



Report submitted by Asociación Civil Sinergia on the occasion of the review of compliance with the International Covenant on Civil and Political Rights during the 139th session of the Human Rights Committee.

(Special emphasis on the rights and articles of the following covenant: Anti-corruption (arts. 14, 25 and 26); Non-discrimination (arts. 2, 19, 20 and 26); Gender equality (arts. 3 and 26); Violence against women, including domestic violence (arts. 2, 3, 6, 7 and 26); Voluntary termination of pregnancy and reproductive rights (arts. 6, 7 and 8); Right to life (art. 6); Prohibition of torture and other cruel, inhuman or degrading treatment or punishment, and treatment of persons deprived of liberty (arts. 6, 7 and 10); Liberty and security of person (art. 9); Elimination of slavery, servitude and trafficking in persons (arts. 2, 7, 8 and 26); Liberty of movement of persons (art. 12); Access to justice, independence of the judiciary and administration of justice (arts. 2 and 14); Freedom of expression (arts. 19 and 20); Right to peaceful assembly and freedom of association (arts. 21 and 22); Rights of children (arts. 23, 24 and 26); Right to participate in public affairs (arts. 25 and 26); Rights of ethnic and religious minorities (arts. 1 and 27).

Sinergia is a Venezuelan network of civil society organizations created in 1996 that brings together 66 member organizations¹. As a democratic space for the articulation of civil society, it is a national reference in the construction of the social structure, based on the ethical, responsible, creative and inclusive exercise of citizenship that is expressed in: strengthened and efficient organizations, with social, human and citizen impact, and with solid cooperative relationships. The mandates of its assembly are to promote and defend the *right to freedom of association* and the *right to development*, based on the promotion of the Sustainable Development Goals (SDGs)¹.

(This report can be published on the Committee's website)

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¹ Sinergia members organizations are: GRUPO SOCIAL CESAP, FUNDACION EUGENIO MENDOZA, FEDERACION DE INSTITUCIONES PRIVADAS DE ATENCION AL NIÑO, JOVEN Y LA FAMILIA (FIPAN), ESCUELA DE VECINOS DE VENEZUELA, FUNDACION VIVIENDA POPULAR, FUNDACION TIERRA VIVA, BANCO DEL LIBRO, ACCION CAMPESINA, ASOCIACION DE PLANIFICACION FAMILIAR (PLAFAM), UNIVERSIDAD VALLE DEL MOMBOY, FUNDACION CONTRA LA PARALISIS INFANTIL, FUNDACION UNIVERSIDAD METROPOLITANA, DIVIDENDO VOLUNTARIO PARA LA COMUNIDAD (DVC), CENTRO DE DIVULGACIÓN DEL CONOCIMIENTO ECONOMICO (CEDICE), FUNDACIÓN MUSEO DE LOS NIÑOS, QUEREMOS ELEGIR, ORGANIZACIÓN NACIONAL DE TRASPLANTE DE VENEZUELA (ONTV), ACCIÓN SOLIDARIA, NIÑA MADRE, LIDERAZGO Y VISION, UNIANDES, CENTRO DE INVESTIGACIÓN SOCIAL (CISOR), OBSERVATORIO VENEZOLANO DE PRISIONES, OPCIÓN VENEZUELA, ASOCIACIÓN VENEZOLANA DE SERVICIOS DE SALUD DE ORIENTACIÓN CRISTIANA (AVESSOC), INSTITUTO VENEZOLANO DE ESTUDIOS SOCIALES Y POLÍTICOS (INVESP), BUENA VOLUNTAD, CONVITE, FUNDACIÓN ENSAYOS PARA EL APRENDIZAJE PERMANENTE (FEPAP), EDUCRÉDITO, ASOCIACIÓN VENEZOLANA PARA LA HEMOFILIA (AVH), SENOSAYUDA, FUNDACIÓN DE LUCHA CONTRA EL CÁNCER DE MAMA (FUNCAMAMA), ASOCIACIÓN VENEZOLANA DE MUJERES (AVM), INSTITUTO VENEZOLANO PARA EL DESARROLLO INTEGRAL DEL NIÑO (INVEDIN), FUNDACIÓN BENGUA, ESCUELA DE CIUDADANOS, FUNDACIÓN AGUA CLARA, FUNDACIÓN COOPERACIÓN INTERNACIONAL E INTEGRACIÓN PARA EL DESARROLLO Y EL ESFUERZO REGIONAL (CIIDER), FUNDACIÓN REFLEJOS DE VENEZUELA, INSTITUTO PRENSA Y SOCIEDAD (IPYS VENEZUELA), TRANSPARENCIA VENEZUELA, STOP VIH, SUPETAREC, ASOVILUZ, CEPAP, PREPARA FAMILIA, CENTRO DE DESARROLLO INTEGRAL SUCRE (CEDISUC), FUNDACION TIERRA BLANCA, CIVILIS, UNA VENTANA A LA LIBERTAD, ACCESO A LA JUSTICIA, ENTORNO SOCIEDAD DESARROLLO Y AMBIENTE (ESDA), MEDICOS UNIDOS DE VENEZUELA, FUNDACIÓN AYÚDATE, ASOCIACION VENEZOLANA DE CONCIERTOS, SOCIEDAD ANTICANCEROSA DE VENEZUELA, ASOCIACION CIVIL CONTROL CIUDADANO, EL PARAGUERO, CENTRO VENEZOLANO AMERICANO DE MARGARITA- (CEVEMAR). AQUÍ SE HABLA LEGAL, ACCIÓN CIUDADANA CONTRA EL SIDA, VOTO JOVEN, FUNDACIÓN MAVID, OBSERVATORIO GLOBAL DE COMUNICACIÓN Y DEMOCRACIA, UNIÓN AFIRMATIVA.

I. Introduction

1. The purpose of this follow-up report is to provide information to the Human Rights Committee on the status of compliance with the International Covenant on Civil and Political Rights, on the occasion of the 139th session of the Committee, using as a reference the Report submitted by the Venezuelan State, the List of Issues presented by the Committee, and the response provided by the State.
2. The information contained herein covers events and situations occurring from 2016 to 2023, and refers to the following Covenant rights: anti-corruption (arts. 14, 25 and 26); Non-discrimination (arts. 2, 19, 20 and 26); Gender equality (arts. 3 and 26); Violence against women, including domestic violence (arts. 2, 3, 6, 7 and 26); Voluntary interruption of pregnancy and reproductive rights (arts. 6, 7 and 8); Right to life (art. 6); Prohibition of torture and other cruel, inhuman or degrading treatment or punishment, and treatment of persons deprived of their liberty (arts. 6, 7 and 10); Liberty and security of person (art. 9); Elimination of slavery, servitude and trafficking in persons (arts. 2, 7, 8 and 26); Liberty of movement of persons (art. 12); Access to justice, independence of the judiciary and administration of justice (arts. 2 and 14); Freedom of expression (arts. 19 and 20); Right to peaceful assembly and freedom of association (arts. 21 and 22); Rights of children (arts. 23, 24 and 26); Right to participate in public affairs (arts. 25 and 26); Rights of ethnic and religious minorities (arts. 1 and 27).

II. Context

3. HumVenezuela has argued that the Complex Humanitarian Emergency (CHE) in the country has caused massive deprivations of rights manifested in poverty, hunger, violence, the collapse of basic services, absenteeism and school dropout, poor health, preventable deaths, and the largest and fastest forced migration ever to occur in Latin America and the Caribbean. In a population of 28.7 million people, the measurement shows that 19 million have humanitarian needs in health, water, and sanitation; 18 million have food problems; and 6 million children face serious difficulties in receiving a quality basic education. 55% have severe humanitarian needs, 68% in food, 56% in health, 56% in water and sanitation, and 55% in education. This trend will continue as long as the factors of deinstitutionalization, lack of democratic governance, and absence of rule of law do not disappear².

III. Anti – corruption (arts. 14, 25 and 26)

4. Venezuela ranks last in the World Justice Project Rule of Law Index (2022), and the result placed Venezuela in last place out of 140 countries. Among others, the measurement of corruption stands out, where Venezuela ranked 130th out of 140 in the absence of the corruption index³.
5. Meanwhile, *Transparency International's Corruption Perceptions Index* (2022) ranked Venezuela 177th out of 180. *The Corruptometer* of *Transparencia Venezuela* and *Alianza Rebelde Investiga* has registered at least 316 cases of embezzlement of Venezuelan public assets⁴.

6. Likewise, *Transparencia Venezuela* conducted the study *Índice de Transparencia en Alcaldías* (Transparency Index in Municipalities), evaluating 150 municipalities with a scale of 1-100 points (between none and excellent transparency). 143 of the 150 municipalities (95%) obtained a score of less than 50 points (little transparency) and of that group, 20 municipalities obtained zero score, so the situation of corruption permeates all levels of power⁵.
7. Another study by *Transparencia Venezuela* on public works (2022), counted 246 unfinished works in 21 states⁶.

IV. Non-discrimination (arts. 2, 19, 20 and 26)

8. By 2017, NGO *Acción Ciudadana Contra el Sida* published a report in which it mentioned that between 2009 and 2017 there had been 109 murders of LGBTI people. That figure placed Venezuela in fourth place among countries of the Americas where LGBTI people are murdered the most. There are no new figures between 2017 and 2021, despite being a UN request to the Venezuelan State.
9. By 2021, the *Alianza Con Ellas* presented the report “*La otra cara la crisis*” (The Other Face of the Crisis) to the Office of the United Nations High Commissioner for Human Rights. It stated that the State has refused to create a comprehensive law that includes non-discrimination based on sexual orientation, gender identity and expression. It has ignored and/or rejected requests that would allow for the legal protection of families of same-sex couples and, although the Organic Labor Law (2012) establishes the principle of non-discrimination in the workplace based on sexual orientation, there are no mechanisms to file and process complaints for this reason⁷.
10. Lesbian women are often forced to resign from their jobs or hide their sexual orientation for fear of being subjected to harassment, dismissal or cruel, inhuman and degrading treatment. According to *Alianza Con Ellas* (2021), 48% of lesbian women have experienced some form of abuse or violence by a police officer⁸.

V. Gender equality (art. 3 and 26)

11. Poverty figures in Venezuela are alarming. However, according to the *Red Naranja* and *Amnesty International*, the country has developed a phenomenon of feminization of poverty⁹.
12. The organization *Feminismo Inc.* maintains that the poorest people are women. In 2001, 29% of households depended on a woman, in 2011 the percentage was 39%, and in 2020 it was 60%, a growing trend in female heads of household¹⁰. In 2020, the National Survey of Living Conditions (ENCOVI) showed that the female population living below the poverty line was 95%. For the ENCOVI (2021), men's income was 18% higher than women's and in the case of managerial positions, the gap reaches 77%¹¹. The Venezuelan Observatory of Women's Human Rights (2021) identified that the main causes of female poverty are associated with: cultural discrimination, economic and time poverty and absence of policies to ensure basic human rights and a decent standard of living¹².

13. In the case of women in rural areas, of the estimated rural population of 3,941,595 people, the female rural population is equivalent to 46% (1,802,097 women), only 1.48% of women participate in productive activities (26,271) and only 14% of rural women are landowners¹³.
14. The results show that rural women continue to be underestimated in terms of their contribution to the rural economy, since their work is generally unpaid and they are responsible for caring for children, the sick and the elderly, in addition to domestic chores, which prevents them from working and, if they do work, their salaries are usually lower than those earned by men. There is inequality in land tenure, decision-making and access to resources¹⁴.
15. A study conducted by *Alianza Con Ellas* (2022) revealed the reality of menstrual poverty: 25% of the women surveyed responded that they never or only sometimes have disposable sanitary pads at home. The United Nations Population Fund (UNFPA) indicates that women who do not have menstrual hygiene items miss days of school or work and have a higher risk of infection¹⁵.
16. *Red Electoral Ciudadana (Cepaz, Observatorio Global de Comunicación y Democracia and Voto Joven)* presented the report *Participación del liderazgo femenino en las elecciones regionales y municipales 2021 (Participation of female leadership in regional and municipal elections 2021)*. Out of 190,952 nominations received by the National Electoral Council (CNE), 46% were from women. For governorships only 12% were women. For mayorships only 18% were women. Out of 23 governorships, only 2 were elected women. Out of 335 mayoralties, only 62 were elected women. The participation of women decreased with respect to 2017, 22% of the governorships were women, and 23% of the mayoralties were women¹⁶.

VI. Violence against women, including domestic violence (arts. 2, 3, 6, 7 and 26)

17. A report submitted to the Universal Periodic Review (UPR) by several organizations in 2021ⁱⁱ points out that *the Ley Orgánica sobre el Derecho de las Mujeres a una Vida Libre de Violencia* (Organic Law on the Right of Women to a Life Free of Violence) does not have a regulation that unifies the procedures for victim care, and that femicide has been increasing: 110 women murdered in 2018 (*Cotejo.info*), 167 in 2019 (*Utopix*) and 256 in 2020 (*Cepaz*).
18. NGO COFAVIC recorded 2,098 violent deaths of women in the period 2021 - 2022, 46% died by firearm, 15% by stabbing, 11% by asphyxiation, 9% by beating, 3% were beheaded¹⁷.
19. According to NGO *Utopix*, there is a myth that femicides are only committed by family members, ex-partners or partners; there are cases of women murdered in their communities and their bodies exposed in public spaces as a way to show the power of a gang or criminal group in front of rivals, community or police forces¹⁸. During 2022, it was counted 240 femicides, seeing with concern that the State does not have any proposal to address the issue¹⁹. This figure is in line with those of *Cepaz*, which documented 282 cases of femicides

ⁱⁱ Centro de Investigación Social, Formación y Estudios de la Mujer -CISFEM, Observatorio Venezolano de los DDHH de las Mujeres -OVDHM, Asociación Cauce, Voces Vitales Venezuela -VVV, Asociación de Mujeres por el Bienestar y Asistencia Recíproca -ÁMBAR y Federación Venezolana de Abogadas -FEVA

consummated in Venezuela and 120 frustrated cases. Of this figure, 37 cases correspond to girls and 14 to women between 70 and 85 years old²⁰.

20. Likewise, several organizations have warned about sextortion, a practice where those invested with power use it to sexually exploit people under their control. Evidence shows that sextortion disproportionately affects women and is not criminalized by law, including the Law on Women's Right to a Life Free of Violence.
21. This practice also affects migrant women and girls as well as LGBTIQ+ persons and feminized bodies²¹. NGO *Una Ventana a la Libertad* (2020) has alerted to the practice of rape by guards of female inmates or the demand for sexual favors in exchange for access to rights or transfers²².

VII. Voluntary interruption of pregnancy and reproductive rights (arts. 6, 7 and 8)

22. A report presented by several organizations for the UPR (2021) documents that there are no prophylaxis treatments to treat cases of rape in public health centers; there is a shortage of contraceptive methods and difficulty in accessing medical assistance in sexual and reproductive health²³.
23. For UNFPA (2021) the challenges faced by women and adolescents in Venezuela include: increase in adolescent pregnancy (95 per 1,000 women between the ages of 15 and 19); increased maternal mortality (98.87 deaths per 100,000 live births), lack of access to free contraceptives (about 80% shortage of supplies); rapidly spreading sexually transmitted infections, including congenital syphilis; increase in gender-based violence, including rape and sexual slavery. With an estimated 70% dropout rate of medical and nursing personnel in the Venezuelan health system, the loss of operational capacity threatens sexual and reproductive health services²⁴.
24. Reports from various civil society organizations in the country have documented the absence of effective care and the increase in teenage pregnancy and sexually transmitted infections, as well as unsafe abortions associated with unwanted pregnancies²⁵. By 2016, the Pharmaceutical Federation of Venezuela estimated the shortage of contraceptives at 90%²⁶.
25. There are no public policies to guarantee the sexual and reproductive health of women and adolescents, the public health system has collapsed, contraceptive methods are expensive and scarce, and there are no comprehensive sexuality education programs. These failures generate an increase in maternal mortality, adolescent pregnancy, sexually transmitted infections, and unsafe abortions. In addition, women and girls are taken to urban areas or tourist centers in the Caribbean and forced into prostitution and sexual exploitation²⁷.
26. The COVID-19 pandemic exacerbated the crisis in maternal, sexual, and reproductive health services. In 2020, 111 Venezuelan organizations warned about cases of pregnant women under suspicion of COVID 19 who were denied timely care, as well as the suspension of pre- and post-natal care services. They denounced that the Concepción Palacios Maternity Hospital, located in Caracas, was not prioritized as a sentinel treatment center and did not have biosecurity protocols²⁸.

27. In the last 10 years, 65.768 new HIV cases were diagnosed, with an increase in women from 23% in 2011 to 26% in 2020. The most affected women are sex workers and trans women. According to the Ministry of Health, 41.284 pregnant women were tested for HIV in 2019, and 490 new cases were diagnosed. According to the HIV Report in Venezuela, 57 pregnant women with HIV were forced to give birth at the time of delivery, which contradicts WHO/PAHO recommendations. Pregnant women with HIV continue to be required to carry a biosafety kit²⁹.
28. According to ONG *Mujeres en Línea*, the country has regressed to the 19th century in terms of sexual and reproductive rights. Latin America continues to be one of the most restrictive regions in terms of abortion and, in Venezuela, it is not even allowed in cases of rape. In four public hospitals in three cities, one woman with abortion complications is attended for every four births³⁰.
29. The Inter American Commission on Human Rights (IACHR) reiterated its concern in 2021 about reports of lack of access to sexual and reproductive health services in Venezuela and urged the State to eliminate barriers to access to sexual and reproductive health services, as well as to review its restrictive legislation on voluntary termination of pregnancy³¹.

VIII. Right to life (art. 6)

30. According to the *Observatorio Venezolano de Violencia* (Venezuelan Violence Observatory) the country remains among the three most violent countries in the Latin American region in 2022, with a rate of 36 victims per hundred inhabitants, or a rate of 40 disappearances are included³².

IX. Prohibition of torture and other cruel, inhuman or degrading treatment or punishment, and treatment of persons deprived of their liberty (arts. 6, 7 and 10)

31. From 1998 to 2020, NGO *PROVEA* has documented 2,065 victims of torture. Between 2016 and 2020, it registered 899 victims, of which 57 were killed³³. In 2019 it counted 574 torture victims and 23 murders under torture (526% more than in 2018)³⁴. In 2021 it recorded 241 victims (148% more compared to 2020)³⁵ and in 2022 it documented 91 cases of torture³⁶.
32. For Advocates for Human Rights, on the occasion of the UPR 2021, between June 2019 and May 2020 there were 16 reported cases of torture and ill-treatment through methods including sexual violence. Enforced disappearances reflect 753 documented detentions between 2018-2020. Arbitrary arrests increased in 2020 due to the state of emergency decree. Police forces made 413 politically motivated arrests and subdued 12 health workers for publicly criticizing the government. Authorities used excessive force against 402 demonstrations over lack of access to health care, low wages, and high food prices in 2020³⁷.
33. The Organization of American States (OAS) submitted four reports between 2016-2017 with allegations of homicides, arbitrarily detained persons, allegations of torture and cases of sexual violence and in 2018 activated the Democratic Charter against Venezuela³⁸. The IACHR has presented 7 specific reports or communications on Venezuela since 2017³⁹.

Since 2019, the UN High Commissioner for Human Rights has made oral reports or updates on serious human rights violations in the country⁴⁰. In 2019, the International Independent Fact-Finding Mission on the Bolivarian Republic of Venezuela was established and has provided oral reports and updates⁴¹. In 2021, the International Criminal Court opened an investigation following a referral made by a group of States requesting to investigate crimes against humanity committed by State authorities in the territory of Venezuela since 2014⁴².

34. According to NGO *Foro Penal* reports that 412 women have been classified as political prisoners between 2014 and 2021. Among these political prisoners there are 399 civilians, 9 military officials and 4 police officers. At least 33% have reported being subjected to torture and cruel treatment. NGO *CEPAZ* registered 818 cases of persecution and criminalization in 2021 with 73 female victims, and 523 cases in 2022, of which 87 are women, including 9 indigenous women⁴³.

X. Treatment of persons deprived of liberty and detention conditions (arts. 6, 7, 9, 10, 14 and 26)

35. According to figures from the *Observatorio Venezolano de Prisiones* (Venezuelan Prison Observatory), in 2022 there were 33,558 persons deprived of liberty, when the real installed capacity is 20,438 (overcrowding of 164%). Of the total number of persons deprived of liberty, 30,998 are men and 2,560 women, 53% have been prosecuted and 47% convicted, there were 76 deaths and 16 wounded⁴⁴.
36. NGO *Una Ventana a la Libertad* (2023) has focused on the monitoring of pretrial detention centers. There were 16,837 people in detention in 2022, overcrowding of 176%, deaths due to diseases (85%), deaths mostly due to tuberculosis (42%), malnutrition as the main health problem (49% of diseases), family brings medicine to inmates (in 91% of the centers), family brings hygiene products (95% of the centers), food prepared by family members (in 95% of the centers), family members bring water (in 92% of the centers), lack of ventilation (in 72% of the centers), garbage in the cells (in 22% of the centers), 18% of the centers have a first aid kit (in 22% of the centers), 18% of the centers have a first aid kit (in 22% of the centers)⁴⁵.

XI. Liberty and security of person (art. 9)

37. During 2021, 44 political detainees were reported and the number of political prisoners was 244 people, highlighting the cases of members of the NGOs *Azul Positivo* and *Fundaredes*⁴⁶. In 2022, 274 political prisoners were registered -13 women and 151 military officials- and 87 persons deprived of liberty for more than three years under the figure of preventive detention without conviction. Between 2014 and 2022 a total of 15,777 people have been imprisoned for political reasons and specifically in 2022 there were 26⁴⁷.
38. The organization *Justicia, Encuentro y Perdón* published its Balance of Political Prisoners in Venezuela 2014-2023, which counted 311 people arbitrarily deprived of liberty as punishment for their dissidence, real or perceived. The government has continued executing the "revolving door" policy initiated in 2014 and perfected in 2017. On more than a few occasions the government has reincarcerated victims previously benefited by the granting of pardon measures. Former deputy Gilbert Caro was detained in 2017, released in 2018, apprehended again in 2019, released two months later in 2019, and detained for the third time in the same year 2019. In the cases of opposition leaders, political disqualifications have also been

imposed for up to 15 years. The Comptroller General of the Republic since 2015 has disqualified 30 opposition politicians⁴⁸.

XII. Elimination of slavery, servitude, and human trafficking (arts. 2, 7, 8, and 26)

39. The Trafficking in Persons Report (2020) prepared by the U.S. Department of State, indicates that Venezuelan women have been victims of human trafficking networks in Latin American countries, Spain, and Macao, with women and girls in Colombia and Ecuador being especially vulnerable to sex trafficking. Spanish authorities reported that Venezuela has ranked first in exploitation of trafficking victims in 2019, indicating that Venezuelan women are forced into prostitution in Curacao, Aruba, and Trinidad and Tobago⁴⁹.
40. According to the *Human Rights Center of the Universidad Católica Andrés Bello* (CDH-UCAB), Venezuela is the country with the highest rate of victims of some form of modern slavery with a rate of 5.6 per 1,000 inhabitants. The Orinoco Mining Arc-Zone has become the space of dynamic processes of forms analogous to slavery. Seventy-four percent of the victims of modern slavery are women, of which 25% are girls and adolescents. Seventy-five percent of female victims suffer sexual and labor exploitation. Virgin women are sold for 10-13 grams of gold⁵⁰. In 2019 it was reported that 45% of mine workers were children and adolescents, their kinship with miners leads them to inhabit the mines and their size makes it easier for them to enter the narrow-improvised tunnels for gold mining⁵¹.
41. The State has not approved the draft Comprehensive Law on Trafficking in Persons, nor has it conducted research or published data on trafficking and sexual exploitation of women⁵².
42. The 2022 report on Forced Labor in Venezuela reports 49 cases of victims of forced labor⁵³. Among the parameters are exploitation by necessity, deception, restriction of movement, isolation, physical violence, intimidation, threats, withholding of identity documents, and withholding of wages⁵⁴.

XIII. Liberty of movement of persons (art. 12)

43. Obtaining a passport can cost up to US\$ 203, the most expensive in the region, making it unaffordable for thousands of Venezuelans. However, Venezuelans have had to turn to agents and mafias to get one. Citizens have been waiting for the delivery of their passports since 2017. Countries such as Colombia, Ecuador, Peru, and the United States have accepted expired passports⁵⁵.
44. CDH-UCAB has denounced that since February 2019 it has been impossible to obtain a new passport or extend an existing one in some of the Venezuelan consular offices abroad, as well as the registration of children, granting of powers of attorney and proof of life, certification of driver's licenses, certification of academic degrees, consular assistance, consular assistance to persons deprived of liberty. There is a great deficiency in the production of documents by the Venezuelan State and it is even more complicated for those who have left and reside in countries where there are no Venezuelan consular services⁵⁶.
45. Among the obstacles to access to various identity documents are: the high cost of obtaining passports, the long waiting times to obtain them, the impossibility of processing identity cards

from consular offices, the breakdown of diplomatic relations with some countries, and the restrictive regulations on conditions for registering in the electoral registry in consulates⁵⁷.

XIV. Access to justice, independence of the judiciary branch and administration of justice (arts. 2 and 14)

46. The *National Assembly* 2016-2020, of opposition majority, suffered several outrages. 35 deputies had their parliamentary immunity stripped, 5 deputies were imprisoned and 20 went into exile⁵⁸. The *Supreme Court of Justice* (TSJ) issued 105 rulings against the 2015 National Assembly⁵⁹.
47. During that same period, a *National Constituent Assembly* was established by the official government, it had a duration of three years not for the purpose of drafting a new Constitution, but to arrogate to itself the tasks of the National Assembly elected in December 2015, concluding that it was a constitutional fraud from its origin until its dissolution⁶⁰.
48. In 2021, several organizations pointed out that the last three attorneys general are part of the governing partyⁱⁱⁱ. Since 2017 there have been no public competitions for tenured prosecutor positions and since 2018 the prosecutorial career was eliminated, the positions are considered free appointment and removal at the discretion of the attorney general. According to calculation of Acceso a la Justicia the percentage of incumbent prosecutors was barely 0.14% in 2019⁶¹.
49. In the annual report of the Rule of Law Index of the World Justice Project (2022) Venezuela repeats in the last place, for the eighth consecutive year. With the appointment of the main and alternate magistrates of the Supreme Court of Justice (TSJ), an impartial and independent highest court was not achieved. 60% of the previous magistrates were re-elected, officials of proven loyalty in other public powers were incorporated, 11 of the 20 magistrates are sanctioned by other countries, 18 of the 20 are pro-government and 100% of the members of the board of directors of the TSJ are pro-government⁶².
50. A report by the International Commission of Jurists (2021) concluded that the high rate of provisional appointments, the job instability of judges, and the low salary they receive (US\$30 per month) are factors that can drive judicial corruption. In 2019, at least 106 judges who are militants of the ruling party were linked to state contractor companies. The Judiciary has lost its essential and distinguishable attributes of autonomy, independence, and legitimacy, and the TSJ has become an appendix of the Executive Branch, ceasing to exercise its constitutional role as guarantor of the rule of law and of human rights and fundamental freedoms⁶³.
51. An emblematic case of all the above is the case of Judge *María Lourdes Afiuni*, after a trial of 10 years and the permanent and systematic violation of her human rights, it concluded with the TSJ sentencing her to 5 years in prison for "*spiritual corruption*" (corruption without money); evidencing the lack of independence of the Judiciary, the lack of separation of

ⁱⁱⁱ Report presented by the Human Rights Observatory of the Universidad de Los Andes (ODHULA), Defiende Venezuela and others on the occasion of UPR 2021.

powers and the abuses of power by State security officials against her physical and psychological integrity⁶⁴.

XV. Freedom of expression (arts. 19 and 20)

52. There is a notable absence of spaces for discussion to promote open data and/or access to public information. Venezuela is one of the few countries in the region that does not have an Open Government Plan or an approved Law on Transparency and Access to Public Information. According to the Open Data Barometer, Venezuela ranks among the countries with limited capacity in open data. The report published by the World Wide Web Foundation ranks Venezuela in 90th place out of 115 countries analyzed. There are cases such as the Central Bank of Venezuela or the National Institute of Statistics that publish data, but most of their information is outdated or does not comply with open data regulations. There is public data on the web and official portals, but their publication formats make processing and reuse difficult. It is not open data⁶⁵.
53. A report by the Instituto Prensa y Sociedad (Press and Society Institute 2020), revealed the restrictions suffered by journalists in Venezuela to provide coverage, gather testimonies and document on matters of public interest due to, among others, the absence of epidemiological bulletins, the impossibility of obtaining statements from public officials, arbitrary limitations to enter places, censorship, scarcity of sources, connection failures and precariousness of basic services. It denounced at least 27 cases of impediments to access to public information carried out by security forces and public officials. Internet operators blocked 40 media portals, specialized pages and digital platforms. 5 million Venezuelans are in municipalities that live in a total *news desert*⁶⁶.
54. According to NGO *Espacio Público*, the right of access to public information maintains obstacles to its exercise. By 2021, 40% out of 105 requests for information to government authorities were not received due to formalities and unjustified reasons, and out of 67 requests, 3 were answered, but inadequately⁶⁷.
55. This same organization has recorded cases of violence to freedom of expression: 237 cases in 2015; 266 in 2016; 708 in 2017; 387 in 2018; 468 in 2019; 390 in 2019; 244 in 2021 and 227 cases in 2022. There were 468 complaints of censorship (43%); administrative restrictions (19%); intimidation (18%); verbal harassment (9%); threat (5%); judicial harassment (5%); assault (0.64%); attack (0.43%); death (0.21%). Between 2003-2022, the closure of 285 radio stations nationwide was documented, 71% of the total number of media outlets closed in that period. In 2022, the Venezuelan State ordered the closure of 81 radio stations, the year with the most radio stations closed in the last two decades. The distribution by victims was as follows: media (37%); journalists (25%); citizens (24%); individuals (9%); NGOs (2%)⁶⁸.
56. Likewise, the Press and Society Institute revealed that in 2022 there were 257 cases that represented 373 violations of the freedom of information. There were 130 administrative restrictions; 62 cases of criminalization of journalistic work; 55 physical and verbal

aggressions; 43 restrictions of access to information; 29 violations of due process; 27 restrictions on the Internet; 21 acts of censorship; 2 arbitrary detentions; 1 forced disappearance and 1 murder. At least 107 radio stations were taken off the air by orders of CONATEL (National Telecommunications Commission) and the company Telefonica España admitted that between 2016-2021, it restricted access to 1,398 domains at the request of the State and intercepted the communications of 1.5 million users⁶⁹.

XVI. Right of peaceful assembly and freedom of association (arts. 21 and 22)

57. Several UN Rapporteurs have expressed concern about serious threats to close civic space in Venezuela, policies of criminalization and persecution, and the intention to establish a regulatory framework that may discourage, disqualify and arbitrarily suspend the legitimate work of civil society organizations in Venezuela⁷⁰.
58. Some 700 NGOs signed a statement rejecting Ruling 001-2021 for the mandatory registration and certification of the National Office against Organized Crime and Financing of Terrorism⁷¹. The draft Law on International Cooperation represents a great threat for the suspension of organizations and the application of sanctions, including closure due to the work they carry out for the protection and assistance to the Venezuelan population, and also restricts the performance and autonomy of international organizations in the country⁷². The draft Law for the Control, Regularization, Performance and Financing of Non-Governmental and Related Organizations, approved in first discussion by the National Assembly (2023), will affect almost all existing non-profit civil organizations, whether de facto or de jure⁷³.

XVII. Rights of the children (arts. 23, 24 and 26)

59. The Working Group on Modern Slavery in Venezuela (2021) reported that 15% of migrants reported the separation of children and adolescents from their parents as a result of the latter's migration, an estimated population of between 793,451 and 839,059 children and adolescents remained during 2020 without the care of one or both parents, due to forced migration⁷⁴.
60. In 2020, the CECODAP organization processed 4,300 consultations related to violence against children and adolescents. In 2017 it received 250; in 2018 it processed 500 consultations and 1,000 consultations in 2019. Between 20% and 28% of the cases were related to suicide risk and 12% of the total consultations were related to sexual violence.

XVIII. Right to participate in public affairs (arts. 25 and 26)

61. In the 2015 parliamentary elections, the opposition nominated three political prisoners as candidates for deputies; upon being elected, they were not granted the freedom they were entitled to by law. In 2017, deputies *Gilber Caro*, *Julio Borges*, *Tomás Guanipa*, *Gaby Arellano*, *Freddy Guevara*, *José Manuel Olivares* and *Juan Requesens* were persecuted. The deputies were subject to judicial persecution, physical persecution, intimidation, torture,

beatings at the doors of the NA, persecution by security organs, state airlines were forbidden to be used by opposition deputies. In 2018, 10 deputies were victims of the Judiciary whose parliamentary immunity was annulled, most of them are currently in exile or refugees⁷⁵.

62. The TSJ suspended the leadership of the political parties *Primero Justicia* and *Acción Democrática (AD)* in 2020. It assigned them ad hoc boards and authorized them to use the electoral cards of those parties in parliamentary elections. Between 2012 and 2020, 8 political parties were intervened by the TSJ: *Podemos*, *PPT*, *Bandera Roja*, *MIN Unidad*, *MEP*, *COPEI*, *AD* and *Primero Justicia*. That same year, the *Voluntad Popular* party and parties that were allies of the PSUV that did not want to participate in the Polo Patriotic alliance for the elections were suspended⁷⁶.
63. The Citizen Electoral Network on the parliamentary elections held in 2020 noted that such elections were without constitutional basis; with 9 parties intervened; 35% of registration points operative (551 out of 1,568 in 2015); 58% of parishes without voting centers; 36% of young people did not register; the number of deputies was increased without legal basis from 167 to 277⁷⁷.

XIX. Rights of ethnic and religious minorities (arts. 1 and 27)

64. The mining practice and the decree of the Orinoco Mining Arc have allowed the existence of crimes in indigenous settlements such as *pranato*, syndicate, and/or foreign guerrillas that force them to join, move confront, and die. Since they do not have access to drinking water due to mining practices that use mercury, affecting their ecosystem, it is unsustainable to remain in their habitats. They are at risk of being victims of abuse, assaults, violence, labor exploitation, prostitution, xenophobia, and organ trafficking. They end up in shelters in border states or in begging. In 2019, the IOM indicated the presence of 800 *Waraos* in the border area with Guyana⁷⁸.
65. In 2001, the Law of Demarcation and Guarantee of the Habitat and Lands of Indigenous Peoples was approved and the National Commission for the Demarcation of the Habitat and Lands of Indigenous Peoples and Communities was created. However, it was not until 2005 that the Organic Law of Indigenous Peoples and Communities was decreed, which contemplates the steps, management instances, requirements, and times established for the demarcation. In 2005 the first land titles were delivered, but indigenous communities presented their rejection before the Attorney General's Office because they did not comply with the agreements and requirements previously agreed upon. They alleged that they were not collective property titles but agrarian letters of use and usufruct. The Demarcation Commission has not been active since 2012. Only 18.5% of the territories have been handed over. The titles delivered are not territory demarcations nor do they favor peoples but specific communities. The last delivery of titles was in 2016 in Monagas. During 5 years, from 2017 to 2021, no title has been delivered to any indigenous community in the country⁷⁹.

XX. RECOMMENDATIONS

66. Based on the facts and situations described in this report, it is recommended that the Human Rights Committee urge the State of Venezuela to:
67. Proceed to sign and ratify the International Agreements and Treaties on Human Rights, reinforcing their compliance, guarantee, and promotion. Among which we highlight: The Convention against Enforced Disappearances; the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure; the Convention Relating to the Status of Refugees; the Convention on the Reduction of Statelessness; the Convention Relating to the Status of Stateless Persons; the Convention on Domestic Workers; the Regional Convention on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean; and other related international instruments. As well as the development of the pertinent public policies and legal instruments for the implementation of the commitments acquired by said international instruments.
68. Guarantee the freedom of association and participation of the national citizenship within civil society organizations in Venezuela, without undermining the civil and political rights, freedom and development of the organizations, as well as their members and collaborators. As well as, to allow the necessary framework of international cooperation at technical and financial level that historically has maintained the Venezuelan civil society with donors and international mechanisms willing to contribute to the strengthening of the social fabric of Venezuela.
69. Urgently and categorically regulate the organic laws on gender equality and women's rights to a life free of violence. As well as the strengthening of the justice system to eradicate impunity in cases of violence against women and girls.
70. Develop a national plan for education, prevention and eradication of violence against women and girls, and femicides, following the Latin American model protocol for the investigation of gender-related violent deaths of women, as well as the review of gender equality and equity programs to develop strategies for implementation and effective follow-up.
71. Accelerate the implementation of existing national policies that promote gender equality in women's political and civic participation, including mechanisms for equal access to elected office.
72. Comply with the recommendations of the CEDAW Committee established in the ninth periodic report of Venezuela (CEDAW/C/VEN/9) at its 1985 and 1986 meetings (CEDAW/C/SR.1985 and CEDAW/C/SR.1986).
73. Prevent forced labor and modern slavery. Strengthen the investigation, prosecution and criminal prosecution of criminal gangs that exploit people in vulnerable conditions in

businesses and illicit activities such as drug trafficking, human trafficking, smuggling of goods, among others.

74. Strengthen the fundamental rights contained in Title III of the Constitution of the Bolivarian Republic of Venezuela with respect to human rights and guarantees.
75. Evaluate and implement actions that allow at least 40% of the Venezuelan population with the lowest income to progressively improve their living conditions and well-being in a sustained and autonomous manner.
76. Guarantee and promote the social, economic and political inclusion of all persons, with special attention to vulnerable populations such as children and adolescents, indigenous populations, the elderly, the chronically ill and the disabled.
77. Act as guarantor of equitable access to opportunities for the entire population, through the design and implementation of regulations, policies and practices that facilitate such access, along with the eradication of laws and measures that prevent the full participation of all people equally.
78. Guarantee the freedom of association and participation of the national citizenship within civil society organizations in Venezuela, without undermining the civil and political rights, freedom and development of the organizations, as well as their members and collaborators. Also, to allow the necessary framework of international cooperation at a technical and financial level that has historically maintained the Venezuelan civil society with donors and international mechanisms willing to contribute to the strengthening of the social fabric of Venezuela. Thus, complying mainly with Goal 17 of the SDGs (Partnerships for Development) and with international standards on participation mechanisms for the exchange of information on consultation processes and formulation of proposals for the proper implementation of the 2030 Agenda in the country.
79. Undertake the prompt, independent and impartial investigation, prosecution and trial of those most responsible for human rights violations in Venezuela, as well as the reform and revision of national norms on the use of force to avoid the development of arbitrary detentions, extrajudicial executions, excessive repression of citizen demonstrations, torture and ill-treatment of detainees and prisoners, among others.
80. Guarantee access to justice for all people, ensuring the full independence and impartiality of the judiciary, according to international standards, through the holding of competitions, as established in the National Constitution.
81. Establish, implement, and apply policies for the protection of the rights of indigenous and traditional peoples, including the right to free, prior, and informed consultation, as well as the right to development based on their cultural bases and traditions.

82. Guarantee an adequate supply of basic medical and surgical supplies of high quality, in accordance with the WHO list of essential medicines. The replacement of medical equipment, the increase of trained personnel and the assurance of continuous water and electricity services to the national network of health centers.
83. Strengthen and expand the implementation of existing public health care policies for the proper care of specific groups such as women, children, people with disabilities, the chronically ill (emphasis on cancer, dialysis and cardiovascular), HIV patients, indigenous peoples, the elderly and the LGBTBIQ+ community.
84. Intensify efforts to ensure and provide access to health care and health facilities for all social groups through mechanisms of inclusion, free care, community action, among others.
85. Strengthen the implementation of training and care programs on family planning and sexual and reproductive rights in order to raise awareness of sexual health services, including care for pregnant women during childbirth and postnatal care, with emphasis on humanized childbirth.

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