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World Report 2020 - Venezuela

In early January 2019, Juan Guaidó, the National Assembly president, asked Venezuelans to mobilize in support of restoring constitutional order in the country. On January 23, hundreds of thousands poured into the streets. During the protest, Guaidó claimed that he was taking power as interim president of Venezuela and said that he would call for free and fair elections. More than 50 countries have since expressed support for Guaidó. The country remained at a political impasse at time of writing.

No independent government institutions remain today in Venezuela to act as a check on executive power. A series of measures by the Maduro and Chávez administrations stacked the courts with judges who make no pretense of independence. The government has been repressing dissent through often-violent crackdowns on street protests, jailing opponents, and prosecuting civilians in military courts. It has also stripped power from the opposition-led legislature. In September, the UN Human Rights Council adopted a resolution creating the first international investigative mechanism into atrocities committed in Venezuela.

Severe shortages of medicines, medical supplies, and food leave many Venezuelans unable to feed their families adequately or access essential healthcare. The massive exodus of Venezuelans fleeing repression and shortages is the largest migration crisis in recent Latin American history.

Other persistent concerns include brutal policing practices, poor prison conditions, impunity for human rights violations, and harassment by government officials of human rights defenders and

Refugee Crisis

The United Nations High Commissioner for Refugees reported that, as of November, approximately 4.5 million of an estimated 32 million Venezuelans had fled their country since 2014. Many more not reported by authorities have also left.

The causes of the exodus include simultaneous political, economic, human rights, and humanitarian crises. In addition to those qualifying for refugee status based on fear of being persecuted, many are unable or unwilling to return because of the humanitarian emergency they face at home, which includes difficulty accessing food, medicines, and medical treatment.

Many Venezuelans in other countries remain in an irregular situation, which severely undermines their ability to obtain work permits, send their children to school, and access health care. This makes them vulnerable to exploitation and abuse and means they need humanitarian assistance.

Persecution of Political Opponents

The Venezuelan government has jailed political opponents and disqualified them from running for office. In November, Venezuelan prisons and intelligence headquarters held nearly 400 political prisoners, according to the Penal Forum, a Venezuelan network of pro-bono criminal defense lawyers.

In April, opposition leader Leopoldo López, who was serving a 13-year sentence under house arrest on unsubstantiated charges of inciting violence during a demonstration in Caracas in 2014, was released by his guards so he could participate in an attempted military uprising. After the uprising failed, he sought refuge at the Spanish embassy in Caracas, where he remained at time of writing.

In May, intelligence agents detained Edgar Zambrano, the National Assembly vice president, for his alleged participation in the April military uprising. His lawyers were not allowed to be present when he was brought before a judge, and he remained without contact with his family for over a month. He was accused of treason but was conditionally released in September. A total of 13 opposition legislators fled the country, and four were living in foreign embassies in Caracas at time of writing.

Venezuelan intelligence and security forces have detained and tortured military personnel accused of plotting against the government. Authorities have also detained and tortured the family members of some suspects to determine their whereabouts. Some detainees were tortured to force them to provide information about alleged conspiracies.

Crackdown on Protest Activity

In two crackdowns in 2014 and 2017, Venezuelan security forces and armed pro-government groups called “colectivos” attacked demonstrations—some attended by tens of thousands of protesters. Security force personnel shot demonstrators at point-blank range with riot-control munitions, brutally beat people who offered no resistance, and staged violent raids on apartment buildings. Security forces have committed serious abuses against detainees that in some cases amount to torture—including severe beatings, electric shocks, asphyxiation, and sexual abuse.

In 2019, security forces responded with violence to protests in support of Guaidó, firing pellets or live ammunition at close range against demonstrators. Hundreds were detained and dozens killed in several incidents in January and May.

The Penal Forum counts more than 15,000 people arrested since 2014 in connection

with protests, including demonstrators, bystanders, and people taken from their homes without warrants. Around 8,900 had been conditionally released as of November, but they remained subject to criminal prosecution. More than 840 civilians have been prosecuted by military courts, in violation of international law.

Many others arrested in connection with the protests or political activism remain under house arrest or in detention, awaiting trial. Others have been forced into exile.

Alleged Extrajudicial Killings

Police and security forces have killed nearly 18,000 people in Venezuela in instances of alleged “resistance to authority” since 2016. Interior Minister Néstor Reverol reported in December 2017 that there were 5,995 such cases in 2016 and 4,998 in 2017. Venezuelan security forces killed nearly 7,000 people in incidents they claimed were cases of “resistance to authority” in 2018 and the first five months of 2019, according to official figures cited by the UN Office of the High Commissioner for Human Rights (OHCHR).

Nobody has yet compiled detailed information as to how many of these killings by security forces have been extrajudicial executions, but OHCHR concluded that “many” may constitute extrajudicial killings. Human Rights Watch documented several such killings in 2019.

Between 2015 and 2017, Venezuelan security forces swept through low-income communities during what was known as the “Operation to Liberate and Protect the People” (Operación de Liberación y Protección del Pueblo, OLP). Participating security forces included the Bolivarian National Guard, the Bolivarian National Police (PNB), the Bolivarian National Intelligence Service (SEBIN), the Scientific, Penal, and Criminal Investigative Police (CICPC), and state police.

These raids resulted in widespread allegations of violations such as extrajudicial killings, mass arbitrary detentions, mistreatment of detainees, forced evictions, destruction of homes, and arbitrary deportations. In November 2017, Venezuela’s then-attorney general said security forces had killed more than 500 people during OLP raids. Government officials repeatedly said the OLP victims were armed criminals who had died during “confrontations.” In many cases, witnesses or families of victims challenged these claims. In several cases, victims were last seen alive in police custody.

FAES, a special police force created in 2017 to combat drug trafficking and criminal organizations, replaced the OLPs in security operations. FAES officials have committed egregious violations, including killings and torture, with impunity in low-income communities that no longer support Nicolás Maduro. OHCHR reported that “authorities may be using FAES and other security forces as an instrument to instill fear in the population and to maintain social control.”

Impunity for Abuses

Venezuelan authorities reported that, as of June 2019, 44 people were detained and 33 arrest warrants were issued for people allegedly responsible for killings during demonstrations in 2017 and 2019. Authorities claim five FAES agents were convicted of attempted murder and other crimes for events occurred in 2018, and that another 388 FAES agents were under investigation for alleged crimes committed in 2017 and 2019.

Impunity for human rights abuses, however, remains the norm. OHCHR reported in July 2019 that factors contributing to impunity include “lack of cooperation by security and armed forces with investigations,” “the tampering with crime scenes” by security forces, and de facto immunity of senior officials, and lack of judicial independence.

Judicial Independence

Since former President Hugo Chávez and his supporters in the National Assembly conducted a political takeover of the Supreme Court in 2004, the judiciary stopped functioning as an independent branch of government. Members of the Supreme Court have openly rejected the principle of separation of powers and have consistently upheld abusive policies and practices.

In July, the Supreme Court ruled in favor of Judge María Lourdes Afiuni but did not lift all conditions for her release. Afiuni spent a year in jail and several under house arrest, after she was arbitrarily prosecuted starting in 2009 when she released a government critic on conditional liberty, following a recommendation by the UN Working Group on Arbitrary Detention. A lower court had granted her conditional liberty in 2013.

Humanitarian Emergency

Venezuelans are facing severe shortages of medicine, medical supplies, and food, seriously undermining their rights to health and food. In 2017, the Venezuelan health minister released official data indicating that during 2016 maternal mortality had increased 65 percent, and infant mortality 30 percent. Days later, the health minister was fired. The government has not since published epidemiological bulletins.

Venezuela’s health system is in utter collapse, with the re-emergence and spread of vaccine-preventable diseases previously declared eliminated, such as measles and diphtheria, and increases in outbreaks of infectious diseases such as malaria and tuberculosis. Research by Venezuelan organizations and universities documents high levels of food insecurity and child malnutrition among Venezuelans.

Constituent Assembly

In 2017, President Maduro convened a “Constituent Assembly” by presidential decree, despite a constitutional requirement that a public referendum be held before any effort to rewrite the Constitution. The assembly is made up exclusively of government supporters chosen through an election that Smartmatic, a British company hired by the

government to verify the results, said had produced results whose accuracy it could not guarantee. The Constituent Assembly has, in practice, replaced the opposition-led National Assembly as the country’s legislative branch. In 2019, it lifted the parliamentary immunity of several opposition legislators and extended its mandate until December 2020.

Freedom of Expression

For more than a decade, the government has expanded and abused its power to regulate media and reduce the number of dissenting media outlets. The government can suspend or revoke licenses to private media if “convenient for the interests of the nation,” arbitrarily suspend websites for the vaguely defined offense of “incitement,” and criminalize expression of “disrespect” for high government officials. While a few newspapers, websites, and radio stations criticize the government, fear of reprisals has made self-censorship a serious problem.

During the attempted military uprising in April, Venezuelan authorities took CNN and BBC off cable TV and shut down Radio Caracas Radio. Leading Venezuelan media freedom groups reported death threats and attacks on journalists covering demonstrations, including beatings and pellets fired at them at close range.

In November 2017, the Constituent Assembly adopted a Law Against Hatred that includes vague language undermining free speech. It forbids political parties that “promote fascism, hatred, and intolerance,” and imposes prison sentences of up to 20 years on those who publish “messages of intolerance and hatred” in media or social media. In 2018, prosecutors charged several people with these crimes, including Jesús Medina, the only Venezuelan journalist held in a Venezuelan prison at time of writing. Medina was detained by intelligence agents when he was working on an investigative project at a Caracas hospital.

Human Rights Defenders

Government measures to restrict international funding of nongovernmental organizations—combined with unsubstantiated accusations by government officials and supporters that human rights defenders seek to undermine Venezuelan democracy—create a hostile environment that limits the ability of civil society groups to promote human rights.

In 2010, the Supreme Court ruled that individuals or organizations receiving foreign funding can be prosecuted for treason. That year, the National Assembly enacted legislation blocking organizations that “defend political rights” or “monitor the performance of public bodies” from receiving international assistance.

In September, Diosdado Cabello, the head of the Constituent Assembly, said the assembly would adopt and implement a law to “severely sanction NGOs and people who are receiving money from the Imperialism to conspire against our country.”

Political Discrimination

People who supported referenda on Chávez’s and Maduro’s presidencies have been fired from government jobs. A government program that distributes food and basic goods at government-capped prices has been credibly accused by Venezuelan citizens and nongovernmental groups of discriminating against government critics.

Prison Conditions

Corruption, weak security, deteriorating infrastructure, overcrowding, insufficient staffing, and poorly trained guards allow armed gangs to exercise effective control over inmate populations. Excessive use of pretrial detention contributes to overcrowding.

Key International Actors

In June, Michelle Bachelet, the UN high commissioner for human rights, visited Caracas. After her two-day visit, a small team from her office remained in Caracas to monitor the human rights situation. In July, her office released a scathing report concluding that Venezuelan authorities had failed to hold accountable perpetrators of egregious violations, including killings, excessive use of force, arbitrary arrests, and torture. The report also highlights the impact that food and medicine shortages have had on Venezuelans’ rights to food and health.

In 2018, International Criminal Court (ICC) Prosecutor Fatou Bensouda announced a preliminary examination to analyze whether, since at least 2017, crimes occurring within the court’s jurisdiction have taken place, including allegations of use of excessive force against demonstrators and detention of thousands of individuals, a number of whom are alleged to have suffered serious abuse in detention. Six countries—all ICC member countries—subsequently requested an ICC investigation, and three other countries have since expressed support for the states’ referral.

Many South American governments have made considerable efforts to welcome Venezuelans. In 2019, however, several countries, including Chile, Peru, and Ecuador, imposed requirements that they first obtain visas, requirements that in practice severely limit Venezuelans’ access to these countries. Venezuelans in some instances have faced xenophobic harassment abroad, including in parts of Colombia, Ecuador, Caribbean countries, and northern Brazil.

The Lima Group—consisting of at least 10 Latin American governments and Canada—continue to monitor the situation in Venezuela. In September, the UN Human Rights Council adopted a resolution proposed by Lima Group members to create an independent Fact Finding Mission to investigate allegations of atrocities committed in Venezuela, including extrajudicial killings, disappearances, and torture since 2014. The resolution also anticipates creation of a commission of inquiry if Venezuela fails to cooperate with the Office of the UN High Commissioner for Human Rights. The fact-finding mission will deliver its report to the Human Rights Council at its September 2020

session.

A second resolution was presented by Iran on Venezuela’s behalf, and emphasizes “cooperation and technical assistance,” while expressing concern at “the imposition of extraterritorial unilateral coercive measures.” This resolution calls on the government of Venezuela to fully implement the recommendations in the High Commissioner’s report, to allow access to UN experts, and to provide the Office of the High Commissioner with unlimited access to all regions and detention centers.

The High Commissioner’s office also announced (<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25040&LangID=E>) the signing of a memorandum of understanding with Venezuela, with a view to creation of a country office, although at the time it was issued many details had not yet been agreed.

The United States, Canada, the European Union, and Switzerland have imposed targeted sanctions on more than 100 Venezuelan officials implicated in human rights abuses and corruption. The sanctions include asset freezes and the cancellation of visas. In July, the EU reiterated its readiness to expand its targeted sanctions should negotiations not lead to concrete results. The European Parliament also called for additional sanctions against state authorities responsible for human rights violations and repression. Argentina, Brazil, and Peru have also prohibited more than 300 Venezuelan officials from entering their countries.

Since 2017, the United States has imposed financial sanctions, including a ban on dealings in new stocks and bonds issued by the Venezuelan government and its state oil company. Despite language excluding transactions to purchase food and medicines, these sanctions could exacerbate the already dire humanitarian situation in Venezuela due to the risk of over-compliance.

In April 2019, the UN Security Council held a formal session on Venezuela’s humanitarian emergency. During the session, Human Rights Watch and Johns Hopkins Bloomberg School of Public Health presented a report concluding that severe medicine and food shortages within Venezuela, together with the spread of disease across the country’s borders, has created a complex humanitarian emergency that requires a full-scale response by the United Nations.

Immediately following the meeting, after months of quiet diplomacy, UN Secretary-General António Guterres tweeted that 7 million Venezuelans were in need of humanitarian assistance. UN agencies operating in Venezuela assembled a humanitarian needs overview calling for US\$233 million in assistance over during six months. As of November, it had not been fully funded or implemented.

An effort by Norway to mediate between Venezuelan authorities and the opposition, which consisted of several meetings in Norway and Barbados during 2019, had not led to concrete results at time of writing. A Contact Group composed of Costa Rica, Mexico, Uruguay, and several European governments met with Venezuelan authorities on several occasions in 2019 to push for free and fair elections in Venezuela.

As a member of the UN Human Rights Council, Venezuela has regularly voted to prevent scrutiny of human rights violations, opposing resolutions spotlighting abuses in countries including Syria, Belarus, Burundi, and Iran. In October, Venezuela was narrowly elected by the UN General Assembly to serve on the Human Rights Council for the 2020-2022 term, notwithstanding its declared intention to refuse to cooperate with the council's fact-finding mission, in violation of its membership obligations.

The Venezuelan government withdrew from the American Convention on Human Rights in 2013, leaving citizens and residents unable to request intervention by the Inter-American Court of Human Rights when local remedies for abuses are ineffective or unavailable. The Inter-American Commission on Human Rights continues to monitor Venezuela, applying the American Declaration of Rights and Duties of Man, which is not subject to states' ratification.

Venezuela is one of the dwindling number of countries in Latin America that has not signed the Safe Schools Declaration. In 2019, there were reports of members of the Bolivarian National Guard and members of armed pro-government groups using schools for military exercises, which affected students' access to education.

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