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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 51/29, 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, the rule of law and civic space, and the level of implementation of the corresponding recommendations previously issued by the High Commissioner to the Bolivarian Republic of Venezuela.

* The present report was submitted after the deadline so as to include the most recent information.
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I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 51/29, in which the Council requested the United Nations High Commissioner for Human Rights to submit a comprehensive report on the situation of human rights in the Bolivarian Republic of Venezuela containing a detailed assessment of the implementation of the recommendations made in previous reports and to present it to the Council at its fifty-third session.
2. The present report covers the period from 1 May 2022 to 30 April 2023 and focuses on the latest developments related to economic, social, cultural and environmental rights, the rule of law and civic space, and the level of implementation of the corresponding recommendations made in previous reports. The report is based on information gathered and analysed by the Office of the United Nations High Commissioner for Human Rights (OHCHR), including through interviews with victims and witnesses and meetings with government officials and civil society organizations. It also takes into account official information provided by the Government. The High Commissioner visited the Bolivarian Republic of Venezuela from 26 to 28 January 2023, during which the Letter of Understanding between the Government and OHCHR was renewed for two years in a welcome development.
3. The findings in the present report have been documented and corroborated in strict compliance with OHCHR methodology. 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 interviewees and took appropriate measures to protect their identities and to ensure confidentiality, as appropriate. OHCHR assessed the information collected and domestic legislation, in the light of international human rights norms and standards.

II. Economic, social, cultural and environmental rights and Indigenous Peoples' rights

4. Positive signs of economic recovery were noted during the reporting period, including 17.73 per cent growth in gross domestic product in 2022.¹ While such growth brings hope for improved economic prospects, persistent challenges and other factors continued to negatively affect essential public services, transport, education and health. While the roots of the economic crisis in the Bolivarian Republic of Venezuela predate the imposition of economic sanctions, they are one of the factors that continue to impede the country's economic recovery and adversely affect the enjoyment of economic and social rights, as reiterated by the United Nations system.² Inflation and devaluation of the bolívar hampered levels of income,³ including salaries and pensions, hindering the conditions necessary to enjoy the right to an adequate standard of living. OHCHR is concerned about the reported growing inequalities in the country, whereby wealth remains concentrated in Caracas and some urban areas, leaving behind large portions of the rural population.
5. OHCHR welcomes the ongoing efforts and programmes of the Government to improve the living conditions of Venezuelan people, such as the local committees for food supply and production,⁴ which supported access to basic foods to more than 6 million people.⁵ However, difficulties remain for Venezuelans to acquire the foods necessary for a balanced

¹ Office of the Superintendent of Banking Institutions, "Sector bancario venezolano cierra 2022 con crecimiento de la cartera de créditos de 759%", 13 January 2023.

² United Nations in the Bolivarian Republic of Venezuela, *Marco de Cooperación de las Naciones Unidas para el Desarrollo Sostenible con la República Bolivariana de Venezuela (2023–2026)* (2022) (in Spanish), p. 55.

³ The official minimum monthly salary was set at 130 bolívares in March 2022 (\$30.17 according to the exchange rate on 15 March 2022 and about \$3.71 at the time of writing). See *Gaceta Oficial de la República Bolivariana de Venezuela*, No. 6.691 Extraordinario (15 March 2022).

⁴ Created in 2016 for the local distribution of food assistance ([A/HRC/48/19](#)).

⁵ [CEDAW/C/VEN/RQ/9](#), para. 2 (b).

diet. Reportedly, the committees' average subsidy is 33 bolívares, representing approximately 30 per cent of the minimum wage.⁶ OHCHR encourages authorities to take all the measures necessary, including through programmes for improved access to food, to ensure the availability and accessibility of food in sufficient quantity and quality.⁷

6. The coronavirus disease (COVID-19) pandemic significantly affected the education sector, with fewer students and pupils registered in schools.⁸ Difficulties persisted in meeting minimum conditions for quality education, particularly outside urban areas, including with regard to infrastructure (water, electricity and transport), nutrition, working conditions and the availability of personnel.⁹ Universities faced challenges with underfunding, some receiving only 1 to 2 per cent of their allocated annual budget.¹⁰ OHCHR received reports that teachers and staff were unable to survive on their salaries, forcing them to seek alternative sources of income and abandon their profession.¹¹ OHCHR calls upon the authorities to take measures that enable and assist individuals and communities to enjoy the right to education, *inter alia*, by ensuring adequate provision of financial, human and infrastructure resources.¹²

7. The reopening of borders with Colombia, Curaçao and Aruba is a significant development that could yield positive outcomes for the region. All relevant countries should address protection risks for Venezuelan migrants, who often travel in perilous conditions as they continue to be exposed to human rights abuses and violations, including trafficking in persons, in border zones and along migration routes.¹³ OHCHR encourages the Venezuelan authorities to continue their support for returnees, including by facilitating access to jobs, social services and housing.¹⁴

A. Right to health

8. The Government maintained its policies and programmes facilitating health-care access for those living in impoverished neighbourhoods, through the Barrio Adentro programme¹⁵ and the Unified Pharmaceutical Care System,¹⁶ despite challenges, including those exacerbated by sectoral sanctions. However, health centres report structural underfunding and understaffing resulting in, for example, regular blackouts and water shortages.¹⁷ One civil society organization estimated that hospitals nationwide were only able to cover the cost of 35–40 per cent of emergency materials and 60 per cent of emergency medicines. The cost of those items are mostly borne by patients and their families,¹⁸ limiting access to health facilities, goods and services,¹⁹ while disproportionately affecting those in need of life-saving treatments, including transplants.

⁶ See www.ovsalud.org/publicaciones/informes/informe-cualitativo-ovs-2022 (in Spanish).

⁷ Committee on Economic, Social and Cultural Rights, general comment No. 12 (1999), para. 8.

⁸ See <https://humvenezuela.com/wp-content/uploads/2022/09/HumVenezuela-Informe-Marzo-2022.pdf> (in Spanish).

⁹ See www.fundaredes.org/2022/08/11/informe-de-educacion-2022-2 (in Spanish).

¹⁰ See www.uladdhh.org.ve/wp-content/uploads/2022/08/7.-Reporte-julio-2022-Situacion-de-las-Universidades-Venezolanas.pdf (in Spanish).

¹¹ United Nations Children's Fund (UNICEF), "Humanitarian action for children: Venezuela" (2023), available at www.unicef.org/media/131841/file/2023-HAC-Venezuela.pdf.

¹² Committee on Economic, Social and Cultural Rights, general comment No. 13 (1999), paras. 6 and 27.

¹³ See www.unhcr.org/emergencias/venezuela-situation.

¹⁴ Office of the United Nations High Commissioner for Refugees, "Venezuela situation: 2023 operational update # 1" (2023).

¹⁵ See www.mppef.gob.ve/mision-barrio-adentro-dos-decadas-atendiendo-la-salud-del-pueblo-venezolano (in Spanish).

¹⁶ See www.sencamer.gob.ve (in Spanish).

¹⁷ See <https://ovgove.org/2023/01/17/los-hallazgos> (in Spanish).

¹⁸ See <https://cronica.uno/los-pacientes-en-los-hospitales-tienen-solo-dos-opciones-o-compran-los-medicamentos-o-se-mueren> (in Spanish).

¹⁹ Committee on Economic, Social and Cultural Rights, general comment No. 14 (2000), para. 43 (a).

9. Women and children are disproportionately affected by the deterioration of the health-care system; for instance, it is estimated that 560,660 children aged between 12 and 23 months are in need of the measles, mumps and rubella vaccine.²⁰ Sexual and reproductive health services, such as obstetric care and cervical and breast cancer treatment, are often unavailable or inaccessible.²¹ Civil society reported, for example, costly access (in excess of \$100)²² to the human papillomavirus vaccine as a factor contributing to the 66.9 per cent increase in deaths caused by cervical cancer since 2019.

10. The legal framework of the Bolivarian Republic of Venezuela allows abortion only in cases in which the life of the mother is at risk. As a result of such a restrictive legislative framework, women are left with no choice but to resort to unsafe abortion, which is a leading cause of maternal mortality. During the reporting period, no progress was made to end criminalization of women who undergo abortions nor to align legislation, including article 432 of the Criminal Code, with international human rights standards.²³

11. OHCHR welcomes efforts to provide free medical consultations for persons living with HIV/AIDS through the Ministry of Health and strengthened holistic responses, with United Nations agencies in-country, including on access to medication. However, sources have indicated a worrying HIV/AIDS prevalence rate among Indigenous communities,²⁴ and severe challenges for Indigenous persons to access testing and treatment. OHCHR calls for measures to ensure that HIV/AIDS care is available and accessible for all.

12. During the reporting period, civil society and health-care staff reported an intimidatory environment within the health sector, including allegations of arrest and detention of individuals denouncing the deficiencies in the public health system,²⁵ such as the underfunding and understaffing of public hospitals and the critically low wages of health-care workers.

B. Labour rights

13. The Government led the Social Dialogue Forum, under the auspices of the International Labour Organization (ILO), in April and September 2022 and in February 2023. The initiative provided a necessary space for union confederations, employers' organizations and the Government to discuss the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), of ILO, including criminalization of union leaders and union elections. It also provided space to establish a technical instance to discuss a methodology to set minimum wages. At its 347th session, the ILO Governing Body "requested the Government to accelerate the implementation of the commitments adopted in the action plan as updated by the Social Dialogue Forum in February 2023, in order to continue achieving concrete results without delay".²⁶ OHCHR calls upon the Government to use that framework as an opportunity to address, through inclusive and meaningful dialogue, some of the socioeconomic challenges facing the country.

14. While OHCHR welcomes the ongoing dialogue and the progress achieved, concerns remain in relation to reported violations of the rights to freedom of peaceful assembly and of

²⁰ UNICEF, "Humanitarian action for children: Venezuela".

²¹ See <https://humvenezuela.com/wp-content/uploads/2022/09/HumVenezuela-Informe-Marzo-2022.pdf> (in Spanish).

²² See www.laprensalar.com.ve/nota/56571/2023/01/cancer-de-cuello-uterino--medicos-alertan-que-el-control-es-vital (in Spanish).

²³ Committee on the Elimination of Discrimination against Women, general recommendation No. 24 (1999), para. 31 (c); Human Rights Committee, general comment No. 36 (2019), para. 8; and Committee on Economic, Social and Cultural Rights, general comment No. 22 (2016), paras. 34, 40, 49 (a) and 57.

²⁴ Based on information received from the Government.

²⁵ Runrun.es, "FMV reporta detención de más de 40 médicos venezolanos en los últimos 10 días", 21 June 2022 (in Spanish).

²⁶ Document GB.347/INS/13(Rev.1), para. 33.

association, including union freedom, and the rights of union and labour leaders, which were also noted by the Committee of Experts on the Application of Conventions and Recommendations.²⁷ In March 2023, the ILO Committee on Freedom of Association called for special attention to be paid to two cases including allegations of persecution, intimidation, harassment and other acts of violence against employers, unionists and workers, including the killing of a trade union leader in 2015.²⁸ OHCHR reiterates its call for prompt independent and impartial investigations into all alleged violations of the rights to freedom of peaceful assembly and of association, accountability and full reparation to victims.

15. Despite a reduction in documented cases in comparison with previous years, OHCHR documented 12 cases of criminalization of union and labour leaders (including 1 woman), 9 of whom were detained, as well as harassment of 7 union leaders, the kidnapping of a union leader's relative and 4 threats against union leaders (including, 1 against a relative), either by State officials or *colectivos*.²⁹ For example, between 4 and 7 July 2022, six unionists and labour leaders, including a representative of the Confederation of Autonomous Trade Unions, were arrested on charges of conspiracy and criminal association under the Organic Law against Organized Crime and the Financing of Terrorism. On 13 September 2022, two special procedure mandate holders sent a communication to the Government expressing concern about the case and requesting the State's cooperation and observations.³⁰ As yet, no reply has been received. The trial of the six men started on 6 February 2023 and is still ongoing. OHCHR also documented one case of dismissal of a worker reportedly for his participation in peaceful protests in Bolívar.

16. Civil society reported that labour protests constituted at least 45 per cent of all protests nationwide in 2022.³¹ That includes ongoing peaceful protests, since April 2022, in response to a salary scale adjustment that reduced civil servants' already low salaries by approximately 30 to 40 per cent,³² following an alleged instruction from the National Budget Office. Law enforcement officers allegedly threatened the leaders of the protests.

17. On 24 August 2022, the Supreme Court of Justice declared inadmissible an appeal filed by a group of retirees against the instruction of the National Budget Office. The Court asserted that the action was a "disturbance and an abusive use of legal action", fined each retiree approximately \$50, stating that possible criminal, disciplinary, administrative and/or civil responsibilities should be determined.³³ Teachers' unions declared the decision of the Supreme Court of Justice a form of intimidation against labour rights activists.³⁴ Other administrative appeals were also dismissed in September 2022 and fines imposed.³⁵ On 16 November, the Supreme Court of Justice annulled the fine on humanitarian grounds³⁶ after a request by the retirees.³⁷

²⁷ ILO, *Application of International Labour Standards 2023: Report of the Committee of Experts on the Application of Conventions and Recommendations* (2023), p. 319.

²⁸ Case No. 3277, available at www.ilo.org/dyn/normlex/es/f?p=NORMLEXPUB:50002:0::NO::P50002_COMPLAINT_TEXT_ID,P50002_LANG_CODE:4341025,en#B; and case No. 2254, available at www.ilo.org/dyn/normlex/es/f?p=1000:50002:0::NO::P50002_COMPLAINT_TEXT_ID,P50002_LANG_CODE:4340977,en:NO.

²⁹ See also [A/HRC/48/19](#), para. 12.

³⁰ See communication VEN 4/2022 (in Spanish), available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27519>.

³¹ See www.observatoriodeconflictos.org.ve (in Spanish).

³² See www.tsj.gob.ve/displaynews/-/asset_publisher/K6rIV66atYrZ/content/tsj-declara-inadmissible-demanda-ejercida-contra-un-supuesto-acto-de-la-onapre (in Spanish).

³³ *Ibid.*

³⁴ See <https://efectococuyo.com/la-humanidad/docentes-contratacion-colectiva> (in Spanish).

³⁵ Supreme Court of Justice, case No. 2022-0174 and case No. 2022-0155.

³⁶ See <https://accesoalajusticia.org/spa-revoca-multa-impuesta-a-grupo-de-jubilados-y-pensionados-del-mp-tras-declarar-inadmissible-demanda-de-nulidad-contra-el-instructivo-onapre> (in Spanish).

³⁷ See <https://accesoalajusticia.org/instructivo-salarial-onapre-vuelve-ganarle-pulso-funcionarios-publicos-ante-tsj> (in Spanish).

exploitation and use of natural resources must be consistent with international law and standards.⁴⁸

23. Despite the prohibition, according to a presidential decree,⁴⁹ of the use of mercury and cyanide in the extraction of gold and other metals, there were negative effects reported on environmental and human health, including evidence pointing to severe water contamination. Gold mining has been linked to allegations of murders,⁵⁰ mutilations, sexual violence, contemporary forms of slavery, including trafficking in persons for sexual exploitation and child labour, enforced disappearances by suspected non-State armed and criminal groups,⁵¹ threats and intimidation against Indigenous persons and forced displacement of entire Indigenous communities through fear of violence and dire living conditions. OHCHR reminds the Government of its responsibility to take appropriate steps to prevent, investigate, punish and provide redress for human rights violations and abuses, by both State and non-State actors.⁵²

24. During the reporting period, the Ministry of Defence announced the launch of a reforestation project carried out by the National Bolivarian Armed Forces,⁵³ targeting national parks, such as Canaima, Caura and Yapakana, among the areas most affected by illegal mining.⁵⁴ Deforestation, which contributes to desertification, soil erosion, flooding and increased greenhouse gas emissions, is of increasing concern, as reports indicate that, by 2025, more than 1.3 million hectares of vegetation will have been lost among the forests and savannahs of the Bolivarian Republic of Venezuela,⁵⁵ with the extraction of resources, cultivation, forest fires and urbanization as some of the main causes, including in national parks.⁵⁶

25. The Government has made commitments to strengthen mining and environmental regulations. OHCHR recalls that such regulations must comply with international human rights law, particularly the deployment of military personnel, while being complemented by civilian efforts to improve the living conditions of those affected. OHCHR encourages the authorities to investigate allegations of forced displacement, arbitrary detention and other forms of violence, which have reportedly accompanied military operations, such as Roraima and Autana,⁵⁷ targeting illegal mining.⁵⁸

E. Indigenous Peoples' rights

26. During the reporting period, demarcation of Indigenous Peoples' land remained at a standstill, despite the State's obligation to give legal recognition and protection to such land, respecting their customs, traditions and land tenure systems.⁵⁹ The COVID-19 pandemic reportedly exacerbated malnutrition among Indigenous Peoples and their capacity to seek medical attention from often distant medical centres, especially in Delta Amacuro, Bolívar

⁴⁸ Committee on Economic, Social and Cultural Rights, general comment No. 24 (2017), paras. 16, 17 and 32. See also Human Rights Committee, general comment No. 36 (2019), paras. 26 and 62.

⁴⁹ Presidential decree No. 2.412 of 2016.

⁵⁰ See <https://codehciu.org/hubo-48-muertes-potencialmente-ilicidas-en-bolivar-y-19-en-monagas-durante-2022> (in Spanish).

⁵¹ See <https://codehciu.org/codehciu-registro-37-reportes-de-desaparecidos-en-zonas-mineras-de-bolivar> (in Spanish).

⁵² Guiding Principles on Business and Human Rights.

⁵³ See <https://ceofanb.mil.ve/arranca-campana-de-reforestacion-en-la-region-de-guayana-a-traves-de-la-fanb> (in Spanish).

⁵⁴ [A/HRC/50/59](#), para. 8.

⁵⁵ See <https://es.mongabay.com/2023/03/deforestacion-bosques-sabanas-venezuela> (in Spanish).

⁵⁶ See <https://clima21.net/informes/vanishing-forests-deforestation-in-venezuela-2016-2021>.

⁵⁷ See www.defensa.com/venezuela/venezuela-lanza-simultaneamente-operaciones-roraima-2022-autana (in Spanish).

⁵⁸ See www.correodelorinoco.gob.ve/fanb-inhabilita-43-campamentos-de-mineria-ilegal-en-parques-nacionales (in Spanish).

⁵⁹ Committee on Economic, Social and Cultural Rights, general comment No. 26 (2022), paras. 16, 17, 19, 25 and 27; and United Nations Declaration on the Rights of Indigenous Peoples, art. 26 (3).

and Amazonas States.⁶⁰ Early pregnancy, complications during pregnancy and at childbirth, as well as infectious diseases threaten the survival of Indigenous women and children.⁶¹ General lack of access to food and adequate income has reportedly provoked significant migration of Indigenous persons to urban and mining areas and abroad, contributing to progressive and long-term loss of their institutions and forms of self-organization, and severely interfering with their right to self-determination.

27. OHCHR received allegations of sexual violence against Indigenous women and girls, particularly in mining areas in Zulia, Bolívar and Amazonas States, where non-State armed and criminal organizations reportedly operate, including involvement in narcotrafficking and mining. OHCHR received reports of sexual violence against Indigenous girls by presumed dissidents of the Revolutionary Armed Forces of Colombia-People's Army and *garimpeiros*, illegal miners from Brazil, in Amazonas State.⁶² Further allegations indicated trafficking of Indigenous women and girls for sexual exploitation in mining areas or by members of armed groups.

28. OHCHR continues to monitor the case of a Jivi Indigenous woman, a victim of rape in the Amazonas State in August 2020. Her situation sparked concerns in relation to the specific challenges in access to remedy for Indigenous survivors of sexual violence. Despite efforts to seek redress, those responsible have not been sanctioned.

29. During the reporting period, OHCHR documented threats and intimidation by non-State armed and criminal groups against five Indigenous human rights defenders, leaders and authorities, which led to the forced displacement of two defenders (one of whom is a woman) and their families, including women and children. Threats were also reported against entire communities defending their ancestral territory from narcotrafficking and mining. On 30 June 2022, Virgilio Trujillo, an Indigenous Peoples' rights activist and coordinator of Uwottüja Indigenous territorial guardians, was murdered in Puerto Ayacucho, Amazonas State. OHCHR calls for an independent, impartial, prompt, thorough and effective investigation into that murder; and appropriate conclusion of the investigation into the killing of four Yanomami (three men and one woman) and the injuries caused to one Yanomami youth, on 20 March 2022, in Parima B, Amazonas State.⁶³

III. Gender, gender-based violence and non-discrimination

30. During the 2023 commemoration of International Women's Day, the President of the Bolivarian Republic of Venezuela announced the creation of Gran Misión Mujer Venezuela, a governmental body responsible for articulating and coordinating policies and programmes to enhance women's rights, including those on education, health, work and social security.⁶⁴ Such a move represents an opportunity to implement pending policies and initiatives, such as the bill on gender equality, the development of a national action plan to address gender-based violence and reform of the Organic Law on the Right of Women to a Life Free of Violence of December 2021,⁶⁵ of which OHCHR continues to note the absence of information on the budgetary allocations necessary to ensure its effective implementation.

31. According to official sources, 1,899 individuals have been accused of femicide since 2014. However, the Bolivarian Republic of Venezuela has no official observatory on gender-based violence. Throughout 2022, an independently created observatory reported 240

⁶⁰ See <https://es.mongabay.com/2023/02/la-tragedia-del-pueblo-yanomami-un-panorama-de-emergencia-en-venezuela-y-brasil> (in Spanish).

⁶¹ UNICEF, "Humanitarian action for children: Venezuela".

⁶² See <https://data.landportal.info/Content/Venezuela-indigenous-women-speak-out-against-miners-and-armed-insurgents>.

⁶³ A/HRC/50/59, para. 9.

⁶⁴ See www.minci.gob.ve/gobierno-nacional-crea-la-gran-mision-mujer-venezuela (in Spanish).

⁶⁵ A/HRC/50/59, para. 39.

femicides,⁶⁶ reflecting similar levels to those seen in 2021.⁶⁷ Another independent observatory documented 282 cases of femicide in 2022.⁶⁸

32. OHCHR documented two cases of gender-based violence, including sexual violence, that experienced delays in the investigation and prosecution of the perpetrators. It is essential that such procedures are conducted in accordance with international human rights norms and standards. Furthermore, the State should implement protection measures and integrated services for victims of gender-based violence, as well as those at risk of such violence, including shelters and medical and psychosocial support for victims.⁶⁹

33. OHCHR welcomes the judgment of the Supreme Court of Justice of 16 March 2023, following the Ombudsperson's request, in which it declared void the last sentence of article 565 of the Organic Law of Military Justice⁷⁰ criminalizing consensual same-sex relations within the military. The decision represents an important step towards establishing conditions to guarantee a life with dignity and free from violence and discrimination for LGBTIQ+ persons. LGBTIQ+ organizations continue to request the Government to take measures to enable the full enjoyment of human rights, including the development of a law to guarantee the right of transgender persons to gender self-identification, the implementation of article 146 of the Organic Law on the Civil Registry, allowing changes of name in accordance with such self-identification, and recognition of same-sex marriage.⁷¹

34. During 2022, one non-governmental organization recorded 97 cases of physical violence, hate speech or discrimination targeting LGBTIQ+ persons, of which almost 21 per cent were attributed to State actors and 13 per cent to other persons of influence.⁷² OHCHR recommends the development of a robust protocol for thorough and effective investigation and prosecution of cases of discrimination, hate crimes and other forms of violence based on gender identity, gender expression, sex characteristics and sexual orientation.

IV. Rule of law and accountability

A. Independence of the justice system and judicial reforms

35. Steps and measures were taken by judicial and legislative authorities during the reporting period to improve the celerity of its proceedings and strengthen the justice system. Several reforms were included in the legislative agenda during the reporting period, including on the training and selection of judicial officers and on the inspectorate of courts.

36. OHCHR provided authorities with five notes to further harmonize national legislation with international standards, including on the selection, ratification, appointment and removal of judges and on upholding principles and criteria for entry and promotion within the judiciary, such as through public, transparent, inclusive and competitive examinations. OHCHR encourages authorities to draw from those notes and address concerns expressed by the Special Rapporteur on the independence of judges and lawyers in a communication from 30 May 2022.⁷³

⁶⁶ See <https://utopix.cc/pix/diciembre-de-2022-son-25-casos-mas-para-un-total-de-236-femicidios-durante-el-ano-2022> (in Spanish).

⁶⁷ A/HRC/50/59, para. 39.

⁶⁸ See <https://cepaz.org/noticias/observatorio-digital-de-femicidios-de-cepaz-en-el-2022-hubo-37-femicidios-de-ninas-en-venezuela> (in Spanish).

⁶⁹ CEDAW/C/VEN/CO/9, paras. 25 and 26.

⁷⁰ See historico.tsj.gob.ve/decisiones/scon/marzo/323428-0128-16323-2023-23-0288.HTML (in Spanish).

⁷¹ See <https://cronica.uno/poblacion-lgbtq-sigue-sin-respuestas-claras-sobre-cambio-de-nombre-luego-de-tres-meses-de-promesas-del-gobierno> (in Spanish).

⁷² See <https://nomasdiscriminacion.org/wp-content/uploads/2023/04/OVVInforme1.pdf> (in Spanish).

⁷³ See communication VEN 3/2022, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27309>.

37. On 1 November 2022, the Prosecutor of the International Criminal Court requested the authorization of the Pre-Trial Chamber to resume his investigation into the situation in the Bolivarian Republic of Venezuela, suspended since the Government's request of April 2022 to defer the investigation. In his request, the Prosecutor argued that, in his view, the deferral requested by the Government was, at that stage, not warranted and that the investigation should be authorized to resume. The Prosecutor also acknowledged that the Venezuelan authorities had carried out legal reforms that aimed to address structural and systemic issues. Nevertheless, his Office's independent and objective assessment was that those efforts and reforms remained either insufficient in scope or had not yet had a concrete impact on potentially relevant proceedings in the national system. The Prosecutor noted that his assessment could be revisited at a later stage in the proceedings. The Government of the Bolivarian Republic of Venezuela submitted its observations on the Prosecutor's request. The Pre-Trial Chamber having been fully briefed, a decision on the matter is now pending. Further to the principle of complementarity, OHCHR encourages the Venezuelan authorities to fully cooperate with the Office of the Prosecutor of the International Criminal Court in the framework of the Rome Statute and the implementation of the Memorandums of Understanding concluded between the Government and the Office of the Prosecutor.

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

38. OHCHR acknowledged amendments to the Organic Code of Criminal Procedure to reduce pretrial detention and to accelerate the opening of trials.⁷⁴ However, concerns remain regarding the lack of implementation of the adopted legislation. During the reporting period, OHCHR documented at least 135 cases of individuals (10 women) who remained in pretrial detention beyond the legally established period in the recent amendment of article 230 of the Organic Code of Criminal Procedure, thus amounting to arbitrary detention.⁷⁵ Other human rights may also have been violated.⁷⁶ An additional 39 individuals were sentenced despite having been held in pretrial detention beyond the legally established period. In 44 documented cases, detainees requested their release to the judicial authorities (34 in ordinary and 10 in military jurisdictions) after having spent two, three or more years in pretrial detention. However, to date, the requests have either been denied or left unanswered. OHCHR urges the judicial authorities to duly examine the submitted applications for release from pretrial detention in the light of international human rights norms and standards and to release immediately all those unlawfully or arbitrarily detained.

39. During the reporting period, the Working Group on Arbitrary Detention issued five opinions in respect of the Bolivarian Republic of Venezuela in which it found that the detainees were being held in arbitrary detention, one of whom was released almost four months following the adoption of the opinion,⁷⁷ while another one was released before the opinion was adopted.⁷⁸ The remaining three individuals continue to be held in pretrial detention.⁷⁹ An additional 12 individuals in respect of which the Working Group had issued opinions before the reporting period continue to be held in detention. In another 16 cases in which the Working Group has issued opinions, including one dating back to March 2010, the individuals concerned continue to be subjected to alternative measures to detention.⁸⁰ Overall, there were continuing judicial proceedings or sentences in at least 16 cases, despite the Working Group having issued opinions. OHCHR encourages the authorities to swiftly implement the opinions adopted by the Working Group.

40. OHCHR documented further delays in the execution of release orders in 16 cases, including for previously reported cases.⁸¹ In seven cases, detainees were released after periods covering 8 to 330 days of arbitrary detention. Eight other detainees had new arrest warrants

⁷⁴ [A/HRC/50/59](#), para. 22.

⁷⁵ International Covenant on Civil and Political Rights, art. 9.

⁷⁶ Human Rights Committee, general comments No. 35 (2014), para. 37, and No. 32 (2007), para. 61.

⁷⁷ Opinion No. 16/2022.

⁷⁸ Opinion No. 55/2022.

⁷⁹ Opinions No. 48/2022, No. 67/2022 and No. 87/2022.

⁸⁰ Opinion No. 20/2010 (see [A/HRC/16/47/Add.1](#) and [A/HRC/16/47/Add.1/Corr.1](#)).

⁸¹ [A/HRC/50/59](#), para. 28.

issued against them after the issuance of a release order, including four cases from previous reports. One woman saw her release order revoked 256 days after its issuance, reportedly because of delays in communication between institutions.

41. OHCHR acknowledges the State's initiatives concerning sentence remission programmes⁸² for persons in pretrial detention. However, detainees raised concerns regarding the difficulties involved in accessing and obtaining accreditation for their remissions. OHCHR continues to encourage authorities to develop comprehensive policy guidance on remission programmes for those in pretrial detention and recalls that pretrial detention is an exceptional measure that should only be imposed in strict compliance with international human rights law.⁸³

C. Right to a fair trial

42. During the reporting period, OHCHR had access to 13 confidential case files from the Office of the Attorney General and 3 judicial hearings, and formulated recommendations to the judicial authorities on the conduct of the investigations and proceedings. OHCHR welcomes that access and encourages its adoption as a standard practice, allowing for improved technical support.

43. OHCHR noted continuing delays in judicial procedures, including investigations, hearings and prosecutions, eroding guarantees of procedural fairness and due process, as well as challenges in complying with the legally established deadlines for the publication of judgments.

44. Based on the information received, undue delays were observed in the proceeding of three cases against individuals accused of insurrection against the State, in which 93 hearings were deferred during the reporting period.⁸⁴ Concerns remain regarding the postponement of court hearings in those cases, allegedly due, among other issues, to challenges in the timely notification by judicial authorities of the transfer of detainees between detention centres and courts, thus reflecting the need for improved coordination between judicial authorities and detention centres. In one case, judicial hearings were postponed on 14 consecutive occasions since 9 August 2022 for causes attributable to coordination issues among authorities.

45. Undue restrictions to the right to a fair trial were noted in six cases in which those accused were not granted the right to legal representation of their own choosing, and in three cases in which persons in detention and their legal representatives reported obstacles in accessing case files, videos and transcripts from hearings.⁸⁵

D. Detention and the right to physical and mental integrity

46. During the reporting period, OHCHR provided technical assistance to national authorities, such as three training sessions as part of its human rights training plan,⁸⁶ including the provision of a module on the rights of persons in detention and national mechanisms for the prevention of torture in March 2023.

47. OHCHR conducted 15 visits to detention centres and interviewed 206 persons in detention, among whom there were 50 women, 6 LGBTIQ+ persons and 4 boys. Since May 2022, 32 detainees (including 1 woman) have been released following OHCHR advocacy, including 19 without conditions and others on the basis of alternative measures, such as house arrest.

48. OHCHR raised concerns in relation to the health conditions of many detainees, including 23 inmates awaiting responses to requests for humanitarian measures or other

⁸² Contained in the Law on Reduced Sentences for Work and Study.

⁸³ International Covenant on Civil and Political Rights, art. 9 (3); and Human Rights Committee, general comment No. 35 (2014), para. 38.

⁸⁴ International Covenant on Civil and Political Rights, art. 14 (3) (c).

⁸⁵ Ibid., art. 14 (3) (b) and (d).

⁸⁶ See <https://mppre.gob.ve/2021/10/05/plan-derechos-humanos-venezuela-oacnudh> (in Spanish).

alternative measures to detention (3 in military and 20 in ordinary jurisdictions) and 63 awaiting medical transfers. The provision of timely and appropriate physical and mental health care for detainees, free of charge and without discrimination on grounds of their legal status, is part of the State's responsibility.⁸⁷ OHCHR also notes the differential risks and consequences associated with limited access to health services for specific persons in detention, such as women, LGBTIQ+ persons and persons with disabilities.

49. OHCHR acknowledges the authorities' continued efforts to protect the rights of detained LGBTIQ+ persons, including to sensitize the wider community about LGBTIQ+ rights in detention centres.⁸⁸ OHCHR recommends the adoption of specific protocols to prevent discrimination and violence based on gender identity, gender expression, sex characteristics and sexual orientation of persons deprived of liberty.

50. During the reporting period, OHCHR documented cases of 22 individuals who had been allegedly tortured or subjected to ill-treatment in detention centres between 2018 and 2022. Those cases add to the 92 from the same period that have been previously documented. Of those 114 cases, 62 are attributable to the Directorate General of Military Counter-Intelligence and 5 to the Bolivarian National Intelligence Service. Fear of reprisals and distrust of institutions and authorities have contributed to underreporting of torture allegations to authorities. OHCHR reiterates its recommendation to close detention facilities previously administered by the intelligence services and ensure that detention centres comply with international standards.⁸⁹

51. During 2022, 362 public officials were indicted, 185 accused and 47 convicted in cases involving torture and ill-treatment.⁹⁰ However, OHCHR monitored at least 91 complaints of torture submitted to authorities by victims and their representatives and, to date, there is no information to suggest that anyone is on trial for any of those offences. OHCHR recalls that failure to investigate allegations of torture and other forms of ill-treatment, or a prolonged delay in doing so, may constitute a separate violation of the prohibition of torture and ill-treatment and of the right to effective remedies of victims.⁹¹

E. Right to life

52. Throughout the reporting period, OHCHR continued to provide technical assistance to authorities, including through the development of two guides for public officials to address allegations of violations of the rights to life and personal integrity. OHCHR encourages the authorities to approve and implement those guides, as they encompass the main international standards of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) and the Minnesota Protocol on the Investigation of Potentially Unlawful Death.

53. Unlike in its previous report, OHCHR did not receive any information about deaths that had occurred in protests during the reporting period.⁹² However, OHCHR noted persistent delays in the investigations into the deaths that occurred during the protests between 2014 and 2019.⁹³ Some cases have experienced delays of up to nine years, such as those of Robert Redman Orozco and José Alejandro Márquez. Of the 41 cases documented by OHCHR, 28 remain under investigation or at trial, 2 have been dismissed or the defendants acquitted, 7 have resulted in convictions and for the remaining 4, there is no updated information. At least four sentences were appealed by the families as a result of the lack of

⁸⁷ United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), rule 24.

⁸⁸ See www.mppsp.gob.ve/index.php/noticias/4403-mppsp-garantiza-los-derechos-humanos-de-la-comunidad-lgbtqi-en-los-centros-penitenciarios (in Spanish).

⁸⁹ [A/HRC/44/20](#), para. 86 (g).

⁹⁰ [CCPR/C/VEN/RQ/5](#), para. 75.

⁹¹ International Covenant on Civil and Political Rights, art. 7; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, arts. 12 and 13; Committee against Torture, general comment No. 2 (2008).

⁹² [A/HRC/50/59](#), para. 55.

⁹³ *Ibid.*, para. 38; and [A/HRC/47/55](#), para. 43.

an investigation into all the perpetrators or inconsistencies in the judgments. Three of those appeals remain pending before the Supreme Court of Justice. OHCHR observed repeated changes of prosecutors and multiple postponements of hearings, causing further delays. According to information received, in 26 cases procedural due diligences were pending, while 14 cases still lacked the identities of the perpetrators. Lack of cooperation between State security and military forces was noted in at least 16 cases. OHCHR encourages further efforts to ensure accountability for those violations, both in relation to the direct perpetrators and within the chain of responsibility.

54. Similar to previous reporting, the information available indicated a reduction in the number of deaths in the context of security operations.⁹⁴ However, such deaths are likely to be underreported, including due to fear of reprisals and limited access to areas in which incidents have occurred. OHCHR has documented the cases of 17 deaths (all men) in such operations, of which 7 occurred between May 2022 and April 2023. Of those seven cases, five were perpetrated by the Bolivarian National Police. Three were documented in the context of Operation Trueno in Petare, on 28 September 2022. OHCHR recalls that all law enforcement operations should comply with international human rights law.

55. With regard to the 101 persons (all male, including six minors) who died in the context of security operations documented by OHCHR, including those prior to the reporting period, 90 deaths remain under investigation by the Office of the Attorney General and 8 cases have been tried, with 3 individuals being sentenced, including 2 for homicide. Relatives of at least 38 victims reported persistent difficulties in accessing case files and relatives of 59 victims reported the lack of an institutional response to their requests. Forensic protocols are pending in 41 cases. Fifteen families reported undue procedural delays caused by repeated changes of prosecutors or the absence of forensic analysis.

56. OHCHR documented one death in detention, reportedly due to metastasis and limited medical attention. OHCHR noted slow progress in the investigation of six previously reported deaths in detention. According to the Human Rights Committee, loss of life occurring in custody, in unnatural circumstances, creates a presumption of arbitrary deprivation of life by State authorities.⁹⁵ OHCHR calls for prompt and effective investigation of the circumstances of those deaths and, if appropriate, prosecution and punishment consistent with international law.

57. OHCHR received reports of demeaning treatment by judicial officials of relatives of victims of violations of the right to life in at least 19 cases, such as acts of intimidation and stigmatization, causing further distress and revictimization. Victims and their relatives should be provided with full reparations, taking into account the gravity of the harm suffered.

F. Investigations into cases of disappearances, including at sea

58. A fifth suspect was arrested, in December 2022, by the Bureau for Scientific, Criminal and Forensic Investigations as part of the investigation into the alleged perpetrators of the disappearance of 34 persons (including, 10 women and 3 children) onboard *La Vela del Coro* in June 2019. However, delays were observed in judicial investigations and proceedings in the other eight recorded cases of disappearances at sea between 2015 and 2022, as well as challenges for families and legal representatives to access information related to measures implemented by the Office of the Attorney General and other relevant authorities to search for the individuals who had disappeared.⁹⁶

59. OHCHR remains concerned about the slow progress in relation to the investigations into the alleged enforced disappearances of Lieutenant Colonel Juan Antonio Hurtado Campos and Hugo Enrique Marino Salas, as more than four years have passed without information about their whereabouts.⁹⁷ OHCHR calls for reinforced efforts to investigate

⁹⁴ A/HRC/50/59, para. 17.

⁹⁵ Human Rights Committee, general comment No. 36 (2019), para. 29.

⁹⁶ See communication VEN 8/2020 (in Spanish), available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25534>.

⁹⁷ A/HRC/47/55, para. 15.

those and all other cases of disappearances, including of alleged enforced disappearances, and to adopt the necessary measures to support the timely and effective search for disappeared persons, consistent with the Government's obligation to ensure effective remedies, including the prevention of recurrence.

V. Civic and democratic space

60. OHCHR welcomes the readiness of the Government and other stakeholders to join efforts towards peace and reconciliation in the Bolivarian Republic of Venezuela, as noted in the initial resumption of the Venezuelan dialogue and negotiation process in Mexico in November 2022 and the Second Partial Agreement on the Social Protection of the Venezuelan People. That process represents an important opportunity for cooperation and to identify long-term solutions to the persistent social and economic challenges in strengthening the rule of law and the enjoyment of human rights in the country. OHCHR encourages all parties to fully and swiftly implement the agreements reached so far and resume the dialogue, in an inclusive and non-discriminatory manner, while ensuring due diligence in the use of funds.

61. During the reporting period, OHCHR continued to document restrictions on civic space, including restrictive legal frameworks that limit the work of civil society organizations and reports that dissident voices were subjected to arbitrary judicial and administrative procedures, as well as stigmatization. OHCHR documented 21 accounts of threats and harassment, 46 cases of stigmatization in social media or public broadcasts by State officials, and 17 instances of criminalization, including 10 cases of arbitrary detention against human rights defenders, journalists and other civil society actors, including eight women. OHCHR encourages the Government to further its efforts to guarantee an open and pluralistic civic space.

A. Freedom of opinion and expression, transparency and access to public information

62. During the reporting period, OHCHR documented the closure of 16 radio stations nationwide. According to civil society organizations, 2022 marked an unprecedented level of station closures.⁹⁸ Station owners and managers reportedly feared denouncing the situation publicly. In most cases of closure documented by OHCHR, stations lacked the relevant permits due to a lack of renewal or extension. Different broadcasters reported difficulties in obtaining costly permits from the relevant authorities, in carrying out administrative procedures in Caracas due to the lack of regional registration offices and the lack of a response or a refusal to complete procedures. Radio stations are therefore often unable to comply with legal obligations, despite their efforts. Several broadcasters reportedly replaced news, opinion or citizen complaint programmes with other types of programming to avoid reprisals from the authorities.

63. OHCHR documented the blocking of 44 Internet sites, including national (29) and international media (4), civil society organizations (3), online digital services (5) and privacy services (3), which were carried out by State and privately owned Internet service providers, without formal orders or notifications. Seven Internet sites that had been blocked were subsequently allowed to operate normally and OHCHR encourages further lifting of restrictions, in line with fundamental freedoms.

64. In June 2022, one telecommunications company released information on its 7.9 million service lines (telephone and data) from 2021, noting that more than 1.5 million of those lines were subject to interception requests and almost 1 million were subject to

⁹⁸ See <https://twitter.com/sntpvenezuela/status/1586031478470856709/photo/1>; <https://espaciopublico.org/situacion-general-del-derecho-a-la-libertad-de-expresion-en-venezuela-enero-diciembre-2022-informe-preliminar>; and <https://ipysvenezuela.org/alerta/balance-ipysve-informacion-en-deterioro-seis-meses-de-arbitrariedades-y-censura> (all in Spanish).

metadata requests.⁹⁹ That information raises significant concerns about undue interference with the right to privacy of affected individuals.¹⁰⁰

65. OHCHR reiterates concerns regarding the widespread application of the Constitutional Law against Hatred, for Peaceful Coexistence and Tolerance to criminalize and delegitimize the work of human rights defenders, journalists and other persons.¹⁰¹ During the reporting period, OHCHR documented 9 cases in which individuals, including human rights defenders and journalists, had been charged or prosecuted under incitement to hatred or public instigation legislation, which brings the total number of victims to 32 when those previously documented by the Office are included. OHCHR recalls that any restriction on the freedom of expression resulting from the application of national laws prohibiting incitement to discrimination, hostility or violence must meet the requirements of article 19 (3) of the International Covenant on Civil and Political Rights.¹⁰²

66. Lack of transparency and access to public information remained of concern. Although the Law on Transparency and Access to Information of Public Interest was adopted on 17 September 2021,¹⁰³ OHCHR continued to register civil society requests for access to public information, including 71 in the reporting period. Most of those requests were reportedly unanswered.

B. Right to freedom of peaceful assembly and association

67. Social protests continued during the reporting period, as demonstrations were called nationwide, largely linked to demands pertaining to economic, social and cultural rights. OHCHR notes that those protests were largely peaceful and welcomes improvements in crowd management by the authorities. However, OHCHR documented the case of three workers arrested alongside at least seven others, in January 2023, for their participation in a protest calling for improved salaries and working conditions in Puerto Ordaz, Bolívar. Those individuals were charged with several offences, including conspiracy, instigation and incitement to hatred. While they were released as part of an agreement that ended the protests, some criminal proceedings against them continue.

68. OHCHR noted concerns regarding the right to freedom of association during the reporting period, including due to proposed legislation likely to hinder civil society and humanitarian activities. Proposed legislation, such as the law on international cooperation (May 2022) and the law on oversight regularization, performance and financing of non-governmental and related organizations (January 2023), sparked concerns regarding the implications of further restrictions and regulations for civil society organizations. Those would add to pre-existing registration procedures, including the Unified Registry of Obligated Subjects and the Autonomous Service of Registries and Notaries.¹⁰⁴ The multiplicity of mandatory registrations could constitute an obstacle to the free exercise of their activities and represent an undue restriction on the right to freedom of association.¹⁰⁵ OHCHR recalls that any limitations on freedom of association should comply with the requisites of legality, legitimate purpose, proportionality and necessity under international human rights law.¹⁰⁶

69. In April 2023, the Caribbean Financial Action Task Force stated that the Bolivarian Republic of Venezuela did not comply with international standards on combating

⁹⁹ See www.telefonica.com/es/wp-content/uploads/sites/4/2021/08/Informe-de-Transparencia-en-las-Comunicaciones-2021.pdf (in Spanish).

¹⁰⁰ On surveillance of metadata and the right to privacy, see [A/HRC/27/37](#), para. 19.

¹⁰¹ [A/HRC/47/55](#), para. 61; and [A/HRC/50/59](#), paras. 49, 51, 57 and 59.

¹⁰² Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, para. 18.

¹⁰³ See www.asambleanacional.gob.ve/leyes/sancionadas/ley-de-transparencia-y-acceso-a-la-informacion-de-interes-publico (in Spanish).

¹⁰⁴ [A/HRC/50/59](#), paras. 53 and 54.

¹⁰⁵ [A/74/349](#).

¹⁰⁶ International Covenant on Civil and Political Rights, art. 22.

money-laundering and the financing of terrorism and proliferation,¹⁰⁷ as it did not apply proportionate and risk-based supervisory measures to non-profit organizations.

C. Right to take part in public affairs

70. OHCHR observed that, while public consultations took place regarding proposed legislation, such processes did not comply with standards of transparency, inclusion and participation of all sectors of society. OHCHR was alerted about the lack of information regarding participation during consultations and the absence of guarantees that such participation would be acknowledged by the authorities.

71. OHCHR is concerned about 14 allegations received between February and April 2023 regarding restrictions on the right to take part in the conduct of public affairs, including harassment and other forms of intimidation, against members of political parties and militants in the context of the electoral campaign for the primaries launched by part of the opposition. OHCHR received reports concerning the disqualification of persons from participating in electoral processes by the Office of the Comptroller General. No notifications regarding the opening of procedures were reportedly issued prior to disqualification, thereby restricting the exercise of the right of defence. OHCHR continues to monitor decisions of the Supreme Court of Justice that could unduly restrict the freedom of association and the right to take part in the conduct of public affairs through interference with the internal decision-making processes of political parties, including the appointment of an ad hoc board of directors for such parties.

VI. Conclusion and recommendations

72. OHCHR welcomes commitments made by the Government, including during the High Commissioner's visit in January 2023 and the renewal of the Letter of Understanding with the Office. OHCHR will continue to provide its support to the authorities to advance human rights in the country. While OHCHR calls for sectoral sanctions that exacerbate pre-existing challenges and limit people's enjoyment of human rights to be lifted, the Government must take steps, to the maximum of its available resources, to achieve the full realization of economic and social rights and ensure an environment conducive to the full exercise of other human rights, including by addressing challenges that disproportionately affect Indigenous Peoples, LGBTIQ+ persons and women. OHCHR calls for prompt, independent, impartial and effective investigations, at all levels of responsibility, of alleged human rights violations, including the rights to life, integrity of person, liberty and freedom from torture. The Government must adopt measures to prevent, mitigate and sanction all attacks against, and intimidation and criminalization of, persons expressing dissenting views and ensure meaningful and inclusive participation of actors, to ensure full enjoyment of civic space.

73. **In addition to the previously issued recommendations (see annex), the High Commissioner calls upon the Government:**

(a) **To reactivate the demarcation process of Indigenous Peoples' land, to be carried out in accordance with their full and meaningful participation and informed consent;**

(b) **To develop and adopt a protocol on the protection of human rights defenders, journalists, campesinos, rural workers and union and labour leaders; and take appropriate measures to end acts of stigmatization by public officials and corresponding accountability measures;**

(c) **To fully implement the commitments adopted in the action plan of the Social Dialogue Forum of February 2023; carry out prompt, independent, impartial and effective investigations into all alleged violations of the rights to freedom of**

¹⁰⁷ See www.fatf-gafi.org/content/dam/fatf-gafi/fsrb-mer/CFATF-Mutual-Evaluation-Venezuela.pdf.coredownload.inline.pdf.

association, including the right to unionize, and peaceful assembly, and bring all perpetrators to justice; and take concrete measures to address the root causes, including wages and working conditions, of protests by workers and retirees;

(d) To adopt measures to ensure the enjoyment of the right to health, including access to sexual and reproductive health services and the decriminalization of abortion, while respecting the differentiated needs of women;

(e) To accelerate the adoption of the draft bill on gender equality currently pending before the National Assembly and develop a national action plan to address gender-based violence in line with the observations of the Committee on the Elimination of Discrimination against Women;

(f) To adopt measures to guarantee the enjoyment of human rights, free from discrimination, including a law to guarantee the right of transgender persons to gender self-identification, in addition to the implementation of article 146 of the Organic Law on the Civil Registry;

(g) To develop a comprehensive policy and guidelines on the timely execution of release orders, sentence remission programmes and their computation, while ensuring full access and transparency on procedures in place;

(h) To ensure prompt, independent, effective, impartial, transparent, thorough and credible investigations and judicial proceedings into deaths in the context of security operations and protests, allegations of torture or other forms of ill-treatment and disappearances at sea; hold, prosecute and punish those responsible, including superiors, in accordance with international human rights law; and provide victims with full reparations;

(i) To ensure effective compliance with the amendments to the Organic Code of Criminal Procedure aimed at reducing pretrial detention, including timely examination of the applications submitted under article 230 thereof;

(j) To promote transparent, broad, inclusive and meaningful public consultations before adopting laws, policies or public projects;

(k) To ensure that the application of the legislation on hate crimes and incitement to hatred complies with the International Covenant on Civil and Political Rights and the Rabat Plan of Action;

(l) To review legislation on interception of communications and collection and use of personal data to ensure compliance with the right to privacy;

(m) To establish a regularization plan to allow radio stations to use the radio spectrum under conditions that guarantee plurality of information and legal certainty, including through effective participation of representatives of the sector, organizations dedicated to the promotion of freedom of expression and other interested actors;

(n) To establish mechanisms to ensure timely responses to civil society requests for public information;

(o) To ensure due process and transparency in administrative procedures conducted by the Office of the Comptroller General with regard to disqualification of candidates for public office;

(p) To expand cooperation with OHCHR with a view to implementing human rights-based recommendations, including those stemming from international mechanisms, such as United Nations human rights mechanisms;

(q) To cooperate, further to the principle of complementarity, with the Office of the Prosecutor of the International Criminal Court in order to demonstrate its willingness and ability to carry out relevant national investigations and prosecutions of sufficient scope, with a view to ensuring due accountability consistent with international standards;

(r) To build on pre-existing cooperation with the United Nations system, including ILO.

74. **The High Commissioner calls upon the States Members of the United Nations and the international community to encourage support for the process of national dialogue and implementation of the agreements reached and to lift the sectoral sanctions that exacerbate pre-existing challenges and negatively affect the enjoyment of human rights.**

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);
- Support spaces for an inclusive and wide-ranging political dialogue, with human rights at the centre of the discussions (A/HRC/50/59);
- Ensure the meaningful and effective participation of civil society in the adoption of policies and legislation on matters affecting them (A/HRC/50/59);

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);

- 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 ([A/HRC/50/59](#));
- 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 ([A/HRC/50/59](#));

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](#));
- 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](#));
- 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 ([A/HRC/50/59](#));

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](#));

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](#));
- Protect persons, including those on the move, from abuses, corruption and extortion by State agents ([A/HRC/41/18](#));
- 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](#));

Rights to liberty and to a fair trial

- 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 ([A/HRC/50/59](#));
- 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 ([A/HRC/50/59](#));
- 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

- 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 ([A/HRC/50/59](#));
- 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/44/54](#));

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](#));
- 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 ([A/HRC/50/59](#));
- 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 ([A/HRC/50/59](#));
- 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](#));
- Establish a special voter register for indigenous people to ensure their free and meaningful participation in the electoral processes ([A/HRC/50/59](#));
- Cease any intimidation and attacks against indigenous peoples, including leaders, and ensure their protection and take all necessary measures to protect their individual and collective rights, including their right to land ([A/HRC/41/18](#));

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](#));
- 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 ([A/HRC/50/59](#));
- 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 ([A/HRC/50/59](#));
- 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 ([A/HRC/50/59](#));
- Ensure the right to identity and documentation for all persons, including children ([A/HRC/41/18](#));
- 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 ([A/HRC/50/59](#));
- 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 ([A/HRC/50/59](#));
- Ensure measures are taken towards the progressive realization of the right to an adequate standard of living of all the population, without discrimination ([A/HRC/50/59](#));

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](#));
- 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 ([A/HRC/50/59](#));
- Accept and facilitate the establishment of a permanent OHCHR country office ([A/HRC/41/18](#));

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 ([A/HRC/48/19](#));

(b) Continue their support to the humanitarian response in the Bolivarian Republic of Venezuela, particularly with regards to the COVID-19 pandemic ([A/HRC/48/19](#));

(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 ([A/HRC/48/19](#));

(d) Ensure the rights of migrants from Venezuela in their respective territories and investigate human rights violations or abuses committed against them ([A/HRC/48/19](#)).
