

Venezuela

Alternative report on the implementation of the Covenant on Civil and Political Rights (Responses to the List of Issues - CCPR/C/VEN/Q/5)

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I. EXECUTIVE SUMMARY AND RECOMMENDATIONS

Human rights violations continue in Venezuela, The State continues not to fully comply with its international obligations, decisions and actions issued by international bodies for the protection of human rights continue to be unknown, discredited, and not followed. Likewise, regulatory measures contrary to the provisions of the International Covenant on Civil and Political Rights continue to be adopted.

The institutional weakening continues to be marked by an evident lack of independence of the public powers, which denotes a clear subjection to the national executive. This situation has led to human rights violations being committed, both through actions and omissions in the activities of the institutions.

On February 24, 2016, the Orinoco Mining Arc National Strategic Development Zone Decree (AMO by its Spanish name) was issued; based on this, extractive activities have been developed in the southern part of the country, particularly in Bolívar. that exceed the originally established limits. This has resulted in non-state armed groups taking control of the areas and territories with mining activities, under the collaboration and absence of the Venezuelan State.

These groups, through force, have been in charge of establishing norms and ways in which communities must live together, even determining acts that can be considered crimes and what sanctions to apply if committed. These groups have also become the body that receives complaints and resolves conflicts that arise in the communities. Additionally, through extortion, they charge commissions from merchants for the exercise of their economic activity, like a tax to have permission to sell their products or services.

The lack of control, the absence of activity, and effective presence on the part of the State as well as security guarantees, especially in these mining areas in the south of the Bolívar state (AMO), have led to the intensification of situations of violence and have allowed the presence and control of irregular armed groups linked to extractive activities; They have established de facto control of the territory in these areas, even controlling the life and development of the population through extortion activities. Among the various irregular situations present, contemporary dynamics and forms of modern slavery have been promoted, where the most prevalent are labor and sexual exploitation, especially to the detriment of women, children, and adolescents.

Among some of the documented situations, there are cases where mine workers are subjected to abusive work hours, in deplorable conditions, and on many occasions under deception regarding financial remuneration. On the other hand, women are subjected to sexual exploitation or are deceived about the conditions under which they go to work in these areas. There have been documented cases of sexual practices in barracks separated by plastic, where they are prohibited from using protection during the sexual act and are punished if they have contracted a sexually transmitted disease.

The right to free movement of citizens continues to be violated. By August 2023, the cost of a passport for those over 18 years of age was Bs. 5,206.50, which is equivalent to 3 years and 4 months of minimum wage, which continues to constitute a barrier. There are still many countries in which Venezuela does not have consular services, which limits the processing of passports. Furthermore, the identity card can only be obtained for the first time or renewed within the national territory, which constitutes another barrier, since it is not allowed to process a passport with an expired card.

In the case of the returnees, when their arrival in the country began, high authorities publicly branded them as fascists and camouflaged coup plotters, bioterrorists, *trocheros*, and karma. Although Venezuelan legislation does not criminalize the entry of nationals through irregular passages, on July 10, 2020, the attorney general publicly reported that 13 *trocheros* (people who pass through irregular paths or passages) would be transferred to the El Dorado prison. and that a substitute precautionary measure was imposed on 23 people for having entered the country through irregular means. Additionally, deported Venezuelans are sometimes subjected to arbitrary detention, torture, or other cruel, inhuman, and degrading treatment.

The right to identity of children is threatened in the case of children of Venezuelans born abroad. The State's response to the Committee's question about the “measures adopted to guarantee the prompt registration of births in the registry, and its updating, as well as the issuance of necessary records and documents, even for children of Venezuelan mothers born in the foreigner” was not answered beyond the formalities.

Finally, it is important to refer to the violation of the right to participation. In Venezuela, serious restrictions persist on the exercise of political and civil rights; People lack guarantees to freely run for elected office or exercise partisan militancy, especially if they are critical of the government party in power. According to the registry of a local organization, between January 2022 and June 2023, at least 120 cases of politically

motivated criminalization were recorded; most were linked to arbitrary judicial processes, followed by threats, stigmatization, and harassment by senior officials.

Stigmatization for political reasons is focused on people who are close to or who are active in parties considered in opposition to the national government. Public resources are used to carry out these practices. There is a connection between stigmatization dynamics and subsequent judicial processes or arbitrary arrests for political reasons; According to a report by several national and international organizations, between 2019 and 2021, in at least 480 arbitrary arrests, stigmatizing statements were disseminated through this program a few days before the arrests.

II. PRESENTATION AND METHODOLOGY

This report is a contribution from the Human Rights Center of the Andrés Bello Catholic University (CDH-UCAB) to present to the Human Rights Committee (hereinafter, the Committee), information regarding existing concerns related to the situation of human rights and compliance of the Bolivarian Republic of Venezuela (hereinafter Venezuelan State) with its international obligations derived from the International Covenant on Civil and Political Rights (hereinafter, the Covenant). The contributions focus on the List of Issues prepared by the Committee in November 2022, the responses sent by the State in June 2023, and other aspects considered by the CDH-UCAB.

The CDH-UCAB is an academic entity belonging to the Faculty of Law of the Andrés Bello Catholic University. It is the first academic center for human rights in Venezuela, founded in 1999, with more than 20 years of experience carrying out its work from teaching, , research, extension, and legal support of cases in the following areas: Right to political participation, freedom of expression, protection of refugees and migrants, international human rights protection systems, academic freedom, transitional justice, and modern slavery Since its inception, the CDH-UCAB has worked in coalition with other Venezuelan and international civil society organizations to achieve its objectives of promoting and defending human rights by participating in various networks and working groups.

The purpose of this report is to present information to the Committee on matters of special concern regarding the situation of the rights contained in articles 2, 4, 6, 8, 12, 13, 20, 23, 24, 25, and 26. of the Pact, in accordance with the lines of research and expertise of the CDH-UCAB.

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III. APPLICATION OF THE ARTICLES OF THE COVENANT

Measures taken to increase awareness of the Covenant and its applicability in national law (Article 2)

1. The Venezuelan State reported in its report to the Committee¹ that in the context of the National Human Rights Plan 2016-2019, the said plan was subjected to a broad consultation process.
2. It referred to the fact that they carried out “1920 training activities” which he described as training, forums, and workshops aimed at public officials where “content on human rights and the Covenant were taught to more than 82.800 officials. In addition, it reflects that the National School of Judiciary trained 1.352 judicial officials with a Diploma in “Human Rights and Social State”, and that the National School of Prosecutors, an entity dependent on the Public Ministry, trained 5231 officials through the “permanent” chairs. of human rights” and “free defense of women” in addition to training 3.708 officials on gender violence.
3. Likewise, it indicated that the Ombudsman's Office between 2016 and 2019 “carried out a total of 316 training activities on the prevention of torture and other cruel, inhuman or degrading treatment, reaching 10.453 participants”².
4. In accordance with the issues presented by the Committee, it is important to point out that, despite the information presented by the State, the training programs and official documents on human rights, both those aimed at training officials and those aimed at civil society, present a strong ideological bias³, as well as a vision associated with the so-called “critical perspective”⁴ and decolonial that is contrary to the elements of international protection contemplated in both the Covenant and its Protocols. As well as situations of stigmatization and attacks against human rights defenders who turn to international protection mechanisms such as the Committee.
5. Likewise, despite the constitutional provisions that order the preferential application of the provisions of the treaties and compliance with the recommendations of international mechanisms, the authorities do not comply in good faith with said recommendations.

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¹ CCPR/C/VEN/5

² CCPR/C/VEN/5, Párrafo 71

³ Ver por ejemplo “Derechos Humanos desde la visión UNES” en Revista SOMOS COMUNES, boletín informativo de la Universidad Nacional Experimental de la Seguridad, Nro 12 de Mayo de 2017. Pág. 27 disponible en <http://www.unes.edu.ve/wp-content/uploads/2017/05/Boleti%CC%81n-Somos-Comunes-Edicio%CC%81n-12.pdf>

⁴ Cfr. Disponible en <http://www.minci.gob.ve/unes-ofrece-siete-talleres-de-formacion-sobre-convivencia-y-seguridad-ciudadana/>

6. In its concluding observations⁵, the Committee expressly indicated the State's duty to widely disseminate both the Covenant and its two protocols, the text of its fourth periodic report, the written response to the list of issues, and the concluding observations. There is no real intention on the part of the Venezuelan State to comply with its international obligations, to fully apply the provisions of the Covenant, and on the contrary, the constant violations of civil and political rights in the country are worrying.

Recommendations

- **Fully comply with the recommendations, resolutions, and rulings of human rights protection bodies.**
- **Guarantee the compatibility of legislative and judicial measures with the provisions of the Covenant.**
- **Guarantee independence and that there are no ideological connotations in the training of officials.**

State of emergency (article 4)

7. On August 21, 2015, the government declared a State of Exception and Economic Emergency. Initially, the declaration covered 6 municipalities in the state of Táchira (border with Colombia) and was later extended to 24 border municipalities and finally to the entire national territory, maintaining its uninterrupted validity until April 23, 2021⁶. The exceptional measures were never communicated to the UN Secretary-General, violating the provisions of Article 4.3 of the Covenant. Nor were they approved by the National Assembly, whose opinions against it were dismissed by the Executive, arguing that the Assembly was in “contempt” and, consequently, its decisions were void.
8. Although, as established by all the state of emergency decrees issued since August 2015, the circumstance of an economic emergency was the motivation for such measures, the suspension of the guarantee of the right to peaceful assembly in a period of electoral campaign was maintained, so that the political rights of candidates and voters were violated. Likewise, during the state of emergency, measures restricting fundamental

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⁵ CCPR/C/VEN/CO/4, Párrafo 2

⁶ Centro de Derechos Humanos de la Universidad Católica Andrés Bello Estados de Excepción y Cierre de Frontera Relación de decretos y resoluciones actualizada al 29 de octubre de 2015. Disponible en:

[http://w2.ucab.edu.ve/tl_files/CDH/imagenes/Estados%20de%20Excepcion%20\(cuadro\)%20REV%20\(1\).pdf](http://w2.ucab.edu.ve/tl_files/CDH/imagenes/Estados%20de%20Excepcion%20(cuadro)%20REV%20(1).pdf)

Centro de Derechos Humanos de la Universidad Católica Andrés Bello. Relación cronológica de los decretos que declaran el Estado de Excepción y Emergencia Económica desde 2016: Disponible en:

http://w2.ucab.edu.ve/tl_files/CDH/Lineastematicas/recursos/Estados%20de%20excepcio%CC%81n.pdf

freedoms were implemented arbitrarily, promoting the criminalization and repression of people considered critical or dissident of government management.

9. At the same time, in March 2020, within the framework of the COVID-19 pandemic, a State of Alarm decree was issued that was in force alongside the State of Exception and Economic Emergency decree, granting greater control to the Executive Branch, in a country with weak institutions and lack of independence of Powers. Consequently, within the framework of the duration of both, the measures taken by the State contributed to increasing social control and, since they were not in all cases proportional to the demands of the situation, they resulted in the violation of the human rights of Venezuelans.

Recommendations

- **Refrain from using exceptional measures and granting the national Executive extraordinary powers that have resulted in the exercise of greater social control and the violation of rights.**

Right to life and protection duty (article 6)

10. Since 2002, and especially since the arrival of Nicolás Maduro to power, groups of armed civilians, known as *Colectivos*, related to the government, have proliferated in Venezuela, who have been armed by the government itself to carry out intelligence and political control, as well as to repress anti-government demonstrations⁷. The groups have been accused of deaths and multiple injuries during the demonstrations and street mobilizations that took place in 2017⁸. Additionally, in coordination with state security and intelligence agencies, the groups are responsible for executions against people who are adverse or critical of the government, real or perceived.⁹
11. Despite the complaints about the lethal use of force, to date the Venezuelan state has not initiated criminal investigations against members of *colectivos*¹⁰, some victims who have dared to report have been subject to retaliation because the same security forces that receive the complaint, since they are responsible for reporting the victim's data to the groups and, in other cases, the authorities refuse to receive the complaint, because

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⁷ CDH-UCAB, "Temor Colectivo. La intimidación de colectivos armados como causa de solicitud de refugio", pág. 7 y 8, disponible en: <https://ln5.sync.com/dl/7214fd930/kb9dq43u-mqh6mkdk-egtiq9wa-jprdwgxc/view/doc/9580821520014>

⁸ Ibidem, pág. 13-16.

⁹ Ibidem, pág. 16.

¹⁰ Ibidem, pág. 29.

they are prohibited from receiving complaints against these groups, resulting in forced abandonment. from the country¹¹.

Recomendations

- Investigate and punish murders committed by members of armed groups..
- Disarm the organizations known as *colectivos*.

Freedom from slavery and servitude (Article 8) and the right of children to protection measures due to their status as minors (Article 24)

12. The Committee questions the State about “the efforts deployed to prevent and eradicate human trafficking and all contemporary forms of slavery, including forced labor, for example, in the mines of the states of Bolívar and Amazonas, also specifying whether “The State party has taken measures to criminalize all forms of trafficking in human beings, including trafficking in men and boys when the perpetrators are not part of an organized criminal group.” In this regard, it is necessary to reiterate to the Committee that the Venezuelan State still does not classify trafficking in men and boys as a crime when the perpetrators are not part of an organized criminal group; Therefore, there are no care services for male victims of human trafficking. In November 2019, the creation of national prosecutor's offices specialized in crimes of trafficking in women, as well as to confront trafficking in children and adolescents, was announced. However, it has a single prosecutor for the entire country; Additionally, human trafficking against transgender people, children, or men was not included.

13. Through documentary research, field research, semi-structured interviews, focus groups, and identification of patterns, the CDH-UCAB has collected evidence that demonstrates the worsening of situations of violence and multiple violations of fundamental rights linked to the dynamics of modern slavery. framed in the context of the complex crisis, the aggravated economic needs, and - in the case of the south of the country - the lack of control, the absence of activity, effective presence, and security guarantees especially in these mining areas in the south of the Bolívar state (Arco Minero del Orinoco), which enhances the presence and control of the territory of irregular armed groups linked to extractive activities. It is possible to affirm that currently there is not only a worsening but also a normalization and tolerance of the

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¹¹ Ibidem, pág. 29 y 31.

situation on the part of authorities and the population who have been forced to survive under these conditions.

14. Likewise, there are reports and indications that allow us to affirm that the dynamics of modern slavery have expanded in other territories of the country, especially border areas, jungle areas, and vulnerable areas for this type of dynamics to occur, which must be investigated and attended, and on which prevention, care and repair policies, among others, must be developed.
15. Among the irregular situations present, dynamics and contemporary forms of modern slavery have been promoted, where the most prevalent are labor and sexual exploitation¹² especially to the detriment of women, children, and adolescents. The alarming presence of patterns of labor exploitation of men, women, boys, girls, and adolescents, indigenous populations present in the areas and displaced¹³, migrants, and people seeking international protection¹⁴, among other vulnerable populations, continues to be identified.
16. As has been reported, the present practices are developed in cooptation under forced recruitment, under deception, or forced by living and livelihood conditions. In general terms, men are forced to perform forced labor, in extreme conditions, in hostile environments, in exchange for undeserving wages and under duress or threat¹⁵; women and girls are more sexually exploited¹⁶, with or without their will, they are prostituted, treated as merchandise, with recurring practices such as auctioning their virginity and their bodies, limited to “social management” roles, such as cooks, domestic work, like miners' couples. Boys, girls and adolescents are exploited in mining assistance jobs due to their physical characteristics, or, sometimes, they are abandoned by their parents who have gone to work in the mines, and they are left in the care of other people or alone in their villages.

¹² CDHUCAB (2020) *De lo laboral a lo sexual: formas de esclavitud moderna en el estado Bolívar*. Disponible en: <https://ln5.sync.com/dl/f76191f70/wiqebhk2-jppgw8x2-u48vx2pv-g7yws2gy/view/doc/7873838180014>

¹³ CDH UCAB (2022) *Esclavitud moderna en pueblos y comunidades indígenas en el estado Bolívar*. Disponible en: <https://ln5.sync.com/dl/4d5e4b960/4u2d3zp9-pqerhkyp-5kw24myv-zha5wack/view/doc/7874010810014>

¹⁴ CDH UCAB (2021). *Formas de esclavitud moderna y su impacto en personas migrantes forzadas y refugiadas venezolanas*. Disponible en: <https://ln5.sync.com/dl/f7197f5b0/vcc34znw-p76q7axj-aqedua9s-xwmvs276/view/doc/7874010400014>

¹⁵ CDH UCAB (2021). *Esclavitud moderna y explotación laboral en Venezuela con especial énfasis en las condiciones del estado Bolívar*. Disponible en <https://ln5.sync.com/dl/8be9b5bf0/xk6vxuyv-dq8gnyjf-txnmnseb-5pkuupje/view/doc/7874009660014>

¹⁶ CDH UCAB (2021). *Formas contemporáneas de esclavitud en el estado Bolívar: una perspectiva género sensitiva*. Disponible en <https://ln5.sync.com/dl/bd429c6a0/9z68sisr-ryrv8n72-8trza46k-2m33e4mb/view/doc/7874010210014>

17. Previously, this Committee has expressly requested¹⁷ precise and verifiable information on the efforts deployed to prevent and eradicate human trafficking and forced slavery, training policies, monitoring, applicability of legislation, complaints and convictions, as well as protection measures, rehabilitation, reparation and reintegration services for victims. The Venezuelan State has provided abstract, ambiguous, non-verifiable and contradictory information, being an insufficient response to the requirements and demands in compliance with its international obligations on the matter.
18. Thus, as clear evidence of this contradictory information, it is possible to observe that on two different occasions¹⁸ the State has provided alleged quantified information in the tables titled “Cases Filed, Persons Charged and Persons Accused of the crime of trafficking in women, children and adolescents” and “Cases of human trafficking (Public Ministry)”, which should express the same information, and yet report a different number of cases between each table in the years 2017, 2018 and 2019, subject which calls into question the veracity of the information provided and reaffirms the allegations regarding the impossibility of verifying it. This matter adds to the ratio of little effectiveness expressed with respect to the number of existing cases reported by Civil Society, those received by the Prosecutor's Office, and those actually attended to, worked on and brought to conviction of perpetrators.
19. A situation similar to the previous one is presented with ambiguous reports on the alleged training of state officials and agents in the matters in which training and updating have been recommended and required in favor of the care of victims and the prevention of crimes and major crimes. violations, about which no real results are expressed or evidenced in the situation of the victims or in the prevention of the situation.
20. In this sense, it is possible to affirm that the State has not provided clear, truthful, or verifiable information on the real impact on the benefit of the victims with respect to the legislative and procedural measures, the creation of bodies and jurisdictions specialized in the matter, nor on procedures for care, monitoring, support and

¹⁷ Comité de Derechos Humanos (CDH). Lista de cuestiones relativa al quinto informe periódico de la República Bolivariana de Venezuela*. (28 de noviembre de 2022). CCPR/C/VEN/Q/5

¹⁸ CDH. Quinto informe periódico que la República Bolivariana de Venezuela debía presentar en 2018 en virtud del artículo 40 del Pacto* (7 de septiembre de 2021) CCPR/C/VEN/5 y Respuestas de la República Bolivariana de Venezuela a la lista de cuestiones relativa a su quinto informe periódico* (7 de junio de 2023) CCPR/C/VEN/RQ/5

reintegration of local victims of trafficking, labor exploitation, and sexual exploitation, as well as on protection measures, satisfaction of basic needs and monitoring in favor of children and adolescents in a situation of abandonment or without presence of their mothers and fathers at home, who have left home when they are forced into survival activities in mining, labor exploitation, sexual exploitation or related activities in surrounding areas.

21. International sources reported the increasing number of Venezuelan trafficking victims identified abroad, many of them repatriated or deported to Venezuela. The national government does not provide information regarding the type of care, if any, it provided to victims upon their return, or whether authorities coordinated efforts with foreign governments to ensure the protection of said victims. Trafficking for the purposes of labor and sexual exploitation is the most frequent form of both Venezuelan victims within Venezuela and abroad. Nor has it been possible to obtain information about assistance to any victim, investigation, prosecution, or conviction of human traffickers or efforts to stop the forced recruitment of Venezuelan women, men, or children by irregular armed groups in the context of the mining arc of the Orinoco, maritime routes to Trinidad and Tobago, the border with Brazil or Colombia.
22. Civil society organizations, some foreign governments, the UN, and the media managed to document cases in which Venezuelan government officials, including members of the security forces and local authorities who were mostly in border areas, colluded, tolerated, and allowed irregular armed groups linked to gold mining activity to operate in Venezuelan territory with impunity. These groups exploit people, including children, for forced labor in mining areas and women and girls for sexual exploitation, forcibly recruit young people to join armed criminal groups and force children to work in mines. in dangerous conditions. The UN managed to document cases of foreign citizens residing in Venezuela and subjecting nationals of Ecuador, the Philippines, and other countries to forced labor as domestic service.
23. In that same sense, the lack of control, the absence of activity and effective presence on the part of the State, as well as security guarantees, especially in these mining areas in the south of the state of Bolívar (Orinoco Mining Arc), have led to the worsening of situations of violence and have allowed the presence and control of irregular armed groups linked to extractive activities; They have established de facto control of the territory in these areas, even controlling the life and development of the population

through extortion activities. Among the various irregular situations present, contemporary dynamics and forms of modern slavery have been promoted, where the most prevalent are labor and sexual exploitation¹⁹, especially to the detriment of women, children, and adolescents.

24. Among some of the documented situations, cases are reported where mine workers are subjected to abusive work hours, in deplorable conditions, and on many occasions under deception regarding financial remuneration²⁰. On the other hand, women are subjected to sexual exploitation or are deceived about the conditions under which they go to work in these areas. There have been documented cases of the presence of sexual practices in barracks separated by plastic, where they are prohibited from using protection during the sexual act and are punished if they have contracted an STD²¹.
25. Regarding the situation of girls, boys, and adolescents, there is concern that as a consequence of the aforementioned situation of labor and sexual exploitation in the state of Bolívar, many children are left in the populations of origin, in the care of third parties, without any of documents or authorizations or simply left abandoned, because the parents are working in the mines for their subsistence and survival, at will or under duress or deception. In this sense, numerous cases of girls having survival sex from the age of 7 have been documented. There have also been documented cases of children being recruited by armed groups to serve as informants and later as active members. Likewise, due to their physical dimensions, children are used in mines for “machining”, that is, drilling the channels through which the material is going to be extracted²².

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Recomendations

- **Provide information on the real impact for the benefit of victims regarding legislative and procedural measures, and the creation of specialized bodies and jurisdictions in**

¹⁹ CDH UCAB: De lo laboral a lo sexual: formas de esclavitud moderna en el estado Bolívar. Pág. 11, (2020). Disponible en: <https://saber.ucab.edu.ve/xmlui/handle/123456789/19848>

²⁰ Ibídem.

²¹ CDH UCAB: Formas Contemporáneas De Esclavitud En El Estado Bolívar. Una Perspectiva Género Sensitiva. Pág. 34, (2021). Disponible en: <https://saber.ucab.edu.ve/xmlui/handle/123456789/20201>

²² CDH UCAB: Esclavitud Moderna y Explotación Laboral en Venezuela con especial énfasis en las condiciones del estado Bolívar. Pág. 26, (2021). Disponible en: <https://saber.ucab.edu.ve/xmlui/handle/123456789/19849>

matters of gender-based violence, trafficking, forced labor, and sexual exploitation to the detriment of vulnerable populations.

- **Guarantee procedures for care, monitoring, support, and reintegration of local victims of trafficking, labor exploitation, and sexual exploitation and provide information on the measures that are being carried out to prevent and punish forms of modern slavery.**
- **Implement protection measures, satisfaction of basic needs, and monitoring in favor of children and adolescents who are abandoned or without the presence of their mothers and fathers at home.**

Freedom of movement of people (art. 12)

26. In its response to the list of issues, the State omitted to refer to the Committee's question about the measures adopted to access travel and identity documents “without excessive costs, (...) especially for people who are outside the country with expired documents.” By August 2023, the cost of a passport for those over 18 years of age was Bs. 5,206.50, which is equivalent to 3 years and 4 months of minimum wage, which continues to constitute a barrier. There are still many countries in which Venezuela does not have consular services, which limits the processing of passports. Furthermore, the identity card can only be obtained for the first time or renewed within the national territory, which constitutes another barrier, since it is not allowed to process a passport with an expired card.

27. The State also did not respond to the committee's question about the measures taken to guarantee “dignified treatment and without discrimination to all Venezuelans who return to the country.” It is estimated that some 250,000 Venezuelans returned to the country in the context of the Covid-19 pandemic in 2020. When the arrival of these people began, high authorities publicly branded them *fascistas y golpistas camuflados, bioterroristas, trocheros y karma*²³. On July 11, 2020, the Strategic Operational Command of the Bolivarian National Armed Forces (CEOFANB), through the official Twitter account, urged the population to report all those who entered through non-authorized steps, as well as who will be charged to facilitate entry²⁴. The national executive spread this message via television, WhatsApp messages, official web

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²³ El espejismo del retorno: violaciones a los derechos humanos de los retornados a Venezuela durante la pandemia de COVID -19 (Caracas: CDH-UCAB, 2020), pág. 29. Disponible en:

http://w2.ucab.edu.ve/tl_files/CDH/Lineastematicas/El%20espejismo%20del%20retorno%20FIN.pdf

Pág. 29.

²⁴ Pág. 32 y 33.

portals, and official accounts of military authorities and even a priest favorable to the regime²⁵. Although Venezuelan legislation does not criminalize the entry of nationals through irregular passages, on July 10, 2020, the attorney general publicly reported that 13 *trocheros* (people who pass through irregular paths or passages) would be transferred to the El Dorado prison. and that a substitute precautionary measure was imposed on 23 people for having entered the country through irregular means²⁶.

28. The Venezuelan regime provided Comprehensive Social Care Posts (PASI) for Venezuelan returnees to quarantine. The PASI did not have biosafety elements or drinking water, they had overcrowding problems that made social distancing impossible. In addition, they lacked medical assistance, information, balanced food, and separation according to sex, age, health condition, and family ties²⁷. Additionally, people could not complain about the conditions because they were threatened²⁸. There were cases of deaths due to lack of timely assistance for illnesses caused by poor conditions²⁹.
29. Humanitarian actors were not allowed to carry out work in these spaces; There was also no entry registration and follow-up control³⁰. In Guasdalito, Apure state, 120 people remained confined for more than two months in a shelter, without being allowed to leave, despite having tested negative in all COVID-19 tests³¹. Journalists who made these complaints public were also targets of retaliation³². It was also common for the officials in charge of the shelters to verbally abuse them with phrases such as: *Why did you leave?* and *now what do they want, to be treated like princes?*³³. The returnees were accused by the government of being biological weapons sent from Colombia³⁴.
30. Additionally, deported Venezuelans are sometimes subjected to arbitrary detention, torture, or other cruel, inhuman and degrading treatment. In February 2022,

²⁵ Ibidem.

²⁶ Ibidem, pág. 31.

²⁷ Ibidem, pág. 17.

²⁸ Ibidem.

²⁹ Ibidem, pág. 21.

³⁰ Ibidem, pág. 22 y 25.

³¹ Ibidem, pág. 23.

³² Ibidem.

³³ Ibidem, pág. 29.

³⁴ Ibidem, pág. 30-31.

testimonies of deportees who were tortured upon returning to the country were known. One victim who was forced to crouch for more than seven hours recounted:

They poured cold water on me (...) It was like not leaving marks. They hit me on the head, they choked me. They told me 'You can't stand anything, you were detained in the United States for four months, hold on'. I told them to please help me, that I couldn't get up, but they just looked at me and said: Don't you come from the United States? Ask Biden for help now! (...) In the midst of so much harassment, I simply lost consciousness³⁵.

Recomendations

- **Guarantee access to passports without excessive costs and facilitate the identification service through consulates.**
- **Reestablish consular services in countries where they were closed.**
- **Guarantee dignified treatment and without discrimination to all Venezuelans who return to the country.**

Rights of foreigners (article 13)

31. Within the framework of the declaration of the State of Exception in August 2015, there were massive deportations of Colombian people that affected legal residents, migrants in an irregular condition, and people in need of international protection; About 1.500 people were initially affected. In addition to the violation of the non-refoulement Principle, there were serious effects on security and personal integrity. The mass deportation led more Colombians to return to their home country. It is estimated that between 23.000 to 33.000 people returned to Colombia during the crisis. Seven years after the events occurred, the violations remain unpunished.

32. On the other hand, the CDH UCAB has received information according to which, at least since 2018, foreigners residing in Venezuela have faced unjustified delays in the renewal of their visas, for periods reaching more than one year. Such delays are attributed by the authorities to “difficulties of the technological platform” and entail limitations for migrants, since the lack of a visa prevents them from renewing their

³⁵ “Me pegaban en la cabeza, me ahogaban”: deportados maltratados al llegar a Venezuela claman por una segunda oportunidad en EE.UU. <https://www.telemundo.com/noticias/noticias-telemundo/inmigracion/deportaciones-a-venezuela-con-este-maltrato-reciben-a-los-inmigrantes-rcna15040>.

identity card, an essential document for carrying out various procedures, including opening bank accounts. and notarial procedures, among others.

Recomendations

- **Guarantee the enjoyment of all rights for the foreign population in the country based on the principle of non-discrimination and without exceptions other than those contemplated in the Constitution and the laws.**

Incitement to national hatred (article 20)

33. Starting in 2013, the State developed a stigmatizing discourse against the migrant and refugee population of Colombian origin. In this way, and as a precedent to the mass deportations of 2015, the Association of Colombians in Venezuela already counted about 9 thousand deportations since October 2014. According to the same source, between April 2013 and August 11, 2015, spokespersons for Maduro's government issued derogatory expressions against Colombians in Venezuela on at least 24 occasions³⁶.

34. In mid-2015, for several weeks the Maduro government developed a strong campaign of criminalization of the Colombian population, who were held responsible for the food shortage³⁷ and were described as “*bachaqueros*” (smugglers), paramilitaries and hitmen, also affirming the existence of a process of “Colombianization of crime”³⁸. In this context, on August 19, 2015, Maduro closed the border with Colombia and ordered the expulsion of some Colombians living in border areas, alleging that they had links to organized crime. Colombian homes were raided without a court order, searched, and marked on the walls with an R (for “inspected”) or a D (for “demolished”), in a practice reminiscent of Nazi Germany. The first raids and deportations were carried out without a State of Exception having been declared.

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³⁶ El precio de ser colombiano y vivir en Venezuela <https://runrun.es/investigacion/218274/el-precio-de-ser-colombiano-y-vivir-en-venezuela-infografia/>

³⁷ Maduro dice que entre el 30% y el 40% de los productos nacionales "son desviados a Colombia" <https://www.notimerica.com/politica/noticia-venezuela-colombia-maduro-dice-30-40-productos-nacionales-son-desviados-colombia-20140814064619.html>

³⁸ Semana. Maduro denuncia proceso de "colombianización del hampa" en Venezuela.

<https://www.semana.com/nacion/articulo/maduro-denuncia-proceso-de-colombianizacion-del-hampa-en-venezuela/438255-3/>



Images of Colombian homes marked with the letters D and R

Children's rights (arts. 23, 24 and 26)

35. The right to identity of children is threatened in the case of children of Venezuelans born abroad. The State's response to the Committee's question about the "measures adopted to guarantee the prompt registration of births in the registry, and its updating, as well as the issuance of necessary records and documents, even for children of Venezuelan mothers born in the foreigner" was not answered beyond the formalities. An example that shows the absence of an effective mechanism in this field is the fact that, despite having announced the reestablishment of consular relations with Colombia more than a year ago, parents cannot register their children with the consular authority. Therefore, on August 18, 2023, the Colombian Foreign Ministry announced the extension of the current mechanism established by that country for the registration of children of Venezuelans in Colombia, given the impossibility of registering with the Venezuelan consular authority³⁹.

36. Although the State refers to the existence of the National Board for the Migration Protection of Venezuelan Children and Adolescents, its intervention to rescue and repatriate unaccompanied migrant children is deficient. This ineffectiveness is evidenced by the fact that, in mid-2022, the Colombian Institute of Family Welfare, in charge of protecting abandoned children, estimated that there were at least 1,200 abandoned Venezuelan children, which is why the approval of a law that allows its adoption by Colombian families and the obtaining of Colombian nationality⁴⁰.

³⁹ República de Colombia. Ministerio de Relaciones Exteriores. La medida "Primero la Niñez" continuará su vigencia y aplicabilidad después del 21 de agosto de 2023. En: <https://www.cancilleria.gov.co/newsroom/news/medida-primero-ninez-continuara-su-vigencia-aplicabilidad-despues-21-agosto-2023>

⁴⁰ Proyecto de ley daría nacionalidad por adopción a menores migrantes. En:

<https://www.eltiempo.com/vida/educacion/adopcion-proyecto-de-ley-para-permitir-adopcion-de-menores-migrantes-673385>

Recomendations

- **Guarantee the registration of children of Venezuelan parents born abroad**
- **Act with due diligence to ensure the safe return of abandoned Venezuelan unaccompanied migrant children and their relocation with members of their family group.**

Derecho a la participación (Art. 25)

37. In Venezuela, serious restrictions persist on the exercise of political and civil rights; People lack guarantees to freely run for elected office or exercise partisan militancy, especially if they are critical of the government party in power. According to the registry of a local organization⁴¹, at least 120 cases of politically motivated criminalization were recorded between January 2022 and June 2023; most were linked to arbitrary judicial processes, followed by threats, stigmatization, and harassment by senior officials.

38. Stigmatization for political reasons is focused on people who are close to or who are active in parties considered in opposition to the national government. Public resources are used to carry out these practices; A large part of the cases are carried out through the program “Con el Mazo Dando”, broadcast by the State channel, Venezolana de Televisión (VTV), hosted by the deputy and vice president of the United Socialist Party of Venezuela (PSUV) Diosdado Cabello Rondón. There is a connection between stigmatization dynamics and subsequent judicial processes or arbitrary arrests for political reasons; According to a report by several national and international organizations⁴², between 2019 and 2021 in at least 480 arbitrary arrests, stigmatizing statements were disseminated through this program a few days before the arrests.

39. In recent months, threats have been registered against pre-candidates in the context of the presidential elections scheduled for 2024. In August, **Delsa Solórzano**, reported death threats against her⁴³, reviously reporting persecution by alleged security forces in al at least two times during tours through the states of Trujillo, Portuguesa, Lara,

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⁴¹ Centro de Justicia para la Paz - CEPAZ (2023). *Monitoreo de persecución y criminalización en Venezuela 2022*. Recuperado en: <https://cepaz.org/wp-content/uploads/2023/05/Informe-final-persecucion-2022.pdf>

⁴² Amnistía Internacional (2022). *Venezuela: Represión calculada: Correlación entre las estigmatizaciones y las detenciones arbitrarias por motivos políticos*. Recuperado en: <https://www.amnesty.org/es/latest/news/2022/01/venezuela-represion-calculada/>

⁴³ Delsa Solórzano en Twitter. Recuperado en: <https://twitter.com/delsasolorzano/status/1690492976747642880>

and Sucre. Solórzano pointed out that she was photographed and that the vehicles that followed her did not have visible plates or identification, the way in which intelligence officials usually circulate.

40. On August 2, 2023, the governor of the state of Trujillo and member of the ruling party, Gerardo Márquez, asked attendees during a political event to **María Corina Machado** or **any opponent who arrives**⁴⁴ in the Pampanito municipality, in the Andean state⁴⁵.
41. Judicial processes are characterized by being arbitrary and irregular since they do not comply with the legally established times and procedures. The most common crimes attributed are *treason, instigation, criminal association, or money laundering*; In most cases, trials are unjustifiably extended and lack a final ruling, even after several years of initiation. One of these cases is that of **Daniel Ceballos**, former mayor of San Cristóbal, who in May 2023 was sentenced to four years and three months in prison for the alleged crime of *public incitement*. The trial began in 2014 when Ceballos was arbitrarily detained and accused of promoting the closure of roads during the protests that year⁴⁶. Ceballos was in three different detention centers under precarious conditions⁴⁷, He was released in 2018 under precautionary measures, but in 2022 the trial against him for the same facts was reopened⁴⁸.
42. The 2020 and 2021 elections were carried out amid practices and policies that deepen structural failures that undermine the legitimacy of the processes. The absence of judicial independence, in particular, and among public powers in general, once again compromised the impartiality, equality of conditions, and transparency of the electoral process. The lack of legal certainty was also maintained as a fact that facilitated the arbitrary and unconstitutional disqualification of candidates; the extensive use of State resources and the unequal access of the candidates to the mass

⁴⁴ Video. Jesús Medina Ezaine en Twitter. Recuperado en:

https://twitter.com/jesusmedinae/status/1687304729225768960?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1687304729225768960%7Ctwgr%5E5ca6847b8b9500496487b4b92c49325cac190642%7Ctwcon%5Es1_%ref_url=https%3A%2F%2Fdatendo.com%2Freportero-dateando%2F1a-amenaza-que-lanzo-el-gobernador-de-trujillo-a-maria-corina-machado%2F

⁴⁵ El Pitazo (2023). *Gobernador de Trujillo amenaza con golpear a María Corina Machado si visita Pampanito*. Recuperado en:

<https://elpitazo.net/politica/gobernador-de-trujillo-amenaza-con-golpear-a-maria-corina-machado-si-visita-pampanito/>

⁴⁶ Amnistía Internacional (2015). *Venezuela: Víctimas de violaciones de derechos humanos durante protestas, exigiendo justicia: Daniel Ceballos debe ser liberado*. Recuperado en: <https://www.amnesty.org/es/documents/AMR53/1036/2015/es/>

⁴⁷ Amnistía Internacional (2017). *Daniel Ceballos: 4 años de detención arbitraria sin sentencia y plagados de periodos de aislamiento e incomunicación*. Recuperado en: <https://www.amnistia.org/ve/blog/2017/12/4252/>

⁴⁸ La Nación Web (2023). *Daniel Ceballos es condenado a prisión por delito de instigación pública*. Recuperado en:

<https://lanacionweb.com/politica/daniel-ceballos-es-condenado-a-prision-por-delito-de-instigacion-publica/>

media; facts reported by the European Union Electoral Observation Mission, regarding the 2021 elections⁴⁹.

43. One of the most relevant facts that portrays the lack of autonomy and independence of public powers is the role of the Supreme Court of Justice (TSJ). For 2020, the Court appointed the rectors of the National Electoral Council, despite the fact that it is not their legal mandate, which constitutionally corresponds to the National Assembly; In 2021, he suspended and ordered the repetition of the elections for the governor of Barinas. The TSJ illegally assumed the powers of the CNE by ordering the repetition of the process as a consequence of an alleged disqualification of the comptroller general, not informing the competent authorities. Article 42 of the National Constitution guarantees that only a final ruling from a court can suspend the exercise of political rights, however, the comptroller's office relied on its organic law to prevent nominations for elections through administrative processes.
44. In the other hand, the TSJ continues to incur arbitrary interventions by political parties. As we noted in the report for the list of issues, at least six opposition parties to the government intervened in 2020. On August 11, the intervention of the Communist Party of Venezuela⁵⁰ was carried out under a procedure similar to the previous ones, through the appointment of an *ad hoc* board that arbitrarily displaces the structure of the political association in the exercise of its autonomy.
45. Between 2020 and 2021, at least 29 media outlets were closed, adding to the 293 media outlets that have ceased operations since 2003, the majority by order of the national government through the National Telecommunications Commission⁵¹. This severely decreased information plurality; by 2023, at least 13 states in the country have very little or no independent media, which affects public debate during electoral contexts.
46. In its response to the list of issues, the State admits the application of 58 disqualification measures by the Comptroller General of the Republic for the exercise of public functions to candidates for popularly elected positions. However, the basis

⁴⁹ Unión Europea. Misión de Observación Electoral. Venezuela 2021. Informe final. Recuperado en: <https://espaciopublico.org/wp-content/uploads/2022/03/Informe-Final-de-Mision-de-Observacion-Electoral-de-la-UE-sobre-elecciones-regionales-del-21N.pdf>

⁵⁰ Efecto Cocuyo (2023). *TSJ interviene el Partido Comunista y nombra junta directiva ad hoc*. Recuperado en: <https://efectococuyo.com/politica/tsj-interviene-el-partido-comunista-y-nombra-junta-directiva-ad-hoc/>

⁵¹ Datos de la organización Espacio Público. Las emisoras de radio comprenden más del 70% de los medios operativos en el país. Sobre el cierre de emisoras consultar: *La radio en Venezuela o la censura normalizada* (2022). Recuperado en: <https://espaciopublico.org/la-radio-en-venezuela-o-la-censura-normalizada-2/>

that indicates the application of an Organic Law, cited by the State, is contrary to what is established in the National Constitution, which expressly indicates in article 65 that the prohibition only applies to people who have been convicted, that is, after the final ruling of a court, for crimes committed during the exercise of their functions and others that affect public assets⁵². Consequently, disqualification cannot be executed by a mere administrative act. The administrative disqualification measures remain, the most recent being the one applied to the opposition candidate, María Corina Machado, for the next 15 years⁵³.

47. As reported in the previous report for the list of issues, the Venezuelan State eliminated direct voting for indigenous people and communities. Although the change is invoked in response to the need to adapt to their uses, traditions, and customs, the indigenous population was not consulted from the beginning of this process. After complaints from several indigenous organizations, weeks later the regulations were modified and the vote went from being public to being secret and manual through a ballot, but voting was maintained in the second degree⁵⁴. The 2020 and 2021 elections were held under this system, and to date it remains in force, which maintains the violation of the principle of personalization of the vote, as well as its secret nature.

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Recomendations

- **Guarantee the right to political participation and ensure that all people can run for elected office without reprisals or interference with their rights.**
- **Guarantee the right to vote for all people and the representation of all sectors in elected positions.**

⁵² Artículo 65 de la Constitución Nacional: No podrán optar a cargo alguno de elección popular quienes hayan sido condenados o condenadas por delitos cometidos durante el ejercicio de sus funciones y otros que afecten el patrimonio público, dentro del tiempo que fije la ley, a partir del cumplimiento de la condena y de acuerdo con la gravedad del delito.

⁵³ BBC News (2023). *Inhabilitan para ocupar cargos públicos por 15 años a María Corina Machado, una de las precandidatas presidenciales más populares de Venezuela*. Recuperado en: <https://www.bbc.com/mundo/articulos/cw5g464g3xwo>

⁵⁴ Crónica. Uno (2021). *Directiva del CNE hizo caso omiso de reclamos y ratificó votación en segundo grado para indígenas*. Recuperado en: <https://cronica.uno/directiva-del-cne-hizo-caso-omiso-de-reclamos-y-ratifico-votacion-en-segundo-grad-o-para-indigenas/>