



# chapter

# IV.b

---

Venezuela

## CHAPTER IV.B

### VENEZUELA

#### I. INTRODUCTION

1. During 2021, the Inter-American Commission on Human Rights (hereinafter, “the IACHR,” “the Commission” or “the Inter-American Commission”) continued to monitor the dire human rights situation in Venezuela. In this regard, it observed that the deepening crisis of democratic institutions resulting from executive branch interference in the other branches of government persists and has done away with the rule of law.

2. The Inter-American Commission finds in general that Venezuela has been stripped of the core elements of representative democracy. Thus, the IACHR underscores that democratic institutions in the country are not guided by the principles of the separation of powers and checks and balances. In fact, in 2021, the Commission ascertained that the executive branch holds absolute power, following the virtual takeover of institutions such as the Supreme Court of Justice, the National Constituent Assembly and the Office of the Public Prosecutor. In addition, it used and abused states of emergency with the acquiescence of the Supreme Court of Justice, thus enabling direct or indirect transfer of power from the National Assembly to the executive branch, all while the opposition held a majority in the parliament. Moreover, the IACHR recalls that the year 2020 closed out the legislative term of the National Assembly which was democratically elected in 2015 and had been the institution regarded as the last vestige of democratic legitimacy.<sup>1</sup>

3. These circumstances have paved the way for gross human rights violations to be committed, especially against anyone who publicly dissents from the government position. The IACHR observes that serious human rights violations, such as extrajudicial executions of young people living in a situation of poverty, forced disappearance, and torture in the context of deprivation of liberty, continue to be perpetrated in Venezuela. Also persisting are arbitrary detentions of individuals who publicly dissent from the government view, improper restrictions on freedom of expression, and persecution of human rights defenders and human rights defense organizations. Additionally, the IACHR took note of the announcement of the Office of the Prosecutor of the International Criminal Court, on November 5, 2021, that it was opening a formal investigation into the alleged commission of crimes against humanity in the country.

4. The Commission further observes that living conditions continue to deteriorate in Venezuela, disproportionately harming women, human rights defenders, persons with disabilities, older persons, children and adolescents, indigenous peoples, Afro-descendants, persons deprived of liberty, and lesbian, gay, bisexual and intersex (LGBTI) persons. The IACHR takes particular note that fast-paced deterioration of living conditions has triggered the largest outflow of migrants regionwide and the second largest worldwide.<sup>2</sup> As of the date of the preparation of this report, it is estimated that there are 6,038,937 refugees and migrants from Venezuela.

5. In 2021, the Commission also welcomed the dialogue between the government and the Unitary Platform coalition of Venezuela, which brings together a variety of opposition sectors. On this score, the IACHR reaffirms that a host of challenges to the guarantee of human rights in Venezuela imply the need for

---

<sup>1</sup> IACHR, 2020 Annual Report

<sup>2</sup> Brookings, Venezuela refugee crisis to become the largest and least funded in modern history, December 9, 2019. See: UNHCR, Venezuela situation, 2021.

a serious, respectful and transparent processes of dialogue aimed at restoring the democratic institutional framework, while promoting real, effective and practical independence of the branches of government.

6. After assessing the human rights situation in Venezuela, the IACHR decided to include this country in this chapter pursuant to Article 59, subparagraphs 6.a.i, 6.b, 6.d.i and 6.d.iii of the IACHR Rules of Procedure, which establishes the criteria for including a Member State as follows:

- a. a serious breach of the core requirements and institutions of representative democracy mentioned in the Inter-American Democratic Charter, which are essential means of achieving human rights, including:
  - i. there is discriminatory access to or abusive exercise of power that undermines or denies the rule of law, such as systematic infringement of the independence of the judiciary or lack of subordination of State institutions to the legally constituted civilian authority;
  - ii. there has been an unconstitutional alteration of the constitutional regime that seriously impairs the democratic order [...].
- b. The free exercise of the rights guaranteed in the American Declaration or the American Convention has been unlawfully suspended, totally or partially, by virtue of the imposition of exceptional measures such as a declaration of a state of emergency, state of siege, suspension of constitutional guarantees, or exceptional security measures.
- d. The presence of other structural situations that seriously affect the use and enjoyment of fundamental rights recognized in the American Declaration, the American Convention or other applicable instruments. Factors to be considered shall include the following, among others:
  - i. serious institutional crises that infringe the enjoyment of human rights;
  - iii. serious omissions in the adoption of the necessary measures to make fundamental rights effective, or in complying with the decisions of the Commission and the Inter-American Court [...].

7. Pursuant to Article 59.5 of the IACHR Rules of Procedure, the Commission has used in drafting this report information from international organizations, civil society and the government itself. The IACHR has also used as support information it has gathered through the other monitoring and protection mechanisms available to it including, *inter alia*, the system of petitions and cases, precautionary measures and public hearings. The IACHR examines the information it receives in light of Inter-American human rights norms and standards, identifies best governmental practices and issues recommendations to the State.

8. In 2021, the IACHR issued 16 press releases expressing its concern over different issues in Venezuela. Additionally, the Inter-American Commission held 3 thematic hearings in the framework of special sessions, two of which were about structural human rights issues and one, about follow-up to the recommendations from its country visit. Over this year, the IACHR decided to grant three new precautionary measures and an expansion of the purpose of one pre-existing measure.

9. In Chapter II of the instant report, the situation of democratic institutions is addressed and the following issues are fleshed out: executive branch interference in the judiciary; abusive use of states of emergency with the acquiescence of the Supreme Court of Justice; executive branch interference with the National Constituent Assembly (ANC); executive branch interference with the oversight bodies (*Poder Ciudadano*) through the National Constituent Assembly; political persecution by the executive branch of deputies elected in 2015 to the National Assembly, who are members of the opposition to the government;

executive branch interference in the electoral branch of government; the dire need for a transition to democracy and rule of law.

10. In Chapter III, the human rights situation is addressed, including: gross human rights violations; situation of freedom of expression; situation of economic, social, cultural and environmental rights (ESCERs). In Chapter IV, the situation of groups in situations of vulnerability and discrimination are explained in the following order: women, human rights defenders; migrants, asylum seekers, refugees, beneficiaries of complementary protection; persons deprived of liberty; children and adolescents; persons with disabilities; older persons; indigenous peoples, lesbians, gays, bisexuals, trans and intersex (LGBTI) persons. Lastly, in chapter V, recommendations are issued to the State of Venezuela.

11. On November 23, 2021, the Commission forwarded a copy of the preliminary draft of this report to the Venezuelan chancellery and to the Venezuelan Permanent Mission recognized by the OAS, in keeping with articles 59(7) and 59(10) of its Rules of Procedure. The State did submit its observations on December 23, 2021. The IACHR approved this report on February 23, 2022.

## II. DEMOCRATIC INSTITUTIONS

12. The Inter-American Commission reiterates that democracy is “a universal value based on the freely expressed will of people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives.”<sup>3</sup> It is indispensable for the effective exercise of human rights and fundamental freedoms.<sup>4</sup> In order for it to be consolidated, it is essential for the institutional framework to be guided by the separation of powers, independence of the branches of government and checks and balances, as well as the effective exercise of political rights through free and fair elections, and respect for and promotion of pluralism in society. Likewise, respect for human rights is essential to democracy.<sup>5</sup>

13. As the IACHR has repeatedly ascertained, Venezuela has been bereft of these elements for several years now, seriously undermining the ability of any effective substantive democracy to function. Specifically, the Inter-American Commission observes that in 2021 the government took a monopolistic hold over the different branches of government, after chipping away at judicial independence and ceaselessly attacking the parliament elected in 2015. The IACHR underscores that 2020 brought to a close the term of the National Assembly elected in 2015, the last national government institution with democratic legitimacy.<sup>6</sup>

### A. Executive Branch interference with the Judicial Branch

14. On December 6, 2015, parliamentary elections were held in Venezuela. Government opponents won 112 of the 167 seats of the National Assembly. A few days after the results were released, a group of at least 12 judges of the Supreme Court of Justice (TSJ) applied for early retirement. This unusual event enabled the outgoing legislature, consisting of a majority of Maduro government allies, to appoint their replacements over the last week their term in office in 2015, in a process characterized by opacity.<sup>7</sup>

<sup>3</sup> UN, General Assembly, Final Document of the 2005 World Summit, A/60/L.1, September 15, 2005, par. 135.

<sup>4</sup> Article 7 of the Inter-American Democratic Charter.

<sup>5</sup> Article 3 of the Inter-American Democratic Charter; and UN, Human Rights Commission, Resolution 2000/47, Promoting and Consolidating Democracy, April 25, 2000.

<sup>6</sup> IACHR, 2020 Annual Report, Chapter IV.B, IACHR, 2019 Annual Report, Chapter IV.B, IACHR, 2018 Annual Report, Chapter IV.B, IACHR, 2017 Annual Report, Chapter IV.B IACHR. Also see 2016 Annual Report, Chapter IV.B, Venezuela, pars. 70-87 and 88-119; 2015 Annual Report, Chapter IV.B, Venezuela, pars. 71-113; 2014 Annual Report, Chapter IV.B, Venezuela, pars. 360-397; 2013 Annual Report, Chapter IV.B, Venezuela, pars. 476-518; 2012 Annual Report, Chapter IV, Venezuela, pars. 383-388; 2011 Annual Report, Chapter IV, Venezuela, pars. 412-420; 2010 Annual Report, Chapter IV, Venezuela, pars. 615-649 and 677-684; 2009 Annual Report 2009, Chapter IV, Venezuela, pars. 473-477; 2008 Annual Report, Chapter IV, Venezuela, pars. 335-345; and 2007 Annual Report, Chapter IV, Venezuela, pars. 269-276.

<sup>7</sup> IACHR, Informe Anual, Capítulo IV.B “Venezuela”, Annual Report Chapter IV.B “Venezuela”, 2019, par. 17.

15. On December 30, 2015, the TSJ handed down decision No. 260 on an appeal for constitutional protection (*recurso de amparo cautelar*), ordering that the incoming National Assembly unseat a group of indigenous deputies for alleged violation of the constitutional right to vote and to political participation. In response to this decision, the Inter-American Commission voiced its concern over the lack of representation of indigenous peoples in the National Assembly of Venezuela and issued an appeal to the authorities of the State to not strip indigenous peoples of their right to have their own parliamentary representation, while judicial remedies are being pursued to nullify an election, pursuant to due process guarantees.<sup>8</sup>

16. On January 11, 2016, the Electoral Chamber of the TSJ declared the National Assembly in contempt. This decision was upheld subsequently in judgments of August 1, 2016 and September 2, 2016. In this way, the TSJ curtailed the powers of the National Assembly, declaring its acts null and void, inapplicable and lacking legal effect for as long as it remained in contempt. In this regard, the IACHR notes that the contempt charge, as used by the TSJ, would not appear to be regulated under Venezuelan law, which provides only for fines when there is a failure to abide by judicial rulings.<sup>9</sup>

17. On December 14, 2016, the IACHR expressed deep concern over the fact that the TSJ declared the parliament in contempt,<sup>10</sup> and clarified that while it is important to the rule of law for judicial rulings to be complied with, the use of the charge of contempt in this case is incompatible with democratic principles, because it is disproportional and violates the separation of powers and independence of the branches of government, inasmuch as it prevents one branch of government from legitimately performing its functions.<sup>11</sup> Moreover, according to reports of civil society, after suspending the powers of the National Assembly, the TSJ made a number of decisions arrogating to itself powers belonging to the legislative branch. For example, the TSJ declared itself the competent authority to carry out the function of national budget control,<sup>12</sup> it gave itself the power to receive the annual state of the nation address from the President of the Republic (*Memoria y cuenta*).<sup>13</sup> In addition, the TSJ did away with the power of the National Assembly to create joint ventures in the area of hydrocarbons, adding that, for as long as the contempt remains, it would be taking on parliamentary duties.<sup>14</sup>

18. On March 28 and 29, 2017, the Constitutional Chamber of the TSJ issued decisions No. 155 and 156, stripping some opposition National Assembly deputies of their parliamentary immunity and establishing that their acts constitute treason against the homeland. Additionally, it granted the executive branch the broadest of discretionary powers and decided that several powers of the legislative branch would be directly exercised by the Constitutional Chamber or by any body of its choosing.<sup>15</sup>

19. The Inter-American Commission condemns these decisions and notes that they constitute a usurpation of the functions of the legislative branch by the judicial and executive branches, as well as a *de facto*

---

<sup>8</sup> IACHR, Press Release [Comunicado de Prensa 132/2016](#), IACHR CIDH Expresses Concern Regarding Restrictions in the Exercise of Fundamental Rights in Venezuela, September 14, 2016.

<sup>9</sup> IACHR, [Situación de los derechos Humanos en Venezuela – “Institucionalidad democrática. Estado de Derecho y derechos humanos en Venezuela”](#), Situation of Human Rights in Venezuela, - “Democratic Institutions, Rule of Law and Human Rights in Venezuela 2017”, par. 94.

<sup>10</sup> IACHR, Press Release [Comunicado de Prensa 132/2016](#), IACHR CIDH Expresses Concern Regarding Restrictions in the Exercise of Fundamental Rights in Venezuela, September 14, 2016.

<sup>11</sup> IACHR, [Situación de los derechos Humanos en Venezuela – “Institucionalidad democrática. Estado de Derecho y derechos humanos en Venezuela”](#), Situation of Human Rights in Venezuela, - “Democratic Institutions, Rule of Law and Human Rights in Venezuela 2017”, par. 100.

<sup>12</sup> TSJ, Constitutional Chamber, Judgment [No. 814](#), October 11, 2016.

<sup>13</sup> TSJ, Constitutional Chamber, Judgment [No. 03](#), October 11, 2017.

<sup>14</sup> TSJ, Constitutional Chamber, Judgment [No. 156](#), March 29, 2019.

<sup>15</sup> IACHR, Press Release [Comunicado de Prensa 041/2017](#), IACHR Condemns Supreme Court Rulings and the Alteration of the Constitutional and Democratic Order in Venezuela. March 31, 2017.

annulment of the popular vote whereby the deputies were elected to the National Assembly.<sup>16</sup> It should be emphasized that decisions 155 and 156 gave rise to a period of mass protests, which were violently put down by the State security forces and armed irregular civilian groups known as “*colectivos*.”<sup>17</sup>

20. On May 1, 2017, President Nicolás Maduro convened, by means of an executive decree, a National Constituent Assembly on the grounds that it would bring peace and would draft a new political constitution. The TSJ validated the convening of a constituent assembly without any national referendum being held, by means of executive decree, despite serious questions as to its legitimacy and formation.<sup>18</sup>

21. On January 10, 2019, Nicolás Maduro was sworn into office for a new presidential term by the TSJ, and not by the National Assembly, as the Constitution requires it should be in normal circumstances. This took place after the TSJ made a decision reiterating that the National Assembly was in contempt and that its acts were inapplicable and had no legal effect. On this score, the Commission issued a pronouncement on the new presidential term, warning that it further weakens Venezuelan institutions.<sup>19</sup>

22. The IACHR observes that the TSJ not only suspended the constitutional powers of the National Assembly and arrogated its legislative functions to itself, but it also began issuing decisions evincing the desire to persecute opposition deputies. For example, citing the grounds that some deputies had been detained *in flagrante delicto*, the TSJ held that they could be deprived of liberty at State facilities. It further held that in these cases the constitutional proceeding to lift the parliamentary immunity of deputies and subsequently hold an impeachment trial, was not applicable.<sup>20</sup>

23. As of the date of the drafting of this report, the Commission had received reports that the TSJ has issued numerous decisions finding opposition deputies criminally responsible without observing due process rules. In addition, it had brought requests to lift their parliamentary immunity before the National Constituent Assembly and, in some instances, imposed or requested measures of deprivation of liberty, freezing of assets and prohibiting their departure from the country. Such has been the case of the following deputies: Germán Ferrer, Juan Requesens, Julio Borges, Juan Guaidó, Edgar Zambrano, Henry Ramos Allup, Luis Florido, Marianela Magallanes, José Simón Calzadilla, Americo De Grazia, Richard Blanco, Freddy Superlano, Sergio Vergara y Juan Andrés Mejía, Carlos Paparoni Ramírez, Miguel Pizarro Rodríguez, Franco Casella Lovaton, Winston Flores Gómez, Rafael Guzmán, José Guerra, Tomás Guanipa, Juan Pablo García, Jorge Millan, Henán Alemán, Carlos Alberto Lozano and Luis Stefanelli, among others.<sup>21</sup>

24. The IACHR also documented a number of decisions of the TSJ in which it arrogated to itself constitutional powers of the National Assembly and the electoral branch of government with far-reaching consequences to the democratic future of the country. On June 5, 2020, the TSJ handed down Judgment 0068. In this ruling, on the grounds of a legal construct it called “legislative omission,” it found it was competent to appoint the members of the National Electoral Council (CNE) which, pursuant to the Venezuelan Constitution,

---

<sup>16</sup> IACHR, Press Release [Comunicado de Prensa 041/2017](#), IACHR Condemns Supreme Court Rulings and the Alteration of the Constitutional and Democratic Order in Venezuela. March 31, 2017.

<sup>17</sup> UNHCHR, Human rights violations in the Bolivarian Republic of Venezuela: a downward spiral with no end in sight. June 2018.

<sup>18</sup> International Commission of Jurists, No Room for Debate: The National Constituent Assembly and the Crumbling of the Rule of Law in Venezuela, 2017, pg. 35.

<sup>19</sup> IACHR, Press Release, [Comunicado de Prensa 005/2019](#), IACHR Alerts About Further Weakening of Rule of Law in Venezuela Ahead of New Presidential Mandate, January 9, 2019.

<sup>20</sup> Constitution of the Bolivarian Republic of Venezuela, Article 22.

<sup>21</sup> TSJ, Sitting en banc, Judgments: No. 0034 of May 11, 2017; No. 66 of August 16, 2017; No. 69 of November 3, 2017; No. 49 of August 8, 2018; No. 1 of January 29, 2019; No. 17 of May 2, 2019; No. 18 of May 7, 2019; No. 19 of May 9, 2019; No. 20 of May 14, 2019; No. 33 of May 28, 2019; No. 55 of August 12, 2019; No. 52 of August 12, 2019; No. 58 of October 25, 2019; No. 76 of December 16, 2019.

is a power belonging to legislative branch of government. Then on June 12, by means of Judgment 0070, it appointed the members of the CNE, which included two judges of the TSJ itself.<sup>22</sup>

25. On June 15, 2020, the TSJ issued Judgment 0071, suspending the current board of directors of the Acción Democrática political party and in its place, appointing an *ad hoc* board of directors to undertake a restructuring process. The judgment authorized this board to use the electoral card, the logo, the symbols, the emblems, the colors and any other element belonging to the political party. The next day, on June 16, the same court issued Judgment 0072, ordering exactly the same thing for the Movimiento Primero Justicia party.<sup>23</sup> The Commission learned through publicly available information that the TSJ has issued similar decisions for the Movimiento República,<sup>24</sup> Tupamaro,<sup>25</sup> Acción Ciudadana en Positivo,<sup>26</sup> and Nuvipa<sup>27</sup> political parties.

26. On June 27, 2020, The Inter-American Commission expressed concern that the TSJ would appoint the arbiters of the electoral contest without any constitutional authority to do so and, at the same time, issue decisions interfering with the two political parties, whose leaders are the most well-known of the opposition to the government. In the view of the IACHR, these types of judgments interfere with the free conduct of the internal democratic processes of opposition political parties; undermine confidence in the country's elections; and create further obstacles in addressing the institutional crisis that is having such a severe impact on human rights.<sup>28</sup>

### ***Other obstacles to the proper and independent administration of justice***

#### ***High number of provisional status judges***

27. The IACHR has identified a number of obstacles to preventing the executive branch from interfering with the judiciary. The Commission has repeatedly expressed concern over the high number of acting judges who only hold provisional appointments.<sup>29</sup> According to the case law of the Constitutional Chamber of the TSJ, provisional judges can be appointed and dismissed at will.<sup>30</sup> Investigative journalists and civil society organizations estimate that 85.39% of judges were provisional in 2019,<sup>31</sup> which surpasses the percentage of 80% in 2018.<sup>32</sup> The percentage ranged between 66% and 80% from 2007 to 2017.<sup>33</sup> As the 2021 judicial period opened, the chief justice of the Supreme Court of Justice reported that in 2020, 881 new

---

<sup>22</sup> IACHR, Press Release [Comunicado de Prensa 151/2020](#), IACHR Rejects a Set of Recent Decisions by the Supreme Court of Justice of Venezuela That Threaten Democratic Institutions and Fundamental Freedoms, June 27, 2020.

<sup>23</sup> IACHR, Press Release [Comunicado de Prensa 151/2020](#), IACHR Rejects a Set of Recent Decisions by the Supreme Court of Justice of Venezuela That Threaten Democratic Institutions and Fundamental Freedoms, June 27, 2020.

<sup>24</sup> El Pitazo, Estos son los partidos políticos intervenidos por el Tribunal Supremo de Justicia, [These are the political parties taken over by the Supreme Court of Justice, August 26, 2020.

<sup>25</sup> El Mundo, The Supreme Court of Venezuela takes control over the executive board of the pro-Chaves party Pupamaro, August 19, 2020.

<sup>26</sup> TSJ, Constitutional Chamber, Judgments No. 210 and 161 of September 2, 2020.

<sup>27</sup> VPI, TSJ loyal to Maduro takes control of Nuvipa party, August 2, 2020.

<sup>28</sup> IACHR, Press Release [Comunicado de Prensa 151/2020](#), IACHR Rejects a Set of Recent Decisions by the Supreme Court of Justice of Venezuela That Threaten Democratic Institutions and Fundamental Freedoms, June 27, 2020.

<sup>29</sup> IACHR, Annual Report, Chapter IV.B "Venezuela", [Informe Anual, Capítulo IV.B "Venezuela"](#), 2019, par. 4.

<sup>30</sup> IA Court of HR. [Caso Chocrón Vs. Venezuela](#). Case of Chocrón v. Venezuela. Preliminary Objection, Merits, Reparations and Costs. Judgment of July 1, 2011. Series C No. 227, par. 67-68.

<sup>31</sup> Armandoinfo, The Law of the Judiciary: the poorer the province, the more Chavista the judges, July 7, 2019.

<sup>32</sup> Body of Constitutional Law (*Bloque constitucional*) of Venezuela, [Informe 2018](#), pg. 37.

<sup>33</sup> International Commission of Jurists, Achieving justice for gross human rights violations in Venezuela, [Lograr justicia por graves violaciones a los derechos humanos en Venezuela](#), 2017, pag. 25.

provisional judges had been appointed.<sup>34</sup> Although the IACHR has been unable to gain access to the most recent information on the percentage of provisional judges, it is estimated that this number has not decreased since 2003 and no competitive selection process is being conducted for the appointment of tenured, that is, permanent judges.<sup>35</sup>

28. In 2021, the International Commission of Jurists published the report “Judges on the Tightrope,” decrying that the TSJ itself established a Judicial Commission in charge, among other things, of appointing and removing judges. This is despite the fact that there is no constitutional or statutory reference that “provides for even the existence of this Judicial Commission.”<sup>36</sup> In response to this serious situation, the IACHR reiterates that the State should adopt urgent and decisive measures to significantly increase the number of permanent, tenured judges and ensure that judges, even if provisional or acting, are only removed through a disciplinary or administrative proceedings that abide by due process guarantees, especially the requirement that decisions state proper grounds and are subject to judicial review.<sup>37</sup>

### ***Opacity in judicial governance and the administration of justice***

29. The Inter-American Commission has also observed that the judiciary operates with a high degree of opacity. This greatly hampers the ability to follow up on the status of judicial independence and to find out, for example, whether judges are appointed in keeping with preestablished procedures, as well as the percentage of the country’s judges holding provisional or interim appointments. The Supreme Court of Justice has particularly been characterized by a lack of transparency and public disclosure and has engaged in practices such as issuing public convictions through releases without giving the parties to the cases any prior notice; issuing decisions of nationwide import without holding any public hearings; only publishing the operative portions of judicial decisions; and serving notice of decisions, convictions and injunctions through social networks such as Facebook or Twitter, eschewing the use of court orders.<sup>38</sup>

30. The Inter-American Commission finds it particularly troubling that the highest body of the judiciary engages in these practices, and stresses that they are tantamount to serious violations of due process guarantees that protect all persons, such as the presumption of innocence, the right of appeal, the right to be heard and the duty to state grounds for judicial decisions.

### ***Admitting evidence under duress and judicial persecution against individuals perceived as opponents to the government***

31. In 2021, the IACHR took note of the findings presented by the Independent International Fact-Finding Mission on Venezuela (hereinafter “the Mission”) with respect to the judiciary. On this score, it finds it worrying that the Mission has documented the admission of evidence, including confessions, that was obtained under duress or during interrogations without proper representation of legal counsel.<sup>39</sup> In this regard, the Inter-American Commission recalls that, pursuant to Inter-American standards, the defendant’s confession is

---

<sup>34</sup> Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, Report of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, September 16, 2021, par. 2.

<sup>35</sup> UNHCHR. Independence of the justice system and access to justice in the Bolivarian Republic of Venezuela, including for violations of economic and social rights, and the situation of human rights in the Arco Minero of the Orinoco River region , July 15, 2020, par. 8.

<sup>36</sup> International Commission of Jurists, Judges on the tightrope, 2021, pgs. 13- 14.

<sup>37</sup> IACHR, *Informe Anual. Capítulo IV.B “Venezuela”*, 2019 Annual Report, Chapter IV. B “Venezuela,” 2019, par. 45.

<sup>38</sup> Acceso a la Justicia, The Venezuelan Observatory on Justice, *TSJ: retardo y opacidad informativa*, [‘TSJ: delay and informational opacity’], April 22, 2019.

<sup>39</sup> Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, Report of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, September 16, 2021, par. 82.



only valid if made without duress of any kind, that is, it is not limited to the factual situation of torture or cruel treatment, but extends to any form of duress.<sup>40</sup>

32. Additionally, in 2021, the Independent International Fact-Finding Mission on Venezuela documented serious violations of the fair trial rights of persons who are perceived as opponents to the government. Thus, the Mission was able to review 183 detentions, finding that 77% of the initial appearances it examined took place outside the 48-hour period permitted by law, with 18% of the detainees held for more than one week before their initial appearances before a judge.<sup>41</sup> The Mission also documented serious procedural delays and constant deferrals of hearings, when cases involved individuals perceived as government opposition members.<sup>42</sup>

### ***Improper use of military criminal jurisdiction***

33. The IACHR has repeatedly called attention to the improper use of the military criminal jurisdiction in Venezuela.<sup>43</sup> From 2014 to 2021, at least 875 civilians were tried under this jurisdiction.<sup>44</sup> It is particularly concerning to the Commission that the military criminal jurisdiction has become more widely used during protests, as was the case in 2017, when at least 600 civilians were brought before military judges.<sup>45</sup>

34. On March 24, 2021, the IACHR called on the State of Venezuela to stop trying civilians in military courts once and for all. This appeal was issued in response to TSJ judgment No. 0246 of December 14, 2020 and even though the ruling cited Inter-American standards as grounds to vacate a decision of the Tenth Military Preliminary Hearing Court of the Criminal Judicial Circuit of the State of Zulia, in favor of two civilians, it reaffirmed the ability of the military criminal jurisdiction to hear military offenses committed by civilians. In the view of the Commission, that line of reasoning is out of line with the absolute prohibition of trying civilians in military courts.<sup>46</sup>

35. On October 14, 2021, the Inter-American Commission on Human Rights (CIDH) welcomed the amendment to Venezuela's Organic Code of Military Justice, banning the prosecution of civilians before courts with military criminal jurisdiction.<sup>47</sup> As of the date of the drafting of this report, the IACHR has not received information about measures taken to redirect to civilian courts all judicial proceedings that, should not have been heard by the military criminal jurisdiction in the first place. In view of this, the Inter-American Commission urges this reform to be effectively implemented. It also recalls that in a democratic state under the rule of law, the military criminal jurisdiction should have a narrow scope, be used on an exceptional basis

---

<sup>40</sup> IA Court of HR. Case of Cabrera García and Montiel Flores v. Mexico. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 26, 2010. Series C No. 220, par. 166.

<sup>41</sup> Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, Report of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, September 16, 2021, par. 92.

<sup>42</sup> Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, Report of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, September 16, 2021, par. 93.

<sup>43</sup> IACHR, [Situación de los derechos Humanos en Venezuela – “Institucionalidad democrática, Estado de Derecho y derechos humanos en Venezuela”](#), Situation of Human Rights in Venezuela – Democratic Institutions. Rule of Law and Human Rights in Venezuela. 2017, par. 24.

<sup>44</sup> Foro Penal, Reporte sobre la Represión en Venezuela, [Report on Repression in Venezuela], August 2021.

<sup>45</sup> Office of the United Nations High Commissioner for Human Rights, Human Rights Violations in the Bolivarian Republic of Venezuela: a descending spiral with no end in sight, June 2018, pg. 25.

<sup>46</sup> IACHR, Press Release 071/2021, The IACHR Urges Venezuela to Permanently Stop Trying Civilians in Military Criminal Proceedings, March 24, 2021.

<sup>47</sup> IACHR, Press Release, [Comunicado de Prensa 271/21](#), IACHR Welcomes Reform of Venezuela's Military Criminal Court System, Calls for Effective and Immediate Implementation. October 14, 2021.

and be aimed at protecting special legal interests, linked to the functions assigned by law to the military forces.<sup>48</sup>

**a. Abusive use of states of emergency with the acquiescence of the Supreme Court of Justice (TSJ)**

36. The Inter-American Commission understands a state of exception in Venezuela to have been used to transfer directly or indirectly the powers of the National Assembly to the executive branch of government. This interference by the judiciary, in particular, the TSJ, paved the way for improper use of states of exception and deepened the institutional crisis further aggravating the human rights situation.

37. From 2016 to 2020, the TSJ declared that 30 emergency decrees were constitutional, thus instituting an ongoing state of emergency.<sup>49</sup> Civil society organizations have reported to the Inter-American Commission that the executive branch has neglected its obligation to submit a request for a state of emergency to the National Assembly or its delegated commission for the consideration and approval thereof.<sup>50</sup>

38. On this score, the IACHR recalls that States do not have unlimited discretion to use declarations of states of emergency. Pursuant to Inter-American Standards, "it is the obligation of the State to determine the reasons and motives that lead the domestic authorities to declare a state of emergency and it is up to these authorities to exercise appropriate and effective control over this situation and to ensure that the suspension decreed is limited to the extent and for the period of time strictly required by the exigencies of the situation."<sup>51</sup>

39. The Inter-American Commission rejects that states of emergency stopped being an exception in Venezuela with the consent of the TSJ, particularly while the parliament held a majority opposing the government. It further recalls that measures of such a nature must be adopted on an exceptional basis and be reasonably tailored to the particular situation faced by the country, without exceeding the extent strictly necessary to avoid in this way stretching them out over time, disproportionality, diversions and/or abuses of power.

40. In 2021, once the new composition of the National Assembly was installed with a pro-government majority, the executive branch stopped using the state of emergency. In the view of the IACHR, this fact stands as proof of the arbitrary use of this device from 2016 to 2020.

---

<sup>48</sup> IA Court of HR. Case of Durand and Ugarte v. Peru. Reparations and Costs. Judgment of December 3, 2001. Series C No. 89, par. 117.

<sup>49</sup> Access to justice, [El Estado de Excepción en Venezuela](#), [The State of Emergency in Venezuela], July 20, 2020. Also see: TSJ, Constitutional Chamber judgments: 20-01-2016; 17-03-2016; 19-05-2016; 19-07-2016; 21-09-2016; 21-11-2016; 19-01-2017; 20-03-2017; 24-05-2017; 25-07-2017; 25-09-2017; 22-11-2017; 17-01-2018; 20-03-2018; 20-03-2018; 23-05-2018; 25-07-2018; 20-09-2018; 22-11-2018; 25-01-2019; 28-03-2019; 23-05-2019; 18-07-2019; 24-09-2019; 22-11-2019; 14-01-2020; 19-03-2020; 15-05-2020; 15-05-2020; 13-07-2020.

<sup>50</sup> Article 339, Constitution of the Bolivarian Republic: "A decree declaring a state of emergency, which will regulate the exercise of a right whose guarantee is restricted, shall be submitted within eight days of promulgation for consideration and approval by the National Assembly, or Delegated Committee and for a ruling by the Constitutional Chamber of the Supreme Court of Justice on its constitutionality. The Decree must be in compliance with the requirements, principles and guarantees established in the International Covenant on Civil and Political Rights and in the American Convention on Human Rights. The president of the Republic may request an extension thereof for an period of time equal in length and it shall be revoked by the National Executive or by the National Assembly or by its Delegated Commission, prior to the aforementioned period of time, upon the cessation of the reasons that gave rise to it. The declaration of the state of emergency does not interrupt the functioning of the organs of the Public Administration."

<sup>51</sup> IA Court of HR. Case of Zambrano Vélez et al v. Ecuador. Merits, Reparations and Costs. Judgment July 4, 2007. Series C No. 166, par. 47.

**b. Executive branch interference with the National Constituent Assembly (ANC)**

41. The IACHR observes that, following the crisis between the TSJ and the National Assembly, which was triggered by arbitrary executive branch interference in the parliament, a groundswell of protest was set off in the country. It is estimated that from April 1 to July 31, 6,729 protest demonstrations were held (an average of 56 per day) in order to demand respect for democratic institutions, as well as to assert political and social rights. In a political ploy, under the guise of bringing peace to the country, the President of the Republic convened, by means of executive decree, on May 1, 2017, a National Constituent Assembly (ANC).<sup>52</sup> The call to convene it was validated by the TSJ, even with no popular referendum being held.

42. The Inter-American Commission received information questioning the legitimacy of this call to convene the constituent assembly. Scores of national and international civil society organizations expressed their concern over the fact that no referendum had been held prior to convening the ANC. It was convened despite the fact that Article 347 of the 1999 Constitution establishes that “the people of Venezuela are the depositary of the original constituent power.”<sup>53</sup> In this same vein, the European Commission for Democracy through Law (Venice Commission) held in its Opinion No. 894/2017 that the selection procedure and membership requirements of the ANC did not meet the requirement of participation of the people as established in Article 347 of the Constitution of Venezuela.<sup>54</sup>

43. The ANC removed the Attorney General of the Nation, Luisa Ortega and appointed in her place Tarek William Saab, who as of that time had been serving as the Ombudsman. Subsequently, the ANC appointed Alfredo Rufiz to the position of Ombudsman as Saab’s replacement. The Commission has received information suggesting that both appointments disregarded the respective constitutional procedures.<sup>55</sup> The IACHR observes, as well, that Tarek William Saab was appointed Attorney General of the Nation after the Office of the Ombudsman under his leadership was found to not be operating in full compliance with the Paris Agreement by the United Nations.<sup>56</sup>

44. Likewise, one of the first acts approved by the ANC was to reschedule the 2018 presidential elections for an earlier date, an unorthodox measure, which the Inter-American Commission described as lacking impartiality and objectivity.<sup>57</sup> Additionally, the IACHR found it troubling that the ANC failed to validate political parties to contend in the elections, who had not taken part in “immediately prior elections,” which undermined the democratic pluralism required in such processes. In addition, the administrative disqualifications of opposition members with aspirations to run for office persisted, decreasing the number of candidates to choose from in the elections. Based on the foregoing reasons, the Inter-American Commission found that the 2018 presidential contest, in which Nicolas Maduro was declared the winner, failed to reach the minimum standards to be considered free, fair and reliable elections, which are aimed at ensuring the principles of universal suffrage and the pluralistic system of political parties and organizations.<sup>58</sup>

---

<sup>52</sup> Decree No.2.830 of May 1, 2017.

<sup>53</sup> Article 347, Constitution of the Bolivarian Republic of Venezuela

<sup>54</sup> IACHR, Situación de los derechos Humanos en Venezuela – “Institucionalidad democrática. Estado de Derecho y derechos humanos en Venezuela”, Situation of Human Rights in Venezuela – Democratic Institutions. Rule of Law and Human Rights in Venezuela. 2017, par. 115.

<sup>55</sup> International Commission of Jurists. No Room for Debate: The National Constituent Assembly and the Crumbling of the Rule of Law in Venezuela, 2017, pgs. 21, 25.

<sup>56</sup> Global Alliance of National Institutions for the Promotion and Protection of Human Rights. Report and recommendations of the Accreditation Subcommittee session of May 9 to 13, 2016, pg. 56.

<sup>57</sup> IACHR, Press Release Comunicado de Prensa 112/2018, IACHR Warns about Lack of Adequate Conditions to Hold Free and Fair Elections in Venezuela. May 18, 2018.

<sup>58</sup> IACHR, Press Release Comunicado de Prensa 005/2019, IACHR Alerts About Further Weakening of Rule of Law in Venezuela Ahead of New Presidential Mandate, January 9, 2019.

45. Another act approved by the ANC, which is of great concern, is enactment of the “Anti-Hate Law.” On this score, the IACHR’s Special Rapporteurship for Freedom of Expression has been emphatic in affirming that the aforementioned law disregards the free exercise of the right to freedom of thought and expression, inasmuch as in using a range of extremely broad, vague and ambiguous definitions of criminal offenses, the State is able to punish -under criminal law- speech protected by the right to freedom of expression and even delete content. It cites as an example of this the State granting the power to block websites and revoke the licenses of audiovisual media outlets.<sup>59</sup>

46. On August 17, 2020, President Nicolás Maduro announced that the term of the National Constituent Assembly would end in December of that same year.<sup>60</sup> In the view of the Commission, this news arouses serious questions about the actual purpose of convening a constituent body, particularly in view of 3 circumstances: 1) the ANC was convened shortly after the TSJ suspended the powers of the National Assembly; 2) the end of the ANC’s term coincided with new parliamentary elections, and; 3) the Inter-American Commission has no record that the ANC has debated a draft text of the constitution.

47. In the view of the IACHR, the National Constituent Assembly functioned as a parallel parliament, arrogating to itself the powers of other branches of government to ensure that the President of the Republic held a grip on power while the National Assembly was controlled by an opposition majority. And it was for that reason that this constituent body was disassembled prior to January 5, 2021, the date the new composition of the parliament was sworn in.

**c. Executive branch interference with the citizen oversight branch of government (*Poder ciudadano*) using the National Constituent Assembly**

48. Civil society organizations informed the IACHR that, in arrogating to itself the powers of the National Assembly, the ANC removed and appointed the highest authorities of the citizens’ oversight branch of government (‘Citizen Power’), which is made up of the Ombudsman, the Attorney General and the Comptroller General of the Republic. This undermined the independence and legitimacy of those institutions.<sup>61</sup>

49. According to information provided to the IACHR, the current Ombudsman, Alfredo Ruiz, was appointed by the National Constituent Assembly.<sup>62</sup> This is also the case of the Attorney General of the Nation, Tarek William Saab, who was serving as Ombudsman when he was appointed.<sup>63</sup> Saab was appointed Attorney General of the Nation after the National Constituent Assembly removed his predecessor, Luisa Ortega Díaz.<sup>64</sup> Similarly, Elvis Amoroso went from being Second Vice President of the National Constituent Assembly to being appointed by that body as Comptroller General of the Republic.<sup>65</sup>

---

<sup>59</sup> Special Rapporteurship for Freedom of Expression of the Inter-American Commission on Human Rights, Press Release, [Comunicado de prensa R179/17](#), November 10, 2017.

<sup>60</sup> Acceso a Justicia, [Ocho claves sobre la fraudulenta ANC y el cese de sus funciones](#), [‘Eight keys to the fraudulent ANC and the stopping of its duties,] August 28, 2020.

<sup>61</sup> International Commission of Jurists. No Room for Debate: The National Constituent Assembly and the Crumbling of the Rule of Law in Venezuela, 2017, pgs. 21, 25.

<sup>62</sup> International Commission of Jurists. No Room for Debate: The National Constituent Assembly and the Crumbling of the Rule of Law in Venezuela, 2017, pg. 24.

<sup>63</sup> International Commission of Jurists. No Room for Debate: The National Constituent Assembly and the Crumbling of the Rule of Law in Venezuela, 2017, pg. 21.

<sup>64</sup> International Commission of Jurists. No Room for Debate: The National Constituent Assembly and the Crumbling of the Rule of Law in Venezuela, 2017, pg. 21.

<sup>65</sup> International Commission of Jurists. No Room for Debate: The National Constituent Assembly and the Crumbling of the Rule of Law in Venezuela, 2017, pg. 30.

50. In 2021, the IACHR expressed concern about the findings of the Independent International Fact-Finding Mission on Venezuela in regards to the way the Office of the Attorney General of the Nation and the Office of the Ombudsman have been functioning, the appointment of their authorities by the ANC. According to the report of the Mission, following the change in Attorney General in August 2017, “196 public prosecutors throughout the country were summarily dismissed, many of whom had publicly demonstrated criticism of government actions, including the election of the National Constituent Assembly.”<sup>66</sup> Likewise, in September 2018, the new Chief Prosecutor, Tarek William Saab, approved a resolution effectively doing away with the prosecutorial career track and declaring that all civil servants within the Public Prosecutor’s Office would be in “positions of trust” and as such can be freely appointed and removed.<sup>67</sup>

51. In this regard, the Inter-American Commission recalls that, pursuant to Inter-American standards, “removing a provisional prosecutor from his or her position must be based on grounds provided for by law, which are either (i) because the operative requirement to which the appointment or designation was subjected, such as the expiration of a term of office as predetermined by holding and completing a public competitive selection process, based on which the replacement of the provisional prosecutor is appointed or designated with permanent status, or (ii) for serious disciplinary offenses or proven incompetence, for which a proceeding would have to be instituted, which complies with all the due process guarantees and ensures the objectivity and impartiality of the decision.”<sup>68</sup>

52. The IACHR finds it worrying that the highest authorities of the bodies whose mandate it is to prevent, investigate and punish acts that undermine public ethics and administrative morals, as well as to bring criminal action on behalf of the State, are not appointed in keeping with domestic law. From the perspective of the Inter-American Commission, the irregularities described above jeopardize the independence and legitimacy of the citizen oversight branch of government, consisting of the Attorney General’s, the Ombudsman’s and Comptroller General’s Offices, to the detriment of human rights.

**d. Political persecution by the executive branch against deputies elected in 2015 to the National Assembly belonging to opposition parties**

53. The IACHR has reiterated concern over the political persecution of opposition members of the National Assembly. The Commission observes that, although the harassment of assembly members is not a new phenomenon in Venezuela, it intensified following the 2015 elections, when opposition to the Nicolás Maduro administration won a broad majority in the National Assembly.<sup>69</sup> As was mentioned above, as of the date of the writing of this report, the TSJ and the National Constituent Assembly have improperly stripped 28 opposition deputies of their parliamentary immunity<sup>70</sup> and, in some instances, declared them criminally liable for crimes of treason against the homeland.<sup>71</sup>

54. It should be noted that the harassment against opposition deputies to the National Assembly does not only boil down to being stripped of parliamentary immunity. According to a report written by the

---

<sup>66</sup> Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, Report of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, September 16, 2021, par. 30.

<sup>67</sup> Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, Report of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, September 16, 2021, par. 27.

<sup>68</sup> IA Court of HR. Case of Martínez Esquivia v. Colombia. Interpretation of Judgement on Preliminary Objections, Merits and Reparations. Judgment of June 21, 2021. Series C No. 428, par. 99.

<sup>69</sup> IACHR, *Informe Anual. Capítulo IV.B “Venezuela”*, Annual Report, Chapter IV. B “Venezuela,” 2019, par. 4.

<sup>70</sup> UNHCHR, Outcomes of the Investigation into allegations of possible human right violations of the human rights to life, liberty and physical and moral integrity in the Bolivarian Republic of Venezuela, July, 2, 2020.

<sup>71</sup> TSJ, Chamber sitting en banc, Judgments: No. 0034 of May 11, 2017; No. 66 of August 16, 2017; No. 69 of November 3, 2017; No. 49 of August 8, 2018; No. 1 of January 29, 2019; No. 17 of May 2, 2019; No. 18 of May 7, 2019; No. 19 of May 9, 2019; No. 20 of May 14, 2019; No. 33 of May 28, 2019; No. 55 of August 12, 2019; No. 52 of August 12, 2019; No. 58 of October 25, 2019; No. 76 of December 16, 2019.

National Assembly itself, deputies identified as opposition members, and who have made public their disagreement with the government, have endured a variety of types of assaults, including torture and mistreatment; threats and acts of intimidation; arbitrary arrest and detention; violation of due process protections during the investigation stage; arbitrarily lengthening judicial proceedings; violation of freedom of opinion and expression; violation of freedom of assembly and association; violation of freedom of movement; unlawful suspension or revocation of parliamentary terms; and harassment by paramilitary pro-government gangs (*colectivos*).<sup>72</sup>

55. On February 24, 2021, the Office of the Comptroller General of the Republic disqualified for a period of 15 years 28 opposition deputies from holding public office, including the deputy elected as president of this institution, Juan Guaidó. According to the report of the Comptroller General of the Republic, appointed by the National Constituent Assembly, Elvis Amoroso, the punishment was imposed because of their refusal to declare their assets.<sup>73</sup>

56. The Inter-American Commission recalls that the American Convention “does not allow any administrative organ to apply a punishment that involves a restriction (for example, imposing a sentence of disqualification or dismissal) on a person for their social misconduct (in the performance of their public duty or outside thereof) for the exercise of political rights to elect or be elected; it can only be for an adjudicatory act (judicial ruling) of a competent judge in the respective criminal proceeding.”<sup>74</sup> In addition, it recalls that the State of Venezuela was found internationally responsible in 2011 for this type of punishment, and that the Inter-American Court of Human Rights ordered it to adjust its provisions of domestic law to avoid the repetition thereof.<sup>75</sup>

57. Lastly, the Inter-American Commission reaffirms that the State must ensure the full exercise of the political rights of all persons, regardless of their stance on the government’s policies, and cease and desist all actions that prevent persons from exercising their right to freely elect their representatives and to conduct oversight of their performance.<sup>76</sup>

#### **e. Executive branch interference with the electoral branch**

58. The highest body of the electoral branch of government, the National Electoral Council (CNE), has been accused by civil society organizations of failing to ensure impartiality.<sup>77</sup> One of the main reasons for mistrusting the CNE is that its members have not been appointed since 1999 in accordance with the procedures laid out in the constitution.<sup>78</sup>

---

<sup>72</sup> National Assembly, Informe sobre la Situación de Parlamentarios Venezolanos (período legislativo 2016-2021), [‘Report on the Situation of Venezuelan Parliamentarians (legislative term 2016-2021)’], September 26, 2019.

<sup>73</sup> Telesur Tv, Contraloría venezolana inhabilita a Guaidó y otros 27 exdiputados, [‘Venezuelan Comptroller’s Office disqualifies Guaidó and another 27 former deputies’], February 24, 2021.

<sup>74</sup> IA Court of HR. Case of Petro Urrego v. Colombia. Preliminary Objections, Merits, Reparations and Costs. Judgment of July 8, 2020. Series C No. 406, par. 96.

<sup>75</sup> IA Court of HR. Case of López Mendoza v. Venezuela. Merits, Reparations and Costs. Judgment of September 1, 2011. Series C No. 233, par. 207-249.

<sup>76</sup> IACHR, Situación de los derechos Humanos en Venezuela – “Institucionalidad democrática, Estado de Derecho y derechos humanos en Venezuela”, Situation of Human Rights in Venezuela – Democratic Institutions. Rule of Law and Human Rights in Venezuela. 2018, recommendation 16.

<sup>77</sup> Acceso a la Justicia, La toma del poder absoluto en Venezuela, [‘Taking absolute power in Venezuela’], September 20, 2019.

<sup>78</sup> Acceso a la Justicia, La historia de un fraude (III): el secuestro del Poder Electoral, [‘The history of fraud (III): the abduction of the Electoral Branch’], September 21, 2019.

59. It should be mentioned that at several IACHR sessions,<sup>79</sup> as well as meetings of the OAS Permanent Council,<sup>80</sup> it has been highlighted that the members of the CNE have been appointed over the past two decades by the TSJ. This is at odds with the provisions of the Venezuelan Constitution,<sup>81</sup> which provides that the General Assembly is the body responsible for the appointment of the members. In 2020, the Inter-American Commission made a pronouncement on Judgment 0070, whereby the TSJ once again appointed the members of the CNE, including two judges of the TSJ itself. In the view of the IACHR, this type of decisions, “creates new obstacles to overcoming the institutional crisis that has had such a significant impact on the enjoyment of human rights in the country.”<sup>82</sup>

60. In January 2021, the National Assembly elected in 2020 began a new process to appoint 5 principal members and 10 alternates of the CNE.<sup>83</sup> On May 4 of that same year, the legislative body completed that process, claiming that it had secured a balanced composition.<sup>84</sup> As reported by civil society, this is the first time in over a decade that the members of this body have been appointed by the National Assembly, as established in the Venezuelan Constitution, as opposed to being appointed by the TSJ.<sup>85</sup>

61. Even though the Commission underscores that the appointment was carried out by a body with the constitutional power to do so, it cannot help but express concern over three aspects. Firstly, it is worrying that the electoral body has not been chosen as it is supposed to be for more than a decade.<sup>86</sup> This undermines confidence of citizens in elections and discourages plural participation of candidates, both for presidency and the National Assembly. Secondly, and as a consequence of the foregoing, the National Assembly that appointed the CNE was made up of 90% pro-government deputies.<sup>87</sup> From any standpoint, all appointments to bodies made by this Assembly (including to the CNE) will be viewed as impartial. Lastly, the IACHR received information suggesting that the appointment of the CNE members was marred by several irregularities, such as opacity, unusual changes in the timeline of nominations, and the fact that 60% of the members appointed to the CNE are or were active members in the United Socialist Party of Venezuela (PSUV),<sup>88</sup> which is expressly prohibited by Article 296 of the Constitution, as well of Article 9, subsection 4 of the Organic Law of the Electoral Power.<sup>89</sup>

---

<sup>79</sup> Information provided by civil society organizations in the framework of the hearing “Venezuela: political rights,” held at the 156<sup>th</sup> Session of the IACHR.

<sup>80</sup> OAS, Sesión Extraordinaria Permanent Council Executive Session, September 20, 2020.

<sup>81</sup> Constitution of the Bolivarian Republic of Venezuela, Article 296.

<sup>82</sup> IACHR, Press Release Comunicado de Prensa 151/2020, IACHR Rejects a Set of Recent Decisions by the Supreme Court of Justice of Venezuela That Threaten Democratic Institutions and Fundamental Freedoms, June 27, 2020.

<sup>83</sup> Venezuelan Electoral Observatory, Bulletin 56 | En marcha el proceso para designar nuevo CNE [‘Process to appoint new CNE under way’], January 2021.

<sup>84</sup> BBC, Crisis en Venezuela: un nuevo Consejo Electoral y otros 4 hechos recientes que pueden tener un impacto en el país, [‘Crisis in Venezuela: a new electoral Council and 4 other recent events that can have an impact on the country’], May 4, 2021.

<sup>85</sup> Acceso a la Justicia, El nuevo CNE designado por la AN oficialista viene con defecto de fábrica [‘The new CNE appointed by the government controlled AN comes with factory defect’], May 19, 2021.

<sup>86</sup> Acceso a la Justicia, El nuevo CNE designado por la AN oficialista viene con defecto de fábrica, [‘The new CNE appointed by the government controlled AN comes with factory defect’], May 19, 2021.

<sup>87</sup> El País, El chavismo retoma la Asamblea Nacional y se hace con el control de todas las instituciones de Venezuela, [‘Chaves supporters retake the National Assembly and win control of all institutions of Venezuela in a power play’], January 5, 2021.

<sup>88</sup> Sumáte, Comunicado ante designación inconstitucional de rectores del Poder Electoral, [‘Communique in response to the unconstitutional appointment of the members of the electoral branch of government’], May 7, 2021.

<sup>89</sup> Acceso a la Justicia, El nuevo CNE designado por la AN oficialista viene con defecto de fábrica, [‘The new CNE appointed by the government controlled AN comes with factory defect’], May 19, 2021.

## **f. The urgent need to transition to democracy and rule of law**

62. In 2021, the IACHR welcomed the dialogue between the government and the Unitary Platform of Venezuela, which is a coalition of some opposition sectors. Specifically, the Inter-American Commission has been closely watching the discussions that took place on August 13, 14 and 15, 2021, in Mexico City, mediated by the Kingdom of Norway,<sup>90</sup> which yielded a memorandum of understanding,<sup>91</sup> as well as the talks that took place from September 25 to 27.

63. In this regard, the Inter-American Commission has stressed that the many challenges to ensuring human rights in Venezuela involve the need for processes of dialogue to re-establish democratic institutions by promoting real, effective and practical independence of public authorities and consolidating a system of checks and balances. For this reason, the IACHR appreciates the international community's efforts to support this fundamental initiative, which has the potential to chart a road map for moving beyond the unprecedented crisis the country is experiencing.<sup>92</sup>

64. The Inter-American Commission underscores how important it is for any process of dialogue to effectively involve civil society, including organizations working for the rights of women, children and adolescents, human rights defenders, indigenous peoples, persons with disability, Afro-descendants, persons deprived of liberty, lesbians, gays, bisexual, trans and intersex persons, among others. Likewise, it stresses the importance of any process of dialogue to be aimed at reaching commitments that are compatible with the State's international obligations.

65. Lastly, it calls on the countries of the region to refrain from actions meant to hamper the dialogue, based on the collective guarantee underlying the Inter-American system as a whole and that requires solidarity and good neighborliness.<sup>93</sup> Given the intrinsic relationship between the country's political crisis and the guarantee of human rights, the IACHR reiterates its willingness to join the negotiations, as well as to provide technical cooperation for implementing the commitments reached, while incorporating a human rights approach.<sup>94</sup>

## **III. HUMAN RIGHTS SITUATION**

### **A. Gross human rights violations**

66. The Inter-American Commission finds that government capture of all branches of government and the undermining of the rule of law led to a favorable climate for the systematic commission of gross human rights violations. On this score, the IACHR has documented the consistent practice of extrajudicial executions of young men in a situation of poverty, arbitrary detentions of people who are protesting or publicly assert

---

<sup>90</sup> IACHR, Press Release [Comunicado de Prensa No. 217/21](#), IACHR Calls for Serious, Broad, Inclusive Dialogue for the Urgent Reconstruction of Democratic Institutions in Venezuela. August 23, 2021.

<sup>91</sup> Sputnik Mundo, [Aquí les presentamos el texto completo del memorándum de entendimiento firmado por el Gobierno y la oposición de Venezuela en México](#), ['We provide hereunder the full text of the memorandum of understanding signed by the government and the Venezuelan opposition in Mexico'], August 14, 2021.

<sup>92</sup> IACHR, Press Release [Comunicado de Prensa No. 217/21](#), IACHR Calls for Serious, Broad, Inclusive Dialogue for the Urgent Reconstruction of Democratic Institutions in Venezuela. August 23, 2021.

<sup>93</sup> IA Court of HR. The denunciation of the American Convention on Human Rights and of the Charter of the Organization of American States and the effects thereof on states' human rights obligations (Interpretation and scope of Articles 1, 2, 27, 29, 30, 31, 32, 33 to 65 and 78 of the American Convention on Human Rights and 3.1), 17, 45, 53, 106 and 143 of the Charter of the Organization of American States. Advisory Opinion OC-26/20 of November 9, 2020. Series A No. 26, par. 163.

<sup>94</sup> IACHR, Press Release [Comunicado de Prensa No. 217/21](#), IACHR Calls for Serious, Broad, Inclusive Dialogue for the Urgent Reconstruction of Democratic Institutions in Venezuela. August 23, 2021.



positions of disagreement with the executive branch, forced disappearances, as well as torture and other cruel treatment in the context of deprivation of liberty.

67. On November 5, 2021, the Office of the Prosecutor of the International Criminal Court announced the opening of a formal investigation into the alleged commission of crimes against humanity in Venezuela.<sup>95</sup> In this regard, the Commission finds that the gross human rights violations documented by it are part and parcel of a widespread and systematic assault against the civilian population which, under international law, may rise to the level of crimes against humanity.<sup>96</sup> This conclusion is based on the large number of victims,<sup>97</sup> the seriousness of the actions, and on the existence of certain patterns of conduct carried out using the resources of the State, which were the result of a defined and sanctioned policy from the highest echelon of the State.

### ***Extrajudicial executions of demonstrators and young men in a situation of poverty***

68. Since its on-site visit to Venezuela in 2002, the Commission has warned about the existence of a pattern of extrajudicial executions committed by State security agents and/or parapolice groups or with State acquiescence or collaboration.<sup>98</sup> In the first half of 2021, according to the organization Provea and the Centro Gumilla, 825 alleged extrajudicial executions committed by the State security forces were reported.<sup>99</sup> Additionally, the General Secretariat of the Organization of American States documented 18,093 cases of murders allegedly committed by agents of the State between 2014 and 2020, including at least 8,292 extrajudicial executions.<sup>100</sup>

69. The *modus operandi* identified by the IACHR suggests that the extrajudicial executions are mostly perpetrated against young men in a situation of poverty during citizen security operations,<sup>101</sup> more precisely, in the context of staged confrontations in the course of routine procedures, during protests, or when the victims have been illegally and/or arbitrarily detained and are in State custody.<sup>102</sup> The Inter-American Commission has underscored that the militarization of citizen security, as well as operations marked by excessive use of force, have contributed to the existence of this pattern of extrajudicial executions.<sup>103</sup>

70. In 2021, security operations characterized by the disproportionate and lethal use of force continued. Among these, those that took place from January 6 to 9 in the La Vega neighborhood of Caracas, leaving a balance of 23 deaths<sup>104</sup>. Likewise, the operation carried out on July 7 at Cota 905, also in Caracas,

---

<sup>95</sup> International Criminal Court, Mr. Karim A.A. Khan QC, ICC Prosecutor, opens an investigation into the situation in Venezuela and concludes a Memorandum of Understanding with the Government. November 5, 2021.

<sup>96</sup> Article 7, Rome Statute of the International Criminal Court.

<sup>97</sup> OAS, *Fostering Impunity: The Impact of the Failure of the Prosecutor of the International Criminal Court to Open an Investigation into the Possible Commission of Crimes against Humanity in Venezuela*, December 2, 2020, pg. 18.

<sup>98</sup> IACHR, *Informe sobre la situación de los Derechos Humanos en Venezuela, 2003*, Report on the Situation of Human Rights in Venezuela, par. 272; IACHR, *Informe sobre seguridad ciudadana y derechos humanos*, Report on citizen security and human rights, December 31, 2009, par. 101.

<sup>99</sup> *Lupa por la vida, Alta letalidad policial y militar produjo el asesinato de 825 personas en primer semestre de 2021*, [‘High level of lethal force by police and military leads to murder of 825 people in first half of 2021’], July 19, 2021.

<sup>100</sup> General Secretariat of the Organization of American States (OAS), *Fostering impunity: the impact of the failure of the Prosecutor of the International Criminal Court to Open an Investigation into possible Crimes against Humanity in Venezuela*, pg. 18.

<sup>101</sup> IA Court of HR. *Case of Guerrero, Molina et al v. Venezuela*. Merits, Reparations and Costs. Judgment of June 3, 2021. Series C No. 424, par. 45.

<sup>102</sup> IACHR. Report No. 160/18, Cases 12.805. Jimmy Guerrero, Ramón Molina Pérez and Family Members. Venezuela. December 7, 2018, par. 21.

<sup>103</sup> IACHR, *Informe Anual, Capítulo IV.B “Venezuela”*, Annual Report, Chapter IV.B “Venezuela”, 2019, par. 28.

<sup>104</sup> BBC, *Venezuela: qué se sabe de la operación policial en Caracas que terminó en una “masacre”*, 12 de enero de 2021.

where 26 people died<sup>105</sup>. As reported by the Venezuelan Mission recognized by the OAS, the deaths that occurred in these contexts constituted extrajudicial executions<sup>106</sup>.

71. In this regard, the IACHR recalls that “citizen security may not be based on a paradigm of use of force that aims to treat the civilian population as the enemy, but should consist of protection and control of civilians.”<sup>107</sup> Pursuant to Inter-American standards, the State must also limit to the fullest extent the involvement of military forces in tasks of internal security. This involvement must be extraordinary, exceptional, temporary, restricted to the extent strictly necessary in each particular circumstance and subordinate and supplementary to the activities of the civilian forces; as well as regulated and overseen by competent, independent and technically capable civilian bodies.<sup>108</sup>

72. Considering that the impacts of the use of force can be irreversible, the IACHR views it as a last resort which, while qualitatively and quantitatively limited, is intended to prevent events of greater gravity than what would be caused by the State’s reaction. Within this framework of exceptionality, both the Commission and the Court have agreed that, in order for the use of force to be justified, the requirements of legality, absolute necessity and proportionality must be effectively met.<sup>109</sup> This generally means that these requirements must be provided for by law and pursue a legitimate aim; that an assessment must be conducted to ascertain the existence and availability of less harmful measures; and that the degree of force used must be proportional to the actual risk posed to persons and to the level of resistance, meaning a balance must be struck between the situation faced by the law enforcement officer and his or her response, considering the potential damage that could be caused.<sup>110</sup>

73. The Inter-American Commission forcefully condemns the existence of this pattern of extrajudicial executions, which transgresses the most basic international obligations of the State. It also calls on Venezuela to adopt all measures necessary to immediately cease this type of practice; likewise, to investigate with due diligence the crimes, prosecute and punish both the perpetrators and masterminds and provide reparation to the victims and their next of kin..

#### ***Arbitrary detention of anyone who protests or publicly dissents from the executive branch position***

74. Based on its documenting and monitoring efforts, the Commission notices in Venezuela a systematic practice of arbitrary detentions against anyone who takes part in protest demonstrations or publicly dissents from the government position.

75. The Commission has taken testimonies of demonstrators, healthcare and care workers, journalists, human rights defenders and members of the military, who report having been detained because of their opinions criticizing the government. The accounts are consistent in claiming that the detentions are mostly conducted without any judicial arrest warrant, with excessive use of force and, in some instances, by improperly identified agents of the State or using bogus summons to their stations for alleged interviews or proceedings.

---

<sup>105</sup> BBC, Venezuela: Cota 905, el barrio de Caracas que durante 3 días fue escenario de una batalla campal entre fuerzas especiales y bandas delincuenciales, 12 de julio de 2021.

<sup>106</sup> Misión Permanente de la República Bolivariana de Venezuela, Observaciones al Capítulo IV. B Venezuela del Informe Anual 2021, 23 de Diciembre de 2021.

<sup>107</sup> IA Court of HR, Case of Women Victims of Sexual Torture in Atenco v. Mexico, Judgment of November 28, 2018, par.168.

<sup>108</sup> IA Court of HR, Case of Alvarado Espinoza v. Mexico, Judgment of November 28, 2018, par. 182.

<sup>109</sup> IA Court of HR, Case of Nadege Dorzema et al v. Dominican Republic. Reparations and Costs. Judgment of October 24, 2012, Series C No. 251, parr. 85

<sup>110</sup> IACHR. Observations and recommendations Visit: June 2021 Working Visit to Colombia, July 7, 2021.

76. Between January 1 and November 22, 2021, the organization Foro Penal had documented 41 arbitrary detentions,<sup>111</sup> bringing the total to 15,756 since 2014.<sup>112</sup> Out of this total number, at least 872 civilians were brought before military courts, 600 of which took place during the protest events of 2017 alone.<sup>113</sup> The Commission again condemns the high number of people detained in the context of these anti-government demonstrations,<sup>114</sup> as well as the improper use of the military criminal jurisdiction to try civilians.<sup>115</sup>

77. Additionally, according to accounts of the next of kin of the detained members of the military, several apprehensions were carried out in operations using disproportionate force at the private residences of the military officers themselves, where the State security agents stole personal items and held those present for several hours; even, beating and kicking the detainees in front of their families.

78. The IACHR finds that the lack of independence of the administration of justice system paved the way for the use and manipulation of penal law to criminalize and prosecute voices criticizing or opposing the government. The testimonies gathered report countless violations of fair trial protections such as recurring changes in prosecutors, frequent postponement of hearings and limited access to technical defense.

79. The lack of independence of the judiciary, furthermore, exposes these individuals to countless violations of their fair trial rights such as: recurring continuances of hearings, frequent changes in lead prosecutors; lack of access to a technical defense, among other violations. As supporting evidence, the Independent International Fact-Finding Mission on Venezuela examined 170 cases where charges were filed against the defendant and, in at least 54 cases (32%), judges denied the accused the right to counsel of their choice at the initial appearance or subsequent investigation phase.<sup>116</sup>

80. In this regard, the Commission recalls that a detention is arbitrary and unlawful when it is conducted outside of the grounds and the formalities prescribed by law, when it is executed without observing the procedures that the law prescribes, and when the arrest is made for purposes other than those that the law prescribes and requires.<sup>117</sup> Once again, it reiterates that in a democratic State under the rule of law, the military criminal jurisdiction must be of a restricted scope, aimed at protecting special legal interests. Therefore, civilians must be excluded from prosecution under the military jurisdiction and only members of the military must be tried thereunder for the commission of crimes or misdemeanors which, because of their very nature, undermine legal interests belonging to the military order.<sup>118</sup>

81. The IACHR condemns the arbitrary detentions of people perceived as members of the opposition or who make public their dissent from the government line. It also recalls that the imprisonment of

---

<sup>111</sup> Official Data Base of Foro Penal, 2021

<sup>112</sup> Foro Penal, *La represión en Venezuela en cifras*, [Repression in Venezuela in figures], July 31, 2021.

<sup>113</sup> UNHCHR, *Human Rights Violations in the Bolivarian Republic of Venezuela: a downward spiral with no end in sight*, June 2018.

<sup>114</sup> CIDH, *Situación de los derechos Humanos en Venezuela – “Institucionalidad democrática, Estado de Derecho y derechos humanos en Venezuela”*, Situation of Human Rights in Venezuela – Democratic Institutions. Rule of Law and Human Rights in Venezuela. 2017, par. 238.

<sup>115</sup> IACHR, Press Release *Comunicado de Prensa 071/2021*, IACHR Urges Venezuela to Permanently Stop Trying Civilians in Military Criminal Proceedings, March 24, 2021.

<sup>116</sup> Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, Report of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, September 16, 2021, par. 86.

<sup>117</sup> IACHR, *Criminalización de la labor de las defensoras y los defensores de derechos humanos*, Criminalization of Human Rights Defenders, December 31, 2015, par. 187.

<sup>118</sup> IA Court of HR. Case of Durand and Ugarte v. Peru. Reparations and Costs. Judgment of December 3, 2001. Series C No. 89, par. 117.

persons in violation of the rules of international law is defined as a crime against humanity in the Rome Statute.<sup>119</sup>

### ***Forced disappearances***

82. The Inter-American Commission observes that the systematic temporary forced disappearance, mostly of people perceived as opposition members, has been a practice in Venezuela. These disappearances mostly result from the deliberate refusal of authorities to report the whereabouts of persons in State custody, as well as the failure to bring these detainees before courts within the statutory time of 48 hours following the detention. The forced disappearances generally last for a few hours or days from the time of their detention by agents of the State.

83. In 2021, the organization Foro Penal reported 5 forced disappearances.<sup>120</sup> Additionally, a report published in 2020 by that organization jointly with Robert F. Kennedy Human Rights, documented that in the first quarter of 2020, there were 33 forced disappearances, 524 in 2019 and 200 in 2018.<sup>121</sup>

84. The Inter-American Commission finds that the lack of independence of the judiciary and the Office of the Public Prosecutor is a contributing factor to the detention of people who are perceived as opponents to the government and then they are not brought before a court for an initial appearance within the statutory time period. Several testimonies taken by the IACHR suggest that temporary forced disappearances serve as a tool of political repression in Venezuela.

85. The IACHR recalls that, under the Inter-American Convention on the Forced Disappearance of Persons, “forced disappearance is considered to be the act of depriving a person or persons of his or their freedom, in whatever way, perpetrated by agents of the state or by persons or groups of persons acting with the authorization, support, or acquiescence of the state, followed by an absence of information or a refusal to acknowledge that deprivation of freedom or to give information on the whereabouts of that person, thereby impeding his or her recourse to the applicable legal remedies and procedural guarantees.”<sup>122</sup> Moreover, the Inter-American Commission highlights the pronouncement of the United Nations Working Group on Enforced or Involuntary Disappearance that “there is no time limit, no matter how short, for an enforced disappearance to occur.”<sup>123</sup>

86. Additionally, the IACHR recalls that the prohibition of forced disappearance is absolute, and that this practice constitutes one of the worst human rights violations given its pluri-offensive and continuous nature,<sup>124</sup> as well as it being a crime against humanity.<sup>125</sup> Likewise, it notes that, pursuant to Inter-American standards, the State is obligated to keep an up-to-date register of detentions, swiftly provide information on the whereabouts of the person and his or her health status and, when the person is in the custody of the State,

---

<sup>119</sup> Article 7, Rome Statute of the International Criminal Court.

<sup>120</sup> Official Data Base of Foro Penal, 2021

<sup>121</sup> Foro Penal, Robert F. Kennedy Human Rights, La desaparición forzada como herramienta de represión política en Venezuela, [Forced Disappearance as a Tool of Political Repression in Venezuela], June 19, 2020, pg. 4.

<sup>122</sup> Article 2, Inter-American Convention on the Forced Disappearance of Persons.

<sup>123</sup> United Nations Human Rights Council, Report of the Working Group on Enforced or Involuntary Disappearances, August 10, 2015, A/HRC/30/38, par. 102.

<sup>124</sup> IA Court of HR. Case of Radilla Pacheco v. Mexico. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 23, 2009. Series C No. 209, par. 140.

<sup>125</sup> Rome Statue, Article 7.i)

bring him or her before a competent judicial authority within the statutory period of time and respecting at all times the right to due process of law.<sup>126</sup>

87. The Inter-American Commission expresses its utmost condemnation of the fact that people who are perceived as opposition members are disappeared for days prior to being brought before courts or their whereabouts being reported. This practice denotes utter disregard for the rule of law and human rights.

### ***Torture and cruel, inhuman and degrading treatment in contexts of deprivation of liberty***

88. The IACHR finds that torture and other cruel treatment of civilians and military members, who are deprived of liberty, has been a systematic practice in Venezuela. The testimonies gathered by the Commission suggest that particular viciousness and cruelty are unleashed on members of the military accused of being deserters or traitors.<sup>127</sup>

89. In 2021, the civil society organization Foro Penal documented 2 cases of torture of political prisoners.<sup>128</sup> Separately, the General Secretariat of the Organization of American States documented between 2014 and 2016 at least 633 cases of torture of persons deprived of liberty. Nonetheless, it warned that there could be thousands of undocumented cases.<sup>129</sup> The Independent International Fact-Finding Mission on Venezuela also documented, from 2014 to 2018, 13 cases of torture at facilities under the direction of the National Bolivarian Intelligence Service (hereinafter “SEBIN”) and 77 other cases at the headquarters of the General Military Counterintelligence Directorate (hereinafter “DGCIM”).<sup>130</sup>

90. Most of the cases of torture documented by the IACHR and other organizations occurred during the first days of detention, while the victims were being held incommunicado, prior to being brought before courts. Patterns of torture identified include: being held in a strenuous position called the “crucifixion” (arms extended out and handcuffed to pipes or bars and the “octopus” (a metal belt with chains to restrain the wrists and ankles); suffocation with plastic bags, chemicals or a bucket of water; beatings, at times with a stick or other blunt object; electric shocks to the genitals or other parts of the body; death threats or threats of additional violence; threats of sexual violence against the victim and/or his family members; psychological torture, including sensorial deprivation, constant illumination and extreme cold; forced nudity, including in rooms kept at extremely low temperatures.<sup>131</sup>

91. In addition to the documented cases of torture, the Inter-American Commission has noticed that the situation of persons deprived of liberty in Venezuela stands as one of the worst in the region in terms of conditions of detention. One of the greatest obstacles to respect for and guarantee of the human rights of people deprived of liberty is the existence of a dual prison system. One system, the official system, which as of 2019 held 40 million people at 45 prison facilities, is under the Ministry of the People’s Power for Penitentiary Services, and the other parallel system, is made up of approximately 500 pre-trial detention spaces, which as of 2019, held more than 60 thousand people.<sup>132</sup>

---

<sup>126</sup> IACHR, Press Release, [Comunicado de Prensa 275/20](#), IACHR Condemns Human Rights Violations in the Context of Social Protests in Peru, Calls for the Ongoing Institutional Crisis to Be Solved Democratically, and Remains Available to Conduct a Working Visit When the Peruvian State Deems it Appropriate. November 16, 2020.

<sup>127</sup> IACHR, Press Release [Comunicado de Prensa 106/20](#), IACHR Presents Preliminary Observations and Recommendations Following Historic On-Site Visit to Monitor the Human Rights Situation in Venezuela, May 8, 2020.

<sup>128</sup> Official Data Base of Foro Penal, 2021

<sup>129</sup> General Secretariat of the Organization of American States (OAS), *Fostering impunity: the impact of the failure of the Prosecutor of the International Criminal Court to Open an Investigation into possible Crimes against Humanity in Venezuela*, p.g. 18.

<sup>130</sup> Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, *Detailed conclusions of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela*, September 16, 2021, par. 285.

<sup>131</sup> Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, *Detailed conclusions of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela*, September 16, 2021, par. 285.

<sup>132</sup> IACHR, [Informe Anual. Capítulo IV.B “Venezuela”](#), Annual Report, Chapter IV.B “Venezuela”, 2019, par. 124.

92. The Commission was unable to access official data on the population deprived of liberty in 2020 and 2021, which denotes a lack of transparency regarding the country's prisons. Nonetheless, in any case, it notes that the existence of the dual prison system is most serious because the pre-trial detention settings are not suitable to hold people for more than 48 hours and the Ministry of the People's Power for Penitentiary Services does not protect the rights of these individuals claiming that they are the responsibility of the police and of the intelligence and military counterintelligence bodies.

93. In relation to the conditions of detention of the SEBIN and the DGCIM facilities, where most political prisoners are held, the IACHR saw a report written by the organization Una Ventana a la Libertad. This report reveals that these prison facilities lack constant water service. Additionally, the organization reports that conjugal and overnight visits are prohibited at these facilities. Nonetheless, such visits are allegedly carried out clandestinely in exchange for a payment to the area security leader.<sup>133</sup> Specifically at the SEBIN facility, it is reported that there is a disciplinary regime in force with punishments of solitary confinement, which range from one week to several months in length, with visits and telephone calls totally forbidden.<sup>134</sup>

94. The Inter-American Commission was apprised of Decree 4.610 of 2021, ordering the transfer of persons deprived of liberty at the SEBIN and DGCIM facilities to prisons under the Penitentiary Service Ministry.<sup>135</sup> On this score, such a measure is understood to possibly be an important step toward prevention of torture and other cruel treatments. Notwithstanding, the Commission has received information about transfers of persons deprived of liberty without any reporting on their destination or health status.

95. In this regard, the IACHR has stressed that the transfer of indigenous people to prison facilities close to their families and communities is especially important, in view of their close ties to their place of origin and their communities. These family and community links are essential to the preservation of the cultural identity of indigenous persons deprived of liberty. Therefore, in order for them to be able to preserve their cultural identity, the States must implement prison policies and other measures to ensure that the places of detention or imprisonment of indigenous people deprived of liberty are located nearby their families, communities and ancestral lands.<sup>136</sup>

96. The Inter-American Commission underscores that, in keeping with the Inter-American Convention to Prevent and Punish Torture, torture is understood to be "any act intentionally performed whereby physical or mental pain or suffering is inflicted on a person for purposes of criminal investigation, as a means of intimidation, as personal punishment, as a preventive measure, as a penalty, or for any other purpose. Torture shall also be understood to be the use of methods upon a person intended to obliterate the personality of the victim or to diminish his physical or mental capacities, even if they do not cause physical pain or mental anguish."<sup>137</sup>

97. Additionally, the Inter-American Commission recalls that the State plays a role as guarantor of persons in its custody, which means that it has a special duty to respect and guarantee their rights, particularly, the right to life and physical integrity. It has further held that the effective guarantee of the right

---

<sup>133</sup> Una Ventana a la Libertad, Situación de los derechos humanos en los centros de reclusión del Servicio Bolivariano de Inteligencia Nacional (Sebin) y la Dirección General de Contrainteligencia Militar (Dgcm), Situation of Human Rights at prison facilities of the Bolivarian National Intelligence Service (Sebin) and the General Directorate of Military Intelligence (Dgcm), 2020, pg. 15.

<sup>134</sup> Una Ventana a la Libertad, Situación de los derechos humanos en los centros de reclusión del Servicio Bolivariano de Inteligencia Nacional (Sebin) y la Dirección General de Contrainteligencia Militar (Dgcm), Situation of Human Rights at prison facilities of the Bolivarian National Intelligence Service (Sebin) and the General Directorate of Military Intelligence (Dgcm), 2020, pg. 19.

<sup>135</sup> Official Gazette 42.125, Executive Decree 4610, May 12, 2021.

<sup>136</sup> IACHR, *Observaciones a Opinión Consultiva a la Corte Interamericana de Derechos Humanos* – Observations to the Inter-American Court of Human Rights on the request for an Advisory Opinion submitted by the IACHR. Differentiated Approaches to Persons Deprived of Liberty, November 14, 2020, par. 85.

<sup>137</sup> Article 2, Inter-American Convention to Prevent and Punish Torture.

to physical integrity of persons deprived of liberty encompasses the State's duty to investigate, punish and redress all violations of this right that are committed to the detriment of persons under its custody. Specifically, in response to any form of torture or ill-treatment, the State must open a serious, impartial and effective investigation *ex officio*, using all legal means at its disposal, and aimed at ascertaining the truth within a reasonable period of time.<sup>138</sup>

98. The IACHR flat out condemns the torture and cruel, inhumane and degrading treatment endured by persons deprived of liberty, who are accused of conspiring against the government. It also urges the State to investigate, prosecute and punish those responsible for this gross human rights violation.

## **B. Situation of freedom of expression**

99. In 2021, the Office of the Special Rapporteur for Freedom of Expression monitored with concern persisting grave violations of the right to freedom of expression in Venezuela. Journalists in the country, and particularly those engaging in independent journalism or government critics, were constantly stigmatized, harassed, threatened and prevented from going about their business as journalists, especially by charging them under the Hatred Law, and even detaining them under that law. This fact, along with the closure of radio and television stations and media outlets, and costly civil damages, prevent citizens from accessing a plurality of sources of news and diverse points of view, and also promotes self-censure.

100. The surveillance of dissenting voices and threats to free speech are just as prevalent in the digital setting, where media web site blocks are reported, in addition to court proceedings being brought against citizens as punishment for critical opinions on social networks. Additionally, the Rapporteurship has seen reports of stigmatization of organizations and new requirements to be able to practice journalism in Venezuela, under the guise of alleged anti-terrorist efforts.

### ***Journalism and democracy***

101. In February 2021, the IACHR and its Special Rapporteurship for Freedom of Expression issued a warning about the closure of democratic spaces in Venezuela, especially after threats to the practice of independent journalism in the country.<sup>139</sup> The facts documented by the Special Rapporteurship confirm that this pattern has persisted over the year. Unlawful detentions, threats and harassment of journalists as they go about their business reporting are constant risk factors, exacerbated by a scenario of stigmatization, including by public officials, against the independent press and journalists or those regarded as opposition members. The many threats of subsequent liability under the Hatred Law worsened in 2021, when one newspaper was sentenced to pay more than 30 million dollars in a civil suit, based on alleged defamation of character, thus triggering greater self-censure in a climate that has been paving the way for it over the past years. Attacks on the main offices of media outlets and on important infrastructure for the practice of journalism, as well as obstacles caused by the energy and economic crisis, teamed up with administrative proceedings brought by the government on different grounds against the print media, as possible retaliation for their editorial lines, and culminated in the closure of these broadcast stations and the censoring of programs.

102. The Office of the Special Rapporteur has received information about several incidents where journalists were detained as they were going about their business reporting.<sup>140</sup> This Office viewed with

<sup>138</sup> IA Court of HR. Case of the Miguel Castro Castro Prison v. Peru. Merits, Reparations and Costs. Judgment of November 25, 2006. Series C No. 160, par. 273.

<sup>139</sup> IACHR. Office of the Special Rapporteur for Freedom of Expression. February 5, 2021. Press Release 25. [La CIDH y su RELE condenan ataques contra personas defensoras de derechos humanos y periodistas, y advierten sobre cierre de los espacios democráticos en Venezuela. IACHR and OSRFE Condemn Attacks against Human Rights Defenders and Journalists and Warn of the Closure of Democratic Spaces in Venezuela.](#)

<sup>140</sup> SwissInfo. March 8, 2021. [Detienen varias horas a un periodista venezolano que cubría protestas del 8M - SWI swissinfo.ch](#) [Venezuelan journalist covering the protests of March 8 detained for several hours](#); Espacio Público. April 5, 2021. [Poliaragua detuvo a](#)

particular concern that on March 30, de 2021, journalists Luis Gonzalo Pérez and Rafael Hernández and activists Juan Carlos Salazar and Diógenes Tirado (of FundaRedes) were reportedly held in detention at Brigade 92 of the Bolivarian National Guard, Sorocaima Fort of Guasdalito, in the municipality of Páez, Apure, a region on the border with Colombia. According to available information, the journalists and activists were covering the recent confrontations between the Bolivarian National Armed Forces and allegedly armed groups on the border, when they were held for more than 24 hours.<sup>141</sup> Following the release, on April 7, 2021, the First Vice President of the United Socialist Party of Venezuela, Diosdado Cabello, reportedly said on his TV program *Con el Mazo Dando* that the journalists were covering the conflict in Apure were spreading hatred and sowing “discord against the Bolivarian National Armed Forces, against the Bolivarian Government, and were making the world believe that the Colombian government is who is helping Venezuelans.”<sup>142</sup>

103. These detentions took place in a context in which journalist would often have to do their work under acts of threat, harassment, intimidation and aggression.<sup>143</sup> The Inter-American Press Association identified physical assaults and confiscation of cameras and cell phones as a pattern against journalists in Venezuela over the year.<sup>144</sup> In 2021, the Office of the Special Rapporteur received reports of actions of state agents to prevent the press from doing its job, impeding journalists from gathering recorded audiovisual material or from covering events.<sup>145</sup> The Rapporteurship also reported several cases when journalists were forced to erase audiovisual material they collected as were going about their job of reporting – or attempted to go about it.<sup>146</sup> Also reported to this Office were cases in which photographs were taken of journalists as they were doing their job.<sup>147</sup> What was particularly striking to the Rapporteurship were the impediments to

periodista y estudiante por fotografiar las afueras del HCM [‘Poliaragua detained journalist and student for photographing the outside of the HCM’]; Instituto de Prensa y Sociedad Venezuela. April 13, 2021. Dos detenciones arbitrarias se registraron en centros de salud en lo que va de abril: [‘Two arbitrary detentions reported at healthcare facilities thus far this April’]. Caraota Digital. July 9, 2021. Detienen al periodista Joan Camargo mientras cubría enfrentamientos: [‘Journalist Joan Camargo detained while covering confrontations’].

<sup>141</sup> El Nacional. March 31, 2021. Denuncian desaparición de 2 periodistas de NTN24 detenidos por la GNB mientras cubrían conflicto en Apure [‘Disappearance of 2 NTN24 journalists detained by the GNB while covering the conflict in Apure reported’], NTN24. April 1, 2021. Liberados los periodistas de NTN24 y defensores de DDHH [‘NTN24 journalists and human rights defenders released’], Instituto de Prensa y Sociedad Venezuela. April 1, 2021. Liberados los dos periodistas y los dos activistas que fueron detenidos y desaparecidos por la GNB en Apure. [‘Two journalists and two activists, who were detained and disappeared by the GNB in Apure released’].

<sup>142</sup> Tal Cual Digital. April 7, 2021. Cabello: periodistas que cubran conflicto en Apure deben ser considerados enemigos. Espacio Público [‘Cabello: journalists who cover conflict in Apure must be considered enemies’]. April 8, 2021. Diosdado Cabello amenazó a periodistas que cubran conflicto en Apure. [‘Diosdado Cabello threatened journalists who cover conflict in Apure’].

<sup>143</sup> Noticero Digital. March 16, 2021. PNB graba a periodistas mientras cubrían protesta en Aragua: [‘PNB records journalists while they covered protest in Aragua’]. Tal Cual Digital. June 28, 2021. Directora del hospital Pérez de León acosó a periodista que trabaja allí [‘Hospital Director Perez de Lean harassed journalist who works there’]; Twitter account of the National Union of Press Workers Prensa (@sntpvenezuela). 13 de julio de 2021; Espacio Público. August 17, 2021. Amenazan a periodista por denunciar las precarias condiciones de un centro de salud en Barinas [‘Journalist threatened for reporting precarious conditions of a healthcare center in Barinas’]; Crónica Uno. October 13, 2021. Recrudece hostigamiento contra periodista Roberto Deniz. [‘Harassment against journalist Roberto Beniz escalates’].

<sup>144</sup> Inter-American Press Association. October 15, 2021. Venezuela - Informe ante la 77ª Asamblea General Virtual. [‘Venezuela – Report to the 77<sup>th</sup> Virtual General Assembly’].

<sup>145</sup> Twitter account of the National Society of Press Workers of Venezuela (@sntpvenezuela). March 16, 2021; Espacio Público. May 12, 2021. Secretario de gobierno de Carabobo censuró a la prensa durante protesta de maestros. [‘Secretary of Government of Carabobo censured the press during school teachers’ protests’]; Instituto de Prensa y Sociedade Venezuela. June 5, 2021. En menos de una semana impiden labor periodística a tres equipos de reporteros en Lara [‘In less than one week three teams of reporters are prevented from reporting’]; Twitter account of the National College of Journalists of Caracas (@cncparacas). 21 de octubre de 2021.

<sup>146</sup> El Carabobeño. April 12, 2021. Reporteros de El Carabobeño fueron intimidados por sujetos desconocidos mientras hacían su labor periodística [‘Reporters of El Carabobeño were intimidated by unknown individuals while they were doing their job as journalists’]; ETVV. August 5, 2021. Intentan quitarle el celular a periodista en Sucre que grababa discusión entre oficialistas: [‘Attempt made to take cell phone away from journalist who was recording discussion between government party members’] Twitter account of the National Union of Press Workers of Venezuela (@sntpvenezuela). 8 de agosto de 2021; Twitter account of the National Society of Press Workers (@sntpvenezuela). 8 de agosto de 2021 (2);

<sup>147</sup> Archives of the Special Rapporteurship, Meeting with Venezuelan journalists. June 28, 2021 and July 15, 2021; Espacio Público. September 23, 2021. PNB graba a periodistas mientras cubrían protesta en Aragua. [‘PNB records journalists while they cover protests in Aragua’].



covering events that were of great public interest in 2021, such as the vaccination campaign days<sup>148</sup> and contexts of elections.<sup>149</sup> Likewise, the Rapporteur's Office has received reports of cases of harassment of journalists covering social protests.

104. On April 27, 2021, agents of the Bolivarian National Guard reportedly held journalists Lenin Danieri and Edwin Prieto in the vicinity of outpost 114 of the Bolivarian National Guard, between the Municipalities of Perijá and Rosario de Perijá. The journalists were returning to their city after they had been investigating, over the past two days, alleged cattle theft and encroachment on farmlands in Machiques de Perijá by members of the Ykupas ethnic group. In the vicinity of outpost 114, the journalists had observed that a group of Yukpas of the Sierra de Perijá was being prevented from traveling on foot to carry out a protest against the governor of the State of Zulia. The journalists had attempted to cover that event, but they had been impeded by agents of the outpost, who also took their identity cards away from them, took their belongings and took them to an area further away, where they were forced to undress. While still undressed, the agents took them to a room where they were asked about their business in Machiques. Finally, their telephones were returned to them without the contents they had recorded over the past 48 hours, and they were ordered to put their clothes on and leave.<sup>150</sup>

105. Over 2021, the Office of the Rapporteur also reported once again that court proceedings were instituted under the Anti-Hatred Law against journalists and communicators. By way of example, on May 17, 2021, columnist José Marval was served notice of a complaint filed against him for the alleged violation of incitement of hatred, in addition to slander and defamation, for publishing the column *De Buenas Fuentes in 100% Noticias*.<sup>151</sup> However, the Rapporteur's Office has reported with even more concern cases in which the Anti-Hatred Law has been used to issue arrest warrants or to arrest journalists and communicators, especially when these arrests were ordered as a result of reporting on matters of public interest.

106. Based on what the Special Rapporteur's Office was able to find out, on March 31, journalist and writer Milagros Mata Gil and poet Juan Manuel Muñoz, her husband, were arrested after publishing an article written by Mata Gil on her social network accounts criticizing the Venezuelan Attorney General. Milagros Mata Gil and Juan Manuel Muñoz were reportedly released from jail on April 1, on the condition of appearing every 30 days before authorities and not speaking about the case. At the initial appearance hearing, the Prosecutor's Office charged them with the criminal offense of incitement of hatred.<sup>152</sup> Months later, on June

---

<sup>148</sup> Instituto Prensa y Sociedad Venezuela. June 22, 2021. [Al menos seis reporteros han sido limitados a cubrir operativos de vacunación en lo que va de junio](#) ['At least six reporters have been limited in covering vaccination operations thus far in June']; Espacio Público. July 8, 2021. [Junio: periodistas sin autorización para cubrir la vacunación!](#) ['June: journalists not authorized to cover vaccination']; Espacio Público. May 31, 2021. [Intimidación al reportero Orlando Montlouis durante cobertura de vacunación](#) ['Reporter Orlando Montlouis intimidated while covering vaccination']

<sup>149</sup> Twitter account of the National Press Workers' Union of Venezuela (@sntpvenezuela). [8 de agosto de 2021](#); Guachimán Electora. August 9, 2021. [Se registraron cinco ataques a la prensa en la jornada de primarias PSUV](#) ['Five attacks on the press were reported on PSUV primary election day']; Guachimán Electoral. August 10, 2021. [SNTP denunció abusos del Plan República contra periodistas en cobertura del simulacro electoral](#) ['SNTP decries abuses of the Plan Republica against journalists in coverage of mock election']; Espacio Público. October 29, 2021. [Partidarios de la oposición intentaron impedir cobertura del reportero gráfico Daniel Sosa](#) ['Opposition supporters attempted to prevent coverage of graphic reporter Daniel Sosa']

<sup>150</sup> El Carabobeño. April 27, 2021. [GNB detuvo, desnudó y borró el material a periodistas Edwin Prieto y Lenin Danieri](#) ['GNB detained, undressed and erased the material of journalists Edwin Prieto and Lenin Danieri']; El Pitazo. April 28, 2021. [Sindicato de prensa denuncia que GN detuvo y desnudó a dos periodistas zulianos](#) ['Press union denounces that the GNB detained and undressed two journalists from Zulia']; Espacio Público. April 28, 2021. [Detienen a dos periodistas por grabar protesta indígena en el Zulia](#) ['Two journalists detained for recording indigenous protest in Zulia']

<sup>151</sup> Asociación Carabobeña de Noticias. May 21, 2021. [Llevar a juicio a supuesto periodista por difamación e incitación al odio](#) ['Alleged journalist brought to trial for defamation and incitement of hatred']; Instituto de Prensa y Sociedad Venezuela. May 28, 2021. [Columnista y medio de comunicación de Carabobo demandados por difamación e injuria](#) ['Columnist and media outlet of Carabobo sued for defamation and slander']

<sup>152</sup> El Nacional. April 1, 2021. [Milagros Mata Gil, escritora venezolana, denuncia su detención](#); SwissInfo ['Milagros Mata Gil, Venezuelan writer, denounces her detention.']; April 1, 2021. [Excarcelada la escritora venezolana Milagros Mata Gil y su marido, según ONG](#) ['Venezuelan writer Milagros Mata Gil and her husband released from prison, according to NGO']

16, 2021, Milagros Mata Gil was reported to have been stabbed in her arm, when two individuals riding on a motorcycle approached her in Anzoátegui.<sup>153</sup>

107. The SRFE was informed about a similar case on June 3, 2021, when a member of the Criminal Investigation Directorate of the Police of Monagas state raided the residence of writer Rafael Rattia and detained him after he published an opinion article criticizing Aristóbulo Istúriz, the late minister of education. The columnist remained in jail until June 5, when he was conditionally released at his initial appearance hearing, and was also charged with the crime of incitement of hatred.<sup>154</sup>

108. On July 29, 2021, the Tenth Trial Court for Preliminary Matters in Chambers of the Criminal Judicial Circuit of the State of Tachira ordered journalist and TV host Obeysser Prada Torres to be taken into custody for allegedly committing the crime of promoting or inciting hatred.<sup>155</sup> In January 2021, Obeysser Prada spoke out against alleged irregularities in the administration of the State of Tachira and the conduct of the Special Action Forces and the Bolivarian National Police in this region.<sup>156</sup>

109. Likewise, the Office of the Special Rapporteur received information that on September 7, 2021, the Sixth Trial Court for Preliminary Matters in Chamber of the Criminal Judicial Circuit of the Metropolitan Area of Caracas authorized agents of the Scientific, Criminal and Forensic Investigation Corps to raid the residences of humorist communicators Napoléon Eduardo Rivero Acosta and Reubén Eduardo Morales Weggeman for the alleged crime of incitement of hatred, in addition to information technology crimes. The communicators are well-known for the program Kurda Konducta, on video platforms, which is famous for its parodies of government officials. On that same day, the same judicial authority ordered, in addition to Messrs. Rivero and Morales, for Ivan Dugarte and Greisis Annel Mejial Leal, both communicators of Kurda Konducta as well, to be taken into custody, for the alleged offense of promoting or inciting hatred.<sup>157</sup>

110. The IACHR and Special Rapporteurship are particularly surprised about the custody and search warrants issued against journalist Roberto Deniz, whose family has been the beneficiary of Precautionary Measures of this IACHR since February 2020. According to information provided to this Office, on October 12, journalist Roberto Deniz was informed that a new criminal proceeding was brought against him for his work as a journalist, specifically, for the crime of incitement of hatred.<sup>158</sup> On October 13, Deniz was tipped off about a potential raid on his family residence in the capital of Venezuela, where his brother, sister-

---

<sup>153</sup> El Carabobeño. June 17, 2021. [La escritora venezolana Milagros Mata Gil sufre atentado en Anzoátegui. \[‘Attempt on the life of Venezuelan writer Milagros Mata Gil in Anzoátegui’\]](#). El Nacional. June 17, 2021. [Milagros Mata-Gil denunció que fue atacada con un cuchillo. \[‘Milagros Mata-Gil reported that she was attacked with a knife’\]](#).

<sup>154</sup> Efecto Cocuyo. June 4, 2021. [Denuncian detención del escritor Rafael Rattia por escribir un artículo \[‘Writer Rafael Rattia detained for writing an article’\]](#) El Pitazo. June 6, 2021. [Escritor Rafael Rattia fue imputado por instigación al odio en Maturín. \[‘Writer Rafael Rattia was charged with incitement to hatred in Maturín’\]](#).

<sup>155</sup> El Carabobeño. August 5, 2021. [Tribunal del Táchira emitió orden de detención contra el periodista Obeysser Prada. \[‘Tachira Court issues arrest warrant for journalist Obeysser Prada’\]](#); Radio Fe y Alegría. August 7, 2021. [Tribunal Penal del Táchira emite orden de detención contra el periodista Obeysser Prada - Radio Fe y Alegría Noticias. \[‘Criminal Court of Tachira issues arrest warrant for journalist Obeysser Prada’\]](#)

<sup>156</sup> Instituto Prensa y Sociedad Venezuela. May 28, 2021. [Periodista Obeysser Prada denunció ser víctima de una investigación judicial en Táchira. \[‘Journalist Obeysser Prada decried being victim of a judicial investigation in Tachira’\]](#)

<sup>157</sup> Archive of the Office of the Special Rapporteur. Report of the Case of Kurda Konducta. October 23, 2021.

<sup>158</sup> El País. October 13, 2021. [La Fiscalía chavista intensifica sus ataques al periodismo y arremete contra el reportero que destapó los negocios de Alex Saab, presunto testaferro de Maduro | Internacional; \[‘The Pro-Chavez Prosecutor’s Office steps up its attacks on journalism and lashes out against the reporter who uncovered the business deals of Alex Saab, alleged straw man of Maduro’\]](#); El Pitazo. October 12, 2021. [Periodista Roberto Deniz denuncia que seguidores de Saab le montan expediente con acusaciones falsas. \[‘Journalist Roberto Deniz denounces that Saab’s followers framed him with false accusations’\]](#).

in-law and two minor children live, even though the journalist himself has not lived in Caracas, Venezuela, since 2018.<sup>159</sup>

111. It has also been reported to this Office that on October 14, 2021, the Thirty-Second Trial Court in Chambers for Preliminary Matters of the Criminal Judicial Circuit of the Metropolitan Area of Caracas issued an order to take into custody Roberto Deniz Machin and Anyelo Julio Herida in the framework of the case brought against them for allegedly committing the crime of incitement of hatred. That same day, the Chief Commission of the International Police Directorate was apprised of the existence of that custody order and was asked to enter a red alert into the Interpol system.<sup>160</sup>

112. On October 15, 2021, Roberto Deniz denounced over his social network that at around 15:00 (VET), agents dressed in black, without any identification as to who they were as individuals or to what police force they belonged, raided the residence of the journalist's family in an unmarked official car. According to the information received, at around 18:00 (VET), the raids had ended and one of Deniz's brothers had been taken to make a statement to the authorities.<sup>161</sup> These operations took place in a context of escalating on-line attacks against Robert Deniz, particularly on September 20, with postings of a number of stigmatizing messages.<sup>162</sup>

113. Beyond mechanisms of subsequent criminal liability for speech of public interest, this Rapporteurship also views with concern the decision of the Civil Cassation Chamber of the Supreme Court of Justice of April 16, 2021, ordering the Venezuelan daily newspaper *El Nacional* to pay 237 thousand Petros – around 13 million dollars – as moral damages to a former president and current deputy of the National Assembly of Venezuela, who filed a civil suit against the newspaper *El Nacional*, after that media outlet reprinted a piece from the Spanish daily newspaper *ABC* which, by means of the testimony of a former escort of government official Leamsy Salazar, accused him of allegedly being implicated in drug trafficking deals.<sup>163</sup> On May 14, as part of the process of compensation for damages, the Fourth Ordinary Court of the Municipality and Executor of Measures of the Judicial District of the Metropolitan Area of Caracas ordered the seizure of the national office of the newspaper.<sup>164</sup> On June 10, 2021, *El Nacional* received the notification that, after the period of time for voluntary payment of compensation had elapsed, the Third Trial Court for Civil, Mercantile, Traffic and Banking Matters of the Judicial District ordered the execution of the seizure of more than 30 million *reals*-worth of assets, equivalent to double the amount of the judgment plus another 25% for court costs.<sup>165</sup> Based on information received by this Office, even though *El Nacional* filed an appeal for constitutional review against

<sup>159</sup> Twitter account of Roberto Deniz (@robertodeniz). [13 de octubre de 2021](#); Twitter account of CPJ Américas. [14 de Octubre de 2021](#); FLIP. October 14, 2021. [Autoridades venezolanas orquestan montaje judicial en contra del periodista Roberto Deniz](#). [‘Venezuelan authorities orchestrate sham trial against journalist Roberto Deniz’].

<sup>160</sup> Bolivarian Republic of Venezuela. October 14, 2021. Official letters [301-21](#) y [304-21](#). Criminal Judicial Circuit of the Judicial District of the Metropolitan Area of Caracas Trial Court for Preliminary Matters on Duty No. 32..

<sup>161</sup> CNN Español. October 15, 2021. [Denuncian allanamiento en casa de familiares del periodista venezolano Roberto Deniz](#); [‘Raid on the house of family members of Venezuelan journalist Roberto Deniz denounced’]; Committee to Protect Journalists. October 20, 2021. [Las autoridades venezolanas dictan orden de arresto contra el periodista Roberto Deniz y allanan la casa de su familia](#). [‘Venezuelan authorities issue arrest warrant for Roberto Deniz and raid his family’s residence’].

<sup>162</sup> Twitter account of the National Press Workers’ Union (@sntpvenezuela). [20 de septiembre de 2021](#); Twitter account of the Instituto de Prensa y Sociedad Venezuela (@ipysvenezuela). [21 de septiembre de 2021](#).

<sup>163</sup> IACHR. Special Rapporteurship for Freedom of Expression. April 21, 2021. Press Release 96 [La CIDH y su Relatoría Especial para la Libertad de Expresión manifiestan preocupación por la decisión que ordenó al diario El Nacional de Venezuela al pago de más de 13 millones de dólares. \[IACHR and its Special Rapporteurship for Freedom of Expression express grave concern over ruling ordering the newspaper El Nacional in Venezuela to pay more than 13 million dollars.\]](#)

<sup>164</sup> EFE, May 15, 2021. [La justicia venezolana da otra vuelta de tuerca al embargar al diario El Nacional](#); [‘Venezuelan justice ratchets it up another notch by seizing the newspaper El Nacional’]; Infobae. May 14, 2021. [La dictadura de Nicolás Maduro embargó la sede del periódico venezolano El Nacional](#). [Dictatorship of Nicolas Maduro seized the main offices of the Venezuelan newspaper El Nacional’].

<sup>165</sup> El Nacional. June 10, 2021. [El régimen incrementó de 13 a 30 millones de dólares lo que El Nacional debe pagarle a Diosdado Cabello](#) [‘The regime increases from 13 to 30 million dollars what El Nacional must pay Diosdado Cabello’]; Swissinfo. June 11, 2021. [La justicia venezolana eleva de 13 a 30 millones multa al diario El Nacional](#). [‘Venezuelan justice raises fine to newspaper El Nacional from 13 to 30 million’].

the decision of the Supreme Court of Justice of April 16, 2021, the Constitutional Chamber of the Court decided to deny the appeal for review of judgment.<sup>166</sup>

114. This Office also recalls that criminal charges akin to terrorism and treason against the homeland were used against a journalist in Venezuela. As of the date of completion of this report, journalist Ronald Carreño had been held for 300 days in detention. As the Rapporteurship reported in its 2020 annual report, the journalist was arrested by members of the Bolivarian National Police, on October 26. The Fourth State Trial Court in Chambers for Preliminary Matters with Nationwide Jurisdiction and competence in cases linked to Crimes Associated with Terrorism, charged him with the alleged crimes of Conspiracy, Illegal Trafficking of Weapons of War and Ammunition, and Financing Terrorism. On July 9, 2021, the judge in charge of the case allowed the charges.<sup>167</sup> During the year, the journalist's legal team alerted the judicial authorities to the deteriorating health status of Carreño and filed a motion to at least move him to a trusted healthcare facility to be examined. On September 6, 2021, Carreño had to be moved to Hospital de Clínicas of Caracas during a bout of high blood pressure, where he was diagnosed with COVID-19.<sup>168</sup> Currently, the journalist is being held in the Helicoide prison, in Caracas.<sup>169</sup>

115. The Rapporteurship also reports that the Second Trial Court of Nueva Esparta acquitted journalist Braulio Jatar.<sup>170</sup> As explained in the Rapporteurship's 2016 Annual Report, on September 3 of that year, agents of the Bolivarian National Intelligence Service arrested Jatar, the editor in chief of the digital media outlet Reporte Confidencial, who was subsequently accused of money laundering. The communicator's arrest occurred the day after President Nicolás Maduro's visit to the municipality of Villa Rosa on Isla Margarita, and while a protest demonstration (*cacerolazo* or pan-banging) was taking place, which brought the leader face to face with some of the demonstrators. The news portal run by Jatar had posted videos and stories of the demonstration. In May 2017, the journalist was ordered to serve a sentence of house arrest, and this measure was revoked in July 2019, under the condition that Jatar appear every 15 days before the Court and not leave the country.<sup>171</sup> Since the decision was handed down to acquit him, such restrictions are baseless.

116. In 2021, the Rapporteurship also continued to observe raids on different radio and television stations and print media facilities in Venezuela, followed by confiscation of technical equipment and closure of print media outlets by CONATEL. These measures were taken mostly on the grounds of alleged failure to meet administrative law requirements for the use of Venezuelan radioelectric slots or alleged tax law violations.

---

<sup>166</sup> Archive of the Rapporteurship. Urgent information update. Daily Newspaper El Nacional. August 20, 2021.

<sup>167</sup> Radio Fe y Alegría. July 9, 2021. [Periodista Roland Carreño seguirá preso - Radio Fe y Alegría Noticias](#); [Journalist Roland Carreño will continue in jail]; Efecto Cocuyo. July 9, 2021. [Roland Carreño seguirá privado de libertad mientras dure su juicio, decide tribunal. \[Roland Carreño will continue deprived of liberty while his trial lasts, the court decides\]](#).

<sup>168</sup> Tal Cual. September 2, 2021. [Defensa de Roland Carreño pide nuevamente que sea revisado por médicos de confianza. \[Defense of Roland Carreño again requests he be examined by trusted doctors\]](#); El Pitazo. September 6, 2021. [Periodista Roland Carreño es trasladado a una emergencia por crisis hipertensiva. \[Journalist Roland Carreño is transferred to emergency care due to high blood pressure crisis\]](#); Crónica Uno. September 6, 2021. [Roland Carreño fue trasladado al Hospital de Clínicas Caracas](#); [Roland Carreño was moved to Clinicas Caracas Hospital]; Crónica Uno. September 7, 2021. [A Roland Carreño le han negado 6 pedidos de traslados médicos en 2021. \[6 motions for medical transfer denied for Roland Carreño in 2021\]](#); RSF. October 26, 2021. [RSF pide la liberación del periodista Roland Carreño, encarcelado arbitrariamente desde hace un año en Venezuela. \[RSF files motion for release of journalist Roland Carreño, arbitrarily imprisoned since one year ago in Venezuela\]](#).

<sup>169</sup> RSF. October 26, 2021. [RSF pide la liberación del periodista Roland Carreño, encarcelado arbitrariamente desde hace un año en Venezuela. \[RSF files motion for release of journalist Roland Carreño, arbitrarily imprisoned since one year ago in Venezuela\]](#).

<sup>170</sup> El Nacional. September 10, 2021. [Declaran No Culpable a comunicador Braulio Jatar. \[Communicator Braulio Jatar found not guilty\]](#); El Carabobeño. September 10, 2021. [Libertad plena: Periodista Braulio Jatar fue declarado no culpable. \[full release: Journalist Braulio Jatar was found not guilty\]](#).

<sup>171</sup> CPJ. September 13, 2021. [CPI welcomes acquittal of Venezuelan journalist Braulio Jatar: Journalists](#); LatAm Journalism Review. July 9, 2021. [Periodista Braulio Jatar es liberado de arresto domiciliario, pero tiene prohibido salir de Venezuela. \[Journalist Braulio Jatar is released from house arrest but is prohibited from leaving Venezuela\]](#).

117. In this regard, on January 8, 2021, officials of CONATEL and SENIAT entered the facilities of the correspondent's office of Caracas of Digital TV VPI-TV under the guise of reviewing tax documentation for equipment acquired in early 2000. The officials reportedly seized several pieces of equipment, which temporarily halted operations of the print media company.<sup>172</sup> The daily newspaper Panorama in the city of Maracaibo was also sanctioned by SENIAT with closure of its facilities until January 12, on the grounds of alleged failure to comply with tax laws.<sup>173</sup> On grounds of failure to comply with administrative requirements under the Telecommunications Law or with proper concession of radioelectric signals, CONATEL closed down or took off the air programming of radio Aragua Mágica 88.1 FM<sup>174</sup> in Macaray, Aragua; Radio Vea<sup>175</sup> in Coro, Falcón; radio station *Zeta 103.5 FM* in Ocumare of Tuy, State of Miranda<sup>176</sup> and radio station La Genial 89.9 Fm of the state of Portuguesa.<sup>177</sup> In the case of Radio Vea, the official of CONATEL reportedly took the station off the air by cancelling their signal, after a visit of nearly 10 hours at the studio and main office of the media outlet.

118. Likewise, in the month of October alone, the Special Rapporteurship received information about at least seven closures of programs in Venezuela that had been caused by CONATEL, as possible retaliation for the editorial line of these programs, or as a preventive measure taken by the broadcast stations themselves to avoid closure of the media outlet from external pressure, including from public officials. In the month of October alone, the following closures were reported: the programs of *Despertó Amazonas*, hosted by journalist Manuel Ramírez; *El mañanero del aire*, with Pedro Colina Depool; *Entre Periodistas*, hosted by the journalists Martí Hurtado and Epifanio Petit; *La opinión de los demás*, with Magaly Hassan; *Contra la corriente*, with José Gregório López; and *La noticia en órbita*, hosted by the journalist Julio Flores.<sup>178</sup> In September, the Office of the Rapporteur documented the closure of the program *Lo De Hoy Es Noticia*, with journalist Edecio García Sosa, allegedly after he was pressured by government officials.<sup>179</sup> These cases are in addition to the report that, on August 3, 2021, CONATEL reportedly took off the air the program *Punto de Corte Radio*, which was broadcast over Radio Fe y Alegría 1390 AM and 105.7 FM, without letting its host or the radio staff know the basis in fact and law for such a measure.<sup>180</sup>

---

<sup>172</sup> NTN-24. January 8, 2021. [Funcionarios del régimen venezolano le quitan los equipos al medio digital VPI TV](#); ['Officials of the Venezuela regime take away digital equipment from media outlet VPI TV']; Deutsche Welle. January 9, 2021. [Gobierno de Venezuela confisca equipos a canal de TV digital | Las noticias y análisis más importantes en América Latina](#); ['Government of Venezuela confiscates equipment of digital TV channel']; Twitter account of VPI-TV (@vpitv). [10 de enero de 2021](#).

<sup>173</sup> El Nacional. January 8, 2021. [Seniat clausuró por cinco días sede del diario Panorama](#); ['Seniat closed daily newspaper Panorama headquarters building for five days']; Instituto de Prensa y Sociedad Venezuela. January 15, 2021. [Radio y prensa en medio de limitaciones durante las primeras semanas de enero](#) ['Radio and press in midst of restrictions over first weeks of January'].

<sup>174</sup> Instituto de Prensa y Sociedad Venezuela. March 31, 2021. [Alerta IPYSve | Conatel cierra emisora comunitaria Aragua Mágica 88.1 FM: \[Conatel closes down community radio broadcaster Aragua Magica\]](#); Diario de Lara: La Prensa. Undated. [Periodistas denuncia cierre de la emisora Aragua Mágica 88.1 FM](#). ['Journalists decry closure of radio station Aragua Magica 88.1 FM']

<sup>175</sup> El pitazo. February 26, 2021. [Conatel apaga señal radiofónica de emisora VEA 100.7 FM](#); ['Conatel turns off radiophonic signal of radio station VEA 100.7 FM']; Tal Cual. February 27, 2021. [Conatel saca del aire señal de emisora VEA 100.7 FM](#). ['Conatel takes signal of radio broadcaster VEA 100.7 FM off air'].

<sup>176</sup> El Nacional. May 28, 2021. [Conatel cerró la emisora Zeta 103.5 FM](#); ['Conatel closes down radio station Zeta 103.5 FM']; Espacio Público. May 28, 2021. [Conatel decomisa equipos y cierra la emisora Zeta 103.5 FM](#). ['Conatel seizes equipment and closes down radio station Zeta 103.5 FM']

<sup>177</sup> Noticero Digital. October 15, 2021. [Conatel confisca equipos de emisora Genial 89.9 FM en Guanare](#); ['Conatel confiscates equipment of radio station Genail 89.9 FM in Guanare']; Espacio Público. October 18, 2021. [Conatel confisca equipos de la emisora Genial 89.9 FM del estado Portuguesa](#). ['Conatel confiscates equipment of radio station Genial 89.9 FM of the state of Portuguesa']

<sup>178</sup> Instituto Prensa y Sociedad Venezuela. October 14, 2021. [Locutor y programa de denuncias censurados en Amazonas](#); ['Announcer and program of denunciations closed down in Amazonas']; Espacio Público. October 21, 2021. [Cierran cinco programas de radio en el estado Zulia y Falcón](#). ['Five radio programs closed down in state of Zulia and Falcon']

<sup>179</sup> IFEX. September 11, 2021. [Cierran programa de Barinas TV dedicado a denuncias de la comunidad](#); ['Barinas community TV program dedicated to denunciations closed down']; La Noticia - Barinas. September 8, 2021. [APR rechazó cierre de programa de Edecio García en Barinas TV](#). ['APR rejected closure of Edecio Garcia's program on Barinas TV']

<sup>180</sup> Tal Cual. August 3, 2021. [Conatel saca del aire programa "Punto de Corte"](#); ['Conatel takes off air Program 'Punto de Cort']; [Twitter account](#) of National College of Journalists of Caracas (@CNPCaracas). [3 de agosto de 2021](#).

119. The Rapporteurship received information from Venezuelan journalists that, in order to avoid this type of retaliation, particularly radio broadcasters, once they are on the radar screen of the State or government supporters as criticizing the regime, they usually make a list of terms that are censured during programming and share it with the interviewees or invited guests. For example, on radio or television programs, you cannot use terms like ‘usurpation,’ ‘dictatorship’ or ‘illegitimacy’ to refer to the government or the National Assembly.<sup>181</sup>

120. The Special Rapporteurship continued to observe an adverse climate to journalism and print media as a result of ongoing stigmatization, especially by public officials, accusing journalists of being “liars”<sup>182</sup> or associating them with violent events.<sup>183</sup> Specifically, the Rapporteurship has noticed escalating stigmatization on some webpages and official government social network accounts aimed at discrediting the work performed by the media, because they received international cooperation resources from January to February. In this regard, the IACHR and its Rapporteurship saw video footage, with the Bolivarian National Aviation insignias and disseminated over official government Twitter accounts, where journalists of the media outlet Efecto Cocuyo are profiled, accusing them of being “info-mercenaries” because they received foreign financing in order to operate.<sup>184</sup> The National Press Workers’ Union (SNTP), the Radiophonic Institute Fe y Alegría, the Center for Peace and Justice (CEPAZ), the organization Espacio Público, the Press and Society Institute (IPYS) and Transparency Venezuela have been the targets of similar accusations as well.<sup>185</sup> Additionally, on January 13, during the broadcast of his television program *Con el Mazo Dando*, Deputy Diosdado Cabello branded human rights defense organizations as “instruments to destabilize peoples.”<sup>186</sup> Stigmatizing speech, particularly from Deputy Cabello, was a hallmark of 2021 and, over the months that followed his remarks, the parliament made further accusations, such as that journalists have links to paramilitary movements.<sup>187</sup>

121. This Office also received information about the obstacles imposed by the economic and energy crisis to the practice of journalism in Venezuela. According to information provided to the SRFE by journalists from the country, the gasoline shortage prevents many journalists from going out to cover target regions or to follow a breaking story or a scoop away from their base. Often journalists are dependent upon the support of journalist associations to be able to cover areas that require means of transportation, with the gasoline shortage impacting them as well.<sup>188</sup> In this same vein, in 2021, the NGO Espacio Público reported major

---

<sup>181</sup> Archive of the Special Rapporteurship. Meeting with journalists of Venezuela. June 28, 2021 and July 15, 2021

<sup>182</sup> Twitter account of National Press Workers’ Union (@sntpvenezuela). 30 de agosto de 2021.

<sup>183</sup> Espacio Público. July 13, 2021. [Jorge Rodríguez vincula a medios digitales con violencia en Caracas. \[‘Jorge Rodriguez links to digital media with violence in Caracas’\]](#)

<sup>184</sup> IACHR. Special Rapporteurship for Freedom of Expression. February 5, 2021. Press Release 25. [La CIDH y su RELE condenan ataques contra personas defensoras de derechos humanos y periodistas, y advierten sobre cierre de los espacios democráticos en Venezuela. \[‘IACHR and OSRFE Condemn Attacks Against Human Rights Defenders and Journalists and Warn of the Closure of Democratic Spaces in Venezuela’\]](#)

<sup>185</sup> IACHR. Special Rapporteurship for Freedom of Expression. February 5, 2021. Press Release 25. [La CIDH y su RELE condenan ataques contra personas defensoras de derechos humanos y periodistas, y advierten sobre cierre de los espacios democráticos en Venezuela. \[‘IACHR and OSRFE Condemn Attacks Against Human Rights Defenders and Journalists and Warn of the Closure of Democratic Spaces in Venezuela’\]](#)

<sup>186</sup> IACHR. Special Rapporteurship for Freedom of Expression. February 5, 2021. Press Release 25. [La CIDH y su RELE condenan ataques contra personas defensoras de derechos humanos y periodistas, y advierten sobre cierre de los espacios democráticos en Venezuela; \[‘IACHR and OSRFE Condemn Attacks Against Human Rights Defenders and Journalists and Warn of the Closure of Democratic Spaces in Venezuela’\]](#); Tal Cual. January 13, 2021. [Cabello pide investigación contra Provea por señalar financiamiento exterior del PSUV. \[‘Cabello calls for investigation against Provea because PSUV accuses it of receiving outside financing’\]](#)

<sup>187</sup> Espacio Público. October 27, 2021. [Diosdado Cabello acusa a Sebastiana Barráez de vínculos con el paramilitarismo colombiano; \[‘Diosdado Cabello accuses Sebastiana Barraez of links to Colombian paramilitary’\]](#) Con el Mazo Dado. Programa 362.

<sup>188</sup> Archive of the Special Rapporteurship. Meeting with journalists of Venezuela. June. 28, 2021 and July 15, 2021

disruptions to Venezuelan radio station operations due to electric outages.<sup>189</sup> According to information conveyed to this Office, the outages also hampered news rooms and necessary contacts to access and transmit information. Another necessary input for printed newspapers to operate is newsprint. Thus, based on information provided by the IPYS “according to IPYS Venezuela data, at least 110 newspapers have stopped appearing on news-stands since 2009 and, since the creation of the Alfredo Maneiro Publishing Complex (CEAM), in 2013, at least 104 print media outlets have disappeared.”<sup>190</sup> On May 25, 2021, the Board of Directors of the daily newspaper El Tiempo announced the end of its print edition because of the shortage of newsprint and other obstacles arising from the economic crisis.<sup>191</sup>

122. The Rapporteurship also viewed with concern attacks on important infrastructure to the practice of journalism in Venezuela. The headquarters building in Sucre of the National College of Journalists of Venezuela sustained a fire on April 19, 2021, destroying the structure, offices, desks, chairs and files. On April 25, a report issued by the Fire Department reached the conclusion that the fire was caused by human factors.<sup>192</sup> Likewise, it was reported that on different occasions over the course of the year, different offices and studios of radio Fe y Alegría were the targets of robberies which, in some instances, temporarily disrupted local programming.<sup>193</sup>

### ***Democratic institutions, rule of law and freedom of expression***

123. The year 2021 saw persecution, accusations and harassment of opposition voices in Venezuela, as well as against people who express criticism of the government and, in particular, detentions and court proceedings brought against members of non-governmental organizations, with changes to administrative decisions that could exacerbate the stigmatization of civil society organizations, repression of people who protest the government and threats to academic autonomy. And again, there were reports of obstacles to the exercise of the right of access to information over the year, even though the National Assembly elected on December 6, 2020 approved a law of access to information in September 2021. Even though it is an important landmark, this is a legal framework that includes rules and gaps that could perpetuate the scenario of opacity documented by the Special Rapporteurship in its latest annual reports.

124. On this score, the Rapporteurship closely monitored the smearing of the names of non-governmental organizations as being complicit in terrorist activities in Venezuela. This Office noted with concern that Administrative Decision No. 001-2021, which was published in Official Gazette Number 42098 on March 30, 2021, requires civil society organizations to register in a registry of the National Office against Organized Crime and Financing of Terrorism (ONCDOFT). This Decision lists as one of the essential requirements for registration to disclose the donor organizations funding their activities, and to identify the

---

<sup>189</sup> Espacio Público. April 25, 2021. [Fallas eléctricas dejan fuera del aire a Radio Rumbos 670 AM](#) [‘Electric failures leave Radio Rumbos 670 AM off the air’]; Espacio Público. July 15, 2021. [Apagones afectaron la conectividad de varios estados de Venezuela](#). [Outages impact connectivity of several States of Venezuela’]; Espacio Público September 20, 2021. [Apagones dejan incomunicada a la población del país](#); [‘Power outages leave the population of the country incommunicado’]; Espacio Público. October 4, 2021. [Apagón deja sin información al estado Zulia](#). [‘Power outage leaves state of Zulia without information’]

<sup>190</sup> Instituto Prensa y Sociedad Venezuela. May 26, 2021. [Diario El Tiempo anunció cierre definitivo de su rotativa en Anzoátegui](#). [‘Daily newspaper El Tiempo announced final closure of its press facilities in Anzoátegui’].

<sup>191</sup> Instituto Prensa y Sociedad Venezuela. May 26, 2021. [Diario El Tiempo anunció cierre definitivo de su rotativa en Anzoátegui](#); [‘Daily newspaper El Tiempo announced closure for good of its press facilities in Anzoátegui’]. El Pitazo. May 25, de 2021. [Diario El Tiempo deja de circular definitivamente en Anzoátegui](#). [‘Daily paper El Tiempo stops circulating for good in Anzoátegui’].

<sup>192</sup> La Patilla. April 25, 2021. [Informe técnico de los bomberos reveló que el incendio en la sede del CNP en Sucre fue provocado](#); [‘Technical report of firemen revealed that the fire at the CNP headquarters in Sucre was arson’]; NTN-24. April 25. [Incendio en sede de CNP en sucre fue provocado según informe de bomberos \(ntn24.com\)](#). [‘Fire at CNP headquarters in Sucre was intentional according to firemen’s report’]; Twitter account of the National College of Journalists (@cnpvvn). [25 de abril](#).

<sup>193</sup> Fé y Alegría. August 19, 2021. [Robaron la malla de la antena radial de Radio Fe y Alegría Guasdalito - Radio Fe y Alegría Noticias](#); [‘Wire array of radio antenna of Radio Fe y Alegría Guasdalito stolen’]; Fé y Alegría. May 20, 2021. [Así también se silencia una radio - Radio Fe y Alegría Noticias](#). [‘And just like that a radio station -Radio Fe y Alegría News- is silenced’].

beneficiaries of their work, which can include victims of human rights violations.<sup>194</sup> While Administrative Decision No. 001-2021 was revoked on May 3, 2021, which did away with the need to identify the beneficiaries of non-profit organizations, the rest of the registration requirements were kept in place, as was the obligation to register in the single registry.<sup>195</sup> The Rapporteurship has expressed that creating this registry potentially promotes stigmatization of human rights defenders and organizations, especially in a context where State authorities have accused civil society organizations of being linked to terrorist actions.<sup>196</sup>

125. In this context, the Special Rapporteurship finds concerning the reports of detention of activists, Javier Tarazona, director of FundaRedes, Rafael Tarazona and Omar de Díos García, members of that organization, and Jhonny Roremo, of the National Committee of Family of Victims of Forced Disappearances on the Venezuelan Coasts, on July 2, 2021, by members of the National Bolivarian Intelligence Service and held at the Office of the Prosecutor of Coro, Falcon. Even though Romero was released 8 hours after the detention, the agent brought the four activists to a SEBIN office in Punto Fijo, where they remained incommunicado. On May 5, 2021, the NGO Foro Penal reported that the activists were charged with terrorism, incitement of hatred, and “treason against the homeland.”<sup>197</sup> According to reports, the preliminary hearing of the case was postponed several times.<sup>198</sup> Additionally, on October 21, the activists’ representatives reported that they were being held incommunicado,<sup>199</sup> which was corroborated on October 13.<sup>200</sup> On October 26, 2021, Rafael Tarazona and Omar de Díos García were released from jail, under the condition that they must appear every week before the Courts, and Javier Tarazona remained in detention.<sup>201</sup> Over the period of detention, members of SEBIN raided the offices of the NGO, as well as the residence of Javier Tarazona, where his mother, Teresa Sánchez, also lives. She was reportedly taken away by the member of the SEBIN for a few hours.<sup>202</sup>

126. On July 21, 2021, nurse Ada Macuare was detained by members of the security forces after decrying the shortage of supplies at the Alí Romero Hospital of Barcelona, where she worked, and demanding better working conditions. Based on the alleged crimes of incitement of hatred and terrorism, on July 26, Preliminary Matter Court No. 3 of the State of Anzoátegui ordered Ada Macuare to be taken into provisional

---

<sup>194</sup> IACHR. Special Rapporteurship for Freedom of Expression. April 30, 2021. Press Release 108. [La CIDH y su RELE rechazan el registro de organizaciones sin fines de lucro ante la Oficina Nacional Contra la Delincuencia Organizada y Financiamiento al Terrorismo de Venezuela.](#) [IACHR and RFOE Reject the Registering of Not-For-Profit Organizations with Venezuela’s National Office against Organized Crime and Terrorist Financing].

<sup>195</sup> Bolivarian Republic of Venezuela. May 3, 2021. [Providencia Administrativa 002-2021.](#) [Administrative decision], Official Gazette of the Bolivarian Republic of Venezuela Year CXLVIII – Month VII, issue 42.118.

<sup>196</sup> La Patilla. April 21, 2021. [Diosdado dijo que “muchas” ONG venezolanas “están vinculadas al terrorismo;](#) [Diosdado said that “many” Venezuelan NGOs “are linked to terrorism”]; El País. April 25, 2021. [Maduro somete a las ONG de Venezuela al control de la oficina contra el terrorismo.](#) [Maduro subjects Venezuelan NGOs to control of anti-terrorism office]

<sup>197</sup> FundaRedes. July 8, 2021. [Cronología de la detención arbitraria de los Activistas de FundaRedes;](#) [Timeline of arbitrary detention of FundaRedes Activists]; El Nacional. July 3, 2021. [A Javier Tarazona, director de FundaRedes, lo acusan de instigación al odio;](#) [Javier Tarazona, Director of FundaRedes, accused of incitement of hatred]; SwissInfo. July 3, 2021. [Imputan por incitación al odio a los tres activistas venezolanos detenidos.](#) [The three detained Venezuelan activists charged with incitement of hatred].

<sup>198</sup> Tal Cual. October 3, 2021. [Por cuarta vez difieren audiencia de activistas de FundaRedes;](#) [Fourth postponement of hearing of FundaRedes activists]; Tal Cual. October 13, 2021. [NTN-24. October 21, 2021. Fue diferida por séptima vez la audiencia preliminar de FundaRedes.](#) [Preliminary hearing of FundaRedes postponed for the seventh time].

<sup>199</sup> Tal Cual. July 21, 2021. [FundaRedes denuncia que Javier Tarazona y los demás activistas están incomunicados;](#) [FundaRedes denounces that Javier Tarazona and the other activists are incommunicado]; Diario La Nación. July 24, 2021. [Todavía incomunicados activistas de FundaRedes presos en Caracas.](#) [FundaRedes activists imprisoned in Caracas still incommunicado].

<sup>200</sup> Twitter account of FundaRedes (@FundaRedes\_). [13 de octubre de 2021.](#)

<sup>201</sup> EFE. October 26, 2021. [Excarcelados dos activistas de una ONG venezolana que denunció un conflicto fronterizo;](#) [Two activists of Venezuelan NGO who denounced a border conflict release from jail]; Deutsche Welle. October 26, 2021. [Corte de Venezuela excarcela a dos activistas de FundaRedes que denunciaron conflicto fronterizo.](#) [Venezuelan Court releases from jail two FundaRedes activists who denounced border conflict]

<sup>202</sup> La Prensa de Lara. July 14, 2021. [Denuncian un allanamiento en la sede de FundaRedes](#) [Raid on FundaRedes main office decried]; Federación Internacional por los Derechos Humanos. July 16, 2021. [Venezuela: Allanamiento ilegal de la sede de FundaRedes y de la casa materna de su director.](#) [Venezuela: illegal raid of main office of FundaRedes and the director’s mother’s residence].



custody. The nurse was not released until August 5, under the condition of appearing before the judicial authority every 30 days.<sup>203</sup> According to public information from the representatives of the Union Coalition of Venezuela (Coalición Sindical de Venezuela), as of July 2021, at least 11 union leaders had been detained thus far for the year.<sup>204</sup>

127. The IACHR and its Special Rapporteurships also received information about several State actions to undermine university autonomy, including the decision to make payroll payments to public university and adjunct university entity personnel through the *Sistema Patria*. According to reports of civil society, since the *Sistema Patria* is a State platform, it could have a chilling effect on university professors and employees who hold critical views of the government. Moreover, it was reported that the Federation of University Professors' Associations of Venezuela (FAPUV) and other university groups were excluded from collective bargaining negotiations with the government, undermining the freedom of association of the faculty members. Such is the case of the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Single Convention of the University Sector (CCU) and, recently, of the installation of the bargaining committees for the 4<sup>th</sup> Collective Convention. According to civil society organizations, this was in retaliation for its members' critical opinions of government policies on labor matters.<sup>205</sup>

128. From January to September 2021, the Venezuelan Observatory on Social Conflict reported 5,198<sup>206</sup> protests. According to the report on the first half of 2021 of this Observatory, 75% of the total number of protests involved demands relating to economic, social and environmental rights, with the main subjects of the protests being labor rights and pegging of salaries to the dollar.<sup>207</sup> Additionally, in 2021, the Special Rapporteurship again received information about the disproportionate use of force by police agents and military troops to put down protests. Nonetheless, these figures were lower than those posted in 2020. According to the Venezuelan Observatory on Social Conflict, over the first half of 2021, 59 protests were put down by State security forces and paramilitary brigades (*colectivos*), 25 people were detained, another 7 people were wounded and one demonstrator was murdered by gunshots, allegedly fired by the Bolivarian National Guard, the Bolivarian National Police and the Police of the State of Cojedes.<sup>208</sup>

129. Notwithstanding, the Special Rapporteurship did learn of progress in seeking justice for victims of police repression in Venezuela. On October 4, 2021, the Attorney General reported that officers Javier Useche and Henry Ramírez, members of the Police Department of Tachira, had fired 52 pellet shots into the

---

<sup>203</sup> Efecto Cocuyo. July 26, 2021. [Exigen libertad para enfermera Ada Macuare detenida en Anzoátegui](#); ['Freedom demanded for nurse Ada Macuare detained in Anzoátegui']; Espacio Publico. July 27, 2021. [Dictan privativa de libertad a enfermera por exigir mejores salariales](#) ['Nurse ordered to be deprived of liberty for demanding better salaries']; El Carabobeño. August 5, 2021. [Libertad provisional para Ada Macuare detenida por denunciar escasez de insumos médicos](#). ['Provisional release for Ada Macuare arrested for denouncing scarcity of medical supplies']

<sup>204</sup> EFE. July 23, 2021. [El sindicalismo, el otro foco de detenciones y "agresiones" en Venezuela](#) | Política | Edición América. ['Trade unionism, the other focus of detentions and "aggression" in Venezuela']

<sup>205</sup> IACHR. Special Rapporteurship for Freedom of Expression. Special Rapporteurship for Economic, Social and Cultural Rights. July 26, 2021. Press Release 192. [La CIDH y sus Relatorías Especiales expresan preocupación por la situación de la autonomía universitaria y la libertad académica en Venezuela](#). [IACHR and Offices of Special Rapporteurs Express Concern Over University Autonomy and Academic Freedom in Venezuela].

<sup>206</sup> Venezuelan Observatory on Social Conflict, July 22, 2021. [Conflictividad Social: Venezuela: Primer Semestre de 2021](#); ['Social Conflict: Venezuela: First half of 2021']; Venezuelan Observatory on Social Conflict. August 25, 2021. [Venezuelan Observatory on Social Conflict. Conflictividad Social: Venezuela: Julio de 2021](#) ['Social Conflict: Venezuela: July 2021']; September 15, 2021. [Conflictividad Social: Venezuela: Agosto de 2021](#); ['Social Conflict: Venezuela: August 2021']; Venezuelan Observatory on Social Conflict. October 26, 2021. [Conflictividad Social: Venezuela: Septiembre de 2021](#) ['Social Conflict: Venezuela: September 2021'].

<sup>207</sup> Venezuelan Observatory on Social Conflict. July 22, 2021. [Conflictividad Social: Venezuela: Primer Semestre de 2021](#) ['Social Conflict: Venezuela: First half of 2021'].

<sup>208</sup> Venezuelan Observatory on Social Conflict. July 22, 2021. [Conflictividad Social: Venezuela: Primer Semestre de 2021](#) ['Social Conflict: Venezuela: First half of 2021'].

face of Rufo Chachón at a protest on July 1, 2019, and had been convicted at the trial level. Rufo Chacón was 16 years of age at the time.<sup>209</sup>

130. As concerns access to information, the Office of the Special Rapporteur reports that, according to the UNHCHR, there were “60 request for public information relating to economic, social, cultural and environmental rights between 2020 and 2021, submitted by civil society organizations. Most of the requests remained unanswered as of the writing of this report. Others ones were not granted on the grounds that they failed to meet non-essential requirements of form, which may have unduly undermined the right of access to public information.<sup>210</sup> This opacity is also reflected in other cases reviewed by the NGO *Espacio Público*.<sup>211</sup> In the context of the COVID-19 pandemic, the Rapporteurship viewed with particular concern that the competent authorities had not responded to 11 of 13 requests filed by *Espacio Público* as of June 2021, to clarify COVID-19 vaccination policy in Venezuela.<sup>212</sup>

131. The Rapporteurship has also observed that the Law of Transparency and Access to Information of Public Interest, was debated on September 17 and, in a second round of debate, was approved by the National Assembly elected on December 6.<sup>213</sup> While approval of this bill signifies a forward step, once the Law of Access to Information was enacted in Venezuela, this Office received reports of concern about the effectiveness of the new statute. In support of this concern, this Rapporteurship notes that, under Article 7 of this Law, “*through a reasoned decision, an exception to providing information [may be made] when access to it could lead to a threat or violation of human rights, to public health, public order, the comprehensive defense of the Nation or the normal course of the socioeconomic regime of the Republic.*” It is concerning to this Rapporteurship that some of these requirements, as written in such open-ended language, could grant excessive discretion to public agents to stop the information, limiting access to information in order to protect political interests. It follows directly from the principle of maximum disclosure that “the right of access to information is the rule and secrecy the exception.”<sup>214</sup>

132. Article 9 further establishes that “a request for information of public interest should contain (...) the grounds to justify the request for information of public interest,” even though OAS standards, as compiled in its Model Law, establish that citizens must have the right “to request information without having to justify reasons why it is being sought.”<sup>215</sup> Moreover, the Law must include the regulations for fulfilling the duty of active transparency. Pursuant to Inter-American standards, “public authorities should be required to

---

<sup>209</sup> Twitter account of Tarek William Saab (@tarekwilliamsaab). [4 de octubre de 2021](#). El Nacional. October 5, 2021. [Condendaron más de 25 a los dos policías que dejaron ciego a Rufo Chacón](#). [‘Two policemen who left Rufo Chacón blind convicted to more than 25’].

<sup>210</sup> UNHCHR. Report of the United Nations High Commissioner for Human Rights. [Situación de los derechos humanos y la asistencia técnica en la República Bolivariana de Venezuela](#). [‘Situation of Human Rights and technical assistance in the Bolivarian Republic of Venezuela’]. A/HRC/48/1. September 10, 2021. Par. 44.

<sup>211</sup> Espacio Público. September 9, 2021. [Hidrocapital rechaza solicitud de información de cuatro comunidades](#). [‘Hidrocapital rejects request for information about four communities’]; Espacio Público. [BCV no respondió solicitud de información sobre el nuevo cono monetario](#). [‘BCV did not respond to request for information about the new monetary cone’].

<sup>212</sup> Espacio Público. June 26, 2021. [El Estado venezolano no informa sobre los procesos de vacunación](#) [‘Venezuelan State does not report on vaccination processes’].

<sup>213</sup><sup>213</sup> Bolivarian Republic of Venezuela. September 20, 2021. [Ley de Transparencia y Acceso a la Información de Interés Público](#). [‘Law of Transparency and Access to Information of Public Interest’], Official Gazette of the Bolivarian Republic of Venezuela. Año CXLVIII – Mes VII, number 42.118; VTV. September 17, 2021. [AN aprueba en segunda discusión el Proyecto de Ley de Transparencia y Acceso a la Información de Interés Público](#). [‘National Assembly approves in second round of debate Draft Transparency and Access to Information of Public Interest Law’]. El Pitazo. September 28, 2021. [¿Qué plantea la ley de acceso a la información aprobada por AN madurista?](#) [‘What is proposed in the access to information law approved by the pro-Maduro National Assembly’].

<sup>214</sup> SRFE. [Informe Anual 2021](#) 2011 Annual Report, Chapter III: The Right to Access to Information in the Americas, par. 21 et seq. OEA/Ser.L/V/II. Doc. 69 December 30, 2011

<sup>215</sup> OAS. [Ley Modelo Interamericana 2.0 sobre Acceso a la Información Pública](#). [Inter-American Model Law 2.0 on Access to Public Information’], OEA/Ser.D/XIX.12 2020. 2020.

publish proactively, even in the absence of a request, a range of information of public interest;” and “systems should be put in place to increase, over time, the amount of information subject to such routine disclosure.”<sup>216</sup>

133. Furthermore, though the law did not establish the concept of a guarantor body as is suggested in the most recent OAS Model Law on the subject matter,<sup>217</sup> the Rapporteurship emphasizes that, as a minimum, “those requesting information should have the possibility to appeal any refusals to disclose to an independent body with full powers to investigate and resolve such complaints.”<sup>218</sup> The Rapporteurship notes that the National Assembly approved the Law following the public release of the Report of the UNHCHR recommending Venezuela to draft and enact “an Organic Law of Transparency in accordance with international standards.”<sup>219</sup>

### ***Freedom of expression and countering discrimination and exclusion***

134. Over the past years, the Office of the Special Rapporteur has observed with particular concern violence against women who practice as journalists, and attacks that tend to be even more aggressive in the digital setting. Also of concern to this Office is the State’s failure to actively provide disaggregated data about violence against groups in vulnerable situations to broadly enable the exercise of the right of access to information.

135. According to an analysis from the Instituto de Prensa y Sociedad Venezuela published in February 2021, “113 women reporters were victims of attacks on their right to report in 2019” and another “127 women were attacked in the context of their communications-related business over the 12 months of 2020.”<sup>220</sup> According to what the Special Rapporteurship was able to find out, the attacks usually take place when the journalists cover economics, politics, sports or other subjects that are traditionally considered the province of men.<sup>221</sup> The NGO Espacio Publico also published a specific report examining violence against women in the digital space, based on an analysis of violence against Diana Liz Duque, Gregoria Díaz and Lorena Arraes, all journalists who, in 2020, endured a number of online attacks and harassment campaigns after exercising their right to practice journalism.<sup>222</sup>

136. The Office of the Special Rapporteur also stresses the importance of active transparency and disaggregation of data by vulnerable groups of people in order to ensure in the broadest terms the right of access to information. In 2021, the IACHR received information from civil society about the lack of State policies pertaining to collecting data on acts of violence against LGBTI persons, even though States are required

---

<sup>216</sup> Joint Declaration of the United Nations (UN) Special Rapporteur for Freedom of Opinion and Expression, the Representative for Freedom of the Media of the Organization for Security and Cooperation in Europe (OSCE), and the Special Rapporteur of the Organization of American States (OAS) for Freedom of Expression, 2004. [Declaración Conjunta sobre Acceso a la Información y sobre la Legislación que Regula el Secreto](#). [Joint Declaration on Access to Information and on Secrecy Legislation]

<sup>217</sup> OAS. [Ley Modelo Interamericana 2.0 sobre Acceso a la Información Pública](#). Inter-American Model Law 2.0 on Access to Public Information’, OEA/Ser.D/XIX.12 2020. 2020.

<sup>218</sup> Joint Declaration of the United Nations (UN) Special Rapporteur for Freedom of Opinion and Expression, the Representative for Freedom of the Media of the Organization for Security and Cooperation in Europe (OSCE), and the Special Rapporteur of the Organization of American States (OAS) for Freedom of Expression, 2004. [Declaración Conjunta sobre Acceso a la Información y sobre la Legislación que Regula el Secreto](#). [Joint Declaration on Access to Information and on Secrecy Legislation]

<sup>219</sup> UNHCHR. Report of the United Nations High Commissioner for Human Rights. [Situación de los derechos humanos y la asistencia técnica en la República Bolivariana de Venezuela](#). [Situation of Human Rights and Technical Assistance in the Bolivarian Republic of Venezuela], A/HRC/48/1. September 10, 2021

<sup>220</sup> Press and Society Institute Venezuela. February 1, 2021. [Periodistas mujeres son las más afectadas por violencia en línea](#). [‘Women Journalists are the most affected by on-line violence’]

<sup>221</sup> Espacio Público. August 18, 2021. [La violencia digital contra las mujeres, un concepto que debe ser visibilizado](#). [‘Digital violence against women, a concept on which more light should be shed’]

<sup>222</sup> Espacio Público. 2021. [Violencia digital de género contras las mujeres en Venezuela: Análisis de casos](#) [‘Digital gender-based violence against women in Venezuela: Case study’].

to systematically collect and analyze statistics on the prevalence and nature of violence and discrimination based on prejudice against LGBTI persons, or against anyone perceived as such.<sup>223</sup>

137. On another note, the Special Rapporteurship welcomes the approval in the National Assembly of the Law for the Promotion and Use of Language with a Gender Focus on September 30, 2021. According to available information, the Law is awaiting the executive branch to sign it into force. The Law provides, *inter alia*, that communications from the branches of government must promote inclusive and non-sexist language, avoiding the universal masculine forms and with preference for the use of gender neutral words.<sup>224</sup>

138. Lastly, the Office of the Special Rapporteur learned that members of the indigenous community of La Reforma were reportedly the targets of verbal abuse by a woman official of the National Parks Institute (Inparques- Amazonas) for speaking in her native language. Additionally, a woman public official allegedly said to them that it was prohibited to speak that way at Inparques.<sup>225</sup>

### ***Internet and Freedom of Expression***

139. The potential to exercise freedom of expression by means of Internet in Venezuela is hampered by a variety of obstacles, such as poor network infrastructure in the country, in addition to theft and vandalism of the infrastructure; the energy crisis, which spawns power outages and dropped signals; the high cost of access, virtually a single choice of service providers; and, on the whole, poor quality connection. Therefore, universal access is also difficult to achieve. Furthermore, online speech is usually criminalized and there have been reports of websites being blocked, especially by the State internet provider, while government authorities were subjected to restrictions in their digital platform accounts because they breached terms and conditions.

140. According to Freedom House, the web infrastructure in Venezuela “is marred by failures, it is the target of theft and vandalism, which leads to the service frequently going down and slow speed connection,” with declining signal quality in a context of socioeconomic crisis.<sup>226</sup> Data released by Global Speedtest shows internet connection in Venezuela at a speed of 7.68 Mbps for fixed broadband connections and 23.92 Mbps for mobile connections.<sup>227</sup> The Central University of Venezuela, the largest and highest ranked university in the country, has a connection speed (data cap) of only 300 Mbps.<sup>228</sup>

141. The percentage of users of home-based fixed broadband internet users who are provided service by the State company CANTV is 64.8%. More than 73% of the residences with fixed broadband internet in their homes reported at least one daily service failure.<sup>229</sup> The project Venezuela Sin Filtro further reported

---

<sup>223</sup> IACHR. September 8, 2021. Press Release 235. [La CIDH llama al Estado de Venezuela a garantizar los derechos de las personas LGBTI](#). [‘IACHR Calls on State of Venezuela to Guarantee Rights of LGBTI People’]

<sup>224</sup> National Assembly. September 30, 2021. [Sanccionada Ley para la Promoción y Uso del Lenguaje con Enfoque de Género](#): [‘Law for the Promotion and Use of Language with a Gender Focus enacted’]. EFE. October 1, 2021. [El Parlamento venezolano aprueba una ley para el uso del lenguaje con "enfoque de género"](#): [‘Venezuelan Parliament enacts Law to promote language with a gender focus’]. Efecto Cocuyo. September 30, 2021. [AN del 6Dic sanciona Ley de Promoción y Uso del Lenguaje con Enfoque de Género](#). [‘AN of Dec. 6 enacts Law for the Promotion and Use of Language with a Gender Focus’]

<sup>225</sup> Provea. October 12, 2021. [Amazonas: El estado indígena de Venezuela donde se discrimina a los pueblos originarios](#). [‘Amazonas: the indigenous status of Venezuela where original peoples are discriminated against’]

<sup>226</sup> Freedom House. 2021. [Freedom on the Net 2021: Venezuela](#).

<sup>227</sup> Speedtest. Septiembre de 2021. [Global Index](#).

<sup>228</sup> Freedom House. 2021. [Freedom on the Net 2021? Venezuela](#)

<sup>229</sup> OVSP. June 2021. [Boletín Informativo del OVSP](#)

different instances of dropped signal in different regions of the country and with different service providers.<sup>230</sup> On this score, the organization IPYS Venezuela has reported 26 cases of structure and service failures, which have degraded connectivity in 23 states of the country and the Capital District on at least one occasion in September, with the main known causes being power outages or overall shortcomings in the National Electric System and fiber optic cable cuts. Four of these incidence allegedly were caused by fiber optic cuts; two, by equipment theft; seven by unknown causes; 13 were caused by power outages, voltage fluctuations, blackouts and overall shortcomings in the National Electric System.<sup>231</sup>

142. In addition to precarious infrastructure, the Rapporteurship has observed that the costs of access to Internet in Venezuela also hamper achievement of universal access. While the minimum wage in Venezuela in March 2021 was approximately \$2.54 US dollars per month, the cost for access ranges from \$1.00 per month for a service of 2Mbps, to \$14 per month for a service of 22Mbps on fixed broadband from CANTV (ABA), the State-owned company that offers the least expensive service in the country.<sup>232</sup> According to available information, in the first half of 2021, 63.3% of Venezuelan homes did not have access to fixed broadband internet.<sup>233</sup>

143. With respect to the digital setting and the free speech and circulation of ideas, the Rapporteurship has also observed with concern that, on February 28, 2021, members of the Scientific, Criminal and Forensic Investigation Corps (CICPC) reportedly detained José Pérez, a widely-known influencer and communications student, without any arrest warrant for incitement of hatred, because he posted a video on TikTok where Perez criticized the family of singer Omar Enrique for alleged privileges he was granted for being a government supporter. Pérez was brought before the court, which kept his custody order in effect for the alleged crimes of incitement of hatred and disclosure of personal information. He was released after 20 days under the condition of not speaking about his case and not leaving the country, in addition to being required to appear before a probation officer every two weeks.<sup>234</sup>

144. The Rapporteurship also received information about blocking of journalists webpages, a news portal, print media outlets and an NGO, especially by CANTV. In May, the blocking was particularly staggered among outlets. Thus, by way of example, on May 29, 2021, VE sin Filtro identified that lapatilla.com, one of the major news websites in the country, was blocked<sup>235</sup> and that, in April it had been accused by a Venezuelan public official of making stigmatizing statements.<sup>236</sup> The website of TeleSur Libre, a platform linked to allies of Juan Guaidó, had reportedly been blocked on May 25, a few minutes after being launched.<sup>237</sup> On May 9, VE sin Filtro identified the blocking of Soundcloud as well, by private internet providers in Venezuela – the platform

---

<sup>230</sup> Twitter account of VE sin Filtro (@vesinfiltro). [10 de abril de 2021](#); [4 de mayo de 2021](#); [13 de junio de 2021](#); [29 de junio de 2021](#); [14 de julio de 2021](#); [16 de julio de 2021](#); [21 de julio de 2021](#); [2 de agosto de 2021](#); [19 de agosto de 2021](#); [12 de septiembre de 2021](#); [22 de septiembre de 2021](#); [25 de septiembre de 2021](#); [4 de octubre de 2021](#); [14 de octubre de 2021](#)

<sup>231</sup> Instituto de Prensa y Sociedad Venezuela. October 25, 2021. [Venezuela: territorio desconectado. \[‘Venezuela disconnected territory’\]](#)

<sup>232</sup> Freedom House. 2021. [Freedom on the Net 2021: Venezuela](#).

<sup>233</sup> OVSP. June 2021. [Boletín Informativo del OVSP](#).

<sup>234</sup> El Nacional. March 13, 2021. [Cicpc detuvo a Tiktokero por criticar a hija de Omar Enrique](#); [‘CICPC detained Tiktokero for criticizing Omar Enrique’s daughter’]; Aula Abierta. 2021. [Informe preliminar: Situación de la Libertad de Expresión y Acceso a Internet de la Juventud Universitaria en Venezuela](#). [‘Preliminary Report: Situation of Freedom of Expression and Access to Internet of University Students in Venezuela’].

<sup>235</sup> VE sin filtro. June 4, 2021. [Arrecia la censura digital contra la prensa en Venezuela. \[‘digital censorship intensifies against press in Venezuela’\]](#)

<sup>236</sup> La patilla. May 12, 2021. [Diosdado Cabello: Una vez que termine lo de El Nacional voy con La Patilla](#); [‘Diosdado Cabello: Once I finish business with El Nacional I move on to La Patilla’]; Espacio Publico. May 15, 2021. [Diosdado Cabello amenazó al portal web La Patilla. \[‘Diosdado Cabello threatened web portal La Patilla’\]](#)

<sup>237</sup> Freedom House. 2021. [Freedom on the Net 2021: Venezuela](#).

that had been blocked by CANTV since 2019.<sup>238</sup> In addition to the blocking, access was impeded to different newspapers' web pages through cyberattacks over 2021. Some of the attacks documented by the Rapporteurship were perpetrated against the digital media outlet *Qué pasa en Venezuela*,<sup>239</sup> *VPI TV*,<sup>240</sup> *Punto de Corte*,<sup>241</sup> and *Tal Cual*, the latter having been the victim on three occasions.<sup>242</sup>

145. Lastly, this Office was informed that on March 27, 2021, Facebook blocked the posting of new content in the account of the president of Venezuela on the social network, after repeated posting of content whereby the leader promoted the antiviral Carvativir as an effective drug against COVID-19, even though there was no scientific or WHO data to support its effectiveness. According to Facebook, the sanction occurred because of a violation of its "policies against misinformation about COVID-19 that can put people at risk of suffering harm."<sup>243</sup> The government described the suspension as an act of "digital totalitarianism" by the platform.<sup>244</sup> On prior occasions, the president had criticized the network for "censoring" videos where his promoted the drug.<sup>245</sup>

146. Likewise, on July 28, 2021, Twitter suspended the account of *Con el Mazo Dando*, Deputy Diosdado Cabello's television program. According to the complaints of the parliamentarian on his personal account on the same network, his program had followed all of the rules of the platform.<sup>246</sup> As of the date of completion of the drafting of this report, the account of the program continued to be frozen on the network.<sup>247</sup>

### C. Situation of Economic, Social, Cultural and Environmental Rights (ESCERS)

147. The Commission and the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights (REDESCA) is concerned about the significant impact that the pandemic has had on the enjoyment of economic, social, cultural and environmental rights, particularly in view of the fact that the COVID-19 health emergency took place in the context of a complex humanitarian emergency, that has been marked by serious obstacles to the ability of the majority of the population to lead a decent life in the country. Consequently, the high number of COVID-19 infections and deaths has been further aggravated by the collapse

<sup>238</sup> VE sin filtro. June 4, 2021. [Arrecia la censura digital contra la prensa en Venezuela.](#) [Digital censorship intensifies against press in Venezuela]

<sup>239</sup> Espacio Público. August 24, 2021. [Atacan sitio web del portal Qué pasa en Venezuela.](#) [web site of portal Qué pasa in Venezuela attacked]

<sup>240</sup> Twitter account of VPITV (@vpitv) [15 de agosto de 2021.](#)

<sup>241</sup> Tal Cual. June 26, 2021. [Punto de Corte denuncia que su portal está bajo un ciberataque.](#) [Punto de Corte denounces that its portal is under cyberattack] Espacio Público June 27, 2021. [Atacan sitio web de Punto de Corte.](#) [Punto de Corte website attacked]

<sup>242</sup> Tal cual. January 8, 2021. [Página web de TalCual se recupera tras ataque cibernético.](#) [TalCual webpage recovers after cyberattack] Espacio Público. January 11, 2021. [Tal Cual denuncia nueva vulneración a su sitio web.](#) [Tal Cual denounces new breach into its web page] El Pitazo. March 13, 2021. [Diario Tal Cual denuncia ataque a su página web.](#) [Daily Newspaper Tal Cual denounces attack on its web page]

<sup>243</sup> EFE. March 27, 2021. [Facebook bloquea por un mes la cuenta de Maduro por "desinformar" sobre la COVID-19.](#) [Facebook blocks Maduro's account for a month for 'misinforming' about COVID-19]; CNN. March 28, 2021. [Facebook suspende temporalmente la página de Nicolás Maduro.](#) [Facebook temporarily suspends Nicolas Maduro's page]

<sup>244</sup> AFP. March 28, 2021. [Caracas acusa a Facebook de "totalitarismo digital" por bloquear página de Maduro](#) [Caracas accuses Facebook of "digital totalitarianism" for blocking Maduro's page]; EFE. March 28, 2021. [Venezuela denuncia el "totalitarismo digital" de Facebook por bloqueo a Maduro.](#) [Venezuela decries Facebook's "digital totalitarianism" for blocking Maduro]

<sup>245</sup> Semana. February 2, 2021. [Nicolás Maduro acusa a Facebook de censurar videos sobre sus "gotitas milagrosas" contra el coronavirus.](#) [Nicolás Maduro accuses Facebook of censoring videos about his "miraculous drops" against the coronavirus]; Swissinfo. February 3, 2021. [Maduro acusa a Zuckerberg de "abusador" por censurar fármaco que él preconiza.](#) [Maduro accuses Zuckerberg of being "abusive" for censoring a drug that he praises]

<sup>246</sup> El Nacional. July 28, 2021. [Twitter suspendió la cuenta del programa Con el Mazo Dando.](#) [Twitter suspended the program "Con el Mazo Dando"]; Deutsche Welle. August 5, 2021. [Venezuela: Diosdado Cabello acusa a Twitter de "robar" cuenta de su programa.](#) [Venezuela: Diosdado Cabello accuses Twitter of "stealing" his program's account]

<sup>247</sup> Available at <https://mobile.twitter.com/conelmazodando>

of the healthcare system, reports of underreporting of infections and deaths, as well as the challenges posed by the immunization process itself (in the absence of an effective national vaccination plan). In addition to the foregoing, there is an acute shortage of medications and medical supplies, a lack of basic services, such as drinking water, sanitation and electricity, and growing poverty, all combining to keep basic needs from being met.

148. Regarding COVID-19 infections and deaths, the Commission and the REDESCA observe that, in late November, Venezuela was reported to have one of the highest COVID-19 mortality rates among healthcare workers in South America, with over 792 deaths<sup>248</sup>, and the third highest mortality rate among pregnant women.<sup>249</sup> Additionally, according to official statistics reported by the Venezuelan Ministry of Health, in early November 2021, the pandemic had caused approximately 407,866 infections, 4,902 deaths and 391,840 individuals had recovered in the country.<sup>250</sup> Notwithstanding, the IACHR and the REDESCA view with concern the ongoing denunciation of underreporting of these cases, which is further bolstered by the fact that, over the course of the year, national and international organizations have reported that the updated figures provided by the executive branch are out of step with reality,<sup>251</sup> as a result of the lack of capacity to test nationwide and alleged tampering with this information.

149. Based on the foregoing, the Commission and the REDESCA emphasize that the discrepancies in COVID-19 figures directly impacts people's ability to access optimal healthcare service and this, in addition to rendering vulnerable groups invisible, makes it impossible to know the full extent of the crisis and, consequently, design public policies to overcome it. Therefore, the IACHR and the REDESCA recall that States must ensure the right of access to public information in the context of the COVID-19 emergency and, consequently, must proactively report on the impacts of the pandemic, in disaggregated form, in open source formats that are accessible to all groups in vulnerable situations, pursuant to best international practices and in accordance with the provisions of IACHR Resolution 1/2020.<sup>252</sup>

150. In relation to the measures taken by the executive branch to contain the pandemic, the REDESCA can highlight several campaigns to promote face mask wearing, social distancing and hand washing, in line with WHO recommendations. It also takes note of efforts to coordinate with international organizations, such as PAHO/WHO<sup>253</sup> and UNICEF to respond to the pandemic with a particular focus on the right to health and the social determinants thereof. This has made it possible to intervene in the area of water, sanitation and hygiene at medical care facilities; deliver supplies to front line healthcare workers responding to the pandemic;

---

<sup>248</sup> El Nacional, 792 trabajadores de la salud han fallecido en el país a causa del covid-19, 15 de noviembre de 2021.

<sup>249</sup> PAHO, Epidemiological update Coronavirus Disease (COVID-19), August 21, 2021; El Pitazo, [OPS: Venezuela encabeza tasa de letalidad por COVID-19 de personal sanitario en Suramérica](#), [PAHO: Venezuela leads in COVID-19 mortality of healthcare personnel in South America], September 19, 2021.

<sup>250</sup> Covid-19 Patria Blog, [Estadísticas Venezuela](#), [Venezuela Statistics] November 2, 2021; Worldometer, [Coronavirus Cases in Venezuela](#), November 2, 2021.

<sup>251</sup> Swissinfo, [Oposición venezolana reporta casi doble de muertos por covid que el Gobierno](#), [Venezuelan opposition reports almost double the COVID deaths than the Government], January 26, 2021; El País, [La subida de casos de la covid-19 colapsa el sistema de salud de Venezuela](#), [Rise in COVID-19 cases collapses the healthcare system of Venezuela], March 17, 2021; CNN, [Discrepancia en cifras de covid-19 en Venezuela: localidad reporta más del triple de muertes que cifras oficiales de todo un estado](#), [Discrepancy in COVID-19 figures in Venezuela: locality reports more than triple the deaths than official figures of a whole state], March 19, 2021; DW, [La pandemia en Venezuela: manipulación de la información, cementerios llenos y aún sin plan de vacunación](#), [Pandemic in Venezuela: manipulation of information, cemeteries full and still no vaccination plan], April 19, 2021; Swissinfo, [ONG denuncia manipulación de datos sobre la vacunación anticovid en Venezuela](#), [NGO denounces manipulation of data on anti-COVID vaccine in Venezuela], June 7, 2021; Swissinfo, [Sindicato venezolano denuncia la muerte de 15 pacientes tras un apagón](#), [Venezuelan union denounces death of 15 patients following power outage], October 6, 2021.

<sup>252</sup> IACHR, Resolution 1/2020: Pandemia y Derechos Humanos [Pandemic and Human Rights], April 10, 2020, par. 32.

<sup>253</sup> PAHO, [Informe anual 2020 | Cooperación en salud - OPS/OMS en Venezuela](#), [2020 Annual Report Health Cooperation PAHO/WHO in Venezuela] February 9, 2021

provide technical assistance, infection prevention and control training; plan COVID-19 vaccination strategies; draft a vaccine introduction and deployment plan; among other interventions.<sup>254</sup>

151. Likewise, the Commission and the REDESCA welcome the agreements that have been reached, despite the political polarization gripping the country, in order to attach the highest priority to the right to health in the context of the pandemic. Among these agreements, they highlight one struck between the Ministry of Health and the health advisors to the National Assembly at that time in June 2020, which was aimed at implementing a health response to the pandemic, specifically, providing biosafety equipment for healthcare workers, medical supplies and medications to medical facilities, along with ensuring greater access to COVID-19 diagnostic testing.<sup>255</sup> Also worthy of note is the agreement to facilitate access to anti-COVID-19 vaccines in early September.<sup>256</sup> These actions are in line with the IACHR's and REDESCA's appeals for all social and political stakeholders to engage in dialogue in the interest of protecting the people living in the country and saving the most lives possible, particularly during the health crisis. Notwithstanding, they observe that, even though measures are being taken to ensure the supply of biosafety material, medical supplies and medicines, there have been constant reports, from the health sector and from the population at large, of shortages.<sup>257</sup>

152. Moreover, the IACHR and the REDESCA express their concern over delays in and challenges to immunization to COVID-19 of the population. In addition to the many obstacles faced by the country to access vaccines, including the freezing of overseas funding, it has been reported that Venezuela has no effective national vaccination plan, no road map to provide for the distribution of vaccines, or fair and universal access thereto.<sup>258</sup> Furthermore, there have been reports of politicization in the immunization process, which has led to only 42% of healthcare workers having received at least one dose of the vaccine, as of early June.<sup>259</sup> Likewise, people who have received the first dose have reported serious problems in obtaining the second one. Even though they have waited the correct amount of time, waited on long lines and attempted on repeated opportunities, they are unable to get the second vaccination shot.<sup>260</sup>

153. This is even more troubling in view of the fact that not only is reliable data on the pandemic and its impacts not available, but there is no data either on the process of inoculation in the country. A recent survey conducted by Transparency Venezuela showed that 70% of the respondents were unfamiliar with the criteria to receive the doses and 82.3% claimed they had not seen any immunization plan.<sup>261</sup> Additionally, there have been reports that people who do not belong to priority sectors of the population are able to get

---

<sup>254</sup> UNICEF, Respuesta de UNICEF Venezuela ante el COVID-19, [UNICEF response to COVID-19], undated; PAHO, Informe anual 2020 | Cooperación en salud - OPS/OMS en Venezuela, [2020 Annual Report Health Cooperation PAHO/WHO in Venezuela], February 9, 2021

<sup>255</sup> PAHO, Informe anual 2020 | Cooperación en salud - OPS/OMS en Venezuela, [2020 Annual Report Health Cooperation PAHO/WHO in Venezuela], February 9, 2021.

<sup>256</sup> El País, Gobierno y oposición logran un acuerdo para facilitar el acceso a las vacunas a Venezuela, [Government and opposition reach agreement to facilitate access to vaccines for Venezuela], September 6, 2021

<sup>257</sup> Amnesty International, VACUNACIÓN DE PERSONAL DE SALUD DEBE SER PRIORIDAD EN VENEZUELA ANTE INCREMENTO DE MUERTES POR COVID-19, [Vaccination of healthcare workers must be a priority in Venezuela in response to increased COVID-19 deaths], September 13, 2021; Venezuelan Observatory on Social Conflict, Protestas en Venezuela 1er trimestre 2020 vs. 2021, [Protests in Venezuela first half of 2020 vs. 2021], April 22, 2021

<sup>258</sup> Amnesty International, Vaccines in the Americas, March 2021; Amnesty International, VACUNACIÓN DE PERSONAL DE SALUD DEBE SER PRIORIDAD EN VENEZUELA ANTE INCREMENTO DE MUERTES POR COVID-19, [Vaccination of healthcare workers must be a priority in Venezuela in response to increased COVID-19 deaths], September 13, 2021.

<sup>259</sup> Infobae, Más de 600 trabajadores sanitarios murieron en Venezuela por coronavirus, [More than 600 healthcare workers died in Venezuela from coronavirus], June 1, 2021

<sup>260</sup> France24, Sin rastros de la segunda dosis de la vacuna rusa Sputnik V en Venezuela [Without a trace of second dose of Russian vaccine Sputnik V in Venezuela], August 20, 2021

<sup>261</sup> Transparencia Venezuela, EN VENEZUELA, LA OPACIDAD PRETENDE NEGAR LA MAGNITUD DE LA CRISIS, [In Venezuela, opacity is meant to deny scope of the crisis], September 28, 2021



vaccinated by paying from 200 to 300 dollars.<sup>262</sup> The REDESCA further notes that members of the government, the security sector and the National Assembly received preferential treatment to receive their vaccines, even though there was a much larger number of people at greater risk of infection or in a situations of greater vulnerability to Covid-19, such as older adults, front line healthcare workers, among others, who have not been fully vaccinated.<sup>263</sup> Likewise, reports of the alleged requirement to show the 'homeland card' (*carne de la patria*) in order to receive the vaccines in some instances are also of concern.<sup>264</sup>

154. The consequence of the picture painted above, of course, is a country with serious difficulties to immunize its population. Venezuela, as of late September 2021, was one of ten countries regionwide that had been unable to vaccinate even 20% of the people under its jurisdiction,<sup>265</sup> in contrast with other countries of the region where, as of the present date, they have achieved a vaccination rate of 70%. Furthermore, it is noted that front line healthcare workers are one of the most vulnerable groups in this context and, as of September 2021, it is reported that fewer than 30% of these workers have been vaccinated.<sup>266</sup>

155. In this scenario, the Commission and the REDESCA express particular concern over the conditions of healthcare workers in Venezuela, who are not only at greater risk of infection in the midst of the COVID-19 pandemic, being on the front line, but also face extremely difficult working conditions. The issues faced by them at work include: lack of adequate personal protection equipment, combined with the failure to prioritize their getting vaccinated;<sup>267</sup> lack of protection of labor rights and a decent salary; absence of adequate healthcare facilities, where it is reported that 80% of hospitals face shortcomings in the supply of power and water;<sup>268</sup> shortage of medical supplies and medicines<sup>269</sup> and, in some instances, persecution and acts of harassment for decrying the pandemic situation or for asserting their labor rights.<sup>270</sup>

156. In this same vein, in relation to the labor situation, the Commission and the REDESCA take note that healthcare workers are overworked as a result of a serious lack of qualified personnel, because many people have been compelled to quit their jobs and/or leave the country due to poor working conditions and/or

---

<sup>262</sup> Amnesty International, VACUNACIÓN DE PERSONAL DE SALUD DEBE SER PRIORIDAD EN VENEZUELA ANTE INCREMENTO DE MUERTES POR COVID-19, [‘Vaccination of healthcare workers must be a priority in Venezuela in response to increased COVID-19 deaths’], September 13, 2021.

<sup>263</sup> Amnesty International, VACUNACIÓN DE PERSONAL DE SALUD DEBE SER PRIORIDAD EN VENEZUELA ANTE INCREMENTO DE MUERTES POR COVID-19, [‘Vaccination of healthcare workers must be a priority in Venezuela in response to increased COVID-19 deaths’], September 13, 2021; CNN, ¿Cómo el plan de vacunación en Venezuela beneficia a los partidarios de Maduro?, [‘How the vaccination plan in Venezuela benefits Maduro’s supporters’], February 26, 2021; Efecto Cocuyo, Exministro Oletta: Es inaceptable que vacunen primero a diputados que a adultos mayores, [‘Former Minister Oletta: It is unacceptable to vaccinate deputies before older adults’], February 24, 2021

<sup>264</sup> El Nacional, Por no tener carnet de la patria: a trabajadores de la salud en Carabobo les negaron las vacunas anticovid, [‘anti-covid vaccines denied to healthcare workers in Carabobo because they didn’t have the (pro-government) Patria card’], May 12, 2021; Amnesty International, VACUNACIÓN DE PERSONAL DE SALUD DEBE SER PRIORIDAD EN VENEZUELA ANTE INCREMENTO DE MUERTES POR COVID-19, [‘Vaccination of healthcare workers must be a priority in Venezuela in response to increased COVID-19 deaths’], September 13, 2021.

<sup>265</sup> PAHO, OPS aumenta la adquisición de vacunas COVID-19 para las Américas, September 29, 2021

<sup>266</sup> Amnesty International, VACUNACIÓN DE PERSONAL DE SALUD DEBE SER PRIORIDAD EN VENEZUELA ANTE INCREMENTO DE MUERTES POR COVID-19, [‘Vaccination of healthcare workers must be a priority in Venezuela in response to increased COVID-19 deaths’], September 13, 2021.

<sup>267</sup> Amnesty International, VACUNACIÓN DE PERSONAL DE SALUD DEBE SER PRIORIDAD EN VENEZUELA ANTE INCREMENTO DE MUERTES POR COVID-19, [‘Vaccination of healthcare workers must be a priority in Venezuela in response to increased COVID-19 deaths’], September 13, 2021.

<sup>268</sup> Runrunes, INFOGRAFÍA | Criminalización y violencia contra los trabajadores de la salud: Un mal que se cronifica, [‘Criminalization and violence against healthcare workers: an ill that is becoming chronic’], August 18, 2021

<sup>269</sup> Ibidem

<sup>270</sup> Amnesty International, Covid-19 en Venezuela: personal de salud en riesgo, [‘Covid-19 in Venezuela: healthcare workers at risk’], August 30, 2021; Runrunes, INFOGRAFÍA | Criminalización y violencia contra los trabajadores de la salud: Un mal que se cronifica, [‘Criminalization and violence against healthcare workers: an ill that is becoming chronic’], August 18, 2021.

lack of job opportunities.<sup>271</sup> In addition, there are still countless reports of hospital staff being forced to work without basic sanitary-hygienic protections in place, such as potable water and soap, and/or without the most basic personal protection equipment such as face covers, safety goggles or gloves.<sup>272</sup>

157. Likewise, the Commission and the REDESCA take note of how the COVID-19 pandemic further aggravated the persistently precarious situation of the health sector of the country and how the situation not only poses challenges to the care of persons with COVID-19, but it has also undermined the capacity to treat persons with other pathologies and diseases,<sup>273</sup> who cannot afford to pay for their own medicines, medical supplies, much less treatments, due to the State's failure to provide for these items. This situation is even more dire for people with chronic disease, such as kidney and cancer patients, persons with diabetes, persons living with HIV/AIDS, with high blood pressure, etc.,<sup>274</sup> who are pushed to the background in the current context. This situation has even had an impact on people who are beneficiaries of IACHR precautionary measures.

158. Lastly, regarding the right to health, the Commission and the REDESCA take note of the differentiated and disproportional impact that the pandemic is having on the guarantee of the right to health of women, who are being deprived of access to sexual and reproductive health services in the country.<sup>275</sup> It should be explained that their situation of vulnerability is preexisting to the pandemic and has been growing worse. Even since the time of the visit, it was evident that there were obstacles to receiving prenatal check-ups and maternity care, such as a lack of access to health services and medical supplies that only women and gestating mothers require, as well as the inability to access contraceptives and family planning for the majority of the population.<sup>276</sup>

159. As for nourishment, the majority of the population is highly vulnerable to not getting enough to eat, because household purchasing power is not nearly enough to be able to pay for the basic basket of food staples and there are reports of delays in the sales and delivery of the subsidized food basket known by its Spanish acronym CLAPS,<sup>277</sup> as well as of political and social control over food programs. Consequently, it is noted that the food and nutritional situation in Venezuela has been worsening. In 2020 alone, an estimated 96% of people were living in a situation of poverty, double the figure of 2014; while extreme poverty increased by almost 60%, going from 20% to 79% over that same timespan.<sup>278</sup> This has led to more than 9 million Venezuelans living in a situation of food insecurity.<sup>279</sup>

---

<sup>271</sup> Ibidem.

<sup>272</sup> REDESCA, IV INFORME ANUAL DE LA RELATORÍA ESPECIAL SOBRE DERECHOS ECONÓMICOS, SOCIALES, CULTURALES Y AMBIENTALES (REDESCA) DE LA COMISIÓN INTERAMERICANA DE DERECHOS HUMANOS (CIDH), [IV Annual Report of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights (REDESCA) of the Inter-American Commission on Human Rights (IACHR), 2020, OEA/SER.L/V/II, March 30, 2021, par. 1100

<sup>273</sup> NTN24, "Todos los días, muchos fallecidos": el relato del personal de salud del HUC, [“Every day many deaths:” the account of healthcare workers of the HUC], March 30, 2021; El País, La subida de casos de la covid-19 colapsa el sistema de salud de Venezuela, [‘Rise in covid-19 cases collapses health system of Venezuela’], March 17, 2021; Las 2 orillas, Hospitales de Venezuela, hundidos en la miseria, [‘Venezuelan hospitals, plunged into poverty’], July 9, 2021.

<sup>274</sup> Voice of America, Opacados por el COVID-19: “pacientes crónicos han quedado olvidados” [‘Overshadowed by Covid-19, chronic illness patients cast into oblivion’], June 1, 2021; Amnesty International, La agonía de los pacientes crónicos, [‘Chronic illness patients agonize’] undated.

<sup>275</sup> IACHR, Press Release No. 085/2021, La CIDH expresa preocupación por la falta de acceso a servicios de salud sexual y reproductiva en Venezuela, [IACHR Expresses Concern over Lack of Access to Sexual and Reproductive Health Services in Venezuela], April 6, 2021

<sup>276</sup> Ibidem

<sup>277</sup> Venezuelan Observatory on Social Conflict, Protestas en Venezuela 1er trimestre 2020 vs. 2021, [‘Protests in Venezuela first quarter of 2020 vs. 2021’], April 22, 2021

<sup>278</sup> Provea, Informe Anual 2020: Se intensificó la desnutrición y la inseguridad alimentaria en Venezuela, [‘2020 Annual Report: Malnutrition and food insecurity intensify in Venezuela’], June 18, 2021

<sup>279</sup> Ibidem

160. In this context, recognizing that the measures taken to guarantee the right to health are ineffective, if the basic social determinants are not addressed at the same time, the Commission and the REDESCA are concerned about the guarantee of the right to a healthy environment and the right to water in the country. Thus, it is imperative to issue an urgent appeal to ensure the right to a healthy environment which, among other rights, is one of the most impacted by extractive activities in the Mining Crescent (Arco Minero) of the Orinoco River,<sup>280</sup> as has been explained by the Special Rapporteur's Office on other occasions.<sup>281</sup> The lack of State control over the area, with repeated complaints of illegal armed groups wielding control, has led to a situation of vulnerability for the inhabitants of the area, with a disproportional and differentiated impact on women, indigenous peoples and on cross-border populations.<sup>282</sup> This situation is characterized by high environmental impacts, a lack of food, goods and services, and local inhabitants face a significant health risk from mercury exposure, which is still being used in the process of extracting gold, even though it is prohibited as a method of obtaining or treating mineral ore on national territory.<sup>283</sup>

161. In addition, in relation to the human right to water, the Commission and the REDESCA note that the situation continues to be particularly worrying, because the failure to ensure this right considerably increases the risks of infection in the context of the COVID-19 pandemic. In this regard, it is estimated that 80% of the Venezuelan population receives water on an intermittent basis<sup>284</sup> and that water does not meet the necessary quality standards.<sup>285</sup> In addition, based on a survey conducted by the Venezuelan Observatory on Public Services, 70% of respondents believe that water-related issues are impacting the quality of their lives, particularly because 56% believe that the drinking water they receive in their homes is not safe to drink.<sup>286</sup>

162. With regard to the right to work and the right of association, the Commission and the REDESCA take note of recognition of the right to work in the domestic legal framework, as well as the establishment of a minimum salary and the periodic updating thereof.<sup>287</sup> Nonetheless, as result of the profound economic and social crisis Venezuela is going through and, consequently, the progressive decline of economic activity, they observe that the economically inactive population has grown considerably since 2018 (reaching

---

<sup>280</sup> United Nations High Commissioner for Human Rights, Independencia del sistema de justicia y acceso a la justicia, incluyendo violaciones a los derechos económicos y sociales en la República Bolivariana de Venezuela, y situación de los derechos humanos en la región del Arco Minero del Orinoco. Independence of the justice system and access to justice in the Bolivarian Republic of Venezuela, including for violations of economic and social rights, and the situation of human rights in the Mining Crescent of the Orinoco River region, July 15, 2020, par. 65.

<sup>281</sup> REDESCA, IV INFORME ANUAL DE LA RELATORÍA ESPECIAL SOBRE DERECHOS ECONÓMICOS, SOCIALES, Error! Bookmark not defined., IV Annual Report of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights], 2020, OEA/SER.L/V/II, March 30, 2021, par. 1128

<sup>282</sup> Ibidem

<sup>283</sup> Ibid, 1129.

<sup>284</sup> DW, Venezuela y la falta de agua: los camiones cisterna son "una estrategia de propaganda muy cruel", May 26, 2020; Aula Abierta, Venezuela sin agua: presa fácil del Coronavirus, ['Venezuela without water: easy prey for Coronavirus'], March 27, 2020

<sup>285</sup> DW, Venezuela y la falta de agua: los camiones cisterna son "una estrategia de propaganda muy cruel", ['Venezuela and water shortage: tank trucks are "a very cruel propaganda strategy"'], May 26, 2020

<sup>286</sup> El Diario, Agua, electricidad y gas: los servicios peor calificados por los venezolanos, ['Water, electricity and gas: the services the worse rated by Venezuelans'], September 30, 2021; Venezuelan Public Services Observatory, Percepción ciudadana sobre los daños ambientales que genera las fallas en los servicios públicos, ['Citizen perception of environmental damages caused by failures in public services'], No. 27, September 2021

<sup>287</sup> UCAB, Centro de Derechos Humanos, ESCLAVITUD MODERNA

Y EXPLOTACIÓN LABORAL

EN VENEZUELA CON ESPECIAL ÉNFASIS EN LAS CONDICIONES DEL ESTADO BOLÍVAR, ['Modern slavery and labor exploitation in Venezuela with special focus on conditions in the state of Bolívar'], March 03, 2021, pg. 11.

almost 50%) and private sector formal and public sector employment have significantly decreased, falling 21.8% between 2014 and 2021. This has had a differentiated impact on women.<sup>288</sup>

163. Furthermore, the Commission and Rapporteurship underscore the crosscutting problems for those who are able to make an income: it is inadequate to meet the most basic needs and lead a decent life. Therefore, most people who manage to be active in the labor market live a situation of poverty.<sup>289</sup> On this score, it should be noted that in March 2021 alone, in order to buy a basket of basic food staples for a family, the family would need to make 420.15 times minimum monthly wages or 208.58 times the general monthly salary.<sup>290</sup> Based on the foregoing, it is estimated that at least eight million people, including pensioners and employed persons, would not have the capacity to afford a basket of basic food staples, which would cost at that time approximately \$300 USD.<sup>291</sup>

164. In this same vein, the REDESCA has received information about the fact that there are no protections in place to exercise the right of association in the country. Consequently, there has been undue interference in union organizations and there is nobody to legitimately represent workers to assert their rights, while “trade union parallelism” is maintained with the production councils.<sup>292</sup> The REDESCA received information about a pattern of persecution against trade union and association leaders.<sup>293</sup>

165. As for fiscal and economic policies, the Commission and the REDESCA take note of the social programs implemented by the State to address the situation of poverty of the population, as well as to satisfy certain ESCE rights. However, they also observe that the economic outlook in the country is increasingly worrisome, inasmuch as between 2014 and 2020 alone, the GDP contracted by 74%, as well as hyperinflation continuing to persist,<sup>294</sup> all of which has led to the loss of purchasing power of the population, decreased employment and increased informal employment, with the consequent vulnerabilities that are caused by economic instability. In this regard, it has been decried that the measures implemented in response to the economic situation have not been effective or adequate to address the exponential loss of purchasing power.<sup>295</sup>

166. In light of this scenario, the Commission and the REDESCA recognize that the impact of economic, coercive, unilateral sanctions has worsened the situation of vulnerability of the population, and just as was established by the UN High Commissioner for Human Rights, Michelle Bachelet, they emphasize that these measures have aggravated the shortages of medicines and food, due to excessive enforcement thereof, even though these measure provide for humanitarian exceptions.<sup>22</sup> For this reason, the IACHR and the Special Rapporteurship jointly issue a call to lift them, although they reiterate that, despite the sanctions, the State is obligated to take every measure available to it to guarantee the ESCE rights of all persons under its jurisdiction, under the principle of equality and non-discrimination.

---

<sup>288</sup> UCAB, Institute for Economic and Social Research, ENCOVI – National Living Conditions Survey 2021, September 2021, pgs. 40-41

<sup>289</sup> UCAB, Centro de Derechos Humanos, ESCLAVITUD MODERNA Y EXPLOTACIÓN LABORAL  
EN VENEZUELA CON ESPECIAL ÉNFASIS EN LAS CONDICIONES DEL ESTADO BOLÍVAR, [‘Modern slavery and labor exploitation in Venezuela with special focus on conditions in the state of Bolívar’], March 03, 2021, pg. 11.

<sup>290</sup> Ibidem

<sup>291</sup> Ibidem

<sup>292</sup> REDESCA, Meeting with Alliance for the defense of Labor Human Rights, April 13, 2021

<sup>293</sup> REDESCA, Meeting with Alliance for the defense of Labor Human Rights, April 13, 2021; El Nacional, El sindicalismo, el otro foco de detenciones y agresiones en Venezuela, [‘Trade unionism, the other focus of detentions and aggression in Venezuela’], July 22, 2021

<sup>294</sup> UCAB, Institute for Economic and Social Research, ENCOVI – National Living Conditions Survey 2021, September 2021, pg. 6.

<sup>295</sup> La República, Venezuela le ha quitado 14 ceros al bolívar en 13 años por medio de tres reconversiones, [‘Venezuela has removed 14 zeros from the bolivar in 13 years through three monetary conversions’], August 6, 2021

167. In this context, the REDESCA welcomes the State's initiative to put the social missions into operation by means of the National System of Socialist Missions and Grand Missions. According to official information, more than three million families have overcome their situation of risk and have a decent roof over their heads, thanks to subsidies; more than 13 million people are part of the national education system, which offers quality programs free-of-charge, and 7 million families received food support.<sup>296</sup> In this regard, it is noted that more than 20 million people are cared for through the Homeland System (*Sistema Patria*) and that currently there is a significant number of missions, including: Gran Misión Vivienda Venezuela (housing), Gran Misión a Toda Vida Venezuela, Gran Misión Hogares de la Patria, la Misión Barrio Adentro, Misión Alimentación (food), the education missions Robinson, Ribas and Sucre, Misión Barrio Adentro Deportivo and Misión Cultura.<sup>297</sup>

168. Though the System of Socialist Missions and Grand Missions has reportedly been strengthened since 2013, the Commission and the REDESCA view with concern that poverty and extreme poverty have steadily risen from 20% to 79%.<sup>298</sup> On this score, it is surprising that, despite the existence of the above-cited programs, the economic situation of the population has deteriorated in most instances. Consequently, offering these programs has failed to provide a response to growing demand. This could partly be due to the result of a loss of coverage of the Social Missions since 2015 and to the fact that the missions are limited to giving out bags of food and permanent vouchers.<sup>299</sup>

169. Further exacerbating the programs described above are the constant reports of politicizing the process of granting this aid or subsidies and, therefore, they are viewed as a means of political and social control.<sup>300</sup> Thus, assistance is targeted to people who support the executive branch regime and it is used to ensure the political support of the beneficiaries. This creates a false sense of security regarding government actions.<sup>301</sup> On this score, the Commission and the Special Rapporteur on ESCE rights emphasize that the existence of these programs is of paramount importance to address the grave economic and social situation of the population; however, they also stress that in order to be effective, the subsidies and supports must be granted without any discrimination.

170. In relation to the right to education, in the view of the Commission and the REDESCA, two matters are of particular concern. On the one hand, the progressive deterioration of the Venezuelan education system and, on the other hand, the heavy impact of the pandemic on the guarantee of this right for children and adolescents in the country, which has led to a significant decrease in education coverage rates of all ages, but especially in primary and higher education.<sup>302</sup> Additionally, working conditions for the education workers of the country are precarious and the protection of academic freedom and university autonomy are under constant threat.

---

<sup>296</sup> MPEEF, Sistema Nacional de Misiones y Grandes Misiones, 8 años garantizando la protección integral del pueblo venezolano, [National System of Missions and Grand Missions, 8 years guaranteeing full protection of the Venezuelan People], August 7, 2021.

<sup>297</sup> *Ibidem*

<sup>298</sup> Provea, Informe Anual 2020: Se intensificó la desnutrición y la inseguridad alimentaria en Venezuela, [2020 Annual Report: Malnutrition and food insecurity intensify in Venezuela], June 18, 2021

<sup>299</sup> UCAB, Institute for Economic and Social Research, ENCOVI – National Living Conditions Survey 2021, September 2021, pg. 60.

<sup>300</sup> REDESCA, IV INFORME ANUAL DE LA RELATORÍA ESPECIAL SOBRE DERECHOS ECONÓMICOS, SOCIALES, CULTURALES Y AMBIENTALES (REDESCA) DE LA COMISIÓN INTERAMERICANA DE DERECHOS HUMANOS (CIDH), IV Annual Report of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights, 2020, OEA/SER.L/V/II, March 30, 2021, par. 1097

<sup>301</sup> Human Rights Observatory of the University of the Andes Venezuela (ODHULA). Monthly Report: Situation of universities in Venezuela. May 2020. pg. 5.

<sup>302</sup> UCAB, Institute for Economic and Social Research, ENCOVI – National Living Conditions Survey 2021, September 2021, pg. 9.

171. Firstly, it must be pointed out that children and adolescents were deprived of the protection of the right to education in the context of the pandemic while the material conditions were not in place to ensure that right through virtual or remote classes, particularly in view of the lack of connectivity, constant power outages and widespread poverty, which strips teachers and students alike of the access to the means of virtually connecting to each other. Thus, as of September 2021, the REDESCA takes note that the school closure ordered by decree since March 2020 is a major factor contributing to the low coverage of education for students ages 3 to 24, which in 2021 is reportedly 65%.<sup>303</sup> Likewise, it notes that the public university system does not have the capacity to incorporate the considerable number of students who are transferring into the public system from private institutions.<sup>304</sup>

172. Notwithstanding, the REDESCA welcomes the call to return to in-person classes beginning in late October.<sup>305</sup> However, with a mind toward guaranteeing the right to education and a safe return, the Commission and the Special Rapporteurship issue an emphatic appeal to take all necessary biosafety precautions to ensure the protection of education institution staff and children and adolescents, as well as to adapt education facilities accordingly, including to provide effective and continual water and electricity, and to ensure adequate staffing, for whom working conditions must be decent. In this regard, as has been established by the CESCR, in order to guarantee the right to education, States must take care to ensure availability, accessibility, acceptability and adaptability, while taking into account the best interests of the students in order for these principles to be appropriately applied.<sup>306</sup>

173. Secondly, regarding academic freedom, the Commission and the REDESCA note that the political situation of the country continues to weigh heavily on the proper guarantee of this right. On this score, in 2021, reports continued to come in about persecution and arbitrary detentions of students and academic community members for political reasons, alongside regressive measures relating to autonomy of universities and working conditions of faculty, which continue to make their employment situation precarious. In this regard, it should be noted that since 2000, restrictions on the right to freedom of association and of speech in the university setting have been reported.<sup>307</sup>

174. In this context, which in itself was already cause for concern to the IACHR and the REDESCA, there were further reports of assaults on academic freedom and university autonomy in March 2021 in the country. One of these assaults was carried out through an announcement made by the University Sector Planning Office (OPSU) that payment of public university faculty and staff payroll would be through the Homeland System (*Sistema Patria*).<sup>308</sup> Because this system is directly associated with political factors, it could become a tool of social control whereby retaliation and measures are taken against university faculty members and staff for political reasons. This decision was put into practice through direct deposits from the Central Bank of Venezuela in mid-March, which in addition to undermining the budget autonomy of public universities, it further erodes the already precarious economic situation of university staff.

---

<sup>303</sup> UCAB, Institute for Economic and Social Research, ENCOVI – National Living Conditions Survey 2021, September 2021, pg. 10

<sup>304</sup> Ibidem

<sup>305</sup> Office of the Vice President of the Republic of Venezuela, [Venezuela inicia clases presenciales el 25 de octubre](#), [‘Venezuela starts in-person classes on October 25’]; Crónica Uno, [Maduro anunció regreso a clases a partir del 25 de octubre](#), [‘Maduro announced return to classes on October 25’], October 3, 2021

<sup>306</sup> CESCR, General Comment No. 13, Right to education, E/C.12/1999/10, December 8, 1999.

<sup>307</sup> Aula Abierta, RESUMEN EJECUTIVO: IV CONVENCION COLECTIVA ÚNICA DEL SECTOR UNIVERSITARIO: VIOLACIONES A LA LIBERTAD DE ASOCIACIÓN, ACADÉMICA Y DERECHOS LABORALES EN EL SECTOR UNIVERSITARIO EN VENEZUELA, [‘Executive Summary: IV Single Collective Convention of the University Sector: Violations of the right to associate, academic freedom and of labor rights in the university sector in Venezuela’], August 25, 2021.

<sup>308</sup> [Aula Abierta. Libertad académica y autonomía universitaria en la educación superior en Venezuela. Informe preliminar. Venezuela, 2021. \[‘Academic freedom and autonomy of universities in higher education in Venezuela. Preliminary Report. 2021’\]](#)

175. Thus, in defiance of the right to a decent wage, the REDESCA received information that the payments were considerably lower than the low salaries that faculty had already been receiving in the first place, further eroding their economic wellbeing. This information was posted online with a number of reports received by the REDESCA from civil society, warning that the faculty and staff are being paid precarious salaries that do not enable them to lead a decent life, as is the case with other sectors, such as healthcare.<sup>309</sup>

176. Add to this situation the aggravating factor that, in the context of the pandemic and consequent school closures, teachers and professors have been pressured to return to in-person classes, under punishment of being replaced by young members of the *Plan Chamba Juvenil* ('Youth Work Plan').<sup>310</sup> It should be explained that this demand was made to them, even though they had not been given priority for access to vaccines in the country, nor access to adequate facilities, among other things, due to lack of electricity and water at some schools.<sup>311</sup>

177. In view of these conditions and pursuant to the standards of the Inter-American human rights system, it should be recalled that the right to strike, along with freedom of association and collective bargaining, are the foundational pillars to guarantee the right to work and fair and equitable working conditions. The REDESCA takes note of how the Federation of University Professor Associations of Venezuela (FAPUV) and the associations of university professors of the main public universities have not been taken into account and, in fact, have been excluded as a mechanism of retaliation in the discussion on collective bargaining contracts and other scenarios of discussion relating to their labor rights, because of criticism of State policies.<sup>312</sup> As a result of this exclusion, in late July 2021, the IV Single Collective Agreement of the University Sector was unilaterally signed. In addition to being rife with flaws because it precluded their participation, despite several organizations flat out rejecting it, it undermines the wellbeing of faculty members and their labor rights, such as the right to receive a decent wage, as well as other things that introduce ideolization and indoctrination into education.<sup>313</sup>

178. In the face of the situation described above and the economic crisis Venezuela is undergoing, universities will continue to confront budget asphyxiation, leading to further loss of student services (such as food, transportation and library access), diminished education quality, increased student dropout rates and the emigration of professors and members of the academic community. In 2021, it was reported that the situation has been growing worse over the past years and there are universities that are facing cuts of 99% of their budget allocation.<sup>314</sup>

---

<sup>309</sup> Venezuelan Observatory on Social Conflict. [Protestas en Venezuela 1er trimestre 2020 vs. 2021](#), ['Protests in Venezuela First Quarter 2020 vs. 2021'], April 22, 2021

<sup>310</sup> Venezuelan Observatory on Social Conflict. [Protestas en Venezuela 1er trimestre 2020 vs. 2021](#), ['Protests in Venezuela First Quarter 2020 vs. 2021'], April 22, 2021

<sup>311</sup> REDESCA, [IV Informe Anual De La Relatoría Especial Sobre Derechos Económicos, Sociales, Culturales Y Ambientales \(REDESCA\) De La Comisión Interamericana De Derechos Humanos \(CIDH\)](#), IV Annual Report of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights, 2020, OEA/SER.L/V/II, March 30, 2021, par. 1097

<sup>312</sup> Aula Abierta, Executive Summary: IV Single Collective Convention of the University Sector: Violations of the right to associate, academic freedom and of labor rights in the university sector in Venezuela', August 25, 2021.

<sup>313</sup> *Ibidem*

<sup>314</sup> [Aula Abierta. Libertad académica y autonomía universitaria en la educación superior en Venezuela. Informe preliminar. Venezuela, 2021.](#) ['Academic freedom and university autonomy in higher education in Venezuela. Preliminary Report. Venezuela, 2021']

#### IV. GROUPS IN VULNERABLE SITUATIONS AND DISCRIMINATION

##### A. Women

179. As to the situation of violence faced by women in Venezuela, the IACHR notes that even though femicide has appeared a crime in the penal code since 2016, the State still does not maintain any records of official statistics about it.<sup>315</sup> In this regard, the Commission takes note of information gathered by civil society organizations reporting that from January 1 to September 10, 2021, at least 237 femicides<sup>316</sup> were perpetrated and there were at least 41 instances of attempted and thwarted femicide.<sup>317</sup>

180. The Commission also received information about undermining of measures for the protection of women against violence in the context of the COVID-19 pandemic. On this score, civil society organizations report that the restricted hours of assistance on the VEN911 line, the purpose of which is to act as a nationwide emergency telephone line to respond to cases of violence, limit the effectiveness of the measure to address cases of violence against women. They further report that other governmental hot lines to assist women in situations of violence have been taken down.<sup>318</sup> In this vein, the Commission takes note of information provided to it noting that in the first half of 2021, 43 violent intrafamily assaults against women in the state of Zulia were reported.<sup>319</sup>

181. The Commission reminds the State of the importance of having mechanisms in place to gather data and provide comprehensive, disaggregated and reliable data periodically, as well as meeting its obligation to publicly disclose and disseminate that information.<sup>320</sup> It also issues a reminder about the State's obligation to take measures to prevent acts of violence against women and girls and ensure that victims of violence, or women and girls who are at risk of sustaining violence, have access to measures of protection and effective judicial guarantees.<sup>321</sup> On this score, the Commission stresses that policies designed for protection from violence against women should be grounded in statistics regarding the causes, consequences and frequency of attacks, using a comprehensive approach that addresses the different forms of violence.

182. In relation to access to justice, the Commission has received information about the different roadblocks faced by women, stressing the lack of adequate victim assistance and the lack of training for public

---

<sup>315</sup> IACHR, Hearing on "Situación de derechos humanos de mujeres adolescentes y niñas en Venezuela" ["Situation of human rights of adolescent women and girls in Venezuela"] 181<sup>st</sup> Regular Session of October 2021; UN. Human Rights Council, Report of the Special Rapporteur on Violence against Women, its Causes and Consequences, A/76/132, July 12, 2021. Par. 53

<sup>316</sup> Cepaz, Monitoreo de Femicidios en Venezuela, octubre de 2021.

<sup>317</sup> IACHR, Hearing on "Situación de derechos humanos de mujeres adolescentes y niñas en Venezuela" ["Situation of human rights of adolescent women and girls in Venezuela"] 181<sup>st</sup> Regular Session of October 28, 2021; CEPAZ, Situación de DDHH de las mujeres en Venezuela fue discutida por organizaciones feministas ante una audiencia histórica en la CIDH, ["Human Rights situation of women in Venezuela was discussed by feminist organizations at an historical hearing of the IACHR, October 29, 2021.

<sup>318</sup> CEPAZ, AVESA, 100% Estrógeno, Uquira, Fundamujer, Caleidoscopio Humano, Fundación Vida Jurídica, Women's Link Worldwide. Annex to request for thematic hearing for the 181<sup>st</sup> Regular Session. Record 165009, August 5, 2021. In IACHR Archives.

<sup>319</sup> CODHEZ, Situación General de los Derechos Humanos en Zulia [General Situation of Human Rights in Zulia] Newsletter of October 2021, 2021. In IACHR Archives.

<sup>320</sup> IACHR, Acceso a la información, violencia contra las mujeres y la administración de justicia en las Américas, ["Access to Information, Violence against Women and the Administration of Justice in the Americas] OEA/Ser.L/V/II.154 Doc.19, 2015, par. 7; IACHR, Violencia y discriminación contra mujeres, niñas y adolescentes. Anexo 1 Estándares y recomendaciones. Violence and Discrimination against Women and Girls. Annex 1 Standards and Recommendations] OEA/Ser.L/V/II. Doc. 233, November 14, 2019, par 15.

<sup>321</sup> IA Court of HR. Caso González y otras ("Campo Algodonero") Vs. México. Case of González and other Women v. Mexico ("Cotton Field"), Preliminary Objection, Merits, Reparations and Costs. Judgment of November 16, 2009. Series C No. 205, par. 258; IA Court of HR. Caso Favela Nova Brasflia Case of Favela Nova Brasilia v. Brazil. Preliminary Objections, Merits, Reparations and Costs. Judgment of February 16, 2017. Series C No. 333; and IACHR, Situación de los derechos de la mujer en Ciudad de Juárez, México: Situation of the rights of women in Ciudad Juarez: Mexico. The right to be free of violence and discrimination. OEA/Ser.L/V/II.117 Doc. 1, Rev. March 17, 2003, pars. 103 to 105



servants on the subject of a gender-based perspective,<sup>322</sup> the consequence of which is an pre-established stereotyped assessment of social or sexual behavior of victims of gender violence.<sup>323</sup> In this respect, the Commission reminds the State of its obligation to guarantee access to justice without any discrimination, noting the duty of due diligence requiring investigations into acts of violence against women to be performed by competent and impartial personnel in the area of gender, women's rights and assistance to victims of gender-based discrimination and violence.<sup>324</sup>

183. Accordingly, the Commission urges the State to adopt and maintain mandatory and constant training for public servants, especially officers of the courts, on the subjects of gender, women's and victims' rights. Likewise, it urges the State to incorporate a gender and intersectional perspective into the investigation, prosecution, punishment and reparation of all forms of violence against women. It also reiterates the call to put adequate accountability mechanisms in place for conduct of justice operators that runs afoul of these duties.<sup>325</sup>

184. In addition, the Commission has voiced its concern over the lack of access to sexual and reproductive health services.<sup>326</sup> Specifically, it takes note of the lack of access to family planning information and services, which has had an impact on maternal mortality rates. On this score, it stresses the lack of up-to-date government statistics, with the latest official registry being the same figures as those released in the Epidemiological Bulletin of the Ministry of Health in May 2017, which indicates that from 2015 to 2016, maternal mortality increased by 66%.<sup>327</sup>

185. The IACHR takes note of the United Nations Population Fund 2021 report, which cites rising maternal mortality rates in the country, at 98.87 deaths per 100,000 live births.<sup>328</sup> Likewise, the Commission has received information that the shortage of contraception in pharmacies of five of Venezuela's largest cities is higher than 80%.<sup>329</sup> On this score, the IACHR observes that civil society organizations report that young women of reproductive age feel compelled to resort to sterilization because of the short supply of contraceptive methods.<sup>330</sup> In this context, civil society organizations report that young women of reproductive age are being

---

<sup>322</sup> IACHR, Hearing on "[Situación de derechos humanos de mujeres adolescentes y niñas en Venezuela](#)" ['Situation of human rights of women and girls in Venezuela'], 181<sup>st</sup> Regular Session, October 28, 2021; Venezuelan Observatory on the Human Rights of Women, [Informe: La Violencia Contra las Mujeres y El acceso a la Justicia](#). ['Report: Violence against Women and Access to Justice'], January 2021; Semana, ['Yo te creo': la era del #MeToo llegó a Venezuela](#), ['I believe you: the era of #MeToo arrived in Venezuela'], May 8, 2021

<sup>323</sup> El país, [#MeToo wave breaks in Venezuela as sexual abuse and harassment cases come to light](#), May 7, 2021

<sup>324</sup> IA Court of HR, [Caso González y otras \("Campo Algodonero"\) Vs. México](#). Case of González and other Women v. Mexico ("Cotton Field"). Preliminary Objection, Merits, Reparations and Costs. Judgment of November 16, 2009. Series C No. 205, par. 455

<sup>325</sup> IA Court of HR, [Caso López Soto y otros Vs. Venezuela](#). Case of Lopez Soto et al v. Venezuela. Judgment of September 26, 2018. Merits, Reparations and Costs, par. 286.

<sup>326</sup> IACHR, Press Release 085/2021, [La CIDH expresa preocupación por la falta de acceso a servicios de salud sexual y reproductiva en Venezuela](#), [IACHR Expresses Concern over Lack of Access to Sexual and Reproductive Health Services in Venezuela], April 06, 2021

<sup>327</sup> IACHR, Hearing on "[Situación de derechos humanos de mujeres adolescentes y niñas en Venezuela](#)" ['Situation of human rights of women and girls in Venezuela'], 181<sup>st</sup> Regular Session, October 28, 2021

<sup>328</sup> UNFPA, [As Crisis Facing Women in Venezuela Deepens, UNFPA Appeals for Urgent Funding to Save Lives and Protect Their Rights](#), March 31, 2021

<sup>329</sup> IACHR, Hearing on "[Situación de derechos humanos de mujeres adolescentes y niñas en Venezuela](#)" ['Situation of human rights of women and girls in Venezuela'], 181<sup>st</sup> Regular Session, October 28, 2021; IACHR Press Release [Comunicado de Prensa 085/21 La CIDH expresa preocupación por la falta de acceso a servicios de salud sexual y reproductiva en Venezuela](#), [IACHR Expresses Concern over Lack of Access to Sexual and Reproductive Health Services in Venezuela], April 06, 2021

<sup>330</sup> CEPAZ, AVESA, 100% Estrógeno, Uquira, Fundamujer, Caleidoscopio Humano, Fundación Vida Jurídica, Women's Link Worldwide. Annex to request for thematic hearing for the 181<sup>st</sup> Regular Session. Record 165009, August 5, 2021. In IACHR Archives; Efecto Cocuyo, [La bomba de tiempo vinculada a la salud de las venezolanas](#), ['Time bomb linked to health of Venezuelan women'], October 6, 2021; Crónica Uno, [Escaso acceso a métodos anticonceptivos en Venezuela vulnera los derechos sexuales](#), ['Little access to contraceptive methods in Venezuela violates sexual rights'], January 23, 2021

coerced to undergo sterilization<sup>331</sup> as a contraception method,<sup>332</sup> in flagrant violation of the right to physical integrity, equality and non-discrimination, to health, to privacy and respect for the autonomy of women and persons with the capacity to gestate. Lastly, the IACHR notes the persistent use of criminalization of voluntary termination of pregnancy, except when the life of the woman or gestating person is at risk.<sup>333</sup>

186. In view of the foregoing, the Commission reiterates the call to the State to bring down the *de jure* and *de facto* barriers standing in the way of access to sexual, reproductive and maternal health services,<sup>334</sup> as well as overhauling its restrictive legislation on voluntary termination of pregnancy.<sup>335</sup> The Commission recalls that the lack of access to health services and supplies that are only required by women and persons with the capacity to gestate, amounts to a violation of the principle of equality and non-discrimination, in addition to infringing their rights to physical, emotional and moral integrity. It also recalls that absolute criminalization of voluntary termination of pregnancy, including when the pregnancy is the product of rape or incest, places a disproportionate burden on the exercise of the fundamental rights of women and girls and persons with a capacity to gestate, and creates a context that paves the way for unsafe abortions and high mortality rates.<sup>336</sup>

187. Lastly, the Commission urges the State to take legislative, budgetary, public policy and any other measures that are necessary to ensure, without any discrimination, the availability, accessibility, appropriateness and quality of sexual and reproductive health facilities, goods and services, under an intersectional and gender approach, including access to voluntary termination of pregnancy when life or health are at risk, as well as in cases of rape or incest.

## B. Human rights defenders

188. The situation of human rights defenders in Venezuela has been of constant concern to the IACHR. In 2021, the Commission continued to observe that the exercise of the defense of human rights in Venezuela takes place in a hostile environment, where intense smear campaigns, stigmatization and acts of harassment as retaliation to the activity, are prevalent. On this score, the commission views with concern a persistent and dire scenario of human rights violations of the rights of defenders themselves, which keeps them from being able to go about their activities free of intimidation.

189. In general, the IACHR has received information about a steady increase in assaults on human rights defenders and organizations over the past years. As of September 2021, the Centro para los Defensores y la Justicia reported 609 assaults in the following forms: stigmatization (711), intimidation and harassment (159); threats (64); arbitrary detention (35); raids (14); digital attacks (29); prosecution (20); other (15). These figures evince a considerable rise over 2020, when 303 attacks were reported, and 2019, with 135

<sup>331</sup> CEPAZ, AVESA, 100% Estrógeno, Uquira, Fundamujer, Caleidoscopio Humano, Fundación Vida Jurídica, Women's Link Worldwide. Annex to request for thematic hearing for the 181<sup>st</sup> Regular Session. Record 165009, August 5, 2021. In IACHR Archives.

<sup>332</sup> Efecto Cocuyo, La bomba de tiempo vinculada a la salud de las venezolanas, [Time bomb linked to health of Venezuelan women], October 6, 2021; Crónica Uno, Escaso acceso a métodos anticonceptivos en Venezuela vulnera los derechos sexuales, [Little access to contraceptive methods in Venezuela violates sexual rights], January 23, 2021.

<sup>333</sup> IACHR. Press Release. Comunicado de Prensa 085/21 La CIDH expresa preocupación por la falta de acceso a servicios de salud sexual y reproductiva en Venezuela, [IACHR Expresses Concern over Lack of Access to Sexual and Reproductive Health Services in Venezuela], April 06, 2021; Open Democracy, Aborto en Venezuela: La lucha por la legalización del derecho a decidir, [Abortion in Venezuela: the struggle for legalization of the right to decide], April 14, 2021

<sup>334</sup> IACHR. Resolución 13/2019 Medida cautelar No. 150-19, Resolution 13/2019 Precautionary Measure No. 150-19. March 18, 2019

<sup>335</sup> IACHR. Press Release 085/2021, La CIDH expresa preocupación por la falta de acceso a servicios de salud sexual y reproductiva en Venezuela, [IACHR Expresses Concern over Lack of Access to Sexual and Reproductive Health Services in Venezuela], April 06, 2021

<sup>336</sup> IACHR. Press Release Comunicado de Prensa 208/21 La CIDH expresa su preocupación por la adopción de medidas regresivas en materia de derechos sexuales y reproductivos en la región, [IACHR Expresses Concern Over the Adoption of Regressive Measures Concerning Sexual and Reproductive Rights in the Americas], August 11, 2021

reported attacks.<sup>337</sup> Specifically, in 2021, the IACHR ascertained that raids on human rights and humanitarian action organizations continued, as well as detentions of human rights defenders. In this regard, the Commission was informed about a raid on the main office of the organization Azul Positivo on January 12, 2021. According to public information, following the raid on their offices in Maracaibo, 5 members of this organization were detained and held in custody for several days.<sup>338</sup>

190. Likewise, on March 31, 2021, the IACHR received information claiming that Juan Carlos Salazar and Diógenes Tirado, activists of FundaRederes, had been detained by the Bolivarian National Guard in the town of Victoria, state of Apure, while they were documenting the situation of armed conflict in the area. Of particular concern to the Commission are reports that these individuals were held incommunicado for more than 25 hours and that both their cellphones and audiovisual materials were seized.<sup>339</sup>

191. Similarly, on July 2, 2021, the director general of the organization FundaRedes, Javier Tarazona was detained while he showed up at the main building of the Office of the Superior Prosecuting Attorney of the State of Falcon to be interviewed by the Chief Prosecutor of the state in order to report the acts of intimidation by SEBIN members. Along with Tarazona, activists Rafael Tarazona and Omar de Dios García Marín, as well as Jhonny Romero, director of the National Committee of Families of Victims of Forced Disappearance on the Venezuelan Coasts, were detained.<sup>340</sup> According to information provided by civil society organizations, the authorities were reluctant to report on the whereabouts and transfer of the individuals in custody. They further claimed they were denied the assistance of trusted legal counsel while they were being held in pre-trial detention for allegedly committing the criminal offenses of “incitement of hatred,” treason against the homeland” and “terrorism.”<sup>341</sup>

192. Furthermore, the IACHR has observed persistent accusatory and stigmatizing speech from senior officials of the State against human rights defenders in Venezuela. On this score, on January 13, 2021, during the broadcast of a television program, a deputy called human rights defender organizations “instruments to destabilize peoples.” Likewise, on April 7, 2021, government party leader Diosdado Cabello said on the television program “Con el Mazo Dando” that in the state of Apure there was no armed conflict as had been reported by media outlets and civil society organizations, adding that “we are going to fight FundaRedes or whatever it’s called.”<sup>342</sup>

193. On this score, the IACHR urges the State to make sure that its officials refrain from making statements that stigmatize human rights defenders, or that suggest that the organizations act improperly or illegally, merely for the fact that they engage in the promotion and defense of human rights. The Commission recalls that repeated stigmatizing statements against defenders can contribute to exacerbating the climate of hostility and intolerance by different sectors of the population which, in turn, could give rise to the violation of the right to life or physical integrity of defenders, thus making them more vulnerable.<sup>343</sup>

194. In 2021, the Commission and its SRFE also documented an increase in stigmatization on some official websites and social media accounts in an attempt to discredit the work of media outlets and civil society

---

<sup>337</sup> Center for Defenders and Justice., Record of the situation of criminalization of human rights defenders and organizations in Venezuela, October 8, 2021.

<sup>338</sup> IACHR. Press Release. [Comunicado de Prensa 025/21](#), IACHR and OSRFE Condemn Attacks Against Human Rights Defenders and Journalists and Warn of the Closure of Democratic Spaces in Venezuela, February 5, 2021.

<sup>339</sup> FundaRedes, Communication submitted to the IACHR, July 11, 2021.

<sup>340</sup> FundaRedes, Communication submitted to the IACHR, July 11, 2021.

<sup>341</sup> FundaRedes, Communication submitted to the IACHR, July 11, 2021.

<sup>342</sup> IACHR, Press Release. [Comunicado de Prensa 025/21](#), IACHR and OSRFE Condemn Attacks Against Human Rights Defenders and Journalists and Warn of the Closure of Democratic Spaces in Venezuela, February 5, 2021.

<sup>343</sup> IACHR, Press Release, [Comunicado de Prensa 025/21](#), IACHR and OSRFE Condemn Attacks Against Human Rights Defenders and Journalists and Warn of the Closure of Democratic Spaces in Venezuela, February 5, 2021.

organizations that have received international cooperation resources, including the Center for Justice and Peace Paz (CEPAZ), the organization Espacio Público, the Press and Society Institute (IPYS) and Transparency Venezuela. On this score, the IACHR and its SRFE remind the State that everyone has the right to request, receive and use resources individually or collectively for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means.<sup>344</sup>

195. Additionally, the IACHR expressed concern over the approval of Administrative Decision No. 001-2021, which was published in Official Gazette 42098 on March 30, 2021. According to the information it received, this rule, ranked just below a law, requires civil society organizations in Venezuela to enroll with the National Office against Organized Crime and Terrorism Financing (ONCDOFT).<sup>345</sup> In this regard, the IACHR warns that requiring not-for-profit organizations to register with the ONCDOFT and report on their donors has the potential to lead to the stigmatization of human rights organizations and defenders. In light of this, it recalls that it is not legitimate for an anti-terrorism statute to be used to repress the activities of organizations that work to defend human rights.<sup>346</sup>

196. In this context, the Commission finds that the restrictions and attacks described herein are not isolated incidents, but are part of a smear and stigmatization campaign waged by the most senior officials of the State, as a consequence of these organizations speaking out against the deep human rights crisis faced by the country. The IACHR reiterates the importance of the work of defenders in building a solid and enduring democratic society, and their leading role in the process of full achievement of the rule of law and strengthening democracy. It is urgent for the State of Venezuela to restore the rule of law and democracy through measures aimed at ensuring the independence and balance of the branches of government, participation in public affairs without any type of discrimination, and citizen oversight of the conduct of the different branches of the government.

### C. Migrants, Asylum Seekers, Refugees, Beneficiaries of Complementary Protection

197. As for Venezuelan migrants, refugees, asylum seekers and returnees, the Commission has been monitoring their distribution in host countries and the major factors that have given rise to their movement, such as impairment in the enjoyment and access to economic, social, cultural and environmental rights. In this regard, it has observed that food and medicine shortages, combined with constant interruption of water and gas supplies and electric power outages have seriously impinged upon rights such as health, food and education, with the current outbreak of potentially lethal and preventable diseases standing as one example. In the face of this scenario, the State response has fallen short, taking a heavy toll particularly on children, pregnant women and older adults.<sup>347</sup>

198. The IACHR understands the humanitarian crisis to be the main factor driving displacement of Venezuelans. In this context, according to international organizations, the Venezuelan population is ranked second for having the highest number of refugees in the world, and first in the region.<sup>348</sup> According to the Regional Platform of Inter-Agency Coordination for Refugees and Migrants of Venezuela (R4V), jointly led by the UNHCR and the IOM, 6,038,937 people have emigrated from that country as of 2015. Out of this total

<sup>344</sup> IACHR, Press Release, [Comunicado de Prensa 025/21](#), IACHR and OSRFE Condemn Attacks Against Human Rights Defenders and Journalists and Warn of the Closure of Democratic Spaces in Venezuela, February 5, 2021.

<sup>345</sup> IACHR, Press Release, [Comunicado de Prensa No. 108/21](#), IACHR and RFOE Reject the Registering of Not-For-Profit Organizations with Venezuela's National Office against Organized Crime and Terrorist Financing, April 30, 2021.

<sup>346</sup> IACHR, Press Release, [Comunicado de Prensa No. 108/21](#), IACHR and RFOE Reject the Registering of Not-For-Profit Organizations with Venezuela's National Office against Organized Crime and Terrorist Financing, April 30, 2021.

<sup>347</sup> IACHR, [CIDH presenta sus observaciones y recomendaciones preliminares tras la histórica visita in loco a Venezuela para monitorear situación de derechos humanos](#), [IACHR Presents Preliminary Observations and Recommendations Following Historic On-Site Visit to Monitor the Human Rights Situation in Venezuela], May 8, 2020.

<sup>348</sup> United Nations High Commissioner For Refugees, [Global forced displacement vastly more widespread in 2019, Desplazamiento forzado mundial mucho más extendido en 2019](#), Jun 18, 2020.

number, 4,992,664 have specifically gone to Latin America and the Caribbean. The countries taking in the most people in from Venezuela are Colombia with 1,742,927; Peru with 1,288,464; Ecuador with 482,897; Chile with 448,138; and Brazil with 261,441. Although most Venezuelans have gone to South American countries, the Commission observes that the flow of migration has expanded to the Caribbean, North America and Europe.<sup>349</sup>

199. The Commission also cautions that many Venezuelans are precluded from migrating properly because they lack documentation such as passports, identity cards or birth certificates in the case of children. Likewise, the IACHR has been informed that approximately two million Venezuelans did not have a passport because of a variety of obstacles.<sup>350</sup> In accordance with data from the civil society organization *Save my identity*, obstacles to acquire a passport include: i) ongoing rise in cost; ii) delay of up to 3 years in the procedure; and iii) difficulties in the application process, including technical system failures and inability to access the system to make appointments.<sup>351</sup>

200. The Commission views with concern that this situation, in addition to the inability to exercise the right to free movement, places Venezuelans in a situation of greater vulnerability, inasmuch as they are impaired from accessing services and exercising their rights in transit and host countries. On this score, the Commission recalls that, pursuant to the Inter-American Principles on the Human Rights of All Migrants, Refugees, Stateless Persons, and Victims of Human Trafficking, States must be willing to adopt a more flexible approach to domestic requirements in considering documents issued overseas, especially when this situation jeopardizes the exercise of rights such as the education and health of children and adolescents.<sup>352</sup>

#### D. Persons Deprived of Liberty<sup>353</sup>

201. Over the past years, the IACHR has paid close attention to the situation of persons deprived of liberty in Venezuela, which is one of the most dire scenarios in the region. Specifically, this situation is characterized by critical levels of overcrowding at prisons and pretrial detention facilities, as well as a lack of up-to-date official statistics and deplorable conditions of detention. The Commission calls attention to the lack of prison policies with a gender perspective to meet the particular needs of women deprived of liberty and to protect their physical integrity. It is also concerned about the networks of corruption and organized crime within prisons and pretrial detention facilities, which exposes the authorities' lack of actual control.

202. The Commission reiterates in general that one of the biggest obstacles to the respect for and guarantee of the rights of persons deprived of liberty is the existence of a dual prison system. One official system, which in 2019 held more than 40 thousand people in 45 jail facilities under the Ministry of the Penitentiary Service, and the other parallel system, made up of approximately 500 pretrial detention spaces, which in 2019 held more than 60 thousand people. The Commission was unable to access any official data on the population deprived of liberty in 2021. Nonetheless, in any case, it notes that this situation is extremely dire, because the pretrial detention cells are not suitable to hold people for more than 48 hours and the Ministry

<sup>349</sup> IACHR, Press Release 197/18 - [Declaración conjunta para el desarrollo de una respuesta regional a la llegada masiva de personas venezolanas a países del continente americano de la Comisión Interamericana de Derechos Humanos y comités, órganos y procedimientos especiales de la Organización de las Naciones Unidas](#), Joint Statement for the development of a regional response to the massive arrival of Venezuelans to the Americas, issued by the Inter-American Commission on Human Rights, and committees, organs and special procedures of the United Nations. September 5, 2018.

<sup>350</sup> IACHR, notes from meeting with the OAS Group on the Venezuelan Migrant and Refugee Crisis in the Region in the framework of the 176<sup>th</sup> Regular Session of the IACHR, July 15, 2020, IACHR Archives.

<sup>351</sup> *Save my identity*, [Petición Los Venezolanos En El Mundo Y En Venezuela Exigimos Un Cambio De Sistema Para La Obtención De Pasaportes ¡Ya! Por Nuestro Derecho A La Identidad Internacional](#), [Petition: Venezuelans in the world and in Venezuela demand a change to the system for obtaining passports Now! For our Right to International identity.]2020.

<sup>352</sup> IACHR, [Resolución 04/19 - "Principios Interamericanos sobre los Derechos Humanos de todas las personas migrantes, refugiadas, apátridas y las víctimas de la trata de personas"](#), Resolution 04/19, [Inter-American Principles on the Human Rights of all Migrants, Refugees, Stateless Persons and Victims of Human Trafficking], December 7, 2019, principles 37 and 59.

<sup>353</sup> In this section, an overview is provided of the situation of persons deprived of liberty in Venezuela. In section III of the Chapter, a special section addresses torture and other cruel treatment in contexts of deprivation of liberty.

of the Penitentiary Service does not protect the rights of these individuals, claiming that they are the responsibility of the police.

### ***Conditions of detention***

203. As was mentioned above, one of the major issues with deprivation of liberty is the use of police station holding cells (colloquially known as *calabozos*) -which are temporary holding cells – to permanently hold the population deprived of liberty. The Commission notices that the conditions of detention at police detention facilities are inhuman, mostly because they are not outfitted to hold people for prolonged periods of time, as well as because of the critical levels of overcrowding further aggravating conditions. According to the organization Una Ventana a la Libertad, in the first half of 2021, only 22.21% of people held at these facilities were in pretrial custody, while the rest were serving or awaiting sentence.<sup>354</sup>

204. Likewise, in the first half of 2021, out of 289 Pretrial Detention Centers (CDP) examined in different regions of the country by the organization Una Ventana a la Libertad, 241 (83.39%) presented overcrowding, with 25,186 people being held in facilities with a maximum capacity of 8,634; in other words, 291.71% over capacity.<sup>355</sup> Ninety of the pretrial detention facilities examined held only men; eight, only women; and 191 held both. 186 of these facilities (97.38%) held women in a segregated section.<sup>356</sup>

205. Additionally, in April 2021, 244 of the 289 pretrial detention centers (CPDs) examined had suspended visits, presumably because of the COVID-19 pandemic. According to information provided by civil society organizations, these restrictions negatively impacted the persons deprived of liberty, because their access to medicine, food and drinking water is dependent to a great extent on visits.<sup>357</sup>

206. In relation to the situation of pregnant women, of the 289 CPDs examined by Una Ventana a la Libertad, only one woman acknowledged that care was provided through medical staff, 15 claimed that this care is provided through religious groups or civil society organizations, 13 stated that these women are transferred to other places for prenatal or sporadic check-ups, while 19 asserted that the women are only moved when they give birth.<sup>358</sup> With respect to non-pregnant women, civil society organizations reported that it is the responsibility of family members to provide feminine hygiene supplies, such as sanitary napkins and medicines for menstrual disorders. Cases of diarrhea, dengue and zika have also been documented among this population.<sup>359</sup>

### ***Transfers of persons deprived of liberty***

207. In 2021, the IACHR takes note of Executive Decrees No. 4.610 and No. 4.534, of May and July, respectively, ordering that persons in the custody of the SEBIN and the DGCIM be transferred to facilities of the Ministry of the Penitentiary Service (MPPSP). The Commission observes that the UNHCHR welcomed the measure<sup>360</sup> and acknowledges that it could contribute to preventing torture and other cruel, inhuman and

---

<sup>354</sup> Una Ventana a la libertad, Report on the Situation of the Human Rights of Persons Deprived of Liberty in the Pretrial Detention Facilities of Venezuela – First Half 2021 (August 2021), 2021, pg. 7.

<sup>355</sup> Una Ventana a la libertad, Report on the Situation of the Human Rights of Persons Deprived of Liberty in the Pretrial Detention Facilities of Venezuela – First Half 2021 (August 2021), 2021, pg. 7.

<sup>356</sup> Una Ventana a la libertad, Report on the Situation of the Human Rights of Persons Deprived of Liberty in the Pretrial Detention Facilities of Venezuela – First Half 2021 (August 2021), 2021, pg. 6.

<sup>357</sup> Una Ventana a la libertad, Report on the Situation of the Human Rights of Persons Deprived of Liberty in the Pretrial Detention Facilities of Venezuela – First Half 2021 (August 2021), 2021, pg. 11.

<sup>358</sup> Una Ventana a la libertad, Report on the Situation of the Human Rights of Persons Deprived of Liberty in the Pretrial Detention Facilities of Venezuela – First Half 2021 (August 2021), 2021, pg. 10.

<sup>359</sup> Una Ventana a la libertad, Report on the Situation of the Human Rights of Persons Deprived of Liberty in the Pretrial Detention Facilities of Venezuela – First Half 2021 (August 2021), 2021, pg. 11.

<sup>360</sup> UN Human Rights, Statement on Twitter, May 21, 2021.

degrading punishment. Nonetheless, the Inter-American Commission received testimonies claiming that many transfers were carried out without informing next of kin about the new location where their loved ones were being held, and that some people had been transferred to prison facilities in other states of the country, making it difficult for their family members to be able to visit them.<sup>361</sup>

208. Specifically, the IACHR is concerned about reports from family members of indigenous persons deprived of liberty from the state of Amazonas that at least eight PDLs (Persons Deprived of Liberty) have been transferred since July 25 without prior notice or information being provided to anyone about their whereabouts and health status for at least 5 days. On this score, the Commission reaffirms the right of every person held in detention and their next of kin to receive accurate information about the location of detention. It further reiterates that States have the obligation to put into place the necessary conditions for persons deprived of liberty to effectively make contact with their families, as well as to guarantee the entry of medicines, food and supplies for personal hygiene.<sup>362</sup>

209. In view of the foregoing, the IACHR calls on the State to take measures to respect the right of persons deprived of liberty to be held in locations nearby their family, community, defense attorney and the court hearing their case. Additionally, it urges it to take measures with a differentiated approach to ensure protection of persons deprived of liberty in a special situation of risk, such as indigenous people, older adults, persons with disability and persons with diseases, and to ensure respect for their specific needs stemming from their condition with regard to both transfers and conditions of detention. Specifically, the Commission urges the State to take measures to guarantee that persons deprived of liberty belonging to indigenous peoples are held at detention facilities close to their families, communities and ancestral lands, and recalls that these ties are essential to the preservation of their cultural identity.<sup>363</sup>

### ***“Judicial Revolution” Program***

210. On Monday June 21, 2021, President Nicolás Maduro announced the creation of a Commission for the “Reform of the Judicial Branch” as part of the “Judicial Revolution” program, the purpose of which would be “to put an end in 60 days to overcrowding, clearing out Preventive Detention Centers – CDPs - nationwide.” This Commission is made up of Deputy Diosdado Cabello, Deputy Cilia Flores and the President of the Constitutional Chamber of the Supreme Court of Justice (TSJ), Lourdes Suárez Anderson.<sup>364</sup>

211. According to reports from civil society, 60 days after the launch date of the government judicial revolution program when the deadline had elapsed, the Commission for the Reform of the Judicial Branch had only visited 332 of the 500 holding cells and some jails of the country in the states of Táchira, Lara, Monagas and Zulia. Additionally, based on information received by the IACHR, an estimated 8,446 people held at pretrial detention facilities, including 75 women, were released, in other words, 21.80% of the total number officially registered. Civil society organizations highlighted that this measure did not help in any considerable way to decrease overcrowding at CDPs and that the best measure to combat this problem is by complying with the rules of criminal procedure.<sup>365</sup>

---

<sup>361</sup> Testimony provided by the mother of a person deprived of liberty who was moved to a new prison, which was unknown to her; taken virtually by the IACHR on July 29, 2021.

<sup>362</sup> Una Ventana a la libertad, Report on the Situation of the Human Rights of Persons Deprived of Liberty in the Pretrial Detention Facilities of Venezuela – First Half 2021(August 2021), 2021, pg. 10.

<sup>363</sup> IACHR, *Observaciones a Opinión Consultiva a la Corte Interamericana de Derechos Humanos* [Observations on the Advisory Opinion of the Inter-American Court of Human Rights]- Enfoques diferenciados en materia de personas privadas de la libertad [Differentiated Approaches to persons deprived of liberty], November 14, 2020, par. 85.

<sup>364</sup> Una Ventana a la Libertad, 60 días de la Comisión para la Reforma del Poder Judicial, ¿Acabar el hacinamiento? [Special Report: 60 days of the Commission for the Reform of the Judicial Branch, Ending Overcrowding? ] (September 2021), 2021, pg. 6.

<sup>365</sup> Una Ventana a la Libertad, Informe Especial: 60 días de la Comisión para la Reforma del Poder Judicial, ¿Acabar el hacinamiento? ? [Special Report: 60 days of the Commission for the Reform of the Judicial Branch, Ending Overcrowding? ] (September 2021), 2021, pg. 8.

### *In-custody deaths of persons deprived of liberty*

212. According to the Venezuela Observatory on Prisons, from 2020 to mid-2021, 588 persons deprived of liberty died in prison or pretrial detention facilities in Venezuela.<sup>366</sup> The Commission regards as particularly troubling in-custody deaths of persons considered to be political prisoners by civil society organizations.<sup>367</sup> On this score, the IACHR underscores the case of the Pemón indigenous ethnic group member Salvador Franco, who died on January 3, 2021 while he was deprived of liberty. According to the information received, there was a unexecuted judicial order of transfer to hospital in effect for Salvador Franco on account of his evident and delicate health status.<sup>368</sup> Likewise, the Inter-American Commission, cites the cases of Gabriel Medina Diaz, who died on August 29, and of the former military officer and Minister of Defense Raúl Baduel, who died on October 12, while in custody at the Helicoide prison facility of the SEBIN, allegedly for complications associated with COVID-19.<sup>369</sup>

213. The Commission observes that family members of Raul Baduel, who visited him a few days prior to his death, claim that he did not present any symptom and so this undermines the credibility of the hypothesis of the cause of death. In this regard, the IACHR urges authorities to open without delay a serious, impartial and effective investigation to determine the truth and, eventually, punish those who were responsible to any extent for the deaths of Raúl Baduel and Salvador Franco.

### **E. Children and Adolescents**

214. On the subject of children and adolescents, in 2021, the IACHR took note of the joint efforts made by the Ministry of Water with the *United Nations International Children's Emergency Fund* (hereinafter "UNICEF") to move ahead with several projects to help improve access to safe water for more than 1.7 million people in the states of Bolívar, Delta Amacuro, Zulia and Táchira.<sup>370</sup> Likewise, as was reported by the UNHCHR, the government of Venezuela and the World Food Program reached an agreement in April 2021 to provide food assistance to 185,000 children and adolescents in schools in 2021 with plans to expand to 1.5 million by 2023.<sup>371</sup>

215. Additionally, the Commission is concerned about the 3.2 million children and adolescents in need of humanitarian assistance.<sup>372</sup> It also notes the need for humanitarian assistance programs for children to receive care for physical and psychological damages caused by different types of abuse, as well as to have a mechanism in place to report situations of mistreatment.

216. As for the right to health, the IACHR became aware of 5,559 children and adolescents (2,835 boys and 2,724 girls), who suffered acute diseases in 2021, including 1,422 with grave acute malnutrition (766 boys and 656 girls), according to data provided by UNICEF.<sup>373</sup> In this regard, the Inter-American Commission is especially concerned about the deaths of 11 children and adolescents from January to August 2021, who

---

<sup>366</sup> Presidential Commissioner for Human Rights and Victim Assistance, Communication submitted to the IACHR, October 13, 2021.

<sup>367</sup> According to the organization Foro Penal, on November 8, 2021 there were 252 political prisoners in Venezuela.

<sup>368</sup> Infobae, The indigenous political prisoner Salvador Franco died from a lack of medical care at a jail of the Maduro regime, January 3, 2021.

<sup>369</sup> Presidential Commissioner for Human Rights and Victim Assistance, Communication submitted to the IACHR, October 13, 2021.

<sup>370</sup> Unicef, <https://www.unicef.org/venezuela/informes/enero-junio-2021-respuesta-de-unicef-venezuela>, June 2021

<sup>371</sup> Office of the United Nations High Commissioner for Human Rights, [https://reliefweb.int/sites/reliefweb.int/files/resources/A\\_HRC\\_48\\_19.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/A_HRC_48_19.pdf), September 13-October 01, 2021

<sup>372</sup> Unicef, <https://www.unicef.org/venezuela/informes/enero-junio-2021-respuesta-de-unicef-venezuela>, June 2021

<sup>373</sup> Unicef, <https://www.unicef.org/venezuela/informes/enero-junio-2021-respuesta-de-unicef-venezuela>, June 2021



were awaiting transplants and nephrology services at the J.M. de los Rios Hospital,<sup>374</sup> a medical facility with child patients in several areas of service covered by precautionary measures.<sup>375</sup>

217. With respect to the right to education, the Inter-American Commission expresses its concern over the 1.3 million children and adolescents with limited access because of the pandemic.<sup>376</sup> According to the UNHCHR, preexisting challenges in the area of education have become more acute since the pandemic. Additionally, according to reports from civil society, 50% of primary education students have dropped out of school in 2021.<sup>377</sup>

218. In 2021, the UNHCHR also reported inadequate infrastructure at primary, secondary and higher education facilities due to a failure to maintain, as well as limited access to basic services such as water and electricity. It has also been reported that, in January 2021, more than 50% of teachers were absent or had quit their positions.<sup>378</sup> Additionally, the Inter-American Commission received information that in the state of Nueva Esparta, approximately 313 public education facilities (90%) had been looted by criminals, making it difficult for the 120 thousand students on Margarita and Coche Islands to return to classes.<sup>379</sup>

## F. Persons with Disability

219. The IACHR is concerned over the lack of official information about the human rights situation of persons with disabilities, particularly access to economic, social, cultural and environmental rights.

220. In relation to access to health of persons with disability, civil society organizations reported that significant barriers persist in the guarantee of these rights. In this regard, a survey conducted by the organization CONSORVEN, in which 103 persons with disability in 8 states of the country participated, revealed that 89% have no access to medicines because they cannot afford them; 84% require medical care associated with their disability; 68% state that the quality of their disability care has deteriorated since social distancing measures have been put in place;<sup>380</sup> and 51% state that healthcare facilities are not accessible.<sup>381</sup>

221. Specifically, with respect to vaccinations of persons with disability, an interview conducted by the organization CONSORVEN of 336 people in 8 states of the country, including the Capital District, revealed that: 9 out of every 10 persons with disability have not been vaccinated. Additionally, vaccination facilities did not have sign language interpreters available and information about the vaccination campaign was not available in simple, clear and descriptive language.<sup>382</sup>

222. With respect to access to the right to education of persons with disability, organized civil society reported that barriers also persist. The Commission learned of a study conducted by the organization

---

<sup>374</sup> Crónica Uno, With Winder Rangel, it now makes 11 deaths of children under the Nephrology service of the J.M. de los Rios hospital, so far this year, August 10, 2021.

<sup>375</sup> IACHR, Press Release 209/19, IACHR Expands Precautionary Measures to Protect Child and Adolescent Patients in 13 Wards at Jose Manuel de los Rios Hospital in Venezuela. August 21, 2019.

<sup>376</sup> Unicef, <https://www.unicef.org/venezuela/informes/enero-junio-2021-respuesta-de-unicef-venezuela>, June 2021

<sup>377</sup> UNHCHR, [https://reliefweb.int/sites/reliefweb.int/files/resources/A\\_HRC\\_48\\_19.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/A_HRC_48_19.pdf), 13 septiembre-01 October 2021

<sup>378</sup> UNHCHR, [https://reliefweb.int/sites/reliefweb.int/files/resources/A\\_HRC\\_48\\_19.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/A_HRC_48_19.pdf), 13 septiembre-01 October 2021

<sup>379</sup> Venezuelan Observatory on Violence, <https://observatoriodeviolencia.org.ve/news/escuelas-y-liceos-de-margarita-iniciarian-el-ano-escolar-desmantelados-por-el-hampa/>, October 22, 2021

<sup>380</sup> CONSORVEN, Summary about the lack of access to health, education and COVID-19 vaccinations for persons with disabilities in Venezuela - 2021, November 12, 2021.

<sup>381</sup> La Patilla.com. The health of persons with disabilities declining rapidly during pandemic, dated March 22, 2021, taken from: <https://www.lapatilla.com/2021/03/22/la-salud-de-las-personas-con-discapacidad-disminuye-con-rapidez-durante-la-pandemia/>

<sup>382</sup> CONSORVEN, Summary about the lack of access to health, education and COVID-19 vaccinations for persons with disabilities in Venezuela - 2021, November 12, 2021.

CONSEORVEN, which analyzed a sampling of 78 children and adolescents with disability (33 girls and 45 boys) in 5 states of the country, revealing that 37% of the respondents have transportation difficulties and 33% have difficulties of an economic nature in accessing education.<sup>383</sup>

## G. Older persons

223. The Commission has received information suggesting that thousands of pensioners in Venezuela are forced to choose between food or medicines, because their monthly check amounts are below 10 US dollars. The loss of purchasing power due to hyperinflation has led to an economic and moral blow against older persons, who must choose between necessities.<sup>384</sup>

224. According to the *Help Age International* index, Venezuela is one of the worse countries for older adults, given that their basic needs are rendered invisible. Thus, one out of every 10 older adults goes to bed hungry and many of these people are only able to support themselves because of charity and the kindness of civil society organizations and religious groups. Additionally, senior citizen homes operate as a business which in tough times has less budget available to guarantee the dignity of its patients.<sup>385</sup>

225. In 2021, the organization Convite released its annual report stating that 86.9% of older adults live in a situation of poverty. Additionally, a number of surveys conducted by this organization revealed that 42% of the respondents claimed that lately they have had to reduce portions of food, as well as having difficulties accessing medicines.<sup>386</sup> Additionally, 83% of the older adults responding to the survey claimed that they depend on others to cover their basic needs, 21% are totally dependent on others in their daily activities, 93% depend on an old age pension that is the equivalent of less than 2 dollars per month, while 62% has an income under five US dollars per month.<sup>387</sup>

226. Convite's report "Assessment of living conditions and health of older persons in Venezuela" is based on a number of surveys that shed light on the situation of this community. The report found that 89% lives in homes with structural-type hazards. Additionally, 96% of the 1,202 respondents stated that they were experiencing power outages that usually last from one to six hours per day. 85% of the older persons surveyed claim that water service is spotty and often cut, which forces them to purchase jugs of drinking water and/or hire tank trucks. With respect to gas for stoves and heaters, most older persons have this service in their houses; however, 43% claimed that it cuts on and off for periods of time. As far as solid waste collection services, only 64% of older adults have access to urban sanitation service, that is, garbage trucks, while the rest have to dispose of their waste on their own. Regarding telephone land lines, 68% of the population responding to the survey stated that they had no land line telephone service, while 65% said they had cellphone service. Lastly, regarding internet service, 67% do not have access to it, not only because of a lack of subscription to the service, but also because providers fail to fix problems.<sup>388</sup>

227. Based on the above-cited report, 72% of older persons no longer work, although those who do, mostly engage in informal activities or construction site work. 37% are pensioners, 32% of the persons are registered in the social mission "Amor Mayor" ["Older Love"] and only 9% receive a retirement stipend.

---

<sup>383</sup> CONSORVEN, Summary about the lack of access to health, education and COVID-19 vaccinations for persons with disabilities in Venezuela - 2021, November 12, 2021.

<sup>384</sup> El Universo, Older adults, focus of humanitarian care in Venezuela, October 29, 2021.

<sup>385</sup> Aleteia, Venezuela: Prohibido envejecer ['No growing old'], August 25, 2021.

<sup>386</sup> Aleteia, <https://es.aleteia.org/2021/08/25/venezuela-prohibido-envejecer/>, August 25, 2021.

<sup>387</sup> Crónica uno, <https://cronica.uno/83-de-los-adultos-mayores-consultados-por-convite-dependen-de-otros-para-cubrir-sus-necesidades-basicas/>, July 28, 2021

<sup>388</sup> Convite, [https://conviteac.org.ve/wp-content/uploads/2021/06/CONDICIONES\\_DE\\_VIDA\\_Y\\_SALUD\\_DE\\_LAS\\_PERSONAS\\_MAYORES\\_EN\\_VENEZUELA\\_-1.pdf](https://conviteac.org.ve/wp-content/uploads/2021/06/CONDICIONES_DE_VIDA_Y_SALUD_DE_LAS_PERSONAS_MAYORES_EN_VENEZUELA_-1.pdf), March 14 - April 13, 2021.

Moreover, approximately 80% of the survey respondents state that they collect income ranging from less than one and to up to ten US dollars per month, but they may end up spending more than 100 US dollars to cover their monthly expenses. Thus, 75% stated that they have to resort to their family members to cover the gap between what they take in and what they spend each month.<sup>389</sup>

228. Also, regarding this same report, only 8% of those surveyed stated they have 3 meals per day, because most of them have had to reduce their daily meals because of low purchasing power. 48% claim that they obtain their food through the food box or bag allocated by the Local Supply and Production Committees, a benefit that is supposed to reach the beneficiaries once a month, but 36% state that they receive it every three months, while the food provided in it is used up in 15 days. According to the survey, 42% of older persons say they have reduced their portions of food on some occasion in order to make food last because of high costs. Additionally, 50% claim to consume animal protein from two to three times per week, and 20% only eat meat once every two weeks.<sup>390</sup>

229. The report also notes that only 78% of the sampling claims to have access to public and private healthcare services, although 92% of older persons have no health insurance. Even though 38% has stated that their health has deteriorated thus far this year, 59% has not been able to go to a healthcare facility for reasons of restricted mobility and financial constraints. Additionally, though most respondents claimed to be receiving some treatment to control ailments, only 5% can afford the necessary medicines, while the rest must make economic trade-offs. Among this population, the most common cause of morbidity is high blood pressure, and 93% of those who responded also claim that they have a condition of disability and do not have the card granted by CONAPDIS to receive benefits.<sup>391</sup> Of the total 1,202 survey respondents, 120 older adults are living alone because their children or other close family members have all emigrated. Of this number, 87% still receive help from their family to subsist, as well as from close loved ones in the event of an emergency.<sup>392</sup>

230. In relation to violence against older persons, according to the organization Convite, in Venezuela in the first half of 2021, 102 violent deaths were reported of older persons, while in the second half, more than 100 were reported. Of these deaths, 44% were from mechanical asphyxiation, cutting weapons, firearms and beatings in the context of alleged robberies. That NGO also documented 14 deaths from carelessness, negligence or lack of expertise.<sup>393</sup>

231. On September 13, 2021, the National Assembly approved in a second round of debate, the Organic Law for the Comprehensive Care and Development of Older Adults, the purpose of which is to ensure respect for the human dignity of older adults and full enjoyment of their rights and protections, compliance with their duties and responsibilities, recognition of their autonomy and free development of the personality, through the comprehensive care that the State, families and society should provide in order ensure that they live properly, they have wellbeing, quality of life, security, and age actively, decently and happily.<sup>394</sup>

232. Specifically, the IACHR welcomes that the law recognizes the autonomy of older persons, as well as their right to healthy and active aging, and urges it to be promptly and effectively implemented. In this vein, it recalls that, when it comes to older persons, there is a heightened obligation to respect and guarantee their right to health. This translates into the obligation to provide them efficiently and continually with the

---

<sup>389</sup> Convite, ENCOVI 2021, April 13, 2021.

<sup>390</sup> Convite, ENCOVI 2021, April 13, 2021.

<sup>391</sup> Convite, ENCOVI 2021, April 13, 2021.

<sup>392</sup> Convite, ENCOVI 2021, April 13, 2021.

<sup>393</sup> Infobae, In Venezuela, more than 100 deaths of older adults in six months have been reported, October 2, 2021.

<sup>394</sup> National Assembly, <http://www.asambleanacional.gob.ve/leyes/sancionadas/ley-organica-para-la-atencion-y-desarrollo-integral-de-las-personas-adultas-mayores>, September 13, 2021.

healthcare benefits that are necessary, including in the event of chronic disease and terminal phases of illness.<sup>395</sup>

## H. Indigenous Peoples

233. The Inter-American Commission observes that indigenous peoples account for approximately 2.8% of the total population in Venezuela (which is over 32 million people). According to the 2011 census, there are 51 indigenous peoples in Venezuela.<sup>396</sup>

234. In 2021, the Inter-American commission continued to receive information about illegal mining and organized crime on indigenous territories, which has led to internal and cross-border displacement, jeopardizing the survival of these indigenous peoples.<sup>397</sup> In this regard, the regional consultations with groups who have been disproportionately impacted via the R4V platform reveals that Venezuelan indigenous migrants face the following challenges in terms of access to services: adapting basic services to specific needs; translation services in non-Spanish-speaking countries; mental health services in dealing with traumas of children and adolescents; escape routes to assist survivors of gender-based violence, particularly, domestic and sexual violence; access to equal opportunity education options; training to join the labor market; adequate housing and territory for communities that wish to remain in rural settings; training of public officials on self-determination and self-government.<sup>398</sup>

235. The IACHR notes that, although cross-border indigenous peoples are considered to be binational Colombian-Venezuelan peoples, there is no agreement between the two countries for recognition of Colombian nationality for persons born in Venezuela. This has a particularly harmful effect on peoples such as the Wayuu or the Motilón Barí. Additionally, the Inter-American Commission stresses that deterioration of living conditions and consequent displacement of indigenous peoples to cities has exposed them to food insecurity and forced them to take to begging.<sup>399</sup>

## I. Lesbian, Gay, Bisexual, Trans and Intersex (LGBTI) Persons

236. The IACHR received information about acts of violence against LGBTI persons, including murders that evince particularly high degrees of viciousness and cruelty. In this regard, the Commission condemns the murders of two gay men and a trans woman that took place from June 13 to 14 in Caracas. Additionally, it had information about the murder of trans women in San Carlos, state of Cojedes,<sup>400</sup> Mérida and Miranda.<sup>401</sup> According to information provided by civil society, as of November 2021, there were 16 cases of killings of LGBTI persons reported.<sup>402</sup>

---

<sup>395</sup> IA Court of HR. Case of Poblete Vilches et al v. Chile. Merits, Reparations and Costs. Judgment of March 8, 2018. Series C No. 349, par. 132.

<sup>396</sup> The International Working Group for Indigenous Affairs (IWGIA), *The Indigenous World 2021: Venezuela*, March 18, 2021.

<sup>397</sup> The International Working Group for Indigenous Affairs (IWGIA), *The Indigenous World 2021: Venezuela*, March 18, 2021.

<sup>398</sup> Interagency coordination platform for Refugees and Migrants (R4V), *Regional consultations to groups with disproportionate impacts*, 2021..

<sup>399</sup> Interagency coordination platform for Refugees and Migrants (R4V), *Impacts of COVID-19 on Refugees and Migrants of Venezuela*, October 27, 2021.

<sup>400</sup> El Nacional, [Asesinaron a una mujer trans en Cojedes](#), [A trans woman murdered in Cojedes'], August 12, 2021.

<sup>401</sup> El Diario, [En Venezuela 10 personas LGBTIQ+ han sido asesinadas en lo que va de 2021](#), [In Venezuela 10 LGBTIQ+ persons murdered thus far in 2021] August 12, 2021.

<sup>402</sup> *Calendoscopio Humano*, *Activistas exigieron a Tarek W. Saab que deje de ignorar crímenes de odio contra LGBTI+*, 11 de octubre de 2021.

237. The Commission notes that the data on violence are collected mostly by civil society organizations rather than by the State. On this score, the IACHR continues to receive reports of the lack of State initiatives to gather and analyze data on violence against LGBTI persons. Accordingly, the Commission reiterates that States must systematically gather and analyze statistical data on the prevalence and nature of violence and discrimination based on prejudice against LGBTI persons, or persons perceived as such.

238. Additionally, the Commission notes that the overhaul of the Organic Code of Military Justice, which was enacted in September 2021, kept Article 565 in place, which establishes a punishment of 1 to 3 years in prison for military members who “commit sexual acts against nature,” criminalizing consensual sexual relations between persons of the same gender within the military service.<sup>403</sup> On this score, the IACHR reminds the State of Venezuela of the duty to repeal this provision because it is at odds with the right to equality and non-discrimination. Additionally, it recalls that the existence of laws that criminalize consensual relations can contribute to a social setting in which it is understood that discrimination and violence against LGBTI persons is tacitly permitted and tolerated.

239. The Commission also takes note of the public testimonies of trans, non-binary and gender diverse persons, who have decried acts of discrimination in the face of a lack of identity documents and records that adequately reflect their gender identity and expression.<sup>404</sup> Based on the foregoing, the IACHR reiterates to the State its call to guarantee the gender identity of trans, non-binary and gender diverse persons through the rectification of image, name and sex/gender markers on records and identity documents through simple and expeditious domestic remedies, preferably of an administrative nature, that are made available to persons who are located in Venezuela and overseas.

## V. RECOMMENDATIONS

### Position of the State toward the Inter-American System

1. Fully comply with the decisions and recommendations of the Inter-American human rights system.

### Democratic Institutions

2. Promote mechanisms of dialogue between the different political actors and civil society with a view toward urgent rebuilding of the democratic institutional framework of the country.
3. Restore the constitutional order by guaranteeing (i) the independence of the branches of government and the balance of powers, (ii) the participation of the whole population in the political process without discrimination, and (iii) citizen control over the conduct of the different branches of government.
4. Adopt decisive measures to guarantee the separation of powers and the proper exercise of the constitutional functions of the National Assembly and the Supreme Court of Justice
5. Ensure that the provisions related to states of emergency are used in situations of extreme gravity and real emergency, and adhere strictly and reasonably to the needs of the situation in question, without going beyond what is strictly necessary, or extending excessively over time, without any disproportionality, deviation, or abuse of power.

---

<sup>403</sup> Official Gazette of the Bolivarian Republic of Venezuela, Código Orgánico de Justicia Militar, [Organic Code of Military Justice], September 17, 2021.

<sup>404</sup> Voice of America, Ser ‘trans’ en una Venezuela conservadora y sin ley de identidad de género, [‘To be “trans” in a conservative Venezuela without a gender identity law’], March 16, 2021.

**Administration of Justice and Judicial Independence**

6. Adopt urgent measures to (i) significantly reduce the number of acting judges and increase the number of permanent judges; (ii) ensure that even acting judges can only be removed through a disciplinary proceeding that respects due process guarantees, especially the duty to provide proper grounds; and (iii) guarantee the stability of the position.
7. Ensure that the procedures for selecting and appointing the magistrates of the Supreme Court of Justice include the prior dissemination of the announcement of the process, terms, and procedures; guarantees of equal and inclusive access for the candidate; the participation of civil society; and selection based on merit and professional capacity.
8. Take the measures necessary, including legislative measures, to ensure civilians are not investigated, prosecuted and/or brought to trial under the military criminal jurisdiction, and, where necessary, retry them in civilian courts..

**Political Rights and Right to Participate in Public Life**

9. Refrain from making illegal or arbitrary detentions, and when a person is deprived of liberty, ensure that the measure complies with all due process guarantees, including swift presentation before a judicial authority in order to prevent forced disappearances, torture, and other cruel and inhuman treatment.
10. Remove legal obstacles to the legitimate exercise of the right to protest, specifically by eliminating the requirement of prior authorization to hold demonstrations.
11. Take a variety of measures, including legal measures, to ensure that firearms are not used to control social protests, as well as establish guidelines to ensure the use of less-lethal weapons.
12. Grant journalists the highest level of protection to ensure that they are not detained, threatened, or attacked for practicing their profession, especially during a public demonstration. Their work materials and tools must not be destroyed or confiscated. The State must guarantee national and foreign media the ability to broadcast live during demonstrations and public events and not adopt measures to regulate or limit the free circulation of information.
13. Facilitate public demonstrations and cooperate with the organizers of demonstrations to help them to perform their function, without discrimination based on political opinion.
14. Change ambiguous or imprecise criminal laws that disproportionately limit freedom of expression, such as laws intended to protect the honor of ideas or institutions or that seek to protect national security or public peace, in order to protect national security or public peace, to ensure that criminal proceedings are not used to inhibit free democratic debate on matters of public interest and the full exercise of political rights.
15. Ensure that crimes against freedom of expression are subject to independent, quick and effective investigations and judicial proceedings. In addition to criminal investigations, disciplinary proceedings should be launched when there is evidence that public officials have violated freedom of expression in the course of their professional conduct.
16. Adopt legislation on access to public information in keeping with Inter-American standards in order to provide all people with tools to effectively monitor State operations, public administration, and control corruption, all of which is essential to democracy.

17. Refrain from limiting the functioning of webpages, blogs, apps or other systems for disseminating information over the internet, electronically, or otherwise, including support systems such as ISPs or search engines. These limitations are permissible only when they are compatible with the conditions governing the limitation of freedom of expression.

### **Violence and Citizen Security**

18. Produce disaggregated official information that is accessible to the public about the causes, victims, and perpetrators of deaths that take place during citizen security operations.
19. Ensure that force is used in strict compliance with the principles of exceptionality, legality, necessity, proportionality, non-discrimination, and accountability; and launch, *ex officio*, and without delay, a serious, impartial, and effective investigation that is open to public scrutiny into facts related to the potentially excessive use of force.
20. Immediately and decisively adopt measures to exclude the military, armed forces, and armed civilian groups from performing citizen security functions. In exceptional cases, when members of the military participate in public order operations, which are the responsibility of the police, they must be placed under civilian authority.
21. Instruct State security agents to eschew stereotype-based reasoning in the use of force, especially toward young men in situations of poverty.

### **Poverty and ESCE Rights**

22. Monitor the availability of and access to medicine and healthcare services and take new measures to ensure the availability and quality of healthcare services, ensuring that facilities have sufficient medications and medical equipment.
23. Adopt measures to guarantee the availability and quality of water by ensuring that drinking water supply systems are not damaged or affected in ways that could impact the water supply.

Refrain from any action or conduct that could limit the autonomy of universities, investigating, as well as reviewing and amending all legislation or practices that undermine it.

24. Conduct an environmental and social impact assessment for the entire Orinoco River Mining Crescent and set up a program for regular soil and water quality monitoring.

### **Persons Deprived of Liberty**

25. Promote the use of alternative measures to deprivation of liberty and to the use of pretrial detention that is in keeping with its exceptional nature and limited by the principles of legality, presumption of innocence, necessity, and proportionality.
26. Take urgent and necessary measures to stop using police jails as permanent prisons.
27. Adopt the penitentiary policies necessary to: i) allow sufficient access to drinking water and food in adequate quantity, quality and conditions of cleanliness; ii) guarantee adequate medical care; and iii) provide appropriate conditions of health and hygiene, access to light and ventilation.
28. Incorporate a gender approach that allows for deprivation of liberty that takes into account the specific needs of women on issues of health, gender identity and social reintegration.

29. Implement measures that take into account the situation of special risk of gender-based violence, and in this context, establish mechanisms to prevent, investigate, prosecute and punish incidents that could constitute acts of sexual harassment, abuse, or assault within penitentiary facilities.

### **Women**

30. Regularly produce complete statistics on violence and discrimination against women, disaggregated by gender, age, ethnicity, socioeconomic status, disability, sexual orientation, and gender identity, as well as the location of the incidents, with the aim of mapping the specific ways in which violence and discrimination affect women.
31. Publish and disseminate on its own initiative statistical information produced on gender-based violence.
32. Adopt all measures necessary to comply with the State's obligation of due diligence in the prevention, protection, investigation, sanction and reparation of all forms of violence against women. This includes guaranteeing justice without barriers or discrimination for women who are victims of violence.
33. Step up efforts to ensure pregnant women receive vaccinations, medications and essentials; and to ensure they have effective access without discrimination to prenatal checkups and checkups for newborns and to decisively reduce maternal mortality.
34. Produce statistical information on the subject of maternal and infant mortality and publish it periodically and on its own initiative.
35. Adopt the measures necessary to ensure that all women living with HIV or AIDS have access to adequate treatment and the pertinent medical care with a view toward preventing significant damage to their health and preserving their physical integrity.
36. Take all urgent measures to make available a varied, accessible, and acceptable array of both female and male contraceptive and family-planning methods throughout the country.
37. Revise domestic legislation on the voluntary termination of pregnancy, to ensure the effective exercise of sexual and reproductive rights of girls, women and gestating persons of all ages.

### **Children and Adolescents**

38. Guarantee the right of children and adolescents to peaceful protest and participation in matters affecting them, providing them with safe environments for the exercise of these rights.
39. Adopt the measures necessary to ensure that children have access to quality healthcare services, including the provision of medications, especially considering the situation of children suffering from chronic illnesses.
40. Ensure sufficient and adequate water supply to allow access to safe water for all families of the country and to prevent consequences in the exercise of other rights such as health and education.
41. Implement nutrition programs that prioritize providing adequate and sufficient food for children and adolescents, especially taking into consideration their state of growth and development.



**Migrants, Asylum Seekers, Refugees, Beneficiaries of Complementary Protection, Internally Displaced People, and Victims of Human Trafficking**

42. Guarantee access to and provision of unobstructed humanitarian aid for the Venezuelan population that may need it, all of which should be provided in keeping with principles of humanity and impartiality and without any discrimination.
43. Revoke all measures that hinder the right of all individuals from leaving Venezuelan territory and who wish to seek and receive asylum, complementary protection, or other forms of protection.
44. Ensure the rights to juridical personality and identity documents in a timely fashion, including passports, identification documents, civil registry certificates, and criminal background records.
45. Take the necessary measures, including legislative, public policy and State programs, to address the underlying causes of violence against trans and gender diverse persons. These measures should ensure that trans persons, among others, have access without discrimination, to formal employment, education, healthcare and housing.

**Human Rights Defenders**

46. Refrain from criminalizing human rights defenders who work for the sexual and reproductive rights of girls, women and gestating persons of all ages.
47. Refrain from requiring human rights organizations to register with anti-terrorism agencies, in particular requiring the organizations to report the beneficiaries of their advocacy, inasmuch as some of these individuals may be victims of human rights violations.

**Persons with Disability**

48. Issue a regulation to the Law of Persons with Disability involving civil society, especially persons with disability and organizations that advocate for their rights.
49. Take measures to ensure access to comprehensive healthcare for persons with disability.

**Lesbians, Gays, Transexual, Bisexual and Intersex (LGTBI) Persons**

50. Take measures to prevent violence against LGBTI persons including effective and independent procedures to report violations of their rights.
51. Offer training courses to raise awareness among State officials, especially justice and security officers and health administrators and healthcare and education workers.
52. Take measures to repeal provisions of the law that criminalize consensual sexual relations between persons of the same sex, as is the case of Article 565 of the Organic Code of Military Justice.
53. Enact gender identity laws that recognize the right of trans and gender diverse persons to rectify their names and the stated sex or gender on their birth certificates, identity documents and other legal documents.
54. Extend legal recognition to same sex unions or marriages, granting the same rights as those granted to opposite sex couples, including property rights, and all other rights arising from that relationship, without any distinction of sexual orientation or gender identity.

### **Afro-descendants**

55. Adopt an ethno-racial approach in anti-poverty social policies in order to address the specific situation of people of African descent, particularly women and children.
56. Adopt affirmative action measures to prioritize the inclusion of the Afro-descendant population at all levels of the labor market and educational settings, both public and private.
57. Change school curricula in order to take account of the contribution of the Afro-descendant population and promote more inclusive education aimed at eradicating racial prejudice, raising the profile of the cultures of the nation and promoting real equality between people.

### **Older Persons**

58. Take urgent measures to provide the protection required by older persons, prioritizing their access to food, comprehensive healthcare and old-age pensions..
59. Carry out, urgently and on a preferential basis, payment of pensions and retirement owed to older Venezuelan persons who are overseas. For this purpose, enable measure of ready access to payment for these people, taking into account their specific needs.