

Chapter IV.B

Venezuela

CHAPTER IV.B VENEZUELA

I. INTRODUCTION

1. During 2020, the Inter-American Commission on Human Rights (hereinafter "the Inter-American Commission," "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. Specifically, the Commission observes that this year concluded the term of the National Assembly elected in 2015, the last national government institution with democratic legitimacy.

2. Venezuela has seen a clear break with the principle of separation of powers. This is evident in the lack of minimum guarantees for holding parliamentary elections, 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 also be observed in the fact that the executive branch continues to exercise extraordinary powers and has extended the state of emergency at least 30 times since 2016, without the approval of the National Assembly, as required by the Constitution.

3. The IACHR finds especially concerning the attacks on and persecution of the opposition members of the National Assembly. The Inter-American Commission 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

4. The year 2020 concluded the term of the National Assembly democratically elected in 2015. The Inter-American Commission underscores that its functioning was gravely damaged by decisions of the Supreme Court of Justice and interference by other branches of government. Specifically, during 2020, the Supreme Court of Justice continued to issue judgments ignoring the National Assembly's constitutional mandate, dismissing in the internal democratic processes of political parties, and sowing mistrust in the rules of the democratic game.

5. The Inter-American Commission finds that the lack of independence of the Judicial Branch in Venezuela has contributed to an institutional crisis that shows no sign of slowing. Rather than serving as a guarantor of the conventionality, constitutionality, and legality of the actions of the other branches of government, the Judicial Branch has created new obstacles to overcoming the crisis facing the country. In 2020, the IACHR observed a decrease in the transparency of the Judicial Branch's operations. This made it extremely difficult to know whether (among other things) the judges are appointed in accordance with preestablished procedures or what percentage of judges in the country are provisional.

6. During 2020, the IACHR saw no indication that the National Constituent Assembly had discussed a draft text of the Constitution. Instead, this body—formed in 2017 by executive decree—has operated like a legislature, assuming the functions that constitutionally correspond to the National Assembly and to other bodies, such as the National Electoral Council. The Inter-American Commission finds that the establishment and operation of the National Constituent Assembly have contributed to the country's institutional crisis.

7. As the deterioration of the country's democratic institutions continues, so does the undermining of the enjoyment of civil and political human rights, particularly the exercise of freedom of expression and participation in public affairs. The following continued during 2020: arbitrary detentions of persons who publicly voice their dissent with the government; undue restrictions on protest and on access to public information; campaigns to stigmatize and harass journalists and human rights defenders; and the use of the criminal law and other state controls to punish or inhibit the work of political opponents.

8. The Commission also notes with particular concern that the deterioration of the exercise of and access to economic, social, cultural, and environmental rights (hereinafter “ESCER”) continues. Shortages of food and medicine, as well as regular cuts to water and power services, have gravely impacted the rights to health, food, and education. It is the IACHR's view that impacts on economic, social, cultural, and environmental rights that took place as a consequence of the country's humanitarian crisis are the main cause of the displacement of close to 5 million people in recent years.

9. During 2020, the Inter-American Commission also focused its observation on States' response to the COVID-19 pandemic. In this context, it found that the State of Venezuela had serious deficiencies, and that at times, rather than addressing the sanitary crisis as a matter of public health, it approached it as a matter of external security. The militarization of the borders, the closure of border crossings, and the forced internment of persons from abroad worsened the situation of returning persons, who were already extremely vulnerable. The IACHR also observed that the State did not offer mechanisms for corroborating information related to COVID-19 cases and testing.

10. 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; persons deprived of liberty; people with disabilities; older persons; LGBTI persons; indigenous peoples; persons of African descent; and persons in situations of human mobility.

11. 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 the following parameters as criteria for inclusion of a member state in this chapter:

- 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. there is 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. there has been an 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....

12. The indefinite and unrestricted extension of the state of emergency, refusal to recognize the powers of the National Assembly elected in 2015, the lack of judicial independence, and the lack of guarantees for holding free and democratic elections are all clear evidence that there has been an alteration of the constitutional order. The Inter-American Commission finds that the circumstances have created fertile ground for an authoritarian system to take root in Venezuela that commits grave human rights violations with impunity, such as extrajudicial executions, forced disappearances, and torture. Along with this, the overall humanitarian crisis has impacted the exercise of economic, social, and cultural rights and led to the forced migration of close to 5 million Venezuelans.

13. For the inclusion of the State of Venezuela in Chapter IV.B of its 2020 Annual Report, the Commission has taken into account the State's total lack of interest in adopting decisive measures to reestablish the separation and balance of government powers and to fully comply with its international obligations.

14. The Inter-American Commission conducted monitoring of the general human rights situation in 2020 using information gathered during its visit to the Colombian-Venezuelan border, from hearings, from working meetings, and from the petitions, cases, and precautionary measures system.

15. The Inter-American Commission takes note that the first report of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela—mandated by the United Nations Human Rights Council—was published this year. The Inter-American Commission welcomes the fact that these reports refer to its findings and to the precautionary measures granted. The IACHR also find it especially relevant that in December 2020, the Office of the Prosecutor of the International Criminal Court published a press release announcing that, in the framework of its preliminary examination, it had found reasonable basis to believe that crimes against humanity had occurred in Venezuela.

16. On February 9, 2021, the Commission forwarded a copy of the preliminary draft of this report to the Venezuelan State, in keeping with articles 59(7) and 59(10) of its Rules of Procedure, with a deadline of three weeks for it to submit its observations. The State did not submit its observations. The IACHR approved this report on March 19, 2021.

II. DEMOCRATIC INSTITUTIONS

17. The IACHR observes that undue 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 Inter-American Commission underscores that 2020 concluded the term of the National Assembly elected in 2015, the last national government institution with democratic legitimacy.

A. Executive Branch Interference with the Judicial Branch

18. The Commission reiterates that the lack of independence of the Judicial Branch in Venezuela has contributed to an institutional crisis that continues to worsen. Rather than serving as a guarantor of the conventionality, constitutionality, and legality of the actions of the other branches of government, the Judicial Branch has created new obstacles to overcoming the crisis facing the country. Generally speaking, the IACHR observes a decrease in the transparency of the Judicial Branch's operations. This made it difficult to follow up on the current status of judicial independence and find out whether the judges are appointed in accordance with preestablished procedures or what percentage of judges in the country are provisional. This section will set forth the main concerns regarding judicial independence. It will also review some of the paradigmatic judgments issued by the Supreme Court of Justice with regard to the separation of powers.

19. The Inter-American Commission reiterates its concern at the way in which processes for appointing the magistrates of the TSJ have been carried out and the lack of guarantees of the permanence of judges in their positions, harming judicial independence and impacting the population's access to justice. In this regard, the IACHR recalls that 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.¹

20. The IACHR has also indicated in previous years that judicial independence remains severely limited, as many judges hold provisional appointments.² According to the case law of the Constitutional Chamber of the TSJ, provisional judges can be appointed and dismissed at will.³ Investigative journalists and civil society organizations estimate that 85.39%⁴ of judges were provisional in 2019, higher than the 80% in 2018.⁵ The figure ranged between 66% and 80% between 2007 and 2017.⁶ Along with this is the fact that no competitive public hiring processes for permanent judges have been launched since 2002.⁷ In view of this serious situation, the Commission reiterates that the State should adopt urgent 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.⁸

21. The Commission reiterates its concern over reports that a considerable number of judges are State contractors or serve on the boards of directors of companies that contract with the State. Out of 5,928 active and retired judges, 461 have reportedly signed contracts with the State, and of this group, at least 52.5% were members of the United Socialist Party of Venezuela.⁹

22. The Commission reiterates its concern at the abusive use of states of emergency. The TSJ has found 30 emergency decrees issued since 2016 to be constitutional, leading to a constant state of emergency.¹⁰ The IACHR observes that article 339 of the Constitution clearly establishes that any state of emergency must be brought before the National Assembly or its delegated committee for

¹IACHR, [Situation of Human Rights in Venezuela – “Democratic Institutions, the Rule of Law and Human Rights in Venezuela,”](#) 2017, para. 12.

² IACHR, [Annual Report - Chapter IV\(B\) - Venezuela](#), 2019, para. 4.

³ Inter-American Court. [Case of Chocrón Chocrón v. Venezuela](#). Preliminary Objections, Merits, Reparations and Costs. Judgment of July 1, 2011. Series C No. 227, para. 67-68.

⁴ [ArmandoInfo](#), “La ley del Poder Judicial: mientras más pobre la provincia, más chavistas son los jueces,” July 7, 2019.

⁵ Bloque Constitucional de Venezuela, [Informe 2018](#), pg. 37.

⁶ International Commission of Jurists, [Lograr justicia por graves violaciones a los derechos humanos en Venezuela](#), 2017, pg. 25.

⁷ UNHCHR, A/HRC/44/54, “Independence of the justice system and access to justice in the Bolivarian Republic of Venezuela, including for violations of economic and social rights, and the situation of human rights in the Arco Minero del Orinoco region,” July 15, 2020, para. 8.

⁸ IACHR, [Annual Report - Chapter IV\(B\) - Venezuela](#), 2019, para. 45.

⁹ IACHR, [Annual Report - Chapter IV\(B\) - Venezuela](#), 2019, para. 48.

¹⁰ Acceso a la Justicia, [El Estado de Excepción en Venezuela](#), July 20, 2020. Also see: TSJ, Constitutional Chamber, judgments: 20-01-2016; 17-03-2016; 19-05-2016; 19-07-2016; 21-09-2016; 21-11-2016; 19-01-2017; 20-03-2017; 24-05-2017; 25-07-2017; 25-09-2017; 22-11-2017; 17-01-2018; 20-03-2018; 20-03-2018; 23-05-2018; 25-07-2018; 20-09-2018; 22-11-2018; 25-01-2019; 28-03-2019; 23-05-2019; 18-07-2019; 24-09-2019; 22-11-2019; 14-01-2020; 19-03-2020; 15-05-2020; 15-05-2020; 13-07-2020.

consideration and approval. The IACHR condemns the fact that states of exception are no longer exceptional in Venezuela, with the TSJ's approval.

23. For the purposes of illustrating the relationship between the Executive Branch and the Judicial Branch, the Commission will describe several episodes and decisions that undermine the country's separation of powers. Shortly after it was learned that the opposition to the government won a majority in the National Assembly at the polls in the 2015 elections, a group of at least 12 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 replacements during the last week of 2015 in a process characterized by opacity and other irregularities.¹¹

24. The National Assembly was declared in “contempt” by the Electoral Chamber of the TSJ on January 11, 2016; this decision was later reiterated in judgments of August 1, 2016, and September 2, 2016. Under this judgment, the TSJ limited the powers of the National Assembly, declaring its acts null and void and without legal effect while it remained in contempt. It should be noted that the concept of “contempt” as it has been used by the TSJ is not provided for under Venezuelan law, which is limited to establishing fines for those who do not abide by judicial decisions.¹²

At the time, the IACHR expressed deep concern at the fact that the TSJ would declare the legislature in contempt.¹³

25. In line with this, in March 2017, the Constitutional Chamber of the TSJ issued judgments 155 and 156, removing the parliamentary immunity of the deputies of the National Assembly; establishing that their actions constitute treason; granting the Executive Branch extremely broad discretionary authority; and, at the same time, arrogating the authorities of the Legislative Branch by deciding that they would be exercised directly by the Constitutional Chamber or by the body it designates to do so.¹⁴ The Commission condemned these judgments and stated that they constituted a usurpation of the functions of the Legislative branch by the Judicial and Executive branches, as well as a de facto annulment of the popular vote by which the legislators of the National Assembly were elected.¹⁵

26. Additionally, the Commission learned that President Nicolás Maduro used an executive decree to establish a National Constituent Assembly, without holding a referendum.¹⁶ The

¹¹ IACHR, [Annual Report - Chapter IV\(B\) - Venezuela](#), 2019, para. 17.

¹² IACHR, [Situation of Human Rights in Venezuela – “Democratic Institutions, the Rule of Law and Human Rights in Venezuela”](#), 2017, para. 94.

¹³ IACHR, [Press release 132/2016](#), IACHR Expresses Concern Regarding Restrictions in the Exercise of Fundamental Rights in Venezuela, September 14, 2016.

¹⁴ IACHR, [Press Release 041/2017](#), IACHR Condemns Supreme Court Rulings and the Alteration of the Constitutional and Democratic Order in Venezuela, March 31, 2017.

¹⁵ IACHR, [Press Release 041/2017](#), IACHR Condemns Supreme Court Rulings and the Alteration of the Constitutional and Democratic Order in Venezuela, March 31, 2017.

¹⁶ Decree No. 2,830, published in Official Gazette No. 6,925 Special Edition, May 1, 2017.

TSJ approved the establishment of a National Constituent Assembly via executive decree despite serious questions regarding its legitimacy and formation.¹⁷

27. The Commission observes that the TSJ not only suspended the constitutional powers of the National Assembly and arrogated its legislative competencies, but also began issuing decisions indicating a desire to persecute the opposition deputies. Effectively, starting in 2017, the TSJ began to issue decisions not recognizing the parliamentary immunity and procedural guarantees unique to deputies of the National Assembly, established in the Venezuelan Constitution.

28. Based on the argument that some deputies had been detained in flagrante delicto for the alleged commission of a punishable offense, the TSJ found that the constitutional procedure for lifting their parliamentary immunity and prosecuting them was not applicable. The Commission observes that the Venezuelan Constitution does provide for the detention of deputies in flagrante delicto for committing punishable offenses, with the only consequence it establishes being house arrest until trial.¹⁸ It also establishes that in order to pursue a procedure to lift the parliamentary immunity of deputies, the prior authorization of the National Assembly is required.

29. However, the TSJ ruled that because the National Assembly was in contempt, the authorization to move forward with lifting the parliamentary immunity of the deputies was to be processed before the National Constituent Assembly.¹⁹ In this regard, the Commission observes that the TSJ created the concept of contempt, using it to suspend the constitutional powers of the National Assembly, then authorizing the creation of a National Constituent Assembly via executive decree, and subsequently decided that this was the body with the authority to authorize the lifting of opposition deputies' parliamentary immunity.

30. As of the drafting of this report, the Commission observes that the TSJ has issued numerous decisions finding opposition deputies criminally responsible without holding a probable cause preliminary hearing, charging them with multiple crimes including treason. It has also requested the lifting of their parliamentary immunity before the National Constituent Assembly, and in some cases, it has imposed or requested measures of deprivation of liberty, freezing of assets, and prohibition of leaving the country. Such has been the case with the following deputies: Germán Ferrer, Juan Requesens, Julio Borges, Juan Guaidó, Edgar Zambrano, Henry Ramos Allup, Luis Florido, Marianela Magallanes, José Simón Calzadilla, Americo De Grazia, Richard Blanco, Freddy Superlano, Sergio Vergara, Andrés Mejía, Carlos Paparoni Ramírez, Miguel Pizarro Rodríguez, Franco Casella Lovaton, Winston Flores Gómez, Rafael Guzmán, José Guerra, Tomás Guanipa, Juan Pablo García, Jorge Millan, Henán Alemán, Carlos Alberto Lozano, and Luis Stefanelli, among others²⁰.

¹⁷ International Commission of Jurists, "Sin lugar para la deliberación, la Asamblea Nacional Constituyente y el desmoronamiento del Estado de Derecho en Venezuela," 2017, pg. 35.

¹⁸ Constitution of the Bolivarian Republic of Venezuela, article 22.

¹⁹ TSJ, Plenary Chamber, Judgment No. 66, August 16, 2017.

²⁰ TSJ, Plenary Chamber, Judgments: 0034 of May 11, 2017; 66 of August 16, 2017; 69 of November 3, 2017; 49 of August 8, 2018; 1 of January 29, 2019; 17 of May 2, 2019; 18 of May 7, 2019; 19 of May 9, 2019; 20 of May 14, 2019; 33 of May 28, 2019; 55 of August 12, 2019; 52 of August 12, 2019; 58 of October 25, 2019; 76 of December 16, 2019.

31. The Commission finds that the way in which the TSJ has proceeded with lifting the parliamentary immunity and prosecuting deputies of the National Assembly for the alleged Commission of punishable offenses is not in keeping with the provisions of article 200 of the Constitution of Venezuela. The IACHR warns that these circumstances may amount to several violations of the judicial guarantees provided for in multiple international human rights instruments. For example, Inter-American standards are clear in indicating that the principle of legality of the function of government—which applies to the actions of Justice officials—requires that the work they do in the exercise of their offices be based on legal fundamentals set forth in the Constitution and the laws.²¹ The Commission also recalls that, additionally, Article 8(1) of the Convention guarantees the right to be tried by a competent tribunal [...] previously established by law. This means that individuals have the right to be tried by a competent tribunal, in accordance with legally established procedures.²²

32. Additionally, the Commission was informed of a series of decisions adopted by the Supreme Tribunal of Justice between May and August 2020 with profound consequences for the country's democratic future. On May 26, 2020, the TSJ issued Judgment 0065 recognizing the leadership committee of the National Assembly, which had been selected on January 5 of that year.²³ The Commission finds it concerning that the TSJ would validate that leadership committee, considering that on that day, the Bolivarian National Guard blocked a large group of deputies identified with the opposition—including the president of the National Assembly, deputy Juan Guaidó—from entering the Federal Legislative Palace.²⁴

33. The Commission has received information indicating that the TSJ validated the results without publicly releasing the records of the quorum on that day or the number of votes received by deputy Luis Parra, who was supposedly elected the new president of the Legislative Assembly.²⁵ It is the Commission's view that the election of the National Assembly's leadership committee in 2020 was carried out without adequate participation by all the deputies, without following preestablished procedures, and without transparency. The validation of that election by the TSJ suggests it had an interest in influencing the internal processes of the National Assembly.

34. On June 5, 2020, the TSJ issued Judgment 0068, in which, citing the concept of "legislative omission," it found it had the competence to appoint the members of the National Electoral Council (CNE), which, under the Constitution of Venezuela, is an authority belonging to the Legislative Branch. On June 12, through Judgment 0070, it appointed the members of the CNE, among which were two magistrates of the TSJ itself.²⁶

²¹ Inter-American Court. Case of *Tristán Donoso v. Panama*. Preliminary Objections, Merits, Reparations and Costs. Judgment of January 27, 2009. Series C No. 1939, para. 165

²² Inter-American Court. Case of *Apitz Barbera et al. ("First Court of Administrative Disputes") v. Venezuela*. Preliminary Objections, Merits, Reparations and Costs. Judgment dated August 5, 2008. Series C No. 182, para. 50.

²³ TSJ, Constitutional Chamber, Judgment No. 0065, May 26, 2020.

²⁴ DW, "Guaidó denuncia restricciones de acceso al Parlamento," January 5, 2020.

²⁵ Acceso a la Justicia, "Reconocimiento de la Junta Directiva del diputado Parra y desconocimiento del parlamento virtual o paralelo," May 26, 2020.

²⁶ IACHR, [Press release 151/2020](#), "IACHR Rejects a Set of Recent Decisions by the Supreme Court of Justice of Venezuela That Threaten Democratic Institutions and Fundamental Freedoms," June 27, 2020.

35. On June 15, 2020, the TSJ issued Judgment 0071, suspending the current board of directors of the Acción Democrática political party and in its place, appointing an *ad hoc* board of directors to undertake a restructuring process. The judgment authorized this board to use the electoral card, the logo, the symbols, the emblems, the colors, and any other element corresponding to the political party. The next day, on June 16, the same court issued Judgment 0072, ordering exactly the same for the Movimiento Primero Justicia party.²⁷ The Commission has learned through publicly available information that the TSJ has issued similar decisions for the Movimiento República,²⁸ Tupamaro,²⁹ Acción Ciudadana en Positivo,³⁰ and Nuvipa³¹ parties.

36. The IACHR finds it especially concerning that the TSJ would appoint elections judges without constitutional competence, while at the same time issuing judgments interfering with the two political parties whose leaders are the most well-known of the opposition to the government. Additionally, it is the view of the Commission that these types of judgments interfere in the free development of the internal democratic processes of opposition political parties; undermine trust in the country's elections; and, of most concern, create obstacles to addressing the institutional crisis that is having such a severe impact on human rights.³²

37. The Commission learned that on August 31, 2020, the Executive Branch ordered the release of and closure of criminal processes for 110 persons.³³ The beneficiaries included deputies who, in the view of the Commission, were arbitrarily detained and whose Parliamentary immunities were illegally lifted. Some of the individuals were also beneficiaries of precautionary measures granted by the Commission. According to publicly available information, the so-called presidential pardon, granted to promote electoral and democratic solutions, benefited 23 permanent deputies and 4 alternates.³⁴ Although the IACHR welcomes the measures aimed at correcting violations of rights like the right to a fair trial, it continues to highlight the fact that many of the persons who benefited from the executive decree of August 31, 2020, were detained arbitrarily; others had not been convicted; and others were never even charged. One of the beneficiaries even already had their prison release documents in hand. These types of measures adopted by the Executive Branch in anticipation of a parliamentary election suggest the use of criminal law for purposes other than justice.

B. Executive Branch Interference with the Legislative Branch

²⁷ IACHR, [Press release 151/2020](#), "IACHR Rejects a Set of Recent Decisions by the Supreme Court of Justice of Venezuela That Threaten Democratic Institutions and Fundamental Freedoms," June 27, 2020.

²⁸ *El Pitazo*, "Estos son los partidos políticos intervenidos por el Tribunal Supremo de Justicia," August 26, 2020.

²⁹ *El Mundo*, "El Supremo de Venezuela interviene la directiva del partido chavista Tupamaro," August 19, 2020.

³⁰ TSJ, Constitutional Chamber, Judgments No. 210 and 161 of September 2, 2020.

³¹ *VPI*, "TSJ leal a Maduro intervino el partido Nuvipa," August 2, 2020.

³² IACHR, [Press release 151/2020](#), "IACHR Rejects a Set of Recent Decisions by the Supreme Court of Justice of Venezuela That Threaten Democratic Institutions and Fundamental Freedoms," June 27, 2020.

³³ Presidential Decree of August 31, 2020.

³⁴ *Telesur*, "Gobierno de Venezuela concede indulto a un grupo de opositores," August 31, 2020.

38. On May 1, 2017, amidst large protests and tension between the TSJ and the National Assembly, President Nicolás Maduro issued an executive decree convening the National Constituent Assembly (ANC). President Maduro stated that the body would bring peace to the country and draft a new constitution.³⁵ At the time, the IACHR received information that seriously called into question the legitimacy of the convening.³⁶ The Commission also noted with concern that a variety of sectors raised consistent and serious objections and statements against the process to elect the members of the assembly.³⁷

39. Likewise, one of the first acts adopted by the ANC was the unusual step of moving up the 2018 presidential election, which the IACHR described as lacking in impartiality and objectivity.³⁸ The Commission also rejected the ANC's order disqualifying political parties that did not participate in the "immediately prior elections," something that affected the democratic pluralism that should govern these processes. 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, fair, and trustworthy to guarantee the principles of universality and electoral plurality.³⁹

40. On August 17, 2020, President Nicolás Maduro stated in a televised appearance that the National Constituent Assembly's term would be up in December 2020.⁴⁰ It is the Commission's view that this announcement raises questions as to the real purpose for calling a National Constituent Assembly, as the body was called shortly after the TSJ suspended the powers of the National Assembly and now the conclusion of the National Constituent Assembly's mandate coincides with new parliamentary elections. The IACHR has also received information indicating that the Executive Branch does not have the competence to end the mandate of a constituent body.⁴¹

41. As of the date of the preparation of this report, the IACHR had found no indication that the ANC had discussed a draft text of a constitution. Instead, the ANC has operated like a parliament, assuming the functions that constitutionally correspond to the National Assembly and to other bodies, such as the National Electoral Council. In this regard, the Commission has 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. In view of this 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 a

³⁵ Decree 2,830 of May 1, 2017.

³⁶IACHR, [Situation of Human Rights in Venezuela – “Democratic Institutions, the Rule of Law and Human Rights in Venezuela”](#), 2017, para. 115.

³⁷IACHR, [Situation of Human Rights in Venezuela – “Democratic Institutions, the Rule of Law and Human Rights in Venezuela”](#), 2017, para. 119.

³⁸ IACHR, [Press release 112/2018](#), “IACHR Warns about Lack of Adequate Conditions to Hold Free and Fair Elections in Venezuela,” May 18, 2018.

³⁹ IACHR, [Press release 005/2019](#), IACHR Alerts About Further Weakening of Rule of Law in Venezuela Ahead of New Presidential Mandate, January 9, 2019.

⁴⁰ *El Mundo*, “Nicolás Maduro anuncia la disolución de la Asamblea Constituyente,” August 18, 2020.

⁴¹ Acceso a la Justicia, [Ocho claves sobre la fraudulenta ANC y el cese de sus funciones](#), August 28, 2020.

constituent body and that have a detrimental impact on the separation of powers and representative democracy.⁴² The Commission concludes that the convening, composition, and functioning of the ANC, and then the way in which the conclusion of its functions was announced, clearly indicate a significant concentration of executive branch power and a lack of an operating system of checks and balances in Venezuela.

42. Additionally, in recent years, the IACHR has reiterated its concern regarding the political persecution of the opposition deputies of the National Assembly. The Commission 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.⁴³ As mentioned previously, as of the date of the drafting of this report, the TSJ and the National Constituent Assembly have illegally lifted the parliamentary immunity of 28 deputies⁴⁴ and declared them criminally liable for criminal offenses such as treason.⁴⁵

43. According to the information received, the harassment of the opposition members of the National Assembly is not limited to the lifting of their parliamentary immunity. According to a report prepared by the National Assembly, deputies who are identified with the opposition and publicly express their dissent with the government have suffered a variety of attacks. They include: torture, abuse, and other acts of violence; threats and acts of intimidation; arbitrary arrest and detention; failure to comply with procedural guarantees during investigations; arbitrary delays and judicial proceedings; violation of freedom of opinion and expression; violation of freedom of assembly and association; violation of freedom of movement; illegal suspension or revocation of parliamentary mandate; and harassment by paramilitary *colectivos*.⁴⁶

44. The IACHR was informed of the presidential decree on August 31, 2020, granting release to 110 persons, including 23 permanent deputies and 4 alternates.⁴⁷ Those covered by the decree include deputies who are beneficiaries of the precautionary measures granted by the Commission, like Juan Requesens, Gilber Caro, and Maury Carrero; they also include Roberto Marrero, who served as chief of staff of the president of the National Assembly, Juan Guaidó.⁴⁸ Although the IACHR welcomes these measures, it continues to express concern at the irregular lifting of their

⁴²IACHR, [Situation of Human Rights in Venezuela – “Democratic Institutions, the Rule of Law and Human Rights in Venezuela,”](#) 2017, para. 15.

⁴³ IACHR, [Annual Report - Chapter IV\(B\) - Venezuela,](#) 2019, para. 4.

⁴⁴ UNHCHR, [Outcomes of the investigation into allegations of possible violations of the human rights to life, liberty, and physical and moral integrity in the Bolivarian Republic of Venezuela,](#) July 2, 2020.

⁴⁵ TSJ, Plenary Chamber, Judgments: No. 0034 of May 11, 2017; 66 of August 16, 2017; 69 of November 3, 2017; 49 of August 8, 2018; 1 of January 29, 2019; 17 of May 2, 2019; 18 of May 7, 2019; 19 of May 9, 2019; 20 of May 14, 2019; 33 of May 28, 2019; 55 of August 12, 2019; 52 of August 12, 2019; 58 of October 25, 2019; 76 of December 16, 2019.

⁴⁶ National Assembly, [Report on the situation of Venezuelan assembly members \(legislative. 2016-2021\),](#) September 26, 2019.

⁴⁷ *Telesur*, “Gobierno de Venezuela concede indulto a un grupo de opositores,” August 31, 2020.

⁴⁸ IACHR, [Precautionary measures resolution 1039-18,](#) October 11, 2018; IACHR, [Precautionary measures resolution 426-19,](#) May 15, 2019; IACHR, [Precautionary measures resolution 516-20,](#) July 17, 2020; IACHR, [Precautionary measures resolution 70-19,](#) March 27, 2019.

parliamentary immunity, condemning the fact that the deputies who were effectively deprived of liberty were detained arbitrarily and in some cases subjected to cruel, inhuman, and degrading treatment.⁴⁹ In this regard, the Commission recalls that, pursuant to the Venezuelan State's international obligations, when a human rights violation arises, so does a duty to provide reparations for it, including by reestablishing the previous situation and providing reparations for the consequences of the infraction.⁵⁰

45. Likewise, the Commission reiterates its call for an immediate halt to all actions endangering the lives or bodily integrity of National Assembly members and a guarantee that all sanctions, disciplinary measures, and general measures restricting civil and political rights adhere to the Constitution and applicable law so as not to be arbitrary. Lastly, the IACHR reiterates that the State should guarantee the full exercise of political rights for all persons, independent of their positions regarding government policies, and cease all actions that impede the right of persons to freely choose their representatives and to hold them accountable for their performance.⁵¹

C. Executive Branch Interference with the Electoral Branch

46. The highest body of the Electoral Branch, the National Electoral Council (CNE) has been called into question multiple times by civil society organizations, who accuse it of not providing guarantees of its impartiality.⁵² One of the reasons for this lack of trust in the CNE is that its members have not been appointed following the procedures set forth in the Constitution since 1999.⁵³ In fact, during several of its periods of sessions, the IACHR⁵⁴ and the Permanent Councils of the OAS⁵⁵ have brought to light the fact that the members of the CNE have in recent decades been appointed by the TSJ rather than the National Assembly, as the Constitution of Venezuela requires.⁵⁶

47. In 2020, the Commission issued a statement regarding Judgment 0070, whereby the TSJ again appointed the members of the CNE, among which were two magistrates of the TSJ itself. In

⁴⁹ Information provided by civil society organizations during the hearing entitled "Venezuela: Political rights and arbitrary detention," held during the 170th Period of Sessions of the IACHR.

⁵⁰ Inter-American Court. *Case of Velásquez Rodríguez v. Honduras*, Reparations and Costs (Article 63(1) of the American Convention on Human Rights), Judgment of July 21, 1989, Series C No. 7, para. 26 and 27. Cf. *Caso Godínez Cruz Vs. Honduras*. Reparations and Costs (Article 63(1) of the American Convention on Human Rights), Judgment of July 21, 1989, Series C No. 8, para. 24 and 27.

⁵¹IACHR, [Situation of Human Rights in Venezuela – "Democratic Institutions, the Rule of Law and Human Rights in Venezuela"](#) 2018, recommendation 16.

⁵² Acceso a la Justicia, "La toma del poder absoluto en Venezuela," September 20, 2019.

⁵³ Acceso a la Justicia, "La historia de un fraude (III): el secuestro del Poder Electoral," September 21, 2019.

⁵⁴ Information provided by civil society organizations during the hearing entitled "Venezuela: Political rights," held during the 156th Period of Sessions of the IACHR.

⁵⁵ OAS, [Special Session](#) of the Permanent Council, September 20, 2020.

⁵⁶Constitution of the Bolivarian Republic of Venezuela, article 296.

this regard, the Commission stated that these types of decisions create obstacles to addressing the institutional crisis that is having such a severe impact on human rights.⁵⁷

D. 2020 legislative Elections

48. In November 2020, the IACHR published a press release expressing concern at the absence of conditions for holding competitive and plural legislative elections in Venezuela, scheduled by the National Electoral Council (CNE) for December 6, 2020. The obstacles identified by the IACHR include: the irregular appointment of members of the National Electoral Council; the TSJ decisions interfering in the leadership committees of political parties; and the harassment that took place on August 9, 2020, at the headquarters of Acción Democrática.⁵⁸

49. The IACHR also notes that on October 21, 2020, the General Assembly of the Organization of American States adopted a resolution on the lack of the minimum democratic conditions needed to guarantee free, fair, and transparent elections in Venezuela.⁵⁹ It likewise takes note that the European Union issued a statement on the legislative elections scheduled by the CNE for December 6 stating that "the conditions are not currently there for a free, fair and democratic electoral process to take place," and that it therefore recommended the elections be postponed and declined to send an electoral observation mission.⁶⁰

50. During the 177th Period of Sessions, held virtually in October 2020 due to the health crisis caused by the COVID-19 pandemic, a hearing was held on the guarantees of the right to participate in government for the electoral process in Venezuela. During the hearing, civil society alleged a lack of guarantees for holding authentic legislative elections with the imposition of new obstacles to citizens exercising their right to participate in government and overcoming the political crisis.⁶¹ Among other issues, civil society has provided information indicating that the National Electoral Council adopted, without legal authority to do so, changes to the rules of the electoral game by increasing the number of deputies from 167 to 277. This violates the Constitution for two reasons: First, the authority to amend the country's electoral laws falls to the National Assembly, not the National Electoral Council. Second, the Constitution establishes that the number of seats is defined by proportional representation based on the country's population. In this regard, the number of seats

⁵⁷ IACHR, [Press release 151/2020](#), "IACHR Rejects a Set of Recent Decisions by the Supreme Court of Justice of Venezuela That Threaten Democratic Institutions and Fundamental Freedoms," June 27, 2020.

⁵⁸ IACHR, [Press release 269/2020](#), "IACHR Flags Obstacles for Fair Parliamentary Elections in Venezuela," November 11, 2020.

⁵⁹ OAS, General Assembly, [Resolution](#): The Lack of Minimum Democratic Conditions to Guarantee Free, Fair, and Transparent Elections in the Bolivarian Republic of Venezuela, October 21, 2020.

⁶⁰ Delegation of the European Union to Venezuela, (Venezuela): [Press release on EU dialogue with stakeholders in Caracas](#), September 30, 2019.

⁶¹ Information provided by civil society organizations during the hearing entitled "Guarantees for political rights in the electoral process in Venezuela," held during the 177th Period of Sessions of the IACHR.

should not be increased when at least 5 million people have emigrated from the country in recent years.⁶²

51. The Commission reiterates once more that this crisis must be resolved peacefully and within the bounds of the rule of law and the Constitution of Venezuela. The holding of regular elections is essential for resolving this crisis. However, the IACHR observes that circumstances persist—like the ones described—that undermine trust in the country’s elections.

III. OVERALL HUMAN RIGHTS SITUATION

52. The Inter-American Commission observes that grave human rights violations continue to take place during 2020, including extrajudicial executions, forced disappearances, torture, and cruel, inhuman, and degrading treatment. The IACHR finds it concerning that there is no clear information on the progress of investigations into these types of violations, and that the violations are retaliation against people who exercise their right to freedom of expression and the right to participate in government. Along with this, the Inter-American Commission observes that deterioration in the enjoyment of economic, social, cultural, and environmental rights persists, causing the forced migration of millions of people.

Violations of the right to life

53. According to information provided by the High Commissioner for Human Rights, as of September 25, 2020, more than 2000 young people had died violent deaths in marginalized neighborhoods that could constitute extrajudicial executions.⁶³ For its part, the organization PROVEA indicated that during the first half of 2020, at least 1,611 people were murdered during citizen security operations, an average of nine people per day.⁶⁴ The organization also documented the deaths of six people during protests between March and November 2020, allegedly due to the excessive and illegal use of force by State agents.⁶⁵

54. In this regard, the Commission has warned of the existence of a context of extrajudicial executions during citizen security operations in Venezuela.⁶⁶ In fact, in 2019, the Commission sent a case to the Inter-American Court describing this context of extrajudicial executions of young men of few economic means from poor neighborhoods, carried out with a specific modus

⁶² Information provided by civil society organizations during the hearing entitled “Guarantees for political rights in the electoral process in Venezuela,” held during the 177th Period of Sessions of the IACHR.

⁶³ Office of the High Commissioner for Human Rights, Oral update on the situation of human rights in the Bolivarian Republic of Venezuela, September 25, 2020.

⁶⁴ PROVEA, “Venezuela: 1.611 personas fueron asesinadas por policías y militares de enero a junio de 2020,” September 13, 2020.

⁶⁵ PROVEA, “Detenciones arbitrarias durante el estado de alarma en Venezuela,” November 2020.

⁶⁶ 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.

operandi.⁶⁷ The IACHR finds it especially concerning that the deaths that took place in these contexts 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 these types of situations, a serious, impartial, and effective investigation should be launched without delay.

55. The Inter-American Commission reiterates that the militarization of citizen security and the participation of armed *colectivos* in security work has increased rates of violence and contributes to a steady rise in extrajudicial executions.⁶⁸ 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.⁶⁹

Forced disappearances

56. In 2020, a report was published on forced disappearances in Venezuela that put special emphasis on temporary forced disappearances. Among its most important findings, the report highlighted that 200 forced disappearances took place in 2018, 524 in 2019, and at least 33 during the first third of 2020.⁷⁰ The report indicates that "there is not a minimum amount of time, as short as it may be, for considering a forced disappearance to have taken place."⁷¹ It additionally underscores that many of the disappearances took place when the authorities deliberately refused to bring the detained individuals before courts by the legal deadline of 48 hours. The practice of this grave human rights violation in the context of protests and its use against soldiers and civilians accused of conspiring against the government suggests that temporary forced disappearances are being used as a tool of political repression in Venezuela.⁷²

57. In this regard, the Inter-American Commission recalls that the prohibition on forced disappearance is absolute and that this practice constitutes one of the worst human rights violations

⁶⁷ IACHR, press release 308/19, [IACHR Brings Venezuela Case before the IA Court](#), Washington, DC, November 22, 2019.

⁶⁸ IACHR, [Annual Report, Chapter IV. B. "Venezuela"](#), 2017, para. 28.

⁶⁹ 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.

⁷⁰ Foro Penal, Robert F. Kennedy Human Rights, [La desaparición forzada como herramienta de represión política en Venezuela](#), June 19, 2020, pg. 4.

⁷¹ United Nations Human Rights Council, Report of the Working Group on Enforced or Involuntary Disappearances, August 10, 2015, A/HRC/30/38, para. 102.

⁷² Foro Penal, Robert F. Kennedy Human Rights, [La desaparición forzada como herramienta de represión política en Venezuela](#), June 19, 2020, pg. 61.

given its nature as multiple-faceted and ongoing violation,⁷³ as well as a crime against humanity.⁷⁴ The IACHR also notes that, pursuant to Inter-American standards, the State is required to maintain an updated record of detentions; quickly provide information on the whereabouts of a person and their health status; and, if the person is in State custody, bring that person before the competent judicial authority within the time period required by law and at all times respecting judicial guarantees.

Torture and cruel, inhuman, and degrading treatment

58. During his visit to the Colombian-Venezuelan border, the Inter-American Commission received with extreme concern the testimony from the relatives of civilians and soldiers deprived of liberty. The testimony described physical punishment, torture, and cruel treatment inflicted widely. The IACHR observes that the cruelty and brutality of these acts reflects a particular cruelty against soldiers tagged as deserters or traitors.⁷⁵ The IACHR categorically rejects this treatment to which some civilians and soldiers deprived of liberty are subjected and recalls that under international human rights law, the ban on torture is absolute and inviolable.⁷⁶

59. Among other specific cases, the IACHR received information on Sergeant Luis Alexander Bandres Figueroa who, after his detention on January 21, 2019, was subjected to confinement, beatings, and other cruel treatment; and on Alonso José Mora, detained on April 15, 2018, who for 17 days was subjected to beatings, asphyxiation with plastic bags multiple times, sprains to his upper and lower extremities, dislocation of his shoulders from hanging, and other cruel treatment at the DGCIM's "la Boleíta" facilities.⁷⁷ In this regard, the IACHR recalls that the State is in the position of guarantor for people held in its custody, meaning that it has a special duty to respect and guarantee their rights, particularly the rights to life and humane treatment.⁷⁸

Arbitrary detentions and persons who identify themselves as political prisoners

60. Foro Penal documented 421 arrests with political purposes during 2020, including 65 women, 41 adolescents, and 22 military and police officials.⁷⁹ Additionally, the organization

⁷³ Inter-American Court. Case of Radilla Pacheco v. Mexico. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 23, 2009. Series C No. 209, para. 140.

⁷⁴ Rome Statute, article 7.i)

⁷⁵ Inter-American Commission on Human Rights. [IACHR Presents Preliminary Observations and Recommendations Following Historic On-Site Visit to Monitor the Human Rights Situation in Venezuela](#). May 8, 2020.

⁷⁶ Inter-American Court. Case of *Barrios Altos v. Peru*. Merits. Judgment of March 14, 2001. Series C No. 75, para. 41.

⁷⁷ Inter-American Commission on Human Rights. [IACHR Presents Preliminary Observations and Recommendations Following Historic On-Site Visit to Monitor the Human Rights Situation in Venezuela](#). May 8, 2020.

⁷⁸ Inter-American Commission on Human Rights. [IACHR Presents Preliminary Observations and Recommendations Following Historic On-Site Visit to Monitor the Human Rights Situation in Venezuela](#). May 8, 2020.

⁷⁹ Foro Penal. [Reporte sobre la Represión Política en Venezuela](#), 2020.

documented 421 people deprived of liberty who identify as political prisoners.⁸⁰ As regards arbitrary detentions in the context of demonstrations, PROVEA documented 617 arbitrary detentions between March and September.⁸¹ In this regard, the Inter-American Commission reiterates its categorical rejection of an array of actions to retaliate against citizens who demonstrate publicly or adopt a stance of dissent from the policies of the administration.

61. Additionally, in 2020, the case of union leader Rubén González stands out, for whom a Court Martial in Caracas confirmed a conviction and sentence handed down by the Fifth Military Trial Court of the state of Monagas.⁸² In this regard, the Commission observes that on at least three occasions, the Cassation Chamber of the TSJ itself has recognized that military criminal jurisdiction is not the appropriate forum for trying civilians.⁸³ The IACHR reiterates its concern at the improper use of military criminal jurisdiction in Venezuela.⁸⁴ In accordance with inter-American standards, “In a democratic Government of Laws the penal military jurisdiction shall have a restrictive and exceptional scope and shall lead to the protection of special juridical interests, related to the functions assigned by law to the military forces. Consequently, civilians must be excluded from the military jurisdiction scope and only the military shall be judged by commission of crime or offenses that by its own nature attempt against legally protected interests of military order.”⁸⁵

A. Situation of Freedom of Expression⁸⁶

62. Grave violations to the right to freedom of expression in Venezuela continued during 2020. The IACHR and its Office of the Special Rapporteur documented an unprecedented increase in arbitrary detentions of journalists and citizens in response to publications of information or opinions calling into question the official version of events.

63. The impact of the COVID-19 pandemic on the country has heightened the political and social conflict by worsening scarcity of basic services and goods like fuel, food, electricity, and medications, with a subsequent increase in risk to journalists and to citizens exercising social protest. In this context, the IACHR and its Office of the Special Rapporteur observed with concern the increase in arbitrary detentions for informing or expressing criticism in the digital space, without due process

⁸⁰ Foro Penal. [Reporte sobre la Represión Política en Venezuela](#), 2020.

⁸¹ PROVEA, “Detenciones arbitrarias durante el estado de alarma en Venezuela,” November 2020.

⁸² Among others: Inter-American Court. *Case of Reverón Trujillo v. Venezuela*. Preliminary Objections, Merits, Reparations and Costs. Judgment June 30, 2009. Series C No. 197; Inter-American Court. *Case of Apitz Barbera et al. (“First Court of Administrative Disputes”) v. Venezuela*. Preliminary Objections, Merits, Reparations and Costs. Judgment dated August 5, 2008. Series C No. 182.

⁸³ TSJ, Criminal Cassation Chamber, Judgment 423, November 27, 2017; TSJ, Criminal Cassation Chamber, Judgment 70, July 30, 2020; TSJ, Criminal Cassation Chamber, Judgment 71, July 30, 2020.

⁸⁴ IACHR, [Situation of Human Rights in Venezuela – “Democratic Institutions, the Rule of Law and Human Rights in Venezuela”](#), 2017, para. 24.

⁸⁵ Inter-American Court. *Case of Durand and Ugarte v. Peru*. Merits. Judgment of August 16, 2000. Series C No. 68, para. 117.

⁸⁶ 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.

guarantees. In addition to impacting journalists, the effects extended to opposition politicians, healthcare personnel, and citizens who expressed criticism via social media or disseminated information on the crisis in different sectors of the country.

64. The IACHR and its Office of the Special Rapporteur observed that the majority of these detentions stemmed from charges of crimes set forth in the Constitutional Law against Hate and for Peaceful Coexistence and Tolerance, known as the “anti-hate law” and were accompanied by injunctive measures including arrest and the prohibition of expression on different issues related to the country’s crisis. Additionally, on numerous occasions, members of the security forces temporarily detained or assaulted media workers to review their work equipment and delete photographs or videos documenting incidents of public interest, such as protests against the difficulties Venezuelans are experiencing in securing basic goods. Security forces have also restricted the media’s access to health centers and generally prevented medical and hospital staff from providing information to the media on the health situation surrounding the pandemic.

65. Likewise, during 2020, the IACHR learned that the State had allegedly ordered Internet providers to block and systematically censor the websites of media outlets, social organizations, and digital platforms. This particularly affected media outlets reporting independently on political and social matters or whose coverage included National Assembly president and opposition leader Juan Guaidó. Additionally, regular Internet connectivity and power outages were documented, which limited the circulation of information and blocked media outlets from doing their work. The closure of several broadcasters as ordered by the National Telecommunications Commission (Conatel), the search of media outlets by the police in the context of criminal investigations, and the move by television service DirecTV to leave the country due to the sanctions imposed by the United States further reduced citizen access to a diversity of sources of information not controlled by the State.

Extrajudicial executions of journalists

66. On August 22, journalists Andrés Eloy Nieves Zacarías and Víctor Torres were murdered during an operation of the Special Action Forces (FAES) at the headquarters of community television channel *Guacamaya TV*, in Cabimas, Zulia. Víctor Torres is the son of the channels director, Franklin Torres, who alleged that the security forces “violently” entered the channel’s headquarters and, after the murder, confiscated all the television station’s equipment.⁸⁷ The Office of the Special Rapporteur condemned the murder of the journalist and urged the State to fully, effectively, and impartially investigate the perpetrators of and masterminds behind these crimes and any connection to journalism activity.⁸⁸

⁸⁷ *Infobae*. August 23, 2020. [Dos periodistas venezolanos fueron asesinados durante un operativo de las fuerzas del régimen de Maduro en Zulia](#); *RSF*. August 25, 2020. [Asesinados los periodistas Andrés Eloy Nieves Zacarías y José Carmelo Bislick en apenas una semana](#).

⁸⁸ IACHR. Office of the Special Rapporteur for Freedom of Expression. August 26, 2020. [Relatoría Especial condena el asesinato de los periodistas Andrés Eloy Nieves Zacarías y Víctor Torres en Venezuela e insta a investigar posible participación de agentes estatales y vínculo con su actividad periodística](#);

67. The Office of the Special Rapporteur has stated repeatedly that the murder of journalists is the most extreme form of censorship, and States have a positive obligation to identify and punish the perpetrators of such crimes. Both the Commission and the Inter-American Court of Human Rights have noted the chilling effect that these crimes have both on the other colleagues of the media outlets affected and on society as a whole, as they prevent citizens from denouncing abuses of power, irregularities, or illicit acts, thereby impacting the full exercise of the right to freedom of expression in both its individual and collective dimensions. As the Inter-American Commission has stated, this silencing and chilling effect “can only be overcome by decisive action of the State to punish those responsible, pursuant to its obligation under both international and domestic law.”

Attacks, threats, and intimidation aimed at journalists and media

68. The Office of the Special Rapporteur of the IACHR learned of repeated incidents of attacks, intimidation, and harassment against journalists and media workers committed by both private parties and State officials with the aim of obstructing or blocking journalism work and the dissemination of information and opinions contrary to the official discourse.⁸⁹

69. On February 11, at least 14 media workers were attacked by supporters of the government outside Simón Bolívar International Airport as they awaited the arrival of the president of the National Assembly, Juan Guaidó. According to the information available, several were injured in the attack, which was supposedly made possible due to the inaction of officials of the National Bolivarian Police (PNB) and the Bolivarian National Guard (GNB). Two days later, the president of the National Constituent Assembly and first vice president of the Partido Socialista Unido de Venezuela (PSUV), Diosdado Cabello, joked about the attacks, calling the attackers the “patriotic people” on his program “Con el mazo dando,” broadcast on the *Venezolana de Televisión* (VTV) State TV channel.⁹⁰

70. On April 16, journalist and host of *Venezolanos por la Información* (VPI TV) Sergio Novelli reported that officials of the Department of Military Counterintelligence (DGCIM) had come to his previous home (where a different family now lives) with “an order for a supposed investigation” and took four computers and five telephones. The previous night, the president of the National Constituent Assembly, Diosdado Cabello, had called Novelli and four other journalists “*palangristas*” (recipients of payola) on his program “Con el Mazo Dando.” Additionally, on April 21, President Nicolás Maduro took to VTV to call Novelli a “communications mercenary” after he interviewed Venezuelans

⁸⁹ The head of security of the office of the mayor of Vargas, Eduardo Martínez Terán, attacked photographer Larry Alvarado, with *La Verdad de Vargas*, while he was covering apartment evictions on August 16 (Espacio Público. August 17, 2020. [Jefe de Seguridad de la Alcaldía de Vargas agrede al reportero gráfico Larry Alvarado](#)). Reporting teams with *Venezolanos por la Información* (VPI TV), *El Pitazo*, and *Primera Noticia*, were blocked from doing their work in the state of Falcón on August 20 and 21 (IPYS. August 27, 2020. [Cuatro reporteros en Falcón fueron limitados el 20 y 21 de agosto](#)). Two unidentified individuals threatened reporter Joel Barreto, with the “El Bus TV” journalism project, at his home located in Chapellín, Caracas, on October 13. The men warned him that “you better watch out, they know what you are doing” (Twitter account of El Bus TV (@elbustv). [October 13, 2020](#)). Officials of the Bolivarian National Guard (GNB) detained a reporting team with *ImpactoVe* while they were doing takes outside the El Palito refinery in Carabobo. They were covering the arrival of Iranian vessels to Puerto Cabello on September 29 (Espacio Público. September 30, 2020. [GNB detuvo a dos periodistas y a un fotógrafo en Carabobo](#)).

⁹⁰ IPYS. February 13, 2020. [Trabajadores de la prensa exigieron ante la Fiscalía y Defensoría del Pueblo el cese de la impunidad en casos de agresiones al gremio](#); Espacio Público. April 30, 2020. [El virus de la desinformación. Situación del derecho a la libertad de expresión. Enero – Abril de 2020](#).

returned to the country and warned them about the confinement conditions to which they would be subjected.⁹¹

71. Among other concerning facts documented by the Office of the Special Rapporteur, on March 4, journalist Bleima Márquez, with *Diario La Nación*, was detained for two hours for photographing a traffic jam;⁹² unknown groups painted threatening messages near the Caracas residence of journalist Federico Black on April 26;⁹³ Érika Ortega, a correspondent for *Russia Today* (RT) in Venezuela, was threatened via the Twitter account of the company Silvercorp USA on May 3;⁹⁴ journalist Esther Yáñez, with Russian media outlet *Sputnik Mundo*, was intimidated by an official of the GNB while doing a walk-through of a service station in the La Florida neighborhood of Caracas on April 2,⁹⁵ and she was later threatened over social media;⁹⁶ a reporting team from *Última Hora* was detained for an hour and a half by officials of the DGCIM and the GNP in Chuao, Caracas, on June 5;⁹⁷ social communication student Roger Luna, a reporter with *El Bus TV*, was forced by a police officer to delete photographs he took after putting up a poster on a wall in the center of the city of Trujillo on May 22;⁹⁸ Twitter users attacked reporter Carlos Seijas with threatening and homophobic messages after *Diario Tal Cual* published a series of his articles on the LGBT community.⁹⁹ Journalists with the media outlets *ImpactoVE*, *NTN24*, *Univisión*, *El Pitazo*, and *Venezolanos por la Información* (VPITV) were attacked by violent groups on August 10 while covering the aftermath of an attempted assault on Acción Democrática's headquarters in La Florida, Caracas¹⁰⁰.

72. In particular, the IACHR and its Office of the Special Rapporteur noted that security forces officials took constant action to silence news coverage of fuel shortages and the difficulties arising from them, including by silencing reporters and media workers or citizens documenting the lines at gas stations and deleting photographs and videos documenting the supply difficulties. The complaints and criticisms of the scarcity were sometimes also silenced by government authorities using criminal law.¹⁰¹

⁹¹ IPYS. April 25, 2020. [Prevalecen ataques a periodistas y medios durante la cuarentena](#); Espacio Público. April 17, 2020. [Funcionarios de la Dgcim allanaron la casa del periodista Sergio Novelli](#); *El Nacional*. April 22, 2020. [Maduro atacó a Sergio Novelli y lo acusó de mercenario](#).

⁹² *La Patilla*. March 4, 2020. [PoliTáchira detuvo a la periodista Bleima Marquez en San Cristóbal](#).

⁹³ Espacio Público. April 28, 2020. ["Furia Bolivariana" amenazó la casa del periodista Federico Black](#).

⁹⁴ Espacio Público. May 5, 2020. [Amenazan a corresponsal de RT en Venezuela](#).

⁹⁵ Espacio Público. April 8, 2020. [GNB intimida a periodista de Sputnik Mundo en Caracas](#).

⁹⁶ Espacio Público. July 28, 2020. [Amenazan a la periodista Esther Yáñez en la red social Twitter](#).

⁹⁷ Twitter account of VPITV (@VPITV). [June 5, 2020](#).

⁹⁸ IPYS. June 15, 2020. [Reportero de El Bus TV fue coaccionado a borrar fotografías en Trujillo](#).

⁹⁹ IPYS. July 3, 2020. [Amedrentados por trabajo sobre el mes de orgullo LGBT un periodista y Diario Tal Cual](#).

¹⁰⁰ Espacio Público. August 11, 2020. [Sujetos no identificados atacan a la prensa en la sede del partido Acción Democrática](#).

¹⁰¹ Other cases included: On May 8, officials of the Bolivarian National Guard (GNB) detained the host of *La Prensa de Lara*, Rolando Rodríguez, and held him for one hour after he went to fill his vehicle with gasoline at a service station in Barquisimeto, Lara, and used his cell phone to record the moment in which the place was cleared out (Espacio Público. May 10, 2020. [Funcionarios de la GNB detienen a chofer de La Prensa de Lara](#)). A GNB colonel deleted the material recorded by regional TV channel *UniTV* host Pedro García during a routine visit to a service station in Nueva Esparta on May 27 (Espacio Público. May 28, 2020. [Coronel de la GNB intimidó y borró el material del periodista de UniTV](#); IPYS. June 4, 2020. [Periodista neoespartano](#)

73. According to public information, the practice of blocking journalists' access or deleting the files and images of incidents that the authorities did not want publicized continued.¹⁰² For example, police officials in the state of Trujillo (Politrujillo) intimidated the *Palpitar Trujillano* news team as it was covering a lynching on May 19, asking them to leave and to turn over their equipment.¹⁰³ On July 9, a supervisor with the PoliIndependencia in Santa Teresa, Manuel Acevedo, called *La Voz del Tuy* and threatened journalist Jean Carlos Rodríguez, warning the receptionist that he was going to "fuck him up" and "would send Interpol to get him" after the reporter published allegations on Twitter that a council member in detention was being provided with irregular privileges. The IACHR and its Office of the Special Rapporteur were able to establish that Rodríguez has exiled himself from the country due to repeated threats he has received for exercising his profession.¹⁰⁴

74. Likewise, the mayor of Puerto Cabello, Juan Carlos Betancourt, threatened *El Pitazo* correspondent Francisco Chirinos; *Pateando la Calle* journalist Alexandra Rojas; and Modulación 100.3 FM host Juan Vargas for publishing news items linking him to an alleged network that sells public hospital medicines in dollars. "Prepare yourselves, because I am coming for all of you. You're going to have to answer for accusing me without evidence," he said on September 23 on his radio program, where he called Rojas a "psuedo-journalist" and called Chirinos an "asshole."¹⁰⁵

Arbitrary detentions of journalists

75. According to information provided by civil society organizations, between January and August, 135 arbitrary detentions were documented in Venezuela, the majority of journalists, media workers, or common citizens exercising their freedom of expression.¹⁰⁶

[fue obligado a borrar video de cola de gasolina](#)). María Fernanda Bolívar, a journalist with *Todos Ahora*, was intimidated by a GNB official while she was gathering comments from people trying to fill up with gasoline in Anzoátegui on June 3 (Espacio Público. June 4, 2020. [GNB intimidó a la periodista María Bolívar en una estación de servicio](#)). On August 16, two GNB officials harassed and threatened reporter Fabiola Matheus and cameraman Richard Mantilla, with *El Tiempo*, when they tried to report from service stations in Valera, Trujillo. The officials took the journalist's cell phone and deleted the material recorded (Espacio Público. August 26, 2020. [GNB hostigó y amenazó al equipo periodístico del Diario El Tiempo en Valera](#); IPYS. August 31, 2020. [GN eliminó fotografías a periodista de Diario El Tiempo en Valera](#)). Communicator Edecio García Sosa was verbally assaulted by officials with State natural gas distributor Cadigas Barinas S.A. while he recorded the delivery of gas cylinders to a commercial establishment on August 20 (IPYS. August 25. [Comunicador fue amenazado e insultado por funcionarios de empresa estatal de gas en Barinas](#)).

¹⁰² Other cases reported included: Journalists with *Venezolanos por la Información* (VPITV), *Caraota Digital* and *Termómetro Nacional* in the state of Carabobo were intimidated and chased by workers with the State Railways Institute in Guacara on July 14 while reporting on a section of the railway system that was out of service (IPYS. July 19, 2020. [Periodistas en Carabobo fueron perseguidos e intimidados en Guacara](#); IPYS Twitter account (@ipysvenezuela). [July 14, 2020](#)).

¹⁰³ Espacio Público. May 20, 2020. [PoliTrujillo intimidó a equipo periodístico que cubría la fuente sucesos](#).

¹⁰⁴ Espacio Público. July 9, 2020. [Un efectivo de PoliIndependencia amenazó al periodista Jean Carlos Rodríguez](#); *El Nacional*. July 9, 2020. ["Te vamos a joder": amenazan a periodista por denunciar privilegios para una concejal en Valles del Tuy](#); Twitter account of the National Media Workers Union (@sntpvenezuela). [July 9, 2020](#).

¹⁰⁵ IPYS. September 25, 2020. [Alcalde de Puerto Cabello amenazó con acciones legales a periodistas en Carabobo](#); Espacio Público. September 24, 2020. [El alcalde de Puerto Cabello hostigó y amenazó con demandar a periodistas en Carabobo](#).

¹⁰⁶ Espacio Público. September 4, 2020. [Agosto: el uso de la fuerza para silenciar la protesta](#).

76. According to the information received, several journalists were arrested for reporting on fuel shortages in different regions of the country.¹⁰⁷ Some of the more serious cases of which the Office of the Special Rapporteur learned include the April 15 detention of journalist Eduardo Galindo—the director of website *Senderos de Apure*—by the National Anti-extorsion and Kidnapping Command (CONAS). The journalist’s brother and his wife were also detained, and the computers and telephones at his home were confiscated. Galindo’s detention is related to his reporting on fuel shortages in the region. He was released on May 4 after being charged with "dissemination of false information."¹⁰⁸ The CONAS also detained radio host Wilfredo Rodríguez on May 7 for posting on Facebook about irregularities in the sale of gasoline in Delta Amacuro. He was charged with the crime of “insulting a public official” and released five days later, with a requirement that he appear every 30 days.¹⁰⁹

77. On August 31, President Nicolás Maduro granted a pardon to more than 100 political prisoners, legislators, journalists, human rights defenders, healthcare workers, union members, and members of civil society in general, several of which had been convicted or were being criminally processed for exercising their right to freedom of expression. “The goal is to deepen the process of national reconciliation as we go into the electoral process,” stated Minister of Communications Jorge Rodríguez during the televised reading of the clemency order. Those pardoned for judicial proceedings launched in connection with the exercise of freedom of expression include Marco Antoima, Luisa Mimi Arriaga, Elio Mendoza, Tania Rodríguez, Fernando Marcano, Wilmer Quintana, Nicmer Evans, Andrea Sayago, and Rubén González¹¹⁰.

78. The IACHR and its Office of the Special Rapporteur also received information indicating that officials of the Office of Military Counterintelligence (DGCIM) detained NTN24 photojournalist Rafael Hernández on September 1 for taking a photograph of a soldier in Boleíta, Caracas, during coverage of the release of political prisoners following the pardon issued by Nicolás Maduro. The photographer was held for about one hour and had to delete the photograph.¹¹¹

¹⁰⁷ On May 8, GNB officials detained Rolando Rodríguez, a driver for *La Prensa de Lara*, after he recorded a video on his removal from a service station as he tried to fill up his vehicle in Barquisimeto, Lara (Espacio Público. June 4, 2020. [Mayo: confinamiento, intimidación y detenciones](#); Twitter account of *La Prensa de Lara* (@laprensalara). [May 8, 2020](#)). On June 1, GNB officials detained the director of Mérida Tremenda 105.7 FM, Eduard Rojas, after the station broadcast an episode of opinion program *La Prensa* that included an argument recorded between two people and a soldier at a service station in Mérida. Rojas was arrested without a court order, and his relatives reported that he was beaten and taken to the municipality of Tovar. He was released the evening of June 4 (Espacio Público. June 2, 2020. [Funcionarios de la GNB detuvieron al director de Tremenda 105.7 FM](#); Espacio Público. June 5, 2020. [Liberan al locutor Eduard Rojas tras estar más de 48 horas detenido](#)).

¹⁰⁸ *Alberto News*. April 17, 2020. [Más de 48 horas detenido tiene el periodista Eduardo Galindo, quien fue en Apure por efectivos del Conas; Senderos de Apure](#). No date. [APURE: Funcionarios del CONAS se llevaron al periodista Eduardo Galindo para declaraciones](#); CPJ. April 20, 2020. [Venezuelan journalist Eduardo Galindo and family members detained over reporting; Efecto Cocuyo](#). May 4, 2020. [Excarcelan a periodista Eduardo Galindo Peña en Apure](#); Espacio Público. May 6, 2020. [Excarcelan al periodista Eduardo Galindo tras permanecer 19 días detenido](#).

¹⁰⁹ Espacio Público. May 13, 2020. [Excarcelan a locutor detenido por denunciar irregularidades con la gasolina en Delta Amacuro](#).

¹¹⁰ *El País*. September 1, 2020. [Nicolás Maduro otorga el indulto a más de 100 presos políticos y diputados perseguidos](#); *Infobae*. August 31, 2020. [El régimen de Nicolás Maduro anunció el indulto de decenas de dirigentes opositores apresados o exiliados](#); *IPYS*. September 7, 2020. [Trabajadores de la prensa entre las personas anunciadas por Jorge Rodríguez en el “indulto presidencial”](#).

¹¹¹ Espacio Público. September 1, 2020. [Detienen e intimidan a reportero gráfico de NTN24](#); *IPYS*. September 7, 2020. [Reportero gráfico fue detenido y su material borrado mientras cubría liberación de presos políticos](#).

79. The Office of the Special Rapporteur reiterates that Principle 9 of the IACHR's Declaration of Principles on Freedom of Expression establishes: "The murder, kidnapping, intimidation of and/or threats to social communicators, as well as the material destruction of communications media violate the fundamental rights of individuals and strongly restrict freedom of expression. It is the duty of the state to prevent and investigate such occurrences, to punish their perpetrators and to ensure that victims receive due compensation." Likewise, the Office of the Special Rapporteur recalls that the American Declaration enshrines in its Article XXV the right to protection from all arbitrary detention and establishes that "No person may be deprived of his liberty except in the cases and according to the procedures established by pre-existing law."

Obstacles to journalism work during the COVID-19 pandemic

80. Specifically in the framework of the health emergency caused by the COVID-19 pandemic, the IACHR and its Office of the Special Rapporteur received information describing a climate of harassment and detention of journalists and citizens, encouraged by authorities and public officials to obstruct journalism work and the free circulation of information on the impacts of the health crisis in the country and on different vulnerable groups.¹¹²

81. For example, journalists in the state of Mérida described outages and deficiencies in basic services, limits on mobility, cases of censorship, restrictions on access to local information on COVID-19, labor insecurity and salary cuts, and impacts on the health of media workers.¹¹³ Toward the beginning of April, the Caracas chapter of the National Association of Journalists (CNP) had documented 34 journalists attacked by security officials during the first 15 days of quarantine.¹¹⁴

82. Additionally, restrictions on the supply of gasoline affected the mobility of several media outlets. The newspapers *La Prensa de Lara*, *La Calle* in Carabobo, *El Periódico de Monagas*, and *Diario La Nación* in Táchira, plus radio stations *Luz Radio* 102.9 FM in Zulia and *Frenesí* 107.9 FM in Carabobo, had to halt distribution of their main informational products after access to fuel was not

¹¹² Independent journalist Rayber Alvarado was attacked by three civilians who tried to rob him while he was covering the loosening of the quarantine in Caracas, August 12 (Espacio Público. 12 de agosto de 2020. [Sujetos agreden al periodista Rayber Alvarado durante un recorrido en Caracas](#); IPYS. August 13, 2020. [Periodista independiente fue agredido durante intento de robo en Caracas](#)); Espacio Público. February 24, 2020. [Alcaldesa del municipio Mariño en Aragua hostigó a periodista de Crónica Uno](#); Espacio Público. March 9, 2020. [Gobernador del Zulia amenazó a médico por alertar sobre el coronavirus](#); CNP Caracas Twitter account (@CNPCaracas). [March 25, 2020](#); *El Estímulo*, March 25, 2020. [PNB detiene arbitrariamente al periodista Yarnaldo Tovar](#); IPYS. April 9, 2020. [Equipo de La Prensa del Táchira fue detenido por más de cuatro horas](#); Espacio Público. April 9, 2020. [GNB detiene a periodista de La Prensa de Táchira](#); IPYS. April 25, 2020. [Funcionarios públicos limitaron labor informativa de dos periodistas](#); Espacio Público. May 10, 2020. [Impiden el acceso a reportera de Primera Noticia al Hospital de Judibana](#); IPYS. May 12, 2020. Alert from IPYSve | [Periodista fue impedida a ingresar a centro de salud en Falcón](#); Journalist interrogated and threatened, in the end forced to delete the photographs, after which he was let go. Espacio Público. May 24, 2020. [Personal de seguridad detiene a periodista Marialejandra Meléndez](#); Espacio Público. June 3, 2020. [GNB intimidó a reportera gráfica que cubría la militarización del HUM](#); Soldier threatened the journalists with searching their equipment and ordered them to a military facility for an interrogation that never took place.. Espacio Público. June 30, 2020. [Capitán del Ejército amenazó al equipo de VPI en Barquisimeto](#).

¹¹³ IPYS. May 7, 2020. [Mérida: obstáculos y limitaciones a la prensa durante la cuarentena por coronavirus](#).

¹¹⁴ *El Estímulo*. April 3, 2020. [CNP petition agresiones a 34 journalists](#).

guaranteed.¹¹⁵ The lack of fuel also made it difficult for journalists covering events in the streets to do their work.¹¹⁶

83. Ever since the Venezuelan government declared the state of emergency and adopted various measures to prevent the spread of the virus, the country has seen an increase in arbitrary detentions, both of journalists performing their work and citizens or figures in the political opposition raising questions about the State's response to the emergency or protesting at the lack of goods, like fuel.¹¹⁷ According to the information available, dozens of journalists and media workers were detained, and most of them were later subjected to criminal processing. Several reporters were also held temporarily and forced to delete photographs or video to recover their liberty.¹¹⁸ Also, at least 26 people were detained for posts on social media and the WhatsApp messaging application, according to a report from the organization Espacio Público.¹¹⁹

84. Likewise, according to publicly-available information, media workers were at times detained for publicizing information on the coronavirus's impact in the country, and in some cases, for disseminating data that did not match the official data.¹²⁰

85. On April 23, communicator Jesús Hidalgo Rincón was detained by CONAS officials at the offices of Canal Sur TV, in Santa Bárbara, Zulia, for criticizing the situation caused by the

¹¹⁵ IPYS. March 28, 2020. [Cuarentena Social: falta de combustible limita labor informativa de medios regionales](#); *La Prensa*. March 23, 2020. [LA PRENSA HACE UNA PAUSA POR FALTA DE GASOLINA](#).

¹¹⁶ For example, on May 14, a power outage in at least six states in the country affected the operations of digital news outlet *El Correo del Caroní*. Espacio Público. May 14, 2020. [Falla eléctrica afectó la operatividad de El Correo del Caroní](#); IPYS. April 3, 2020. [Periodistas en Carabobo dejaron de reportear desde las calles por falta de combustible](#).

¹¹⁷ On August 8, a Bolivarian National Guard (GNB) official beat and arrested a citizen and confiscated the cell phone he used to photograph the national identification cards of people waiting to fill up at a service station in Catia, Caracas. Espacio Público. August 8, 2020. [GNB golpea y detiene a un ciudadano por grabar en una estación de servicio](#). On August 30, officials of the Regional Police (PoliBarinas) detained four people who were demanding gasoline at a gas station in Barinas. Espacio Público. September 2, 2020. [Detuvieron a cuatro personas por protestar por gasolina en Barinas](#). Officials of the Bolivarian National Police attacked several people after they spent several days waiting and protesting to demand fuel at a service station in Tinaco, Cojedes. Two people were detained for "upsetting the public order" and "obstructing a public road" (Espacio Público. August 30, 2020. [Funcionarios de la PNB agreden y detienen a ciudadanos por protestar](#)). On September 3, a GNB official detained a citizen for two hours for protesting at a service station in Santa Teresa del Tuy, Miranda (Espacio Público. September 3, 2020. [Detienen a ciudadano por reclamar en estación de servicio](#)).

¹¹⁸ *Efecto Cocuyo*. April 16, 2020. [14 trabajadores de la prensa detenidos en primer mes de cuarentena, dice Ipys-Venezuela](#); IPYS. April 25, 2020. [Prevalecen ataques a periodistas y medios durante la cuarentena](#); Espacio Público. July 3, 2020. [Junio: las detenciones elevaron la curva](#).

¹¹⁹ *El Impulso*. June 11, 2020. [ONG Espacio Público registra 26 detenciones por "mensajes de odio" durante la cuarentena](#).

¹²⁰ CPJ. March 18, 2020. [Venezuelan authorities arrest, threaten journalists reporting on COVID-19](#); IPYS. March 16, 2020. [COVID-19: La información no es el virus](#); *Tal Cual*. April 16, 2020. [Excarcelado periodista Arnaldo Sumoza tras 24 horas de detención por grabar protesta](#); CPJ. March 22, 2020. [Venezuelan journalist arrested by special forces following coronavirus coverage](#); SNTP Twitter account (@sntpvenezuela). [March 22, 2020](#); Espacio Público. March 24, 2020. [Imputaron al periodista Darvinson Rojas por delitos de la «ley» del odio](#); *El Nacional*. April 2, 2020. [Liberan a periodista Darvinson Rojas tras 12 días detenido](#); *Efecto Cocuyo*. [Excarcelan a periodista Darvinson Rojas después de 13 días de prisión](#); IPYS. April 3, 2020. [Detenciones arbitrarias caracterizaron la segunda semana de cuarentena](#); *Infobae*. March 24, 2020. [El régimen chavista detuvo a una periodista por informar sobre un nuevo caso de coronavirus en Venezuela](#); *Tal Cual*. March 24, 2020. [Detienen a directora de La Verdad de Vargas por publicar información de casos de covid-19](#); SNTP Twitter account (@sntpvenezuela). [March 24, 2020](#).

coronavirus. He was released the next day.¹²¹ The director and host of *Radio Criolla 92.9 FM*, José Galindo, was detained by CONAS on May 12 in San Fernando, Apure. The broadcaster was closed by Conatel in 2019.¹²²

86. Luisa Mimi Arriaga, a journalist and the coordinator of the website *800Noticias*, was detained on June 18 by officials with the Scientific, Criminal, and Forensic Investigations Unit (CICPC) at her residence in El Hatillo, Miranda.¹²³ On June 20, the journalist Marco Antoima was detained in the context of the same investigation for allegedly using anonymous accounts on social media to incite hate. On June 22, they were brought before the 47th Control Court of the Metropolitan Area of Caracas, where they were charged with crimes codified in the "anti-hate law" and ordered placed under house arrest, banned from leaving the country, and prohibited from issuing comments through the media that incite hate or are disrespectful.¹²⁴

87. Also, Carolina Villanueva, a reporter with *Noticias 24 Mundo*, was detained on July 6 while traveling on public transportation and held for more than three hours. Police officials from the municipality of Zamora took her identification card and forced her to exit the vehicle, saying media workers were not among the priority workers with permission to travel.¹²⁵

88. On July 13, DGCIM and CICPC officials searched the residence of political scientist, journalists, and opposition politician Nícmér Evans and detained him. They also held his family for several hours. On July 17, the 21st Trial Court of the Metropolitan Area of Caracas ordered him placed in pretrial detention for alleged "incitement of hate." Evans, the director of website *Punto de Corte*, was accused of having made a comment on Twitter regarding some *chavista* politicians infected with COVID-19.¹²⁶

89. The photography coordinator of website *Crónica Uno*, Gleybert Asencio, was detained along with other media workers by GNB and PNB officials while reporting from Hotel La Palmera in Los Caobos, Caracas, on July 15 on reports from neighbors who said the hotel was housing COVID-19 patients. The team was held for more than two hours for allegedly not having

¹²¹ Espacio Público. April 24, 2020. [Detienen a locutor por criticar la situación derivada por el Coronavirus](#).

¹²² Espacio Público. May 15, 2020. [Funcionarios del Conas detuvieron al locutor José Galindo](#).

¹²³ On July 7, CICPC officials detained Arriaga—she was under house arrest—allegedly because the journalist still had an open arrest warrant in the police's system. She was taken to the CICPC station in Parque Carabobo and remained there until her lawyers could come with the document that ordered her placed in house arrest. Espacio Público. July 8, 2020. [Cicpc detuvo nuevamente a la periodista Mimi Arriaga](#)

¹²⁴ Espacio Público. June 20, 2020. [Funcionarios del Cicpc detuvieron a la periodista Mimi Arriaga](#); IPYS. June 22, 2020. [Dos periodistas fueron detenidos en menos de 40 horas en Caracas](#).

¹²⁵ IPYS. July 7, 2020. [Dos periodistas detenidas en menos de 48 horas en Caracas y Miranda](#); Espacio Público. July 4, 2020. [Privan de libertad a productora por grabar la detención de un chef](#).

¹²⁶ *Punto de Corte*. July 17, 2020. [#Ahora | Tribunal del régimen dictó privación preventiva de libertad contra Nicmer Evans por "instigación al odio"](#); *El País*. July 13, 2020. [Detenido el activista opositor venezolano Nícmér Evans](#); *El Nacional*. July 13, 2020. [Nicmer Evans anunció la liberación de su esposa](#); CPI. July 22, 2020. [Las autoridades venezolanas acusan a dos periodistas y detienen a uno de ellos por delitos contemplados en la ley 'contra el odio'](#).

"authorization" to report and was threatened with imprisonment if it happened again.¹²⁷ On July 31, DGCIM officers arrested *Correo del Caroní* photographer William Urdaneta while he took photos of traffic on an avenue in Ciudad Guayana, Bolívar, to document the effects of the intensification of the quarantine. He was released one hour later without his phone or camera memory, which were confiscated by the officials.¹²⁸

90. In addition to the journalists arrested while working, dozens of people have been arrested for expressing criticism or issuing denunciations on social media related to the government's management of the health crisis.¹²⁹

91. The IACHR and its Office of the Special Rapporteur observed that health personnel also faced arbitrary detentions for raising questions about the situation of the healthcare system or criticizing the authorities. According to figures from Médicos Unidos de Venezuela, at least 12 doctors and nurses were detained for making public statements about the coronavirus.¹³⁰

92. On April 6, PNB officials arrested Luis Serrano, the coordinator of the NGO Redes Ayuda, as he was receiving medical supplies at his residence in the neighborhood of San Bernardino, Caracas. Serrano said the organization was donating supplies including facemasks, gloves, and antibacterial gel to social communicators who had to continue their work during the coronavirus pandemic.¹³¹ On June 24 in Barquisimeto, Lara, attorney Eva Leal was arbitrarily attacked and detained, then taken to a GNB facility. She needed five stitches on her forehead from the injury she

¹²⁷ IPYS. July 16, 2020. [Equipo reporteroil de Crónica Uno fue detenido por más de dos horas en Caracas](#); SNTP Twitter account (@sntpvenezuela). [July 15, 2020](#).

¹²⁸ Correo del Caroní Twitter account (@correodelcaroni). [July 31, 2020](#).

¹²⁹ Reuters. March 25, 2020. [As coronavirus hits Venezuela, Maduro further quashes dissent](#); Espacio Público. April 21, 2020. [Detienen a abogado en Yaracuy por opinar en las redes sociales](#); *Así es Margarita*. April 28, 2020. [Dictan privativa de libertad al profesor Fernando Marciano tras quejas en RRSS sobre el país](#); *El Nacional*. April 28, 2020. [Profesor universitario criticó al régimen en sus redes sociales y fue detenido por el Conas](#); Espacio Público. May 10, 2020. [GNB detiene a ciudadano por expresarse en redes sociales](#); Espacio Público. June 4, 2020. [Detenido empleado de Insopesca por expresar inconformidad en el aumento de alimentos](#); Provea. May 23, 2020. [Provea exige la libertad inmediata del sindicalista Darío Salcedo](#); Espacio Público. July 4, 2020. [Excarcelan al trabajador de Insopesca tras casi dos meses detenido](#); Espacio Público. May 28, 2020. [Excarcelado joven con discapacidad cognitiva detenido por protestar en Barquisimeto](#); Reuters. March 25, 2020. [As coronavirus hits Venezuela, Maduro further quashes dissent](#); CPJ. March 18, 2020. [Venezuelan authorities arrest, threaten journalists reporting on COVID-19](#); Espacio Público. August 3, 2020. [Cicpc detiene a un ciudadano por grabar carro de bomberos empujado](#); Espacio Público. August 6, 2020. [Excarcelan al ciudadano Deivis Pacheco bajo régimen de presentación](#).

¹³⁰ *The New York Times*. August 19, 2020. [Venezuela enfrenta al coronavirus con la fuerza de sus agentes de seguridad](#); *France24*. August 10, 2020. [Médicos y enfermeros en Venezuela son detenidos y amenazados tras protestar por falta de insumos](#); Twitter account of Javier Mayorca (@javiermayorca). [May 28, 2020](#); *Efecto Cocuyo*. May 27, 2020. [Detenida médico en Cabimas por publicar foto contra Maduro en sus redes sociales](#); IPYS. March 24, 2020. [Imputaron por incitación al odio a dirigente de salud en Monagas](#); Twitter account of Espacio Público (@espaciopublico). [March 22, 2020](#); Reuters. March 25, 2020. [As coronavirus hits Venezuela, Maduro further quashes dissent](#); Espacio Público. April 7, 2020. [Detienen a bioanalista por publicar posible caso de Coronavirus](#).

¹³¹ *Tal Cual*. April 6, 2020. [PNB detuvo brevemente al coordinador de Redes Ayuda al recibir insumos para el covid-19](#);

Espacio Público. April 7, 2020. [PNB detiene a coordinador de la ONG Redes Ayuda](#).

suffered in the attack.¹³² The next day, she was brought before a military Tribunal and then released on the condition that she present herself regularly.¹³³ On June 25, a DGCIM official detained Javier Gorriño, the director of citizen security for the Office of the Mayor of El Hatillo, and Sergio González, the director of the Municipal Police of El Hatillo. The detention took place after Gorriño posted on Twitter that he had not been able to disperse a party—held in the Los Naranjas neighborhood, in violation of the quarantine—because of the presence of the presidential guard.¹³⁴

Social protest in the context of the pandemic

93. The social, political, and economic crisis, worsened by the COVID-19 pandemic and shortages in basic services and goods, has led to a rise in citizen protest throughout the country.¹³⁵ During the first half of 2020, the Observatorio Venezolano de Conflictividad Social (OVCS), documented 4,414 protests, an average of 25 per day. According to the organization, Táchira topped the list with 488 protests, followed by Mérida with 454. Miranda (355), the Capital District (349), and Anzoátegui (304) were also near the top of the list of the states with the most conflict.¹³⁶ The human rights defense organizations Foro Penal and PROVEA documented at least 214 persons detained and at least four dead and the context of the protests reported between January and September demanding restoration of public services.¹³⁷

94. In this context, the Office of the Special Rapporteur received information on the disproportionate use of force by police and military officials to repress protests, as well as on situations in which journalists and media workers were prevented from reporting on demonstrations. According to the Observatorio Venezolano de Conflictividad Social, during the first half of 2020, 221 protests were repressed by State security forces and paramilitary *colectivos*, with 129 people detained, 62 injured, and two demonstrators murdered, allegedly because the GNB used firearms.¹³⁸

95. Regarding the limiting of journalism work during social protests, on March 12, *La Prensa de Táchira* journalist Jonathan Useche was intimidated by GNB officials, who took his cell phone and deleted the material he had recorded on it while at a protest over the lack of fuel on Antonio José

¹³² *Efecto Cocuyo*. June 24, 2020. [Abogada Eva Leal permanece detenida en la GNB en Barquisimeto; El Carabobeño](#). June 24, 2020. [La abogada Eva Leal agredida por la GNB será juzgada por un tribunal militar](#).

¹³³ *NTN24*. June 25, 2020. [Excarcelan a la abogada Eva Leal tras ser presentada ante un tribunal militar](#)

¹³⁴ *Espacio Público*. June 25, 2020. [Dgcim detuvo al director de Seguridad de El Hatillo tras publicar que Maduro estaba en una fiesta](#); *Tal Cual*. June 25, 2020. [Detenido director de Seguridad Ciudadana de El Hatillo tras alertar sobre 'coronafiesta'](#).

¹³⁵ *El Diario*. September 23, 2020. [Protestas en pleno apogeo por falla en los servicios básicos venezolanos](#).

¹³⁶ Observatorio Venezolano de Conflictividad Social. July 17, 2020. [Conflictividad Social en Venezuela durante el primer semestre 2020](#); Observatorio Venezolano de Conflictividad Social. [Conflictividad social](#). July 2020.

¹³⁷ *Efecto Cocuyo*. September 26, 2020. [Al menos cuatro personas muertas y 214 detenidas durante protestas en lo que va de 2020](#).

¹³⁸ Observatorio Venezolano de Prisiones. July 17, 2020. [Conflictividad Social en Venezuela durante el primer semestre 2020](#); Observatorio Venezolano de Conflictividad Social. [Conflictividad social](#). July 2020.

de Sucre Avenue.¹³⁹ GNB officials forced *La Verdad de Vargas* journalist Luis López to delete the material he had recorded during a protest by doctors on Soublette de La Guaira Avenue in Vargas.¹⁴⁰ Journalist Carol Romero was detained by the GNB while covering a protest over fuel shortages in Junquito,¹⁴¹ and on April 15, the journalist Arnaldo Sumoza was detained while covering a protest over the lack of water in Guárico.¹⁴² Henderson Maldonado, a human rights defender and member of the NGO Movimiento Vinotinto, was detained after filming a protest by renal patients and healthcare personnel outside GNB Precinct 121 in Barquisimeto, Lara, where they demanded access to fuel.¹⁴³ Journalists Ricardo Tarazona, of *Qué pasa en Venezuela*, Astrid Pérez Dudamel, of *Noticias Yaracuy*; Luis Rodríguez, of *El Impulso*; and Anthony Mujica of *Radio Hispana 89.5 FM*, were attacked with teargas bombs by the state police while covering the protests taking place on September 26 in the municipality of Independencia, Yaracuy.¹⁴⁴ In Anzoátegui, on October 8, GNB officials chased *Todos Ahora* correspondent Lucelys Rodríguez after she covered a fuel protest on Intercomunal Avenue in the municipality of Diego Bautista Urbaneja. The reporter took refuge in a local shop and only came out once the soldiers had left.¹⁴⁵ Other cases follow the same pattern.¹⁴⁶

96. The Office of the Special Rapporteur recalls that, in accordance with the Joint declaration on violence against journalists and media workers in the context of protests, “Attacks against journalists who cover these events violate both the individual aspect of freedom of expression—insofar as they prevent journalists from exercising their right to seek and disseminate information, and creates a chilling effect—as well as its collective aspect—in that they deprive society of the right to know the information that journalists obtain. The Offices of the Special Rapporteurs have thus acknowledged that, given the importance of the work done by journalists who cover these events, the State must afford them the highest degree of protection in order for them to perform their duties. This obligation is not limited to granting specific protective measures to journalists; it also

¹³⁹ IPYS. March 26, 2020. [Dos reporteros en Táchira fueron atacados por las fuerzas públicas.](#)

¹⁴⁰ Espacio Público. May 13, 2020. [GNB obligó a periodista a borrar material de una protesta de médicos en Vargas](#); IPYS. May 16, 2020. [Periodista fue coaccionado a borrar material informativo en La Guaira.](#)

¹⁴¹ Espacio Público Twitter account (@espaciopublico). [June 5, 2020](#); Espacio Público. June 5, 2020. [Excarcelan a Carol Romero tras permanecer más de 30 horas detenida](#); CPI. June 11, 2020. [Venezuelan journalist Carol Romero arrested while reporting on gasoline protests.](#)

¹⁴² *Tal Cual*. April 16, 2020. [Excarcelado periodista Arnaldo Sumoza tras 24 horas de detención por grabar protesta.](#)

¹⁴³ Runrunes. April 1, 2020. [Henderson Maldonado, detenido por acompañar y documentar una protesta.](#)

¹⁴⁴ Espacio Público. September 26, 2020. [Efectivos de seguridad agreden a la prensa en Yaracuy.](#)

¹⁴⁵ IPYS. October 8, 2020. [Efectivos de la GNB persiguieron a la corresponsal de Todos Ahora en Anzoátegui.](#)

¹⁴⁶ GNB officers blocked *El Tigrense* reporter Virginia Serrano and *Radio Fe y Alegría* reporter Shiley Gómez from covering a protest in El Tigre, Anzoátegui, on June 5 (IPYS. June 10, 2020. [Efectivos militares impidieron labor de periodistas en El Tigre](#)). The PNB prevented several journalists in Maracay, Aragua, from covering a demonstration of pensioners and retirees in the city's Bicentennial Plaza on July 23 (IPYS. July 27, 2020. [PNB impide a periodistas cubrir protesta de pensionados y jubilados en Maracay](#)). An official with the Bolivarian National Guard (GNB) intimidated *Venezolanos por la Información* (VPITV) journalist Mariangel Moro and cameraman Jesús Fonseca while they were covering a protest in Acarigua, Portuguesa, on September 28. The soldier recorded the reporting team while they were working, along with the citizens making statements about the situation of fuel shortages in the region (Espacio Público. September 30, 2020. [Funcionario de la GNB intimidó al equipo de VPITV en Portuguesa](#)). On October 10, photographer Elena Fernández was detained by Carabobo Police officials were covering a demonstration by area cyclists. (Venezolana de Prensa Twitter account (@VENPRENSA) [October 10, 2020](#); IPYS. October 16, 2020. [Detenida fotógrafa en manifestación de ciclistas carabobeños](#)). A GNB soldier recorded and pursued journalists working for *Venezolanos por la Información* (VPITV), *Caraota Digital* and *Voces de la Ciudad FM* while they covered a protest on Bolívar Plaza on October 13 (Espacio Público. October 14, 2020. [Funcionario de la GNB intimidó a periodistas durante protesta en Mérida](#)).

includes the duty to create the necessary conditions to mitigate the risks of practicing their profession in such situations.”

97. In September, protests in different states throughout Venezuela intensified due to the economic crisis and the shortages in resources and services affecting the country. According to the information received, some of the demonstrations were repressed through the use of excessive force by State security agents.¹⁴⁷

Subsequent liability

98. Roland Carreño, a journalist and coordinator with Voluntad Popular, the opposition party of Leopoldo López, was arrested by the Bolivarian National Police on October 26. The Fourth State Trial Oversight Court with National Jurisdiction and competence on cases related to crimes associated with terrorism charged him with the crimes of conspiracy, illicit trafficking in weapons of war and munitions, and financing of terrorism. As “preliminarily” stated by Attorney General Tarek William Saab on his Twitter account, the investigations allegedly indicated that Carreño provided “weapons of war and cash to certain subjects to promote violent actions on the national territory.” He is also accused of coordinating “financing for the logistics used in the plan for Leopoldo López’s escape from the Spanish embassy in Venezuela.” Multiple human rights defense organizations and politicians who oppose the Nicolás Maduro administration have denounced the arrest as irregular and motivated by Carreño’s political activities. The journalist was held for more than 24 hours without contact with lawyers or family, and nobody knew his whereabouts until the authorities announced his arrest.¹⁴⁸

¹⁴⁷ Later, on May 18, officials with the Office of Intelligence and Preventative Strategies (DIEP) detained two people during a protest over shortages of water, natural gas, and electricity service problems in Barquisimeto, Lara. Humberto Eduardo Moreno and José Gregorio Hernández were charged with resisting authority (Espacio Público. May 20, 2020. [Detienen a dos ciudadanos por protestar en Barquisimeto](#)).

Other relevant cases documented by the Office of the Special Rapporteur include: *El Pitazo*. August 17, 2020. [Privados de libertad los seis detenidos en protestas para exigir gasolina en Margarita](#); *El Nacional*. August 17, 2020. [Detuvieron a seis personas en Margarita por protestar por la falta de gasolina](#); Espacio Público. August 16, 2020. [Dictan privativa de libertad a seis personas por protestar en Nueva Esparta](#); Espacio Público. August 27, 2020. [Excarcelan a 13 personas que protestaron por falta de combustible](#); *Tal Cual*. September 16, 2020. [Más de 10 personas detenidas dejó segunda noche de protestas en Zulia](#); Espacio Público. September 16, 2020. [GNB detuvo a 12 personas que exigían energía eléctrica en el Zulia](#); Espacio Público. September 24, 2020. [Detuvieron a ocho personas tras protestar por las fallas en los servicios públicos en Yaracuy](#); *Tal Cual*. September 26, 2020. [Jornada de protestas en Yaracuy culmina con represión y al menos 31 arrestos](#); *El Diario*. September 26, 2020. [Yaracuy, foco de protestas por descontento social y represión desmedida](#); *Infobae*. September 26, 2020. [Cuarto día de protestas y represión en el estado venezolano de Yaracuy: un alcalde chavista amenazó con “marcar a la gente” que salga a las calles](#); *El Sol de Margarita*. September 28, 2020. [Manifestaciones por gasolina dejan a 23 personas detenidas en Nueva Esparta](#); Espacio Público. September 29, 2020. [Más de 20 personas fueron detenidas en Nueva Esparta durante las protestas](#); *Aporrea*. October 5, 2020. [Alcalde de Caripito rechaza protesta de educadores: “El que no está con el Gobierno que renuncie”](#); Espacio Público. October 4, 2020. [Alcalde Carlos Rojas amenaza a los docentes si protestan](#); Twitter account of José Luis Pirela (@joseluispirelar). [October 19, 2020](#); Colegio Nacional de Periodistas de Venezuela. October 26, 2020. [Excarcelan a tres ciudadanos que habían sido detenidos por protestar](#).

¹⁴⁸ DW. October 28, 2020. [Gobierno de Venezuela confirma detención de Roland Carreño](#); SNTP (@sntpvenezuela). [October 28, 2020](#); *Panorama*. October 27, 2020. [Oposición denuncia el arresto del periodista Roland Carreño](#).

Censorship of journalism material/prior restraint/direct or indirect censorship

99. According to reviews conducted by social organizations, between January and August 2020, approximately 11 broadcasters were closed by Conatel. For example, officials from the organization took the broadcaster *Kariñosa* 106.1 FM—located in Guanipa, Anzoátegui—off the air on April 7.¹⁴⁹ On May 15, Conatel ordered the closure of *Rumbera* 106.9 FM in Valles del Tuy, Miranda. According to radio station president Eliú Ramos Ortega, the closure was in retaliation for the diversity of ideas and opinions broadcast, as all the station's documentation was up-to-date.¹⁵⁰ On July 31, *Pura Candela* 93.3 FM—based in Carúpano, Sucre—was shut down. Officials from the State entity went to the radio station accompanied by members of the National Guard, presented a court order, and confiscated all the electronic equipment. The closure took place two weeks after the detention of a journalist with the radio station, Otilio Rodríguez, for posting reports on the broadcaster's social media of the illegal sale of gasoline.¹⁵¹

100. Conatel took down Portuguesa-based internet newspaper *Última Hora* on May 14. Miguel Villavicencio, its director, said Conatel had suspended the website's hosting and domain provider on allegations that it had not complied with fee increases, without giving it a chance to rectify the situation.¹⁵²

101. News program "De Frente," broadcast on *Roscio TV*, was taken off the air on May 15. According to its host, journalist Víctor Hugo Donaire, the channel director told him that the decision to take his program off the air was in response to alleged pressure from the government of Guárico.¹⁵³ The opinion program of journalist Vladimir Villegas, *Vladimir a la 1*, broadcast by news channel *Globovisión*, was taken off the air on May 27. According to the journalist, the decision to end the program was in response to pressure from the national government.¹⁵⁴ Journalist Reyes Theis alleged that the website of *El Nacional* censored an interview he conducted with former Petroleum Minister and former president of *Petróleos de Venezuela S.A (PDVSA)* Rafael Ramírez. The interview was published on the newspaper's website on June 7, but hours later had been taken down.¹⁵⁵

102. Additionally, the IACHR and its Office of the Special Rapporteur were able to ascertain that the mayor of Barbacoas, municipality of Urdaneta, Aragua, Antonio Lugo, fired the director of radio station *El Cantar Revolucionario* 98.3 FM, Ramón González, and ordered the station

¹⁴⁹ Espacio Público. April 8, 2020. [Conatel deja fuera del aire a Kariñosa 106.1 FM en Anzoátegui.](#)

¹⁵⁰ Espacio Público. May 15, 2020. [Conatel cerró la emisora Rumbera 106.9 FM en los Valles del Tuy.](#)

¹⁵¹ Colegio Nacional de Periodistas. August 3, 2020. [Conatel cierra la emisora Pura Candela 93.3 FM](#); Efecto Cocuyo. July 31, 2020. [Conatel cierra este #31Jul la emisora Pura Candela 93.3 de Carúpano.](#)

¹⁵² Espacio Público. May 20, 2020. [Conatel deja fuera del aire el portal Última Hora de Portuguesa.](#)

¹⁵³ Espacio Público. May 19, 2020. [Suspenden el programa "De Frente" transmitido por Roscio TV.](#)

¹⁵⁴ Twitter account of Vladimir Villegas (@vladialacarta). [May 26, 2020](#); Espacio Público. May 26, 2020. [Vladimir a la 1 sale del aire por presiones del Gobierno de Maduro.](#)

¹⁵⁵ IPYS. June 15, 2020. [El Nacional Web removió entrevista a Rafael Ramírez](#); Twitter account of Reyes Theis (@reyestheis). [June 7, 2020](#); Twitter account of the Sindicato Nacional de la Prensa (@sntpvenezuela). [June 7, 2020.](#)

closed. This took place one day after the son of the radio station director, seminarian Anthony González, alleged during a broadcast that the municipality had an ambulance shortage.¹⁵⁶

103. On October 11, officials with the National Telecommunications Commission (Conatel) and the Director of Military Counterintelligence seized radio broadcaster *Médano* 95.5 FM in the city of Coro, Falcón, and opened an administrative proceeding against it because it was allegedly operating without a license and did not have documentation indicating it provided services as a radio broadcaster. The owner of the radio station, Fito Aref, told the officials that the requested documentation has for two years been at Conatel headquarters in Caracas, waiting for renewal of the concession. He called the incident "political harassment" because he offered airtime to candidates who oppose *chavismo*.¹⁵⁷

104. Article 13(2) of the American Convention explicitly states that the exercise of freedom of expression cannot be subjected to prior restraint. Additionally, principle 5 of the Declaration of Principles on Freedom of Expression establishes that, "Prior censorship, direct or indirect interference in or pressure exerted upon any expression, opinion or information transmitted through any means of oral, written, artistic, visual or electronic communication must be prohibited by law. Restrictions to the free circulation of ideas and opinions, as well as the arbitrary imposition of information and the imposition of obstacles to the free flow of information violate the right to freedom of expression."

Access to public information

105. According to reports from a number of local organizations, since the COVID-19 pandemic reached Venezuela, the government has provided little information on the impact of the disease, the number of people infected, and the status of the healthcare system. For example, they did not provide details on testing for potential cases of COVID-19 or the status of the patients diagnosed with it. Neither was specific and detailed information released on the status of healthcare centers in terms of their ability to handle the high number of patients. Additionally, social organizations and the news media faced enormous difficulties accessing information on the impact of the pandemic. According to the NGO Espacio Público, the circulation of unconfirmed and confusing information on the illness and its gravity was accentuated in the case of Venezuela "by threats and indirect restrictions from the national government, which, far from dispelling rumors and providing assurances, increased uncertainty due to the paucity of official information."¹⁵⁸

Internet and freedom of expression

¹⁵⁶ IPYS. October 22, 2020. [Alcalde de Aragua despidió a director de emisora y posteriormente ordenó su cierre](#); *Crónica Uno*. October 19, 2020. [Alcalde de Barboacas cierra emisora de radio luego de denuncia por la falta de ambulancias en el municipio](#).

¹⁵⁷ *El Pitazo*. October 14, 2020. [Guachimán Electoral | Conatel incauta equipos a emisoras que respaldan a disidentes del chavismo](#); Colegio Nacional de Periodistas. October 26, 2020. [Conatel incautó equipos de la emisora Médano 95.5 FM](#).

¹⁵⁸ Espacio Público. March 20, 2020. [Coronavirus en Venezuela: más preguntas que respuestas](#).

106. Several sites on the response to the coronavirus pandemic and intended to provide support and information—such as the website *Héroes de la Salud*, created by Juan Guaidó’s office to provide monthly economic assistance to healthcare personnel—were frequently attacked and blocked, making access difficult for users of State ISP Compañía Anónima Nacional Teléfonos Venezuela (CANTV).¹⁵⁹ Numerous media outlets suffered similar attacks on their websites.¹⁶⁰ On April 1, the website of the Observatorio Venezolano de la Justicia was suspended, allegedly because its content had been reported.¹⁶¹ On April 22, the website of the National Assembly was blocked by CANTV after it posted information on the COVID-19 situation in Venezuela. This was the third time the National Assembly’s website had been blocked in the context of the pandemic.¹⁶² On May 7, Twitter users reported that the telephone service of state telecommunications provider Movilnet was down nationwide.¹⁶³ State ISP CANTV and private company Inter blocked access to the website *Runrun.es* on May 15. The organization Internet Ve Sin Filtro warned of the block, noting that it was a domain name system (DNS) restriction.¹⁶⁴ The websites of NGO Caracas Mi Convive and its coordinator, Roberto Patiño, were blocked by Venezuela’s main internet providers on May 18.¹⁶⁵

107. On May 31, access to YouTube and Instagram were restricted during a special online session of the Legislative Assembly. The DNS blocking, reported by VE sin Filtro and Netblocks, and corroborated by IPYS Venezuela, lasted for more than one hour and restricted users connected through CANTV internet service.¹⁶⁶ The Internet service provider blocked YouTube and Periscope during the forum "Transition in Venezuela is possible," an event promoted by the Guaidó administration.¹⁶⁷ On July 1, telecom company Movistar applied a DNS block to the alternate web domain of news site *albertonews.com*. The website’s main domain was blocked by the major Internet service providers on April 1.¹⁶⁸ Digital news website *El Diario* suffered a DDoS attack lasting more than 10 hours on July 26.¹⁶⁹ Digital news website *Efecto Cocuyo* was blocked by State ISPs CANTV and Movilnet on October 3. It has been blocked repeatedly since the pandemic quarantine began.¹⁷⁰

108. Internet monitoring organization VeSinFiltro reported that on October 10 and 11, Compañía Anónima Nacional Teléfonos de Venezuela (CANTV) once again blocked 30 websites that had stopped functioning for the majority of the country following a fire at the company’s facilities in Chacao. According to VeSinFiltro, the block mostly affected media outlets, including *Efecto Cocuyo*,

¹⁵⁹ Twitter account of VE sin Filtro (@vesinfiltro). [April 28, 2020](#); Ve Sin Filtro. April 27, 2020. [Informe Preliminar: Phishing del gobierno de Maduro contra plataforma Héroes de la Salud](#); Espacio Público. April 16, 2020. [Cantv y Movistar bloquean la web del programa Teleconsultas](#).

¹⁶⁰ *El Pitazo*. August 15, 2020. [Medios de comunicación surfean la ola de bloqueos digitales](#).

¹⁶¹ Twitter account of Acceso a la Justicia (@AccesoJusticia). [April 1, 2020](#).

¹⁶² Espacio Público. April 23, 2020. [Cantv vuelve a bloquear el portal web de la AN sobre el Coronavirus](#).

¹⁶³ *El Nacional*. May 7, 2020. [Reportan caída de la señal de Movilnet en toda Venezuela: “Terminó de morir”](#).

¹⁶⁴ Espacio Público. May 18, 2020. [Cantv e Inter bloquean el acceso al portal de noticias Runrun.es](#).

¹⁶⁵ Espacio Público. May 19, 2020. [Bloquean la web de la ONG Caracas MI Convive](#).

¹⁶⁶ IPYS. June 4, 2020. [Prevalecen violaciones a los derechos digitales en medio de la pandemia](#).

¹⁶⁷ IPYS. June 19, 2020. [Cantv bloqueó Youtube y Periscope en medio de evento de Juan Guaidó](#).

¹⁶⁸ Espacio Público. July 1, 2020. [Movistar bloqueó el dominio alternativo del portal AlbertoNews](#).

¹⁶⁹ Twitter account of El Diario (@eldiario). [July 26, 2020](#); IPYS. July 27, 2020. [Portal de El Diario sufrió ataque DDoS](#).

¹⁷⁰ IPYS. October 7, 2020. [Cantv y Movilnet aplicaron bloqueo HTTP a Efecto Cocuyo](#).

Aporrea, El Universal, Armando.info, Caraota Digital, El Nacional, La Patilla, Diario 2001, and Globovisión. Also blocked was the communications website of the National Assembly presided over by Juan Guaidó.¹⁷¹

Other relevant situations

109. On September 7, the Special Action Forces (FAES) searched the headquarters of NGO Acción Solidaria and arrested eight members of its Humanitarian Action Program for allegedly "selling expired medicines." "A group of FAES officials burst into the headquarters of Acción Solidaria in a procedure regarding which we have no information or understanding of its motives or purposes," said Feliciano Reyna, a representative of the NGO and a human rights defender, on his social media accounts. The eight people detained were released.¹⁷²

110. The IACHR and its Office of the Special Rapporteur were also informed that on October 12, officials with the Bolivarian National Intelligence Service (SEBIN) searched the home of *Correo del Caroní* director David Natera Febres, detaining him and then interrogating him at SEBIN headquarters in San Félix. The search warrant was handed down by the Special Trial Oversight Court with competence in crimes related to terrorism, Judge Carol Padilla presiding, although the police officers did not explain the reasons for the measure.¹⁷³ October 14, SEBIN officials searched the offices of digital news outlet *15 Minutos*, in Caracas, with the search order issued by Judge Padilla. The officers seized computers and equipment, and closed the office. The digital media outlet indicated on its social media accounts that it did not know the reasons for the procedure. David Natera, the owner of *15 minutos*, is the son of the owner of *Correo del Caroní*, who was detained on October 12.¹⁷⁴ On October 20, the SEBIN searched the headquarters of *Correo del Caroní*, in Puerto Ordaz, Bolívar. The newspaper's editor, Clavel Rangel, called it an "arbitrary, illegal, and unjust [action] against freedom of the press and expression." Again, the reasons for the operation were not known. The Sindicato Nacional de Trabajadores de la Prensa, Espacio Público, IPYS, PROVEA, and other human rights defense organizations called these actions attacks on freedom of expression and on the journalism work of one of the leading media outlets in Bolívar. They also said they did not know the reasons for the searches.¹⁷⁵

B. Poverty and ESCER

¹⁷¹ VESINFILTRO. October 12, 2020. [30 nuevos eventos de bloqueo: CANTV reactiva bloqueos HTTP](#); Espacio Público. October 15, 2020. [VeSinFiltro denunció la reactivación del bloqueo a 30 sitios web](#).

¹⁷² *El Pitazo*. September 7, 2020. [Faes liberan a detenidos de Acción Solidaria este #7Sep](#); *Infobae*. September 7, 2020. [Las FAES del régimen chavista allanaron la sede de la ONG venezolana Acción Solidaria y secuestraron a seis de sus miembros](#); Espacio Público. September 9, 2020. [FAES detuvo a miembros del equipo de Acción Solidaria](#).

¹⁷³ *Efecto Cocuyo*. October 20, 2020. [Sebin allana vivienda de director del Correo del Caroní #12Oct](#).

¹⁷⁴ *15 minutos*. October 14, 2020. [Régimen de Maduro allana oficina de 15minutos.com en Venezuela](#); *Efecto Cocuyo*. October 14, 2020. [Sebin allana oficinas del portal 15minutos.com este #14Oct](#).

¹⁷⁵ *Efecto Cocuyo*. October 20, 2020. [Sebin allana seat del Correo del Caroní este #20Oct](#); *Correo del Caroní*. October 13, 2020. [Sebin allanó residencia y detuvo arbitrariamente a director del Correo del Caroní](#); *Espacio Público*. October 14, 2020. [SEBIN allanó vivienda de director del diario Correo del Caroní](#); *Tal Cual*. October 20, 2020. [Cuerpos de seguridad allanan sede del Correo del Caroní, en Bolívar](#).

111. The IACHR and its REDESCA have been able to verify that Venezuela is facing an unprecedented humanitarian situation. This situation has had a profound impact on the exercise of human rights, especially the economic, social, cultural, and environmental rights (ESCER) of a large portion of the population, and particularly of groups facing vulnerability, discrimination, or historical exclusion.

112. In 2020, the Instituto de Investigaciones Económicas y Sociales (ENCOVI) conducted and presented the National Living Conditions Survey. According to the survey, between 2013 and 2019, the country's gross domestic product (GDP) fell by approximately 70%. Among other factors, this led to food insecurity for up to 80% of the population, with an average income of US\$0.72 per day. Estimates are that in 2019, 96.2% of the population was living in poverty, with extreme poverty rising from 11.4% to 79.3%.¹⁷⁶

113. Additionally, according to the 2020 ENCOVI survey, of the 96% of the population living in poverty, 41% experienced chronic poverty—that is, they have systematically and progressively lived below the poverty threshold, without ever coming close to it.¹⁷⁷ It is important to recall that poverty involves a lack of basic essential services like access to mass media, the tools for ensuring proper nutrition, etc.

114. As poverty has increased steadily, the State has moved to implement a variety of social assistance or humanitarian programs. However, they have been insufficient to address the population's growing demand for basic services. At the same time, provision of services has worsened as it has been increasingly influenced by conflict of interest and political factors. According to information provided by civil society, the assistance tends to be provided to those who support the government. It also tends to be used to ensure votes and public support, leading to a false sense of security regarding the government's actions.¹⁷⁸ This has taken the form of scholarships as well as support for housing, work, food, and health.¹⁷⁹ The provision of staple goods boxes as part of the Local Supply and Production Committee (CLAP) is another example of the politicization of social assistance programs, as the committees use political criteria for distribution, and the boxes contain political propaganda in support of the ruling party.

¹⁷⁶ ENCOVI and the Instituto de Investigaciones Económicas y Sociales. [Encuesta Nacional de Condiciones de Vida 2019-2020: La pobreza en sus múltiples dimensiones](#). 2020. pg. 4.

¹⁷⁷ Ibidem, pg. 6.

¹⁷⁸ Universidad de los Andes Venezuela. [Reporte Mensual: Situación de las universidades en Venezuela](#). May, 2020. Pg. 5.

¹⁷⁹ Idem.

Health

115. Regarding the right to health, the Commission and its REDESCA have continually monitored the status of the national health system and the working conditions of the people who work in the sector, particularly in the context of the COVID-19 pandemic. The Commission and its REDESCA have received information from people working in the healthcare sector indicating that they are forced to work without basic hygiene guarantees like the provision of potable water and soap or personal protective equipment like face protectors, safety glasses, or gloves.

116. In March 2020, a statement from the healthcare sector unions¹⁸⁰ alleged there were no adequate guarantees for proper management of public health in hospitals and healthcare centers at all levels. It specifically called attention to the lack of supplies, equipment, and materials needed to provide good quality care to people who needed to be hospitalized.¹⁸¹ The labor groups also stated that salaries and other workplace compensation were not being paid on time and were not enough for subsistence. Although the State authorities have provided healthcare workers with CLAP boxes and other complementary measures to meet their needs, the Commission and its REDESCA received information indicating they were not sufficient and no substitute for the right to a dignified salary.¹⁸²

117. Additionally, the IACHR learned that this situation was being repeated even in healthcare facilities with precautionary measures, like Hospital JM de los Ríos and Maternidad Concepción Palacios, in Caracas, where the lack of adequate infrastructure and trained medical staff persists. Additionally, these medical centers do not have reliable potable water, electricity, hygiene supplies, prophylaxis, surgical equipment, laboratories for blood transfusion controls, material for sterilizing instruments, vaccinations for basic immunizations, working elevators, or contrast media for making diagnoses.¹⁸³

118. On May 8, 2020, researchers with the Academia de Ciencias Físicas, Matemáticas y Naturales released a communication entitled "Current status of the COVID-19 pandemic in Venezuela and its possible trajectories under different scenarios." In the communication, they used statistical projections to argue that the infection numbers provided by the government were not reliable. Later, on May 13, 2020, on a State television program, members of the government and the Partido Socialista Unido de Venezuela accused the academics of "causing terror among the people," and stating that the communication was "an invitation for a visit from security agencies."¹⁸⁴ The IACHR and its REDESCA reiterate their concern at these statements and recall that the right to health includes the right to timely and appropriate care and the benefits of progress.¹⁸⁵

¹⁸⁰ [Declaración de la Intergremial-Sindical nacional del sector salud ante el estado de emergencia nacional provocado por la pandemia de COVID-19](#), March 23, 2020

¹⁸¹ Meeting held with Venezuelan nurses, August 20, 2020

¹⁸² Meeting held with Venezuelan nurses, August 20, 2020

¹⁸³ Inter-American Commission on Human Rights. [IACHR Presents Preliminary Observations and Recommendations Following Historic On-Site Visit to Monitor the Human Rights Situation in Venezuela](#). May 8, 2020.

¹⁸⁴ Universidad de los Andes Venezuela. [Reporte Mensual: Situación de las universidades en Venezuela](#). May, 2020. Pgs. 7-8.

¹⁸⁵ IACHR, Resolution 1/2020, Pandemic and human rights in the Americas, April 10, 2020.

119. Likewise, during 2020, the Commission and its REDESCA received testimony from unions in Zulia alleging retaliation by State entities after it began planning to organize protests to demand transportation benefits. The allegations include intimidating communications from hospital management or local authorities; summonses to testify before agencies like the CICP and not the body in charge of investigating crimes, which is the Office of the Public Prosecutor; and the opening of administrative case files and criminal investigations by prosecutors.¹⁸⁶

120. Along with expressing concern at the situations described above, the Commission and its REDESCA welcome the agreement reached in June 2020 between the Ministry of the People's Power for Health (MPPS) and the National Assembly of Venezuela with the Pan-American Health Organization (PAHO). The agreement focuses on the three pillars: detecting active cases of COVID-19 with laboratory testing; timely and proper treatment of confirmed cases; and supervised isolation of symptomatic cases, with contacts quarantined.¹⁸⁷

121. Likewise, during 2020, the IACHR and its REDESCA received testimony from pregnant women underscoring the difficulty they faced accessing prenatal checkups and giving birth in Venezuela. They said that they themselves sometimes had to take surgical equipment and prophylaxis to the hospitals with them.¹⁸⁸ Also, according to testimony provided by civil society representatives, "for those with a medical condition and who live in Venezuela, it is impossible to purchase medicine, medical supplies, and receive treatment, in addition to the lack of economic resources for accessing food and basic services (...). The minimum wage is two dollars a month, and inflation is so high that the money is only enough to buy a kilo and a half of corn flour. Most of the population has no access to fruits and vegetables, to say nothing of meat, with a kilo costing US\$3.50, in Táchira. In other states the cost is triple that, since food, vegetables, and meat come from Colombia (...). Getting sick in Venezuela is a death sentence."¹⁸⁹

122. In October 2020, during its 177th Period of Sessions, the Inter-American Commission held a hearing on corruption in Venezuela's public health system. During the hearing, civil society called Venezuela the worst case of massive corruption in the region, stating that kleptocracy and capture of the State by a handful of people with economic and political power has had a significant impact on the population's ability to exercise its rights, particularly with regard to access to health. It added that the massive corruption is estimated to be worth at least US\$150 billion and that impunity is no accident. Rather, it is part of a strategy to perpetuate harmful dynamics and prevent the eradication of this phenomenon.¹⁹⁰

¹⁸⁶ Ibidem, pgs. 8-9.

¹⁸⁷ Pan-American Health Organization, [PAHO will support the Ministry of Health and the Advisory Team of the Venezuelan National Assembly to seek funds for COVID-19 Response](#), June 9, 2020.

¹⁸⁸ Inter-American Commission on Human Rights. [IACHR Presents Preliminary Observations and Recommendations Following Historic On-Site Visit to Monitor the Human Rights Situation in Venezuela](#). May 8, 2020.

¹⁸⁹ Idem.

¹⁹⁰ Information provided by civil society organizations during the hearing entitled "Corruption in Venezuela's public health system," held during the 177th Period of Sessions of the IACHR.

C. Food

123. In 2020, the IACHR and its REDESCA received with concern information on food security in Venezuela. As reported by the Hi Commissioner for Human Rights in the update to her report on Venezuela, acute child malnutrition rose to 15% this year, and many families have had to adopt survival strategies, including some members of the family going without food so others can eat.¹⁹¹ Additionally, the IACHR and its REDESCA learned of a report from the United Nations Food and Agriculture Organization (FAO) published in 2020 indicating that 9.3 million people are at risk of food insecurity and need assistance. This situation could worsen due to the effects of the COVID-19 pandemic, which has reduced food production by between 10% and 15%.¹⁹²

124. The IACHR and its REDESCA have received information indicating that the risks associated with food insecurity are especially high in the regions remote from the capital. For example, a survey conducted in 2020 by the Human Right Commission of the state of Zulia that analyzed the three months prior to September found that because of lack of money or other resources, 8 out of every 10 homes reported concern that food would run out; and 8 of every 10 that they would be without food at some point; 8 of 10 that the adults would stop having nutritious food; 8 of every 10 had food that varied little; 7 of every 10 had stopped eating breakfast, lunch, or dinner; 8 of every 10 felt hungry but did not eat; 3 of 10 ate only once or not at all during the day; 2 of every 10 homes did not eat breakfast; and 1 of every 10 homes did not eat dinner.¹⁹³

125. In the state of Lara, civil society conducted surveys that found that at least 17.6% of people experienced food insecurity, 15.7% were at risk of experiencing food insecurity, and only 15.7% were living as normal. Additionally, in a survey conducted in 2020, 84.3% of homes reported experiencing serious difficulty accessing food; 88% of homes reported having consumed less or cheaper food than they would have preferred; 51% of homes reported not eating breakfast, lunch, or dinner at least once a week; and of that group, 35% skipped a meal 2 to 4 days per week.¹⁹⁴

126. The situation was also concerning in the state of Táchira, where food insecurity is estimated at 20%, 9% are at risk of food insecurity, and 16% are living as normal. This suggests that more than 80% of homes experience serious difficulty accessing food and have to adopt survival strategies to maintain basic levels of consumption. According to a household survey conducted in 2020, 89% of households reported having consumed less or cheaper food than preferred at least once during the last week, and of this group, 16% of households said they did so seven days a week. Additionally, 48% of households said they had skipped breakfast, lunch, or dinner at least once during

¹⁹¹ Office of the High Commissioner for Human Rights, [Oral update on the situation of human rights in the Bolivarian Republic of Venezuela](#), September 25, 2020.

¹⁹² Food and Agriculture Organization of the United Nations, [The Bolivarian Republic of Venezuela](#), Revised humanitarian response Coronavirus disease 2019 (COVID-19), December 2020.

¹⁹³ 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, July 4, 2019, para. 13.

¹⁹⁴ The Human Rights Commission of Zulia, survey on food consumption and food security, Lara, Táchira, and Zulia, October 31, 2020.

the week and asked to borrow food, while 82% said they had reduced portion size at least once a week.¹⁹⁵

Education

127. In 2020, during its visit to the Colombian-Venezuelan border, a number of student movements and teachers associations reported to the Inter-American Commission that academic freedom and university autonomy remain under threat in Venezuela. According to the information provided, the National Council of Universities, which is under the Ministry of Higher Education, has arbitrarily appointed senior University authorities with the aim of restricting thought critical of the government and participation in public affairs. They also reported that the judicial branch has systematically issued rulings that do not recognize the results of student elections, forcing universities to accept arbitrary appointments, even ruling on electoral procedures for student government elections.¹⁹⁶ In this regard, the IACHR reminds the State that university autonomy is a requirement for academic freedom, which is part of the right to education and includes the freedom to express opinions about the institutions and society in general.¹⁹⁷

128. The Commission also received allegations of the strangling of university budgets, endangering student services like food, transportation, and library access. According to civil society, individual student subsidies stand at around one US dollar per month, and meals at university cafeterias provide less than 600 cal. These measures, plus the economic crisis, have caused students to drop out—in some cases, as much as 40% of the student body. The economic crisis has also forced many teachers to emigrate because they receive little or no pay, no more than US\$8 per month. This circumstance particularly affects older retirees in the education sector who, upon retirement, lose coverage for some social services and whose pensions are lower than the salaries they received during their working years.¹⁹⁸

129. Additionally, as a consequence of the socioeconomic crisis resulting from the COVID-19 pandemic, the school dropout rate increased significantly. For example, civil society organizations have documented that the Universidad de los Andes, in Mérida, saw at least 58.84% of its students drop out.¹⁹⁹ The Commission learned that in order to encourage studies to continue during the COVID-19 pandemic, the Ministry of the People's Power for University Education implemented the "university at home" plan. However, civil society organizations have warned that the digital divide and inconsistent access to Internet services remain major problems. For example, a survey conducted by

¹⁹⁵ The Human Rights Commission of Zulia, survey on food consumption and food security, Lara, Táchira, and Zulia, October 31, 2020.

¹⁹⁶ Aula Abierta, "Crónica de la designación inconstitucional de Clotilde Navarro como Vicerrector Administrativo de LUZ," February 18, 2020. *Tal Cual*, [Profesor Clotilde Navarro asume Vicerrectorado Administrativo de luz a persa de protestas](#), March 2, 2020.

¹⁹⁷ Committee on Economic, Social and Cultural Rights, [General Comment No. 13](#), The Right to Education, para. 39.

¹⁹⁸ Information from the Office of Planning of the UCLA, provided in an interview with the Aula Abierta research team in the western party of the country on November 11, 2020.

¹⁹⁹ Information from the Office of Planning of the UCLA, provided in an interview with the Aula Abierta research team in the western party of the country on November 11, 2020.

Aula Abierta and other civil society organizations found that of the 114 public and private university students interviewed, 71.9% said Internet service quality negatively affected their participation in academic activities through distance learning.²⁰⁰

130. The Commission is concerned at the information it received regarding the right to education of children and adolescents. According to a civil society organization: "as of March 2020, in the Venezuelan education system, 6.5 million (69.5%) children attended severely dilapidated schools; 6.2 million (66.6%) did not receive an education that respected their right to education; 4.9 million (52.7%) did not have access to enough food at school; and 2.7 million (29.3%) were at risk of dropping out due to frequently missed classes or irregular attendance."²⁰¹

IV. GROUPS FACING VULNERABILITY AND DISCRIMINATION

A. Human Rights Defenders

131. The situation of human rights defenders in Venezuela has been a constant concern to the IACHR. During 2020, the Commission continued to observe that the exercise of human rights defense in Venezuela is characterized by a hostile environment with intense smear campaigns, stigmatization, and acts of harassment in retaliation for this activity. In this regard, the Commission notes with concern a grave context of human rights violations against human rights defenders that prevents them from carrying out their activities in an environment free from intimidation.

132. In this regard, the IACHR has observed an intensification of campaigns to delegitimize human rights defense organizations by senior State authorities using pro-government media. In this regard, civil society organizations informed the IACHR that on February 19, through his television program "Con el mazo dando," the president of the National Constituent Assembly (ANC) threatened to amend laws on NGO financing, adding that the harshest punishments would be applied to the organizations that received funding from the United States. The statement was made based on the claim that human rights organizations were conspiring against the country.²⁰² Again, in May 2020, the president of the ANC issued further accusations against civil society organizations, calling them "traders to the nation" and "agents of destabilization." These statements were issued after PROVEA took to social media to demand respect for the human rights of those detained for their connection to an alleged armed incursion against the government on May 3, 2020.²⁰³

²⁰⁰ Aula Abierta, [Situación de la libertad académica, la autonomía universitaria y el derecho a la educación de calidad en Venezuela en el marco del Covid 19](#), July 2020.

²⁰¹ Hum Venezuela. (2020). *Informe Nacional de Seguimiento de la Emergencia Humanitaria Compleja en Venezuela: Impacto, Respuesta y Factores de Complejidad*. Information taken from the report: Centro de Derechos Humanos de la Universidad Metropolitana, Informe sobre las afectaciones al derecho a la educación durante la pandemia de Covid 19: Caso de la Universidad Meotropolitana, Venezuela, November 2020

²⁰² CDJ, Situation of human rights defenders in Venezuela. Period from January 1 to March 31, 2020, April 1, 2020, IACHR archives.

²⁰³ CDJ, Situation of human rights defenders in Venezuela. Period from April 1 to June 30, 2020, June 6, 2020, IACHR archives; Front Line Defenders, [Smear campaign against organisation PROVEA and its members, by high level authorities](#), May 8, 2020.

133. Along with these facts is a series of actions undertaken by State authorities to smear human rights organizations. For example, on June 28, through the "Misión Verdad" website, nongovernmental organizations (NGOs) were accused of receiving funding from the United States and participating in a campaign to repudiate the government.²⁰⁴ Likewise, in December 2020, the Commission was informed of new statements made by the president of the ANC against #DDHH human rights defense organizations on his program "Con el Mazo Dando," calling them "thieves and sellouts" with the effect of delegitimizing their work.

134. The Commission is also concerned at the ongoing public threats issued by the ANC president at the time, stating that an instrument should be adopted that includes a prohibition on receiving resources and condemning human rights organizations that receive foreign funding.²⁰⁵ In this regard, the Commission reminds the State that the right to receive international funding in the framework of international cooperation for the defense and promotion of human rights is protected by freedom of association, and the State is required to respect this right without restrictions that go beyond those permitted by the right to freedom of association.²⁰⁶

135. The Commission observes that in sum, these statements are not isolated incidents but rather issued within a framework of an extensive smear campaign intended to delegitimize, directed by the most senior State authorities, in response to the work of these organizations have done on the profound human rights crisis facing the country. In this regard, the IACHR urges the State to ensure that its officials refrain from making statements that stigmatize human rights defenders or suggesting that organizations are acting improperly or illegally simply by doing their work to promote and defend human rights. The Commission recalls that the repetition of stigmatizing statements against human rights defenders can contribute to exacerbating a climate of hostility and intolerance among different sectors of the population, which could put at risk the lives and personal integrity of human rights defenders and increase their vulnerability.²⁰⁷

136. Additionally, the Commission received concerning information on acts of harassment against human rights defenders. In this regard, the NGO Funda Redes took to its social media accounts to denounce acts of intimidation by armed *colectivos* in Táchira. On March 29, the home of some human rights defenders was vandalized with the message "LaFuriaBolivariana," a phrase used the previous day by the leader of the ANC on his program "Con el mazo dando" to refer to sectors of the opposition and NGOs. One of the individuals affected was the director and president of FundaRedes, José Javier Tarazona Sánchez, to whom the Commission granted precautionary measures of protection on June 18, 2020.²⁰⁸ Additionally, Alexander Olvera, a member of the Centro

²⁰⁴ CDJ, Situation of human rights defenders in Venezuela. Period from April 1 to June 30, 2020, June 6, 2020, IACHR archives.

²⁰⁵ CDJ, Situation of human rights defenders in Venezuela. 2020, pg. 7, IACHR Archive.

²⁰⁶ IACHR, [Second Report on the Situation of Human Rights Defenders in the Americas](#), OEA/Ser.L/V/II. Doc. 66, December 31, 2011, para. 186.

²⁰⁷ IACHR, [Criminalization of Human Right Defenders](#), OEA/Ser.L/V/II, Doc. 49/15, December 31, 2015, para. 79 and 167.

²⁰⁸ IACHR, [Resolution No. 30/2020](#), Precautionary Measure No. 258-20 José Javier Tarazona Sánchez and family regarding Venezuela, June 18, 2020.

de Acción y Defensa por los Derechos Humanos (CADEF), was subjected to acts of harassment and intimidation by SEBIN officials. Civil society organizations reported to the Commission that on the night of February 2, 2020, two SUVs without license plates parked in front of his home for more than two hours with the patrol lights on.²⁰⁹

137. In some of these cases, the Commission has considered the gravity of these acts of harassment through its precautionary measures mechanism. In this regard, on August 6, 2020, the IACHR decided through [Resolution 42/2020](#) to extend the precautionary measures to the benefit of Katherine Martínez, director of Prepara Familia, after concluding that she was in a situation of grave and urgent risk of irreparable harm to her rights as a consequence of her role in documenting and recording the critical situation of Hospital JM de los Ríos.²¹⁰

138. Additionally, the IACHR observes that human rights defenders continue to be detained arbitrarily as a consequence of their human rights defense work. According to information from civil society, the director of the Centro de Acción y Defensa de los Derechos Humanos (CADEF), Gabriel Arangueren, was detained for several hours on April 23 in Cojedes when he was managing the delivery of facemasks in the context of the COVID-19 pandemic and on behalf of his organization. The IACHR also received information on the detention of human rights defender and Movimiento Vinotinto member Henderson Maldonado on March 31, 2020, after he documented and accompanied a peaceful protest by patients. Mr. Maldonado was released on April 1 with a series of precautionary measures, including the requirement that he presents himself before authorities every 30 days, in addition to other restrictions on his movements.²¹¹

139. The IACHR has repeatedly expressed concern at the continuing acts of harassment and stigmatization against human rights defenders in Venezuela.²¹² The Commission is concerned that during 2020, such acts have not only continued but intensified. The Commission reminds the State of the important role that human rights defenders play in democracy and the rule of law. It is therefore crucial for the Venezuelan State to put a stop to acts of harassment and foster an environment that is free of hostility and that respects the fundamental freedoms of human rights defenders, recognizing the importance of the leading role their activities play in all democratic societies.

140. The IACHR was also informed of the dissemination of Resolution 320 of October 19, 2020, aimed at regulating the functioning of nongovernmental organizations established or registered outside the country that conduct nonprofit activities in Venezuela.²¹³ The Commission is concerned that this provision may be applied restrictively such that it could affect the work that human rights

²⁰⁹ CEPAZ, [Persecución política en tiempos de pandemia. Primer trimestre de la cuarentena. Venezuela 2020](#), June 9, 2020, pg. 15; Front Line Defenders, [Arbitrary detention of Executive Director of CADEF](#), April 28, 2020.

²¹⁰ IACHR, Press Release 193/20, [IACHR Extends Protection Measures in Favor of Katherine Martínez, Head of Prepara Familia, in Venezuela](#), August 7, 2020.

²¹¹ Front Line Defenders, [Arbitrary detention and ill-treatment of human rights defender Henderson Maldonado](#), April 6, 2020.

²¹² IACHR, Press Release 165/20, [IACHR Expresses Concern over Ongoing Acts of Harassment and Stigmatization of Human Rights Defenders in Venezuela](#), June 15, 2020; CIDH, Press release 41/19, [IACHR Concerned about Harassment against Human Rights Defenders in Venezuela](#), February 22, 2019.

²¹³ Official Gazette of the Bolivarian Republic of Venezuela, [Resolution 320 of October 19, 2020](#), October 27, 2020.

defender organizations perform. In this regard, the IACHR calls on the State to ensure that the laws intended to register human rights organizations do not give the authorities discretionary power to authorize the establishment and functioning of these organizations.²¹⁴ In this regard, the IACHR has indicated that States with agencies that have the authority to register organizations must ensure they do not have broad discretion, and that legal provisions do not have vague or ambiguous language that would pose a risk of being interpreted in a way that would limit the exercise of the right to association.²¹⁵

141. Based on this information, the Commission concludes that the situation of human rights defenders in Venezuela has not changed substantially from previous years. Human rights defenders in Venezuela continue to face an environment of intense stigmatization and harassment for their work. It is therefore essential for the State to adopt measures to guarantee and respect the rights of human rights defenders and, specifically, to take all measures necessary to ensure that individuals who defend human rights are not subjected to smear campaigns or harassment, as well as provide effective measures for their protection.

B. Migrants, asylum Applicants, Refugees, Beneficiaries of Complementary Protection

142. During 2020, the Commission has closely monitored the situation of the Venezuelan migrants, refugees, and asylum applicants, as well as those returning from abroad. Based on what it has observed through its monitoring work, the IACHR underscores that the humanitarian crisis has been a decisive factor in the forced displacement, which has been worsened by the COVID-19 pandemic. Specifically, the Commission has noted an increase in the number of Venezuelan migrants; the impacts of the pandemic on this population; the array of impacts faced by persons belonging to groups that are particularly at risk; the return of the Venezuelan diaspora; and the situation of Venezuelans who are victims of human trafficking and forced recruitment. According to information published by the Coordination Platform for Refugees and Migrants from Venezuela (R4V), as of November 2020, approximately 5.4 million Venezuelans had moved to other countries, 4.6 million of them to Latin America and the Caribbean.²¹⁶ The main destination countries are Colombia, Peru, Chile, Ecuador—with 417,200—and Brazil.²¹⁷

143. Regarding the impacts of the COVID-19 pandemic on the main destination countries, Venezuelans have found it impossible to access food, housing, and health services.²¹⁸ Additionally, the

²¹⁴ IACHR, [Democracy and Human Rights in Venezuela](#), OEA/Ser.L/V/II. Doc. 54, December 30, 2009, para. 579.

²¹⁵ IACHR, [Second Report on the Situation of Human Rights Defenders in the Americas](#), OEA/Ser.L/V/II. Doc. 66, December 31, 2011, para. 172.

²¹⁶ United Nations Office for the Coordination of Humanitarian Affairs, [Coordination Platform for Refugees and Migrants from Venezuela \(R4V\) - América Latina y el Caribe: Refugiados y Migrantes Venezolanos en la región - Hasta Noviembre 2020](#), November 9, 2020.

²¹⁷ United Nations Office for the Coordination of Humanitarian Affairs, [Coordination Platform for Refugees and Migrants from Venezuela \(R4V\) - América Latina y el Caribe: Refugiados y Migrantes Venezolanos en la región - Hasta Noviembre 2020](#), November 9, 2020.

²¹⁸ [Coordination Platform for Refugees and Migrants from Venezuela \(R4V\), PLAN DE RESPUESTA PARA REFUGIADOS Y MIGRANTES 2020](#), May 2020. Also see: *La Opinión*, [Comedores sociales cierran sus puertas en Norte de Santander](#), March 23, 2020.

IACHR highlights the obstacles to joining the formal labor market, earning salaries that are enough for subsistence, and complying with hygiene and COVID-19 prevention measures.²¹⁹ Along with this, the UNHCR indicates that the region has seen cases of forced eviction of Venezuelan migrants who have found it impossible to pay rent or basic services at their housing²²⁰ due to a loss of jobs because of the confinement measures implemented in response to COVID-19.²²¹ Likewise, verbal or informal rental contracts have made it easier to do irregular evictions. In this context, the Commission reiterates that everyone has the right to equal protection without discrimination of any kind or for any reason, including status as a migrant.²²² In this regard, States must explicitly include populations in situations of human mobility in the economic recovery policies and actions adopted in the context of the crisis caused by the pandemic.²²³ Additionally, such inclusion must provide for the adoption of measures to protect the migrant population from eviction to ensure such persons do not end up living on the street. This means establishing plans and prior consultation processes.

144. The IACHR has also monitored the new migration flows resulting from the deterioration in Venezuelans' living conditions in their country as a result of the pandemic.²²⁴ In this regard, Venezuelans are facing the temporary closure of borders in the main pass-through and destination countries, and consequently, are opting to travel in adverse conditions through unauthorized border crossings.²²⁵ This has increased the exposure of Venezuelans to becoming the victims of criminal groups. In this regard, according to public information, unauthorized border crossings near the Simón Bolívar bridge are controlled by a variety of armed criminal groups that have consolidated their power during the border closures.²²⁶ Along with this, according to Proyecto Migración Venezuela, "coyotes" have been detected operating in the border areas between Colombia and Venezuela. They charge Venezuelans large sums of money to take them from one country to the

²¹⁹ [Coordination Platform for Refugees and Migrants from Venezuela \(R4V\), PLAN DE RESPUESTA PARA REFUGIADOS Y MIGRANTES 2020](#), May 2020. Also see: *Crónica Uno*, [El desafío laboral de los migrantes venezolanos durante la cuarentena \(I\)](#), March 24, 2020. Equilibrium CenDE, [Segunda Encuesta Nacional de Opinión "Cuarentena COVID-19 en Población Venezolana Migrante en Perú" - Abril, 2020](#), April 20, 2020. Coordination Platform for Refugees and Migrants from Venezuela (R4V), [Nota Orientativa: Mitigación de riesgos de desalojo de población refugiada y migrante de Venezuela](#), May 27, 2020.

²²⁰ United Nations High Commissioner for Refugees, [As COVID-19 pandemic roils Latin America, Venezuelans face wave of evictions](#), October 2, 2020. Also see: *El deber*, [El drama que viven los venezolanos en Bolivia durante la cuarentena](#), April 6, 2020. Coordination Platform for Refugees and Migrants from Venezuela (R4V), [Nota Orientativa: Mitigación de riesgos de desalojo de población refugiada y migrante de Venezuela](#), May 27, 2020. *El Pitazo*, [En Bogotá desalojan a más de 1.000 venezolanos en menos de un mes](#), July 22, 2020.

²²¹ United Nations High Commissioner for Refugees, [As COVID-19 pandemic roils Latin America, Venezuelans face wave of evictions](#), October 2, 2020. Also see: *El deber*, [El drama que viven los venezolanos en Bolivia durante la cuarentena](#), April 6, 2020. Coordination Platform for Refugees and Migrants from Venezuela (R4V), [Nota Orientativa: Mitigación de riesgos de desalojo de población refugiada y migrante de Venezuela](#), May 27, 2020. *El Pitazo*, [En Bogotá desalojan a más de 1.000 venezolanos en menos de un mes](#), July 22, 2020.

²²² IACHR, [Resolution O4/19 - "Inter-American Principles on the Human Rights of All Migrants, Refugees, Stateless Persons, and Victims of Human Trafficking,"](#) December 7, 2019, principle 12.

²²³ IACHR, [Resolution Resolution 01/20, - "Pandemic and human rights in the Americas,"](#) April 10, 2020, recommendation 62.

²²⁴ *Colombia Check*, [Huir, caminar y soñar en medio de la pandemia](#), September 26, 2020.

²²⁵ *Colombia Check*, [Huir, caminar y soñar en medio de la pandemia](#), September 26, 2020.

²²⁶ *VICE*, [COVID-19 Turns Violent and Chaotic at the Colombia-Venezuela Border](#), August 10, 2020.

other using makeshift trucks.²²⁷ In this regard, the IACHR recalls the provision of the Inter-American Principles indicating that States must prevent the facilitation of irregular entry by a person into a State of which the person is not a national or a permanent resident for the purpose of obtaining, directly or indirectly, a financial or other material benefit.²²⁸

145. Elsewhere, the Commission has followed the situation of women and other particularly at-risk groups, such as LGBT persons and indigenous persons. During its visit to the Colombian-Venezuelan border, carried out on February 5-8, the IACHR observed many pregnant women migrating alone or accompanied by their children or other women to Colombia.²²⁹ According to publicly available information, 60% of the Venezuelan patients attended to in health centers in Bogotá are pregnant women about to give birth, and 83.2% of births in Cúcuta between February and April 2020 were to Venezuelan women.²³⁰ Regarding the situation of Venezuelan migrant LGBT persons, the community faces a variety of acts of discrimination, including barriers to accessing the labor market, insults, and physical assaults.²³¹ Regarding indigenous migrants, the IACHR warns that their situation of vulnerability has worsened in the context of COVID-19 due to enhanced difficulty accessing basic sanitation and health, both in Colombia and in Brazil.²³² The Commission reiterates its Inter-American Principles and recalls that States should be aware of the particular risks to which certain population groups are exposed, in which one or multiple factors of discrimination converge that increase their levels of vulnerability.²³³ The State response must take into account the specific vulnerabilities that accompany people from their country of origin and that are aggravated by their status as persons in the context of human mobility.²³⁴

146. Along with this, the Commission has monitored the situation of Venezuelans forced to leave their pass-through and destination countries to return to Venezuela in the context of the pandemic. The IACHR finds that the main cause of return has been the deterioration in living conditions, with the attitudes of the governments of destination countries changing and forcing them to return. In particular, the exclusion of the Venezuelan population from the economic assistance they provided to citizens has been an important factor influencing Venezuelans' decisions.²³⁵ Along with

²²⁷ Proyecto Migración Venezuela, [Autoridades detienen a un 'coyote' y 14 buses por tráfico ilegal de migrantes](#), June 16, 2020.

²²⁸ IACHR, [Resolution 04/19 - "Inter-American Principles on the Human Rights of All Migrants, Refugees, Stateless Persons, and Victims of Human Trafficking"](#), December 7, 2019, principle 21.

²²⁹ IACHR, Press release 106/20 - [IACHR Presents Preliminary Observations and Recommendations Following Historic On-Site Visit to Monitor the Human Rights Situation in Venezuela](#), May 8, 2020.

²³⁰ VOA noticias, [Migrantes venezolanas dan a luz en medio de la pandemia en Colombia](#), June 1, 2020. Also see: *El Mundo*, [Embarazadas venezolanas que huyen para dar a luz en Colombia: "Yo ya perdí un bebé en mi país"](#), March 8, 2020.

²³¹ Proyecto Migración Venezuela, [No para la violencia contra la población LGBTI migrante](#), September 4, 2020.

²³² UN News, [Los indígenas refugiados y desplazados de América Latina tienen un alto riesgo de exposición al coronavirus](#), May 19, 2020. Also see: [Coordination Platform for Refugees and Migrants from Venezuela \(R4V\)](#), [PLAN DE RESPUESTA PARA REFUGIADOS Y MIGRANTES 2020, MAYO 2020 – REVISIÓN](#), May 2020.

²³³ IACHR, [Resolution 04/19 - "Inter-American Principles on the Human Rights of All Migrants, Refugees, Stateless Persons, and Victims of Human Trafficking"](#), December 7, 2019, principle 16.

²³⁴ IACHR, [Resolution 04/19 - "Inter-American Principles on the Human Rights of All Migrants, Refugees, Stateless Persons, and Victims of Human Trafficking"](#), December 7, 2019, principle 16.

²³⁵ IACHR, Press release 112/20 - [IACHR Calls on States to Protect the Rights of Venezuelans Who Return to their Country During the COVID-19 Pandemic](#), May 16, 2020.

this, some governments have used the context of the pandemic to publicly and repeatedly urge the Venezuelan population to return home.²³⁶ According to figures from the UNHCR, from the middle of March to mid June, more than 50,000 Venezuelans have been documented returning to their country.²³⁷

147. During the return, Venezuelans have faced the closure of border crossings, causing many of them to become stranded in different countries throughout the region.²³⁸ In the specific case of the Colombian-Venezuelan border, a variety of restrictions imposed by Venezuela obstructed their return.²³⁹ This meant that thousands of Venezuelans had to camp near the Simón Bolívar bridge, spending the night outside in the elements without access to public bathrooms or potable water and exposed to the risk of infection.²⁴⁰ Likewise, many Venezuelans have entered the country through unauthorized border crossings, running the risk of falling victim to organized crime.²⁴¹ In this regard, the Commission reiterates the provisions of the Inter-American Principles stating that people have a right to return to their State of origin or nationality.²⁴² For their part, States must guarantee this right under safe and dignified conditions through actions aimed at cooperation, exchange of information, and logistical support among the corresponding States, in adherence to the required sanitary protocols.²⁴³

148. Additionally, the IACHR is also concerned that the situation of Venezuelans who have returned and must comply with the isolation measures in the Integrated Social Care Stations (PASI) located in Venezuela.²⁴⁴ The shelters are overcrowded and do not have regular potable water or enough food of acceptable quality. They lack sufficient beds and do not meet health and hygiene

²³⁶ IACHR, Press release 112/20 - [IACHR Calls on States to Protect the Rights of Venezuelans Who Return to their Country During the COVID-19 Pandemic](#), May 16, 2020.

²³⁷ United Nations High Commissioner for Refugees, [ACNUR al lado de venezolanos forzados por la pandemia a retornar a su país](#), June 18, 2020.

²³⁸ *Primicias*, [Venezolanos varados entre Ecuador y Colombia inician regreso a casa](#), May 9, 2020. Also see: *El Diario*, [¿Por qué el plan de Chile para los varados no incluye a los venezolanos?](#), June 10, 2020. *Frontera Viva*, [Régimen de Maduro se negó a recibir a los venezolanos varados en Estados Unidos en medio de la pandemia de COVID-19](#), August 14, 2020. *Ámbito*, [El drama de los 300 venezolanos varados en Argentina hace 6 meses](#), September 11, 2020. *Opinión*, [Venezolanos varados en Panamá por COVID-19 piden vuelo humanitario de retorno](#), October 22, 2020. *Grupo de Diarios América*, [El limbo de los venezolanos varados en el Perú](#), October 30, 2020.

²³⁹ Migration, Colombia, [NUEVAS RESTRICCIONES EN CORREDORES HUMANITARIOS POR PARTE DE VENEZUELA](#), June 6, 2020.

²⁴⁰ IACHR, Press release 112/20 - [IACHR Calls on States to Protect the Rights of Venezuelans Who Return to their Country During the COVID-19 Pandemic](#), May 16, 2020.

²⁴¹ IACHR, Press release 112/20 - [IACHR Calls on States to Protect the Rights of Venezuelans Who Return to their Country During the COVID-19 Pandemic](#), May 16, 2020. Also see: VICE, [COVID-19 Turns Violent and Chaotic at the Colombia-Venezuela Border](#), August 10, 2020.

²⁴² IACHR, [Resolution 04/19 - "Inter-American Principles on the Human Rights of All Migrants, Refugees, Stateless Persons, and Victims of Human Trafficking,"](#) December 7, 2019, principle 76.

²⁴³ IACHR, [Resolution No. Resolution 01/20, - "Pandemic and human rights in the Americas,"](#) April 10, 2020, recommendation 60.

²⁴⁴ IACHR, Press release 112/20 - [IACHR Calls on States to Protect the Rights of Venezuelans Who Return to their Country During the COVID-19 Pandemic](#), May 16, 2020.

conditions.²⁴⁵ Additionally, civil society reports that Venezuelans have described abuse at the hands of the authorities in these facilities and limited access to medical care.²⁴⁶ Additionally, returning Venezuelans have been the victims of stigmatizing speech.

149. In particular, public information indicates that President Nicolás Maduro has made stigmatizing statements referring to his returning compatriots as "bioterrorists" or "biological weapons" of foreign governments, accusing them of spreading the COVID-19 virus.²⁴⁷ He has also made statements threatening Venezuelans who enter the country through unauthorized crossings with prison terms.²⁴⁸ The IACHR finds these stigmatizing and criminalizing statements especially concerning and reiterates its rejection of these types of statements that contribute to worsening the situation of returning Venezuelans while at the same time fostering a climate that is hostile to human rights in Venezuela.²⁴⁹

150. With regard to human trafficking of Venezuelans, the IACHR observes that it takes place in Venezuela as well as in some destination countries. Specifically, the OHCHR indicates that in Venezuelan mining areas, there have been a high number of cases of prostitution, sexual exploitation, human trafficking (including of adolescent girls), labor exploitation, and child labor.²⁵⁰ Additionally, the Office of the High Commissioner has found that children nine years old and older are forced to work in the mines.²⁵¹ Additionally, according to the United Nations, a large number of Venezuelan children from the ages of seven and up are victims of child trafficking for sexual exploitation in the northern part of Colombia.²⁵² Likewise, according to the OHCHR, in Curaçao and Trinidad and Tobago, cases have been detected of trafficking of Venezuelans—including women and girls—for the purposes of sexual expectation.²⁵³ In addition, the Commission has information on the forced recruitment of

²⁴⁵ IACHR, Press release 112/20 - [IACHR Calls on States to Protect the Rights of Venezuelans Who Return to their Country During the COVID-19 Pandemic](#), May 16, 2020. Also see: Proyecto Migración Venezuela, [El riesgo de retornar a Venezuela durante la pandemia](#), April 9, 2020.

²⁴⁶ Proyecto Migración Venezuela, [El riesgo de retornar a Venezuela durante la pandemia](#), April 9, 2020. Also see: Human Rights Watch, [Venezuela: Abusive Treatment of Returnees](#), October 13, 2020.

²⁴⁷ ABC, [El régimen de Maduro tacha de «armas biológicas» a los emigrantes retornados y les amenaza con la cárcel](#), May 29, 2020. Also see: Bloque constitucional, [EL RÉGIMEN DE MADURO CALIFICA DE ARMAS BIOLÓGICAS A LOS MIGRANTES VENEZOLANOS QUE REGRESAN AL PAÍS](#), June 8, 2020.

²⁴⁸ ABC, [El régimen de Maduro tacha de «armas biológicas» a los emigrantes retornados y les amenaza con la cárcel](#), May 29, 2020.

²⁴⁹ IACHR, Press release 112/20 - [IACHR Calls on States to Protect the Rights of Venezuelans Who Return to their Country During the COVID-19 Pandemic](#), May 16, 2020.

²⁵⁰ United Nations High Commissioner for Human Rights, [Independence of the justice system and access to justice in the Bolivarian Republic of Venezuela, including for violations of economic and social rights, and the situation of human rights in the Arco Minero del Orinoco region](#), A/HRC/44/54, July 15, 2020.

²⁵¹ United Nations High Commissioner for Human Rights, [Independence of the justice system and access to justice in the Bolivarian Republic of Venezuela, including for violations of economic and social rights, and the situation of human rights in the Arco Minero del Orinoco region](#), A/HRC/44/54, July 15, 2020.

²⁵² UN News, [La situación de las niñas venezolanas en Colombia es "para ponerse a llorar", describe Mayerlín Vergara](#), October 7, 2020.

²⁵³ United Nations High Commissioner for Human Rights, [Independence of the justice system and access to justice in the Bolivarian Republic of Venezuela, including for violations of economic and social rights, and the situation of human rights in the Arco Minero del Orinoco region](#), A/HRC/44/54, July 15, 2020.

Venezuelans by criminal groups. According to information published by FundaRedes, forced recruitment happens mainly in Colombian cities located along the border with Venezuela.²⁵⁴ The criminal groups attract Venezuelan migrants by offering large sums of money to become directly or indirectly involved in criminal activities.²⁵⁵

151. According to the Inter-American Principles, the Commission recalls that States have a duty to prevent and combat human trafficking.²⁵⁶ This includes identifying and dismantling transnational human trafficking networks; protecting and assisting migrant victim; and promoting cooperation between States to these ends.²⁵⁷ They also have the obligation to monitor, prevent, identify, and address especially dangerous situations at points of irregular entry to countries.²⁵⁸

C. Women

152. 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. This situation was worsened by the institutional and humanitarian crisis affecting the country. The IACHR notes that, in contexts of crisis, the pre-existing factors in violence against women deepen even as the institutional response in terms of access to justice and measures of protection fall short.

153. 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 handling their cases with adequate interagency coordination. 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 by forming a High Level Committee. However, the regulations have yet to be approved,²⁵⁹ despite the multiple efforts of the Ministry for Women and despite this being one of the CEDAW Committee's repeated recommendations for Venezuela.²⁶⁰

²⁵⁴ FundaRedes, [Migrantes venezolanos son reclutados bajo engaño por grupos irregulares en la frontera colombo-venezolana](#), May 11, 2020.

²⁵⁵ FundaRedes, [Migrantes venezolanos son reclutados bajo engaño por grupos irregulares en la frontera colombo-venezolana](#), May 11, 2020.

²⁵⁶ IACHR, [Resolution 04/19 - "Inter-American Principles on the Human Rights of All Migrants, Refugees, Stateless Persons, and Victims of Human Trafficking,"](#) December 7, 2019, principle 20.

²⁵⁷ IACHR, [Resolution 04/19 - "Inter-American Principles on the Human Rights of All Migrants, Refugees, Stateless Persons, and Victims of Human Trafficking,"](#) December 7, 2019, principle 20.

²⁵⁸ IACHR, [Resolution 04/19 - "Inter-American Principles on the Human Rights of All Migrants, Refugees, Stateless Persons, and Victims of Human Trafficking,"](#) December 7, 2019, principle 20.

²⁵⁹ 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. Par. 3.

²⁶⁰ Red Equivalencias en Acción: AVESA, CEPAZ, Freya, and Mujeres en Línea, [Mujeres al Límite](#), June 2019. Pg. 84.

154. In line with this, the Commission views with concern the continued weakening of the State's institutional capacity to comply with its due diligence obligations. The information available indicates profound structural deficiencies that prevent women from accessing effective remedies and cases from being properly handled. 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.

155. According to CEPAZ, between January 1 and April 13, 2020, digital media documented 85 cases of possible femicides—that is, one femicide every 31 hours, on average. Of these cases, 40 took place in the women's own homes, and in at least six cases, the women's children witnessed the femicides.²⁶¹ The organization also found that between April 14 and June 13, 2020, digital media documented 24 cases of femicide, with 62.5% taking place in the women's homes.²⁶² Between June 14 and November 13, 2020, digital media documented 103 cases of femicide, with 56.3% of the cases taking place in the women's homes.²⁶³

156. In the update to the report on Venezuela, presented on June 15, 2020, the High Commissioner for Human Rights highlighted that Venezuelan women face gender stereotypes in the judicial system, along with threats, abuse, and verbal violence at the hands of public officials.²⁶⁴ She also indicated that the women most impacted by this situation are the complainants, who are often the ones who must bear the burden of processes of search, truth, and reparation.²⁶⁵

157. Organized civil society has also reported that women face a series of obstacles to access to justice. For example, when they go to the police, they are often referred to other institutions without precise information. When they go to the Office of the Public Prosecutor, officials do not provide timely responses, and when they go to the courts, they are met with institutional deterioration of such magnitude that it prevents them from accessing effective remedies.²⁶⁶

158. With the arrival of the COVID-19 pandemic, civil society organizations have indicated that, due to gender stereotypes, domestic labor has increased for women and they have seen their pre-existing economic difficulties worsen.²⁶⁷ For example, according to a report from August 2020 prepared by the organization AVESA, the average hours of unpaid labor dedicated to the home is 16

²⁶¹ CEPAZ, [Monitoreo de Femicidios en Venezuela del 1 de enero 2020 al 13 de abril 2020](#), 2020

²⁶² CEPAZ, [Monitoreo de Femicidios en Venezuela del 13 de abril 2020 al 13 de junio 2020](#), 2020

²⁶³ CEPAZ, [Monitoreo de Femicidios en Venezuela del 14 de junio 2020 al 13 de noviembre 2020](#), 2020

²⁶⁴ Office of the High Commissioner for Human Rights, Independence of the justice system and access to justice in the Bolivarian Republic of Venezuela, including for violations of economic and social rights, and the situation of human rights in the Arco Minero del Orinoco region, July 15, 2020.

²⁶⁵ Office of the High Commissioner for Human Rights, Independence of the justice system and access to justice in the Bolivarian Republic of Venezuela, including for violations of economic and social rights, and the situation of human rights in the Arco Minero del Orinoco region, July 15, 2020.

²⁶⁶ CEPAZ, [¿A dónde acuden las mujeres venezolanas víctimas de la violencia durante la pandemia?](#), August 6, 2020.

²⁶⁷ Comisión Interamericana de Juristas, [Las mujeres en Venezuela enfrentan riesgos a su salud por la pandemia y por la violencia de género](#), December 8, 2020.

for women ages 15 to 24; 13 for women ages 25 to 44; 5 for women ages 45 to 64; and 2 for women over the age of 65.²⁶⁸

159. Additionally, the pandemic has had a disproportionate impact on access to health for women and pregnant women.²⁶⁹ This situation is especially serious in view of the fact that Venezuela's health care system was already in collapse prior to the pandemic. In this regard, the Commission highlights that on October 14, 2020, it granted precautionary measures to the benefit of 12 women with breast cancer. In its reasoning, the IACHR noted that the generalized efficiency in public health services had caused a 14.87% increase in the mortality rate among patients with breast cancer, and 5,668 women with breast cancer did 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.²⁷⁰

160. Likewise, the Commission has been informed of a lack of medication and medical supplies and services 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.²⁷¹ This situation has meant that Venezuelans must travel to Colombia to purchase medications.²⁷²

161. Additionally, during the visit to the Colombian-Venezuelan border it made in February 2020, the Commission found that many young Venezuelan women were migrating while pregnant or already had several children at the moment they crossed the border. In this regard, the Commission has learned of the scarcity of contraceptive methods in Venezuela, which restricts

²⁶⁸ AVESA, [El tiempo que dedican las mujeres al cuidado familiar y su impacto en la pobreza de los hogares](#), August 26, 2020.

²⁶⁹ AVESA, [La salud materna y la salud sexual y reproductiva deben ser priorizadas y garantizadas durante la pandemia de la COVID-19](#), August 20, 2020.

²⁷⁰ According to Red Rosa—a coalition of 12 organizations dedicated to defending the rights of persons with breast cancer—more than 25 of the medications needed to treat breast cancer are not available at the IVSS's high-cost pharmacies, including several of the medications that have been prescribed to the proposed beneficiaries: Anastrozol, Aprepitant, Dexrazoxane (Cardioxane), Dezametazona, Docetaxel, Doxorubicina, Lenograstin, Palonosetron, Ranitidina, Tamoxifeno, and Trastuzumab. See: United Nations. Human Rights Council. 26th Period of Sessions. Universal Periodic Review – Venezuela. Report from Red Rosa (JS39). 2016. Para. 7. Likewise, the Sociedad Venezolana de Salud Pública and the Red Defendamos la Epidemiología Nacional have indicated that the following medications needed for treating breast cancer are not available in the country: Ciclofosfumida, Docetaxel, Gosereline (Zoladex), Tamoxifeno, Trastuzumab, and Zometa (zoledronic acid). See: Oletta López J F *et al.* "Agotados los 31 medicamentos oncológicos más usados para el tratamiento de los tipos de cáncer más frecuentes." Sociedad Venezolana de Salud Pública Red Defendamos la Epidemiología Nacional. October 9, 2017. IACHR. Annual Report 2019. Chapter IV.B Venezuela. OEA/SER.L/V/II. Doc. 5. February 24, 2020. Pg. 538, para. 142.

²⁷¹ IACHR. Annual Report 2019. Chapter IV.B Venezuela. OEA/SER.L/V/II. Doc. 5. February 24, 2020. Pg. 538, para. 142.

²⁷² Inter-American Commission on Human Rights. [IACHR Presents Preliminary Observations and Recommendations Following Historic On-Site Visit to Monitor the Human Rights Situation in Venezuela](#). May 8, 2020.

women's reproductive autonomy.²⁷³ In this context, the Commission reiterates its rejection of the statements made by President Nicolás Maduro on March 4, 2020, in which he called on Venezuelan women to "have six children, each one to benefit the fatherland."²⁷⁴ The Commission warns that these types of statements strengthen gender stereotypes, encourage acts of violence, and obstruct women's exercise of their reproductive autonomy.²⁷⁵

162. 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 and in hospitals—on women's exercise of their sexual and reproductive rights in the country.²⁷⁶ This situation has a profound impact on rates of teen pregnancy, unwanted pregnancy, and sexually transmitted infections, including HIV-AIDS.

163. Lastly the IACHR reiterates that because of restrictive legislation on voluntary pregnancy termination, women often turn to unsafe abortions, contributing to a rise in preventable maternal mortality. At the same time, teen and unwanted pregnancies also increase the risk of girls and women dropping out of school.²⁷⁷

D. Persons Deprived of Liberty

164. 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 prisons and pretrial detention centers and demonstrate the authorities' effective lack of control.

165. Generally speaking, the Commission has found that one of the major obstacles to respect for and guarantee of the rights of persons deprived of liberty is the existence of dual penitentiary systems. One is the official system, which as of 2019 had 40,000 inmates in 45 prisons run by the Ministry of the People's Power for the Penitentiary Service; and the other is the parallel system, which as of 2019 had approximately 500 spaces for pretrial detention and held 60,000 people

²⁷³ *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.

²⁷⁴ *El Tiempo*, [Maduro llama a venezolanas a tener 6 hijos para que crezca la patria](#), March 4, 2020.

²⁷⁵ Inter-American Commission on Human Rights. [IACHR Presents Preliminary Observations and Recommendations Following Historic On-Site Visit to Monitor the Human Rights Situation in Venezuela](#). May 8, 2020.

²⁷⁶ *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.

²⁷⁷ 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.

deprived of liberty. The Commission could not access official data on the population of persons deprived of liberty in 2020. However, in any case, it notes that this situation is extremely serious because pretrial detention spaces are not adequate for housing people for more than 48 hours, and the Ministry of the People's Power for the Penitentiary Service does not protect the rights of these individuals, arguing that they are the responsibility of the police.²⁷⁸

166. The organization Una Ventana a la Libertad has done extensive work on the situation of the Pretrial Detention Centers, known colloquially as *calabozos* (jails). During May 2020, the organization analyzed the conditions in 57 Pretrial Detention Centers and found that despite having a capacity of 2,104 inmates, they were housing 4,262 men and 327 women, and 93 of the inmates were adolescents. This means that during the period under analysis, the overcrowding rate stood at 218.1%—in other words, two people occupying a space intended for one.²⁷⁹

167. In the context of its visit to the Colombian-Venezuelan border in 2020, the IACHR received a number of testimonies indicating that torture and cruel treatment are used systematically in Venezuela against civilians and soldiers deprived of liberty. The testimony collected suggests a particular viciousness and cruelty against soldiers tagged as deserters or traders. The IACHR categorically rejects this treatment to which soldiers deprived of liberty are subjected and recalls that under international human rights law, the ban on torture is absolute and inviolable.²⁸⁰

168. In particular, in 2020, the Commission urged the Venezuelan State to conduct an exhaustive investigation into the deaths of 47 persons deprived of liberty in the Centro Penitenciario de los Llanos "Cepello," in Portuguesa. According to publicly available information, on May 1, 2020, persons deprived of liberty clashed with penitentiary authorities, leading to protests in the prison yards. Some sources say the protests were over failing to receive the food brought by the relatives of inmates, while others say it was a dispute between one of the groups within the penitentiary—known as *pranes*—and officials of the Bolivarian National Guard.²⁸¹

169. The IACHR once again recalls that the State is in the position of guarantor with regard to persons in its custody, and that it must without delay launch a serious, impartial, and effective investigation into the deaths or torture of persons deprived of liberty. The investigation must be conducted using all available legal means to determine the truth and to prosecute and punish both the perpetrators and the masterminds of the facts, especially when State agents are or could be involved.²⁸²

²⁷⁸ 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.

²⁷⁹ Una Ventana a la Libertad, "Radiografía de la salud en los centros de detención preventiva de Distrito Capital, Miranda y la Guaira," May 2020.

²⁸⁰ Inter-American Commission on Human Rights. [IACHR Presents Preliminary Observations and Recommendations Following Historic On-Site Visit to Monitor the Human Rights Situation in Venezuela](#). May 8, 2020.

²⁸¹ IACHR, [Press Release 116/20](#), "IACHR Stresses Call for Thorough Investigation into the Deaths of 47 Inmates on May 1 at the "Cepello" Penitentiary in Venezuela," May 18, 2020.

²⁸² IACHR, [Press Release 116/20](#), "IACHR Stresses Call for Thorough Investigation into the Deaths of 47 Inmates on May 1 at the "Cepello" Penitentiary in Venezuela," May 18, 2020.

Detention conditions

170. 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. 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.

171. The IACHR has learned of people held in Pretrial Detention Centers for as many as six years.²⁸³ According to the information received, the facilities do not have sufficient space to move about, forcing people to sleep standing up or seated.²⁸⁴ Additionally, the detainees face numerous restrictions on receiving visits.²⁸⁵

172. A report prepared by organized civil society analyzing 273 pretrial detention centers during the first half of 2020 found that 67.8% are housing persons with infectious diseases (almost all of them respiratory or dermic); in 91.6%, the food is provided by family members; and in 90.5%, medications are also provided by family members. According to this report, although women make up 8% of the population of persons deprived of liberty in pretrial detention centers, in only 11.8% of the centers where women are housed did the inmates indicate that prenatal checkups were provided, while in 11.2%, inmates reported that the authorities facilitated transfers for giving birth. Additionally, in only 47.8% of the centers housing women were nonpregnant women provided with medical care.²⁸⁶

173. 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.²⁸⁷ Additionally, pregnant women often do not

²⁸³ 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.

²⁸⁴ Observatorio Venezolano de Prisiones, “Noticia – [En el primer trimestre del año 31 presos murieron en calabozos policiales](#)”, June 14, 2019.

²⁸⁵ Observatorio Venezolano de Prisiones, “Noticia – [En el primer trimestre del año 31 presos murieron en calabozos policiales](#)”, June 14, 2019.

²⁸⁶ Una Ventana a la Libertad, “Informe de los Centros de Detención Preventiva, primer semestre de 2020.”

²⁸⁷ 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.

receive medical care during their pregnancies, and if they need medication, it must be provided by friends or family.²⁸⁸ They also do not have access to intimate hygiene or menstrual products.²⁸⁹

174. Civil society organizations have also reported that during 2020, there was an increase in cases of malnutrition and tuberculosis in pretrial detention centers. The presence of infectious diseases prevented the holding of events to provide HIV medications and diagnoses.²⁹⁰ Although no official information is available, the situation in prisons is not much different from that of the pretrial detention centers. According to the Observatorio Venezolano de Prisiones, between January and September 2020, 121 deaths were recorded from health problems, compared to 45 in 2019. During the same period of time, there were 218 deaths from causes not related to health issues, whereas 2019 saw 78 such deaths.²⁹¹

E. Children and Adolescents

175. The IACHR has closely followed the human rights situation of children and adolescents in Venezuela. The Commission warns that they continue to be directly and disproportionately affected by the economic, social, and political crisis afflicting the country.

176. Impacts on the rights of children and adolescents in Venezuela are structural and have worsened in 2020 in the context of the COVID-19 pandemic. The Commission has received information indicating that the impacts range from insecurity and violence—including at the hands of State authorities—to lack of access to education and to health services, as well as a lack of food security. In response to the deepening of the humanitarian crisis, aggravated by the economic situation, in 2019, UNICEF for the first time included Venezuela on its list of emergencies for children. According to information from this agency, one out of three Venezuelan children needs humanitarian aid, amounting to 3.2 million children and adolescents needing food, medicine, and education.²⁹²

177. As regards the situation of violence and insecurity, the IACHR expresses particular concern over the high rates of violent death among children and adolescents in Venezuela. The information available shows an upward trend in rates of violence against children. A report from the Observatorio Venezolano de la Violencia published in 2020 found that in 2019, there were a total of 1,120 violent deaths of children and adolescents, breaking down into 559 deaths of children and 561 deaths of adolescents.²⁹³ Despite the slight decline in the total number of violent deaths of children

²⁸⁸ 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.

²⁸⁹ 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.

²⁹⁰ Una Ventana a la Libertad, “Informe de los Centros de Detención Preventiva, primer semestre de 2020.”

²⁹¹ Observatorio Venezolano de Prisiones, “Situación Penitenciaria Balance Enero – Septiembre, 2020.”

²⁹² UNICEF, Response from UNICEF Venezuela, August 2020.

²⁹³ Observatorio Venezolano de Violencia y Centros Comunitarios de Aprendizaje (CECODAP), [Venezuela 2019 - Informe Muertes violentas de niñas, niños y adolescentes](#), May 5, 2020.

and adolescents compared to 2019, the IACHR expresses alarm at the increase in the number of violent deaths of children between the ages of zero and 11, which rose from 174 in 2018 to 559 in 2019, an increase of more than 320%.²⁹⁴ Likewise, 68 children and adolescents died in a context of "resistance to authority," which is gravely concerning to the Commission given the lack of clarity on those deaths and the failure to investigate them.

178. In addition to the violent deaths, the Commission received information on acts of violence committed by State forces against children and adolescents. The report published in September by the UNHCHR's Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela documented at least 223 individual cases of children and adolescents beaten, insulted, and arbitrarily arrested by State security forces, the majority of which remain in impunity.²⁹⁵ In this regard, both the Commission and the Court have indicated that children are more exposed to forms of violence and discrimination resulting from the situation of structural violence and discrimination in the region, meaning that States have a duty of protection in order to prevent violations of their rights and ensure their fulfillment.²⁹⁶

179. The IACHR has also received information on the impact that organized criminal groups have had on children. In its 2019 report, published in June 2020, the organization FundaRedes documented the forced recruitment of minors—particularly children and adolescents whose parents had emigrated—by illegal armed groups operating in the areas near the border with Colombia.²⁹⁷ Likewise, the high number of children who have been forced to drop out of school or cross the border on a daily basis to attend school in Colombia are exposed every day to the possibility of being victimized by these groups during their treks. According to the information available, when this happens, the vast majority of cases are not investigated by Venezuelan authorities and remain in impunity.²⁹⁸ The Commission calls on the States to adopt policies to prevent violence against children and adolescents using a broad, comprehensive, and holistic approach that includes legal, social, educational, and economic measures.²⁹⁹ Likewise, when prevention is not possible, States have a duty to conduct serious, expedited, and impartial investigations aimed at securing justice for the victims and their families, eliminating impunity, and ensuring that the conduct in violation of the rights of children and adolescents is not repeated.³⁰⁰

180. The violence affects not only children and adolescents' right to life, but their right to education. According to data compiled in the National Living Conditions Survey, ENCOVI 2019-2020, the school-age population (between the ages of 3 and 24) declined by 1.7 million, in large part due to

²⁹⁴ Observatorio Venezolano de Violencia y Centros Comunitarios de Aprendizaje (CECODAP), Venezuela 2019 - Informe Muertes violentas de niñas, niños y adolescentes, May 5, 2020.

²⁹⁵ United Nations Human Rights Council, Report of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, A/HRC/45/33, September 15, 2020.

²⁹⁶ IACHR, Violence and discrimination against Women and Girls, Annex 1: Standards and Recommendations, 2019, para. 121.

²⁹⁷ FundaRedes, Informe Anual 2019, June 28, 2020, pg. 4.

²⁹⁸ FundaRedes, Informe Anual 2019, June 28, 2020, pg. 4.

²⁹⁹ IACHR, Violence, children and organized crime, 2015, para. 488.

³⁰⁰ IACHR, Violence, children and organized crime, 2015, para. 387-388.

a mass exodus of children and adolescents in response to the crisis afflicting the country.³⁰¹ The IACHR notes with concern that despite the significant reduction in education demand in Venezuela, coverage has not made progress, with the attendance rate holding at around 70%.³⁰² Some 13% of children and adolescents between the ages of 3 and 17—that is, about 942,000—did not attend school.

181. The health emergency resulting from the COVID-19 pandemic has worsened conditions in the Venezuelan education system, which was already in crisis. In August 2020, the Venezuelan government declared that the 2020-2021 school year would begin with “tele-classes” or classes over the Internet to prevent further spread of COVID-19.³⁰³ However, it is concerning for the IACHR that a large portion of the Venezuelan population has a difficult time accessing electricity or has its Internet access frequently interrupted, which makes it difficult or even impossible for children and adolescents to have full access to education. 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.³⁰⁴

182. In its visit to the Columbia-Venezuela border in February 2020, during which the IACHR met with victims and civil society organizations, information was received indicating that only half of school-age persons were able to regularly attend classes due to lack of water, food, and transportation, which were the main reasons for missing class. Additionally, according to the organization World Vision, child labor in Venezuela has increased by 20% during the pandemic, another symptom of school dropouts.³⁰⁵

183. According to the information received, between 2018 and 2019, the percentage of students falling severely behind at school doubled for boys (from 9% to 21%) and almost quadrupled for girls (from 5% to 19%).³⁰⁶ In 2019, almost two of every five children fell behind in school to some degree.³⁰⁷ In this context, the Commission was also able to confirm during its visit that hundreds of children and adolescents cross the border every day to Cúcuta, Colombia, to attend school.³⁰⁸

184. Regarding the right to health and food security the, ENCOVI 2019-2020 revealed that more than 639,000 Venezuelan children under the age of five—30% of the total—experience

³⁰¹ Universidad Católica Andrés Bello (UCAB), [Encuesta de Condiciones de Vida ENCOVI 2019-2020](#), Caracas, 2020.

³⁰² Universidad Católica Andrés Bello (UCAB), [Encuesta de Condiciones de Vida ENCOVI 2019-2020](#), Caracas, 2020.

³⁰³ *France 24*, “‘Van a aprender menos’: un año escolar a distancia en Venezuela, sin Internet estable”, September 25, 2020.

³⁰⁴ Inter-American Court. *Case of the Xákmok Kásek Indigenous Community v. Paraguay*. Merits, Reparations, and Costs. Judgment of August 24, 2010, para. 258.

³⁰⁵ REDHNA, [ONG World Vision: Trabajo infantil en Venezuela incrementó 20% durante la pandemia](#), November 10, 2020.

³⁰⁶ Universidad Católica Andrés Bello (UCAB), [Encuesta de Condiciones de Vida ENCOVI 2019-2020](#), Caracas, 2020. IACHR, Press release 106/20 - [IACHR Presents Preliminary Observations and Recommendations Following Historic On-Site Visit to Monitor the Human Rights Situation in Venezuela](#), Washington, DC, May 8, 2020.

³⁰⁷ Universidad Católica Andrés Bello (UCAB), [Encuesta de Condiciones de Vida ENCOVI 2019-2020](#), Caracas, 2020.

³⁰⁸ IACHR, Press release 106/20 - [IACHR Presents Preliminary Observations and Recommendations Following Historic On-Site Visit to Monitor the Human Rights Situation in Venezuela](#), Washington, DC, May 8, 2020.

chronic malnutrition, the second worst nutritional situation in Latin America.³⁰⁹ Severe food insecurity has not been properly addressed, and even increased slightly between 2018 and 2019, with almost 1 in 3 homes surveyed—33% of the total—experiencing severe food insecurity.³¹⁰

185. Along with this, the COVID-19 pandemic has exacerbated the precarious situation of children and adolescents with regard to their right to health. According to the information available, 14 public hospitals in the capital and five state hospitals are experiencing shortages of water, soap, and disinfectant, basic supplies for any medical center.³¹¹ Likewise, a survey conducted by Médicos Unidos de Venezuela on the impact of COVID-19 found that 31.8% of hospital workers did not have potable water and 64.2% reported intermittent access to it.³¹² In some hospitals in remote parts of the country, water outages have lasted for weeks or even months, with patients and hospital personnel forced to bring their own water for drinking, for washing hands before and after medical procedures, for cleaning surgical equipment, and in some cases, for flushing toilets.

186. According to a report from UNICEF, since March 2020, the already-weakened health system has suffered additional restrictions, particularly in prenatal care, obstetrics, preventative pediatrics, and nutrition services and distribution of food and care for children.³¹³ The same report indicated that the immunization program in Venezuela reduced its coverage and fell from 78% to 64% in 2019, with the consequence being that a larger number of children under the age of five are exposed to a broad range of illnesses.³¹⁴

187. The IACHR reiterates its concern at the precarious situation of Venezuela's health system, made worse during the pandemic, and its grave consequences for the exercise of rights, including the rights to life, humane treatment, and health. 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.³¹⁵

188. Despite expansion of the precautionary measures granted to protect children and adolescents who are patients in 13 service areas in the José Manuel de los Ríos Hospital in August 2019, the IACHR has observed with extreme concern 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. According to the information available, at least 30 children have died in the hospital

³⁰⁹ Universidad Católica Andrés Bello (UCAB), Encuesta de Condiciones de Vida ENCOVI 2019-2020, Caracas, 2020.

³¹⁰ Universidad Católica Andrés Bello (UCAB), Encuesta de Condiciones de Vida ENCOVI 2019-2020, Caracas, 2020.

³¹¹ Human Rights Watch, Venezuela: Urgent Aid Needed to Combat Covid-19, May 26, 2020.

³¹² Encuesta Nacional de la ONG Médicos Unidos de Venezuela sobre capacidades del sistema de salud para afrontar la posible epidemia de Covid-19 en nuestro país, March 8, 2020.

³¹³ UNICEF, UNDP, Desafíos de la pandemia de COVID-19 en la salud de la mujer, de la niñez y de la adolescencia en América Latina y el Caribe, August 2020, pg. 25.

³¹⁴ UNICEF, UNDP, Desafíos de la pandemia de COVID-19 en la salud de la mujer, de la niñez y de la adolescencia en América Latina y el Caribe, August 2020, pg. 13.

³¹⁵ 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.

since the IACHR adopted the precautionary measures.³¹⁶ In March 2020, the UNHCHR viewed it as urgent to attend the hospital crisis affecting Venezuelan children, including the children in the José Manuel de los Ríos hospital.³¹⁷ The IACHR reiterates its call for the Venezuelan State to comply in a timely manner with the precautionary measures granted.

F. People with Disabilities

189. Civil society informed the IACHR of the special impact that the country's COVID-19 mitigation measures have had on persons with disabilities. According to civil society organizations, the restrictions on mobility established in decree 4,160 of March 13, 2020, disproportionately affected access to rights—including the rights to health, food, water, and education—of persons with disabilities in the country. Likewise, according to the organization CONSORVEN, persons with disabilities face serious communications barriers related to the lack of access to information.

190. Similarly, civil society denounced the structural problem of access to health information faced by persons with disabilities. One example of this is the situation facing pregnant women with cognitive or hearing disabilities, who do not have support workers trained to work with this population.³¹⁸

191. Civil society also underscores the difficulties in accessing medications and food,³¹⁹ as well as the lack of implementation of the Persons with Disabilities Acts promulgated in January 2007, especially with regard to the provisions of article 28 on the application to ensure that at least 5% of public- and private-sector workers are persons with permanent disabilities.³²⁰ They also note that progress has not been made on the draft Organic Law for the Protection, Care, and Dignification of Persons with Disabilities published in 2016.³²¹

192. They also underscore the difficulties facing persons with disabilities as regards the educational system's lack of preparation for providing distance learning to children and adolescents with disabilities.³²² In this regard, the organizations reported that the teaching materials on

³¹⁶ *NTN24, 30 niños han fallecido desde la imposición de medidas cautelares de la CIDH al JM de los Ríos*, March 11, 2020.

³¹⁷ *NTN24, 30 niños han fallecido desde la imposición de medidas cautelares de la CIDH al JM de los Ríos*, March 11, 2020.

³¹⁸ Committee on the Rights of Persons with Disabilities. [Informe de la Sociedad civil como respuesta a la Lista de Cuestiones relativa al Examen inicial de la República Bolivariana de Venezuela sobre la Convención de Derechos de las Personas con Discapacidad \(CPCD\)](#). February 2020, pg. 5.

³¹⁹ *Crónica Uno*. [En cuarentena personas con discapacidad están sin acceso a medicinas e información](#). May 28, 2020.

³²⁰ *Clarín*. [Obstáculos y falta de atención. La odisea de sobrevivir con una discapacidad en medio de la crisis en Venezuela](#). December 13, 2020.

³²¹ Committee on the Rights of Persons with Disabilities. [Informe de la Sociedad civil como respuesta a la Lista de Cuestiones relativa al Examen inicial de la República Bolivariana de Venezuela sobre la Convención de Derechos de las Personas con Discapacidad \(CPCD\)](#). February 2020, pg. 5.

³²² *El Diario*. [Venezuela, un país que tiene deudas pendientes con las personas con discapacidad](#). December 3, 2020.

educational websites are not accessible.³²³ Additionally, regarding access to justice, civil society indicates that people with disabilities have been detained without guarantee for their fundamental rights, as the judiciary lacks sign language interpreters.³²⁴

193. Civil society organizations have reported that despite progress on the Persons with Disabilities Act in terms of the law, discriminatory provisions still exist that prevent people from using sign language to get married (article 90, Civil Code), swear to a will (837; 861; 862), or serve as a witness to a will (864).³²⁵ Lastly, based on the principle of equal protection and nondiscrimination, the IACHR urges the Venezuelan State to develop measures to guarantee the mobility of persons with disabilities, especially in urban contexts, through accessible buildings.³²⁶ In the same regard, it calls on the State to adopt measures guaranteeing persons with disability full legal capacity, pursuant to the social model of disability.³²⁷

G. Older Persons

194. During 2020, the Commission observed that the State still had failed to provide a response to providing protection to older persons, who have been disproportionately impacted in terms of the risk of becoming ill and dying in the context of the COVID-19 pandemic. Collapse of healthcare and social protection systems and the multiple deficiencies in living conditions have worsened the lack of protection and rights violations faced by older persons. The Commission has received information indicating that in some cities, 60% of the population does not have access to potable water,³²⁸ while 77% of older persons do not have sufficient access to food.³²⁹

195. The Commission notes that it is impossible for older persons to access sufficient medications due to their high cost or shortages. This has endangered their health, particularly of those with a critical dependence on treatments for illnesses like diabetes, hypertension, cancer, renal illnesses, and renal insufficiency.³³⁰

³²³ CECODAP. [Niños con discapacidad, los olvidados de la educación a distancia en Venezuela](#). June 19, 2020.

³²⁴ *Efecto Cocuyo*. [Sistema judicial vulnera derechos de personas con discapacidad, advierten expertos](#). June 25, 2020.

³²⁵ Committee on the Rights of Persons with Disabilities. [Informe de la Sociedad civil como respuesta a la Lista de Cuestiones relativa al Examen inicial de la República Bolivariana de Venezuela sobre la Convención de Derechos de las Personas con Discapacidad \(CPCD\)](#). February 2020, pg. 7.

³²⁶ *VoaNoticia*. [La hostilidad que sufren las personas con discapacidad en Caracas](#). February 05, 2020; *El Pitazo*. [Políticas de inclusión para personas con discapacidad no han avanzado en 12 años](#). December 3, 2019.

³²⁷ IACHR, [Press release 289/20](#), The IACHR Calls on States to Adopt Measures to Guarantee People with Disabilities Full Legal Capacity from a Human Rights Approach, December 3, 2020.

³²⁸ Programa Venezolano de Educación Acción en Derechos Humanos, [Más del 60% de los habitantes de Caracas y Petare carecen de agua para enfrentar la pandemia](#), September 24, 2020.

³²⁹ CONVITE A.C., [Urge política de asistencia y protección para las personas mayores en Venezuela](#), March 26, 2020.

³³⁰ *El Diario*, [El viacrucis de los pensionados que deben cumplir tratamientos médicos](#), November 24, 2020.

196. The Commission has received with concern information indicating that pensions to cover older persons' basic needs for survival are insufficient. In 2020, the pension devaluation process accelerated, and it no longer covers even 1% of the cost of basic food goods.³³¹

197. Regarding the situation of around 15,000 older persons living abroad, the Commission has received information indicating that since 2015, they have not received their pensions or have faced enormous obstacles in accessing them. The IACHR reiterates its concern at the disproportionate impact that the crisis has on this group of persons, given that they are at a stage in life when their quality of life, dignity, independence, autonomy, integrity of person, and very lives depend directly on social security.

198. The IACHR also learned through publicly-available information of the peaceful demonstration held on July 23, 2020, in Caracas by older persons to protest before the government the insufficiency of pensions and access to health services. According to publicly-available information, the demonstration was broken up by the National Police and the Bolivarian National Guard. Regarding this, the Commission rejects the detention of Juan Ovalles, the president of the Asociación de Jubilados y Pensionados del Metro de Caracas, and of journalist Carlos Julio Rojas.³³² Both were released after eight hours in detention.³³³ The IACHR calls on the Venezuelan State to promote and guarantee the human rights of older persons.

H. Indigenous Peoples

199. The IACHR remains concerned at the human rights situation of indigenous peoples in Venezuela as regards the protection of their ancestral lands and territories and the enjoyment of their economic, social, cultural, and environmental rights.

200. One of the main threats is the existence of illegal mining in and around indigenous territories. The IACHR takes note of the impact of the mining activity in the Orinoco Mining Belt Strategic National Development Zone, located in the states of Amazonas, Bolívar, and Delta Amacuro. As indicated in a UNHCHR report, the increase over the last decade of illegal mining activities and the control of them by criminal groups has led to indigenous people losing control over their territories and natural resources. The IACHR takes note that the indigenous peoples in the region have called for the demarcation and titling of their territories, which would be an important measure toward

³³¹ CONVITE A.C., [Urge política de asistencia y protección para las personas mayores en Venezuela](#), March 26, 2020.

³³² Efecto Cocuyo, [Protesta de jubilados y pensionados en Caracas termina con dos detenidos este #23Jul](#), July 23, 2020.

³³³ El Nacional, [Carlos Julio Rojas después de ser liberado: La protesta está criminalizada en Venezuela](#), July 23, 2020.

controlling the aforementioned activities.³³⁴ Because of this situation, indigenous peoples have faced acts of violence, intimidation, murder, kidnapping, and extortion at the hands of criminal gangs.³³⁵

201. The IACHR notes with concern the information on a resolution adopted by the government in April 2020 permitting mining exploitation in riverbeds of the Mining Belt. The indigenous peoples were not consulted about the resolution, and it will have serious environmental impacts on their territories, sources of water, and sources of food.³³⁶ The mining activities in the Mining Belt have caused divisions and weakened the representative institutions of indigenous peoples. They have generally been conducted without adequate prior consultation processes and without providing information on social and environmental impacts or respecting the principle of free, prior, and informed consent.³³⁷ All of this has undermined the right to free determination of indigenous peoples, particularly the right to freely define their economic, social, and cultural development.

202. The IACHR reiterates that the State must place a priority on respect for the territorial rights of indigenous peoples, as it is a fundamental element of their physical and cultural survival.³³⁸ The right to collective property entails a series of obligations, such as the recognition, demarcation, titling, and disencumbrance of indigenous peoples lands and territories.³³⁹ The State has an obligation at all times to comply with its duty to guarantee human rights in the context of activities, plans, or projects carried out on indigenous and tribal lands and territories,³⁴⁰ for which consultation and consent are especially important.

203. According to inter-American standards, the consultation must be conducted beforehand, must be in good faith and conducted in a manner that is appropriate to the circumstances, and must aim to obtain their free, prior, and informed consent. For these purposes, indigenous peoples must have information on the impacts of the activities on their territories in order to make an informed decision in this regard. Therefore, pursuant to inter-American standards, social

³³⁴ UNHCHR, Independence of the justice system and access to justice in the Bolivarian Republic of Venezuela, including for violations of economic and social rights, and the situation of human rights in the Arco Minero del Orinoco region, A/HRC/44/54 (July 15, 2020) paras. 38-40, 57.

³³⁵ UNHCHR, Independence of the justice system and access to justice in the Bolivarian Republic of Venezuela, including for violations of economic and social rights, and the situation of human rights in the Arco Minero del Orinoco region, A/HRC/44/54 (July 15, 2020) para. 60.

³³⁶ UNHCHR, Independence of the justice system and access to justice in the Bolivarian Republic of Venezuela, including for violations of economic and social rights, and the situation of human rights in the Arco Minero del Orinoco region, A/HRC/44/54 (July 15, 2020) para. 62.

³³⁷ UNHCHR, Independence of the justice system and access to justice in the Bolivarian Republic of Venezuela, including for violations of economic and social rights, and the situation of human rights in the Arco Minero del Orinoco region, A/HRC/44/54 (July 15, 2020) para. 64-5.

³³⁸ Inter-American Court. *Case of the Yakye Axa Indigenous Community v. Paraguay*. Merits, Reparations and Costs, paras. 124, 135, and 137.

³³⁹ Inter-American Court. *Case of the Mayagna (Sumo) Awas Tingni Community v. Nicaragua*. Merits, Reparations and Costs, Judgment of August 31, 2001. Series C No. 79, para. 153(2); and *Case of the Xucuru Indigenous People and its members v. Brazil*, judgment of February 5, 2018. Series C No. 346, para. 118.

³⁴⁰ IACHR, "Indigenous Peoples, Afro-Descendent Communities and Natural Resources: Human Rights Protection in the Context of Extraction, Exploitation, and Development Activities," December 31, 2015, paras. 167-168.

and environmental impact studies are required beforehand that identify "the direct or indirect impact upon the ways of life of the indigenous peoples who depend on those territories and the resources present therein for their subsistence."³⁴¹ The Commission also recalls that both the United Nations Declaration on the Rights of Indigenous Peoples and Inter-American case law conceive of the right to prior, free, and informed consent as a process emanating from the right to free determination.³⁴²

204. Additionally, the IACHR has learned of concerns regarding the rights to political participation of indigenous peoples in Venezuela. According to the information, the National Electoral Council (CNE) adopted a rule that changed the electoral system as regards representatives of indigenous peoples before the National Assembly six months prior to the December 6, 2020, legislative elections. Before that, the Constitution from 1999 establish that for the National Assembly, three indigenous deputies would be elected directly on the ballot of the respective state or precinct where voters go to vote. Under the new rules, the indigenous representatives in the National Assembly will be elected only by members of indigenous peoples, through spokespersons chosen in community assemblies.³⁴³

205. The spokespersons were selected during community assemblies in September with the raising of hands, and on December 9, a total of 3,558 indigenous spokespersons elected an indigenous deputy for each of the three indigenous regions in Venezuela, covering 10 of Venezuela's 23 states.³⁴⁴ According to some information, the process was a more direct form of voting for members of indigenous peoples compared to the previous system provided for in the Constitution in which indigenous deputies were voted on by all registered voters.³⁴⁵

206. Regarding this, the IACHR recalls that indigenous peoples have the right to full and effective participation—through representatives they elect in keeping with their own institutions—in the making of decisions that affect their rights, particularly as regards the drafting and execution of laws, public policies, and other actions related to indigenous matters.³⁴⁶ In that regard, the State must adopt all measures necessary to guarantee that the members of indigenous peoples are able to participate on an equal footing in decision-making on matters and policies that could affect their rights.³⁴⁷

³⁴¹ IACHR, *Indigenous and Tribal Peoples' Rights over Their Ancestral Lands and Natural Resources: Norms and Jurisprudence of the Inter-American Human Rights System*, OEA/Ser.L/V/II.Doc 56/09, December 30, 2009, para. 254.

³⁴² IACHR, "Situation of human rights in Honduras," OEA/Ser.L/V/II. August 27, 2019, para. 216.

³⁴³ Acceso a la justicia, [Pueblos indígenas en Venezuela pierden su derecho al voto secreto y directo](#), August 7, 2020.

³⁴⁴ DW, [Otorgan al chavismo las tres diputaciones indígenas de Venezuela](#), December 15, 2020. VTV, [CNE califica como exitoso el proceso electoral indígena para la nueva AN y anunciará en los siguientes días resultados oficiales](#), December 9, 2020.

³⁴⁵ *Telesur*, [Pueblos indígenas de Venezuela eligen diputados al parlamento](#), December 9, 2020.

³⁴⁶ American Declaration on the Rights of Indigenous Peoples. AG/RES. 2888 (XLVI-O/16) (2016), Articles XXI.1, XXIII.1.

³⁴⁷ Inter-American Court. *Case of Yatama v. Nicaragua*, Excepciones Preliminares, Fondo, Reparaciones y Costas. Judgment of June 23, 2005. Series C No. 127, para. 225.

I. Lesbian, Gay, Bisexual, Trans, and Intersex (LGBTI) Persons

207. Regarding the human rights situation of lesbian, gay, bisexual, trans and genderqueer, and intersex (LGBTI) persons, the Commission highlights the lack of systematic and disaggregated official information that would enable analysis of the violence and discrimination they face. In this regard, the IACHR reiterates that States must make efforts and allocate sufficient resources to systematically collect and analyze statistics on the prevalence and nature of the violence and discrimination based on prejudice against LGBTI persons or those perceived as such. Effectively, access to information and disaggregated statistics is a crucial tool for evaluating the effectiveness of measures intended to prevent, punish, and eradicate violence against LGBTI persons and for devising any other change to State policies that may be necessary.³⁴⁸

208. The IACHR welcomes the creation of the Office of the Special Ombudsperson with National Competence for the Protection of Sex Diversity, under the Office on Special Areas of Focus of the Office of the Ombudsperson. This Ombudsperson office is intended to combat the culture of discrimination, exclusion, and violence against LGBTI persons and foster academic instruction and training for public officials on diversity.³⁴⁹ In this regard, the Commission recalls that States have a duty to conduct regular and ongoing training activities for public officials on sexual orientation, gender identity and gender expression, body diversity, and sex characteristics, including the challenges faced by LGBTI persons, particularly for justice officials and those working in education, employment, and health sectors.³⁵⁰

209. Additionally, the Commission welcomes the approval in the National Assembly of the "Agreement on the differentiated impact of COVID-19 on the health of LGBTI persons," in the framework of the National Day against Homophobia, Transphobia, and Biphobia. Among other things, the document recognizes the persistence of rejection, discrimination, violence, and denial of rights experienced by LGBTI persons, as well as social prejudices and discrimination contained in national legislation.³⁵¹ In this framework, the agreement establishes, among other things, "proposing bills to the plenary that end legal segregation and establish effective equality under the law for LGBTI persons."

210. As regards this last point, the Commission takes note of the statements of rejection issued by civil society organizations, which note that the legal reforms would not affect article 77 of

³⁴⁸ IACHR, [Violence against Lesbian, Gay, Bisexual, Trans and Intersex Persons in the Americas](#), 2015; and IACHR, [Progress on and challenges to recognizing the rights of LGBTI persons in the Americas](#), 2018.

³⁴⁹ Acceso a la Justicia, [Formalmente, campesinos, migrantes y población LGBTI entran en el radar de la Defensoría del Pueblo](#), December 11, 2020; *Últimas Noticias*, [Crean Defensoría especial para personas de la sexodiversidad](#), December 3, 2020; and Ombudsperson of the Office of the Ombudsperson of Venezuela, [Defensoría del Pueblo creó la Defensoría Delegada Especial de las Personas de la Sexodiversidad](#), December 2, 2020.

³⁵⁰ IACHR, [Progress on and challenges to recognizing the rights of LGBTI persons in the Americas](#), 2018, recommendation 5.a.

³⁵¹ National Assembly of the Bolivarian Republic of Venezuela, [Acuerdo sobre acciones tendientes a visibilizar y mitigar el impacto diferenciado del Covid-19 sobre la población LGBTI como consecuencia de la Homofobia, transfobia y la bifobia](#), May 19, 2020.

the Constitution, which protects marriage between a man and a woman.³⁵² In this regard, the IACHR reiterates to the State its recommendation to legally recognize unions or marriage of persons of the same gender, granting them the same rights conferred to couples of different genders, including property rights and all other rights that derive from the relationship, without distinction based on sexual orientation or gender identity, under penalty of violating the rights to equality and nondiscrimination.³⁵³ This is based on the case law of the Inter-American Court and Advisory Opinion 24/2017.

211. Nevertheless, the IACHR welcomes the approval of the agreement, as it recognizes the need to adopt measures to guarantee the rights of LGBTI persons, and urges the State to follow up on the five points set forth therein, pursuant to inter-American standards on equal protection and nondiscrimination. It is the view of the Commission that the agreed-upon points have the potential to inform public policy, legislation, and other effective and practical measures for preventing and punishing discrimination against LGBTI persons, as well as guaranteeing their social inclusion.

212. Additionally, the Commission views positively the public statements issued by national authorities, such as Deputy Tamara Adrián, who have called for respect for and guarantee of the rights of LGBTI persons in Venezuela.³⁵⁴ In this regard, the IACHR welcomes the positive public statements issued by senior State authorities due to the crucial role they play in guiding the social change necessary to fight discrimination and social prejudice.³⁵⁵

213. The IACHR takes note of the concern expressed by the Red Internacional de Activistas LGBTIQ+ Venezolanos Refugiados y Migrantes at the lack of information that would enable analysis of the situation of refugees and migrants who have returned to the country during 2020.³⁵⁶ In this regard, the group told the IACHR that, because of the global impacts of the pandemic, some Venezuelan LGBTI persons have had to return to Venezuela, exposing them again to the violence,

³⁵² Venezuela Diversa, A.C., [Organizaciones LGBTIQ ante el Acuerdo de la Asamblea Nacional](#), May 20, 2020.

³⁵³ IACHR, [Advances and Challenges towards the Recognition of the Rights of LGBTI Persons in the Americas](#), 2018, recommendation 20.

³⁵⁴ Deputy Tamara Adrián of the National Assembly of Venezuela, [En el marco del día Mundial de la Tolerancia](#), November 16, 2020.

³⁵⁵ IACHR, [Advances and Challenges towards the Recognition of the Rights of LGBTI Persons in the Americas](#), 2018, para. 71.

³⁵⁶ Communication of June 19, 2020, signed on World Refugee Day 2020: Statement by LGBTIQ+ activists on Venezuelan refugees and migrants: Daniel Arzola, ARTivista / Chile. Danny Rausseo, Orgullo Guayana A.C / Brasil Edgar Baptista, Policy Coordinator of Pro-Inclusión / Chile, Franklin Peña, Asovida / Colombia, Félix Fernández Bermúdez, Orgullo Guayana A.C / Brazil, Hanays Montaner, Fundación Amanecer Humanos / Colombia Jessica Polo, President A.C Activistas por el Arcoiris / Chile, Jesús Gómez, LGBTI activist / Colombia, Jesús Rondón, Asesor Jurídico de ASOVIDA / United States, Jhonny Gallardo, Asovida/ Peru, Jose Manuel Simons, Migración Diversa/ Chile, José Alirio Peña, AREMIDIAR- CINEVERSATIL/ Argentina, Juan Carlos Viera, Activista LGBTI / Mexico, Luis Meneses, FUVADIS / Colombia, Ower Alexander Oberto, LGBTI activist / Canada, Omany Ferreira, LGBTI activist / Colombia, Wendell Oviedo, Venezuela Diversa-América Diversa / United States, Yohana Hernández, A.C Activistas por el Arcoiris / Chile, Yorkfran Arellano, Asovida/ Mexico and Yonatan Matheus, Venezuela Diversa -América Diversa / United States.

structural discrimination, and social exclusion that had originally caused them to migrate or request international refuge.³⁵⁷

214. In view of the lack of standardized and disaggregated information from State sources, the Commission bases its findings on reports prepared by civil society, which document acts of violence and discrimination against LGBTI persons. Regarding acts of violence, the IACHR highlights the attack perpetrated by six men against Jorge Granado in Ciudad Guayana, allegedly motivated by prejudice against the victim's sexual orientation.³⁵⁸ The Commission has also received information on acts of harassment against Marcy Ávila, a defender of the human rights of LGBTI persons.³⁵⁹

215. Along with this, the IACHR expresses consternation at reports of the detention of 60 people on October 7, allegedly for the purposes of forced recruitment. According to publicly available information, at least seven of these individuals identify as LGBTI or defenders of the human rights of LGBTI persons.³⁶⁰ The IACHR reminds the State of Venezuela of its obligation to guarantee protection of LGBTI persons and address the underlying causes of violence and discrimination against them, and its obligation to act with due diligence to prevent, investigate, try, punish, and provide reparations for human rights violations against LGBTI persons.³⁶¹

216. The IACHR is also concerned at the lack of legal protection from discrimination for reasons of sexual orientation, gender identity and expression, and biodiversity, as well as the lack of legislation on hate crimes or crimes of prejudice.³⁶² On the contrary, the State still has laws on the books like article 565 of the Organic Code of Military Justice, which is used to criminalize people based on their sexual orientations, both real and perceived.³⁶³ The Commission therefore reminds the State of Venezuela of its duty to repeal legal provisions that criminalize—directly or indirectly—behavior based on sexual orientation, gender expression, or gender identity.³⁶⁴

³⁵⁷ Colombia Diversa, [Situación de las personas LGBT migrantes de origen venezolano en territorios fronterizos de Colombia](#), June 2010.

³⁵⁸ NTN24, [Desfiguran a joven al sur de Venezuela en presunto ataque homofóbico](#), June 2, 2020.

³⁵⁹ *Primicia*, [Activista denuncia mensajes de intolerancia contra la comunidad LGBT](#), July 8, 2020.

³⁶⁰ Movimiento SOMOS Mérida, [Condena ante hechos del 7 de octubre](#), October 7, 2020.

³⁶¹ IACHR, [Violence against Lesbian, Gay, Bisexual, Trans and Intersex Persons in the Americas](#), 2015; and IACHR, [Progress on and challenges to recognizing the rights of LGBTI persons in the Americas](#), 2018.

³⁶² José Manuel Simons Domínguez, "Informe sobre situación actual de derechos humanos de las personas LGBTI en Venezuela," February 2020, pgs. 20-22; NTN24, [Desfiguran a joven al sur de Venezuela en presunto ataque homofóbico](#), June 2, 2020; Unión Afirmativa, [Manifiesto por el mes del orgullo LGBTI](#), June 5, 2020; and AC Venezuela Igualitaria, [Coalición de movimientos LGBTI y de DDHH nos unimos para denunciar al Estado, sus Instituciones y Partidos Políticos](#), June 30, 2020.

³⁶³ José Manuel Simons Domínguez, "Informe sobre situación actual de derechos humanos de las personas LGBTI en Venezuela," February 2020, pgs. 21-22; AC Venezuela Igualitaria, [Coalición de movimientos LGBTI y de DDHH nos unimos para denunciar al Estado, sus Instituciones y Partidos Políticos](#), June 30, 2020; and *Efecto Cocuyo*, ["El Estado incurre en una forma de discriminación a través de la omisión", denuncian activistas Lgbti en Caracas](#), December 10, 2020.

³⁶⁴ IACHR, [Violence against Lesbian, Gay, Bisexual, Trans and Intersex Persons in the Americas](#), 2015; and IACHR, [Progress on and challenges to recognizing the rights of LGBTI persons in the Americas](#), 2018.

217. The Commission also views it as pertinent to address the failure to provide legal recognition of the gender identity of trans and genderqueer persons, and without pathologizing requirements. Regarding this, the IACHR recalls that it found admissible a petition filed by trans leader Tamara Adrián. It concluded that, should the facts be corroborated, the State of Venezuela could be internationally responsible for failing to provide a suitable and effective remedy in the Venezuelan legal system to change an individual's gender identity in documentary records.³⁶⁵ In this regard, it reiterates that the State of Venezuela has a duty to adopt gender identity laws that recognize the right of trans and genderqueer persons to change their images, their names, and the "sex" or "gender" markers on birth certificates, identity documents, and other legal documents.

J. Afro-descendants

218. The Commission welcomes the publication of the "Programmatic agenda for persons of African descent, Fatherland Plan 2025" by the Ministry of the People's Power for Planning, which recognizes the various forms of organization unique to persons of African descent; traditions, customs, and cultural expressions of the Afro-Venezuelan people, their historical heritage, and traditional medicine.³⁶⁶

V. CONCLUSIONS

219. The Commission observes that in 2020, 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 significant 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 undermining the National Assembly and approve extensions to the states of emergency without any restrictions.

220. It is the IACHR's view that holding elections is a necessary condition for overcoming the crisis. However, it notes that the 2020 parliamentary elections took place without observation, guarantees of competitiveness or plurality, further deepening the institutional crisis and enabling the almost absolute concentration of government authority in the hands of the Executive Branch and increasing the margin for arbitrariness.

221. The Commission finds it especially concerning that some measures adopted to address the COVID-19 pandemic have been marred by opacity, stigmatizing discourse against returning persons, and threats against journalists, healthcare workers, and care workers, as well as against

³⁶⁵ IACHR Report No. 66/16. Petition 824-12 Admissibility. Tamara Mariana Adrián Hernández. *Venezuela*. December 6, 2016, para. 26, cited in IACHR, [Report on trans and gender-diverse persons and their economic, social, cultural, and environmental rights](#), August 7, 2020.

³⁶⁶ Ministry of the People's Power for Planning, [Agenda programática de las y los afrodescendientes, Plan de la patria 2025](#), 2020

academics. The circumstance suggests that even in the face of a pandemic that demands a human rights perspective, the State is hardening the notion of internal and external enemy.

222. The IACHR views with concern the living conditions of the majority of people in Venezuela. It is even more concerning that the State does not appear to be taking effective actions to remediate 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 deployment of citizen security operations characterized by arbitrariness has meant that during 2020, grave human rights violations continued to take place, including extrajudicial executions, forced disappearances, and torture.

223. The institutional, political, and social crisis has had a 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 5 million Venezuelans to flee their country in recent years. The Commission calls on the Venezuelan State and the other States in the region to offer a response that is based on shared responsibility and on respect for and guarantee of human rights.

VI. 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.

a. 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 officiously.
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 officiously.
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. 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**

37. 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.
38. 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.
39. 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**

40. 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;
41. 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**

42. 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.
43. 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.

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.