



CHAPTER IV.b

Venezuela

**ANNUAL REPORT OF THE INTER-AMERICAN
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VENEZUELA¹

I. INTRODUCTION

1. In fulfilling its conventional and statutory mandate, the Inter-American Commission on Human Rights (the Commission, the Inter-American Commission or the IACHR) has followed with special attention the serious human rights crisis in Venezuela arising from the absence of the rule of law.

2. In its 2017 report Democratic Institutionalality, Rule of Law and Human Rights in Venezuela, the Inter-American Commission documented the progressive weakening of democratic institutionalality and the deterioration of the human rights situation. This situation originated, in large part, due to the various interferences of the Executive Branch over the Judiciary, which adopted decisions that affected the competences of the National Assembly (AN) and undermined the principle of separation of powers.²

3. In subsequent years, the Commission continued to publish annual reports on the human rights situation in Venezuela. These documents present patterns of serious human rights violations, including extrajudicial executions of young people living in poverty, forced disappearances and torture in contexts of deprivation of liberty. They also document arbitrary detentions of people who make public their dissent with the government, undue restrictions on freedom of expression, and acts of persecution against individuals and organizations that defend human rights.³

4. Through its multiple mechanisms, the IACHR has also warned of the dizzying deterioration of living conditions in Venezuela and the health system collapse. This situation affects people who suffer structural and historical discrimination in a differentiated and disproportionate manner. Such is the case of women, persons with disabilities, the elderly, children and adolescents, indigenous peoples, Afro-descendants, persons deprived of liberty, and lesbian, gay, transgender, bisexual and intersex (LGBTI) persons. It also has serious effects on people who face multiple discrimination due to the confluence of factors such as gender, sexual orientation, race, color, national origin, age, among others.⁴

5. After evaluating the human rights situation in Venezuela, the IACHR decided to include this country in this chapter in accordance with Article 59, paragraphs 6.a.i, 6.b, 6.d.i and 6.d.iii of the Rules of Procedure, which establish the following criteria:

- a. a serious violation of the fundamental elements and institutions of representative democracy provided for in the Inter-American Democratic Charter, which are essential means for the realization of human rights, including:

¹ Commissioner Carlos Bernal Pulido approved the report and issued a partial reasoned vote. This reasoned vote is available at the Executive Secretariat of the IACHR.

² IACHR, *Situation of Human Rights in Venezuela - "Democratic Institutionalality, Rule of Law and Human Rights in Venezuela,"* 2017, para. 470.

³ IACHR, Annual Report, Chapter IV.B "Venezuela", 2021.

⁴ IACHR, Annual Report, Chapter IV.B "Venezuela", 2021.

- i. if there is discriminatory access or an abusive exercise of power that undermines or contradicts the rule of law, such as the systematic infringement of the independence of the Judiciary or the lack of subordination of State institutions to the legally constituted civilian authority;
 - ii. if there has been an alteration of the constitutional order that seriously affects the democratic order [...].
- b. the unlawful suspension, in whole or in part, of the free exercise of the rights guaranteed in the American Declaration or the American Convention, due to the imposition of exceptional measures such as the declaration of a state of emergency, a state of siege, the suspension of constitutional guarantees, or exceptional security measures.
 - d. the presence of other structural situations that seriously and gravely affect the enjoyment of the fundamental rights enshrined in the American Declaration, the American Convention or other applicable human rights instruments. Among other factors to be weighed shall be the following:
 - i. serious institutional crises that infringe upon the enjoyment of human rights;
 - iii. serious omissions in the adoption of provisions necessary to give effect to fundamental rights or to comply with the decisions of the Commission and the Inter-American Court [...].

6. In relation to Article 59, paragraphs 6.a.i, and 6.a.ii, the Commission reiterates that the Venezuelan democratic institutional framework is not guided by the separation and balance of the branches, as dictated by the Inter-American Democratic Charter.⁵ In 2022, no suitable, practical and effective reforms were adopted to strengthen the separation and independence of public powers. As a result, state institutions continue to be subordinated to the arbitrary exercise of public power by the government and not to a legally constituted civil authority.

7. In relation to Article 59, paragraphs 6.d.i, serious human rights violations persisted, such as extrajudicial executions, torture and forced disappearances. Likewise, persecution continued against human rights defenders and, in general, against people who make public their dissent with the government. The absence of judicial independence in the country hinders access to justice for victims of human rights violations and creates an environment of impunity.

8. Due to the serious institutional crisis, the institutions at the national public level operate primarily to guarantee the permanence of the government party in power and not to promote and protect the human rights contained in the American Declaration and other instruments of the inter-American *corpus iuris*.

9. Forced migration from Venezuela exceeded 7 million people counted since 2015.⁶ This movement, which currently represents the largest at the regional level and the second largest in the world, responds to a survival strategy to safeguard rights such as life, personal integrity, health and food. All this is the result of the marked deterioration of democratic institutions and the human rights situation in Venezuela during the last two decades.⁷

⁵ Inter-American Democratic Charter, Article 3.

⁶ R4V Platform, [Refugees and Migrants from Venezuela](#), 2022.

⁷ R4V Platform, [Refugees and Migrants from Venezuela](#), 2022.

10. Regarding Article 59, subparagraph 6.d.iii, this year the State did not adopt measures to comply with the recommendations made by this Commission or the reparation measures ordered by the Inter-American Court of Human Rights.

11. Pursuant to Article 59.5 of the Rules of Procedure, in preparing this report, the Commission has received information from international organizations, civil society organizations and the State.

12. The IACHR approved this report on December 23, 2022. On February 16, 2023, the Commission sent the State of Venezuela a copy of the report, in accordance with Article 59.10 of its Rules of Procedure. The State did not submit observations.

II. DEMOCRATIC INSTITUTIONALITY

13. At the normative level, the Constitution establishes the separation and independence of powers.⁸ However, after years of interference, particularly in the justice system, the Executive Branch continues to monopolize all the public powers of the State.⁹ As a consequence, national public level institutions operate primarily to guarantee the permanence of the ruling party in power and not to promote and protect human rights.

Correct and independent administration of justice

14. In Venezuela there is a lack of judicial independence due to the high level of provisional justice operators; the lack of public competitive examinations to enter the judicial career; the removal of persons in provisional positions without guarantees of due process; the lack of transparency in the appointment of magistrates to the Supreme Court of Justice (TSJ); and the opacity in the administration of justice in relation to controversies of national interest.¹⁰

15. Instead of acting as a guarantor of the conventionality, constitutionality, and legality of the acts of the other branches of the State, the Judicial Power has deepened the institutional crisis that the country is going through. To illustrate this point, 2022 marked the fifth anniversary of decisions 155 and 156 of the TSJ, which suspended the powers of the National Assembly and granted broad discretionary powers to the Executive Branch;¹¹ these were qualified as a usurpation of functions and the de facto annulment of the popular representation.¹²

16. This year, the State adopted timid and ineffective measures in order to strengthen judicial independence. On January 18, 2022, the National Assembly approved the reform to the Organic Law of the Supreme Court of Justice (TSJ). As positive aspects, the reform prohibited the TSJ from modifying legislative provisions and provided that the National Assembly is the body in charge of appointing the authorities of the General Inspectorate of Courts, a body with disciplinary powers, as well as of the School of Magistrates. The reform also prohibited that these positions be occupied by magistrates. In this way, a magistrate is prevented from having disciplinary powers over lower level judges, which could affect their independence.¹³

17. On the other hand, it reduced from 32 to 20 the number of magistrates of the TSJ, without prohibiting the re-election of magistrates whose terms are about to expire. Additionally, it changed the

⁸ For example, see articles 256 and 294 of the 1999 Constitution.

⁹ IACHR, Annual Report, Chapter IV.B "Venezuela", 2021, section II.

¹⁰ IACHR, Annual Report, Chapter IV.B "Venezuela", 2021, section II.

¹¹ IACHR, Press Release No. 070/22, A 5 años de las protestas por la suspensión de facultades de la Asamblea Nacional: Venezuela debe reconstruir la independencia judicial, April 5, 2022.

¹² IACHR, Press Release No. 070/22, A 5 años de las protestas por la suspensión de facultades de la Asamblea Nacional: Venezuela debe reconstruir la independencia judicial, April 5, 2022.

¹³ Access to Justice, New Organic Law of the TSJ confirms the lack of political will to build an independent justice system in Venezuela, January 21, 2022.

composition of the nomination committee of persons aspiring to be magistrates of this court, establishing that its majority will be composed of deputies instead of other sectors of society.¹⁴ In this regard, the IACHR reiterates that re-election represents a factor of fragility for judicial independence, given that a justice operator who seeks to be re-elected runs the risk of behaving in such a way as to obtain the support of the authority in charge of such a decision, or that his or her behaviour is perceived in this way by those in the judiciary.¹⁵

18. In the same line, increasing the number of deputies in the nominating committee tends to deepen the institutional crisis because there are no guarantees in the country to hold free and fair elections.¹⁶ As a result, the perception among the public is that the deputies are affiliated to the governing party and have no incentive to appoint the most suitable magistrates, but only those who are reluctant to counterbalance the Executive Power.

19. Apart from this reform, the IACHR considers that the State has not adopted suitable, effective and practical measures to strengthen the independence of the Judiciary, such as: the opening of public competitive examinations to enter the judicial or prosecutorial career; the reduction of provisional positions and respect for their stability; the exercise of disciplinary and criminal measures before proven allegations of corruption; as well as the appointment of TSJ magistrates through procedures that prioritize suitability and denote broad consensus.

Electoral power, early elections, and political rights

20. In Venezuela there are no democratic guarantees for political participation in conditions of equality and without any type of discrimination. Among the main challenges are the irregular appointment of rectors of the National Electoral Council (CNE) for more than 20 years; the political disqualifications imposed by administrative bodies; and the possible arbitrary changes in the electoral schedule by the Executive Power.

21. The CNE (the highest body of the Electoral Power) has been the object of multiple questionings by civil society organizations, which point out that it does not provide guarantees of impartiality.¹⁷ One of the main reasons for the lack of confidence in the CNE is that, between 1991 and 2021, the rectors of this body were not appointed according to the constitutional procedures.¹⁸ According to media reports, on May 4, 2021, a new composition of the CNE was appointed in accordance with constitutional procedures.¹⁹

22. On the other hand, in 2022, the political disqualifications imposed by the Office of the Comptroller General of the Republic continued. At least 30 persons have been prevented from running for elected office, disproportionately affecting political parties dissident from the government, as is the case of the Communist Party of Venezuela, and the opposition parties gathered in the Democratic Unity Table (Mesa de la Unidad Democrática).²⁰

23. In relation to these points, the IACHR reiterates that the exercise of political rights is an end in itself and, at the same time, a means for democratic societies to guarantee other rights.²¹ In this sense, while

¹⁴ IACHR, Press Release No. 034/22, The IACHR expresses concern about the reform to the Organic Law of the Supreme Court of Justice of Venezuela, February 17, 2022.

¹⁵ IACHR, Guarantees for the Independence of Justice Operators: Toward Strengthening Access to Justice and the Rule of Law in the Americas, December 5, 2013, para. 86.

¹⁶ IACHR, Press Release No. 296/20, IACHR warns of obstacles to holding competitive parliamentary elections in Venezuela, November 11, 2020.

¹⁷ Access to Justice, The seizure of absolute power in Venezuela, September 20, 2019.

¹⁸ Access to Justice, The history of a fraud (III): the hijacking of the Electoral Branch, September 21, 2019.

¹⁹ BBC, Crisis in Venezuela: a new Electoral Council and 4 other recent developments that may have an impact on the country, May 4, 2021.

²⁰ IACHR, Press Release No. 085/22, Venezuela must guarantee political rights to all persons in accordance with Inter-American standards, April 22, 2022.

²¹ I/A Court H.R., Case of López Mendoza v. Venezuela. Case of López Mendoza v. Venezuela. Merits, Reparations and Costs. Judgment of September 1, 2011. Series C No. 233, para. 108.

welcoming the appointment of CNE rectors in accordance with the legal precepts, it stresses that in order to achieve a truly balanced composition, a diverse representation of the appointing body, i.e. the National Assembly, is necessary, which is not the case given that at least 256 seats out of 277 belong to the ruling party's bench.

24. It also states that no administrative body may restrict the political rights to elect and be elected through sanctions of disqualification or removal from office. In accordance with Inter-American standards, in order to consolidate and protect a democratic order respectful of human rights, this type of sanctions can only be imposed through a conviction by a judge in the framework of a criminal proceeding.²²

25. On October 7, 2022, President Nicolás Maduro announced that he did not rule out an early presidential election.²³ The IACHR emphasizes that the mere holding of electoral events does not certify the existence of democratic guarantees or competitive elections. In addition to removing obstacles to the exercise of political rights in conditions of equality and without discrimination, such as administrative disqualifications, it is necessary to reach agreement with all sectors on the eventual advancement of elections. Otherwise, there is a risk that the advance will be perceived as a strategy to favor a particular political sector over others who may not be prepared to participate in the electoral contest.

The urgent need for a transition to democracy and rule of law

26. The human rights challenges in Venezuela denote the need for dialogue processes aimed at reestablishing democratic institutionality, promoting the real, effective, and practical independence of public powers and the consolidation of a system of checks and balances.²⁴ In this sense, it welcomes the official resumption of the dialogues in Mexico on November 25, 2022, between the government and the united platform, which brings together opposition sectors.²⁵

27. The Inter-American Commission stresses the importance of any dialogue process having as a parameter the inter-American and international standards, especially in relation to the independence and separation of public powers, as well as truth, justice, and reparation for the victims.

28. Likewise, it is essential to effectively involve civil society on equal terms and without any type of discrimination. This requires the participation of organizations working for the rights of women, children and adolescents, human rights defenders, indigenous peoples, people with disabilities, people of African descent, people deprived of their liberty, and lesbian, gay, bisexual, trans and intersex people, among others.

III. SERIOUS HUMAN RIGHTS VIOLATIONS

29. The Inter-American Commission has recorded serious, massive, and systematic human rights violations in Venezuela. These violations have been committed as part of a government plan to co-opt the various branches of government and repress any attempt at alternation. These include judicial executions of young men living in poverty, arbitrary detentions of people who protest or publicly take positions of dissent

²² I/A Court H.R., Case of López Mendoza v. Venezuela. Case of López Mendoza v. Venezuela. Merits, Reparations and Costs. Judgment of September 1, 2011. Series C No. 233, para. 96.

²³ Telesur, Venezuelan President does not discard advance elections, October 7, 2022.

²⁴ IACHR, Press Release No. 217/21, IACHR calls for a serious, broad and inclusive dialogue for the urgent reconstruction of democratic institutions in Venezuela, August 23, 2021.

²⁵ El País, The Venezuelan government and the opposition agree to unfreeze between 3 and 5 billion state funds abroad, November 25, 2022.

with the Executive Branch, forced disappearances, as well as torture and other cruel treatment in contexts of deprivation of liberty.

30. Several international bodies have also documented patterns of serious human rights violations in Venezuela, such as the Office of the United Nations High Commissioner for Human Rights (OHCHR)²⁶ and the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela (the Mission), established by the United Nations Human Rights Council.²⁷

31. On September 20, 2022, the Mission published its third report on Venezuela, where it reiterated that extrajudicial executions, forced disappearances and torture, including sexual violence, were committed in the country, particularly in 2017, 2018 and 2019. Although the Mission refrained from determining facts in the region of the Orinoco Mining Arc, it highlighted that there is a serious situation there due to widespread criminality, impunity, and lack of governance.²⁸

32. The Mission's findings concur with those of the IACHR that the situation remains serious and that there are reasonable grounds to believe that these grave human rights violations were committed as part of a plan designed by high-level authorities.²⁹

33. On the other hand, on November 5, 2021, the Office of the Prosecutor of the International Criminal Court (ICC) announced the opening of a formal investigation for the alleged commission of crimes against humanity in Venezuela.³⁰ On April 15, 2022, the State filed a motion for deferral before the ICC arguing that the domestic authorities are making progress in the administration of justice, and that, therefore, the complementary intervention of the international criminal justice system is not necessary.³¹ On November 1 of the same year, the Office of the Prosecutor of the ICC responded to this request by arguing that the domestic authorities are not diligently fulfilling their mandate. The agency supported its thesis on the findings of the IACHR.³²

34. In this sense, the serious human rights violations documented in previous years constitute part of a widespread and systematic attack against the civilian population, which, according to international law, could constitute crimes against humanity.³³ This conclusion is based on the large number of victims³⁴, the

²⁶ In 2019, OHCHR noted that there is selective repression and political persecution in the country against individuals who are perceived as "threats to the government because of their ability to articulate critical positions and mobilize others." OHCHR. [Report on the Situation of Human Rights in the Bolivarian Republic of Venezuela](#), July 4, 2019, para. 77.

²⁷ In its 2020 report, the Mission concluded that there are "reasonable grounds to believe that crimes against humanity were committed in Venezuela". [Human Rights Council. [Report of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela](#), September 25, 2020, para. 161.] Additionally, in its 2021 report, it found that there are "reasonable grounds to believe that the justice system has played a significant role in State repression of opponents of the government rather than providing protection to victims of human rights violations and crimes." [Human Rights Council. [Report of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela](#), September 16, 2021, para. 119.]

²⁸ Report of the International Independent Fact-Finding Mission on the Bolivarian Republic of Venezuela, September 20, 2022, para. 118.

²⁹ Report of the International Independent Fact-Finding Mission on the Bolivarian Republic of Venezuela, September 20, 2022, para. 72.

³⁰ International Criminal Court, Mr. Karim A.A. Khan QC, ICC Prosecutor, opens an investigation into the situation in Venezuela and concludes a Memorandum of Understanding with the Government, November 5, 2021.

³¹ Office of the Prosecutor of the International Criminal Court, Situation of the Bolivarian Republic of Venezuela I, November 1, 2022, p. 5.

³² Office of the Prosecutor of the International Criminal Court, Situation of the Bolivarian Republic of Venezuela I, November 1, 2022, para. 23.

³³ Article 7, Rome Statute of the International Criminal Court.

³⁴ OAS, Fostering Impunity: The Impact of the Absence of an Investigation by the Prosecutor of the International Criminal Court into the Possible Commission of Crimes against Humanity in Venezuela, December 2, 2020, p. 18.

gravity of the actions, and the existence of certain patterns of conduct carried out with State resources that responded to a policy defined and endorsed from the highest levels of State power.³⁵

35. In recent years, the IACHR has had less quantitative information on serious human rights violations. This may be due to some measures adopted by the State, such as the reform of the Bolivarian National Police (PNB), to which the Special Action Forces (FAES)³⁶ and other bodies characterized by the excessive and lethal use of force³⁷ are attached; or the creation of a civilian body attached to the People's Ministry for the surveillance, custody and security of persons deprived of liberty.³⁸ Other reasons that could explain this phenomenon would be the formal opening of an investigation by the ICC Prosecutor's Office; the decrease in social protests as a consequence of the COVID 19 pandemic.

Extrajudicial executions, arbitrary detention, torture and cruel, inhuman, or degrading treatment

36. The IACHR has warned of a pattern of extrajudicial executions since its last visit to the country in 2002³⁹. The General Secretariat of the Organization of American States documented 18,093 cases of killings allegedly committed by State agents between 2014 and 2020, including at least 8,292 extrajudicial executions.⁴⁰ According to the Social Action Center of the Society of Jesus (Centro Gumilla) and the Venezuelan Education-Action Program (PROVEA), in 2021 there were 1,414 extrajudicial executions.⁴¹

37. In the first two weeks of 2022, State security agents were involved in at least 27 murders in citizen security operations. On the occasion of these events, the Commission expressed its utmost concern and recalled that citizen security cannot be based on a paradigm of use of force that aims to treat the civilian population as the enemy but must consist of the protection of persons.⁴²

38. Alleged extrajudicial executions continued throughout the year. As of September 2022, civil society organizations had documented at least 565 cases of this grave violation, mostly in the state of Aragua. Of these cases, 85% correspond to young people between 18 and 25 years old. In addition, 53% of the total number of registered cases were allegedly committed within the framework of special police operations.⁴³

39. This year in particular, the extrajudicial execution of four Yanomami indigenous people by military agents in the Parima B sector of the Upper Orinoco, Amazonas state, was recorded. This event is of particular concern because they are an indigenous people facing structural and historical discrimination. Additionally, because in 2012 the State entered into a friendly settlement agreement approved by the IACHR in which it undertook to adopt surveillance, health, and protection measures.⁴⁴

40. In addition to extrajudicial executions, civil society organizations recorded other serious human rights violations in 2022, such as: 348 alleged arbitrary detentions,⁴⁵ at least 25 for political purposes

³⁵ IACHR, Annual Report, Chapter IV.B "Venezuela", 2021.

³⁶ Decree No. 4,582 dated April 13, 2021.

³⁷ Office of the High Commissioner for Human Rights, Report on the situation of human rights in the Bolivarian Republic of Venezuela, July 4, 2019, paras. 49 - 50.

³⁸ Law for the Reform of the Organic Penitentiary Code, September 17, 2021.

³⁹ IACHR, Report on the Situation of Human Rights in Venezuela, 2003, para. 272; IACHR, Report on Citizen Security and Human Rights, December 31, 2009, para. 101.

⁴⁰ General Secretariat of the Organization of American States (OAS), *Fostering Impunity: The Impact of the Failure of the Prosecutor of the International Criminal Court to Open an Investigation into the Possible Commission of Crimes against Humanity in Venezuela*, p. 18.

⁴¹ France 24, More than 1,400 "extrajudicial executions" denounced in Venezuela in 2021, March 14, 2022.

⁴² IACHR, Press Release No. 074/22, IACHR Condemns the Death of Four Yanomami Indigenous Persons in Venezuela, April 8, 2022.

⁴³ COFAVIC, Human Rights Violations Figures, September 2022.

⁴⁴ IACHR, Press Release No. 074/22, IACHR Condemns the Death of Four Yanomami Indigenous Persons in Venezuela, April 8, 2022.

⁴⁵ COFAVIC, Human Rights Violations Figures, September 2022.

(24 civilians and 1 military);⁴⁶ 22 alleged cases of torture and other cruel, inhuman, or degrading treatment; and 4 of enforced disappearances for short periods of time.⁴⁷

41. In this regard, the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela noted that torture and ill-treatment are usually carried out in the first days of detention in an attempt to extract an alleged confession, obtain information, punish, intimidate, humiliate or coerce, and in some cases to steal money or other goods.⁴⁸ Additionally, he highlighted that despite changes in the structures of the DGCIM and SEBIN, several of the persons who allegedly committed human rights violations in these spaces continue to work in positions of relevance within the Bolivarian National Armed Forces (FANB). Some of these people even received career promotions in 2022.⁴⁹

42. The Commission recalls that in cases involving serious human rights violations, the State has the duty to initiate automatically and without delay, a serious, impartial and effective investigation. The investigation must be carried out through all available legal means for the determination of the truth and the prosecution and punishment of all those materially and intellectually responsible for the facts, especially when State agents are or may be involved.

IV. SITUATION OF FREEDOM OF EXPRESSION

43. In Venezuela there are severe restrictions on the right to freedom of expression and the persistence of a hostile environment for the exercise of journalistic work.⁵⁰ This context is characterized by harassment, persecution, arbitrary detentions, lack of transparency and stigmatizing accusations against those who investigate and actively participate in matters of public and political interest.

44. The NGO Espacio Público documented, between January and August 2022, at least 58 restrictions to journalistic coverage.⁵¹ Similarly, this year, the IACHR learned of alleged obstructions to news coverage of electoral events;⁵² eviction operations;⁵³ emergency situations due to landslides;⁵⁴ the operation of public transport in the country;⁵⁵ events in public hospitals⁵⁶ and public events.⁵⁷

45. Likewise, the use of judicial mechanisms and instances continues, especially by public officials, with the purpose of silencing the criticisms made regarding their actions in the public sphere. In this regard,

⁴⁶ Penal Forum. Report on Political Repression in Venezuela. September 2022. P. 4.

⁴⁷ COFAVIC, Human Rights Violations Figures, September 2022.

⁴⁸ United Nations Human Rights Council. Report of the independent international fact-finding mission on the Bolivarian Republic of Venezuela. A/HRC/51/CRP.43. 20 September 2022. Pp. 9 and 13.

⁴⁹ United Nations Human Rights Council. Report of the independent international fact-finding mission on the Bolivarian Republic of Venezuela. A/HRC/51/CRP.43. 20 September 2022. P. 7.

⁵⁰ Joint Declaration of UN and IACHR Rapporteurs on freedom of expression in Venezuela. *Freedom of expression in Venezuela: state of the issue and lines of action*. August 30, 2022.

⁵¹ Public Space. September 8, 2022. *General situation of the right to freedom of expression. January - August 2022*.

⁵² SNTP Twitter account (@sntpvenezuela). January 9, 2022.

⁵³ IPYS. August 3, 2022. *Reporters' work was limited by security officials in Portuguesa state*.

⁵⁴ CNP Caracas Twitter account. October 10, 2022; Foco Informativo. October 13, 2022. *SNTP denounces that GNB restricts access of journalists to Las Tejerías*; El Diario. October 10, 2022. *CNP denounced that they are restricting journalists to cover the landslide in Las Tejerías*; Espacio Público. October 13, 2022. *GNB prevented access of journalists to Las Tejerías by alternate route*. Infobae. October 19, 2022. *Nicolás Maduro and top military chiefs use the tragic mudslides as propaganda while denying access to the press*.

⁵⁵ Merida Noticia. August 15, 2022. *Attacks on the press: Elvis Rivas, Globovisión correspondent in Mérida was assaulted by team of Minister Padrón*; Espacio Público. August 30, 2022. *Caracas Metro official tried to prevent journalist Luis De Jesús from recording an irregularity*; Espacio Público. July 25, 2022. *Public official prevented coverage of journalist Darvinson Rojas*.

⁵⁶ SNTP Twitter account (@sntpvenezuela). January 4, 2022; Voces del Sur. August 4, 2022. *Reporters' work was limited again at the Central Hospital of San Cristóbal*.

⁵⁷ SNTP Twitter account (@sntpvenezuela). August 4, 2022; IPYS. March 10, 2022. *PoliBaruta intimidated photojournalist during mayoral event*; Espacio Público. September 26, 2022. *GNB prevents journalists from filming at Simon Bolivar Bridge during border reopening*.

on January 27, 2022, this year, the awarding of the former headquarters of the newspaper *El Nacional* to Congressman Diosdado Cabello took place.⁵⁸

46. Likewise, the closure of independent media outlets persists based on the alleged non-compliance with administrative requirements for radio broadcasting or the use of radio space, through administrative processes with few legal guarantees. Between January and September of this year, the Venezuelan National Telecommunications Commission (CONATEL) reportedly determined the closure of at least 26 radio stations in Portuguesa, Anzoátegui, Guárico, Barinas, Cojedes, Zulia and Sucre, in procedures carried out by State agents and agents of the security forces.⁵⁹ It is estimated that between 2003 and 2022, more than 200 radio stations were closed by order of CONATEL.⁶⁰

47. The challenges for accessing public information do not stop. In 2022, one year after the "Law of Transparency and Access to Information of Public Interest" came into force, the organization Espacio Público reported that, out of 75 requests for access to information submitted to different State bodies, only 62 were received and, of these, 57 were not answered. Only 2 were answered in an adequate manner.⁶¹

48. On June 7, 2022, nine youths were detained in the municipality of Chacao (metropolitan district of Caracas) by members of the Chacao Municipal Police. According to publicly available information, the youths were detained for allegedly vandalizing a mural in the municipality. Relatives of the detainees stated that the whereabouts of the youths were not known for at least 30 hours after their arrest, when five of them were released. The others were only released on June 10, with precautionary measures and, according to the information reported, criminal charges were filed against them.⁶²

49. In 2022, social organizations denounced the application of the Anti-Hate Law against citizens who question the Government in social networks. For example, a man was arrested in Apure State for "incitement to hatred" against the Bolivarian National Police, after publishing a video on social networks in which he criticized police actions; also, his cell phone was reportedly withheld.⁶³ In addition, a citizen was arrested in Aragua de Barcelona by officers of the Bolivarian National Guard for alleged "incitement to hatred", after posting statuses on WhatsApp with criticisms to such agency and to the mayor's office of the municipality, which would have been qualified by the GNB as "vilifications and curses against the security agencies and institutions of the State" in the arrest record.⁶⁴ Likewise, humorist Olga Mata was allegedly detained on charges of "incitement to hatred" after publishing a humorous video on the social network TikTok in which she made reference to government officials.⁶⁵

50. The IACHR emphasizes that freedom of expression is the cornerstone of any democratic society and that without it people do not have a channel to express their demands, dissent and demand respect for and guarantees of their human rights.

⁵⁸ Voice of America. February 7, 2022. *Venezuela: Court awards headquarters of El Nacional to Diosdado Cabello*; El Nacional. February 8, 2022. *HRW condemns delivery of El Nacional headquarters to Diosdado Cabello*; VTV. February 7, 2022. *Court hands over El Nacional headquarters to Diosdado Cabello*.

⁵⁹ Public Space. September 28, 2022. *General situation of the right to freedom of expression. January - August 2022*; Espacio Público. October 3, 2022. *September: censorship and more restrictions*.

⁶⁰ Public Space. September 28, 2022. *General situation of the right to freedom of expression. January - August 2022*.

⁶¹ Public Space. September 26, 2022. *Sustained opacity: unanswered requests for information during the first year of the Transparency Law*.

⁶² Information sent by Aula Abierta to RELE. Executive Summary: Arbitrary detention of university students in Venezuela. June 7, 2022. Archive of the Rapporteurship.

⁶³ Public Space. June 23, 2022. *Citizen detained in Apure for recording criticism against the PNB on TikTok*; Punto de Corte. June 20, 2022. *Man detained for launching criticism of the PNB via Tik Tok*.

⁶⁴ Cocuyo Effect. June 16, 2022. *Young man detained in Anzoátegui for criticizing GNB officials via WhatsApp*; Punto de Corte. June 14, 2022. *A man is detained for launching criticism of the GNB via WhatsApp*.

⁶⁵ Chronicle One. April 19, 2022. *Olga Mata, charged with inciting hatred in a TikTok video, records apology at the request of the MP*; El País. April 20, 2022. *Olga Mata: Venezuela arrests 72-year-old woman for making a joke about Maduro's death on Tik Tok*.

V. STATUS OF ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS (DESCA)

51. With respect to economic, social, cultural, and environmental rights (ESCR) in the country, the Commission and REDESCA note with concern the serious challenges to their guarantee, in a context of a complex, serious and multidimensional humanitarian crisis, which has been exacerbated by the impacts of the COVID-19 pandemic. Under this scenario, note is taken of the high rates of poverty and inequality in the country, in which there are estimates that more than 90% of the population lives in poverty,⁶⁶ and that, by June 2021, the average poverty rate at the national level would be 97.4%, extreme poverty 68.5% and multidimensional poverty 70.8%.⁶⁷ For its part, as of March 2022, HumVenezuela estimated that 94.5% of the population would not have sufficient income to cover items such as food, housing, health, education, transportation and clothing.⁶⁸

52. Notwithstanding this, according to the National Survey of Living Conditions (Encovi) 2022, multidimensional and monetary poverty would have been reduced for the first time in 7 years (poverty went from approximately 90.9% to 81.5% between 2021 and 2022, while extreme poverty went from 68% to 53.3% for the same period of time). Although the Commission and REDESCA welcome this improvement, they express concern that there is a discrepancy in these data, since according to the Encovi 2021, poverty for 2021 was 94.5% - and not 90.9% - and extreme poverty was 76.6% - and not 68% -.⁶⁹

53. It should be noted that these levels of poverty are very high and have substantial impacts as they translate into direct obstacles to the guarantee of human rights for a large part of the population. In addition, it is noted that these favorable indicators go hand in hand with reports that indicate that inequality has grown simultaneously (with a Gini that went from 0.56 in 2021 to 0.603 in 2022), which would result in a difference of 70 times the average income between the poorest and richest decile -the first with an income of 7.9 dollars, while the second 553.2 dollars-.

54. In this scenario, the IACHR and REDESCA observe that, despite the fact that the country has emerged from the hyperinflationary cycle it had been in for several years and a slight upturn in consumption, production and imports,⁷⁰ the improvement in these economic indicators has not translated into the well-being of the population in general. Thus, it should be noted that the high levels of inflation, the growing loss of purchasing power and the de facto dollarization have had a differential and disproportionate effect on people with lower economic resources and on those who cannot access dollars, thus accentuating inequality.⁷¹ Consequently, the violation of ESCR and the serious difficulty in acquiring the basic food basket and sufficient means for a decent life⁷² constitute a transversal constant despite a slightly more favorable outlook in the face of the economic situation.⁷³

55. With regard to the right to health and its social determinants, the Commission and REDESCA note that, although the pandemic has had significant impacts on the health sector and the population, the serious affectations of the system preceded the health emergency. In this regard, the IACHR identified, in its 2018 Country Report, that in Venezuela there are shortages and shortages of medicines, supplies, materials

⁶⁶ El Nacional, "La infraestructura de salud se está desmoronando": Fundación Simón Bolívar de Citgo presentó informe sobre la crisis de salud en Venezuela, March 24, 2022.

⁶⁷ Promedehum, *Situation of Human Rights in Venezuela 2022 - August 2022*, August 26, 2022

⁶⁸ HumVenezuela, *Informe de seguimiento a los impactos de los impactos de la Emergencia Humanitaria Compleja en Venezuela tras el confinamiento por la pandemia de COVID*, March 2022, p. 26.

⁶⁹ Encovi, *Living conditions of Venezuelans: between humanitarian emergency and pandemic. ENCOVI 2021*, September 2021

⁷⁰ BBC, *3 ways Colombia can help Venezuela's economic recovery (and the risks involved)*, Aug. 29, 2022

⁷¹ BBC, *How Venezuela emerged from hyperinflation and what it means for the country's battered economy*, January 11, 2022

⁷² Voice of America, *Venezuela: Índice registra aumento salarial de los trabajadores, pero todavía no alcanza*, January 24, 2022; Infobae, *La canasta básica en Venezuela aumentó su precio en un 61 % en un año*, March 22, 2022; Voice of America, "Es un lujo comer proteína": la precarios situación de jubilados y pensionados venezolanos, April 19, 2022

⁷³ The country, *Venezuela reaches the end of hyperinflation*, March 25, 2022

and medical treatment. This contextual situation has been worsening since 2014, and it is important to highlight that the health system has reportedly collapsed due to its persistent precariousness, which would have been exacerbated by the pandemic.⁷⁴

56. For its part, in the context of the pandemic, note was taken of the constant complaints about the underreporting of infections and deaths, as well as the lack of transparency in relation to the immunization process in the country.⁷⁵ Thus, there is a large discrepancy between the figures presented by the Government and those of international organizations and independent monitoring. For example, while at the end of 2021 the Minister of Health stated that the immunization rate was 87%, according to PAHO data it was approximately 40.44% of the population.⁷⁶ Likewise, in February 2022, the Executive indicated that Venezuela had reached 102% vaccination of people over 18 years of age, but as of that date the WHO reported that only 49.8% of the population would have a complete vaccination schedule.⁷⁷

57. Given this panorama of misinformation, it is of particular concern that, at the beginning of November 2022 and according to WHO figures, only 50.2% of the population would be fully vaccinated and 2.29% with a booster vaccine.⁷⁸ This is especially considering that, by the same date, the Americas would have reached a complete immunization rate of 70.36% and 40.6% of the population would have a booster vaccine.⁷⁹

58. According to Transparencia Venezuela, the lack of information and transparency regarding the immunization process would have resulted in uncertainty for the population and illegal practices that put the citizens at risk, since in view of the difficulties to access vaccines, some people would have resorted to the black market to acquire them. This despite the great risks this represents, since there would be no certainty of actually receiving the doses - and not a placebo - or receiving a biological product in good conditions - properly preserved -.⁸⁰

59. This situation is even more aggravating when taking into account that, based on a survey applied by Transparencia Venezuela during five months of 2021, it was identified that, out of 819 people consulted, 283 knew of cases of payments for vaccines. Likewise, there was knowledge of the opening of judicial proceedings by the Public Prosecutor's Office against people who sold vaccines and fixed the price in dollars.⁸¹ Thus, in addition to the fact that Venezuela had not implemented an effective national vaccination plan⁸² or a road map that would allow equitable and universal access to vaccines against Covid-19 (in addition to allegations of politicization in the immunization process)⁸³, this situation would have created a de facto economic barrier to immunization.

60. In turn, the Commission and the Office of the Special Rapporteur note that the opacity of information exists not only with regard to the immunization process and the number of infections and deaths

⁷⁴ IACHR, [RESOLUTION 11/2022, Precautionary Measure No. 150-19, Concepción Palacios Maternity Hospital regarding Venezuela \(Follow-up\)](#), February 27, 2022; REDESCA, V ANNUAL REPORT OF THE SPECIAL RAPPORTEUR ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS (REDESCA) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2021, para. 1579.

⁷⁵ [Efecto Cocuyo, Venezuela closes 2021 with dissimilar figures on COVID-19 vaccination, Dec. 30, 2021; Voice of America, After two years of pandemic, limited information continues to mark COVID-19 in Venezuela, March 17, 2022; DW, Venezuela, a black box, April 19, 2022; Transparencia Venezuela, ANTI-COVID-19 VACCINATION, OPACITY AND ABUSE OF POWER, March 25, 2022; VACUNACIÓN ANTI-COVID-19, OPACITY AND ABUSE OF POWER, March 25, 2022.](#)

⁷⁶ [Swissinfo, Venezuela reaches "102 %" of population vaccinated against covid, says Maduro, February 22, 2022](#)

⁷⁷ *Ibidem*

⁷⁸ [WHO, WHO Coronavirus \(COVID-19\) Dashboard, Venezuela, November 9, 2022](#)

⁷⁹ [WHO, WHO Coronavirus \(COVID-19\) Dashboard, Situation by region, November 9, 2022](#)

⁸⁰ [Transparencia Venezuela, ANTI-COVID-19 VACCINATION, OPACITY AND ABUSE OF POWER, March 25, 2022](#)

⁸¹ *Ibidem*

⁸² [HumVenezuela, Informe de seguimiento a los impactos de los impactos de la Emergencia Humanitaria Compleja en Venezuela tras el confinamiento por la pandemia de COVID](#), March 2022; REDESCA, V ANNUAL REPORT OF THE SPECIAL RAPPORTEUR ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS (REDESCA) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2021, para. 1589.

⁸³ REDESCA, V ANNUAL REPORT OF THE SPECIAL RAPPORTEUR ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS (REDESCA) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2021, para. 1589.

as a result of COVID-19, but in general, since there is a scarcity of official data on the social, economic and political reality.⁸⁴ Thus, there is a large discrepancy in data on phenomena such as poverty, human mobility, epidemics or the precariousness of public services.⁸⁵ In health, for example, since 2014, information on mortality in the country would not be provided, and since 2016, on "reportable" diseases, including malaria or tuberculosis.

61. Likewise, the annual epidemiological bulletin⁸⁶ has not been published for more than seven years and during the pandemic, information on diagnostic tests⁸⁷ has not been provided either. In view of this situation, REDESCA emphasizes that in order to effectively guarantee the right to health, a series of essential and interrelated elements -quality, accessibility, availability and acceptability- must be satisfied. As regards accessibility, it is essential to guarantee access to information on health-related issues.⁸⁸

62. In relation to Covid-19 infections and deaths, the Commission and the Office of the Special Rapporteur take note of the significant impact of this situation, since as of November 9, 2022, 5,823 persons are reported to have died and 546,137 cases (with 539,780 recovered).⁸⁹ It should be noted that this situation has particularly affected healthcare workers, since from the beginning of the pandemic until the end of February 2022, approximately 823 health sector professionals are reported to have died, which would be the result not only of the serious risk posed by the virus, but also of the lack of effective measures for their protection, including the provision of biosecurity equipment, and initially, the lack of prioritization in the vaccination process against Covid-19.⁹⁰

63. In addition to the lack of measures for their protection, the Commission and REDESCA closely follow the precarious conditions of health personnel, who in addition to being subjected to a high risk due to the lack of safe conditions to carry out their work, would not have a living wage,⁹¹ hand in hand with acts of violence and intimidation against them. Thus, it has been reported that by the end of 2021, more than 70% of Venezuelan nurses would have emigrated due to the precarious working conditions.⁹² This is even more aggravating considering that in 2021 alone there were 600 threats and coercion of health workers to resign from their jobs in Venezuela due to their denouncements regarding the situation of medical centers, especially in the context of the Covid-19 pandemic.⁹³

64. In this scenario in which the human rights of health personnel are threatened, the IACHR and REDESCA observe that the stigmatization, criminalization and persecution against them have intensified since April, when the Government implemented a policy to "fight against hospital mafias", by means of which it ordered the incorporation of secret inspectors in health centers in charge of identifying health personnel who steal supplies or medicines, who charge patients for access to "free services or treatments" or who practice medicine illegally. In response to this policy, in June 2022, it was reported that in just 10 days more than 40 doctors had been arrested in different states of the country without any clarity as to the crimes charged or the reasons for their detention.⁹⁴

⁸⁴ DW, Venezuela, a black box, April 19, 2022

⁸⁵ Ibidem

⁸⁶ Efecto Cocuyo, Chronic diseases worsened in Venezuela in two years of pandemic, March 17, 2022

⁸⁷ DW, Venezuela, a black box, April 19, 2022

⁸⁸ IACHR COURT, IURISPRUDENCE JOURNAL OF THE INTER-AMERICAN COURT OF HUMAN RIGHTS No. 28: RIGHT TO HEALTH, para. 106; 120-121.

⁸⁹ Worldometers, Venezuela, November 9, 2022; Patria, Covid-19, November 9, 2022

⁹⁰ El Diario, Losses from covid-19 in Venezuelan healthcare workers were due to state mismanagement, February 27, 2022; Infobae, Más de 800 trabajadores de la salud murieron por COVID-19 en Venezuela, February 25, 2022.

⁹¹ Transparencia Venezuela, HEALTH CRISIS, HOSPITALS SHOW ABANDONMENT AND LOSSES, April 7, 2022

⁹² El Nacional, Más de 70% del personal de enfermería emigró de Venezuela en 2021, December 27, 2021; Swissinfo, Espías y detenciones, la lucha contra la "mafia" hospitalaria en Venezuela, June 14, 2022; Swissinfo, Espías y detenciones, la lucha contra la "mafia" hospitalaria en Venezuela, June 14, 2022.

⁹³ Swissinfo, Venezuelan union reports 600 threats to healthcare workers in 2021, January 13, 2022

⁹⁴ Swissinfo, More than 40 doctors arrested in Venezuela in last 10 days, according to union, June 21, 2022; Swissinfo, Opposition alerts UN of

65. Without detriment to the foregoing, the Commission and REDESCA welcome the measures to address the serious deterioration of the health system, including the implementation of 32 projects to strengthen Venezuela's health system with WHO and PAHO, in coordination with the authorities.⁹⁵ Likewise, note is taken of the formation of the Immunization Committee, that together with representatives of PAHO and other State entities, sought to achieve 70% immunization of the child population between June and August - although only 29% coverage was achieved, so future meetings are planned to continue implementing strategies that allow coverage of the "most isolated" communities-⁹⁶

66. Despite these measures, the Commission and REDESCA emphasize that structural actions by the State are required to respond urgently and comprehensively to the deterioration and collapse of the health system. This, especially considering that there are estimates that indicate that more than 80% of the health care network is "in ruins", as well as that the buildings of more than 7,000 outpatient clinics have disappeared, together with reports that there is no adequate food for patients, biosecurity supplies for frontline staff, nor medicines, supplies or equipment.⁹⁷

67. In this line, it is reported that 98% of the hospitals in the country lack medicines, electrical plants and water, as well as failures in laboratories, reagents and wards.⁹⁸ As a result, it is estimated that only between 3 and 10% of the hospitals have medical and surgical material to solve medical circumstances-⁹⁹

68. The Commission and REDESCA note that this serious situation of the health system would be the result of multiple causes, including, among others, the lack of a health plan by the State,¹⁰⁰ low public investment - in which it has been reported that, despite the serious situation of the health system, by 2021 the Government would have invested only 1.4% of its budget in the health care area;¹⁰¹ the lack of adequate and safe conditions for health personnel -which has led to the flight of human capital-; the continued deterioration of hospital infrastructures, the lack of maintenance of medical equipment; acts of corruption and the challenges to guarantee uninterrupted public services, such as water and electricity.¹⁰² In this sense, although the impact of international sanctions on the country is recognized, it is emphasized that the serious crisis is the result of endogenous factors that have been worsening due to the lack of adequate attention to it.

69. In this regard, in relation to the constant failures in water and electricity services,¹⁰³ it is noted with deep concern the reports that at least 233 people would have died between 2019 and 2021 in hospitals due to power failures recorded in the country,¹⁰⁴ and that despite this situation, at the beginning of 2022, at the national level it is recorded that, on average, hospitals do not have electricity service four hours a week,

Venezuelan government attacks on healthcare workers, June 7, 2022; Swissinfo, Opposition alerts UN of Venezuelan government attacks on healthcare workers, June 7, 2022; France24, Doctors, Maduro's target in war against "health mafias," July 2, 2022; Swissinfo, Spies and arrests, the fight against hospital "mafia" in Venezuela, June 14, 2022; Swissinfo, Maduro proposes "secret inspectors" to monitor public hospitals, May 26, 2022

⁹⁵ El Estímulo, WHO intervenes in the Venezuelan health system and announces 32 projects, June 20, 2022; Swissinfo, WHO implements 32 projects to reinforce Venezuela's health system, June 19, 2022

⁹⁶ Yahoo, Venezuelan Government Forms Immunization Committee with PAHO, August 26, 2022

⁹⁷ Swissinfo, En Venezuela no hay garantía a la salud, denuncia federación médica, 20 April 2022; Swissinfo, Crisis hospitalaria empaña el Día del Médico en Venezuela, dice la federación, 10 March 2022; El Nacional, "La infraestructura de salud se está desmoronando": Citgo's Simon Bolivar Foundation presented report on Venezuela's health crisis, March 24, 2022; Voice of America, After two years of pandemic, limited information continues to mark COVID-19 in Venezuela, March 17, 2022; Transparencia Venezuela, SANITARY CRISIS, HOSPITALS SHOW ABANDONMENT AND LOSSES, April 7, 2022

⁹⁸ El Pitazo, Venezuelan Medical Federation: hospital crisis translates into a health holocaust, October 17, 2022

⁹⁹ Voice of America, Two years into pandemic, limited information continues to mark COVID-19 in Venezuela, March 17, 2022

¹⁰⁰ DW, Médicos denunciarán crisis hospitalaria de Venezuela ante la ONU, October 16, 2022

¹⁰¹ El impulso, Especialistas alertan sobre resurgencia de enfermedades y bajo gasto en salud a pesar de la "recuperación" #15Sep, Sept. 15, 2022; Runrunes, Médicos Unidos: Venezuela solo invirtió 1,4% en salud en 2021, June 6, 2022

¹⁰² Transparencia Venezuela, HEALTH CRISIS, HOSPITALS SHOW ABANDONMENT AND LOSSES, April 7, 2022

¹⁰³ Swissinfo, In Venezuela there is no guarantee of health care, denounces medical federation, April 20, 2022

¹⁰⁴ France 24, 233 deaths reported in Venezuela linked to hospital power outages, March 30, 2022

according to the National Survey of Hospitals.¹⁰⁵ It is noteworthy that only in the first semester of 2022, 225 deaths have been reported in hospitals in the country due to failures of medical equipment and elevators caused by power outages.¹⁰⁶

70. Although this situation would have serious direct impacts on the guarantee of the right to health of the entire population, REDESCA observes with special attention the impact of this situation on certain groups in vulnerable or at-risk situations, such as the elderly; persons with disabilities; persons with low resources; children and adolescents; women; indigenous peoples; as well as those persons with chronic pathologies, including even those who are beneficiaries of precautionary measures by the Commission. The above, especially considering that, since the pandemic, the limited capacities of the health system would have been oriented to attend Covid-19, and as a result, the attention to cancer, diabetes, hemophilia, renal failure, among others, would have been intensified¹⁰⁷. Thus, it has been indicated that those who suffer from this type of pathologies live with the latent risk of facing death.¹⁰⁸

71. This situation would be even more problematic considering the lack of attention to the basic and social determinants of health. Along these lines, poverty - experienced by the majority of the population - has become a direct impediment to accessing health services. Thus, it has been estimated that, given the collapse of the health system, 90% of the people who use it must finance inputs and treatments -including diagnostic tests-.¹⁰⁹ Likewise, more than 60% of health spending in the country comes from the out-of-pocket spending of the population,¹¹⁰ despite the fact that a source of structural inequality in access to health services is precisely the result of the low level of public spending - associated with a consequent high out-of-pocket spending-.¹¹¹ For this reason, purchasing power is a determining factor in access to the right to health care in the country, which determines who can go to private centers to make up for the lack of care in the public network.

72. It is noteworthy that this generalized situation of poverty would constitute a direct impediment to the satisfaction of the basic needs of the population, and would result in, among others, that the population requires approximately 28.3 minimum wages to acquire the food basket¹¹² and that 32% of children live in a situation of chronic malnutrition.¹¹³ In spite of this worrying panorama, it continues to be denounced that social programs - such as the Local Supply and Production Committees (Clap) - are not sufficient as sources of supply, in addition to continuing to be instrumentalized as a tool for political and social control by increasing dependence on the State.¹¹⁴

73. In relation to the right to water, it is observed that by 2021 there would be an increase in problems related to access to drinking water and sanitation.¹¹⁵ It is noteworthy that by March 2022, it was indicated that 90% of the population of Venezuela would be affected by deficiencies in access to water, with approximately 19.1 million people reporting interruptions or severe restrictions in water supply or lacking connection to the aqueduct system.¹¹⁶

¹⁰⁵ [El Impulso, Doctors for Health: At least 4 hours a week the country's hospitals are without electricity #30Mar, March 30, 2022](#)

¹⁰⁶ [El Diario, Médicos por la Salud counts 225 deaths in six months in Venezuelan hospitals due to power failures, June 22, 2022](#)

¹⁰⁷ [Efecto Cocuyo, Chronic diseases worsened in Venezuela in two years of pandemic, March 17, 2022](#)

¹⁰⁸ [Swissinfo, Hospital crisis tarnishes Doctors' Day in Venezuela, says federation, March 10, 2022](#)

¹⁰⁹ [Deciphered, Doctors denounce catastrophe in Venezuela's health system, September 7, 2022](#)

¹¹⁰ [Eltiempo, Specialists warn of resurgence of diseases and low health spending despite "recovery", September 14, 2022](#)

¹¹¹ REDESCA, [V ANNUAL REPORT OF THE SPECIAL RAPPORTEUR ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS \(REDESCA\) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS \(IACHR\), 2021, OEA/SER.L/V/II, May 26, 2022, para. 162.](#)

¹¹² [El Universal, Venezuelans Need 28 Minimum Wages to Cover Food Expenses, October 22, 2022](#)

¹¹³ [Ibidem](#)

¹¹⁴ [Efecto Cocuyo, Una de cada cuatro venezolanas no tiene recursos para su higiene menstrual, según ONG, October 5, 2022; REDESCA, V ANNUAL REPORT OF THE SPECIAL RAPPORTEUR ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS \(REDESCA\) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS \(IACHR\), 2021, OEA/SER.L/V/II, May 26, 2022, para. 1593; OEA/SER.L/V/II, May 26, 2022, para. 1593.](#)

¹¹⁵ ENCOVI, [National Survey on Living Conditions 2021](#), September 2021.

¹¹⁶ [HumVenezuela, Informe de seguimiento a los impactos de los impactos de la Emergencia Humanitaria Compleja en Venezuela tras el confinamiento por la pandemia de COVID, March 2022, p. 37-38.](#)

74. In view of this situation, the mandate shows that there are structural conditions that would subject the majority of the population to a continued situation of survival, despite the improvement in some economic indicators. This would be reflected in the fact that, as of March 2022, there would be 19.1 million people with humanitarian needs in health, water and sanitation, and 18.7 million with food needs.¹¹⁷ Given this complex panorama, the Commission and REDESCA welcome the partial agreement reached between the Venezuelan Government and the United Platform of Venezuela at the end of November 2022, which would allow, through the assistance that the United Nations would be providing, the use of State resources that were frozen for health, food, education and electricity programs that provide social protection and humanitarian assistance to the population.¹¹⁸

75. Due to economic recession, high prices on food, and a weakened production of crude oil,¹¹⁹ the GDP has contracted by 74% between 2014 and 2020¹²⁰ -with devastating impacts on the protection of human rights of the population-. The Commission and REDESCA emphasize that measures are required in the short, medium, and long term, including economic and fiscal policies under a human rights approach, to adequately respond to poverty and the drastic decrease in the purchasing power of the population.¹²¹ In this regard, HumVenezuela has pointed out that for there to be sustained economic growth, structural reforms that recover the country's productive capacities will be unavoidable, under a scenario of rule of law, democratic governance and guarantee of ESCR.¹²²

76. In relation to the impacts of business activities on human rights and the environment, the Commission and REDESCA follow with special attention the allegations that oil spills are becoming more frequent in the country, since, according to the Venezuelan Observatory of Environmental Human Rights, between 2016 and 2021 there would have been 199 spills, which in most cases would not have been reported by the authorities.¹²³ In this regard, REDESCA recalls that, in accordance with the Inter-American standards on business and human rights, established in its 2019 report, both States, when exercising their regulatory, supervisory and judicial functions, as well as companies, within the framework of their activities and business relations, must take into account and respect the human right to a healthy environment and the sustainable use and conservation of ecosystems and biodiversity, paying special attention to their close relationship with indigenous peoples, Afro-descendant communities and rural and peasant populations.

77. Likewise, the IACHR and REDESCA follow with special attention the socio-environmental impacts of gold exploitation carried out by companies and actors authorized by the Government. In this context, it is noteworthy that FundaRedes has warned that this situation would keep the natural and mineral wealth of Bolivar State under constant threat, in addition to affecting the rights of the population residing in the area, including their rights to life, health and a healthy environment.¹²⁴ Along these lines, Human Rights Watch has also warned that mining in the southern states has led to deforestation, water contamination and the displacement of indigenous communities.¹²⁵ Likewise, people engaged in mining - even with the participation of minors as young as 10 years old in some cases - endure harsh working conditions, including 12-hour shifts without protective equipment.¹²⁶

¹¹⁷ HumVenezuela, Follow-up Report on the Impacts of the Complex Humanitarian Emergency in Venezuela after the COVID Pandemic Confinement, March 2022, p. 24.

¹¹⁸ UN news, humanitarian agreement for Venezuela, Nov. 28; France24, U.S. eases sanctions after agreement between opposition and Venezuelan government, Nov. 27, 2022

¹¹⁹ CNN en español, 4 razones por las que Venezuela se volvió la peor economía del mundo, 25 de octubre de 2016.

¹²⁰ ENCOVI, National Survey on Living Conditions 2021, September 2021.

¹²¹ Ibid.

¹²² HumVenezuela, Follow-up Report on the Impacts of the Complex Humanitarian Emergency in Venezuela following the COVID Pandemic Confinement, March 2022, p. 6.

¹²³ OVDHA, Oil Spills in Venezuela (2016-2021), March 25, 2022.

¹²⁴ El Tiempo, NGO denounces environmental impact of gold mining in southern Venezuela. February 1, 2022

¹²⁵ HRW, Yanomami Indigenous People at Risk in Venezuela. July 1, 2022

¹²⁶ Human Rights Watch, Venezuelan Tainted Gold, April 29, 2022

78. The IACHR and REDESCA have previously warned of the impacts of extractive activities in the Orinoco Mining Arc (AMO), since the lack of state control in the area - where complaints have been reiterated about the control exercised by illegal armed groups - has generated a state of vulnerability for the inhabitants, with a disproportionate and differentiated impact on women, indigenous peoples, and border populations. This situation is characterized by high environmental impacts, scarcity of livelihoods - food, goods, and services - and significant health risks.¹²⁷ For example, women face greater risks of suffering sexual violence and indigenous peoples see threaten their survival due to their special relationship with land and territories.¹²⁸

79. Regarding labor and union rights, the Commission and REDESCA observe that one of the cross-cutting problems for those who manage to earn an income in Venezuela is that it is insufficient to satisfy the most basic needs and lead a decent life.¹²⁹ This is in spite of the fact that activity in Venezuela has begun to pick up since the gasoline crisis and the end of confinement due to Covid-19, which has resulted in a growth in formal employment of up to 50% and a reduction in informal employment of 7.7%.¹³⁰

80. In this scenario, it is worth noting that the salaries of public sector workers or those who are self-employed are lower than those of private sector workers, despite the fact that they have had an increase in March.¹³¹ Likewise, although the income of private sector workers would have increased considerably - almost 70% during 2021-, it has been indicated that this income would not even cover 25% of the food basket, nor would it allow for a decent life.¹³² According to the Encovi of 2021, 58% of workers in the private sector would be in extreme poverty, in contrast to 75% in the public sector.¹³³ This situation would have generated several protests during in 2022 by workers from different sectors, which in turn have demanded that they respect the collective bargaining agreements in force and the cessation of persecution.¹³⁴

81. In this line, it is observed that by the middle of the year -in July 2022- there would have been an increase in labor demands, which would have had as one of the main triggers the Instructions of the National Budget Office (ONAPRE), which was issued in March with the purpose of defining the application of the last salary increase decreed by the Government.¹³⁵ This is due to the fact that workers from different sectors consider that this instrument goes against collective bargaining agreements, their labor benefits -such as bonuses and premiums-, besides disregarding the seniority or experience of the personnel.¹³⁶ It is worth noting that, given the fact that the instructions are still in force and would affect labor rights, demonstrations against them have continued. On this point, deep concern is expressed about the complaints and denunciations from civil society regarding the refusal to review, reform or repeal this instrument, as well as the difficulties that workers would have to resort to the courts for its review.¹³⁷

¹²⁷ REDESCA, V ANNUAL REPORT OF THE SPECIAL RAPporteur ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS (REDESCA) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2021, para. 1615.

¹²⁸ Convenio Número 169 de la OIT sobre Pueblos Indígenas y Tribales, artículo 13.

¹²⁹ REDESCA, V ANNUAL REPORT OF THE SPECIAL RAPporteur ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS (REDESCA) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2021, para. 1619; [Swissinfo, Venezuelan doctors call on workers to protest for freedom of association, April 27, 2022.](#)

¹³⁰ ENCOVI, [Encuesta Nacional sobre Condiciones de Vida 2022](#), November 2022.

¹³¹ [France24, Broken shoes and empty pots and pans: public employees march for "fair wages" in Venezuela, August 4, 2022](#)

¹³² [Voice of America, Venezuela: Index registers wage increase for workers, but still not enough, January 24, 2022](#); ENCOVI, [National Survey on Living Conditions 2021](#), September 2021; [France24, Broken shoes and empty pots: public employees marched for "fair salaries" in Venezuela, August 4, 2022](#)

¹³³ ENCOVI, [National Survey on Living Conditions 2021](#), September 2021.

¹³⁴ [EFE, Trabajadores piden a Maduro políticas que recuperan sus condiciones laborales, February 15, 2022](#); [France24, Broken shoes and empty pots: public employees marched for "fair wages" in Venezuela, August 4, 2022](#); [Infobae, Venezuelan workers protested against Nicolas Maduro's regime to demand better working conditions, May 2, 2022](#)

¹³⁵ [Voice of America, After protests, Maduro removes head of ONAPRE office that sets salaries in Venezuela, August 12, 2022](#)

¹³⁶ [DW, Venezuela's public workers continue to demand pay, Aug. 11, 2022](#); [Venezuelan Observatory of Social Conflict, Social Conflict in July 2022](#), June 1, 2022; [Voice of America, After protests, Maduro removes head of ONAPRE office that sets salaries in Venezuela, Aug. 12, 2022](#)

¹³⁷ [DW, Venezuelan state investigated for alleged violation of trade union freedom, Aug. 25, 2022](#); [Aula abierta, Aula Abierta y sociedad civil rechazan ataques del TSJ contra autoridades universitarias, Sept. 19, 2022](#); [Voice of America, Protests in education sector soared last month in Venezuela, Sept. 20, 2022](#)

82. In turn, the IACHR and REDESCA observe that a scenario of persecution against workers, trade unionists and organizations dedicated to the defense of human rights, and particularly labor rights, has continued.¹³⁸ By way of example, the Union of Workers of the Central University of Venezuela (Sinatraucv), indicated that as of February 2022 there would be 149 imprisoned workers, including union leaders.¹³⁹

83. Without detriment to this, the IACHR and REDESCA observe as a positive step the social dialogue between the Government, employers and unions of the country with the technical support of the ILO,¹⁴⁰ inasmuch as in these spaces, among others, the reform of the Organic Labor Law and various ILO conventions (26 -minimum wage fixing-; 87 -freedom of association and protection of the right of association- and 144 -tripartite consultation-).¹⁴¹ However, in spite of welcoming these efforts, it is noted with concern that the Tripartite Consultation held at the beginning of the year did not result in any agreement on labor matters and that it has been denounced that the government controlled all the dynamics.¹⁴²

84. For this reason, the Commission and REDESCA join the calls to ensure that these spaces guarantee the effective representation of workers and union leaders through direct dialogue with civil society organizations that defend labor rights in the country, as well as to cease all forms of harassment and persecution against workers, trade unionists and defenders of labor rights, making adequate reparations in appropriate cases.¹⁴³

85. The Commission and REDESCA note that the political situation in the country continues to have a profound impact on the due guarantee of the right to academic freedom and university autonomy. Thus, during 2021 and 2022, complaints continued to be received about persecution and arbitrary detentions against students and members of the academic community for political reasons, along with regressive measures in relation to university autonomy and working conditions of faculty - including their right to a living wage¹⁴⁴ - through which their situation continues to become precarious.¹⁴⁵ In this regard, REDESCA has received information that since 2004 the State has had a practice of unilaterally imposing salary tables, which has resulted in the fact that, despite the various adjustments, salaries are insufficient to purchase even the basic food basket. This situation will continue to be evidenced with the salary increase decreed on March 15, 2022.¹⁴⁶ In this context, it is a matter of concern that there is a pattern of exclusion of actors of the academic community for political reasons when discussing matters directly related to their work and conditions.¹⁴⁷

¹³⁸ Movimiento Vinotinto, The arrest of Douglas Gonzalez and the systematic persecution of trade unionists in Venezuela, August 12, 2022

¹³⁹ El Nacional, Labor Unions demand Maduro policies to recover their working conditions, February 15, 2022

¹⁴⁰ Swissinfo, Maduro ratifica a la OIT su "disposición plena" de proteger a la clase obrera, April 11, 2022; El Universal, OIT: Es vital recuperación del valor del salario en Venezuela, October 23, 2022.

¹⁴¹ Information provided by Alianza para la defensa de los DDHH Laborales, Meeting with REDESCA, April 13, 2022; Swissinfo, Maduro ratifica a la OIT su "disposición plena" de proteger a la clase obrera, April 11, 2022.

¹⁴² Information received by REDESCA from CSOs in Venezuela. Summary of the ILO Tripartite Social Dialogue Day in Venezuela. July 2022

¹⁴³ Movimiento Vinotinto, Comunicado de 105 activistas, trade union and civil society organizations after ILO visit to Venezuela, May 25, 2022

¹⁴⁴ Aula Abierta (March 24, 2022), The new salary tables unilaterally imposed on the #UniVe sector affect the human rights of university workers in Venezuela. Twitter: <https://twitter.com/AulaAbiertaVE/status/1507080016697438208?s=20&t=IUM4NmF7GjYd41-pFTBLxw>

¹⁴⁵ REDESCA, V ANNUAL REPORT OF THE SPECIAL RAPPORTEUR ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS (REDESCA) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2021, para. 1636; Aula Abierta (March 24, 2022), Las nuevas tablas salariales impuestas unilateralmente al sector #UniVe afectan los derechos humanos de los trabajadores universitarios en Venezuela. Twitter: <https://twitter.com/AulaAbiertaVE/status/1507080016697438208?s=20&t=IUM4NmF7GjYd41-pFTBLxw>; Observatorio de Derechos Humanos de la Universidad de Los Andes. 2022. Report on the situation of Venezuelan universities, August. Date: 02/09/2022. [Document online]. Available at: uladdhh.org.ve/index.php/2022/09/01/situacion-de-las-universidades-en-venezuela-reporte-mensual-agosto-2022/.

¹⁴⁶ Aula Abierta, Executive Summary: Wage taxation of the university sector in Venezuela, March 2022.

¹⁴⁷ REDESCA, V ANNUAL REPORT OF THE SPECIAL RAPPORTEUR ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS (REDESCA) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, 2021, para. 1642; Aula Abierta, EXECUTIVE SUMMARY:

86. In relation to basic and secondary education, REDESCA observes that the precariousness of labor and educational institutions has resulted in a great loss of teaching staff, in which it has even been stated that 60% of teachers have been lost,¹⁴⁸ and with this, the right to education for future generations. Likewise, it is noted that the effects of the pandemic remain, affecting the educational trajectories of children and adolescents. Due to this situation, a downward trend in educational coverage has continued since 2019, in which by 2022 there were 190,000 fewer students enrolled compared to the period 2020-2021. This being aggravated by the fact that between the latter period and the 2019-2020 period, coverage had already decreased by 550,000 students (with the greatest impact on children and adolescents between 3 and 17 years of age).¹⁴⁹

87. While welcoming the recognition of the deterioration of educational facilities, the mandate is concerned about the militarization¹⁵⁰ and possible politicization that is taking place through the implementation of the program of community and military brigades (Bricomiles), through which it would have sought to restore some schools and hospitals.¹⁵¹ In this regard, civil society organizations indicated to REDESCA that they have learned that after military officials have contributed to some repairs in some schools, they have remained there, which would be a political control over teachers, parents and students.¹⁵²

VI. GROUPS IN SITUATIONS OF VULNERABILITY AND DISCRIMINATION

88. The grave human rights situation in Venezuela affects the population in general but has a differentiated impact on those who suffer structural and historical discrimination, such as women, children and adolescents, lesbian, gay, bisexual, trans and intersex (LGBTI) persons, Afro-descendants and indigenous peoples, persons with disabilities, refugees, migrants, and persons in need of international protection. For this reason, the IACHR makes the following specific considerations for these groups and individuals.

Women

89. Women in Venezuela continue to face challenges in living a life free of violence and in accessing comprehensive health services that only they need, which hinders the exercise of their sexual and reproductive rights. This, in a context marked by gender-based discrimination and restrictive legislation on voluntary interruption of pregnancy.

90. In 2022, the reform to the Organic Law on the Right of Women to a Life Free of Violence was published. This reform introduced positive changes, for example: it recognizes new forms of gender violence, favors access to judicial remedies and protection and security measures, strengthens the services of justice and comprehensive care for victims, creates the National Commission to Guarantee the Right of Women to a Life Free of Violence.¹⁵³

91. However, the reform eliminated the express mention of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (the Convention of Belém do Pará), ratified

IV UNIVERSITY SECTOR UNIQUE COLLECTIVE AGREEMENT: VIOLATIONS OF FREEDOM OF ASSOCIATION, ACADEMIC AND LABOR RIGHTS IN THE UNIVERSITY SECTOR IN VENEZUELA, August 25, 2021.

¹⁴⁸ REDESCA, Meeting with Venezuelan civil society organizations, November 7, 2022

¹⁴⁹ ENCOVI, *Encuesta Nacional sobre Condiciones de Vida 2022*, November 2022.

¹⁵⁰ REDESCA, Meeting with Venezuelan civil society organizations, November 2, 2022; Voz de América, [Venezuela: education union warns about alleged "militarization" of schools](#), July 25, 2022.

¹⁵¹ People's Ministry of Economy, Finance and Foreign Trade, [Desplegarán BRICOMILES en todo el país para rehabilitar infraestructura de salud y educación](#), June 20, 2022; Infobae, [Civiles y militares comienzan a reparar los centros de salud en Venezuela, July 16, 2022](#); Swissinfo, [Venezuela, where volunteers repair schools and health centers, Aug. 11, 2022](#)

¹⁵² REDESCA, Meeting with Venezuelan civil society organizations, November 2, 2022

¹⁵³ Official Gazette of the Bolivarian Republic of Venezuela, [No 6,667 Extraordinary](#), December 16, 2021

by the State in 1995, as one of the instruments of protection whose rights would be protected under the aforementioned Law.¹⁵⁴

92. Also, in relation to violence against women, in 2022, the Public Prosecutor's Office published by the femicide figures at the national level, something that had not occurred since 2016. In this regard, it indicated that in the period 2017-2022, 1,008 cases of consummated and frustrated femicides were registered.¹⁵⁵ For these events, 1,073 accusations were filed; 412 arrest warrants were requested; and 276,319 protection measures were granted to women at risk.¹⁵⁶

93. In this regard, civil society organizations registered 131 femicides at the national level in the first semester of 2022,¹⁵⁷ as well as 817 victims of gender-based violence. Most cases of violence occurred in family or intimate partner environments.¹⁵⁸ The States of Zulia, Bolivar and Falcon are the regions with the highest incidence, also registering a percentage increase compared to 2021.¹⁵⁹

94. On the other hand, this year the lack of access to sexual and reproductive health services persisted.¹⁶⁰ In the first quarter of the year, the public health system reached a contraceptive shortage of 61.7%. In the same period, obstetric centers reported 62% of services inoperative or with serious failures, preventing 55.8% of pregnant women from receiving adequate care. This generates greater health risks for adolescents, who accounted for 24.7% of all pregnant women.¹⁶¹

95. In the opinion of the IACHR, the express elimination of the Convention of Belém do Pará from the Organic Law on the Right of Women to a Life Free of Violence is evidence of the State's lack of interest in meeting its international obligations in the Inter-American sphere. In this sense, it urges to observe the obligations acquired in light of this instrument, as well as to implement this law in accordance with said obligations and the reparation measures ordered by the Inter-American Court of Human Rights in the case of López Soto et al. v. Venezuela.¹⁶²

96. The Commission welcomes the fact that the Public Prosecutor's Office has released official figures on femicides at the national level. It also reiterates the importance of producing and compiling comprehensive, disaggregated, reliable and updated statistics on the causes, consequences, and frequency of gender-based violence against women. This information should be public and easily accessible.¹⁶³ It also reminds the State of its obligation to act with due diligence to prevent violence against women, girls, and adolescents, and to guarantee that the victims or those who are at risk of suffering violence have access to protection measures and effective judicial guarantees.¹⁶⁴

¹⁵⁴ Official Gazette of the Bolivarian Republic of Venezuela. No 6,667 Extraordinary, December 16, 2021

¹⁵⁵ Venezuelan Public Ministry [@MinpublicoVEN], August 4, 2022, [Tweet], Twitter.

¹⁵⁶ Venezuelan Public Ministry [@MinpublicoVEN], August 4, 2022, [Tweet], Twitter.

¹⁵⁷ Utopix. July 2022: That's 20 cases for a total of 131 femicides in seven months, September 7, 2022.

¹⁵⁸ OVV. Agosto ha sido elm es con más muertes violentas y agresiones en Falcón, 20 September 2022; Codehciu. Codehciu report warns of an increase in gender-based violence in the states of Bolivar, Monagas and Delta Amacuro, 30 June 2022; see also COFAVIC, Cifras de Violaciones de Derechos Humanos, September 2022.

¹⁵⁹ OVV. Agosto ha sido elm es con más muertes violentas y agresiones en Falcón, 20 September 2022; Codehciu. Codehciu report warns of an increase in gender-based violence in the states of Bolivar, Monagas and Delta Amacuro, June 30, 2022.

¹⁶⁰ IACHR. Annual Report 2021. Chapter IV.b Venezuela, paras. 158 and 184.

¹⁶¹ HumVenezuela, Informe de seguimiento a los impactos de los impactos de la Emergencia Humanitaria Compleja en Venezuela tras el confinamiento por la pandemia de COVID, Venezuela, March 2022, p. 36. See also, CECODAP, Organizaciones advierten que educación y acceso a la salud sexual para adolescentes son obligatorias, April 21, 2022.

¹⁶² I/A Court H.R., Case of López Soto et al. Case of López Soto et al. v. Venezuela. Merits, Reparations and Costs. Judgment of September 26, 2018. Series C No. 362.

¹⁶³ IACHR. Violence and discrimination against women, girls and adolescents. Annex 1 Standards and Recommendations. OEA/Ser.L/V/II. Doc. 233, 14 November 2019, paras 15-7.

¹⁶⁴ OAS. Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (1994), Articles 7 and 9.

97. In addition, the Commission emphasizes that the lack of access to health services and supplies that only women and people with management capacity require could affect the principle of equality and non-discrimination, in addition to affecting their rights to physical, psychological and moral integrity.⁸¹ It is necessary to eliminate the *de jure* and *de facto* barriers that prevent access to sexual, reproductive and maternal health services,⁷⁹ as well as to review its restrictive legislation on voluntary termination of pregnancy.⁸⁰

Human rights defenders

98. The situation of human rights defenders in Venezuela has been a constant concern for the IACHR due to the violence they face and the adverse context for exercising their defense role, in which intense smear campaigns, stigmatization and acts of harassment predominate as retaliation for this activity.

99. This concern is shared by the International Independent Fact-Finding Mission created by the United Nations Human Rights Council. In 2022, this body expressed concern about persecution and intimidation against those working in civil society organizations and human rights defenders.¹⁶⁵

100. Similarly, the Office of the United Nations High Commissioner for Human Rights has expressed concern about the situation of human rights defenders in the country. In this regard, it indicated that from September 2021 to March 2022, 24 cases of stigmatization of human rights defenders, journalists and other members of civil society by State agents in social networks or public speeches were registered.¹⁶⁶

101. Although this year there was a decrease in attacks on individuals and organizations that defend human rights, civil society continues to register worrying figures. According to the Center for Defenders and Justice (CDJ), in the first half of the year 214 attacks were registered in the following modalities: stigmatization (146), intimidation and harassment (45); threats (15); digital attacks (2); prosecution (2); others (5).¹⁶⁷

102. For its part, in 2022, the organization Comité de Familiares de Víctimas del Caracas (COFAVIC) registered 341 attacks on defenders and civil society organizations. Of these, there were 60 acts of intimidation, 56 of harassment, 54 of defamation and stigmatization, 29 of censorship, 28 of arbitrary detention, 23 of attacks on digital media, 19 of threats of detention or prosecution and 72 of other types.¹⁶⁸

103. On May 4, 2022, the Permanent Commission of Foreign Policy, Sovereignty, and Integration of the National Assembly presented the draft bill of the "International Cooperation Law", which is currently under discussion. The draft bill contemplates the prohibition, suspension, restriction, or elimination of civil society organizations that "directly or indirectly promote or participate with other associations, organizations, governments or international bodies, in the application of unilateral coercive measures against the Republic".¹⁶⁹

104. On May 11, 2022, officials of the General Directorate of Military Counterintelligence (DGCIM) in Carabobo state allegedly arbitrarily detained union leader Jairo Marín for several hours on May 11, by the

¹⁶⁵ UN, Report of the independent international fact-finding mission on the Bolivarian Republic of Venezuela a, [A/HRC/51/43](#), 20 September 2022, para. 9.

¹⁶⁶ OHCHR, [High Commissioner's Update on the Bolivarian Republic of Venezuela](#), March 12, 2022;

¹⁶⁷ Center for Defenders and Justice, [Situación de las personas defensoras de derechos humanos en Venezuela - Primer Semestre 2022](#), July 25, 2022, p. 4.

¹⁶⁸ COFAVIC, Human Rights Violations Figures, September 2022.

¹⁶⁹ IACHR, Press Release No.130/22, [IACHR and RELE urge Venezuela not to approve the draft "International Cooperation Law"](#), June 8, 2022.

General Directorate of Military Counterintelligence (DGCIM) in Carabobo state in order to prevent the holding of a workers' assembly, called and promoted by the same.¹⁷⁰

105. On May 16, defenders Marino Alvarado and Alfredo Infante received notification of the defamation lawsuit filed by the governor of Carabobo state. According to the information provided, this lawsuit was filed in response to a report denouncing alleged extrajudicial executions.¹⁷¹ Six days later, the defenders and the governor reportedly reached a conciliation agreement, whereby the lawsuit was withdrawn.¹⁷²

106. On May 18, members of the Barinas state police broke into the Casa de la Cultura in the municipality of Obispos, while a human rights discussion was being held by the Human Rights Foundation of Los Llanos (Fundehullan).¹⁷³

107. On June 30, 2022, the indigenous leader Uwottuija Virgilio Trujillo, member of the Organización Indígena Piaroas Unidos del Sipapo (Oipus) was murdered in the state of Amazonas.¹⁷⁴ According to civil society organizations, the leader denounced the presence of irregular armed groups and illegal activities in the indigenous territory of Autana. After his death, other community leaders were reportedly threatened and intimidated.¹⁷⁵

108. June 21, 2022, marked the first anniversary of the deprivation of liberty of Javier Tarazona, director of the organization Fundaredes, who is currently awaiting trial on charges of "incitement to hatred", "treason" and "terrorism".¹⁷⁶

109. On July 4, 2022, SEBIN agents detained union leader Alcides Brancho. The following day, under similar circumstances, agents of this security body detained trade unionist Emilio Negrin. Similarly, on July 7, humanitarian worker and trade unionist Gabriel Blanco was arrested. The three defenders were charged with crimes foreseen in the Organic Law against Organized Crime and Financing of Terrorism and presented before courts with special competence in terrorism.¹⁷⁷

110. On August 24, 2022, the defender Ana Leonor Acosta and the defenders Kelvin Zambrano and Alonso Medina Rosa were informed that the Anti-Terrorism Division of the Scientific, Criminal and Criminal Investigations Corps (CICPC) is conducting an investigation against them, after one of them was prevented from leaving the country. According to the information provided, this investigation would be motivated by the publication of the last report of the organization Coalición por los Derechos Humanos y la Democracia (Coalition for Human Rights and Democracy) on June 27, 2022. This report denounces alleged cases of torture and cruel, inhuman, or degrading treatment¹⁷⁸.

¹⁷⁰ El Nacional, [DGCIM detuvo por varias horas a trabajador de Corpoelec por convocar asamblea de trabajadores](#), denuncia CUTV, May 11, 2022; Tribuna Popular, [Contraespionaje militar detiene a dirigente sindical para impedir asamblea de trabajadores de Corpoelec en Carabobo](#), May 11, 2022.

¹⁷¹ Amnesty International, [Urgent Action Venezuelan defenders face criminalization](#), May 23, 2022.

¹⁷² Amnesty International, [Urgent action settlement pact in lawsuit against human rights defenders](#), 24 June 2022.

¹⁷³ Espacio Público, [Funcionarios de PoliBarinas hostigaron y amenazaron con detener a director de ONG Fundehullan](#), May 19, 2022; Monitoreamos, [Denuncian que Policía de Barinas hostigó a defensores de DDHH en el municipio Obispos](#), May 18, 2022.

¹⁷⁴ IACHR Twitter account (@IACHR) [July 5, 2022](#).

¹⁷⁵ Center for Defenders and Justice, [Situación de las personas defensoras de derechos humanos en Venezuela - Primer Semestre 2022](#), July 25, 2022, p. 10.

¹⁷⁶ OHCHR, [High Commissioner's Update on the Bolivarian Republic of Venezuela](#), March 12, 2022; Infobae, [Nicolás Maduro's regime postponed the start of the trial of Venezuelan activist Javier Tarazona, detained for more than a year](#), July 26, 2022.

¹⁷⁷ Defiende Venezuela, [Civiles Derechos Humanos, Acceso a la Justicia EXODO and PROVEA, Alerta Víctima: Gabriel Blanco](#), July 8, 2022, on file with the IACHR; Monitoreamos, [En 72 horas detuvieron a siete activistas de DDHH, dirigentes sindicales y militantes de BR](#), July 7, 2022; Infobae, [El régimen de Maduro detuvo al defensor de derechos humanos Gabriel Blanco: es el séptimo activista detenido en tres días](#), July 7, 2022;

¹⁷⁸ OMCT, [Venezuela: Judicial harassment against human rights lawyers](#), September 7, 2022; El Nacional, [Venezuelan lawyers filed complaint against activist Alonso Medina Roa](#), August 27, 2022; Swissinfo, [Authorities prohibit opposition lawyer from leaving Venezuela](#), August 24, 2022.

111. The Inter-American Commission considers that the situation of human rights defenders in Venezuela has not changed substantially compared to previous years. Those who defend human rights in the country continue to face an environment of stigmatization and intense harassment as a result of their work. Of particular concern is the instrumentalization of "anti-hate" or "anti-terrorist" or "international cooperation" legislation to criminalize defense activities directly or indirectly.

112. The IACHR reiterates the importance that the work of defenders has for the construction of a solid and lasting democratic society, and the leading role they play in the process for the full achievement of the rule of law and the strengthening of democracy. In this sense, it recalls that it is the obligation of States to fully protect the right to defend rights. Therefore, it is essential and urgent that the State refrain from creating a hostile environment and, on the contrary, promote a culture of rights and an environment free of violence and threats; recognize the value and importance of the work of defenders and seriously and effectively investigate any violation of human rights against them.

Refugees, migrants and persons in need of international protection from Venezuela¹⁷⁹

113. The institutional and human rights crisis in Venezuela has provoked a displacement of people in the region never before seen in dimension and temporality. From 2015 to 2022 more than 7,100,100 people have left Venezuela, of which 5,960,556 have moved to countries in Latin America and the Caribbean. The largest receiving countries of people from Venezuela are: Colombia, with 2.5 million; Peru, with 1.5 million; the United States, with 545,000 (counted as of August 2021); Ecuador with 502,200; and Chile with 448,000.¹⁸⁰

114. Although there are good practices in the region, the absence of a coordinated state response under the responsibility has facilitated situations of violence and discrimination at different levels, especially against people belonging to groups that suffer structural and historical discrimination, such as women, children and adolescents, lesbian, gay, bisexual, trans and intersex (LGBTI) people, people of African descent and indigenous peoples, as well as people with disabilities and the elderly.¹⁸¹

115. During displacement, people leaving Venezuela face situations of violence and discrimination that put their rights to life and personal integrity at risk, including the actions of different armed cross-border actors, criminal groups, and sometimes authorities who use excessive force at border controls.¹⁸²

116. The risks of suffering violence and discrimination during the journey and in the countries of destination increase due to stigmatizing discourses that denote xenophobia and racism. These discourses, which become more notorious in electoral contexts, reproduce negative stereotypes and often blame migrants for violence and unemployment rates.¹⁸³

117. In addition, in host countries, people from Venezuela face regulatory obstacles that prevent them from enjoying their rights under equal conditions and without any type of discrimination. Some public policies in the region make access to ESC rights conditional on migratory status, to the detriment of people from Venezuela who face great difficulties in obtaining regular migratory status due to the lack of required documentation or the cost of the procedures. As a result, people sometimes end up experiencing challenges similar to those that forced them to flee Venezuela.¹⁸⁴

¹⁷⁹ Given the scale of forced displacement, the IACHR has decided to prepare specific documents on the situation of migrants, refugees and persons in need of international protection from Venezuela. This section presents some of the protection challenges, without being exhaustive.

¹⁸⁰ R4V Platform, [Refugees and Migrants from Venezuela](#), 2022.

¹⁸¹ IACHR. Resolution 2/18. [Forced migration of Venezuelan persons](#), March 14, 2018.

¹⁸² IACHR. Resolution 2/18. [Forced migration of Venezuelan persons](#), March 14, 2018.

¹⁸³ IACHR. Resolution 2/18. [Forced migration of Venezuelan persons](#), March 14, 2018.

¹⁸⁴ R4V Platform, [Regional survey of evictions of refugees and migrants from Venezuela](#), 2021.

118. On the other hand, most of the American States guarantee the automatic acquisition of nationality by birth in the territory, except in the cases of Colombia, Chile, Dominican Republic, Suriname and Guyana.¹⁸⁵ As Venezuelan individuals face difficulties in accessing a regular migratory status and valid identification documents proving their nationality, their children born in these territories are at risk of statelessness.¹⁸⁶

119. Another obstacle to the exercise of rights in conditions of equality and without any type of discrimination is the observance of due process in sanctioning procedures that may lead to expulsions, as well as in those foreseen for the recognition of refugee status and other complementary protection mechanisms. Cases of "hot returns" at borders without due process, as well as collective expulsions of persons, prohibited by international law, are particularly serious because they can lead to violations of the rights to life and integrity.¹⁸⁷

120. The Inter-American Commission considers that this displacement represents a survival strategy and therefore requires an effective, holistic and coordinated response from the States of the region under shared responsibility and respect for and guarantee of human rights. In this regard, it is necessary that the States recognize *prima facie* the refugee status of persons from Venezuela in accordance with the Declaration of Cartagena.

Persons Deprived of Liberty

121. The situation of persons deprived of liberty (PPL) in Venezuela is one of the most serious in the region. It is characterized mainly by a lack of updated official statistics, duality of penitentiary systems, overcrowding and excessive use of pretrial detention. In addition, there are acts of corruption in both prisons and police detention centers, and there is a lack of effective control of prisons by the authorities, which leads to the existence of systems of "self-government" and favors the existence of intra-prison violence.

122. One of the main challenges hindering the guarantee of the human rights of persons deprived of liberty in Venezuela is the existence of a duality of prison systems. An official one, which as of March 2022 housed 32,200 persons¹⁸⁸ in 52 detention centers -35 male, one women's prison and 16 female annexes- under the responsibility of the Ministry of Popular Power for the Penitentiary Service, and another parallel one, composed of approximately 500 preventive detention spaces,¹⁸⁹ which as of the same date would house 35,000 persons.¹⁹⁰

123. The Commission has repeatedly been unable to access official data on the population deprived of liberty in 2022. However, it reiterates the extreme seriousness of this situation since, according to data from civil society organizations, several people remain in pretrial detention spaces for years, despite the fact that they are not adequate to accommodate people for more than 48 hours.¹⁹¹ For its part, the Ministry of Popular

¹⁸⁵ It is highlighted, however, that these countries have adopted measures to prevent statelessness, particularly of people coming from Venezuela. For example, the Colombian State issued Law 1997 of 2019 and Resolution 8470 of 2019, where Colombian nationality was granted for children of Venezuelan parents who were born in Colombia since January 1, 2015. In the case of Chile, the Supreme Court has ordered the rectification of the registry of girls and boys born in Chile based on the criteria of residence and desire to stay. In addition, as a result of a legal action, the Supreme Court of Justice encouraged in 2017 the creation of a public policy called "Chile Recognizes". This policy has allowed children born in Chile to Venezuelan parents in an irregular situation to be recognized as Chilean nationals and are not at risk of statelessness.

¹⁸⁶ UNHCR/UNHCR, GUIDELINES ON APATRIDIA NO. 1: The definition of "Statelessness" in Article 1(1) of the 1954 Convention relating to the Status of Stateless Persons, HCR/GS/12/01, 20 February 2012, p. 2.

¹⁸⁷ UN, Report on ways to address the human rights impact of hot returns of migrants on land and at sea, A/HRC/47/30, 12 May 2021, para. 81.

¹⁸⁸ IACHR, Public Hearing "Situation of the Human Rights of Persons Deprived of Liberty in Venezuela," 183rd regular period of sessions, March 17, 2022. Information provided by the Venezuelan Prison Observatory (OVP).

¹⁸⁹ IACHR, Annual Report, Chapter IV. B "Venezuela", 2021, para. 202.

¹⁹⁰ World Prison Brief, World Prison Brief data - Venezuela, 2022.

¹⁹¹ OVP, Annual Report 2021: the prison system crisis a reflection of state neglect, 2021, p. 53.

Power for the Penitentiary Service argues that the protection of the rights of these persons is not under its responsibility, arguing that it is the responsibility of the police.¹⁹²

124. The State has adopted measures to reduce overcrowding, such as the installation of the Commission for the Reform of the Judiciary, whose priority objective is to reduce overcrowding in preventive detention centers.¹⁹³ In turn, the Supreme Court of Justice has announced releases from prison to decongest detention centers, without knowing the number of beneficiaries.¹⁹⁴

125. Despite these measures, Venezuelan detention centers continue to be overcrowded. According to information from civil society organizations, as of March 2022, prison occupancy was 32,200 persons, while the capacity of the penitentiary facilities is 20,438 persons. These figures would indicate that the level of overcrowding is 58%.¹⁹⁵ Likewise, available data indicate that at the end of 2021, occupancy in pretrial detention centers was 16,595, while the capacity of such facilities is 10,310 persons, indicating an overcrowding level of 61%.¹⁹⁶

126. One situation that contributes to overcrowding is the excessive use of pretrial detention. According to data from civil society organizations, of the total number of persons detained in prisons, 53% are subject to pretrial detention. The same data indicate that the excessive use of pretrial detention derives mainly from the lack of trial within a reasonable period of time caused by procedural delays, which would be approximately 70%.¹⁹⁷

127. Another obstacle to the respect and guarantee of the rights of persons deprived of liberty is the existence of acts of corruption within prisons and police detention centers. According to public complaints, detainees are forced to pay sums of money to gain access to: i) food, which is resold by prison staff; ii) drinking water; iii) personal hygiene items; iv) conjugal visits; v) visits for children; and vi) transfers to courts or hospitals.¹⁹⁸

128. In addition to the above, there is the payment of a protection called "causa" that would guarantee the protection of the life and personal integrity of the incarcerated persons, at a cost of US\$ 5 per week or US\$ 50 per month. In this case, the lack of payment could result in people being subjected to acts of torture or even homicide. Such acts would be committed by both prison staff and judicial officials.¹⁹⁹

129. Another recurrent problem in Venezuelan prisons is the lack of effective control of the detention centers by the State. According to data provided by civil society organizations during 2022, some penitentiary centers continue to be totally controlled by the persons deprived of liberty, who have organized a self-government with work ladders directed by leaders known as "pranes", and make decisions related, for

¹⁹² IACHR, [Annual Report, Chapter IV. B "Venezuela"](#), 2021, para. 202.

¹⁹³ A Window to Freedom (UVL), [Monitoring Project - Final Report 2021](#), 2022, p. 42.

¹⁹⁴ In this regard, see: Noticias por el mundo, [Gobierno reconoce sobrepoblación en cárceles y ordena excarcelaciones](#), August 14, 2022; Swissinfo, [Justicia venezolana autoriza excarcelaciones y busca reducir número de presos](#), August 14, 2022; Notitarde, [TSJ autorizó excarcelaciones y busca reducir número de presos](#), August 14, 2022; and Publimetro, [Venezuela ordena excarcelaciones por la sobrepoblación en las prisiones](#), August 15, 2022.

¹⁹⁵ IACHR, Public Hearing "[Situation of the Human Rights of Persons Deprived of Liberty in Venezuela](#)," 183rd regular period of sessions, March 17, 2022. Information provided by the Venezuelan Prison Observatory.

¹⁹⁶ A Window to Freedom (UVL), [Monitoring Project - Final Report 2021](#), 2022, p. 42.

¹⁹⁷ IACHR, Public Hearing "[Situation of the Human Rights of Persons Deprived of Liberty in Venezuela](#)," 183rd regular period of sessions, March 17, 2022. Information provided by the Venezuelan Prison Observatory.

¹⁹⁸ IACHR, Public Hearing "[Situation of the Human Rights of Persons Deprived of Liberty in Venezuela](#)," 183rd regular period of sessions, March 17, 2022. Information provided by the Venezuelan Prison Observatory.

¹⁹⁹ IACHR, Public Hearing "[Situation of the Human Rights of Persons Deprived of Liberty in Venezuela](#)," 183rd regular period of sessions, March 17, 2022. Information provided by the Venezuelan Prison Observatory.

example, to transfers, custody and food, among others.²⁰⁰ This situation affects 59% of the prison population, as well as prison personnel.²⁰¹

130. In 2022 there were several incidents that demonstrate the lack of effective control. On May 1, a riot took place in the Police Coordination Center of the National Bolivarian Police of Carabobo, motivated by the death of a detainee and the claim of poor detention conditions.²⁰² On May 30, a riot took place in the Oriente Penitentiary Center located in Maturín (Monagas), resulting in the death of two persons deprived of liberty.²⁰³ On July 1, a confrontation took place at the headquarters of the Bolivarian National Police in Guanare.²⁰⁴

131. Detention conditions continue to be critical, presenting risks to the life and integrity of persons deprived of liberty. These conditions are mainly characterized by negligent medical care and difficulties in access to food, drinking water and medicines, which have to be provided by family members.²⁰⁵

132. Regarding the difficulties in access to food, according to data received during the public hearing held during the 183rd Session, malnutrition is presented as the first cause of death in detention. In particular, from 2017 to January 2022, malnutrition has caused the death of 399 people detained in prisons. In addition, about 70% of the prison population would present malnutrition.²⁰⁶

133. Women continue to face detention conditions characterized by a lack of infrastructure that responds to their needs, lack of attention to their sexual and reproductive health, and lack of provision of hygiene elements. In addition, as has occurred in previous years, during 2022, acts of sexual violence against women deprived of their liberty were reported, both by officials and by other incarcerated men.²⁰⁷ In particular, in the case of women, it has been documented that they are even forced to commit acts of sexual violence to gain access to food.²⁰⁸

134. The Commission reiterates its concern about the conditions of detention that characterize Venezuelan prisons and the particular risks faced by women and persons with disabilities or illnesses. The excessive use of pretrial detention, the duality of the prison system, corruption, and the lack of control over the shelters are recurring problems that prevent the design of effective solutions to improve the situation of persons deprived of liberty.

Children and Adolescents

²⁰⁰ IACHR, Public Hearing "[Situation of the Human Rights of Persons Deprived of Liberty in Venezuela](#)," 183rd regular period of sessions, March 17, 2022. Information provided by the Venezuelan Prison Observatory.

²⁰¹ IACHR, Public Hearing "[Situation of the Human Rights of Persons Deprived of Liberty in Venezuela](#)," 183rd regular period of sessions, March 17, 2022. Information provided by the Venezuelan Prison Observatory.

²⁰² Press release from the Venezuelan Prisons Observatory. OVP Twitter account (@oveprisiones). [Publication of July 19, 2022](#). Also, IACHR, Information provided by OVP to the IACHR via email, May 2022, IACHR Archive.

²⁰³ In this regard, UVL, [Monagas | Habitantes report motín en cárcel de La Pica](#), 31 May 2022; Tal cual digital, [Dos muertos y seis reclusos heridos tras motín en cárcel de La Pica](#), 31 May 2022; and Eldiario, [Dos muertos y seis heridos dejó un motín en la cárcel La Pica de Monagas](#), 1 June 2022.

²⁰⁴ Press release from the Venezuelan Prisons Observatory. OVP Twitter account (@oveprisiones). [Published on May 1, 2022](#).

²⁰⁵ IACHR, Public Hearing "[Situation of the Human Rights of Persons Deprived of Liberty in Venezuela](#)," 183rd regular period of sessions, March 17, 2022. Information provided by the Venezuelan Prison Observatory.

²⁰⁶ IACHR, Public Hearing "[Situation of the Human Rights of Persons Deprived of Liberty in Venezuela](#)," 183rd regular period of sessions, March 17, 2022. Information provided by the Venezuelan Prison Observatory. Also, see: OVP, [Infografía - Sin sus familiares más presos venezolanos morirían de hambre y sed](#), August 30, 2022.

²⁰⁷ IACHR, Public Hearing "[Situation of the Human Rights of Persons Deprived of Liberty in Venezuela](#)," 183rd regular period of sessions, March 17, 2022. Information provided by the Venezuelan Prison Observatory. Also, see: OVP, [Infografía - ¿Quién protege la vida y dignidad personal de las mujeres privadas de libertad en Venezuela?](#) May 3, 2022.

²⁰⁸ IACHR, Public Hearing "[Situation of the Human Rights of Persons Deprived of Liberty in Venezuela](#)," 183rd regular period of sessions, March 17, 2022. Information provided by the Venezuelan Prison Observatory. Also, see: OVP, [Infografía - Sin sus familiares más presos venezolanos morirían de hambre y sed](#), August 30, 2022.

135. The situation of children and adolescents in Venezuela continues to be delicate due to the weak functioning of the National Protection System (NPS), the context of abandonment and violence, the high rate of child pregnancy, and the lack of access to sexual and reproductive rights. The lack of production and dissemination of official information on the protection needs of children and adolescents is also an obstacle to the respect and guarantee of their rights.

136. Currently, the structures of the SNP, the governing body for the protection of children and adolescents, are weakened, with limited budgets and resources and a lack of personnel. As a result, their capacity for intervention, care and response is affected. Additionally, the country does not have an official statistical data system that would allow knowing the proportions of the problems affecting this population.²⁰⁹

137. According to information from the United Nations Children's Fund (UNICEF), more than three million children and adolescents are in need of humanitarian assistance in Venezuela.²¹⁰ In this context, civil society organizations have warned that there is a lack of transparency regarding public investment in policies and programs for children and adolescents, including humanitarian assistance programs.²¹¹

138. Due to the socioeconomic crisis in Venezuela, access to basic health, nutrition, water, sanitation, and hygiene services has been compromised.²¹² According to reports from civil society organizations, at least 1.7 million children under 5 years of age are exposed to health risks due to the closure of pediatric care services, incomplete vaccination schedules due to a reduction in coverage and malnutrition.²¹³ Likewise, research on the nutritional situation shows that at least 34.8% of children under five years of age are chronically malnourished or stunted.²¹⁴

139. In relation to access to health services, the United Nations Population Fund (UNFPA) has warned that Venezuela has the highest teenage pregnancy rate in South America, with an average of 96 cases per 1,000 women between the ages of 15 and 19, double the Latin American average.²¹⁵ To address this situation, the State has implemented the Sexual and Reproductive Health and Gender-Based Violence Program in 11 prioritized states - based on the highest teenage pregnancy rates in the country - in coordination with UNFPA.²¹⁶

140. In 2022, the failure to comply with the precautionary measures granted in favor of children and adolescents continued. Such is the case of newborn patients and their parents at the Concepción Palacios Maternity Hospital, and of children and adolescents waiting for transplants and services at the J. M. de los Ríos Hospital.²¹⁷ According to Amnesty International, between 2017 and 2022, more than 100 children have died at the J.M. de los Ríos Hospital, mostly while waiting for transplants.²¹⁸

²⁰⁹ CECODAP, Informe Somos Noticia. Chapter Vulneraciones de los Derechos del Niño, Venezuela, May 31, 2022, p. 24 to 27. See also El Diario, "Respeto a los derechos de los niños: una deuda pendiente del Estado venezolano", July 17, 2022.

²¹⁰ Unicef, Situation Report No. 1, Venezuela, August 22, 2022, p. 1.

²¹¹ El Diario, "Respeto a los derechos de los niños: una deuda pendiente del Estado venezolano", July 17, 2022.

²¹² IACHR, Press Release 106/20 - IACHR presents its preliminary observations and recommendations following the historic on-site visit to Venezuela to monitor the human rights situation, May 8, 2020.

²¹³ HUMVEnezuela, Informe de seguimiento a los impactos de los impactos de la Emergencia Humanitaria Compleja en Venezuela tras el confinamiento por la pandemia de COVID, Venezuela, March 2022, p. 36.

²¹⁴ Unicef, Venezuela Highlights, Venezuela, 2022, p. 2. See also HUMVEnezuela, Informe de seguimiento a los impactos de los impactos de la Emergencia Humanitaria Compleja en Venezuela tras el confinamiento por la pandemia de COVID, Venezuela, March 2022, p. 32.

²¹⁵ UNFPA, Venezuela has the highest teenage pregnancy rate in South America, July 19, 2022

²¹⁶ UNFPA, El sistema público de salud con apoyo del UNFPA y organizaciones inaugura consultas para el manejo clínico de la violencia sexual en centros de salud en sucre y guárico, July 18, 2022.

²¹⁷ IACHR, Resolution 13/19, MC No. 150/19 Hospital Maternidad Concepción Palacios regarding Venezuela, Venezuela, March 18, 2019. See also IACHR, Resolution 43/19, MC No. 1039-17, Niños, niñas y adolescentes pacientes en trece servicios del Hospital José Manuel de los Ríos respecto de Venezuela, Venezuela xx de.

²¹⁸ AMNESTY INTERNATIONAL, Prepare family: more than 100 children have died at JM de los Rios since 2017, June 30, 2022.

141. Another alarming fact indicates that children and adolescents continue to be exposed to situations of sexual violence.²¹⁹ In the first 8 months of 2022, the Public Prosecutor's Office received 718 reports of sexual abuse, which gives an average of three cases every day.²²⁰ However, there is considered to be a large underreporting of cases that go unreported, especially in regions far from the capital. For example, the Office of the United Nations High Commissioner for Human Rights has documented that girls and adolescents between the ages of 11 and 17 are threatened and forced into prostitution and experience other forms of sexual violence.²²¹

142. Finally, children and adolescents continue to face great challenges in living and developing within a family, which is evidenced by the increase in the number of abandoned children. According to reports from civil society organizations, the number of children and adolescents without family care as a result of migration is around 841,000.²²² This has led to an increase in the number of requests for admission to care spaces without the State increasing its capacities.²²³ According to the monitoring carried out, Venezuela went from having 56 residential care spaces for children and adolescents in 2016 to only 30 this year.²²⁴

143. The Commission reiterates the State's obligation to adapt the institutional framework and the State apparatus to guarantee the implementation and operation of the SNP²²⁵ with a sufficient allocation of resources to enable the implementation of legislation, policies, programs and services for children and adolescents.²²⁶

144. At the same time, it exhorts the State of Venezuela to comply with its obligation to adopt legal, technical, economic, and other measures to guarantee the life, personal integrity and health of children and adolescents.²²⁷ In particular, it calls on the State to satisfy the nutritional needs of children and adolescents, provide medical treatment, access to medicines, and other complementary measures, in light of their best interests.²²⁸

People of African descent

145. As a consequence of historical and structural racial discrimination, people of African descent continue to face situations of violence, as well as material barriers to equal access to ESCR.

146. In 2022, acts of discrimination and stigmatizing comments against Afro-descendant people were registered; in particular, against those who face multiple discrimination, such as women and LGBTI

²¹⁹ CECODAP, Informe Somos Noticias, Chapter Vulneraciones de los derechos de los niños, May 31, 2022.

²²⁰ Infobae, Venezuela counts 718 reports of sexual abuse of minors in eight months, September 21, 2022

²²¹ OHCHR, Report of the independent international fact-finding mission on the Bolivarian Republic of Venezuela, Venezuela, 20 September 2022 p. 21

²²² COPE, Mass migration leaves 841,000 children and adolescents alone in Venezuela, August 21, 2022. See also REDHNA Venezuela [@REDHNA] (August 18, 2022). The number of children and adolescents separated from their parents or family care in Venezuela as a result of migration has increased in the last 10 months and is estimated to be around 841,000 [Tweet]. Twitter.

<https://twitter.com/REDHNA/status/1560305019152261122>

²²³ COPE, Mass migration leaves 841,000 children and adolescents alone in Venezuela, August 21, 2022.

²²⁴ REDHNA, Child abandonment increases in Venezuela as children's homes close due to lack of resources, August 15, 2022

²²⁵ IACHR, Towards the Effective Guarantee of the Rights of Children and Adolescents: Sistemas Nacionales de protección, OEA/OEA/Ser.L/V/II.166, Doc. 206/17, November 30, 2017, para. 416.

²²⁶ IACHR, Towards the Effective Guarantee of the Rights of Children and Adolescents: Sistemas Nacionales de protección, OEA/OEA/Ser.L/V/II.166, Doc. 206/17, November 30, 2017, paras. 483-486.

²²⁷ I/A Court H.R., Advisory Opinion OC-17/2002, Juridical Condition and Human Rights of the Child, August 28, 2002, para. 81.

²²⁸ IACHR, Resolution 13/19, MC No. 150/19 Hospital Maternidad Concepción Palacios regarding Venezuela, Venezuela, March 18, 2019. See also IACHR, Resolution 43/19, MC No. 1039-17, Niños, niñas y adolescentes pacientes en trece servicios del Hospital José Manuel de los Ríos respecto de Venezuela, Venezuela, Venezuela, August 21, 2019.

people.²²⁹ In addition, according to civil society organizations, Afro-descendant people are more exposed to violent deaths.²³⁰

147. On the other hand, this year there were important state acts against racial discrimination. Such is the case of the "III National Afro-Venezuelan Congress", with the participation of deputies of the National Assembly²³¹ and various activities within the framework of the Afro-Venezuelan Day, dedicated to the recognition of the African heritage.²³²

148. Other state activities to combat racial discrimination in 2022 were the trainings of the Ombudsman's Office on the subject and the reparations ordered by the Commission for the Clarification of the Historical Truth, Justice and Reparations on Colonial Rule and its Consequences in Venezuela.²³³

149. The Commission stresses the importance of adopting an intersectional approach to make racial discrimination and other multiple and related forms of discrimination visible.²³⁴ At the same time, it points out that legislation promoting equality and non-discrimination is not enough; special measures must also be adopted to guarantee access to and effective enjoyment of the ESCR of Afro-descendants.

Indigenous peoples

150. The IACHR remains concerned about the human rights situation of Venezuelan indigenous peoples, particularly with respect to the respect and guarantee of their rights to life, integrity, territory, as well as their ESCR.

151. In 2022, a new report was published by the International Independent Fact-Finding Mission on the Bolivarian Republic of Venezuela, created by the United Nations Human Rights Council. This report shed light on the situation of the Arco Minero del Orinoco, a vast gold mining area, where 11 indigenous peoples live, corresponding to 7.51% of the national indigenous population.²³⁵

152. According to the Mission, the decree that created the Orinoco Mining Arc through the states of Bolívar, Amazonas and Delta Amurco was not consulted in advance with the indigenous peoples that inhabit that region.²³⁶ Although the region was created as part of an official policy to combat illegal mining and to promote national economic recovery through gold production, the indigenous peoples of that region have been threatened.²³⁷

²²⁹ Voice of America. [In Venezuela, Afro women try to change their appearance to avoid discrimination](#), March 29, 2022.

²³⁰ Victims Monitor. [Crossfire in Venezuela: State and non-state armed groups share homicidal violence](#), June 1, 2022.

²³¹ *Revolucionaria*. [III National Afro-Venezuelan Congress promotes equality and cultural diversity](#), May 10, 2022.

²³² Swissinfo.ch. [Venezuela celebrates African heritage and raises voice against racial discrimination](#), May 10, 2022

²³³ Bolivarian Government of Venezuela. [Slavery and colonialism reparations debated during XVII World Africa Week](#), 26 May 2022

²³⁴ IACHR. [Economic, Social, Cultural and Environmental Rights of People of African Descent](#), OEA/Ser.L/V/II.Doc.109, March 16, 2021, para. 50; IACHR, [Report on Trans and Gender Diverse Persons and their Economic, Social, Cultural and Environmental Rights](#), OEA/Ser.L/V/II.Doc.239, Aug. 7, 2021, para. 50; IACHR.

²³⁵ UN HUMAN RIGHTS COUNCIL. [Detailed Findings of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela: The Human Rights Situation in the Orinoco Mining Arc and Other Areas of the State of Bolívar](#). A/HRC/51/CRP.2 (20 September 2022), para. 157.

²³⁶ UN-CHR. [Detailed Findings of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela: The Human Rights Situation in the Orinoco Mining Arc and Other Areas of the State of Bolívar](#). A/HRC/51/CRP.2 (20 September 2022), para. 162.

²³⁷ UN HUMAN RIGHTS COUNCIL. [Detailed Findings of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela: The Human Rights Situation in the Orinoco Mining Arc and Other Areas of the State of Bolívar](#). A/HRC/51/CRP.2 (20 September 2022), paras. 163-164.

153. Illegal invasion of their territories, environmental degradation, disruption of their traditional subsistence activities, widespread violence, including sexual violence, are some of the risks faced by indigenous peoples as a consequence of illegal mineral activities and the presence of armed criminal groups.²³⁸

154. The State has promoted the militarization of the area as a measure to reinforce State control over mining activities in the area. As a result of this policy, levels of violence have increased in the region, with fighting, corruption²³⁹ and murders, particularly in the municipality of Gran Sabana, Bolívar.²⁴⁰

155. The IACHR reiterates the State's obligation to investigate and punish acts of violence against indigenous peoples from a culturally appropriate approach. It also highlights the importance of adopting decisive measures to address the risk and threat factors they face, especially in relation to the guarantee and protection of their lands and territories. These obligations require prior consultation, in good faith, and in a manner appropriate to the circumstances, in order to obtain free, prior, and informed consent.

156. In this regard, the Inter-American Court has specified that when it comes to development or investment plans that would have a significant impact on the territories of indigenous or tribal peoples, the State has the obligation not only to consult said peoples, but also You must also obtain their free, prior and informed consent, according to their uses and customs.²⁴¹ In addition, the IACHR recalls that the substantive dimension of the right to prior consultation refers to the requirement to obtain the consent of the rights of indigenous peoples, based on self-determination.²⁴²

157. Finally, it reiterates that, in accordance with the international obligations of the State, both at the level of the inter-American system²⁴³ and the universal system,²⁴⁴ the presence of military forces in indigenous territories must be previously agreed with the indigenous peoples concerned through effective consultations and appropriate procedures with their representative institutions.

Lesbian, gay, bisexual, trans and intersex (LGBTI) persons

158. LGBTI people continue to be exposed to situations of violence. This is due, among other things, to the Venezuelan context, which is characterized by discrimination based on real or perceived sexual orientation and gender identity, the lack of official figures on the particular needs of these people, as well as legislation that does not promote their rights on equal terms.

159. In 2022, the State adopted measures to combat impunity for crimes against LGBTI persons, such as the creation of the Specialized Prosecutor's Office 98.²⁴⁵ However, the State's opacity persisted in relation to the violence faced by these persons.

²³⁸ UN HUMAN RIGHTS COUNCIL. [Detailed Findings of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela: The Human Rights Situation in the Orinoco Mining Arc and Other Areas of the State of Bolívar](#). A/HRC/51/CRP.2 (20 September 2022), paras. 163-164.

²³⁹ UN-CHR. [Report of the independent international fact-finding mission on the Bolivarian Republic of Venezuela](#). A/HRC/51/43 (20 September 2022), p. 85.

²⁴⁰ UN- HRC. [Detailed Findings of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela: The Human Rights Situation in the Orinoco Mining Arc and Other Areas of the State of Bolívar](#). A/HRC/51/CRP.2 (20 September 2022), para. 165; UN-HRC. [Report of the independent international fact-finding mission on the Bolivarian Republic of Venezuela](#). A/HRC/51/43 (20 September 2022), pp. 91-102.

²⁴¹ Corte IDH. *Caso del Pueblo Saramaka Vs. Surinam*. Excepciones Preliminares, Fondo, Reparaciones y Costas. Sentencia de 28 de noviembre de 2007, párr. 134.

²⁴² CIDH, [Derecho a la libre determinación de los Pueblos Indígenas y Tribales](#), OEA/Ser.L/V/II, 28 de diciembre de 2021, párr. 187.

²⁴³ [American Declaration on the Rights of Indigenous Peoples](#), AG/RES.2888 (XLVI-O/16), 2016, art. XXX.4.5.

²⁴⁴ [United Nations Declaration on the Rights of Indigenous Peoples](#), 2017, Art. 30.

²⁴⁵ El Nacional, [Public Prosecutor's Office announced the creation of a prosecutor's office to handle crimes against LGBTQ+ people](#), May 11, 2022.

160. In the absence of official figures, civil society organizations have made efforts to systematize this information. According to the Venezuelan Observatory of LGBTIQ+ Violence, between April and September 37 acts of violence and discrimination against LGBTI people were reported; 16.22% of these acts were allegedly committed by police officers.²⁴⁶

161. On the other hand, the legal system still contemplates norms that criminalize consensual sexual relations between persons of the same gender within the military service. Such is the case of article 565 of the Organic Code of Military Justice, which punishes with 1 to 3 years of imprisonment the military person who "commits sexual acts against nature". In 2022, civil society organizations reported that there is a legal action before the Supreme Court of Justice regarding this norm.²⁴⁷

162. The Commission highlights that in 2022 there were important social movements claiming the rights of LGBTI persons, including the right to gender identity and the right to live a life free of violence and discrimination.²⁴⁸ At the same time, it urges the State to systematically collect and analyze statistical data on the prevalence and nature of violence and discrimination based on prejudice against LGBTI persons, or those perceived as such.

163. Finally, the IACHR reiterates that Article 565 of the Organic Code of Military Justice is contrary to the right to equality and non-discrimination, and must therefore be removed from the legal system. The existence of laws that criminalize consensual same-sex relationships contributes to maintaining a social environment in which discrimination and violence against LGBTI persons is understood to be tacitly permitted or tolerated.

People with disabilities

164. Venezuela has a regulatory framework that protects persons with disabilities and recognizes rights such as integral development and family and community integration.²⁴⁹

165. In addition, material conditions persist that severely restrict the exercise of the rights of persons with disabilities and the possibility of leading a dignified life. Particularly in 2022, the United Nations Committee on the Rights of Persons with Disabilities (CRPD) expressed concern about the lack of enhanced protection for women with disabilities and the economic consequences they face.²⁵⁰

166. In 2006 the Law for Persons with Disabilities was approved, and the National Council for Persons with Disabilities was ordered to maintain a national registry of persons with disabilities. According to public information, as of 2022 this registry is still under construction.²⁵¹ For this reason, the Commission welcomes the fact that this year the "XV National Population and Housing Census" design included questions aimed at gathering information on the situation of persons with disabilities in the country, in line with United Nations recommendations.²⁵²

²⁴⁶ Observatorio Venezolano de Violencias LGBTIQ+, *Violencias LGBTIQ+ en Venezuela: Información de Mayo 2022 a Septiembre 2022*, October 13, 2022.

²⁴⁷ Information provided by the NGO "Venezuela Igualitaria" in: IACHR. Thematic Hearing "Los impactos de las leyes de criminalización que continúan afectando a las personas LGBTI en la región" (De Oficio)" 185 período ordinario de sesiones, Virtual, 28 de octubre de 2022.

²⁴⁸ InfoBae LGBT+, *Frustrated by Maduro regime's homophobia, LGBT+ activists in Venezuela turn to local politics*, June 14, 2022.

²⁴⁹ IACHR Court. Case of Furlán and family members v. Argentina. Preliminary Objections, Merits, Reparations and Costs. Judgment of August 31, 2012. Series C No. 246

²⁵⁰ Office of the High Commissioner of the United Nations. *UN Disability Rights Committee issues findings on Hungary, Jamaica, Mexico, Switzerland and Venezuela*, 29 March 2022.

²⁵¹ VOA, *The Venezuelan State does guarantee the development of persons with disabilities, but on paper*, March 24, 2022.

²⁵² Bolivarian Government of Venezuela. *XV National Population and Housing Census contains UN recommendations on persons with disabilities*, March 15, 2022.

167. The IACHR recalls that persons with disabilities are more likely to experience adverse socioeconomic situations, which is aggravated when the gender factor is added.²⁵³ According to UN Women, women with disabilities are at least two to three times more likely than other women to experience violence. On the other hand, compared to men without disabilities, women with disabilities are three times more likely to be illiterate, three times less likely to meet their health care needs, and twice less likely to find employment.²⁵⁴

168. Therefore, States have the obligation to reverse these impacts and eradicate discriminatory behaviours through a differentiated approach²⁵⁵ and public policies that promote autonomy and independence through reasonable accommodations and accessible environments.²⁵⁶

VII. CONCLUSION AND RECOMMENDATIONS

169. The State has adopted some reforms with positive aspects on the administration of justice, citizen security and the surveillance and security of persons deprived of liberty. However, it has not adopted suitable, practical and effective measures to re-establish the separation and independence of public powers.

170. The lack of a democratic institutional framework guided by the separation and independence of public powers prevents the design and implementation of measures that would substantially improve the human rights situation in Venezuela, particularly for those who suffer structural and historical discrimination, such as women, children and adolescents, people of African descent, indigenous peoples, LGBTI people and people with disabilities.

171. Likewise, this situation prevents the investigation, prosecution and punishment of serious human rights violations for which high-level State authorities may be responsible. In this regard, the State must fight impunity with due diligence and guarantee the victims' rights to memory, truth and justice.

172. In the opinion of this Commission, the ideal, practical and effective solutions to the serious human rights situation necessarily involve the reconstruction of democratic institutions. In this order of ideas, it highlights the national and international efforts to reactivate dialogue processes, not without warning that these must be broad and inclusive and lead to true democratic guarantees.

Position of the State vis-à-vis the Inter-American System

1. To fully comply with the decisions and recommendations of the Inter-American Human Rights System.

Democratic Institutionalism

2. Promote mechanisms for dialogue between different political actors and civil society with a view to the urgent reconstruction of the country's democratic institutions.

²⁵³ IACHR. Poverty and human rights. OEA/Ser.L/V/II.164.Doc.147, September 7, 2017, para. 427.

²⁵⁴ ONU Mujeres, Hechos y cifras: Mujeres y niñas con discapacidad.

²⁵⁵ IACHR. Violence and discrimination against women, girls and adolescents. Annex 1. Standards and recommendations. OEA/Ser.L/V/II.Doc.233, November 14, 2019, para. 10.

²⁵⁶ IACHR Court. Case of Furlán and family members v. Argentina. Preliminary Objections, Merits, Reparations and Costs. Judgment of August 31, 2012. Series C No. 246.

3. Restore the constitutional order, guaranteeing (i) the independence and balance of powers, (ii) political participation without discrimination of the entire population and (iii) citizen control over the actions of the different branches of government.
4. Adopt decisive measures to guarantee the separation of powers and the proper exercise of the constitutional functions of the National Assembly and the Supreme Court of Justice.
5. Ensure that the provisions related to the State of Emergency are used in situations of extreme gravity and real exceptionality, and are strictly adapted to the needs of the situation being faced in a reasonable manner, without exceeding the measure of what is strictly necessary, avoiding prolongations in time, disproportionality, deviation or abuse of power.

Administration of Justice and Judicial Independence

6. Adopt urgent measures to (i) significantly reduce the number of provisional judges and increase the number of permanent judges; (ii) prevent judges, even if they are provisional, from being removed only through a disciplinary process that respects the guarantees of due process, and especially the duty to provide due motivation; and (iii) provide guarantees for their stability in office.
7. Ensure that the procedures for the selection and appointment of Supreme Court justices include the prior dissemination of announcements, deadlines and procedures; guarantees of equal and inclusive access of candidates; participation of civil society and qualification based on merit and professional capabilities.
8. Take the necessary measures, including legislative measures, to ensure that civilians are not investigated, prosecuted and/or tried by the military criminal jurisdiction, and if necessary, to redirect ongoing proceedings to the ordinary courts.

Political Rights and Participation in Public Life

9. Refrain from illegal or arbitrary detention, and in the event that a person is deprived of liberty, ensure that all due process guarantees are met, including prompt presentation before an independent judicial authority, in order to avoid enforced disappearances, torture and other cruel and inhuman treatment.
10. Remove regulatory obstacles to the legitimate exercise of the right to protest, in particular by eliminating the requirement of prior authorization for demonstrations.
11. Take measures of various kinds, including regulatory measures, so that firearms are excluded from the devices used to control social protests, as well as establish guidelines that guarantee the use of less lethal weapons.
12. To grant journalists the maximum degree of guarantees so that they are not detained, threatened or assaulted for exercising their profession, especially in the context of a public demonstration. Their working materials and tools should not be destroyed or confiscated. The State must guarantee the national and foreign media live transmissions of demonstrations and public events and respect the duty not to adopt measures that regulate or limit the free flow of information;
13. Facilitate public demonstrations and cooperate with the organizers of demonstrations to carry out their role, without discrimination on political grounds.

14. Promote the modification of ambiguous or vague criminal laws that limit freedom of expression in a disproportionate manner, such as those designed to protect the honor of ideas or institutions or those that seek to protect national security or public peace, in order to eliminate the use of criminal proceedings to inhibit free democratic debate on matters of public interest and the full exercise of political rights.
15. Ensure that offenses against freedom of expression are subject to independent, prompt and effective investigations and prosecutions. In addition to criminal investigations, disciplinary proceedings should be initiated when there is evidence that public officials have engaged in violations against freedom of expression in the course of their professional performance.
16. Adopt legislation on access to public information, in accordance with Inter-American standards, in order to provide all persons with the tools to effectively monitor the functioning of the state, public administration and control of corruption, which are essential to the democratic process.
17. Refrain from applying limitations on the operation of websites, blogs, applications, or other systems for the dissemination of information on the Internet, electronic, or similar, including support systems, such as ISPs, or search engines. These limitations are admissible only to the extent that they are compatible with the conditions foreseen for the limitation of freedom of expression.

Violence and Citizen Security

18. Produce disaggregated official information accessible to the public regarding the causes, victims and perpetrators of deaths occurring in citizen security operations.
19. Ensure the use of force in strict compliance with the principles of exceptionality, legality, necessity, proportionality, non-discrimination and accountability; and initiate ex officio and without delay a serious, impartial, effective and open to public scrutiny investigation into facts relating to the possible excessive use of force.
20. Immediately and decisively adopt measures to exclude the participation of military and armed forces and armed civilian groups in public security tasks. In exceptional cases in which members of the armed forces participate in public order actions, which are the responsibility of the police, they should subordinate themselves to the civil authority.
21. Train State security agents to avoid stereotypical reasoning in the use of force, especially against young men in poverty.

Poverty and DESCA

22. Monitor the availability and access of the population to medicines and health services, as well as adopt new measures to guarantee the availability and quality of health services, ensuring that facilities have the appropriate amount of medicines and medical equipment.
23. Adopt measures to guarantee the availability and quality of water by ensuring that drinking water supply systems are not damaged or altered in any way that could affect water supply.
24. Refrain from any action or conduct that may limit the autonomy of universities, investigating, reviewing and modifying any legislation or practice that undermines it.

25. Conduct an environmental and social impact assessment of the entire Arco Minero del Orinoco area and establish a constant monitoring program on soil and water quality in the sector.

Persons Deprived of Liberty

26. Promote the application of alternative measures to the deprivation of liberty and the use of the pretrial detention regime in accordance with its exceptional nature and limited by the principles of legality, presumption of innocence, necessity and proportionality.
27. Adopt urgent and necessary measures to put an end to the use of police facilities as places for the permanent housing of persons.
28. Adopt the necessary prison policies that: i) allow sufficient and adequate access in quantity, quality and hygienic conditions to drinking water and food; ii) guarantee adequate medical care; and iii) provide sanitation and hygiene conditions, access to light and appropriate ventilation.
29. Incorporate a gender perspective that allows the treatment of incarceration to address the specific needs of women in terms of health, gender identity and social reintegration.
30. Implement measures that take into account the special situation of risk of gender violence, and in this context, establish mechanisms for prevention, investigation, prosecution and punishment of acts that could constitute acts of harassment, harassment or sexual aggression within prisons.

Women

31. Produce complete statistics on violence and discrimination against women on a regular basis, and information disaggregated by gender, age, ethnicity, socioeconomic status, disability status, sexual orientation, and gender identity, as well as the place where the events occurred, with a view to mapping the specific ways in which violence and discrimination affect women.
32. To informally publish and disseminate the statistical information produced on gender violence.
33. Adopt the necessary measures to comply with the State's obligation of due diligence in terms of prevention, protection, investigation, punishment, and reparation of all forms of violence against women. This includes guaranteeing women victims of violence access to justice without barriers or discrimination.
34. Intensify efforts to ensure that pregnant women have access to vaccines, medicines, and basic necessities, as well as effective and non-discriminatory access to prenatal and newborn checkups, and to decisively reduce maternal mortality.
35. Produce statistical information on maternal and infant mortality and publish it periodically and informally.
36. Adopt the necessary measures to ensure that all women living with HIV or AIDS have access to adequate treatment and relevant medical care, with a view to preventing further damage to their health and preserving their personal integrity.

37. Urgently adopt all necessary measures to make available a varied, accessible and acceptable supply of contraceptive and family planning methods, both female and male, throughout the country.
38. Review domestic legislation on the voluntary interruption of pregnancy, so as to guarantee the effective exercise of the sexual and reproductive rights of girls, women and pregnant women of all ages.

Children and adolescents (NNA)

39. Guarantee the right of children and adolescents to peaceful protest and participation in matters that affect them, allowing safe environments for the exercise of these rights.
40. Adopt the necessary measures to ensure that children have access to quality health services, including the provision of medicines; especially considering the situation of children suffering from chronic illnesses.
41. Ensure that the water supply is sufficient and adequate to allow access to safe water to all families in the country and to avoid consequences in the exercise of other rights such as health and education.
42. Implement nutrition programs that prioritize adequate and sufficient nutrition for children and adolescents, with special consideration for those who are in a stage of growth and development.

Migrants, Asylum Seekers, Refugees, Beneficiaries of Complementary Protection, Internally Displaced Persons and Victims of Human Trafficking

43. To annul all measures that hinder the right of all persons to leave Venezuelan territory, as well as to request and receive asylum, complementary protection or any other form of protection.
44. Ensure the rights to legal personality and identity through the timely issuance of identity documents, such as passports, identity cards, civil registration certificates, as well as criminal record certificates.

Human Rights Defenders

45. Refrain from criminalizing human rights defenders who work in favor of the sexual and reproductive rights of girls, women and pregnant women of all ages.
46. Refrain from requiring the registration of human rights organizations with counter-terrorism agencies, especially if as part of the requirements they are asked to provide information on the beneficiaries of their work, as these may include victims of human rights violations.

People with Disabilities

47. Issue the regulations of the Law for Persons with Disabilities involving civil society, especially persons with disabilities and organizations working for their rights.
48. Adopt measures aimed at guaranteeing access to comprehensive health services for persons with disabilities.

Lesbian, Gay, Transgender, Bisexual, Intersex (LGTBI) Persons

49. Implement measures to prevent violence against LGBTI people including effective and independent complaint procedures for reporting violations.
50. Provide awareness training courses to all government officials, especially justice and security, health and education administrators.
51. Investigate and prosecute crimes against LGBTI persons with due diligence, specially where state actors such as police are alleged to have perpetrated violence.
52. Adopt measures aimed at repealing legal provisions that criminalize consensual sexual relations between persons of the same sex, as is the case with Article 565 of the Organic Code of Military Justice.
53. Adopt gender identity laws that recognize the right of trans and gender-diverse people to rectify their name and the sex or gender component on their birth certificates, identity cards, and other legal documents.
54. Legally recognize same-sex unions or marriage, granting the same rights conferred to same-sex couples, including property rights, and all other rights deriving from this relationship, without distinction based on sexual orientation or gender identity.

People of African descent

55. Adopt an ethnic-racial approach in social policies to combat poverty, so as to address the particular situation of people of African descent and, in particular, women, boys and girls.
56. Adopt affirmative actions that prioritize the inclusion of the Afro-descendant population in the labor market, in all its instances, and in educational spaces, at all levels, both in public and private schools.
57. Modify the school curriculum to take into account the contribution of the Afro-descendant population and promote a more inclusive education aimed at eradicating racial prejudice, making national cultures visible and promoting real equality of people.