

Contribution of Venezuelan civil society organizations to the fifth review of Venezuela under article 40 of the International Covenant on Civil and Political Rights at the 139th session of the Human Rights Committee.

VENEZUELA - Rights to freedom of peaceful assembly, association, and public participation (Articles 21, 22, and 25) in a process to close civic space during 2015-2023.

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- **Sinergia** – Red Nacional de Organizaciones de la Sociedad Civil Venezolana
- **FundaRedes**
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- **Médicos Unidos de Venezuela (MUV)**
- **CEPAZ**

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I. INTRODUCTION

1. This report is a joint effort by Civilis Derechos Humanosⁱ, Sinergiaⁱⁱ, FundaRedesⁱⁱⁱ, Provea^{iv}, Promedehum^v, Coalición Sindical Nacional^{vi}, Asociación de Profesionales Universitarios en funciones administrativas y Técnicas (APUFAT UCV)^{vii}, Médicos Unidos de Venezuela (MUV)^{viii} and CEPAZ^{ix} to contribute to the fifth review of Venezuela of the International Covenant on Civil and Political Rights (hereinafter "ICCPR" or "the Covenant"), to be undertaken by the Human Rights Committee (hereinafter "the Committee") at its 139th session. The report addresses articles 21, 22, and 25 of the rights to freedom of peaceful assembly, association, and participation, about information available from 2015 to 2023. The report was prepared based on the recommendations made by the Committee in 2015, the State's periodic report, the list of issues (hereafter LOI), and the State's response to the latter. The data is based on first-hand observation and documentation of events and interviews with individuals and victims.

II. CONSTITUTIONAL AND REGULATORY FRAMEWORK

2. The Constitution of the Bolivarian Republic of Venezuela (referred to as the "CRBV") recognizes the right to freedom of association in Article 52, the right to freedom of peaceful assembly in Articles 53 and 68, and the right to participation in Article 62. However, for more than 20 years, the State has repeatedly violated each of these rights through executive, judicial and legislative measures, creating a framework of highly restrictive regulatory instruments. Between 2019 and 2023, this behavior has been aggravated by the intention to apply new measures that seriously endanger these rights in Venezuela, disregarding the observations of various bodies of the international human rights protection system.

The right to freedom of association is threatened by the legal framework.

3. According to the CRBV, the Venezuelan legal system has legal regulations that facilitate and legitimately regulate the activities of civil society

organizations (hereinafter CSOs). CSOs must apply for legal personality as civil associations or nonprofit foundations under the Civil Code when they decide to do so^x. The procedure is regulated by the law on registries and notaries public. It is carried out before the Autonomous Service of Registries and Notaries (SAREN in Spanish) by notarizing a deed of incorporation, which indicates the name, purpose, domicile, form of administration, and identification of its founding members, authorities, and legal representatives^{xi}.

4. Tax matters are controlled by the National Integrated Customs and Tax Administration Service (SENIAT in Spanish) through the Tax Information Registry (RIF), which is obtained by providing information on registration data, domicile, type of activity and legal representatives. Tax matters are also regulated by the Organic Tax Code^{xii} and specific laws such as the Income Tax Law and the Value - Added Tax Law and their regulations.
5. However, since 2008, rulings, laws, and regulations issued by the executive, judicial, and legislative branches, which are still in force and will be accentuated between 2019 and 2023, have been issued to disregard, criminalize, and disqualify civil society organizations and to suspend in practice the right to freedom of association and the closure of civic space. These measures affect the full range of their exercise, including procedures for legal status and registration of protocols, internal decisions on purposes, structure, and activities, access to financial resources, and action on issues of public concern, without arbitrary impediments or fear of retaliation.
6. To date, Civilis has identified at least 15 norms in force^{xiii}^{xiv}^{xv}^{xvi} that undermine the ability of CSOs to act autonomously, participate in public decision-making processes, seek and access resources from national and international sources, participate in the demand for democratic conditions and responsibilities in the fulfillment of obligations to guarantee the rights of the population; to provide services to vulnerable communities and populations; to defend and assist victims of abuse, discrimination and deprivation of rights, both civil and political, as well as economic, social, cultural and

environmental; and to have recourse to bodies of the international human rights protection system.

7. In 2020, UN Special Rapporteurs expressed their concern about the inappropriate use of anti-terrorism legislation against civil society^{xvii}. In fact, in October 2020, based on the Law on Combating Organized Crime and Terrorist Financing, the Special Automated Registry of Non-Governmental Organizations Not Resident in the Country (REGONG in Spanish)^{xviii} was created to annually certify international humanitarian organizations under violations of this law^{xix}. Until 2023, these organizations had not received official authorization, although they had registered.
8. In 2021, the National Office against Organized Crime and the Financing of Terrorism issued Order 002-2021^{xxxi}, creating the Unified Registry of Regulated Entities (RUSO in Spanish) for nonprofit organizations, prior certification of not committing this type of crimes, contrary to the rights of civil society and Recommendation No. 8 of the Financial Action Task Force (FATF)^{xxii}. In November 2021, several UN Special Rapporteurs and another's human rights organism of protections expressed the incompatibility of these norms with the right to freedom of association^{xxiiixxivxxv}, and 700 NGOs demanded their repeal^{xxvixxxvii}. However, order 002-2021 remained in force.
9. In addition to these previous instruments, two draft laws for 2021 and 2023 are being discussed in the National Assembly (NA). They pose a severe threat to civil society organizations, and their implementation could finally close the civic space in Venezuela. These are the Law on International Cooperation^{xxviii} and the Law on the Control, Regularization, Performance, and Financing of NGOs and Related Organizations^{xxix}.

Legal framework violating the right to assemble peacefully.

10. The right to peaceful assembly is recognized in the CRBV and Article 41 of the Law on Political Parties, Public Meetings, and Demonstrations. This norm establishes the obligation to submit a notification to the competent authorities,

which must stamp the acceptance of the place, the route, and the time. This should not be understood as a request for authorization.

11. However, Resolution 08610 of the Ministry of Defense remains in force, establishing that the National Armed Forces may control public order without limiting this exclusively to the National Guard, the only component legally authorized to do so. It also allows officers to be armed in the development of peaceful demonstrations, violating the express prohibition made in this sense by the CRBV. In addition to the non-progressive and indiscriminate use of force, this is a state policy in exercising public order control. Likewise, the criteria of the Constitutional Chamber of the Supreme Court of Justice (TSJ in Spanish), expressed in decision no. 276 of April 24, 2014, according to which people must request permission to exercise their right to public assembly, with the risk of being prosecuted if they fail.
12. Furthermore, it is reiterated that, contrary to the recommendation of the Human Rights Committee during the fourth review of Venezuela under the Covenant, the State has not reviewed, reformed or repealed the legislative and administrative norms that grant permits for public demonstrations and impose sanctions on those who exercise this right in Venezuela^{xxx}, in the sense of not imposing restrictions contrary to the strict requirements of articles 21 and 22 of the Covenant. On the contrary, norms restricting this right continue to be promoted. A policy of criminalization is maintained against those who exercise their right to peaceful assembly, branding them as terrorists and prosecuting them for incitement to commit a crime, incitement to hatred, association to commit a crime, conspiracy, and attacks against road safety.

Right to public participation nullified by regulatory framework.

13. Since 2008, the executive has been creating a state parallel to that established by the CRBV, called the "communal state," which dismantles the institutionally constituted state. This state model was rejected by a popular referendum in 2007. However, without respect for the rule of law and the

separation and independence of the executive, legislative, and judicial branches, more than 60 laws were approved or reformed between 2008 and 2012 that put this new state into effect^{xxxii}. Between 2009 and 2012, its primary laws, the "People's Power Laws", were approved and reformed for 20 years^{xxxiii}. These laws have been reformed during 2023, emphasizing their characteristics contrary to the CRBV, and have been applied to laws on education, labor, and protection of children and adolescents, among others^{xxxiii}.

14. The Communal State violates the constitutional principles of democracy, political and civic participation, and the legal reservation of the protection of fundamental rights to the State:

(a) It creates the People's Power as a new public power within the State, to which popular sovereignty is transferred and outside of which no other recognized form of organized society exists.

b) The People's Power is the constituent basis of the new form of the State, in which society is organized in a subordinate manner and all free association and participation in public life are unknown.

c) Political participation is limited to expressions organized within the People's Power for socialist purposes, thus violating freedom of thought and expression.

d) Citizens shall fully exercise their sovereignty and public participation by assuming the direct management of public power and by limiting it to the social spheres of the community and communal spaces.

e) Public power is centralized and concentrated in executive institutions.

f) The rights enshrined in the Constitution are subject to the "degree of conscience and political organization" of the citizens. They must be exercised through the organizations of popular power.

g) The Communal State shall authorize and supervise the organizations of the People's Power, which shall assume obligations with public functions and purposes of the State, including the guarantee of rights.

Failure to follow the recommended protection system.

15. In Ruling No. 1,942 of July 2003 of the Constitutional Chamber of the Supreme Court of Justice (TSJ)^{xxxiv}, the State declared that the recommendations of the protection systems were not binding and that the decisions of the Inter-American Court of Human Rights were not applicable^{xxxv}. However, in its response to the LOI (paragraph 4), the State refers to Article 23 of the Constitution, which provides for the direct and immediate application of international treaties. Judges and prosecutors did not refer to treaties in at least five cases of arbitrary deprivation of life^{xxxvi}.
16. The State's response to the LOI (paragraphs 6 and 7) on the Office of the Ombudsman (Defensoría del Pueblo in Spanish) differs from the facts. In 2016, the UN Subcommittee on Accreditation downgraded the Ombudsman to Category B for actions that violate the Paris Principles by remaining silent or supporting restrictive norms for exercising freedom of expression, peaceful assembly, and association. The head of the Ombudsman has chosen to systematically deny the existence of violations or his office's knowledge of them.

Recommendations

17. Abrogate any rule or provision inconsistent with the rights to freedom of association, peaceful assembly, and participation outlined in the Covenant.
18. Repeal any measure or provision that jeopardizes civil society organizations' stability, access to international funding, and security.
19. Refrain from enacting laws or any restrictive regulatory instruments that threaten the autonomy and independence of civil society and an open and safe environment for civic space.
20. Review the laws that establish the figure of the communal state according to democratic principles and fundamental rights and freedoms established in the current Constitution and international law.
21. To review and promote a normative and legal framework that provides security to citizens, guarantees civil and political rights in electoral processes, and restores the right to elect and be elected.

22. Refrain from using counter-terrorism norms, including FATF Recommendation No. 8, to violate the rights of civil society, and be sufficiently precise to respect the principle of legality to avoid their use to criminalize for political or other unjustified reasons.
23. Urging compliance with the recommendations of the international system for the protection of human rights and cooperation obligations to adopt a legal and institutional framework following the Covenant.
24. Urge the Office of the Ombudsman to comply with its constitutional mandate and the Paris Principles.

III. RIGHT TO PEACEFUL ASSEMBLY (Article 21)

25. During the reporting period, the right to peaceful assembly was severely violated, leading to the establishment of a Fact-Finding Mission (FFM) and the investigating of crimes against humanity by the International Criminal Court (ICC)^{xxxvii}. Between April and August 2017, the State implemented a policy of repression against peaceful demonstrations (approximately 9,436 in total, with an average of 78 per day), in which more than 3% of the country's population participated^{xxxviii}.
26. The patterns were: (a) disproportionate and indiscriminate use of public force; (b) blockades or roadblocks to provoke the violent dispersal of demonstrations; (c) inappropriate use of non-lethal weapons to inflict maximum damage; (d) use of military justice to prosecute civilians; (e) closure of public transportation to prevent its use by demonstrators; (f) attacks on homes; (g) torture and inhuman and degrading treatment; (h) censorship; e) closure of public transportation to prevent its use by demonstrators; f) attacks on homes; g) torture and inhuman, cruel, and degrading treatment; h) censorship and criminalization of demonstrators; i) use of armed civilians; and j) arrests of family members of social and political leaders to force them to surrender. The repression resulted in 163 deaths, 52% of whom were under 25, 1,958 people injured^{xxxix}, and hundreds of people prosecuted by the military justice system.

27. In paragraph 110 of its response to the LOI, the State claims that "on many occasions, the demonstrations were violent" to justify the repression by the security forces. The Office of the High Commissioner for Human Rights (OHCHR) documented that these forces systematically used excessive force^{xi}. Nor is it true that investigations have been carried out to determine responsibility in the cases that the State has acknowledged as exceptional. Although criminal proceedings have been formally initiated, the investigations have taken excessive time and have not resulted in the accountability of all perpetrators. For the victims, there is no real process of justice.
28. In at least five cases of arbitrary deprivation of life, there has been no conviction; three remain in the investigation phase without identification of those responsible, one was tried and ended in acquittal without further proceedings, and one is in the preliminary phase, with the case of most of the accused officials having been archived. The Public Prosecutor's Office has not maintained an active investigation. Four cases are before this Committee because the victims believe Venezuela has no justice. In addition, the Office of the Prosecutor of the International Criminal Court (ICC) has opened an investigation into the situation in Venezuela based on reasonable grounds to believe that crimes against humanity have been committed and that the State is unwilling or unable to prosecute, a position that the Pre-Trial Chamber endorsed in its decision of June 2023^{xii}.
29. These patterns have continued. Between January 2017 and December 2020, there were 55,434 demonstrations^{xiii}; between January 2022 and July 2023, there were 11,794^{xiii}, most of which were suppressed. In 2018, 14 people were killed in demonstrations; 13 died from gunshot wounds and one from a blunt object. In 2019 more than 1,000 people were arrested, and firearms killed 26 people due to state repression. Both the OHCHR and the UN Special Rapporteurs denounced the excessive use of force and the involvement of pro-government groups^{xiv}. In March 2019, the Rapporteurs expressed concern about the "dramatic increase in arbitrary detentions, killings, raids and torture." They called on the state to immediately, impartially, and

effectively investigate and release all persons detained for the legitimate exercise of freedom of expression and peaceful assembly. As of August 2023, there are 282 political prisoners in Venezuela, according to the Venezuelan Penal Forum^{xlv}.

30. In July 2022, union activists Gabriel Blanco, Néstor Astudillo, Reynaldo Cortés, Alcides Bracho, Alonso Meléndez, and Emilio Negrín were arbitrarily arrested. In August 2023, they were sentenced to 16 years in prison by a court with jurisdiction over terrorism. During the trial, the participation of these individuals in criminal acts was not proven. The UN Special Rapporteurs denounced *"the inappropriate use of anti-terrorism laws against those who have worked for the protection of social and economic rights and freedom of association."*^{xlvi}. During the trial of these individuals, the OHCHR^{xlvii} the OHCHR and the FFM^{xlviii} called for a fair trial and full liberty for the six trade unionists. In addition, another 21 workers from Siderúrgica de Orinoco C.A. (Sidor), Venezuela's largest steel company, were detained in 2023 while the company was discussing the collective bargaining agreement.
31. The National Union of Workers affirms that there have been violations of the rights to defense and due process from the investigation stage since the judge imposed preventive judicial detention without describing in a clear, precise, and detailed manner the conduct of each union member and why it constituted a punishable act^{xlix}. In addition, no elements of conviction would make it possible to assess whether they were the perpetrators of a crime. Similarly, the trial lacked evidence. The Coalition affirms that the ILO dialogue has not been respected. These cases limit and violate the freedom of association guaranteed by the Constitution and ILO Convention 87, among other international treaties.
32. In September 2023, John Alvarez, a student at the Central University of Venezuela, was deprived of his liberty and accused of being part of an alleged conspiracy by the six union leaders mentioned above[!]. The student's lawyer, Joel García, stated that during the presentation hearing, the student reported that he had been tortured and indicated who had carried out the torture. He

also pointed out that he had been forced to record confessional videos against himself and third parties (trade unionist Carlos Salazar and journalist Carlos Julio Rojas)^{li}.

Recommendations

33. Eliminate all actions of public order control in the hands of the military authorities and strictly respect the principle of subsidiarity of the intervention of the Bolivarian National Guard in demonstrations.
34. Prevent and eliminate the excessive and indiscriminate use of force during public demonstrations, and refrain from trying before military tribunals persons detained for exercising their right to freedom of assembly.
35. Unconditionally and immediately release all demonstrators and human rights defenders for exercising their right to freedom of peaceful assembly.
36. Immediately and impartially investigate all cases of extrajudicial killings and excessive use of force by security forces during demonstrations and bring the perpetrators to justice.
37. Ensure human rights training to security forces in accordance with international standards, with the assistance of independent organizations.
38. Ensure judicial review and adequate remedies, including compensation, in cases where state authorities deny the right to freedom of peaceful assembly.

III. RIGHT TO FREEDOM OF ASSOCIATION (Article 22)

39. Contrary to what the State stated in paragraph 112 of its response to the LOI, Venezuela faces unfavorable and insecure conditions for the free exercise of civil society due to the State's policy against the free and autonomous nature of organizations, activists, and human rights defenders. This occurs in the absence of independent powers and constitutional guarantees and in a context of violent forms of state power, characterized by a process of militarization and political bias of the Bolivarian National Armed Forces (FANB in Spanish), in which those who dissent and question the conduct of public institutions are treated as "enemies" and punished. The federal government does not support civil society organizations, nor are there spaces for dialogue

and communication with human rights defenders and organizations. Nor is it true that the importance of human rights defenders and civil society organizations is recognized, as the State states in paragraph 111 of its response to the LOI.

40. A 2022 study found that 90% of CSOs have experienced obstacles and restrictions to their legal personality or updating of records due to obstacles, barriers or delays in processing (58%), high costs of notarization (25%), lack of information on procedures and requirements (23%), rejection of registration applications (21%), additional or non-compliant requirements (13%) and suspension of registration acts in offices corresponding to their legal domicile (8%).
41. In Promedehum's research^{lii}, 73.6% of CSOs expressed setbacks in the civic space during 2022, and only 36% stated that exercising the right to freedom of association in Venezuela was possible. In addition, it was confirmed that 28% of CSOs have not obtained their legal personality in the SAREN, and 54.7% face obstacles to other registration acts.
42. The research found that in some SAREN offices, there is a prohibition to register or update organizations with fundamental objects of human rights or the rights of LGBTIQ+ persons. The registration process is centralized. Officials report that documents must be reviewed and approved by the Central SAREN in Caracas and undergo a final process before the Vice Presidency of the Republic. In addition, CSOs indicate that they do not have tax exemptions, either because they have never applied for them for fear of not receiving them or because they have not been granted them after applying.
43. CSOs and human rights defenders face stigmatization, intimidation, persecution, and criminalization. Between 2015 and 2023, the Inter-American Commission on Human Rights issued nine precautionary measures in favor of defenders and their families^{liii}. Between 2020 and 2022, Civilis recorded 169 cases of intimidation, 170 cases of retaliation, 218 cases of attempted disqualification, and 20 cases of extermination^{liiv}. The methods used were threats, defamation, discrediting, obstruction, prohibition, interference,

ensorship, coercion or pressure, surveillance, initiation of criminal investigations, arrest, deprivation of liberty, physical and sexual violence, and dissolution.

44. In 2020, there were three police raids on the headquarters of CSOs: *Prepara Familia*^{lv}, *Acción Solidaria*^{lvi}, and *ConviteAC*^{lvii}. All of them provide humanitarian assistance and defend the rights of vulnerable populations. PROVEA also highlights the detention of Henderson Maldonado, a lawyer with the NGO *Movimiento Vinotinto*^{lviii}, who was arrested by members of the National Guard in the middle of the day in March 2020 while supporting a protest by kidney patients in the city of Barquisimeto. On January 13, 2021, 5 directors of the organization *Azul Positivo* were arrested in the state of Zulia^{lix}. Their full release took a year and a half^{lxi}, despite the UN's demand for immediate release.^{lxi}

45. On July 2, 2021, 3 members of the *FundaRedes* organization (Javier Tarazona, Rafael Tarazona, and Omar de Dios García) were arrested^{lxii}. The director of *FundaRedes*, José Javier Tarazona Sánchez, has been detained for 800 days. He has also been the victim of enforced disappearance, torture, and cruel, inhuman, and degrading treatment. His pre-trial hearing has been postponed 13 times. The trial was ordered on December 9, 2021, and began eight months later. In addition, his trial was unjustifiably reopened twice, in October 2022 and July 2023. The delay in his trial constitutes a violation of his human rights. It also constitutes revictimization. During one of the trial hearings, Javier Tarazona identified one of his torturers. On several occasions, the Ombudsman's Office has been requested to take action before the competent authorities to end these violations and remedy them without any response.

46. On July 5, 2022, Virgilio Trujillo, an environmental rights defender in Amazonas, was murdered^{lxiii}.

47.5. In the context of the complex humanitarian emergency recognized by the United Nations, health personnel have been subjected to acts of persecution, abuse and control for reporting and expressing their

dissatisfaction with working conditions, hospital shortcomings and the lack of supplies and medicines. In addition to the above-mentioned acts, there are practices of harassment, surveillance, coercion, false and unfounded accusations of theft and theft of medicines, threats of dismissal or transfer of work centers, and even arbitrary detention of health workers who are activists and defenders of human rights as members of civil society organizations. Recently, health workers have been targeted for participating in political events.

48. In March 2023, the result of the Caribbean Financial Action Task Force (CFATF) mutual evaluation of Venezuela was made public^{lxiv}. The state indicated that all NGOs in the country were highly exposed or posed a high risk of terrorist financing. Despite this, the CFATF evaluation team concluded that *"the excessive attention given to the non-profit sector and FATF standards do not justify the measures that the country is trying to implement."*^{lxv} This observation confirms the use of anti-terrorism standards to criminalize CSOs.
49. One of the most used spaces for criminalization and persecution is the television program *"Con el Mazo Dando,"* broadcast weekly by the public media system and directed by the government party deputy Diosdado Cabello^{lxvi}. The program mentions individuals and organizations that allegedly conspire against the government to receive funding from international cooperation. According to the Special Rapporteur on freedom of association, this type of conduct and practice is motivated solely by the need to discourage the expression of any criticism.
50. In January 2023, Congressman Cabello presented in the NA the bill draft "Law for the Control, Regularization, Performance, and Financing of NGOs and Related Organizations," which was approved in the first discussion on the same day it was presented and represents the most severe legal instrument with the most violations to the standards of freedom of association because it declares non-existent all organizations until they do not comply with the

requirements established in the law. Among the aspects the most significant violations are:

- a) It makes it impossible to legalize organizations by imposing requirements that are at the discretion of the State and that are already limited in the registration procedures.
- b) It subjects NGOs to the absolute control of the State, specifically the National Executive.
- c) Creates a segregate regime of obligations and sanctions for NGOs with persecutory purposes.
- d) It is an instrument of retaliation.

51. In August 2023, there was a new threat of judicial disqualification against civil society and civic space. The Constitutional Chamber of the Supreme Court of Justice, in its decision N°1057^{lxvii}, ordered the intervention of the Venezuelan Red Cross, constituted as a civil association, and imposed an intervention board and its restructuring. A joint statement issued by 300 civil society organizations rejected the act as a violation of the rule of law, the right to defense, the presumption of innocence and due process, and the right to freedom of association^{lxviii}. The joint statement stated that such a decision is the worsening of a pattern of interventions that violate the various expressions of civil society, as seen so far in the imposition of new directives and calls for elections in professional associations, unions, organizations with political purposes, and even in condominium boards, adding to a civil association, the exclusive power of its members and not by third parties.

52. The communal State extends into social life in a way incompatible with freedoms, the principles of a democratic state, and an environment of human rights. It seeks to ignore and nullify the participation of civil society. It violates the freedom of association and reproduces itself in communal structures to which even resources are allocated, excluding individuals and civil society organizations that do not subscribe to the official ideology. As a product of the communal State, the people have been forced to organize themselves in the

People's Power and to perform collective duties according to the directives of the President of the Republic within the framework of the socialist project. The State recognizes the communal State in its response to the LOI (paragraph 40, letter k), emphasizing the provision of resources for communal plans, communal councils, communal defenders of women's rights, and women's and grass-roots organizations. Paragraphs 45 and 59 show the training of community defenders of women's rights and community promoters of humane childbirth.

Recommendations

53. End the policy of intimidation, retaliation, criminalization, persecution, and disqualification of civil society organizations, including human rights defenders, social and community activists, trade union leaders and leaders, journalists, university professors and students, health and education workers, political associates and their families, and the population in general.
54. Cancel the judicial charges and fully release the members of organizations, trade union activists, and trade union and social leaders detained for demanding, demonstrating, and defending civil, political, economic, social, and environmental rights, and guarantee that these acts will not be repeated.
55. Revoke decisions or eliminate measures that impede, restrict or deny access to procedures to facilitate legal personality, registration of documents, tax exemptions, and other facilities for the work of civil society.
56. Abolish policies, measures, or conduct that criminalize or are used to persecute members of civil society for their legitimate work, for receiving funding from international cooperation, and for relying on international systems to protect rights.
57. Ensure the recognition and adequate protection of the rights to life, integrity, liberty, and security of members of civil society organizations and a safe environment for civic space.

58. Strengthen civic space to ensure the existence of free, autonomous, and independent civil society organizations that develop in a democratic context and under the rule of law.
59. Ensure that no one is punished for exercising the right to freedom of association in the context of human rights activities and that no sanctions are imposed to deter individuals from exercising their right to association.

IV. RIGHT TO PUBLIC PARTICIPATION (Article 25)

60. In December 2015, the AN was elected, and most seats were won by candidates opposed to the government. Because of these results, the Electoral Chamber of the TSJ, in Ruling No. 260^{lxix}, ordered the temporary and immediate suspension of the acts of totalization, adjudication, and proclamation issued by the organs of the National Electoral Council (CNE). The merits of this ruling were never decided, nor were new elections called, leaving the voters of this state without representation in the national parliament.
61. In 2017, rulings 155^{lxx} and 156^{lxxi} of the Constitutional Chamber of the TSJ ordered the functions of the NA to itself and the delegation of some of them to the executive branch. This led to statements about the rupture of the constitutional order, including those of the former Attorney General, Luisa Ortega Díaz. The TSJ was accused of disregarding the people's will with these decisions^{lxxii}. Although these rulings were modified, in January 2016, through six other rulings, the TSJ ordered the CNE to initiate a process of renewal of political parties, using a restrictive reform of the law on political parties and public demonstrations that affected all groups that did not participate in the previous general elections or did not reach the proportion of votes required to maintain the party's validity^{lxxiii}.
62. Moreover, in October 2016, the executive branch decided there would be no elections in Venezuela until the economy recovered, subordinating this right to recovering the economic emergency^{lxxiv}. On the same day, the criminal courts of 7 states of the country^{lxxv}, without any electoral competence, issued arbitrary rulings, abided by the CNE, to annul any process of opposition

parties trying to call for a recall referendum of the office of the President. As a common practice to prevent the nomination of opposition party candidates for elections, the TSJ and the Office of the Comptroller General of the Republic (CGR) imposed sanctions of political disqualification on 17 opposition leaders. In 2019, the CGR announced new political disqualifications against 27 deputies of the outgoing NA for allegedly refusing to make their sworn declaration of assets or committing irregularities in the exercise of public office. The sanctions were imposed for disqualification periods ranging from 12 months to 15 years^{lxxvi}.

63. In February 2017, one of the rectors of the CNE announced that regional elections could not be held until the renewal regulations did not legitimize political parties. This process began in March 2017 by presenting irregularities reported by the Venezuelan Electoral Observatory (OEV) and the Civic Electoral Network regarding time frames, point locations, and fingerprint machines^{lxxvii}. The CNE approved the report on the renewal of political organizations^{lxxviii}, authorizing only 22 of the 64 political organizations subject to renewal to nominate candidates for future regional elections^{lxxix}.
64. Once again, on the eve of the December 2020 general elections, the TSJ arbitrarily intervened in the executive boards of 9 political parties^{lxxx}, both opposition and allied to the Gran Polo Patriotic government. Likewise, the TSJ appointed new authorities in the intervened parties, granting the use of the electoral card, logos, symbols, emblems, colors, and any other identifying concept^{lxxxi}. These actions violated the right of free association of political parties and the right of political participation of the population, thus preventing the exercise of free, democratic, and fair elections.
65. In July 2017, the National Constituent Assembly (ANC in Spanish) election was held with the majority of candidates from the ruling party and through an unverifiable vote. From that moment on, the processes called for regional, municipal, presidential, and legislative elections did not comply with international standards of the right to free, universal, pluralistic, fair, and transparent elections. Among the most notable irregularities were: a) the

failure to open the electoral registers; b) the alteration and closure of polling stations to discriminate against the opposition; c) the imposition of the use of the Carnet de la Patria to authorize voting, as an instrument of political control; d) the arbitrary postponement of the dates for the elections to the state and municipal councils; and e) the elimination of the mayoralties of the metropolitan districts of Caracas and Alto Apure.

66. Regional elections were held in October 2017, but 48 hours before, the CNE eliminated 76 voting centers, created 11 new ones, and relocated 274 others^{lxxxii}, creating a high level of disinformation among the electorate. The governors-elect were forced to be sworn in before the ANC after being proclaimed by the CNE, contrary to the legal requirement to be sworn in before the Legislative Councils. Juan Pablo Guanipa, the opposition candidate elected governor of Zulia^{lxxxiii}, was removed from office for refusing to take the oath before the ANC, citing absolute fault and disregard for the people's will. The ANC then arbitrarily annulled the election in that state and ordered a new election^{lxxxiv}.
67. The ANC ordered the CNE to call municipal elections for December 2017, which took place on 10 December^{lxxxv}. As in the regional elections, in addition to the numerous irregularities, the elected mayors had to be sworn in before the Legislative Councils with at least one member of the ANC. Because of the events of the regional elections, several opposition parties decided not to participate in these municipal elections. For this decision, the executive expressed: "The party that did not participate today and called for a boycott cannot participate anymore^{lxxxvi}. They will disappear from the political map. Subsequently, the ANC instructed the CNE to inform the political parties not participating in the 2017 municipal elections to submit them for renewal^{lxxxvii}.
68. In January 2018^{lxxxviii}, the ANC called for early presidential elections. In response, the CNE announced the election would be held in May. As in previous electoral processes, these presidential elections were marred by irregularities that tainted the results, including a) the electoral calendar did not meet minimum international standards for a credible process; b) the principles

of political pluralism and transparency were not respected; c) opposition political parties and their leaders were disqualified; and d) there were numerous reports of violations of the secret and universal ballot. In January 2019, the results of these elections granted Nicolas Maduro a second presidential term, which was unknown to various actors of the international community, who considered that the elections did not comply with the necessary guarantees for a free, fair, transparent, and legitimate process.

69. The election of the NA for the period 2021-2026 was a flawed and undemocratic electoral process. Coercion and restrictions on the guarantees of a free, plural and transparent vote were maintained, in addition to the elimination of the direct, universal and secret vote of indigenous communities. For this reason, the results were rejected by almost 50 countries and the International Contact Group^{lxxxix}. In addition to the previous irregularities, the right to political participation was violated in these elections with the arbitrary appointment of the rectors of the CNE by the TSJ, citing the absence of Parliament^{xc}. This denied the constitutional right of civil society to participate in the selection of the rectors to guarantee an impartial electoral arbiter. Subsequently, the TSJ granted legislative functions to the CNE, which allowed it to increase the number of seats from 167 to 277 and to create a second-degree system for the election of indigenous deputies^{xcii}.
70. Considering the Executive's call for new municipal and regional elections in 2021, several organizations in the Civic Forum^{xciii} participated in the selection process for new CNE rectors and obtained the appointment of three of their proposed candidates as a first step to regain the political right to vote and contribute to a peaceful, constitutional and electoral solution to the Venezuelan conflict^{xciii}. The creation of a roadmap to get Venezuela out of the impasse, avoiding the prolongation of the suffering of the population and exercising the duty of citizens to support the restoration of democracy through a genuine dialogue between the conflicting parties and the demand that those in power comply with the Constitution and international human rights covenants.

71. In August 2023, the Constitutional Chamber of the Supreme Court of Justice (TSJ) issued a ruling in which it decided to intervene in the executive board of the Communist Party of Venezuela (PCV) through the appointment of an ad hoc board with the alleged objective of organizing internal democratic processes that would guarantee the rights of political participation of its members. The PCV is a political organization that has historically developed bridges of alliance with the government of the day but has been characterized by dissident voices from the most conservative position of its ideology. This decision is based on the previous interventions suffered by political parties in the country, where the modus operandi has materialized as a mechanism to appease the dissent of these organizations.
72. Because of the presidential elections scheduled for 2024 due to the expiration of the term, different opposition organizations grouped in the Democratic Unity Table (Democratic Unity Table) decided to carry out a primary process to select a candidate. However, since the announcement of this process, both the Primary Commission, created as an independent civilian body to plan the process, and the pre-candidates of the participating opposition parties have been subjected to repeated threats and aggressions during their national tours, especially the candidates María Corina Machado, Delsa Solorzano, and Henrique Capriles, endangering their physical integrity^{xciv}.
73. Likewise, several CSOs have denounced a pre-electoral climate in which violence, persecution, and threats against organizations, political parties, actors, and individuals have increased. An example of this is the recent threat made by Deputy Diosdado Cabello in his national television program "*Con el Mazo Dando*," broadcast on August 23, 2023, in which he alluded to upcoming auditing processes for possible illegal financing of the opposition primaries^{xcv}, and also referred to the draft Law for the Auditing, Regularization, Performance, and Financing of Non-Governmental and Related Organizations, presented in early 2023, which various sectors of civil society have denounced as seriously endangering civic space in Venezuela.

74. Two candidates in the primaries, Henrique Capriles and María Corina Machado, have been disqualified without this sanction resulting from a criminal trial. The case of Machado is serious because, on June 30, 2023, it was known that her disqualification was for 15 years, contradicting a previous notification from 2015 that indicated only 12 months. She was never informed of the process, had no opportunity to defend herself, and even alleged events long after 2015 in which she did not participate, proving the illegality of the imposition of the sanction^{xcvi}. Regarding the disqualifications, the European Union Election Observation Mission recommended in its final report of 2021 that the state should: "Eliminate the prerogative of the Comptroller General's Office to deprive citizens of their fundamental right to stand for election through an administrative procedure and without timely notification, which violates the right to defense," suggesting a change in internal regulations^{xcvii}.

Recommendations

75. Guarantee a democratic, universal, periodic, fair and authentic elections in accordance with international standards.
76. Restore direct, secret and universal suffrage, with guarantees of transparency, plurality and respect for the will of the people, as the only peaceful, democratic and constitutional solution available to the Venezuelan people to restore democracy through free, fair and authentic elections.
77. Release all persons deprived of their liberty for political reasons, respect the autonomy of political parties in accordance with the constitutional and legal framework in force, and lift the disqualifications of opposition or dissident political leaders.
78. Strengthen, monitor and support the management of the new electoral power so that it can comply with the principles of autonomous and independent electoral democracy.
79. Updating and cleaning the electoral registry, promoting the registration of persons in the National Electoral Registry, and organizing special days to facilitate it both in Venezuela and internationally.

80. Allow for the implementation of international electoral observation and assistance mechanisms and establish control measures that guarantee the electoral results expressed by the popular vote.
81. Establish norms that guarantee the political participation of women in positions elected by the people, in the exercise of politics and in decision-making spaces.
82. To urge the judiciary do not violate the right to public participation.
83. Abolish the norms that allow political disqualification without a prior trial that imposes it as a collateral sanction and cease the policy of intervention in political parties.

ⁱ Founded in 2010, Civilis is an independent, pluralistic, and autonomous non-profit civil association dedicated to supporting the work of civil society groups and organizations in the field of human rights.

ⁱⁱ Sinergia is a Venezuelan network of civil society organizations that promotes freedom of thought and association, democratic coexistence within a plurality of interests, active and responsible citizen participation in public affairs, and an ethical commitment to the exercise of human rights.

ⁱⁱⁱ FundaRedes is a non-governmental organization that has been working in Venezuela for more than 20 years, with the aim of building a social fabric through the creation of activist networks that promote a culture of prevention, civic participation, the promotion and defense of human rights, and social organization in favor of freedom and democracy.

^{iv} The Venezuelan Program for Human Rights Education-Action (Provea) is a non-governmental organization, independent and autonomous from political parties, religious institutions, international organizations, or any government. Its purpose is to promote and defend human rights, especially economic, social, and cultural rights.

^v Promoción de Educación Defensa en Derechos Humanos (Promedehum) is a group of people from different sectors aiming to promote, educate and defend human rights. We support civil society groups and organizations that defend rights with autonomy, plurality, commitment, and a civil, peaceful, and democratic approach.

^{vi} The movement of trade unions united in the defense of human rights at work and the respect and exercise of freedom of association.

^{vii} Union of professional workers of the Universidad Central de Venezuela.

^{viii} Médicos Unidos de Venezuela (MUV) is a civil society organization formed by health workers at the national level, born out of protest the lack of medical and surgical supplies in clinics and hospitals, as well as the demand for improvements in working conditions.

^{ix} Founded in 2014. It works in the promotion, defense, and proposals of training alternatives in democratic values, human rights and culture of peace.

^x Article 19, paragraph 3. Published in the Official Gazette No. 2990 extraordinary of July 26, 1982.

^{xi} Law on Registries and Notaries. Published in the Official Gazette No. 6,668 extraordinary of December 16, 2021.

^{xii} Constitutive Decree enacting the Organic Tax Code. Official Gazette No. 6,507 of January 29, 2020.

^{xiii} Laws that provide for restrictions on the right to freedom of association:

1) Criminal Code (2005). Available at:
https://www.oas.org/juridico/spanish/mesicic2_ven_anexo_3_sp.pdf

2) Law on Defense of Political Sovereignty and National Self-Determination (2010). Available at: <https://www.asambleanacional.gob.ve/leyes/sancionadas/ley-de-defensa-de-la-soberania-politica-y-autodeterminacion-nacional>

3) Organic Code of Criminal Procedure (2012). Available at: [https://www.policinglaw.info/assets/downloads/2012_Code_of_Criminal_Procedure_\(Spanish_origin_al\).pdf](https://www.policinglaw.info/assets/downloads/2012_Code_of_Criminal_Procedure_(Spanish_origin_al).pdf), and its reform in 2021, available at: <https://www.asambleanacional.gob.ve/storage/documentos/leyes/ley-organica-de-reforma-del-codigo-organico-procesal-penal-20211004180004.pdf>

4) Law on Social Responsibility in Radio, Television and Electronic Media. Available at: <https://www.asambleanacional.gob.ve/storage/documentos/leyes/ley-de-ref-20220127145240.pdf>

5) Law against Organized Crime and the Financing of Terrorism (2012). Available at: <http://historico.tsj.gob.ve/gaceta/abril/3042012/3042012-3417.pdf#page=2>

6) Law on Enlistment and Registration for the Integral Defense of the Nation (2014). Available at: <https://www.asambleanacional.gob.ve/storage/documentos/leyes/ley-de-registro-y-alistamiento-para-la-defensa-integral-de-la-nacion-2021108144444.pdf>

7) Constitutional Law against Hate, for Peaceful Coexistence and Tolerance (2017). Available at: <https://drive.google.com/file/d/10kH6NdqLVbTAQtcBE-l4-bY3dGxkMSvT/view>

8) Anti-Blockade Constitutional Law for National Development and Guarantee of Human Rights. Available at: http://historico.tsj.gob.ve/gaceta_ext/octubre/12102020/E-12102020-5965.pdf#page=1
^{xiv} Laws designed to restrict the right to assemble peacefully:

9) National Security Law (2002). Available at: <http://historico.tsj.gob.ve/gaceta/diciembre/181202/181202-37594-01.html>, and its reform in 2021, available at: <https://www.asambleanacional.gob.ve/storage/documentos/leyes/decreto-n0-1473-mediante-el-cual-se-dicta-el-decreto-con-rango-valor-y-fuerza-de-ley-de-reforma-de-la-ley-de-reforma-de-la-ley-organica-de-seguridad-de-la-nacion-20211026163021.pdf>.

10) Organic Law of the Bolivarian National Armed Forces. Available at: <https://www.resdal.org/atlas/venezuela-lofan.pdf>, Reform: <https://www.asambleanacional.gob.ve/storage/documentos/leyes/ley-constitucional-de-la-fuerza-armada-nacional-bolivariana-20211019170208.pdf>

^{xv} The laws were created irregularly by a body called the National Constituent Assembly (ANC in Spanish), whose exclusive function in the Venezuelan constitutional order is to draft a constitution, but which was created in 2016 to strip and disqualify the National Assembly (National Legislative Branch), whose composition resulted in a majority opposed to the government of Nicolas Maduro in the 2015 legislative elections.

^{xvi} Laws and regulations in connection with crimes of terrorism:

11) Norms for the Prevention, Control and Enforcement of Money Laundering and the Financing of Terrorism in the Registry and Notary Offices of the Bolivarian Republic of Venezuela. Available at: https://www.saren.gob.ve/wp-content/themes/wordpress_saren_theme/descargas/1662011-3163.pdf

12) Presidential Decree on the National Anti-Terrorism Corps. Available at: <https://www.ghm.com.ve/wp-content/uploads/2020/03/41828-1.pdf>

13) Presidential Decree on the Regulations of the Law of the Federal Government Council. Available at: <https://www.civilisac.org/civilis/wp-content/uploads/Decreto-8959-Reglamento-Ley-Organica-del-Consejo-Federal-de-Gobierno-2012-1.pdf>

14) Special Norms for the Recognition and Operation of Non-Governmental Associative Organizations Not Resident in Venezuela. Available at: <http://historico.tsj.gob.ve/gaceta/octubre/27102020/27102020-5999.pdf#page=5>

15) Decree 002-2021, creating the Unified Registry of Obligated Parties (RUSO). Available at: <http://historico.tsj.gob.ve/gaceta/mayo/352021/352021-6161.pdf#page=2>; Circular number SIB-DSB-CJ-OD-06524. Available at: [http://www.sudeban.gob.ve/wp-content/uploads/Historico_Notas_Prensa/NP_\(2020-11-20\).pdf](http://www.sudeban.gob.ve/wp-content/uploads/Historico_Notas_Prensa/NP_(2020-11-20).pdf) and <https://twitter.com/SudebanInforma/status/1330176806461304832?s=20>

^{xvii} Mandates of the Special Rapporteur on the situation of human rights defenders; the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association the Special Rapporteur on the right of everyone to the enjoyment of the highest

attainable standard of physical and mental health; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment. <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25212>

^{xviii} Ministry of the People's Power for Internal Relations, Justice and Peace (MPPIJP) and Ministry of the People's Power for Foreign Affairs (MPPRE). Joint Resolution on "Special Rules for the Recognition and Operation of Non-Governmental Associative Organizations Not Resident in Venezuela". Official Gazette No. 41,995 of October 27, 2001. Available at: <http://historico.tsj.gob.ve/gaceta/octubre/27102020/27102020-5999.pdf#page=5>

^{xix} Permanent Mission of the Bolivarian Republic of Venezuela to the United Nations Office and other international organizations at Headquarters in Geneva, sent to OHCHR on 06 November 2019. Available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34948>

^{xx} Official Gazette No. 42,118 of 05.03.21. Available at: <http://historico.tsj.gob.ve/gaceta/mayo/352021/352021-6161.pdf#page=2>

^{xxi} Ministry of the People's Power for Internal Relations, Justice and Peace. Gazette 42.118 of May 3, 2021. Available at: http://spgo.in.prentanacional.gob.ve/cgi-win/be_alex.cgi?Documento=T028700035845/0&Nombrebd=spgo.in&CodAsocDoc=2526&TipoDoc=GCTOF&t05=png&TSalida=I&Sesion=164964439&T05=PDF&T04=0

^{xxii} Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism. Negative implications for civil society of counter-terrorism legislation and other counter-terrorism measures. A/70/371, dated 18 September 2015; Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association. A/HRC/20/27 of 21 May 2012.

^{xxiii} Communication of the mandates of the Special Rapporteur on the promotion and protection of fundamental human rights while countering terrorism, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, and the Special Rapporteur on the situation of human rights defenders. Ref. OL VEN 8/21. 19.11.21. Available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26801>

^{xxiv} Mandates of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism. Ref: AL VEN 4/2022. 13.09.22. Available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27519>

^{xxv} UN. Fact-Finding Mission to Venezuela. Venezuela: The NGO Law is a Possible Point of No Return in the Closure of Civic Space. January 2023. Available at: <https://www.ohchr.org/es/press-releases/2023/01/venezuela-draft-ngo-law-reaching-point-no-return-closure-civic-space> ; IACHR and the RELE express their concern about a bill that would limit the participation of citizens in Venezuela. March 2023. Available at: <https://www.oas.org/es/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2023/036.asp>

^{xxvi} Civil society organizations declare their categorical rejection and demand the repeal of the new decree registering terrorism and other crimes in Venezuela (April 2021). In: <https://www.civilisac.org/alertas/organizaciones-de-la-sociedad-civil-declaran-su-rechazo-rotundo-y-exigen-la-derogacion-de-la-nueva-providencia-de-registro-por-terrorismo-y-otros-delitos-en-venezuela>

^{xxvii} Civil Society Organizations Demand the Revocation of Administrative Decree Order 002 and all other measures aimed at criminalizing and closing civic space in Venezuela (May 2021). At: <https://www.civilisac.org/alertas/comunicado-conjunto-organizaciones-de-la-sociedad-civil-exigen-revocar-la-providencia-administrativa-002-y-cualquier-otra-medida-dirigida-a-criminalizar-y-cerrar-el-espacio-civico-en-venezuela>

^{xxviii} Civilis. Topic Note No. 14 of May 17, 2022. The international cooperation bill: the rights to protection, assistance and development at risk. Available at: <https://www.civilisac.org/civilis/wp-content/uploads/Nota-Tematica-N%C2%B0-14-Proyecto-de-Ley-de-Cooperacion-Internacional-Mayo-2022-2-1.pdf>

^{xxix} Joint Statement: Bill Attempts to Stifle Venezuela's Right to Freedom of Association. February 11, 2023. Available at: <https://www.civilisac.org/alertas/comunicado-conjunto-proyecto-de-ley-intenta-suprimir-el-derecho-de-libre-asociacion-en-venezuela>

^{xxx} Laws restricting the right to assemble peacefully:

1) Ley de Seguridad de la Nación (2002). Available at: http://www.minpet.gob.ve/images/biblioteca/leyes/Ley_Organica_de_Seguridad_de_la_Nacion.pdf and its reform in 2021: <https://www.asambleanacional.gob.ve/storage/documentos/leyes/decreto-n0-1473-mediante-el-cual-se-dicta-el-decreto-con-rango-valor-y-fuerza-de-ley-de-reforma-de-la-ley-de-reforma-de-la-ley-organica-de-seguridad-de-la-nacion-20211026163021.pdf>

2) Law for the Partial Reform of the Law on Political Parties, Public Meetings and Demonstrations (Ley de Reforma Parcial de la Ley de Partidos Políticos, Reuniones Públicas y manifestaciones. Official Gazette No. 6,013 of December 23, 2010. Available at: <https://www.icc-cpi.int/news/icc-prosecutor-mr-karim-aa-khan-qc-opens-investigation-situation-venezuela-and-concludes> ; Resolución 8610 of January 23, 2015, published in the Official Gazette of the Bolivarian Republic of Venezuela No. 40,589 of January 27, 2015. Available at: <https://www.controlciudadano.org/web/wp-content/uploads/Resoluci%c3%b3n-08610.pdf>

^{xxxi} Civilis Human Rights. Comparative Analysis of the 1999 Constitution, the Unapproved Constitutional Reform Proposal of 2007, and the Laws of the Communal State Approved between 2008-2012. Available at: <http://www.civilisac.org/civilis/wp-content/uploads/comparacic3b3n-constitucic3b3n-reforma-y-leyes- definitivo -1.pdf>

^{xxxii} Laws of the People's Power (2009 - 2012) and its reforms in 2023, available at: <https://www.comunas.gob.ve/leyes-poder-popular/>

1) Organic Law of the Communal Councils (2009).

2) Organic Law of the Federal Council of Government (2010).

3) Organic Law of the Popular Power (2010).

4) Organic Law of the Communes (2010).

5) Organic Law of Social Comptrollership (2010).

6) Organic Law of Public and Popular Planning (2010).

7) Law of the Communal Economic System (2010).

8) Organic Law of Community Management (2012).

9) Law of the Communal Cities (2021), available at: <https://www.asambleanacional.gob.ve/noticias/aprobados-10-articulos-de-la-ley-organica-de-ciudades-comunales>

^{xxxiii} Other laws in which the power of the people has been established, according to the model of the communal state:

1) Organic Law of Education (2009). Available at: <http://apps.ucab.edu.ve/nap/recursos/LeyOrganicadeEducacionGO.pdf>

2) Organic Law of Labor and Workers. Available at: <https://www.asambleanacional.gob.ve/storage/documentos/leyes/decreto-n0-8938-mediante-el-cual-se-dicta-el-decreto-con-rango-valor-y-fuerza-de-la-ley-organica-del-trabajo-los-trabajadores-y-las-trabajadoras-20211109135532.pdf>

3) Reform of the Organic Law for the Protection of Children and Adolescents (2015). Available at: <https://www.asambleanacional.gob.ve/storage/documentos/leyes/ley-de-reforma-parcial-de-la-ley-organica-para-la-proteccion-de-ninos-ninas-y-adolescentes-20211025175903.pdf>

^{xxxiv} Decision of Judge Jesús Eduardo Cabrera Romero. Supreme Court of Justice of Venezuela. Available at: <http://historico.tsj.gob.ve/decisiones/scon/julio/1942-150703-01-0415.HTM>

^{xxxv} *"If this is the Chamber's position on the decision of the international organizations competent to protect human rights, the Chamber rejects with greater reason the declarations of these organizations that do not correspond to rulings, judgments or other types of judicial decisions, such as recommendations, warnings and similar manifestations; Likewise, the Chamber notes that the rulings or decisions of international, supranational or transnational organizations that violate the right to defense and other guarantees of a constitutional nature, such as due process, are not applicable in the country, even though they emanate from such international organizations recognized by the Republic. If, in most of the conventions, the judicial process must be exhausted in accordance with national law, in Venezuela this exhaustion must be complied with beforehand, even for the adoption of precautionary measures by international organizations, if they are possible under national law, in order not to circumvent the sovereignty of the country and at the same time to comply with international treaties and conventions. If this procedure is not followed, Venezuela cannot be bound*

by the decision, which is null and void". Available at: <http://historico.tsj.gob.ve/decisiones/scon/julio/1942-150703-01-0415.HTM>

^{xxxvi} Juan Pablo Pernaleté, Rubén Darío González, Jesús Guillermo Espinoza, Nelson Arévalo and Yorman Berbecia cases.

^{xxxvii} IACHR: Hearing Venezuela: Violence and Freedom of Expression. 165th Session, October 24, Montevideo, Uruguay.

^{xxxviii} Provea: Walking Backwards. Writings on the 2017 popular uprising in Venezuela. <https://provea.org/publicaciones/caminando-al-reves-aprendizajes-de-las-protestas-del-2017/>

^{xxxix} Observatorio Venezolano de conflictividad social, August 2, 2017, Available at: <https://www.observatoriodeconflictos.org.ve/sin-categoria/venezuela-6-729-protestas-y-157-fallecidos-desde-el-1-de-abril-de-2017>

^{xl} OHCHR, 2017, Human rights violations and abuses in the context of protests in the Bolivarian Republic of Venezuela from April 1 to July 31, 2017. Available at: https://www.ohchr.org/sites/default/files/Documents/Countries/VE/HCReportVenezuela_1April-31July2017_SP.pdf

^{xli} ICC Prosecutor, Mr Karim A.A. Khan QC, opens an investigation into the Situation in Venezuela and concludes Memorandum of Understanding with the Government <https://www.icc-cpi.int/news/icc-prosecutor-mr-karim-aa-khan-qc-opens-investigation-situation-venezuela-and-concludes>; International Criminal Court. Decision authorizing the resumption of the investigation pursuant to article 18, paragraph 2, of the Statute. ICC-02/18-45. June 27, 2002, | Pre-Trial Chamber | Decision. Available at: <https://www.icc-cpi.int/court-record/icc-02/18-45>

^{xlii} Observatorio Venezolano de Conflictividad Social, Reports entitled Conflictividad Social en Venezuela 2017, 2018, 2019, 2019, 2020, 2021, 2022. Available at: <https://www.observatoriodeconflictos.org.ve/categoria/tendencias-de-la-conflictividad>

^{xliii} Observatorio Venezolano de Conflictividad Social, Radar de conflictividad. January - July 2023, available at: <https://www.observatoriodeconflictos.org.ve/>.

^{xliv} Experts condemn the widespread violation of human rights during the protests in Venezuela on 21.03.19. At: <https://news.un.org/es/story/2019/03/1453231>

^{xlvi} Venezuelan Penal Forum. Available at: <https://foropenal.com/>

^{xlvi} UN. Venezuela: UN experts condemn the use of anti-terrorism laws to prosecute trade unionists and leaders. Available at: <https://www.ohchr.org/es/press-releases/2023/08/venezuela-un-experts-condemn-use-counter-terrorism-laws-convict-trade>

^{xlvii} Diario Tal Cual. Office of the High Commissioner ratifies criminalization of six trade unionists. Available at: <https://talcualdigital.com/oficina-del-alto-comisionado-ratifica-criminalizacion-a-seis-sindicalistas-en-venezuela/>

^{xlviii} FFM. Updated oral report of the fact-finding mission | HRC52. Available at: https://www.youtube.com/watch?v=83St00ng_18

^{xlix} The National Union Coalition of Workers affirms that it is sufficient to review the judicial proceedings in the file to verify that the decision is not in accordance with the law. It emphasizes that the process was initiated and sustained on the statement before the Strategic Intelligence Directorate of the Bolivarian National Police (D.I.E.), of a person who later did not testify in court and was never located by the police officers. In addition, a counterintelligence report of the same police force was presented, in which it is assured that "This counterintelligence service has been monitoring and controlling the activities of the radical group Popular Resistance Units since 2020, determining a potential or attempt to generate subversive activities, in that interim the tone of the communications is perceived as passive, informative, with a broad anti-revolutionary approach, without materializing external actions, only the dissemination of counter-revolutionary elements". These expressions highlight actions of persecution for being perceived as opponents to the government of Nicolás Maduro.

ⁱ PROVEA, September 3, 2023. Available at: <https://twitter.com/Provea/status/1698388238480597298>

ⁱⁱ Joel Garcia, September 04, 2023. Available at: <https://twitter.com/joelgarcia69/status/1699027151083720926>

ⁱⁱⁱ Promedehum. 2nd Report About Freedom of Association in Venezuela. March 2023. Available at: <https://prolibertades.com/wp-content/uploads/2023/04/2do-informe-libertad-asociacion-venezuela-promedehum-marzo-2023-4.pdf>

- liii IACHR. Resolution N°40/23. MC 409-23 - Franklin Caldera; Resolution N°42/20. MC 1039-20 - Katherine Martínez; Resolution N°30/20. MC 258-20 - José Javier Tarazona Sánchez and family; Resolution N°64/19. MC 143-13 - Gonzalo Himiob and Robiro Terán; Resolution No. 63/19. MC 438-15 - Carlos Patiño; Resolution N°50/19. MC 863-19 - Andrés Rivero and others; Resolution N°17/19. MC 250-19 - Luis Carlos Díaz and Family; Resolution No. 36/15. MC 438-15 - Marino Alvarado; Resolution No. 25/15. MC 127-15 - José Vicente Haro and Pierina Camposeo.
- liv Civilis Human Rights Citizen Monitor. Available at: <https://www.civilisac.org/>
- lv El Nacional. Available at: <https://www.elnacional.com/venezuela/funcionarios-que-allanaron-la-sede-de-prepara-familia-no-contaban-con-una-orden-judicial/>
- lvi Available at: <https://espaciopublico.org/foro-por-la-vida-exige-garantias-para-las-organizaciones-que-realizan-labor-humanitaria-y-defensa-de-los-derechos-humanos/>
- lvii Available at: <https://www.fidh.org/es/temas/defensores-de-derechos-humanos/venezuela-criminalizacion-de-convite-a-c-y-allanamiento-de-su-sede>
- lviii Public Space, April 1, 2020. Available at: <https://espaciopublico.org/funcionarios-de-la-gnb-detienen-al-abogado-de-la-ong-movimiento-vinotinto/>
- lix Available at: <https://twitter.com/Codhez/status/1349376957956444163?s=20>
- lx Court fully releases activists from the NGO Azul Positivo. Cocuyo Effect, 06/28/21. Available at: <https://efectococuyo.com/la-humanidad/tribunal-libera-plenamente-a-activistas-de-la-ong-azul-positivo/>
- lxi UN. About the detention of humanitarian workers from the NGO Azul Positivo. January 29, 2021. Available at: <https://venezuela.un.org/es/109820-sobre-la-detenci%C3%B3n-de-trabajadores-humanitarios-de-la-ong-azul-positivo>
- lxii Available at: https://twitter.com/FundaREDES_/status/1411007307182448649?s=20
- lxiii Available at: <https://twitter.com/NoAlArcoMinero/status/1544436287494553602?s=20&t=QHxJlAPdAI0tFTaqdWPt0g>
- lxiv Anti-Money Laundering and Counter-Terrorist Financing Measures. Bolivarian Republic of Venezuela. Mutual Evaluation Report, March 2023. Available at: <https://www.fatf-gafi.org/content/dam/fatf-gafi/fsrb-mer/CFATF-Mutual-Evaluation-Venezuela.pdf.coredownload.pdf>
- lxv Ibi. Parr 30.
- lxvi Special Rapporteur on Freedom of Association. Report on issues relating to the exercise of the rights to freedom of peaceful assembly and association in the context of elections. A/68/299 of August 7, 2013.
- lxvii Constitutional Chamber of the Supreme Court, Decision No. 1057. Available at: <http://historico.tsj.gob.ve/decisiones/scon/agosto/327890-1057-4823-2023-23-0802.HTML>
- lxviii PROVEA, August 10, 2023. Available at: <https://provea.org/comunicados/intervencion-de-la-cruz-roja-se-agrava-el-patron-de-violaciones-contrala-libertad-de-asociacion-en-venezuela/>
- lxix Ruling No. 260 of the Electoral Chamber of December 30, 2015. Available at: <http://historico.tsj.gob.ve/decisiones/selec/diciembre/184227-260-301215-2015-2015-000146.HTML>
- lxx Ruling No.155 of the Constitutional Chamber of 3/28/2017. Available at: <http://historico.tsj.gob.ve/decisiones/scon/marzo/197285-155-28317-2017-17-0323.HTML>
- lxxi Ruling No.156 of the Constitutional Chamber of 3/29/2017. Available at: <http://historico.tsj.gob.ve/decisiones/scon/marzo/197364-156-29317-2017-17-0325.HTML>
- lxxii Available at: <https://www.youtube.com/watch?v=Kc5zT9RRRVs> ; Available at: https://www.oas.org/es/centro_noticias/comunicado_prensa.asp?sCodigo=C-019/17 and <https://www.bbc.com/mundo/noticias-america-latina-39471347>
- lxxiii Rulings:
- Decision No. 1 of the Constitutional Chamber of 05.01.16 on the procedure for the renewal of political parties. Disponible en: <http://historico.tsj.gob.ve/decisiones/scon/enero/184234-0001-5116-2016-15-0638.HTML>
 - Judgement No. 185 of the Constitutional Chamber of 18.03.16 on the deadlines for the renewal of political parties. En: <http://historico.tsj.gob.ve/decisiones/scon/marzo/186468-185-18316-2016-15-0638.HTML>
 - Decision N° 415 of the Constitutional Chamber of 24.05.16, on the renewal of parties. En: <http://historico.tsj.gob.ve/decisiones/scon/mayo/187965-415-24516-2016-16-0638.HTML>

- Decision N° 878 of the Constitutional Chamber from 10.21.16 about the new chronogram for the renewal of parties. En: <http://historico.tsj.gob.ve/decisiones/scon/octubre/191179-878-211016-2016-15-0638.HTML>

- Decision N° 197 of the Electoral Chamber of 12.15.16, on the inadmissibility of an appeal against the CNE. En: <http://historico.tsj.gob.ve/decisiones/selec/diciembre/194165-197-151216-2016-2016-000045.HTML>

- Ruling N° 223 of the Constitutional Chamber of 28.04.17 on the biometric system for the renewal of political parties. En <http://historico.tsj.gob.ve/decisiones/scon/abril/197909-223-28417-2017-15-0638.HTML>

^{lxxiv} Maduro: "In Venezuela there will be no elections until the economy recovers." News, 04.10.2016. In: <https://www.noticiasaldiayalahora.co/nacionales/maduro-en-venezuela-no-habra-elecciones-hasta-que-se-recupere-la-economia/>

^{lxxv} Apure, Aragua, Bolívar, Carabobo, Monagas, Trujillo y Zulia.

^{lxxvi} The Comptroller General disqualified outgoing deputies for refusing to carry out the DJP before the Maximum Body of Fiscal Control of 23.02.21. At: http://www.cgr.gob.ve/site_news.php?notcodigo=00001787&Anno=2021&t=1

^{lxxvii} Approved renewal report of the Venezuelan Electoral Observatory. Observation Report: Election of Governors 2017. At: https://drive.google.com/file/d/1EYtVwwWJoNQKWB5-eISEwiowhba8A_Fv/view

^{lxxviii} Approved report on renewal of political organizations of 07.08.17. At: http://www.cne.gob.ve/web/sala_prensa/noticia_detallada.php?id=3557

^{lxxix} Partido Socialista Unido de Venezuela (Psuv), Independientes Por el Progreso (IPP), Unidad Política Popular 89 (UPP 89), Mesa de la Unidad Democrática (MUD), Partido Unión y Entendimiento (Puente), Nueva Visión para mi País (Nuvipa), Partido Comunista de Venezuela (PCV), Tendencias Unificadas para Alcanzar el Movimiento de Acción Revolucionaria Organizada (Tupamaros), Acción Democrática (AD), Un Nuevo Tiempo Contigo (UNTC), Movimiento Primero Justicia (MPJ), Avanzada Progresista (AP), Voluntad Popular (VP), Movimiento Al Socialismo (MAS), Por la Democracia Social (Podemos), Organización Renovadora Auténtica (ORA), Patria Para Todos (PPT), Movimiento Electoral del Pueblo (MEP), Nuevo Camino Revolucionario (NCR), Copei, Movimiento Político Alianza Para el Cambio (MPAPC), Unidad Popular Venezolana (UPV).

^{lxxx} The intervened organizations were Acción Democrática, Movimiento Primero Justicia, Voluntad Popular, Bandera Roja, Acción Ciudadana En Positivo and Movimiento Republicano.

^{lxxxi} These parties were Patria para Todos, Compromiso País and Tupamaro. Venezuela: sentences put in check free and fair elections of 07.07.20. In: <https://www.hrw.org/es/news/2020/07/07/venezuela-sentencias-ponen-en-jaque-elecciones-libres-y-justas>

^{lxxxii} October 2017 OEV Map. At: <https://public.tableau.com/profile/observatorio.electoral.venezolano#!/vizhome/Centroselectoraleseliminadosynuevos2017/Nuevosyeliminados>.

^{lxxxiii} Decree published in Official Gazette No. 41.259 of October 18, 17. En: <http://historico.tsj.gob.ve/gaceta/octubre/18102017/18102017-5056.pdf#page=2>

^{lxxxiv} Constituent Decree published in Official Gazette No. 41.265 of October 26, 17. En: <http://historico.tsj.gob.ve/gaceta/octubre/26102017/26102017-5065.pdf#page=2> ; Constituent Decree of 26.10.17. En: <http://historico.tsj.gob.ve/gaceta/octubre/26102017/26102017-5065.pdf#page=2>

^{lxxxv} Municipal and gubernatorial elections in Zulia will be held on December 10, 03.11.17. At: http://www.cne.gob.ve/web/sala_prensa/noticia_detallada.php?id=3600

^{lxxxvi} Maduro: Party that has not participated today cannot participate again 10.12.17. At: http://www.el-nacional.com/noticias/politica/maduro-partido-que-haya-participado-hoy-may-participar-mas_214895

^{lxxxvii} Constituent Decree of 12.27.17. At: <http://historico.tsj.gob.ve/gaceta/diciembre/27122017/27122017-5117.pdf#page=2>

^{lxxxviii} Constituent Decree of 01/23/18. At: http://historico.tsj.gob.ve/gaceta_ext/enero/2312018/E-2312018-5147.pdf#page=1

^{lxxxix} Electoral Report: Chronicle of a missed opportunity on 24.01.21. At: https://cepaz.org/wp-content/uploads/2021/03/Parlamentarias2020InformeFinal-VF_compressed.pdf

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- ^{xc} Ruling N° 70 of the Constitutional Chamber of 12.06.20. En: <http://historico.tsj.gob.ve/decisiones/scon/junio/309872-0070-12620-2020-20-0215.HTML>
- ^{xcⁱ} Venezuelan Electoral Network & Social Dialogue: Venezuela 2020 Parliamentary Elections: Pre-electoral Report of 11.19.20. At: https://cepaz.org/wp-content/uploads/2020/12/Informe-Pre-electoral_v4.pdf
- ^{xcⁱⁱ} The National Civic Forum is a diverse, plural and inclusive space that seeks the reinstitutionalization of the country. Cepaz. At: <https://cepaz.org/noticias/el-foro-civico-nacional-es-un-espacio-diverso-plural-incluyente-que-busca-la-reinstitucionalizacion-del-pais/>
- ^{xcⁱⁱⁱ} Foro Cívico: Appointment of CNE rectors is a first step to recover the vote. In: <https://talcualdigital.com/foro-civico-designacion-de-rectores-del-cne-es-un-primer-paso-para-recuperar-el-voto-como-instrumento-de-cambio/>
- ^{xc^{iv}} The Voice of America. (2023). Venezuelan Prosecutors to Investigate Death Threats Against Presidential Candidate. Retrieved from: <https://www.vozdeamerica.com/a/fiscalia-venezuela-investigara-amenazas-muerte-contra-precandidata-presidencial/7224178.html>
- ^{xc^v} Confidential Colombia. (2023). Diosdado Cabello's Threat to Primary Candidates. Available at: <https://confidencialnoticias.com/venezuela/nacion-venezuela/la-amenaza-de-diosdado-cabello-a-precandidatos-de-primarias/2023/08/24/>
- ^{xc^{vi}} Access to Justice, July 10, 2023. The five vices that invalidate the disqualification of María Corina Machado. Available at: <https://accesoalajusticia.org/cinco-vicios-hacen-nula-inhabilitacion-maria-corina-machado/>
- ^{xc^{vii}} Electoral Observation Mission. Venezuela 2021. Final Report. European Union. Available at: https://www.eeas.europa.eu/sites/default/files/eu_eom_ven_2021_fr_es.pdf pp. 52 of 88.