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HRW – Human Rights Watch

World Report 2019 - Venezuela

In May, President Nicolás Maduro won presidential elections against an opposition badly weakened by years of government repression, and amid widespread allegations that the polls had not met international standards of freedom and fairness.

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 governments 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.

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 represents the largest migration crisis of its kind in recent Latin American history.

Other persistent concerns include poor prison conditions, impunity for human rights violations, and harassment by government officials of human rights defenders and independent media outlets.

Refugee Crisis

The United Nations High Commissioner for Refugees reported that, as of November, more than 3 million of an estimated 32 million Venezuelans had fled their country since 2014. Many more not registered by authorities have also left.

The political, economic, human rights, and humanitarian crises in Venezuela combine to compel Venezuelans to leave and make them unable or unwilling to return. Some qualify for refugee status. Others do not, but would face severe hardship if returned to Venezuela and are in urgent need of humanitarian assistance in the countries to which they have migrated.

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.

Persecution of Political Opponents

The Venezuelan government has jailed political opponents and disqualified them from running for office. At time of writing, Venezuelan prisons and intelligence services offices held more than 230 political prisoners, according to the Penal Forum, a Venezuelan network of pro-bono criminal defense lawyers.

At time of writing, opposition leader Leopoldo López was serving a 13-year sentence under house arrest on charges of inciting violence during a demonstration in Caracas in February 2014, despite a lack of credible evidence against him. Several others arrested in connection with the 2014 protests or subsequent political activism remain under house arrest or in detention, awaiting trial. Others have been forced into exile.

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.

More than 12,500 people have been arrested since 2014 in connection with protests, according to the Penal Forum. These include not only demonstrators but bystanders, and people taken from their homes without warrants. Around 7,300 had been conditionally released at time of writing, but they remained subject to criminal prosecution. In 2017, military courts prosecuted more than 750 civilians, in violation of international human rights law. The practice continued with less frequency in 2018.

Security forces have committed serious abuses against detainees that in some cases amount to torture—including severe beatings, electric shocks, asphyxiation, and sexual abuse.

While no massive demonstrations have taken place since August 2017, security forces continue repressing spontaneous protests and carrying out targeted, arbitrary arrests of opponents or perceived opponents throughout the country.

Alleged Extrajudicial Killings

In January, security forces and members of a *colectivo* surrounded a house in the town of El Junquito, near Caracas, where Oscar Pérez—a rogue police officer who threw a grenade from a helicopter to the Supreme Court building after calling on the Venezuelan people to rebel against the government—and six others were hiding. Government authorities said the seven men died in a confrontation, and that they were “terrorists.” Two security agents and a *colectivo* member also died.

Evidence suggests, however, that Pérez may have been extrajudicially executed. Prior to his death, he posted several videos on social media saying they were under attack and he was negotiating with authorities to surrender. A copy of his death certificate shows the cause of death as a single shot to the head.

In 2015, the government launched “Operation Peoples’ Liberation” (OLP), supposedly to address rising security concerns. Police and members of the Bolivarian National Guard carried out raids that led to widespread allegations of such abuses as extrajudicial killings, mass arbitrary detentions, maltreatment of detainees, forced evictions, destruction of homes, and arbitrary deportations.

In November 2017, the attorney general said more than 500 people had been killed during OLP raids. Government officials typically said they died during “confrontations” with armed criminals, claims challenged in many cases by witnesses or families of victims. In several cases, victims were last seen alive in police custody.

Impunity for Abuses

Since former Attorney General Luisa Ortega Díaz was fired in August 2017, no official information has been available about prosecutions of officials implicated in human rights violations. The United Nations Office of the High Commissioner for Human Rights (OHCHR) reported in June 2018 that impunity for human rights abuses in Venezuela was “pervasive.”

In July 2017, Ortega Díaz’s office was investigating nearly 2,000 cases of people injured during the 2017 crackdown. In more than half of the cases, prosecutors had evidence suggesting fundamental rights violations, according to official sources. The OHCHR reported that 357 security officers were under investigation for alleged extrajudicial killings during OLPs. The OHCHR said that security forces suspected of extrajudicially killing protesters had in some cases been released, despite judicial detention orders, and that the prosecutors had issued at least 54 arrest warrants for security agents implicated in the killing of 46 people during protests. A trial, though, had started in only one case.

Humanitarian Crisis

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 for 2016, indicating that, during that year, maternal mortality had increased 65 percent, infant mortality 30 percent, and cases of malaria 76 percent. Days later, the health minister was fired. The government has not since published epidemiological bulletins.

The Pan American Health Organization has reported increasing numbers of patients with such diseases as malaria, tuberculosis, measles, and diphtheria. Until 2016, measles and diphtheria, which are preventable through vaccination, had been eliminated in Venezuela.

The estimated percentage of children under five suffering moderate or severe malnutrition increased from 10 in February 2017 to 17 in March 2018, according to Cáritas Venezuela, in Caracas and several states. Cáritas reported the average dipped to 13.5 in July, but figures were significantly higher in Caracas (16.7) and Vargas state (19.7). A 2018 nationwide study by three prestigious Venezuelan universities found that 80 percent of Venezuelan households were food insecure, and interviewees each had lost an average of 11 kilograms in 2017.

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 has ceased to function as an independent branch of government. Members of the Supreme Court have openly rejected the principle of separation of powers and publicly pledged their commitment to advancing the government’s political agenda. The court has consistently upheld abusive policies and practices.

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, called fraudulent. The Constituent Assembly has, in practice, replaced the opposition-led National Assembly as the country’s legislative branch.

Freedom of Expression

For more than a decade, the government has expanded and abused its power to regulate media and has worked aggressively to reduce the number of dissenting media outlets. The government can suspend or revoke concessions 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.

In May, members of the Bolivarian Service of National Intelligence (SEBIN) detained Pedro Jaimes Criollo for mentioning the presidential plane’s route, which was public information, on Twitter. Criollo has been charged with crimes including espionage and

revealing political secrets. Neither his family nor lawyers from the Venezuelan group Espacio Público who are working on the case were allowed to see or talk to him for more than a month. He has told his family that security agents have brutally beaten him. At time of writing, he remained in an overcrowded cell, without access to medical treatment.

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 three children detained after voicing opposition to the government on social media.

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 are seeking 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.

Political Discrimination

People who supported referendums 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 of discriminating against government critics.

In April, President Maduro said he would “give a prize” to Venezuelans who voted in the May elections and presented their “carnet of the Fatherland,” a government-issued ID required for accessing housing, pensions, certain medical procedures, and boxes of food subject to government-set prices. During the presidential campaign, participants who attended government rallies got bags of food.

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. In March, at least 66 detainees and two visitors died during a fire following a riot in a police station used as a jail in Carabobo state.

Key International Actors

In February, 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 actual or perceived opponents, some of whom claim to have suffered serious abuse in detention. In September, six countries—all ICC member countries—requested an ICC investigation. Two other countries supported the states’ referral since then.

In May, an expert panel appointed by OAS Secretary General Luis Almagro compiled a damning assessment of Venezuela’s human rights record, concluding that crimes against humanity may have been committed. In September, after 14 neighboring governments agreed to coordinate responses to the Venezuelan exodus, Almagro created a working group to evaluate emigration and adopt recommendations to address it.

Many South American governments have made considerable efforts to welcome Venezuelans. In 2018, however, some adopted restrictive measures such as requiring passports, which are nearly impossible to get in Venezuela, making it harder for Venezuelans to apply for legal status.

In the Caribbean, no country has created a special permit for Venezuelans to stay legally, and most lack laws to regulate the asylum-seeking process. Some Venezuelans with asylum-seeker documents in Trinidad and Tobago and Curaçao have reportedly been detained or deported to Venezuela, a violation of international law. Venezuelans seeking refuge in places including Caribbean countries and northern Brazil have also faced xenophobic harassment.

In June, the OHCHR released a follow-up report concluding that Venezuelan authorities had failed to hold accountable perpetrators of such serious abuses as killings, excessive use of force, arbitrary arrests, and torture. The report highlights the health and nutrition crises, not only systemic shortages of foods and medicine, but such complicating factors as doctors leaving the country and government threats against, and detention of, healthcare workers and critics. The report concludes crimes against humanity may have been committed in Venezuela, and calls on members of the Human Rights Council to create a commission of inquiry into violations committed in the country.

The Lima Group—consisting of 13 Latin American governments and Canada—has monitored the situation in Venezuela closely, criticizing abuses by Venezuelan authorities and offering humanitarian aid. During the June Human Rights Council session in Geneva, the Lima Group’s joint statement on Venezuela’s crisis attracted support from 53 states cross-regionally. In September, the group, with the exception of Brazil, presented the council’s first ever resolution on Venezuela, condemning the human rights and humanitarian crisis and calling for continued reporting on the situation by the High Commissioner throughout 2019. The resolution was adopted by a vote of 23 in favor, 7 against, and 17 abstentions. It received support from delegations from every continent.

The United States, Canada, the European Union, Switzerland, and Panama have imposed targeted sanctions on more than 50 Venezuelan officials implicated in human rights abuses and corruption. The sanctions include asset freezes and the cancelling of visas. In 2017, the United States imposed financial sanctions, including a ban on dealings in new stocks and bonds issued by the Venezuelan government and its state oil company.

In January, the EU put seven individuals holding official positions under restrictive measures for their involvement in the non-respect of democratic principles or the rule of law as well as in the violation of human rights. The European Parliament condemned the negative developments in the country in resolutions adopted in February, May, and July, calling for the holding of credible, free and fair elections and for an effective response to the humanitarian and human rights crisis in the country. In May, the EU highlighted serious shortcomings in the Venezuelan electoral process, stressing that its results lack any credibility. In June, the EU added 11 individuals to its list of sanctions, bringing the total number to 18.

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, however, applying the American Declaration of Rights and Duties of Man, which is not subject to states’ ratification.

In September 2018, the UN Security Council held an informal "Arria Formula" meeting on corruption in Venezuela and world leaders led by Costa Rica convened a special "high-level" meeting on Venezuela during the annual UN General Assembly.

As a member of the UN Human Rights Council, Venezuela has regularly voted to prevent scrutiny of human rights violations in other countries, opposing resolutions spotlighting abuses in countries including Syria, Belarus, Burundi, and Iran. They also refuse to cooperate with council mechanisms, including rejecting visit requests by most special procedure mandate holders.

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