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Venezuela

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CHAPTER IV.B

VENEZUELA¹

I. INTRODUCTION

1. In compliance with its conventional and statutory mandate, the Inter-American Commission on Human Rights (the Commission, the Inter-American Commission, or the IACHR) has followed the human rights situation in Venezuela with special attention. Since 2005, the State has been included in Chapter IV.B of the annual report due to the severe human rights situation in the country and the complete erosion of democracy and the rule of law.

2. In 2024, serious and systematic human rights violations were recorded. Before, during and after the July 28 presidential election, the regime implemented a coordinated repressive strategy, in three stages, to illegitimately perpetuate itself in power. Within the framework of this strategy, State terrorism practices were implemented with the purpose of preventing the political participation of the opposition, hindering the development of a free, fair, competitive and transparent electoral contest, and sowing terror among the citizens.² These facts could only be performed, without any control, due to the co-optation of the different branches of government in the last two decades.

3. The first stage took place during the pre-electoral period and was aimed at preventing the political participation of the opposition, which constituted a violation of their right to equal opportunity to run and campaign without arbitrary or discriminatory restrictions. The State resorted to the power of institutions such as the Office of the Comptroller General of the Bolivarian Republic of Venezuela, the Supreme Court of Justice (SCJ) and the security forces to carry out arbitrary arrests of opposition, human rights defenders and social leaders under vague accusations. In addition, acts of harassment, persecution and disqualification were registered against opposition persons or perceived as such, as well as the withdrawal of international electoral observation missions. On the other hand, the National Telecommunications Commission (CONATEL) imposed severe restrictions to freedom of the press, while the National Electoral Council (CNE) established obstacles which denied the right to vote abroad, affecting nearly 5 million Venezuelans.

4. The second stage took place on July 28, during the presidential election. The government implemented a strategy aimed at manipulating the results to proclaim Nicolás Maduro as the winner without any kind of transparency. For this purpose, the CNE halted the transmission of data under the pretext of an alleged cyber-attack. Likewise, it suspended the audits of the electoral process and refused to publish the voting records supporting the announced results. Anticipating an electoral fraud, the opposition compiled more than 80% of the digitalized tally sheets at national level, with the purpose of ensuring transparency and credibility of the results of the contest. The totalization of the votes contained in these tally sheets would award the victory to the opposition candidate Edmundo Gonzalez Urrutia, with 67% of the votes.

5. The perception of fraud among citizens triggered close to 300 spontaneous protests, led mainly by young men living in poverty. In response, the regime implemented a third stage of systematic repression, increasing terror as a tool of social control. The authorities mobilized civilian shock groups against

¹ Chapter not approved by Commissioner Carlos Bernal Pulido, with a partial reasoned vote. The partial reasoned vote is found at the end of this chapter.

² The UN High Commissioner for Human Rights expressed a similar concern, noting in its August 13, 2024 oral update that “arbitrary detentions and disproportionate use of force fuel the climate of fear”. In this regard, see: Office of the United Nations High Commissioner for Human Rights, Venezuela: Continued arbitrary detentions and disproportionate use of force fuel climate of fear, warns Türk, August 13, 2024. Available at: <https://www.ohchr.org/es/press-releases/2024/08/venezuela-ongoing-arbitrary-detentions-disproportionate-use-force-fuelling>.

the demonstrations and launched “Operation Tun Tun,” referring to the characteristic sound of agents knocking on doors before making arrests. This operation resulted in at least 25 murders, dozens of brief forced disappearances, some 2,000 arbitrary detentions - including children and adolescents - torture, cruel, inhuman and degrading treatment, and serious violations of fair trial guarantees and freedom of expression. In addition, the authorities employed tactics such as mass arrests, searches without warrants, the marking of opposition homes, raids in popular neighborhoods, and the abrupt cancellation of passports.

6. The political and human rights crisis in Venezuela is the result of the total co-optation of state institutions by a regime that seeks above all to maintain itself illegitimately in office. The control of institutions designed to promote and protect human rights and democracy, along with large-scale corruption for the collection of licit and illicit rents, have been instrumental in guaranteeing the impunity of the security forces.³ These actions have not only compromised governance, but have also significantly affected the enjoyment of human rights, especially among historically discriminated groups such as indigenous peoples, Afro-descendants, women, LGBTI people, children and adolescents, the elderly, as well as those living in poverty and extreme poverty.

7. This report is divided into five chapters. Following the introduction, the second chapter presents the elements that justify the inclusion of Venezuela in Chapter IV.B of the IACHR Annual Report 2024. Chapter three documents the serious impact on the democratic order and political rights in the context of the presidential election, including the repressive response of the State and the situation of freedom of expression. Given the co-optation of State institutions and the neglect of public policies, the fourth chapter presents the persistent challenges to the enjoyment of economic, social, cultural and environmental rights (ESCR). This section also develops the situation of groups that have historically suffered structural discrimination. The last chapter outlines a conclusion and a series of recommendations for the respect and guarantee of human rights in Venezuela.

8. The Inter-American Commission stresses that the Venezuelan case clearly illustrates the intrinsic relationship between human rights, democracy and the rule of law. These three elements form a triad in which each is defined, complements and takes on meaning in conjunction with the others. The collapse of this triad, caused by the co-optation of public powers by the Executive Branch, facilitated the establishment of a *de facto* regime.

II. PRESENCE OF REGULATORY ELEMENTS FAVORING INCLUSION

9. After reviewing the human rights situation in Venezuela, the Commission decided to include this country in this chapter, in accordance with Article 59, paragraphs 6.a.i, 6.a.ii, 6.d.i and 6.d.iii of the Rules of Procedure, which establishes the following criteria:

a. A serious violation of the fundamental elements and institutions of representative democracy provided for in the Inter-American Democratic Charter, which are essential means for the realization of human rights, *inter alia*:

i. should there be discriminatory access or an abusive exercise of power which undermines or contradicts the rule of law, such as the systematic infringement of the independence of the judiciary or the lack of subordination of State institutions to the legally constituted civilian authority;

³ The democratic institutionalism in the country is not guided by the separation and balance of public powers, as set forth in the Inter-American Democratic Charter. The Executive Branch concentrates public power after having co-opted institutions such as the Supreme Court of Justice, the National Assembly, the National Electoral Council, the Public Ministry and the Ombudsman's Office. The term of the National Assembly elected in 2015, considered by this Commission as the last institution of national public power vested with democratic legitimacy, ended in 2020. In this regard, see: IACHR, Annual Report 2021, Chapter IV.B - Venezuela, June 2, 2022. Likewise, see the Inter-American Democratic Charter, approved by the OAS Member States during a Special Session of the General Assembly held on September 11, 2001 in Lima, Peru.

- ii. if an alteration of the constitutional order that seriously affects the democratic order has taken place [...].
- d. The presence of other structural situations that seriously and gravely affect the enjoyment of the fundamental rights enshrined in the American Declaration, the American Convention or other applicable human rights instruments. Among other factors to be assessed, the following shall be included:
 - i. serious institutional crises which infringe on the enjoyment of human rights;
 - iii. serious omissions in the adoption of provisions necessary to give effect to fundamental rights or to comply with the decisions of the Inter-American Commission and the Inter-American Court [...]

10. With regard to Article 59, paragraphs 6.a.i and 6.d.i, the IACHR reiterates that the Executive Branch has managed to co-opt the various branches of government. Indeed, the various institutions of public power operate as appendices of the government and systematically adopt decisions detrimental to the rule of law, the separation of powers and political participation. All of this, in clear violation of the Inter-American Democratic Charter and other applicable instruments.

11. In 2024, the SCJ adopted decisions ratifying the administrative disqualifications of the main opposition candidates. Additionally, it validated the electoral results announced by the National Electoral Council (CNE), despite the fact that said institution failed to publish the voting records or the electoral results disaggregated by states or municipalities. On its part, the CNE hindered the registration of opposition candidacies and the registration of Venezuelan citizens abroad, which prevented millions of people from exercising their right to vote.

12. Aside from political participation, the subordination of institutions to the Executive Branch had two major consequences in 2024. First, no suitable measures were taken to combat impunity for violations that occurred in previous years, especially during the 2014 and 2017 protests. In this regard, it should be noted that the severity, systematic mode and impunity of such violations led the Office of the Prosecutor of the International Criminal Court (ICC) to initiate an investigation for the alleged commission of crimes against humanity, an unprecedented event in the Western hemisphere.

13. Second, the National Assembly did not adopt reforms to reestablish the separation and independence of public powers or strengthen citizen oversight. On the contrary, it discussed and adopted laws that restrict civic space and criminalize the work of human rights defenders. Such is the case of the “Law for the control, regularization, performance and financing of non-governmental and related organizations”, adopted on August 15.

14. As for Article 59, paragraph 6.a.ii, the Inter-American Commission notes that the manner in which the presidential election of July 28 was conducted constituted an alteration of the constitutional order. Although the IACHR is not a body with competence to certify elections, the circumstances that preceded and surrounded the election show that Venezuelan citizens were not able to exercise their political rights under conditions of equality.⁴ As a result of this situation, the announcement of the CNE, proclaiming the reelection of Nicolás Maduro, cannot be considered to hold democratic legitimacy.

⁴ Political rights are enshrined in various international human rights instruments, such as the American Declaration on the Rights and Duties of Man, Article XX; the American Convention on Human Rights, Article 23; and the International Covenant on Civil and Political Rights, Article 25. The Inter-American Court of Human Rights (IACHR) has held that “the effective exercise of political rights constitutes an end in itself and, at the same time, a fundamental means for democratic societies to guarantee the other human rights provided for in the Convention. Political rights have both an individual and a collective dimension, since they protect individuals who

15. With regard to section 6.d.iii of the Rules of Procedure, the IACHR observes that structural situations persist which severely limit the enjoyment of human rights, especially with regard to economic, social, cultural and environmental rights (ESCR). Since 2015, more than 7.7 million people have migrated in a forced manner, in what constitutes the largest displacement in the region and one of the largest in the world. This migratory movement responds to a survival strategy to safeguard rights such as life, humane treatment, health and food. All of this is a consequence of the severe human rights situation in Venezuela.

16. Pursuant to Article 59.5 of the IACHR Rules of Procedure, the preparation of this report is based on primary and secondary sources of information. Regarding the primary sources, the IACHR analyzed the testimonies received through the Special Follow-up Mechanism for Venezuela (MESEVE), the information available in the cases, petitions and precautionary and provisional measures, the information provided at the public hearings, as well as that recorded in the Commission's press releases, annual and thematic reports.

17. With regard to secondary sources, the report took into account: official acts of the State at all levels and in any of its branches, including constitutional amendments, legislation, decrees, judicial decisions, official announcements; findings of other international human rights bodies, including treaty bodies, Rapporteurs, working groups, the Human Rights Council and other United Nations bodies and specialized agencies; human rights reports of governments and regional bodies; reports of civil society organizations and information submitted by the latter and by individuals; public information widely disseminated in the media; and relevant legal and academic research.

18. The IACHR adopted this report on December 16, 2024. On January 24, 2025, the Commission sent the State of Venezuela a copy of the preliminary draft of this report in accordance with Articles 59.7 and 59.10 of its Rules of Procedure with a period of one month to receive its observations. The State did not submit observations.

III. SERIOUS IMPACT ON DEMOCRATIC ORDER AND POLITICAL RIGHTS

19. This chapter analyzes the regime's instrumentalization of State institutions to illegitimately maintain itself in office, as well as the practices employed to persecute the opposition and prevent its political participation on equal terms. To this end, below, the regime's strategy will be analyzed in three separate stages. The first corresponds to the pre-electoral period, that is, from January 1 to July 27. The second stage refers to the events of July 28, the day of the presidential election. The third stage comprises the regime's repressive response to the allegations of electoral fraud and the broad social protests against it.

A. Stage I: political persecution during the pre-electoral period

20. In the pre-electoral period, the government not only used the machinery of the State to favor the campaign of Nicolás Maduro, but also to hinder and prevent the political participation of the opposition. During this stage, there were: administrative disqualifications of opposition persons; obstacles to the registration of opposition candidacies; discriminatory impediments to the exercise of the vote abroad; the withdrawal of international electoral observation missions; as well as arbitrary detentions and intimidation of opposition persons or those perceived as such.

participate in public affairs as well as candidates and their electors. In general terms, these rights imply: i) to take part in the conduct of public affairs, directly or through freely chosen representatives; ii) to vote and to be elected in genuine and periodic elections, by universal and equal suffrage and by secret ballot, guaranteeing the free expression of the will of the electors; and iii) to have access, on general terms of equality, to public service in one's own country.

1. Administrative ineligibility of opposition persons

21. At least since 2021, the government and the opposition have held negotiations for the establishment of democratic guarantees and the settlement of the crisis.⁵ Several countries of the international community have supported these efforts, especially because of the need to provide transparency and confidence to the presidential elections. Finally, on October 17, 2023, the Venezuelan government and the opposition signed the “Partial Agreement on the Promotion of Political Rights and Electoral Guarantees for all Venezuelans” (Barbados Agreement), which established the commitment to hold peaceful presidential elections with international observation.⁶

22. Point 1 of the Barbados Agreement provides: “1) The parties recognize and respect the right of each political actor to select its candidate for the presidential elections, freely and pursuant to its internal mechanisms, in accordance with the provisions of the Constitution of the Bolivarian Republic of Venezuela and the law.”⁷ Despite the provisions of point 1, on January 26, the Supreme Court of Justice (SCJ) issued a series of decisions aimed at reviewing the disqualifications imposed by the Office of the Comptroller General of the Nation against opposition leaders.

23. In said decisions, the SCJ decided to maintain the ban on Henrique Capriles Radonski and María Corina Machado (who won the opposition primary elections) from holding elected office and to temporarily waive the disqualifications of Leocenis García, Richard Mardo, Pablo Pérez, Zulay Medina, Daniel Ceballos and Rosa Brandonisio de Scarano.⁸ In the case of Henrique Capriles Radonski, the ratification of his disqualification was based on alleged administrative irregularities during his term as governor of the state of Miranda between 2011 and 2013. The SCJ argued that the request for review filed by Capriles did not meet the established requirements, thus maintaining the prohibition to hold public office.⁹

24. For her part, María Corina Machado was disqualified for alleged violations to administrative and fiscal regulations and for her support to international sanctions against Venezuela. Specifically, the authorities accused her of participating in a corruption scheme orchestrated by Juan Guaidó, which allegedly led to the “criminal blockade” of Venezuela and the diversion of national assets abroad.¹⁰ The SCJ declared Machado's request for amparo injunction inadmissible and confirmed the disqualification that prevented her from running for public office for 15 years.¹¹

25. These type of disqualifications are not new in Venezuela. In 2021, within the context of the elections of regional and municipal authorities, the CNE rejected 27 candidacies due to disqualifications imposed by the Office of the Comptroller General of the Republic. Said decision had a disproportionate impact on dissident political parties of the government, as is the case of the Communist Party of Venezuela, with 15

⁵ IACHR, Press Release No. 217/21, IACHR calls for a serious, broad and inclusive dialogue for the urgent reconstruction of democratic institutions in Venezuela, August 23, 2021.

⁶ Point 1, Partial Agreement on the promotion of political rights and electoral guarantees for all Venezuelans. Signed on October 17, 2023 by the government of Maduro and the Unitary Platform in Bridgetown, Barbados.

⁷ Point 1, Partial Agreement on the promotion of political rights and electoral guarantees for all Venezuelans. Signed on October 17, 2023 by the government of Maduro and the Unitary Platform in Bridgetown, Barbados.

⁸ IACHR, Press Release No. 25/24, Venezuela: IACHR condemns political disqualifications of opposition leaders, January 31, 2024.

⁹ Justice and Peace Center (Cepaz), Persecution of people involved in politics is on the rise in Venezuela, available at <https://cepaz.org/en-venezuela-arrecia-la-persecucion-contra-personas-vinculadas-a-la-politica/>, March 22, 2024.

¹⁰ Infobae, Chavista Electoral Justice formalized the disqualification of María Corina Machado for the July presidential elections, March 11, 2024. Available at: <https://www.infobae.com/venezuela/2024/03/11/la-justicia-electoral-chavista-formaliza-la-inhabilitacion-de-maria-corina-machado-para-las-presidenciales-de-julio/>.

¹¹ El Estímulo, SCJ ratifies disqualification of María Corina Machado and Henrique Capriles, available at <https://elestimulo.com/politica/2024-01-26/SCJ-anula-inhabilitacion-de-leocenis-garcia-y-richard-mardo-mas-anuncios/>, January 26, 2024.

disqualifications, and the opposition parties gathered in the Democratic Unity Table (MUD), which received at least three disqualifications.¹²

26. The IACHR recalls that the State of Venezuela was internationally condemned in the López Mendoza case for this type of sanctions. In this regard, it reiterates that, in accordance with the American Convention on Human Rights (ACHR), no administrative body may restrict the political rights to elect and be elected through sanctions of disqualification or removal. According to Article 23.2 of the ACHR, in order to consolidate and protect a democratic order respectful of human rights, this type of sanction may only be imposed through conviction by a competent judge, within the course of criminal proceedings.¹³

2. Obstacles to the registration of opposing candidacies

27. From March 21 to March 26, opposition leaders reported to the public and the CNE that they could not access the automated system for nominations due to technical problems. When the deadline for the registration of candidacies arrived on March 26, the aspiring opposition candidate, Corina Yoris, could not formalize her registration on behalf of the Democratic Unity Table (MUD) due to the persistence of such problems.¹⁴ Finally, the persons who were able to register as candidates were: Nicolás Maduro, for the United Socialist Party of Venezuela; Edmundo González Urrutia, for the Democratic Unity Table; Benjamin Rausseo, for the National Democratic Confederation; Luis Eduardo Martínez, for the Democratic Action Party; Enrique Márquez, for the Centrados Party; Claudio Fermín, for the Solutions for Venezuela Party; Daniel Ceballos, for the Arepa Digital Party; Antonio Ecarri, for the Alianza Lápiz Party; José Brito, for the Primero Venezuela Party; and Javier Bertucci, for the El Cambio Party.¹⁵

28. The Inter-American Commission stresses that these technical problems prevented the registration of the main candidates opposing the regime¹⁶, whereas the pro-government candidates, as well as the low-profile opposition candidates, had no obstacle whatsoever to register. This circumstance suggests a discriminatory treatment in the access to the public function and an arbitrary affectation to the electoral offer of the citizenship.¹⁷

3. Discriminatory obstacles to voting abroad

29. In June 2024, the IACHR recorded impediments for Venezuelan persons abroad to register in the electoral registry due to their migratory status. The Venezuelan Constitution provides that all persons who have reached 18 years of age and are not disqualified are eligible to vote. Meanwhile, Venezuelan consulates, following instructions of the National Electoral Council (CNE), began to demand a resident visa as the only valid proof for registration in the electoral registry,¹⁸ This requirement ignored the fact that millions of Venezuelans have a non-regularized migratory status, or a status different from that of a resident visa, such as: the Temporary Protection Permit (Colombia); the Temporary Permanent Residence Permit (Peru); the Temporary Residence Visa for Venezuelan Citizens (Ecuador), and the Temporary Residence (Chile).¹⁹

¹² IACHR, Press Release No. 085/22, Venezuela must guarantee political rights to all persons in accordance with Inter-American standards, April 22, 2022.

¹³ IHR Court. Case of López Mendoza Vs. Venezuela. Merits, Reparations and Costs. Judgment of September 1, 2011 C No. 233.

¹⁴ IACHR, Press Release No. 067/24, IACHR: the State of Venezuela must ensure the political participation of the opposition in the presidential elections, without arbitrariness, April 5, 2024.

¹⁵ El País, Who are the 10 candidates for the presidency of Venezuela, July 27, 2024. Available at: <https://elpais.com/america/2024-07-27/quienes-son-los-10-candidatos-a-la-presidencia-de-venezuela.html>

¹⁶ See para. 23.

¹⁷ IACHR, Press Release No. 067/24, IACHR: the State of Venezuela must ensure the political participation of the opposition in the presidential elections, without arbitrariness, April 5, 2024.

¹⁸ IACHR, Press Release No. 141/24, IACHR: Venezuela must guarantee the right to vote for Venezuelan nationals residing abroad, regardless of their immigration status, June 18, 2024.

¹⁹ IACHR, Press Release No. 141/24, IACHR: Venezuela must guarantee the right to vote for Venezuelan nationals residing abroad, regardless of their immigration status, June 18, 2024.

30. Due to the severe human rights crisis in Venezuela, at least 7.7 million people have forcibly left the country since 2015 to safeguard their lives and the lives of their families.²⁰ Although it is not known exactly how many of these people are over 18 years of age, civil society organizations estimate that around 5.5 million Venezuelans were eligible to vote.²¹ As a consequence, a significant number of potential voters abroad had their right to political participation affected by not being able to register in the electoral registry.²²

31. The American Declaration, the American Convention and the Inter-American Democratic Charter provide that the participation of citizens in decisions related to their own development is a right, a responsibility, and a necessary condition for the full and effective exercise of democracy. For this reason, requiring millions of people abroad to present a resident visa in order to register to vote is arbitrary and seriously affects the integrity of the presidential election²³.

4. Withdrawal of international electoral observation missions

32. On May 29, 2024, the Venezuelan regime revoked the invitation to the European Union to observe the development of the presidential election. This announcement was made by the President of the National Electoral Council, Elvis Amoroso²⁴. The decision to withdraw the invitation to the European Union Electoral Observation Mission represents a clear disregard for point 4 of the Barbados Agreement.²⁵ For the Inter-American Commission, this fact corroborated the lack of commitment to what had been agreed, as well as the reluctance to international scrutiny in electoral matters.

5. Arbitrary arrests and intimidation of opponents or perceived opponents prior to the July 28 election

33. In the months leading up to the 2024 elections, the Venezuelan government intensified repression against individuals in the opposition or perceived as such, using security forces to silence critical voices and neutralize electoral campaigns. This pattern included arbitrary arrests and harassment of at least 50 opponents, as well as human rights defenders and social leaders. The actions evidence a pattern of persecution against Vente Venezuela, the campaign unit of María Corina Machado, who supported the candidate Edmundo González Urrutia. The arrests were conducted in different locations and without due process, and involved different state security forces, as well as unidentified individuals. These acts reflected an effort to control the political landscape and dismantle the organizational capacity and expression of the opposition in Venezuela.²⁶

34. In general, arbitrary detentions prior to the July 28 election took place in public spaces, homes, workplaces and at the airport. The main perpetrators were the Bolivarian National Intelligence Service (SEBIN), the General Directorate of Military Counterintelligence (DGCIM), and the Bolivarian National Police (PNB), through the Directorate of Strategic and Tactical Actions (DAET). In some cases, unidentified persons in

²⁰ IACHR, Thematic Report, Refugees and migrants from Venezuela, July 20, 2023. Available at: <https://www.oas.org/es/IACHR/isForm/?File=/es/IACHR/prensa/comunicados/2023/260.asp>.

²¹ El País, Only 1% of Venezuelans abroad can vote in presidential elections, July 27, 2024. Available at: <https://elpais.com/america/2024-07-27/solo-el-1-de-los-venezolanos-en-el-exterior-puede-votar-en-las-elecciones-presidenciales.html>.

²² IACHR, Press Release No. 141/24, [IACHR: Venezuela must guarantee the right to vote for Venezuelan nationals residing abroad, regardless of their immigration status](#), June 18, 2024.

²³ IACHR, Press Release No. 141/24, [IACHR: Venezuela must guarantee the right to vote for Venezuelan nationals residing abroad, regardless of their immigration status](#), June 18, 2024.

²⁴ France 24, Venezuela withdraws invitation to European Union to observe presidential elections, May 29, 2024.

²⁵ Point 4, Partial agreement on the promotion of political rights and electoral guarantees for all Venezuelans.

²⁶ IACHR, Press Release No. 159/24, [IACHR: Venezuela must end political persecution and guarantee free elections](#), July 8, 2024.

unmarked vans or motorcycles were also involved. In several of the arrests, State agents took people out of their vehicles while pointing guns at them and then placed them in official vehicles.²⁷

35. It should be noted that, during the pre-electoral period, repression was not only directed against opponents, but also against human rights defenders and journalists. One of the most emblematic cases was that of Rocío San Miguel, who was detained while trying to board a flight at Maiquetia International Airport. As reported to this Commission, her whereabouts remained unknown for more than 48 hours, which constituted a short-term forced disappearance. Afterwards, the defender was accused of treason, terrorism and conspiracy. Several of Rocío San Miguel's family members were also detained, including her daughter Miranda Díaz San Miguel, her brothers Miguel Ángel San Miguel Sosa and Alberto San Miguel, her daughter's father Víctor Díaz Paruta, as well as the defender's ex-husband Alejandro González.²⁸ Rocío San Miguel is beneficiary of precautionary measures by IACHR.²⁹

36. In the case of members of Vente Venezuela, the arbitrary detentions of 2024 began on January 23, when Luis Camacaro, Juan Freitas and Guillermo López, coordinators in the states of Trujillo, Yaracuy and Vargas, were arrested simultaneously by officials of the Bolivarian National Intelligence Service (SEBIN). These arrests were carried out without warrants and without informing their families of their whereabouts, resulting in brief reports of forced disappearance and lack of due process.³⁰ This operation, conducted in a coordinated manner in different states, reflects the planned strategy of the security services to intimidate the opposition.

37. On March 8, 2024, Emil Brandt Ulloa, director of María Corina Machado's campaign staff in Barinas, was also arrested by SEBIN under charges of "conspiracy, association, gender (physical) violence and insulting an official". His arrest took place just days after a visit of Machado to the region, suggesting a clear intention to intimidate those supporting his candidacy.³¹ Shortly thereafter, on March 20, Henry Alviárez and Dignora Hernández, both members of the organization and campaign team of Vente Venezuela, were arrested in Caracas under charges of conspiring against President Maduro and seeking to destabilize the country.³²

38. Arrests continued in April and June, affecting both social leaders and campaign members. On April 28, Víctor Castillo, head of the Comando con Venezuela, together with Ámbar Márquez and Óscar Castañeda, Machado's supporters, were arrested after the opposition leader's visit to the municipality of Santa Rosalía, in the region of Portuguesa³³. On June 14, Julian Iriarte, a member of the Comando con Venezuela in Vargas state, was arrested under charges of incitement to hatred and association to commit crimes³⁴. Gabriel González, journalist and member of the national communications team of Vente Venezuela, was arrested on

²⁷ International Independent Fact-Finding Mission on the Bolivarian Republic of Venezuela, Unprecedented Repression in Venezuela Plunges the Nation into a Serious Human Rights Crisis, Says UN Fact-Finding Mission, September 17, 2024, paras. 106; 111 and 112.

²⁸ Access to Justice - The Venezuelan Observatory for Justice, Chronology of the Rocío San Miguel case, available at <https://accesoalajusticia.org/cronologia-del-caso-de-rocio-san-miguel/>, on September 23, 2024.

²⁹ IACHR, Injunction, MC 349/11, January 18, 2012.

³⁰ List of political prisoners provided to the IACHR on November 10, 2024.

³¹ El País, The Venezuelan secret service arrests one of María Corina Machado's campaign coordinators, available at <https://elpais.com/america/2024-03-09/el-servicio-secreto-de-venezuela-detiene-a-uno-de-los-coordinadores-de-campana-de-maria-corina-machado.html>, March 9, 2024.

³² CNN Venezuela, Two close collaborators of María Corina Machado arrested in Venezuela, available at <https://cnnespanol.cnn.com/2024/03/20/venezuela-maria-corina-machado-captura-colaboradores-orix>, March 20, 2024. See also: El Universal, Attorney General announced the arrests of Henry Alviarez and Dignora Hernández for alleged plans of violence, available at <https://www.eluniversal.com/sucesos/177586/fiscal-general-confirmando-las-detenciones-de-henry-alviarez-y-dignora-hernandez-por-supuestos-planes>, March 20, 2024.

³³ DW, Anti-Chavistas denounce "arbitrary" detention of activists, accessible at <https://www.dw.com/es/antichavistas-denuncian-detención-arbitraria-de-activistas/a-68943837>, March 29, 2024.

³⁴ Tarek William Saab (@TarekWilliamSaab), X (June 19, 2024, 3:10 PM), available at https://x.com/TarekWilliamSaab/status/1803505551843672449?ref_src=twsrc%5Etfw%7Ctwcamp%5Etfw%7Ctweetembed%7Ctwtterm%5E1803505551843672449%7Ctwgr%5Ebf63173da02c1eb0cd704efc40558f1eef92a360%7Ctwcon%5Es1_c10&ref_url=https%3A%2F%2Fpublish.twitter.com%2F%3Furl%3Dhttps%3A%2F%2Ftwitter.com%2FTarekWilliamSaab%2Fstatus%2F1803505551843672449.

June 17 in Caracas, indicating a persecution also aimed at controlling public speech and silencing critical voices.³⁵

39. In July 2024, the leaders of the Vente Venezuela party in Guanare, Portuguesa state, Mary Rodríguez and Mayra Montilla, were detained by Venezuelan state security forces. In the early morning of July 14, their homes in the El Progreso neighborhood were raided without a warrant by officials of the DGCIM, the Bolivarian National Police (PNB), the State Police and the Bolivarian National Guard (GNB). Subsequently, the Public Ministry charged them with conspiracy, association to commit a criminal offense and obstruction of public roads, crimes which could carry sentences of up to 30 years' imprisonment.³⁶

40. In addition to the above, the opposition complained that at least ten commercial premises used for meetings of opposition campaigns were closed, while several opposition delegations were repeatedly detained in roadblocks. Also, opposition leaders denounced the lack of spaces in public radio and television for non-government candidates³⁷. A prominent case occurred in June, when a restaurant in Corozopando, Guárico State, was closed after the visit of opposition leader María Corina Machado³⁸. Likewise, the following month, the restaurant Asados Taguanes, located in the state of Cojedes, was also closed by the National Integrated Customs and Tax Administration Service (SENIAT) after the visit of the opposition candidate Edmundo González and his family³⁹.

41. The arbitrary arrests of opposition leaders or those perceived as such, as well as human rights defenders and social leaders prior to the election, evidenced a systematic pattern of political persecution in the country. The government's actions sought to silence critical voices, dismantle organized opposition and maintain absolute control over the political and social landscape. The omission of judicial proceedings, the secrecy surrounding the situation of detained persons and the intimidation of their families, in particular, underline a deliberate, planned and coordinated character of different institutions.

42. Added to the above are the threats issued by the highest authorities of the State in the event of an eventual defeat. Indeed, on July 17, during a campaign rally, Nicolás Maduro warned of a "bloodbath and a civil war in the country" should the opposition attain an electoral victory.⁴⁰

43. In conclusion, the Inter-American Commission highlights the implementation of a systematic pattern of political persecution and repression in Venezuela in the months leading up to the 2024 elections. The arbitrary arrests of opposition leaders, human rights defenders, and opposition supporters, along with the use of state security forces to silence critics and hinder political activities, constitute an abuse of power. These actions undermine basic principles of the rule of law and democracy, and violate the civil and political rights of Venezuelan citizens.

B. Stage II: informative opacity and electoral manipulation

44. The second stage of the electoral process was characterized by the lack of transparency in relation to electoral information and the denial of access to public information by the electoral authorities. In

³⁵ Amnesty International, Gabriel González: In Venezuela there are journalists in arbitrary detention, accessible at, accessible at <https://www.amnistia.org/en/news/2024/09/27314/gabriel-gonzalez-en-venezuela-hay-periodistas-en-detencion-arbitraria>, September 13, 2024.

³⁶ El Pitazo, Portuguesa | Officials arrest two leaders of Vente Venezuela and raid their homes, accessible at <https://elpitazo.net/los-llanos/portuguesa-funcionarios-detienen-a-dos-lideresas-de-vente-venezuela-y-allanaron-sus-casas/>, July 14, 2024.

³⁷ IACHR, Press Release No. 159/24, [IACHR: Venezuela must end political persecution and guarantee free elections](#), July 8, 2024.

³⁸ Infobae, In its eagerness to sabotage the pace of the opposition campaign, the Maduro regime attacks the businesses of poor merchants, available at https://www.infobae.com/venezuela/2024/06/04/en-su-afan-por-sabotear-el-paso-de-la-campana-opositora-el-regimen-de-maduro-ataca-los-negocios-de-comerciantes-pobres/?utm_source=chatgpt.com, June 4, 2024.

³⁹ Infobae, Maduro's regime closed another commercial establishment where the opposition leader Edmundo Gonzalez was attended, available at https://www.infobae.com/venezuela/2024/07/09/el-regimen-de-maduro-clausuro-otro-establecimiento-comercial-que-fue-visitado-por-el-opositor-edmundo-gonzalez/?utm_source=chatgpt.com, July 8, 2024.

⁴⁰ CNN en español, Maduro warned of "bloodbath" in Venezuela if he does not win elections, July 17, 2024.

addition, the instrumentalization of the Judiciary and the Electoral Power was observed to prevent the results announced by the National Electoral Council (CNE) from being challenged through legal remedies. This set of factors, added to the censorship actions against the media and critical voices after the presidential elections, contributed to the consolidation of an information siege that favored the official narrative on the electoral results. This section addresses three key aspects: the July 28 presidential election, the opposition's claim of possible electoral fraud, and the legal remedies filed in response to the controversy over the results.

1. July 28 presidential election, announcement of election results by the CNE and electoral fraud allegations

45. The presidential election was held on July 28. According to the “UN Panel of Experts for the Venezuelan Presidential Election of July 28”, the day of the electoral contest took place in a predominantly peaceful environment and with a good logistical organization. The CNE reported a turnout of 59.97% of the total electoral roll, i.e. 45.74% more than during the 2018 presidential election.⁴¹ The Inter-American Commission notes the broad participation of citizens despite the regime's efforts to dismantle the opposition and prevent the main opposition candidate, María Corina Machado, from running as a candidate.

46. Venezuela has an electronic voting system that issues two physical proofs of support: an official record that gathers the votes from each voting table; and a voucher that each person who actually voted receives. According to the United Nations/Carter Center panel,⁴² institutions with a presence on the ground during the election, such a system is secure and reliable.⁴³ In the words of The Carter Center: “The electronic voting system is excellent.”⁴⁴

47. In this context, the IACHR received reports of restrictions on the verification of results in several voting centers, as well as the denial of access to candidate Gonzalez's witnesses at the CNE headquarters. In addition, although initially the electronic transmission of results functioned normally, it was suddenly suspended without clear explanation in the hours following the closing of the polling stations.⁴⁵

48. For his part, the President of the CNE, Elvis Amoroso, announced on television that there was a “terrorist cyber-attack” which had affected the transmission of votes. According to the UN Mission, the CNE itself cancelled three audits that could have determined the veracity of the alleged cyber-attack.⁴⁶ The Attorney General of the Nation, Tarek William Saab, announced that the cyber-attack was executed from North Macedonia and was aimed at altering the results of the election. However, Saab clarified that the results had not been altered but slowed down, and held Lester Toledo, Leopoldo López and María Corina Machado responsible for the fact.⁴⁷ In response to these statements, North Macedonia informed that the Venezuelan authorities had neither requested nor provided information on the facts in order to exercise the corresponding controls.⁴⁸

49. On July 28, near midnight, Elvis Amoroso, without the presence of the other CNE rectors, announced that President Nicolás Maduro had won the election with 5,150,092 votes, that is, 51.2% of the total votes; followed by Edmundo González, with 4,445,978 votes, equivalent to 44.2%. Amoroso stated that these results reflected the votes transmitted from 80% of the voting tables and that they were irreversible, although mathematically they could be reversed with the non-transmitted votes. Subsequently, on August 2, the CNE confirmed, with the supposedly transmitted results of 96.97% of the polling stations, that President Maduro

⁴¹ UN Panel of Experts for Venezuela's Presidential Election of July 28, Preliminary Report, August 9, 2024.

⁴² Carter Center, Carter Center Statement on the Venezuelan Election, July 30, 2024.

⁴³ UN Panel of Experts for Venezuela's July 28th Presidential Election, Preliminary Report, August 9, 2024.

⁴⁴ Address by Jennie K. Lincon, Senior Advisor to The Carter Center, Permanent Council of the Organization of American States, October 2, 2024.

⁴⁵ Espacio Público, [Every legitimate election must be transparent](#), July 30, 2024.

⁴⁶ UN Panel of Experts for Venezuela's Presidential Election of July 28, Preliminary Report, August 9, 2024.

⁴⁷ NTN 24, Fiscal Saab opens investigation of María Corina Machado for alleged computer attack from North Macedonia, July 29, 2024.

⁴⁸ El Diario, North Macedonia asked Venezuela for proof of alleged electoral attack, July 30, 2024.

had won the election with 51.95% (6,408,844 votes), while Edmundo Gonzalez obtained 43.18% (5,326,104 votes).⁴⁹

50. The announcements made by the CNE were not supported by infographics or data broken down by polling station, city or state, as required by Venezuelan electoral regulations⁵⁰. Following the announcement of the results by the president of the CNE, access to the CNE website was restricted, and according to technical analysis, the page is not accessible from some networks or outside Venezuela⁵¹. As of the date of this report, the CNE has still not published the voting tally sheets, nor allowed their scrutiny by table, despite the fact that they are in the custody of the State.

51. The UN Panel concluded that “the CNE’s results management process did not comply with the basic measures of transparency and integrity that are essential for credible elections. It did not follow national legal and regulatory provisions, and not all stipulated deadlines were met. In the Panel’s experience, the announcement of an election result without publication of its details or delivery of tabulated results to candidates is unprecedented in contemporary democratic elections. This had a negative impact on the confidence in the result announced by the CNE among a large portion of the Venezuelan electorate.”⁵²

52. The Carter Center concluded that the July 28 presidential election “did not comply with international parameters and standards of electoral integrity and cannot be considered democratic (...) The fact that the electoral authority had failed to announce results broken down per polling station constitutes a serious violation of electoral principles.”⁵³

2. Opposition strategy in view of a possible electoral fraud

53. On the day of the election, the opposition in Venezuela collected 83.5% of the tally sheets nationwide, claiming their authenticity because they had the corresponding seals, signatures and security codes. The totalization of these tally sheets shows that Edmundo Gonzalez Urrutia won the election⁵⁴. In addition, the opposition compiled and centralized the tally sheets in an independent and verifiable database (“resultadosconvzla.com”) of the actual results obtained at each polling station⁵⁵. When comparing these data with the official results, the opposition pointed out inconsistencies and possible manipulations that might be evidence of electoral fraud.

54. This strategy allowed the opposition to present to the Venezuelan citizenry and the international community concrete evidence questioning the legitimacy of the process, strengthening its allegations of possible fraud and reinforcing the call for an impartial review of the results.

55. In the days following the election, the “resultadosconvzla.com” portal was blocked. In addition, as announced by the Attorney General, those responsible for the publication and maintenance of said portal are being criminally investigated for the crimes of usurpation of functions, falsification of public documents, incitement to disobedience of laws, computer crimes, association and conspiracy⁵⁶. The IACHR and its Special Rapporteurship warned that the information contained therein is of great public interest and requires enhanced protection, given its relevance for transparency and accountability.⁵⁷

56. The announcement of the results without the publication of the supporting tally sheets, together with the reluctance to allow audits to verify the veracity of the alleged cyber-attack, generated distrust

⁴⁹ UN Panel of Experts for Venezuela’s Presidential Election of July 28, Preliminary Report, August 9, 2024.

⁵⁰ UN Panel of Experts for Venezuela’s Presidential Election of July 28, Preliminary Report, August 9, 2024.

⁵¹ Espacio Público, Every legitimate election must be transparent, July 30, 2024.

⁵² UN Panel of Experts for Venezuela’s Presidential Election of July 28, Preliminary Report, August 9, 2024.

⁵³ Carter Center, Carter Center Statement on the Venezuelan Election, July 30, 2024.

⁵⁴ IACHR, Press Release 184/24, IACHR and RELE condemn state terrorism practices in Venezuela, August 15, 2024.

⁵⁵ Results Con VZLA, 2024 Presidential Election Results, access at <https://resultadosconvzla.com>, August 5, 2024.

⁵⁶ Espacio Público, August: censorship and post-election repression, September 5, 2024.

⁵⁷ IACHR, Press Release No. 184/24, IACHR and RELE condemn practices of state terrorism in Venezuela, August 15, 2024.

among the citizenry in the results announced by the CNE and gave rise to numerous complaints of electoral fraud at the national and international level. The Inter-American Commission timely called to ensure the protection of electoral information through the publication of the totality of the voting records; to allow its independent scrutiny and to respect the popular will expressed in the vote, pursuant to human rights standards.⁵⁸

3. Legal remedies filed following the results controversy

57. In view of the electoral opacity and the serious allegations of electoral fraud raised by the opposition, the international missions invited to the field and the international community, on July 31 Nicolás Maduro filed a contentious electoral appeal before the Supreme Court of Justice (SCJ).⁵⁹ On August 22, 2024, the Electoral Chamber published in social networks only the resolute part of the decision on said appeal, validating the announcement of the National Electoral Council (CNE).⁶⁰ Likewise, it held that the decision was final and, therefore, not subject to appeal. The IACHR notes that, as of the date of preparation of this report, the SCJ has not published the grounds for the decision, which constitutes a serious omission in its duty to give reasons for its judgments.

58. Contrary to the SCJ's announcement on social networks, civil society organizations argued that the ruling is subject to a review remedy.⁶¹ In fact, two such appeals were filed before the Constitutional Chamber: one by former candidate Enrique Márquez and another by former presidential candidate, Antonio Ecarri. Both appeals were rejected by the Constitutional Chamber of the SCJ.⁶²

59. Civil society organizations denounced several irregularities related to the contentious electoral appeal filed by Nicolás Maduro and the decision of the SCJ. In the first place, they questioned the nature of the remedy. The CNE defines the contentious electoral remedy as “a brief, summary and effective means to challenge the acts, actions and omissions of the National Electoral Council (CNE) and to reestablish the subjective legal situations injured by it, in relation to the constitution, operation and cancellation of organizations with political purposes”. This implies that the recourse is intended to challenge, not to certify, an action of the CNE.⁶³

60. Secondly, questions were raised regarding the procedural legitimacy of the appeal filed. After having been declared the winner, Nicolás Maduro did not have procedural legitimacy to file the remedy, and therefore, it should not have been admitted. Such legitimacy would have corresponded to any party that considered that the CNE's actions affected its rights. In addition to the foregoing, Nicolás Maduro filed the contentious electoral appeal together with his attorney Reinaldo Muñoz, who has been proposed as candidate for Attorney General of the Republic. For this reason, he should not have acted as legal representative of the President of the Republic or of a presidential candidate in this context.⁶⁴

61. Third, civil society organizations claim that the SCJ would have assumed electoral functions by declaring Nicolás Maduro as President before the CNE completed the process of totalization, awarding and proclamation of the winner. According to the regulations, the law grants up to 30 consecutive days, counted from the day following the election, to publish the totality of the itemized results and to perform the corresponding audits. However, the SCJ certified the victory of Nicolás Maduro with partial results, before the CNE complied with this mandate.⁶⁵

⁵⁸ IACHR, Press Release 184/24, [IACHR and RELE condemn state terrorism practices in Venezuela](#), August 15, 2024.

⁵⁹ CNN en español, Maduro files an appeal before the Supreme Court of Justice for certification of the results, July 31, 2024.

⁶⁰ Access to Justice, Six observations to the contentious electoral remedy before the SCJ on the July 28 elections, August 8, 2024.

⁶¹ Access to Justice, Six observations to the contentious electoral remedy before the SCJ on the July 28 elections, August 8, 2024.

⁶² Access to Justice, SC declares *res judicata* to reject review of SE ruling validating Maduro's electoral victory, October 14, 2024.

⁶³ Access to Justice, Six observations to the contentious electoral remedy before the SCJ on the July 28 elections, August 8, 2024.

⁶⁴ Access to Justice, Six observations to the contentious electoral remedy before the SCJ on the July 28 elections, August 8, 2024.

⁶⁵ Access to Justice, Six observations to the contentious electoral remedy before the SCJ on the July 28 elections, August 8, 2024.

C. Stage III: State terrorism practices

62. The third stage documented human rights violations and State terrorism practices aimed at instilling fear and repressing social protests in order to consolidate the regime's power, following allegations of electoral fraud. In this section, the following repressive patterns are developed: arbitrary use of force and loss of human lives; arbitrary detentions in the context of manifestations; cancellation of passports and other acts of harassment.

63. Serious allegations of irregularities and electoral fraud led to nearly 300 massive and spontaneous protests throughout the country that mobilized different social sectors, particularly in low-income neighborhoods. In response, the regime implemented state terrorism practices to instill terror in the population, defuse the protests and silence the non-conformist citizens. Among the main perpetrators are the state security forces and non-state armed groups aligned with the government, known as “colectivos” (collectives),⁶⁶ that are legally incorporated in the “People's System of Protection for Peace.”⁶⁷

64. The repression reflected patterns already observed by the IACHR in the 2014 and 2017 protests, such as the arbitrary use of force, resulting in loss of life and injuries; arbitrary detentions and short-term forced disappearances; judicial persecution and harassment against persons perceived as opponents and electoral observers; censorship and restrictions on the freedoms of expression, association and peaceful assembly. Additionally, new and serious repressive patterns aimed at intimidation were observed, such as the abrupt and arbitrary cancellation of passports of human rights defenders and journalists, as well as their families. The purpose of this was to prevent them from leaving the country, in serious violation of their right to freedom of movement.⁶⁸

65. A distinctive feature of this repressive peak is that the highest authorities of the regime and the security forces contributed to fuel the climate of terror with their statements and publications in social networks. As previously noted, on July 17, during a proselytizing act, Nicolás Maduro warned of a “bloodbath and a civil war in the country” if the opposition were to achieve an electoral victory.⁶⁹ On August 5, also in a public act, President Nicolás Maduro made reference to “Operation Tun Tun” (Operation Knock-Knock), whose name refers to the knocking on the doors of the residences of people suspected of having participated in the protests, by security forces, for their location and detention. In this context, the President sang a traditional Christmas melody with the lyrics “no seas llorón, vas pa' Tocarón” (Don't be a cry-baby, you're going to Tocarón), in reference to a penitentiary center located in the state of Aragua.⁷⁰

66. On August 7, then Deputy Diosdado Cabello, who would later be appointed Minister of the Interior, said during a television program that, within the context of “Operation Tun Tun,”⁷¹ journalists who published information on the electoral controversy would be arrested. On August 8, the DGCIM published on its social networks a video referring to said operation.⁷²

67. Generally, in autocratic regimes such as Venezuela's, the process of adopting security measures does not follow pre-established procedures, nor is it communicated through official channels, but rather by direct messages from high-level authorities through interviews or announcements on social networks, among others. The IACHR considers that the threats made by the highest authorities, together with the serious, systematic and widespread human rights violations registered after the election, evidence the

⁶⁶ IACHR, Press Release 184/24, [IACHR and RELE condemn state terrorism practices in Venezuela](#), August 15, 2024.

⁶⁷ See articles 1 and 4.2 of Decree Number 1,471 of November 19, 2014.

⁶⁸ IACHR, Press Release 184/24, [IACHR and RELE condemn state terrorism practices in Venezuela](#), August 15, 2024.

⁶⁹ CNN en español, Maduro warned of “bloodbath” in Venezuela if he does not win elections, July 17, 2024.

⁷⁰ International Independent Fact-Finding Mission on the Bolivarian Republic of Venezuela, Report, of September 9 to 11, 2024, para. 649.

⁷¹ International Independent Fact-Finding Mission on the Bolivarian Republic of Venezuela, Report, of September 9 to 11, 2024, para. 603.

⁷² Although the international media reported on the magnitude of “Operation Tun Tun”, the Inter-American Commission does not have sufficient evidence to determine whether the entire State repression was part of a specific operation, according to the official narrative of the highest authorities, or whether different security operations were coordinated.

intention to instill terror among citizens through the articulation of the different powers of the State and the use of public resources.⁷³

68. In various judgments of the Inter-American system, it has been concluded that States engage in terrorist practices when they execute policies of human rights violations, making a perverse use of state resources to generate fear in the population, especially in political opponents.⁷⁴ Historically, in the region, these practices have been carried out directly by States or by non-State groups with the acquiescence, tolerance or collaboration of States⁷⁵; including forced disappearances and extrajudicial executions.⁷⁶ These practices enjoy impunity, since there is no recourse for protection, due to the fact that the control agencies respond to the regime and are part of the repressive strategy of the State. Taking into account these elements of analysis, it is reaffirmed that the practices of the Venezuelan State during 2024 crossed the necessary threshold to be qualified as State terrorism practices.

1. Arbitrary use of force and loss of human lives

69. Between July 28 and July 30, there were serious allegations of abuse of public force against the protests. The violence resulted in the deaths of at least 25 people, all men between the ages of 15 and 56.⁷⁷ The names of the deceased persons registered by the IACHR, mostly as a consequence of the arbitrary use of force by the State or paramilitary groups are: Isaías Jacob Fuenmayor González (15); Ángel David Mora Masculino (17); Jeison Gabriel España Guillén Masculino (18); Anthony Enrique Cañizales Gareta (19); Luis Eduardo Roberto Hernández (19); Jhon Alejandro Graterol Mendoza (19); Anthony David Moya Mantia (20); Jesús Gregorio Tovar Perdomo (21); Dorian Rair Rondón (22); Jeison Javier Bracho Martínez (22); Olinger Johan Montaña López (23) Euris Junior José Mendoza Royé (24) José Antonio Torrents Blanca; and (26) Aníbal José Romero Salazar; Carlos Oscar Porras (26); Gustavo Rojas (29); Walter Páez Lucena (29); Rancés Daniel Yzarra Bolívar (30) Gabriel Ramos (33); Víctor Alfonzo Bustos (34); Yorgenis Emiliano Leyva Méndez (35); Andrés Alfonso Ramírez Castillo (36); Julio Valerio García (40); Edgar Alexander Aristeguieta (42); and Jesús Ramón Medina Perdomo (56).⁷⁸

70. According to public information, 10 of the deaths were attributed to state forces. Of these, eight were military forces and two were police. Six of the deaths could be attributed to the “colectivos”, which act with the consent, tolerance or acquiescence of the State, and are even legally incorporated in the “People’s System of Protection for Peace.”⁷⁹ Two of the cases could be attributed to mixed actions between state forces and non-state groups. In the other cases, there is no information on the profile of the alleged perpetrators.⁸⁰

71. With regard to the causes of death, the documentary and testimonial information leads to the conclusion that all the victims were killed by firearms: seven were shot in the neck, five in the thorax, four in the head, three in the back, two in the abdomen, and three in other parts of the body⁸¹. The trajectory of the projectiles leads to the conclusion that the weapons were fired with intent to kill.

⁷³ IACHR, Press Release 184/24, [IACHR and RELE condemn state terrorism practices in Venezuela](#), August 15, 2024.

⁷⁴ IHR Court. Case of Goiburú and others Vs. Paraguay. Merits, Reparations and Costs. Judgment of September 22, 2006. Series C No. 153, para. 66.

⁷⁵ IACHR, [Report on Terrorism and Human Rights](#), OAS/Ser.L/V/II.116 Doc. 5 rev. 1 corr., October 22, 2002, para. 17. a); IHR Court. Case of Goiburú and others Vs. Paraguay. Merits, Reparations and Costs. Judgment of September 22, 2006. Series C No. 153, para. 66 and Case of Gelman Vs. Uruguay. Merits and Reparations. Judgment of February 24, 2011. Series C No. 221, para. 99.

⁷⁶ IACHR, [Report on Terrorism and Human Rights](#), OAS/Ser.L/V/II.116 Doc. 5 rev. 1 corr., October 22, 2002, para. 17. a)

⁷⁷ International Independent Fact-Finding Mission on the Bolivarian Republic of Venezuela, Report, of September 9 to 11, 2024, para. 547.

⁷⁸ International Independent Fact-Finding Mission on the Bolivarian Republic of Venezuela, Report, of September 9 to 11, 2024, para. 532.

⁷⁹ See Articles 1 and 4.2 of Decree No. 1,471 of November 19, 2014.

⁸⁰ IACHR, Press Release 184/24, [IACHR and RELE condemn state terrorism practices in Venezuela](#), August 15, 2024.

⁸¹ International Independent Fact-Finding Mission on the Bolivarian Republic of Venezuela, Report, of September 9 to 11, 2024, para. 534.

72. In periods of high conflict in previous years, such as those of 2014 or 2017, the protests were led by middle class and upper middle class people, and took place, mostly, in central avenues or commercial or affluent neighborhoods. The protests registered on July 28, 29 and 30 took place mainly in low-income neighborhoods and were led by young men living in poverty.⁸² Information documented by the International Independent Mission shows that several of the people who died during these days worked as laborers, motorcycle taxi drivers, barbers and small merchants.⁸³ On the other hand, the eight fatal incidents in Caracas occurred in outlying parishes such as El Valle, Sucre, San Juan, Antímano and Macarao.⁸⁴ This change in the profile of place and protesters could suggest that the regime has lost support in social bases where it traditionally had support.

73. On August 19, Tarek William Saab, Attorney General of the Nation, announced during an interview that María Corina Machado and Edmundo González Urrutia would be summoned “at any moment”, as they could be “held responsible as intellectual authors of all these events”, referring to the deaths of July 28, 29 and 30. On August 21, Saab reported that all the deaths were attributable to “instrumentalized criminal groups, wrongly called ‘comanditos’”, and added that the Public Ministry had no reports on excessive use of force.⁸⁵ At the 57th session of the United Nations Human Rights Council, the Venezuelan ambassador held that the fascist right wing was responsible for the deaths.⁸⁶

74. The IACHR has been able to verify that the State's response was characterized by the excessive and disproportionate use of force, in many cases, including lethal force by the “collective” groups, legally incorporated in the “People’s System of Protection for Peace.”⁸⁷ This could be cross-checked with the information received through public hearings, meetings with social organizations and individual testimonies. In this regard, the Commission reiterates that the protocols on the use of public force must respond to the criteria of legality, necessity and proportionality. In complex scenarios, the actions of the authorities should not be indiscriminate, but should be able to identify the violent actors and to distinguish them from those exercising the legitimate right to protest.

75. By the date of preparation of this report, the authorities have not published information on the context in which the deaths occurred, the progress in the investigations or the evidence that would allow holding opposition leaders responsible for the events. The lack of a diligent investigation of these events corroborates the lack of independence of the Public Ministry, as well as the instrumentalization of the collective groups.

2. Arbitrary arrests in the context of protests

76. After the first protests on July 28, the regime launched a series of neighborhood raids to massively and indiscriminately arrest people. Although most of the arrests took place during the manifestations at the assembly points, there were also arrests of people who were not participating in the events and in isolated places.⁸⁸

77. Between July 28 and August 24, civil society organizations recorded 1,542 arrests, including women and adolescents, as well as people with disabilities, indigenous people, as well as journalists and press

⁸² IACHR, Press Release 184/24, [IACHR and RELE condemn state terrorism practices in Venezuela](#), August 15, 2024.

⁸³ International Independent Fact-Finding Mission on the Bolivarian Republic of Venezuela, Report, of September 9 to 11, 2024, para. 534.

⁸⁴ International Independent Fact-Finding Mission on the Bolivarian Republic of Venezuela, Report, of September 9 to 11, 2024, para. 542.

⁸⁵ International Independent Fact-Finding Mission on the Bolivarian Republic of Venezuela, Report, of September 9 to 11, 2024, paras. 551 and 552.

⁸⁶ 57th session of the United Nations Human Rights Council, interactive dialogue, September 19, 2024.

⁸⁷ See articles 1 and 4.2 of Decree Number 1,471 of November 19, 2014.

⁸⁸ Cocuyo Effect, “Defenselessness, vulnerability and silence: women detained in post-election protests,” August 17, 2024. Available at: <https://efectococuyo.com/lahumanidad/indefension-vulnerabilidad-y-silencio-las-mujeres-detenidas-en-las-protestasposelectorales/>.

workers.⁸⁹ The Commission notes that, in an unusual development, the number documented by the social organizations was lower than that announced by President Nicolás Maduro, who said on August 6 that the number of people detained had risen to 2,229.⁹⁰

78. In this context, President Maduro made public statements prejudging and stigmatizing the protesters. Among these are: “with the capacity of response and reaction of the civic-military-police union we resolved, with the Constitution and in peace, the fascist outbreak”; or “this time there will be no pardon, this time what there will be is Tocarón”, referring to a prison in Aragua State.⁹¹

79. Testimonies gathered by this Commission, as well as by the Independent International Mission, show that all of the arrests occurred without arrest warrants and without informing family members of the place of detention. Many of the detentions were perpetrated following anonymous complaints through applications such as *VenApp*. This application, created by the government to report failures in public services, was enabled to denounce people suspected of participating in the protests.⁹²

80. The detention of children and adolescents in the context of demonstrations is extremely worrying. According to information provided by the organization Foro Penal (Criminal Forum), after the presidential elections in Venezuela, at least 158 adolescents were arbitrarily and indiscriminately detained. At the time of writing this report, six adolescents, i.e., persons under 18 years of age, continue to be deprived of their liberty.

81. As revealed by the civil society, in many cases, the adolescents were pre-classified by the authorities as terrorists and deprived of liberty in the same cells as adults; and in some cases without separation by gender. In addition, all these persons were imposed an official public defender, denying them the possibility of having a trusted attorney, and several of them were presented virtually before courts on terrorism matters, without the presence of their relatives, guardians or responsible adults.⁹³

82. The IACHR condemns cruel, inhuman and degrading treatment of adolescents deprived of their liberty. Such is the case of a pregnant teenager who was subjected to gender-based violence while in State custody. Agents insinuated to her that they would make her have an abortion so that she would not have terrorist children.⁹⁴ In addition, she was forced to perform physical exercises and to place herself in uncomfortable and humiliating positions. There is also a recorded case of a child on the autism spectrum who continues to be deprived of liberty without seeing his family or receiving medical attention. Another case of particular concern is that of a child who reported having been beaten while in detention and who, as a result, suffered facial paralysis.⁹⁵

83. The mothers of several of the adolescents deprived of their liberty have denounced that the authorities are allegedly using torture and ill-treatment to force the adolescents to confess to crimes they did not commit. According to testimonies gathered, State agents have beaten them to force them to record videos declaring that they participated in the demonstrations in exchange for money. They also reported that their

⁸⁹ Foro Penal (Criminal Forum), “Political Prisoners in Venezuela”. Available at: <https://foropenal.com/foro-penalbalance-de-presospoliticos-en-venezuela-al-26-de-agosto-2024/>.

⁹⁰ International Independent Fact-Finding Mission on the Bolivarian Republic of Venezuela, Report, of September 9 to 11, 2024, para. 580.

⁹¹ Access to Justice, Summary proceedings without the right to defense or information for those arrested in the protests, August 13, 2024.

⁹² International Independent Fact-Finding Mission on the Bolivarian Republic of Venezuela, Report, of September 9 to 11, 2024, para. 557.

⁹³ IACHR, Press Release No. 212/24, [IACHR condemns arbitrary detentions of children and adolescents in Venezuela in the post-electoral context](#), September 12, 2024.

⁹⁴ Universidad de los Andes Women's Commission, “Maduro's Regime Ignores Gender Approach in Detaining and Imprisoning Women after Presidential Elections,” August 21, 2024; Debate, “We're going to make you have an abortion so you don't have terrorist children: Maduro's Government Threatens Pregnant Woman,” August 18, 2024; La Patilla, “There is a young pregnant woman: They report that at least 10 teenagers are detained in Mérida after protests”, August 5, 2024.

⁹⁵ IACHR, Press Release No. 212/24, [IACHR condemns arbitrary detentions of children and adolescents in Venezuela in the post-electoral context](#), September 12, 2024.

children were threatened with disproportionate sentences if they refused to admit their participation in violent acts. Some mothers have publicly expressed their helplessness over calls for their children to be removed from detention centers. The media have documented that several of the youths show severe depression and traces of beatings; that they are confined in cells with latrines overflowing with sewage and are forced to perform their physiological needs in public.⁹⁶

84. On this matter, the IACHR recalls that, in accordance with the State's international obligations, all procedural acts resulting from torture and cruel treatment, or any type of coercion capable of breaking a person's will, must be annulled.⁹⁷

85. In general, the people arrested following serious allegations of electoral fraud, including political leaders such as María Oropesa,⁹⁸ Williams Dávila,⁹⁹ Freddy Superlano¹⁰⁰ and Biagio Pilieri,¹⁰¹ are being subjected to criminal proceedings for ambiguously and broadly worded offenses which, in addition to having excessively high penalties, conflict with the exercise of freedom of expression and seek to generate a paralyzing effect due to fear of prosecution. The charges brought by the Public Ministry include the crimes of incitement to hatred, terrorism, conspiracy, treason, association to commit crimes, resistance to authority, obstruction of streets or roads and disobedience of the laws.

86. In the criminal proceedings that followed the arrests, numerous human rights violations were reported, particularly of fair trial guarantees. These violations include the imposition of public defenders, thus denying access to a reliable technical defense; and the violation of the right to be tried by a natural judge in the case of adolescents who are brought before courts with anti-terrorism jurisdiction.¹⁰² Likewise, civil society organizations reported other violations, such as the refusal to provide interpretation in the case of indigenous persons deprived of liberty, and the absence of reasonable accommodations for persons with disabilities in criminal proceedings and in prisons.¹⁰³

3. Passport cancellations and other acts of harassment

87. In the context of the post-electoral repression, new and old patterns of repression were observed. Among the new patterns are the abrupt, arbitrary, and unmotivated cancellation of passports. At least 40 human rights defenders, social leaders, journalists, and their families have been victims of this practice aimed at limiting freedom of movement and instilling terror. In some cases, passports were confiscated by the authorities at the Simón Bolívar International Airport in Maiquetía while people were trying to travel abroad. In other cases, people found out about the cancellation of their passports by consulting the web page of the Administrative Service of Identification, Migration and Foreigners (SAIME).¹⁰⁴ Another unusual pattern observed was the persecution of poll watchers and election observers. According to press reports, at least five of these persons have had to move to Colombia due to death threats.¹⁰⁵ The Commission considers that these patterns respond to a retaliation for the activity of defense and promotion of human rights and democracy.

⁹⁶ BBC, "My son spends the day crying and gives his food to other prisoners because he no longer wants to eat": the testimony of the mother of one of the more than 100 teenagers detained after the elections in Venezuela, August 30, 2024.

⁹⁷ IHR Court. Case of Cabrera García and Montiel Flores Vs. Mexico. Preliminary Exception, Merits, Reparations and Costs. Judgment of November 26, 2010. Series C No. 22, para. 166.

⁹⁸ IACHR, Press Release No. 178/24, [IACHR grants precautionary measures to María Andreina Oropesa Camacho, disappeared in Venezuela](#), August 10, 20092024.

⁹⁹ IACHR, Press Release No. 183/24, [IACHR follows up and modifies precautionary measures regarding Williams Dávila in Venezuela](#), August 14, 2024.

¹⁰⁰ IACHR, Press Release No. 193/24, [IACHR grants precautionary measures to political leader Freddy Superlano in Venezuela](#), August 26, 2024.

¹⁰¹ IACHR, Press Release No. 209/24, [IACHR grants precautionary measures to Biagio Pilieri and his son, members of the Convergencia party, in Venezuela](#), September 7, 2024.

¹⁰² Access to Justice, Summary proceedings without the right to defense or information for those arrested in the protests, August 13, 2024.

¹⁰³ IACHR, Press Release 184/24, [IACHR and RELE condemn state terrorism practices in Venezuela](#), August 15, 2024.

¹⁰⁴ IACHR, Press Release 184/24, [IACHR and RELE condemn state terrorism practices in Venezuela](#), August 15, 2024.

¹⁰⁵ The New York Times, Observadores electorales venezolanos son obligados a exiliarse en Colombia, September 10, 2024.

88. On the other hand, in the context of the post-electoral repression, old intimidating practices were registered, such as the marking of houses of opponents or those perceived as such with an “X”.¹⁰⁶ In 2020, the Inter-American Commission also documented the marking of houses with the legend “furia bolivariana” (Bolivarian fury).¹⁰⁷

89. In the context of political persecution, several opposition leaders sought protection in the residence of the Argentine ambassador in Caracas. Among them are Pedro Urruchurtu, international affairs coordinator; Claudia Mancero, communications coordinator; Omar Gonzalez, political secretary; Magalli Meda, strategic planning coordinator; and Humberto Villalobos, electoral coordinator. On September 6, the official residence of the Embassy of Argentina in Caracas (under the custody of the Brazilian State since August 1)¹⁰⁸ was harassed by State agents. At least 20 armed public officials intervened at the site and proceeded to cut off the electricity supply and suspend the entry of food for at least 24 hours.¹⁰⁹ A similar situation occurred on November 24. State security agents closed streets and surrounded the residence of the Argentine ambassador in Caracas in an act of intimidation.¹¹⁰

D. Situation of the freedom of expression

90. The IACHR and its Office of the Special Rapporteur for Freedom of Expression (RELE) continued to document severe restrictions on freedom of expression in Venezuela, especially in matters critical of the government. The practice of journalism faces significant obstacles due to fear of violence, harassment and the possible criminalization of reporting. Human rights organizations are also affected by legislative reforms that threaten their funding and independence. The application of criminal legislation, including anti-terrorism laws, continues to be applied for alleged purposes of silencing dissident or critical voices.

91. In 2024, the IACHR and its Special Rapporteurship have warned about the persecution and repression of opponents, political leaders, electoral witnesses, activists, human rights defenders, journalists and the media, in the context of the July 28 presidential elections. In addition to this, there are reports of a lack of state transparency, especially in electoral matters, as well as the expansion of “zones of silence”, where journalistic coverage of issues of public interest is practically non-existent. These factors constitute an adverse environment for the exercise of fundamental rights in the country, especially affecting freedom of expression, freedom of association, peaceful assembly and political participation.

1. Criminalization of journalists and use of criminal law for silencing purposes

92. In 2024, the activation of judicial processes and criminal sanctions against journalists in Venezuela was documented, especially in the electoral context. Arrests and criminal proceedings were reportedly conducted under the “Law Against Hate”, without judicial guarantees and with severe restrictions on the right to defense. Common charges include terrorism, incitement to hatred, public instigation, illegal association, disturbance of public order and obstruction of the public roads, with allegations of manipulation of evidence by the authorities. In addition, difficulties have been reported for the families of detained journalists, such as lack of information on their whereabouts, excessive requirements for visits and extortion by officials. Families of journalists accused of terrorism face obstacles to travel to the Caracas metropolitan area, where the specialized courts are located.¹¹¹

¹⁰⁶ International Independent Fact-Finding Mission on the Bolivarian Republic of Venezuela, Report, of September 9 to 11, 2024, summary.

¹⁰⁷ IACHR, 2020 Annual Report, April 16, 2021.

¹⁰⁸ Ministry of Foreign Affairs, International Trade and Worship of the Argentine Republic, Press Release: Departure of the Argentine Embassy staff in Venezuela, August 1, 2024.

¹⁰⁹ IACHR, Press Release No 215/24, Venezuela: IACHR condemns exile of Edmundo Gonzalez and harassment of Argentine embassy residence, September 13, 2024.

¹¹⁰ DW, Argentina denounces new “siege” of its embassy in Caracas, November 23, 2024.

¹¹¹ Rapporteurship for Freedom of Expression (RELE), Press Release No. 190/24, RELE alerts international community on arbitrary detention of journalists and criminalization of dissent in Venezuela, August 23, 2024.

93. In the first months of the year, the Attorney General reportedly issued arrest warrants against journalist Sebastiana Barráez, lawyer and human rights defender Tamara Suju, the president of Venezuelans Persecuted in Political Exile (Veppex), José Antonio Colina, and *youtubers* Wender Villalobos and Norbey Marín, who were accused of serious crimes¹¹². In particular, Barráez, Suju, Colina, Villalobos, Marín and Mario Carratú Molina were allegedly charged with “attempted intentional homicide,” “terrorism” and “association”. These charges were related to the “white armband case”, which allegedly sought to perpetrate terrorist acts, including the kidnapping of the governor of Táchira, and the assassination of the President of the Republic.¹¹³ Sebastiana Barráez, a journalist, denied the link made by the Attorney General's Office through her social networks.

94. For their part, the National College of Journalists (CNP) and various civil society organizations have described the criminalization of journalist María Sebastiana Barráez Pérez as a serious attack on freedom of expression and due process.¹¹⁴ They have also warned the international community about the Venezuelan state's attempts to silence communicators, especially during an election year.¹¹⁵

95. In addition, the Attorney General reportedly ordered the arrest of Voz Media journalist Orlando Avendaño on charges of “incitement” to hatred.¹¹⁶ The Prosecutor's Office claimed that the journalist subverted the order with a publication on X (Twitter).¹¹⁷ According to public reports, agents of the Bolivarian National Intelligence Service (SEBIN) raided his home in Valencia and confiscated electronic equipment.¹¹⁸ In this regard, journalist Avendaño denied having called for insurrection and denied receiving funds from a political organization, stressing that “the only thing I have done, as a journalist, is to exercise my freedom of expression.”¹¹⁹ Subsequent to these events, the President allegedly harassed and threatened journalist Avendaño on television after a publication on his social network X (formerly *Twitter*) about women who harassed opposition leader María Corina Machado.¹²⁰

96. On March 31, journalist and youtuber Óscar Alejandro Pérez was arrested at the National Airport of Maiquetía.¹²¹ After his arrest, his relatives reported that he was accused of activities related to “terrorism”. Public reports state that the journalist was taken to the Anti-Terrorism Division of the Scientific, Penal and Criminal Investigations Corps (CICPC) in Caracas and released the following day.¹²²

97. During the last year, reports were also received regarding the detention of journalist Carlos Julio Rojas on April 15. According to public reports, while he was with his wife, unknown individuals kidnapped

¹¹² Espacio Público, Prosecutor's Office orders arrest of journalist Sebastiana Barráez, defender Tamara Suju and others, January 22, 2024.

¹¹³ Espacio Público, Prosecutor's Office orders arrest of journalist Sebastiana Barráez, defender Tamara Suju and others, January 22, 2024.

¹¹⁴ Radio noticias Venezuela, National College of Journalists supported Sebastiana Barráez, February 1, 2024.

¹¹⁵ Reporte Ya, [ReporteYa], (February 1, 2024), The CNP warned the international community that the Venezuelan government is trying to silence the country's communicators, especially in this election year, X, <https://x.com/reporteya/status/1753035060712738905?s=48&t=058FybLgNCirdwkhUkjOkw>.

¹¹⁶ Voz, Maduro's government falsely accuses Orlando Avendaño, a Voz Media journalist, of “inciting hatred” and calling for rebellion, April 1, 2024; Infobae, Persecution in Venezuela: Maduro's government investigates journalist Orlando Avendaño, who rejected the accusations, April 2, 2024.

¹¹⁷ Voz, Maduro's government falsely accuses Orlando Avendaño, a Voz Media journalist, of “inciting hatred” and calling for rebellion, April 1, 2024; Infobae, Persecution in Venezuela: Maduro's government investigates journalist Orlando Avendaño, who rejected the accusations, April 2, 2024.

¹¹⁸ Voz, International community leaders condemn the Maduro dictatorship's persecution of Orlando Avendaño, a well-known Venezuelan journalist critical of Chavismo, April 1, 2024; Cocuyo Effect, NGO: Investigation against Orlando Avendaño is an act of harassment, April 3, 2024.

¹¹⁹ Avendaño, O., [OrlvndoA], (April 1, 2024), The only thing I have done, as a journalist, is to exercise my freedom of expression. That is not a crime, X, <https://x.com/OrlvndoA/status/1774917112588386689>.

¹²⁰ Espacio Público, [espaciopublico], (July 16, 2024), Nicolás Maduro once again harassed and threatened journalist Orlando Avendaño during a television broadcast, X, <https://x.com/espaciopublico/status/1813333723888209971>.

¹²¹ Espacio Público, Content creator Oscar Alejandro Perez is arrested in Maiquetia Airport, April 1, 2024.

¹²² Infobae, Imprisoned journalists or with arrest warrants and media under threat: repression against the press grows in Venezuela, April 7, 2024.

him in a van without license plates.¹²³ The IACHR and the Office of the Special Rapporteur recorded that the journalist had an arrest warrant for his participation as an alleged instigator and logistical operator in an assassination attempt against the President.¹²⁴ The Attorney General published a photograph of Rojas handcuffed between two armed men, charging him with terrorism.¹²⁵

98. On April 12, journalist Yuyser González, of NoticiasDigital, was reportedly approached by alleged officers of the Bolivarian National Police (PNB) who tried to apprehend him at the entrance of a shopping mall in Barinas¹²⁶. According to public reports, after a struggle, a bystander recorded the incident and shared it on social networks, thus avoiding arrest.¹²⁷

99. On May 7, 2024, the Attorney General of the Republic accused Venezuelan media and journalists of being part of an alleged extortive media structure led by former Minister Tareck El Aissami. According to the prosecutor, this structure was dedicated to “spread dirty war and discredit campaigns against the State authorities.”¹²⁸ In addition, he mentioned that El Aissami maintained a relationship with the *Armando.Info* portal, directed by Roberto Deniz and Ewald Scharfenberg.¹²⁹ The prosecutor's accusations add a video in which Samark López, an imprisoned businessman accused of corruption, was pointing out to the journalists of the website.¹³⁰

100. In the first half of August, following the July 28 elections, the arrest of at least nine journalists was documented, four of whom were charged with terrorism offenses.¹³¹ Among them is photojournalist Yousner Alvarado, accused of terrorism. According to information provided to this Commission and to RELE, he is currently being held incommunicado in Detachment 33 of the Bolivarian National Guard (GNB), without access to private defense.¹³² Paúl León, a cameraman for VPI TV, was also arrested under charges of incitement to violence and disturbing the public order, and is being held incommunicado at the Valera Police Station 2.0;¹³³ Deisy Peña, a photographer for the Carrizal mayor's office, was reportedly arrested without a warrant after covering a peaceful protest and is being held in a module of the Bolivarian National Police (PNB) in Los Teques;¹³⁴ and José Gregorio Carnero, journalist and broadcaster, who were reportedly arrested on charges of conspiracy and subversive activities.¹³⁵

¹²³Espacio Público, [@espaciopublico], (April 15, 2024), Two men dressed in black, hooded and on board a van without license plates, took - by force - activist and journalist Carlos Julio Rojas, X, <https://x.com/espaciopublico/status/1780051098922868919>; National Union of Press Workers of Venezuela. (SNTVP), [@sntpvenezuela], (April 15, 2024) Hooded men dressed in black took away journalist and community activist Carlos Julio Rojas this #15Apr night, X, <https://x.com/sntpvenezuela/status/1780045720738795958>; Provea, [@Provea], (April 15, 2024), 2 men in black kidnap community activist and journalist, Carlos Julio Rojas, on Monday 15 in Caracas, according to his relatives, X, <https://x.com/Provea/status/1780044290472743423>.

¹²⁴Saab, T.W., [@TarekWilliamSaab], (April 15, 2024), the Public Ministry @MinpublicoVEN #informs #today of the arrest of Carlos Julio Rojas, X, <https://x.com/TarekWilliamSaab/status/1780075541804065271?t=lvCxoI0a4Ehk7wr2gTDdpw&s=19>; Runrun.es, *Five crimes were charged against journalist Carlos Julio Rojas*, April, 2024.

¹²⁵Infobae, *New attack against the press in Venezuela: one journalist was arrested and another struggled with those who tried to take him away*, April 16, 2024.

¹²⁶Press and Society Institute (IPYS), *Alleged PNB officers tried to arrest journalist Yuyser González*, April 15, 2024.

¹²⁷Infobae, *New attack against the press in Venezuela: one journalist was arrested and another struggled with those who tried to take him away*, April 16, 2024.

¹²⁸El Nacional, *Saab links Venezuelan journalists to El Aissami: « They conducted discrediting campaigns against the State »*, May 7, 2024.

¹²⁹Public Ministry of the Bolivarian Republic of Venezuela, [@MinpublicoVEN], (May 7, 2024), Tarek William Saab: Also refers that El Aissami had a relationship with the ArmandoInfo portal, run by Roberto Deniz and Ewald Scharfenberg, X, <https://x.com/MinpublicoVEN/status/1787899980641931629?t=pMQWCgoAkmc-hXwhZmKQ2g&s=08>; Armando.Info, *To the public opinion*, May 7, 2024.

¹³⁰Foundation for Freedom of the Press (FLIP), *Venezuelan Public Ministry criminalizes the investigative work of journalists of Armando.Info*, May 9, 2024; Ntn24, *“A bad joke”: ArmandoInfo’ journalists deny links to Tareck El Aissami*, May 8, 2024.

¹³¹Reporters Without Borders (RSF), *Venezuela: RSF registers 70 attacks on press freedom in 15 days*, August 13, 2024.

¹³²RSF, *Venezuela: RSF registers 70 attacks on press freedom in 15 days*, August 13, 2024.

¹³³El Pitazo, *Cameraman Paúl León to go on trial after being arrested during post-election coverage*, October 23, 2024.

¹³⁴RSF, *Venezuela: RSF registers 70 attacks on press freedom in 15 days*, August 13, 2024; Cocuyo Effect, *Prosecutor’s Office confirms terrorism charges against reporter Deisy Peña*, October 23, 2024.

¹³⁵DW, *SNTVP: 4 journalists charged with “terrorism” in Venezuela*, August 8, 2024.

101. Likewise, the Voluntad Popular party reported the detention and possible forced disappearance of Roland Oswaldo Carreño Gutiérrez.¹³⁶ According to reports, on August 2, 2024, in the afternoon in the city of Caracas, he was allegedly deprived of his liberty by state agents affiliated with the SEBIN.¹³⁷ On August 3 and 4, 2024, attempts were reportedly made to file a *habeas corpus* petition for forced disappearance and a complaint with the Public Ministry to initiate an investigation.¹³⁸ However, both the judicial bodies and the investigative agencies reportedly refused to receive them.¹³⁹ Likewise, relatives and lawyers allegedly went to the different offices of the General Directorate of Military Counterintelligence (DGCIM) and the SEBIN, who have held not having the journalist in their custody.¹⁴⁰ In this context, the IACHR granted precautionary measures for journalist Carreño Gutiérrez and urged the State to adopt the necessary measures to protect the rights to life and personal integrity of the communicator.¹⁴¹

102. The detention of journalist Ana Carolina Guaita Barreto, correspondent for the digital newspaper *La Patilla*, was also reported. According to the information obtained by the IACHR and its Special Rapporteur, on August 20, 2024, the journalist was allegedly deprived of her liberty in an arbitrary manner by supposed agents of the security forces.¹⁴² It was claimed that the deprivation of liberty occurred as she was leaving her home, in the parking area of her building.¹⁴³ In said place, she was reportedly cornered by officials who did not identify themselves and was detained for allegedly failing to observe constitutional and conventional procedures.¹⁴⁴ According to her family, the journalist was presumed to be at the headquarters of the Directorate of Security of the La Guaira Governor's Office, where she was held until August 21 under conditions of isolation.¹⁴⁵

103. On August 22, 2024, journalist Ana Carolina Guaita Barreto was reportedly taken by SEBIN agents to an unknown location, and since then there has been no news as to her whereabouts or place of detention.¹⁴⁶ In addition, her parents are reported to be hiding for fear of being detained.¹⁴⁷ In view of these facts, the IACHR granted precautionary measures in favor of Guaita and requested the State of Venezuela to adopt the necessary measures to protect her rights to life and humane treatment, as well as to report on her custody status and the circumstances of her detention.¹⁴⁸

¹³⁶ Espacio Público, August: post-election censorship and repression, September 5, 2024.

¹³⁷ IACHR, Judgment 50/2024, Precautionary Measures No. 883-24, Case of Roland Oswaldo Carreño Gutiérrez with regard to Venezuela, August 17, 2024, para. 4.

¹³⁸ IACHR, Judgment 50/2024, Precautionary Measures No. 883-24, Case of Roland Oswaldo Carreño Gutiérrez with regard to Venezuela, August 17, 2024, para. 5.

¹³⁹ IACHR, Judgment 50/2024, Precautionary Measures No. 883-24, Case of Roland Oswaldo Carreño Gutiérrez with regard to Venezuela, August 17, 2024, para. 5.

¹⁴⁰ IACHR, Judgment 50/2024, Precautionary Measures No. 883-24, Case of Roland Oswaldo Carreño Gutiérrez with regard to Venezuela, August 17, 2024, para. 5.

¹⁴¹ IACHR, Press Release No. 186/24, IACHR grants precautionary measures to journalist Roland Oswaldo Carreño Gutiérrez in Venezuela, August 17, 2024.

¹⁴² IACHR, Judgment 58/2024, Precautionary Measures No. 907-24, Subject of Ana Carolina Guaita Barreto regarding Venezuela, August 27, 2024, para. 4.

¹⁴³ IACHR, Judgment 58/2024, Precautionary Measures No. 907-24, Subject of Ana Carolina Guaita Barreto regarding Venezuela, August 27, 2024, para. 4.

¹⁴⁴ IACHR, Judgment 58/2024, Precautionary Measures No. 907-24, Subject of Ana Carolina Guaita Barreto regarding Venezuela, August 27, 2024, para. 4.

¹⁴⁵ Villegas, V., [@Vladi_VillegasP], (August 22, 2024), Relatives of journalist Ana Carolina Guaita Barreto report that she is being held at the headquarters of the Security Directorate of the Governor's Office of La Guaira, X, https://x.com/Vladi_VillegasP/status/1826600742712737841?t=g5rRPxf3KRnYfWC_TwI5yA&s=09.

¹⁴⁶ IACHR, Judgment 58/2024, Precautionary Measures No. 907-24, Subject of Ana Carolina Guaita Barreto regarding Venezuela, August 27, 2024, para. 5.

¹⁴⁷ IACHR, Judgment 58/2024, Precautionary Measures No. 907-24, Subject of Ana Carolina Guaita Barreto regarding Venezuela, August 27, 2024, para. 5.

¹⁴⁸ IACHR, Press Release No. 196/24, IACHR grants precautionary measures to journalist Ana Carolina Guaita in Venezuela, August 27, 2024.

104. On August 16, the editor of the website *La Sapa del Orinoco*, Gilberto Reina, was detained at his residence in Ciudad Bolívar, Bolívar State. According to public reports, Reina's detention occurred hours after he posted a video on Instagram about a protest regarding the results announced by the CNE on July 29.¹⁴⁹

105. According to public information, on August 17, members of the Bolivarian National Guard (GNB) assaulted and attempted to detain journalist David Marcano from the newspaper *El Periodiquito* while he was covering a protest in the Bicentenario Plaza of Maracay, Aragua State.¹⁵⁰ On the other hand, the National College of Journalists (CNP) denounced the arbitrary detention of journalist Víctor Ugas following a confrontation with content creator Emmanuel Marcano.¹⁵¹ Ugas was reportedly presented before the courts on August 18, under the charge of the crime of "incitement to hatred."¹⁵² In addition, on August 25, members of the Bolivarian National Police (PNB) reportedly detained journalist Carmela Longo in Caracas. According to the National Union of Press Workers (SNTP), her son was also arrested, and their electronic equipment was confiscated.¹⁵³ Longo was reportedly transferred to the Directorate of Criminal Investigations (DIP) and released on August 26 after a hearing, where she was charged with terrorism and incitement to hatred. She is currently required to appear periodically before a judicial authority, with a prohibition of leaving the country and of commenting on her case.¹⁵⁴

106. Likewise, reports have been received regarding the detention of journalist Nelin Escalante since October 25, after he was approached by members of the General Directorate of Military Counterintelligence (DGCIM) at the Líder Shopping Center in Caracas.¹⁵⁵ According to claims from the National College of Journalists, Escalante was subsequently transferred to the DGCIM headquarters in Boleíta.¹⁵⁶ The IACHR and its Rapporteurship were informed that the journalist was released on October 31 after being held in detention for six days.¹⁵⁷

107. As of the closing date of this report, the IACHR and the Special Rapporteurship have documented the detention of at least 12 journalists following the elections on July 28. At the same time, the Commission and the RELE express special concern over the death of broadcaster and activist of the Voluntad Popular party, Edwin Santos, which occurred on October 25.¹⁵⁸

108. As already noted by the IACHR and the Special Rapporteurship for Freedom of Expression, the detention of journalists represents one of the main tactics used by the government to intimidate them or as retaliation for the exercise of their work; and such detentions often occur without a judicial order or legal basis.¹⁵⁹ In this way, it is emphasized that journalism is the primary and main manifestation of freedom of

¹⁴⁹ El Carabobeño, *Editor of the digital weekly La Sapa del Orinoco arrested*, August 17, 2024.

¹⁵⁰ Espacio Público, *August: censorship and post-election repression*, September 5, 2024.

¹⁵¹ Espacio Público, *August: censorship and post-election repression*, September 5, 2024.

¹⁵² Espacio Público, *August: censorship and post-election repression*, September 5, 2024.

¹⁵³ Espacio Público, *August: censorship and post-election repression*, September 5, 2024.

¹⁵⁴ Espacio Público, *August: censorship and post-election repression*, September 5, 2024.

¹⁵⁵ Cocuyo Effect, [*@EfectoCocuyo*], (October 26, 2024), *@cnpven* denounced that the whereabouts of journalist Nelin Escalante, who was approached by Dgcim officials, are unknown., X, <https://x.com/EfectoCocuyo/status/1850260938085036472?t=FXbA8I93OoG9aPZEpNXwIQ&s=19>.

¹⁵⁶ VPItv, [*@VPITV*], (October 26, 2024), The National College of Journalists (*@cnpven*) denounced the arbitrary detention of the journalist Nelin Escalante, X, https://elinformadorve.com/29/10/2024/venezuela/colegio-nacional-de-periodistas-exige-fe-de-vida-del-periodista-nelin-escalante/#google_vignette; SNTP, [*@sntpvenezuela*], (October 30, 2024), Moisés Gutiérrez, lawyer of the Human Rights Coalition *@Coalicion_ddhh*, reported that it has been 120 hours since the disappearance of journalist Nelin Escalante, X, <https://x.com/sntpvenezuela/status/1851674638679408706?t=EZgtEriV8iOjKTZEjK5HA&s=08>; National College of Journalists (CNP), [*@cnpven*], (October 29, 2024), It has been more than 96 hours without news about Nelin Escalante, relatives and lawyers have not been able to see him despite having gone to the DGCIM to know the status of his situation, X, <https://x.com/cnpven/status/1851323890867241092?t=kmlbWfCUJZEtgBVuontUaQ&s=08>.

¹⁵⁷ Infobae, *Nicolás Maduro's current government released the journalist after being missing for six days*, November 1, 2024; Noticias de aquí, *Journalist Nelin Escalante was released and is now with his family*, November 1, 2024; Ntn24, *"We are fine": Venezuelan journalist Nelin Escalante appears after being interrogated for several days at DGCIM*, November 1, 2024.

¹⁵⁸ Espacio Público, [*@espaciopublico*], (October 25, 2024), Edwin Santos, broadcaster and activist of the Voluntad Popular party, was found dead on Friday, October 25, X, <https://x.com/espaciopublico/status/1849889475570102746>.

¹⁵⁹ IACHR, Annual Report 2022, *Report of the Office of the Special Rapporteur for Freedom of Expression*, OAS/Ser.L/V/II Doc. 50, March 6, 2023, paras. 1367, 1377; IACHR, Annual Report 2023, *Report of the Office of the Special Rapporteur for Freedom of Expression*, OAS/Ser.L/V/II Doc. 386, December 6, 2023, paras. 1615, 1618, 1624, 1625.

expression, as it is journalists and media outlets that keep society informed about matters of public interest and contribute to the existence of a broad, robust, and plural public debate.¹⁶⁰ For this reason, states have the obligation to create the conditions for journalists to perform their duty freely, independently, and safely.¹⁶¹

2. Harassment and aggressions against the press and obstructions to press coverage

109. According to public information, national and foreign journalists face a climate of hostility and repression characterized by threats, physical assaults, censorship and restrictions on access to information.¹⁶² Thus, for example, on February 15, René Herrera, a journalist from *Revista del Tuy*, reported that workers from the State Railways Institute prevented his coverage at the Libertador Simón Bolívar station (La Rinconada) by denying him access to verify reports of irregularities; and that he was searched by officials of the Bolivarian National Police.¹⁶³

110. Likewise, Luis López, a journalist from the regional media outlet La Verdad de Vargas, reported on January 24 about the presence of police officers near his home in the Carlos Soublette parish, Vargas state. In a video released on social media, López expressed his concern and stated that he was doing his job and that he has "nothing to hide."¹⁶⁴ Additionally, he reported that SEBIN officials took photographs of his house from a motorcycle and a truck.¹⁶⁵

111. On January 17, officials from state security agencies reportedly forced Gerson Cuevas, a journalist from the YouTube channel *Televisora Cultural Barinesa*, and Neptalí Querales, a photojournalist from the newspaper *La Noticia de Barinas*, to hand over their phones. According to public reports, they had deleted the audiovisual content related to a police operation at the headquarters of the National Federation of Trade Unions and Colleges of Education Workers of Venezuela (Fenatev), where Professor Víctor Venegas was detained.¹⁶⁶

112. During the electoral day of July 28, 2024, civil society organizations documented at least 15 cases and 16 complaints of violations of the right to freedom of expression. In particular, they recorded instances where journalists were denied access to polling stations despite having accreditation from the National Electoral Council (CNE).¹⁶⁷ Among the affected individuals were nine journalists, four media outlets, two private individuals, two photojournalists, and one cameraman.¹⁶⁸

113. After the July 28 elections, the IACHR and its Special Rapporteurship warned about the escalation of repression against journalists and media in Venezuela. The main aggressions against the press included: raids, media closures, confiscation of equipment, cancellation of passports, deportation of international journalists, unjustified dismissals, threats and censorship, which has generated a climate of fear among media professionals, who have been forced to restrict their informative activity.¹⁶⁹ At the local level, the Commission and the Office of the Special Rapporteur received reports of threats of criminalization by mayors,

¹⁶⁰ IHR Court, Advisory Opinion OC-5/85 of November 13, 1985. "Compulsory registration of journalists (Arts. 13 and 29 American Convention on Human Rights), para. 71; IACHR, Background and Interpretation of the Declaration of Principles.

¹⁶¹ IACHR, Special Rapporteurship for Freedom of Expression, Inter-American legal framework on the right to freedom of expression, OAS/Ser.L/V/II IACHR/RELE/INF. 2/09, December 30, 2009, para. 8 and para. 165 and following.

¹⁶² RSF, Venezuela: RSF registers 70 attacks on press freedom in 15 days, August 13, 2024.

¹⁶³ Espacio Público, General situation of the right to freedom of expression and information, January-April 2024, May 3, 2024.

¹⁶⁴ Espacio Público, General situation of the right to freedom of expression and information, January-April 2024, May 3, 2024.

¹⁶⁵ Espacio Público, General situation of the right to freedom of expression and information, January-April 2024, May 3, 2024.

¹⁶⁶ IPYS, State security forces deleted information content of two journalists in Barinas, January 24, 2024.

¹⁶⁷ Espacio Público, Partial Report, July 28: coverage in polling stations forbidden, July 28, 2024.

¹⁶⁸ Espacio Público, Partial Report, July 28: coverage in polling stations forbidden, July 28, 2024.

¹⁶⁹ Special Rapporteurship for Freedom of Expression (RELE), Press Release No. 190/24, RELE alerts international community on arbitrary detention of journalists and criminalization of dissent in Venezuela, August 23, 2024.

governors and “collectives”.¹⁷⁰ There have also been reports of the circulation of pamphlets and lists containing personal information of journalists and members of polling stations to facilitate their detention.¹⁷¹

114. In particular, in 2024 a concerning pattern was observed in the detention and expulsion of international correspondents in Venezuela, as well as the prohibition of their entry into the country. Such was the case of Colombian journalists Carolina Trinidad and Vanessa de la Torre, of *Radio Caracol*, on July 28, who were reportedly deported from the Maiquetía airport.¹⁷²

115. On August 1, Chilean journalists Iván Núñez and José Luis Tapia were reportedly detained and held incommunicado at the military post of Chururú (Barinas) after entering the country from Cúcuta, Colombia.¹⁷³ Similar events occurred on August 2 with Spanish journalist Álvaro Nieto, director of *The Objective*, who was reportedly expelled after a two-hour interrogation¹⁷⁴ and on August 3, Ecuadorian journalist Dayana Krays.¹⁷⁵ Likewise, there were reports of the arrest and expulsion of Italian journalist Marco Bariletti.¹⁷⁶

116. There were also reports of the deportation of Argentine journalist Jorge Pizarro. The Association of Argentine Journalistic Entities (ADEPA) strongly rejected his detention and possible deportation.¹⁷⁷ Italian journalist Barbara Schiavulli claimed that a group of international reporters were denied visas two days before their trip, preventing them from covering the presidential elections.¹⁷⁸

117. The Commission and RELE were informed about the detention and expulsion of the reporter of the Spanish media *Ok Diario*, Cake Minuesa, during the July 28 elections. Minuesa, who allegedly described the result announced by the CNE as “fraud”, was arrested by officials of the Directorate of Military Counterintelligence (DGCIM). According to *Ok Diario*, he was transferred to Bogotá on July 29 to be deported to Spain. According to public reports, the journalist was released after the efforts of the Spanish Foreign Ministry and the Spanish Embassy in Caracas.¹⁷⁹

118. In the post-electoral period, the dismissal of at least 100 workers of the public channel *Venezolana de Televisión* was also reported, after the review of their status and content in the instant messaging application WhatsApp, which contained messages against the government. According to publicly available information, the human resources office of the channel would be monitoring the workers' publications.¹⁸⁰

119. In this regard, it is recalled that intimidation and threats against social communicators severely restrict freedom of expression, and that it is the State's duty to prevent and investigate these events.¹⁸¹ The Commission and its Special Rapporteurship have held that attacks against journalists and the media are aimed at silencing them, thus not only violating the individual right of reporters to express and disseminate

¹⁷⁰ Special Rapporteurship for Freedom of Expression (RELE), Press Release No. 190/24, RELE alerts international community on arbitrary detention of journalists and criminalization of dissent in Venezuela, August 23, 2024.

¹⁷¹ Special Rapporteurship for Freedom of Expression (RELE), Press Release No. 190/24, RELE alerts international community on arbitrary detention of journalists and criminalization of dissent in Venezuela, August 23, 2024.

¹⁷² RSF, Venezuela: RSF registers 70 attacks on press freedom in 15 days, August 13, 2024.

¹⁷³ RSF, Venezuela: RSF registers 70 attacks on press freedom in 15 days, August 13, 2024.

¹⁷⁴ RSF, Venezuela: RSF registers 70 attacks on press freedom in 15 days, August 13, 2024.

¹⁷⁵ RSF, Venezuela: RSF registers 70 attacks on press freedom in 15 days, August 13, 2024.

¹⁷⁶ Espacio Público, August: censorship and post-election repression, September 5, 2024.

¹⁷⁷ Association of Argentine Journalistic Entities (ADEPA), [@Adepargentina], (July 25, 2024), We strongly condemn the detention and possible deportation of journalist Jorge Pizarro, X, https://x.com/Adepargentina/status/1816479261236101274?t=ZDd8iiq8xvMsTaK9-c0_Bw&s=08; Espacio Público, [@espaciopublico], (July 25, 2024), The Venezuelan government denied entry into the country to Argentinean journalist, Jorge Pizarro, X, <https://x.com/espaciopublico/status/1816463273677423012>.

¹⁷⁸ Espacio Público, [@espaciopublico], (July 23, 2024), Italian journalist Barbara Schiavulli (@schiavulli) claimed that a group of international reporters will not be allowed to come to Venezuela to cover the presidential elections, X, <https://x.com/espaciopublico/status/1815760022183260360>.

¹⁷⁹ Espacio Público, Protests #29J: arrests and attacks on the press, July 29, 2024.

¹⁸⁰ Espacio Público, August: censorship and post-election repression, September 5, 2024.

¹⁸¹ IACHR, Declaration of Principles on Freedom of Expression, 2000.

their ideas, opinions and information, but also affecting the right of a society to freely access information.¹⁸² An independent and critical press is a fundamental element for the validity of the other freedoms that make up the democratic system and the rule of law.¹⁸³

120. In addition, there are reports of stigmatizing statements against journalists and independent media. Public officials, both at the national and local levels, frequently brand them as “coup perpetrators”, “accomplices” and “financed terrorists”.¹⁸⁴ Thus, for example, on March 25, the President criticized the news agencies EFE (Spain), AFP (France) and AP (USA) for not covering any of the more than 10 candidates nominated. In this regard, he held “the agencies of the West, the United States, Europe and the right wing have no morals. They cover up the reality of Venezuela”.¹⁸⁵ Likewise, he allegedly disqualified other news agencies such as CNN en Español, accusing it of trying to “smear the electoral process”.¹⁸⁶ According to public reports, these statements reflect recurring behavior during his campaign.¹⁸⁷

121. The IACHR and its Rapporteurship for Freedom of Expression reaffirm that public authorities are required to maintain a narrative conducive to public deliberation and freedom of expression. In this sense, they have the duty to refrain from making stigmatizing or intentionally false statements that may increase the risk of attacks on journalists’ lives and integrity, inherent to the profession.¹⁸⁸ International human rights standards require that authorities treat journalists in interviews and press conferences with respect and fairness. The Inter-American human rights system understands that stigmatizing statements by public officials may constitute an indirect restriction on the right to freedom of expression.¹⁸⁹

3. Attacks, raids and closure of communication media

122. By the end of 2023, civil society organizations documented the closure of at least 408 media companies in Venezuela during the last 20 years, as a result of a prolonged process of restriction of information spaces and the practice of journalism in the country.¹⁹⁰ According to public reports, radio stations have been the most affected, with 285 stations closed in the last two decades, representing 71% of the total number of media outlets shut down.¹⁹¹

123. The NGO Espacio Público has noted the scarcity of information in regions such as Falcón, where 36 radio stations operate, of which 29 only broadcast music and content aligned with the government.¹⁹²

¹⁸² IACHR, Background and Interpretation of the Declaration of Principles; IACHR, Special Rapporteurship for Freedom of Expression, Violence against journalists and media workers: Inter-American standards and national practices on prevention, protection and prosecution, OAS/Ser.L/V/II. IACHR/RELE/INF. 12/13., December 31, 2013.

¹⁸³ IACHR, Background and Interpretation of the Declaration of Principles; IACHR, Annual Report 2023, Report of the Office of the Special Rapporteur for Freedom of Expression, OAS/Ser.L/V/II Doc. 386, December 6, 2023, para. 1613.

¹⁸⁴ Special Rapporteurship for Freedom of Expression (RELE), Press Release No. 190/24, RELE alerts international community on arbitrary detention of journalists and criminalization of dissent in Venezuela, August 23, 2024.

¹⁸⁵ Espacio Público, General situation of the right to freedom of expression and information, January-April 2024, May 3, 2024.

¹⁸⁶ Espacio Público, [@espaciopublico], (July 20, 2024), Nicolás Maduro once again verbally harassed the international news agencies CNN en español, EFE, AFP and AP, calling them “trash” and accusing them of “wanting to smear the electoral process” in Venezuela, X, <https://x.com/espaciopublico/status/1814637101738029524>.

¹⁸⁷ SNTF, [@sntpvenezuela], (2) July 2, 2024), Nicolás Maduro once again lashes out at international agencies

@AFPespañol, @EFEnoticias and @AP_Noticias, as well as against the channel@CNNEE, by branding them as “hired assassins of lies”. This is a reiterated behavior during the president’s campaign, X, <https://x.com/sntpvenezuela/status/1815492367459213707>.

¹⁸⁸ United Nations Special Rapporteur (ONU) on the Protection and Promotion of Freedom of Opinion and Expression; Representative of the Organization for Security and Cooperation in Europe (OSCE) on Freedom of the Media; the Special Rapporteur on Freedom of Expression of the Organization of American States (OAS); Special Rapporteur on Freedom of Expression and Access to Information of the African Commission on Human and Peoples’ Rights (ACHPR), Joint Statement 2021 on Political Leaders, Public Officials, and Freedom of Expression, October 20, 2021.

¹⁸⁹ IHR Court. Case of Ríos and others Vs. Venezuela. Preliminary Exceptions, Merits, Reparations and Costs. Judgment of January 28, 2009. Series C No. 194, para. 139.

¹⁹⁰ Voz de América, Venezuela: More than 400 communication media closed in two decades, January 8, 2024.

¹⁹¹ Voz de América, Venezuela: More than 400 communication media closed in two decades, January 8, 2024.

¹⁹² Voz de América, Venezuela: More than 400 communication media closed in two decades, January 8, 2024.

It has also documented that 13 states lack independent media after these closures, including Amazonas, Apure, Aragua, Barinas, Cojedes, Delta Amacuro, Falcón, Guárico, Mérida, Monagas, Portuguesa, Sucre and Trujillo.¹⁹³

124. Between January and April 2024, the IACHR and the Office of the Special Rapporteur were informed of the closure of at least 13 radio stations in the states of Apure, Bolívar, Carabobo, Distrito Capital, Lara, Portuguesa, Trujillo and Zulia.¹⁹⁴ According to public information, these closures are part of a government policy aimed at limiting the dissemination of opinions and information.

125. On January 23, 2024, *Radio Hispana 89.5 FM* in San Felipe, Yaracuy, was reportedly vandalized by unknown groups that painted “Furia Bolivariana 2024”. This act was repeated in stores and opposition parties.¹⁹⁵

126. The IACHR and its Special Rapporteurship learned that on February 2, the National Telecommunications Commission (Conatel) reportedly closed the radio station *Onda 100.9 FM* in Valencia, Carabobo. According to the SNTP, the station had been previously inspected in 2023.¹⁹⁶ On the other hand, on February 23, Conatel reportedly ordered to shut down the transmitters of *Senda 96.1 FM*, *Mágica 93.3 FM* and *Clásicos 93.9 FM* in Ciudad Ojeda, Zulia.¹⁹⁷

127. For its part, on March 8, 2024, Conatel officials, accompanied by military personnel, reportedly shut down the radio station *Bendición Stereo 93.9 FM* in Upata, Bolívar state, arguing that the station “shone too brightly”. According to the administrative order, it was found that the station did not have a license or concession for the use of the radio electric spectrum.¹⁹⁸

128. On the other hand, *Ecos del Paramo 100.3 FM*, a radio station located in Tuñame, Trujillo state, reportedly ceased operations on February 27 by order of Governor Omar Marquez. According to public information, state officials and police officers took away the station's equipment, arguing that it was operating in a clandestine manner and without Conatel's permission.¹⁹⁹

129. Likewise, on March 4, the Spanish-language *Deutsche Welle (DW)* news channel was removed from the SimpleTV cable network in Venezuela, upon the publication of a video that addresses corruption in Latin America, including Venezuela.²⁰⁰ It was reported that the channel, which was tuned to 770, displayed a “not found” message and was also removed from Supercable and NetUno.²⁰¹

130. Subsequently, accusations were made by the Minister of Communication, Freddy Nández, who criticized *DW* for “covering up the genocide in Gaza”, “lying”, “defaming” and “spreading hatred” towards

¹⁹³ Voz de América, Venezuela: More than 400 communication media closed in two decades, January 8, 2024.

¹⁹⁴ Espacio Público, General situation of the right to freedom of expression and information, January-April 2024, May 3, 2024.

¹⁹⁵ SNTP, [sntpvenezuela], (23 de January 2024), The premises of Radio Hispana 89.5 FM in #SanFelipe, #Yaracuy state, awoke vandalized by the action of unknown groups that scratched its walls with the phrase “Furia Bolivariana 2024”, X, <https://x.com/sntpvenezuela/status/1749928253387579502>; Abc, Venezuelan press union denounces vandalization of media and trade union headquarters, January 23, 2023; El Diario, Venezuelan press union claims vandalization of media and trade union headquarters, January 24, 2024.

¹⁹⁶ Espacio Público, February: intimidation and censorship increase, March 4, 2024.

¹⁹⁷ Espacio Público, General situation of the right to freedom of expression and information, January-April 2024, May 3, 2024; CNP Caracas, [CNPCaracas], February 24, 2024, This #23Feb in #CiudadOjeda radio stations Mágica 93.3 FM, Senda 96.1 FM and Clásicos 93.9 FM were closed by order of #Conatel. Less media, less news and more censorship, X, <https://x.com/CNPCaracas/status/1761394900573049187?t=VYHe58KG22EpdvzYs-Ig1A&s=19>.

¹⁹⁸ Espacio Público, General situation of the right to freedom of expression and information, January-April 2024, May 3, 2024.

¹⁹⁹ Espacio Público, Governor of Trujillo State ordered the closure of Ecos del Paramo 100.3 FM, February 28, 2024; Espacio Público, February: intimidation and censorship increases, March 4, 2024.

²⁰⁰ SNTP, [sntpvenezuela], (March 4, 2024), This #4Feb, the @DW_espanol signal was removed from @Simpletvve's feed, X, <https://x.com/sntpvenezuela/status/1764839651385184585>; CNP Caracas, [CNPCaracas], (March 4, 2024), #Today they removed @DW_espanol. channel from @Simpletvve after the Minister of Communication accused them of spreading hate, X, <https://x.com/CNPCaracas/status/1764845539168792956>.

²⁰¹ Albertonews, SNTP after DW's signal removal in Venezuela: « This would be the second time it has been removed from the cable companies upon instructions from the government», March 4, 2024.

Venezuela.²⁰² The President, in his program “Con Maduro +”, described *DW* as “half Nazi”.²⁰³ The SNTP held that this is the second time that *DW*’s signal has been withdrawn by the government, the first being in April 2019.²⁰⁴

131. Since March 4, some Internet companies in Venezuela have reportedly blocked access to the news portal *El Político*. The Observatorio de Internet VE sin Filtro confirmed the blocking, in which CANTV and the private companies Movistar, Digitel, Inter and NetUno are allegedly involved.²⁰⁵

132. On April 12, 2024, *Radio Cristal 610 AM* in Barquisimeto, Lara State and *Reconciliación 93.5 FM* in Quíbor were shut down.²⁰⁶ On April 5, Conatel closed *Excelente 107.9 FM* in Upata, Bolívar state, where equipment was taken.²⁰⁷ On the other hand, the digital media *Última Hora*, in Portuguesa, reportedly ceased operations due to threats from the pro-government governor Primitivo Cedeño, and in order to “safeguard the physical integrity of its journalists and workers”.

133. It was also reported that the main Internet operators in Venezuela have blocked access to *The Wall Street Journal*’s website after the publication on August 1 of an opinion article by opposition leader María Corina Machado, in which she questioned the results of the presidential elections.²⁰⁸

134. Likewise, reports were received stating that the mayor of Boconó, Alejandro García, had suggested the local media to avoid publishing critical content, accusing the radio station *Boconesa 107.3 FM* of being a “coup plotter and accomplice” in an attack on the Dalla Acosta High School on July 28.²⁰⁹ In addition, the governor of Trujillo, Gerardo Márquez, reportedly threatened the media that they would be “visited” by “Operation Tun Tun”, referring to the visit of state security agencies.²¹⁰ Also the coordinator of Conatel in Monagas state, Rosalva Teresen, informed the Monagas media of the prohibition to broadcast news that “infringe elements classified as violence”, warning of possible fines or the withdrawal of concessions.²¹¹

135. In view of the aforementioned facts, the Commission and its Special Rapporteurship recall that direct or indirect pressures aimed at silencing the informative work of social communicators are incompatible with the right to freedom of expression. According to Principle 13 of the Declaration of Principles on Freedom of Expression of the IACHR, “the use of State power and the resources of the public treasury; the granting of tariff privileges; the arbitrary and discriminatory allocation of official advertising and official credits; the granting of radio and television frequencies, among others, with the aim of pressuring and punishing or rewarding and privileging social communicators and the media according to their informative lines, violates freedom of expression and should be expressly prohibited by law”. The IACHR and RELE stress that the allocation of radio and television frequencies must consider democratic criteria that guarantee equal opportunities, diversity and pluralism.²¹²

²⁰² Talcual, *DW removed from SimpleTV and other services after criticism by Freddy Nãñez*, March 4, 2024; Albertonews, *Venezuela removes German channel DW from cableras after report on the Los Soles Cartel (Details)*, March 4, 2024; Infobae, [Censorship in Venezuela: Maduro’s dictatorship removed German channel DW from subscription TV programming](#), March 4, 2024; Prensa Latina, [Minister accuses German media of hate campaign against Venezuela \(+Post\)](#), March 4, 2024.

²⁰³ Albertonews, [SNTP after DW’s signal removal in Venezuela: « This would be the second time it has been removed from the cable companies upon instructions from the government»](#), March 4, 2024.

²⁰⁴ Albertonews, [SNTP after DW’s signal removal in Venezuela: « This would be the second time it has been removed from the cable companies upon instructions from the government»](#), March 4, 2024.

²⁰⁵ Espacio Público, *Internet operators block El Político news portal*, March 6, 2024.

²⁰⁶ Infobae, [New attack against the press in Venezuela: one journalist was arrested and another struggled with those who tried to take him away](#), April 16, 2024.

²⁰⁷ Infobae, [New attack against the press in Venezuela: one journalist was arrested and another struggled with those who tried to take him away](#), April 16, 2024.

²⁰⁸ Espacio Público, [August: censorship and post-election repression](#), September 5, 2024.

²⁰⁹ Espacio Público, [August: censorship and post-election repression](#), September 5, 2024.

²¹⁰ Espacio Público, [August: censorship and post-election repression](#), September 5, 2024.

²¹¹ Espacio Público, [August: censorship and post-election repression](#), September 5, 2024.

²¹² IACHR, Special Rapporteurship for Freedom of Expression, [Freedom of expression standards for free and inclusive broadcasting](#), OAS/Ser.L/V/II IACHR/RELE/INF. 3/09, December 30, 2009, para. 58.

4. Discrimination and persecution of critical and dissident voices

136. The Commission and its Office of the Special Rapporteur have documented various repressive practices and acts of violence against activists, human rights defenders, opposition leaders, and electoral witnesses. For example, on February 2, 2024, officials of the Criminal Investigation Service of the state of Zulia reportedly arrested *influencer* Marcos Caraballo for wearing “indecent clothing” during a photo session in front of the Basilica of La Chinita. Nerio Antonio Bello, supplier of the costume, was also reportedly arrested as a result of complaints in social networks and pressure from religious sectors.²¹³

137. Likewise, LGBTIQ+ activist Yendri Velásquez was detained on August 3 at the International Airport of Maiquetía, La Guaira, while attempting to travel to Switzerland to participate in the UN Committee against Racial Discrimination. According to publicly available information, he was informed at the airport that his passport had been annulled, and was subjected to forced disappearance before being released that night in Caracas.²¹⁴ In addition, reports from civil society organizations warn of discriminatory messages from state officials in national media such as *Globovisión* and *Venezolana de Televisión*, which are leading to harassment and persecution of LGBTIQ+ people and human rights defenders.²¹⁵

138. On February 9, lawyer and activist Rocío del Carmen San Miguel Sosa was detained at the Simón Bolívar International Airport when she attempted to travel with her daughter.²¹⁶ The Public Ministry confirmed her detention on the basis of an arrest warrant for allegedly being linked to the “White armband” conspiracy, the purpose of which was to attempt an attack on the life of the president and other officials.²¹⁷

139. According to public reports, during 2024, it became known of the arbitrary detention of citizens who shared or disseminated critical information about the government. Such was the case of Jesús Alexander Suárez, when on August 1 he was arrested in Puerto Cabello by the SEBIN after publishing a video on TikTok mentioning the President of the Republic and the Minister of Interior Relations, Justice and Peace. According to public reports, after his arrest he was recorded “confessing” under duress. The video was posted on the Instagram account of Colonel Alexander Granko Arteaga.²¹⁸

140. That same day, a 43-year-old woman was reportedly arrested in Ocumare del Tuy for writing “freedom” on the street with flour from the CLAP program.²¹⁹ According to reports, she was accused of “incitement to hatred”. In Anzoátegui, Jesús Manuel Martínez was reportedly arrested by the regional police for disseminating content of “promotion and incitement to hatred”.²²⁰ Likewise, it was reported that Iris Rincón was arrested in Maracaibo for criticizing the President of the Republic and the CLAP program on TikTok. Rincón was accused of “instigation to hatred”. According to reports, the GNB commander shared a video where she apologizes and assures that she was paid to record it.²²¹ A similar episode occurred with the lawyer and coordinator of Vente Venezuela in Portuguesa, María Oropeza, who was allegedly arbitrarily detained after publishing a critical video about the persecution of opponents.²²²

²¹³ Espacio Público, [General situation of the right to freedom of expression and information, January-April 2024](#), May 3, 2024.

²¹⁴ Espacio Público, [August: censorship and post-election repression](#), September 5, 2024.

²¹⁵ Espacio Público, [February: intimidation and censorship increases](#), March 4, 2024.

²¹⁶ Aula Abierta, [Detention of professor and human rights advocate Rocío San Miguel also violates academic freedom and democracy](#), February 13, 2024.

²¹⁷ CNN en español, President of the Venezuelan NGO Control Ciudadano, Rocío San Miguel, detained, February 11, 2024; Aula Abierta, [Detention of professor and human rights advocate Rocío San Miguel also violates academic freedom and democracy](#), February 13, 2024.

²¹⁸ Espacio Público, [August: censorship and post-election repression](#), September 5, 2024.

²¹⁹ Espacio Público, [August: censorship and post-election repression](#), September 5, 2024.

²²⁰ Espacio Público, [August: censorship and post-election repression](#), September 5, 2024.

²²¹ Espacio Público, [August: censorship and post-election repression](#), September 5, 2024.

²²² Espacio Público, [August: censorship and post-election repression](#), September 5, 2024.

5. Closure of civic space and restrictive legislative initiatives.

141. On April 2, 2024, Executive Vice President Delcy Rodríguez presented a bill for a Law against Fascism, Neo-Fascism and Similar Expressions, which had already received approval in first discussion by the National Assembly²²³. Rodríguez informed through his account on X (formerly *Twitter*) that the President of the Republic has decided to establish a High Commission of State against Fascism and Neofascism, in charge of presenting a bill to the National Assembly.²²⁴ According to civil society organizations, in a context of increasing political repression and violations of freedom of expression, this law would be added to a series of regulations that seek to restrict civic space and silence critical sectors, in line with the previous Anti-Hate Law.²²⁵

142. As far as the Commission and the Office of the Special Rapporteur were able to learn, Article 4 of the bill defines characteristic features of “fascism” as racism, chauvinism, classism, moral conservatism, neoliberalism, misogyny and any phobia “against human beings and their right to non-discrimination and diversity”. In addition, “neo-fascism and similar expressions” would be understood to include any ideological stance which reproduces, in whole or in part, the principles and methods of fascism.

143. Article 11, on the “Prohibition of fascist messages”, would establish a list of forbidden acts related to the apology and promotion of fascism. Paragraph 3 prohibits messages that “denigrate democracy, its institutions and republican values”, creating a wide margin of discretion that can restrict freedom of expression and silence criticism of the government. On the other hand, numeral 5 prohibits expressions that “exalt or make apology of principles and methods of fascism”.²²⁶ On this matter, civil society organizations have expressed their concern, since its ambiguous wording may allow arbitrary interpretations and discretionary use by the authorities.²²⁷

144. According to reports from civil society organizations, the Law against Fascism would impose severe restrictions on freedom of expression and the right of association. In particular, it would oblige the media to “guarantee spaces free of fascist messages”, allowing Conatel to impose administrative sanctions, such as excessive fines and revocation of concessions, as well as penalties of up to 12 years in prison for those who promote fascism and allows for the dissolution of organizations that promote or praise fascism.²²⁸

145. This law would have as one of its aims to disqualify those who allegedly promote fascist behavior, which could affect their right to participate in politics and parliamentary immunity. In addition, it would contemplate fines for those who finance organizations that incur in actions contrary to the regulations, which could imply an “undue interference by the State in matters of international cooperation in violation of the principle of autonomy as a guarantee of free association”.²²⁹ On August 12, the President of the National Assembly, Jorge Rodríguez, announced the suspension of the parliamentary recess to approve these laws.²³⁰

6. Restrictions on freedom of expression on the Internet

146. Cases of violations to freedom of expression on the Internet have increased during 2024. In particular, in March of this year, massive service failures were recorded in several regions of the country, allegedly caused by failures in the electricity supply, with special incidence in the states of Nueva Esparta, Lara,

²²³ Provea, [Venezuela in front of the mirror of fascism: human rights perspectives on the bill “Law against fascism, neo-fascism and similar expressions”](#) | Peace Laboratory, April 4, 2024.

²²⁴ Provea, [Venezuela in front of the mirror of fascism: human rights perspectives on the bill “Law against fascism, neo-fascism and similar expressions”](#) | Peace Laboratory, April 4, 2024.

²²⁵ Espacio Público, [Law against hate and fascism, two sides of the same coin](#), April 15, 2024.

²²⁶ Cepaz, [UN Special Rapporteurs request Venezuela to review and reconsider anti-fascism bill](#), October 8, 2024.

²²⁷ Provea, [Venezuela in front of the mirror of fascism: human rights perspectives on the bill “Law against fascism, neo-fascism and similar expressions”](#) | Peace Laboratory, April 4, 2024.

²²⁸ Espacio Público, [Law against hate and fascism, two sides of the same coin](#), April 15, 2024; Cepaz, [UN Special Rapporteurs request Venezuela to review and reconsider anti-fascism bill](#), October 8, 2024.

²²⁹ Espacio Público, [Law against hate and fascism, two sides of the same coin](#), April 15, 2024;

²³⁰ Espacio Público, [August: censorship and post-election repression](#), September 5, 2024.

Sucre, Trujillo, Táchira and Barinas and Carabobo, Falcón, Lara and Zulia.²³¹ On March 14, a new failure in Táchira led to a reduction of connectivity to 91% nationwide, but in that state, the connection was reduced by half.²³²

147. In addition, the government reportedly used the blocking of digital portals as a strategy to silence the independent press and non-governmental organizations.²³³ In particular, on July 22, the main operators reportedly blocked the domain *vesinfiltro.com*. On that day, six news sites, including *Tal Cual*, *El Estímulo*, *Analítica* and *Runrun.es*, as well as the organizations *Medianálisis* and the platform *Ve Sin Filtro*, were blocked by internet suppliers Cantv, Movistar, Digitel, Inter and NetUno.²³⁴

148. On July 17, state-owned *Cantv* reportedly implemented a DNS block on the website of the organization *Espacio Público*, according to *Ve Sin Filtro*.²³⁵ Likewise, civil society organizations register around 62 sites that have been blocked by Conatel, including verification platforms such as the *Venezuelan Fake News Observatory*, *EsPaja* and *Cazadores de Fake News*, prior to the July 28 elections.²³⁶

149. Following the presidential elections, the government has intensified repression in the digital sphere, using technology to profile, monitor and intimidate opponents and critical voices.²³⁷ Blocking of websites, social networks and instant messaging platforms has been documented, as well as the use of applications that encourage citizens to inform on each other. In particular, the *VenApp* application, originally intended for the management of public services, has been reconfigured with functions to inform on individuals to the government under labels such as “suspicious” activities, “fascist guarimba”, “disinformation” and “public disorder”.²³⁸ According to available information, the *VenApp* application has been disabled in the Apple Store and Google Play stores, preventing its download on iOS and Android devices in Venezuela.²³⁹ In that context, the IACHR and its RELE have received information on random street detentions for the inspection of content on mobile devices, as well as the use of video surveillance and patrolling drones.²⁴⁰

150. According to public reports, state security forces are reportedly actively monitoring social networks and asking supporters to report dissident activities, which has led to arrests and warrantless raids.²⁴¹ Those detained are reportedly being denied access to a fair trial and are being sent to “re-education centers”. This is reportedly part of “Operation Tun Tun”, which uses platforms such as Instagram, Telegram and X (formerly *Twitter*) to reveal names, photos and addresses of dissidents and opponents, including activists, journalists and electoral witnesses.²⁴² In addition, government leaders would use their social networks and state-run media to expose and intimidate.²⁴³

151. On August 5, the President of the Republic announced his intention to regulate or block TikTok, Instagram and X (formerly *Twitter*), accusing these platforms of promoting “hate and fascism”. Two days later, it became known that he initiated a criminal investigation against those responsible for the page

²³¹ Infobae, [Imprisoned journalists or with arrest warrants and media under threat: repression against the press grows in Venezuela](#), April 7, 2024.

²³² Infobae, [Imprisoned journalists or with arrest warrants and media under threat: repression against the press grows in Venezuela](#), April 7, 2024.

²³³ Ntn24, [“We are on the verge of an ‘information blackout’ in Venezuela for July 28”: Secretary of the National Union of Press Workers](#), July 23, 2024.

²³⁴ IPYS, [Web site blockages persist during the election campaign](#), July 24, 2024.

²³⁵ IPYS, [Web site blockages persist during the election campaign](#), July 24, 2024.

²³⁶ ProBox Digital Observatory, [TerrorOnNetworks: Maduro’s digital strategy to repress critical voices](#), August 25, 2024; Access Now, [Open letter on technology-enabled political violence in Venezuela](#), August 5, 2024.

²³⁷ IACHR, Press Release No. 184/24, [IACHR and RELE condemn practices of state terrorism in Venezuela](#), August 15, 2024.

²³⁸ IACHR, Press Release No. 184/24, [IACHR and RELE condemn practices of state terrorism in Venezuela](#), August 15, 2024.

²³⁹ El Diario, [The VenApp application was disabled for iOS and Android: the details, July 31, 2024](#); Tal Cual, [EsPaja | Was VenApp removed from Google Play Store and Apple App Store in Venezuela?](#), August 1, 2024.

²⁴⁰ Access Now, [Open letter on technology-enabled political violence in Venezuela](#), August 5, 2024; IACHR, Press Release No. 184/24, [IACHR and RELE condemn practices of state terrorism in Venezuela](#), August 15, 2024.

²⁴¹ Access Now, [Open letter on technology-enabled political violence in Venezuela](#), August 5, 2024.

²⁴² Access Now, [Open letter on technology-enabled political violence in Venezuela](#), August 5, 2024.

²⁴³ Access Now, [Open letter on technology-enabled political violence in Venezuela](#), August 5, 2024.

resultadosconvzla.com and ordered the suspension of the social network X for 10 days, as well as blocking the messaging application Signal and insisting that citizens uninstall WhatsApp.²⁴⁴

152. On August 9, the government also reportedly blocked the website Reddit and warned television networks of sanctions if they covered protests. According to public reports, the state-owned *CANTV* blocked Microsoft domains, affecting access to Microsoft Teams and other services. There were also reports of blockages in the *CANTV* network to Binance and Mercado Libre portals and applications, among others.²⁴⁵

153. On August 14, the Internet connection in the country reportedly dropped to 81% of its capacity, especially affecting the states of Trujillo, Barinas and Portuguesa.²⁴⁶ As far as the Commission and its Special Rapporteurship were able to determine, on August 31 there was a massive blackout that affected at least 20 states, causing an immediate drop in the connection to the Internet.²⁴⁷

154. The IACHR and its RELE recall that, as part of their positive obligation to promote and facilitate the enjoyment of human rights, States must take all measures within their power to ensure that all persons have effective access to the Internet. Furthermore, the obligation to respect implies that authorities should refrain from interfering with access to the internet and digital communication platforms, unless the restriction is in full compliance with the requirements set forth in the applicable human rights instruments.²⁴⁸

7. Academic freedom and repression of the educational community

155. Criminalization, persecution, threats, harassment and arbitrary detentions of members of the educational community and human rights defenders, motivated by political reasons, continue to be recurrent practices being reported by Venezuelan civil society organizations.²⁴⁹ In particular, between January and November 2024, the organization Aula Abierta registered a total of 180 protests by members of the university community. Of these, 125 took place in universities in the center of the country, 28 in Los Andes, 6 in the East and 21 in the West. Of the documented protests, 89 were in person and 91 took place in digital spaces.²⁵⁰ The main demands were a worthy salary and the defense of university autonomy, with 15 protests in defense of the financial autonomy of universities and 24 protests related to the defense of democracy and human rights.²⁵¹

156. As for arbitrary detentions of members of the university community in the exercise of freedom of expression and academic freedom, the organization Aula Abierta documented, between June 2021 and March 2024, at least two cases of detention of professors and ten of students. Between 2014 and 2024, more than 410 arbitrary detentions have been recorded, as well as nine extrajudicial executions and four forced disappearances of members of the university community.²⁵²

157. On the other hand, the IACHR and its Office of the Special Rapporteur observe that during the post-electoral context, repressive practices against members of the educational community have intensified. They have received reports of multiple cases of arbitrary detentions, forced disappearances, threats and stigmatization, as well as acts of vandalism in academic facilities. In particular, between July 28 and September 30, 2024, Aula Abierta documented 51 incidents of reprisals against members of the university community, including 12 professors detained for their participation in post-election protests, 22 students deprived of liberty, 31 cases of harassment, and 71 students expelled from the Universidad Nacional Experimental de la

²⁴⁴ Espacio Público, August: censorship and post-election repression, September 5, 2024.

²⁴⁵ Espacio Público, August: censorship and post-election repression, September 5, 2024.

²⁴⁶ Espacio Público, August: censorship and post-election repression, September 5, 2024.

²⁴⁷ Espacio Público, August: censorship and post-election repression, September 5, 2024.

²⁴⁸ Information submitted by Aula Abierta, File of the Office of the Special Rapporteur, May 31, 2024.

²⁴⁹ El Espectador, John Álvarez, the student who spent four months in prison, was released in Venezuela, December 23, 2024; Aula Abierta, Detention of professor and human rights defender Roció San Miguel also violates academic freedom and democracy, February 13, 2024.

²⁵⁰ Information submitted by Aula Abierta, Special Rapporteurship File, December 18, 2024.

²⁵¹ Information submitted by Aula Abierta, Special Rapporteurship File, December 18, 2024.

²⁵² Information submitted by Aula Abierta, File of the Office of the Special Rapporteur, May 31, 2024.

Seguridad (UNES).²⁵³ There were also acts such as the cancellation of a teacher's passport and 18 student protests demanding improvements in university services.

158. Likewise, on July 28, 2024, irregularities were reported at the National Experimental Security University (UNES) in Caracas, where students were pressured to vote for Nicolás Maduro under threat of reprisals. At least 25 students who refused to vote for the president are still missing, and their relatives have complained about the lack of official information on their whereabouts.²⁵⁴ Likewise, on August 1, 2024, an attack on the Gustavo Leal Library of the Central University of Venezuela (UCV) was reported following a critical statement made by the university regarding the elections.²⁵⁵ In addition, armed groups linked to the government reportedly intercepted students and teachers, threatening and accusing members of the educational community of being “terrorists”.

IV. STRUCTURAL SITUATIONS WITH SERIOUS IMPACT ON THE ENJOYMENT AND EXERCISE OF HUMAN RIGHTS

159. This chapter analyzes how the political crisis in Venezuela, caused by the co-optation of state institutions, the collapse of public services and the use of corruption, undermined the State's capacity to guarantee and enjoy human rights. This had a special impact on groups in situations of vulnerability and historical discrimination, such as indigenous peoples, Afro-descendants, women, LGBTI people, children, adolescents and people living in poverty.

160. A large portion of the Venezuelan population continues to face a complex, severe and multidimensional humanitarian crisis, characterized by high rates of poverty, inequality and food insecurity, as well as by the collapse of the health system and the impact on various economic, social, cultural and environmental rights. In this context, despite reports of an improvement in the country's economic situation - with GDP growth projections of 4% by 2024 - it has been noted that this recovery has not translated into a substantial improvement in conditions for the population. According to reports, multiple regions of the country would remain mired in an economic depression and a severe crisis of public services, with an income poverty rate affecting 85% of the population.²⁵⁶

161. According to the UN Special Rapporteur on the Right to Food, 82% of the population lives in conditions of poverty and 53% in extreme poverty, with insufficient income to access a basic food basket.²⁵⁷ According to the results of the National Survey of Living Conditions 2023, conducted by the Universidad Católica Andrés Bello, 51.9% of the population lives in multidimensional poverty.²⁵⁸

162. Along the same lines, high levels of economic inequality persist, which continue to place the country at historical highs and as one of the most unequal countries in Latin America. As a result, despite the decrease in the Gini in 2023 -from 60.3 to 51.2,²⁵⁹ the difference in average *per capita* income is almost 35 times (\$10 versus \$347.2).²⁶⁰ In this context, the Commission and REDESCA note that the high levels of inflation, 30.4%, between January and September 2024²⁶¹ continues to reduce the purchasing power of households and, thereby, their life standard.

²⁵³ Aula Abierta, Executive summary: Violations of academic freedom and university autonomy in Latin America, October 2024. Information received by REDESCA-IACHR.

²⁵⁴ Aula Abierta, Retaliation against university students in presidential elections in Venezuela between July 28 and 30, 2024, July 30, 2024.

²⁵⁵ Aula Abierta, UN: Venezuelan university students detained after July 28 election suffer serious human rights violations, October 30, 2024.

²⁵⁶ El País, Venezuela experiences economic recovery in times of electoral uncertainty, July 19, 2024.

²⁵⁷ United Nations, press release, Venezuela: UN expert calls for human rights, not charity, to end hunger and malnutrition, February 14, 2024.

²⁵⁸ Universidad Católica Andrés Bello, National Survey of Life Conditions 2023, March 2024.

²⁵⁹ Provea, 2023 Report: context, April, 2024.

²⁶⁰ Provea, 2023 Report: context, already cited.

²⁶¹ Infobae, Inflation in Venezuela rises 0.6 % in September and reaches 3.4 %, says autonomous agency, October 7, 2024.

A. Challenges in the access and enjoyment of the rights to health, water, food and education

163. The collapse of the health system persists. Millions of people do not have access to basic services,²⁶² as a result of the shortage of basic supplies, medicines and equipment, as well as lack of access to water in hospitals²⁶³ and the shortage of health personnel.²⁶⁴ According to UNICEF, 75% of health centers in the country have no medical doctors and 74% do not have enough nursing staff.²⁶⁵ Likewise, it has been reported that 72.4% of public health centers endure shortage of medicines, personnel and material, while 88.9% of public services reportedly do not function and 55% of public establishments lack access to water. As a result, 90% of patients would have to bring their own medical supplies in order to access health care.²⁶⁶

164. In this context, the Office of the United Nations High Commissioner for Human Rights (OHCHR) reported that, between May 1, 2023 and April 30, 2024, there was a shortage of approximately 35% of medical equipment and supplies in hospitals and 27.2% of the medicines needed for the treatment of common diseases such as diabetes, convulsions and respiratory infections. This situation affects several groups in a differentiated and disproportionate manner, including indigenous peoples, rural communities and people with HIV.²⁶⁷ In turn, note was taken of the low vaccination rate in the country, with only 50.5% of 5-year-old children vaccinated.²⁶⁸ As for children, the death of at least 85 infants who have died in the last seven years while waiting for a transplant in the context of the suspension of the Organ and Tissue Procurement System (SPOT) in Venezuela is also a matter of concern.²⁶⁹

165. This situation is aggravated by the lack of access to information, where the State has still not published the weekly epidemiological bulletin since 2016;²⁷⁰ which hinders the proper identification of areas for improvement in Venezuela's public health system. The lack of access to drinking water also continues to be reported,²⁷¹ which has led to 69% of the population suffering from a lack of water supply.²⁷² In this regard, it has been noted that 4.3 million people in Venezuela require access to drinking water, while 27% of the population would receive water less than once a month.²⁷³

166. Along the same lines, the Commission and REDESCA remain concerned about the serious food insecurity crisis in the country. According to Hum Venezuela, by 2023, 91.6% of households had to use survival strategies to feed themselves, stressing that 45.2% of the population reportedly experienced food insecurity, representing an estimated 13 million people.²⁷⁴ Likewise, 25.7% of the families would eat less than three meals a day and 22.8% would spend entire days without eating.²⁷⁵

167. Government programs do not resolve this situation because, in addition to being politically conditioned, they fail to address the structural causes of hunger.²⁷⁶ On this point, note is also taken of the

²⁶² PROVEA, Right to health, 2023 Report, human rights situation in Venezuela, September 27, 2023.

²⁶³ Amnesty International, The human rights situation in the world: April 2024, April 23, 2024, page 474.

²⁶⁴ PROVEA, Right to health, 2023 Report, human rights situation in Venezuela, September 27, 2023.

²⁶⁵ UNICEF, Humanitarian Situation Report No. 1: 01 January 2024 to 30 June 2024, page 2.

²⁶⁶ Amnesty International, The State of the World's Human Rights: April 2024, April 23, 2024, page 474.

²⁶⁷ OHCHR, Situation of human rights in the Bolivarian Republic of Venezuela: Report of the United Nations High Commissioner for Human Rights, A/HRC/56/63, 28 June 2024, para. 16.

²⁶⁸ El Nacional, Vaccine shortage in Venezuela: vaccination is at 50.5%, June 24, 2024.

²⁶⁹ PROVEA, Three children die in the first 15 days of 2024 at J. M. de los Ríos Hospital, January 17, 2024.

²⁷⁰ El Nacional, Lack of Weekly Epidemiological Bulletin hinders vaccination coverage assessment, April 24, 2024.

²⁷¹ PROVEA, Right to a Healthy Environment: 2023 Report, Situation of Human Rights in Venezuela, April 30, 2024, page 11; PROVEA, Right to a Healthy Environment, 2023 Report, Situation of Human Rights in Venezuela, April 30, 2024, page 4, already cited.

²⁷² HumVenezuela, Report on the Follow-Up to the Complex Humanitarian Emergency in Venezuela, November 2023, page 16.

²⁷³ UNICEF, Humanitarian Situation Report No.1, Reporting Period 1 January to 30 June 2024, August 15, 2024, page 6.

²⁷⁴ HumVenezuela, Report on the Follow-Up to the Complex Humanitarian Emergency in Venezuela, November 2023, page 30.

²⁷⁵ Amnesty International, The State of the World's Human Rights: April 2024, pages 474 and 278.

²⁷⁶ United Nations, press release, Venezuela: UN expert calls for human rights, not charity, to end hunger and malnutrition, February 14, 2024.

complaints on the quality of the food provided by the CLAPs. In this way, it has been warned about the alarming setback in nutritional indicators, with millions of people suffering from malnutrition.²⁷⁷

168. In this appalling scenario, it is noted that, as noted by the OHCHR, the country's Indigenous peoples are disproportionately affected by malnutrition, exposure to disease and environmental degradation, which is due in part to the extractive activities carried out in their territories.²⁷⁸

169. On the other hand, in Venezuela there has been a 40% decrease in school attendance due to a lack of personnel because of insufficient salaries. In addition, the difficult living conditions in the country have led many students to abandon their studies in order to contribute financially to their families.²⁷⁹ According to UNICEF, 75% of teachers and 61% of students have considered dropping out of university due to precariousness.²⁸⁰

170. The Commission and the Rapporteurship have also received concerning information on the impacts of the mosaic schedule established in the country, which involves scheduling classes in schools for two or three days a week for each grade, which has amplified educational inequalities affecting lower-income students.²⁸¹ This affects the quality of education received by students, which is also a consequence of the insufficient salaries of teachers and their difficulty in paying for daily commutes to and from work.²⁸²

171. In addition, according to Hum Venezuela, 74.6% of the 28,000 schools in the country face infrastructure problems, 73.4% do not have constant access to electricity and 80.9% lack a regular supply of drinking water.²⁸³ As a result, 87% of teachers perceive that their institutions are stagnating or regressing. 91% hold that they do not have access to drinking water, and 85% report problems with the functioning of the restrooms.²⁸⁴

B. Labor precariousness and hostile environment for the defense of labor and union rights

172. The defense of labor and union rights continues to face a hostile environment in which trade unionists and workers -among other groups- have claimed persecution, intimidation, harassment and other acts of violence against them.²⁸⁵ Likewise, the International Trade Union Confederation has held that Venezuela is among the 13 countries in the world with the worst guarantee of the rights to strike, collective bargaining, unionization, access to justice, freedom of expression and association, among other rights.²⁸⁶

173. Said situation is particularly complex when most working people do not live a dignified life, while the minimum wage is 130 bolivars per month and unchanged since 2022²⁸⁷ while pensioners also receive insufficient income. In this context, it is reiterated that salaries and pensions must ensure the guarantee of a dignified life. Due to the serious deprivations in this regard, in the first half of 2024 alone there were 2,383 protests, 70% of which focused on the demand for economic, social, cultural and environmental rights.²⁸⁸

²⁷⁷ Voz de América, Worms and cobwebs: Venezuela's controversial government food bags that no one wants to eat, June 5, 2024.

²⁷⁸ OHCHR, Situation of human rights in the Bolivarian Republic of Venezuela: Report of the United Nations High Commissioner for Human Rights, A/HRC/56/63, June 28, 2024, para. 24.

²⁷⁹ UNICEF, Report No. 1 on Humanitarian Situation: January 01, 2024 to June 30, 2024, page 2.

²⁸⁰ UNICEF, Report No. 1 on Humanitarian Situation: January 01, 2024 to June 30, 2024, page 19.

²⁸¹ REDESCA, Meeting with civil society organizations PROVEA and Radio Fe Alegria, held on May 9, 2024, on REDESCA's file.

²⁸² PROVEA, Amazonas: Venezuelan children cross the Orinoco to receive a better education in Colombia, July 16, 2024; Hum Venezuela, Follow-up report on the complex humanitarian emergency in Venezuela, November 2023, page 42.

²⁸⁴ UNICEF, Report No. 1 on Humanitarian Situation: January 01, 2024 to June 30, 2024, page 27.

²⁸⁵ OHCHR, Situation of human rights in the Bolivarian Republic of Venezuela: Report of the United Nations High Commissioner for Human Rights, A/HRC/56/63, 28 June 2024, para. 33.

²⁸⁶ International Trade Union Confederation, 2024 ITUC Global Rights Index, The World's Worst Countries for Workers, page 14.

²⁸⁷ EFE, Minimum wage in Venezuela, two years in free fall, March 17, 2024.

²⁸⁸ Venezuelan Observatory of Social Conflict level, Social Conflict level in Venezuela in the First Half of 2024, July 24, 2024.

C. Climate emergency and environmental protection

174. With regard to the environment, REDESCA and the Commission are closely monitoring the effects of the climate emergency in the country, as well as cases of environmental degradation, including deforestation and fires. Among others, the loss of glaciers in the Andes region of Venezuela has been reported²⁸⁹, and over 11,000 fire outbreaks.²⁹⁰ Hurricane Beryl reportedly affected around 400 homes and approximately 8,000 people by July.²⁹¹ Along these lines, it is noted with concern the impacts suffered by the indigenous communities of the region, such as the Wayuu, who suffered losses of up to 10 hectares of crops.²⁹² In this context, the IACHR and the Rapporteurship recall that the increase in the frequency and intensity of hurricanes and other natural disasters is a direct consequence of climate change, which alters global climate conditions and aggravates the risks and impacts on the lives, health and livelihoods of the most vulnerable populations.²⁹³

175. In particular, Lake Maracaibo has faced serious problems in recent years due to oil spills. These spills have had negative consequences in the communities of the region, due to the excess of crude oil in the water, affecting more than 5,000 workers in the fishing sector.²⁹⁴ From January to August, approximately 35 spills were reported, which have had a negative impact on the ecosystem and the economy of the region. In addition, there are concerns about the effects on the health of the surrounding communities, who could be consuming food polluted with toxic substances derived from these spills.²⁹⁵

D. Companies and Human Rights: mining exploitation and impacts on communities

176. The Commission and REDESCA reiterate their deep concern for the human rights impacts of the exploitation of mineral resources in the Orinoco Mining Arc, affecting mainly indigenous peoples in their livelihoods, with the precariousness of their ways of life and multiple violations.²⁹⁶ On this matter, it is observed that, as held by the Committee on the Elimination of Racial Discrimination, with the establishment of the Orinoco Mining Arc National Strategic Development Zone, there is a militarization of indigenous territories and military operations without due prior consultation with the affected peoples. In addition, there are human rights abuses and violations committed by state agents, such as members of the National Armed Forces, and by non-state armed groups.²⁹⁷

177. In turn, note is taken of the pollution of hybrid resources by gold mining, which continues to seriously affect the health and traditional ways of life of these communities, as well as increasing the alteration of the ecosystem.²⁹⁸ Thus, violations have been reported for children, adolescents, women, indigenous people and workers in the region due to mercury intoxication.²⁹⁹ Likewise, health effects have been reported, such as chronic allergies, lung damage, renal, respiratory and cardiac insufficiency, problematic pregnancies, among others, as well as the accumulation of mercury in edible plants that are essential in the region, such as cassava and chili peppers.³⁰⁰

²⁸⁹ Correo del Caroní, The last glacier in Venezuela is already history, March 18, 2024.

²⁹⁰ National Aeronautics and Space Administration (NASA), Smoke Covers Venezuela, April 10, 2024.

²⁹¹ Diario El Salvador, Three deaths and 8,000 houses affected by hurricane Beryl in Venezuela, July 3, 2024.

²⁹² Cocuyo Effect, PC Zulía rescues Wayuu children swept away by flooding of the river, July 7, 2024.

²⁹³ IACHR, Press release, The IACHR and REDESCA call for international solidarity in response to the emergency in the countries affected by Hurricane Beryl, July 9, 2024.

²⁹⁴ El Nacional, Maracaibo, the oil capital symbol of Venezuela's decadence, July 21, 2024; CODHEZ, Bulletin #5, Situation of human rights in Zulía, right to health and environmental situation in Maracaibo.

²⁹⁵ El País, A new PDVSA oil spill pollutes Venezuelan Caribbean beaches, August 20, 2024.

²⁹⁶ PROVEA, Indigenous Peoples' Rights, 2023 Report, Situation of Human Rights in Venezuela, September 27, 2023, page 3.

²⁹⁷ Committee on the Elimination of Racial Discrimination (CERD), Concluding observations on the combined 22nd to the 24th periodic reports of the Bolivarian Republic of Venezuela, August 23, 2024, para. 22.

²⁹⁸ PROVEA, The pain of the families is immense, The decline in the Warao's land, April 20, 2024.

²⁹⁹ Clima21, El Crimen Lento: Situation of Vulnerable Groups facing mercury contamination in the Venezuelan Amazon, March 30, 2024, page 5.

³⁰⁰ Documentation and Information Center Bolivia (CEDIB), e. al., Illegal Gold Mining: Impacts on Human Rights and Biodiversity in the Amazon, pages 33 and 34, October 2024.

178. As for the environmental consequences, illegal mining would also be one of the main causes of vegetation loss south of the Orinoco, with a reduction of up to 520,900 hectares between 2000 and 2020.³⁰¹ Although these figures are reflected in deforestation, they also translate into multiple forms of violence and exploitation associated with illegal mining, such as human trafficking, sexual slavery, extrajudicial executions, etc., and the use of illegal mining as a tool for the illegal mining industry.³⁰² Along the same lines, it is noted that, between 2017 and February 2024, 47 mining accidents occurred, resulting in 131 casualties and an undetermined number of injured people.³⁰³

E. Groups in a situation of historical discrimination

1. Children and adolescents

179. Children and adolescents in Venezuela face serious limitations to their rights. The IACHR notes with great concern that there are no publicly available official data on the guarantee of their rights.

180. With regard to the right to education, by June 2024, the United Nations Children's Fund (UNICEF) reported that 40% of students were attending school irregularly.³⁰⁴ In this regard, the Commission received information on the lack of investment in education, especially at the high school level. In particular, as mentioned above, the IACHR was informed about the low salaries of educational personnel, which are around US\$10 per month. This has led to high teacher absence, with an estimated 2.5 teachers for each of the 40,000 schools in the country, which has limited school attendance to three days a week, leaving some 3 million students without continuous attention.³⁰⁵

181. On the other hand, with regard to access to food, UNICEF estimates from June 2024 indicate that malnutrition rates in children under five could be among the highest in the region.³⁰⁶ Along these lines, the Commission received information on the inoperability of the state food programs and the poor quality of the water. This reportedly resulted in cases of acute and moderate malnutrition in this population, with progressive weight loss over the last five years. In addition, even when nutritional treatments are applied, the lack of continuous access to adequate food would cause these children to return to critical health situations within six months.³⁰⁷

182. In this context, the Commission exhorts the Venezuelan State to take measures to guarantee access to and quality of education, instilling in children and adolescents the knowledge of their rights, the development of life skills and a responsible social participation. Likewise, it reiterates its call to comply with the obligation to adopt legal, technical and economic measures that ensure the life, integrity and health of this population, especially with respect to the satisfaction of their nutritional needs in accordance with their best interest.

2. Women

183. Structural challenges persist in guaranteeing women's rights. In particular, the absence of an official registry of data and statistics that would allow the design of adequate public prevention of violence policies. Although the Public Ministry reported 317,584 complaints of gender-based violence from 2017 to October 2024, the types of violence reported and how many of them correspond to the year 2024 are

³⁰¹ Bolivia Documentation and Information Center (CEDIB), e. al., *Illegal Gold Mining: Impacts on Human Rights and Biodiversity in the Amazon*, pages 33 and 34, October 2024.

³⁰² OHCHR, Report of the independent international fact-finding mission on the Bolivarian Republic of Venezuela, A/HRC/51/43, September 20, 2022.

³⁰³ Cocuyo Effect, Military have evicted 1,271 people from collapsed illegal mine in Bolivar, March 03, 2024; Bolivia Documentation and Information Center (CEDIB), e. al., *Amazon*, October 2024, page 49.

³⁰⁴ UNICEF, *Humanitarian Situation Report No. 1*, Venezuela, August 15, 2024, p. 2.

³⁰⁵ Information provided to the IACHR during a meeting with civil society organizations. October 25, 2024.

³⁰⁶ Information provided to the IACHR during a meeting with civil society organizations. October 25, 2024.

³⁰⁷ Information provided to the IACHR during a meeting with civil society organizations. October 25, 2024.

unknown.³⁰⁸ Due to the above, it is taken from the records and reports made by civil society organizations. In this regard, a civil society organization reported 58 deaths of women and 27 attempted femicides up to July 2024,³⁰⁹ while another civil society organization reported 108 deaths of women in the same period.³¹⁰ In addition, they highlight that cases of sexual violence against girls constitute 81% of the total registered up to July 2024.³¹¹

184. Similarly, a report by the Universidad de los Andes reported a high incidence of violence against women in digital environments, which, as they point out, is often encouraged by the authorities themselves, since they expose women accused of committing crimes to public scorn by using stereotypical and sexist messages.³¹² Along these lines, we note the remarks made by civil society regarding the conviction imposed on a woman for alleged complicity in the murder of her son, without taking into account that she herself was a victim of gender-based violence, specifically vicarious violence, by the perpetrator.³¹³

185. In addition, women residing in or transiting through Venezuela's neighboring states continue to face dangers caused by the presence of irregular armed groups and criminal organizations.³¹⁴ There have been reports of contemporary forms of slavery such as human trafficking for sexual exploitation, extortion, disappearances and femicides.³¹⁵ In this context, the Commission notes the absence of specialized legislation and assistance protocols for victims of human trafficking.³¹⁶ It is also concerned about the disproportionate impact of food insecurity on women, who are forced to exchange sex for food, thus exposing them to other forms of exploitation.³¹⁷

186. Along these lines, the Commission urges the State to adopt policies to prevent violence against women, which should be based on updated data and statistics on the causes, consequences and frequency of violence against women, with a comprehensive approach that addresses the different manifestations and contexts in which it occurs. It also calls on the State to establish measures to prevent and protect women in situations of gender violence, as well as to investigate, punish and redress with due diligence acts of violence against women, adolescents and girls with a gender approach.

187. In terms of sexual and reproductive health, note is taken of the campaign "Love yourself, take care of yourself, examine yourself", as part of the fight against breast cancer.³¹⁸ However, civil society organizations claim that there are still some deficiencies in this regard, such as the fact that the protocol for timely diagnosis is outdated,³¹⁹ lack of access to information and services for mammography and

³⁰⁸ VTV, More than 317 thousand gender violence complaints have been received by the PM since 2017, October 20, 2024.

³⁰⁹ CEPAZ, Cepaz Digital Femicide Observatory documented 58 femicides consummated and 27 frustrated femicides in the first four months of 2024, July 18, 2024.

³¹⁰ Utopix, July 2024: 14 cases for a total of 108 femicides in Venezuela in seven months, October 8, 2024.

³¹¹ Trends. Situation of the rights of children and adolescents in Venezuela, September 2024, page 14.

³¹² ULA Women's Commission, Gender-based violence against women in digital media, June 2024, page 23.

³¹³ Women Peacebuilders Network, Court of Appeals upholds conviction of Naibelys Noel victim of vicarious violence, June 15, 2024.

³¹⁴ Funda Redes, et al., Request for a thematic hearing "Situation of women and other vulnerable groups on the Colombian-Venezuelan border," 190th Regular Session, April 15, 2024, para. 10, on IACHR file.

³¹⁵ Funda Redes, et al., Request for a thematic hearing "Situation of women and other vulnerable groups on the Colombian-Venezuelan border," 190th Regular Session, April 15, 2024, paras. 14-17, on IACHR file; Tal Cual, Venezuelan women stranded at border are more vulnerable to sexual exploitation, March 6, 2024; and CEDAW Committee, Concluding observations on the ninth periodic report of the Bolivarian Republic of Venezuela.

CEDAW/C/VEN/CO/9, May 31, 2023, paras. 19 and 27.

³¹⁶ CEDAW Committee, Concluding observations on the ninth periodic report of the Bolivarian Republic of Venezuela, CEDAW/C/VEN/CO/9, May 31, 2023, para. 27.

³¹⁷ United Nations Special Rapporteur on the Right to Food, Michael Fakhri, Final Statement of the Visiting Mission to Venezuela (Bolivarian Republic of Venezuela), February 1 - 14, 2024

³¹⁸ Ministry of the People's Power for Women and Gender Equality, Venezuela Women Grand Mission: Empowering Women and Transforming Communities, October 16, 2024.

³¹⁹ Funcamama, et al., Request for hearing, "Precautionary measures decreed by the IACHR in its Ruling 68/2020, for access to adequate medical treatment" MC-545-19, 189th Regular Session, December 2, 2023, page 3, in IACHR file.

radiotherapy;³²⁰ and the lack of trained personnel to handle the scarce available equipment.³²¹ In addition, women living in rural and border areas must travel long distances to access these services.

188. In the same vein, media reports report limited access to contraceptive methods by women living in rural areas and indigenous communities, where the highest rates of teenage pregnancies are found.³²² They also hold that the National Humanized Childbirth Program is not being adequately implemented; on the contrary, practices constituting obstetric violence persist.³²³ On the other hand, there is still a lack of medical protocols for the provision of therapeutic abortion services,³²⁴ the only one allowed by law;³²⁵ therefore, people seeking abortions resort to unsafe practices, or must travel to other countries, to access this health service.³²⁶

189. In the context of the above, the Commission urges the State to adopt legislative, budgetary, public policy and any other measures necessary to guarantee, without discrimination, the availability, accessibility, relevance and quality of sexual and reproductive health facilities, goods and services, under an intersectional and gender-based approach, including access to health services for the voluntary interruption of pregnancy. At the same time, it notes that these measures must be accompanied by solid education and awareness-raising initiatives that address both the appropriate use of contraceptive methods and their impact on the right to health. In this way, clear, sufficient and accessible information is provided to enable women to make informed and autonomous decisions.

3. Human rights defenders

190. The defense of human rights in Venezuela takes place in a hostile environment characterized by stigmatization, discrediting and acts of harassment, persecution and criminalization by state authorities against these groups. During 2024 these aggressions and obstacles were intensified, particularly after the elections held on July 28.

191. The Commission continued to receive information on acts of violence, criminalization and stigmatization of human rights defenders. Between May 1, 2023 and April 30, 2024, the Office of the United Nations High Commissioner for Human Rights documented 30 cases of threats and harassment, one attempted kidnapping, two cases of physical aggression, 38 cases of arbitrary detention (27 men and 11 women), as well as 13 cases of other forms of criminalization of civil society actors, including journalists, trade unionists, peasant leaders and other voices considered critical.³²⁷

192. It is observed that, in the post-electoral context, there was an increase in attacks against human rights defenders. Figures from the Center for Defenders and Justice (CDJ) show that during the month

³²⁰ Information provided to the IACHR by Funcamama during virtual meeting on the situation of women with breast cancer, October 23, 2024.

³²¹ Information provided to the IACHR by Funcamama during virtual meeting on the situation of women with breast cancer, October 23, 2024.

³²² AVESA, A high percentage of pregnancies in rural areas and indigenous Venezuelan communities are among adolescents, September 5, 2024. El Araguëño, Expert warns of teenage pregnancy alarm in Venezuela, October 5, 2024.

³²³ Tal Cual, Giving birth in Venezuela is more complicated now than ever before, June 22, 2024.

³²⁴ CEDAW Committee, Concluding observations on the ninth periodic report of the Bolivarian Republic of Venezuela, CEDAW/C/VEN/CO/9, May 31, 2023, para. 37; AVESA Report on progress and gaps in the implementation of sexual and reproductive rights, health and justice on the 10th anniversary of the Montevideo Consensus in Venezuela, August 30, 2023, page 10.

³²⁵ Office of the United Nations High Commissioner for Human Rights, High Commissioner updates on human rights situation in Venezuela, July 3, 2024; IACHR, Annual Report 2021, Chapter IV.b Venezuela, May 26, 2022, para. 185.

³²⁶ AVESA Report on progress and gaps in the implementation of sexual and reproductive rights, health and justice on the 10th anniversary of the Montevideo Consensus in Venezuela, August 30, 2023, page 10; El País, A bus to Colombia, the 'plan C' for Venezuelan women seeking abortions, September 28, 2024.

³²⁷ Office of the United Nations High Commissioner for Human Rights (OACNUDH), Situation of human rights in the Bolivarian Republic of Venezuela. Report of the United Nations High Commissioner for Human Rights, A/HRC/56/63, 28 June 2024, para. 33.

of July there were 56 attacks and security incidents against human rights defenders, 20% of which occurred in the three days following the election.³²⁸ In August, the CDJ documented 134 attacks and security incidents.³²⁹

193. By means of the accusation of crimes such as terrorism, information continued to be received on arbitrary detentions and criminalization of human rights defenders. Among these, the detention and deprivation of liberty of the defender and member of the organization Foro Penal (Criminal Forum), Kennedy Tejada, who has been deprived of liberty since August 2 in the state of Carabobo, after inquiring about the whereabouts of protesters in a military command.³³⁰ The defender was reportedly presented before courts under charges of terrorism, without knowing the crimes with which he is charged.³³¹

194. On August 2, community leader Edward Ocariz was detained and is reportedly being held in the Tocuyito prison in Carabobo;³³² whereas on August 17, Henry Gómez, a human rights defender was arrested in the state of Amazonas.³³³ He was reportedly presented at a hearing with a public defender and was allegedly charged with terrorism offenses. Mr. Gómez is believed to be detained in Tocarón prison.³³⁴

195. In addition to these cases, there are those documented prior to the electoral process, such as that of defender Rocío San Miguel,³³⁵ arrested on February 15, 2024 and presented five days later before the Second Anti-Terrorism Court of Caracas on charges of treason, conspiracy, terrorism, among others;³³⁶ and Javier Tarazona, deprived of his freedom since 2021 and accused of incitement to hatred, treason and terrorism.³³⁷

196. There were also reports of short-term detentions as a form of intimidation, as was the case of LGBTI defender Yendri Velásquez, who was arbitrarily arrested at the airport when he was about to travel to participate in the United Nations Committee on the Elimination of Racial Discrimination.³³⁸ Subsequently, he was released.³³⁹

197. In addition, a new form of intimidation and reprisal against human rights defenders was reported through the cancellation of their passports, and that of their family members, without them being officially informed of this fact or the reason for the measure adopted by the State.³⁴⁰ According to the information available, at least 40 passports have been cancelled. The purpose of these measures would be to

³²⁸ Center for Defenders and Justice (CDJ), Situation of human rights defenders in Venezuela, July 2024, p. 3.

³²⁹ Center for Defenders and Justice (CDJ), Situation of human rights defenders in Venezuela, August 2024, p. 3.

³³⁰ Robert F. Kennedy Human Rights (RFK), RFK Human Rights Denounces Arbitrary Detention of Kennedy Tejada, human rights defender and lawyer for Foro Penal (Criminal Forum) in Venezuela, August 4, 2024; International Federation for Human Rights (FIDH), Venezuela: Arbitrary Detention of Kennedy Tejada, Edward Ocariz and Yendri Omar Velásquez, September 6, 2024.

³³¹ Amnesty International, Kennedy Tejada: in Venezuela there are arbitrarily detained defenders, September 13, 2024.

³³² Amnesty International, Edward Ocariz: in Venezuela there are defenders arbitrarily detained, September 13, 2024; Final Version, "I remain strong": The letter that Edward Ocariz, detained in Tocuyito, sent to his relatives, September 14, 2024.

³³³ International Association of People's Lawyers (IAPL), Venezuela: Prominent human rights lawyer arrested in Amazonas, August 17, 2024.

³³⁴ Amnesty International, Henry Gómez: there are human rights defenders arbitrarily detained in Venezuela, September 13, 2024; Diario Las Américas, Detainees in post-election protests continue to be transferred to Tocarón prison, September 5, 2024.

³³⁵ This case was mentioned in section III.A of this report.

³³⁶ X of the IACHR, #Venezuela: #IACHR condemns the forced disappearance of defender, beneficiary of #PrecautionaryMeasures, Rocío San Miguel and urges the State to inform her whereabouts and ensure respect for her fair trial guarantees and presumption of innocence, February 12, 2024; France24, Venezuela: who is Rocío San Miguel and why did her arrest alarm the international community? February 20, 2024; Amnesty International, Rocío San Miguel: there are human rights defenders arbitrarily detained in Venezuela, September 13, 2024; Venezuela Human Rights in Motion, Post-electoral and human rights crisis 2024 in Venezuela (The Black Book of the Dictatorship 2024), August 29, 2024, p. 13.

³³⁷ Observatory for the Defense of Life (ODEVIDA), The Hardship of Being a Human Rights Defender in Maduro's Venezuela, October 15, 2024, p. 11.

³³⁸ IACHR, Press Release No. 198/24, [IACHR condemns persecution against human rights defenders in Venezuela](#), August 29, 2024; Aula Abierta, Passport cancellation or withholding and restrictions on freedom of movement against Venezuelans, August 7, 2024.

³³⁹ Alberto News, Human Rights Activist Yendri Velásquez Released: "He had been detained at Maiquetia International Airport", August 3, 2024.

³⁴⁰ IACHR, Press Release No. 198/24, [IACHR condemns persecution against human rights defenders in Venezuela](#), August 29, 2024; Observatory for the Defense of Life (ODEVIDA), The hardship of being a human rights defender in Maduro's Venezuela, October 15, 2024, p. 11.

obstruct the advocacy activities performed by human rights defenders outside Venezuela and would be generating fear among human rights defenders and civil society representatives to leave the country due to the possibility that their passports may be cancelled.³⁴¹

198. The current government has also intensified repression in the digital sphere, using technology to profile, monitor and intimidate opponents and critical voices, including defenders. In particular, the *VenApp* app, originally intended for the management of public services, has been reconfigured with functions to report individuals to the government in office under labels such as “suspicious” activities, “fascist guarimba,” “disinformation” and “public disorder”.³⁴² This situation was addressed in the section of the Special Rapporteurship on Freedom of Expression.

199. The defense of human rights in Venezuela during 2024 took place in an increasingly restricted civic environment. Non-governmental organizations (NGOs) operating in the country faced greater difficulties in performing their work, especially after the approval, on August 15, of the Law of “Fiscalization, Regularization, Performance and Financing of Non-Governmental Organizations (NGOs) and Non-Profit Social Organizations”.³⁴³ Articles 1 and 2 of these rules establish the purpose of regulating the incorporation, registration, operation and funding of NGOs established and operating in Venezuela.³⁴⁴

200. Civil society organizations have expressed concern that this law could jeopardize the existence of community, humanitarian and human rights organizations. In particular, the ambiguous articles of the law could disproportionately limit the activities of NGOs, imposing severe sanctions and even giving state authorities the power to unilaterally dissolve organizations that, in their appraisal, are involved in political activities or are considered a threat to national stability or state institutions.³⁴⁵

201. According to available reports, the law was initially approved in first discussion on January 24, 2023, without having been subject to prior public consultation.³⁴⁶ Although it was announced that a formal consultation would be held on January 12, 2024, there is no evidence that this consultation was conducted in a broad, inclusive and transparent manner, according to public reports.³⁴⁷

202. In January 2024, the IACHR and its Special Rapporteurship expressed concern over statements made during discussions of the bill, in which pro-government deputies described civil society organizations as “enemies,” “destabilizers,” “traitors to the homeland,” and “party facades,” among other stigmatizing terms.³⁴⁸ These statements reflect a climate of hostility towards those who defend human rights or practice journalism in Venezuela. In this regard, IACHR and its Special Rapporteurship urged the Venezuelan

³⁴¹ Voz de America, A new form of banishment”: Venezuela cancels passports of its critics inside and outside the country, access on <https://www.vozdeamerica.com/a/una-nueva-forma-de-destierro-el-gobierno-de-venezuela-anula-pasaportes-a-sus-críticos-dentro-y-fuera-del-pais/7735387.html>, on August 9, 2024.

³⁴² IACHR, Press Release No. 184/24, *IACHR and RELE condemn practices of state terrorism in Venezuela*, August 15, 2024.

³⁴³ Directorio Legislativo, *The “anti NGO law” was approved in Venezuela: its history and scope, 2024*; Espacio Público, *August: censorship and post-election repression*, September 5, 2024; BBC, *Venezuela passes law against NGOs amid allegations of arbitrary arrests*, August 15, 2024; Amnesty International, *Venezuela: Approval of ‘Anti-NGO Law’ punishes assistance to victims and defense of human rights*, August 16, 2024.

³⁴⁴ Espacio Público, *Analysis of the Law on Control, Regularization, Performance and Financing of Non-Governmental Organizations and Non-Profit Social Organizations*, September 6, 2024.

³⁴⁵ Amnesty International, *Venezuela: Approval of ‘Anti-NGO Law’ punishes assistance to victims and defense of human rights*, August 16, 2024; *Alianza Regional, Venezuelan civil society outlawed amidst post-election repression*, August 15, 2024; IACHR, Press Release No. 22/24, *Venezuela: IACHR urges the State not to pass bill limiting the right of association and participation*, January 26, 2024.

³⁴⁶ Espacio Público, *Analysis of the Law on Control, Regularization, Performance and Financing of Non-Governmental Organizations and Non-Profit Social Organizations*, September 6, 2024.

³⁴⁷ Espacio Público, *Analysis of the Law on Control, Regularization, Performance and Financing of Non-Governmental Organizations and Non-Profit Social Organizations*, September 6, 2024.

³⁴⁸ IACHR, Press release 22/24, *Venezuela: IACHR urges the State not to pass bill limiting the right of association and participation*, January 26, 2024.

state to refrain from passing any legislation or regulations that arbitrarily limit the right of association, freedom of expression and public participation.³⁴⁹

203. Likewise, the bill against fascism, neo-fascism and similar expressions, approved in a first discussion before the National Assembly on April 2,³⁵⁰ already cited in the section on freedom of expression, contains vague and ambiguous wording on the concepts of fascism and neo-fascism, as well as on the application of their punishments, which could lead to greater censorship and restriction of the right to defend human rights.³⁵¹

4. Lesbian, gay, bisexual, trans and intersex persons (LGBTI)

204. Venezuela continues to produce no official data on violence and discrimination affecting LGBTI people. There is no legal framework that guarantees their fundamental rights, under the principle of equality and non-discrimination, including the recognition of diverse families and gender identity. Additionally, the Inter-American Commission received information on violations to the freedoms of association and expression of LGBTI persons.

205. In 2024, actions of persecution due to prejudice against LGBTI people and those who defend their rights in Venezuela were observed. In particular, there have been actions by State security agents and stigmatizing speeches made by high authorities that not only fuel a climate of discrimination but also erode confidence in government institutions.³⁵² In addition to this, civil society has documented at least 3 murders of LGBTI people in 2024.³⁵³

206. In 2024, raids and detentions were registered against LGBTI rights defenders. Nelson Merino was reported missing on July 30, after a raid on his home by state security forces.³⁵⁴ According to information from civil society, Merino was transferred to the Tocarón prison, despite being in a serious state of health.³⁵⁵ On the other hand, in August of this year, activist Koddy Campos denounced that DGE officials tried to illegally raid his home in western Caracas.³⁵⁶

207. The closure of two LGBTI human rights organizations in the country has also been a matter of concern. On October 12, the organization Venezuela Igualitaria reported the cease of its activities due to “the current economic, social and political context.”³⁵⁷ On October 14, the organization País Narrado also announced the end of its activities, stating as the reason “The Venezuelan social, political and economic situation, as well as the new challenges the country is facing.”³⁵⁸ The closure of these organizations takes place in a context of

³⁴⁹ IACHR, Press release 22/24, Venezuela: IACHR urges the State not to pass bill limiting the right of association and participation, January 26, 2024.

³⁵⁰ Amnesty International, Venezuela: alarming escalation of persecution against critical and dissident voices, April 15, 2024.

³⁵¹ OHCHR, Communication to the State of Venezuela, Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression: of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and of the Special Rapporteur on the situation of human rights defenders, VEN 8/2024, October 2, 2024.

³⁵² Report sent to the IACHR by the Venezuelan Observatory for LGBTIQ+ Violence, on IACHR file. November 2024

³⁵³ Venezuelan Observatory for LGBTIQ+ Violence, OVV LGBTIQ+ has documented at least 3 murders of LGBTIQ+ people in Venezuela so far this year, April 27, 2024; El Diario. CICPC clarified the murder of a member of the LGBTIQ+ community in Guatire, March 13, 2024; El Regional del Zulia, Cicpc captures tattoo artist Amor Madera Montero's murderer, March 1, 2024.

³⁵⁴ Caribe Afirmativo, Serious risks for LGBTIQ+ activists in Venezuela: Persecution, arbitrary detentions and disappearances, August 8, 2024; Visibles Venezuela (@VisiblesVzla) Statement on X “It has been 14 days since Nelson and his brother were arbitrarily removed from their home by state security forces and are being held without communication or access to private defense.”, August 13, 2024.

³⁵⁵ Encuentro Ciudadano (@EnCiudadanoVzla) Statement in X “#URGENT | We want to denounce that, despite his serious health condition, Nelson Merino was transferred to the Tocarón prison ...”, September 4, 2024.

³⁵⁶ Infobae, Agents of Nicolás Maduro's dictatorship attempted to raid the home of an LGBT activist in western Caracas, August 10, 2024; La República, Nicolás Maduro's hooded men attempt to raid and kidnap LGBTIQ+ activist Koddy Campos, August 11, 2024.

³⁵⁷ El Pitazo, NGO Venezuela Igualitaria ceases operations indefinitely: we prioritize our safety, October 13, 2024; AC Venezuela Igualitaria (@VE_Igualitaria) Statement on X “On our 12th anniversary we communicate this difficult decision: #ceseindefinidodeoperaciones (#undefinedceaseofoperations)”, October 12, 2024.

³⁵⁸ Caribe Afirmativo, Two LGBTIQ+ organizations in Venezuela close operations in just two days, October 15, 2024.

persecution against defenders and structural violence against LGBTIQ+ people which requires the immediate attention of the State.

5. Elders

208. The elderly in Venezuela continue to face great challenges in order to lead a dignified life. Although the country has contributory and non-contributory pensions that are supplemented through vouchers, the basic amount received is less than US\$5.³⁵⁹ In addition, retired senior citizens residing abroad have had their pensions suspended for almost nine years.³⁶⁰

209. With regard to the poverty situation of the elderly, specialists have expressed their concern due to the widespread precariousness of this age group. According to data from civil society, more than 5 million elders are in a situation of extreme poverty, in addition to the fact that there is no social security system to protect the elderly through a government that provides benefits or effective social protection policies with a human rights approach.³⁶¹

210. Finally, the United Nations International Independent Fact-Finding Mission on Venezuela reported that, with the partial announcement of the election results, thousands of people, including the elderly, took part in social demonstrations of rejection of the results.³⁶² Ricardo Albacete Vidal, a 72-year-old Venezuelan businessman, has been arbitrarily detained for having hosted opposition leader, María Corina Machado, in a home he owns. This would contravene Venezuelan law itself, which states that persons over 70 years of age cannot be placed in pretrial detention.³⁶³

6. Persons deprived of liberty

211. The situation of persons deprived of liberty in Venezuela continues to be characterized by the absence of updated official statistics, dual prison systems, overcrowding, high use of pretrial detention, corruption, self-government in the units, deplorable detention conditions, and mistreatment. The Inter-American Commission highlights that the massive detentions that took place in 2024, in the context of the electoral protests, could have aggravated the pre-existing prison overcrowding and precarious conditions of detention.

212. In particular, the State continues to fail to produce or publish official data on the population deprived of liberty in the country and the existence of a duality of penitentiary systems. An official one which, according to civil society, as of September 2024, held approximately 30,000 people in prisons under the responsibility of the Ministry of People's Power for the Penitentiary Service;³⁶⁴ and a parallel one, consisting of approximately 500 pretrial detention facilities, which, as of the same date, reportedly harbors 28,000 people.³⁶⁵

213. With regard to overcrowding, the “procedural impulse” pilot plan aimed at combating overcrowding in prisons and pretrial detention centers was launched in 2024.³⁶⁶ However, it is of concern that, according to information from civil society organizations, as of September 2024, prison occupancy was 30,000

³⁵⁹ Infobae, [Senior citizens protested in Venezuela against “starvation pension”: less than US\\$4 per month](#), May 30, 2024.

³⁶⁰ Provea, [Edgar Silva: “More than 5 million elderly persons have remained in extreme poverty, in a state of extermination”](#), June 2, 2024.

³⁶¹ Provea, [Edgar Silva: “More than 5 million elderly persons have remained in extreme poverty, in a state of extermination”](#), June 2, 2024.

³⁶² United Nations, [Mission of experts warns about human rights violations in the post-electoral context in Venezuela](#), July 31, 2024.

³⁶³ CNN, [Venezuelan businessman who sheltered María Corina Machado in his home arrested, his lawyer complains](#), July 12, 2024.

³⁶⁴ OVP, [“Venezuelan prisoners live in less space than their own feet occupy”](#), September 25, 2024.

³⁶⁵ OVP, [Annual Report 2023: Degradation, contempt and neglect: characteristics of the Venezuelan prison system](#), July 26, 2024, pp. 52 and 72. Also see: IACHR, [Annual Report, Chapter IV.B “Venezuela”](#), 2021, para. 202; IACHR, [Annual Report, Chapter IV.B “Venezuela”](#), 2022, para. 122; and IACHR, [Annual Report, Chapter IV.B “Venezuela”](#), 2023, para. 130.

³⁶⁶ Últimas Noticias, [“Actions to decongest pretrial detention centers move forward”](#), February 19, 2024.

people, while the actual capacity was 16,230, due to the closure of 18 prisons, which resulted in the loss of 10,008 spaces.³⁶⁷ Said figures indicate that the current overcrowding rate is 85%.³⁶⁸ On this matter, the IACHR reiterates that when the collapse of a penitentiary system or a penitentiary center leads to the material impossibility of offering dignified conditions to detainees, it is not reasonable for the State to continue admitting people to these spaces.³⁶⁹

214. The excessive use of pretrial detention is one of the main causes of this phenomenon. According to data from civil society organizations, of the total number of persons detained in penitentiary centers as of December 2023, 19,217 were being prosecuted and 10,348 were convicted.³⁷⁰ Said figures indicate that the rate of application of pretrial detention in the penitentiary system is 65%. The IACHR recalls that the application of pretrial detention must be based on the right to the presumption of innocence, and be applied in accordance with the criteria of exceptionality, legality, necessity and proportionality.³⁷¹

215. In terms of corruption, reports show that detainees reportedly pay prison officials sums of money to obtain access to food, water, visits and transfers, among other things.³⁷² This, in a context characterized by “self-governance”.³⁷³ According to information from civil society organizations, this phenomenon has been evidenced in the negotiation between the Ministry of People's Power for the Penitentiary Service and the criminal group “pran” of the Aragua Penitentiary Center for the transfer of 38 detainees to another location during 2023.³⁷⁴ In this regard, the Commission recalls that effective control of detention centers is essential for States to be able to guarantee the rights of persons deprived of their liberty.³⁷⁵

216. On the other hand, the deplorable conditions of detention have caused deaths in custody. They have even led to hunger strikes by both detainees³⁷⁶ and prison officers due to lack of security conditions.³⁷⁷ In particular, there is a persistent lack of medical personnel, medicines, treatments and laboratory tests.³⁷⁸ In this scenario, from 2017 to December 2023, tuberculosis-along with malnutrition and respiratory infections-constitutes the leading cause of death of people under custody.³⁷⁹ In this regard, the Commission regrets the death of 39 people in detention centers registered until the end of 2023, due to negligent medical care.³⁸⁰

217. In addition, data shows that inmates face serious difficulties in accessing food, even as a form of punishment.³⁸¹ As a result, at least 51% of the population in pretrial detention is reportedly suffering from

³⁶⁷ OVP, “Venezuelan prisoners live in less space than their own feet occupy”, September 25, 2024.

³⁶⁸ OVP, “Venezuelan prisoners live in less space than their own feet occupy”, September 25, 2024.

³⁶⁹ IACHR, Report on the use of pretrial detention in the Americas, OAS/Ser.L/V/II. Doc. 46/13, December 30, 2013, para. 290.

³⁷⁰ OVP, Annual Report 2023: Degradation, contempt and neglect: characteristics of the Venezuelan prison system, July 26, 2024, p. 46.

³⁷¹ IACHR, Report on Measures to Reduce the use of Pretrial Detention in the Americas, OAS/Ser.L/V/II. Doc. 46/13, December 30, 2013, para. 231, Recommendation A “General measures related to State policies”, para. 1.

³⁷² OVP, Annual Report 2023: Degradation, contempt and neglect: characteristics of the Venezuelan prison system, July 26, 2024, pp. 82-85.

³⁷³ Along these lines, see: IACHR, Annual Report, Chapter IV.B “Venezuela”, 2022, para. 121.

³⁷⁴ OVP, Annual Report 2023: Degradation, contempt and neglect: characteristics of the Venezuelan prison system, July 26, 2024, pp. 85-86.

³⁷⁵ In this sense, IACHR, Report on the human rights of persons deprived of their liberty in the Americas, OAS/Ser.L/V/II, adopted on December 31, 2011, paras. 76 and 77.

³⁷⁶ See: OVP, “Inmate population started hunger strike to claim their rights”, June 10, 2024; and Cocuyo Effect, Maduro changes Minister of Penitentiary Service after hunger strike in 16 prisons in the country, June 11, 2024.

³⁷⁷ See: OVP, “27 military personnel continue on hunger strike until they receive answers at Cenapromil-Charallave”, October 22, 2024; UVL, “Military prisoners at Guaicaipuro Fort begin hunger strike”, October 22, 2024. Also see: Swissinfo, “NGO says 27 military prisoners started hunger strike due to threats in jail”, October 22, 2024.

³⁷⁸ OVP, Annual Report 2023: Degradation, contempt and neglect: characteristics of the Venezuelan prison system, July 26, 2024, pp. 61-63.

³⁷⁹ OVP, Annual Report 2023: Degradation, contempt and neglect: characteristics of the Venezuelan prison system, July 26, 2024, pp. 65-66.

³⁸⁰ UVL, Annual Report on the Human Rights Situation of Persons Deprived of their Liberty in Venezuela's Pretrial Detention Centers 2023, January 2024, pp. 35, 38 and 62. Also see: Runrun.es, “Nearly 40 people died from diseases in prisons and jails during 2023”, January 2024; NTN24, “The shocking image of a women's prison in Venezuela which explains the spread of tuberculosis”, February 8, 2024.

³⁸¹ OVP, Annual Report 2023: Degradation, contempt and neglect: characteristics of the Venezuelan prison system, July 26, 2024, pp. 68-69.

malnutrition.³⁸² In addition, water distribution would occur infrequently, forcing people to ingest contaminated water.³⁸³ On the other hand, the persistence of ill-treatment of detainees in Venezuela is a matter of concern.³⁸⁴ In particular, reports from civil society highlight that ill treatment and torture occur in both prisons and pretrial detention centers, including beatings and searches with the aim of inflicting additional suffering or humiliation, sometimes committed by other detainees with the complicity of prison officials or wardens.³⁸⁵

218. Based on the foregoing, the IACHR recalls that States have the duty to ensure conditions of detention for persons deprived of liberty that are compatible with their human dignity. These include, *inter alia*, access to sufficient and quality food, as well as to safe and drinking water.³⁸⁶ It also involves providing timely, adequate and specialized health services to all persons under its custody.³⁸⁷ In addition, it highlights the absolute prohibition of any form of mistreatment or torture.³⁸⁸

7. Persons in human mobility

219. The severe human rights crisis in Venezuela has led to an unprecedented forced displacement of people. According to the Interagency Coordination Platform for Refugees and Migrants in Venezuela (R4V Platform), it is estimated that between January and August 2024, a total of 242,000 people left the country, reaching a total of 7,774,494 refugees, migrants and asylum seekers from Venezuela. Of this total, 6,590,671 were distributed in the region.³⁸⁹ The main receiving countries were: Colombia, with a total of 2,813,997; Peru, with 1,662,889; and Brazil, with a total of 585,361 people.³⁹⁰ The most recent data from the United Nations High Commissioner for Refugees (UNHCR) revealed that, by mid-2024, there were 369,826 Venezuelans recognized as refugees, 1,318,912 asylum seekers and 5,793,723 people in need of international protection worldwide.³⁹¹

220. According to the R4V Platform, the context of economic and socio-political uncertainty that these people experienced in their country of origin is added to certain needs in the destination countries. These include effective integration into the host societies, obtaining formal employment, a safe and stable home, sufficient food and education for children and adolescents, especially those in an irregular situation, recently arrived or in transit.³⁹²

221. Regarding the arbitrary restriction of the right of movement and residence, the Commission observes with concern that on July 29, 2024, the People's Power Ministry for Foreign Affairs issued a communiqué through which it decided to “withdraw all diplomatic personnel from the missions in Argentina,

³⁸² UVL, Annual Report on the Human Rights Situation of Persons Deprived of their Liberty in Venezuela's Pretrial Detention Centers 2023, January 2024, pp. 14-16 and 36.

³⁸³ OVP, Annual Report 2023: Degradation, contempt and neglect: characteristics of the Venezuelan prison system, July 26, 2024, p. 69. Also see: Espiga, “Tocuyito's hell: Prisoners are only entitled to two glasses of water per day”, October 6, 2024.

³⁸⁴ On this matter, see: OVP, Annual Report 2023: Degradation, contempt and neglect: characteristics of the Venezuelan prison system, July 26, 2024, pp. 93-95; OVP, “Inmates of CONAS Lara coexist amidst mistreatment and overcrowding”, May 20, 2024; OVP, “Up to three torture rooms in the Santa Ana 1 and 2 prisons”, April 29, 2024; and CNN, “Relatives of those detained after elections in Venezuela claim they suffer torture, poor food and deteriorating health”, October 7, 2024.

³⁸⁵ OVP, Annual Report 2023: Degradation, contempt and neglect: characteristics of the Venezuelan prison system, July 26, 2024, pages 93-95. Also see: CNN, “Relatives of those detained after elections in Venezuela claim they suffer torture, poor food and deteriorating health”, October 7, 2024.

³⁸⁶ In this sense, IACHR, Report on the human rights of persons deprived of their liberty in the Americas, OAS/Ser.L/V/II, adopted on December 31, 2011, para. 432.

³⁸⁷ On this matter, see: IHR Court. Case of Chinchilla Sandoval and others Vs. Guatemala. Preliminary Exception, Merits, Reparations and Costs. Judgment of February 29, 2016. Series C No. 312, paras. 171-172.

³⁸⁸ IACHR, Report on the human rights of persons deprived of their liberty in the Americas, OAS/Ser.L/V/II, adopted on December 31, 2011, para. 343.

³⁸⁹ R4V Platform, Refugees and Migrants from Venezuela, June 3, 2024.

³⁹⁰ R4V Platform, Refugees and Migrants from Venezuela, June 3, 2024.

³⁹¹ United Nations High Commissioner for Refugees (UNHCR), Refugee Data Finder, June 2024.

³⁹² R4V Platform, RMNA 2024 – Refugees and Migrants Needs Analysis, September 10, 2024, p. 7.

Chile, Costa Rica, Peru, Panama, the Dominican Republic and Uruguay”.³⁹³ The measure implied the closure of Venezuelan consulates and embassies in the respective countries. As a consequence of this decision, limitations were reported in obtaining and renewing personal documentation and difficulties in accessing regular entry and exit routes to other territories. Both factors favor the use of irregular migratory routes, increasing the risks of exposure to abuse, exploitation, gender violence and human trafficking, among others.³⁹⁴ Likewise, they hinder access to international protection procedures and increase exposure to the risk of refolement (*non-refoulement*).

222. On the other hand, the Ministry of People's Power for Transportation announced the temporary suspension of commercial flights “to and from” Venezuela with Panama, Peru and the Dominican Republic, as of July 31, 2024.³⁹⁵ Along with the interruption of consular services, the measure is expected to affect a total of 1,846,000 Venezuelan citizens, according to the records of the R4V Platform.³⁹⁶ In particular, the decision violates the right to unity and the protection of family life, making direct air connections impossible and compromising family reunification.

223. The IACHR stresses that, in accordance with Articles 22.1 and 22.2 of the American Convention, everyone has the right to move and leave their country freely.³⁹⁷ Likewise, in accordance with Articles 22.7 and 22.8 thereof, everyone has the right to seek and receive asylum in foreign territory and not to be returned to another country where his or her life or freedom would be threatened.³⁹⁸ In particular, the exercise of these rights requires State authorities to provide the documentation required to ensure regular, safe, accessible and affordable channels for migration, in order to reduce the risks that people in the context of human mobility may face.³⁹⁹

224. Given this reality, the Commission reiterates its exhortation to the State of Venezuela to adopt urgent and comprehensive measures to address the factors that are causing the massive departure of its nationals from the country, including violations of basic human rights and fundamental freedoms. In addition, it urges the State to eliminate the obstacles imposed by the closure of consular services and the suspension of air transportation routes that may generate an increase in irregular displacement.

8. Indigenous peoples

225. The human rights situation of indigenous peoples continues to be precarious. In particular, the IACHR received information on the impacts of illegal mining and other unlawful economies on the life, health and survival of the Yanomami people in the Orinoco Mining Arc, which has resulted in increased violence, the spread of infectious diseases and environmental deterioration. According to indigenous leaders of the Yanomami people,⁴⁰⁰ due to the activity of *garimpeiros* and groups from other illegal economies of Brazilian and Colombian origin, violence has increased in the states of Amazonas, Bolívar and Delta Amacuro.

226. In this context, their right to health is particularly affected by the prevalence of respiratory infections, tuberculosis, diarrhea, hepatitis and, in general, sexually transmitted diseases and other vaccine-

³⁹³ Venezuela, Press release. Venezuela rejects the interference and declarations of a group of right-wing governments that pretend to disregard the election results, July 29, 2024.

³⁹⁴ R4V Platform, Special Situation Report: Impact of the elections in Venezuela on refugees and migrants, August 10, 2024.

³⁹⁵ National Institute of Civil Aeronautics (INAC) [@InacVzla], (2024, July 29), #COMMUNIQUE. In rejection to the interference of right-wing governments and based on full sovereignty, a temporary suspension is announced [Tweet], <https://x.com/InacVzla/status/1818109594591281373>.

³⁹⁶ In Panama, a total of 57,979 Venezuelans have been registered and in the Dominican Republic, a total of 125.132. R4V Platform, Refugees and Migrants from Venezuela, June 3, 2024.

³⁹⁷ American Convention on Human Rights (Pact of San José), San José, Costa Rica, November 7 - 22, 1969.

³⁹⁸ American Convention on Human Rights (Pact of San José), already cited.

³⁹⁹ IACHR, Human mobility and protection obligations. Towards a sub-regional perspective, OAS/Ser.L/V/II. Doc. 194, July 21, 2023, para. 132.

⁴⁰⁰ Information received by the IACHR in a meeting held with civil society on May 28, 2024.

preventable diseases.⁴⁰¹ According to the Yanomami people's own records, malaria has caused the death of at least 390 indigenous people in the last two years. This scenario is consistent with that documented by the International Independent Mission for the Determination of Facts in the Orinoco Mining Arc.⁴⁰²

227. This situation was also observed by the Committee on the Elimination of Racial Discrimination (CERD), which expressed its concern⁴⁰³ by the negative impact of mining on the natural resources found on indigenous peoples' lands and territories, affecting their livelihoods and ways of life. The Committee observed that, as a result, the food crisis, forced displacement and health problems of its members have worsened.

228. The Committee also expressed its concern about the lack of disaggregated data and socioeconomic indicators regarding the indigenous community, since the last population census was conducted in 2011. Therefore, it recommended that the State continue its efforts to conduct a census in order to generate statistics and socioeconomic indicators disaggregated –*inter alia*– by ethnicity and thus be able to develop public policies aimed at this population.

229. With regard to schooling rates, the Committee expressed concern about the high dropout levels and the lack of qualified teachers in schools located in areas inhabited by indigenous peoples. It also noted limitations in access to quality and culturally appropriate health services, as well as the challenges they face in accessing the labor market due to discrimination based on their ethnic origin. For this reason, the Committee recommended that the State adopt measures to mitigate these gaps.⁴⁰⁴

230. Regarding the demarcation of indigenous lands,⁴⁰⁵ the Committee also noted the slowness of the processes of demarcation and titling of indigenous lands, which has been paralyzed since 2016 and that this situation has contributed to attacks and illegal invasions by non-indigenous people, generating conflicts and violence over access to land, territory and natural resources. Consequently, the Committee recommended that the State adopt measures to guarantee this right, including through the effective implementation of the Organic Law on Indigenous Peoples and Communities and the full functioning of the National Commission for the Demarcation of the Habitat and Lands of Indigenous Peoples and Communities.

231. As for the right to free, prior and informed consultation, the Committee took note of the information provided by the State regarding the process of drafting a protocol. However, it noted that such a document should be promoted by undertaking the corresponding consultation in order to obtain free, prior and informed consent.

9. Persons of African descent

232. The concluding observations of the Committee on the Elimination of Racial Discrimination (CERD) on the 22nd to 24th periodic reports of Venezuela, in the context of the 113th session in August 2024, highlighted that, in terms of racial discrimination, Indigenous Peoples and Afro-descendants continue to be victims of structural discrimination, which is reflected in the levels of poverty and social exclusion they face, as

⁴⁰¹ IACHR, 190th session, public hearing “Venezuela: Impact on the right to health of the Yanomami indigenous people in the state of Amazonas”, July 8 - 12, 2024.

⁴⁰² Human Rights Council, Detailed findings of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, A/HRC/51/CRP.2, September 20, 2022.

⁴⁰³ CERD, Concluding observations on the combined twenty-second to twenty-fourth periodic reports of the Bolivarian Republic of Venezuela, CERD/C/VEN/CO/22-24, September 18, 2024, p. 6.

⁴⁰⁴ CERD, Concluding observations on the combined twenty-second to twenty-fourth periodic reports of the Bolivarian Republic of Venezuela, CERD/C/VEN/CO/22-24, September 18, 2024, p. 4.

⁴⁰⁵ CERD, Concluding observations on the combined twenty-second to twenty-fourth periodic reports of the Bolivarian Republic of Venezuela, CERD/C/VEN/CO/22-24, September 18, 2024, p. 5.

well as in the disproportionate impact of the socioeconomic crisis on the enjoyment of their economic, social and cultural rights.⁴⁰⁶

233. At the same time, CERD stressed that it has no information on concrete results as to the implementation of the Second and Third Socialist Plan for the Economic and Social Development of the Nation, which prioritized fighting racial discrimination against Indigenous Peoples and Afro-descendants.⁴⁰⁷ In this sense, it expressed concern about the racial stereotypes that are still ingrained in Venezuelan society; and regretted that it did not receive concrete information on how the history, culture and contributions of Indigenous Peoples and Afro-descendants have been included in the public education system.⁴⁰⁸

234. The Committee recommended that the State of Venezuela intensify efforts so that the National Council for the Development of Afro-descendant Communities elaborate and implement effective public policies that promote equality and the effective exercise and enjoyment of the rights of Afro-descendant persons, taking into account their specific needs. Likewise, special public policies to foster social inclusion and active participation in public and political life of the Afro-descendant population, including in decision-making positions.⁴⁰⁹

235. With respect to the situation of indigenous and Afro-descendant women, CERD highlighted multiple and intersectional forms of discrimination they face, in particular, access to work, education and health, especially sexual and reproductive health services and information.⁴¹⁰ It also observed closely the high rates of sexual violence against indigenous and Afro-descendant women, as well as trafficking for economic and sexual exploitation, particularly in mining areas of the states of Amazonas, Bolívar and Zulia, where armed and criminal non-state organizations operate.⁴¹¹

V. CONCLUSION AND RECOMMENDATIONS

236. The absence of the rule of law and of an institutional system guided by the separation and independence of public powers continues to be the greatest challenge for the respect and guarantee of human rights in Venezuela.

237. A presidential election was held on July 28 of this year. The circumstances surrounding this election clearly constitute an alteration of the constitutional order. The regime executed a planned strategy aimed at discouraging the political participation of the opposition, preventing the development of a free, fair and competitive contest, and repressing the social protests provoked by the electoral opacity and the allegations of fraud. All this, with the participation, acquiescence and tolerance of the institutions created to safeguard democracy and protect human rights.

⁴⁰⁶ United Nations, International Convention on the Elimination of All Forms of Racial Discrimination, Committee for the Elimination of Racial Discrimination, Concluding observations on the combined twenty-second to twenty-fourth periodic reports of the Bolivarian Republic of Venezuela, CERD/C/VEN/CO/22-24, September 18, 2024.

⁴⁰⁷ United Nations, International Convention on the Elimination of All Forms of Racial Discrimination, Committee for the Elimination of Racial Discrimination, Concluding observations on the combined twenty-second to twenty-fourth periodic reports of the Bolivarian Republic of Venezuela, CERD/C/VEN/CO/22-24, September 18, 2024, para. 14, p. 4.

⁴⁰⁸ United Nations, International Convention on the Elimination of All Forms of Racial Discrimination, Committee for the Elimination of Racial Discrimination, Concluding observations on the combined twenty-second to twenty-fourth periodic reports of the Bolivarian Republic of Venezuela, CERD/C/VEN/CO/22-24, September 18, 2024, para. 40, p. 10.

⁴⁰⁹ United Nations, International Convention on the Elimination of All Forms of Racial Discrimination, Committee for the Elimination of Racial Discrimination, Concluding observations on the combined twenty-second to twenty-fourth periodic reports of the Bolivarian Republic of Venezuela, CERD/C/VEN/CO/22-24, September 18, 2024, para. 29, p. 7.

⁴¹⁰ United Nations, International Convention on the Elimination of All Forms of Racial Discrimination, Committee on the Elimination of Racial Discrimination, Concluding observations on the combined 22nd to 24th periodic reports of the Bolivarian Republic of Venezuela, CERD/C/VEN/CO/22-24, September 18, 2024, para. 30, p. 8.

⁴¹¹ United Nations, International Convention on the Elimination of All Forms of Racial Discrimination, Committee for the Elimination of Racial Discrimination, Concluding observations on the combined twenty-second to twenty-fourth periodic reports of the Bolivarian Republic of Venezuela, CERD/C/VEN/CO/22-24, September 18, 2024, para. 32, p. 8.

238. The Inter-American Commission highlights that, as of the date of preparation of this report, the State has still failed to present the voting records that support the results announced by the National Electoral Council, which gave Nicolás Maduro as the winner. The electoral opacity and, in general, the restrictions to political rights documented in this report prevent this Commission from considering that the reelection of Nicolás Maduro enjoys democratic legitimacy.

239. The electoral opacity and serious allegations of fraud led to nearly 300 demonstrations nationwide. State repression included practices of State terrorism aimed especially at spreading terror among citizens and silencing dissenting voices. Among the documented violations are: extrajudicial executions, short-term forced disappearances, arbitrary detentions, torture and other cruel, inhumane and degrading treatment, cancellation of passports, violent deaths, and a myriad of violations of judicial guarantees and freedom of expression.

240. The Inter-American Commission notes that impunity persists for serious human rights violations committed in previous years, especially since 2017. This impunity is also a consequence of the lack of separation and independence of the public authorities, in particular, the Judiciary. For such reason, it urges the Prosecutor's Office of the International Criminal Court to formally file a case for the commission of crimes against humanity.

241. The regime has concentrated its political and economic efforts to perpetuate itself in office. To this end, it has relied on schemes of major corruption at all levels of the State. As a result, there have been major omissions in the design and implementation of suitable and effective public policies aimed at guaranteeing the ESCR of groups in a situation of historical discrimination, such as LGBTI people, indigenous peoples, women, Afro-descendants, the elderly, people in a situation of mobility, and, in general, those living in poverty and extreme poverty.

242. The IACHR appeals to the international community to recognize the serious human rights crisis in Venezuela, to remain vigilant against new repressive escalations, and to activate all diplomatic and institutional channels for the return of democracy to the country. It also reaffirms its interest and willingness to visit the country, and therefore formally requests the State's consent to accompany and verify compliance with the following recommendations.

General recommendations and democratic institutions

1. To immediately put an end to political repression and persecution.
2. To immediately and unconditionally release all political prisoners, particularly children and adolescents.
3. To cease arbitrary detention as a form of reprisal against those who manifest a critical opinion or dissident to the regime, human rights defenders and social leaders.
4. To restore constitutional order guaranteeing:
 - i. the independence and balance of powers, in particular, of the Judiciary and the Electoral Power;
 - ii. political participation without any type of repression or discrimination, and;
 - iii. effective citizen control over the actions of the different branches of government.
5. To publish all voting records and allow for an independent audit with international observance.

6. To guarantee a legitimate and peaceful constitutional succession.
7. To adopt suitable and effective measures to ensure the independence of the judiciary and the Public Ministry.

Fight against impunity and administration of justice

8. To immediately release people arbitrarily deprived of liberty.
9. To ensure compliance with the guarantees of due process in all procedural stages related to detentions in the electoral context.
10. To investigate with due diligence all allegations of human rights violations in the electoral context, and to prosecute and punish those materially and intellectually responsible.

Political rights and participation in public life

11. To adapt the domestic regulatory framework to ensure that any disqualification of persons aspiring to hold elected office be imposed pursuant to Inter-American standards.
12. To refrain from illegal or arbitrary detentions, particularly of children and adolescents; and in the event that a person is deprived of liberty, to ensure that all due process guarantees are met, including prompt appearance before a competent, independent and impartial judicial authority.
13. To guarantee the right to vote abroad to Venezuelan nationals who are over 18 years of age and have not been convicted of a criminal offense.

Violence and citizen security

14. To ensure that the use of force is in strict compliance with the principles of exceptionality, legality, necessity, proportionality, non-discrimination and accountability.
15. To immediately and decisively adopt measures to exclude the participation of armed civilian groups in citizen security functions.
16. To ensure that the actions of security and intelligence institutions have external and independent control, which may include, in the particular case of Venezuela, international technical assistance.

Freedom of expression

17. To grant journalists the maximum degree of guarantees so that they are not detained, threatened, assaulted, or have their work materials and tools confiscated because of exercising their profession.
18. To modify ambiguous or vague criminal laws that limit freedom of expression -such as those designed to protect the honor of ideas or institutions or those intended to protect national security or public peace- so as to avoid the use of criminal law to inhibit free democratic debate on matters of interest.
19. To refrain from applying limitations to the operation of websites, blogs, applications, or other internet, electronic, or similar information dissemination systems, including support systems, such as ISPs, or search engines.

Poverty and ESCR

20. To implement economic and fiscal policies with a human rights approach to combat poverty and extreme poverty, as well as to guarantee the ESCR of the population, with special attention placed on the most vulnerable populations and without discrimination.
21. To adopt the necessary measures to ensure that children and adolescents have access to quality health services, including the provision of medicines; especially considering the situation of those who suffer from chronic illnesses.
22. To refrain from any action or conduct that may limit the autonomy of universities, investigating, reviewing and modifying any legislation or practice which undermines it.

Children and adolescents

23. To guarantee access and quality of the right to education for children and adolescents through adequate investment in the educational system, ensuring regular attendance of students and teachers.
24. To strengthen and implement sustainable food programs that ensure continuous and adequate access to nutritious food for children and adolescents, including economic and technical support measures to guarantee meeting their nutritional needs.

Women

25. To adopt the necessary measures to comply with the State's obligation of enhanced due diligence in the prevention, protection, investigation, punishment and reparation of all forms of violence against women.
26. To urgently adopt all necessary measures to make available a varied, accessible and acceptable supply of contraceptive and family planning methods, both female and male, as well as reproductive and maternal health services throughout the country.
27. To review domestic legislation on the voluntary interruption of pregnancy in order to guarantee the effective exercise of the sexual and reproductive rights of girls, women and pregnant women of all ages.

Human rights defenders

28. To immediately cease all acts of harassment and intimidation against human rights defenders, including arbitrary detentions, short-term forced disappearances, criminalization, stigmatization, monitoring and surveillance, among others.
29. To immediately release all human rights defenders who have been arbitrarily detained for their human rights work.
30. To refrain from resorting to invoke criminal offenses against human rights defenders, such as incitement to hatred, public instigation, unlawful association and terrorism.
31. To cease the use of administrative measures, such as the retention and cancellation of identity and travel documents, with the purpose of preventing and/or repressing the work of human rights defenders.

32. To abolish the Law for the Control, Regularization, Performance and Financing of Non-Governmental and Related Organizations; and to guarantee that human rights defenders may perform their activities free from any type of intimidation.

Lesbian, gay, bisexual, trans and intersex persons (LGBTI)

33. To take immediate actions aimed at the effective collection and analysis of data on violence and discrimination affecting LGBTI persons.
34. To adopt the necessary measures to guarantee access to justice without discrimination for LGBTI persons, and to conduct impartial and due diligence investigations into deaths or violent crimes against these persons.
35. To adopt a comprehensive legal framework that explicitly protects against bias-based discrimination based on sexual orientation, gender identity, non-normative gender expression or diverse sexual characteristics.

Elders

36. To release persons over 70 years of age deprived of their liberty under pretrial detention.
37. To assist the elderly in extreme poverty by identifying priority cases, incorporating them into existing social programs and providing access to non-contributory pensions.
38. To readjust the economic allocation received through the contributory and non-contributory systems in order to guarantee a dignified life for elderly pensioners; as well as to reactivate pension payments to Venezuelan citizens living abroad.

Persons deprived of liberty

39. To put an end to the intentional deprivation of food and medicine as a tool of coercion or punishment against persons deprived of liberty, particularly those detained for political reasons.
40. To adopt the judicial, legislative and administrative measures required to reduce the inmate population and, in particular, to put an end to the detention of persons in pretrial detention facilities.
41. To guarantee detention conditions compatible with human dignity and respect for fundamental rights that ensure the dignified treatment of persons under custody and meet the needs of this population with respect for the gender perspective and intersectional approaches.

Persons in situation of human mobility

42. To ensure consular services for the processing of essential identification and travel documents.

43. To implement all efforts to inform Venezuelans in mobility situations about possible risks on irregular migration routes, including human trafficking, gender-based violence, abuse and exploitation.
44. To ensure alternative ways to guarantee the reunification of family groups that have been separated since the suspension of the direct air connection, in order to avoid the need to resort to irregular migratory means.

Persons of African descent

45. To adopt the necessary measures to effectively implement the concluding observations of the United Nations Committee on the Elimination of Racial Discrimination (CERD) on the 22nd to 24th periodic reports of Venezuela.
46. To adopt policies to guarantee the effective enjoyment of the economic, social, cultural and environmental rights of Afro-descendant people, with an intersectional perspective and a focus on Afro-descendant women. In particular, to ensure access to education, health, work, drinking water and a healthy environment.
47. To adopt affirmative actions that encourage and facilitate the effective participation of Afro-descendants in decision-making spaces, guaranteeing equal conditions and opportunities for their access and representation.

Indigenous peoples

48. To guarantee the self-determination and the right to territory of indigenous peoples, particularly in view of the impacts of illegal mining and other illegal economies in the Orinoco Mining Arc.
49. To guarantee equitable and culturally appropriate access to quality health and education services through policies and programs with an intercultural and intersectional approach.
50. To guarantee the right to prior, free and informed consultation with respect to any measure that could directly or indirectly affect indigenous peoples.

REASONED VOTE OF COMMISSIONER CARLOS BERNAL PULIDO REGARDING CHAPTER IV.B-VENEZUELA OF THE 2024 ANNUAL REPORT

With the customary respect for my colleagues and in accordance with Article 19.1 of the Rules of Procedure of the Inter-American Commission on Human Rights ("the Commission" or "the IACHR"), I submit a partial reasoned vote on certain points raised by the majority of the plenary of the Commission in Chapter IV.B corresponding to the State of Venezuela ("the Chapter" or "Chapter IV.B-Venezuela"), of the Annual Report 2024 (the "Report" or the "Annual Report").

Without prejudice to the observations that I will present in this vote, I emphasize the relevant impact that the work carried out by the IACHR in this chapter has on the guarantee of human rights. Notwithstanding, in this reasoned opinion I will analyze, in particular, aspects incorporated into the Chapter on sexual and reproductive rights, abortion, and gender identity.

In particular, I will state that Chapter IV.B: (i) contains considerations that pose a risk for pregnant women and ignore the integral needs of women; (ii) presents an insufficient approach in relation to the approval and use of contraceptive methods; and (iii) is imprecise in relation to the rights of LGTBI persons.

1. Chapter IV-A contains considerations that pose a risk to women and ignore the integral needs of women.

Paragraph 188 of the Report mentions that "[...] there is still a lack of medical protocols for the provision of therapeutic abortion services, the only one allowed by law, therefore, people seeking an abortion resort to unsafe practices, or must travel to other countries, such as Colombia, to access this health service".

Paragraph 189 states that: "in the framework of the above, the Commission urges the State to adopt legislative, budgetary and public policy measures and any other measure necessary to guarantee, without any discrimination, the availability, accessibility, relevance and quality of sexual and reproductive health facilities, goods and services, under an intersectional and gender-based approach, **including access to health services for the voluntary interruption of pregnancy**" (Bolding outside the original text).

Consistent with this, recommendation 27 states: "**Review domestic legislation on voluntary termination of pregnancy, so as to ensure the effective exercise of the sexual and reproductive rights of girls, women and pregnant women of all ages**" (Bolder outside the original text).

Next, I will address the following issues: (i) the non-existence of the right to abortion and the margin of state configuration; (ii) the deficit of protection for the unborn; (iii) the inadequate limitation of sexual and reproductive rights derived from the chapter; and (iii) the invisibilization of women with the use of some terms.

1.1. Non-existence of the right to abortion and the state's margin of configuration

First, I reiterate that there are no binding sources in international law -and especially in the American Convention or other treaties that make up the Inter-American System- that contemplate (i) the so-called right

to abortion or (ii) a correlative obligation for States to provide abortion services. Under this framework, the States have a wide margin of configuration - by virtue of the principles of subsidiarity or complementarity and representative democracy - to take measures to protect prenatal life - which is protected by the American Convention⁴¹² - including, although it is not the only means, the use of criminal law.

In his partially dissenting opinion to the judgment in the case of *Manuela et al. v. El Salvador*, former IACHR Court Judge Eduardo Vio Grossi stated that there is no right to abortion:

"And in this regard it is indisputable that, (...) there is no inter-American or international legal norm, whether conventional, international custom or general principle of law, that recognizes abortion as a right. There are only resolutions of international bodies, most of which are made up of international officials and not representatives of States, decisions which, in addition to not being binding, are not interpretative of current international law but rather reflect aspirations for it to change in the direction they suggest".⁴¹³

In fact, it should be noted that the Inter-American Court recently heard the case of *Beatriz v. El Salvador*, in which the alleged existence of a "right to abortion" was alleged by the IACHR and the representation of victims. However, in the judgment, the Court did not establish the existence of such a right.⁴¹⁴ This is further evidence of the non-existence of a binding legal source from which an alleged right to abortion is derived.

Now, I emphasize that this margin of configuration derived from the non-existence of a right to abortion and the convergence of rights in tension acquires greater amplitude thanks to the competence that falls to the States to define punishable conducts and their consequences, and to the automatic referral that, according to the IACHR Court, Article 7.2 of the American Convention makes to domestic law for the area of deprivation of liberty -principle of reservation of law-.⁴¹⁵

This is relevant if one takes into account that, from a systematic reading of Articles 31, 76 and 77 of the American Convention, only through consensus - expressed by the States through the signature and ratification of amendments or treaties - can additional international obligations arise in addition to those already contemplated in the ACHR.

1.2. Deficit of protection for the unborn in the Report

Secondly, I emphasize that the references to abortion ignore the other person whose right to life is also conventionally protected: the unborn person. Thus, the necessary weighting that must exist between the rights in tension of all internationally protected persons is ignored. In this regard, it is emphasized that unborn persons are also subjects of law and holders of the right to life. A pronouncement on abortion always implies a position on a practice that necessarily implies the termination of the life of a dignified human being and that Article 4 of the ACHR protects, so it is necessary to expressly recognize the rights of the unborn person as part of the weighing required in any case of abortion.

In this regard, Article 1.2 of the ACHR clearly establishes that, for the purposes of the Convention, a "person" is every human being.⁴¹⁶ Thus, in light of the Convention, human rights are not only recognized for persons who have already been born, but all individuals must be protected from their conception, understanding them as human beings. Moreover, the IACHR Court itself in its advisory opinion 22 indicated that, without being a

⁴¹² ACHR. Article 4.

⁴¹³ Partially Dissenting Opinion of Judge Eduardo Vio Grossi, Inter-American Court of Human Rights, Case of *Manuela et al. v. El Salvador*, Judgment of November 2, 2021 (Preliminary Objections, Merits, Reparations and Costs), para. 13.

⁴¹⁴ I/A Court H.R., Case of *Beatriz et al. Case of Beatriz et al. v. El Salvador*. Merits, Reparations and Costs. Judgment of November 22, 2024. Series C No. 549.

⁴¹⁵ IACHR Court. Case of *Romero Feris v. Argentina*. Merits, Reparations and Costs. Judgment of October 15, 2019. Series C No. 391. para. 77.

⁴¹⁶ ACHR. Art. 1.2 "For the purposes of this Convention, a person is every human being".

matter open to interpretation, the term person is equivalent to the term human being for the purposes of the ACHR.⁴¹⁷

In view of this, it is clear that the person in gestation is a human being.⁴¹⁸ Even the Universal Declaration on the Human Genome and Human Rights establishes that "the human genome is the basis of the fundamental unity of all members of the human family and of the recognition of their inherent dignity and diversity. In a symbolic sense, the human genome is the heritage of humanity".⁴¹⁹

The consequence of recognizing the unborn as a person as a human being is that he or she becomes a holder of rights. Thus, the ACHR establishes in the articles that develop rights the formula "Every person (...)".⁴²⁰ Likewise, the instruments for the protection of human rights generally recognize the ownership of rights by members of the human species, especially the right to life.⁴²¹

Furthermore, in the *Artavia Murillo* judgment, the Inter-American Court determined that "the protection of the right to life is not absolute, but gradual and incremental as the development of the fetus progresses". This implies that, without prejudice to the concepts of graduality and incrementality (from which I completely separate myself), the Court has already established that persons in gestation must be protected by the State in their "right to life". In a similar sense, in the judgment of the *Cuscul Pivaral* case,⁴²² the IACHR Court applied the ACHR to a person in gestation and also applied Article 19 of the ACHR, thus recognizing the legal status of a child to the person in gestation.

In the same vein, I emphasize that the preamble of the Convention on the Rights of the Child states that the child needs protection and care both before and after birth.⁴²³ This implies that, in light of the CRC, the unborn child is a child who requires special care. This was reiterated in the preparatory work for the International Covenant on Civil and Political Rights.⁴²⁴

1.3. Inadequate limitation of sexual and reproductive rights arising from the chapter.

Finally, I call attention to the importance of not limiting so-called sexual and reproductive rights to access to abortion. This is not only because there is no law that enshrines abortion as a guarantee of these rights, but also because this vision simplifies and makes invisible the problems to which women in the region are subjected. Therefore, it impedes the development of debates that would lead to the formulation of comprehensive and integral proposals to address the structural problems faced by women in the region.

1.4. Invisibilization of women through the use of certain terms

The recommendations included in the chapter refer to the term "pregnant person". It is worth mentioning that

⁴¹⁷ IACHR Court. OC-22/16. Ownership of rights of legal persons in the Inter-American Human Rights System. Advisory Opinion of February 26, 2016. Series A. No. 22. para. 48.

⁴¹⁸ Kaluger, G., and Kaluger, M., *Human Development: The Span of Life*, The C.V. Mosby Co., St. Louis, 1974, page 28-29.

⁴¹⁹ Universal Declaration on the Human Genome and Human Rights. Article 1.

⁴²⁰ American Convention on Human Rights. Articles 4, 5, 7, 8, 10, 11, 12, 13, 14, 16, 18, 20, 21, 22, 24 and 25.

⁴²¹ International Covenant on Civil and Political Rights. Preamble, inc. 3; American Convention on Human Rights, inc. 3. Preamble; African Charter on Human Rights. Preamble, inc. 6; Geneva Declaration on the Rights of the Child. Preamble, inc. 1; American Declaration of the International Rights and Duties of Man. Art. 1; Universal Declaration of Human Rights. Preamble, inc. 1; Declaration of the Rights of the Child. Preamble, inc. 2; European Convention on Human Rights. Preamble, inc. 2.

⁴²² I/A Court H.R., *Case of Cuscul Pivaral v. Guatemala*. Judgment of August 23, 2018. "On the other hand, the Court has pointed out that extreme poverty and the lack of adequate medical care for pregnant or post-pregnant women are causes of high maternal mortality and morbidity, so the States must provide adequate health policies that allow to offer assistance with adequately trained personnel for the care of births, policies to prevent maternal mortality through adequate pre-natal and post-partum controls, and legal and administrative instruments in health policies that allow to adequately document cases of maternal mortality. Likewise, the Court has recognized that, by virtue of Article 19 of the Convention, the State must assume a special position of guarantor with greater care and responsibility, and must take special measures guided by the principle of the best interests of the child."

⁴²³ Convention on the Rights of the Child. Preamble.

⁴²⁴ "The main reason for providing in paragraph 4 [now Article 6(5)] of the original text that the death penalty should not be applied to pregnant women was to save the innocent life of the unborn child." United Nations. General Assembly. Report of the Third Committee on the Draft International Covenants on Human Rights. A/3764. P. 40.

the gestational process is one that is protected by international human rights law. Thus, the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women,⁴²⁵ the International Covenant on Economic, Social and Cultural Rights (ICESCR),⁴²⁶ and the Convention on the Elimination of All Forms of Discrimination against Women⁴²⁷ provide special protection for pregnant women.

This right to the protection of pregnancy has been established in international instruments for women. Thus, for example, the CEDAW refers to the necessary protection of "women during pregnancy";⁴²⁸ and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women refers to the protection measures that must be granted to "women who are subjected to violence when they are pregnant".⁴²⁹ In this sense, the term woman is directly established in the international instruments in relation to the gestational process, but not other terms such as the pregnant person used by the majority of the Commission in the chapter referred to in this vote.

On this matter, I take this opportunity to express my concern regarding a trend of invisibilization that has been generated in international law in relation to terms that are intrinsically related to the fact of being a woman, in order to implement an apparently "neutral" or "more inclusive" language. Thus, terms such as woman pregnant or pregnant have been replaced by "pregnant person", woman by "menstruating person", or mother by "parent".

This trend, far from being more inclusive, has devastating effects for women. The replacement of the term woman negates the years of struggle to make women visible in international law instruments. Thus, through language, it erases women the protection of international law. Furthermore, it prevents the recognition in international law of realities that have a special impact on women and require differentiated measures, such as pregnancy, maternity or breastfeeding. Finally, it reduces women to their reproductive characteristics, reducing their nature to beings that gestate or menstruate. In relation to the use of these terms, it is important to have open and democratic dialogues that take into consideration the consequences and impacts of their use before they are included in the Commission's documents

2. Inadequate approach to contraceptive method approval and use

Paragraph 188 of the chapter states that "In the same vein, media reports indicate limited access to contraceptive methods by women living in rural areas and indigenous communities, where the highest rates of teenage pregnancies are found".

In view of this, I criticize the fact that the majority of the Commission has opted to promote the guarantee of contraceptive methods and has rejected the inclusion in the Report of a paragraph urging States to accompany such measures with education and awareness-raising initiatives on the use of these methods, information on the possible specific physical effects they entail and their impact on the right to health. I emphasize that freedom in decision-making is not limited to the opening of options. True freedom comes when sufficient information is provided to make decisions.

In this regard, the World Health Organization has indicated that the adoption of the contraceptive method will depend on **"the general state of health of the person"**, among other criteria.⁴³⁰ This is of great relevance, since it shows that **not every contraceptive method is suitable for every person** and that, in this context, the provision of contraceptives may represent a health risk in specific cases. Thus, it is essential that individuals receive adequate guidance on existing contraceptive methods so that they can make an informed choice of the most appropriate option for them.

⁴²⁵ Article 9.

⁴²⁶ Article 10.

⁴²⁷ Article 11.2. and 12.

⁴²⁸ Article 11, 2, d.

⁴²⁹ Article 9.

⁴³⁰ Family planning. Contraceptive methods. <https://www.who.int/es/news-room/fact-sheets/detail/family-planning-contraception>.

Only with proper guidance can it be guaranteed that persons who use contraceptive methods give their informed consent, an essential guarantee that derives from the conventional text.⁴³¹ With regard to informed consent, the Inter-American Court of Human Rights has stated that:

"The concept of informed consent consists of a prior decision to accept or submit to a medical act in a broad sense, obtained freely, i.e. without threats or coercion, inducement or improper inducements, expressed after **obtaining adequate, complete, reliable, understandable and accessible information, provided that this information has been truly understood, which will allow the full consent of the individual.** Informed consent is the positive decision to undergo a medical act, derived from a process of prior, free and **informed** decision or choice, which constitutes a bidirectional mechanism of interaction in the doctor-patient relationship".⁴³²

In relation to this, in the case of *I.V. v. Bolivia*, the Court reproached that the victim never had the possibility of knowing and weighing different alternatives of contraceptive methods.⁴³³ In this case, the IACHR emphasized the importance of people having the necessary information to make an informed decision. In this context, the Court highlighted the relevance of addressing the effects or impacts of the method for free choice.⁴³⁴

Thus, the autonomy of individuals in the choice of contraceptive methods can only be guaranteed when they have the capacity to consent to their use or non-use with the necessary information. It is therefore particularly unfortunate that the approved Chapter has deliberately omitted these elements.

3. Inaccuracies in relation to the rights of LGBTI persons

In paragraph 206, it states "Venezuela continues to produce no official data on violence and discrimination affecting LGBTI persons. Despite this, there is no legal framework that guarantees **their fundamental rights** without discrimination, including their rights of association, freedom of expression, **recognition of diverse families and gender identity.**" In relation to this, below, I will refer to: (i) the non-existence of a right to gender identity and (ii) non-existence of the right to marriage or adoption in same-sex couples.

3.1. Non-existence of the right to gender identity

Paragraph 206 includes among the rights of LGBTI persons the right to gender identity. In this regard, I reiterate that the American Convention does not expressly contemplate a right to gender identity, nor is there a binding instrument in the Inter-American System that establishes an obligation to adapt identification documents to gender identity.

As I have indicated, recognizing new rights that are not in the Convention through an interpretation that does not follow the procedures established in the Convention itself would undermine Articles 31, 76 and 77, ignoring the original will of the States that ratified the Convention.

Therefore, any pronouncement in which one of the organs of the ISHR applies a right that is not established in the binding instruments of international law that govern its activity will be an act that will violate the literal meaning of the American Convention and will exceed the scope of the competences of the IACHR or the Court, as the case may be. Such an irregular constitutive act would also undermine the principles of good faith and *pacta sunt servanda*.⁴³⁵

⁴³¹ IACHR Court. Case of *I.V. v. Bolivia*. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 30, 2016. Series C No. 329.

⁴³² IACHR Court. Case of *I.V. v. Bolivia*. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 30, 2016. Series C No. 329.

⁴³³ *Ibidem*.

⁴³⁴ IACHR Court. Case of *I.V. v. Bolivia*. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 30, 2016. Series C No. 329.

⁴³⁵ Vienna Convention on the Law of Treaties. Article 26.

On the other hand, although I am not unaware that OC-24/17 affirmed the existence of the so-called "right to gender identity" and of the obligation to adapt identification documents to the self-perceived gender identity in the terms indicated in this Chapter, I emphasize that the Advisory Opinions of the IACHR Court do not have the capacity to contemplate rights or obligations other than those expressly contemplated by the American Convention.⁴³⁶

In this regard, in the first place, Article 68 of the Convention is clear in that the States are obliged to comply with the decisions rendered by the Court "in any case to which they are parties". This provision is of great relevance in that (i) it is the only one that refers to the legal value of the Court's pronouncements and (ii) it circumscribes the binding nature expressly for the States parties to a case, thus limiting the addressee of the obligations -the State party to a case- and the context in which the pronouncement is issued -that is, the contentious one-. This position has also been sustained by some sectors of the doctrine, also based on the principle of consent of the States as the basis of conventional law.⁴³⁷

Secondly, specifically regarding OC-24/17, it is appropriate to take into consideration Article 64 of the ACHR, which circumscribes the competence of the Court to issue advisory opinions regarding the Convention or treaties of the Inter-American System. Thus, given that OC-24/17 establishes alleged rights not contemplated in the ACHR, nor in any other treaty of the IAHRs, its binding nature is even more questionable.

Thirdly, to derive obligations or so-called rights not contemplated in the Convention, based exclusively on an advisory opinion, would be contrary to the principle of *pacta sunt servanda* that governs international treaty law, by virtue of which States are only bound to comply with that to which they have expressed their consent.⁴³⁸

Fourth, although the Inter-American Court has affirmed that advisory opinions are parameters of conventionality control,⁴³⁹ I emphasize that an open and transparent inter-American dialogue is still necessary to further discuss this position, which is not expressly derived from the American Convention, nor from any other international instrument binding on the States. I call attention to the fact that there is still no consensus on the matter, neither in the States of the region nor in the academy; hence, important constitutional courts still refrain from invoking the figure of conventionality control and from incorporating advisory opinions as a parameter.⁴⁴⁰

Finally, I note that some authors have indicated that the extension of the effects of the advisory opinions could contribute to distort the functioning of the Inter-American System and, thus, weaken it, since (i) it results in equating the decisions issued in the advisory function of the Court with the text of the convention itself,⁴⁴¹ and (ii) blurs the differences between the jurisdictional and advisory functions of the Court. Some have even indicated that these interpretations of the Court generate legal uncertainty, since there is no certainty as to the effects with which the advisory opinions are issued.⁴⁴²

By virtue of the above, given that there is no conventional right to gender identity in the ISHR, it is possible to affirm that there are no correlative obligations of recognition of this right on the part of the States.

⁴³⁶ IACHR Court. Gender identity, and equality and non-discrimination of same-sex couples. State obligations in relation to the change of name, gender identity, and rights derived from a bond between same-sex couples (interpretation and scope of Articles 1(1), 3, 7, 11(2), 13, 17, 18 and 24, in relation to Article 1 of the American Convention on Human Rights). Advisory Opinion OC-24/17 of November 24, 2017. Series A No. 24.

⁴³⁷ Systematization of the criticisms in: González Domínguez, P. (2017). The doctrine of conventionality control in light of the principle of subsidiarity. *Estudios constitucionales*, 15(1), 55-98.

⁴³⁸ Vienna Convention on the Law of Treaties.

⁴³⁹ IACHR Court. Rights and guarantees of children in the context of migration and/or in need of international protection. Advisory Opinion OC-21/14 of August 19, 2014. Series A No. 21. para. 31.

⁴⁴⁰ Ramírez, F. G. (2023). A critical look at conventionality control. *Revista de Derecho y Ciencias Sociales*, (28), 101-142; Palacios, D. L. (2017). Inter-American conventionality control in domestic venue: a notion still under construction. *Revista Direito e Práxis*, 8, 1389-1418.

⁴⁴¹ Colombo, I. (2022). A critical analysis of the doctrine of conventionality control. *Omnia. Derecho y sociedad*, 5 (1), pp. 83-116.

⁴⁴² Colombo, I. (2022). A critical analysis of the doctrine of conventionality control. *Omnia. Derecho y sociedad*, 5 (1), pp. 83-116.

3.2. No right to marriage or adoption in same-sex couples

First, I reiterate that there is no treaty provision that obliges States to recognize same-sex marriages. As I have mentioned on several occasions, the treaties that are part of the Inter-American Human Rights System and grant competence to the Inter-American Commission do not contemplate any obligation with respect to the recognition of marriage between same-sex couples. This absence of obligation derives from the literal wording of the American Convention, which clearly establishes that marriage is a right reserved for "man and woman":

"The right of men and women to marry and to found a family if they are of age and meet the conditions required by domestic law, insofar as these do not affect the principle of non-discrimination established in this Convention, is recognized."⁴⁴³ (Boldface outside of original text).

Therefore, in accordance with the hermeneutic principle that calls for a literal and good faith interpretation,⁴⁴⁴ the State is only obliged to recognize the right to marriage for the couples specifically mentioned in Article 17(2) of the American Convention.

It is essential to underline that, according to the jurisprudence of the International Court of Justice, the good faith interpretation of a treaty should not result in changing the literal wording of the treaties or in inferring what is not expressly contained in the text. This approach implies that the interpreter must assume that the parties intended what follows from the ordinary meaning of the terms used in the international agreement.⁴⁴⁵ The text-centered approach to treaty interpretation is not only accepted in the field of international law, but is also highly recommended, since it is based on the only empirically verifiable evidence of the intentions of States: the text of the treaty itself.⁴⁴⁶

Following these rules of interpretation, the European Court of Human Rights has considered the conception of marriage as that between a man and a woman - as established in the European Convention on Human Rights, in a provision similar to that of the ACHR.⁴⁴⁷ In this sense, the European Court supports the idea that there is no binding obligation for States to recognize marriage between same-sex couples, which leaves a wide margin of State configuration for the regulation of this matter.⁴⁴⁸ Likewise, in terms of the European Court of Human Rights:

"The Court reiterates that, according to Article 14 in conjunction with Article 8, States are free to restrict marriage only to opposite-sex couples and have a certain margin of configuration to decide the exact nature of the legal status granted by other means of legal recognition."⁴⁴⁹

⁴⁴³ American Convention on Human Rights. Article 17.1.

⁴⁴⁴ Vienna Convention on the Law of Treaties. Article 31.

⁴⁴⁵ International Court of Justice. Case concerning rights of nationals of the United States of America in Morocco. *France v. United States of America*. ICJ Reports 1952, pp. 196-199. International Court of Justice. Interpretation of peace treaties with Bulgaria, Hungary, and Romania (Second Phase). ICJ Reports 1950, pp.229-230.

⁴⁴⁶ International Court of Justice. Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 Nautical Miles from the Nicaraguan Coast (*Nicaragua v. Colombia*), Preliminary Objections, Judgment, I.C.J. Reports 2016, p. 116-123, paras. 34-38, 46. Although the International Court of Justice did not rely exclusively on the literal criterion of interpretation, this was one of the first criteria taken into account by that Tribunal to dismiss the interpretation of the Colombian party.

⁴⁴⁷ European Convention on Human Rights. Article 12: "Men and women of marriageable age have the right to marry and to found a family in accordance with the national laws governing the exercise of this right".

⁴⁴⁸ ECTHR. *Oliari et al. v. Italy*. 21 July 2015. Para. 193.

⁴⁴⁹ ECTHR. *Chapin and Charpentier v France*. 09 September 2016. Para.48.

On this point, it is worth noting that this same approach is upheld by the European Court in the cases *Orlandi v. Italy*⁴⁵⁰ and *Fedotova and others v. Russia*.⁴⁵¹ Indeed, in both cases, the European Court held that, although States must provide mechanisms for the protection of same-sex unions, this protection does not necessarily derive from the recognition of same-sex marriages.

Under this framework, I fully agree that the margin available to the States in this regard concerns both the form of recognition and the content of the protection to be granted to same-sex couples, **which cannot be translated into an absolute absence of protection.**

Secondly, I would like to point out that there is no international instrument that establishes obligations of recognition regarding adoption for same-sex couples, so that the States have a wide margin of configuration in this matter. However, it is essential to establish that any decision taken in this regard **must consider the best interests of the child or adolescent**,⁴⁵² who are the persons protected by the figure of adoption.

⁴⁵⁰ ECHR. *Orlandi v Italy*. "The Court reiterates that States are still free, under Article 12 of the Convention as well as under Article 14 taken in conjunction with Article 8, to restrict access to marriage to different sex. The same holds for Article 14 taken in conjunction with Article 12 (see *Oliari and Others*, cited above, § 193)." (Translation: The Court reiterates that States remain free under Article 12 of the Convention, as well as Article 14 in conjunction with Article 8, to restrict access to marriage to different sex couples. The same applies to Article 14 in conjunction with Article 12). Para. 192.

⁴⁵¹ In this case, the Court analyzed -only- the possible violation of Article 8 of the ECHR, which refers to the right of individuals not to be subjected to arbitrary interference by the State in their private life. In the case of same-sex couples, the Court established that the lack of a legal framework that allows same-sex couples to have their relationship recognized and protected under national law may generate significant obstacles in the daily life of these couples. Without prejudice to the foregoing, it established that the State may enjoy a margin of appreciation to determine the form of registration of same-sex unions, which implies that this registration should not necessarily be through the figure of marriage.

⁴⁵² ACHR, Article 19.