

Report on the Compliance

with the Recommendations

of the Report

by the United Nations High Commissioner

for Human Rights

on the Human Rights Situation

of the Bolivarian Republic of Venezuela

of July 4th, 2019



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with the Recommendations of
the Report by the United Nations
High Commissioner for Human
Rights on the Human Rights
Situation of the Bolivarian
Republic of Venezuela
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The written report submitted by the United Nations High Commissioner for Human Rights (OHCHR), Michelle Bachelet, to the United Nations Human Rights Council during the 41st session in 2019, marked a milestone in the global analysis of the situation in Venezuela before the main UN human rights body. Said report included 23 recommendations to the Venezuelan State, 13 of them of immediate compliance.

Given that the recommendations are addressed to the Venezuelan State, compliance with these recommendations corresponds to the *de facto* government of Nicolás Maduro, considering that it is he who has control over the national territory and the main public institutions. Therefore, the *de facto* government is obliged to comply with the international human rights treaties that protect the Venezuelan population.

This report intends to provide an analysis on the compliance with those recommendations. It is evident that the humanitarian and human rights situation has worsened with the deepening of the complex humanitarian emergency and with the consolidation of authoritarianism and the destruction of the rule of law in Venezuela.

It can be concluded that there have only been positive steps in two of the 23 recommendations. The first has to do with the presence of officials from the OHCHR Office in Venezuela thanks to the Memorandum of Understanding agreed upon between the OHCHR and the Venezuelan State in September 2019; and the second relates to increasing the capacity of vaccination programs, which has occurred due to the support of international agencies that have increased coverage and published data on their humanitarian assistance. The other recommendations have not been complied with or are impossible to evaluate due to the lack of official data which the State has the responsibility to publish, or they present evident setbacks.

The following general observations can be made about compliance with the recommendations:

a) In the context of the complex humanitarian emergency, there is an aggravation of all the economic, social and cultural rights (ESCR) mentioned in the recommendations, deterioration that occurred before the COVID-19 pandemic and worsened during the so-called “state alarm” implemented by the State.

b) There are no public policies consistent with the rule of law, and the deliberate and general opacity of state institutions impedes the social and institutional control of spending. This also makes it difficult to establish criminal and administrative responsibilities for acts of corruption.

c) Public policies do not comply with human rights standards, especially the principle of non-discrimination, and are also instrumentalized for political purposes.

d) Impunity for human rights violations is almost absolute and is aggravated by the lack of independence of the Judiciary, the Public Ministry and the Ombudsman.

e) The complete lack of independence amongst the public powers aggravates the mechanisms of accountability of the State, encourages corruption and makes people more vulnerable to abuse of power, extortion and threats committed by State officials.

f) The institutions of the State are instrumentalized to persecute the political and social opposition and to ensure the permanence in power of the ruling elites above the well-being of the population.

g) The persecution of human rights defenders, broadly defined, and of media workers, seeks to silence the social demand for State accountability and prevent the disclosure of information other than official information.

h) The consolidation of institutional and para-institutional mechanisms of social control continues, going through identification mechanisms to paramilitary structures that act in collusion with police, criminal investigation and military bodies.

i) Victims of human rights violations are not a priority for the State authorities, especially for the institutions in charge of protecting them.

j) The *de facto* government seeks to ensure that the OHCHR’s presence in Venezuela is tailored to its interests, restricting its functions and using it for propaganda purposes.

We hope that this work contributes to the knowledge and dissemination of the OHCHR’s recommendations within Venezuela. But it is also intended to inform and alert Member-States of the Human Rights Council and other members of the United Nations of the Venezuelan State’s non-compliance, especially on the occasion of the presentation of a new written report by Michelle Bachelet during the 44th session in July 2020.

The 23 recommendations are then addressed in the order proposed in the OHCHR’s report, starting with the thirteen recommendations of immediate compliance, and then addressing the other ten recommendations¹.

¹ Some sections of this report may coincide verbatim with chapters of the Report on the Human Rights Situation in Venezuela, 2019, produced by PROVEA. Specially the chapters on the right to food, worker rights, justice and personal liberty.

a. Take all necessary measures to ensure availability and accessibility of food, water, essential medicines and healthcare services, including comprehensive preventative healthcare programmes with particular attention to children's and maternal services, including sexual and reproductive healthcare.

Availability and access to food

Once again, the Ministry of Popular Power for Productive Agriculture and Lands did not publish its Annual Report nor did it present it to the National Assembly, in open violation of article 244 of the Constitution. The purchasing power of Venezuelans remains below the cost of the normative food basket, of which no official data has been published since 2014. According to the Central Bank of Venezuela (BCV), inflation in 2019 was 9,685.5%².

Deficiencies in basic services such as water and electricity were reported as major obstacles to food security. In September 2019, the Venezuelan Chamber of the Food Industry (Cavidea) reported a reduction in food consumption of 96%, with special emphasis on processed foods. The cost of the Basic Family Basket (CBF) as of December 2019 was 27,322,672.78 bolivars (\$546.45), and the Family Food Basket (CAF) represented 55.8% of its cost. In December, a household required 182 minimum wages to acquire basic basket³.

At the end of 2019, the monthly minimum wage was equivalent to 3 dollars, well below the UN Sustainable Development Goals (SDGs), according to which extreme poverty is measured by a "daily" income of less than 1.25 American dollars. In addition to the minimum wage and food voucher, the transfer of cash bonuses and the subsidization of basic foodstuffs through the Local Supply and Production Committees (CLAP) was maintained with the use of the Carnet de la Patria⁴. Remittances had represented insufficient, but significant, household income until the arrival of COVID-19 and its effects took place, especially in the region.

There is no coherent public policy for the revival of the agricultural sector. Priority is given to strengthening the distribution and commercialization of products through the CLAP program and through the Carnet de la Patria⁵, which is a discriminatory mechanism of seeking political adherence.

An attempt was made to promote urban agriculture in alliance with the CLAP program in communities, universities and schools through the so-called "My Communal Sowing" plan⁶. There is no official data on the real scope of this program. The government tried to advance a food plan in schools along with the School Food Program (PAE), but it was never implemented. The nutrition of children in school is basically composed of rice and grains⁷.

² BANCO CENTRAL DE VENEZUELA (BCV): Índice de Precios al consumidor (IPC) [on line] <<http://www.bcv.org.ve/glosario/indice-de-precios-al-consumidor-ipc>> Consulted on 20.10.19.

³ Finanzas Digital: *Cendas-FVM: Canasta Básica Familiar de diciembre 2019 fue Bs 27.322.672,78 (\$546,45)* [on line] <<https://www.finanzasdigital.com/2020/01/cendas-fvm-canasta-basica-familiar-de-diciembre-2019-fue-bs-27-322-67278-54645/>> Consulted on 03.03.20.

⁴ Carlos Aponte: *Los Comités Locales de Abastecimiento y Producción CLAP y la Gran Corrupción del siglo XXI*. Transparencia Venezuela [on line] <<https://transparencia.org.ve/project/los-comites-locales-de-abastecimiento-y-produccion-clap-y-la-gran-corrupcion-del-siglo-xxi/>> Consulted on 22.02.20.

⁵ T. Greisarith Rodríguez: *Entérate Jefe de Estado presentó 7 líneas estratégicas de acción para este 2020* [on line] <<http://vicepresidencia.gob.ve/entérate-jefe-de-estado-presento-7-lineas-estrategicas-de-accion-para-este-2020/>> Consulted on 21.01.20.

⁶ GOBERNACIÓN DEL ESTADO FALCÓN: *Secretaría agrícola de Falcón promoverá la producción de rubros para el abastecimiento de la población* [on line] <<https://cactus24.com.ve/secretaria-agricola-de-falcon-promovera-la-produccion-de-rubros-para-el-abastecimiento-de-la-poblacion/>> Consulted on 17.05.19.

⁷ Efecto Cocuyo: *Gobierno firma acuerdo con FAO y UNICEF para apoyar programa de alimentación escolar* [on line] <<https://efectococuyo.com/>> Consulted on 15.01.19.

The CLAP program was created to give continuity to the Food Mission social program. But the foods included in the so-called CLAP boxes represent 15% of the daily calories needed, and between 11% and 13% of the protein, fat and carbohydrate needs of a household with four members. In the face of the crisis of the CLAP program, in September 2019, Maduro approved the territorialization of the production of these foods in 16 regions with productive capacity and the incorporation of the Bolivarian Militia in logistical efforts⁸. At the end of 2019, a platform called "Control of Subsidized Food Delivery" (CEAS Patria) was included within the Carnet de la Patria system, which is also managed by the Bolivarian Militia^{9 10}. The impacts of these measures are unknown.

Availability and access to water

According to the United Nations World Report on the Development of Water Resources of 2019¹¹, carried out by UNESCO and other organizations, Venezuela ranked fifth, among the countries of Latin America and the Caribbean, in highest inequality in access to water between the richest and poorest sectors of the population.

According to a study of citizen perceptions by the Venezuelan Observatory of Public Services (OVSP)¹² carried out in December 2019 in ten of the main cities of the country and in 27 municipalities, only 16.7% of those surveyed indicated that they received potable water service continuously in their homes, despite the fact that 91.8% of the total sample stated that they had access to water pipes. The study also indicated that 13.3% of those surveyed did not receive water supply in their homes at all.

By April 2020, the OVSP¹³, 41% of user complaints reported by the media corresponded to potable water services, while 51% of citizen protests, registered by the media, corresponded to lack of potable water.

In Venezuela 5,375 protests for basic services were registered in 2019, 1,777 were due to lack of drinking water¹⁴.

Between April and May, the press reported that 552 trucks of water entered the country from Mexico¹⁵ and China¹⁶ to distribute water to communities, which is equivalent to less than 2 water trucks per municipality¹⁷. The scope of this measure cannot replace the distribution of water through pipelines, as it is an emergency measure, and also does not represent an increase availability of potable water in the country. It has also been reported that 60% of sentinel hospitals (destined for the care of COVID-19 patients) of the metropolitan area of Caracas do not have continuous access to water services during the COVID-19 emergency¹⁸.

Availability and access to health services

According to a report by Transparencia Venezuela, the NGO "Doctors for Health" measured the behavior of the main hospitals in the country. By

⁸ Agencia Venezolana de Noticias (AVN): *Aprobada la territorialización de la producción de los combos de alimentos Clap* [on line] <<http://www.avn.info.ve/>> Consulted on 05.09.19.

⁹ MINISTERIO DEL PODER POPULAR PARA LA ALIMENTACIÓN (MINPAL): *Misión Alimentación acompaña la incorporación del sistema CEAS Patria en la entrega de alimentos Clap* [on line] <<http://www.minpal.gob.ve/>> Consulted on 05.10.19.

¹⁰ El Pitazo: *Vecinos de Guanare rechazan que milicianos validen entregas del Clap* [on line] <<https://elpitazo.net/>> Consulted on 04.11.19.

¹¹ UNESCO y otros: *Informe Mundial de las Naciones Unidas sobre el Desarrollo de los Recursos Hídricos de 2019*, pg. 150, <<https://unesdoc.unesco.org/ark:/48223/pf0000367304>>

¹² Observatorio Venezolano de Servicios Públicos: *OVSP: Sólo un 16,7% de los hogares recibe agua de manera contingua*, [on line] <<http://www.observatoriovsp.org/ovsp-solo-un-167-de-los-hogares-recibe-agua-de-manera-continua/>> Consulted on 24.06.20.

¹³ Observatorio Venezolano de Servicios Públicos: *OVSP: Agua y electricidad son los servicios mayormente reportados en medios de comunicación*, [on line] <<http://www.observatoriovsp.org/ovsp-agua-y-electricidad-son-los-servicios-mayormente-reportados-en-medios-de-comunicacion/>> Consulted on 24.06.20.

¹⁴ Observatorio Venezolano de Servicios Públicos: *Conflictividad social, Venezuela 2019*, [on line] <<http://www.observatoriodeconflictos.org.ve/oc/wp-content/uploads/2020/01/INFORMEANUAL-OVCS2019-1.pdf>> Consulted on 24.06.20.

the end of 2019: “the majority of hospitals (70%) report interruptions in water services, that is, they have access to the water supply once or twice a week. 20% of hospitals report that they do not have water at any time of the week and only 9% of hospitals report having access to water regularly and directly. Regarding electricity, on average, 6% of hospitals reported service failures. The general average of electrical failures are 3.42 per month and the trend in 2019 is an increase in energy failure.”¹⁹ The national pharmaceutical industry is in a critical situation: in the first 10 months of 2019 there was a 46% drop²⁰ in production of medicine, a drop that has lasted more than four consecutive years.

In its “Covid-19 Report, March 13 - April 13, 2020”²¹, Prepara Familia reports on the situation of the JM de los Ríos Hospital, a signature hospital for children and adolescents. This hospital has serious water deficiencies that impede the most basic hygiene protocols, such as handwashing for patients, women caregivers and hospital staff. When there is a power outage, the power plant emergency system only covers a part of the hospital, putting uncovered sections at risk. As a result of COVID-19 measures, in that hospital and in other public hospitals, consultations for care and vaccinations were suspended starting March 16, 2020; the doctors of these services are on-call and only attend emergencies of their specialties. Additionally, Prepara Familia reports the closure of the intensive therapy service since February 26, 2020. Patients receive a diet based on flour, rice, pasta and grains. The food service for women caregivers has been suspended since August 2017 as a reprisal for making complaints and protesting. The organizations reports that due to the COVID-19 measures, “the vast majority of the children and adolescents with chronic pathologies who received outpatient treatment at the José Manuel de Los Ríos Children’s Hospital have been unable to continue receiving their chemotherapy procedures, transfusions, dialysis, and special procedures from the beginning of the quarantine.” The same report accounts for the inhumane conditions of women caregivers, who do not have conditions for sleeping in the hospital, do not have access to food or personal hygiene supplies. It also reports that the “main causes of children’s deaths remain the same as in 2019: septic shock, pneumonia, severe malnutrition, acute respiratory failure, sepsis, acute diarrhea, severe dehydration.”

The Inter-American Commission on Human Rights (IACHR) granted the JM de los Ríos Hospital precautionary measures, first meant to protect the patients of the nephrology services on February 21, 2018, and then these measures were expanded to protect 13 more services within the hospital on August 21, 2019. These precautionary measures have not been complied with by the Venezuelan State.

b. Take immediate measures to halt, remedy and prevent human rights violations, in particular gross violations such as torture and extrajudicial executions

No measures have been adopted to cease, rectify and prevent human rights violations, and in particular in serious violations. This is illustrated

¹⁵ El Universal: *Venezuela recibió el primer cargamento de camiones cisterna a raíz del acuerdo con compañías mexicanas*, [on line] <<https://www.eluniversal.com/economia/67636/venezuela-recibio-el-primercargamento-de-camiones-cisterna-a-raiz-del-acuerdo-con-companias>> Consulted on 24.06.20.

¹⁶ Crónica Uno: *Las cisternas que llegaron desde China son una gota de agua en el desierto*, [on line] <<https://cronica.uno/las-cisternas-que-llegaron-desde-china-son-una-gota-de-agua-en-el-desierto/>> Consulted on 24.06.20.

¹⁷ The political-territorial division of Venezuela is constituted by 335 municipalities.

¹⁸ Radio Fe y Alegría: *60% de los hospitales centinelas de Caracas no tiene servicio de agua de manera continua*, [on line] <<https://www.radiofeyalegrianoticias.com/60-de-los-hospitales-centinelas-de-caracas-no-tiene-servicio-de-agua-de-manera-continua/>> Consulted on 24.06.20.

¹⁹ Transparencia VE: *Salud en Venezuela: un escenario aterrador para 2020*, [on line] <<https://www.derechos.org.ve/actualidad/salud-en-venezuela-un-escenario-aterrador-para-2020-1>> Consulted on 24.06.20.

²⁰ Ibid

²¹ Prepara familia: *Informe Covid-19, 13 de marzo/13 de abril 2020*, May 2020.

by the situation of the right to personal integrity. Between January and December 2019 ²², PROVEA registered a total of 357 complaints of violations of the right to personal integrity, affecting 5,211 victims. A total of 574 people suffered torture, which constitutes an increase of 526.60% in the number of victims recorded, compared to the 12 months of 2018 when a total of 109 people affected by torture were registered. Furthermore, it is the highest number documented by PROVEA in 31 years of monitoring the right to personal integrity, surpassing the 185 victims registered in 2014. In 2019, 23 people were killed when subjected to torture by police or the military. Of the 5,211 victims, the Special Actions Forces (FAES) concentrated - for the second consecutive year - the highest number of victims with 1,747 (33.52%) when they acted in individual operations. The FAES also acted jointly with other state and para-state security actors, reaching a total of 1,910 victims (36.65%).

For its part, the COFAVIC organization documented 357 extrajudicial executions committed by State agents between January and March 2020: "71% of the cases occurred in the context of special operations with massive participation of State officials, 14% during an ordinary surveillance operation and 8% in flagrante delicto." ²³

c. Conduct prompt, effective, thorough, independent, impartial and transparent investigations into human rights violations, including killings of indigenous peoples, and bring perpetrators to justice

The evident lack of independence of the Judiciary has prevented this recommendation from being met. This is illustrated by the situation of impunity for violations of the right to personal integrity of indigenous peoples. Three cases can illustrate this situation:

1. On September 23, 2017, the indigenous Warao persons José Gregorio Moraleda Zambrano (21) and Jomas José Alcántara (19) were killed during protests for lack of food. In this case, the Public Ministry charged 10 police officers and the 3rd Control Court ordered that the police and military officers be deprived of their liberty. The officials investigated are Joel María González (22), Lesguar Alexander, González Morillo (34), Ledymar del Valle Sánchez Martínez (23), Jonnattan de la Cruz Trinitario (37), José Gregorio Martínez Call (25), Carlos Rafael Azócar (22), Rigson Boanerge Martínez Rojas (25), Gleyvins José Flores Álvarez (28), Jesús Rafael Gascón Pereira (27) and Yoenner Figueroa (23). This is the only case in which there was any political will to investigate and identify the alleged perpetrators. The results of this court case are unknown.

2. On December 8, 2018, a group of officials from the General Directorate of Military Counterintelligence (DGCIM) wounded four Pemon indigenous people from the Arekuna community in Canaima, Bolívar state, with firearms. One of the indigenous people, identified as Carlos Peñazola, was assassinated in the events. The Pemon indigenous people arrested several DGCIM officials who participated in the raid and murdered Car-

²² PROVEA: *Informe Anual - Terrorismo de Estado causó al menos 5.211 víctimas de violaciones a la integridad personal en 2019*, [online] <<https://www.derechos.org.ve/actualidad/informe-anual-terrorismo-de-estado-causo-al-menos-5-211-victimas-de-violaciones-a-la-integridad-personal-en-2019-2>> Consulted on 24.06.20.

²³ COFAVIC: *A marzo 2020: 11 328 ejecuciones extrajudiciales*, [online] <<https://cofavic.org/2020/06/15/a-marzo-2020-11-328-ejecuciones-extrajudiciales/>> Consulted on 24.06.20.

los Peñaloza. They handed them over to the authorities who would be responsible for carrying out the investigations. To date, there have not been detainees or accused persons in this case. The Pemón indigenous jurisdiction initiated a process pointing out several DGCIM officials as the intellectual authors of this violation.

3. On February 22, 23 and 27, 2019, the Bolivarian National Guard and alleged members of paramilitary groups (colectivos), used excessive force to repress the demonstrations registered in Santa Elena de Uairén, south of the state of Bolívar, in support of the entry of humanitarian aid. Seven people were killed during these events, four of them were indigenous Pemón. 23 people were shot and wounded, 58 were detained and several indigenous people were detained and tortured. On February 28, the Inter-American Commission on Human Rights (IACHR) adopted Resolution 7/2019, granting precautionary measures in favor of indigenous peoples of the Pemón ethnic group from the San Francisco de Yuruaní community or "Kumaracapay" from the Gran Sabana Municipality in Bolívar State, and the indigenous defender Baré Olnar Ortiz. In these cases, the indigenous jurisdiction was not activated. There are no known criminal proceedings opened by the national authorities against State agents or members of paramilitary groups for these crimes.

d. Release all persons arbitrarily deprived of their liberty.

Procedural delay, indefinite pre-trial detention and the postponement of preliminary hearings are, along with corruption, some of the features of the judicial processes in Venezuela, and they are more evident when it comes to political prisoners. According to Foro Penal, until June 5, 2020, there have been "15,495 arbitrary detentions in Venezuela since January 1, 2014. 865 civilians have been brought before military courts. To date, we have kept a record of 3,471 political prisoners, 3,020 who have been released, under various modalities."²⁴ These numbers illustrate two patterns which have consolidated in Venezuela: the first is the release of people under precautionary measures, which keep people linked to criminal proceedings, conditioning their personal freedom and often their freedom of expression. The second pattern is the use of military criminal jurisdiction applied to civilians who are charged with crimes of a military nature. On the other hand, on April 22, 2020, Foro Penal reported that 193 soldiers imprisoned for political reasons were in serious health conditions or subjected to cruel treatment²⁵.

In 2019, PROVEA registered a total of 2,744 alleged violations of the right to personal liberty. The profile of the majority of identified victims is male (70.4%), workers (20%)²⁶, political leaders or social leaders (16.4%), journalists (16%) or military officials (8.6%)²⁷. Detentions against journalists increased 13.8% with a total of 62 detainees. In the period 2019, 83 mass arrests were registered with a total of 1,957 detainees (71% of the total of arbitrary detentions). The Supreme Court of Justice violates due process for opposition deputies (representatives of the National Assembly)

²⁴ Foro Penal: *24 mujeres detenidas arbitrariamente durante la cuarentena en Venezuela*, Boletín 136 Crisis en Venezuela, [online] <<https://www.accesoalajusticia.org/wp-content/uploads/2020/06/Bolet%C3%ADn-n.%C2%BA-136-Crisis-en-Venezuela.pdf>>, Consulted on 24.06.20.

²⁵ Foro Penal: *Foro Penal contabiliza 790 presos políticos en todo el país*, [online] <<https://talcualdigital.com/foro-penal-contabiliza-790-presos-politicos-en-todo-el-pais/>>, Consulted on 24.06.20.

²⁶ Of the cases of which information was able to be collected, for a total of 77 detainees.

²⁷ Of the cases of which information was able to be collected, for a total of 33 detainees. Last year, this figure was 17% higher.

by issuing judgments against them that are not published. That court has also assimilated continuing offenses to flagrant offenses to avoid due process that particularly protects deputies under national law.

e. Halt, publicly condemn, punish and prevent all acts of persecution and targeted repression based on political grounds, including stigmatizing rhetoric and smear campaigns; f. Adopt effective measures to protect human rights defenders and media professionals.

Persecution for political reasons has not stopped, even being maintained during the COVID-19 quarantine. Acts of persecution have not been stopped, punished, prevented, or even publicly condemned. This is due to a State policy of politically motivated persecution against people and organizations that are considered internal enemies. This is framed in the application of the National Security Doctrine, for which legislation was created to persecute dissent, and guarantee impunity for such acts. Five human rights organizations presented the report "Venezuela: Internal Enemies" in March 2020, documenting "a total of 121 attacks against human rights defenders in Venezuela during the years 2018 and 2019, including 60 acts of defamation, 44 acts of harassment and intimidation, as well as 8 cases of arbitrary detention. As for those responsible for the attacks, the State appears as the perpetrator of most of the attacks, either through its communication tools such as the Misión Verdad portal, which accounts for 31% for documented attacks, or the television program Con el Mazo Dando, which accounts 29% for total attacks, or through the State security forces, which cover 14% of attacks against human rights defenders."²⁸ These attacks have not been publicly condemned and there is no information on the sanctions, criminal or administrative, of the authors of these attacks. The Public Ministry and the Ombudsman's Office do not publish the updated data on attacks against defenders and do not have individualized records of these attacks.

The NGO Espacio Público, reports that in 2019, 1,049 violations of freedom of expression and information occurred in Venezuela, under the forms of intimidation, censorship, administrative restrictions, attacks, threats, verbal and judicial harassment, physical attacks and deaths. In the same period, "114 people were arrested or held by state security forces as a result of the dissemination of complaints or opinions through social networks and the media. Of this number, 64% are press workers and the majority of them were released after being held for several hours by the various security and intelligence bodies of the State, which reveals the arbitrariness of the procedures."²⁹ The most recent attack occurred on May 4, 2020 when several senior officials, including Mr. Diosdado Cabello, president of the ANC, attempted to link the human rights NGO PROVEA in the so-called "Operation Gedeon" through national public media³⁰.

For both human rights defenders and media professionals, a disqualifying and stigmatizing discourse is maintained by public officials, which encourages attacks against them.

²⁸ OVS et al.: *Venezuela: enemigos internos*, Pg. 6, [on line] < https://www.fidh.org/IMG/pdf/venezuela_informe_2020.03_informe_completo.pdf >, Consulted on 24.06.20.

²⁹ Espacio Público: *Informe 2019: Situación general del derecho a la libertad de expresión en Venezuela*, [on line] < <http://espacio-publico.org/informe-2019-situacion-general-del-derecho-a-la-libertad-de-expresion-en-venezuela/> >, Consulted on 24.06.20.

³⁰ Extract from statements of Diosdado Cabello, program *Con el Mazo Dando*, 04.05.20: [on line] < <https://ms-my.facebook.com/Por-una-Venezuela-Libre-Por-Siempre-1582828898674008/videos/5may-diosdado-cabello-llama-irresponsable-a-proveaong-e-intenta-incriminar-a-sus/603440640261859/> >, Consulted on 24.06.20.

g. Cease any intimidation and attacks against indigenous peoples, including leaders, and ensure their protection and take all necessary measures to protect their individual and collective rights, including their right to land.

The presence of criminal armed groups persists, presumably of the Colombian guerrillas and Venezuelan military forces in indigenous territories, especially in the states of Zulia, Apure, Bolívar and Amazonas. This has generated forced migration and the control of these actors and armed groups over the communities and their traditional ways of life. The impact of the Orinoco Mining Arc project on the communities and on the environment has worsened. In the states of Bolívar and Amazonas, collusion persists between the State security forces and groups of armed mafias called "unions", and alleged Colombian guerrillas.

The events of February 2019, in the San Francisco de Yuruaní or "Kumaracapy" community, resulted in the murder of indigenous people by National Bolivarian Guard (GNB) troops, dozens wounded, militarization, persecution, and the forced migration of Pemon indigenous people. These events were corroborated by the Inter-American Commission on Human Rights (IACHR), which issued Resolution 7/2019 granting precautionary measures in favor of indigenous people of the Pemon ethnic group from the San Francisco de Yuruaní or "Kumaracapy" community. However, measures have not been taken to reverse the life-threatening conditions of indigenous Pemon. On the contrary, the massive presence of the military in the control of indigenous territories, without indigenous consultation or consent, along with the application of repressive policies, diminishes the possibility of the full exercise of cultural life, the form of community organization of the Pemon people. An illustrative example of this situation is the case of Emilio González, a Pemon indigenous mayor of the Gran Sabana elected by the Pemon people, who had to flee to Brazil after the events of February 2019 and has not returned due to risks to his personal integrity and life.

There has been no progress in the demarcation of indigenous territories as provided by the Constitution, since the Territorial Demarcation Commission, which can receive requests for demarcation, is completely paralyzed.

h. Cease and prevent excessive use of force during demonstrations.

The Venezuelan Observatory of Social Conflict (OVCS) documented a total of 16,739 protests throughout the country in 2019, representing an increase of 24% compared to 2018³¹. Most of the protests (58%) were demands for rights economic, social, cultural and environmental (DESCA) and 42% were for civil and political rights. The most demanded right was the right to political participation, with 6,310 demonstrations. According to the OVCS, there is a State policy of criminalization, judicialization and the implementation of lethal repression for the control of demonstrations carried out mainly by agents of the Special Actions Forces (FAES) of the Bolivarian National Police (PNB), paramilitary collectives, Bolivarian Na-

³¹ Observatorio Venezolano de Servicios Públicos: *Conflictividad social, Venezuela 2019*, op.cit., Pg. 2.

tional Guard (GNB) and other police forces. The Sociopolitical Articulation and Action Networks (Raas) also participate, made up of residents of communities who have the role of intelligence agents, informing security forces and paramilitary collectives about the location and identity of protesters and critical or dissident people. In 2019, PROVEA and the OVCS documented 67 extrajudicial executions, 61 during demonstrations and 6 related to demonstrations in the following days ³².

According to Marco Ponce, Coordinator of OVCS, in 2020, "the repression against demonstrations has deepened and social control has become more sophisticated. Carte blanche has been given to State security forces and paramilitary groups to act. During the first two months of the social quarantine, it has been used as an excuse to repress protesters arguing that they are not complying with the state of alarm declared by the Maduro regime ." ³³ The most recent cases of people killed in demonstrations occurred during the first two months of the COVID-19 quarantine: Charlis Antonino Núñez (29 years old) on 04/23/2020 and Rafael Hernández (21 years old) on 04/05/2020.

i. Dissolve the Special Action Forces of the Bolivarian National Police (FAES) and establish an impartial and independent national mechanism, with the support of the international community, to investigate extrajudicial executions during security operations, ensure accountability of perpetrators and redress for victims.

It is a well-known fact that the FAES have not been dissolved and on the contrary have been strengthened. Nor has the impartial and independent national investigation mechanism proposed in the recommendation been created. As stated by the United Nations High Commissioner for Human Rights in her oral update in September 2019, referring to 57 new cases of alleged executions committed just in July in Caracas documented by the NGO Monitor de Víctimas. "These documented cases reveal the same pattern identified in my July report and demonstrate the lack of effective protection mechanisms for the witnesses and families of the victims." ³⁴ Nicolás Maduro has publicly expressed his support for the FAES on several occasions. On July 17, 2019, a few days after the appearance of the High Commissioner's Report, he attended the graduation ceremony at the Experimental Security University, where he stated: "All the support for the FAES in its daily work to give security to the people of Venezuela." On December 20, he again expressed his support when declaring: "there has been a worldwide campaign against the National Bolivarian Police (PNB) and against FAES led and financed by the Government of the United States".

While writing this report, PROVEA is still working to consolidate figures of extrajudicial executions committed at the national level by state agents, which could exceed 1,200 victims at the hands of the FAES in 2019. According to the Monitor de Víctimas, in 2019, in Caracas there were 898 homicides, of which 340 were extrajudicial executions or reported as "resistance to authority," 232 were attributed to FAES ³⁵.

³² Ibid, pp. 26-27

³³ Interview with Marco Ponce by Provea, 14.06.2020.

³⁴ Human Rights Council: *Report of the United Nations High Commissioner for Human Rights on the situation of Human rights in the Bolivarian Republic of Venezuela*, A/HRC/41/18, Advance undated version, 5 July 2019, [on line] < https://reliefweb.int/sites/reliefweb.int/files/resources/A_HRC_41_18.pdf >, Consulted on 24.06.20.

³⁵ Monitor de Víctimas: *Informe 2019, Hogares peligrosos y policías asesinos*, [on line] < <https://alianza.shorthandstories.com/informe-monitor-de-victimas-2019/index.html> >, Consulted on 24.06.20.

j. Take effective measures to restore the independence of the justice system and ensure the impartiality of the Attorney-General's Office and the Ombudsman.

There is no effective measure adopted to guarantee the independence of the judiciary, nor to guarantee the impartiality of the Public Ministry or the Ombudsman. It has become a well-known fact that the Ombudsman's Office is silent in the face of serious human rights violations such as those committed by the FAES or in the face of acts of torture that systematically occur in the offices of the SEBIN and the DGCIM.

The Supreme Court of Justice (TSJ), as head of the Judiciary, is at the service of the *de facto* power to strip power of the National Assembly (AN). The TSJ imposed the measure of non-enforceability of the decisions of the AN shortly after its election in December 2015, on the basis of a false contempt thesis ³⁶. This formula has allowed for the *de facto* government to annul all the acts of the opposition majority Parliament through at least 119 sentences since the AN election up till December 2019 ³⁷. Through these decisions, the TSJ has handed the functions and legislative powers of the National Assembly to the National Executive, the National Electoral Council (CNE), the National Constituent Assembly (ANC) ³⁸ and even to itself. The Supreme Court of Justice (TSJ) acts in a partisan way, distorting its work as an interpreter of law and criminalizing dissent. Its decisions are limited to creating the conditions for the *de facto* government to remain in power. Under their direction, other courts in the country are used for political and repressive purposes, committing clear violations of the right to due process.

During 2019, the TSJ issued 28 judgments against the AN ³⁹. Many of them have served to usurp or annul its functions ⁴⁰. These include the sentences of the Constitutional Chamber, which has declared in six different occasions ⁴¹ that the extension the State of Economic Emergency is constitutional. The State of Emergency has been in force since January 2016, while the Constitution allows a duration of only 60 days, and one extension of the same time period. The Organic Law on States of Exception (article 34) prohibits the TSJ from ruling on this matter if the declaration of a State of Emergency has not been approved by the National Assembly, which was exactly what happened in this case. Among the 30 sentences of 2019 are also those that prosecute 24 deputies and violate their parliamentary immunity.

In Venezuela, it is impossible to collect statistical and management information from the Judiciary due to the lack of official data: the annual reports of the TSJ, the Public Ministry (MP), the Ombudsman's Office, and the Ministry for the Popular Power for Penitentiary Services (MPPSP) have not been published. PROVEA has requested this information, in exercise of the right of petition, without receiving a response from these institutions ⁴². Since 2017, the national budget has not been published. Additionally, since the Budget Law and the Special Debt Law ⁴³, appro-

³⁶ See: *Transparencia Venezuela: TSJ dejó sin efecto acciones de la Asamblea Nacional* [on line] <<https://transparencia.org.ve/tsj-dejo-sin-efecto-acciones-de-la-asamblea-nacional/>>; AJ: *El viacrucis judicial de los diputados de Amazonas* [on line] <<https://www.accesoalajusticia.org/el-viacrucis-judicial-de-los-diputados-de-amazonas/>> y Prodavinci: *¿Qué decidió el TSJ?* [on line] <<https://prodavinci.com/que-decidio-el-tsj/>> Consulted on 20.12.19.

³⁷ *Acceso a la Justicia: El TSJ vs. la AN* [on line] <<https://www.accesoalajusticia.org/el-tsj-vs-la-an/>> Consulted on 30.12.12.

³⁸ The National Constituent Assembly (ANC) began to function from 08.08.17 after the President of the Republic called, without the popular referendum required by the National Constitution. *Acceso a la Justicia: Sin pueblo no hay Constituyente* [on line] <<https://www.accesoalajusticia.org/el-fraude-de-la-constituyente/>>. This Assembly was installed not to make a draft Constitution, but with supra-constitutional powers that minds that it can also legislate, investigate, call elections, remove and appoint officials, and release political prisoners, among other capabilities. *Acceso a la Justicia: El rol legislativo de la Asamblea Nacional Constituyente al servicio del poder* [on line] <<https://www.accesoalajusticia.org/el-rol-legislativo-de-la-asamblea-nacional-constituyente-al-servicio-del-poder/>>; *¿La Constituyente tiene poderes ilimitados?* <<https://www.accesoalajusticia.org/la-constituyente-tiene-poderes-ilimitados/>>; *La ANC tiene su propio tribunal: la Comisión de la Verdad* <<https://www.accesoalajusticia.org/la-anc-tiene-su-propio-tribunal-la-comision-de-la-verdad-2/>>; y *Decreto de ANC contra partidos viola libertad política y derecho al sufragio* <<https://www.accesoalajusticia.org/decreto-de-anc-contra-partidos-viola-libertad-politica-y-derecho-al-sufra-gio/>> Consulted on 29.03.20.

ved by the illegitimate organ of the National Constituent Assembly, has not been published, it is impossible to carry out any control from civil society in the budgetary area of the administration of justice in Venezuela. The appointment of judges continues to be carried out through the appointment of provisional judges without the opening of dissenting competition, in violation of constitutional norms ⁴⁴. Official disinformation about the number of existing courts and their judges continues; there are also no statistics on their operativity. The TSJ has not presented its Annual Report since 2012.

Public Ministry

Since 2017 the Public Ministry has not published its annual report. The NGO Proiuris analyzed figures given by the Attorney General of the *de facto* government, William Saab, on investigations related to human rights violations, concluding that “of the 6,709 declarations by the Attorney General, only 261 correspond to accusations, which means that the Public Ministry has only accused 3.89% of alleged human rights violators. In other words: 96% of alleged human rights violators are free.” ⁴⁵

The use of the information is so arbitrary, that during the Attorney General presented a “balance” of his office’s work, he provided information on the last two years and three months of work. That is, he included figures that had already been published in December 2018 and June 2019 ⁴⁶. The Prosecutor has not specified what the complaints of human rights violations were, nor has he detailed the efficiency percentage of the Public Ministry’s actions.

Ombudsman’s Office

The Ombudsman, Mr. Alfredo Ruiz, disqualified the OHCHR report of July 4th, 2019, referring to its partiality and media manipulation. This official minimized the human rights violations in Venezuela with the argument that such violations occur in all countries ⁴⁷. The situation corroborated by the OHCHR report of July 4th, 2019 continues, since none of the Ombudsman’s interventions refer to the number of complaints transmitted by the Ombudsman’s Office and processed by the Public Ministry.

The Ombudsman’s Office is not allowed access to the intelligence services of the SEBIN or the DGCIM, despite its constitutional powers to “visit and inspect the dependencies and establishments of State bodies, in order to guarantee the protection of human rights.” By not fulfilling this constitutional responsibility, this institution favors the practice of torture and other ill-treatment against persons deprived of liberty. The Ombudsman’s Office has ignored the multiple complaints from relatives of victims about extrajudicial executions carried out by police and military forces.

³⁹ Acceso a la Justicia: *TSJ vs. AN*, [on line] <<https://www.accesoalajusticia.org/wp-content/uploads/2019/11/Cuadro-TSJ-vs-AN-an%CC%83o-2019-12.pdf>>, Consulted on 24.06.20.

⁴⁰ Acceso a la Justicia: *El TSJ vs. la AN*, [on line] <<https://www.accesoalajusticia.org/el-tsj-vs-la-an/>>, Consulted on 24.06.20.

⁴¹ Sentences of the Constitutional Chamber on the constitutionality of the Decrees on State of Exception and Economic Emergency numbers 3.736, 3.779, 3.844, 3.906, 3.986 and 4.019, corresponding to N° 05-25.01.19, N° 73-28.03.19, N° 128-23.05.19, N° 234-18.07.19, N° 325-23.09.19 and N° 370-22.11.19.

⁴² Approximately 90% of the requests made to public entities are not even answered. When they are responded to, in most cases, the information is denied.

⁴³ Runrun.es: *Ley Especial de Endeudamiento 2020 ve la luz con atraso y vacíos de información*, [on line] <<https://runrun.es/noticias/402846/ley-especial-de-endeudamiento-2020-ve-la-luz-con-atraso-y-vacios-de-informacion/>>, Consulted on 24.06.20.

⁴⁴ Acceso a la Justicia: *Análisis de las normas de evaluación y concurso para el ingreso y ascenso a la función judicial*, [on line] <<https://www.accesoalajusticia.org/consideraciones-sobre-las-normas-de-evaluacion-y-concurso-de-oposicion-para-el-ingreso-y-ascenso-a-la-funcion-judicial/>>, Consulted on 24.06.20.

⁴⁵ Projuris: *William Saab revela que 96% de los presuntos violadores de derechos humanos están libres*, [on line] <<https://www.proiuris.org/?p=56538>>, Consulted on 24.06.20.

⁴⁶ Tarek William Saab stated that the fight against corruption has been outstanding: 8,605 charges for corruption offenses, 2,504 charges and 209 people convicted in the country; for the currency import fraud, 21 people arrested; and 103 PDVSA officials have been processed, including 28 senior managers.

k. Ensure the right to a remedy and reparation for victims, with a gender-sensitive approach, as well as guarantee their protection from intimidation and retaliation.

The entities responsible for ensuring these guarantees are the Attorney General's Office and the Ombudsman's Office. Since 2017, the Public Ministry (MP) has not published its annual report, while the Ombudsman's Office has not provided data on the number of complaints received from the Public Ministry in which there are requests of protection from retaliation and intimidation. The MP maintained the practice of giving verbal reports such as the one presented on November 26, 2019 by the Attorney General of the *de facto* government, Tarek William Saab ⁴⁸, gave global figures of his management since he took office in August 2017, not annualized and without a clear statistical methodology. The situation described in the 2018 *Mujeres al límite* report (Women on the Edge report) remains true today: "on the one hand, the information is not verifiable since there are no official reports detailing this data or the methodology for its collection. On the other hand, it is not periodic, which makes it difficult to establish a general overview of the levels of violence and femicide. Furthermore, this information is inconsistent with that gathered from civil society and the media." ⁴⁹

Both the Ombudsman's Office and the Public Ministry have a legal obligation to request protection measures for both people who denounce human rights violations and victims. In particular, there is no information on compliance with the State's obligation to guarantee shelters for women in situations of violence, in cases where remaining at home implies an imminent threat to their integrity (Article 32, Organic Law on the Rights of Women to a Life Free of Violence).

The Linda Loaiza López case is emblematic, in which the State has not complied with what was ordered in the sentence by the Inter-American Court of Human Rights of November 16, 2018, which condemned the State for failures in the duty to protect, in this well-known case of gender violence. Regarding her case, Linda Loaiza has stated that: "The silent response of the State to the condemnation to which it has been subjected shows that the current government, which calls itself feminist, behaves in a way in which reality strongly refutes their claims, given the negation and omission of their responsibilities regarding human rights violations affecting women, from birth till old age. The evidence is in the high and alarming figures of the crimes of femicide and gender violence. The State does not show the slightest intention or will to generate true and effective public policies to prevent this violence and to punish those responsible in an exemplary manner. This only fuels the climate of overflowed impunity and the re-victimization of women victims who come to the judicial system." ⁵⁰

Regarding the crime of drug trafficking, he reported that there are 9,455 accusations, 3,657 convictions and 76 tons of drugs seized, of which 51.2 correspond to cocaine confiscations. He mentioned that there were 127 convictions against State officials for human rights violations. For crimes of violence against women, the MP attended 101,249 victims, there are 9,427 accusations, of which 371 are for femicides, obtaining 152 convictions for these cases.

In relation to common crimes such as homicides, thefts, robberies and scams, among others, the Prosecutor noted that there are 293,163 charges and 81,001 charges. 7,835 homicide charges were filed, and 5,157 cases were entered for the crimes of extortion and kidnapping, for which there are 3,458 people accused and 559 police or military officials involved, of whom 152 are already deprived of liberty. It announced that, from August 2017 to November 2019, 770 officials were accused of human rights violations, of which 509 have been charged, 393 deprived of liberty and 131 convicted; However, it did not report how many of those cases have FAES officials as victims, or if all the acts of extrajudicial executions are investigated.

He highlighted the advances in the restructuring and the modernization process of the MP and highlighted the creation of the National Prosecutor's Office specialized in the crime of trafficking in women, and the National Prosecutor's Office specialized in the crime of trafficking in children and adolescents. MP (video): Statements by Tarek William Saab [online] <<https://www.youtube.com/watch?v=15u80m2zfu4&feature=youtu.be>> Consulted on 18.01.20.

⁴⁷ Tal Cual: *Defensor del Pueblo: "En todos los países del mundo violan los DDHH"* [online] <<https://talcualdigital.com/defensor-del-pueblo-en-todos-los-paises-violan-los-derechos-humanos/>> Consulted on 05.01.20.

I. Ensure the right to identity and documentation to all persons, including children.

In 2018, a special report was presented by CECODAP⁵¹, an NGO specialized in the rights of children. The report concludes that children's right to identity was completely violated in that period: those who sought passports had obstacles, extraordinary expenses, and limitations; a large majority did not have access to this procedure in any way; there was no official data reporting how many children's passports were processed that year; passport prices make them inaccessible; there were significant delays in issuing identity cards for the first time; these delays affected access to the other rights such as that of health and education; delays in registration attributable to the State end up damaging citizens who must carry out the procedures under the figure of extemporaneity; there was insufficient coverage of national institutions to guarantee access to identity procedures; mechanisms of corruption and speculation to carry out these procedures were commonplace; with the massive forced migration, the aforementioned serious deficiencies became a substantial event that aggravated the situation of migrants, generating situations of statelessness for migrant children in third countries.

For Carlos Trapani, General Coordinator of CECODAP, the situation documented in the 2018 report has not improved:

"In the context of the COVID-19 pandemic, the closure of public offices also implies identification registration offices, specifically affecting the registration process at this time. The number of children without identification is worrisome. In the 2018 report, we had already detected the absence of security paper for birth certificates, the lack of materials for providing documents and the fall of the fingerprint system related to the identity card, and that generates a significant delay. This situation is more serious when we refer to indigenous and rural populations."

"The issue with passports continues to be critical: the elimination of the exemption of fees for children and older adults continues, and in addition the fees have been increased, making them inaccessible to the majority of the population. There is corruption in the process of setting up appointments to obtain passports. An appeal for collision of norms presented before the Constitutional Chamber of the TSJ by CECODAP on January 29, 2015, which sought to guarantee free passports for children, was never answered by the court."

"So, in the end, there is no action, under any form of objective evaluation, that indicates any improvement in respect to this case. There are also collateral costs despite the fact that the process is free, which has to do with the costs of photocopies, movement of people, and lost time due to scheduling and attention deficiencies. In short, there is no improvement whatsoever with respect to the situation found in 2018."⁵²

⁴⁸ MP (video): *Declaraciones de Tarek William Saab* [on line] <<https://www.youtube.com/watch?v=15u80m2zfu4&feature=youtu.be>> Consulted on 24.06.20.

⁴⁹ AVESA et al.: *Mujeres al Límite 2019*, Pág. 80, [on line] <https://avesawordpress.files.wordpress.com/2019/05/mujeres_limite_a4web.pdf> Consulted on 24.06.20.

⁵⁰ AVESA: *El Estado venezolano, sigue en desacato absoluto y mantiene en orfandad los derechos de las mujeres*, [on line] <<https://avesawordpress.wordpress.com/2019/11/18/el-estado-venezolano-sigue-en-desacato-absoluto-y-mantiene-en-orfandad-los-derechos-de-las-mujeres/>> Consulted on 24.06.20.

⁵¹ CECODAP: *Violación del derechos a la identidad de las niñas, niños y adolescentes en 2018*, [on line] <<https://drive.google.com/drive/folders/1mPrwHhWRnUHjZJuzfmDgzDGbwHlkxEPo>> Consulted on 24.06.20.

⁵² Interview with Carlos Trapani by Provea, 12.06.2020.

It is important to note that other means of identification, such as the Carnet de la Patria, are prioritized, in detriment to the identification documents that are recognized by the law as means of identification.

m. Accept and facilitate the establishment of a permanent OHCHR country office.

Thanks to the Memorandum of Understanding between the OHCHR and the Venezuelan State of September 2019⁵³, the presence of OHCHR officials in the Venezuela was agreed upon. This presence represents progress because it contributes to improving the quantity and quality of information on the human rights situation, strengthens the relationship with civil society organizations and allows OHCHR to have information on the ground about the scope of the complex humanitarian emergency Venezuela is going through. It has also allowed limited action on behalf of some victims of arbitrary detention and torture or cruel treatment. However, OHCHR officers have been unable to enter detention centers controlled by the military and intelligence agencies, where many political prisoners are held and where torture is practiced.

On the other hand, the actions of OHCHR officers have been used by the *de facto* government for propaganda purposes regarding the component of technical assistance, as is the case with the proposal to build a second National Plan for Human Rights, without having evaluated the first, without the presence of independent human rights organizations, and without facilitating access to official data that allows for a better understanding of the human rights situation in the country.

Furthermore, while OHCHR officers are allowed in the country, there is no indication of progress towards the establishment of a permanent office.

⁵³ United Nations: *Oficina de Derechos Humanos de la ONU y gobierno de Venezuela firman Memorando de Entendimiento*, [on line] <<https://drive.google.com/drive/folders/1mPrwH-hWRnU-HjZJuzfmDgzDGbwHlkxE-Po>> Consulted on 24.06.20.

a. Regularly publish comprehensive health and nutritional data, disaggregated by sex, age, ethnicity and location, that may be used, inter alia, to develop and implement a full-scale humanitarian response to the crisis.

The *de facto* government maintained its policy of not publishing any official figures, including statistical yearbooks and epidemiological bulletins, or being accountable for their management of public health. The information is sporadic, not exhaustive, and not disaggregated. All of this has hampered a comprehensive response to the complex humanitarian emergency and the COVID-19 pandemic. During the pandemic, the *de facto* government began to issue periodic bulletins. However, there is no independent scientific verification of the data provided. In addition, journalists and health personnel have been persecuted for supplying information which differs from the official information. When the Academy of Physical, Mathematical and Natural Sciences presented different scientific data than the official figures, it was disqualified by *de facto* government spokesmen⁵⁴.

b. Allocate the maximum available resources towards the progressive realization of economic and social rights in a transparent and accountable manner that allows the assessment of expenditures.

As a consequence of the lack of official data published in a transparent manner on the annual budget and on the items corresponding to each of the State institutions, it is impossible to evaluate State expenditures. This lack of transparency avoids knowing whether the maximum possible amount of available resources has been allocated to the gradual realization of economic and social rights. The *de facto* government's management prioritizes propaganda over information. It provides figures, without any serious support, aimed at promoting a good image, in what we could define as "State mythomania".

The NGO Transparencia Venezuela highlights that, since 2010, the government stopped publishing public spending reports. Since 2016, the National Budget Law and the Special Debt Law⁵⁵ have been kept hidden. Additionally, also since 2016, there is no access to the annual reports of the Ministries and other State institutions, with which it is not possible to know what is going to be spent or what public resources have been spent on.

c. Allow access to information of public interest.

No progress has been made to guarantee free access to information of public interest. A report by the organization Espacio Público⁵⁶, indicates that out of a sample of 279 requests for information between 2016 and 2018, 273 were not answered by the State, that is to say that 97.8% of the requests resulted in negative administrative silence. 245 of the requests for information were related to Economic, Social and Cultural Rights and 34 to

⁵⁴ Europa Press: *Cabello amenaza a la Academia de Ciencias de Venezuela por un informe que dice que la pandemia sería mayor*, [on line] <<https://www.europapress.es/internacional/noticia-cabello-amenaza-academia-ciencias-venezuela-informe-dice-pandemia-seria-mayor-20200514124409.html>> Consulted on 24.06.20.

⁵⁵ Transparencia Venezuela: *El patrón de Gran Corrupción en Venezuela*, Pg. 10, [on line] <<https://transparencia.org.ve/wp-content/uploads/2020/03/INFORME-Patro%CC%81n-de-la-Gran-Corruptio%CC%81n-en-Venezuela-y-su-impacto-en-los-derechos-humanos.pdf>> Consulted on 24.06.20.

⁵⁶ Espacio Público: *Balance 2016 – 2018 Acceso a la Información Pública en Venezuela*, [on line] <<http://espaciopublico.org/balance-2016-2018-acceso-a-la-informacion-publica-en-venezuela/>> Consulted on 24.06.20.

Civil and Political Rights. This is a State policy that has not been modified, and quite to the contrary, has been consolidated.

Additionally, there are advancements in the deepening of censorship against the media and workers in the sector. Between March 13 and May 13, 2020, the first two months of the State of Alarm decreed in response to the COVID-19 pandemic, PROVEA and the NGO Laboratorio de Paz ⁵⁷, confirmed the arrest of 22 journalists in 10 states from the country. Journalists were detained for disseminating information in the public interest that contradicted official announcements or filled in omissions of information.

d. Ensure provision of all social programmes in a transparent, non-politicized, and non-discriminatory manner, including effective oversight and accountability measures.

The use of the Carnet de la Patria (Fatherhood Identification Card) as a mechanism for social and political control has been consolidated, violating the principle of non-discrimination for people who do not possess this document. The transfer of cash bonds and the basic food subsidy provided through the CLAP program, linked to the Carnet de la Patria system, remained in force ⁵⁸. At the end of the year, a platform called "Control of the Delivery of Subsidized Foods" (CEAS Patria) was incorporated into the Carnet de la Patria system as a mechanism to improve the efficiency in the distribution of CLAP boxes. This mechanism would be managed by the Bolivarian Militia ^{59 60}.

There was no progress in terms of effective supervision and accountability measures for social programs. For this to occur, it would be necessary to publish the official data and attain progress in regard to the independence of powers of which hold the public administration accountable.

Similarly, access to gasoline with subsidized prices is only possible through registration in the "Sistema Patria", a mechanism oriented along the same lines as the aforementioned Carnet de la Patria card.

e. Increase vaccination coverage for preventable diseases and take adequate measures to control outbreaks of communicable diseases.

It is thanks to international agencies that vaccination programs have been maintained and information on the scope of these programs has been obtained. For example, UNICEF reports that in 2019 "it provided 4.9 million doses of the bivalent oral polio vaccine (bOPV); 6.7 million doses of tetanus-diphtheria (Td) were purchased and 2.3 million doses of MMR were administered for outbreaks of diphtheria and measles. UNICEF provided an additional 2.6 million doses of BCG, MMR, bOPV, IPV, Td and yellow fever for the regular immunization program that benefits more than 2 million children."⁶¹

However, in 2018 and 2019, vaccination coverage, in general, was below 95%, which is the international standard. Measles vaccination coverage

⁵⁷ Provea – Laboratorio de Paz: *Informe Patrones de violación de derechos civiles durante 2 meses Estado de Alarma en Venezuela*, [on line] <<https://www.civilisac.org/informes/provea-laboratorio-de-paz-informe-patrones-de-violacion-de-derechos-civiles-durante-2-meses-estado-de-alarma-en-venezuela>> Consulted on 24.06.20.

⁵⁸ Carlos Aponte: *Los Comités Locales de Abastecimiento y Producción CLAP y la Gran Corrupción del siglo XXI*. Transparencia Venezuela [on line] <<https://transparencia.org.ve/project/los-comites-locales-de-abastecimiento-y-produccion-clap-y-la-gran-corrupcion-del-siglo-xxi/>> Consulted on 22.02.20.

⁵⁹ MINISTERIO DEL PODER POPULAR PARA LA ALIMENTACIÓN (MINPPAL): *Misión Alimentación acompaña la incorporación del sistema CEAS Patria en la entrega de alimentos Clap* [on line] <<http://www.minpal.gob.ve/>> Consulted on 05.10.19.

⁶⁰ El Pitazo: *Vecinos de Guanare rechazan que milicianos validen entregas del Clap* [on line] <<https://elpitazo.net/>> Consulted on 04.11.19.

⁶¹ UNICEF: *El viaje de las vacunas: Inmunizar a los niños en las comunidades más remotas de Venezuela*, [on line] <<https://www.unicef.org/venezuela/historias/el-viaje-de-las-vacunas-inmunizar-los-ni%C3%B1os-en-las-comunidades-m%C3%A1s-remotas-de-venezuela>> Consulted on 24.06.20.

rage was below 30% in 2018 when 5,667 cases were reported⁶² and it would have been brought close to 95% thanks to the support of international agencies. The Pan American Health Organization (PAHO)⁶³ reported in March 2019 that it was permanently accompanying the efforts of the Ministry of People's Power for Health (MPPS) to interrupt the circulation of measles and control diphtheria. The impact of the COVID-19 pandemic and the difficulties in transportation caused by the shortage of gasoline could have a regressive effect that can be measured in the future.

f. Prioritize measures to decrease early pregnancies, and ensure that all plans regarding sexual and reproductive rights include measurable indicators and monitoring mechanisms.

The *Women at the Edge 2019* report, prepared by five organizations specialized in women's rights, documented that: "According to the State of World Population report published by UNFPA (2019), the rate of pregnancy among adolescents in Venezuela stands at 95 births for each 1,000 adolescents between 15 and 19 years of age. It should be noted that the figures in this report come from official sources and, in the case of Venezuela, data that show a lag of 4 years or more are used. But even with outdated data, Venezuela continues to be among one of the countries where adolescent pregnancy presents high levels: for 2019 it ranks as the third country with the highest adolescent fertility rate, only behind Ecuador (111) and Honduras (103), and well above the regional average (62) (UNFPA, 2019)." ⁶⁴ It is very difficult to consider that, in the current context, the situation may have improved in recent months. It is evident that a lag of almost five years in the official data affects the possibility of having measurable indicators as well as the construction of monitoring mechanisms.

There may have been an improvement thanks to distribution of contraceptive methods by the Special Program for Research, Development and Training in Research in Human Reproduction (HRP), but it would hardly meet the demand for such methods at the national level.

g. Reverse closures of media outlets, and cease other measures of censorship against media; guarantee access to Internet and social media, including to news websites, and impartiality of governing bodies in the allocation of radio spectrum frequencies.

No closure of the media outlets has been revoked, nor have censorship measures been terminated, nor has there been any progress to guarantee the impartiality of official bodies that assign frequencies of the radio spectrum. As reported by the NGO Espacio Público in its report on 2019, the "National Telecommunications Commission (CONATEL) re-ordered, as in the previous year, the blocking of international news channels on private television services for subscribers, ordered the closure of radio stations, and ordered the suspension of the transmission of certain programs as a reprisal for interviewing the president appointed

⁶² OMS : WHO vaccinepreventable diseases: monitoring system. 2019 global summary, [on line] <https://apps.who.int/immunization_monitoring/globalsummary/countries?countrycriteria%5Bcountry%5D%5B%5D=VEN> Consulted on 24.06.20.

⁶³ OPS: Venezuela intensifica su campaña de vacunación contra el sarampión y la difteria, [on line] <https://www.paho.org/venezuela/index.php?option=com_content&view=article&id=499:venezuela-alcanza-coberturas-de-vacunacion-sobre-95-para-sarampion-y-difteria&Itemid=0> Consulted on 24.06.20.

⁶⁴ AVESA et al.: *Mujeres al Límite 2019*, Op. cit., Pg. 29.

by the National Assembly. As documented in detail in this report, there were also recurring failures in internet connectivity due to the lack of investment in the telecommunications infrastructure and interruptions in the electric power service.”⁶⁵

In the chapter on internet access, Espacio Público reports that “of the total number of human rights violations on the Internet documented during 2019, 17% correspond to blockages by HTTP/SNI, 15% from blockages (without specifying a type), 13% from blockages by TCP, 12% from cyber-attacks, 8% from verbal harassment, 8% from IP blockages, 7% from threats, 6% from judicial harassment, 5% from DNS blockages, 4% to Internet failures, 3% from massive blockades and 2% from administrative restrictions. In general terms, blockages and attacks upon computers experienced a significant increase, going from 48 violations in the year 2018 to 112 in 2019, which represents a 133% increase in the total number of blockages and computer-related attacks...”⁶⁶ The same report highlights that cyber-attacks occurred against media and digital platforms linked to the political sphere.

Another report by Espacio Público, which covers the period between January 1 and April 20, 2020, documents 37 cases of right to freedom of expression violations related to the coverage or dissemination of information specifically related to COVID-19: “40% (10) of those arrested for what has been said about the pandemic are press workers, and 17% (4) are health workers.”⁶⁷ This situation occurs despite the presence of OHCHR officers in Venezuela and may be the preparatory stages for a new normality in violations of freedom of information and expression after the control of COVID-19.

h. Disarm and dismantle pro-government armed civilian groups (armed “colectivos”) and ensure investigations into their crimes.

No progress has been recorded in this recommendation. On the contrary, armed groups maintain all their actions at the national level in absolute impunity. During the COVID-19 pandemic, they made a public presence - armed, masked, in broad daylight - in communities, intimidating the population so that they did not leave their homes as to impose a curfew.

i. Protect persons, including those on the move, from abuses, corruption and extortion by State agents.

According to a study by Transparency International, Venezuela is the country with the highest Corruption Perceptions Index (CPI) in the Americas and the Caribbean, ranked fifth in the world in 2019⁶⁸. Widespread impunity makes citizens even more vulnerable to abuse, corruption and extortion by State agents. In the case of migrants, this is further aggravated by their vulnerable situation: in particular due to the difficulty in having identification and in legalizing the documents necessary to establish themselves in other countries (diplomas, civil status documents, etc.). This results in migrants not reporting abuses for fear of not obtaining these documents or for fear of retaliation.

⁶⁵ Espacio Público: *Informe 2019: Situación general del derecho a la libertad de expresión en Venezuela*, Op. cit.

⁶⁶ Espacio Público: *Internet amurallado: acceso restringido en Venezuela*, [on line] <<http://espaciopublico.org/internet-amurallado-acceso-restringido-en-venezuela/>> Consulted on 24.06.20.

⁶⁷ Espacio Público: *El virus de la desinformación. Situación del derecho a la libertad de expresión. Enero – Abril de 2020*, [on line] <<http://espaciopublico.org/situacion-general-del-derecho-a-la-libertad-de-expresion-enero-abril-de-2020/>> Consulted on 24.06.20.

⁶⁸ Transparency International y otro: *Venezuela es el país más corrupto en América y el Caribe según el Índice de Percepción de la Corrupción 2019*, [on line] <<https://transparencia.org.ve/venezuela-es-el-pais-mas-corrupto-en-america-y-el-caribe-segun-el-indice-de-percepcion-de-la-corrupcion-2019/>> Consulted on 24.06.20.

On the other hand, there are many complaints in the media of abuses of power by the military and police in the sale of gasoline since the beginning of shortages, which have reached critical levels, in which people are forced to stand in line during hours or days.

During the State of Alarm for COVID-19, different senior government spokespersons have made stigmatizing statements that have placed Venezuelan migrants returning to the country in a greater situation of defenselessness against acts of abuse of power. On April 14, the Attorney General of the *de facto* government, Tarek William Saab, wrote the following on his Twitter account: “#Kharma or the wheel of #Time?... #Venezuelans who publicly rejected the #Nation; after being abused in the US, Colombia, Ecuador, Peru, Chile, Spain, etc., now return to #Venezuela thanks to the #VueltaAlaPatria plan designed by President @NicolasMaduro.” On April 16, Iris Varela, Minister of Penitentiary Affairs, also expressed on Twitter that: “Before the return of camouflaged fascists and coup leaders, it is necessary to reflect on the nature of the scorpion! I do not agree with giving them [returning migrants] housing or facilities again, beyond the monitoring their return, to those who sold housing attained through public programs or vehicles given by the Government.”

j. Ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention for the Protection of All Persons from Enforced Disappearance.

These two international treaties have not been ratified and any progress made in the ratification process is unknown.

AN	National Assembly (Asamblea Nacional)
ANC	National Constituent Assembly (Asamblea Nacional Constituyente)
AVESA	Venezuelan Association for Alternative Sexual Education (Asociación Venezolana para una Educación Sexual Alternativa)
CLAP	Local Supply and Production Committees (Comités Locales de Abastecimiento y Producción)
COFAVIC	Committee of Relatives of Victims of the February-March 1989 Events (Comité de Familiares de Víctimas de los Sucesos de Febrero-Marzo de 1989)
DGCIM	General Directorate of Military Counterintelligence (Dirección General de Contrainteligencia Militar)
ESCR	Economic, social and cultural rights
FAES	Special Actions Forces (Fuerzas de Acciones Especiales)
GNB	National Bolivarian Guard (Guardia Nacional Bolivariana)
IACHR	Inter-American Commission of Human Rights
MP	Public Ministry (Ministerio Público)
OHCHR	United Nations High Commissioner for Human Rights
OVCS	Venezuelan Observatory of Social Conflict (Observatorio Venezolano de Conflictividad Social)
OVSP	Venezuelan Observatory of Public Services (Observatorio Venezolano de Servicios Públicos)
PNB	National Bolivarian Police (Policía Nacional Bolivariana)
SEBIN	Bolivarian National Intelligence Service (Servicio Bolivariano de Inteligencia Nacional)
TSJ	Supreme Court of Justice (Tribunal Supremo de Justicia)