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## VENEZUELA 2022

Lack of access to economic and social rights remained a serious concern, with the majority of the population experiencing severe food insecurity and unable to access adequate healthcare. The security forces responded with excessive force and other repressive measures to protests, involving various sectors of the population, to demand economic and social rights, including the right to water. Impunity for ongoing extrajudicial executions by the security forces persisted. Intelligence services and other security forces, with the acquiescence of the judicial system, continued to arbitrarily detain, torture and otherwise ill-treat those perceived to be opponents of the government of Nicolás Maduro. A report by the UN Fact-Finding Mission (FFM) on Venezuela exposed patterns of crimes against humanity and called for investigations into several named government officials. Prison conditions remained a major concern, especially regarding overcrowding and the use of illegal detention centres, as well as access to basic rights such as water and food. Despite

the adoption of legal reforms regarding the administration of justice, access to the right to truth and reparations for victims of human rights violations remained a challenge. Between 240 and 310 people remained arbitrarily detained on political grounds. The state's repressive policies targeted journalists, independent media and human rights defenders. Illegal mining and violence threatened Indigenous peoples' rights in the Orinoco Mining Arc. Abortion was still criminalized in almost all circumstances. Violence against women persisted, despite the existing legal framework. There was no progress in ensuring the rights of LGBTI people. By the end of the year more than 7.1 million Venezuelans had fled the country.

## **Background**

Judicial reform implemented in 2021 and 2022 did not result in improvements in the administration of justice.

Hyperinflation and the alarming lack of purchasing power to buy essential goods resulted in most of the population, particularly those living outside the capital, Caracas, experiencing a profound humanitarian crisis.

Authorities continued to impose arbitrary inspections and administrative sanctions on business and commerce in an attempt to control the private sector.

Negotiations between the government and opposition regarding future elections continued but failed to reach agreement during the year.

Venezuela resumed diplomatic relations with Colombia and the two countries announced a progressive opening of the Venezuela-Colombia border.

The mandate of the UN Fact-Finding Mission (FFM) was renewed for a period of two years and the Office of the Prosecutor of the ICC requested the Court's authorization to resume the investigation into crimes against humanity in Venezuela.

## **Repression of dissent**

The policy of repression continued. Political opponents, real and perceived, were constantly under attack and at risk of arbitrary detention, torture and other human rights violations. Several thousand people continued to be subject to restrictions on their freedom because of current or past politically motivated judicial procedures.

## **Freedom of expression and assembly**

The number of mass demonstrations demanding civil and political rights fell compared to previous years. In response, the authorities adopted more targeted, but nevertheless systematic, repressive tactics. These included using the judicial system to silence dissent and criminalize human rights defenders.

According to the Venezuelan Observatory on Social Conflict, there were 7,032 protests, of which 77% were demanding economic and social rights. Authorities often responded to these demonstrations with excessive force and arbitrary detentions. For example, six activists were arbitrarily detained in Caracas in June at a vigil in memory of Neomar Lander, a teenager killed during a protest in 2017.

As of August, the local organization Public Space had registered 228 attacks on freedom of expression in the form of censorship, verbal attacks and intimidation targeting journalists. By December, the National Telecommunications Commission had closed down 78 radio stations; police and military officers were involved in implementing the closures.

The telecommunications company Telefónica admitted having received and complied with government requests to block access to several websites and to tap phone lines without judicial warrants.

According to Public Space, the Director of the community radio station Frontera 92.5 FM, José Urbina, was killed, allegedly by armed groups, in the state of Apure, which borders Colombia. He had reported receiving death threats following his work highlighting alleged human rights violations by the Bolivarian National Guard in the area.

## **Extrajudicial executions**

In September, the FFM issued a report expressing concern at continuing extrajudicial executions, consistent with previously documented patterns, in the context of security operations in low-income, urban neighbourhoods.

According to the human rights organization COFAVIC, as of September, security forces had carried out 488 alleged extrajudicial executions in various parts of the country. Those responsible remained unpunished.

The OHCHR, the UN's human rights office, reported in June that authorities had dissolved the Bolivarian National Police's Special Actions Forces (FAES); the FAES had been implicated in several hundred alleged extrajudicial executions. However, the government did not make any public statement on this and civil society organizations continued to report that FAES officials remained operational.

## **Enforced disappearances, arbitrary detentions and torture**

Arbitrary detentions remained widespread and those held were often subjected to torture or other ill-treatment. Authorities also carried out short-term enforced disappearances as part of this pattern of violations.

Several local NGOs reported that, as of November, between 240 and 310 people were in arbitrary detention for political reasons.

At the beginning of July, in a period of 72 hours, Néstor Astudillo, Reynaldo Cortés, Alcides Bracho, Alonso Meléndez and Emilio Negrín, all activists of the Bandera Roja, an opposition party linked to the trade union movement, and Gabriel Blanco, a grassroots activist, were arbitrarily detained and subjected to grave violations of their right to due process. No judicial warrants were issued for their arrests, a pattern consistent with such violations documented by the FFM.

Also in July, Bolivarian National Intelligence Service (SEBIN) officers arbitrarily detained Ángel Castillo, a member of the Venezuelan Communist Party, which is not aligned with government policies, while he was participating in a protest in support of labour rights. He was released later the same day.

According to the human rights NGO Foro Penal, by July authorities had carried out 23 arbitrary detentions.

In August, Emirlendris Benítez, arbitrarily detained for political reasons since 2018 and suffering from several health conditions, was sentenced to 30 years in prison. The judgment was not made public, preventing her lawyer from lodging an appeal. The UN Working Group on Arbitrary Detention had called for her immediate release.

In September, the FFM reported that the structures of the General Directorate for Military Counterintelligence (DGCIM) and SEBIN remained in place and that previously documented patterns of violations, including torture and other ill-treatment, by these agencies persisted. It also identified a group of individuals in

these intelligence agencies that carried out arbitrary detentions, torture and other ill-treatment and a chain of command linking them directly to Nicolás Maduro, and called for them to be investigated for crimes against humanity.

## **Inhumane detention conditions**

Conditions in detention centres continued to deteriorate. Detention centres were overcrowded and did not provide adequate food or water, leaving detainees reliant on relatives to obtain the basic essentials for survival.

Prolonged detention in police stations and other illegal detention centres remained a concern.

Women's detention conditions were a particular concern due to the lack of facilities and conditions with a gender perspective.

## **Impunity**

Human rights violations went unpunished. Reports by the FFM highlighted the manipulation of the judicial system to shield police and military officers responsible for violations from justice.

Venezuela requested that the ICC Office of the Prosecutor defer its investigation on grounds that the Venezuelan authorities were already investigating domestically human rights violations and crimes under international law. However, the Office of the Prosecutor submitted a request to resume its investigation on the grounds that Venezuela had not provided any additional information on how internal procedures in the country satisfied the standards of the Rome Statute of the ICC and questioning the genuineness of the procedures it had been notified of by Venezuela. A decision by the ICC's Pre-trial Chamber on whether or not the investigation should continue was pending at the end of the year, although it called victims to submit their views into Venezuela's allegations of investigative measures by March.

## **Unfair trials**

The FFM reiterated its concern about the use of the justice system to facilitate human rights violations, such as arbitrary detention, and crimes under international law, such as persecution.

The Prosecutor's Office informally accused a number of people through social media, compromising their human rights, such as the right to a fair trial and the presumption of innocence. Among those accused were children and adolescents.

## **Right to truth, justice and reparation**

At the end of the year, UN special rapporteurs and treaty bodies were still waiting for official invitations to visit the country.

The FFM's mandate was renewed, although Venezuelan authorities had not granted the FFM access to the country by the end of the year.

Despite the judicial reform announced in 2021, the main problems around access to justice remained. These included lack of judicial independence, the political use of judicial procedures against those perceived to be opponents of the government, and obstacles hindering victims' access to justice such as denying people access to case files, arbitrarily denying people the right to designate their own legal representatives and unjustified delays.

## **Indigenous peoples' rights**

Illegal mining in the Orinoco Mining Arc area seriously affected human rights in Bolívar State, in particular impacting Indigenous peoples' rights to self-determination and a healthy environment. In its report, published in September, the FFM documented grave human rights violations and abuses in the Mining Arc, indicating the collusion of some state authorities with criminal groups operating, and at times exerting control, in mining areas and the failure to investigate and punish those responsible.

In March, in the locality of Parima B on the southern border of Amazonas State, an incident involving members of the military and Yanomami Indigenous people resulted in the deaths of four Indigenous people and the wounding of two members of the military and at least two Indigenous people who were believed to be witnesses to the killings, who were then taken to an unidentified place. Although later the witnesses appeared and were given medical treatment, there were concerns over how authorities transferred them to Caracas without legal accompaniment and the lack of measures to avoid revictimization and ensure cultural appropriateness.<sup>1</sup>

In June, Virgilio Trujillo, an Indigenous leader and defender of the territory, land and environment, was shot dead in the city of Puerto Ayacucho, the Amazonas State capital. No progress was known to have been made in the investigation into his death during the year.

## **Human rights defenders**

Crackdowns on civil society increased and intensified. According to the Centre for the Defenders and Justice, there were 396 attacks on human rights defenders, including intimidation, stigmatization and threats.

Javier Tarazona, a prisoner of conscience and human rights defender from the organization Fundaredes, remained arbitrarily detained and faced terrorism-related charges.

Human rights defenders Marino Alvarado and Alfredo Infante received notification of a defamation lawsuit filed against them by the Governor of Carabobo State, Rafael Lacava. The lawsuit was in response to a report published in March by the NGOs PROVEA and Centro Gumilla, of which the two men are members, respectively, exposing possible extrajudicial executions in Carabobo State and calling for full accountability.<sup>2</sup>

## **Refugees' and migrants' rights**

By the end of the year, more than 7.1 million people had left the country. Venezuelan refugee women faced heightened barriers to accessing international protection in host countries, including Colombia, Ecuador, Peru and Trinidad and Tobago.<sup>3</sup> This lack of protection exposed them to a high risk of multiple forms of gender-based violence, including sexual violence and human trafficking for sexual and labour exploitation.

## **Economic, social and cultural rights**

Lack of access to food, water and healthcare remained a serious concern.

### **Right to health**

Access to medical treatment and health services for those with chronic diseases remained a critical challenge. Solidarity Action, a local organization providing

humanitarian aid, reported that 33% of people aged over 60 with a chronic condition were not receiving any treatment.

During the year, several organizations defending children's rights highlighted the deaths of children in the J.M. de Los Ríos Hospital due to the suspension of the organ transplant programme, despite the precautionary measures granted by the Inter-American Commission on Human Rights concerning patients at this healthcare centre.

## **Right to food**

According to the Centre for Documentation and Analysis for Workers, by November, the cost of the basic monthly basket of food was equivalent to about USD 386, while the monthly minimum wage, set in March, was just USD 13, leaving the majority of the population facing food insecurity. In December, the situation was further exacerbated by a drastic devaluation of the national currency.

According to the World Bank, by August, Venezuela had the third highest inflation rate for food prices in the world.

## **Right to water**

Negligence and lack of maintenance continued to reduce access to water for the population, despite official announcements that promised 95% coverage throughout the country by the end of the year. This situation resulted in repeated and widespread community protests regarding access to water and sanitation.

## **Sexual and reproductive rights**

The impact of the ongoing humanitarian emergency on sexual and reproductive health services contributed to obstacles to access to sexual and reproductive rights.

The Inter-American Commission on Human Rights also reported that the lack of access to sexual and reproductive services, such as reproductive planning, was impacting maternal mortality rates.

In September, a civil society initiative called Ruta Verde marched to the National Assembly to present a document demanding the decriminalization of abortion, which is permitted only when there is a risk to life and for which medical protocols had yet

to be established. By the end of the year there had not been any significant progress on the issue.

## **LGBTI people's rights**

LGBTI people continued to face discrimination. Several organizations called on the authorities to include the right to non-discrimination for LGBTI people in the legal framework. At the end of the year, they were still waiting for any progress to be made regarding LGBTI rights.

A 2021 appeal to annul Article 565 of the Organic Law of Military Justice, which criminalizes intimate same-sex relationships between adults in the military, was still pending at the end of 2022.

## **Violence against women and girls**

Early in the year, the National Assembly approved an amendment to the Organic Law on Women's Right to Live Free of Violence. Civil society organizations and the feminist movement criticized this amendment on the grounds that it fails to meet the state's obligation to prevent and punish violence against women because public policies do not include a gender perspective and state officials are not trained to provide first-line assistance to women survivors of sexual and gender-based violence.

According to the local human rights organization CEPAZ, 199 alleged femicides were reported between January and September. The authorities failed to gather and publish official data on femicides, hindering the implementation of informed efforts to prevent these crimes.

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1. **"Venezuela: Whereabouts and wellbeing of Indigenous Yanomani people must be clarified urgently and ensured", 6 April (Spanish only)**
  2. **"Venezuela: Further Information: Lawsuit against defenders reaches settlement", 24 June**
  3. ***Americas: Unprotected: Gender-based Violence against Venezuelan Refugee Women in Colombia and Peru, 12 July***