

Document #2043742

HRW – Human Rights Watch

World Report 2021 - Venezuela

Venezuela is facing a severe humanitarian emergency, with millions unable to access basic healthcare and adequate nutrition. Limited access to safe water in homes and healthcare centers has contributed to the spread of Covid-19.

In September, a fact-finding mission appointed by the United Nations Human Rights Council (HRC) found high-level authorities responsible for atrocities that they believed amounted to crimes against humanity. The government of Nicolás Maduro and its security forces are responsible for extrajudicial executions and short-term forced disappearances and have jailed opponents, prosecuted civilians in military courts, tortured detainees, and cracked down on protesters. They used a state of emergency implemented in response to Covid-19 as an excuse to punish dissent and intensify their control over the population.

Venezuela has been at a political impasse since Juan Guaidó, the National Assembly president, claimed he was taking power as interim president of Venezuela in January 2019. Maduro continued to control all institutions except for the legislative branch. In July, ahead of parliamentary elections scheduled for December 2020, the Supreme Court ordered the takeover of three leading political opposition parties by Maduro government supporters, and appointed government supporters to head the National Electoral Council (CNE). Maduro supporters won two-thirds of seats to the National Assembly in elections held on December 6, which were boycotted by the majority of opposition parties and in which less than one third of registered voters participated. Many governments from the region and Europe said the elections had not met minimum guarantees to be considered free and fair.

The exodus of Venezuelans fleeing repression and shortages of food, medicine, and medical supplies represents the largest migration crisis in recent Latin American history. Difficulty accessing legal status in other countries and economic hardship as a result of measures to curb the spread of Covid-19 have led approximately 130,000 to return since March 2020. Returnees are subject to abuse upon arrival.

Persistent concerns include brutal policing practices, poor prison conditions, impunity for human rights violations, lack of judicial independence, and harassment of human rights defenders and independent media.

Refugee Crisis

Some 5.5 million of an estimated 32 million Venezuelans have fled their country since 2014, the United Nations High Commissioner for Refugees (UNHCR) reported in October. Many Venezuelans abroad remain uncoun-
ted. Causes of the exodus include political, economic, human rights, and humanitarian crises.

Many Venezuelans abroad remain in irregular status, undermining their ability to obtain work permits, send children to school, and access health care, while making them vulnerable to exploitation and abuse.

Government lockdowns to curb the spread of Covid-19 have caused migrants to lose their jobs in the informal sector and approximately 130,000 have made arduous journeys back to Venezuela, many on foot. In Venezuela, returnees have been held, often for weeks, in overcrowded, unsanitary quarantine centers that likely contribute to spreading Covid-19. Authorities and pro-government armed groups known as *colectivos* have threatened, verbally harassed, and mistreated returnees.

Persecution of Political Opponents, Arrests, and Torture

The government has jailed political opponents and disqualified them from running for office. As of September 30, prisons and intelligence headquarters held 348 political prisoners, according to the Penal Forum, a Venezuelan network of pro-bono criminal defense lawyers.

In August, Maduro announced pardons for 110 political prisoners, but fewer than half of them had been incarcerated for political motives, the Penal Forum reported, and some faced no charges. Many others remain in arbitrary detention or are subject to arbitrary arrest and prosecution. Some have been forced into exile, including opposition

leader Leopoldo López, who fled in October. López had been sentenced to 13 years in prison on unsubstantiated charges of inciting violence during demonstrations against the government in 2014, and spent years in a military prison and under house arrest.

Intelligence and security forces have detained and tortured military personnel accused of plotting against the government. Authorities have tortured various detainees for information about alleged conspiracies. To determine the whereabouts of some suspects, authorities have detained and tortured family members.

During several crackdowns since 2014, Venezuelan security forces and *colectivos* have attacked demonstrations. Security forces have shot demonstrators at point-blank range with riot-control munitions, brutally beaten people who offered no resistance, and staged violent raids on apartment buildings.

Of more than 15,500 people arrested since 2014 in connection with protests—including demonstrators, bystanders, and people taken from their homes without warrants—some 9,255 had been conditionally released as of September 2020 but remained subject to prosecution. A total of 870 had been prosecuted by military courts.

The government has used the Covid-19 state of emergency as a pretext to repress dissent, arbitrarily detaining and prosecuting dozens of political opponents, including legislators, journalists, healthcare workers who criticize the government’s handling of the pandemic, and lawyers who provide legal support to demonstrators protesting lack of access to water, gasoline, or medicines.

In July, the UN Office of the High Commissioner for Human Rights (OHCHR) reported 16 cases of alleged torture and ill-treatment from June 2019 to May 2020, saying the actual number could be “significantly higher.” The cases include severe beatings with boards, suffocation with plastic bags and chemicals, waterboarding, electric shocks to eyelids and genitals, exposure to cold temperatures, and being handcuffed for extended periods of time. In some cases, doctors issued false or inaccurate medical certificates not disclosing signs of torture.

Alleged Extrajudicial Killings

Between 2016 and 2019, police and security forces killed more than 19,000 people, alleging “resistance to authority.” OHCHR, analyzing open sources, found 2,000 individuals had been killed in security operations between January and August of 2020. Many of these deaths may constitute extrajudicial executions, according to OHCHR.

Agents of FAES, a special police force, and others have killed and tortured with impunity in low-income communities, instilling fear and maintaining social control. Previously, security force raids on low-income communities from 2015 through 2017, called Operations to Liberate the People, had resulted in widespread allegations of extrajudicial killings, mass arbitrary detentions, mistreatment of detainees, and forced evictions.

Armed Groups

Authorities have relied on *colectivos* to disperse demonstrations and crack down on protesters.

During the pandemic, these groups have also helped authorities engage in social control and attack and intimidate political opponents and journalists, sometimes to prevent coverage related to Covid-19. *Colectivos* have enforced the lockdown in neighborhoods with high levels of poverty, local groups report, beating and torturing those who allegedly fail to comply.

Illegal mining in Bolívar state is controlled by criminal groups—“syndicates”—which police citizens, impose abusive working conditions, and viciously treat those accused of theft and other offenses, sometimes dismembering and killing them in front of others. The syndicates operate with government acquiescence and sometimes involvement.

Armed groups—including the National Liberation Army, Patriotic Forces of National Liberation, and groups that emerged from the Revolutionary Armed Forces of Colombia—operate mostly in border states. In Apure state, they establish and brutally enforce curfews; prohibitions on rape, theft, and murder; and regulations governing everyday activities. They engage in murder, rape, forced labor, and child recruitment to establish social control. Impunity is the norm, and residents say security forces and local authorities often collude with the armed groups.

Impunity for Abuses

Between 2017 and the first trimester of 2020, the Attorney General’s Office reported initiating 4,890 investigations into killings in the context of security operations, of which 13 had resulted in trials and one in a homicide conviction by March. It reported 517 state agents charged and 26 convicted for torture or ill-treatment, and 44 individuals charged and 10 detained while awaiting trial for human rights abuses during protests in 2014, 2017, and 2019.

Impunity for human rights abuses remains the norm. In July, OHCHR reported contributing factors include security forces tampering with crime scenes and withholding information; conflicts of interest; and security forces’ intimidation, threats, and reprisals against victims and their families.

Judicial Independence

The judiciary stopped functioning as an independent branch of government when former President Hugo Chávez and supporters in the National Assembly took over the Supreme Court in 2004. Supreme Court justices have openly rejected the separation of powers and have consistently upheld abusive policies and practices.

Judge María Lourdes Afiuni has been the subject of an arbitrary prosecution since 2009, when she granted conditional release to a government critic, following a recommendation by the UN Working Group on Arbitrary Detention. She spent a year in prison and several under house arrest while charges were pending against her. The Supreme Court ruled in July 2019 that she no longer had to regularly present herself before the courts, but she was not allowed to leave the country, speak to media, or use social media. In July, SEBIN agents raided her home looking for evidence against her daughter, who worked with opposition leader Juan Guaidó in the United States.

Humanitarian Emergency and Covid-19

The government has not published epidemiological data since 2017, when the health minister released figures showing maternal mortality increasing by 65 percent in 2016, and infant mortality by 30 percent. Days later, the minister was fired.

Venezuela’s health system is in collapse, leading to the resurgence of vaccine-preventable and infectious diseases. Shortages of medications and health supplies, interruptions of basic utilities at healthcare facilities, and the emigration of healthcare workers have led to a decline in operational capacity.

The World Food Program estimates that one out of three Venezuelans is food insecure and in need of assistance. Based on data collected prior to the pandemic, the 2020 National Survey of Life Conditions reported 8 percent of children under five acutely malnourished and 30 percent chronically malnourished, or stunted. In the most vulnerable neighborhoods, 14.4 percent of children under five are malnourished, Caritas, a nongovernmental organization, reported in July.

Many families are having difficulties feeding older children, in part due to the decline of school meal programs. School attendance, which had already decreased due to the humanitarian emergency, has declined further because of Covid-19 restrictions. In-person classes, suspended in March, remained suspended at time of writing.

As of November 2, Venezuela had confirmed 92,325 cases of Covid-19 and 801 deaths. Given the limited availability of reliable testing, lack of government transparency, and persecution of medical professionals and journalists who report on the pandemic, the actual numbers are likely much higher. Limited access to water in hospitals and homes, and overcrowding in low-income areas and prisons, likely contribute to rapid spread. Most healthcare centers face severe shortages of basic equipment such as gloves, face masks, alcohol gel, and soap. Lack of basic X-ray equipment, laboratory tests, intensive care beds, and respirators likely heightens the death rate.

Access to maternal health and sexual and reproductive services, which was already dire due to the humanitarian emergency, has further deteriorated due to the Covid-19 pandemic. UNOCHA estimates an 80 percent shortage of contraceptive methods and reported that 352 women died during pregnancy, childbirth, and postpartum in 2019. Maternal health centers have suspended pre- and post-natal services due to the pandemic, and NGOs report that pregnant women suspected of having Covid-19 have been denied prompt care.

National Assembly and Constituent Assembly

Despite repeated efforts to unseat it—and a spate of judicial rulings invalidating its decisions—the National Assembly remained Venezuela’s only democratically elected institution in 2020. The opposition won more than two-thirds of seats in 2015.

At time of writing, a legislative election was scheduled for December 6. A coalition of 27 political parties led by Guaidó was planning to boycott it, protesting persecution of opposition politicians and lack of guarantees for a free and fair process, including the political takeover of opposition parties by the Supreme Court in mid-2020.

In 2017, Maduro ignored the constitutional requirement of a public referendum to rewrite the Constitution and decreed a “Constituent Assembly” to do so. The assembly, consisting exclusively of government supporters, has effectively replaced the National Assembly. It has extended its mandate until December 2020 and lifted parliamentary immunity for several opposition legislators.

Freedom of Expression

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

In 2017, the Constituent Assembly passed a vague Law Against Hatred, forbidding political parties that “promote fascism, hatred, and intolerance,” and establishing prison sentences of up to 20 years for publishing “messages of intolerance and hatred.” During the Covid-19 state of emergency, many people sharing or publishing information on social media questioning officials or policies have been charged with incitement to hatred or to commission of a crime.

Human Rights Defenders

Government measures to restrict international funding of NGOs—and unsubstantiated accusations that rights defenders undermine Venezuelan democracy—create a hostile environment limiting groups’ ability to defend human rights.

In 2010, the Supreme Court ruled that individuals or organizations receiving foreign funding can be prosecuted for treason, and the National Assembly prohibited international assistance to organizations that “defend political rights” or “monitor the performance of public bodies.”

On May 3, the NGO Provea called on authorities to respect the rights of 13 individuals, including two former US soldiers, detained during an alleged invasion attempt. Maduro accused Provea of receiving money from the CIA and of defending the rights of “terrorists” and “mercenaries.”

Authorities have cracked down on human rights lawyers supporting demonstrators. In March, the National Guard detained lawyer Henderson Maldonado during a demonstration by renal and cancer patients. An agent hit him on the head and hand with a frozen water bottle, telling him he did not deserve to live. Charged with resisting authority and inciting criminal activity, Maldonado was released on condition that he report to court every 30 days.

Political Discrimination

Citizens and NGOs have credibly accused a government program that distributes food and basic goods at capped prices of discriminating against government critics. Previously, people supporting referenda that could have ended the Maduro or Chavez presidencies were fired from government jobs.

Prison Conditions

Corruption, weak security, deteriorating infrastructure, overcrowding, insufficient staffing, and poorly trained guards allow armed gangs effectively to control detainees. Excessive use of pretrial detention contributes to overcrowding. There have been reports of Covid-19 outbreaks and deaths due to health reasons in several Venezuelan prisons.

In May, an uprising at Los Llanos prison in Portuguesa state—protesting guards’ withholding of food brought by families, which prisoners rely on—resulted in 47 deaths and 75 injuries, the NGO Venezuelan Observatory of Prisons reported.

Key International Actors

In September, the Independent International Fact-Finding Mission created by the UN Human Rights Council to investigate allegations of atrocities since 2014 concluded that there were reasonable grounds to believe that pro-government groups and high-level authorities, including Maduro, had committed violations amounting to crimes against humanity, including extrajudicial executions, politically motivated detention and torture, and abuses against protesters. The mission found the judiciary contributed to arbitrary arrests, impunity for egregious abuses, and denial of justice to victims.

In October, after the report release, the council adopted a new resolution extending the fact-finding mission’s mandate for two years. The council also adopted a separate resolution presented by Iran to continue UN technical cooperation on human rights with Venezuelan authorities under Maduro.

OHCHR continues to monitor the situation in Venezuela. It maintains an in-country presence and has provided regular oral updates to the UN Human Rights Council in 2020 describing ongoing abuses, such as arbitrary arrests, torture, and forced disappearances, as well as on the dire humanitarian situation. In July, it reported on lack of judicial independence in Venezuela and abuses committed in the Orinoco Mining Arc, as mandated by the council.

In 2018, International Criminal Court (ICC) Prosecutor Fatou Bensouda announced a preliminary examination to analyze whether, since at least 2017, crimes occurring within the court’s jurisdiction have taken place, including allegations of use of excessive force against demonstrators and detention of thousands of individuals, a number of whom are alleged to have suffered serious abuses in detention. Six countries—all ICC member states—subsequently requested an ICC investigation, and three other countries have since expressed support for the states’ referral. In February, the Maduro government asked the Office of the Prosecutor to investigate possible crimes against humanity caused by “the application of unlawful coercive measures adopted unilaterally” by the US government.

In 2020, representatives from Latin American countries hosting most Venezuelans who have fled met as part of the Quito Process, created in 2018 to chart a common response to the Venezuelan exodus. In a meeting in October, participating foreign ministers committed themselves to strengthening international cooperation to address Venezuela’s migration and humanitarian crises.

Several governments have imposed targeted sanctions on Venezuelan officials implicated in human rights abuses and corruption. The United States has sanctioned more than 150, and cancelled the visas of 1,000. In June, the European Union and Switzerland imposed sanctions on 11 officials for their role in acts undermining democracy and the rule of law, bringing the number of sanctioned Venezuelans to 36. Some Latin American governments have also prohibited Venezuelan officials from entering their countries.

Besides adopting targeted sanctions, the EU has consistently condemned abuses by the Venezuelan government and played a leading role in the International Contact Group to support ongoing efforts to find a political solution to the Venezuelan crisis and lay the groundwork for credible elections. In December, it concluded that elections to the National Assembly had failed to comply with minimum international standards for a credible, inclusive, and transparent process and refused to recognize their results. In May, the EU and Spain co-hosted the International Donors’ Conference, which raised over €2.5 billion (US\$2.9 billion) to support Venezuelan refugees and migrants in the region. The European Parliament adopted two resolutions on Venezuela, focusing both on the political and on the humanitarian crisis.

Since 2017, the US has imposed financial sanctions, including a ban on dealings in new stocks and bonds issued by the Venezuelan government and its state oil company. Despite a humanitarian exception, these sanctions could exacerbate the already dire humanitarian situation in Venezuela, both due to the risk of overcompliance and because the sanctions reduce the resources available to the government to address the crisis. The extent to which the sanctions are in fact having this impact, and whether the government would have used any additional resources to help its people, is unclear.

An estimated 7 million people needed humanitarian assistance in 2020, the UN Humanitarian Response Plan for Venezuela noted. The plan calls for \$762.5 million to assist 4.5 million of the most vulnerable Venezuelans, including \$87.9 million to address the health and socio-economic impact of Covid-19. As of November 2, more than \$132 million had been disbursed, and from January through May, 2.1 million people received assistance.

As a member of the UN Human Rights Council, Venezuela votes regularly to prevent scrutiny of human rights violations, including in Syria, Yemen, Myanmar, Belarus, Burundi, Eritrea, and Iran.

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

ecoi.net summary:

Annual report on the human rights situation in 2020

Country:

Venezuela

Source:

[HRW – Human Rights Watch](#)

Original link:

<https://www.hrw.org/world-report/2021/country-chapters/venezuela>

Document type:

Periodical Report

Language:

English

Published:

13 January 2021

Document ID:

2043742

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