

VENEZUELA - Adoption of the list of issues by the Human Rights Committee
Executive Summary of the document presented by CDH-UCAB¹, Espacio Público², Civilis³ and Provea⁴

- The lack of consultation by the State with civil society organizations in development and monitoring of reports has become a recurring practice.
- The State report is focused on description of laws with no detail on practices and policies that violate rights recognized in the Covenant.
- Some constitutional progress featured favorably in the Committee's Concluding observations to Venezuela's Third report, have been affected by legislative delay, eg on indigenous issues, or regressive laws and practices, especially by promulgation of decree laws via enabling act affecting human rights, as well as a negative performance of the Ombudsperson that deviates from the Paris Principles.
- Especially since 2004, a discriminatory practice on political grounds towards opposition sectors that are identified, threatened or excluded by the simple exercise of political rights is observed.
- The anti-terrorism law is being used as an instrument to punish dissent.
- State institutions do not apply standards to prevent torture. Despite being already criminalized, torture remains invisible due to the absence of official records of victims and status of investigations. Recently, a widespread practice of torture and cruel treatment of people detained in demonstrations is observed.
- Although conscientious objection is enshrined in the Constitution, the military registration is mandatory for people and has recently been extended to entities of the private sector.
- There have been massive and arbitrary arrests, as well as individual cases that have been considered by the Working Group on Arbitrary Detention; the State has not complied with the resolutions issued in this regard. Preventive detention, which should be an exception, is applied widely, causing more overcrowding in prisons and increasingly affecting the police detention centers.
- In 2012, by decree, the President amended the Code of Criminal Procedure (COPP), so it lost its accusatory nature, with a negative impact on the rights of inmates.
- 80% of the country's judges are provisional, which affects the stability and independence of their functions. COPP reform by decree restates the trial in absentia and establishes discretionary restrictions on public trial. The right to appeal a judicial decision to a higher court, has been affected by rulings by the Supreme Court.

¹ Founded in November 1999, the Andres bello Catholic University Human Rights Center (CDH-UCAB), focuses its work on the right to political participation, freedom of expression, rights of refugees and migrants, strengthening democratic institutions and international systems of human rights protection. The Center also has a student support service that provides legal assistance to detained students in connection with the pursuit of their right to peaceful assembly.

² Founded in 2002, Espacio Público is an independent nonprofit civil association, which aims to promote and defend human rights, especially freedom of expression; the right to information and social responsibility in the media.

³ Civilis Derechos Humanos is an independent, pluralistic and autonomous nonprofit civil association, founded in 2010, dedicated to supporting the ongoing work of groups and civil society organizations in the field of human rights.

⁴ The Venezuelan Program on Education and Action on Human Rights (Provea) is an independent and autonomous non-governmental organization, which aims to promote and defend human rights, particularly economic, social and cultural rights.

- The disclosure of private communications to disqualify political leaders, human rights defenders, labor leaders and other social actors is a recurring practice by senior officials; these communications unlawfully obtained are then used by the Public Ministry. Reviewing the contents of detainees' cell phones, without a warrant, has become a practice.
- Attacks on freedom of expression are manifested in arrests, confiscation of materials and equipment, threats and attacks against journalists and *street journalists*. Censorship is not only a vague practice as a result of informal pressures, but has also expressed through judicial decisions, some of which have been promoted by the Ombudsperson.
- Over 90% of cases of public information requests are denied or are not adequately answered.
- At least since 2004 a growing climate of criminalization of protest is being experienced. Up to 2013 some 3,000 people were brought to trial by the exercise of the right to demonstrate; only in the first half of 2014, 3,000 people were arrested and most subject to prosecution. In April 2014, the Supreme Court reinterpreted Article 69 of the Constitution which guarantees the right to peaceful demonstration, imposing the obligation to have a "permit" to exercise this right.
- The control demonstrations, mostly peaceful and within the framework of demands on social rights and public services, shows a trend of increased repression, with disproportionate use of force that has affected the physical integrity of the protesters and bystanders. More recently, a growing pattern of widespread and systematic attacks against civilians in residential areas in the exercise of the right to demonstrate is observed, some of which were accompanied by illegal house searches in order to capture alleged violent protesters.
- Since 2006, the State has developed a hostile policy towards the organizations of Venezuelan civil society, affecting the right to freedom of association. This policy was deepened with the Act on Federal Governing Council of 2009 and the Organic Law of the People's Government and Commune, 2010, establishing a concept of "organized community or society" in which the State only recognized as such organizations of the "People Power".
- Under the assumption of the defense of the sovereignty and the fight against terrorism, laws have been passed restricting the actions of citizens and civil society in the exercise of freedom of association.
- The right to political participation has been affected in various ways, ranging from restrictions to promote and defend political rights with sanctions, including political ban, to the disregard for the popular will expressed in electoral consultations.
- The Venezuelan State has been defying and systematically ignoring the decisions of regional and international human rights bodies, coming in 2012 to the denunciation of the American Convention on Human Rights, which became effective in September 2013. The Ombudsperson has kept total silence against these repeated breaches of international obligations.