

Concerns and recommendations of the Human Rights Center of the Andrés Bello Catholic University on Venezuela

Submitted to the UN Human Rights Committee prior to its pre-session review of Venezuela

August 2022

The Human Rights Center of the Andrés Bello Catholic University (CDH UCAB)¹ welcomes the next review of Venezuela by the Human Rights Committee. This report provides an overview of our main concerns regarding Venezuela's compliance with the International Covenant on Civil and Political Rights (ICCPR). We hope that this report will contribute to the Committee's pre-session review of Venezuela and that the areas of concern highlighted here will be reflected in the list of issues presented to the Venezuelan government prior to the review.

Measures are taken to raise awareness of the Covenant and its applicability in domestic law (article 2)

1. The State reports in its periodic report² that in the context of the National Human Rights Plan 2016-19, said the plan was subjected to a broad consultation process.
2. It also mentions that they carried out “1,920 training activities” which it describes as training, forums, and workshops aimed at public officials where “content on human rights and the Covenant was taught to more than 82,800 officials. In addition, it reflects that the National School of the Judiciary trained 1,352 judicial officials with a Diploma in “Human Rights and Social Status”, and that the National School of Prosecutors, an entity dependent on the Public Ministry, trained 5,231 officials through the “permanent of human rights” and “free defense of women” in addition to training 3,708 officials on gender violence.
3. Likewise, it is reported that between 2016 and 2019 the Ombudsman's Office "carried out a total of 316 training activities on the prevention of torture and other cruel, inhuman or degrading treatment, reaching 10,453 participants"³.

¹ The CDH-UCAB is an academic entity belonging to the Faculty of Law of the Universidad Católica Andrés Bello, it is the first academic center for human rights in Venezuela, founded in 1999, with more than 20 years of experience carrying out its work from teaching, investigation, extension and legal support of cases in the following areas: Right to political participation, freedom of expression, protection of refugees and migrants, international human rights protection systems, academic freedom, transitional justice and modern slavery. Since its inception, the CDH-UCAB has worked in coalition with other Venezuelan and international civil society organizations to achieve its objectives of promoting and defending human rights, participating in various networks and working groups.

² CCPR/C/VEN/5

³ CCPR/C/VEN/5, Paragraph 71

4. However, the training programs and official documents on human rights, both those aimed at training officials and those aimed at civil society, have a strong ideological bias⁴, as well as a vision associated with the so-called "critical and decolonial perspective"⁵, which is contrary to the elements of international protection contemplated both in the Covenant and in its Protocols. As well as situations of stigmatization and attacks against human rights defenders who turn to international protection mechanisms such as the Committee.
5. Likewise, despite the constitutional provisions that order preferential application of the provisions of the treaties and compliance with the recommendations of international mechanisms, the authorities do not comply in good faith with said recommendations.
6. In its concluding observations⁶, the Committee expressly indicated the State's duty to widely disseminate both the Covenant and its two protocols, the text of its fourth periodic report, the written response to the list of issues, and the concluding observations.

State of emergency (article 4)

7. On August 21, 2015, the government declared the State of Exception. Initially, the declaration covered 6 municipalities in the state of Táchira (border with Colombia), and was later extended to 24 border municipalities and finally to the entire national territory, maintaining its uninterrupted validity until April 23, 2021⁷. The exceptional measures were never communicated to the UN Secretary-General, in violation of article 4.3 of the International Covenant on Civil and Political Rights. Nor were they approved by the National Assembly, whose opinions against them were dismissed by the Executive, arguing that the Assembly was in "contempt" and, consequently, its decisions were null.
8. Although, as established by all state of emergency decrees issued since August 2015, the circumstance of an economic emergency was the motivation for such measures, the suspension of the guarantee of the right to peaceful assembly was maintained during an electoral campaign period, so that the political rights of candidates and voters were violated.

⁴ See, for example, "Human Rights from the UNES vision" in SOMOS COMUNES Magazine, newsletter of the National Experimental Security University, No. 12 May 2017. Page 27 available at <http://www.unes.edu.ve/wp-content/uploads/2017/05/Boleti%CC%81n-Somos-Comunes-Edicio%CC%81n-12.pdf>

⁵ Cf. Available at <http://www.minci.gob.ve/unes-ofrece-siete-talleres-de-formacion-sobre-convivencia-y-seguridad-ciudadana/>

⁶ CCPR/C/VEN/CO/4, Paragraph 23

⁷ Human Rights Center of the Andrés Bello Catholic University States of Exception and Border Closure List of decrees and resolutions updated as of October 29, 2015. Available at:

[http://w2.ucab.edu.ve/tl_files/CDH/imagenes/States%20of%20Exception%20\(table\)%20REV%20\(1\).pdf](http://w2.ucab.edu.ve/tl_files/CDH/imagenes/States%20of%20Exception%20(table)%20REV%20(1).pdf)

Human Rights Center of the Andrés Bello Catholic University. Chronological list of the decrees that declare the State of Exception and Economic Emergency since 2016: Available at:

http://w2.ucab.edu.ve/tl_files/CDH/Lineastematicas/recursos/Estados%20de%20excepcio%CC%81n.pdf

Freedom from slavery and servitude (article 8)

9. The Venezuelan state has not criminalized the trafficking of men and boys when the perpetrators are not part of an organized criminal group; therefore, there are no care services for male victims of human trafficking. In November 2019, the creation of national prosecutors specializing in crimes of trafficking in women, as well as dealing with the trafficking of children and adolescents, was announced. However, it has a single prosecutor for the entire country; furthermore, human trafficking against transgender people, boys, or men was not included.
10. Most of the officials of the National Office against Organized Crime and the Financing of Terrorism (ONCDOFT), in charge of executing the National Plan against Trafficking in Persons, did not investigate crimes of trafficking in persons or crimes related to trafficking in persons. This same office created a line available 24 hours a day to receive general complaints of abuse against women, including reports of human trafficking, but several of the numbers were inactive.
11. International sources reported the growing number of Venezuelan trafficking victims identified abroad, many of them repatriated or deported to Venezuela. The national government did not report what type of care, if any, was provided to victims upon their return, or whether authorities coordinated efforts with foreign governments to ensure the protection of said victims. Trafficking for the purpose of labor and sexual exploitation is the most frequent form of both Venezuelan victims within Venezuela and abroad. It was also not possible to obtain information about assistance to any victims, investigation, prosecution, or conviction of human traffickers, or efforts to stop the forced recruitment of Venezuelan women, men, or children by irregular armed groups in the context of the Orinoco mining arc, sea routes to Trinidad and Tobago, the border with Brazil or Colombia.
12. Civil society organizations, some foreign governments, the UN, and the media managed to document cases in which Venezuelan government officials, including members of the security forces and local authorities who were mostly in border areas, conspired, tolerated, and allowed irregular armed groups linked to gold activity to operate in Venezuelan territory with impunity. These groups exploit people, including children, for forced labor in mining areas and women and girls for sexual exploitation, forcibly recruit young people to join armed criminal groups, and force children to work in mines in dangerous conditions. The UN managed to document cases of foreign citizens who reside in Venezuela and subject nationals of Ecuador, the Philippines, and other countries to forced labor in domestic service.
13. In that same sense, the lack of control, the absence of activity and effective presence on the part of the State, as well as security guarantees, especially in these mining areas in the south

of the state of Bolívar (*Arco Minero del Orinoco*), have led to the resurgence of situations of violence and have allowed the presence and control of irregular armed groups linked to extractives activities; They have established a de facto control of the territory in these areas, even incurring control of the life and development of the population through extortion activities. Among the various irregular situations present, dynamics and contemporary forms of modern slavery have been fostered, where the most prevalent are labor and sexual exploitation⁸, especially to the detriment of women and children, and adolescents⁹.

14. Among some of the practices that violate rights documented are cases where mine workers are subjected to abusive working hours, in deplorable conditions, and on many occasions under deception regarding economic remuneration¹⁰. On the other hand, women are subjected to sexual exploitation or are deceived as to the conditions in which they go to work in these areas. Cases of sexual practices in barracks separated by plastic have been documented, where women are prohibited from using protection during the sexual act and are punished on the assumption of having contracted a sexually transmitted disease STD¹¹.

Right to free movement (article 12)

15. As a result of the mandatory confinement measures during the first months of the COVID-19 pandemic, thousands of Venezuelan migrants were forced to return to Venezuela. When the arrival of these people began, high authorities publicly branded them as *fascists and camouflaged coup plotters, bioterrorists, trocheros, and karma*¹². On July 11, 2020, the Strategic Operational Command of the Bolivarian National Armed Forces (CEOFANB by its Spanish Achronym), through the official Twitter account, urged the population to denounce all those who entered through unauthorized steps, as well as those who will charge for facilitating entry¹³. The national executive broadcast this message via television, WhatsApp messages, official web portals, and official accounts of military authorities and even a priest favorable to the regime¹⁴. Despite the fact that Venezuelan legislation does not criminalize the entry of nationals through irregular steps, on July 10, 2020, the attorney general publicly reported that 13 *trocheros* (people who pass through irregular paths or steps) would be

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⁸ CDH UCAB: From the labor to the sexual: forms of modern slavery in the state of Bolívar. Page 11, (2020). Available at: <https://saber.ucab.edu.ve/xmlui/handle/123456789/19848>

⁹ CDH UCAB: Contemporary Forms of Slavery in the State of Bolívar. A Gender Sensitive Perspective. Page 31, (2021). Available at: <https://saber.ucab.edu.ve/xmlui/handle/123456789/20201>

¹⁰ Ibid.

¹¹ CDH UCAB: Contemporary Forms of Slavery in the State of Bolívar. A Gender Sensitive Perspective. Page 34, (2021). Available at: <https://saber.ucab.edu.ve/xmlui/handle/123456789/20201>

¹² The mirage of return: violations of the human rights of those returned to Venezuela during the COVID-19 pandemic (Caracas: CDH-UCAB, 2020), p. 29. Available at: http://w2.ucab.edu.ve/tl_files/CDH/Lineastematicas/El%20espejismo%20del%20retorno%20FIN.pdf Pág. 29.

¹³ Pages 32 and 33.

¹⁴ Ibid.

transferred to the El Dorado prison. and that a substitute precautionary measure was imposed on 23 people for having entered the country through irregular paths¹⁵.

16. It was also frequent that the officials in charge of the shelters for returnees verbally abused them with phrases such as: “why did they leave?” And now “what do they want, to be treated like princes?”¹⁶ The returnees were accused by the government of being biological weapons sent from Colombia¹⁷.
17. In addition, the impossibility of obtaining documents affects the right of Venezuelans to free transit. High costs associated with the processing, shortage of material for its issuance, and delay in delivery, are the barriers that thousands of Venezuelans encounter when accessing a passport¹⁸. The International Organization for Migration determined that the main challenges faced by Venezuelan migrants and refugees to regularize are associated with the loss, theft, expiration, and inability to renew the passport; barriers to obtaining a Hague apostille from your country, and payment in US dollars for criminal records¹⁹. Many children of Venezuelan parents born abroad have not been able to access the civil registry and obtain their Venezuelan nationality, due to the lack of documentation from their parents and the malfunction of consular services. In some host countries, the situation of the Venezuelan population is complex due to the absence of consular services. People who are left with passports may face obstacles to remaining in regular status in receiving countries later, by not being able to stamp a visa on a passport that has expired.

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Rights of foreigners (article 13)

18. Within the framework of the declaration of the State of Exception in August 2015, there were massive deportations of Colombians that affected legal residents, irregular migrants, and people in need of international protection, indistinctly; some 1,500 people were initially affected. In addition to the violation of the Non-Return Principle, there were serious damages to personal safety and integrity. Mass deportation led more Colombians to return to their country of origin. It is estimated that between 23,000 and 33,000 people returned to Colombia during the crisis. Seven years after the events occurred, the violations remain unpunished.

¹⁵ Ibid, p. 31.

¹⁶ Ibid, p. 29.

¹⁷ Ibid, p. 30-31.

¹⁸ “Transparencia Venezuela handed over to Saime more than 100 complaints for irregularities with the passport”, S.F, Transparencia Venezuela, accessed November 21, 2020, <https://transparencia.org.ve/transparencia-venezuela-entrego-al-saime-more-than-100-complaints-for-irregularities-with-the-passport/>

¹⁹ IOM, UNHCR, UNICEF and OAS, Situation of the Refugee and Migrant Population of Venezuela in Panama (Panama: IOM, 2019), PDF edition, p. 15, <https://migration.iom.int/reports/panama-situaci%C3%B3n-de-la-poblaci%C3%B3n-refugiada-y-migrante-de-venezuela-en-panam%C3%A1-September-2019>

19. On the other hand, the CDH UCAB has received information according to which, at least since 2018, foreigners residing in Venezuela have faced unjustified delays in renewing their visas, for periods of more than a year. Such delays are attributed by the authorities to "difficulties of the technological platform" and lead to limitations for migrants, since the lack of a visa prevents them from renewing their identity card, an essential document for carrying out various procedures, including opening banks accounts. and notarial procedures, among others.

Incitement to national hatred (article 20)

20. Starting in 2013, the State developed a stigmatizing discourse against the migrant and refugee population of Colombian origin. In this way, and as a background to the mass deportations of 2015, the Association of Colombians in Venezuela had already counted some 9,000 deportations since October 2014. According to the same source, between April 2013 and August 11, 2015, spokesmen for Maduro's government had issued derogatory expressions against Colombians in Venezuela on at least 24 occasions²⁰.
21. In mid-2015, for several weeks the Maduro government carried out a strong campaign to criminalize the Colombian population, which was held responsible for the food shortage²¹ and described as "*bachaqueros*" (smugglers), paramilitaries, and assassins, also affirming the existence of a process of "Colombianization of crime"²². In this context, on August 19, 2015, Maduro closed the border with Colombia and ordered the expulsion of some Colombians who lived in border areas, alleging that they had links with organized crime. Colombian homes were raided without warrants, searched, and marked on the walls with an R (for "reviewed") or a D (for "demolished"), in a practice reminiscent of Nazi Germany. The first raids and deportations were carried out without the State of Exception having been decreed.



Images of Colombian homes marked with the letters D and R

²⁰ The price of being Colombian and living in Venezuela <https://runrun.es/investigacion/218274/el-precio-de-ser-colombiano-y-vivir-en-venezuela-infografia/>

²¹ Maduro says that between 30% and 40% of national products "are diverted to Colombia" <https://www.notimerica.com/politica/noticia-venezuela-colombia-maduro-dice-30-40-productos-nacionales-are-deviated-colombia-20140814064619.html>

²² Week. Maduro denounces the process of "Colombianization of the underworld" in Venezuela. <https://www.semana.com/nacion/articulo/maduro-denuncia-proceso-de-colombianizacion-del-hampa-en-venezuela/438255-3/>

Right of children to protection measures due to their status as a minor (Article 24)

22. As a result of the situation of labor and sexual exploitation in the state of Bolívar, many children and adolescents are left in the towns of origin under the care of third parties, without any type of documents or authorizations, in some cases, they are left in a situation of abandonment, because the parents are working in the mines for their subsistence and survival, at will or under duress or deception. In this sense, numerous cases of girls having sex for survival have been documented since they were 7 years old. There have also been documented cases of recruitment of children by armed groups that control and operate in the area, in order for them to serve as "informants" and later as active members of irregular groups. Likewise, due to their physical size, children are used in the mines to carry out the practice known as "*machineo*", which consists of drilling the channels through which the exploited material is going to be extracted²³.

Right to participation (Art. 25)

23. The lack of autonomy and independence of public powers in Venezuela affects the right to participation. The absence of democratic institutions leads to arbitrary, illegal practices biased towards the interests of the ruling party, which includes meddling between public powers and the usurpation of functions. Such a situation has direct consequences that affect the right to participation.

7

Lack of independence and electoral processes

24. On at least five occasions²⁴, three of them since 2014, the Supreme Court of Justice (TSJ by its Spanish name) has exceeded its functions by appointing the rectors of the National Electoral Council (CNE by its Spanish name), a process that legally corresponds to the National Assembly (AN by its Spanish name).

25. Article 336 of the Constitution establishes the powers of the Constitutional Chamber, among them: "Declare the unconstitutionality of the omissions of the municipal, state or national legislative power when it has failed to dictate the norms or measures essential to guaranteeing compliance with this Constitution or has issued them incompletely; and establish the term and, if necessary, the guidelines for its correction".

²³ CDH UCAB: Modern Slavery and Labor Exploitation in Venezuela with special emphasis on the conditions of the Bolívar state. Page 26, (2021). Available at: <https://saber.ucab.edu.ve/xmlui/handle/123456789/19849>

²⁴ The TSJ has declared legislative omission and appointed the rectors of the CNE in the years 2003, 2005, 2014, 2016 and 2020. In this regard: <https://www.acienpol.org.ve/pronunciamientos/dictamen-de-la-academia-de-la-academia-de-politica-y-ciencias-sociales-sobre-la-necesaria-independencia-y-imparcialidad-del-consejo-nacional-electoral-como-garantia-essencial-para-el-desarrollo-de-free-elections/>

26. Consequently, the function of the TSJ is restricted to qualifying the alleged omissions and defining times for the restitution of functions, in the most extreme case and under strict necessity, establishing parameters so that the legislative power redirects its actions according to the constitutional requirements. This does not imply assuming the faculties of the parliament; the task of the TSJ is to exhort and contribute to the return of legal obligations; without interfering with the autonomy of the AN, or usurping functions through intervention in the processes of formation of other public powers.
27. Between June 5 and 16, 2020, the Constitutional Chamber of the TSJ issued a set of rulings in order to appoint the members of the CNE and the subordinate electoral bodies; These measures were taken in response to the alleged legislative omission by the National Assembly to appoint the directors of the CNE. The National Constitution establishes that the members of the CNE are appointed by the AN through the vote of its $\frac{3}{5}$ parts.
28. On July 1, 2020, the new CNE called parliamentary elections for December 6 of that same year.
29. Six political parties, both opposition and close to the government, were also intervened by decisions of the TSJ, which ordered the change of directives or established auditing boards. In most cases, it was through the Constitutional Chamber and an opportunity from the Electoral Chamber. *Acción Democrática*²⁵, *Primero Justicia*²⁶, *Voluntad Popular*²⁷, *Partido Tendencias Unificadas Para Alcanzar Movimiento de Acción Revolucionaria Organizada (TUPAMARO)*²⁸, *Patria Para Todos (PPT)*²⁹, *Movimiento Republicano*³⁰.
30. The TSJ empowered the CNE to define “special norms” to govern the electoral process³¹. Once again, the power to legislate, which is exclusive to the National Assembly, was de facto attributed to another public power, contrary to the provisions of the National Constitution.
31. Under these “special regulations”, the number of deputies to be elected was increased, going from 167 to 277, 110 more people. For this decision, the increase in political organizations was argued, however, the Constitution establishes as a criterion, not the number of organizations, but the proportional representation according to the population base of 1.1%

²⁵ <http://historico.tsj.gob.ve/decisiones/scon/junio/309873-0071-15620-2020-18-0458.HTML>

²⁶ <http://historico.tsj.gob.ve/decisiones/scon/junio/309874-0072-16620-2020-20-0026.HTML>

²⁷ <http://historico.tsj.gob.ve/decisiones/scon/julio/309922-0077-7720-2020-20-0053.HTML>

²⁸ <http://historico.tsj.gob.ve/decisiones/scon/agosto/310058-0119-18820-2020-20-0127.HTML>

²⁹ <http://historico.tsj.gob.ve/decisiones/scon/agosto/310061-0122-21820-2020-20-0278.HTML>

³⁰ <http://historico.tsj.gob.ve/decisiones/selec/julio/309930-019-20720-2020-2017-000096.HTML>

³¹ <http://historico.tsj.gob.ve/decisiones/scon/junio/309870-0068-5620-2020-20-0215.HTML>

of the total population of each state, which derives in three deputies per federal entity³². These criteria yield a relatively stable number that has oscillated between 165 and 167 seats. Any variation requires in any case a constitutional reform and the current electoral regulations.

32. Another change with serious consequences for the progressiveness of rights in civil and political matters was the elimination of direct voting for indigenous communities. In the special regulations³³, the CNE established the election of the three indigenous deputies, through an indirect vote, in two grades and by a show of hands. This violates the principle of the personalization of the vote, as well as its secrecy.
33. Weeks later, the regulations were modified and the vote went from being public to being secret manually through a ballot; but voting was maintained in the second degree, which implies voting for a "delegate system" in a community assembly, who will be in charge of voting for the deputies.
34. At the beginning of 2021, the new national assembly with the pro-government majority activated the process for the installation of a new CNE. The Organic Law of the Electoral Power³⁴ requires the formation of a Nominations Committee made up of 11 deputies and 10 members of civil society; of this last group, once constituted, at least five were civil servants or public workers, and only two were women. Finally, in May 2021, the national assembly appointed ten alternate rectors and five main ones: three of these linked to the ruling party and two to the opposition; be it for partisan militancy, the exercise of public office, or technical work.
35. A few days after the new appointment of the rectors, the CNE called for joint regional and municipal elections³⁵, although the latter was to be held at the end of 2021; No specific reasons were raised for the advancement of the municipal elections, as happened in the extension of the 2016 regional elections. These practices already constitute a trend that adds irregularities to the electoral processes.

³² Article 186 of the CRBV. The National Assembly will be made up of deputies elected in each federal entity by universal, direct, personalized and secret voting with proportional representation, according to a population base of one point one percent of the total population of the country. Each federal entity will also elect three deputies. The indigenous peoples of the Bolivarian Republic of Venezuela will elect three deputies in accordance with the provisions of the electoral law, respecting their traditions and customs. Each deputy or deputy will have a substitute or a substitute, chosen or chosen in the same process.

³³ National Electoral Council (2020). Resolution No. 200814-032. Retrieved from:

http://www.cne.gob.ve/web/normativa_electoral/elecciones/2020/asamblea_nacional/documentos/normas_especiales_aprobadas/resolucion_que_levanta_parcialmente_la_sancion_y_modifica_el_reglamento_especial_para_regular_la_eleccion_de_la_representacion_indigena_en_la_asamblea_nacional_2020.pdf

³⁴ National Electoral Council. Organic Law of the Electoral Power. Retrieved from:

http://www.cne.gob.ve/web/normativa_electoral/ley_organica_poder_electoral/titulo2.php#cap3

³⁵ National Electoral Council (2021). Regional and municipal elections will be joint. Retrieved from:

http://www.cne.gob.ve/web/sala_prensa/noticia_detallada.php?id=3930

36. The lack of judicial independence, in particular, and among public authorities in general, once again compromised the impartiality, equality of conditions, and transparency of the regional and municipal elections of December 2021. The lack of legal certainty facilitated the arbitrary disqualification and unconstitutional of candidates; the extensive use of State resources; the unequal access of candidates to the mass media; the generalized coercion of voters or the abuse of assisted voting were part of the irregularities identified in the last electoral process³⁶.

Political-partisan persecution

37. The logic of the “internal enemy” has been used as a mechanism to validate the criminalization of sectors critical of the government: opposition politicians, journalists, activists, workers, and human rights defenders. The official discourse discredits the public media, this narrative seeks to validate the persecution that translates into harassment, threats, and even the opening of legal proceedings, forced disappearances, and arbitrary detentions. Below are some of the recorded cases.

- A. On March 14, 2020, officials from the Bolivarian National Intelligence Service (SEBIN by its Spanish name) took deputy Tony Geara from his home, without a court order. On the night of March 17, he was presented at the Second Control Court, before Judge Niurka González, who charged him with trafficking in weapons of war and ammunition, possession of explosive devices, and money laundering, and ordered his imprisonment³⁷.
- B. On March 29, 2020, Rómulo García and Víctor Silio, who work with the president of the National Assembly Juan Guaidó, were intercepted in the *La Tahona* urbanization, in Caracas, and detained by members of the Special Actions Forces (FAES by its Spanish name) of the Bolivarian National Police. The security body indicated that a firearm and drugs were allegedly seized from them³⁸.
- C. Freddy Guevara, the militant politician of the *Voluntad Popular* party, was arrested on July 12, 2021, after being intercepted on a highway in the city of Caracas by security forces, he was charged with financing terrorism, criminal association, and treason against

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³⁶ Electoral Observation Mission of the European Union. Venezuela 2021. Final report. Retrieved from <https://espaciopublico.org/wp-content/uploads/2022/03/Informe-Final-de-Mision-de-Observacion-Electoral-de-la-UE-sobre-elecciones-regionales-del-21N.pdf>

³⁷ CronicaUno (2020). They dictate deprivation of liberty against deputy Tony Geara detained without a court order by the Sebin. Retrieved from: <https://cronica.uno/dictan-privativa-de-libertad-contra-diputado-tony-geara-detenido-sin-orden-judicial-por-el-sebin/>

³⁸ El Nacional (2020). The FAES assured that they arrested members of Guaidó's team for possession of marijuana. Retrieved from <https://www.elnacional.com/venezuela/la-faes-aseguro-que-detuvo-a-miembros-del-equipo-de-guaido-por-tenencia-de-marihuana/>

Homeland³⁹. Guevara was linked to the acts of violence that occurred at Cota 905. Judge Mascimino Márquez ratified the custodial measure in a hearing that began at 10:30 p.m. and ended at 5 a.m. According to Jorge Rodríguez, current president of the national assembly, at that time arrest warrants were issued against other members of *Voluntad Popular*⁴⁰. Guevara presents health complications at the cardiac level; his relatives did not know during the time of detention if tests were carried out or if he was undergoing treatment; In addition, at the time of the arrest, the politician has just come out of quarantine after having contracted Covid-19⁴¹. He was released on August 15, under precautionary measures.

- D. The operational coordinator of the *Voluntad Popular* party, Roland Carreño, appeared detained, in State custody, after being subjected to forced disappearance on October 26, 2021. Under an irregular process, he was indicted on charges of terrorism and conspiracy, including the coordination of the «financing of the logistics used in the escape plan of Leopoldo López from the Spanish embassy in Venezuela»⁴². To date, Carreño remains in custody.

Discrimination for political reasons in the framework of the exercise of participation

38. During the period corresponding to the evaluation, practices of discrimination for political reasons have persisted in the framework of the exercise of the right to Participation⁴³. Mechanisms such as the so-called “*Carnet de la Patria*” have been created to systematize social control, being an evolution of the Tascón List⁴⁴. On the other hand, since the beginning of the humanitarian emergency, government missions aimed at providing assistance to the population in social matters such as education, and health, among others, have been reduced to a minimum, although they continue to be a mechanism of social control. During electoral processes, State officials have publicly threatened voters by stating that “he who does not

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³⁹ CNN (2021). The Venezuelan opponent Freddy Guevara will remain in custody: they accuse him of "treason against the country." Recovered at: <https://cnnespanol.cnn.com/video/freddy-guevara-seguira-detenido-por-traicion-a-la-patria/>

⁴⁰ Counterpoint (2021). Jorge Rodríguez calls for the capture of political leaders Emilio Graterón, Hasler Iglesias, Luis Somaza and Gilber Caro. Retrieved from: <https://contrapunto.com/nacional/politica/solicitaran-ordenen-de-captura-para-emilio-grateron/>

⁴¹ CronicaUno (2021). They assure that political prisoner Freddy Guevara requires transfer to a health center for heart problems. Retrieved from: <https://cronica.uno/aseguran-que-presos-politicos-freddy-guevara-requiere-traslado-a-un-centro-de-salud-por-problemas-cardiacos/>

⁴² TalQual (2020). The Public Ministry formally accused journalist Roland Carreño of four crimes. Retrieved from: <https://talcualdigital.com/ministerio-publico-acuso-formalmente-al-periodista-roland-carreno-por-cuatro-delitos/>

⁴³ Venezuela: social control and discrimination social control mechanisms as a reduction formula of human rights. By Mariana Romero. In: 20 YEARS OF 21ST CENTURY SOCIALISM <https://abediciones.ucab.edu.ve/wp-content/uploads/2022/02/PREVIAS.pdf>

⁴⁴ The National (2018). CDH-UCAB: The country card is a mutation of the Tascón List https://www.elnacional.com/venezuela/politica/cdh-ucab-carnet-patria-una-mutacion-lista-tascon_254387/

vote, does not eat”⁴⁵. This threat, in a country that, according to the United Nations World Food Program (WFP), registered in February 2020 that one in three people (32.3%) in Venezuela suffers from food insecurity⁴⁶, seeks to impact the most underprivileged population. The political use of the missions and the constant threat of depriving needy people of their benefits generate fear in the population.

Questions to the government of Venezuela

The Committee could ask the government of Venezuela about:

1. Provide information on the content and scope of the training activities on human rights referred to in your report, as well as the difference between "forums and workshops".
2. Report on the rotation and stability of officials trained in the programs related to human rights mentioned in your report.
3. Report on the measures taken for the specific dissemination of the observations document CCPR/C/VEN/CO/4.
4. Measures taken to streamline procedures for obtaining travel and identity documents and to combat corruption and influence peddling in procedures related to obtaining identity and travel documents.
5. Number of people prosecuted for returning to the country for points not authorized and charges against them.
6. Measures are taken to investigate and punish those responsible for the massive deportation of Colombian citizens in 2015 and for the destruction of their homes and belongings.
7. Measures adopted to ensure access to consular services for the Venezuelan population living in countries in which Venezuela suspended that service and for nationals of those countries in Venezuela.
8. Support plans and programs for the prevention and eradication of the crime of human trafficking.

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⁴⁵ NY Times. Venezuela Votes in an Election the Opposition Calls a Charade.

<https://www.nytimes.com/2020/12/05/world/americas/venezuela-election.html>

⁴⁶ World Food Program. Venezuela — Food Security Assessment.

https://reliefweb.int/sites/reliefweb.int/files/resources/WFP_VEN_FSA_Main%20Findings_2020_espanol_final.pdf

9. Number of victims of trafficking who have returned to the country in the last five years, broken down by age, sex, and country of origin.
10. Type of care received by victims of trafficking who have returned to the country.
11. Data on the investigation, prosecution, or conviction of human traffickers and efforts to stop the forced recruitment of Venezuelan women, men, or children by irregular armed groups in the context of the Orinoco mining arc, maritime routes to Trinidad and Tobago, the border with Brazil or Colombia.
12. Report on the real impact for the benefit of the victims regarding legislative and procedural measures, the creation of bodies, and specialized jurisdictions in matters of gender-based violence, trafficking, forced labor, and sexual exploitation to the detriment of vulnerable populations.
13. Provide information on care, follow-up, support, and reintegration procedures for local victims of trafficking, labor exploitation, and sexual exploitation.
14. Report on measures of protection, the satisfaction of basic needs, and follow-up in favor of children and adolescents in a situation of abandonment or without the presence of their mothers and fathers in the home.
15. Report on the measures adopted to guarantee the independence of public powers, in particular, the judiciary; to avoid undue interference in the actions of judges and in the administration of justice, and promote trials adjusted to due process.
16. Report on measures that have been taken to compensate people subjected to arbitrary arrests and judicial processes for political reasons, affected by forced disappearances, violations of due process, torture, and ill-treatment in prison. Provide details on the status of judicial investigations to determine the responsibility of officials and the chain of command in these situations.

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