



BOLIVARIAN REPUBLIC OF VENEZUELA
LGBTIQ+ Persons
Protection Analysis Update | September 2023



EXECUTIVE SUMMARY

Since the beginning of the Humanitarian Situation in Venezuela, LGBTIQ+ people have been one of the most impacted population groups which has further undermined the exercise of their rights and their quality of life. Their situation subsequently worsened with the COVID-19 pandemic and the continuous economic and social constraints they have encountered. This Protection Analysis Update provides a comprehensive overview of the protection environment in the country for this population group and recommends actions for humanitarian actors, donors, and the Venezuelan authorities to address their most prominent protection risks. The main risks identified include discrimination in accessing basic services, insecurity, violence due to their diverse sexual orientation, gender identity, gender expression or sex characteristics (SOGIESC), limited or no access to legal protection and judicial services, and human trafficking.

URGENT ACTION NEEDED

Urgent action is needed to mitigate the negative impact caused by the elevated levels of discrimination, violence, and insecurity, limited access to legal protection and judicial services, and the rising human trafficking cases among lesbian, gay, bisexual, transgender, intersex, and queer (LGBTIQ+) persons. To address this, it is crucial that:

- **Humanitarian actors** with the engagement of LGBTIQ+ civil society organizations (CSOs) strengthen the capacity of state and non-state organizations to provide quality and inclusive protection services for LGBTIQ+ persons by facilitating trainings on the protection risks experienced by LGBTIQ+ people and their challenging situation, conducting sensibilizations and awareness sessions on the topics of diversity and inclusion and mainstreaming approaches that ensures all services are inclusive and safe for LGBTIQ+ persons.
- **The Humanitarian Country Team** advocates with the donor community, the private sector, and other relevant actors to prioritize and integrate protection of LGBTIQ+ persons in all sectors of the response.

CONTEXT

Venezuela's socio-political and economic challenges continue with a significant episode of high inflation, political polarization, and sectoral sanctions. The localized violence, the institutional challenges, the discrimination and stigmatization, the denial of resources, opportunities, and services remain the key drivers of protection needs affecting in a differentiated manner population groups such as woman, girls, older persons, LGBTIQ+ persons, among others. According to the needs assessment workshops conducted in the various parts of the country, some of the main protection risks include lack of documentation and identity documents, gender-based violence, and trafficking in persons. These risks affect differently the intersectional dimensions of LGBTIQ+ identities. It was reported that gays and lesbians were discriminated, neglected, and revictimized when wanting legal aid.

For decades, LGBTIQ+ people have been subject of prejudice, discrimination, and oppression, resulting in violations of their human rights. The report [“Being LGBTIQ+ in Venezuela: Information and data for the nexus of humanitarian action, development and peace” \(Union Afirmativa, 2023\)](#) indicated that 48% have suffered discrimination and violence and 31% had chronic health conditions due to limited access to required medications and to health facilities due to discrimination and revictimization. However, among some positive developments within the human rights umbrella, in February the [Venezuelan Supreme Court](#) annulled the military code statute penalizing, with one to three years in prison, members of the military who committed "acts against nature" (2023). Despite this welcome amendment, LGBTIQ+ persons continue their fight to ensure their basic rights.

The *National Survey on the Social Perception about LGBTIQ+ people in Venezuela*, conducted by the national organization Equilibrium CENDE at the beginning of 2023, highlighted that in Venezuela, the views that people have on LGBTIQ+ persons can vary in the society based on characteristics such as age, educational background, and their geographic area of residence within the country (i.e., depending in which state they live they can be more inclusive or not towards LGBTIQ+ persons). It showed that discrimination towards LGBTIQ+ persons in Venezuela ranges from medium to elevated levels, but some profiles of persons of diverse SOGIESC are perceived to be at a higher risk of discrimination and exclusion (CENDE, 2023). Additionally, this survey indicated that 40% of people disagree with public demonstrations of affection and 67% are discriminative towards transpeople specifically (CENDE, 2023)

However, the inclusion of LGBTIQ+ people is essential to promote equality and diversity, boost innovation, and achieve the Sustainable Development Goals (SDGs). In addition, it ensures a holistic humanitarian response that adopts a gender focused approach.

PROTECTION RISKS

RISK 1 Denial of access to basic services and discrimination

The denial of access to resources, opportunities and/or services due to discrimination or arbitrariness is a form of deliberate deprivation and a protection risk. Deliberate deprivation refers to an intentional action intended to prevent people from accessing the resources, goods, or services they need and to which they have the right to access. These actions can translate into institutional barriers or specific attitudes of service providers that lack training and awareness. In this case, LGBTIQ+ persons in Venezuela face structural and institutional barriers to access services if compared to other population groups in the country. They face difficulties in accessing: i) health, sanitation, and hygiene services, ii) food security, nutrition, and livelihoods, iii) education, iv) health, and v) accommodation and energy.

For example, public toilets represent a risk point for LGBTIQ+ persons as they are described as unsafe and where violence may occur. Four cases of sexual assaults in shopping center bathrooms have been registered since January 2023. In addition, trans men, and gender-nonconforming people who menstruate have difficulties in accessing menstrual hygiene products, as provision of these items' targets gender-conforming women. “As I was hospitalized on an occasion due to respiratory

problems, nurses automatically assumed I was not a menstruating person. She almost laughed at me when asking for pads”, a person reported to one of the LGBTIQ+ humanitarian organizations.

In Venezuela, the government’s food distribution (known as *CLAP*¹ *bags*) does not include same-gender families, which can result in malnutrition risks for children, the elderly, or people with specific needs within the families. Additionally, food safety responses/plans do not take into consideration the nutritional considerations that some people need considering their hormonal treatments (i.e., trans persons). When it comes to livelihoods opportunities these are limited due to discrimination in hiring and, since the first quarter of 2023, four cases of unjustified dismissals have been recorded. In March, in Falcón state, a gay man was fired for testing HIV positive in medical tests carried out without his consent by his company.

Educational institutions do not allow open discourse on sexuality in the country, thinking that children and adolescents can be led astray if they are informed about diverse SOGIESC. Moreover, access to medication specific to the LGBTIQ+ needs is limited (e.g., hormonal therapy), and numerous cases of self-medication (including the associated risks this brings) have been reported by organizations working with LGBTIQ+ persons. Consequently, three suicides have been recorded among LGBTIQ+ persons in Venezuela since the beginning of the year.

Regarding accommodation, rent has been denied to same-gender couples – one case was registered in June – and often LGBTIQ+ persons are forced to conceal their relationship to be accepted as tenants. It has been reported that public and private transportation are dangerous spaces that generate verbal and physical violence, especially in Caracas, Maracay, and Valencia where four cases have been recorded in the first half of 2023. In June, a woman reported that while detained with a trans friend, the transgender person faced ill-treatment, discrimination, sexual harassment, and a targeted body search owing to her transgender identity.

RISK 2 GBV and other safety and security concerns

The discrimination mentioned in the above risk generates situations of insecurity for LGBTIQ+ persons in Venezuela. According to some LGBTIQ+ organizations working in the humanitarian sector, the insecurity this year has manifested itself in public and private places (which are specific to LGBTIQ+ persons), through physical violence, verbal violence, emotional violence and hate speech.

The violence in public spaces manifests both in verbal violence with insults, humiliation, and threats, and in physical violence, such as sexual harassment or abuse, physical assault, or robbery, in public transport, public toilets, parks, shopping centers and streets, among others. The violence in spaces that are only for LGBTIQ+ people (private in their nature) is also apparent and manifested drastically in one specific event that took place during the month of July in Valencia, two hours west of the Venezuelan capital. The violent episode occurred at a gay club in Valencia, where the national police arrived with neither advance warning nor a search warrant entering the massage rooms, the locker rooms and the saunas shouting at all 33 men to get out and raise their hands up. All 33 men were ridiculed, and the club closed for two weeks. LGBTIQ+ persons were shamed publicly amidst this event, and the 33 men were held for three days in prison. "This incident is amongst a number of incidents faced by LGBTIQ+ persons recently in Venezuela".

On the other hand, violence based on hate speech generates the criminalization of LGBTIQ+ persons, that is, the process by which a person is considered a criminal for the mere fact of having a diverse SOGIESC, resulting in the legitimization of physical and/or psychological violence by the general population towards LGBTIQ+ persons and in the impunity against these acts, which is generated by low law enforcement. Particularly, those affected are activists and human rights defenders – five cases have been registered since the beginning of 2023 according to international and local NGOs (Non-Governmental Organizations) working with LGBTIQ+ persons.

¹ *Comités Locales de Abastecimiento y Producción (CLAP)*: Local Supply and Production Committees

RISK 3 Denial of access to legal protection and judicial services

While there are no laws criminalizing same-gender sexual relationships, there is no constitutional protection against discrimination based on SOGIESC and therefore violence may go unreported and/or unpunished. LGBTIQ+ persons are at risk of not having access to the same civil, political, economic, social, and cultural rights as the rest of the population and, in addition, they constantly face social rejection that creates barriers preventing them from living with dignity and developing in an environment with equal conditions and opportunities. Laws in force in Venezuela do not offer protection against discrimination based on “sexual orientation,” “gender identity,” “gender expression” or “sex characteristics” in provision of goods and services, healthcare, and education (ILGA Database, 2023).

There is no legislation that criminalizes LGBTIQ+ persons, however the Constitution of Venezuela does not explicitly include “sexual orientation,” “gender identity,” “gender expression” or “sex characteristics” as protected grounds of discrimination. Legal gender recognition in Venezuela is not possible (ILGA Database, 2023). Transgender, intersex, and gender non-conforming people do not have the possibility of correcting their name and gender marker on their identity documents, which represents a barrier to accessing services and opportunities preventing the full enjoyment of their human rights.

In Venezuela, LGBTIQ+ persons are denied the possibility of having a family, adopting children, and are revictimized and persecuted by the State, the community, family, and non-state actors (Guide on Protection and Inclusion of LGBTIQ+ Persons in the Humanitarian Action in Venezuela, 2023). Furthermore, LGBTIQ+ organizations mentioned that they have identified a case where recognition as a refugee might have been denied due to the diverse SOGIESC of the asylum seeker, even though the Ley Organica sobre Refugiados o Refugiadas y Asilados o Asiladas (LORRAA)/ Organic Law on Refugees and Asylees or Asylum-seekers - art. 05- establishes that sex (and gender and diversity on further interpretation from The National Commission of Refugees- CONARE) is considered as legal ground to access RSD (Refugee Status Determination) procedures and being recognized as refugee. Same-gender couples cannot engage in a civil marriage or register their de facto union legally. This prohibition affects by extension children born and raised in these families, which in turn affects the enjoyment of other rights. Joint adoption, nor second-parent adoption are legally available for same-sex couples in Venezuela (ILGA Database, 2023)

RISK 4 Human trafficking

The U.S. Department of State’s 2022 Trafficking in Persons Report (TiP Report) ranked the Bolivarian Republic of Venezuela in Tier 3. According to the report’s classification, this means that Venezuela does not fully meet the minimum standards for the elimination of human trafficking and is not making any effort to achieve it.

Due to the strong social rejection of diverse SOGIESC, there are no or few options to file a complaint or request medical, psychosocial, or legal assistance for containment or reparation to LGBTIQ+ survivors, in addition to the lack of a legal framework of protection. Additionally, the lack of official disaggregated data and up-to-date statistics represents a major challenge in determining the extent of trafficking in persons in the country and more specifically among LGBTIQ+ persons.

Trafficking of LGBTIQ+ people for sexual exploitation was mentioned as the main form of modern slavery and the most lucrative of all during a focal group discussion with local and international NGOs working with LGBTIQ+ persons. This focal group discussion was organized by the Protection Cluster with the support of the GBV Area of Responsibility and the GenCap Gender Advisor. Additionally, they expressed that the situation of human trafficking of LGBTIQ+ persons, in Venezuela, is invisible, as in other parts of the region.

The reasons outlined in the discussions are twofold: firstly, officials assume that all victims are cisgender and heterosexual; and secondly, LGBTIQ+ persons fear repercussions for revealing their SOGIESC, which makes them even more vulnerable to

trafficking situations. In Venezuela, based on reports from these NGOs, the most reported form of trafficking impacting LGBTIQ+ persons is the sexual exploitation of trans women recruited by offering gender-confirmation operations. Although there is no specific information on the magnitude of this crime within the LGBTIQ+ population, it is important to bear in mind that LGBTIQ+ persons in Venezuela often lack strong family or social support networks due to rejection because of their identity or sexual orientation, which enlarges the vulnerability spectrum.

The experienced violence and lack of support networks represent the push factor for LGBTIQ+ persons to leave Venezuela. According to the report *“Being LGBTIQ+ in Venezuela” (2023)*, in the last five years, 80% of lesbian mothers and parents of trans children have preferred migration instead of raising their children in Venezuela. During their displacement journey, they may face new protection risks, or the current risks may be exacerbated.

RESPONSE

PROGRESS MADE ON PROTECTION

Throughout 2022 and 2023, local and international NGOs that work with LGBTIQ+ persons in Venezuela have directed their actions to minimize the revictimization of survivors of violence through dissemination of information about safe and inclusive services. They have also worked to ensure that public spaces become safer and that emergency contact lines are available for support.

Comprehensive responses have been proposed among organizations to avoid discrimination, prevent, and minimize cases of Sexual Exploitation and Abuse (SEA), and offer psychosocial support services. Real and efficient collaboration between organizations can only occur through the creation of consortia, mapping of services and care routes with differential services and qualified staff. The Protection Cluster has designated efforts and attention on this relevant topic by creating a dedicated guide and a toolbox (with the support of specialized consultancy) centered on the [Protection and Inclusion of LGBTIQ+ Persons in Humanitarian Action in Venezuela](#). This guide is unique in its nature in Venezuela and offers practical information on how to protect and actively involve LGBTIQ+ persons in humanitarian efforts, with a special emphasis on fostering a non-discriminatory environment.

The main objective for LGBTIQ+-led protection and humanitarian organizations is to ensure the inclusion of LGBTIQ+ persons (including through raising awareness) and their access to humanitarian services. Raising awareness includes eradicating violence and discrimination through massive communicational campaigns. Also, organizations that work with LGBTIQ+ persons in Venezuela have carried out trainings for their employees and have implemented advocacy strategy plans for public institutions.

ACCESS RELATED CHALLENGES AND ACTIONS

National and international organizations identified financial restrictions and social barriers as the main challenges to address sexual exploitation and human trafficking within the community. The social barriers refer to religious and cultural societal values in the Venezuelan context and the presence of armed groups in different rural areas that limit the implementation of prevention and response measures regarding sexual exploitation and human trafficking. Some local and international NGOs that work with LGBTIQ+ persons in Venezuela also highlighted the difficulties of legally registering and running the organization in the country, and of having the opportunity to articulate efforts with other entities. Measures for safe migration, legal guidance and the disaggregated data are limited and hinder the work of these organizations, which are overwhelmed trying to cope with all the demands of the community. Additionally, these organizations also face online (i.e., cyberattacks) and physical security risks. Other challenges involve the country’s policies on importation (especially medicines for hormonal treatments) and the lack of spaces for participation and dialogue between humanitarian organizations and government entities.

RECOMMENDATIONS

RISK 1 Access to basic services and addressing discrimination

GOVERNMENT and PARTIES TO THE CONFLICT

- Provide training focused on the protection risks of LGBTIQ+ persons and more specifically on the discrimination faced by them (i.e., when attempting to access basic services). Ideally, these trainings should engage local LGBTIQ+ CSOs, and be given to the health service providers, teachers, and public institutions providing water, hygiene, and sanitation services. Content of these trainings should be consulted with
- Consult actively LGBTIQ+ civil society organizations and grassroots initiatives as basic services are developed, and protocols implemented to ensure safe and inclusive approaches.
- Develop awareness campaigns for the general population to reduce discrimination in schools, homes, and work environments.

HUMANITARIAN COORDINATOR (HC) and HUMANITARIAN COMMUNITY

- Design and implement tailored and adapted protocols that apply an intersectional and Age, Gender, and Diversity (AGD)-inclusive approach.
- Improve accountability to affected people through effective feedback mechanisms, and two-way communication, include both, a humanitarian and development approach with a sustainable perspective, promote better collaboration and exchange of information among relevant actors, including to improve public policies.
- Provide training focused on the protection risks of LGBTIQ+ persons and more specifically on the discrimination faced by them (i.e., when attempting to access basic services). Ideally, these trainings should engage local LGBTIQ+ CSOs, and be given to the health service providers, teachers, and public institutions providing water, hygiene, and sanitation services.

DONORS

- Develop Needs Assessments overviews for funding opportunities to national and international NGOs, including grassroots LGBTIQ+ organizations to develop holistic projects focused on addressing discrimination in accessing basic services and responding to protection issues of LGBTIQ+ persons in Venezuela.
- Create opportunities for health, education and livelihood projects that are inclusive of LGBTIQ+ persons.

PROTECTION SECTOR and PARTNERS

- Promote alliances, partnerships, and networking to avoid duplication ensuring comprehensive and intersectoral responses and maximize the efficiency of available funds.
- Work with local LGBTIQ+ organizations to improve outreach and design safe referral pathways to services aimed at LGBTIQ+ persons.

RISK 2 GBV and other safety and security concerns

GOVERNMENT and PARTIES TO THE CONFLICT

- Provide training focused on the context and protection risks of LGBTIQ+ people suitable for governmental actors, law enforcement, and other security agencies.

DONORS

- Develop Needs Assessments for funds opportunity to national and international NGOs (Non-Governmental Organizations), including grassroots LGBTIQ+ organizations to develop holistic projects that include prevention and response measures and awareness campaigns concerning insecurity and violence faced by LGBTIQ+ persons in Venezuela.

PROTECTION SECTOR and PARTNERS

- Focus on promoting alliances, consortia, and networking to avoid duplication ensuring comprehensive addressing of needs, intersectoral and maximizing the efficiency of available funds.

RISK 3 Access to legal protection and judicial services

PROTECTION SECTOR and PARTNERS

- Design clear and specific paths to legal aid and protection services for LGBTIQ+ persons.

GOVERNMENT and PARTIES TO THE CONFLICT

- Conduct training, sensibilization and awareness sessions on diversity and inclusion to government entities.
- Design LGBTIQ+ sensitive security protocols to ensure the protection of LGBTIQ+ persons.
- Draft inclusive public policies and laws that prevent discrimination and ensure protection of LGBTIQ+ persons concerning access to justice, goods and provisions, healthcare, and education.

RISK 4 Human trafficking

GOVERNMENT and PARTIES TO THE CONFLICT

- Provide holistic training for government officials and public institutions staff receiving complaints and cases.
- Promote the creation of national legislations with specific clauses on human trafficking aiming at protecting all persons, including LGBTIQ+ persons.
- Promote research, studies, and data collection on the phenomenon of trafficking, analyzing the causes, vulnerabilities, and emerging situations that affect LGBTIQ+ persons.

DONORS

- Strengthen the “exit strategies” of humanitarian organizations with more interventions on prevention, livelihoods, and access to health services for LGBTIQ+ persons.
- Request needs assessments reports focused on the needs of LGBTIQ+ persons before mobilizing and allocating funds.

PROTECTION SECTOR and PARTNERS

- Implement services that are inclusive of LGBTIQ+ persons survivors or at risk of trafficking, and design clear paths on how to access them.
- Support the reintegration of survivors of trafficking through the creation of livelihoods and employment opportunities in Venezuela ensuring respect to diversity.

Methodology

The analysis has been based on both quantitative and qualitative data from existing secondary data sources, protection assessments, focal group discussions and reports covering events from January to August 2023.

Limitations

Data available in Venezuela is predominantly limited to few actors that are currently working with the LGBTIQ+ community. The information included is limited to the data available of the humanitarian actors working with this group and a series of reflection exercises through focal group discussions that have been carried out for the identification of protection risks and their severity among this community.



For further information please contact: **Alice Contini** - continia@unhcr.org | **Kimberly Sarkis** – sarkisne@unhcr.org