

CHAPTER IV.B VENEZUELA

I. INTRODUCTION

1. During 2019, the Inter-American Commission on Human Rights (hereinafter "the Commission" or "the IACHR") continued to monitor the overall human rights situation in Venezuela and observed that grave impacts on the human rights of Venezuelans persist. The deepening of the country's political and social crisis, in a context of widespread repression, has led to the absence of the rule of law.

2. Venezuela has seen a clear break with the principle of separation of powers. This is evident in the lack of judicial independence and the National Constituent Assembly's overreach of powers. The absence of a functioning system of checks and balances can be observed in the fact that the executive branch continues to exercise extraordinary powers and has extended the state of emergency at least 20 times since 2016, without the approval of the National Assembly, as required by the Constitution. All of this has unfolded within a structural context of persecution of dissidence, characterized by, among other things, the militarization of public security, arbitrariness, and the excessive use of force to suppress demonstrations over food shortages, cuts to public services, and scarcity of basic goods.

3. The Commission has also observed that the deterioration of the enjoyment of civil and political rights continues—particularly as regards the exercise of freedom of expression and participation in public affairs. The following conditions have continued: violent deaths during demonstrations; arbitrary detentions and imprisonment of opposition figures and persons who publicly voice their dissent; repression of and undue restrictions on protest; dismissals of and threats against public employees as punishment for their dissent; campaigns to stigmatize and harass journalists, political opposition figures, human rights defenders, and citizens in general; the use of the criminal law and other state controls to punish or inhibit the work of political opponents and critical press outlets; and the placement of obstacles to accessing information in the public interest.

4. In this regard, the IACHR finds especially concerning the attacks on and persecution of the opposition members of the National Assembly. The IACHR observes that although the harassment of assembly members is not a new phenomenon in Venezuela, it intensified following the 2015 elections, when the opposition to the Nicolás Maduro administration won a broad majority in the National Assembly. In 2019, the Supreme Court of Justice continued to systematically strike down the laws passed by the National Assembly, forwarding its rulings to the Office of the Public Prosecutor for criminal investigations to be opened against the assembly members. For its part, the National Constituent Assembly continued to remove parliamentary immunity from opposition assembly members and declare them criminally liable for criminal offenses such as "treason." At the same time, senior members of the Executive Branch continued to issue public statements against assembly members, contributing to a climate of hostility toward the exercise of the right to political participation.

5. Judicial independence remains severely limited, as many judges either hold provisional appointments or were appointed without following the pre-established legal procedures. Another situation that is especially worrisome to the IACHR is the prosecution of civilians in the military criminal jurisdiction for criminal offenses such as "treason" and "rebellion" in the context of demonstrations. The IACHR reasserts that the scope of military criminal jurisdiction is restrictive, and it is not the proper forum for trying civilians.

6. As a result of the militarization of citizen security, extrajudicial executions continue, along with security operations characterized by the excessive and lethal use of force, as well as searches without

judicial orders and attacks on private homes. This has severely affected the lives, bodily integrity, private property, and right to due process of Venezuelans, particularly those identified with the opposition.

7. The Commission also notes with particular concern that deterioration of the exercise of and access to economic, social, cultural, and environmental rights (hereinafter “ESKER”) continues. Indeed, shortages of food and medicine, as well as regular cuts to water and power services, have gravely affected the rights to health, food, and education. An example of this is the outbreak of potentially deadly and preventable diseases. The State’s response to this has been lacking and, in many cases, with a negative impact on children, pregnant women, and older adults.

8. On the whole, the IACHR reiterates that Venezuela is facing a humanitarian crisis characterized by shortages of food and medicine, regular cuts to public utilities such as drinking water and electricity, a public health system in critical condition, and high rates of violence and insecurity. This situation has led millions fleeing the country. According to figures from the UNHCR, as of the drafting of this report, more than 4.5 million Venezuelan migrants have been forced to seek asylum and protection in different countries of the region.

9. Likewise, during 2019, the Commission followed developments in the life of this nation that were indicative of political instability, added to the humanitarian crisis facing the country. On January 10, Nicolás Maduro was inaugurated as the President of the Republic before the Supreme Court of Justice rather than the National Assembly, as should have been the case under normal circumstances under the Venezuelan Constitution. At the time, the IACHR noted that the electoral process did not provide the minimum conditions for free and just elections in the country and warned about the deep institutional weakening in Venezuela.

10. On January 21, a group of approximately 20 soldiers staged a revolt and captured a cache of the military arms from a security post located in Petare, Sucre. They next drove military vehicles to the Waraira Repano Special Security Unit in Cotiza, Caracas. There, they were captured amidst heavy fighting.

11. On January 23, the president of the National Assembly, Juan Guaidó, declared himself interim president of Venezuela, invoking articles 233 and 333 of the Constitution. In its resolution 1/2019, the Commission indicated that “Juan Guaidó is currently the most visible opposition figure in a context of major political pressure and social upheaval, as in his status as president of the National Assembly, he declared himself ‘interim’ president, making him an agent of change for the opposition movement and a segment of Venezuelan society.” According to publicly available information, dozens of States recognize him as interim president.

12. One month later, on February 23, he tried to enter Venezuela to bring humanitarian aid, crossing the borders with Colombia and Brazil, without the permission of the State. This led to riots, confrontations, and even the desertion of some Venezuelan soldiers. Later, on April 30, National Assembly President Juan Guaidó appeared in a video with a group of soldiers and with opposition leader Leopoldo López, who had, up to that point, been serving a sentence of house arrest. At that time, he called on people to take to the streets and demand the resignation of President Maduro. Later, a group of civilians and soldiers in Caracas demonstrated outside Gen. Francisco de Miranda Air Base, also known as “la Carlota.”

13. The State responded to these events with use of excessive force, abuse, torture, arbitrary mass detentions, and forced disappearances for short periods of time. As of the drafting of this report, some civil society organizations had documented close to 400 political prisoners, more than 100 of which were soldiers.

14. The IACHR is aware that crisis situations like the one in Venezuela can have more acute effects on groups of people who are vulnerable and historically discriminated against and excluded. Such is the case for women; children and adolescents; people with disabilities; indigenous peoples; persons deprived of liberty; and persons needing international protection.

15. Following its evaluation of the human rights situation in Venezuela, the IACHR decided to include Venezuela in this Chapter, in keeping with Article 59(6)(a)(i), 6(b), 6(d)(i), and 6(d)(iii) of the Rules of

Procedure of the IACHR, which establish, as a criterion for inclusion of a member state in this chapter, the existence of:

a. A serious breach of the core requirements and institutions of representative democracy mentioned in the Inter-American Democratic Charter, which are essential means of achieving human rights, including:

i. Discriminatory access to or abusive exercise of power that undermines or denies the rule of law, such as systematic infringement of the independence of the judiciary or lack of subordination of State institutions to the legally constituted civilian authority;

ii. Unconstitutional alteration of the constitutional regime that seriously impairs the democratic order [...].

b. The free exercise of the rights guaranteed in the American Declaration or the American Convention has been unlawfully suspended, totally or partially, by virtue of the imposition of exceptional measures such as a declaration of a state of emergency, state of siege, suspension of constitutional guarantees, or exceptional security measures.

d. The presence of other structural situations that seriously affect the use and enjoyment of fundamental rights recognized in the American Declaration, the American Convention or other applicable instruments. Factors to be considered shall include the following, among others:

i. serious institutional crises that infringe the enjoyment of human rights;

iii. serious omissions in the adoption of the necessary measures to make fundamental rights effective, or in complying with the decisions of the Commission and the Inter-American Court. [...]

16. The indefinite and unrestricted extension of the state of emergency, the suspension of the democratically elected National Assembly's powers, the lack of judicial independence, the National Constituent Assembly's overreach of its powers, the lack of guarantees for holding free and democratic elections, and, in general, the failure to subordinate State institutions to civil authorities are all clear evidence that there has been an alteration of the constitutional order. Along with this, the overall humanitarian crisis has negatively affected the exercise of economic, social, and cultural rights and led to the forced migration of millions of Venezuelans.

17. Regarding this, the IACHR observes that this alteration of the constitutional regime in Venezuela has led to the absence of the rule of law and deepened the human rights crisis in the country. Furthermore, in the Commission's view, it is clear that the national institutions are not capable of complying with their international obligations under the American Declaration and the American Convention.

18. Likewise, for the inclusion of the State of Venezuela in Chapter IV.B of its 2019 Annual Report, the Commission has taken into account the State's refusal to adopt decisive measures to reestablish the separation and balance of government powers and to fully comply with its international obligations—among them, the decisions and recommendations of the IACHR and the judgments handed down by the Inter-American Court of Human Rights.

19. On December 9, 2019, in accordance to its Rules of Procedure, the IACHR sent the State a copy of the preliminary draft and asked it to submit comments. The Commission conducted monitoring of the general human rights situation in 2019 using information gathered from hearings and from the petitions, cases, and precautionary measures system. It also used information provided by the State, civil society organizations, international organizations, and from public sources all following to the methodology set forth in Article 59 of the Rules of Procedure of the IACHR.

20. This year, the Commission granted 22 precautionary measures and continued to follow up on the 55 measures in force. The IACHR underscores that, during 2019, precautionary measures were granted to individuals deprived of liberty in the Department of Military Counterintelligence (DGCIM); to National Assembly President Juan Guaidó; and to the Pemón indigenous people of the San Francisco de Yuruaní—or “Kumaracapay”—community. Other novel precautionary measures were granted to the benefit of the newborns and women who were patients in the maternity ward of the Concepción Palacios Maternity Hospital. However, the IACHR is dismayed at the State’s failure to respond to communications and report on the status of compliance with the precautionary measures granted.

21. In 2019, thematic hearings were held on Venezuela concerning the general human rights situation and the political crisis, the freedom to unionize, freedom of expression, migrant children, political persecution, the human rights of persons deprived of liberty, extrajudicial executions, and to follow up on the precautionary measures granted. The IACHR underscores that, so far in 2019, 30 press releases have been issued and 13 thematic hearings have been held on the human rights situation in Venezuela.

22. In order to strengthen its monitoring activity in Venezuela, and to respond in a timely manner to the new challenges posed by the serious human rights crisis in that country, in October the Commission created the Special Follow-up Mechanism for Venezuela (MESEVE).

23. The MESEVE will be responsible for constantly monitoring the human rights situation in the country and will make an assessment of the political context and the alleged damages in order to eventually prioritize requests for precautionary measures, petitions received, and reports on admissibility and merits. In addition, MESEVE will follow up on the precautionary measures granted and the recommendations made to the State, and will promote and support activities aimed at strengthening Venezuelan civil society. It will also seek to work with various mechanisms of the OAS and the United Nations to document systematic human rights violations in Venezuela.

24. This chapter of the Annual Report is divided into the following sections: (I) introduction; (II) the position of the State vis-à-vis the inter-American system; (III) the general human rights situation, which in turn includes: (A) Democratic institutions; (B) the administration of justice and judicial independence; (C) the situation of political rights and participation in public life; and (D) violence and citizen security; (IV) Social protest and freedom of expression; (V) poverty and ESCER; (VI) groups in vulnerable situations, which in turn includes: A) human rights defenders; B) people deprived of liberty; C) women; D) children and adolescents; E) indigenous peoples; F) migrants, asylum applicants, refugees, beneficiaries of complementary protection; G) persons of African descent; H) lesbian, gay, trans, bisexual, and intersex persons; I) Elderly Persons; (VII) Conclusions; and (VIII) the Commission's recommendations for the Venezuelan State.

II. POSITION OF THE STATE TOWARD THE INTER-AMERICAN SYSTEM

25. The IACHR has already issued various statements regarding the serious setback and weakening of international protection represented by Venezuela’s denunciation of the American Convention on Human Rights, which came into force on September 10, 2013.¹ Venezuela submitted its denunciation of the OAS Charter on April 28, 2017.² This decision, which is unprecedented in the Inter-American System, was sharply criticized by the IACHR, which expressed concern over Venezuelans’ ability to access inter-American human rights protection mechanisms. In this regard, the Commission highlights three circumstances. First, there are serious questions about the effectiveness and validity of this denunciation. Second, Venezuela remains party to several Inter-American instruments that grant diverse mandates to the IACHR. Third, an

¹IACHR, press release 117/12, [IACHR Regrets Decision of Venezuela to Denounce the American Convention on Human Rights](#), Washington, D.C., September 12, 2012; and press release 064/2013, [IACHR Deeply Concerned over Result of Venezuela’s Denunciation of the American Convention](#), Washington, D.C., September 10, 2013. IACHR, “[Democratic Institutions, the Rule of Law and Human Rights in Venezuela](#)”, 2018, paras. 54 and 55.

² Presidency of the Bolivarian Republic of Venezuela, [Communication](#), April 27, 2017.

advisory opinion requested by the State of Colombia on "the human rights obligations of a State that denounces the American Convention" remains pending before the Inter-American Court of Human Rights.³ As of the drafting of this report, the Inter-American Court had not yet issued an opinion.

26. It should also be highlighted that on February 8, 2019, National Assembly President Juan Guaidó submitted a note to the Secretary General of the OAS that "ratified the will of the Venezuelan State to remain a State party to the Charter of the Organization of American States (OAS), as decided by the National Assembly," for which reason "the alleged denunciation of the OAS Charter is null and void."⁴ On April 9, 2019, the Permanent Council of the OAS passed a resolution deciding to "accept the appointment of Mr. Gustavo Tarre as the National Assembly's designated Permanent Representative, pending new elections and the appointment of a democratically elected government."⁵ During its General Assembly held in June 2019 in Medellín, Colombia, the OAS adopted a resolution confirming this appointment.⁶ Likewise, on July 31, the ratification instrument of the American Convention on Human Rights was received from the Permanent Mission of Venezuela to the OAS.⁷ The Commission will continue to analyze in detail all aspects of the legal situation of the State of Venezuela before the Organization of American States with regard to compliance with its mandates.

27. The IACHR made its last visit to Venezuela in May 2002.⁸ Since then, the Commission has requested consent from the State to conduct another visit numerous times. On July 1, 2019, Ambassador Gustavo Tarre extended a formal invitation to the IACHR to conduct a country visit.⁹ On July 9, 2019, in a note signed by the Executive Secretary of the IACHR, the Commission expressed its willingness to answer this call. However, it requested information on the "measures to guarantee the IACHR delegation's entry into Venezuela, as well as land transportation and security measures."¹⁰ As of the date of the drafting of this report, no information has been provided on concrete measures for conducting another visit to the country.

28. Venezuela was first included in Chapter IV of the Annual Report in 2002, where it has remained until 2019, with the exception of 2004, when it was included in Chapter V. In 2009 and 2017, the IACHR issued country reports without making an *in loco* visit. The reports document grave human rights setbacks. In particular, the report "Democratic Institutions, the Rule of Law and Human Rights in Venezuela," published on February 12, 2018,¹¹ documented serious executive-branch interference with the other branches of government, weakening the separation and balance of powers.

29. The Commission highlights that Venezuela sets a grave precedent by failing to substantially comply with the judgments issued by the Inter-American Court. It is especially concerning that some judicial bodies have even declared the non-enforceability of such judgments, finding that they violate the Constitution. The Commission reiterates that the position adopted by Venezuela of refusal or non-compliance with the decisions and recommendations of international human rights bodies based on the argument that they are at odds with national sovereignty seriously contradicts the applicable principles of international law.¹²

³ Inter-American Court. [Request for Advisory Opinion](#) submitted by Colombia to the Inter-American Court rights on May 6, 2019.

⁴ OAS, Department of International Law, [Signatories and Ratifications – Charter of the Organization of American States](#).

⁵ OAS. CP/RES. 1124 (2217/19), para. 1.

⁶ OAS, AG/RES. 2944 (XLIX-019).

⁷ OAS, Department of International Law [Signatories and Ratifications – the American Convention on Human Rights](#).

⁸ IACHR, [Report on the human rights situation in Venezuela, 2003](#).

⁹ Permanent Mission of the Bolivarian Republic of Venezuela, [Communication RE: In loco visit to Venezuela and establishment of a special on the ground investigation mechanism to investigate the forced disappearance, torture, and arbitrary execution of Lieutenant Commander Rafael Acosta Arévalo and other political prisoners](#), July 1, 2019.

¹⁰ IACHR, [Communication RE: Request to conduct an in loco visit to Venezuela](#), July 9, 2019.

¹¹ IACHR, Situation of Human Rights in Venezuela – "[Democratic Institutions, the Rule of Law and Human Rights in Venezuela](#)," 2018.

¹² IACHR, Situation of Human Rights in Venezuela – "[Democratic Institutions, the Rule of Law and Human Rights in Venezuela](#)," 2018, para. 56.

III. OVERALL HUMAN RIGHTS SITUATION

A. Democratic Institutions

30. In 2019, the IACHR was able to observe that executive branch interference with the other branches of government persists. This situation jeopardizes the separation and balance of powers, leading to serious restrictions on and limitations to democratic space. The country's democratic institutions were severely harmed by TSJ judgments 155 and 156, issued in 2017. Through these decisions, the TSJ suspended the constitutional powers of the National Assembly and assumed the constitutional authorities of a legislative branch.¹³ At that time, the IACHR indicated that these decisions constituted grave Judicial Branch interference with the Legislative Branch, as well as a *de facto* annulment of the popular vote by which these legislators were elected,¹⁴ thereby producing an alteration of the constitutional regime with an impact on all branches of government.

31. After the TSJ suspended the constitutional powers of the National Assembly, President Nicolás Maduro issued an executive decree¹⁵ creating the National Constituent Assembly (*Asamblea Nacional Constituyente*, ANC). As of the drafting of this report, there is no indication that the ANC has discussed a draft constitution. Rather, the ANC has operated like a parliament, assuming the functions that constitutionally correspond the National Assembly and to other bodies, such as the National Electoral Council. The actions taken by the ANC include: the creation of the Truth, Justice, Peace, and Public Tranquility Commission; the confirmation of CNE members; the confirmation of the president and permanent magistrates of the TSJ; the convocation of elections in the State of Zulia; the elimination of the metropolitan mayoralties of Caracas and of the Alto Apure district; the special tax regime for the Orinoco mining belt; and the unusual move of holding the presidential elections early.¹⁶

32. The ANC also removed the Attorney General of the Nation, Luisa Ortega, appointing in her place Tarek William Saab, who up until that point had been the People's Ombudsperson.¹⁷ The ANCE also appointed Alfredo Reese as the People's Ombudsperson to replace Saab.¹⁸ Both appointments ignored the constitutional procedures in place.¹⁹ Likewise, between 2017 and 2019, the ANC lifted the parliamentary immunity of more than 20 National Assembly legislators, including of its president, Juan Guaidó.²⁰ According to information provided to the Commission, constitutionally, the lifting of parliamentary immunity requires the approval of the National Assembly and a preliminary probable cause hearing. Consequently, the ANC violated article 200 of the Venezuelan Constitution and article 22 of the Organic Law of the Supreme court of Justice.²¹

¹³IACHR, Situation of Human Rights in Venezuela – “[Democratic Institutions, the Rule of Law and Human Rights in Venezuela](#),” 2018, para. 103 and 104.

¹⁴ IACHR, Press Release No. 041/17, [IACHR Condemns Supreme Court Rulings and the Alteration of the Constitutional and Democratic Order in Venezuela](#), March 31, 2017.

¹⁵ Decree No. 2,830, published in Special Official Gazette No. 6,925, May 1, 2017.

¹⁶ International Commission of Jurists, [No Room for Debate: The National Constituent Assembly and the Crumbling of the Rule of Law in Venezuela](#), 2019.

¹⁷ Public decree in Official Gazette No. 41,216, August 17, 2017.

¹⁸ International Commission of Jurists, [No Room for Debate: The National Constituent Assembly and the Crumbling of the Rule of Law in Venezuela](#), 2019, pg. 24

¹⁹ International Commission of Jurists, [No Room for Debate: The National Constituent Assembly and the Crumbling of the Rule of Law in Venezuela](#), 2019, pgs. 24, 30.

²⁰ International Commission of Jurists, [No Room for Debate: The National Constituent Assembly and the Crumbling of the Rule of Law in Venezuela](#), 2019, pg. 29.

²¹ International Commission of Jurists, [No Room for Debate: The National Constituent Assembly and the Crumbling of the Rule of Law in Venezuela](#), 2019, pg. 29.

33. The Commission noted that the Venezuelan Constitution and applicable legislation establish that the National Constituent Assembly is governed by certain limits set by values and principles of the republican history of Venezuela, and by compliance with the international treaties, agreements, and commitments validly signed by the State.²² In view of the aforementioned and of the fundamental principles enshrined in the Inter-American Democratic Charter, the Commission reiterates its call to reverse the measures that are beyond the authority of the ANC and that have a detrimental impact on the separation of powers and representative democracy.

34. The country's democratic institutions were severely affected by the proceedings of the May 20, 2018 the presidential election of May 20, 2018. The Commission has already noted the atypical process of the presidential election decreed by the ANC, which was described as lacking in impartiality and objectivity.²³ The IACHR lamented that the ANC ordered the disqualification of political parties that did not participate in the "immediately prior elections,"²⁴ something that affected the democratic pluralism that should govern these processes. Along with this, the disqualifications of opposition members with political aspirations remained in place, influencing the number of options of electoral alternatives.²⁵ For these reasons, the Commission concluded that the 2018 presidential election, in which Nicolás Maduro was elected, did not provide the minimum conditions necessary to be considered free, just, and trustworthy to guarantee the principles of universality and electoral plurality.²⁶

35. On January 10, 2019, Nicolás Maduro was sworn in before the TSJ, not the National Assembly, as the Constitution requires under normal circumstances.²⁷ This happened after the TSJ handed down a decision reiterating that the National Assembly was in contempt and that its actions were invalid and null.²⁸ In press release 005/19, the IACHR issued a statement on the start of the new presidential term, warning that it further weakened Venezuela's institutions.²⁹

36. The majority of the members of the National Assembly concluded that the presidential elections were conducted outside the bounds of the law and therefore illegitimate. Thus, they concluded that, pursuant to article 233 and other articles of the Venezuelan Constitution, there was an "absence of a President-elect," therefore justifying the call for new elections and the appointment of an interim president of the Republic.³⁰

37. In this context, on January 23, 2019, National Assembly President Juan Guaidó, declared himself interim president of Venezuela, invoking articles 233 and 333 of the Constitution. In its resolution 1/2019, the Commission indicated that "Juan Guaidó is currently the most visible opposition figure in a context of major political pressure and social upheaval, as in his status as president of the National Assembly, he

²² IACHR, [Annual Report, Chapter IV.B. "Venezuela"](#), para. 17

²³ IACHR, press release 112/18 - [IACHR Warns about Lack of Adequate Conditions to Hold Free and Fair Elections in Venezuela](#). Washington, D.C., May 18, 2018.

²⁴ Constitutional Decree on participation in electoral processes, [Official Gazette 41.308 of December 27, 2017](#); information provided by civil society organizations during the hearing entitled "Electoral process and its impact on the overall human rights situation in Venezuela," held during the 168th Period of Sessions of the IACHR.

²⁵ *El Mundo*, [Venezuela inhabilita para ejercer cargos públicos al opositor Henrique Capriles durante 15 años](#), April 8, 2017; *El Nuevo Herald*, [Capriles se despide de los cargos públicos pero no de la política venezolana](#), October 11, 2017.

²⁶ IACHR, press release 112/18 - [IACHR Warns about Lack of Adequate Conditions to Hold Free and Fair Elections in Venezuela](#). Washington, D.C., May 18, 2018.

²⁷ International Commission of Jurists, [No Room for Debate: The National Constituent Assembly and the Crumbling of the Rule of Law in Venezuela](#), 2019, pg. 11

²⁸ Supreme Court of Justice, Judgment No. 01 of January 8, 2019.

²⁹ IACHR, press release 005/19 - [IACHR Alerts About Further Weakening of Rule of Law in Venezuela Ahead of New Presidential Mandate](#). Washington, D.C., January 9, 2019.

³⁰ IACHR, [Resolution 1/2019](#), Precautionary Measure No. 70/19, Juan Gerardo Guaidó Márquez and his family, Venezuela, January 25, 2019.

declared himself "interim" president, making him an agent of change for the opposition movement and a segment of Venezuelan society."³¹ According to publicly available information, dozens of States have recognized him as interim president, including Argentina, the Bahamas, Brazil, Canada, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, the United States, Honduras, Guatemala, Haiti, Panama, Paraguay, and Peru.³²

38. In this already complex environment, the country's democratic institutions have been faced with the excessive use of states of emergency. According to information compiled by civil society organizations, the TSJ has approved an ongoing national state of emergency through the use of extensions.³³ As of the drafting of this report, the Executive Branch had extended the state of emergency at least 20 times since 2016 without the approval of the National Assembly as required by the Constitution.³⁴ At the same time, the extension of the states of emergency has allowed the Executive Branch to implement the general requirement of possession of the so-called "*Carnet de la Patria*" (fatherland ID card) for accessing certain services.³⁵ Civil society organizations have warned about the possibility that this requirement will end up as a new mechanism for social control.³⁶

39. The Commission emphatically reiterates that the adoption of states of emergency should be appropriate to the needs of the situation in question, and should not go beyond what is strictly necessary, in order to avoid extensive periods of states of emergency and abuse of authority, as their arbitrary use might affect democracy and impose limits on the rights established in the American Declaration. The Commission affirms the importance of maintaining the rule of law and the constitutional provisions when invoking states of emergency. Similarly, it warns of the risks of using broad and ambiguous concepts in legal instruments, including in emergency decrees, as this may impose disproportionate limitations on the exercise of human rights.³⁷

40. On January 29, 2019, Transparency International released its Corruption Perceptions Index, ranking Venezuela 168 out of 180 countries.³⁸ The Commission recalls that corruption profoundly weakens democratic institutions, and reiterates that States have a duty to adopt legislative, administrative, and any other measures to ensure the exercise of human rights in the face of the violations and restrictions brought about by corruption.³⁹ The IACHR also reiterates that impunity furthers and perpetuates acts of corruption, and that it must be ensure that these alleged acts are investigated independently and impartially, without delay and without influence or discrimination based on political affiliation or on the political positions held by the persons investigated. It is also necessary to adopt preventive measures, which include governing based on the principles of transparency, and effective public accountability.⁴⁰

³¹ IACHR, [Resolution 1/2019](#), Precautionary Measure No. 70/19, Juan Gerardo Guaidó Márquez and his family, Venezuela, January 25, 2019.

³² IACHR, [Resolution 1/2019](#), Precautionary Measure No. 70/19, Juan Gerardo Guaidó Márquez and his family, Venezuela, January 25, 2019.

³³ Acceso a la Justicia, [Informe Anual de Acceso a la Justicia, 2018](#): El Camino a la dictadura con el aval del Tribunal Supremo de Justicia, 2019.

³⁴ The requirement that the National Assembly approve extensions of a state of exception and state of emergency arises from articles 337, 338, and 339 of the Constitution of the Bolivarian Republic of Venezuela.

³⁵ Decree 3,610, Article 2, inc. 19.

³⁶ Sinergia, [Los Derechos de Asociación y Participación en un contexto de adversidad: caso Venezuela](#), December 2018, pg. 10.

³⁷ IACHR, [Situation of Human Rights in Venezuela – "Democratic Institutions, the Rule of Law and Human Rights in Venezuela,"](#) 2018, para. 384.

³⁸ Transparency International, [Corruption Perceptions Index](#), January 29, 2019.

³⁹ IACHR, [Resolution on Corruption and Human Rights](#), March 2018.

⁴⁰ IACHR, [Situation of Human Rights in Venezuela – "Democratic Institutions, the Rule of Law and Human Rights in Venezuela,"](#) 2018, para. 17.

41. In press release 015/19, the Inter-American Commission on Human Rights reaffirmed its conviction that the path to overcome the current political crisis and to restore democracy and the rule of law in Venezuela must be peaceful and involve full respect for the human rights of the population.⁴¹ Thus, the State must assume that “there is a complex set of issues rooted in interference by the Executive in the other branches of government.”⁴² In this regard, decisive measures must be adopted to restore the separation and balance of powers and respect for democracy with real guarantees for participation, and remove restrictions and limitations on democratic space.

B. Administration of Justice and Judicial Independence

42. The IACHR reiterates its concern at the way in which processes for appointing the judges and magistrates of the Supreme Court of Justice (TSJ) have been carried out and the lack of guarantees of their permanence in the positions, harming judicial independence and affecting the population’s access to justice. Over the course of the year, the Commission received information indicating that the TSJ operates without transparency. Convictions were handed down without release of the judgments, decisions affecting well-known political figures were not published on the TSJ website or published partially, and pretrial injunctive measures were notified via the media and not through official judicial documents.⁴³ The IACHR was able to confirm that the TSJ website is down.

43. The Commission recalls that shortly after it was learned that the opposition won a majority in the National Assembly at the polls in the 2015 elections, a group of at least 12 Supreme Court of Justice (hereinafter the “TSJ”) magistrates requested early retirement. This unprecedented act allowed the outgoing legislature—whose majority was aligned with the administration of President Maduro—to appoint their replacement during the last week of 2015 in a process characterized by lack of transparency and other irregularities. Since then, the TSJ has adopted a series of decisions affecting the country’s democratic institutions and contributing to an environment of persecution against National Assembly members. For example, in 2019, the TSJ issued judgments reiterating that the National Assembly was in “contempt,” and that therefore, President Maduro would be sworn in before the Judicial Branch on January 10.

44. Civil society organizations estimate that between December 2015 and the preparation of this report, the TSJ adopted 149 decisions affecting the rights of the members of the National Assembly or usurping its constitutional authorities.⁴⁴ The Commission likewise continued to receive information on the high number of judges who are not permanent and therefore have no stability or certainty of their positions within the judiciary. According to estimates from the organization Bloque Constitucional, at least 75.63% of the country’s judges are not permanent.⁴⁵

45. The Commission has already noted that the high proportion of judges serving in a provisional capacity affects the independence of the Judicial Branch⁴⁶ and reiterates the need to follow the preestablished procedures for selecting and appointing members of the TSJ, Venezuela’s highest court. In this regard, it must be ensured that the appointment processes include prior dissemination of the announcements, deadlines, and procedures; a guarantee of equal and inclusive candidate access; broad participation of civil society; and scoring based on merit and professional capacities, and not political affinities.⁴⁷ The State should adopt urgent

⁴¹ IACHR, press release 015/19 - IACHR [Condemns Deaths in Protests and Calls on State Institutions to Protect the Human Rights of the Venezuelan People](#). Washington, D.C., January 25, 2019.

⁴² IACHR, Situation of Human Rights in Venezuela – “[Democratic Institutions, the Rule of Law and Human Rights in Venezuela](#),” 2018, para. 11.

⁴³ Acceso a la Justicia, [TSJ: retardo y opacidad informativa](#), April 22, 2019.

⁴⁴ Acceso a la Justicia, [TSJ facilitó la persecución contra la disidencia representada en Poderes públicos](#), October 30, 2019.

⁴⁵ Bloque Constitucional, [Jueces en Venezuela](#), 2019.

⁴⁶ IACHR, Situation of Human Rights in Venezuela – “[Democratic Institutions, the Rule of Law and Human Rights in Venezuela](#),” 2018, para. 15.

⁴⁷ IACHR, [Annual Report, Chapter IV.B. “Venezuela”](#), para. 14.

and decisive measures to significantly increase the number of permanent judges and ensure that judges, even if provisional, are only removed through a disciplinary process or administrative act that respects due process guarantees, especially the requirement that decisions be properly justified and subject to judicial review.⁴⁸

46. The IACHR views the State's move to release Judge Afiuni following the High Commissioner for Human Rights' 2019 visit to Venezuela as a positive gesture.⁴⁹ In previous years, the IACHR called attention to the case of Judge Maria Lourdes Afiuni, who was deprived of liberty in 2009 for independently exercising her position. Afiuni ordered the release of a businessman who had served three years in pretrial detention,⁵⁰ pursuant to a decision by the United Nations Working Group on Arbitrary Detention.⁵¹ The Commission has described this case as emblematic of the harassment and undue pressures judges suffer in attempts to limit their judicial independence.⁵² The Commission calls for the lifting of all injunctive measures against her, including the ban on her leaving the country and the obligation to appear regularly before a court.

47. Moreover, the Commission has been seriously concerned over the information received on civilians processed and/or prosecuted through the military criminal courts following their detentions in the framework of demonstrations, dissident acts, or common crimes.⁵³ According to information from civil society, patterns of repression intensified following the April-June 2017 protests.⁵⁴ The organization Foro Penal has documented that between January 1, 2014, and August 31, 2019, 848 civilians were tried before military criminal courts.⁵⁵ The prosecution of civilians detained during demonstrations in military criminal courts for criminal offenses such as "treason," "rebellion," and "attacking the guard" is especially concerning, as it suggests the weaponizing of criminal law to narrow democratic spaces and retaliate against the legitimate exercise of the rights to association, political participation, and social protest. The Commission also warns that this situation could affect the principle of legality and entail a violation of a series of rights, such as the right trial by a neutral, independent, and impartial judge. In this regard, it should be a priority to take the measures necessary—including legislative measures—to ensure that civilians are not investigated, tried, and/or convicted under the military criminal jurisdiction and, where possible, redirect ongoing processes to the civilian jurisdiction.⁵⁶

48. In February 2019, a media outlet published an investigative journalism report revealing that a significant number of judges are State contractors or serve on the Boards of Directors of companies that contract with the State. It found that out of 5,928 active and retired judges, 461 had signed contracts with the State, and of this group, at least 52.5% were members of the United Socialist Party of Venezuela.⁵⁷ The Commission expresses its concern over these serious allegations.

C. Overall Situation of Civil and Political Rights in the Context of Public Life

⁴⁸ IACHR, [Annual Report, Chapter IV.B. "Venezuela"](#), para. 15.

⁴⁹ *Albertainews*, [Tan Solo le levantaron una medida cautelar a la jueza Afiuni](#), July 8, 2019.

⁵⁰ *El Nacional*, [Cronología del caso de la jueza Afiuni](#), April 12, 2017.

⁵¹ Working Group on Arbitrary Detention, Communication A/HRC/13/30/Add.1

⁵² IACHR, Situation of Human Rights in Venezuela – "[Democratic Institutions, the Rule of Law and Human Rights in Venezuela](#)," 2018, para. 91 and 92.

⁵³ During the hearing "Citizen security and institutions in Venezuela," held during the 167th Period of Sessions of the IACHR, the Commission was informed of the case of Legislator Gilbert Caro who was detained for 17 months on accusations of treason. See INFOBE, [El momento en que el diputado opositor Gilber Caro recuperó la libertad: "Me querían matar"](#), June 3, 2018.

⁵⁴ Information to the IACHR by Acceso a la Justicia upon request at the hearing during the 167th Period of Sessions, pg. 2.

⁵⁵ Foro Penal, [Report on Repression in Venezuela](#), August 2019.

⁵⁶ IACHR, Situation of Human Rights in Venezuela – "[Democratic Institutions, the Rule of Law and Human Rights in Venezuela](#)," 2018, para. 261.

⁵⁷ *ArmandoInfo*, "Los jueces de Venezuela asfaltan calles y firman sentencias," February 17, 2019

49. During 2019, the IACHR continued to receive information on grave acts of repression, persecution, and criminalization against political parties, opposition figures, activists, social leaders, human rights defenders, and demonstrators. The situation has a serious impact on the right to participate in government and private life, especially in a context of institutional fragility such as the one observed by the IACHR. In this regard, the Commission has taken note of grave cases that fit within a pattern of persecution, harassment, threats and attacks on individuals who have decided to participate in politics and identify with the opposition.

50. The IACHR recently denounced the murder of councilmember Edmundo Rada, who represented the municipality of Sucre with political party Voluntad Popular. According to publicly available information, he was disappeared on the morning of October 16. His lifeless body was found the next day with two gunshot wounds and partially incinerated. The Commission received information suggesting that the crime was committed in retaliation for his having participated in organizing the visit of National Assembly President Juan Guaidó to Petare on September 28.⁵⁸

51. The Commission also expressed alarm and concern at the death of Lieutenant Commander Rafael Acosta Arévalo while in the custody of the Department of Military Counterintelligence (DGCM) in Venezuela, apparently as the result of acts of torture. According to publicly available information, on June 21, 2019, unidentified armed individuals detained him after having attended a private meeting at a shopping center in the city of Guatire, Miranda state. Because they had no information on his whereabouts, his family and attorneys reported his disappearance. After almost a week, on Thursday, June 27, the Lieutenant Commander and another three soldiers were brought by the prosecutor before the courts-martial and charged with being involved in a plan to assassinate President Nicolás Maduro on August 4, 2018.⁵⁹

52. The Commission received information indicating that when Lieutenant Commander Acosta Arévalo was brought before the court, there were obvious indications of torture: he was in a wheelchair, his fingernails were bloodied, he could not speak, and he simply nodded when asked if he had been tortured in the DGCM. He was transferred to a hospital, where he died as a result of his critical condition.⁶⁰ The IACHR recalls that Venezuela is party to the Inter-American Convention to Prevent and Punish Torture, and that pursuant to this treaty and other instruments,⁶¹ torture is prohibited without exception. This means that no grounds of internal unrest, conflict, or any other circumstance can be invoked to justify or allow acts of torture.⁶² Additionally, in response to this grave human rights violation, States must, without delay, launch a serious, impartial, and effective *ex officio* investigation. The investigation must be conducted using all available legal means to determine the truth and to pursue, arrest, prosecute, and punish both the perpetrators and the masterminds of the facts, especially when State agents are or could be involved.⁶³

53. During 2019, the National Constituent Assembly continued to lift the parliamentary immunity of National Assembly members. As of the drafting of this report, it is estimated that at least 22 National Assembly deputies⁶⁴ have had their parliamentary immunity lifted, including National Assembly President Juan

⁵⁸ IACHR, press release 284/19, - [IACHR Condemns and Expresses Concern over the Murder of a Councilor in Venezuela](#), Washington, D.C., November 5, 2019.

⁵⁹ IACHR, press release 167/19 - [IACHR Expresses Alarm and Concern over the Death of Captain Rafael Acosta Arévalo in Custody in Venezuela](#), Washington, D.C., July 3, 2019.

⁶⁰ IACHR, press release 167/19 - [IACHR Expresses Alarm and Concern over the Death of Captain Rafael Acosta Arévalo in Custody in Venezuela](#), Washington, D.C., July 3, 2019.

⁶¹ For example, the United Nations Convention against Torture and Other Cruel, Inhuman, or Degrading Punishment.

⁶² Article 5, Inter-American Convention to Prevent and Punish Torture.

⁶³ IACHR, press release 167/19 - [IACHR Expresses Alarm and Concern over the Death of Captain Rafael Acosta Arévalo in Custody in Venezuela](#), Washington, D.C., July 3, 2019.

⁶⁴ They are: Julio Borges; Luis Florido; Miguel Pizarro; Carlos Paparoni; Winston Flores; Juan Guaidó; Freddy Guevara; Rafael Guzmán; Juan Andrés Mejía; Juan Requesens; Germán Ferrer; Sergio Vergara; Freddy Superlano; Franco Casella; Edgar Zambrano Ramírez; Henry Ramos Allup; Marianela Magallanes López; José Simón Calzadilla Peraza; Américo De Grazia; Richard José Blanco Delgado; José Guerra; Tomás Guanipa.

Guaidó.⁶⁵ It should be noted that the harassment of the opposition members of the National Assembly is not limited to the lifting of their parliamentary immunity. During the 173rd Period of Sessions, held in 2019, a number of civil society organizations reported to the IACHR that acts of political repression persist. These attacks are part of a strategy to block a change of power, producing a chilling effect on the political participation of individuals who are identified with the opposition.⁶⁶

54. Specifically, civil society highlighted the case of National Assembly Vice President Edgar Zambrano, who was detained on May 8 and released four months later with injunctive measures prohibiting him from leaving the country.⁶⁷ There is also the case of Assembly Member Gilber Caro. He was detained on April 26 by intelligence officials in the state of Miranda and his whereabouts were unknown for several weeks.⁶⁸ The Commission also received information on the detention of Assembly Member Juan Guaidó's chief of staff, Roberto Marrero, on March 21, 2019. The IACHR granted precautionary measures to Marrero to protect his rights to life and humane treatment, as well as his right to access to visits and family members.⁶⁹ As of the drafting of this report, Marrero has been detained for more than 250 days. The Commission condemned these detentions and called on the Supreme Court of Justice and the National Constituent Assembly to stop interfering in the work of the democratically elected National Assembly; respect the parliamentary immunity of its members; and guarantee the exercise of their constitutional mandates.⁷⁰

55. Likewise, in 2019, the Commission received a report drafted by the National Assembly itself documenting political repression against opposition assembly members. The following are some of the many examples: assembly members Nora Branch and Renzo Prieto were beaten and detained for more than one hour by members of the Bolivarian National Guard; assembly member José Regnault was brutally beaten by pro-government groups known as "colectivos;" assembly member Delsa Solórzano was beaten, surveilled, and received death threats, and her home was searched on two occasions; and assembly members Stalin González, Williams Dávila, and Carlos Berrizbeitia had their passports revoked.⁷¹

56. The IACHR recalls the case of Juan Carlos Requesens, a member of the National Assembly and leader of Primero Justicia, an opposition political party. Although he had parliamentary immunity, Requesens was detained on August 7, 2018, for his alleged participation in the incidents of August 4, 2018. On October 9, 2019, the United Nations Working Group on Arbitrary Detention issued an opinion regarding the case of Juan Carlos Requesens concluding that his detention was arbitrary and in violation of multiple provisions of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.⁷² Additionally, the Working Group on Arbitrary Detention recommended that the State "take the measures necessary to remedy Mr. Requesens' situation without delay."⁷³ The IACHR granted precautionary measures for Requesens, and asked Venezuela to adopt the measures necessary to protect his rights to health, life, and

⁶⁵ National Assembly, [Report on the situation of Venezuelan assembly members \(legislative. 2016-2021\)](#), September 26, 2019.

⁶⁶ Information provided by civil society organizations during the hearing entitled "Torture, extrajudicial execution, and grave human rights violation in State repression in Venezuela," held during the 174th Period of Sessions of the IACHR.

⁶⁷ Information provided by civil society organizations during the hearing entitled "Torture, extrajudicial execution, and grave human rights violation in State repression in Venezuela," held during the 174th Period of Sessions of the IACHR.

⁶⁸ IACHR, press release 115/19 -[IACHR Condemns the Escalation of Attacks against Members of the Venezuelan National Assembly](#). Washington, D.C., May 14, 2019.

⁶⁹ IACHR. [Resolution 16/2019. Precautionary measure No. 70/19. Roberto Marrero and Sergio Vergara regarding Venezuela](#). March 27, 2019.

⁷⁰ IACHR, press release 115/19 -[IACHR Condemns the Escalation of Attacks against Members of the Venezuelan National Assembly](#). Washington, D.C., May 14, 2019.

⁷¹ National Assembly, [Report on the situation of Venezuelan assembly members \(legislative. 2016-2021\)](#), September 26, 2019.

⁷² Working Group on Arbitrary Detention, [Opinion no. 40/2019 on Juan Carlos Requesens Martínez](#) (Bolivarian Republic of Venezuela), A/HRC/WGAD/2019/40, October 9, 2019.

⁷³ Working Group on Arbitrary Detention, [Opinion no. 40/2019 on Juan Carlos Requesens Martínez](#) (Bolivarian Republic of Venezuela), A/HRC/WGAD/2019/40, October 9, 2019, para. 138.

humane treatment.⁷⁴ The Commission took into account the seriousness of the allegations presented by the applicants, which involved purported torture, the administration of drugs or toxic substances, and degrading treatment in the context of his deprivation of liberty.⁷⁵ As of the drafting of this report, Juan Requesens continues to undergo a criminal process characterized by the frequent delay of hearings.⁷⁶

57. Regarding this, the Commission calls for an immediate halt to all actions endangering the lives or bodily integrity of National Assembly members and a guarantee that all sanction, disciplinary, and general measures aimed at restricting civil and political rights adhere to the Constitution and applicable law so as not to be arbitrary. Likewise, the IACHR reiterates that the State must guarantee the full exercise of political rights for all persons, independent of their stances toward government policies, and cease all actions that impede people's exercise of their right to freely elect their representatives and hold them accountable for their performance.⁷⁷

58. In addition to the specific incidents suggesting the existence of a pattern of selective political repression, the IACHR also finds it particularly concerning that civil demonstrations have been violently repressed by State security forces. In this regard, the excessive use of force and grave human rights violations continued in 2019, and included extrajudicial executions, forced disappearances, torture, and sexual violence in the context of the demonstrations. In her report on the human rights situation in Venezuela, the High Commissioner for Human Rights documented 66 deaths in the context of demonstrations between January and May 2019. Many of the victims bore signs of abuse and torture. The involvement of armed pro-government "collectives" whose mission was to instill fear and discourage future demonstrations was also documented.⁷⁸

59. Organizations like Foro Penal have documented the detention for political reasons of at least 15,045 people between January 2014 and May 2019.⁷⁹ Just between January and May 2019, 2,091 people were detained for political reasons.⁸⁰ It is especially concerning that many of these detentions take the form of forced disappearances until the authorities reveal the whereabouts of the individuals deprived of liberty.⁸¹ Cases of torture and other cruel, inhuman, and degrading treatment have taken place in SEBIN and DGCIM facilities, including cases of: electrocution, asphyxiation with plastic bags, simulated drowning, beatings, sexual violence, withholding of water and food, stress positions, and exposure to extreme temperatures.⁸²

60. During the 174th Period of Sessions, held in 2019, the IACHR received multiple allegations of grave human rights violations in the context of the detention of demonstrators. Specifically, civil society highlighted the detention of 15 young people in the state of Táchira who were held for more than 15 days in the back of a police truck, known colloquially as "dog kennels." During their detention, the young people were forced to urinate and defecate in plastic bags that the police occasionally gave them. Also, according to the

⁷⁴ IACHR, [press release 108/17](#), *IACHR Grants Precautionary Measures in Favor of People at Risk in Venezuela*, Washington, DC, July 28, 2017.

⁷⁵ [Resolution 79/18 - MC 1039/18 - Juan Carlos Requesens Martínez, Venezuela](#)

⁷⁶ *Tal Cual*, [Difieren por séptima vez la audiencia del diputado Juan Requesens](#), April 26, 2019.

⁷⁷ IACHR, [Situation of Human Rights in Venezuela – "Democratic Institutions, the Rule of Law and Human Rights in Venezuela,"](#) 2018, recommendation 16.

⁷⁸ High Commissioner for Human Rights, [Report on the situation of Human rights in the Bolivarian Republic of Venezuela](#), July 4, 2019, para. 39-40.

⁷⁹ Foro Penal, [Report on Repression in Venezuela](#), August 2019.

⁸⁰ Foro Penal, [Report on Repression in Venezuela](#), August 2019.

⁸¹ High Commissioner for Human Rights, [Report on the situation of Human rights in the Bolivarian Republic of Venezuela](#), July 4, 2019, para. 42.

⁸² High Commissioner for Human Rights, [Report on the situation of Human rights in the Bolivarian Republic of Venezuela](#), July 4, 2019, para. 43.

documented testimony of a young person who went into exile, the police assaulted them with teargas bombs three times a day and sprayed them with water so the chemical would have a greater effect.⁸³

61. The IACHR has already spoken out about the existence of arrests without any judicial warrant by the SEBIN, the prosecution of activists for military offenses, and the imposition of pretrial detention without justification.⁸⁴ Regarding this, the IACHR reiterates that a detention is arbitrary and illegal when it is carried out outside the grounds and formalities established by law, when it is carried out without observing statutory requirements, and when there has been an abuse of the power to arrest, i.e. when it is carried out for purposes other than those provided for and required by law. In addition, an arrest for improper aims is, in itself, a form of punishment without trial, or of extralegal punishment, that violates the guarantee of a trial prior to any punishment and renders the term “arbitrary” synonymous with irregular, abusive, and illegal. Therefore, the Commission urges the State to refrain from engaging in mass, collective, or indiscriminate detentions, and to comply with all the requirements imposed by domestic laws and international standards in detentions made by security forces in contexts of social protest, particularly to ensure that the persons detained and their family members receive specific information on the reasons for the detention and where their family member is being held.⁸⁵

62. Specifically, in 2019, the Commission addressed the worsening detention conditions at the Department of Military Counterintelligence (DGCIM) in the municipality of Sucre, Caracas. According to information provided by civil society, despite the precautionary measures granted by the IACHR, acts of violence, measures of isolation and solitary confinement, and cruel treatment are still taking place within the DGCIM. For example, some inmates have gone for more than a month without natural air or light. During the 174th Period of Sessions, civil society shared the testimony of a soldier named Luis Alexander Bandrés Figueroa who was deprived of liberty at DCGIM headquarters, in Boleíta. For five days, Bandrés was isolated in a dark room, beaten with batons, suffocated with plastic bags, electrocuted, and forced to eat his own feces.⁸⁶ The Commission condemned these facts and urged the State to fully comply with the precautionary measures. It also reminded the Venezuelan State that it must adopt the measures necessary to ensure that persons deprived of liberty enjoy conditions compatible with human dignity.⁸⁷

D. Violence and Citizen Security

63. The IACHR reiterates that the militarization of citizen security and the involvement of armed collectives in security work has increased rates of violence and contributes to a steady rise in extrajudicial executions.⁸⁸ Extrajudicial executions carried out during citizen security operations continued during 2019.⁸⁹ According to official figures, between January 1 and May 19, at least 1,569 deaths due to “resisting authority”

⁸³ Information provided by civil society organizations during the hearing entitled “Torture, extrajudicial execution, and grave human rights violation in State repression in Venezuela,” held during the 174th Period of Sessions of the IACHR.

⁸⁴IACHR, Situation of Human Rights in Venezuela – [“Democratic Institutions, the Rule of Law and Human Rights in Venezuela,”](#) 2018, para. 236.

⁸⁵IACHR, Situation of Human Rights in Venezuela – [“Democratic Institutions, the Rule of Law and Human Rights in Venezuela,”](#) 2018, para. 242 and 243.

⁸⁶ Information provided by civil society organizations during the hearing entitled “Torture, extrajudicial execution, and grave human rights violation in State repression in Venezuela,” held during the 174th Period of Sessions of the IACHR.

⁸⁷ IACHR, press release 125/19, [Concerned About Worsening Conditions of Detention at DGCM Headquarters in Venezuela, IACHR Urges State to Comply with Precautionary Measures](#), Washington, DC, May 22, 2019.

⁸⁸IACHR, [Annual Report, Chapter IV. B. “Venezuela”](#), para. 28.

⁸⁹ Amnesty International, [Hunger for Justice: Crimes against Humanity in Venezuela](#), 2019.

were documented.⁹⁰ This figure conflicts with the information provided by the Observatorio Venezolano de Violencia, which documented 2,124 such deaths over the same time period.⁹¹

64. For several years now, the Commission has warned of the existence of a context of extrajudicial executions during citizen security operations.⁹² In fact, in 2019, the Commission sent a case to the Inter-American Court describing this context of extrajudicial executions of young men of scarce economic means from poor neighborhoods, carried out with a specific *modus operandi*.⁹³ The IACHR observes that, in her last report on Venezuela, the High Commissioner for Human Rights documented a significant number of violent deaths that could have been extrajudicial executions. The deaths took place during security operations carried out by the Special Action Forces (FAES) that were reported as resulting from “resisting authority.” Also, according to the testimony gathered by the High Commissioner, during the FAES operations, they manipulated the crime scene, planted weapons and drugs, and committed acts of gender-based violence, including forcing girls and women to undress.⁹⁴

65. The Commission finds it especially concerning that the deaths that took place under these circumstances are not diligently investigated. The characterization of the incidents as confrontations, the public smearing of victims as individuals who resisted authority, and the threats against witnesses and family members contribute to producing environments of impunity. In this type of situation, a serious, impartial, and effective investigation should be launched without delay. Likewise, the investigation must be conducted using all available legal means to determine the truth and to pursue, arrest, prosecute, and punish both the perpetrators and the masterminds of the facts, especially when State agents are or could be involved.

66. Regarding this issue, the IACHR has said that “in a democratic system it is essential to make a clear and precise distinction between internal security as a function for the police and national defense as a function for the armed forces, since they are two substantively different institutions, insofar as the purposes for which they were created and their training and preparation are concerned.”⁹⁵ In this sense, the Commission reiterates its call to end the involvement of the armed forces in citizen security activities, as such work falls within the purview of the police bodies. The Commission reasserts that it is fundamental to adopt a human rights perspective in citizen security work, starting with looking at people as citizens to be protected rather than enemies to be fought.⁹⁶ The use of force must be in strict compliance with the principles of exceptionality, legality, necessity, proportionality, nondiscrimination, and accountability.⁹⁷ Likewise, the State should comply with its obligation to investigate, prosecute, and—as applicable—punish those responsible for grave human

⁹⁰ Information provided by the State during the visit of the United Nations High Commissioner for Human Rights. In this regard, see: High Commissioner for Human Rights, [Report on the situation of Human rights in the Bolivarian Republic of Venezuela](#), July 4, 2019, para. 50.

⁹¹ Information provided by the Observatorio Venezolano de Violencia during the visit of the United Nations High Commissioner for Human Rights. In this regard, see: High Commissioner for Human Rights, [Report on the situation of Human rights in the Bolivarian Republic of Venezuela](#), July 4, 2019, para. 50.

⁹² See for example: IACHR. Report of Case No. 80/17, Report on Merits, Roberto Ignacio Díaz Loreto, David Ignacio Díaz Loreto, Octavio Ignacio Díaz Álvarez and Family Members, July 5, 2017.

⁹³ IACHR, press release 308/19, [IACHR Brings Venezuela Case before the IA Court](#), Washington, DC, November 22, 2019.

⁹⁴ High Commissioner for Human Rights, [Report on the situation of Human rights in the Bolivarian Republic of Venezuela](#), July 4, 2019, para. 49-50.

⁹⁵ IACHR, Report on the human rights situation in Venezuela, 2003, para. 272; IACHR, Report on Citizen Security and Human Rights, OEA/Ser.L/V/II.Doc.57, 2009, para. 101.

⁹⁶ IACHR, [Annual Report, Chapter IV. B. “Venezuela”](#), para. 29 and 30.

⁹⁷ IACHR, Situation of Human Rights in Venezuela – [“Democratic Institutions, the Rule of Law and Human Rights in Venezuela”](#), 2018, para. 376.

rights violations.⁹⁸ The Commission joins the United Nations High Commissioner for Human Rights in recommending that the FAES be dissolved.⁹⁹

⁹⁸IACHR, Situation of Human Rights in Venezuela – “[Democratic Institutions, the Rule of Law and Human Rights in Venezuela](#),” 2018, para. 360.

⁹⁹ Office of the High Commissioner for Human Rights, [Report on the situation of Human rights in the Bolivarian Republic of Venezuela](#), July 4, 2019, recommendations (i).

IV. SOCIAL PROTEST AND FREEDOM OF EXPRESSION¹⁰⁰

67. During 2019, the grave violations to the right to freedom of expression in Venezuela continued to deepen, particularly in the context of the political and social crisis. Violence against journalists and media workers, often carried out by members of the security forces, increased compared to the previous year.¹⁰¹ The police and military security forces systematically obstructed the informative work of the media during events of public interest, such as protests, political events, or legislative debates. Numerous journalists were arbitrarily detained by police or intelligence services while doing their jobs or covering demonstrations, and they were repeatedly forced to erase journalistic materials. According to the information received by the Office of the Special Rapporteur for Freedom of Expression (hereinafter the "Office of the Special Rapporteur"), the police and military security forces repressed demonstrations using teargas, water cannons, and real bullets to disperse demonstrators, leaving hundreds of people injured and detained, and dozens dead.

68. Also, a pattern was found of the censoring of information through the systematic blocking of journalism websites, social networks, and streaming services. These acts were ordered by State authorities and executed by the public Internet service provider, CANTV. Likewise, the National Telecommunications Commission (Conatel) ordered the blocking of international cable news channels, shut down broadcasters, and ordered the suspension of the broadcast of certain programs.

1. Attacks, Threats, Intimidation, and Arbitrary Detentions

69. During 2019, the Office of the Special Rapporteur received information on numerous acts of physical aggression, threats,¹⁰² detentions, thefts, and confiscation of work equipment, perpetrated by security forces, armed civilian groups, and private individuals. These acts were carried out with the aim of silencing journalists, intimidating them, or limiting their coverage in a variety of different contexts.¹⁰³

70. Also, numerous attacks and incidents of harassment against journalists during coverage of social protests were documented. For example, journalist Dayana Krays, from *Venemundo Web* and *Caraota Digital*, was threatened with firearms by a group of armed civilians while she covered protests in Caracas on March 31.¹⁰⁴ Journalists Raily Luján and Gregory Jaimes and photographer Juan Peraza were taken hostage by armed civilians while they covered a protest of oil workers participating in a hunger strike to demand payment of their salaries. Also, two journalists with website *Crónica Uno*—Carmen Inojosa and Luis Morillo—were harassed.¹⁰⁵ Reporter Marinelid Marcano, a correspondent with *El Pitazo* in the state of Anzoátegui, and Virginia Serrano, from newspaper *El Tigrense*, were intimidated by an unidentified individual, who recorded them and took pictures of them while they were covering an opposition demonstration.¹⁰⁶

¹⁰⁰ This section of the report was prepared for the IACHR by the Office of the Special Rapporteur for Freedom of Expression. It is a summary of the IACHR Office of the Special Rapporteur for Freedom of Expression's Annual Report on the hemisphere's freedom of expression situation.

¹⁰¹ Between January and April 2019, the organization Espacio Público documented 522 violations of freedom of expression, a 314% increase compared to the violations documented during the same time period in 2018. According to the organization, the doubling of cases was the result of a year characterized by intensifying political conflict, social crisis, and economic depression in Venezuela. Espacio Público. May 9, 2019. [Reporte situación general del derecho a la libertad de expresión enero-abril 2019](#).

¹⁰² Activist and president of the organization Control Ciudadano, Rocío San Miguel, alleged on twitter that she had received threats from unknown individuals through phone calls and text messages. Espacio Público. August 13, 2019. [Amenazan vía telefónica a Rocío San Miguel](#); *El Impulso*. August 15, 2019. [Nuevo ciclo de amenazas recibe la doctora Rocío San Miguel #15Ago](#).

¹⁰³ In September, two news teams were prevented from reporting from hospitals in the cities of Maracaibo and Barquisimeto. IPYS Venezuela. October 7, 2019. [Balance Semanal IPYSve | Agresiones y hechos intimidatorios fueron el patrón de la censura en septiembre](#).

¹⁰⁴ Twitter account of Dayana Krays (@Dayanakrays). [March 31, 2019](#).

¹⁰⁵ *Tal Cual*. June 20, 2019. [Colectivos agreden a periodistas durante protesta de extrabajadores petroleros](#); Espacio Público. June 21, 2019. [Equipo de La Patilla fue hostigado por civiles armados durante una protesta](#); Twitter account of the National Press Workers Union (@sntpvenezuela). [June 20, 2019](#).

¹⁰⁶ *El Pitazo*. May 11, 2019. [Oriente y Guayana protestaron con poca participación](#); Espacio Público. May 14, 2019. [Intimidación a dos periodistas en Anzoátegui](#).

71. The Office of the Special Rapporteur notes specifically that the practice of arbitrarily detaining journalists while they do their work during demonstrations or other acts in the public interest has continued. On several occasions, journalists were released after members of the security forces erased the material they had recorded or confiscated their equipment.¹⁰⁷ For example, on May 16, journalists Mayker Iriarte, Mariana de Barros, and Héctor Sánchez, of *Vivo Play* and *TV Venezuela*, and Maoly Aldana of *Venevisión*, along with the camera and technical team, and Romel Gorosabel, producer of *Caracol TV*, were detained by Bolivarian National Intelligence Service (SEBIN) officials while covering the disappearance of commissioner Iván Simonovis, in Caracas.

72. On August 28, journalists with *Globovisión*, *Venezolanos por la Información* (VPITV), and *Venevisión* were removed by GNB members while they were covering a driver protest in Petróleos de Venezuela (PDVSA) headquarters in Maturín, Monagas Reporter Ana Rodríguez and cameraman Edgar Hernández, with *VPITV*, were also threatened by GNB members.¹⁰⁸ On August 31, the security team of opposition leader Juan Guaidó attacked several journalists covering his visit to the Maracay open market in Aragua.¹⁰⁹ On September 23, a group of armed civilians threatened the workers of *Radio Mundial 860 AM* and *Radiodifusora Cultural del Táchira 1190 AM* in San Cristóbal, Táchira. National and Táchira police officers went to the radio station after its director reported the situation on the air. *Radio Mundial* was off the air for a month after groups of vandals seized its broadcasting equipment toward the beginning of August.¹¹⁰

2. Indirect Restrictions

73. According to information received by the Office of the Special Rapporteur, the National Telecommunications Commission (CONATEL) continued in 2019 to order, illegally, the closure of broadcasters, along with searches and confiscations of broadcast equipment. It also ordered certain news and opinion programs be taken off the air. Thus for example, in April, broadcaster *Ambiente 96.1 FM*, in Guárico, was ordered taken off the air. This took place after CONATEL officials inspected its facilities and seized its broadcasting equipment, computers, and processors. The officials argued that there were problems with the company's incorporation documents. For their part, representatives of the broadcaster argued they had been undertaking bureaucratic procedures before CONATEL to correct the documents for seven years and never received a response.¹¹¹ Also that month, the closure was ordered of broadcaster *Radio Criolla 92.9 FM*, located in the municipality of Elorza, because it did not have the necessary operating permits. The owner of the radio station,

¹⁰⁷ August 15, journalist Lisbeth Miquilena was detained for two hours by members of the Bolivarian National Guard (GNB) while she was taking pictures at a gymnasium in the municipality of Tubores, Nueva Esparta. The police forced her to erase the material she had gathered. IPYS Venezuela. August 27, 2019. [Balance Semanal](#); Espacio Público. August 15, 2019. [GNB detiene a periodista por fotografiar un gimnasio vertical](#). On October 4, three individuals wearing SEBIN hats intercepted a vehicle in which a *Nueva Prensa Digital* team was traveling, forcing the reporters to get out of the vehicle, erase the photographs taken, and leave the area, in Puerto Ordaz, Bolívar. Espacio Público. October 4, 2019. [Funcionarios atacan e intimidan a equipo reporteril de Nueva Prensa Digital](#). In October, security officials intimidated journalist Luisángela Delgado and photographer Ángel García, with *Diario Primicia* as they tried to cover a traffic accident involving Special Action Forces (FAES) officials. Several armed officials surrounded the reporters and forced them to delete the material they had collected. Espacio Público. October 4, 2019. [Funcionarios intimidan a periodistas del Diario Primicia](#); *Crítica*. October 7, 2019. [Funcionarios del Faes intimidan a periodistas del Diario Primicia](#).

¹⁰⁸ El Nacional. August 28, 2019. [GNB amenazó a periodistas de VPI durante protesta de trabajadores de Pdvsa](#); EsCaracas. August 28, 2019. [Lo que hizo la GNB contra periodistas de VPI durante protesta de trabajadores de Pdvsa](#); Espacio Público. August 29, 2019. [GNB desaloja a periodistas durante una protesta en Pdvsa](#).

¹⁰⁹ Twitter account of the National Association of Journalists of Aragua (@cnparagua). [August 31, 2019](#); Diario de Los Andes. September 3, 2019. [Equipo de seguridad del diputado Guaidó agredió a ocho periodistas en el estado Aragua](#); VTV. September 1, 2019. [Periodista de Aragua agredida por equipo de seguridad desmiente a Guaidó](#).

¹¹⁰ Twitter account of *La Nación* (@lanacionweb). [September 2, 2019](#); Efecto Cocuyo. September 23, 2019. [Civiles armados atacan torre de transmisión de radios en Táchira](#); Espacio Público. September 23, 2019. [Civiles armados amenazaron al personal de dos emisoras de radio en Táchira](#).

¹¹¹ *El Pitazo*. April 17, 2019. [Conatel silenció a la emisora Ambiente 96.1 FM en Guárico](#); *Noticiero Digital*. April 17, 2019. [Conatel ordena el cierre de Ambiente 96.1 FM en Guárico](#).

José Galindo, said his documentation was in order and that the closure was for political reasons, because his station was critical of the administration of the municipality's mayor.¹¹²

74. In May 2019, CONATEL ordered the closure of broadcaster *La Mega Hertz 96.5*, located in the municipality of Biruaca, Apure, and confiscated its equipment. The radio station alleged that CONATEL exercised regular control of the content it broadcast.¹¹³ In June 2019, broadcaster *Radio Plus*, in Maturín, Monagas, was ordered closed after an inspection of its facilities and seizure of its broadcast equipment, computers, and sound booth equipment. The measure affected the broadcasts of radio station 94.9 FM, TV channel *TvPlus*, and cable TV service provider Planet Cable.

75. The United Socialist Party of Venezuela (PSUV) member of the Legislative Council of the state of Táchira, Nellyver Lugo, asked the Permanent Committee on Policy, Justice, Citizen Security, Human Rights, and the Border, CONATEL, and the Office of the Public Prosecutor to launch an investigation into digital media outlets *Táchira Noticias*, *Táchira Norte*, *Reporte.V*, *Noticias Tachirenses*, *Crónica Policial*, *Fogón Informativo*, and *El Pitazo*. The complaint was over the alleged distribution of violent videos and images showing a 16-year-old boy losing his eyesight as a result of the actions of State security forces.¹¹⁴

3. Subsequent Liability and Criminalization of the Freedom of Expression

76. Karen Palacios, a clarinet player with the National Philharmonic Orchestra of Venezuela, was detained by DGCIM officials on June 1, allegedly for "instigating hate on social media," after she alleged on her Twitter account that she was expelled from the orchestra for having signed in favor of the presidential recall referendum sought by the opposition in 2017. Palacios was released on July 16 after spending 45 days in detention and despite the fact that an order authorizing her release had been issued on June 18.¹¹⁵

77. On June 4, the Supreme Court of Justice of Venezuela rejected an appeal from news website *La Patilla* and ordered it to pay damages of 30 billion bolívares (about US\$5 million) to former Venezuelan Vice President Diosdado Cabello in the context of a civil suit brought by Mr. Cabello for defamation. He filed the suit after *La Patilla* republished an investigative report by Spanish newspaper *ABC* linking Cabello to drug-trafficking and illegal businesses. The court increased the amount of the damages set by the lower court.¹¹⁶ According to the Committee to Protect Journalists' South and Central America Program Coordinator Natalie Southwick, "The exorbitant damages imposed on *La Patilla* is nothing more than a thinly veiled attempt to bankrupt and shut down a critical outlet."¹¹⁷

78. On June 27, firefighters Carlos Varón and Ricardo Prieto were dismissed from their jobs. In September 2018, they had been detained for making a funny video comparing President Nicolás Maduro to a

¹¹² Espacio Público. April 25, 2019. [Atacan las rejas de seguridad de Radio Criolla 92.9 FM](#); Espacio Público. May 8, 2019. [En dos días, Conatel cierra dos emisoras en Apure](#); *El Doral News*. Undated. [Conatel ordena el cierre de Radio Criolla 92.9 FM en Apure](#).

¹¹³ Espacio Público. May 8, 2019. [En dos días, Conatel cierra dos emisoras en Apure](#); *El Pitazo*. May 6, 2019. [Conatel cierra emisora La Mega Hertz 96.5 FM de Apure](#).

¹¹⁴ *2001*. July 9, 2019. [Constituyentistas piden investigar a medios digitales tachirenses por supuesto contenido amarillista](#); *Noticiero Digital*. July 9, 2019. [Piden investigar a medios tachirenses por contenido amarillista](#); Espacio Público. July 10, 2019. [Diputada del CLET ordena investigación contra varios medios en Táchira](#).

¹¹⁵ Infobae. July 17, 2019. [Liberaron a la clarinetista venezolana encarcelada por denunciar en las redes que el régimen de Maduro la despidió por razones políticas](#); *El Estímulo*. July 16, 2019. [Excarcelan a la clarinetista Karen Palacios detenida por criticar al gobierno de Maduro](#); *El Nacional*. July 14, 2019. [Karen Palacios continúa detenida a pesar de tener boleta de excarcelación](#).

¹¹⁶ IACHR. [Annual Report 2018. Report of the Office of the Special Rapporteur for Freedom of Expression](#). OEA/SERL/V/II. Doc. 30, March 17, 2019, Para. 1041.

¹¹⁷ *El Nacional*. June 4, 2019. [Venezuela's Supreme Court orders La Patilla to pay US\\$5m in damages to Cabello](#); Committee to Protect Journalists (CPJ). June 7, 2019. [El Tribunal Supremo de Venezuela le ordena a La Patilla pagarle una indemnización de cinco millones de dólares a Diosdado Cabello](#).

donkey.¹¹⁸ The firefighters were accused of the criminal offenses defined in articles 20 and 21 of the “law against hatred.” However, these charges were later changed to the crimes of offending the President and public incitement of hatred, established in articles 147 and 285 of the Criminal Code. On October 31, 2018, both were granted pretrial release. They must report every 30 days and are prohibited from leaving the state of Mérida.¹¹⁹

79. On July 18, agents of the Scientific, Criminal, and Forensic Investigations Bureau (CICPC) arrested journalist Wilmer Quintana García for the alleged crime of “inciting hate,” set forth in the Law against Hate and for Peaceful Coexistence and Tolerance. This allegedly took place after allegations were published on his Facebook profile of acts of corruption in the provision of public services in the state of Guárico. On August 13, the Fifth Military Oversight Court convicted the general secretary of the Ferrominera del Orinoco labor union (Sintraferrominera) and the coordinator of Workers Intersectional Group of Guayana, Rubén González, to five years and nine months in prison for the crimes of “attacking the guard,” and “attacking the National Armed Forces.” González was detained on November 29, 2018, when he returned from a march in Caracas to protest measures taken by the government.

80. Twitter user Pedro Patricio Jaimes has been detained for more than a year and a half without having been tried or sentenced.¹²⁰ The SEBIN detained Jaimes after on May 10, 2018, he published on Twitter account @AereoMeteo information about the route of the presidential airplane taking Nicolás Maduro to the state of Aragua. He was accused of endangering national security and has been in pretrial detention ever since.¹²¹ According to the information received by the Office of the Special Rapporteur, the case involved a series of irregularities. The preliminary hearing was postponed seven times, and the trial was suspended three times; also, Jaimes has said he is being held in inhuman conditions, causing him severe health problems. On October 4, 2019, the IACHR granted Jaimes precautionary measures.¹²² Likewise, the Office of the Special Rapporteur expressed its concern at the extensive period of time Mr. Jaimes has been held in prison and at the use of laws to arbitrarily criminalize the exercise of freedom of expression.¹²³

4. Social Protest and Public Demonstrations

81. According to the Venezuelan Observatory on Social Conflict (OVCS), during the first half 2019, 10,477 protests took place, an average of 58 per day. Over only five days, from January 21 to January 25, 2019, at least 47 people died during these protests, all of them from gunshot wounds.¹²⁴ From the beginning of the year to the end of April, the Venezuelan Program for Human Rights Education-Action (PROVEA) documented 54 deaths during social protests, 53 of them from gunshot wounds. The organization attributed responsibility for 80% of the deaths to the police and to military and paramilitary forces.¹²⁵

82. The Commission has reiterated that, pursuant to Inter-American case law, firearms must not be among the tools used to control social protests and must not be used except when the police cannot subdue

¹¹⁸ Espacio Público. July 26, 2019. [Destituyen de sus cargos a los bomberos de Mérida](#); *El Pitazo*. July 26, 2019. [Destituyen a bomberos acusados por video satírico sobre Nicolás Maduro](#).

¹¹⁹ *Clarín*. September 17, 2018. [Detienen a dos bomberos en Venezuela por comprar a Maduro con un burro](#); Espacio Público Twitter account (@espaciopublico). [September 14, 2018](#); *El País*. September 19, 2018. [Hasta 20 años de prisión por burlarse de Maduro en las redes sociales](#).

¹²⁰ *CNVE24*. May 10, 2019. [¡A un año de su detención! Madre de Pedro Jaimes: “Que alguien me explique si hizo algo grave... yo sé que no” \(+Video\)](#); *Crónica Uno*. May 13, 2019. [Pedro Jaimes cumplió un año de detención arbitraria por tuitear información pública](#); Espacio Público. October 10, 2019. [Un aficionado a la aviación recluido en el Sebin](#).

¹²¹ IACHR. [Annual Report 2018. Report of the Office of the Special Rapporteur for Freedom of Expression](#). OEA/SER.L/V/II. Doc. 30. March 17, 2019, para. 1044.

¹²² IACHR. [Resolution 78/2018. Precautionary measure No. 688-18. Pedro Patricio Jaimes Criollo, Venezuela](#). October 4, 2018.

¹²³ IACHR. Office of the Special Rapporteur for Freedom of Expression. September 18, 2019. [Office of the Special Rapporteur condemns that communicators Pedro Jaimes and Jesús Medina have served one year in prison in Venezuela without being convicted](#).

¹²⁴ Venezuelan Observatory on Social Conflict, [10,477 protests documented during the first half](#), July 15, 2019.

¹²⁵ Twitter account of the Venezuelan Program for Human Rights Education-Action (@_Provea). [April 30, 2019](#); *El Pitazo*. May 7, 2019. [Colectivos: la cara de la represión en 2019](#); Venezuelan Observatory on Social Conflict. [Deaths during protests 2019 Provea/OVCS](#).

or detain those threatening the lives and integrity of other individuals using less lethal means.¹²⁶ In this regard, in accordance with the principle of exceptionality, States must, where possible, use nonviolent measures prior to employing force and firearms.¹²⁷

83. As mentioned previously, on January 23, 2019, National Assembly President Juan Guaidó declared himself the interim president of Venezuela. Following the announcement, demonstrations against the Nicolás Maduro administration intensified. In response, Venezuelan authorities searched at least three media outlets (*Global TV, Noticia Al Día, Aventura TV*) and took one cable TV channel off the air (*Global TV*). In addition, two journalists were detained and their journalism equipment confiscated, while numerous reporters were forced to erase journalistic content they had collected. The authorities also cut off Internet services.¹²⁸ Repression of the demonstrations by the police and military led to hundreds of people injured and detained, and at least five dead (the total number of dead was 16, according to the Venezuelan Observatory on Social Conflict).¹²⁹

84. Likewise, as was already mentioned, during the early morning hours of April 30, National Assembly President Juan Guaidó and opposition leader Leopoldo López called on citizens to join protests and actions in the framework of a plan called "Operation Liberty," whose objective was the end of the Nicolás Maduro administration. Espacio Público documented at least 17 cases of violations of freedom of expression during day of the demonstrations. At least three journalists were injured while covering the protests, and several were detained by SEBIN agents and GNB members. Also, the workers from a number of media outlets were harassed by demonstrators.¹³⁰

85. Members of the Bolivarian National Armed Forces (FANB) repressed the protests in Caracas and in several states in the country using tear gas, water cannons, armored military vehicles, and real bullets to disperse the demonstrators, according to press reports.¹³¹ The repression by the security forces left more than 100 people injured and dozens detained. Also, during a demonstration in La Victoria, Aragua, a 24-year-old demonstrator name Samuel Méndez died. According to reports in the local media, witnesses say civilian armed groups were responsible, saying they kidnapped and beat him, then shot him in the thorax.¹³²

86. Several media outlets disseminated images of a GNB armored car hitting—presumably intentionally—a group of citizens who were protesting, as well as images of armed civilian groups shooting at demonstrators.¹³³ Also, during the day of protests, CONATEL ordered international cable television channels BBC and CNN blocked.¹³⁴ Likewise, Internet observatory Ve Sin Filtro confirmed that YouTube, Twitter,

¹²⁶ IACHR, Situation of Human Rights in Venezuela – “Democratic Institutions, the Rule of Law and Human Rights in Venezuela,” 2018, para. 224 and 228.

¹²⁷ UN, Basic Principles on the use of force and firearms by law enforcement officials. Adopted by the Eighth UN Congress on the Prevention of Crime and Treatment of Offenders, held in Havana, Cuba, August 27 to September 7, 1990.

¹²⁸ Committee to Protect Journalists (CPJ). January 24, 2019. [Allanamientos, cierres de medios e interrupciones en el servicio de Internet en medio de la crisis venezolana](#); Instituto Prensa y Sociedad (IPYS). January 27, 2019. [Especial IPYSve | El 23 y 24 de enero prevaleció la censura en Venezuela](#); Espacio Público. January 23, 2019. [Cobertura el 23 de enero dejó 15 casos contra la libertad de expresión; Netblocks](#). January 23, 2019. [Major Internet disruptions in Venezuela amid protests](#).

¹²⁹ BBC. January 24, 2019. [Protestas en Venezuela: los muertos y detenidos que dejaron las manifestaciones en Venezuela](#); *El País*. January 24, 2019. [Las protestas contra Maduro dejan al menos 26 muertos en cuatro días en Venezuela](#).

¹³⁰ Espacio Público. May 1, 2019. [Resumen especial de la jornada de protestas del 30 de abril de 2019](#); Committee to Protect Journalists (CPJ). May 6, 2019. [Retos que enfrentan los periodistas que tratan de cubrir los últimos incidentes de violencia en Venezuela](#).

¹³¹ The Guardian. May 1, 2019. [Venezuela crisis: Maduro claims victory over 'deranged' coup attempt: Venezuela Analysis. Venezuela: Military Uprising in Caracas \(in Development\)](#).

¹³² Twitter account of the Inter-American Commission on Human Rights (@CIDH). [April 30, 2019](#); Twitter account of the Venezuelan Program for Human Rights Education-Action (@_Provea). [April 30, 2019](#); *Efecto Cocuyo*. May 1, 2019. [Matan a Samuel Méndez en Aragua durante protesta este #30Abr](#); *El Pitazo*. April 30, 2019. [Asesinan a un joven durante protesta en La Victoria](#); *Infobae*. April 30, 2019. [La represión chavista dejó un muerto, más de 100 heridos y decenas de detenidos tras el alzamiento contra la dictadura de Venezuela](#).

¹³³ Reuters. April 30, 2019. [Government vehicle runs over protesters in Caracas](#).

¹³⁴ CNN. May 1, 2019. [CNN and BBC pulled off the air by Venezuela's government](#).

Instagram, and Periscope were blocked on the service provided by State company CANTV.¹³⁵ The protests continued on May 1.¹³⁶ Internet access remained restricted by CANTV, which continued to block YouTube during the speech of National Assembly President Juan Guaidó.¹³⁷

5. Access to Public Information and Restrictions on Journalistic Coverage, Public Spaces

87. Some National Assembly officials repeatedly blocked journalists from covering legislative sessions. In some cases, the reporters were able to enter the Federal Legislative Palace with the help of opposition assembly members, but were assaulted and shoved.¹³⁸ At least four times during the month of May and three times during June, GNB members had refused the media access to the National Assembly to cover the regular sessions. The blockade began on May 7, when National Assembly President Juan Guaidó called for a popular uprising against President Nicolás Maduro.

88. The IACHR has also been monitoring the situation of the National Assembly, a body with a strong representation of the Venezuelan opposition. Every Tuesday—the day on which the Assembly holds legislative debates—GNB members acting on the orders of Major General Leonardo César Malaguera Hernández surrounded its building and prohibited journalists from entering, all while insulting and harassing them.¹³⁹ On June 4, after four weeks without being able to access the Federal Legislative Palace, the media workers were able to enter with the help of the opposition assembly members, who confronted the GNB.¹⁴⁰

6. Internet and Freedom of Expression

89. During 2019, the obstacles to freely communicating over the Internet grew. Cyber attacks; blockage of websites, social networks, and streaming services ordered by State authorities and executed by public and private telecommunications companies; and constant Internet service outages due to damage to telecommunications infrastructure have all limited Venezuelans' ability to transmit and receive relevant information on matters of significant political and social interest. Also, the digital rights of citizens and, specifically, of journalists trying to do their work was affected by multiple power outages in different parts of the country¹⁴¹.

90. According to monitoring carried out by IPYS, there were 140 cases of violations of the digital rights of citizens in Venezuela between January and August.¹⁴² Over this 8-month period, recurring blockages (37), restrictions on Internet access (69), attacks (30), restrictions on expression (3), and legal restrictions (1) took place. Likewise, organizations confirmed that between January and July, there were 881 incidents of

¹³⁵ Committee to Protect Journalists (CPJ). May 1, 2019. [Venezuelan authorities restrict internet, block outlets amid unrest](#).

¹³⁶The New York Times. May 1, 2019. [Venezuela, en ascuas durante las protestas del Día de los Trabajadores](#); BBC. May 2, 2019. [Crisis en Venezuela: tensión por manifestaciones a favor y en contra de Maduro tras el "levantamiento" de Guaidó y López](#).

¹³⁷ Espacio Público. May 2, 2019. [Jornada del 1ero de mayo: se agudizan las agresiones contra periodistas](#).

¹³⁸ Four media workers were the victims of physical assaults while covering the National Assembly during September. IPYS. October 7, 2019. [Balance Semanal IPYSve | Agresiones y hechos intimidatorios fueron el patrón de la censura en septiembre](#).

¹³⁹ *Infobae*. May 7, 2019. [Colectivos chavistas amenazaron a los diputados y la Guardia Nacional bloqueó el acceso de la prensa al Parlamento](#); *El Estímulo*. May 7, 2019. [GNB impide ingreso a periodistas a la sesión de la Asamblea Nacional](#); *Efecto Cocuyo*. May 28, 2019. [Sntp rechaza prohibición de acceso de la prensa a la AN por quinta vez en un mes](#); AFP. May 7, 2019. [Media denied access to the Venezuelan National Assembly](#); Twitter account of the National Press Workers Union of Venezuela (@sntpvenezuela). [May 21, 2019](#); Committee to Protect Journalists (CPJ). June 26, 2019. [Efectivos de la Guardia Nacional impiden el acceso a la prensa a la Asamblea Nacional venezolana](#); Espacio Público. May 21, 2019. [GNB impide nuevamente el acceso de los periodistas a la AN](#); Espacio Público. May 15, 2019. [GNB bloquea el acceso de los periodistas a la Asamblea Nacional](#).

¹⁴⁰ Twitter account of the National Press Workers Union of Venezuela (@sntpvenezuela). [June 4, 2019](#); *Efecto Cocuyo*. June 4, 2019. [Entre forcejeos trabajadores de la prensa entran al Parlamento con apoyo de los diputados](#); *El Nacional*. June 10, 2019. [Diputados apoyarán la entrada de la prensa a la Asamblea Nacional](#).

¹⁴¹ IPYS. September 13, 2019. [Balance semanal](#).

¹⁴² IPYS. October 7, 2019. [Conectividad en riesgo: 140 violaciones a los derechos digitales en lo que va de 2019](#); IPYS. August 23, 2019. [Balance Especial IPYSve | 881: la lista de la censura digital en Venezuela](#).

websites being blocked. Those mainly affected were news outlets, and the most blocks took place on CANTV, Movistar, Digitel, Inter, and Movilnet connections. According to the evidence collected by the organization, at least 48 webpages of national and foreign media outlets, whose content has a significant impact on the country, were arbitrarily censored 434 times in Venezuela during the first seven months of 2019. The pages restricted most were those of media outlets *NTN24*, *VIVOplay*, *El Pitazo*, *VPItv*, *El Nacional*, *Aporrea*, and *Noticia al día*.¹⁴³

91. In this regard, the Office of the Special Rapporteur received information on several episodes in which news websites were blocked and attacked. For example, news website *Runrun.es* suffered a cyber attack on May 25 that blocked access to it. The attack was carried out after the site published an investigative report on the actions of the Special Action Forces of the National Bolivarian Police in Caracas.¹⁴⁴ On June 19, news websites *El Pitazo* and *Efecto Cocuyo* were blocked by Internet service providers CANTV, Movilnet, and Digitel following an order from CONATEL. *El Pitazo* was also blocked by Movistar on June 17¹⁴⁵ and suffered a cyber attack on September 29.¹⁴⁶ On June 26, CANTV blocked access to *www.vamosbien.com*, which is associated with National Assembly President Juan Guaidó.¹⁴⁷ In August, the Instagram account of newspaper *La Verdad de Vargas* was locked by the social network on two occasions on the argument that it violated the terms of service.¹⁴⁸ In September, the website of Centro de Noticias Venezuela 24 saw more than 12,000 cyber attacks within 72 hours, which mainly affected the ability to view political news items.¹⁴⁹

92. The press coverage of the National Assembly sessions was also obstructed by the selective blocking of Web search and video streaming services by State telecommunications company CANTV. Espacio Público documented 11 cases of online platform blocking (mainly YouTube and Periscope) during May. In addition to during legislative sessions,¹⁵⁰ the blocking took place during coverage of situations of conflict or during speeches of the leader of the opposition to the government, Juan Guaidó.¹⁵¹

7. Prior Restraint

93. The National Bolivarian Police (PNB) detained four people who were acting in and producing the stage comedy *Dos policías en apuros* for the alleged crime of “usurpation of public authority.” According to the PNB’s Twitter account, the detention took place because the individuals were using police uniforms and seeking “to mock and misrepresent the actual functions of the police.” They were released a day later and told not to use police uniforms again.¹⁵²

¹⁴³ IPYS. October 7, 2019. [Conectividad en riesgo: 140 violaciones a los derechos digitales en lo que va de 2019](#); IPYS. August 23, 2019. [Balance Especial IPYSve | 881: la lista de la censura digital en Venezuela](#).

¹⁴⁴ Espacio Público. May 29, 2019. [Runrunes sufre un nuevo ataque informático](#); *Tal Cual*. May 27, 2019. [Runrunes es víctima de ataques cibernéticos tras reportaje sobre las FAES](#).

¹⁴⁵ *El Estímulo*. June 19, 2019. [El Pitazo y Efecto Cocuyo sufren bloqueo por parte de Conatel](#); *Infobae*. June 21, 2019. [Denuncian a Movistar Venezuela por bloquear medios independientes en internet por instrucciones del régimen de Maduro](#); *El Pitazo*. June 21, 2019. [Periodistas de El Pitazo protestaron contra bloqueo de su dominio ordenado por Conatel](#).

¹⁴⁶ Espacio Público. October 4, 2019. [Portal web El Pitazo sufrió nuevo ataque](#).

¹⁴⁷ *Venezuela Al Día*. June 26, 2019. [Cantv bloquea el sitio VamosBien.com de Guaidó en su primer día de funcionamiento](#).

¹⁴⁸ Twitter account of La Verdad de Vargas (@LaVerdadVargas). [August 21, 2019](#); IPYS. August 27, 2019. [Balance semanal](#).

¹⁴⁹ Twitter account of Centro de Noticias Venezuela 24 (@cnve24). [September 16, 2019](#); IPYS. October 7, 2019. [Conectividad en riesgo: 140 violaciones a los derechos digitales en lo que va de 2019](#).

¹⁵⁰ For example, according to monitoring carried out by the organization Netblocks, on August 20, during a special session of the National Assembly, State Internet service provider CANTV blocked search and streaming services to prevent the transmission of broadcasts from the National Assembly. Twitter account of NetBlocks.org (@netblocks). [August 20, 2019](#); Espacio Público. August 21, 2019. [CANTV bloquea servicios de Google durante la sesión de la AN](#).

¹⁵¹ Espacio Público. May 29, 2019. [CANTV sigue bloqueando Youtube durante las sesiones de la AN](#); Espacio Público. [Bloquean Youtube durante sesión de la Asamblea Nacional](#); Committee to Protect Journalists (CPJ). June 26, 2019. [Soldiers block press access to Venezuelan parliament](#).

¹⁵² Twitter account of the National Police (@CPNB_VE). [August 5, 2019](#); Espacio Público. August 6, 2019. [Excarcelan a actores detenidos por usar uniformes de la PNB](#).

8. Arbitrary Detentions and Legal Harassment

94. The Office of the Special Rapporteur received information on several cases of arbitrary detentions and criminal processes brought against journalists, allegedly in retaliation for their reporting work. On February 25, *Univisión* journalist Jorge Ramos and five members of his team were detained in the Miraflores presidential palace. They were later thrown out of Caracas. Additionally, their equipment was confiscated. The team was at the presidential palace to interview President Nicolás Maduro. However, during the interview, Maduro became angry at the questions on the humanitarian crisis facing the country and the lack of democratic guarantees. The interview was therefore cut short and the reporters were detained, interrogated, and thrown out.¹⁵³

95. U.S. journalist Cody Weedle—who works with Miami TV channel *Local 10*—and the Venezuelan fixer who was working with him were detained on March 6 by counterintelligence agents, who searched their homes in Caracas. The agents presented a court order handed down by a military court and confiscated Weedle's equipment. Both of them were released several hours later.¹⁵⁴ On March 12, after spending 24 hours in detention, journalist Luis Carlos Díaz was released. He works for *Unión Radio* in Caracas and produces journalistic content for social media. He was detained on March 11 by intelligence agents, who had previously searched his home and confiscated his computers and telephones. Díaz was charged with “instigating criminal activity” and is prohibited from leaving the country.¹⁵⁵ On March 29, the IACHR granted precautionary measures to Díaz and his immediate family and urged the Venezuelan State to take the measures necessary to ensure he would be able to perform his journalism activities without fear of becoming a victim of intimidation or threats.¹⁵⁶

96. On May 21, the Committee to Protect Journalists (CPJ) and Human Rights Watch demanded that Venezuelan authorities release photojournalist Jesús Medina, who had been arbitrarily detained since August 2018 because of his journalism work. SEBIN agents had arrested Medina while he was working with a team of journalists on an investigation project in a hospital in Caracas. On August 31, Medina was charged with several crimes, including inciting hate, illegally profiting from acts of public administration, and criminal conspiracy. Additionally, graphic designer José Guillermo Mendoza, of the NGO Provea, was detained on September 19 by members of the PNB allegedly for carrying printed material from the organization that the agents concluded was “subversive.” He was released on September 20, after spending 18 hours in detention; the materials were returned.¹⁵⁷

¹⁵³ Twitter account of Univision Noticias (@UniNoticias). [February 25, 2019](#); *Noticias Telemundo*. February 26, 2019. [Detienen y deportan a periodista de Univisión en Venezuela](#); *El País*. February 26, 2019. [Venezuela retiene en Miraflores al periodista Jorge Ramos y le requisita su entrevista a Maduro](#); Committee to Protect Journalists (CPJ). [Venezuelan authorities must return equipment to Jorge Ramos, Univision crew](#).

¹⁵⁴ Committee to Protect Journalists (CPJ). March 6, 2019. [Agentes de la contrainteligencia venezolana detienen a periodista freelance estadounidense y a guía venezolano](#); *Local 10*. March 6, 2019. [Venezuelan authorities release Local 10 reporter Cody Weddle](#); CNN. March 6, 2019. [Liberan al periodista estadounidense Cody Weddle, quien habría sido detenido por las fuerzas de seguridad venezolanas](#); EFE. March 6, 2019. [Liberan a Cody Weddle, periodista de canal de EE.UU. detenido en Venezuela](#).

¹⁵⁵ BBC. March 13, 2019. [Luis Carlos Díaz: decretan libertad condicional al periodista venezolano detenido en Caracas por el Sebin](#); Twitter account of the National Press Workers Union of Venezuela (@sntpvenezuela). [March 12, 2019](#); El Universal. March 12, 2019. [Luis Carlos Díaz fue liberado tras ser imputado por “instigación a delinquir”](#); Committee to Protect Journalists (CPJ). April 5, 2019. [Journalist Luis Carlos Díaz released from detention, banned from leaving Venezuela](#).

¹⁵⁶ IACHR. [Precautionary Measures No. 250-19. Luis Carlos Díaz and his immediate family regarding Venezuela](#). March 29, 2019.

¹⁵⁷ Provea Twitter account (@_Provea). [September 20, 2019](#); *El Estímulo*. September 20, 2019. [Liberan a trabajador de Provea detenido por imprimir “material subversivo”](#); *Noticiero Venevisión*. September 20, 2019. [Tras casi 24 horas detenido fue liberado José Guillermo Mendoza](#); *Crónica Uno*. September 20, 2019. [Liberado trabajador que había sido detenido cuando portaba material gráfico de Provea](#).

9. Other Relevant Situations

97. On January 9, 2019, migration officials at Simón Bolívar de Maiquetía Airport prevented Danish reporter Kristoffer Toft—who collaborates with *Caracas Chronicles*—from entering the country.¹⁵⁸ Likewise, on October 7, the Administrative Identification, Migration, and Foreign Affairs Service (SAIME) denied entry to British journalist John Carlin, author of the book *El Factor Humano*, on the social reconciliation process in South Africa led by Nelson Mandela. He was attending a conference titled *Mandela y el camino a la paz, horizontes posibles para Venezuela*, organized by the Institute for Integrated Transitions (IFIT).¹⁵⁹

98. Civil society organizations reported that State media outlet *Telesur* had covered the blackouts that took place in March in Venezuela "with a degree of disinformation by omitting informative and contrasting sources." As reported by IPYS Venezuela, the channel "limited itself to citing official spokespeople, using documentary sources in a biased or incomplete manner, and omitted any analysis, opinion, report, or background that would support the criticisms of lack of maintenance, failure to complete works, or failures caused by the negligence of Corpoelec personnel."¹⁶⁰

V. POVERTY AND ESCER

99. During 2019, the IACHR and the Office of the Special Rapporteur on ESCER (REDESCA) continued monitoring the situation of ESCER in Venezuela. In general, it observed shortages of food, drinking water, and medical supplies in the country, severely impacting the full exercise of the ESCER of its residents. Related to the impacts of the health crisis, information was received on the deaths of children in medical centers and hospitals as a consequence of the national blackouts and the lack of medications for treating preventable illnesses. The IACHR recalls that the absence of effective guarantee of the rights to food and health has a differentiated impact on vulnerable individuals, groups, and collectives.

100. As regards the right to education, the IACHR confirmed that attacks on university autonomy and academic freedom—among other things—persisted, with a prohibition on holding student elections in the autonomous State universities. It was also noted that primary schools, secondary schools, and institutes of higher learning were suspended because of the blackouts and the interruptions to the water supply. According to the Venezuelan Observatory on Social Conflict (OVCS), there were a total of 11,230 protests during 2019, of which 57% were related to ESCER, particularly the rights to housing, water, and food, as well as labor rights.¹⁶¹

A. Health

101. According to the National Hospitals Survey, between November 2018 in February 2019, a total of 1,557 deaths were reported caused by shortages of medications and supplies, and 79 deaths due to power outages. Likewise, according to information collected by REDESCA, more than 11,000 people with renal insufficiency are at risk from power outages in certain parts of the country.¹⁶²

102. In 2019, the IACHR and its REDESCA expressed concern at the blackout that affected José Manuel de los Ríos Hospital, located in San Bernardino, Caracas, on March 8. The State entity in charge of providing electricity service in the country, CORPOLEC, had set up several temporary external plants. However, they failed for unknown reasons. The hospital suspended dialysis, hematology, oncology, and surgical treatments. It also suspended bathroom services for patients because of the cut to the water supply. They also

¹⁵⁸ Twitter account of Kristoffer Toft (@toft_krustoffer). [January 9, 2019](#); Instituto Prensa y Sociedad Twitter account (@ipysvenezuela). [January 9, 2019](#).

¹⁵⁹ Espacio Público. [Gobierno impide la entrada a Venezuela al periodista inglés John Carlin](#); IPYS. October 11, 2019. [John Carlin: mi objetivo al viajar a Venezuela siempre fue buena voluntad](#).

¹⁶⁰ Instituto Prensa y Sociedad (IPYS). June 21, 2019. [Reporte Especial IPYSve | Apagones y desinformación en Telesur](#).

¹⁶¹ Venezuelan Observatory on Social Conflict (OVCS). [Social Conflict in Venezuela during the First Half of 2019](#), July 15, 2019.

¹⁶² Médicos por la Salud, [National Hospitals Survey](#), March 11, 2019.

expressed concern at the impact to the rights of patients in delivery rooms and emergency rooms because of the lack of gerontological instruments and adequately hygienic conditions, particularly in the healthcare centers of the public system. The Commission recalls that power outages limit access to basic services like drinking water, trash collection, telephone and communication services, and supply of basic food goods.¹⁶³ These situations deeply affect individuals' health and lead to the deterioration of health and sanitation services.¹⁶⁴

103. The IACHR and its REDESCA view with concern the shortages of condoms and birth control in Venezuela. According to a report by the Asociación Civil de Convide, in June 2019, there was a 68% shortage of oral contraceptives; a 99.4% shortage of injectable contraceptives; a 96.4% shortage of intrauterine devices; a 91.0% shortage of contraceptive implants; a 100% shortage of patches; a 38% shortage of condoms; a 100% shortage of vaginal rings; and a 65.5% shortage of emergency contraception.¹⁶⁵ This situation has led to an increase in the risk of contracting the human immunodeficiency virus (HIV) and other sexually transmitted diseases. Additionally, the risk of unwanted pregnancies among girls and adolescents has increased, which, in turn, leads to higher school dropout rates.¹⁶⁶

104. Added to this, in June 2019, a 65% shortage of antiretroviral drugs was reported, affecting at least 70,000 people with HIV registered in the public health system. This situation has contributed to the forced migration of families, particularly to Cúcuta, Colombia. However, it should be noted that access to medications there continues to be limited due to their price. According to some testimony, medications like Viraday cost the equivalent of 34 Venezuelan minimum salaries.¹⁶⁷

105. In this regard, the Commission continued to receive information on the migration of LGBTI persons living with HIV to other countries in the region due to shortages of treatments and specific medications.¹⁶⁸ The Commission also learned of the difficulty that trans persons face accessing hormonal treatments in Venezuela. This situation has caused trans persons to have to turn to the unregulated market to continue with their treatments, posing a serious risk to their physical and mental health.¹⁶⁹ The IACHR emphasizes that the social discrimination experienced by LGBTI persons makes them more vulnerable to contracting HIV, and in this regard, it calls on the State to provide adequate treatment to everyone living with HIV. The Commission also urges the State to protect the right of everyone to express their gender identity and to guarantee access to health services.¹⁷⁰

106. The Commission also received information on general shortages of medications. Toward the end of June 2019, the shortages rate stood at 61.1%, suggesting that shortages of antidepressants and antiseizure medications, as well as medications for treating diabetes and hypertension, remain high.¹⁷¹ Following a visit to Venezuela in 2019, the United Nations High Commissioner for Human Rights reiterated that access to the right to health in Venezuela continues to deteriorate as a result of the emigration of doctors and

¹⁶³ IACHR, Press Release No. 077/19, [IACHR and SRESCER Express Their Concern Over the Lack of Electricity and Drinking Water in Venezuela](#), March 22, 2019.

¹⁶⁴ IACHR, Press Release No. 077/19, [IACHR and SRESCER Express Their Concern Over the Lack of Electricity and Drinking Water in Venezuela](#), March 22, 2019.

¹⁶⁵ CONVITE A.C., [Monitoring access to health in Venezuela](#), June 2019.

¹⁶⁶ United Nations Office of the High Commissioner for Human Rights, [Report of the United Nations High Commissioner for Human Rights on the situation of Human rights in the Bolivarian Republic of Venezuela](#), A/HRC/41/18, July 4, 2019, para. 18.

¹⁶⁷ Asociación Civil Acción Solidaria. General information on the rights to health, physical integrity, and life of persons living with HIV/AIDS, September 2019. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural, and Environmental Rights.

¹⁶⁸ *El Universal*, [Emigrar o Morir, las opciones de pacientes con VIH en Venezuela](#), September 30, 2019.

¹⁶⁹ *El Nacional*, [Crisis en Venezuela: desesperada búsqueda de hormonas de los transexuales](#), June 26, 2019.

¹⁷⁰ Human Rights Campaign, [HIV disproportionately impacts segments of the LGBTQ community](#), 2017.

¹⁷¹ CONVITE A.C., [Monitoring access to health](#), June 2019.

health professionals, as well as due to the sanitary conditions of public healthcare centers and shortages of medications, equipment, and supplies.¹⁷²

107. It should be noted that reports of a lack of environmental oversight persist, something that endangers the population by exposing it to a series of risks including contact with toxic substances and pollutants. In this regard, the unsupervised execution of projects like the Orinoco Mining Belt and the exploitation of coal from the Guasare basin in Zulia could contribute to increasing the spread of waterborne gastrointestinal illnesses from amoebas, parasites, and diarrhea.¹⁷³

B. Water, Sanitation, and Food

108. According to the 2018 National Survey on Living Conditions, only 29% of residents reported having consistent access to water in their homes, while 28% reported receiving it only once a week or once every two weeks. Five percent of the population reported never receiving water in their homes.¹⁷⁴ To address the effects of water shortages, residents have begun buying bottled water or hiring cistern trucks. However, access to water remains limited due to the disparity between the salaries received and the cost of water. For example, in July 2018, when the minimum salary was 3 million bolívares per month, the cost of a cistern truck full of water varied between 3 million and 10 million bolívares.¹⁷⁵

109. As a consequence of the difficulty accessing water, food production has declined, while the cost of production has increased. The availability of good quality food is deficient. Many people report waiting in line for an average of 10 hours in order to obtain food. Between May 2018 and 2019, the cost of the basket of basic food goods—consisting of 60 basic products—increased by 167,230%, to the equivalent of 1,217,419.3 bolívares. It is therefore estimated that an individual would need nine minimum salaries to purchase it.¹⁷⁶ The boxes distributed by the Local Popular Provisioning Committees, known as the “CLAP boxes,” are the main social program for providing food assistance. However, it does not meet international standards for covering a population’s basic nutritional needs.¹⁷⁷ The scarcity of food products and the rising prices of the protein products or nutritional supplements available threaten to drive up child malnutrition. Insufficiency of protein-rich food of animal, fruit, or vegetable origin particularly impacts children and adolescents and older adults.

110. Therefore, the Commission and its REDESCA remind the State that everyone has the right to the preservation of their health through proper nutrition, in accordance with the provisions of Article XI of the American Declaration of the Rights and Duties of Man. They also recall the statements of the Committee on Economic, Social and Cultural Rights (CESCR) and General Comment No. 12. Therein, the core content of the right to food is defined as “the availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture” and “the accessibility of such food in ways that are sustainable and that do not interfere with the enjoyment of other human rights.”¹⁷⁸ The IACHR calls on the Venezuelan State to take the measures necessary to guarantee the right to food in the terms described.

¹⁷² United Nations Office of the High Commissioner for Human Rights, [Report of the United Nations High Commissioner for Human Rights on the situation of Human rights in the Bolivarian Republic of Venezuela](#), A/HRC/41/18, July 4, 2019.

¹⁷³ Coalición Clima21- Fundación Tierra Viva, #SinAgua. Situación del derecho al agua potable en Venezuela: Caso Área Metropolitana de Caracas, November 2018. Available at: Archive of the Special Rapporteur Economic, Social, and Cultural Rights.

¹⁷⁴ Universidad Católica Andrés Bello (UCAB), the Universidad Central de Venezuela (UCV), and the Universidad Simón Bolívar (USB), [Draft National Survey on the Living Conditions of the Venezuelan Population \(ENCOVI\) 2018](#), November 30, 2018.

¹⁷⁵ UCAB, UCV, USB, [Draft National Survey on the Living Conditions of the Venezuelan Population \(ENCOVI\) 2018](#), November 30, 2018.

¹⁷⁶ *El Universal*, [Canasta básica alimentaria equivale a 9 salarios mínimos](#), June 15, 2019

¹⁷⁷ United Nations Commissioner for Human Rights, [Report of the United Nations High Commissioner for Human Rights on the situation of Human rights in the Bolivarian Republic of Venezuela](#), A/HRC/41/18, July 4, 2019.

¹⁷⁸ Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 12, E/C.12/1999/5, para. 8

C. Education

111. The IACHR notes with concern that the suspension of student elections continues, affecting the university autonomy of the autonomous universities in Venezuela. On July 8, 2019, the First Civil, Mercantile, and Traffic Trial Court of the Judicial Circuit of the state of Lara ordered the immediate suspension of the electoral process for choosing student representatives for the Federation of University Centers of the Universidad Centro-Occidental Lisandro Alvarado.¹⁷⁹ The Commission and its REDESCA reiterate the State's duty to respect university autonomy. Although it is not mentioned explicitly in the American Declaration, the IACHR recalls that university autonomy is an essential requirement for academic freedom, and thus for the full enjoyment of the right to education, which is recognized in Article XII of the American Declaration.¹⁸⁰

D. Labor Rights

112. The IACHR points to the recent report by the International Labour Organization (ILO) on Venezuela. Overall, the ILO found in Venezuela an environment of hostility, interference, and exclusion from social dialogue for employee and worker organizations not aligned with the government. It also found in Venezuela repeated acts of harassment, persecution, imprisonment, murders, and assaults against employee and worker organizations not aligned with the government and labor union leaders.¹⁸¹ Among the conclusions of the ILO report on Venezuela were included the following: violations of civil liberties, including physical violence, persecution, and harassment of FEDECAMARAS and other social interlocutors; acts of physical violence against employer and union leadership, as well as material damage of their offices and impunity or failure to solve such facts; judicial persecution of employers' and workers' leaders; acts of harassment against employers' and workers' leaders; exclusion from social dialogue of organizations not close to the government; favoritism and promotion of parallel employers' and workers' associations close to the government and obstacles to the functioning of other organizations; interference in relations between employers' and workers' organizations.¹⁸²

113. The IACHR and its REDESCA note with concern the reports of alleged acts of political persecution against members of the Venezuelan Association of University Rectors (AVREU). The IACHR took note of approval of agreement No. 0082 of May 30, 2019. Through this agreement, the national Council of universities asked the Office of the Public Prosecutor for the following:¹⁸³ "the launch of a criminal investigation against the rectors of national universities who are members of the Venezuelan Association of University Rectors (AVREU) based on their public statements in which they decline to recognize the legitimate government [...]." These types of events arise from the use of criminal law as a tool to punish political expressions against the government, thereby violating the labor rights of Venezuelans.

¹⁷⁹ Aula Abierta, "Violación a la autonomía universitaria por parte del Poder Judicial venezolano: caso elecciones estudiantiles de la Universidad Centrooccidental Lisandro Alvarado," July 2019.

¹⁸⁰ IACHR, [Democratic Institutions, the Rule of Law and Human Rights in Venezuela: Country Report](#), OEA/Ser.L/V/II. Doc.209/17, 2017, pg. 245, para. 458; UN, CESCR, General Comment N° 13, [The Right to Education \(article 3\)](#), E/C.12/1999/10, 1999, para. 38-40.

¹⁸¹ Report of the [Commission of Inquiry appointed under article 26 of the Constitution of the International Labour Organization to examine the observance by the Government of the Bolivarian Republic of Venezuela of the Minimum Wage-Fixing Machinery Convention, 1928 \(No. 26\)](#), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No.144), para. 365-367.

¹⁸² Report of the [Commission of Inquiry appointed under article 26 of the Constitution of the International Labour Organization to examine the observance by the Government of the Bolivarian Republic of Venezuela of the Minimum Wage-Fixing Machinery Convention, 1928 \(No. 26\)](#), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No.144), para. 368-494.

¹⁸³ Aula Abierta, Executive Summary: Persecution of the Venezuelan Association of University Rectors for Political Reasons, July 10, 2019.

VI. VULNERABLE GROUPS

A. Human Rights Defenders

114. During 2019, the IACHR continued to receive information on the existence of harsh campaigns to stigmatize and harass the work of human rights defenders and civil society organizations sounding the alarm on the grave humanitarian crisis and systematic human rights violations in the State of Venezuela.

115. The Commission noted an intensification of defamation campaigns in pro-government media outlets and pursued by senior government officials against human rights defender individuals and organizations in the country. The Commission expressed deep concern on learning that on January 25, Marco Antonio Ponce, president of the Venezuelan Observatory on Social Conflict (OVCS) and the beneficiary of IACHR precautionary measures since 2015, was again accused—this time by Misión Verdad, a pro-government website—of “extending the logic of hate and confrontation to the grassroots.”¹⁸⁴

116. Discourse describing human rights defenders as “traitors” and “agents of destabilization” continues to be used in the media, such as during the weekly television program “Con el mazo dando,” hosted by the President of the National Constituent Assembly of Venezuela.¹⁸⁵ For the Commission, it is especially concerning that this program’s webpage has stated that human rights organizations, particularly the organization Provea, are financed through Colombia by the “empire,” under the pretext of providing humanitarian aid.¹⁸⁶ Additionally, the IACHR has confirmed that the smear campaigns against human rights defenders have not stopped; they continue to be accompanied by strategies of harassment by government agents and private individuals. For example, among other cases, the Commission learned that the coordinators of Foro Penal in the states of Nueva Esparta and Zulia were being followed and surveilled by the Bolivarian National Guard. One of the organization’s attorneys received death threats.¹⁸⁷

117. Also in 2019, the IACHR learned of several cases of excessive use of force against and arbitrary detentions without a warrant of human rights defenders, especially during social protests and through operations carried out by the PNB, mainly the FAES in coordination with the Neighborhood Councils.¹⁸⁸ The IACHR has expressed its rejection of these interventions being carried out selectively and in poor areas, and according to the reports received, they are for political purposes and aim to repress demonstrators.¹⁸⁹

118. Additionally, during 2019, the IACHR learned that the State of Venezuela continued to criminalize human rights defenders, especially those who were critical of the government and demanded reforms. On February 18, 2019, Geovany Zambrano Rodríguez, a defender of labor rights and an employee of State power company Corpoelec, had participated in a press conference denouncing the situation of the country’s power sector and the grave deterioration of the electricity systems facilities that could lead to a service collapse. On March 11, 2019, Geovany Zambrano was reported as disappeared by family members, friends, and journalists in his orbit.¹⁹⁰ Witnesses, human rights organizations, and a series of media outlets said he was detained twice by Bolivarian National Intelligence Service (SEBIN) officials.¹⁹¹

¹⁸⁴ Press release 039/19, [IACHR Concerned about Harassment against Human Rights Defenders in Venezuela](#), February 22, 2019.

¹⁸⁵ UNHCHR, [Report of the United Nations High Commissioner for Human Rights on the situation of Human rights in the Bolivarian Republic of Venezuela](#), A/HRC/41/18, July 4, 2019, para. 34.

¹⁸⁶ Press release 039/19, [IACHR Concerned about Harassment against Human Rights Defenders in Venezuela](#), February 22, 2019.

¹⁸⁷ Press release 039/19, [IACHR Concerned about Harassment against Human Rights Defenders in Venezuela](#), February 22, 2019.

¹⁸⁸ Amnesty International, [Hunger for Justice: Crimes against Humanity in Venezuela](#), 2019.

¹⁸⁹ IACHR, press release 022/19, [IACHR Alarmed by Arrests in the Context of Protests in Venezuela](#), February 1, 2019. IACHR, press release 091/19, [IACHR Observes Persistent Human Rights Issues in Venezuela](#), April 5, 2019.

¹⁹⁰ [El Pitazo, Familiares reportan la desaparición de trabajador de Corpoelec en Puerto Orda](#), March 12, 2019.

¹⁹¹ FIDH, [Venezuela: Detención arbitraria del Sr. Geovany Zambrano Rodríguez](#), March 15, 2019.

119. The next day, during a severe power crisis leading to a national blackout, SEBIN officials searched his home without a warrant. On March 19, Zambrano was convicted for the crimes of criminal conspiracy, leaking information, and sabotage by the courts in Puerto Ordaz and sentenced to prison.¹⁹² Journalist and cyber activist Luis Carlos Díaz—who was also accused of instigating sabotage of the country's power grid—was arrested, searched, and released.¹⁹³ The IACHR emphatically reiterated its deep concern at this pattern of using the punitive power of the State to discourage, punish, and prevent the exercise of the rights to protest, to freedom of expression, to peaceful assembly, and to the broadest possible social and political participation and urged the State of Venezuela to stop criminalizing peaceful protests.¹⁹⁴

120. Especially concerning to the IACHR are the alleged cases of extrajudicial execution of demonstrators and human rights defenders. The Report of the United Nations High Commissioner for Human Rights on the situation of Human rights in Venezuela includes six cases of young people executed by the FAES because of their participation in antigovernment protests during 2019. They were all executed after demonstrations during illegal searches of their homes.¹⁹⁵

121. The IACHR learn that a number of media outlets had reported that on January 24, FAES members executed Luis Enrique Ramos Suárez in the city of Carora. One day prior, an audio recording was released in which Luis Enrique's nickname was mentioned as one of the organizers of antigovernment demonstrations. On the 24th, more than 20 armed and masked members of the FAES came to conduct an illegal search of the Ramos Suárez home, during which they abused the 10 family members, including children. After locating Luis Enrique, they forced him to his knees in the living room while striking him on different parts of his body. Luis Enrique was taken in a PNB convoy to location 2 km from the house, where he was murdered with two shots to the chest. According to witnesses, the FAES members fired their weapons inside the house to simulate a shootout.¹⁹⁶

122. Based on this information, the Inter-American Commission concludes that the situation of human rights defenders in Venezuela has not changed substantially from what was reported in the 2018 Annual Report. Human rights defenders and human rights organizations in Venezuela continue to face an environment of profound stigmatization, harassment, and criminalization of their work, as well as the excessive use of force by police and arbitrary detentions without a judicial order. Consequently, it is essential for the Venezuelan State to implement concrete measures to guarantee that human rights defenders can freely perform their work and, specifically, to facilitate effective measures to protect their lives and integrity for these purposes.

B. Persons Deprived of Liberty

123. In 2019, during the 174th Period of Sessions, held in Quito, a thematic hearing was held on the human rights situation of people deprived of liberty in Venezuela. Civil society organization Una Ventana a la Libertad reported that Venezuela's population of people deprived of liberty amounts to approximately 110,000 people, including 8,000 women. However, it noted that there are no official statistics on the population of people deprived of liberty.¹⁹⁷

124. Una Ventana a la Libertad said that one of its greatest concerns was the existence of a dual penitentiary system: An official system with 45,000 inmates in 45 prisons run by the Ministry of Popular Power

¹⁹² *El Nacional*, Tribunal dictó privativa de libertad contra trabajador de Corpoelec, March 19, 2019.

¹⁹³ *El País*, Excarcelado el periodista hispanovenezolano acusado de instigar un sabotaje eléctrico, March 13, 2019.

¹⁹⁴ IACHR, press release 091/19, IACHR Observes Persistent Human Rights Issues in Venezuela, April 5, 2019.

¹⁹⁵ UNHCHR, Report of the United Nations High Commissioner for Human Rights on the situation of Human rights in the Bolivarian Republic of Venezuela, A/HRC/41/18, July 4, 2019, para. 52.

¹⁹⁶ Amnesty International, Venezuela: Hambre, castigo y miedo. la fórmula de represión de las autoridades de Nicolás Maduro, February 20, 2019.

¹⁹⁷ Information provided by civil society organizations during the hearing entitled "Situation of people deprived of liberty in Venezuela," held during the 174th Period of Sessions of the IACHR.

for the Penitentiary Service; and the parallel system of approximately 500 spaces for pretrial detention, in which 65,000 people are deprived of liberty. This situation is extremely serious because pretrial detention spaces are not adequate for housing people for more than 48 hours, and the Ministry of Popular Power for the Penitentiary Service does not protect the rights of these individuals, arguing that they are the responsibility of the police.

125. During recent years, the IACHR has paid special attention to the situation of people deprived of liberty in Venezuela, as it presents one of the region's most grave situations. Specifically, the situation is characterized by critical levels of overcrowding in prisons and pretrial detention centers, as well as a lack of updated official statistics and deplorable detention conditions. The Commission calls attention to the lack of penitentiary policies with a gender approach that serve the particular needs of women deprived of liberty and protect their bodily integrity. It also expresses its concern over the networks of corruption and organized crime that grow within the Venezuelan prisons and pretrial detention centers and demonstrate the authorities' effective lack of control. These patterns have extended in the context of the political, economic, and social crisis facing the Venezuelan State.¹⁹⁸ The Commission is profoundly saddened by the riot that took place on May 24 in the police jail in Acarigua, Portuguesa, that left 30 people dead and at least 14 officers injured.¹⁹⁹

1. Overcrowding and Pretrial Detention

126. The high rates of overcrowding represent one of the main concerns regarding Venezuela's prison system. Of the country's 500 pretrial detention centers, Una Ventana a la Libertad looked at 203 in 15 states and found that, despite having a capacity of 3,734 people, they housed 19,028 people, including 1,369 women. This puts overcrowding at approximately 509%.²⁰⁰ Regarding the prison detention centers, Una Ventana a la Libertad noted that there are no official statistics, making it impossible to know the precise rates of overcrowding. In this context, the IACHR reminds the Venezuelan State that overcrowding is in itself a violation of the bodily integrity of those deprived of liberty,²⁰¹ and that the constant and systematic filling of penitentiaries beyond their housing capacity is considered cruel, inhuman, or degrading treatment.²⁰²

2. Detention Conditions

127. The prevailing detention conditions in Venezuelan prisons pose a risk to the lives and bodily integrity of the individuals deprived of liberty. Specifically, the IACHR has information indicating that, in addition to critical levels of overcrowding, Venezuelan penitentiaries are characterized by failure to provide access to basic needs, inadequate hygiene conditions, negligent medical care, gender-based violence, high rates of mortality from health complications and violent incidents, and networks of corruption and organized crime.²⁰³ Likewise, poor hygiene and health conditions in Venezuelan prisons has fostered the spread of illnesses such as tuberculosis, hepatitis, and certain dermatological pathologies among the population of people

¹⁹⁸ On this, see IACHR, Annual Report, Chapter IV.B "Venezuela," 2018, and IACHR, [Report on the human rights situation in Venezuela](#), OEA/Ser.L/V/II. Doc. 209, December 31, 2017, para. 389.

¹⁹⁹ InSight Crime, [Riots and Violence Overwhelm Venezuela's Police Stations](#), June 24, 2019.

²⁰⁰ Information provided by civil society organizations during the hearing entitled "Situation of people deprived of liberty in Venezuela," held during the 174th Period of Sessions of the IACHR.

²⁰¹ Regarding this, the IACHR has found that overcrowding increases violence among detainees; makes it difficult to access basic services; facilitates the spread of illnesses; creates an environment in which health and hygiene conditions are deplorable; constitutes in itself a risk factor in emergency situations; restricts inmate access to productive activities; and fosters corruption. IACHR, [Report on the Use of Pretrial Detention in the Americas](#), OEA/Ser.L/V/II., Doc. 46/13, December 30, 2013, para. 288.

²⁰² IACHR, [Resolution 01/08 – "Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas"](#) March 31, 2008, Principle XVII.

²⁰³ In this regard, see Michelle Bachelet, High Commissioner for Human Rights, [Report on the situation of Human rights in the Bolivarian Republic of Venezuela](#), July 4, 2019, para. 45.

deprived of liberty, who are often denied medical treatment.²⁰⁴ Likewise, the IACHR expresses concern at the high mortality rates within the prison system. In this regard, the Observatorio Venezolano de Prisiones indicated that during the first half of 2019, at least 59 people deprived of liberty died, with health complications and incidents of violence being the leading causes of death.²⁰⁵

128. The Commission has also learned of the existence of an networks of corruption and illegal arms and drug trafficking between penitentiary authorities and criminal groups formed within the prison system, which are commonly known as *pranes*.²⁰⁶ For its part, civil society estimates that at least 53% of the prison population is controlled by these criminal structures that operate with the awareness of the Venezuelan State.²⁰⁷ In this regard, the IACHR recalls that lack of effective control by authorities over what happens in penitentiaries can lead to certain detained individuals having power over fundamental aspects of the lives of others, with disproportionate effects for individuals in particularly at-risk situations.²⁰⁸

129. Additionally, the Venezuelan prison system is characterized by a lack of penitentiary measures that take a gender approach. In this regard, according to the information available to the Commission, prison facilities are not adequate to meeting the specific needs of women.²⁰⁹ With the exception of one prison exclusively for women, the other facilities for women are buildings attached to prisons for men.²¹⁰ Specifically with regard to the detention center in SEBIN headquarters, the UNHCHR stated that it is not adapted to meet standards specific to gender. Among other reasons, this is because there is only one cell assigned to women, and it is overcrowded and guarded mainly by men, even though there are women guards working there.²¹¹ The UNHCHR also indicates that both the guards and other inmates pressure the women to exchange sex for "privileges" or protection. Other women report they do not have access to specialized medical care, and that, in contrast to the men, they are not always allowed to use the yard or gymnasium.²¹²

130. In this regard, the Inter-American Commission reiterates to the Venezuelan government that failure to separate people deprived of liberty by category—in this case, based on gender—could be a violation of the right to humane treatment.²¹³ Therefore, the IACHR urges the Venezuelan government to implement measures that will enable the proper separation of people deprived of liberty based on their genders, as well as guarantee that women deprived of liberty are guarded exclusively by the women personnel. Additionally,

²⁰⁴ Observatorio Venezolano de Prisiones, [Noticia – “Un recluso muerto diario en 8 años de gestión de Iris Valera”](#), July 25, 2019; Observatorio Venezolano de Prisiones, [Noticia – “Desnutrición, enfermedades y violencia mataron a 46 presos en el 1er. trimestre de 2019”](#), May 31, 2019.

²⁰⁵ Observatorio Venezolano de Prisiones, [Noticia – “Un recluso muerto diario en 8 años de gestión de Iris Valera”](#), July 25, 2019; *Infobae*, [“El Observatorio Venezolano de Prisiones denunció que 59 reos murieron en las cárceles del país durante el primer semestre de 2019”](#), June 31, 2019.

²⁰⁶ Observatorio Venezolano de Prisiones, [Noticia – “Un recluso muerto diario en 8 años de gestión de Iris Valera”](#), July 25, 2019.

²⁰⁷ Observatorio Venezolano de Prisiones, [Noticia – “Un recluso muerto diario en 8 años de gestión de Iris Valera”](#), July 25, 2019.

²⁰⁸ IACHR, Report on the Human Rights of Persons Deprived of Liberty in the Americas, OEA/Ser.L/V/II. Doc. 64, December 31, 2011, para. 91.

²⁰⁹ Observatorio Venezolano de Prisiones, [“Informe Anual 2018: Estar preso en Venezuela es una condena a muerte,”](#) 2019, pg. 9.

²¹⁰ Observatorio Venezolano de Prisiones, [“Informe Anual 2018: Estar preso en Venezuela es una condena a muerte,”](#) 2019, pg. 10.

²¹¹ Michelle Bachelet, High Commissioner for Human Rights, [Report on the situation of Human rights in the Bolivarian Republic of Venezuela](#), July 4, 2019, para. 45.

²¹² Michelle Bachelet, High Commissioner for Human Rights, [Report on the situation of Human rights in the Bolivarian Republic of Venezuela](#), July 4, 2019, para. 45.

²¹³ IACHR, Report on the Human Rights of Persons Deprived of Liberty in the Americas, OEA/Ser.L/V/II. Doc. 64, December 31, 2011, para. 435.

the Commission reaffirms that acts of violence, harassment, or sexual abuse of women deprived of liberty could constitute torture and cruel, inhuman, and degrading treatment.²¹⁴

3. Police Jails

131. As previously mentioned, one of the main problems in terms of deprivation of liberty is the use of police jails—which are temporary in nature—as permanent spaces for housing the prison population. As of the first half of 2019, civil society estimates a prison population of approximately 65,000 individuals deprived of liberty in these types of facilities. Consequently, a number of police jails have reached levels of overcrowding that exceed their capacity by 400% or 500%.²¹⁵

132. The Commission warns that detention conditions in police jails are inhuman, mainly because they are not set up to house people for long periods of time, as well as because of the critical levels of overcrowding that exacerbate the poor conditions of imprisonment. In this regard, the UNHCHR indicated that pretrial detention centers are frequently overcrowded and insalubrious. It added that "Detainees have limited access to food, water, sanitation, sunlight, and recreation facilities. Their access to essential healthcare is restricted or even denied."²¹⁶ The IACHR has learned of people held in these facilities for as many as six years.²¹⁷ The facilities do not have sufficient space to move about, forcing people to sleep standing up or seated.²¹⁸ Civil society organizations have also informed the IACHR that detainees face numerous restrictions on receiving visits in police jails.²¹⁹

133. According to information from an investigative report published by the organization Una Ventana a la Libertad (UVL) in July 2019, for which it monitored 203 pretrial detention centers located in 15 Venezuelan jurisdictions, only one police jail provided food sporadically, meaning that none of them provided three meals a day.²²⁰ Likewise, the Observatorio Venezolano de Prisiones indicated that more than 60% of the inmate population depended on food and water supplied by their relatives or friends.²²¹ The Inter-American Commission also notes that detainees and people deprived of liberty lack adequate access to health and hygiene facilities and products and have to meet their needs by improvising with buckets and bags.²²² Parallel to this,

²¹⁴ In this regard, see IACHR, [Report on Measures to Reduce Pre-trial Detention, OEA/Ser.L/V/II.163](#), July 3, 2017, para. 195-198.

²¹⁵ Information provided by civil society organizations during the hearing entitled "situation of people deprived of liberty in Venezuela," held during the 174th Period of Sessions of the IACHR. In this regard, see Una Ventana a la Libertad, "Proyecto: Monitoreo a la situación de los centros de detención preventiva en Venezuela, Informe 1er semestre 2019," July 2019, pg. 24. Also see *Aleteia*, "Noticia – [Venezuela y la alarmante cifra de muertes en calabozos policiales](#)", August 4, 2019, and Observatorio Venezolano de Prisiones, "Noticia – [En el primer trimestre del año 31 presos murieron en calabozos policiales](#)", June 14, 2019.

²¹⁶ Michelle Bachelet, High Commissioner for Human Rights, [Report on the situation of Human rights in the Bolivarian Republic of Venezuela](#), July 4, 2019, para. 45.

²¹⁷ Observatorio Venezolano de Prisiones, "Noticia – [En el primer trimestre del año 31 presos murieron en calabozos policiales](#)", June 14, 2019; Una Ventana a la Libertad, "Proyecto: Monitoreo a la situación de los centros de detención preventiva en Venezuela, Informe 1er semestre 2019," July 2019, pg. 24 and 25.

²¹⁸ Observatorio Venezolano de Prisiones, "Noticia – [En el primer trimestre del año 31 presos murieron en calabozos policiales](#)", June 14, 2019.

²¹⁹ Observatorio Venezolano de Prisiones, "Noticia – [En el primer trimestre del año 31 presos murieron en calabozos policiales](#)", June 14, 2019.

²²⁰ Una Ventana a la Libertad, "Proyecto: Monitoreo a la situación de los centros de detención preventiva en Venezuela, Informe 1er semestre 2019," July 2019, pg. 38 and 39.

²²¹ Observatorio Venezolano de Prisiones, "Noticia – [En el primer trimestre del año 31 presos murieron en calabozos policiales](#)", June 14, 2019; Una Ventana a la Libertad, "Proyecto: Monitoreo a la situación de los centros de detención preventiva en Venezuela, Informe 1er semestre 2019", July 2019, pg. 35; *Crónica Uno*, "[Embarazadas detenidas en calabozos no tienen control médico hasta el parto](#)," July 30, 2019.

²²² Observatorio Venezolano de Prisiones, "Noticia – [En el primer trimestre del año 31 presos murieron en calabozos policiales](#)", June 14, 2019.

119 deaths²²³ were recorded in the police jails monitored by the UVL, with the main cause being unknown by authorities (38%), followed by death during attempted escapes, from incidents of violence, and from illness.²²⁴

The IACHR condemns the alarming detention conditions—most of which include gender discrimination—experienced by women who are detained and deprived of liberty in the pretrial detention centers. The majority of police jails do not provide areas exclusively for women; and where they do, the spaces are small and overcrowded.²²⁵ Additionally, pregnant women do not receive medical care during their pregnancies, and if they need medication, it must be provided by friends or family.²²⁶ They also do not have access to intimate hygiene or menstrual products.²²⁷

C. Women

134. Regarding the rights of women, the Commission observes that the deficiencies in the legal framework on gender-based violence and structural shortcomings of State institutions continue to prevent women from having their right to a life free of violence guaranteed, a situation that is made worse by the country's institutional and humanitarian crisis. The IACHR notes that, in contexts of crisis, the pre-existing factors in violence against women deepen and extend as institutional collapse impacts the ability of women who are victims of violence to effectively access justice and measures of protection.

135. In this regard, the Commission notes that despite the existence of an Organic Law on the Rights of Women to a Life Free from Violence, Venezuela still does not have regulations to harmonize the procedures for providing care to women and handle their cases with adequate interagency coordination, which makes fully implementing these laws difficult. According to the information provided by the Venezuelan State, since 2017, the Ministry of the People's Power for Women and Gender Equality started drafting the regulations for the Law on Women's Right to a Life Free of Violence by forming a High Level Committee. However, the regulations have yet to be approved,²²⁸ despite the multiple efforts of the Ministry for Women and despite this being one of the CEDAW Committee's repeated recommendations for Venezuela.²²⁹

136. Although the IACHR has been aware of the figures communicated by the Scientific, Criminal, and Forensic Investigations Bureau, which reported that between January and August 2019, 1180 cases of sexual abuse had been documented along with an increase in femicide,²³⁰ among the obstacles that remain to applying the legal framework for protecting the rights of women, the IACHR underscores the lack of official data for planning and programming public policies aimed at preventing and eradicating gender-based violence against women.²³¹ The lack of data—including figures on violence against women, maternal mortality, and

²²³ This figure does not include the 30 people who died during a riot in Portuguesa.

²²⁴ Una Ventana a la Libertad, "Proyecto: Monitoreo a la situación de los centros de detención preventiva en Venezuela, Informe 1er semestre 2019," July 2019, pg. 42.

²²⁵ Una Ventana a la Libertad, "Proyecto: Monitoreo a la situación de los centros de detención preventiva en Venezuela, Informe 1er semestre 2019," July 2019, pg. 24 and 25. Also see Prison Insider, "Noticia - [Venezuela: detenidos enfermos en calabozos no tienen quien vele por su salud](#)," September 30, 2019.

²²⁶ Una Ventana a la Libertad, "Proyecto: Monitoreo a la situación de los centros de detención preventiva en Venezuela, Informe 1er semestre 2019," July 2019, pg. 40 and 41; Crónica Uno, "[Embarazadas detenidas en calabozos no tienen control médico hasta el parto](#)," July 30, 2019. Also see Prison Insider, "Noticia - [Venezuela: detenidos enfermos en calabozos no tienen quien vele por su salud](#)," September 30, 2019.

²²⁷ Una Ventana a la Libertad, "Proyecto: Monitoreo a la situación de los centros de detención preventiva en Venezuela, Informe 1er semestre 2019," July 2019, pg. 40.

²²⁸ Committee on the Elimination of Discrimination against Women (CEDAW), [Concluding observations on the combined seventh and eighth periodic reports of the Bolivarian Republic of Venezuela. Information provided by Venezuela in follow-up to the concluding observations](#), CEDAW/C/VEN/CO/7-8/Add.1, January 11, 2018. Para. 3.

²²⁹ Red Equivalencias en Acción: AVESA, CEPAZ, Freya, and Mujeres en Línea, [Mujeres al Límite](#), June 2019. Pg. 84.

²³⁰ *Infobae*, [En lo que va de 2019, Venezuela registró 1.180 casos de abuso sexual y un aumento de femicidios](#), August 29, 2019.

²³¹ Amnesty International, State of the World's Human Rights, 2017/2018, February 22, 2018. Pg. 460.

public budgets on the issue²³²—means a total lack of awareness as to the number of cases received annually by the bodies that collect complaints, the number of cases prosecuted, and the number of cases that are brought to trial.²³³ This hides the true magnitude of the phenomenon of violence against women in the country.²³⁴

137. In line with this, the Commission views with concern the weakening of the State's institutional capacity to comply with its due diligence obligations as regards tackling violence against women. The information available indicates profound structural deficiencies that prevent women from easily accessing resources and from cases being properly handled, while at the same time, measures of protection are ineffective. According to information received by the IACHR, women who are the victims of violence must often procure the materials necessary—including paper and ink—for court staff to work on their case files or to print out court summonses.

138. With regard to sexual violence, the Commission notes with concern that the context of the humanitarian and institutional crisis and the decline in living conditions place women and girls at risk of becoming the victims of a variety of forms of sexual violence in a context in which machista stereotypes regarding women's bodies prevail. The result is an environment that facilitates sexual violence associated with sex work or sex used as currency.²³⁵ For example, the Commission has received reports of cases in which women have been forced to trade sex acts for food.²³⁶

139. Additionally, the Commission has received information on various forms of violence against women in the context of repression of demonstrations, detention, and operations to search homes, along with harassment of and threats against women who are members of the opposition, human rights defenders, or relatives of members of the opposition.²³⁷ The United Nations High Commissioner attributed acts of violence against women to members of the SEBIN and the DGCIM, including sexual violence, physical assaults, groping, rape threats, forced nudity, and sexist insults intended to humiliate and punish detainees and extract confessions from them.²³⁸

140. The Commission views with concern the harassment, threats, and other forms of violence against women human rights defenders, their relatives, women close to opposition figures and/or human rights defenders, and women who are teachers, nurses, and public officials²³⁹ in Venezuela. The High Commissioner collected testimony from women, including local leaders, who were singled out for their activism and threatened by armed civilian pro-government groups (the so-called "armed collectives") and who said they preferred not to demand their rights because they feared retaliation.²⁴⁰ These reports also point to an increase in the arbitrary detentions of the relatives of those presumed to be members of the opposition, women especially. These individuals are interrogated without the presence of their lawyers, and in some cases, subjected to cruel treatment with the aim of putting pressure on them about supposed fugitives and as a means

²³² Red Equivalencias en Acción: AVESA, CEPAZ, Freya, and Mujeres al Límite. Impact of the lack of official information on the situation of the rights of women, adolescents, and girls in the context of the complex humanitarian emergency in Venezuela, request for thematic hearing in the framework of the 173rd Period of Sessions of the IACHR, July 11, 2019. IACHR archive.

²³³ Red Equivalencias en Acción: AVESA, CEPAZ, Freya, and Mujeres en Línea, [Mujeres al Límite](#), June 2019. Pgs. 69 and 83.

²³⁴ Amnesty International, [Ellas Importan: Violencia contra la mujer se incrementa y continúa silenciada](#), April 2019.

²³⁵ Red Equivalencias en Acción: AVESA, CEPAZ, Freya, and Mujeres en Línea, [Mujeres al Límite](#), June 2019. Pg. 90.

²³⁶ UN – Human Rights Council, Report of the United Nations High Commissioner for Human Rights on the situation of Human rights in the Bolivarian Republic of Venezuela, A/HRC/41/18, July 4, 2019. Párr.14.

²³⁷ *El País*, [14 ejemplos de cómo la crisis de Venezuela golpea más a las mujeres](#), August 29, 2019.

²³⁸ UN – Human Rights Council, Report of the United Nations High Commissioner for Human Rights on the situation of Human rights in the Bolivarian Republic of Venezuela, A/HRC/41/18, July 4, 2019, paras. 43, 44, and 46.

²³⁹ Women's Link Worldwide, Red Equivalencias en Acción (AVESA, CEPAZ, Freya, and Mujeres en Línea), Request for precautionary measures – Women patients of Concepción Palacios Maternity Center, February 18, 2019. Correspondence. IACHR archive.

²⁴⁰ UN – Human Rights Council, Report of the United Nations High Commissioner for Human Rights on the situation of Human rights in the Bolivarian Republic of Venezuela, A/HRC/41/18, July 4, 2019, para. 24.

of punishing them for the activities of their partners.²⁴¹ In this regard, the IACHR granted protective measures to the relatives of Rafael Acosta Arévalo²⁴² and to the immediate family of Tamara Suju Roa, an attorney and human rights defender.²⁴³

141. The IACHR views with concern the differentiated and aggravated impact that the economic crisis has had on the rights of women, particularly with regard to their rights to food, health, and maternal health, and their sexual and reproductive rights.²⁴⁴ Lack of access to food has an especially adverse effect on women and girls: Because they are the ones mainly in charge of the family, they are forced to spend an average of 10 hours a day waiting in line to secure food. Likewise, NGO Caritas confirmed that children and pregnant women are experiencing particularly high rates of malnutrition.²⁴⁵

142. The IACHR has also monitored the situation of oncology care and HIV/AIDS treatment in Venezuela²⁴⁶ and received information indicating that women are particularly affected. Public healthcare centers remain completely out of reagents for specialized exams for detecting HIV and of Highly Active Antiretroviral Therapy (HAART). Pregnant and nursing women who are HIV-positive still lack access to HAART to prevent transmission to their children, and neither do they have access to formula to substitute for their milk.²⁴⁷ Also, the overall deficiencies of public health services has increased the mortality rate of patients with breast cancer by 14.87%.²⁴⁸ In this regard, 5,668 women with breast cancer do not currently have access to chemotherapy or other treatments for their cancer. This is in addition to the almost total lack of supplies and equipment for conducting routine examinations to determine the proper treatments, avoid late diagnoses, and prevent grave harm and even death.²⁴⁹

143. Regarding this, the IACHR decided to grant precautionary measures to the benefit of Infrida Josefina Ramos López—who had a carcinoma on her left breast that had metastasized into her bones—in view of the progressive degradation of her health due to the lack of medical treatment prescribed. In her case, the beneficiary did not receive adequate medication because it was unavailable in the country. Also, it was

²⁴¹ UN – Human Rights Council, Report of the United Nations High Commissioner for Human Rights on the situation of Human rights in the Bolivarian Republic of Venezuela, A/HRC/41/18, July 4, 2019, para. 38, 38, 55, and 58.

²⁴² IACHR, press release 254/19, [IACHR Issues Protection Measures in Favor of Rafael Acosta Arévalo's Family in Venezuela](#), October 9, 2019.

²⁴³ IACHR, press release 253/19, [IACHR Takes Precautionary Measures to Protect the Close Family of Venezuelan Lawyer and Human Rights Defender Tamara Suju Roa](#), October 9, 2019.

²⁴⁴ IACHR, [Democratic Institutions, the Rule of Law and Human Rights in Venezuela: Country Report](#), OEA/Ser.L/V/II. Doc.209/17, December 31, 2017.

²⁴⁵ FAO, Panorama of Food and Nutrition Security in Latin America and the Caribbean, 2018; Caritas Venezuela, [Monitoreo de la Situación Nutricional en Niños Menores](#), 2018.

²⁴⁶ AVESA, [Derechos Humanos de las mujeres venezolanas con VIH/SIDA en el contexto de la crisis del sector salud](#), April 15, 2019; IACHR, press release 52/19, [IACHR and its Special Rapporteurship on Economic, Social, Cultural, and Environmental Rights Condemn the Violent Repression in Venezuela and Urge the State to Protect Human Rights in the Current Political, Economic and Social Crisis](#), March 1, 2019.

²⁴⁷ Acción Solidaria (ACSOL), Programa Venezolano de Educación Acción en Derechos Humanos (PROVEA), Coalición de Organizaciones por el Derecho a la Salud y la Vida (CODEVIDA), Prepara Familia, Convite A. C, Observatorio Venezolano de la Salud (OVS), Acción Ciudadana contra el Sida (ACCSI), International Council of AIDS Service Organizations (ICASO), Fundación Manos Amigas por la Vida (MAVID), Centro por la Justicia y la Paz (CEPAZ) and Defiende Venezuela, “Situación de las Personas con VIH/sida y otras condiciones crónicas de salud en Venezuela,” Request for Thematic Hearing for the 169th Period of Sessions of the IACHR, July 17, 2018. IACHR archive.

²⁴⁸ Acción Solidaria (ACSOL), Programa Venezolano de Educación Acción en Derechos Humanos (PROVEA), Civilis DDHH, Convite, Coalición de Organizaciones por el Derecho a la Salud y la Vida (CODEVIDA), Acción Ciudadana contra el Sida (ACCSI), International Council of AIDS Service Organization (ICASO), Fundación Manos Amigas por la Vida (MAVID), Centro por la Justicia y la Paz (CEPAZ) and Defiende Venezuela, “Situación de las Personas con VIH/sida y otras condiciones crónicas de salud en Venezuela,” Request for Thematic Hearing for the 170th Period of Sessions of the IACHR. September 24, 2018. IACHR archive.

²⁴⁹ Acción Solidaria (ACSOL), Programa Venezolano de Educación Acción en Derechos Humanos (PROVEA), Civilis DDHH, Convite, Coalición de Organizaciones por el Derecho a la Salud y la Vida (CODEVIDA), Acción Ciudadana contra el Sida (ACCSI), International Council of AIDS Service Organization (ICASO), Fundación Manos Amigas por la Vida (MAVID), Centro por la Justicia y la Paz (CEPAZ) and Defiende Venezuela, “Situación de las Personas con VIH/sida y otras condiciones crónicas de salud en Venezuela,” Request for Thematic Hearing for the 170th Period of Sessions of the IACHR. September 24, 2018. IACHR archive.

impossible to make a more precise diagnostic because the public hospitals near her residence did not provide such service because they were inoperable.²⁵⁰ Likewise, the Commission has been informed of a lack of medication and medical services and implements has led breast cancer patients to undergo radical mastectomies as a desperate measure to save their lives, suffering the physical and psychological consequences of such a procedure while putting their lives and bodily integrity at risk.²⁵¹

144. The Commission has watched with concern the sharp deterioration of the sexual health and reproductive rights situation in Venezuela as a result of the absence of coherent, effective, and efficient public policies and the collapse of the public health system, including maternal healthcare centers and sexual and reproductive health services. Along with this, restrictive policies have blocked local production and/or import of essential goods such as methods of family planning and basic feminine hygiene products.²⁵²

145. As regards the maternal health of women in Venezuela, the Commission notes that pregnant women do not receive vaccinations, medications, or primary need products, and are not able to access prenatal checkups or checkups for newborns, nor do they receive the medical care necessary to ensure safe pregnancies and deliveries.²⁵³ Although there are no official and public figures on maternal mortality, the Commission views with concern that, under current conditions, the risks of death from complications associated with pregnancy and delivery in Venezuela are high due to the context of precarious living conditions, the collapse of the healthcare system, and the absence of effective State actions and plans.²⁵⁴

146. The Commission learned of the critical operating conditions of the Concepción Palacios Maternity Hospital in Caracas. As the poor medical care provided to women and newborns could cause irreparable harm, the Commission granted precautionary measures to the women and newborns who were patients at the hospital.²⁵⁵ The IACHR observed that the situation of risk the women patients were alleged to face fit within the specific context of a lack of access to medical treatment that only women need. Also, it concluded that the risk factors they faced had another particular dimension in that they were women who were pregnant, in labor, or had just given birth and who needed enhanced protection and more specialized care. For the Commission, the grave barriers to accessing adequate and timely medical care represent another form of violence against women, characterized as they are by differentiated impacts that are based precisely on their gender or solely on their status as women. The IACHR has found that a lack of positive measures to guarantee accessibility of maternal healthcare services and guarantee all aspects of the right to health can be a violation of the principle of equal protection and nondiscrimination, pillars of international human rights law.²⁵⁶

147. Likewise, the IACHR observes with concern the negative impact of the almost total unavailability of contraceptive and family planning methods in the country—both commercially in pharmacies

²⁵⁰ [IACHR, Resolution 18/2019](#). Precautionary measure No. 1286-18, 1287-18, 1288-18, and 1289-18 Inírida Josefina Ramos López, Sara María Olmos Reverón, Miguel Eduardo Perozo González, and Carmen Alicia Márquez de D'Jesus regarding Venezuela. March 29, 2019.

²⁵¹ Acción Solidaria (ACSOL), Programa Venezolano de Educación Acción en Derechos Humanos (PROVEA), Civilis DDHH, Convite, Coalición de Organizaciones por el Derecho a la Salud y la Vida (CODEVIDA), Acción Ciudadana contra el Sida (ACCSI), International Council of AIDS Service Organization (ICASO), Fundación Manos Amigas por la Vida (MAVID), Centro por la Justicia y la Paz (CEPAZ) and Defiende Venezuela, "Situación de las Personas con VIH/sida y otras condiciones crónicas de salud en Venezuela," Request for Thematic Hearing for the 170th Period of Sessions of the IACHR. September 24, 2018. IACHR archive.

²⁵² Red Equivalencias en Acción: AVESA, CEPAZ, Freya, and Mujeres en Línea, [Mujeres al Límite](#), June 2019. Pg. 11.

²⁵³ Women's Link World Wide, Red Equivalencias en Acción: AVESA, CEPAZ, Freya, and Mujeres en Línea, "Situación de derechos sexuales y reproductivos de mujeres, adolescentes y niñas en Venezuela." Request for thematic hearing, 172nd Ordinary Period of Sessions of the IACHR. March 5, 2019. IACHR archive.

²⁵⁴ Red Equivalencias en Acción: AVESA, CEPAZ, Freya, and Mujeres en Línea, [Mujeres al Límite](#), June 2019. Pg. 41; UN – Human Rights Council, Report of the United Nations High Commissioner for Human Rights on the situation of Human rights in the Bolivarian Republic of Venezuela, A/HRC/41/18, July 4, 2019. Para. 20.

²⁵⁵ IACHR, press release 76/19, [IACHR Grants Precautionary Measures to Protect Women and Newborns at the Concepción Palacios Maternity Hospital in Venezuela](#), March 21, 2019.

²⁵⁶ [IACHR, Resolution 13/2019](#). Precautionary measure No. 150-19. Concepción Palacios Maternity Hospital regarding Venezuela, March 18, 2019.

and in hospitals—on women's exercise of their sexual and reproductive rights in the country.²⁵⁷ This situation has a profound impact on rates of teen pregnancy, unwanted pregnancy, and sexually transmitted infections, including HIV-AIDS. Likewise, because of restrictive legislation on voluntary pregnancy termination, the Commission observes that women often turn to unsafe abortions, contributing to a rise in preventable maternal mortality: it is estimated that 20% of maternal deaths are associated with abortions performed in unsafe conditions.²⁵⁸ Meanwhile, as indicated by the High Commissioner for Human Rights, teen and unwanted pregnancies also increase the risk of girls and women dropping out of school.²⁵⁹

148. The Commission has continued to monitor the information received on surgical sterilizations of women that have been conducted regularly, in a coordinated fashion, free of charge, and at the national level.²⁶⁰ According to the information available, this practice continues in the country, with sterilizations reported in the states of Aragua, Mérida, Anzoátegui, Bolívar, Zulia, Nueva Esparta, Yaracuy, and Miranda.²⁶¹ These procedures do not always ensure consent, nor are they adequately documented on patients' medical records.²⁶² The IACHR notes that the surgical procedures must be offered to both men and women, as otherwise, it enforces the stereotype that only women are responsible for family planning.

149. The IACHR recalls that States must adopt effective measures to ensure the availability, accessibility, acceptability, and quality of the information, goods, and services for contraceptive methods and practices and emphasizes that surgical sterilization should be only one part of a broad array of safe, effective, affordable, and acceptable contraceptive methods and practices. These methods and practices must be available in adequate quantities so that all persons may opt for and effectively access whatever best fits their needs, preferences, or health requirements.²⁶³ The Commission reiterates that all surgical sterilization procedures must be carried out with the prior and informed consent of patients. In this regard, the IACHR has stated that States must guarantee access to available information regarding methods of family planning, the risks and benefits, and reasonable alternatives to the proposed procedure. Health professionals must counsel women to ensure they understand so they can make a decision on the procedure and/or treatment. In doing so, the specific informational needs that some groups of women may have as a result of contexts of exclusion, marginalization, or discrimination should be considered, including for indigenous women, women of African descent, adolescents, residents of rural areas, and migrants.²⁶⁴

²⁵⁷ El Universal, [Escasez de anticonceptivos dificulta la planificación familiar en Venezuela](#), July 11, 2018. IACHR, [Democratic Institutions, the Rule of Law and Human Rights in Venezuela: Country Report](#), OEA/Ser.L/V/II. Doc. 209/17, December 31, 2017.

²⁵⁸ Red Equivalencias en Acción: AVESA, CEPAZ, Freya, and Mujeres en Línea, [Mujeres al Límite](#), June 2019. Pg. 30; UN – Human Rights Council, Report of the United Nations High Commissioner for Human Rights on the situation of Human rights in the Bolivarian Republic of Venezuela, A/HRC/41/18, July 4, 2019. Para. 18; Women's Link World Wide, Red Equivalencias en Acción: AVESA, CEPAZ, Freya, and Mujeres en Línea, "Situación de derechos sexuales y reproductivos de mujeres, adolescentes y niñas en Venezuela." Request for thematic hearing, 172nd Ordinary Period of Sessions of the IACHR. March 5, 2019. IACHR archive.

²⁵⁹ UN – Human Rights Council, Report of the United Nations High Commissioner for Human Rights on the situation of Human rights in the Bolivarian Republic of Venezuela, A/HRC/41/18, July 4, 2019. Para. 18.

²⁶⁰ IACHR, Request for information from the Venezuelan State, December 6, 2018. IACHR archive.

²⁶¹ *Ciudad MCY*, [Realizadas 96 cirugías en el Hospital de Villa de Cura mediante el Plan Quirúrgico Nacional](#), January 22, 2019; Government of the Bolivarian State of Mérida, Regional government holds sterilization event in Tovar, February 11, 2019; *El Tiempo*, [Realizarán operativo de cirugía ambulatoria en hospital de Clarines](#), March 15, 2019; *El Diario de Guayana*, [Gestión de Yulisbeth García realizó jornada de ligaduras a mujeres piarenses](#), March 7, 2019; *Con el mazo dando, ¡Sólo en revolución! Plan quirúrgico realizó 130 intervenciones gratis en el Zulia*, February 19 2019; *Diario Margarita Buenísima*, [Corposalud efectuó jornada de esterilización en la isla de Coche](#), February 13, 2019; Bolivarian Mayorality of Peña, [Pueblo Sano realizó jornada especial de esterilizaciones a varitagüenas](#), September 16, 2019; *Así Somos*, [Realizadas más de 40 intervenciones quirúrgicas en Maternidad de Carrizal](#), October 6, 2019.

²⁶² Mujeres en Línea, AVESA, FREYA, CEPAZ, Equivalencias en Acción, Women's Link Worldwide, "Sterilization of women in Venezuela," communication to the IACHR, correspondence of August 24, 2018. IACHR archive; Mujeres en Línea, AVESA, FREYA, CEPAZ, Equivalencias en Acción, Women's Link Worldwide, Update on the situation of sterilization of women in Venezuela, October 15, 2019. IACHR archive.

²⁶³ IACHR, [Report on poverty and human rights](#). OEA/SER.L/V/II. Doc. 61. November 22, 2011. Paragraph 310. Inter-American Court. Case of I.V. v. Bolivia (Preliminary Objections, Merits, Reparations and Costs). Judgment of November 30, 2016.

²⁶⁴ IACHR, [Access to Information on the Issue of Reproduction from a Human Rights Perspective](#), November 22, 2011.

150. Additionally, the Commission notes that the economic crisis and the collapse of the country's health system have increased the migration of pregnant Venezuelan women seeking to give birth safely in neighboring countries.²⁶⁵ According to figures from Migración Colombia, between April and June 2018, 8,209 pregnant Venezuelan women entered the country, 76.7% of them without prenatal care and 98% without Social Security. Additionally, the entry of 7,496 nursing Venezuelan women was recorded. According to a report by the Secretary of the Presidency of Brazil, 10% of the deliveries in the border state of Roraima between January 2017 and March 2018 were to Venezuelan women.²⁶⁶ On average, 80 pregnant Venezuelan women enter Peru every month,²⁶⁷ and for example, at the public hospital in San José in Maicao, Colombia, more than 1,000 Venezuelan women were provided care during the first quarter of 2019.²⁶⁸ The IACHR views with concern the situation of vulnerability facing pregnant women who migrate to other countries, both because of their gender status, which exposes them to multiple forms of violence and discrimination; and because of their status as pregnant women needing specific care and attention in both the countries they are passing through and in their destination countries.²⁶⁹

151. Regarding this, the Commission notes with concern the gender dimension that this migration has taken on and the risks facing women, girls, and teens during their trek. The Commission has corroborated that lack of access to pre-and postnatal healthcare, the insufficiency of mechanisms for protecting against domestic violence, and the growing precarity of living conditions are motivating their migration to other countries.²⁷⁰ The vulnerability that migrants face in the countries they pass through and their destination countries, as well as the failure to formalize their migration status, undignified living conditions, labor exploitation, discrimination, and xenophobia are all more severe in the case of women. These factors of vulnerability, in conjunction with the stereotypes faced by Venezuelan women—including the hyper sexualization of their bodies and the structural discrimination against women that characterizes the hemisphere—increase their exposure to trafficking, sexual exploitation, murder, and other forms of violence during their journeys and at their final destinations.²⁷¹

152. Given the restrictions that Venezuelan's face on moving to other countries of the region, they are often forced to take irregular pathways in which they are more exposed to criminal organizations. According to the information available, since 2016, 75% of trafficking victims in Colombia have been of Venezuela nationality, most of them women.²⁷² Although there is no unified, up-to-date, and official information on the human trafficking of Venezuelan women in the region, a spokesperson from the National Police of the Dominican Republic stated that in May 2018 alone, 21 Venezuelan women were rescued who were the victims of trafficking for the purposes of sexual exploitation.²⁷³ Likewise, during the first few weeks of 2019, the UNFPA-Peru documented 21 cases of violence against Venezuelan women in the Binational Border Response Center (CEBAF).²⁷⁴ The Commission has also become aware of reports of women and girls forced to engage in

²⁶⁵ Amnesty International, [Fleeing the country to give birth: the exodus of pregnant Venezuelan women](#), May 6, 2018; Women's Link World Wide, *Equivalencias en Acción: AVESA, CEPAZ, Freya, and Mujeres en Línea*, "Situación de derechos sexuales y reproductivos de mujeres, adolescentes y niñas en Venezuela." Request for thematic hearing, 172nd Ordinary Period of Sessions of the IACHR. March 5, 2019. IACHR archive.

²⁶⁶ Red Equivalencias en Acción: AVESA, CEPAZ, Freya, and Mujeres en Línea, [Mujeres al Límite](#), June 2019. Pg. 17.

²⁶⁷ UNFPA, [Salud y protección para las mujeres, más allá de las fronteras](#), March 5, 2019.

²⁶⁸ UNHCR, *Mujeres embarazadas huyen de la falta de atención médica en Venezuela*, July 23, 2019.

²⁶⁹ *El Espectador*, [Migrantes embarazadas, en alto riesgo](#), April 23, 2019.

²⁷⁰ UN – Human Rights Council, Report of the United Nations High Commissioner for Human Rights on the situation of Human rights in the Bolivarian Republic of Venezuela, A/HRC/41/18, July 4, 2019. Para. 70

²⁷¹ UN – Human Rights Council, Report of the United Nations High Commissioner for Human Rights on the situation of Human rights in the Bolivarian Republic of Venezuela, A/HRC/41/18, July 4, 2019. Para. 72; *El País*, [Una masacre silenciosa: las venezolanas muertas en el extranjero](#), September 3, 2019.

²⁷² PROVEA, [Crisis migratoria venezolana y responsabilidad de los Estados](#), 2019.

²⁷³ <https://www.derechos.org/ve/web/wp-content/uploads/MigracionLigia-1.pdf>

²⁷⁴ UNFPA, [Salud y protección para las mujeres, más allá de las fronteras](#), March 5, 2019.

sex work during their trip from Venezuela to Colombia²⁷⁵ and of women who have been the victims of sexual violence while crossing the border between the two countries.²⁷⁶ It also learned of reports on the trafficking and sexual exploitation of migrant Venezuelan women²⁷⁷ and the murder of Venezuelan women by those trafficking them.²⁷⁸

D. Children and Adolescents

153. The IACHR notes that the context of economic, social, and political crisis in Venezuela directly affects the enjoyment of the rights of children and adolescents in the country. In this context, the IACHR highlights the increase in violence and insecurity, as well as the serious impacts on the rights to education, health, and food. The deepening of the humanitarian crisis, aggravated by the economic situation,²⁷⁹ led UNICEF to include Venezuela for the first time on its list of emergencies for children.²⁸⁰ According to information from this agency, one out of three children needs humanitarian aid, amounting to 3.2 million children and adolescents needing food, medicine, and education.²⁸¹ For its part, a 2019 report from Save the Children on children in the world ranked Venezuela 131 (of the 176 countries evaluated) on its End of Childhood Index.²⁸²

154. As regards the situation of violence and insecurity, the IACHR expresses particular concern over the high rates of violent death among adolescents in Venezuela. A report released in 2019 by the Centros Comunitarios de Aprendizaje (CECODAP) found that there were a total of 1,484 violent deaths in 2018—174 of them children and 1,310 of them adolescents, the majority from firearms.²⁸³ According to figures from the Observatorio Venezolano de la Violencia, 20 children died while "resisting authority." Among the adolescents, a total of 997 lost their lives in acts of violence, and 267 died in alleged confrontations with security forces.²⁸⁴ This means that every day, four children die violently, or one every six hours. The IACHR expresses deep concern at the violent death rate for adolescents—those between the ages of 15 and 17—which stands at 99.7 for every 100,000 residents, compared to an overall rate of 97.²⁸⁵

155. Additionally, the lethal violence not only affects children and adolescents' right to life, but also the right to family life with the loss of adult role models. In this regard, the Victims Monitor project—an initiative launched by digital media site Runrun.es and the organization Caracas Mi Convive—found that between January and August 2019, 442 children and adolescents were orphaned in the Caracas Metropolitan area following the murder of 501 individuals in acts of violence.²⁸⁶ In connection with this, one of the main concerns of the IACHR is a lack of protection for children and adolescents during protests in the country. According to the figures published by Foro Penal Venezolano, of the 943 individuals detained during the

²⁷⁵ Reuters, [Mujeres y niños migrantes de Venezuela están más expuestos a explotación sexual y laboral](#), August 30, 2018.

²⁷⁶ *El Tiempo*, [Una lupa sobre las mujeres venezolanas migrantes](#), December 9, 2018.

²⁷⁷ *El Tiempo*, [Una lupa sobre las mujeres venezolanas migrantes](#), December 9, 2018.

²⁷⁸ *El Impulso*, [41 venezolanas han sido asesinadas en el exterior por trata de personas](#), July 16, 2019.

²⁷⁹ Figures from the IMF point to Venezuela's GDP declining by 25% in 2019. The 2018 ENCOVI found that poverty in the country increase by 10% over three years. IMF, [Venezuela at a glance](#), accessed on September 25, 2019. Universidad Católica Andres Bello, Universidad Central de Venezuela and Universidad Simón Bolívar, [Encuesta Nacional de Condiciones de Vida de la Población Venezolana \(ENCOVI\)](#), February 2019.

²⁸⁰ *El País*, [La crisis venezolana entra en la lista de emergencias para la infancia de 2019](#), January 29, 2019.

²⁸¹ United Nations, [Uno de cada tres niños en Venezuela necesita ayuda humanitaria](#), June 7, 2019.

²⁸² Save the Children, [Report "Changing Lives in Our Lifetime"](#), March 12, 2019.

²⁸³ NTN24, [CECODAP: en promedio cuatro adolescentes fueron asesinados cada día en Venezuela en 2018](#), May 17 2019.

²⁸⁴ *El Nacional*, [Cuatro menores de edad mueren diariamente en Venezuela por la inseguridad](#), May 17, 2019.

²⁸⁵ *Crónica Uno*, [En Venezuela la violencia se ensaña con los niños, niñas y adolescentes](#), May 17, 2019.

²⁸⁶ Of these homicides, 47% were committed by police forces (of a total of 207, 165 were classified as extrajudicial executions and 37 as resisting authority). Victims Monitor, [2019 Statistics](#), accessed on September 23, 2019. Also, *Diario Contra Réplica*, [Violencia en Venezuela deja a 442 niños y adolescentes huérfanos](#), August 20, 2019.

protests held in January, 120 were adolescents between the ages of 12 and 16.²⁸⁷ These adolescents were denied judicial remedies for their release.²⁸⁸ Even more alarming are the news items indicating that at least three adolescents died during the protests, according to information from UNICEF and the OHCHR.²⁸⁹

156. Regarding the right to education, according to information from the Unidad Democrática del Sector Educación (UDSE), the 2018-2019 school year ended with a 30% reduction in the number of teachers in Venezuelan classrooms.²⁹⁰ Also, critical cases of school closures persist, particularly in Zulia, Sucre, and the Capital District, mainly due to power outages.²⁹¹ Also, UNICEF data indicate that 1 million children are not in school,²⁹² and more than 3,000 children cross the Francisco de Paula Santander International Bridge between Venezuela and Colombia every day to attend class in the city of Cúcuta because of the crisis Venezuela is experiencing.²⁹³ Regarding this, the IACHR recalls that, as established by the Inter-American Court of Human Rights, the right to education is a fundamental pillar for guaranteeing the enjoyment of a life with dignity for children and enabling the effective exercise of other rights. Also, schools must provide safe environments for the holistic development of children and adolescents.²⁹⁴

157. The lack of steady access to drinking water because of power outages can have grave consequences for the health of children and adolescents. In this context, the water crisis presents difficulties to supplying hospitals, as the Ministry of Health reported toward the beginning of the year. According to the Fundación Cáritas, news items describe pediatric wards with their bathrooms out of order, where doctors cannot wash their hands to perform procedures, and that do not have water in kitchens for preparing food for the patients.²⁹⁵ The Inter-American Court has found that the failure to provide water has a particular effect on children and adolescents, with grave consequences for the exercise of other rights, such as the rights to life, humane treatment, and health.²⁹⁶

158. In this context, the Commission is concerned that the right to health of children and adolescents is likewise affected by the context of the crisis in Venezuela. According to data from the 2018 Living Conditions Survey, conducted by the Instituto de Investigaciones Económicas y Sociales (ILES) and published this year, additional child deaths associated with the crisis increased from 5,000 in 2016 to a projected 20,000 between 2017 and 2019.²⁹⁷ Based on the information collected, the Commission highlights the concerning situation of the country's health system, with constant reports of deficient public services, lack of medical staff, and medication scarcities.²⁹⁸

159. The Commission also observes with concern the context of risk faced by children and adolescents who are patients with chronic illnesses. In August, the IACHR expanded the precautionary measures granted to protect children and adolescents who are patients in 13 service areas in the José Manuel

²⁸⁷ IACHR, [Press release 022/19. IACHR Alarmed by Arrests in the Context of Protests in Venezuela](#), February 1, 2019.

²⁸⁸ Yahoo News, [Niños presos por protestar: el lado más oscuro de la represión en Venezuela](#), January 28, 2019.

²⁸⁹ *El Nacional*, [UNICEF condenó asesinato de jóvenes durante las protestas en Venezuela](#), January 25, 2019. Also, United Nations, [Muertos en Venezuela, libertad de prensa](#), May 3, 2019.

²⁹⁰ CECODAP, [El reto para el próximo año es que la escuela exista y las aulas estén abiertas](#), July 2019.

²⁹¹ *El Universal*, [Deserción docente superó 30% durante el ciclo escolar 2019](#), July 31, 2019.

²⁹² *Infobae*, [UNICEF alertó que un millón de niños está sin escolarizar en Venezuela](#), September 19, 2019.

²⁹³ UNICEF, [Cuando la educación no entiende de fronteras](#), May 31, 2019.

²⁹⁴ Inter-American Court, *Case of the Xákmok Kásek Indigenous Community v. Paraguay*. Merits, Reparations, and Costs. Judgment of August 24, 2010, para. 258.

²⁹⁵ BBC, [Crise na Venezuela: por que a falta de água é mais grave e perigosa do que os apagões](#), April 3, 2019.

²⁹⁶ Inter-American Court, *Case of the Xákmok Kásek Indigenous Community v. Paraguay*. Merits, Reparations, and Costs. Judgment of August 24, 2010, para. 259.

²⁹⁷ Instituto de Investigaciones Económicas y Sociales (IIES) and Universidad Católica Andrés Bello, [2018 Living Conditions Survey](#), March 2019.

²⁹⁸ *Analítica*, [El 2019 ha sido una pesadilla para los pacientes crónicos](#), August 28, 2019.

de los Ríos Hospital based on the health care system's current crisis and its deterioration as a result of medication shortages, the condition of the facilities, and lack of staff and medical supplies.²⁹⁹ According to the request for precautionary measures, José Manuel de los Ríos Hospital is the country's only health center offering complex pediatric care in a number of specializations, and its condition continues to worsen for a series of reasons, including: inadequate infrastructure; health and security risks; and lack of basic medical supplies, staff, and enough food of the quality appropriate to the condition of the hospitalized children.³⁰⁰ Regarding the right to health, the Inter-American Court has found that achieving the best possible health and access to affordable healthcare are rights of all children and require enhanced measures of protection by the State.³⁰¹

E. Indigenous Peoples

160. In 2019, several indigenous peoples were particularly affected by the incidents of violence that took place during February in the context of the entrance of humanitarian aid from Brazil and Colombia.³⁰² At least four deaths, 13 gunshot wounds, and several arbitrary detentions and searches without a warrant were documented along the border with Brazil. The IACHR granted precautionary measures to the Pemón indigenous people of the San Francisco de Yuruaní—or “Kumaracapay”—community, and to indigenous defender Olnar Ortiz. In this case, the Commission asked the State of Venezuela to, among other measures, take the actions necessary to protect the rights to life and bodily integrity of the indigenous persons and ensure that its agents refrain from using force in a way that violates the international standards on the subject. The IACHR asked the State of Venezuela to implement culturally appropriate security measures to respond to the risk of harmful actions by third parties. It also requested measures of protection for the relatives of Pemón indigenous members who had died, and that medical care be provided to the individuals who were injured.³⁰³

161. Likewise, in 2019, the IACHR observed an increase in the flow of internal and international migration of indigenous persons: internally, many indigenous persons have gone to live in cities under deplorable conditions, and several ethnicities are living on the street, including the Warao (approximately 625 individuals) and the Eñepa (100 individuals).³⁰⁴ In the context of the displacement, indigenous peoples such as the Warao and Wayúu have had to abandon their lands to seek protection because of shortages of food and medicine. As the situation worsens, an increasing number of indigenous people seek humanitarian assistance and protection in Brazil and Colombia.³⁰⁵ The IACHR has also learned of allegations that at least 900 indigenous individuals from 14 Venezuelan communities have been displaced to rural areas in Brazil. According to the information available, the majority of these individuals moved to the Brazilian settlement of Tarau Perú, with the rest divided between the towns of Bananal and Sakau Mota, also in Brazil. All of them fled Venezuela after clashes in February 2019 with security forces when attempts were made to bring humanitarian aid across the border.³⁰⁶

²⁹⁹ IACHR, [Resolution 43/2019, Expanding Precautionary Measures 1039-17, Child Patients in the Nephrology Area at José Manuel de los Ríos Hospital, Venezuela](#), August 21, 2019.

³⁰⁰ IACHR, [Press release 209/19, IACHR Expands Precautionary Measures to Protect Child and Adolescent Patients in 13 Wards at José Manuel de los Ríos Hospital in Venezuela](#), August 21, 2019.

³⁰¹ Inter-American Court, *Case of Furlan and relatives v. Argentina*. Preliminary Objections, Merits, Reparations, and Costs. Judgment August 31, 2012, para. 138. Inter-American Court Advisory Opinion, *Juridical Condition and Human Rights of the Child*, OC-17/02, August 28, 2002, para. 86.

³⁰² *Alnavío*, [Relato en primera persona de cómo el régimen de Maduro mató indígenas en la frontera con Brasil](#), April 1, 2019.

³⁰³ IACHR, Precautionary measure 181-19 [Pemón indigenous people from San Francisco de Yuruaní—or “Kumaracapay”—et al. regarding Venezuela](#), February 28, 2019.

³⁰⁴ IACHR, Report, [Indigenous and Tribal Peoples of the Pan-Amazon Region](#), OAS/Ser.L/V/II. Doc.176, September 29, 2019, para. 211.

³⁰⁵ UN Mexico, [El hambre y la desesperación empujan a grupos indígenas a salir de Venezuela](#), August 13, 2018.

³⁰⁶ *Mundo*, [Denuncian desplazamiento de 900 indígenas venezolanos por presiones del gobierno](#), April 29, 2019. Also see Human Rights Council, [Report of the United Nations High Commissioner for Human Rights on the situation of Human rights in the Bolivarian Republic of Venezuela](#). Doc. UN. A/HRC/41/18 July 4, 2019, para. 68.

162. Additionally, the IACHR has also warned about the lack of legal recognition of indigenous peoples who are isolated or in initial contact in Venezuela. Its recent report on Indigenous and Tribal Peoples of the Pan-Amazon Region (2019), the IACHR urged the State of Venezuela to adopt and execute the recommendations contained in this document, as well as in the current applicable domestic and international body of law on indigenous rights.³⁰⁷

163. Many bodies have warned of the existence of illegal mining taking place in indigenous territories in Venezuela. This extractive activity fosters a series of violations of the individual and collective rights of indigenous peoples, including the right to maintain their customs, traditional way of life, and spiritual connection to their land.³⁰⁸ In addition to violence for territorial control, mining produces a largely rootless population that becomes ill in the mines and infects the local indigenous population. Malaria, flu, and measles, as well as other infectious diseases, have reached communities such as the Warao in Delta Amacuro State y the Yanomami along the border with Brazil.³⁰⁹

164. The IACHR has likewise warned of the persistence of cases of violence perpetrated by illegal miners against indigenous peoples and communities, especially in the states of Amazonas, Bolívar, and Delta Amacuro. The Commission has stated, for example, that communities of the Yanomami people, on whose territories illegal mining is practiced, have been attacked by miners and seen their women raped. The members of the Arawaks del Sur people have had a similar experience, suffering the impacts of illegal extraction on the Atabapo River, with threats against indigenous leaders. Illegal mining has led to overexploitation and semi-slavery, as well as clashes that have left several dead.³¹⁰

165. The IACHR has been able to observe the effects of the chemicals used in illegal mining, such as mercury and cyanide, as well as the gunpowder from the blasting, which have had grave consequences for young women, especially pregnant women. According to the information available, the organic mercury that is concentrated in the fish in the polluted rivers affects fetuses, damaging their nervous systems and brains. Likewise, the chemicals in the women's bodies lead to the birth of children with motor, neuronal, and cerebral deficiencies.³¹¹

166. According to the latest census—from 2011—Venezuela's indigenous population is calculated at 725,128 people, or 2.5% of the total national population. Although 36.76% of the population lives on traditional territories (rural), the majority of the indigenous are moving to cities. Amnesty International Venezuela's economic, social, cultural, and environmental rights program has informed the IACHR on the complex health situation affecting the indigenous population in the country, noting that among other things, the situation is related to the difficulties it faces in accessing aid services. These geographical barriers require them to seek medical care in areas remote from urban centers, and they therefore require very well-coordinated transportation logistics. The lack of communication between service providers and indigenous communities and their failure to understand indigenous peoples' realities is another significant challenge.³¹²

³⁰⁷Constitution of the Bolivarian Republic of Venezuela, Chapter VIII, On the rights of indigenous peoples, articles 119 to 126.

³⁰⁸ Human Rights Council, [Report of the United Nations High Commissioner for Human Rights on the situation of Human rights in the Bolivarian Republic of Venezuela](#). Doc. UN. A/HRC/41/18 July 4, 2019, para. 63.

³⁰⁹ Coalición Clima21- Fundación Tierra Viva, #SinAgua. Situación del derecho al agua potable en Venezuela: Caso Área Metropolitana de Caracas, November 2018. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural, and Environmental Rights.

³¹⁰ IACHR, Report, [Indigenous and Tribal Peoples of the Pan-Amazon Region](#), OAS/Ser.L/V/II. Doc.176, September 29, 2019, para. 208

³¹¹ Coalición Equivalencias en Acción, [Mujeres al Límite 2019: Urge implementación de planes y políticas que garanticen la vida digna de mujeres y niñas en Venezuela](#), 2019, pg. 96. Also see IACHR, Report, [Indigenous and Tribal Peoples of the Pan-Amazon Region](#), OAS/Ser.L/V/II. Doc.176, September 29, 2019, para. 97.

³¹² Amnesty International said this year that "thousands of indigenous people from the Venezuelan Amazon travel daily to large cities in the country or outside it with one goal: to recover their health. From sleeping in the street to begging for food at the doors of a variety of State institutions, their severe need causes pain as well as illnesses and complications. Their stories show the most severe and least visible consequences of the human rights crisis facing Venezuela and the dismantling of public policies for providing care and protection to indigenous peoples," Amnesty International, [Salud indígena devastada por la crisis humanitaria](#), April 6, 2018.

167. The lack of epidemiological information is another problem noted, as the public health system does not include a variable for ethnicity. This means data must be sought from other types of entities, such as indigenous organizations and their allies. That is, there is a very significant underreporting of epidemiological information in territories that are difficult to access and where the healthcare system has very little coverage.³¹³

168. The Commission urges effective guarantee of the rights of indigenous peoples. Specifically, when interpreting and applying their domestic law, Venezuela must take into consideration the specific characteristics that differentiate members of these collectives from those of the general population. The IACHR notes that, in contexts of crisis, respect for the territorial rights of indigenous peoples is a priority, as it is a fundamental element of their physical and cultural survival.³¹⁴ In this regard, the Inter-American Court has explicitly recognized the right of indigenous peoples to live freely on their own territories, adding that, “The culture of the members of indigenous communities reflects a particular way of life, of being, seeing and acting in the world, the starting point of which is their close relation with their traditional lands and natural resources, not only because they are their main means of survival, but also because the form part of their worldview, of their religiousness, and consequently, of their cultural identity.”³¹⁵

F. Migrants, Asylum Applicants, Refugees, Beneficiaries of Complementary Protection

169. The forced migration of Venezuelans that has taken place in recent years represents one of the greatest challenges in the history of the region as far as migration and asylum. The IACHR has expressed its concern at the large number of Venezuelans who have been forced to migrate as a means of surviving the severe humanitarian crisis affecting the country, particularly in response to the effects of shortages of food, medicine, and medical treatment;³¹⁶ violence and insecurity;³¹⁷ and persecution for political reasons.³¹⁸ Through its various mechanisms, the IACHR has followed the development of processes of forced migration of Venezuelans in the region. According to figures from the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM), forced migration of Venezuelans has increased from 700,000 people in 2015 to 4.5 million in 2019.³¹⁹ Recently, the European Union, IOM and UNHCR issued a joint declaration warning that the number of Venezuelan migrants and refugees could reach 6.5 million by the end of 2020.³²⁰

170. In 2019, the Commission held thematic hearings on the human rights situation of Venezuelan migrants in the region, particularly in Trinidad and Tobago and in Peru. During the 172nd Period of Sessions held in Jamaica, civil society revealed that there are 40,000 to 50,000 Venezuelan migrants in Trinidad and Tobago, of which 4,000 are children and 10,000 have requested asylum. They also noted that the country does not have adequate asylum legislation, as it does not perform an individual analysis of the requests, nor does it strictly comply with the principle of non-refoulement. Additionally, civil society noted that the State criminalizes migration, with many undocumented Venezuelan migrants imprisoned, in violation of the State’s international obligations. Additionally, there were outbreaks of xenophobia and violence against Venezuelans,

³¹³ Civilis, Derechos Humanos, [Amnistía Internacional celebró el Foro la salud en emergencia humana](#), November 13, 2017.

³¹⁴ Case of the *Yakye Axa Indigenous Community v. Paraguay*, Merits, Reparations, and Costs, paras. 124, 135, and 137, and case of the *Sawhoyamaya Indigenous Community v. Paraguay*, paras. 118 and 121.

³¹⁵ Case of the *Yakye Axa Indigenous Community v. Paraguay*, Merits, Reparations, and Costs, para. 135.

³¹⁶ IACHR, [Resolution 81/2018. Precautionary measure No. 490-18. M.B.B.P. regarding Panama](#), October 15, 2018.

³¹⁷ IACHR, Press Release 6/17 – IACHR Expresses Concern about Situation of Venezuelan Migrants and Calls on States in the Region to Implement Measures to Protect Them.1 Washington, D.C, January 2, 2017; Human Rights Watch, [Venezuela: Humanitarian Crisis Spilling into Brazil](#), April 18, 2017; Palomino, Sally, [Es imposible parar la migración de venezolanos hacia Colombia](#), *El País*, May 8, 2017.

³¹⁸ UNHCR, [Situation Update: Venezuela Situation](#), August 2017.

³¹⁹ UNHCR and IOM, [Refugiados y migrantes de Venezuela superan los cuatro millones](#), June 7, 2019

³²⁰ Joint statement by the EU, IOM, and UNHCR [EU, IOM and UNHCR express solidarity with Venezuelan refugees and migrants](#), October 29, 2019.

particularly against girls and women who are also the victims of sexual violence rooted in stereotypes and the hyper-sexualization of their bodies.³²¹

171. Likewise, in 2019, during the XX Period of Sessions held at Commission headquarters, civil society organizations described the situation of Venezuelan migrants in Peru. They noted that there are close to 860,000 Venezuelan migrants in Peru. They also indicated that the State engages in doubletalk, on one hand refusing to recognize the administration of President Nicolás Maduro and expressing solidarity with regard to forced migration, and on the other, requiring individuals to present official documents in order to cross the border. Specifically, they indicated that requiring Venezuelans to have a humanitarian visa to enter Peru creates a bottleneck at the border and strengthens criminal gangs, which ends up increasing vulnerability and impacting family reunification. Civil society reported that Venezuelans are exposed to incidents of xenophobia and to forced sex work. It also called on the State to adopt a definition of those seeking asylum and refugee status that conforms to the Cartagena Declaration. The IACHR reiterated that the mass migration of Venezuelans requires a joint regional response with shared responsibility.³²²

172. In order to provide technical assistance to States on how to respond to the mass arrival of Venezuelans, the Commission issued Resolution No. 2/18 on the Forced Migration of Venezuelans³²³ and the Joint Statement for the development of a regional response to the massive arrival of Venezuelans to the Americas. It was drafted together with the United Nations Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW); the United Nations Committee on the Rights of the Child (CRC); the Regional Office for South America of the United Nations High Commissioner of Human Rights (UNHCHR); and Mr. Felipe González, United Nations Special Rapporteur on the Human Rights of Migrants.³²⁴

173. The IACHR has called on States to adopt measures to secure the effective social inclusion of migrants and prevent incidents of violence. Regarding this, Article VIII of the American Declaration of the Rights and Duties of Man establishes that "Every person lawfully in the territory of a State Party has the right to move about in it, and to reside in it subject to the provisions of the law." The Inter-American Court has found that this provision protects the right to not be forcibly displaced within a State and not be expelled from the territory of a State in which one is residing legally. Thus, guarantees must be provided to ensure that individuals can move about and reside freely in their places of origin.³²⁵

174. The Commission observes that the migration of Venezuelans has led to significant changes in border areas. Venezuelan migrants have encountered a variety of strategies for receiving and hosting them, involving a variety of protective statuses. Although the phenomenon of Venezuelan migration is regional in nature, and therefore supranational, the collection of statistical information and deployment of surveys is done nationally. This situation has made the collection of standardized information difficult. However, some general considerations on the dynamics of migration and demands for protection have been established.

175. A 2019 multiple choice survey conducted in Colombia by the Servicio Jesuita a Refugiados found that 61.3% of Venezuelans decided to immigrate because of insecurity; 76.5% because of desperation and high stress levels as a result of the country's situation; 58% because of hunger; 52.1% because of uncertainty over what would happen in the country; and 52.8% because of lack of medicine for medical

³²¹ Information provided by civil society organizations during the hearing entitled "Reports of violations of the human rights of Venezuelan migrants in Trinidad and Tobago," held during the 172nd Period of Sessions of the IACHR.

³²² Information provided by civil society organizations during the hearing entitled "Human right situation of Venezuelans migrating to and seeking refuge in Peru," held during the 173rd Period of Sessions of the IACHR.

³²³ IACHR, [Resolution 2/18 Forced Migration of Venezuelans](#).

³²⁴ IACHR, [Press release 197/18 – Joint Statement for the development of a regional response to the massive arrival of Venezuelans to the Americas of the Inter-American Commission on Human Rights, and committees, organs and special procedures of the United Nations](#), September 5, 2018.

³²⁵ Inter-American Court. Case of Manuel Cepeda Vargas v. Colombia. Preliminary Objections, Merits, Reparations, and Costs. Judgment dated May 26, 2010. Series C No. 213, and Inter-American Court. Case of Valle Jaramillo et al. v. Colombia. Merits, Reparations and Costs. Judgment of November 27, 2008. Series C No. 192.

treatment.³²⁶ For example, according to the Red Venezolana de Gente Positiva (RVG+), at least 10,000 individuals living with HIV have fled the country because of the shortage of antiretroviral medications.³²⁷ It is estimated that Venezuelans are migrating ever more frequently to reunite with their families.

176. According to recent data collected by the platform for coordinating refugees and migrants from Venezuela, maintained by UNHCR and the IOM, the number of applicants exceeded 600,000 requests in 2019.³²⁸ It is the IACHR's view that the most important challenges of the forced migration of Venezuelans to be addressed include: i) the lack of effective and early international protection; ii) requirements of official documentation that people cannot obtain; iii) physical safety,³²⁹ iv) sexual and gender-based violence; v) abuse and exploitation; and vi) the lack of access to basic rights and services.

177. One of the main difficulties that the Commission has been observing in recent years has to do with the obstacles facing Venezuelan people to accessing official identification documents, such as passports, identification cards, and civil registry certificates, as well as criminal records. The IACHR has observed that, as a result of lack of access to documents, people face difficulties entering other States legally, thus violating the right to movement and residency.

178. The IOM has warned of the situation of vulnerability that Venezuelan migrants often face, which exposes them to becoming victims of human trafficking, sexual and labor exploitation, and discrimination.³³⁰ Also, organizations like Human Rights Watch have documented cases of Venezuelans recruited by illegal Colombian groups to scrape coca leaves in the Catatumbo region.³³¹

179. The Commission welcomes some of the measures implemented in several countries of the region to respond to the mass migration of Venezuelans.³³² For example, in July 2019, Brazil adjusted its documentation system—which was set up solely to grant temporary residency³³³—to also recognize refugee status for Venezuelans, based on the Cartagena Declaration.³³⁴ During 2019, the IACHR also welcomed the measures taken in the region to prevent cases of stateless persons.³³⁵ The IACHR recalls that the scope of the grave and complex forced migration crisis transcends borders, and as such, it requires a regional and international response that is based on shared responsibility and on respect for and guarantee of human rights.

G. Afro-descendants

180. The Commission views with concern the lack of disaggregated data on the impact of the humanitarian crisis on groups facing vulnerability, including the Afro-Venezuelan population.

³²⁶ Servicio Jesuita a Refugiados, UCAT, Universidad Simón Bolívar, Entreculturas, Migración Colombia. [Informe sobre la Movilidad Humana Venezolana. Realidades y perspectivas de quienes emigran](#), April 8 to May 5, 2019.

³²⁷ DW, [Quedarme en Venezuela era morir de sida como en los ochenta](#), November 14, 2019.

³²⁸ UNHCR and IOM, [R4V Coordination Platform for Refugees and Migrants from Venezuela](#), August 5, 2019.

³²⁹ UNHCR, [Las personas venezolanas arriesgan sus vidas por buscar ayuda en Colombia](#), April 5, 2019.

³³⁰ IOM, [Vulnerabilidad de las personas venezolanas a la explotación, la trata de personas y la discriminación](#), July 2019.

³³¹ Human Rights Watch, [The War in Colombia's Catatumbo Region](#), August 8, 2019.

³³² The measures include: Administrative Registry of Venezuelan Migrants in Colombia and the Special Residency Permit in Colombia; the Temporary Residency Permit in Peru; the granting of refugee status based on the Cartagena Declaration in Mexico; the Mercosur visa in Argentina and Uruguay; and the options for legalization and receiving a UNASUR visa in Ecuador.

³³³ Official Newspaper of the Union, [Regulatory Resolution No. 216](#), of March 2, 2017, Brazil.

³³⁴ UNHCR, [ACNUR parabeniza Brasil por reconhecer condição de refugiado de venezuelanos com base na Declaração de Cartagena](#), July 29, 2019.

³³⁵ IACHR, press release 042/19, [IACHR Welcomes Actions to Protect the Right to a Nationality and to Prevent Statelessness in the Region](#), Washington, D.C., February 25, 2019.

181. The IACHR recognizes the Venezuelan State's efforts to establish a Sector Plan on People of African Descent through the National Counsel for the Development of Afro-descendant Communities of Venezuela (CONADECAFRO) focused on the themes of economy, education, electoral circuits, technology, and legal affairs.³³⁶ In the same regard, the IACHR takes note of the agreement reached between the Office of the Ombudsperson and the National Institute against Racial Discrimination³³⁷ aimed at promoting human rights from approaches that prioritize inclusion, equity, and equality.

H. Lesbian, Gay, Trans, Bisexual, and Intersex Persons

182. The Commission is extremely concerned that information on the LGBTI population in Venezuela is scarce, with no official data on their existence or on the human rights violations that occur against them. This situation causes great concern because of the invisibility of the human rights of LGBTI people in the country.

183. The Commission reminds the State of Venezuela of its obligation to guarantee protection for LGBTI persons. To that end, decisive steps must be taken to collect and produce disaggregated statistical data on the prevalence and nature of violence and discrimination faced by this group. Effective and qualitative inclusion of LGBTI people should also be pursued through laws and public policies.

I. Elderly Persons

184. Regarding the situation of the elderly, the Commission takes note of the study carried out by Convite, a civil association, which identified the specific humanitarian support needs of this vulnerable group, which has been disproportionately impacted by the crisis in Venezuela. It indicates that, according to the National Institute of Statistics, there are 3 million people over the age of 55, representing a total of 9.5% of the total population, with projections of further increases. Approximately 1 out of every 5 people eligible to receive a pension actually receives it, which corresponds to US\$2 per month. For August of this year, the cost of basic monthly food needs was estimated at US\$122, as a result of hyperinflation, resulting in pensions that only cover 1.14% of basic food costs.³³⁸

185. Among the key findings of this study are the main priorities of older people in Venezuela: cash, medicines, food, fuel and hygiene items. It is worth noting that 46 per cent of the people who participated in the study live with a disability; 77 per cent have no access to food; high percentages need protection, security and assistance; and 75 per cent indicated that health services do not have medication available to them³³⁹.

186. It is also important to highlight the situation of the Venezuelan elderly living abroad. The lack of payments to pensioners and retirees abroad since December 2015 has been reported. There are approximately 9,600 elderly people affected in Spain and a similar situation is recorded in various Venezuelan communities abroad. These people have stopped receiving payments, despite bilateral agreements on social security signed between Venezuela and countries such as Spain, Italy, Portugal, Chile, Uruguay and Ecuador. For its part, the Association of Venezuelan Pensioners and Retirees Residing in Portugal considers that this lack of payment to the elderly abroad "inscribes an unfathomable chapter of laziness within the history of human rights violations." Its president indicated that "some older adults have had to reintegrate, with all the difficulties, into the job market to earn a living as maintenance personnel. Others have had to take their children with them because they cannot pay rent or utilities."³⁴⁰

³³⁶ Aporrea, [Declaran a Veroes en Yaracuy, primer municipio afrodescendiente de Venezuela](#), October 9, 2019.

³³⁷ Correo de Orinoco, [Defensoría del Pueblo inicia convenio académico con Seminario Racismo y Discriminación Racial](#), July 16, 2019.

³³⁸ Convite, [Evaluación rápida de necesidades para las personas mayores Venezuela](#), Noviembre 2019, pág. 6.

³³⁹ Convite, [Evaluación rápida de necesidades para las personas mayores Venezuela](#), Noviembre 2019, págs. 6- 8.

³⁴⁰ Papagayo News, [Mil jubilados exigen la reanudación de la pensión venezolana en Portugal](#), 8 de julio de 2019.

187. It is of great concern to the IACHR that this situation produces a disproportionate impact on this group, since they are in a stage in which their quality of life, dignity in old age, independence, autonomy, personal integrity, and even life, depend directly on social security. Likewise, the Commission is concerned over the lack of disaggregated statistics available to the public on the violent deaths of elderly individuals, something that prevents going into more depth on the causes and designing public programs aimed at addressing this phenomenon.

188. The Commission calls on the State to provide the urgent attention required by older persons in line with their dignity in old age, prioritizing their access to food and necessary medical care.

VII. CONCLUSIONS

189. The Commission observes that in 2019, the structural situations that affect the human rights of the Venezuelan population have worsened and led to an extremely grave political, social, economic, and humanitarian crisis. Currently, the absence of the rule of law in Venezuela due to the concentration of power in the executive branch and the absence of a real system of checks and balances is clear. The overreach of the National Constituent Assembly's powers has also damaged the country's institutions. Added to this is the fact that the TSJ continues systematically to issue decisions damaging to the National Assembly and approve extensions to the states of emergency without any restrictions.

190. The IACHR views with deep concern the dramatic situation in which the majority of Venezuelans live. It is even more concerning that the State does not appear to be taking effective actions to remedy the situation. On the contrary, it persists in using excessive force to restrict democratic spaces, thereby weakening the country's already critically weak institutions. The militarization of citizen security and the involvement of armed civilian groups has meant that during 2019, grave human rights violations continued to take place, including extrajudicial executions, forced disappearances, and torture.

191. In 2019, a number of specific incidents took place illustrating profound political instability, including the cases of the military uprisings in La Carlota and Cotiza; Nicolás Maduro's inauguration to the presidency before the Supreme Court of Justice; National Assembly President Juan Guaidó's self declaration as interim President of the Republic; and a permanent state of emergency over the course of the year. The government's response has been characterized by selective repression aimed at those with the capacity to associate and coordinate the opposition, as well as generalized repression of the civilian population. The IACHR notes that this has been aggravated by arbitrary restrictions to freedom of expression and association, as well as the stigmatizing statements issued by senior government officials. There is a general climate of hostility toward doing politics and public expression, placing the country's democratic pluralism and public order in jeopardy.

192. The political and social crisis has had an extremely grave impact on access to economic, social, cultural, and environmental rights. Although this situation affects everyone, the IACHR highlights the particularly severe effects faced by vulnerable groups and groups that have historically been discriminated against. The deterioration of the situation has led more than 4.5 million Venezuelans to fleeing their country in recent years. The Commission calls on the Venezuelan State and the other States in the region to offer a response based on shared responsibility and on respect for and guarantee of human rights.

VIII. RECOMMENDATIONS

A. Position of the State toward the Inter-American System

1. Fully comply with the recommendations of the inter-American human rights system in accordance with the obligations under the OAS Charter, especially pursuant to its Article 143.

B. Overall Human Rights Situation

• Democratic Institutions

2. Reestablish constitutional order by guaranteeing (i) the independence and balance of powers, (ii) the political participation of the entire population without discrimination, and (iii) citizen control over the actions of the different State powers.

3. Adopt decisive measures to guarantee the separation of powers and the proper exercise of the constitutional functions of the National Assembly.

4. With regard to the National Constitutional Assembly, reverse the measures that exceed the competencies of a constitutional body and affect the separation of powers and representative democracy, and abstain from adopting decisions that overstep those competencies.

5. Ensure that the provisions related to the state of emergency are used in situations of extreme gravity and real emergency, and adhere strictly and reasonably to the needs of the situation in question, without going beyond what is strictly necessary, extending excessively over time, disproportionality, deviation, or abuse of power.

• Administration of Justice and Judicial Independence

6. Adopt urgent measures to (i) significantly reduce the number of acting judges and increase the number of permanent judges; (ii) ensure that even acting judges can only be removed through a disciplinary process that respects due process guarantees, especially the duty to provide proper grounds; and (iii) guarantee the stability of the position.

7. Ensure that the procedures for selecting and appointing the magistrates of the Superior Tribunal of Justice include the prior dissemination of the announcement of the process, terms, and procedures; guarantees of equal and inclusive access for the candidate; the participation of civil society; and selection based on merit and professional capacity.

8. Take the measures necessary—including legislative measures—to ensure civilians are not investigated, processed, and/or brought to trial by criminal military jurisdiction, and, where necessary, retry them in civilian courts.

• Political Rights and Right to Participate in Public Life

9. Refrain from making illegal or arbitrary detentions, and when a person is deprived of liberty, ensure that the measure complies with all due process guarantees, including swift presentation before a judicial authority in order to prevent forced disappearances, torture, and other cruel and inhuman treatment.

10. Remove legal obstacles to the legitimate exercise of the right to protest, specifically by eliminating the requirement of prior authorization to hold demonstrations.

11. Take a variety of measures, including legal measures, to ensure that firearms are not used to control social protests, as well as establish guidelines to ensure the use of less-lethal weapons.

12. Immediately conduct the corresponding investigations into deaths that take place during demonstrations, and do so diligently, effectively, and independently in a way that results in the trial and punishment of those responsible, as well as the corresponding measures of reparation for the victims and their relatives.

- **Social Protest and Freedom of Expression**

13. Grant journalists the highest level of protection to ensure they are not detained, threatened, or attacked for exercising their profession, especially during a public demonstration. Their work materials and tools must not be destroyed or confiscated. The State must guarantee national and foreign media the ability to broadcast live during demonstrations and public events and not adopt measures to regulate or limit the free circulation of information;

14. Facilitate public demonstrations, including counter-demonstrations, and cooperate with the organizers of demonstrations to help them do their work, without discrimination based on political opinion.

15. Change ambiguous or imprecise criminal laws that disproportionately limit freedom of expression, such as laws intended to protect the honor of ideas or institutions or that seek to protect national security or public peace, in order to prevent the use of criminal proceedings to inhibit free democratic debate on matters of public interest and the full exercise of political rights.

16. Ensure that crimes against freedom of expression are subject to independent, quick, and effective investigations and judicial proceedings. In addition to criminal investigations, disciplinary proceedings should be launched when there is evidence that public officials have violated freedom of expression in the course of their professional conduct.

17. Adopt legislation on access to public information in keeping with inter-American standards in order to provide all people with tools for effectively monitoring State operations, supervising public administration, and controlling corruption, all of which are essential for democracy.

18. Refrain from limiting the functioning of webpages, blogs, apps, or other systems for disseminating information over the Internet, electronically, or otherwise, including support systems such as ISPs or search engines. These limitations are permissible only when they are compatible with the conditions governing the limitation of freedom of expression.

- **Violence and Citizen Security**

19. Produce disaggregated official information that is accessible to the public on the causes, victims, and perpetrators of violent deaths.

20. Ensure that force is used in strict compliance with the principles of exceptionality, legality, necessity, proportionality, nondiscrimination, and accountability; and launch, ex officio and without delay, a serious, impartial, and effective investigation that is open to public scrutiny into facts related to the potentially excessive use of force.

21. Immediately and decisively adopt measures to exclude the military, armed forces, and armed civilian groups from performing citizen security work. In exceptional cases in which members of the military participate in public order operations, which are the responsibility of the police, they must be placed under civilian authority.

- **Poverty and ESCER**

22. Monitor the availability of and access to medicine and healthcare services and take new measures to ensure the availability and quality of healthcare services, ensuring that the facilities have sufficient medications and medical equipment.

23. Adopt measures to guarantee the availability and quality of water by ensuring that systems for supplying drinking water are not damaged or affected in ways that could impact the water supply.

24. Refrain from any action or conduct that could limit the autonomy of universities, investigating and, where necessary, punishing attacks on that autonomy, as well as reviewing and amending all legislation or practices that reduce it.

25. Conduct an environmental and social impact evaluation for the entire Orinoco Mining Crescent and set up a program for regular soil and water quality monitoring.

- **Persons Deprived of Liberty**

26. In order to make reasonable use of imprisonment, the State must promote the use of measures alternative to deprivation of liberty and use of pretrial detention that is in keeping with its exceptional nature and limited by the principles of legality, presumption of innocence, necessity, and proportionality. Take urgent and necessary measures to stop using police jails as permanent prisons.

27. In order to guarantee the bodily integrity of detainees and people deprived of liberty, the State should adopt the penitentiary policies necessary to: i) allow sufficient access to drinking water and food in adequate quantities, quality, and conditions of cleanliness; ii) guarantee adequate medical care; and iii) provide appropriate conditions of health and hygiene, access to light, and ventilation.

28. Regarding the situation of women in detention, the State must incorporate a gender approach that allows for deprivation of liberty that takes into account the specific needs of women on issues of health, gender identity, and social reintegration. The State also must implement measures that take into account the situation of special risk of gender-based violence, and in this context, it has an obligation to establish mechanisms to prevent, investigate, try, and punish incidents that could constitute acts of sexual harassment, abuse, or assault within penitentiaries.

- **Women**

29. Regularly produce complete statistics on violence and discrimination against women, disaggregated by gender, age, ethnicity, socioeconomic status, disability, sexual orientation, and gender identity, as well as the location of the incidents, with the aim of mapping the specific ways in which violence and discrimination affect women. Diligently publish and disseminate the statistical information produced.

30. Adopt the measures necessary to comply with the State obligation of due diligence in the prevention, protection, investigation, punishment, and reparation of all forms of violence against women. This includes guaranteeing justice without barriers or discrimination to women who are victims of violence. Produce statistical information on the subject and publish it officially.

31. Intensify efforts to ensure pregnant women receive vaccinations, medications, and first-need products, and to ensure they have effective access without discrimination to prenatal checkups and checkups for newborns, in order to decisively reduce maternal mortality. Produce statistical information on the subject and publish it officially.

32. Adopt the measures necessary to ensure that all women living with HIV or AIDS have access to adequate treatment and the pertinent medical care with the aim of preventing significant damage to their health and preserving their bodily integrity.

33. Take all urgent measures to make available a varied, accessible, and acceptable array of contraceptive and family-planning methods, both male and female, throughout the country.

- **Children and Adolescents**

34. Guarantee the right of children and adolescents to peaceful protest and participation in matters affecting them, providing them with safe environments for the exercise of these rights.

35. Adopt the measures necessary to ensure that children have access to quality healthcare services, including the provision of medications, especially considering the situation of children suffering from chronic illnesses.

36. Ensure that the water supply is sufficient and adequate for supplying all the country's families with safe water to avoid impacting the exercise of other rights, such as the rights to health and education.

37. Implement nutrition programs that prioritize providing adequate and sufficient food for children and adolescents, especially taking into consideration their stage of growth and development.

- **Migrants, Asylum Applicants, Refugees, Beneficiaries of Complementary Protection, Internally Displaced People, and Victims of Human Trafficking**

38. Guarantee access to and provision of unobstructed humanitarian aid for the Venezuelan population that may need it, all of which should be provided in keeping with principles of humanity and impartiality and without any discrimination.

39. Eliminate all measures that hinder the right of all individuals wishing to leave Venezuelan territory and wishing to seek and receive asylum, complementary protection, or other protection.

40. Ensure the rights to juridical personality and identity by issuing identity documents in a timely fashion, including passports, ID cards, civil registry certificates, and criminal background records.

- **Lesbian, Gay, Transsexual, Bisexual, and Intersex (LGBTI) Persons**

41. Take the measures necessary—including legislative, public policy, and State programs—to address the underlying causes of violence against trans and genderqueer persons. Among other things, these measures must ensure that people have access without discrimination to formal employment, education, healthcare, and housing;

42. Implement measures to prevent violence against LGBTI persons, including procedures for effectively and independently reporting the violations suffered. Likewise, offer training courses to raise awareness among State officials, especially justice and security officials and health and education professionals.

- **Afro-descendants**

43. Adopt an ethno-racial approach in social policies for combating poverty to address the specific situation of people of African descent, particularly women and children.

44. Adopt affirmative action measures to prioritize the inclusion of the Afro-descendant population at all levels of the labor market and educational spaces, both public and private.

45. Modify school curriculums to include the contribution of people of African descent, and promote a more inclusive education aimed at eradicating racial prejudices, increasing the visibility of national cultures, and promoting real equality of persons.

- **Elderly Persons**

46. Adopt urgent measures to provide the protection required by the elderly, prioritizing their access to food and care.

47. Carry out, in an immediate and preferential way, the pension and retirement payments owed to the Venezuelan elderly living abroad. Provide easily accessible means of payment for these people, taking into account their particular needs.