

SEPTEMBER, 2023

# Alternative report

to the

**HUMAN RIGHTS COMMITTEE**

on compliance with the International Covenant  
on Civil and Political Rights in the  
V periodic report of the Bolivarian Republic of

**Venezuela**



CEJIL

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LGBTIQ+



RED  
DDHH  
LARA

VICARÍA DE DERECHOS  
HUMANOS DE CARACAS

## I. Presentation

1. This report was prepared by the following Venezuelan organizations: Asociación Civil Kapé Kapé<sup>1</sup>, Acción Ciudadana contra el Sida (ACCSI)<sup>2</sup>, Comité de Familiares de Víctimas de los Sucesos de Febrero y Marzo de 1989 (COFAVIC)<sup>3</sup>, Comisión de la Mujer de la Universidad de Los Andes (Comisión ULA Mujer)<sup>4</sup>, Confederación de Sordos de Venezuela (CONSORVEN)<sup>5</sup>, Fundación de DDHH del Estado Anzoátegui<sup>6</sup>, Instituto Prensa y Sociedad (IPYS)<sup>7</sup>, Observatorio Venezolano de Violencias LGBTIQ+ (OVV LGBTIQ+)<sup>8</sup>, Red de DDHH del Estado Lara<sup>9</sup>, Vicaría de DDHH de la Arquidiócesis de Caracas<sup>10</sup>, with the support and cooperation of the Center for Justice and International Law (CEJIL) and the World Organization Against Torture (OMCT) to provide additional information to the Human Rights Committee (HRC) regarding the observance of the commitments derived from compliance with the International Covenant on Civil and Political Rights (the Covenant or ICCPR) by the Bolivarian Republic of Venezuela, in those areas that concern the mandate of the subscribing organizations.
2. We have focused our analysis on compliance with articles 1, 2, 3, 4, 6, 7, 8, 9, 10, 13, 14, 16, 19, 20, 21, 22, 23, 24, 26 and 27 of the Covenant and through information gathered through monitoring, reports, complaints and testimony of victims or survivors of human rights violations.

## II. Violations of the International Covenant on Civil and Political Rights

### a. Constitutional and legal framework for the implementation of the Covenant (art. 2)

3. Venezuela has ratified important instruments for the protection of human rights. The prohibition of torture is not adequately criminalized, which leads to serious difficulties in the investigation and punishment of those responsible. The Venezuelan State has not ratified the Optional Protocol to the Convention against Torture or the Convention for the Protection of All Persons from Enforced Disappearance.
4. At the Inter-American level, on September 10, 2012, the National Executive denounced the American Convention on Human Rights, withdrawing the contentious jurisdiction of the Inter-American Court of Human Rights (IACHR), limiting vital spaces for victims in their search for justice and reparation<sup>11</sup>.
5. Domestically, the Supreme Court of Justice (SCJ), in Constitutional Chamber<sup>12</sup>, made an interpretation of article 68 of the Constitution of the Bolivarian Republic of Venezuela<sup>13</sup> and articles 41, 43, 44, 46 and 50 of the Law of Partial Reform of the Law of Political Parties, Public Meetings and Demonstrations<sup>14</sup>, in relation to the exercise of the right to demonstrate and public meetings, stating that these are not absolute rights and emphasizing that an authorization is required to exercise the referred right. The lack of authorization gives rise to the police security forces being able to disperse the concentrations.

6. Resolution No. 008610 issued by the Ministry of Popular Power for Defense, which allows the operation of the Bolivarian National Armed Forces in the control of public meetings and demonstrations<sup>15</sup>, remains in force. This Resolution constitutes the militarization of the control of public order, as well as contemplates the use of chemical agents and firearms in the control of peaceful meetings and demonstrations, in contravention of constitutional provisions contemplated in Articles 68<sup>16</sup> and 332<sup>17</sup>. The Political-Administrative Chamber of the SCJ in 2016 declared inadmissible an amparo action against this resolution arguing that the Constitution of the Bolivarian Republic of Venezuela only prohibits the use of firearms and toxic substances in peaceful demonstrations, "not in those that are violent or become violent".<sup>18</sup>
7. With respect to Gender-Based Violence (GBV), there is the Organic Law on the Right of Women to a Life Free of Violence in which new legal types were incorporated<sup>19</sup>, however, in its last reform the express mention to the Inter-American Convention to Prevent, Punish and Eradicate Violence against Women ratified by Venezuela in 1995 was eliminated<sup>20</sup>. This reform recognizes interrelated forms of discrimination against women, incorporating multi-causal violence<sup>21</sup>, but does not criminalize it. On the other hand, to date we have no evidence of the existence of a specific protocol for judges and prosecutors to deal with victims of sexual violence.
8. Regarding people living with HIV in the country, the Law for the Promotion of the Right to Equality of Persons with HIV or AIDS and their families is a dead letter<sup>22</sup>. The Annual Report 2021 of the Ombudsman's Office<sup>23</sup> only highlights a training of officials with UNAIDS. This report does not provide data to know the implementation of the law or recommendations to reduce impunity and discrimination in health centers, work, education, and other spheres. The Ministry of People's Power for Health (MPPS) during the World AIDS Day, only acknowledged the opening of a pharmacy of antiretroviral drugs in Miranda State, without mentioning that these supplies are donated entirely by the Global Fund<sup>24</sup>. There was also no mention of the shortage crisis that people with HIV have been suffering for more than 5 years<sup>25</sup>. The Public Prosecutor's Office has not published data regarding the compliance with the above mentioned law.

#### **b. Application of states of emergency (art. 4)**

9. In 2015, 8 decrees of states of exception were known that limited the rights to free transit, assembly, peaceful demonstration, inviolability of the home, inviolability of private communications and free economic activity, in 26 municipalities of the 4 states that have a border with Colombia<sup>26</sup>. These decrees did not indicate the type of state of exception applicable<sup>27</sup>, this being fundamental to evaluate its constitutionality<sup>28</sup>. These decrees gave rise to 12 others.
10. In 2016, with the premise that Venezuela was facing an "economic war"<sup>29</sup>, the National Executive declared a "State of Economic Emergency"<sup>30</sup> throughout the national territory. The National Executive declared a "State of Economic Emergency" throughout the national territory. However, this decree was not approved by the National Assembly (AN) for considering its justification unsatisfactory and insufficient<sup>31</sup>. The Constitutional Chamber of the Supreme Court of Justice declared the constitutionality of the Decree, contrary to the provisions of the Organic Law on

States of Exception (Law of States of Exception<sup>32</sup>), which establishes that the NA exercises political control over these acts and creates a de facto procedure for the approval of the Decrees and their extensions.

11. In the same year, the Constitutional Chamber<sup>33</sup> interpreted that the control exercised by the NA over the decrees of states of exception does not affect their validity, validity and effectiveness, disapplying through the diffuse control of constitutionality Article 33 of the Law of States of Exception and ordering its nullity. Based on such decision, the Constitutional Chamber declared the constitutionality of 16 States of Exception and Economic Emergency, as well as their respective extensions, allowing the Executive Power, for 5 years<sup>34</sup>, to dictate special measures in matters of public security, among other powers<sup>35</sup>.
12. In 2020, in the context of COVID-19, a new state of exception (State of Alarm)<sup>36</sup> was declared. During its validity COFAVIC was able to record aggressions and abuses against civil society, among which are 2,100 cases of alleged arbitrary detentions, raids on the headquarters of non-governmental organizations and the implementation of two plans: "Bolivarian Fury" and "Operation Tun-Tun", aimed at intimidating those who were considered enemies by the Venezuelan State.<sup>37</sup>
13. OHCHR expressed concern about the discretionary application of the state of alarm by the military, law enforcement and local authorities; the involvement of armed collectives in the implementation of confinement measures in poor neighbourhoods; and noted undue restrictions on access to information and freedom of expression, resulting in the detention by security forces of demonstrators, journalists, human rights defenders and political leaders.<sup>38</sup>
14. The SCJ, in Plenary Chamber, issued a resolution<sup>39</sup> suspending all cases and halting procedural lapses; except for urgent actions, that is, those related to constitutional protection and urgent matters. This resolution deprived people of access to effective judicial protection. In this regard, the UN Rapporteur on Judicial Independence pointed out that "quarantine and social distancing should not prevent the justice system from functioning and that it should do so respecting the use of due process"<sup>40</sup>.

#### **c. Non-discrimination (arts. 2, 19, 20 and 26)**

15. By 2022, the LGBTIQ+ OVV documented 97 cases of aggressions, including 11 murders. A total of 114 people were affected; 47 of these were for prejudice based on their sexual orientation, 14 for their gender identity and 22 against the LGBTIQ+ community in general. The most repeated aggressions are humiliation, disqualification or ridicule, intimidation or threats, denying/hindering access or permanence in a space or disrespect to gender identity.<sup>41</sup>
16. Of the murders, 8 were committed against cisgender men, who were presumed to have diverse sexual orientations and were sexually and affectively related to other men. In addition, there were 2 murders of cisgender women and 1 murder against a trans woman.<sup>42</sup>

17. OVV LGBTIQ+ managed to identify that 63 of the aggressors are heterosexuals. In most cases, the aggressions are committed by civilians, followed by representatives or workers of establishments, people in a position of power or influence, and in 20 cases various public security forces and State officials have acted.<sup>43</sup>
18. From January to April 2023, OVV LGBTIQ+ documented 60 cases of violence against LGBTIQ+ people with a total of 58 people directly affected. 25 of these have been on the grounds of sexual orientation and 20 against the LGBTIQ+ community in general, being mostly discriminatory speeches by state officials or public figures. We also documented two suicides, one murder and one case of serious injury, the latter two against trans women of the Wayúu ethnic group<sup>44</sup>. In this period, at least 68 aggressors were identified, mostly people in positions of power and influence, followed by State officials, who were responsible for 13 of the cases documented to date.<sup>45</sup>
19. Procedural delays and the lack of rule of law affect the actions of LGBTIQ+ people in situations of violence. In 2022, only 11 complaints were filed out of 97 documented cases and we only obtained information on 2 cases in which there were actions in favor of the victim.
20. OVV LGBTIQ+ documented on July 23, 2023 the arbitrary detention against 33 people of the LGBTIQ+ community in the state of Carabobo, investigated for alleged sonic pollution, indecent assault and the sanitary state of the premises where the detention occurred. These people were exposed to public opinion with their identities and judging and criminalizing their sexual diversity, which evidences the homophobia of the State.<sup>46</sup>

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

21. The Committee requested the Venezuelan State to present information regarding the number of complaints received for cases of violence against women and the results of investigations, prosecutions, convictions and sentences applied<sup>47</sup>; however, the response presented by the State does not provide information on this point.
22. COFAVIC in an independent monitoring recorded a total of 2,322 cases of alleged violent deaths of women in the country in the period 2017 - July 2023. Between the months of January to July 2023 COFAVIC recorded 224 cases of alleged violent deaths of women, of which 51% correspond to women aged between 18 and 40 years, 19% are minors, 16% between 41 and 60 years and 14% over 61 years.
23. In relation to groups of women in vulnerable situations, the most representative cases are of elderly women with 15%, followed by pregnant women at the time of their death, who represent 6% of the cases. Women who were found undocumented after their death accounted for 2% of the cases, while the deaths of women with disabilities, indigenous or indigent women accounted for 1% each.
24. As to the place of the registered event, deaths that occurred on public roads accounted for 42% of the cases, the victim's home or that of a relative accounted for 37% of the total, while those that occurred in an isolated area corresponded to 10%. In 5% of the cases, the deaths occurred in a health center where the woman was receiving medical

attention and in 1% of the cases the event occurred in her workplace. Finally, in 5% of the registered cases, the place of death was not specified.

25. Regarding the cause of death, the study showed that 17% of the women died as a result of being run over, 16% died as a result of health complications associated with previous violent events, 13% as a result of a firearm injury, 12% as a result of asphyxiation and 8% after being beaten. In 6% of the cases, death resulted from a stab wound, in 5% from an impact against the ground in an accident (of various kinds), and 4% died from burns. In 2% of the cases, the women were hanged and the same number died of poisoning. The cases of women who died as a result of an explosion and of women who had their throats slit add up to 2% in total. In 13% of the cases, the cause of death could not be determined from publicly available information.
26. The ULA Women's Commission has provided legal support to the case of Ms. NNP, in the state of Merida, an emblematic case of gender violence in Venezuela, women who are systematically revictimized by State agents<sup>48</sup>. Ms. NNP was deprived of her liberty on August 17, 2019, for the "commission by omission" of infanticide against her 18-month-old son, a crime perpetrated that same day by her ex-partner, who subjected her through threats, sexual, physical and psychological aggression; being stigmatized in the media by State agents as an "accomplice to infanticide"<sup>49</sup>. The preliminary hearing took place one year after she was arrested, after 17 deferrals; the trial began in August 2022 and the sentence takes place on July 19, 2023, almost 4 years after her unjust arrest. Recently, Mrs. NNP has been unjustly sentenced to 30 years in prison<sup>50</sup>, despite the fact that in her statement she expressed the terror and violence she suffered at the hands of her ex-partner, her testimony was not valued by the Court, who relied on preconceived ideas of gender stereotype<sup>51</sup>; such as: "because she was in love she put the child on a silver platter", "a woman is a mother before everything else", among others. The statements of the forensic doctor, who declared that Mrs. NNP had injuries in several parts of her body, typical of physical violence, were not valued; nor were the statements of the psychiatrist, who determined that Mrs. NNP presented feelings of handicap, humiliation, indignation, hostility and aggression contained by the violence suffered<sup>52</sup>; likewise, the official who executed the detention indicated in the hearing that she was deprived only for the fact of "being the child's mother"<sup>53</sup>. Mrs. NNP is being held at CEPRA<sup>54</sup> and the State agents do not guarantee her right to health, as they have not attended to the victim's request for medical attention<sup>55</sup>.

#### **e. Voluntary Interruption of Pregnancy and Reproductive Rights (arts. 6, 7 and 8)**

27. According to data from the research on access to the right to sexual and reproductive health carried out by CONSORVEN in 2021, 37.1% of women with disabilities receive information on sexual and reproductive health, maternal health and contraceptive methods from family and friends.
28. CONSORVEN showed that 69.7% of the women with disabilities interviewed indicated that they do not know how to answer the question regarding the use of and access to contraceptive methods, which shows the degree of misinformation and/or communication barriers faced by women with disabilities to be able to respond to their contraceptive and family planning needs. 50.6% of the women indicated that they do

not wish to have more children at the present time, which confirms the low rate of interest in family planning in Venezuela<sup>56</sup>. Likewise, 44.2% of those surveyed indicated that they could not or could not attend prenatal care regularly for economic reasons, due to their inability to pay for medical consultations and treatment.

29. In 2018, the Constituent Decree for the Promotion and Protection of Humanized Childbirth and Childbirth was approved<sup>57</sup> "in order to promote community accompaniment to women and their families during their gestation process, proximity to childbirth, postpartum, breastfeeding and respectful upbringing."<sup>58</sup> However, in the study conducted by the CONSORVEN organization, 52.6% of women with disabilities indicated that they were not aware of the Humanized Childbirth Plan.

#### **f. Right to life (art. 6)**

30. The Venezuelan State remains in arrears with judgments issued by the IACHR Court related to cases of enforced disappearance of persons. The State accepted its responsibility in 2 cases<sup>59</sup>, however, not only has it not condemned those responsible, but it has also failed to carry out the necessary investigations to search for, locate and hand over the disappeared persons.
31. COFAVIC has registered from 2015 to July 2023: 63 cases of alleged enforced disappearances. In 2 emblematic cases<sup>60</sup>, relatives of the victims have filed habeas corpus appeals on more than 3 occasions without obtaining any response from the competent courts; both cases have been brought to the attention of the UN Working Group on Enforced Disappearances.
32. Despite the recommendations<sup>61</sup> and questions<sup>62</sup> from the HRC to the Venezuelan State on measures and actions to investigate extrajudicial executions carried out during citizen security work, the State has not provided sufficient information in this regard. Since 2015 with the implementation of the Operation Liberation of the People (OLP), police lethality increased<sup>63</sup>. According to information from the Public Prosecutor's Office between July 2015 and March 2017, 505 people were killed during the execution of these operations, the State reported that by 2017, 1,074 police and/or military<sup>64</sup> officers were under investigation and only 11 (0.85%) were charged before Criminal Courts.<sup>65</sup>
33. In its management report for 2015<sup>66</sup>, the Public Prosecutor's Office limited itself to presenting statistics regarding officials investigated for human rights violations. For 2016, the Public Prosecutor's Office employed the same accountability strategy in its previous report<sup>67</sup>. According to these official figures for that year, 2,441 officials were charged and 635 officials were indicted, of which only 266 (10%) were convicted for human rights violations.
34. On November 16, 2017, the Attorney General's Office acknowledged that, in 2015, 1,777 people were killed by officials, by 2016, the figure increased to 4,667 people. Also, it was reported that, up to June 2017, 1,846 people would have been murdered, "all under the orders of the Executive"<sup>68</sup>. The Venezuelan State has not provided information regarding these figures.



35. The Venezuelan State informed the HRC in 2021 that from August 2017 to the first quarter of 2020 the Public Prosecutor's Office initiated 4,890 investigations related to extrajudicial executions in the framework of citizen security operations, figures that demonstrate the high rate of police lethality in the indicated period. The Public Prosecutor's Office charged 731 members of the security forces and only 118 (16%) were convicted. The State does not specify the ratio of convictions with respect to the 4,890 cases investigated.<sup>69</sup>
36. For its part, the UN Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela (FFM) noted that since the launch of the PLOs in 2015, increasingly aggressive security tactics were adopted in Venezuela that have resulted in a high number of extrajudicial executions. According to the FFM high-level government officials "bragged" about these security operations as a measure against crime and pointed to the execution of selective killings.<sup>70</sup>
37. The FFM highlighted, "In 2016, for example, the Public Prosecutor's Office documented 325 police or military deaths, compared to 4,667 deaths by security forces".<sup>71</sup>
38. The FFM has determined that "the extrajudicial executions were not isolated acts, committed by individuals acting alone... most of the documented violations and crimes... were committed as part of a widespread and systematic attack directed against a civilian population, with knowledge of the attack, pursuant to or in furtherance of a State policy."<sup>72</sup>
39. COFAVIC independently recorded a total of 12,685 cases of alleged extrajudicial executions nationwide from 2015 to July 2023<sup>73</sup>. For its part, the Foundation for Human Rights of Anzoátegui State recorded in several eastern states of the country (Anzoátegui, Nueva Esparta, Sucre and Monagas), from 2017 to 2022 a total of 1,071 cases of extrajudicial executions<sup>74</sup>.
40. The victims are systematically young men (99%) under 25 years of age (80%) who have been killed in 60% of the cases during the development of special citizen security procedures involving large deployments of military and police forces.
41. COFAVIC in a direct monitoring of 25 cases of alleged extrajudicial executions between 2015 to 2020 has evidenced that the investigations have focused on alleged acts committed by direct physical perpetrators, none of the investigations appear to have examined the criminal responsibility of those who developed or authorized the execution of such operations. In addition, in 80% of the cases there were subsequent threats against family members and relatives of the victims.
42. From 2012 to June 2020, COFAVIC registered 806 alleged massacres representing 3,567 alleged victims in the framework of the execution of citizen security operations<sup>75</sup>. Among them, we highlight the massacre of 17 miners in Tumeremo in 2016<sup>76</sup>, in Bolívar state and the massacre of Cariaco in Sucre state. The Venezuelan State makes no mention of this in the information provided to the Committee.



43. During 2022 the State created a new citizen security operation called "Operation Thunder" which has been deployed in different parts of the country. From April to December 2022, more than 8 operations were carried out in which the State mobilized, according to official figures, more than 5,400 police and military officials, resulting in 72 people killed and 268 people detained. According to the testimony of neighbors of the communities affected by these operations, the officers replicated the same patterns of action of the OLP and the Special Actions Forces (FAES): they violently entered houses without warrants, stealing their belongings and separating those people with criminal records who could later be victims of extrajudicial executions.<sup>77</sup>
44. Venezuela experienced a context of protests in the last 10 years mainly motivated by the demand for political and civil rights. The years 2013<sup>78</sup>, 2014<sup>79</sup>, 2017<sup>80</sup>, 2019<sup>81</sup>, were marked by the existence of increased cases of persecution, arbitrary detentions, torture, cruel, inhuman and degrading treatment and extrajudicial executions in the framework of control of demonstrations. In 2017 alone, OHCHR recognized that 46 people had been killed, while more than 90 cases of persons deprived of their liberty had been subjected to one or more forms of ill-treatment or torture<sup>82</sup>
45. The Red de DDHH Lara, pointed out that in Lara State have been experienced from 2013 to the present, different cycles of public demonstrations for the demand of rights. In 2017, between the months of April and July 527 public protests<sup>83</sup> were generated, in this period 23 people were allegedly killed by firearms<sup>84</sup>, in 60% of the people allegedly killed received bullet or pellet impacts to the head, neck or thorax<sup>85</sup>, in 33.3% State security agencies appear involved, in 40% groups of armed civilians and 26.6% of the cases are still unknown responsible. According to the monitoring carried out by the Red DDHH Lara, no official has been sanctioned. In an emblematic case, the alleged responsible for the death of Mr. Manuel Sosa, was pointed out by the Public Prosecutor's Office<sup>86</sup> with sufficient grounds to determine his responsibility, however, he has not been sanctioned, on the contrary, he was promoted on July 5, 2017<sup>87</sup>.
46. In 2019 in the State of Lara there were massive mobilizations which motivated at the request of government authorities the presence of numerous FAES officers. During these FAES operations, 5 young people were allegedly extrajudicially executed<sup>88</sup>.
47. The deprivation of the right to life of indigenous leaders, who have taken up the banner of defending their territory and the environment for the survival of their peoples, has been evidenced. In May 2017, a leader of the Pueblo Unido del Sipapo Indigenous Organization was murdered in Amazonas state, whose death occurs in a context of criminalization of indigenous protest against extractivist projects in their ancestral territories<sup>89</sup>. On June 30, 2022, another indigenous uwottüja<sup>90</sup> was murdered, defender of the ancestral territory and the environment of the Autana municipality, Amazonas state, founder and coordinator of the Indigenous Territorial Guard of Sipapo, created to protect that territory from armed irregular groups and from people who practice illegal mining.
48. Regarding people with HIV, since 2000 and by decisions of the SCJ <sup>91</sup>, the State promoted a comprehensive care program guaranteeing the enjoyment and enjoyment of life of people affected by HIV. However, since 2009 the MPPS presents drug

shortages and as of 2016 acknowledges not having the necessary resources to acquire antiretroviral drugs (ARVs), affecting between 65 thousand to 75 thousand people of the estimated 110 thousand living with HIV until 2019. The Global Monitoring 2021 report<sup>92</sup>, recognizes that those people on treatment had to interrupt it due to shortages, putting their lives at risk of death. According to UNAIDS calculations, the number of deaths in Venezuela estimated for 2017 should have been 3,468 people. Mortality, between the years 2010 and 2017, recorded in the report Global AIDS Monitoring 2021, is 17,551 deaths due to AIDS, with a specific mortality rate (per 100,000 inhabitants) that increased from 6.4 in 2010 to 8.6 in 2017. The highest mortality rate in the reviewed period corresponds to men (12.03)<sup>93</sup>.

49. In October 2018, the IACHR issued precautionary measures to 43 people with HIV given the serious difficulties in the provision of antiretroviral treatment<sup>94</sup>. The IACHR requested the State to adopt the necessary measures to protect the health, life and personal integrity of the beneficiaries, through the adoption of immediate measures to enable access to adequate medical treatment, as well as diagnoses and medical examinations that allow regular evaluation of their health status, in accordance with international standards<sup>95</sup>. The State has not complied with this request.
50. The Global AIDS Monitoring Report 2019<sup>96</sup> states that the MPPS concentrated its investment for the response to HIV/AIDS in the cancellation of human resource fees and basic maintenance of operational structures. As for international sources from the United Nations and international organizations, the MPPS acknowledged that they contributed the largest percentage of the year's investment, with supplies and materials such as ARV treatment for adults, rapid diagnostic tests for HIV and syphilis, and male condoms. This disproportionate dependence of the National AIDS Program (MPPS) on foreign funds threatens its sustainability<sup>97</sup>. It is estimated that the shortage of other ARVs amounts to more than 60%, according to data from ACCSI and RVG+<sup>98</sup>. All the serological laboratory markers required for ARV treatment are generally unavailable, which impacts the life and integrity of people with HIV.

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

51. CONSORVEN recorded a case of a young man with intellectual and psychosocial disabilities deprived of liberty in Falcón state since 2017<sup>99</sup>, who was sentenced to 17 years in prison for the crime of homicide in November 2020, without the realization of a fair trial, without evaluation of evidence that exempts him from criminal responsibility due to his disability, without access to the file and denying the right to appeal, since the sentence was published two years after the ruling. He is currently being held in a penitentiary center with prisoners for common crimes where he has developed tuberculosis due to overcrowding<sup>100</sup>.

**h. Prohibition of torture and other cruel, inhuman or degrading treatment and punishment (arts. 6, 7 and 10).**

52. COFAVIC recorded from 2015 to July 2023 a total of 2196 alleged cases of torture of which 1524 were during arbitrary detention processes. COFAVIC carries the documentation and direct accompaniment of 53 cases of victims of alleged torture,

cruel, inhuman and degrading treatment, 32 of which are male and 21 female, aged between 25 and 45 years (66% of the cases), most of the processes are in the investigation stage and without identification of those responsible, nor are there any processes of reparation to the victims.

53. According to the information submitted by the State to this honorable Committee, from 2017 to May 2020, the Public Prosecutor's Office conducted 361 investigations of torture and 9,951 of ill-treatment. Of the total number of investigations opened (10,312) for ill-treatment and torture, only 0.2% received convictions.<sup>101</sup>
54. The FFM has stated that it has reasonable grounds to believe that between 2014 and 2018, arbitrary detentions, torture and forced disappearances were carried out by the Bolivarian National Intelligence Service (SEBIN) and the General Directorate of Military Counterintelligence (DGCIM)<sup>102</sup>. Torture techniques documented by the mission included forced positions; asphyxiation with plastic bags, chemical substances or in water; beatings; electric shocks; death threats; threats of rape to the victim and/or his family members; psychological torture, such as sensory deprivation, constant lighting and extreme cold; and forced nudity.<sup>103</sup>
55. The Office of the Prosecutor of the International Criminal Court has also concluded that there is reasonable ground to believe that crimes against humanity have been committed that would involve cases of torture and other cruel treatment during the course of imprisonment and in the development of a possible policy of persecution.<sup>104</sup>

**i. Elimination of slavery, servitude and trafficking in persons (arts. 2, 7, 8 and 26)**

56. Trafficking in persons has become more visible due to the seriousness of the cases, although no official data are available<sup>105</sup>. The phenomenon is alarming, with new modalities of recruitment. According to information gathered by the Vicariate of Human Rights of Caracas, there are various forms of modern slavery in several states of Venezuela, of which human trafficking is the most frequent.
57. In addition to the states of Bolívar, Táchira and Zulia, the states of Sucre, Monagas, Delta Amacuro and Falcón, due to their proximity to the Caribbean Islands, have been identified as a destination for sexual exploitation, positioning these coastal areas as strategic bridges for human trafficking for this purpose.<sup>106</sup>
58. The Vicaría de Derechos Humanos de Caracas has been independently monitoring alleged cases of human trafficking since 2018 in the states of Falcón and Sucre. The Vicariate has documented four shipwrecks (three in Sucre and one in Falcón). The first occurred on April 23, 2019<sup>107</sup> and left 32 people missing, the second on May 16, 2019<sup>108</sup> with 34 people missing, the third occurred in Vela de Coro of Falcón State on June 05, 2019<sup>109</sup>, 42 people missing. To date the whereabouts of all these people are unknown. On December 6, 2020 a fourth shipwreck occurred, losing the lives of more than 40 people<sup>110</sup>. In all these events, women, girls, boys and men have been affected.
59. The High Commissioner for Human Rights recently expressed concern about the delay in investigations and judicial proceedings in registered cases of disappearances

on the high seas between 2015 and 2022, as well as difficulties for families and legal representatives to access information related to the measures implemented by the Public Prosecutor's Office and other competent authorities to search for missing persons.<sup>111</sup>

**j. Freedom of expression (arts. 19 and 20)**

60. The dismantling of the media in Venezuela has been a process<sup>112</sup> planned and executed by all the organs of public power, which act in concert against the independent press.
61. Through laws<sup>113</sup> that contravene international standards for the protection of freedom of expression, journalists and media that the government considers "internal enemies"<sup>114</sup> have been censored. The Law on Social Responsibility in Radio, Television and Electronic Media (RESORTEME) "has served to close or threaten to close audiovisual media and block online media," according to the IACHR.<sup>115</sup>
62. The National Telecommunications Commission (CONATEL) hinders the renewal of licenses to independent media<sup>116</sup>. In 2022 alone 107 radio stations were closed, according to IPYS Venezuela records.<sup>117</sup>
63. In Venezuela there is a policy of blocking media through Internet providers. A report by the company Telefónica indicates that CONATEL requests the blocking of websites and that more than 1.5 million users are monitored at the request of the Venezuelan State<sup>118</sup>. Between 2015 and 2023, IPYS Venezuela noted the blocking of 45 media websites<sup>119</sup>.
64. Mistrust in the justice administration system inhibits the formalization of complaints. However, between 2015 and June 2023, IPYS Venezuela documented 5,392 violations of freedom of expression, the right to information and the right of access to public information. Physical and verbal aggressions were the most recurrent, followed by damage to work tools, threats, persecution and harassment.
65. The IACHR<sup>120</sup> and OHCHR<sup>121</sup> have expressed their concern regarding stigmatizing statements, media closures and judicial proceedings against journalists. Likewise, the FFM stressed that these persecutions are committed "in a context of generalized impunity"<sup>122</sup>. The deepening of censorship in Venezuela threatens the personal integrity and lives of press workers<sup>123</sup>.
66. The Atlas del Silencio study<sup>124</sup>, conducted by IPYS Venezuela, reveals that more than 7 million people live in news deserts. The number of people affected by the lack of media that inform with freedom, plurality and independence increased from 16% to 21%, between 2020 and 2022.
67. The State has evaded the requirements of precise information formulated by the HRC for this fifth cycle of evaluation of civil and political rights in Venezuela. In addition, it has ignored the recommendations made through the Universal Periodic Review<sup>125</sup>, in order to "guarantee freedom of expression and support a plural and safe communication environment", as well as the exhortations of the OHCHR<sup>126</sup>, the FFM

and the Special Rapporteurships of the UN and the IACHR <sup>127</sup> on freedom of expression.

**k. Right to peaceful assembly and freedom of association (arts. 21 and 22)**

68. In the context of protests in Venezuela during 2017, there were cases of serious violations of the right to life and personal integrity. According to information provided the same year by the Public Prosecutor's Office to OHCHR, it was investigating 124 deaths and would have registered more than 1,000 injured people<sup>128</sup>. Also, civil society reported more than 5,000 thousand arbitrarily detained<sup>129</sup>.
69. From 2022 to June 2023, there were multiple protests in the national territory driven by professional unions and union leaders, demanding labor rights, which generated an escalation of arbitrary detentions. COFAVIC recorded the detention of 12 union members<sup>130</sup>, 6 of whom were recently sentenced to 16 years in prison for the crimes of conspiracy and association to commit a crime.<sup>131</sup>
70. The State has undertaken actions that fall within a policy of persecution, threats, harassment, stigmatization and intimidation against people and organizations that defend rights. From 2018 to June 2023, COFAVIC recorded 2,099 attacks, with the years 2021-2023 having the highest incidence. In January 2023, a human rights defender was arbitrarily detained for several hours after meeting with OHCHR<sup>132</sup>.
71. The State affirms before this Committee that it guarantees the participation of all forms of social organization and the free exercise of the work of human rights defenders, however, in the period 2022-June 2023 alone, 1,031 attacks were reported. Attacks against the physical integrity of defenders, arbitrary detentions and forced disappearances were documented, as well as attacks against the headquarters of organizations, illegal searches and theft of equipment, among others. The perpetrators, for the most part, were officials from different branches of government<sup>133</sup>.
72. Likewise, a restrictive regulatory framework has been created for human rights and humanitarian work; Administrative Ruling No. 002 of 2022 subjects any natural or legal person, including civil society organizations, to "control, supervision, oversight and surveillance" by the National Office against Organized Crime and Terrorist Financing, forcing them to hand over sensitive information on the independent work they carry out, including information on their beneficiaries.<sup>134</sup>
73. The discussion of the International Cooperation Bill has taken place five times, the most recent in 2021<sup>135</sup> and 2022<sup>136</sup>, becoming a recurrent attack for civil society, in view of its possible entry into force. In January 2023, the first discussion of the Bill for the Control, Regularization, Performance and Financing of Non-Governmental and Related Organizations was approved<sup>137</sup>, both regulations put at risk the existence of legally constituted organizations in Venezuela<sup>138</sup>.
74. In a recent evaluation made by the Caribbean Financial Action Task Force (GAFIC)<sup>139</sup> to the Venezuelan State, the authorities acknowledged that they consider that all

Non Profit Organizations (NPOs) have a high risk of terrorist financing (TF), however, the CFATF expert group itself determined that "this conclusion is not sufficiently substantiated"<sup>140</sup>. The Venezuelan State acknowledged before the CFATF that it has analyzed 9,960 bank accounts of civil society organizations<sup>141</sup>.

75. On August 4, 2023, the SCJ intervened the Venezuelan Red Cross, by means of Ruling No. 1057 of the Constitutional Chamber, appointing a Board to assume the directive control of the organization. This action has been denounced by different civil society organizations and defenders as a new attack against freedom of association in the country<sup>142</sup>.

#### **I. Children's rights (arts. 23, 24 and 26)**

76. The Committee requested the State to provide information on the measures taken to ensure prompt registration and updating of births<sup>143</sup>. According to data from a survey on access to identification of children and adolescents with disabilities<sup>144</sup>, 6 out of 10 families tried three (3) or more times to obtain the identity card of their children with disabilities. Likewise, 5 out of 10 families point out the lack of office material as a difficulty to obtain the identity card.
77. In the same study, it was also evidenced that 4 out of 10 families interviewed expressed discriminatory attitudes on the part of the staff<sup>145</sup>; 6 out of 10 expressed lack of willingness to provide support on the part of the staff. The lack of information in accessible formats, where the importance of identity documents and certification and qualification of disability for children and adolescents is established, have not been sufficient on the part of the Venezuelan State entities, so that everyone can have access to this right<sup>146</sup>.

#### **m. Derechos de las minorías étnicas, religiosas y lingüísticas (arts. 1 y 27)**

78. The Venezuelan State reduced the participation of the indigenous population in the election of their representatives to positions of popular representation<sup>147</sup>. The reduction of the right to a free, universal, direct and secret election of indigenous representatives to the Municipal Councils, Regional Legislative Councils and National Assembly was concretized on June 5, 2020 by judgment of the Constitutional Chamber of the Supreme Court of Justice (SCJ)<sup>148</sup>, which at the request of non-indigenous citizens declared the legislative omission that it took advantage of to disapply articles 174 to 186 of the Organic Law of Electoral Processes and ordered the National Electoral Council to regulate the election of these indigenous representatives under the assumption of taking into account their uses and customs, as in fact the CNE did with resolution No. 20081 4-033 of June 14, 2020. No. 20081 4-033 of August 14, 2020<sup>149</sup>.
79. In the resolution, the Venezuelan electoral body established the election of the indigenous representatives under the nominal modality, in election by relative majority of votes, expressed in popular assemblies according to their uses, traditions and customs. The action of the Venezuelan State to limit the free political participation of the indigenous peoples was rejected by their organizations and movements alleging that the decision of the court and the CNE was not consulted

with the communities<sup>150</sup>. A ruling of the Constitutional Chamber of the SCJ of August 2022<sup>151</sup> declared "inadmissible" the request made by indigenous leaders of the states of Amazonas and Delta Amacuro, who requested amparo and review of the decision seeking the reinstatement of the right of all indigenous people to participate directly through voting in the election of their representatives to the deliberative positions.

80. Venezuela indicated to the Committee<sup>152</sup> the delivery of 102 land titles, which corresponds to only 18.5% of indigenous territories<sup>153</sup>. However, the same does not determine the lapse or period for the delivery of such titles, a fact that is fundamental in terms of the time that the Organic Law on Indigenous Peoples and Communities (hereinafter LOPCI) has been in force. Based on the above, according to the Joint Report on Violations of Rights of Indigenous Peoples and Communities of Venezuela<sup>154</sup> the first titles were delivered in 2005, the last delivery of titles took place in 2016 in the indigenous communities of Chaima, Pumé and Kariña, and from 2017 to 2021 no delivery of titles has been recorded in the country. On the other hand, it has been pointed out that the titles delivered do not comply with the requirements demanded in the rules and procedures presented in the files. This situation constitutes a violation of articles 30, 37, 43 and 46 contemplated in the section on procedures for the demarcation of habitat and indigenous lands of the (LOPCI)<sup>155</sup>.

### **III. Recommendations**

81. In view of the foregoing, we respectfully request this Committee to urge the Venezuelan State to:
82. Ratify the Optional Protocol to the Convention against Torture and the Convention for the Protection of All Persons from Enforced Disappearance.
83. Guarantee the right to peaceful assembly or demonstration as established in international standards, repealing in its entirety the provisions of resolution 008610 that allows the action of military personnel in the control of public order, as well as the use of lethal weapons.
84. The creation of an action protocol for judges and prosecutors to attend and investigate cases where there are victims of sexual violence as established by the IACHR Court.
85. Consider the necessary reasonable accommodations for Persons with Disabilities in all phases of judicial proceedings.



86. Take actions to recognize, guarantee and protect the rights of LGBTQIA+ persons; and adopt suitable and effective measures to prevent criminalization schemes based on sexual orientation, gender identity and expression and/or bodily diversity.
87. Urgently implement public policies with a human rights approach in institutions and instruct the training of public officials on human rights issues, especially with a gender approach and free of stereotypes.
88. Initiate independent, expeditious, exhaustive and timely investigations with due process that lead to the accountability of all perpetrators in cases of extrajudicial executions, as well as comprehensive reparations to victims of these serious acts.
89. The collection and publication of updated and disaggregated data on extrajudicial executions, including the number of cases under investigation, the officials convicted, the crimes charged, among other data.
90. Effective application of the AIDS Law, through administrative and/or judicial mechanisms, for justice and reparation to victims. Accountability with transparency to citizens.
91. Adjust Venezuelan legislation on freedom of expression and the right to information to the most favorable international standards of protection.
92. Urge the organs of justice to put an end to impunity for attacks on the press.
93. Immediately cease all acts of criminalization, intimidation, harassment, threats and persecution against civil society, including defenders, trade unionists, journalists, among others. Ensure the investigation and punishment of the perpetrators of these acts.
94. Accept all recommendations made by international organizations regarding the proportionate use of force, peaceful assembly, freedom of association and human rights defenders.
95. That the regulatory provisions on the association and operation of non-governmental organizations be adapted to international standards in this area.
96. The creation of an independent and effective protection system for human rights defenders and humanitarian action.
97. It is recommended to reinstate the right to a universal, direct and secret election of indigenous peoples without effect since 2018.

98. Submit information on the delivery of land titles to indigenous peoples and communities, likewise urge to enforce compliance with the procedures and standards for demarcation of habitat and land stipulated in the (LOPCI).

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<sup>1</sup> Its main objective is the education and promotion of the social development of the indigenous population, oriented towards identifying and addressing the urgent needs of the indigenous peoples and communities of the Venezuelan territory.

<sup>2</sup> It is an organization whose purpose is the promotion, defense and protection of the human rights of people living with HIV/AIDS, LGBTIQ+ and key and vulnerable populations.

<sup>3</sup> Organization dedicated to legal and psychological support to victims of human rights violations, documentation of extrajudicial executions, torture, cruel and inhuman treatment and enforced disappearances.

<sup>4</sup> ULA Mujer is a university commission, independent and autonomous, formed by a multidisciplinary team of university professors and researchers as well as activists and volunteers, which has a team of lawyers to assist and accompany victims of gender-based violence inside and outside the university.

<sup>5</sup> Organization that brings together twenty-three (23) associations of deaf people from 18 states in the country, whose objective is to make the deaf community visible, promoting the organization, training and monitoring in the field of human rights.

<sup>6</sup> Anzoategui State organization that groups and accompanies victims of human rights violations such as extrajudicial executions, forced disappearances, arbitrary detentions, among others carried out by police and military action in the eastern provinces of the country.

<sup>7</sup> Organization that monitors and denounces violations of the exercise of the rights to free expression and access to information, ensuring and protecting the rights of journalists and communication professionals to carry out their work.

<sup>8</sup> Organization that offers broad, detailed and reliable information on the violence suffered by LGBTIQ+ people to the actors interested in the formulation of public policies on citizen security and encourages the deconstruction of socially established patterns of violence and discrimination.

<sup>9</sup> Group of civil society organizations in the State of Lara that monitor, accompany, investigate and demand compliance with human rights in the Venezuelan province.

<sup>10</sup> Venezuelan non-governmental organization in charge of promoting and defending human rights, applying national and international human rights instruments.

<sup>11</sup> "Denuncia y Salida de Venezuela de la Corte Interamericana de los Derechos Humanos" versión en línea en: <http://www.minci.gob.ve/wp-content/uploads/downloads/2013/09/DISCURSO-CIDH-20-9-13-web.pdf> también puede verse en Blog oficial de la Organización Amnistía Internacional "Convención Americana de Derechos Humanos: Venezuela, 1 año sin justicia" versión en línea en: <http://www.amnistia.me/profiles/blogs/convenci-n-americana-de-derechos-humanos-venezuela-1-a-o-sin?context=tag-derechos+humanos>.

<sup>12</sup> Sala Constitucional. Sentencia N° 276 del 24 de abril de 2014. Disponible en: <http://historico.tsj.gob.ve/decisiones/scon/abril/163222-276-24414-2014-14-0277.HTML>

<sup>13</sup> Constitución de la RBV. Artículo. 68. Disponible en: [https://www.oas.org/dil/esp/constitucion\\_venezuela.pdf](https://www.oas.org/dil/esp/constitucion_venezuela.pdf)

<sup>14</sup> LRPPRPM. Gaceta Oficial N° 6.013 Extraordinaria del 23 de diciembre de 2010. Disponible en: <https://www.asambleanacional.gob.ve/storage/documentos/leyes/lev-de-ref-20220118141933.pdf>

<sup>15</sup> Resolución N° 8610. Gaceta Oficial N° 40.589. Disponible en: <http://historico.tsj.gob.ve/gaceta/enero/2712015/2712015-4190.pdf#page=6>

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<sup>17</sup> Artículo. 332 de la CRBV.

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<sup>19</sup> Reformada en el año 2021

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<sup>22</sup> Gaceta Oficial número 40.571 de fecha 30 de diciembre de 2014. Disponible online en <https://www.asambleanacional.gob.ve/storage/documentos/leyes/lev-para-la-promocion-y-proteccion-del-derecho-a-la-igualdad-de-las-personas-con-vih-o-sida-y-sus-familiares-20211026151439.pdf>

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- <sup>64</sup> El cuerpo de seguridad con mayor número de funcionarios investigados, en virtud de su presunta participación durante las OLP, de acuerdo con las cifras proporcionadas por el Ministerio Público fue el Cuerpo de Investigaciones Científicas Penales y Criminalísticas (CICPC), con 65% del total de los funcionarios investigados lo que presupone graves falencias y falta de independencia en las investigaciones a las que pueden estar sometidas estas ejecuciones extrajudiciales, debido a que el CICPC ejerce facultades como órgano auxiliar de investigación. Ibídem, Pág. 10. Recuperado de: <https://lortegadiaz.com/wp-content/uploads/2017/10/Folleto-OLP-2017.pdf>
- <sup>65</sup> Cfr. Ministerio Público, Actuaciones del Ministerio Público relacionadas con las OLP en Venezuela (Julio 2015- marzo 2017), Pág. 7. Recuperado de: <https://lortegadiaz.com/wp-content/uploads/2017/10/Folleto-OLP-2017.pdf>
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- <sup>67</sup> Informe Anual de Gestión 2016 del Ministerio Público. Este informe se encuentra descargado en PDF, debido a que para la publicación del presente informe, la pagina oficial del Ministerio Público no tiene el historial de informes antes de 2017. ANEXO A
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- <sup>70</sup> Informe de conclusiones de la Misión Internacional e Independiente de Determinación de los Hechos. Versión digital: [https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFMV/A-HRC-45-CRP.11\\_SP.pdf](https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFMV/A-HRC-45-CRP.11_SP.pdf)
- <sup>71</sup> ibid.
- <sup>72</sup> Informe de conclusiones de la Misión Internacional e Independiente de Determinación de los Hechos. Versión digital: [https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFMV/A-HRC-45-CRP.11\\_SP.pdf](https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFMV/A-HRC-45-CRP.11_SP.pdf)
- <sup>73</sup> Data interna levantada por COFAVIC
- <sup>74</sup> Cifras independientes de la Fundación para los Derechos Humanos del Estado Anzoátegui.
- <sup>75</sup> Investigación y monitoreo independiente de COFAVIC
- <sup>76</sup> Declaraciones de la Fiscal General de la Republica. <http://www.vtv.gob.ve/articulos/2016/03/16/fiscal-general-plenamente-identificadas-14-de-los-17-cuerpos-del-caso-tumeremo-5554.html>
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- <sup>78</sup> Informe situación de Derechos Humanos en Venezuela en el contexto post electoral de abril de 2013 (2013) COFAVIC. [http://issuu.com/ddhhcofavic/docs/informe\\_sobre\\_situaci\\_n\\_ddhh\\_en\\_vz](http://issuu.com/ddhhcofavic/docs/informe_sobre_situaci_n_ddhh_en_vz)
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- <sup>80</sup> Violaciones y abusos de los derechos humanos en el contexto de las protestas en la República Bolivariana de Venezuela del 1 de abril al 31 de julio de 2017 [https://www.ohchr.org/sites/default/files/Documents/Countries/VE/HCReportVenezuela\\_1April-31July2017\\_SP.pdf](https://www.ohchr.org/sites/default/files/Documents/Countries/VE/HCReportVenezuela_1April-31July2017_SP.pdf)

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- <sup>86</sup> Fiscalía 6ta del Ministerio Público del Estado Lara
- <sup>87</sup> Homicida de Manuel Sosa será ascendido" Diario El Impulso, 04/05/17, pág. A8. Versión digital: <https://www.elimpulso.com/2017/07/04/homicida-manuel-sosa-sera-ascendido-documento/>
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- <sup>97</sup> ARV TLD: El dolutegravir pertenece a una clase de medicamentos llamados inhibidores de la integrasa del VIH. Su acción consiste en disminuir la cantidad de VIH en la sangre y aumentar la cantidad de células inmunológicas que ayudan a combatir las infecciones en el cuerpo.
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- <sup>102</sup> Informe de la misión internacional independiente de determinación de los hechos sobre la República Bolivariana de Venezuela de fecha 25 de septiembre de 2020. Párrafo 34
- <sup>103</sup> Informe de la misión internacional independiente de determinación de los hechos sobre la República Bolivariana de Venezuela de fecha 25 de septiembre de 2020. Párrafo 49
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- <sup>139</sup> Organización compuesta por veinticuatro Estados Miembros en la Cuenca del Caribe, Centroamérica y Sudamérica que han acordado implementar contramedidas comunes para abordar el problema del Lavado de Activos, Financiamiento del terrorismo y la Financiación de la Proliferación de Armas de Destrucción Masiva. <https://www.cfatf-gaifc.org/es/que-es-el-gaifc>
- <sup>140</sup> Cfr. Informe de Evaluación Mutua de la República Bolivariana de Venezuela. Versión digital: <https://www.cfatf-gaifc.org/es/documentos-2/informes-4-ronda-eval/20171-4a-rda-informe-de-evaluaci%C3%B3n-mutua-tem-de-la-rep%C3%ABlica-bolivariana-de-venezuela-1>
- <sup>141</sup> Extracto del informe. Párrafo 235: Por su parte, a finales de 2021, la SUDEBAN y la UNIF completaron dos documentos relativos a los riesgos de FT de las OSFL62. Los “Procedimientos Aplicados para Categorizar las OSFL y ONG de Alto Riesgo” de la SUDEBAN afirma que todas son de riesgo alto con base en factores de LA, mientras que la matriz de riesgo del “Informe Ejecutivo: Análisis de Riesgos de OSFL (N.o: IT/2021/018)” de la UNIF refleja que las OSFL tienen diferentes niveles de riesgo, de tal forma que atribuye un de riesgo alto de FT a cuarenta y cuatro (44) y un riesgo moderado de FT a ochenta y cuatro (84) de las nueve mil novecientos sesenta (9,960) analizadas
- <sup>142</sup> Comunicado de organizaciones de la sociedad civil venezolana. Versión digital: <https://accesoalajusticia.org/con-intervencion-judicial-sociedad-venezolana-cruz-roja-agrava-patron-violaciones-contralibertad-asociacion-venezuela/>
- <sup>143</sup> Lista de cuestiones relativa al quinto informe periódico de la República Bolivariana de Venezuela del Comité de Derechos Humanos de fecha 28 de noviembre de 2022.
- <sup>144</sup> El impulso. **Niños y Adolescentes con Discapacidad Auditiva Presentan Dificultades para Obtener Documentos en el País**, de fecha 11 de agosto de 2022, recuperado de: <https://www.elimpulso.com/2022/08/11/ninos-y-adolescentes-con-discapacidad-auditiva-presentan-dificultades-para-obtener-documentos-en-el-pais/>
- <sup>145</sup> Ibid.
- <sup>146</sup> Ibid.
- <sup>147</sup> Decisión de la Sala Constitucional del Tribunal Supremo de Justicia que desaplicó artículo de la Ley Orgánica de Procesos Electorales que regula la elección de los representantes indígenas a los órganos colegiados deliberantes. Disponible online en <http://historico.tsj.gob.ve/decisiones/scon/junio/309870-0068-5620-2020-200215.HTML#:~:text=Los%20pueblos%20ind%C3%ADgenas%20de%20la,escogida%20en%20el%20mismo%20proceso%20%80%9D>
- <sup>148</sup> Ibid.
- <sup>149</sup> Resolución 200814-033 del Consejo Nacional Electoral sobre Reglamento Especial representación indígena <http://www.cne.gob.ve/web/normativa-electoral/elecciones/2020/asamblea-nacional/index-elecciones-asamblea-nacional-20-principal.php>
- <sup>150</sup> Alerta A.C. Kapé Kapé sobre rechazo de organizaciones indígenas de Amazonas al reglamento especial para la elección de la representación indígena a la Asamblea Nacional <https://kape-kape.one/2020/08/05/organizaciones-indigenas-de-amazonas-rechazan-reglamento-especial-para-la-eleccion-de-la-representacion-indigena-en-la-asamblea-nacional/>
- <sup>151</sup> Decisión de la Sala Constitucional del Tribunal Supremo de Justicia que dio respuesta negativa a solicitud de indígenas que pidieron un amparo y una revisión de decisión que desaplicó los artículos que regulaba la elección universal, directa y secreta de los representantes indígenas a los órganos colegiados deliberantes. Disponible online en <http://historico.tsj.gob.ve/decisiones/scon/agosto/319176-0519-11822-2022-21-0594.HTML>
- <sup>152</sup> Quinto Informe periódico presentado por la República Bolivariana de Venezuela al Comité de Derechos Humanos en el año 2021.
- <sup>153</sup> Ley promulgada en 2005
- <sup>154</sup> Ley Orgánica De Pueblos Y Comunidades Indígenas – Acnur [https://www.acnur.org/fileadmin/Documentos/Pueblos\\_indigenas/ley\\_organica\\_indigena\\_ven.pdf--](https://www.acnur.org/fileadmin/Documentos/Pueblos_indigenas/ley_organica_indigena_ven.pdf--)
- <sup>155</sup> Informe conjunto sobre Violaciones Derechos de Pueblos y Comunidades ... <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=9419&file=CoverPage>