

The State of the World's Human Rights; Venezuela 2023

Lack of access to economic and social rights remained a serious concern, with the majority of the population experiencing severe food insecurity. The public health system was in a state of collapse. The government failed to implement humanitarian measures agreed in 2022 to address these issues. Protests demanding economic and social rights were met with unlawful force and other repressive measures by security forces. Critics of President Maduro's government were arbitrarily detained, forcibly disappeared and tortured with the acquiescence of the judicial system. The government acknowledged 455 cases of enforced disappearance reported since 2015, the majority of which had not been resolved. Impunity for ongoing extrajudicial executions by the security forces persisted. Despite some releases at the end of the year, politically motivated arbitrary detentions remained systematic. The UN Fact-Finding Mission on Venezuela exposed crimes against humanity, called for investigations into the state's repressive policies, and noted a lack of compliance with previous recommendations. The ICC continued its investigation into crimes against humanity in Venezuela despite the government's attempts to suspend the process. Prison conditions, including a lack of access to water and food, deteriorated further. Illegal mining and violence threatened Indigenous Peoples' rights in the Orinoco Mining Arc area. Huge numbers of Venezuelans continued to flee the country and those deported back to the country faced arbitrary arrest. Access to sexual and reproductive health services was severely compromised and abortion remained criminalized. Violence against women and girls persisted and LGBTI people continued to face discrimination.

Background

Inflation and an alarming lack of purchasing power to buy essential goods and services continued to result in most of the population experiencing a profound humanitarian crisis, particularly people living outside the capital, Caracas.

The government and a part of the opposition engaged in political negotiations; by October they had agreed certain conditions regarding the 2024 elections.

The UN Fact-Finding Mission (FFM) presented reports about the selective repression of political opponents and the structure of police agencies responsible for extrajudicial executions.

The government's challenge to territorial boundaries with Guyana led to an increase in military presence along the border, heightening the risk of human rights violations. Critics of this policy faced an elevated threat of criminalization.

Economic, social and cultural rights

Lack of access to adequate food, water and healthcare remained a serious concern. By the end of the year, the "Mesa Social" humanitarian agreement between the government and the opposition in 2022 had still not been implemented. The agreement established a humanitarian fund drawn from Venezuelan assets seized abroad and managed by the UN to attend to urgent issues related to health, education and electricity services.

Right to work

Allegations of persecution, intimidation, harassment and other acts of violence against unionists and workers persisted. The OHCHR reported 12 cases of criminalization of union leaders in 2023, up to September.

Right to education

Civil society organization HumVenezuela reported that 18% of children did not attend school in 2023 and at least 44.8% did not attend regularly due to underfunding and understaffing of public schools and teachers' low wages. Teachers continued to demand better working conditions in public schools.

Right to health

Almost three-quarters (72.4%) of public health centres experienced shortages of medicines, appliances and staff, and 88.9% of public health services were inoperative.

In October, the half-yearly report from the National Hospitals Survey found that around 55% of public health facilities did not have regular access to water and in 90% of cases patients had to bring their own surgical supplies. The same survey concluded that 127 people had died because of power cuts in hospitals between January and September 2023.

The OHCHR reported on the deterioration of the healthcare system caused by underfunding and understaffing. It estimated that 560,660 children aged between 12 and 23 months had not yet received the measles, mumps and rubella (MMR) vaccine.

According to civil society organizations, health workers who denounced deficiencies and low salaries faced intimidation by authorities. In August, 10 children developed meningeal infection after medical treatment for leukaemia. The medication associated with the infection was imported and distributed by the Venezuelan Social Security Institute at the J.M. de los Ríos Children's Hospital in Caracas. In September, the health authorities refused to conduct an analysis of the medication. By November, one of the children had died and there was no official information regarding investigations to determine responsibility for her death. Media reported that medical associations had asked for an official investigation into this case.

Rights to food and water

According to the Centre for Documentation and Social Analysis, by October, the cost of a monthly basic basket of food for a household of five in Venezuela was equivalent to about USD 494, while the monthly minimum wage was USD 3.67, leaving the majority of the population facing severe food insecurity. The minimum wage had not been adjusted since March 2022. By the end of 2023, the situation had deteriorated further due to a peak in inflation and currency devaluation. According to the World Bank, by August, Venezuela had the third highest inflation rate for food prices in the world.

According to HumVenezuela, 25.7% of households ate fewer than three meals a day and 22.8% went entire days without eating. Furthermore, 74.5% of households did not have regular access to safe drinking water.

Repression of dissent

The policy of repression implemented by the government continued. Political opponents, real and perceived, were constantly under attack and at risk of arbitrary detention, torture and other human rights violations. According to the human rights organization Foro Penal, around 9,000 people

continued to be subject to restrictions on their freedom because of current or past politically motivated judicial procedures.

Authorities continued to restrict political participation. The opposition leader María Corina Machado, who won the primary election in October, was allegedly disqualified to run for president in the upcoming election.

Civic space was constantly under attack. In January, parliament started discussions around a bill to audit and regulate the operations of NGOs and oversee their actions and funding. The proposed bill would further restrict their activities and would enable the government to unilaterally dissolve associations. The bill was still pending by the end of the year.

In August, a Supreme Court ruling dismissed the entire board of directors of the Venezuelan Red Cross Society and appointed a new director with the instruction to restructure the organization.

In October, the Prosecutor's Office announced a criminal investigation into members of the National Primaries Commission (a non-governmental initiative to elect an opposition candidate) as an attempt to halt political participation. In December, Roberto Adbul, commission member and president of the NGO Súmate, was arbitrarily detained and released after two weeks. At the end of 2023, the legal situation of the commission members remained unclear.

Freedom of expression and assembly

Authorities' repressive tactics persisted, including using the judicial system to silence dissent and criminalize human rights defenders.

According to the Venezuelan Observatory on Social Conflict, there were 6,956 protests in 2023, equivalent to 19 protests per day, of which 80% were demanding economic and social rights. Many were led by unionist collectives demanding their workers' rights. Authorities often responded with unnecessary and excessive force and arbitrary detentions.

In July, the UN High Commissioner for Human Rights reported prolonged delays and impunity in the investigation into deaths during protests in 2014, 2017 and 2019.

Local organization Public Space registered 349 attacks on freedom of expression in the form of censorship, verbal attacks and intimidation targeting journalists and other media workers from January to November. In September, journalist Luis Alejandro Acosta was arbitrarily detained and prosecuted for allegedly promoting and inciting illegal mining, being in a protected area, and abetting criminal acts, while he was reporting on illegal gold mining in the southern state of Amazonas. He was released after 14 days.

Arbitrary detention and unfair trials

The government's use of arbitrary detention against civilians could constitute crimes against humanity. According to civil society organizations, between 2014 and 2023 there were around 15,700 arbitrary arrests.

A negotiated agreement was reached in October between the Unitary Platform and President Maduro's representatives, supported by the USA and other countries, which led to the release of 26 detainees by the end of the year. The conditions for their release remained unclear. Around 280 people remained under politically motivated arbitrary detention, according to local organizations.

Other human rights violations such as enforced disappearances and torture continued to be part of the policy of repression implemented by the government. Amnesty International reported that following arrest victims were routinely presented before the court – often with special jurisdiction

on terrorism – and charged with criminal association and other terrorism-related charges, before being transferred to a police or military facility to await trial for months or even years. Many victims reported being subjected to torture and other ill-treatment. These procedures breached fair trial guarantees and other human rights.¹

During the UN Human Rights Committee review, Venezuelan authorities claimed that it did not constitute enforced disappearance if someone was arrested and their family was not informed of their whereabouts until hours or days later. In the context of the review, authorities acknowledged that between 2015 and 2022, of 455 alleged enforced disappearances, only 10 had gone to trial with no information on the whereabouts of the victims and nobody having been sanctioned.

In July, activists and union leaders Alcides Bracho, Gabriel Blanco, Emilio Negrín, Alonso Meléndez, Néstor Astudillo and Reynaldo Cortés were prosecuted and sentenced to 16 years' imprisonment by a court with special jurisdiction on terrorism. They had been arbitrarily accused of conspiracy and criminal association for their participation in peaceful demonstrations. In December, they were released following political negotiations.

On 30 August, John Álvarez, a student and activist, was arbitrarily detained. His family reported that officers from the Directorate of Military Counter-Intelligence had tortured and forced him to incriminate a union leader and a journalist. He was also among the group of people released in December. In October, journalist and political activist Roland Carreño, detained since 2020, was released following talks between the government and opposition. Unionist Guillermo Zárraga was also released in December.

Several people arbitrarily detained on political grounds, including Robert Franco and Darío Estrada, were still waiting for their trials to resume at the end of the year. In July, these were postponed and the special jurisdiction on terrorism was suddenly relocated from one court to another, meaning their trials had to start again.

Extrajudicial executions

Despite the OHCHR reporting in 2022 that authorities had dissolved the Bolivarian National Police's Special Actions Forces (FAES), FAES was implicated in several hundred alleged extrajudicial executions in 2023. The FFM found that FAES had been replaced by the Directorate of Strategic and Tactical Actions and that several FAES officials remained active within the Bolivarian police force.

Right to truth, justice and reparation

In June, an Argentinian federal prosecutor opened a criminal investigation against officers of the Bolivarian National Guard for the extrajudicial executions of two people as part of the repression implemented in Venezuela during 2014.

Human rights violations remained unpunished. The FFM noted the lack of compliance with recommendations made by the mission in its previous reports and how the judicial system was used to shield security agencies involved in gross human rights violations.

In June, the Pre-Trial Chamber of the ICC authorized the prosecutor to resume his investigation into alleged crimes against humanity in Venezuela. Following Venezuela's appeal, the decision of the Appeals Chamber was still pending at the end of the year.

At the end of 2023, the UN Special Rapporteur on the right to food announced a visit to the country. Other UN Rapporteurs and treaty bodies were still waiting for official invitations, despite the government's commitment in 2019 to extend such invitations. The FFM had still not been granted access to the country by the end of the year.

Inhumane detention conditions

Conditions in prisons and detention centres deteriorated further, including overcrowding and insufficient provision of food and water. Prisoners and Detainees were dependent on relatives to provide essential resources for their survival. Prolonged detention in police stations and other illegal detention centres continued.

The reported lack of health services and medical treatment in detention facilities put detainees' lives at risk. Emirlendris Benítez, who was still arbitrarily detained for political reasons, faced severe health conditions without access to medical care.²

Women deprived of their liberty experienced inhumane conditions and gender-specific facilities were lacking.

During the UN Human Rights Committee review, the state acknowledged that it had no control over six prisons because inmates ruled those facilities. Following a security operation in September, the government started to regain control over the facilities in Tocarón, Tocuyito Puente Ayala, Trujillo, La Pica, Vista Hermosa and San Felipe.

Indigenous Peoples' rights

Illegal mining in the Orinoco Mining Arc area continued to have serious impacts on human rights in Bolívar state, southern Venezuela, disproportionately affecting Indigenous Peoples' rights to self-determination, free, prior and informed consent and a healthy environment.

More than a year after the murder of Virgilio Trujillo Arana, land and Indigenous human rights defender, impunity for the crime persisted. His relatives reported experiencing threats by unidentified people.

In September, human rights defenders reported military forces seizing control of the Yapacana National Park in the south of the country, expelling illegal miners and peasants with allegedly excessive force. The Ministry of Defence acknowledged the deaths of two people, three people wounded, and the eviction of 12,000 people from the area, many of whom were Indigenous Peoples. Civil society organizations reported that at least 10 people had died during the operation.

Human rights defenders

Human rights defender and prisoner of conscience Javier Tarazona, director of the NGO FUNDAREDES, remained in arbitrary detention following his arrest in 2021 on terrorism-related charges.

The Centre for Defenders and Justice reported 524 threats against human rights defenders between January and November, including smear campaigns and stigmatization by pro-government media outlets and on social media.

Refugees' and migrants' rights

By the end of the year, more than 7.72 million Venezuelans had left the country. In October, deportation flights from the USA to Venezuela resumed and 928 people had been deported by the end of the year. In November, at least 155 people were deported from Iceland, apparently after their asylum applications had been denied. These individuals were reportedly arrested upon arrival in Venezuela.

In November, the Inter-American Commission on Human Rights recommended that countries in the region provide protection and grant refugee status to people fleeing from Venezuela.

Women's and girls' rights

Women and girls in Venezuela continued to face challenges in ensuring access to adequate food, water and sanitation. The CEDAW Committee stated that the complex humanitarian situation since 2015 had had a differentiated impact on women and girls, driving women into economic dependence in abusive relationships and increasing their risk of becoming victims of gender-based violence.

Sexual and reproductive rights

The CEDAW Committee noted with concern the criminalization of abortion; reports of forced sterilization; limited access to modern contraceptives and sexual and reproductive health services; and the high rates of maternal mortality owing to limited access to sexual and reproductive health services.

The impact of the ongoing humanitarian emergency on sexual and reproductive health services continued to obstruct women's and girls' access to sexual and reproductive rights.

Violence against women and girls

The CEDAW Committee expressed concern about the high incidence of gender-based violence against women and girls, including the persistence of femicides, disappearances, and psychological and sexual violence against women and girls. The CEDAW Committee also highlighted the lack of a gender-sensitive protocol for the investigation of femicides, the fact that there were only five shelters for victims of gender-based violence, and the lack of statistical data on cases of gender-based violence against women and girls.

In October, during the Human Rights Committee review, Venezuela's representative reported that 95% of investigations into femicide had resulted in conviction and nearly 1,700 charges of femicide had been prosecuted between 2016 and 2023.

The local civil society organization Centre for Justice and Peace reported 201 alleged femicides between January and September.

LGBTI people's rights

LGBTI people continued to face discrimination. In July, 33 men were arbitrarily arrested and faced abuses by police agents based on their sexual orientation. Their identities were published in the media. Thirty of the victims were released after three days; the others were deprived of their liberty for 10 days, after which they were released under court supervision, facing charges for "indecentcy" and "noise pollution".

Right to a healthy environment

By the end of the year, Venezuela had not signed or ratified the Escazú Agreement and the government's aspiration to increase oil production contradicted its international commitments to reduce greenhouse gas emissions.

1. *Venezuela: Life Detained: Politically Motivated Arbitrary Detentions Continue in Venezuela*, 29 August
2. “Venezuela: Venezuelan detainees’ life at risk”, 9 October