVenezuela, *Informe de seguimiento a los impactos de la emergencia humanitaria compleja en Venezuela tras el confinamiento por la pandemia del Covid* (previously cited), p. 37.

HumVenezuela also reported that 6.2 million children of school age faced serious difficulties to get basic education or were outside the education system.¹²

The complex humanitarian emergency has limited the accessibility, availability, quality and affordability of health care, severely compromising Venezuelans' right to health. Since the collapse of the health system in 2016, health indicators have worsened.¹³ As of March 2022, 19.1 million Venezuelans had lost access to health services as many hospital services and specialized and primary health care clinics stopped functioning.¹⁴ In many cases, serious health conditions have gone untreated. Individuals with chronic diseases, children and women were particularly affected by lack of access to medical treatment and health services.¹⁵

Until March 2022, it is reported that 62% of obstetrics centres and maternity hospitals were not functioning or had serious shortcomings, resulting in a lack of adequate maternity care for pregnant people.¹⁶ Moreover, 79% of paediatric centres were closed or had stopped functioning.¹⁷ Since 2016, the mortality rate for children under 5 years old has increased, going from 19 in 2015 to 24.2 in 2021.¹⁸

2.2 CIVIL AND POLITICAL RIGHTS

Since at least 2017 Venezuelan authorities have implemented a systematic policy of repression against those who are believed to hold critical views of Nicolás Maduro's government to silence and control its population. As part of this policy the authorities use politically motivated arbitrary detentions, extrajudicial executions, torture and other ill-treatment, excessive use of force during protests, and stigmatization of human rights defenders, while ensuring impunity for perpetrators. Some of these human rights violations might amount to crimes against humanity.¹⁹

Venezuelans have consistently protested against the deterioration of living standards and the collapse of basic services, as well as for their civil and political rights.²⁰ In response, authorities have repressed protests, threatening and detaining leaders and participants in protests, and even those who were merely suspected of having connections with protests.

Intelligence services and other security forces, with the acquiescence of the judicial system, have arbitrarily detained, tortured and otherwise ill-treated those perceived to be opponents of the government of Nicolás Maduro. Authorities have also targeted, threatened, intimidated, and attacked human rights defenders, activists, journalists, trade unionists, lawyers, and humanitarian workers. Since 2019, authorities have intensified the repression, suffocating protests, and shutting down media

¹² HumVenezuela, *Informe de seguimiento a los impactos de la emergencia humanitaria compleja en Venezuela tras el confinamiento por la pandemia del Covid* (previously cited), p. 28.

¹³ The Lancet, "The collapse of the Venezuelan health system", Vol. 391, Issue 10128, p. 1331, 07 April 2018, [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(16\)00277-4/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(16)00277-4/fulltext); Human Rights Watch, *Venezuela's Humanitarian Emergency: Large-Scale UN Response Needed to Address Health and Food Crises*, 4 April 2019, <https://www.hrw.org/report/2019/04/04/venezuelas-humanitarian-emergency/large-scale-un-response-needed-address-health>; HumVenezuela, *Informe de seguimiento a los impactos de la emergencia humanitaria compleja en Venezuela tras el confinamiento por la pandemia del Covid* (previously cited).

¹⁴ It is reported that in 2022, 82.8% of hospital services were inoperative, while the percentage reached 87% for specialized health services and 92% for primary health care clinics. HumVenezuela, *Informe de seguimiento a los impactos de la emergencia humanitaria compleja en Venezuela tras el confinamiento por la pandemia del Covid* (previously cited), p. 34.

¹⁵ This is the case of individuals affected by chronic kidney failure and cancer. Acción Solidaria, *Informe sobre patrones de violación del derecho humano a la salud de los venezolanos y las venezolanas en el 2022*, January 2023, <https://accionsolidaria.info/project/salud-en-emergencia/>

¹⁶ HumVenezuela, *Informe de seguimiento a los impactos de la emergencia humanitaria compleja en Venezuela tras el confinamiento por la pandemia del Covid* (previously cited), p. 36.

¹⁷ HumVenezuela, *Informe de seguimiento a los impactos de la emergencia humanitaria compleja en Venezuela tras el confinamiento por la pandemia del Covid* (previously cited), p. 36.

¹⁸ The mortality rate measures deaths per 1,000 live births. UNICEF, Venezuela country profile <https://data.unicef.org/country/ven/>

¹⁹ Amnesty International, *Hunger for justice: crimes against humanity in Venezuela*, (Index AMR 53/0222/2019), 14 May 2019, <https://www.amnesty.org/en/documents/amr53/0222/2019/en/>; Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela (FFM), *First Report on Venezuela*, 25 September 2020, UN Doc A/HRC/45/33.

²⁰ According to Observatorio de Conflictividad Social, in the first three months of 2023, protests have increased, compared to 2022. Unable to meet their needs with the monthly minimum wage, which is below \$6, Venezuelans are demanding decent salaries and protesting the collapse of public services, "Conflictividad social durante el primer trimestre de 2023", 2023, <https://www.observatoriodeconflictos.org.ve/tendencias-de-la-conflictividad/conflictividad-durante-el-primer-trimestre-de-2023>

outlets.²¹ They have arbitrarily detained journalists and human rights defenders to impede their work. Foro Penal calculates that over 15,700 people have been arbitrarily detained since 2014,²² and civil society organizations estimate that, as of August 2023, between 286 and 319 people remained arbitrarily detained for political reasons.²³ Hundreds of former detainees still face severe restrictions on their freedom, as they are subject to arbitrary criminal proceedings which lack fair trial guarantees.

The UN independent fact-finding mission on the Bolivarian Republic of Venezuela (FFM), established in 2019 by the Human Rights Council, concluded in 2020 that some of the violations investigated in the context of targeted political repression, security operations and protests could amount to crimes against humanity.²⁴ Amnesty International and other human rights organizations have reached the same conclusion.²⁵ In 2020, the Office of the Prosecutor of the International Criminal Court (ICC) concluded that there was reasonable basis to believe that crimes against humanity, particularly in the context of detention, had been committed in Venezuela since at least April 2017 and in November 2021 the Office announced that they would proceed with investigations.²⁶

In September 2022, the FFM determined that “military and civil intelligence agencies have implemented a plan orchestrated at the highest level of the government to repress dissent through crimes against humanity”.²⁷ The FFM documented acts of torture and other ill-treatment, including sexual and gender-based violence, by state officials, against real or perceived opponents of the government and their families, as well as to other individuals associated with them, including indigenous persons.²⁸ They also reported killings in the context of security operations in low-income and urban neighbourhoods in various parts of the country, as well as extrajudicial killings, enforced disappearances, forced labour, sexual exploitation, and trafficking in border and remote areas.²⁹

Moreover, recent legislative proposals threaten the work of civil society organizations. The Venezuelan National Assembly is currently discussing the draft ‘Law for the audit, regularization, action, and

²¹ Amnesty International, *Venezuela: impunity in the face of lethal policy of social control*, (Index AMR 53/3632/2021), 18 February 2021, <https://www.amnesty.org/en/documents/amr53/3632/2021/en/>; *Hunger for justice* (previously cited); OHCHR, “Türk updates the Human Rights Council on the situation in Venezuela”, 21 March 2023, <https://www.ohchr.org/en/statements/2023/03/turk-updates-human-rights-council-situation-venezuela>

²² Foro Penal, *Reporte sobre la represión en Venezuela*, Marzo 2023, 12 April 2023, <https://foropenal.com/reportesobre-la-represion-en-venezuela-marzo-2023/>; Amnesty International, *Venezuela: Repunte de detenciones arbitrarias para reprimir*, (Index AMR 53/6910/2023), 22 June 2023, <https://www.amnesty.org/es/documents/amr53/6910/2023/es/>

²³ Among them, Foro Penal and Justicia, Encuentro y Perdón. Arbitrary detentions follow a pattern: arrests without warrants on the alleged justification of being caught in delicto flagrante (“in the act”); short periods of enforced disappearance following an arrest; charging of crimes using a wide margin of discretion; limitations on access to the right to defence; use of torture or other cruel, inhuman or degrading treatment; undue delays in investigations and - in the case of prison releases - subjection to criminal proceedings that do not progress and that maintain restrictions on the person’s freedom through alternative measures to pre-trial detention. These patterns are also frequently compounded by retaliation as an aim of the detention, the use of special courts with jurisdiction over terrorism, the charging of the crime of criminal association with a low standard of evidence and the application of severe sentencing up to the legal maximum provided by law. Amnesty International, *Life detained: Politically-motivated arbitrary detentions continue in Venezuela*, (Index AMR 53/7077/2023), 29 August 2023, <https://www.amnesty.org/es/documents/amr53/7077/2023/es/>

²⁴ FFM, First Report on Venezuela (previously cited) and FFM, First Report- Detailed Findings, 25 September 2020, UN Doc A/HRC/45/CRP.11. The FFM has published four reports on Venezuela. The first one documented cases of extrajudicial executions, enforced disappearances, arbitrary detentions, torture, and cruel, inhuman, or degrading treatment, including sexual and gender-based violence, committed by Venezuelan state actors since 2014. The second one, published in September 2021, focused on the response of the judicial system to the human rights violations documented by the FFM. The third one, published in September 2022, investigated the responsibilities of the State’s intelligence services in the commission of crimes against humanity, and documented the human rights situation in the Arco Minero del Orinoco region and other areas of the Bolívar state. The fourth one, dating from September 2023, alerted about the intensification of Venezuelan authorities’ attacks on civic space, which intended to stifle the real or perceived opposition, and documented, in particular, the targeting of human rights defenders, trade unionists and journalists.

²⁵ Amnesty International, *Hunger for justice* (previously cited); Clooney Foundation for Justice (CFJ), “CFJ and Foro Penal submit evidence of crimes against humanity committed by military officials in Venezuela to the ICC”, 31 October 2022, https://cfj.org/news_posts/cfj-and-foro-penal-submit-evidence-of-crimes-against-humanity-committed-by-military-officials-in-venezuela-to-the-icc/; Clooney Foundation for Justice, “CFJ calls on Argentina to investigate crimes against humanity committed in Venezuela”, 14 June 2023, https://cfj.org/news_posts/cfj-calls-on-argentina-to-investigate-crimes-against-humanity-committed-in-venezuela/

²⁶ In February the Office of the Public Prosecutor of the ICC opened a preliminary examination of the situation in Venezuela to analyse crimes allegedly committed in the country since at least April 2017, in the context of demonstrations and related political unrest. In September 2018, Argentina, Canada, Colombia, Chile, Paraguay, and Peru made a referral to the Office of the Prosecutor of the ICC regarding the situation in Venezuela since 12 February 2014. ICC, Venezuela I, <https://www.icc-cpi.int/venezuela-i>

²⁷ FFM, “Venezuela: new UN report details responsibilities for crimes against humanity to repress dissent and highlights situation in remotes mining areas”, 20 September 2022, <https://www.ohchr.org/en/press-releases/2022/09/venezuela-new-un-report-details-responsibilities-crimes-against-humanity>

²⁸ FFM, Third Report on Venezuela, 20 September 2022, UN Doc A/HRC/51/43; FFM, Third Report on Venezuela- Detailed Findings: *Crimes against humanity committed through the State’s intelligence services: structures and individuals involved in the implementation of the plan to repress opposition to the government*, 20 September 2022, UN Doc A/HRC/51/CRP.3.

²⁹ FFM, Third Report on Venezuela (previously cited) and FFM, Third Report on Venezuela- Detailed Findings: *The human rights situation in the Arco Minero del Orinoco region and other areas of the Bolívar State*, 20 September 2022, UN Doc A/HRC/51/CRP.2.

financing of non-governmental and related organizations',³⁰ which constitutes another attempt to control civil society and unduly restrict the right to freedom of association. If the bill passes, Venezuelan NGOs will have to comply with abusive measures or face criminal prosecution. Measures include disclosing information on their funding, staff, and governance, and would violate the rights to association, privacy, and others, putting NGOs and their beneficiaries at grave risk of criminalisation and reprisals.³¹ In addition to this bill, the draft 'Law on International Cooperation',³² is also being advanced through parliamentary procedure³³ and represents another example of the efforts of Venezuelan authorities to control civil society organizations. The bill establishes a mandatory registration system for organizations, and confers government authorities the power to ban, suspend, restrict or remove any association which, in their view, promotes or participate, directly or indirectly, in activities contrary to the government's interests.³⁴

THE JUDICIAL SYSTEM

Venezuelan authorities have attempted to silence and quash critical voices and political opponents through the administrative and judicial system. In 2021 the FFM determined that the justice system had directly contributed to perpetuating impunity for human rights violations, preventing victims from accessing effective judicial remedies and contributing to a state policy to suppress the opposition.³⁵

Despite the adoption of legal reforms regarding the administration of justice,³⁶ serious systemic deficiencies persist. The judicial system lacks independence and impartiality, and judicial procedures are misused and abused politically against those perceived to be opponents of the government. Victims continue facing serious obstacles to access justice and are denied access to their case files. Individuals are arbitrarily denied their right to designate their own legal representatives, and proceedings suffer unjustified delays. Access to the right to truth and reparations for victims of serious human rights violations remains a challenge and impunity for ongoing extrajudicial executions by the security forces persist.³⁷

2.3 WOMEN'S RIGHTS

The complex humanitarian emergency in the country has affected women in a differentiated manner. Organizations have reported how Venezuelan women, forced to confront their families' deprivation, restricted their food consumption in favour of their children. For pregnant women who lack access to the necessary nutritious food and vitamins this has resulted in malnutrition.³⁸

The impact of the ongoing humanitarian emergency on sexual and reproductive healthcare services contributed to obstacles to the enjoyment of sexual and reproductive rights. The Inter-American

³⁰ *Ley de Fiscalización, Regularización, Actuación y Financiamiento de las Organizaciones No Gubernamentales y Afines*, available at <https://provea.org/wp-content/uploads/2021/05/LEY-DE-FISCALIZACION-REGULARIZACION-ACTUACION-Y-FINANCIAMIENTO-DE-LAS-ORGANIZACIONES-NO-GUBERNAMENTALES-Y-AFINES-v24.01h2.00-2.pdf>. On 24 January 2023, the National Assembly adopted the draft law at the first reading <https://www.asambleanacional.gob.ve/noticias/an-aprueba-en-primera-discusion-ley-para-regular-las-ong>

³¹ Amnesty International, *Venezuela: renewed assaults on civil society reinforce importance of international scrutiny and accountability mechanisms*, (Index AMR 53/6570/2023), 22 March 2023, <https://www.amnesty.org/en/documents/amr53/6570/2023/en/>; OHCHR, "Venezuela: Draft NGO law, reaching a point of no return in the closure of the civic space", 30 January 2023, <https://www.ohchr.org/en/press-releases/2023/01/venezuela-draft-ngo-law-reaching-point-no-return-closure-civic-space>

³² *Proyecto de Ley de Cooperación Internacional*, available at <https://www.civilisac.org/civilis/wp-content/uploads/proyecto-de-ley-cooperacion-internacional-1.pdf>

³³ The Parliamentary Commission on Foreign Affairs adopted the draft Law on International Cooperation on 1st March 2023 <https://www.asambleanacional.gob.ve/noticias/comision-de-politica-exterior-aprueba-proyecto-de-ley-de-cooperacion-internacional>

³⁴ Amnesty International, *Venezuela: Massive pushback from civil society for anti-solidarity bill*, (Index AMR 53/5627/2022), 18 May 2022, <https://www.amnesty.org/en/documents/amr53/5627/2022/en/>

³⁵ FFM, Second Report on Venezuela, 16 September 2021, UN Doc A/HRC/48/69, and Second Report- Detailed Findings, 16 September 2021, UN Doc A/HRC/48/CRP.5

³⁶ Report of the UN Commissioner for Human Rights, *Situation of human rights in the Bolivarian Republic of Venezuela*, 23 June 2022, UN Doc A/HRC/50/59.

³⁷ Amnesty International, *2022 Annual Report, Venezuela*, March 2023, <https://www.amnesty.org/en/location/americas/south-america/venezuela/report-venezuela/>

³⁸ Acción solidaria, *Ser mujer en Venezuela*, October 2022, <https://accionesolidaria.info/project/ser-mujer-en-venezuela/>

Commission on Human Rights (IACHR) also reported that the lack of access to reproductive health services, such as family planning, was impacting maternal mortality rates.³⁹

Women and girls continue to suffer gender-based violence. Despite this, the state is still failing to collect data on feminicides. At the end of 2022, 282 feminicides were reported by the Venezuelan NGO CEPAZ (Centro de Justicia y Paz), as well as another 120 instances of gender-based violence that the organisation qualified as attempted feminicides.⁴⁰

2.4 INDIGENOUS RIGHTS

Illegal mining in the Orinoco Mining Arc area is seriously affecting human rights in Bolívar State, in particular, impacting Indigenous peoples' rights to self-determination and a healthy environment. In its report, published in September 2022, the FFM documented grave human rights violations and abuses in the Mining Arc, indicating the collusion of some state authorities with criminal groups operating, and at times exerting control, in mining areas and the failure to investigate and punish those responsible.⁴¹

The complex humanitarian emergency has had a differentiated effect on Indigenous people. In the municipality of Guajira, where Wayuu and Añú people live, 98% of the population live in poverty, 86% in extreme poverty, 99.8% of households experience food insecurity and only 33% of them had access to water in 2021.⁴²

2.5 ARMED GROUPS

Several armed groups in Venezuela are involved in serious human rights violations.

The “colectivos”, irregular armed groups, originated in the time of Hugo Chavez, maintain, according to the FFM, “a complex relationship with the Government and the State”.⁴³ They have been called or relied upon by authorities to disperse demonstrations, crack down on protesters, or engage in repression and control of protestors,⁴⁴ intimidating and attacking political opponents and journalists. There have been reports by local groups that, during the Covid-19 pandemic “*colectivos* enforced the lockdown in neighborhoods with high levels of poverty, beating and torturing those who allegedly fail to comply”.⁴⁵

“Syndicates” are criminal groups engaged in illegal mining in Bolívar state, where Colombian guerrilla groups are reportedly present too.⁴⁶ As documented by the FFM, there are clear indications of collusion between the State and armed groups controlling illegal mining. Despite the collusion, confrontations between armed criminal groups and State security forces have resulted in increasing levels of violence in Bolívar state. Armed groups have been involved in killings, attacks, forced labour,

³⁹ IACHR, *Informe Anual 2022: Venezuela*, 2023, https://www.oas.org/es/cidh/docs/anual/2022/capitulos/9-IA2022_Cap_4B_VE_ES.pdf

⁴⁰ Out of the 282, 37 were girls. CEPAZ, Observatorio Digital de Femicidios, “En el 2022 hubo 37 feminicidios de niñas en Venezuela”, 6 April 2023, <https://cepaz.org/noticias/observatorio-digital-de-femicidios-de-cepaz-en-el-2022-hubo-37-femicidios-de-ninas-en-venezuela/>

⁴¹ FFM, Third Report on Venezuela (previously cited) and Third Report on Venezuela- Detailed Findings: *The human rights situation in the Arco Minero del Orinoco region and other areas of the Bolívar State*, (previously cited).

⁴² Centro de Derechos Humanos Universidad Católica Andrés Bello, *(NI) DE AQUÍ Y (NI) DE ALLÁ Situación de la población colombiana retornada, binacional e indígena transfronteriza*, April 2022, <https://humvenezuela.com/wp-content/uploads/2022/06/2022-04-28.-Ni-de-aqui-ni-de-alla.pdf>

⁴³ FFM, First Report- Detailed Findings (previously cited), para. 216-224.

⁴⁴ FFM, First Report- Detailed Findings (previously cited), para. 216-224.

⁴⁵ Human Rights Watch, *World Report 2021, Events of 2020- Venezuela*, January 2021, <https://www.hrw.org/world-report/2021/country-chapters/venezuela>

⁴⁶ It has been reported that the ELN has been present in Venezuela since the 1970s, but its presence expanded in 2016. FFM, First Report- Detailed Findings, (previously cited), para. 225; Crisis Group, *Gold and Grief in Venezuela's Violent South*, 28 February 2019, <https://icg-prod.s3.amazonaws.com/073-gold-and-grief.pdf>

physical punishment -used as a form of social control and discipline-, and gender-based violence, including rape, sexual exploitation, and trafficking.⁴⁷

2.6 EXTRAJUDICIAL EXECUTIONS AGAINST YOUNG MEN WHO LIVE IN POVERTY AS PART OF SECURITY OPERATIONS

Venezuela continues to experience alarming levels of violence.⁴⁸ In response, in the context of security operations to combat crime, the police and/or the military have resorted to lethal and other unlawful use of force and extrajudicial executions of young men who live in poverty, in violation of their right to life.⁴⁹

According to official figures reported by the Venezuelan Ministry of Interior, between 2016 and June 2019 there were 20,452 killings attributable to security forces.⁵⁰ Those targeted were primarily young men living in low-income neighbourhoods who were detained, often arbitrarily, in circumstances which the authorities claimed involved clashes with police.⁵¹ Amnesty International documented 14 possible extrajudicial executions during a police operation in La Vega, Caracas, in January 2021.⁵²

The IACHR has reported that extrajudicial executions continued in 2022, with 565 cases of extrajudicial executions reported by civil society organizations, the majority in Aragua state. 85% of the cases involved young men aged between 18-25 years old, and 53% of cases were committed in the context of large security operations.⁵³

⁴⁷ Third Report on Venezuela- Detailed Findings: *The human rights situation in the Arco Minero del Orinoco region and other areas of the Bolívar State*, (previously cited). On corporal punishment by *sindicatos* see para. 234-242, and on gender differentiated forms of punishment see para. 596-601; Human Rights Watch, *World Report 2021, Events of 2020- Venezuela* (previously cited).

⁴⁸ According to the Observatorio Venezolano de Violencia, in 2022 there were 10,737 violent deaths in the country. Observatorio Venezolano de Violencia, *Informe Anual de Violencia 2022*, 29 December 2022, <https://observatoriodeviolencia.org.ve/news/informe-anual-de-violencia-2022/> According to Insight Crime, 13% of the violent deaths stemmed from police interventions and “three of the five states with the highest rates of deaths resulting from police interventions, Aragua, Miranda, and Guárico, saw large-scale security operations in 2022”. Insight Crime, *Insight crime’s 2022 homicide round-up*, 8 February 2023, <https://insightcrime.org/news/insight-crime-2022-homicide-round-up/>

⁴⁹ FFM, First Report, (previously cited), para.79-119; Amnesty International, *Venezuela: Impunity in the face of lethal policy of social control*, (previously cited); *Venezuela: This is no way to live: Public security and right to life in Venezuela*, (Index AMR 53/8975/2018), 20 September 2018, <https://www.amnesty.org/en/documents/amr53/8975/2018/en/>

⁵⁰ FFM, First Report- Detailed findings, (previously cited), p. 200, table 5.

⁵¹ The modus operandi employed by security forces, as documented by Amnesty International, is the following: Police officers enter homes without an arrest warrant or search warrant, immobilize the young person inside the home, without any confrontation taking place, they are forcibly apprehended, and taken out of the home -or even inside the home-, they execute them with one or two shots in a highly lethal area of the body such as the thorax or the head. Subsequently, the officials alter the crime scene, simulate a clash, or transfer the body to avoid criminal proceedings, and classify the death as “resistance to authority”. *Venezuela: This is no way to live: Public security and right to life in Venezuela* (previously cited).

⁵² Amnesty International, *Venezuela: Impunity in the face of lethal policy of social control*, (previously cited).

⁵³ IACHR, *Informe Anual 2022: Venezuela*, (previously cited), para. 38.

3. INTERNATIONAL PROTECTION NEEDS OF VENEZUELAN NATIONALS

It is Amnesty International's view that Venezuelan nationals who have fled Venezuela or are otherwise outside the country fall under the expanded refugee definition of the Cartagena Declaration on Refugees⁵⁴ (herein the Cartagena Declaration) (see below, 3.1). In the European context, they may also be entitled to subsidiary protection.⁵⁵

Furthermore, many Venezuelans and their families may have a well-founded fear of persecution due their real or perceived political opinion or affiliations or to other reasons included in the 1951 Geneva Convention on the Status of Refugees (herein the Refugee Convention).⁵⁶

In any case, refugees under the Cartagena Declaration or the Refugee Convention should have the same rights and enjoy the same status as refugees.

3.1 REFUGEE STATUS UNDER THE CARTAGENA DECLARATION

Most Venezuelan nationals meet the expanded refugee definition of the Cartagena Declaration, which includes persons who have fled their country because their lives, safety or freedom have been threatened by one of five events: 1) generalized violence; 2) foreign aggression; 3) internal conflicts; 4) massive violation of human rights; or 5) other circumstances which have seriously disturbed public order.⁵⁷

The Cartagena Declaration provides protection to individuals and groups against indiscriminate, collective and sometimes unpredictable risks.⁵⁸ While the Refugee Convention requires individualized or targeted persecution and, therefore, the assessment of the personal circumstances of the individual, the Cartagena Declaration only requires the examination of the objective situation in the country of origin and of the exposure of the individual or groups to the risk to their lives, safety, or freedom. The risk does not have to have materialized; the mere possibility of harm is sufficient to meet the definition.⁵⁹ Furthermore, the Cartagena Declaration also covers the indirect effects of the aforementioned events, "including poverty, economic decline, inflation, violence, disease, food insecurity, malnourishment, and displacement".⁶⁰

Amnesty International considers that Venezuelan nationals meet the Cartagena definition, on account of the threat to their lives, safety and freedom stemming from the "massive violation of human rights" or/and "other circumstances which have seriously disturbed public order" that have occurred in

⁵⁴ Cartagena Declaration on Refugees, Colloquium on the International Protection of Refugees in Central America, Mexico and Panama, 22 November 1984, <https://www.refworld.org/docid/3ae6b36ec.html>

⁵⁵ In European Union Law, subsidiary protection refers to a form of protection given to a third-country national or a stateless person who does not qualify as a refugee but would face a real risk of suffering serious harm if returned to their country of origin, or in the case of a stateless person, to their country of former habitual residence. *Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast)*, (herein, *EU Qualification Directive*) <http://data.europa.eu/eli/dir/2011/95/oj>

⁵⁶ UN Convention Relating to the Status of Refugees, 28 July 1951.

⁵⁷ Cartagena Declaration on Refugees.

⁵⁸ UNHCR, *Summary Conclusions of the Expert roundtable on the interpretation of the extended refugee definition contained in the 1984 Cartagena Declaration*, 15 and 16 October 2013, para. 8, <https://www.unhcr.org/media/32478>

⁵⁹ UNHCR, *Summary Conclusions of the Expert roundtable on the interpretation of the extended refugee definition contained in the 1984 Cartagena Declaration*, (previously cited), para. 28.

⁶⁰ UNHCR, *Summary Conclusions of the Expert roundtable on the interpretation of the extended refugee definition contained in the 1984 Cartagena Declaration*, (previously cited), para. 9.

Venezuela since 2016. The organisation therefore recommends that the countries adopting the refugee definition of the Cartagena Declaration recognise Venezuelan nationals as refugees.⁶¹

3.2.1. MASSIVE VIOLATION OF HUMAN RIGHTS

Several considerations can be taken into account to qualify a situation as one of “massive violation of human rights”: the scale or magnitude of the violation, regardless of its duration; its effects on large segments of the population, or even the entire society; and/or the planning and organisation by the perpetrator.⁶² At the same time, the reference to “massive violation of human rights” does not identify the concrete rights that must be breached, as the Cartagena refugee definition “makes no distinction between the types of rights that are threatened”.⁶³ Although not essential, pronouncements of international and regional bodies can help qualify a situation as one of “massive human rights violation” according to the Cartagena Declaration.⁶⁴

As documented by Amnesty international and other bodies, the violations experienced by Venezuelans are systematic, widespread and reflect a pattern of planned and coordinated repression by the state, with the aim of neutralizing or eliminating the political opposition or those critical of the authorities or perceived as such,⁶⁵ and to the extent that they may constitute crimes against humanity.⁶⁶

In addition to violations of civil and political rights, Venezuelans have experienced increasing deprivation since 2014–2015, resulting in the erosion of their economic and social rights, particularly the right to health and the right to food. As described before, the general population has been deeply affected by the collapse of the health system, the shortage of medicines, the halt of services in hospitals o clinics, and the lack of food, water, and regular electricity. The impact has not been even, but women, children, Indigenous people, Afro-descendant peoples, persons with disabilities and who are ill, and those living in poverty have been affected disproportionately.⁶⁷

The connections between the deterioration of living standards, the violations of social and economic rights, and the serious violations of civil and political rights detailed above affect many dimensions of people’s lives and impact large segments of the population, therefore reaching the threshold of “massive human rights violation”.

It is worth noting that other international and regional bodies have qualified the human rights violations in Venezuela as “serious” and “massive”.⁶⁸ For instance, the IACHR has referred to “serious, massive and systematic human rights violations” in the country.⁶⁹ The UN FFM concluded in September 2022 that crimes against humanity had been committed through structures and

⁶¹ As UNHCR has clarified, this does not apply to individuals for whom the events that are currently seriously disturbing public order in Venezuela do not pose a threat to life, security, or freedom, such as individuals who help to perpetuate these very circumstances, members of organized criminal groups and persons who benefit materially from the circumstances seriously disturbing public order. UNHCR, *Guidance Note on International Protection for Venezuelans- Update I*, May 2019, <https://www.refworld.org/docid/5cd1950f4.html>

⁶² UNHCR, *Guidelines on International Protection No. 12: Claims for refugee status related to situations of armed conflict and violence under Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees and the regional refugee definitions*, December 2016, HCR/GIP/16/12, para. 76, <https://www.refworld.org/docid/583595ff4.html>

⁶³ UNHCR, *Guidelines on International Protection No. 12*, (previously cited), para. 76

⁶⁴ UNHCR, *Summary Conclusions of the Expert roundtable on the interpretation of the extended refugee definition contained in the 1984 Cartagena Declaration* (previously cited), para. 22.

⁶⁵ Amnesty International *Hunger for justice* (previously cited); FFM, *First report and First Report- Detailed Findings* (previously cited).

⁶⁶ FFM, *First Report- Detailed Findings* (previously cited) and *Third Report- Crimes against humanity committed through the State's intelligence services: structures and individuals involved in the implementation of the plan to repress opposition to the government* (previously cited).

⁶⁷ IACHR, *Informe Anual 2022: Venezuela*, (previously cited).

⁶⁸ OHCHR, *Human Rights Violations in the Bolivarian Republic of Venezuela: a downward spiral with no end in sight*, June 2018, https://www.ohchr.org/sites/default/files/Documents/Countries/VE/VenezuelaReport2018_EN.pdf

OEA, *Informe del Grupo de Trabajo de la OEA para abordar la crisis de migrantes y refugiados venezolanos en la región*, 28 June 2019, <https://www.oas.org/documents/spa/press/OEA-informe-migrantes-venezolanos-espanol.pdf>

OHCHR, Report of the Human Rights Commissioner of Human Rights: *Outcomes of the investigation into allegations of possible violations of the human rights to life, liberty, and physical and moral integrity in the Bolivarian Republic of Venezuela*, UN Doc A/HRC/44/20, 17 September 2020.

⁶⁹ “La Comisión Interamericana ha registrado graves, masivas y sistemáticas violaciones de derechos humanos de Venezuela. Estas violaciones se han cometido como parte de un plan del gobierno para cooptar los distintos poderes públicos y reprimir cualquier intento de alternancia.”, IACHR, *Informe Anual, Venezuela* (previously cited), para. 29.

IACHR, *Venezuela: Resolución 2/18 de la CIDH sobre migración forzada de personas venezolanas*, 2 March 2018, <https://www.oas.org/es/cidh/decisiones/pdf/Resolucion-2-18-es.pdf>

individuals in the state's intelligence services as part of a plan to repress opposition, and also stated that "the human rights situation in the Bolivarian Republic of Venezuela remains grave. The country has endured a decade of spiralling humanitarian, social, economic, and human rights crises, coupled with a breakdown of State institutions, all of this exacerbated by the impact of COVID-19."⁷⁰

3.2.2. "OTHER CIRCUMSTANCES WHICH HAVE SERIOUSLY DISTURBED THE PUBLIC ORDER"

As explained above, the Cartagena Declaration expands the refugee definition to persons who have fled their country because their lives, safety or freedom have been threatened by "other circumstances which have seriously disturbed public order".

According to UNHCR, "the notion of 'public order', while not having a universally accepted definition, can be interpreted in the context of the Cartagena refugee definition as "referring to the peace and security/stability of the society and the normal functioning of the institutions of the state."⁷¹ A serious disturbance of public order can stem from a single event or result from the systematic and cumulative nature of the violations.⁷² The Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights, clarify that "public order [...] may be defined as the sum of rules which ensures the functioning of society or the set of fundamental principles on which society is founded."⁷³ More recently, UNHCR indicated that "it encompasses the prevailing level of the administrative, social, political and moral order as assessed according to the effective functioning of the State in relation to its population and based on respect for the rule of law and human dignity to such an extent that the life, security and freedom of people are protected."⁷⁴

UNHCR has clarified that the concept of "serious disturbance of public order" of the Cartagena Declaration implies that the disruption to the effective, normal and stable functioning of the state must be of serious nature,⁷⁵ with grave consequences on the population and the enjoyment of their human rights.

In the case of Venezuela, the widespread violations of social and economic rights, with the collapse of the health system, the closure of hospitals and clinics, the lack of access to water, food and regular electricity for big segments of the population, demonstrate the abject failure of the State to protect human rights, provide public services and comply with its international obligations. Moreover, they lay bare the lack of normal functioning of the institutions of the state, particularly, considering that Venezuela has enshrined economic and social rights in the Constitution⁷⁶ and, therefore, they constitute a "set of fundamental principles on which society is founded".

On this basis, Amnesty International considers that Venezuelans meet the refugee definition of the Cartagena Declaration on account of the threats to life, security and freedoms stemming from circumstances disturbing the public order, understood as the normal functioning of institutions.

⁷⁰ FFM, Third Report (previously cited), para. 118.

⁷¹ UNHCR, *Summary Conclusions of the Expert roundtable on the interpretation of the extended refugee definition contained in the 1984 Cartagena Declaration* (previously cited), para. 24

⁷² UNHCR, *Guidelines on International Protection No. 12*, cit., para 57.

⁷³ UN Commission on Human Rights, *The Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights*, 28 September 1984, E/CN.4/1985/4, <https://www.refworld.org/docid/4672bc122.html>

⁷⁴ UNHCR, *Legal considerations regarding claims for international protection made in the context of the adverse effects of climate change and disasters*, 1 October 2020, para 16, <https://www.refworld.org/docid/5f75f2734.html>

⁷⁵ For UNHCR, "the 'serious' threshold may embrace quantitative and qualitative dimensions and must be assessed on a case-by-case basis, taking account of the nature and duration of the disruption and its consequences for the security and stability of the State and society", UNHCR, *Legal considerations regarding claims for international protection made in the context of the adverse effects of climate change and disasters*, para. 16.

⁷⁶ Constitución de la República Bolivariana de Venezuela, Gaceta Oficial Extraordinaria N° 36.860, 30 de diciembre de 1.999, https://www.oas.org/dil/esp/constitucion_venezuela.pdf

3.2 VENEZUELAN AS BENEFICIARIES OF SUBSIDIARY PROTECTION IN EUROPEAN UNION COUNTRIES

In European Union (EU) countries, Venezuelan nationals who, following a fair and effective asylum procedure, do not qualify as refugees, may likely meet the definition of beneficiary of subsidiary protection according to the EU Qualification Directive,⁷⁷ on account of the real risk of serious harm⁷⁸ if returned to Venezuela.

3.3 VENEZUELAN REFUGEES UNDER THE REFUGEE CONVENTION

According to article 1A(2) of the Refugee Convention, a refugee is any person who, due to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of their nationality and is unable or, owing to such fear, is unwilling to avail themselves of the protection of that country; or who, not having a nationality and being outside the country of their former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.⁷⁹

Some Venezuelans, including human rights defenders, individuals perceived as part of the opposition, or journalists, are likely to meet the definition of the Refugee Convention as they have a well-founded fear of persecution due to one of the reasons listed above, particularly due to their real or perceived political opinion, or a combination of reasons.⁸⁰ They risk arbitrary detention, torture and other ill-treatment and politically motivated prosecutions.⁸¹

More specifically, persecution due to political opinion refers to individuals that hold opinions not tolerated by the authorities.⁸² According to UNHCR, “persecution can also take the form of sanctions for alleged criminal acts against the ruling power”, as “prosecution for an offence may be a pretext for punishing the offender for his political opinions.”⁸³ Therefore, excessive, or arbitrary punishment in such cases amounts to persecution.⁸⁴

As documented by Amnesty International, Venezuelan authorities have committed grave human rights violations: state agents or third parties operating at least with state acquiescence or consent have used excessive and lethal force against protestors, tortured and ill-treated them, committed extrajudicial killings, and arbitrarily detained individuals for political reasons.⁸⁵

⁷⁷ EU Qualification Directive, (previously cited).

⁷⁸ Article 15 of the EU Qualification Directive defines as serious harm as the death penalty or execution; torture or inhuman or degrading treatment or punishment; or serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict.

⁷⁹ Convention relating to the Status of Refugees, 1951.

⁸⁰ Persecution includes threats to life or freedoms and serious violations of human rights for the reasons enshrined in the Refugee Convention. Different forms of discrimination, on cumulative grounds, or discrimination leading to severe adverse consequences, such as serious restrictions on the right to earn a livelihood can amount to persecution too, as well as failure to provide equal protection to individuals from the harm inflicted by private actors. UNHCR, *Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees*, (herein Handbook on Procedures), April 2019, HCR/IP/4/ENG/REV, paras. 51, 53-54, 2019, <https://www.unhcr.org/publications/legal/5ddfcdc47/handbook-procedures-criteria-determining-refugee-status-under-1951-convention.html>

⁸¹ Torture and arbitrary detention are prohibited under all circumstances. The prohibition of torture, which is absolute and admits no derogation, is a peremptory norm of international law. The same can be said of crimes against humanity. See for example Article 2 of the Convention against Torture; CAT General Comment 2, para. 1-2; Human Rights Committee (HRC) General Comment 20, para. 3; Articles 4-5 of the Inter-American Convention against Torture; UN Working Group on Arbitrary Detention, *Deliberation No. 9 concerning the definition and scope of arbitrary deprivation of liberty under customary international law*, <https://www.ohchr.org/Documents/Issues/Detention/CompilationWGADDeliberation.pdf>; Report of the Working Group on Arbitrary Detention, 24 December 2012, UN Doc A/HRC/22/44, para. 42-51; Art 7. Of the Rome Statute of the International Criminal Court <https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf>

⁸² UNHCR, *Handbook on Procedures* (previously cited), para. 81.

⁸³ UNHCR, *Handbook on Procedures* (previously cited), paras. 81 and 85.

⁸⁴ UNHCR, *Handbook on Procedures* (previously cited), para. 85.

⁸⁵ Amnesty International, *Venezuela: calculated repression. Correlation between stigmatization and politically motivated arbitrary detentions*, (Index AMR 53/5133/2022), 10 February 2022, <https://www.amnesty.org/en/documents/amr53/5133/2022/en/>; “Venezuela: Human rights lose whilst impunity prevails, Amnesty International submission for the UN Universal Periodic Review, 40th session of the UPR Working Group, January 2022”, (Index AMR

The human rights violations described above are part of a state policy of repression that has a specific target: individuals or groups considered as opponents or critical of the Venezuelan government.⁸⁶ Included in this broad category are journalists, human rights defenders, trade unionists, political leaders, and any other individual perceived as a dissident by authorities, even teachers, doctors, and public servants.

Specific individuals have been targeted through different but consistent forms of violence. Serious human rights violations such as torture and other ill-treatment and selective extrajudicial executions have been directed against young men from low-income neighbourhoods.⁸⁷ Human rights defenders have suffered politically motivated arbitrary detentions, which in many cases have been preceded by stigmatization by state-controlled media outlets and public officials, and often followed by torture or other ill-treatment in detention.⁸⁸

These human rights violations pursue a clear goal: to dissuade, neutralize and in some cases, eliminate critics, or those perceived as such by the Venezuelan authorities. In that sense, Amnesty International considers the categories or risk profiles of individuals listed above are likely to have a well-founded fear of persecution due to their political opinion.

The pattern of human rights violations and violence deployed by Venezuelan authorities against those perceived as opponents to the governments responds to a state policy of repression that is systematic and widespread. As documented by Amnesty International and as stated by the UN FFM, the widespread and systematic nature of the politically motivated serious human rights violations committed may amount to crimes against humanity.⁸⁹

In summary, political leaders, trade unionist, students, protesters, activists, journalists, human rights defenders, humanitarian workers, teachers, doctors, public servants, and any other person perceived as critical of the Venezuelan authorities, are at risk of suffering serious human rights violations in Venezuela, including politically motivated arbitrary detention. They are therefore, at risk of persecution due to their real or perceived political opinion. The risk of persecution exists for anyone who dares to protest and demand their economic and social rights and is not only limited to particular groups of individuals perceived as dissidents, but it also extends to their families or other individuals associated or affiliated to them.

Based on these considerations, Amnesty International concurs with UNHCR's view that there are cases of Venezuelan nationals that meet the refugee definition under the Refugee Convention.⁹⁰ This can also be the case of some Venezuelan nationals who were outside the country before 2014-2015 and can be considered as refugees "sur place",⁹¹ on the ground of the risks they would face if forcibly returned to Venezuela.

53/4488/2021), 23 July 2021, <https://www.amnesty.org/en/documents/amr53/4488/2021/en/>; *Venezuela: impunity in the face of lethal policy of social control* (previously cited); *Hunger for justice*, (previously cited).

⁸⁶ Amnesty International, *Venezuela: calculated repression* (previously cited); *Venezuela: impunity in the face of lethal policy of social control*, (previously cited); *Hunger for justice*, (previously cited).

⁸⁷ Amnesty International *Hunger for justice*, (previously cited); FFM, First report (previously cited).

⁸⁸ While UNHCR has stated "it may not always be possible to establish a causal link between the opinion expressed and the related measures suffered or feared by the applicant" Amnesty International and Foro Penal joint research have uncovered the correlation between stigmatization of human rights defenders, spread through state-controlled media, and arbitrary detention. UNHCR, *Handbook on Procedures* (previously cited), para. 81. Amnesty International, *Venezuela: calculated repression*.

⁸⁹ Amnesty International *Hunger for justice*, (previously cited); FFM, First report (previously cited).

⁹⁰ UNHCR, *Guidance Note on International Protection for Venezuelans- Update I* (previously cited).

⁹¹ Refugees sur place are individuals who were not refugees when they left their country, but who become refugees while living or staying in another country, due to circumstances arising in their country of origin. An individual may become a refugee "sur place" as a result of his own actions, such as the expression political opinions. UNHCR, *Handbook on Procedures* (previously cited), paras. 94-96.

4. FORCED RETURNS OF VENEZUELAN

In line with international law obligations, particularly the principle of non-refoulement, Amnesty International considers that Venezuelans should not be returned to their country, due to the objective circumstances in Venezuela and the risk of harm, or the risk to their lives, safety and freedoms they would be exposed to if returned.

UNHCR has also called on states to refrain from deporting, expelling, or forcing Venezuelans in any other way to return to Venezuela, urging them to ensure this guarantee in the documentation provided to Venezuelans and through clear instructions to law enforcement agencies.⁹²

⁹² UNHCR, *Guidance Note on International Protection for Venezuelans- Update I*, (previously cited), para. 10.

5. AMNESTY INTERNATIONAL'S CALLS CONCERNING VENEZUELAN

Since the start of the crisis in Venezuela, Amnesty International has called on states to share the responsibility for the protection and assistance of Venezuelans.⁹³ The organization reiterates that all states should:

- Open safe and regular pathways for Venezuelans:
 - Enable regular exit from the country by lifting visa requirements for Venezuelans, so that they do not feel forced to undertake perilous irregular journeys to reach safety.
- Ensure access to territory at their borders for all Venezuelans, including those without regular visas and/or ID documents. Respect the principle of non-refoulement and refrain from unlawful practices such as rejections at the border and summary expulsions.
- Ensure that those wishing to seek asylum have prompt access to fair and effective asylum procedures, where the individual circumstances of the person can be assessed, in compliance with refugee and human rights law. Ensure child-friendly and gender-sensitive procedures, in line with UNHCR guidelines.
- Ensure the prompt identification of children, victims of torture or other ill-treatment, women survivors of gender-based violence, and other individuals at increased risk of human rights violations and/or in need of specific protection, so that they receive assistance catered to their needs.
- Ensure that complementary forms of protection are accessible to Venezuelans and guarantee the full enjoyment of all their rights, including economic and social rights.
- Provide Venezuelans with the documentation to access all services necessary for the enjoyment of their rights, including economic and social rights.
- Issue a general ban on forced returns of Venezuelans to Venezuela and refrain in practice from returning, expelling or otherwise transferring Venezuelans, directly or indirectly, to their country.

Countries in the Americas that have adopted the definition of the Cartagena Declaration on Refugees should:

- Recognize the international protection needs of Venezuelans using the expanded definition of refugee under the Cartagena Declaration.
- Consider the use of *prima facie* recognition for Venezuelans, on account of the objective circumstances in their country of origin.

European Union countries should:

- Grant subsidiary protection according to the EU Qualification Directive to those Venezuelans that need it, based on the real risk of serious harm if returned to Venezuela.

⁹³ Amnesty International, *Welcome Venezuela: people fleeing massive human rights violations in Venezuela*, (Index AMR 53/0244/2019), 8 May 2019, <https://www.amnesty.org/en/documents/amr53/0244/2019/en/>; *Americas: Regularization and Protection: International obligations for the protection of Venezuelan nationals*, (Index AMR 01/7130/2023), 21 September 2023, <https://www.amnesty.org/en/documents/amr01/7130/2023/en/>

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