

Cómo presentar Pruebas sobre las Condiciones del País para su caso de asilo

Las pruebas sobre su país de origen pueden ayudarle a ganar su caso de asilo. Este tipo de pruebas se conocen como "**Pruebas Sobre las Condiciones del País**" y ayudan a demostrar al Corte de Inmigración por qué tiene miedo de volver a su país de origen además de ayudarle a contar su historia. Estas pruebas también ayudan a mostrar al Corte de Inmigración por qué otras personas en su situación temerían volver a su país de origen, y a mostrar al Corte de Inmigración el peligro y la falta de protección que existen en dicho país. Las pruebas sobre las condiciones del país pueden **someterse al mismo tiempo o después** de presentar el formulario I-589 de solicitud de asilo.

Asegúrese de presentar su Paquete de Condiciones del País antes de la fecha límite fijada por el Juez de Inmigración: SI NO HAY OTRA FECHA FIJADA, PRESENTELO AL MENOS 15 DÍAS ANTES DE SU AUDIENCIA.

Instrucciones paso a paso:

- (1) Descargue el Paquete de Condiciones del País (Country Conditions Packet) que contiene información sobre su país y por qué usted y otras personas en su situación temen regresar a su país de origen;
- (2) Asegúrese de saber dónde está su corte, quién es su juez y cuándo es la fecha de su audiencia. Esta información la puede encontrar entrando en el siguiente enlace e introduciendo su Número A:
 - a. Enlace del Portal EOIR: <https://acis.eoir.justice.gov/en/>
- (3) En la primera página de su Paquete de Condiciones del País, deberá:
 - a. Escriba su nombre completo, su número A y los nombres completos y números A de los miembros de su familia que formen parte del caso, como su cónyuge o sus hijos; y
 - b. Escriba la ciudad y el estado de la Corte de Inmigración, el nombre del juez, y la fecha y hora de su Audiencia (que puede consultar en el enlace del Portal EOIR anterior).
- (4) En la última página de su Paquete de Condiciones del país, deberá:
 - a. Escriba su nombre, la fecha en la que está presentando su Paquete de Condiciones del País, y la dirección de la oficina del Fiscal del ICE (OPLA) que tiene jurisdicción sobre su caso, que se puede encontrar buscando en el directorio de OPLA en: <https://www.ice.gov/contact/field-offices?office=12>; y

¡NO PRESENTE ESTAS PÁGINAS ANTE LA CORTE DE INMIGRACIÓN!

- b. Firme la línea al final de la página - este es un paso importante, debido a que demuestra a la Corte de Inmigración que usted también está enviando una copia al Abogado de ICE.

(5) Imprima (3) copias de su Paquete de Condiciones del País: necesitará 1 copia para la Corte de Inmigración, 1 copia para ICE, y 1 copia para usted;

(6) Para entregar el paquete ante la Corte de Inmigración:

- a. Presente la primera copia de su Paquete de Condiciones del País directamente a la Corte de Inmigración que maneja su caso, la cual puede encontrar entrando en el siguiente enlace e ingresando su Número A:
Enlace del Portal EOIR: <https://acis.eoir.justice.gov/en/>.
Este paquete puede ser presentado en persona en la Corte de Inmigración o por correo postal.
 - i. Si lo presenta en persona, pídale al secretario de la corte que también selle su copia - ¡esta es su prueba de que presentó su paquete de condiciones del país!
 - ii. Si usted lo envía por correo, asegúrese de enviar el paquete a través de correo certificado USPS y mantener la prueba de su número de seguimiento.
 - iii. La corte cierra a las 4PM – si has llegado a la línea para someter su paquete antes de 4PM, la corte tiene que aceptarla ese mismo día!

(7) Para entregar el paquete ante ICE:

- a. Envíe por correo su segunda copia al abogado del ICE a la dirección de su oficina OPLA
 - i. Esta será la misma dirección que ha escrito en la última página del Paquete de Condiciones del País (que se puede encontrar en el enlace del directorio OPLA más arriba).

(8) Su copia:

- a. Guarde la tercera copia, su copia, sellada por la Corte de Inmigración, como prueba de que presentó su paquete de condiciones del país y para tenerla en su Audiencia. Esto es importante porque tendrá que llevarlo a su audiencia final, que se llama "Audiencia Individual".

(9) La Audiencia Individual:

- a. Si el Juez de Inmigración le pregunta si ha presentado "condiciones del país" o "pruebas" en apoyo de su caso, diga que SÍ, y muéstrole su copia sellada del paquete como prueba.

¡NO PRESENTE ESTAS PÁGINAS ANTE LA CORTE DE INMIGRACIÓN!

PRO SE

NON-DETAINED

Name/Nombre: _____

Address/Direccion: _____

Phone/Telefono: _____

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT**

(City, State of Immigration Court/Ciudad, Estado de Corte de Inmigracion)

_____)
In the Matter of: _____)
_____)
(Name/Nombre) _____)
_____)
(Name/Nombre) _____)
_____)
(Name/Nombre) _____)
The Respondent(s) _____)
_____)

File No. A: _____
(A Number/Numero A)

File No. A: _____
(A Number/Numero A)

File No. A: _____
(A Number/Numero A)

IN REMOVAL PROCEEDINGS

Immigration Judge: _____
(Name of Judge/Nombre del Juez)

Hearing Date: _____
(Hearing Date/Fecha de la Proxima Audiencia)

**PRO SE RESPONDENT'S EVIDENCE IN SUPPORT OF APPLICATION FOR
ASYLUM AND FOR WITHHOLDING OF REMOVAL**

TAB	SUMMARY	PAGES
GOVERNMENTAL SOURCES		
A	<p data-bbox="277 317 1166 422">U.S. Department of State, 2022 Country Reports on Human Rights Practices: Venezuela (2022), available at Venezuela - United States Department of State</p> <ul data-bbox="321 449 1279 1738" style="list-style-type: none"> • “Significant human rights issues included credible reports of: unlawful or arbitrary killings, including extrajudicial killings by regime forces; forced disappearances by the regime; torture or cruel, inhuman, or degrading treatment or punishment by security forces; harsh and life-threatening prison conditions; arbitrary arrest or detention by security forces;” • “Cases of torture and other cruel, inhuman, or degrading treatment or punishment of prisoners were also reported. Regime-aligned individuals subjected detainees to asphyxiation, electric shock, broken bones, hanging by their limbs, and being forced to spend hours on their knees. Detainees were also subjected to cold temperatures, sensory deprivation, and sleep deprivation; remained handcuffed for extended periods of time; and received death threats to themselves and their relatives.” • “Most prison conditions were harsh and life threatening due to gross overcrowding, food shortages, inadequate sanitary conditions and medical care, systemic violence, and poor infrastructure.” • “The law provides for the right to a fair and public trial with oral proceedings for all individuals. The FFM and OHCHR reports issued during the year concluded the regime frequently violated the rights to a fair trial without undue delay and to have legal counsel. Lack of judicial independence allowed the regime to use the judiciary to arbitrarily prosecute opponents and led to rampant abuse of rights.” • “The Maduro regime used the judiciary to intimidate and prosecute individuals critical of regime policies or actions.” • “Our research shows that there are instances where there is an extremely high correlation between public stigmatization and politically motivated arbitrary arrests. This correlation is a new indicator of a systematic policy of repression and points to the crime against humanity of persecution.” • “From the highest levels of the state, the system has been designed to discredit, accuse, threaten and target those who defend, promote and demand respect for human rights, through public statements, the media and social, personal and institutional networks.” 	1-66

B	<p>Congressional Research Service, <i>Venezuela: Political Crisis and U.S. Policy</i> (2021), available at 50 (congress.gov)</p> <ul style="list-style-type: none"> “Maduro has quashed dissent and resisted international pressure to step down since his reelection in a May 2018 presidential vote that was widely condemned as fraudulent;” <p>“Maduro has used security forces, buoyed by corrupt courts, to quash dissent.”</p>	67-69
MEDIA SOURCES		
C	<p>NPR, <i>Venezuelan Refugees Face Violence and Closed Borders as they try to flee.</i> (2018) available at Venezuelan Refugees Face Violence And Closed Borders As They Try To Flee : NPR</p> <ul style="list-style-type: none"> “Our research shows that there are instances where there is an extremely high correlation between public stigmatization and politically motivated arbitrary arrests. This correlation is a new indicator of a systematic policy of repression and points to the crime against humanity of persecution.” “From the highest levels of the state, the system has been designed to discredit, accuse, threaten and target those who defend, promote and demand respect for human rights, through public statements, the media and social, personal and institutional networks.” 	70-74
D	<p>Amnesty International, <i>Calculated Repression: Stigmatization and Arbitrary Detention for Political Reasons in Venezuela.</i> available at Calculated Repression in Venezuela (amnesty.org)</p> <ul style="list-style-type: none"> “The correlation of the arbitrary detentions with the stigmatizations -which have an evident political nature- point to an objective of political discrimination that seriously affects the rights of people in Venezuela who think differently from the government of Nicolás Maduro.” 	75-100
E	<p>Amnesty International, <i>Venezuela.</i> available at Human rights in Venezuela Amnesty International</p> <ul style="list-style-type: none"> “The number of mass demonstrations demanding civil and political rights fell compared to previous years. In response, the authorities adopted more targeted, but nevertheless systematic, repressive tactics. These included using the judicial system to silence dissent and criminalize human rights defenders.” “Authorities often responded to these demonstrations with excessive force and arbitrary detentions.” 	101-110
F	<p>The New York Times, <i>A Knock, Then Gone: Venezuela Secretly Detains Hundreds to Silence Critics.</i> (2020) available at Secret Detentions Become a Common Tool of Repression Under Maduro - The New York Times (nytimes.com)</p> <ul style="list-style-type: none"> “Secret detentions, known under international law as “forced disappearances,” are playing a critical role in the Venezuelan government’s 	111-116

	increasingly authoritarian efforts to control its population, discourage dissent and punish opponents”.	
G	<p>Reuters <i>Fleeing hardship at home, bias abroad, Venezuelans flock to U.S. (July 14, 2021)</i>, available at Fleeing hardship at home, bias abroad, Venezuelans flock to U.S. Reuters</p> <ul style="list-style-type: none"> • “Over 17,000 Venezuelans arrived at the southern U.S. border in the last eight months - more than in the previous 14 years combined - according to data from the U.S. Customs and Border Protection (CBP) agency. Many hope to claim asylum.” • “Protests in 2014 and 2017 also led to a backlash by authorities against perceived opponents.” 	117-120
H	<p>Human Rights Watch, <i>Venezuela Events of 2021 (2021)</i>, available at World Report 2022: Venezuela Human Rights Watch (hrw.org)</p> <ul style="list-style-type: none"> • “Intelligence and security forces have tortured various detainees and their family members. In 2020, the UN Office of the High Commissioner for Human Rights (OHCHR) reported cases of alleged torture and ill-treatment including severe beatings with boards, suffocation with plastic bags and chemicals, submersion in water, electric shocks to eyelids and genitals, exposure to cold temperatures, and handcuffing for extended periods.” • “Security forces have severely injured and occasionally killed demonstrators they had deliberately shot at point-blank range with riot-control munitions, brutally beaten others who offered no resistance, and staged violent raids on apartment buildings.” 	121-132
I	<p>Human Rights Watch, <i>Venezuela Events of 2022 (2022)</i>, available at World Report 2023: Venezuela Human Rights Watch (hrw.org)</p> <ul style="list-style-type: none"> • “The government has jailed political opponents and disqualified them from running for office.” • “At least 114 political prisoners have spent more than three years in pretrial detention, despite time limits included in a recent Criminal Code reform. Approximately 875 of the 15,770 civilians arbitrarily arrested from 2014 through June 2022 have been prosecuted in military courts, the Penal Forum reported.” 	133-143
J	<p>ECRE, UNHCR: <i>Majority of People Fleeing Venezuela In Need of International Protection. (2019)</i> available at UNHCR: Majority of People Fleeing Venezuela in Need of International Protection European Council on Refugees and Exiles (ECRE)</p> <ul style="list-style-type: none"> • “According to UNHCR because of: “the threats to their lives, security or freedom resulting from circumstances that are seriously disturbing public order in Venezuela”, the majority of the people fleeing Venezuela are entitled to protection based on the 1984 Cartagena Declaration.” 	144-145

<p>K</p>	<p>Human Rights Watch, <i>The Venezuelan Exodus</i>. (2018) available at The Venezuelan Exodus: The Need for a Regional Response to an Unprecedented Migration Crisis HRW</p> <ul style="list-style-type: none"> • “Venezuelans are fleeing their country for multiple reasons... A ruthless government crackdown has led to thousands of arbitrary arrests, hundreds of prosecutions of civilians by military courts, and torture and other abuses against detainees. Arbitrary arrests and abuses by security forces, including by intelligence services, continue.” 	<p>146-171</p>
<p>L</p>	<p>Stanford Migration and Asylum Lab, <i>Venezuela Country Conditions Bulletin</i> (2023) available at https://migration.sites.stanford.edu/sites/g/files/sbiybj30036/files/media/file/2023-venezuela-bulletin.pdf</p> <ul style="list-style-type: none"> • “Ever since the presidency of Hugo Chavez in 1999, Venezuela has experienced an increasing level of authoritarianism and violence, both by state and non-state actors.” • “Maduro’s government has significantly extended repression of political opponents begun under Chávez. Ahead of the 2013 election, Maduro threatened that a vote against him would be akin to treason. 12 Since then, he has continued to retaliate against any actual and perceived critics of the government, jailing and investigating many opposition figures. 13 In 2016, in a repeat of the Tascón list, the National Electoral Council published the names of citizens who had signed a recall referendum on Maduro’s presidency. Hundreds of government employees were fired as retaliation for signing the referendum, and the list was also used to withhold subsidized food benefits for otherwise qualifying citizens. 14 Mass protests against Maduro’s government in 2014, 2017, and 2019 have been met with increasingly violent and repressive measures by state security forces, creating ever more dangerous conditions for political opposition.” • “In addition to pervasive persecution of political opponents by the government, Venezuela remains one of the deadliest countries in the world and suffers from high levels of violence and crime.” • “Elections in Venezuela have been so deeply tainted by Maduro’s control that opposition parties cannot reasonably claim to have any legislative power. Opposition party members have been both physically harmed and summarily removed from power.” • “While the political space for opposition supporters diminished during Hugo Chavez’s presidency, the Maduro government’s use of state-sponsored violence beginning with the 2014 protests has eliminated any realistic ability for an opponent or perceived opponent of the government to maintain a sense of physical safety.” 	<p>172-208</p>

TAB A

VENEZUELA 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

While Venezuela is legally a multiparty, constitutional republic, the regime of Nicolas Maduro claims control over all public institutions. In November 2021, the Maduro regime organized regional and municipal elections largely perceived as skewed in their favor. Election observers and media reported arbitrary arrests, criminalization of opposition parties' activities, bans on candidates, and media censorship during the elections. The European Union was allowed to act as election observer for the first time in 15 years, but the Maduro regime asked its observers to leave the country before they could present their final report. In the final report, the European Union noted significant structural deficiencies to the electoral system and provided the regime with 23 recommendations to improve electoral conditions.

The Bolivarian National Guard – a branch of the military that reports to the Ministry of Defense and the Ministry of Interior, Justice, and Peace – is responsible for maintaining public order, guarding the exterior of key government installations and prisons, conducting counternarcotics operations, monitoring borders, and providing law enforcement in remote areas. The Ministry of Interior, Justice, and Peace controls the National Scientific, Criminal, and Investigative Corps, which conducts most criminal investigations, and the Bolivarian National Intelligence Service, which collects intelligence within the country and abroad and is responsible for investigating cases of corruption, subversion, and arms trafficking. Police consist of municipal, state, and national forces. Mayors and governors oversee municipal and state police forces. The Bolivarian National Police report to the Ministry of Interior, Justice, and Peace. The national police largely focus on policing Caracas' Libertador municipality; patrolling Caracas-area highways, railways, and metro system; and protecting diplomatic missions. The national armed forces patrol other areas of the country. Civilian authorities' control over the security forces continued to decline and was deeply politicized. Increasingly unpopular with citizens, the Maduro regime depended on civilian and military intelligence services, and to a lesser extent, proregime armed gangs known

as *colectivos*, to neutralize political opposition and subdue the population. There were reports that members of security forces committed numerous abuses. A September UN report detailed the systematic use of the Bolivarian National Intelligence Service and the Military Counterintelligence Directorate to intimidate and control the activities of political opponents.

Significant human rights issues included credible reports of: unlawful or arbitrary killings, including extrajudicial killings by regime forces; forced disappearances by the regime; torture or cruel, inhuman, or degrading treatment or punishment by security forces; harsh and life-threatening prison conditions; arbitrary arrest or detention by security forces; political prisoners or detainees; serious problems with the independence of the judiciary; unlawful interference with privacy; unlawful recruitment or use of child soldiers; serious restrictions on free expression and media, including violence or threats of violence, unjustified arrests or prosecutions of journalists, censorship, and enforcement of or threat to enforce criminal libel laws to limit expression; serious restrictions on internet freedom; substantial interference with the freedom of peaceful assembly and freedom of association, including overly restrictive laws on the organization, funding, or operation of nongovernmental organizations and civil society organizations; inability of citizens to change their government peacefully through free and fair elections; serious and unreasonable restrictions on political participation; serious government corruption; serious restrictions on or harassment of domestic and international human rights organizations; lack of investigation of and accountability for gender-based violence, including domestic or intimate partner violence, sexual violence, workplace violence, femicide, and other forms of such violence; substantial barriers to accessing sexual and reproductive health services; crimes involving violence or threats of violence targeting indigenous peoples such as the Yanomami; trafficking in persons; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons; significant restrictions on workers' freedom of association; and the worst forms of child labor.

The Maduro regime took no effective action to meaningfully identify, investigate, prosecute, or punish officials who may have committed human rights abuses or engaged in corruption.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were numerous reports that the Maduro regime committed arbitrary or unlawful killings. Although the regime did not release statistics on extrajudicial killings, nongovernmental organizations (NGOs) reported that national, state, and municipal police entities, as well as the armed forces and regime-supported colectivos, carried out hundreds of such killings during the year.

In September the UN Independent Fact-Finding Mission (FFM) on Venezuela noted, for the third consecutive year, concern regarding, “killings consistent with previously documented patterns of extrajudicial executions and other violations in the context of security operations in low-income, urban neighborhoods in various parts of the country.” The FFM report stated “real and perceived dissidents and opponents” of the Maduro regime increasingly included individuals and organizations that documented, reported, or attempted to address human rights or social and economic problems in the country. The FFM concluded that it had reasonable grounds to believe Maduro and other high-level members of the regime used security agencies such as the Directorate General of Military Counterintelligence (DGCIM) and Bolivarian National Intelligence Service (SEBIN) to suppress dissent through actions that included extrajudicial killings.

The Public Ministry is responsible for initiating judicial investigations of security force abuses. The Office for Protection of Human Rights in the Public Ministry is responsible for investigating cases involving crimes committed by public officials, particularly security officials. There was, however, no official information available on the number of public officials prosecuted, convicted, or sentenced to prison for involvement in extrajudicial killings, which, in the case of killings committed by police, were often classified as “resistance to authority.”

The regime did not publish data on arbitrary or unlawful killings committed during the year. In August Tarek William Saab, whom the regime styled as attorney general, reported that between 2017 and August, 1,527 security officers were accused of homicide; torture or inhuman, cruel, or degrading treatment; 762 were

imprisoned; and 279 were convicted for their crimes, but he made no reference to arbitrary killings. NGOs Venezuelan Education-Action Program on Human Rights (PROVEA) and Fundación Gumilla documented 485 extrajudicial killings in the context of security operations or protests in the first half of the year. State police were involved in the highest number of killings at 25 percent, followed by the National Bolivarian Police (PNB) at 20 percent, and then the National Scientific, Criminal, and Investigative Corps (CICPC) at 19 percent. Most of the victims (63 percent) were young men between 18 and 30 years old. The NGO Venezuelan Violence Observatory reported 104 deaths involving police or security forces from July to September, with PNB involved in 28 percent of the deaths.

On January 10, Venezuelan Communist Party member and local activist Jose Urbina was shot and killed inside his home in Puerto Paez, Apure. Local media suggested Urbina was killed by groups linked to the National Liberation Army (ELN), but other journalists and NGOs pointed to a November 13 video posted by Urbina as evidence the killer could be a member of regime armed forces. In the video, Urbina accused units commanded by Venezuelan National Guard (GNB) Lieutenant Ramon Sanchez of abducting more than 20 citizens from Puerto Paez to frame them for crimes they did not commit. Urbina alleged in the video that he was threatened by Sanchez and indicated him as the person responsible for any harm that may be done to him. No announcement was issued by regime attorney general Saab or other regime authorities regarding this case.

On March 20, during an altercation between members of the National Bolivarian Armed Forces (FANB) and members of the Yanomami Indigenous community in the Parima B area of the Alto Orinoco in Amazonas State, four Yanomami adults were killed and five were injured. According to local NGOs, the conflict began after FANB members refused to return an internet router that belonged to the Yanomami. The regime announced an investigation into the deaths, but Indigenous rights activists denounced several irregularities, including the lack of information available regarding the whereabouts of two key witnesses to the events.

On July 7, Juan Angel Pantoja Carreño, a detective from the CICPC police division, died, allegedly because of torture, in the DGCIM headquarters of Apure State. Pantoja Carreño was arrested on charges of extortion on July 5, and on July

6, he told peers from the CICPC that he was being tortured and feared for his life. Regime attorney general Saab announced that DGCIM agents Yarumy Rafael Figueroa and José Carlos Flores Pérez were responsible for the death of Pantoja Carreño and were charged with homicide, torture, and breach of the duty regarding custody of detainees. Saab also revealed that Pantoja Carreño's autopsy confirmed the cause of his death was suffocation by submersion in water. Families of the DGCIM agents charged for the death alleged the agents were set up by higher-level individuals to take the blame.

The NGO PROVEA reported that a September 8-11 police operation carried out at Los Valles del Tuy in Miranda State resulted in 23 extrajudicial killings. The operation was led by the National Anti-Extortion and Kidnapping Command, Miranda municipal police, GNB, PNB, and CICPC. Although the regime claimed that all the deceased were linked to criminal gangs and that they died during confrontations, relatives alleged police arbitrarily executed their family members.

Human rights defenders and environmental activists were killed during the year. On June 30, Virgilio Trujillo, a member of the Uwotujja Indigenous community, was shot and killed in Puerto Ayacucho, Amazonas State. Trujillo was coordinator of the Indigenous Territorial Guard, Ayose Huyunam, in the Autauna municipality, whose purpose was to defend Indigenous lands from criminal groups and illegal mining. The Working Group for Indigenous Issues (GTAI) from the University of the Andes blamed “agents of extractivism” for his death. According to GTAI, Trujillo's death was retaliation for his efforts to defend the Amazon from illegal mining. According to the Venezuelan-Colombian Project Observatory for the Defense of Life (ODEVIDA), Trujillo's death added to the 32 killings of Indigenous and environmental defenders in the past eight years.

There was some progress in the investigation surrounding the January 2021 incident where security forces killed at least 24 persons in a police operation in Caracas' La Vega parish. NGOs reported Bolivarian National Police Special Action Forces (FAES) officers were identified as potentially responsible for the death of four of the victims, although no convictions in the case. There was no progress in the investigation into the March 2021 case in which a family of five in El Ripial in Apure State were reportedly kidnapped and executed by FAES.

According to a June report released by the Office of the UN High Commissioner for Human Rights (OHCHR), PNB underwent a restructuring in 2021 that resulted in the dissolution of FAES, an entity involved in deaths in the context of security operations. Despite the OHCHR announcement, local NGOs pointed out the regime never issued an official declaration confirming the dissolution of FAES. In September, PROVEA reported FAES headquarters replaced the FAES acronym with the General Directorate Against Organized Crime (DGCO) and the Directorate of Criminal Investigations. PROVEA also noted former FAES director Jose Miguel Dominguez was listed as the DGCO director.

b. Disappearance

The NGO Fundaredes documented 246 disappearances or kidnappings between January and June in the border states of Tachira, Falcon, Zulia, Bolivar, Apure, and Amazonas. According to Fundaredes' investigations in the border region, irregular armed groups and criminal bands were complicit with regime security agents in committing regular violations of human rights, including disappearances.

The September FFM report included 96 possible disappearances from 2014 to October 2022 in the Orinoco Mining Arc in the context of illegal mining. In November, FANB found human remains on three separate occasions in Bolivar State, which the NGO InSight Crime reported could be connected to disappearances in the region linked to illegal mining.

The Maduro regime continued to deny requests by the UN Working Group on Enforced or Involuntary Disappearances to visit the country to conduct investigations. In 2020, the Working Group reported 29 outstanding cases of enforced or involuntary disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses

Although the constitution and law prohibit such practices, there were credible reports that Maduro-aligned security forces regularly tortured and abused detainees.

The Maduro regime-aligned Office of the Human Rights Ombudsman did not

publish statistics regarding allegations of torture by police during the year. Several NGOs detailed cases of widespread torture and “cruel, inhuman, and degrading treatment.” Human rights groups and the FFM reported the regime continued to influence the attorney general and public defenders to conduct investigations selectively and subjectively.

In September the FFM released a third report focused on crimes against humanity committed through structures and individuals in the regime’s intelligence services, specifically DGCIM and SEBIN, as part of a systematic plan to repress opposition to the regime. The report noted the violent acts were not committed arbitrarily but rather were part of a system orchestrated and executed by the Maduro regime to repress dissidents. The FFM documented that SEBIN played a fundamental role in the detention of opponents, including politicians, human rights defenders, and protesters. Most prisoners were taken to El Helicoide (SEBIN) and Boleita (DGCIM) torture detention facilities, but there were several detention centers around the country. The report detailed that torture was a systematic procedure in both El Helicoide and Boleita. The FFM documented 122 cases of victims subjected to torture, sexual violence, and other inhuman punishment by DGCIM agents beginning in 2014. At SEBIN, it documented 51 cases of torture or inhuman treatment. The FFM reported DGCIM and SEBIN recruited low-level officers who were young and poor, with low levels of education, and who often had alcohol or drug dependencies. The FFM noted the vulnerable state of these low-level officials made them easier to manipulate through a system of rewards or punishments.

In February two DGCIM agents were sentenced to 30 years’ imprisonment for the death of Captain Rafaela Acosta Arevalo, who died in DGCIM custody in 2019. Arevalo’s lawyers and human rights organizations criticized the sentencing of lower-level officials and demanded that others in the regime’s chain of command, including higher-level individuals in the Ministry of Defense, be investigated for Arevalo’s death. In its September report, the FFM concluded it had reasonable grounds to believe that four others, including Hannover Guerrero, director of the Special Directorate of Criminal Investigations, and Granko Arteaga, director of the Special Affairs Unit, should be investigated for Arevalo’s death along with persons in the chain of command above them.

The FFM also found that at times judges ordered pretrial detention in SEBIN or DGCIM facilities, despite the risk or commission of torture, even when detainees in court rooms alleged torture or displayed signs consistent with it. Foro Penal and the NGO Coalición por los Derechos Humanos y la Democracia maintained that hundreds of cases of torture were not reported to government institutions because victims feared reprisal. In a June report, Coalición por los Derechos Humanos y la Democracia stated that in 100 percent of the cases they studied, doctors issued false or inaccurate medical reports intended to cover up signs of torture. The report also found that in 98 percent of the cases studied, when victims of torture or their family members tried to report the abuse, the report was rejected, or the processing was delayed.

Media and NGOs reported beatings and humiliating treatment of suspects during arrests were common and involved various law enforcement agencies and the military controlled by the Maduro regime. Cases of torture and other cruel, inhuman, or degrading treatment or punishment of prisoners were also reported. Regime-aligned individuals subjected detainees to asphyxiation, electric shock, broken bones, hanging by their limbs, and being forced to spend hours on their knees. Detainees were also subjected to cold temperatures, sensory deprivation, and sleep deprivation; remained handcuffed for extended periods of time; and received death threats to themselves and their relatives. Detainees reported regime-aligned security forces moved them from detention centers to houses and other clandestine locations where abuse took place. Cruel treatment frequently involved denying prisoners medical care and holding them for long periods in solitary confinement. The latter practice was most prevalent with political prisoners. NGOs detailed reports from detainees who were victims of sexual and gender-based violence by security units. The OHCHR received complaints of torture or cruel treatment related to 14 detainees from May 2021 to April 2022. The OHCHR stated the lack of investigations into complaints of torture and lack of protection against reprisals discouraged victims to come forward.

The Casla Institute for the Study of Latin America continued to denounce the construction of new places of torture used by the regime in collaboration with Cuban intelligence officers who actively participated in repression and trained the regime in methods of torture while sometimes performing torture themselves. The

Casla Institute reported new torture patterns employed by the regime-aligned military, including hitting victims with a metal bar, submerging naked victims in ice-cold wells, inserting objects in the nose and ears, using burn-causing agents, injecting hallucinogens, and putting a gun in the victim's mouth.

Foro Penal reported multiple instances of political prisoners denied adequate medical treatment while in regime custody. On August 23, Captain Armando Flores Piñango, a retired member of the military, died of cancer in regime custody following 88 days of hospitalization, during which he was reportedly neglected and without adequate medical care. As of April, Foro Penal reported more than 40 individuals detained on politically motivated grounds were in critical health and were being denied medical attention. The health reports detailed muscle problems, severe fractures, hernias, and high blood pressure. Family members of Javier Tarazona, a human rights defender arrested by the regime in July 2021, reported the conditions of his confinement and a lack of adequate medical treatment resulted in his developing colon irritation and psoriasis. Foro Penal also noted instances in which the regime used medical facilities as interrogation centers.

On January 6, army Lieutenant Colonel Igbert Jose Marin Chaparro, a political prisoner detained by DGCIM, ended a hunger strike he began on December 21, 2021, in protest of poor detention conditions and torture received while detained. Marin Chaparro issued a public letter asking various international institutions to investigate the use of torture mechanisms used on him and other prisoners, such as the "House of Dreams," punishment cells in the basement of DGCIM's headquarters. Marin Chaparro also reported he was tortured with bags put over his head, tear gas, and repeated beatings resulting in broken ribs.

Impunity for security forces was a significant problem. Despite continued reports of police abuse and involvement in crime, particularly in the activities of illegally armed groups, including illegal and arbitrary detentions, extrajudicial killings, kidnappings, and the excessive use of force, the Maduro regime took no effective action to investigate individuals who committed human rights abuses. Corruption, inadequate police training and equipment, and insufficient central government funding, particularly for police forces in states and municipalities governed by opposition officials, reduced the effectiveness of security forces. NGOs noted that many victims did not report violent crimes to police or the regime due to fear of

retribution or lack of confidence in police.

Prison and Detention Center Conditions

Most prison conditions were harsh and life threatening due to gross overcrowding, food shortages, inadequate sanitary conditions and medical care, systemic violence, and poor infrastructure.

Abusive Physical Conditions: According to the NGO Venezuelan Observatory for Prisons (OVP), as of August, the designed capacity of the country's 500 prisons was approximately 20,440, but the estimated inmate population was 32,300. Of the inmate population, 29,773 were men and 2,523 were women. In pretrial detention facilities such as police station jails, detainees suffered from overcrowding, malnutrition, mistreatment, and extortion. In June the NGO Una Ventana a la Libertad (A Window to Freedom-UVL) reported there were 16,778 detainees in 335 pretrial facilities, which had a designed capacity of 10,718.

Generally unsanitary conditions placed prisoners at increased risk of contracting respiratory diseases such as COVID-19 and tuberculosis. Lack of water and cleaning supplies, inadequate access to recreation and sunlight, and insufficient food also increased the risk of respiratory diseases. An estimated 60 percent of detainees showed symptoms of severe malnutrition, leading this to be one of the main causes of deaths in prisons and jails. According to OVP, only 13 percent of prisoners ate three times a day, 38 percent ate twice a day, 40 percent received food once a day, and 9 percent never received food from prison administrators and had to rely on family.

OVP reported that in 98 percent of detention facilities, prisoners depended on family to supply them with food, water, and medicine. There was no sanitary control in food supply, nor adequate spaces to prepare and consume food. Media reported prison guards regularly stole food that families purchased for inmates and extorted families attempting to bring food into prisons. The NGO Solidarity Action found prison rules resulted in the isolation of those with HIV or AIDS in "inadequate spaces." OVP reported a generalized lack of medical care, drugs, equipment, and physicians for prisoners. Inmates often received the same pills regardless of their symptoms.

Male and female inmates were held together in most prisons. The law stipulates women in mixed prisons must be held in annexes or separate women's blocks; however, OVP reported that male and female prisoners intermingled. Maduro regime security forces and law enforcement authorities often held minors together with adults, although separate facilities existed. Because institutions were filled beyond capacity, hundreds of children accused of infractions were confined in juvenile detention centers, where they were reportedly crowded into small, unsanitary cells.

There were no policies that addressed woman-specific prison needs. According to OVP, there was one women's prison and 16 women's annexes. As of March, the women's prison, designed to hold 350, was overcrowded with 674 women. Pregnant or lactating women lacked proper facilities, medical assistance, prenatal supplements, and basic hygiene products. Women were also victims of sexual violence, abuse, and torture, and they were frequently coerced into sexual acts in exchange for food or water. NGOs reported guards knew and tolerated these abuses and sometimes were also accomplices. Prisoners took turns sleeping on floors and in office chairs, and sanitation facilities were inadequate or nonexistent.

The PNB and the Ministry of Interior, Justice, and Peace have responsibility for prisons' exterior and interior security, respectively. The Maduro regime failed to provide adequate prison security. OVP estimated a staffing gap of 90 percent for prison security personnel, with one guard for every 100 inmates instead of one for every 10, as recommended by international standards. Armed gangs, known as *pranes*, exercised de facto control within 46 percent of prisons. Pranes were involved in weapons and drug smuggling and often extorted funds from other inmates. Pranes also operated illegal businesses and criminal networks outside of prisons.

Between January and October, OVP recorded 86 deaths in prisons and pretrial detention centers, of which 59 percent resulted from causes associated with health conditions, including tuberculosis and malnutrition, and the rest due to violence and unsafe prison conditions. OVP reported that due to inadequate nutrition and lack of potable water, stomach illnesses were common among inmates. There were no adequate restroom facilities. None of the centers had proper infrastructure for persons with disabilities. On May 31, a riot at the Orient Penitentiary Center

known as La Pica in Monagas State, one of the most violent, prison-controlled prisons in the country, resulted in two prisoners killed and six inmates injured.

Administration: The Maduro regime-aligned Ministry of Penitentiary Services did not respond to requests from OVP, UVL, other human rights organizations, inmates, or families regarding credible allegations of mistreatment or investigations of the harsh conditions that led to hunger strikes, violent uprisings, and massacres.

Prisoners and detainees generally had access to visitors, including some with overnight privileges, but some restrictions remained due to COVID-19. In some cases, prison officials harassed or abused visitors. For political prisoners, prison officials imposed significant restrictions on visits by family and legal representation. When allowed access, visitors were at times subjected to strip searches.

Independent Monitoring: Human rights observers experienced restrictions in gaining access to prisons and detention centers. Since 2012, the Ministry of Penitentiary Affairs prohibited NGOs from conducting prison visits. The Roman Catholic Church was also banned from conducting visits. In July, the OHCHR reported visiting 21 detention centers and interviewing 259 prisoners. On June 29, UNHCHR Michele Bachelet revealed her office was not allowed to visit SEBIN headquarters El Helicoide or DGCIM headquarters in Boleita, two of the most notorious places of detention in the country.

d. Arbitrary Arrest or Detention

The constitution prohibits the arrest or detention of an individual without a judicial order and provides for the accused to remain free while being tried, but judges and prosecutors often disregarded these provisions. NGOs such as Foro Penal, the Committee for the Families of Victims of February – March 1989, the Institute for Press and Society, Espacio Publico, and PROVEA noted at least 2,000 open cases of arbitrary detentions; however, the Maduro regime rarely granted detainees the right to challenge the lawfulness of their detentions in court, even though the right to do so is stipulated by law. The regime arbitrarily detained individuals, including foreign citizens, for extended periods without criminal charges.

Arrest Procedures and Treatment of Detainees

While a warrant is required for an arrest, detention is permitted without an arrest warrant when an individual is apprehended in the act of committing a crime or to secure a suspect or witness during an investigation. Police often detained individuals and raided their homes without a warrant. The OHCHR found that in several cases the Maduro regime purported to issue warrants retroactively or forged the purported warrant's date of issuance. Foro Penal maintained detentions were often conducted without a warrant, which were provided retroactively by complicit prosecutors and judges. Detainees were presented without proper defense before a court days after being disappeared; public defenders were imposed in violation of detainees' right to choose their own lawyers.

The law mandates that detainees be brought before a prosecutor within 12 hours and before a judge within 48 hours to determine the legality of the detention. The law also requires that detainees be informed promptly of the charges against them. The regime routinely ignored these requirements.

Although the law provides for bail, release on bail is not afforded to persons charged with certain crimes. Bail also may be denied if a person is apprehended in the act of committing a crime or if a judge determines the accused may flee or impede the investigation. The law allows detainees access to counsel and family members, but that requirement was often not met, particularly for political prisoners. The constitution also provides any detained individual the right to immediate communication with family members and lawyers who, in turn, have the right to know a detainee's whereabouts. A person accused of a crime may not be detained for longer than the possible minimum sentence for that crime or for longer than two years, whichever is shorter, except in certain circumstances, such as when the defendant is responsible for the delay in the proceedings. The regime routinely ignored these requirements.

Arbitrary Arrest: Foro Penal reported 16 cases of politically motivated arbitrary detentions between January 1 and June 30. The UN Working Group on Arbitrary Detentions issued opinions finding 11 persons were arbitrarily detained, including at least eight persons that were in pretrial detention for more than three years.

On June 7, police from the Chacao municipality of Caracas (Polichacao) arrested four young persons who participated in a tribute marking the five-year anniversary of the death of Neomar Lander, a protester who died after being struck by a tear gas canister fired by police during the 2017 antigovernment demonstrations on Libertador Avenue in Chacao. Human rights NGOs and opposition politicians claimed Polichacao officers arbitrarily detained and forcibly disappeared Jholbert Godoy, Argelia Rovaina, Carlos Maneiro, and Luis Martínez, all activists of the political party Voluntad Popular. On June 10, they were released following widespread media coverage of their arrest.

On August 4, Emirlendris Benitez, a woman arrested in 2018 by DGCIM officers in connection with the alleged drone attack against Maduro, was convicted and sentenced to 30 years in prison. According to the UN Working Group on Arbitrary Detentions, Benitez was arrested without valid order, kept incommunicado, and held without trial for more than three years. The Working Group also reported Benitez was tortured while pregnant and miscarried.

Pretrial Detention: Prolonged pretrial detention remained a significant problem. According to OVP, there were 920 pretrial detention centers identified in 2020, including CICPC and SEBIN detention facilities and police station jails. Due to overcrowding, many police station offices were used as makeshift prison cells. Long delays in court proceedings and prison transfers created a parallel system that held prisoners in police station jails, in some cases for years, although these facilities were designed to hold individuals for only 48 hours, according to the criminal procedure organic code.

The NGO Citizen Observatory of the Penal Justice System attributed trial delays to the shortage of prosecutors and penal judges. The OHCHR reported that as of March, there were at least 114 political prisoners in pretrial detention who had spent more than three years detained with no trial.

Despite constitutional protections that provide for timely trials, judges reportedly scheduled initial hearings months after the events that led to the detention. Proceedings were often deferred or suspended when an officer of the court, such as the prosecutor, public defender, or judge, failed to attend. Prisoners reported to NGOs that a lack of transportation and disorganization in the prison system

reduced their access to the courts and contributed to trial delays.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, but the judiciary lacked independence and generally acted to favor the Maduro regime at all levels. There were credible allegations of corruption and political influence throughout the judiciary. According to the International Commission of Jurists, 85 percent of judges had provisional appointments and were subject to removal at will by the Supreme Court (TSJ) Judicial Committee. In 2021, 244 judges were removed by the TSJ Judicial Commission without explanation as to the reasons for their dismissal, according to an OHCHR report. The Inter-American Commission on Human Rights (IACHR) also reported the judiciary operated with limited transparency. Provisional and temporary judges have the same authorities as permanent judges, but due to the nature of their employment status, they allegedly were subjected to political pressure to make proregime determinations. The OHCHR reported lower courts received instructions from the TSJ on cases, especially those of a political nature, and observed that TSJ decisions related to the legitimate National Assembly were inconsistent and raised concerns regarding politicization. Low salaries for judges at all levels increased the risk of corruption.

There was a general lack of transparency and stability in the assignments of district attorneys to cases and a lack of technical criteria for assigning district attorneys to criminal investigations. These deficiencies hindered the possibility of bringing offenders to justice and resulted in a 90 percent impunity rate for common crimes and a higher percentage of impunity for cases of alleged human rights abuses.

NGOs reported the lack of independence of the judiciary impeded the normal functioning of investigations and judicial processes and highlighted the fragility of norms and procedures.

Amnesty International reported regime-aligned individuals often interfered in cases of politically motivated arbitrary detentions, which were prosecuted by ordinary courts. A common practice among courts was to charge persons targeted by the regime with conspiracy or treason. Special courts with jurisdiction over terrorism frequently silenced dissidents.

In January a reform to the Organic Law of the Supreme Court of Justice was approved that reduced the number of magistrates from 32 to 20. Some of the remaining magistrates were re-elected, however, violating the constitutional limit of 12-year terms. There were concerns regarding the political affiliations of most of the appointed magistrates due to regime ties. The IACHR expressed concerns regarding the judicial reform and urged the adoption of appropriate measures to assure the independence of the judiciary.

Trial Procedures

The law provides for the right to a fair and public trial with oral proceedings for all individuals. The FFM and OHCHR reports issued during the year concluded the regime frequently violated the rights to a fair trial without undue delay and to have legal counsel. Lack of judicial independence allowed the regime to use the judiciary to arbitrarily prosecute opponents and led to rampant abuse of rights. The OHCHR reported delays at different stages of the criminal process in at least 74 cases. The September FFM report found the 2021 judicial system reforms were not fully implemented and failed to address the serious flaws in the justice system that undermine its independence and impartiality.

By law defendants are considered innocent until proven guilty. The law requires that detainees be informed promptly of the charges against them. These requirements were often ignored, according to human rights organizations. Indigent defendants' right to free counsel was often not respected due to attorney shortages. Free interpretation was often not available to defendants. The OHCHR documented cases of the Maduro regime preventing lawyers from meeting with defendants and denying them confidentiality or access to case files.

Trial delays caused by constant irregularities in the judicial system were common and one of the main reasons detainees remained incarcerated. Trials in absentia were permitted in certain circumstances, although opponents of the procedure claimed the constitution prohibits such trials. The law also states that, in the absence of the defense attorney, a trial may proceed with a public defender whom the court designates. The law gives judges the discretion to hold trials behind closed doors if a public trial could "disturb the normal development of the trial."

On August 4, the Special Court of First Instance in Matters of Terrorism sentenced 17 political prisoners accused of involvement in an alleged 2018 drone attack against Maduro to prison terms ranging from five to 30 years. Twelve of the accused were charged with treason and intentional homicide and received 30-year sentences. Among those sentenced were 2015 National Assembly deputy Juan Requesens and Emirlendris Benitez, two cases characterized as arbitrary detentions by the United Nations. The sentencing came four years after the initial arrests of the accused and amid multiple delays and irregularities during their trials.

The law provides that trials for military personnel charged with human rights abuses after 1999 be held in civilian rather than military courts. In September 2021, the organic code of military justice was reformed to prohibit civilians from being tried in the military justice system, but in December 2021, the TSJ issued a decision that left open the possibility of civilians to be tried in military courts if the executive branch considered it appropriate.

Political Prisoners and Detainees

The Maduro regime used the judiciary to intimidate and prosecute individuals critical of regime policies or actions. As of November 28, Foro Penal reported 277 political prisoners in regime custody.

Foro Penal data reported between January 2014 and November 2022 showed that 15,777 persons were arrested for political reasons and 875 civilians were unconstitutionally prosecuted before a military criminal jurisdiction. Foro Penal recorded more than 9,400 persons remained subject to arbitrary criminal proceedings for politically motivated precautionary measures. The regime routinely held political prisoners in SEBIN installations, the Ramo Verde military prison, or in DGCIM headquarters in Boleita, Caracas.

According to Foro Penal, the state security forces that detained the most political prisoners were the DGCIM, municipal police, GNB, and CICPC.

As of November, political leader and journalist Roland Carreño, arrested in 2020, remained arbitrarily detained on grounds of conspiracy, weapons smuggling, and terrorism financing, despite facing serious health problems. Due to procedural delays, Carreño's trial did not begin until May, but as of November it was not

concluded.

On March 18, the FFM presented an update expressing concern regarding the lack of medical care for political prisoners and other detainees.

Conditional releases were a common practice for the regime, particularly for political prisoners. On April 25, union leader Eudis Girot, who was arrested in 2020 and sentenced to three years for instigation, was released subject to reporting to court monthly and not leaving the country.

Transnational Repression

Misuse of International Law Enforcement Tools: There were credible reports the Maduro regime attempted to misuse international law enforcement tools, including Interpol Red Notices, for politically motivated purposes as a reprisal against specific individuals located outside the country. On August 4, regime attorney general Saab purportedly issued an arrest warrant for Miami-based journalist Carla Angola, for statements she made suggesting the United States should coordinate a drone attack against Maduro. Also on August 4, the First Tribunal of First Instance ratified an arrest warrant and extradition notice against exiled opposition leader Julio Borges for an alleged connection to the 2018 alleged drone attack against Maduro.

On September 22, following the transfer of the majority of shares in the ownership of fertilizer company Monomeros from Colombia back to the regime, the regime stated it filed for Interpol red notices against 23 opposition-linked managers who had been at the helm of the company since the interim government took it over in 2019. The regime accused the 23 of corruption and malfeasance.

Civil Judicial Procedures and Remedies

While there are separate civil courts that permit citizens to file lawsuits seeking damages, there are no procedures for individuals or organizations to seek civil remedies for human rights abuses.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home,

or Correspondence

The constitution provides for the inviolability of the home and personal privacy, but the Maduro regime generally failed to respect these prohibitions. In many cases, particularly regarding the political opposition, regime-aligned individuals interfered in personal communications. NGOs reported their offices were subject to arbitrary raids and having their websites or social media profiles blocked.

State surveillance remained rampant, including through the assistance of telecom regulator the National Telecommunications Commission (CONATEL) and state-run telecommunications provider CANTV. Technical attacks against media outlets appeared to be linked to the armed forces.

The People's Republic of China, through its telecommunications corporation Zhongxing Telecommunication Equipment Corporation, continued to provide the Maduro regime with technology to monitor citizens' social, political, and economic behavior through an identity card called *carnet de la patria* (homeland card). To force citizens to comply, the regime made it obligatory to present the card to obtain social services, including pensions, medicine, food baskets, subsidized fuel, and in some instances COVID vaccinations. Citizens essentially had no choice other than to obtain and use the card despite the known tracking methods. Chinese companies such as Huawei and the China National Electronics Import-Export Company also supported, financially and technologically, these surveillance methods.

On June 22, Spanish telecommunication company Telefonica revealed the Maduro regime increased requests to listen in on telephone conversations of citizens. According to Telefonica, the regime increased its requests from 234,932 in 2017 to 861,004 in 2021. Telefonica is required by law to comply with requests made by the regime. The Public Ministry, CICPC, and SEBIN are among the institutions able to request a telephone interception.

g. Conflict-related Abuses

On January 16, Domingo Hernandez Larez, whom the regime styled as the Strategic Operations Commander of FANB, announced a military deployment to

the Venezuela-Colombia border in Apure State to control violence that broke out between the Revolutionary Armed Forces of Colombia (FARC-EP) and the ELN. NGOs reported the violence at the border led to the displacement of Indigenous communities to Colombia and Bolivar State. Human Rights Watch reported at least 500 Venezuelans, including Indigenous persons, fled to Vichada, a Colombian town near the border. According to Human Rights Watch, they fled because of the violent clashes but also because of threats of forced recruitment. According to displaced Venezuelans, armed groups on the Venezuelan side threatened to force adolescents and young persons from their homes if they did not join the groups.

Child Soldiers: The U.S. government has determined that the Maduro regime created a permissive environment for nonstate armed groups that had or used child soldiers from March 2021 to March 2022. Please see the Department of State's *Annual Trafficking in Persons Report* at <http://www.state.gov/trafficking-in-persons-report/>.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for the Members of the Press and Other Media

The law provides for freedom of expression, including for members of the press and other media, but the combination of laws and regulations governing libel, slander, and media content as well as legal harassment, physical intimidation of individuals and media, and regime influence on the judiciary resulted in significant repression of these freedoms. National and international groups, such as the IACHR, Human Rights Watch, Freedom House, Committee to Protect Journalists, Reporters without Borders, and Inter American Press Association (IAPA) condemned Maduro regime efforts throughout the year to restrict press freedom and create a climate of fear and self-censorship.

Freedom of Expression: The law makes conviction of insulting the president punishable by six to 30 months in prison without bail, with lesser penalties for insulting lower-ranking officials. The 2017 Constitutional Law against Hate, for Political Coexistence and Tolerance stipulates prison sentences of up to 20 years

for persons convicted of violations. While the stated purpose of the law was to “promote peace and tolerance,” NGOs observed the vaguely written law could be used to silence political parties, activists, and civil society leaders as well as media outlets and journalists. Conviction of exposing another person to public contempt or hatred is punishable by prison sentences of one to three years and fines. In April, the OHCHR documented at least 34 cases of abuse of freedom of expression, including harassment, censorship, and seizure of equipment from media outlets, one radio station closure, the suspension of three radio programs critical of the regime, and 41 blocks to webpages that included independent media outlets, NGOs, and sites related to internet security, by regime and private internet providers.

The NGO Espacio Publico reported 228 instances of violations of freedom of expression in 128 cases between January and August, including censorship, intimidation, verbal and judicial harassment, threats, aggression, one death, and 14 arrests.

The NGO Un Mundo Sin Mordaza documented 198 claims of freedom of expression abuses from January to July. They identified seven cases of forced closure of traditional media outlets; seven cases of censorship via blocking of media; eight cases of arrests or detention of civilians and journalists; and 387 cases of harassment, aggression, and intimidation towards journalists and civilians during protests.

On April 18, Olga Mata and Florencio Gil were arrested for “inciting hate” after they published a video on TikTok that criticized high-level regime-aligned individuals such as Diosdado Cabello and called Maduro’s wife, Cilia Flores, a “widow.” Regime attorney general Saab, also mentioned in the TikTok video, announced the arrest, accusing both of “instigating the assassination of public figures.” The pair were released following a public outcry but were required to report to court monthly. Mata was also made to record an apology video.

Since 2017, the so-called law against hate was used to punish “hate crimes,” including messages on social media. The law was often used to arrest political dissidents and continue intimidation limiting their rights even when released by banning international travel and requiring regular court appearances.

Violence and Harassment: Senior national and state leaders of the Maduro regime continued to harass and intimidate privately owned and opposition-oriented television stations, media outlets, and journalists by using threats, property seizures, administrative and criminal investigations, and prosecutions. The NGO Redes Ayuda reported a total of 63 acts of harassment, threats, and aggressions against journalists and press during the first half of the year.

Espacio Publico registered five arbitrary detentions for online publications through the end of August. Most of those arrested were journalists, members of media, or human rights NGOs and activists. The Law Against Hate continued to be cited by the regime in accusations.

On January 19, during his television program *Con el Mazo Dando*, Diosdado Cabello, regime-aligned first vice president of the United Socialist Party of Venezuela (PSUV), displayed “wanted” posters of several journalists and opposition leaders, including Luis Carlos Diaz, Naky Soto, Carla Angola, and Rafael Poleo and accused them of being “thieves.”

In July the Instituto Prensa y Sociedad Venezuela (IPYS) reported on the continued threats and harassment of journalists of the investigative journalism website *Armando.Info*, specifically Roberto Deniz. IPYS pointed to comments from Pedro Carvajalino, host of the *Zurda Konducta* program, broadcast by the regime-controlled Venezolana de Television (VTV), in which he called *Armando.Info* an “information extortion agency,” and to the release of an article by a platform owned by Carvajalino titled “Armando Info: the Assassins of Journalism.” According to IPYS, Deniz, his family, and his outlet *Armando.Info*, had been targets of attacks since they released a report related to businessman Alex Saab, an ally of Maduro.

On April 19, IAPA reported regime security forces continued a steady pace of raids, threats, and repression of journalists who investigated cases of corruption by high-ranking regime individuals. An IAPA report detailed instances of physical violence, threats, and attacks committed by police and military authorities against journalists who covered the regional and local elections in November 2021. IAPA affirmed access to digital media, multimedia platforms, streaming, and social networks was blocked by regime-controlled and private telecommunications

companies, with the intention of muzzling freedom of expression.

Maduro and the regime-aligned PSUV used the nearly 600 regime-owned or -controlled media outlets to insult and intimidate the political opposition. PSUV's First Vice President Diosdado Cabello continued to use his weekly television program to denounce individual journalists and media outlets.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: The law provides that inaccurate reporting deemed to disturb the public peace is punishable by prison terms of two to five years. The requirement that media disseminate only “true” information is undefined and open to politically motivated interpretation.

The law declares telecommunications a “public interest service,” thereby giving the government authority to regulate the content and structure of radio, television, and audiovisual production sectors. The law provides that the government may suspend or revoke licenses when it judges such actions necessary in the interests of the nation, public order, or security. The law empowers the government to impose heavy fines and cancel broadcasts for violations of its norms; CONATEL oversees the law's application.

The Maduro regime continued legal actions against high-profile independent media outlets and radio stations. On February 7, a court awarded the headquarters of *El Nacional* newspaper to Diosdado Cabello after Cabello filed a lawsuit against the newspaper for “moral damage” in 2015 following the republication of Spanish outlet *ABC España*'s headline on the announcement by a foreign law enforcement agency that Diosdado Cabello was wanted for narco-trafficking. As a result, *El Nacional* ended a recent effort to publish a print edition. On February 10, Cabello threatened he would go after news outlet *La Patilla* next. *La Patilla* also previously reported on Cabello's alleged links to drug trafficking.

Maduro regime-owned and -influenced media provided almost continuous proregime programming. In addition, private and public radio and television stations were required to transmit mandatory nationwide broadcasts throughout the year, including a daily 15-minute news broadcast that provided reports and summaries of regime activities. Media reported the GNB regularly barred

journalists from covering 2015 National Assembly debates and activities.

Several times Nicolas Maduro instructed the purported national assembly, installed following elections in 2020 that were widely condemned as fraudulent, to include “very strict regulations on social networks” in reforms made to the Law of Social Responsibility in Radio, Television, and Electronic Media (Resorte Law).

The OHCHR documented that during the November 2021 regional elections, there were restrictions to media freedom that affected at least 15 journalists and members of media, including five women.

NGOs noted the Maduro regime’s preference for using legal proceedings, financial sanctions, and administrative actions against unfavorable news outlets instead of shutting them down outright. Members of the independent media and human rights activists who had limited or ceased their activities said they regularly engaged in self-censorship due to fear of regime reprisals. This resulted in many journalists posting articles to their personal blogs and websites instead of publishing them in traditional media.

According to a study by the NGO Un Mundo sin Mordaza, 93 percent of persons surveyed in the country considered that freedom of expression could not be fully exercised, and 26 percent responded they never believed they were safe when expressing their opinion or disseminating information. In the results of its Self-Censorship Survey in which 700 persons participated, the NGO concluded there was a clear lack of trust in the regime by citizens. In the survey, 565 persons indicated there was no possibility of expressing themselves in peaceful demonstrations due to fear of being attacked, harassed, or even killed by security forces. According to the study, 29 percent considered they exercised some level of self-censorship and 30 percent responded they almost always self-censored on social networks.

The regime also exercised control over content through licensing and broadcasting requirements. CONATEL acted selectively on applications from private radio and television broadcasters for renewal of its broadcast frequencies to limit the use of radio space by media not aligned with the regime. According to NGO reports, approximately 80 percent of radio stations throughout the country were in “illegal”

status due to CONATEL not having renewed licenses for most radio stations since 2007, a tool used to intimidate and censor.

As of November, CONATEL had closed more than 100 radio stations in 14 states, with 56 closures in October alone. Most stations were closed for allegedly not having permits to be on the air or for not having the authorization, a concession document for use of the radio spectrum, or both. NGOs reported CONATEL often did not grant the permits despite longstanding requests, leaving radio stations in a technically “illegal” state of operation and therefore vulnerable to being shut down. Some radio stations also had equipment confiscated by CONATEL.

The Maduro regime controlled a large portion of the country’s businesses and paid for advertising only with regime-owned or regime-friendly media.

According to Espacio Publico and the IPYS, approximately five million persons lived in “media deserts” or “silenced zones,” areas that had no access to print, television, radio, or digital media due to censorship, forced closures of television and radio stations, and reprisals against journalists. Access to information was most heavily restricted in border territories and Indigenous communities, and these areas also faced greater internet restrictions.

Libel/Slander Laws: Libel and slander are criminal offenses, punishable by one to three years’ imprisonment and a significant fine. Regime-aligned individuals engaged in reprisals against media organizations and individuals who publicly expressed criticism of Maduro or regime policy.

On May 16, Carabobo State Governor Rafael Lacava sued Father Alfredo Infante from the NGO Lupa Por la Vida and Marino Alvarado, coordinator of PROVEA, for defamation after the publication of PROVEA’s 2021 human rights report. Lacava took issue with the claim in the report that Carabobo had the highest rate of extrajudicial executions committed by police and security forces. Alvarado told media chain of command members, including Lacava, should be investigated for their role in extrajudicial killings, which often disproportionately affected young men from poor neighborhoods. PROVEA and other NGOs called the lawsuit part of a state policy to criminalize NGOs. On June 23, both Alvarado and Infante retracted their claims after reaching an agreement with Lacava.

National Security: The law allows the government to suspend or revoke licenses when it determines such actions necessary in the interests of public order or security. The Maduro regime exercised control over the press through a public entity, the Strategic Center for Security and Protection of the Homeland, which is similar to the governmental entity Center for National Situational Studies. The two entities have similar mandates and are responsible for “compiling, processing, analyzing, and classifying” both regime-released and other public information with the objective of “protecting the interests and objectives of the state.”

The regime continuously used the law against organized crime and financing of terrorism to implicate and accuse political opponents of committing crimes.

Nongovernmental Impact: Widespread violence in the country, often encouraged or left undeterred by the Maduro regime, made it difficult to determine whether attacks on journalists resulted from common criminal activity or whether criminals or others targeted media members.

Internet Freedom

The Maduro regime restricted or disrupted access to the internet and censored online content. The regime exercised broad control over the internet through CONATEL. The China National Electronics Import-Export Company continued to provide the regime with cyber support, technical experts, and a suite of software and hardware that was a commercial version of China’s internet regulator Great Firewall to maintain online censorship, control information, and prevent the internal dissemination of content deemed undesirable by political leadership.

Freedom House noted in its 2022 *Freedom on the Net* survey that the regime blocked content at critical times, including during the 2021 regional elections, and carried out disinformation campaigns against journalists. The report also found detentions, imprisonment, and legal and extralegal restrictions on certain forms of online speech continued to result in widespread self-censorship by journalists, media outlets, and ordinary citizens fearful of reprisal for their online activity.

The law puts the burden of filtering prohibited electronic messages on service providers; it allows CONATEL to order service providers to block access to websites that violate these norms and sanctions service providers with fines for

distributing prohibited messages. The regime via CONATEL implemented censorship through all major internet service providers and used both direct means and administrative sanctions to cause HTTP (Hypertext Transfer Protocol), DNS (Domain Name System) blocks, or SNI (Server Name Indication) filtering by CANTV. Freedom House's 2022 report noted private internet service providers began blocking news websites that had previously been blocked only by the state-owned service provider. The country's online independent newspapers were frequently blocked by regime-owned internet service provider CANTV. The regime also used indirect means through cyberattacks or false reports on social networks that led to the closure of the accounts of the related users.

NGOs identified threats and intimidation to social networks users for publishing content critical of the regime on Facebook, Twitter, and WhatsApp. The online media monitor ProBox noted the regime used bots, trolls, and cyborgs (a hybrid account in which a human periodically takes over a bot account) to flood social media platforms such as Twitter with proregime information and control online communications. ProBox estimated that more than 60 percent of proregime messages on Twitter appeared to originate from bots. In March, ProBox denounced the purported national assembly for discussing the development of a project to regulate social media and digital content. ProBox also reported on the inauguration of the International University of Communications, which regime media described as a "communication training platform," but ProBox warned could be a means to train others in disinformation tactics.

According to VE sin Filtro (Venezuela without Filters), an internet monitoring project sponsored by internet freedom watchdog Venezuela Inteligente, the regime practice of blocking websites combined with precarious internet connections and interruptions in electricity service made normal browsing exceedingly difficult and contributed to the online media censorship that had grown exponentially since 2014.

Regime-controlled intelligence agencies, which lacked independent oversight, conducted surveillance for political purposes. Courts relied on evidence obtained from anonymous *patriotas cooperantes* (cooperating patriots) to harass perceived opponents of the Maduro regime, and senior regime-aligned individuals used personal information gathered by patriotas cooperantes to intimidate regime critics

and human rights defenders. Users were arrested and criminally accused of actions such as tweeting information publicly available on webpages.

In November 2021, during the regional elections, VE sin Filtro reported more than 35 key web domains relevant to the elections were blocked, which prevented users from accessing information about the elections. In January, VE Sin Filtro documented a significant increase in internet blockings targeting media outlets *Efecto Cocuyo*, *Cronica Uno*, and EVTVMiami. Venezuela sin Filtro also registered the blocking of the NGO Justicia, Encuentro y Perdon's webpage.

State-controlled CANTV was the leading internet provider in the country with 70 percent of subscribers. CANTV implemented a blocking system that required the use of a VPN (virtual private network) to evade censorship. Other internet providers Inter, Movistar, Digitel, Supercable, and NetUno implemented a block that could be circumvented by changing the DNS (domain name system) of the devices.

Restrictions on Academic Freedom and Cultural Events

There were no substantiated reports of Maduro regime restrictions on cultural events, but the regime imposed restrictions on academic freedom. Aula Abierta, a local human rights NGO focused on academic freedom, reported the regime retaliated against opposition-oriented autonomous universities by denying them sufficient funding and failing to adjust budgetary allocations to inflation, affecting the quality of higher education, scientific research, infrastructure investment, teachers' salaries, and student benefits as well as contributing to teachers leaving their positions and students abandoning their studies. During the year, several of the country's most important universities operated with deficits averaging 97 percent.

According to Aula Abierta, 73 percent of university teacher association group boards had expired, but registration obstacles imposed by proregime actors at the CNE prevented them from electing new board members. Universities, unions, and other associations that hold elections faced obstacles that impeded the renewal of their expired directives.

According to a January report from the ULA-Human Rights Observatory, Central

University of Venezuela (UCV) reported only 1.13 percent of UCV's requested budget for the year received approval. According to the report, the regime also continued to owe part of the 2020 and 2021 budget. The Maduro regime stated the underfunding was due to a lack of resources, but observers such as Aula Abierta claimed it was intentional and an attempt to exercise control over or limit the scope of universities, which are autonomous and usually encourage dissent.

A professor at the University of the Andes (ULA) reported the libraries at this university had not received funding for resources, books, and infrastructure maintenance since 2018. According to Aula Abierta, 87.4 percent of 143 university libraries were inoperable largely due to lack of funding, meaning students did not have access to their in-person or online services. According to ULA, the lack of adequate budgetary allotments for universities contributed to many professors and students leaving the universities. ULA reported a professor's salary decreased by 99 percent in the last 20 years, which led many to migrate or seek other employment. This drop in salaries affected elderly or retired professors the most. ULA estimated the number of university professors decreased by 50 percent. The dropout rate of students at UCV was estimated to be 40 percent.

The Maduro regime continued to increase its control over local universities. In 2020, the regime announced a plan to invest resources in recovering university spaces, but the budget for the plan was administered by a regime-controlled commission. ULA reported the infrastructure of most universities was severely deteriorated. Universities continued to denounce the regime's imposition of a "protectorate" at UCV, usurping the responsibilities of the university rector and undermining its autonomy.

Following alumni elections at UCV on July 13, in which the PSUV faction lost in all 11 departments, a regime-linked Supreme Court magistrate, Caryslia Beatriz Rodríguez Rodríguez, suspended the results of the School of Education following the apparent victory of the opposition board, Humanitas Egresados.

The Maduro regime continued its practice of providing educational financial incentives for holders of the carnet de la patria. NGOs and university students reported the use of the card as a discriminatory policy that politicized the issuance of scholarships and restricted academic freedom.

b. Freedoms of Peaceful Assembly and Association

The Maduro regime restricted freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

The constitution provides for the right of peaceful assembly, but the Maduro regime generally repressed or suspended it. A 2015 public decree regulates the right to assembly and grants the armed forces authority to control public order. Human rights groups continued to criticize the law as enabling the regime to charge protesters with serious crimes for participating in peaceful demonstrations. Ambiguous language in the law also allows the Maduro regime to criminalize organizations and persons critical of it. Protests and marches require advance authorization from the regime and are forbidden within designated “security zones.”

The PNB blocked labor demonstrations several times, and some counterprotests organized by the regime took place. During July and August, hundreds of teachers, health workers, retirees, pensioners, and other public-sector workers carried out nationwide protests demanding the full payment of their vacation bonuses and requesting the repeal of the National Budget Office (ONAPRE) directive, which workers argued nullified unions’ contractual agreements and decreased workers’ benefits. The Venezuelan Observatory of Social Conflict registered 285 protests related to the ONAPRE directive between March and July, with 143 registered in July alone. In August, 515 protests related broadly to labor problems occurred, a 45 percent increase from the number of labor protests in July.

The OHCHR documented three persons detained while protesting in public. In February, William Echarry and Ramon Blanco, two members of the Venezuelan Movement for Revocation, were detained by agents of the Macuto Municipality Police, in La Guaira State. They were charged with incitement to hatred and conspiracy for hanging a banner that criticized the regime, based on the law against hate. On February 17, both men were released.

Freedom of Association

The constitution provides for freedom of association and freedom from political

discrimination, but the Maduro regime did not respect these rights. Although professional and academic associations generally operated without interference, some associations complained the TSJ and the National Electoral Council (CNE), which is responsible for convoking all elections and establishing electoral dates and procedures, interfered with their attempts to hold internal elections.

The Maduro regime created parallel unions to divide votes in collective bargaining agreements. For example, when the Single Collective Agreement of the University Sector took place, it was held with the inclusion of the Federation of University Workers of Venezuela, which was proregime and had approximately 10,000 members, while the Federation of Associations of University Professors of Venezuela, which was critical of the government but had more than 40,000 members, was excluded from participating.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/international-religious-freedom-reports/>.

d. Freedom of Movement and the Right to Leave the Country

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation; however, the Maduro regime did not respect these related rights.

In-country Movement: The Maduro regime restricted the movement of some opposition leaders, at times refusing to allow them to board some domestic flights.

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Foreign Travel: Obtaining a passport remained difficult during the year. For three weeks in June, the Identification, Migration, and Immigration Administration Service webpage was inoperative. The regime repeatedly seized passports from journalists, members of the opposition, and National Assembly deputies at ports of entry without explanation as they attempted to depart the country. The regime reportedly charged exorbitant extraofficial rates for citizens, in U.S. dollars, to

obtain passports or citizen services.

On August 24, the director of NGO Coalición para los Derechos Humanos, Alonso Media Roa, a prominent human rights advocate and defense lawyer for several high-profile military and nonmilitary political prisoners, was turned away at the Maiquetia International Airport in La Guaira and told by authorities he had an exit ban placed on him by the CICPC police division. Media Roa was told he was not allowed to leave the country and was ordered to present himself at the CICPC regarding an open investigation and was not allowed to leave the country.

Due to continued border closures through much of the year, citizens traveling into and out of the country often had no choice but to use informal border crossings that largely were controlled by illegal armed groups. Activists and NGOs reported that citizens utilizing the crossings faced significant risks, such as gender-based violence and human trafficking, including forced labor, sexual servitude, and the forced recruitment of children into armed conflict at the hands of criminal groups. Human traffickers used sea routes to transport victims to nearby countries, and migrant smugglers also sent refugees and migrants on dangerous sea journeys.

Individuals were often subjected to debt bondage or forced to pay a tax to illegal armed groups at the informal border crossing, increasing the vulnerability of migrants to labor exploitation, harassment, sexual violence, and human trafficking, including forced labor and sex trafficking. Many were vulnerable to recruitment, sometimes forced, into drug trafficking rings or illegal and other armed groups.

e. Protection of Refugees

The Maduro regime did not cooperate with the Office of the UN High Commissioner for Human Rights and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

Access to Asylum: The law provides for the granting of asylum or refugee status, and there is an established system for providing protection to refugees, although delays in the system allowed for abuse at the hands of private individuals and representatives of the state.

Abuse of Migrants and Refugees: The refugee status determination process continued to be managed by the National Refugee Commission (CONARE), with administrative obstacles resulting in lengthy delays for asylum seekers waiting to obtain legal documentation and status determinations. Government offices began to charge high fees for documents used in immigration and foreign affairs processes. Additionally, CONARE announced that those who had been recognized as refugees but had not begun the process of requesting an identification document from the Administrative Office of Immigration and Foreign Affairs before 2021 were required to first request a certification card to establish their refugee status. Frequent and inconsistent administrative changes made it exceedingly difficult for refugees to regularize their status and prevented full access to basic rights.

Employment: Refugees without legal residency permits had limited access to the formal labor market.

Access to Basic Services: Asylum seekers without legal residency permits had limited access to education and health systems. The lack of documentation created significant difficulties in achieving sufficient protection and long-term integration. CONARE issued a border migration control card for refugees, similar to the carnet de la patria.

f. Status and Treatment of Internally Displaced Persons

The NGO Fundaredes reported clashes between military forces and nonstate armed groups in Apure caused hundreds of civilians to be displaced to neighboring states and municipalities. Within border states such as Bolivar and Amazonas, violence increased due to illegal mining and fighting among gangs for control of the mines. This especially impacted Indigenous communities who were forced to migrate to other regions due to the violence or the loss of their land to miners.

Section 3. Freedom to Participate in the Political Process

The 1999 constitution provides citizens the ability to change their government through free and fair elections, but Maduro regime interference, electoral irregularities, unconstitutional appointments of electors, and harassment and manipulation of voters and candidates restricted the exercise of this right in the

2018 presidential and municipal elections, the 2020 legislative elections, and the 2021 regional elections for governor, mayor, and state and local officials. The regime continued to arbitrarily ban key opposition figures from participating, threatened them with spurious judicial charges, maintained hundreds of political prisoners, utilized judicial processes to steal the legal personages of political parties, and denied opposition political representatives equal access to media coverage and freedom of movement in the country.

Elections and Political Participation

Recent Elections: Nicolas Maduro claimed a second term as president, which began on January 10, 2019, following flawed presidential elections in 2018 that were widely condemned by the political opposition and international observers as fraudulent and constitutionally invalid. On January 23, 2019, 2015 National Assembly president Juan Guaidó invoked Article 233 of the constitution, which calls on the National Assembly president to assume the role of interim president in the event of presidential vacancy.

In December 2020, the Maduro regime conducted fraudulent legislative elections that failed to meet any minimum standard of fairness. The regime purported to arrogate the TSJ's legislative powers and appointed members to the CNE; hijacked political parties through the theft of their legal name, assets, and ballot logos, including those from the left that challenged the regime's control of Chavez's political legacy; prohibited many political opponents of the regime from running for office and stripped them of their political rights; kidnapped, exiled, and tortured opposition politicians; suppressed Indigenous political representation; and arbitrarily increased the number of seats in the National Assembly from 167 to 277. Consequently, electoral and constitutional experts, most independent political parties, and civil society organizations rejected the process. Despite international nonrecognition of the electoral results, the new assembly was sworn in on January 5, 2021, and Jorge Rodriguez was elected president of the body.

In January the 2015 National Assembly agreed once again to a reform of the Statute for Transition. The agreement included maintaining the standing of interim President Guaidó and the 2015 National Assembly, which was to act through a Delegated Commission, until January 5, 2023. The mandate was approved with

some changes, including a commitment to streamline Interim President Guaidó's government. The 2015 National Assembly inaugurated its 2022 session and confirmed its new leadership board on January 5.

In September 2021, the CNE signed an agreement with the EU granting permission for an Electoral Observation Mission (EUEOM) for the November 2021 regional and local elections. Legal identities, including Acción Democrática, Primero Justicia, and Voluntad Popular, remained hijacked by the regime and unable to use their party symbols or register candidates. Instead, the names and symbols of the parties were used by the regime-controlled co-opted opposition.

Following the November 2021, elections, the EUEOM issued a preliminary report that listed "areas for improvement," including the issue of nonaccredited citizen observers at polling centers, untimely opening and closing of polling centers, the presence of *puntos rojos* (PSUV checkpoints used to coerce voters near polling stations), unequal media coverage of candidates, arbitrary disqualifications of candidates, moves to deprive party leaders the use of their party's registration cards and names by reassigning them to rivals, and extensive use of state resources for campaign purposes. In its remarks, the EUEOM highlighted a deterioration of the rule of law, laws that reduce equality of electoral conditions and transparency, lack of judicial independence, and a law from 2002 that allows the Comptroller's Officer to bar candidates from running. In November 2021, Maduro called members of the EUEOM "spies" and accused them of looking to "stain" the regional elections in their preliminary report.

In November 2021, the Electoral Chamber of the TSJ retroactively disqualified MUD candidate and apparent winner of the Barinas governorship, Freddy Superlano. The TSJ held a rerun of the Barinas election on January 9. Following the TSJ's announcement, the regime disqualified two additional alternatives. Freddy Superlano's spouse, Aurora Silva, was suggested as a replacement candidate but was also arbitrarily barred from running. The MUD's second choice, Julio Cesar Reyes, a deputy in the 2015 National Assembly, was also not allowed to run. In December 2021, the Communist Party of Venezuela reported its candidate, Aldemaro Sanoja, was barred from office without cause. In the end, the MUD selected Sergio Garrido, who defeated the PSUV candidate on January 9.

On December 3, 2021, the EUEOM announced its delegation was required to leave the country on December 5, eight days prior to the originally agreed December 13 departure date. Media reported the early departure was due to the regime's refusal to extend the mission's visas. On February 22, the EUOEM presented its final report virtually, including 23 recommendations to improve electoral processes. The report highlighted the following concerns: the role exercised by the TSJ in the Barinas recall, the sustained attack against political parties through the seizure of party symbols and arbitrary selection of their purported leaders, the questionable role of the military in elections, the lack of balance in media coverage between PSUV and the opposition, and noncompliance with gender balance requirements in candidates' lists, and other concerns.

In December 2021, the Carter Center issued its preliminary report on the November 21 regional elections. The report noted the elections were carried out in a context of social and economic crisis, political repression, restrictive freedom of speech, and regime electoral advantages. The report pointed to the use of puntos rojos, the opening of electoral centers beyond the 6 p.m. closing time, and the killing of a person in line to vote in Zulia State, as well as other aggressions in that state on election day. The Carter Center also raised concern regarding the regime-controlled TSJ decision to repeat the Barinas governorship election.

In a highly controversial decision, on January 21, the CNE announced new requirements to initiate a presidential recall referendum, a procedure established in the constitution. Although a 2007 resolution passed by the CNE required at least 60 continuous days since the adoption of a recall referendum petition to announce a date for signature collection, the CNE declared January 26 as the only day for collecting signatures to petition initiation of the referendum. The new CNE conditions, including only 12 hours to collect the signatures, a short timeline for preparation, the opening of only 1,200 signature collection centers, and the need to amass at least 4.2 million signatures to activate the referendum, led to criticism by independent experts. On January 26, the signature collection process occurred with reports of irregularities and low turnout. The CNE initially announced it would conduct a signature audit on February 7-10, but on January 27, Tania D'Amelio, CNE rector, announced only 42,421 signatures had been collected and therefore the recall referendum would not take place. Proponents of the

referendum and members of the opposition condemned the entire process, citing its impossible barriers.

Political Parties and Political Participation: Opposition political parties and PSUV dissidents operated in a restrictive atmosphere characterized by intimidation, the threat of prosecution or administrative sanction on questionable charges, and very limited mainstream media access.

On June 4, regime-linked sympathizers interrupted an event in Zulia where Interim President Juan Guaidó was scheduled to promote the Unitary Platform's electoral strategy. Regime-linked colectivos harassed those participating in the political activity and generated chaos by throwing chairs. Guaidó was unable to carry out his event as planned.

On June 11, Guaidó was attacked in the rural municipality of San Carlos in opposition-controlled Cojedes State while he engaged in public outreach. According to Guaidó and his team, the aggression was initiated by a group of approximately 60 persons led by PSUV militants and colectivos who pushed, beat, and threatened him. Several members of Guaidó's team were also assaulted. The interim government's press team reported the attack was led by the former PSUV gubernatorial candidate for Cojedes, Nosliw Rodríguez, purported 2021 national assembly (I-AN) PSUV deputy Marcos Mendoza, PSUV councilman Orlando Martínez, former assistant to the regime's ambassador to Honduras Luis Casadiego, and I-AN PSUV deputy John Moreno. PSUV leader Iris Varela was also reportedly present.

On October 3, Guaidó published a video on Twitter showing a car allegedly driven by regime security forces following him and his team. Guaidó claimed he was constantly followed and watched by regime security forces such as FANB.

Participation of Women and Members of Minority Groups: No law limits participation of women or members of minority groups in the political process, and they did participate.

The EU observed that despite passing the Norms on Gender Parity for Alternative Nominations for political parties during regional and municipal elections in July 2021, which require political parties to present a list of candidates with a 50-50

percent gender parity both in their principal candidates' nominations and their alternates, there continued to be a gap in political participation by gender. According to the election observation report issued by the EUOEM, political parties did not promote women's participation as political candidates.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but it was not implemented effectively. Several officials explicitly acknowledged corruption as a major problem. The regime frequently investigated, prosecuted, and detained political opponents on corruption charges to harass, intimidate, or imprison them. According to Transparency International, among the main reasons for the country's widespread corruption were impunity, systematic institutional weakening, and a lack of transparency in the management of government resources.

Corruption: According to regime attorney general Saab, during the year, 24 corruption networks in the oil industry were uncovered, and 178 persons were charged for corruption, with 63 persons convicted. Observers claimed regime statistics were unreliable. From January to August, 319 public prosecutors were allegedly charged and 63 convicted of corruption.

Corruption was a major problem in all security and armed forces, whose lower-ranked members were generally poorly paid and minimally trained. No information was publicly available on the number of cases involving police and military officials during the year, although the Public Ministry publicized several individual cases against police officers for soliciting bribes and other corrupt activities.

In February, a study by NGO Transparencia Venezuela registered complaints of corruption or mismanagement in 46 regional public companies. The complaints occurred in the sectors of gas distribution, transportation, agrifood, construction, mining, and commerce companies. The NGO stressed that regional companies were often used for political purposes and lacked accountability.

Transparencia Venezuela also reported that the GNB exercised control over

subsidized gasoline stations and often diverted the gasoline to sell it in the black market. According to the NGO, the regime allowed for GNB members and other regime-aligned individuals to carry this out with impunity.

The Orinoco Mining Arc was the center of illicit mining and gold smuggling. A September report by the FFM reported collusion between the regime and criminal groups operating in Orinoco, which allowed the groups to carry out crimes with impunity. Both armed groups and the regime reportedly threatened or attacked Indigenous leaders who refused to allow the smuggling of goods or access to land mining in their territories. According to a report by Transparencia Venezuela, only an estimated 25 percent of the gold extracted from the Orinoco Mining Arc reached the Central Bank of Venezuela, while approximately 30 percent ended up in the hands of criminal organizations that controlled the mines, and the rest went to corrupt regime-affiliated individuals.

Section 5. Government Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A variety of independent domestic and international human rights groups generally operated, although with restrictions from the Maduro regime. Major domestic human rights NGOs conducted investigations and published their findings on human rights cases. Regime officials were rarely cooperative or responsive to their requests. Domestic NGOs reported fear the regime would use the 2017 law against hate to justify widespread repression of their activities, jailing of the participants and organizers, and threats against family members. Some domestic NGOs reported threats against and harassment of their leaders, staff, and organizations, in addition to raids and detentions, but they were able to publish dozens of reports during the year. Some human rights activists reported the regime barred them from traveling abroad or that they feared not being able to return to the country if they traveled. NGOs played a significant role in informing citizens and the international community regarding alleged abuses and key human rights cases.

In May the purported 2021 national assembly continued discussions concerning the International Cooperation Law, which seeks to control the sources of international

financing received by NGOs. The law would require NGOs to register in the regime-controlled “Integrated System for the Registration of Non-Governmental Organizations.” Only NGOs on this registry would be recognized as legal entities and allowed to receive financial contributions from abroad. Moreover, the proposed law states that any international financial provision to registered NGOs must be carried out “in accordance with the Venezuelan constitution and guidelines established by the presidency,” giving Maduro direct control over the process. The proposed law also stipulates NGOs are required to provide the regime information regarding their activities and administration and use of their resources. This was the fourth attempt at passing this law, previously proposed in 2006, 2010, and 2015. The proposed law makes no distinction among the activities of the NGOs, affecting humanitarian and human rights NGOs equally. Although as of November the law had yet to pass, it created a climate of fear among NGOs and a hesitancy to seek international assistance.

The regime continued to implement stringent measures aimed at controlling and supervising the actions of human rights and humanitarian organizations, including additional oversight of the banking operations of NGOs, resulting in raids, arrest warrants, and attempted prosecutions against members of organizations such as Fundaredes, Movimiento Vinotinto, and Fundehullan.

Retribution against Human Rights Defenders: The NGO Center for Defenders and Justice recorded 291 attacks and security incidents against human rights defenders and civil society organizations, a 36 percent decrease compared with the same period in 2021 (see also section 1.a.). The NGO documented that stigmatization was the principal mechanism of attack, with 166 cases registered to discredit the work of human rights defenders and organizations.

In August, the domestic NGO CEPAZ (Center for Justice and Peace) documented 15 cases against civil society organizations and human rights defenders. In August, media and NGOs reported the CICPC opened an investigation into three human rights defenders and lawyers from the NGO Coalición para los Derechos Humanos y la Democracia – Alonso Medina Roa, Ana Leonor Acosta, and Kelvi Zambrano – motivated by the publication of their report on alleged cases of torture and cruel, inhuman, or degrading treatment in the country.

The OHCHR recorded 154 incidents related to restrictions on civic and democratic space in the country, including 46 criminal cases, 26 reports of threats and harassment, 11 acts of violence, and 71 cases of discrimination of human rights defenders, journalists, and other members of civil society, including five women, on social media or in public broadcasts.

In addition to the restrictions placed on fundraising, NGOs also faced regulatory limitations on their ability to carry out their work, including difficulties in registering or updating their information in the Autonomous Registry and Notary Service. NGOs reported their requests were denied for procedural reasons, such as lack of personnel available to process the requests.

In May the IACHR reported the regime used stigmatizing discourse and smear campaigns against the human rights organization PROVEA.

On September 20, two SEBIN officers attempted a warrantless entry of PROVEA headquarters in Caracas during preparations to host a press conference with relatives of six labor activists detained by the regime in early July. The officers were not allowed entry but remained outside the location for 30 minutes in an apparent attempt to intimidate the detainees' families. The Inter-American Commission on Human Rights denounced the incident and demanded a stop to harassment of human rights defenders and civil society.

The United Nations or Other International Bodies: The Maduro regime was generally hostile toward international human rights bodies and continued to refuse access to the IACHR, which last visited the country in 2002. In 2019, the regime and the OHCHR signed a memorandum of understanding that provided for the presence of two UN human rights officers in the country, and in October the UN Human Rights Council voted to extend the mandate of the OHCHR until 2022. In 2019, the UN Human Rights Council adopted a resolution to establish a one-year FFM to investigate “extrajudicial executions, enforced disappearances, arbitrary arrests, torture, and other cruel, inhumane, or degrading treatment committed in Venezuela since 2014.” In October, the FFM mandate was renewed.

The FFM worked out of Panama due to restrictions imposed by the Maduro regime that included lack of access to Venezuela. The FFM published three detailed

reports, the first in September 2020, the second in September 2021, and the third in September 2022. The first report identified specific incidents and patterns of violations and crimes as part of a “widespread and systematic course of conduct” that the FFM concluded “amounted to crimes against humanity.” The second report focused on the response of the justice system to human rights abuses, its lack of independence, and its role in investigating and prosecuting members of the opposition. The third report focused on the Maduro regime’s use of security agencies such as the DGCIM and SEBIN to carry out human rights abuses against opponents and human rights concerns in the Orinoco Mining Arc, particularly in Bolivar State. In November 2021, International Criminal Court (ICC) Prosecutor Karim Khan visited the country, culminating in the announcement of the opening of an investigation into crimes against humanity allegedly committed in Venezuela since 2014 and the signing of a memorandum of understanding with the Maduro regime. In March, Khan visited the country again and authorized the Office of the Prosecutor to establish an office for cooperation with Venezuelan authorities and facilitation of technical assistance, although the opening remained pending as of November. In April, Venezuela requested, under Article 18 of the Rome Statute, that the ICC prosecutor defer to the regime’s own investigations instead of carrying out its own. The prosecutor did not accept the request and in turn requested before the Pre-Trial Chamber on November 1 to resume the investigation due to a lack of complementarity, adding that Venezuela failed to demonstrate it had investigated or was investigating criminal acts that may constitute crimes against humanity.

Government Human Rights Bodies: The regime’s human rights ombudsman failed to advocate for citizen victims of human rights neutrally and objectively, especially in the most emblematic cases. Regime attorney general Saab announced that the Office of Human Rights was upgraded to a General Office of Human Rights Protection to give it higher rank, but the office showed limited public progress by year’s end.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalizes rape of men or women,

including spousal rape, making it punishable by a prison term of eight to 14 years. A man may legally avoid punishment by marrying (before he is sentenced) the person he raped. The law allows authorities to consider alternative forms of punishment, including work release, for those convicted of various crimes, including rape, if they have completed three-quarters of their sentence. Femicide has a punishment of 20 to 30 years in prison. The law was not consistently enforced.

The law criminalizes physical, sexual, and psychological violence in the home or community and at work, with increased penalties for intimate partner violence. The law punishes perpetrators of intimate partner violence with penalties for conviction ranging from six to 27 months in prison. The law requires police to report intimate partner violence to judicial authorities and obligates hospital personnel to notify authorities when admitting patients who are victims of intimate partner. Police generally were reluctant to intervene to prevent intimate partner violence and were not properly trained to handle such cases. The law also establishes women's bureaus at local police headquarters and tribunals specializing in gender-based violence, and two-thirds of states had specialized courts.

In September 2021, regime attorney general Saab opened a service to receive complaints from the Caracas Metropolitan area of cases related to violence against women and children. No efforts were made during the year to expand gender-based violence services in other parts of the country, including rural and border areas. The Public Ministry's Women's Defense Department employed a team of lawyers, psychiatrists, and other experts who dealt exclusively with cases of femicide, gender-based violence, and other crimes against women. The law was rarely followed or enforced.

The Maduro regime did not publish statistics on gender-based violence. The OHCHR reported a lack of due diligence in investigations of gender-based violence cases. According to NGOs, government efforts to protect victims of gender-based violence were ineffective or nonexistent. Enforcement of laws and access to justice were limited, as victims of gender-based violence reported a lack of progress and inability to follow up on cases after filing reports.

Many advocates observed there was a lack of public awareness regarding resources

and support available to prevent and combat gender-based violence. There was also a lack of adequate protection for survivors of gender-based violence and sheltering facilities with minimum operating conditions. According to CEPAZ, there were no public shelters for survivors open as of 2019. In 2021, Maduro announced funding to repair and reopen the four public shelters that were once operational, but no information was available regarding their status. NGOs provided most support services to survivors of gender-based violence.

The NGO Utopix reported 151 femicides between January and August. Utopix noted there were no policies to prevent femicides and no public statistics or official records showing the results of femicide investigations or convictions.

The NGO Kape Kape, which focuses on Indigenous rights, reported 97 percent of the Indigenous women they interviewed were survivors of violence, and 39 percent of those interviewed did not know how to make a complaint to authorities.

Sexual Harassment: Sexual harassment is illegal and punishable by fines and a prison sentence of one to three years. Although common in the workplace according to media reports, sexual harassment cases were rarely reported. Several cases of harassment at the hands of security forces – both police and military – were reported during the year.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of the Maduro regime.

Women, children, and teenagers lacked the conditions and information to safely make decisions concerning their sexual and reproductive health and lacked access to services and contraceptive methods in a timely manner and in terms of quality. The country's mobility difficulties and cost of services aggravated the situation.

The regime restricted access to sexual and reproductive health services for sexual violence survivors, including emergency contraception for the clinical management of rape. The regime's economic mismanagement and neglect of the country's health-care infrastructure severely restricted access to resources for menstrual health and hygiene as well as to skilled health attendance during pregnancy and childbirth. An October study published by a coalition of women's rights NGOs reported one in four women never or only sometimes had access to menstrual pads.

In a study published in November, the NGO IPYS reported only 27 percent of women used contraceptives due to their high cost. When available, birth control pills cost almost 10 times the monthly minimum wage, and an intrauterine device cost 25 times the monthly minimum wage. A pack of condoms cost three times the monthly minimum wage. A 2020 study from the NGO Venezuelan Association for Alternative Sex Education (AVESA) found that fewer than 50 percent of women of reproductive age had their need for family planning satisfied with modern methods, and that nine of 10 women living in low-income households had not planned their pregnancy.

According to NGO contributions for the third cycle of the Universal Periodical Review (UPR), during the last three years, access to health services presented alarming setbacks. Women, girls, and adolescents had no assurance of access to adequate sexual and reproductive health services.

Pregnant women faced undignified or inadequate conditions for childbirth, leading to high rates of maternal and newborn deaths, most of which were preventable. The Maduro regime claimed in its report to the UN Women's Convention for the Elimination of All Forms of Discrimination against Women that maternal mortality had declined, which experts doubted. There were no official statistics available since 2017, but according to the Society of Obstetrics and Gynecology of Venezuela, the maternal death rate in 2019 was 112 per 100,000 live births, with postpartum hemorrhages, sepsis, and pregnancy-induced hypertension cited as the leading causes of maternal mortality. Doctors stated these were "predictable and treatable" conditions but were often fatal due to hospitals' lack of adequate beds, medical resources, medicine, and the increase in migration of doctors and specialists. An increasing number of births took place at home due to faltering medical services.

The IACHR found that many young women who were pregnant or had young children migrated to other countries to gain access to prenatal care and health and reproductive services. The IACHR also reported that women seeking neonatal or obstetric care had to provide their own surgical and personal protective equipment. Pregnant women frequently did not receive prenatal care or take prenatal supplements containing iron or folic acid, which are crucial for a healthy pregnancy and preventing developmental problems and malnutrition. According to

AVESA, 75 percent of pregnant women who required antihypertensive treatment could not afford it due to its high cost. In addition, the regime did not ensure its supply. The NGO reported 48 percent of pregnant women could not access the nutritional supplements they needed.

In May the UN Population Fund revealed teenage pregnancy continued to be a major problem. According to the latest available data, for adolescents ages 15-19, the pregnancy rate was 97.7 per 1,000.

Discrimination: Women enjoy the same legal status and rights as men under the constitution. Women and men are legally equal in marriage, and the law provides for gender equality in exercising the right to work. The law specifies that employers must not discriminate against women regarding pay or working conditions. Nevertheless, disparities in employment persisted, and the regime did not enforce the law.

Systemic Racial or Ethnic Violence and Discrimination

The constitution prohibits discrimination based on race. The law prohibits all forms of racial discrimination and provides for a maximum of three years' imprisonment for acts of racial discrimination. As mandated by law, signage existed outside commercial and recreational establishments announcing the prohibition against acts of racial discrimination. Beyond signage, little was done to enforce laws against discrimination or prosecute cases of discrimination.

Indigenous Peoples

The law prohibits discrimination based on ethnic origin. The constitution provides for three seats in the National Assembly for deputies of Indigenous origin to “protect Indigenous communities and their progressive incorporation into the life of the nation.” In 2020, the CNE eliminated the direct election of Indigenous representatives, instead creating a system of delegates to choose the representatives. The rest of the country continued to vote directly.

NGOs and the press reported local political authorities seldom took into account Indigenous interests when making decisions affecting Indigenous lands, cultures, traditions, or allocation of natural resources. Indigenous groups continued to call

for faster implementation of the demarcation process. Indigenous persons faced discrimination in employment and occupation.

Indigenous groups and NGOs expressed concern regarding mining in the expanding Orinoco Mining Arc, an area spanning the states of Bolivar, Amazonas, and Delta Amacuro and a site of extractive economic activities and mineral processing. Since its establishment in 2016, informal and illegal mining extraction increased, especially of gold, coltan, diamonds, and uranium. In 2021, an NGO reported nonstate armed groups operating near Delta Amacuro in Bolivar State led members of the Indigenous Warao community into Guyana to work long shifts in illegal mines with no medical care and under precarious conditions. Human traffickers recruited Warao women to work as cooks in the mines and later subjected them to sex trafficking in Guyana.

Indigenous communities reported the Maduro regime developed and expanded mining zones without consulting those native to the region, resulting in a rise in environmental degradation, water contamination with mercury and cyanide, and malaria.

In February the OHCHR reported Samena Indigenous community members were partially internally displaced due to violence regarding the control of mines in their territory.

Illegal armed groups, including the ELN and FARC-EP, had a considerable presence in the area, increasing the level of violence and insecurity in the communities. The Venezuelan-Colombian Project Observatory for the Defense of Life (ODEVIDA) reported members of the military and police forces were often involved in the violence by act or omission. In addition to the presence of the ELN and FARC-EP, mines were often controlled by criminal gangs composed of illegal armed Brazilian miners.

In its latest report, the FFM received information implicating security forces and armed criminal groups in killings; kidnappings; torture or cruel, inhuman, and degrading treatment; and sexual and gender-based violence against residents and workers of the mining areas in Bolivar State. The FFM also received information that the ELN had an intermittent presence in various mining areas in Bolivar State

since at least 2018. Armed groups and the regime both reportedly threatened or attacked Indigenous leaders who refused to allow the smuggling of goods or access to mining in their territories. The regime was also found to be involved in sexual and gender-based violence, particularly against women and girls in Bolivar State. Criminal mining gangs operated makeshift brothels in almost all the mining areas in Bolivar and exploited women and girls, some as young as 11, in sex trafficking, according to the report. Witnesses reported regime security forces often visited these brothels.

There was also an unprecedented influx of human trafficking, including commercial sexual exploitation and forced labor, and other illegal activities, in addition to disease and drugs, in the mining areas, putting Indigenous communities at risk.

Indigenous groups regularly reported violent conflicts with miners regarding land rights. There were reports of harassment, attacks, and forced evictions against Indigenous persons living in areas included as part of Maduro regime mining concessions. Indigenous persons reported a lack of consultation by the regime on the social and environmental impact of mining activity in Indigenous and protected areas.

PROVEA reported the migration of Indigenous communities from Amazonas State to Colombia had increased in the past five years due to the worsening of the political-economic crisis and the increase in mining activity and invasion of Indigenous territories. The NGO expressed concern regarding the expulsion of Indigenous persons from their territories and warned that populations such as the Pemón, Warao, Jivi, Wayúu, and Añu Indigenous groups were especially vulnerable.

In January, media reported at least 150 Indigenous Sikuaní arrived in Puerto Carreño in eastern Colombia, after fleeing fighting between FARC-EP and ELN forces in Apure. Mass displacements were common in the border area, where irregular armed groups often fought for control of territory.

The NGO Fundaredes reported that since 2019 almost 13,000 Indigenous persons (Jivis, Uwottüja, Yeral, Yekuana, Sanema, and Yanomami) in Amazonas had

migrated to border towns in Colombia and Brazil seeking better living conditions or escaping threats.

On February 3, FANB officers shot three members of the Warao Indigenous community, including two children, in Puerto Ordaz, Bolivar State. The shooting occurred as the FANB attempted to confiscate a boat the Warao used for collecting scrap metal in the Port of Palua. Members of the Warao community condemned the attack, claiming this was not the first time the FANB had attempted to confiscate their belongings.

On July 19, three members of the Jivi Indigenous community were killed in the Guarataro parish of the Sucre municipality in Bolivar State. Relatives believed the action was carried out by FARC-EP members that operated in the area.

Children

Birth Registration: Citizenship is derived by birth within the country's territory and from one's parents. While not discriminatory, birth registration was difficult to obtain due to a shortage of paper necessary to print birth certificates. NGO CECODAP reported at least 32 cases of individuals requesting support due to difficulties in obtaining birth certificates or identity cards between April 2021 and March. Thousands of children reportedly left the country without a birth certificate amid the country's migration crisis.

Child Abuse: The Maduro regime made efforts to detain and prosecute some perpetrators of child abuse. Although the judicial system acted to remove children from abusive households, the press reported public facilities for such children were inadequate. According to NGOs, in many cases children were returned to their homes without proper reintegration or follow-up measures. An investigation by the children's rights NGO Cecodap pointed to the lack of information from regime institutions regarding the violation of children and adolescents' rights, noting that only 24 percent of reported information came from official sources.

During 2021, Cecodap reported that 33 percent of the cases of violence against children they received were linked to sexual abuse and mostly affected girls and adolescent girls.

Regime attorney general Saab reported the regime's public ministry registered 1,024 cases of child sexual abuse between January to October, in which 1,426 individuals were charged and 752 sentenced for their crime.

Child, Early, and Forced Marriage: The legal minimum age for marriage is 18 for women and men, but with parental consent the minimum age is 16.

Sexual Exploitation of Children: By law, conviction for having sexual relations with a child younger than 13, with an "especially vulnerable" person, or with a child younger than 16 when the perpetrator is a relative or guardian is punishable with a mandatory sentence of 15 to 20 years' imprisonment. The law prohibits the forced commercial sexual exploitation and the corruption of minors. Penalties range from 15 to 20 years' imprisonment in cases of forced labor and some forms of sex trafficking of women and girls. The law does not criminalize all forms of child sex trafficking because it requires demonstration of force, fraud, or coercion as essential elements of the crime. The law prohibits the production and sale of child pornography and establishes penalties of 16 to 20 years' imprisonment. The government generally enforced the law.

In June the *Washington Post* reported that some priests convicted of sexual abuse of children and adolescents did not complete their full sentences and often returned to churches to continue working as priests.

Displaced Children: Children's rights advocates and media reported an increase in the number of abandoned children living on the street. State-run facilities, already filled to capacity, were unable to support the influx. In 2020, Cecodap estimated as many as one million minors were left behind with family members when their parents fled the country's economic crisis, many of whom also struggled with the country's economic downturn. These children resided in limbo, since their parents who left were unable legally to transfer guardianship to a third party. Private institutions denounced the Maduro regime's refusal to provide subsidized food benefits to support the country's population.

NGOs noted young girls constituted almost one-half of the children living on the streets. This shift posed particular challenges for shelters, which historically held predominantly male populations. With institutions filled to capacity, hundreds of

children accused of infractions, such as curfew violations, were confined in inadequate juvenile detention centers.

Institutionalized Children: The institutions and social missions created for the protection of children are not part of the state protection system because they are not recognized by the law.

Antisemitism

The Confederation of Israelite Associations in Venezuela (CAIV) estimated there were 10,000 Jews in the country. Jewish community leaders expressed concern regarding antisemitic statements by regime-aligned actors. They stated regime-owned or -associated media and supporters of the Maduro regime promoted Zionist conspiracy theories.

On August 22, CAIV condemned declarations made by Esteban Trapiello, president of regime-linked regional television station Telearagua and the Aragueña Radio Station, in which he suggested the Holocaust may not have happened, praised Adolf Hitler, and said he would like to see Hitler’s “work completed.”

Trafficking in Persons

See the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: The armed forces criminalize same-sex relations in the military justice code, punishing convicted members of the lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) community with imprisonment from one to three years and fines.

Violence against LGBTQI+ Persons: NGOs reported incidents of discriminatory violence against LGBTQI+ persons. Reported incidents were most prevalent against transgender individuals. Leading advocates noted law enforcement

authorities often did not properly investigate to determine whether crimes were motivated by hate or gender discrimination.

In May the Public Ministry created a specialized office to investigate crimes related to human rights violations against the LGBTQI+ population.

The OHCHR received 14 complaints of hate crimes against LGBTQI+ persons submitted by civil society to authorities between May 2021 and April 2022.

The Venezuelan Observatory of LGBTQI+ Violence documented 37 acts of aggression against members of the LGBTQI+ community between April and September, including physical violence, hate speech, and discrimination in public and private places. According to the NGO, 30 percent of the acts of aggression were by members of the regime.

NGOs reported an increased incidence in human trafficking of LGBTQI+ individuals and noted transgender persons were particularly vulnerable to trafficking networks.

Discrimination: The law prohibits discrimination by state and nonstate actors based on sex but does not specifically address sexual orientation. There are no legal instruments that allow same-sex marriage, domestic partnership, or the adoption of children for same-sex couples. The LGBTQI+ community continued to demand the passage of a marriage equality law, which had been in procedural delay for seven years.

On July 14, LGBTQI+ rights organizations protested statements from purported 2021 national assembly deputy Franklyn Duarte in which he suggested the regime should apply the “Qatar Law,” a reference to laws in Qatar that punish persons convicted of homosexuality with imprisonment.

The Maduro regime did not provide statistics divided by gender or sexual orientation, so the needs of the LGBTQI+ population were often not considered when generating public policies.

Transgender and intersex persons were not provided adequate medical services, including hormone therapy and psychological support. Lesbian women reported

discrimination in public health services, including gynecology and prenatal and postnatal services.

Local police and private security forces allegedly prevented LGBTQI+ persons from entering malls, public parks, and recreational areas.

Availability of Legal Gender Recognition: NGOs reported the Maduro regime systematically denied recognition to transgender, intersex, and nonbinary persons by refusing to issue them identity documents in their preferred gender, which are required for access to education, employment, housing, health care, and other services. These discriminatory actions often led transgender and intersex persons to become victims of human trafficking. On November 29 the CNE announced it would comply with Article 146 of the Civil Registry Law that permits name changes for reasons of gender identity, a right established in 2009 but that was not respected in practice. The announcement, however, did not include the ability for individuals to change their gender on identity documents.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: In September, the board of directors of the Federation of Psychologists of Venezuela issued a statement condemning the practice of so-called conversion therapies to “cure” homosexuality and any other expression of sexual orientation or gender identity or expression diversity. The federation categorically rejected any discriminatory act against any person and condemned the offer and practices of so-called conversion therapies. According to LGBTQI+ rights NGOs, some evangelical churches and some psychologists offered conversion therapy.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: There were no restrictions against freedom of expression, association, or peaceful association related to LGBTQI+ matter or events.

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities, but no efforts were made to implement the law, inform the public of it, or combat societal prejudice against persons with disabilities. The law requires that all newly constructed or renovated public parks and buildings provide access,

but persons with disabilities had minimal access to public transportation, and ramps were almost nonexistent. Many persons with disabilities expressed concern that public transportation workers often were unwilling to transport them, which forced them to take taxis, which were often unaffordable and frequently not equipped to support patrons with disabilities. NGOs reported hospitals lacked infrastructure to accommodate persons with mobility problems and staff to communicate with deaf persons. Parents of children with disabilities also complained they were forced to wait in long lines for services rather than receive preference as afforded by law. Online resources and access to information were generally available to persons with disabilities, although access to closed-captioned or audio-described online videos for persons with sight and hearing disabilities was limited. Leading advocates for persons with hearing disabilities lamented difficult access to public services due to a lack of interpreters in public courts, health-care facilities, and legal services, as well as a lack of other public accommodations. Persons with disabilities regularly faced discrimination in employment and occupation.

The National Council for Persons with Disabilities, an agency within the regime's office of the presidency, lacked resources to provide adequate attention. Its webpage was not accessible, and there was no other official institution that provided information for persons with disabilities. The NGO Deaf Confederation of Venezuela (CONSORVEN) denounced the Maduro regime's continued deficiencies in program development and support services for persons with disabilities.

Some children with disabilities attended separate schools, while others were in mainstream schools with peers without disabilities. Media reported schools for children with disabilities suffered from underfunding, decaying infrastructure, and little consideration for the specific needs of individual disabilities. Schools lacked adequate materials and personnel, such as education materials in braille, sign language interpreters, and guide or interpreters for deaf or blind persons. NGOs reported there were no state programs to support the elimination of communication barriers or to increase sign language interpretation services.

Parents of children with disabilities reported significant difficulties in school enrollment, which prevented their children from receiving formal education. A

2021 CONSORVEN report indicated transportation was a significant difficulty for 37 percent of children and adolescents with disabilities, which impacted their school attendance and medical care.

Other Societal Violence or Discrimination

The law provides for the equal rights of persons with HIV or AIDS and their families. Nevertheless, leading advocates alleged discrimination occurred against such persons. The NGO Citizen Action Against AIDS reported there was constant discrimination in public hospitals and refusal of medical attention against persons with HIV and mistreatment of pregnant women with HIV at the time of delivery.

Data from the Joint UN Fund for AIDS (UNAIDS) revealed there were 120,000 persons with HIV; however, the national registry only had 70,000 registered, leaving a very large number of persons without treatment. UNAIDS reported coverage of antiretroviral therapy was inconsistent, reaching only an estimated 10 percent of the population.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides that all private and public sector workers (except members of the armed forces) have the right to form and join unions of their choice, and it provides for collective bargaining and the right to strike. The law, however, places several restrictions on these rights, and the Maduro regime deployed a variety of mechanisms to undercut the rights of independent workers and unions. Minimum membership requirements for unions differed based on the type of union. Forming a company union requires a minimum of 20 workers; forming a professional, industrial, or sectoral union in one jurisdiction requires 40 workers in the same field; and forming a regional or national union requires 150 workers. Ten persons may form an employee association, a parallel type of representation the Maduro regime endorsed and openly supported.

The law prohibits “any act of discrimination or interference contrary to the exercise” of workers’ right to unionize. The law requires all unions to provide the Ministry of Labor a membership roster that includes the full name, home address,

telephone number, and national identification number for each union member. The ministry reviews the registration and determines whether the union fulfilled all requirements. Unions must submit their registration applications by December 31 of the year the union forms; if not received by the ministry or if the ministry considers the registration unsatisfactory, the union is denied legal recognition. The law also requires the presence of labor inspectors to witness and legitimize unions' decisions before the Ministry of Labor. The International Labor Organization (ILO) raised concerns regarding the ministry's refusal to register trade union organizations.

By law employers may negotiate a collective contract only with unions that represent most of their workers. Minority organizations may not jointly negotiate in cases where no union represents an absolute majority. The law also restricts unions' ability to administer their activities. For example, the National Electoral Council (CNE) has the authority to administer internal elections of labor unions, federations, and confederations. By law elections must be held at least every three years. If CNE-administered and -certified elections are not held within this period, the law prohibits union leaders from representing workers in negotiations or engaging in anything beyond administrative tasks. Organized labor activists continued to report the annual requirement to provide the Ministry of Labor a membership roster was onerous and infringed on freedom of association. They alleged the ministry removed member names from the rosters for political purposes, particularly if members were not registered voters on the CNE's rolls. Labor leaders also criticized the laborious and costly administrative process of requesting CNE approval for elections and subsequent delays in the CNE's recognition of such union processes. In addition, there reportedly was a high turnover of ministry contractors, resulting in a lack of timely follow-through on union processes. Labor unions in both the private and public sectors noted long delays in obtaining CNE concurrence to hold elections and in receiving certification of the election results, which hindered unions' ability to bargain collectively. The ILO repeatedly found cases of interference by the CNE in trade union elections and since 1999 had called for delinking the CNE from the union election process.

The law recognizes the right of all public and private sector workers to strike,

subject to conditions established by law. Workers participating in legal strikes receive immunity from prosecution, and their time in service may not be reduced by the time engaged in a strike, but this was not observed. The law requires that employers reincorporate striking workers and provides for prison terms sufficient to deter violations for employers who fail to do so. This law was never enforced. Replacement workers are not permitted during legal strikes. The law prohibits striking workers from paralyzing the production or provision of essential public goods and services, but it defines “essential services” more broadly than ILO standards. The ILO called for the law to be amended to exclude from the definition of “essential services” activities “that are not essential in the strict sense of the term...so that in no event may criminal sanctions be imposed in cases of peaceful strikes.”

The minister of labor may order public- or private-sector strikers back to work and submit their disputes to arbitration if a strike “puts in immediate danger the lives or security of all or part of the population.” Other legal provisions establish criminal penalties for exercising the right to strike in certain circumstances. For example, anyone who “organizes, supports, or instigates the realization of activities within security zones that are intended to disturb or affect the organization and functioning of military installations, public services, industries and basic (i.e., mining) enterprises, or the socioeconomic life of the country” could be punished with five to 10 years in prison. The law also provides for prison terms sufficient to deter violations by those who restrict the distribution of goods and “those...who develop or carry out actions or omissions that impede, either directly or indirectly, the production, manufacture, import, storing, transport, distribution, and commercialization of goods.”

The code of military justice establishes arrest sentences between six months and one year for verbal abuse against a sentry, a public official, or the armed forces. This type of criminal offense was used against workers unconstitutionally subjected to military jurisdiction.

The Maduro regime restricted the freedom of association and the right to collective bargaining through administrative and legal mechanisms. Penalties for violations of laws on freedom of association and collective bargaining were not commensurate with those for other laws involving denial of civil rights, such as

discrimination. Penalties were rarely applied against violators.

The ILO raised concerns regarding violence against trade union members and intimidation of the Associations of Commerce and Production of Venezuela by the Maduro regime. In 2018, ILO member countries voted to establish an ILO Commission of Inquiry for Venezuela to investigate long-standing complaints first filed in 2015 of labor rights violations inconsistent with the country's obligations under ILO Conventions, including on freedom of association and protection of the right to organize. In 2019, the commission submitted its report to the ILO director general, noting that Venezuela was not in compliance with international conventions. The report also called for "the immediate release of any employer or trade unionist who may be in prison as a result of carrying out the legitimate activities of their workers' or employers' organization."

In April and September, ILO representatives participated in a dialogue in Caracas among the regime, employers, and union representatives as part of the country's long-standing case before the ILO. The dialogue's purpose was to discuss the country's advancements in recommendations, including those on the right to organize. The dialogue ended with few tangible agreements. Non-regime-aligned unions reported being excluded from participation in the September ILO-led dialogue.

The Maduro regime continued to support "parallel" unions, which sought to dilute the membership and effectiveness of traditional independent unions. The regime excluded some independent union federations, including the Confederation of Venezuelan Workers, General Confederation of Venezuelan Workers, Confederation of Autonomous Unions of Venezuela, and National Union of Workers, from certain negotiations including the dialogue with the ILO.

The Maduro regime continued to refuse to adjudicate or otherwise resolve the cases of thousands of Petroleos de Venezuela S.A. (PDVSA) employees who were dismissed during and after the 2002-03 strike. The Ministry of Labor continued to deny registration to the National Union of Oil, Gas, Petrochemical, and Refinery Workers.

The regime accused opponents who planned strikes of coup plotting or other

destabilizing activities and threatened legal action under national security laws to intimidate them into abandoning their plans. Some companies, especially in the public sector, had multiple unions with varying degrees of allegiance to the ruling party's version of the "socialist revolution," which could trigger interunion conflict and strife. The crimes of association to commit a crime, instigation to commit a crime, obstruction of the public way, violation of the security zone, crimes against freedom of work, and terrorism were frequently used against union leaders who demanded labor rights.

ODEVIDA registered 82 cases of violence against labor rights activists and union leaders between 2015 and 2020, which included 44 killings, 20 arbitrary detentions, and one case of an extrajudicial execution allegedly involving the Scientific, Criminal and Investigative Corps (CICPC). The OHCHR documented that trade unionists continued to face criminal charges, including criminal association and incitement of hate, in connection with their work. At least two trade unionists were in detention awaiting trial and six were granted alternative measures to detention, including two during the April ILO.

In July, Emilio Negrin, a union leader of the Confederation of Autonomous Trade Unions who participated in the April tripartite dialogue facilitated by the ILO, was arrested along with six others – Gabriel Blanco, Alcides Bracho, Alonso Melendez, Nestor Melendez, Nestor Astudillo, and Reynaldo Cortes – who belonged to the political party Bandera Roja and human rights organizations. The men were accused of criminal association and conspiracy. On September 26, a court on terrorism confirmed the men would be tried on the following charges: assaulting a military enlistment in Merida State armed with 120 rifles; kidnapping the parents of Tareck El Aissami, who the regime styled as oil minister; and sabotage against Nicolas Maduro. Media reported the arrests were motivated by the men's roles in the protests led by pensioners, unions, and retirees in support of better wages, pensions, and labor conditions.

On August 2, union leader Douglas Gonzalez, who worked for Industria Venezolana de Aluminio (Venalum), was arrested in Anzoategui State by security officials when he was traveling to Caracas to participate in labor protests. He remained in detention as of November.

b. Prohibition of Forced or Compulsory Labor

The law does not criminalize all forms of forced or compulsory labor. The law prohibits some forms of forced or compulsory labor but does not provide criminal penalties for certain forms of forced labor. The law on organized crime prohibits human trafficking by organized crime groups. It prescribes penalties designed to deter human trafficking of adults carried out by a member of a criminal group of three or more individuals. The law, however, fails to prohibit trafficking by an individual not affiliated with such a group. Prosecutors may employ other statutes to prosecute such individuals. The law increases penalties for child trafficking with the purpose of forced labor. There was no comprehensive information available regarding the enforcement of the law. The labor group Autonomous Front in Defense of Employment, Wages, and Unions (FADESS) reported public-sector worker agreements included provisions requiring service in the armed forces' reserves. NGOs noted forced child labor in domestic service within the country increased in 2021 (see section 7.c.).

Some doctors participating in Cuba's overseas medical program showed indicators of forced labor. According to FADESS, Cubans worked in the Maduro regime's social programs, such as the Mission Inside the Barrio, in exchange for the regime's provision of oil resources to the Cuban government. FADESS noted Cubans worked in the Ministries of Education, Registrar, Notary, Telecommunications, and Security. FADESS also cited that the G-2 Cuban security unit was present in the armed forces and in state enterprises and routinely surveilled Cuban medical workers sent to Venezuela. Observers noted indications the Cuban government may have forced some Cubans to participate in its government-sponsored medical missions. Some Cuban medical personnel who participated in the social program Mission Inside the Barrio described indicators of forced labor, including underpayment of wages, mandatory long hours, limitations on movement and casual contact with Venezuelans, the use of "minders" to conduct surveillance of participants outside of work, forced political indoctrination, and threats of retaliatory actions against workers and their families if they left the program or did not return to Cuba as directed by government supervisors.

On May 30, media reported at least 17 Cuban doctors were detained in Tachira

State on their way to Colombia after abandoning their medical mission earlier in the month. Media reported that in retaliation, authorities confiscated the passports of more than 20,000 other Cuban doctors to prevent them from escaping and increased surveillance against doctors and health professionals. The Cuban government acknowledged that its agents withheld the passports of Cuban workers in the country. Authorities did not investigate allegations of forced labor in Cuba's overseas labor export program.

Illegal mining operations existed in some of the country's most remote areas, including Bolivar State, where armed groups forcibly recruited youth to join armed criminal groups, forced children to work in gold mines under dangerous conditions, and exploited girls in sex trafficking.

The Human Rights Center of the Catholic University Andres Bello (CDH-UCAB) also documented forced recruitment in the Orinoco Mining Arc, where irregular armed groups-controlled mining activity through corruption and extortion networks that involved the military. These groups recruited men and children using threats of violence, death, and debt manipulation to gain control over the zone. A CDH-UCAB investigation published in February documented 1,010 cases of human trafficking in Indigenous communities in Bolivar State. Indigenous communities in Bolivar were involved in illegal fuel extraction, collection of scrap and metals, mining, involuntary domestic servitude, and sexual exploitation, including of children. Illegal armed groups such as the ELN and FARC-EP were often the perpetrators in these illicit economies.

CHD-UCAB estimated more than 1,000 persons from Indigenous communities, between ages 14 and 34, were subjected to forced labor. For men, this was mostly in the form of work in illegal mines. For women, this was in the form of sex trafficking, early marriage, or exploitation as washerwomen and cooks. According to a study carried out by the newspaper *Correo del Caroni*, in September 2021 there were at least 90 Waraos (51 adults and 39 children) and 78 Jivis, (45 adults and 33 children) who were forced to work between nine and 12 hours a day collecting plastic and scraps.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits all the worst forms of child labor. The law sets the minimum employment age at 14. Children younger than age 14 may work only if granted special permission by the National Institute for Minors or the Ministry of Labor. Such permission may not be granted to minors who are younger than the legal age for work in hazardous occupations that risk their life or health or could damage their intellectual or moral development. According to the ILO, the Maduro regime had not made publicly available the list of specific types of work considered hazardous. Children ages 14 to 18 may not work without permission of their legal guardians or in occupations expressly prohibited by law, and they may work no more than six hours per day or 30 hours per week. Minors younger than age 18 may not work outside the normal workday.

Anyone employing children younger than eight is subject to time in prison. Employers must notify authorities if they hire a child as a domestic worker. The Maduro regime did not effectively enforce the law. High rates of student dropouts pushed children into labor situations.

In 2020, the international NGO World Vision stated that during the pandemic, child labor increased by 20 percent compared with previous years, and that, within that figure, 28 percent of children participated in begging and at least 19 percent sold products on the streets.

A March report by Cecodap noted urban criminal bands actively recruited children and adolescents in precarious socioeconomic situations. Cecodap found food insecurity, school dropouts, and domestic violence were common motivations for children and adolescents to become involved with criminal organizations. The study concluded the recruitment of children and adolescents constituted a contemporary form of slavery, specifically human trafficking.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

d. Discrimination with Respect to Employment and Occupation

The constitution prohibits employment discrimination based on age, race, sex,

social condition, creed, marital status, union affiliation, political views, nationality, disability, or any condition that could be used to lessen the principle of equality before the law. No law specifically prohibits employment discrimination based on national origin, sexual orientation, gender identity, or HIV or AIDS status. Media and NGOs, such as PROVEA and the CDH-UCAB, reported the law was not effectively enforced. Penalties were not commensurate to those related to civil rights infractions, such as election interference, and penalties were rarely applied against violators.

According to the Ministry of Labor and the Confederation of Workers, regulations protecting women's labor rights were enforced in the formal sector, although women earned less than men for equivalent work (see section 6).

All employers, whether public or private, are required by law to have persons with disabilities represent at least 5 percent of their employees, with accommodation for their condition, abilities, skills, and specialties. There was no information available regarding the number of persons registered with regime health programs who were fully employed. The law was generally not followed nor enforced (see section 6).

NGOs reported that public-sector employees faced discrimination and harassment for their political beliefs or activities. In 2021, the ILO expressed deep concern regarding the large number of reported instances of acts of discrimination at work, harassment, and dismissal of employees on the basis of political opinion, as inconsistent with the country's obligations under ILO conventions on discrimination. In July, the NGO Fordisi, which worked with teachers' unions, reported that 2,153 teachers in Carabobo, 700 in Guarico, 141 in Portuguesa, and six in Caracas stopped receiving a salary, a move activists said came in retaliation for speaking out against the regime's labor practices.

Indigenous persons faced discrimination in employment and occupation (see section 6). They were more likely than non-Indigenous persons to work without legal protections in the informal sections. A February report by CDH-UCAB regarding Indigenous communities in Bolivar State found that Indigenous Warao earned up to 50 percent less than their non-Indigenous peers.

e. Acceptable Conditions of Work

Wage and Hour Laws: The national minimum wage remained below the poverty line. Minimum wage and other benefits are established through decrees. The most recent salary increase was published on March 15. It set the new minimum wage at 130 bolivares a month, which at that time was equivalent to 30 dollars, according to the central bank rate. The minimum monthly amount for pensions for retirees and pensioners in the public sector and for pensions paid by the Venezuelan Institute of Social Security was also set at 130 bolivares.

Labor experts noted the unilateral nature of the most recent regime decree to raise the minimum wage contravened ILO Convention 26, which requires the government to consult with employers and workers prior to enacting wage increases. In 2021, the ILO deplored the regime's failure to fulfil its obligations under ILO conventions to consult with social partners in the minimum wage setting process. Union leaders from the petroleum, health, telecommunications, and electricity sectors highlighted that the decree did not include wage adjustments to keep up with hyperinflation and thus remained insufficient to afford the basic food basket. The decree also violated the law by nullifying previously signed collective bargaining agreements, including wage tables that scaled salaries to account for seniority and merit pay.

From March to September, teachers, university employees, health-care professionals, retirees, and pensioners from the public sector organized nationwide protests to demand full payment of their salaries and bonuses and request the repeal of a National Budget Office (ONAPRE) directive that limited workers' benefits and violated the freedom of association of workers. The NGO Observatorio de Conflicto recorded 296 protests against the ONAPRE directive in August alone. The erosion of salaries led to the desertion of teachers, who were often forced to take on other jobs or additional jobs to supplement their incomes. According to the Venezuelan Federation of Teachers, 50 percent of 370,000 teachers had left teaching since 2017.

The law sets the workweek at 40 hours (35 hours for a night shift). The law establishes separate limits for "shift workers," who may not work more than an average of 42 hours per week during an eight-week period, with overtime capped

at 100 hours annually. Managers are prohibited from obligating employees to work additional time, and workers have the right to two consecutive days off each week. Overtime is paid at a 50 percent surcharge if a labor inspector approves the overtime in advance and at a 100 percent surcharge if an inspector does not give advance permission. The law establishes that after completing one year with an employer, a worker has a right to 15 days of paid vacation annually. A worker has the right to an additional day for every additional year of service, for a maximum of 15 additional days.

Workers organizations reported delays in the government's electronic wage payment system made it difficult for workers to withdraw the full value of their wages in cash.

An ILO Commission of Inquiry reported in 2019 that the regime had repeatedly failed to comply with the country's obligations under the ILO convention regarding minimum wages and labor standards.

Occupational Safety and Health: The law provides for secure, hygienic, and adequate working conditions. Workplaces must maintain "protection for the health and life of the workers against all dangerous working conditions." The law obligates employers to pay workers specified amounts for workplace injuries or occupational illnesses, ranging from two times the daily salary for missed workdays to several years' salary for permanent injuries. Workers may remove themselves from situations that endanger health or safety without jeopardy to their employment. Occupational safety and health (OSH) standards were not appropriate for the main industries in the country, and workers were not able to remove themselves from situations that endangered health or safety without jeopardy to their employment.

Health workers were severely exposed to COVID-19 due to the lack of personal protective equipment. Medical professionals lacked vaccines and biosafety equipment for individual protection, worked excessively long hours, and assumed the daily risk of infecting their family members. The Maduro regime repressed medical professionals who spoke of the realities they faced in their work. Nurses' unions stated that nearly 70 percent of nurses left their positions due to precarious work conditions. Media reported the continued deterioration of oil refineries under

the regime-owned company PDVSA due to lack of maintenance of facilities, which led to accidents that contaminated the environment and affected workers' safety. Unions and opposition leaders frequently reported these accidents, but the regime usually linked them to "sabotage" or "criminal actions." On January 11, the explosion of a fuel pipeline in an oil zone in Barcelona, Anzoategui State, left three workers injured.

Conditions in the mining sector were especially perilous. NGOs and media reported hazardous conditions in mining areas, many of which operated illegally and exposed miners to injury, disease, and mercury poisoning. The OHCHR documented high levels of violence and human rights violations linked to the control of and dispute regarding mines by organized criminal and armed groups. In some cases, security forces were reportedly involved in some of the violent incidents. NGOs reported the use of beatings, mutilation, disappearances, and killings by armed groups to enforce control in mining areas.

Wage, Hour, and OSH Enforcement: The law covers all workers, including temporary, occasional, and domestic workers. There was reportedly some enforcement by the Ministry of Labor of minimum wage rates and hours of work provisions in the formal sector. There are various administrative agencies tasked with verifying that workplaces comply with OSH regulations, including the National Institute for Prevention, Health, and Occupational Safety; Venezuelan Institute of Social Security; National Institute for Training and Recreation of Workers; and National Institute for Training and Socialist Education.

There was no publicly available information regarding the number of inspectors or the frequency of inspections to implement health and safety, minimum wage, or hours of work provisions. Official statistics regarding workplace deaths and injuries were not publicly available. OSH law was not effectively enforced. Penalties for wage, hour, and OSH law violations were less than those for similar crimes, such as negligence. Penalties were rarely applied against violators.

Informal Sector: An estimated 40 percent of the population worked in the informal sector, where labor law and protections generally were not enforced, and labor violations occurred frequently. The regime made little effort to provide social protections to part-time workers or workers in the informal sector.

TAB B



Updated September 15, 2021

Venezuela: Political Crisis and U.S. Policy

Venezuela, under the authoritarian rule of Nicolás Maduro, remains in a deep economic and humanitarian crisis worsened by the Coronavirus Disease 2019 (COVID-19) pandemic. Maduro has consolidated power over all of Venezuela's democratic institutions since his narrow 2013 election following the death of President Hugo Chávez (1999-2013). His United Socialist Party of Venezuela (PSUV) took de facto control of the National Assembly, the last independent branch of government, in January 2021.

Maduro has quashed dissent and resisted international pressure to step down since his reelection in a May 2018 presidential vote that was widely condemned as fraudulent. Meanwhile, international support for opposition leader Juan Guaidó, the former National Assembly president once regarded as interim president by the United States and nearly 60 other countries, has dissipated. The Biden Administration and Congress have maintained pressure on Maduro and support for Guaidó. U.S. policy could change, however, if recently restarted negotiations between the opposition and Maduro officials bring meaningful progress toward democracy.

Political Situation

Maduro has used security forces, buoyed by corrupt courts, to quash dissent. His government has rewarded allies, particularly in the security forces, with income earned from illegal gold mining, drug trafficking, and other illicit activities. Those forces have detained and abused Maduro's opponents, including military officers, opposition politicians, humanitarian actors, and civic leaders. As of September 13, 2021, the government held 261 political prisoners, according to Foro Penal, a Venezuelan human rights group. The U.N. Office of the High Commissioner for Human Rights has documented thousands of extrajudicial killings and other abuses committed by security forces that it describes as crimes against humanity.

The Venezuelan opposition has been weak and divided, with many of its leaders in exile. Guaidó challenged Maduro's authority in 2019; his support has since faded. After Norway-led negotiations stalled in mid-2019, the Maduro government increased persecution of Guaidó's supporters. Guaidó and other opposition legislators face prosecution by judicial authorities, who assert the legislators no longer have immunity because their terms ended in January.

In April 2021, Guaidó called on opposition parties, labor and civic groups, and business leaders to form a Unity Platform to negotiate with Maduro officials. The Unity Platform seeks better human rights, humanitarian, and electoral conditions; Maduro's team seeks sanctions relief and international recognition. Mediated by Norway, the negotiations began in Mexico in September. Unlike in past

failed negotiation efforts, Russia is accompanying the Maduro team and the Netherlands is accompanying the opposition. Most opposition parties also are fielding candidates in November's state and local elections, even though the elections are unlikely to be free or fair.

Economic and Humanitarian Crisis

By most accounts, Maduro's government has mismanaged the economy and engaged in massive corruption, exacerbating the effects of a decline in oil prices and production on the country's economy. In September 2021, the Economist Intelligence Unit estimated Venezuela's economy has contracted by more than 77% since 2013. In 2020, the economy shrank by 30%, according to the International Monetary Fund (IMF). The IMF predicts 3.8% growth for 2021, partially due to higher global oil prices.

Shortages in food and medicine, declines in purchasing power, and a collapse of social services have created a humanitarian crisis. According to a 2019-2020 household survey (the most recent available), the percentage of Venezuelans living in poverty increased to 96% in 2019. A February 2020 World Food Program (WFP) assessment estimated that 9 million Venezuelans were food insecure. In April 2021, Maduro allowed the WFP to launch a school lunch program that aims to reach 1.5 million children. Health indicators, particularly infant and maternal mortality rates, have worsened. Previously eradicated diseases such as diphtheria and measles have returned and spread.

According to data from Johns Hopkins University (JHU), Venezuela reported 4,200 deaths from COVID-19 (as of September 15, 2021), but experts maintain the actual number is much higher. The pandemic has strained Venezuela's hollowed-out health system. JHU suggests that 15% of Venezuelans were vaccinated as of mid-September. Venezuela has contracted to receive Russian and Cuban vaccines and has received Chinese vaccines through the COVID-19 Vaccines Global Access (COVAX) Facility.

As of September 2021, U.N. agencies estimated 5.7 million Venezuelans had left the country; some 28 million remain. Some 4.6 million migrants fled to other Latin American and Caribbean countries. Migrants have faced obstacles keeping jobs and accessing health care during the pandemic. In 2021, Colombia began granting 10-year temporary protective status to Venezuelan migrants.

International Response

The international community is divided on policies toward Venezuela, potentially hindering the effectiveness of efforts to restore democratic processes. The United States has encouraged other countries to continue recognizing the Guaidó government, sanction Maduro officials, hold the Maduro government responsible for human rights

violations, and provide humanitarian aid to Venezuelans. The United States, European Union (EU), Canada, and 11 Western Hemisphere countries that are parties to the Inter-American Treaty of Reciprocal Assistance have imposed targeted sanctions and travel bans on Maduro officials. The United Kingdom and some Western Hemisphere countries still recognize Guaidó as interim president, although EU countries have not recognized him as such since January 2021. The EU and Canada have issued joint statements with the United States pledging to review sanctions policies if negotiations yield “enduring agreements” to improve conditions for the Venezuelan people.

Other countries, including China, Russia, Cuba, Turkey, and Iran, support Maduro. Russia and China have blocked anti-Maduro initiatives at the U.N. Security Council. Russia also has supported Venezuela’s oil industry, helped Venezuela skirt U.S. sanctions, and sent military personnel and equipment to the country. China continues to purchase Venezuelan oil and has provided surveillance equipment and other technology. Since May 2020, Iran has shipped gasoline to Venezuela in exchange for gold.

Recent U.S. Policy

The U.S. government ceased recognizing Maduro as Venezuela’s legitimate president in January 2019. The Trump Administration discussed using military force in Venezuela but ultimately sought to compel Maduro to leave office through diplomatic, economic, and legal pressure. U.S. efforts have failed to dislodge Maduro, raising questions for the Biden Administration about whether to change U.S. policy.

Thus far, the Biden Administration has sought to support the Venezuelan people while engaging in multilateral diplomacy to press for a return to democracy and hold corrupt and abusive Maduro officials accountable. As part of its efforts to support the Venezuelan people, on March 8, 2021, the Biden Administration designated Venezuela as a beneficiary country for Temporary Protected Status (TPS); the Trump Administration had ended removals of Venezuelans eligible for Deferred Enforced Departure in January 2021. Biden officials are reviewing U.S. sanctions as they relate to both Maduro-opposition negotiations and humanitarian conditions in Venezuela.

Sanctions and Indictments. Sanctions are key parts of U.S. policy toward Venezuela. They include the following:

- **Individual sanctions** for terrorism; drug trafficking; and those who have committed antidemocratic actions, human rights violations, or corruption (see Executive Order [E.O.] 13692; P.L. 113-278; P.L. 114-194)
- **Financial sanctions** restricting access to U.S. financial markets by the Maduro government and state oil company, *Petróleos de Venezuela* (PdVSA) (E.O. 13808); prohibiting transactions using cryptocurrency issued by the Maduro government (E.O. 13827); and prohibiting the purchase of Venezuelan debt (E.O. 13835)
- **Sectoral sanctions** blocking assets and prohibiting unlicensed transactions with PdVSA, Venezuela’s

central bank, and the state gold mining company, among other entities (E.O. 13850)

- **Sanctions on the Maduro government** blocking assets in the United States and prohibiting transactions with that government unless authorized as part of efforts to aid the Venezuelan people (E.O. 13884)

In March 2020, the Department of Justice indicted Maduro and 14 top officials for narco-terrorism, drug trafficking, and other crimes.

U.S. Assistance. The United States is providing assistance and helping to coordinate the regional response to the Venezuelan migration crisis. From FY2017 through the third quarter of FY2021, the United States had provided some \$1.4 billion of humanitarian aid to Venezuela and countries sheltering Venezuelans. The United States has provided at least \$13.7 million for the COVID-19 response in Venezuela. From FY2017 to FY2021, U.S. funds dedicated to democracy, development, and health programs, which are implemented by nongovernmental organizations in Venezuela, have totaled an estimated \$234 million.

Congressional Action. Congress has supported U.S. efforts to promote a return to democracy in Venezuela without the use of military force and to provide humanitarian assistance to Venezuelans. Some Members have expressed concerns about the humanitarian impact of broad U.S. sanctions.

The 117th Congress has continued close oversight of U.S. policy toward Venezuela through hearings, legislation, and letters to the Administration. In March 2021, the Senate Foreign Relations Committee reported S.Res. 44, which would denounce fraudulent legislative elections in Venezuela. Also in March, the Senate Homeland Security and Governmental Affairs Committee reported S. 688, which would prohibit contracting with persons who have business operations with the Maduro government. In July, the House passed its version of the FY2022 foreign aid appropriations bill, H.R. 4373, which would provide \$50 million for democracy programs in Venezuela (up from \$33 million in FY2021) and would ensure humanitarian assistance to countries hosting Venezuelan migrants.

Oversight has focused on the Biden Administration’s approach to sanctions, negotiations, and humanitarian relief for the Venezuelan people. Many Members of Congress praised the March 2021 designation of TPS for Venezuela. Although some in Congress support continued pressure on the Maduro government, others favor a more targeted approach, arguing that broad sanctions have not prompted political change but have hurt the Venezuelan people. Some Members have advocated for an end to any sanctions that have worsened the humanitarian crisis, whereas others have called for more targeted sanctions relief.

See also CRS Report R44841, *Venezuela: Background and U.S. Relations*; CRS In Focus IF11029, *The Venezuela Regional Humanitarian Crisis and COVID-19*; CRS In Focus IF10715, *Venezuela: Overview of U.S. Sanctions*; and CRS In Focus IF11216, *Venezuela: International Efforts to Resolve the Political Crisis*.

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TAB C



WORLD

Venezuelan Refugees Face Violence And Closed Borders As They Try To Flee

AUGUST 20, 2018 · 8:22 PM ET

By Shannon Van Sant



Residents of the Brazilian border town of Pacaraima burn tires and belongings of Venezuelan immigrants, after an attack on their makeshift camps.

Isac Dantes/AFP/Getty Images

Venezuelan refugees continue to flee across the border by the thousands each day, and are increasingly facing protests and attacks in neighboring countries. Over the weekend mobs torched refugee camps in a border town of northern Brazil.

As many as 1,200 Venezuelan migrants had to flee the Brazilian town of Pacaraima - in which recent makeshift camps had been set up - back across

the border to their home country, according The New York Times. The town had been a main entry point for Venezuelans seeking refuge in Brazil. According to reports, an attack on a Brazilian merchant by Venezuelan criminals sparked the violence.

Sponsor Message



Rev. Jesus Lopez Fernandez de Bobadilla, a Spanish priest in Pacaraima, told *The Times* the migration crisis is straining the resources of the town of 12,000. Still, Father de Bobadilla said, "Pacaraima is offering a truly shameful example of intense and violent xenophobia."

Jose Ramon Gonzalez, National Relief Director at the Venezuelan Red Cross, told NPR his team is caring for the most vulnerable people in the country, and they are monitoring closely the health situation on the ground. He said people are traveling across the border for a fresh start, and new life.

The United Nations says more than 7 percent - 2.3 million refugees – of Venezuela's population have fled to other countries, making it one of the largest mass migrations of people in Latin American history. U.N. humanitarian officials report that 1.3 million of those who fled were suffering from malnourishment.

More than a million Venezuelan migrants have reportedly arrived in Colombia over the past 15 months, according to Reuters. Another 4,000 are reportedly

crossing the border into Ecuador every day.

The refugees' arrivals are inspiring protests and xenophobia in some communities. Hundreds of Ecuadoreans in the border town of Tulcan marched last week to demonstrate against the influx of migrants.

"You can help five, 10 or 20 Venezuelans but you can't help ... 10,000," Jairo Pozo, an Ecuadorean business owner behind the protest, told The Guardian, arguing that the refugees are stealing jobs.

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In response to the mass inflow of refugees, Ecuador has begun closing its borders to people not carrying passports, a move Colombia has protested, saying vulnerable migrants will now be trapped on its side of the border.

The refugees are fleeing a growing economic catastrophe in Venezuela, which has led to shortages of food and other basic necessities. Newsweek reports that some city officials have been walking off the job as the situation worsens, "As Maduro struggles to maintain control of the country, police and military officials have been abandoning their posts as their paychecks have stopped coming."

NPR's Colin Dwyer reports runaway inflation topped 60,000 percent last weekend, and that the currency has lost so much value "it takes stacks of bills just to buy a roll of toilet paper." Dwyer reports that Venezuela's currency will

now be pegged to the government's proposed cryptocurrency, the petro, in the process "devaluing Venezuela's physical currency by more than 95 percent and radically weakening its exchange rate."

The government's economic policies will almost certainly force more people to flee across the border to communities that say they are unequipped to receive them.

27-year-old Daniel Luquez told *The Guardian*, "Getting here was tough, but I have to battle for my family." He said made his way on crutches 1,200 miles to the Ecuadorean border, in a "desperate effort to earn money to cover his daughter's cancer treatment," he told the paper.

Luquez, whose leg was amputated after a car accident, explained that after migrating first to Colombia, he was attacked by residents there. He then attempted the journey to Ecuador.

Last week the Pentagon said it is preparing to dispatch a hospital ship to Colombia to assist with the refugee crisis. The ship will depart from Norfolk, Virginia, and arrive in the fall. "It is absolutely a humanitarian mission," Defense Secretary James Mattis said.

Sponsor Message



The image is a blue rectangular advertisement for BigCommerce. At the top left is the BigCommerce logo. Below it, the text reads "BIGCOMMERCE NAMED A CHALLENGER". The main headline is "2023 Gartner® Magic Quadrant™ for Digital Commerce Report". At the bottom, there is a white button with the text "Download the report".

That may not be soon enough to help countries deal with the volume of refugees. Ecuador declared a state of emergency earlier this month. In Brazil,

Col. Hilel Zanatta, who heads the military task force that is managing the refugee process in Pacaraima, told *The New York Times* the border there had reopened Sunday after what he called "a very tense day."

pacaraima venezuelan migrants refugee ecuador venezuela colombia



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January 31, 2022

Calculated Repression: Stigmatization and Arbitrary Detention for Political Reasons in Venezuela

For years, Amnesty International has documented and denounced the policy of repression implemented by Nicolas Maduro's government in Venezuela, which aims to silence critics and dissent. Crimes under international law and human rights violations, including politically motivated arbitrary detentions, torture, extrajudicial executions and excessive use of force, have been systematic and widespread, and may therefore amount to crimes against humanity.

This policy of repression, which has been widely documented by organizations inside and outside Venezuela, is fundamentally based on the **stigmatization of dissent**. Authorities under the command of Nicolás Maduro have, for years, consolidated a narrative in which criticism of public policies, or any action that is perceived as contrary, is rejected, censored and attacked.

The Center for Defenders and Justice (Centro para los Defensores y la Justicia), the Penal Forum (Foro Penal) and Amnesty International carried out a statistical analysis of acts of repression in Venezuela in which the different patterns in politically motivated arbitrary detentions are interconnected with stigmatizing attacks towards human rights defenders.

The organizations that carried out this investigation consider that the relationship between the discriminatory narrative (stigmatization) and human rights violations (arbitrary detentions and criminalization) could indicate the existence of the crime against humanity of persecution, for which the Venezuelan authorities, up to the highest level, must be investigated to determine their criminal responsibility in these events.^[1]

Calculated Repression in Venezuela Summary



The following research had as its starting hypothesis the existence of a correlation between politically motivated arbitrary detentions and acts of stigmatization spread by media linked to the government of Nicolás Maduro in Venezuela. This allowed to establish evidence on how repression works, who are its key actors and what trends of repression has been followed through the years.

A relationship was observed between stigmatization and hate speech in media with ties to the government or the United Socialist Party of Venezuela (PSUV) on the one hand,

and politically motivated arbitrary detentions on the other.

In other words, the higher the number of stigmatizations, the more arbitrary detentions increase, and the same when they decrease, demonstrating that rather than being isolated events, stigmatizations are a fundamental part of the policy of repression and heighten the discriminatory and persecutory factor of arbitrary detentions.

Using qualitative and quantitative methodologies, the conclusions obtained were checked against international human rights law standards and international criminal law, which is the basis for the following research, aiming to determine the pattern in which stigmatization occurs at certain times and comes from of certain actors, while other actors apply other repressive measures such as arbitrary detentions, without matching victims. Once the data analysis was done, relevant conclusions regarding human rights were drawn, which were strengthened through qualitative research methods.

The qualitative research delves into media outlets and authors of acts of stigmatization, their financing, legal nature and even if a link can be traced with authorities within the government of Nicolás Maduro. Likewise, a contextual analysis was carried out based on the body of research accumulated by the organizations, particularly in relation to the policy of repression of the government of Nicolás Maduro.

Regarding temporal patterns, the research identifies the moments in which stigmatization decreased while arbitrary detentions also decreased. Likewise, for increases in both variables. This made it possible to establish some temporary milestones that, when contrasted with important sociopolitical events, could explain the correlation of the different means of repression at those specific times.

[DOWNLOAD REPORT](#)

CHAPTER 1: STIGMATIZATIONS IN VENEZUELA

In 2011, the United Nations Special Rapporteur on Human Rights Defenders defined stigmatization as the characterization of human rights defenders as “terrorists”, “enemies of the State” or “political opponents” by state authorities and state media and its use to delegitimize their work, increasing their vulnerability to human rights abuses and violations.^[2]

© Sergio Ortiz/Amnesty International

“Stigmatizations” or “acts of stigmatization” are degrading or discriminatory attacks or speeches against human rights defenders that have been broadcast by media or social networks linked to the government.

The Center for Defenders and Justice (CDJ) recorded the events of stigmatization against human rights defenders between January 2019 and June 2021 in Venezuela, through public and private media outlets, which have links with government. **These outlets often use their platform to attack, expose and harass people who are perceived as critics of the government of Nicolás Maduro.**

The outlets that carried out acts of stigmatization more frequently prior to security forces carrying out detentions were “Con el Mazo Dando”, “Misión Verdad” and the web portal “Lechuguinos”^[3]

When analyzing the data, the public nature of several of them stands out, as well as the financing and state protection of production through the public television channel, **Venezolana de Televisión (VTV)**, and other public organizations such as the **Ministry of Popular Power for Foreign Relations (MPPRE)**, which replicates the content of some of these media on its official website.

CALCULATING REPRESSION: THE STIGMATIZATION OF HUMAN RIGHTS DEFENDERS

For many years, Venezuelan civil society organizations have denounced the continuous attacks and intimidation they receive from public and private media, which transcend social networks and which, on occasions, have resulted in damage to the life and integrity of human rights defenders.^[4]

While the independent media in Venezuela have been subjected to strict administrative control that has included the closure and discontinuation of media concessions, in parallel, the public media, financed by the state budget, and others with editorial lines close to the governing party, have prospered.^[5]

It is common for the media and communication outlets to identify people in places of influence who have or have had public positions and roles, and for state entities to replicate the information from these sources.

© Sergio Ortiz/Amnesty International

Often these last means of communication, which can take the form of websites, television programs and blogs, among others, use their platforms to attack, expose and harass people who are perceived as critics of the government of Nicolás Maduro. Among the people who are subjected to these expressions are political activists, human rights defenders, and people attached to humanitarian aid organizations, among others.

These acts of stigmatization have been condemned by international organizations, including the Office of the Special Rapporteur for human rights defenders, the Inter-American Commission on Human Rights and the Office of the United Nations High Commissioner for Human Rights.^[6]

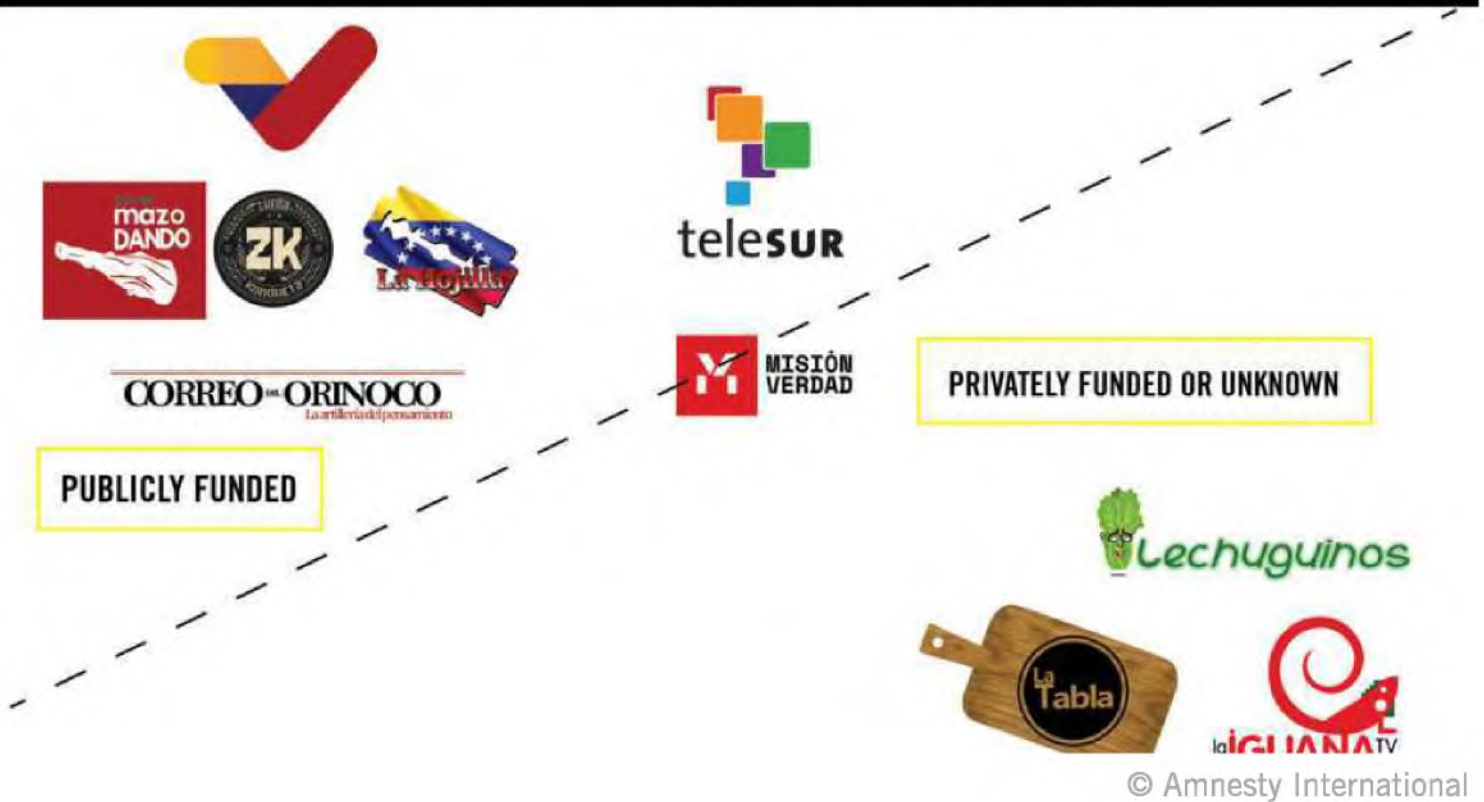
Examples illustrating stigmatization events:

Calculated Repression in Venezuela: Stigmatizations



This analysis shows that the main perpetrators of stigmatization for the entire period under analysis are “Con el Mazo Dando”, “Misión Verdad” and the website “Lechuguinos”. In 486 arbitrary arrests, the website “Mission Truth” (Misión Verdad) had carried out acts of stigmatization three days prior to security forces carrying out arbitrary detentions. Similarly, in 481 cases the same would have happened with the television program “Con El Mazo Dando”, and in around 100 cases, detentions occurred three days after the site “Lechuguinos” published stigmatizing information.

MAIN SOURCES OF STIGMATIZATION



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The main perpetrator of stigmatization is the television program and website “Con el Mazo Dando”, broadcast and produced by the Venezuelan state television channel: Venezolana de Televisión (VTV).

© Sergio Ortiz/Amnesty International

Other sources, such as the television programs that are sources of stigmatization called “Zurda Konducta” and “La Hojilla” are also VTV productions, so it would be reasonable to conclude that their production is financed in some way by public money. The blog “Misión Verdad”, whose frequency in stigmatization-detentions ranks second, includes Jorge Arreaza among its opinion columnists, who until August 2021 served as minister of popular power for foreign relations and who, subsequently, served as Minister of the popular power of industries and national production. Although his participation is not enough to prove that this source of

stigmatization is of a public nature, VTV also publishes his opinion columns in a specific section of its website.^[7] The same thing happens in the news section of the MPPRE, which also publishes the columns of Misión Verdad.^[8] The financing of Misión Verdad is not clear, and its website only includes the possibility of making donations through cryptocurrencies.

Regarding other websites such as “La Tabla”, “La Iguana TV” and “Lechuguinos”, it was not possible to establish where their financing comes from, but at least in the case of “La Tabla”, it is also reviewed in its own section of the VTV website.

Although these media outlets and sources are not homogeneous and each one has its own profile, it is common for them to use hate speech, denigrating attacks, exposés and “fake news” to stigmatize human rights defenders, political activists and, ultimately, any actor who is considered critical of the government of Nicolás Maduro.

The evidence shows that these media outlets cast coordinated statements, with an undeniable link with official state media and the government party, and a close relationship with agents of the Venezuelan state.

© Sergio Ortiz/Amnesty International

It should be noted that the authorities’ obligations go beyond preventing and punishing these acts, but they are also obliged to effectively refrain from any discriminatory practice on political grounds.

CHAPTER 2: POLITICALLY MOTIVATED ARBITRARY DETENTIONS IN VENEZUELA

Arbitrary detentions in Venezuela have been widely documented and their systematic and widespread nature is known. In the period under analysis, 1,270 arbitrary detentions were documented.

Since 2014, Foro Penal has recorded that at least 875 Venezuelan civilians have been investigated, prosecuted, or tried by military courts.^[9]

2019 was a year of massive protests at the national level, which were attacked with excessive use of force, acts of torture, and massive arbitrary detentions by state authorities and armed groups of people linked to the government of Nicolás Maduro, with sufficient reasons to consider that these acts could constitute crimes against humanity.^[10]

The realities of the Covid-19 pandemic from March 2020 changed the dynamics of how the authorities have repressed the population from that moment on..

© Laura Rangel

SECURITY FORCES THAT DETAINED AFTER ACTS OF STIGMATIZATION

Politically motivated arbitrary detentions are carried out by security forces of the Venezuelan state, including civil and military security forces, some with powers to safeguard public order, such as the Bolivarian National Guard (GNB); and others, with intelligence and preventive investigative roles, such as the Bolivarian National Intelligence Service (SEBIN) and the General Directorate of Military Counterintelligence (DGCIM).

By crossing the data on stigmatization and politically motivated arbitrary detentions, the analysis shows that, between January 2019 and June 2021, there have been changes in the security forces that have implemented the repression and that carry out the arbitrary detentions.

Although in 2019 the GNB had a primary role in arbitrary detentions -which was maintained in 2020-, in 2021 this military component dropped to fourth place in number of arbitrary detentions.

On the other hand, the DGCIM, a military intelligence body, ranks as the second security force to carry out arbitrary detentions each year.

Another important change has been how the Special Actions Forces (FAES) of the Bolivarian National Police (PNB) have increased the number of detentions they have made. While in 2019 they ranked fifth among security forces that arbitrarily detained, by 2020 they were third and in 2021 they ranked as the first security force to carry out arbitrary detentions.

On the other hand, the Judiciary and the courts involved in arbitrary detentions also vary year-on-year, and in particular the increase in the use of special or military courts to deal with cases of arbitrary detentions in the last year should be noted.

The crossing of the two variables under analysis, that is: (1) which security forces carried out detentions in the three days following (2) an agent of stigmatization carrying out an attack, the results per year were as follows:

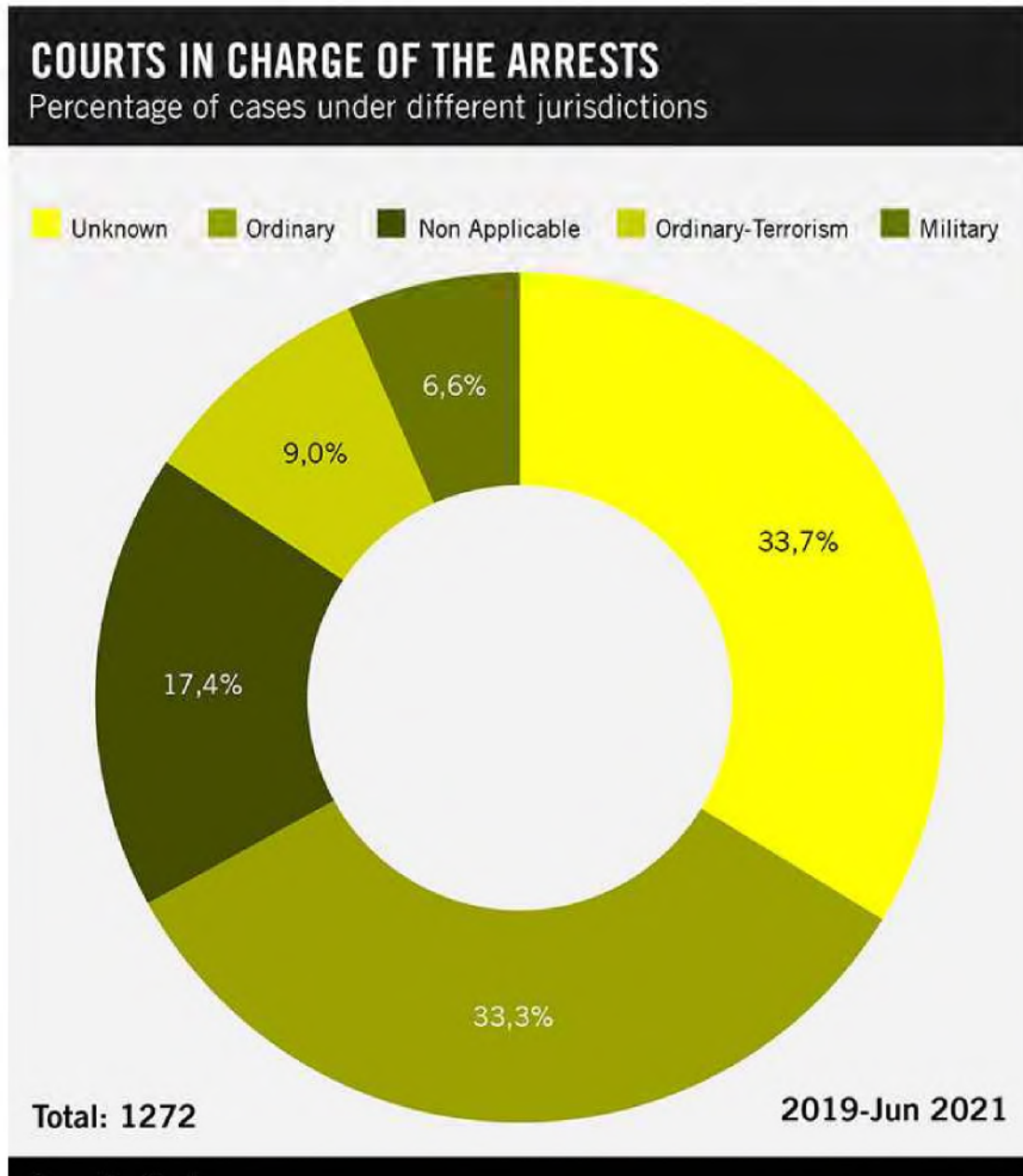
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The role of the DGCIM as a repressive body is constant, as is how it remains predominant amongst the security forces that carry out arbitrary arrests after stigmatization has occurred,

throughout the period under analysis.

THE COURTS IN CHARGE OF CASES OF ARBITRARY DETENTION

The justice system in Venezuela has been used in recent years to commit human rights violations. Of the more than 1,270 arbitrary detentions documented by the Penal Forum between January 2019 and June 2021^[11], the courts and judges who were in charge of these cases were tracked once the detained persons were brought before the judicial authority.



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Most cases of politically motivated arbitrary detentions are processed in ordinary courts. It is common that people prosecuted before ordinary courts are charged with conspiracy and treason, among other crimes.^[12]

The special courts with competence over 'terrorism' originate from the Organic Law Against Organized Crime and Financing of Terrorism. This type of court has frequently been used by the authorities to silence dissent. Especially in 2019, at least 60 people arbitrarily detained were prosecuted in these courts.^[13] . Among the most common crimes within the framework of this law are association to commit a crime, 'terrorism' and financing of 'terrorism'.

In recent years, hundreds of civilians and retired soldiers have been prosecuted in the military jurisdiction for alleged violations of the Code of Military Justice. It is common for people prosecuted before the military jurisdiction to be charged with treason, affront to the military guard and even rebellion.

We observe that, at times, the use of military courts has prevailed, especially when civil authorities have been more resistant to following lines of action by the authorities of the government of Nicolás Maduro.^[14] Likewise, the ordinary courts with competence over 'terrorism' are associated with moments where the repression is selective and seeks to promote a narrative of conspiracy, which goes hand in hand with the stigmatization and consolidation of the discourse of 'them versus us'.

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CHAPTER 3: CORRELATION BETWEEN STIGMATIZATION AND ARBITRARY DETENTION

The correlation between politically motivated arbitrary detentions and stigmatization was filtered for each year under analysis. This analysis showed that the general correlation between both variables increased from 29% in 2019, to 42% in 2020 and up to 77% in the first half of 2021. That is, three out of four times that stigmatizations were carried out, days later arbitrary detentions followed.

This increase in the correlation between detentions and stigmatization could be an indicator of how the policy of repression has become increasingly sophisticated and its use of both tools has been refined, with more similar trends and more aligned objectives.

The annual correlations between arbitrary detentions and stigmatization also vary depending on the different security forces involved in the detentions, thus the correlations of the various security forces that carried out the repression were:

Period	Security Force	Percentage Correlation
2019	Intelligence agencies (DGCIM y SEBIN)	74%
2020	Security forces under the Bolivarian National Police (including the Special Actions Forces FAES)	92%

January – June 2021	Decentralized security forces: (FAES, PNB, municipal police forces and Scientific, Criminal and Criminal Investigation Corps)	92%
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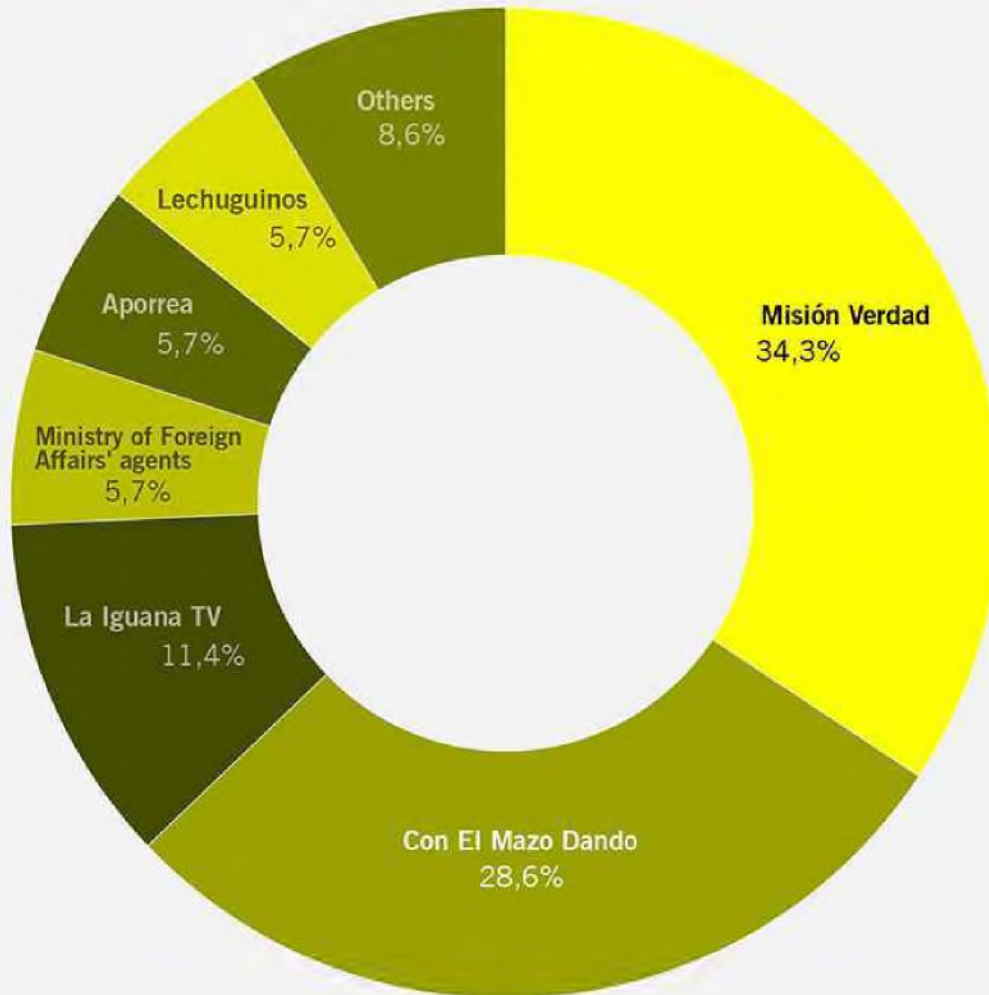
International organizations have documented and denounced on multiple occasions the widespread and systematic practice of these security forces of carrying out arbitrary detentions, but also of using methods of torture and other cruel, inhuman or degrading treatment. Even the UN International and Independent Fact-Finding Mission on Venezuela has requested an investigation into the crimes under international law committed by these security forces and, also, of their authorities for their possible criminal responsibility in these acts.^[15]

RELATIONSHIP BETWEEN SECURITY FORCES AND AGENTS OF STIGMATIZATION

EnIn 2019, the greatest correlation between stigmatization and arbitrary detentions occurs with detentions carried out by intelligence services, both civil and military. In these cases, there is a 30% chance that only two sources have made stigmatizations: ‘Misión Verdad’ and ‘Con el Mazo Dando’.

ACTS OF STIGMATIZATION BY SOURCE WHEN SEBIN AND DGCIM CARRIED OUT ARRESTS - 2019

Percentage of acts of stigmatization by source, three days prior to intelligence services carrying out arbitrary detentions



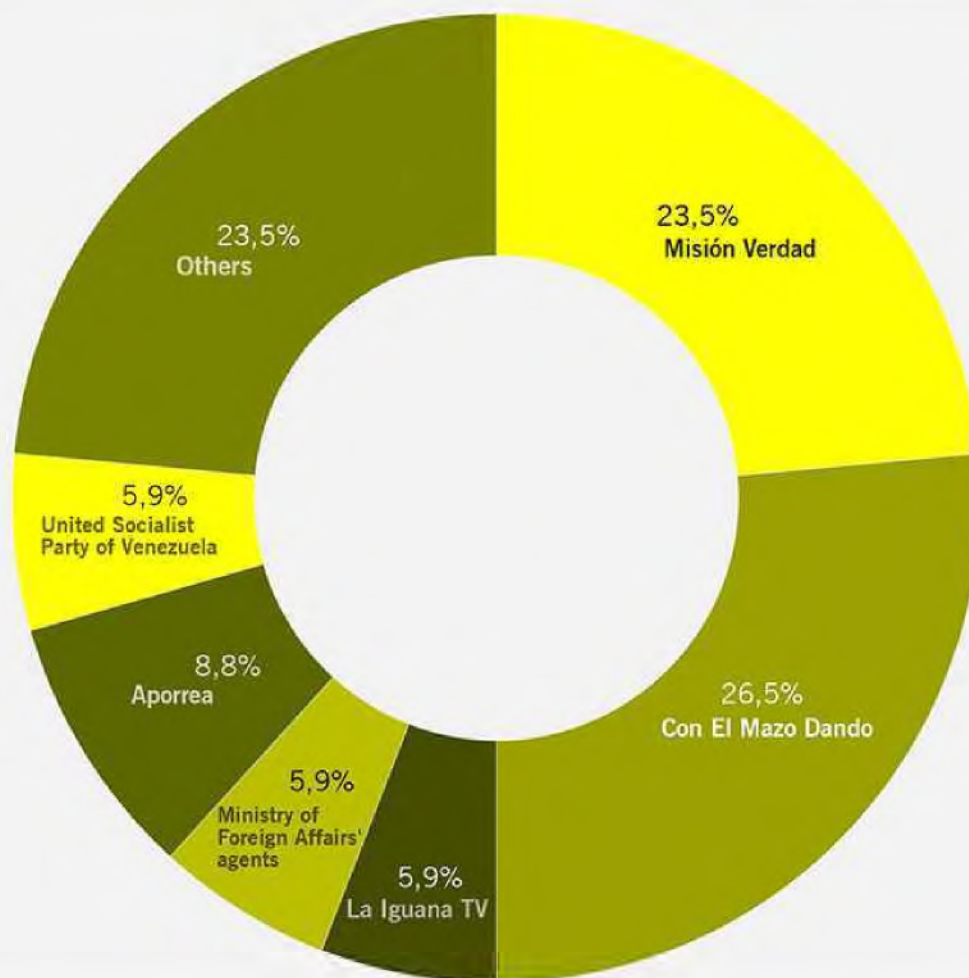
Source: *Investigación y Documentación Periodística*, *Correlación entre actos de estigmatización y detenciones arbitrarias*

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The same happens in 2020 with the security forces that have the highest correlation between stigmatization and arbitrary detentions, the PNB and the FAES, while the most prevalent agents of stigmatization continue to be 'Misión Verdad' and 'Con el Mazo Dando'.

ACTS OF STIGMATIZATION BY SOURCE WHEN PNB AND FAES OFFICERS CARRIED OUT ARRESTS - 2020

Percentage of acts of stigmatization by source, three days prior to PNB or FAES carrying out an arbitrary detention



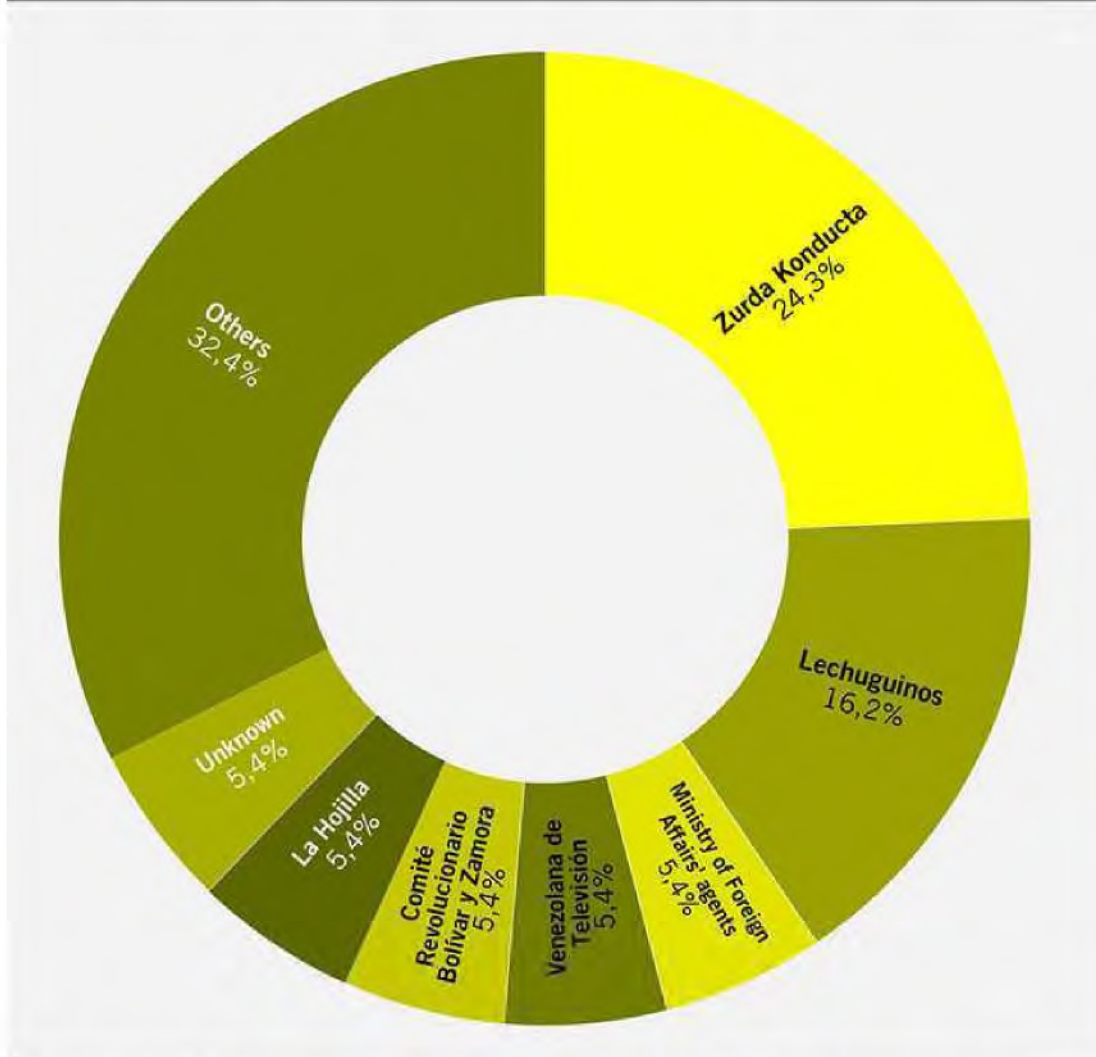
Source: Venezuela- Calculated Regression- Correlation between stigmatization and politically motivated arbitrary detentions.

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For the first half of 2021, this pattern varies since the main agents of stigmatization with the highest correlation between stigmatization and arbitrary detentions by the PNB and the FAES, are 'Zurda Konducta' and 'Lechuguinos'.

ACTS OF STIGMATIZATION BY SOURCE WHEN PNB, FAES, MUNICIPAL POLICE AND CICPC CARRIED OUT ARRESTS - 2019 - JUNE 2021

Percentage of acts of stigmatization by source, three days prior to PNB, FAES, Municipal police and CICPC carrying out an arbitrary detention



Source: Venezuela: Calculated Repression. Correlation between stigmatization and politically motivated arbitrary detentions.

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RELATIONSHIP BETWEEN AGENTS OF STIGMATIZATION AND THE COURTS

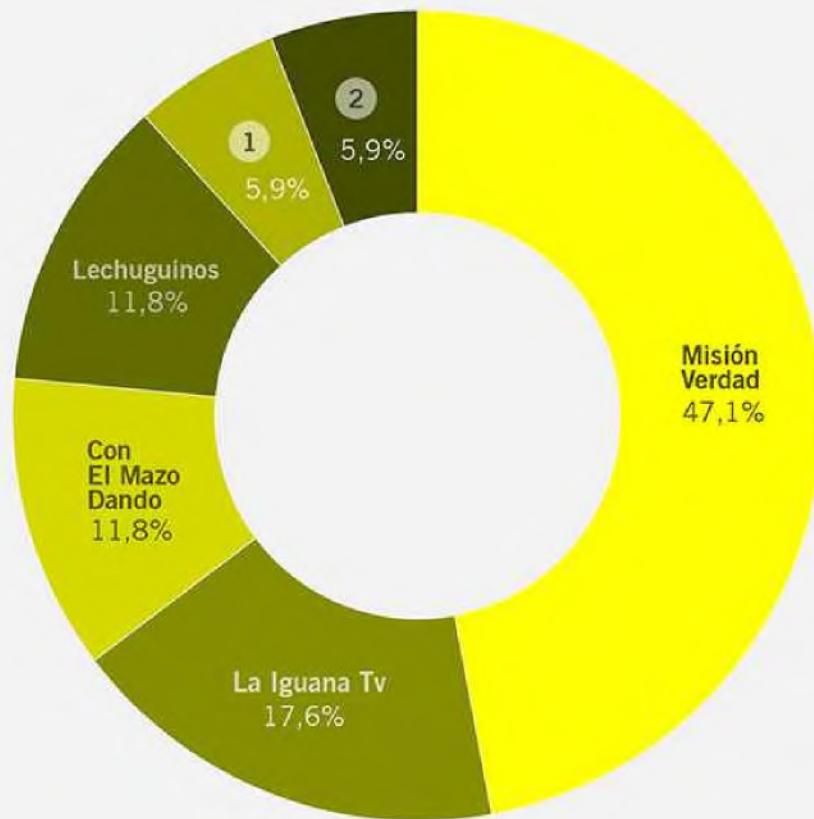
SPECIAL COURTS WITH JURISDICTION OVER “TERRORISM”:

When analyzing the data from 2019, a correlation between arbitrary detentions processed by courts with jurisdiction over “terrorism” and acts of stigmatization stands at 68%.

On the other hand, half (47.1%) of the arbitrary detentions that were processed by courts with special jurisdiction occurred in the three days following the stigmatization by the 'Misión Verdad' blog.

ACTS OF STIGMATIZATION BY SOURCE, WHEN CASES WERE UNDER THE SPECIAL JURISDICTION OVER "TERRORISM" 2019

Percentage of acts of stigmatization by source three days before the case was brought over courts with special jurisdiction on "terrorism"



- 1 Office of the presidency
- 2 Ministry of People's Power for Penitentiary Affairs

Source: Amnesty International, based on data provided by the Cuban judicial system and the Cuban Ministry of the Interior.

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At least for 2019, in which the courts with jurisdiction over “terrorism” were used more frequently to prosecute people arbitrarily detained for political reasons, they were closely related and coordinated with the acts of stigmatization carried out by ‘Misión Verdad’.

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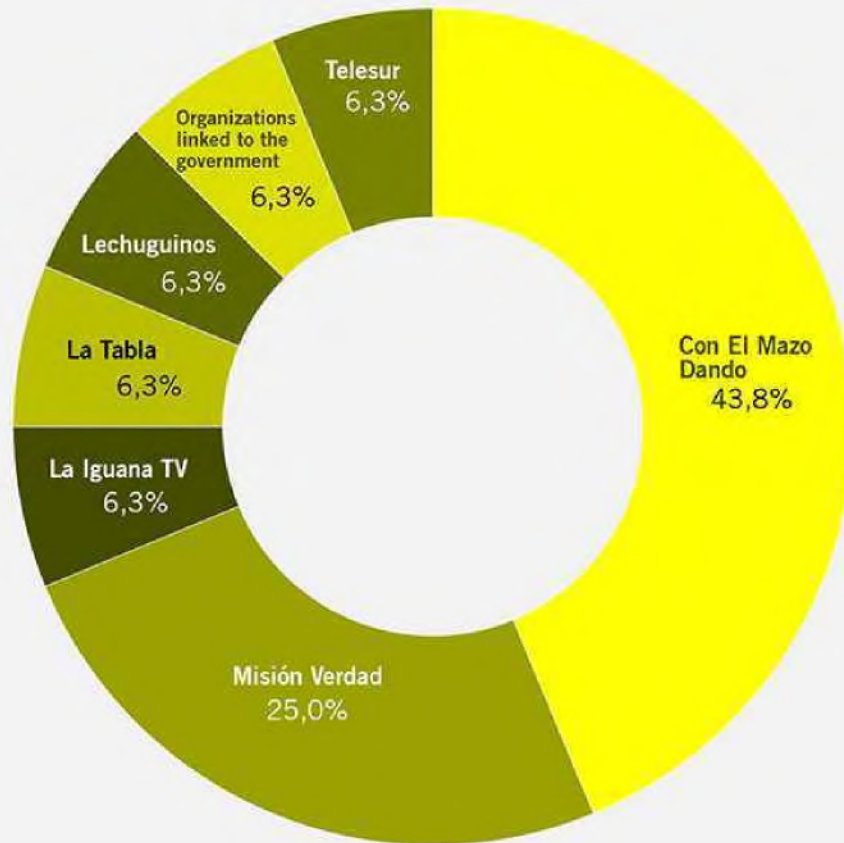
MILITARY JURISDICTION:

When analyzing the participation of the military courts between January 2019 and June 2021, the correlation of their actions with arbitrary detentions carried out by military security forces (GNB, GAES, DGCIM and the National Army) that occurred in the three days following the stigmatizations, the percentage rose to 94%, that is to say that the amount, increase and decrease of actions by the military courts in cases of arbitrary detentions was almost identical with the acts of stigmatizations.

Likewise, when analyzing the agents of stigmatization related to detentions by the military and submitted to military courts, we find that, to a greater extent, the stigmatizations that occurred three days prior to the detentions stem from ‘Con el Mazo Dando’.

ACTS OF STIGMATIZATION BY SOURCE, THREE DAYS PRIOR TO ARRESTS BROUGHT BEFORE MILITARY COURTS - 2019 - JUNE 2021

Percentage of acts of stigmatization by source in arbitrary detentions brought before military jurisdiction



Source: *Memoriale - Calculated Regression - Correlation between stigmatization and judicially validated arbitrary detentions*

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In conclusion, the military courts and the stigmatization carried out by 'Con El Mazo Dando' are closely linked with the arbitrary detentions carried out by military security forces throughout the period under analysis.

The above demonstrates a pattern that includes three phases: **stigmatization, arbitrary detention, and validation and criminalization in military courts.**

CORRELATION PATTERNS IN SPECIFIC PERIODS

When analyzing the curves in general, certain milestones were observed where there were irregularities in both curves, that is, when the stigmatizations increased abruptly, so did the

arrests, or when the former decreased, so did the latter. Those peaks were extracted and could be explained by how they matched with socio-political events that can influence the operation of repression.

PATTERNS OF STIGMATIZATION AS AN INDICATOR OF POLITICAL PERSECUTION

The correlation of the arbitrary detentions with the stigmatizations -which have an evident political nature- point to an objective of political discrimination that seriously affects the rights of people in Venezuela who think differently from the government of Nicolás Maduro.

This indicates how political persecution is carried out through arbitrary arrests and stigmatization in Venezuela, which could constitute a crime against humanity.

CONCLUSIONS AND RECOMMENDATIONS

Stigmatization and the use of discriminatory narratives against human rights defenders have been part of the policy of repression, which at different times are interrelated with politically motivated arbitrary detentions.

Por lo tanto, algunas de las recomendaciones son:

- **To the Office of the Prosecutor of the International Criminal Court**
 - To include in its investigation into crimes against humanity in Venezuela the facts evidenced in this investigation, with a view to determining key actors, specific cases and possible participants in the crimes against humanity of arbitrary deprivation of liberty and politically motivated persecution.
- **To the international community**
 - To continue to support the International Independent Fact-Finding Mission in its mandate to contribute to accountability for human rights violations in Venezuela since 2014.
 - To sustain and strengthen support for the International Criminal Court, both financially and politically, contributing to its work against impunity for crimes against humanity.

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This work is a collaboration of the Center for Defenders and Justice (Centro para los Defensores y la Justicia, CDJ), the Penal Forum (Foro Penal) and Amnesty International.

For this investigation, the CDJ, the Penal Forum and Amnesty International used a statistical measurement and data analytics methodology to identify the relationship between the stigmatization produced by the media linked to the government of Nicolás Maduro and politically motivated arbitrary detentions in the period from 2019- June 2021.

The organizations used Qlik Sense software to apply statistical models

References

^[1]For the analysis of the lack of access to domestic resources to obtain justice, truth and reparation for these acts, see: Amnesty International, *Hunger for Justice: Crimes against humanity in Venezuela*, AMR 53/0222/2019, 13 May 2019, UN Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, UN Document Number A/HRC/48/69, 16 September 2021.

[2] UN Human Rights Council, *Special Rapporteur on the situation of human rights defenders*, 30 December 2009, UN Document Number A/HRC/13/22, para. 27.

[3] *Agents of the Ministry of Foreign Affairs, who carried out 104 detentions after their stigmatization, have been excluded because they are considered different in nature from the rest of the means of stigmatization. However, their presence as a perpetrator of stigmatization will be discussed further below.*

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[5] Espacio Público, *Situación general del derecho a la libertad de expresión (General situation of the right to freedom of expression) Report January-August 2021*, espaciopublico.org/situacion-general-del-derecho-a-la-derecho-a-libertad-de-expresion/ (Spanish only) (accessed 21 October 2021).

[6] UN Special Rapporteur on the situation of human rights defenders, UN Special Rapporteur on the promotion and protection of freedom of opinion and expression, UN Special Rapporteur on the right to peaceful assembly, *inter alia*, “High time to pull the plug on televised reprisals against rights defenders in Venezuela,” 22 July 2015, www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=16259&LangID=E. Inter-American Commission on Human Rights, “IACHR Concerned about Harassment against Human Rights Defenders in Venezuela,” 22 February 2019, https://www.oas.org/en/iachr/media_center/PReleases/2019/040.asp. Office of the United Nations High Commissioner for Human Rights, “Statement by the United Nations High Commissioner for Human Rights, Michelle Bachelet,” 46th session of the Human Rights Council, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26874&LangID=E>

[7] *For example: Venezolana de Televisión, “Canciller Arreaza recomendó leer análisis sobre contrato mercenario suscrito por Guaidó con SilverCorp” (“Chancellor Arreaza recommended reading analysis on mercenary contract signed by Guaidó with SilverCorp”), 11 May 2020, www.vtv.gob.ve/canciller-arreaza-analisis-contrato-mercenario-silvercorp-guaido/ www.vtv.gob.ve/tag/mision-verdad/, (Spanish only) accessed 20 August 2021.*

[8] Venezuelan Ministry of People’s Power for Foreign Affairs, , “Canciller Arreaza a Misión Verdad: Estamos listos para defender a Venezuela en cualquier escenario”, (“Foreign Minister Arreaza to Misión Verdad: We are ready to defend Venezuela in any scenario”), 5 April 2020, www.mppre.gob.ve/2020/04/05/canciller-arreaza-mision-verdad-estamos-defender-venezuela-cualquier-escenario/ (Spanish only) (accessed in July 2021, not available in October 2021, verified in archives).

[9] *Foro Penal database.*

[10] Amnesty International, *Hunger for Justice: Crimes against humanity in Venezuela*, AMR 53/0222/2019, 13 May 2019

[11] *The dates referred to in the methodology section are excluded.*

[12] *Foro Penal database.*

[13] *Foro Penal database.*

[14] *UN Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela*, UN Document Number A/HRC/45/CRP.11 15 September 2020, para. 365.

[15] *UN Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela*, UN Document Number A/HRC/45/CRP.11 15 September 2020, Recommendations 1, 63 and 65.

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TAB E



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VENEZUELA 2022

Lack of access to economic and social rights remained a serious concern, with the majority of the population experiencing severe food insecurity and unable to access adequate healthcare. The security forces responded with excessive force and other repressive measures to protests, involving various sectors of the population, to demand economic and social rights, including the right to water. Impunity for ongoing extrajudicial executions by the security forces persisted. Intelligence services and other security forces, with the acquiescence of the judicial system, continued to arbitrarily detain, torture and otherwise ill-treat those perceived to be opponents of the government of Nicolás Maduro. A report by the UN Fact-Finding Mission (FFM) on Venezuela exposed patterns of crimes against humanity and called for investigations into several named government officials. Prison conditions remained a major concern, especially regarding overcrowding and the use of illegal detention centres, as well as

access to basic rights such as water and food. Despite the adoption of legal reforms regarding the administration of justice, access to the right to truth and reparations for victims of human rights violations remained a challenge. Between 240 and 310 people remained arbitrarily detained on political grounds. The state's repressive policies targeted journalists, independent media and human rights defenders. Illegal mining and violence threatened Indigenous peoples' rights in the Orinoco Mining Arc. Abortion was still criminalized in almost all circumstances. Violence against women persisted, despite the existing legal framework. There was no progress in ensuring the rights of LGBTI people. By the end of the year more than 7.1 million Venezuelans had fled the country.

Background

Judicial reform implemented in 2021 and 2022 did not result in improvements in the administration of justice.

Hyperinflation and the alarming lack of purchasing power to buy essential goods resulted in most of the population, particularly those living outside the capital, Caracas, experiencing a profound humanitarian crisis.

Authorities continued to impose arbitrary inspections and administrative sanctions on business and commerce in an attempt to control the private sector.

Negotiations between the government and opposition regarding future elections continued but failed to reach agreement during the year.

Venezuela resumed diplomatic relations with Colombia and the two countries announced a progressive opening of the Venezuela-Colombia border.

The mandate of the UN Fact-Finding Mission (FFM) was renewed for a period of two years and the Office of the Prosecutor of the ICC requested the Court's authorization to resume the investigation into crimes against humanity in Venezuela.

Repression of dissent

The policy of repression continued. Political opponents, real and perceived, were constantly under attack and at risk of arbitrary detention, torture and other human

rights violations. Several thousand people continued to be subject to restrictions on their freedom because of current or past politically motivated judicial procedures.

Freedom of expression and assembly

The number of mass demonstrations demanding civil and political rights fell compared to previous years. In response, the authorities adopted more targeted, but nevertheless systematic, repressive tactics. These included using the judicial system to silence dissent and criminalize human rights defenders.

According to the Venezuelan Observatory on Social Conflict, there were 7,032 protests, of which 77% were demanding economic and social rights. Authorities often responded to these demonstrations with excessive force and arbitrary detentions. For example, six activists were arbitrarily detained in Caracas in June at a vigil in memory of Neomar Lander, a teenager killed during a protest in 2017.

As of August, the local organization Public Space had registered 228 attacks on freedom of expression in the form of censorship, verbal attacks and intimidation targeting journalists. By December, the National Telecommunications Commission had closed down 78 radio stations; police and military officers were involved in implementing the closures.

The telecommunications company Telefónica admitted having received and complied with government requests to block access to several websites and to tap phone lines without judicial warrants.

According to Public Space, the Director of the community radio station Frontera 92.5 FM, José Urbina, was killed, allegedly by armed groups, in the state of Apure, which borders Colombia. He had reported receiving death threats following his work highlighting alleged human rights violations by the Bolivarian National Guard in the area.

Extrajudicial executions

In September, the FFM issued a report expressing concern at continuing extrajudicial executions, consistent with previously documented patterns, in the context of security

operations in low-income, urban neighbourhoods.

According to the human rights organization COFAVIC, as of September, security forces had carried out 488 alleged extrajudicial executions in various parts of the country. Those responsible remained unpunished.

The OHCHR, the UN's human rights office, reported in June that authorities had dissolved the Bolivarian National Police's Special Actions Forces (FAES); the FAES had been implicated in several hundred alleged extrajudicial executions. However, the government did not make any public statement on this and civil society organizations continued to report that FAES officials remained operational.

Enforced disappearances, arbitrary detentions and torture

Arbitrary detentions remained widespread and those held were often subjected to torture or other ill-treatment. Authorities also carried out short-term enforced disappearances as part of this pattern of violations.

Several local NGOs reported that, as of November, between 240 and 310 people were in arbitrary detention for political reasons.

At the beginning of July, in a period of 72 hours, Néstor Astudillo, Reynaldo Cortés, Alcides Bracho, Alonso Meléndez and Emilio Negrín, all activists of the Bandera Roja, an opposition party linked to the trade union movement, and Gabriel Blanco, a grassroots activist, were arbitrarily detained and subjected to grave violations of their right to due process. No judicial warrants were issued for their arrests, a pattern consistent with such violations documented by the FFM.

Also in July, Bolivarian National Intelligence Service (SEBIN) officers arbitrarily detained Ángel Castillo, a member of the Venezuelan Communist Party, which is not aligned with government policies, while he was participating in a protest in support of labour rights. He was released later the same day.

According to the human rights NGO Foro Penal, by July authorities had carried out 23 arbitrary detentions.

In August, Emirlendris Benítez, arbitrarily detained for political reasons since 2018 and suffering from several health conditions, was sentenced to 30 years in prison. The judgment was not made public, preventing her lawyer from lodging an appeal. The UN Working Group on Arbitrary Detention had called for her immediate release.

In September, the FFM reported that the structures of the General Directorate for Military Counterintelligence (DGCIM) and SEBIN remained in place and that previously documented patterns of violations, including torture and other ill-treatment, by these agencies persisted. It also identified a group of individuals in these intelligence agencies that carried out arbitrary detentions, torture and other ill-treatment and a chain of command linking them directly to Nicolás Maduro, and called for them to be investigated for crimes against humanity.

Inhumane detention conditions

Conditions in detention centres continued to deteriorate. Detention centres were overcrowded and did not provide adequate food or water, leaving detainees reliant on relatives to obtain the basic essentials for survival.

Prolonged detention in police stations and other illegal detention centres remained a concern.

Women's detention conditions were a particular concern due to the lack of facilities and conditions with a gender perspective.

Impunity

Human rights violations went unpunished. Reports by the FFM highlighted the manipulation of the judicial system to shield police and military officers responsible for violations from justice.

Venezuela requested that the ICC Office of the Prosecutor defer its investigation on grounds that the Venezuelan authorities were already investigating domestically human rights violations and crimes under international law. However, the Office of the Prosecutor submitted a request to resume its investigation on the grounds that Venezuela had not provided any additional information on how internal procedures in

the country satisfied the standards of the Rome Statute of the ICC and questioning the genuineness of the procedures it had been notified of by Venezuela. A decision by the ICC's Pre-trial Chamber on whether or not the investigation should continue was pending at the end of the year, although it called victims to submit their views into Venezuela's allegations of investigative measures by March.

Unfair trials

The FFM reiterated its concern about the use of the justice system to facilitate human rights violations, such as arbitrary detention, and crimes under international law, such as persecution.

The Prosecutor's Office informally accused a number of people through social media, compromising their human rights, such as the right to a fair trial and the presumption of innocence. Among those accused were children and adolescents.

Right to truth, justice and reparation

At the end of the year, UN special rapporteurs and treaty bodies were still waiting for official invitations to visit the country.

The FFM's mandate was renewed, although Venezuelan authorities had not granted the FFM access to the country by the end of the year.

Despite the judicial reform announced in 2021, the main problems around access to justice remained. These included lack of judicial independence, the political use of judicial procedures against those perceived to be opponents of the government, and obstacles hindering victims' access to justice such as denying people access to case files, arbitrarily denying people the right to designate their own legal representatives and unjustified delays.

Indigenous peoples' rights

Illegal mining in the Orinoco Mining Arc area seriously affected human rights in Bolívar State, in particular impacting Indigenous peoples' rights to self-determination and a healthy environment. In its report, published in September, the FFM documented grave

human rights violations and abuses in the Mining Arc, indicating the collusion of some state authorities with criminal groups operating, and at times exerting control, in mining areas and the failure to investigate and punish those responsible.

In March, in the locality of Parima B on the southern border of Amazonas State, an incident involving members of the military and Yanomami Indigenous people resulted in the deaths of four Indigenous people and the wounding of two members of the military and at least two Indigenous people who were believed to be witnesses to the killings, who were then taken to an unidentified place. Although later the witnesses appeared and were given medical treatment, there were concerns over how authorities transferred them to Caracas without legal accompaniment and the lack of measures to avoid revictimization and ensure cultural appropriateness.¹

In June, Virgilio Trujillo, an Indigenous leader and defender of the territory, land and environment, was shot dead in the city of Puerto Ayacucho, the Amazonas State capital. No progress was known to have been made in the investigation into his death during the year.

Human rights defenders

Crackdowns on civil society increased and intensified. According to the Centre for the Defenders and Justice, there were 396 attacks on human rights defenders, including intimidation, stigmatization and threats.

Javier Tarazona, a prisoner of conscience and human rights defender from the organization Fundaredes, remained arbitrarily detained and faced terrorism-related charges.

Human rights defenders Marino Alvarado and Alfredo Infante received notification of a defamation lawsuit filed against them by the Governor of Carabobo State, Rafael Lacava. The lawsuit was in response to a report published in March by the NGOs PROVEA and Centro Gumilla, of which the two men are members, respectively, exposing possible extrajudicial executions in Carabobo State and calling for full accountability.²

Refugees' and migrants' rights

By the end of the year, more than 7.1 million people had left the country. Venezuelan refugee women faced heightened barriers to accessing international protection in host countries, including Colombia, Ecuador, Peru and Trinidad and Tobago.³ This lack of protection exposed them to a high risk of multiple forms of gender-based violence, including sexual violence and human trafficking for sexual and labour exploitation.

Economic, social and cultural rights

Lack of access to food, water and healthcare remained a serious concern.

Right to health

Access to medical treatment and health services for those with chronic diseases remained a critical challenge. Solidarity Action, a local organization providing humanitarian aid, reported that 33% of people aged over 60 with a chronic condition were not receiving any treatment.

During the year, several organizations defending children's rights highlighted the deaths of children in the J.M. de Los Ríos Hospital due to the suspension of the organ transplant programme, despite the precautionary measures granted by the Inter-American Commission on Human Rights concerning patients at this healthcare centre.

Right to food

According to the Centre for Documentation and Analysis for Workers, by November, the cost of the basic monthly basket of food was equivalent to about USD 386, while the monthly minimum wage, set in March, was just USD 13, leaving the majority of the population facing food insecurity. In December, the situation was further exacerbated by a drastic devaluation of the national currency.

According to the World Bank, by August, Venezuela had the third highest inflation rate for food prices in the world.

Right to water

Negligence and lack of maintenance continued to reduce access to water for the population, despite official announcements that promised 95% coverage throughout the

country by the end of the year. This situation resulted in repeated and widespread community protests regarding access to water and sanitation.

Sexual and reproductive rights

The impact of the ongoing humanitarian emergency on sexual and reproductive health services contributed to obstacles to access to sexual and reproductive rights.

The Inter-American Commission on Human Rights also reported that the lack of access to sexual and reproductive services, such as reproductive planning, was impacting maternal mortality rates.

In September, a civil society initiative called Ruta Verde marched to the National Assembly to present a document demanding the decriminalization of abortion, which is permitted only when there is a risk to life and for which medical protocols had yet to be established. By the end of the year there had not been any significant progress on the issue.

LGBTI people's rights

LGBTI people continued to face discrimination. Several organizations called on the authorities to include the right to non-discrimination for LGBTI people in the legal framework. At the end of the year, they were still waiting for any progress to be made regarding LGBTI rights.

A 2021 appeal to annul Article 565 of the Organic Law of Military Justice, which criminalizes intimate same-sex relationships between adults in the military, was still pending at the end of 2022.

Violence against women and girls

Early in the year, the National Assembly approved an amendment to the Organic Law on Women's Right to Live Free of Violence. Civil society organizations and the feminist movement criticized this amendment on the grounds that it fails to meet the state's obligation to prevent and punish violence against women because public policies do not

include a gender perspective and state officials are not trained to provide first-line assistance to women survivors of sexual and gender-based violence.

According to the local human rights organization CEPAZ, 199 alleged femicides were reported between January and September. The authorities failed to gather and publish official data on femicides, hindering the implementation of informed efforts to prevent these crimes.

-
1. [“Venezuela: Whereabouts and wellbeing of Indigenous Yanomani people must be clarified urgently and ensured”, 6 April \(Spanish only\)](#)
 2. [“Venezuela: Further Information: Lawsuit against defenders reaches settlement”, 24 June](#)
 3. [Americas: Unprotected: Gender-based Violence against Venezuelan Refugee Women in Colombia and Peru, 12 July](#)

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A Knock, Then Gone: Venezuela Secretly Detains Hundreds to Silence Critics

“Forced disappearances” are playing a critical role in the Venezuelan government’s efforts to muzzle opponents and instill fear, according to a new report.

By Julie Turkewitz and Anatoly Kurmanaev

Published June 19, 2020 Updated Sept. 16, 2021

Want the latest stories related to Venezuela? [Sign up for the newsletter](#)
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A crush of Venezuelan government agents entered the home brandishing guns but not a warrant, and took Ariana Granadillo away. Over the next week, they confined, beat, interrogated and nearly suffocated her, then let her go as abruptly as they had taken her in.

While her sister searched for her for days, unable to pry any word from officials, her captors told Ms. Granadillo, then 21, that they were counterintelligence agents. She had “never, ever, ever, ever been involved in politics,” she said in an interview, but she soon learned that her ordeal was not unusual.

Secret detentions, known under international law as “forced disappearances,” are playing a critical role in the Venezuelan government’s increasingly authoritarian efforts to control its population, discourage dissent and punish opponents, according to a new report by two human rights groups, provided exclusively to The New York Times.

The report, made public on Friday, documents 200 such cases in 2018 and 524 last year, a jump it attributed to increased protests as Venezuela endured successive political and economic crises, and the government’s repressive responses. It was produced by Foro Penal, a Venezuelan group that meticulously tracks the cases, and Robert F. Kennedy Human Rights, a nonprofit organization based in Washington, D.C.

Investigators documented many kidnappings in which authorities arrived in unmarked cars, presented neither identification nor warrants, confiscated cellphones and computers, and said little as they cuffed and hooded people. More than 20 percent of the victims reported being tortured while held captive.

Using international law as a guide, the groups defined forced disappearance as a detention lasting two days or more that, unlike an ordinary arrest, included state denial of any information about a person’s whereabouts.



The report cited the Bolivarian National Intelligence Service, known by its Spanish acronym SEBIN, as one of the main security forces involved in the disappearances. Rayner Pena/Picture Alliance, via Getty Images

The report adds to an already large body of evidence of human rights violations committed by President Nicolás Maduro and his allies, including widespread reports of torture and an assessment by the United Nations that Venezuelan security forces have committed thousands of extrajudicial killings.

The government did not respond to a letter seeking comment.

Forced disappearances are considered by international law to be a crime against humanity if they are proven to be systematic. The authors of the Venezuela report call the practice “one of the most serious and cruel violations of human rights” because it places victims “in a state of absolute helplessness.”

The tactic is reminiscent of the right-wing Latin American dictatorships that Mr. Maduro and his predecessor, Hugo Chávez, long opposed. Argentina and Chile were infamous for secretly detaining — and often murdering — people in the 1970s and 1980s.

In Venezuela, the new analysis found, the average disappearance lasted just over five days, suggesting the government sought to instill fear while avoiding the scrutiny that might accompany large-scale, long-term detentions.

The motives behind disappearances appeared to vary, according to interviews conducted by Foro Penal, including extraction of information, silencing dissidents or temporarily removing political opponents from the public sphere. Last year, 49 people disappeared following what the report called “protests due to failures in basic services,” like water or electricity.

The Maduro government may also be using women like Ms. Granadillo as bargaining chips, sometimes seizing female loved ones in an attempt to terrorize male targets.



The report adds to an already large body of evidence of human rights abuses by Mr. Maduro's government, including widespread reports of torture and extrajudicial killings. *Matias Delacroix/Associated Press*

Her only apparent offense, Ms. Granadillo said, was that her father's second cousin was a colonel whom the government viewed as a political opponent.

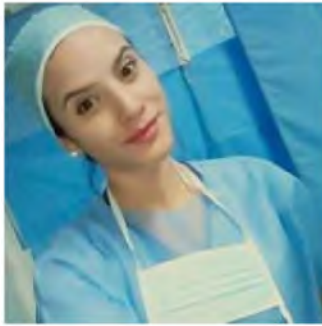
Ms. Granadillo, a medical student, was abducted for the first time in February 2018, when she was living at the colonel's home outside Caracas, near the hospital where she was about to begin an internship.

The agents who burst in demanded that she and a cousin go with them for questioning, loaded her into a white car, handcuffed her and "let us know that from that point they were the owners of our lives," she said.

They led her, blinded by a hood, into a building pulsing with loud music, pushed her into a bathroom and threatened her with a knife, questioning her about the colonel's location. She and her cousin spent the night there, forced to relieve themselves in front of a captor.

"At some points," she said, "we could hear the screams of other people who were evidently being tortured."

The next day, agents forced her to sign a document "where we promised not to divulge all the abuse" and let her go. Two days later, she began her internship, determined to finish medical school.



Ariana Granadillo, while a student in Venezuela.
NC

But three months later, the agents returned — this time in the morning, while she lay in bed. They loaded Ms. Granadillo and her parents into a plate-less taxi with darkened windows, tied their hands, pulled the hoods over their faces and took them to another house.

After being interrogated and struck, she said, she spent the night in a cell below the stairs. The next day, agents gave her water and a bit of food and “stressed that no one even knew that we had been kidnapped,” she said. Then a female agent came close.

“She looked me in the eyes and without a word took a bag from her fist and placed it over my face, covering it completely,” she said. “One of the men held my legs and my hands were tied behind my back.”

Unable to breathe under the plastic, she recalled, “I became desperate so fast that in seconds I felt asphyxiated.”

At times she could hear the agents beating and questioning her father.

After a week, officials dropped Ms. Granadillo and her parents on a roadside in Caracas, the capital, she said. They eventually fled the country and now live in a small town in Colombia.

Without her academic records, she has not been able to resume her medical training. Many of her friends in Venezuela have distanced themselves, fearful of government retaliation. She is 23 and forever changed, she said, scared of door knocks, constantly anxious, fighting a deep depression.

She misses “the innocence I had before all this happened,” she said. “Because I discovered an evil in human beings that I did not know existed.”



After being left on the side of the road in Caracas, Venezuela's capital, Ms. Granadillo and her parents fled the country. Adriana Loureiro Fernandez for The New York Times

Mr. Maduro has come full circle from his student days as an activist denouncing human rights violations by Venezuela's pro-American governments during the Cold War.

When his mentor, Mr. Chávez, swept to power in 1999, the new left-wing government promised to do away with the abuses of the previous system and create an equal and democratic society. Instead, Mr. Chávez jailed opponents selectively to neutralize rivals and consolidate power.

This targeted persecution gave way to systematic use of repression and fear, human rights advocates say, after Mr. Chávez died in 2013 and Mr. Maduro took power.

And, according to the new report, forced disappearances became tools to weaken rivals like Gilber Caro, a charismatic opposition lawmaker. Security forces have jailed him three times since early 2017, despite his parliamentary immunity.

Mr. Caro has been held for a total of nearly two years in jail, often in locations unknown to his family or lawyers, without being convicted of any crime.



Gilber Caro in 2018.
Reuters

In the brief periods of freedom between disappearances, Mr. Caro told friends about the torture and abuse at the hands of security forces, and carried on with his social work and parliamentary duties.

But people close to him say the torture, jail deprivations and pain of living under the constant threat of abduction have traumatized Mr. Caro. By last year he had become a quiet, introspective man who struggled to maintain a conversation at public events.

He was last detained by special operations police in December. His whereabouts was unknown until a month later, when he was charged with terrorism in a closed court without a legal counsel.

He remains in jail pending trial.

The United Nations Working Group on Enforced or Involuntary Disappearances has asked the Venezuelan government to allow its members to visit and assess the country's use of the practice.

"We're waiting," said Bernard Duhaime, a member of the group, "for them to let us in."

Julie Turkewitz reported from Bogotá, Colombia, and Anatoly Kurmanaev from Caracas, Venezuela.

Julie Turkewitz is the Andes bureau chief, covering Colombia, Venezuela, Bolivia, Ecuador, Peru, Suriname and Guyana. Before moving to South America, she was a national correspondent covering the American West. [More about Julie Turkewitz](#)

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A version of this article appears in print on , Section A, Page 8 of the New York edition with the headline: To Silence Critics, Venezuela Ramps Up Secret Detention Campaign

TAB G

Americas

Fleeing hardship at home, bias abroad, Venezuelans flock to U.S.

By Sarah Kinosian and Alexandra Ulmer

July 14, 2021 6:26 AM CDT · Updated 2 years ago



[1/5] Asylum-seeking migrants' families from Venezuela reach the shore after crossing the Rio Grande river into the United States from Mexico in Del Rio, Texas, U.S., May 26, 2021. REUTERS/Go... [Acquire Licensing Rights](#) [Read more](#)



Feedback

CARACAS/SAN FRANCISCO, July 14 (Reuters) - When Antonio joined anti-government demonstrations in Venezuela five years ago to protest against daily power outages and long lines for food, he hoped to be part of a movement to unseat President Nicolas Maduro.

Instead, Maduro has remained in power and Antonio suffered years of threats and extortion from police in retaliation, he said. In April, after a sixth extortion attempt, he joined a growing number of Venezuelans fleeing north to the United States.

"After years of death threats and living in constant fear, I had to leave," Antonio said by phone from his brother's home in Miami, Florida, asking to not use his real name because he feared his family in Venezuela could be threatened. "It also kept getting harder to get food. My parents were suffering and you get to a breaking point, especially with constant (electricity) blackouts."

Record numbers of Venezuelans have been attempting to cross the U.S.-Mexican border in recent months, some facilitated by rapidly-adapting smuggling networks.

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Driven out of their homeland by a deep economic crisis and what many have described as political repression, often they initially settled elsewhere in Latin America. But as the coronavirus pandemic has caused increasing economic instability in the region, and resentment of Venezuelan migrants has risen, some have decided to try their luck in the United States instead.

Over 17,000 Venezuelans arrived at the southern U.S. border in the last eight months - more than in the previous 14 years combined - according to data from the U.S. Customs and Border Protection (CBP) agency. Many hope to claim asylum.

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That forms a small, but growing, part of the 900,000 migrants arrested or expelled by U.S. officials at the southern border since October - the majority of them from Central America or Mexico.

Antonio says he crossed the U.S. border in May, after paying \$4,000 in travel costs and fees to smugglers. He raised the money - a fortune in Venezuela - with help from family in other countries.

Antonio caught a bus to the Colombian capital Bogota, from where he flew to the Mexican resort town of Cancun. A Venezuelan smuggler from Antonio's hometown of Maracaibo helped him pass Mexican authorities.

Advertisement · Scroll to continue

Feedback

In Mexicali, he paid the smuggler \$800 to ferry him into Arizona, where he turned himself over to border patrol and was held in a migrant detention center for six weeks before being released to await his asylum hearing.

"At the border crossings right now there are a lot of Venezuelans, but there are also a lot of Venezuelan smugglers, so it wasn't hard to find one," said Antonin.



VENEZUELAN DIASPORA

Since 2013, when Maduro took office, more than 6 million Venezuelans have fled an economic crisis that resulted in chronic shortages of gasoline, water and medicine. Protests in 2014 and 2017 also led to a backlash by authorities against perceived opponents.

The vast majority of Venezuelan migrants resettled in nearby nations, including Colombia, Panama, Ecuador, and Mexico.

But after coronavirus-related lockdowns crippled these countries' economies, thousands are heading to the United States - in many cases, after being fed misinformation from smugglers and others about what awaits them there.

In March, U.S. President Joe Biden granted temporary protected status (TPS) to Venezuelan migrants living in the United States, allowing them access to work visas and relief from deportation.

The measure only benefits Venezuelans in the United States as of March 8.

But immigration experts say the decision has caused confusion around who it applies to and may be one of several factors fueling migration.

Maria Antonietta Diaz, president of the Florida-based Venezuelan American Alliance, said in early July that her office had received about 50 messages from Venezuelans in the last month who believed they would be eligible for TPS if they arrived by August.

"There is misinformation," she said. There was also "a false expectation that somehow they will be able to ask for asylum and it's very easy."

In a half-dozen audio recordings and posts on Instagram reviewed by Reuters, people purported to offer "guide services" to Venezuelans seeking to reach the United States.

"Here in the United States news came out that Joe Biden authorized the entry of 500 Venezuelan citizens who come in through the border illegally," said one audio recording posted on the Instagram account of Venezuelan blogger Sergio Vitanza Belgrave on May 18. "They will be let in, will receive TPS, a work permit and humanitarian asylum."

Vitanza, who says he lives in Chile and has over 12,000 followers, told Reuters that he had posted recordings from a "friend" and that "many people" had told him his posts had helped them reach the United States.

Brian Fincheltub, head of consular affairs at the opposition-run Venezuelan embassy in Washington, said there were growing smuggling networks out of Venezuela, some taking advantage of desperate Venezuelans.

Even those who normally shuttle clients from Central America are getting a piece of the new business.

Antonio, a smuggler from El Salvador, said in early July that he had taken more Venezuelan clients in the past five months than ever before. From southern Mexico he charges \$3,000 to take them to the U.S. border, where he instructs them to turn themselves in to U.S. border agents to request asylum.

For the more complex illegal crossing into southern Texas, he charges \$14,000.

"Once we get to northern Mexico, I tell them not to talk, because the cartel I deal with charges more for Venezuelans," he told Reuters by telephone.

"They tend to have more money (than Central American migrants) or at least have families with money if they are going to the U.S."

ANOTHER MOVE

Some Venezuelans have made multiple moves as they seek a better life.

Miguel Sanchez, a 39-year-old oil technician from the eastern Venezuelan city of Puerto Ordaz, said he fled to Colombia in 2016 after being sacked from his job for voting for the opposition.

After realizing pay was better in Panama, he moved to Panama City, where he met his boyfriend, another Venezuelan.

But once salaries for undocumented Venezuelans dropped during the pandemic and the couple became the targets of xenophobic and homophobic attacks, they say, the two decided to try the United States.

Last month they flew from Panama to Cancun, a place that Venezuelan migrants told Reuters has a reputation of having less stringent border controls than Mexico City. Mexico's immigration authority did not respond to a request for comment.

Now the couple are in the northern city of Reynosa - across the border from McAllen, Texas - where they are waiting at a shelter to apply for asylum.

"Because Latin America's economies have taken a hit, everyone is looking to go to the States for some stability," said Sanchez.

Reporting by Sarah Kinoshian in Caracas, Alexandra Ulmer in San Francisco and Mariela Nava in Maracaibo, Editing by Rosalba O'Brien

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Thomson Reuters

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TAB H

Venezuela

Events of 2021

A man casts his vote during regional elections, at a polling station in Caracas, Venezuela, on November 21, 2021.

© 2021 AP Photo/Ariana Cubillos.

AVAILABLE IN



The Nicolás Maduro government and its security forces are responsible for extrajudicial executions and short-term forced disappearances and have jailed opponents, prosecuted civilians in military courts, tortured detainees, and cracked down on protesters. They used a state of emergency implemented in response to Covid-19 as a pretext to intensify their control over the population. The lack of judicial independence contributed to impunity for these crimes. Judicial authorities have participated or been complicit in the abuses.

A United Nations Fact-Finding Mission (FFM) identified patterns of violations and crimes that were part of a widespread and systematic course of conduct that it concluded amounted to crimes against humanity. In November 2021, International Criminal Court (ICC) prosecutor Karim Khan announced his decision to open an investigation into possible crimes against humanity committed in Venezuela.

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

law, humanitarian aid, and political rights. The government withdrew from negotiations in October, following the extradition to the United States of Colombian businessman Alex Saab, a close government ally. The negotiations had not resumed at time of writing.

Prior to the negotiations, the government had made limited concessions, largely due to increased international pressure, including naming new National Electoral Council members and allowing the World Food Program (WFP) to deploy.

An independent EU electoral mission that monitored the November regional elections reported that political opponents remained arbitrarily disqualified from running for office, there had been unequal access to the media, and the lack of judicial independence and of respect for the rule of law had undermined the election's impartiality and transparency.

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

The exodus of Venezuelans fleeing repression and the humanitarian emergency represents the largest migration crisis in recent Latin American history.

Persecution of Political Opponents, Arrests, and Torture

The government has jailed political opponents and disqualified them from running for office. As of October 25, there were 254 political prisoners, the Penal Forum, a network of pro-bono defense lawyers, reported. While some detainees were released or transferred from intelligence installations to common prisons, a revolving door persists, with new critics being subject to arbitrary prosecutions.

Security agents arbitrarily detained Freddy Guevara, of the Popular Will party, on July 12. Officials accused him of working with gangs that had engaged in a deadly standoff with police in Caracas, and charged him with terrorism, attacking the constitutional order, conspiracy to commit a crime, and treason. He was held incommunicado at the Bolivarian National Intelligence Service (SEBIN) headquarters until August 15 and released following the first round of negotiations in Mexico on the condition that he appear in court every 30 days.

Intelligence and security forces have tortured various detainees and their family members. In 2020, the UN Office of the High Commissioner for Human Rights (OHCHR) reported cases of alleged torture and ill-treatment including severe beatings with boards, suffocation with

During several crackdowns since 2014, security forces and pro-government armed groups known as *colectivos* have attacked demonstrations. Security forces have severely injured and occasionally killed demonstrators they had deliberately shot at point-blank range with riot-control munitions, brutally beaten others who offered no resistance, and staged violent raids on apartment buildings.

Of the 15,756 people arbitrarily arrested since 2014, 9,406 had been conditionally released as of July 2021, but remained subject to prosecution, and 872 had been prosecuted in military courts, according to the Penal Forum.

In June 2021, OHCHR reported continuing torture, ill-treatment, enforced disappearances, and arbitrary detentions.

Alleged Extrajudicial Killings

Between 2016 and 2019, police and other security forces killed more than 19,000 people, alleging “resistance to authority.” In June 2021, OHCHR reported that killings by security forces had slightly declined but continued. Many of these were consistent with previous patterns of extrajudicial executions, OHCHR said.

Agents of FAES, a special police force, and others have killed and tortured with impunity in low-income communities, instilling fear and maintaining social control. Previously, military and police raids in low-income communities, called “Operations to Liberate the People” by authorities, resulted in widespread allegations of extrajudicial killings, arbitrary detentions, mistreatment of detainees, and forced evictions.

Armed Groups

Armed groups—including the National Liberation Army (ELN), Patriotic Forces of National Liberation (FPLN), and groups that emerged from the Revolutionary Armed Forces of Colombia (FARC)—operate mostly in border states. In Apure, they establish and brutally enforce curfews; prohibitions on rape, theft, and murder; and regulations governing everyday activities. Impunity is the norm, and residents say security forces and local authorities often collude with armed groups.

Starting in March 2021, Venezuelan security forces committed egregious abuses against Apure residents during a weeks-long operation against a FARC dissident group known as the Martin

collaborating with armed groups. Hundreds were forcibly displaced within Venezuela and at least 5,800 people fled to Colombia, according to the Office of the United Nations High Commissioner for Refugees (UNHCR). Most had returned to Venezuela by August, but confrontations continued.

Environment and Human Rights

Mining is the leading driver of deforestation in the Venezuelan Amazon, after agriculture. After President Maduro illegally declared the creation in 2016 of a special mining zone in the north of Bolívar state that covers 24 percent of the country's Amazon rainforest, the area has lost more than 230,000 hectares of forest cover, according to a study by the non-governmental organization SOS Orinoco. Analysis of satellite imagery suggests mining operations currently occupy at least 20,000 hectares of the special zone.

The special mining zone encompasses 14 Indigenous territories, whose residents were reportedly not consulted before its creation. People in multiple riverside Indigenous communities within and downstream from the mining zone are reportedly experiencing severe mercury poisoning, a toxic substance used to separate gold from impurities.

Bolívar state is the epicenter of malaria in Venezuela, accounting for 55 percent of all cases, and there is a high prevalence of malaria among gold miners, whose high mobility represents an important vector of contagion. Pools of stagnant and polluted water resulting from mining activity have also become malaria breeding grounds, OHCHR reported.

Illegal gold mining in Bolívar state is largely controlled by criminal groups—"syndicates"—and Colombian armed groups which police citizens, impose abusive working conditions, and viciously treat those accused of theft and other offenses, sometimes dismembering and killing them in front of others. The syndicates operate with government acquiescence and sometimes involvement. In September, the Organisation for Economic Co-operation and Development (OECD) reported that the Venezuelan military and political elites, Colombian armed groups, and domestic gangs continued to be key actors in the gold trade.

Judicial Independence and Impunity for Abuses

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

acquiescence of Venezuelan high-level authorities. Judicial authorities have been complicit in the abuses, the UN Fact-Finding Mission reported in September 2021, including by issuing retrospective arrest warrants for illegal arrests, routinely ordering pre-trial detention, upholding detentions based on flimsy evidence, and failing to protect victims of torture. Judges allowed significant procedural delays and interfered with the right to choose one's own lawyer.

The Attorney General's Office reported that between August 2017 and May 2021, 716 officials were charged with crimes connected with human rights violations, 1,064 were indicted, 540 arrested and 153 convicted. The Fact-Finding Mission noted some discrepancies in the numbers provided by Venezuelan authorities and found that there was no evidence that authorities were carrying out investigations into responsibility for violations further up the chains of command.

In June, Maduro announced a legal reform of the judicial system, creating a special commission headed by his wife and National Assembly deputy Diosdado Cabello. The focus of the reform so far has been on reducing overcrowding in pretrial detention centers, which held 38,736 people in June 2021, up from 22,759 in May 2016.

Right to Vote

In December 2020, government supporters gained control of the National Assembly in elections of widely disputed legitimacy. The government disbanded a National Constituent Assembly established in 2017 to rewrite the constitution, which had effectively replaced the National Assembly.

In 2020, the Supreme Court orchestrated the takeover of several opposition political parties, replacing their leadership with government supporters ahead of the December elections. In 2021, the new National Electoral Council announced that some opposition political parties would be able to participate in November 2021 elections. The opposition confirmed its participation as the Unitary Platform. The European Union, a delegation of members of the European Parliament, the Carter Center, and the United Nations monitored elections.

Humanitarian Emergency and Covid-19

The WFP estimates that one in three Venezuelans is food insecure and in need of assistance. In 2019, 9.3 million Venezuelans suffered from food insecurity, which was projected to

Venezuela's collapsed health system has led to the resurgence of vaccine-preventable and infectious diseases, and hundreds of people allegedly dying due to barriers to performing transplants. Shortages of medications and supplies, interruptions of utilities at healthcare centers, and the emigration of healthcare workers have led to a decline in operational capacity.

OHCHR expressed concern over the absence of public data to monitor and adequately inform public health policies. The government has not published epidemiological data since 2017.

School attendance, already low due to the humanitarian emergency, has declined further because of Covid-19 and related restrictions. UNICEF reported that 6.9 million students in Venezuela missed almost all classroom instruction between March 2020 and February 2021. In-person classes resumed in October 2021, but with limited attendance.

As of October 28, Venezuela had confirmed 403,318 cases of Covid-19 and 4,848 deaths. Given limited availability of reliable testing, lack of government transparency, and persecution of medical professionals and journalists who report on the pandemic, the actual numbers are probably much higher. Access to maternal health and sexual and reproductive services, already dire, has further deteriorated with the pandemic as the government failed to ensure access to services.

Monitor Salud, a nongovernmental organization (NGO), reported 83 percent of hospitals have insufficient or no access to personal protective equipment such as masks and gloves, and 95 percent similarly lack sufficient cleaning supplies, including soap and disinfectant. As of October 28, 779 doctors and nurses had reportedly died from Covid-19.

Venezuela's Covid-19 vaccination has been marred by corruption allegations and opacity regarding the acquisition and distribution of vaccines and other medical supplies. The government scheduled vaccinations using the "Fatherland ID," a document provided to Venezuelans since 2017 to access public benefits, which has been used to exercise social and political control, especially during elections.

On October 27, the government reported that 61.6 percent of Venezuelans had received at least one dose of the Covid-19 vaccines. Yet only 21.6 percent of Venezuelans were fully vaccinated as of that date, according to the Pan American Health Organization, and 25 to 28 percent of health professionals were still waiting for their second vaccine shot in August.

Some 5.9 million Venezuelans, approximately 20 percent of the country's estimated total population, have fled their country since 2014, the Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela reports.

While many neighboring governments welcomed Venezuelans, lack of a coordinated regional strategy left many stranded in inadequate conditions or unable to receive refugee status or other legal protections. In some countries, Venezuelans are being deported or facing xenophobia and difficulties obtaining affordable health care, education, or legal status that would allow them to work.

The economic impact of the pandemic and host government lockdowns led an estimated 151,000 Venezuelans to return home between March 2020 and March 2021, the United Nations System reported. Returnees were held in overcrowded, unsanitary quarantine centers, suffering threats, harassment, and abuse by Venezuelan authorities and *colectivos*.

Freedom of Expression

The government has expanded and abused its power to regulate media and close dissenting outlets and carried out campaigns of stigmatization, harassment, and repression against the media. While a few newspapers, websites, and radio stations criticize authorities, fear of reprisals has made self-censorship a serious problem.

In May, authorities seized the headquarters of newspaper *El Nacional*, after the Supreme Court ordered it to pay more than US\$13 million in damages for alleged defamation of Diosdado Cabello. The move appears intended to silence one of the few remaining independent outlets in Venezuela.

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

Human Rights Defenders

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

issuing arrest warrants, and raiding offices, as well as detaining members for questioning. They have adopted new measures to restrict international funding and require NGOs to provide sensitive information regarding their activities and contributions.

In July, police detained three members of FundaRedes after they reported harassment by intelligence services and unidentified armed men to the prosecutor's office in Falcon state. The group had recently accused Venezuelan authorities of links to armed groups in Apure state. The activists were charged with treason, terrorism, and incitement to hatred, based on publications on social media and the organization's website. Two of them were released on October 26 on the condition that they appear in court every eight days; the organization's director was still being held incommunicado at the SEBIN headquarters at time of writing.

Prison Conditions

Corruption, weak security, deteriorating infrastructure, overcrowding, insufficient staffing, and improperly trained guards allow armed gangs effectively to control detainees. Excessive use of pretrial detention contributes to overcrowding.

Lack of access to clean water and sufficient, nutritious food, as well as low quality hygiene and medical services, have contributed to a high incidence of hunger and disease in prisons. The Venezuelan Observatory of Prisons (OVP) reported that 73 percent of detainee deaths due to health conditions in the first half of 2021 were from malnutrition or tuberculosis, both of which are preventable. Inadequate conditions may have also contributed to the spread of the virus that causes Covid-19. Based on official statements, the OVP reported 135 cases of Covid-19 in prisons and detention centers in 2020, and two deaths. Given insufficient testing, the real numbers are likely much higher.

Key International Actors

During a visit to Venezuela in November 2021, ICC Prosecutor Karim Khan announced that his office would open an investigation into possible crimes against humanity committed in the country. The situation in the Venezuela had been under preliminary examination by the Office of the Prosecutor since February 2018. A June 2021 prosecution filing before the ICC, made public in August, reported the office's conclusion that Venezuelan authorities were unwilling to genuinely investigate and prosecute relevant cases.

In September, the United Nations Fact-Finding Mission on Venezuela found that the justice system has played a significant role in the repression of opponents. Procedural irregularities

concluded there were reasonable grounds to believe that pro-government groups and high-level authorities had committed violations amounting to crimes against humanity.

OHCHR maintains an in-country presence, which increased to 12 officers in 2021. The office updated the UN Human Rights Council in 2021 on continuing abuses. In June, it found Venezuela had made limited progress towards the implementation of its recommendations from previous reports. Both OHCHR and the UN special rapporteur on unilateral coercive measures highlighted in September that unilateral sectorial sanctions have exacerbated Venezuela's pre-existing economic and social crises, although OHCHR also pointed to other problems, including lack of official information and the need to investigate allegations of discrimination in food and health care access.

In April, after more than a year of negotiations, the WFP announced an agreement with the Maduro government, allowing it to supply food to young children. The agency started delivering aid in July and planned to reach 185,000 children by the end of 2021.

In March 2021, the US government granted temporary protected status for 18 months to Venezuelans already in the US. The decision followed the Colombian government's landmark announcement, in February, granting 10 years of legal status to the estimated 1.7 million Venezuelans there, and to those who enter Colombia legally during the next two years.

Several governments and institutions have imposed targeted sanctions on Venezuelan officials implicated in human rights abuses and corruption by canceling their visas and freezing their funds abroad. Others imposed financial sanctions, including the US, which during the administration of then-President Donald Trump imposed a ban on dealings in new stocks and bonds issued by the Venezuelan government and its state oil company. They remained in effect at time of writing. Despite a humanitarian exception, these sanctions could exacerbate the humanitarian emergency which predates them, due to overcompliance.

The administration of US President Joe Biden has publicly criticized human rights abuses by the Maduro government and expressed willingness to lift sanctions in exchange for concrete progress during the Mexico negotiations.

In addition to adopting targeted sanctions, the European Union has consistently condemned abuses by the Venezuelan government, including at the UN Human Rights Council, and plays a leading role in the International Contact Group, which seeks a political solution to the Venezuelan crisis and works to lay the groundwork for credible elections. Norway facilitated the Mexico talks, in which the Netherlands and Russia participated as guarantors.

assist 4.5 million of the most vulnerable Venezuelans. As of October 28, more than \$210 million had been disbursed, and from January through July, 2.5 million people had received assistance. International organizations continued to face limitations importing humanitarian supplies, obtaining visas for personnel, acquiring movement permits, and accessing gasoline. This often led to delay or suspension of activities.

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

The Inter-American Commission on Human Rights continues to monitor Venezuela, applying the American Declaration of the Rights and Duties of Man, after Venezuela withdrew from the American Convention on Human Rights in 2013.

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Keynote



With Autocrats on the Defensive, Can Democrats Rise to the Occasion?



Kenneth Roth

Former Executive Director

Protecting Rights, Saving Lives

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TAB I

Venezuela

Events of 2022

A migrant wears a Venezuelan flag in Necocli, Colombia, a stopping point for migrants taking boats to Acandí which leads to the Darien Gap, Thursday, Oct. 13, 2022. An exodus of some 7.1 million Venezuelans represents one of the largest migration crises in the world.

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In November 2021, the International Criminal Court (ICC) prosecutor Karim Khan opened an investigation into possible crimes against humanity in Venezuela. In 2020, the United Nations Fact-Finding Mission (FFM) had found sufficient grounds to believe crimes against humanity have been committed as part of a state policy to repress opponents.

The UN Office of the High Commissioner for Human Rights (OHCHR), which has a presence in Venezuela, lost access in 2022 to detention centers where political prisoners are held.

Judicial authorities have participated or been complicit in the abuses, serving as a mechanism of repression.

Venezuela faces a severe humanitarian emergency, with millions unable to access adequate health care and nutrition.

Indigenous people, and poor prison conditions.

An exodus of some 7.1 million Venezuelans represents one of the largest migration crises in the world.

A 2022 report by a European Union electoral observation mission laid out concrete recommendations to pave the way to free and fair elections.

Negotiations, that were stalled since October 2021, resumed in November.

Persecution of Political Opponents, Arrests, and Torture

The government has jailed political opponents and disqualified them from running for office. As of October, the Penal Forum, a network of pro-bono defense lawyers, reported 245 political prisoners.

At least 114 political prisoners have spent more than three years in pretrial detention, despite time limits included in a recent Criminal Code reform. Approximately 875 of the 15,770 civilians arbitrarily arrested from 2014 through June 2022 have been prosecuted in military courts, the Penal Forum reported.

While some detainees have been released or transferred from Bolivarian National Intelligence Service (SEBIN) facilities to prisons, new critics have been subject to arbitrary detention.

OHCHR continued receiving complaints of torture, ill-treatment, and incommunicado detentions in 2022.

Security forces and *colectivos*—pro-government armed groups—have repeatedly attacked demonstrations since 2014, including with violent raids, brutal beatings and point-blank range shootings.

According to official sources consulted by OHCHR, the Attorney General's Office recorded 235 complaints of human rights violations involving deprivation of liberty, from May 2021 through April 2022, including 20 in terrorism-related charges.

OHCHR and the UN Working Group on Arbitrary Detentions, reported persistent challenges to ensuring the rights to liberty and fair trials. There are also delays in implementing judicial release orders.

repress government opponents. The mission again described these as crimes against humanity.

Alleged Extrajudicial Killings

Agents of the Special Action Forces (FAES) and other police and military units have killed and tortured with impunity in low-income communities, including during security raids called “Operations To Liberate the People.”

Between 2016 and 2019, security forces alleged “resistance to authority” in more than 19,000 killings. Evidence showed many were extrajudicial killings. OHCHR documented continuing patterns of such killings in marginalized neighborhoods but reported a significant reduction in number in 2022.

Armed Groups

Armed groups—including the National Liberation Army (ELN), Patriotic Forces of National Liberation (FPLN), and groups that emerged from the Revolutionary Armed Forces of Colombia (FARC)—operate mostly in border states, establishing and brutally enforcing curfews and regulations governing everyday activities.

On January 1, 2022, clashes broke out between the Joint Eastern Command—a coalition of dissident groups that emerged from the demobilized FARC—and ELN guerrillas, over control of territory in Colombia’s Arauca state and Venezuela’s Apure state. Both groups committed abuses including killings; forced displacement; and forced recruitment, including of children.

Venezuelan security agents have conducted joint operations with ELN fighters and have been complicit in their abuses.

Judicial Independence, Impunity for Abuses

The judiciary stopped functioning as an independent branch of government in 2004.

There has been no meaningful justice for crimes committed with knowledge or acquiescence of high-level authorities.

Judicial authorities have been complicit in abuses, the FFM reported in 2021, including by issuing retrospective warrants for illegal arrests, ordering pre-trial detention routinely,

Venezuela's National Assembly, controlled by supporters of Nicolás Maduro, revised the Organic Law of the Supreme Court of Justice in January, requiring an entirely new Supreme Court, which plays a critical role in appointing and removing lower court judges, of 20 justices—down from 32. The selection process, was not independent. Although Venezuela's constitution allows only one 12-year term, justices who had failed to act as a check on executive power were reappointed for longer.

Indigenous Rights and Mining

Authorities reportedly failed to consult residents before creating a special mining zone in 2016, which encompasses 14 Indigenous territories. Mining is one of the main drivers of deforestation and water pollution, contributing to diseases including malaria. SOS Orinoco and the media outlet *Correo del Caroní* reported that people from Indigenous communities close to mines are experiencing severe poisoning from the mercury used to separate gold from impurities. Some have been forcibly displaced.

Authorities have failed to protect Indigenous populations from violence, forced labor, and sexual exploitation. Human Rights Watch has documented horrific abuses—amputations, shootings, and killings—by groups controlling illegal gold mines in southern Venezuela, operating with government acquiescence.

On March 20, a clash between the Bolivarian National Armed Forces (FANB) and a remote Yanomami Indigenous community in Amazon State left four Indigenous people dead. Authorities held incommunicado at a Caracas military hospital for more than three months a 16-year-old who had been shot and was seriously injured. OHCHR urged a proper investigation, including of the incident's "underlying causes." Lawyers said investigations are stalled.

The UN FFM in September referred to abuses by security forces and armed groups, including the ELN, against people in mining areas.

Several Indigenous leaders have been threatened or attacked by state and non-state actors. In June, Virgilio Trujillo, an Indigenous leader who opposed illegal mining in the Uwottuja community and had received death threats, was shot dead.

Disability Rights

inclusive education model. There is a need to ensure accessibility, access to justice, and remove restrictions on legal capacity.

Sexual Orientation and Gender Identity

Venezuela has no comprehensive civil legislation protecting people from discrimination on the grounds of sexual orientation and gender identity, apart from specific provisions in the Labor Code and the housing law. There are no legal protections for same-sex couples.

The Military Code of Justice punishes consensual same-sex conduct by service personnel with up to three years in prison and dismissal. Following a challenge by the group Venezuela Igualitaria, the Supreme Court of Justice has announced that it will review the provision.

Women's Rights

Abortion is criminalized in Venezuela except when the life of the pregnant woman is at risk.

According to a study by HumVenezuela, an independent platform by civil society organizations monitoring the humanitarian emergency, sexual and reproductive health services for women suffer from a loss of capacity. By March, there was a 61.7 percent shortage of contraceptives and 55.8 percent of pregnant women were “unable to receive adequate obstetric care.”

In September, the UN FFM documented that women and girls have reported sexual violence by FANB agents working at checkpoints and armed actors controlling mining areas.

Right to Vote

In February, the European Union mission that monitored 2021 elections issued a final report describing serious obstacles to voting and running for office, including arbitrary disqualification of government opponents seeking to run, partisan use of state resources, unequal access to media and social media, blocking of websites, and lack of judicial independence and respect for the rule of law. Such conditions, they said, undermined the election's fairness and transparency.

Presidential elections are scheduled for 2024, legislative and regional elections for 2025.

Humanitarian Emergency

and hygiene.

HumVenezuela said in March that most Venezuelans face difficulties in accessing food, with 10.9 million undernourished or chronically hungry. Some 4.3 million are deprived of food, sometimes going days without eating.

The collapse of Venezuela's health system has allowed a resurgence of vaccine-preventable and infectious diseases. Barriers to performing transplants are reportedly resulting in hundreds of deaths. As of March, some 8.4 million gravely ill people were having trouble obtaining medical services, and more than 9 million people needing medications and healthcare supplies could not afford them. Power and water outages at healthcare centers—and emigration of healthcare workers—were further weakening operational capacity.

The government has not published official epidemiological data since 2017.

Lack of access to basic services aggravates the humanitarian crisis. Access to drinking water and sanitation declined from 2021 to 2022, HumVenezuela reported, leaving some 4.4 people in dire need of drinking water and 1.3 million people in dire need of basic sanitation services.

Refugee Crisis

Some 7.1 million Venezuelans have fled the country since 2014, the Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela (R4V) reports, some 5.9 million to Latin American and Caribbean countries.

While many neighboring governments welcome them, lack of a coordinated regional strategy leaves thousands stranded in inadequate conditions or unable to obtain refugee status or other legal protection, forcing them to head north. Xenophobia remains a significant challenge.

New visa restrictions have prevented Venezuelans from flying to Mexico and Central American countries, significantly increasing the number struggling through a dangerous jungle on the Darien Gap, along the Colombia–Panama border. Over 107,000 Venezuelans crossed the gap between January and September, compared to around 1,500 in 2021. They face egregious abuses, including sexual violence.

As of May, some 76,000 Venezuelans had obtained Temporary Protected Status in the United States. In July, the US extended protection for them through March 10, 2024.

program will allow some Venezuelans to apply to travel to the US by plane. Requirements to apply to the program are often difficult to fulfil.

Freedom of Expression

Authorities have stigmatized, harassed and repressed the media, closing dissenting outlets. Fear of reprisals makes self-censorship a serious problem.

Authorities use the vague 2017 Law Against Hatred—under which publishing “messages of intolerance and hatred” is punishable by imprisonment of up to 20 years—to restrict anti-government speech.

In February, internet service providers blocked media websites, including of Efecto Cocuyo, Crónica Uno, and El Nacional, the watchdog VeSinFiltro reported. The Inter-American Commission on Human Rights’ (IACHR) Office of the Special Rapporteur for Freedom of Expression, in July, reported increased censorship through deliberate blocking digital platforms and cuts in Internet service.

Human Rights Defenders

Venezuelan authorities harass and persecute human rights defenders and civil society organizations addressing the human rights and humanitarian emergencies.

Javier Tarazona, from the group Fundaredes, remained in prison, as of writing. He was arbitrarily detained in July 2021, after exposing links between Venezuelan security forces and armed groups.

Several organizations and the IACHR expressed concerns that an international cooperation bill introduced in the National Assembly in May could enable arbitrary cancellations of organizations’ legal status for promoting or participating in activities contrary to government interests.

On June 28, authorities dismissed charges brought in 2021 against five workers of the humanitarian group Azul Positivo.

In September, two intelligence officers visited the offices of the human rights organization Provea, which was hosting a press conference with family members of union workers arrested in July.

Corruption, weak security, deteriorating infrastructure, overcrowding, insufficient staffing, and improperly trained guards allow armed gangs effectively to control detainees.

The Venezuelan Observatory of Prisons (OVP) estimates around 54 percent of detainees are being held pretrial.

The OVP estimates 7,792 people died in prison between 1999 and 2021. Low-quality hygiene and medical services and lack of access to clean water and sufficient, nutritious food contribute to hunger and disease. In the past four years, deaths from malnutrition and tuberculosis exceeded violent deaths, according to OVP.

Key International Actors

In October, the UN Human Rights Council extended the FFM's mandate for an additional two years. In a September report, it concluded high level authorities were responsible for a deliberate policy to repress opponents and the Venezuelan government "colluded" with "criminal groups" in the Arco Minero region.

During a visit to Venezuela in March, the ICC prosecutor announced he would establish an in-country office in Caracas. On April 15, Venezuelan authorities asked him to defer his investigation into possible crimes against humanity, asserting their "genuine will" to investigate cases domestically. On April 20, Khan notified ICC judges of Venezuela's request, indicating he would ask them to reject it and allow him to continue his probe.

The UN high commissioner for human rights updated the Human Rights Council, in March, on continuing abuses, including challenges to due process, restriction of civic space, and arbitrary detentions. In June, she called for independent investigations and accountability, reparations for victims and families, strengthening judicial independence, and separation of powers. She mentioned persistent challenges to the full realization of economic, social, and cultural rights.

The UN's World Food Program, which gained permission from the Maduro government in 2021 to supply food to young children, had by August 2022 delivered meals to 210,000 beneficiaries in 1,700 schools across seven states. Representatives expect the program to reach 1.5 million people by the end of the 2022-2023 school year.

The R4V Platform called for US\$1.79 billion to assist 8.4 million people in the region, including Venezuelan migrants, Colombian returnees, and host communities. As of October,

The 2022-2023 UN Humanitarian Response Plan for Venezuela called for \$795 million to assist 5.2 million of the most vulnerable Venezuelans. As of October, \$130.7 million was raised, covering 16.4 percent of the plan.

In October, Venezuela failed in its bid to be re-elected as a member of the UN Human Rights Council.

Several governments and institutions retain targeted sanctions against Venezuelan officials implicated in human rights abuses and corruption.

Newly elected Colombian President Gustavo Petro announced Colombia would reopen its border with Venezuela and appointed an ambassador, who took office in Caracas on August 29. Argentina also announced its intention to reestablish diplomatic relations in April.

In March and June, the United States sent official delegations to Caracas for the first time in years for conversations apparently prompted by an interest in accessing Venezuelan oil. In June, President Joe Biden offered his support to Juan Guaidó—whom the US acknowledges as the interim president of Venezuela—and reaffirmed the US willingness to calibrate sanctions policy based on the outcomes of negotiations. The US eased oil sanctions the same day negotiations resumed in November.

In October, Venezuela released seven US citizens wrongfully detained, in exchange for the release of two nephews of Nicolas Maduro's wife who were detained in the US on drug smuggling charges.

In November, the Venezuelan government and opposition signed an agreement to increase the humanitarian aid reaching Venezuelan people.

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Keynote



A New Model for Global Leadership on Human Rights



Tirana Hassan
Executive Director

Protecting Rights, Saving Lives

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TAB J

UNHCR: Majority of People Fleeing Venezuela in Need of International Protection

24th May 2019 | News



In a newly released [Guidance Note](#) the UN Refugee Agency (UNHCR) establishes that given the political, economic, human rights and humanitarian situation in Venezuela, the majority of the 3.7 million people who fled the country are in need of international protection.

According to UNHCR because of: “the threats to their lives, security or freedom resulting from circumstances that are seriously disturbing public order in Venezuela”, the majority of the people fleeing Venezuela are entitled to protection based on the [1984 Cartagena Declaration](#). Further the Agency states that for certain profiles of Venezuelans at risk the 1951 Refugee Convention is applicable.

By the end of 2018, some 460,000 Venezuelans had formally sought asylum, the majority in neighbouring countries in Latin America. Between February 2018 and January 2019 alone, more than 25,000 have [applied](#) for asylum in the US. Despite statements in support

of the Venezuelan people, so far the administration has not granted Venezuelan nationals Temporary Protected Status (TPS) or given them priority in its asylum system. Nazanin Ash, vice-president of policy and advocacy for the International Rescue Committee (IRC), commented: “Here you have the administration standing with Venezuelans seeking freedom – and banning them from seeking that freedom in the United States.”

Since the start of 2019, Venezuelans present the second highest number of asylum seekers in the EU after Syrians, according to [data](#) from the European Asylum Support Office (EASO). UNHCR and International Organization for Migration (IOM) estimate that 5,3 million people will have fled Venezuela by the end of 2019.

For further information:

- [ECRE, Increase of asylum applications from Venezuelans in the EU, but Latin American neighbours host the vast majority, 22 May 2018](#)

Photo: (CC) Andreas Lehner, October 2007

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TAB K

September 3, 2018

The Venezuelan Exodus

The Need for a Regional Response to an Unprecedented Migration Crisis

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Colombian police officers stand in front of people queueing to try to cross into Colombia from Venezuela through the Simon Bolivar international bridge in Cucuta, Colombia. January 24, 2018. © 2018 Carlos Garcia Rawlins/Reuters

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Summary

The current exodus of Venezuelans has generated the largest migration crisis of its kind in recent Latin American history. More than 2.3 million Venezuelans have left their country since 2014, according to the United Nations, and many others have left whose cases have not been registered by authorities.

Venezuelans are fleeing their country for multiple reasons. Severe shortages of medicine, medical supplies, and food make it extremely difficult for many families to have access to the most basic health care and to feed their children. A ruthless government crackdown has led to thousands of arbitrary arrests, hundreds of prosecutions of civilians by military courts, and torture and other abuses against detainees. Arbitrary arrests and abuses by security forces, including by intelligence services, continue. Extremely high rates of violent crime and hyperinflation are also key factors in many people's decision to leave the country.

This report provides an overview of where the more than 2 million Venezuelans who have left the country since 2014, at least half of them in the past year and a half alone, are now living, the conditions they face, their prospects of obtaining legal status in the host countries, and applicable international standards that should guide host governments' responses.





governments should consider adopting:

- A region-wide temporary protection regime that would grant all Venezuelans legal status for a fixed period of time, at least pending adjudication of their individual claims for protection;
- A regional mechanism to distribute both financial costs, and the actual hosting of Venezuelans fleeing their country, on an equitable basis; and
- Strong multilateral strategies to address the root causes that lead so many Venezuelans to flee their country, including adopting and enforcing targeted sanctions such as asset freezes and cancelling visas against key Venezuelan officials implicated in serious human rights abuses, and pushing for accountability for human rights violations.



ARGENTINA
78,000+ Venezuelans

A group Venezuelan “caminantes” (“walkers”) carry their belongings after leaving the border. Venezuelans begin the journey on foot towards other cities in Colombia, Ecuador, and



The massive flow of people leaving Venezuela is one of the major challenges that governments in the Americas face today. Over the past two years, many of these governments have made exceptional efforts to welcome Venezuelans fleeing persecution, violence, and severe material deprivation. More recently, however, some countries have been shifting to a harder line, making it more difficult for Venezuelans to apply for legal status. Some of these moves could put the rights of Venezuelan asylum seekers in jeopardy. Recent incidents of xenophobic violence, and a climate that threatens to give rise to more of those attacks, are also a growing concern.

The political, economic, human rights, and humanitarian crisis in Venezuela creates a mix of factors that cause Venezuelans to leave the country and makes them unable or unwilling to return. Some of these factors alone may qualify a person for refugee status, while for some others the cumulative impact of various factors could give rise to a valid claim for refugee status. In other cases, individuals fleeing Venezuela may not be able to claim refugee status but would face severe hardship if returned to Venezuela and are in urgent need of humanitarian assistance in the countries to which they have migrated.

Under the terms of the 1951 Refugee Convention, refugee status is contingent on a well-founded fear of persecution based on racial, religious, political or certain other grounds. In Latin America, however, non-binding regional norms as well as the domestic laws of some states embrace a broader eligibility for asylum. In particular, 15 regional states have incorporated the 1984 Cartagena Declaration, which provides guidance to Latin American states in developing their refugee protection frameworks, into domestic law. In addition to their obligations under the Refugee Convention, these governments also cannot forcibly return people to their country of origin if they meet the Declaration's criteria for refugee status.

Of particular relevance to the situation in Venezuela, the Cartagena Declaration includes as refugees people fleeing “massive violation of human rights or other circumstances which have seriously disturbed public order.” The United Nations High Commissioner for Refugees (UNHCR), when interpreting the meaning of the clause “other circumstances which have



definition.” States need to carefully consider, in some cases without much in the way of domestic precedent to draw on, the extent to which their laws give rise to valid claims of protection by Venezuelans who have fled the country for humanitarian reasons rooted in the ongoing crisis. In a preliminary ruling, a Brazilian Supreme Court judge recently ruled that incorporating the expanded definition of the Cartagena Declaration into domestic law generates a “duty of humanitarian protection” with regard to Venezuelans seeking refuge in Brazil.

For its part, the UNHCR has argued that “the broad circumstances leading to the outflow of Venezuelan nationals fall within the spirit of the Cartagena Declaration.” In addition, UNHCR has stated that while not all Venezuelans left for refugee-related reasons, “it is becoming increasingly clear that a significant number [of Venezuelans] are indeed in need of international protection,” and are now unable or unwilling to return.

Some South American governments, despite daunting challenges, have made considerable efforts to welcome Venezuelans, including adopting special rules to provide them legal permits to stay, in addition to the possibility of seeking asylum. These permits have provided legal status to hundreds of thousands of Venezuelans, helping them establish themselves abroad, work, and gain access to basic services. Yet sometimes Venezuelans have reported difficulties in getting these permits, because of prohibitive costs or requirements to present documents that they could not bring from Venezuela and are unable to obtain from abroad.

However, some of these governments have recently adopted measures that make it, in practice, extremely difficult to obtain these permits. For example, Chile, Peru and Ecuador announced they would require Venezuelans to present passports to apply. This is ostensibly a measure to ensure that governments are able to verify the identity of Venezuelans seeking legal status. Although Peru and Ecuador partially backtracked after the announcements generated a strong reaction, it is important to note that such measures ultimately represent a hurdle that would prove insurmountable for many. For the average Venezuelan, obtaining a passport in Venezuela is very difficult and may sometimes take up to two years.

Moreover, hundreds of thousands of Venezuelans remain in an irregular situation, which severely undermines their ability to obtain a work permit, send their children to school, and access health care. This makes them more vulnerable to labor and sexual exploitation, and human trafficking, as well as less likely to report abuses to competent authorities.

to legally stay and most of the countries do not have laws to regulate the asylum-seeking process in general. In some cases, Venezuelans with UNHCR-issued asylum certificates have been detained or deported to Venezuela. Some Venezuelans seeking refuge in Caribbean countries and Brazil have also been victims of xenophobic harassment.

In July and August 2018, Human Rights Watch conducted research missions to the Colombian-Venezuelan and Brazilian-Venezuelan borders, where we interviewed United Nations and government officials and dozens of Venezuelans who had crossed the border. The report is also based on additional interviews conducted by Human Rights Watch via telephone, email, Skype, and text messaging services with Venezuelans who have recently fled their country, as well as lawyers, experts, and activists who monitor the situation of Venezuelan immigration in South American countries and the Caribbean. Unless noted otherwise, the information in the report is based on Human Rights Watch interviews with experts with knowledge of conditions in the respective countries; all of the experts asked to remain anonymous. It is also based on a thorough review of official information published by government authorities and the UNHCR.

Related Content



September 3, 2018 |

News Release

Venezuela: Refugee Crisis Requires Concerted Regional Response

Governments Should
Collaborate to Protect
Rights of Fleeing
Venezuelans

The Scope of Venezuelan Emigration

According to the United Nations, more than 2.3 million Venezuelans left Venezuela between 2014 and 2017.^[1] However, given the number of Venezuelans who leave their country through irregular border crossings, and those who have not yet been able to obtain legal status, it is likely that many more have left in recent years. The total Venezuelan population is estimated to be around 32 million.

According to UNHCR, over 298,000 are asylum seekers and more than 567,000 obtained other forms of legal stay in various countries, which means that the rest—over one million Venezuelans—remain in an irregular situation.^[2]

Where are Most Venezuelans Who Left Living Now?

The countries that have received the largest numbers of Venezuelans since 2014 are:

- **Colombia:** An estimated 1 million people moved from Venezuela to Colombia and stayed in the country between March 2017 and June 2018, according to a Colombian government report. Colombian authorities reported then that the number included 442,000 Venezuelans in the country without legal permission, 376,000 with legal status, and 250,000 Colombians who had been in Venezuela but returned to Colombia.^[3] (The Colombian government has since given legal permits to stay to the 442,000 Venezuelans who had registered with the government). The actual number of Venezuelans in Colombia is likely to be much higher, given that many cross through the more than 270 unofficial crossings along the border.
- **Peru:** An estimated 395,000 Venezuelans are living in Peru.^[4] More than 126,000 Venezuelans are seeking asylum in Peru, the largest number of registered Venezuelan asylum seekers in any country. In addition, 46,200 Venezuelans have benefited from a special temporary permit.^[5]
- **Ecuador:** An estimated 250,000 Venezuelans have arrived in Ecuador.^[6] At least 83,400 obtained a residency permit or visa, and more than 7,100 sought asylum.^[7]



- **Argentina:** Nearly 78,000 had received legal permits to live in Argentina as of May 2018, and over 400 sought asylum as of June.^[9]
- **United States:** There are more than 72,700 Venezuelan asylum seekers in the United States as of June 2018.^[10] Note that this number represents cases, not individuals, so the number of people represented by this figure is undoubtedly larger.
- **Panama:** More than 7,100 Venezuelans have sought asylum and 51,400 sought alternative legal stays in Panama as of March 2018.^[11]
- **Brazil:** More than 32,700 Venezuelans had sought asylum and an additional 25,300 had obtained another legal permit to stay in Brazil as of April 2018.^[12]
- **Mexico:** Nearly 25,000 Venezuelans had legal permits to stay as of April 2018, and an additional nearly 6,900 were asylum seekers as of July.^[13]
- **Southern Caribbean countries:** Approximately 98,500 Venezuelans are living in the southern Caribbean—the largest numbers in Trinidad and Tobago (40,000), Aruba (20,000), and Guyana (15,000).^[14]
- **Dominican Republic:** There are approximately 25,800 Venezuelans living in the country, according to an official government survey.^[15]

The number of Venezuelan applicants for international protection in the **European Union** increased from 325 in 2014 to 11,980 in 2017.^[16] In April 2018, Venezuela appeared for the first time in the list of top five countries of origin of asylum applicants in the EU. During that month, 2,324 Venezuelans filed applications for international protection in the European Union, a 62 percent increase from March. In June, Venezuelan applicants lodged fewer applications than in May (when 3,070 were lodged), but applications were still at a much higher level than at the beginning of the year. ^[17] Venezuelans had a very small share of repeat applications, which suggests that they tended to be newly arrived in the European Union.

In 2016 and 2017 alone, more than 40,000 Venezuelans arrived in **Spain**, where the largest number of Venezuelans have arrived in Europe.^[18] In those years, more Venezuelans filed asylum requests than nationals of any other country. According to official statistics, 10,350

Applicable International Refugee Law

Some Venezuelans may qualify as refugees under the definition of the 1951 Refugee Convention. Some others may be considered refugees under the broader refugee definition included in the Cartagena Declaration, which has been incorporated into the legal framework of 15 countries in the region.

Under the 1951 Refugee Convention and its 1967 Protocol, a refugee is defined as anyone who, “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”^[21]

The right not to be forcibly returned under these circumstances is called the principle of nonrefoulement. The American Convention on Human Rights, the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (CAT), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Rights of the Child (CRC), and the European Convention on Human Rights (ECHR), as well as customary international law, include nonrefoulement protections.^[22]

The Cartagena Declaration of 1984, while not a binding legal instrument, has provided influential normative guidance in developing the international refugee protection framework in Latin America. The Cartagena Declaration embraces a broader definition of refugee that includes “persons who have fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, *massive violation of human rights or other circumstances which have seriously disturbed public order*” (emphasis added).^[23]



it. The UNHCR, when interpreting the meaning of the clause “other circumstances which have seriously disturbed public order” noted that this phrase “is the least frequently applied by national adjudication bodies when determining refugee claims under the Cartagena refugee definition.” UNHCR has however maintained that in applying an analogous clause included in the OAU Refugee Convention in Africa, a “lack of food, medical services and supplies” should be taken as “factual indicators” of the existence of “events seriously disturbing public order.”^[24]

Although the Cartagena Declaration is non-binding, its refugee definition has been incorporated into the national laws or practices of 15 countries in the region: Argentina, Belize, Bolivia, Brazil, Chile, Colombia, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Paraguay, Peru, and Uruguay.^[25]

In an August 2018 preliminary ruling, a Brazilian Supreme Court judge ruled that Brazil has bound itself to respect the Cartagena Declaration’s expanded refugee definition by incorporating it into domestic law, which now recognizes as refugees “those who are forced to leave due to grave and generalized human rights violations.” The ruling, which explicitly discussed Venezuelans seeking protection in Brazil, concluded that “the expansion of the concept of refugee generates, for the State, a duty of humanitarian protection.”^[26]

UNHCR has stated that “it is becoming increasingly clear that a significant number are indeed in need of international protection.”^[27] UNHCR considers that “the broad circumstances leading to the outflow of Venezuelan nationals would fall within the spirit of the Cartagena Declaration, with a resulting rebuttable presumption of international protection needs.”^[28]

In a resolution published in March 2018, the Inter-American Commission on Human Rights (IACHR), an authoritative body that interprets regional human rights standards, urged Organization of America States (OAS) members to adopt a series of measures in response to massive Venezuelan immigration to the Americas.^[29] These include:

- Guaranteeing refugee status to Venezuelans with a well-founded fear of persecution in case of return to Venezuela, or who consider that their life, integrity, or personal freedom would be threatened due to the violence, massive violations of human rights, and serious disturbances of public order, under the terms of the Cartagena Declaration;



serious risk to their health or life due to medical conditions, in accordance with a broad interpretation of the definition of refugee in the Cartagena Declaration.

- Expanding regular, safe, accessible, and affordable channels for migration through the progressive expansion of visa liberalization and easily accessible visa facilitation regimes or other measures to legally stay in the country, taking into account the need for these mechanisms to be economically accessible and ensure access to Venezuelans who may not have all required documentation for reasons beyond their control;
- Providing humanitarian assistance to Venezuelans within national jurisdictions;
- Guaranteeing access to the right to nationality for stateless people, as well as for children of Venezuelans born abroad who are at risk of being stateless; and
- Carrying out positive measures such as educational and awareness campaigns to fight discrimination and xenophobia.

Similarly, the UNHCR issued a Guidance Note on the outflow of Venezuelans that encourages countries to consider, in addition to granting asylum to Venezuelans, the creation of “protection-oriented arrangements to enable legal stay for Venezuelans.” These arrangements should be provided by law; accessible to all Venezuelans irrespective of when they arrived in the country, with minimal or no cost; and guarantee access to basic services and fundamental rights, including access to health care, education, and shelter, freedom of movement, and family unity.^[30]

The political, economic, human rights, and humanitarian crisis in Venezuela creates a mix of factors that cause Venezuelans to leave and that make them unable or unwilling to return. Some of these alone may qualify a person for refugee status, while for others the cumulative impact of various factors could give rise to a valid claim for refugee status. Whether one qualifies under the 1951 Refugee Convention definition or under the Cartagena standard in jurisdictions where that definition is applied, refugee status would be the same with all the rights that attach to it, including the right not to be forcibly returned to the country of origin.

Since relatively few Venezuelans outside their country have had their status as refugees under the 1951 Refugee Convention or the Cartagena Declaration definition recognized, many are living without any legal status or with various temporary or special statuses that are not explicitly linked to a need for international protection. It should also be noted that refugee

one's refugee status does not make a person a refugee, but is simply the formal recognition of a status they are entitled to.

Major Difficulties that Venezuelans Abroad are Facing

A first difficulty for many is finding the means to leave Venezuela, which they sometimes do with limited resources and through clandestine, dangerous border crossings.^[31] Once Venezuelans are outside their country, an important difficulty for many is obtaining legal permits to stay in the countries where they are living.

Hundreds of thousands of Venezuelans who have left the country remain in an irregular situation in the countries where they are now living. Their precarious status severely undermines their ability to obtain a work permit, send their children to school, or get health care. Even some with legal permits to stay cannot fully exercise their fundamental rights. Their irregular situation makes them more vulnerable to labor and sexual exploitation, and human trafficking, and less likely to report abuses to competent authorities, according to the Inter-American Commission on Human Rights and several interviews conducted by Human Rights Watch.^[32]

There have also been credible reports of xenophobic and discriminatory practices against Venezuelans by multiple sources in several countries, including abuses by authorities and individuals, extortion, and rhetoric that stigmatizes Venezuelans, blaming them for increased rates of violence in the countries where they have arrived and accusing them of taking jobs away from nationals.^[33]

For example, in addition to xenophobic practices described in the next chapter suffered by Venezuelans in some Caribbean islands, there have been some isolated xenophobic incidents in Brazil.

In March 2018, residents in Roraima state—which shares the border with Venezuela—organized several demonstrations against Venezuelan immigrants. During a protest in

from an abandoned building that they had taken over to live in. The demonstrators destroyed and set on fire some of the Venezuelans' belongings, according to press reports.^[34] Brazilian authorities have opened investigations into this incident, as well as into messages that incited racism and xenophobia published in social media.^[35]

In August 2018, residents of Pacaraima, the Brazilian town that borders with Venezuela, attacked Venezuelans living on the street, beat them, set their personal belongings on fire, and threatened them. This took place following a protest against Venezuelan immigration that occurred after a Brazilian man had been robbed, allegedly by Venezuelans. Several Venezuelans told Human Rights Watch that they and others ran away during the attack; some sought shelter in a church and others at a federal government building or a federal police checkpoint. More than 1,200 Venezuelans returned to Venezuela after the incident, including some that may have been asylum seekers, according to a local prosecutor. The police did not intervene to stop the violence or arrest those who were attacking the Venezuelans.^[36]

Legal Avenues to Stay and Obstacles to Pursuing Them

Central and South America

In addition to the possibility of applying for asylum, several governments in South America have adopted various measures to provide Venezuelans with legal permits to stay in their countries. For example, **Colombia, Peru, Brazil, and Chile** have created a special permit for Venezuelan immigrants.^[37] **Argentina and Uruguay** allow Venezuelans to apply for a special visa for nationals of the regional trade bloc Mercosur, even though Venezuela was expelled from the bloc in December 2016.^[38] Venezuelans in **Ecuador** can apply for a UNASUR visa to stay.^[39]

These permits have provided legal status to hundreds of thousands of Venezuelans, allowing them to re-start their lives without immediate fear of expulsion. Yet even in countries that have the permits, Venezuelans have reported difficulties in obtaining them, including



More recently, countries that had until now implemented policies to welcome Venezuelans have adopted some worrying measures that could, in practice, sharply limit the ability of Venezuelans to apply for such permits.

Chile requires Venezuelans to apply for the visa in Venezuela, and requires that they present a passport.^[41] In practice, given that obtaining an appointment and then a passport in Venezuela is extremely difficult and may take up to two years, Chile's passport requirement will effectively close the door to many Venezuelans.

In August 2018, **Ecuador**, noting that more than 4,200 Venezuelans were entering the country daily, declared a humanitarian emergency in three provinces of the country to cope with the influx and provide humanitarian assistance. Days later, however, authorities announced that they would require Venezuelans to present a passport to enter the country.^[42] The Ecuadorean government withdrew the measure after a judge ruled against it, but also announced it would require Venezuelans without passports to present valid certification of their Venezuelan IDs issued by an international or Venezuelan authority recognized by Ecuador.^[43]

Similarly, **Peru** announced that as of August 25, 2018 it would also require Venezuelans entering the country to present a passport; Peruvian authorities claimed they would still welcome Venezuelans and justified the measure by arguing that it would allow them to have a better and more controlled migration. After the measure generated a strong reaction, Peru's foreign minister said that Peru would allow Venezuelans to enter with an expired passport, that children and older people could enter without passports, and that not having a passport would not be an obstacle to seeking asylum.^[44] Under a recent decree, only Venezuelans who enter the country by October 31 can apply for the special legal status that exists for Venezuelans.^[45]

States are well within their rights to take rigorous steps to verify the identities and nationalities of asylum seekers and others, but under no circumstances should Venezuelan asylum seekers be turned away simply for lack of passports or any other particular form of identification. Such a result would constitute *refoulement* and violate their obligations under international refugee law.



In **Colombia**, which has received by far the largest number of Venezuelan immigrants, the government has been adopting a series of measures to provide Venezuelans arriving in the country with urgent access to health care and to enroll Venezuelan children in schools. Other initiatives in coordination with UN agencies and local groups provide them meals, vaccination, and shelter.

In July 2017, the Colombian government created a special permit that allows Venezuelan citizens who entered the country legally, but have overstayed their visas, to regularize their status and have work permits and access to basic public services.^[47] Between 2017 and the first months of 2018, 180,000 Venezuelans were granted this permit.^[48] In July 2018, the Colombian government adopted a decree granting the more than 400,000 Venezuelan irregular immigrants who had registered in a government survey access to basic public services and work permits, and regulating their children's enrollment in schools.^[49]

Many Venezuelans in Colombia who have not registered with the government still have irregular status and face an array of difficulties. In May, authorities said that more than 2,700 Venezuelans had “voluntarily decided to return to their country” to “avoid being sanctioned” by Colombian authorities for not having permits to stay.^[50] Yet credible sources who requested anonymity and have been monitoring the situation questioned whether the returns were voluntary, telling Human Rights Watch that many Venezuelans had been detained, ordered to get in a truck, and driven to the border.^[51]

In 2018, the **Brazilian** federal government deployed the armed forces at the border with Venezuela to respond to Venezuelan immigration, including to assist in implementing Brazil's humanitarian policies. In cooperation with UN agencies, they have set up a facility at the border where Venezuelans can request asylum or a special residency permit, and get vaccinations and emergency medical care. In addition, together with UNHCR, the federal government opened 10 shelters to house Venezuelans in the northern state of Roraima. At time of writing, more than 4,000 Venezuelans were living in these shelters, and two more were under construction. An ongoing program to move Venezuelans to other parts of the country has been slowly implemented; as of August 28, 2018, only 820 Venezuelans had resettled elsewhere in Brazil.^[52]

The Venezuelan Walkers

More than 200 Venezuelans set out on foot from the Colombian-Venezuelan border each day to try to reach their final destination, either other cities in Colombia or other countries in the region.

Human Rights Watch interviewed several Venezuelans walking by the side of the road, including women and children. For example, 25-year-old Rosa Márquez (pseudonym), who was walking with her 6-year-old daughter, said she had left Maracay, her home town in Venezuela, because she could not afford enough food to feed her family or medicines to treat her daughter's kidney stones. They traveled through Venezuela by bus for hours and crossed the border into Colombia heading for Medellín, where the girl's father was waiting for them. But without legal papers to stay in Colombia, they were unable to purchase a bus ticket and decided to walk to a town from where they would travel to Medellín. The hike through the hills to that town, including areas with freezing temperatures, takes more than 47 hours on foot.^[53]

A survey conducted in July by the United Nations Office for the Coordination of Humanitarian Affairs found that the Venezuelans who leave on foot walk an average of 16 hours per day and expected to walk for about 13 days. Many walk because they have no legal papers, while many others cannot afford a bus ticket. Few had enough resources to cover their journeys, many were not getting enough to eat, and more than 90 percent were sleeping in the streets.^[54]

The Colombian Red Cross has set up tents in a few places on the side of the road. In one of them, an average of 80 Venezuelans a day stop to drink water, eat crackers, rest, and make phone calls, a volunteer said.^[55]

The Caribbean

In the Caribbean, where several governments have close ties to, and are economically dependent on, the Venezuelan government, no country has officially adopted a special permit for Venezuelans to legally stay and most of the countries do not have laws to regulate the asylum-seeking process. Venezuelan immigration has had a particularly strong impact on the southern Caribbean islands of Trinidad and Tobago, Aruba, and Curaçao, given their



Some of the major problems Venezuelans face in the Caribbean include:

- **Trinidad and Tobago:** There is no legal framework to regulate the asylum-seeking procedure or to govern the rights of refugees. The government issued a refugee policy in 2014 that is still in the process of being implemented. Approximately 4,000 of the estimated 40,000 Venezuelans on the island had sought asylum as of August 2018.^[57]

A local nongovernmental organization called Living Water Community serves as a point of contact for asylum seekers on behalf of UNHCR. All asylum seekers and refugees are issued a UNHCR certificate denoting their status. Certificate holders are legally able to stay in the country, but they are not allowed to work.

Although Venezuelans had previously been able to get health care and enroll their children in primary school, Human Rights Watch has received credible reports from multiple sources that requested anonymity that local authorities have disregarded UNHCR-issued certificates, detaining people with asylum-seeker certificates. In April, in what appears to have been an isolated incident, 82 Venezuelans, including some UNHCR certificate-holders and others who had declared an intention to apply for refugee status, were returned by immigration authorities to Venezuela.^[58]

On April 9, 2018, uniformed policemen conducted a raid at the port of entry in San Fernando, and detained Isabel Gabriela González Herrera. González Herrera, a Venezuelan national who had arrived in Trinidad and Tobago a month earlier, was there to deliver a bag with food to Venezuelans who would take it to her 4-year-old son in Venezuela, according to a witness who spoke to Human Rights Watch. She was taken to a police station, where an immigration officer asked her for evidence of her legal status in the country. Since she did not have any, she was detained. On May 12, González Herrera was taken before an immigration judge, who sentenced her to one year in detention and to pay 18,000 Trinidad and Tobago dollars (approximately 2,700 US dollars), despite the fact she had a UNHCR-issued asylum certificate. González Herrera is being held at a maximum-security prison at time of writing.^[59]



seeker certificates. To the best of our knowledge, however, the Curaçao government has not issued a single certificate since then, even though hundreds of Venezuelans have requested an interview to seek asylum in Curaçao.

Although Curaçao is not bound by the 1951 Convention or its 1967 Protocol, as a constituent country of The Netherlands, Curaçao is bound by the European Convention of Human Rights (ECHR). Article 3 of the ECHR prevents *refoulement* in cases of torture or inhumane treatment, including some cases of lack of access to health care. The government of The Netherlands is answerable for violations of the ECHR that occur in Curaçao, including any deportations that violate the nonrefoulement provisions of Article 3.

Human Rights Watch has received credible reports from several sources who requested anonymity that government authorities are actively conducting immigration raids, verbally and physically harassing Venezuelans, and detaining Venezuelans for indefinite periods in inhumane conditions and without access to legal counsel. They also report that authorities have deported some Venezuelans who attempt to seek asylum, including those whose claims may qualify for protection under Article 3 of the ECHR, and have pressured detained parents to inform the authorities of the whereabouts of their children so they can be deported together.

These sources also said Venezuelan children are legally allowed to go to school in Curaçao, but they face practical barriers for enrollment and some fear going to school given that authorities have conducted raids to take children away from schools.

Nineteen-year-old Santiago Hernández (pseudonym) deserted from the Venezuelan Army after witnessing abuses by army personnel. On August 17, 2018, he left Venezuela by a boat, heading to Curaçao, fearing reprisals for deserting and having witnessed the abuses. That night, Curaçaoan authorities arrested him in territorial waters, allegedly for illegal entry. Hernández told authorities that he wanted to apply for asylum, but they refused to listen and detained him. In immigration detention, he tried to request asylum again, but guards told him to call the Venezuelan consulate instead. He surreptitiously managed to get his hands on a cellphone and called a lawyer, who filed an asylum application on his behalf on August 21, according to documentation



authorities asked him to sign documents in Dutch, which he did not understand. Hernández remains in immigration detention in Curaçao at time of writing.^[60]

- **Aruba:** Venezuelans are entitled to seek asylum and asylum seekers registered with the government can get a work permit and work legally. The children of asylum seekers can enroll in school, although there are some concerns about discrimination and their enrollment is conditioned on having health insurance, which is expensive. Venezuelans in Aruba—also a constituent country of The Netherlands—could qualify for international protection as refugees under the 1967 Protocol of the 1951 Convention (to which Aruba has acceded) and are protected from refoulement under Article 3 of the ECHR.
- **Guyana:** An estimated 15,000 Venezuelans are living in the country with a greater number going back and forth to Venezuela. Venezuelans in Guyana have access to public health care, which is one of the main reasons people go in and out of the country, and children for the most part can attend school, although some face barriers because they do not speak English. The Guyanese government has granted Venezuelans ad-hoc permits to stay for three-month periods and said it would ratify international refugee instruments, but there is no existing refugee policy or law, nor any other legal framework that provides clarity about legal options for Venezuelans to seek asylum or to live in the country.
- **Dominican Republic:** Although the country has a law to regulate the asylum process, several Venezuelans from a group that provides support to Venezuelan immigrants and asylum seekers in the country told Human Rights Watch that, in practice, it is difficult for them to apply. The obstacles include the short 15-day period after arriving in the country to submit the petition, the requirement to submit it in the capital, and a requirement for documentation that they do not have, they said.

Human Rights Watch has also received credible reports by several sources who requested anonymity of arrests of people who “look Venezuelan” and of deportations that lack due process and proper evaluation of protection needs. Venezuelan detainees do not have access to legal counsel, have no right to legally challenge their detentions, and are indefinitely



nongovernmental groups are allowed in the detention center where they are being held, which limits their ability to monitor their situation and provide support.

Human Rights Watch has also received credible reports that Venezuelans are taking dangerous journeys to travel to south Caribbean islands, which are just a short boat ride away from continental Venezuela, leading to shipwrecks and deaths at sea.^[61] In January 2018, there were the first confirmed cases of Venezuelans dying at sea when attempting to reach Curaçao, with body parts washing up on shore. The willingness to risk dangerous trips often arises in refugee situations when legal pathways are blocked; Venezuelans have encountered obstacles to orderly and legal entry and stay in these islands.

United States and Spain

In the **United States**, Venezuelans have become the leading nationality requesting asylum. There are more than 72,000 Venezuelan asylum seekers in the United States as of June 2018.^[62] Between 2011 and 2016, Venezuelans were denied asylum at a rate of 46.4 percent, which is 3.4 percent lower than the denial rate for asylum applicants of all nationalities (49.8 percent) during that same time period.^[63] Human Rights Watch has not been able to obtain more recent statistics on the denial rates for asylum applications filed by Venezuelans.

A total of over 26,000 Venezuelans are asylum seekers in Spain.^[64] Venezuelans are the leading nationality in asylum requests in **Spain**. Yet only 1 percent of Venezuelans seeking asylum there obtained protection, according to the Spanish Commission to Help Refugees.^[65]

These low rates of granting refugee status raise questions as to whether authorities, including immigration judges, are considering all the causes that may justify Venezuelans' fear to return home as legitimate reasons to grant asylum.

Recommendations

recent recommendations issued by UNHCR and the Inter-American Commission on Human Rights.

In line with recommendations by both bodies, states should also consider adopting other legal mechanisms to afford protection and legal status to Venezuelans who may not qualify for refugee status under domestic law but would face severe hardship if returned to Venezuela and are in urgent need of humanitarian assistance in the countries to which they have migrated.

Specifically, given the scale and complexity of Venezuelan migration within the region, governments should come together to adopt a collective and concerted response to it. In particular, governments should consider adopting:

- A region-wide temporary protection regime that would grant all Venezuelans legal status for a fixed period of time, at least pending adjudication of their individual claims for protection; and
- A regional mechanism to distribute both financial costs, and the actual hosting of Venezuelans fleeing their country, on an equitable basis.

Governments that have adopted new measures requiring Venezuelans to present valid passports in order to seek certain kinds of lawful immigration status should immediately take care to ensure that this in no way prevents Venezuelans who lack those documents from seeking refugee status. In general, and in light of the difficulties many Venezuelans face in obtaining passports, governments should consider whether there are more flexible means of verifying the identities and nationalities of Venezuelans seeking entry.

Governments should also look for alternatives to detention for asylum seekers, prevent arbitrary or prolonged detention in cases where detention is utilized, which should be a measure of last resort, and allow international organizations and nongovernmental groups access to immigration detention centers to monitor detention conditions and ensure access to protection.

Finally, the Kingdom of The Netherlands should ensure that treatment of Venezuelans in Curaçao and Aruba complies with its international obligations, including the nonrefoulement provision in the European Convention on Human Rights.

and enforcing targeted sanctions such as asset freezes and cancelling visas against key Venezuelan officials implicated in serious human rights abuses, and pushing for accountability for human rights violations. Such sanctions do not have a generalized impact on the population and do not exacerbate the humanitarian situation of Venezuelans.

At the UN Human Rights Council's 38th session in June 2018, Peru delivered a statement on behalf of a cross-regional group of 53 countries, expressing concern about the human rights and humanitarian crisis in Venezuela, and calling for continued reporting by the UN High Commissioner for Human Rights. At the Council's upcoming 39th session in September, members of the Lima Group should present, and the Council should adopt, a resolution mandating reporting by the High Commissioner's Office on the human rights situation in Venezuela, and presentation and discussion of these reports at the Council.

A Noteworthy Parallel: Zimbabwe

While every situation is distinct, there are some noteworthy parallels between this Venezuelan exodus and a similar flight of Zimbabweans in the 2000s.

As detailed in Human Rights Watch's 2008 report "Neighbors in Need: Zimbabweans Seeking Refuge in South Africa," an economic collapse caused by harmful government policies of President Robert Mugabe's ZANU-PF party, together with an oppressive response to political opposition, led hundreds of thousands of Zimbabweans to escape to neighboring countries.^[66]

These combined economic and political factors compelled many Zimbabweans to leave the country, predominately to South Africa but also to Botswana, Mozambique, and Zambia. Between 1 and 1.5 million Zimbabweans were in South Africa by the beginning of 2008. Almost all entered and remained without documentation. The reasons Zimbabweans fled were mixed. Some Zimbabweans feared persecution due to their real or imputed political



Watch report stated that, much like Venezuelans today, they had no intention to return to Zimbabwe while it was in crisis.

At the time, Human Rights Watch argued that most of these Zimbabweans fulfilled either the 1951 Refugee Convention definition or the wider definition in the Africa Refugee Convention, which, like the Cartagena Declaration in Latin America, recognizes as refugees people who flee events seriously disturbing public order, among other reasons, but for practical reasons recommended that the most realistic and effective remedy would be for South Africa to adopt a “temporary immigration exemption status for Zimbabweans.” Such a status, Human Rights Watch argued, would temporarily regularize the status of all Zimbabweans present in South Africa for a reviewable period of time, provide for an end to deportations of Zimbabweans, and provide all Zimbabweans in South Africa with the right to work during that period.

Although it took several months, in 2009 the South African government responded to the high numbers of Zimbabweans that had entered the country by issuing a “special dispensation permit” to Zimbabweans in the country, a visa process that has continued in various iterations until today.

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Most importantly, Human Rights Watch is deeply grateful to all the Venezuelans who generously shared their experiences with us, with the hope that it would contribute to ensuring greater protection of their rights and the rights of others in a similar situation.

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2023



VENEZUELA

COUNTRY CONDITIONS BULLETIN

BY ELLIOTT YOUNG, ALEJANDRO VELASCO, AND
KATHERINE WACKETT



MIGRATION &
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The Migration and Asylum Lab seeks to inform immigration courts about country conditions in Latin America through the use of the most up-to-date and rigorous research on issues relevant to asylum cases. The scholars involved in the lab are supremely qualified to provide current and dependable information on country conditions in the context of asylum proceedings. They include political scientists, data analysts, historians, and international relations scholars. They have decades of experience in their field and are widely recognized for their work, which includes peer-reviewed books published by university presses and articles in the top academic journals.

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VENEZUELA

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Chapter One: Venezuela Country Profile

Homicide and Impunity Rates

2022 Homicide Rate: 40.4 per 100,000 inhabitants (Pop. 28,199,867)

- Source: InSight Crime Yearly Homicide Round-Up (released every February) Also gives basic info by country about reasons for spikes/drops in homicide rates and new criminal actors.² Data taken from Venezuelan Violence Observatory (OVV)'s 2022 Annual Report on Violence.

Impunity for Homicides

- According to independent calculations from the Venezuelan Violence Observatory in 2019, between 8 and 9 arrests are made on average for every 100 homicides, meaning there is a 92% rate of impunity for homicides. In 2019, OVV's calculations indicated an average of 15 murders per day and over 300,000 violent deaths since 2000.³

Major Opposition Parties

- Voluntad Popular
- Primero Justicia
- Acción Democrática
- Vente Venezuela

History of Political and Security Situation

Ever since the presidency of Hugo Chavez in 1999, Venezuela has experienced an increasing level of authoritarianism and violence, both by state and non-state actors. While Venezuela suffered from political repression from before the time Hugo Chavez assumed the presidency in 1999, political dissidents were by and large able to act without fearing for their personal safety. As Ana María Isidoro Losada and Rita Bitar Deeb describe in a special issue of the Bulletin of Latin American Research on Venezuela, the “ongoing process of institutional erosion” that began under Chavez’s presidency and have continued under his

¹ Additional research contributed by Adley Schwa

² “Insight Crime’s 2022 Homicide Round-Up,” *Insight Crime*, Feb. 8 2023, <https://insightcrime.org/news/insight-crime-2022-homicide-round-up/#Guatemala>

³ Sabrina Martín, “En Venezuela 92% de los homicidios quedan impunes,” Observatorio Venezolano de Violencia, Sept. 24, 2019, <https://observatoriodeviolencia.org.ve/news/en-venezuela-92-de-los-homicidios-quedan-impunes/>.

successor Nicolas Maduro, are the main drivers of violence and insecurity in Venezuela.⁴ According to academics Benedicte Bull and Antulio Rosales, “Venezuela has been undergoing the most profound crisis of any society in modern Latin America, and on many accounts, the deepest crisis of any non-war-ridden country in recent times.” Bull and Rosales point to the dissolution of democratic governance, the collapse of the rule of law, and an increasing militarization of security policies as the main factors contributing to the current public security crisis and high rates of violence experienced by Venezuelan residents. As Bull and Rosales state, “the very population that the Bolivarian Revolution sought to protect from marginalization has been victim of extra-judicial killings and gross violations of human rights. In this context, there is also the notable emergence of paramilitary groups that exercise armed violence as well as territorial control. What emerges is both a militarization of civil society and a ‘paramilitarization’ of the state.”⁵

In Hugo Chávez’s first term as president, a new Venezuelan constitution was written guaranteeing many human rights protections. However, after a short-lived opposition-led coup against him in 2002, Chávez tightened his grip on power, systematically scaling back protections and repressing political opposition. In particular, political opponents were fired or denied access to state-sponsored social welfare programs.⁶ Following a 2004 recall referendum on Chávez’s presidency, a full list of Venezuelans who had publicly petitioned for the referendum was published online by pro-Chávez legislator Luis Tascón. The “Tascón list” and subsequent “Maisanta program” (a detailed list of all citizens’ political affiliations) were publicly available and used by the government to target perceived opponents.⁷ Thousands of civil service employees lost their jobs and many citizens were blocked from bidding for government contracts.⁸ One 2014 study suggests that there was an average 5% decrease in annual earnings and a 1.3% drop in employability among Venezuelans who signed the petition against Chávez.⁹

After the death of Chávez in March 2013, his hand-picked successor Nicolás Maduro narrowly prevailed in snap elections that exacerbated already deep political divisions in

⁴ Isidoro Losada, Ana María, and Rita Bitar Deeb, “Introduction: Authoritarianism and Violence in Venezuela,” *Bulletin of Latin American research* 41, no. 1 (2022): 102–104.

⁵ Benedicte Bull and Antulio Rosales, “The crisis in Venezuela: Drivers, transitions, and pathways,” *European Review of Latin American and Caribbean Studies/ Revista Europea de Estudios Latinoamericanos y del Caribe*, no. 109 (2020): 1+. Gale Academic OneFile, https://link-gale-com.library.lcproxy.org/apps/doc/A622718626/AONE?u=lacc_legal&sid=bookmark-AONE&xid=c3b8b3f8.

⁶ “A Decade Under Chávez: Political Intolerance and Lost Opportunities for Advancing Human Rights in Venezuela,” Human Rights Watch, September 2008, 1, <https://www.hrw.org/sites/default/files/reports/venezuela0908web.pdf>.

⁷ “A Decade Under Chávez: Political Intolerance and Lost Opportunities for Advancing Human Rights in Venezuela,” Human Rights Watch, September 2008, p. 10, <https://www.hrw.org/sites/default/files/reports/venezuela0908web.pdf>.

⁸ “Chávez’s Blacklist of Venezuelan Opposition Intimidates Voters,” *Bloomberg*, April 17, 2006

⁹ Miguel Hsieh, Ortega, & Rodriguez, “The Price of Political Opposition: Evidence from Venezuela’s *Maisanta*,” *American Economic Journal: Applied Economics* 3, April 2011, 196–214, 211.

Venezuelan society.¹⁰ Maduro, who served under Chávez throughout his presidency and who calls himself the “Son of Chávez,” has actively framed his presidency as a continuation of the Chávez government and its socialist platform.¹¹ Maduro’s government has significantly extended repression of political opponents begun under Chávez. Ahead of the 2013 election, Maduro threatened that a vote against him would be akin to treason.¹² Since then, he has continued to retaliate against any actual and perceived critics of the government, jailing and investigating many opposition figures.¹³ In 2016, in a repeat of the Tascón list, the National Electoral Council published the names of citizens who had signed a recall referendum on Maduro’s presidency. Hundreds of government employees were fired as retaliation for signing the referendum, and the list was also used to withhold subsidized food benefits for otherwise qualifying citizens.¹⁴ Mass protests against Maduro’s government in 2014, 2017, and 2019 have been met with increasingly violent and repressive measures by state security forces, creating ever more dangerous conditions for political opposition.

Upcoming 2024 Elections

The 2024 presidential elections and 2025 local and legislative elections in Venezuela present an opportunity for the return to the rule of law, due electoral process and for the normalization of relations with the international community. However, concerns remain that recent developments in Venezuela will threaten the electoral process, impeding free and fair elections. On June 15, 2023, six members of the National Electoral Council (CNE) resigned from their positions without explanation. The National Assembly, now dominated by Maduro supporters, accepted these resignations and later, the resignation of two other members was publicly announced. On the same day, the National Assembly took initial steps towards appointing a new CNE by creating a commission whose members are almost entirely of the governing party. At least four opposition candidates have thus far been disqualified by administrative authorities, provoking greater concerns that Venezuelans will be severely restricted in their voting options. The European Union mission to Venezuela in 2021 found various other concerns for the upcoming election cycle, including “the lack of

¹⁰ Juan Ferero, “Nicolas Maduro narrowly wins presidential election in Venezuela,” *The Washington Post*, April 15, 2013, https://www.washingtonpost.com/world/hugo-chavez-heir-nicolas-maduro-leads-in-polls-ahead-of-vote/2013/04/14/334cd2ba-a54b-11e2-9e1c-bb0fb0c2edd9_story.html.

¹¹ Jim Wyss, “Chavismo after Chávez: Two years after president’s death, party loyalties are strained,” *Miami Herald*, March 8, 2015, <https://www.miamiherald.com/news/nation-world/world/americas/venezuela/article13012655.html>.

¹² Juan Ferero, “Nicolas Maduro narrowly wins presidential election in Venezuela,” *The Washington Post*, April 15, 2013, https://www.washingtonpost.com/world/hugo-chavez-heir-nicolas-maduro-leads-in-polls-ahead-of-vote/2013/04/14/334cd2ba-a54b-11e2-9e1c-bb0fb0c2edd9_story.html.

¹³ Jim Wyss, “Chavismo after Chávez: Two years after president’s death, party loyalties are strained,” *Miami Herald*, March 8, 2015, <https://www.miamiherald.com/news/nation-world/world/americas/venezuela/article13012655.html>.

¹⁴ U.S. Department of State, “Venezuela 2016 Human Rights Report,” 45, <https://www.state.gov/documents/organization/265834.pdf>.

separation of powers, the disqualification of political candidates, challenges in updating the Electoral Registry which should be permanently opened for all potential voters, limited access to clear and timely information, and the absence of guarantees for freedom of speech.”¹⁵ While a new round of negotiations between Maduro’s government and opposition parties led to sweeping promises of free, fair, and internationally-monitored elections in 2024, concerns remain that the ruling government will renege on those promises and again resort to overt and covert forms of repression and intimidation to restrict the vote.

Current Security Situation

In addition to pervasive persecution of political opponents by the government, Venezuela remains one of the deadliest countries in the world and suffers from high levels of violence and crime. In 2017, UN Secretary-General Ban Ki-moon declared the country in a “humanitarian crisis” due to deteriorating human rights conditions, including government intimidation and violent persecution of peaceful protestors.¹⁶ Venezuela was one of three countries identified by the International Rescue Committee (IRC) on its 2022 Emergency Watchlist of countries most at risk of experiencing deteriorating humanitarian crises in the following year. One of the factors identified by the IRC was the increase in violent clashes between Venezuelan forces and Colombian criminal groups at the border, which continue to displace thousands of Venezuelans.¹⁷

The Mexican think-tank Citizens Council for Public Security and Criminal Justice named three Venezuelan cities (Caracas, Maturin, and Valencia) among the ten most dangerous in the world in 2017.¹⁸ Venezuela has one of the highest rates of violent deaths in Latin America and in the world, ending 2022 with a homicide rate of 40.4 per 100,000 inhabitants. According to data from the Venezuelan Violence Observatory (OVV), the country recorded 10,737 violent deaths in 2022 or an average of 29 per day, a drop of only 0.5% from the year prior. Of the more than 10,000 violent deaths recorded, approximately 13% resulted from police interventions, likely due to the indiscriminate violence deployed in security operations in Venezuela, where police are notorious for committing extrajudicial executions. In addition,

¹⁵ WOLA, “Upcoming Elections Provide an Important Opportunity for Venezuela but the Lack of Guarantees Deepens Concerns,” July 6, 2023, <https://www.wola.org/2023/07/upcoming-elections-provide-important-opportunity-venezuela-lack-guarantees-deepens-concerns/>.

¹⁶ “Venezuela,” Human Rights Watch, pg. 7, <https://www.hrw.org/world-report/2017/country-chapters/venezuela>.

¹⁷ “Haiti, Honduras and Venezuela to face humanitarian risks with regional impact in 2022 if unaddressed: IRC warns,” International Rescue Committee, <https://www.rescue.org/press-release/haiti-honduras-and-venezuela-face-humanitarian-risks-regional-impact-2022-if>.

¹⁸ US State Department Overseas Security Advisory Council (OSAC), “Venezuela 2017 Crime & Safety Report,” February 17, 2017, 1, <https://www.osac.gov/Pages/ContentReportPDF.aspx?cid=21286>.

there were 1,370 reports of disappearances in 2022, with certain areas of Venezuela seeing large numbers of disappearances and mass graves linked to criminal gang activities.¹⁹

Annual and Semi-Annual State Department Reports

- State Department, “2022 Country Reports on Human Rights Practices: Venezuela,” annual updates:
<https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/venezuela/>.

International Human Rights Bodies

- Human Rights Watch, “Venezuela events of 2022,” Updated annually. This report details the humanitarian crisis in VZ, arbitrary arrests, intimidation, torture and murder of citizens, lack of judicial independence, discrimination towards indigenous people, people with disabilities, women, LGBTQ+, etc.:
https://www.hrw.org/world-report/2023/country-chapters/venezuela?gclid=Cj0KCQjwnrmlBhDHARIsADJ5b_nDjqk7Z9KrZWtiPoDMfduxdlGDxc3ktYqxM0sWTtXKerKjwclwbYoaAndhEALw_wcB.
- Amnesty International, “Venezuela 2022”: annual reports (typically published in March), details security and human rights, political corruption, government violations, and the humanitarian crisis:
<https://www.amnesty.org/en/location/americas/south-america/venezuela/report-venezuela/>.
- “Lawyers under attack: Barriers to the Legal Profession in Venezuela,” International Commission of Jurists, May 2022,
<https://icj2.wpenginepowered.com/wp-content/uploads/2022/06/Venezuela-Lawyers-under-attack-publications-briefing-paper-2022-ENG.pdf>
- UN Office of Human Rights:
<https://www.ohchr.org/en/press-releases/2021/09/venezuelan-justice-system-plays-significant-role-states-repression?LangID=E&NewsID=27479>

InSight Crime (Organized Crime Think Tank) Country Reports

- Latest crime news and country profile:
<https://insightcrime.org/venezuela-organized-crime-news/>

¹⁹ Peter Appleby, Chris Dalby, Sean Doherty, Scott Mistler-Ferguson and Henry Shuldiner, “InSight Crime 2022 Homicide Round-Up,” InSight Crime, Feb. 8, 2023,
<https://insightcrime.org/news/insight-crime-2022-homicide-round-up/#venezuela>.

Local Venezuelan Independent Sources

- Venezuelan Violence Observatory (Observatorio Venezolano de Violencia - OVV), Venezuelan NGO monitoring security situation and human rights abuses in VZ: <https://observatoriodeviolencia.org.ve/>
- Foro Penal, legal NGO publishing statistics and providing assistance for political prisoners: <https://foropenal.com/>

Regional Violence by State

Zulia

In a 2022 report by the OVV, Zulia specifically was named the most violent state in Venezuela for the first half of the year, rising from 9th place in 2020. Out of 2,493 victims of homicide and other acts of violence that took place in Venezuela from January through June 2022, 24.3% occurred in Zulia state. Zulia also stands in second place when it comes to kidnapping with a total of seven reported cases during the first six months of 2022.²⁰

Tachira

The border region of Táchira is an especially dangerous area where Colombian guerrilla groups and colectivos - an umbrella term used to refer to pro-government groups that are often armed and engage in paramilitary activities - both participate frequently in illicit activities and extrajudicial killings in collusion with the Venezuelan state and its security forces. Táchira has been a stronghold for the opposition against Maduro's government and has suffered intense violence and political repression as a result. Groups such as right-wing paramilitaries and guerrilla groups from Colombia, as well as colectivos, have colluded with Venezuelan security officers to repress political dissent in Táchira. Crisis Group has reported the presence of many smaller armed paramilitary groups in the border region, many of whom have established relationships with local politicians and work alongside Venezuelan security forces.²¹

²⁰“Zulia Cerró Primer Semestre de 2022 Como El Más Violento de Venezuela,” Observatorio Venezolano de Violencia, August 24, 2022.

<https://observatoriodeviolencia.org.ve/news/zulia-cerro-primer-semestre-de-2022-como-el-mas-violento-de-venezuela/>

²¹ Crisis Group International, “Crisis on the Border: Keeping the Peace Between Colombian and Venezuela,” Dec. 14, 2020, <https://www.crisisgroup.org/latin-america-caribbean/andes/colombia/84-disorder-border-keeping-peace-between-colombia-and-venezuela>.

Chapter Two: Threats to Opponents of the Maduro Government in Venezuela

Increased Repression Following Mass Protests of 2014 and 2017

Against the backdrop of general political repression following the death of Hugo Chávez and the election of his hand-picked successor Nicolas Maduro in 2013, Venezuela's political climate underwent a definitive shift in early 2014. Mass protests broke out against the Maduro government, provoking government-sponsored violence that was deemed necessary against opposition supporters in order to maintain political control. The mass protests in February 2014 were the result of many factors that coalesced around a series of high-profile examples of government corruption and impunity, including increasing restrictions on opposition legislators and rising rates of violent crime.²² Murder rates in Venezuela had risen every year since the beginning of Hugo Chávez's presidency in 1999. In particular the murder of a young beauty queen unleashed virulent criticism of Maduro's government and hundreds protested in the aftermath of the murder, objecting to the state's ineffectiveness at curbing rampant violence.²³ The initial protests spurred significant mobilization against the Maduro government by February 2014, when citizens' anger about the government was fueled after a female student reported an attempted rape in western Venezuela. Protesting students were arrested by government forces, leading to wider demonstrations in Caracas. After government forces opened fire on a peaceful march, killing three, the protests grew significantly, becoming the largest wave of anti-government mobilizations in Venezuela in ten years. Under the social media banner #LaSalida (The Exit), initial demands for improved security evolved into a demand for an end to Maduro's ineffective and increasingly authoritarian government.²⁴

The tone of repression changed. Maduro's government responded to these protests with brutal force. According to the 2017 Human Rights Watch report on Venezuela, many protesters were detained, often without charge, and held incommunicado on military bases for days, suffering torture including severe beatings, electric shocks or burns, and forced

²² William Neuman, "Protests Swell in Venezuela as Places to Rally Disappear," *New York Times*, 20 Feb. 2014, <https://www.nytimes.com/2014/02/21/world/americas/protests-swell-in-venezuela-as-places-to-rally-disappear.html>.

²³ Gupta, "Death of Former Beauty Queen Prompts Soul-Searching, Anger in Venezuela," *Time*, January 9, 2014, <http://time.com/324/death-of-former-beauty-queen-prompts-soul-searching-anger-in-venezuela/>

²⁴ "What lies behind the protests in Venezuela?" *BBC*, March 27, 2014, <http://www.bbc.com/news/world-latin-america-26335287>.

stress positions.²⁵ Others were killed when government forces fired directly on demonstrating crowds. The government sponsored extrajudicial violence through its collaboration with pro-government paramilitaries who attacked protesters.²⁶

In 2017, Venezuelan president Nicolas Maduro again took drastic steps in an attempt to consolidate his political power. On March 30, Venezuela's Supreme Tribunal of Justice (STJ), consisting primarily of Maduro supporters, passed a ruling stripping the legislative branch, the National Assembly, of its legislative powers effectively putting control over all three branches of government into Maduro's hands.²⁷ In April 2017, mass protests broke out throughout Venezuela in response to the STJ's ruling.²⁸ Over the following four months, Venezuelan security forces employed disproportionate and excessive force against hundreds of thousands of protesters in an effort to quell dissent.²⁹ Protesters were shot at point-blank range with riot-control munitions, run over with armored vehicles, and brutally beaten.³⁰

The US State Department estimated that about 125 protesters were killed, and thousands detained by the Venezuelan government and paramilitary forces during the 2017 protests. According to the US State Department, "Credible nongovernmental organizations (NGOs) reported indiscriminate household raids, arbitrary arrests, and the use of torture to deter protesters. The government arrested thousands of individuals, tried hundreds of civilians in military tribunals, and sentenced approximately 12 opposition mayors to 15-month prison terms for alleged failure to control protests in their jurisdictions."³¹ Amidst increasing political repression and an ongoing economic crisis, protesters struggled to sustain the momentum of protests, especially as more and more Venezuelans left the country since 2017 (550,000 to Colombia alone at the end of 2017. This number was estimated to have grown to

²⁵ "Venezuela: Events of 2016," Human Rights Watch, January 2017, <https://www.hrw.org/world-report/2017/country-chapters/venezuela>.

²⁶ William Neuman, "In Venezuela, Protesters Point to Their Scars," *The New York Times*, April 27, 2014, <https://www.nytimes.com/2014/04/28/world/americas/in-venezuela-protesters-point-to-their-scars.html>.

²⁷ US Department of State, "Venezuela 2017 Human Rights Report," 2017, <https://www.state.gov/wp-content/uploads/2019/01/Venezuela.pdf>.

²⁸ Mariana Zuniga and Nick Miroff, "Venezuelans flood streets in big demonstration against Maduro government," *The Washington Post*, April 19, 2017, https://www.washingtonpost.com/world/the_americas/venezuela-on-edge-as-government-allies-opposition-hold-duelin-g-rallies/2017/04/19/74773d06-2455-11e7-928e-3624539060e8_story.html.

²⁹ "UN human rights team's findings indicate patterns of rights violations amid mass protests in Venezuela," United Nations Human Rights, Office of the High Commissioner, August 8 2017, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21948&LangID=E>

³⁰ "World Report 2018, Venezuela: Events of 2017," Human Rights Watch, 2018, <https://www.hrw.org/world-report/2018/country-chapters/venezuela#>.

³¹ US Department of State, "Venezuela 2017 Human Rights Report," 2017, 1, <https://www.state.gov/wp-content/uploads/2019/01/Venezuela.pdf>.

one million by July 2018.) The United Nations estimated that approximately three million Venezuelans left the country between 2014 and 2018.³²

Current Political Situation in Venezuela

In May 2018, Maduro was re-elected in a highly controversial election boycotted by most opposition political parties and not recognized by the opposition-controlled National Assembly. During the elections, many opposition candidates were barred from running while others were jailed or fled the country for fear of imprisonment. On January 10, 2019 Maduro was sworn in for his second term, while the National Assembly claimed that the presidency remained vacant because the election was neither free nor fair. The president of the opposition-controlled National Assembly, Juan Guaidó, then declared himself acting president of Venezuela with the support of many nations, including the United States. Yet despite severe international sanctions, spiraling hyperinflation, collapsing electric and water utility infrastructure, and an ongoing exodus of Venezuela, Maduro clung to executive power backed by state security forces and the support of governments like Russia, Turkey, and Iran.³³ At the end of 2022, the opposition-led National Assembly voted to end Guaidó's interim-presidency as it became clear his efforts to oust Maduro had not proven fruitless.³⁴

Elections in Venezuela have been so deeply tainted by Maduro's control that opposition parties cannot reasonably claim to have any legislative power. Opposition party members have been both physically harmed and summarily removed from power. In 2020, the Supreme Court suspended the leadership of *Acción Democrática*, *Voluntad Popular*, and *Primero Justicia*, and replaced them with Maduro supporters.³⁵ The most recent Venezuelan parliamentary elections were held on December 6, 2020, but they were boycotted by opposition parties who claimed that the elections would be fraudulent.³⁶ Maduro's party now occupies 253 of the 277 seats in the National Assembly, with Maduro possessing de-facto dictatorial control. The latest US State Department Report on Human Rights in Venezuela indicates that Maduro continues to turn a blind eye to officials who commit human rights

³² "Colombia and Brazil tighten Venezuela border control," *Al Jazeera*, Feb 12 2018, <https://www.aljazeera.com/news/2018/02/colombia-brazil-tighten-venezuela-border-control-180209081826179.html>.

"Venezuela Crisis: How the political situation escalated," *BBC*, January 24 2019, <https://www.bbc.com/news/world-latin-america-36319877>.

³³ "Venezuela Crisis: How the political situation escalated," *BBC*, January 24 2019, <https://www.bbc.com/news/world-latin-america-36319877>.

³⁴ Isayen Herrera and Genevieve Glatky, "Juan Guaidó is Voted Out as Leader of Venezuela's Opposition," *New York Times*, Dec. 30, 2022, <https://www.nytimes.com/2022/12/30/world/americas/venezuela-opposition-juan-guaido.html>.

³⁵ "Venezuela: Rulings Threaten Free and Fair Elections," Human Rights Watch, July 7, 2020, <https://www.hrw.org/news/2020/07/07/venezuela-rulings-threaten-free-and-fair-elections>.

³⁶ "Venezuela's major opposition parties pledge to boycott December election," *Reuters*, August 2, 2020, <https://www.reuters.com/article/us-venezuela-politics-idUSKBN24Y0ME>.

abuses, stating “The Maduro government took no effective action to meaningfully identify, investigate, prosecute, or punish officials who may have committed human rights abuses or engaged in corruption.”³⁷

Due to international pressure, government and opposition representatives held meetings in Mexico in August 2021 to negotiate issues including electoral guarantees, the lifting of sanctions, respect for rule of law, humanitarian aid, and political rights. The Venezuelan government withdrew from the negotiations in October, following the extradition to the United States of Colombian businessman Alex Saab, a close government ally.³⁸ In November 2021, regional elections were held in Venezuela. According to an independent EU electoral mission monitoring the November regional elections, political opponents remained arbitrarily disqualified from running for office, there had been unequal access to the media, and the lack of judicial independence and of respect for the rule of law had undermined the election’s impartiality and transparency.³⁹ After over a year of hiatus, representatives of the opposition and Maduro’s government met again in November 2022 and presented plans to continue discussions in December.⁴⁰

Vanishing Safe Space for Opposition or Perceived Opposition

While the political space for opposition supporters diminished during Hugo Chavez’s presidency, the Maduro government’s use of state-sponsored violence beginning with the 2014 protests has eliminated any realistic ability for an opponent or perceived opponent of the government to maintain a sense of physical safety. The U.S. State Department’s 2022 country report on Venezuela describes a range of human rights abuses, including “unlawful or arbitrary killings, including extrajudicial killings by government forces; forced disappearances by the government; torture or cruel, inhuman, or degrading treatment or punishment by security forces; harsh and life-threatening prison conditions; arbitrary arrest or detention by security forces; political prisoners or detainees; [and] serious problems with the independence of the judiciary.”⁴¹ Government critics and peaceful protesters continue to be detained, and there are widespread reports of torture and abuse in custody.⁴² In just two

³⁷ US Department of State, “Venezuela 2022 Human Rights Report,” p. 2, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/venezuela/>.

³⁸ “Venezuela: Events of 2021,” Human Rights Watch, 2022, <https://www.hrw.org/world-report/2022/country-chapters/venezuela>.

³⁹ “Venezuela: Events of 2021,” Human Rights Watch, 2022, <https://www.hrw.org/world-report/2022/country-chapters/venezuela>.

⁴⁰ “Venezuela opposition demand date to resume dialogue with Maduro in Mexico,” *Reuters*, Dec. 4, 2022, <https://www.reuters.com/world/venezuela-opposition-demand-date-resume-dialogue-with-maduro-mexico-2022-12-04>

⁴¹ U.S. Department of State, “2022 Country Reports on Human Rights Practices: Venezuela,” 2022, pg. 2, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/venezuela/>

⁴² “Venezuela: Dissidents Allege Torture, Coerced Confessions,” Human Rights Watch, July 27, 2016, <https://www.hrw.org/news/2016/07/27/venezuela-dissidents-allege-torture-coerced-confessions>.

months of protests in 2017, more than sixty people were killed and over 2,700 individuals arrested.⁴³ In 2019, Amnesty International confirmed that at least four people were killed, more than 200 injured and 205 arrested during state repression of protests across Venezuela in just three days at the end of April.⁴⁴ There have been widespread credible reports of persecution and torture of protestors detained by the government, including severe beatings, electric shocks, threats of rape, and forced consumption of human excrement.⁴⁵

According to the US Department of State, there are credible reports that Maduro-aligned security forces have tortured and abused detainees, including, “asphyxiation, electric shock, broken bones, being hung by their limbs, and being forced to spend hours on their knees.”⁴⁶ These claims are corroborated by the United Nations Human Rights Council in a report published on September 16, 2020. The report found that: “(SEBIN) targeted political dissidents and human rights activists. . . The detentions in some cases amounted to short term enforced disappearances and included torture and cruel, inhuman and degrading treatment.”⁴⁷ These detentions also involved “sexual violence, including rape with body parts or objects and threats to rape either the detainee or the detainee’s loved ones, forced nudity, as well as beatings and electric shocks to the genitals.”⁴⁸ There is ample evidence from human rights groups, journalists, academics, as well as the US State Department that detainees in Venezuela are regularly subjected to extreme forms of physical violence.

The Venezuelan Government and *colectivos* have also consistently detained political dissidents arbitrarily. In a twelve-month period from June 2019 – May 2020, the Office of the High Commissioner for Human Rights (OHCHR) “observed the involvement of armed colectivos in the enforcement of confinement measures in poor neighborhoods... which resulted in the detention of demonstrators, journalists, human rights defenders, and political leaders by security forces.”⁴⁹ Between May and July of 2016, the SEBIN and National Guard detained

⁴³ Cody Weddle, “Venezuela detainees say they’re being beaten, tortured in police custody,” *Miami Herald*, June 1, 2017, <http://www.miamiherald.com/news/nation-world/world/americas/venezuela/article153867184.html>.

⁴⁴ “Venezuela: State steps up repression of protests in the midst of the crisis,” Amnesty International, May 2, 2019, <https://www.amnesty.org/en/latest/news/2019/05/venezuela-state-steps-up-repression-protests-crisis/>.

⁴⁵ Eyanir China & Diego Oré, “Detained opposition activists say Venezuela authorities tortured them,” *Reuters*, April 18, 2017, <https://www.reuters.com/article/uk-venezuela-politics-idUKKBN17K2EC>.

⁴⁶ United States Department of State, “Venezuela 2019 Human Rights Report,” <https://www.justice.gov/eoir/page/file/1260246/download>.

⁴⁷ “Venezuela: UN Report Urges Accountability for Crimes against Humanity,” United Nations Human Rights Council, September 16, 2020, <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=26247&LangID=E>.

⁴⁸ “Venezuela: UN Report Urges Accountability for Crimes against Humanity,” United Nations Human Rights Council, September 16, 2020, <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=26247&LangID=E>.

⁴⁹ “Outcomes of the Investigation into Allegations of Possible Human Right Violations of the Human Rights to Life, Liberty and Physical and Moral Integrity in the Bolivarian Republic of Venezuela,” The United Nations High

21 people alleging they were “planning, fomenting, or had participated in violent anti-government actions,” even though prosecutors failed to present “any credible evidence linking the accused to crimes.”⁵⁰

The Venezuelan government has also threatened, harassed, and inflicted violence on members of opposition political parties, with verified reports from non-governmental organizations that the Venezuelan government has taken direct violent actions towards party members. One example of this is the arrest on October 5, 2018 of Fernando Albán, a popular leader of the *Primero Justicia* party, at the Caracas airport by SEBIN. He was detained for two days and unable to contact either his family or his lawyers. Once he was able to contact his lawyers, he informed them that he had been “threatened.”⁵¹ His lawyers explained that while “he did not show signs of torture,” he was “very tired as he had not been allowed to sleep since his arrest.”⁵² Only one day after contacting his lawyers, Amnesty International reported that on October 8, 2018, Fernando Albán died while in custody of SEBIN. The report indicated that “his body fell from the tenth floor of the headquarters of the SEBIN in Caracas.”⁵³

Those perceived as political opponents to the Venezuelan state clearly face heightened risks of government persecution as the state has ramped up targeting of dissidents and violent retribution in the past six years. A report compiled by Human Rights Watch in 2017 noted that in addition to the arrests and persecution of those attending, filming, or standing by demonstrations, there was a marked increase in the number of detentions carried out by security agents in incidents completely unrelated to protests. According to this report, “Those detained in such cases were political opponents, including lesser known activists, or people whom the government claimed had links to the political opposition,” and were often not informed of the reason for their arrest, nor who was detaining them.⁵⁴ Another Human Rights Watch report counted 340 political prisoners jailed in late 2017, including five

Commissioner for Human Rights,

https://www.ohchr.org/Documents/Countries/VE/A_HRC_44_20_AdvanceUneditedVersion.pdf.

⁵⁰“Venezuela: Dissidents Allege Torture, Coerced Confessions,” Human Rights Watch, July 27, 2016,

<https://www.hrw.org/news/2016/07/27/venezuela-dissidents-allege-torture-coerced-confessions>.

⁵¹ Hugo Pérez Hernáiz, “Death of Detained Opposition Leader Shakes up Venezuelan Politics,” *Venezuelan Politics and Human Rights*, Oct. 10, 2018,

<https://www.venezuelablog.org/death-detained-opposition-leader-shakes-venezuelan-politics/>.

⁵² Hugo Pérez Hernáiz, “Death of Detained Opposition Leader Shakes up Venezuelan Politics,” *Venezuelan Politics and Human Rights*, 10 October 2018,

<https://www.venezuelablog.org/death-detained-opposition-leader-shakes-venezuelan-politics/>.

⁵³ “Venezuela: Councilman Dies in Custody Of Intelligence Service: Fernando Alban,” Amnesty International, Oct. 9, 2018, <https://www.amnesty.org/en/documents/amr53/9222/2018/en/>.

⁵⁴ “Crackdown on Dissent: Brutality, Torture and Political Persecution in Venezuela,” Human Rights Watch, Nov. 29, 2017,

<https://www.hrw.org/report/2017/11/29/crackdown-dissent/brutality-torture-and-political-persecution-venezuela>.

opposition mayors who were sentenced to 15 months in prison and prohibited from running for office.⁵⁵ Foro Penal's count as of June 12, 2023 was at 283 political prisoners currently detained by Maduro's government.⁵⁶ Those registered or associated with the opposition that do protest are similarly targeted by government forces when appearing at demonstrations, and as a result, many have fled the country escaping such persecution. Activists have claimed that between the persecution of opposition protests and the poor economy, the ranks of the "resistance" have been decimated, as many face lengthy sentences or currently reside in exile.⁵⁷

State Surveillance and Denial of Services/Employment

As an additional arm of state surveillance, Maduro's government launched the Homeland Card in January 2017, an identification card for social services including the distribution of food rations. Questions asked by government agents during issuance of the cards include whether a person has membership in a social movement, political party, or communal council, as well as place of residency and socioeconomic status. While the government insists that registry for the Homeland Card is voluntary, many people working at mayor's offices, governor's offices, legislative bodies, and municipal and community councils, as well as employees of state-owned companies, pensioners, and university students have reported being either "pressured" or "forced" to obtain the card. During the December 2017 municipal elections, voters were made to scan their Homeland Cards at "red kiosks" after voting in order to "detect and track the movement of voters," according to the Minister of Communication and Information.⁵⁸ Critics have called the Homeland Card a "mechanism of social control," allowing the government to obtain information about citizens and deny public healthcare, university education, and much-needed subsidized food to those who don't register. Those who failed to scan their cards during the December elections, for example, were cut off government services, or if government employees, dismissed from their jobs.⁵⁹

⁵⁵ "World Report 2018: Venezuela, Events of 2017," Human Rights Watch, 2018, <https://www.hrw.org/world-report/2018/country-chapters/venezuela>.

⁵⁶ Foro Penal, June 12, 2023, <https://foropenal.com/>.

⁵⁷ Brian Ellsworth, Anggy Polanco, "Venezuela's decimated 'Resistance' protestors stay off the street for election," *Reuters*, May 20, 2018, <https://www.reuters.com/article/us-venezuela-election-resistance/venezuelas-decimated-resistance-protesters-stay-off-streets-for-election-idUSKCN1IL0FG>.

⁵⁸ Canada: Immigration and Refugee Board of Canada, *Venezuela: The homeland card (carnet de la patria), including issuance procedures, usage, and physical characteristics; extent to which homeland cards have been distributed (2016-May 2018)*, 18 May 2018, VEN106113.E, available at: <https://www.refworld.org/docid/5b2bb7bf4.html> [accessed 29 December 2018].

⁵⁹ Ryan Brading, "Venezuela's government clings on by splitting the opposition and strong-arming the poor," *The Conversation*, November 29, 2017, <http://theconversation.com/venezuelas-government-clings-on-by-splitting-the-opposition-and-strong-arming-the-poor-86094>.

Denial of medical care has also been used as a widespread tactic of political control in Venezuela, as has been revealed by Cuban doctors sent by their government to bolster the failing medical system in Venezuela. According to interviews with sixteen Cuban doctors published by the *New York Times*, both Cuban and Venezuelan doctors were frequently pressured by superiors to withhold medical attention ahead of Maduro's re-election in 2018 in order to pressure voters. The doctors described tactics of political manipulation ranging from door-to-door messaging in poor neighborhoods that medical aid would be suspended if residents did not vote for the Socialist party, to the denial of treatment for opposition supporters with life-threatening ailments or chronic conditions. One doctor confirmed the use of Homeland Cards to systematically deny medication and treatment to opposition members who were not registered. According to one Venezuelan patient interviewed by the *New York Times*, "They come to your house, they ask you a series of questions, and you start to think, if I answer 'no,' they can cut me from health care. It just leaves you overwhelmed."⁶⁰

Lawyers as well have come under regular attack as the justice system has become increasingly corrupt, serving as a significant tool in the continued state repression of political dissidents. In a 2022 report released by the International Commission of Jurists (ICJ), the international human rights body found that many lawyers, particularly those working on high-profile cases, or those affiliated with human rights groups and the political opposition, are "frequently subjected to various forms of pressure, harassment, intimidation or persecution by the authorities or by third parties who act with their support, tolerance or acquiescence. These attacks include acts of harassment and direct threats. Likewise, legal practitioners face undue obstacles and barriers in the performance of their necessary and legitimate functions and responsibilities in the interests of their clients." The ICJ further found that the most frequent obstacle faced by opposition attorneys is attacks against them in relation to carrying out their professional functions, including with the aim of inhibiting them from doing so. The report notes that, "In many cases, these attacks have triggered other serious crimes or human rights violations, such as arbitrary arrests for political reasons." Many of these attorneys have been profiled by the Venezuelan state as "challenging official narratives," often leading to investigation or arrest. Furthermore, the relatives, friends and colleagues of the profiled individual are often harassed or arrested in order to obtain information or intimidate and apply pressure to the attorney in question.⁶¹

⁶⁰ Nicholas Casey, "'It Is Unspeakable': How Maduro Used Cuban Doctors to Coerce Venezuela Voters," *New York Times*, March 17, 2019, <https://www.nytimes.com/2019/03/17/world/americas/venezuela-cuban-doctors.html>

⁶¹ "Lawyers under attack: Barriers to the Legal Profession in Venezuela," International Commission of Jurists, May 2022, <https://icj2.wpenginepowered.com/wp-content/uploads/2022/06/Venezuela-Lawyers-under-attack-publications-briefing-paper-2022-ENG.pdf>

The UN Human Rights Office has found that the justice system in Venezuela plays a significant role in the repression of political opponents. In a September 2021 report, the UN's fact-finding mission on Venezuela described the complete lack of judiciary independence in Venezuela's court system, leading to grave human rights violations against government opponents. The report describes how the "justice system's deficiencies have gone hand-in-hand with a pattern of serious human rights violations and crimes under international law in the context of a state policy to silence, discourage and quash government opposition since 2014."⁶² On the World Justice Project's Rule of Law Index for 2022, Venezuela ranked last out of 140 countries. According to the chairman of Foro Penal, an organization of pro-bono lawyers representing political prisoners, "It is not that the system in Venezuela is inefficient, as in some other countries that are low on the 2022 Rule of Law Index. The judiciary is a facade here, a weapon for political persecution and corruption."⁶³

Since the failed coup of 2002, Venezuela's socialist state has increasingly scaled back constitutional protections for citizens and repressed political dissidence. Members of opposition parties have been jailed, tortured and disappeared, and protests against Maduro's government have been met with brutal violence by state security forces. Individuals known to have opposed and criticized the Maduro government or any of its representatives are at heightened risk of persecution by the Venezuelan government, its specialized security forces, and by armed pro-government organizations known as *colectivos*. Persecution can include blacklisting, detention, torture, and murder.

⁶² "Venezuelan justice system plays a significant role in the State's repression of government opponents," UN Office of Human Rights, Sept. 16, 2021, <https://www.ohchr.org/en/press-releases/2021/09/venezuelan-justice-system-plays-significant-role-states-repression?LangID=E&NewsID=27479>.

⁶³ Trudeke Sillevs Smitt, "Venezuela: judiciary as weapon for political prosecution," *Lawyers for Lawyers*, Jan. 23, 2023, <https://lawyersforlawyers.org/en/venezuela-judiciary-as-weapon-for-political-prosecution/>.

Chapter Three: Violence by State and Para-State Security Forces in Venezuela

Paramilitary Pro-Government *Colectivos*

During opposition protests since 2014, Venezuelan security forces have worked in conjunction with armed pro-government paramilitary organizations known as *colectivos*. Venezuelan *colectivos* originated in the 1980s from the remnants of the country's leftist guerrilla movement of the 1960s. While at their start they functioned as vigilante groups in a context of increased crime and impunity in the 1980 and 1990s, they later re-emerged as armed pro-government organizations under the late Venezuelan president Hugo Chavez.⁶⁴ In Caracas, Chávez permitted mayors to begin arming these groups with local funds. Maduro also set out to buy loyalties when he became president by granting both the army and the *colectivos* unprecedented control and business opportunities.⁶⁵ The *colectivos* have played a significant role in helping the Venezuelan government quell political dissent during the 2014, 2017 and 2019 anti-government protests. These paramilitary organizations use intimidation and extrajudicial killings as strategies, often with the knowledge and the support of Maduro's security forces.⁶⁶

Defense analyst Rocío San Miguel, who points out that 2019 was a notable year for the growing public links between Maduro and these groups, has described the *colectivos* as “a defense mechanism in breaking up protests and generating fear in the civil population,” and “the operating arm of the state.” These groups work with impunity and are sometimes trained by the state in return for securing votes and repressing political opposition. According to Public Radio International, “In some cases, colectivos are alleged to be trained by the military or the police, and a recruitment merry-go-round between the colectivos, police, the military and security forces keep them rotating uniforms, depending on what is

⁶⁴ Martin Markovits and Vincent Bevins, “Venezuela's Tupamaros on the side of the law” *San Francisco Gate*, November 16, 2008; Alfred, Charlotte, “Venezuela Motorcycle Gang Videos Show Terror and Violence In Support Of Maduro,” *Huffington Post*, February 26, 2014, https://www.huffingtonpost.com/2014/02/25/venezuela-motorcycle-gangs-vidoes-colectivos_n_4855640.html.

⁶⁵ Luke Taylor, “Maduro turns to violent ‘mercenary’ colectivos to maintain order,” *Public Radio International*, April 25, 2019, <https://www.pri.org/stories/2019-04-25/maduro-turns-violent-mercenary-colectivos-maintain-order>.

⁶⁶ Patricia Torres and Nicholas Casey, “Armed Civilian Bands in Venezuela Prop Up Unpopular President,” *New York Times*, April 22, 2017, <https://www.nytimes.com/2017/04/22/world/americas/armed-civilian-bands-in-venezuela-prop-up-unpopular-president.html>.

needed of them.”⁶⁷ Sociologist Olga Avila of the Central University of Venezuela has described how the *colectivos* have been granted impunity to commit crime and carry out state functions due to a “weakness of the Venezuelan state in its capacity to defend citizen interests or government structures.” In a study published in 2023, Avila finds that the *colectivos* in Venezuela represent a “key piece in government security, in a sense representing a government strategy of transferring responsibilities and the legitimate use of violence for these groups to exercise authority and control in some sectors.”⁶⁸

Estimates by the NGO Foro Penal indicate that *colectivos* were responsible for the deaths of almost 40% of the 125 people killed during the 2017 anti-government protests.⁶⁹ In addition to extrajudicial killings of protesters, *colectivo* members regularly intimidate and harass individuals whose activities are seen as threats to complete government control, such as members of rival political parties.⁷⁰ They have attacked anti-government protesters, Venezuelan opposition television staff, and sent death threats to journalists.⁷¹ Maduro often explicitly calls on *colectivos* to enforce his rule of law, asking them to “defend the peace of every barrio, of every block.”⁷² Humberto Prado, the director of the Venezuelan Prison Observatory, accused the Maduro government of releasing prison inmates to fill the *colectivos* ranks in their repression efforts.⁷³ Academic studies from within Venezuela have demonstrated how the *colectivos* act as a parallel governing structure with the full ideological and financial support of the state, carrying out police functions and extrajudicial punishments within communities, and even limiting drug markets through their territorial control.⁷⁴

In February 2019, a month after Juan Guaido declared himself President, the Bolivarian National Guard, Fuerza de Acciones Especiales, and *colectivo* members opened fire on a

⁶⁷ Luke Taylor, “Maduro turns to violent ‘mercenary’ *colectivos* to maintain order,” *Public Radio International*, April 25, 2019, <https://www.pri.org/stories/2019-04-25/maduro-turns-violent-mercenary-colectivos-maintain-order>.

⁶⁸ Olga Avila, “Los ‘Colectivos’: brazo ejecutor del gobierno bolivariano en Venezuela,” *Espacio Abierto: Cuaderno Venezolano de Sociología* Volumen 32 N° 2 (abril-junio) 2023, pp.153-168, : <https://doi.org/10.5281/zenodo.8075441>

⁶⁹ US Department of State, “Venezuela,” 3, <https://www.state.gov/documents/organization/277611.pdf>.

⁷⁰ Patricia Torres and Nicholas Casey, “Armed Civilian Bands in Venezuela Prop Up Unpopular President,” *New York Times*, April 22, 2017, <https://www.nytimes.com/2017/04/22/world/americas/armed-civilian-bands-in-venezuela-prop-up-unpopular-president.html>.

⁷¹ Andrew Rosati, “Maduro’s Masked Thugs Unleash Terror Along the Venezuelan Border,” *Bloomberg*, February 26, 2019, <https://www.bloomberg.com/news/articles/2019-02-26/maduro-s-masked-thugs-unleash-terror-along-the-venezuelan-border>.

⁷² Tom Phillips, “Venezuela: Maduro calls on armed groups to keep order amid electricity rationing,” *Guardian*, April 1, 2019, <https://www.theguardian.com/world/2019/apr/01/maduro-venezuela-colectivos-electricity-power-rationing>.

⁷³ Venezuela Investigative Unit, “The Armed Groups Propping Up Venezuela’s Government,” *InSight Crime*, March 1, 2019, <https://insightcrime.org/news/analysis/armed-groups-propping-venezuelas-government/>.

⁷⁴ Roberto Briceño Leon, “La gobernanza de los ‘Colectivos’ de Caracas y el Estado en Venezuela,” *Espacio Abierto: Cuaderno Venezolano de Sociología*: Volumen 32 N° 2 (abril-junio) 2023, pp.122-133, <https://doi.org/10.5281/zenodo.8075167>

convoy attempting to bring humanitarian aid into the country overland. At least four people were killed and more than 285 were injured.⁷⁵ The victims included several dozen people from the indigenous Pemón community as well as journalists who were pursued, robbed and threatened by the armed groups.⁷⁶ In May 2020, following a failed invasion attempt by exile groups and US mercenaries, *colectivo* members went to 26 homes and businesses throughout Venezuela owned by opponents of Maduro and graffitied death threats on the walls.⁷⁷ These threats came after several members of the Venezuelan parliament fled into exile or took refuge in embassies when the Maduro-controlled Supreme Court stripped them of their immunity and ordered their arrest.⁷⁸ Among those threatened were leaders of *Primero Justicia* and members of the National Assembly.⁷⁹ In January 2021, *colectivos* shifted strategies from individual home raids to attempting to take over entire apartment complexes. Carlos Rojas, a journalist in northern Caracas, documented an invasion of the Recreo apartment building, the latest in a string of actions by government and police officials to take over properties.⁸⁰ In the Libertador municipality, 40 invasions of this type were carried out between March 2020-2021.⁸¹ According to testimonies from local residents, members of the *colectivos* then rent out the properties and extort the owners of the remaining apartments until they leave.⁸²

Special Action Force (FAES)

Agencies such as the FAES (Fuerza de Acciones Especiales) were created by Maduro nominally to combat crime, but have served to target anti-government protesters in popular sector communities, acting with little oversight and displacing existing criminal groups to assert control of their territories and illegal economies.⁸³ The former FAES director, José

⁷⁵ Antonio María Delgado and Jim Wyss, “Maduro quema la ayuda humanitaria. Al menos 4 muertos y 285 heridos en violenta represión,” *El Nuevo Herald*, February 23, 2019,

<https://www.elnuevoherald.com/noticias/mundo/america-latina/venezuela-es/article226681789.html>.

⁷⁶ Venezuela Investigative Unit, “The Armed Groups Propping Up Venezuela’s Government,” InSight Crime, March 1, 2019, <https://insightcrime.org/news/analysis/armed-groups-propping-venezuelas-government/>.

⁷⁷ Venezuela Investigative Unit, “Graffiti Death Threats – Venezuela’s New Tool of Fear,” InSight Crime, May 22, 2019, <https://insightcrime.org/news/analysis/graffiti-death-threats-venezuela-tool-fear/>.

⁷⁸ Lucía Abellan, “Venezuelan opposition leader seeks refuge in Spanish embassy in Caracas,” *El País*, May 2, 2019, https://english.elpais.com/elpais/2019/05/01/inenglish/1556713845_723006.html.

⁷⁹ Venezuela Investigative Unit, “Graffiti Death Threats – Venezuela’s New Tool of Fear,” InSight Crime, May 22, 2019, <https://insightcrime.org/news/analysis/graffiti-death-threats-venezuela-tool-fear/>.

⁸⁰ Venezuela Investigative Unit, “Colectivos Ramp Up Property Seizures in Venezuela,” InSight Crime, March 2, 2021, <https://insightcrime.org/news/colectivos-ramp-up-property-seizures-in-venezuela/#:~:text=An%20increase%20in%20the%20number,groups%20known%20as%20%E2%80%9Ccolectivos.%E2%80%9D>.

⁸¹ Venezuela Investigative Unit, “Colectivos Ramp Up Property Seizures in Venezuela,” InSight Crime, March 2, 2021, <https://insightcrime.org/news/colectivos-ramp-up-property-seizures-in-venezuela/#:~:text=An%20increase%20in%20the%20number,groups%20known%20as%20%E2%80%9Ccolectivos.%E2%80%9D>.

⁸² “Las invasiones a viviendas y comercios no se detienen en cuarentena,” *El Diario*, June 20, 2020, <https://eldiario.com/2020/06/20/las-invasiones-a-la-propiedad-privada-no-se-detienen-en-cuarentena/>.

⁸³ Venezuela Investigative Unit, “Venezuela Reports Show FAES Police Unit Targeting Key Megabandas,” InSight Crime, January 2, 2020, <https://insightcrime.org/news/analysis/faes-venezuela-targeting-megabandas/>.

Miguel Domínguez Ramírez, was accused of maintaining ties with *colectivos* and sanctioned by the United States for suppressing dissent and stopping humanitarian aid from reaching Venezuela.⁸⁴ Since the dissolution of the FAES in 2021, Domínguez was reassigned to head the new tactical unit of the National Police, Dirección de Acciones Estratégicas y Tácticas, indicating a redistribution of the lethal FAES forces throughout police departments rather than an actual break up of the force formerly known as the “death squad.”⁸⁵

The FAES was created during the turmoil of 2017 as a special unit of the national police, but with the intention of controlling criminal gangs in Venezuela’s poorest neighborhoods, not as a way to control political demonstrations and dissent. Trained for six months at Venezuela’s National Experimental Security University, they received ideologically driven courses stressing allegiance to the Maduro government. The officers wore plain black uniforms and balaclavas to cover their face, guaranteeing their total impunity.⁸⁶ The dissolution of the country’s most notoriously repressive police force has been credited to international pressure against the Maduro government, but also due to the huge numbers of political dissidents fleeing the country and the ensuing decrease in protest activity that has given Venezuela a semblance of order. As the FAES has disappeared from public view, researchers at the Venezuelan Violence Observatory (OVV) have noted how state police and the Scientific and Criminal Investigation Department (CICPC) have replaced the squad as the most deadly police institutions in Venezuela. In 2021, OVV registered 2,332 citizen deaths at the hands of police, an average of 6.3 people per day. By the first six months of 2022, OVV registered 330 such cases, with the CICPC leading the list of the most lethal state forces.⁸⁷

Scientific and Criminal Investigation Department (CICPC)

The Scientific and Criminal Investigation Department (CICPC) is Venezuela’s largest national police agency and is responsible for criminal investigations and forensic services.

⁸⁴ US Department of the Treasury, “Treasury Sanctions Security Officials Associated with Violence and Obstruction of Humanitarian Aid Delivery,” March 1, 2019, <https://home.treasury.gov/news/press-releases/sm619>.

⁸⁵ Luis de Jesus, “La silenciosa salida de escena de la FAES, el grupo élite del chavismo acusado de graves violaciones a los derechos humanos,” Observatorio Venezolano de Violencia, Aug. 20, 2022, <https://observatoriodeviolencia.org.ve/news/la-silenciosa-salida-de-escena-de-la-faes-el-grupo-elite-del-chavismo-acusado-de-graves-violaciones-a-los-derechos-humanos/#:~:text=El%2017%20de%20julio%20pasado,formaban%20parte%20de%20la%20FAES>.

⁸⁶ Ana Vanessa Herrero and Nicholas Casey, “Maduro Turns to Special Police Force to Crush Dissent,” *New York Times*, January 30, 2019, <https://www.nytimes.com/2019/01/30/world/americas/venezuela-maduro-protests-faes.html>.

⁸⁷ Luis de Jesus, “La silenciosa salida de escena de la FAES, el grupo élite del chavismo acusado de graves violaciones a los derechos humanos,” Observatorio Venezolano de Violencia, Aug. 20, 2022, <https://observatoriodeviolencia.org.ve/news/la-silenciosa-salida-de-escena-de-la-faes-el-grupo-elite-del-chavismo-acusado-de-graves-violaciones-a-los-derechos-humanos/#:~:text=El%2017%20de%20julio%20pasado,formaban%20parte%20de%20la%20FAES>.

The CICPC has been notoriously responsible for widespread human rights abuses and extrajudicial killings, especially during the “Operations for the Liberation of the People,” or OLPs, that were carried out in neighborhoods across Venezuela from their implementation from 2015 until 2017. These were joint military operations, intended to root out criminal organizations in Venezuela’s most violent areas. However, reports of abuse and extrajudicial killings during the operatives abound and civil society organizations have recorded the deaths of 560 individuals during OLPs between July 2015 and June 2017, many at the hands of CICPC officers. One of the main obstacles for accountability is that the CICPC, allegedly responsible for most of the killings, is also in charge of conducting all forensic examinations in cases of violent death, leading to near complete impunity for officers.⁸⁸ In 2009, Interior Minister Tarek El Aissami said that 20 percent of crimes in Venezuela are committed by police officers and the general perception is that those numbers have since increased. This fact is exemplified by cases like the January 2015 arrest of 11 judicial police officers who were holding a local merchant for ransom in their police station.⁸⁹ Police officers in Venezuela have been known to provide weapons and information to criminal groups, and have participated in kidnappings and extortion rings, indicating that political dissidents would receive no protection from Venezuelan state authorities if returned to Venezuela.⁹⁰

Bolivarian National Guard (GNB) and National Police

Venezuela’s Bolivarian National Guard (GNB) has also been tainted by corruption. In recent years, officers of the GNB, as well as other members of the nation’s defense and security agencies, have been implicated in drug trafficking, kidnappings and other illegal practices. Testimonials of mid-level GNB officers who spoke on condition of anonymity indicated that officers pay their superiors for assignments in the “most profitable” areas of the country, as determined by potential for collecting bribes. Members of the National Police have said that some officers pay their superiors to be assigned to areas where merchants sell basic goods on the black market because they are easy areas to collect bribes. Similarly, criminal detainees, defense lawyers and even public prosecutors know the “rates” charged by detectives to alter police records or “mistakenly” change one digit of a suspect’s ID number, which can

⁸⁸ “Human Rights Violations in the Bolivarian Republic of Venezuela: a downward spiral with no end in sight,” Office of the United High Commissioner for Human Rights (OHCHR), June 2018, https://www.ohchr.org/Documents/Countries/VE/VenezuelaReport2018_EN.pdf.

⁸⁹ Venezuela Investigative Unit, “Military and Police Corruption: Venezuela’s Growing Evil,” InSight Crime, Sept. 22, 2016, <https://www.insightcrime.org/news/analysis/corruption-military-police-growing-evil-venezuela/>.

⁹⁰ Angélica Romero Navas, “Detenidos cuatro policías de Lara señalados por extorsión,” *El Impulso*, May 9, 2016, <https://www.elimpulso.com/2016/05/09/detenidos-cuatro-policias-de-lara-senalados-por-extorsion/>.

indefinitely delay a case. They also know the “cost” of removing evidence or “misplacing” an entire case file.⁹¹

General Directorate of Military Counterintelligence (DGCIM)

The General Directorate of Military Counterintelligence (DGCIM) is a counterintelligence agency and as such serves to detect and deter all “enemy activity,” in addition to providing greater security for the president and the Armed Forces. In effect, the DGCIM has been responsible for the detention and torture of a significant number of political prisoners since 2014, as opposition to the Maduro government has essentially been classified as enemy activity against the state.⁹² Political prisoners detained in the DGCIM base in Caracas rioted in February 2019 and threatened to undergo a hunger strike to protest torture in the facility and the disappearance of General Pérez Gámez who was detained there. Family members that came to the detention center after the riot to check on their loved ones’ well-being were given no information and forced to leave the premises.⁹³

Bolivarian National Intelligence Service (SEBIN)

Similarly, the SEBIN agency, under the jurisdiction of the Ministry of Popular Power for the Interior, Justice and Peace, is utilized to detect and eliminate threats to national security in Venezuela. Established in 1969, the SEBIN has more recently been known for the persecution, detention and torture of political dissidents. Hundreds of political prisoners are held without warrants at the El Helicoide SEBIN headquarters, and multiple detainees have been reported dead after enduring torture or being denied food, water and medical attention.⁹⁴

Intimidation and Persecution within Venezuelan Armed Forces

Maduro continues to increase the military’s role in many aspects of national development, and in turn the armed forces have helped keep Maduro in office in exchange for a growing list of economic perks. According to a report by *The Guardian*, active duty or retired military officers make up nearly half of Maduro’s cabinet and hold many other key positions in industries ranging from arms procurement to steel production to food distribution. One of

⁹¹ Venezuela Investigative Unit, “Military and Police Corruption: Venezuela’s Growing Evil,” InSight Crime, Sept. 22, 2016, <https://www.insightcrime.org/news/analysis/corruption-military-police-growing-evil-venezuela/>.

⁹² Human Rights Watch, “Crackdown on Dissent: Brutality, Torture and Political Persecution in Venezuela,” November 29, 2017, <https://www.hrw.org/report/2017/11/29/crackdown-dissent/brutality-torture-and-political-persecution-venezuela>.

⁹³ “Tamara Suju denunció torturas en la Dgcim y la desaparición de un general,” *El Nacional*, February 2, 2019, http://www.el-nacional.com/noticias/sociedad/tamara-suju-denuncio-torturas-dgcim-desaparicion-general_269221.

⁹⁴ Ramon Collado, “SEBIN enforcers fundamental to Maduro’s toolkit of repression,” *Miami Herald*, January 17, 2018, <https://www.miamiherald.com/opinion/op-ed/article195253874.html>.

the largest signs of the military's ascendancy was the 2017 appointment of an active-duty national guard general, Manuel Quevedo, to run the state-run oil company (PDVSA). Oil accounts for about 95% of Venezuela's export earnings. According to human rights defender Rafael Uzcategui, "political loyalty is much more important than technical knowhow" for Maduro's government. "Competence is totally secondary and that's one of the reasons why we are in the middle of an economic crisis."⁹⁵ This shift also explains the increasing politicization of the military under Maduro's government, and the subsequent rise in repression of dissent within the military's ranks.

Military allegiance to the Socialist governments began under Chavez however, especially following the 2002 coup when Chavez purged the military of officials who had allied with coup plotters. Maduro has more directly bought the support of military superiors by promoting them to key government positions and handing off important sectors of the national economy and concessions, especially mining. According to former military officers, both Chavez and Maduro embedded intelligence agents within the military's ranks with the help of Cuban security services, instilling paranoia and crushing dissent amongst lower-ranking officers. According to journalists at *Reuters*, "Intelligence agents have arrested and jailed scores of perceived troublemakers, including several high-profile officers, even for minor infractions."

Given their history of persecution and torture of political dissidents in Venezuela, any number of these repressive state or paramilitary groups would persecute and harm political dissidents as punishment for perceived opposition of the Chavez or Maduro governments. *Colectivos* and state authorities often direct their attacks on less public and visible members of the opposition because it is easier to use violence against them without creating an international incident that would be harmful to the state. Government security forces in Venezuela have made clear that opposition to the Maduro government can lead to surveillance, persecution, harassment and violence by the Venezuelan state or its affiliated paramilitary groups.

⁹⁵ John Otis, "Venezuela opposition looks to military to oust Maduro. Dream on," *Guardian*, Jan. 9, 2018, <https://www.theguardian.com/world/2018/jan/09/calls-for-a-coup-in-venezuela-ignore-the-fact-that-the-generals-are-doing-nicely>.

Chapter Four: Colombian Guerrillas and Violence in the Border Region of Venezuela

Colombian Guerrilla Groups in Venezuela

The presence of Colombian guerrilla groups, along with human and drug trafficking routes crossing the border, have created a situation of violence for many residents in the border region between Venezuela and Colombia. After a Colombian guerrilla group killed ten men from Táchira in 2009, the mayor at the time declared that these groups “operate with total impunity on the border, violating the security and sovereignty of the country.” A local representative of a vender’s association also declared after the massacre that “there have been cases of venders and industrial workers threatened by groups identifying as Colombian guerrillas.”⁹⁶ According to the International Crisis Group, these issues have persisted until the present. In a 2021 report published by Crisis Group, researchers described how “in the jungle along the Colombian-Venezuelan frontier, guerrillas, criminals and shadowy state elements jostle for illicit profits.” Along the length of the border region, the report states, “Colombian guerrillas are penetrating deeper into Venezuelan territory.” According to Venezuelan migrants on the Colombian side of the border, the Colombian guerrilla presence in Venezuela began to grow in 2016 after the negotiation of peace accords between the Colombian government and the Fuerzas Armadas Revolucionarias de Colombia- Revolutionary Armed Forces of Colombia (FARC), the main leftist guerilla group in Colombia, disarmed many guerillas and sent them looking for profit-making enterprises elsewhere.⁹⁷

Meanwhile, the guerrillas are also increasingly associating themselves with Venezuelan state authorities, appearing in public with government officials or wearing the logo of Venezuela’s ruling Socialist Party. In one audio recording analyzed by Crisis Group, a guerrilla commander is heard saying to local indigenous residents, “We are the operational commanders in the area, but we have chiefs, and we need to consult with the government, beginning with the state government, municipal government, Indigenous

⁹⁶ Anahí Aradas, “¿Guerrilla colombiana en Venezuela?” *BBC*, Oct. 26, 2009, https://www.bbc.com/mundo/america_latina/2009/10/091026_2308_guerrilla_colombiana_venezuela_jrg.

⁹⁷ Bram Ebus, “A Rebel Playing Field: Colombian Guerrillas on the Venezuelan Border,” International Crisis Group, April 28, 2021, <https://www.crisisgroup.org/latin-america-caribbean/andes/rebel-playing-field-colombian-guerrillas-venezuelan-border#:~:text=28%20April%202021-,A%20Rebel%20Playing%20Field%3A%20Colombian%20Guerrillas%20on%20the%20Venezuelan%20Border,armed%20group%20has%20raised%20tensions.>

chiefs in Amazonas and with the ruling party.” Researchers have reported significant evidence of collaboration between Colombian guerrillas and Venezuelan authorities, including Colombian media sources describing the protection offered to the guerrilla groups by the upper echelons of the Venezuelan state. One recording viewed by the Crisis Group shows a commander arguing to locals that Venezuela needs “friends,” and that Colombian guerrilla groups are there to help the Maduro government.⁹⁸ According to interviews with a senior Ejército de Liberación Nacional- National Liberation Army (ELN) guerrilla member, ELN fighters have even trained local *colectivos*, often with the approval of Venezuelan security forces.⁹⁹

A different Crisis Group report published in 2020 found that Venezuelan authorities have indeed relied on the ELN guerrilla group to help reinforce their control over sensitive border areas, suggesting that there may be high-level government backing for that group. Groups emerging from the former right-wing paramilitaries in Colombia, particularly the Rastrojos, have also been known to collude with Venezuelan security officers in the border state of Táchira. The group allegedly changed its name in 2019, and now self-identifies as a pro-government *colectivo*. Crisis Group has reported the presence of many smaller armed bands in the border region as well, many of whom have established relationships with local politicians and work alongside Venezuelan security forces.¹⁰⁰

Reports from Human Rights Watch have also confirmed a “close relationship” between the Venezuelan authorities and another guerrilla group, the Patriotic Forces of National Liberation (FPLN) along the border. According to Human Rights Watch, these groups have “established and brutally enforce on civilians a wide range of rules normally associated with criminal laws enacted and enforced by governments.” They have also increasingly committed unlawful killings of human rights defenders and community leaders in order to control the social and political environment in the territories in which

⁹⁸ Bram Ebus, “A Rebel Playing Field: Colombian Guerrillas on the Venezuelan Border,” International Crisis Group, April 28, 2021, <https://www.crisisgroup.org/latin-america-caribbean/andes/rebel-playing-field-colombian-guerrillas-venezuelan-border#:~:text=28%20April%202021-,A%20Rebel%20Playing%20Field%3A%20Colombian%20Guerrillas%20on%20the%20Venezuelan%20Border,armed%20group%20has%20raised%20tensions.>

⁹⁹ Crisis Group International, “Crisis on the Border: Keeping the Peace Between Colombian and Venezuela,” Dec. 14, 2020, <https://www.crisisgroup.org/latin-america-caribbean/andes/colombia/84-disorder-border-keeping-peace-between-colombia-and-venezuela>.

¹⁰⁰ Crisis Group International, “Crisis on the Border: Keeping the Peace Between Colombian and Venezuela,” Dec. 14, 2020, <https://www.crisisgroup.org/latin-america-caribbean/andes/colombia/84-disorder-border-keeping-peace-between-colombia-and-venezuela>.

they operate.¹⁰¹ Venezuelan media sources have also reported on the presence of the guerrilla group “Botas Negras,” describing their activities to include smuggling, auto theft, extortion and carrying out assassination orders within Venezuela.¹⁰²

Táchira State and Freddy Bernal

In Táchira state especially, the growing presence of Colombian guerrillas, especially the ELN, appears to have the blessing of the Maduro government, “who view the ELN as a supplement to the state’s border defenses and seem willing to overlook occasional clashes between its fighters and the Venezuelan military,” according to the Crisis Group report. These groups in Táchira have access to “off-road vehicles, high-end transmission equipment and state-subsidized food packages, which they hand out to locals to gain support.” A key figure in the control of Táchira state and the relationship between Colombian guerrillas and the Maduro government is veteran *chavista* Freddy Bernal, appointed as “protector” of the state by Maduro in January 2018, with responsibilities including safeguarding the border, containing the COVID-19 pandemic and running CLAP, the national state-subsidized food distribution program.¹⁰³ Bernal’s twitter account proudly displays photos of the military equipment and heavily armed soldiers at his disposal.¹⁰⁴

Alongside the appointment of Bernal as “protector” of Táchira, Maduro also deployed members of the much-criticized National Police (PNB) and the Special Action Forces (FAES) to control the security situation in the state in 2018. Bernal is one of the most influential members of the Maduro government, as former national director of both the CLAP program and the National Intelligence Service (SEBIN). He also appears on the U.S. Treasury Department’s Kingpin List for allegedly supplying arms to Colombian guerrilla groups. According to InSight Crime researchers, not only is Bernal a key link

¹⁰¹ Human Rights Watch, “The Guerrillas Are the Police’: Social Control and Abuses by Armed Groups in Colombia’s Arauca Province and Venezuela’s Apure State,” Jan. 22, 2020, <https://www.hrw.org/report/2020/01/22/guerrillas-are-police/social-control-and-abuses-armed-groups-colombias-arauca>.

¹⁰² Europa Press, “Venezuela. Abatidos dos milicianos colombianos en un enfrentamiento con la Guardia Nacional de Venezuela,” *Notimérica*, Jan. 23, 2022, <https://www.notimerica.com/sociedad/noticia-venezuela-abatidos-dos-milicianos-colombianos-enfrentamiento-guardia-nacional-venezuela-20220123052326.html>.

¹⁰³ Crisis Group International, “Crisis on the Border: Keeping the Peace Between Colombian and Venezuela,” Dec. 14, 2020, <https://www.crisisgroup.org/latin-america-caribbean/andes/colombia/84-disorder-border-keeping-peace-between-colombia-and-venezuela>.

¹⁰⁴ Tweet by Freddy Bernal, @FreddyBernal, protector of Táchira state, 10:22am, 24 May 2020, <https://twitter.com/FreddyBernal/status/1264758600880345088>.

between the Maduro government and guerrilla groups in the region, but is also a “principal coordinator” of relations between the government and paramilitary *colectivos*. He is known to be an open advocate of the *colectivos*, most prominently the Border Security Colectivo (CSF). Both *colectivos* and the armed guerrilla groups have been found to collude with state security forces, with which Bernal also has a close relationship, in order to contain anti-government protests in Táchira, and also to engage in illicit activities such as extortion.¹⁰⁵

According to InSight Crime’s analysis, “the naming of Bernal in this position indicates that the Maduro administration is looking for an operator that can mediate between these actors, or more so control them, directing their criminal activities and territorial influence with the possible objective of imposing social control in this problematic region.”¹⁰⁶ In 2019, Bernal hosted a meeting and invited ELN leaders and high-ranking officers of Maduro’s party. In the November 2021 elections, Bernal took over the governorship in Táchira from opposition candidate Laidy Gómez, likely consolidating influence for both Colombian guerrillas and *colectivos* in the state.¹⁰⁷

¹⁰⁵ Unidad de Investigación de Venezuela, “Venezuela nombra "protector" de estado fronterizo con Colombia a funcionario que estuvo vinculado con la guerrilla,” *InSight Crime*, Feb. 6, 2018, <https://es.insightcrime.org/noticias/analisis/venezuela-nombra-protector-de-estado-fronterizo-con-colombia-a-funcionario-que-estuvo-vinculado-con-la-guerrilla/>.

¹⁰⁶ Unidad de Investigación de Venezuela, “Venezuela nombra "protector" de estado fronterizo con Colombia a funcionario que estuvo vinculado con la guerrilla,” *InSight Crime*, Feb. 6, 2018, <https://es.insightcrime.org/noticias/analisis/venezuela-nombra-protector-de-estado-fronterizo-con-colombia-a-funcionario-que-estuvo-vinculado-con-la-guerrilla/>.

¹⁰⁷ Venezuela Investigative Unit, “A Seat at the Table: What New Governors in Venezuela Mean for Organized Crime,” *InSight Crime*, Dec. 20, 2021, <https://insightcrime.org/news/new-governors-new-capos-organized-crime-venezuela-after-elections/>.

Chapter Five: Violence Against LGBT People in Venezuela

Overview

In Venezuela, gay men and transgender individuals are often socially viewed as a threat to the nation because they undermine the traditional notions of virility and masculinity. This pervasive social hostility manifests itself in physical violence and discrimination directed at LGBT individuals. While Venezuela is not alone among Latin American countries that harbor a social animus toward gay individuals, Venezuela's government has often contributed to the harassment, failing to pass legislation in support of LGBT rights. For example, scholars studying gay and transgender people in Venezuela have found constant and severe harassment by the municipal police and members of the Venezuelan National Guard. Government protection forces use the "Ordenanza de Convivencia Ciudadana" (Civic Convivance Ordinance) as one of the tools to harass gay men and transgendered people on the streets of Venezuelan cities. The vague ordinance calls for social harmony and stipulates fines for sex work. However, scholars have shown that this ordinance and others like it are utilized by the police and the military to force gay and transgendered people to provide sexual favors.¹⁰⁸

LGBT individuals in Venezuela face significant social, cultural, and legal barriers to their personal safety, economic rights, and access to appropriate medical care. Legal rules which on their face provide a measure of governmental protection are, in practice, routinely ignored. Individually, queer and transgender individuals have been subjected to historic physical and social violence. The court system in Venezuela is loyal to Maduro's ruling socialist party, and often refuses to pass legislation in support of LGBT rights if proposed by opposition groups.¹⁰⁹

The cultural and social marginalization of LGBT individuals thus plays out in a lack of political and legal rights. Unlike the United States where there is a well-established network of non-profit groups to defend the rights of sexual minorities, this community is largely absent from the political process in Venezuela. Additionally, gay marriages are not

¹⁰⁸ Marcia Ochoa, "Perverse Citizenship: Divas, Marginality, and Participation in 'Loca-Lization,'" *WSQ Women's Studies Quarterly*, Jan. 2008, https://www.researchgate.net/publication/236793321_Perverse_Citizenship_Divas_Marginality_and_Participation_in_Loca-Lization.

¹⁰⁹ Javier Corrales, "UNDERSTANDING THE UNEVEN SPREAD OF LGBT RIGHTS IN LATIN AMERICA AND THE CARIBBEAN, 1999–2013," *Journal of research in gender studies* 7, no. 1 (2017): 52–82.

recognized in the 1999 Venezuelan Constitution and the government prohibits gender changes on legal documents, a rarity among South American countries. In the past decade, there have been some efforts to reform discriminatory legislation towards the LGBT community in Venezuela. Despite some gains, there is still no legal recognition of same-sex marriage, although the national assembly in 2009 did acknowledge same-sex “association by cohabitation.” In fact, article 44 of Venezuela’s Civil Code explicitly outlaws same-sex marriages.¹¹⁰

Additionally, the protective international and national legal framework for LGBT individuals rarely finds expression in Venezuela's domestic law. In a report to the UN, the LGBT organization DIVERLEX denounced that “Venezuela: (i) does not have laws to effectively combat homo-lesbo-transphobia, violence and discrimination against the Lesbian, Gay, Bisexual, Transexual, Transgender and Intersex (LGBTI) community and the consequences, (ii) does not have public policies promoting inclusiveness and requiring that equal services be provided to the LGBTI community and (iii) has a number of sub-legal provisions, ordinances, and the like still in effect that draw distinctions based on sexual orientation or gender identity.” In their 2013 report to the IACHR, the NGO Acción Ciudadana Contra el SIDA (ACCSI) similarly emphasizes that “there are no laws or other legal instruments specifically for LGBTI persons, due to the lack of political will on the part of the Venezuelan state authorities.”¹¹¹

In 2016, ACCSI reported 175 hate crimes occurred on the basis of sexual orientation, gender identity and expression between January 2009 and May 2016, broken down into 75 murders (beheadings, bullet wounds, burns, push off from buildings, coils, choking, beating with blunt objects) and 100 aggressions of all kinds (torture, cruel, inhuman and degrading treatments, arbitrary arrests, verbal, physical and psychological abuse, threats, police onslaught, abuse of power, etc.). Most of the bodies were found in avenues, streets and highways, garbage dumps or less traveled sites.¹¹² In 2021, the Venezuelan Observatory of Violence (OVV) recorded 21 murders of people “just for being gay or lesbian,” and in the second half of 2022 the Observatory recorded 11 gay, lesbian or transgender victims of “murders or cases of very serious injuries.” Yendri Velásquez of the OVV has stated that the types of violence against the LGBT community ranges from “psychological violence, very present in the family sphere, beatings, denial of identity, access and use of public spaces -

¹¹⁰ “Venezuela LGBTI Resources,” *Rights in Exile Programme*, <http://www.refugeegalaidinformation.org/venezuela-lgbti-resources>.

¹¹¹ “Venezuela LGBTI Resources,” *Rights in Exile Programme*, <http://www.refugeegalaidinformation.org/venezuela-lgbti-resources>.

¹¹² “A summary on Lesbian, Gay, Bisexual Trans and Intersex (LGBTI) human rights issues in Venezuela and recommendations by Red LGBTI de Venezuela and Unión Afirmitiva de Venezuela,” November 2016, https://ilga.org/downloads/SUMMARY_VENEZUELA.pdf

from restaurants to parks -, extortion, bullying based on gender expression, employment discrimination and even murder.”¹¹³

In 2008, ACCSI published their "Report on Homophobia, Violence and Impunity against the Community of Lesbians, Gays, Transsexuals and Bisexuals in the Bolivarian Republic of Venezuela," reflecting the results of a study conducted in Caracas, Mérida and Maracaibo. 50% of respondents claimed to have had negative experiences with the police: verbal aggression (36%), harassment (20%), physical assault (12%) and imprisonment (11%). The report also attributes "the distrust of the justice system, fear and shame" as principal reasons for continued impunity. About the results of complaints, the Report indicates that the percentage of cases resolved of the total reported was around 15%. Concerning the negative experiences with state security bodies referred to in the report, 45.9% of LGBTI people reported verbal abuse due to sexual orientation, gender identity and gender expression; 22.7% reported being a victim of extortion; 19.8% reported physical assault and 9% injuries with weapons and sexual assault. Among the security forces involved were the Bolivarian National Police (PNB) (27.1% of cases); the National Guard (part of the Bolivarian National Armed Forces, 22.4% of cases); and officials from the Scientific, Penal and Criminal Investigation Service Corps (Cuerpo de Investigaciones Científicas, Penales y Criminalísticas-CICPC) (5.9% of cases). Other groups mentioned were the Regional and Municipal Police, Patrimonial Guard and Traffic Police.¹¹⁴

More recently, the political and economic crisis in Venezuela has directly affected LGBT Venezuelans, with funding for the few support organizations that existed either reduced or cut entirely. Government limits on food sales and subsidies penalize same-sex couples, who are excluded from the CLAP program because they are not counted as “families,” according to the general coordinator of Union Afirmativa de Venezuela. Transgender individuals also struggle to find food subsidies as their government-issued IDs don’t match or recognize their gender identities.¹¹⁵ CLAP food subsidies are also withheld on a personal basis due to discriminatory bias against LGBT individuals or political opponents. Critics of the CLAP program have denounced it as a “cynical form of political patronage... rife with corruption.”¹¹⁶

¹¹³ Humberto Marquez, “The LGBTIQ+ Community Still Oppressed in Venezuela,” *Global Issues*, March 30, 2023, <https://www.globalissues.org/news/2023/03/30/33464>.

¹¹⁴ Red LGBTI Venezuela, “Human Rights Situation of Lesbian, Gays, Bisexual, Trans and Intersex persons in Venezuela,” May 2015, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/VEN/INT_CCPR_CSS_VEN_20596_E.pdf.

¹¹⁵ “Living in Venezuela Now Is Hard, Being LGBT Makes It Harder,” *VOA News*, Feb. 4, 2019, <https://www.voanews.com/americas/living-venezuela-now-hard-being-lgbt-makes-it-harder>.

¹¹⁶ Andreina Aponte and Ana Isabel Martínez, “For poor Venezuelans, a box of food may sway vote for Maduro,” *Reuters*, March 12, 2018, <https://www.reuters.com/article/us-venezuela-politics-food-idUSKCN1GO173>.

Failure by the government to provide a normalized policy of access to medical services for LGBT individuals has life-altering consequences for this community. For transgender individuals specifically, the political and economic crisis has led to devastating shortages in medication for hormone replacement therapy. Since anti-government protests began in 2014, many transgender individuals taking hormones in Venezuela have been forced to travel to Colombia to access the medication they need. Dr Edward Romero, director of the transgender unit at the UCIEP medical center in Caracas, has estimated that at least half of his patients have traveled to other countries in the region, including Colombia, Ecuador and Peru, to find cheaper alternatives, according to a report published by BBC News last year.¹¹⁷

According to a 2015 report by the Sexual Orientation and Gender Identity Working Group at the University of Toronto, “LGBT Venezuelans face several social and legal obstacles to their freedom and security: a history of serious abuses perpetrated by police; legal amendments that expressly rule out any form of marriage for same-sex couples; discrimination in the workforce; and difficulty in having their constitutional protections enforced.” According to the same report, the Immigration and Refugee Board of Canada found in 2009 that, “50% of homosexuals report at least one incident with public forces during the previous 6 months (verbal or physical violence, blackmail, etc.)” The report goes on to describe the level of police harassment of LGBT individuals in Venezuela, highlighting an event in 2010 in which 20-25 queer individuals were rounded up by police officers, robbed, beaten and harassed. This incident was one of many arbitrary arrests of LGBT people in Venezuela by police officers who are known to behave in a highly discriminatory manner – instances of random theft, sexual assault, and shootings by police officers towards members of the LGBT community have been repeatedly reported throughout the past decade.¹¹⁸

According to the US State Department’s 2019 Human Rights Report for Venezuela, “The constitution provides for equality before the law of all persons and prohibits discrimination based on ‘sex or social condition,’ but it does not explicitly prohibit discrimination based on sexual orientation or gender identity. According to a [Venezuelan Supreme Court] TSJ ruling, no individual may be subjected to discrimination because of sexual orientation, but the ruling was rarely enforced. Credible NGOs reported incidents of bias-motivated violence against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons... Leading advocates noted that law enforcement authorities often did not properly investigate to determine whether

¹¹⁷ Guillermo Olmo, “Venezuela’s transgender community fears hormone shortages,” *BBC News*, July 5, 2019, <https://www.bbc.com/news/world-latin-america-48810720>.

¹¹⁸ Sexual Orientation and Gender Identity Working Group, “Venezuela: Country report for use in Canadian refugee claims based on persecution on the basis of sexual orientation or gender identity,” *University of Toronto*, June 2015, https://ihrp.law.utoronto.ca/utfl_file/count/media/Venezuela%20Report-%20Final.pdf.

crimes were bias-motivated. Local police and private security forces allegedly prevented LGBTI persons from entering malls, public parks, and recreational areas.”¹¹⁹ Given the hostile situation for LGBT Venezuelans, exacerbated by the political and economic crisis currently plaguing the country, returnees are likely to face continued harassment in Venezuela by community members, *colectivos* and especially by police and other government authorities because of their sexual orientation.

Social Status and Treatment of HIV+ Individuals in Venezuela

For LGBT individuals who are HIV+, the situation in Venezuela can be even more difficult. While official policies of the Venezuelan government have been relatively progressive since the election of Chavez in 1998, gay and transgender people experience discrimination in seeking HIV treatment on the ground. For example, the Venezuelan government has provided anti-retroviral drugs at no cost to HIV/AIDS patients since 1998. However, access to these services and drugs is difficult for gay men because the state-run health system often refuses services, engages in dehumanizing conduct, and stigmatizes gay men or men who exhibit feminine characteristics. These practices vary widely by location, with some state run health services more sensible and displaying greater tolerance for LGBT individuals than others. Importantly, the Venezuelan state has not done anything to prevent such discriminatory practices. This failure of the government to provide a normalized policy of access to medical services is notable because of its life-altering consequences. According to transgender activist Tamara Adrián, "there are barriers to entry into health centers, both public and private, for people who are trans or intersex, for their stay in hospitals - sometimes they are treated in the corridors - and for adherence to the treatments.”¹²⁰

The Pan American Health Organization estimated that there were about 120,000 Venezuelans with a positive diagnosis for HIV in 2019, and 75,000 who depend on the state's free supply of antiretroviral (ARV) medication to survive. UNAIDS has put the number of HIV-positive Venezuelans at 300,000, including possible undiagnosed people.¹²¹ In the past decade, the humanitarian crisis in Venezuela has led to the collapse of the public health system, with huge consequences for HIV-positive Venezuelans. In 2016, local NGO Asovida reported a 90% shortage of antiretrovirals in Venezuela. In 2017, the health system

¹¹⁹ “Venezuela 2019 Human Rights Report,” U.S. Department of State, <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/venezuela/>.

¹²⁰ Humberto Marquez, “The LGBTIQ+ Community Still Oppressed in Venezuela,” *Global Issues*, March 30, 2023, <https://www.globalissues.org/news/2023/03/30/33464>.

¹²¹ Gabriela Mesones Rojo, “Leave or die. The choice confronting HIV-positive Venezuelans,” *The New Humanitarian*, Nov. 5, 2019, <https://www.thenewhumanitarian.org/news-feature/2019/11/05/Venezuelans-HIV-health-choice-leave-die>.

reached a collapsing point; no national hospital had ARV drugs and 85% of pharmacies ran out of medication for opportunistic infections. Local NGO Acción Ciudadana contra el SIDA (Citizens' Action Against AIDS) reported that at least 58,000 Venezuelans were left without treatment. That same year, Acción Solidaria estimated that 3,200 people died from HIV-related illnesses, or 8 people daily. In 2018, the organization reported 24 to 25 HIV-related deaths every day. In 2018, a new response plan was drafted between the health ministry and global health organizations, with The Global Fund to Fight AIDS, Tuberculosis and Malaria giving \$5 million for antiretrovirals. This helped to reduce the shortage of treatment to 65 percent for 10 months. Since this time however, the Venezuelan government has not kept to its commitment to contribute \$28 million to fund the rest of the program.¹²²

Access to treatment is only one issue faced by HIV-positive individuals in Venezuela. Juan Manuel Rodrigues, a human rights defender from NGO Acción Solidaria reported that cases of labor discrimination rose considerably in 2019 based on HIV-positive diagnoses. "HIV tests for workers have been illegal for more than 20 years. Still, many workers are tested against their will and fired when the results are positive," he said.¹²³ Activists protesting lack of proper treatment and discrimination have also faced targeting and violence at the hands of state authorities. Most recently, the Venezuelan government raided the Mavid Foundation, an organization that has been supporting people living with HIV to access antiretroviral medication. On 15 February 2019, HIV activists connected to the Mavid Foundation, Jonathan Mendoza, Wilmer Alvarez and Manuel Armas Jhas, were detained following the raid.¹²⁴

A report by the Immigration and Refugee Board of Canada about the treatment of individuals with HIV by the Venezuelan government found continuing discrimination, particularly against visibly gay people.¹²⁵ A representative of Acción Solidaria explained the situation as follows: "I could not say that all people with HIV, especially gay men with HIV, face discrimination, but many, many more than one would like, even after almost 30 years of

¹²² Gabriela Mesones Rojo, "Leave or die. The choice confronting HIV-positive Venezuelans," *The New Humanitarian*, Nov. 5, 2019,

<https://www.thenewhumanitarian.org/news-feature/2019/11/05/Venezuelans-HIV-health-choice-leave-die>.

¹²³ Gabriela Mesones Rojo, "Leave or die. The choice confronting HIV-positive Venezuelans," *The New Humanitarian*, Nov. 5, 2019,

<https://www.thenewhumanitarian.org/news-feature/2019/11/05/Venezuelans-HIV-health-choice-leave-die>.

¹²⁴ Rob Kelly, "HIV activists in Venezuela under threat," *Frontline AIDS*, Feb. 16, 2019,

<https://frontlineaids.org/hiv-activists-in-venezuela-under-threat/>.

¹²⁵ Immigration and Refugee Board of Canada, *Venezuela: Treatment by government officials of persons with HIV/AIDS, in particular with regard to the distribution of anti-retroviral drugs; treatment by government officials of gay men with HIV/AIDS*, 23 September 2009, VEN103245.E, available at: <http://www.unhcr.org/refworld/docid/4b8631d82.html> [accessed 15 August 2023].

the beginnings of HIV, are still subjected to discrimination and violations of their rights."¹²⁶ A UNAIDS official not only corroborated that such discrimination exists, but indicated that the state has not done anything to prevent such practices. The official stated that individuals who are transgender or exhibit more feminine qualities face "degrading and offensive treatment by ... health workers."¹²⁷ Given the dismal situation for HIV-positive individuals in Venezuela currently, it is likely that these individuals would face discrimination and stigma due to their condition, and would be unable to access lifesaving antiretroviral drugs.

¹²⁶ ACSOL Representative 18 Aug. 2009, as cited in Immigration and Refugee Board of Canada, *Venezuela: Treatment by government officials of persons with HIV/AIDS*, http://www.unhcr.org/refworld/publisher/IRBC_VEN_4b8631d82_0.html

¹²⁷ UNAIDS official, 3 Sept. 2009, as cited in Immigration and Refugee Board of Canada, *Venezuela: Treatment by government officials of persons with HIV/AIDS*, http://www.unhcr.org/refworld/publisher/IRBC_VEN_4b8631d82_0.html

In Re:

(Name/Nombre)

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(A Number/Numero A)

CERTIFICATE OF SERVICE

_____ (Name/Nombre) hereby certifies that on _____ (Date of Mailing/Fecha de Correo) the within Evidence in Support of Asylum and Withholding of Removal was served on the U.S. Department of Homeland Security, Immigration and Customs Enforcement Office of the Principal Legal Advisor, at _____ (OPLA Office Address/Direccion de la Oficina de los Fiscales) via USPS mail.

(Signature/Firma)