FOLLOW UP TO THE PREVIOUS REVIEW

1. Venezuela accepted 93 recommendations out of 274 made during the previous review. However, there has been limited progress with respect to implementing accepted recommendations, particularly regarding protecting and ensuring human rights defenders’ work; decreasing systemic impunity; international scrutiny; judicial independence; and access to economic and social rights.

2. Despite Venezuela accepting some recommendations, including the duty to investigate criminal offences and human rights violations, obstacles to deliver justice, truth and reparation for human rights violations and other crimes persist, with high levels of impunity for human rights violations and crimes under international law committed in the context of protests and security operations, including acts of torture and other ill-treatment, extrajudicial executions and gender-based violence.

3. Although the Public Prosecutor’s Office has announced investigations into three emblematic cases of human rights violations, these investigations omit looking into chain of command responsibility, a critical element to tackle impunity, since those cases are part of systematic and widespread attacks against the civilian population and might constitute crimes against humanity.

4. Regrettably, Venezuela rejected recommendations to reconsider its decision to denounce the American Convention on Human Rights and to return to the Inter-American Court of Human Rights’ jurisdiction. Since the last review, Venezuela has constantly tried to avoid scrutiny by international and regional organizations, although it accepted a limited mandate for technical assistance from the Office of the High Commissioner of Human Rights (OHCHR).

5. Although Venezuela rejected recommendations to extend invitations and accept visits from Special Procedures, two visits have taken place, neither related to most acute human rights concerns, such as extrajudicial and summary executions, arbitrary detentions, or torture. The second visit was just one out of ten visits which Venezuela committed to allow specifically between 2020 and 2022.

6. Venezuela rejected recommendations to improve the separation of powers and judicial independence, as well as ending arbitrary detentions and ensuring fair trial. Venezuela’s consolidation of a policy of repression using the judiciary to silence dissent, such as criminalization both in civil and military courts, demonstrates the need for these recommendations to be implemented urgently.

THE NATIONAL HUMAN RIGHTS FRAMEWORK

7. Venezuela has yet to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment, the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.
8. The government issued an administrative regulation (002/2021) that violates the right to privacy and grants the government access to civil society organizations’ (CSOs) confidential and essential information, threatening them with criminalization and loss of legal status in case of non-compliance. It gives scrutiny powers over CSOs to a regulatory entity with the mandate to prevent “terrorism” and “money laundering”.12

9. Other legal instruments, such as the Law against Hatred, and the Law against Organized Crime and the Financing of Terrorism have been used to prosecute humanitarian workers, human rights defenders, and dissident voices.

THE HUMAN RIGHTS SITUATION ON THE GROUND

Human rights defenders

10. Human rights defenders face threats, stigmatization and heightened risks when carrying out their work. There have been illegal raids against NGOs, criminalization, and arbitrary detentions of defenders. The increased arbitrary legal and administrative requirements for NGOs to operate impedes human rights defenders and humanitarian workers from carrying out their activities.

11. In August 2020, the NGO Solidarity Action’s office was raided by officials of the Special Action Forces of the Bolivarian National Police (FAES) and eight people were detained for several hours. Five members of humanitarian NGO Positive Blue were arbitrarily detained for almost a month in 2021.13 Three members of FundaREDES were arbitrary detained on 2 July 2021 and charged with terrorism and other crimes and denied access to a proper defence.14

12. Over 303 attacks against human rights defenders in 2020 were reported, including criminalization, harassment, digital attacks and arbitrary detentions.15 Vannesa Rosales, a human rights defender in Merida state, was arbitrarily detained in October 2020 for providing a 13-year-old girl, who was pregnant as a result of rape, with information on procedures for the termination of the pregnancy.

Impunity for human rights violations and crimes under international law

13. Impunity for human rights violations and crimes under international law is the norm.16 Despite the Public Prosecutor’s Office announcing that 804 law enforcement officials had been charged for human rights violations committed since August 2017,17 none of the investigations include chain of command responsibility.

14. The UN Human Rights Council’s Fact-Finding Mission on Venezuela (FFM) reported torture to be systematic and widespread, which might amount to crimes against humanity. Examples include Fernando Albán and Rafael Acosta Arévalo Both were in state custody in 2018 and 2019 respectively.18 It was only in May 2021 that criminal investigations included the presumable torture they suffered. Cases of sexual torture have not been investigated.19

Excessive use of force and extrajudicial executions by the security forces
15. Excessive and otherwise unlawful use of force by members of the police, military and armed groups against demonstrators remained widespread, with numerous reports of indiscriminate use of force during law enforcement operations.

16. The Operation Liberation and Protection of the People (OLP), under which security operations were carried out until 2017, has been replaced by the FAES. There are consistent reports of extrajudicial executions and illegal raids by the FAES, with OHCHR having recommended its dissolution.

17. Official figures state that 20,452 deaths attributable to security forces happened between 2016 and June 2019. Those targeted were primarily young men living in low-income neighbourhoods who were arbitrarily detained in circumstances which the authorities claimed involved clashes with police.


**Right to peaceful assembly**

19. In 2019, massive demonstrations led to violent repression by the authorities, including killings, arbitrary detentions, torture and other ill-treatment, and extrajudicial executions, that may have amounted to crimes against humanity.

20. In 2020, over 9,500 protests were reported, some 412 of which were attacked by the police, military or pro-government armed groups, resulting in the deaths of six protesters and the injury of 150 others.

**Freedom of expression**

21. In the previous review, Venezuela rejected all recommendations to ensure and protect freedom of expression and to stop criminalizing dissent, and to date continues to implement a policy of repression of dissent.

22. The justice system is instrumentalized against dissent. Throughout 2020, parliamentarians from the opposition were arbitrarily arrested, harassed and stigmatized, while prisoners of conscience remained subject to severe restrictions and prosecution. Prosecutors, both civil and military, frequently use ambiguous criminal offences to prosecute and restrict the rights of those perceived as opponents to the government.

23. Authorities have shut down dozens of media outlets claiming non-compliance with administrative requirements, among other arbitrary misuses of criminal law.

24. Journalists have also been charged and prosecuted for their reporting, including on the Covid-19 pandemic, such as Darvinson Rojas who was charged with “incitement of hatred” for reporting on the pandemic. Other journalists such as Luis Carlos Díaz have been arbitrarily arrested, detained, subjected to torture, and released under conditional measures severely limiting their rights. Other attacks against media outlets and journalists have come in the form of smear campaigns, attempts to stigmatize international aid, digital attacks, censorship, physical attacks, among others amounting to more than 2,000 attacks in the period under review.
25. On 21 August 2020, journalists Andrés Eloy Nieves Zacarías and Víctor Torres were killed in a FAES security operation in Zulia state. The Public Prosecutor’s Office launched an investigation into their possible extrajudicial execution.29

Refugees, asylum seekers, migrants and returnees

26. The rising number of Venezuelans fleeing to other countries seeking international protection reached 5.6 million by 5 June 2021.30

27. The repressive Covid-19 response included mandatory quarantine in state. Officially, 90,000 people were reported to have passed through the state-run centres between March and August 2020 on their return to Venezuela. These centres adopted arbitrary and militarized procedures that resulted in punitive measures failing to prioritize health care and infection prevention. The conditions were precarious and ignored WHO protocols.31

Economic, social, and cultural rights

28. Lack of access to a range of economic, social and cultural rights has resulted in a worsening humanitarian emergency in Venezuela. In July 2020, the UN Humanitarian Response Plan noted that 4.5 million people needed humanitarian assistance.32 The UN World Food Programme (WFP) was finally allowed access to the country in April 2021.33

29. Access to drinking water and sanitation continues to be limited, with only one in four households able to access running water every day.34

30. In June 2020, the basic monthly family food basket15 cost US$513.77, requiring an income 184 times the minimum wage.36 In July 2020, the National Survey of Life Conditions (ENCOVI) reported that 96% of households in Venezuela suffered income poverty and 79% extreme income poverty and were unable to purchase the basic food basket37 resulting in a severe situation of food insecurity.38

31. Health services have steadily deteriorated, due to shortages of medicines, medical equipment and other factors,39 seriously limiting the state’s public health response to Covid-19. Medical and health personnel were not provided with adequate protection measures against Covid-19, with some who voiced concerns about this facing arrests and criminalization. There were also concerns about the lack of transparency in official data regarding testing, rates of infection and deaths due to Covid-19.40

32. Venezuela has not published the national vaccine plan nor explained how the prioritization of vulnerable communities would be made.41 In June 2020, Venezuela started applying the Cuban Covid-19 vaccine candidate “Abdala” which lacks authorization from any national or international regulatory body.42

Women’s rights

33. The humanitarian emergency and Covid-19 pandemic impact differently on women, affecting their access to sexual and reproductive health services, including maternal health care, and health services in general.43
34. No official information on femicide rates has been issued since 2013, nor a national plan to prevent them, with NGOs reporting a steady increase in cases of violence against women.\textsuperscript{44} No shelters for women survivors of gender-based violence were operational during 2020.\textsuperscript{45}

35. The FFM documented gender-based crimes against humanity, including sexual violence and other forms of torture against women detained by the Directorate of Military Counterintelligence (DGCIM) and the Bolivarian National Intelligence Service (SEBIN) and in the context of protests.

**Indigenous rights**

36. In the Orinoco Mining Arc and other parts of the country, mining continues to affect the rights of Indigenous peoples. OHCHR reported that levels of labour exploitation, trafficking and violence were high because of corruption by criminal groups who controlled the mines and operated a system of bribes to military commanders.\textsuperscript{46} The humanitarian emergency has particularly affected Indigenous peoples, displacing many of them to Brazil and other countries.

**Prison conditions**

37. Deaths in custody persisted and were not investigated. The NGO Window to Freedom reported 669 deaths in custody between 2016 and 2020.\textsuperscript{47}

38. Serious overcrowding and unhygienic conditions in prisons put detainees at heightened risk of Covid-19, which is common in prisons, judicial cells, and police stations.\textsuperscript{48}

**RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW**

**Amnesty International calls on the government of Venezuela to:**

**National Human Rights Framework**

- Promptly accede to the American Convention on Human Rights and recognize the jurisdiction of the Inter-American Court of Human Rights.
- Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.
- Promptly ratify, without making any reservation, the International Convention for the Protection of All Persons from Enforced Disappearance and recognize the competence of the Committee on Enforced Disappearances to consider individual communications.
- Accept and facilitate a permanent presence of the OHCHR.
- Refrain from issuing, and rescind, legal or administrative regulations (such as 002/2021) that threaten the functioning of NGOs and survivors of human rights violations.

**International monitoring**

- Extend a standing invitation to UN Special Procedures and agree to visits by the UN Special Rapporteurs on torture, on the situation of human rights defenders, on freedom of expression, and on freedom of peaceful assembly and of association, and the Working Group on Arbitrary Detentions.
- Allow access to the FFM on Venezuela to the country.

**Human rights defenders**
- Ensure human rights defenders and humanitarian workers can conduct their work in a safe and enabling environment, including by explicitly and publicly recognizing their legitimacy.
- Halt ongoing attacks and smear campaigns by high-ranking officials against human rights defenders.

**Impunity for human rights violations**
- Undertake independent, thorough, and prompt investigations into all cases of human rights violations, including chain of command responsibility, and analysis as to whether they may amount to crimes under international law; bring those suspected of criminal responsibility to justice; and ensure that those convicted receive a punishment appropriate to the seriousness of the crime.
- Abrogate military jurisdiction for trying civilians or military personnel alleged responsible for human rights violations or crimes under international law.

**Excessive use of force and extrajudicial executions by the security forces**
- Follow OHCHR recommendations to dissolve FAES and reform the police.
- Ensure police compliance with UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials when carrying out their duties, including when policing protests.
- Ensure that the armed forces act solely in support of, and under the control of, the civilian authorities and are subject to the same training, accountability mechanisms and sanctions.

**Repression of dissent**
- Refrain from using the judicial system against dissidents, such as representatives to the National Assembly and other opponents.
- Stop the implementation of the policy of repression and condemn the human rights violations, such as extrajudicial executions, that occurred with the aim to silence critical voices.
- Stop using the Law against Hatred and the Law against Organized Crime and the Financing of Terrorism to silence dissent and criminalize opposition.

**Freedom of expression**
- End and condemn attacks against media outlets and journalists.
- Refrain from arbitrarily detaining and charging journalists in relation to their work.
- Remove any judicial restrictions on journalists who have been arbitrarily detained and are subjected to undue restrictions on their freedom of expression.

**Refugees, asylum seekers, migrants and returnees**
- Implement a plan to welcome returnees which follows international human rights standards, especially in the context of state-run quarantine facilities due to the pandemic of Covid-19.

**Independence of the judiciary**
- Guarantee the independence and impartiality of the judiciary, in accordance with international human rights law and standards, by condemning and halting any interference with the judiciary.
- End the misuse of the justice system to harass dissidents and drop any politically motivated charges against them.
- Stop the use of the military jurisdiction to try civilians or former military officials.
- Release immediately and unconditionally all detainees who are held arbitrarily for politically motivated reasons.

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Economic, social and cultural rights

- Urgently work with international agencies and local humanitarian workers to design and effectively implement a national plan to address the ongoing humanitarian emergency, without resorting to political discrimination and reprisals, prioritising groups in a vulnerable and marginalised situation such as women, Indigenous Peoples, and returnee refugees.
- Make public, and regularly update, disaggregated statistics about the enjoyment of economic, social and cultural rights, including health services and epidemiological information, food distribution, poverty rates, impact of hyperinflation and access to housing, water and sanitation.
- Ensure that the vaccination plan against Covid-19 is accessible, fair, inclusive and non-discriminatory, in line with human rights laws and standards.
- Ensure all treatments and vaccines used have been deemed safe and effective by objective and independent regulatory agencies.

Women’s rights

- Ensure that the necessary resources are allocated to women’s shelters in every state and that they are properly functioning.
- Guarantee access to sexual and reproductive health services, including maternal health care, for all women.
- Collect and publish statistics related to violence against women and develop a national plan to tackle such cases.
- Conduct prompt, independent and comprehensive investigations into cases of gender-based human rights violations, including into reports of sexual and gender-based violence and other forms of torture in detention.

Indigenous rights

- Condemn, and implement a plan to dismantle, illegal mining in the Orinoco Mining Arc and other parts of the country.
- Conduct prompt, independent and comprehensive investigations into the reports of exploitation, trafficking, and other forms of violence around the Orinoco Mining Arc and take all necessary, appropriate steps, in compliance with human rights standards, to make such acts cease.
- Consult with Indigenous Peoples and obtain their free, prior and informed consent for a culturally adequate plan to respond to the humanitarian emergency.

Prison conditions

- Ensure that prisons and other detention centres meet international human rights standards, including the UN Standard Minimum Rules for the Treatment of Prisoners.

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5 A/HRC/34/6, recommendations 133.98 (Uruguay), 133.99 (Brazil), 133.100 (Georgia).

6 Venezuela has also rejected the UN HRC’s Fact Finding Mission’s mandate and has denied it access to the country.

7 Venezuela even denounced the American Charter of the Organization of American States

8 A/HRC/34/6, recommendations 133.78-133.95 (Japan, Costa Rica, Finland, Latvia, Montenegro, Perú, Portugal, Spain, Ukraine, Uruguay, Australia, Austria, Chile, Georgia, Norway, Ghana, Guatemala, Iceland).


10 A/HRC/34/6, recommendations 133.134-133.38 (Australia, Brazil, Canada, Colombia, Ireland), 133.157 (Germany), 133.160-133.63 (Switzerland, Australia, Brazil, Canada), 133.165 (Czechia).


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44 VTV, “Aumentan casos de femicidios en Venezuela”, 9 June 2021, youtube.com/watch?v=hDAfygp5hE
48 Venezuelan Observatory of Prisons, Los presos venezolanos están en extrema vulnerabilidad ante el Coronavirus, 18 March 2020, oveprisiones.com/los-presos-venezolanos-estan-en-extrema-vulnerabilidad-ante-el-coronavirus/