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**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Human rights situations that require the Council's attention

Situation of human rights in the Bolivarian Republic of Venezuela

Report of the United Nations High Commissioner for Human Rights*

Summary

Pursuant to Human Rights Council resolution 45/20, in the present report, the United Nations High Commissioner for Human Rights presents an overview of the situation of human rights in the Bolivarian Republic of Venezuela, focusing on the latest developments related to economic, social, cultural and environmental rights, the rule of law and civic space and the level of implementation of the recommendations previously issued by the High Commissioner.

* The present report was submitted after the deadline in order to reflect the most recent developments.



I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 45/20, in which the Council requested the United Nations High Commissioner for Human Rights to prepare a comprehensive written report on the situation of human rights in the Bolivarian Republic of Venezuela containing a detailed assessment of the implementation of the recommendations made in her previous reports and to present it to the Council at its fiftieth session.
2. The present report covers the period from 1 May 2021 to 30 April 2022 and focuses on the latest developments related to economic, social, cultural and environmental¹ rights, the rule of law and civic space, and the level of implementation of the corresponding recommendations from previous reports. It is based on information gathered and analysed by the Office of the United Nations High Commissioner for Human Rights (OHCHR), including on the basis of interviews with victims and witnesses and meetings with government officials and civil society organizations. It also takes into account official information and data provided by the Government.
3. The findings in the present report have been documented and corroborated in strict compliance with OHCHR methodology.² OHCHR exercised due diligence to assess the credibility and reliability of sources and cross-checked the information gathered to verify its validity. It sought informed consent from the sources whom it interviewed and took appropriate measures to protect their identities and to ensure confidentiality, as appropriate. OHCHR assessed the information collected in the light of international human rights standards and domestic legislation.

II. Economic, social, cultural and environmental rights

4. In the reporting period, the coronavirus disease (COVID-19) vaccination campaign continued to be implemented, but there is no access to publicly available and disaggregated information on the implementation of the national vaccination plan, in particular in relation to people in vulnerable situations, such as indigenous peoples, the use of public funds for its implementation or post-vaccination monitoring. The Bolivarian Republic of Venezuela has reported one of the lowest COVID-19 fatality rates in the region to the Pan-American Health Organization.³ However, fuel shortages and lack of adequate refrigeration systems have reportedly affected the distribution of vaccines throughout the country, mainly in rural and remote areas, including where indigenous communities live.
5. The COVID-19 pandemic has aggravated an already fragile health system. A lack of medicines, supplies and sufficient qualified personnel continued to be reported. These shortfalls particularly affected the access of women and children to adequate health care, including specialized treatment for children with chronic diseases and vaccination for preventable diseases, and sexual and reproductive health care for women and girls. Health centres have also reportedly been affected by regular blackouts, impacting the delivery of services to patients.⁴
6. The inflation slowdown that began in September 2021 continued; in March 2022 the consumer price index registered the lowest variation rate since 2014.⁵ On 15 March, a presidential decree increased the monthly minimum wage and pension by 1,700 per cent, from the equivalent of approximately \$1.60 to about \$29. Even with the increases, the

¹ Human Rights Council resolution 48/13.

² Some of the allegations received are still being checked.

³ See <https://paho-covid19-response-who.hub.arcgis.com/>.

⁴ Office for the Coordination of Humanitarian Affairs (OCHA), "Informe de Situación", March–April 2022, available at <https://reports.unocha.org/es/country/venezuela-bolivarian-republic-of/> (in Spanish).

⁵ Central Bank of Venezuela, <http://www.bcv.org.ve/estadisticas/consumidor> (in Spanish).

minimum wage and pension reportedly cover only 8 per cent of the cost of the basic food basket.⁶

7. According to the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, sectoral sanctions coupled with the growing overcompliance by banks and third-country companies have exacerbated the pre-existing economic and humanitarian situations.⁷ This would have especially affected certain parts of the population, such as those living in extreme poverty and indigenous peoples.

8. OHCHR remains concerned over the human rights situation in the Arco Minero del Orinoco region and other mining areas in Bolívar and Amazonas States, including inside the Canaima, Caura and Yapacana national parks and indigenous territories. OHCHR received reports of clashes between non-State armed groups and criminal bands for the control of mining sites, as well as concerning the humanitarian impact of mining on the local population. OHCHR also received reports on the situation of the Samena indigenous people, who were partly internally displaced due to violence over the control of mines in their territory in February 2022. Furthermore, the use of mercury and cyanide persisted in the gold mines, polluting rivers, the main water source for the region's population. OHCHR also recorded allegations of the systemic use of child labour, sexual exploitation and human trafficking in gold mines. The competent authorities must exercise due diligence and take immediate action to prevent and mitigate the risk of foreseeable human rights violations and abuses in the Arco Minero del Orinoco region by non-State actors, investigate allegations of violations, punish perpetrators in fair legal proceedings and provide redress to victims. The authorities must also conclude without delay the demarcation and legalization of indigenous territories, in accordance with international standards, in particular by ensuring inclusive and meaningful consultation with indigenous peoples and their free, prior and informed consent.⁸

9. On 20 March, in an incident between members of the National Bolivarian Armed Forces and Yanomami indigenous persons in the Yanomami settlement and border security base "Parima B" in Amazonas State, in which the armed forces resorted to the use of force, four Yanomami died and at least two soldiers and a Yanomami child were seriously injured. The Attorney General opened an investigation into the events. OHCHR calls for an independent, impartial, prompt, thorough, effective, credible and transparent investigation that is culturally appropriate and that guarantees the best interests of the child and victim participation. OHCHR also recommends that the authorities address the underlying causes of this incident.

III. Accountability and the rule of law

A. Police and justice reforms

10. Over the reporting period, the Bolivarian Republic of Venezuela has taken some steps towards strengthening the rule of law, including as it pertains to the police and justice. Further steps must be taken to effectively implement previous OHCHR recommendations and lead to meaningful change.

11. The restructuring of the Bolivarian National Police, initiated in April 2021, continued throughout the reporting period. OHCHR provided technical assistance to the process. The Special Action Forces of the Bolivarian National Police (FAES), which were involved in deaths in the context of security operations, have officially been dissolved. Of the cases documented by OHCHR, 13 are still under investigation and 4 are at the trial stage, while three former members of the Special Action Forces have been convicted. The dissolution of the Special Action Forces is a step towards a comprehensive and meaningful review of security policies to implement human rights and international norms and standards on the use

⁶ See <https://observatoriodefinanzas.com/la-canasta-alimentaria-alcanzo-a-us-353-en-febrero-y-el-salario-minimo- apenas-compra-8-de-su-valor/> (in Spanish).

⁷ A/HRC/48/59/Add.2, para. 92.

⁸ See Indigenous and Tribal Peoples Convention (No. 169), 1989, of the International Labour Organization and the United Nations Declaration on the Rights of Indigenous Peoples.

of force by law enforcement officials, as previously recommended. The prompt adoption of protocols on this matter, elaborated with OHCHR technical advice, together with a robust preventive approach to security policies, would complement such efforts. Additional plans have also reportedly been made to strengthen a preventive approach to security, notably through a strengthened security presence at the community level, while reinforcing the victim assistance and human rights office of the Bolivarian National Police. That office received 140 complaints in 2021, 67 of them from women, up from 100 complaints in 2020, 59 of which were from women. Moreover, 13 offices were created to assist victims of gender-based violence. The ongoing restructuration is an opportunity for further effective and sustainable changes, including by restoring the civilian nature of the Bolivarian National Police and conducting adequate vetting of security forces at all levels.

12. On 21 June 2021, a special commission was appointed by presidential decision to restructure the judicial system and to address lengthy pretrial detentions and overcrowding in detention centres.⁹ The commission reports to the State Council and is led by two members of the National Assembly and a representative of the Supreme Court of Justice. On the commission's initiative, seven bills were enacted;¹⁰ however, this was done without prior, broad consultation with civil society. OHCHR highlights the importance of transparent and inclusive consultations with the active participation and wide representation of civil society. It is also essential to uphold transparency throughout the entire legislative process.

13. Among the reforms, amendments to the Organic Code of Military Justice establish that civilians who commit acts sanctioned under the Code are to be prosecuted by ordinary courts¹¹ and ongoing trials of civilians by military courts should be transferred to ordinary courts.¹² At times, the transfer of cases towards civilian jurisdiction has led to additional delays in the judicial process. Authorities must adopt measures to reduce this adverse effect and ensure that individuals are tried without undue delay.

14. A new Organic Law of the Supreme Court of Justice was approved on 18 January 2022. It reduces the number of magistrates from 32 to 20. Further to the recommendation of a judicial selection committee, on 26 April 2022, the new magistrates were appointed by the National Assembly for a 12-year term. This majority of the Committee is composed of parliamentarians and the number of civil society representatives has been increased. Extensions of the deadline for the receipt of applications were given to allow for broader participation. However, several magistrates, including alternates, have open links with political parties, raising concerns about the independence of the judiciary and the separation of powers.

15. In 2021, at least 434 provisional judges were appointed and 244 were removed by the judicial commission of the Supreme Court of Justice. No information is available on the motives for the removals. While noting that reform of the justice system is expected to be on the legislative agenda for 2022, as recommended in previous reports, additional measures remain appropriate to strengthen the independence of the judiciary, such as increasing the appointment of a wider proportion of tenured judges through a public, transparent process, based on national and international standards.

16. According to the Office of the Attorney General, 249 prosecutors were investigated for corruption and related charges in 2021, and 27 were convicted. No further information is available. The Attorney General's Office regularized the employment of 42 temporary prosecutors and, in February 2022, published the applicable regulations for a public competition for the post of prosecutor. As previously recommended, OHCHR encourages the use of the ongoing reform of the justice system to strengthen the independence of prosecutors,

⁹ See <http://www.asambleanacional.gob.ve/noticias/instalada-comision-especial-para-la-reforma-del-sistema-judicial> (in Spanish).

¹⁰ The organic bill on the reform of the Organic Code of Criminal Procedure; the bill on the reform of the Organic Penitentiary Code; the bill on the protection of witnesses, victims and other procedural subjects; the organic bill on the reform of the Organic Code of Military Justice; the bill on the reform of the law on the statute of the investigative police; the bill on the reform of the Organic Law of the Supreme Court of Justice; and the bill on the organic law on habeas corpus.

¹¹ Organic Code of Military Justice (art. 6) and Organic Code of Criminal Procedure (art. 517).

¹² Transitional provision of the Organic Code of Military Justice.

through effective and transparent selection mechanisms and by providing more stability and independence for mandate holders, free from perceived or real outside influence. Likewise, measures must be adopted to strengthen the guarantees of independence of forensic personnel.

B. Right to life

17. Available information indicates that the trend towards a significant reduction in the number of deaths in security operations reportedly conducted to curb criminal activity continued during the reporting period. In one of those large-scale operations,¹³ carried out between 7 and 17 July in the Caracas neighbourhoods of La Vega, Santa Rosalía, El Paraíso, Petare, San Juan and El Valle, at least 22 individuals died and 28 were injured. Four police officers were reported among the fatalities, and a further 10 were injured.¹⁴ Official statements suggest that several of the buildings of the security and intelligence forces were damaged.¹⁵ Thirty-three individuals were reportedly detained and material belonging to criminal groups was seized.

18. Yet, albeit in lower numbers than previously, OHCHR documented six cases in which security forces used a similar *modus operandi* to previous operations¹⁶ in marginalized neighbourhoods, including in Caracas and El Tocuyo and Carora in the Lara State, that resulted in deaths. Fear and trauma reportedly discourage individuals from denouncing violations, leading to underreporting. In at least three cases, the deceased were allegedly tortured or ill-treated before their death. Accounts indicate that these operations were conducted in small groups of around six heavily armed security personnel, during which residents, including relatives of the targeted individuals and minors, were intimidated and no search or arrest warrants were presented.

19. Two of the deaths documented by OHCHR are reportedly attributable to members of the Bureau for Scientific, Criminal and Forensic Investigations, one to the National Anti-Extortion and Kidnapping Command (CONAS) of the Bolivarian National Guard, one to the Bolivarian National Police, one jointly to the Dirección Contra Delincuencia Organizada (directorato to combat organized crime) and the Special Action Forces of the Bolivarian National Police and one to the Sucre municipal police forces. Investigations were opened into these cases.

20. OHCHR documented the arbitrary detention during security operations of at least 13 persons, including 2 women, between 9 and 13 July 2021 in Caracas and between August and September 2021 in the States of Apure and Táchira. OHCHR registered allegations of incommunicado detention as relatives had received no information as to the whereabouts of these persons for up to a month. In at least three of these cases, the detainees were allegedly tortured or ill-treated.

21. In January 2022, confrontations broke out between alleged members of the National Liberation Army and dissident factions of the Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo (Revolutionary Armed Forces of Colombia-People's Army) near the border with Colombia, in the State of Apure. The National Bolivarian Armed Forces deployed additional troops to the area. The clashes between these armed groups reportedly caused the displacement of more than 1,000 people,¹⁷ including indigenous peoples,¹⁸ and exposed the local population to enforced disappearances, gender-based violence and forced

¹³ Operation "Gran Cacique Indio Guaicaipuro".

¹⁴ See <http://www.mppef.gob.ve/en-claves-operacion-gran-cacique-indio-guaicaipuro-derrota-paramilitarismo-que-ataco-al-pueblo-venezolano/> (in Spanish).

¹⁵ See <http://www.mppef.gob.ve/desplegados-3-110-funcionarios-para-la-liberacion-y-proteccion-de-las-comunidades-populares-de-caracas/> (in Spanish).

¹⁶ A/HRC/47/55, paras. 6–8.

¹⁷ See <https://reliefweb.int/report/venezuela-bolivarian-republic/cl-ster-de-protecci-n-venezuela-respuesta-marzo-2022> (in Spanish).

¹⁸ See <https://reliefweb.int/report/venezuela-bolivarian-republic/venezuela-informe-de-situaci-n-octubre-noviembre-2021-al-1-de>.

recruitment. Lack of access to food, education and health services further deteriorated in a region where the economic and social rights situation was already challenging.

C. Detention and the right to liberty and security of person

22. During the reporting period, amendments to the Organic Code of Criminal Procedure aimed at reducing judicial delays were adopted.¹⁹ In particular, the time allocated to the Office of the Attorney General to conclude investigations and request the opening of a trial was reduced from eight to six months, the number of days a preliminary hearing may be postponed was reduced from 20 to 5, and a trial can now only be suspended once, for a maximum period of 10 days, as compared with 15 days previously.

23. Amendments were also passed to reduce pretrial detentions, including by removing the automatic imposition of detention for serious crimes. As a general rule, a coercive measure, such as pretrial detention, remains applicable only if the detention period is less than the minimum jail term set for a given crime, and does not exceed two years. The amendments allow this period to be extended for up to one additional year, provided the full amount does not surpass the minimum jail term for the crime. The amendments also specifically stipulate that any detention against the law will be nullified, and the judge must grant the detainee's unconditional release. OHCHR recommends the effective implementation of these norms and recalls that preventive detention must remain the exception according to international human rights standards.

24. OHCHR acknowledges efforts by tribunals and the special commission established on 21 June 2021 to reduce the use of detention, including preventive detention, as compared with previous years. According to official information, about 55,000 alternative measures to detention were granted in 2021, including 162 on humanitarian grounds. In 2021, the Bolivarian National Police reported a 64 per cent decrease in detentions, and state and municipal police forces similarly reported a 59 per cent decrease.

25. OHCHR conducted 21 visits to detention centres, confidentially interviewed 259 detainees (46 women), and continued to engage with authorities on cases of concern. Of the individual cases documented by OHCHR, 68 detainees (14 women) were released, including 38 without conditions, while the others were released as an alternative measure to imprisonment, including 1 individual who had spent over five years in pretrial detention. However, in the latter case, according to the current applicable law the individual should have been granted unconditional release. Conditions for release, like the obligation to periodically appear in court, including in a municipality other than the place of residence, at times appear disproportionate and affect social reintegration and access to employment.

26. Challenges persist in ensuring that all defendants enjoy the rights to liberty and to a fair trial without undue delay. During the reporting period, OHCHR documented 35 cases of arbitrary or illegal deprivation of liberty, including 6 cases involving women. At the time of writing, at least 22 individuals remained subject to coercive measures²⁰ beyond the limits established under the current applicable law. Requests for lifting coercive measures were either denied or remained unanswered by the judges. Such requests must be considered by the judicial authorities in a timely manner.

27. During the reporting period, the Working Group on Arbitrary Detention issued opinions finding that 11 persons had been detained arbitrarily,²¹ including at least 8 who had been in pretrial detention for over three years at the time of its deliberations. One detainee was released before the opinion of the Working Group on Arbitrary Detention was adopted. Another individual, whose detention was deemed arbitrary by the Working Group on

¹⁹ New articles 175, 230, 237, 295, 309 and 318.

²⁰ Measures restricting the freedom of accused individuals during the legal process, based on articles 229 to 250 of the Organic Code of Criminal Procedure.

²¹ See [A/HRC/WGAD/2021/28](#); [A/HRC/WGAD/2021/49](#) (forthcoming); [A/HRC/WGAD/2021/55](#); and [A/HRC/WGAD/2021/74](#).

Arbitrary Detention in 2017,²² was found not guilty. By then, he had spent over five years in pretrial detention and under house arrest.

28. OHCHR continues to observe delays in the implementation of release orders, as noted in February 2022 by the Comisión Permanente de Política Interior (standing committee on domestic policy) of the National Assembly.²³ At least nine detainees, including four women, were released about three months after the issuance of the order. OHCHR documented at least seven other cases of detainees whose release order has yet to be implemented, including one dated August 2021. OHCHR calls for these cases to be urgently addressed, as detention without a legal basis is arbitrary.

29. According to international human rights law, persons in detention pending trial must be tried as expeditiously as possible, to the extent consistent with their rights of defence.²⁴ OHCHR recognizes ongoing efforts to address the backlog of judicial hearings, including through almost 16,000 virtual sessions conducted in 2021 in the framework of a plan for expediting hearings adopted by the Supreme Court of Justice. Yet, undue delays at different stages of the criminal process were noted in at least 74 documented cases. OHCHR also continues to observe the frequent postponement of hearings, leading to pretrial detentions being effectively extended beyond statutory limits. Judicial hearings were postponed in at least 14 cases, allegedly due to a shortage of vehicles or fuel to ensure the timely transfer of detainees. In other cases, hearings were postponed due to the lack of adequate coordination between the courts and detention centres, preventing the timely transfer of detainees to court, or because the case file was not transferred to the appropriate jurisdiction in time. As to other concerns related to due process, in at least seven cases defendants continued to face obstacles to the appointment of a defence counsel of their own choosing.

D. Detention and right to physical and mental integrity

30. According to official sources, the Office of the Attorney General received 235 complaints concerning alleged violations of the human rights of people deprived of liberty, including 20 related to individuals facing terrorism-related charges. From May 2021, through the implementation of a presidential decision,²⁵ inmates were gradually transferred from detention centres of the Bolivarian National Intelligence Service and the Directorate General of Military Counter-Intelligence to those administered by the Ministry for Penitentiary Services, as previously recommended by the Attorney General's Office. OHCHR noted challenges in the implementation of the decision, such as a lack of prior coordination and notification of detainees' relatives and private defence counsel to prevent incommunicado detentions and mitigate risks of ill-treatment. As of the end of 2021, the transfer of detainees was institutionally implemented, through the official transfer of the management of the Bolivarian National Intelligence Service and Directorate General of Military Counter-Intelligence detention centres in Caracas to the Ministry for Penitentiary Services, and the remaining transfers of detainees to other facilities were halted. Nevertheless, OHCHR remains concerned about the conditions of detention in these centres,²⁶ pending renewed access.

31. During the reporting period, there have been significant developments in two emblematic cases. On 6 February 2022, two agents of the Directorate General of Military Counter-Intelligence were sentenced to 30 years in prison for the aggravated homicide and torture of navy captain Rafael Acosta Arevalo in June 2019. This is a step forward in the investigation of torture charges and should lead to more sustained efforts to investigate allegations of torture or ill-treatment, including at the level of command responsibility.

32. On 3 December 2021, two Bolivarian National Intelligence Service agents were found responsible for manslaughter, breach of custodial regulations, criminal association and aiding

²² See [A/HRC/WGAD/2017/37](#).

²³ See <http://www.asambleanacional.gob.ve/noticias/an-convoca-a-ministra-de-asuntos-penitenciarios-para-que-explique-su-negativa-a-excarcelaciones> (in Spanish).

²⁴ Human Rights Committee, general comment No. 35 (2014), para. 37.

²⁵ Presidential Decree 4.610 of 12 May 2021 and subsequent extensions.

²⁶ [A/HRC/47/55](#), paras. 18, 22, 25–26 and 28.

and abetting aggravated escape in relation to the death of former councillor Fernando Albán on 8 August 2018 while in custody. The agents were sentenced to five years and ten months of imprisonment. The sentence was reduced to two years and eight months in February 2022. The victim's relatives maintain that the evidence did not support the cause of death by suicide, and that the investigation overlooked possible signs of torture or ill-treatment, and superior responsibility.

33. OHCHR received allegations of torture or ill-treatment related to 14 people deprived of liberty during the reporting period. Five other persons, who have been in detention since before the reporting period, also reported similar allegations to the authorities. The lack of adequate investigations into such allegations coupled with a lack of protection for those raising such complaints have allegedly discouraged victims from reporting violations. OHCHR recalls that confessions or statements obtained through torture or ill-treatment should be excluded from evidence in any proceedings.²⁷ Any allegation of such acts must be duly investigated and those found responsible must be punished. OHCHR continued to follow up on two past cases of enforced disappearance,²⁸ but noted limited progress in the investigations.

34. During the reporting period, measures to improve detention conditions were adopted. In particular, family visits, which had been suspended during the COVID-19 pandemic, resumed in detention centres managed by the Ministry for Penitentiary Services by the end of 2021. The Ministry also reported having provided COVID-19 vaccination to all detainees. However, OHCHR documented at least 29 cases (4 involving women), where requests for health examinations and medical transfers were not promptly addressed. While some transfers did take place, inmates' relatives alleged difficulties in receiving medical reports. Follow-up treatment has also been delayed in some cases. The relevant authorities must take immediate action on all these cases. On 29 August 2021, an inmate of the "La Pica" detention centre in Monagas State suffering from tuberculosis died of respiratory failure. On 12 October 2021, General Raúl Isaias Baduel died in preventive detention at El Helicoide detention centre. An investigation into his death remains open. All deaths in detention must be the subject of an independent, thorough and timely investigation.²⁹ Authorities must guarantee timely access to adequate health care to all detainees and consider alternatives to detention, including release on humanitarian grounds and in accordance with international human rights law.

E. Access to justice, adequate reparation and guarantees of non-repetition

35. According to the Office of the Attorney General, from August 2017 to January 2022, 1,343 security officers were charged with crimes related to human rights violations and 237 were convicted. This represents an increase from previously reported figures,³⁰ with 627 new indictments and 84 new convictions. Those convicted were mainly agents of the Bolivarian National Police (80), the state police (55) and the Bolivarian National Guard (41). The Office of the Attorney General must maintain its efforts to speed up and thoroughly carry out investigations of alleged violations of human rights, in particular the rights to life and to physical integrity. In this regard, OHCHR encourages the adoption and effective implementation of the draft protocols developed with its technical assistance.³¹ OHCHR observed one judicial hearing and calls for more regular access. Steps were taken by the authorities to strengthen the human rights victims assistance office within the Office of the Attorney General,³² which has assisted 1,017 individuals since its creation. Adequate

²⁷ International Covenant on Civil and Political Rights, art. 7, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, art. 15, and Human Rights Committee, general comment No. 32 (2007), para. 41.

²⁸ A/HRC/47/55, para. 15.

²⁹ Human Rights Committee, general comment No. 36 (2019), para. 29.

³⁰ A/HRC/47/55, para. 42.

³¹ A/HRC/48/19, para. 58.

³² Created in December 2020 and reformed in September 2021 by the Law for the Protection of Victims, Witnesses and Other Procedural Subjects.

resources are necessary for the human rights victims assistance office to effectively implement its mandate.

36. On 15 December 2021, a law was adopted establishing a commission to guarantee justice and reparations for victims of human rights violations. OHCHR recalls the importance of allocating adequate resources to allow for the commission to function effectively, and encourages additional efforts to strengthen the domestic framework, in particular to ensure accountability, including superior and command responsibility, for all perpetrators, as appropriate, and adequate reparation for victims.

37. Investigations into the killing of two media workers of La Guacamaya TV in August 2020 led to the conviction on 16 December 2021 of three former members of the Special Action Forces of the Bolivarian National Police and sentences of 21 (in two cases) and 18 years (in one case) of imprisonment. Three co-defendants were exonerated. With regard to deaths in security operations, OHCHR documented 33 such cases since 2019; none of them has, so far, led to a conviction. A trial started in six other cases. OHCHR observed long delays due to changes of prosecutors and repeated postponements of hearings. OHCHR calls for prompt and thorough judicial investigations into these cases, in line with all due process guarantees, that lead to accountability. Victims' relatives reported receiving little to no information on the progress of investigations in at least eight cases, despite multiple requests. Based on international standards, it is essential to provide adequate support to victims' relatives to ensure their effective access to justice.

38. Similar patterns were observed in cases of deaths during protests that occurred in 2017 and 2019, despite progress in some of them. Based on official information, of 591 cases opened, 21 led to convictions and 5 to acquittals. Of the cases documented by OHCHR, convictions were handed down in at least seven cases. Victims' relatives appealed at least two of the convictions to the Supreme Court of Justice, alleging that the sentence was inconsistent with the gravity of the crime and the circumstances, as in the case of 17-year-old student Fabian Alfonso Urbina Barrios who was killed by the Bolivarian National Guard during the 19 June 2017 protests in Caracas. Concerns remain as to whether the investigations have focused on all the possible perpetrators, including those higher up in the chain of command. Investigations remain open in at least 20 other cases, 11 of which were opened five years ago. In many of these cases, the prosecutors have repeatedly been changed. For instance, in the cases of Juan Pablo Pernalet and Diego Arellano, the prosecutors have been changed at least 15 times, causing additional delays, trauma and revictimization. In cases at the trial stage, several postponements of hearings have been observed. In at least five cases, delays in the process could be attributed to challenges in the cooperation between the Bolivarian National Guard and the prosecutor's office. OHCHR renews its call for the prompt conclusion of judicial proceedings in such cases, with all due process guarantees, to ensure access to justice and reparations for the victims and their families.

39. On 16 December 2021, the National Assembly passed the reform of the Organic Law on the Right of Women to A Life Free of Violence, a step towards ensuring the protection of women and accountability for gender-based violence, which continued to be reported. Among other things, the Organic Law established a specialized jurisdiction on violence against women, which is reportedly functioning across the country. In 2021, 1,155 individuals were convicted for crimes of sexual violence against women, children and adolescents. No disaggregated data was available. In 2021, 204 individuals were indicted on charges of femicide. Civil society reported 239 cases of femicides in 2021,³³ a slight decrease from the 256 femicides reported in 2020.³⁴ Authorities must collect and proactively disseminate data and public information on such cases, including on accountability. OHCHR also recommends the strengthening of the 120 specialized prosecutor's offices for cases of gender-based violence, including on femicides and sexual offences.

40. Legislative amendments incorporated new forms of gender-based violence, such as political and cyber-based gender violence, raised criminal penalties for such crimes and

³³ For 2021, the non-governmental organizations Utopix and Centro de Justicia y Paz reported 239 and 290 cases, respectively.

³⁴ For 2020, Utopix and Centro de Justicia y Paz reported 256 and 212 cases, respectively.

established a jurisdiction of specialized courts for cases of gender-based violence. A new national commission was also created to coordinate public policies in this area with the participation of civil society organizations. OHCHR encourages the prompt adoption of the necessary legal framework and the allocation of adequate resources to ensure the effective functioning of the commission. OHCHR received 14 allegations of hate crimes against lesbian, gay, bisexual, transgender and intersex persons that had been reported by civil society to authorities during the reporting period. OHCHR welcomes the creation within the Office of the Attorney General of a specialized office to investigate crimes related to human rights violations against the lesbian, gay, bisexual, transgender and intersex community.

41. On 5 November 2021, the Prosecutor of the International Criminal Court announced the opening of an investigation into possible crimes against humanity committed in the Bolivarian Republic of Venezuela since April 2017. Alongside this announcement, a memorandum of understanding was signed to continue to foster means and mechanisms to support and promote genuine national proceedings in the Bolivarian Republic of Venezuela, while undertaking to establish mechanisms to enhance cooperation between the Government and the Prosecutor of the International Criminal Court to facilitate the discharge of his mandate.³⁵ In March 2022, the Prosecutor of the International Criminal Court announced that the Government had authorized the establishment of an office in Caracas to support cooperation with the Venezuelan authorities and the facilitation of technical assistance within the framework of the memorandum of understanding.

IV. Democratic and civic space

42. OHCHR notes the new spaces opened for dialogue, including following two high-level meetings held in April 2022 between the highest representatives of the Government and Foro Civico, a group of civil society organizations. This is a step forward towards more inclusive and wide-ranging dialogue. Nevertheless, OHCHR continued to observe undue restrictions to civic and democratic space, particularly the stigmatization and criminalization of and threats against dissenting voices, civil society, the media and trade unionists, affecting their capacity to effectively carry out their legitimate work. Over the reporting period, OHCHR documented 154 cases related to human rights defenders, journalists and other members of civil society, including 5 women. These included 46 instances of criminalization, 26 reports of threats and harassment, 11 acts of violence and 71 cases of stigmatization on social media or in a public broadcast by State officials. At least five members of the political opposition were arrested. While most of them were released shortly after, two opposition members arrested in the previous reporting period remain deprived of their liberty. In addition, at least two union leaders and one human rights activist remain in detention. A lack of prompt investigation was observed in at least 24 cases where complaints had been presented by human rights defenders and journalists to the authorities. Competent authorities should take measures, in meaningful consultation with concerned stakeholders, to ensure that democratic and civic space is not unduly restricted. OHCHR calls for stronger accountability and the protection of and full reparation for victims, in accordance with international human rights law. Those deprived of their liberty for acts related to their legitimate work must be immediately released.

A. Right to take part in public affairs

43. Regional and municipal elections took place on 21 November 2021 in a generally calm atmosphere. On 9 January 2022, a new vote was held in the State of Barinas, following the annulment of the 21 November election results and the disqualification of the opposition party gubernatorial candidate by the Supreme Court of Justice. International electoral observer missions and a United Nations panel of experts were invited to the Bolivarian Republic of Venezuela to follow the electoral process for the first time since 2006.

³⁵ See <https://www.icc-cpi.int/venezuela>.

44. New regulations on gender parity, issued by the National Electoral Council on 8 July 2021, favoured the increased participation of women in the elections. According to the Council, women accounted for almost 50 per cent of the candidates for the first time,³⁶ although mostly for municipal councillors. Only 2 out of the 23 governors elected were women, and 62 out of 335 mayors, which represents a decrease as compared with the 2017 elections, when 5 women were elected as governors and 76 as mayors.³⁷ Authorities are encouraged to take the necessary positive measures to ensure gender parity in electoral processes.

45. In September 2021, the indigenous electoral registry was approved by the National Electoral Council with the inclusion of 4,334 *voceros* (spokespersons). On 26 November 2021, these *voceros* elected 69 indigenous municipal councillors and 8 indigenous regional legislators in eight Venezuelan states. No incidents were reported on election day. OHCHR reiterates its concerns about the lack of inclusive, free, prior and informed consent of all indigenous people following the election reform of 2020 that introduced indirect voting for indigenous persons.³⁸

B. Stigmatization and criminalization of civil society actors

46. OHCHR reiterates its concerns as to the stigmatization and criminalization of civil society representatives, including human rights defenders, journalists and media workers, who continued to be discredited in institutional media channels.³⁹ OHCHR documented 71 cases, involving 5 women, an increase from the previous reporting period. Since 2019, OHCHR has documented 46 cases of the criminalization of civil society representatives, including 8 women. Criminal charges were lifted in 3 cases and alternative measures to detention were granted in 25 cases.

47. In one particular incident, public officials circulated online lists of journalists and individuals said to be close to the opposition, labelling them as “wanted thieves” and “corrupt”.

48. Among those mentioned was a journalist detained in March 2019 by the Bolivarian National Intelligence Service on the charge of orchestrating a massive electricity blackout in the country. He was released on bail shortly after, but remained subject to restrictions, including the requirement to periodically appear in court and a prohibition against leaving the country, and faced charges of public incitement to commit a crime⁴⁰ for close to three years, beyond the statutory limit.⁴¹ On 1 February 2022, a court lifted the restrictions on his freedom of movement and ordered the case to be filed for lack of evidence. Unlike a dismissal, this decision could allow for the case to be reopened. During his arrest, the journalist reported being the victim of torture and ill-treatment. These claims were left unaddressed. At least 11 other journalists and media workers, including 3 women, are subject to similar movement restrictions, in some cases beyond the statutory limits.

49. Several unionists also continue to face criminal charges, including illicit association and incitement to hatred, in relation to their legitimate work. At least two unionists are currently in detention awaiting trial, and six were granted alternative measures to detention, including two during a high-level mission to the Bolivarian Republic of Venezuela by the International Labour Organization in April 2022. One of these latter two was acquitted shortly after. Legitimate union activity and defence of labour rights must be protected in accordance with international law, and labour claims and disputes must be managed without resorting to criminal law.

³⁶ See http://www.cne.gob.ve/web/sala_prensa/noticia_detallada.php?id=3995 (in Spanish).

³⁷ See http://www.cne.gob.ve/resultados_regionales2017/; and <http://www.cne.gob.ve/resultadosMunicipales2017/> (in Spanish).

³⁸ A/HRC/47/55, para. 50.

³⁹ Ibid., para. 57.

⁴⁰ Punishable by three to six years of imprisonment under article 285 of the Penal Code.

⁴¹ Organic Code of Criminal Procedure, arts. 230 and 295–296.

50. OHCHR also documented six cases of the criminalization of legal counsel, including four women, linked to their legitimate work, some in high-profile cases. Three, including one woman, were detained and later granted alternative measures, pending investigations. In some cases, complaints of ill-treatment while in detention were reportedly left unaddressed. The Working Group on Arbitrary Detention and other special procedure mandate holders also expressed concern about five of these cases.⁴² OHCHR also continued to receive reports of threats and harassment directed at legal counsel in the context of their work, including by other judicial actors, and of obstacles to their work affecting their capacity to adequately assist defendants. Threats were also reported against family members in at least two cases. The authorities must ensure that those providing legal counselling, including representation in legal proceedings, are not persecuted for spurious reasons and can work without fear of harassment and reprisals.

51. Concerns remain on the use of anti-terrorism and organized crime legislation against human rights defenders and media workers carrying out their legitimate work. As the Secretary-General has stated, in the Bolivarian Republic of Venezuela, vaguely formulated criminal offences related to organized crime and terrorism have been used to stigmatize and criminalize civil society and the media.⁴³ OHCHR continues to follow the cases of three human rights defenders of the non-governmental organization FundaREDES, and the case of four journalists who face charges including terrorism and “incitement to hatred”⁴⁴ for carrying out their professional activities. Of the four, three have been conditionally released. Javier Tarazona remains in pretrial detention. Mr. Tarazona requested access for specialized medical care, owing to the reported deterioration in his health while in detention. It is essential that these kinds of requests are duly and expeditiously considered by the competent authorities.

C. Fundamental freedoms

1. Freedom of association

52. Restrictions on the work of non-governmental organizations continued to raise issues concerning the compliance of domestic regulations with international standards protecting the right to freedom of association. The approval of legislation on the matter should take into consideration prior and meaningful consultations with all concerned rights holders.

53. Concerns⁴⁵ remain about the registry for non-governmental organizations created on 20 March 2021 under the Organic Law against Organized Crime and the Financing of Terrorism, in which all non-governmental organizations without distinction must register.⁴⁶ Any limitations on freedom of association must comply with the requisites of legality, proportionality, necessity and legitimate purpose, as established in international human rights law.⁴⁷ If enforced, this new registry could increase the operating costs of non-governmental organizations and stretch available resources, further limiting the operations of these organizations. With four other mandatory registries for non-governmental organizations, the duplication of oversight mechanisms risks further delays in the administrative process regulating such organizations, ultimately affecting freedom of association.⁴⁸

54. During the reporting period, at least four human rights organizations were unable to register or update information in the Servicio Autónomo de Registros y Notarías (public register). When they complained, their petitions were reportedly denied on procedural

⁴² See communications VEN 7/2021 and VEN 9/2021 (in Spanish). All communications mentioned in the present report are available from <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

⁴³ A/76/273, para. 24.

⁴⁴ A/HRC/47/55, para. 61. This offence is punishable by 10 to 20 years of imprisonment under the Constitutional Law against Hatred, for Peaceful Coexistence and Tolerance of 8 November 2017.

⁴⁵ See communication VEN 8/2021 (in Spanish).

⁴⁶ A/HRC/47/55, para. 67.

⁴⁷ International Covenant on Civil and Political Rights, art. 22.

⁴⁸ See communication VEN 8/2021 (in Spanish).

grounds, such as a lack of sufficient personnel or owing to changing internal regulations applicable retroactively.

2. Right of peaceful assembly

55. Most peaceful protests were linked to economic and social rights, in particular to claim protection of wages and other labour rights, and access to fuel and other basic services. No cases of deaths in the context of protests were registered, representing progress compared with previous reporting periods. The trend towards an overall reduction in the number of demonstrations continued, with 3,784 social protests from June 2021 to March 2022,⁴⁹ close to half the number reported in previous periods. COVID-19 prevention measures limiting the right of peaceful assembly were progressively eased. Demonstrations for the protection of the human rights of lesbian, gay, bisexual, transgender and intersex persons were also held, calling for a comprehensive law against discrimination based on sexual orientation, gender identity and expression and sex characteristics, and in support of legal recognition and protection of same-sex couples, including through marriage. On 26 November 2021, the Constitutional Chamber of the Supreme Court of Justice accepted a motion submitted on 7 December 2016 challenging the constitutionality of article 565 of the Organic Law of Military Justice, which penalizes consensual sexual acts between adults of the same sex in the armed forces, with sentences of up to three years in prison and dismissal.

56. Peaceful protests were staged by Pemon indigenous groups in the State of Bolívar to claim protection of their rights over their ancestral territory. Twenty-two Pemon indigenous communities live in this area, part of the Arco Minero del Orinoco region. On 12 January 2022, alleged members of a *sindicato* (organized criminal group) and non-indigenous municipal councils took over a warehouse located on indigenous land in Bolívar State. Three indigenous people were reportedly hurt in the incident. Indigenous communities protested the invasion of their land and closed a road. The protest ended on 17 January, after representatives of 17 communities and the Governor of Bolívar State agreed on a road map for working sessions with state representatives.

57. Arbitrary detentions in the context of peaceful protests were observed, albeit to a lesser degree than in previous reporting periods. OHCHR documented three cases of allegations of arbitrary detention in this context. On 12 February 2022, two elder members of the Venezuelan Movement for the Recall⁵⁰ (MOVER), were arrested by agents of the Macuto municipal police, in La Guaira State. On 14 February 2022, they were presented to the court and accused of incitement to hatred for hanging a banner expressing opposition to the national authorities. A court confirmed the charges and their preventive detention, and, on 17 February 2022, they were conditionally released pending investigation.

3. Freedom of opinion and expression

58. OHCHR continued to document instances of violations of the right to freedom of opinion and expression affecting journalists, media workers and news outlets, human rights defenders and civil society representatives. A total of 34 cases were documented, including harassment, censorship and confiscation of media equipment. Accounts of self-censorship due to fear of reprisals also continued to be registered by OHCHR.

59. In July 2021, following judicial proceedings that lasted over six years, the Constitutional Chamber of the Supreme Court of Justice upheld a decision requiring *El Nacional* newspaper to pay the equivalent of \$13 million in compensation for moral damages in a defamation case against a state official, acting in his personal capacity. On 7 February 2022, the headquarters building of *El Nacional* newspaper, including the land on which it stood, were adjudicated to the state official, in lieu of financial compensation. According to the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression,⁵¹ this judicial procedure raised concerns of due process, including with regard to the prior notification of all parties at all stages of the proceedings. The Special

⁴⁹ Observatorio Venezolano de la Conflictividad Social, monthly trend reports, January 2021–March 2022 (in Spanish).

⁵⁰ I.e., of the President of Venezuela.

⁵¹ See communication VEN 2/2022 (in Spanish).

Rapporteur also raised concerns about the compatibility of the compensation granted by the Supreme Court of Justice with the requisites of necessity and proportionality set forth in the International Covenant on Civil and Political Rights.⁵² Since 11 February 2022, the website of *El Nacional* remains blocked, reportedly by decision of the National Telecommunications Commission on the basis of the legislation against incitement to hatred, further affecting the newspaper's capacity to carry out media work.

60. Undue restrictions to the freedom of the media were also reported to OHCHR on election day, reportedly affecting at least 15 journalists and media workers, including 5 women. OHCHR also received reports of 24 independent media websites blocked by the State Internet provider, CANTV, and 6 suspensions of radio stations by the National Telecommunications Commission. Media freedom is essential in a democratic society, including in any electoral process. During the regional elections, five cases of alleged arbitrary detention, including two involving media workers, were reported; all of those detained were later released.

61. At least one radio station was closed down and its equipment confiscated by the National Telecommunications Commission during the reporting period. The closure was allegedly caused by the failure to operate with the necessary licences, despite the timely submission of the appropriate requests for their renewal. OHCHR also documented the suspension of three radio programmes critical of the Government, as well as the blocking of 41 Internet sites, including those of independent news outlets, non-governmental organizations and web pages related to privacy protection tools, by State-owned and private Internet providers, allegedly without due process or notification of the site owners of the causes for the shutdowns by the national regulator or the private Internet providers, raising concerns about the compatibility of these measures with international human rights law. Unstable Internet connectivity also persisted throughout the country.

62. On 17 September 2021, the National Assembly passed the Law on Transparency and Access to Information of Public Interest. The law recognizes the right of access to information of public interest that is available. However, such access is limited to information that is necessary to the meaningful participation of persons in the design, development and monitoring of public policy. Among other grounds, requests can be denied should they generate a threat to the normal socioeconomic development of the country. Such vague formulations could allow for the arbitrary restriction of the right of access to public information. International standards require that restrictions to the right of access to information held by public bodies be established by law, exceptional, necessary, and proportional.⁵³ OHCHR continued to register public information requests from civil society organizations that had been left unanswered, including 21 since the new law was enacted, and requests rejected for non-essential formalities.⁵⁴ It is important to ensure the timely processing of information requests,⁵⁵ and meaningful replies.

63. Information is not readily available in many areas, including to assess the situation of economic, social and cultural rights. For instance, the national budget has not been published since 2018, and indicators and supporting information essential for monitoring human rights and progress in achieving the Sustainable Development Goals remained largely unavailable. The realization of the right of access to information involves an obligation for States to proactively make available Government information of public interest.⁵⁶

V. Conclusions and recommendations

64. OHCHR acknowledges measures taken by the Bolivarian Republic of Venezuela towards the implementation of its previous recommendations, while noting that

⁵² Human Rights Committee, general comment No. 34 (2011), para. 22.

⁵³ Ibid.

⁵⁴ [A/HRC/48/19](#), para. 44.

⁵⁵ Human Rights Committee, general comment No. 34 (2011), para. 19; and [A/HRC/41/18](#), para. 82 (a) and (c).

⁵⁶ Ibid.

available resources have been affected by sectoral sanctions and the COVID-19 pandemic. Over the reporting period, some steps were taken towards strengthening the rule of law, including as it pertains to justice, detention and the police. The ongoing reforms present opportunities for improvement and, in particular, for ensuring that laws and their application, as well as policies, are fully in line with international human rights law and standards. Further steps need to be taken to effectively implement all the previous OHCHR recommendations and to lead to long-term structural change. Reforms must be supported by genuine engagement with civil society actors through meaningful, inclusive and genuine consultations. A favourable environment for the work of civil society must be strengthened, by allowing zero tolerance for attacks against human rights defenders and journalists, implementing preventive policies and ensuring effective accountability mechanisms. In accordance with the country's commitment to leave no one behind, in line with the 2030 Agenda for Sustainable Development, more needs to be done for the full realization of economic, social, cultural and environmental rights.

65. In addition to the previously issued recommendations, OHCHR calls upon the Government of the Bolivarian Republic of Venezuela to:

(a) Ensure that reforms in the areas of justice, police and detention translate into effective and sustainable changes based on international human rights law and standards, and that the legal reforms are strictly applied;

(b) Continue to take measures to ensure pretrial detention and other coercive measures are used only when strictly necessary, in accordance with international standards, and remain within statutory limits, and to address all the causes of judicial delays, such as ensuring the timely transfer of detainees for court hearings;

(c) Ensure prompt, independent, effective, impartial, transparent, thorough and credible investigations and judicial proceedings in cases of alleged human rights violations, and detain, prosecute and punish those responsible, including superiors, in accordance with international human rights law;

(d) Support spaces for an inclusive and wide-ranging political dialogue, with human rights at the centre of the discussions;

(e) Ensure the meaningful and effective participation of civil society actors in the adoption of policies and legislation on matters affecting them;

(f) Ensure that all requests for broadcast licences, including renewals, are processed in strict compliance with all applicable regulations and with due regard to international human rights law and standards, including due process and the right to freedom of expression, and that any restrictive measure, such as the revocation or suspension of licences, does not constitute an impermissible restriction under article 19 of the International Covenant on Civil and Political Rights;

(g) Take measures to ensure that democratic and civic space is not unduly restricted, including by:

(i) Repealing or abstaining from introducing, as appropriate, regulations that are inconsistent with the protection and promotion of democratic and civic space;

(ii) Considering the review of the Constitutional Law against Hatred, for Peaceful Coexistence and Tolerance, the Law on Transparency and Access to Information of Public Interest and the Organic Law against Organized Crime and the Financing of Terrorism to bring them fully in line with international human rights law;

(iii) Strengthening effective accountability mechanisms;

(iv) Immediately releasing those detained for acts of legitimate work or expression;

(h) Ensure the right of citizens to stand for election is not unduly restricted, either in law or in practice, and ensure due process guarantees are strictly implemented

should candidates be disqualified, respecting the independence and separation of powers of government;

(i) Introduce a comprehensive law to prohibit all forms of discrimination, including based on sexual orientation, gender identity and expression and sex characteristics, and adequately penalize such acts;

(j) Ensure the prompt, thorough and effective investigation and prosecution of cases of discrimination, hate crimes and femicides, while strengthening protection measures, in consultation with relevant civil society organizations;

(k) Ensure legal recognition and protection of same-sex relationships, without discrimination based on sexual orientation or gender identity, and repeal norms that criminalize consensual sexual acts between adults of the same sex, in particular article 565 of the Organic Code of Military Justice;

(l) Ensure the prompt adoption of the necessary regulatory framework and the allocation of adequate resources for the effective implementation of the Organic Law on the Right of Women to A Life Free of Violence;

(m) Introduce legislation and policies promoting the equitable participation of women in political parties and quotas to ensure gender parity for nominations to elected positions, including in elections for governors and mayors;

(n) Ensure that official data and disaggregated information of public interest is available, accessible and proactively disseminated, including information related to gender-based violence and economic, social, cultural and environmental rights;

(o) Ensure measures are taken towards the progressive realization of the right to an adequate standard of living of all of the population, without discrimination;

(p) Ensure that labour rights, including the right to form and to join trade unions, are upheld, and remain committed to the establishment of a genuine social dialogue with representatives of workers and employers;

(q) Take urgent measures to ensure the highest attainable standard of health, including of those deprived of liberty, in particular by allocating adequate resources to hospitals and health centres;

(r) Establish a special voter register for indigenous people to ensure their free and meaningful participation in electoral processes;

(s) Continue to expand cooperation with OHCHR with a view to implementing human rights-based recommendations, including those stemming from international mechanisms, such as the human rights treaty bodies and the special procedures, including in the context of the third cycle of the universal periodic review mechanism.
