

H U M A N
R I G H T S
W A T C H

**Submission to the Universal Periodic Review of the Bolivarian Republic of
Venezuela**

Human Rights Watch

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I. Summary

The Nicolás Maduro government's brutal repression continues, with security forces and armed pro-government groups committing egregious abuses, including extrajudicial killings, short-term enforced disappearances, arbitrary arrests, and torture. The United Nations Independent International Fact-Finding Mission on Venezuela and the Office of the Prosecutor at the International Criminal Court found evidence that crimes against humanity may have been committed. Authorities are harassing and prosecuting civil society organizations that work to address the country's ongoing human rights and humanitarian emergency, which has left millions unable to access basic healthcare and adequate nutrition and the country ill-prepared to deal with the Covid-19 pandemic. More than 5.6 million Venezuelans have fled the country, generating the largest migration crisis in Latin America.

II. Human Rights Issues

Brutal Crackdown on Dissent: Persecution, Arrests, and Torture

During the 2016 UPR of Venezuela, the state noted recommendations about permitting genuine expression of dissent,¹ ending the practice of arbitrary detentions,² releasing people who were arbitrarily detained or detained for political reasons,³ and ensuring proportionality in use of force during protests.⁴

The government has continued to crack down on protesters and jailed political opponents and thousands of people in connection with protests.

In 2017, when tens of thousands of people took the streets, security forces and armed pro-government groups, called *colectivos* in Venezuela, attacked protesters, causing dozens of deaths and hundreds of injuries. Security forces beat detainees severely and tortured them with electric shocks, asphyxiation, sexual assault, and other brutal techniques. They arbitrarily arrested and prosecuted government opponents. While it was not the first crackdown on dissent under Maduro – similar abuses occurred [in 2014](#) –, the [scope and severity](#) of the 2017 repression reached levels unseen in Venezuela in recent memory. The abuses were committed in controlled environments, including military and intelligence services' installations.

Intelligence and security forces have detained and tortured military personnel accused of [plotting against the government](#). To determine the whereabouts of some suspects, authorities have detained and tortured family members.

As of June 2021, prisons and intelligence headquarters held [300 political prisoners](#), according to Foro Penal, a Venezuelan network of pro-bono criminal defense lawyers. Many others have been forced

¹ 133.188 Permit genuine expression of dissent by releasing political prisoners, allowing the elected National Assembly to carry out its functions and permitting peaceful protest and independent media reports (United States of America); A/HRC/34/6/Add.1 - Para. section V, para. 8

² 133.136 End the practice of arbitrary detention, release all political prisoners with immediate effect and implement the recommendations issued by the Working Group on Arbitrary Detention, including in opinion No. 26/2014 (Canada); A/HRC/34/6/Add.1 - Para. section IV, para. 7

³ 133.138 Release persons arbitrarily detained and ensure that all complaints of torture and ill-treatment of detainees are investigated promptly, thoroughly and independently (Ireland); A/HRC/34/6/Add.1 - Para. section V, para. 8; 133.134 Release persons detained or arrested for political reasons and refrain from and prevent all forms of violence and retaliatory action, evictions, deportations, detention and coercion (Australia); A/HRC/34/6/Add.1 - Para. section V, para. 8

⁴ 133.125 Make proportional use of force during protests and proceed to the immediate release of political prisoners (Spain); A/HRC/34/6/Add.1 - Para. section V, para. 8

into exile, or are subject to arbitrary arrest and prosecution. A May 2021 [presidential decree](#) ordered the transfer of prisoners under military intelligence custody to common prisons.

Of more than [15,700 people](#) arrested since 2014 in connection with protests—including demonstrators, bystanders, and people taken from their homes without warrants—some 9,369 had been conditionally released as of April 2021 but remained subject to prosecution. A total of 872 have been prosecuted before military courts.

The government has [used the Covid-19 state of emergency](#) as a pretext to repress dissent, arbitrarily detaining and prosecuting dozens of political opponents, including legislators, journalists, healthcare workers who criticize the government’s handling of the pandemic, and lawyers who provide legal support to demonstrators.

In 2021, the UN Office of the High Commissioner for Human Rights (OHCHR) [reported](#) that torture, inhumane treatment, forced disappearances and arbitrary detentions continue. The UN [Independent International Fact-Finding Mission](#) and [the International Criminal Court prosecutor](#) found evidence of crimes against humanity. The mission found “reasonable grounds” to implicate Maduro and his interior and defense ministers.

Alleged Extrajudicial Killings and Armed Groups

During the 2016 UPR, Venezuela noted recommendations related to stopping the abuses committed by security forces⁵ and investigating patterns of widespread extrajudicial killings committed by police and armed pro-government groups.⁶

Between 2016 and 2019, police and security forces killed more than [19,000 people](#), alleging “resistance to authority.” OHCHR, analyzing open sources, [found 2,000 individuals](#) had been killed in security operations between January and August of 2020. Many of these deaths may constitute extrajudicial executions.

Agents of the Special Action Force of the Bolivarian National Police (Fuerzas de Acciones Especiales, FAES), a special police force, and other security forces have killed and tortured with impunity in [low-income communities](#), instilling fear and maintaining social control. Previously, security force raids on low-income communities from 2015 through 2017, carried out as part of a program called “Operation to Liberate the People,” had resulted in [widespread allegations](#) of extrajudicial killings, mass arbitrary detentions, mistreatment of detainees, and forced evictions.

In April, [authorities announced](#) the creation of a committee charged with presenting a plan to reform the Bolivarian National Police within six months.

Colectivos at times worked alongside Venezuelan security forces to [suppress demonstrations](#). [During the pandemic](#), these groups have also engaged in social control and attacked and intimidated political opponents and journalists, sometimes to prevent coverage related to Covid-19. *Colectivos* have enforced the lockdown in neighborhoods with high levels of poverty, local groups report, beating and torturing those who allegedly fail to comply.

⁵ 133.115 Take measures to reduce the number of homicides, address the level of impunity and stop the abuses by the security forces (Sweden); A/HRC/34/6/Add.1 - Para. section V, para. 8

⁶ 133.122 Monitor law enforcement in an effort to eradicate corruption and investigate the use of excessive force, as well as the patterns of widespread extrajudicial killings committed by the police and vigilante groups (Maldives); A/HRC/34/6/Add.1 - Para. section V, para. 8

Armed groups—including the National Liberation Army, Patriotic Forces of National Liberation, and groups that emerged from the Revolutionary Armed Forces of Colombia—operate mostly in border states. [In Apure state](#), they establish and brutally enforce curfews; prohibitions on rape, theft, and murder; and regulations governing everyday activities. They engage in murder, rape, forced labor, and child recruitment to establish social control. Venezuelan security forces and other authorities have tolerated and at times colluded with armed groups operating in Apure.

In 2021, Venezuelan security forces committed [egregious abuses against local residents](#) during a weeks-long operation against a dissident group from the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia, FARC) known as the Martin Villa 10th Front in Apure. The operation led to the execution of at least four peasants, arbitrary arrests, the prosecution of civilians in military courts, and torture of residents accused of collaborating with armed groups.

[Illegal mining in Bolívar](#) state is controlled by criminal groups—called “syndicates”—which police citizens, impose abusive working conditions, and viciously treat those accused of theft and other offenses, sometimes dismembering and killing them. The syndicates operate with government acquiescence and sometimes involvement.

Impunity for Abuses

In the 2016 UPR, the state noted recommendations related to addressing impunity⁷ and supported the ones about independent investigations in cases of human rights violations.⁸

Impunity for human rights abuses remains the norm. There has been [no meaningful justice](#) in Venezuela for victims of extrajudicial killings, arbitrary arrests, and torture by security forces with the knowledge or acquiescence of Venezuelan high-level political, military, and judicial authorities.

Between 2017 and the first trimester of 2020, the Attorney General’s Office reported initiating 4,890 investigations into killings in the context of security operations, of which 13 had resulted in trials and one in a homicide conviction by March 2020. Between [August 2017 and April 2021](#), 716 security officers and 40 civilians were charged with serious human rights violations, and 153 were convicted. Of all cases of killings in the context of security operations or protests documented by OHCHR, only one has led to a judgment to date. In that case, the alleged perpetrators were acquitted.

In 2020, OHCHR [reported](#) factors contributing to impunity include security forces tampering with crime scenes and withholding information; conflicts of interest; and security forces’ intimidation, threats, and reprisals against victims and their families.

Judicial Independence

⁷ 133.115 Take measures to reduce the number of homicides, address the level of impunity and stop the abuses by the security forces (Sweden); A/HRC/34/6/Add.1 - Para. section V, para. 8 ; 133.206 Take all necessary measures to guarantee the exercise of the work of human rights defenders and take measures to fight impunity for perpetrators of attacks and threats against them (France); A/HRC/34/6/Add.1 - Para. section V, para. 8

⁸ 133.174 Conduct thorough and independent investigations in cases of human rights violations and ensure victims’ access to justice (Uruguay); A/HRC/34/6/Add.1 - Para. section II, para. 6

During the 2016 UPR, Venezuela supported recommendations calling for ensuring judicial independence, impartiality, and the separation of powers.⁹

The Venezuelan 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. Given that most lower court judges do not have security of tenure, the lack of judicial independence has trickled down to the entire judiciary.

Supreme Court justices have openly rejected the separation of powers and have consistently upheld abusive policies and practices. In 2020, the Supreme Court orchestrated the [takeover of several opposition political parties](#), replacing their leadership with Maduro administration supporters, and allowing the new pro-government leadership to use their names and logos. In 2021, a new National Electoral Council announced that some opposition political parties will be able to participate in the November 2021 elections, but it remains unclear who will lead them.

In June 2021, Venezuelan authorities announced a [judicial reform](#) process. The committee established for this purpose appears to be focused on reducing prison overcrowding and has failed to present concrete measures to overhaul the justice system to ensure its independence.

Humanitarian Emergency and Covid-19

During the 2016 UPR, Venezuela supported recommendations to regularly publish data on health and nutrition¹⁰ and ensure the rights to food, water and sanitation for its people, as well as continued basic medical supplies and health services.¹¹ It noted recommendations about engaging in dialogues and promoting equal participation to overcome the humanitarian crisis.¹²

Yet, the government has [not published epidemiological](#) data since 2017, when the health minister released figures showing maternal mortality had increased by 65 percent and infant mortality by 30 percent in 2016. Days later, the minister was fired.

[Venezuela's health system's collapse](#) have led to the resurgence of vaccine-preventable and infectious diseases. Shortages of medications and health supplies, interruptions of basic utilities at healthcare facilities, and the emigration of healthcare workers have led to a decline in operational capacity.

According to the [World Food Program \(WFP\)](#), one in three Venezuelans are food insecure and in need of assistance. In 2019, [9.3 million Venezuelans suffered from food insecurity](#), a number

⁹ 133.133 Ensure that no one is detained arbitrarily and that all persons who are charged with an offence have access to a fair and impartial trial, while ensuring the independence of the judiciary (New Zealand); A/HRC/34/6/Add.1 - Para. section II, para. 6; 133.154 Work to ensure the independence of the judiciary and to continue with the efforts to fight crime using a preventive approach and a human rights perspective (Mexico); A/HRC/34/6/Add.1 - Para. section II, para. 6; 133.166 Ensure the independence and impartiality of the judiciary and police authorities and allow all parties to exercise their rights before the judiciary (France); A/HRC/34/6/Add.1 - Para. section II, para. 6.

¹⁰ 133.254 Regularly publish updated socioeconomic data, including on health and nutrition, especially by strengthening existing national instruments, such as the Venezuelan system of food and nutrition surveillance (Switzerland); A/HRC/34/6/Add.1 - Para. section II, para. 6

¹¹ 133.231 Take all necessary measures to ensure the rights to food, water and sanitation for its people, as well as continued basic medical supplies and health services (Thailand); A/HRC/34/6/Add.1 - Para. section II, para. 6

¹² 133.40 Engage in a dialogue among all Venezuelans, including the opposition, to resolve political divisions, the economic crisis and the humanitarian situation (United States of America); A/HRC/34/6/Add.1 - Para. section V, para. 8; 133.217 Promote equal participation in political and public affairs as a key means of overcoming the current political and humanitarian crisis (Czechia); A/HRC/34/6/Add.1 - Para. section V, para. 8

projected to increase significantly. The Venezuelan organization [Caritas](#) has reported more than 14 percent of children under age 5 in some low-income areas suffer from acute malnutrition.

The humanitarian emergency has undermined access to maternal health and sexual and reproductive services. The United Nations [Office for the Coordination of Humanitarian Affairs](#) (UNOCHA) estimated an 80 percent shortage of contraceptive methods and reported that 352 women died during pregnancy, childbirth, and postpartum in 2019. The situation has [deteriorated due to the Covid-19 pandemic](#). Some maternal health centers [suspended](#) prenatal and postnatal services in 2020 due to the pandemic, and NGOs [reported](#) that pregnant women suspected of having Covid-19 were denied prompt care.

As of July 14, Venezuela had [confirmed 286,990 cases](#) of Covid-19 and 3,315 deaths. Given the 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 likely much higher](#). [Limited access to water](#) in hospitals and homes, and overcrowding in low-income areas and prisons, likely contribute to rapid spread. Most healthcare centers face severe shortages of basic equipment such as gloves, face masks, alcohol gel, and soap. Lack of basic X-ray equipment, laboratory tests, intensive care beds, and respirators likely heightens the underreported death rate. Only [3.86 percent of the population](#) was fully vaccinated as of July 14, 2021, according to Johns Hopkins University.

In April, the WFP announced it had [reached an agreement](#) with the Maduro government, after over a year of negotiations, to deploy in Venezuela to supply food to young children in need. The agreement is a huge step toward mitigating Venezuela's spiraling humanitarian emergency.

Refugee Crisis

Some [5.6 million](#) of an estimated 32 million Venezuelans have fled their country since 2014, according to the Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela. Many Venezuelans abroad remain uncounted. Causes of the exodus include political, economic, human rights, and humanitarian crises.

Many remain in irregular status, undermining their ability to obtain work permits, send children to school, and access health care, while making them vulnerable to exploitation and abuse. While many neighboring governments welcomed fleeing Venezuelans, the lack of a coordinated, comprehensive regional strategy left many people stranded in [poor conditions or at borders](#) without access to [refugee or other legal protections](#). In some countries, they are being [expelled](#) or facing incidents of xenophobia.

During 2020, thousands who were forced to return to Venezuela due to difficulties related to the pandemic were held, often for weeks, in [overcrowded, unsanitary quarantine centers](#) that likely contributed to spreading Covid-19. Authorities and *colectivos* have threatened, verbally harassed, and mistreated returnees.

Freedom of Expression

The government has expanded and abused its power to regulate media and close dissenting outlets. It can [suspend](#) websites for vaguely defined "incitement," prosecute "disrespect" for high government officials, revoke media licenses if "convenient for the interests of the nation," and has blocked websites critical of the government. While a few newspapers, websites, and radio stations criticize authorities, fear of reprisals has made self-censorship a serious problem.

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 or to commission of a crime.

In 2020, authorities carried out [new campaigns of stigmatization, harassment, and repression against the media](#). They accused independent outlets of advancing foreign “interference” efforts in exchange for international aid or subjected them to digital attacks or to an arduous audit and equipment seizure, which provoked the “temporary” closure of the outlets’ operations.

Human Rights Defenders

Authorities have adopted new measures to [restrict international funding](#) of NGOs and to obligate all NGOs and non-profit organizations to [provide sensitive information](#) regarding their activities, contributions, and beneficiaries. Since these organizations are already required to register with the state under Venezuelan law, these measures are a clear effort to monitor and limit the work of independent groups.

Starting in November 2020, Venezuelan authorities and security forces carried out a [systematic campaign against human rights and humanitarian groups](#) operating in the country that includes freezing bank accounts, issuing arrest warrants, and raiding offices, as well as detaining some members for questioning. These efforts, together with [unsubstantiated accusations](#) that rights defenders undermine Venezuelan democracy, create a hostile environment limiting their ability to defend rights.

Meanwhile, [banking authorities are imposing restrictions](#) that make it harder to operate in Venezuela. The government has also failed to provide key humanitarian aid organizations with permits for international staff to enter.

Recommendations:

The Maduro government should:

- Immediately and unconditionally **release all political prisoners.**
- Order security forces to **stop arbitrary arrests and abuse** of dissidents and **end their collaboration or acquiescence with armed pro-government groups** to intimidate critics and commit abuses, including in border areas and illegal gold mines.
- Implement a **meaningful reform of the Bolivarian National Police** that should include:
 - Dissolving FAES,
 - Establishing disciplinary mechanisms to ensure accountability for abuses, and
 - Conducting a thorough review of police crowd control protocols, practices, and equipment, as well as of police training on the use of force, to ensure respect for human rights.
- **Abandon its systematic campaign against independent journalists, human rights defenders and civil society organizations**, including by:
 - Refraining from making unfounded public attacks on them;
 - Publicly retracting unfounded public statements against them;
 - Ensuring international organizations can obtain work permits and any other documentation required to operate, and all organizations can open and use their bank accounts without undue limitations; and

- Returning all assets, equipment, and offices of *El Nacional* newspaper to its owners.
- Allow the **full deployment of the World Food Program** and all humanitarian organizations willing and able to deliver aid apolitically and in compliance with basic humanitarian principles.
- Work with civil society, Venezuelan and international experts, and the opposition to establish an independent commission with powers to make concrete proposals and then work with relevant authorities to:
 - **Overhaul the judiciary** to reinstate judicial independence, including by:
 - Establishing a mechanism to fill Supreme Court seats through a selection process that is open, transparent, and ensures the broadest possible political consensus,
 - Repealing provisions of the Supreme Court law that currently allow justices to be removed by a simple majority vote, and
 - Ensuring that lower court judges are appointed to permanent positions with security of tenure.
 - Repeal all legal **provisions that** contravene **freedom of expression** and generate undue pressure for self-censorship, including all insult laws (*desacato*) and the Law Against Hatred.
 - Repeal legal provisions that violate the **right to free association** by imposing limits on the ability of civil society groups to operate independently.
- Ensure conditions for **free and fair elections** with independent international oversight.

The Attorney General's Office should:

- **Refrain from filing politically motivated charges** against critics, political opponents, and human rights defenders.
- **Drop all charges** against critics, independent journalists, and human rights defenders being prosecuted for having questioned government actions or policies, and those subjected to politically motivated prosecutions.
- Conduct **prompt and thorough investigations** into all allegations of human rights violations by security forces, intelligence agencies including SEBIN and DGCIM, and armed pro-government groups since 2014, including all **extrajudicial killings, arbitrary arrests and prosecutions, torture and mistreatment, and forced disappearances**. The investigations should look into the criminal responsibility of those who committed the abuses and of **high-level officials who knew or should have known they were occurring**.