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Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Human rights situations that require the Council's attention

Situation of human rights in the Bolivarian Republic of Venezuela

Report of the United Nations High Commissioner for Human Rights*

Summary

Pursuant to Human Rights Council resolution 45/20, in the present report, the United Nations High Commissioner for Human Rights focuses on the latest developments related to economic, social, cultural and environmental rights, rule of law and civic space, and the level of implementation of the corresponding recommendations previously issued by her Office to the Bolivarian Republic of Venezuela.

* The present report was submitted after the deadline in order to reflect the most recent developments.

I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 45/20, in which the Council requested the United Nations High Commissioner for Human Rights to prepare a comprehensive written report on the situation of human rights in Venezuela (Bolivarian Republic of) containing a detailed assessment of the implementation of the recommendations made in her previous reports and to present it to the Council at its fiftieth session.
2. The present report covers the period from 1 May 2021 to 30 April 2022 and focuses on the latest developments related to economic, social, cultural and environmental¹ rights, rule of law and civic space, and the level of implementation of the corresponding recommendations previously issued by the Office of the High Commissioner for Human Rights (OHCHR). The report is based on information gathered and analysed by OHCHR, including on the basis of interviews with victims and witnesses as well as meetings with government officials and civil society organizations. It also takes into account official information and data provided by the Government.
3. The findings in the present report have been documented and corroborated in strict compliance with OHCHR methodology.² OHCHR exercised due diligence to assess the credibility and reliability of sources and cross-checked the information gathered to verify its validity. It sought informed consent from the sources whom it interviewed and took appropriate measures to protect their identities and to ensure confidentiality, as appropriate. OHCHR assessed the information collected in the light of international human rights standards and domestic legislation.

II. Economic, social, cultural, and environmental rights

4. The COVID-19 vaccination campaign continued to be implemented, yet there is no access to publicly available and disaggregated information on the implementation of the National Vaccination Plan, particularly related to people in situation of vulnerability, such as indigenous peoples, or to the use of public funds or post-vaccination monitoring. Venezuela reported to the Pan-American Health Organization one of the lowest COVID19 fatality ratio in the region.³ Particularly, fuel and refrigeration systems shortages have reportedly affected distribution of vaccines throughout the country, mainly in rural and remote areas, including where indigenous communities live.
5. The COVID-19 pandemic aggravated an already fragile health system. The lack of medicines, supplies and sufficient qualified personnel in the health system continued to be reported, particularly affecting women and children's access to adequate health care, including specialized treatment for children with chronic diseases and vaccination for preventable diseases, and sexual and reproductive health for women and girls. Health centres have been reportedly affected by regular blackouts, impacting service delivery to patients.⁴
6. The inflation slowdown that began in September 2021 continued; in March 2022 the consumer's price index registered the lowest variation rate since 2014.⁵ On 15 March, a Presidential decree increased the monthly minimum wage and pension by 1700%, from the equivalent of approximately 1,60 USD to about 29 USD. The increased levels reportedly cover 8 percent of the cost of the food basket.⁶
7. According to the United Nations Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, the set of sectoral sanctions

¹ A/HRC/RES/48/13.

² Some allegations received remain in the process of corroboration.

³ <https://paho-covid19-response-who.hub.arcgis.com/>.

⁴ OCHA, Informe de Situación, January-February 2022, <https://reports.unocha.org/es/country/venezuela-bolivarian-republic-of/>.

⁵ Central Bank of Venezuela, <http://www.bcv.org.ve/estadisticas/consumidor>.

⁶ <https://observatoriodefinanzas.com/la-canasta-alimentaria-alcanzo-a-us-353-en-febrero-y-el-salario-minimo-penas-compra-8-de-su-valor/>.

on economic assets and sectors, coupled with the growing over-compliance by banks and third-country companies, have exacerbated the pre-existing economic and humanitarian situations.⁷ This would have especially affected certain parts of the population, such as those living in extreme poverty and indigenous peoples.

8. OHCHR remains concerned over the human rights situation in the Arco Minero del Orinoco region and other mining areas in Bolívar and Amazonas states, including inside the Canaima, Caura and Yapakana national parks and indigenous territories. Reports of clashes between non-state armed groups and criminal bands for the control of mining sites were registered, as well as the humanitarian impact of mining on the local population. OHCHR received reports on the situation of the Samena indigenous people, which were partly internally displaced due to violence over control of mines in its territory in February 2022. Furthermore, the use of mercury and cyanide persisted in the gold mines, polluting rivers, the main water source for the region's population. The Office also recorded allegations of systemic use of child labour, sexual exploitation, and human trafficking in gold mines. The competent authorities must exercise due diligence and take immediate action to prevent and mitigate the risk of foreseeable human rights violations and abuses in the Arco Minero del Orinoco by non-state actors, to investigate punish perpetrators in fair legal proceedings and redress victims' harm. The authorities must also conclude without delay the demarcation and legalization of indigenous territories, in accordance with international standards, in particular by ensuring at all stages the inclusive and meaningful consultation with indigenous peoples and their free, prior and informed consent.⁸

9. On 20 March, in an incident between members of the Bolivarian National Armed Forces (FANB) and Yanomami indigenous persons in the Yanomami settlement and border security base "Parima B", state of Amazonas, in which the FANB resorted to use the force, four Yanomami died. At least two soldiers and a Yanomami child were seriously injured. The Attorney General opened an investigation into the events. OHCHR calls for independent, impartial, prompt, thorough, effective, credible and transparent investigation, culturally appropriate and that guarantees the best interest of the child and victim participation. OHCHR also recommends authorities to address the underlying causes of this incident.

III. Accountability and the rule of law

A. Police and Justice Reforms

10. Over the reporting period, Venezuela has taken some steps towards strengthening the rule of law, including as it pertains to the police and justice. Further steps must be taken to effectively implement previous OHCHR recommendations and lead to meaningful change.

11. The restructuring of the Bolivarian National Police (BNP), initiated in April 2021, continued throughout the reporting period. OHCHR provided technical assistance to the process. The Special Action Forces of the Bolivarian National Police (FAES), which was involved in deaths in the context of security operations, have officially been dissolved. 13 cases documented by OHCHR are under investigation, four in trial and three former members of FAES were convicted. Its dissolution is a step towards a comprehensive and meaningful review of security policies to implement international norms and standards on the use of force by law enforcement official and human rights, as previously recommended. The prompt adoption of protocols on this matter, elaborated with OHCHR technical advice, together with a robust preventive approach to security policies, would complement such efforts. Additional plans have also reportedly been made to strengthen preventive approach to security, notably through a strengthened presence at community level, while reinforcing the Victims Assistance and Human Rights Office of the BNP. It received 140 complaints (67 from women) in 2021, from 100 in 2020 (59 from women). Moreover, 13 offices were created to assist victims of gender-based violence. The ongoing restructuration is an opportunity for

⁷ A/HRC/48/59/Add.2, para. 92.

⁸ ILO Convention 169 and the UN Declaration on the Rights of the Indigenous Peoples.

further effective and sustainable changes, including restoring the civilian nature of the BNP and conducting adequate vetting of security forces at all levels.

12. On 21 June 2021, a special commission was appointed by Presidential decision to restructure the judicial system and address long pre-trial detention and overcrowding in detention centres.⁹ It reports to the State Council and is led by two members of the National Assembly and a representative of the Supreme Court of Justice (TSJ). At the commission's initiative, seven bills were enacted,¹⁰ yet without prior and broad consultations with civil society. OHCHR highlights the importance of transparent and inclusive consultations with the active participation and wide representation of civil society. It is also essential to uphold transparency throughout the legislative processes.

13. Legal amendments established that civilians who commit acts sanctioned by the Organic Code of Military Justice will be prosecuted by ordinary courts¹¹ and current trials of civilians by military courts should be transferred to ordinary courts.¹² At times, the transfer of cases towards civilian jurisdiction led to additional delays in the judicial process. Authorities must adopt measures to reduce this adverse effect and ensure that individuals be tried without undue delay.

14. A new Organic Law of the Supreme Court of Justice (TSJ) was approved on 18 January 2022. It reduces the number of magistrates from 32 to 20. On 26 April 2022, the new magistrates of the Court were appointed by the National Assembly for a 12-year term, based on the selection led by the Judicial Postulation Committee. This Committee is composed by a majority of parliamentarians and an increased number of civil society representatives. Extensions of the period to apply were given to allow broader participation. Yet, the open links with political parties of several magistrates, including alternates, raise concerns of independence of the judiciary and separation of powers.

15. In 2021, at least 434 provisional judges were appointed and 244 were removed by the Judicial Commission of the TSJ. No information is available on the motives of the removals. According to previous recommendations, additional measures remain appropriate to strengthen the independence of the judiciary, like increasing the appointment of a wider proportion of tenured judges through a public, transparent process, based on national and international standards and as expected in the legislative agenda for 2022.

16. According to the Office of the Attorney General, 249 prosecutors were investigated for corruption and related charges in 2021, and 27 were convicted. No further information is available. This Office regularized 42 temporary prosecutors and in February 2022 published the applicable regulations for a public competition as prosecutor. As previously recommended, OHCHR encourages to use this reform to strengthen the independence of prosecutors, through effective and transparent selection mechanisms and providing more stability and independence, free of perceived or real outside influence. Likewise, measures must be adopted to strengthen the guarantees of independence of the forensic personnel.

B. Right to life

17. Available information continues to indicate a significant reduction in the number of deaths in security operations conducted reportedly to curb criminal activity during the reporting period. In one of those largescale operations,¹³ conducted between 7 and 17 July in the Caracas neighbourhoods of

⁹ <http://www.asambleanacional.gob.ve/noticias/instalada-comision-especial-para-la-reforma-del-sistema-judicial>.

¹⁰ Organic Bill on the Reform of the Organic Code of Criminal Procedure; the Organic Bill on the Reform of the Organic Penitentiary Code; the Bill for the protection of witnesses, victims and other procedural subjects; the Organic Bill on the Reform of the Organic Code of Military Justice; the Reform of the Law of the Investigation Police Statute, the Bill on the Reform of the Organic Law of the Supreme Court of Justice, the Organic Law on Habeas Corpus.

¹¹ Article 6 of the Organic Code of Military Justice, article 517 of the Organic Code of Criminal Procedure.

¹² Transitional provision, Organic Code of Military Justice.

¹³ Operation "Gran Cacique Indio Guaicaipuro".

La Vega, Santa Rosalía, El Paraíso, Petare, San Juan and El Valle, at least 22 individuals died and 28 injured. Four police officers were reported among the fatalities, and further ten injured.¹⁴ Official statements suggest that several of the buildings of security and intelligence forces were damaged.¹⁵ Thirty-three individuals were reportedly detained and material belonging to criminal groups was seized.

18. Yet, albeit in lower numbers, OHCHR documented six cases that involved security forces with a *modus operandi* similar as before¹⁶ in marginalized neighbourhoods, including in Caracas and El Tocuyo, Carora (state of Lara) that resulted in deprivation of life. Fear and trauma reportedly discourage individuals from denouncing the violations suffered, resulting in underreporting. In at least three cases, the deceased would have allegedly suffered torture or ill-treatment before their death. Accounts indicate that these operations would have been conducted in small groups of around six heavily armed security elements, during which residents, including relatives of the targeted individuals and minors, would have been intimidated and no search or arrest warrants would have been presented.

19. Two of the deaths documented by OHCHR are reportedly attributable to members of the Bureau for Scientific, Criminal and Forensic Investigations (CICPC) and one death would each be attributed to the National Anti-Extortion and Kidnapping Command (CONAS) of the National Bolivarian Guard (NBG) and the BNP, one jointly to the Directorate against Organized Crime and FAES, and one to the Sucre municipal police forces. Investigations were opened into these cases.

20. OHCHR documented the arbitrary detention of at least 13 persons, including two women, between 9 and 13 July 2021 in Caracas, and between August and September 2021 in the states of Apure and Táchira during security operations. OHCHR registered allegations of incommunicado detention as relatives received no information as to their whereabouts for up to one month. In at least three of these cases, the detainees were allegedly tortured or ill-treated.

21. In January 2022, confrontations broke out between alleged members of the National Liberation Army (ELN) and dissident factions of the Revolutionary Armed Forces of Colombia (FARC) at the border region of Colombia, in the state of Apure. The FANB deployed additional troops to such areas. The clashes between these armed groups reportedly caused the displacement of more than 1,000 people,¹⁷ including indigenous peoples,¹⁸ and exposed the local population to enforced disappearances, gender-based violence and forced recruitments. Lack of access to food, education and health services further deteriorated in a region where the enjoyment of economic and social rights was already challenging.

C. Detention and the right to liberty and security of person

22. During the reporting period, legislative measures were adopted in the Organic Code of Criminal Procedure aiming at reducing judicial delays.¹⁹ In particular, the time allocated to the Office of the Attorney General to conclude the investigations and request the opening of a trial was reduced from eight to six months. Should the preliminary hearing be postponed, it shall now take place within five days, down from 20. A trial can now only be suspended once for a maximum of ten days, down from 15.

23. Amendments were passed to reduce pre-trial detention, including by removing automatic imposition for serious crimes. As a general rule, a coercive measure, such as pre-trial detention, remains applicable only if it is under the minimum jail term set for a given crime, and for a maximum of two years. The amendments allow to extend for up to one additional year, provided it does not surpass the minimum jail term of each crime. The amendments also specifically state that any

¹⁴ <http://www.mppef.gob.ve/en-claves-operacion-gran-cacique-indio-guaicaipuro-derrota-paramilitarismo-que-ataco-al-pueblo-venezolano/>.

¹⁵ <http://www.mppef.gob.ve/desplegados-3-110-funcionarios-para-la-liberacion-y-proteccion-de-las-comunidades-populares-de-caracas/>.

¹⁶ A/HRC/47/55, para 6-7.

¹⁷ Protection cluster, Responses, March 2022, <https://reliefweb.int/report/venezuela-bolivarian-republic/cl-ster-de-protecci-n-venezuela-respuesta-marzo-2022>.

¹⁸ OCHA, Informe de Situación, 1 April 2022, <https://www.unocha.org/venezuela>.

¹⁹ New articles of the Organic Code of Criminal Procedure, namely 175, 230, 237, 295, 309, 318.

detention against the law will be null, and the judge shall grant unconditional release. OHCHR recommends the effective implementation of these norms and recalls that preventive detention shall remain the exception according to international human rights standards.

24. OHCHR acknowledges efforts to reduce the use of detention, including preventive detention, as compared with previous years following measures granted by tribunals and the special commission established on 21 June 2021. According to official information, about 55,000 alternative measures to detention were granted in 2021, including 162 on humanitarian grounds. The BNP and State and Municipal Police preventive centres respectively reported in 2021 a 64% and 59% decrease in people under detention.

25. OHCHR conducted 21 visits to detention centres, confidentially interviewed 259 detainees (46 women), and continued to engage with authorities on cases of concern. Of the individual cases documented by OHCHR, 68 detainees were released (14 women), including thirty-eight without conditions, while the others were released as an alternative measure to imprisonment, including one who spent over five years in pre-trial detention. However, in this specific case, according to the current applicable law, the individual should have been granted unconditional release. Conditions for release, like the periodic presentation before court, including in a municipality other than the place of residence, at times appear disproportionate and affect social reintegration and access to employment.

26. Challenges persist in ensuring all defendants' right to liberty and fair trial without undue delay. During the reporting period, OHCHR documented 35 cases of arbitrary or illegal deprivation of liberty, including against six women. At the time of writing, at least 22 individuals remained subjected to coercive measures²⁰ beyond the limits under the current applicable law. Requests for lifting coercive measures were either denied or remained unanswered by the judges. Such requests must be considered by the judicial authorities in a timely manner.

27. During the reporting period, the Working Group on Arbitrary Detention (WGAD) issued opinions finding 11 detainees under arbitrary detention,²¹ including at least eight under pre-trial detention for over three years at the time of its deliberations. One detainee was released before the opinion of the WGAD was adopted. Another one, whose detention was deemed arbitrary by the WGAD in 2017,²² was found not guilty. By then, he had spent over five years in pre-trial detention and under house arrest.

28. OHCHR continues to observe delays in the implementation of release orders, as noted in February 2022 by the Permanent Commission on Interior Policy of the National Assembly.²³ At least nine detainees, including four women, were released about three months after the issuance of the order. OHCHR documented at least seven other cases of detainees whose release order is yet to be implemented, including one dated August 2021. OHCHR calls for these cases to be urgently addressed, as detention without a legal basis is arbitrary.

29. According to international human rights law, persons under detention pending trial must be tried as expeditiously as possible, to the extent consistent with their rights of defence.²⁴ OHCHR recognizes ongoing efforts to address the backlog of judicial hearings, including through almost 16,000 virtual sessions conducted in 2021 within the "Plan for Expediting Hearings" adopted by the TSJ. Yet, undue delays at different stages of the criminal process were noted in at least 74 documented cases. OHCHR continues to observe frequent postponement of hearings leading to pre-trial detentions effectively extended beyond statutory limits. Judicial hearings were postponed in at least 14 cases, allegedly due to shortage of vehicles or fuel to ensure the timely transfer of detainees. In other cases, hearings were postponed due to the lack of adequate coordination between courts and detention centres, preventing the timely transfer of detainees to court, or the case file was not

²⁰ Measures restricting the freedom of accused individuals during the process, based on articles 229-250 of the Organic Code of Criminal Procedure.

²¹ A/HRC/WGAD/2021/74; A/HRC/WGAD/2021/55; A/HRC/WGAD/2021/28; A/HRC/WGAD/2021/49.

²² A/HRC/WGAD/2017/37.

²³ <http://www.asambleanacional.gob.ve/noticias/an-convoca-a-ministra-de-asuntos-penitenciarios-para-que-explique-su-negativa-a-excarcelaciones>.

²⁴ Human Rights Committee, General Comment 35, para. 37.

transferred to the appropriate jurisdiction in time. As to other concerns related to due process, in at least seven cases, defendants continued facing obstacles to appoint a counsel of their own choosing.

D. Detention and right to physical and mental integrity

30. According to official sources, the Office of the Attorney General received 235 complaints on alleged human rights violations of people deprived of liberty, including 20 related to individuals facing terrorism-related charges. From May 2021, through the implementation of a Presidential decision,²⁵ inmates were gradually transferred from detention centres of the Bolivarian National Intelligence Service (SEBIN) and the Directorate General of Military Counterintelligence (DGCIM) to those administered by the Ministry for Penitentiary Services, as previously recommended by the Office. OHCHR noted challenges, such as lack of prior coordination and notification of detainees' relatives and private defence to prevent incommunicado detentions and mitigate risks of ill-treatment. As of the end of 2021, this change was institutionally implemented through the official transfer of the management of the SEBIN and DGCIM detention centres in Caracas to the Ministry for Penitentiary Services, and the remaining transfers of detainees were halted. OHCHR maintains its concerns on the conditions of detentions in these centres,²⁶ pending renewed access.

31. During the reporting period, there have been significant developments in two emblematic cases. On 6 February 2022, two DGCIM agents were sentenced to 30 years of prison for aggravated homicide and torture of navy captain Rafael Acosta Arevalo in June 2019. This is a step forward in the investigation on torture charges and should lead to more sustained efforts to investigate allegations of torture or ill treatment, including at level of command responsibility.

32. On 3 December 2021, two SEBIN agents were found responsible for manslaughter, breach of custodial regulations, criminal association, and aggravated aiding and abetting of escape in relation to the death of former councillor Fernando Albán on 8 August 2018 while in custody. The agents were sentenced to five years and ten months of imprisonment. The sentence was reduced to two years and eight months in February 2022. The victim's relatives maintain that the evidence did not support the cause of death by suicide, and that the investigation overlooked possible signs of torture or ill-treatment, and superior responsibility.

33. OHCHR received allegations of torture or ill-treatment related to 14 people deprived of liberty during the reporting period. Five other persons under detention since before the reporting period, also raised similar allegations before authorities. The lack of adequate investigations into such allegations and of protection from retaliation have allegedly discouraged victims from denouncing. OHCHR recalls that confessions or statements obtained through torture or ill-treatment should be excluded from evidence in any proceedings.²⁷ Any allegation of such acts must be duly investigated and those responsible sanctioned. OHCHR continued to follow-up two past cases of enforced disappearances,²⁸ noting limited progress in the investigations.

34. During the reporting period, measures to improve detention conditions were adopted. In particular, the resumption of family visits in detention centres managed by the Ministry for Penitentiary Services by the end of 2021, which had been suspended for prevention against the COVID-19 pandemic. The Ministry for Penitentiary Services also reported to having provided COVID-19 vaccination to all detainees. Yet, OHCHR documented at least 29 cases, including four women, where requests for health examinations and medical transfers were not promptly addressed. While some transfers did take place, inmates' relatives alleged difficulties in receiving medical reports. Follow-up treatment has also been delayed in some cases. Relevant authorities must take immediate actions on all the cases. On 29 August 2021, an inmate of the Monagas State detention centre "La Pica", affected by

²⁵ Presidential Decree 4,610 of 17 May 2021, and subsequent extensions.

²⁶ A/HRC/47/55, para 18, 22, 25, 26, 28.

²⁷ ICCPR, art. 7 and CAT, art. 15, Human rights Committee, CCPR/C/GC/32, para. 41.

²⁸ A/HRC/47/55, para 15.

tuberculosis, died of respiratory failure. On 12 October 2021, General Raúl Isaias Baduel died in preventive detention at El Helicoide detention centre. An investigation into his death remains open. All deaths in detention must be subject of an independent, thorough and timely investigation.²⁹ Authorities must guarantee timely access to adequate healthcare to all detainees and consider alternatives to detention, including releases on humanitarian grounds and in accordance with international human rights law.

E. Access to justice, adequate reparation and guarantees of non-repetition

35. According to the Office of the Attorney General, from August 2017 to January 2022, 1,343 security officers were charged with crimes related to human rights violations and 237 were convicted. This represents an increase from previously reported figures,³⁰ with 627 new indictments and 84 new convictions. Those convicted were mostly agents from the BNP (80), state police (55), and the NBG (41). The Office of the Attorney General must maintain its efforts to speed up and thoroughly carry out investigations of alleged violations of human rights, in particular the right to life and right to physical integrity. In this regard, OHCHR encourages the adoption and effective implementation of the draft protocols developed with its technical assistance.³¹ OHCHR observed one judicial hearing and calls for more regular access. Steps were taken by the authorities to strengthen the Human Rights Victims Assistance Office within the Office of the Attorney General,³² which assisted 1,017 individuals since its creation. Adequate resources are necessary for this office to effectively implement its mandate.

36. On 15 December 2021, a law established the Commission for the Guarantee of Justice and Reparation for Victims of Crimes against Human Rights. OHCHR recalls the importance of allocating adequate resources to allow effective implementation, and encourages additional efforts to strengthen the domestic framework, in particular to ensure accountability of all perpetrators, including superior and command responsibility, as appropriate, and adequate reparation for victims.

37. Investigations into the killing of two media workers of La Guacamaya TV in August 2020 led to the conviction on 16 December 2021 of three former FAES members to 21 and 18 years of imprisonment. Three co-defendants were exonerated. With regard to deaths in security operations, OHCHR documented 33 of such cases since 2019, none of them has, so far, led to a conviction. A trial started in six other cases. OHCHR observed long delays due to a change of prosecutors and repeated postponements of hearings. OHCHR calls for prompt and thorough judicial investigations in line with all due process guarantees that lead to accountability. Victims' relatives reported receiving little to no information on the progress of investigations in at least eight cases, despite multiple requests. Based on international standards, it is essential to provide adequate support to victims' relatives to ensure their effective access to justice.

38. Similar patterns were observed in cases of deaths in protests occurred in 2017 and 2019, despite progress in some files. Based on official information, 21 convictions and 5 acquittals were pronounced out of 591 cases opened. Convictions were passed in seven of the cases documented by OHCHR. Victims' relatives appealed at least two of the convictions before the TSJ alleging that the sentence is inconsistent with the gravity and circumstances of the facts, as in the case of 17-year-old student Fabian Alfonso Urbina Barrios. Concerns remain as to whether investigations focused on all possible perpetrators, including those in the chain of responsibility. The investigation remains open in at least other 20 cases, of which 11 opened five years ago. In many of these cases, prosecutors were repeatedly changed. For instance, in the cases of Juan Pablo Pernalet and Diego Arellano, prosecutors were changed at least 15 times, causing additional delays, trauma and re-victimization. In cases at trial stage, several postponements of hearings are observed. In at least five cases, delays in the

²⁹ CCPR/C/GC/36, para 29.

³⁰ A/HRC/47/55, para 42.

³¹ A/HRC/48/19, para 58.

³² Created in December 2020 and reformed in September 2021 by the Law for the Protection of Victims, Witnesses and Other Procedural Subjects.

process could be attributed to challenges in the cooperation between the NBG and the prosecutor's office. OHCHR renews its call for the prompt conclusion of judicial proceedings in such cases, with all due process guarantees, to ensure access to justice and reparations for the victims and their families.

39. The specialized jurisdiction on violence against women is reportedly functioning across the country. On 16 December 2021, the National Assembly passed the reform of the Organic Law on Women's Rights to a Life Free of Violence, a step towards ensuring protection of women and accountability for gender-based violence, which continued to be reported. In 2021, 1,155 individuals were convicted for crimes of sexual violence against women, children and adolescents. No disaggregated data was available. In 2021, 204 individuals were indicted on charges of femicide. Civil society reported 239 cases of femicides in 2021,³³ a slight decrease from 256 femicides reported in 2020.³⁴ Authorities must collect and proactively disseminate data and public information on such cases, including on accountability. OHCHR also recommends the strengthening of the 120 specialized prosecutor's offices for cases of gender-based violence, including on femicides and sexual offenses.

40. Legislative amendments incorporated new forms of gender-based violence, such as political and cyber, raised criminal penalties, and established a jurisdiction of specialized courts for cases of gender-based violence. A new National Commission was also created to coordinate public policies with the participation of civil society organizations. OHCHR encourages the prompt adoption of the necessary legal framework, and the allocation of adequate resources to ensure the functioning of the Commission. OHCHR received 14 allegations of hate crimes against Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) persons, presented by civil society to authorities during the reporting period. OHCHR welcomes the creation, within the Office of the Attorney General, of a specialized office to investigate crimes related to human rights violations against the LGBTI population.

41. On 5 November 2021, the Prosecutor of the International Criminal Court (the ICC Prosecutor) announced the opening of an investigation into possible crimes against humanity committed in Venezuela since at least April 2017. Alongside, a Memorandum of Understanding (MoU) was signed to continue to foster means and mechanisms to support and promote genuine national proceedings in Venezuela, while undertaking to establish mechanisms to enhance cooperation between Venezuela and the ICC Prosecutor to facilitate the discharge of his mandate.³⁵ In March 2022, the ICC Prosecutor announced authorisation for his Office to establish an office in Caracas in support of cooperation with Venezuelan authorities and facilitation of technical assistance under the framework of the MoU.

IV. Democratic and Civic Space

42. OHCHR notes new spaces opened for dialogue, including following two high level meetings held in April 2022 between the highest representatives of the government and Foro Civico, a group of civil society organizations. This is a step forward towards more inclusive and wide-ranging dialogue. Notwithstanding, OHCHR continued to observe undue restrictions to civic and democratic space, particularly the stigmatization, criminalization and threats against dissenting voices, civil society, media, and trade unionists, affecting their capacity to effectively carry out their legitimate work. Over the reporting period, OHCHR documented 154 cases, including 46 instances of criminalization, 26 accounts of threats and harassment, 11 acts of violence, and 71 cases of stigmatization of human rights defenders, journalists, and other members of civil society, including five women, in social media or public broadcast by State officials. At least five members of the political opposition were arrested; most were released shortly after; two arrested in the previous reporting period remain deprived of liberty. At least two union leaders and one human rights activist remain in detention at the time of this report. Lack of prompt investigation into at 24 complaints presented by human rights defenders and journalists to the authorities was documented.

³³ For 2021, UTOPIX and CEPAZ reported 239 and 290 cases, respectively.

³⁴ For 2020, UTOPIX and CEPAZ reported 256 cases and 212, respectively.

³⁵ <https://www.icc-cpi.int/venezuela>.

Competent authorities should take measures, in meaningful consultation with concerned stakeholders, to ensure that democratic and civic space is not unduly restricted. OHCHR calls for stronger accountability, protection and full reparation to victims, in accordance with international human rights law. Those deprived of their liberty for acts related to their legitimate work must be immediately released.

A. Right to take part in public affairs

43. Regional and municipal elections took place on 21 November 2021, overall, in a general calm. On 9 January 2022, a new vote was held in the state of Barinas, following the annulment of the 21 November election results and the disqualification of the opposition party gubernatorial candidate by the TSJ. International electoral observer missions, and a UN Panel of Experts were invited to Venezuela for the first time since 2006.

44. New regulations on gender parity issued³⁶ by the National Electoral Council (CNE) ahead of the elections favoured increased participation of women. According to the CNE, women accounted for almost 50% of the nominations as candidates for the first time,³⁷ although mostly for municipal councillors. Only two out of twenty-three elected governors were women, and 62 out of 335 mayors, which is a decrease compared to the 2017 elections, where five women were elected governors and 76 mayors.³⁸ Authorities are encouraged to take the necessary positive measures to ensure gender parity in electoral processes.

45. In September 2021, the indigenous electoral registry was approved by the CNE with the inclusion of 4,334 spokespersons (voceros). On 26 November 2021, these voceros elected 69 indigenous municipal councillors and eight indigenous regional legislators in eight Venezuelan states. No incidents were reported on election day. OHCHR reiterated its concerns on the lack of inclusive, free, prior and informed consent of all indigenous people in the 2020 reform which introduced indirect voting.³⁹

B. Stigmatization and criminalization of civil society actors

46. OHCHR reiterates⁴⁰ its concerns as to the stigmatization and criminalization of civil society representatives, including human rights defenders, journalists and media workers, who continued to be discredited in institutional media channels. OHCHR documented 71 cases, involving five women, an increase from the previous reporting period. Since 2019, OHCHR documented 46 cases of criminalization, involving eight women. Criminal charges were lifted in three cases and alternative measures to detention were granted in 25 cases.

47. In one particular incident, public officials circulated online lists of journalists and individuals said to be close to the opposition, labelling them as “wanted thieves” and “corrupt”.

48. Among those mentioned was a journalist detained in March 2019 by the SEBIN, accused of orchestrating a massive electricity blackout in the country. He was released on bail shortly after, but remained subjected to several restrictions of movement, including periodic presentations to court and prohibition to leave the country, and faced charges of public incitement to commit a crime⁴¹ for close to three years, beyond the statutory limit.⁴² On 1 February 2022, a court lifted his restrictions of movement and ordered the “judicial archiving” of the case for lack of evidence. Unlike a dismissal, this decision could allow for the case to be later reopened. At the time of his arrest, the journalist reported being the victim

³⁶ Issued on 8 July 2021.

³⁷ http://www.cne.gob.ve/web/sala_prensa/noticia_detallada.php?id=3995.

³⁸ http://www.cne.gob.ve/resultados_regionales2017/;
<http://www.cne.gob.ve/resultadosMunicipales2017/>.

³⁹ A/HRC/47/55 para. 50.

⁴⁰ *Ibid.*, para. 57.

⁴¹ Punishable with detention from 3 to 6 years, article 285 of the Venezuelan Penal Code.

⁴² Articles 230, 295 and 296 of the Organic Code of Criminal Procedure.

of torture or ill treatment. These claims were left unaddressed. At least 11 other journalists and media workers, including three women, are under similar restrictions of movement, in some cases beyond the statutory limits.

49. Several unionists also continue to face criminal charges, including illicit association and incitement to hatred, in relation to their legitimate work. At least two unionists are currently in detention awaiting trial, and six were granted alternative measures to detention, including two in the context of a high-level mission to Venezuela by the International Labour Organization in April 2022. One of these two was acquitted shortly after. Legitimate union activity and defence of labour rights must be protected in accordance with international law, and labour claims and disputes be managed without resorting to criminal law.

50. OHCHR also documented six cases of criminalization of legal counsels, including four women, linked to their legitimate work, some in high-profile cases. Three, including one woman, were detained and later granted alternative measures, pending investigations. In some cases, complaints of ill-treatment while in detention were reportedly left unaddressed. The WGAD and other Human Rights Council's Special Rapporteurs also expressed concern on five of these cases.⁴³ OHCHR also continued to receive reports of threats and harassment in the context of their work, including by other judicial actors, and of obstacles to their work affecting their capacity to adequately assist defendants. Threats were also reported against family members in at least two cases. Authorities must ensure that those providing legal counselling, including representation in legal proceedings, are not persecuted for spurious reasons and can work without fear of harassment and reprisals.

51. Concerns remain on the use of anti-terrorism and organized crime legislation against legitimate work of human rights defenders and media workers. As stated by the UN Secretary General, "vaguely formulated criminal offences related to organized crime and terrorism have been used [in Venezuela] to stigmatize and criminalize civil society and the media".⁴⁴ OHCHR continues to follow the cases of three human rights defenders of the NGO FundaREDES, and the case of a journalist who face charges such as terrorism and incitement to hatred⁴⁵ for their professional activities. Of the four, three have been conditionally released. Javier Tarazona remains in pre-trial detention. Mr. Tarazona requested access for specialized medical care, as his health conditions while in detention would have worsened. It is essential that these kinds of requests are duly and expeditiously considered by the competent authorities.

C. Fundamental Freedoms

1 Freedom of association

52. Restrictions to the work of non-governmental organizations continued to raise issues of compliance of domestic regulations with international standards protecting the right to freedom of association. The approval of legislation on the matter should take into consideration prior and meaningful consultations with all concerned rights-holders.

53. Concerns⁴⁶ remain on the Unified Registry of Obligated Subjects, in which all non-governmental organizations without distinction must register.⁴⁷ Any limitations on freedom of association shall comply with the requisites of legality, proportionality, necessity, and legitimate purpose, as established in international human rights law.⁴⁸ If enforced, this new registry could increase operating costs of non-governmental organizations and stretch available resources, further limiting the operations of these organizations. Bringing the

⁴³ AL VEN 7/2021 and AL VEN 9/2021.

⁴⁴ A/76/273, para. 24.

⁴⁵ A/HRC/47/55, para. 61. This offense is punished with detention from 10 to 20 years, under the Constitutional Law against Hatred, for Peaceful Coexistence and Tolerance, of 8 November 2017.

⁴⁶ OL VEN 08/2021.

⁴⁷ A/HRC/47/55, para 67.

⁴⁸ Article 22 of the International Covenant on Civil and Political Rights.

number of registries to four, the duplication of oversight mechanisms risks further delays in administrative process, ultimately affecting freedom of association.⁴⁹

54. During the reporting period, at least four human rights organizations were unable to register or update information in the Autonomous Service of Registries and Notaries (SAREN). Their petitions would have been denied on procedural grounds, such as lack of personnel or changing internal regulations applicable retroactively.

2. Right of peaceful assembly

55. Most peaceful protests were linked to economic and social rights, in particular to claim protection of salaries and other labor rights, access to fuel and other basic services. No cases of deaths in the context of protests were registered, in what is a progress compared to previous reports. An overall reduction in the number of demonstrations continues from the previous reporting period, with 3,784 social protests from June 2021 to March 2022,⁵⁰ close to half of what was reported in previous periods. COVID-19 prevention measures limiting the right of peaceful assembly were progressively eased. Demonstrations for the human rights of the LGBTI population were also held, calling for a comprehensive law against discrimination based on sexual orientation, gender identity and expression, and sex characteristics, and in support of legal recognition and protection of same sex couples, including through marriage. On 26 November 2021, the Constitutional Chamber of the TSJ accepted an unconstitutionality motion submitted on 7 December 2016 against article 565 of Organic Law of Military Justice, which penalises consensual sexual acts between adults of the same sex in the armed forces with up to three years in prison and dismissal.

56. Peaceful protests were staged by Pemon indigenous groups in the state of Bolivar to claim protection of their rights over their ancestral territory. Twenty-two Pemon indigenous communities live in this area, part of the Arco Minero del Orinoco. On 12 January 2022, alleged members of an armed group or “sindicato” and non-indigenous municipal councils took over a warehouse located in the indigenous land in Bolivar state. Three indigenous people were reportedly hurt in the incident. Indigenous communities protested the invasion of their land and closed a road. The protest ended on 17 January, after representatives of 17 communities and the Governor of Bolivar State agreed on a roadmap for working sessions with State representatives.

57. Arbitrary detentions in the context of peaceful protests were observed, albeit less than in previous reporting periods. OHCHR documented three cases of allegations of arbitrary detention in this context. On 12 February 2022, two elder members of the Venezuelan Movement for the Recall (MOVER), were arrested by agents of the Police of Macuto Municipality, in La Guaira State. On 14 February 2022, they were presented to the court and accused of incitement to hatred for hanging a banner expressing opposition to national authorities. A court confirmed the charges and their preventive detention, and on 17 February 2022, they were conditionally released pending investigation.

3. Freedom of opinion and expression

58. OHCHR continued to document instances of violations of the right to freedom of opinion and expression affecting journalists, media workers and news outlets, human rights defenders and civil society representatives. 34 cases were documented, including harassment, censorship and confiscation of media equipment. Accounts of self-censorship due to fear of reprisals continued to be registered by OHCHR.

59. In July 2021, following a judicial proceeding that lasted over six years, the Constitutional Chamber of the TSJ upheld a decision requiring El Nacional newspaper to pay the equivalent of 13 million USD in compensation for moral damages in a case of defamation against a state official, in his personal capacity. On 7 February 2022, the property of the building of El Nacional newspaper, and the plots where it stood, were adjudicated to the state official, in lieu of financial compensation. According to the UN Special Rapporteur on

⁴⁹ OL VEN 08/2021.

⁵⁰ Observatorio Venezolano de la Conflictividad Social, bulletins, January 2021–March 2022.

freedom of opinion and expression,⁵¹ this judicial procedure raised concerns of due process, including with regards to the publicity of proceedings and prior notification to all parties. The Special Rapporteur also raised concerns about the compatibility of the compensation set by the TSJ with the requisites of necessity and proportionality set forth in the International Covenant on Civil and Political Rights (ICCPR).⁵² Since 11 February 2022, the website of El Nacional remains blocked, reportedly by decision of the National Commission for Telecommunications grounded on the legislation against hatred, further affecting El Nacional's capacity to carry out media work.

60. Undue restrictions to the freedom of the media were also reported to OHCHR on elections' day, reportedly affecting at least 15 journalists and media workers, including five women. OHCHR also received reports of 24 independent media websites blocked by the State internet provider CanTV, and six suspensions of radio stations by the National Commission for Telecommunications. Freedom of media is essential in a democratic society, including in any electoral process. Five cases of alleged arbitrary detention, including two media workers, during the regional elections were reported, all were later released.

61. At least one radio station was closed down and its equipment confiscated by the National Commission for Telecommunications during the reporting period. The closure was allegedly caused by the failure to operate with the necessary licenses, despite appropriate requests to renew the licenses submitted in time. OHCHR also documented the suspension of three radio programmes critical of the government, as well as the blocking of 41 Internet sites, including independent news outlets, NGOs and webpages related to the privacy protection tools, by state owned and private Internet providers, allegedly without compliance to due process nor information on the causes of this situation by the national regulator nor the companies, raising concerns about the compatibility of these measures with international human rights law. Unstable Internet connectivity also persisted throughout the country.

62. On 17 September 2021, the National Assembly passed the Law on Transparency and Access to Information of Public Interest. The law recognizes access to information of public interest that is available. However, such access is limited to information being "necessary to the meaningful participation of the people in the design, development and monitoring of public management". Requests can be denied should it "generate a threat to the normal socioeconomic development of the Republic", among other grounds. Such vague formulations would allow for the arbitrary restriction of the right of access to public information. International standards require that restrictions to the right to access to information held by public bodies be established by law, exceptional, necessary, and proportional.⁵³ OHCHR continued to register public information requests from civil society organizations left unanswered, including 21 since the new law was enacted, and requests rejected for non-essential formalities.⁵⁴ It is important to ensure timely processing of information requests,⁵⁵ and meaningful replies.

63. Information is not readily available in many areas, including to assess economic, social, and cultural rights. For instance, the national budget has not been published since 2018, and indicators and supporting information essential for monitoring human rights and Sustainable Development Goals remained largely unavailable. The realization of the right of access to information involves an obligation for States to proactively make available Government information of public interest.⁵⁶

V. Conclusions and recommendations

64. OHCHR acknowledges measures taken by Venezuela towards the implementation of previous recommendations, within available resources affected by sectoral sanctions and the

⁵¹ AL VEN 02/2022.

⁵² Article 19.

⁵³ Ibid.

⁵⁴ A/HRC/48/19, para 44.

⁵⁵ Human Rights Committee, general comment No. 34 (2011), para 19; A/HRC/41/18, para 82 (a) and (c).

⁵⁶ Ibid.

COVID-19 pandemic. Over the reporting period, some steps were taken towards strengthening the rule of law, including as it pertains to justice, detention and police. The ongoing reforms present opportunities for improvement and, in particular, for ensuring that laws and their application, as well as policies be fully in line with international human rights law and standards. Further steps need to be taken to effectively implement all previous OHCHR recommendations and lead to long-term structural changes. Reforms must be supported by genuine engagement with civil society actors through meaningful, inclusive, and genuine consultations. A favourable environment for the work of civil society must be strengthened, allowing zero tolerance for attacks against human rights defenders and journalists, implementing preventive policies and ensuring effective accountability mechanisms. In accordance with Venezuela's commitment to leave no one behind in line with the 2030 Agenda for Sustainable Development, more is expected to be done for the full realization of economic, social cultural and environmental rights.

65. In addition to the previously issued recommendations (see annex), OHCHR calls upon the Government of the Bolivarian Republic of Venezuela to:

(a) **Ensure that reforms undertaken in the justice, police and detention sectors materialize into effective and sustainable changes based on international human rights law and standards and that legal reforms are strictly applied.**

(b) **Continue to take measures to ensure pre-trial detention and other coercive measures are used only when strictly necessary, in accordance with international standards, and remain within statutory terms. Address all causes of judicial delays such as ensuring timely transfer of detainees to tribunals' hearings;**

(c) **Ensure prompt, independent, effective, impartial, transparent, thorough and credible investigations and judicial proceedings into cases of alleged human rights violations, and hold, prosecute and punish those responsible, including superiors, in accordance with international human rights law;**

(d) **Support spaces for an inclusive and wide-ranging political dialogue, with human rights at the centre of the discussions;**

(e) **Ensure the meaningful and effective participation of civil society in the adoption of policies and legislation on matters affecting them;**

(f) **Ensure that all requests for broadcast licenses, including renewals, are processed in strict compliance with all applicable regulations and with due regard to international human rights law and standards, including due process and the right to freedom of expression; and that any restrictive measure, such as revocation or suspension of licenses, does not constitute an impermissible restriction under article 19 of the ICCPR;**

(g) **Take measures to ensure that democratic and civic space is not unduly restricted, including by i) repealing or abstaining from introducing, as appropriate, regulations that are inconsistent with the protection and promotion of democratic and civic space; ii) considering review the Constitutional Law against Hatred, for Peaceful Coexistence and Tolerance, the Law on Transparency and Access to Information of Public Interest, and the Organic Law Against Organized Crime and the Financing of Terrorism to bring them fully in line with international human rights law; iii) strengthening effective accountability mechanisms; and iv) immediately releasing those detained for acts of legitimate work or expression;**

(h) **Ensure citizens' right to stand for election is not unduly restricted, either in law or in practice, and ensure due process guarantees are strictly implemented should candidates be disqualified, respecting the independence and separation of powers;**

(i) **Introduce a comprehensive law to prohibit all forms of discrimination, including based on sexual orientation, gender identity and expression, and sex characteristics, adequately penalize them;**

(j) Ensure prompt, thorough and effective investigation and prosecution of cases of discrimination, hate crimes and femicides, while strengthening protection measures, in consultation with relevant civil society organizations;

(k) Ensure legal recognition and protection of same sex relationships, without discrimination based on sexual orientation or gender identity. Repeal norms that criminalize consensual sexual acts between adults of the same sex, in particular article 565 of the Organic Code of Military Justice;

(l) Ensure the prompt adoption of the necessary regulatory framework, and the allocation of adequate resources for the effective implementation of the Organic Law on Women's Rights to a Life Free of Violence;

(m) Introduce legislation and policies promoting equitable participation of women in the structures of political parties and on quotas to ensure gender parity for nominations to elected positions, including governors and mayors;

(n) Ensure that official data and disaggregated information of public interest is available, accessible and proactively disseminated, including information related to gender-based violence and economic, social, cultural and environmental rights;

(o) Ensure measures are taken towards the progressive realization of the right to an adequate standard of living of all the population, without discrimination;

(p) Ensure that labour rights, including freedom of trade union association, are upheld and remain committed to the establishment of a genuine social dialogue with representatives of workers and employers.

(q) Take urgent measures to ensure the highest attainable standard of health, including those deprived of liberty, in particular by allocating adequate resources to hospitals and health centres;

(r) Establish a special voter register for indigenous people to ensure their free and meaningful participation in the electoral processes;

(s) Continue to expand cooperation with OHCHR with a view at implementing human rights-based recommendations, including those stemming from international mechanisms, such as UN human rights treaties bodies, the Special Procedures and the third cycle of the Universal Periodic Review of the Human Rights Council.

Annex

Summary of recommendations

Democratic and civic space

Right to take part in public affairs

- Halt, publicly condemn, punish and prevent all acts of persecution and targeted repression based on political grounds, including stigmatizing rhetoric and smear campaigns; (A/HRC/41/18)
- Prioritize a legislative agenda aimed at strengthening the promotion and protection of human rights, avoid the adoption of laws and regulations that are disproportionately restrictive of fundamental freedoms and civic space and review adopted laws and regulations to ensure that they are consistent with human rights standards (A/HRC/47/55)
- Ensure that spaces for civil society participation are maintained and expanded and that any restrictions introduced in the context of the COVID-19 pandemic are strictly necessary and proportional to mitigating the impact of the pandemic (A/HRC/47/55)
- Ensure that all conditions are in place for free, fair, peaceful and independent electoral processes (A/HRC/47/55)

Protection of human rights defenders

- Adopt effective measures to protect human rights defenders and media professionals; (A/HRC/41/18)
- Refrain from discrediting human rights defenders and media professionals, and take effective measures to protect them, including by adopting a specialized protocol to investigate human rights violations and criminal offences against them; (A/HRC/44/20)

Freedom of opinion and expression, peaceful assembly and association

- Respect, protect and fulfil the rights to freedoms of opinion and expression, peaceful assembly and association, as well as the rights to access to information and to participate in political affairs; (A/HRC/44/20)
- Reverse closures of media outlets and cease other measures of censorship against media; guarantee access to the Internet and social media, including to news websites, and guarantee the impartiality of governing bodies in the allocation of radio spectrum frequencies; (A/HRC/41/18)
- Cease and prevent excessive use of force during demonstrations; (A/HRC/41/18)
- Publish a comprehensive report on the investigations and criminal proceedings of deaths that occurred in the context of protests in 2014, 2017 and 2019; (A/HRC/44/54)
- Disarm and dismantle pro-government armed civilian groups (armed colectivos) and ensure investigations into their crimes; (A/HRC/41/18)

Right of access to public information

- Allow access to information of public interest; (A/HRC/41/18)
 - Ensure access to public information and data to monitor and adequately inform public policies, in particular in the context of the COVID-19 pandemic (A/HRC/47/55)
 - Regularly publish comprehensive health and nutritional data, disaggregated by sex, age, ethnicity, and location that may be used inter alia, to develop and implement a full-scale humanitarian response to the crisis; (A/HRC/41/18)
 - Ensure provision of all social programmes in a transparent, non-politicized, and non-discriminatory manner, including effective oversight and accountability measures; (A/HRC/41/18)
-

Right to take part in public affairs

- Publish the national annual budget and expenditure reports, guarantee access to key data to assess the realization of rights and re-establish the oversight role of the National Assembly on use of public funds; (A/HRC/44/20)
- Establish a system for the systematic collection of statistical data on violence against women, disaggregated by forms of violence, number of complaints, prosecutions and convictions imposed on perpetrators; (A/HRC/44/54)
- Undertake and publish key information related to the Arco Minero del Orinoco region, such as environmental and social impact studies, violence and homicide rates and socioeconomic data of the population living within Arco Minero del Orinoco and the surrounding area, including indicators related to economic and social rights; (A/HRC/44/54)
- Publicly and regularly report on information produced by public institutions related to economic, social, cultural, and environmental rights, including Sustainable Development Goals indicators and internationally recognised human rights indicators, and the methodologies and sources used to produce that information (A/HRC/48/19)
- Take concrete measures and publicly inform on their implementation, to guarantee the right to access public information, including drafting and enacting an Organic Law of Transparency in accordance with international standards, ensuring public information requests are not unnecessarily cumbersome nor rejected because of omission of non-essential formalities, developing digital mechanisms to receive public information requests, addressing concerns over reprisals for requests for public information, and improving accessibility and understandability for all groups, particularly the most marginalized (A/HRC/48/19)
- Ensure transparent and representative consultations, and access to public information in relation to public policy, particularly with members of vulnerable groups, prior to the adoption or implementation of any decision, activity or measure that affects them (A/HRC/48/19)
- Publish the national budget and the ministries' reports and accounts, as well as the regulatory framework of individual public entities and policies, their organizational structure, assigned budget and execution, procurements and contracting, public participation and accountability mechanisms, audits, and legal and administrative proceedings initiated by State entities (A/HRC/48/19)

State of exception

- Ensure that exceptional measures authorized under the “state of alarm” are strictly necessary and proportionate, limited in time, and subject to independent oversight and review; (A/HRC/44/20)
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Accountability and rule of law

Right to life

- Take immediate measures to halt, remedy and prevent human rights violations, in particular gross violations such as torture and extrajudicial executions; (A/HRC/41/18)
- Ensure systematic, prompt, effective and thorough, as well as independent, impartial and transparent, investigations into all killings by security forces and armed civilian groups (armed colectivos), and ensure independence of all investigative bodies, accountability of perpetrators and redress for victims; (A/HRC/44/20)
- Dissolve the Special Action Forces of the Bolivarian National Police and establish an impartial and independent national mechanism, with the support of the international community, to investigate extrajudicial executions during security operations, ensure accountability of perpetrators and redress for victims; (A/HRC/41/18)
- Revise security policies to implement international norms and standards on the use of force and human rights, in particular by restoring the civilian nature of police forces, conducting vetting, restricting the functions of “special forces” and strengthening internal and external oversight mechanisms; (A/HRC/44/20)

- Implement a comprehensive reform of security institutions and policies, to effectively address human rights concerns and provide redress to victims of human rights violations (A/HRC/47/55)

Right to physical and moral integrity

- Ensure effective investigation and sanctioning of those responsible for cases of torture and ill-treatment, and strengthen the National Commission for the Prevention of Torture, in compliance with international human rights norms; (A/HRC/44/20)
- Ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention for the Protection of All Persons from Enforced Disappearance; (A/HRC/41/18)
- Ensure the rights to food, water and sanitation, health, security and dignity of all persons deprived of liberty, including by meeting gender-specific needs; (A/HRC/44/20)
- Adopt specific measures in the context of the COVID-19 pandemic to ensure the rights to health and security of detainees, including by granting alternative measures to deprivation of liberty to the broadest set of prisoners possible, consistent with the protection of public safety; (A/HRC/44/20)
- Put an end to incommunicado detention, including by intelligence services, guarantee that any individual subject to pretrial detention is held in official pretrial detention centres subject to judicial oversight, and transfer all persons detained in premises of intelligence services to official detention centres; (A/HRC/44/20)
- Allocate sufficient resources to ensure adequate conditions of detention and access to justice (A/HRC/47/55)

Rights to liberty and to a fair trial

- Release all persons arbitrarily deprived of their liberty; (A/HRC/41/18)
- Release unconditionally all persons unlawfully or arbitrarily deprived of liberty, including through the implementation of the decisions of the Working Group on Arbitrary Detention; (A/HRC/44/20)
- Address the underlying causes of overcrowding and undue judicial delays through comprehensive reform of the administration of justice; (A/HRC/44/20)
- Put an end to the trial of civilians by military tribunals, and ensure that the jurisdiction of military tribunals is limited to military offences committed by active members of the military; (A/HRC/44/54)
- Publish the legal authority and mandate of the counter-terrorism courts and take all necessary measures to guarantee their independence, impartiality and transparency, as well as their strict compliance with international human rights standards; (A/HRC/44/54)
- Take effective measures to restore the independence of the justice system and ensure the impartiality of the Office of the Attorney General and the Ombudsperson; (A/HRC/41/18)
- Undertake and complete the reforms of the justice system announced by the Government in January 2020 to guarantee its independence, impartiality, transparency, accessibility and effectiveness; (A/HRC/44/54)
- Establish an independent, impartial and transparent mechanism to increase the number of tenured judges and prosecutors through a transparent public process; (A/HRC/44/54)
- Guarantee that lawyers' associations recover their independence and full autonomy by allowing free internal elections; (A/HRC/44/54)
- Guarantee the independence of the Public Defender, through the provision of sufficient resources and training, and ensure the rights of defendants to appoint a lawyer of their own choice; (A/HRC/44/54)

- Restore the capacity of the criminal unit against the violation of fundamental rights of the Office of the Attorney General to conduct independent forensic investigations into cases of alleged human rights violations by security forces; (A/HRC/44/54)
- Ensure that judicial action is strictly guided by the principles of legality, due process, presumption of innocence and other national and international standards (A/HRC/47/55)

Access to justice and adequate reparations

- Conduct prompt, effective, thorough, independent, impartial and transparent investigations into allegations of human rights violations, including deprivation of life, enforced disappearance, torture, and sexual and gender-based violence involving members of the security forces, bring perpetrators to justice and provide victims with adequate reparation; (A/HRC/44/54)
- Conduct prompt, effective, thorough, independent, impartial and transparent investigations into human rights violations, including killings of indigenous peoples, and bring perpetrators to justice; (A/HRC/41/18)
- Ensure the right to remedy and reparations for victims, with a gender-sensitive approach, as well as guarantee their protection from intimidation and retaliation; (A/HRC/41/18)
- Review the protocols and methods of the Office of the Attorney General to provide gender-sensitive attention and support for victims of human rights violations and their families; (A/HRC/44/54)
- Cease immediately any acts of intimidation, threats and reprisals by members of security forces against relatives of victims of human rights violations who seek justice; (A/HRC/44/54)
- Adopt the necessary regulations and protocols to fulfil all rights and obligations enshrined in the Organic Law on the right of women to a life free of violence, and also adopt effective measures to assist and protect victims of all forms of violence, including women and children; (A/HRC/44/54)
- Establish a system for the systematic collection of statistical data on violence against women, disaggregated by forms of violence, number of complaints, prosecutions and convictions imposed on perpetrators; (A/HRC/44/54)
- Effectively implement a victim and witness protection programme, to safeguard the integrity of victims and witnesses, and ensure accountability for human rights violations (A/HRC/47/55)
- Conduct independent and thorough investigations into allegations of human rights violations committed in Apure State in the context of clashes with non-State armed groups (A/HRC/4

Economic, social, cultural, and environmental rights

- Take all necessary measures to ensure availability and accessibility of food, water, essential medicines and healthcare services, including comprehensive preventative healthcare programmes with particular attention to children's and maternal services, including sexual and reproductive healthcare; (A/HRC/41/18)
- Allocate the maximum available resources towards the progressive realization of economic and social rights in a transparent and accountable manner that allows the assessment of expenditures; (A/HRC/41/18)
- Prioritize measures to decrease early pregnancies, and ensure that all plans regarding sexual and reproductive rights include measurable indicators and monitoring mechanisms; (A/HRC/41/18)
- Increase vaccination coverage for preventable diseases and take adequate measures to control outbreaks of communicable diseases; (A/HRC/41/18)
- Guarantee a full-scale United Nations led response to the humanitarian situation, including increased access for humanitarian actors, facilitating the entry of the World Food Programme, regularizing the presence of international non-governmental organizations and ensuring the protection of all humanitarian workers; (A/HRC/44/20)
- Take urgent steps to end labour and sexual exploitation, child labour and human trafficking within Arco Minero del Orinoco, and ensure regularization of mining activities that respect the right to just and favourable working conditions; (A/HRC/44/54)

- Continue efforts to improve access to essential services, and food, and inform publicly and regularly on those efforts, with particular attention to equality of access and non-discrimination, ensuring transparency, participation and public oversight (A/HRC/48/19)
- Take all necessary measures to guarantee sufficient income to public servants and workers in sectors dependent of public funding, particularly in the health and education sectors, in a transparent and participatory manner, including by adjusting salaries and cash transfers to the basic consumer basket, and take concrete measures to promote the enjoyment of labour rights, including compliance with international labour conventions and collective agreements, and publicly inform on their implementation (A/HRC/48/19)
- Take concrete measures to promote the autonomy of universities and free and independent electoral processes in accordance with their internal regulations, and to ensure freedom of association of university workers (A/HRC/48/19)

Environmental rights

- Ensure all mining in the Bolivarian Republic of Venezuela is carried out in accordance with adequate human rights, sociocultural and environmental impact studies, and meets national and international environmental standards; (A/HRC/44/54)
- In compliance with international human rights standards, conduct effective and transparent investigations and law enforcement operations to dismantle criminal and armed groups controlling mining activities, tackle corruption, and prosecute and sanction those responsible for crimes and human rights violations in Arco Minero del Orinoco and the surrounding area; (A/HRC/44/54)
- Rescind resolution No. 0010 related to mining in rivers; (A/HRC/44/54)

Rights of specific groups

- Adopt all necessary measures to ensure the safe, dignified and voluntary return and sustainable reintegration of Venezuelan returnees; ensure their access to healthcare and social protection, and their protection from discrimination and stigmatization; (A/HRC/44/20)
- Ensure adequate and representative consultations are conducted with all indigenous peoples prior to the adoption or implementation of any decision, activity or measure that may affect them, including any impact on their traditional lands, territories and resources; (A/HRC/44/54)
- Ensure that indigenous peoples are able to enjoy their collective right to live in freedom, peace and security, and that they are able to own, use, develop and control their lands, territories and resources, including through the demarcation of traditional lands; (A/HRC/44/54)
- Provide redress to indigenous peoples affected by mining activities, including in the Arco Minero del Orinoco region, in consultation with them. (A/HRC/44/54)

Non-discrimination

- Investigate allegations of discriminatory access to social protection programmes, take all necessary measures to guarantee equal access to such programmes, prioritizing the most marginalized groups, and publicly informing on the findings and the implementation of the measures (A/HRC/48/19)
- Take all necessary measures to implement the Constitutional mandate to recognize all indigenous territories and collective land rights at the earliest, with particular emphasis on self-demarcation initiatives (A/HRC/48/19)
- Continue working in partnership and cooperating with the United Nations system to ensure the human rights of people on the move within its territory, particularly migrants and returnees, and investigate cases of disappearances and allegations of human trafficking (A/HRC/48/19)
- Ensure the implementation of the national environmental regulatory framework to the oil and mining industries, particularly in the Arco Minero del Orinoco region, and sign and ratify the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, also known as the Escazú agreement (A/HRC/48/19)
- Amend legislation to decriminalize abortion and ensure the provision of appropriate sexual and reproductive health services (A/HRC/48/19)
- Take all necessary measures to ensure equal access to the vaccine, particularly for marginalized groups, with specific attention to this digital divide (A/HRC/48/19)

Engagement with OHCHR and human rights mechanisms

- Increase engagement with international human rights protection mechanisms, including the special procedures system, by receiving regular official visits from mandate holders; (A/HRC/44/20)
- Accept and facilitate the establishment of a permanent OHCHR country office; (A/HRC/41/18)
- Facilitate the establishment of an OHCHR office in the country as an effective means of assisting the State in tackling the human rights challenges and concerns addressed in the present report; (A/HRC/44/20)
- Remain committed to the effective implementation of the joint workplan signed with OHCHR and its engagement with international human rights mechanisms (A/HRC/47/55)

Member States should:

- a) Suspend or lift the sectoral unilateral coercive measures imposed on Venezuela which impede the Government's efforts to address the combined impact on the population of the current humanitarian situation and the COVID-19 pandemic;
- b) Continue their support to the humanitarian response in the Bolivarian Republic of Venezuela, particularly with regards to the COVID-19 pandemic;
- c) Ensure a fair distribution of vaccines across countries, as a global public good and accessible to all without discrimination in accordance with international legal norms and in support of the achievement of the Sustainable Development Goals;
- d) Ensure the rights of migrants from Venezuela in their respective territories and investigate human rights violations or abuses committed against them.