



# International Covenant on Civil and Political Rights

Distr.: General  
28 November 2023  
English  
Original: Spanish

## Human Rights Committee

### Concluding observations on the fifth periodic report of the Bolivarian Republic of Venezuela\*

1. The Committee considered the fifth periodic report of the Bolivarian Republic of Venezuela<sup>1</sup> at its 4040th and 4041st meetings,<sup>2</sup> held on 10 and 11 October 2023. At its 4064th meeting, held on 26 October 2023, the Committee adopted the present concluding observations.

#### A. Introduction

2. The Committee welcomes the submission of the fifth periodic report of the Bolivarian Republic of Venezuela and the information presented therein. It appreciates the opportunity to renew its dialogue with the State party's high-level delegation on the measures taken during the reporting period to implement the Covenant. The Committee is grateful to the State party for its written replies<sup>3</sup> to the list of issues<sup>4</sup> and for the additional information provided in writing and takes note of the oral responses provided by the delegation.

#### B. Positive aspects

3. The Committee takes note of the adoption by the State party of the following legislative, policy and institutional measures:

(a) Judgment No. 128/2023 of the Constitutional Chamber of the Supreme Court of Justice of 16 March 2023, in which the Court found the last section of article 565 of the Organic Code of Military Justice to be null and void;

(b) The Act for the Promotion and Use of Gender-Sensitive Language of 7 October 2021;

(c) The Act on the Prevention and Elimination of Sexual Abuse against Children and Adolescents of 7 October 2021;

(d) The amendment of 17 September 2021 to the Organic Code of Military Justice requiring all cases against civilians in military criminal courts to be referred to ordinary criminal courts;

(e) The Act on Transparency and Access to Information of Public Interest of 7 September 2021;

\* Adopted by the Committee at its 139th session (9 October–3 November 2023).

<sup>1</sup> [CCPR/C/VEN/5](#).

<sup>2</sup> See [CCPR/C/SR.4040](#) and [CCPR/C/SR.4041](#).

<sup>3</sup> [CCPR/C/VEN/RQ/5](#).

<sup>4</sup> [CCPR/C/VEN/Q/5](#).



(f) The National Plan to Combat Trafficking in Persons, 2021–2025, and the creation of the National Council to Combat Human Trafficking by Presidential Decree No. 4.540 of 21 July 2021;

(g) The establishment of the Office of the Special Ombudsman for the Protection of Migrants, Refugees and Victims of Trafficking in Persons in November 2020.

4. The Committee welcomes the ratification of, or accession to, the following international instruments by the State party:

(a) Optional Protocol to the International Covenant on Economic, Social and Cultural Rights on 10 October 2018;

(b) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families on 25 October 2016.

## C. Principal matters of concern and recommendations

### **Incorporation of the Covenant into the domestic legal order**

5. The Committee takes note of the invocation of provisions of the Covenant in Judgment No. 1.187 of 15 December 2016 and Judgment No. 128/2023 of 16 March 2023 of the Constitutional Chamber of the Supreme Court of Justice. The Committee regrets the lack of a response from the State party concerning reports that the Constitutional Chamber of the Supreme Court of Justice has adopted an interpretation that undermines the binding nature of the jurisprudence of international human rights treaty bodies in the domestic legal system (art. 2).

6. **The State party should take all institutional and legislative measures necessary to ensure that the rights protected by the Covenant are fully recognized in its domestic legal order. Additionally, the State party should make efforts to raise awareness of the Covenant and its domestic applicability among judges, prosecutors and lawyers to ensure that its provisions are taken into account and applied by the courts.**

### **Implementation of the Covenant and its Optional Protocol**

7. The Committee welcomes the fact that, on 29 April 2022, the State party withdrew the reservation to article 14 of the Covenant that it had entered at the time of ratification. However, the Committee is concerned about the lack of information on the implementation of Views adopted under the Optional Protocol to the Covenant<sup>5</sup> and on whether there is a specific procedure for the implementation of those Views in the State party. It is also concerned about the delay in the adoption of the second national human rights plan and the lack of effective participation of civil society in its preparation (art. 2).

8. **The State party should take all steps necessary for effective follow-up and full implementation of the Views of the Committee by means of appropriate and effective mechanisms in accordance with article 2 (2) and (3) of the Covenant. In this regard, it should consider the advisability of adopting legislation recognizing the right of authors of communications to whom the Committee has granted any measure of reparation to demand the implementation of such measures before domestic courts. The State party should also step up its efforts to ensure the prompt adoption of the second national human rights plan and should ensure that, once adopted, the plan is effectively implemented, including through the allocation of adequate human and material resources and the establishment of monitoring and accountability mechanisms, along with the active participation of civil society in the preparation and implementation of the plan.**

<sup>5</sup> Including the Committee's Views in *Brewer-Carías v. Bolivarian Republic of Venezuela* (CCPR/C/133/D/3003/2017) and *Pichardo Salazar v. Bolivarian Republic of Venezuela* (CCPR/C/132/D/2833/2016).

### National human rights institution

9. The Committee welcomes the cooperation of the Ombudsman's Office with the Office of the United Nations High Commissioner for Human Rights with a view to building the capacity of the Ombudsman's Office. However, it regrets that the Ombudsman's Office is still not compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) following the recommendation by the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions in 2016 to downgrade the Ombudsman's Office to B status. In particular, the Committee is concerned by reports alleging that the Ombudsman's Office is unable to take a balanced, impartial and objective stance on human rights issues in the State party, which casts doubt on the Office's independence (art. 2).

**10. The State party should take all the measures necessary to ensure that the Ombudsman's Office fully complies with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and is able to carry out its mandate fully, effectively and independently. In particular, the State party should intensify its efforts to guarantee the full transparency and independence of the Ombudsman's Office, ensuring, inter alia, that the procedure for the appointment of members is transparent, inclusive and independent of political parties.**

### Anti-corruption efforts

11. While noting the information provided on investigations into corruption cases, the Committee is concerned by reports that corruption continues to be widespread in many areas of public life. In particular, the Committee notes with concern the lack of access to public information on the use of the general government budget, on the management of the public budget at all levels of the State and on companies and public procurement procedures. The Committee is also concerned about the criminalization, on spurious charges such as "criminal association" and "disclosure of confidential information", of human rights defenders and public officials who have reported cases of corruption involving State authorities (arts. 2, 14, 25 and 26).

**12. The State party should intensify its efforts to prevent and eradicate corruption and impunity at all levels. In particular, it should:**

(a) **Increase the transparency and accountability of the civil service, public officials and the public procurement process, in particular by providing public access to information and fully complying with the Act on Transparency and Access to Information of Public Interest;**

(b) **Ensure that all allegations of corruption, including those related to public procurement, are investigated promptly, thoroughly, independently and impartially, that those responsible are duly tried and punished, and that victims receive full reparations;**

(c) **Revise and supplement the legal framework to guarantee adequate protection for whistle-blowers, witnesses and victims of corruption and to ensure that they are not criminalized;**

(d) **Ensure that the asset declarations of political office holders and high-level public officials are audited.**

### State of emergency

13. The Committee is concerned about the prolonged state of economic emergency that was in place between January 2016 and April 2021. It is of particular concern that the emergency measures were reportedly not approved by the National Assembly and that the Assembly's role of overseeing and approving public policy during this period was suspended, thereby allowing the executive branch to manage public resources without parliamentary approval, contrary to the provisions of article 339 of the Constitution. The Committee also notes with concern reports of serious human rights violations committed during states of emergency, such as extrajudicial executions of journalists, human rights defenders and

leaders of trade unions and Indigenous Peoples during the state of emergency declared in response to the coronavirus disease (COVID-19) and the suspension of the right to peaceful assembly during the state of economic emergency (arts. 4, 6, 7 and 9).

**14. In the light of the Committee's general comment No. 29 (2001) and the Committee's statement on derogations from the Covenant in connection with the COVID-19 pandemic,<sup>6</sup> the State party should:**

(a) **Ensure that any measures introduced to protect the population in the context of a state of emergency, including a pandemic, are temporary, proportionate and strictly necessary and subject to parliamentary approval and judicial review, in full compliance, in particular, with article 339 of the Constitution;**

(b) **Immediately inform the other States parties to the Covenant, through the intermediary of the Secretary-General of the United Nations, of the derogations it has made in times of public emergency and the reasons therefor, in accordance with article 4 (3) of the Covenant;**

(c) **Ensure that all reports of human rights violations committed during states of emergency are investigated promptly, thoroughly, independently and impartially, that those responsible are duly tried and punished, and that victims receive full reparations.**

#### **Discrimination on the basis of sexual orientation and gender identity**

15. The Committee notes the measures implemented by the State party to promote equality for lesbian, gay, bisexual, transgender and intersex persons. In particular, it notes with satisfaction Judgment No. 128/2023 of 16 March 2023 of the Constitutional Chamber of the Supreme Court of Justice, by which the Court found the last section of article 565 of the Organic Code of Military Justice to be null and void. However, the Committee is concerned by reports of violence, hate speech and discrimination against lesbian, gay, bisexual, transgender and intersex persons in the State party. It is also concerned at the lack of a law guaranteeing the right of transsexual persons to their self-perceived gender identity and at the lack of legal recognition and protection of same-sex couples and same-sex households, and it regrets that insufficient information has been provided by the State party in this regard (arts. 2, 19, 20 and 26).

**16. The State party should redouble its efforts to combat all acts of discrimination and violence against lesbian, gay, bisexual, transgender and intersex persons. To this end, the State party should ensure that offences motivated by the victim's sexual orientation or real or perceived gender identity are investigated promptly and establish specific investigation protocols for these cases, that those responsible are brought to justice and appropriately punished and that the victims receive full reparations. It should also review the relevant legislation with a view to fully recognizing the equality of lesbian, gay, bisexual, transgender and intersex persons in terms of access to rights and services.**

#### **Gender equality**

17. The Committee welcomes the measures taken in the area of gender equality. However, it remains concerned about the persistence of discriminatory stereotypes and entrenched patriarchal attitudes surrounding the role and responsibilities of women, which particularly affect women from rural and impoverished areas. The Committee also regrets the generally low representation of women in political and public life, particularly in decision-making positions, including in private sector companies, and the lack of updated information in this regard (arts. 3 and 26).

**18. In line with the recommendations made by the Committee on the Elimination of Discrimination against Women,<sup>7</sup> the State party should continue its efforts to increase the full and equal participation of women in political, economic and public life, in**

<sup>6</sup> CCPR/C/128/2.

<sup>7</sup> CEDAW/C/VEN/CO/9, para. 30.

particular in decision-making positions in the private sector and in all executive, judicial and legislative bodies at the national, regional and local levels. It should also strengthen strategies to raise public awareness with a view to combating gender stereotypes held in society about the roles and responsibilities of women and men in the family and in society. The State party should also accelerate the adoption of the bill on gender equality which is currently before the National Assembly.

#### **Violence against women, including domestic violence**

19. While welcoming the second amendment of the Organic Act on Women's Right to a Violence-Free Life in 2021, the Committee reiterates the concerns expressed by the Committee on the Elimination of Discrimination against Women<sup>8</sup> regarding the high incidence of gender-based violence, including cases of femicide. It is also concerned about impunity in such cases, which is promoted by the existence of stereotypes and gender violence in the justice system, including threats, abuse and verbal violence directed at women complainants (arts. 2, 3, 6, 7 and 26).

20. **The Committee, in line with the recommendations made by the Committee on the Elimination of Discrimination against Women,<sup>9</sup> urges the State party to continue its efforts to prevent, prosecute and punish cases of gender-based violence against women, encouraging the reporting of such crimes and giving consideration to the possibility of drafting a gender-sensitive protocol for the investigation of femicides and adopting a national action plan to combat gender-based violence against women.**

#### **Voluntary termination of pregnancy and reproductive rights**

21. The Committee echoes the concerns of the Committee on the Elimination of Discrimination against Women<sup>10</sup> regarding the criminalization of access to the voluntary termination of pregnancy in cases of rape, incest or severe fetal impairment and women's limited access to safe abortion and post-abortion services in the country. Also of concern is the high maternal mortality rate and the lack of statistics on clandestine abortions, teenage pregnancies and maternal mortality. The Committee takes note with concern of reports that coerced sterilizations continue to take place under the National Surgical Plan (arts. 6, 7 and 8).

22. **In the light of paragraph 8 of the Committee's general comment No. 36 (2018) on the right to life, the State party should:**

(a) **Review its legislation with a view to guaranteeing safe, legal and effective access to abortion where the life or health of the pregnant woman or girl is at risk, or where carrying a pregnancy to term would cause the pregnant woman or girl substantial pain or suffering, most notably where the pregnancy is the result of rape or incest or where the pregnancy is not viable;**

(b) **Immediately put an end to the practice, and investigate allegations, of coerced sterilization and require a woman's free, prior and informed consent to any medical intervention affecting their sexual and reproductive health and rights;**

(c) **Increase its efforts to prevent unwanted pregnancies, especially among adolescents, and to reduce maternal mortality.**

#### **Right to life and enforced disappearances**

23. The Committee is seriously concerned by reports of cases of enforced disappearances, including those of short duration, extrajudicial and summary executions and other forms of unlawful use of force attributed to State authorities, armed forces, civilian and military intelligence services and private armed groups known as "collectives", which are reputedly financed or tolerated by State authorities. Also of concern are allegations of the arbitrary use of detention and arbitrary deprivation of liberty, including incommunicado detention in

<sup>8</sup> Ibid., para. 25.

<sup>9</sup> Ibid., para. 26.

<sup>10</sup> Ibid., para. 37.

covert locations known as “*casas clandestinas*” (clandestine houses), in which basic minimum legal safeguards are not respected, and deprivation of life on political grounds or of persons viewed as opponents of the Government. The Committee is concerned about the alarming degree of impunity surrounding the reported cases and deeply regrets that the delegation denied these allegations and criticized the sources of the allegations of enforced disappearances and extrajudicial executions in its dialogue with the Committee (arts. 2, 6, 7, 9, 14 and 16).

**24. The State party should:**

(a) **Review its legal framework to ensure that all forms of enforced disappearances, including those of short duration, are clearly defined in criminal law and that the associated penalties are commensurate with the gravity of the offence, in accordance with international standards, and ensure that these criminal provisions are applied in practice;**

(b) **Ensure that all persons deprived of their liberty are held only in official facilities and enjoy all legal safeguards, including access to a lawyer and contact with a family member, and that they are brought promptly before a judge;**

(c) **Provide the armed forces, civilian and military intelligence services, security forces and judicial and other law enforcement officials with appropriate specialized training on the effective investigation and resolution of cases of enforced disappearances;**

(d) **Ensure that all allegations and reports of enforced disappearances, extrajudicial and summary executions and all forms of unlawful use of force are promptly, impartially and thoroughly investigated and that direct and indirect perpetrators are prosecuted and, if found guilty, punished with sanctions commensurate with the gravity of the offences;**

(e) **Ensure that victims and their families are regularly informed of the progress and results of investigations, are provided with the official administrative documents required by international standards and receive full reparations, including rehabilitation, adequate compensation and guarantees of non-repetition;**

(f) **Accelerate the official acceptance and implementation of the Minnesota Protocol on the Investigation of Potentially Unlawful Death, and consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance.**

**Prohibition of torture and other cruel, inhuman or degrading treatment**

25. While noting with satisfaction the measures implemented to prevent torture and other cruel, inhuman or degrading treatment or punishment, including training and awareness-raising activities for public officials, the Committee remains concerned by reports of the continuing use of torture and ill-treatment in places of investigation and detention by State authorities, as well as by non-State actors controlled or supported by the State, as a form of reprisal or punishment used to silence, discourage and stifle opposition to the Government and, in some cases, to obtain fabricated confessions or false statements. It also notes with concern that victims often choose not to file complaints for fear of reprisals and regrets the fact that specific information has not been provided by the State party delegation in this regard (arts. 6, 7 and 10).

**26. The State party should take immediate measures to eradicate torture and ill-treatment, including by ensuring that:**

(a) **All cases of torture and ill-treatment are promptly, independently and thoroughly investigated, perpetrators are brought to justice and properly punished, and victims receive full reparations;**

(b) **Complainants are protected against reprisals, all cases of reprisal are promptly, independently and thoroughly investigated, and perpetrators are prosecuted and, if convicted, punished;**

(c) **Confessions obtained through torture or ill-treatment, in violation of article 7 of the Covenant, are not accepted by courts under any circumstances and the burden of proof concerning the voluntary nature of the confession falls upon the prosecution;**

(d) **The official acceptance and implementation of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) are expedited and human rights education and training are provided to judges, prosecutors, lawyers, civilian and military intelligence services, security officers and law enforcement officials in order to ensure that they act in accordance with international standards such as the Code of Conduct for Law Enforcement Officials and the Principles on Effective Interviewing for Investigations and Information-Gathering (Méndez Principles).**

#### **Treatment of persons deprived of their liberty and conditions of detention**

27. The Committee welcomes the amendments adopted on 17 September 2021 to the Prisons Code, which increased oversight of respect for the human rights of persons deprived of their liberty and introduced a judicial review mechanism for disciplinary measures. However, the Committee remains concerned about the high rate of overcrowding in the prison system and the fact that many persons deprived of their liberty are dependent on their families for adequate access to food and specialized medical treatment. The Committee takes note with concern of reports that transfers of persons deprived of their liberty from one prison to another often take place without allowing family members or lawyers to be notified (arts. 6, 7, 9, 10, 14 and 26).

28. **The State party should intensify its efforts to ensure that conditions of detention fully comply with relevant international human rights standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). In particular, the State party should significantly reduce prison overcrowding, improve detention conditions and ensure adequate access to food and health care for prisoners in all places of deprivation of liberty. It should also ensure access to places of deprivation of liberty by independent monitoring and oversight mechanisms and consider ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and setting up a national preventive mechanism.**

#### **Liberty and security of person**

29. The Committee notes with satisfaction the measures taken with respect to liberty and security of person, including the amendment to article 230 of the Code of Criminal Procedure, which shortens the duration of pretrial detention. However, the Committee is concerned by reports that pretrial detention continues to be used beyond the period established by law. Also, while the Committee notes the State party's efforts to comply with release orders issued by judicial authorities, it is concerned by reports of new detention orders for detained persons being processed after the issuance of release orders. The Committee is also concerned that, in practice, persons who have been detained or deprived of their liberty do not always enjoy all fundamental legal safeguards from the outset of their detention (arts. 9 and 14).

30. **In the light of the Committee's general comment No. 35 (2014) on liberty and security of person, the State party should:**

(a) **Ensure the effective enforcement of the amendments to the Code of Criminal Procedure aimed at reducing the duration of pretrial detention;**

(b) **Unconditionally release all persons illegally or arbitrarily deprived of their liberty;**

(c) **Develop a comprehensive policy on the timely execution of release orders, sentence reduction programmes and the calculation of sentence reductions;**

(d) **Ensure that, in law and in practice, all persons deprived of their liberty enjoy all fundamental legal safeguards from the outset of their detention;**

(e) **Ensure that pretrial detention is used only as an exceptional measure and for a limited period of time and increase the availability of and recourse to alternatives to pretrial detention in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules), including by giving due consideration to such alternatives, particularly when delays become necessary in investigations or trials.**

#### **Elimination of slavery, servitude and trafficking in persons**

31. While welcoming the measures implemented to prevent and punish trafficking in persons, the Committee regrets that the National Plan to Combat Trafficking in Persons, 2021–2025, remains unpublished. It reiterates the concerns of the Committee on the Elimination of Discrimination against Women,<sup>11</sup> in particular regarding the increase in contemporary forms of slavery, including sex trafficking and child labour in mining areas, particularly in the Arco Minero del Orinoco zone and other parts of the states of Amazonas, Bolívar and Delta Amacuro, including by non-State armed and criminal groups engaged in extraction activities (arts. 2, 7, 8 and 26).

32. **The Committee endorses the recommendations made by the Committee on the Elimination of Discrimination against Women<sup>12</sup> and urges the State party to: combat forced recruitment and trafficking in persons, including by irregular armed groups, particularly in the Arco Minero del Orinoco zone and other parts of the states of Amazonas, Bolívar and Delta Amacuro; investigate all allegations of contemporary forms of slavery impartially, independently and in accordance with due process; and prosecute and suitably punish the perpetrators, while providing for the protection of all victims. The State party should also develop comprehensive legislation on trafficking in persons, publish the National Plan to Combat Trafficking in Persons, 2021–2025, without delay and allocate sufficient human, technical and financial resources for its effective implementation. The State party should also increase its efforts to provide training that incorporates an intersectional and gender perspective to law enforcement officials and the members of the judiciary, legal profession and migration services and to strengthen measures to protect victims, prosecute and punish perpetrators and ensure that victims have access to appropriate services for their rehabilitation and reintegration and for obtaining redress.**

#### **Freedom of movement**

33. The Committee welcomes the State party's commitment to ensure that all persons can obtain the identity and travel documents necessary to circulate freely, especially persons who are outside the country and whose documents have expired. The Committee is concerned that situations of forced internal displacement persist, particularly in border states and mining areas and especially among Indigenous and peasant communities. The Committee regrets that insufficient information has been provided by the State party in this regard (art. 12).

34. **Bearing in mind the Committee's general comment No. 27 (1999) on freedom of movement, the State party should guarantee freedom of movement and avoid any restriction incompatible with article 12 of the Covenant, including restrictions on leaving and entering one's own country. In particular, the State party should guarantee the free movement of Indigenous persons throughout the country. The State party should also intensify its efforts to recognize and protect the rights of internally displaced persons and provide them with lasting solutions, such as adequate housing, in consultation with them in accordance with the relevant international standards, including the Covenant and the Guiding Principles on Internal Displacement.**

#### **Independence of the judiciary**

35. While welcoming the steps taken to conduct competitive examinations for the appointment of tenured judges and prosecutors, the Committee is concerned that most of

<sup>11</sup> Ibid., para. 27.

<sup>12</sup> Ibid., para. 28.

those positions remain provisional. The Committee remains seriously concerned about the situation of the judiciary in the State party, particularly with regard to its autonomy, independence and impartiality, especially given the alleged links of several judges and magistrates, and even the Supreme Court of Justice, to political parties. Also of concern are rulings of the Supreme Court of Justice that have curtailed the rights of political participation by removing democratically elected public representatives from their posts, ordering their illegal arrest and denying them their constitutional privileges and immunities (arts. 2 and 14).

**36. The State party should take immediate measures to ensure and protect the full autonomy, independence and impartiality of the judiciary and the Public Prosecution Service and guarantee that they are free to operate without any type of undue pressure or interference from the executive or legislative branches. In particular, it should continue its efforts to rectify, at the earliest possible opportunity, the provisional status of most judges' and prosecutors' appointments, to guarantee transparent and merit-based competitive examinations for their appointment and career progression and to define precise rules and criteria for their dismissal. In addition, it should consider reapplying the Code of Ethics for Venezuelan Judges to the magistrates of the Supreme Court of Justice. It should also take measures to prevent interference by the Supreme Court of Justice in the removal of democratically elected public representatives and the denial of their constitutional privileges and immunities.**

#### **Freedom of expression**

37. The Committee is concerned by numerous reports of severe restrictions on freedom of opinion and expression in the State party, especially of members of the political opposition to the Government, such as:

(a) The harassment, intimidation, public defamation, surveillance, persecution, arbitrary detention and imprisonment of journalists, human rights defenders and political activists considered to be critical of the Government and its agenda and the use of the Constitutional Act against Hatred and for Peaceful Coexistence and Tolerance to restrict freedom of expression;

(b) The theft, confiscation and destruction of equipment belonging to foreign press correspondents and interference with their work, including by denial of entry to international journalists;

(c) The closure of media companies, newspapers, radio stations, regional television channels and even foreign television channels, in some cases by presidential order;

(d) The opacity or arbitrariness displayed by the National Telecommunications Commission in administering the approval and renewal of licences, particularly for radio broadcasters (arts. 2, 9, 19 and 26).

**38. In accordance with article 19 of the Covenant and the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression, the State party should:**

(a) **Take immediate steps to ensure that everyone can exercise the right to freedom of expression without interference and that any restrictions on the exercise of freedom of expression are in conformity with the strict requirements of article 19 (3) of the Covenant;**

(b) **Effectively prevent and combat acts of harassment, intimidation and violence against journalists, media workers, human rights defenders, trade unionists and Indigenous and political activists to ensure that they are free to carry out their work without fear of violence or reprisals;**

(c) **Conduct prompt, effective and impartial investigations into allegations of threats or violence against journalists, media workers, human rights defenders and political activists, bring the perpetrators to justice and provide victims with effective remedies, including compensation;**

(d) **Refrain from prosecuting and imprisoning journalists, media workers, human rights defenders and political activists under the 2010 Act on Social**

**Responsibility in Radio, Television and Electronic Media, the 2017 Constitutional Act against Hatred and for Peaceful Coexistence and Tolerance or any other such statute as a means of dissuading or discouraging them from freely expressing their opinions;**

**(e) Strengthen guarantees for the impartial and independent operation of the National Telecommunications Commission and ensure transparency in the approval and renewal of licences, particularly for radio broadcasters.**

#### **Right of peaceful assembly**

39. While noting the drop in the number of anti-government protests since 2020, the Committee is concerned by reports that social protests are being repressed, not only by law enforcement authorities but also by private groups known as “collectives”, which are reputedly financed or tolerated by State authorities. It also notes with concern the deployment of the armed forces to control demonstrations and reports of human rights violations being committed by security officers and members of the “collectives” during social protests (art. 21).

**40. In accordance with article 21 of the Covenant and the Committee’s general comment No. 37 (2020), the State party should:**

**(a) Avoid using military force to control protests and imposing restrictions that are incompatible with the Covenant and effectively investigate all cases of human rights violations against peaceful demonstrators committed by law enforcement officials or members of the “collectives”;**

**(b) Ensure that all allegations of excessive use of force by State agents are recorded and investigated promptly, thoroughly and impartially, that those responsible are prosecuted according to their level of responsibility and, if found guilty, are punished and that the victims obtain redress;**

**(c) Take measures to effectively prevent and eliminate all forms of excessive use of force by law enforcement officials, including by providing training on the use of force, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement.**

#### **Freedom of association**

41. The Committee is concerned by multiple credible reports of the use of laws and regulations to restrict the operation of non-governmental organizations, trade unions and political parties. In particular, the Committee expresses its concern about the many mandatory registry filings and other requirements that civil society organizations must fulfil, in particular their enrolment in the Unified Registry of Regulated Entities, and the bill on international cooperation, which will impose new legal and operational limitations on the operation of such organizations, including on the key question of funding, which may hamper the free exercise of their activities and represent an undue restriction on the right to freedom of association. It also notes with concern reports of the arrest of trade unionists on criminal charges such as “criminal association” and “hate speech” and of judicial intervention in trade unions, federations, bar associations and even political parties via the court-imposed designation of the members of their boards of directors (art. 22).

**42. In accordance with article 22 of the Covenant, the State party should take the steps necessary to guarantee, in law and in practice, the effective exercise of the right to freedom of association and to ensure that members of human rights organizations can exercise their freedom of association without being subjected to restrictions that are incompatible with the Covenant. In particular, it should:**

**(a) Repeal or refrain from adopting any measure or law that may limit the exercise of the right to freedom of association or result in undue control over civil society organizations or interference in their activities;**

**(b) Establish a safe and enabling environment for all civil society organizations to carry out their activities without fear of reprisals.**

### **Rights of the child**

43. While noting that the Act on the Prevention and Elimination of Sexual Abuse against Children and Adolescents of 2021 raises the minimum age of marriage to 16 years for both girls and boys, the Committee notes that the legislation is still not in line with the previous recommendations of this Committee and the Committee on the Rights of the Child. The Committee notes the State party's efforts to guarantee the right to identity from birth. However, it is concerned by reports of continuing difficulties and delays in the registration of births and the delivery of birth certificates. The Committee expresses its grave concern at the fact that children and adolescents are reportedly being subjected to the worst forms of child labour by being used to perform heavy and high-risk work in such activities as the mining of gold in illicit mines (arts. 23, 24 and 26).

44. **The State party should:**

- (a) **Modify its legislation to remove all exceptions that allow marriage for girls or boys under the age of 18 years;**
- (b) **Continue its efforts to ensure that all children born on its territory are registered and receive an official birth certificate;**
- (c) **Redouble its efforts to combat and eradicate the commercial exploitation of children and child labour, particularly in the extractive industry and in illegal mining, including by increasing labour inspections.**

### **Right to participation in public affairs**

45. The Committee notes with deep concern reports of the imposition of restrictions on democratic space, whether by action or omission, by judicial and constitutional institutions such as the National Electoral Council, the Ombudsman's Office, the Office of the Comptroller General of the Republic and the Supreme Court of Justice, with such restrictions including political disqualification to prevent members of the opposition from running for public office. In this regard, it regrets that some political opponents have reportedly already been disqualified from participating in the presidential elections scheduled for 2024. While noting the special regulations for the election of Indigenous representatives in the 2021 elections of legislators to state legislative councils and councillors to municipal councils, the Committee is concerned by reports that these regulations withdrew Indigenous Peoples' right to direct and secret voting and that they were not adequately consulted before or during the drafting of the resolution that introduced the regulations. Also of concern are reports of allegedly deliberate interference with enrolment in the national electoral register, mainly in the case of young people between 18 and 35 years of age, which prevents them from participating in elections (arts. 1, 25 and 26).

46. **The State party should take the measures necessary to ensure that its electoral regulations and practices are in full compliance with the Covenant, in particular article 25 thereof, and take into account the guidelines for States on the effective implementation of the right to participate in public affairs by guaranteeing, inter alia:**

- (a) **The full and effective enjoyment of the right of political participation by all citizens, including members of Indigenous Peoples, by repealing all electoral provisions that interfere with their right to participate in public affairs without undue restrictions, and young people, by ensuring their enrolment in the national electoral register;**
- (b) **Fair, transparent, inclusive and pluralistic national, regional and municipal elections, while also guaranteeing due process and transparency in the administrative procedures undertaken by the Office of the Comptroller General of the Republic in relation to disqualifications of candidates for public office and the availability of an effective legal remedy against such disqualifications;**
- (c) **The protection of opposition candidates against arbitrary disqualification measures that do not include adequate judicial guarantees.**

### **Rights of Indigenous Peoples**

47. The Committee takes note of the information received regarding social projects that have been carried out in order to guarantee the rights of Indigenous Peoples in the State party. However, it notes with concern the continuation of criminal activities in Indigenous territories, including by armed criminal groups, involving violence and threats against Indigenous Peoples that result in deaths and internal displacement. While noting the creation of a special protection and security unit in the Arco Minero del Orinoco zone, the Committee is concerned that the increased presence of the armed forces and operations focused on combating illegal mining have led to an increase in violence in the area. Reports pointing to a lack of free, prior and informed consultation of Indigenous Peoples on the adoption and implementation of policies relating to extractive industries, such as oil drilling and mining activities, and environmental conservation, are of concern. The Committee is concerned that the demarcation of Indigenous lands is progressing slowly and regrets that insufficient information has been provided on the updating of the 2011 census of Indigenous Peoples (arts. 1, 2, 6, 7 and 27).

48. **Reiterating the Committee's previous recommendations,<sup>13</sup> the State party should redouble its efforts to ensure the promotion, protection and recognition, both in law and in practice, of the rights of Indigenous Peoples, particularly with respect to their traditional lands, territories and resources, including sacred sites. It should also:**

(a) **Continue and intensify its efforts to ensure that consultations are effectively held in good faith with Indigenous Peoples, while also ensuring their active and effective participation in those consultations, in order to obtain their free, prior and informed consent before the adoption and implementation of any measure that may substantially affect their rights, way of life and culture, particularly in the case of infrastructure or natural resource development projects;**

(b) **Accelerate and complete the demarcation of Indigenous lands within as short a time as possible;**

(c) **Effectively protect Indigenous Peoples against all acts of violence and ensure that the perpetrators of such acts are brought to justice and duly punished and that the victims obtain adequate redress;**

(d) **Step up the training of all security force personnel deployed in operations targeting illegal mining in order to effectively prevent and eliminate the excessive use of force.**

### **D. Dissemination and follow-up**

49. **The State party should widely disseminate the Covenant and the two Optional Protocols thereto, its fifth periodic report and the present concluding observations with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society, non-governmental organizations operating in the country and the general public, including members of minority communities and Indigenous Peoples.**

50. **In accordance with rule 75 (1) of the Committee's rules of procedure, the State party is requested to provide information by 3 November 2026 on the implementation of the recommendations made by the Committee in paragraphs 36 (independence of the judiciary), 38 (freedom of expression) and 46 (right to participation in public affairs) above.**

51. **In line with the Committee's predictable review cycle, the State party will receive the Committee's list of issues prior to reporting in 2029 and will be expected to submit its replies, which will constitute its sixth periodic report, within one year. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In**

<sup>13</sup> CCPR/C/VEN/CO/4, para. 21.

accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The next constructive dialogue with the State party will take place in 2031 in Geneva.

---